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INTERNAL MARKET

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COMMUNITY  
SOCIAL POLICY

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EUROPEAN COMMISSION

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In December 1989, the Heads of State or Government of 11 Member States adopted the Community Charter of the Fundamental Social Rights of Workers. The Commission published an action programme for the implementation of this Charter.

In December 1993, the Commission presented its 'Third report on the application of the Community Charter of the Fundamental Social Rights of Workers'.

This booklet is one of a series of six publications on the internal market.

The complete series of booklets covers

**A common market for services**

**The elimination of frontier controls**

**Conditions for business cooperation**

**Public procurement**

**Internal market for energy**

**A new Community standards policy**

**Veterinary and plant health controls**

**Community social policy**

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# COMMUNITY SOCIAL POLICY

## How to use this publication

### Purpose of this series

- (i) To inform the European public about the measures proposed or adopted with a view to implementing the basic principles set out in the Community Charter of the Fundamental Social Rights of Workers and the Protocol on Social Policy appended to the Treaty on European Union.
- (ii) To summarize the strategies being pursued in the various fields of activity.
- (iii) To provide initial information and updates on the various Commission proposals designed to implement the measures in its action programme.

### Contents

- (i) Concise description of the Community's legislative procedures.
- (ii) General introduction to the social issues arising in the internal market.
- (iii) Introductions to each individual area of social policy.
- (iv) Summary of pre-Charter legislation in each area.
- (v) Sections on the various measures proposed or taken to ensure that there is an adequate social dimension to the internal market. Where a measure has not yet been adopted, information is given on the opinion of the European Parliament and the current status of the proposal. For measures which have been adopted, the deadline for implementation of the legislation in the Member States is given, together with any follow-up work and Commission implementing measures.

### Finding information

- (i) If you are unfamiliar with the Community's procedures for passing legislation and making recommendations, refer first to page iii.
- (ii) An overall idea of the issues involved can then be obtained from the general introduction to social measures on page 1.
- (iii) Finally, consult the table of contents on page ix to find out which sections are of interest to you.

For more detailed information on a specific measure, consult the relevant issue of the *Official Journal of the European Communities*, the reference number of which can be found in the information file. Copies of the Official Journal are available from any of the sales points listed on the inside back cover.

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**Note to the reader**

This publication provides a snapshot, as at 1 July 1994, of a situation which is evolving all the time. It was designed as a documentary tool and does not bind the Commission in any way.



## EUROPEAN COMMUNITY LEGISLATIVE PROCEDURES

### SUMMARY

To gain a better understanding of the information contained in the summaries, it is worthwhile learning about the Community's legislative procedures. Each summary refers to a specific measure designed to facilitate the creation of the single market. In brief:

- (i) the Commission, which enjoys decision-making and implementing powers, has a right of initiative: it draws up proposals, which it submits to the Council;
- (ii) the Council consists of members representing each Member State at ministerial level. Jointly with Parliament and the Commission, the Council adopts Community instruments on the basis of these proposals;
- (iii) the European Parliament (elected by the citizens of the Community) examines these proposals and participates, within the limits of its powers, in the adoption of Community acts;
- (iv) the Economic and Social Committee (consisting of representatives of employers, trade unions and other interest groups) must be consulted on some of these proposals;
- (v) the Committee of the Regions, consisting of representatives of local and regional authorities, also has a consultative role in some fields.

#### 1. LAWS AND OTHER MEASURES

##### Regulations

A regulation is a law which is binding and directly applicable in all Member States without any implementing national legislation. Both the Council and the Commission can adopt regulations.

##### Directives

A directive is an EC law binding on the Member States as to the result to be achieved, but the choice of method is their own. In practice, national implementing legislation in the form deemed appropriate in each Member State is necessary in most cases. This is an important point as businesses affected by a directive have to take account of the national implementing legislation as well as the directive.

##### Decisions

A decision is binding entirely on those to whom it is addressed. No national implementing legislation is required. The decisions summarized in this booklet are Council decisions although in certain cases the Commission has the power to adopt Commission decisions.

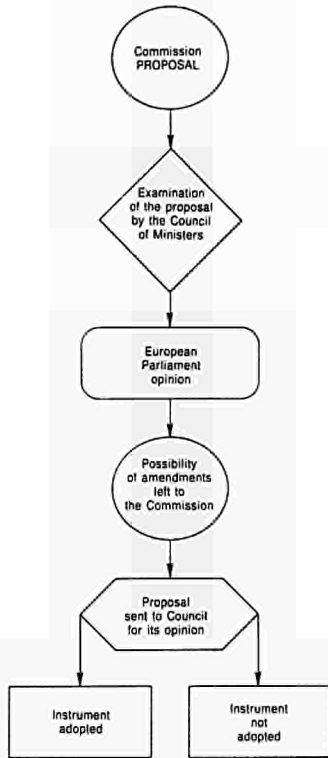
##### Recommendations

A recommendation has no binding effect (it is not a law). Recommendations can be adopted by both the Council and the Commission.

The majority of the measures included in this booklet are Council directives.

## EC legislation from start to finish (directives and regulations)

### The consultation procedure

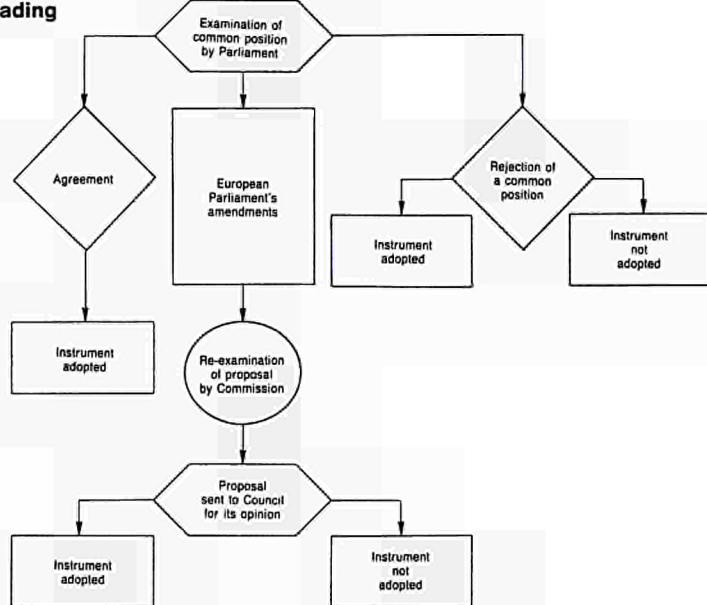


### The cooperation procedure

#### First reading



#### Second reading

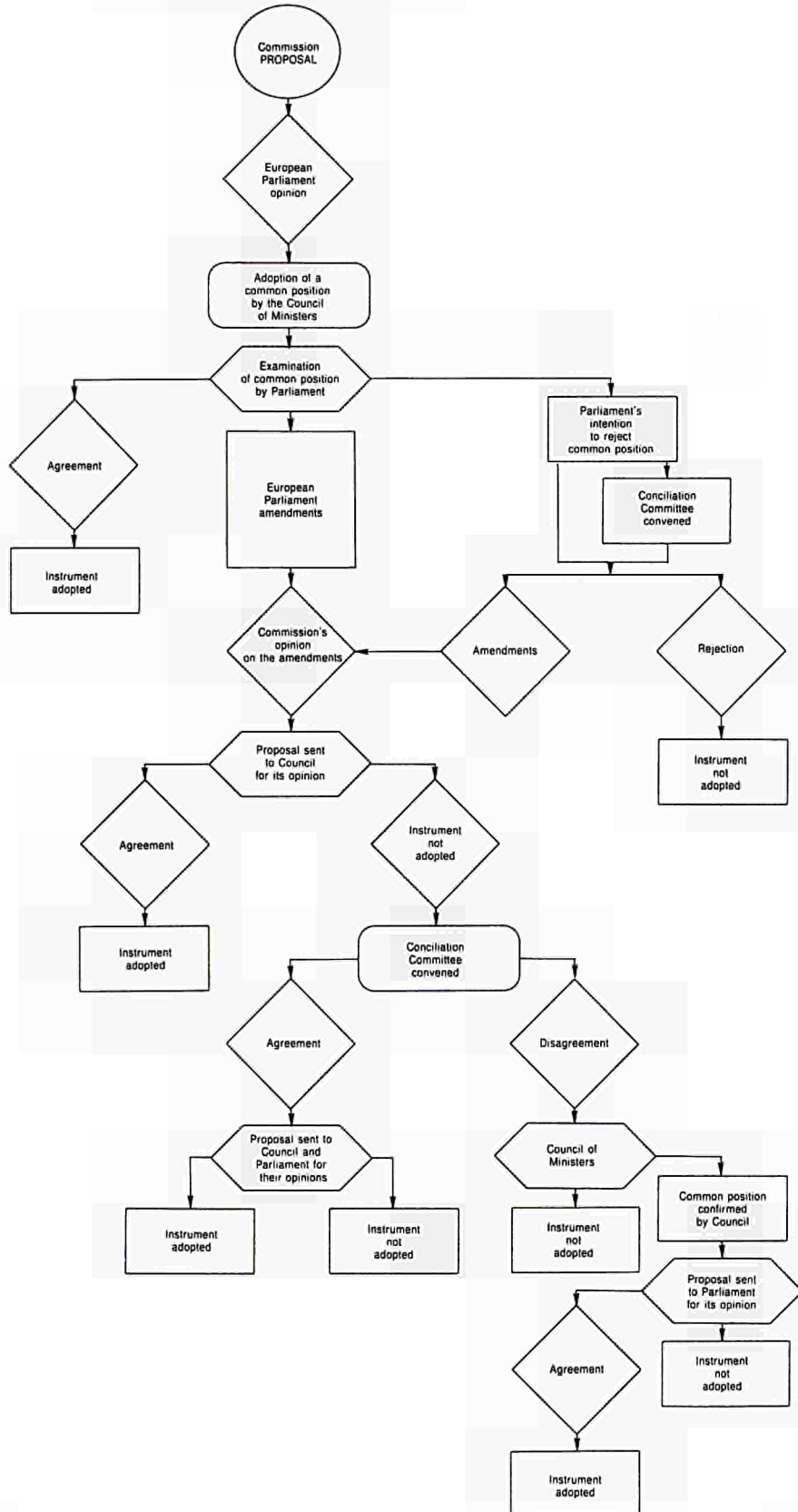




### Co-decision procedure

First reading

Second reading



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## 2. LEGISLATIVE PROCEDURES

The best way of illustrating the Community decision-making procedures is to describe the route leading to the adoption of a legislative instrument. The following text should be read in conjunction with the charts set out above.

Since the Treaty on European Union entered into force on 1 November 1993, four different procedures have existed for the adoption of a legislative instrument: the consultation procedure, the assent procedure, the cooperation procedure and the co-decision procedure.

The procedure to be followed is determined by the article of the EC Treaty on which the proposal is based and each Council instrument starts from a proposal addressed by the Commission to the Council.

Under the consultation procedure, the Council seeks the opinion of the European Parliament and, in most cases, that of the Economic and Social Committee. Once these opinions have been delivered, the Commission may amend its proposal, if it so wishes. The proposal is then examined by the Council, which may adopt it as it stands or after amending it. It can happen that the Council does not reach agreement, in which case the proposal remains 'on the table'.

Parliamentary approval is obligatory in all cases subject to the assent procedure — as regards the exercise of Community citizens' rights of free movement and residence. The instrument is either adopted or rejected. Where it is rejected, the Council has to re-examine the proposal until such time as Parliament gives its assent. Although unable to amend the text submitted to it, Parliament thus enjoys to all intents and purposes a right of veto.

The cooperation procedure allows Parliament to amend a proposal submitted to it not on one, but on two occasions. After consulting Parliament and the Economic and Social Committee and, where appropriate, the Committee of the Regions, the Council has to adopt a common position. This is then transmitted to Parliament, which has three months in which to accept it, reject it or propose amendments in second reading. The Commission re-examines its proposal in the light of Parliament's amendments and sends it to the Council, which has to take a final decision within three months. In the absence of a decision, the proposal will lapse.

The co-decision procedure is a three-phase procedure enabling Parliament to veto the proposals placed before it. It follows the same course as the cooperation procedure up to the second parliamentary reading. It differs from the latter procedure only in so far as it allows for the convening of a committee to elucidate certain aspects of the Council's position in cases where Parliament intends to reject the common position. This committee, which is known as the Conciliation Committee, consists of representatives of the Council and Parliament and involves the Commission in its work. Where Parliament has proposed amendments to the common position, the Commission issues its opinion on those amendments and the text is forwarded to the Council. Within three months (third phase), the Council either adopts the act or convenes the Conciliation Committee, which then has six weeks in which to negotiate a compromise between Parliament and the Council. If an agreement is found, Parliament and the Council can only approve or reject the text. Where there is disagreement, there are two possibilities:

- (i) either the proposal lapses;
- (ii) or Parliament adopts or rejects the initial common position as reaffirmed, and possibly amended, by the Council.

Prior to the entry into force of the Treaty on European Union, most matters now subject to this procedure were covered by the cooperation procedure: this was the case, for example, with the harmonization of legislation relating to the internal market, the free movement of workers and the mutual recognition of qualifications. The following table provides a full list of the areas falling within the scope of the co-decision procedure.



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## Scope of co-decision procedure

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- Free movement of workers
- Freedom of establishment
- Mutual recognition of qualifications
- Services
- Harmonization of legislation on the internal market
- Education (incentive measures)
- Culture (incentive measures)
- Health (incentive measures)
- Consumer protection
- Trans-European networks (guidelines)
- Research (multiannual framework programme)
- Environment (action programme of a general nature)

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The voting procedure within the Council (qualified majority or unanimous vote) depends on the article of the Treaty on which the proposal is based. There are some instances where Council unanimity is automatically required, namely:

- (i) where amendments are made to the proposal on the Council's own initiative except in the case of the co-decision procedure Conciliation Committee;
- (ii) where amendments are being made which have been proposed by Parliament but not endorsed by the Commission;
- (iii) where a measure is being accepted after Parliament has rejected the Council's common position adopted under the cooperation procedure.

Only a limited number of decisions are summarized in this brochure. The European Parliament delivers an opinion on some of them, as do the Economic and Social Committee and the Committee of the Regions.

The same is true of recommendations, the list of which is also limited. In some cases, the European Parliament delivers an opinion before they are adopted and the Economic and Social Committee and the Committee of the Regions are consulted.

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### 3. PUBLICATION OF TEXTS

At certain stages in the Community decision-making procedure, texts are published in the *Official Journal of the European Communities*. There is an 'L' series which contains legislation and a 'C' series which contains other information, such as communications issued by the Commission.

This booklet contains summaries of both adopted legislation and proposals for legislation. In the case of adopted legislation, the summary gives the reference to the Official Journal 'L' series in which the text has been published. Readers interested in the legislative history of a measure will find in the text the Official Journal 'C' series references for the corresponding Commission proposal(s) and the opinions of the European Parliament and the Economic and Social Committee.

In the case of proposals for legislation, the summary gives the Official Journal 'C' series references for the Commission proposal(s) and the opinions of the European Parliament and the Economic and Social Committee, if published by 30 June 1994.



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## 1. INTRODUCTION

### 1.1. 1957 - Treaty of Rome

In the words of Article 117 of the EEC Treaty, the Member States agree upon the need to promote improved working conditions and an improved standard of living for workers so as to make possible their harmonization while the improvement is being maintained.

However, it is the free movement of workers (Articles 48 to 51 of the Treaty of Rome) and the right of establishment (Articles 52 to 58) within the European Community which, in the same way as the free movement of goods, capital and services, essentially reflect the primary constructive objective laid down on the signing of the Treaty of Rome, i.e. the eventual realization of a single internal market. This, however, is not the only objective; it is also necessary to design and implement common policies (agriculture, external trade, transport, etc.).

In the course of time, as the institutions based on the Treaties became established, the development of common policies spread to other areas, particularly social policy. The provisions of Article 118 et seq. of the Treaty of Rome set out various objectives relating to social aspects, including the improvement of working conditions, encouragement of dialogue between employers and workers, equal conditions for both sexes, hygiene at work, social security and vocational training. The creation of the Social Fund provided an instrument to bolster national employment policies.

This development took place in three phases:

- From 1958 to 1972 the main concern was to establish the principle of free movement of workers. At the same time, independently of the introduction of financial assistance from the Social Fund, the Council outlined a vocational training policy.
- Between 1972 and 1974 the reform of the Social Fund came into force, and the Council of Ministers adopted a social programme based on three priority objectives, namely the improvement of working and living conditions, participation of workers in the running of their firms, and the achievement of full and better employment.
- The period 1974 to 1986 saw the adoption of most of the Directives on harmonization of national legislation concerning the protection of employment (collective redundancies, transfer of firms, insolvency of employers), protection and hygiene at work (protection against ionizing radiation, chemical, physical and biological agents, safety signs), and equal treatment for male and female workers (wages, access to employment, vocational training, working conditions, social protection).

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## **1. INTRODUCTION**

### **1.2. Single European Act: general points**

The Single European Act, which was signed in 1986 and entered into force on 1 July 1987, ratified in more than one respect the ways in which the Community's common policies had developed in recent years.

This Act, which amends the Treaty of Rome and was therefore ratified by each Member State, confirms the objective of completing the single European market by 1992 on the basis of the timetable set out in the White Paper of 1986.

It modifies the Community procedures for taking decisions, by associating the European Parliament more closely (cooperation procedure) and extending the field of application of the qualified majority voting system as opposed to the need for unanimity. One particular example is the approximation of legislation under Article 118a, which authorizes the adopting of Directives on improving the health and safety of workers by a qualified majority.

By adding a number of Articles to the EEC Treaty, the Single Act gives new impetus to social policy, encourages dialogue between employers and employees, and stresses the need for social and economic cohesion between the 12 Member States.

## 1. INTRODUCTION

### 1.3. Single European Act: Articles 118 a and b

'Member States shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers, and shall set as their objective the harmonization of conditions in this area, while maintaining the improvements made.

In order to help achieve the objectives laid down in the first paragraph, the Council, acting by a qualified majority on a proposal from the Commission, in cooperation with the European Parliament and after consulting the Economic and Social Committee, shall adopt, by means of Directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States.

Such Directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

The provisions adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent measures for the protection of working conditions compatible with this Treaty.

Article 118b created an additional path towards the construction of the European social area: the social dialogue.

'The Commission 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' (summaries 7.2 and 7.3 to 7.11).



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## 1. INTRODUCTION

### 1.4. Single European Act: Article 130

With the aim of adapting the Treaty of Rome to the Community of the 1980s, the Single Act brings together all the elements of the policy of solidarity, of 'economic and social cohesion'. In Articles 130a to 130e, the Single Act introduces an additional aim: to promote the 'overall harmonious development' of the Community and, 'in particular, to develop and pursue its actions leading to the strengthening of its economic and social cohesion' (Article 130a).

This is an active policy requiring the Member States to 'conduct their economic policies and (...) coordinate them in such a way as (...) to attain the objectives set out in Article 130a' (Article 130b). The same Article also specifies that the institutions must take into account economic and social cohesion in the implementation of common policies and of the internal market. Furthermore, implementation must contribute to the achievement of the above objectives, in particular the structural adjustment of regions whose development is lagging behind and the conversion of declining industrial regions.

Articles 130c and 130d indicate that the principal means of strengthening economic and social cohesion is the rationalization and improved coordination of the existing structural Funds: the EAGGF (Guidance Section), the European Social Fund and the European Regional Development Fund. The other existing financial instruments, in particular the European Investment Bank, must also contribute. The purpose of mobilizing the resources, actions and energy of these various bodies is to 'reduce disparities between the various regions and the backwardness of the least-favoured regions' (Article 130a). In addition, Article 130d provides that once the Single European Act enters into force the Commission must submit a comprehensive proposal to the Council, the purpose of which will be to make such amendments to the structure and operational rules of the existing structural Funds as are necessary to achieve their new objectives. The reform of the structural Funds was implemented by a framework Regulation adopted in June 1988 which entered into force in January 1989 (Council Regulation (EEC) No 2052/88 of 24 June 1988, Official Journal L 185, 15.7.1988, p. 9). Other implementing regulations have been adopted since then.



## 1. INTRODUCTION

### 1.5. Social Charter: background

The preamble to the EEC Treaty includes amongst its objectives 'the economic and social progress' of the Member States and 'the constant improvement of the living and working conditions of their peoples'.

- In June 1988, at the Hanover Summit, the European Council emphasized the importance of the social aspects of the single market.
- On 9 November 1988 the Commission invited the Economic and Social Committee to engage in a general discussion on the possible content of a Community Charter of the Fundamental Social Rights of Workers. The opinion was adopted by the Economic and Social Committee at its plenary session on 22 February 1989.
- On 2 and 3 December 1988, the Rhodes Summit emphasized that the 'realization of the single market should not be regarded as a goal in itself'.
- Three months after having been invited by the Commission to draw up a 'Community Charter of the Fundamental Social Rights of Workers', the Economic and Social Committee (ESC) submitted, in February 1989, the opinion that had been requested. The representatives of the employers, workers, liberal professions, farmers, small and medium-sized enterprises within the ESC outlined the framework of the 'Basic Community social rights', which they considered should be established in conjunction with the single market.

This opinion was adopted by a large majority of 135 to 22 votes. While at the draft stage the emphasis was on a solution at Community level, the text that was finally adopted repeatedly stressed the role and responsibility of the Member States. However, the question as to what procedures should be adopted with a view to establishing social rights in the Community was left open.

- On 15 March 1989, the European Parliament adopted a resolution on 'the social dimension of the single market'. It called for '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' and, on the other hand, the need to ensure the social dimension of the internal market by implementing a programme of concrete measures comprising a timetable.
- On 12 June 1989 the preliminary draft of the Social Charter was discussed by the Council.
- The Madrid Summit emphasized that, in the context of establishing the single European market, the same emphasis should be placed on the social aspects as on the economic aspects.
- On 14 September 1989, the European Parliament adopted seven resolutions on economic and social cohesion, emphasizing that the Community's social dimension was based on the implementation at Community level of all the fundamental social rights enshrined in Community law, creating a new scope for actions before the Court of Justice, which cannot be called into question.
- On 2 October 1989, the Commission published its draft 'Community Charter of basic social rights'.
- On 17 and 18 October 1989, management and labour were consulted.

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- On 30 October 1989, the Council completed a draft 'Charter of the Fundamental Social Rights of Workers'.
  - On 22 November 1989, the European Parliament adopted a resolution relating to the Community Charter of the Fundamental Social Rights of Workers.
  - On 9 December 1989, at the Strasbourg Summit, the Heads of State or Government of 11 Member States adopted, in the form of a declaration, the text of the Community Charter of the Fundamental Social Rights of Workers. The Council took note that the Commission had elaborated an action programme and invited the Commission to submit, at the earliest opportunity, initiatives falling within the competence of the Community.



## 1. INTRODUCTION

### 1.6. Social Charter: contents

The Community Charter of the Fundamental Social Rights of Workers lays down the leading principles on which the European model of labour law and, more generally, the place of work in society is based. It comprises the following headings:

- free movement,
- employment and remuneration,
- improvement of living and working conditions,
- social protection,
- freedom of association and collective bargaining,
- vocational training,
- equal treatment for men and women,
- information, consultation and participation,
- health protection and safety at the workplace,
- protection of children and adolescents,
- elderly persons,
- disabled persons.

The social rights enshrined in the Charter will be implemented, as the case may be, at the level of the Member States or at the level of the European Community, within its terms of reference. In this context, the Commission has presented its action programme.

## 1. INTRODUCTION

### 1.7. Social Charter: Commission's action programme

The 47 measures listed in the action programme thus cover all the areas in which the Commission, in the context of the Treaty and in accordance with the principle of subsidiarity, considers it indispensable to make further progress in order to realize, at Community level, the fundamental principles set out in the Charter:

Labour market:

- report on employment in Europe;
- 'observation' and documentation system on employment;
- action programmes on employment creation for specific target groups;
- 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);
- 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 work relations;
- revision of the Council Directive 75/129/EEC, of 17 February 1975, 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 (EEC) 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 notably in the framework of a subcontracting venture;
- 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 practice 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 on board vessels;
- proposal for a Council Directive on the minimum health and safety requirements for work on 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 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 83/477/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.



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**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 to 1995;
- proposal for a Council Directive on the introduction of measures aimed at promoting an improvement in the travel conditions of workers with motor disabilities.



## 1. INTRODUCTION

### 1.8. The Protocol on Social Policy and the annexed Agreement

A Protocol on social policy, signed by the 12 Member States, is annexed to the Treaty on European Union and expresses the willingness of 11 Member States to make substantial progress in the field of social policy. The Protocol authorizes them to do so on the basis of an Agreement on social policy annexed to the Protocol and signed by 11 Member States with the exception of the United Kingdom of Great Britain and Northern Ireland. Twelve Member States authorize 11 Member States to 'have recourse to the institutions, procedures and mechanisms of the Treaty for the purposes of taking among themselves and applying as far as they are concerned the acts and decisions required for giving effect to the abovementioned Agreement'.

The Treaty on European Union does not preclude the institutions from having recourse to the provisions in the social field contained in the EEC Treaty. There are thus two legal bases for action in the social field, one pursuant to the EEC Treaty of the Twelve, and the other pursuant to the Maastricht Agreement between 11 Member States. The Agreement sets out social policy objectives along the path laid down in the 1989 Social Charter, and covers the promotion of employment, improved living and working conditions, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment, and the combating of exclusion.

Firstly, the Agreement provides that the Council is to act by qualified majority, after consulting the Economic and Social Committee, in the following areas:

- health and safety of workers;
- working conditions;
- the information and consultation of workers;
- equal opportunities and equal treatment between women and men;
- the integration of persons excluded from the labour market.

Secondly, it provides for the Council to act unanimously on a Commission proposal, after consulting the European Parliament and the Economic and Social Committee, in the following areas:

- financial contributions for promotion of employment and job creation;
- social security and social protection of workers;
- protection of workers where their employment contract is terminated;
- representation of workers and co-determination;
- conditions of employment for third-country nationals legally residing in Community territory.

Finally, it explicitly excludes from the Agreement any matters relating to pay, the right of association, the right to strike and the right to impose lock-outs. The Agreement confirms the fundamental role of management and labour — as recognised in Article 118b of the Single Act.

This recognition operates at two levels:

- at national level, in that 'a Member State may entrust management and labour, at their joint request, with the implementation of directives' adopted pursuant to the Agreement.
- at Community level, in that it is the Commission's task to promote the consultation of management and labour and to ensure balanced and transparent support for the parties. It must consult management and labour before taking any action in the social policy field. An initial consultation should take place concerning the possible direction of Community action. If, after such consultation, the Commission considers



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Community action advisable, it will consult management and labour on the content of the envisaged proposal. Management and labour will forward to the Commission an opinion or, where appropriate, a recommendation. Alternatively, they may also inform the Commission of their wish to initiate, independently, a process of negotiation which could lead to the establishment of a direct agreement between the parties. The negotiation process may take up to nine months and may be extended with the agreement of the Commission.

At or before the end of this nine-month period, therefore, the social partners have to submit to the Commission a report taking stock of the negotiations. This report may inform the Commission that:

- they have concluded an agreement and jointly request the Commission to propose that the Council adopt a decision on implementation, or
- having concluded an agreement between themselves, they prefer to implement it in accordance with the procedures and practices specific to management and labour and to the Member States, or
- they envisage pursuing the negotiations beyond the nine months and accordingly request the Commission to decide with them upon a new deadline, or
- they are unable to reach an agreement.

In the last case, the Commission will immediately resume work on the proposal in question and will forward the result of its deliberations to the Council.

With regard to information and consultation procedures in Community-scale undertakings and groups of undertakings, on 18 November 1993 the Commission decided to consult the social partners on the possible direction of Community action in this field in accordance with the procedure provided for in the Protocol on social policy. The social partners have six weeks within which to give an opinion and, after this initial consultation, the Commission will decide on the advisability of a second consultation on the content of the envisaged proposal.

In order to implement the new consultation and negotiation arrangements introduced by the Agreement on social policy, the Commission has adopted a communication on the implementation of the Protocol on social policy presented by the Commission to the Council and to the European Parliament, COM(93) 600 final, which describes how it intends to implement the new procedures, taking into account previous methods of consultation.

This is an open approach and the Commission intends to review and, where appropriate, modify these procedures in the light of experience gained and on the basis of discussions which it intends to encourage with other Community institutions (including the European Parliament), the Member States and employers' and workers' organisations.

In future, the procedure for the consultation of social partners will be essentially as follows:

1. The Commission will continue to hold wide-ranging consultations to ensure that its policy is the most appropriate in the economic and social context. This consultation will be extended to all European and, where appropriate, national organisations concerned with Community social policy.

2. In the context of the provisions of Article 3 of the Agreement, it will enter into formal consultations with European social partner organisations provided that these comply with all the following criteria:

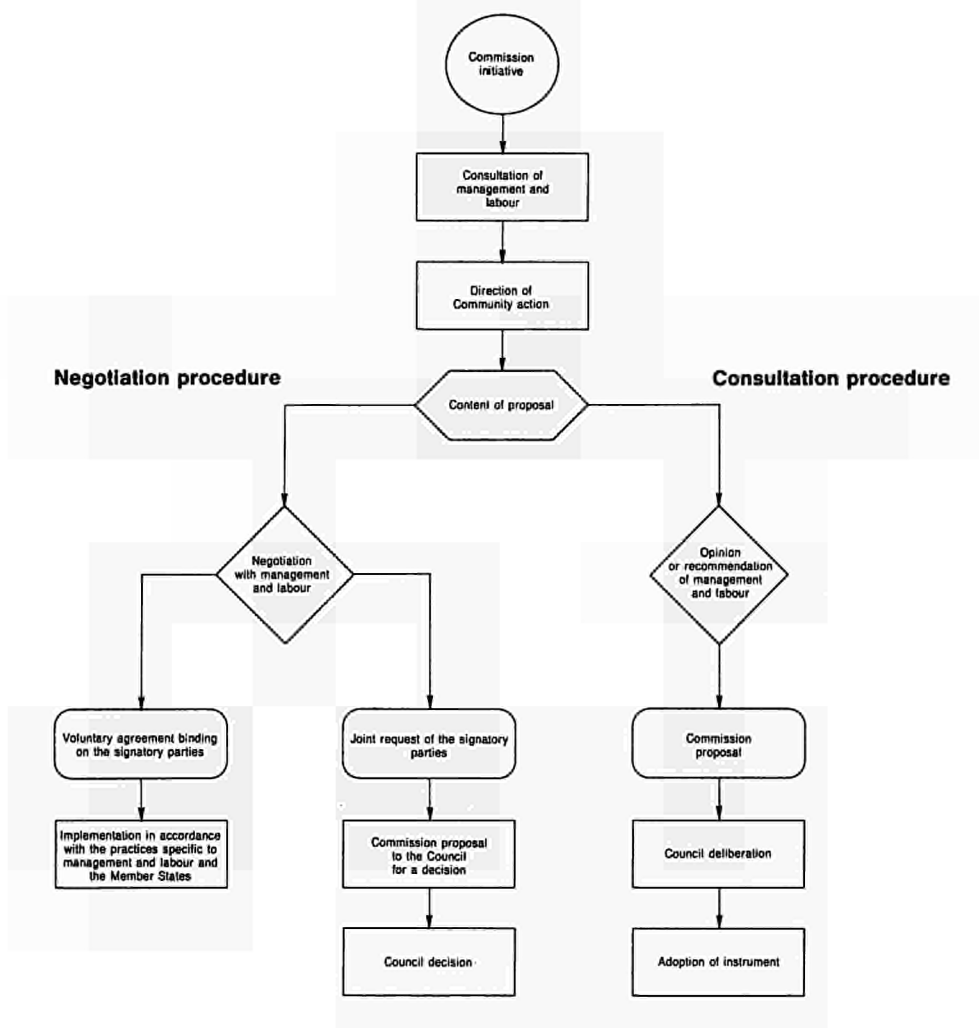
- they are multi-sectoral, sectoral or specific and are organised at European level;



- they comprise organisations which are themselves recognised as an integral part of the social partner structures within the Member States, are able to negotiate agreements and are, as far as possible, representative in all the Member States;
- have adequate structures enabling them to participate effectively in the consultation process.

On the basis of the above criteria referred to in the communication, the Commission has drawn up a list of organisations which will be formally consulted pursuant to Article 3 of the Agreement. The list will be re-examined in the light of experience gained and as the social dialogue develops.

## Implementation of the Agreement on Social Policy





## 1. INTRODUCTION

### 1.9. Green Paper on European Social Policy

#### Options for the Union

The purpose of the Green Paper COM(93) 551 final is to raise a large number of issues linked to the future of social policy in the European Union.

All interested parties are welcome to contribute to this debate and consider the different options for the future. The reactions to the Green Paper will be taken into account by the Commission for the preparation of a White Paper in early 1994. The formal deadline for submission of ideas and suggestions is 31 March 1994.

#### Listing of questions

##### Priority issues common to the Member States

1. What sort of objectives and targets would be acceptable to the Member States and the partners concerned? In the field of the labour market:
  - the provision of a job, activity or training for all those seeking work;
  - a new balance between expenditure on active measures and income maintenance;
 In the field of social protection and exclusion:
  - minimum income provision;
  - an integration plan for all the excluded;
 In the field of equal opportunity:
  - targets (work-sharing, income-sharing, decision-making) for specific groups such as women;
  - measures which reconcile family responsibilities with employment;
  - for the young, a 'guarantee' of a job, activity or useful training;
  - measures to encourage the vertical and horizontal desegregation of the labour market;
 In the field of training:
  - targets for the output of qualifications at different levels, so as to mobilize the different actors

##### Improving the employment situation

2. In what ways could the Community-wide framework for employment be further developed as part of a medium-term strategy to combat unemployment and promote a more employment-intensive pattern of growth?
3. What role could the social partners organized at European level play in such a process?
4. What could be the role of Community action in helping to underpin the process, either in the form of legislation or financial support?

##### Accelerating progress towards a quality-based production system

##### Human resource development

5. How can retraining schemes be better linked to real labour market needs?
6. How can we best work towards establishing the right of each individual to training throughout life, particularly when skills and qualifications need to be constantly enhanced because of industrial change?
7. How can we overcome the handicap whereby, in some Member States and in the Union itself, education and vocational training policies tend to be separately conceived and implemented?



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Measures to accompany a quality-based production system

8. How can we develop a regulatory framework which will help European enterprises to adapt to such changes?
9. What labour market and social policies can accelerate the development of industries at the leading edge of technological development while providing appropriate guarantees for workers' rights?
10. What is the scope for collective bargaining on these issues so as to reduce the anxieties and risks, and could framework agreements under the social dialogue assist the bargaining process?
11. What can the Union do to accelerate progress towards quality-based production systems, such as supporting innovative experiments and sharing the results?

Stimulating solidarity and integration

Convergence of social policies

12. Could there be better operation of income maintenance policies in order to develop high levels of social protection, together with active labour market policies to achieve high levels of employment?
13. Should we go further here and define specific convergence objectives in some areas, in particular in relation to new developments such as insurance for care of the elderly and individualization of rights?
14. In the field of taxation and social security, how can we offer appropriate incentives for the social and economic participation of women, again through the individualization of rights or through the removal of the 'two adults, single breadwinner' concept of the family from taxation and social security policies?

The fight against poverty and exclusion

Prevention and rehabilitation

15. What types of action should be taken to step up the fight against poverty and exclusion?
16. Should a combination of commitments to fight against poverty and exclusion be more formalized (through appropriate legislation)?
17. Should future action be developed in specific action programmes and/or more precise setting of selected objectives at Union level?

Youth opportunities and risks

18. How can a modern version of the apprenticeship system, in which problems of transition from school to work are addressed, best be developed?
19. How can we tackle the persistent problem of segregation in youth education, training and employment, which restricts the vocational choices of young women?
20. Is there a need for a 'youth guarantee', i.e. providing a job, activity or useful training as a means of stimulating necessary action?
21. Can youth employment be given a stimulus by lower 'entry wages' without distorting recruitment patterns or discriminating against older workers?

The economic and social role of the elderly

22. How can the present progress of the European Year of the Elderly and the Solidarity between Generations be built on?
23. How could the report referred to in Article 7 be used as a basis for a strong debate on demographic trends and their consequences for social security, employment, etc. and perhaps the development of a regular monitoring process?



#### Equal opportunities for immigrants

24. How can we best stimulate policies and practices which promote a concerted integration policy which aims at the harmonious co-existence of peoples in the Union?
25. Should the employment conditions of third country nationals be dealt with in the social dialogue with a view to adopting codes of good practice?
26. Should a permanent residence entitlement be accorded to those who satisfy stability criteria, including personal rights for members of the family of legally resident immigrants, in order to ensure successful integration?

#### The 'mainstreaming' of particular disadvantaged groups

27. How can we best progress in the area of integration of disabled people?
28. Should the Community develop specific legislative action in this area? What role would the social partners play in this respect? How can partnerships be strengthened between the various actors, NGOs, social partners, local authorities, etc.?

#### The single market and the free movement of people

29. What type of action should be taken at Community level to tackle the following issues?
  - lifting of remaining legal barriers to free movement of workers (family reunion, equal treatment, residence rights, excluded people);
  - development of the EURES network in order to provide guidance and information on Community-wide job offers and living and working conditions;
  - equal treatment for all Community citizens resident in a Member State, in particular as regards social and tax advantages (students, pensioners, etc.);
  - providing for better social protection of mobile workers, in particular by facilitating the acquisition, preservation and transfer of occupational pension rights;
  - extension of the coverage of social security coordination;
  - simplification of the regulations; modernization of procedures; better information for the public.
30. What concrete steps are required to ensure the elimination of all outstanding barriers to mobility based on problems of mutual recognition or equivalence of qualifications?

#### Promoting equal opportunities for women and men in a changing European society

31. What more should be done at Community level to promote equality of opportunity between women and men in fields such as education and training, research and development and employment and labour market policies?
32. Should specific goals and timetables — including quotas, targets and positive measures — be used to ensure a fuller participation of women in areas in which they are under-represented?
33. What steps should be taken to reconcile family and work responsibilities?
34. Should monitoring mechanisms be developed (and at what level) to assess the position of women in relation to the above as well as pay, benefits and family-friendly policies, notably the organization of working time?



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35. Which specific obligations should be put on employers and unions to ensure a proper recognition of women's interests within the social dialogue and more balanced participation of women and men at decision-making level within the representative organisations?
  36. What more needs to be done at Community level to ensure the practical implementation and monitoring of the principle of equal pay for work of equal value?
  37. What form should a code of practice take to guide and ensure implementation of this principle?

#### Reinforcing the social dialogue

38. The social dialogue at Community level has already demonstrated its value as a platform for the next steps in social policy. Where will the priorities lie?
39. Should higher priority be given to employment, education and training, in which the social partners have already had discussions? The Commission is taking new initiatives here.  
The two issues are linked because the use of training to cope with problems of industrial change will reduce the strains on the external labour market and prevent further unemployment.
40. What will be the social partners' involvement in the wide range of issues related to the completion of the single market and to free movement within it: mutual recognition of qualifications, portability of pensions, social security, transnational training?
41. Should the social partners strengthen their involvement in the following issues: exclusion, equal opportunities, reconciliation between work and family, problems of older workers, integration of immigrant workers from third countries?
42. How could the social dialogue be strengthened and broadened (assuming, of course, the willingness of the partners)? A number of issues might be considered:
  - new possibilities for Europe-wide collective bargaining;
  - broadening of the agenda on issues which will influence the future of industry: health and safety at the workplace, demographic trends including the role of older workers, social protection, equal opportunities;
  - integration of migrant workers, preventing and combating exclusion, measures to facilitate free movement of workers (mutual recognition of qualifications, transnational training, portability of occupational pensions, etc.);
  - possible partnership with other bodies on some issues (e.g. with NGOs on equal opportunities and integration of disabled people in the labour market and with NGOs and local authorities on exclusion).

#### Economic and social cohesion: the role of the European Social Fund

43. What mechanisms, at national and Community level, are required to ensure that the outcomes of Community support for innovative programmes get translated into the mainstream of Member State human resource policies?
44. How can the ESF contribute to the removal of institutional and systemic disincentives to the take-up of training and employment possibilities, including those which affect equal opportunities for men and women and the awareness of problems faced by those excluded from the labour market?
45. What mechanisms are most appropriate to ensure that, at ground level, action to develop human resources is properly taken into account when investment decisions on infrastructure and productive environment are made?
46. What kind of measures must be implemented in order to improve the anticipation of industrial changes and related skill needs?



47. What mechanisms are required to ensure that, in addition to the national authorities and the Commission, all the necessary partners (including local and regional administrative bodies, the economic and social partners, NGOs and education institutes, etc.) play a full part in programming and making operational decisions, so as to achieve the successful implementation of action?
48. Should more ESF support go towards funding a system of training choice, thus encouraging competitiveness between training providers and putting a premium on quality?

## 2. LABOUR MARKET

### 2.1. Report on employment in Europe - 1993

*(1) Objective*

To provide a comprehensive picture of developments in and the outlook for employment in the Community.

*(2) Community measures*

Report on employment in Europe — 1993

*(3) Contents*

#### **I. The outlook for employment**

##### **1. Employment in the Community**

The employment situation in the Community is one of the worst recorded for many years and the indications are that unemployment will be back to its 1985 level by the end of 1993. The upward trend is expected to continue, taking unemployment to an average 12% throughout the Community by the end of 1994. The distribution of unemployment across the regions and the different social groups in the Community is very uneven: 20% in Spain and in Ireland, just over 5% in Portugal and 2% in Luxembourg. The categories worst hit by this increase are women (over 12%, compared with 9% for men), the under-25s and the long-term unemployed.

##### **2. Short-term outlook**

At present the short term economic outlook for the Community has not been as bleak since the middle of the 1970s. The prospects for growth are gloomy and the Community's GDP is expected to fall by 0.5% in 1993. Export- and investment-led recovery bolstered by a far better monetary situation could take the growth rate up to 1.75% in 1994. In view of the ailing German economy and the close trade links between Germany and the other Member States, things point to stagnating production in the rest of the Community and a very slow recovery.

#### **II. Pattern of employment**

3. There is a high degree of interdependence between the Community and the world economy, where it holds a significant share of the market. As regards growth and employment, the long-term trends depend not only on producer competitiveness but also on sustained development in the key regions in the rest of the world. The Community's population is increasing much more slowly than in the other parts of the world. The rise in the number of persons in the 15-64 age group in the Community has been under 1% per annum (approximately 0.7%) over the past 20 years. More than 2/3 (67%) of people aged between 15 and 64 are among the active population although currently fewer than 60% actually have a job, the remainder failing to find employment.

The Community accounts for a significant part of world output of goods and services, produces approximately 30% of world GDP and generates roughly the same portion of world revenue expressed in dollars. It has a high profile in international trade, particularly in manufactured goods and services.

##### **4. Employment trends in Central and Eastern Europe.**

The countries of Central and Eastern Europe have all been in deep recession since the start of political and economic reforms there. Output, measured in GDP, fell everywhere in 1992 except in Poland where it rose by 0.5%. GDP in Hungary fell 5% in 1992 and just over



7% in Czechoslovakia. Output also fell in Bulgaria and Romania by 21% and 15% respectively. As regards trends in trade, these countries have looked to the Community in the wake of the virtual collapse of the economy of the former Soviet Union, and 75% of Hungarian exports and 63% of Czechoslovak exports went to market economies in 1992. The level of employment also fell in 1992, the falls ranging from 5% in Czechoslovakia and Romania, 4% in Hungary and just over 1% in Poland, to 13% in Bulgaria (public sector). Unemployment continued to rise in 1992 throughout the region.

5. Towards an integrated European employment market:

There are wide divergences in salaries and labour costs in the Community, reflecting major differences in productivity. There are similar disparities in the level of education of workers, and the level of mobility of labour between Member States is very low.

6. Labour market trends in assisted regions:

There have been signs of some degree of convergence of levels of revenue between the least developed parts of the Community and the other regions since 1986. However, there are substantial disparities in terms of employment and unemployment and these have tended to remain unchanged.

7. Female employment:

The number of women in the Community's active population is on the increase, but their rate of employment remains low in certain Member States. Women accounted for an average of 40% of the active population in the whole of the EC in 1991. This figure masks major divergences between Member States, where the figure may range from a mere one-third to almost 50%. Generally speaking, women are restricted within a narrow band of jobs in the services sector (in 1991, over 75% of women had jobs in services compared with under 20% in industry, while just over half the men in employment had jobs in services and over 40% in industry; in addition, women more often work part time (28% of women compared with 4% of men in 1991) and with fixed-length contracts (10% of women compared with 7% of men).

### III. Employment policies.

8. Safeguarding and adaptation of employment in the Member States:

The restrictions imposed on firms in recruiting and laying off employees vary widely from one Member State to another. While the regulations differ in detail across the Member States, there is a great deal of similarity between the job protection systems within the Community. All the Member States provide legal safeguards against unfair dismissal and procedures for collective redundancies are fairly standard thanks to the Commission's Directives. Fixed-term employment in several Member States has become a major route of access to employment, particularly in France.

9. The Community employment framework.

The objective is to create jobs. The Community institutions and the Member States are urged to undertake a structured and concerted process of analysis and political approach as to the solutions which may exist to the problem of employment. Suitable ways of involving the Community institutions, the European Parliament and the Economic and Social Committee, should be sought. The launching pad needed is an agenda and a timescale in order to come up with operational conclusions. Any common approach will have to take due account of



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the differences in the organization of society, public financing and the labour market in the different countries.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission communication  
COM(93) 314 final

*(7) Follow-up work*

*(8) Commission implementing measures*

## 2. LABOUR MARKET

### 2.2. Employment monitoring: research - network of employment coordinators

<i>(1) Objective</i>	To produce reports concerning employment, employment policies and the labour market, with particular reference to sectors affected by the completion of the internal market, and to promote discussion and dialogue between the Commission and national governments, the two sides of industry and other bodies in the economic sphere.
<i>(2) Community measures</i>	NEC programme — Network of Employment Coordinators, comprising national officials working within the framework of the Council Resolution concerning the European Employment Observatory, whose members met for the first time on 6 April 1990.
<i>(3) Contents</i>	<p>1. Targeting European Community institutions, the Member States and the two sides of industry at Community level.</p> <p>2. How it operates The Commission (DG V) decides on the annual themes after consulting the two sides of industry and the Member States, and defines a methodology to be adopted for the national reports. The national officials collect all the available information in the Member States, coordinate the information-gathering process and draw up general reports. The national coordinators and representatives of the Commission departments concerned hold joint meetings at regular intervals. The network may utilize information collected for other programmes set up by the Commission, as well as the information held by national statistical institutes and by Eurostat.</p> <p>3. Description of the actions</p> <ul style="list-style-type: none"> <li>— The national reports are compiled mainly from information available in the Member States. They present the salient facts and provide a basis for discussions which may shape policies and operational decisions.</li> <li>— The Commission prepares a Community synthesis from the various national reports, which is presented to the Council. The synthesis document is available in December of each year.</li> </ul>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

## 2. LABOUR MARKET

### 2.3. Employment monitoring: policies - mutual information system on employment policies

(1) *Objective* 'To gather, synthesize, translate and disseminate information generally available in the Member States, which can serve each of the national ministries responsible for employment measures in their daily decision-making', and to enable the members to interact by encouraging contacts between correspondents.

(2) *Community measures* Misep programme — Mutual information system on employment policies, launched in 1982.

(3) *Contents*

1. Targeting  
The national governments of the Member States and all persons or organizations involved or interested in employment policies.
2. How it operates  
The core of the system is a network of national representatives known as 'correspondents' who meet regularly to exchange information directly. These persons hold positions at the operational level within their respective national administrations. They are appointed to participate in the Misep system by, and act under the responsibility of, their director-general for employment. Besides their scheduled meetings, the correspondents regularly submit information to a centralized secretariat for inclusion in the 'inforMisep' bulletin and periodically update their information reports.
3. Description of the actions  
The various elements of the programme are designed to improve the collection, analysis and dissemination of information. The main communication aids employed for this purpose are:
  - policies, a bulletin published on a quarterly basis since 1983, which presents information on changing measures and systems in the Member States;
  - basic information reports concerning labour market structures, operations and policies in the Member States;
  - synoptic tables providing the latest overall view of employment-oriented systems and measures;
  - seminars enabling the national correspondents to explore and analyse findings;
  - computerized information is available. Key words provide rapid access to information on current programmes and their legal bases;
  - assessment by independent consultants.

(4) *Deadline for implementation of the legislation in the Member States* Not applicable.

(5) *Date of entry into force (if different from the above)*





*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

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## 2. LABOUR MARKET

### 2.4. Employment monitoring: tendencies - European system of documentation on employment

*(1) Objective*

To create a versatile and flexible instrument to observe developments in employment in Europe.

*(2) Community measures*

System programme: European system of documentation on employment.

*(3) Contents*

**I. Characteristics**

The programme was launched by the Commission (DG V) in October 1989, and is open-ended. An information service and an analysis service are under the direct responsibility of the Commission.

**II. Operation**

1. A network of correspondents has been established in each Member State. They are connected with universities or research centres, and provide information on the employment situation in their country.
2. System is administered by a working party which meets every month. Network correspondents meet two or three times a year.
3. The information service disseminates periodic bulletins, special reports analysing and summarizing problems and trends in employment and information on conferences and other activities. It administers a documentation centre and a databank. Its personnel offer advice, their own documentation, use of the databank and the opportunity to consult experts.
4. The analysis service summarizes the information obtained, studies trends affecting employment and publishes reports and bulletins. It answers requests for advice and information forwarded to it by the information service.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

*(7) Follow-up work*

*(8) Commission implementing measures*

## 2. LABOUR MARKET

### 2.5. Creation of employment for specific groups: ERGO programme - Combating long-term unemployment

- |  |   |
|--|---|
| <i>(1) Objective</i>   | To organize dialogue, cooperation and the exchange of information between partners at local, national and Community level in order to identify effective measures to combat long-term unemployment.   |
| <i>(2) Community measures</i>  | ERGO programme: Community action programme for the long-term unemployed.  |
| <i>(3) Contents</i>  | <p>— Three-year action programme, 1993-1996.</p> <p>ERGO 2 involves:</p> <ol style="list-style-type: none"> <li>1. evaluation of projects for and research into ways of combating long-term unemployment so as to understand how, and under which conditions, positive practices are developed in the Community;</li> <li>2. arrangement and maintenance of dialogue between the various players involved in combating long-term unemployment with a view to promoting exchange of information and know-how and thereby foster partnerships;</li> <li>3. funding of development measures. An annual budget of ECU 1 000 000 has been earmarked for the transfer of methodologies in order to develop know-how on reintegration at local level;</li> <li>4. all the development measures will be monitored and evaluated in order to: <ul style="list-style-type: none"> <li>— assess the net value-added of individual development measures in terms of the quantity and quality of the aid given to the long-term unemployed and of the durable underpinning of the local structures involved in assisting them;</li> <li>— provide a source of information which will help to improve the transfer of experience and to disseminate on a broader scale the lessons learned from the measures undertaken.</li> </ul> </li> </ol> |
| <i>(4) Deadline for implementation of the legislation in the Member States</i> | Not applicable.   |
| <i>(5) Date of entry into force (if different from the above)</i>              |   |
| <i>(6) References</i>  |   |
| <i>(7) Follow-up work</i>  |   |
| <i>(8) Commission implementing measures</i>                                    |   |



## 2. LABOUR MARKET

### 2.6. Creation of employment for specific groups: LEDA programme - Local employment development action

*(1) Objective*

To assist local Community bodies in combating unemployment and in developing new opportunities for employment by exploiting the potential for local development.

*(2) Community measures*

LEDA programme: Local employment development action.

*(3) Contents*

#### **I. Characteristics**

- Research and action programme launched in 1986 by the Commission, to study the strategies used to promote employment and economic development at local level.
- It is in its third phase (1993-95).
- It has an annual budget of ECU 2 million.
- It offers support in the form of advice and technical assistance, complementing other Community programmes geared to the provision of financial support.

#### **II. Operation**

1. The first phase of the programme consisted of pilot projects in 12 areas within the Member States with a high level of unemployment. Twelve new areas have been selected. Local labour markets which have implemented innovative programmes to promote employment will take part in the programme as 'associated areas' and will form a network, allowing the exchange of technical expertise and the sharing of information.
2. Group discussions, consultations at local level, conferences, interviews and reports have enabled an examination of the various initiatives introduced.
3. Economic development and employment initiatives are studied, as are research and other activities carried out in areas where there is a need for priority action.
4. The lessons drawn from the pilot projects are disseminated through seminars, exchange visits and other educational activities. In addition, reports consisting of general or technical notes for local operators are widely disseminated. LEDA magazine is published biannually and LEDA newsletter four times per year.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*



*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

## 2. LABOUR MARKET

### 2.7. Creation of employment for specific groups: SPEC programme - Support programme for employment creation

*(1) Objective*

Providing technical and financial support for all innovative regional or local employment creation projects, with a view to accommodating structural changes on the labour market, particularly in connection with the completion of the internal market.

*(2) Community measures*

SPEC programme: Support programme for employment creation.

*(3) Contents*

1. The programme has been launched by the Commission (DG V) at the request of the European Parliament.

2. Beneficiaries:

- projects designed to help individuals or local firms to combat unemployment arising from the single market;
  - regions facing employment problems which are given priority under Objectives 1, 2 and 5b of the structural Funds;
  - frontier regions, where projects involve transfrontier cooperation.
- Priority will be given to innovative measures, pilot schemes and measures which are a direct response to the effect of the single market on employment.

3. Management

Two bodies are jointly in charge of the programme, in close cooperation with DG V:

- the International Union of Local Authorities (IULA), which is responsible for managing the programme (publicity, selection of a panel of experts, allocation of financial aid, etc.);
- Local and Regional Development Planning (LRDP) provides technical assistance (technical documentation for all projects, expert opinions on the effect of the single market on local employment, conference for representatives of all selected projects).

Together they organize information meetings for representatives of the local authorities and public services in Greece, Portugal and Ireland.

4. Finance

Community grants of between ECU 5 000 and ECU 20 000 are awarded, depending on the nature of the proposed project and the number of beneficiaries.

Co-financing of at least 30% for Objective 1 regions and 50% for other regions must be provided by non-Community sources. The IULA informs the projects selected of the detailed conditions for award of the grant; they have one month in which to accept.

5. Payment of the grant:

- 50% when the offer is accepted;
- 50% upon receipt of a declaration of completion, certifying that the grant was used for the purposes specified in the application.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.



*(5) Date of entry into force (if different from the above)*

*(6) References*

*(7) Follow-up work*

*(8) Commission implementing measures*

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## 2. LABOUR MARKET

### 2.8. EURES - The new European employment information network

#### (1) Objective

To exchange between the partners of the network, particularly Member States' employment services, full information on jobs available and on living and working conditions in order to ensure transparency of the employment market throughout Europe and improve conditions for the freedom of movement of workers within the Community.

#### (2) Community measures

Council Regulation (EEC) No 1612/68/EEC of 15 October 1968 on freedom of movement for workers within the Community (Part II).

Council Regulation (EEC) No 2434/92/EEC of 27 July 1992 amending Part II of Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community.

#### (3) Contents

1. Revision of the previous SEDOC system, which will be replaced by the EURES network, is currently under way in conjunction with all the social players involved, particularly the employment services.
2. Members of the network: in particular, the employment services of the Member States and the Commission, but also the employment services' partners and the economic and social players concerned.
3. Information exchanged: Community-wide availability of and demand for jobs, information on the situation of and trends in the labour market and on living and working conditions in the different Member States.
4. Targeting: any national of a Member State seeking work. The system also constitutes a 'shop window' for businesses on the lookout for labour and is a useful source of information for policy-makers and administrators who need data on the available European labour force.
5. How it operates: the specific and complex nature of matters arising in the context of freedom of movement of workers calls for expertise. This is provided by the Euroadvisers, whose task it is to inform, guide and counsel on matters relating to the European labour market. They work from their home base in the national institution, *inter alia* the employment services and have access via the EURES computerized system to Community data bases set up and managed by the Commission, and to all information exchanged within EURES. Euroadvisers are trained, and their network run and promoted under the aegis of the Commission.
6. Specific activities: in view of the scale of mobility in border areas, the regional employment services of two or more Member States can organize specific cooperation arrangements between themselves and with additional partners such as economic and social partners. These arrangements are designed to exchange the abovementioned information and also to compile an inventory of vocational training opportunities and at the same time to provide a forum for dialogue and consultation on employment.
7. The EURES network will be operational by the end of 1993 as regards the (complete) network of Euroadvisers, the exchange of general information (e.g. on living and working conditions) and the electronic mail facility (between Euroadvisers). Exchanges on Community-wide availability of and demand for jobs will begin in 1994.

*(4) Deadline for implementation of the legislation in the Member States* Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 257, 19.10.1968  
Official Journal L 245, 26.8.1992

*(7) Follow-up work*

*(8) Commission implementing measures*

Commission Decision 93/569/EEC of 22 October 1993 implementing Council Regulation (EEC) No 1612/68 on the freedom of movement for workers within the Community as regards, in particular, a network entitled EURES.



## 2. LABOUR MARKET

### 2.9. Revision of existing Regulations

(1) *Objective* To redefine the objectives of the European Social Fund as a function of political priorities and to propose a new approach to these objectives.

(2) *Community measures*

Council Regulation (EEC) No 2081/93 of 20 July 1993 amending Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves, the operations of the European Investment Bank and the other existing financial instruments.

Council Regulation (EEC) No 2084/93 of 20 July 1993 amending Regulation (EEC) No 4255/88 laying down provisions for implementing Regulation (EEC) No 2052/88 regarding the European Social Fund.

Council Regulation (EEC) No 2082/93 of 20 July 1993 amending Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 on the coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing instruments.

(3) *Contents*

1. Redefinition of Objectives 3 and 4 of the ESF:

- to facilitate the integration into working life of persons in long-term unemployment, of young job-seekers and of persons exposed to exclusion from the labour market (Objective 3)
- to facilitate the adaptation of workers of either sex, particularly those threatened with unemployment, to industrial changes and to changes in production systems (Objective 4).

2. The task of the ESF is to give priority to the implementation of Objectives 3 and 4 throughout the Community, and also to provide support for the implementation of Objectives 1, 2 and 5b. For Objectives 1, 2 and 5b, the ESF's role is to encourage stability, support employment growth (through continual training, guidance and counselling, aid for developing appropriate training systems) and consolidate human potential in research, science and technology. In addition, for Objective 1, the ESF seeks to strengthen the education and training systems, and to support training actions targeted at public officials.

3. The Member States and the Commission must ensure that the actions undertaken:

- respect the principle of equality between men and women,
- are actually geared to the improvement of the functioning of the labour market and the development of human resources.

The Commission must also ensure that the funds it makes available do not substitute for structural public sector expenditure:

4. Eligible expenditure:

The Fund contributes to expenditure on remuneration and ancillary costs in respect of people taking part in the actions, the costs of preparation, management and running of the actions, and the costs in terms of employment subsidies. The scale and type of costs and revenue shall be determined with the framework of the partnership between the Community and the Member States at the planning stage.

## 5. Plans:

The plans submitted by the Member States to the Commission must include a description of the current situation, the financial resources which can be made available, the main results obtained on the basis of the previous planning period, the appropriate strategy for attaining the objectives set for the Community's structural action, and an assessment of the environmental situation in the area concerned. They must also provide pointers as regards use of the Fund(s), the arrangements for associating competent authorities and bodies designated at the various levels (for Objective 4) and as regards the approach in relation to the implications of the common agricultural policy and the common fisheries policy (for Objective 5b).

6. Each Community Support Framework drawn up in agreement with the Member State concerned must include the objectives envisaged, the main thrusts of action selected for Community structural intervention, the forms of assistance, their duration, the indicative financial plan, the arrangements for monitoring, following up and assessing actions.

7. Applications for aid are submitted mainly in the form of an operational programme, a global grant or technical assistance for pilot or demonstration projects. The Member States must communicate the information required for examining, managing, following up, monitoring and assessing actions. Firms in which the employees benefit from training actions must provide an appropriate portion of the cost of these actions.

8. The limit set on the annual amount has been fixed (outside the CSFs) at 0.5% for preparation, monitoring, follow-up and assessment actions, and at 1% for studies and pilot projects.

9. ESF intervention will be within the framework of the CSFs established for each Member State for the different objectives (1994-1999 period). The ESF will also be called upon to intervene within the framework of the Community initiatives.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

3.8.1993

*(6) References*

Official Journal L 193, 31.7.1993

*(7) Follow-up work*

On 22 June 1994 the Council adopted a resolution, drawn up at the Presidency's initiative, on the promotion of equal opportunities for men and women through action by the European Structural Funds. In this resolution the Council stresses the importance of the principle of equal opportunities for men and women on the labour market and recalls that women experience serious and particular difficulties in this

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area. It invites the Member States and the Commission to take account of this in measures cofinanced by the European Structural Funds, in particular the European Social Fund.

*(8) Commission  
implementing  
measures*



## 2. LABOUR MARKET

### 2.10. ADAPT - Adaptation of the workforce to industrial change

- (1) Objective* To contribute to the adaptation of the workforce to industrial change and to improve the workings of the labour market with a view to boosting growth, employment and competitiveness; to prevent unemployment by improving the workforce's qualifications; to facilitate the creation of new jobs and the development of new activities.
- (2) Community measures* Communication to the Member States laying down guidelines for operational programmes or global grants which Member States are invited to propose within the framework of the Community initiative 'Adaptation of the Workforce to Industrial Change' (ADAPT), aimed at promoting employment and the adaptation of the workforce to industrial change.
- (3) Contents*
1. The initiative is applicable to the whole of the territory of the Union. However, particular emphasis will be placed on the needs of the less favoured regions.
  2. Characteristics
 

The initiative aims at implementing a major transnational action programme linked to the new Objective 4 of the Structural Funds and takes also as a basic point of reference the White Paper on Growth, Competitiveness and Employment which was endorsed by the Heads of Government of the Union in 1993.

The distinguishing features can be summarized as follows:

    - transnationality: the initiative will place particular emphasis on the transfer of know-how, especially to the least advanced regions of the Community, and on the advantages of cooperation;
    - innovation: promotion of innovative operations;
    - a 'bottom-up' approach: identification of local, regional and multisectoral problems and needs which are common across the Community;
    - reinforcement of Community policies and programmes in the field of employment, labour market and human resources, in particular the vocational training policy.
  3. Eligible measures
 

Member States are invited to select, in cooperation with the Commission, a more limited list of measures on which to concentrate financial assistance.

The following measures are eligible:

    - a. training, counselling and guidance
      - support in the form of expertise for firms designed to help them to identify the implications of changes to the industrial environment;
      - support for the development and supply of training schemes;
      - supply of guidance and counselling systems for workers affected by industrial change;
      - assistance to SMEs for the setting-up of further training programmes;
      - training programmes for entrepreneurs and managers;
    - b. anticipation, promotion of networking and new employment opportunities

- encouragement of cooperation and training in new fields of economic activity with a view to creating new jobs;
- support for local employment development initiatives;
- c. adaptation of support structures and systems
  - promotion of cooperation between companies and research in the field of technology transfer to local labour markets;
  - development of schemes for the training of instructors in the field of adaptation of workers to industrial change;
  - promotion of regional, inter-regional and transnational cooperation between enterprises;
- d. information, dissemination and awareness actions
  - development of databases on employment;
  - studies related to industrial change;
  - actions to raise awareness of the different economic sectors.

4. Timetable

The initiative is planned for the period 1994-1999.

5. Budget

The actions covered by this initiative will be jointly financed by the Member States, the Community and by enterprises and other bodies. The total contribution from the Structural Funds (the European Social Fund and the European Development Fund) is estimated at ECU 1.4 billion, of which ECU 400 million will be allocated to the less favoured regions.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal C 180, 1.7.1994

*(7) Follow-up work*

*(8) Commission implementing measures*



## 2. LABOUR MARKET

### 2.11. Employment and development of human resources

#### *(1) Objective*

This initiative has three inter-related objectives corresponding to three distinct but inter-connected strands:

- to promote equal employment opportunities for women ('Employment-NOW');
- to improve the employment prospects of the disabled and other disadvantaged groups ('Employment-Horizon');
- to promote labour market integration of young people, in particular those without basic qualifications or any training ('Employment-Youthstart').

#### *(2) Community measures*

Communication to the Member States laying down guidelines for operational programmes or global grants which Member States are invited to propose within the framework of a Community initiative on Employment and Development of Human Resources aimed at promoting employment growth, mainly through the development of human resources.

#### *(3) Contents*

1. This initiative applies to the whole of the territory of the Union, with particular emphasis being placed on the less favoured regions.

##### 2. Features

It is a direct follow-up to the Commission's White Paper on Growth, Competitiveness and Employment, the main thrust of which is to put the highest possible premium on pro-active labour market measures to stimulate employment-intensive growth.

The main features of Community initiatives in this field should be:

- a transnational dimension — giving priority to transnational exchanges, cooperation and dissemination of information;
- innovation — encouraging innovative approaches;
- a bottom-to-top approach: pinpointing common local, regional and multisectoral problems and needs;
- reinforcement of Community policies and programmes, especially in the field of employment, human resources and labour market integration.

##### 3. Eligible measures

Member States are invited to select, in cooperation with the Commission, a more limited list of measures per strand on which to concentrate financial assistance.

##### a. Employment-NOW

This strand aims to help reduce unemployment among women and to improve their occupational status, qualifications and career prospects.

##### b. Employment-Horizon

This strand will promote measures to improve access to the labour market for the disabled and other disadvantaged groups who are unemployed or face serious obstacles in integrating given their degree of marginalization.

##### c. Employment-Youthstart

This programme aims to stimulate actions by Member States which will eventually provide young people with guaranteed access to a form of education or training.



Within these three strands the following measures can qualify for assistance:

- the development, especially through transnational cooperation, of appropriate training, guidance, counselling and employment systems;
- training, especially with a transnational dimension;
- job creation, in particular through transnational cooperation;
- information and awareness-heightening campaigns, especially with a transnational dimension.

4. Period

This initiative will cover the 1994-1999 period.

5. Budget

The actions covered by this initiative will be jointly funded by the Member States, the Community and by enterprises and other appropriate bodies.

The total contribution from the Structural Funds for the period 1994-1999 is estimated at ECU 1.4 billion, of which ECU 0.8 billion will be allocated to Objective 1 regions.

The following amounts will be allocated to each strand:

- Employment-NOW: ECU 370 million,
- Employment-Horizon: ECU 730 million,
- Employment-Youthstart: ECU 300 million.

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)*

*(6) References*

*(7) Follow-up work*

*(8) Commission implementing measures*

Official Journal C 180, 1.7.1994



## 2. LABOUR MARKET

### 2.12. Bilateral agreements: readaption aid

- (1) *Objective* To afford a reasonable level of social protection to workers affected by industrial restructuring. To harmonize the conditions applying to the granting of such aid.
- (2) *Community measures* Bilateral agreements between the Commission of the European Communities and the Member States: measures provided for in Article 56(2)(b) and (1)(c) of the ECSC Treaty.
- (3) *Contents*
1. The ECSC can grant readaptation aid to help finance social measures:
    - arising from industrial policy constraints in the ECSC sectors,
    - covered by a special payment by the Member State and
    - intended for workers in one of the standard situations as described.
  2. Standard situations:  
Aid may be granted to workers in five standard situations:
    - early retirement (pre-retirement pensions, severance pay, allowances equivalent to benefits in kind, pre-retirement allowances),
    - unemployment (tideover allowances, severance pay, allowances equivalent to benefits in kind),
    - internal redeployment (compensating allowances for loss of pay, mobility allowances),
    - external redeployment (compensating allowances for loss of pay, mobility allowances, severance pay, allowances equivalent to benefits in kind),
    - vocational training (organizational costs, tideover allowances, end-of-training bonuses).
  3. In each case, the ECSC's total contribution may not exceed ECU 3 000 per worker on average.
  4. These measures are available to ECSC workers who have been covered by an open-ended employment contract for at least one year, which has been broken or amended as a result of industrial policy measures.
  5. The agreement reflects the various regions' differing economic capacities by offering higher rates of payment for workers in the weaker regions (i.e. with a GDP below 75%).
  6. In the coal industry, the agreement makes aid available for measures associated with the introduction of new technical processes or plant and equipment involving the cutting-down of jobs.
- (4) *Deadline for implementation of the legislation in the Member States* Not applicable.
- (5) *Date of entry into force (if different from the above)*

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*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*



## 2. LABOUR MARKET

### 2.13. Readaptation aid - The steel industry social measures

- (1) *Objective* To intensify Commission action with a view to attenuating the consequences for workers of restructuring measures and to spreading the costs.
- (2) *Community measures* Information note concerning the implementation of the social measures for the restructuring of the steel industry (1993-95).
- (3) *Contents*
1. ECSC assistance under these social measures supplements the traditional form of ECSC aid under bilateral agreements with the Member States, enabling a more significant part of the costs to be covered.
  2. In order to qualify, the worker's job must be affected by a programme for the closure of production capacity or for a definitive reduction of activities.
  3. Types of measures:
    - early retirement: account is taken of all measures designed to pension off older workers on an acceptable income. The reference age for access to these measures is laid down in national law or agreements. The expenditure covered extends in particular to severance allowances, pensions and contributions under social security systems;
    - redeployment: covers all measures contributing to actual reemployment inside or outside the undertaking, which may include training or retraining, income support, and assistance for transfers and reintegration and/or self-employment;
    - unemployment: in some cases, because of the shortage of suitable opportunities for reemployment, redundancies are inevitable. The cost of unemployment measures — which may extend not just to severance pay or monthly allowances, but may also include various forms of short-term working and new forms of work-sharing involving shorter hours — will be co-funded by the ECSC on a broader basis.
  4. For these various types of measures, the ceilings for assistance are put at ECU 5 000 (early retirement), ECU 4 000 (redeployment) and ECU 2 000 (unemployment).
  5. The European Social Fund can help by providing assistance in terms of vocational training and employment for workers who are unemployed and for workers at risk of becoming unemployed, particularly in cases resulting from rationalization and modernization.
  6. Financial aspects:  
The Commission plans to allocate to this programme an overall indicative appropriation of ECU 240 million to be charged to the ECSC operating budget over the period 1993-95.
- (4) *Deadline for implementation of the legislation in the Member States* Not applicable.

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*(5) Date of entry into force (if different from the above)*

*(6) References*

Information note  
COM(93) 178 final

*(7) Follow-up work*

*(8) Commission implementing measures*

## 2. LABOUR MARKET

### 2.14. Readaptation aid: the Rechar Programme

- (1) Objective* To strengthen Community support for the economic restructuring of coal-mining areas of the Community.
- (2) Community measures* Communication to the Member States laying down the criteria for the granting of readaptation aid under the Rechar programme pursuant to Article 56 of the ECSC Treaty.
- (3) Contents*
1. The programme concerns workers in coal-mining areas of the Community, bringing together ERDF, ESF, EIB and ECSC resources.
  2. Types of measures:  
The Commission provides support for measures designed to provide vocational training for people leaving the coal-mining industry. ECSC involvement under the Rechar programme will be boosted by adding 12 months to the period of training provided for under the bilateral agreements and eligible for funding.
  3. Under the Rechar programme, the ECSC helps to organize programmes to provide basic training with a view to reintegrating the least-skilled members of the workforce into the labour market, including measures designed to help them overcome their social and psychological handicaps, and provides training or refresher training and work experience schemes.
  4. For workers who decide to become involved in a scheme for setting up a business, ongoing occupational and other assistance is often available from enterprise centres. Under the Rechar programme, the ECSC assumes some of the centres' management and counselling costs, as well as some of the expenses involved in new business start-ups.
  5. As regards early retirement measures, provision is made for another 18 months to be added to what is available under the bilateral agreements.
  6. For each of these measures, ECSC funding is fixed at an average ceiling of ECU 4 000 per person.
  7. Social measures must form part of an operational programme to be submitted to the Commission. Such programmes must explain in what way the ECSC measures are to be integrated into a coherent overall plan funded by a number of other Community instruments.
- (4) Deadline for implementation of the legislation in the Member States* Not applicable.
- (5) Date of entry into force (if different from the above)*



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*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*



## 2. LABOUR MARKET

### 2.15. Community-wide framework for employment

- (1) *Objective* To establish a framework for action to boost employment at all levels in the Community.
- (2) *Community measures* Commission communication on a Community-wide framework for employment.
- (3) *Contents*
1. The current high level of unemployment is damaging to the Community's competitiveness. The problem is not only one of economic growth as such but also of the capacity of this growth to create jobs.
  2. An integrated policy response is needed in order to rally all the players involved in employment matters. Closer economic and political cooperation at Community level will ensure the maximum impact of national action.
  3. The Community has a low level of employment compared with other parts of the industrial world (USA, the EFTA countries and Japan).
  4. Public authorities have increased their expenditure on policies to alter the structure of incentive measures on the labour market in order to encourage a more employment-intensive pattern of growth, particularly with regard to the unemployed. There are grants, loans, tax incentives and subsidies for the unemployed and for prospective employers, along with provision of counselling and training services. The overall structure of incentives could be modified to encourage the emergence of a pattern of growth which will bring more jobs throughout the economy, e.g. by lowering employers' social contributions, which currently average 15% of the wage bill across the Community and which vary from one Member State to another from virtually 0% to over 20%. Community aid implies a wide range of economic, industrial, technological and scientific policies and activities. The Community has focused on employment through studies and research, experimental action-research and pilot project programmes, and through funding from the Community's the Structural Funds, in particular the ESF.
  5. The Commission proposes that the Community institutions and the Member States commit themselves to a structured, collaborative and systematic process of analysis and policy focus on the possible solutions to the employment problem. The key starting point is the establishment of an agenda and a timetable in order to achieve operational conclusions over the 18-month period starting now and ending at the close of 1994. The Standing Committee on Employment could be called upon to take on a new, wider and more active role in this context.
  6. The Commission will be fully involved in this process and will also be pressing for successful Community pilot experiments to be turned into priority policies on the basis of a systematic assessment of the experiments and measures which have proved their merits. It intends to apply its financial support in ways which can contribute to the overall objective of higher levels of employment.
  7. The Commission intends to submit analyses and proposals for coordinated action in several fields which include:

- adaptability at work and the scope for developing new forms of employment based new forms of work organization;
- new configurations of working time;
- building up of training systems;
- reducing labour costs;
- new areas of work;
- creation of employment through the SMEs;
- strengthening the role of regional initiatives for local employment;
- the role of the different agencies and players involved.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission communication COM(93) 238 final.

Not yet published in the Official Journal.

*(7) Follow-up work*

*(8) Commission implementing measures*





### **3. EMPLOYMENT AND PAY**

#### **3.1. Current position and outlook - Social Charter**

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

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.

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

### 3. EMPLOYMENT AND PAY

#### 3.2. Fair pay arrangements

- (1) *Objective* To ensure that all workers receive an equitable wage.
- (2) *Community measures* Commission opinion on an equitable wage.
- (3) *Contents*
- In connection with the implementation of the Social Charter, the Commission reaffirms the right of all workers to be assured of an equitable wage (i.e. a reward for work done which, in the context of the society in which they live and work, is fair and sufficient to enable them to have a decent standard of living). The broad principles underpinning this goal are:
- pursuit of higher productivity and high-quality jobs;
  - elimination of discriminatory wage practices;
  - incorporation into the process of achieving economic and social cohesion and harmonious development of the Community;
  - reassessment of attitudes towards traditionally low-paid groups.
- In order to achieve these aims, the Member States should give substance to the commitment given in the Social Charter to ensure the right of every worker to an equitable wage, irrespective of sex, disability, race, religion, ethnic origin or nationality. They should therefore take account of these aims in formulating their economic and social policies, and should take the following action:
- firstly, improve the transparency of wages on the labour market, in particular by establishing better systems for the collection and dissemination of data on wage structures and equitable reference wages;
  - secondly, ensure that the right to an equitable wage is respected by protecting those groups on the labour market which are particularly vulnerable and open to discrimination.  
Protection against discrimination could be provided by a combination of national and Community administrative measures, collective bargaining and, if appropriate, the development of codes of good practice and improved arrangements for providing information about the labour market. Member States must also ensure that these measures do not force low-paid workers into the black economy or encourage recourse to unlawful employment practices;
  - thirdly, improve long-term productivity and the earnings potential of the workforce by increasing investment in human resources at all levels and at all stages of development, including secondary and higher education, initial training, retraining, continuing training and individual development.
- The social partners are invited to address the issues raised, in particular to consider what contribution they can make to ensuring the right of every worker to an equitable wage.
- The Commission proposes to take steps to improve the quality of information available at Community level and to disseminate such information more widely with a view to providing a basis for discussion at national and Community levels. It will also help ensure that vocational training matches more closely the changing needs in terms of skills and retraining for workers and firms. It will encourage



exchanges of information on wage-related practices within firms. Finally, it will undertake further studies in collaboration with the social partners aimed at promoting a convergence of equitable wage policies in the Member States. The Commission will, within three years, draw up a report on the progress made and obstacles encountered, on the basis of information supplied by the Member States.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission opinion  
COM(93) 388 final

Official Journal C 248, 11.9.1993

*(7) Follow-up work*

*(8) Commission implementing measures*



### 3. EMPLOYMENT AND PAY

#### 3.3. Atypical work: certain employment relationships - Working conditions

<i>(1) Objective</i>	To define basic provisions aimed at improving the living and working conditions of part-time and/or temporary workers, in particular so that they enjoy equal treatment to that of other employees (e.g. regarding access to training and social services).				
<i>(2) Proposal</i>	Proposal for a Council Directive on certain employment relationships with regard to working conditions.				
<i>(3) Contents</i>	<p>1. Scope:</p> <ul style="list-style-type: none"><li>— part-time employment relationships involving shorter working hours than statutory, collectively agreed or usual working hours;</li><li>— temporary employment relationships in the form of employment governed by a fixed-duration contract (including seasonal work) or temporary employment through a temporary employment agency.</li></ul> <p>The proposal covers employees in public and private undertakings, with the exception of those whose average weekly working time is less than eight hours.</p> <p>2. Access to vocational training and social services provided by the undertaking and the right to benefits in cash and in kind under social assistance schemes or non-contributory social security schemes must be granted to such workers under conditions comparable to those enjoyed by workers employed full-time for an indefinite duration.</p> <p>3. The employer must:</p> <ul style="list-style-type: none"><li>— take these workers into account in calculating the threshold at which workers' representative bodies must be set up;</li><li>— inform the workers' representative bodies of his intention to use part-time and/or temporary workers;</li><li>— give reasons for having recourse to temporary work;</li><li>— inform these workers of any plans to recruit employees for full-time work of indefinite duration in time for them to be able to apply.</li></ul> <p>4. The Member States must take the appropriate measures to ensure that:</p> <ul style="list-style-type: none"><li>— clauses preventing the conclusion of a contract of employment between the user undertaking and a temporary employee supplied by a temporary employment agency are null and void;</li><li>— the contractual obligations (especially the payment of remuneration and social security contributions) of a temporary employment agency are fulfilled where that business cannot do so.</li></ul> <p>5. Member States may apply or introduce provisions which are more favourable to workers.</p>				
<i>(4) Opinion of the European Parliament</i>	Parliament did not accept the Commission's proposal.				
<i>(5) Current status</i>	The proposal is currently before the Council for adoption.				
<i>(6) References</i>	<table><tr><td>Commission proposal COM(90) 228/I final</td><td>Official Journal C 224, 8.9.1990</td></tr><tr><td>European Parliament opinion Economic and Social Committee opinion</td><td>Official Journal C 324, 24.12.1990 Official Journal C 332, 31.12.1990</td></tr></table>	Commission proposal COM(90) 228/I final	Official Journal C 224, 8.9.1990	European Parliament opinion Economic and Social Committee opinion	Official Journal C 324, 24.12.1990 Official Journal C 332, 31.12.1990
Commission proposal COM(90) 228/I final	Official Journal C 224, 8.9.1990				
European Parliament opinion Economic and Social Committee opinion	Official Journal C 324, 24.12.1990 Official Journal C 332, 31.12.1990				



### 3. EMPLOYMENT AND PAY

#### 3.4. Atypical work: certain employment relationships - Distortions of competition

<i>(1) Objective</i>	To eliminate distortions of competition which may result from differences between undertakings in the Member States in the treatment of part-time and/or temporary employment relationships.								
<i>(2) Proposal</i>	Proposal for a Council Directive on certain employment relationships with regard to distortions of competition.								
<i>(3) Contents</i>	<p>1. Scope:</p> <ul style="list-style-type: none"> <li>— part-time employment relationships involving shorter working hours than statutory, collectively agreed or usual hours;</li> <li>— temporary employment relationships in the form of employment governed by a fixed-duration contract (including seasonal work) or temporary employment through a temporary employment agency.</li> </ul> <p>The proposal covers employees in public and private undertakings with the exception of those whose average weekly working time is less than eight hours.</p> <p>2. These workers must be afforded social protection under social security schemes on the same basis and according to the same criteria as workers employed full-time/for an indefinite duration.</p> <p>3. Part-time workers must be afforded the same entitlements to annual holidays, dismissal allowances and seniority allowances as full-time employees, in proportion to the total hours worked.</p> <p>4. A temporary employment relationship may not replace an existing job; national laws must provide for a limit on the renewal of temporary employment relationships for a given job so that the total period of employment does not exceed 36 months; provision must be made for some form of equitable allowance in the event of an unjustified break in the employment relationship before the term fixed.</p>								
<i>(4) Opinion of the European Parliament</i>	First reading: the European Parliament approved the proposal subject to 37 amendments, some of which have been accepted by the Commission (in particular to allow Member States to introduce horizontal measures improving protection for workers).								
<i>(5) Current status</i>	The revised proposal incorporating Parliament's amendments accepted by the Commission is currently before the Council for the drafting of a common position.								
<i>(6) References</i>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Commission proposal COM(90) 228/II final</td> <td style="width: 50%;">Official Journal C 224, 8.9.1990</td> </tr> <tr> <td>Amended proposal COM(90) 533/I final</td> <td>Official Journal C 305, 5.12.1990</td> </tr> <tr> <td>European Parliament opinion First reading</td> <td>Official Journal C 295, 26.11.1990</td> </tr> <tr> <td>Economic and Social Committee opinion</td> <td>Official Journal C 332, 31.12.1990</td> </tr> </table>	Commission proposal COM(90) 228/II final	Official Journal C 224, 8.9.1990	Amended proposal COM(90) 533/I final	Official Journal C 305, 5.12.1990	European Parliament opinion First reading	Official Journal C 295, 26.11.1990	Economic and Social Committee opinion	Official Journal C 332, 31.12.1990
Commission proposal COM(90) 228/II final	Official Journal C 224, 8.9.1990								
Amended proposal COM(90) 533/I final	Official Journal C 305, 5.12.1990								
European Parliament opinion First reading	Official Journal C 295, 26.11.1990								
Economic and Social Committee opinion	Official Journal C 332, 31.12.1990								



### 3. EMPLOYMENT AND PAY

#### 3.5. Atypical work: temporary workers - Health and safety

*(1) Objective*

To improve protection of the safety and health of temporary workers, who are more exposed to the risk of accidents at work and occupational diseases than other workers (supplementing the provisions of framework Directive 89/391/EEC).

*(2) Community measures*

Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship.

*(3) Contents*

1. Scope:
  - employment relationships governed by a fixed-duration contract (concluded directly between the employer and the worker);
  - temporary employment relationships concluded between a temporary employment business (the employer) and workers.
2. The workers concerned are afforded the same conditions as regards health and safety at work as other workers in the undertaking; there is no justification for any difference in treatment under the employment relationship with respect to the health and safety aspects of working conditions, particularly regarding access to personal protective equipment. The provisions of Directive 89/391/EEC and specific directives apply fully without prejudice to the more binding and/or more specific set out contained in the Directive.
3. A temporary worker must be informed beforehand of any risks he faces in any activity he takes up. He must be informed of any special occupational qualifications or skills or special medical surveillance required, and whether the job falls within the category of major risks as defined in national legislation.
4. A temporary worker must receive sufficient training appropriate for the specific aspects of the job.
5. Temporary workers must not be used for work requiring special medical surveillance over a long period. Where exceptions are made, medical surveillance must continue beyond the term of the temporary employment contract.
6. Member States may ban the use of temporary workers for work that is particularly dangerous, especially work requiring special medical surveillance. Where Member States do not avail themselves of this option, they must adopt the necessary measures to ensure that the temporary workers and those who are called on to perform work requiring special medical surveillance are given it. They may provide that such surveillance should continue beyond the end of the employment relationship.
7. For the duration of the assignment, the user undertaking is responsible for the safety, health and hygiene conditions under which the worker has to work, without prejudice to the responsibility of the temporary employment business.
8. The persons or departments responsible for ensuring that the preventive health rules are complied with must be notified of any assignment of temporary workers.





9. This Directive is without prejudice to national or Community provisions applying or introducing provisions more favourable to workers.

*(4) Deadline for implementation of the legislation in the Member States*

31.12.1992

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 206, 29.7.1991

*(7) Follow-up work*

*(8) Commission implementing measures*

1. The Member States must inform the Commission of the provisions of internal law adopted or to be adopted.
2. They are to send a report to the Commission every five years on the practical implementation of the provisions in the Directive, stating the viewpoints of the two sides of industry.
3. The Commission must convey the reports to the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.
4. The Commission is to present a periodic report to the European Parliament, the Council and the Economic and Social Committee on the implementation of the Directive.

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## **4. IMPROVED LIVING AND WORKING CONDITIONS**

### **4.1. Current position and outlook - Social Charter**

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.

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.

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.

## 4. IMPROVED LIVING AND WORKING CONDITIONS

### 4.2. Transfers of undertakings - Safeguarding of employees' rights

- (1) *Objective* Since economic trends are bringing in their wake, at both national and Community level, changes in the structure of undertakings, there is a need to provide for the protection of employees in the event of a change of employer, and in particular to ensure that their rights are safeguarded.
- (2) *Community measures* Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses.
- (3) *Contents*
1. The Directive applies to the transfer of an undertaking, business or part of a business to another employer as a result of a legal transfer or merger, in so far as the undertaking, business or part of the business to be transferred is situated within the territorial scope of the EEC Treaty. The Directive does not apply to sea-going vessels.
  2. Definitions of the terms 'transferor', 'transferee' and 'employees' representatives'.
  3. The rights and obligations arising from a contract of employment or from an employment relationship existing at the time of the transfer are transferred to the new employer. Member States may provide that, in addition to the transferee, the transferor continues to be liable in respect of obligations arising from the contract of employment. The terms and conditions agreed in the collective agreement continue to apply until the date of termination or expiry of the agreement or the entry into force of another agreement. The period during which the terms and conditions remain applicable may be limited in time, with the proviso that it shall not be less than one year. Maintenance of rights does not apply to old-age, invalidity or survivors' benefits under supplementary pension schemes outside the statutory schemes. Member States are required to adopt the necessary measures to protect the rights of employees and of persons no longer employed in the transferor's business.
  4. The transfer does not constitute grounds for dismissal, which may only take place for economic, technical or organizational reasons or when Member States make exceptions in respect of certain specific categories of employees. In all other cases the employer is regarded as having been responsible for termination of the employment.
  5. The status and function of employees' representatives are preserved unless, under the provisions or practice of a Member State, the conditions necessary for re-appointment of employees' representatives are fulfilled. If the term of office of the representatives expires on the occasion of the transfer, the representatives continue to enjoy the protection provided by the laws, regulations, administrative provisions or practice of the Member State.
  6. The former employer and the new employer are required to inform the representatives of their respective employees in good time of the reasons for the transfer, the legal, economic and social implications, and the measures envisaged in relation to the employees. This information must be given for the employees transferred before their transfer is carried out, and in any event for all employees before they



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are directly affected as regards their conditions of work and employment. When the former employer or the new employer envisage measures in relation to their employees, they must consult the employees' representatives in good time with a view to seeking agreement. Member States whose provisions provide for recourse to an arbitration board may limit the obligations concerning information and consultation where the transfer gives rise to serious disadvantages for a considerable number of the employees. Member States may provide that where there is no employees' representative the employees concerned must be informed in advance when a transfer is about to take place.

*(4) Deadline for implementation of the legislation in the Member States*

Two years from date of amendment.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 61, 5.3.1977

*(7) Follow-up work*

*(8) Commission implementing measures*

## 4. IMPROVED LIVING AND WORKING CONDITIONS

### 4.3. Insolvency of the employer

- (1) *Objective* To guarantee payment of outstanding claims to employees in the event of insolvency of their employer.
- (2) *Community measures* Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer.
- (3) *Contents*
1. This Directive applies to employees' claims arising from contracts of employment or work relations and existing against employers who are in a state of insolvency within the meaning of the Directive. It does not prejudice national law as regards the definition of the terms 'employee', 'employer', 'pay', 'right conferring immediate entitlement' and 'right conferring prospective entitlement'. Member States may, by way of exception, exclude claims by certain categories of employee. The Directive does not apply to Greenland.
  2. Guarantee institutions shall guarantee payment of employees' outstanding claims relating to pay for the period prior to the onset of the employer's insolvency, the date of the notice of dismissal or the date on which the contract of employment was discontinued on account of the employer's insolvency. Member States have the option of limiting the liability of these institutions under specified conditions. The Member States lay down detailed rules for the organization, financing and operation of the guarantee institutions, complying with certain principles.
  3. Member States may stipulate that point 2 shall not apply to contributions due under national statutory social security schemes or under supplementary schemes. They shall take the measures necessary to ensure that non-payment of compulsory contributions due from the employer, before the onset of his insolvency, to their insurance institutions does not adversely affect employees' benefit entitlement in respect of these insurance institutions in as much as the employees' contributions were deducted at source from the remuneration paid. The interests of employees and persons having already left the undertaking at the date of the onset of the employer's insolvency are protected as regards rights conferring on them immediate or prospective entitlement to old-age benefits, including survivors' benefits, under supplementary company or inter-company pension schemes outside the national statutory social security schemes.
  4. Member States may apply or introduce measures which are more favourable to employees.
  5. They shall have the option to take the measures necessary to avoid abuses or to refuse or reduce the liability or the guarantee obligation if it appears that fulfilment of the obligation is unjustifiable because of the existence of special links between the employee and the employer.
  6. The Commission shall draw up a report on the application of this Directive on the basis of data provided by the Member States within the deadline specified.
  7. The categories of employee whose claims may be excluded from the scope of the Directive are listed in an annex.

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*(4) Deadline for implementation of the legislation in the Member States*

Thirty-six months from the date of notification.

*(5) Date of entry into force (if different from the above)*

Not applicable.

*(6) References*

Official Journal L 283, 20.10.1980

*(7) Follow-up work*

Council Directive 87/164/EEC of 2 March 1987 amending this Directive on account of the accession of Spain.

*(8) Commission implementing measures*



## 4. IMPROVED LIVING AND WORKING CONDITIONS

### 4.4. Organization of working time

- (1) *Objective* To adopt minimum requirements covering certain aspects of the organization of working time connected with workers' health and safety.
- (2) *Community measures* Council Directive 93/104/EEC, of 23 November 1993, concerning certain aspects of the organization of working time.
- (3) *Contents*
1. Scope: all sectors of activity except transport, activities at sea and the activities of doctors undergoing training. These provisions do not apply where other Community instruments contain more specific stipulations in this field. Moreover, they do not detract from the powers of the Member States to apply or introduce provisions which are more favourable to workers.
  2. Definition of the terms 'working time', 'rest period', 'night work': any period of not less than 7 hours, as defined by national legislation and including in all cases the period from 12 midnight to 5 a.m.; 'night worker': any worker who performs at least three hours of his daily work or a part of his annual work (as defined by the Member States) during the night work period; 'shift work': any method of organizing work whereby workers succeed each other in the same tasks in accordance with a given time schedule at different times over a given period of days or weeks.
  3. Member States shall take measures to ensure that workers enjoy:
    - the minimum daily rest period of 11 consecutive hours per period of 24 hours;
    - the minimum period of one rest day on average immediately following the daily rest period in every seven-day period;
    - for a daily period of work of more than 6 hours, a break as defined by the provisions of collective agreements, agreements concluded between social partners or national legislation;
    - not less than 4 weeks' annual paid holiday, qualification for which shall be determined by reference to national practice/legislation;
    - an average weekly working period of not more than 48 hours, including the overtime for each seven-day period.
  4. Normal hours of work for night workers must not exceed an average of eight hours in any 24-hour period. Workers shall be entitled to a free health check-up before being employed on night work and at regular intervals thereafter. Anyone suffering from health problems connected with night work must be transferred, wherever possible, to day work. Employers who regularly use night workers must duly inform the authorities responsible for health and safety matters.
  5. Night workers must enjoy a level of health and safety protection commensurate with the nature of their work. Protection and prevention facilities must be equivalent to those of other workers and must be available at all times.
  6. Employers who organize work in accordance with a certain time schedule must abide by the general principle of adapting the work to man, especially in the case of monotonous tasks required to be performed in quick succession.

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7. Member States may stipulate reference periods:
- not exceeding 14 days for the weekly rest period;
  - not exceeding four months for the maximum weekly working period;
  - and for the duration of night work.
8. Derogations are permitted:
- on condition that the general principles of the protection of workers' health and safety are complied with, where the duration of work is not measured and/or predetermined by the worker himself;
  - provided that equivalent compensatory rest periods are granted to the workers concerned:
    - in accordance with the criteria listed in the directive, for example in the case of activities where the service or production has to be continuous;
    - by means of collective agreements or agreements concluded between social partners.

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)*

*(6) References*

*(7) Follow-up work*

*(8) Commission implementing measures*

Official Journal L 307, 13.12.1993

## 4. IMPROVED LIVING AND WORKING CONDITIONS

### 4.5. Provision of a form of proof of an employment contract

#### *(1) Objective*

In view of the increase in the number of types of employment relationship, the aim is to protect employees who are unaware of their rights by establishing at Community level the obligation for employers to inform employees of their terms and conditions of employment in writing.

#### *(2) Community measures*

Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

#### *(3) Contents*

##### 1. Scope

The Directive applies to all paid employees with a contract or employment relationship defined and/or governed by the law in force in a Member State. Member States may exclude workers who have a contract or employment relationship:

- with a total duration not exceeding one month or with a working week not exceeding eight hours; or
- of a casual and/or specific nature where there are objective considerations justifying non-application of the Directive.

##### 2. Obligation to provide information

Employers must provide employees with the following basic information:

- identity of the parties;
- place of work;
- title, grade, nature or category of work or brief job specification;
- date of commencement of contract or employment relationship;
- in the case of a temporary contract or employment relationship, its expected duration;
- amount of paid leave or procedures for allocating and determining such leave;
- periods of notice to be observed by the employer and the employee should their contract or employment relationship be terminated or, where this cannot be indicated, method for determining such periods of notice;
- basic amount, and other components of remuneration and frequency of payment;
- length of working day or week;
- any relevant collective agreements.

##### 3. Means of information

The information may be set out in a written contract of employment, in a letter of engagement or in one or more other written documents.

These must be given to the employee within two months of commencement of employment, failing which the employee must be given a written declaration signed by the employer.

##### 4. Expatriate employees

Employees required to work in another country must be in possession before departure of one of the documents referred to at point 3 above, which must include the following additional information:

- duration of employment abroad;
- currency to be used for payment of remuneration;



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— any benefits in cash or kind attendant in relation to expatriation ;  
— where appropriate, the conditions governing repatriation.

These provisions do not apply where the duration of employment abroad is less than one month.

5. Any change to the terms of the contract or employment relationship must be recorded in writing.

6. The Directive does not affect the Member States' prerogative to apply or introduce provisions which are more favourable to employees.

*(4) Deadline for implementation of the legislation in the Member States*

30.6.1993

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 288, 18.10.1991

*(7) Follow-up work*

*(8) Commission implementing measures*



## 4. IMPROVED LIVING AND WORKING CONDITIONS

### 4.6. Collective redundancies

#### (1) Objective

To afford greater protection to workers in the event of collective redundancies; to approximate Member States' legislation concerning the practical arrangements and procedures for such redundancies.

#### (2) Community measures

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

Council Directive 92/56/EEC of 24 June 1992 amending Directive 75/129/EEC on the approximation of the laws of the Member States relating to collective redundancies.

#### (3) Contents

1. Definitions of 'collective redundancies' and 'workers' representatives'.
2. The Directive does not apply to:
  - collective redundancies effected under contracts of employment concluded for limited periods of time or for specific tasks, except where the redundancies take place prior to the date of expiry or the completion of such contracts;
  - workers employed by public administrative bodies or by establishments governed by public law;
  - the crews of sea-going vessels;
3. Any employer contemplating collective redundancies must hold consultations with the workers' representatives, with a view to reaching an agreement. These consultations must cover ways and means of avoiding redundancies or reducing the number of workers affected and mitigating the consequences, in particular by recourse to accompanying social measures aimed at redeploying or retraining those workers made redundant.
4. Directive 92/56/EEC lays down that Member States may make provision for workers' representatives to call upon assistance from experts in accordance with measures in force at national level. The employer is to provide workers' representatives with all relevant information and, in any event, is to provide the following information in writing:
  - the reasons;
  - the period during which redundancies are to be effected;
  - the number and category of workers normally employed;
  - the number to be made redundant;
  - the criteria used to select those workers to be made redundant;
  - the method used to calculate compensation (where applicable).
5. Procedure for collective redundancies:
  - The employer notifies the competent public authority in writing of any projected collective redundancies. This notification must contain all the relevant information concerning the projected redundancies and consultations held, except for the method used to calculate compensation. However, where the cessation of activity is the result of a court judgment, notification is only necessary at the express request of the authority.
  - The employer forwards a copy of the notification to the workers' representatives, who may send comments to the competent public authority.

- Collective redundancies take effect at the earliest 30 days after the notification; the competent public authority uses this period to seek solutions. Member States may grant the public authority the power to reduce this period or to extend it to 60 days following notification in cases where the problems cannot be resolved. This is not compulsory for collective redundancies following a cessation of activity resulting from a court judgment. Wider powers of extension may be granted. The employer must be informed of any extension and the grounds for it before expiry of the initial period.
6. Member States may apply or introduce provisions which are more favourable to workers.

*(4) Deadline for implementation of the legislation in the Member States*

26.6.1994

*(5) Date of entry into force (if different from the above)*

Not applicable.

*(6) References*

Official Journal L 48, 22.2.1975  
Official Journal L 245, 26.8.1992.

*(7) Follow-up work*

*(8) Commission implementing measures*

On 13 September 1991 the Commission adopted a report on the application of Directive 75/129/EEC (SEC(91) 1639). According to the report, the situation regarding the application of the Directive varies widely from one Member State to another:

- Belgium, Denmark, the Netherlands and the United Kingdom adopted the legislation within the time-limit laid down in the Directive;
- In France the law already amply complied with the aims of the Directive;
- Greece, Ireland, Luxembourg and Germany adopted legislation after the date of entry into force of the Directive;
- Spain and Portugal were in a special situation owing to their recent accession, but legislation was in force in both countries;
- Italy has recently published a law to give effect to the Directive. It is currently being checked by the Commission for conformity with the Directive.





## 4. IMPROVED LIVING AND WORKING CONDITIONS

### 4.7. Social integration of migrants from non-member countries

- (1) *Objective* To establish a basis for discussion of the new possibilities created by the Treaty on European Union.
- (2) *Community measures* Commission communication to the Council and the European Parliament on Immigration and Asylum Policies.
- (3) *Contents*
1. The purpose of the communication is to expand on the ideas contained in the two preceding ones [Communication on Immigration (SEC(91) 1855 final) and Communication on Right of Asylum (SEC(91) 1857 final)], against the background of the new possibilities created by the Treaty on European Union (TEU) in the fields of asylum and immigration and other developments since 1991. It consists of four parts: introduction, factual developments, the development of a European migration and asylum policy, and a new framework for action by the Union.
  2. The factual part concentrates on the following issues:
    - Evolution of public and political perceptions of immigration and asylum issues (the current debate continues to attach great importance to immigration and asylum policies. The Member States are now cooperating more closely and the European Parliament has adopted a large number of reports and resolutions in this domain);
    - The Treaty on European Union (Titles V and VI of the Treaty concern foreign and security policy and cooperation in the domains of justice and home affairs respectively and constitute the framework for development of an integrated policy);
    - Developments on the ground (intensification of immigration pressures, notably in the south but also in the east);
    - Legislative changes in the Member States (one of the most significant developments since 1991 has been the introduction of the notion of 'temporary protection'. This notion was developed in most of the Member States to avoid an overburdening of asylum procedures in the event of massive influxes);
    - Developments regarding the programme of work adopted by the European Council in 1991 with a view to harmonizing immigration and asylum policies (although some results have been achieved, a lot remains to be done in this context).
  3. According to the Communication, development of a European immigration and asylum policy requires a global approach comprising the following key elements:
    - Take action on migration pressure, notably by cooperating with the main countries from which people are most likely to migrate towards the Union;
    - Control migration in order to contain it within structures that are manageable;
    - Strengthen integration policies for the benefit of legal immigrants.
  4. The fourth part of the Communication presents a new framework for action in the Union and summarizes all these suggestions. In the framework of action on migration pressure the following suggestions are made:

- improve the collection of accurate information on migration flows into the Union, the underlying causes of such flows and on estimated migration pressure;
- consider the establishment of an observatory for migration;
- define actions to be taken in order to tackle root causes of various types of migratory movements in accordance with the European Council's 1992 Declaration on Principles governing the External Aspects of Migration Policy. These actions could involve human rights policies, trade, development and cooperation policies, demographic policies and safety policy.

To control migration flows the measures suggested concern general admission policies, refugees and other persons in need of international protection as well as illegal immigration. It is pointed out that the harmonization process must be continued. In particular, conventions are proposed on family reunification and on manifestly unfounded asylum applications and implementation of the host third country principle. The framework also proposes developing a monitoring system for absorption capacities and creation of a mechanism which would make it possible to support Member States who are willing to assist other Member States faced with mass influx situations and to support projects of Member States or third transit countries faced suddenly with new pressures. The integration policies must be designed to improve the situation of third country nationals within the Community by taking the necessary measures to harmonize their legal status with that of nationals of the Member States. Strengthening of integration policies will involve measures designed to create economic and sociocultural conditions for successful integration, for example, actions in the field of employment and education. This means promoting information and dialogue and fighting racial discrimination and all forms of racism and xenophobia.

Annex I describes the main migratory flows. Annex II concerns implementation of the 1991 work programme on asylum and immigration policies.

The situation as regards various components of the 1991 work programme on asylum policy is as follows:

1. Preparatory measures relating to the application and implementation of the Dublin Convention. A remaining point is the possible setting up of a system for the comparison of fingerprints to combat asylum applications under false or multiple identities.
  2. Harmonization of substantive asylum law. In 1992 the immigration ministers adopted a Resolution on manifestly unfounded asylum applications. They also adopted a resolution establishing the basic principles of the 'first host country'.
  3. Copenhagen Recommendation of June 1993 by the immigration ministers concerning checks on and expulsion of third-country nationals residing or working without authorization.
- Some progress has been made in the field of illegal immigration, although there are still a number of points to be discussed:
- cooperation on border controls within the framework of the Convention on the crossing of external frontiers;
  - harmonization of conditions for combating unlawful immigration and illegal employment and checks for that purpose within the territory and at borders;





- harmonization of principles of expulsion, including the rights to be guaranteed to the expelled persons;
- definition of guiding principles on the question of policy regarding third-country nationals residing unlawfully in the Member States;
- cooperation with countries of departure and transit in combating unlawful immigration, in particular as regards readmission.

As regards migration of labour, a resolution is being negotiated concerning national policies on admission to employment of third-country nationals. The mobility of Community nationals has been enhanced through the computerized system EURES.

Annex III describes recent developments within the Union.

Annex IV concerns recent developments in international forums. In 1991, Austria convened a Conference of Ministers on the Movement of Persons from Central and East European Countries in Vienna. A conference attended by the interior or justice ministers of 27 European states was held in Berlin in 1991 to discuss the problem of illegal immigration from and through central and eastern Europe.

The Council of Europe has two bodies dealing with immigration and asylum policies, namely the European Committee on Migration and the Ad Hoc Expert Committee on the legal aspects of territorial Asylum Refugees and Stateless Persons.

In 1993 a European Population Conference was held in Geneva and adopted recommendations covering demographic policies and also immigration and asylum policies.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission Communication  
COM(94) 23 final

*(7) Follow-up work*

*(8) Commission implementing measures*



## 4. IMPROVED LIVING AND WORKING CONDITIONS

### 4.8. Education of migrant's children

- (1) *Objective* To address education policy issues related to the development of linguistic and cultural diversity within the Member States as a consequence of mobility within the Union and the presence of immigrants from non-Community countries.
- (2) *Community measures* Commission report on the education of migrants' children.
- (3) *Contents*
1. The report presents a general view of Community action aiming to promote the education of the children of legally established immigrants and gypsy children. It forms part of the Commission's response to the conclusions of the European Council's meeting in Edinburgh, at which the Heads of State and Government condemned intolerance, racism and xenophobia. They expressed their firm belief in the need for effective educational and legislative measures throughout Europe to combat this phenomenon. These conclusions were echoed at the European Council in Copenhagen.
  2. While respecting the subsidiarity principle, the Commission will step up its efforts to stimulate cooperation between Member States, in order to help improve the quality of education for the children of migrant workers, irrespective of their origin.
  3. About 50% of all pupils of compulsory school age are in daily contact with pupils whose cultural and linguistic background is different from their own.
  4. The development of free movement within the Single Market is giving rise to a new demand for teaching of the 'mother tongues of migrants'.
  5. Matters concerning the integration of migrant children into the education system have been a priority for the Community since the beginning of Community cooperation in education, and head the list of priorities set down in the action programme in the field of education of 9 February 1976. The latter comprised a commitment by Member States to organize a reception system which would include intensive study of the language of the host country, and to provide more opportunities for teaching the children concerned their mother tongue and culture, if possible in school and in cooperation with the host country. At Community level, the programme provided for exchange of information, pilot schemes and cooperation on teacher training. The Council Directive of 25 July 1977 deals with education for the children of migrant workers. It puts an obligation on Member States to promote teaching of the mother tongue and culture of the country of origin in cooperation with the countries concerned and in coordination with normal education.
  6. The contribution of the European Social Fund  
Since its creation, the ESF has provided support for setting up language and culture classes for migrant workers to enable them to integrate more easily in their host country. It has also cofinanced mother tongue teaching for children of Community migrants.



Objective 3 of the ESF, as revised in the 1993 Regulation, is intended to facilitate the integration of the long-term unemployed and young people into the labour market, and to promote the integration of people at risk of exclusion from the labour market. It also aims to reduce the threat of marginalization which can face the families of migrant workers. This will mean improving the quality of education and providing support for the training of teachers, trainers and other education staff.

7. Development of national policies: from special teaching for the children of immigrants to intercultural education for all. The term intercultural education has come to be used in most Member States to denote a set of educational practices designed to encourage mutual respect and understanding among all pupils, regardless of their cultural, linguistic, ethnic or religious background.

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)*

*(6) References*                      Commission report  
COM(94) 80 final

*(7) Follow-up work*

*(8) Commission implementing measures*



## 4. IMPROVED LIVING AND WORKING CONDITIONS

### 4.9. Road transport: social regulation

- (1) *Objective* To specify the working conditions applicable to drivers, particularly as regards driving time and rest periods, and to ensure that these are observed through the use of recording equipment.
- (2) *Community measures* Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport.  
Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport.
- (3) *Contents* Regulation (EEC) No 3820/85  
1. The relevant provisions are brought together in a single text, in consequence whereof Regulation (EEC) No 543/69 is repealed.  
2. The Regulation applies to carriage by road (any journey, on roads open to the public, of a laden or unladen vehicle used for the carriage of passengers or goods). Excluded from this definition are two categories of vehicle: small vehicles (less than 3.5 tonnes, maximum carrying capacity 9 persons) and vehicles used for special purposes (breakdowns, armed forces, medical care, etc.).  
3. For the carriage of goods, the minimum ages for drivers are 18 years in the case of vehicles of not more than 7.5 tonnes and 21 years in the case of all other vehicles (18 years if the person concerned holds a certificate of professional competence). For the carriage of passengers, the minimum age for drivers is 21 years, and they must also fulfil certain other conditions in terms of job experience.  
4. The daily driving periods (maximum 9 hours) and the weekly driving periods (maximum 6 days) must be broken up by rest periods. Drivers must have a rest period of at least 11 consecutive hours in each period of 24 hours (with certain exceptions, notably for drivers accompanying a vehicle transported by ferryboat or train), and a rest period of at least 45 consecutive hours in the course of each week (with exceptions). After 4½ hours' driving, drivers must have a break of at least 45 minutes (alternatively, they may take several breaks of 15 minutes).  
5. Member States may grant exemptions in certain cases (to ensure the safety of persons, vehicles or loads) or for certain vehicles (those carrying live animals, those used for agricultural purposes, those used for driving instruction, etc.).  
6. In the case of regular passenger services, undertakings must follow a procedure which allows compliance with the abovementioned rules to be monitored. The procedure consists of the undertaking drawing up a service timetable and a duty roster. The duty roster must show, in respect of each driver, the name, the place where based and the driver's schedule for the current week and for the weeks immediately preceding and following that week. The duty roster must be signed by the head of the undertaking or by a person authorized to represent him.  
7. The Commission is required to produce a report every 2 years on the implementation of the social Regulations relating to road transport.



## Regulation (EEC) No 3821/85

1. This Regulation supplements the provisions of Regulation (EEC) No 3820/85 by providing for the use of recording equipment in road transport. It supersedes Regulation (EEC) No 1463/70, which had provided for the introduction of such equipment.
2. The principle is that recording equipment meeting strict standards must be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road.
3. Exemptions may be granted by the Commission, either by means of a prior authorization or, in urgent cases, by means of a simple notification.
4. Recording equipment must be granted EEC type approval by a Member State, and to be granted such approval it must conform with the requirements laid down in Annex 1. Strict rules also apply to the installation, inspection and use of such equipment.
5. An advisory committee is set up for the purpose of ensuring close cooperation between the Member States and the Commission and adapting the Regulation to technical progress.

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)* 29.9.1986

*(6) References* Official Journal L 370, 31.12.1985

*(7) Follow-up work*

- Resolution of the Council and the Representatives of the governments of the Member States, meeting within the Council of 20 December 1985 to improve the implementation of the social Regulations in road transport (Official Journal C 348, 31.12.1985).
- Council Directive 88/599/EEC of 23 November 1988 on standard checking procedures for the implementation of Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport and Regulation (EEC) No 3821/85 on recording equipment in road transport (Official Journal L 325, 29.11.1988).

*(8) Commission implementing measures*

On 20 March 1992 the Commission adopted a communication analysing the implications of replacing the concept of 'driving time' by 'working time' in Regulations (EEC) Nos 3820/85 and 3821/85 with a view to improving road safety, drivers' working conditions and the conditions of competition between carriers.

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## **5. FREE MOVEMENT OF WORKERS**

### **5.1. Current position and outlook - Social Charter**

'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.

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.

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.'

## 5. FREE MOVEMENT OF WORKERS

### 5.2. Right to remain in the territory of a Member State: Regulation (EEC) No 1251/70

- (1) Objective* To determine the conditions under which the right to remain in the territory of a Member State arises for workers and their families when they cease to be employed there.
- (2) Community measures* Commission Regulation (EEC) No 1251/70 of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State.
- (3) Contents*
1. The Regulation applies to nationals of a Member State who have worked as employed persons in the territory of another Member State and to members of their families.
  2. The following categories have the right to remain permanently in the territory of a Member State:
    - a worker who has reached the age laid down by law for entitlement to an old-age pension and who has been employed for at least the last 12 months and has resided there continuously for more than three years;
    - a worker who ceases to work there as a result of permanent incapacity to work and who has been residing there for more than two years;
    - a worker who after three years of continuous residence and employment in the territory of this Member State works as an employed person in the territory of another Member State while retaining his residence in the territory of the first State, to which he returns, as a rule, each day or at least once a week.
 More flexible conditions regarding the duration of residence and/or employment are provided for in certain specific cases.
  3. The right to reside permanently is extended to the members of the worker's family. If the worker dies during his working life, members of his family shall be entitled to remain there permanently under certain conditions.
  4. The beneficiary is allowed to exercise his right to remain within two years from the time of becoming entitled to such a right. He may leave the territory of the Member State during this period. No formality is required in respect of the exercise of this right.
  5. Persons coming under the provisions of this Regulation are entitled to a residence permit whose cost may not exceed that of residence permits which must be valid for at least five years and for nationals. Periods of non-residence not exceeding six consecutive months do not affect the validity of the residence permit.
  6. Beneficiaries of this Regulation have the right to the same treatment as the nationals.
  7. This Regulation does not affect any provisions of a Member State which would be more favourable to nationals of other Member States. The Member States should facilitate re-admission to their territories to workers who have left those territories after having resided there permanently for a long period and after having been employed there, and who wish to return there when they have reached retirement age or are permanently incapacitated for work.



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8. The Commission may, taking into account the demographic situation of the Grand Duchy of Luxembourg, lay down, at the request of that State, different conditions in respect of the exercise of the right to remain in that State.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

Twenty days after publication.

*(6) References*

Official Journal L 142, 30.6.1970

*(7) Follow-up work*

*(8) Commission implementing measures*

## 5. FREE MOVEMENT OF WORKERS

### 5.3. Right to remain in the territory of a Member State: Directive 72/194/EEC

<i>(1) Objective</i>	To render applicable to the beneficiaries of the right to remain in the territory of a Member State after having worked there under the terms of Commission Regulation (EEC) No 1251/70, special measures concerning foreign nationals which are justified on grounds of public policy, public security or public health.
<i>(2) Community measures</i>	Council Directive 72/194/EEC of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State and having been employed in that State, the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health.
<i>(3) Contents</i>	The Council Directive of 25 February 1964 applies to nationals of the Member States and the members of their families who exercise the right to remain in the territory of a Member State on ceasing to work there.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Six months from the date of notification.
<i>(5) Date of entry into force (if different from the above)</i>	Not applicable.
<i>(6) References</i>	Official Journal L 121, 26.5.1972
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

## 5. FREE MOVEMENT OF WORKERS

### 5.4. Right to remain in the territory of a Member State: Directive 75/34/EEC

#### (1) Objective

To determine the conditions under which the right to remain in the territory of a Member State arises for persons who have pursued therein an activity in a self-employed capacity.

#### (2) Community measures

Council Directive 75/34/EEC of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity.

#### (3) Contents

1. Member States shall abolish restrictions on the right to remain in their territory in favour of nationals of another Member State who have pursued activities as self-employed persons therein and members of their families.

2. Each Member State shall recognize the right to remain permanently in its territory of:

- any person who, at the time of the termination of his activity, has reached the age laid down for entitlement to an old-age pension and who has pursued his activity therein for at least the previous 12 months and has resided there continuously for more than three years, or who has reached the age of 65, where the law of that Member State does not grant the right to an old-age pension to certain categories of self-employed workers;
- any person who, having resided continuously in the territory of that State for more than two years, ceases to pursue his activity there as a result of permanent incapacity to work;
- any worker who, after three years' continuous employment and residence in the territory of this State, takes up employment in the territory of another Member State while retaining his residence in the territory of the first Member State, to which he returns as a rule each day or at least once a week.

More flexible conditions concerning the duration of residence and/or employment are provided for in certain specific cases.

3. Exercise of the right to reside permanently shall be extended to members of the family of persons working in a self-employed capacity. If the worker dies during his working life, the right to reside shall be recognized in respect of the members of his family under certain conditions.

4. The beneficiary may exercise his right within two years from the time of becoming entitled thereto. He may leave the territory of the Member State during this period. No formality shall be required in order to exercise the right.

5. Beneficiaries of the Regulation shall be entitled to a residence permit which must be valid for at least five years and whose cost may not exceed that of residence permits for nationals. Periods of non-residence not exceeding six consecutive months and longer absences due to compliance with the obligations of military service may not affect the validity of a residence permit.

6. The right of equal treatment shall be accorded to beneficiaries of the right to remain in the territory.





7. This Directive shall not affect any provisions of a Member State which would be more favourable to nationals of other Member States. Member States shall facilitate re-admission to their territories of self-employed persons who left those territories after having resided there permanently for a long period while pursuing an activity there and who wish to return when they have reached retirement age or are permanently incapacitated for work.

8. Member States may not derogate from the provisions of this Directive save on grounds of public policy, public security or public health.

9. They shall inform the Commission, in sufficient time for it to submit its comments, of all proposed provisions which they intend to adopt in the field covered by the Directive.

*(4) Deadline for implementation of the legislation in the Member States*

Twelve months from the date of notification.

*(5) Date of entry into force (if different from the above)*

Not applicable.

*(6) References*

Official Journal L 14, 20.1.1975

*(7) Follow-up work*

*(8) Commission implementing measures*

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## 5. FREE MOVEMENT OF WORKERS

### 5.5. Right to remain in the territory of a Member State: Directive 75/35/EEC

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|--|---|
| <i>(1) Objective</i>   | To render applicable to the beneficiaries of the right to remain in the territory of a Member State after having pursued therein an activity in a self-employed capacity under the terms of Directive 75/34/EEC, special measures in respect of foreign nationals which are justified on grounds of public policy, public security or public health.  |
| <i>(2) Community measures</i>  | Council Directive 75/35/EEC of 17 December 1974 extending the scope of Directive 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health to include nationals of a Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity. |
| <i>(3) Contents</i>  | Directive 64/221/EEC applies to nationals of the Member States and the members of their families who exercise the right to remain in the territory of a Member State after ceasing to work there in a self-employed capacity.   |
| <i>(4) Deadline for implementation of the legislation in the Member States</i> | Twelve months from the date of notification.  |
| <i>(5) Date of entry into force (if different from the above)</i>              | Not applicable.   |
| <i>(6) References</i>  | Official Journal L 14, 20.1.1975  |
| <i>(7) Follow-up work</i>  |   |
| <i>(8) Commission implementing measures</i>                                    |   |



## 5. FREE MOVEMENT OF WORKERS

### 5.6. Social security for migrant workers: Regulation (EEC) No 1408/71

#### *(1) Objective*

To coordinate national social security legislation with a view to guaranteeing to all workers who are nationals of the Member States and their dependants equality of treatment and entitlement to social security benefits, irrespective of their place of employment and residence.

#### *(2) Community measures*

Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.

#### *(3) Contents*

##### **I. General provisions**

1. Definitions of numerous terms, including 'employed person', 'self-employed person', 'frontier and seasonal worker', 'member of the family', 'survivor', 'stay', 'residence', 'legislation', 'competent authority', 'insurance period', etc.

##### 2. Personal scope

This Regulation applies to workers who are nationals of a Member State or stateless persons/refugees residing in the territory of a Member State, to whom the legislation of one or several Member States applies, and to the members of their families and their survivors. It also applies to survivors of these workers irrespective of the nationality of the latter, provided the survivors are Community nationals, and to civil servants and persons treated as such in accordance with the legislation applicable.

##### 3. Equality of treatment

Persons residing in the territory of a Member State to whom the Regulation applies are subject to the same obligations and enjoy the same benefits under the legislation of any Member State as the nationals of that State.

##### 4. Matters covered

The Regulation applies to all legislation relating to the social security branches concerning sickness and maternity benefits, invalidity benefits, old age benefits, survivor's benefits, benefits in respect of accidents at work and occupational diseases, unemployment benefits, family benefits and death grants. It applies to general and special contributory and non-contributory social security schemes and to schemes concerning the liability of an employer or shipowner. It does not apply to medical or social assistance or to benefit schemes for war victims or to special schemes for civil servants and persons treated as such.

##### 5. Waiving of residence clauses

Invalidity, old age or survivors' cash benefits, pensions for accidents at work or occupational diseases and death grants acquired under the legislation of one or more Member States may not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason of the fact that the recipient resides in the territory of another Member State.

6. Provisions concerning reduction, suspension or withdrawal of benefit provided for in the legislation of a Member State in the case of overlapping with other social security benefits or other income may be invoked, even if the right to such benefits was acquired under the



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legislation of another Member State or such income arises in the territory of another Member State. However, this provision does not apply when the person concerned receives benefits of the same kind in respect of invalidity, old age, death (pensions) or occupational disease which are awarded by the institutions of two or more Member States, in conformity with the relevant Community provisions.

## **II. Determination of the legislation applicable**

7. The worker is subject to the legislation of only one Member State.

8. General rules:

- a person employed in the territory of one Member State is subject to the legislation of that State;
- a person employed on board a vessel flying the flag of a Member State is subject to the legislation of that State;
- civil servants are subject to the legislation of the Member State to which the administration employing them is subject;
- a worker called up or recalled for service in the armed forces or for civilian service of a Member State retains the status of worker and is subject to the legislation of that State.
- retired persons are subject to the laws of the Member State in which they reside.

9. Special rules and exceptions are provided for.

## **III. Special provisions applying to different categories of benefits:**

sickness and maternity; invalidity; old age and death (pensions); accidents at work and occupational diseases; death grants; unemployment; family benefits and allowances for workers and unemployed persons; benefits for dependent children, pensioners and orphans.

10. In respect of invalidity, old age and death (pensions) benefits, the interested parties enjoy, in principle, all the benefits acquired in the different Member States.

11. Within certain limits and subject to strict conditions, a totally unemployed worker to whom the provisions of the legislation of a Member State for obtaining benefits apply and who moves to another Member State in search of employment, retains the right to these benefits.

12. Employed persons subject to the legislation of a Member State are entitled to family benefits for the members of their families residing in the territory of another Member State provided for in the legislation of the first State, as if they resided on the territory of that State.

## **IV. An Administrative Commission is established as well as an Advisory Committee on Social Security for Migrant Workers**

## **V. Provisional and final provisions**

13. The Member State in which a frontier worker resides shall take into account, in calculating pensions, periods of total unemployment for which benefit was paid by that State.

14. A subsequent Regulation lays down the detailed rules of implementation.



<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	1.10.1972
<i>(6) References</i>	Official Journal L 149, 5.7.1971
<i>(7) Follow-up work</i>	<p>The Council has adopted several amending Regulations:</p> <ul style="list-style-type: none"> <li>— Regulation (EEC) No 2864/72 of 19 December 1972, Official Journal L 306 of 31 December 1972;</li> <li>— Regulation (EEC) No 1392/74 of 4 June 1974, Official Journal L 152 of 8 June 1974;</li> <li>— Regulation (EEC) No 1209/76 of 30 April 1976, Official Journal L 138 of 26 May 1976;</li> <li>— Regulation (EEC) No 2595/77 of 21 November 1977, Official Journal L 302 of 26 November 1977;</li> <li>— Regulation (EEC) No 1517/79 of 16 July 1979, Official Journal L 185 of 21 July 1979;</li> <li>— Regulation (EEC) No 1390/81 of 12 May 1981 extending to self-employed persons and members of their family the scope of Regulation (EEC) No 1408/71, Official Journal L 143 of 29 May 1981;</li> <li>— Regulation (EEC) No 2793/81 of 17 September 1981, Official Journal L 275 of 29 September 1981;</li> <li>— Regulation (EEC) No 2000/83 of 2 June 1983, Official Journal of 22 August 1983;</li> <li>— Regulation (EEC) No 2001/83 of 2 June 1983, Official Journal of 22 August 1983;</li> <li>— Regulation (EEC) No 1660/85 of 13 June 1985, Official Journal L 160 of 20 June 1985;</li> <li>— Regulation (EEC) No 1305/89 of 11 May 1989, Official Journal L 131 of 13 May 1989;</li> <li>— Regulation (EEC) No 2332/89 of 18 July 1989, Official Journal L 224 of 2 August 1989;</li> <li>— Regulation (EEC) No 3427/89 of 30 October 1989, Official Journal L 331 of 16 November 1989;</li> <li>— Regulation (EEC) No 2195/91 of 25 June 1991, Official Journal L 206 of 29 July 1991;</li> <li>— Regulation (EEC) No 1247/92 of 30 April 1992, Official Journal L 136, 19.5.1992;</li> <li>— Regulation (EEC) No 1248/92 of 30 April 1992, Official Journal L 136, 19.5.1992;</li> <li>— Regulation (EEC) No 1249/92 of 30 April 1992, Official Journal L 136, 19.5.1992;</li> <li>— Proposal for a Regulation (COM(91) 528 final) extending the scope of Regulation (EEC) No 1408/71 to all insured persons i.e. to include civil servants and persons treated as such and students;</li> </ul>

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- Regulation (EEC) No 1945/93 of 30 June 1993, Official Journal L 181, 23.7.1993;
  - Consolidated version of the Regulation (EEC) No 1408/71, Official Journal C 325, 10.12.1992;
  - Proposal for a Regulation (COM(94) 135 final), Official Journal C 145, 26.5.1994.

*(8) Commission  
implementing  
measures*





## 5. FREE MOVEMENT OF WORKERS

### 5.7. Social security for migrant workers: Regulation (EEC) No 574/72

- (1) *Objective* To establish detailed rules for implementation adapted to the new rules of substance of Regulation (EEC) No 1408/71.
- (2) *Community measures* Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71, on the application of social security schemes to employed persons and their families moving within the Community.
- (3) *Contents* The Regulation specifies in particular the competent institutions in each Member State, the documents to be submitted and the formalities which must be complied with by the persons concerned in order to obtain the benefits, details concerning administrative and medical supervision and conditions for reimbursement of benefits provided by an institution of a Member State on behalf of an institution in another Member State, and the functions of the Audit Board.
- (4) *Deadline for implementation of the legislation in the Member States* Not applicable.
- (5) *Date of entry into force (if different from the above)* 1.10.1972
- (6) *References* Official Journal L 74, 27.3.1972
- (7) *Follow-up work* The Council has adopted several amending Regulations:  
 — Regulation (EEC) No 2059/72 of 26 September 1972, Official Journal L 222 of 29 September 1972;  
 — Regulation (EEC) No 878/73 of 26 March 1973, Official Journal L 86 of 31 March 1973;  
 — Regulation (EEC) No 1392/74 of 4 June 1974, Official Journal L 152 of 8 June 1974;  
 — Regulation (EEC) No 1209/76 of 30 April 1976, Official Journal L 138 of 26 May 1976;  
 — Regulation (EEC) No 2595/77 of 21 November 1977, Official Journal L 302 of 26 November 1977;  
 — Regulation (EEC) No 1517/79 of 16 July 1979, Official Journal L 185 of 21 July 1979;  
 — Regulation (EEC) No 2615/79 of 22 November 1979, Official Journal L 301 of 28 November 1979;  
 — Regulation (EEC) No 3795/81 of 8 December 1981, which extends the scope of Regulation (EEC) No 574/72 to self-employed persons and members of their families, Official Journal L 378 of 31 December 1981;  
 — Regulation (EEC) No 2793/81 of 17 September 1981, Official Journal L 275 of 29 September 1981;  
 — Regulation (EEC) No 2000/83 of 2 June 1983, Official Journal of 22 August 1983;

- Regulation (EEC) No 2001/83 of 2 June 1983, Official Journal L 230 of 22 August 1983;
- Regulation (EEC) No 1660/85 of 13 June 1985, Official Journal L 160 of 20 June 1985;
- Regulation (EEC) No 1305/89 of 11 May 1989, Official Journal L 131 of 13 May 1989;
- Regulation (EEC) No 2332/89 of 18 July 1989, Official Journal L 224 of 2 August 1989;
- Regulation (EEC) No 3427/89 of 30 October 1989, Official Journal L 331 of 16 November 1989;
- Regulation (EEC) No 2195/91 of 25 June 1991, Official Journal L 206 of 29 July 1991;
- Regulation (EEC) No 1248/92 of 30 April 1992, Official Journal L 136, 19.5.1992;
- Regulation (EEC) No 1249/92 of 30 April 1992, Official Journal L 136, 19.5.1992;
- Proposal for a Regulation (COM(91) 528 final) extending the scope of Regulation (EEC) No 574/72 to all insured persons i.e. to include civil servants and persons treated as such and students;
- Regulation (EEC) No 1945/93 of 30 June 1993, Official Journal L 181, 23.7.1993;
- Consolidated version of the Regulation (EEC) No 574/72 of 21 March 1992, Official Journal C 325, 10.12.1992;
- Proposal for a Regulation (COM(94) 135 final), Official Journal C 143, 26.5.1994.

*(8) Commission  
implementing  
measures*

## 5. FREE MOVEMENT OF WORKERS

### 5.8. Working conditions - Provision of services - Subcontracting

- (1) *Objective* To remove uncertainties and obstacles which may impede implementation of the economic freedoms, particularly the free provision of services, by increasing legal certainty and allowing clear identification of the working conditions applicable to workers who carry out temporary work in a Member State other than the State whose law governs the employment relationship.
- (2) *Proposal* Proposal for a Council Directive concerning the posting of workers in the framework of the provision of services.
- (3) *Contents*
1. The proposal for a Directive is designed:
    - to eradicate practices which may be detrimental to fair competition between national and foreign undertakings and prejudicial to implementation of the economic freedoms;
    - to oblige foreign undertakings to observe a 'hard core' of mandatory protective rules in force in the host country;
    - to protect the workers concerned from practices which may develop as a result of an increasing use of external work and employment resources.
  2. The scope of the proposal for a Directive is defined as follows:
    - the proposal applies to undertakings which post a worker to carry out temporary work in a Member State other than the State, whether a Member State or otherwise, whose law governs the employment relationship;
    - the undertakings covered must fall within one of the following three categories:
      - main contractor or subcontractor posting a worker to carry out temporary work on behalf of and under the direction of that undertaking;
      - temporary employment business placing a worker with a user undertaking for the purpose of working there temporarily, in so far as there is an employment relationship between the temporary employment business and the worker during the period of posting;
      - undertaking placing a worker with one of its establishments, or with another undertaking, whether or not associated with the former, for the purpose of working there temporarily, in so far as there is an employment relationship with the worker during the period of posting.
  3. The proposal establishes the 'hard core' list of protective working conditions to be observed by the undertakings in question:
    - the rules should be mandatory or binding in all, or the majority of, the Member States;
    - they should apply to all workers habitually employed in the same place, occupation and sector of activity;
    - they are laid down by laws, regulations and administrative provisions, collective agreements or arbitration awards, having an *erga omnes* effect;



- the rules concern the following matters :
  - maximum daily and weekly hours of work, rest periods, work on Sundays and night work,
  - minimum paid holidays,
  - minimum rates of pay, including overtime rates and allowances, but excluding benefits provided by private occupational schemes,
  - the conditions of hiring out of workers, in particular the supply of workers by temporary employment businesses,
  - health, safety and hygiene at work,
  - protective measures with regard to the working conditions of pregnant women or women who have recently given birth, children, young people and other groups enjoying special protection,
  - equality of treatment between men and women and prohibition of discrimination on the grounds of colour, race, religion, opinions, national origin or social background;
- the rules envisaged should be compatible with the temporary nature of the work and consistent with the proposal's stated aims and objectives. Consequently, mandatory rules concerning the form, suspension, alteration and termination of the contract of employment, and workers' rights on information, consultation and participation, are not dealt with;
- the proposal exempts undertakings from observance of the rules regarding rates of pay and paid holidays when the duration of the worker's posting is less than three months within a reference period of one year.

*(4) Opinion of the European Parliament* First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

*(5) Current status* The amended proposal is currently before the Council in view of a common position.

<i>(6) References</i>	Commission proposal COM(91) 230 final	Official Journal C 225, 30.8.1991
	Amended proposal COM(93) 225 final	Official Journal C 187, 9.7.1993
	Economic and Social Committee opinion	Official Journal C 49, 24.2.1992
	European Parliament opinion First reading	Official Journal C 150, 15.6.1992

## 5. FREE MOVEMENT OF WORKERS

### 5.9. Supplementary social security schemes

- (1) Objective* To abolish the obstacles to the free movement of workers caused by the lack of Community provisions protecting workers against the loss of supplementary pension rights. To start a discussion, without at this stage presenting a proposal for a legal instrument.
- (2) Community measures* Communication from the Commission to the Council on supplementary social security schemes: the role of occupational pension schemes in the social protection of workers and their implications for freedom of movement.
- (3) Contents* Supplementary pension schemes are examined from two different but closely related angles.
- I. Their place in the social protection of workers**
1. Income in retirement, according to the 'three pillars' theory, is derived from:
    - the statutory pension scheme;
    - supplementary schemes;
    - individual retirement provision.
 These three elements are interdependent, but the relative weight of supplementary schemes within the whole varies considerably from one Member State to another. Similarly, there is a great diversity of supplementary schemes in the Community.
  2. Public policy exerts a great influence on pension schemes, including supplementary schemes, so as to reduce the risk of poverty during old age. This influence is often indirect, being exerted through the legal framework governing the schemes (taxation, regulation of pension schemes, etc.).
  3. There are three financing methods for pension schemes:
    - pre-funding;
    - book reserves (expected pension liabilities are shown in the company's balance sheet);
    - pay-as-you-go.
 Because of the risk of instability of contribution income and demographic fluctuations, pre-funding schemes tend to be preferred.
  4. The long-term effects of these schemes on the macroeconomic situation of a Member State, and even beyond a Member State's frontiers, need to be considered, and for this reason the Community needs to establish an information-exchange system and stimulate closer cooperation between Member States.
  5. Besides helping workers to increase their retirement provision in view of the insufficiency of statutory schemes, supplementary pension schemes serve employers as personnel management tools and both employers and employees as tax saving devices. As a result, there is a risk that such schemes may not always meet the social policy objective. Consequently, the legal framework established needs to be both stable and of high quality.



## **II. The implications of supplementary pension schemes for freedom of movement of workers**

6. Freedom of movement of migrant workers and their dependants is covered in Article 51 of the Treaty, under which the following rules are applied to statutory schemes:

- coordination of social security schemes through aggregation of all periods taken into account under the laws of the several countries;
- payment of benefits to persons resident in the territories of Member States.

These provisions were not extended to supplementary schemes.

7. Supplementary schemes contain numerous obstacles to labour mobility, since they tend to penalize scheme members who leave the scheme before retirement, leaving them with significantly reduced benefit entitlements. This distinction between scheme leavers and scheme members is seen:

- in the vesting requirements and waiting periods, which vary considerably from one country to another, even though national legislations usually contain rules requiring rights to become vested and laying down limits on vesting periods;
- in a job changer's entitlement either to maintain his rights in the pension scheme in which they were required or to transfer them. This option is not always open, as transferability is not normally applicable in the case of book-reserve schemes or pay- as-you-go schemes;
- in the taxation of transfers, when tax authorities may levy taxes on transfer values thus making transfers too costly.

8. There are various solutions for improving the social protection of workers and facilitating their mobility. It is necessary to:

- avoid, in certain cases, a change to a different pension scheme and the resultant losses in terms of social security rights, by opting for cross-border membership in a pension fund, the country of employment allowing tax deductibility of contributions paid into a pension scheme established in another country. The Commission has launched infringement procedures against Member States to ensure such tax deductibility and has produced a working paper on cross-border membership;
- facilitate the acquisition of pension rights by making vesting and waiting periods shorter;
- entitle every scheme leaver to maintain his or her acquired rights in a pension scheme until retirement, and provide for such deferred benefits to be revalued;
- give job changers a fair transfer option as regards their acquired rights;
- provide members of supplementary pension schemes with full and regular information;
- ensure that actuarial standards remain the same for transferred and preserved rights;
- and, finally, avoid double taxation of migrant workers' pension rights.



*(4) Deadline for implementation of the legislation in the Member States*

Not applicable

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission communication SEC(91) 1332 final Economic and Social Committee opinion

Official Journal C 223, 31.8.1992

*(7) Follow-up work*

*(8) Commission implementing measures*

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## 5. FREE MOVEMENT OF WORKERS

### 5.10. Living and working conditions of frontier workers

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| <i>(1) Objective</i>          | To encourage consideration of the subject and prepare the ground for new Community measures.  |
| <i>(2) Community measures</i> | Communication from the Commission on the living and working conditions of Community citizens resident in frontier regions, with special reference to frontier workers.  |
| <i>(3) Contents</i>           | <ol style="list-style-type: none"><li>1. The Commission does not regard it as appropriate to accord a specific legal status to frontier workers.</li><li>2. In the Commission's view the advantages of geographic, economic, social and cultural proximity in the border areas should be exploited so that cooperation between the regions and their inhabitants can be built up.</li><li>3. To this end, over and above legislation, the Commission is paying particular attention to cross-border cooperation in its policy-making.</li><li>4. Regional policy: the Commission supports cross-border cooperation in the form of partnerships between the parties concerned. In this context mention should be made of the Community initiative Interreg, which covers a wide range of fields. The Commission also finances measures to promote cooperation, information and contact between Community regions and studies and pilot projects. As part of the 'observatory' on cross-border cooperation, a Community network of border regions is to be set up and technical assistance provided.</li><li>5. Education, vocational guidance and training: the structural Funds provide active support for cross-border measures (see Interreg, ESF guidelines). The Force, Transition and Petra programmes (summaries 10.10, 10.11 and 10.16) establish cooperative links between frontier regions. As far as rules and regulations are concerned, mention must be made of the significant progress achieved in the recognition of diplomas (Directive 89/48/EEC). Work is also continuing on the equivalence of vocational training qualifications (summaries 10.24 — 10.26).</li><li>6. Employment: the Commission is reorganizing the Sedoc system (summary 2.8) and has thus given its support to the setting up of a specific border-area-oriented instrument, JET. The structural Funds also give top priority to cross-border schemes designed to create jobs. The Interreg programme takes account of possible job losses resulting from the attainment of the internal market and the disappearance of borders.</li><li>7. Social protection, entitlement to care: under the regulations on social security for migrant workers (summaries 5.6 to 5.7), frontier workers enjoy certain benefits which do not apply to other migrant workers. This is true of sickness insurance under which frontier workers may claim benefits in kind in the country of residence or in the country of employment. This does not apply to members of their families or to retired frontier workers. This gap in coverage affects the latter particularly but the adoption of a proposal for a regulation on early retirement should solve the problems of these beneficiaries. Convergence of the objectives of social security systems (summary 6.3) could relieve the problems arising as a result of differences between</li></ol> |



the legislation of the country of employment and of the country of residence.

8. Legal status and right of residence: frontier workers are covered by Community legislation on the freedom of movement for workers (summary 5.10). Directive 90/364/EEC supplements the Community legislation on right of residence.

9. Taxation: direct taxation is now governed by bilateral agreements. Considering that adoption of the proposal for a Directive by the Council is unlikely in the near future, the Commission is now looking into how the proposal could be remodelled. At the same time the Commission intends to continue with measures to eliminate discrimination under the tax rules of the Member States.

10. Monetary questions (rate of exchange, transfer of income, bank accounts in the country of employment, etc.): economic and monetary union should provide a final solution to the monetary problems of frontier workers. Directive 88/361/EEC already provides a solution to the problem of capital movements. Community action on the problem of the high costs sometimes associated with transfers of income is described in Commission communication COM(90) 447.

11. Transport: the establishment of the necessary infrastructure, the coordination of national and regional transport services and the liberalization of the provision of services in the cross-border transport sector will obviously be in the interests of people living in frontier regions. The adoption of the proposal amending the Directive on driving licences will dispense Community citizens from the obligation to exchange their driving licences when transferring their place of residence. The elimination of political borders represents an important step forward.

12. Information: the Commission believes that many of the problems faced by frontier workers could be solved if adequate information were available and will therefore continue the measures in hand (revision of the Sedoc system (summary 2.8), Institution of Euro-Counsellors). It is aware of the importance of cooperation between national authorities, socio-professional associations, trade union organizations, etc. in this area. The Commission, furthermore, believes that it would be useful to have a sort of ombudsman to provide information, find solutions to specific cases and identify problems which the introduction of national or bilateral regulations could resolve.

13. Cross-border cooperation between local and regional authorities: this has continued to increase in recent years (agreements on the framework for cooperation, joint development programmes). Having set up an advisory council of local and regional authorities, the Commission is investigating the possibility of introducing Community legislation to facilitate the conclusion of cooperation agreements between local and regional authorities.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable

*(5) Date of entry into force (if different from the above)*



*(6) References*

Commission communication  
COM(90) 561 final

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

## 5. FREE MOVEMENT OF WORKERS

### 5.11. Movement and residence of workers: coordination of special measures - Public policy, public security and public health

- (1) *Objective* To coordinate the relevant legislation in Member States to enforce public policy, security and health measures concerning the movement and residence of foreign nationals.
- (2) *Community measures* Council Directive 64/221/EEC of 25 February 1964 on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health.
- (3) *Contents*
1. The Directive is aimed at nationals of a Member State residing in or travelling to another Member State in order to pursue an employed or self-employed activity, or as a recipient of services, and also applies to the spouse and members of the family.
  2. It relates to all measures concerning entry into the territory, issue or renewal of residence permits, or expulsion from the territory, on grounds of public policy, public security or public health. Such grounds shall not be invoked to serve economic ends.
  3. Measures taken on grounds of public policy or public security shall be based exclusively on the personal conduct of the individual concerned. Previous criminal convictions shall not in themselves constitute grounds for the taking of such measures and expiry of the identity card belonging to the person concerned shall not justify expulsion from the territory.
  4. The diseases or disabilities justifying refusal of entry into a territory or refusal to issue a first residence permit are listed in the Annex (e.g. tuberculosis, syphilis, drug addiction, psychosis). Such diseases or disabilities occurring after a first residence permit has been issued shall not justify refusal to renew the residence permit or expulsion from the territory. Member States shall not introduce new provisions or practices which are more restrictive than those in force at the date of notification of this Directive.
  5. A decision to grant or refuse a first residence permit shall be taken as soon as possible and not later than six months from the date of application. The host country may, in cases where this is considered essential, request another Member State to provide information concerning any previous police record, but such enquiries shall not be made as a matter of routine.
  6. The person concerned shall be notified of any decision to refuse the issue or renewal of a residence permit or to expel him from the territory, and of the grounds of public policy, public security or public health upon which the decision is based, unless such notification is contrary to the interests of national security. Except in cases of urgency, the period of notice to leave the territory shall not be less than 15 days if the person concerned has not yet been granted a residence permit, and not less than one month in all other cases.
  7. The person concerned shall have the same legal remedies in respect of any decision concerning entry, refusal to issue or renew a residence permit, or expulsion from the territory, as are available to nationals of the State concerned in respect of other administrative acts. Additional procedural guarantees are applicable in specific cases (e.g.

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where there is no right of appeal to a court of law or where such appeal cannot have suspensory effect, etc.).

*(4) Deadline for implementation of the legislation in the Member States* Six months from notification.

*(5) Date of entry into force (if different from the above)* Not applicable.

*(6) References*

Official Journal L 56, 4.4.1964

*(7) Follow-up work*

*(8) Commission implementing measures*



## 5. FREE MOVEMENT OF WORKERS

### 5.12. Movement and residence of workers: abolition of restrictions on movement and residence - Directive 68/360/EEC

- (1) Objective* To adopt, with a view to abolishing still existing restrictions on movement and residence within the Community, measures conforming to the rights and privileges accorded under Community law to nationals of any Member State who move in order to pursue activities as employed persons and to members of their families.
- (2) Community measures* Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families.
- (3) Contents*
1. The right of nationals of Community Member States and that of the members of their family to leave their territory in order to take up activities as employed persons in the territory of another Member State shall be exercised simply on production of an identity card or passport. Member States may not demand an exit visa or any equivalent document.
  2. Member States shall allow such persons to enter their territory simply on production of an identity card or passport. No entry visa or equivalent document may be demanded save from members of the family who are not nationals of a Member State. Member States shall accord to such persons every facility for obtaining any necessary visas.
  3. Member States shall grant the right of residence in their territory to the persons referred to in paragraph 1 above and shall issue them with a 'residence permit for a national of a Member State of the EEC'. The wording of the statement to be included in the permit is given in an Annex. The Directive spells out which documents are required for the issue of such a residence permit. A member of the family who is not a national of a Member State shall be issued with a residence document having the same validity as that issued to the worker on whom he is dependent. Completion of the formalities for obtaining a residence permit shall not hinder the immediate beginning of employment under a contract concluded by the applicants.
  4. The conditions of validity applying to the residence permit are laid down. It must be valid throughout the territory of the Member State which issued it for at least five years from the date of issue. Where a worker is employed for a period exceeding three months but not exceeding a year, the host State shall issue him a temporary residence permit, the validity of which may be limited to the expected period of employment.
  5. The residence permit may not be withdrawn from a worker solely on the grounds that he is no longer in employment, either because he is temporarily incapable of work (illness, accident) or because he is involuntarily unemployed.
  6. Member States shall, without issuing a residence permit, recognize the right of residence in their territory of a worker pursuing an activity as an employed person where the activity is not expected to last for more than three months, a cross-border worker and a seasonal worker in line with the conditions laid down. In all such cases the competent

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authorities of the host Member State may require the worker to report his presence in the territory.

7. The cost of the residence documents may not exceed the amount charged for the issue of identity cards to nationals. Visas issued to members of the family who are not nationals of a Member State shall be free of charge. Member States shall take the necessary steps to simplify as much as possible the formalities and procedures for obtaining such documents.

8. Member States shall not derogate from the provisions of this Directive save on grounds of public policy, public security or public health.

9. The Directive applies to workers with recognized skills in coalmining and steelmaking and in the nuclear energy field as well as to the members of their families, in so far as their legal position is not governed by the ECSC and EAEC Treaties.

10. Member States shall notify the Commission of amendments made to simplify the formalities involved in issuing such documents as are still necessary for the entry, exit and residence of workers and members of their families.

*(4) Deadline for implementation of the legislation in the Member States*

Within nine months of notification.

*(5) Date of entry into force (if different from the above)*

Not applicable.

*(6) References*

Official Journal L 257, 19.10.1968

*(7) Follow-up work*

*(8) Commission implementing measures*





## 5. FREE MOVEMENT OF WORKERS

### 5.13. Movement and residence of workers: abolition of restrictions on movement and residence - Amending Directive 68/360/EEC

- (1) *Objective* To adapt the provisions of Directive 68/360/EEC in line with the proposed amendments to Regulation (EEC) No 1612/68, to remove the obstacle to free movement of workers constituted by the fact that the procedures linked to the issue of residence cards have in many cases proved too long and the costs too high, to take into account the new conditions prevailing on the employment market, and to underpin the right of residence in the host State.
- (2) *Proposal* Modified proposal for a Council Regulation amending Directive 68/360/EEC on the abolition of restrictions on movement and residence of workers of Member States and their families within the Community.
- (3) *Contents*
1. As proof of the right of residence, a document entitled 'European Communities residence card' shall be issued.
  2. The formalities involved in obtaining the residence card shall be completed as quickly as possible.
  3. The residence card must be valid for at least five years from the date of issue; it shall be automatically renewable for periods of 10 years.
  4. Absences on military service or for medical reasons, maternity or study or when performing temporary contractual duties for the employer either on the territory of another Member State or outside the territory of the Community shall not affect the validity of the residence card.
  5. The host Member State shall issue a residence card to a worker who has held several successive temporary jobs, given certain conditions.
  6. The temporary residence card shall be automatically renewable until entitlement to unemployment benefit has expired.
  7. The residence card may not be withdrawn from a worker solely on the grounds that he is no longer in employment, either because he is temporarily incapable of work (illness, accident or pregnancy) or because he is involuntarily unemployed. When it expires during a period of incapacity for work it shall be automatically renewed.
  8. The residence documents and supporting documents issued to persons enjoying the rights conferred by the Directive shall be issued and renewed free of charge.
  9. Presentation of the residence card may not be demanded on crossing frontiers.
- (4) *Opinion of the European Parliament* First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.
- (5) *Current status* The amended proposal is currently before the Council in view of a common position.



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*(6) References*

Commission proposal COM(88) 815/II final	Official Journal C 100, 21.4.1989
Amended proposal COM(90) 108/II final	Official Journal C 119, 15.5.1990
European Parliament opinion First reading	Official Journal C 68, 19.3.1990
Economic and Social Committee opinion	Official Journal C 159, 26.6.1989



## 5. FREE MOVEMENT OF WORKERS

### 5.14. Movement and residence of workers: abolition of restrictions on movement and residence - Establishment and the provision of services

- (1) *Objective* To abolish the existing restrictions on movement and residence within the Community of self-employed persons and their families.
- (2) *Community measures* Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services.
- (3) *Contents*
1. — Nationals of a Member State who are established or who wish to establish themselves in another Member State in order to pursue activities as self-employed persons, or who wish to provide services in that State;
    - nationals of Member States wishing to go to another Member State as recipients of services;
    - their spouse and their children under 21 years of age irrespective of their nationality;
    - the ascendants and descendants of such nationals, and of their dependent spouse, irrespective of their nationality,
 shall have the right to leave the territory of a Member State simply on production of an identity card or passport. Member States may not demand any exit visa or equivalent requirement.
  2. The persons mentioned in paragraph 1 above shall be admitted on to the territory of the Member States merely on production of an identity card or passport. No entry visa or equivalent requirement may be demanded except in respect of members of the family who do not have the nationality of a Member State; Member States shall grant to such persons every facility for obtaining any necessary visas.
  3. Each Member State shall grant the right of permanent residence to nationals of other Member States who establish themselves within its territory in order to pursue activities as self-employed persons, when the restrictions on these activities have been abolished. As proof of the right of residence, a document entitled 'Residence permit for a national of a Member State of the European Communities' shall be issued. Breaks in residence not exceeding six consecutive months and absence on military service shall not affect the validity of a residence permit. It may not be withdrawn from a national solely on the grounds that he is no longer in employment because he is temporarily incapable of work as a result of illness or accident.
  4. Any national of a Member State authorized under the laws of another Member State to pursue any activity within its territory shall be granted the right of abode for a period not less than that of the authorization granted for the pursuit of the activity in question.
  5. The right of residence for persons providing and receiving services shall be of equal duration with the period during which the services are provided. If this exceeds three months, the Member State shall issue a right of abode; if it does not exceed three months, the person's identity card or passport shall be sufficient to cover his stay. The

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Member State may, however, require the person concerned to report his presence in the territory.

6. A member of the family who is not a national of a Member State shall be issued with a residence document which shall have the same validity as that issued to the national on whom he is dependent.

7. An applicant for a residence permit or right of abode shall not be required by a Member State to produce anything other than:

- the document with which he or she entered its territory;
- proof that he or she comes within one of the classes of person referred to in this Directive.

8. The cost of the residence documents and certificates necessary for their issue shall not exceed the dues and taxes charged for the issue of identity cards to nationals. The visas issued to members of the family who are not nationals of a Member State shall be free of charge. Member States shall simplify as much as possible the formalities and the procedures for obtaining the residence documents and certificates.

9. Member States shall not derogate from the provisions of the Directive save on the grounds of public policy, public security or public health.

10. They shall notify the Commission of amendments made to simplify the formalities for movement and residence of the persons covered by the Directive.

*(4) Deadline for implementation of the legislation in the Member States*

Within six months of notification.

*(5) Date of entry into force (if different from the above)*

Not applicable.

*(6) References*

Official Journal L 172, 28.6.1973

*(7) Follow-up work*

*(8) Commission implementing measures*



## 5. FREE MOVEMENT OF WORKERS

### 5.15. Movement and residence of workers: workforce mobility - Regulation (EEC) No 1612/68

*(1) Objective*

To ensure free movement of workers within the Community, which entails the abolition of any discrimination based on nationality as regards employment, remuneration and other working conditions, eligibility for housing and the workers' right to be joined by their families.

*(2) Community measures*

Council Regulation (EEC) No 1612/68 of 15 October 1968 on the freedom of movement for workers within the Community.

*(3) Contents*

Employment and workers' families:

#### **I. Eligibility for employment**

1. Any national of a Member State has the right to take up an activity as an employed person and to pursue such activity within the territory of another Member State in accordance with the appropriate national provisions applicable to nationals of that State. He has the right to take available employment in the territory of another Member State with the same priority as nationals of that State. He shall receive the same assistance there as that granted by the employment offices in that State to their own nationals seeking employment. His recruitment shall not depend on medical, vocational or other criteria which are discriminatory on grounds of nationality.

#### **II. Employment and equality of treatment**

2. A worker who is a national of a Member State may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work (in particular dismissal and remuneration).

3. He shall enjoy the same social and tax advantages as national workers.

4. He shall also have access, under the same conditions as national workers, to training in vocational schools and retraining centres.

5. He shall enjoy equality of treatment as regards exercise of trade union rights, but may be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law.

6. He shall enjoy all the rights and benefits accorded to national workers in matters of housing.

7. The members of the family (spouse, descendants under 21 years of age or WHO are dependants, dependent relatives in the ascending line) of a worker employed in the territory of another Member State shall have the right to install themselves with him irrespective of their nationality. Member States shall facilitate the admission of any other member of the family dependent on the worker or living under his roof in the country from which he comes. His spouse and his children who are under the age of 21 or dependent on him shall have the right to take up any activity as an employed person throughout the territory of the host State even if they are not nationals of any Member State. The children shall be admitted to that State's general educational,

apprenticeship and vocational training courses under the same conditions as the nationals of the host State.

Clearance of vacancies and applications for employment (summary 2.8).

Final provisions

8. The Regulation applies to workers with recognized qualifications in coalmining or steelmaking and in the nuclear energy field in so far as their legal position is not governed by the ECSC and EAEC Treaties.

9. The Commission shall adopt the necessary implementation measures, in close cooperation with the central public authorities of the Member States.

10. The Commission shall submit to the Council proposals aimed at abolishing restrictions on eligibility for employment of workers where the absence of mutual recognition of diplomas, certificates or other evidence of formal qualifications may prevent free movement of workers.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 257, 19.10.1968

*(7) Follow-up work*

*(8) Commission implementing measures*





## 5. FREE MOVEMENT OF WORKERS

### 5.16. Movement and residence of workers: workforce mobility - Amendment of Regulation (EEC) No 1612/68

- (1) *Objective* To adapt the provisions of the Regulation to the new socioeconomic context and to incorporate the principles enunciated by the European Court of Justice.
- (2) *Proposal* Proposal for a Council Regulation amending Regulation (EEC) No 1612/68 on the freedom of movement for workers within the Community.
- (3) *Contents*
1. Any national of a Member State seeking employment within the territory of another Member State shall receive aid which is available to nationals travelling to take up activity as an employed person, to promote mobility and recruitment.
  2. He shall have access to training, readaptation and vocational retraining under the same conditions as national workers.
  3. He shall enjoy all the rights and benefits accorded to national workers in matters of housing, including housing ownership and access to means of financing and subsidies.
  4. Any national of a Member State who is contractually bound in another Member State where he usually carries out an activity, shall with respect to that Member State continue to be covered by the provisions of Title II when performing temporary contractual duties for the employer, either on the territory of another Member State or outside the territory of the Community.
  5. A Member State whose laws, regulations or administrative provisions attribute legal effects or make social or tax advantages subject to the occurrence of certain facts or events shall, where necessary, take into account the said facts or events which occurred in any other Member State as if they had occurred on the national territory.
  6. The following shall have the right to install themselves with the national of a Member State who is employed in the territory of another Member State even if they are not nationals of a Member State:
    - the spouse or any person with similar status under the system of the host country and their descendants;
    - relatives in the ascending line of the worker or the spouse or any person with similar status under the system of the host country;
    - any other member of the family in the country of origin who is dependent on or living under the roof of the worker or the spouse or person with similar status under the system of the host country.
  7. The members of the family of a worker who do not have the nationality of a Member State shall have the right to take up any activity as an employed person throughout the territory of the host State, and to perform that activity in accordance with the provisions governing the employment of nationals of that State. The death of the worker on whom the members of the family are dependent or the dissolution of the marriage shall not affect that right.
  8. They shall enjoy the same social advantages as the nationals of the host State; they shall also be admitted to general education, apprenticeship and vocational training courses of university or non-



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university level on the same terms as the nationals of that Member State.

9. Member States shall take such measures as are necessary to ensure the application by all natural and legal persons of the principle of equal treatment in the fields covered by the Regulation and to curb any infringement of that principle.

*(4) Opinion of the European Parliament*

First reading: Parliament approved the Council's common position subject to certain amendments. The Commission accepted some of these amendments.

*(5) Current status*

The modified proposal is currently before the Council with a view to adoption of a common position.

*(6) References*

Commission proposal COM(88) 815/l final	Official Journal C 100, 21.4.1989
Amended proposals COM(90) 108 final	Official Journal C 119, 15.5.1990 Official Journal C 177, 18.7.1990
European Parliament opinion First reading Economic and Social Committee opinion	Official Journal C 68, 19.3.1990 Official Journal C 159, 26.6.1989



## 5. FREE MOVEMENT OF WORKERS

### 5.17. Movement and residence of workers: workers' trade union rights

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|--|--|
| <i>(1) Objective</i>   | To specify the scope of the principle of equality of treatment in respect of the exercise of trade union rights.   |
| <i>(2) Community measures</i>  | Council Regulation (EEC) No 312/76 of 9 February 1976 amending the provisions relating to the trade union rights of workers contained in Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community.  |
| <i>(3) Contents</i>  | A national of a Member State employed in the territory of another Member State shall enjoy equality of treatment as regards the exercise of trade union rights, including the right to vote and eligibility for the administrative or management posts in a trade union; he may be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law. Moreover, he shall have the right to eligibility for workers' representative bodies in the undertaking. |
| <i>(4) Deadline for implementation of the legislation in the Member States</i> | Not applicable.  |
| <i>(5) Date of entry into force (if different from the above)</i>              | 17.2.1976  |
| <i>(6) References</i>  | Official Journal L 39, 14.2.1976   |
| <i>(7) Follow-up work</i>  |  |
| <i>(8) Commission implementing measures</i>                                    |  |

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## **6. SOCIAL PROTECTION**

### **6.1. Current position and outlook - Social Charter**

'According to the arrangements applying in each country:

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.'





## 6. SOCIAL PROTECTION

### 6.2. Convergence of objectives: Missoc (information system on social protection)

<i>(1) Objective</i>	To promote exchanges of information on social protection systems and policies and distribute up to date information material in the Member States of the Community.
<i>(2) Community measures</i>	Missoc programme — Mutual information system on social protection, launched in March 1990.
<i>(3) Contents</i>	<p>1. Targeting The Community institutions, national administrations, employers and workers, research institutes and any other individual or institution requiring information on social protection in Europe.</p> <p>2. How it operates The entire network is coordinated by the ISS company (Cologne) which is responsible for organizing meetings, collecting information, managing the computer system and preparing and distributing publications. The system operates through a network of national correspondents who meet twice a year. Missoc collaborates with other Community projects and networks concerned with social protection.</p> <p>3. Description of the actions — Publications: Annual comparative tables on social protection schemes, preceded by an analysis of developments in systems and policies during the previous year. Update 3 times a year. — Database and telematic network: — short-term: on-line consultation of comparative tables and trend analyses; — medium-term: collection of data by electronic mail and possibility of making detailed enquiries on specific aspects.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

## 6. SOCIAL PROTECTION

### 6.3. Convergence of objectives: convergence of objectives and policies

#### *(1) Objective*

To promote — in the context of completion of the internal market — convergence between social protection policies to avoid: (a) differences in social protection levels which might inhibit the free movement of people and: (b) any type of mutual undercutting between the systems which might result in lower levels of social protection.

#### *(2) Community measures*

Council Recommendation 92/442/EEC of 27 July 1992 on the convergence of social protection objectives and policies.

#### *(3) Contents*

1. The diversity of social protection systems, rooted in national cultures, and the principle of subsidiarity mean that the Member States must continue to determine the arrangements for organizing and financing social protection. Nevertheless, other elements point to the need to promote a flexible, progressive and non-compulsory strategy enabling social protection policies to converge. Completion of the internal market necessitates the removal of obstacles to worker mobility whilst preventing any type of mutual undercutting which might result in lower levels of social protection. The convergence strategy is also justified by the fact that all the social protection systems face similar problems: the growing phenomenon of social exclusion, emergence of a large fringe population working in atypical jobs, increasing numbers of isolated people and one-parent families, decreasing birth-rates and a concomitant reduction in the proportion of members of the active population to retired persons, growing health care costs, etc. For this reason it is recommended that Member States:

(a) direct their general policy towards the following objectives:

- as regards guiding principles:
  - guaranteeing everyone a level of resources consonant with human dignity;
  - affording everyone legally residing on their territory access to the health-protection systems existing in the Member State;
  - furthering social and economic integration;
  - ensuring that living standards are maintained when workers cease work at the end of their working lives or are forced to interrupt such activity due to sickness, accident, maternity, invalidity or unemployment;
  - examining the possibility of introducing and/or developing appropriate social protection for self-employed workers;
- as regards compliance with general principles:
  - ensuring equal treatment and preventing any discrimination based on nationality, race, sex, religion, personal lifestyle or political opinion;
  - ensuring fair treatment for those in receipt of social benefits by extending to them the same improvements in living standards as enjoyed by the general population;
  - individualizing rights and contributions to take account of new personal lifestyles and family structures.

(b) adapt and develop their social protection system to make progress towards achieving the following aims:



- sickness:
  - ensuring equal access to health care and illness-prevention measures for all persons legally residing on their territory;
  - maintaining and developing a high-quality health care system geared to greater prevention, scientific progress, chronic illnesses and elderly dependants;
  - organizing the rehabilitation and reintegration of convalescents;
  - providing workers who are off work due to illness with benefits equivalent to the major part of their previous earnings;
- maternity:
  - organizing total coverage of the costs of treatment of pregnancy, childbirth and their consequences;
  - affording appropriate social protection for women who interrupt their work for maternity reasons;
- unemployment:
  - guaranteeing a minimum level of resources for the unemployed;
  - making available to the young and the long-term unemployed a range of measures to combat exclusion and enable them to acquire the necessary vocational qualifications;
  - providing the unemployed with benefits either set at a fixed rate or calculated on the basis of their previous earnings;
- incapacity for work:
  - affording guaranteed minimum resources for disabled persons
  - fostering the social and, as far as possible, economic integration of disabled persons;
  - affording workers who are forced to interrupt or reduce work because of invalidity benefits determined by previous earnings;
- the elderly:
  - guaranteeing a minimum level of resources for all elderly persons legally resident on the territory of the Member State whilst taking account of their specific needs, especially where they are dependent on others for care and services
  - preventing the social exclusion of the elderly;
  - affording all workers the opportunity to continue working beyond the minimum pensionable age;
  - ensuring that the pension scheme guarantees a reasonably high income replacement rate;
  - reducing the penalization of workers with incomplete careers as a result of periods of illness, invalidity or long-term unemployment or who have given up work temporarily in order to raise their children or to care for other dependent persons;
  - gradually adapting the conditions governing acquisition of supplementary pensions so as to eliminate obstacles for the mobility of workers;
  - adapting pension systems to demographic changes as and when they occur;
- family:
  - developing the benefits available to the most disadvantaged families and those whose greatest burden is the cost of raising their children;
  - fostering the integration, particularly through training, of people who, having raised children, wish to enter the labour market;
  - removing the obstacles which prevent parents from engaging in an occupational activity;



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2. The Commission will submit regular reports to the Council on progress achieved in relation to these objectives with a view to defining and developing the use of appropriate indicators. It will also organize regular exchanges with the Member States on the development of their policies in the field of social protection.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 245, 26.8.1992

*(7) Follow-up work*

*(8) Commission implementing measures*

## 6. SOCIAL PROTECTION

### 6.4. Report on social protection in Europe

- (1) *Objective* To enhance debate and promote new ideas by stressing the importance of information exchange and analysis.
- (2) *Community measures* Report on social protection in Europe.
- (3) *Contents*
1. Social protection systems in the Community: similarities and differences.  
 Although the social protection systems which now exist in Member States differ in detail in the way they are financed and the scale of support provided, their main features are very similar. All Member States provide their citizens with income support during old age, sickness, invalidity, maternity, unemployment and when caring for children, and provide access to free or highly subsidized health care. The differences relate to the following aspects: the extent to which support is earnings-related as opposed to flat-rate; the prevalence of means-testing to determine entitlement to support and the amount to be paid; the extent to which there is a right to a guaranteed minimum level of income; the extent to which benefits in kind (health care) are available to all at the time and place they are needed; the form in which revenue to finance the system is raised; the role of employer and employee representatives in managing the system in relation to the role of the State; the role of private-sector institutions in providing support and services as compared with the public sector.
  2. Recent reforms in social protection systems in the Community.  
 The common aim of a spate of reforms to social protection systems has been to contain costs while trying to cope with an expanding demand for assistance. This in turn has given rise to a widespread trend towards increased selectivity, a greater use of means-testing, and, in some cases, privatization.  
 In a number of Member States efforts have been made over the past decade to increase the revenue available for social expenditure. Contribution rates have gone up in virtually all countries, particularly in respect of unemployment protection. On the other hand, some countries have reduced contributions in an attempt to reduce labour costs and promote employment.  
 Several countries have cut benefits. Member States in the south of the Community have put the emphasis on restricting entitlement to benefits rather than reducing them.  
 Entitlement to unemployment benefit has been reduced, while the period over which it needs to be paid has grown longer. Family allowances have been improved, particularly in France and the less developed regions of the Community.  
 Early retirement schemes have been introduced over much of the Community.  
 In health care, restrictions have been placed on entitlement to treatment.  
 Privatization has remained limited. The United Kingdom has led the way by encouraging people to transfer from the national supplementary pension scheme to company pensions (1976) and personal savings contracts (1986). In Belgium, industrial accident

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insurance has been transferred to the private sector, but remains regulated by the legislature.

### 3. Social protection expenditure and its financing.

The system of social protection is most extensive in the Netherlands, Denmark and France, which have similar levels of income per head. Italy and the United Kingdom spend slightly less than the Community average on social protection, as do the four less developed Member States — Spain, Ireland, Portugal and Greece. The means of financing social protection differ between Member States especially as regards the contributions from government, whether central or local.

### 4. The scale of social protection in Member States.

Social insurance benefits allow a relatively high level of income to be maintained in most Member States, and in those where this is not the case supplementary amounts are generally paid for dependents, and supplementary schemes often play a major role. In the case of unemployment, the period during which benefit is payable is usually limited, and its level is then reduced. As far as minimum benefit is concerned, the level of assistance granted to the most needy varies considerably throughout the Community; minimum income levels are highest in Belgium, Denmark, Luxembourg and the Netherlands. Old-age and invalidity pensions exist in all Member States. Old-age pensions are between 32 and 52% of average net income in 10 countries, and invalidity pension between 30 and 49% in eight countries.

As regards unemployment benefit particularly for young people and the long-term unemployed, several countries do not have a specific benefit system.

### 5. Measures for social and economic integration.

In most Member States passive measures, i.e. unemployment benefit and social assistance, have swallowed up the major part of budgets allocated to helping the unemployed. By contrast, expenditure on active labour market policies such as training and job creation (aimed at helping the unemployed back into work) has tended to remain limited.

### 6. Social protection: economic considerations.

The growth in the part played by social protection and expenditure in the economies of Community countries is one of the main features of their economic development during the 20th century. Social protection expenditure is funded primarily by compulsory levies (taxes and contributions), resulting in an increase in the tax burden.

### 7. Systems of health care in the Community.

Health expenditure continues to rise in all Member States. Nearly every person in every country is covered by social insurance. In most Member States patients have to pay a certain proportion of health costs themselves, mainly for medicines, though in some countries they have to pay part of the cost of treatment as well.

### 8. Social protection and reconciling work with family life.

It is becoming increasingly unusual for the receipt of family benefits to be subject to an explicit proviso that the mother has no permanent employment, since this is manifestly at variance with the requirement that social protection should be neutral as regards any second gainful activity a couple may have.

### 9. The impact of social and economic change on systems of social protection.

Career interruptions due to illness have only a slight effect on pension rights, and long spells of unemployment have only a limited impact in





most countries. Most social protection systems do not seem to make adequate provision for divorce. Finally, periods of part-time employment have the effect of reducing pension rights in a minority of countries.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission report  
COM(93) 531 final

Not yet published in the Official Journal

*(7) Follow-up work*

*(8) Commission implementing measures*

## 6. SOCIAL PROTECTION

### 6.5. Sufficient resources and social assistance

- (1) *Objective* To combat social exclusion by drawing up common principles to ensure, within the social protection systems of each Member State and in keeping with the specific situation there, a general right to sufficient benefits and resources for the least favoured citizens.
- (2) *Community measures* Council Recommendation 92/441/EEC of 24 June 1992 on common criteria concerning sufficient resources and social assistance in the social protection systems.
- (3) *Contents*
1. The Recommendation affirms the need, as part of a comprehensive and systematic drive to combat social exclusion, to recognize a general right to a guarantee of sufficient, stable and reliable resources and benefits. The Member States must adapt their social protection systems accordingly.
  2. This right, which is based on respect for human dignity, extends to all persons residing, in accordance with the national and Community provisions on these matters, within the territory of the Member State and who do not have access to resources equal to or higher than a specified amount, subject to active availability for work in the case of those who have reached the age of civil majority and whose age, health and family situations permit professional activity. Persons in full-time employment and students do not enjoy this right. Access to the right may not be made subject to time-limits; it may be granted for limited periods, but these shall be renewable as long as the conditions governing access continue to be respected. The right gives automatic access to health protection and help in obtaining access to rights, services or benefits needed for economic and social integration, particularly with regard to housing and training.
  3. Implementation will be based on the following calculation procedures and methods:
    - the amount of resources sufficient to cover essential needs will be determined by the Member State concerned in line with the living standard and price level for different types and sizes of household;
    - supplementary amounts to meet specific needs may be set;
    - these amounts will be determined by reference to appropriate indicators, in particular average disposal income in the Member State, statistical data on household consumption, the legal minimum wage and price levels;
    - arrangements for periodic revision of these amounts are to be established;
    - an inducement to seek employment must be safeguarded;
    - the differential financial aid granted must bring those involved up to the applicable amount; the granting of this aid may not be limited by the implementation of Regulations in force in the areas of taxation, civil obligations and social security;
    - all necessary measures must be taken to offer those concerned appropriate social support, including, in particular, advice and counselling, information and legal aid; administrative procedures must be simplified, and opportunities guaranteed for free-of-charge, rapid and effective appeals to third parties such as the courts;



- persons of the appropriate age and ability to work will benefit from all arrangements for participating in training courses to prepare for entering or re-entering employment;
- measures will be taken to ensure that the most disadvantaged persons are properly informed of this right;
- this guarantee of benefits and resources will be ensured within the framework of social protection schemes.

4. Member States are called on to take all the necessary measures to implement the Recommendation progressively within five years of it being adopted, and they must conduct a methodical evaluation of its impact. The methods to be used and the funding and administrative arrangements are to be organized in accordance with national legislation and practice.

5. The Commission is to encourage, in cooperation with the Member States, the systematic exchange of information and experience. Within three years of the Recommendation being adopted, the Commission shall submit to the Council, the European Parliament and the Economic and Social Committee a report assessing the national provisions adopted.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 245, 26.8.1992.

*(7) Follow-up work*

*(8) Commission implementing measures*



## 6. SOCIAL PROTECTION

### 6.6. Poverty II and economic and social integration

- (1) *Objective* To produce an overall assessment of the nature of poverty in the Community and of the innovatory measures carried out as part of 91 action-research projects centred on eight priority subjects.
- (2) *Community measures* Final report on the second European poverty programme (1985-89)
- (3) *Contents*
- I. Poverty in Europe**
1. Poverty is not just a shortage of money. It has many different dimensions, including shortcomings in areas such as training, work capacity, health, housing and isolation.
  2. In December 1984 the Council of Ministers defined the poor as 'persons whose resources (material, cultural and social) are so limited as to exclude them from the minimum acceptable way of life in the Member State in which they live'.
  3. The face of poverty has changed. It has declined among the elderly, although they remain a vulnerable group. On the other hand, there are certain aspects of economic and social change that constitute new poverty factors, such as the increase in unemployment, insecure forms of employment and the number of single-parent families.
- II. Activities under the second European poverty programme**
4. The Commission supported 91 local action-research projects throughout the 12 Member States. It also launched a parallel series of studies and statistical projects on the nature, development and perception of poverty in Europe.
  5. The projects were divided into eight subject groups: integrated action in urban and rural areas, long-term unemployed, youth unemployment, the elderly, single-parent families, migrants and refugees and marginals. The Commission financed each project's operating budget to the amount of 50%. The scope of the projects and the underlying logic varied from one Member State to another.
  6. Coordination was provided and a general assessment made through the programme, which involved transnational exchanges held at the project locations.
  7. Lessons were learnt from the programme in various fields: employment (action aimed at persons and changes in the environment), social protection institutions (facilitating access to social services and entitlements and provision of the most appropriate benefits for fighting poverty), family and neighbourhood, and local development (mobilization of local resources).
- III. Prospects for solidarity in Europe**
8. Certain aspects of economic and social change and of the construction of Europe represent a challenge for the fight against exclusion.

9. The national authorities have to establish an overall and consistent policy to combat exclusion, with help from the Community institutions. Such a policy is based on a guarantee of resources and a policy of economic and social integration.

10. The Community has already introduced a number of initiatives relating to the fight against exclusion:

- the Council Resolution on the fight against social exclusion;
- a follow-up to the poverty programme;
- cooperation with non-governmental organizations;
- the observatory on anti-exclusion policies;
- activities devoted to training and employment through the structural Funds;
- a series of legal initiatives in the Commission's programme of action relating to the implementation of the Charter of the Fundamental Social Rights of Workers.

11. The report contains three Annexes:

- statistics and methodology;
- structure of the second European poverty programme;
- publications of the second programme's organization and dissemination unit.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission report  
COM(91) 29 final

*(7) Follow-up work*

*(8) Commission implementing measures*

## 6. SOCIAL PROTECTION

### 6.7. Poverty III and economic and social integration

<i>(1) Objective</i>	To develop preventive and corrective model actions to combat social exclusion in Europe on the basis of the lessons learnt from the first two programmes.
<i>(2) Community measures</i>	Council Decision 89/457/EEC 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.
<i>(3) Contents</i>	<p>1. The key principles are partnership (mobilization of all the parties concerned), integration (removal of people from marginalized situations), a multidimensional approach (combining a wide range of measures in key exclusion sectors) and participation (involvement of the most underprivileged).</p> <p>2. Community financing is provided as a matter of priority to coordinated local projects. Thirty-nine projects have been selected to cover those groups who are particularly exposed to poverty ('traditional poverty' and 'new poverty').</p> <p>3. Structure</p> <p>Now that the exploratory phase of the first two programmes has given way to a phase of 'selective development', new types of organization have been introduced:</p> <ul style="list-style-type: none"><li>— the Commission (DG V) is responsible for implementing the programme;</li><li>— the Commission is assisted by a central management and organization unit with eight members;</li><li>— coordination is provided at national and Community level by a network of nine research and development units covering all the Member States;</li><li>— an Advisory Committee comprising representatives of the national governments is consulted on all important matters.</li></ul> <p>4. Description of measures</p> <p>There are three main types:</p> <ul style="list-style-type: none"><li>— model actions geared towards the needs of the least privileged groups;</li><li>— innovatory measures designed to develop original ways of providing assistance;</li><li>— studies of and research into marginalization processes.</li></ul> <p>5. Provision of information</p> <ul style="list-style-type: none"><li>— a monthly information letter, 'News', on the progress of the programme enables the various projects to exchange experiences;</li><li>— 'Magazine' provides information for the general public three times a year;</li><li>— an annual report gives an account of the lessons to be learnt from the projects;</li><li>— a regularly updated inventory lists the measures involved in the various projects.</li></ul>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.





<i>(5) Date of entry into force (if different from the above)</i>	Not applicable.
<i>(6) References</i>	Official Journal L 224, 2.8.1989.
<i>(7) Follow-up work</i>	Interim report on the implementation COM(93) 435 final
<i>(8) Commission implementing measures</i>	Report on the implementation of the Community programme for the social and economic integration of the least-privileged groups 'Poverty III' (1989-94) COM(93) 435 final

1. Overview of the projects.  
 The projects represent the substance of the programme. The Poverty III programme now comprises 41 local projects, (29 model actions and 12 innovatory measures). More than three quarters of the projects are located in urban areas, though one in five is in a rural area. Most relate to a clearly defined area such as a district or municipality. The areas concerned are affected by unemployment and a deteriorating economic and social environment.  
 2. Gradual build-up of coherent activity.  
 The first principle to be implemented was that of partnership, with projects being designed and implemented jointly by partners from both the public and private sectors. It was on this basis that projects gradually defined and implemented strategies which were wider-ranging and more coherent, i.e. multi-dimensional. The principle of a multi-dimensional approach is based on the realization that social exclusion and poverty are complex phenomena, with both economic and social causes. The third key principle of the programme is the involvement of disadvantaged groups in the measures and decisions which concern them. The achievements of the projects and programme should not cause the difficulties encountered to be overlooked: consistency with local actions is not always ensured, the active participation of the groups concerned must be furthered, and self-evaluation has not made the same progress everywhere.  
 3. Progress of the programme.  
 There is no doubt that the programme content arouses interest at local level. Some projects have achieved national recognition, though it is too early to claim a significant impact at national level in every country. The intention of the programme is to encourage thinking throughout the Community about measures to combat social exclusion. Transnational exchanges between projects, research activities and programme publications are the main constituents of this European train of development.  
 4. Exchanges within the programme may take several forms (annual seminars, transnational groups, transnational seminars, visits between projects). Research represents another component of the European nature of the programme. There are two aspects here, statistical work and economic and sociological research.  
 5. Generally speaking, the programme has stimulated debate on social exclusion in the Member States and at Community level. Several

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**projects have contributed to the creation of exchange networks involving local authorities, non-governmental organizations, employers and workers, while others have provided the authorities with food for thought on the reform of certain social policies.**



## 6. SOCIAL PROTECTION

### 6.8. Fight against poverty

<i>(1) Objective</i>	To promote analysis and comparison of Community Member States' experience and policies, and to report back on the initiatives taken.
<i>(2) Community measures</i>	Resolution of the Council and of the Ministers for Social Affairs meeting within the Council of 29 September 1989 on combating social exclusion.
<i>(3) Contents</i>	<p>1. Exclusion is a widespread phenomenon affecting all Member States; it takes many forms, is not limited to insufficient income and has an impact on the various aspects of economic and social integration.</p> <p>2. Against this background, the Council and the Ministers for Social Affairs pledge to continue and step up, where necessary, the efforts undertaken jointly as well as those of each Member State in this field, and to pool their knowledge and analyses of exclusion.</p> <p>3. Consequently, the Resolution confirms the need for an overall approach to the fight against exclusion:</p> <ul style="list-style-type: none"> <li>— firstly, economic development policies must be accompanied by specific integration policies;</li> <li>— secondly, measures must be taken to guarantee sufficient resources for everyone and to promote access to education, training, employment, housing, community services and medical care.</li> </ul> <p>4. The Resolution notes the effectiveness of coordinated policies based on partnership, participation and consultation between all players.</p> <p>5. The Resolution calls on the Commission to study the measures being undertaken to fight social exclusion and to report back on the measures taken by Member States and by the Community.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal C 227, 31.10.1989
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	<p>On 23 December 1992 the Commission presented a report on implementation of the Council and the Ministers for Social Affairs meeting within the Council of 29 September 1989. This report is annexed to a Commission communication entitled 'Intensifying the fight against social exclusion: promoting integration', which sets out guidelines for action the Community could take in this field while respecting the principle of subsidiarity.</p> <p>1. Developments</p> <p>Continuity has been the overriding feature, with three major trends continuing:</p>



- decentralization of social policies, with growing involvement of locally elected representatives;
- adaptation of social protection systems both to spending constraints and the demands created by growing unemployment, an ageing population and health costs;
- the growing importance of non-governmental organizations.

The general background has changed however, from an economic point of view; since the beginning of the 1990s growth has slowed down, unemployment is again on the increase, the short-term development prospects are bleak and uncertain. This situation affects the availability of public funding while extending the problems to be dealt with.

Two other elements need to be considered: German reunification (particularly the situation in the new *Länder*) and increased pressure from migration.

## 2. National policies against social exclusion:

- public awareness has increased in all Member States; public authorities, non-governmental organizations and public opinion are expressing increasing concern;
- seen from the angle of guaranteeing adequate resources, the fight against social exclusion has made progress, but some Member States do not yet have any general provisions, while those that do have made them too restrictive;
- there has been progress in access to education and training, but the policies pursued are coming up against certain limits: inadequate mobilization of the educational establishment, lack of training of educators and budgetary constraints;
- with regard to unemployment benefit, major disparities still exist in terms of the proportion of unemployed persons in receipt of benefit and the level of benefit paid in line with duration of employment, with most Member States displaying a tendency to introduce restrictive measures to cut down costs.

As for policies aimed at promoting access or return to employment of jobless persons, these have found increasing favour and have led to numerous specific programmes, but many of the problems encountered cannot be tackled through the labour market alone;

- in most Member States housing policy has been marked by reduced involvement of the public sector. Certain countries recognize the right to housing, but these measures are too recent to be evaluated and are restricted to a few countries; however, they appear to fall well short of what is necessary, judging by the worrying plight of the homeless;
  - as for the right to health care, specialized non-governmental organizations have confirmed the scale and specific nature of the problems encountered, although full evaluations are lacking;
  - the general measures aimed at specific population categories defined in demographic or administrative terms (women, the elderly, migrants, young people, the unemployed, etc.) differ from one Member State to another. They are subject to limitations and sometimes tend to isolate their target group from the rest of the population, but the specific nature of certain groups justifies this type of approach in some cases.
- They also help to prevent social exclusion;
- as for policies aimed explicitly and specifically at the fight against social exclusion, their scale varies from Member State to Member State, largely depending on how far public debate of social



exclusion has developed. The most significant of these focus (a) on resource guarantee measures (in particular those accompanied by support in the housing or health fields and those involving social and occupational integration) and (b) on integrated programmes, especially in urban areas. One major advantage of such integrated programmes is that they combine the principles of partnership (local players: companies, organizations, authorities, etc.) with a multidimensional approach. They are difficult to assess, however. There is no guarantee that such initiatives always reach the most disadvantaged or are sufficient to check the downward spiral of disintegration in the crisis areas. However, they can be seen as real experimentation in social innovation. Such local programmes call for consultation and cooperation between the local players, national policies and the various government departments and also for administrative reforms to increase their effectiveness.

3. More detailed analyses are given in the annual report from the Observatory of National Policies for the fight against social exclusion set up by the Commission at the end of 1989 and consisting of independent experts.

## 6. SOCIAL PROTECTION

### 6.9. Promoting solidarity

<i>(1) Objective</i>	To promote an overall strategy for the fight against exclusion together with corrective measures to ensure the integration of persons excluded from economic and social life.
<i>(2) Proposal</i>	Proposal for a Council Decision establishing a medium-term action programme to combat exclusion and promote solidarity: a new programme to support and stimulate innovation (1994-1999).
<i>(3) Contents</i>	<ol style="list-style-type: none"><li>1. The Community's medium-term action programme to combat exclusion and promote solidarity covers the period from 1 July 1994 to 31 December 1999.</li><li>2. The aims of the programme are to:<ul style="list-style-type: none"><li>— contribute to the development of preventive and corrective measures at local and national (or regional) level through model actions;</li><li>— support the creation and development of transnational networks of partnership projects;</li><li>— organize information, coordination, evaluation and exchanges of experience at Community level;</li><li>— stimulate experimentation and analysis and encourage the use of the most successful innovatory model measures;</li><li>— study social exclusion mechanisms;</li><li>— provide information on the programme and disseminate programme results.</li></ul></li><li>3. The following measures are planned:<ul style="list-style-type: none"><li>— model actions at local level, both in rural and urban areas, through partnerships involving the public and private sectors;</li><li>— model actions at national (or regional) level to support measures implemented by public or private bodies, thus ensuring partnership and an overall strategy;</li><li>— aid for the creation and development of transnational project networks;</li><li>— collection of data, compilation of statistics and undertaking of comparative studies covering social exclusion phenomena and remedial measures.</li></ul></li><li>4. The Commission is responsible for implementing the action programme. The Member States submit model actions to the Commission, which consults the Committee and takes the decisions concerning selection and content of model actions.</li><li>5. Community financing is provided through specific annual allocations under the general budget of the European Communities. The Commission will submit to the Council and European Parliament an interim report on programme implementation and results by 1 July 1997 and a final report by 1 January 2001.</li></ol>
<i>(4) Opinion of the European Parliament</i>	The Parliament approved the Commission's proposal subject to certain amendments.
<i>(5) Current status</i>	Pending the results of discussions at the Council, the Commission has not yet submitted an amended proposal.



**(6) References**

Commission proposal  
COM(93) 435 final

European Parliament opinion  
Economic and Social  
Committee opinion

Not yet published in the Official  
Journal

Official Journal C 77, 14.3.1994

Official Journal C 52, 19.2.1994

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## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.1. Current position and outlook - Social Charter**

'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.

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.

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.

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.'

## 7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

### 7.2. Social dialogue: background

1. The convening of the first Val Duchesse Summit, on 31 January 1985, bringing together the three main social partners at Community level, namely Unice, ETUC and CEEP, for the purposes of social dialogue, was seen as a call from the President of the Commission, Jacques Delors, to the economic and social players to mobilize and play their part in the building of Europe. Since that first meeting, social dialogue has had a genuinely positive effect and has created a psychological climate which is more conducive to exchange and discussion.

During the initial period (1986-87) three joint opinions were adopted by the social partners on:

- the annual economic reports for 1986/87 and 1987/88,
- training, motivation, informing and consultation of workers.

2. A new period of social dialogue began with the convening of the Egmont II Summit, and took place on 12 January 1989.

Two essential aspects came to the fore at this meeting:

- the reaffirmed determination of the social partners to continue social dialogue at Community level, bringing the results to the attention of the Member States;
- the need to give thought to social dialogue developments and to strike a balance between the legislative and agreement-based approaches in regulating social matters. This would have the advantage of enabling a social Europe to be constructed whilst respecting the autonomy of the social partners and taking account of the specific natures of the national systems of employment relations. It was decided to reinforce social dialogue structures by setting up a policy Steering Group to ensure an ongoing impetus for social dialogue.

During the period of 1989-91 a further five joint opinions were adopted on the following issues:

- basic education, initial training and vocational training for adults (19 June 1990),
- transition from school to adult and working life (6 November 1990),
- procedures to maximize access to training (20 September 1991),
- creation of an area of geographical and occupational mobility and improvement of the European labour market (13 February 1990),
- new technologies, work organization and adaptability of the labour market (10 January 1991).

On 31 October 1991 the social partners also reached an important agreement on their role in the development of the Community's social dimension. This agreement, incorporated into the Social Protocol appended to the Maastricht Treaty, allows the social partners to involve themselves more closely in decision-making in the Community. It encourages the development of a more qualitative social dialogue, paving the way for positive relations at European level. The agreement also reflects the determination of the social partners to play a larger part in the Community's procedures for adopting legislation.

3. A further summit (Egmont III), held on 3 July 1992, provided a forum for an analysis of the social dialogue situation and identification of the priorities for the new phase initiated by the agreement of 31 October 1991 and the Social Protocol appended to the Maastricht Treaty. The following documents were adopted:

- joint opinion on vocational qualifications and validation thereof,



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- joint opinion on a new approach to cooperation on growth and employment,
  - joint declaration on the future of social dialogue.

In the latter declaration the social partners expressed their determination to institute new Community procedures for dialogue, consultation and negotiation, in accordance with the agreement of 31 October and the new Treaty. For this purpose, the Steering Group and the *ad hoc* Working Group have been replaced by the Social Dialogue Committee.

4. A fourth summit (Egmont IV) was held on 28 September 1993. The social partners discussed the contributions they could make towards relaunching the building of Europe. In the face of the recession and the dramatic rise in unemployment, they strongly reaffirmed their support for continuing European integration and their conviction that only the development of economic and social cohesion can provide the foundations and means for the recovery which the Community urgently needs. They called on the Social Dialogue Committee to make an effort to provide joint contributions to the White Paper. Finally, the ETUC, UNICE and CEEP asked the Commission to take the initiative and study, with their assistance, certain subjects relating to growth, competitiveness and employment.

The Social Dialogue Committee met on 19 October and 30 November 1993 for the purpose of presenting each organization's contribution to the Commission's White Paper, exchanging views on the general shape of economic policy, and debating the new role of the social partners in the context of implementation of the Agreement on social policy signed by 11 Member States.

Three texts have been adopted by the social partners:

- 11th joint opinion, dated 18 November 1993, on 'Women and training';
- a recommendation on 'proposals of the social partners on the implementation of the Agreement attached to the Protocol on social policy annexed to the Treaty on European Union';
- 12th joint opinion on 'the outline plan for the general shape of economic policies', submitted to the Ecofin Council of 5 December 1993.

5. During the meeting of the Social Dialogue Committee on 11 February 1994, views were exchanged on steps to be taken as follow-up to the White Paper. It was decided to revive the 'labour market' group with a view to examining the problem of young people's integration and the employment of women. The 'education and training' group was asked to carry on with its work on continuing training.

The Committee took note of a suggestion from the trade-union delegation that the question of flexibility be discussed in view of the absence of Directives on atypical forms of work. Recognising the importance attaching to new sources of jobs, the social partners decided to set up a small study group to provide them with more information on this subject. Plans were being made for the Commission's Forward Studies Unit, which covers this aspect, to give a talk on the matter to the social partners.



## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.3. Social dialogue - Joint opinions: role of the joint opinions**

The joint opinions are the formal expression of the results of the social dialogue. While they do not impose any obligation or constraint on the parties involved, they represent a joint policy on issues which are of particular complexity even at national level and must necessarily be the result of hard-won compromise between the parties concerned and delicate negotiation between their own members.

Twelve common opinions have been adopted.

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## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.4. Social dialogue - Joint opinions: first joint opinion**

The first joint opinion (6 November 1986) concerned the fundamental principles behind the cooperative growth strategy for more employment. The social partners endorsed the general thrust of the economic policy proposed by the Commission in its Annual Economic Report 1986-87. The workers' and employers' organizations called upon the governments of the Member States to make a greater effort to ensure that the cooperative strategy was effectively implemented, and declared their willingness to cooperate.

Full or broad agreement was reached on the following points:

- the important role of public investment and business profitability in the fight against unemployment;
- the need for a low inflation rate and the responsibility incumbent on the social partners to contain inflation;
- the need for a reduction in real interest rates to help direct savings towards productive investment through liberalization of capital movements;
- completion of the internal market would release considerable growth potential;
- an active research and development policy, and upgrading of skills in the labour force would ensure that the Community was competitive;
- free world trade had to be maintained and developed;
- moderate growth of real per capita wage costs below productivity gains had to be maintained for some time to come in the countries in which it was already practised, and should be applied in the other countries to create the conditions for job-creating investment;
- appropriate tax measures, the development of new forms of financing, and easier access to risk capital could increase investment and employment, particularly in small and medium- sized firms;
- public and infrastructure investment had suffered under the process of budgetary consolidation and there was some ground to be made up in this area.



## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.5. Social dialogue - Joint opinions: second joint opinion**

The second joint opinion (6 March 1987) concerned the training, motivation, information and consultation of workers. It expressed the view that the process of introducing new technologies would be economically more viable and socially more acceptable if backed up by effective training and greater motivation through employing good information and consultation practices. To this end, the best possible use should be made of existing procedures, while allowing for their diversity. Information and consultation had to be in good time, and there might, in certain circumstances, be an obligation to observe secrecy or confidentiality to avoid damaging the firm's interests. Final decisions were the sole responsibility of the employer or the decision-making bodies within the firm. This prerogative did not, however, prejudice the possibility of negotiation. Despite their differences as to the appropriateness of applying Community legal instruments, both sides recognized the value of encouraging the development of information and consultation practices, particularly in matters relating to the introduction of new technology.

As regards initial and basic training, responsibility for which lay with the public authorities, there should be more involvement of the two sides of industry in contributing actively towards the transition of young people from school to working life. Priority should be given to developing guidance and counselling services and to the training of instructors. In-service training should enable employees to adapt swiftly to structural changes in firms as they occurred. While retraining should be the responsibility of firms themselves, public vocational training bodies should play a part in ensuring better utilization of resources. In-service training would benefit from more effective forecasting of qualifications and the job situation, particularly at regional and local level. Specific ways had to be found and implemented of accommodating the characteristics of small and medium-sized businesses. Special attention should be devoted to qualified first-time job-seekers, particularly women and those under 25.

## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.6. Social dialogue - Joint opinions: third joint opinion**

With this opinion, Unice, ETUC and CEEP confirmed their agreement, expressed on 6 November 1986, on the basic principles of the cooperative growth strategy for more employment, and urged the governments of the Member States to devote more effort to its implementation.

The Community could contribute by creating the conditions for stronger internally generated growth. Such growth would also be in the Community's interests, in facilitating the achievement of its own objectives, to which the social partners subscribed: a significant reduction in unemployment, completion of the internal market and stronger economic and social cohesion.

In view of the dangers of a further slowdown in growth, resolute government action was needed at Community level. Such action had to centre around the following main points:

- The first priority was to strengthen internal growth in the Community.
- Reducing exchange rate uncertainties was an important factor in accelerating private investment. The European Monetary System was a valuable asset in this respect.
- The internal market had to be completed rapidly and with due regard for social policy, which meant full implementation of Articles 118 and 130 of the Treaty as amended by the Single European Act.

Continuation of macroeconomic policies improving the prospects for growth was essential if completion of the internal market was to avoid widening the disparities between the regions of the Community. Accelerated growth would also contribute to overcoming sectoral and social problems.

However, there was also a need for effective parallel structural policies. In this connection, particular emphasis should be laid on research and development policy and improving vocational training for the labour force.

Unice, ETUC and CEEP supported the Commission's basic policy on reforming the structural Funds within the framework of a fairly distributed Community budget as proposed in the communication 'Making a success of the Single Act: a new frontier for Europe'. They considered a significant increase and more effective use of funds to be prerequisites for strengthening economic and social cohesion within the Community.





## 7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

### 7.7. Social dialogue - Joint opinions: fourth joint opinion

The fourth joint opinion (13 February 1990) concerned the creation of a European occupational and geographical mobility area and improving the operation of the labour market, the main points being greater adaptability of firms, by ensuring continued development and training for employees throughout their working life, and geographical mobility, including the various forms of transfrontier working.

In a European territory with no internal frontiers, in which every worker was theoretically at liberty to choose his place of activity, there were still many obstacles limiting the range of options. These fell into two categories:

- regulatory: non-transferability of supplementary pensions and certain other social benefits, lack of comparability and reciprocal recognition of qualifications, limitation of access to the public sector, disparities between tax systems, limitation of the right to participate and be represented within social bodies, etc.
- economic and cultural: removal and resettlement costs, language and integration difficulties, housing problems and difficulties with childcare and schooling, difficulties encountered by the working spouse in finding suitable employment in the new place of settlement.

The social partners felt there was a need for measures to tackle these obstacles, by:

- simplifying administrative formalities for the issue of resident permits;
- strengthening the right of residence of unemployed workers or those in short-term employment, and their families;
- extending the scope of persons directly covered by Community law to include relatives in ascending and descending line, spouses and other dependent members of the family;
- improving and, where necessary, reorganizing existing information systems, both Community (Sedoc) and national (public placement bureaux). Pilot projects should be run in the frontier regions.

Current job-creation activities should be based on:

- forward planning of staffing needs by firms themselves;
- a forward-looking employment policy at other administrative levels;
- increased dynamism and modernization of public employment agencies, including more cooperation with the authorities responsible for vocational training.

The following guidelines were defined in this regard:

- firms should increase their competitiveness and upgrade skills and qualifications by identifying future needs and undertaking training and retraining initiatives;
- at sectoral level, account should be taken of the employment factor in the Commission studies on the impact on certain sectors of completion of the single market;
- at regional and/or employment area level, economic and social cohesion in the Community could be improved by structural adjustments in regions whose development was lagging behind, conversion of declining industrial areas, adaptation of agricultural structures and development of rural areas.

To this end, emphasis was laid on the need for close cooperation between employers' and workers' organizations, the public employment agencies, the public authorities and potential investors. It was seen as particularly important that all workers should be in a position to benefit from adequate vocational guidance and advisory and placement services free of charge.



## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.8. Social dialogue - Joint opinions: fifth joint opinion**

The fifth joint opinion (19 June 1990) concerned basic education, initial training and vocational training for adults. The social partners stressed the importance of high-quality initial training accessible to all young people, with particular emphasis on measures facilitating the transition from school to working life through provision of apprenticeships and on-the-job training schemes. Lifelong vocational training compatible with the needs of the firm was the joint responsibility of the employer and the employee, their respective needs having been clearly forecast and identified.

As regards basic education and initial training, the education authorities should be encouraged to take whatever measures may be necessary before the end of compulsory education. Such measures should be implemented under the general responsibility of the public authorities, and with due regard for the views of the social partners. They should encourage the development of learning and entrepreneurial skills, provide a basis for technological training and promote the learning of at least one second language. Measures taken should combine training with work experience and lead to recognized qualifications. Vocational training had to be accessible to all young people, special provision being made for those who had been unable to acquire the necessary qualifications at school, those who had grown up outside their country of origin to help them acquire the basic training they needed to find a job, and for the disabled and unemployed to help them enter or re-enter the labour market. Policies promoting equal opportunities for men and women and, most importantly, training in jobs of the future, should be developed. All the parties concerned should make efforts to ensure that schools, in addition to providing a broad general education and basic training for life in society, should take more account of the realities of working life. The latest tools and methods should be used in the training of teachers and instructors, along with participation in exchange programmes.

Various means of encouraging vocational and adult training should be employed: training plans, authorization of leave, adapted programmes, cooperation between organizations, tax inducements and the use of modern communication facilities. Short training courses should lead, in stages, to broader and additional qualifications. Training programmes should be drawn up on the basis of initiatives from the individual employee, the employer, workers' representatives, professional organizations, the region concerned and the State. Special consideration must be given to integration problems affecting lower qualified workers, small and medium-sized firms, migrant workers and their children, ethnic minorities, disabled people and the long-term unemployed. The social partners reiterated their support for existing Community training programmes such as Petra, Lingua, Eurotecnet and Comett. The exchanges with the EFTA countries were worth maintaining. The Commission should continue with its studies on training costs and terms of access. The cost of training should be borne by the employer and be tax deductible. Employees wishing to follow a course of training of their choice compatible with their personal and career development needs should be assisted in doing so through publicly funded schemes.

## 7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

### 7.9. Social dialogue - Joint opinions: sixth joint opinion

The sixth joint opinion (6 November 1990) concerned the transition from school to adult and working life. In it, six priority areas were identified.

1. With respect to the role of basic general education, the joint opinion identified the key factors which could facilitate the transition process, and the qualifications which would be drawn upon increasingly throughout working life (literacy and numeracy, communication skills, working in a team, adaptability, the ability to learn independently and preparation for a process of lifelong learning, ability to use new technology, with an emphasis on computer literacy, the ability to exercise rights and responsibilities as citizens, etc.). Compulsory schooling had to be of sufficient duration, free of regional disparities and have a satisfactory teacher-pupil ratio. It was crucial to make every effort to draw young people into the teaching profession and make their working conditions more attractive.

2. Educational and vocational guidance should be provided free by the Member States in close collaboration with schools, employment services and the social partners. Counselling should be a recognized profession whose members have received appropriate training. Young people should have access to vocational guidance at an early age and receive an effective introduction to working life (visits, work experience, school-company twinning schemes). There should be increased cooperation between the public services, employment agencies, employers and employers' organizations and the unions.

3. Basic training should offer the foundational skills required to respond to the challenges presented by the most rapid pace of change. Full support should be given to the various dual systems of training involving alternance between schools and companies. There should be individualized follow-up for young people who dropped out of training schemes, and help with reorientation and re-entry into training should be made available.

Premature specialization should be avoided to provide maximum opportunity of entry into further and higher education. The social partners would cooperate closely with the Commission to ensure successful completion of current work on comparability and recognition of qualifications in order to contribute to freedom of movement within the Community.

4. Education authorities should forge more contacts between schools and companies. Such initiatives could help young people make important decisions about their future career. Short work experience placements should be an integral part of guidance and counselling. The social partners reaffirmed the potential positive impact of their mutual cooperation.

5. The status of vocational training should make it more attractive to young people, to which end clear information should be provided. Industrial placements as part of a training course should be the subject of a training contract. Young people should have the opportunity to voice their opinion on the training received.

6. The Community programmes on the transition from school to working life should encourage all young people to make better career choices. The social partners lent their support to these programmes and to the work carried out by Cedefop.



## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.10. Social dialogue - Joint opinions: seventh joint opinion**

The seventh joint opinion (10 January 1991) concerned new technologies, work organization and adaptability of the labour market. The participants agreed on the need to seek new rules on a statutory, contractual or other basis, which would allow adaptation to new situations. This would mean more job-creating investment, higher productivity and greater competitiveness, which could be achieved by the introduction of new technologies and by controlling costs. To this end, consideration should be given to the following points:

1. The changes resulting from technological development must contribute to:
  - mobilization and optimum use of human resources;
  - upgrading of qualification levels through vocational and multi-skilled training throughout working life;
  - increased competitiveness of firms through improved working conditions and quality of work, and more rational use of equipment and machinery.

To this end, encouragement should be given to ongoing training accessible to all, good health and safety conditions should be provided at the workplace, and good information and consultation practices set up.

2. Varied and innovatory negotiations and/or agreements were needed to make a significant contribution to reducing and reorganizing working time while maintaining or improving company productivity.

3. Certain types of employment contract (part-time, fixed term, etc.) enabling firms to adapt to changes in demand and allowing employees more flexibility in the organization of their working time, should stipulate the conditions applicable to their execution, in conformity with the practices and statutory and contractual provisions of the country concerned.

4. In the matter of remuneration, the social partners would continue their joint deliberations on the basis of an analysis of the current trends in the Member States.

5. Adaptability measures within firms should be designed to avoid redundancies. Should redundancies prove inevitable, sustained efforts of cooperation will be needed to ensure an effective search for other employment possibilities and the creation of alternative jobs.

6. All workers, irrespective of their status and the size of the company, should be entitled to the same health and safety protection at the workplace, the same social security cover and protection in law or on the basis of agreements as regards all other aspects of the employment relationship.



## 7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

### 7.11. Social dialogue - Joint opinions: eighth joint opinion

The eighth joint opinion (20 December 1991) concerned ways of providing the broadest possible effective access to training.

The social partners reiterated the needs of businesses (ensuring the success of the internal market, flexible management, respect of the economic environment, adaptability, consideration of the specific situation of small and medium-sized firms, more training in economic, social and management aspects, etc.) and the needs of individuals (importance of certain target groups such as young people, disabled people, the long-term unemployed, ethnic minorities, eliminating the risks of marginalization, combating illiteracy, rapid updating of theoretical knowledge, teaching methods and practical skills, setting up partnership schemes at regional level, etc.).

A certain number of proposals are contained in the joint opinion.

1. Efforts should be made to increase awareness among SMEs in the form of exchanges of information and experience in respect of successful initiatives.
2. In view of the major role of training in the development of regional policy, the social partners should increase their involvement in the European Structural Funds. Regional advisory and information units should be set up to analyse supply and demand.
3. Preference should be given to up-to-date methods, particularly those supplementing on-the-job and external training with computer-assisted self-study packages and multimedia support.
4. The social partners were called upon to put forward proposals as a basis for financial and technical aid programmes encouraging companies to expand training possibilities for employees. Such initiatives would supplement existing Community programmes.
5. The Commission should undertake a study of existing or proposed financial or tax incentives.
6. Special efforts were needed to help disadvantaged groups, namely, providing them with access to public training schemes, launching initiatives to improve the prospects of people temporarily interrupting their careers, identification of good practices.
7. Specific programmes should be set up for those with no qualifications. Action by the public authorities should be complemented by agreements between the two sides of industry.
8. Training programmes should include in-service training for instructors, retraining of teachers, the establishment of partnerships between public and private training services, training departments within companies, and bodies managed by the social partners.
9. Ways should be developed of providing lifelong access to training. These could vary according to national practices and be organized under an arrangement arrived at freely by the firm's management and employees. They would cover such matters as responsibility for the organization of training programmes, financing, duration, authorized leave and pay during training. Example scenarios are given in the joint opinion.
10. Individual employees were called upon to take a full part in the training process. The main proposal was for entitlement of each employee to a personal appraisal ensuring that training corresponded as closely as possible to his or her needs and possibilities. Such appraisals would be the property of employees and would contain information on

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courses followed, duration, validation, career progression possibilities, and compatibility of training with labour market requirements.

11. Certificates in respect of training programmes and their recognition on the labour market were particularly important factors in effective geographical and job mobility. The social partners therefore recommended that requests for leave to take examinations or for the purposes of skills assessment should be looked upon favourably.

## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.12. Social dialogue - Joint opinions: ninth joint opinion**

The aim of this opinion is to establish the transparency and transferability of vocational qualifications and diplomas throughout Europe.

1. In order to embark on the path towards realizing these basic principles, the mutual acceptance and recognition of vocational qualifications and diplomas, whatever their level or profession, need to be encouraged, and training needs to be adapted to actual requirements.

2. Vocational qualifications must be allowed to develop in line with the actual development of vocational activity within our society. Competitiveness will only be ensured if training structures can produce qualified individuals capable of meeting the constantly changing requirements of the 21st century.

3. The two sides of industry, in close cooperation with the Commission, stress the absolute necessity of promoting, particularly at Community level, systems for the recognition and reciprocal validation of qualifications.

4. The publication and dissemination of any information relating to this field must be encouraged, particularly at Community level.

5. In addition, the complexity and versatility of the qualifications demanded nowadays require a precise and dynamic approach at Community level, bringing the two sides of industry closer together on the organizational level and in the definition of requirements in a Europe in which flexibility and the ability to adapt to changes in production methods will be increasingly essential.



## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.13. Social dialogue - Joint opinions: 10th joint opinion**

From this opinion of 3 July 1992 Unice, ETUC and CEEP, drawing attention to their first opinion of 6 November 1986, note that the trends have reversed: growth has come to a standstill and unemployment is high and increasing. They are willing to contribute to efforts towards convergence, as set out in the Treaty on European Union, with the need to introduce a new cooperative strategy in order to increase employment.

1. Under the present circumstances, the macroeconomic strategy for revitalizing the economy should contain the following elements:

- the rapid reduction in interest rates resulting from sound economic policies;
- the reduced strain on monetary policy through appropriate wage increases, whereby the two sides of industry can anticipate low or declining inflation rates when finalizing collective agreements;
- the restoration of business and consumer confidence.

2. In this macroeconomic context there must be support at national level for structural reforms relating to:

- labour market reforms, in particular the strengthening of training and retraining measures;
- strengthening competition in the markets for goods, services and capital.

3. Renewal of the cooperative growth strategy for more employment must be supported by the rapid implementation of major Community projects;

- completing the single market on schedule and establishing the European Economic Area;
- making available the financial resources required to fulfil undertakings contained in the Delors II package. These efforts must be centred on:
  - disadvantaged regions and countries;
  - human resources, with the development of new skills;
  - encouraging research and development.

4. Community measures with regard to environmental protection must aim to maintain and improve living conditions, taking account of the impact of such measures on the competitiveness of undertakings.

5. The Uruguay Round negotiations must be brought to a successful conclusion. The countries of Central and Eastern Europe, including the republics of the former Soviet Union, must be integrated into the world economy. None of this must prejudice development aid programmes for the developing countries.

6. At Community level, aspects of the convergence programmes which are of interest to the two sides of industry must be integrated into the social dialogue with the aim of improving their social acceptability.

## 7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING

### 7.14. Social dialogue - Joint opinions: 11th joint opinion

The purpose of this joint opinion is to confirm that the two sides of industry consider vocational education and training to be one of the key elements in the success of the Single Market. Women are playing a growing part in the economic and social development of the European Community, and it is important to provide vocational education and training for women on equal terms with men, so that they can make a full contribution towards the success of the Single Market.

1. The two sides of industry are of the opinion that the female skill potential should be put to maximum use as a labour market resource.
2. It is necessary to ensure that women can participate, on an equal footing with men, in vocational education and training aimed at improving workers' qualifications.
3. The two sides of industry intend to take action with a view to encouraging the full participation and full integration of women in all areas and at all levels of employment. Innovative measures should be adopted both at workplaces and elsewhere, particularly in schools, so as to provide a wider choice of jobs for girls and women, through careers advice covering a broader range of career openings. All those involved, including employers, workers and their representative organisations, should take the necessary steps to facilitate integration of women into companies with a predominantly male workforce.
4. The two sides of industry recommend that the Member States and the Community should encourage training for women giving them access to a wider range of jobs and better career prospects.
5. The two sides of industry recommend the Community and public authorities to take steps to provide information on job market prospects and training available for women. Measures should be taken to ensure equal access to vocational training for men and women.
6. The two sides of industry consider that in designing training programmes it is important to reconcile work and family responsibilities and strengthen the role of SMEs in vocational teaching and training.
7. Urgent action is called for at Community level to ensure greater transparency between all the programmes financed by the Community.
8. School syllabuses should be such that all careers are open to both sexes.
9. Guidance and advisory services on training and employment prospects must be set up. In the context of the European Social Fund, the two sides of industry recommend the continuation of specific measures for women with special needs (e.g. women returning to work, unemployed women undergoing retraining) and measures aimed at increasing the participation of women in integrated programmes financed by the ESF. The most specific recommendation is for the creation of an *ad hoc* group, as part of social dialogue, to prepare a compendium of examples of good practices based on an analysis of the experience acquired throughout the Community, including measures under relevant agreements in certain Member States.



## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.15. Social dialogue - Joint opinions: 12th joint opinion**

In this joint opinion, the social partners put forward the following considerations with regard to economic policy guidelines in the Community.

1. The social partners are concerned both at the high levels of unemployment and at the deteriorating economic situation in general. They reaffirm their support for the main economic guidelines recommended by the Commission, which aim to reduce unemployment to 5% by the year 2000 by increasing annual growth to approximately 3.5%. The desired growth must be the result of appropriate supply side measures, removing macroeconomic and structural obstacles to growth and increasing the competitiveness of European undertakings.

2. The social partners consider it essential to allocate more resources to investment in order to strengthen the Community's ability to create more jobs in the medium and long term. According to the Commission, the proportion of GDP devoted to investment, currently below 20%, should be gradually raised to a level of 23 to 24%.

3. The social partners recognize the need for a debate on the consequences of the guidelines on the process of negotiating collective agreements and on employment.

4. Policies should also be adopted to correct macroeconomic imbalances and to continue combating inflation.

5. There is a need to stimulate growth; this involves a rapid reduction in short-term interest rates on the basis of sound economic policies. Reducing interest rates will reduce the burden on undertakings and budgets and help to place exchange rates for non-Community currencies at more appropriate levels, increasing competitiveness and stimulating exports and investment.

6. Community recovery must be supported primarily by appropriate supply and demand policies, in particular through public and private investment in the widest sense. The social partners consider it essential to the growth process to have firm and credible policies for the medium and long-term reduction of deficits in order to achieve sustainable levels of debt within a reasonable period of time. Budgetary policies must try to realign expenditure towards investment. Additional tax reforms should be introduced in order to improve the systematic operation of the single market.

7. The following measures should be undertaken:

- completion of the single market;
- implementation of an effective competition policy at European level;
- the rapid conclusion of the GATT negotiations;
- more effective investment in technological innovations;
- assistance to small and medium-sized undertakings to help them play their part, particularly in creating jobs;
- speeding up the improvement of infrastructure by means of the trans-European networks;
- developing the social dimension of the Community.

8. With regard to employment, the social partners have always stressed the importance of active employment policies aimed at removing obstacles to the creation of jobs and of a qualified workforce capable of adapting to technological and organisational changes.

9. The social partners point out the importance of this first application of Article 103(2) of the Treaty on European Union.

They are to review on a regular basis the implementation of the proposed growth strategy with the aim of assessing whether the economic results are in line with the objectives set.



## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.16. Sectoral social dialogue: nature and role of the framework agreement**

The framework agreement is a half-way house between joint opinions and the collective agreements themselves. A product of the social dialogue, it lays down guidelines for subsequent negotiations at decentralized levels (sectoral, regional, company, etc.) pending a bilateral agreement.

Although the framework agreement is not binding, it is an expression of the contracting parties' desire to induce their members to respect its provisions.

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## **7. FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING**

### **7.17. Sectoral social dialogue: ECPE-ETUC framework agreement**

The European Centre of Public Enterprises (CEEP) and ETUC signed a framework agreement on 6 September 1990. They decided to concentrate in the initial stages on two sectors: rail transport and energy distribution. In both these sectors, subsequent negotiations concerning public enterprises will be held at European level.

The framework agreement provides for:

- initial vocational training: creation of European training courses and qualifications, acquisition of additional qualifications in the new skills; promotion of cultural exchanges;
- training in new technologies for unskilled workers with the aid of the Comett and Eurotecnet programmes;
- training for better health and safety at work through the development of prevention and consciousness-raising policies;
- mobility of workers within a given sector with guaranteed continuity and transferability of the various aspects of social protection (supplementary pension scheme, insurance, etc.).

Special attention will be paid to promoting equal treatment of men and women. This signing of a first agreement is an important event: it emphasizes the fact that in the future a framework agreement may pave the way for negotiations at European level.

## **8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES**

### **8.1. Current position and outlook - Social Charter**

'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 more than one Member State of the European Community.

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 workforce, 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.'



## 8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

### 8.2. European Works Council

<i>(1) Objective</i>	To improve the right to information and to consultation of employees in Community-scale undertakings and Community-scale groups of undertakings.
<i>(2) Proposal</i>	Proposal for a Council Directive on the establishment of European committees or procedures in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.
<i>(3) Contents</i>	<p>1. On 5 December 1990, the Commission adopted a 'Proposal for a Council Directive on the establishment of a European Works Council in Community-scale undertakings' or groups of undertakings for the purposes of informing and consulting employees.</p> <p>On 10 September 1991, the Commission adopted an amended proposal, in respect of which the Council was unable to reach unanimous agreement. Given these circumstances, the Commission informed the Council of its intention to set in motion the procedures provided for in the Agreement on Social Policy as soon as the Treaty on European Union entered into force (1 November 1993). On 18 November 1993, the social partners at European level were consulted on the possible direction of Community action on information and consultation of workers in Community-scale undertakings and groups of undertakings. On 8 February 1984, the social partners were consulted on the content of the envisaged proposal, but were unable to agree on initiating the procedure leading to the conclusion of agreements.</p> <p>2. Scope: the proposal applies to Community-scale undertakings and groups of undertakings with more than 1 000 employees and at least two establishments in different Member States, each employing at least 150 people.</p> <p>The current proposal does not cover small businesses and has no effect whatsoever on existing information and consultation procedures in Member States based on national legislation and practices. Community-scale undertakings and groups of undertakings which have their headquarters outside Community territory are covered by the Proposal. The Commission takes the view that such cases should, for this purpose, be represented either by the representative agent of the undertaking or group of undertakings, or by the establishment located on Community territory with the highest number of employees. References to the 'Member States' mean the 11 Member States which signed the Agreement on Social Policy.</p> <p>3. The institution of a European committee must result from a request put forward either by the central management of the undertaking or group of undertakings, or by the employees or their representatives. An agreement concluded between the two parties will define, entirely freely and without the provisions in the Annex being applicable, the nature, powers, functions and operating procedure of a committee. In fact, it may be decided not to set up a committee at all, in which case the mandatory alternative procedure is not bound by the provisions of the Annex either.</p>

4. In the absence of agreement, the proposal provides for compulsory application of a number of subsidiary requirements set out in the Annex to the Directive. These concern the nature and content of information and consultation, the composition of the committee and its operating procedure.

5. The European committee has the right to meet with the central management at least once a year to be informed of and consulted on the progress of the undertaking's business and its prospects. The information concerned relates to its structure, economic and financial situation, the probable development of the business and of production and sales, the employment situation and its probable trend, investment projects, organizational changes, transfers of production, cut-backs or closures of undertakings or establishments, or collective redundancies. Where there are exceptional circumstances affecting employment, the executive committee of the European committee or, in the absence of such, the committee itself, has the right to meet, at its request, the central management to be informed and consulted on any measure likely to affect the interests of employees. The committee must comprise a minimum of three and a maximum of 30 members. Its operating expenses are to be borne by the central management.

6. The proposal contains provisions on confidentiality of information.

7. It also provides for workers' representatives exercising their functions to enjoy the same protection and guarantees provided for employees' representatives by the national legislation and/or practice in their country of employment.

*(4) Opinion of the European Parliament*

Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

*(5) Current status*

On 22 June 1994, the Council released a political agreement concerning a common position. The formal adoption of this common position will take place during the next session.

*(6) References*

Commission proposal COM(90) 581 final	Official Journal C 39, 15.2.1991
Amended proposal COM(91) 345 final	Official Journal C 336, 31.12.1991
European Parliament opinion Economic and Social Committee opinion	Official Journal C 240, 16.9.1991
Commission proposal COM(94) 134 final	Official Journal C 120, 6.5.1991
European Parliament opinion  Economic and Social Committee opinion	Official Journal C 135, 18.5.1994
	Not published in the Official Journal
Amended proposal COM(94) 228 final	Not published in the Official Journal
	Not yet published in the Official Journal



## 8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

### 8.3. Shareholding and financial participation of employees

#### *(1) Objective*

To promote wider development of financial participation schemes without seeking active harmonization or a reduction in the existing wide range of available schemes. To disseminate information on the various systems in use, their possibilities and effects.

#### *(2) Community measures*

Council Recommendation 92/443/EEC of 27 July 1992 concerning the promotion of employee participation in profits and enterprise results (including equity participation).

#### *(3) Contents*

1. There is a great diversity in the forms of participation encountered in the Community, including cash payments, deferred profit-sharing or share distribution and various types of employee share-ownership schemes. Encouragement at Community level of schemes for employees' financial participation is to be seen as a means of achieving a better distribution of the wealth generated by enterprises, while encouraging greater involvement of employees in the performance of their companies. With regard to the impact of such schemes, there are grounds for supposing that they have positive effects on employee motivation and productivity and on the competitiveness of enterprises.

2. The Recommendation stresses the importance attached by the Community and its Member States to more widespread use of financial participation schemes. It calls for direct involvement of Member States and the social partners. More specifically, the Recommendation invites the Member States

- to ensure that legal structures are adequate to allow the introduction of the forms of financial participation referred to in the Recommendation;
- to consider the possibility of according incentives such as fiscal or other financial advantages to encourage the introduction of certain schemes;
- to promote the introduction of participation schemes by facilitating the provision of appropriate information for all potentially interested parties;
- to take account of experience acquired elsewhere in the European Community when selecting the types of scheme to be promoted;
- to ensure that the social partners have a wide range of schemes or arrangements to choose from;
- to ensure that this choice can be made at a level which, taking account of national practice, is as close as possible to the employee and to the enterprise;
- to encourage consideration of the key issues set out in the report annexed to the proposal when new financial participation schemes are being prepared or when existing schemes are being reviewed;
- to examine, after a period of three years following adoption of the Recommendation, the data available at a national level on the development of financial participation by employees and to communicate the results to the Commission;
- to enhance the social partners' awareness of these matters.



3. The Commission will submit a report to the Council, the European Parliament and the Economic and Social Committee on the application of this Recommendation within four years of its adoption on the basis of the information supplied to it by the Member States.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 245, 26.8.1992

*(7) Follow-up work*

*(8) Commission implementing measures*

## 8. INFORMATION, CONSULTATION AND PARTICIPATION OF EMPLOYEES

### 8.4. European Company Statute

<i>(1) Objective</i>	To create a European company with its own legislative framework. This will allow companies incorporated in different Member States to merge or form a holding company or joint subsidiary, while avoiding the legal and practical constraints arising from the existence of 12 different legal systems. To arrange for the involvement of employees in the European company and recognize their place and role in the company.
<i>(2) Proposal</i>	<p>Proposal for a Council Regulation on the Statute for a European Company.</p> <p>Proposal for a Council Directive complementing the Statute for a European Company with regard to the involvement of employees in the European company.</p>
<i>(3) Contents</i>	<p>Proposal for a Council Regulation on the Statute for a European Company</p> <p>1. The statute provides four ways of forming a European company (Latin: 'Societas Europaea', 'SE'): merger, formation of a holding company, formation of a joint subsidiary, or conversion of a public limited company previously formed under national law. Formation by merger is available only to public limited companies from different Member States. Formation of an SE holding company is available to public and private limited companies with their registered offices in different Member States, or having subsidiaries or branches in Member States other than that of their registered office. Formation of a joint subsidiary is available under the same circumstances to any legal entities governed by public or private law.</p> <p>2. The SE must have a minimum capital of ECU 100 000. Where a Member State requires a larger capital for companies exercising certain types of activity, the same requirement will also apply to an SE with its registered office in that Member State.</p> <p>3. The registered office of the SE designated in the statutes must be the place where it has its central administration, that is to say its true centre of operations. The registered office can be transferred within the Community, following the defined procedures.</p> <p>4. The order of precedence of the laws applicable to the SE is clarified.</p> <p>5. The registration and completion of the liquidation of an SE must be disclosed for information purposes in the Official Journal of the European Communities. Every SE must be registered, in the State where it has its registered office, in a register designated by the law of that State.</p> <p>6. The statutes of the SE must provide, as governing bodies, the general meeting of shareholders and either a management board and a supervisory board (two-tier system) or an administrative board (single-tier system). Under the two-tier system the SE is managed by a management board. The member or members of the management board have the power to represent the company in dealings with third parties and in legal proceedings. They are appointed and removed by the supervisory board. No person may be a member of both the management board and the supervisory board of the same company at the same time. But the supervisory board may appoint one of its</p>



members to exercise the functions of a member of the management board in the event of a vacancy. During such a period the function of the person concerned as a member of the supervisory board shall be suspended. Under the single-tier system, the SE is managed by an administrative board. The member or members of the administrative board have the power to represent the company in dealings with third parties and in legal proceedings.

Under the single-tier system the administrative board may delegate the power of management to one or more of its members.

The following operations require the authorization of the supervisory board or the deliberation of the administrative board:

- any investment project requiring an amount more than the percentage of subscribed capital fixed in accordance with (e);
- the setting-up, acquisition, disposal or closing down of undertakings, businesses or parts of businesses where the purchase price or disposal proceeds account for more than the percentage of subscribed capital fixed in accordance with (e);
- the raising or granting of loans, the issue of debt securities and the assumption of liabilities of a third party or suretyship for a third party where the total money value in each case is more than the percentage of subscribed capital fixed in accordance with (e);
- the conclusion of supply and performance contracts where the total turnover provided for therein is more than the percentage of turnover for the previous financial year fixed in accordance with (e);
- the percentage referred to in (a) to (d) is to be determined by the statutes of the SE. It may not be less than 5% nor more than 25%.

7. Detailed provisions on the powers of the general meeting and the rights of shareholders.

8. The SE must draw up annual accounts comprising the balance sheet, the profit and loss account and the notes to the accounts, and an annual report giving a fair view of the company's business and of its position; consolidated accounts may also be required.

9. Winding-up, liquidation, insolvency and suspension of payments are in large measure to be governed by national law. An SE which transfers its registered office outside the Community must be wound up on application by any person concerned or any competent authority.

Proposal for a Council Directive complementing the Statute for a European Company with regard to the involvement of employees in the European company

1. Definition of employee participation: it does not mean participation in day-to-day decisions, which are a matter for the management, but participation in the supervision and strategic development of the company.

2. Several models of participation are possible: firstly, a model in which the employees form part of the supervisory board or of the administrative board, as the case may be; secondly, a model in which the employees are represented by a separate body; and finally, other models to be agreed between the management or administrative boards of the founder companies and the employees or their representatives in those companies, the level of information and consultation being the same as in the case of the second model. The general meeting may not approve the formation of an SE unless one of the models of participation defined in the Directive has been chosen.



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3. The employees' representatives must be provided with such financial and material resources and other facilities as enable them to perform their duties properly.

*(4) Opinion of the European Parliament*

First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted many of these amendments.

*(5) Current status*

Amended proposals are currently before the Council pending a common position.

*(6) References*

Commission proposal COM(89) 268/I and II final	Official Journal C 263, 16.10.1989
Amended proposals COM(91) 174/I and II final	Official Journal C 176, 8.7.1991
European Parliament opinion First reading	Official Journal C 48, 25.2.1991
Economic and Social Committee opinion	Official Journal C 124, 21.5.1990



## **9. EQUAL TREATMENT FOR MEN AND WOMEN**

### **9.1. Current position and outlook - Social Charter**

'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.'

## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.2. Equal pay principle

<i>(1) Objective</i>	To reinforce the basic laws with standards aimed at facilitating the practical application of the principle of equality to enable all employees in the Community to be protected, as there are still disparities between Member States, despite efforts to date.
<i>(2) Community measures</i>	Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women.
<i>(3) Contents</i>	<ol style="list-style-type: none"><li>1. This principle entails, for the same work or for work to which equal value is attributed, the elimination of all discrimination on grounds of sex with regard to all aspects and conditions of remuneration. Where a job classification system is used for determining pay, it must be based on the same criteria for both men and women.</li><li>2. Employees wronged by failure to apply this principle must have the right of recourse to judicial process to pursue their claims.</li><li>3. Member States shall abolish all discrimination between men and women arising from laws, regulations or administrative provisions which do not comply with the principle. They shall take the necessary measures to ensure that provisions appearing in collective agreements, wage scales, wage agreements or individual contracts of employment which are contrary to the equal pay principle may be declared null and void. They shall ensure that the equal pay principle is applied and that effective means are available to take care that it is observed.</li><li>4. Employees shall be protected against dismissal by the employer as a reaction to a complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with the equal pay principle.</li><li>5. The provisions adopted pursuant to the Directive and relevant existing legislation shall be brought to the attention of employees.</li><li>6. Member States shall forward all necessary information to the Commission by the deadline specified, to enable it to draw up a report on the application of the Directive.</li></ol>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Within one year of notification.
<i>(5) Date of entry into force (if different from the above)</i>	Not applicable.
<i>(6) References</i>	Official Journal L 45, 19.2.1975
<i>(7) Follow-up work</i>	With regard to its third action programme on equal opportunities (1991-95), the Commission has stated its intention to clarify the notion of equal pay for equal work.



*(8) Commission  
implementing  
measures*

Infringement procedures, Case 58/81 *Commission v Luxembourg* [1982] ECR, 2175-2186; Case 61/81 *Commission v United Kingdom* [1982] ECR, 2601-2625; Case 143/83 *Commission v Denmark* [1985] ECR, 427-437.

## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.3. Access to employment, vocational training and promotion

- (1) *Objective* To ensure equal treatment for men and women in respect of access to employment, vocational training and career advancement, and working conditions.
- (2) *Community measures* Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.
- (3) *Contents*
1. The principle of equal treatment shall mean that there shall be no discrimination whatsoever on the grounds of sex either directly or indirectly by reference in particular to marital or family status. Member States may, however, exclude from its field of application occupational activities for which, by reason of their nature, or the context in which they are carried out, the sex of the worker constitutes a determining factor.
  2. The Directive shall be without prejudice to provisions concerning the protection of women (pregnancy, maternity), or to measures to remove existing inequalities which affect women's opportunities in the areas covered by the Directive.
  3. Application of the principle means that there shall be no discrimination in the conditions, including selection criteria, for access to all jobs or posts at all levels of the hierarchy.
  4. The principle shall apply to access to all types and all levels of vocational guidance, basic and advanced vocational training and retraining.
  5. Application of the principle to working conditions, including conditions governing dismissal, means that men and women shall be guaranteed the same conditions.
  6. Member States shall take the measures necessary to ensure that:
    - any laws, regulations and administrative provisions contrary to the principle of equality shall be abolished or amended if they were originally based on a concern for protection which is no longer well-founded;
    - similarly unfavourable provisions included in collective agreements, individual contracts of employment, the internal rules of undertakings or rules governing the independent professions may be declared null and void or may be amended.Labour and Management shall be requested to undertake the revision of such provisions in collective agreements.
  7. Persons wronged by failure to apply the principle shall have the right to pursue their claims by judicial process.
  8. Employees shall be protected against dismissal by the employer as a reaction to a complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with the principle.
  9. The provisions adopted pursuant to this Directive and the relevant provisions already in force shall be brought to the attention of employees by all appropriate means.
  10. Member States shall periodically assess the occupational activities excluded from the field of application of the Directive in order to decide, in the light of social developments, whether there is



justification for maintaining the exclusions concerned. They shall forward all necessary information to the Commission by the stipulated deadline, to enable it to draw up a report on the application of the Directive.

*(4) Deadline for implementation of the legislation in the Member States*

Within 30 months of notification.  
Within four years of notification for an initial assessment and any amendment of laws, regulations and administrative provisions which do not comply with the principle.

*(5) Date of entry into force (if different from the above)*

Not applicable.

*(6) References*

Official Journal L 39, 14.2.1976

*(7) Follow-up work*

*(8) Commission implementing measures*

Infringement procedures, Case 163/82 *Commission v Italy* [1983] ECR, 3273-3298; Case 165/82 *Commission v United Kingdom* [1983] ECR, 3431-3460; Case 248/83 *Commission v Germany* [1985] ECR, 1459-1490.



## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.4. Social security

- (1) *Objective* To implement the principle of equal treatment in statutory social security schemes offering protection against the risks of sickness, invalidity, old age, accidents at work and occupational diseases and unemployment and in social assistance.
- (2) *Community measures* Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.
- (3) *Contents*
1. The Directive applies to the working population including workers whose activity is interrupted by illness, accident or unemployment, persons seeking employment, retired or invalided workers and self-employed persons.
  2. The Directive does not apply to provisions concerning survivors' benefits and family benefits.
  3. The principle of equal treatment means that there should be no discrimination on grounds of sex, in particular as concerns:
    - the scope of the schemes and the conditions of access thereto;
    - the obligation to contribute and the calculation of contributions;
    - the calculation of benefits and the conditions governing the duration and retention of entitlement to benefit.The principle of equal treatment is without prejudice to the provisions relating to the protection of women on the grounds of maternity.
  4. Any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished.
  5. Any persons who are the victims of failure to apply the principle of equal treatment must be able to pursue their claims by judicial process.
  6. The Member States may exclude from the scope of the Directive:
    - the determination of pensionable age (old-age and retirement pensions);
    - advantages granted to persons who have brought up children (old-age insurance, acquisition of benefit entitlements following periods of interruption of employment due to the bringing-up of children);
    - the granting of old-age or invalidity benefit entitlement by virtue of the derived entitlements of a spouse;
    - the granting of increases of long-term invalidity, old-age, accidents at work and occupational disease benefits for a dependent spouse;
    - the consequences of the exercise, before the adoption of the Directive, of a right of option not to acquire rights or incur obligations under a statutory scheme.The Member States periodically examine whether it is justified to maintain the exclusions in the light of social developments.
  7. The Member States pass on to the Commission, within the period specified, all the information it requires to enable it to draw up a report on the application of the Directive and to propose any other measures which are required to implement the principle of equal treatment.
- (4) *Deadline for implementation of the legislation in the Member States* Within six years of notification.



(5) *Date of entry into force (if different from the above)* Not applicable.

(6) *References*

Official Journal L 6, 10.1.1979

(7) *Follow-up work*

The Commission presented a proposal for a Council Directive completing the implementation of the principle of equal treatment for men and women in statutory and occupational social security schemes on 23 October 1987 (COM(87) 494 final).

(8) *Commission implementing measures*

Report on the implementation of Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security [COM(88) 769 final].

### **I — Transposition of the Directive into national law — situation in the Member States**

#### **1. Belgium**

- According to the government report, there is no more direct discrimination. The legal steps required have been taken.
- The Constitution states that all Belgians are equal before the law. However, there is no definition of the concept of indirect discrimination.
- Any social security or social assistance decisions can be taken to the labour tribunal initially and then to the Labour Court for appeal. Cases have been brought by unemployed persons applying to have their status as head of household recognized.
- Belgium has availed itself of the exclusion option provided by the Directive.

#### **2. Denmark**

- According to the governmental report there is no difference in the treatment of men and women. The Danish social security system is different from that of other countries: it is based on the principle of individual entitlements which ensures equal treatment. It is a single, general system.
- According to the report there is no indirect discrimination.
- There is no information on cases being brought to court.
- The authorities have not availed themselves of the exclusion option.

#### **3. Germany**

- According to the governmental report there is equality between men and women. The principle of equal treatment and a ban on any discrimination on grounds of sex are part of the fundamental rights laid down in the Basic Law.
- According to this report there is no indirect discrimination but a non-governmental report does record instances of discrimination.
- Any citizen may invoke the principle of equal treatment enshrined in the Basic Law and bring a case before the Federal Constitutional Court.
- The authorities have availed themselves of the exclusion option.

#### **4. Greece**

- The diversity of the social insurance schemes in Greece is one of the basic problems with the social security system. According to the government's report provisions have been made to eliminate discrimination but the great diversity of the schemes does



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not permit the authorities to establish whether these provisions have been applied universally.

- The government failed to give any reply to the questions concerning indirect discrimination. According to a non-governmental report there is considerable discrimination between men and women in the conditions governing access to social insurance schemes.
- According to the governmental report the right to legal redress is established. The principle of equality of the sexes is enshrined in the Constitution and cases have been brought before the courts.
- Greece has availed itself of the option to make exclusions.

#### 5. France

- In accordance with the governmental report legal measures have been introduced to ensure equality for men and women.
- There is no definition of the concept of indirect discrimination.
- The report gives no details of any legal redress.
- France has in some instances availed itself of the exclusion option.

#### 6. Ireland

- The legislation in Ireland did not conform with the Directive in several respects. New legislation entered into force in 1986.
- There is no definition of indirect discrimination.
- Decisions taken by the employees of the Department of Health and Social Security can be taken to an appeal officer and in certain cases to the High Court.

#### 7. Italy

- The law of 1977 on equal treatment for men and women at work had already eliminated discriminatory practices in sectors for which the Directive authorizes exclusions a year before the Directive was adopted.
- There is no definition of the concept of indirect discrimination. According to the governmental report there is no exclusion from the scope of social security based on marital or family status. The concept of the head of household has been abolished.
- The new procedure for disputes in social security matters stresses the oral, immediate and continuous nature of the procedure, ensuring that justice is faster and more efficient.
- The exclusion option was taken advantage of in certain cases.

#### 8. Luxembourg

- The new legislation of 1986 incorporates the aims set out in the Directive and bans discrimination based on sex.
- There is no definition of the concept of indirect discrimination.
- Disputes can be taken to the Social Security Arbitration Board and, on appeal, to the National Social Security Appeals Board.
- The authorities have availed themselves of the exclusion option.

#### 9. The Netherlands

- According to the government report legal measures have been taken to ensure equal treatment.
- According to the same report there is no definition of the concept of indirect discrimination.
- No new measures have been taken to guarantee the right to legal redress.
- The authorities have not availed themselves of the exclusion option.

#### 10. United Kingdom

- According to the government, legal measures have been taken to ensure equal treatment of men and women.





- The Sex Discrimination Act 1975 defines the concept of indirect discrimination in the same way as the definition of the Commission. According to non-governmental reports there were two instances of indirect discrimination as at 22 December 1984.
- Cases can be taken to the Social Security Appeals Tribunal during the month in which a decision turning down an application for benefit is made. An appeal was brought in respect of the invalid care allowance to which married women were not entitled.
- The authorities have availed themselves of the exclusion option.

## **II — Conclusions**

- As social security in several countries is often characterized by the coexistence of several large and small schemes, it is virtually impossible to maintain that all instances of discrimination have been eliminated.
- Some problems are due to the Directive itself: problems of interpretation, and uncertainty as to what is or is not contrary to it.
- Some progress has been made in eliminating direct discrimination, though not enough, especially in some Member States, and some setbacks have occurred in respect of indirect discrimination.

## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.5. Occupational social security schemes

- (1) *Objective* To define the meaning, scope and ways of applying the principle of equal treatment for men and women in occupational social security schemes.
- (2) *Community measures* Council Directive 86/378/EEC, of 24 July 1986, on the implementation of the principle of equal treatment for men and women in occupational social security schemes.
- (3) *Contents*
1. Definition of the concept of 'occupational social security schemes'  
The Directive does not apply to:
    - individual contracts;
    - schemes with only one member;
    - in the case of salaried workers, insurance contracts not involving the employer;
    - the optional provisions of occupational schemes offered individually to participants.
  2. The Directive applies to the working population including workers whose activity is interrupted by illness, maternity, accident or involuntary unemployment, persons seeking employment, and retired and disabled workers.
  3. The Directive applies to occupational schemes providing protection against the risks of sickness, invalidity, old age, industrial accidents, occupational diseases and unemployment including occupational schemes which provide for other social benefits, such as survivor's benefit and family allowances if intended for employed persons.
  4. The principle of equal treatment implies that there shall be no discrimination based on sex, in particular in respect of:
    - the scope of the schemes and the conditions of access to them;
    - the obligation to pay contributions and the calculation of the contributions;
    - the calculation of benefits and the conditions governing the duration and retention of entitlement to benefits.The principle of equal treatment does not prejudice the provisions for the protection of women in respect of maternity.
  5. The Directive lists 10 provisions based on sex (e.g. definitions of persons who may participate in an occupational scheme, different retirement ages, or different contributions for workers) regarded as contrary to the principle of equal treatment.
  6. Provisions contrary to this principle which figure in legally compulsory collective agreements, staff rules of undertakings or any other arrangements must be declared null and void or amended.
  7. Any provisions of occupational schemes contrary to the principle of equal treatment must be revised by 1 January 1993 at the latest.
  8. The Member States may defer compulsory application of the principle with regard to determining pensionable age for old-age and retirement pensions, to survivor's pensions or to the setting of different levels of worker contribution, until the date provided for in the Directive at the latest.
  9. Any person who is injured by failure to apply the principle must be able to pursue his or her claim before the courts.



10. Workers are protected against dismissal constituting a response on the part of the employer to a complaint lodged or a legal action brought to enforce compliance within the principle of equal treatment.  
 11. The Member States will communicate to the Commission by 31 July 1991 at the latest all the information necessary to enable it to draw up a report on the application of the Directive.

*(4) Deadline for implementation of the legislation in the Member States*

31.7.1989

*(5) Date of entry into force (if different from the above)*

Not applicable.

*(6) References*

Official Journal L 225, 12.8.1986

*(7) Follow-up work*

Following the Judgment of the Court of Justice of the European Communities of 17 May 1990 (Case 262/88 *Barber*) several of the Directive's provisions have become defunct for salaried workers, namely, the exceptions to the principle of equal treatment in Articles 6h and i and 9.

*(8) Commission implementing measures*

The questionnaire on implementation of this Directive has already been sent out.



## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.6. Self-employed activity, including agricultural work

- (1) *Objective* To pursue the implementation of the principle of equal treatment for persons engaged in an activity in a self-employed capacity and spouses participating in this activity. To protect pregnant women and women who have recently given birth engaged in such activities.
- (2) *Community measures* Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity and in the protection of self-employed women during pregnancy and motherhood.
- (3) *Contents*
1. Definition of the term 'self-employed workers': all persons pursuing a gainful activity for their own account, under the conditions laid down by national law, including farmers and members of the liberal professions. The Directive also covers their spouses, who are not employees or partners, and who habitually participate in the activities of the self-employed worker.
  2. The principle of equal treatment implies the absence of all discrimination on the grounds of sex.
  3. All provisions contrary to the principle of equal treatment, in particular in respect of the establishment or extension of a business or of any other form of self-employed activity shall be eliminated by the Member States.
  4. The conditions for the formation of a company between spouses may not be more restrictive than the conditions for the formation of a company between unmarried persons.
  5. Where contributory social security systems for self-employed persons exist in a Member State, spouses who are not protected under the self-employed workers' social security scheme must be able to join a contributory social security scheme voluntarily.
  6. The Member States undertake to examine any appropriate steps for encouraging the recognition of the work of the spouses.
  7. The Member States undertake to examine under what conditions female self-employed workers and the wives of self-employed workers may have access to services supplying temporary replacements for existing national social services or be entitled to cash benefits (under a social security scheme or public social protection system) during interruptions in their occupational activity owing to pregnancy or motherhood.
  8. All persons who consider themselves wronged by failure to apply the principle of equal treatment in self-employed activities must be able to pursue their claims by judicial process.
  9. The measures adopted pursuant to this Directive and the relevant provisions already in force are brought to the attention of the bodies representing self-employed workers and vocational training centres.
  10. The Council will review the Directive before 1 July 1993.
- (4) *Deadline for implementation of the legislation in the Member States* 30.6.1989, at the latest 30.6.1991



*(5) Date of entry into force (if different from the above)* Not applicable.

*(6) References*

Official Journal L 359, 19.12.1996

*(7) Follow-up work*

*(8) Commission implementing measures*

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## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.7. Parental leave and leave for family reasons

- (1) *Objective* To entitle workers to parental leave and leave for family reasons under uniform conditions in the Member States and without any sexual discrimination.
- (2) *Proposal* Amended proposal for a Council Directive concerning parental leave and leave for family reasons.
- (3) *Contents*
1. Definition of the terms 'parental leave', including birth and adoption of a child, granted to parents who are actually taking care of children and 'leave for family reasons': leave of limited duration granted to workers with family responsibilities for urgent and serious family reasons. This leave can be taken by mothers and fathers, adoptive mothers and fathers, mothers and fathers-in-law and any person acting in their stead in circumstances such as serious illness or death of the former. All paid workers, including staff in the public sector and part-time workers shall be entitled to this leave.  
**Parental leave**  
2. This is granted to the beneficiary for the sole or main purpose of looking after a child at home. It cannot be granted simultaneously to two parents or other persons listed under 1 for the same child. This constitutes an entitlement and not an obligation and is not transferable. Parental leave will last for a minimum of three months after each birth or adoption, and more for single-parent families or handicapped children living at home. The entitlement ceases when the child reaches the age of two or two years after the adoption of a child of less than five or when a handicapped child living at home reaches the age of five.
  3. Parental leave is granted in the form of a continuous period of full or part-time leave, the period of leave being extended proportionally. It is permissible to take only part of the leave. It can be made subject to a period of service or of work which may not exceed one year. It shall be suspended in the event of illness of the parent on leave. During the period of leave, acquired rights or rights in the process of acquisition are upheld and after the period of leave, the worker is guaranteed his former post or an equivalent one. The periods of parental leave are counted as periods of fully paid cover for sickness, unemployment, invalidity and old-age benefit.
  4. Workers may be paid a parental leave allowance.  
**Leave for family reasons**  
5. Workers shall be entitled to a minimum number of days of leave per year to be determined by the Member States for urgent family reasons such as: illness of a spouse, death of a close relative, marriage of a child, sickness of a child or of the person looking after the child. The duration of this leave may be extended under certain circumstances (single parent families, three or more young children, handicapped person, etc.). These periods of leave are counted as periods of paid leave for the purposes of pay, social security contributions and benefits and pension rights.
  6. Any person who is the victim of non-application of the Directive can enforce his rights by due process of law.



7. Workers must be protected against dismissal following steps undertaken to ensure that the Directive is implemented.

8. The Member States shall bring the Directive to the attention of employers and workers, making it clear that parents of both sexes are entitled to leave. They shall abolish any provisions which do not comply with the Directive and will have provisions in collective agreements, individual contracts of employment or internal company regulations which do not conform to the Directive abolished.

9. The Member States shall inform the Commission immediately of the measures taken and shall forward to it information suitable for drawing up a report. Subsequently, they will supply regular information on progress so that a report to the Council can be drawn up every three years.

*(4) Opinion of the European Parliament* Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

*(5) Current status* The amended proposal is currently before the Council for adoption.

<i>(6) References</i>	Commission proposal	
	COM(83) 686 final	Official Journal C 333, 9.12.1983
	Amended proposal	
	COM(84) 631 final	Official Journal C 316, 27.11.1984
	European Parliament opinion	Official Journal C 117, 30.4.1984
	Economic and Social Committee opinion	Official Journal C 206, 6.8.1984

## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.8. Statutory and occupational social security schemes

- (1) *Objective* To complete the implementation of the principle of equal treatment for men and women in matters of social security, by covering all the areas excluded from the scope of two earlier Directives. To achieve equality as regards the conditions of coverage by statutory and occupational social security schemes, particularly through the individualization of entitlements.
- (2) *Proposal* Proposal for a Council Directive completing the implementation of the principle of equal treatment for men and women in statutory and occupational social security schemes.
- (3) *Contents*
1. The Directive applies to the working population, retired and disabled workers, members of families, survivors and other persons dependent on those referred to above.
  2. The Directive applies to all matters not covered by earlier Directives.
  3. Survivors' benefits
    - (a) The principle of equal treatment means, as regards surviving spouse's benefits, either the recognition for widowers of entitlement to the pensions and other benefits provided for widows or the replacement of widows' benefits by a system of individual rights open to all surviving spouses.
    - (b) Equal treatment with regard to orphans' benefits means the removal of all forms of discrimination on the grounds of the sex of the deceased parent or the orphan.
    - (c) Other survivors' benefits are granted without discrimination on the grounds of the sex of the deceased person or the survivor.
  4. Family benefits
    - (a) Child benefits and birth or adoption grants are awarded to natural parents or other persons responsible for a child, without discrimination on grounds of sex. Benefits are normally paid to one or other parent. Where parents are living together, benefits are paid to the mother only if the parents have not specified which of them is to receive the benefits. In the event of divorce or separation, benefits are paid to the parent who is actually taking care of the child.
    - (b) The principle of equal treatment means, with regard to benefits for dependent adults, that there must be no direct or indirect discrimination on the grounds of the sex of the dependent adult or the person caring for the dependent adult.
  5. Extension of the principle to areas where its implementation might be excluded or deferred
    - (a) Where a pensionable age is determined for the purpose of granting old-age and retirement pensions, it must be identical for both sexes. If the fixing of an identical pensionable age leads to a reduction or increase in that age for workers of a given sex, provision must be made for gradual implementation and for temporary safeguards for workers who have reached the specified age. If no pensionable age is specified, the prescribed conditions or the number of contribution years to be completed must be identical for both sexes.
    - (b) There must be no discrimination as regards advantages or entitlements in respect of old-age pension benefits granted to persons who have brought up children and interrupted their employment for

that purpose. Only dependent spouses who, on the date of implementation of the Directive, have not built up their own personal entitlements to old-age or invalidity benefits may retain rights acquired by virtue of the derived entitlements of a spouse.

6. Member States may introduce a system of personal entitlements granted to all beneficiaries in place of a system of derived rights granting, to the insured person's spouse, entitlement to social security benefits by reason of his or her legal links with the insured person, in cases of sickness, old age or the death of a spouse.

7. Member States are required to forward, within four years of the date of notification of the Directive, all the necessary information to the Commission to enable it to draw up a report on the application of the Directive.

8. The principle of equal treatment is paramount. Persons injured by failure to apply the principle must have the right to pursue their claim before the courts. Workers must be protected against dismissal constituting a response to a complaint made within the undertaking or to the institution of legal proceedings aimed at enforcing compliance with the principle of equal treatment.

*(4) Opinion of the European Parliament* Parliament approved the Commission's proposal subject to certain amendments. The Commission did not accept these amendments.

*(5) Current status* The proposal is currently before the Council for adoption.

<i>(6) References</i>	Commission proposal	
	COM(87) 494 final	Official Journal C 309, 19.11.1987
	European Parliament opinion	Official Journal C 262, 10.10.1988
	Economic and Social Committee opinion	Official Journal C 95, 11.4.1988



## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.9. Burden of proof - Equal pay and equal treatment

<i>(1) Objective</i>	To ensure effective application of existing equal treatment legislation by taking additional measures in relation to procedure and evidence before national courts or other competent authorities.				
<i>(2) Proposal</i>	Proposal for a Council Directive on the burden of proof in the area of equal pay and equal treatment for women and men.				
<i>(3) Contents</i>	<p>1. The courts, tribunals and other competent authorities in the Member States must be given the requisite powers to ensure the effective examination of any complaint of discrimination. All relevant information in the possession of either party or reasonably obtainable by either party which is necessary for them to present their case must be supplied, provided disclosure would not substantially damage the interests of the other party for purposes other than the litigation concerned.</p> <p>2. Indirect discrimination exists where an apparently neutral provision, criterion or practice disproportionately disadvantages the members of one sex and is not objectively justified by any necessary reason or condition unrelated to the sex of the person concerned. The intentions of the respondent are not taken into account in determining whether the principle of equality has been infringed in any individual case.</p> <p>3. The provisions adopted pursuant to the Directive, together with the provisions already in force, are to be brought to the attention of all relevant persons by all appropriate means.</p> <p>4. Member States are required to abolish or amend any provisions contrary to the Directive and to take the measures necessary to ensure that similar provisions in collective agreements, individual contracts of employment, internal rules of undertakings or in rules governing the independent occupations and professions are likewise abolished or amended.</p> <p>5. Member States must transmit information to the Commission within a specified period to enable the Commission to draw up and submit a report to the Council and the European Parliament every three years on progress made in application of the Directive.</p>				
<i>(4) Opinion of the European Parliament</i>	Parliament approved the Commission's proposal subject to certain amendments. The Commission did not accept these amendments.				
<i>(5) Current status</i>	The proposal is currently before the Council for adoption.				
<i>(6) References</i>	<table><tr><td>Commission proposal COM(88) 269 final</td><td>Official Journal C 176, 5.7.1988</td></tr><tr><td>European Parliament opinion Economic and Social Committee opinion</td><td>Official Journal C 12, 16.1.1989 Official Journal C 337, 31.12.1988</td></tr></table>	Commission proposal COM(88) 269 final	Official Journal C 176, 5.7.1988	European Parliament opinion Economic and Social Committee opinion	Official Journal C 12, 16.1.1989 Official Journal C 337, 31.12.1988
Commission proposal COM(88) 269 final	Official Journal C 176, 5.7.1988				
European Parliament opinion Economic and Social Committee opinion	Official Journal C 12, 16.1.1989 Official Journal C 337, 31.12.1988				



## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.10. Protection of pregnant women, women who have recently given birth and women who are breastfeeding

- (1) *Objective* To take minimum measures to protect the health and safety of pregnant workers, womenworkers who have recently given birth and women who are breastfeeding, considering them to be a specific risk group.
- (2) *Community measures* Council Directive 92/85/EEC of 19 October 1992 concerning the implementation of measures to encourage improvements in the safety and health of pregnant workers, women workers who have recently given birth and women who are breastfeeding. (Tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC.)
- (3) *Contents*
1. Application of the framework Directive 89/391/EEC concerning the implementation of measures to encourage improvements in the safety and health of pregnant workers, women workers who have recently given birth and women who are breastfeeding.
  2. Definition of the terms 'pregnant workers', 'women workers who have recently given birth' and 'women who are breastfeeding': all pregnant workers, those who have recently given birth and those who are breastfeeding and who duly notify their employer of their condition in accordance with legal provisions and/or national practices.
  3. In consultation with the Member States and assisted by the Advisory Committee on Safety, Hygiene and Health Protection at Work, the Commission shall draw up guidelines on the assessment of the chemical, physical and biological agents and industrial processes considered dangerous for the health and safety of the relevant workers, to include physical movements and postures, mental and physical fatigue and other types of physical and mental stress. For all activities liable to involve a risk, the employer or the health and safety service must determine the nature, degree and duration of exposure in order to evaluate the risks and decide what measures should be taken. Workers to be notified of the results and of measures involving health and safety at work.
  4. Exposure of the workers in question to the above risks to be avoided by provisionally adjusting their working conditions or their working hours. Where such adjustment is not technically and/or objectively feasible, or cannot reasonably be required on duly substantiated grounds, the employer shall take the necessary measures to move the worker concerned to another job. Where transfer to another activity is not feasible, the workers in question must be granted leave for the whole of the period considered necessary to protect their safety and health.
  5. Pregnant workers may under no circumstances be obliged to perform duties for which the assessment has revealed a risk of exposure to the agents and working conditions listed in Annex II, Section A, and, in the case of workers who are breastfeeding, to the agents and working conditions listed in Annex II, Section B.
  6. Member States shall take the necessary measures to ensure that the workers concerned are not obliged to perform night work during their pregnancy and for a period following childbirth, subject to submission of a medical certificate, by transferring them to daytime work where



possible, otherwise by excusing them from work or extending maternity leave.

7. Maternity leave to be for an uninterrupted period of at least 14 weeks before and/or after delivery.

8. Pregnant workers have the right to take leave from work without loss of pay to enable them to attend ante-natal examinations if such examinations take place during working hours.

9. Women may not be dismissed for reasons related to their condition for the period from the beginning of their pregnancy to the end of the period of leave from work. In the event of dismissal, the employer must give good grounds in writing. Measures should be taken to protect women workers from the consequences of unlawful dismissal.

10. The employment rights relating to the employment contract, including the maintenance of a payment to, and/or entitlement to an adequate allowance for the pregnant workers, workers who have recently given birth and workers who are breastfeeding must be ensured. In the case of maternity leave, the pay and allowance shall be deemed adequate if it guarantees income at least equivalent to that which the workers concerned would receive in the event of a break in her activities on grounds connected with her state of health, subject to any ceiling laid down under national legislation. This right to pay or to an allowance may be subject to certain conditions though not the condition that a period of work of more than 12 months should have immediately preceded the presumed date of delivery.

11. Defence of rights

The Member States shall introduce into their national legal systems such measures as are necessary to enable workers who consider themselves wronged by failure to comply with the obligations arising from this Directive to pursue their claims by judicial process or by recourse to other competent authorities.

12. Technical adjustments to Annex I shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC. Annex II may be amended only in accordance with Article 118A of the Treaty.

13. The Directive may not have the effect of reducing the level of protection afforded to pregnant workers, workers who have recently given birth or who are breastfeeding as compared with the situation which exists in each Member State on the date on which it is adopted.

14. Member States shall report to the Commission every five years on the practical implementation of the Directive, indicating the points of view of the two sides of industry.

15. The Council will reexamine the Directive on the basis of the Commission assessment and will revise it if necessary on the basis of a Commission proposal by 19 October 1977 at the latest.

*(4) Deadline for implementation of the legislation in the Member States*

19.10.1994

*(5) Date of entry into force (if different from the above)*





*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

Official Journal L 348, 28.11.1992

## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.11. Third programme on equal opportunities

<i>(1) Objective</i>	To help create the circumstances in which women can participate fully on the labour market and maximize their contribution to economic and social life, through the development of a more integrated, comprehensive approach.
<i>(2) Community measures</i>	Third medium-term Community action programme on equal opportunities for women and men (1991-95).
<i>(3) Contents</i>	<p>1. The activities proposed under the third action programme are designed to intensify and develop the work already undertaken in the two previous programmes. The three basic aims of the third programme are:</p> <ul style="list-style-type: none"><li>— to improve the implementation of existing legal provisions;</li><li>— to promote the integration of women on the labour market;</li><li>— to improve the status of women in society.</li></ul> <p>2. The Member States are asked to achieve the following objectives:</p> <ul style="list-style-type: none"><li>— raise the level of awareness about legal rights and obligations;</li><li>— develop specific measures for equal opportunities for women and men, and promote women's entrepreneurship and local employment initiatives;</li><li>— improve the quality of women's employment by maximizing their potential (particularly through the launching of education and vocational training drives and the use of positive action in enterprises);</li><li>— reduce barriers to women's access to, and participation in, employment, by reconciling the family and occupational responsibilities of women and men;</li><li>— develop innovatory programmes presenting a complete, realistic picture of women in society;</li><li>— encourage measures designed to promote the participation of women in the decision-making process in public, economic and social life.</li></ul> <p>3. The two sides of industry are requested to make equal opportunities and equal treatment an element in collective bargaining. They are to ensure that issues of equal remuneration are included in collective bargaining (equal pay for the same work or work of equal value).</p> <p>4. The Commission is to ensure that the programme is implemented and is to make an interim and overall assessment (at mid-term and at the end of the period) of the policy on equal opportunities and equal treatment.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	

*(6) References*

Commission proposal  
COM(90) 449 final

Not yet published in the Official  
Journal

*(7) Follow-up work*

Council Resolution of 21 May 1991  
Official Journal C 142, 31.5.1991

*(8) Commission  
implementing  
measures*

Memorandum on equal pay for work of equal value COM(94) 6 final



## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.12. Childcare

*(1) Objective*

To promote equal opportunities for men and women by measures designed to reconcile family obligations arising from the care and upbringing of children and parents' employment, education and training.

*(2) Community measures*

Council Recommendation 92/241/EEC of 31 March 1992 on childcare.

*(3) Contents*

1. It is recommended that Member States gradually develop and/or encourage measures to enable women and men to reconcile family obligations arising from the care of children and their own employment, education and training, taking account of the respective responsibilities of central, regional and local authorities, the social partners and other organizations and individuals (and/or in cooperation with them), in the following four areas:

(a) the provision of care for children while parents are:

- in employment;
- engaged in education or training with a view to obtaining employment;
- seeking employment or seeking education or training with a view to obtaining employment.

For the purposes of this recommendation, 'the provision of care for children' is taken to mean all types of public or private childcare facilities, whether on an individual or a group basis.

(b) Special leave arrangements for employed parents with responsibility for the care and upbringing of children.

(c) The environment, structure and organization of the workplace, to make it responsive to the needs of workers with children.

(d) The sharing of family, professional and educational responsibilities arising from the care of children between women and men.

#### 2. Childcare services

(a) In this context Member States should try to ensure that:

- services are affordable;
- services combine safe and secure care with a broad education or pedagogical approach;
- the needs of parents and children are taken into account in determining access to services;
- services are available in all areas and regions of Member States, whether urban or rural;
- services are accessible to children with special (e.g. linguistic) needs and to children in single-parent families and are responsive to those needs;

The Member States should:

(b) encourage flexibility and diversity of childcare services, as part of a strategy to increase choice and meet the different preferences, needs and circumstances of children and families, while maintaining coherence between different services;

(c) seek to ensure that the training (both initial and continuous) of workers in childcare services is commensurate with the great importance and social and educative value of their work;



(d) encourage childcare services to work closely with parents and with local communities involving regular contact and exchanges of information, so as to be responsive to local parental needs and circumstances;

(e) encourage central, regional and local authorities, the social partners, and other organizations and individuals, in accordance with their respective responsibilities, to make a financial contribution to the setting-up and/or operation of affordable, coherent childcare services which offer choice to parents.

3. Special leave

The Member States should adopt and/or encourage measures to take realistic account of women's increased participation in the labour force, such as special leave to enable all employed parents who so wish, both men and women, to discharge effectively their working, educational and family responsibilities with *inter alia* flexibility in how leave may be taken.

4. Environment, structure and organization of the workplace

The Member States should:

- support such measures, notably within the framework of collective agreements;
- improve the status and employment conditions of workers in services providing care for children;
- promote measures especially in the public sector, to serve as an example in developing initiatives in this area.

5. Sharing of responsibilities

The Member States should promote and encourage, with due respect for individual freedom, increased participation by men, in order to achieve a more equal sharing of parental responsibilities between men and women and to enable women to play a more effective role in the labour market.

6. The Member States are required to inform the Commission, within three years of the date of adoption of the Recommendation, of the measures taken in order to allow the Commission to draw up a report on all such measures.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 123, 8.5.1992

*(7) Follow-up work*

*(8) Commission implementing measures*



## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.13. Dignity of women and men at work: recommendation

<i>(1) Objective</i>	To promote greater awareness of the problem of sexual harassment at work and its consequences: to draw attention to the code of conduct and recommend application of the same.
<i>(2) Community measures</i>	Commission Recommendation 92/131/EEC of 27 November 1991 on the protection of the dignity of women and men at work.
<i>(3) Contents</i>	<ol style="list-style-type: none"><li>1. The Member States are recommended to take action to promote awareness that conduct of a sexual nature, or other conduct based on sex and affecting dignity, is unacceptable.</li><li>2. Sexual harassment is defined as:<ul style="list-style-type: none"><li>— conduct which is unwanted, unreasonable and offensive to the recipient;</li><li>— the fact that a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion or salary;</li><li>— any conduct which creates an intimidating, hostile or humiliating work environment for the recipient.</li></ul></li><li>3. Such conduct may, in certain circumstances, be contrary to the principle of equal treatment within the meaning of Articles 3, 4 and 5 of Council Directive 76/207/EEC on equal treatment.</li><li>4. Member States are called on to take action in the public sector to implement the Commission's code of conduct, with such action serving as an example to the private sector. Member States should also encourage employers and employee representatives to develop measures to implement the code of conduct.</li><li>5. The Commission is to draw up a report based on the information forwarded by the Member States concerning the measures taken, with the Commission having to be notified of these within three years of the date on which the Recommendation is adopted.</li></ol>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 49, 24.2.1992
<i>(7) Follow-up work</i>	Declaration on the implementation of the Recommendation adopted by the Council on 19 December 1991.
<i>(8) Commission implementing measures</i>	



## 9. EQUAL TREATMENT FOR MEN AND WOMEN

### 9.14. Dignity of women and men at work: code of practice

- (1) *Objective* To provide practical guidance to employers, trade unions and employees with a view to clamping down on sexual harassment, and to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence. To encourage men and women to respect one another's human integrity.
- (2) *Community measures* Commission code of practice on sexual harassment.
- (3) *Contents*
1. The Commission restates the general definition of sexual harassment contained in its Recommendation. National judges will still have to decide whether cases brought to their attention fall within this category and are to be regarded as a criminal offence, an infringement of statutory obligations (especially in health and safety matters) or a contravention of obligations imposed on employers by contract or otherwise. It calls on employers in the public and private sectors, trade unions and employees to follow the guidelines of the code and to include appropriate clauses in collective bargaining agreements.
  2. Recommendations to employers
    - (a) Prevention
 

Employers should issue a policy statement which expressly states that sexual harassment will not be permitted or condoned and that employees have a right to complain about it should it occur. The policy statement should leave no doubt as to what is considered inappropriate behaviour which may, in certain circumstances, be unlawful. It should also explain the procedure to be followed for making a complaint or obtaining assistance, and should specify the disciplinary measures applicable. It should provide assurance that complaints will be dealt with seriously, expeditiously and confidentially, and that complainants will be protected against victimization. Once it has been drawn up, the statement must be communicated to everyone concerned, so as to ensure the widest possible awareness. Managers are to explain the organization's policy to their staff, and are expected to take appropriate measures, act supportively towards victims and provide any information required. The provision of training for managers and supervisors is an important means of combating sexual harassment.
    - (b) Procedures
 

Clear and precise procedures must be developed, giving practical guidance on how to deal with this problem. Such guidance must draw the employees' attention to their legal rights and to any time limits within which they must be exercised. Employees should be advised to try first of all to resolve the problem informally by explaining, either themselves or through a third party, that the behaviour in question is not welcome, offends them and interferes with their work. If the unwelcome conduct persists, there will be grounds for making a complaint. To this end, it is recommended that a formal procedure for dealing with complaints be set up, in which employees can place their trust and which specifies the person to whom the complaint should be brought. It is also recommended that someone be designated to provide advice and assistance. The complainant and the alleged

harasser have the right to be represented by a trade union representative, a friend or a colleague. Employers should monitor and review these procedures in order to ensure that they are working effectively. Investigations of complaints are to be carried out with sensitivity by independent persons, with due respect for the rights of the complainant and the alleged harasser. Complaints must be resolved speedily and confidentially at the end of an investigation focusing on the facts. Any violation of the organization's policy should be treated as a disciplinary offence. Disciplinary rules should make clear what is regarded as inappropriate behaviour and should indicate the range of penalties. Any victimization or retaliation against an employee bringing a complaint in good faith is to be considered as a disciplinary offence.

### 3. Recommendations to trade unions

Sexual harassment is a trade union issue which must be treated seriously and sympathetically when complaints arise. Trade unions are expected to formulate and issue clear policy statements on sexual harassment and to take steps to raise awareness of the problem, in order to help create a climate in which sexual harassment is neither condoned nor ignored. They should declare that sexual harassment is inappropriate behaviour and should inform staff about its consequences. It is also a good idea to ensure that there are sufficient female representatives to support women subjected to sexual harassment.

### 4. Employees' responsibilities

Employees have a clear role to play in discouraging any form of reprehensible behaviour and making it unacceptable. They can contribute to preventing sexual harassment through awareness and sensitivity towards the issue and by ensuring that standards of conduct for themselves and for colleagues do not cause offence. Employees should lend support to victims of harassment and should inform management and/or their staff representative through the appropriate channels.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 49, 24.2.1992

*(7) Follow-up work*

Declaration on the implementation of the code adopted by the Council on 19 December 1991.

*(8) Commission implementing measures*



## **10. VOCATIONAL TRAINING**

### **10.1. Current position and outlook - Social Charter**

'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 or her skills or to acquire new skills, particularly in the light of technological developments.'



## 10. VOCATIONAL TRAINING

### 10.2. Access to vocational training

*(1) Objective*

To gear vocational training policies whilst ensuring that every worker may have access to continuing vocational training without any form of discrimination and to benefit therefrom throughout his or her working life.

*(2) Community measures*

Council Recommendation 93/404/EEC of 30 June 1993 on access to continuing vocational training.

*(3) Contents*

1. The comparative data available on continuing vocational training systems has highlighted areas of great disparity and marked inequality as regards access, in particular to the detriment of women and workers in SMEs.

Such access is one of the key factors influencing the competitiveness of the European economy in the 1990s. It must therefore be regarded as a priority for action and joint investment by public authorities and businesses, in consultation with the social partners. Training is important for firms and individuals alike: for firms, it is the basis of their competitiveness and productivity, while the individual's terms of employment and career prospects are increasingly linked to access to training.

2. In order to provide easy access for as many people as possible, it is recommended that Member States:

- make firms more aware of the link between workers' skills and the competitiveness of businesses, thereby encouraging them to give priority to improving the quality and skills of their workforce and to establish training plans and programmes appropriate to their size and objectives, making their managers aware of requirements in this respect and informing them accordingly.

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

- make provision for specific incentives and support measures for SMEs. These could include, for example, assistance with regard to advice on training and assistance with regard to analysis of training needs;

- encourage firms to promote the continuing vocational training necessary for their development, taking account of the particular situation of the employees concerned, with the emphasis on the measures described below;

- make provision for specific incentives and technical support measures which are appropriate, necessary and adequate for businesses facing industrial change, in order to encourage vocational training and re-training for their employees;

- develop continuing vocational training in order to make it an important feature of regional and local development, taking into account the specific needs of employees and firms;

- support the establishment of partnerships, particularly at regional or local level, to analyse the requirements of firms and employees, and to provide up-to-date information on training opportunities in order to match supply and demand as closely as possible;
- impress on employers that they should inform their employees as soon as possible and, if necessary, at the time of their recruitment, about the firm's policy and activities in the field of continuing vocational training, including the possibility of being granted leave of absence for the purpose of continuing vocational training;
- support initiatives which give workers the option of assessing their continuing vocational training needs. This assessment should be carried out in-house or externally and/or in partnership with specialized institutions. The results are to be treated confidentially;
- encourage the information and consultation of workers' representatives or, in the absence of such representatives, the workers themselves, on the development and implementation of the firm's training plans and programmes;
- make employees and firms more aware of the importance of continuing vocational training leading to qualifications relevant to the employment market. To this end, training should not be geared purely to the job in question, but should provide the means to anticipate and master developments in production systems and the organization of work in order to strengthen the competitiveness of businesses and improve employees' job prospects;
- encourage the development of the most suitable teaching and learning methods in continuing vocational training, designed to facilitate employees' access to such training, e.g. methods of self-training on the job, distance learning, media-assisted learning;
- help less qualified workers, whatever their status, to benefit from continuing vocational training measures enabling them to achieve a basic level of qualification and giving them the basis for mastering of new technologies. Particular attention should be paid to providing access to continuing training for workers or groups of workers who have not benefited from training for a certain length of time or who have limited employment opportunities and job prospects;
- encourage women's access to and effective participation in continuing vocational training. This may help to extend the range of occupations available to women and encourage them to go back to work;
- promote access to continuing vocational training for young people with a vocational qualification or work experience, whatever their level of skills, and encourage their participation therein, in order to enable them to realise their full potential and acquire skills for the present and the future;
- encourage access to and participation in continuing vocational training by the unemployed. Particular attention should be paid to the long-term unemployed with inadequate and/or unsuitable qualifications, in order to improve their occupational integration and reintegration. The continuing vocational training of the unemployed, requiring the involvement of firms, is particularly suited to promoting reintegration into the labour market;
- foster a transnational dimension in policies dealing with access to continuing vocational training, in order to enhance the free movement of workers.



3. The Commission is invited to reinforce cooperation with Member States and the social partners, in particular within the Advisory Committee on Vocational Training, in order to support the implementation of these measures.

The Commission is also invited, in unison with the Member States and by using the existing Community action programmes and initiatives in the field of training including, where appropriate, the European Social Fund and specialized bodies within the Community such as the European Centre for the Development of Vocational Training (Cedefop), to:

- disseminate and add to the body of comparative information on continuing vocational training systems (including existing provisions and methods for integrating young job-seekers and the long-term unemployed into the labour market);
- facilitate exchanges of experience and methods vis-à-vis meaningful approaches to continuing training;
- support transfers of know-how between Member States, as a key factor in implementing the above measures, by means of transnational partnerships and networks, especially for the benefit of regions, sectors, types of business and groups of employees for whom access to continuing training is least developed;
- invite the Commission also to support the efforts of the social partners at Community level, in the context of the social dialogue, to discuss access to continuing training in greater depth; such dialogue could, if the two sides consider it desirable, lead to relations based on agreement.

4. The Member States are invited to draw up reports on the measures taken to implement this Recommendation and the Commission is to present an assessment report no later than three years after the date of adoption of the Recommendation.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 181, 23.7.1993

*(7) Follow-up work*

*(8) Commission implementing measures*



## 10. VOCATIONAL TRAINING

### 10.3. Common policy on vocational training: Cedefop - Regulation (EEC) No 337/75

<i>(1) Objective</i>	To establish a European Centre to help the Commission implement a common vocational training policy.
<i>(2) Community measures</i>	Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training.
<i>(3) Contents</i>	<p>1. The Centre enjoys the broadest legal status in all the Member States. It is non-profit-making. Its seat is in Thessalonika.</p> <p>2. Through its scientific and technical activities, the Centre contributes to the promotion of vocational and in-service training at Community level. Its tasks are:</p> <ul style="list-style-type: none"> <li>— to compile and disseminate selected documentation relating to recent developments, research and vocational training structural problems;</li> <li>— to develop and coordinate research;</li> <li>— to encourage the approximation of standards of vocational training, with a view to the mutual recognition of certificates and other documents;</li> <li>— to provide a forum for all those concerned.</li> </ul> <p>3. To attain its objectives the Centre may:</p> <ul style="list-style-type: none"> <li>— organize courses and seminars;</li> <li>— conclude study contracts and carry out pilot or individual projects;</li> <li>— publish and distribute documentation (including a Community vocational training bulletin);</li> <li>— establish contacts with specialized bodies, public authorities, educational institutions and employers' and workers' organizations.</li> </ul> <p>4. The Centre is administered by a Management Board comprising 39 members representing the governments of the Member States (12), the employers' professional organizations (12), the employees' trade union organizations (12) and the Commission (3). The Director of the Centre is appointed by the Commission.</p> <p>5. The annual work programme is adopted by the Management Board in agreement with the Commission and takes account of the priority needs indicated by the Community institutions.</p> <p>6. A statement of revenue and expenditure, which must be in balance, is drawn up for each financial year by the Management Board. Each year, a subsidy for the Centre is included in the Community budget. By 31 March each year, the Management Board must adopt the annual general report on the Centre's activities and financial situation and forward it to the Commission.</p> <p>7. The financial provisions applying to the Centre have been adopted in accordance with the Treaty. By 31 March each year, the Management Board must send the accounts of all the revenue and expenditure of the Centre to the Audit Board. The Commission's Financial Controller is responsible for checking all expenditure and revenue.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.

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*(5) Date of entry into force (if different from the above)* 16.2.1975

*(6) References*

Official Journal L 39, 13.2.1975

*(7) Follow-up work*

Council Regulation (EEC) No 1416/76 of 1 June 1976 on the financial provisions applying to the European Centre for the Development of Vocational Training.

Consolidated version of the Regulation:

— Regulation (EEC) No 1131/94, 16.5.1994

Official Journal L 127, 19.5.1994.

*(8) Commission implementing measures*

## 10. VOCATIONAL TRAINING

### 10.4. Common policy on vocational training: Cedefop - Amendment of Regulation (EEC) No 337/75

<i>(1) Objective</i>	To update existing provisions and harmonize them with the current legal situation.						
<i>(2) Proposal</i>	Proposal for a Council Regulation amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training.						
<i>(3) Contents</i>	<p>1. The Management Board must adopt, no later than 31 March, the annual general report on the activities and financial situation of the Centre and forward it to the Commission, the Council, the European Parliament, the Economic and Social Committee and the Court of Auditors.</p> <p>2. It must also send the revenue and expenditure accounts, the financial management analysis and the balance sheet of the Centre for the preceding financial year to the Commission, the Council, the European Parliament and the Court of Auditors, no later than 31 March.</p> <p>3. The procedures for giving a discharge to the Management Board are updated.</p>						
<i>(4) Opinion of the European Parliament</i>	Parliament did not accept the Commission's proposal.						
<i>(5) Current status</i>	The proposal is currently before the Council for adoption.						
<i>(6) References</i>	<table border="0"> <tr> <td>Commission proposal COM(90) 534/I final</td> <td>Official Journal C 23, 31.1.1991</td> </tr> <tr> <td>Amended proposal COM(94) 20 final</td> <td>Official Journal C 74, 12.3.1994</td> </tr> <tr> <td>Economic and Social Committee opinion</td> <td>Not yet published in the Official Journal</td> </tr> </table>	Commission proposal COM(90) 534/I final	Official Journal C 23, 31.1.1991	Amended proposal COM(94) 20 final	Official Journal C 74, 12.3.1994	Economic and Social Committee opinion	Not yet published in the Official Journal
Commission proposal COM(90) 534/I final	Official Journal C 23, 31.1.1991						
Amended proposal COM(94) 20 final	Official Journal C 74, 12.3.1994						
Economic and Social Committee opinion	Not yet published in the Official Journal						



## 10. VOCATIONAL TRAINING

### 10.5. Common policy on vocational training: Cedefop - Regulation (EEC) No 1416/76

<i>(1) Objective</i>	To set out the procedures for establishing and implementing a statement of revenue and expenditure of the Centre and for presenting and auditing accounts.
<i>(2) Community measures</i>	Council Regulation (EEC) No 1416/76 of 1 June 1976 on the financial provisions applicable to the European Centre for the Development of Vocational Training.
<i>(3) Contents</i>	<p><b>I. General principles</b></p> <p>1. Each year a statement of revenue and expenditure must forecast and authorize the estimated revenue and expenditure of the Centre. The appropriations entered must be used in accordance with the principles of economy and sound financial management.</p> <p>2. No revenue may be collected and no expenditure effected unless credited to or charged against an article in the statement of revenue and expenditure.</p> <p>3. Revenue and expenditure during a financial year must be entered in the accounts for that financial year.</p> <p>4. Appropriations relating to staff may not be carried forward. Appropriations not committed by 31 December may be carried forward to the next financial year only. Appropriations in respect of payments still outstanding as at 31 December are carried forward to the next financial year only.</p> <p>5. The statement of revenue and expenditure of the Centre is published for information purposes in the Official Journal at the same time as the budget of the Communities.</p> <p><b>II. Presentation and structure of the statement of revenue and expenditure</b></p> <p>6. The Management Board sends an estimate of revenue and expenditure for the following year to the Commission by 31 March at the latest. It may subsequently send supplementary or amending estimates. A list of posts must be produced. Where a change in the number of posts is proposed, an explanation of the reasons for requesting new posts must be sent. A quarterly estimate of cash flow is required. As a preface to the estimate, the Management Board must submit a general introductory note containing an outline of the policy justifying the request for appropriations and an explanation of changes in appropriations from one financial year to the next.</p> <p>7. The Management Board adopts the statement of revenue and expenditure for the beginning of the financial year, adjusting it to the subsidy granted. The statement is subdivided into titles, chapters, articles and items according to the nature or intended use of the revenue or expenditure.</p> <p><b>III. Implementation of the statement of revenue and expenditure</b></p> <p>8. The statement of revenue and expenditure is implemented in accordance with the principle that the authorizing officers and accounting officers are different individuals. Appropriations are administered by the authorizing officer. Collection or payment</p>

operations are carried out by the accounting officer. The Management Board is responsible for implementing the statement of revenue and expenditure within the limits of the appropriations allotted.

9. The Financial Controller of the Commission is responsible for checking the commitment and payment of all expenditure and the establishment and recovery of all revenue.

10. Appropriations are classified by chapter and article.

#### **IV. Conclusion of contracts, inventory, accountancy**

11. Contracts for the purchase or hiring of goods, for the provision of services or for building works must be in writing. They must be preceded by invitations to tender. However, contracts may be entered into by direct agreement and purchases may be made against an invoice in the circumstances provided for.

12. A permanent inventory of all movable and immovable property belonging to the Centre is kept.

13. The accounts are kept by the method of double entry, on the basis of the calendar year. They are closed at the end of the financial year to enable the balance sheet and the revenue and expenditure accounts to be drawn up.

#### **V. Responsibilities of authorizing officers, accounting officers and imprest-holders**

14. Authorizing officers, accounting officers, assistant accounting officers and imprest-holders are liable to disciplinary action and, where appropriate, to the payment of compensation in respect of actions relating to their duties. They must insure themselves against the risks involved. The Centre is allowed a period of two years from the date when the revenue and expenditure account is submitted to take a decision on granting a discharge to the accounting officers.

#### **VI. Presenting and auditing the accounts**

15. The Management Board must draw up a revenue and expenditure account each year, preceded by an analysis of financial management in respect of the year in question, following the same subdivisions as the statement of revenue and expenditure. It also draws up a balance sheet, which is accompanied by a statement of accounts showing cash movements and balances at the same date.

16. The Audit Board exercises its powers in respect of the Centre in accordance with the Financial Regulation applicable to the general budget of the European Communities. It must conclude its report on the accounts for the preceding financial year not later than 15 July.

17. Before 30 April of the next year, the Council and the European Parliament must give a discharge to the Management Board in respect of its implementation of the statement of revenue and expenditure.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

29.6.1976

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*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

Official Journal L 164, 24.6.1976





## 10. VOCATIONAL TRAINING

### 10.6. Common policy on vocational training: Cedefop - Amendment of Regulation (EEC) No 1416/76

- |   |  |  |                                  |
|---|--|--|----------------------------------|
| (1) <i>Objective</i>                          | To update Regulation (EEC) No 1416/76 to take account of the institutional and budgetary procedure changes since 1975.   |  |                                  |
| (2) <i>Proposal</i>                           | Proposal for a Council Regulation amending Regulation (EEC) No 1416/76 on the financial provisions applying to the European Centre for the Development of Vocational Training.   |  |                                  |
| (3) <i>Contents</i>                           | <ol style="list-style-type: none"> <li>1. The procedural arrangements relating to the presentation of supplementary or amending estimates are set out in more detail. A new provision relating to 'half-time' work allows the budgetary authority to authorize appropriate compensation.</li> <li>2. In connection with implementation of the budget, the concept of 'sound financial management' is reinforced by mention of the principles of economy and cost-effectiveness.</li> <li>3. The tasks and responsibilities of the authorizing officer, the accounting officer and the Financial Controller are set out in more detail.</li> <li>4. The principle of the one-year budget is stressed, with reference to carrying forward appropriations.</li> <li>5. The term 'unit of account' is replaced by the ecu.</li> <li>6. Provision is made for management by means of computer systems. The creation of a file containing job descriptions permits the identification of posts.</li> <li>7. More detailed provisions for the preparation of accounts and balance sheets will make it easier to incorporate them into the general balance sheets and accounts of the Communities.</li> <li>8. The financial regulations are updated to take into account the foundation of the Court of Auditors.</li> <li>9. The new text officially recognizes the practice according to which the European Parliament gives a discharge. The possibility of postponing the decision is recognized, with a mention of the likely implications.</li> </ol> |  |                                  |
| (4) <i>Opinion of the European Parliament</i> | Not yet given.   |  |                                  |
| (5) <i>Current status</i>                     | The proposal is currently before the European Parliament and the Economic and Social Committee for their opinions.   |  |                                  |
| (6) <i>References</i>                         | <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Commission proposal<br/>COM(90) 534/III final</td> <td style="width: 50%;">Official Journal C 23, 31.1.1991</td> </tr> </table>   | Commission proposal<br>COM(90) 534/III final | Official Journal C 23, 31.1.1991 |
| Commission proposal<br>COM(90) 534/III final  | Official Journal C 23, 31.1.1991   |  |                                  |

## 10. VOCATIONAL TRAINING

### 10.7. Rationalization and coordination of programmes: memorandum

(1) *Objective* To establish an overall reference framework for administering all Community training initiatives and activities and for coordinating the development of measures by the Community to improve the quality of its human resources.

(2) *Community measures* Commission memorandum on the rationalization and coordination of vocational training programmes at Community level.

(3) *Contents*

#### **I. Context**

1. There is an element of training in other Community policies, for example in structural policies carried out by the European Social Fund.
2. The third outline programme on research and development gives priority to 'human resources and mobility'. The Science and Delta programmes are to be coordinated with Comett and Erasmus.
3. Implementation of Community environmental legislation has been slowed down due to a lack of trained personnel.
4. The EFTA countries, some Central and East European countries and some countries which are signatories to the Lomé Convention have shown increasing interest in participating in Community programmes.
5. The cooperation of the Member States, the two sides of industry and of undertakings is necessary.

#### **II. Towards a new action framework**

6. The general objectives pursued by the Commission, and the specific objectives set out in each action programme, must be clearly formulated.
7. The Commission has identified the five main areas of activity in all existing action programmes:
  - initial vocational training and training of young people;
  - higher education and further training;
  - continuing education and in-service training;
  - foreign language teaching;
  - cooperation with non-member countries.

Provisions relating to initiatives for the benefit of young people will also be rationalized. Programmes must be established with regard to these objectives; some of them relate to more than one area.

#### **III. Assessment and monitoring**

8. The Commission will establish an overall procedure for monitoring projects and activities carried out under the major Community programmes and will publish an overall annual report of the results. It will review documentation distributed in relation to all its programmes in order to indicate clearly the objectives, selection criteria and reporting procedures so as to ensure wide dissemination.

#### **IV. Dissemination of information and publications**

9. Improved and simplified presentation of Commission publications relating to training. An integrated database on training activities will be established.



#### **V. Relations with the Member States**

10. The Commission is assisted by a tripartite advisory committee on vocational training. The number of committees and working parties in the first three major areas of activity will be reduced in order to improve the overall aspect.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission memorandum  
COM(90) 334 final

*(7) Follow-up work*

*(8) Commission implementing measures*



## 10. VOCATIONAL TRAINING

### 10.8. Rationalization and coordination of programmes: Leonardo da Vinci

- (1) *Objective* To implement a vocational training policy to support and supplement action taken by the Member States and to foster cooperation between the Member States with a view to gradually setting up an open area for vocational training and qualifications.
- (2) *Proposal* Proposal for a Council Decision establishing an action programme for the implementation of a European Community vocational training policy 'Leonardo da Vinci'.
- (3) *Contents* The programme will come into force on 1 January 1995. It concerns all players involved in vocational training, be they public authorities, training establishments, universities, firms or employers' associations and trade unions.
- It sets out:
- (a) A common framework of objectives:  
This framework is designed to promote increased cooperation between the Member States in support of a gradual and consistent implementation of a Community vocational training policy. It will provide a reference for Member States as they implement their vocational training policies. The common framework of objectives covers:
- facilitating adaptation to industrial changes, especially through vocational training and retraining;
  - improving initial vocational training and continuing training in order to facilitate integration and reintegration into the labour market;
  - facilitating access to vocational training and encouraging mobility of instructors and trainees, and especially young people;
  - stimulating cooperation on training between training establishments and firms;
  - supporting exchanges of information and experience on issues common to the training systems of the Member States.
- The guidelines which underpinned the Comett, PETRA, FORCE, and Eurotecnet action programmes have been incorporated into this framework.
- (b) Community measures:  
The Commission will implement the Community measures specified from 1 January 1995 to 31 December 1999. These measures are based on the experience amassed through the implementation of the Comett, Eurotecnet, FORCE, PETRA and IRIS Community programmes. They cover initial and continuing training systems, policies and actions as defined in the Member States and are based on closer cooperation between the various players in vocational training, in particular between firms and universities or training bodies. These measures are divided into three main strands:  
The first strand is designed to provide Community support for projects with a direct impact on national vocational training systems and arrangements, which it will seek to make more effective by improving their ability to respond to the training needs of individuals and firms, particularly the SMEs, and stressing the importance of the quality of vocational training methods, approaches and tools.

The first stand is targeted at vocational training market operators and players offering training measures or products. It is relevant to all categories of players: training bodies, firms, employers' organisations and trade unions, and universities. The projects seek to support and strengthen innovation in vocational training actions in order to make them more efficient and in order to devise types of training to encourage and facilitate the transfer of technological innovation. The first stand is designed to enhance the European dimension in vocational training, with support for the establishment of a European network of national organizing bodies and operational structures, for the development of language proficiency in vocational training and for assistance measures (information, monitoring and assessment) in order to enhance the visibility and impact of the programme. The Community will contribute to the funding of expenditure connected with the measures planned for stands I, II and III.

- (4) Opinion of the European Parliament* Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.
- (5) Current status* On 22 June 1994, the Council released a political agreement concerning a common position. The formal adoption of this common position will take place during the next session.
- (6) References*
- |  |   |
|--|---|
| Commission proposal<br>COM(93) 686 final | Official Journal C 67, 4.3.1994           |
| European Parliament opinion              | Not yet published in the Official Journal |
| Economic and Social<br>Committee opinion | Official Journal C 148, 30.5.1994         |
| Amended proposal<br>COM(94) 215 final    | Official Journal C 176, 29.6.1994         |



## 10. VOCATIONAL TRAINING

### 10.9. Rationalization and coordination of programmes: Socrates

- (1) *Objective* To contribute to the development of quality education and training and of an open European area for education.
- (2) *Proposal* Proposal for a European Parliament and Council Decision establishing the Community action programme 'Socrates'.
- (3) *Contents*
1. Duration of programme:  
from 1 January 1995 to 31 December 1999.
  2. Features:  
The education programme comprises three areas of Community action: higher education, school education and horizontal activities in the areas of language learning, of open and distance education and learning, information and adult education.
  3. The programme aims to develop the European dimension in studies at all levels and to promote knowledge of the languages of the Community so that its citizens may take advantage of opportunities arising from the completion of the European Union, while at the same time reinforcing solidarity between the peoples of the Community.
  4. It aims both to increase mobility for students in higher education and to promote broad and intensive cooperation between institutions at all levels of education in every Member State, and to realize their intellectual potential through the mobility of teaching staff.
  5. It also aims to encourage the academic recognition of diplomas and periods of study, in particular through the introduction of academic credits and modules aimed at facilitating such recognition at Community level.
  6. The programme makes provision for the use of communication and information technologies as an education tool and subject, including use of multimedia information facilities and telematics at all levels of education.
  7. It supports the intellectual mobility of knowhow and experience, in particular through the development of open and distance education and learning at all levels of teaching.
  8. It fosters exchanges of information and experience in order to ensure that the diversity of Member States' educational systems serves as a source of enrichment.
  9. The Commission will be assisted by an advisory committee composed of two representatives from each Member State and chaired by the Commission representative.
  10. Chapter I of the Annex on 'Higher Education — Erasmus' groups together the activities undertaken under the Erasmus Programme and Action 2 under the Lingua Programme.  
It sets out two actions aimed at:
    - promoting the European dimension in higher education institutions;
    - funding student mobility grants.
  11. Chapter II on 'School Education — Comenius' sets out three actions intended to encourage:
    - cooperation between nursery, primary and secondary educational establishments;





- schooling of the children of migrant workers, gypsies, travellers and persons in itinerant occupations, and intercultural education;
  - updating of skills of educational staff in charge of teaching.
12. Chapter III on 'Horizontal Measures' sets out activities intended to promote:
- language skills in the Community;
  - information and communication technologies and open and distance education and learning;
  - information and exchanges of experiences as well as adult education and other complementary measures.
13. The Commission will ensure implementation of the Socrates programme in accordance with the arrangements set out in the Annex.
14. The programme provides for cooperation with the Member States. It will support the policies adopted and implemented by Member States under their internal structures, having regard to the characteristics and scope of their educational systems, with the aim of achieving the objectives set out in points 3 to 8.
15. The Commission will strive to ensure overall consistency between this programme and the action programme for the implementation of a Community policy on vocational training.
16. The programme will be continuously monitored on a partnership basis involving the Commission and the Member States.
17. The Commission will submit to the Council, the European Parliament, the Economic and Social Council and the Committee of the Regions — before 30 September 1998 — an interim report on the launch phase and — before 30 September 2000 — a final report on the implementation of the programme.

*(4) Opinion of the European Parliament*

Co-decision procedure: First reading.  
On 22 April the Parliament delivered a favourable opinion on the Commission's proposal after having adopted 106 amendments to it. The Commission accepted some of these, after which it submitted a modified proposal — COM(94) 180 final — to the Council and Parliament. Favourable opinions were delivered by the Economic and Social Committee (on 28 April) and by the Committee of the Regions (on 18 May).

*(5) Current status*

On 21 June 1994 the Council adopted its common position.

*(6) References*

Commission proposal COM(93) 708 final	Official Journal C 66, 03.03 1994
Opinion of the European Parliament	Not published in the Official Journal
Opinion of the Economic and Social Committee	Not published in the Official Journal
Opinion of the Committee of the Regions	Not published in the Official Journal
Modified proposal COM(94) 180 final	Official Journal C 164, 16.6.1994

## 10. VOCATIONAL TRAINING

### 10.10. Rationalization and coordination of programmes: PETRA - Decision 87/569/EEC

- (1) Objective* PETRA is the Community action programme for the vocational training of young people and their preparation for adult and working life. It aims to supplement the internal policies of Member States with Community measures to ensure that all young people who so wish have the opportunity of one year's or, if possible, two years' or more vocational training in addition to their full-time compulsory education.
- (2) Community measures* Council Decision 87/569/EEC of 1 December 1987 concerning an action programme for the vocational training of young people and their preparation for adult and working life.
- (3) Contents*
1. The programme was adopted initially for a period of five years from 1 January 1988.
  2. The programme is intended to promote improvement and diversification of the vocational training available, encourage greater adaptability of such training to economic, technological and social change, and give a Community dimension to vocational qualifications.
  3. The Community measures are intended to complement Member States' activities in the following main areas:
    - strengthening links between vocational education, training and guidance systems and all sectors of the economy, including young people's organizations;
    - improving awareness of labour market trends and changes in working conditions, particularly those affecting health and safety;
    - promoting equal opportunities for girls and young women;
    - special help for the young people most at risk (handicapped, disadvantaged, those with few or no qualifications);
    - encouraging creativity, initiative and enterprise among young people.
  4. The Community measures are:
    - (a) — a new European network of training initiatives;
    - assistance for information projects on the transition from school to vocational training and working life and for projects encouraging the development of entrepreneurial skills, creativity and responsibility among young people;
    - exchanges of specialists;
    - technical assistance;
    - (b) — comparative research on vocational education and training issues;
    - review of developments in vocational qualifications;
    - monitoring of implementation of the programme by policy makers and the social partners.
- The Commission shall draw upon the assistance of the European Centre for the Development of Vocational Training.
- (4) Deadline for implementation of the legislation in the Member States* Not applicable.

*(5) Date of entry into force (if different from the above)* 1.1.1988

*(6) References*

Official Journal L 346, 10.12.1987

*(7) Follow-up work*

Decision 91/387/EEC of 22 July 1991 amending Decision 87/569/EEC (summary 10.11), incorporating the Young Workers' Exchange Programme.

*(8) Commission implementing measures*

Report from the Commission on the implementation of the PETRA programme (1988-91) (COM(93) 48 final).  
Financial support from the Community amounted to ECU 40 million over the period 1988-91. During this period, approximately 75 000 young people benefited directly from the programme, along with more than 10 000 teachers and trainers. Support has been provided for 70 research institutes investigating the effectiveness of initial vocational training systems. Considerable progress has been made in facilitating young people's access to initial vocational training and in offering a year's training at the end of their schooling. The number of young people undergoing such training has increased by an average annual rate of between 0.5% and 4.3%. PETRA has played a part in developing transnational cooperation and exchanges, and has helped to create a unified, consistent framework for Community action in the field of young people's initial vocational training and their preparation for working life.



## 10. VOCATIONAL TRAINING

### 10.11. Rationalization and coordination of programmes: PETRA - Decision 91/387/EEC

#### *(1) Objective*

To raise the status of vocational education and initial training, and to stimulate exchanges of experience between Member States and transnational cooperation between training bodies. To extend the PETRA programme until 31 December 1994.

#### *(2) Community measures*

Council Decision 91/387/EEC of 22 July 1991 amending Decision 87/569/EEC concerning an action programme for the vocational training of young people and their preparation for adult and working life.

#### *(3) Contents*

1. The programme is adopted for a three-year period from 1 January 1992. Its aim is to support and supplement, through measures at Community level, the policies of the Member States, which are seeking to ensure that all young people who so wish receive two or more years' vocational training in addition to their compulsory full-time education, leading to a recognized vocational qualification.
2. The programme is intended in particular to:
  - raise the quality of vocational and technical education and initial training;
  - encourage and diversify vocational-training provision;
  - add a Community dimension to vocational qualifications;
  - stimulate cooperation and the development of training partnerships transnationally and within each Member State;
  - allow the following young people to benefit from periods of training or work experience in other Member States:
    - young people receiving technical and vocational education,
    - young job-seekers,
    - young workers,
    - young unemployed people.
3. Support for transnational cooperation, including specific assistance for initiatives involving young people in planning, organizing and implementing activities. Such cooperation is above all intended to promote within the Community:
  - vocational training or work experience placements in another Member State; these must lead to a certificate and form a recognized part of the young person's training course;
  - joint development of initial vocational training modules compatible with national training systems;
  - joint training of instructors working in initial vocational training.
4. Support for measures aimed at introducing a Community dimension into the processes and systems of vocational information and guidance, by:
  - supporting national contact points or centres to create a network for the exchange of guidance data and to explore effective means of transferring up-to-date guidance information throughout the Community;
  - standardizing the content of training programmes and supporting supplementary training for vocational guidance specialists and advisers on the European aspects of guidance.

5. Technical assistance, as necessary, in the implementation of the programme; comparative studies on vocational education and training issues, including surveys on the effectiveness of youth training programmes, and review of the evolution of vocational qualifications.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 214, 2.8.1991

*(7) Follow-up work*

*(8) Commission implementing measures*

The incorporation of the Young Workers' Exchange Programme into Action I of the PETRA programme, from 1992 onwards, adds a new dimension to the training of young people. Around 36 000 young people have participated in placements in 1992-94, with women accounting for just over half this number. The placements are available to young people receiving initial vocational training, young workers who are in employment or are available on the labour market, and young people undergoing advanced vocational training. This Action is managed on a decentralised basis in the Member States, whose resources are overstretched by the keen demand for placements.

Commission report on the implementation of the PETRA programme in accordance with Article 8 of Decision 91/387/EEC (COM(93) 704 final). The Community provided aid amounting to ECU 4.2 million for the period 1992-94. Community action under PETRA to attain the objectives set out in the decision and to support Member States' activities can be classified into the categories of Action I, II, III and additional measures. Under Action I, i.e. support for vocational training placements or training periods in a company in another Member State for young people undergoing initial vocational training, young workers, young job-seekers and young people receiving advanced vocational training, from 1992-1994 involved 6 000 young people. For Action II, the support for activities of transnational cooperation to carry out joint innovative training projects between several Member States, including youth initiative projects, within the European Network of Training Partnerships, an estimated 100 000 young people and 20 000 teachers and instructors have taken part directly in the network between 1992 and 1994. In all, the programme has also supported over 900 youth initiative projects. A total of 25 000 young people have now been directly involved in the youth initiative projects since 1988. Under Action III of the PETRA programme concerning support for national systems to promote the exchange of information on vocational guidance, a Community network of resource centres in the Member States has been set up, and the training of guidance counsellors in the Community dimension of guidance has been started; 27 resource centres now cooperate throughout the European Union. As for additional measures on support for the dissemination of the results of the programme, transnational cooperation on research into the vocational training of young people, technical assistance at Community and national level for the implementation, coordination and

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assessment of the programme, the programme has, since 1988, been present in over 200 major information events in the Community or nationally. PETRA has provided its support to national research partnerships involving over 70 research centres designated by the national authorities.

Theme-based research has been conducted on issues such as the legal and administrative obstacles to transnational training and work experience placements, the accreditation of these placements, and the access of young people to vocational training.



## 10. VOCATIONAL TRAINING

### 10.12. Rationalization and coordination of programmes: exchanges of young workers

*(1) Objective*

To increase the opportunities for young workers to expand their vocational training, knowledge of languages and cultural and social awareness in a Member State other than the country of residence.

*(2) Community measures*

Council Decision 84/636/EEC of 13 December 1984 establishing a third joint programme to encourage the exchange of young workers within the Community.

*(3) Contents*

1. Definition of the term 'exchanges of young workers': operations involving the organization of training periods for young workers in a Member State other than the country of residence, aimed at:

- developing their vocational knowledge and enriching their practical experience;
- promoting their awareness of the problems of the working world;
- bringing them into contact with the working environment of the host country;
- improving the knowledge of living conditions and social relations in the host country;
- promoting adequate information on the Community's objectives and how it functions.

'Training periods of long duration' means training periods of a predominantly vocational nature spent with an employer and lasting between 4 and 16 months. 'Training periods of short duration' means study training periods, in principle lasting between three weeks and three months.

2. Young workers who are nationals of a Member State shall be eligible for exchanges if they:

- are between 18 and 28 years of age and are employed or are available on the labour market;
- have received basic vocational training or have practical work experience. The Commission may, exceptionally, admit young workers who do not fulfil these conditions.

3. The implementation of exchanges shall be entrusted to bodies or groups capable of operating at European level and approved by the Commission. The Commission shall conclude individual contracts with them defining the conditions, obligations and financial responsibilities.

4. Young workers participating in training periods shall benefit from the system introduced under the Treaty to bring about freedom of movement for workers, particularly in respect of social security. The Commission shall ensure that the promoting bodies draw up appropriate insurance policies for young people who are not covered by this system.

5. Within the framework of existing legislation and practice, the Member States shall lend their support to the implementation of exchanges. They shall be consulted by the Commission in the circumstances specified.

6. The Commission may contribute towards the cost of the journey between the place of residence and the place of training and provide a flat-rate weekly contribution per trainee, or, exceptionally, grant a subsidy for each exchange project.  
7. The programme shall not extend beyond 31 December 1991.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

1.1.1985

*(6) References*

Official Journal L 331, 19.12.1984

*(7) Follow-up work*

Council Decision 90/268/EEC of 29 May 1990 amending Decision 84/636/EEC.  
Official Journal L 156, 21.6.1990.

With effect from 1 January 1992, the young workers exchange programme will be incorporated in the Petra II programme, which was adopted by the Council on 22 July 1991 (summaries 10.10 and 10.11).

*(8) Commission implementing measures*

A two-yearly report to be submitted to the Council on the progress of the exchanges, including an overall assessment.



## 10. VOCATIONAL TRAINING

### 10.13. Rationalization and coordination of programmes: Erasmus

- (1) *Objective* To allow around 10% of all students in the Community, by 1992, to spend part of their time following a course organized by a university in another Member State.
- (2) *Community measures* Council Decision 89/663/EEC of 14 December 1989 amending Council Decision 87/327/EEC of 15 June 1987 adopting the European Community action scheme for the mobility of university students (Erasmus).
- (3) *Contents*
1. Objective:  
To ensure, in the context of the European university network and student grants, that the highest possible proportion of funds is allocated to student mobility.
  2. Provision is made for four actions:
  3. Action 1: Establishment and operation of a European university network. The network is composed of the universities which have concluded agreements under the Erasmus programme. These universities organize programmes providing for exchanges of students and teachers with universities in other Member States and ensure full recognition of the relevant study periods. Support is also provided for exchanges of teaching staff for the purpose of carrying out integrated teaching assignments, for joint curriculum development projects, for the organization of short-duration intensive teaching programmes for students from several different Member States, and for visits by university administrators and teaching staff to other Member States.
  4. Action 2: Student grants scheme. A minimum of ECU 200 000 (approximately 100 grants) is paid to each Member State and the remainder is allocated to Member States on the basis of the total number of university students, the total number of 18 to 25-year-olds, the average cost of the journey and the difference between the cost of living in the student's country of origin and the host country. Balanced participation across the various subjects is ensured. Grants are administered by the competent Member State authorities, who award up to ECU 5 000 per student for a maximum stay of one year subject to the listed conditions.
  5. Action 3: Measures to promote mobility through the academic recognition of diplomas and periods of study.  
The European Community course credit transfer system (ECTS) is experimental and voluntary. It provides a means whereby students may receive credit for training carried out at universities in other Member States. Grants of up to ECU 20 000 per year are awarded to the universities participating in the pilot system. The development of the Community network of national information centres on academic recognition also permits the exchange of information on periods of study completed in other Member States. These centres may receive annual grants of up to ECU 20 000.
  6. Action 4: Complementary measures. These are intended to provide financial support for associations with a view to making initiatives in specific training fields better known throughout the Community, and to



finance publications designed to increase awareness of study and teaching opportunities in the Member States, other initiatives to promote inter-university cooperation, and Erasmus prizes awarded to students, teaching staff, universities or projects making an outstanding contribution to the development of inter-university cooperation within the Community. The cost of these measures must not exceed 5% of the annual appropriations for the programme.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

1.7.1987 for point 4 (Action 2).

*(6) References*

Official Journal L 166, 25.6.1987  
Official Journal L 395, 30.12.1989

*(7) Follow-up work*

*(8) Commission implementing measures*

Annual Commission report (COM(93) 268 final)

For the Erasmus programme's sixth year of operation, the budget increased to ECU 96.5 million, of which 83 million came from Community funds and 13.5 million was contributed by the EFTA countries in their first year of participation. The momentum of the programme continued in 1992, with changes being made in connection with:

- the criteria for distributing the budget amongst Member States,
- the introduction of arrangements for multiannual funding of inter-university cooperation programmes (ICPs), bringing considerable stability to the structure.

In quantitative terms, applications for financial assistance in respect of ICPs (Action 1) showed a slight decrease at 2 436 compared with 2 594 for 1991. However, the volume of activity increased substantially in the course of 1992: 16.5% more institutional participations. The distribution of participation across the Member States continued to improve. A point to note here is the encouraging level of participation by EFTA countries, accounting for 5.6% of participation in applications and 5.5% of participation in approved programmes, despite the fact that they had little time for preparation.

Student mobility (Action 2) increased considerably: 51 000 students are expected to take part in exchanges under the programme in 1992/1993. Teaching staff mobility is increasingly perceived as an important means of introducing a European dimension into the training of the many students who are not able to benefit from exchanges. Some 5 173 members of teaching staff are expected to participate in the programmes.

1992 was also the fourth year of the pilot phase of the ECTS (Action 3), involving 145 higher education institutions and 1 700 students (almost double the figure for the previous year).

With regard to Action 4, financial support continued to be provided to associations and consortia of higher education institutions, and for the



preparation of publications designed to enhance awareness of study and teaching opportunities in the Member States. Of the 116 applications received, 44 were selected. Erasmus provides an ideal forum for developing the European dimension in higher education and inter-university cooperation.

## 10. VOCATIONAL TRAINING

### 10.14. Rationalization and coordination of programmes: Comett I

<i>(1) Objective</i>	To strengthen cooperation between universities and enterprises in training relating to technology.
<i>(2) Community measures</i>	Council Decision 86/365/EEC of 24 July 1986 adopting the programme on cooperation between universities and enterprises regarding training in the field of technology (Comett).
<i>(3) Contents</i>	<ol style="list-style-type: none"><li>1. Definitions of the terms 'university' and 'enterprise'</li><li>2. Objectives of the programme<ul style="list-style-type: none"><li>— to give a European dimension to cooperation between universities and enterprises in training relating to innovation and the development and application of new technologies;</li><li>— to foster the joint development of training programmes and the exchange of experience, and also the optimum use of training resources at Community level;</li><li>— to improve the supply of training at local, regional and national level with the assistance of the authorities concerned, thus contributing to the balanced economic development of the Community;</li><li>— to develop the level of training in response to technological change and social changes by identifying the resulting priorities in existing training arrangements which call for supplementary action both within Member States and at Community level, and by promoting equal opportunities for men and women.</li></ul></li><li>3. Areas covered by Comett<p>Comett I was divided into five interdependent fields of action, each comprising one strand of the programme:</p><p>Strand A: the development of a European network of university-enterprise training partnerships (UETPs),</p><p>Strand B: programmes for the exchange of students and staff between universities and undertakings,</p><p>Strand C: the development and testing of joint university/enterprise projects in the field of ongoing training,</p><p>Strand D: multilateral initiatives for developing multi-media training systems,</p><p>Strand E: additional measures and assessment measures aimed at the analysis and monitoring of important developments relating to Comett.</p></li><li>4. Framework for implementation of the programme<p>The Commission is assisted by a Committee consisting of two representatives of each Member State. Two representatives of the social partners participate in the work as observers. The Committee members are responsible for liaison between Comett and similar initiatives in the Member States. The Committee delivers opinions on the guidelines, the financial assistance granted, the procedure for selecting the various types of projects and any measures which require a Community contribution of more than ECU 100 000. Information centres have been set up to assist and promote the dissemination of information on Comett. A group of Comett experts has been set up by the Commission, to provide an additional source of advice and specialized technical know-how.</p></li></ol>





*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 222, 8.8.1986

*(7) Follow-up work*

*(8) Commission implementing measures*

The results

Between 1986 and 1990, more than 1 300 projects were launched throughout the European Community, with Community aid amounting to a total of ECU 52.5 million. The projects financed under Comett I have led to the establishment of 125 university-enterprise training partnerships (UETPs), more than 4 000 traineeships for students in enterprises in other Member States and 232 grants for exchanges of staff between universities and enterprises; 329 joint ongoing training projects and multinational initiatives for developing multi-media training systems have also been financed. In addition, more than 6 000 enterprises, 1 500 universities and 1 000 other types of organization were involved in carrying out the Comett I projects. Of the various technological sectors, production and manufacturing dominated, but other fields were also well represented: computer technology, management, biology, chemicals, occupation of land area. The human and social sciences accounted for 3.6% of the total, the projects in question having been proposed by the trade unions concerned about the impact of technological change on the organization of labour, collective bargaining and the organization of the trade unions.

## 10. VOCATIONAL TRAINING

### 10.15. Rationalization and coordination of programmes: Comett II

- (1) *Objective* To reinforce training in the field of technology, with the emphasis on advanced technologies, and to foster the development of highly skilled human resources and the competitiveness of European industry.
- (2) *Community measures* Council Decision 89/27/EEC of 16 December 1988 adopting the second phase of the programme on cooperation between universities and industry regarding training in the field of technology (Comett II) (1990 to 1994), open to the EFTA countries following the Decision of the Council of Ministers of 22 May 1989.
- (3) *Contents*
1. Comett II is scheduled to run for five years from 1 January 1990 to 31 December 1994 and has been allocated a total of ECU 200 million, not including the EFTA contribution. Allocation of Community support is based on the principle of cost sharing between the Community and the project applicants.
  2. Objectives of the programme:
    - contributing to economic and social development through technology training: 'to improve the contribution of, in particular, advanced technology training at the various levels concerned and thus the contribution of training to the economic and social development of the Community';
    - joint university-industry training schemes: 'to foster the joint development of training programmes and the exchange of experience, and also the optimum use of training resources at Community level, notably through the creation of transnational, sectoral and regional networks of, in particular, advanced technology training projects';
    - training requirements of small and medium-sized businesses: 'to respond to the specific skill requirements of small and medium-sized businesses having regard to the priority measures set out in the Annex';
    - equal opportunities for men and women in respect of training: 'to promote equal opportunities for men and women in initial and continuing training in, in particular, advanced technology';
    - encouragement of a European dimension: 'to give a European dimension to cooperation between universities and industry in initial and continuing training relating to technologies and their applications and transfer'.
  3. Areas covered by Comett II
    - Strand A: University-Industry Training Partnerships (UITPs)  
This network, created under Comett I, should be extended and reinforced under Comett II. Its role is:
      - to identify training needs and to provide a structured, coordinated basis for meeting them;
      - to provide a support structure for the implementation of part or all of the activities;
      - to strengthen cooperation and inter-regional transfer between Member States;
      - to develop links in the form of transnational sectoral networks.

The maximum amount granted by the Community is:

- ECU 70 000 per UITP for the first year,
- ECU 60 000 per UITP for the second year,
- ECU 50 000 per UITP for the third year.

This support, limited to three years, constitutes a flat-rate contribution which may not exceed 50% of expenditure. The activities to be undertaken under strand A will not exceed 12% of the overall budget.

Strand B: Transnational exchanges

These include:

- integrated student placements with companies in other Member States (three to twelve months' duration);
- advanced training placements, with companies in other Member States, for students who have completed their initial training, for the purpose of taking part in an industrial development project (six months to two years' duration);
- fellowships for university staff seconded to a company in another Member State or personnel of a company seconded to a university in another Member State (two to twelve months' duration).

The maximum amount granted by the Community is:

- ECU 6 000 for a 12-month integrated student placement;
- ECU 25 000 for a 24-month advanced training placement;
- ECU 15 000 for a three-month exchange of personnel.

The activities to be undertaken under strand B will not exceed 40% of the overall budget.

Strand C: Joint training projects, with the emphasis on advanced technologies

Such projects include:

- crash training courses in technology with a European dimension;
- devising, developing and testing at European level joint training projects in technology;
- multilateral arrangements for training in technology aimed at establishing, as pilot projects, multimedia systems for distance learning.

The Community's financial contribution, apart from exceptional cases, is limited to 50% and may not exceed:

- ECU 30 000 for a crash course (the normal duration of a project is one year)
- ECU 500 000 for a joint training project, for the duration of the project, which may be between one and five years.

The activities to be undertaken under strand C will not exceed 40% of the overall budget.

Strand D: Complementary promotion and back-up measures

Such measures include:

- support for preparatory activities, particularly for the less-developed regions;
- support for the network of information centres;
- setting up of databases on projects and establishment of electronic mail facilities linking projects and partners;
- conferences and seminars;
- ongoing evaluation of Comett II;
- assistance for preparatory visits (ECU 2 000 per person per week) (8% of the overall budget).



*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 13, 17.1.1989

*(7) Follow-up work*

*(8) Commission implementing measures*

Results — 1991

Over the entire programme, Comett II is expected to give rise to more than 25 000 exchanges of persons (chiefly placements for students within companies), and a minimum of 5 000 courses aimed at some 150 000 persons in Europe (chiefly engineers and scientists). In 1991, 414 projects were submitted by 153 of the 158 UITPs for a total sum of ECU 73 million. Placements for nearly 15 000 students were proposed in 140 projects, 10 times the figure for Comett I; 55 projects proposed 215 exchanges of personnel between industry and universities; 131 projects concerned the organization of 1 038 courses, and 88 proposed 1 043 preparatory visits for new projects. In terms of total cost, the best represented sectors are: environment, information technology, automation, foodstuffs and materials. 392 projects were selected in 1991, including 139 transnational placements for 5 083 students; 53 other projects will involve exchanges for 121 employees of industry or universities; 724 crash courses will be organized under 130 projects and, finally, 63 projects concern preparatory visits. These projects account for a total of ECU 21 million, including one million for the environment sector. A further 25 million is required to finance projects accepted in 1990. The projects accepted in 1991 involve 3 000 businesses, 1 000 universities and higher education establishments, and 1 000 professional organizations.

EFTA participation

Following the decision adopted by the Council on 22 May 1989, the European Community has concluded a formal agreement with the EFTA countries enabling universities and industry in those countries to participate.

Each EFTA country may participate in all strands of Comett, for the five years for which Comett II will run, but their level of participation may not exceed that of the Member States of the European Community; the criteria for eligibility and selection are the same. Every project submitted by an EFTA country must involve at least two Member States of the Community. Transnational exchanges between two EFTA countries are not allowed. Each EFTA country will make a financial contribution proportionate to its gross national product in relation to that of the European Community and the Comett budget for the year in question. The EFTA countries and the Member States of the European Community will take the necessary steps to facilitate the free movement and residence of students and other persons participating in Comett activities. Advisory services will be provided through a joint committee comprising representatives of the European Community and the country in question.

#### Results — 1992

In 1992, 555 new projects benefited from Comett funding. Forty-two new UITPs (University-Industry Training Partnerships) were accepted, bringing to 205 the total of UITPs under Comett II. This total includes 23 regional UITPs (operating in a specific geographical area) and 19 sectoral UITPs (specializing in a particular technological sector).

The projects accepted in 1992 involved more than 5 000 European businesses, some 1 700 higher education establishments and around 2 000 other bodies. 80% of the projects covered at least one SME (a SME is defined as an enterprise employing less than 500 persons).

In 1992, Comett financed more than 6 900 student training courses (up 38% from 1991). Sixty-seven projects were accepted under strands B and C, entailing the organization of 124 exchanges of personnel. 1 300 training sessions were organized in conjunction with the 154 crash training projects. Participation by EFTA countries in 1992 more than doubled (18% of all projects, compared with 7% in 1990).

## 10. VOCATIONAL TRAINING

### 10.16. Rationalization and coordination of programmes: FORCE

- (1) *Objective* To support and complement the policies and activities developed by and in the Member States in the area of continuing vocational training.
- (2) *Community measures* Council Decision 90/267/EEC of 29 May 1990 establishing an action programme for the development of continuing vocational training in the European Community (Force).
- (3) *Contents*
1. The programme covers the period from 1 January 1991 to 31 December 1994.
  2. Definitions of terms: 'continuing vocational training': any vocational training engaged in by a worker throughout his working life; 'undertaking': large, small and medium-sized undertakings, regardless of their legal status or economic sector, and all types of economic activity; 'training body': all types of establishment engaged in vocational training, including autonomous economic organizations and professional associations; 'worker': any person having active links with the labour market, including the self-employed.
  3. Objectives:
    - to encourage investment in continuing vocational training and improve the return from it, in particular by developing partnerships;
    - to encourage measures in those economic sectors or regions where access to, or investment in, such training is inadequate;
    - to encourage innovations in the management of continuing vocational training, methodology and equipment;
    - to support transnational and transfrontier projects and the exchange of experience;
    - to identify better ways of forecasting requirements in terms of qualifications and occupations.
  4. The programme comprises a common framework of guidelines designed to support and complement the measures adopted by the Member States, together with a number of transnational measures implemented at Community level. The aim is to contribute to promoting the convergence of initiatives by the Member States which seek:
    - to improve the conditions for workers' mobility;
    - to enable the least qualified workers to benefit from training;
    - to promote effective equality of opportunity for men and women and to ensure that all workers who are nationals of Member States are afforded equal treatment as regards access to continuing vocational training;
    - to strengthen incentives for undertakings, particularly small and medium-sized ones, to invest in continuing vocational training;
    - to seek to improve the forecasting of trends in qualifications.
  5. The Commission must implement the transnational measures which are aimed at workers in undertakings, taking account of the differing needs and situations which exist in the Member States. Transnational measures include:
    - an exchange scheme to promote the rapid dissemination of innovations;
    - the design and development of transnational or cross-border pilot schemes;





- establishment of a European network of transnational operations;
- sectoral and statistical surveys and analysis of contractual policy and trends in qualifications and occupations.

6. The Commission ensures that there is consistency and complementarity between the Force and other Community programmes. It draws upon the assistance of the European Centre for the Development of Vocational Training and is also assisted by an advisory committee, which it keeps informed about the development of the programme.

7. Objective external assessments of the results of the transnational measures are to be carried out during the first half of 1993 and 1995.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

1.1.1991

*(6) References*

Official Journal L 156, 21.6.1990

*(7) Follow-up work*

Council Decision 92/170/EEC of 16 March 1992 (Official Journal L 75, 21.3.1992) amending Decision 89/657/EEC (Eurotecnet) and Decision 90/267/EEC (Force), setting up an advisory committee on education and continuing training covering both Force and Eurotecnet.

*(8) Commission implementing measures*

Presentation of an interim report on the launch phase before 30 June 1993 and a final report on the implementation of the programme before 30 June 1995. The Member States must send a report to the Commission every two years on the steps taken to implement the common framework of guidelines, including information on current arrangements and the financing thereof.

## 10. VOCATIONAL TRAINING

### 10.17. Rationalization and coordination of programmes: Eurotecnet

*(1) Objective*

To make full use of the possibilities offered by new technologies in vocational training systems.

To promote innovation in the vocational training field with a view to taking account of technological changes and their impact on employment, work, and the requisite qualifications and skills.

*(2) Community measures*

Council Decision 89/657/EEC of 18 December 1989 establishing an action programme to promote innovation in the field of vocational training resulting from technological change in the European Community (Eurotecnet).

*(3) Contents*

1. The programme runs for a period of five years, commencing on 1 January 1990.

2. It comprises a network of national or transnational innovatory projects and a series of Community measures.

3. The common framework of guidelines taken into account by the network of projects has the following objectives:

- extending cooperation with public and private bodies;
- analysing the impact of technological change on the qualifications and skills of the groups of persons concerned, with specific account being taken of the situation of small and medium-sized undertakings;
- implementing demonstration projects making it possible to innovate in the provision of vocational training;
- facilitating the entry of young people and the unemployed by providing them with training in the new technologies and in mastering technological development;
- promoting the access of women to types of training with significant technological content, as well as the retraining of women whose professional activities are affected by technological change;
- developing the training and retraining of trainers in technical, educational and social skills;
- disseminating relevant information.

Both sides of industry are to be fully associated in the implementation of the common framework of guidelines.

4. The Community measures supplementing the measures taken by Member States are aimed at:

- setting up a network of innovatory projects at Community level;
- strengthening cooperation and the exchange and transfer of methodologies;
- encouraging both the basic and the continuing vocational training of trainers;
- launching research work concerning the qualification requirements created by technological change;
- promoting self-training;
- disseminating relevant information within the Community.

5. The Commission is to implement support measures as indicated in the Annex, taking account of the differing needs and situations which exist in the Member States. Both sides of industry are to be fully associated.

6. The Commission is to ensure that there is consistency and complementarity between this programme and the other Community programmes involving vocational training and/or technological development. It will draw upon the assistance of the European Centre for the Development of Vocational Training and be assisted by an advisory committee, which it must keep regularly informed of the development of the programme.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

1.1.1990

*(6) References*

Official Journal L 393, 30.12.1989

*(7) Follow-up work*

Council Decision 92/170/EEC of 16 March 1992 (Official Journal L 75, 21.3.1992) amending Decision 89/657/EEC (Eurotecnet) and Decision 90/267/EEC (Force) with a view to setting up an advisory committee for education and continuing training combining Force and Eurotecnet.

*(8) Commission implementing measures*

Commission report concerning the first phase of Eurotecnet (1985-88) — (SEC(89) 1658 final).

Commission report on the operation of the Eurotecnet Programme (January 1990 — June 1992) COM(93) 317 final.

1991 was a very successful year for the Eurotecnet programme, as the nine working objectives set out in the work programme were achieved:

- the network of projects was set up;
- the links with the Euroform initiative were established;
- the national animation and dissemination units were established and operated effectively in all Member States;
- the exchange programme of study visits;
- the policy on links and complementarity with other Community programmes was initiated;
- ways and means of transferring innovations in vocational education and training were developed;
- models designed to increase the impact of the new developments on Member States' systems and policies were drawn up;
- a trainer development project was designed and implemented.

The objectives for 1992, in line with the overall objectives of the Eurotecnet Decision, were adapted to take account of the new guidelines, and the activities were structured and planned accordingly. The objectives are as follows:

- to examine the impact of innovations in training resulting from technological progress on the qualification systems in Member States;
- to promote the concept of the modern enterprise;
- to produce new guidelines for the changing role of the trainer;



- to produce guidelines for new learning strategies;
- to promote the new qualifications arising from changes in work organization;
- to determine the likely effect of advances in technology on:
  - technological content of training programmes;
  - skill shortages at general vocational training level;
  - key/core competency development of technological, cognitive and social skills;
- to promote the Euroform initiative;
- to participate in the Task Force initiative in relation to SMEs;
- to develop the use of key/core competencies;
- to complete the initial evaluation of the Eurotecnet programme and present the interim report to the European Parliament, Ecosoc and the Council;
- the Eurotecnet/Cedefop programmes for the exchange of experts;
- to participate in further measures in the new German Länder.

The following actions are involved:

- implementation of the Eurotecnet Decision;
- continuing to promote and organise network projects;
- running workshops geared to develop and improve vocational training policies and systems for the new technologies in the Member States;
- follow-up of the evaluation team and the draft interim report on the operation of the interim programme;
- strengthening Eurotecnet/Euroform operations;
- organising and running meetings and conferences;
- setting a communication system between Eurotecnet and each of the other two vocational training programmes (Petra and Force).

Starting in 1993, the network has been redesigned in line with the four key domains approved by the Commission, following a favourable opinion from the Force/Eurotecnet Advisory Committee (Doc. FPC/93/12 final):

1. Innovative training needs analysis with a special focus on core/key qualifications.
  2. Transfer of innovative methodologies for planning and management of training in the framework of human resource development.
  3. Training providers as innovative service centres for enterprises.
  4. Innovative teaching and learning approaches/methodologies.
- The active involvement of enterprises, management and labour is guaranteed.

A considerable effort has been made to give activities a transnational dimension by pursuing particular aims and seeking partners in other Member States.

In addition, most of the projects operate in synergy with other Commission programmes and initiatives such as Force, Petra, Delta, Comett and Euroform.

The upgraded network at present comprises 284 projects which have been approved by Vice-President Ruberti.

#### Results

The main results achieved by the network are as follows:

1. Transferable models (134 projects), e.g. innovative methods involving workers' representatives in all stages of the planning of training activities.
2. Innovative tools (68 projects), e.g. self-learning materials and multi-media packages.



3. Information materials (19 projects), e.g. databases on available training materials/resources; booklets on new training concepts for disadvantaged groups.
4. Training programme (63 projects), e.g. new modular curricula and special training measures for SMEs.

## 10. VOCATIONAL TRAINING

### 10.18. Rationalization and coordination of programmes: IRIS

<i>(1) Objective</i>	To increase women's awareness by making known what training is available and to promote their training by helping to develop strategies and methods.
<i>(2) Community measures</i>	IRIS programme, European network of training for women launched in December 1988.
<i>(3) Contents</i>	<p>1. Beneficiaries All women prepared to follow a training programme helping them to retrain and get back to work.</p> <p>2. Operating method The network is run by CREW (Centre for Research on European Women). The IRIS network comprises 333 programmes throughout the Member States. The Member States are involved in defining strategies for developing the network via the IRIS working party which meets twice a year.</p> <p>3. Description of activities The 333 programmes are aimed at improving women's access to public and private employment and to vocational training, increasing the number of women working in non-traditional sectors and training women to create businesses. The overwhelming majority of the programmes are aimed at long-term unemployed women trying to get back to work and young women without qualifications. Approximately 36% of the programmes train women in new technologies and 40% of the programmes are co-funded by the European Social Fund. The IRIS inventory supplies detailed information on the programmes. The selection criteria for the projects are being amended in 1991.</p> <p>4. Communications support: — a database containing the projects and women's training programmes in the Member States; — an IRIS information bulletin published four times a year; — an inventory of training programmes in nine languages and updated annually.</p> <p>5. Main activities Four seminars were held in 1990 on in-house training and creation of businesses by women. Evaluation symposia took place in each Member State to discuss national policies and to propose recommendations. Information meetings are organized in cooperation with the members of the working party as are interprogramme exchange visits.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	



*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

## 10. VOCATIONAL TRAINING

### 10.19. Rationalization and coordination of programmes: IRIS II

<i>(1) Objective</i>	To promote equality of opportunity in vocational training, raise the profile of training for women, expand such training and establish and strengthen links throughout Europe.
<i>(2) Community measures</i>	IRIS II programme (1994-1998)
<i>(3) Contents</i>	<p>1. Eligibility The members of IRIS are vocational training organizations for women, employers' or trade union organizations and companies which are organizing continual vocational training with a focus on equality or which have undertaken positive action schemes which include training.</p> <p>2. IRIS II focuses on five priorities:</p> <ul style="list-style-type: none"><li>— identifying and disseminating expertise in training for women;</li><li>— including within the IRIS network (as associate members) the social partners and training organizations;</li><li>— establishing a national organization in each Member State to stimulate vocational training for women;</li><li>— encouraging intra-Community exchanges of information about good practice;</li><li>— establishing synergy with schemes carried out by the ESF and the European Commission Task Force on Human Resources.</li></ul> <p>3. IRIS II activities in 1994</p> <ul style="list-style-type: none"><li>— establishing closer links with the employers and trade unions in both the public and private sectors;</li><li>— opening up Community training programmes to all IRIS members; wider scope for putting forward projects;</li><li>— organization of awareness-enhancement sessions on training for women, aimed at Community decision-makers;</li><li>— creation of a 'target group' of important journalists in each Member State with an eye to special media campaigns and specific action at Community level;</li><li>— organization of a competition open to people who have found work after having completed a training course organized by a member of IRIS;</li><li>— organization of European, national and regional IRIS seminars;</li><li>— IRIS reference projects can apply for a publicity grant to organize an exhibition or to produce publicity material;</li><li>— research on the priority topic for the year to strengthen initiatives undertaken by the network on teaching methodologies and the development of qualifications;</li><li>— organization of a summer school for training staff;</li><li>— production of a basic information package on the various aspects of teaching to be used in the training of training staff;</li><li>— establishment of an information service for projects wishing to improve their evaluation techniques;</li><li>— planned exchanges for training staff, group and company visits, and publication of an information brochure about such visits;</li></ul>

- organization of a contact seminar for IRIS members, visits to determine the feasibility of partnerships and a partnership information exchange;
- development of sub-networks covering specific topics at the request of IRIS members;
- presentation of an IRIS diploma to trainees having undergone training as part of a reference project;
- aid and assistance, provided by an IRIS member in each country, in the use of electronic mail.

4. European coordination of IRIS II has been entrusted to the CETEC Consortium. This joint venture is coordinated by CREW (Centre for Research on European Women) in Brussels and comprises Acerep (France), DIMITRA (Greece), CREW (Belgium), Donnalavorodonna (Italy), VIA (Belgium) and WETT (United Kingdom). These organizations have been selected because of their specific skills and in order to form a transnational structure which is capable of managing the future development of the network and to respond even better to the new needs of its members.

5. Duration

IRIS II covers a period of four years (1994-98).

6. Budget

The annual budget of IRIS is ECU 1 million.

7. Communications support

The IRIS Bulletin (twice a year) will publish analytical articles dealing with topical aspects of training for women, case studies and interviews. The current series of 'IRIS special dossiers' will continue to be published.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

*(7) Follow-up work*

*(8) Commission implementing measures*



## 10. VOCATIONAL TRAINING

### 10.20. Rationalization and coordination of programmes : Lingua

<i>(1) Objective</i>	To improve foreign language teaching and learning within the Community.
<i>(2) Community measures</i>	Council Decision 89/489/EEC of 28 July 1989 establishing an action programme to promote foreign language competence in the European Community (Lingua).
<i>(3) Contents</i>	<p>1. The Lingua programme will apply for a period of five years with effect from 1 January 1990.</p> <p>2. Definition of terms: 'university': all types of post-secondary education and training establishments which offer qualifications or diplomas of that level, whatever they may be called; 'teaching and training establishments': all categories of teaching and training establishments not included in the definition of 'university' which are supported by the Member States or public authorities.</p> <p>The languages concerned are Danish, Dutch, English, French, German, Greek, Irish, Italian, Luxembourgish, Portuguese and Spanish.</p> <p>3. The programme comprises common guidelines aimed at:</p> <ul style="list-style-type: none"><li>— encouraging all citizens to acquire a working knowledge of foreign languages;</li><li>— increasing opportunities for teaching and learning foreign languages, particularly those which are the least widely used and the least taught;</li><li>— increasing opportunities for university students to combine foreign language study with their main subjects;</li><li>— raising the standard of foreign language teaching by improving the initial and in-service training of foreign language teachers;</li><li>— encouraging employers and professional organizations to promote foreign language training for workers in order to take full advantage of the internal market;</li><li>— promoting innovation in methods of foreign language training.</li></ul> <p>In addition, Community measures to support and complement Member States' policies and activities take account of the differing needs and situations, with particular regard to the least widely used and least taught languages in the Community.</p> <p>4. The Member States designate the structures responsible for coordinating implementation of the measures described in the Annex at national level.</p> <p>5. The Commission, assisted by a Committee, implements the programme in accordance with the provisions of the Annex.</p> <p>6. The funds estimated as necessary for the execution of the programme amount to ECU 200 million.</p> <p>7. The Commission must ensure that there is consistency and complementarity between Community actions to be developed under the Lingua programme and other Community programmes involving vocational training and the mobility and exchange of persons. It must maintain contact as appropriate with international organizations active in this field, particularly the Council of Europe.</p> <p>8. The Annex describes measures designed to develop language learning at universities, particularly initial training for foreign language teachers, and measures to promote in-service training of foreign</p>



language teachers, knowledge of foreign languages used in work relations and economic life, the development of exchanges for young people in professional, vocational and technical education, and complementary measures.

9. The Member States must each present a report by 31 December 1992 at the latest.

- An annual report on the functioning of the programme must be submitted by the Commission to the European Parliament, the Council, the Economic and Social Committee and the Education Committee.
- The Council will evaluate the experience acquired at the end of the second year of operation on the basis of a report presented by the Commission, if necessary together with a proposal to modify the programme.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 239, 16.8.1989

*(7) Follow-up work*

*(8) Commission implementing measures*

Annual Commission Report (1990) (SEC(91) 2411 final):

1990 was a 'preparatory year'. The strategy to implement the Lingua programme was therefore centred on three elements:

- establishing the consultative infrastructure: the Lingua Committee;
- establishing the organizational infrastructure at national and Community level: national agencies and the Lingua bureau;
- measures to inform target groups, national authorities, etc., about the programme and initial programme operations under the various headings.

Annual Commission Report (1991) (SEC(92) 1073 final):

Lingua programme activities in 1991 focused upon decentralised projects. More than 500 grants were awarded to teachers for training in the country whose language they teach, and more than 4 000 young people participated in exchanges.

Financial aid was also provided for:

- 176 mobility programmes for teachers and students in higher education;
- 12 European cooperation projects between institutions providing in-service training for teachers;
- 61 transnational projects, the focal point of which was the design of teaching materials for developing language skills in economic life;
- 8 European associations devoted to the teaching of foreign languages;
- 17 pilot projects on the development of teaching materials for the least taught languages.

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Annual Commission Report (1992) [COM(93) 194 final]

1992, the second year in which Lingua was actually in operation, saw an increase in programme activities and participation. 5 255 grants, 10 times more than in 1991, were awarded to teachers under decentralised actions for in-service training, allowing them to improve not only their language knowledge, but also their awareness of culture and methodology. 19 720 people, five times more than the previous year, participated in exchange programmes based on educational projects.

As far as measures administered by the Commission are concerned, the excellent quality of project proposals must be emphasized. An increase in the available budget meant that 48% of these projects were financed, double the 1991 rate. This increase was fairly evenly spread over all measures, but particularly benefited projects concerned with economic life (86 projects), the development of teaching materials for the least taught languages (23 projects) and in-service training for language teachers (25 projects).

In addition, 211 inter-university cooperation projects allowed 6 724 students and 774 teachers to take advantage of the mobility offered. The first results of the transnational projects will become available during 1993. These measures have created partnerships between more than 1 742 universities, enterprises, professional associations and vocational training centres.



## 10. VOCATIONAL TRAINING

### 10.21. Rationalization and coordination of programmes: Tempus I

- (1) Objective* To facilitate the restructuring of the higher education sector in Central and East European countries through inter-university cooperation, exchanges between students and teaching staff and industry-university cooperation between these countries and the countries of the Community, with the possibility of participation by the non-Community G-24 countries.
- (2) Community measures* Council Decision 90/233/EEC of 7 May 1990 establishing a trans-European mobility scheme for university studies (Tempus).
- Decision 93/246/EEC of 29 April 1993 adopting the second phase of the trans-European cooperation scheme for higher education (Tempus II) (1994-98).
- (3) Contents*
1. The Tempus programme forms part of the overall programme of Community aid for the economic restructuring of the countries of Central and Eastern Europe known as PHARE, within which training is one of the priority areas for cooperation. The Decision of 29 April 1993 provides for the extension of the programme to the republics of the former Soviet Union covered by Regulation (EEC, Euratom) No 2157/91 (TACIS programme).
  2. The Central and East European countries eligible for participation in Tempus are: Albania, Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, the Slovak Republic, Slovenia and the Czech Republic. The republics of the ex-Soviet Union participating in Tempus in 1993/94 are Russia, Belarus and Ukraine. As of the 1994/95 academic year, the republics of Moldova, Kazakhstan, Uzbekistan and Kyrgyzstan will also be participating.
  3. The term 'university' is used to cover all types of post-secondary educational and vocational training establishments which offer qualifications or diplomas of that level, whatever such establishments may be called. The terms 'enterprise' and 'industry' are used to indicate all types of economic activity, including not only large but also small and medium-sized enterprises, whatever their legal status, public and local authorities, independent economic organizations (chambers of commerce and industry and/or their equivalents), professional associations and organizations representing employers or employees.
  4. Objectives: To aid in restructuring and adapting university education in these countries to meet the new needs of the market economy through:
    - developing new teaching programmes;
    - purchasing equipment;
    - mobility of university professors;
    - study periods or traineeships for certain students in a Member State of the European Community;
    - encouragement to learn Community languages.
  5. The main vehicles for ensuring such cooperation are the Joint European Projects (JEPs), which involve the participation of at least

one university in an eligible country and of partner organizations — one of which must be a university — in at least two Community Member States. In the case of JEPs with a regional character, financed under the PHARE regional facility, universities in at least two eligible countries must be involved.

In parallel with assistance given to basic projects of this type (Action 1), Individual Mobility Grants (Action 2) are also provided for staff (teaching assignments, practical placements, continuing training, retraining and updating and visits) and for students (periods of study or practical placements). As from 1992/93, however, student mobility will take place exclusively in the context of the JEPs. Limited support is also available for extending European higher education associations to cover the eligible countries, for publications and other information activities connected with Tempus as well as for surveys and studies intended to facilitate its monitoring and evaluation. Provision has also been made for supporting exchanges between young people and other connected activities designed to increase young people's awareness of the European dimension.

6. Tempus is implemented by the Commission with the assistance of a committee composed of representatives from the Member States. The Commission cooperates with appropriate agencies in each of the eligible countries.

7. Within the limits of the amount which the European Community allocates to them for measures to support economic and social reforms, the eligible countries notify the Commission of the amounts which they would like to be made available for the Tempus programme.

8. The Commission ensures consistency between Tempus and other actions at Community level in this field, within the Community or in the eligible countries, with particular reference to the activities of the European Training Foundation. It ensures coordination with initiatives by non-member countries or by universities and enterprises in these countries which relate to the same field of action as Tempus.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

1.7.1990 (start-up of the initial pilot phase)

*(6) References*

Official Journal L 131, 23.5.1990  
Official Journal L 112, 6.5.1993

*(7) Follow-up work*

*(8) Commission implementing measures*

Annual report from the Commission (7 May 1990 — 31 July 1991) (SEC(92) 226 final).

The total funds available for the Tempus programme amounted to ECU 95.5 million during this period, covering both initiatives supported by national contributions allocated to Tempus by each of the eligible countries and a regional budget financed under the PHARE regional facility.



During the first 15 months of implementation of Tempus, there were 2 739 applications for support of which a total of 471 were supported. The approved JEPs involved cooperation and mobility activities between organizations in the European Community and partners in Poland, Hungary, Czechoslovakia, the former GDR, Bulgaria, Romania and former Yugoslavia.

The European Community also awarded Individual Mobility Grants to approximately 1 400 students and 1 200 teachers travelling from the eligible countries to the Member States, and to 69 students and 595 teachers from the Community.

Moreover, 77 Complementary Measures projects (out of a total of 608 applications submitted) and 97 youth exchange activities (out of a total 277 applications) were supported during the same period.

Annual report from the Commission (1 August 1991 — 31 July 1992) (COM(93) 30 final).

The PHARE programme allocated a budget of ECU 98.3 million to Tempus projects for the 1992/93 academic year, or 40% more than in 1991. Certain projects were developed in interaction and cooperation with the COMET and ERASMUS programmes.

Of the 1979 applications, 234 were accepted. They cover engineering and the applied sciences (23.5%), business management (17.1%) environmental protection (10.3%), and the medical sciences (9%). In addition to these new projects, 401 existing projects were renewed for the first or second time. The programmes's most striking contribution concerns modernization of administrative and scientific equipment, libraries, language laboratories, the creation of new courses or the revamping of existing ones and the creation of links between universities in the eligible countries and firms in the Member States. The JEPs selected in 1992 included cooperation and mobility activities between organizations located in the European Community and partners in Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovenia.

The European Community awarded individual mobility grants to 467 staff members travelling from eligible countries to the Member States and 101 teachers in the Community wishing to teach in or visit one of the eligible countries.

A total of 24 Complementary Measures and 65 youth exchange activities were supported during the same period.

Report from the Commission: evaluation of the Tempus programme (May 1992) (COM(93) 29 final).

The European Commission commissioned Coopers and Lybrand Europe to conduct an external assessment of the Tempus programme during its last initial phase (1990-91). The report, which will serve as a basis for preparing Commission proposals concerning a second phase of Tempus, shows that the Tempus programme is very popular both in the East and West. The projects which have been implemented have borne fruit in a relatively short time. Nevertheless, it is indispensable to clarify the objectives and role of Tempus in each country by choosing between support for higher education reform and overcoming the shortage of labour and skills

Annual report from the Commission (1 August 1992 — 31 July 1993) (COM(94) 142 final).



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1. There was a decline (from 30% to 24%) in the eligible countries' interest in projects in the field of applied sciences and technology at the end of 1992/93. The number of projects relating to commercial administration/management studies has remained stable (17%, while projects relating to applied social sciences, medicine and environmental studies became more popular.

2. Study of problems which have emerged in central and eastern Europe during the first three years of the Tempus programme. The higher education systems in Central and Eastern Europe have come up against considerable problems as a result of the heritage of the last 40 to 50 years, notably regarding the rigid divide between teaching and research, between scientific academies and the universities, the inadequate diversification of higher education in most of these countries and the extent and nature of state intervention.

3. Practical obstacles to reform.

a. Resource constraints

The most obvious obstacle has been the shortage of national and foreign financial resources, which has led to a brain drain towards the private sector in the domain of management and information technology.

b. Administrative and legal constraints

The factors of resistance to change are not confined to higher education institutes alone, but are also present in the administrative systems of the eligible countries.

4. State of development and work done during the 1992/93 academic year.

In its third year of operation, the Tempus programme focused on a certain number of key targets to achieve its global objective of supporting the eligible countries during the transformation phase of their higher education systems with a view to maximising the impact on the economic and social restructuring provided for in the PHARE programme, and involving notably:

- strengthening of the Joint European Projects through in-depth monitoring based on an intensive programme on-site visits covering approximately 10% of the projects that have been carried out;
- future development of the Mobility JEPs for the eligible countries which wish to invest their resources in this domain;
- promotion of participation in Tempus to countries in the south of the Community and Ireland during the 1993/94 academic year through a special measure including the setting up of dynamic relations for creation of networks between these countries and the universities of the eligible countries;
- working together with the national authorities concerned in order to pinpoint present and future priorities for reform in the eligible countries.

5. Impact of the Tempus programme.

The Tempus projects have had a considerable impact in the faculties of the higher education institutes.

Major perceived achievements in the context of the Tempus programmes are:

- development of courses and teaching material;
- purchasing of equipment;
- mobility of staff towards the European Community;
- student mobility.



## 10. VOCATIONAL TRAINING

### 10.22. Rationalization and coordination of programmes: Tempus II

- (1) *Objective* Following the positive results of the assessment carried out by the Commission in accordance with Article 11 of Council Decision 90/233/EEC, to continue the programme beyond the pilot phase, amending it to take account of experience gained.
- (2) *Community measures* Council Decision 93/246/EEC of 29 April 1993 adopting the second phase of the trans-European cooperation scheme for higher education (Tempus II) (1994-98).
- (3) *Contents*
1. The Commission evaluation has clearly shown that the objectives must focus either on long-term reform of higher education or on the short-term need for economic restructuring.
  2. Tempus II is to last for four years, beginning on 1 January 1994.
  3. The republics of the former Soviet Union are invited to join those countries eligible for Tempus, which, as of 1 December 1992, are as follows: Poland, Hungary, Bulgaria, Romania, the Czech and Slovak Republics, Albania, Estonia, Latvia, Lithuania and Slovenia.
  4. Definition of the term 'university': all kinds of post-secondary education and training establishments.
  5. Objectives:  
To promote the development of higher education systems through cooperation with the partners in all the Member States. More specifically, to aid eligible countries to:
    - develop and restructure education programmes in the priority domains;
    - reform the structures and management of higher education establishments;
    - develop training designed to make good the lack of qualified labour and specific skills.
  6. Dialogue with the eligible countries:  
The Commission, in agreement with the eligible countries, defines the priorities and detailed objectives on the basis of the detailed objectives of the programme.
  7. The Commission is to implement Tempus II with the assistance of a committee comprising two representatives from each eligible country and chaired by a Commission representative.
  8. The Commission is to cooperate with the relevant institutions nominated by the Member States by coordinating the relations and structures required for implementing TEMPUS II, including the allocation of funds made available by the eligible countries.
  9. The Commission is to ensure coordination and complementarity between Tempus II and other measures at Community level (for example Erasmus, Comett or Lingua), or other measures by non-member countries.
  10. The Commission is to develop procedures for the regular monitoring and assessment of the experience gained in implementing Tempus II. Furthermore, an annual report is to be transmitted to Parliament and the Economic and Social Council.

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**(4) Deadline for implementation of the legislation in the Member States** Not applicable.

**(5) Date of entry into force (if different from the above)** 1.7.1994

**(6) References**

Official Journal L 112, 6.5.1993

**(7) Follow-up work**

**(8) Commission implementing measures**





## 10. VOCATIONAL TRAINING

### 10.23. Analysis of qualification requirements

- (1) *Objective* To stimulate discussion by describing new objectives for the 1990s in the field of vocational training, examining achievements so far and suggesting guidelines for future Community policy.
- (2) *Community measures* Commission memorandum on vocational training in the European Community in the 1990s.
- (3) *Contents*
1. What is at stake for the Community  
 The socio-economic prospects for the 1990s, which will in many respects accentuate the profound changes which marked the 1980s, mean that education and training policies must be used as a way of achieving a greater capacity for flexibility and innovation. 'Intangible capital' (human capital) has to be seen as a shared resource which must be developed through mobility, exchanges and cooperation. It is one of the keys to the success of the Community's future development. The changing patterns of work organization, for instance, entail a growing need for multiple or combined skills, i.e. combining information technologies with traditional skills in order to adapt to new work situations. The foreseeable decline of the younger generation as a proportion of the overall working population will exert strong pressure on the development of continuing training policies so as to achieve a higher standard in the training both of young people and of women. A new challenge for education and training policies has emerged in the Community countries. The new challenge of what has come to be known as the skills shortage will involve combating the paradoxical situation where a high level of unemployment is coupled with a shortage of skilled labour. Another priority of Community action is concerned with small businesses, which represent more than 80% of the Community's firms and play a preponderant part in the development of training and the growth of the less developed regions. To respond to these challenges, Community policy on occupational skills must seek to ensure the free movement of persons and pursue the common policy on vocational training. These skills need to be approached from a European viewpoint, and work on establishing a 'European training and qualification area', which began with initiatives such as Eurydice (education systems) and Comett (training cooperation between the universities and industry), must be pursued in consequence. Continuing training must likewise be provided throughout a worker's working life. The Petra programme, which is concerned with vocational training for young people, is an example of training geared to the foreseeable needs of the labour market (summaries 10.10 and 10.11). Management and labour organizations play a highly active part in the field of vocational training, notably through their active involvement in Community activities.
  2. The achievements of the common policy  
 Community action in this field is developing progressively on the basis of Article 128 of the Treaty and the Council Decision of 2 April 1963, which establishes general principles. The rulings of the Court of Justice have confirmed the Commission's powers of initiative, the progressive character of this common policy and the broad definition of vocational training, extending to higher education. The bases for this

action, which must respect the diversity of the Member States' education and training systems, are:

- the coordination of policies (guidelines for Council decisions);
- the convergence of initiatives (framework of joint aims for each area);
- transnational cooperation (between those active in vocational training).

The action must take account of the part played by the consultation bodies and procedures both with the Member States and with management and labour organizations, as well as the principle of subsidiarity. The Council has adopted several decisions on Community action programmes, supplemented by the Commission's memorandum on the rationalization and coordination of programmes. Each action programme lays down common guidelines, transnational measures, and an evaluation procedure, and appoints a programme committee. A highly important step forward was taken when the Council adopted the Directive on the general system for the recognition of qualifications acquired after at least three years of university training. A further step was taken with the general reform of structural policy in 1988, for the European Social Fund was given the priority task of supporting vocational training measures, recruitment subsidies and the creation of self-employed activities and of developing training in regions lagging behind in development, in industrial decline or of a rural character. The reform led to the adoption of Community support frameworks with large-scale assistance from the budget.

### 3. What are the guidelines for the 1990s?

The Commission is determined to provide supporting measures for the structural changes now under way by limiting the adverse effects on the labour market. Efforts are to be made to improve the quality of basic training for young people and to develop continuing training. The issues at stake warrant a quantitative and qualitative boost to investment in training at all levels. Community action must be strengthened in the field of human resources with a view to economic and social cohesion and in compliance with the principle of subsidiarity. Community policy in the field of vocational training must develop in an endeavour to:

- increase the investment in training;
- improve the quality of training courses;
- ensure transparency, i.e. equal access to vocational training.

However, since the main part of the financial investments will come from the Member States, Community action must advance by setting up assessment mechanisms (to implement Community aid and enhance its impact), by showing concern for the coherence of this policy with the other policies concerned with human resources and by developing consultation with labour and management organizations.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*





*(6) References* Commission memorandum  
COM(91) 397 final

*(7) Follow-up work* On 11 June 1993 the Council adopted a Resolution setting out the general principles for vocational training in the 1990s (Official Journal C 186, 8.7.1993). The Council considers that the quality of vocational training in the Member States must be improved in order to help boost economic and social cohesion, the competitiveness of the European economy and measures to combat unemployment and social exclusion. The Community is supporting policies which reflect this approach and will supplement them in particular by strengthening the role of the the Commission in the field of vocational training.

*(8) Commission  
implementing  
measures*



## 10. VOCATIONAL TRAINING

### 10.24. Comparability of qualifications: vocational qualifications

- (1) *Objective* To establish the comparability of vocational training qualifications in all the Member States. The aim is to make known and obtain recognition for workers' occupational skills throughout the entire Community.
- (2) *Community measures* Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications.
- (3) *Contents*
1. The Decision aims to enable workers to make the best of their qualifications, and in particular to obtain suitable employment in another Member State.
  2. The Commission has identified corresponding vocational training qualifications for occupations at the skilled-worker level in the following sectors and has published them in the Official Journal of the European Communities:
    - hotel and catering industry:  
Official Journal C 166, 3.7.1989;
    - motor vehicle repair sector:  
Official Journal C 168, 3.7.1989;
    - construction sector:  
Official Journal C 292, 20.11.1989;
    - electrical/electronic sector:  
Official Journal C 321, 22.12.1989;
    - agricultural sector:  
Official Journal C 83, 2.4.1990;
    - textiles/clothing sector:  
Official Journal C 253, 8.10.1990.
    - metal sector:  
Official Journal C 196, 28.7.1991;
    - textile industry sector:  
Official Journal C 318, 7.12.1991;
    - commerce sector:  
Official Journal C 42, 17.2.1992;
    - clerical/administration, banking and insurance sector:  
Official Journal C 108, 28.4.1992;
    - food industry sector:  
Official Journal C 292, 9.11.1992;
    - transport:  
Official Journal C 338, 21.12.1992;
    - public works:  
Official Journal C 20, 9.1.1993;
    - steelworks/foundry:  
Official Journal C 182, 5.7.1993;
    - leather:  
Official Journal C 223, 18.8.1993;
    - graphs and the media:  
Official Journal C 295, 30.10.1993;
    - wood industry:  
Official Journal C 330, 6.12.1993.
- The Commission has also drawn up a standard information sheet mainly to enable migrant workers to show what qualifications they

have. The model was published in Official Journal C 209, 14.8.1989.

3. On 12 June 1990, the Commission submitted an interim report on the application of Decision 85/368/EEC on the comparability of vocational training qualifications between the Member States of the European Community (COM(90) 225 final). This report outlines the system and takes stock of what is being done and the problems which have been encountered. It also states what action has been taken at Community level and what is planned at national level.

4. Each Member State has nominated a coordinating body to act as an information centre and to monitor the application of the comparability of the qualifications system.

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 199, 31.7.1985

*(7) Follow-up work*

On 26 November 1990 the Council adopted a resolution which:

- takes note of the interim report submitted by the Commission on the application of Decision 85/368/EEC;
- affirms the need to rationalize the work being done on the comparability of vocational qualifications by a sustained effort to disseminate, exchange and make use of information on the corresponding qualifications already identified;
- considers it necessary, after evaluating the results of the work on the comparability of qualifications, to extend its scope to the other occupations — at all levels of vocational training — which account for most of current mobility flows; one of the priorities should be the vocational training qualifications associated with technological innovation;
- invites the Member States to submit, by 31 December 1991, an initial report on the application of the system of comparability of qualifications, incorporating any suggestions they deem suitable;
- invites the Commission to present its proposals in the light of this resolution and of the national reports referred to above.

*(8) Commission implementing measures*

- Continuation of work already in hand with the technical assistance of Cedefop to identify corresponding vocational qualifications in occupations in other sectors of activity.
- Coordination of information activities and activities to make use of what has already been done.
- Evaluation of the results obtained in implementing the system.
- Study of improvements to be made to the current system.



## 10. VOCATIONAL TRAINING

### 10.25. Comparability of qualifications: recognition of diplomas, certificates and titles awarded after higher education of at least three years' duration

#### (1) Objective

To enable higher-education professional diplomas gained in a Member State to be recognized — without prior harmonization of training — in the host Member State which regulates the profession.

#### (2) Community measures

Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration

#### (3) Contents

1. Definitions of the concepts 'diploma', 'host Member State', 'regulated profession', 'regulated professional activity', 'professional experience', 'adaptation period' and 'aptitude test'.

2. A Member State which regulates a profession must recognize the qualifications obtained in another Member State and allow their holder to pursue his profession on the territory of the Member State on the same conditions as apply to its own nationals.

3. The Directive applies to all the professions for which higher education is required and which are not covered by specific Directives governing recognition. Professional activities are deemed to be regulated professional activities if they are exercised by the members of private associations which are recognized in a special form by a Member State (for example chartered bodies in the United Kingdom and their equivalents in Ireland). The diplomas held by Community nationals and obtained in a third country are also covered by the Directive on condition that:

— the education and training was largely dispensed in the Community;  
or

— the holder has three years' certified professional experience in the Member State which has recognized the diplomas.

4. The Directive provides for the following recognition procedure:

— basic principle: recognition by the host Member State;

— exception: recognition by the host Member State after compensation in the form of either:

— an adaptation period;

— an aptitude test, if there are substantial differences between the training required and the training received;

— or professional experience if the duration of the migrant's training is shorter than that required in the host Member State.

The applicant has the choice between the two methods of compensation. For the legal professions, this choice is left to the host Member State.

5. The Directive provides for a coordinating group to be set up under the aegis of the Commission, composed of the national coordinators and responsible for facilitating the implementation of the Directive.

6. Once it has entered into force the Directive obliges:

— the Member States to communicate to the Commission every two years a report on the application of the system introduced;





— the Commission to report to the European Parliament and the Council on the state of application of the Directive and its conclusions as to any changes that need to be made to the system.

*(4) Deadline for implementation of the legislation in the Member States*

4.1.1991

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 19, 24.1.1989

*(7) Follow-up work*

On 4 December 1990 the Council adopted a proposal from the Commission, drawn up in August 1990, on transitional measures applicable in the new Länder of Germany to take account of German unification and progressive application of all Community law in the territory of the former GDR.

As regards the mutual recognition of diplomas, Directive 90/658/EEC (Official Journal L 353, 17.12.1990) entered into force on 1 January 1991. As regards the liberal professions, Directives providing for recognition of diplomas based on the Community definition of minimum education or training can be applied directly, subject to some technical amendments. For the regulated professions, the pursuit of which requires a vocational qualification certificate, recognition of these certificates by the Member States will only be granted after detailed examination of the documents submitted.

*(8) Commission implementing measures*

## 10. VOCATIONAL TRAINING

### 10.26. Comparability of qualifications: recognition of diplomas, certificates and titles other than those obtained by higher education of at least three years' duration

*(1) Objective*

To extend the system of mutual recognition introduced by Directive 89/48/EEC (summary 10.24) to those professions for which the required level of training is not as high.

*(2) Community measures*

Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training which complements Directive 89/48/EEC.

*(3) Contents*

1. This Directive is the last in a set of measures giving every Community national the right to have qualifications acquired in one Member State recognized or taken into account by another Member State.

2. Definitions of the concepts 'diploma', 'certificate', 'qualification document', 'host Member State', 'regulated profession', 'regulated training', 'regulated professional activity', 'professional experience', 'adaptation period' and 'aptitude test'.

3. A Member State which regulates a profession will recognize qualifications acquired in another Member State and permit their holder to pursue his activity or activities on the same conditions as apply to its own nationals.

4. The Directive will apply to those professions which are not the subject of a specific Directive on recognition.

The term 'regulated professions' covers those professions exercised by members of private associations which are recognized in a special form in a Member State (e.g. 'chartered bodies' in the United Kingdom and their counterparts in Ireland).

Diplomas acquired by Community nationals in a third country will also be covered by the Directive provided that:

— the education and training to which they attest were received mainly in the Community, or

— their holder possesses proof of three years' professional experience in the Member State recognizing these diplomas.

5. The Directive adopts the following recognition arrangements:

— basic principle: automatic recognition by the host Member State;

— exception: recognition by the host Member State after compensation in the form of:

(a) either an adaptation period or an aptitude test,

— where the host State provides evidence of substantial differences between the education and training received and that required;

— where there are, in the host State, differences in the fields of activity characterized by specific education and training, relating to subjects which differ substantially from those covered by the applicant's qualification;

The host Member State must allow the applicant to choose between an adaptation period and an aptitude test;



(b) or prior professional experience, where the duration of the migrant's education and training is less than that required in the host Member State.

6. The Directive covers a very wide range of qualifications; it therefore had to be divided into two new levels:

- a level corresponding to a short post-secondary course;
- a level corresponding to a secondary course.

7. Consequently, provision had to be made for recognition not only between Member States whose training courses are at the same level but also between Member States whose training courses are not at the same level, including that covered by Directive 89/48/EEC.

8. In addition to a procedure for recognizing education and training received by means of a structured course, the Directive provides for a procedure for recognizing training received by means of professional experience.

9. It extends to employees the provisions of certain specific Directives (so-called transitional Directives covering in particular the distributive trades and craft industries) which at present cover only the self-employed.

10. The Directive extends the role of the coordinating group set up by Directive 89/48/EEC and lays down the same obligations for the Member States and the Commission regarding reports on the application of the future Directive.

*(4) Deadline for implementation of the legislation in the Member States*

18.6.1994

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 209, 24.7.1992

*(7) Follow-up work*

*(8) Commission implementing measures*



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## **11. HEALTH AND SAFETY AT WORK**

### **11.1. Current position and outlook - Social Charter**

'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.'

## 11. HEALTH AND SAFETY AT WORK

### 11.2. General framework for Commission measures in the field of health, hygiene and safety protection at work (1994-2000)

In the general framework for Commission measures in the field of health, hygiene and safety protection at work (1994-2000) (COM/93/560 final), the Commission intends to continue to pursue its objective in future years to bring about a further improvement in health and safety at the workplace.

For this purpose the Commission intends to:

- ensure that Member States incorporate Community directives correctly into national law and that they take the necessary measures to guarantee that this legislation is properly implemented;
- promote the Community's activities in this fields in non-member countries;
- continue to develop occupational health and safety within the Community.

The Commission therefore considers that the following issues and subjects are worthy of special attention in order to define specific measures:

- implementation, consolidation, rationalization and completion of Community legislation;
- promotion of the Community's activities in the field of health and safety at work outside the Community and international cooperation;
- information, training and education, with special emphasis on small and medium-sized enterprises;
- definition of non-legislative accompanying measures to supplement and reinforce legislative objectives.

In addition, the effectiveness of Community action in the field of occupational health and safety will be improved by strengthening the links with other aspects of Community policy.

The main legal basis for Community action in the field of health and safety at work will continue to be Article 118a, which establishes the respective roles of the Member States and the Community, taking into account the principle of subsidiarity. In this respect, the Commission will continue to promote and develop dialogue between the social partners at Community level.

The European Council, at their meeting in Brussels on 29 October 1993, endorsed the creation of an Agency for Health and Safety at Work. The Agency will have a crucial role to play in this area in the future.

## 11. HEALTH AND SAFETY AT WORK

### 11.3. General measures: Advisory Committee

<i>(1) Objective</i>	To entrust a standing body with the tasks of assisting the Commission in the preparation and implementation of activities in these fields and facilitating cooperation between national administrations, trade unions and employers' organizations.
<i>(2) Community measures</i>	Council Decision 74/325/EEC of 27 June 1974 on the setting up of an Advisory Committee on Safety, Hygiene and Health Protection at Work.
<i>(3) Contents</i>	<ol style="list-style-type: none"><li>1. The Committee's remit covers all sectors of the economy except the extractive industries and the protection of workers' health against the dangers arising from ionizing radiation.</li><li>2. The Committee produces an annual report on its activities.</li><li>3. It consists of 72 full members, i.e. two government representatives, two trade union representatives and two representatives of employers per Member State, appointed by the Council for a period of three years (renewable).</li><li>4. The Committee is chaired by a Member of the Commission.</li><li>5. Opinions of the Committee are delivered by an absolute majority of the votes validly cast and must state the reasons on which they are based.</li></ol>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	
<i>(5) Date of entry into force (if different from the above)</i>	14.7.1974
<i>(6) References</i>	Official Journal L 185, 9.7.1974
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



## 11. HEALTH AND SAFETY AT WORK

### 11.4. General measures: safety, hygiene and health

- (1) *Objective* To improve safety and health conditions at work, an essential feature of the social dimension of the internal market, by adopting minimum requirements laid down in Council Directives.
- (2) *Community measures* Council Resolution of 21 December 1987 on safety, hygiene and health at work.
- (3) *Contents*
1. The Commission's communication on its programme in this field, which also includes ergonomic measures, is welcomed.
  2. Equal emphasis must be placed on achieving the economic and social objectives of the completion of the internal market. Community and national measures concerning these objectives must be coordinated.
  3. It is suggested that the Commission should draw up practical plans of work, paying particular attention to the seriousness of the risk of accidents and/or diseases, the number of workers exposed to risks and the possibilities for prevention.
  4. The Commission intends submitting minimum requirements at Community level concerning:
    - the organization of the safety and health of workers at work,
    - protection against risks arising from dangerous substances,
    - arrangement of the place of work.
 Other areas earmarked for action are: harmonization of statistics on accidents at work and occupational diseases, a study on the organization by the Member States of means of control and of sanctions, and various other measures put forward by the Commission.
  5. The Member States undertake to make their knowledge and experience available to the Commission and are to look into possible ways of encouraging undertakings to implement preventive measures.
  6. The two sides of industry will be involved in preparatory work within the Advisory Committee on Safety, Hygiene and Health Protection at Work and will also play a part in implementing the Directives at national level.
  7. The information, increased awareness and, if necessary, the training of employers and workers will play a fundamental role in the success of the measures recommended.
  8. The heightening of public awareness is also of prime importance.
- (4) *Deadline for implementation of the legislation in the Member States* Not applicable.
- (5) *Date of entry into force (if different from the above)*

*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

Official Journal C 28, 3.2.1988



## 11. HEALTH AND SAFETY AT WORK

### 11.5. General measures: improving information

<i>(1) Objective</i>	To set up an information system for laws, regulations and administrative provisions concerning the health and safety of workers at work.
<i>(2) Community measures</i>	Commission Decision 88/383/EEC of 24 February 1988 providing for the improvement of information on safety, hygiene and health at work.
<i>(3) Contents</i>	<ol style="list-style-type: none"> <li>1. The Member States shall inform the Commission of all effective and draft laws, regulations and administrative provisions in the area of health and safety at work.</li> <li>2. The Commission shall forward to the Member States any draft provisions it considers relevant, and both the Commission and the Member States shall submit observations to the Member State concerned.</li> <li>3. The Commission shall be assisted by a group of national experts (two per Member State).</li> <li>4. The Commission shall periodically inform the Advisory Committee on Safety, Hygiene and Health Protection at Work of developments, with the exception of those aspects considered confidential by the Member States.</li> </ol>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 183, 14.7.1988
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



## 11. HEALTH AND SAFETY AT WORK

### 11.6. General measures: Commission programme - 1988

- (1) *Objective* To promote the physical and mental protection of workers; this is a priority of the social measures which, in implementation of Articles 118a and b introduced by the Single Act, must accompany the completion of the internal market.
- (2) *Community measures* Commission communication on its programme concerning safety, hygiene and health at work.
- (3) *Contents* The programme concentrates on five subjects.
1. Safety and ergonomics at work:
    - preparation of Directives covering the organization of safety and the selection and use of plant, substances and equipment;
    - establishment of a system for the rapid exchange of information on specific safety hazards at work;
    - revision of the Directive on safety signs at work to bring it up to date;
    - recommendations on good working practices aimed at avoiding back pain, back injury and falls;
    - introduction of specific measures for three high-risk sectors: work at sea, agriculture and the construction industry.
  2. Occupational health and hygiene  
Several Directives are being drawn up or proposed on:
    - a Community list of exposure limit values for workers. The list contains 100 biological and chemical agents;
    - occupational carcinogens and certain pesticides, pathogenic micro-organisms and genetic engineering techniques;
    - proscription of specific very dangerous agents;
    - revision of the Directive on noise;
    - harmonization of the classification and labelling of dangerous preparations.In addition, there will be new recommendations on the revision of the European Schedule of Industrial Diseases and on the organization of occupational health services.
  3. Information and training of workers  
Information:
    - when technological changes which imply major consequences for workers are introduced;
    - on chemical substances and dangerous preparations;
    - on research results and technical innovations aimed at improving working conditions.Training:
    - development of training modules on safety and health as part of adult training in firms and vocational training for women, instructors and persons responsible for the safety of others (e.g. engineers, physicists and industrial chemists) and in the high-risk sectors;
    - establishment of a network for collaboration between the various teaching and training centres and the workers.
  4. Small and medium-sized enterprises  
There are two essential requirements for this programme: to restrict regulations to what is strictly necessary and to take into account the specific health and safety needs of SMEs.

**5. Social dialogue**

The Commission is assisted here by the Advisory Committee on Safety, Hygiene and Health Protection at Work which comprises representatives of the two sides of industry.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal C 28, 3.2.1988

*(7) Follow-up work*

*(8) Commission implementing measures*

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## 11. HEALTH AND SAFETY AT WORK

### 11.7. General measures: Agency for Safety and Health at Work

- (1) *Objective* To give the Commission direct access to information on and expertise in health and safety at work in particular, and to assist the Commission in implementing successive action programmes. To help the Commission with its regional, national and international contacts in the field of health and safety at work.
- (2) *Proposal* Proposal for a Council Regulation establishing a European Agency for Safety and Health at Work.
- (3) *Contents*
1. The Agency's role is:
    - to provide the Commission with the technical and scientific assistance necessary for the formulation and evaluation of the measures envisaged;
    - to promote the rapid exchange of information, in particular on existing and new work equipment and products and substances covered by Community legislation, and to be responsible for its dissemination to all those concerned;
    - to organize training courses, seminars and exchanges between experts;
    - to help ensure that national data are comparable, to identify data which need to be harmonized and to promote cooperation in monitoring the application of measures;
    - to cooperate with other Community bodies and programmes (in particular the Statistical Office and the research programmes), other international organizations (WHO, ILO, ISO) and other institutions and bodies outside the European Community. The Agency will draw on the experience of existing institutions and bodies including the European Foundation for the Improvement of Living and Working Conditions;
    - to set up a network comprising:
      - the main components of the national information networks;
      - the national focal points responsible for coordinating and/or forwarding data to the Agency;
      - the thematic centres specifically appointed to work with the Agency, by agreement, on certain particular topics.
  2. The Member States must notify the Agency of the main components of their networks within six months of the entry into force of the Regulation.
  3. The Agency will have legal personality and will have an Administrative Board chaired by a representative of the Commission and comprising one representative from each Member State, 12 representatives from the two sides of industry and three Commission representatives. The Administrative Board will adopt the Agency's annual work programme (which will specify the tasks of the thematic centres), the annual general report on the Agency's activities and the Agency's budget.
- (4) *Opinion of the European Parliament* Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.



*(5) Current status* On 22.6.1994, the Council released a political agreement concerning the adoption of this proposal. The formal adoption will take place during the next session.

*(6) References*

Commission proposal COM(90) 564 final	Official Journal C 271, 16.10.1991
European Parliament opinion	Not yet published in the Official Journal
Economic and Social Committee opinion	Official Journal C 169, 6.7.1992
Commission proposal COM(94) 233 final	Official Journal C 176, 29.6.1994

## 11. HEALTH AND SAFETY AT WORK

### 11.8. General measures: European year of health and safety

<i>(1) Objective</i>	Industrial accidents and occupational illnesses impose a considerable burden in both human and social terms. The aim is therefore to demonstrate the importance of taking preventive measures and providing a high level of protection for workers. People will be made more aware of occupational risks and how they can be prevented.
<i>(2) Community measures</i>	Council Decision 91/388/EEC of 25 July 1991 on an action programme for the European year of Safety, Hygiene, Health Protection at Work (1992).
<i>(3) Contents</i>	<p>1. 1992 is declared the 'European Year of Safety, Hygiene and Health Protection at Work'. The European year commences on 1 March 1992 and ends on 28 February 1993. The aims are:</p> <ul style="list-style-type: none"><li>— to bring out the importance of the social and economic aspects of problems relating to safety, hygiene and health at work;</li><li>— to make workers, employers and young people more aware of occupational risks and how they can be prevented.</li></ul> <p>2. Coordinated action will be undertaken by the Community, the Member States, the social partners and public and private organizations. The selection criteria for action is defined in the Annex.</p> <p>3. Actions to be financed entirely from the Community budget:</p> <ul style="list-style-type: none"><li>— organization of a European colloquium to launch the European Year;</li><li>— organization of a European colloquium to close the European Year;</li><li>— organization of conferences, colloquia and/or seminars in all Member States;</li><li>— organization of an audiovisual festival;</li><li>— promotion of television programmes and videos, focusing particularly on the most dangerous sectors of activity;</li><li>— production of booklets and stickers on the Community's health and safety policy;</li><li>— design of a logo, and poster campaigns.</li></ul> <p>4. Actions co-financed by the Community budget. These actions will be financed from the Community budget for an amount not exceeding 70 % of the total cost of each project and will cover such activities as the dissemination of information on occupational risks and their prevention and training in the fields of safety, hygiene and health protection at work. The promoters of such actions may be public or private organizations. Their applications for Community grants must be submitted via their national liaison committees.</p> <p>5. Actions without financial implications for the Community budget:</p> <ul style="list-style-type: none"><li>— promotion of the use of the logo;</li><li>— encouragement of the spread of information on the European Year through the mass media;</li><li>— promotion of the incorporation of safety considerations from the earliest design stage.</li></ul>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable



*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 214, 2.8.1991

*(7) Follow-up work*

*(8) Commission implementing measures*

Commission report of 23 November 1992 on work arising from the Council Decision of 25 July 1991 on an action programme for the European Year of Safety, Hygiene and Health Protection at Work (1992) (SEC(92) 2168 final). The European year received a very favourable reception from almost all economic sectors in the European Community. The interest felt was reflected in the fact that the National Liaison Committees had received 1296 projects by 7 May 1992. These project applications were for a total amount of ECU 25 million, whereas the budget allocated was only ECU 7.7 million. 400 projects had received direct funding from the EC by 1 July 1992. These led to a large number of 'spin-off' activities without Community finance. For example, there were more than 800 applications for permission to use the logo. However, not all the target groups, for example small and medium-sized businesses, have yet been made sufficiently aware.

Report on the execution of the Council Decision concerning the organisation of the European Year of Safety, Hygiene and Health Protection at Work (COM(93) 627 final).

The roughly 503 schemes proposed by the National Liaison Committees and funded by the Commission gave rise to more than 2 092 projects launched by governments or by workers' or employers' associations and sporting the logo of the European year.

The year thus became a much more extensive event than had been anticipated. All these specific schemes at company level had a powerful effect within the companies.



## 11. HEALTH AND SAFETY AT WORK

### 11.9. General measures: European schedule of occupational diseases

<i>(1) Objective</i>	To revise the schedule notified to Member States in 1966, in order to take account of advances made in the diagnosis of occupational diseases. To use the schedule as a reference document for preventing occupational diseases and accidents at work, and for purposes of compensation.
<i>(2) Community measures</i>	Commission Recommendation 90/326/EEC, of 22 May 1990, concerning the adoption of a European schedule of occupational diseases.
<i>(3) Contents</i>	<p>The Commission recommends, without prejudice to more favourable national laws or regulations, that the Member States:</p> <ul style="list-style-type: none"><li>— introduce into their national legislation the European schedule in Annex I and the right to compensation in respect of ailments listed in Annex II which can be proved to be occupational in origin and nature;</li><li>— progressively make their statistics on occupational diseases compatible with the schedule in Annex I;</li><li>— develop preventive measures;</li><li>— take special account of medical information notices on diseases in the European schedule and supply other Member States, on request, with all the relevant information on diseases or agents recognized in their national legislation;</li><li>— provide the personnel responsible for implementing the national provisions resulting from this recommendation with adequate training;</li><li>— introduce a system for the collection of data on the epidemiology of diseases, especially those listed in Annex II, and promote research.</li></ul> <p>Member States themselves determine the criteria for recognizing each occupational disease.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	22.5.1993: the Commission is to determine whether there is a need for binding legislation.
<i>(6) References</i>	Official Journal L 160, 26.6.1990
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

## 11. HEALTH AND SAFETY AT WORK

### 11.10. General measures: implementation of measures - Framework

- (1) *Objective* To ensure a higher degree of protection of workers at work through the implementation of preventive measures to guard against accidents at work and occupational diseases, and through the information, consultation, balanced participation and training of workers and their representatives. This framework Directive serves as a basis for individual Directives covering, *inter alia*, the areas listed in the Annex.
- (2) *Community measures* Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.
- (3) *Contents*
1. The Directive applies to all sectors of activity, both public and private, with the exception of certain specific activities in the public and civil protection services.
  2. Definitions of the terms 'worker', 'employer', 'workers' representative' and 'prevention'.
  3. Employers are obliged:
    - to ensure the safety and health of workers in every aspect related to the work, primarily on the basis of the specified general principles of prevention, without involving the workers in any financial cost;
    - to evaluate the occupational risks, *inter alia* in the choice of work equipment and the fitting-out of workplaces, and to make provision for adequate protective and preventive services;
    - to keep a list of, and draw up reports on, occupational accidents;
    - to take the necessary measures for first aid, fire-fighting, evacuation of workers and action required in the event of serious and imminent danger;
    - to inform and consult workers and allow them to take part in discussions on all questions relating to safety and health at work;
    - to ensure that each worker receives adequate safety and health training throughout the period of employment.
  4. Workers are obliged:
    - to make correct use of machinery, other means of production, personal protective equipment and safety devices;
    - to give warning of any work situation presenting a serious and immediate danger and of any shortcomings in the protection arrangements;
    - to cooperate in fulfilling any requirements imposed for the protection of health and safety and in enabling the employer to ensure that the working environment and working conditions are safe and pose no risks.
  5. The health of workers is monitored through the application of measures introduced in accordance with national laws and practices.
  6. Particularly sensitive risk groups must be protected against the dangers which specifically affect them.
  7. The Council will adopt individual Directives — *inter alia*, in the seven areas listed in the Annex — to which the provisions of this Directive will apply in full, without prejudice to more stringent and/or specific provisions contained in the individual Directives. This Directive

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and the individual Directives may be amended by the Council (procedure under Article 118a of the Treaty); technical adjustments are made by the Commission, assisted by a committee composed of representatives of the Member States.

*(4) Deadline for implementation of the legislation in the Member States*

31.12.1992

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 183, 29.6.1989

*(7) Follow-up work*

*(8) Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.11. The workplace and categories of workers particularly at risk: at work

- (1) *Objective* To introduce minimum measures designed to improve the working environment, in order to guarantee a better standard of safety and health protection.
- (2) *Community measures* Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) *Contents*
1. Definition of the term 'workplace', meaning the place which houses workstations and any other place within the area of the undertaking to which the worker has access in the course of his or her employment.
  2. The Directive does not apply to:
    - means of transport used outside the undertaking or workplaces inside means of transport;
    - temporary or mobile work sites;
    - extractive industries;
    - fishing boats;
    - fields, woods and other land situated away from the buildings of an agricultural or forestry undertaking.
  3. Employers' obligations:
    - The Directive makes the following distinction: workplaces which are used for the first time after 31 December 1992 or which undergo modifications after that date must satisfy the minimum safety and health requirements laid down in Annex I; workplaces already in use before 1 January 1993 must satisfy, at the latest three years after that date, the requirements laid down in Annex II (four years for Portugal);
    - Besides being obliged to inform, consult and seek the participation of workers on the matters covered by the Directive, employers must comply with other general requirements such as the regular cleaning of workplaces.
  4. Technical amendments to the Annexes are adopted by the Commission (procedure laid down by Directive 89/391/EEC).
- (4) *Deadline for implementation of the legislation in the Member States*
- 31.12.1992
  - 31.12.1994: Greece.
- (5) *Date of entry into force (if different from the above)*
- (6) *References* Official Journal L 393, 30.12.1989
- (7) *Follow-up work*
- (8) *Commission implementing measures*

## 11. HEALTH AND SAFETY AT WORK

### 11.12. The workplace and categories of workers particularly at risk: use of work equipment

- (1) *Objective* Implementation of the minimum requirements for concrete measures concerning the use of work equipment, to improve health and safety for workers.
- (2) *Community measures* Council Directive 89/665/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) *Contents*
1. Definitions of the terms 'work equipment': any machine, apparatus, tool or installation used at work; 'use of work equipment': any activity involving work equipment; 'danger zone': zone within and/or around work equipment; 'exposed worker': wholly or partially in a danger zone; 'operator': the worker(s) given the task of using work equipment.
  2. Employers' obligations:
    - To base the choice of work equipment on the specific working conditions and hazards existing for workers in order to eliminate or at least minimize those hazards. Equipment made available to workers for the first time after 31 December 1992 must comply with the minimum requirements laid down in the Annex, in as far as no other Community Directive is applicable or is so only partially; work equipment already made available for use by 31 December 1992 must comply with the minimum requirements no later than four years after that date.
    - Use, maintenance or repair of work equipment involving a specific risk may only be carried out by the workers who have been specifically designated to the task;
    - To provide workers with adequate information and written instructions on work equipment, containing at least adequate safety and health information;
    - To provide the workers using the equipment with adequate training, including training on any risk which such use might entail;
    - Consultation and participation of workers in matters covered by the Directive.
  3. Amendment of the Annex  
Addition of supplementary minimum requirements applicable to specific work equipment shall be adopted by the Council (procedure under Article 118a of the Treaty); technical adjustments shall be adopted by the Commission (procedure laid down in Directive 89/391/EEC).
- (4) *Deadline for implementation of the legislation in the Member States* 31.12.1992
- (5) *Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 393, 30.12.1989

*(7) Follow-up work*

Amended proposal  
COM(94) 56 final

*(8) Commission  
implementing  
measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.13. The workplace and categories of workers particularly at risk: use of personal protective equipment

- (1) *Objective* To lay down minimum requirements for the assessment, selection and correct use of personal protective equipment. Priority must be given to collective safety measures.
- (2) *Community measures* Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) *Contents*
1. Definition of the term 'personal protective equipment': equipment designed to be worn or held by the worker to protect him against hazards encountered at work. A number of items are excluded from the definition, such as equipment used by emergency and rescue services, self-defence or deterrent equipment.
  2. Such equipment must be used when the existing risks cannot be sufficiently limited by technical means of collective protection or work organization procedures.
  3. Employers' obligations  
Personal protective equipment must comply with the relevant Community provisions on design and manufacture with respect to safety and health (see Directive 89/686/EEC) and with the conditions set out in the Directive. The employer must provide the appropriate equipment free of charge and ensure that it is in good working order and hygienic condition.
  4. Assessment of personal protective equipment  
Before choosing personal protective equipment, the employer is required to assess the extent to which it complies with the conditions set out in the Directive. This includes analysis of risks which cannot be avoided by other means and definition and comparison of the requisite characteristics of the equipment.
  5. Rules for use.  
Member States shall ensure that general rules are established for the use of personal protective equipment and/or covering cases and situations where the employer must provide such equipment. There must be prior consultation with employers' and workers' organizations. Annexes to the Directive contain information for establishing such rules: specimen risk survey table (I), non-exhaustive list of items of personal protective equipment (II), non-exhaustive list of activities which may require the provision of personal protective equipment (III).
  6. Information, consultation and participation of workers  
Workers shall be informed of all measures to be taken. Consultation and participation shall take place on the matters covered by the Directive.
  7. Technical adjustments in the Annexes shall be adopted by the Commission assisted by a committee (Article 17, Directive 89/391/EEC).
- (4) *Deadline for implementation of the legislation in the Member States* 31.12.1992



*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 393, 30.12.1989

*(7) Follow-up work*

On 29 October 1993 the Council adopted Directive 93/95/EEC of 29 October 1993 amending Directive 89/686/EEC. It provides that the Member States shall authorize, until 30 June 1995, the placing on the market and use of personal protective equipment which complies with the national rules in force within their territory on 30 June 1992 (Official Journal L 276, 9.11.1993).

*(8) Commission implementing measures*

Commission Communication for the implementation of Council Directive 89/656/EEC, of 30 November 1989, concerning the assessment of the safety aspects of personal protective equipment with a view to the choice and use thereof (Official Journal C 328, 20.12.1989).  
 The non-exhaustive supplementary information in the Annex covers the criteria to be taken into account in selecting and using the main types of personal protective equipment, and assessment of the risk to be covered and those arising from the equipment and use thereof.  
 The Commission requests Member States to ensure widespread circulation of the data so that they may serve as reference documents during implementation of Council Directive 89/656/EEC.  
 The Annex lists nine main types of protective equipment: industrial helmets, goggles and visors, ear protectors, respirators, gloves, boots and shoes, protective clothing, lifejackets for industrial use and protection against falls.

## 11. HEALTH AND SAFETY AT WORK

### 11.14. The workplace and categories of workers particularly at risk: manual handling of loads involving risk

- (1) *Objective* To ensure that workers are protected against the risks involved in the manual handling of heavy loads.
- (2) *Community measures* Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) *Contents*
1. Definition of the term 'manual handling of loads': any transporting or supporting of a load which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk to workers.
  2. Employers' obligations:
    - to use the appropriate means to avoid the need for manual handling of loads by workers, or, where this cannot be avoided, to take the appropriate organizational measures to reduce the risk involved, having regard to Annex I;
    - to ensure that workers receive adequate information on the weight of a load and the centre of gravity or the heaviest side when a package is eccentrically loaded, and to ensure proper training and precise information on how to handle loads correctly, and the risks involved in incorrect handling, having regard to Annexes I and II;
    - consultation and participation of workers shall take place in accordance with the framework Directive on matters covered by this Directive.
  3. The Annexes contain reference information on the characteristics of the load and the working environment, the physical effort required, the requirements of the activity and the individual risk factors. Technical alterations shall be adopted by the Commission assisted by a committee (Article 17, Directive 89/391/EEC).
- (4) *Deadline for implementation of the legislation in the Member States* 31.12.1992
- (5) *Date of entry into force (if different from the above)*
- (6) *References* Official Journal L 156, 21.6.1990
- (7) *Follow-up work* Four-yearly report by the Member States on practical implementation of the Directive, indicating the reactions of workers and employers organizations.  
Regular report by the Commission.
- (8) *Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.15. The workplace and categories of workers particularly at risk: work with display screen equipment

<i>(1) Objective</i>	To implement specific minimum requirements to guarantee the safety of workstations with display screen equipment.
<i>(2) Community measures</i>	Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
<i>(3) Contents</i>	<p>1. Definitions: 'display screen equipment': an alphanumeric or graphic display screen, regardless of the display process employed; 'workstation'; 'worker': an employee who habitually uses display screen equipment as a significant part of his or her normal work.</p> <p>2. Six cases which are excluded from the scope of the Directive are listed, e.g. computer systems on board a means of transport.</p> <p><b>Employers' obligations</b></p> <p>3. Analysis of workstations Employers are obliged to analyse workstations, evaluate the safety and health conditions and remedy any risks to eyesight, physical problems and problems of mental stress.</p> <p>4. Workstations put into service for the first time after 31 December 1992 These must meet the minimum requirements laid down in the Annex for equipment, environment (space, lighting, noise, heat, etc.) and operator/computer interface.</p> <p>5. Workstations already in service on 31 December 1992 These must be adapted no later than 31 December 1996.</p> <p>6. Daily work routine Workers' activities must be planned in such a way that daily work on a display screen is periodically interrupted by breaks or changes of activity.</p> <p>7. Protection of eyes and eyesight Workers are entitled to an appropriate eye and eyesight test before commencing display screen work, at regular intervals thereafter, and if they experience visual difficulties. They are also entitled to an ophthalmological examination if necessary. They must be provided with special corrective appliances, if required, at no additional cost to them.</p> <p>8. Information for workers on measures applicable to their workstation and training in workstation use. Consultation and participation of workers on the matters covered by the Directive.</p> <p><b>Miscellaneous provisions</b></p> <p>9. Technical adaptations to the Annex are adopted by the Commission assisted by a committee (Article 17 of Directive 89/391/EEC).</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	31.12.1992

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*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 156, 21.6.1990

*(7) Follow-up work*

The Member States must report every four years on the practical implementation of the Directive, indicating the points of view of employers and workers.

The Commission must prepare a report at regular intervals.

*(8) Commission implementing measures*

## 11. HEALTH AND SAFETY AT WORK

### 11.16. The workplace and categories of workers particularly at risk: temporary and mobile work sites

#### (1) Objective

To foster an improvement in working conditions in this sector, where workers are exposed to particularly high risks, by taking account of safety and health at the project design and organization stages. To prevent risks by establishing a chain of responsibility linking all the parties involved. The provisions of the other individual Directives apply, with the exception of Directive 89/654/EEC on workplaces.

#### (2) Community measures

Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile work sites (eighth individual Directive within the meaning of Article 16 of Directive 89/391/EEC).

#### (3) Contents

1. The extractive industries are excluded from the scope of the Directive. Definitions of the terms: 'temporary or mobile work sites': any site at which building and civil engineering works are carried out (a non-exhaustive list is given in Annex I); 'client': any natural or legal person for whom a project is carried out; 'project supervisor': any natural or legal person responsible for the design and/or execution and/or supervision of a project and acting on behalf of the client; 'self-employed person'; 'person responsible for coordinating safety and health', during the project design and execution stages.

2. Coordinators — safety and health plan — prior notice  
The client or project supervisor indicates the name(s) of the person(s) responsible for the coordination of safety and health at sites where several firms are present. The client or project supervisor also ensures that, before work starts at the site, a safety and health plan is drawn up. Where the site is expected to remain open for longer than 30 working days, and it employs more than 20 workers at the same time — or involves a volume of work in excess of 500 man-days — the client or project supervisor must give prior notice (contents of which are given in Annex III).

3. Project design stage  
Obligations of the project supervisor and, where appropriate, the client: to take account of the general principles of prevention set out in framework Directive 89/391/EEC and a safety plan when deciding architectural and/or organizational aspects, and when estimating the completion time of works or work stages. Obligations of the persons responsible for coordination: to ensure that the general principles of prevention are applied; to draw up a safety and health plan; to prepare a file of useful safety and health information for any subsequent works.

4. Project execution stage  
Obligations of the person(s) responsible for coordination on the site: to ensure that employers and self-employed persons apply the general prevention principles, particularly in respect of the situations described, and that the safety and health plan is taken into account when necessary; to organize cooperation between employers in matters of safety and health and to check that the working procedures



are being implemented correctly; to ensure that no unauthorized persons enter the site.

5. Obligations of project supervisors, clients and employers

Where a person responsible for coordination is appointed, the project supervisor or client remains responsible for safety and health.

6. Employers' obligations

To adhere to the minimum safety and health requirements applicable to work sites and set out in Annex IV. The aspects covered include energy distribution systems, emergency routes and exits, ventilation, temperature, traffic routes and danger areas, sanitary installations, etc. To act on the comments of the health and safety coordinator.

7. Obligations of self-employed persons

To comply, *mutatis mutandis*, with the principles set out in paragraph 4 above, the relevant provisions of Annex IV and certain provisions of the Directives on the use of work equipment and personal protective equipment, in order to guarantee the safety and health of all persons on the work site.

8. Information of workers on all safety and health measures to be taken on the work site, consultation and participation.

9. A procedure is laid down for amending and adapting the Annexes.

*(4) Deadline for implementation of the legislation in the Member States*

31.12.1993

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 245, 26.8.1992

*(7) Follow-up work*

*(8) Commission implementing measures*

## 11. HEALTH AND SAFETY AT WORK

### 11.17. The workplace and categories of workers particularly at risk: safety and health signs at work

- (1) *Objective* To introduce a Community system of safety signs designed to reduce the risk of accidents at work and occupational diseases.
- (2) *Community measures* Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of health and/or safety signs at work (ninth individual Directive within the meaning of Directive 89/391/EEC).
- (3) *Contents*
1. Directive 92/58/EEC is based on Article 118A of the EEC Treaty and is an individual Directive within the meaning of Article 16 of Council Directive 89/391/EEC of 12 June 1989. Essentially, it is designed to extend the content of Council Directive 77/576/EEC, which it replaces, and to consolidate some of that Directive's provisions. It provides for the obligatory addition of other signboards and introduces several other forms of marking and signalling, such as the location and identification of containers and pipes and of fire-fighting equipment, the marking of certain traffic routes, illuminated and acoustic signs, appropriate verbal communications, and hand signals.
  2. The Directive does not apply to signs for the placing on the market of dangerous substances and preparations, products and/or equipment, nor to signs used for regulating traffic. The provisions of Directive 89/391/EEC apply in full, without prejudice to more stringent and/or specific provisions in this newer Directive.
  3. The Directive defines 'health and/or safety signs' as signs providing information or instructions about health and/or safety at work by means of a signboard, a colour, an illuminated sign or acoustic signal, a hand signal or a verbal communication. It also defines the terms 'prohibition sign', 'warning sign', 'mandatory sign', 'emergency escape or first-aid sign', 'information sign', 'signboard', 'supplementary signboard', 'safety colour', 'symbol or pictogram', 'illuminated sign', 'acoustic signal', 'verbal communication', and 'hand signal'.
  4. Employers' obligations — General rules  
Signs must be provided where hazards cannot be avoided or adequately reduced by preventive measures. Wherever appropriate, signs used for road, rail, inland waterway, sea and air transport must be installed inside undertakings.
  5. Health and/or safety signs used for the first time 18 months after the adoption of the Directive must fulfil the minimum requirements set out in the Annexes, as must modifications to existing signs. Signs already in use at that time have an additional 18 months to fulfil the minimum requirements.
  6. Annexes:
    - Annex I sets out the general minimum requirements (types of signs, interchanging and combining signs);
    - Annex II defines the requirements concerning signboards (intrinsic features, conditions of use, list of signboards to be used);
    - Annex III concerns signs on containers and pipes (labelling and colouring);
    - Annex IV concerns the identification and location of fire-fighting equipment;

- Annex V sets out the minimum requirements governing signs used for obstacles and dangerous locations and for marking traffic routes;
  - Annex VI deals with illuminated signs (intrinsic features and specific rules governing use);
  - Annex VII deals with acoustic signs (intrinsic features and codes to be used);
  - Annex VIII deals with direct and indirect communication (intrinsic features and specific rules governing use);
  - Annex IX deals with hand signals (list of coded signals to be used).
7. Member States may specify certain exemptions within certain precise limits.
8. Workers must be informed of the measures to be taken and must be given appropriate training (precise instructions).
9. Workers must be consulted and allowed to participate on the matters covered by the Directive.
10. Technical adaptations to the Annexes will be adopted by the Commission, assisted by an advisory committee (Article 17 of Directive 89/391/EEC).
11. Member States are required to report to the Commission every five years on the practical implementation of the Directive. The Commission is required to report periodically to the European Parliament, the Council and the Economic and Social Committee on the implementation of the Directive.

*(4) Deadline for implementation of the legislation in the Member States*

24.6.1994

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 245, 26.8.1992

*(7) Follow-up work*

*(8) Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.18. The workplace and categories of workers particularly at risk: extractive industries (boreholes)

- (1) Objective* To improve the safety and health conditions of workers in the extractive industries concerned with exploration for and exploitation of minerals by means of boreholes (onshore and offshore), with a higher than average risk.
- (2) Community measures* Council Directive 92/91/EEC of 3 November 1992 concerning minimum requirements for improving the safety and health protection of workers in the extractive industries (boreholes) (11th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) Contents*
1. Definition of the terms: 'extractive industries (boreholes)': all industries engaged in prospecting and extraction activities and in the preparation of extracted materials for sale but not the processing of such extracted materials; 'workplace': the whole area housing workstations, including accommodation to which workers have access in the course of their work.
  2. General obligations of the employer:  
To apply safety considerations to workplaces right from the design stage; ensure that there is a supervisor in charge; entrust work involving a special risk only to suitably qualified staff; ensure that safety instructions are comprehensible to all the workers concerned; provide first aid facilities and run safety exercises at regular intervals. Before the commencement of work, the employer must satisfy himself that a document on safety and health is prepared and brought up to date (in accordance with Articles 6, 9 and 10 of Directive 89/391/EEC). This document must show, in particular, that the risks run by workers at the workplace have been determined and assessed, that appropriate measures have been taken and that the workplace is designed, operated and maintained in line with safety requirements. Where workers from more than one firm are present at the same workplace, the employer responsible for the workplace must coordinate the health and safety measures applying to these workers and set them out in the document. This coordination does not affect the liability of individual employers. The employer must immediately report fatal and serious occupational accidents and dangerous occurrences.
  3. Protection against fire, explosions and health-endangering atmospheres: to take preventive measures appropriate to the nature of the operation.
  4. Escape and rescue facilities: ensure that these are provided and maintained.
  5. Provide the necessary communication, warning and alarm systems enabling immediate implementation of rescue operations.
  6. Inform workers of all measures to be taken concerning safety and health at the workplace.
  7. Health surveillance:  
Health surveillance must be carried out before workers are assigned to duties related to the activities referred to in the Directive and at regular intervals thereafter.

8. Ensure consultation and participation of workers on the matters covered by the Directive.

9. Minimum safety and health requirements:

Workplaces used for exploration for and extraction of minerals by means of boreholes must satisfy the requirements in the Annex.

Deadlines: for those used for the first time or any subsequent alterations: 3 November 1994; for those already in use before that date: as soon as possible, and not later than five years after that date.

10. Amendments to the Annex: to be adopted by the Commission assisted by a committee.

11. Member States are required to report to the Commission every five years on the practical implementation of the Directive.

*(4) Deadline for implementation of the legislation in the Member States*

3.11.1994

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 348, 28.11.1992

*(7) Follow-up work*

*(8) Commission implementing measures*





## 11. HEALTH AND SAFETY AT WORK

### 11.19. The workplace and categories of workers particularly at risk: extractive industries (mines and quarries)

- (1) *Objective* To improve the safety and health protection of workers in the surface and underground extractive industries.
- (2) *Community measures* Council Directive 92/104/EEC of 3 December 1992 concerning minimum requirements for improving the safety and health protection of workers in the surface and underground extractive industries (12th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) *Contents*
1. This Directive, which fills the legal vacuum arising from the exclusion of the extractive industries from the scope of Council Directive 89/654/EEC, covers the other two sectors of the extractive industries which are not covered by the Directive on exploration and exploitation by means of boreholes (summary 11.18), i.e. exploration for and exploitation of minerals in surface or underground mines and quarries.  
This Directive does not concern operations connected with the transport of workers and products outside the workplace. The provisions of Directive 89/391/EEC apply in full without prejudice to the more binding provisions contained in this Directive.
  2. Definition of 'surface and underground extractive industries': all industries engaged in activities concerned with extraction of minerals in the open air or underground and/or prospecting with a view to such extraction and/or preparation of extracted materials for sale, but not the processing of extracted materials (summary 11.18).
  3. General obligations of the employer:  
Ensure that workplaces are designed and operated in such a way as to protect the workers' safety and/or health; make provision for responsible supervision during operation of manned workplaces; entrust work involving a special risk only to competent workers; ensure that safety instructions are comprehensible to all the workers concerned; provide first-aid facilities and run safety exercises at regular intervals. Prior to the commencement of work, the employer must ensure that a document concerning safety and health is prepared and kept up to date (in accordance with Articles 6, 9 and 10 of Directive 89/391/EEC). This document must show, in particular, that the risks run by workers at the workplace have been determined and assessed, that appropriate measures have been taken and that the workplace is designed, operated and maintained in line with safety requirements. Where workers from more than one firm are present at the same workplace, the employer responsible for the workplace must coordinate the health and safety measures applying to these workers and set them out in the document. This coordination does not affect the liability of individual employers. The employer must immediately report fatal and serious occupational accidents and dangerous occurrences.
  4. Prevent fires, explosions and health-endangering noxious atmospheres by taking measures and precautions appropriate to the nature of the operation.
  5. Ensure the presence and maintenance of escape and rescue facilities.



6. Provide the necessary communication, warning and alarm systems enabling immediate implementation of rescue operations.
7. Ensure the presence and maintenance of sanitary installations and rest rooms.
8. Inform workers of the measures to be taken concerning safety and health at the workplace.
9. Ensure that workers undergo regular health checks.
10. Ensure consultation and participation of workers on the matters covered by the Directive.
11. Workplaces involving exploration for and exploitation of minerals in mines and quarries used for the first time after 31 December 1993 must satisfy the minimum requirements laid down in the Annex; modifications made after 31 December 1993 must also comply with these minimum requirements; workplaces already in use are allowed a further nine years in order to take account of the situation of small and medium-sized enterprises.
12. Amendments to the Annexes are to be adopted by the Commission in accordance with the procedures laid down in Article 17 of Directive 89/391/EEC.
13. Member States may waive implementation of this Directive in respect of extractive industries involving dredging, provided that the general principles for protecting the health and safety of the workers concerned are respected.
14. Member States shall report to the Commission every five years on the implementation of this Directive.

*(4) Deadline for implementation of the legislation in the Member States*

3.12.1994

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 404, 31.12.1992

*(7) Follow-up work*

*(8) Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.20. The workplace and categories of workers particularly at risk: fishing vessels

- (1) *Objective* To lay down minimum practical requirements for improving workers' safety and health on board fishing vessels.
- (2) *Community measures* Council Directive 93/103/EEC of 23 november 1993 concerning the minimum safety and health requirements for work on board fishing vessels (10th individual Directive within the meaning of article 16(1) of Directive 89/391/EEC).
- (3) *Contents*
1. The general provisions for improvement of workers' safety and health (Framework Directive 89/391/EEC) are fully applicable to this field.
  2. Definitions — 'fishing vessel': any vessel flying the flag of a Member State or registered under the plenary jurisdiction of a Member State and used for commercial purposes either for catching or for catching and processing fish or other living resources from the sea, with a length between perpendiculars of 15 m or over; 'worker': any person carrying out an occupation on board a vessel, excluding shore personnel; 'owner': the registered owner of a vessel or, where applicable, the demise charterer or person managing the vessel; 'new fishing vessel', 'existing fishing vessel'.
  3. Owners must fulfil certain obligations in order to safeguard workers' health and safety. They must thus ensure that their vessels are being used without endangering the health and safety of the workers. Occurrences at sea must be described in a report to be forwarded to the competent authorities. The owner must ensure that regular technical maintenance is carried out and that any defects found which are likely to affect the health and safety of workers are rectified as quickly as possible. The owner must also ensure that vessels are cleaned regularly, that life-saving and survival equipment is in good working order and that personal protective equipment complies with the specifications of annex IV to the Directive.
  4. Existing fishing vessels must comply with the requirements of the Directive within nine years from the date of its adoption. Vessels which undergo extensive alterations after it has been adopted and new vessels must comply within two years from the date of adoption.
  5. Workers must be informed of all measures to be taken regarding health and safety on board vessels. To this end, they must receive suitable training. More detailed training must be provided for any person likely to command a vessel.
  6. Arrangements must be made to ensure consultation and participation of workers.
  7. Annex I sets out minimum health and safety requirements for new fishing vessels and annex II those for existing fishing vessels. Annex III contains minimum requirements for life-saving and survival equipment and annex IV those for personal protective equipment. Technical adaptations of the annexes are to be adopted by the Commission.
- (4) *Deadline for implementation of the legislation in the Member States* 23.11.1995

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*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 307, 13.12.1993

*(7) Follow-up work*

*(8) Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.21. The workplace and categories of workers particularly at risk: transport activities

- (1) *Objective* To improve the health and safety of workers on board means of transport by laying down minimum requirements applicable to their workplaces.
- (2) *Proposal* Proposal for a Council Directive concerning the minimum health and safety requirements for transport activities and means of transport at workplaces (12th individual directive within the meaning of Article 16 of Directive 89/391/EEC).
- (3) *Contents*
1. The Directive applies to workers in the fields of road, rail, air, sea and waterway transport. Any matters concerning traffic regulations, however, are outside the scope of the Directive.
  2. The general provisions concerning improvements in the health and safety of workers (framework Directive 89/391/EEC) are fully applicable to this present Directive.
  3. Definitions: 'transport activities' means all the activities performed on board means of transport; 'means of transport' means work equipment intended for all types of transport in the air, on roads, on railways or on the water; 'drivers' means the workers actually operating the instruments controlling the movement of a means of transport.
  4. The employer must ensure that employees' workplaces comply with the minimum requirements for safety and health as set out in Annex II, Part A, with effect from 31 December 1994. This deadline is extended by two years in the case of workplaces on board means of transport already in service on that date. Additionally, the employer must provide workers with sanitary facilities, rest rooms and living quarters as set out in Annex 2, Part B, with effect from 31 December 1994. Here too the deadline is extended by two years in the case of sanitary facilities, rest rooms and living quarters on board means of transport already in service on that date. The employer is responsible for ensuring the technical maintenance of installations, the regular cleaning of means of transport and the regular checking of safety, emergency, control and signalling equipment, as well as for devising suitable organizational measures and selecting the equipment intended to safeguard the health and safety of workers during transport activities. Provision is made for the medical surveillance of workers, and the employer must inform workers of the safety and health measures taken during transport activities in accordance with Article 10 of Directive 89/391/EEC. Workers must receive training, including emergency evacuation practice and rescue drills, designed to promote accident prevention measures relevant to transport activities.
  5. Article 8 of Directive 89/391/EEC (first aid, fire-fighting, evacuation of workers, serious and imminent danger) must be adapted to take into account the characteristics of the means of transport, its load and its route. However, a derogation from paragraph 4 of this Article is included.

6. Provision is made for the obligatory consultation and participation of workers.

7. Technical amendments to Annexes II and III shall be adopted in accordance with the procedure laid down in Article 17 of Directive 89/391/EEC.

8. Annex III lays down the minimum requirements for the organization and carrying out of transport activities. In addition to general provisions, it also contains specific provisions for various types of transport.

9. Member States are required to report to the Commission every five years on the practical implementation of the Directive.

*(4) Opinion of the European Parliament*

Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

*(5) Current status*

The amended proposal is currently before the Council in view of a common position.

*(6) References*

Commission proposal COM(92) 234 final	Official Journal C 25, 28.1.1993
Amended proposal COM(93) 421 final	Official Journal C 294, 30.10.1993
European Parliament opinion First reading	Official Journal C 255, 20.9.1993
Economic and Social Committee opinion	Official Journal C 161, 14.6.1993



## 11. HEALTH AND SAFETY AT WORK

### 11.22. The workplace and categories of workers particularly at risk: improved medical assistance on board vessels

- (1) *Objective* To improve medical assistance at sea, since a vessel is a workplace which, on account of its mobility and its geographical isolation, presents high risks to the safety and health of the workers on board.
- (2) *Community measures* Council Directive 92/29/EEC of 31 March 1992 on the minimum health and safety requirements for improved medical treatment on board vessels.
- (3) *Contents*
1. Definitions:
 

'vessel': any vessel flying the flag of a Member State, or registered in a Member State, sea-going or estuary-fishing, excluding inland navigation vessels, warships, pleasure boats and tugs operating in harbour areas. Vessels shall be classed in three categories in accordance with Annex I; 'worker': any person carrying out an occupation on board a vessel excluding port pilots and shore personnel carrying out work on board a vessel at the quayside; 'owner': the registered owner or, where appropriate, the demise charterer or manager of a vessel; 'medical supplies': medicines, medical equipment and antidotes listed in Annex II; 'antidote': a substance used to prevent or treat the harmful effects of the dangerous substances listed in Annex III.
  2. Medicines and medical equipment, sick bay and doctor
 

Each Member State shall take the measures necessary to ensure that:

    - every vessel flying its flag or registered by it always carries on board medical supplies which meet, in terms of quality, the specifications of Annex II for the category of vessel to which it belongs;
    - the quantities of medicinal products and medical equipment are determined according to the characteristics of the voyage, the activities to be carried out during the voyage, the nature of the cargo and the number of workers;
    - the content of the supplies are detailed on a check-list corresponding to the general framework laid down in Annex IV;
    - every vessel carries a watertight medicine chest for each of its lifeboats;
    - the content of such medicine chests is detailed on the check-list;
    - every vessel of more than 500 gross registered tones with a crew of 15 or more workers engaged on a voyage of more than three days has a sick bay;
    - every vessel with a crew of 100 or more workers, engaged on an international voyage of more than three days, has a doctor on board.
  3. Antidotes
 

Any vessel carrying dangerous substances must have medical supplies including antidotes (Annex II) appropriate to the danger presented by such substances; in principle, all antidotes are carried on ferry-type vessels since the nature of the dangerous substances transported on these vessels is not always known well enough in advance. The content of the supplies must be detailed on a check-list.



#### 4. Responsibilities

The provision and replenishment of the medical supplies are undertaken on the responsibility and exclusively at the expense of the owner. Responsibility for the management of the supplies lies with the captain. They must be kept in good condition.

#### 5. Information and training

The medical supplies are accompanied by a guide to their use; professional maritime training must include instruction in medical and emergency measures; the captain and the worker or workers to whom he delegates the use of the medical supplies must receive special medical training in accordance with the general guidelines set out in Annex IV.

#### 6. Medical assistance by radio

The Member States designate centres to provide any data which may be required to improve emergency treatment for crew members. Personal data of a medical nature held by these centres remain confidential.

7. Medical supplies shall be subjected to an annual inspection.

8. Technical changes to the Annexes shall be adopted by the Commission or, if necessary, the Council, with the assistance of a committee composed of representatives of the Member States.

*(4) Deadline for implementation of the legislation in the Member States*

31.12.1995

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 113, 30.4.1992

*(7) Follow-up work*

*(8) Commission implementing measures*

## 11. HEALTH AND SAFETY AT WORK

### 11.23. Dangerous agents: exposure to chemical, physical and biological agents

- (1) *Objective* To harmonize national provisions relating to the protection of workers by measures to prevent exposure to certain chemical, physical and biological agents, or to keep it at as low a level as is possible.
- (2) *Community measures* Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work.
- Council Directive 88/642/EEC of 16 December 1988 amending Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work.
- (3) *Contents*
1. The Directive does not apply to workers exposed to radiation covered by the Treaty establishing the European Atomic Energy Community (Euratom), sea transport and air transport.
  2. Definition of the terms 'agent'; 'worker': any employed person exposed or likely to be exposed to an agent at work; 'limit value': exposure limit or biological indicator limit in the appropriate medium. More detailed definitions of 'limit value' and 'suspended matter' are contained in Annex II a.
- Obligations of Member States:
3. When adopting provisions relating to an agent, the Member States must take a series of 14 measures, including: limitations of the use of the agent, technical preventive measures, determination of the nature and degree of the workers' exposure, establishment of limit values and of sampling procedures, measuring procedures and procedures for evaluating results (a reference method is contained in Annex II a), collective hygiene and protection measures, information and the use of signs, and a ban on an agent in cases where there is inadequate protection. The measures also include the adoption by the employer of appropriate measures to ensure that workers and/or their representatives receive the necessary information and full instruction concerning not only the potential risks, preventive measures and precautions but also the risk assessment methods used, the existence of a limit value and the action to be taken in the event of a limit value being exceeded.
  4. Additional measures must be taken in the case of the list of agents specified in Annex I: medical surveillance, access to the results of exposure measurements, biological tests and information of workers.
  5. The list of agents may be amended by the Council.
  6. The Member States must determine the extent, if any, to which each of these measures is to apply to the agent in question.
  7. In the case of the agents listed in Annex II, the Member States must provide medical surveillance during the period of exposure and access for workers at the place of work to information on the dangers which these agents present.
  8. Adaptation to technical progress is restricted to the technical aspects listed in Annex III. A committee consisting of representatives of the Member States has been set up to assist the Commission with adaptation to technical progress.

9. The Council will establish, in the individual Directives that it adopts with regard to the agents listed in Annex I, binding limit values and/or other specific requirements; in the case of other agents, indicative limit values will be drawn up by the Commission, assisted by the Committee for adaptation to technical progress. The indicative limit values reflect expert evaluations based on scientific data.

10. The Directive is without prejudice to the right of Member States to apply or adopt other provisions laying down more stringent standards.

*(4) Deadline for implementation of the legislation in the Member States*

— Three years from the date of notification; four years in the case of Article 3(3), first indent; four and five years respectively in the case of Greece.  
— 21.12.1990

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 327, 3.12.1980  
Official Journal L 356, 24.12.1988

*(7) Follow-up work*

Both Directives have been revised and incorporated, with Council Directives 82/605/EEC and 88/364/EEC and Commission Directive 91/322/EEC, into a new proposal for a Council Directive on the protection of the health and safety of workers from the risks related to chemical agents at work (COM(93) 55 final-SYN 459-Official Journal C 165, 16.6.1993).

*(8) Commission implementing measures*

Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values for the implementation of Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work (Official Journal L 177, 5.7.1991). The Directive establishes indicative limit values for an initial list of 27 chemical agents. When establishing limit values referred to in Article 4(4)(b) of Directive 80/1107/EEC, Member States must take into account the indicative limit values listed in the Annex to the Directive of 29 May 1991.



## 11. HEALTH AND SAFETY AT WORK

### 11.24. Dangerous agents: exposure to vinyl chloride monomer

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|--|--|
| <i>(1) Objective</i>   | To adopt minimum requirements harmonizing national measures for the protection of workers in this important branch of the chemical industry. This substance must be regarded as carcinogenic and as capable of producing occupational acro-osteolysis, a skin disorder, impaired liver function and angiosarcoma. The ultimate objective is to ensure optimum protection of workers.   |
| <i>(2) Community measures</i>  | Council Directive 78/610/EEC of 29 June 1978 on the approximation of the laws, regulations and administrative provisions of the Member States on the protection of the health of workers exposed to vinyl chloride monomer.  |
| <i>(3) Contents</i>  | <ol style="list-style-type: none"> <li>1. Definitions of the terms: 'working area': may comprise one or more workplaces; 'technical long-term limit value': the value which must not be exceeded by the mean concentration measured in the atmosphere during the periods in which the plant is in operation, the reference period being the year; and 'competent doctor': the doctor responsible for the medical surveillance of the workers.</li> <li>2. Technical preventive measures to reduce the concentrations of vinyl chloride monomer to the lowest possible levels.</li> <li>3. Establishment of limit values for the atmospheric concentration of vinyl chloride monomer in the working area. Annex I gives the statistical basis for the technical long-term limit value.</li> <li>4. Definition of the measurement methods and establishment of a system for monitoring the concentration. A monitoring system capable of detecting abnormal increases in concentrations must be set up in places where such increases may occur. The establishment of the alarm threshold value, above which personal protection measures must be taken without delay.</li> <li>5. Personal protection measures must be provided for certain operations during which it cannot be guaranteed that concentrations will be kept below the limit values.</li> <li>6. Appropriate information for workers on the health hazards and the precautions to be taken.</li> <li>7. Inscription of workers on a register containing particulars of the type and duration of their work and the exposure to which they have been subjected.</li> <li>8. Medical examination of workers on recruitment and thereafter, the competent doctor determining in each individual case the frequency and type of examination to be carried out. Annex II sets out the guidelines for the medical surveillance of workers. The registers and medical records must be kept for at least 30 years from the date on which workers take up their activity.</li> </ol> |
| <i>(4) Deadline for implementation of the legislation in the Member States</i> | Eighteen months from notification of the Directive.  |

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*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 197, 22.7.1978

*(7) Follow-up work*

*(8) Commission implementing measures*

## 11. HEALTH AND SAFETY AT WORK

### 11.25. Dangerous agents: exposure to metallic lead and its ionic compounds

- (1) Objective* To lay down limit values and specific minimum requirements for the protection of workers against risks associated with exposure to lead in addition to certain provisions laid down in Directive 80/1107/EEC on the risks associated with exposure to chemical, physical and biological agents at work.
- (2) Community measures* Council Directive 82/605/EEC of 28 July 1982 on the protection of workers from the risks related to exposure to metallic lead and its ionic compounds at work (first individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).
- (3) Contents*
1. The Directive does not apply to sea transport, air transport, the mining and quarrying of lead-containing ores or the preparation of lead-ore concentrate at the site of the mine or quarry. It does not apply to alkylated lead compounds.
  2. The Member States may apply or introduce provisions ensuring greater protection for workers.
  3. Annex I contains a non-exhaustive list of activities where there is reason to consider that there may be a risk of absorbing lead. The risk must be assessed. If exposure to a concentration of lead in air is greater than 75 microg/m<sup>3</sup> or if a blood-lead level greater than 50 microg/100 ml blood is found in individual workers, monitoring of the concentration of lead in air takes place, as a general rule, at least once every three months, in accordance with the technical specifications and the analysis method described in Annex II. Workers are consulted and medical surveillance introduced. This comprises clinical assessment, carried out at least once a year, and biological monitoring — measurement of blood-lead levels and one or more biological indicators, in accordance with the measurement methods described in Annex III — carried out, as a rule, at least once every six months. Annex IV gives practical recommendations for the clinical assessment. If individual blood-lead levels are found to be between 60 and 70 microg/100 ml blood, a clinical examination is carried out. Following this examination, the doctor may advise the withdrawal of the worker from all exposure to lead or a reduction in the period of his exposure.
  4. Limit values to be applied:
    - 150 microg/m<sup>3</sup> for lead-in-air concentration;
    - 70 microg/100 ml blood for blood-lead level in individual workers.
  5. (a) Where the lead-in-air limit value has been exceeded, the reasons for the limit being exceeded must be identified and appropriate measures to remedy the situation should be taken as soon as possible. The wearing of respiratory equipment may not be permanent. In the case of incidents likely to lead to significant increases in exposure, workers must be immediately evacuated; in the case of certain operations, in respect of which it is foreseen that the limit value will be exceeded, the employer must define the measures intended to ensure protection and the workers must be consulted before such operations are effected.
  - (b) Where the biological limit value has been exceeded, steps must be taken immediately to ascertain the reasons and to remedy the



situation; such measures may include the immediate withdrawal of the worker from all exposure.

6. For all work presenting a degree of risk, seven preventive and protective measures must be taken, the cost of which must not be borne by the workers: these include avoiding the risk of absorbing lead through smoking, eating or drinking, and providing protective clothing which must be stored separately from street clothes.

7. Information of workers on, among other things, the potential risks, the existence of statutory limit values, the need to refrain from smoking, eating or drinking at the workplace; access to the results of lead-in-air measurements and biological monitoring.

8. Recording and storage of individual data on exposure must be ensured.

*(4) Deadline for implementation of the legislation in the Member States*

1.1.1986

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 247, 23.8.1982

*(7) Follow-up work*

By 28 July 1987 (re-examination of the limit values for the biological parameters): establishment of a limit value for blood-lead levels at a maximum of 70 microg/100 ml blood.

*(8) Commission implementing measures*

## 11. HEALTH AND SAFETY AT WORK

### 11.26. Dangerous agents: exposure to asbestos

- (1) Objective* To establish limit values and specific harmonized minimum requirements for the protection of workers. To reduce exposure to asbestos so as to lessen the risk of diseases occurring.
- (2) Community measures* Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).
- Council Directive 91/382/EEC of 25 June 1991 amending Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).
- (3) Contents*
1. The Directives do not apply to sea or air transport.
  2. 'Asbestos' is taken to mean six specified fibrous silicates. The limit values pertaining to in-air concentrations are: for chrysotile: 0.60 fibres per cm<sup>3</sup> for an eight-hour reference period; for all other forms of asbestos: 0.30 fibres per cm<sup>3</sup> for an eight-hour reference period.
  3. Any activity likely to entail a risk of exposure to dust arising from asbestos or materials containing asbestos must be assessed in such a way as to determine the degree and nature of the workers' exposure.
  4. These activities are to be notified by the employer to the responsible authority of the Member State. The notification must include at least a description of the types and quantities of asbestos used, the activities and processes involved, and the products manufactured. Workers or their representatives are entitled to see the documents concerned.
  5. The application of asbestos by means of the spraying process and working procedures that involve the use of low-density (less than 1g/cm<sup>3</sup>) insulating or soundproofing materials are prohibited.
  6. Exposure to asbestos is reduced by limiting its use as far as possible, keeping to a minimum the number of persons exposed, and taking adequate measures to maintain buildings and ensure that materials are properly stored, transported and labelled.
  7. In order to ensure compliance with the limit values, asbestos-in-air concentrations are to be measured regularly.
  8. If these values are exceeded, the reasons must be identified and appropriate measures to remedy the situation must be taken before work is resumed.
  9. The places in which activities giving rise to exposure risks are carried out must be clearly delimited and indicated by warning signs. They shall be out of bounds to smokers and unauthorized workers. Areas are to be set aside where workers can eat and drink without risking contamination by asbestos dust. Workers are to be provided with appropriate working or protective clothing.
  10. Workers and/or their representatives must receive adequate information on health risks, the existence of limit values and the need for monitoring of the atmosphere, hygiene requirements and specific precautions to be taken.
  11. Each worker's state of health must be assessed prior to exposure and subsequently at least once every three years for the duration of the exposure. The employer is required to keep a register indicating

the nature and duration of the activity and the exposure to which the worker is subjected; both the worker concerned and doctors must have access to the information in the register.

12. A plan of work setting out the necessary health and safety measures is to be drawn up before the commencement of any demolition work or work involving removal of asbestos.

13. Member States must keep a register of cases of asbestosis and mesothelioma.

14. If assessment of the exposure risks shows that the asbestos-in-air concentration is, for chrysotile, lower than 0.20 fibres per cm<sup>3</sup> for an eight-hour reference period or lower than a cumulative dose of 12.00 fibres over a three-month period and, for all other forms of asbestos, lower than 0.10 fibres per cm<sup>3</sup> for an eight-hour reference period or lower than a cumulative dose of 6.00 fibres over a three-month period, the employer will not be required to notify the authority, take atmospheric measurements, put up warning signs, carry out health assessment or inform workers.

*(4) Deadline for implementation of the legislation in the Member States*

Directive 83/477/EEC:

— 1.1.1987,

— 1.1.1990 in the case of asbestos-mining activities.

Directive 91/382/EEC:

— 1.1.1993

— 1.1.1996 for Greece.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 263, 24.9.1983

Official Journal L 206, 29.7.1991

*(7) Follow-up work*

*(8) Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.27. Dangerous agents: exposure to noise

- (1) *Objective* To reduce exposure to noise in order to lessen the risk of hearing loss; to reduce noise levels preferably at source, and to provide for the provision and use of personal ear protectors.
- (2) *Community measures* Council Directive 86/188/EEC of 12 May 1986 on the protection of workers from the risks related to exposure to noise at work.
- (3) *Contents*
1. Scope: all workers, including those covered by the EAEC Treaty, with the exception of sea and air transport workers (personnel on board). The Council shall examine, before 1 January 1990, the possibility of applying the Directive to these workers also.
  2. Member States may apply or introduce provisions ensuring greater protection for workers.
  3. Definition of the terms: 'daily personal noise exposure of a worker' and 'weekly average of the daily values'.
  4. The risks resulting from exposure to noise must be reduced to the lowest level reasonably practicable, taking account of technical progress and the availability of noise control measures.
  5. At suitable intervals, noise experienced at work shall be assessed and, when necessary, measured in order to determine whether maximum decibel (dB) levels have been exceeded and whether workers have been affected. Annex I gives indications for measurement.
    - Above an average level of 85 dB(A), workers must be informed of the potential risks to their hearing, of the measures taken in pursuance of the Directive and the obligation to comply with national protective and preventive measures; personal ear protectors must be provided; exposure of 85 dB(A) and above entitles the worker to regular hearing checks (indications given in Annex II).
    - If the level exceeds 90 dB(A) or 200 pascals (Pa), the reasons for the excess level shall be identified and the employer shall draw up and apply a programme of technical and/or organizational measures to reduce exposure; individual ear protectors must be used; the areas of excess exposure must be delimited and identified by signs, and, where appropriate, access must be restricted.
- Member States may, exceptionally, grant derogations under certain conditions.
6. Obligations of Member States:  
To ensure that risks are reduced as far as possible in the design and construction of new installations and that adequate information is available on the noise produced by any new piece of equipment capable of reaching or exceeding 85 dB(A) or 200 Pa; to ensure consultation with workers' and employers' organizations before adopting the measures contained in the Directive and monitoring of their application by workers' representatives.
- (4) *Deadline for implementation of the legislation in the Member States*
- 1.1.1990
  - 1.1.1991: Greece and Portugal

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*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 137, 24.5.1986

*(7) Follow-up work*

Re-examination before 1 January 1994 to establish more precise indications for noise measurement.

*(8) Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.28. Dangerous agents: banning of certain specified agents and activities

<i>(1) Objective</i>	The uniform application of common principles concerning the health protection of workers: to prevent exposure to health risks or maintain exposure at as low a level as is reasonably practicable and, if adequate protection cannot be ensured by any other means, to ban agents or activities which can give rise to serious effects on health; to encourage the early development of alternative non-dangerous agents.
<i>(2) Community measures</i>	Council Directive 88/364/EEC of 9 June 1988 on the protection of workers by the banning of certain specified agents and/or certain work activities (fourth individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).
<i>(3) Contents</i>	<ol style="list-style-type: none"> <li>1. The Directive does not apply to sea or air transport.</li> <li>2. The Member States may apply or introduce provisions ensuring greater protection for workers.</li> <li>3. Definition of the terms: 'substances' means chemical elements and their compounds as they occur in the natural state or as produced by industry, including additives; 'agents' means chemical, physical or biological agents present at work and likely to be harmful to health; 'preparations' means mixtures or solutions composed of two or more substances; 'impurities', 'intermediates', 'by-products', 'waste'.</li> <li>4. Obligation of the Member States:             <ul style="list-style-type: none"> <li>— to ban the production and use of four aromatic amines in accordance with the Annex (2-naphthylamine and its salts, 4-aminobiphenyl and its salts, benzidine and its salts and 4-nitrodiphenyl);</li> <li>— to ensure, in the case of the three types of derogations provided for (research, the elimination of the agents present in the form of by-products or waste and the use of the agents as intermediates), that employers take adequate precautions to protect health and that they submit a minimum amount of information to the competent authority, such as the quantities used annually and the numbers of workers exposed. Workers must have access to the documents containing the necessary information on the risks connected with exposure and on the precautions to be taken.</li> </ul> </li> <li>5. The Council may amend the Annex, in particular to include further agents or activities which satisfy the three criteria on which the ban is based: there are serious health risks, precautions are not sufficient to ensure a satisfactory level of protection and the ban does not lead to the use of substitute agents which may involve equal or greater risks.</li> </ol>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	1.1.1990
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 179, 9.7.1988



*(7) Follow-up work*

The Directive will have to be re-examined by 1 January 1996.

*(8) Commission  
implementing  
measures*

## 11. HEALTH AND SAFETY AT WORK

### 11.29. Dangerous agents: exposure to carcinogens

- (1) *Objective* To lay down minimum requirements for protecting workers against risks arising specifically from exposure to carcinogens; to lessen exposure with a view to reducing health risks, to establish exposure limit values and to take preventive measures.
- (2) *Community measures* Council Directive 90/394/EEC of 28 June 1990 on the protection of workers from the risks related to exposure to carcinogens at work (sixth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) *Contents*
1. The Directive does not apply to workers exposed only to radiation covered by the EAEC Treaty.
  2. Definition of 'carcinogen', meaning a substance or preparation to which the risk-phrase R45 'may cause cancer' is applied (Directives 67/548/EEC and 88/379/EEC) and any substance, preparation or process referred to in Annex I.
  3. Determination and assessment of risks. The nature, degree and duration of workers' exposure must be regularly determined in order to assess any health risk and decide the measures to be taken. Particular attention must be paid to workers who are particularly at risk.
- Employers' obligations**
4. Reduction and replacement  
The employer must reduce the use of a carcinogen, in particular by replacing it, in so far as is technically possible, by a substance, preparation or process which is not dangerous or is less dangerous.
  5. Prevention and reduction of exposure  
The employer must ensure that the carcinogen is manufactured and used in a closed system. If this is not feasible, the employer must ensure that the level of exposure is kept as low as is technically possible. Thirteen measures are to be applied.
  6. Information for the competent authority  
Information is to be made available, on request, concerning such matters as the reasons for using carcinogens, preventive measures taken and the number of workers exposed.
  7. Abnormal unforeseen/foreseeable exposure  
Information/consultation of workers. Protective clothing and individual respiratory protection equipment must be worn, with exposure being kept to the strict minimum of time necessary.
  8. Access to risk areas  
Access is restricted to workers who, by reason of their work or duties, are required to enter such areas.
  9. Hygiene and individual protection measures are to be taken where appropriate, at no financial cost to workers: workers must not eat, drink or smoke in working areas where there is a risk of contamination;  
workers are to be provided with appropriate clothing and separate storage places for work clothing and for street clothes;  
washing and toilet facilities are to be provided;  
protective equipment is to be properly stored, checked and cleaned before and after each use.

10. Information and training of workers:

- mainly concerning potential and additional risks to health (smoking), precautions to prevent exposure, hygiene, protective clothing and steps to be taken in the event of incidents;
- containers, packages and installations containing carcinogens are to be clearly and legibly labelled, with warning signs clearly displayed;
- workers or their representatives must have the opportunity to check that the Directive is being correctly applied.

11. Consultation and participation of workers in connection with matters covered by the Directive

**Miscellaneous provisions**

12. Health surveillance

Member States must make suitable arrangements for monitoring the health of exposed workers, with a view to implementing the necessary corrective measures and determining the protective or preventive measures to be taken in respect of individual workers.

Practical recommendations are given in Annex II. All cases of cancer identified as resulting from occupational exposure must be notified to the competent authority.

13. Record-keeping

The up-to-date list of exposed workers, which the employer is required to keep, and individual medical records are to be kept for at least 40 years following the end of exposure.

14. Limit values

The Council lays down limit values in Directives in respect of all those carcinogens for which it is possible and, where necessary, other directly related provisions. These limit values and other provisions are set out in Annex III.

15. Annexes I and III may be amended only by the Council (procedure under Article 118a of the Treaty), whilst technical adjustments to Annex II are adopted by the Commission, assisted by the designated committee.

31.12.1992

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 196, 26.7.1990.

*(7) Follow-up work*

*(8) Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.30. Dangerous agents: exposure to biological agents

- (1) *Objective* To establish specific minimum requirements designed to guarantee a better standard of safety and health for workers exposed to biological agents at work.
- (2) *Community measures* Council Directive 90/679/EEC of 26 November 1990 on the protection of workers from risks related to exposure to biological agents at work (seventh individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- (3) *Contents*
1. Definitions:
 

'Biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites which may be able to provoke any infection, allergy or toxicity. They are classified into four groups according to their level of risk of infection. 'Micro-organism': a microbiological entity capable of replication or of transferring genetic material. 'Cell culture': the *in-vitro* growth of cells derived from multicellular organisms.
  2. Determination and assessment of risks:
    - The nature, degree and duration of workers' exposure must be determined for any activity likely to involve a risk.
    - The risk is assessed on the basis of the danger presented by all hazardous biological agents present and on the basis of all available information on all activities involving exposure to several groups of agents. The assessment is renewed regularly.
- Employers' obligations**
3. Replacement
 

Replacement of a dangerous biological agent by one which is not dangerous or less dangerous, if the nature of the activity so permits.
  4. Reduction of risks
    - Exposure to risks must be prevented.
    - Where this is not technically practicable, the exposure risk must be reduced to as low a level as necessary. Nine ways of doing this are listed, e.g. limiting the number of workers exposed, collective and/or individual protection measures, means for safe collection, storage and disposal of waste by workers.
  5. Information for the competent authority:
    - Where there is a risk, information to be supplied on:
      - the results of the assessment,
      - the activities in which workers may have been exposed,
      - the number of workers exposed,
      - the name and powers of the person responsible for safety and health,
      - the protective and preventive measures taken,
      - an emergency plan in the event of exposure to a group 3 or 4 agent;
    - Immediate information on any accident or incident which may have resulted in the release of an agent and which could cause severe human infection and/or illness;

— Where the undertaking ceases activity, a list of workers exposed and their medical records to be made available to the competent authority.

#### 6. Hygiene and individual protection

Five types of measure to be applied without cost to workers:

- Workers not to eat or drink in working areas subject to risk;
- Protective clothing to be supplied;
- Adequate washing and toilet facilities to be provided, possibly with skin antiseptics and eye washes;
- All protective equipment to be properly stored, checked and cleaned, and repaired or replaced;
- Procedures for taking, handling and processing samples.

7. Information and training of workers on the potential risks to health, precautions to be taken, hygiene requirements, the use of protective equipment and clothing, and the steps to be taken by workers in the case of incidents and to prevent them.

#### 8. Worker information in particular cases

- Written instructions containing at least the procedure to be followed in the event of a serious accident or incident or for handling a group 4 agent;
- Immediate information in the event of any accident or incident which may have resulted in the release of a group 3 or 4 biological agent, including the cause and the measures taken or to be taken;
- Workers must immediately report any accident or incident involving the handling of a biological agent. They must have access to the information contained in the list of workers exposed, i.e. information which relates to them personally and anonymous collective information.

#### 9. List of workers exposed to group 3 and/or 4 agents:

The employer indicates the type of work and the agent concerned. The list is kept for at least 10 years after the end of exposure and, in some cases, for up to 40 years after the last known exposure.

10. Consultation and participation of workers in connection with matters covered by the Directive.

11. Notification to the competent authority prior to the first use of group 2, 3 and 4 biological agents and whenever there are substantial changes of importance to safety or health.

#### Miscellaneous provisions

12. Health surveillance of workers subjected to risks prior to exposure and at regular intervals thereafter. Practical recommendations are given in Annex IV. If necessary, effective vaccines should be made available. Individual medical records are kept for at least 10 years after the end of exposure and in some cases for up to 40 years. The doctor responsible proposes any protective or preventive measures to be taken in respect of any worker. Workers have access to the results of the health surveillance which concern them and may request a review. All cases of disease or death must be notified to the competent authority.

#### 13. Health and veterinary care facilities other than diagnostic laboratories.

These must specify appropriate decontamination and disinfection procedures and implement procedures enabling contaminated waste to be handled and disposed of without risk. Containment measures must be selected (Annex V, column A) to minimise the risk of infection in



isolation facilities where there are human patients or animals infected with group 3 or 4 agents.

14. Special containment measures are applicable to industrial processes, laboratories and laboratory animal rooms.

15. Use of data.

The Commission has access to the processing operations carried out by the competent national authorities based on cases of disease or death.

16. Classification of biological agents.

Pending a Community classification, the Member States classify biological agents likely to present a hazard.

17. The Directive is without prejudice to the Directives on the confined use and voluntary release of genetically modified organisms.

18. Technical amendments to the Annexes are adopted by the Commission assisted by a committee.

*(4) Deadline for implementation of the legislation in the Member States*

28.11.1993

28.11.1995 for Portugal

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 374, 31.12.1990

*(7) Follow-up work*

Council Directive 93/88/EEC of 12 October 1993 amending Directive 90/679/EEC to incorporate into Annex III a list of Group 2, 3 and 4 biological agents, in accordance with Article 18 of that Directive. Directive 93/88/EEC states that when employers make vaccines available they should take account of the recommended code of practice set out in Annex VII. Annex III is replaced, and an Annex VII added. Member States must comply with this Directive by 30 April 1994 and by 31 December 1995 in the case of Portugal. (Official Journal L 268, 29.10.1993).

*(8) Commission implementing measures*



## 11. HEALTH AND SAFETY AT WORK

### 11.31. Dangerous agents: exposure to physical agents

*(1) Objective*

To bring about a gradual improvement in the protection of workers from risks arising from exposure to physical agents, and to harmonize the minimum health and safety requirements. To improve the quality of life of workers thus exposed. To reduce the cost to the economy regarding accidents and occupational diseases.

*(2) Proposal*

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

*(3) Contents*

1. Current regulations differ from one Member State to another, causing considerable unevenness for workers and employers alike. The proposal incorporates for the first time in Community legislation national/international regulations or practices regarding vibration and electromagnetic fields.
2. As regards protection against the risks arising from noise, the proposal constitutes the second phase in the approach adopted by the Council in its Directive 86/188/EEC, the provisions of which are thereby aligned with the framework Directive 89/391/EEC, thus removing any question of incompatibility between the two texts. The proposal also extends the scope of Directive 86/188/EEC to sea and air transport and causes the obligations on employers and workers to vary, according to the levels of risk.
3. The proposal introduces protective measures against risks arising from four physical agents; noise, mechanical vibration, optical radiation and magnetic fields and waves. The provisions can be extended to other physical agents (e.g. temperature and atmospheric pressure) at a later stage once enough information and knowledge is available.
4. The proposal transposes into provisions applicable at Community level the international provisions and standards laid down by organizations recognized as being the most competent in the field and to which national legislation makes reference. It covers the full range of activities where workers may be subject to such risks, with the exception of certain specific situations in the public service or civil protection. It supplements other Directives on such matters as work equipment and personal protective equipment. The proposal is based on the obligation to minimize the level of risk and to this effect, lays down three risk areas. It does not apply to the health protection of workers from the dangers arising from ionizing radiation.
5. Risk activities must be declared to the competent authority. Measurement of the physical agent in question does not require the compulsory use of particular methods or apparatus, but simply specifies what has to be measured.
6. The proposal also deals with individual equipment, makes provision for worker information, the posting of signs, and where appropriate, controlled access to risk zones. It provides training for workers, and makes provision for the consultation and participation of workers and for health surveillance arrangements.



7. The Annexes lay down, for each category of physical agent, the nature of the risks, including indirect risks and interference, limit values, the nature of dangerous activities, arrangements for measuring and evaluation, ways of reducing the level of risk, the nature of personal protective equipment, information and training of workers, health surveillance, and derogations made after consulting the social partners (such derogations being subject to periodic reappraisal).

- |  |  |  |  |
|--|--|--|--|
| <i>(4) Opinion of the European Parliament</i>  | Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.   |  |  |
| <i>(5) Current status</i>  | An amended proposal including Parliament's amendments withheld by the Commission is awaited.   |  |  |
| <i>(6) References</i>  | <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Commission proposal<br/>COM(92) 560 final<br/>Economic and Social<br/>Committee opinion</td> <td style="width: 50%;"> <p>Official Journal C 77, 18.3.1993</p> <p>Official Journal C 249, 13.9.1993</p> </td> </tr> </table> | Commission proposal<br>COM(92) 560 final<br>Economic and Social<br>Committee opinion | <p>Official Journal C 77, 18.3.1993</p> <p>Official Journal C 249, 13.9.1993</p> |
| Commission proposal<br>COM(92) 560 final<br>Economic and Social<br>Committee opinion | <p>Official Journal C 77, 18.3.1993</p> <p>Official Journal C 249, 13.9.1993</p>   |  |  |

## 11. HEALTH AND SAFETY AT WORK

### 11.32. Dangerous agents: exposure to chemical agents

*(1) Objective*

To establish minimum requirements for protecting more effectively the health and safety of workers exposed to chemical agents and to clarify Community legislation in this regard.

*(2) Proposal*

Proposal for a Council Directive on the protection of the health and safety of workers from the risks related to chemical agents at work (individual Directive within the meaning of article 16(1) of Directive 89/391/EEC).

*(3) Contents*

1. Definition of various terms: 'chemical agent' means any chemical element or compound; 'occupational exposure level' means the concentration of a chemical agent in the air at the workplace; 'biological limit value' means the limit of concentration of the relevant agent in the appropriate biological medium.
2. Employer's obligations: the employer must ensure that the work can be carried out with safe, suitable equipment without endangering anyone at the workplace; if necessary, it is to be entrusted to specialist staff under the supervision of a competent person.
3. Prevention and protection. The employer must:
  - be in possession of a 'health and safety document' containing an assessment of the risks, a list of the chemical agents used or intended to be used, and the safety measures to be taken;
  - reduce the risks as far as possible by collective rather than individual measures;
  - provide communication, warning and alarm systems, regular safety drills and appropriate first-aid facilities.
4. Keeping workers informed:
  - workers are to be provided with information on the agents used and the precautions to be taken;
  - containers used for storing chemical agents at work must be clearly marked and signposted.
5. Miscellaneous provisions:

List of chemical agents, the production, manufacture or use of which is prohibited to the extent specified, except in cases where Member States grant derogations for research or activities intended to eliminate the agents, or where they are used in a closed system.
6. Occupational exposure level:

For any chemical agent in respect of which a limit value has been established by the Commission, Member States shall set a corresponding occupational exposure level. As opposed to binding limit values, the indicative limit values established under Directive 91/322/EEC, designated as guidance values in this Directive, are to be taken into account when Member States set occupational exposure levels for their own territory.
7. Provision is made for the consultation and participation of workers in appraising the workplace and determining the precautions to be taken when exposure levels are exceeded.
8. The minimum requirements (laid down in the annex) must be satisfied as soon as possible, at the latest five years after the entry into force of the Directive.



9. Once this Directive is adopted, the Directives 88/642/EEC, 82/605/EEC and 88/364/EEC will be repealed.

10. Technical adjustments to the annex shall be adopted by the Commission, assisted by a Committee.

*(4) Opinion of the European Parliament*

Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

*(5) Current status*

An amended proposal including Parliament's amendments withheld by the Commission is awaited.

*(6) References*

Commission proposal  
COM(93) 155 final  
Economic and Social  
Committee opinion  
Amended proposal  
COM(94) 230 final

Official Journal C 165, 16.6.1993

Official Journal C 34, 2.2.1994

Not yet published in the Official Journal

## **12. RIGHTS AND PROTECTION OF CHILDREN AND ADOLESCENTS**

### **12.1. Current position and outlook - Social Charter**

'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.

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

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.

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.'

## 12. RIGHTS AND PROTECTION OF CHILDREN AND ADOLESCENTS

### 12.2. Protection of young people at work

- (1) *Objective* To adopt minimum requirements aimed in particular at improving working conditions, guaranteeing workers better health and safety protection.
- (2) *Community measures* Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.
- (3) *Contents*
1. The Directive applies to all young people under the age of 18 who have an employment contract or an employment relationship defined by the law in force in a Member State and/or subject to the law in force in a Member State.  
The Member States may stipulate that the Directive shall not be applicable to occasional work or work carried out for a limited period in domestic service in a private household or to work in a family business which is not considered likely to harm, injure or endanger young people.
  2. The Directive provides that the Member States shall take the necessary measures to prohibit the employment of children and shall ensure that the employment of adolescents is strictly controlled and protected under the conditions provided for in the Directive.
  3. The Directive defines categories of young people as follows:
    - young people: young people under the age of 18;
    - children: young people under the age of 15 or who are still in full-time compulsory education in accordance with national legislation;
    - adolescents: young people between the ages of 15 and 18 who are no longer in full-time compulsory education in accordance with national legislation.
  4. The Directive's main objective is to prohibit the employment of children.  
However, the Directive allows the Member States to stipulate, subject to certain conditions, that the ban on the employment of children is not applicable to:
    - (a) children employed for the purposes of cultural, artistic, sporting or advertising activities, subject to prior authorization by the competent authority in each specific case;
    - (b) children aged 14 years or over who work in an undertaking as part of a work/training scheme or traineeship, provided that this work is carried out in accordance with the requirements laid down by the competent authority;
    - (c) children aged 14 years or over performing light work other than that referred to in point (a); however, children over 13 may perform light work for a limited number of hours per week in categories of employment defined in national legislation.
  5. The Directive includes provisions relating to:
    - the employer's general obligations, such as protection of the health and safety of young people, assessment of the risks to young people associated with their work, assessment and monitoring of the health of young people, information about young people and children's legal representatives on the possible risks to their health and safety;



— types of employment which must not be carried out by young people, such as work which exceeds the mental or physical capacities of young people, work involving harmful exposure to dangerous substances.

6. In addition, the Directive contains provisions relating to working hours, night work, rest periods, annual leave and rest breaks.

7. Each Member State is responsible for defining the necessary measures applicable in the event of infringement of the provisions of this Directive; these measures must be effective and proportionate to the offence.

8. The Directive contains a non-regression clause concerning the level of protection for young people.

Two years from the date of adoption.

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)*

*(6) References*

Not yet published.

*(7) Follow-up work*

*(8) Commission implementing measures*



## **13. THE ELDERLY**

### **13.1. Current position and outlook - Social Charter**

'According to the arrangements applying in each country:

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.

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.'

## 13. THE ELDERLY

### 13.2. Communication on the elderly

(1) *Objective* To analyse the social and economic implications of an ageing population and the consequences for the elderly of the completion of the internal market, and to propose actions to be carried out at Community level.

(2) *Community measures* Commission communication on the elderly.

(3) *Contents*

#### **Analysis of the situation**

1. The number of young people coming on to the labour market is declining as a result of the falling birth-rate. The working population is ageing. There is also a tendency to shorten the duration of economically active life by reducing the legal pensionable age, adopting pre-retirement schemes and extending periods of study. Current demographic trends will affect social expenditure in several ways: the number of retired people and elderly persons in need of care is rising rapidly. Many elderly people enjoy an active retirement and contribute to economic, cultural and social life.

2. The increased mobility of workers and their families, and of older retired people in the Community, calls for the implementation of social protection systems and measures.

#### **Community measures**

3. The Commission does not intend to propose new legislation, except in the case of certain sectoral Community policies (e.g. free movement of persons). It encourages the exchange of information and experience as well as the transfer of knowledge and initiatives on topics of common interest.

- Several legal instruments concerning elderly people directly have been adopted or are being examined by the Council:
  - Recommendation of 10 December 1982 on the principle of a Community policy on retirement age;
  - Regulation (EEC) No 1096/88 on early retirement for farmers;
  - Proposals for amending Regulation (EEC) No 1612/68 of 15 October 1968 and Directive 68/360/EEC of 10 October 1968 with a view to extending a worker's right of residence to all his or her ascendants;
  - Proposal for amending Regulation (EEC) No 1408/71 of 14 July 1971 on the application of social security schemes to workers moving within the Community, with a view to simplifying the liquidation of pensions;
  - Proposal for a Regulation on unemployment and pre-retirement aimed at the suppression of the condition of residence for entitlement and payment of pre-retirement benefits.
- In May 1989 the Commission adopted a Recommendation on a European citizens' over-60 card (entitlement to reduced charges for transport and cultural activities).
- The Commission has carried out a number of studies and seminars in this field, with the emphasis on the contribution of older people to economic and social life, their living conditions (including the impact of new technologies) and their health.



— The situation of elderly people has been considered and actions concerning them have been carried out within the framework of specific Community action programmes, and various activities have been undertaken by the European Foundation for the Improvement of Living and Working Conditions in Dublin.

4. The Commission proposes that a series of actions be carried out between 1991 and 1993 concerning the situation of elderly people in the context of the completion of the internal market and their positive contribution to their environment. These actions will entail studies and knowledge transfer, organization of events and exchange of information, and preparation for networking of innovative experiences.

5. The Commission proposes that 1993 be designated 'European Year of the Elderly and of Solidarity between Generations'.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Not yet published

*(7) Follow-up work*

*(8) Commission implementing measures*

## 13. THE ELDERLY

### 13.3. Decision on the elderly

- (1) *Objective* To help improve the situation of old people in Europe through exchanges of information and measures designed to complement actions undertaken at various levels in the Member States.
- (2) *Proposal* Council Decision 91/49/EEC of 26 November 1990 on Community actions for the elderly.
- (3) *Contents*
1. Stimulation measures and exchanges of information, studies, setting-up of a data bank and a European network of innovative experiences for the elderly, to be carried out under the responsibility of the Commission in the period from 1.1.1991 to 31.12.1993.
  2. The actions are to focus on:
    - preventive strategies to meet the economic and social challenges of an ageing population;
    - solidarity between generations and integration of the elderly;
    - the positive contribution by the elderly to the development of the Community.
  3. The Commission specifies the necessary annual amounts to be included in the draft budget.
  4. Appropriate measures are taken by the Commission, assisted by an advisory committee composed of representatives of the Member States, under the procedure laid down in the Directive.
  5. The year 1993 is to be designated 'European Year of the Elderly and of Solidarity between Generations'.
- (4) *Opinion of the European Parliament* Not applicable.
- (5) *Current status*
- (6) *References* Official Journal L 28, 2.2.1991
- (7) *Follow-up work* Council Decision 92/440/EEC of 24 June 1992 on the organisation of the European Year of the Elderly and of Solidarity between Generations (1993) (Official Journal L 245, 26.8.1992). The objectives of such a Year are to highlight, through reflection, discussion and awareness-raising, the challenges resulting from demographic developments and the changes which will be required in order to facilitate the integration of the elderly into the process of Community integration with a view to achieving the social dimension of the Single Market. A number of measures are planned (logo, pilot projects, information, prizes, competitions and events, etc).
- Declaration of principles of the Council of the European Union and the Ministers for Social Affairs, meeting within the Council of 6 December 1993 to mark the end of the European Year of the Elderly and of Solidarity between Generations (1993) (Official Journal C 343, 21.12.1993). The Council of the European Union and the Ministers for Social Affairs meeting within the Council call upon Member States to approve the objectives contained in the declaration in the framing of policies concerning areas of special interest to the elderly regarding level of income and standard of living, housing and mobility, provision of care and services, the employment

of elderly workers and preparation for retirement and the participation of the elderly. They emphasise that the attainment of the objectives can make a considerable contribution towards combating and preventing the social exclusion and isolation of the elderly and that it is desirable to encourage the attainment of those objectives in the Member States. The Council and the Ministers for Social Affairs will periodically review progress in implementing those objectives.

*(8) Commission  
implementing  
measures*



## 13. THE ELDERLY

### 13.4. TIDE - Technology initiative for disabled and elderly people

- (1) *Objective* To stimulate the creation of an internal market in rehabilitation technology in Europe to facilitate the socio-economic integration of disabled and elderly people.
- (2) *Community measures* Council Decision 93/512/EEC of 21 September 1993, on a Community technology initiative for disabled and elderly people (Tide).
- (3) *Contents*
1. Between 60 and 80 million disabled or elderly people live in the European Community. The Community is proposing to allocate a budget of ECU 35 million to the Tide programme, on the basis of the encouraging results achieved by the 1991 pilot programme. The programme will run for two years (1993-94).
  2. The term 'rehabilitation technology' is defined as technology to enable people to live independently and be more integrated into socio-economic life. 'Disabled people or people with disability' means all persons with all kinds of disabilities resulting from impairments as listed in the World Health Organization's international classification of impairments, disabilities and handicaps.
  3. The specific objectives are to:
    - identify the needs of the user groups;
    - develop new applications for rehabilitation technology;
    - encourage rehabilitation technology innovation and transfer;
    - accelerate the development of technical norms and standards.
  4. The programme will focus on projects involving the promotion and application of:
    - information and communication technology;
    - environmental control technology for daily living;
    - technologies for the enhancement and restoration of motor and cognitive functions;
    - integrated systems technologies (smart systems to facilitate mobility, friendly environments).
  5. The Commission, assisted by an advisory committee, is responsible for implementing the Tide programme.
  6. The Community's financial support will be tailored to the nature of proposed activities. As a general rule, co-contractors must bear at least 50% of the cost of financing measures.
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)*



*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

Official Journal L 220, 25.9.1993

## 13. THE ELDERLY

### 13.5. Flexible retirement schemes

*(1) Objective* To respond in a rational manner to demographic changes and changes in the labour market by inviting Member States to adopt a flexible retirement scheme and to assess the impact of changes made to national employment policies.

*(2) Community measures* Council Resolution of 30 June 1993 on flexible retirement schemes.

*(3) Contents*

1. Since Council Recommendation 82/857/EEC of 10 December 1982 on the principles of a Community policy with regard to retirement age, the demographic situation has undergone far-reaching changes. The declining birth rate, the lack of growth in the working population and changes in parental structures have resulted in an ageing population and a need to balance resources and expenditure in social security systems.
2. The Commission report of 16 December 1992 (SEC(92) 2288 final) on the application of these principles in the European Community notes a change in attitude towards the elderly: their potential positive contribution is increasingly recognised. Similarly, a number of elderly people consider the ban on working beyond retirement age to be unjust and complain of discrimination in access to employment on the grounds of age.
3. However, the same report points out that, since 1970, the actual retirement age has come down and does not necessarily coincide with the statutory retirement age.
4. In its Resolution, the Council invites Member States and, where applicable, the two sides of the industry, to develop or adapt their employment policy in order to encourage a flexible transition from working life to retirement and to provide flexibility in the face of demographic changes.
5. The Commission is invited to:
  - encourage exchanges of information on pension and retirement schemes applicable to elderly workers in the Community;
  - inform the European Parliament, the Council and the Economic and Social Committee of measures taken at Member State level pursuant to the Resolution;
  - examine whether other measures are required.

*(4) Deadline for implementation of the legislation in the Member States* Not applicable

*(5) Date of entry into force (if different from the above)*



**(6) References****(7) Follow-up work****(8) Commission  
implementing  
measures**

Official Journal C 188, 10.7.1993

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## **14. THE DISABLED**

### **14.1. Current position and outlook - Social Charter**

'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.'

## 14. THE DISABLED

### 14.2. Second Helios programme - 1988-91

<i>(1) Objective</i>	To carry out general and specific actions to promote the social integration and independent lifestyle of people with disabilities.
<i>(2) Community measures</i>	Council Decision 88/231/EEC of 18 April 1988 establishing a second Community action programme for disabled people (Helios).
<i>(3) Contents</i>	<p>1. The programme covers promotion of vocational training and rehabilitation, of economic and social integration and of an independent lifestyle for people with disabilities. It runs from 1 January 1988 to 31 December 1991.</p> <p>2. Definition of the term 'disabled people': people with serious disabilities resulting from physical or mental impairments.</p> <p>3. Objectives</p> <ul style="list-style-type: none"> <li>— to develop a Community approach based on the best innovatory experiences in the Member States;</li> <li>— to develop exchange and information activities which can make a useful contribution;</li> <li>— to contribute to the implementation of Recommendation 86/379/EEC and the Council Resolution of 21 December 1981;</li> <li>— to continue Community support for European cooperation between non-governmental organizations;</li> <li>— to give appropriate attention to the vocational and social needs of disabled women and to those people caring for the disabled at home.</li> </ul> <p>4. Actions</p> <ul style="list-style-type: none"> <li>— to foster innovation, facilitate exchange of experience and encourage the dissemination of good practice;</li> <li>— to establish a system at Community level using new information technologies for the collection, updating and exchange of information;</li> <li>— to ensure coordination with Community programmes concerning new technologies, with the programme on equality of opportunity for women and with the European cooperation programme on the integration of disabled people into mainstream schools;</li> <li>— to ensure close coordination with international activities.</li> </ul> <p>The specific actions are set out in the Annex.</p> <p>5. The Commission, assisted by an Advisory Committee and a Liaison Group, is responsible for implementing the programme.</p> <p>6. By 1 July 1990, the Commission submitted an interim report on the implementation of the programme and the results obtained. It submitted an evaluation report on 6 July 1992.</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	Not applicable.



*(6) References*

Official Journal L 104, 23.4.1988

*(7) Follow-up work*

Council Decision 93/136/EEC of 25th February 1993 (Official Journal L 56, 9.3.1993) establishing a third Community action programme to assist disabled people (Helios 2 — 1993 to 1996)

*(8) Commission  
implementing  
measures*



## 14. THE DISABLED

### 14.3. Second Helios programme: interim report

- (1) *Objective* To report, as from 30 June 1992, on the implementation and the results achieved by the second Community action programme for disabled people (Helios).
- (2) *Community measures* Commission report on the implementation and results of the Helios programme promoting economic and social integration of disabled people in the European Community (1988-91).
- (3) *Contents*
1. To achieve the objectives of the Helios programme (summary 14.2) technical cooperation has been developed at Community level through general or specific projects, supplemented by using information and documentation projects, in particular the computerized information system Handynet.
  2. With respect to the technical cooperation at Community level, two types of general project have been carried out, namely:
    - exchanges of information and experience regarding many aspects of rehabilitation and integration of disabled people, for the benefit of all concerned in the 12 Member States. Exchanges were mainly carried out in the context of a network comprising 50 training centres and vocational rehabilitation schemes, three local model activity networks and organizations operating Europe-wide. These activities took a wide variety of forms and in particular led to the extension of target groups, cooperation between public and private bodies and the establishment of transnational projects. They also helped to enhance awareness and develop coherent initiatives.
    - coordination of local and national projects. Despite the difficulties encountered (namely lack of interest and resources) coordination helped to spread awareness of the social policy and solutions developed in each Member State.
  3. Specific projects have also been carried out regarding:
    - the Community network of vocational training and rehabilitation centres and experiences;
    - the special programme to promote independent living (mobility and transport, access to public buildings and services, housing including equipment and home support);
    - the local model activity networks (school, economic and social integration);
    - European cooperation with independent bodies, in particular associations of disabled people or working for disabled people;
    - access to creative activities, sports and tourism.
 Conferences, seminars and training schemes have been organized and financial aid granted in these fields of action.
  4. With respect to information and documentation, work focused on coordination and development of the Handynet computerized information system. Priority was given to the development of the HandyAids module which concerns technical aids for persons with a motor, visual or hearing handicap or communication difficulties.
  5. Numerous policy initiatives have been undertaken and legislative proposals put forward in several fields.

6. New structures were set up at Community level. The Advisory Committee, Liaison Group and the School Integration Working Party were set up by Council decision. Other working parties were set up by the Commission:

- the Dialogue Group;
- working parties on employment of the disabled and on mobility and transport;
- Handynet Technical Coordination Group.

7. Conclusions

The action implemented since October 1988 has been of benefit to the 34 million disabled people in the Community. A basis and framework for developing a coherent global policy promoting integration of disabled people now exist at Community level. Exchange of information and experience must be promoted at all levels.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

SEC(92) 1206 final

Not yet published in the Official Journal

*(7) Follow-up work*

*(8) Commission implementing measures*



## 14. THE DISABLED

### 14.4. Handynet: final report

- (1) *Objective* To set up a computerized information system to provide practical tips relating to the everyday problems of disabled people.
- (2) *Community measures* Commission report to the Council on the establishment of the Handynet system.
- (3) *Contents*
1. Establishment of the system  
Description: the information is collected by national data collection centres and disseminated in the Community's nine official languages by information and consultation centres.  
The information covers disability prevention, functional rehabilitation, technical aids, education and training, employment, physical independence, creativity, sport and other leisure activities. The following are provided: descriptions of products, methods or logistics, a directory of institutions, organizations and companies, an inventory of laws, regulations, standards and programmes, as well as economic and social statistics.  
Two communication systems round off the system: (a) electronic mail, by means of which the system partners can exchange messages via the international telephone network; (b) an electronic newsletter providing the latest information on technical aids.
  2. Implementation of the Helios programme
    - Structure set up in October 1988: advisory bodies and teams of experts.
    - Work carried out since adoption of the Helios programme.  
Priority given to developing the Handy aids module relating to technical aids for all disabled persons. Communication systems, based on an intermediate technological configuration, allow disabled people themselves to consult the information and advice centres from home via their own equipment. Computer interrogation is based on keywords, and automatic help is provided.
    - Continuation of activities during the second half of 1989.  
Continuation of activities in 1990 and 1991. Completion of the system for persons affected by impaired motor, visual or communication faculties, and of the educational software concerning technical aids.
- (4) *Deadline for implementation of the legislation in the Member States* Not applicable.
- (5) *Date of entry into force (if different from the above)*

*(6) References*

Commission proposal  
COM(89) 450/I final

Not yet published in the Official  
Journal

Economic and Social  
Committee Opinion

Official Journal C 56, 7.3.1990

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

## 14. THE DISABLED

### 14.5. Handynet: Decision 89/658/EEC

*(1) Objective* To continue the Handynet system after 31 December 1989 and define the fields for priority action during 1990 and 1991.

*(2) Community measures* Council Decision 89/658/EEC of 18 December 1989 concerning the further development of the Handynet system in the context of the Helios programme.

*(3) Contents*

1. The computerized information system is to be continued for the period from 1 January 1990 to 31 December 1991 in consultation with the Member States.
2. Priority is to be given to activities aimed at completing and putting into operation the Handy aids module on technical aids intended for persons affected by impaired motor, visual, hearing, mental or communication faculties.

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 393, 30.12.1989

*(7) Follow-up work*

*(8) Commission implementing measures*



## 14. THE DISABLED

### 14.6. Transport for workers with reduced mobility

- (1) *Objective*                      The aim is to make it easier for persons with reduced mobility resulting from a physical or mental disability to work in a normal environment by providing adequate and specially adapted (public or private) transport for them.
- (2) *Proposal*                        Proposal for a Council Directive on minimum conditions with a view to improving the mobility of less mobile workers and providing them with safe transport to work.
- (3) *Contents*                        The proposal supplements Community legislation on safety at the workplace (summary 11.11) and the Directive on temporary and mobile work sites (summary 11.16) and aims to make transport accessible and reduce the risks encountered on the way to and from the workplace.
1. Definitions. A 'worker' is any person encountering specific difficulties when travelling by public transport to work because of a serious physical or mental disability; 'transport' means public transport, transport provided by the employer and special transport facilities for disabled persons.
  2. The responsibilities of the Member States:
    - to ensure that transport is available and accessible or provide other ways of enabling workers with reduced mobility to move from place to place;
    - to ensure that these workers are taught free of charge how to move about in safety when being transported, to inform and advise the general public about the needs of workers with reduced mobility and ensure that the staff of transport companies are trained to help such workers when they use the transport facilities.
  3. Transport facilities in the Member States must meet the specific needs of workers with reduced mobility and the minimum requirements set out in the Annex to the Directive. This means a sufficient number and frequency of services and appropriate transport schedules; furthermore, safe access to and from transport facilities (entrance/exit) should be provided either by built-in technical aids (lowered floors, lifting platforms) or by technical aids external to the transport vehicle (mobile ramps, low-lift elevating platform trucks, folding platforms) or by personal assistance from the staff. The corresponding infrastructure of the means of transport must be appropriate. The interior of the means of transport must provide reserved seats, corridors and toilet and washing facilities in appropriate locations. Adequate signs must be provided.
  4. If the worker needs to be accompanied or requires any other form of mobility aid, this must not make the transport more expensive for him.
  5. The Directive is without prejudice to any national or Community provisions which are more favourable to workers with mobility.
  6. Implementation deadlines: 31 December 1993 for the provisions relating to accompanying persons; 31 December 1999 for the application of all other measures. However, measures to incorporate the provisions in national law must be taken before 31 December 1992 and a detailed timetable presented.

7. The Commission will submit a report on the implementation of the provisions of the Directive by the Member States every two years.

*(4) Opinion of the European Parliament* First reading: Parliament approved the Commission's proposal subject to certain amendments. The Commission accepted some of these amendments.

*(5) Current status* The amended proposal is currently before the Council in view of a common position.

<i>(6) References</i>	Commission proposal	
	COM(90) 588 final	Official Journal C 68, 16.3.1991
	Amended proposal	
	COM(91) 539 final	Official Journal C 15, 21.1.1992
	European Parliament opinion	
First reading	Official Journal C 326, 16.12.1991	
Economic and Social		
Committee opinion	Official Journal C 191, 22.7.1991	

## 14. THE DISABLED

### 14.7. School integration

*(1) Objective* To contribute to the social integration of the disabled through school integration, with a view to enabling handicapped children to enjoy a more satisfying working life when they reach adulthood. To increase as far as possible the integration of the disabled into ordinary schools and to use specialized establishments if necessary.

*(2) Community measures* Resolution of the Council and the Ministers for Education meeting with the Council of 31 May 1990 concerning integration of children and young people with disabilities into ordinary systems of education.

*(3) Contents*

1. The Member States have agreed to encourage integration of pupils and students with disabilities, in all appropriate cases, into the ordinary education system.
2. The work of special schools and centres should be seen as complementary to the work of the ordinary education systems.
3. Cooperation between all the bodies with an interest in and involvement with children and young people with disabilities should be encouraged (school education, preparation for work, leisure activities, health and the social services).
4. Increasing use should be made of the educational potential of new technology to aid communication and the development of language skills.
5. The Council and the Ministers consider it necessary that the report called for by July 1992 on the Helios programme should also report on the measures taken to facilitate integration into mainstream education, to develop the role played by the specialized institutions in promoting the development of integrated education, to develop active cooperation between the education services and the other services, to encourage the formulation of comprehensive and coherent policies with regard to education and to overcome the difficulties which mainstream educational programmes may present for children and young people with disabilities. The Member States are invited to support the Commission.
6. The Commission will ensure that all the programmes and activities which it supports take account of the special needs of people with disabilities who wish to participate in them.

*(4) Deadline for implementation of the legislation in the Member States* Not applicable.

*(5) Date of entry into force (if different from the above)*



*(6) References*

*(7) Follow-up work*

*(8) Commission  
implementing  
measures*

Official Journal C 162, 3.7.1990

## 14. THE DISABLED

### 14.8. Employment for the disabled

<i>(1) Objective</i>	To promote, at Community level, the vocational rehabilitation of disabled people.
<i>(2) Community measures</i>	Council Recommendation 86/379/EEC of 24 July 1986 on the employment of disabled people in the Community.
<i>(3) Contents</i>	<p>1. Member States are recommended:</p> <ul style="list-style-type: none"><li>— to promote fair opportunities for disabled people in the field of employment and vocational training (initial training and employment as well as rehabilitation and resettlement). The principle should apply to access, to retention in employment or vocational training, to protection from unfair dismissal and to opportunities for promotion and in-service training;</li><li>— to continue their policies to help disabled people. These policies should provide for the elimination of negative discrimination, for example by avoiding dismissals linked to a disability, and should provide for positive action for disabled people, in particular the making available, in each Member State, of a guide or code of good practice for the employment of disabled people. The Annex comprises a guideline framework for such a guide, setting out examples of positive action;</li><li>— to report to the Commission on the measures they have undertaken to implement the recommendation.</li></ul> <p>2. The Commission is invited to:</p> <ul style="list-style-type: none"><li>— coordinate the exchange of information and experience on the rehabilitation and employment of disabled people between national authorities;</li><li>— maintain appropriate aid from the European Social Fund to assist disabled people of whatever age;</li><li>— present to the Council a report on the application of this recommendation within two years of 24 July 1986.</li></ul>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 225, 12.8.1986
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

## 14. THE DISABLED

### 14.9. Accessibility of transport for persons with reduced mobility

- (1) *Objective* Measures to be taken regarding the accessibility of transport for persons with reduced mobility.
- (2) *Community measures* Report from the Commission to the Council concerning the actions to be taken regarding the accessibility of transport for persons with reduced mobility.
- (3) *Contents*
1. Technical standards  
Short-term work in progress covers :
    - EEC Directive on type-approval for buses and coaches.
    - EEC Directive on type-approval for cable-cars etc.
    - EEC Directive on approximation of the laws of the Member States relating to railways.
  2. Access to, and funding for, transport infrastructure  
rules concerning the accessibility to all modes of transport and transport infrastructure should as a general rule be adopted and implemented by Member States.  
The Community may make recommendations concerning funding possibilities — based on experience and a procedure for consultation with national and local authorities and NGOs concerned with disabled people.
  3. Information/signs  
The following work has already started :
    - Rules on accessibility to airports and aircraft :  
harmonization of information, international signs, passenger information before and during flights.
    - Guidelines on the provision of information for disabled travellers on all modes of transport, in order to maximize use.
    - Handbook for disabled travellers, giving guidelines on information to be supplied regarding accessibility to tourist and transport infrastructure.
  4. Training  
The following work has already started :  
Short-term :
    - Rules on accessibility to airports and aircraft :  
training of airport, airline and travel agency personnel.
 Medium-term :
    - Inclusion of specific training on awareness of the problems and needs of disabled people as part of the training of architects, transport planners and travel operators/agents.
    - Code of practice for training on the problems and needs of disabled people for transport staff in contact with the public.
  5. Research and development  
The following short and medium-term work is in progress :
    - Short-term :  
A research project (COST 322) on low-floor buses and suitable stops.
    - Medium-term :  
TIDE research on wheelchairs.



- Long-term :  
Implementation of research in the field of accessibility of means of air, sea and inland waterway transport, including emergency evacuation procedures.  
Implementation of the results of the DRIVE and TIDE research projects concerning elderly and disabled people.
  - 6. Other measures to help disabled people  
The following short-term work is in progress :
    - Campaign as part of the European Year of the Elderly and of Solidarity between Generations (1993) to discourage car drivers from parking at bus-stops, pedestrian crossings, etc.
  - Medium-term :
    - Extension of the scope of regulations banning/limiting smoking in all transport facilities.
    - Mutual recognition of national permits for reserved parking spaces.
- Not applicable.

*(4) Deadline for implementation of the legislation in the Member States*

*(5) Date of entry into force (if different from the above)*

*(6) References*

Commission report  
COM(93) 433 final.

Not yet published in the Official Journal.

*(7) Follow-up work*

*(8) Commission implementing measures*

## 15. PUBLIC HEALTH

### 15.1. Current position and outlook

The need to protect human health is one of the stated concerns of the Treaties establishing the European Communities, Chapter III of the Treaty establishing the European Atomic Energy Community being devoted to health and safety. This Chapter stipulates, for example, that basic standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiations shall be laid down within the Community. The first standards were set in 1959 and have been revised several times since then.

Health protection features in a whole series of measures in areas like health and safety at work, consumer protection and the environment, and mention should also be made of the health element in measures taken in other areas such as pharmaceutical products and the freedom of movement of health professionals. Health-related measures thus form an integral part of a wide range of policies and programmes implemented by the Commission.

Before the mid-1980s there were no Community programmes on specific diseases — these were the responsibility of the Member States. In 1986, however, the European Council called for a 'Europe against Cancer' programme, even though the Community had no powers in the field of public health. This programme showed how important it was to establish common objectives, and had a beneficial effect in encouraging the Council to adopt further programmes and initiatives dealing with subjects such as toxicology for health protection purposes, AIDS, drug addiction and alcohol abuse.

The European Commission adopted a very simple method for implementing the 'Europe against Cancer' programme; this anticipated the principle of subsidiarity by focusing on the Community dimension geared to:

- promoting cooperation between Member States in the field of research and
- promoting the dissemination throughout the Community of information on the most effective national practices, e.g. by establishing contacts between those concerned in the Member States.

In his closing speech at the Unesco symposium on 'Cancer, AIDS and society' in Paris (March 1992), President Delors said that the role of the European Community in the field of health — as in many other fields — was to clarify and enhance the efforts of the Member States and the experts. There was no such thing as a 'European health policy' in the sense of a full range of measures covering all aspects of the subject.

Subsequent developments have included a Commission communication (COM(93) 224 final) on collaboration with the World Health Organisation. The scope of this cooperation is extensive, complementary action being undertaken in common areas of activity. The Commission's participation is both financial and in the form of technical working parties, exchange of technical information and participation as an observer at the World Health Assembly and the meetings of Regional Committees, in areas as diverse as prevention, setting of health standards, health aspects of the environment, humanitarian aid and research.

In its Resolution of 27 May 1993 (Official Journal C 174, 25.6.1993), the Council called upon the Commission to submit proposals for a programme of action aiming, in particular through preventive measures, to increase life expectancy and the number of years lived free of illness. The Council stressed the need in this regard to step up cooperation with international organisations active in the health field.

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In the light of the ratification of the Treaty on European Union, which supplements the Treaty establishing the European Community with two Articles, 3(o) and 129, containing public health provisions, the Commission drew up a communication on establishing a framework for action in the field of public health (COM(93) 559 final). The new Treaty stresses the aim of establishing a high level of health protection through prevention of disease and stipulated the inclusion of public health protection requirements as a constituent part of the Community's other policies. In response to these objectives, the Community would pursue a combination of:

- actions of a general nature contributing to the fight against all the major health scourges affecting both sexes, different age groups and socioeconomic categories, such as health promotion measures, health education, information and training, health data and surveillance;
- selected disease-specific actions in priority areas, these being established on the basis of their effect on public health and the potential for preventive action at Community level.

The areas concerned were cancer, drugs, AIDS and other transmissible diseases, accidents and injuries, pollution-related diseases, rare diseases, and other health threats, as circumstances dictated. These would be the subject of comprehensive programmes to be introduced successively over a three-year period, and on the basis of experience gained, would last for five years.

At the Council meeting of Health Ministers on 2 June 1994, the Resolution concerning the framework for action in the field of public health was adopted unanimously.

The Council established the current priority areas as cancer, drugs, AIDS and other transmissible diseases, health promotion, education and training, disease surveillance and collection of reliable and comparable health data.

The Council called upon the Commission to put forward proposals for action in these priority areas and to set up a consultative body responsible for advising the Commission on new health proposals. The Commission was also called upon to monitor the situation regularly to identify the areas in which specific measures were needed, and to estimate the financial and other resources required for their implementation.





## 15. PUBLIC HEALTH

### 15.2. Community action programme on health promotion (1995-1999)

- (1) Objective* To encourage cooperation between the Member States and support health-promotion measures undertaken by them, to foster coordination of their policies by devising and implementing networks, joint measures and systems for exchanging information and experience.
- (2) Proposal* Proposal for a decision by the European Parliament and the Council adopting a programme of Community action on health promotion, information, education and training within the framework for action in the field of public health.
- (3) Contents*
1. The Community action programme is to run for five years, from 1 January 1995 to 31 December 1999.
  2. The aim of health promotion is to improve the general standard of health within the Community by improving knowledge about risk factors and encouraging people to adopt healthy lifestyles and behaviour. This will be done through information, education and vocational training measures covering topics such as nutrition, consumption of alcohol, tobacco and drugs, physical exercise, mental health, sexual behaviour and use of medicines.
  3. The action programme will provide support, in particular, for proposals submitted by the Member States and for initiatives from organizations and associations active in the field of health-promotion covering the following:
    - information on health (regarding various factors constituting a risk or decisive for health);
    - health education in different settings: school, workplace, leisure;
    - training of professionals working in the health-promotion and public health fields;
    - specific prevention and health-promotion measures for disadvantaged or vulnerable population groups and also covering key public health aspects (e.g. nutrition, cardiovascular diseases);
    - cooperation between Member States as regards health-promotion structures and strategies.
  4. For implementation of the programme the Commission will be assisted by an advisory committee comprising two representatives from each Member State and chaired by a Commission representative.
  5. The Community will encourage cooperation with third countries and international public health organisations, including the World Health Organisation. The EFTA countries and the countries in Central and Eastern Europe with which the Community has concluded association agreements may be associated with the activities described in the Annex to the proposal.
  6. The Commission will submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a mid-term report on the actions undertaken, as well as an overall report at the end of the programme.
- (4) Opinion of the European Parliament* Not yet delivered.

**(5) Current status**

**Co-decision procedure**

The proposal has been sent to the Economic and Social Committee and the Committee of the Regions for their opinions.

**(6) References**

Commission proposal  
COM(94) 202 final



## 15. PUBLIC HEALTH

### 15.3. Cancer: 'Europe against cancer' - Action plan 1987-1989

- (1) *Objective*                      Between now and the year 2000 to reduce cancer mortality by 15%, from 1 000 000 to 850 000 deaths through a strategy involving partnership to mobilize national forces in the cancer prevention campaign.
- (2) *Community measures*                      Europe against cancer programme: proposal for an action plan, 1987 to 1989.
- (3) *Contents*                      1. The programme contains 75 actions covering the areas of prevention, information and health education, training for health-care staff and cancer research.  
 2. Many studies by eminent epidemiologists have shown that over three-quarters of the deaths caused by cancer are linked to external factors, with tobacco in first place. The link between tobacco and cancer has been proved in 90% of cases. The risk of lung cancer is increased in non-smokers exposed to cigarette smoke. Measures to combat smoking come under various headings, in particular in the internal market, such as:  
 — higher alignment of taxation;  
 — harmonization of labelling and tobacco components;  
 — ban on cigarettes with a high tar and nicotine yield and of tax-free sales of tobacco.  
 They also concern certain sectors of agriculture (reduction in production) or consumer protection (ban or limits on smoking in public places and on tobacco advertising). Exchanges of experience between the Member States are promoted (e.g. results of campaigns).  
 3. Nutrition is another external factor causing cancer. Excessive intake of alcoholic beverages, salt or certain food additives, overweight or inadequate consumption of certain fibre-rich foods can play a classic role in the development of certain cancers. Measures are planned to collate information regarding the links between nutrition and cancer, and to formulate recommendations for nutrition adapted to each category concerned. To protect and inform consumers, information campaigns, promotion of recommended foods and reports on pilot schemes are planned. In the agri-foodstuffs area, the harmonization of labelling and reinforced protection of the public against certain carcinogenic agents in foodstuffs have been initiated.  
 4. Other external factors are associated with our everyday environment, especially three factors: firstly, radioactivity and ultra violet rays for which the Euratom Treaty has to 'establish uniform safety standards to protect the health of workers and of the general public, and to ensure they are applied'. The measures are designed to supplement these standards. Next, there comes infection by viruses for which simple preventive measures are recommended. The third external factor concerns chemical substances. Action in this field is first aimed at speeding up the work of collating data concerning these substances, drawing up a list and giving a special group the task of classifying and labelling them. The exposure of workers and the public to these substances must be limited.



5. Stress is placed on the prevention and early detection of cancers and on information and health education about cancer through a number of measures aimed at the public at large (European code against cancer, enhancing awareness among the media, drawing up a European list of private bodies combating cancer, surveys, European week against cancer, etc.).

6. The campaign against cancer in particular concerns training for health-care staff, both as regards the minimum content of training and incentives for student mobility or exchange of educational material or experiences.

7. The chances of survival of a patient suffering from cancer have been extended and are extended further as the years go by thanks to progress in biological medical research. This progress has enabled nearly half the patients as opposed to one-quarter barely 30 years ago to overcome the disease (the figures vary depending on the cancer). To promote research a number of measures were launched: award of grants for mobility of research workers, comparative results of registers of existing cancers, European coordination on research on passive smoking, cancer and reproduction, food and cancer, and joint financing of research.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal C 50, 26.2.1987

*(7) Follow-up work*

Decision 88/351/EEC adopted by the Council and the representatives of the governments of the Member States, meeting within the Council on 21 June 1988, on a 1988-89 action plan for an information and public awareness campaign in the context of the 'Europe against cancer' programme. A number of measures are planned with a contribution of ECU 10 000 000 from the Community.

*(8) Commission implementing measures*

Communication from the Commission to the Council, Parliament and the Economic and Social Committee of 8 May 1990 on the Europe against cancer programme: report on the implementation of the first plan of action, 1987-89 (COM(90) 185 final). In this programme the Community showed that it could make an original and significant contribution to the campaign against cancer, by extending its action beyond the traditional action to combat carcinogenic chemical substances and ionizing radiation (EEC, ECSC and ECAC Treaties), through new measures, (described in point 3). The results were on the whole very satisfying, from the point of view of legislation (seven of the twelve proposals announced were adopted by the Council between 1987 and 1989) and from the point of view of specific measures supported by the Community budget (about ECU 9 000 000 was made available for joint financing of measures).



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### 15.4. Cancer: 'Europe against cancer' - Action plan 1990-1994

*(1) Objective* To develop information on the causes of cancer and possible methods of prevention and treatment.

*(2) Community measures* Council Decision 90/238/Euratom, ECSC, EEC and the representatives of the Member States meeting within the Council on 17 May 1990 adopting a 1990-1994 action plan in the context of the 'Europe against cancer' programme.

*(3) Contents*

1. The plan comprises some 40th actions largely based on those in the original programme and which concern four areas: prevention, information and health education, training of health-care workers and research. Priority has been given to a number of sectors within these four areas.
2. With respect to cancer prevention, in addition to continuing legislative action (summaries 15.8 — 15.9) the strategy is designed to support and implement measures to enhance public awareness at European and national level. Studies and pilot projects have been carried out in various sectors of prevention, i.e. smoking, nutrition, carcinogenic substances, early detection and certain other aspects. For example, one aspect is the prevention of smoking among target groups such as young people, women, teachers, nurses, and doctors. It includes teaching people how to stop smoking, systematic screening and early detection by means of a network of pilot schemes, assessment and promotion of screening programmes where exploratory studies have produced positive results.
3. The main aim of the information and health education programme is to publicize the 10th rules contained in the European code against cancer among the general public and target groups. Stress will be placed on health education in schools on the basis of the conclusions of studies and of European congresses organized in 1987-1989.
4. As regards training of the health-care workers attention will focus on the pursuit of operations already initiated concerning basic training and further training for doctors and nurses, measures to promote mobility, and the collection and exchange of teaching material and experience.
5. The effort to coordinate medical research is being continued and stepped up. The initial results of concerted action in the field of medical research since 1987 should therefore be given substance in pilot schemes, in particular experimental equipment to treat patients by improved radiation therapy methods.
6. The programme is implemented by the Commission, in close coordination with the competent authorities in the Member States and with the assistance of an advisory committee.
7. The Community contribution amounts to ECU 50 million.

*(4) Deadline for implementation of the legislation in the Member States* Not applicable.



*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 137, 30.5.1990

*(7) Follow-up work*

The Decision of 17 May 1990 provided that a scientific evaluation be presented to the Council. The Commission's report to the Council, the European Parliament and the Economic and Social Committee evaluating the effectiveness of the Community action undertaken within the context of the 'Europe against cancer' programme was adopted by the Commission on 15 May 1993 (COM(93) 148 final).

Council Decision 93/362/EEC and the Ministers for Health, meeting within the Council, of 27 May 1993, concerning the continuation in 1994 of the 1990-1994 action plan in the context of the 'Europe against cancer' programme (Official Journal L 150, 22.6.93), raising the Community contribution from ECU 50 million to ECU 55 million.

Council Resolution of 13 December 1993 concerning future guidelines for the 'Europe against Cancer' programme following the evaluation of the programme over the period 1987-1992. The Council invites the Commission to present a proposal for a third action plan taking into account the Council resolution of 27 May 1993 concerning future action in the field of public health.

*(8) Commission implementing measures*

Commission Report to the Council, the European Parliament and the Economic and Social Committee on the execution of the 'Europe against cancer' programme in 1992 (COM(93) 148 final). Of 598 projects submitted, 263 were approved for funding, the level of funding granted in 1992 amounting to approximately ECU 10 800 000. In addition, numerous measures to promote greater awareness were taken in 1992, including distribution of the results of a European survey on 'Europeans and the sun', which informed the public about the cancer risks linked to excessive exposure of the skin to solar radiation.





## 15. PUBLIC HEALTH

### 15.6. Cancer: ban on smoking in places open to the public

<i>(1) Objective</i>	To contribute to an improvement in the health and quality of life of citizens within the Community by reducing the number of cases of cancer, in particular by adopting anti-smoking measures and protecting the right to health of non-smokers.
<i>(2) Community measures</i>	Resolution of the Council and the Ministers for Health of the Member States, meeting within the Council on 18 July 1989, on banning smoking in places open to the public.
<i>(3) Contents</i>	<p>1. In addition to the potential encouragement to smoke and the unpleasant physical effects and 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. It is therefore necessary to protect the right to health of non-smokers.</p> <p>2. The Member States are therefore invited to take the following measures by introducing legislation or by other methods in accordance with national practices and conditions:</p> <ul style="list-style-type: none"><li>— ban smoking in enclosed premises open to the public which form part of the public or private establishments listed in an Annex; Member States may add to this list;</li><li>— extend the ban on smoking to all forms of public transport;</li><li>— 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;</li><li>— ensure that in the event of disputes, in areas other than those reserved for smokers, the right to health of non-smokers prevails over the right of smokers to smoke.</li></ul>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal C 189, 26.7.1989
<i>(7) Follow-up work</i>	Conclusions of the Council and the Ministers for Health meeting within the Council of 27 May 1993, on the response to the Resolution on banning smoking in places open to the public, with the opinion that a systematic assessment of the measures taken by the Member States would make it possible to take full advantage of the experience acquired and to draw appropriate lessons and guidelines for the future (Official Journal C 174, 25.6.1993).
<i>(8) Commission implementing measures</i>	



## 15. PUBLIC HEALTH

### 15.7. Cancer: maximum tar content of cigarettes

- (1) *Objective* To reduce differences in the provisions in effect in the Member States by submitting the marketing and free movement of cigarettes to common rules which take due account of a high level of public health protection.
- (2) *Community measures* Council Directive 90/239/EEC of 17 May 1990 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the maximum tar yield of cigarettes.
- (3) *Contents*
1. '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;
    - 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 until 31 December 1992, 18 mg until 1998, 15 mg until 2000 and 12 mg until 31 December 2006. This derogation may not be used to justify controls at the Community's internal frontiers.
  4. The tar yield of cigarettes shall be measured according to ISO standards.
  5. The Commission, assisted by an advisory committee, is responsible for adaptation to technical progress in the method of measuring tar yield.
  6. The Member States retain the right to adopt any rules they consider necessary to protect public health, provided such rules do not imply any changes to limits on the tar yield of cigarettes.
- (4) *Deadline for implementation of the legislation in the Member States* 18.11.1991
- (5) *Date of entry into force (if different from the above)*
- (6) *References* Official Journal L 137, 30.5.1990
- (7) *Follow-up work*
- (8) *Commission implementing measures*



## 15. PUBLIC HEALTH

### 15.8. Cancer: labelling of tobacco products

- (1) *Objective* To set a high level of health protection as the base for harmonizing the provisions of the Member States concerning health warnings to appear on tobacco products with a view to reducing the harm done to health by tobacco addiction.
- (2) *Community measures* Council Directive 89/622/EEC of 13 November 1989 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products and the prohibition of the marketing of certain types of tobacco for oral use.
- Council Directive 92/41/EEC of 15 May 1992 amending Directive 89/622/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products and the prohibition of the marketing of certain types of tobacco for oral use.
- (3) *Contents*
1. Definitions: 'tobacco products' means products for the purpose of smoking or chewing, inasmuch as they are, even partly, made of tobacco, in powder or particulate form or in any combination of these forms — particularly those presented in sachet portions or porous sachets — or in a form resembling a food product; 'tar' means the raw anhydrous nicotine-free condensate of smoke; 'nicotine' means nicotinic alkaloid; 'tobacco for oral use' means all products for oral use except those intended to be chewed, made wholly or partly tobacco.
  2. Tar and nicotine yields must be indicated on cigarette packets. They must be measured on the basis of the ISO methods. The particulars on the packets must:
    - be printed on the side of the packets;
    - be in the official language or languages of the country of final marketing;
    - be in legible print on a contrasting background;
    - cover at least 4% of the corresponding surface; at least 6% for countries with two official languages; at least 8% for countries with three official languages.
  3. All unit packets of tobacco products must 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'. In the case of packets of cigarettes and rolling tobacco, the other large surface must alternately carry one of the specific warnings listed in Annex I.
  4. Unit packets of cigars, cigarillos, pipe tobacco or other smoking tobacco products must carry a specific warning from among those in Annex II, in such a way as to ensure that they are in actual fact rotated.
  5. Unit packets of smokeless tobacco products must carry the following specific warning: 'Causes cancer'.
  6. With regard to cigarette packets, strict rules concerning the two warnings have been laid down. They must:
    - cover at least 4% of each large surface;
    - be clear and legible;

- be printed in bold letters on a contrasting background;
  - be printed in a place where they cannot be damaged when the package is opened;
  - be located on the packet itself and not on the transparent wrapper or any other external wrapping.
7. Other tobacco products must comply with similar requirements, i.e. the warnings must be printed on each unit packet, on a contrasting background, and be visible, legible and indelible.
8. The Member States must prohibit the marketing of all tobacco products for oral use, except those intended to be smoked or chewed.
9. The methods employed to measure and verify tar and nicotine yields are to be adapted to technical progress by the Commission with the assistance of an advisory committee composed of representatives of the Member States.
10. Tar and nicotine yields of cigarettes for each Member State will be published in the Official Journal of the European Communities in January each year.

*(4) Deadline for implementation of the legislation in the Member States*

1.7.1990  
1.7.1992

*(5) Date of entry into force (if different from the above)*

- 31.12.1991
- 31.12.1992 (cigarettes) and 31.12.1993 (other tobacco products): derogation for the marketing of these products if they existed on 31 December 1991 and did not comply with the present Directive.
- 1.7.1992: ban on certain types of tobacco for oral use.
- 1.1.1994: labelling of tobacco products other cigarettes.
- 31.12.1994: derogation for the marketing of products existing on 1.1.1994 which do not comply with the requirements.

*(6) References*

Official Journal L 359, 8.12.1989  
Official Journal L 158, 11.6.1992

*(7) Follow-up work*

*(8) Commission implementing measures*



## 15. PUBLIC HEALTH

### 15.9. Cancer: advertising of tobacco products

- (1) *Objective* To harmonize fully the rules on tobacco advertising in view of the fact that the harmonization of authorized advertising only would not resolve the problems arising from the divergence of national legislation and would not guarantee the smooth operation of the internal market, while taking into account the need for a high level of public health protection.
- (2) *Proposal* Proposal for a Council Directive on the approximation of Member States' laws, regulations and administrative provisions on the advertising of tobacco products.
- (3) *Contents*
1. Scope: all advertising forms and media apart from television advertising, which is already covered by Council Directive 89/552/EEC (ban on such advertising).
  2. Definition of the terms 'advertising': any form of communication with the aim or effect of promoting a tobacco product, including advertising which, while not specifically mentioning the product, tries to circumvent the advertising ban by using distinctive features of tobacco products; 'tobacco products': all products that may be smoked, sniffed, sucked or chewed, even if partly, made of tobacco; 'tobacco sales outlets': establishments specializing in the sale of tobacco, with enclosed indoor premises for serving customers, excluding shops with several counters for a range of different goods.
  3. The principle of the Directive is a ban on all forms of advertising of tobacco products. Brands or trademarks associated with the reputation of a tobacco product may not be used for advertising in other areas, except when the following conditions are met:
    - the turnover for tobacco products marketed under the same brand or trademark, even by a different company, does not exceed half the turnover from non-tobacco products of this brand;
    - the brand or trademark was first registered for non-tobacco products.
  4. New tobacco products may not make use of the reputation acquired by certain brands or trademarks already used for products other than tobacco products.
  5. Free distribution of any tobacco product is banned.
  6. Advertising may be authorized within tobacco sales outlets, provided that it is not visible from outside the premises. This provision reconciles the need to provide information for tobacco consumers and to guarantee the protection of the public in general, particularly young people.
  7. Member States must ensure the existence of appropriate and effective means of monitoring the application of these provisions, in particular the possibility of legal action against advertising which is regarded as incompatible with the Directive.
- (4) *Opinion of the European Parliament* First reading: Parliament approved the Commission proposal subject to certain amendments. The Commission accepted some of these amendments.
- (5) *Current status* The amended proposal is currently before the Council for a common position.



*(6) References*

Commission proposal COM(89) 163 final	Official Journal C 124, 19.5.1989
Amended proposal COM(92) 196 final	Official Journal C 129, 21.5.1992
European Parliament Opinion First reading	Not yet published
Economic and Social Committee Opinion	Official Journal C 62, 12.3.1990

## 15. PUBLIC HEALTH

### 15.10. Drugs: reducing the demand for drugs

- (1) Objective* To monitor the actions carried out at Community level with a view to reducing the demand for drugs, identifying the most urgent measures and specifying the most appropriate information to be provided by the Member States.
- (2) Community measures*
- Conclusions of the Council and the Ministers for Health meeting within the Council of 3 December 1990 on reducing the demand for narcotic and psychotropic substances.
- Conclusion of the Council and the Ministers for Health of the Member States meeting within the Council of 4 June 1991 on the monitoring of action to reduce drug demand.
- Conclusion of the Council and the Ministers for Health of the Member States meeting within the Council of 13 November 1992 concerning the second report on reducing drug demand in the European Community.
- (3) Contents*
1. On the basis of the European plan to combat drugs in which CELAD (European Committee on the Fight Against Drugs) has defined the social health measures required, a certain number of measures have been given priority:
    - the intensification of preventive measures in each Member State, aimed at the general population and high-risk groups;
    - the intensification of measures in the Member States to extend the range of effective methods for treating drug addiction by developing services providing the main therapeutic options, with special emphasis on those groups among which the continued use of drugs entails serious subsequent risks for health, and analysing, updating and applying the various methods of treatment assessment;
    - the intensification of intervention in the Member States of proven efficacy in obtaining and maintaining the social and occupational integration of addicts;
    - the intensification in the Member States of activities and in-service training of qualified staff in the prevention, treatment and social integration sectors.
  2. Member States are also invited to supply appropriate information to show, in the regular report on actions to reduce drug demand which the Commission draws up, in particular the following social and health aspects:
    - prevention strategies and structures;
    - type, extent and trend of drug demand and drug addiction;
    - strategies and structures for receiving and treating drug addicts;
    - strategies and structures for social and occupational rehabilitation of drug addicts;
    - methods used for assessing these strategies and results obtained; with as far as possible, details of the human and financial resources used.
  3. This exchange of information should permit qualitative and quantitative comparability of the data available.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal C 329, 31.12.1990  
Official Journal C 170, 29.6.1991  
Official Journal C 326, 11.12.1992

*(7) Follow-up work*

*(8) Commission implementing measures*



## 15. PUBLIC HEALTH

### 15.11. Drugs: European drugs prevention week

- (1) *Objective* To optimize and encourage drug-prevention initiatives and lay the basis for a more permanent and concerted effort in this field.
- (2) *Community measures* Declaration of the Council and the Ministers for Health of the Member States meeting within the Council of 15 May 1992 on the European Drug Prevention Week.
- (3) *Contents*
1. The European Council of Maastricht confirmed its support for the organization of such a week from 16 to 22 November 1992 and asked that particular emphasis be put on education and prevention for young people.
  2. The week was intended to mark the beginning of more intensive and continuous cooperation between the Member States as a way of making the public and young people in particular more aware and better informed about health matters.
  3. An appeal was made to the public and all individuals and bodies more directly involved in the organization and promotion of the European Week to participate in such a way as to make the event a significant contribution to the prevention of drug addiction in Europe.
- (4) *Deadline for implementation of the legislation in the Member States* Not applicable.
- (5) *Date of entry into force (if different from the above)*
- (6) *References* Official Journal C 148, 12.6.1992
- (7) *Follow-up work*
- The Ministers for Health meeting within the Council on 27 May 1993 expressed itself in favour of the organization of a similar event in 1994, under the German Presidency.
- The Ministers for Health meeting within the Council on 13 December 1993 adopted a declaration on European Drug Prevention Week. The Council invited the Commission and the Member States to commence preparatory work for organization of the second European Week in October 1994 as soon as possible, in collaboration with the national coordinators and, where appropriate, the national organizing committees.
- (8) *Commission implementing measures*
- The European Drug Prevention Week (1992) was marked by fruitful cooperation between the national coordinators, appointed by the Member States, and the Commission.
- The national coordinators instigated and coordinated an extensive programme of activities at national, regional and local level. These activities were aimed in particular at young people. A very wide range of events took place, including conferences on specific topics as well as training and prevention activities. Inter-regional events between

neighbouring countries were organized and, in some cases, support structures were set up.

The Commission itself made a decisive contribution to the success of the week. Apart from the financial assistance given to national programmes, the Commission's experience in activities of this kind greatly facilitated the implementation of the campaign. In particular, it provided national coordinators with Community-related promotional material or helped in the preparation of such material (logos, posters, leaflets, pins, etc.). At the same time, it commissioned a Eurobarometer survey to assess the level of awareness and opinions of Europeans as regards illicit drugs. The results, published during the week, enabled comparisons to be made both between opinions in terms of age and country of origin and between different types of behaviour concerning the consumption of illicit drugs throughout the European Community.

In addition, the Commission supported a radio campaign, the main purpose of which was to promote the helpline telephone numbers and the national programmes associated with the week and to broadcast relevant information material and messages on drug prevention. The direct impact of the campaign could be measured by the creation of new telephone helplines and by a large increase in the number of calls to these helplines.

The Commission forwarded to the Council a communication evaluating the European Drug Prevention Week (1992) and examining the possibility of repeating the event.



## 15. PUBLIC HEALTH

### 15.12. Community action programme on the prevention of drug dependence

- (1) *Objective* To encourage cooperation between the Member States, support action by them and promote coordination of their policies and programmes aimed at preventing the use of narcotics and psychotropic substances, the abuse of alcohol and pharmaceutical products and the misuse of chemical substances for drug abuse purposes.
- (2) *Proposal* Proposal for a decision by the Parliament and the Council adopting a programme of Community action on the prevention of drug dependence within the framework for action in the field of public health (1995-2000).
- (3) *Contents*
1. It is proposed that the first programme of Community action on the prevention of drug dependence runs for five years.
  2. The Commission proposal is for the programme to involve activities in the following areas:
    - (a) Improving public awareness, in particular by means of coordinated transnational actions. Activities under this heading might include the European Drug Prevention Week, which can highlight and stimulate Community and transnational efforts and other coordinated transnational actions.
    - (b) Using the opportunities provided for in other Community policies, programmes and instruments, where appropriate, to prevent and combat drug dependence. This could be relevant in areas such as social affairs, particularly concerning migrants, poverty, employment, protection of workers' health and safety and the Structural Funds, including Community initiatives; the single market and consumer policy, particularly as regards drug precursors, pharmaceutical and medicinal products and dangerous substances and preparations; education and training; activities in the field of culture, communication and information; research on health systems and addiction behaviour as described in the Commission proposal for a specific R&TD programme in the field of biomedicine and health (1994-1998) and other programmes based on Article 129, such as AIDS and other communicable diseases, health promotion, information, education and training.
    - (c) Initiatives and actions relating to young people of school-age in relevant environments — home, leisure, school — and promotion of best practices in this regard. Young people are considered to be the primary target for the purpose of prevention of drug dependence.
  3. The Commission will ensure implementation of these activities in close cooperation with the Member States and the institutions and organizations active in the prevention of drug dependence.
  4. It will also ensure that the activities undertaken take due account of the information activities of the European Monitoring Centre for Drugs and Drug Addiction.
  5. For implementation of the programme the Commission will be assisted by an advisory committee comprising two representatives from each Member State and chaired by a Commission representative.
  6. In the course of implementation of this programme, cooperation with third countries and with international organizations active in the field of health will be encouraged.





7. The EFTA countries and the countries of Central and Eastern Europe may be associated with the activities under this programme.  
 8. The Commission will submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a mid-term report on the activities undertaken, as well as a final report.

*(4) Opinion of the European Parliament*

Not yet delivered.

*(5) Current status*

The proposal has been sent to before the European Parliament, the Economic and Social Committee and the Committee of the Regions for their opinions.

*(6) References*

Commission proposal  
 COM(94) 223 final

Not yet published in the Official Journal

## 15. PUBLIC HEALTH

### 15.13. Global Union measures against drugs: action plan to combat drugs 1995-1999

- (1) *Objective* To establish general guidelines for future Union measures to combat drugs.
- (2) *Community measures* Communication to the Council and the European Parliament on a European Union Action Plan to combat drugs (1995-1999).
- (3) *Contents*
1. Characteristics  
A global multi-annual (1995-1999) action plan under which the Union will implement a global strategy to combat drugs, aimed at reducing demand, combating illicit drug trafficking and taking action against non-member countries involved in the production and transit of drugs. This plan is an extension of the first two European plans preceding the entry into force of the Treaty on European Union (TEU), which were approved by the European Councils in Rome (December 1990) and Edinburgh (December 1992).
  2. The structure of the action plan is as follows:
    - a. Reducing demand  
Pursuant to Article 129 of the TEU, the Community action programme on drug addiction aims to encourage and facilitate activities involving high-risk groups in particular situations, to promote the identification, development, testing and use of the best methods to ensure the dissemination of information, to promote education and training initiatives with the aim of developing strategies for prevention, to support work on early detection and on advice for drug users and to promote social rehabilitation and reintegration.
    - b. Combating trafficking  
The new action plan proposes to develop and consolidate existing Community legislation and to implement Title VI of the TEU. Results have been obtained at Community level as a result on the one hand of measures carried out in combating the diversion of precursors and psychotropic substances and, on the other, of the Directive on 'money laundering'. The Commission advocates reinforcing this activity by using existing instruments (development of electronic mail networks to speed up the exchange of information, etc.), by promoting cooperation with non-member countries (taking Community legislation and other international agreements as a model) and by assessing the practical implementation of these measures.  
Title VI (cooperation in the fields of justice and home affairs) introduces a new obligation for Member States of the Union to cooperate on matters of common interest in judicial, customs and police affairs (Article K.1.7, 8) and 9)). Europol, once established, is to focus its activity initially on combating drug trafficking.  
Pursuant to Article K.1.4, aimed at combating drug addiction, the Commission is formulating suggestions with a view to complementing measures currently in progress, namely: (a) interdisciplinary exchanges between professionals and organizations responsible for reducing drug supply and demand; (b) establishment of a European forum for inter-city exchanges and cooperation; (c) cooperation in the area of the relationship between drugs and criminality.

#### c. International measures

The EU is to supplement its action plan by initiatives outside the Union, making use of Community instruments and of the new opportunities offered by the CFSP (common foreign and security policy). At Community level, measures should involve the following areas:

- continued EU participation in international efforts (UN international drug monitoring programme, the Pompidou Group of the Council of Europe, etc);
- at the bilateral level, reinforcing national and regional strategies in cooperation with certain countries or regions representing a particular risk due to their proximity to the Union;
- development of cooperation by including clauses relating to combating drugs in EU agreements with non-member countries;
- including cooperation in combating drugs among the priorities in terms of commercial and development policy (e.g. recourse to GSP or the Lomé Convention).

The CFSP will enable the EU to lend its political and diplomatic weight to commercial and development cooperation mechanisms already in place. In addition, the Council has identified the combating of illicit drug trafficking as an appropriate field for joint action, targeting the Maghreb and the Middle East as priority areas in this context. The Communication suggests that action under the CFSP may take the form of joint positions intended to ensure increased international cooperation and joint measures intended to support Community efforts aimed at strengthening the ability of non-member countries to play a full part in combating drugs.

#### d. Coordination

The Communication stresses the importance of maintaining and improving coordination at both Member State and EU level, particularly in the following contexts:

- Coordination within and between Member States (national coordinators and the Permanent Representatives' Committee ought to have an important role to play);
- The European Drugs Monitoring Centre in Lisbon will be able to contribute to the political decision-making process through its important role in information and analysis, in liaison with its associated network of national centres;
- Multidisciplinary aspects (information, research and training are considered priorities).

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

COM(94) 234 final

*(7) Follow-up work*

*(8) Commission implementing measures*



## 15. PUBLIC HEALTH

### 15.14. Union action to combat drugs: European drugs and drug addiction monitoring centre

- (1) *Objective* Establishment of a centre responsible for supplying objective, reliable and comparable data to provide the Community and the Member States with an overall view of drugs, drug addiction and their consequences.
- (2) *Community measures* Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European drugs and drug addiction monitoring centre.
- (3) *Contents*
1. Regulation (EEC) No 302/93 entered into force on 30 October 1993 after the European Council had agreed that the headquarters of the centre should be located in Lisbon.
  2. Its role is to assemble all statistical, documentary and technical information processed or produced and thereby provide the Community and the Member States with an overall view of drugs and drug addiction when they come to take measures or devise activities in their respective spheres of influence. The centre may not go beyond this overall information brief and must not collect personal data.
  3. The organization and working methods of the centre are defined in such a way as to respect the objective of the results sought, i.e. the comparability of sources and methods concerning information on drugs. Its tasks are therefore:
    - to collect and analyse existing data,
    - to improve data-comparison methods,
    - to disseminate data,
    - to cooperate with European and international organizations and third countries.
  4. The data assembled by the centre relates, in order of priority, to the fields specified in the annex, eg.:
    - demand and reduction of demand for drugs,
    - national and Community strategies and policies,
    - international cooperation and geopolitics of supply (with special emphasis on cooperation programmes and information on producer and transit countries),
    - control of trafficking in psychotropic substances and precursor substances,
    - implications of drugs for the producer, consumer and transit countries within the limits of the fields covered by the treaty, including above all the laundering of drug money.
  5. The centre is to achieve its aims gradually in light of the objectives laid down in the three-yearly and annual programmes and with due regard to the resources available. It must take account of activities already carried out by other bodies, especially the European Police Office.
  6. The centre will have a computerized network serving as the infrastructure for the collection and exchange of information and documentation, to be known as the European Information Network on Drugs and Drug Addiction (Reitox). Amongst other things, Reitox will make use of a data-processing system linking the national networks, the specialized centres and the systems of the international or European organizations cooperating with the centre. Within six months

of the Regulation's entry into force the Member States will provide notification of the main features of their national networks.

7. The centre will have legal personality and the Court of Justice will have jurisdiction in any actions brought against the centre.

8. Lastly, the centre may be opened to non-member countries which attach to this matter the same importance as the Community and the Member States.

9. The Commission will produce a report on the centre's achievements during the third year following the Regulation's entry into force.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

The day following the decision by the competent authorities concerning the location of the centre.

*(6) References*

Official Journal L 36, 12.2.1993

*(7) Follow-up work*

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 302/93 in order to correct a technical error concerning the Centre's internal financial arrangements (COM(93) 299 final, Official Journal C 225, 20.8.1993)

*(8) Commission implementing measures*

## 15. PUBLIC HEALTH

### 15.15. AIDS: Common approach

#### (1) Objective

To establish common basic guiding principles for the prevention of and fight against AIDS in the Member States, to draw up a plan of action and of coordination of national and Community activities, and to create a structure responsible for ensuring implementation of the plan.

#### (2) Community measures

Conclusions of the Council and of the representatives of the governments of the Member States, meeting within the Council of 15 May 1987 concerning AIDS.

Conclusions of the Council and the representatives of the governments of the Member States, meeting within the Council of 31 May 1988 concerning AIDS.

Conclusions of the Council and the Ministers for Health of the Member States, meeting within the Council of 15 December 1988 concerning AIDS.

Resolution of the Council and the Ministers for Health of the Member States, meeting within the Council of 22 December 1989 on the fight against AIDS.

Conclusions of the Council and the Ministers for Health of the Member States, meeting within the Council of 3 December 1990 on AIDS.

#### (3) Contents

1. The fight against AIDS represents a priority 'international course' in the field of public health, and the Community plans to act against this disease in continuing cooperation with the Member States and in consultation with the World Health Organization.

2. The principles governing the action undertaken are as follows:

- absolute priority is to be given to prevention through health information and education,
- in terms of prevention, any policy of systematic and compulsory screening is ineffective,
- any discrimination against, or stigmatization of, persons affected by AIDS, particularly as regards employment, must be avoided.

3. An *ad hoc* working party of public health officials from the Member States was set up in 1987, with the participation of the Commission. Its mandate was to draw up a common strategy, and in particular:

- to propose a procedure to ensure, at Community level, the rapid exchange of epidemiological data, as well as mutual information about the scientific initiatives and the technical, administrative and legal measures envisaged or adopted by the Member States,
- to propose common measures to combat AIDS,
- to draw up methods of assessment relating to the measures taken in the Community.

4. The system for the rapid and periodic exchange of epidemiological data was improved and extended in 1989 by stepping up the activities of the working party and by continuing to study the need for and advantages of an exchange of specific epidemiological data which are as detailed as possible and which afford guarantees for the protection of anonymity and of confidentiality. In addition, the exchange of data was improved by including information based on agreed criteria which make it easier to assess the effectiveness of the preventive measures



taken in the Member States and which provide early indications of the development of epidemiological patterns and trends.

5. Complementary measures were also taken in 1989 and 1990 in various fields relevant to the fight against AIDS:

- programmes based on one-to-one counselling and support measures among drug addicts, such measures including education and information campaigns, health and advisory services, and easy access to sterile injecting materials;
- preparing firms to deal with the problem of AIDS in a manner which takes account of the fact that, in working relations and working contacts, there is no risk of infection with AIDS;
- stepping up exchanges of information, experience and experts on medical and social assistance to sero-positive pregnant women and newborn babies, on the organization of home care and health care for people suffering from AIDS, and on the supply of safe injecting materials.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal C 178, 7.7.1987  
 Official Journal C 197, 27.7.1988  
 Official Journal C 28, 3.2.1989  
 Official Journal C 10, 16.1.1990  
 Official Journal C 329, 31.12.1990

*(7) Follow-up work*

*(8) Commission implementing measures*

## 15. PUBLIC HEALTH

### 15.16. AIDS: 'Europe against AIDS' - 1991-1993

*(1) Objective*

To contain the AIDS epidemic and combat the spread of AIDS by means of a series of preventive and monitoring measures and campaigns to promote general awareness among the general public through the provision of more, and better coordinated, information, in the context of a programme covering the period 1991-93.

*(2) Community measures*

Council Decision 91/317/EEC and the Ministers for Health of the Member States, meeting within the Council of 4 June 1991 adopting a plan of action in the framework of the 1991 to 1993 'Europe against AIDS' programme.

*(3) Contents*

1. AIDS (acquired immunodeficiency syndrome) is caused by a retrovirus (HIV) for which there is no vaccine or effective treatment available at present. The only means of combating the development of the disease resides in the adoption of a coordinated series of appropriate preventive measures. The growth of high-risk groups and the rapid increase of the disease necessitate new information and education strategies.

2. In view of the rapid spread of the disease and its psychological and social impact, both on individuals and society, various programmes were developed in the Member States. The Council and the Ministers for Health agreed on the need to coordinate national and Community actions and to promote common actions in the field of information and education, social support and counselling, monitoring of the epidemiological situation, and manpower training.

3. The programme complements a series of actions undertaken by the Community and the Member States, originally directed towards the ACP States, Latin America and South-East Asia. In the research and development work prior to the 1991-93 programme, particular attention was paid to the biology and transmission of the virus. The programme supplements these earlier initiatives by instituting collaboration between the persons involved in the Member States. The programme incorporates the following actions:

- assessment of knowledge, attitudes and target groups by means of surveys in the Member States and monitoring at Community level;
- fostering public awareness by means of information campaigns, feasibility studies and the preparation of a European code placing particular emphasis on non-discrimination against persons infected by HIV;
- education of schoolchildren, teacher-training, and pilot projects to inform young people who are not at school;
- prevention of HIV transmission by encouraging blood donation, the use of condoms, and safer injecting materials;
- social support and counselling followed by appropriate promotion of exchanges of experience, and promotion of appropriate ways of providing social support and medical help;
- informing of health professionals and development of exchanges of practical experience;
- evaluation of the health and social costs of HIV infection in the context of feasibility studies and common approaches;





- data collection and studies of common methods for ensuring comprehensive and appropriate information, with due regard for the principle of confidentiality;
- enhancement of human resources by the provision of appropriate training for workers responsible for the health care, social support and counselling of HIV-infected persons, and exchange of information and appropriate teaching materials for the training of professionals;
- measures to combat discrimination against HIV-infected persons, involving analysis of situations which might be discriminatory and exchanges of information on measures taken and to be taken, with due regard to the principle of confidentiality;
- contribution to research, through Community participation in the third framework programme and in international cooperation.

*(4) Deadline for implementation of the legislation in the Member States*

Not applicable.

*(5) Date of entry into force (if different from the above)*

*(6) References*

Official Journal L 175, 4.7.1991

*(7) Follow-up work*

Proposal for a Council Decision and Ministers for Health of the Member States, meeting within the Council, concerning the extension, until the end of 1994, of the 1991-1993 plan of action adopted under the 'Europe Against AIDS' programme (COM(93) 453 final).

Council resolution of 13 December 1993 concerning the extension to the end of 1994 of the 1991-93 plan of action in the framework of the 'Europe against AIDS' programme. The Council called on the Commission, pending adoption of the above-mentioned proposal for a Decision, to continue the activities of the 1991-93 plan of action in 1994 and, in pursuing the 'Europe against AIDS' programme in 1994, to take account of the guidelines arising from the mid-term evaluation carried out by the Council on the basis of the Commission report on the implementation of the plan of action in 1991-92.

*(8) Commission implementing measures*

Commission Report on the implementation of the plan of action in 1991-1992 under the 1991-1993 Programme 'Europe against AIDS' (COM(93) 42 final). Although most of the activities implemented are still under way and a detailed evaluation is thus not yet possible, it seems clear that a good deal has been accomplished despite the limited financial and personnel resources made available. For example, a substantial contribution has been made towards building up Community networks and improving the quality and availability of information. The principal method of implementing the Programme has been the support of projects submitted to the Commission by organizations engaged in AIDS-related activities. Eighty such projects had been supported under the Programme at the end of 1992. In 1993 it is the Commission's intention to propose more activities itself, so as to ensure that the ten Actions of the Programme are appropriately carried out.



## 15. PUBLIC HEALTH

### 15.17. Doping: anti-doping measures - Fight against drug use in sport

<i>(1) Objective</i>	To maintain the health of persons involved in sport by taking vigorous action against drug use. This may serve as an example to show that, generally, it can and must be possible to win without recourse to stimulants and medicines and substances which endanger health.
<i>(2) Community measures</i>	Resolution of the Council and of the representatives of the governments of the Member States meeting within the Council of 3 December 1990 on Community action to combat the use of drugs, including the abuse of medicinal products, in sport.
<i>(3) Contents</i>	<p>1. Use of drugs in sport contravenes health regulations in a number of ways:</p> <ul style="list-style-type: none"><li>— the use of substances authorized by the Community as medicinal products (Directive 65/65/EEC) for purposes other than those for which authorization has been given (the diagnosis or treatment of recognized pathological states);</li><li>— the use of such substances in forms and dosages not covered by the authorization (Directive 65/65/EEC);</li><li>— failure to comply with rules on distribution (Directive 75/319/EEC — black market and/or sale to non-authorized persons), prescription (sale without a doctor's prescription — Directive 75/319/EEC, as amended by Directive 89/341/EEC) and advertising of such products (Directive 84/450/EEC).</li></ul> <p>2. The use of drugs in sport should thus be combated through an educational and preventive approach and extend to cover all persons taking part in sporting activities, in particular young people.</p> <p>3. The Commission, assisted by a group of experts, has been invited to draft a code of conduct to combat the use of drugs in sport (summary 15.18) and to propose measures of Community interest based on the following guidelines:</p> <ul style="list-style-type: none"><li>— stepping up training information and health education initiatives against the use of drugs;</li><li>— enquiry into the most common drug-use practices;</li><li>— drug-testing methods and cooperation between laboratories;</li><li>— research on effects of drug taking on health within the Community by a Community medical research framework programme.</li></ul>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal C 329, 31.12.1990



*(7) Follow-up work*

Declaration by the Council and the Ministers for Health of the Member States, meeting within the Council on 4 June 1991 on action to combat drug use, including the abuse of medicinal products, in sport (Official Journal C 170, 29.6.1991), urging the authorities involved in the Albertville and Barcelona Olympic Games and the athletes to do all in their power to avoid the use of drugs.

*(8) Commission  
implementing  
measures*

## 15. PUBLIC HEALTH

### 15.18. Doping: code of conduct against doping in sport

<i>(1) Objective</i>	At the Council's initiative (summary 15.18), the Commission has drawn up the code, as an instrument serving to inform and educate the public in general and, more specifically, young people as well as the circles concerned.
<i>(2) Community measures</i>	Resolution of the Council and of the representatives of the governments of the Member States meeting within the Council on a code of conduct against doping in sport.
<i>(3) Contents</i>	<p>1. In view of the 1992 Olympic Games, it was necessary to distribute a European code of conduct against doping in sport, given the impact of the game on public opinion.</p> <p>2. The code identifies 10 rules, as follows:</p> <ul style="list-style-type: none"><li>— young people shall be encouraged to play the leading role in advocating that participation in sport should be free from doping and urged to promote this attitude amongst themselves;</li><li>— parents shall be encouraged to foster in their children a positive attitude to participation in sport, to provide them with moral support in their efforts and to reinforce the basic values of good health, fair play and team spirit;</li><li>— schools, universities and other training centres shall promote the attainment of success through fair play and advocate that participation in sporting activities shall be free of doping agents and methods;</li><li>— athletes, as role models, shall help to re-establish confidence in both sport and society being free from doping;</li><li>— health professionals have an obligation to be fully informed of the effects of doping agents and methods and to provide advice to the individuals who come into professional contact with them;</li><li>— those forming the entourage of sportsmen and women (managers, trainers, coaches, etc.) must play an active role in preventing doping and encouraging fair play;</li><li>— organizations involved with sports activities, including those related to the Olympic Movement, shall re-emphasize the spirit of fair competition;</li><li>— sports organizations at national and international levels shall cooperate on issues related to the status and control of doping;</li><li>— testing laboratories shall continue to maintain high-quality and reliable drug-testing procedures. They shall also monitor for the presence of new substances having the potential for performance enhancement and inform the appropriate authorities for action to be taken;</li><li>— the media shall provide the general public with information about athletes' training programmes and not merely the outcome of sporting events, as well as relevant information on the negative consequences of doping for health.</li></ul>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable.



*(5) Date of entry into force (if different from the above)*

*(6) References*

*(7) Follow-up work*

*(8) Commission implementing measures*

Official Journal C 44, 19.2.1992

## 15. PUBLIC HEALTH

### 15.19. Alcohol abuse

<i>(1) Objective</i>	To decrease alcohol abuse in the Community Member States through a joint initiative which takes into account the economic factor and public health concerns.
<i>(2) Community measures</i>	Resolution of the Council and of the representatives of the governments of the Member States meeting within the Council of 29 May 1986 on alcohol abuse.
<i>(3) Contents</i>	<ol style="list-style-type: none"><li>1. The Commission is invited to take measures bearing in mind:<ul style="list-style-type: none"><li>— the interests involved in the production, distribution and promotion of alcoholic beverages, which constitute an important factor in the economy of most Member States, and public health interests;</li><li>— the interest in constant improvement of people's living and working conditions.</li></ul></li><li>2. Thus, the Commission has been invited to assess to what extent divergent measures taken by Member States in regard to alcoholic beverages affect the common market and to propose appropriate measures or any other initiative, in close coordination with the work of the WHO.</li></ol>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	Not applicable
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal C 184, 23.7.1986
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

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