

COMMUNITY SOCIAL POLICY

CURRENT STATUS 1 JANUARY 1996

EUROPEAN COMMISSION

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Luxembourg: Office for Official Publications of
the European Communities, 1996

This booklet: ISBN 92-826-9540-9

Printed in Belgium

COMMUNITY SOCIAL POLICY

How to use this publication

Purpose of this publication

- (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.

Note to the reader

This publication provides a snapshot, as at 1 January 1996, 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.

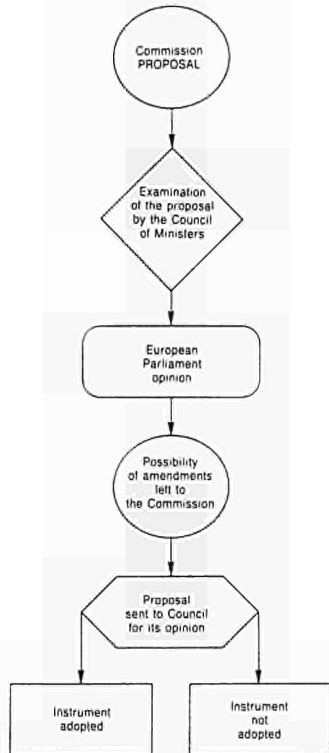
Recommendations

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.

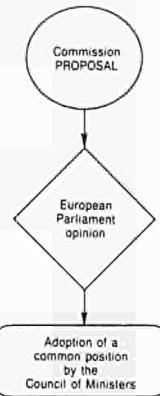
EC legislation from start to finish (directives and regulations)

The consultation procedure

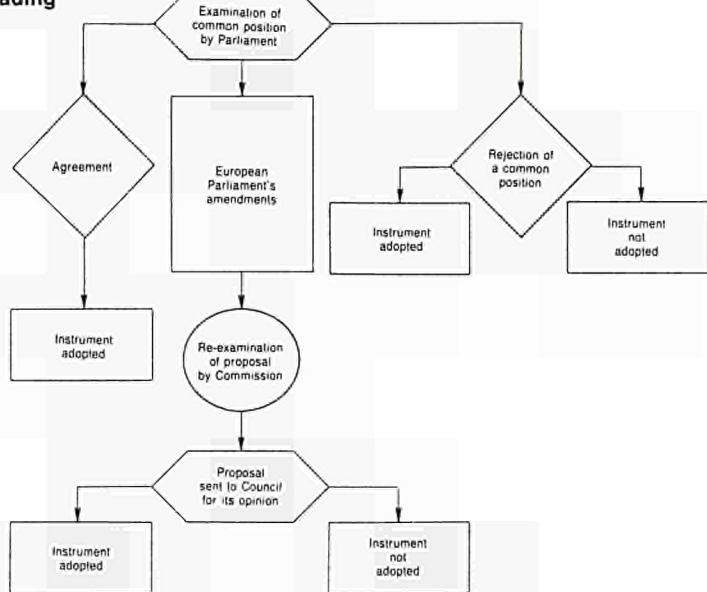


The cooperation procedure

First reading



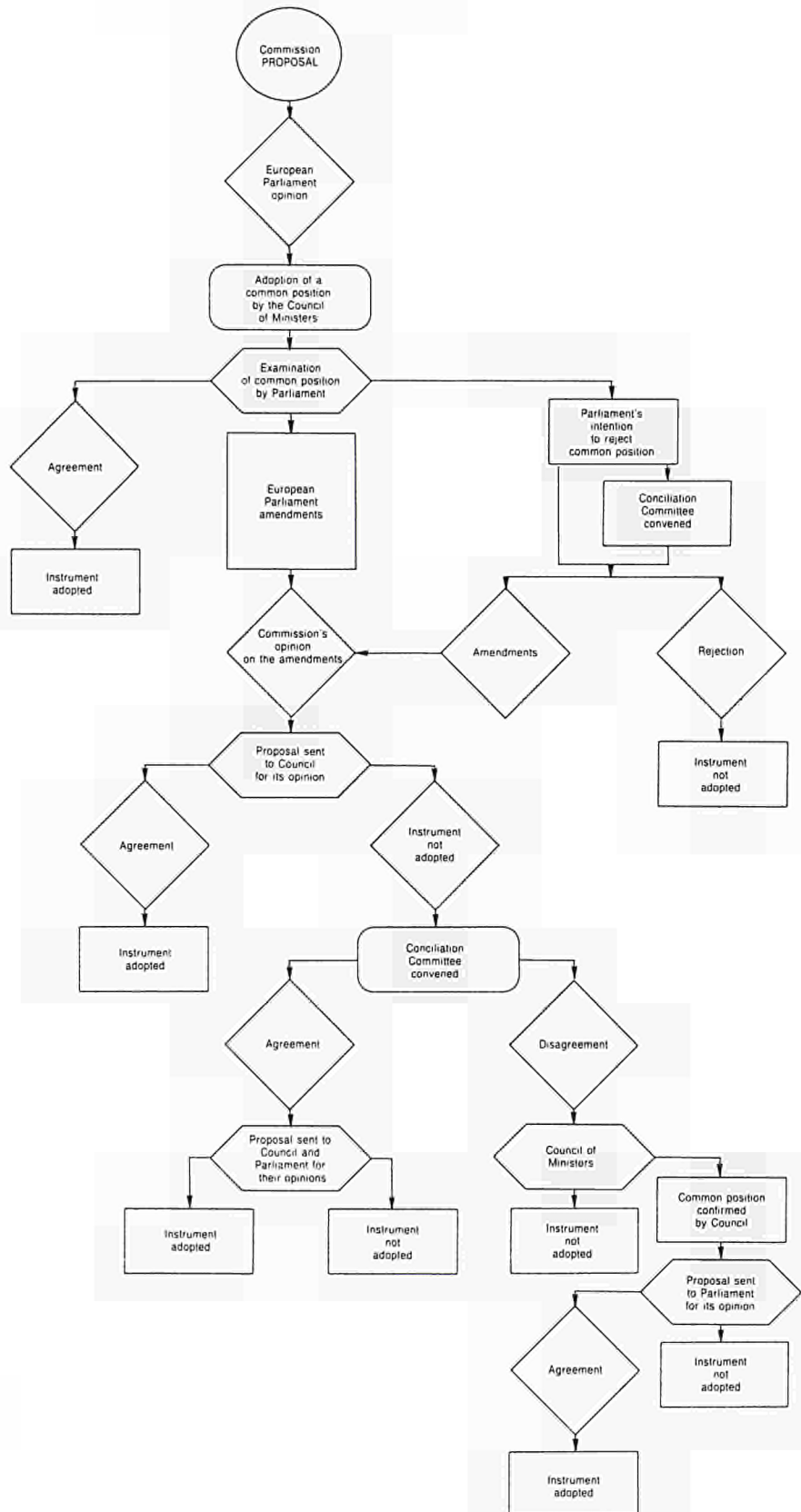
Second reading



Co-decision procedure

First reading

Second reading



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.

Scope of co-decision procedure

- 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)

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.

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 31 December 1995.

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1. INTRODUCTION

1.1. 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).

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 118A and 118B

'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 10.2 and 10.3 to 10.18).

1. INTRODUCTION

1.4. Single European Act: Article 130A - 130E

With the aim of adapting the Treaty of Rome to the Community of the 1980s, the Single European Act brings together all the elements of the policy of solidarity, of 'economic and social cohesion'. In Articles 130A to 130E, the Single European 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 (ESF) and the European Regional Development Fund (ERDF). 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. 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;
- information and consultation of workers;
- equal opportunities and equal treatment for women and men;
- 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 for 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 Community's sphere of responsibility 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

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.

In order to implement the new consultation and negotiation arrangements introduced by the Agreement on social policy, the Commission adopted, on 14 December 1993, a communication on the implementation of the Protocol on social policy presented by the Commission to the Council and to the European Parliament, which describes how it intends to implement the new procedures, taking into account previous methods of consultation (COM(93) 600 final).

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 the other Community institutions (including the European Parliament), the Member States and employers' and workers' organizations.

In future, the procedure for the consultation of the 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 organizations 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 multisectoral, sectoral or specific and are organised at European level;
- they comprise organizations which are themselves recognized 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;
- they 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 organizations 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.

A wide-ranging institutional debate was conducted on the application and implementation of the Protocol on social policy. In its resolutions of 24 February 1994 (Official Journal C 77, 14.3.1994) and 3 May 1994 (Official Journal C 205, 25.7.1994), the European Parliament pressed the case for an interinstitutional agreement on the application of the Protocol. The Economic and Social Committee delivered an opinion on the Commission's 1993 communication on the practical implementation of the Agreement on social policy, emphasising the importance of consulting the social partners. On 6 December 1994, the Council adopted a resolution on certain aspects for a European Union social policy (Official Journal C 368 of 23 December 1994).

The Commission has presented a report on the Community Charter of the fundamental social rights of workers and on the Protocol on social policy (COM(95) 184 final).

Specific application of the Protocol and the agreement on social policy:

With regard to information and consultation procedures in Community-scale undertakings and groups of undertakings, the Commission decided, on 18 November 1993, 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. Following a second consultation, the social partners decided not to open negotiations.

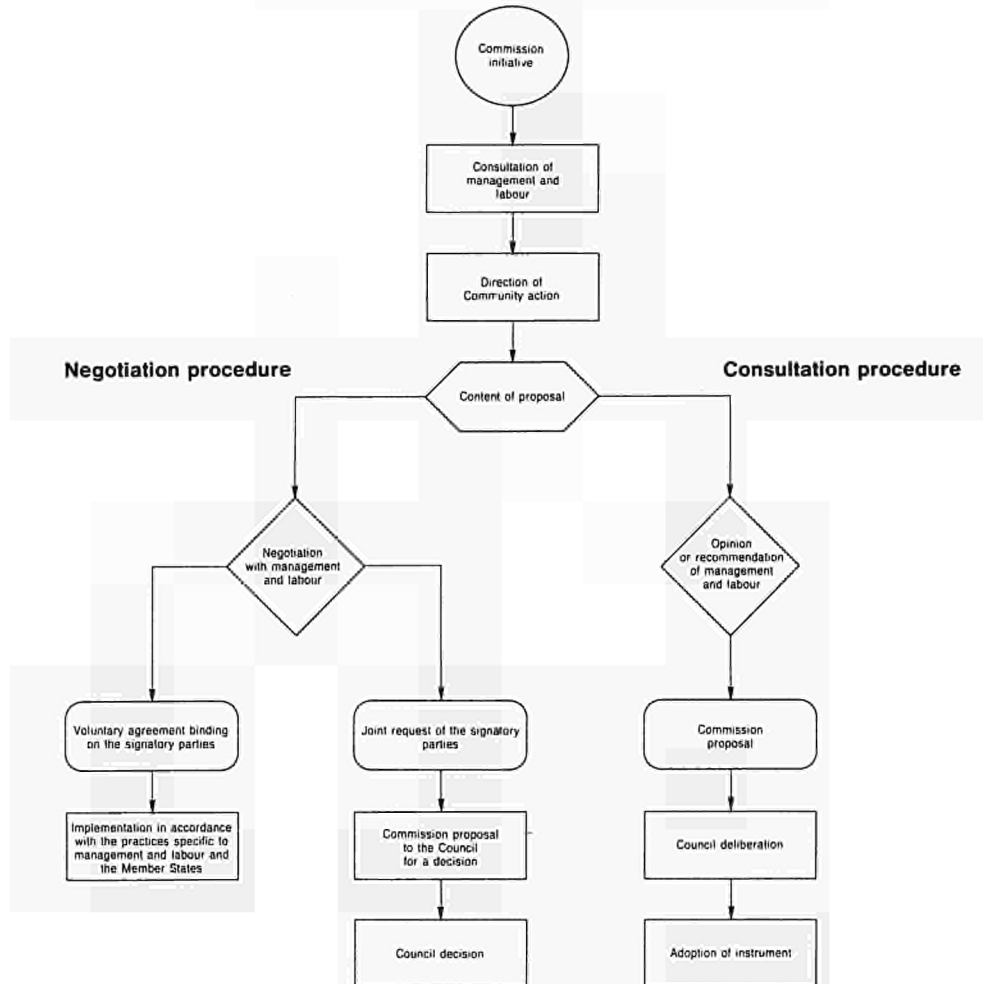
On 22 September 1994, the Council adopted Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (summary 5.2.9).

On 22 February 1995, the Commission decided to consult the social partners, under the procedure laid down in Article 3 of the Agreement on social policy, on the issue of reconciling work and family life (SEC(95) 276 final).

On completion of the second phase of consultation of the social partners by the Commission on 21 May 1995, concerning the content of a Community measure for reconciling work and family life, in accordance with Article 3 of the Agreement on social policy, the UNICE, the CEEP and the ETUC stated on 5 July 1995 that they wished to initiate a process of negotiation (summary 6.7). In view of the willingness on the part of these three organisations to negotiate among themselves, the Commission has suspended its work in this matter (for a maximum period of nine months).

On 5 July 1995, the Commission launched the first phase of consultation of the social partners concerning the burden of proof in cases of male/female discrimination (summary 6.8).

Implementation of the Agreement on social policy





1. INTRODUCTION

1.6. 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.

- 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 European 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

1.7. Social Charter: Content

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 of workers,
- 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

1.8. Green Paper on social policy

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

I. 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 suppression of the vertical and horizontal segregation 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?

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?
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 organizations?
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?

1. INTRODUCTION

1.9. White Paper: European social policy

The White Paper (COM(94) 333 final) is the result of the consultative procedure engendered by the Green Paper on European social policy, involving the Union institutions, Member States, employers, trade unions, public bodies and individuals.

It seeks to set out the main lines of action at Union level for the coming years. The proposals on employment and training are an integral part of the process initiated by the White Paper on growth, competitiveness and employment.

The White Paper aims to consolidate and build on the achievements of the past, particularly as regards labour law, health and safety, freedom of movement and equal treatment for women and men. New proposals are being put forward in the fields of social protection, equal opportunities for all and public health. The White Paper responds to the social goals set for the European Union by its Members, of which Article 2 of the Treaty on European Union is the clearest expression.

I. Jobs — The top priority

The Commission set out a framework for employment in May 1993 and, in December 1993, published the White Paper on growth, competitiveness and employment. This strategy was endorsed by the Brussels European Council in December 1993. Economic policies must remain geared, on a long-term basis, to the creation of jobs, by promoting a labour-intensive pattern of growth, encouraging active labour-market policies, and by improving access to the labour market, particularly for young people.

During the second half of 1994, the Commission, in close consultation with the Member States, is to prepare an action plan at the level of the Union and the Member States. This plan will be aimed, in the short term, at reversing the unemployment trend. It will be put to the European Council for approval at the meeting in Essen in December 1994.

In the field of employment, the Commission proposes to:

- strengthen its existing cooperation with Member State authorities — notably the Directors-General of Employment — regarding policy development, and present regular reports on the basis of comparative tables outlining the Member States' progress in following up the action plan agreed at the Brussels Summit;
- develop Union-level cooperation between all Directors-General whose responsibilities concern or affect employment, including the Ministries of Employment, Social Protection, Education and Training;
- expand the policy content of its annual Employment in Europe reports and extend the policy debate in its annual Employment in Europe conference to assess the impact of current economic policy on employment, given that levels of employment reflect a wider macroeconomic policy;
- strengthen its employment observatory system and databases on labour-market measures in cooperation with the Member States, and work with the latter, in particular by developing better and more up-to-date comparative statistics on the structure of employment;
- consolidate the European Employment Service (EURES), set up to inform, counsel and place job-seekers across Europe.

Small and medium-sized enterprises (SMEs) are a source of new employment and the Commission, within the framework of its integrated programme to assist SMEs, is paying

particular attention to encouraging improvements in the administrative and legal environment of SMEs.

The Commission is to present, in 1995, a communication rationalizing various policy-centred action research activities (ERGO, LEDA, SPEC, LEI, etc.), designed to build a new cooperative framework for closer collaboration between Member States and the Commission with regard to employment and labour-market policy.

II. Investing in a world-class labour force

Investment in education and training is an essential requirement for the competitiveness of the Union and for the cohesion of our societies.

The Commission intends to present further proposals in 1995, within the framework of Article 127 and taking account of the recent decisions on the Leonardo and Socrates programmes, linked to the overall plan of action for employment, focusing on priority aspects set out in the White Paper on growth, competitiveness and employment and designed, in the context of national structures, to:

- provide a Union-wide guarantee that no young person can be unemployed under the age of 18: they should be guaranteed a place in the education and training system or in a linked work and training placement. The contribution of the Union is to underpin this with the Youth Start initiative;
- set progressive targets up to the year 2000 for the elimination of basic illiteracy and lack of other basic skills among school-leavers;
- raise the status of initial vocational education and training, and encourage the development of the entrepreneurial skills of young people and their capacity to exploit the new technologies through appropriate work experience;
- extend the scope and range of existing apprenticeship schemes and/or other forms of linked work and training, in active cooperation with the social partners (management and labour);
- improve the coordinated provision of guidance and placement services, especially at local level, to provide systematic advice to young people on career and job opportunities;
- examine ways of introducing tax incentives for firms and individuals to invest in their continuing training, as an expression of public policy commitment to the development of lifelong learning opportunities for adults.

In addition, in cooperation with the Member States, the Commission is to review the arrangements for management education and training in the Union and identify ways of promoting cooperation and the dissemination of good practices. Finally, a new research initiative on education and training has been introduced within the fourth framework programme. The Structural Funds, with a budget of more than ECU 141 billion over the period from 1994 to 1999, will provide a substantial contribution to investment in human resources, combating unemployment and boosting the labour market. The European Social Fund (ESF) alone will account for some ECU 40 billion over this period. On a Union-wide basis, the ESF focuses on combating long-term unemployment and exclusion from the labour market, seeking to give all young people the necessary skills and the opportunity to work, promoting equal opportunities and, in the context of Objective 4, helping the workforce to adapt to industrial change.

As far as the Social Fund is concerned, the Commission is promoting a targeted approach with the aim of:

- improving access to and quality of initial training and education, especially through the implementation of Youthstart;
- increasing competitiveness and preventing unemployment by adapting the workforce to the challenge of change through a systematic approach to continuing training;

- improving the employment prospects of those exposed to long-term unemployment and exclusion, through the development of a package of measures forming a pathway to reintegration.

Another challenge for the future will entail the phasing-in to the ESF of measures currently implemented within the framework of the European Coal and Steel Community. The new series of Community initiatives, to be launched towards the end of 1994, includes the Emploï and ADAPT initiatives.

III. Encouraging high labour standards as part of a competitive Europe

The Commission considers that the first priority is for the Council to adopt the proposals relating to atypical forms of employment and the posting of workers.

The Directive concerning the provision of information to and the consultation of employees has been adopted by the Council. The Commission will examine its impact on the seven proposals for Council directives dealing with the information and consultation of employees which are currently under discussion in the Council. If the Council is unable to reach agreement on the proposal concerning the posting of workers, the Commission will initiate further discussions with the social partners.

The labour market now has more flexible forms of work contract (fixed-term, temporary and part-time). The Commission believes that its proposals in this area may have to be reformulated. The measures adopted will need to take account of the principles of the ILO Convention on part-time work adopted in June 1994. If no progress can be made in the Council in 1994, the Commission will initiate consultation with the social partners under the Agreement on social policy. The Commission will also examine the possibility of adopting a framework directive covering the issues of reconciling family and working life, including career breaks and parental leave.

The Directive on working time was adopted in 1993. Discussions are being held with the social partners in a number of sectors (transport and sea fishing) and activities (other work at sea and doctors undergoing training) excluded from the working time Directive. The Member States are divided in their opinions about the need for further legislative action on labour standards at European level. A range of areas have been put forward for legislative action at Union level:

- protection against individual dismissal;
- protection of the privacy of workers in particular with regard to the processing, including the collection and disclosure, of personal data;
- equal treatment in the case of part-time work and work on fixed-term contracts;
- the prohibition of discrimination against workers who uphold their rights or refuse to perform unlawful tasks;
- the right to payment of wages on public holidays and during illness;
- the right of the worker to be heard in internal company matters which concern him or her directly.

With regard to the complex issues surrounding the black economy, the Commission is to present proposals concerning illegal work, including its links with illegal immigration. The Commission plans to organize, in 1995, in collaboration with the European Parliament, a joint hearing to assess the achievements, problems and prospects five years on from the introduction of the Social Charter. As regards the promotion of health and safety at work, a key priority is to make progress on the health and safety proposals currently under discussion in the Council, with a view to their adoption in 1994 and 1995. The Commission's communication on safety, hygiene and health protection at work sets out the main areas for action up to the year 2000.

A fourth programme of action on safety and health is to be drawn up in 1995.

The key features of this programme will be:

- appropriate development of Union legislation in the light of new knowledge or technical progress, or to remedy identified shortcomings, especially in relation to high-risk situations and harmful agents;
- consolidation of existing provisions in order to reflect advances in science and technology and to make them more easily applicable by all concerned;
- promotion of information, education and training activities targeted at employers and workers, with greater cooperation between Member States and the social partners aimed at improving workers' awareness of health and safety issues;
- promotion and development of preventive measures and protective services, especially in relation to risk assessment;
- study of problems encountered in undertakings and enterprises, such as SMEs, and in particular by specific groups, looking also at issues connected with well-being at work;
- development of non-legislative accompanying measures in order to promote and supplement the legislative objectives.

Moreover, the European Parliament has called on the Commission to develop a programme to be called Safety action for Europe (SAFE).

IV. Building a European labour market

The Commission proposes to review all aspects of the operation of the single market with regard to the free movement of people (employed and self-employed persons, students, pensioners and others), and is to establish a high-level panel to assess the problems faced and to propose possible solutions. The panel will report to the Commission in 1995. In order to remove the remaining legal barriers to free movement of workers, the Commission will press for adoption of the proposed measures for reuniting families, equal treatment, and strengthening of residence entitlement for workers in an atypical employment situation.

In addition, the Commission will:

- use all available means to ensure real and effective implementation of the rules, including legal procedures where necessary. Member States should provide adequate training and information to officials at all levels in order to alleviate cumbersome administrative procedures;
- evaluate the measures already taken at Union level to promote mutual recognition of diplomas and comparability of qualifications, for the purpose of exchanging experience and information and enhancing transparency for both employers and workers. In addition, thought should be given to promoting academic recognition of diplomas and periods of study in order to facilitate the mobility of students and researchers;
- propose that the general system for recognition of diplomas be extended to professions not yet covered and continue the evaluation of measures already taken to facilitate the provision of services by, and the establishment of regulated professions in, the Union;
- put forward proposals supplementing its recommendation of 21 December 1993 to solve the taxation problems of workers exercising their right to freedom of movement, with particular reference to frontier workers, in the interest of equal treatment.

In the field of social security, the Commission proposes:

- a wide-ranging technical revision and restructuring of the coordination of social security provisions in order to keep pace with developments and the needs of people, and to simplify the rules. The Commission will identify existing problems, in order to assess the extent and implications of the necessary changes. This analysis will serve as a basis for discussion of the strategy for modernization and simplification,

involving governments and the social partners, and for submission of a concrete proposal.

In the meantime, Union action is also needed to preserve and to improve on what has been achieved so far. The Commission will therefore bring forward legislative proposals covering:

- the need to maintain adequate protection for people moving across borders as regards occupational and other social security schemes supplementing or substituting for the protection guaranteed by law. As regards occupational pension schemes, it is envisaged that the Union's role in overcoming the obstacles to mobility already identified in the Commission's communication of 1991 will be to establish a general framework of broad objectives, and a proposal for a directive is to be presented towards the end of 1994;
- coordinating provisions for certain new types of benefit created by Member States in recent years, such as education benefits and benefits for persons in need of long-term care;
- third-country nationals who are legally employed and resident within the Union and who, when staying temporarily in another Member State, suffer multiple disadvantages because they are not covered by the coordinating provisions. As a first step, they should be entitled to necessary healthcare benefits;
- the need to adapt Union rules on unemployment benefits for persons seeking work in another Member State. The existing rules were adopted when unemployment rates were comparatively low, and need to be adapted to today's labour-market situation without, however, creating additional financial burdens or incentive for abuse;
- early retirement schemes based on industrial agreements, which are not covered by the coordinating rules and which pose various problems affecting, in particular, frontier workers;
- EURES (European employment services).

By the end of 1994, a computerized jobs database will be operational, supplemented by a database on living and working conditions.

With regard to the integration of immigrants, the Commission will:

- submit a proposal by the end of 1994 recommending the ratification by Member States of the International Convention on the protection of migrant workers and members of their families, adopted by the United Nations on 18 December 1990;
- encourage the social partners to address, in the framework of the social dialogue, the question of employment conditions for third-country nationals legally residing in the Union;
- finalize, in the course of 1994, a review of the implementation by Member States of the Decision of the EC-Turkey Association Council on the situation of Turkish workers employed in the Union. This will be followed by similar reviews concerning the situation of workers from the Maghreb countries and, at a later stage, of workers from Central and Eastern European countries with which the Union has concluded agreements.

An internal market without frontiers in which the free movement of persons is ensured logically implies the free movement of all legally resident third-country nationals for the purpose of engaging in economic activity. This objective should be realized progressively.

As a first step, the Commission will:

- present a proposal in 1995 aimed at ensuring that Member States give priority to third-country nationals permanently and legally resident in another Member State, when job vacancies cannot be filled by EU nationals or nationals of third countries legally resident in the Member State.

In 1994, the Commission will start an evaluation of integration projects and anti-racism projects carried out by NGOs with financial support from the Commission, in order to



develop guidelines which can be applied at national, regional or local level.

Combating racism and xenophobia:

As agreed at the Corfu European Council, the Union will step up its efforts to develop an overall strategy at European level to combat racism and xenophobia. For its part, the Commission will:

- continue to encourage the development of systems to monitor incidents of racial harassment, an area in which several Member States have made progress, and discussions are proceeding on how cooperation within the Union could stimulate further progress;
- increase existing financial support for anti-racism projects in order to boost national and other efforts in this field, and continue to fund organizations whose aims and programmes contain a significant anti-racist element;
- consult the social partners at European level in 1994 on the possible adoption of a code of good employment practice to combat racial discrimination.

V. Equal opportunities for women and men

a. Desegregating the labour market and promoting the value of women's work.

The Commission is to:

- introduce codes of practice on equal pay for work of equal value (a follow-up to the memorandum adopted in June 1994), on training and on vertical desegregation;
- adopt measures to enhance the skills and professional qualifications of women, including measures to help women set up their own businesses;
- make proposals for the removal of discriminatory fiscal and social protection policies, and for the individualization of rights.

b. Reconciling employment and household/family life.

The Commission will:

- follow up the childcare recommendation by assessing its implementation, establishing baseline data on childcare infrastructure and services in the Member States, and looking at ways of addressing the issue of stereotyped roles of the sexes in society;
- undertake an economic assessment of the job-creation and reflationary potential of the infrastructure and services for children and dependent persons. This will include an assessment of the use of quantitative and qualitative targets for the improvement of childcare provision, and the potential use of fiscal and financial instruments to improve such infrastructure and services. In the light of this assessment, the Commission will make appropriate proposals.

c. Accelerating the participation of women in decision-making.

The Commission will:

- continue to conduct research and provide information and training geared to increasing the participation of women in decision-making in both the public and private sectors, and will present proposals for action in this sphere;
- the next steps will entail the publication, in 1995, of a fourth action programme on equal opportunities for women and men, to come into force in 1996;
- from 1996 onwards, it will publish an annual 'Equality Report' which will review developments in equality at Member State and Union level, and will serve as a monitoring instrument for equality policies.

Furthermore, the Commission will:

- press for the adoption of the proposed Directive on parental leave and/or other legislation on leave arrangements;

- encourage the adoption of the outstanding proposal for a Directive on the burden of proof. If this is not adopted by the end of 1994, the Commission will consider withdrawing the proposal and issuing a communication on procedures and remedies for the implementation of Article 119 and the equality directives (access to justice, time limits, burden of proof, remedies and sanctions, etc.), building on the existing case-law of the European Court of Justice;
- use all available means to ensure the real and effective implementation of all applicable legal provisions, including legal procedures where necessary;
- following the recent Council resolution on the promotion of equal opportunities through the Structural Funds, develop mechanisms to integrate the equality dimension in the operation of the Funds and Community initiatives;
- look into the practicalities of monitoring equality for men and women in respect of all relevant Union policies and make it a requirement in their evaluation.

VI. Social policy and social protection

At the Council's request, the Commission will continue to analyse the Member States' social protection policies.

The Commission intends:

- to monitor the social challenges that Member States face, as regards social protection expenditure, through regular discussions with the Directors-General for Employment and Social Protection, and through consultation with the social partners and others involved in the socioeconomic context. The report on social protection in Europe will play a key role in the monitoring process.

Drawing on these exchanges of experience, the Commission will give consideration to:

- a supplementary recommendation on the adaptation of social protection systems to changing family structures, notably through the individualization of rights and contributions on the basis of a comparison of actual gender inequalities in the field of social security;
- a recommendation on the financing of social security, setting out common guidelines to promote better adaptation of social security to employment promotion while maintaining solidarity networks and permitting the coexistence of different national systems;
- a recommendation on long-term care insurance for people who become dependent.

Finally, in order to ensure the equal treatment of women and men in the field of social protection, the Commission will propose:

- an amendment to the Directive on equal treatment in occupational social security schemes. It is necessary to promote the social integration of all. The Union must ensure that the most vulnerable groups (people excluded from social and economic life, young people, the long-term unemployed, older people and the disabled) are not excluded from the benefits of economic growth or from making an active contribution thereto.

Combating poverty and social exclusion:

The Commission will:

- make every effort to ensure the adoption by the Council of the next programme of Union action in this field, on the basis of the proposals presented by the Commission in September 1993;
- continue activities which are under way, with the emphasis on strengthening the dialogue with representative bodies and working towards a solemn public declaration against exclusion.

The Commission therefore believes that there is a good case for examining the possibility of:

- further Union action on the integration of those excluded from the labour market, covering both the economic and social dimensions of such integration, and providing a legal framework for supporting and encouraging the efforts of the Member States.

Promoting the social integration of disabled people:

More than 10% of the total population of the European Union have a disability.

The Commission will:

- build on the positive experience of the European Disability Forum to ensure, through appropriate consultation mechanisms, that the needs of disabled people are taken into account in relevant legislation, programmes and initiatives. This includes ensuring that, to the maximum extent possible, Union programmes are accessible to disabled people and that they are actively encouraged to participate in them;
- prepare an appropriate instrument endorsing the UN standard rules on the equalization of opportunities for persons with disabilities;
- as part of a process to encourage model employers, prepare a code of good practice in relation to its own personnel policies and practices, and encourage discussions within the framework of the social dialogue on how such a model could be extended more widely.

The economic and social role of older people:

The Commission will shortly make a proposal for a Decision providing for further Union-wide measures to help meet the challenges of an ageing population covering, in particular, the role and contribution of the active retired population.

VII. Action in the field of public health

In its communication on the framework for action in the field of public health (COM(93) 559 final), the Commission describes the health-related problems facing the Member States. The communication provides for multi-annual programmes in a number of areas. Proposals for Decisions on three of these programmes have been adopted by the Commission, dealing with:

- cancer;
- health promotion, information, education and training;
- prevention of drug dependence.

The Commission intends to bring forward further programmes on AIDS and other communicable diseases, and on health data and indicators, including the monitoring and surveillance of diseases. Consideration is also being given to other programmes in areas such as accidents and injuries, pollution-related diseases and rare diseases.

VIII. Trade unions, employers' organizations and voluntary organizations as partners in the process of change

Cooperation between the social partners has been consolidated by the new framework defined by the Agreement on social policy. The Commission will bring forward proposals for decisions aimed at re-examining:

- the terms of reference and composition of the Standing Committee on Employment in the light of the implementation of the Agreement on social policy. Consideration will be given to assigning a new role to it in the form of a Standing Committee on Employment and Social Policy;

- the number, terms of reference, scope and composition of the sectoral social dialogue committees. Linkage with existing multi-sector consultative committees, strengthened where necessary, will be improved.

With a view to helping the social partners to develop the social dialogue, the Commission intends to put forward:

- a discussion document on the development of the social dialogue, focusing on balanced support for the parties concerned and implementation of Articles 3 and 4 of the Agreement on social policy.

The Commission believes that, in order to respond to the current changes in the labour market, the social dialogue could usefully be broadened in a number of ways. In this context, it will make proposals to:

- encourage the social partners at European level to consider how the search for high labour standards can be pursued as an integral part of improved productivity. This would cover such issues as access to continuing training for all employees (including management), new mechanisms for ensuring employee participation and full exploitation of all the new opportunities offered by the new technologies.

Other proposals will aim to:

- increase the involvement of the social partners at European level in addressing the question of the conditions of employment of third-country nationals legally resident in the Union and the possible adoption of good employment practice against racial discrimination, devising measures to support positive action for women within the public and private sectors, encouraging model employers to help disabled people at work, and addressing major new issues such as reconciling family and working life, exclusion and ageing. While recognizing the role played by consensus and collective agreements between employers and trade unions in the European social model, it is clear that voluntary and other representative organizations have a right to be consulted by the Union. A distinction has to be drawn between the negotiating processes now established under the Agreement on social policy and the consultations which the European Union must undertake to deal with social problems which cannot be resolved by collective bargaining.

The Commission therefore proposes to institute a forum for debate and discussion on social policy issues, along the lines of the Green Paper conference held in May 1994. This forum, to be convened every 18 months, would involve the widest possible range of interested bodies. The first meeting is to be held in October 1995.

IX. International cooperation — the role of European social policy

The Commission intends:

- to systematize exchanges and contacts with other industrialized countries; a programme of exchanges of experience already exists with Japan, and dialogue with the USA in the social field will be widened. The Commission intends also to strengthen links with international organizations such as OECD, ILO, the Council of Europe and the United Nations.

The World Summit on Social Development, to be held in March 1995 under UN auspices, demonstrates the increasing importance being attached to a joint consideration of the social consequences of the changes occurring throughout the world. The Summit will be an important arena for such discussions, and will take employment, social integration and reduction of poverty as its central themes.

The Commission, in the light of its work on the White Paper on growth, competitiveness and employment, and more broadly because of the values inherent in the European social model, will have a special contribution to make.

The Commission intends also:

— to continue its long-standing cooperation with the International Labour Organization. In the run-up to the enlargement of the Union in 1995, the Commission will continue to play an active role in ensuring cooperation on social policy within the framework of the Agreement on the European Economic Area.

The Commission will have the task of helping the countries of Central and Eastern Europe to formulate responses to their difficulties (social consequences of industrial restructuring, implementation of employment policies, combating poverty and social exclusion, setting up social security systems, etc.) and to organize cooperation with the help and support of the Member States.

The Commission considers that the future World Trade Organization (WTO) will have to tackle the social issues connected with international trade. It is important that respect for basic social rights, notably the right of association and the right to collective bargaining, and the question of forced labour and child labour, are reflected in the decisions taken. The Corfu European Council concluded that the European Union will play an active role in ensuring that the WTO can carry out its task.

X. Towards a more effective application of European law

The White Paper makes clear that much has already been achieved by the Union in terms of legislative action in the social field. The Commission is committed to ensuring that, in the future, greater emphasis will be placed on the effective implementation and enforcement of Union law.

The Commission will continue its efforts to ensure the speedy transposition of all legislation in the social sphere.

In this connection, the White Paper contains two tables showing progress in transposing directives applicable to employment and social policy, and the status of transposition of health and safety legislation deriving from the framework Directive.

Once the IDA (interchange of data between administrations) programme is adopted, the Commission will continue to develop the TESS-Sosenet (telematics for social security) programme to improve the exchange of data between social security authorities in the context of social security regulations for migrant workers, and the EURES network.

The Commission will examine to what extent telematic networks could cover other social fields, such as industrial relations, public health, health and safety at work, and social protection.

Finally, the Commission will improve access to, and the transparency of, Union legislation.

The White Paper aims to consolidate and develop the Union's action on social policy for the future.

The incoming Commission's work programme will be presented in 1995, following consultation with the Member States, the Union institutions and other interested bodies on the proposals set out in the White Paper.

The White Paper makes clear also that much remains to be done in the field of social policy.

1. INTRODUCTION

1.10. Medium-term social action programme 1995-97

The Commission's communication [COM(95) 134 final] sets out its work programme in the social sphere for the next three years (1995-97). It is the third and final phase of a process which started in 1993 with the publication of the Green Paper on the future of European social policy, continuing in 1994 with the White Paper on European social policy.

1. Jobs — the top priority

Fighting unemployment is the paramount task of the European Union and its Member States.

(a) Monitoring and surveillance instruments

Over the next three years, the Commission will develop a process of surveillance of employment trends and systems in the European Union.

This process will include economic policy guidelines, a report on the follow-up to Essen, the annual report on employment and evaluation of the job market.

(b) Stepping up cooperation

The communication provides for regular meetings of Directors-General for Employment and Social Security, employment action research programmes, strengthening of the Employment Observatory, support for the social dialogue and a new proposal to update the role, composition and functioning of the Standing Committee on Employment.

The Commission intends to adapt and enhance the role of the Structural Funds, with particular reference to the European Social Fund, and will review the contribution of the Structural Funds to the promotion of equal opportunities for women and men. It will encourage the active participation of the social partners in ESF operations and will present an analysis of the Structural Funds' contribution to human resource development.

A European conference will be held in Toulouse in 1995 to take stock of progress made in implementing Objective 4.

With regard to the Employment and ADAPT programmes, and the initiatives targeting SMEs, the Commission will, in the second half of 1996, present an initial progress report and impact assessment.

Emphasis will be placed on strengthening job creation in rural areas.

2. Education and training: key factors for social stability in the Community

Main new initiatives

The Leonardo programme for the implementation of a European Community vocational training policy was adopted in December 1994. The Socrates programme on cooperation in the field of education has recently been adopted by the Council.

The Commission will, in 1997, put forward proposals for the more effective integration of young people into the labour market. This year, it will publish a White Paper on education and training: the levers of the year 2000, and will also publish a Green Paper on the legal, administrative and practical obstacles facing young people on transnational placement in another Member State as part of their vocational training.

3. Building a European labour market

a. Main new initiatives and legislative proposals

— Pension rights: the Commission will draw up a proposal for a Directive establishing a general framework to protect individual rights acquired, or being acquired, in

occupational or supplementary pension schemes applicable to people moving within the European Union.

- Rights of residence: the Commission will bring forward proposals to recast the current legislation.
- Recognition of diplomas: the Commission intends to bring forward a proposal to extend the general system for recognition of diplomas to occupations not yet covered (skilled crafts, etc.).
- Social security for migrant workers: the Commission will present proposals aimed at codifying the Regulations, introducing provisions covering early retirement schemes (the existing proposal will be withdrawn), facilitating access to cross-border health care and services, and extending to third-country nationals the provision of immediate medical care and other limited benefits.

b. Pending proposals

- Freedom of movement for workers: the proposal will be reviewed.
- Social security for migrant workers: the Commission will continue to press for the adoption of its 1991 proposal to extend the existing regulations to cover all insured people, students and special schemes for civil servants. The 1980 proposal on unemployment and early retirement benefits will be withdrawn by the Commission.

c. Launching of debates

The Commission is establishing a high-level panel on freedom of movement, and is to look into the scope for increasing public-service cooperation and for promoting the social dialogue in this field.

With regard to social security for migrant workers, the Commission will, in 1996, launch a review of the existing regulations.

d. Implementation of policies

Over the next three years, the Commission will, in cooperation with national employment services, consolidate and develop the EURES network in order to provide an effective mechanism for the exchange of information on job vacancies and applications at European level. A series of projects are to be carried out by 1998 for the phasing-in of TESS (modernization of data exchange between national social security institutions).

4. Encouraging high labour standards as part of a competitive Europe

a. Main initiatives and new legislative proposals

- Part-time, fixed-term and temporary work: with proposals in this field having been blocked, the Commission will enter into consultations with the social partners under the Agreement on social policy.
- Individual dismissals: in 1996, the Commission will initiate consultations with the social partners on the advisability of Community action in this area.
- Working time: during 1995, discussions with the social partners will continue on how best to ensure that the activities and sectors excluded from the Directive on the organization of working time are appropriately covered.
- Homeworking: the Commission will adopt a recommendation with a view to encouraging Member States and the social partners to devise measures to improve the working conditions of homeworkers.
- Health and safety at work: the Commission will present a communication, including a draft Decision, on the fourth programme concerning safety, hygiene and health protection at work (1996-2000).

b. Pending proposals

- Transfers of undertakings: the Commission will press for the adoption of its proposal in the course of 1995.
- Posting of workers in the framework of the provision of services: the Commission will

continue to press for adoption of its proposal in 1995.

- Health and safety at work : the Commission will continue to press for adoption by the Council of the proposals concerning physical agents, chemical agents, transport activities and work equipment.

c. Launching of debates

- In 1995, the Commission will carry out a study on national legislation and practices regarding the individual rights of workers to be consulted on internal company matters which concern them.
- With regard to flexibility and work organization, the Commission will carry forward its work and will launch further studies on work organization and productivity.
- Illegal work : the Commission will publish a Green Paper.
- Telework : the Commission will present a communication on the impact of telework from the social and health points of view.
- Protection of the privacy of workers : during 1995, the Commission will complete its study on the rules in force in different Member States regarding the protection of workers' rights in respect of the processing of personal data, including telework situations.
- Right to payment of wages on public holidays and during illness : this question will be addressed in the first report on the Commission's opinion on an equitable wage, to be adopted in the second half of 1996.

d. Implementation of policies

- Insolvency of undertakings : a report on the application of the 1980 insolvency Directive will shortly be presented by the Commission.
- The Commission will continue to produce a report on the Social Charter and on the Protocol on social policy.
- Health and safety : the Commission will present a number of reports on measures relating to health and safety.
- Monitoring of the Directive on worker information and consultation : the Commission will present a report in 1997.

5. Equal opportunities for women and men

a. Main initiatives and new legislative proposals :

- The Commission will present a communication and a proposal for a Council Decision relating to a fourth action programme on equal opportunities for women and men, to come into force in January 1996.
- In February 1995, the Commission held consultations with the social partners under the Agreement on social policy to consider the possibility of negotiating an agreement on the issue of reconciling work and family life.
- The Commission will propose an amendment to Directive 86/378/EEC on equal treatment between men and women in occupational social security schemes to bring it into line with the case law of the Court of Justice in the light of the Barber judgment.
- Burden of proof : the Commission will enter into consultations with the social partners, under the Agreement on social policy, to discuss possible action in this area.
- The Commission will adopt a code of practice for applying the principle of equal pay for work of equal value among women and men at the workplace.
- The Commission will present a draft recommendation to the Council outlining measures and actions to promote women's participation in the decision-making process.
- Dignity of women and men at work : the Commission will draw up an analytical report.

b. Pending proposals

- The Commission will, in the course of 1995, relaunch the debate on the proposal dealing with equal treatment in social security schemes.

c. Launching of debates

— The Commission will organize discussions on the question of the individualization of social security rights.

d. Implementation of policies

— During 1995, the Commission will explore ways of improving the functioning of the Advisory Committee on Equal Opportunities.

6. Social policy and social protection: an active society for all

a. The Commission proposes to launch, in partnership with the Member States, a process of reflection on the future of social protection. It will continue to produce a biennial report on social protection and will continue to develop Missoc (mutual information system on social security within the Community) and Esspros (European system of integrated social protection statistics).

The Commission will present a communication on the financing of social security and, with regard to supplementary health insurance, will present a communication assessing the current situation.

b. Poverty and social exclusion

The Commission will press for the adoption by the Council of the action programme to combat social exclusion and promote solidarity.

1996 will see the opening up of a Europe-wide debate on poverty and social exclusion.

c. Disabled people

The HELIOS II programme ends in 1996. The Commission will hold consultations on the scope for future action in this field at Union level.

In 1996, the Commission will focus on the issue of the employment of disabled people. It will present a communication on the measures to be taken to remove discriminatory barriers facing disabled people.

d. Older people

The Commission hopes that its proposal for a series of measures to help older people will be adopted by the end of 1995.

e. Racism, xenophobia and anti-Semitism

The Commission will draw up a communication presenting a plan of action to combat racism.

f. Integration of immigrants and ethnic minorities

The Commission will continue to promote measures aimed at strengthening integration policies for the benefit of migrants legally resident in the territory of the Union, along the lines of its 1994 communication on immigration and asylum policies.

7. Public health

a. New initiatives

— Proposal for a Parliament and Council Decision on health data indicators (second half of 1995).

— The Commission will take initiatives in the following areas: pollution-related diseases, accidents and injuries, and rare diseases.

b. Launching of debates

— The Commission will present reports on health-protection activities in other Community policies and on the state of health in the European Union.

c. Implementation of policies

The Commission will present reports on previous activities relating to cancer and AIDS, as well as a communication on the evaluation of the European Drug Prevention Week.

8. Developing the international dimension

a. Main initiatives

The Commission will present a framework communication designed to bring together the various activities under way and to define the role of the Union and procedures for cooperating with international organizations.

Five particular spheres of interest can already be identified:

countries of Central and Eastern Europe, third countries and territories of the Mediterranean region, social issues connected with world trade, bilateral cooperation and multilateral cooperation.

9. For a more active society

a. Main initiatives and new legislative proposals

— The Commission will present a communication on the development of the social dialogue to review its operation.

— It will complete its review of the number, terms of reference, scope and composition of the sectoral social dialogue committees, and will present a communication to support the operation of the European Training Centre for Industrial Relations.

b. Launching of debates

— The Commission will periodically convene a European forum on social policy issues.

— The Commission will present a proposal for a Council Decision establishing a permanent consultative forum of disability organizations.

c. Implementation of policies

— During 1995, the Commission will consolidate arrangements for the effective functioning of the European Observatory on Industrial Relations, and will present an annual report on the support provided for the social partners.

10. Medium-term social policy analysis and research

The Commission is taking steps to strengthen its capacity to address social policy issues in the medium to long term.

During 1995, the Commission is to review the role of the different observatories.

The Commission will give thought to the following problems: disparities in employment and social conditions both within the Union and between the Union and third countries, the organization of working time and the relationship between competitiveness, productivity, macroeconomic policy and social policy.

Particular attention will be paid to managing the social consequences of the information society.

Other subjects of interest will include the effect on employment of liberalization in the telecommunications sector.

11. Towards a more effective application of European law

The Commission will produce an annual report on the extent to which directives in the social sphere have been incorporated into national law.

An obligation to draw up an implementation report will be inserted in all future directives. The Commission will take initiatives to ensure that Community social legislation is fully enforced.

It will adopt a decision setting up a Committee of Senior Labour Inspectors.

The Commission will insert in all its legislation a standard clause whereby Member States will be obliged to impose penalties.

It will present a communication addressing the whole question of implementation of Community directives by collective agreements.

Finally, the Commission will launch a wide-ranging information campaign to raise awareness of European social legislation and action.

2. JOBS

2.1. Current position and outlook

Job promotion and creation are, more than ever, priorities for the European Union. Although the unemployment rate stabilized or fell slightly in most of the Member States in the first half of 1995, the number of people without jobs in the Union as a whole is still some 18 million, which represents 10.6% of the working population.

These are the figures given in the 1995 annual report on employment in Europe (see summary 2.5), in which, apart from a detailed analysis of developments in and prospects for employment and the labour market in the Community, the Commission describes the measures taken by the Member States in each of the five priority areas laid down by the Essen Council as a follow-up to the White Paper on growth, competitiveness and employment: improving employment opportunities for the labourforce by promoting investment in vocational training, increasing the employment-intensiveness of growth, reducing non-wage labour costs, improving the effectiveness of labour-market policies and improving measures to help groups hit hardest by unemployment.

The Commission has taken action along these lines in several ways:

- in a communication of 8 March 1995 it decided on the courses of action to be followed to achieve the objectives set by the European Council in Essen (see summary 2.2);
- on 13 June it adopted a communication on a European strategy for encouraging local development and employment initiatives (see summary 2.9);
- on 13 June 1995 it also adopted a communication and a proposal for a Council Decision on analysis, research, cooperation and action in the field of employment (see summary 2.3).

A report on the follow-up to the European Council in Essen was presented jointly by the Council and the Commission to the European Council held in Madrid in December 1995 (see summary 2.2, follow-up work). The report takes stock of the measures taken and progress achieved by the Member States in implementing the Essen objectives, such as adopting of national multiannual programmes, etc.

With the Employment Observatory, the European Union also has an effective tool for the regular monitoring of employment and labour-market policies implemented by the Member States in line with European Council recommendations. The main tasks of the Observatory are:

- to collect and exchange information on measures concerning employment adopted by the Member States, to disseminate assessment studies on specific topics relating to employment and the labour market and to disseminate good practice (MISEP, see summary 2.7);
- to collect, summarize and disseminate studies, reports and general information on trends in national employment systems (Sysdem, see summary 2.8).

Under the 1988 and 1993 reforms, the Structural Funds, which have a budget of ECU 170 billion for 1994/99, make an important contribution to combating unemployment, through both their support for infrastructure and their direct assistance to production sectors and to developing human resources. In their joint report on employment to the European Council held in Madrid in December 1995 (see summary 2.2), the Council and the Commission recommended that these Funds be deployed more systematically as a means of supporting job creation.

2. JOBS

2.2. Follow-up to the Essen European Council on Employment

(1) Objective

The Essen European Council called on the Labour and Social Affairs and Economic and Financial Affairs Councils and the Commission to keep close track of employment trends, monitor the relevant policies of the Member States and report annually to the European Council on further progress on the employment market, starting in December 1995. The European Council has identified five priorities for action on the labour-market:

- to promote investment in vocational training;
- to make growth more employment-intensive;
- to reduce indirect labour costs;
- to increase the effectiveness of labour-market policy;
- to reinforce measures to help the groups at risk of exclusion from the labour market.

(2) Community measures

Communication from the Commission to the Council on the follow-up to the Essen European Council on Employment.

(3) Contents

1. The Communication proposes orientations with a view to progressively instituting a process of surveillance of the functioning of the employment system as defined in the White Paper on growth, competitiveness, employment.
2. To achieve this goal it would be useful to
 - develop this coherent approach on employment in the context of Article 103 of the Treaty;
 - identify the key characteristics of employment performance;
 - identify with Member States the essential elements and factors for the adaptation of education and training systems;
 - include in Member States' medium-term programmes and/or convergence programmes sections dealing with employment trends and policies, including the five action points indicated in the conclusions of the Essen summit;
 - reinforce the machinery for cooperation with the services of the Member States to ensure the necessary flow of information;
 - ensure coherence between the Structural Funds and the Member States' multi-annual programmes, paying particular attention to the implementation of the Community Support Frameworks and Community Initiatives.
3. The Commission will include a larger and more developed employment chapter in its recommendation on 'broad guidelines' for the economic policies of the Member States and the Community. This year's annual report on employment will focus on the five priorities identified in Essen, i.e. to improve workers' employability by promoting investment in vocational training, to make growth more employment-intensive, to reduce non-wage labour costs, to develop a more effective labour market policy and to strengthen measures in favour of groups particularly affected by unemployment.
4. At the beginning of October of each year, the Commission will present a report on employment trends and the development of employment systems as defined in the White Paper. This document will contain an initial assessment of the five action points adopted at Essen and specific sections dealing with the effects of tax and income support

systems on the readiness both to create and to take up jobs and the inter-relationship between economic growth and the environment.

5. The Commission will report to the European Council in December. It wishes to see the role of the Standing Committee for Employment developed and is encouraging the social partners to contribute to the coherent approach set out above.

The European Council in Cannes (26-27 June 1995) decided that the Member States, in line with the five points adopted in Essen, should intensify structural reforms of employment markets. It called upon the Member States to take action in the form of multiannual programmes. The Council and the Commission will coordinate and prepare the first annual report on application of these programmes, to be submitted to the European Council in Madrid. The European Council has emphasized the importance of SMEs in job creation.

The Commission has presented a proposal for a decision on its activities in analysis, research, cooperation and action in the field of employment (Essen) (summary 2.3) and a communication on a European strategy for encouraging local development and employment initiatives (summary 2.9).

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

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

(6) References

Communication from the Commission COM(95) 74 final

Not yet published in the Official Journal.

(7) Follow-up work

On 11 October 1995 the Commission adopted a communication on trends and developments in employment systems in the European Union, the European employment strategy: recent progress and prospects for the future [COM(95) 465 final].

In this communication, the Commission expresses the opinion that full implementation of the macroeconomic part of the broad guidelines on economic policy would enable investment-led growth of 3-3.5% per year to be achieved over the period 1995-2000. More than 11 million new jobs would be created, resulting in a fall in the unemployment rate to around 7.5%. A further reduction could be achieved by implementing structural measures.

As far as the functioning of the labour market is concerned, the communication reveals that the Member States have made a great effort to establish coherent medium-term national programmes incorporating the priorities set out in Essen.

The communication also addresses certain specific themes, such as the environment, SMEs, taxation and social protection systems, and the contribution of the Structural Funds to employment.

On 5 December 1995 the Council adopted the single report by the Council and the Commission concerning employment for the European Council in Madrid (15/16 December 1995).

This report takes stock of the measures adopted and progress made by the Member States with a view to implementing the Essen guidelines.

These guidelines have led to extensive action at all levels. In the Member States, multiannual national programmes have been adopted as part of a broad process of consultation. The social partners have renewed their support for both the broad economic policy guidelines and the priorities laid down for labour market structural policy. The added value produced by the European Union is illustrated by the intensification of exchanges of information and experience between Member States.

The Council and Commission have undertaken a detailed examination of certain aspects of employment policy, particularly the effects of tax and aid systems on the ability to offer and occupy a job, the links between economic growth and the environment, the reciprocal benefits which could result from better coordination of macroeconomic and structural policies, and the contribution of SMEs to employment.

The report concludes that there is a need to continue and consolidate implementation of the five priorities identified at Essen by emphasizing investment in training, best practices regarding reorganization of work and working time, local development initiatives, taxation of labour, development of employment services, improvement of unemployment benefit systems, and more systematic use of the Structural Funds to provide support for the development of the Essen strategy. It also recommends more intensive efforts on behalf of groups particularly hard-hit by unemployment: young people, the long-term unemployed and women.

The European Council in Madrid (15/16 December) reaffirmed that the fight against unemployment and measures to promote equal opportunities constitute the priority tasks of the Community and its Member States. It confirmed the strategy and priorities defined at Essen and approved the joint report on employment presented by the Council and the Commission. It made provision for an examination of the implementation of the multiannual national programmes at the end of 1996.

*(8) Commission
implementing
measures*

2. JOBS

2.3. Cooperation in employment matters (Essen)

- (1) *Objective* To institute a new approach to Commission activities in analysis, research, cooperation and action in the field of employment, to be organized in cooperation with the Member States along the lines set out in the White Paper on growth, competitiveness, employment.
- (2) *Proposal* Proposal for a Council Decision on Commission activities in analysis, research, cooperation and action in the field of employment (Essen).
- (3) *Contents*
1. The Essen European Council (in December 1994) was a milestone as regards both the priority given to the fight against unemployment and the approach to be used, which in future will be based primarily on the 'employment system' concept.
 2. This new departure was strongly advocated by the Commission in its White Paper on growth, competitiveness, employment. It provides an opportunity — in so far as it holds out the hope that an assertive policy may produce ways out of the employment crisis — but at the same time it constitutes a challenge, requiring efforts to be harnessed and capacity for action boosted both in the Member States and at Union level.
 3. One of the steps taken by the Commission in this regard is its recent proposal to the Council that its employment-related analysis, research, cooperation and action be comprehensively reorganized and geared to the present need to give practical effect to the Essen conclusions. This new approach is to be seen as a contribution to the overall effort, using the various instruments of the Union, to expand employment. It will promote a closer, more effective partnership between the Member States and the Commission, and, more generally speaking, with all the players concerned by employment policy, especially the social partners. It will be linked with the multilateral monitoring process recently proposed to the Council (summary 2.2).
 4. The new approach will, within a homogenous approach, embrace the following three complementary functions:
 - Promoting better knowledge of the labour market and employment policies will buttress the observation and follow-up activities of the European Employment Observatory consisting of the mutual information system on employment policies (MISEP) (summary 2.7) and the Community system of documentation on employment (Sysdem) (summary 2.8). It will also involve expanding analysis work, including some prospective research into the factors which have an impact on employment.
 - Helping to identify and transfer best practice will pave the way for research/action projects, to be conducted jointly with the players concerned in order to provide a methodological and technical vehicle for the quest for new solutions to the employment crisis in those priority areas identified by the Essen European Council for which such projects are feasible.

The main types of activity concerned will be local development and employment initiatives, action in favour of groups particularly hard hit by unemployment — the long-term unemployed, young people,

women wishing to return to work, older workers — and work reorganization projects, including rearrangement of working time. — Developing an active policy for disseminating findings.

5. The Commission and the Member States will seek to ensure that their analysis, research, cooperation and action complement the activities pursued under the Structural Funds, the Framework Programme of research and development, the Fourth Framework Programme on equal opportunities for women and men and vocational training activities, especially under the Leonardo programme.

6. Certain activities will be open to the participation of the other countries of the European Economic Area, the countries of central and eastern Europe, Cyprus and Malta and the European Union's partner countries in the Mediterranean area.

7. The Commission will cooperate on a partnership basis with the Member States, especially in exchanging information and within the regular consultations of the senior civil servants responsible for employment.

8. The social partners will be involved in the action taken. The Standing Committee on Employment will be the main forum for discussing the results.

9. The Commission will, by 31 December 2001 at the latest, submit a final report on the outcome to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions.

(4) Opinion of the European Parliament

Not yet delivered.

(5) Current status of the proposal

Consultation procedure

The proposal is currently before the European Parliament, the Economic and Social Committee and the Committee of the Regions for examination and opinion.

(6) References

Commission proposal
COM(95) 250 final

Official Journal C 235, 9.9.1995

2. JOBS

2.4. Report on employment in Europe — 1994

- (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 — 1994.
- (3) *Contents*
1. Development of employment.
 - a. Developments in and the outlook for employment in the Community. The Community's economic recovery is well under way, but even if unemployment has stopped rising it will remain a major problem for some time. In the longer term, there is still uncertainty as to whether the job-creation rate will be sufficient to bring employment to the appropriate level.
 - b. Follow-up to the White Paper on the growth of the working population and the rate of activity. The low rate of occupation in the Community is a reflection of high unemployment and a low rate of activity. Few women have the opportunity to work and numbers of people are obliged to take early retirement. The rate of activity among women is increasing rapidly and the working population is growing each time the number of jobs created increases.
 - c. Economic growth and employment. The growth of employment in the Community is closely linked to the growth of production. The clear slowing down of productivity increases since the mid-1970s has inflated the job-creation rate. This phenomenon is particularly apparent in the non-manufacturing sectors.
 2. Growth, competitiveness and employment: analysis of key sectors for action in the labour-market.
 - a. Mobility, workforce rotation and labour-market flexibility. Variations in employment obscure much more important factors such as entering, leaving or changing employment. The size of these movements varies with the job-creation rate, but it is greater in some Member States than in others and greater for women than for men.
 - b. Changes in working hours. Normal working hours have been reduced throughout the Community over the last 10 years, but at different rates in different countries. There has been a general reduction in working hours for full-time jobs, but many people are still working a larger number of hours. The increasing number of part-time jobs is not always accompanied by a reduction in the hours worked.
 - c. Labour costs, social security contributions and taxes. Labour costs borne by undertakings are significantly higher than the net salaries received by employees in a number of Member States, even when salaries are low, which may have negative repercussions in terms of jobs for unskilled people. The creation of new jobs for these people must be encouraged without increasing the number of low-paid workers.
 - d. Unemployment and labour-market policy. As the characteristics of the unemployed in the Community alter, labour-market policy needs to adapt. The amount of expenditure

devoted to labour market measures varies widely from one Member State to another, as does the role played by the public employment services in assisting the unemployed in finding work.

e. Where have jobs increased or diminished?

The Community's employment structure is changing rapidly. A number of service sector activities are taking on increasing importance everywhere. There are differences between those employed in certain activities in different places and it is difficult to formulate general conclusions on future areas for job creation.

(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) 381 final.

(7) Follow-up work

(8) Commission implementing measures

2. JOBS

2.5. Report on employment in Europe — 1995

- (1) *Objective* To provide an overview of employment-related developments and prospects in the European economy.
- (2) *Community measures* Report on employment in Europe — 1995.
- (3) *Contents*
1. Prospects.
 - In the majority of Member States, unemployment rates either stabilized or fell slightly in the first half of 1995. In the Union as a whole, though, the number out of work still stands at over 18 million, representing almost 11% of the workforce.
 - The recession had a severe impact in most of the Member States. Between 1991 and 1994, the numbers employed in the Union as a whole declined by 4%, with 6 million jobs being effectively lost over this period.
 - Although growth of GDP in the Union seems to have picked up in mid-1993, it has as yet had minimal impact on the numbers out of work.
 - A long-term trend within the Union has been for the number of men in employment to decline and for the number of women to increase. Unemployment nevertheless remains higher among women (averaging around 12.5%) than among men (just over 9.5%).
 - There was a perceptible fall in labour force participation between 1990 and 1994, resulting in a reduction of the Union's workforce by almost 1.2 million; this development had a marked effect in terms of preventing unemployment from rising even more than it did. The upshot was a rise in the proportion of young people remaining in education and training, and an accelerating trend towards early retirement.
 2. Employment policy trends in the Member States (five key areas identified at the Essen Summit).
 - The long-term shift in the structure of jobs from less skilled to more skilled, the quickening pace of technological change and the intensification of international competition have increased the need for the workforce to learn new skills. There is increasing concern in Member States to ensure that as many people as possible benefit from initial and ongoing training throughout their working life, and to ensure that such training is relevant to changing labour market requirements. It is important that women have equal access to education and training. In all the Member States, life-long learning is a shared responsibility between government, businesses, employers' organizations, trade unions and individuals.
 - Various approaches can be adopted to increase the employment intensity of growth. One solution would entail more flexible organization of work in line with the wishes of employees and with due regard to the exigencies of competitiveness (reduction of working time, promotion of part-time working, policies to encourage self-employment, etc.). There is also scope for the introduction of a wages policy which encourages job-creating investment and, in the present climate, calls for moderate wage agreements below increases in productivity. Steps could be taken to promote

initiatives, particularly at regional and local levels, geared to creating jobs in response to new needs, for instance in the environmental and social service spheres.

- Attention has focused recently on ways of lowering labour costs to employers without reducing the income of low-paid workers. The aim is therefore to reduce non-wage labour costs extensively enough to ensure that there is a noticeable effect on decisions concerning the recruitment of employees, particularly the unskilled.
 - The effectiveness of employment policy must be increased by avoiding practices which are detrimental to the readiness to work, and by moving from a passive to an active labour-market policy. The individual incentive to continue seeking employment on the general labour market must remain, and particular account must be taken of this when working out income-support measures.
 - Specific measures are necessary to help young people, especially school-leavers who have virtually no qualifications, by offering them either employment or training. The fight against long-term unemployment must be a major aspect of labour-market policy. A variety of measures are needed to meet the requirements of the highly diverse groups constituting the long-term unemployed. Particular attention should be paid to the difficult situation of unemployed women and older employees.
3. The third part of the report contains a detailed analysis of two specific issues singled out by the Council as being of particular importance:
- the relationship between employment, social protection systems and labour costs;
 - the scope for job creation in activities relating to protection of the environment.

(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(95) 396 final

Not yet published.

(7) Follow-up work

(8) Commission implementing measures

2. JOBS

2.6. Employment observatory: 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 — 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. — 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.</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>	

2. JOBS

2.7. Employment observatory: 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*

2. JOBS

2.8. Employment observatory: Tendencies (European system of documentation on employment)

<i>(1) Objective</i>	To create a versatile and flexible instrument to observe developments in employment in Europe.
<i>(2) Community measures</i>	System programme: European system of documentation on employment.
<i>(3) Contents</i>	<p>I. Characteristics</p> <p>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.</p> <p>II. Operation</p> <ol style="list-style-type: none">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.
<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. JOBS

2.9. Local employment and development initiatives

(1) <i>Objective</i>	Within the strategy laid down by the Essen European Council, local employment initiatives are seen as a way of making growth more effective in generating jobs.
(2) <i>Community measures</i>	Commission Communication on a European strategy for encouraging local development and employment initiatives.
(3) <i>Contents</i>	<p>1. The Commission's macroeconomic forecasts for 1995 and 1996 confirm that it is vital to make growth more employment-intensive. This explains the emphasis placed on such initiatives.</p> <p>2. The Commission has pinpointed 17 fields with potential for meeting the new needs of Europeans and offering substantial employment prospects: home help services, child care, new information and communication technologies, assistance to young people facing difficulties, better housing, security, local public transport services, revitalization of urban public areas, local shops, tourism, audiovisual services, the cultural heritage, local cultural development, waste management, water services, protection and conservation of natural areas and the control of pollution, with the necessary infrastructure. Local initiatives are the best way of creating jobs geared to these needs, since they are better able to take account of the diversity of cultures and forms of socioeconomic organization.</p> <p>3. General guidelines for encouraging local development and employment initiatives</p> <p>Local initiatives come up against a variety of structural obstacles. The main problems are financial, technical, legal and institutional. National policies to promote local initiatives must concentrate on removing these structural obstacles and setting up a stable and coherent framework.</p> <p>A new range of financial instruments should be established:</p> <ul style="list-style-type: none"> — service vouchers; — joint local investment funds for a particular urban or rural area; — a review of the treatment of operational expenditure <i>via-à-vis</i> capital expenditure in public accounting. <p>There is a need for an occupational framework geared to improving skills and making the new trades better known.</p> <p>A new legal context is required, involving, e.g.:</p> <ul style="list-style-type: none"> — legal arrangements which make it easier to engage in several activities; — arrangements for reentry to the labour market which allow for a combination of paid work and unemployment benefit; — tax and social conditions similar to those of paid employees for partner-entrepreneurs in non-profit organizations; — updating labour law and social security regimes to suit the new ways of working made possible by information and communication technologies. <p>Finally, provision must be made for adequate administrative decentralization.</p>

4. The specific contribution of the European Union will lie in:
- more support for really innovative work in new fields, and systematic evaluation;
 - dissemination and promotion of good development and job creation practice, through transnational information and cooperation networks.

The Union can support national policies for encouraging the local initiative approach, both via the Structural Funds and by way of other, more sectoral, financial or regulatory policies.

Horizontal measures help to improve the general environment for businesses and job-creating activities and are conducive to a coordinated approach in the various national policies.

The Cannes European Council of 26 and 27 June 1995 emphasized the importance of promoting local employment initiatives, with particular reference to services related to the environment and the quality of life, small businesses and traditional products. It stressed that experiments carried out at national level should be made widely known.

(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 communication
COM(95) 273 final

Not yet published in the Official Journal.

(7) Follow-up work

(8) Commission implementing measures

2. JOBS

2.10. Employment action: SPEC (support programme for employment creation)

<i>(1) Objective</i>	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.
<i>(2) Community measures</i>	SPEC programme: Support programme for employment creation.
<i>(3) Contents</i>	<p>1. The programme has been launched by the Commission (DG V) at the request of the European Parliament.</p> <p>2. Beneficiaries:</p> <ul style="list-style-type: none"> — 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. <p>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.</p> <p>3. Management</p> <p>Two bodies are jointly in charge of the programme, in close cooperation with DG V:</p> <ul style="list-style-type: none"> — 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). <p>Together they organize information meetings for representatives of the local authorities and public services in Greece, Portugal and Ireland.</p> <p>4. Finance</p> <p>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.</p> <p>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.</p> <p>5. Payment of the grant:</p> <ul style="list-style-type: none"> — 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.
<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*

2. JOBS

2.11. European Social Fund measures: Regulation (EEC) No 2052/88

<i>(1) Objective</i>	To specify and rationalize the tasks of the structural Funds (ERDF, EAGGF, ESF) with a view to strengthening the Community's economic and social cohesion.
<i>(2) Community measures</i>	Council 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 and with the operations of the European Investment Bank and the other existing financial instruments.
<i>(3) Contents</i>	<p>1. Objectives The European Social Fund contributes towards:</p> <ul style="list-style-type: none"> — promoting the development and structural adjustment of regions whose development is lagging behind (Objective 1); — converting regions, frontier regions or parts of regions (employment areas and urban communities) seriously affected by industrial decline (Objective 2); — combating long-term unemployment (Objective 3); — facilitating the occupational integration of young people (Objective 4); — promoting the development of rural areas (Objective 5b). <p>2. Means The structural Funds and the EIB contribute to the attainment of the objectives. Other financial instruments may also contribute.</p> <p>3. Tasks of the ESF The ESF is designed primarily to provide support throughout the Community for vocational training measures and aids for employment and for the creation of self-employed activities, in order to combat long-term unemployment and integrate young people into working life. The following categories of persons qualify for ESF support:</p> <ul style="list-style-type: none"> — the long-term unemployed; — young people who have completed the compulsory full-time education period; — people out of work, those at risk of unemployment or other categories of persons, with the aim of providing them with the requisite occupational qualifications. <p>ESF support takes into account the requirements of the labour markets and the priorities laid down in employment policies within the Community.</p> <p>4. Arrangements for structural operations</p> <ul style="list-style-type: none"> — Community operations are intended to complement or contribute to national operations. Close consultation between the Commission and the Member State concerned, known as 'partnership', covers the preparation, financing, monitoring and assessment of operations. — Financial assistance provided by the structural funds, the EIB and other Community financial instruments takes a variety of forms such as part-financing of operational programmes, part-financing of a national aid scheme, provision of global grants or support for technical assistance and studies in preparation for operations.

5. Transitional provisions cover the application of rules governing the structural funds in force prior to the adoption of this Regulation.
6. Before 1 November of each year, the Commission must submit to the European Parliament, to the Council and to the Economic and Social Committee a report on the implementation of this Regulation during the preceding year.
7. The Council is to re-examine this Regulation five years after its 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)

1.1.1989

(6) References

Official Journal L 185, 15.7.1988

(7) Follow-up work

On 19 December 1988 the Council adopted Regulation (EEC) No 4253/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different structural funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments, and Regulation (EEC) No 4255/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund (Official Journal L 374, 31.12.1988).

(8) Commission implementing measures



2. JOBS

2.12. European Social Fund measures : Regulation (EEC) No 4253/88

<i>(1) Objective</i>	To lay down provisions for implementing Regulation (EEC) No 2052/88 so that the new financial means allocated to the Funds are used in compliance with the new rules and in accordance with the guidelines of the European Council.
<i>(2) Community measures</i>	Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different structural funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments.
<i>(3) Contents</i>	<p>1. Coordination The Commission ensures coordination of the activities of the different Funds between themselves and with the operations of the European Investment Bank (EIB) and other existing financial instruments. It seeks the assistance of the EIB in preparing its decisions, where necessary.</p> <p>2. Plans The scope, content and duration of plans to be submitted by the Member States, and the time-limits for submission, are specified. The Commission may provide Member States, at their request, with any technical assistance necessary for the preparation of plans.</p> <p>3. Community support frameworks Guidelines are given on the content and duration of such frameworks and on the time-limit within which they are to be established by the Commission in agreement with the Member State concerned. It is necessary to ensure that any increase in appropriations from the Funds has a genuine additional economic impact in the regions concerned. Assistance from the Funds must be provided mainly in the form of part-financing of operational programmes.</p> <p>4. Assistance from the Funds The general conditions governing the processing of applications for financial assistance are specified, as are the conditions for providing global grants, part-financing of projects and financing of studies and technical assistance.</p> <p>5. Differentiation of Community assistance Steps are to be taken to ensure that technical and administrative difficulties, particularly in regions whose development is lagging behind, do not result in inadequate take-up of budgetary resources. A measure of flexibility in the implementation of the reform of the Funds is ensured by the method of fixing the rates of assistance from the Funds.</p> <p>6. Financial provisions Common rules and procedures on commitments, payments and control are laid down. The Community's financial entitlements and obligations with respect to the Funds are expressed in ecus.</p> <p>7. Monitoring and assessment In order to assess the impact of assistance, arrangements for the monitoring and assessment of structural action are laid down.</p>

8. Committees

The composition and tasks of the committees set up to assist the Commission are laid down.

9. Reports and publicity

The content of the annual reports is specified. In the annual report of the year preceding completion of the internal market, the Commission must consider the extent to which the Community has become cohesive and the impact of the implementation of Community policies. Adequate publicity is to be given to Community assistance.

10. Transitional arrangements for assistance from the Funds which was approved or applied for before the entry into force of the implementing regulations are determined more specifically.

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

Not applicable.

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

1.1.1989

(6) References

Official Journal L 374, 31.12.1988

(7) Follow-up work

(8) Commission implementing measures



2. JOBS

2.13. European Social Fund measures: Regulation (EEC) No 4255/88

(1) Objective

To improve employment opportunities and increase geographical and occupational mobility for all workers in the Community (Article 123 of the Treaty of Rome). To help strengthen economic and social cohesion (i.e. the harmonious development of the entire Community by reducing the gaps between the well-developed and the less well-developed regions) in the field of employment and vocational training.

(2) Community measures

Council Regulation (EEC) No 4255/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund.

(3) Contents

The Regulation lays down the conditions for application of the Fund in support of the Member States' employment policies (Objectives 3 and 4) and the Member States' regional development policies (Objectives 1, 2 and 5b).

The Social Fund is one of the Community's three structural Funds, its scope is dictated by the five objectives laid down for the purposes of the three structural Funds.

1. Scope:

a. as regards the priority Objectives (3 and 4):

- to combat long-term unemployment by means of the occupational integration of persons aged over 25 who have been unemployed for more than 12 months;
- to facilitate the occupational integration of persons under 25 and seeking employment;

b. as regards Objectives 1, 2 and 5b, in the regions eligible for these objectives:

- to encourage job stability and develop new employment possibilities for persons who are unemployed, threatened with unemployment or employed in small and medium-sized businesses;
- to facilitate vocational training for any working person involved in achieving the development and conversion objectives of an integrated programme (i.e. which qualifies for ERDF, ESF or EAGGF support).

In regions which are lagging behind (Objective 1) the scope of ESF measures is wider, facilitating the provision of support for vocational training for persons under apprenticeship contracts (the theoretical part) or trained under the national secondary vocational education systems.

2. Eligible projects:

- vocational training measures, including necessary vocational guidance;
- recruitment into newly created stable jobs and the creation of self-employed activities;
- innovative measures (with respect to the content, methods and organization of vocational training);
- technical assistance projects (concerning the preparation and implementation of ESF intervention and with a view to enhancing the impact of such interventions and resolving the technical and/or

administrative difficulties facing national, regional or local authorities as Social Fund partners);

- projects which come under the category of social dialogue and are intended for workers' representatives in one or more Member States, in respect of the transfer of special knowledge and concerning the modernization of the production apparatus;
 - guidance and counselling services for the long-term unemployed.
- The rules restrict Social Fund operations for the latter four categories to 5% of its annual funding.

3. Eligible expenditure:

- the income of persons receiving vocational training, the cost of training (i.e. for teaching staff) and certain indirect costs (e.g. office supplies, course publicity, general documentation, general costs);
- recruitment aid per person;
- cost of studies or technical assistance;
- cost of training for staff representatives under the social dialogue;
- 46 to 65% of eligible public expenditure supported by the Social Fund.

4. Areas eligible:

These are determined jointly with the Member States on the basis of multi-annual plans presented by the Member States. These in turn give rise to the Community support frameworks (CSFs), which are declarations of intent determining the priorities for structural action, the sums funded and the funding timetable.

To give effect to the CSFs, applications for funding have to be submitted by the Member States and have to be compatible with the CSFs. As regards human resources (qualifying for support from the Social Fund), the priority areas are upgrading, second-level training, technological training and innovative transnational measures.

The Commission has also issued a set of 'guidelines concerning European Social Fund intervention in respect of action against long-term unemployment and occupational integration of young people' (24 February 1989), which are designed to give priority to certain types of operations (e.g. training linked with periods of occupational experience, making the most of local employment development potential, new technologies, special training for persons on the labour market with special difficulties, i.e. women, migrants and the disabled).

5. Applications for funding:

Applications for assistance are presented by the Member States in the form of operational programmes (for all multi-annual measures) or global grants (for all projects run by an intermediary nominated by the Member States).

All projects must:

- meet ESF funding criteria;
- comply with one of the five objectives for Social Fund operations;
- be for persons eligible for Social Fund funding;
- form part of an operational programme or global grant established at national level. All promoters initially present projects to their respective national administrations. It is then up to the national administration to integrate the project into the list of applications made for Community funding;
- qualify for financial support from a public administration or collective body on the territory of the Member State (the Social Fund provides joint funding for up to 45% of eligible public expenditure, with the exception of Objective 1 regions, where the rate is increased to 65%). All promoters must in the first instance contact

the ESF's correspondents in the Member State (i.e. the National Ministries of Labour).

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

Not applicable.

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

1.1.1989

(6) References

Official Journal L 374, 31.12.1988
 Official Journal C 45, 24.2.1989
 (Guidelines concerning European Social Fund intervention in respect of action against long-term unemployment and occupational integration of young people).

(7) Follow-up work

- partnership-type activities (i.e. Commission — Member States) to ensure that undertakings are fulfilled and funding is properly used;
- monitoring work to ensure that operations funded by the Community are carried out correctly, to identify and deal with any irregularities, and to recover certain amounts, by way of on-the-spot checks (sample survey);
- assessment work designed to ensure that monies are properly used and to ascertain the impact of ESF funding. So far, assessment studies carried out by the Commission have essentially been in the form of subject-related studies (e.g. the ESF and women, the ESF and the long-term unemployed, etc.).

(8) Commission implementing measures

2. JOBS

2.14. European Social Fund measures: 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 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 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 appropriations it allocates do not substitute 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, running and evaluation 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. An assessment of the socioeconomic situation in the area concerned must also be appended. The plans must also provide pointers as regards use of the fund(s) and the arrangements for associating the competent authorities and bodies designated.

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 (for the period 1994-99).

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. Apart from the CSFs, the ESF may also fund preparation, monitoring, follow-up and assessment activities up to a maximum of 0.5% of its annual budget, and studies and pilot projects up to a maximum of 1% of its annual 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)

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

(8) Commission implementing measures

2. JOBS

2.15. 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 1994-99.

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. JOBS

2.16. Employment and development of human resources: Employment-NOW-Horizon-Youthstart

(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 1994-99 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 1994-99 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

Official Journal C 180, 1.7.1994

(7) Follow-up work

(8) Commission implementing measures

2. JOBS

2.17. Bilateral agreements: Readaptation aid — ECSC

<i>(1) Objective</i>	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.
<i>(2) Community measures</i>	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.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The ECSC can grant readaptation aid to help finance social measures:<ul style="list-style-type: none">— 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 four standard situations:<ul style="list-style-type: none">— 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).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.
<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*

2. JOBS

2.18. Readaptation aid: The steel industry social measures — ECSC

<i>(1) Objective</i>	To intensify Commission action with a view to attenuating the consequences for workers of restructuring measures and to spreading the costs.
<i>(2) Community measures</i>	Information note concerning the implementation of the social measures for the restructuring of the steel industry (1993-95).
<i>(3) Contents</i>	<ol style="list-style-type: none">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:<ul style="list-style-type: none">— 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 income support, and assistance for transfers and reintegration;— 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 has planned 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.
<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

Information note COM(93) 178
final

(7) Follow-up work

*(8) Commission
implementing
measures*

2. JOBS

2.19. Readaptation aids: Social measures for coal workers (1994-97) — ECSC

(1) Objective

To intensify the Community effort in order to attenuate the consequences of restructuring for workers and to share the cost. This social aid supplements traditional ECSC aid (governed by bilateral conventions with the Member States) and thus makes it possible to cover a greater portion of the cost of measures.

(2) Community measures

Information note on procedures concerning the social measures in connection with the restructuring of the coal industry (1994 to 1997).

(3) Contents

1. Eligibility:

- In application of Article 56(2)(b) of the ECSC Treaty, any social measures implemented in connection with closures or reductions of activity of a permanent nature, resulting from profound changes in the situation of the coal industry, are eligible.
- Likewise eligible, in application of Article 56(1)(c), are social measures implemented as a consequence of the introduction of new technical processes or equipment resulting in large-scale lay-offs, provided these measures are part of a national modernization, rationalization and restructuring plan for the industry in line with the provisions of Article 3(2) of Decision 3632/93/ECSC.
- ECSC assistance is granted both to production workers and to workers in the various related services. Aid may also be granted to indirectly affected workers, i.e. those who are obliged to change jobs or lose their job.

2. Types of measures:

- early retirement: social aid arrangements take account of all measures where the objective is to allow older workers to retire with a reasonable level of income. The reference age for eligibility is that laid down in national legislation and agreements. The costs covered may include severance grants, pensions and social security contributions;
- redeployment: account will be taken of all measures contributing to effective re-employment within or outside the undertaking; these may include income support measures and mobility and reintegration aids;
- unemployment: in some instances, owing to the lack of adequate opportunities for re-employment, redundancies will be unavoidable. In this case the cost of unemployment measures — which may include not only severance grants or monthly payments, but also various forms of short-time working or new job-sharing arrangements implying a reduction in working time — will be more extensively co-financed by the ECSC.

3. Ceilings are fixed for all these measures, amounting to ECU 4 000 for early retirement, ECU 4 000 for redeployment and ECU 2 000 for unemployment.

4. The European Social Fund may provide assistance for vocational training and employment for unemployed persons and persons threatened by long-term unemployment.



5. Financial aspects: the Commission has set aside a total indicative amount of ECU 110 million from the ECSC operational budget for the period 1993-94.

(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

Information note

Official Journal C 108, 16.4.1994

(7) Follow-up work

(8) Commission implementing measures

3. EDUCATION AND TRAINING

3.1. Current position and outlook

The Treaty on European Union stipulates that the Community:

- will contribute to the development of quality education by supporting and supplementing action taken by the Member States, while fully respecting their cultural and linguistic diversity as regards the content of teaching and the organization of education systems (Article 126);
- implement a vocational training policy to support and supplement the action taken by the Member States (Article 127).

Education and vocational training are in fact the two cornerstones of the Commission's endeavour to secure investment in people and enhance their qualifications, creativeness and adaptability. It is in this context that the Commission adopted its White Paper 'Teaching and learning: towards the learning society' (see summary 3.3) which proposes avenues of action in an endeavour to better respond to the challenges of the 21st century when it comes to education and training. It is against this same background that 1996 has been proclaimed European Year of Lifelong Learning (see summary 3.2).

There were very significant developments in the action undertaken by the European Union in the area of education and training in 1995.

EDUCATION

14 March 1995 saw the adoption of the Socrates programme (see summary 3.4) covering the whole of education. It groups together all the actions conducted hitherto on education (Erasmus, Lingua) and develops new activities: Comenius in the area of secondary school education, promotion of open and distance learning, transnational projects designed to strengthen the European dimension of adult education, exchanges of information and experience on education systems. The programme has moreover been opened up to the countries of the European Economic Area, to the countries of Central and Eastern Europe, and to Malta and Cyprus.

YOUTH

14 March 1995 also saw the adoption of the Community programme 'Youth for Europe' (see summary 3.5) relating to cooperation policy in matters concerning youth, including exchanges with third countries. It ensures continuity of the Community initiatives developed previously for the benefit of the young ('Youth for Europe' and a part of PETRA) while at the same time extending their scope.

TRAINING

The Leonardo da Vinci programme (see summary 3.8) came into force on 1 January 1995. The programme relates to vocational training and carries on — while introducing a number of innovations — from the Comett, FORCE, PETRA and Eurotecnet. Its aim is to improve the quality of vocational training in Europe (see summary 3.14), to develop exchanges, to better understand the running and actual needs of training, and to encourage adjustment to the information society.

From September on, the Cedefop (see summary 3.7) became operational at its new premises in Thessaloniki. Its activities centre on three essential points: qualifications and trends in occupations, the analysis of vocational training systems in the Member States, communication and information.

As regards recognition of qualifications, which is crucial to the freedom of movement of workers, the communication from the Commission on the recognition of qualifications for academic and professional purposes (see summary 3.11) supplements Directives



85/368/EEC (see summary 3.10), 89/48/EEC (see summary 3.12) and 92/51/EEC (see summary 3.13).

Lastly, one of the increasingly important dimensions of European policy on education and training is its ever-widening opening up to third countries:

- since 1 January 1995 the EFTA countries who signed the EEA Agreement have taken part in all Community cooperation activities in the areas of education, training and youth;
- all Community programmes will gradually be opened up to the countries of Central and Eastern Europe;
- the European Training Foundation established in Turin became operational on 1 January 1995 (see summary 9.4); its duties include technical assistance to the Commission for the implementation of actions under the Tempus programme (see summary 9.3);
- decisions were adopted to establish a cooperation programme in the area of higher education and vocational training with the USA (see summary 9.5) and Canada (see summary 9.6).

In the next few years, the measures envisaged to follow up the White Paper 'Teaching and learning: towards the learning society', will be focused on their potential impact on employment and the fight against exclusion. As well as pursuing action already in progress (creation of a European voluntary service, preparation of a Green Paper on the removal of obstacles to the mobility of researchers, teachers and students), the Commission intends to launch a trans-European project for the accreditation of skills and a programme to develop apprenticeship in Europe, and to work on 'second chance' schools and new occupations in the tertiary sector.

3. EDUCATION AND TRAINING

3.2. European Year of Lifelong Learning (1996)

(1) Objective

To make the European public aware of the importance of lifelong learning, to foster better cooperation between education and training structures and the business community, particularly small and medium-sized enterprises, to help to establish a European area of education and training through the academic and vocational recognition of qualifications within the European Union, and to stress the contribution made by education and training to the equality of opportunities.

(2) Community measures

European Parliament and Council Decision 95/2493/EC of 23 October 1995 establishing 1996 as the European Year of Lifelong Learning.

(3) Contents

1. 1996 is proclaimed the European Year of Lifelong Learning. During the year, measures to provide information on, create awareness of and promote lifelong learning will be undertaken.
2. The themes for the European Year will be as follows:
 - the importance of a high-quality general education;
 - promotion of vocational training leading to qualifications for all young people;
 - motivation of individuals to acquire education and training;
 - promotion of better cooperation between education and training institutions and the economic world;
 - raising the awareness of the social partners and parents;
 - development of the European dimension of initial and continuing education and training.
3. Measures will include general and theme-based events, the preparation and dissemination of communication products, and studies and surveys.
4. The Commission is responsible for implementing the Decision. It is to be assisted by an *ad hoc* committee of an advisory nature composed of two representatives from each Member State and chaired by a representative of the Commission.
5. Each Member State is designating an appropriate body or bodies responsible for the selection, coordination and implementation nationally of the measures provided for in the Decision. Applications for financial support are to be submitted to the Commission by the Member States concerned.
6. A budget of ECU 8 million has been set.

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

(5) Date of entry into force (if different from the above) 26.10.1995



Official Journal L 256, 26.10.1995

(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

3. EDUCATION AND TRAINING

3.3. White paper on education and training: Teaching and learning; towards the learning society

- (1) *Objective* To help, through the Member States' education and training policies, to put Europe on the road to the learning society, based on the acquisition of new knowledge and involving teaching and lifelong learning.
- (2) *Community measures* White Paper on education and training 'Teaching and learning — towards the learning society'.
- (3) *Contents*
1. Of the many and complex changes taking place in European society, the White Paper picks out three 'factors of upheaval':
 - the impact of the information society, the main effect of which is to transform the nature of work and the organization of production, thereby making it necessary for everybody to adapt not only to new technical tools but also to changes in working conditions;
 - the impact of internationalization, which is causing upheavals in job creation and erasing the boundaries between labour markets. The maintenance of the European social model presupposes a general increase in skill and qualification levels;
 - the impact of the scientific and technological world which, despite its generally beneficial effect, is giving rise to a feeling of threat and irrational fears in society.
 2. The White Paper puts forward two responses that education and training can give:
 - enhancement of a broad knowledge base as a means of understanding the world outside the confines of education and as a compulsory step towards the acquisition of new technical skills;
 - fostering of the ability for employment by encouraging the mobility of young people and employees, developing apprenticeship/traineeship and all types of linked work and training, validating the skills acquired throughout life, whether or not through a traditional course, and lastly offering a second chance to young people threatened with exclusion.
 3. Moving towards the learning society is a twofold challenge:
 - an economic one in that, being open to the world, the European Union has to continually strengthen its competitiveness by drawing on its main asset, namely its capacity to generate and use knowledge with the aid of the great potential of its labour force;
 - a social one because it is responding to the need to combat exclusion by avoiding a rift in society between those who have knowledge and those who do not.
 4. Although it has no intention of taking the place of national competences, the White Paper proposes guidelines for action linked to five general objectives:
 - encourage the acquisition of new knowledge through the introduction of a European system of accreditation of technical and vocational skills, which could take the form of personal skills certificates allowing instant assessment of everybody's skills and qualifications as and when they are acquired throughout life;



- bring schools and the business sector closer together through the development of all forms of apprenticeship/traineeship: opening up of education to the world of work, involvement of companies in the training drive. The White Paper proposes to set up networks of apprenticeship/traineeship centres covering various European countries, to foster apprentice/trainee mobility along the lines of the Erasmus model and to establish a European apprentice/trainee charter;
 - combat exclusion by offering young people under threat a second chance through school. The White Paper proposes to redeploy additional European funding under existing programmes (Socrates and Leonardo da Vinci) to supplement national and local schemes, and to promote the development of European voluntary service;
 - proficiency in three Community languages: as multilingualism is a fundamental element of the learning society and an essential condition for benefiting from the occupational and personal opportunities opened up by the single market, the White Paper proposes the creation of a 'European quality label' which would be awarded to schools that have been the best in developing the teaching of languages;
 - treat capital investment and investment in training on an equal basis, for example by allowing companies which have made a special effort on training to enter some of this investment in their balance sheet as part of their intangible assets.
5. According to the White Paper, it is by building up the learning society of Europe as quickly as possible that the objective of a Europe capable at the same time of helping to change the nature of things globally and of maintaining full awareness of itself can be attained.
6. The White Paper will give rise to a great deal of discussion during 1996, the Year of Lifelong Learning. The Commission will present the conclusions of these discussions and its guidelines for future action.

(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(95) 590 final

Not yet published

(7) Follow-up work

(8) Commission implementing measures

3. EDUCATION AND TRAINING

3.4. Socrates (1995-99)

- (1) *Objective* To contribute to the development of quality education and training and of an open European area for education.
- (2) *Community measures* Council Decision 95/819/EC of 14 March 1995 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 (a) to increase mobility for students in higher education and (b) 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) 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 87, 20.4.1995

3. EDUCATION AND TRAINING

3.5. Youth for Europe (1995-99)

- (1) *Objective* To contribute to fostering quality education by developing exchange activities within the Community, by other supplementary activities in the youth policy field connected with such exchanges, and by exchanges with non-member countries with which Community has cooperation agreements.
- (2) *Community measures* European Parliament and Council Decision 95/818/EC of 14 March 1995 adopting the 'Youth for Europe III' programme designed to promote the development of exchanges among young people and of youth activities in the Community.
- (3) *Contents*
1. The programme is adopted for the period running from 1 January 1995 to 31 December 1999.
 2. The programme provides for specific aims which include:
 - intensification of exchanges of young people aged 15 to 25 living in the Community;
 - support for innovatory projects and initiatives from young people;
 - allow young people to benefit from joint Community-level actions linked to the general aims of youth policy at national or Community level;
 - step up cooperation among Member States and between them and the Commission through exchanges of experience and joint initiatives at Community level;
 - promoting exchanges with young people in non-member countries.
 3. Under the proposal special attention will be paid to ensuring that disadvantaged young people will have access to activities run under the programme and to improving the quality of the projects undertaken for this target group.
 4. The Commission encourages Member States to take appropriate measures to preserve and develop the structures set up to achieve the objectives of the programme and to make suitable arrangements for evaluating and monitoring the actions set out in the programme and for applying consultation and selection mechanisms.
 5. The Commission will be assisted by a committee of an advisory nature composed of the representatives of the Member States.
 6. The Commission will ensure the implementation of the programme.
 7. The annex to the proposal sets out five main actions:
 - Action A: intra-Community activities directly involving young people;
 - Action B: youth workers;
 - Action C: cooperation between Member States' structures;
 - Action D: exchanges with non-member countries;
 - Action E: information for young people and youth research.
- (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 87, 20.4.1995

3. EDUCATION AND TRAINING

3.6. 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 realize 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



3. EDUCATION AND TRAINING

3.7. Policy on vocational training: Cedefop — Regulation (EEC) No 337/75

- (1) Objective* To promote and develop vocational and continuing training at Community level, and to assist the Commission in implementing the Community vocational training policy.
- (2) Community measures* Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training.
- Amended by the following measures:
 Council Regulation (EEC) No 1946/93 of 30 June 1993;
 Council Regulation (EC) No 1131/94 of 16 May 1994;
 Council Regulation (EC) No 251/95 of 6 February 1995;
 Council Regulation (EC) No 354/95 of 20 February 1995.
- (3) Contents*
1. The Centre enjoys the broadest legal status in all the Member States. It is non-profit-making. Its seat is in Thessaloniki.
 2. The purpose of the Centre is to provide assistance to the Commission and, through its scientific and technical activities, to contribute to the promotion of vocational and continuing training at Community level. Its tasks are:
 - to compile and disseminate selected documentation covering recent developments, research and structural problems connected with vocational training;
 - to develop and coordinate research teams in the field of vocational training;
 - to stimulate interest in the changing nature of occupations and vocational qualifications so as to raise awareness and improve information in this respect within the Union;
 - to contribute to the implementation of the Leonardo da Vinci programme and to administer, on behalf of the Commission, the 'study visits' programme aimed at promoting exchanges of experience and information between experts and policy-makers in the field of training;
 - to provide a forum for meetings and discussion.
 3. To attain its objectives, the Centre may:
 - organize courses and seminars;
 - conclude study contracts and carry out pilot or specific projects;
 - publish and distribute documentation (including a Community-wide vocational training journal);
 - establish contacts with specialized bodies, public authorities, training institutes and employers' and workers' organizations.
 4. The Centre is administered by a Management Board comprising 48 members representing the governments of the Member States (15), employers' professional organizations (15), employees' trade-union organizations (15) and the Commission (3). The Director of the Centre is appointed by the Commission.
 5. The annual programme of work, adopted by the Management Board in agreement with the Commission, takes account of priority needs identified by the Community institutions.
 6. The Management Board is required to send the Commission an estimate of income and expenditure by 31 March each year at the latest. This estimate is forwarded by the Commission to the European Parliament and the Council with the preliminary draft budget of the

European Communities. The budgetary authority determines the appropriations available for the subsidy for the Centre.

7. The financial provisions applying to the Centre are adopted pursuant to the Treaty. The Commission's financial controller is responsible for checking all the expenditure and revenue of the Centre. The Court of Auditors prepares an annual report on its activities.

8. The Director draws up and the Management Board adopts, not later than 31 March, the annual general report on the activities, financial situation and prospects of the Centre, and sends it to the European Parliament, the Council, the Commission, the Economic and Social Committee and the Court of Auditors. It also sends, not later than 31 March, the income and expenditure accounts, the analysis of financial management and the balance sheet of the Centre for the preceding financial year to the European Parliament, the Council, the Commission and the Court of Auditors. The Court of Auditors is required to forward to the authorities responsible for granting discharge and to the Commission, by 30 November at the latest, its annual report accompanied by the Centre's replies to its comments, and must ensure publication thereof in the Official Journal of the European Communities. Before 30 April of the following year, the European Parliament, upon a recommendation from the Council, grants a discharge to the Management Board of the Centre in accordance with the procedures laid down in the Treaty.

9. The staff of the Centre is subject to the rules and regulations applicable to officials and other servants of the European Communities.

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

Not applicable.

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

Regulation (EEC) No 337/75: 16.2.1975
 Regulation (EEC) No 1946/93: 26.7.1993
 Regulation (EC) No 1131/94: 1.9.1994
 Regulation (EC) No 251/95: 1.3.1995
 Regulation (EC) No 354/95: 1.1.1995

(6) References

Official Journal L 39, 13.2.1975
 Official Journal L 181, 23.7.1993
 Official Journal L 127, 19.5.1994
 Official Journal L 30, 9.2.1995
 Official Journal L 41, 23.2.1995

(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.
 On 21 December 1994, the Commission put forward a proposal for a Regulation (EC) amending Regulation (EEC) No 337/75 (COM(94) 672 final).

(8) Commission implementing measures



3. EDUCATION AND TRAINING

3.8. Policy on vocational training: Leonardo da Vinci programme (1995-99)

- (1) *Objective* Implementation of a Community vocational training policy to support and supplement action taken by the Member States.
- (2) *Community measures* Council Decision 94/819/EC of 6 December 1994 establishing an action programme for the implementation of a European Community vocational training policy.
- (3) *Contents*
1. The Leonardo da Vinci programme runs from 1 January 1995 to 31 December 1999.
 2. Community action is based on a common framework of objectives aimed at:
 - improving the quality and innovative capacity of Member States' vocational training systems and arrangements;
 - developing the European dimension in vocational training and guidance;
 - promoting lifelong vocational training and supporting associated policies;
 - encouraging vocational training measures for unskilled adults;
 - enhancing the status and attractiveness of vocational education and training, and fostering equivalence between academic and vocational qualifications;
 - promoting vocational training for young people and preparing them for adult and working life;
 - encouraging vocational training measures for disadvantaged young people lacking adequate training;
 - promoting equality of access to initial and continuing training for disadvantaged persons;
 - promoting equality of opportunity as regards access for women and men and their effective participation in vocational training;
 - promoting equality of opportunity as regards access to, and effective participation in, vocational training for migrant workers and their children, and for disabled people;
 - promoting cooperation in respect of skill requirements and training needs, and encouraging the acquisition and transparency of qualifications and an understanding of the key skills relevant to technological development;
 - promoting vocational training in the light of the results of technological research and development programmes;
 - promoting the gradual development of an open European vocational training and qualifications area;
 - supporting activities aimed at developing linguistic skills as part of vocational training measures;
 - promoting the development of vocational guidance facilities;
 - fostering the development of methods of self-training at the workplace and of open and distance learning and training;
 - encouraging the development and integration of key skills in vocational training measures;

— giving all young people in the Community the opportunity to undergo one or, if possible, two or more years of initial vocational training on top of their compulsory education.

3. The Commission is to implement, in consultation with the Member States, the Community measures specified in the Annex. It is to take steps to ensure an appropriate transition between the measures already taken under the Comett, Eurotecnet, FORCE, PETRA and Lingua programmes and the measures to be implemented within the framework of this programme.

4. It is estimated that ECU 620 million will be needed to implement the programme.

5. The Commission is assisted by a committee composed of two representatives from each Member State and chaired by the representative of the Commission.

6. The Community measures specified in the Annex encompass four strands.

Strand I: support for the improvement of vocational training systems and arrangements in the Member States.

Strand II: support for the improvement of vocational training measures, including university/industry cooperation, concerning undertakings and workers.

Strand III: support for the development of language skills, knowledge and the dissemination of innovation in the field of vocational training.

Strand IV: support 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 340, 29.12.1994

(7) Follow-up work

(8) Commission implementing measures

3. EDUCATION AND TRAINING

3.9. 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 socioeconomic 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. 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 affects 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*

3. EDUCATION AND TRAINING

3.10. 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;
Corrigendum
Official Journal C 292, 9.11.1992
 - 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;
Corrigendum
Official Journal C 295, 30.10.1993
 - chemistry:
Official Journal C 262, 12.10.1992;
 - tourism:
Official Journal C 320, 7.12.1992;
 - food industry sector:
Official Journal C 292, 9.11.1992;
 - transports:
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.

3. EDUCATION AND TRAINING

3.11. Communication on the recognition of qualifications for academic and professional purposes

<i>(1) Objective</i>	To remove obstacles to mobility of the professions and of training stemming from the coexistence of 15 national education systems.
<i>(2) Community measures</i>	Commission communication of 13 December 1994 on the recognition of qualifications for academic and professional purposes.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. Community experience in the area of recognition of vocational and academic qualifications is particularly rich.2. A number of aims are being pursued, involving instruments for occupational recognition, essentially of a legal nature, designed to establish a European area for the professions, and instruments for academic recognition, of an exhortational nature, designed to strengthen the European dimension of education. There is a need for greater interaction between the various objectives of recognition of qualifications.3. The actions concerning the academic recognition of qualifications and periods of study between the Member States can facilitate free movement of the professions. Conversely, the systems for recognition of qualifications for professional purposes can facilitate mobility during studies.4. The communication identifies four paths to follow in order to develop synergy between recognition for professional purposes and recognition for academic purposes:<ul style="list-style-type: none">— development of high quality information sources to improve knowledge of the different educational systems within the Community;— establishment of academic and professional networks as a mechanism for exchange of information between academics and professionals, in order to obtain a more thorough knowledge of the issues surrounding the various forms of recognition;— joint adaptation of courses, following up programmes such as Erasmus, Comett and Lingua;— bringing course quality assessment systems, current or future, into contact with each other and involving members of the professional and business world.5. The Commission seeks, via these four paths, to strengthen the initiatives it has already undertaken in this area and to establish new ones coming under its competence.
<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 communication
COM(94) 596 final

Not yet published.

(7) Follow-up work

*(8) Commission
implementing
measures*

3. EDUCATION AND TRAINING

3.12. 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

3. EDUCATION AND TRAINING

3.13. 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 3.10) 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 member 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.
 - (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

— Directive 94/38/EC — Official Journal L 217, 23.8.1994
Commission Directive of 26 July 1994 amending Annexes C and D to Council Directive 92/51/EEC on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC.

— Directive 95/43/EC — Official Journal L 184, 3.8.1995
Commission Directive of 20 July 1995 amending Annexes C and D to Directive 92/51/EEC. The proposal aims to add three courses for the Netherlands to Annex C of the Directive and to supplement Annex D with two groups of training courses in the Netherlands and Austria

3. EDUCATION AND TRAINING

3.14. Council Conclusions on the importance and implications of the quality of vocational training

- (1) *Objective* To reaffirm the importance of high-quality vocational training in order to respond to the needs and aspirations of all young people and adults.
- (2) *Community measures* Council Conclusions of 24 July 1995 on the importance and implications of the quality of vocational training.
- (3) *Contents*
1. The Council stresses that Article 127 of the Treaty establishing the European Community confers on it responsibility for implementing a vocational training policy which supports and supplements the action of the Member States.
 2. It recalls that the main objective of the Leonardo da Vinci programme for the implementation of a European Community vocational training policy is to support and supplement the action of the Member States in order to improve the quality of vocational training systems and arrangements in accordance with Article 127.
 3. The Council recalls that the promotion of investment in vocational training is the first of the five areas in which the conclusions of the Essen European Council recommend that measures be taken to improve the employment situation.
 4. All Member States share a number of concerns relating to the quality of vocational training, namely:
 - making effective use of public and/or private financial resources to meet the vocational training needs of undertakings and individuals;
 - creating an appropriate framework for the vocational training on offer;
 - evaluating the vocational training on offer and its results in order to ensure that it satisfies demand on the part of undertakings and individuals.
 5. Various initiatives have been taken in Member States. For example:
 - undertakings are seeking to organize the relationship with providers of vocational training according to the pattern of the customer/supplier relationship;
 - vocational training bodies have begun to define quality criteria and/or charters on the basis of commitments entered into *vis-à-vis* their customers;
 - the public authorities and/or the two sides of industry and/or other partners have introduced quality criteria for vocational training.The Council states that the quality of vocational training is the result of a whole series of actions, starting with analysis of training needs, continuing with development of content and organization of training, and ending with the assessment of results.
 6. The Council invites the Member States, the two sides of industry and the competent bodies to develop exchange of information and experience on the quality of vocational training.
 7. The Council invites the Member States to support measures to:
 - promote access to information on the vocational training on offer;
 - improve requests for vocational training;
 - encourage those providing vocational training to improve the quality of their services;



— promote methods and tools for evaluating vocational training.
 8. The Council invites the Commission to promote experiments in this area, particularly through the various existing Community initiatives and programmes, in order to help reduce the proportion of young people and adults without appropriate 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)

(6) References

Official Journal C 207, 12.8.1995

(7) Follow-up work

(8) Commission implementing measures

4. BUILDING A EUROPEAN LABOUR MARKET

4.1. Current position and outlook

Freedom of movement for persons has, broadly speaking, been achieved as regards workers within the Community. In accordance with Article 49 of the Treaty, secondary legislation has gradually been introduced in order to bring about freedom of movement for workers.

Freedom of movement for workers is based on Regulation (EEC) No 1612/68 (see summary 4.15) which states in its preamble that 'mobility of labour within the Community must be one of the means by which the worker is guaranteed the possibility of improving his living and working conditions and promoting his social advancement'. The underlying principle is that of equal treatment, with each citizen of a Member State enjoying the right to take up paid employment in another Member State under the same conditions as that Member State's own citizens. However, a modification of this Regulation proved necessary (see summary 4.16) in order to lift restrictions on workers' being joined by their families, and to simplify administrative procedures for obtaining residence permits.

The freedom to take up a job in another Member State should not be jeopardized by special requirements concerning entry into and residence within Member States (see summary 4.12 and 4.13), and migrant workers are entitled to remain within the territory of a Member State if they have been employed there (see summary 4.3). A number of directives (see summary 4.11 and 4.4) restrict Member States' right of expulsion, particularly by giving workers from other Member States the right of recourse to the courts if they are the subject of a deportation order.

Between 1973 and 1975, the abovementioned provisions concerning the freedom of movement of workers were extended to cover the self-employed (see summary 4.14, 4.5 and 4.6).

As far as living and working conditions are concerned, migrant workers have the same rights as nationals of the host country, especially as regards membership of trade unions (see summary 4.17).

If guarantees of the right of residence and the right to employment are to be effective, the beneficiaries must enjoy adequate social welfare provision if they move within the Community. Community-level coordination of social security schemes has been provided for under Regulations (EEC) Nos 1408/71 (see summary 4.7) and 574/72 (see summary 4.8), which guarantee migrant wage-earners and, since 1982, the self-employed the same treatment in the field of social security as nationals of the host Member State. These Regulations are often amended in line with changes in national legislation. This happened in 1995 when changes were introduced in order to extend the right to urgent medical care to all insured persons within a Member State regardless of their nationality.

These Regulations involve:

- maintenance of acquired rights in all Member States as well as the right to combine periods of social contributions and periods of pension contributions for the purpose of obtaining social benefits;
- the unemployed having the possibility of moving to another Member State in search of employment while continuing to receive unemployment benefit from their country of origin for a period of up to three months.

Only rights acquired under statutory social protection arrangements are guaranteed under the EEC Regulations. Supplementary and/or occupational schemes are not included, given that the large variety and number of such schemes makes the transfer of

rights a very complex matter. The Commission has adopted a memorandum on this subject (see summary 4.10) in order to open up a debate at Community level, since the lack of coordination could prove a hindrance to occupational mobility between Member States.

In order to speed up and simplify administrative procedures for the purpose of facilitating the acquisition of rights and the provision of social security benefits, the Commission has, since 1992, gradually introduced the TESS programme (Telematics in Social Security; see summary 4.9), the aim of which is to bring up to date information-exchange facilities between social security agencies.

The challenge facing the EU today is to create a genuine 'mobility area' in which freedom of movement is not merely a statutory right but also a day-to-day reality for the peoples of Europe. The problems being encountered by the Member States in their fight against unemployment have highlighted the absence of a genuine European labour market.

The EURES (European Employment Services) network (see section 4.2), which was launched in 1992 and comprises a total of 500 Euroadvisers, provides information in two areas:

- cross-border job offers and recruitment opportunities through collaboration between national employment authorities;
- living and working conditions in the Member States and countries in the EEA in order to facilitate worker mobility and integration.

The EURES network expanded considerably in 1995 and increased its range of activities to include studies of cross-border flows and employment prospects on regional labour markets.

Although freedom of movement has now, broadly speaking, been achieved, further efforts are required at EU level in two directions:

- ensuring that Community provisions are updated, understood, simplified (if necessary) and implemented effectively;
- tackling the final obstacles, both legal and practical, which continue to confront Europe's citizens who wish to exercise their right to freedom of movement and residence within the EU, particularly as regards tax arrangements, supplementary pension schemes and mutual recognition of higher-education qualifications.

A high-level working party on freedom of movement has been set up and should be submitting its report to the Commission some time during the first six months of 1996.

4. BUILDING A EUROPEAN LABOUR MARKET

4.2. 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.

4. BUILDING A EUROPEAN LABOUR MARKET

4.3. 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.



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

4. BUILDING A EUROPEAN LABOUR MARKET

4.4. 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>	
<i>(6) References</i>	Official Journal L 121, 26.5.1972
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

4. BUILDING A EUROPEAN LABOUR MARKET

4.5. 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.

Twelve months from the date of notification.

(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 14, 20.1.1975

4. BUILDING A EUROPEAN LABOUR MARKET

4.6. Right to remain in the territory of a Member State : Directive 75/35/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 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>	
<i>(6) References</i>	Official Journal L 14, 20.1.1975
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

4. BUILDING A EUROPEAN LABOUR MARKET

4.7. 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

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.

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

(5) Date of entry into force (if different from the above) 1.10.1972

(6) References

Official Journal L 149, 5.7.1971

(7) Follow-up work

The Council has adopted several amending Regulations:

- Regulation (EEC) No 2864/72 of 19 December 1972, Official Journal L 306, 31.12.1972;
- Regulation (EEC) No 1392/74 of 4 June 1974, Official Journal L 152, 8.6.1974;
- Regulation (EEC) No 1209/76 of 30 April 1976, Official Journal L 138, 26.5.1976;
- Regulation (EEC) No 2595/77 of 21 November 1977, Official Journal L 302, 26.11.1977;
- Regulation (EEC) No 1517/79 of 16 July 1979, Official Journal L 185, 21.7.1979;
- 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, 29.5.1981;
- Regulation (EEC) No 2793/81 of 17 September 1981, Official Journal L 275, 29.9.1981;
- Regulation (EEC) No 2000/83 of 2 June 1983, Official Journal L 230, 22.8.1983;
- Regulation (EEC) No 2001/83 of 2 June 1983, Official Journal L 230, 22.8.1983;
- Regulation (EEC) No 1660/85 of 13 June 1985, Official Journal L 160, 20.6.1985;
- Regulation (EEC) No 1305/89 of 11 May 1989, Official Journal L 131, 13.5.1989;
- Regulation (EEC) No 2332/89 of 18 July 1989, Official Journal L 224, 2.8.1989;
- Regulation (EEC) No 3427/89 of 30 October 1989, Official Journal L 331, 16.11.1989;
- Regulation (EEC) No 2195/91 of 25 June 1991, Official Journal L 206, 29.7.1991;
- Regulation (EEC) No 1247/92 of 30 April 1992, Official Journal L 136, 19.5.1992;
- 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 1408/71 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 1408/71, Official Journal C 325, 10.12.1992;
- Proposal for a Regulation (COM(94) 135 final), Official Journal C 143, 26.5.1994;



- Proposal for a Regulation (COM(95) 284 final), Official Journal C 242, 19.9.1995;
- Proposal for a Regulation (COM(95) 352 final), Official Journal C 260, 5.10.1995.

*(8) Commission
implementing
measures*

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4.8. 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 (summary 4.7).
- (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*
- (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, 29.9.1972;
— Regulation (EEC) No 878/73 of 26 March 1973, Official Journal L 86, 31.3.1973;
— Regulation (EEC) No 1392/74 of 4 June 1974, Official Journal L 152, 8.6.1974;
— Regulation (EEC) No 1209/76 of 30 April 1976, Official Journal L 138, 26.5.1976;
— Regulation (EEC) No 2595/77 of 21 November 1977, Official Journal L 302, 26.11.1977;
— Regulation (EEC) No 1517/79 of 16 July 1979, Official Journal L 185, 21.7.1979;
— Regulation (EEC) No 2615/79 of 22 November 1979, Official Journal L 301, 28.11.1979;
— 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, 31.12.1981;
— Regulation (EEC) No 2793/81 of 17 September 1981, Official Journal L 275, 29.9.1981;
— Regulation (EEC) No 2000/83 of 2 June 1983, Official Journal, 22.8.1983;
— Regulation (EEC) No 2001/83 of 2 June 1983, Official Journal, 22.8.1983;



- Regulation (EEC) No 1660/85 of 13 June 1985, Official Journal L 160, 20.6.1985;
- Regulation (EEC) No 1305/89 of 11 May 1989, Official Journal L 131, 13.5.1989;
- Regulation (EEC) No 2332/89 of 18 July 1989, Official Journal L 224, 2.8.1989;
- Regulation (EEC) No 3427/89 of 30 October 1989, Official Journal L 331, 16.11.1989;
- Regulation (EEC) No 2195/91 of 25 June 1991, Official Journal L 206, 29.7.1991;
- 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, Official Journal C 325, 10.12.1992;
- Proposal for a Regulation (COM(94) 135 final), Official Journal C 143, 26.5.1994;
- Proposal for a Regulation (COM(95) 284 final), Official Journal C 242, 19.9.1995;
- Proposal for a Regulation (COM(95) 352 final), Official Journal C 260, 5.10.1995.

*(8) Commission
implementing
measures*

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4.9. TESS programme (Telematics for social security)

- (1) *Objective* To speed up and simplify administrative procedures in order to improve the acquisition of entitlement and the granting and payment of social security benefits.
- (2) *Community measures* TESS (Telematics for social security) programme for the development of telematics services designed to coordinate social security schemes in Europe, based on Regulations (EEC) No 1408/71 and (EEC) No 574/72 (see summaries 4.7 and 4.8).
- (3) *Contents*
1. The rules governing the exchange of information between social security institutions are set out in Regulation (EEC) No 574/72. The current procedures, based on forms which are almost always completed by hand and are to be exchanged between institutions, give rise to considerable delays. The TESS programme is intended to modernize them through the use of telematics services.
 2. The TESS Working Party was set up in 1992 by the Administrative Commission on Social Security for Migrant Workers to implement the TESS programme.
 3. Various approaches were examined and tested under EDIS (Electronic data interchange for social security) and Sosenet (Social security network), which constituted the first phase of the TESS programme. The aim of the second phase (1994-98) is to develop a reference system for the introduction of telematics services on the basis of pilot projects.
 4. Operational services will be introduced in a limited number of social security institutions in the retirement pensions and sickness benefits in kind branches. These services will be developed as 'reference systems', then tested as part of pilot projects limited to a small number of information flows and participants.
 5. The aim of the third phase will be to extend the telematics services fully to all institutions, for all branches of social security and for all the Member States.
 6. The programme is run by three different partners:
 - the TESS Working Party, in which all branches of social security are represented, constitutes the 'decision-making partner' or the 'management committee'. It determines the strategic choices with regard to methodology, the guidelines, the priorities, the allocation of the budget and the operational and technical solutions;
 - the Member States' authorities and social security institutions, which implement at national level the decisions taken by the TESS Working Party, constitute the 'executive partners';
 - the European Commission provides back-up for the programme as the 'supporting partner', gives it the necessary stimulus and obtains financial, administrative and legal support.
 7. The European Union will finance directly the activities of common interest to the Member States during the programme's start-up phase: analysis of users' needs, working out of solutions and assistance with implementing them. It will also provide the necessary administrative support and staff for coordinating the programme. Lastly, it will be

responsible for disseminating the results of the project, particularly any rules and standards used or laid down by the programme.

8. The Member States will be involved in financing users' activities, supplying users with hardware and software, providing staff and developing the necessary skills. They will also be responsible for adapting existing administrative procedures and creating new ones, financial management of the programme's repercussions at national level and adapting the legal environment to the use of telematics services.

9. From an operational and technical point of view, the architecture rules are laid down in such a way as to be applicable in all branches of social security and in all the Member States. As regards the messages, TESS is authorized to launch the standardisation process. The interoperability tests and quality checks are compulsory for any local development of telematics services prior to the exchange of real data.

10. The Member States (and the EFTA countries) and the European Commission are taking part in the programme and using telematics services in a spirit of partnership, whilst abiding by the principle of subsidiarity.

(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

Regulation (EEC) No 1408/71: consolidated version, Official Journal C 325, 10.12.1992.
Regulation (EEC) No 574/72: consolidated version, Official Journal C 325, 10.12.1992.

(7) Follow-up work

(8) Commission implementing measures

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4.10. 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

(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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4.11. Movement and residence of workers: Coordination of special measures - public policy, public security and public health

<i>(1) Objective</i>	To coordinate the relevant legislation in Member States to enforce public policy, security and health measures concerning the movement and residence of foreign nationals.
<i>(2) Community measures</i>	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.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 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.

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)

(6) References

Official Journal L 56, 4.4.1964

(7) Follow-up work

(8) Commission implementing measures

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4.12. 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

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)

(6) References

Official Journal L 257, 19.10.1968

(7) Follow-up work

(8) Commission implementing measures

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4.13. 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 of the proposal* The amended proposal is currently before the Council in view of a common position.

(6) References

Commission proposal COM(88) 815/II final	Official Journal C 100, 21.4.1989
Amended proposal COM(90) 180/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

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4.14. Abolition of restrictions on movement and residence - Establishment and the provision of services

<i>(1) Objective</i>	To abolish the existing restrictions on movement and residence within the Community of self-employed persons and their families.
<i>(2) Community measures</i>	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.
<i>(3) Contents</i>	<p>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,</p> <p>— nationals of Member States wishing to go to another Member State as recipients of services;</p> <p>— their spouse and their children under 21 years of age irrespective of their nationality;</p> <p>— the ascendants and descendants of such nationals, and of their dependent spouse, irrespective of their nationality,</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 Member State may, however, require the person concerned to report his presence in the territory.</p>

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.

Within six months of notification.

(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 172, 28.6.1973



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4.15. 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 4.2).

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

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

(6) References

(7) Follow-up work

(8) Commission implementing measures

Official Journal L 257, 19.10.1968

4. BUILDING A EUROPEAN LABOUR MARKET

4.16. Movement and residence of workers: Workforce mobility - Amending 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-

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 of the proposal

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) 180 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



4. BUILDING A EUROPEAN LABOUR MARKET

4.17. Movement and residence of workers: Workers' trade union rights

- (1) *Objective* To specify the scope of the principle of equality of treatment in respect of the exercise of trade union rights.
- (2) *Community measures* 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.
- (3) *Contents* 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.
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)* 17.2.1976
- (6) *References* Official Journal L 39, 14.2.1976
- (7) *Follow-up work*
- (8) *Commission implementing measures*

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.1. Current position and outlook

The adoption of legislation aimed at improving labour standards and workers' rights is one of the Union's main achievements in the social field. Its purpose is to ensure that the creation of the single market leads neither to a lowering of labour standards nor to distortions of competition. At the same time it is a key element in the efforts to improve competitiveness.

Since the adoption of the Single European Act, the emphasis has shifted from harmonization to defining minimum requirements. Here priority has been given to free movement of workers (see Chapter 5), equal treatment for women and men (see Chapter 6), working conditions and, to a certain extent, labour law, as well as health and safety at work.

WORKING CONDITIONS

In the Community, improving living and working conditions depends to a large extent on agreement-based relations or national legislation. However, the Commission considers a useful purpose is served by defining minimum requirements at European level or, at least, examining the main problems affecting workers.

Accordingly, even if fixing pay is the sole responsibility of the Member States and the social partners and although it is not for the Commission to stipulate a decent basic wage, the Commission has issued an opinion on the right of workers to an equitable wage (see summary 5.2.12).

In line with this principle of laying down minimum requirements, considerable progress has also been made in the field of labour protection, in particular through directives on the protection of pregnant women (see summary 6.9), the protection of young people at work (see summary 5.2.13) and the reorganization of working time (see summary 5.2.5).

As regards labour law, on 14 November 1995 the Commission adopted a communication reviewing Community action on worker information, consultation and participation (see summary 5.2.14). This review indicates that important decisions have been made:

- the directive on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (see summary 5.2.6);
- the 'transfers of undertakings' directives (see summary 5.2.1 and 5.2.2);
- the 'collective redundancies' directives (see summary 5.2.7);
- the 'European works council' directive (see summary 5.2.9).

This communication is also intended to relaunch the debate within the Community institutions on ways of resolving the deadlock currently existing at the Council on a number of proposals containing specific provisions on worker participation, relating to a statute for a European company (see summary 5.2.11), a European association, a European corporate society, a European mutual society, and so on.

Over the next few years, priority will be given to extending the number of agreed minimum social standards, taking account both of the increasingly rapid changes in the working environment and of differences between the Member States. The Commission plans to launch initiatives on part-time work, fixed-duration work contracts, temporary work, homeworking and individual redundancies.

HEALTH AND SAFETY AT WORK

The following specific objectives have been set out in the various action programmes on health and safety at work:

- improving working conditions by enhancing safety and ensuring that work is organized in ways that protect health;
- improving knowledge of the causes of accidents at work and occupational diseases with a view to identifying and assessing the risks and implementing more effective methods of monitoring and prevention;
- improving human behaviour so as to develop and promote a health and safety culture.

On 12 July 1995, the Commission adopted a Community programme on the basis of the document entitled 'General framework for action by the Commission of the European Communities in the field of safety, hygiene and health protection at work (1994-2000)' [COM/93/560 final]. This programme provides for improvements in the implementation by Member States of existing Community legislation, the presentation of proposals concerning high-risk activities for certain categories of workers, and the implementation of a new SAFE programme which enables financial assistance to be given to practical schemes designed to improve working conditions and the way in which work is organized with a view to reducing accidents at work and occupational diseases, in particular in small and medium-sized enterprises.

At present, Community health and safety legislation can be grouped under three headings:

- the measures taken subsequent to Framework Directive 89/391/EEC (see summary 5.3.4), which contains a number of basic provisions concerning the organization of health and safety measures at work and the responsibilities of employers and workers, and which has been supplemented by separate directives concerning specific groups of workers, workplaces or substances;
- the measures taken subsequent to Framework Directive 80/1107/EEC (see summary 5.3.20), which concerns the protection of workers against the risks relating to exposure to chemical, physical and biological agents at work and which has been supplemented by separate directives on specific agents;
- the measures required under directives that contain exhaustive provisions — not linked to framework directives — covering occupations or certain vulnerable groups.

On 22 June 1994, the Council adopted a Regulation setting up the European Agency for Safety and Health at Work (see summary 5.3.5), which is located in Bilbao. The Agency's main tasks are to collect and disseminate technical, economic and scientific information on health and safety at work in addition to promoting and supporting exchanges of information and experience between the Member States.

Finally, Community action in the field of safety and health at work is to be made more effective by strengthening links with other areas of Community policy.

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.1. Transfer 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 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

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.2. Transfer of undertakings — safeguarding of employees' rights (revision)

(1) Objective

To revise Council Directive 77/187/EEC of 14 February 1977 in the light of the impact of the internal market, the legislative tendencies of the Member States with regard to the rescue of undertakings in economic difficulties, the case law of the Court of Justice, the adopted revision of the Directive on collective redundancies and the legislation already in force in most Member States.

(2) Proposal

Proposal for a Council Directive 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 relates to the transfer of an undertaking, business or part of a business to another employer effected by contract or by some other provision or operation of law, judicial decision or administrative measure.

This includes the transfer of an activity which is accompanied by the transfer of an economic entity retaining its identity.

2. The Directive is applicable in so far as the undertaking, business or part of the business to be transferred is situated within the territorial scope of the Treaty. It applies to public or private undertakings engaged in economic activities whether or not they are operated for gain.

3. Definitions of the terms 'transferor', 'transferee' and 'representatives of the employees'.

4. The Directive is without prejudice to national law as regards the definition of contract of employment or employment relationship. Member States cannot exclude from the scope of the Directive contracts of employment or employment relationships solely because:

- of the number of working hours performed or to be performed;
- they are employment relationships governed by a fixed-duration contract of employment within the meaning of Article 1 of Council Directive 91/383/EEC;
- they are temporary employment relationships within the meaning of Article 1 of Council Directive 91/383/EEC.

5. The rights and obligations arising from a contract of employment or from an employment relationship existing on the date of transfer will be transferred to the new employer.

Member States are to provide that, after the date of transfer and in addition to the transferee, the transferor continues to be liable in respect of obligations arising from a contract of employment or employment relationship.

6. As regards obligations which fall due after the date of transfer, the transferor is liable only to the extent corresponding to the portion of the relevant period which elapsed before the date of transfer. Member States may limit the transferor's joint liability to those obligations

which arose before the date of the transfer and fall due within the first year following that date.

7. Conditions of employment laid down by collective agreement will continue to be observed until the date of termination or expiry of the collective agreement or the entry into force of another agreement. Member States may limit the period for observing such conditions with the proviso that it will not be less than one year.

The safeguarding of rights does not apply to old-age, invalidity or survivor's benefits under supplementary schemes outside the Member States' statutory social security schemes.

It is for the Member States to adopt the necessary measures to protect the interests of employees and of persons no longer employed in the undertaking as regards rights conferring on them immediate or prospective entitlement to benefits.

8. The laws of the Member States may provide that the transferor's obligations arising from a contract of employment or an employment relationship which fall due before the date of transfer or before the opening of insolvency proceedings are not to be transferred to the transferee in the case of transfers effected in the context of insolvency proceedings other than those mentioned in Article 1.

9. The transfer will not in itself constitute grounds for dismissal; dismissals may take place only for economic, technical or organizational reasons, or where the Member State has made exceptions for specific categories of employees. In all other cases, the employer will be considered responsible for the dismissal.

10. The laws of the Member States may allow the employer and the representatives of the employees to change the conditions of employment by an agreement concluded as a means of ensuring the survival of the undertaking, business or part of business transferred. Such an agreement may also determine whether and to what extent dismissals may take place for economic, technical or organizational reasons entailing changes in the workforce.

The Member States may confer on the competent judicial authorities the power to alter or terminate contracts of employment or employment relationships existing on the date of a transfer effected in the context of insolvency proceedings (Article 3 (4)) to ensure the survival of the undertaking, business or part of a business.

11. The status and function of the representatives of the employees will be preserved except where, by virtue of the laws, regulations, administrative provisions or practice in the Member States, or by agreement with the representatives of the employees, the conditions necessary for the reappointment of the representatives of the employees or for the reconstitution of the representation of the employees are fulfilled.

12. If the business does not preserve its autonomy and provided that the conditions necessary for the constitution of the representation of the employees are fulfilled, the Member States are to take the necessary measures to ensure that the employees transferred, who were represented before the transfer, continue to be properly represented during the period prior to the reconstitution or reappointment of the representation of the employees.

If the term of office of the representatives expires as a result of the transfer, they will continue to enjoy the protection provided for.

13. The transferor and the transferee are required to inform the representatives of their employees in good time of the reasons for the transfer, the legal, economic and social implications, and any

measures envisaged in relation to the employees. Such information must be given to the employees concerned before the transfer is carried out and, in any event, to all the employees before they are directly affected as regards their conditions of work and employment. Where measures relating to the respective employees are envisaged, the transferor and the transferee are to consult the representatives of the employees in good time with a view to reaching an agreement. Member States which make provision for recourse to an arbitration board may limit the obligations regarding information and consultation to cases where the transfer gives rise to serious disadvantages for a considerable number of the employees. Member States are to provide that, where there is no employees' representative, the employees must be informed in advance when a transfer is about to take place.

(4) Opinion of the European Parliament

Not yet delivered.

(5) Current status of the proposal

The proposal has been sent to and is currently before the European Parliament and the Economic and Social Committee for their opinions.

(6) References

Commission proposal
COM(94) 300 final CNS94203 Official Journal C 274, 1.10.1994

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.3. 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 of the proposal

The amended proposal is currently before the Council in view of a common position.

(6) References

Commission proposal COM(91) 230 final	Official Journal C 225, 30.8.1991
Amended proposal COM(93) 225 final SYN 346	Official Journal C 187, 9.7.1993
Economic and Social Committee opinion	Official Journal C 49, 24.2.1992
European Parliament opinion	Official Journal C 92, 15.3.1993

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.4. 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.
 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.

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

36 months from the date of notification.

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

(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

Commission report on transposition of 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 (COM(95) 164 final).

This report, which is provided for in Article 12 of the Directive, gives an analysis of the national laws transposing the Directive in order to provide an assessment of progress made in implementing each of its Articles. It was drawn up in close collaboration with the Member States.

Progress made in transposing the Directive can be summarized as follows:

- Belgium: Belgian law, by referring — within the context of implementing the Directive — to a specific definition of the term 'employer' which excludes non-profit-making enterprises, limits the scope of the requirements laid down in the Directive.
Under Belgian law, the concept of insolvency does not tally with that laid down in the Directive.
- Denmark: Danish law gives no cause for objection.
- Germany: German law contains a number of provisions more favourable for employees than those set out in the Directive.
- France: the automatic exclusion of legal persons running a public service carries the risk of reducing the scope of application of the Directive as regards employers. The concept of insolvency does not fully match that set out in the Directive.
As for supplementary schemes, 'third-tier' retirement pensions provided under schemes independently operated by undertakings do not appear to enjoy the specific protection stipulated in Article 8 of the Directive.
- Greece: the 'state of insolvency' does not cover the situations envisaged by the Directive. Greek law does not satisfy the requirements of Article 8 in that it allows the pension fund capital to be divided up between the employees.
From a more general point of view, Greek law does not appear to respond to the objections voiced by the Court of Justice on 8 November 1990 in Case C-53/88.
- United Kingdom: The exclusion of merchant seamen from the scope of the guarantee poses problems in connection with Article 12 of the Directive.
- Ireland: no cause for objection.

- Italy: the lack of a specific guarantee regarding supplementary schemes and the book reserve does not allow the conclusion that Italian law fully meets the requirements of Article 8 of the Directive.
- Luxembourg: the concept of insolvency does not appear to totally match the definition of insolvency given in the Directive. The requirements of Article 8 of the Directive cannot be met at present under Luxembourg law.
- Netherlands: the concept of insolvency does not match that set out in the Directive.
- Portugal: the concept of insolvency does not match that set out in the Directive. The guarantee provided pursuant to Article 8 does not appear to be wholly ensured for rights conferring prospective entitlement.
- Spain: Article 7 of the Directive (automatic nature of benefits) is not being applied properly.

The report shows that the laws in force in several Member States do not comply with the requirements set out in the Directive. This mainly applies to the Directive's provisions concerning its scope, the concept of insolvency and social protection.

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.5. Organization of working time

<i>(1) Objective</i>	To adopt minimum requirements covering certain aspects of the organization of working time connected with workers' health and safety.
<i>(2) Community measures</i>	Council Directive 93/104/EC, of 23 November 1993, concerning certain aspects of the organization of working time.
<i>(3) Contents</i>	<ol style="list-style-type: none">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 seven 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:<ul style="list-style-type: none">— 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 six hours, a break as defined by the provisions of collective agreements, agreements concluded between social partners or national legislation;— not less than four 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.

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

Official Journal L 307, 13.12.1993

(7) Follow-up work

(8) Commission implementing measures

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.6. Employer's obligation to inform employees of the conditions applicable to the employment contract or relationship

(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;
- 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

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.7. 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

Directive 92/56/EEC : 26.6.1994

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

(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.

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.8. Road transport — Social Regulations

<i>(1) Objective</i>	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.
<i>(2) Community measures</i>	<p>Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport.</p> <p>Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport.</p>
<i>(3) Contents</i>	<p>Regulation (EEC) No 3820/85</p> <ol style="list-style-type: none">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 two 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.

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.9. European Works Council

(1) *Objective* To improve the right to information and to consultation of employees in Community-scale undertakings and Community-scale groups of undertakings.

(2) *Community measures* Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.

(3) *Contents* The main provisions of the Directive are as follows:

- Establishment of a European Works Council or a procedure for informing and consulting employees in every Community-scale undertaking and every Community-scale group of undertakings, following agreement between the central management and a special negotiating body.

For the purposes of the Directive:

- 'Community-scale undertaking' means any undertaking with at least 1 000 employees within the Member States and at least 150 employees in each of at least two Member States;
- 'group of undertakings' means a controlling undertaking and its controlled undertakings;
- 'Community-scale group of undertakings' means a group of undertakings with the following characteristics:
 - at least 1 000 employees within the Member States,
 - at least two group undertakings in different Member States, and
 - at least one group undertaking with at least 150 employees in one Member State and another group undertaking with at least 150 employees in another Member State;
- 'controlling undertaking' means an undertaking which can exercise a dominant influence over another undertaking by virtue, for example, of ownership, financial participation or the rules which govern it;
- 'consultation' means the exchange of views and establishment of dialogue between employees' representatives and central management or any more appropriate level of management.

The central management:

- will be responsible for creating the conditions and means necessary for the setting up of a European Works Council or an information and consultation procedure;
- will initiate negotiations on its own initiative or at the written request of at least 100 employees or their representatives in at least two undertakings in at least two Member States.

The special negotiating body, comprising a minimum of three and a maximum of 17 members:

- will have the task of determining, with the central management, by written agreement, the scope, composition, competence and term of office of the European Works Council(s) or the arrangements for

implementing a procedure for the information and consultation of employees;

- may decide, by at least two-thirds of the votes, not to open negotiations or to terminate the negotiations already opened; such a decision would stop the procedure to conclude the agreement and would nullify the provisions of the Annex.

Members of the special negotiating body and of the European Works Council, and any experts who assist them, will not be authorized to reveal any information which has expressly been provided to them in confidence.

Community-scale undertakings and Community-scale groups of undertakings in which there is already an agreement covering the entire workforce, providing for the transnational information and consultation of employees, will not be subject to the obligations arising from the Directive. When these agreements expire, the parties involved may decide jointly to renew them. Where this is not the case, the provisions of the Directive will apply.

Subsidiary requirements laid down by the legislation of the Member State in which the central management is situated will apply:

- where the central management and the special negotiating body so decide, or
- where the central management refuses to commence negotiations within six months of the initial request to convene the special negotiating body, or
- where, after three years from the date of this request, they are unable to conclude an agreement to establish a European Works Council or an information and consultation procedure, and the special negotiating body has not taken the decision not to open negotiations or to terminate the negotiations.

These subsidiary requirements must satisfy the provisions set out in the Annex, whereby:

- the competence of the European Works Council will be limited to information and consultation on matters which concern the Community-scale undertaking as a whole or at least two establishments or group undertakings situated in different Member States;
- the European Works Council is to have a minimum of three and a maximum of 30 members and, where its size so warrants, is to elect a select committee from among its members, comprising at most three members;
- four years after the European Works Council is established, it is to consider whether to open negotiations for the conclusion of the agreement on the arrangements for implementing the information and consultation of employees, or to continue to apply the subsidiary requirements adopted in accordance with the Annex;
- the European Works Council will have the right to meet with the central management once a year in order to be informed and consulted, on the basis of a report drawn up by the central management, on the progress of the business of the Community-scale undertaking or Community-scale group of undertakings and its prospects;
- where there are exceptional circumstances affecting the employees' interests to a considerable extent, particularly in the event of relocation, closure or collective redundancy, the select committee

-
- or, where no such committee exists, the European Works Council will have the right to be informed;
- the members of the European Works Council are to inform the employees' representatives of the content and outcome of the information and consultation procedure;
 - the operating expenses of the European Works Council are to be borne by the central management; in compliance with this principle, the Member States may lay down budgetary rules regarding the operation of the European Works Council.

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

22.9.1996

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

(6) References

Official Journal L 254, 30.9.1994

(7) Follow-up work

(8) Commission implementing measures

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.10. 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



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.11. 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 15 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> <ol style="list-style-type: none"> 1. The Statute provides four ways of forming a European company (Latin: '<i>Societas Europaea</i>', '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. 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. 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. 4. The order of precedence of the laws applicable to the SE is clarified. 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. 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). 7. 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 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.

8. 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.

9. 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 the final point below;
- 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 the final point below;
- 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 the final point below;
- 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 the final point below;
- the percentage referred to above is to be determined by the Statutes of the SE. It may not be less than 5% nor more than 25%.

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

11. 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.

12. 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.

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: The European Parliament approved the Commission's proposals subject to certain amendments. These were designed primarily to expand and ease the conditions governing the formation of a European company (authorization for private limited companies to take the form of a European company by establishing a holding company; possibility for public limited companies to transform themselves into European companies provided that they have a subsidiary or establishment in a Member State other than that of their central administration; list of rules determining in a uniform manner in the Regulation the moment at which the European company acquires legal personality; etc.).

(5) Current status of the proposal

Cooperation procedure

The Commission presented the proposals on 25 August 1989.

First reading: On 24 January 1991 Parliament approved the Commission proposals subject to amendments. The Commission has accepted many of these amendments.

The Commission presented some amended proposals.

The amended proposals are currently before the Council for 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 Economic and Social Committee opinion	Official Journal C 48, 25.2.1991
	Official Journal C 124, 21.5.1990

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.12. 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

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.13. Protection of young people at work

<i>(1) Objective</i>	To adopt minimum requirements aimed in particular at improving working conditions, guaranteeing workers better health and safety protection.
<i>(2) Community measures</i>	Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.
<i>(3) Contents</i>	<p>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.</p> <p>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.</p> <p>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.</p> <p>3. The Directive defines categories of young people as follows:</p> <ul style="list-style-type: none">— 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. <p>4. The Directive's main objective is to prohibit the employment of children.</p> <p>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:</p> <ul style="list-style-type: none">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. <p>5. The Directive includes provisions relating to:</p> <ul style="list-style-type: none">— 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

Official Journal L 216, 20.8.1994

(7) Follow-up work

(8) Commission implementing measures

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.2. WORKING CONDITIONS

5.2.14. Communication on employee information and consultation

(1) Objective

To contribute to the discussion which the Commission is keen to develop among the Member States, within the European Parliament and the Economic and Social Committee, and between the social partners at Community level on the question of employee information, consultation and participation.

(2) Community measures

Commission communication of 14 November 1995 on employee information and consultation.

(3) Contents

1. The communication takes stock of Community action in respect of employee information, consultation and participation, revealing that:
 - three proposals have been finalized: Directive 75/129/EEC on collective redundancies, revised by Directive 92/56/EEC (see summary 5.2.7), Directive 77/187/EEC on transfers of undertakings (see summary 5.2.1 and 5.2.2) and Directive 94/45/EC on European Works Councils (see summary 5.2.9);
 - five proposals concerned with employee participation are still under consideration: these have to do with a 'European company' (see summary 5.2.11), a 'European association', a 'European cooperative society', a 'European mutual society' and the 'fifth directive'.
2. In the light of its assessment, the Commission believes that a new approach needs to be adopted in order to redefine the existing Community legal framework and the outstanding proposals.
3. Four principles have emerged from the Commission's internal debate:
 - the principle of simplification: since the legal status of the employer does not play a key role in industrial relations, a possible scenario might entail only the establishment of general overall frameworks at European level, which could be developed and fleshed out by Member States if they wished;
 - coherence of Community law and European social policy: although the Community has adopted general legal rules concerning employee information and consultation at transnational level and specific rules concerning employee information and consultation at national level, problems are caused by the lack of a general framework on information and consultation at national level;
 - strength and specific content of the rules: pointing to the fact that initiatives aimed at establishing employee information and consultation rules at European level have been almost totally successful, while measures to expand the traditions and practices of employee involvement to Community level have failed, the Commission wonders whether or not a solution along the lines of the 'European Works Council' Directive might have the most chance of success;
 - generality of the Community rules: the Commission considers that this new approach will ensure the harmonious operation of the internal market while enhancing the protection of European employees and increasing their involvement in the running of the



business only if the rules in question are applied without exception throughout the Community.

4. With a view to shaping Community action, three options are put forward:

- maintenance of the status quo, although this appears to offer no hope of progress;
- global approach: establishment, at European level, of general frameworks for informing and consulting employees, paving the way for withdrawal of the outstanding proposals;
- immediate action on the proposals concerning the statute for a European company, a European association, a European cooperative society and a European mutual society.

5. Before making any moves in this direction, the Commission would like to hear the views of the Member States, the European Parliament, the Economic and Social Committee and the social partners at European level.

(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(95) 547 final

Not yet published.

(7) Follow-up work

(8) Commission implementing measures

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.1. Setting up of an Advisory Committee for the safety and the protection of health at work

- (1) *Objective* 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.
- (2) *Community measures* 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.
- (3) *Contents*
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.
 2. The Committee produces an annual report on its activities.
 3. It consists of 90 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).
 4. The Committee is chaired by a Member of the Commission.
 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.
- (4) *Deadline for implementation of the legislation in the Member States*
- (5) *Date of entry into force (if different from the above)* 14.7.1974
- (6) *References* Official Journal L 185, 9.7.1974
- (7) *Follow-up work* Nineteenth annual activity report (1994) (COM(95) 597 final).
The Advisory Committee on Safety, Hygiene and Health Protection at Work adopted 17 draft opinions during 1994.
Two subjects in particular were discussed in depth:
— the problem of transposing directives dealing with safety and health at work. The social partners wanted full details of the reasons for the difficulties encountered in transposing them and information on the ramifications for Member States of these new laws;
— the setting up of the European Agency for Safety and Health at Work, which provoked strong reactions from the social partners as regards the procedure laid down by the Council for appointments to the Management Board.
- (8) *Commission implementing measures*



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.2. 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"> 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. 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. 3. The Commission shall be assisted by a group of national experts (two per Member State). 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.
<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>	
<i>(6) References</i>	Official Journal L 183, 14.7.1988
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.3. Fourth framework Community programme concerning safety, hygiene and health at work (1996-2000)

(1) Objective

Communication setting out a Community programme for safety and health to keep pace with rapid and far-reaching changes in technology and know-how in the social and economic spheres. The programme is designed to be both innovative and forward-looking: the Union must be ready to try new means of developing its policy in this area. The challenge is to ensure that this new approach can be implemented while remaining faithful to the need to safeguard the safety and health of the citizens of the Union at the workplace.

(2) Proposal

Proposal for a Council Decision adopting a programme of non-legislative measures to improve health and safety at work (1996-2000) (presented by the Commission).

(3) Contents

1. The objective of the Commission's policy in the field of safety and health at work over the past 30 years has been to reduce to a minimum accidents at work and occupational diseases. To this end, the Commission has, since 1978, implemented three action programmes, the most recent of which was launched in 1988 with three fundamental concepts in mind:

- press on with improving the safety and health protection of workers;
- ensure that workers are suitably protected against the risk of accidents at work and occupational diseases;
- ensure that the competitive pressures on the single market do not jeopardize the safety and health protection of workers.

2. The fourth programme has been divided into three parts covering a series of measures establishing the framework for current and future activities over a five-year period from 1 January 1996 to 31 December 2000.

- The first part entails the preparation of non-legislative measures such as guidance notes and information material, education and training, surveys on important issues (violence at the workplace, stress, etc.) and the SAFE programme geared to improving safety, hygiene and health at work with the emphasis on SMEs.
- The second part focuses on legislative measures with the following objectives: correct implementation by Member States of the Community legislation already adopted; making progress with Commission proposals already put forward (including the Directives on 'physical agents', 'chemical agents', 'transport' and 'work equipment'); review of existing Community legislation; new proposals for high-risk activities or certain categories of workers.
- The third part seeks to improve coherence among all the Commission's activities, establish links with third countries which have association agreements with the EU and improve the system of cooperation within the EU.

3. In implementing the programme, the Commission will be assisted by:

- an Advisory Committee on Safety, Hygiene and Health Protection at Work, composed of representatives of the Member States and chaired by the Commission representative;
- a Committee of Senior Labour Inspectors, which will give the Commission its opinion on specific matters;
- a Scientific Committee with the task of delivering specialist opinions on occupational exposure limits for chemical agents.

With a view to reinforcing cooperation between national labour inspectorates in connection with the application of European legislation and the incorporation of scientific expertise into the preparation of Community instruments, the Commission has, in addition to the existing official committees such as the Advisory Committee on Safety, Hygiene and Health Protection at Work, conferred formal status on the latter two committees in conjunction with the adoption of the programme.

4. In the interest of carrying out the programme successfully, the Commission stresses the need to encourage close cooperation with the Member States, third countries (in Central and Eastern Europe) and United Nations organizations (ILO, WHO, etc.).

5. A progress report on the activities carried out will be drawn up by the end of 1997, while a final overall report giving an independent assessment of the main activities will be produced by 31 December 2001.

(4) Opinion of the European Parliament

Not yet delivered.

(5) Current status of the proposal

Consultation procedure.

On 25 July 1995 the Commission presented a proposal.

(6) References

Commission proposal
COM(95) 282 final

Official Journal C 262, 7.10.1995

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.4. General measures: Framework Directive 89/391/EEC

(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 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

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.5. General measures: European Agency for Health and Safety at Work

(1) Objective

To provide the Community bodies, the Member States and those involved in the field with the technical, scientific and economic information of use in the field of safety and health at work.

(2) Community measures

Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Health and Safety at Work.

Amended by the following measure:
Council Regulation (EC) No 1643/95, 29 June 1995.

(3) Contents

1. The Agency's role is to:
 - collect and disseminate technical, scientific and economic information in the Member States in order to pass it on to the Community bodies, Member States and interested parties;
 - collect technical, scientific and economic information on research into safety and health at work and on other research activities which involve aspects connected with safety and health at work and disseminate the results of the research and research activities;
 - promote and support cooperation and exchange of information and experience amongst the Member States in the field of safety and health at work, including information on training programmes;
 - organize conferences and seminars and exchanges of experts from the Member States in the field of safety and health at work;
 - supply the Community bodies and the Member States with the objective available technical, scientific and economic information they require to formulate the implement judicious and effective policies designed to protect the safety and health of workers;
 - establish the network in cooperation with the Member States, and coordinate it, taking into account the national, Community and international bodies and organizations which provide this type of information and services;
 - collect and make available information on safety and health matters from and to third countries and international organizations (World Health Organization, (WHO), International Labour Organization (ILO), Pan-American Health Organization (PAHO, IMO, etc.);
 - provide technical, scientific and economic information on methods and tools for implementing preventive activities, paying particular attention to the specific problems of small and medium-sized enterprises;
 - contribute to the development of future Community action programmes relating to the protection of safety and health at work, without prejudice to the Commission's sphere of competence.
2. The Agency will set up a network comprising:
 - the main component elements of the national information networks,
 - the national focal points,
 - any future topic centre.

3. Member States will, within six months of the entry into force of the Regulation, inform the Agency of the main component elements of their health and safety at work information networks.

4. The Agency, has legal personality and has an Administrative Board consisting of 48 members, of whom 15 members represent the Governments of the Member States, 15 members represent the employers' organizations, 15 members represent the employees' organizations and three members represent the Commission.

5. The Administrative Board adopts the Agency's annual work programme on the basis of a draft drawn up by the Director after consultation of the Commission and of the Advisory Committee on Safety, Hygiene and Health Protection at Work, and the budget. By 31 January each year at the latest, the Administrative Board adopts an annual general report on the Agency's activities.

6. The Agency is headed by a Director appointed by the Administrative 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)

— Regulation (EC) No 2062/94: 9.9.1994
— Regulation (EC) No 1643/95: 29.6.1995

(6) References

Official Journal L 216, 20.8.1994
Official Journal L 156, 7.7.1995

(7) Follow-up work

(8) Commission implementing measures

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.6. 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">— 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;— progressively make their statistics on occupational diseases compatible with the schedule in Annex I;— develop preventive measures;— 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;— provide the personnel responsible for implementing the national provisions resulting from this recommendation with adequate training;— introduce a system for the collection of data on the epidemiology of diseases, especially those listed in Annex II, and promote research. <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>	
<i>(6) References</i>	Official Journal L 160, 26.6.1990
<i>(7) Follow-up work</i>	22.5.1993: the Commission is to determine whether there is a need for binding legislation.
<i>(8) Commission implementing measures</i>	



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.7. The workplace and categories of workers particularly at risk: At work

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| <i>(1) Objective</i> | To introduce minimum measures designed to improve the working environment, in order to guarantee a better standard of safety and health protection. |
| <i>(2) Community measures</i> | 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). |
| <i>(3) Contents</i> | <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> — 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: <ul style="list-style-type: none"> — 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). |
| <i>(4) Deadline for implementation of the legislation in the Member States</i> | <ul style="list-style-type: none"> — 31.12.1992 — 31.12.1994: Greece |
| <i>(5) Date of entry into force (if different from the above)</i> | |

(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

Official Journal L 393, 30.12.1989

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.8. The workplace and categories of workers particularly at risk: Use of work equipment

<i>(1) Objective</i>	Implementation of the minimum requirements for concrete measures concerning the use of work equipment, to improve health and safety for workers.
<i>(2) Community measures</i>	<p>Council Directive 89/655/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).</p> <p>Amended by Council Directive 95/63/EC of 5 December 1995.</p>
<i>(3) Contents</i>	<p>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.</p> <p>2. Employers' obligations:</p> <ul style="list-style-type: none"> — 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; — to ensure that where the safety of work equipment depends on the installation conditions it will be subject to an initial inspection and inspection after each time it is reassembled; — to ensure that the work equipment is subject to periodic inspections and special inspections after any occurrence liable to jeopardize its safety; — to take fully into account the work station and position of workers while using work equipment, as well as the ergonomic principles, when applying the minimum safety requirements; — to ensure that workers are aware of the potential dangers to which they are exposed in their immediate working environment;

— to provide for the consultation and participation of workers on 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

— Directive 89/655/EEC: 31.12.1992

— Directive 95/63/EC: 5.12.1995

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

(6) References

Official Journal L 393, 30.12.1989

Not yet published

(7) Follow-up work

(8) Commission implementing measures



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.9. 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 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, 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.

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.10. The workplace and categories of workers particularly at risk: Manual handling of loads involving risk

<i>(1) Objective</i>	To ensure that workers are protected against the risks involved in the manual handling of heavy loads.
<i>(2) Community measures</i>	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).
<i>(3) Contents</i>	<p>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.</p> <p>2. Employers' obligations:</p> <ul style="list-style-type: none"> — 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. <p>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).</p>
<i>(4) Deadline for implementation of the legislation in the Member States</i>	31.12.1992
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	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*

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.11. 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>EMPLOYERS' OBLIGATIONS</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>MISCELLANEOUS PROVISIONS</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>

(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*

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*



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.12. 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.

31.12.1993

(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 245, 26.8.1992



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.13. The workplace and categories of workers particularly at risk: Provision of health and safety signs at work

<i>(1) Objective</i>	To introduce a Community system of safety signs designed to reduce the risk of accidents at work and occupational diseases.
<i>(2) Community measures</i>	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).
<i>(3) Contents</i>	<p>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. 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.</p> <p>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.</p> <p>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'.</p> <p>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.</p> <p>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.</p> <p>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);</p>

- 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



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.14. 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



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.15. The workplace and categories of workers particularly at risk: Extractive industries in the surface and underground

- (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 5.3.14), 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 5.3.14).
 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

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.16. 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

(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*



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.17. 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 of the proposal

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 SYN0420	Not yet published in the Official Journal
European Parliament opinion First reading	Official Journal C 255, 20.9.1993
Economic and Social Committee opinion	Official Journal C 161, 14.6.1993

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.18. 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



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.19. The workplace and categories of workers particularly at risk: Risk of explosive atmospheres

- (1) Objective* To establish and harmonize minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres.
- (2) Proposal* Proposal for a Council Directive on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres.
- (3) Contents*
1. An 'explosive atmosphere' is a mixture with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture.
 2. The employer must take technical and/or organizational measures to prevent the formation of explosive atmospheres, prevent the ignition of explosive atmospheres, and reduce the effects of an explosion in such a way that workers are not at risk.
 3. The employer must ensure that a health and safety protection document, describing explosion protection measures and satisfying the requirements of Directive 89/391/EEC, is prepared and kept up to date.
 4. Workers and/or their representatives must be informed of all the measures to be taken for their safety and health at work.
 5. The employer must take the necessary steps to ensure that workers potentially at risk from explosive atmospheres receive appropriate training.
 6. Work equipment for use in places where explosive atmospheres may occur must comply with the minimum requirements laid down in the Annex to the Directive.
 7. Where workplaces which contain places in which explosive atmospheres may occur are already in use before the entry into force of the proposed Directive, they must comply with its minimum requirements no later than three years after its entry into force.
 8. A vade-mecum describing some of the possible ways of complying with the minimum requirements contained in the Directive is being drawn up in agreement with the Council.
 9. Member States must report to the Commission every five years on the practical implementation of the Directive, indicating the points of view of employers and workers. The Commission must inform the European Parliament, the Council, the Economic and Social Committee and the Advisory Committee on Safety, Hygiene and Health Protection at Work.

(4) Opinion of the European Parliament

*(5) Current status of
the proposal*

Cooperation procedure

On 18 September 1995 the Commission presented the proposal.

(6) References

Commission proposal
COM(95) 310 final

Official Journal C 332, 9.12.1995

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.20. 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 Directives are 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

- Directive 80/1107/EEC: 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.
- Directive 88/642/EEC: 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 SYN0459 — Official Journal C 165, 16.6.1993).

(8) Commission implementing measures

Directive 91/322/EEC — Official Journal L 177, 5.7.1991
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. 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.

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.21. Dangerous agents: Exposure to vinyl chloride monomer

<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"> 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. 2. Technical preventive measures to reduce the concentrations of vinyl chloride monomer to the lowest possible levels. 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. 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. 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. 6. Appropriate information for workers on the health hazards and the precautions to be taken. 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. 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.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	18 months from notification of the Directive.

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

(6) References

(7) Follow-up work

(8) Commission implementing measures

Official Journal L 197, 22.7.1978

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.22. 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/m³ 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/m³ 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 1978 (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

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.23. Dangerous agents: Exposure to asbestos

<i>(1) Objective</i>	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.
<i>(2) Community measures</i>	<p>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).</p> <p>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).</p>
<i>(3) Contents</i>	<ol style="list-style-type: none"> 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 cm³ for an eight-hour reference period; for all other forms of asbestos: 0.30 fibres per cm³ 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/cm³) 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 cm³ 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 cm³ 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

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.24. Dangerous agents: Exposure to noise

<i>(1) Objective</i>	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.
<i>(2) Community measures</i>	Council Directive 86/188/EEC of 12 May 1986 on the protection of workers from the risks related to exposure to noise at work.
<i>(3) Contents</i>	<p>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.</p> <p>2. Member States may apply or introduce provisions ensuring greater protection for workers.</p> <p>3. Definition of the terms: 'daily personal noise exposure of a worker' and 'weekly average of the daily values'.</p> <p>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.</p> <p>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.</p> <p>— 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).</p> <p>— 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.</p> <p>Member States may, exceptionally, grant derogations under certain conditions.</p> <p>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.</p>

(4) *Deadline for implementation of the legislation in the Member States* — 1.1.1990
— 1.1.1991: Greece and Portugal

(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*

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.25. 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"> 1. The Directive does not apply to sea or air transport. 2. The Member States may apply or introduce provisions ensuring greater protection for workers. 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'. 4. Obligation of the Member States: <ul style="list-style-type: none"> — 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); — 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. 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.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	1.1.1990

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

(6) References

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



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.26. 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.

(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 196, 26.7.1990.

(7) Follow-up work

On 14 September 1995 the Commission adopted a proposal for a Council Directive amending for the first time Directive 90/394/EEC on the protection of workers from the risks related to exposure to carcinogens at work (COM(95) 425 final), Official Journal No C 317, 28.11.1995].



The main purpose of the proposal, apart from clarifying certain points of Directive 90/394/EEC, is to lay down occupational exposure limit values for carcinogenic substances, beginning with benzene.

*(8) Commission
implementing
measures*

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.27. 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).

Amended by the following measures:
Council Directive 93/88/EEC of 12 October 1993;
Commission Directive 95/30/EC of 30 June 1995.

(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.

3. Employers' obligations

3.1 Replacement

Replacement of a dangerous biological agent by one which is not dangerous or less dangerous, if the nature of the activity so permits.

3.2 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.

3.3. 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.

3.4 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.

3.5 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.

3.6 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.

3.7 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.

3.8 Consultation and participation of workers in connection with matters covered by the Directive.

3.9 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.

4. Miscellaneous provisions

- 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 diseases or death must be notified to the competent authority.
- 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.
 - Special containment measures are applicable to industrial processes, laboratories and laboratory animal rooms.
 - 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.
 - The Directive is without prejudice to the Directives on the confined use (90/219/EEC) and voluntary release (90/220/EEC) of genetically modified organisms.
 - Technical amendments to the Annexes are adopted by the Commission assisted by a committee.
5. Directive 93/88/EEC amends Directive 90/679/EEC by including in Annex III a list of Group 2, Group 3 and Group 4 biological agents, in accordance with Article 18 of that Directive.
6. Annex III to Directive 90/679/EEC is amended in accordance with the Annex to Directive 95/30/EC.

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

- Directive 90/679/EEC: 28.11.1993
28.11.1995: Portugal
- Directive 93/88/EEC: 30.4.1994
31.12.1995: Portugal
- Directive 95/30/EC: 30.11.1996

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

(6) References

Official Journal L 374, 31.12.1990
Official Journal L 268, 29.10.1993
Official Journal L 155, 6.7.1995

(7) Follow-up work

(8) Commission implementing measures

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.28. 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).

(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 of the proposal

Co-decision procedure

The amended proposal is currently before the Council for a common position

(6) References

Commission proposal
COM(92) 560 final
Economic and Social
Committee opinion

Official Journal C 77, 18.3.1993

Official Journal C 249, 13.9.1993

Amended proposal
COM(94) 284 final SYN0449

Official Journal C 230, 19.8.1993

5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.29. Dangerous agents: Exposure to chemical agents

<i>(1) Objective</i>	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.
<i>(2) Proposal</i>	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).
<i>(3) Contents</i>	<ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> — 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: <ul style="list-style-type: none"> — 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: <p>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.</p> 6. Occupational exposure level: <p>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.</p> 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 of the proposal

Co-decision procedure

The amended proposal is currently before the Council for a common position.

(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

Official Journal C 191, 14.7.1994



5. ENCOURAGING HIGH LABOUR STANDARDS AS PART OF A COMPETITIVE EUROPE

5.3. PROTECTION OF HEALTH AND SAFETY AT WORK

5.3.30. Dangerous agents: Dangers arising from ionizing radiation

- (1) *Objective* To establish uniform basic safety standards to protect the health of workers and the general public against the dangers of ionizing radiation.
- (2) *Proposal* Proposal for a Council Directive laying down the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation.
- (3) *Contents*
1. Title I defines the technical terms.
 2. The Directive applies to any practice which involves a hazard from ionizing radiation, either from an artificial source or from a natural source where natural radionuclides are treated owing to their radioactive, fissile or fertile properties.
 3. Each Member State must require the use of the aforementioned practices to be reported, except in exceptional cases specified by the Directive.
 4. Each Member State must require prior authorization of practices likely to present a risk of ionizing radiation, subject to exceptions stipulated by the Directive.
 5. The disposal, recycling or re-use of radioactive substances or of materials containing radioactive substances arising from any practice subject to compulsory reporting or authorization requires prior authorization unless the dispensation limits laid down by the competent national authorities are complied with.
 6. Member States must ensure that any new categories for any type of practice causing exposure to ionizing radiation, before they are adopted or approved for the first time, are justified by their economic, social or other benefits set against the adverse health effects they are likely to provoke.
 7. Member States may not authorize the deliberate addition of radioactive substances in the production of foodstuffs, toys, personal ornaments or cosmetic products, or the import or export of such products.
 8. Where applicable, dose limitations should be used as part of measures to ensure optimum radiological protection.
 9. Persons under the age of 18 may not be assigned to any work which would make them exposed workers.
 10. The effective dose for exposed workers is limited to 100 mSv over five consecutive years, with the further provision that it must not exceed 50 mSv in any single year.
 11. As soon as a pregnant woman or nursing mother informs her undertaking management of her situation, she may not be assigned to any work involving a significant risk of bodily radioactive contamination.
 12. In exceptional circumstances, excluding radiological emergencies, and evaluated case by case, the competent authorities may, where some specific operation so requires, authorize a certain number of

identified workers to exceed the individual occupational exposure limits.

13. Each Member State must take adequate measures to ensure that the contribution to the exposure of the whole population from each practice is kept as low as is reasonably achievable, taking account of economic and social factors. The total of all such contributions must be regularly assessed.

14. The Directive establishes exposure prevention measures:

- the competent authorities must draw up guidelines for the classification of controlled and supervised areas adapted to each situation, and undertakings must exercise strict control of working conditions in those areas;
- Member States must require undertakings to inform exposed workers, who are divided into two separate categories;
- the undertaking is responsible for assessing and applying arrangements for the radiological protection of exposed workers.

15. Exposure assessment includes monitoring of the workplace (measurement of external dose rates with indication of the nature and quality of the radiation in question, measurement of air concentration and surface density of contaminating radioactive substances with indication of their nature and their physical and chemical states), individual monitoring (systematic for the most exposed workers) and monitoring in the event of accidental or emergency exposures.

16. Medical surveillance of exposed workers is based on the principles that govern occupational medicine in general.

17. Each Member State must lay down procedures for appeals against the findings and decisions made pursuant to the Directive.

18. Each Member State must:

- establish a system or systems of inspection to enforce the provisions introduced in compliance with the Directive and to initiate surveillance and intervention measures whenever necessary;
- require that workers have access, at their request, to the results of their individual monitoring;
- require the necessary means for proper radiation protection to be made available to the services responsible.

19. Each Member State must take all necessary measures to ensure optimum protection of the population and to apply the fundamental principles governing operational protection of the population.

20. Each Member State must ensure that consideration is given to the fact that radiological emergency situations may arise in connection with practices which take place inside or outside its territory and can affect it. It must ensure that intervention plans are drawn up at national or local level and are tested at regular intervals.

21. If a Member State intends to adopt provisions which are stricter than those laid down by the Directive, it must inform the Commission and the other Member States.

*(4) Opinion of the
European Parliament*

*(5) Current status of
the proposal*

Consultation procedure

The Commission presented the proposal for a Directive on 20 July 1993.

The European Parliament delivered its opinion on 20 April 1994.

The Commission presented an amended proposal on 8 July 1994.
The proposal is currently being examined by the Council.

(6) References

Commission proposal COM(93) 349 final	Official Journal No C 245, 9.9.1993
Amended proposal COM(94) 298 final	Official Journal No C 224, 12.8.1994
Opinion of the European Parliament	Official Journal No C 128, 9.5.1994
Opinion of the Economic and Social Committee	Official Journal No C 108, 19.4.1993.

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.1. Current position and outlook

Article 119 of the Treaty of Rome stipulates that women and men are to receive equal pay for equal work. A number of directives have been adopted, from 1975 onwards, clarifying and developing this fundamental principle of Community law:

- equality in respect of remuneration for male and female workers (see summary 6.2) enshrining the principle of equal pay for equal work laid down in Article 119 of the EEC Treaty;
- equal treatment in respect of access to employment, vocational training and career advancement, and working conditions (see summary 6.3), with the aim of eliminating all forms of direct or indirect discrimination at the workplace and paving the way for positive action;
- progressive implementation of the principle of equal treatment in connection with statutory social security schemes (see summary 6.4);
- implementation of the principle of equal treatment in occupational schemes (see summary 6.5);
- equal treatment for women and men engaged in an activity, including agriculture, in a self-employed capacity (see summary 6.6);
- improving the safety and health of pregnant workers and those who have recently given birth (see summary 6.8).

Several important recommendations have also been adopted in this field:

- promotion of positive action for women (13 December 1984 — 84/635/EEC);
- vocational training for women (24 November 1987 — 87/567/EEC);
- protection of the dignity of women and men at work (27 November 1991) (see summary 6.13);
- child care (31 March 1992 — 92/241/EEC) (see summary 6.12).

Moreover, the Council's commitment to the cause of equal opportunities is made clear in a series of resolutions:

- action to combat unemployment among women (7 June 1984 — 84/C 161/02);
- action programme on equal opportunities for girls and boys in education (3 June 1985 — 85/C 166/01);
- promotion of equal opportunities for women (24 July 1986 — 86 C 203/02);
- reintegration and late integration of women into working life (16 December 1988 — 88/C 333/01);
- protection of the dignity of women and men at work (29 May 1990 — 90/C 157/02);
- third action programme on equal opportunities (1991-95) (21 May 1991 — 91/C 142/01);
- promotion of equal opportunities for women and men through the European Structural Funds (22 June 1994 — 94/C 231/01);
- balanced participation by women and men in decision-making (27 March 1995 — 95/C 168/02) (see summary 6.16);
- the portrayal of women and men in advertising and the media (5 October 1995 — 95/C 296/06).

The European Parliament has been strongly supportive on this issue, particularly since the setting up in 1984 of its Committee on Women's Rights.

Mindful of the fact that application of the laws cannot alone suffice to further equality of opportunity in reality, the Commission has endeavoured, through successive

multiannual action programmes devised and implemented in partnership with the Member States, to promote specific activities geared to improving the situation of women in practice, especially in the field of employment. With the third action programme on equal opportunities for women and men (see summary 6.10) having come to an end in 1995, the process was continued with the adoption by the Council, on 22 December 1995, of a Decision on a fourth medium-term Community action programme (1996-2000) (see summary 6.11). The purpose of this new programme is to ensure that due heed is paid to equality of opportunity when relevant policies are devised and implemented at Community, national and regional levels.

On the international stage, the Commission's active involvement in the preparation of the Fourth United Nations World Conference on Women (see summary 9.8) included the issuing of a communication. The European Union played a key role at the Conference, held in Beijing from 4 to 15 September, and had a strong say in both the final declaration and the ensuing platform for action. Emphasis was placed on women's rights, the concept of sexual rights, the importance of women's economic independence, balanced participation by women and men in decision-making, and the integration of equal opportunities into all policies.

Moreover, the Commissioners' Group on Equal Opportunities, chaired by Jacques Santer, keeps a watchful eye on the incorporation of the gender dimension into all relevant policies and programmes. A Commission communication on this subject will be adopted early in 1996.

Finally, in December 1995, the Madrid European Council confirmed that equal opportunities for women and men was, along with employment, a matter of paramount importance for the European Union

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.2. Equal pay principle

- (1) *Objective* 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.
- (2) *Community measures* 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.
- (3) *Contents*
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.
 2. Employees wronged by failure to apply this principle must have the right of recourse to judicial process to pursue their claims.
 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.
 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.
 5. The provisions adopted pursuant to the Directive and relevant existing legislation shall be brought to the attention of employees.
 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.
- (4) *Deadline for implementation of the legislation in the Member States* Within one year of notification.
- (5) *Date of entry into force (if different from the above)*
- (6) *References* Official Journal L 45, 19.2.1975
- (7) *Follow-up work* 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.

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.3. 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)

(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.

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.4. 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 invalidated 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)*

(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 governmental 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

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.

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.5. 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)

(6) References

Official Journal L 225, 12.8.1986

(7) Follow-up work

The Commission has presented a proposal for a Directive amending Directive 86/378/EEC (COM(95) 186 final). The aim of this proposal is to bring Directive 86/378/EEC into conformity with Article 119 of the Treaty as interpreted by the Court of Justice. In its judgment of 17 May 1990 on the Barber case and subsequent interpretive judgments, particularly that of 14 December 1993 (Case C-152/91 Moroni), the Court of Justice recognizes that all forms of occupational pension, and thus all forms of benefits offered by occupational social security schemes for employees, constitute an element of remuneration under the terms of Article 119 of the Treaty, which lays down the principle of equal pay for men and women. In the light of this case law, the derogations from the principle of equal treatment contained in Directive 86/378/EEC, and in particular Article 9 (retirement age and survivor's pension), ceased to be applicable to employees. Article 119 of the Treaty, as a directly applicable provision of primary law, prevails over any provision of secondary legislation, such as Directive 86/378/EEC, or national law.

(8) Commission implementing measures

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

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.6. 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)

(6) References

Official Journal L 359, 19.12.1986

(7) Follow-up work

(8) Commission implementing measures

Commission report on the implementation of the Council Directive 86/613/EEC of 11 December 1986 (COM(94) 163 final). Legally speaking this Directive can be considered to have been implemented in the Member States. However, in practice, the results are not entirely satisfactory in terms of the Directive's primary objective, which was to bring about a general improvement in the status of assisting spouses.

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.7. 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* 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. 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. 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 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 of the proposal

On 22 February 1995 the Commission decided to seek the views of management and labour on the issue of reconciliation of professional and family life, following the procedure laid down in Article 3 of the Agreement on Social Policy (SEC(95) 276 final) (summary 1.5). Following the second stage in the consultation of management and labour by the Commission, on 21 June 1995, on the content of a Community measure on reconciliation of professional and family life, in accordance with Article 3 of the Agreement on Social Policy, both sides of industry were prepared to enter into negotiation and asked the Commission to suspend preparation of legislative provisions (SEC(95) 992 final).

Management and labour signed an agreement on 14 December 1995.

(6) References

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 Economic and Social Committee opinion	Official Journal C 117, 30.4.1984
	Official Journal C 206, 6.8.1984

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.8. Burden of proof — equal pay and equal treatment

- (1) *Objective* 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.
- (2) *Proposal* Proposal for a Council Directive on the burden of proof in the area of equal pay and equal treatment for women and men.
- (3) *Contents*
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.
 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.
 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.
 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.
 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.
- (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 of the proposal* On 5 July 1995 the Commission introduced the first phase in the consultation of management and labour on the burden of proof in the event of discrimination between men and women. In line with the agreement on social policy, management and labour have six weeks in which to react to the Commission document. The Commission is thus reopening a file about which the Council had failed to reach unanimous agreement by 22 September 1994.
- (6) *References*
- | | |
|---------------------------------------|------------------------------------|
| Commission proposal | |
| COM(88) 269 final | Official Journal C 176, 5.7.1988 |
| European Parliament opinion | Official Journal C 12, 16.1.1989 |
| Economic and Social Committee opinion | Official Journal C 337, 31.12.1988 |

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.9. Protection of pregnant women, women who have given birth and breastfeeding women

- (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 child birth, 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 insured. 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 1997 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

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.10. Third programme on equal opportunities (1991-95)

- (1) *Objective* 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.
- (2) *Community measures* Third medium-term Community action programme on equal opportunities for women and men (1991-95).
- (3) *Contents*
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:
 - to improve the implementation of existing legal provisions;
 - to promote the integration of women on the labour market;
 - to improve the status of women in society.
 2. The Member States are asked to achieve the following objectives:
 - raise the level of awareness about legal rights and obligations;
 - develop specific measures for equal opportunities for women and men, and promote women's entrepreneurship and local employment initiatives;
 - 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);
 - reduce barriers to women's access to, and participation in, employment, by reconciling the family and occupational responsibilities of women and men;
 - develop innovative programmes presenting a complete, realistic picture of women in society, particularly in the media;
 - encourage measures designed to promote the participation of women in the decision-making process in public, economic and social life.
 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).
 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.
- (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(90) 449 final

Not yet published in the Official
Journal

(7) Follow-up work

On 21 May 1991, the Council adopted a Resolution on the third medium-term Community action programme on equal opportunities for women and men(1991-95). In it, the Member States are invited to encourage measures designed to promote the participation of women in the decision-making process in public, economic and social life (Official Journal C 142, 31.5.1991).

On 27 March 1995, the Council adopted a Resolution on balanced participation by men and women in decision-making. The Council invites the Member States to promote the balanced participation of men and women in decision-making as a priority objective in the context of their respective practices regarding equal opportunities for men and women and to adopt this objective as such in their governments' programmes. It also calls upon the institutions and bodies of the European Communities to implement measures, in their capacity as employers and on the basis of a review, promoting the balanced recruitment of men and women. The Commission is called upon to step up its information and awareness effort and its efforts to promote research and to introduce pilot schemes to implement the balanced participation of men and women in decision-making; and to take account of the Resolution in its fourth action programme on equal opportunities for men and women.

(8) Commission implementing measures

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

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.11. Fourth programme on equal opportunities (1996-2000)

(1) Objective

To promote, in partnership with all the parties involved, the integration of equal opportunities for women and men into the process of preparing, implementing and monitoring all policies, measures and activities at Community, national, regional and local levels.

(2) Community measures

Council Decision 95/593/EC of 22 December 1995 concerning a medium-term Community action programme on equal opportunities for women and men (1996-2000).

(3) Contents

1. The aim of the programme is to promote the integration of equal opportunities for women and men into the preparation, implementation and monitoring of all policies and activities of the Union and Member States, while respecting their specific responsibilities.
2. The programme focuses upon the following six objectives:
 - promotion of the integration of equal opportunities into all policies and actions;
 - mobilization of those playing an active role in economic and social life in order to achieve equal opportunities for women and men;
 - promotion of equal opportunities in a changing economy, particularly in the fields of education, vocational training and the labour market;
 - reconciliation of family and working life for women and men;
 - promotion of balanced participation of women and men in decision-making;
 - enabling people to exercise their right to equal opportunities.
3. To achieve these six objectives, the following measures may be implemented, enhanced and/or supported under the programme:
 - methodological, technical and financial support for projects enabling the identification and development of good practice and the exchange of information and experience relating to this;
 - observation and monitoring of relevant policies and the conducting of studies in this field;
 - rapid dissemination of the results of the initiatives undertaken and any other relevant information.
4. The programme activities which may be opened up to the countries of the European Economic Area, the associated countries of Central and Eastern Europe, Cyprus, Malta and the European Union's partner countries in the Mediterranean region will be determined in the context of the Union's relations with these countries.
5. The Commission is assisted by a committee consisting of representatives of the Member States and chaired by a representative of the Commission.
6. The reference sum for implementation of the programme during the period from 1 January 1996 to 31 December 2000 is ECU 30 million.
7. External objective assessments of the programme are to be carried out on a regular basis.
8. An interim report on progress made is to be drawn up by 31 December 1998 at the latest.

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

Not applicable.

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

1.1.1996

(6) References

Not yet published.

(7) Follow-up work

(8) Commission implementing measures

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.12. 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

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.13. 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">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.2. Sexual harassment is defined as:<ul style="list-style-type: none">— conduct which is unwanted, unreasonable and offensive to the recipient;— 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;— any conduct which creates an intimidating, hostile or humiliating work environment for the recipient.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.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.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.
<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>	

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.14. 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



6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.15. Advisory Committee on equal opportunities for women and men

- (1) Objective* To set up an institutionalized framework for the purpose of regular consultations with bodies which have special responsibility in the Member States for promoting equality of opportunity.
- (2) Community measures* Commission Decision 82/43/EEC of 9 December 1981 relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men.
- Amended by Commission Decision 95/420/EC of 19 July 1995.
- (3) Contents*
1. An Advisory Committee on Equal Opportunities for Women and Men is to be set up by the Commission.
 2. The Committee's remit is to help the Commission formulate and implement Community measures aimed at promoting equal opportunities for women and men and to encourage the continuous exchange of information on experience gained and policies and measures undertaken in the fields in question between the Member States and the various actors involved.
 3. The Committee will have 40 members with a three-year, renewable term of office. It will be composed of one representative from each Member State appointed by the respective Government from among the officials of Ministries or Government Departments responsible at national level for promoting equal opportunities, one representative from each Member State appointed by the Commission from among the members of national committees or bodies specifically responsible for women's employment and/or equal opportunities, five members representing employers' organizations at Community level, and five members representing employees' organizations at community level appointed by the Commission on the basis of a proposal from the social partners. Two representatives of the European Women's Lobby will attend committee meetings as observers; representatives of international, professional and membership organizations may also be admitted as observers following a reasoned request.
 4. The Committee will elect a Chairperson and two Vice-Chairpersons from among its members for a period of one year.
 5. The Chairperson may invite any person who is specially qualified in a particular subject on the agenda to take part in the work of the Committee as an expert.
 6. The Committee will be convened by the Commission and will meet at least twice a year at the Commission's headquarters. Representatives of the Commission will be entitled to take part in meetings of the Committee and its working parties.
 7. The Committee's deliberations are based on requests for opinions made by the Commission and on opinions delivered on its own initiative. They are not followed by a vote.
- (4) Deadline for implementation of the legislation in the Member States* Not applicable.

(5) Date of entry into force (if different from the above) Decision 82/43/EEC: 1.1.1982
Decision 95/420/EC: 1.1.1996

(6) References

Official Journal L 20, 28.1.1982
Official Journal L 249, 17.10.1995

(7) Follow-up work

(8) Commission implementing measures

6. EQUALITY OF OPPORTUNITY FOR WOMEN AND MEN

6.16. Balanced participation of women and men in decision-making

- (1) Objective* To define measures aimed at promoting the participation of women in the decision-making process in both the public and private sectors.
- (2) Proposal* Proposal for a Council recommendation concerning the balanced participation of women and men in decision-making.
- (3) Contents*
1. The Council recommends the Member States to adopt an overall integrated strategy aimed at promoting the balanced participation of women and men in places of power, influence and decision-making, and to develop or introduce to this end the appropriate legislative, regulatory or incentive measures.
 2. The Council recommends the Member States :
 - to emphasise in education and training at all levels women's role in and contribution to society ;
 - to design, encourage and disseminate campaigns aimed at alerting public opinion to the usefulness and advantages for society as a whole of balanced participation by women and men in decision-making ;
 - to encourage the social partners, political parties and groupings, non-governmental associations and organizations and the media to devise equal opportunities plans.
 3. The Council recommends the Member States :
 - to develop or promote the production and publication of statistical data showing the relative participation of women and men in places of decision-making in general ;
 - to support, develop or encourage quantitative and qualitative studies on the legal, social or cultural obstacles to the access of persons of either sex ;
 - to support and encourage initiatives creating examples of good practice in the various spheres of decision-making.
 4. The Council recommends the Member States :
 - to promote a better balance between women and men at all levels of government ;
 - to set quantified targets for political representation at European, national, regional and local levels ;
 - to implement or devise equal opportunities plans for the public service ;
 - to encourage the private sector to adopt or devise equal opportunities plans and positive action programmes ;
 - to encourage the adoption by press, radio and television organizations of measures to promote balanced participation by women and men in production units, management bodies and decision-making posts.
 5. The Council asks the Commission :
 - to step up efforts to provide information, raise awareness, encourage research and promote pilot schemes in order to bring about the balanced participation of women and men in decision-making ;

- to encourage and organize, in conjunction with the Member States, the systematic exchange of experience and the evaluation of policies implemented to achieve a balance between women and men in decision-making;
- to submit a report to the Council, within three years of the adoption of this recommendation, on the progress made in implementing it, on the basis of information supplied by the Member States.

(4) Opinion of the European Parliament

(5) Current status of the proposal

On 29 November 1995 the Commission adopted the proposal for a recommendation and forwarded it to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions.

(6) References

Commission communication
COM(95) 593 final

Not yet published.



7. SOCIAL POLICY AND SOCIAL PROTECTION

7.1. Current position and outlook

The Social Charter contains the following provision: '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 or whatever the size of the undertaking in which he is employed, enjoy an adequate level of social security benefits; persons who had 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'.

Social security systems in the 15 EU countries are not all based on the same model. They reflect a history, traditions, social advances and a cultural heritage that are specific to each country and which cannot be changed. Any harmonization of existing systems is therefore out of the question.

Nonetheless, it is worthwhile examining ways of achieving greater convergence between the objectives pursued by the various governments with a view to preventing differences between systems from hindering free movement or aggravating regional imbalances. It was with this in mind that:

- in 1990 the Missoc programme, a mutual information system on social protection systems and policies, was launched (see summary 7.3);
- in 1992, the Council, on a proposal from the Commission, adopted a recommendation on the convergence of social protection objectives and policies (see summary 7.4).

While fully recognizing that the main political responsibility in these areas rests with the national, regional or even local authorities, the Commission is convinced that the Union can play a valuable role in promoting cooperation or even joint action, given that most of the problems faced are common to all the Member States. Accordingly, on 31 October 1995 it adopted a communication on the future of social protection (see summary 7.2) in which it proposes a framework for a European debate on this issue.

On the same day, the Commission adopted the 1995 report on social protection in which it examines in particular the levels of unemployment benefit paid in the Union, the access of self-employed workers to sickness insurance and social assistance, and the social protection available to all those — mainly women — who have to leave their job or work shorter hours to look after children, disabled people or the elderly.

The Commission also hopes that the Community and its member countries will commit themselves to combating social exclusion by providing, in ways specific to each Member State, adequate benefits and resources that take account of the personal situation of all their citizens, including the elderly (see summary 7.6). To bring this about, it presented a proposal for a Council Decision adopting a medium-term action programme to combat exclusion and promote solidarity (see summary 7.7).

Hitherto, the Commission's activities in the social protection field have normally been in the form of targeted measures aimed at specific groups with special needs such as disabled people and the elderly.

Thus, in 1991, the Council adopted a Decision on Community actions for the elderly (see summary 7.13). A new proposal of the same kind was presented by the Commission on 1 March 1995.

To facilitate the economic and social integration of elderly persons and the disabled, the Community has also launched the TIDE initiative (see summary 7.12), which is designed to promote the creation of an internal market for rehabilitation technologies in Europe.

As regards disabled people, the Helios II Community action programme (1993-96) (see summary 7.8) has been implemented and was extended in 1995 to cover the EEA countries. One part of this programme is devoted to Handynet (see summary 7.9), an information system designed to provide practical information on the day-to-day problems of disabled people. As transport is one of the most acute problems that the disabled face, the Commission has presented a proposal for a Council Directive on minimum requirements to improve the mobility and the safe transport to work of workers with reduced mobility (see summary 7.10). Lastly, on 14 December 1995 the Commission adopted a proposal for a Council recommendation on the mutual recognition by the Member States of parking cards for disabled people (see summary 7.11).

Finally, the Commission will continue to promote schemes designed to reinforce policies for the integration of migrants who are nationals of third countries and reside legally on the territory of the Union (see summary 7.14). To give a new impetus to the overall strategy at Union level, the Commission has adopted a communication on racism, xenophobia and anti-Semitism (see summary 7.15). This communication includes the proposal for a Council Decision on designating 1997 as the 'European Year against Racism' (see summary 7.16).



7. SOCIAL POLICY AND SOCIAL PROTECTION

7.2. The future of social protection: A framework for a European debate

- (1) *Objective* To propose a framework for a European debate on the future of social protection aimed at encouraging the Member States to reflect jointly on the problems which they must face if they are to adopt a system of social protection leading to a more favourable employment situation and greater effectiveness, and enabling them to benefit fully from the advantages of the internal market and economic and monetary union.
- (2) *Community measures* Commission communication of 31 October 1995 on the future of social protection, a framework for a European debate.
- (3) *Contents*
1. Social protection represents a fundamental component of the European model of society. It can be defined as all the collective transfer systems designed to protect a country's inhabitants against social risks.
 2. Each Member State remains responsible for the organization and financing of its own particular social protection system. Given the common challenges facing the Member States in this area and in view of the strategy for convergence of social protection policies adopted at Community level, a European-level debate on these issues seems particularly appropriate.
 3. The level of indirect labour costs resulting from the burden of transfers to persons not in gainful employment is accused of being prejudicial to the development of employment, competitiveness and economic growth. However, social protection is crucial to the very working of our societies and is an essential vector of social cohesion. It is therefore a question of making social protection more conducive to the implementation of active policies combining income support, vocational training and tapping new sources of employment.
 4. All the Member States are concerned about the financing of social protection schemes. While revenue, which mostly comes from wages and salaries, is at a standstill because of poor employment levels, expenditure is increasing. It seems difficult to put up social charges and contributions based on wages and salaries, which are seen as relatively high already in many Member States, especially as there is a general agreement that the total cost of low-skilled labour should be reduced. Reforms of social protection systems are in hand or in preparation in many Member States: diversification of the sources of financing through the use of taxes, search for a balance between statutory and supplementary social protection, etc.
 5. The ageing of the population is helping to change the traditional patterns of solidarity between generations, calling into question certain social protection mechanisms, particularly those used for calculating pension rights. While it seems unlikely that the growing imbalance in the age pyramid can be remedied by immigration, the ability to make the necessary transfers to pensioners will depend on the future growth of the European economies and on what happens to jobs. More and more people are praying for individualization of rights and contributions.
 6. Reconciling the maintenance and development of high-quality care systems and free access to care with the constraint of keeping public health-care expenditure under control is extremely difficult. Given the

complexity of these problems, exchanges of experience would be particularly useful.

7. At European level, it would be useful to analyse whether efficiency gains could be made by improving the complementarity between the Member States' specialized health-care services.

8. The question of the future evolution and scope for coordination of the social protection systems of the Member States of the Union is being raised. It would be useful to consider how it would be possible to reconcile the need to avoid 'benefit tourism' with the exercise of the right of free movement.

9. Collective social protection systems coexist with individual self-insurance provision. The question of whether compulsory affiliation to a social protection scheme is compatible or not with European law is a grey area, at least in the case of schemes other than statutory ones.

10. A medium-term strategy is needed which will draw together economic and social policies in partnership rather than in conflict with each other.

11. Since it is responsible for freedom of movement for persons, freedom to provide services and competition, the Union does intervene indirectly in respect of social protection issues within those areas. It is therefore important to ensure that social objectives are taken into account in these other areas. An integrated approach should be followed, and there is an obvious value in setting in train common reflection on the future of social protection in the Union.

12. Consideration should be given to the following subjects:

- the challenges arising from the deteriorating relationship between the size of the labour force and the number of pensioners;
- how to make social protection more employment-friendly;
- the financing of social protection;
- changes in health-care systems;
- a broad assessment of the operation of the coordination of social security schemes for persons moving within the Union, and examination of the relationship between coordination and convergence of social protection systems;
- examination of the principles whereby the institutions managing both statutory and supplementary schemes and insurance companies can operate alongside each other in the internal market;
- reflection on the future of social protection in the longer term.

13. The Commission calls upon the Council to:

- acknowledge the importance of developing a framework for a European debate on the future of social protection in which the Member States and the Union could pool their efforts towards improving the workings of their social protection systems and make them more employment-friendly and more efficient;
- agree to associate all the players concerned at national and Community level, notably the social partners;
- take note of the Commission's intention to take stock of reactions to this invitation to debate before the end of 1996, and to propose appropriate follow-up.

(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(95) 466 final

Not yet published.

(7) Follow-up work

(8) Commission implementing measures

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.3. Social protection: Missoc programme (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</p> <ul style="list-style-type: none">— Publications: Annual comparative tables on social protection schemes, preceded by an analysis of developments in systems and policies during the previous year. Updatings three times a year.— Database and telematic network:<ul style="list-style-type: none">— 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.
<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>	

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.4. Social protection: 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 ;



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

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.5. Social protection: Report on social protection in Europe (1995)

(1) Objective

To contribute to the debate on future measures aimed at promoting growth in employment, the free movement of workers from one country to another, opportunities for exploiting the potential of the internal market, and increased economic integration; to examine trends in social protection systems.

(2) Community measures

Report on social protection in Europe (1995).

(3) Contents

I. Social protection systems in the European Union

1. Although they differ in detail in the way they are organized and financed, the social protection systems in the various Member States share similar aims: guaranteeing a minimum income, delivering health care and providing social services.

2. In terms of differences in the extent of cover given, the Member States can be divided into four groups:

- the three Scandinavian countries, where social protection extends to all citizens as of right, where everyone is entitled to the same basic amount and where only unemployment insurance is voluntary rather than compulsory;
- the United Kingdom and Ireland, where coverage is virtually universal and where there is extensive use of means-testing;
- Germany, Austria, France and the Benelux countries, where the insurance principle is more evident while benefits are mostly earnings-related and, together with health care, are linked to a greater extent to employment and vary between occupational groups;
- Italy, Spain, Portugal and Greece, where the establishment of universal systems is more recent.

There are, moreover, differences between the Member States as regards the regulations governing eligibility to the various benefits and the duration of their receipt.

3. In general, expenditure on social protection tends to be higher in the north of the Union than in the south, reflecting the availability of resources to fund this expenditure as well as the less developed nature of systems in southern countries. However, a certain degree of convergence is now occurring.

4. The relative importance of different sources of finance (social contributions or taxes) reflects the systems in operation.

5. Three distinct models of administration of social protection systems can be distinguished in the Union:

- the Anglo-Saxon model, where overall responsibility for the provision of virtually all cash benefits generally lies with a single government department;
- the Scandinavian model, where there is also a unitary system but administration is more decentralized, where the social partners participate in the management of national insurance and where unemployment insurance is run separately by the trade unions;

- the Continental model of administration, where the system is fragmented in a number of semi-autonomous schemes for different occupational groups.

II. Adapting to change: recent reforms and key developments

6. The two major factors which both represent serious challenges to the systems now in place are:

- the ageing of the Union's population, which results in an increasing share of income going to people who no longer contribute directly to its generation;
- the persistence of high unemployment combined with the depressed rate of long-term economic growth, which implies high levels of expenditure on income support and reduced income for funding expenditure owing to the smaller number of contributors.

7. Common reactions on the expenditure side have so far taken the form of:

- tightening regulations and qualifying conditions governing entitlement to income support and restricting eligibility for benefit to the more 'deserving' cases;
- increased targeting by greater use of means-testing, by linking the amount of benefit received to income and by taxing benefits;
- increased privatization of a number of aspects of the system;
- increased emphasis on active measures in order to prevent long-term dependency on income support.

8. On the financing side, the widespread reaction has been to:

- reduce social charges falling on businesses, particularly in the form of non-wage labour costs, in order to stimulate job creation;
- seek alternative forms of funding social protection: replacement of contributions by some form of taxation to finance certain services.

III. Trends in social protection and its financing

9. In 1993, expenditure on social protection averaged around 29% of Community GDP, equivalent to around ECU 4 500 per person. Variations in the scale of spending across the Union, however, are substantial.

IV. Unemployment compensation and incentives to look for work

10. Although expenditure on unemployment compensation accounts in most countries for a relatively small proportion of expenditure on social protection, it has often been at the heart of the policy debate in many Member States.

11. The task facing governments in the Union is to balance conflicting concerns.

They are trying on the one hand:

- to restrain the growth of social protection expenditure within the capacity of the economy to fund it;
- to maintain adequate incentives for those out of work to look for jobs;
- to prevent abuse of the system,

while bearing in mind the need:

- to ensure that those who cannot find a job have an acceptable level of income;
- to give those unemployed sufficient time to look for employment which suits their particular skills;

- providing access to effective support and advice for those seeking jobs;
- improving the employability of the unemployed and the incentive for employers to take them on.

12. In most Member States, the level of income support paid to the unemployed may seem high in relation to the net wages received by those in work. It remains an open question whether this level is so high as to seriously discourage the individuals concerned from looking for work.

V. Reforms in health care

13. The reform of health care systems is a topical issue and an objective of policy throughout the Union. Nearly all the countries have adopted what might be termed a 'contractual' approach, although this embraces a wide range of different measures depending on the institutional structure in each Member State.

14. There has been a marked trend towards privatization in the provision of health care. This has taken two related forms:

- the growth of private treatment *per se*;
- an increase in the extent of *copayment* (prescriptions and consultations).

A parallel tendency, which introduces more elements of competition between the insurance funds and the providers of health care services, is being noticed.

15. The trend towards privatization is accompanied by increased efforts to make expenditure and the provision of care and treatment more efficient without adversely affecting the level of protection provided.

VI. Social protection and the self-employed

16. In most Member States, the social protection available to the self-employed, who numbered 22 million in the Union in 1994, is considerably less extensive or generous than that provided for employees.

17. Although some steps have been taken recently, certain differences still remain:

- in most countries, the level of pensions for the self-employed is often lower than that for employees with a comparable income;
- in France, Ireland, Italy, Greece and the Netherlands, the self-employed are excluded from the social insurance schemes as far as sickness benefit is concerned;
- unemployment benefits for the self-employed exist only in the three Scandinavian countries and Luxembourg.

18. If the self-employed are not covered by State schemes then their only recourse is private insurance if they wish to be protected against certain risks. The lack of data on the numbers insured, the cost of premiums, the level of benefits and the extent of tax relief makes it impossible to obtain an overall view of the situation.

VII. Social protection and caring responsibilities

19. The ageing of the population and the increasing number of women in paid employment have growing implications for the social protection entitlement of those who take a break from work to look after young children, disabled adults or elderly, infirm persons.

20. Until now, emphasis has been placed on caring for young children. However, the period of basic maternity leave is far from adequate and, in some Member States, it is possible to take extended leave under

various schemes, the aim being to allow women more easily to reconcile work and family life, to protect their working careers and enable men to play a greater role in early child care.

21. Schemes providing benefits for those who look after adults needing care exist in only four Member States (the United Kingdom, Ireland, Finland and Germany). More limited provision is available in six other countries, whereas in Spain, Luxembourg, the Netherlands, Austria and Portugal there is no such provision.

(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(95) 457 final

Not yet published.

(7) Follow-up work

(8) Commission implementing measures

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.6. 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

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.7. Promotion of solidarity

- (1) *Objective* 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.
- (2) *Proposal* 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 (1994-99).
- (3) *Contents*
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.
 2. The aims of the programme are to:
 - contribute to the development of preventive and corrective measures at local and national (or regional) level through model actions;
 - support the creation and development of transnational networks of partnership projects;
 - organize information, coordination, evaluation and exchanges of experience at Community level;
 - stimulate experimentation and analysis and encourage the use of the most successful innovatory model measures;
 - study social exclusion mechanisms;
 - provide information on the programme and disseminate programme results.
 3. The following measures are planned:
 - model actions at local level, both in rural and urban areas, through partnerships involving the public and private sectors;
 - model actions at national (or regional) level to support measures implemented by public or private bodies, thus ensuring partnership and an overall strategy;
 - aid for the creation and development of transnational project networks;
 - collection of data, compilation of statistics and undertaking of comparative studies covering social exclusion phenomena and remedial measures.
 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.
 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.
- (4) *Opinion of the European Parliament* The Parliament approved the Commission's proposal subject to certain amendments.
- (5) *Current status of the proposal* 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 CNS0936

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

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.8. The disabled: Helios II 1993-96

(1) Objective

To promote equal opportunities for and the integration of disabled people through the development of a community-level policy of cooperation with the Member States and non-governmental organizations directly involved in the fields of functional rehabilitation, educational integration and economic and social integration.

(2) Community measures

Council Decision 93/136/EEC of 25 February 1993 establishing a third Community action programme to assist disabled people (Helios II 1993-96).

(3) Contents

1. The Helios II programme is designed to complement action taken at national, regional and local levels, in particular by ensuring an exchange of experience and information relating to such action. Cooperative action at Community level may help Member States to improve the effectiveness of the measures which they take in this area. Duration: 1 January 1993 to 31 December 1996.
2. Definition of 'disabled people': people with serious impairments, disabilities or handicaps resulting from physical, including sensory, or mental or psychological impairments which restrict or make impossible the performance of an activity or function considered normal for a human being.
3. Objectives:
 - to develop and improve exchange and information activities with the Member States and non-governmental organizations (NGOs), and to ensure that they are disseminated;
 - to coordinate and increase the effectiveness of actions carried out;
 - to promote the development of a policy of cooperation in respect of integration, based on the best experience and practice in the Member States;
 - to continue cooperation with European and national NGOs, where the latter are representative and have expressed a desire to cooperate at Community level.
4. Actions:
 - promoting innovation, facilitating exchanges of experience and the dissemination of successful practices, and encouraging their transfer;
 - pursuing, within the context of the Handynet computerized information and documentation system, the collection, adaptation at European level, updating, exchange and dissemination of information;
 - encouraging disabled people to take part in Community programmes;
 - developing exchanges of information and experience on Member States' education systems;
 - ensuring coordination and cooperation with activities undertaken by organizations at international level.
5. Specific measures are listed in the Annex to the Decision.
6. The amount deemed necessary for implementing the programme over four years is ECU 37 million.

7. The Commission, assisted by an advisory committee, will ensure the implementation of the programme.
8. Before consulting the committee, the Commission will ascertain the views of the European disability forum and will convene a liaison group.
9. The Commission will, before 1 July 1994, submit a brief report on Handynet and, before 31 December 1995, will submit an interim evaluation report on the implementation of Helios II. It will submit a full report before 1 July 1997.

(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 56, 9.3.1993

(7) Follow-up work

(8) Commission implementing measures

In course of being drawn up.

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.9. The disabled: Handynet

- | | |
|--|---|
| <i>(1) Objective</i> | Re-examination by the Council of the Handynet system by 31 December 1994, on the basis of a Commission report. |
| <i>(2) Community measures</i> | Council Decision 94/872/EC of 6 December 1994 concerning the continuance of the Handynet system in the framework of the activities undertaken to date on the first technical aids module. |
| <i>(3) Contents</i> | Continuation of the Handynet computerized information and documentation system under the Helios II programme for the period 1 January 1995 to 31 December 1996. |
| <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> | |
| <i>(6) References</i> | Official Journal L 316, 9.12.1994 |
| <i>(7) Follow-up work</i> | |
| <i>(8) Commission implementing measures</i> | |

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.10. The disabled: 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 11.3.1) and the Directive on temporary and mobile work sites (summary 11.3.6) 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 of the proposal

The amended proposal is currently before the Council in view of a common position.

(6) References

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

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.11. The disabled: Parking card for disabled persons

<i>(1) Objective</i>	To standardize the format of parking cards for disabled persons and to have them recognized reciprocally by the Member States of the Union.		
<i>(2) Proposal</i>	Proposal for a Council recommendation on a parking card for disabled persons.		
<i>(3) Contents</i>	<p>The Council of the European Union recommends the Member States to:</p> <ol style="list-style-type: none"> 1. Introduce a national parking card for disabled persons in accordance with the respective national provisions, on the basis of the standardized Community model described in the Annex. 2. Recognize reciprocally the parking cards for disabled persons introduced by each Member State in accordance with the standardized Community model, so that the holder of the card may benefit from the associated parking facilities available in the respective countries. 3. Issue the parking card only to disabled persons with reduced mobility. 4. Take the necessary steps to ensure that the parking cards for disabled persons based on the standardized Community model, and the arrangements for reciprocal recognition, are introduced by 1 January 1998 at the latest. 5. Inform the Commission, by 1 March 1998, of the measures taken pursuant to this recommendation. 		
<i>(4) Opinion of the European Parliament</i>	Not yet delivered.		
<i>(5) Current status of the proposal</i>	The Commission approved the proposal for a recommendation on 15 December 1995.		
<i>(6) References</i>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Proposal for a recommendation COM(95) 696 final</td> <td style="width: 50%;">Not yet published.</td> </tr> </table>	Proposal for a recommendation COM(95) 696 final	Not yet published.
Proposal for a recommendation COM(95) 696 final	Not yet published.		

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.12. TIDE - Technology initiative for disabled and elderly people

<i>(1) Objective</i>	To stimulate the creation of an internal market in rehabilitation technology in Europe to facilitate the socioeconomic integration of disabled and elderly people.
<i>(2) Community measures</i>	Council Decision 93/512/EEC of 21 September 1993, on a Community technology initiative for disabled and elderly people (TIDE).
<i>(3) Contents</i>	<ol style="list-style-type: none">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:<ul style="list-style-type: none">— 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:<ul style="list-style-type: none">— 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.
<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>	

(6) References

(7) Follow-up work

*(8) Commission
implementing
measures*

Official Journal L 220, 25.9.1993

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.13. Actions in favour of older people

<i>(1) Objective</i>	<p>To develop the role and potential of the active retired population and promote best practices for improving the situation of older women, managing an ageing workforce, transition from work to retirement, and care for dependent older people.</p> <p>To strengthen solidarity between generations and the integration of dependent older people.</p>						
<i>(2) Proposal</i>	<p>Proposal for a Council Decision on Community support for actions in favour of older people.</p>						
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The proposal covers the period 1 September 1995 to 31 December 1999.2. The proposed measures include support for transnational activities and partnerships to facilitate the exchange of information and experience between Member States and promote best practices to contend with population ageing. <p>The aim of the proposal is to capitalize on the experience acquired and make maximum use of the main partnerships formed during the European Year of Older People and Solidarity between Generations (1993). The partnerships include players from the private sector, NGOs and public authorities.</p> <ol style="list-style-type: none">3. Applications for funding may be made by organizations and individual persons.4. The level of the Community's contribution towards eligible measures will not exceed 75% of total cost.5. The Commission will be assisted by a committee of an advisory nature, composed of two representatives of the government of each Member State and chaired by a representative of the Commission.6. The total budget for the whole period is estimated at ECU 23 million.7. The Commission will present to the Council and the European Parliament a report on the implementation and results of actions by 31 December 2000.						
<i>(4) Opinion of the European Parliament</i>	<p>18 September 1996</p>						
<i>(5) Current status of the proposal</i>	<p>Consultation procedure</p> <p>A amended proposal of the Commission is awaited.</p>						
<i>(6) References</i>	<table><tr><td>Commission proposal COM(95) 53 final</td><td>Official Journal C 115, 9.5.1995</td></tr><tr><td>Opinion of the European Parliament</td><td>Official Journal C 269, 16.10.1995</td></tr><tr><td>Opinion of the Economic and Social Committee</td><td>Official Journal C 236, 11.9.1995</td></tr></table>	Commission proposal COM(95) 53 final	Official Journal C 115, 9.5.1995	Opinion of the European Parliament	Official Journal C 269, 16.10.1995	Opinion of the Economic and Social Committee	Official Journal C 236, 11.9.1995
Commission proposal COM(95) 53 final	Official Journal C 115, 9.5.1995						
Opinion of the European Parliament	Official Journal C 269, 16.10.1995						
Opinion of the Economic and Social Committee	Official Journal C 236, 11.9.1995						

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.14. Social integration of immigrants from non-Community 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 fora. In 1991, Austria convened a Conference of Ministers on the Movement of Persons from Central and Eastern 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

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.15. Communication on racism, xenophobia and anti-Semitism

- (1) *Objective* To summarize the Commission's activities in the fight against racism, xenophobia and anti-Semitism and explain what form they will take in the future.
- (2) *Community measures* Communication from the Commission of 13 December 1995 on racism, xenophobia and anti-Semitism.
- (3) *Contents*
1. Public opinion has been widely alerted to the fact that persistent racism, xenophobia and anti-Semitism is striking at the roots of democratic society throughout the Community and expects more to be done at national, regional, national and European level to deal with this problem.
 2. Action will only be effective if it is integrated in all policies to improve the economic and social environments in which racism flourishes.
 3. Although combating racism is primarily a matter for the Member States or their regional or local authorities, there is a broad consensus in favour of suitable action at European level, as this is obviously a transnational problem.
 4. The Commission has laid down four guiding principles governing its activities:
 - combating racism requires universal cooperation;
 - the key aim of any strategy to combat racism must be prevention, with due respect for the crucial role of public action and enforcement;
 - priorities must be set jointly by all the parties concerned in order to ensure that action is focused and coherent;
 - the Commission will comply scrupulously with the principle of subsidiarity in pursuing its activities in this field.
 5. The Commission can deploy the following instruments in the various fields concerned:
 - the European Social Fund, and in particular the Community initiatives Employment-Horizon and Employment-Inclusion, Urban and Adapt;
 - education, training and youth programmes: Socrates, and in particular the Comenius chapter, Leonardo da Vinci and Youth for Europe III.
 6. The Commission stresses the link between integration policies and policies for fighting racism and xenophobia. The Employment-Inclusion initiative is intended to:
 - devise models for improving the accessibility and quality of public services for high-risk groups;
 - support initiatives where local groups of immigrants and members of ethnic minorities take responsibility for their own situation;
 - support legal assistance centres, also when they are intended to provide information on the conditions to be met and procedures to be followed to become a national of a Member State;
 - provide support to NGOs which conduct information campaigns on immigrants' and ethnic minorities' rights.
 7. In the light of its experience, the Commission:

- will encourage and support training of mediators, especially when they belong to immigrant communities and ethnic minorities;
 - will encourage training courses for public service workers and managers who have frequent contact with immigrants and ethnic minorities, especially in the social, housing and medical services.
8. The Commission will support the efforts of the social partners to implement the joint declaration they adopted in Florence in October 1995 on the prevention of racial discrimination and xenophobia and the promotion of equal treatment at the place of work.
9. The Commission has already made an effort to guarantee equal opportunities for students and young people from non-Member States who are lawful residents of the Community with regard to participation in Community education, training and youth programmes.
10. The Commission will support efforts made by media professionals to improve standards in this area, in order to alert public opinion to racism and combat prejudice.
11. The Commission will, within the limits of its powers, adopt a twofold approach to cooperation on justice and internal affairs, focusing on potential racism in the law enforcement authorities and the way in which the police tackle racist activity.
12. The Commission will, through its Youth for Europe programme, promote a long-term learning process to alert people to racism through intra-Community exchanges between young people, exchanges with people from non-member countries, initiatives for young people and periods of voluntary service.
13. It is for the Member States to discourage and punish racist crime. A study has shown that incitement to racial hatred constitutes a crime in the majority of the Member States. Harmonizing legislation so that effective penalties for the same racist behaviour would be available everywhere would be an effective method of improving legal cooperation. A step in this direction was taken with the Spanish Presidency's proposal for joint action against racism and xenophobia (not yet adopted).
14. The Commission is already cooperating with the Council of Europe to fight racism and xenophobia and intends to step up this cooperation.
15. There are three separate options for European legislation:
- non-discriminatory application of Community law could be guaranteed by incorporating in the Treaty a general non-discrimination clause which would apply to all Community legislation. The Commission has announced its intention of insisting at the Intergovernmental Conference 'that specific powers to combat racial discrimination be included in the Treaty';
 - legislation against discrimination which would set general objectives for the Member States in application of Community law;
 - pending the results of the Intergovernmental Conference, the Commission will opt for proposing a non-discrimination clause in any new Community instruments in which it is appropriate.

(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 Communication from the Commission COM(95) 653 final Not yet published.

(7) Follow-up work Publication of progress reports at regular intervals.

(8) Commission implementing measures

7. SOCIAL POLICY AND SOCIAL PROTECTION

7.16. European Year Against Racism

- (1) *Objective* To help combat racism, xenophobia and anti-Semitism in the European Community.
- (2) *Proposal* Proposal for a Council Decision proclaiming 1997 to be the European Year Against Racism.
- (3) *Contents*
1. 1997 is proclaimed as the European Year Against Racism.
 2. The aims of the European Year Against Racism are as follows:
 - to alert public opinion to and disseminate information on racism, xenophobia and anti-Semitism in the European Community;
 - to stress the threat to economic and social cohesion in the Community which discrimination based on race, colour, religion, and national or ethnic origin presents;
 - to make the public aware of the advantages of political integration, especially in education, training, housing and employment;
 - to encourage discussion on the action needed to combat racism, xenophobia and anti-Semitism in the Community;
 - to distribute information on a large scale about action and measures taken at national and European level in the fight against racism;
 - to promote the principle of solidarity between all members of society;
 - to enable victims of racism, xenophobia and anti-Semitism to participate in the process of European integration.
 3. The measures provided for include:
 - use of a joint logo and slogan;
 - organization of a Community competition and an award;
 - organization of local and mobile information campaigns to advertise the success of social integration projects and campaigns against racism, xenophobia and anti-Semitism at national and Community level carried out by public and private organizations, and the social partners;
 - cooperation with the media on information campaigns on the contribution of migrant people and ethnic minorities to the prosperity of the European Community;
 - publication of information at national and Community level on *inter alia* the events of the Year against Racism.
 4. The Commission is responsible for implementing the Decision and will be assisted by an advisory committee made up of representatives of the Member States and chaired by a representative of the Commission;
 5. Each Member State will ensure that a national coordination committee or a similar administrative organization representing all the organizations active in the fight against racism, xenophobia and anti-Semitism is created to organize Member State participation in the European Year against Racism.
 6. The Commission will ensure that the activities provided for by the Decision are consistent with other Community activities and that they complement education and training programmes, action to combat social exclusion and the Council of Europe's activities.

*(4) Opinion of the
European Parliament*

April 1996

*(5) Current status of
the proposal*

Consultation procedure

The Commission presented the proposal for a Decision on 13 December 1995.

(6) References

Proposal from the Commission
COM(95) 653 final.

Not yet published.

8. PUBLIC HEALTH

8.1. Current position and outlook

Protection of public health is not explicitly referred to in the EEC Treaty. With an eye to the establishment of the single market, the third paragraph of Article 100A provides that the Commission should take as a base a high level of protection in its proposals concerning health and safety.

Articles 3(o) and 129 of the Treaty on European Union have given considerable impetus to Community action in the field of public health. The Community's role is to support the efforts of the Member States as regards public health, to assist in the formulation and implementation of coordinated objectives and strategies, and to contribute towards providing health protection throughout the Community by setting as a target the best results obtained in a given area.

In its communication on a framework for action in the field of public health [COM(93) 559 final, 24 November 1993], the Commission describes the health-related problems facing the Member States and sets out a strategy for implementing the provisions of the Treaty.

The approach advocated is underpinned by two types of activity:

- horizontal measures with the emphasis on health promotion and monitoring: Community programmes on health promotion, information, education and training, and on health monitoring (see summary 11.5), compilation of reports on the state of health in the European Community [COM(95) 357 final, 19 July 1995] and on the integration of health protection requirements in Community policies [COM(95) 196 final, 29 May 1995];
- integrated multiannual programmes covering a number of priority areas: cancer, drug dependence, AIDS and other communicable diseases. Other areas under consideration include pollution-related diseases, accidents and injuries, and rare diseases.

These objectives were pursued in 1995 as follows:

- on 19 December, the Conciliation Committee adopted a joint text on the proposal for a programme of action on health promotion, information, education and training over the period from 1 January 1996 to 31 December 2000 (see summary 8.2);
- 96 projects were selected under the 'European against Cancer' programme (see summary 8.3);
- on 19 December, the Conciliation Committee adopted a joint text on the proposal for a Parliament and Council Decision adopting a third action plan to combat cancer (1996-2000) (see summary 8.4);
- the proposal for a Parliament and Council Decision adopting a programme of Community action on the prevention of drug dependence was under discussion (see summary 8.9);
- the 'Europe against AIDS' programme was extended until the end of 1995 by Decision 1729/95/EC (see summary 8.12);
- on 19 December, the Conciliation Committee adopted a joint text on the proposal for a Parliament and Council Decision adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases (1996-2000) (see summary 8.10).

Besides implementing the various multiannual programmes, the Commission will continue to encourage cooperation between the Member States in a number of areas, dealing with fundamental health choices, access to health services, technological

developments, mobility and health-related provisions, in order to make the fullest possible contribution to achieving a high level of human health protection.

Community action in the field of public health also takes other forms:

- measures connected with the completion of the internal market, entailing legislation on veterinary and phytosanitary controls, and the setting up a single market in pharmaceutical products;
- support for research activities in the field of biotechnology under the fourth framework programme;
- initiatives in the fields of justice and home affairs: the Madrid European Council of 15 and 16 December 1995 called on the Council and the Commission to study the extent to which any harmonization of Member States' legislation might contribute to reducing the consumption and trafficking of drugs, and asked them to draw up, by April 1996, a report and suitable proposals for action with a view to cooperation between the EU and Latin America, including the Caribbean region, for combating the drug menace.

8. PUBLIC HEALTH

8.2. Community action programme on health promotion (1996-2000)

- (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 will run for five years, from 1 January 1996 to 31 December 2000.
 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 organizations, including the World Health Organization. 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* First reading: Parliament approved the Commission's proposal subject to 43 amendments concerned with clarification of certain definitions, achievement of the objective of health protection as an integral part of other policies, launching of a European research programme aimed at harmonizing Member States' definitions and scientific data in the

health field, promotion of and support for research programmes in the field of epidemiology in conjunction with the Biomed programme, drawing up of a 'state of health in the European Union' report within the 'health indicators' programme, greater coordination *vis-à-vis* health education with the 'cancer', 'AIDS' and 'drug dependence' programmes, support for health-education projects accessible to the most disadvantaged sections of the population and support for innovative pilot projects providing ongoing structured health education for adults.

Second reading: On 25 October 1995, Parliament approved the Council's common position subject to 18 amendments, concerned with restoring the budget initially proposed by the Commission and including a specific reference to sex education.

(5) Current status of the proposal

Co-decision procedure

On 1 June 1994, the Commission presented the proposal for a Decision to the Council.

First reading: on 15 March 1995, Parliament approved the Commission's proposal subject to a number of amendments, some of which were accepted by the Commission.

On 18 April 1995, the Commission put forward an amended proposal. On 2 June 1995, the Council adopted a common position.

Second reading: on 25 October 1995, Parliament approved the Council's common position subject to a number of amendments, some of which were accepted by the Commission.

(6) References

Commission proposal COM(94) 202 final	Official Journal C 252, 9.9.1994
Amended proposal COM(95) 138 final	Official Journal C 135, 2.6.1995
European Parliament opinion First reading	Official Journal C 89, 10.4.1995
Second reading Economic and Social Committee opinion	Not yet published Official Journal C 102, 24.4.1995

8. PUBLIC HEALTH

8.3. 'Europe against cancer': Action plan (1990-94)

<i>(1) Objective</i>	To develop information on the causes of cancer and possible methods of prevention and treatment.
<i>(2) Community measures</i>	Council Decision 90/238/Euratom, ECSC, EEC and the representatives of the Member States meeting within the Council on 17 May 1990 adopting a 1990-94 action plan in the context of the 'Europe against cancer' programme.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 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 8.6–8.7) 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 rule 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 1987-89. 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.
<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 173, 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, 22.06.93), 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 1987-92. 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*

— Report from the Commission 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). Out of 598 projects submitted, 263 received financial support, with the level of funding approaching ECU 10 800 000 in 1992. Moreover, a number of awareness-raising activities were carried out in 1992, including dissemination of the results of a European survey on 'Europeans and the sun', which alerted the public to the cancer risks associated with excessive skin exposure to solar radiation.

— Report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the execution of the 'Europe against Cancer' programme in 1993 (COM(94) 550 final). During 1993 most of the work in the fight against cancer was done by the programme's national partners in the exchange networks set up with the help of the Commission in 1991 and 1992, particularly in the fields of prevention studies, prevention through public information campaigns and health education in schools, especially on smoking, screening and training for health personnel.

Legislative action relating to cancer prevention focused on the transposition into national legislation in the Member States of directives already adopted, particularly those on combating smoking and protection against carcinogenic agents. As for activities subsidized by the Commission, 50% of the projects submitted under the 'Europe against Cancer' programme in 1993 were approved, giving a total of 275 (as against 263 in 1992). The level of funding remained stable: ECU 10 671 185 in 1993 compared with ECU 10 763 449 in 1992.

— Report from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the implementation of the second action plan to combat



cancer (1990-94) in the context of the 'Europe against Cancer' programme (COM(95) 356 final).

The aim of the second action plan to combat cancer was to develop information on cancer prevention and possible methods of early detection and treatment. It comprised 38 fields of action covering three main areas:

- cancer prevention, with priority given to anti-smoking measures;
- early detection and systematic screening of cancers;
- quality assurance for cancer treatment.

In implementing the second action plan, the Commission cooperated closely with national or European organizations and bodies concerned with the fight against cancer (e.g. cancer leagues and associations and anti-smoking groups). Significant progress was noted in the following areas: action on smoking prevention with legislative support, information activities focusing on promotion of the European Code against Cancer, development of health-education strategies and teaching materials on cancer prevention at schools, establishment of breast cancer and cervical cancer screening networks, training of health-care personnel and studies concerning nutrition and cancer

8. PUBLIC HEALTH

8.4. Combating cancer: Action plan (1996-2000)

(1) *Objective* To develop knowledge about the causes of cancer and possible means of preventing it.

(2) *Proposal* Proposal for a European Parliament and Council Decision adopting an action plan for 1996 to 2000 to combat cancer within the framework for action in the field of public health.

(3) *Contents*

1. The Community action plan against cancer is adopted for the period of 1 January 1996 to 31 December 2000.
2. The plan contains 20 measures, covering the essential fields of data collection, public information, education, cancer training for health-care workers, early detection and systematic screening, studies and measures relating to the quality of care, and research.
3. The plan also aims to ensure complementarity with other Community initiatives, including those relating to consumer protection and the protection of workers at work.
4. It is designed to ensure wider dissemination of knowledge of the causes of cancer and of its prevention, and to help Member States fully achieve their objectives in the fight against cancer.
5. The Commission will ensure that there is consistency and complementarity between the Community actions to be implemented under this action plan and under other relevant Community programmes and initiatives, including the biomedical and health research programme under the Community's framework programme for research.
6. An advisory committee consisting of representatives of each Member State will assist the Commission in implementing the action plan.
7. Cooperation with non-member countries and with international organizations competent in the field of public health will be encouraged in the course of implementing the action plan. The EFTA countries and the countries of central and eastern Europe may be associated with the activities described in the Annex under the conditions set out in the agreements concluded with the Community.
8. The Commission will publish an annual report on the progress of the action plan and on potential Community financing in the various fields of action.

(4) *Opinion of the European Parliament*

First reading: The Parliament has approved the Commission's proposal with 36 amendments. The amendments concern: including mention of the fact that cancer research is also covered by the Specific Research and Technological Development Programme in the field of Biomedicine and Health, increasing the proportion of funds allocated to public information and education in the field of health, giving priority to combating cancers affecting children, combating promotion by the media of cancer-inducing eating and other habits, and including a prevention policy.

Second reading: Parliament approved the Council's common position subject to 19 amendments. The amendments relate to restoring the budget initially proposed by the Commission and launching a pilot

measure in the media on the subject of 'European decision-makers against passive smoking'.

(5) Current status of the proposal

Codecision procedure

On 29 March 1994, the Commission submitted the proposal for a Decision to the Council.

First reading: On 1 March 1995, the Parliament approved the Commission's proposal subject to amendments. The Commission has accepted some of the amendments.

The Commission presented an amended proposal on 21 April 1995.

On 2 June 1995 the Council adopted its common position.

Second reading: On 25 October 1995, Parliament approved the Council's common position subject to certain amendments, some of which were accepted by the Commission.

The proposal was not adopted by the Council. On 19 December 1995, the Conciliation Committee was summoned by the Council, in agreement with Parliament, to reach agreement on a joint text.

(6) References

Commission proposal COM(94) 83 final COD94105	Official Journal C 193, 21.5.1994.
Amended proposal COM(95) 131 final COD94105	Official Journal C 143, 9.6.1995
Opinion of the European Parliament first reading	Official Journal C 68, 20.3.1995
Second reading Economic and Social Committee opinion	Not yet published Official Journal C 393, 31.12.1994

8. PUBLIC HEALTH

8.5. Cancer: Maximum tar yield of cigarettes

<i>(1) Objective</i>	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.
<i>(2) Community measures</i>	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.
<i>(3) Contents</i>	<ol style="list-style-type: none">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:<ul style="list-style-type: none">— 15 mg per cigarette as from 31 December 1992;— 12 mg per cigarette as from 31 December 1997.3. For Greece, 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.
<i>(4) Deadline for implementation of the legislation in the Member States</i>	18.11.1991
<i>(5) Date of entry into force (if different from the above)</i>	
<i>(6) References</i>	Official Journal L 173, 30.5.1990
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	



8. PUBLIC HEALTH

8.6. 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 alkaloids; '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

- Directive 89/622/EEC: 1.7.1990
- Directive 92/41/EEC: 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

8. PUBLIC HEALTH

8.7. 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 of the proposal* 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 SYN0194	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



8. PUBLIC HEALTH

8.8. Drugs: European Drug Prevention Week (1992)

- (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.



8. PUBLIC HEALTH

8.9. Community action programme on the prevention of drug dependence (1996-2000)

- (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 (1996-2000).
- (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:
 - 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.
 - 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 RTD programme in the field of biomedicine and health (1994-98) and other programmes based on Article 129, such as AIDS and other communicable diseases, health promotion, information, education and training.
 - 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

First reading: the European Parliament has approved the Commission's proposal subject to certain amendments. These amendments clarify the Commission's proposal and aim to extend the scope of the programme, especially to take account of the social dimension of drug dependence and particularly vulnerable groups.

(5) Current status of the proposal

Co-decision procedure

The Commission presented the proposal for a decision on 22 August 1994.

First reading: on 20 September 1995 the European Parliament approved the Commission's proposal subject to certain amendments. The Commission has accepted some of these amendments.

On 23 November 1995 the Commission adopted an amended proposal incorporating the Parliament's amendments. In particular, the amended proposal specifies priority information, education and training measures, takes account of the specific characteristics of risk groups and emphasizes the need to improve knowledge and strengthen cooperation with a view to preventing drug dependence.

(6) References

Commission proposal	
COM(94) 223 final COD94135	Official Journal C 257, 14.9.1994
Opinion of the European Parliament	Official Journal C 269, 16.10.1995
Opinion of the Economic and Social Committee	Official Journal C 110, 2.5.1995
Opinion of the Committee of the Regions	Official Journal C 210, 14.8.1995



8. PUBLIC HEALTH

8.10. Drugs: Global Union measures against drugs: Action plan to combat drugs (1996-2000)

- (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 (1996-2000).
- (3) *Contents*
1. Characteristics

A global multi-annual (1996-2000) 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:

 - interdisciplinary exchanges between professionals and organizations responsible for reducing drug supply and demand;
 - establishment of a European forum for inter-city exchanges and cooperation;

— 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) 243 final

(7) Follow-up work

*(8) Commission
implementing
measures*

8. PUBLIC HEALTH

8.11. Drugs: Union action to combat drugs: European drugs and drug addiction monitoring centre

<i>(1) Objective</i>	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.
<i>(2) Community measures</i>	<p>Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European drugs and drug addiction monitoring centre.</p> <p>Amended by Regulation (EC) No 3294/94 of 22 December 1994.</p>
<i>(3) Contents</i>	<ol style="list-style-type: none">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:<ul style="list-style-type: none">— 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, e.g.:<ul style="list-style-type: none">— 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.

10. After receiving the opinion of the Court of Auditors, the management board will adopt internal financial provisions laying down the detailed rules for establishing and implementing the centre's 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)

The day following the decision by the competent authorities concerning the location of the centre.
Regulation (EC) No 3294/94: 2 January 1995

(6) References

Official Journal L 36, 12.2.1993
Official Journal L 341, 30.12.1994

(7) Follow-up work

(8) Commission implementing measures

8. PUBLIC HEALTH

8.12. Europe against AIDS (1994-95)

- (1) Objective* To extend the 'Europe against AIDS' programme for two years until 31 December 1995.
- (2) Community measures* European Parliament and Council Decision 1729/95/EC of 19 June 1995 on the extension of the 'Europe against AIDS' programme.
- (3) Contents*
1. The Commission implements the 1994/95 plan of action set out in Annex I in close conjunction with the Member States in accordance with the provisions of Article 1 of Council Decision 91/317/EEC, taking fully into account the guidelines contained in Annex II.
 2. Annex I of the 1994/1995 action plan includes seven areas of activity.
 - Activity area 1:
 - Assessment of the knowledge, attitudes and behaviour of the general public and certain target groups, information campaigns.
 - Promotion and assessment of the results of surveys conducted in the Member States and at Community level on knowledge, attitudes and behaviour.
 - Examination of the information campaigns for the general public and target sections of the population, such as homosexuals and bisexuals, minorities and migrants.
 - Promotion of developments in methodology for measuring changes in knowledge, attitudes and behaviour.
 - Coordination and linking up of campaigns undertaken in the Member States and any Community measures which could complement these campaigns or contribute thereto.
 - Promotion of measures to increase public understanding and awareness of the problems caused by the epidemic for society.
 - Encouragement of the development of telephone and computerized response mechanisms in the Community, and of centres providing information to the public.
 - Dissemination of the data on knowledge, attitudes and behaviour, and on preventive measures.
 - Activity area 2 provides for measures targeted at children and young people.
 - Activity area 3 relates to the prevention of HIV transmission in certain groups and specific settings, particularly travel and tourism, prisons, IVDUs, women exposed to specific risks of HIV infection, vertical transmission of HIV from mother to child, other groups with high-risk lifestyles and the safety of blood and blood products.
 - The other areas of activity relate to social and psychological support, collection of data on HIV/AIDS, combating discrimination against people with HIV, AIDS sufferers and their environment, and coordination with other programmes relating to HIV/AIDS.
 3. Annex II sets out the guidelines for the continuation of the 1991-93 action plan.
 4. The Commission will submit a report to the Council after the termination of the action plan.
- (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 168, 18.7.1995

(7) Follow-up work

(8) Commission implementing measures

8. PUBLIC HEALTH

8.13. AIDS: Action programme to prevent AIDS — communicable diseases (1996-2000)

(1) *Objective* Implementation of a Community action programme on the prevention of AIDS and other communicable diseases.

(2) *Proposal* Proposal for a European Parliament and Council Decision adopting a programme of a Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health.

(3) *Contents*

1. Period covered by the action: 1996-2000.
2. Action relating to HIV/AIDS and STD:
 - The purpose of collecting information, in conjunction with the Member States, is to seek out ways of enhancing and improving data on AIDS and HIV within the Community and to provide support in order to strengthen the work of the national epidemiological monitoring systems and the European Centre for the Epidemiological Monitoring of AIDS. This collection of information is also designed to analyse and disseminate information on preventive measures and the knowledge, attitudes and behaviour of the general public and certain target groups.
 - Measures targeted at children and young people:
Promotion of action to ascertain and disseminate information about children's and young people's knowledge, attitudes and behaviour in relation to HIV/AIDS and STDs. Prevention of AIDS and STD transmission implies studies and exchanges of information on the problems connected with high-risk groups (drug users, prostitutes, homosexuals and bisexuals), on high-risk situations (migrant populations and frontier regions, prisons and detention centres) and modes of transmission.
 - Social and psychological assistance and combating discrimination involve exchanges of experience and information concerning ways and means of providing assistance and support, including the difficulties encountered by families with infected members, and concerning policies and practices on screening and situations of discrimination.
3. Specific Community measures for certain communicable diseases. These measures include actions related to vaccination, the creation and development of monitoring networks and dissemination of epidemiological data, information, education and training and drives to achieve early detection and systematic screening.
4. Financial impact: ECU 50 million for the period 1996-2000.

(4) *Opinion of the European Parliament* First reading: the Parliament adopted its opinion on 27 April 1995, proposing 61 amendments to the Commission proposal. The amendments were designed to stress certain points, i.e. the usefulness of the condom and disposable syringes in the prevention of HIV transmission and AIDS; the importance of education in the fight against discrimination against HIV infected persons and their environment; the need for greater transparency in access to and implementation of the

programme; and the need for closer coordination between the different Member States' systems of epidemiological data collection.

Second reading: On 25 October 1995 Parliament approved the Council's common position subject to 18 amendments, one of which concerned the inclusion of a reference to over-the-counter availability of condoms.

(5) Current status of the proposal

Co-decision procedure

On 9 November 1994 the Commission submitted its proposal for a Decision to the Council.

First reading: on 27 April 1995 the European Parliament approved the Commission proposal subject to certain amendments. The Commission accepted 33 amendments out of the 61 tabled by the Parliament

On 30 May 1995 the Commission submitted an amended proposal.

The Council adopted a common position on 2 June 1995.

Second reading: On 25 October 1995 Parliament approved the Council's common position, subject to certain amendments. The Commission accepted some of these amendments.

The proposal was not adopted by the Council. On 19 December 1995 the conciliation committee was convened by the Council, in agreement with Parliament, in order to reach an agreement on a joint text. In the course of the committee's deliberations Parliament and the Council reached an agreement. The programme will be formally adopted during the Parliament's plenary session in February.

(6) References

Commission proposal COM(94) 413 final	Official Journal C 333, 29.11.1994
Amended proposal COM(95) 209 final	Official Journal C 228 2.9.1995
Opinion of the European Parliament first reading	Official Journal C 126, 22.5.1995
Second reading	Not yet published
Opinion of the Economic and Social Committee	Not yet published

8. PUBLIC HEALTH

8.14. Doping: 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">— 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);— the use of such substances in forms and dosages not covered by the authorization (Directive 65/65/EEC);— 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). <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 and to propose measures of Community interest based on the following guidelines:</p> <ul style="list-style-type: none">— stepping up training information and health education initiatives against the use of drugs;— enquiry into the most common drug-use practices;— drug-testing methods and cooperation between laboratories;— research on effects of drug taking on health within the Community by a Community medical research framework programme.
<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 Alberville and Barcelona Olympic Games and the athletes to do all in their power to avoid the use of drugs.

*(8) Commission
implementing
measures*

8. PUBLIC HEALTH

8.15. Health education

- (1) Objective* To give a clear message about health education to all concerned with a view to reducing diseases and accidents.
- (2) Community measures* Resolution of the Council and of the Ministers of Education meeting within the Council of 23 November 1988 on health education in schools.
- Conclusions of the Council and the Ministers of Health meeting within the Council of 13 November 1992 on health education.
- Conclusions of the Council and the Ministers of Health meeting within the Council of 27 November 1992 on health education at schools.
- (3) Contents* Resolution of 23 November 1988.
1. Health education is a process which employs planned learning opportunities in order to enable individuals to seek and act upon informed decisions about matters relating to health.
 2. Within schools:
 - a health-promoting style of teaching, of learning, of human relationships, of eating habits, etc. should be encouraged;
 - the subjects taught should contribute to the acquisition of health-promoting attitudes and knowledge;
 - in certain thematic areas health education should form a specific part of the curriculum.
 3. The Member States are asked to take into account and strengthen health education in schools and, to this end, make teaching material available to those concerned, provide training for teachers from the disciplines most affected, etc.
 4. At Community level, the Commission is invited to encourage and support:
 - the exchange of information in the field (e.g. meetings and seminars);
 - the examination of health education curriculum guidelines and teaching methods in the Member States with a view to disseminating examples of good practice;
 - the exchange of teaching materials;
 - research and pilot-projects programmes, such as the health-promoting school;
 - activities to promote awareness (competitions, festivals, etc.);
 - the possibilities offered by existing Community programmes for greater cooperation.
- Conclusions of 13 November 1992
- The school plays a vital role in ensuring that young people adopt a healthy lifestyle but there are other areas where health education is also of prime importance, e.g. local communities, homes, hospitals and workplaces. Health education must be improved in all these areas.
- (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 3, 5.1.1989
Official Journal C 326, 11.12.1992
Official Journal C 336, 19.12.1992

(7) Follow-up work

(8) Commission implementing measures

8. PUBLIC HEALTH

8.16. Medicinal products derived from human blood or plasma

- (1) *Objective* To introduce a strict system of control guaranteeing the quality and safety of these medicinal products, and to promote Community self-sufficiency in human blood and plasma donated on a voluntary and unpaid basis.
- (2) *Community measures* Council Directive 89/381/EEC of 14 June 1989 extending the scope of Directives 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products and laying down special provisions for medicinal products derived from human blood or plasma.
- (3) *Contents*
1. This Directive applies to medicinal products derived from blood components (albumin, coagulating factors, immunoglobulins of human origin, etc.) and prepared on an industrial basis by public or private establishments. It does not apply to whole blood, plasma or blood cells of human origin.
 2. The quantitative description of a medicinal product derived from human blood or plasma must be expressed in international units of mass or units of biological activity.
 3. Member States must take the necessary precautions to prevent the transmission of infectious diseases such as AIDS and hepatitis, including the measures recommended by the Council of Europe and the World Health Organization, in particular for the selection and testing of blood and plasma donors.
 4. Member States must take all the necessary measures to ensure that blood donors and donation centres are always clearly identifiable wherever human blood is traded.
 5. All the guarantees referred to in points 3 and 4 must be provided in respect of imports of human blood from third countries.
 6. Member States must promote Community self-sufficiency in human blood and plasma. Voluntary unpaid blood donations must be encouraged to this end.
 7. Member States must take all the necessary measures to validate the manufacturing and purification processes used for these products, to ensure batch-to-batch consistency and to ensure the absence of specific viral contamination.
 8. The procedure laid down in Directive 87/22/EEC relating to high-technology medicinal products is extended to cover medicinal products derived from human blood or plasma.
 9. Power is delegated to the Commission to adapt the 1975 Directive on analytical, pharmaco-toxicological and clinical standards to take account of the specific characteristics of these products.
- (4) *Deadline for implementation of the legislation in the Member States*
- 1.1.1992: for new products
 - 31.12.1992: for existing products

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

(6) References

Official Journal L 181, 28.6.1989.

(7) Follow-up work

— Commission Communication of 25 May 1993 on blood self-sufficiency in the European Community (COM(93) 198 final)

This communication describes the current situation in the Community as regards blood self-sufficiency and stresses the need to achieve self-sufficiency for the Community as a whole, an objective which has been achieved to varying degrees in the Member States. It also identifies measures which could be envisaged in order to improve the situation, including raising public awareness, optimizing the use of medicinal products derived from human blood and plasma, extending the knowledge of doctors involved in transfusion medicine, and promoting quality assurance in respect of blood collected in all Member States, etc.

— Commission Communication of 21 December 1994 on blood safety and self-sufficiency in the European Community (COM(94) 652 final). This communication proposes the establishment of a Community blood strategy to improve the safety of the blood transfusion chain and to promote Community self-sufficiency.

To achieve self-sufficiency, it proposes information campaigns aimed at potential donors based on the principles of non-remuneration of donations and optimum use of blood resources, and emphasizes the substantial progress already achieved. As far as transfusion safety is concerned, the communication proposes the development of common donor selection procedures, screening requirements and rules for the authorization and approval of collection, processing and blood distribution centres.

— On 2 June 1995 the Council adopted a resolution on blood safety and self-sufficiency in the Community (Official journal C 164, 30.6.1995). The Council invites the Commission:

to continue its collaboration with the Member States to define a strategy for reinforcing trust in the safety of the blood transfusion chain and for promoting self-sufficiency in the Community through voluntary unpaid donations and to send it regular progress reports;
to continue its cooperation with the Council of Europe in the blood transfusion area;
to submit proposals in support of Member States' action;
to encourage the development of a coordinated approach to blood safety.

(8) Commission implementing measures

9. DEVELOPING THE INTERNATIONAL DIMENSION

9.1. Current position and outlook

The European social model is not impervious to external influences. On the other hand the relative balance achieved in Europe between the production of wealth, and freedom and social justice holds an attraction for other parts of the world. For these reasons social policy is becoming increasingly important in the Union's external relations.

In the White Paper on the preparation of the associate States of Central and Eastern Europe for integration into the Union's internal market, the Commission devoted a chapter to social policy and action (see summary 9.2), outlining key measures which should have priority in the fields of equal opportunities, coordination of social security, health and occupational safety systems, labour law and working conditions and regulation of tobacco products.

Steps were already taken under the PHARE programme and European agreements to help these countries overcome the acute social problems caused by the transition to a market economy. These included support for reforms of the pension and social security systems to adopt a new approach to social protection based on experience gained in Western Europe, help in Reorganizing and financing the health services, support for employment policy to counter job losses caused by privatization and restructuring of public enterprises [PHARE annual report 1994, COM(95) 366 final of 20.7.1995].

Action has already been taken in education, with the Tempus programme (see summary 9.3), and in vocational training, run by the European Training Foundation (see summary 9.4) in Turin.

The bilateral cooperation with Japan (exchanges of experts and joint seminars and studies) on social and employment issues of joint interest will be pursued and extended. The Commission is examining the possibility of implementing similar programmes with other industrialized countries. The EU/US joint action plan signed in December 1995 provides for extensive cooperation on employment, health, and safety and health at work.

In 1995 the Council adopted two cooperation programmes for higher education and vocational training with the US (see summary 9.5) and Canada (see summary 9.6).

The Commission's multilateral activities have included participation in the United Nations World Summit for social development held in Copenhagen (see summary 9.7) and the fourth UN world conference in Peking (see summary 9.8). It also approved action to help developing countries with their demographic programmes (see summary 9.9), in the fight against AIDS (see summary 9.11) and in cooperation between north and south to combat drugs and drug addiction (see summary 9.10).

The Commission acknowledges the importance of the role played by international organizations such as the UNO, the ILO, the WHO, the WTO, the OECD, the Council of Europe and G7. It intends to reinforce its links with these organizations and prepare a report on multilateral cooperation.

Finally, with respect to the 'social clause', the Commission feels that social progress should be promoted in parallel with economic development. It recommends a gradual, flexible and multilateral approach (to be discussed in the WTO) to links between trade and respect for basic social rights. The General Affairs Council held on 12 June 1995 asked the Commission and the Member States to make an active contribution to studies being conducted on this subject, particularly by the OECD. With this in mind, the Council asked the Commission to provide its own assessment of the situation for an internal debate within the Union.

9. DEVELOPING THE INTERNATIONAL DIMENSION

9.2. Associated countries of Central and Eastern Europe

- (1) *Objective* To provide guidance for the associated countries in devising their strategy for gradual adoption of Community law.
- (2) *Community measures* Commission White Paper of 3 May 1995 concerning preparation of the associated countries of Central and Eastern Europe for integration into the internal market of the Union (chapter dealing with social policy and action).
- (3) *Contents*
1. Only the legislative aspects are taken into account in the White Paper, being limited to the minimum provisions required for the establishment of an internal market.
They cover the following areas:
 - equal opportunities for women and men;
 - coordination of social security schemes;
 - health and safety at work;
 - labour law and working conditions;
 - tobacco products.
 2. For each of these areas, the method adopted in the White Paper is as follows:
 - it provides a description of the Community legislation in force;
 - it describes in detail the technical and administrative structures needed to ensure that the legislation is effectively implemented and complied with;
 - it points to key measures which should be adopted as a priority.
 3. Equal opportunities for women and men.
 - Apart from Article 119 of the Treaty of Rome, European legislation comprises five Directives on equality (75/117/EEC, 76/207/EEC, 79/7/EEC, 86/378/EEC, 86/613/EEC) and one Directive based on Article 118a relating to the protection at work of pregnant women and those who are breast-feeding (92/85/EEC).
 - No specific infrastructure is required, other than the (presupposed) existence of a legal system — administrative or judicial — enabling persons who consider themselves wronged to pursue their claims by judicial process. An administrative body of the national governments should be responsible for implementing and overseeing legislation on equality.
 - Directive 75/117/EEC establishing the principle of equal pay and Directive 76/207/EEC extending this principle to the broader field of working conditions should have priority.
 4. Coordination of social security schemes.
 - The Community provisions on social security are contained in Council Regulations 1408/71 and 574/72, which offer practical and satisfactory solutions to most of the cross-border problems arising in the field of social security.
 - No harmonization is envisaged in any branch of social security. Only some technical adaptation of legislation is required, taking into account the particular characteristics of each country's national social security schemes.
 - The extension of the Regulations to the countries of Central and Eastern Europe is not of immediate concern.

5. Health and safety at work.

- Community legislation comprises Directive 77/576/EEC (repealed by Directive 92/58/EEC), the first framework Directive 80/1107/EEC and its four individual Directives, and the second framework Directive 89/391/EEC and its 14 individual Directives.
- Legislative approximation requires an effective enforcement infrastructure, entailing proper management of undertakings, appropriate training of workers and efficient labour inspectorates.
- The framework Directive 89/391/EEC has to be given priority.

6. Labour law and working conditions.

- Since 1975, eight Directives have been adopted in the field of labour law: 75/129/EEC (collective redundancies), 77/187/EEC (transfers of undertakings), 80/987/EEC (insolvency of employers), 91/533/EEC (employee information), 93/104/EEC (working time), 94/33/EC (protection of young people at work), 94/45/EC (information and consultation).
- The application of these Directives presupposes the existence of monitoring mechanisms, appeal procedures, workers' representatives, a competent public authority, etc.
- Directives 75/129/EEC, 77/187/EEC and 80/987/EEC, because of their impact on the operation of the internal market, and the Directive on the protection of young people, because it contains recognized international standards, should be given priority.

7. Tobacco products.

- Two Directives (90/239/EEC on the tar yield of cigarettes and 89/622/EEC, as amended by Directive 92/41/EEC, on the labelling of tobacco products) lay down common rules taking due account of public health protection.
- The application of these Directives will depend on the technical capacity of the countries of Central and Eastern Europe to measure the tar yield of cigarettes.
- This legislation should be given priority.

(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

White Paper COM(95) 163 final and final/2.

(7) Follow-up work

(8) Commission implementing measures

9. DEVELOPING THE INTERNATIONAL DIMENSION

9.3. Tempus II (1994-98): Trans-European programme of cooperation for higher education

- (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 to 1998).
- (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 Committee.

(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*



9. DEVELOPING THE INTERNATIONAL DIMENSION

9.4. European Training Foundation

- (1) *Objective* To contribute to the development of the vocational training systems of the countries of Central and Eastern Europe, the newly independent states of the former Soviet Union, and Mongolia.
- (2) *Community measures* Council Regulation (EEC) No 1360/90 of 7 May 1990 establishing a European Training Foundation.
Amended by Council Regulation (EC) No 2063/94 of 27 July 1994.
- (3) *Contents*
1. The Regulation establishes the European Training Foundation, the objective of which, in particular, is to promote effective cooperation between the Community and the eligible countries in the field of vocational training.
 2. To this end, the Foundation:
 - provides assistance in the definition of training needs and priorities through the implementation of technical assistance measures;
 - provides all interested parties with information on current initiatives and future needs and provides a framework through which offers of assistance can be channelled;
 - examines the scope for joint ventures relating to training assistance;
 - funds the design and preparation of pilot projects;
 - implements, at the request of the Commission or beneficiary countries, vocational training programmes agreed on by the Commission and one or more of the beneficiary countries as part of the Community policy of assistance to these countries;
 - in collaboration with the Commission, assists in the monitoring and evaluation of the overall effectiveness of training assistance to the eligible countries;
 - disseminates information and encourages exchanges of experience, through publications, meetings and other appropriate means.
 3. The Foundation has legal personality. It is a non-profit-making body.
 4. The Foundation has a governing board consisting of one representative of each Member State appointed by the Member State concerned and two representatives of the Commission appointed by the Commission. The term of office of representatives is three years. The governing board is chaired by one of the Commission representatives. Each member has one vote, with the exception of the chairman. The governing board presents a draft annual report to the Commission, by 31 March each year at the latest, on the activities of the Foundation for the previous year and how they were financed.
 5. The Foundation has an advisory forum appointed by the governing board. Its members are selected from experts from training and other circles concerned by the work of the Foundation. Two experts are appointed from each of the Member States, each of the eligible countries and the social partners at European level. Its task is to deliver opinions to the governing board.
 6. The director of the Foundation is appointed by the governing board, on a proposal from the Commission, for a term of office of five years, which is renewable. The director legally represents the Foundation and is responsible for the preparation and organization of the work of the governing board, the day-to-day administration of the Foundation,

preparation of the statement of revenue and expenditure and execution of the budget of the Foundation, preparation and publication of reports, and all staff matters.

7. Without prejudice to other types of income, the revenue of the Foundation consists of a subsidy from the general budget of the European Communities, payments made as remuneration for services performed, and financing from other sources.

8. Checking of the commitment and payment of all the Foundation's expenditure, and of the recording and collection of all its revenue, is undertaken by the financial controller of the Commission.

9. The Court of Auditors examines these accounts in accordance with Article 188c of the Treaty.

10. The Foundation is open to the participation of countries which are not members of the European Community and which share the commitment of the Community and the Member States to the provision of training aid to Central and Eastern Europe.

11. The Commission, after consulting the governing board, must establish a procedure for the monitoring and evaluation of the experience acquired in the course of the Foundation's work.

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

(5) Date of entry into force (if different from the above) — Regulation (EEC) No 1360/90: 30.10.1993
— Regulation (EC) No 2063/94: 28.8.1994

(6) References

Official Journal L 131, 23.5.1990
Official Journal L 216, 20.8.1994

(7) Follow-up work

Commission's 1994 annual report on the European Training Foundation (COM(95) 388 final).

The European Council of October 1993 decided on Turin as the headquarters of the Foundation. Following that meeting, the Commission decided to give to the Foundation the task of providing technical assistance for the Tempus programme as from 1 January 1995.

The Commission took a number of other steps with a view to enabling the Foundation to be established as quickly as possible. These included establishing the governing board, negotiations with the Italian authorities to identify suitable premises, preparation of the necessary legal agreements, and recruitment of the Director.

A first work programme was submitted to the governing board in September 1994. It envisages the following functions for the Foundation:

- an observatory function, with the Foundation following and analysing developments in vocational training in the partner countries whilst at the same time acting as an interface to stimulate cooperation between the partner countries and the Member States and thus facilitate the transfer of experience;
- implementing, on behalf of the Commission, designated education and training programmes agreed in the context of the PHARE and TACIS programmes;
- a vocational training and education action programme involving a range of horizontal measures, including specific action in the

management training field, as well as a partnership programme to support direct cooperation between training bodies in the partner countries and their counterparts in the Member States;

- assuring technical assistance for the Tempus programme, on behalf of the Commission.

The year of 1994 can be seen as a preparatory year to the launching of the European Training Foundation proper.

*(8) Commission
implementing
measures*

9. DEVELOPING THE INTERNATIONAL DIMENSION

9.5. Cooperation programme between the EC and the United States in the fields of vocational training and higher education

- | | |
|---|---|
| <i>(1) Objective</i> | To establish a cooperation programme in higher education and vocational education and training between the European Community and the United States of America. |
| <i>(2) Proposal</i> | Proposal for a Council Decision concerning the conclusion of an Agreement for cooperation in higher education and vocational education and training between the European Community and the United States of America. |
| <i>(3) Contents</i> | <p>1. The programme is designed to encompass both higher education and vocational training, with the aim of encouraging interaction between higher education institutions, training organizations and the workplace.</p> <p>2. The following categories of activity are provided for:</p> <ul style="list-style-type: none">— Joint projects carried out by EC/US consortia. These can be composed of higher education institutions, vocational training establishments or a mixture of the two. Each joint consortium must have an absolute minimum of three active partners on each side, including at least two higher education or training institutions on each side in different EC countries and different US States. Activities eligible for support may include:<ul style="list-style-type: none">— development of organizational frameworks for student mobility;— structured exchanges of students, teachers, trainers and administrators in higher education institutions and vocational education and training establishments;— joint development of innovative curricula;— short intensive programmes of at least three weeks' duration;— other innovative projects, including the use of new technologies and distance learning, aimed at improving the quality of transatlantic cooperation in higher education and vocational education and training.— Joint projects are administered by competent officials on both sides.— Complementary activities, including:<ul style="list-style-type: none">— exchanges of information about vocational education and training and higher education;— provision of Fulbright scholarships for the study of, and research and lecturing on, European Community affairs and EC/US relations;— measures to facilitate the dissemination of information on the programme;— technical assistance to support the programme. <p>3. A Joint Committee will be set up, comprising an equal number of representatives of each party. It will have the task of reviewing the cooperative activities envisaged under the Agreement and providing those involved with an annual report on the activities undertaken.</p> |
| <i>(4) Opinion of the European Parliament</i> | Not yet delivered. |



(5) Current status of the proposal The proposal is currently before the European Parliament and the Economic and Social Committee for examination and opinion.

(6) References Commission proposal
COM(95) 120 final Official Journal C 231, 5.9.1995

9. DEVELOPING THE INTERNATIONAL DIMENSION

9.6. Cooperation programme between the EC and Canada in the fields of vocation training and higher education

<i>(1) Objective</i>	To establish a cooperation programme in higher education and vocational training between the European Community and Canada.
<i>(2) Proposal</i>	Proposal for a Council Decision concerning the conclusion of an agreement establishing a cooperation programme in higher education and vocational training between the European Community and Canada.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The programme is designed to encompass higher education and vocational training and to encourage interaction between institutions of higher education, training organizations and the workplace.2. The following categories of activities are provided for:<ul style="list-style-type: none">— Joint projects carried out by EC/Canada partnerships. The latter may comprise higher education institutions, vocational training establishments or both. Each partnership is encouraged to include other relevant actors as affiliated members. Activities which may benefit from support include:<ul style="list-style-type: none">— the establishment of organizational frameworks for student mobility, including placement activities;— joint development of innovative curricula, including the development of teaching materials, methods and modules;— short intensive programmes lasting at least three weeks;— other innovative projects, including use of new technologies and distance learning, aimed at improving the quality of transatlantic cooperation in higher education and vocational training.— Exchanges of experience in the field of higher education and vocational training to enhance the dialogue between the European Community and Canada.— Complementary measures, i.e. the organization of conferences on questions of interest to the European Community and Canada in the field of higher education and/or vocational training, the implementation of measures aimed at facilitating the dissemination of information on the cooperation programme and technical assistance for activities.3. A joint committee has been established, comprising representatives from each side.4. The cooperation programme is to be the subject of a follow-up and an evaluation.5. This agreement is to enter into force for an initial period of five years.
<i>(4) Opinion of the European Parliament</i>	Not yet delivered.
<i>(5) Current status of the proposal</i>	The proposal is currently being examined by the European Parliament and the Economic and Social Committee for their opinion.
<i>(6) References</i>	Commission proposal COM(95) 77 final Official Journal C 305, 16.11.1995



9. DEVELOPING THE INTERNATIONAL DIMENSION

9.7. World Summit for Social Development (Copenhagen)

- (1) Objective* To contribute to the promotion of balanced and sustainable economic and social progress at international level.
- (2) Community measures* Commission Communication to the Council and Parliament of 21 December 1994 on the European Union's priorities for the World Summit for Social Development (Copenhagen, March 1995).
- (3) Contents*
1. Social development cannot be dissociated from democracy; the respect for human rights implies the participation of the whole of civil society, including via dialogue between employers and workers.
 2. Structural measures, at national as well as international level, must take their place in economic policy-making with a view to ensuring the sustainability of growth and preventing the development of excessive inequalities.
 3. The EU's main objectives are as follows:
 - all countries should set and phase in social development objectives in accordance with their level of development;
 - advancement of social rights by encouraging countries to ratify ILO conventions and ensuring compliance with them;
 - reduction of excessive inequalities should be a specific objective of social development policies;
 - better coordination of cooperation and development policies;
 - explicit inclusion of social development in the policies recommended by international institutions such as the IMF and World Bank;
 - international free movement of capital, which is vital to development.
 4. On a bilateral level, the EU should undertake to:
 - give priority, in development cooperation programmes agreed between the EU and its partners, to job creation and the fight against poverty;
 - give priority, in granting aid and trade preferences, to countries which adopt genuine and effective social development strategies.
 5. Cost/efficiency and targeting of official development aid (ODA) need to be improved.
 6. The issue of development resources needs to be looked at in a wider context, on the basis of the following priorities:
 - adoption of domestic policies geared towards efficiency and fairness (by ensuring proper access to productive resources and markets; redirecting public spending towards precise social development objectives, etc.);
 - encouraging the flow of capital and the transfer of technology and know-how to developing countries and economies in transition.
 7. The EU will continue its efforts to eradicate poverty and integrate all sections of society (massive creation of jobs, prevention of social exclusion, overhauling of social protection systems).
 8. The EU, as the major provider of development aid, is determined to continue to make a substantial contribution to international action.

(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) 669 final

(7) Follow-up work

On 3 February 1995 the European Parliament adopted a 'Resolution on the European Union's priorities for the World Summit for Social Development (Copenhagen, March 1995)'.

(8) Commission implementing measures

The Medium-Term Social Action Programme (see summary 1.10) adopted by the Commission on 12 April 1995 (COM(95) 134 final) includes a large number of proposals responding to the commitments made at the Copenhagen summit.



9. DEVELOPING THE INTERNATIONAL DIMENSION

9.8. Fourth United Nations Conference on Women (Beijing)

<i>(1) Objective</i>	A new partnership between women and men, with equal participation of women in civil, political, economic, social and cultural life.
<i>(2) Community measures</i>	Communication from the Commission to the Council of 1 June 1995: a new partnership between women and men — equal sharing and participation; the European Community's priorities for the Fourth UN World Conference on Women (Beijing, September 1995).
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. The Community regards equality between women and men as a fundamental principle. The rights of women and girls are an inalienable, integral and indivisible part of universal human rights. 2. Policies and programmes must focus on measures leading to recognition of the fundamental role played by women in social, economic and political processes, the participation of women in the administration of power and their access to economic independence. 3. An urgent priority is to eliminate differentials in areas such as nutrition, literacy, education and training, employment and access to primary health care, etc. 4. The Community has identified the following strategic objectives: <ul style="list-style-type: none"> — to actively promote participation in society for all individuals without discrimination, particularly by supporting the ratification and enforcement of the Convention on the Elimination of all forms of Discrimination against Women; — to strengthen legislation on violence, sexual harassment and the sexual exploitation of women; — to support measures strengthening the role of non-governmental organizations which give more responsibilities to women; — to provide support measures to encourage and accelerate women's participation in decision-making in all public and political bodies; — to ensure that women throughout the world have the right to decide freely and responsibly on the number, spacing and timing of their children and have the information and means to do so; — to adopt measures to redress the horizontal and vertical segregation of the labour market; — to encourage changes in the organization of work to ensure an equitable distribution of work responsibilities and household duties, and to take measures that enable people to reconcile personal, social and professional responsibilities. 5. The Community will need to consider its approach to the question of resourcing and follow-up at different levels: within the Community's own institutions, at Member State level, in relation to action by international institutions, and in relation to encouraging and supporting action in the field of development cooperation by partner governments and governments of countries whose economies are in transition.
<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

Communication from the Commission COM(95) 221 final

(7) Follow-up work

(8) Commission implementing measures

— Fourth Equal Opportunities Programme (COM(95) 381 final) of 19 July 1995 (see summary 6.11).

— Communication from the Commission to the Council and European Parliament of 18 September 1995 on integrating gender issues in development cooperation (COM(95) 423 final).

The Communication focuses on the need to integrate attention to the different roles and situations of women and men throughout the range of development assistance. It details the impact of existing disparities for sustainable development and explains how neglecting these disparities can jeopardize the effectiveness of development measures. It sets out principles, objectives and means for development cooperation to take account of these issues. Finally, it lays down general principles and puts forward practical arrangements for strengthening consultation and coordination between the Community and the Member States.

— Communication from the Commission of 23 May 1995 on inclusion of respect for democratic principles and human rights in agreements between Community and third countries (COM(95) 216 final).

The Communication emphasizes aspects relating to human rights in the Community's relations with third countries and describes the experience acquired in this field. It suggests various initiatives to improve the consistency, transparency and visibility of the Community approach and to make greater allowance for the sensitivity of third countries and the principle of non-discrimination.

9. DEVELOPING THE INTERNATIONAL DIMENSION

9.9. Aid for population programmes in developing countries

<i>(1) Objective</i>	To lay down detailed procedures and rules for the administration of operations funded under the budget heading 'Aid for population policies and programmes in developing countries'.
<i>(2) Proposal</i>	Proposal for a Council Regulation (EC) on aid for population policies and programmes in the developing countries.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. The Community is to engage in cooperation in support of population policies in developing countries. 2. The Community's primary objectives are to enable women and men to make a free and informed choice about the number of children they wish to have and the spacing of the births, and to help with the development or reform of health systems. 3. Community aid takes the form of support for the establishment and development of family-planning services, assistance in the areas of women's education and health, support for information and awareness campaigns, etc. 4. The recipients of aid and cooperation partners will include not only States and regions but also local services, regional organizations, government agencies, traditional or local communities, private operators and industries, including cooperatives and non-governmental organizations, and grassroots associations. 5. Help may be provided in the form of studies, technical assistance, training or other services, supplies and works, as well as audits and evaluation/monitoring activities. 6. Community financing may cover both capital investment, other than the purchase of real estate, and operating costs normally covered only during the start-up phase and on a decreasing basis. 7. The financial support takes the form of grants. 8. The Commission will be assisted by an advisory committee composed of representatives of the Member States and chaired by the Commission representative, namely the EDF Committee for the ACP countries, the MED Committee for the Mediterranean countries and the ALA Committee for the Latin American and Asian countries. 9. At the end of each financial year, the Commission is to present an annual report to the European Parliament and the Council.
<i>(4) Opinion of the European Parliament</i>	
<i>(5) Current status of the proposal</i>	<p>Cooperation procedure</p> <p>The Commission presented the proposal for a Regulation on 8 September 1995.</p>
<i>(6) References</i>	<p>Commission proposal COM(95) 295 final SYN0166</p> <p>Not yet published in the Official Journal.</p>

9. DEVELOPING THE INTERNATIONAL DIMENSION

9.10. North-South cooperation in the campaign against drugs and drug addiction

<i>(1) Objective</i>	To formalize the continuation of Community support to its partners in the developing world for their efforts to counter drugs, illegal trafficking and drug addiction.
<i>(2) Proposal</i>	Proposal for a Council Regulation on North-South cooperation in the campaign against drugs and drug addiction.
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The Community shall give priority to supporting partner countries requesting help in the preparation of a 'National Drug Control Master Plan', in close consultation with the United Nations International Drug Control Programme.2. The Community shall also support specific operations in such areas as the development of the developing countries' institutional capacities or money laundering.3. The proposal describes the cooperation partners eligible for grants to cover both capital investment (other than the purchase of real estate) and operating costs.4. The means that may be used include studies, technical assistance, training or other services, supplies and works, and evaluation and monitoring missions and audits.5. The Commission shall take all measures necessary to coordinate operations financed by the Community with those funded by the Member States.6. The Commission shall appraise, approve and manage operations according to the budgetary and other procedures in force. Participation in invitations to tender and the award of contracts shall be open on equal terms to all natural and legal persons of the Member States and the recipient country.7. The Commission shall be assisted by an advisory committee made up of representatives of the Member States and chaired by a representative of the Commission, namely the EDF Committee for the ACP countries, the MED Committee for the Mediterranean countries and the ALA Committee for the countries of Asia and Latin America.8. At the end of each budget year the Commission shall present a report to Parliament and the Council summarizing the operations financed in the course of that year and evaluating the implementation of the regulation over that period.9. A financial statement is annexed to the proposal.
<i>(4) Opinion of the European Parliament</i>	Not yet delivered.
<i>(5) Current status of the proposal</i>	Cooperation procedure The proposal is currently awaiting the opinion of the European Parliament.
<i>(6) References</i>	Commission proposal COM(95) 296 final Not yet published.



9. DEVELOPING THE INTERNATIONAL DIMENSION

9.11. HIV/AIDS-related operations in developing countries

<i>(1) Objective</i>	To formalize ongoing structural support to developing countries in their efforts to combat HIV/AIDS.
<i>(2) Proposal</i>	Proposal for a Council Regulation on HIV/AIDS-related operations in developing countries.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. The Community shall implement a programme to assist the developing countries in their efforts to combat the spread of the HIV/AIDS epidemic and help them cope with its impact on health and economic development. 2. Priority shall be given to promoting an effective policy to prevent HIV/AIDS transmission, breaking the 'poverty-instability-HIV/AIDS' cycle, reinforcing health and social services, helping government assess the epidemic's impact and developing scientific knowledge of the epidemic. 3. The proposal defines the agents of cooperation eligible for financial support in the form of non-refundable grants to cover both investment (with the exception of the purchase of buildings) and operating costs. 4. The instruments to be employed include studies, technical assistance, training or other services, supplies and works, along with audits and evaluation and monitoring missions. 5. The Commission shall take all necessary measures to coordinate operations financed by the Community and those financed by the Member States. 6. The Commission shall appraise, decide and administer the cofinancing of operations according to the budgetary and other procedures in force. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural and legal persons of the Member States and of the recipient country. 7. The Commission shall be assisted by an advisory committee made up of representatives from the Member States and chaired by a representative of the Commission, i.e. for the ACP countries, the EDF Committee; for the Mediterranean countries, the MED Committee; for the Asian and Latin American countries the ALA Committee. 8. After each budget year, the Commission shall report to Parliament and the Council, summarizing the operations financed in the course of the year and evaluating the implementation of the Regulation. 9. A financial statement is annexed to the proposal.
<i>(4) Opinion of the European Parliament</i>	Not yet received.
<i>(5) Current status of the proposal</i>	<p>Cooperation procedure.</p> <p>On 11 July 1995 the Commission presented a proposal for a Regulation.</p> <p>The proposal is now being examined by the European Parliament and the Economic and Social Committee for opinion.</p>
<i>(6) References</i>	<p>Commission proposal (COM(95) 293 final</p> <p style="text-align: right;">Official Journal C 252, 28.9.1995</p>

10. FOR A MORE ACTIVE SOCIETY

10.1. Current position and outlook

The right to freedom of association and collective bargaining exists in all Member States of the Community. A number of basic principles (such as the right to strike) are common to all of them, but their implementation must remain the responsibility of the Member States, in line with national traditions and policies.

The Commission's role, in accordance with Article 118b of the Treaty, is 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'.

To this end, the Commission, in conjunction with management and labour, has developed a procedure for continuing dialogue between the leaders of the employers' and trade union organizations throughout the Community (see summary 10.2).

This dialogue takes place at industry-wide and sectoral levels; current issues include employment in the Union, education and training, the organization of the labour market and economic policy goals. It enables joint opinions to be drawn up (see summaries 10.3 to 10.18), which are addressed to the Community institutions, and has even led to European collective agreements, such as the one on parental leave in December 1995.

The Commission is also discussing with management and labour how far and under what conditions they may participate, through social dialogue, in the development and implementation of Community social policy.

Again in the framework of social dialogue, the importance of which was stressed by the European Council in Cannes (June 1995), on 25 September 1995 the Commission adopted a Communication on the creation of a European Centre for Industrial Relations (CERI, see summary 10.20), which was launched at the Social Dialogue Summit in Florence on 21 October. At this Summit, the social partners also adopted a resolution on employment, in preparation for the European Council meeting in Madrid, as their contribution to the follow-up to the implementation of the employment strategy defined at the European Council meeting in Essen.

The Commission feels that, without prejudice to the role played by the social partners, voluntary and other representative organizations should be consulted on a whole series of social questions. It therefore plans to organize a European Forum on Social Policy Questions (see summary 10.21), involving as many interested parties as possible. The first meeting will be held in March 1996.



10. FOR A MORE ACTIVE SOCIETY

10.2. 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:

- creation of an area of geographical and occupational mobility and improvement of the European labour market (13 February 1990);
- 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);
- 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;
- 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 'Growth, Competitiveness, Employment', 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. Recognizing 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.

At the meeting of the Social Dialogue Committee on 7 July 1994, there was a wide-ranging discussion on the results of the European Council in Corfu and on progress in implementing the Social Protocol.

In assessing the measures envisaged by the European Council, there was a broad measure of agreement between the parties present. A dialogue on the question of competitiveness was begun and discussions will take place between the ESC, UNICE and the CEEP this autumn under the supervision of the Commission.

However, the ESC considered that the measures envisaged were unlikely to lead to rapid, sustained growth and, hence, that unemployment could only be reduced very slowly. UNICE stressed the need to create jobs by introducing greater flexibility into the labour market and by reducing taxes with a view to stimulating growth. The CEEP, for its

part, highlighted the positive role of public investment, which often encourages private investment and creates conditions highly conducive to job creation.

Differences between the social partners still remain as regards the implementation of the Social Protocol.

7. The Social Dialogue Committee met on 20 February 1995. The meeting was devoted almost entirely to discussing how to implement the conclusions of the European Summit in Essen on the subject of employment.

Mr Jones, Acting Director-General of DG V, outlined the conclusions of the Essen Summit with regard to improving the employment situation:

- improvement of employment prospects for workers by promoting investment in vocational training;
- increasing the 'employment intensity' of growth by more flexible work organization, a wage policy conducive to investment likely to create jobs, and the encouragement of initiatives responding to new employment requirements in the field of social services;
- reduction of indirect wage costs;
- improvement of the efficiency of labour market policy;
- boosting of measures to assist the groups particularly affected by unemployment, particularly young people.

Mr Jones emphasized the fact that:

- the Member States are responsible for translating these recommendations into multiannual programmes taking account of their own specific situations;
- the Ecofin and Social Affairs Councils, as well as the Commission, will be required to report each year to the European Council on the progress achieved in the field of employment in each Member State;
- these first reports will make it possible to examine the effects of tax systems and aid schemes on employment and the links between economic growth and the environment.

UNICE and the ETUC have agreed to concentrate attention on the five action areas adopted. However, differences of opinion remain with regard to the future role of the Standing Committee on Employment in this context.

8. The Social Dialogue Committee met on 27 April 1995 under the chairmanship of Mr Jones and recommended the adoption of the joint opinion on the contribution of vocational training to combating unemployment. It approved the draft joint opinion on ways of transforming the economic recovery into a process of sustainable growth and job creation. It also looked at the work undertaken by the Commission and the social partners in the employment field in the wake of the European Council in Essen and examined the main aspects of the medium-term social action programme.

10. FOR A MORE ACTIVE SOCIETY

10.3. 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.

Fifteen common opinions have been adopted.

10. FOR A MORE ACTIVE SOCIETY

10.4. First joint opinion: Principles behind the cooperative growth strategy for more employment

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.

10. FOR A MORE ACTIVE SOCIETY

10.5. Second joint opinion: Training, motivation, information and consultation of workers

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.



10. FOR A MORE ACTIVE SOCIETY

10.6. Third joint opinion: Principles behind the cooperative growth strategy for more employment

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 118A and 130A 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.

10. FOR A MORE ACTIVE SOCIETY

10.7. Fourth joint opinion: Creation of a European occupational and geographical mobility area

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.

10. FOR A MORE ACTIVE SOCIETY

10.8. Fifth joint opinion: Basic education, initial training and vocational training for adults

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, Eurotecnnet 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.

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10.9. Sixth joint opinion: Transition from school to adult and working life

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.



10. FOR A MORE ACTIVE SOCIETY

10.10. Seventh joint opinion: New technologies, work organization and adaptability of the labour market

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.

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10.11. Eighth joint opinion: Ways of providing the broadest possible effective access to training

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 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.

10. FOR A MORE ACTIVE SOCIETY

10.12. Ninth joint opinion: Transparency and transferability of vocational qualifications and diplomas

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 organisational 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.

10. FOR A MORE ACTIVE SOCIETY

10.13. Tenth joint opinion: New cooperative strategy in order to increase the growth of employment

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.

10. FOR A MORE ACTIVE SOCIETY

10.14. Eleventh joint opinion: Vocational education and training for women on equal terms with men

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 organizations, 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.

10. FOR A MORE ACTIVE SOCIETY

10.15. Twelfth joint opinion: Economic policy guidelines

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 23-24%.

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 organizational changes.

9. The social partners point out the importance of this first application of Article 130(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.

10. FOR A MORE ACTIVE SOCIETY

10.16. Thirteenth joint opinion: The Community's future role and measures in the fields of education and training

In this joint opinion, the social partners put forward the following considerations with regard to the Community's future role and measures in the fields of education and training.

1. The social partners set their opinion in the context of the current economic crisis in Europe.

There is a broad consensus for considering the improvement of the quality of education and vocational training as one of the main priorities for developing employment, the competitiveness of undertakings and social cohesion.

2. Since 1986 the social partners have issued joint opinions on education and training with the following aims:

- high-quality basic education and vocational training;
- identifying vocational profile and skill requirements;
- synergy between the efforts of individuals, undertakings and the authorities with the aim of providing all workers with the possibility of access to training throughout their working life;
- encouraging geographical and occupational mobility by means of qualifications;
- contributing to Community policy on promoting vocational training in SMEs.

3. The social partners consider that future Community measures should provide an added value in the fields of education and vocational training. They call for the rationalization and coordination of Community programmes in these areas.

4. General education should ensure improved versatility and basic skills in order to prepare young people for working life and offer them maximum flexibility in order to enable them to adapt to future cyclical and/or structural changes.

5. The social partners support the idea that vocational training should henceforth be regarded as a permanent process continuing throughout a person's working life.

6. More attention should be given in education systems, initial vocational training for young people and continuing training for adults to the learning of Community languages.

7. The social partners would like to be consulted more at all stages of the framing and implementation of education policies at European level.

8. They ask that all joint opinions in the field of education and vocational training be re-examined.

10. FOR A MORE ACTIVE SOCIETY

10.17. Fourteenth joint opinion: Guidelines for turning recovery into a sustained and job-creating growth process

The social partners adopted a joint opinion on guidelines for turning recovery into a sustained and job-creating growth process.

1. The social partners have a common recognition — in line with the White Paper on growth, competitiveness and employment — that unemployment must be fought in ways which promote competitiveness and strong and sustainable economic development.

2. The ETUC, UNICE and CEEP note a strong export performance and an investment pick-up. This joint opinion is a contribution to the preparation of the EU's broad economic policy guidelines and to the Essen employment monitoring procedure.

3. To reduce unemployment the social partners advocate both turning the recovery into a long-lasting investment-led growth process to create the necessary work posts and implementing more active and efficient labour-market policies.

4. Reinforcing the credibility of monetary and budgetary policies together with better monetary cooperation at European level would allow for the reduction of interest rates and would help the recovery both directly and indirectly.

5. It is necessary to prevent the emergence of new inflationary tensions and to increase the growth potential of the Community through strong expansion of investment.

6. The available short-term forecasts indicate that the EU's economy — investment growth in particular — seems on the right track. Higher investment must be balanced by higher levels of savings and the generation of sufficient profitability of investment.

7. The social partners are conscious that reabsorption of high budget deficits is a basic requirement for transforming the present recovery into a durable, job-creating growth process. They agree that the consolidation process must take account of the different national situations and, at European level, of the minimum of fiscal approximation necessary for the proper functioning of the single market. Credible budgetary consolidation is necessary to reduce interest rates and to keep them low.

8. The social partners agree on the need to pursue reforms in order to promote the Union's competitiveness. This means the completion of the unfinished elements of the internal-market programme, the realization of the trans-European networks, the development of the information society, the promotion of research and development, the improvement of education and training and measures to improve the development of SMEs.

9. The contribution of labour-market policies should:

- raise the quality of human capital;
- ease the reintegration of unemployed workers when new jobs become available;
- make growth more employment-creating, without reducing growth itself.

10. The social partners regret that their previous opinions on the macroeconomic situation and policies were not given sufficient attention by Member States. They remain convinced that the social dialogue can make an important contribution to achieving the linked objectives of the White Paper.

10. FOR A MORE ACTIVE SOCIETY

10.18. Fifteenth joint opinion: The contribution of vocational training to combating unemployment

At its meeting of 4 April 1994 the social dialogue working party on education and training adopted a joint opinion on the contribution of vocational training to combating unemployment and reabsorbing the unemployed into the labour market in the light of the new situation created by the White Paper. This opinion was also adopted by the Social Dialogue Committee at its meeting of 27 April 1995 and subsequently by the internal bodies of the UNICE, CEEP and ETUC. The final document is available in nine languages (not Swedish or Finnish) and is dated 4 September 1995.

1. The social partners believe that the human resource potential is one of the key factors that will create economic prosperity and social progress within the European Union. They feel that education and training have a strategic and recognized role to play in this context. Individuals must have broad-based skills and the capacity to acquire new skills and competences quickly, in order to develop their ability to grasp new career opportunities.
2. More attention needs to be paid to developing new areas of employment which generate job growth. This requires investment in education and training to prepare people seeking employment in these new areas, which include quality of life and the environment, energy, telecommunications, transport, leisure, sport and the care sector.
3. The social partners are concerned at the high level of unemployment among both the least qualified and highly educated young people. This problem is often compounded by insufficient vocational guidance facilities. The social partners feel that the trend towards an ageing workforce makes it all the more essential to adapt continuing training to the needs of older workers, allowing them to update their skills and embark upon new careers. It is no longer appropriate to treat them in the same way as young people.
4. The social partners note that in most Member States women have a higher rate of unemployment than men and constitute the majority of the long-term unemployed.
5. The social partners recommend that measures be taken at national and Community level to encourage young people to take vocational courses. This also means that companies should be prepared to respond positively to young people who have taken such courses.
6. They believe it is essential for the public authorities to offer retraining opportunities to the long-term unemployed, including work experience where possible, so as to regenerate their motivation and their prospects for reintegration. They recommend the introduction of innovative measures to encourage women to follow training courses.
7. The social partners believe that information and counselling are crucial services for all sections of the population.
8. The social partners are looking for more interaction between themselves and the education sector, in terms of both business input into education and training programmes and the transition from school to work.
9. The social partners have an essential role to play in contributing to quality training. They wish to further efforts designed to highlight the link between investment in education/training and jobs.
10. Finally, they welcome the Essen initiative to follow up the White Paper, thereby promoting a training culture and a training environment.

10. FOR A MORE ACTIVE SOCIETY

10.19. 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.



10. FOR A MORE ACTIVE SOCIETY

10.20. 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.

10. FOR A MORE ACTIVE SOCIETY

10.21. ECIR (European Centre for Industrial Relations)

<i>(1) Objective</i>	To encourage the emergence of a European social relations culture by working to raise awareness among, and educate, employers' and trade union representatives appointed by the European social partners.
<i>(2) Community measures</i>	Communication from the Commission to the Council and the European Parliament of 25 September 1995 on the establishment of a European Centre for Industrial Relations (ECIR).
<i>(3) Contents</i>	<ol style="list-style-type: none">1. The Commission undertook to present a communication to support the operation of the ECIR recently established at the initiative of the social partners at European level.2. The three Secretaries-General of the UNICE, CEEP and ETUC drew up and adopted draft rules of procedure in accordance with the Belgian Law of 25 October 1919.3. The Commission feels it must state its intention to govern its relationship with the ECIR by means of an agreement. An annual grant could then be determined.4. The introduction of common training for employers' and trade union representatives appointed by their respective organizations meets the need to maintain, continue and reinforce the European social dialogue.5. A partnership with the European University Institute in Florence could be based on the establishing of a Chair at this Institute.6. Training should enable employers' and workers' representatives to:<ul style="list-style-type: none">— acquire a general awareness of the culture underlying the construction of the European Union and of how its institutions operate;— assess and study in depth information relating to socioeconomic scenarios in their various dimensions;— identify the instruments, levels and content of collective bargaining and practices.7. The Centre will also make it possible for partners to exchange information and views on:<ul style="list-style-type: none">— industrial relations systems in the Member States;— forms of economic and social regulation and the respective roles of the State and social partners;— the structure and operation of employers' and trade union organizations;— Community policies and new instruments for economic and social regulation and intervention.8. The EUI will carry out the basic research necessary for enhancing the work of the ECIR and for analysing trends in social relations at Member State and European Union level.9. The ECIR will have a Management Board, a Scientific Council, a Committee of Honour and an Executive Secretariat.
<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

Commission communication
COM(95) 445 final

Not yet published.

(7) Follow-up work

(8) Commission implementing measures

10. FOR A MORE ACTIVE SOCIETY

10.22. European Forum on Social Policy

<i>(1) Objective</i>	To associate organizations other than the social partners in examining trends in European social policy.
<i>(2) Community measures</i>	Creation of a European Forum on social policy.
<i>(3) Contents</i>	<p>1. The Declaration on cooperation with charitable associations '... stresses the importance, in pursuing the objectives of Article 117 on the Treaty establishing the European Community, of cooperation between the latter and charitable associations and foundations as institutions responsible for social welfare establishments and services'.</p> <p>2. Without impinging on the fundamental role of the traditional social partners, the Green Paper on social policy (see summary 1.8) asked the following question: 'Would there be an advantage in envisaging an appropriate Forum for discussion in which the strategic problems of European society could be debated in an open and democratic way?'</p> <p>3. The White Paper on European social policy (see summary 1.9) considered that 'it is clear that voluntary and other representative organizations have a right to be consulted by the Union and to play their role in the process of change', proposing that 'a clear distinction be drawn between the negotiating processes now established under the Agreement on Social Policy and the consultations which the European Union must undertake to deal with social problems which cannot be dealt with by collective bargaining'. The Commission thus proposed 'to institute a Forum for debate and discussion on social policy issues, along the lines of the Green Paper Conference held in May 1994. This Forum would be convened every 18 months and involve the widest possible range of interested bodies'.</p> <p>4. In the Medium-Term Social Action Programme 1995-97 (see summary 1.10), 'the Commission considers that voluntary and other representative organizations should be consulted on a wide range of social issues, such as social exclusion, racism, issues concerning disability, demographic trends and ageing. The Commission will, therefore, periodically convene a European Forum on social policy issues involving the widest possible range of interested parties. In the course of the first meeting, the Commission will also consult the European Forum, and the Economic and Social Committee, on the revision of the Community Charter of Fundamental Social Rights of Workers (first half of 1996)'.</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>	Declaration annexed to the Treaty on European Union Green Paper on European



social policy COM(93) 551 final
White Paper on European
social policy COM(94) 333 final
Social action programme
1995-97
COM(95) 134 final

(7) Follow-up work

*(8) Commission
implementing
measures*

11. MEDIUM-TERM SOCIAL POLICY ANALYSIS AND RESEARCH

11.1. Current position and outlook

The extent and rapidity of challenges and changes confronting European societies necessitate an increased effort in respect of joint analysis and input by the Community institutions.

The Commission is taking action to boost its capacity to address questions of social policy from the medium-term and long-term points of view. For example, as part of the preparations for the revision of the Community Charter of Fundamental Social Rights for Workers, a Committee of Wise Men has been established and asked to draw up a report (see summary 11.2).

Similarly, a Study Group on Education and Training has been set up (see summary 11.3), its main task being to assess education and training needs in the information society.

The Commission is particularly well placed to play an important role by encouraging, in cooperation with the Member States, the collection of comparable and up-to-date statistics, analysing subjects of common interest, and networking the activities of specialized bodies relating to selected themes. This approach has begun to give results, with the:

- adoption of the Commission report on the demographic situation in the European Union in 1994 (see summary 11.4);
- Communication concerning a Community action programme on health monitoring in the context of the framework for action in the field of public health (see summary 11.5), which envisages the use of statistical tools relating to disease prevention at European level.

Special attention will focus on management of the social and societal consequences of the information society, and a high-level group of experts will be established.

11. MEDIUM-TERM SOCIAL POLICY ANALYSIS AND RESEARCH

11.3. Study group on education and training

<i>(1) Objective</i>	To set up a group of high-level experts comprising figures whose experience could contribute to the approach the Commission has to develop in the area of education and training.
<i>(2) Community measures</i>	Memorandum to the Commission on the creation of a study group on education and training.
<i>(3) Contents</i>	<p>1. The work of the group, which is essentially future-orientated, will initially involve an examination of the following topics:</p> <ul style="list-style-type: none">— education and training in a knowledge-based society and economy;— better identification of training and skill requirements in an increasingly competitive society;— the importance of learning at all levels in a European context of mobility;— the contribution of new information technologies and multimedia systems to initial and continuing education and training;— education and training for the information society;— the implementation of flexible systems of accreditation of skills acquired;— 'second chance' schools;— the development of networks of universities, training centres and firms;— the definition of European 'masters' qualifications in certain subjects on the basis of agreements between universities designed to promote teacher mobility;— contributions to programmes concerning targeted socioeconomic research and 'training and mobility of researchers';— the international dimension. <p>2. The group comprises 25 high-level experts including specialists in the areas concerned and representatives of the parties involved (firms, trade unions, schools, vocational and adult training organizations, universities). It has a two-year term of office.</p> <p>3. Meetings of the group will be convened by the chairman at least twice a year. With the agreement of the Commissioner responsible, the group may ask external experts to take part in some of its work occasionally. The chairman, members of the bureau and rapporteurs will meet at least five times a year.</p> <p>4. With the agreement of the group, the Commission may decide to publish some of its work. The Commission will provide secretarial facilities for the group.</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

Memorandum to the
Commission SEC(95) 982

(7) Follow-up work

*(8) Commission
implementing
measures*

11. MEDIUM-TERM SOCIAL POLICY ANALYSIS AND RESEARCH

11.4. The demographic situation in the European Union — 1994

- (1) *Objective* To describe demographic changes in Europe from a broad angle (Article 7 of the Protocol on Social Policy annexed to the Treaty on European Union).
- (2) *Community measures* Commission report of 13 December 1994 on the demographic situation in the European Union (1994 report).
- (3) *Contents*
1. With 350 million inhabitants as at 1.1.1994, the EU is the third-largest demographic power in the world and occupies first place among the developed countries. It is one of the most densely populated places on earth, with 140 inhabitants per km². Its total population growth is moderate.
 2. Some degree of convergence of demographic patterns between the Member States can be seen in the European Union, although there are still differences in levels owing to time-lags. Intra-Community geographical mobility has changed face, corresponding nowadays to free movement and no longer giving rise to mass movements. All the Member States have become host countries for non-Community citizens. Mortality has fallen throughout the Union, and the differences that still existed about 10 years ago have levelled off. Mortality and migration are directly connected with the economic situation.
 3. The ageing of the Union's population structures is an ineluctable process. It is a normal stage in human evolution, based on considerable progress in increasing life expectancy and leading to a stationary demographic situation.
 4. The world of employment is changing at the same time as our demographic structures. We are leaving the industrial era and entering the age of technology and services.
 5. The integration of the elderly involves abolishing certain practices which artificially accentuate the ageing of society: elimination of age barriers, etc.
 6. On account of the structural effects of the baby boom between 1945 and 1965, the greatest burdens of ageing are still to come. The oldest of these generations will not reach retirement age until the beginning of the next century, but the demographic perpetuation of the working population is by no means ensured in all the countries.
 7. Although demographic analysis has proved its relevance for explaining the causes of the upheavals in the balances between generations, it is unable on its own to measure the economic and social cost of the imbalances it reveals.
 8. In recent decades, family life has become more complex: cohabitation and births out of wedlock, separations, divorces and reconstitution of households have become commonplace, at least in the northern part of the Union.
 9. The instability of certain families, together with economic uncertainty, may give rise to the fear that young people will feel rejected by society. The age of independence is getting further and further away, the fixed points of reference are growing blurred, the economic precariousness of their parents is increasing. Many young

people feel excluded from the outset; this is an important problem which the whole of the Union will have to face up to.

10. These changes in the role of the family have gone hand in hand with major events of our century: the emancipation of women, their entry onto the labour market in large numbers and birth control. As a result, there have been radical and lasting changes not only in the organization of the economy and society but also in the relations between generations and between the sexes.

11. Despite these changes, the family constitutes the major network of personal relations and solidarity and is still an important factor in social equilibrium.

12. Of all demographic phenomena, migration is the least predictable, since its scale may vary considerably over very short periods as a result of cyclical factors. Accordingly, the development of the Mediterranean regions and the European countries going through an economic transition should be regarded as a key factor in the potential migratory thrust towards the Union.

13. The influence of international migration on the Member States' demographic model is insignificant. Under no circumstances could migration counter the effects of the ageing of the Union's population. On the other hand, at local level it is possible that spatial concentration of new immigrants will give rise to particular stratifications.

14. The challenge for the Union at present is to create a true European mobility area where freedom of movement is not only a statutory right but is also becoming a day-to-day reality. This mobility helps to achieve the aims of the single market while establishing a more flexible and more efficient labour market.

(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(94) 595 final

Not yet published

(7) Follow-up work

(8) Commission implementing measures

11. MEDIUM-TERM SOCIAL POLICY ANALYSIS AND RESEARCH

11.5. Community action programme on health monitoring

- (1) *Objective* To establish statistical tools relating to disease prevention and health protection so as to facilitate the planning, monitoring and assessment of Community programmes and activities.
- (2) *Community measures* Communication from the Commission of 16 October 1995 concerning a Community action programme on health monitoring in the context of the framework for action in the field of public health.
- (3) *Contents*
1. Particularly since the entry into force of the Treaty on European Union, the Community has been called upon to play an increasingly important role in the field of public health.
 2. For its contribution to have maximum effect in terms of quality, the Community must have at its disposal quantitative measurement criteria and a system for assessing the development of health and health determinants and the impact on health of policies, programmes and measures implemented at both national and Community level.
 3. The health monitoring system envisaged should be based on indicators already available at European level (WHO, OECD, etc.) and avoid duplication of work.
 4. Annex A shows the different domains selected by the Commission for which indicators should be established.
 5. Community indicators would be of two types:
 - core indicators essential for the purposes of Community measures in the field of public health;
 - background indicators relating to other Community policies indirectly linked with public health.These indicators will have to be assessed and updated constantly in order to ensure that they meet the current needs of the Community and Member States.
 6. A precise methodology needs to be followed to ensure that the data from the Member States are comparable, i.e. the same definitions and a similar quality level must be used. There are three possible solutions:
 - creation of data dictionaries to establish equivalence between data defined in different ways;
 - conversion of national data to Community network definitions according to a common set of rules;
 - harmonization of the definition and methods of collecting national health data.
 7. Data needed for the core indicators should be collected on a regular basis (in most cases annually) and processed and transmitted rapidly in order to ensure availability of the most recent data possible.
 8. The Community health monitoring system should take the form of a network of distributed databases. Apart from its technical advantages (flexible, less costly compared with traditional collection methods, no duplication, minimal administrative structure, compatibility in terms of multilingualism), this solution makes it possible to work as close as possible to information sources. This network could be based on the infrastructure currently being developed under the IDA programme.

9. For maximum usefulness, the information collected will have to be the subject of a variety of regular and coordinated analysis operations.

10. The Commission believes that the development of a Community health monitoring system covering three strands of action (the establishing of Community health indicators, the development of a Community-wide network for data collection and dissemination, and the creation of adequate analysis capacity) should be initiated by means of a five-year Community action programme.

11. The programme will be assessed in two reports, including a mid-term report.

(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

Communication from the Commission COM(95) 449 final

(7) Follow-up work

The Commission has linked its communication to a proposal for a European Parliament and Council Decision adopting a programme of Community action on health monitoring in the context of the framework for action in the field of public health.

(8) Commission implementing measures

12. TOWARDS A MORE EFFECTIVE APPLICATION OF EUROPEAN LAW

12.1. Current position and outlook

The White Paper on 'European social policy, a way forward for the Union' stressed the need to improve the current level of implementation of Community social law. In its resolution of 27 March 1995, the Council confirmed its commitment to improving the situation (see summary 12.2).

Since the Commission is required to 'ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied' (Article 155), it must play a leading role in this field; it will therefore do everything in its power to ensure that Community social legislation is transposed correctly and equitably:

- it will monitor the transposal of directives and publish an annual report on the level of transposal of all social directives into national legislation;
- a specific requirement to draw up a report on the level of implementation, analysing the conformity of the national implementing measures, will be included in all new directives.

The fact that Community regulations are directly applicable in the Member States and that directives have been transposed into national law is not in itself a guarantee of effective application and conformity. The national authorities must ensure that Community legislation is fully complied with by setting up appropriate systems of control and/or penalties which are effective and act as a deterrent.

If Community social legislation is to be properly implemented, it needs to be both effective and transparent. The Commission will take measures to ensure that this is the case, drawing on the conclusions of the report of the group of independent experts on legislative and administrative simplification ('Molitor group') [COM(95) 288 final]. In its comments on this report [SEC(95) 2121 final], the Commission considered that the report was a valuable contribution and a stimulus to the work and discussions in progress to improve the effectiveness of Community social policy, but regretted that certain questions, such as the impact of social legislation on competitiveness and employment, interaction between regulations on the products and services market and the creation of jobs, and legislation at Member State level were not examined in more depth.

Finally, the Commission will take the necessary steps to increase awareness of social legislation throughout the European Union.

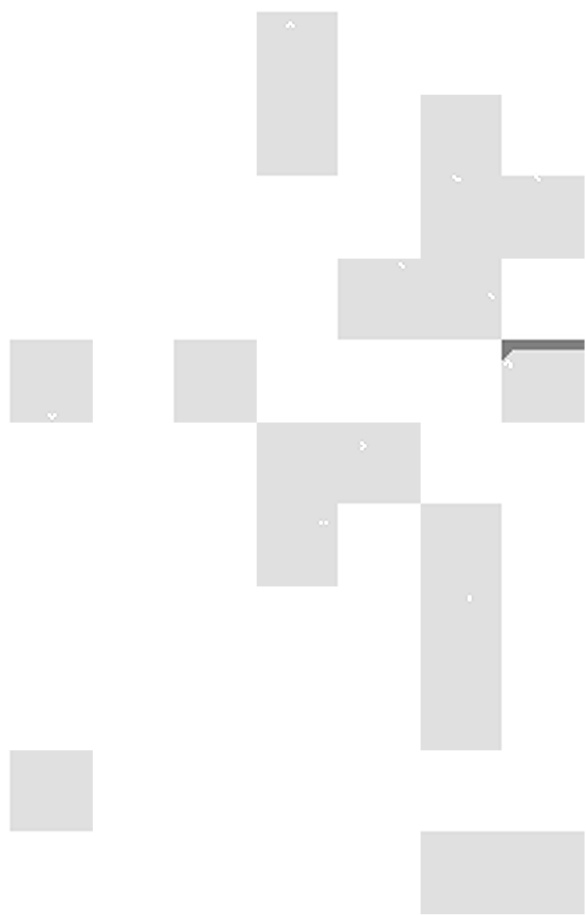
12. TOWARDS A MORE EFFECTIVE APPLICATION OF EUROPEAN LAW

12.2. Council resolution on the transposition of Community social legislation

<i>(1) Objective</i>	To achieve equally effective application of Community social legislation in all Member States.
<i>(2) Community measures</i>	Council resolution of 27 March 1995 on the transposition and application of Community social legislation.
<i>(3) Contents</i>	<ol style="list-style-type: none"> 1. The Council emphasizes the need for Community social legislation to become a tangible reality for citizens. 2. The Council calls upon the Commission to: <ul style="list-style-type: none"> — facilitate the transposition and application by Member States of all Community social legislation; — to maintain and strengthen its system of consultation, notably as regards management and labour; — to improve information on the implementation of existing Directives by regularly publishing tables, Directive by Directive, listing the measures, communicated by Member States, for transposition into the legislation of each of the Member States. 3. The Council invites the Member States to: <ul style="list-style-type: none"> — make available to the Commission information on the effective implementation of Community social legislation; — encourage management and labour to play a full and active part in the implementation of Community legislation at national level. 4. The Council invites the Commission and the Member States to propose that forms of cooperation be set up to encourage the gathering and distribution of information on progress made and difficulties encountered in bringing about the effective implementation of Community legislation in each of the Member States. 5. The Council undertakes to discuss regularly the transposition of Directives and to encourage consultation with management and labour at Community level.
<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 No C 168, 4.7.1995
<i>(7) Follow-up work</i>	
<i>(8) Commission implementing measures</i>	







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