BULLETIN

3

ECONOMIC AND S O C I A L C O M M I T T E E



FACTS AND FIGURES - 1994/1996

THE ECONOMIC AND SOCIAL COMMITTEE OF THE EUROPEAN COMMUNITIES

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(Belgium)

Origins

The Committee was established by the 1957 Rome Treaties in order to involve the various economic and social interest groups in the establishment of the common market and to provide the institutional machinery for briefing the Commission and the Council on all matters relating to the Community.

The Single European Act (1986) and the Maastricht Treaty (1992) reinforced the ESC's role.

Membership

The Committee has 222 members (195 men, 27 women) representing economic and social interest groups in Europe. Members are nominated by national governments and appointed by the Council of the European Union for a renewable 4-year term of office. They belong to one of three Groups: Employers (Group I - President: Manuel Eugénio CAVALEIRO BRANDÃO - Portugal), Workers (Group II - President: Tom JENKINS - United Kingdom), Various Interests (Group III - President: Beatrice RANGONI MACHIAVELLI - Italy). Germany, France, Italy and the United Kingdom have 24 members each, Spain has 21, Belgium, Greece, the Netherlands, Portugal, Austria and Sweden 12, Denmark, Ireland and Finland 9 and Luxembourg 6.

The Members' Mandate

The ESC members' main task is to issue Opinions on matters referred to the Committee by the Commission and the Council

It should be noted that the ESC is the only body of its type which advises the EU Council of Ministers directly.

Advisory Role

Consultation of the Committee by the Commission or the Council is mandatory in certain cases; in others it is optional. The Committee may, however, also adopt Opinions on its own initiative. Both the Single Act (17.2.86) and the Maastricht Treaty (7.2.92) extended the range of issues which must be referred to the Committee, in particular the new policies (regional and environment policy). On average the ESC delivers 180 Opinions a year (of which 10% are Own-initiative Opinions). All Opinions are forwarded to the Community's decision-making bodies and then published in the EC's Official Journal.

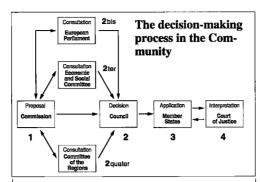
Information and Integration Role

Over the last few years the ESC has stepped up its role in the European Union and has transcended the straightforward duties flowing from the Treaties. Providing a forum for the Single Market, the ESC has, in conjunction with other Community Institutions, organized a number of events designed to improve links between the general public in Europe and the European Institutions.

Internal organization

1. Presidency and Bureau

Every two years the Committee elects a Bureau made up of 36 members (12 per Group), and a President and two Vice-Presidents chosen from each of the three Groups in rotation.



The President is responsible for the orderly conduct of the Committee's business. He is assisted in the discharge of his duties by the Vice-Presidents who deputize for him in the event of his absence.

The President represents the Committee in relations with outside bodies.

Joint briefs: relations with EFTA, CEEC, AMU, ACP countries, Latin America and other third countries fall within the remit of the Committee Bureau and President.

The Bureau's main task is to organize and coordinate the work of the Committee's various bodies and to lay down the political guidelines for this work.

2. Sections

The Committee has nine Sections:

Economic, Financial and Monetary Questions secretariat tel. 546.94.71 (President: Jean Pardon - Group I - Belgium)

- External Relations, Trade and Development Policy secretariat tel. 546.93.16 (President: Roger Briesch - Group II - France)
- Social, Family, Educational and Cultural Affairs secretariat tel. 546.93.02

(President: John F. Carroll - Group II - Ireland)

Protection of the Environment, Public Health and Consumer Affairs secretariat tel. 546.92.27

(President: Manuel Ataíde Ferreira - Group III - Portugal)

- secretariat tel. 546.93.96
 (President: Pere Margalef Masià Group III Spain)

 Regional Development and Town and Country Planning -
- secretariat tel. 546.92.57 (President: Robert Moreland - Group III - United Kingdom)
- Industry, Commerce, Crafts and Services secretariat tel. 546.93.85
 (President: Liam Connellan - Group I - Ireland)
- Transport and Communications secretariat tel. 546.93.53

Agriculture and Fisheries -

(President: René Bleser - Group II - Luxembourg)

 Energy, Nuclear Questions and Research secretariat tel. 546.97.94
 (President: José Ignacio Gafo Fernández - Group I - Spain)

3. Study Groups

Section Opinions are drafted by Study Groups comprising an average of 12 members, including a Rapporteur, who may be **assisted** by experts (usually four with a maximum of six).

4. Sub-Committees

Where appropriate, the Committee can set up a temporary sub-committee, which operates on the same lines as Sections.

5. Plenary Session

The Committee meets in Plenary Session as a rule ten times a year. At the Plenary Sessions, Opinions are adopted on the basis of Section Opinions by a simple majority. They are forwarded to the institutions and published in the Official Journal of the European Communities

6. Relations with economic and social councils

The ESC maintains regular links with regional and national economic and social councils throughout the European Union. These links mainly involve exchanges of information and joint discussions every year on specific issues.

Moreover, the ESC maintains similar contacts worldwide with other economic and social councils in the "International Meetings" held every two years.

7. Relations with economic and social interest groups in third, countries

The Committee has links with economic and social interest groups in a number of non-member countries and groups of countries, including Mediterranean countries, the ACP countries, Central and Eastern Europe, Latin America and EFTA. For this purpose the Committee sets up 15-30 man delegations headed by the President. For links with the countries of Central and Eastern Europe, some meetings will be institutionalized under the European Agreements.

Meetings

The average number of meetings held each year is as follows:

TOTAL	1,245
Visitors' groups (approx. 8,000 visitors)	200
Miscellaneous	370
by the three Groups	160
Meetings of sub-groups recognized	
Group meetings	85
Study Groups	350
Sections	70
Plenary Sessions	10

Publications

The ESC regularly distributes a number of publications free of charge (Order in writing by mail or fax - 546.98.22) inter alia its main Opinions in brochure format and a monthly newsletter.

Secretariat-General

The Committee is serviced by a Secretariat-General, headed by a Secretary-General, reporting to the Chairman representing the Bureau.

The number of officials (including temporary and auxiliary staff) is as follows:

Category A (Administrators) 59 (48 men, 11 women)
Category B
(administrative assistants) 65 (25 men, 40 women)
Category C (secretarial
and clerical staff) 237 (59 men, 178 women)
Category D
(skilled employees) 48 (36 men, 12 women)
Language Service 121 (67 men, 54 women)

Total: 530 (235 men, 295 women), more than a third of whom are involved in language work, given the need to operate in the Community's 11 official languages. However, as of 1 January 1995, the Economic and Social Committee and the Committee of the Regions will share a common core of services, drawing the bulk of their manpower from the ESC's secretariat.

1995 Budget

The 1995 Budget appropriations total ECU 83,900,000, of which ECU 57,800,000 have been earmarked for the joint services which the ESC shares with the Committee of the Regions.

BULLETIN Co 3

ECONOMIC AND S O C I A L C O M M I T T E E



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ECONOMIC AND SOCIAL COMMITTEE

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The complete texts of the Opinions summarized in this brochure can be obtained either in the Official Journal of the European Communities, Office for Official Publications, 2, rue Mercier, L-2985 Luxembourg, or directly from the ESC Public Relations Division (Fax: +32.2.546.98.22)

I. 324th PLENARY SESSION OF 29 AND 30 MARCH 1995

The 324th Plenary Session of the Economic and Social Committee of the European Communities was held on 29 and 30 March 1995 in Brussels, chaired by Mr Carlos Ferrer.

On Thursday, 30 March 1995, Commissioner Yves-Thibault de Silguy attended the debate on the Opinion on the 1995 Annual Economic Report.

The following Opinions were adopted at this Session:

1. TAXES/MANUFACTURED TOBACCO

Opinion of the Economic and Social Committee on the Proposal for a Council Directive on taxes other than turnover taxes which affect the consumption of manufactured tobacco (consolidated text) (COM(94) 355 final)

(CES 311/95)

Rapporteur working alone: Mr Philip H. Noordwal (The Netherlands - Employers)

Gist of the Commission proposal

The aim of this proposal is to simplify and clarify Community law on taxes other than turnover taxes which affect the consumption of manufactured tobacco, by amalgamating Council Directives 72/464/EEC of 19 December 1972 and 79/32/EEC of 18 December 1978, together with their amendments.

This being a legislative consolidation, the new Directive will replace the previous texts without altering their substance.

Gist of the Opinion

In view of the content of the proposal, the Committee welcomes the draft Directive.

2. NATIONAL AND REGIONAL ACCOUNTS

Opinion of the Economic and Social Committee on the Proposal for a Council Regulation (EC) on the European system of national and regional accounts in the European Community (COM(94) 593 final - 94/0314 CNS)

(CES 312/95)

Rapporteur working alone: Mr José Bento Gonçalves (Portugal - Employers)

Gist of the Commission document

The aim of the proposed Regulation is to establish a methodology, known as the European System of Accounts (ESA), comprising common standards, definitions, classifications and accounting rules, to be used in drawing up accounts and tables on a comparable basis for European Community requirements. One consequence of this legislative act will be that Community statistics relevant to national and regional accounts will be improved and made more consistent. The improved comparability will help meet the challenge of managing Economic and Monetary Union and enable national accounts aggregates to be used for Community administrative and particularly budgetary calculations.

Gist of the Opinion

The Committee approves the proposal and its annexes, noting that no Member State will be obliged to comply with ESA 95 when compiling accounts for its own needs. The Committee would also urge that the deadline laid down in Article 7 for the "first transmission" be the same for all Member States.

3. EUROPE 2000+ (Own-initiative Opinion)

Own-initiative Opinion of the Economic and Social Committee on Europe 2000+ - Cooperation for European territorial development

(CES 313/95)

Rapporteur: Mr Eugène Muller (Luxembourg - Various Interests)

Contents of the provisional Commission Document

Europe 2000 + is the follow-up to the Europe 2000 programme published by the Commission in 1991. Europe 2000 focused on economic and social cohesion and the internal market, aiming to give a clear benchmark to those responsible for European spatial planning at national and regional level. Since the first Europe 2000 document was published, several studies have analyzed developments in this field. With its summary of these studies in Europe 2000 + as a basis - and respecting the principle of subsidiarity - the Commission is putting forward a blueprint for cooperation between planning departments of Member States and with those of third countries.

After studying the first Europe 2000 document, the Committee advocated a clear, global approach to spatial planning at a European level, and closer cooperation between Member States and their regions on questions relating to spatial planning.

As European-level spatial planning became a real necessity, a Spatial Planning Committee was set up. It is in this body that the Member States and the Commission are trying to draw up a "European spatial development perspective" (ESDP). This non-binding outline plan makes it clear that spatial aspects should be part and parcel of sectoral policies and sets out certain fundamental aims and principles.

Both Europe 2000+ and the policy guidelines relating to the ESDP were presented at the last informal Council meeting of ministers responsible for spatial planning. This took place last September in Leipzig. The Council instructed the Spatial Planning Committee to draw up an outline Community spatial plan and to put forward an initial cooperation project in 1995. It gave its approval to the analyses and policy options detailed in Europe 2000+ and invited the Commission to start up pilot projects in collaboration with the Spatial Planning Committee.

The contents of the three sections of Europe 2000+ may be summarized as follows:

- key spatial planning factors such as population, the economy, trans-European networks and the environment;
- specific prospects for urban, rural and border regions in the light of trends in specific areas;
- spatial planning systems and transfers of public funds in the Member States, together with an analysis of their institutions, policies and mechanisms which make for balanced spatial planning.

The guidelines put forward by the Commission for better European spatial planning -one that is more competitive, viable and based more on a spirit of solidarity - are the result of a synthesis of these three sections. To achieve this, cooperation at every level - across borders and between regions and nations - will have a very important part to play.

Gist of the Own-initiative Opinion

The Opinion represents an initial stance on the part of the Committee. The Committee is pleased to have the opportunity to give its views on the new Communication, which was welcomed by the informal council in Leipzig in September 1994.

The Committee broadly endorses the Communication, which demonstrates the need for cooperation at various levels and in a number of spatial planning spheres, and sketches out broad lines for such cooperation. It shows that an EU spatial planning policy is urgently needed.

The Committee views the ESDP as a first step towards translating the principles and guidelines set out in Europe 2000+ into concrete policy.

While welcoming the setting-up of the Committee on Spatial Development which is drawing up the ESDP, the Committee considers that its role within the Community's advisory machinery needs to be more clearly defined, as do its tasks, objectives, membership and operating rules.

The Committee also welcomes the setting-up of the European observatory advocated in its earlier Opinion.

The Opinion also contains a number of more specific comments, and asks the Commission to draw up a provisional schedule for the implementation of the ESDP.

4. FISHERIES - NAFO

Opinion of the Economic and Social Committee on the Proposal for a Council Regulation (EC) modifying Regulation EEC No. 3928/92 establishing a NAFO Pilot Observer Scheme applicable to Community vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organization (COM(94) 630 final)

(CES 314/95)

Rapporteur: Mrs Maria Luísa Freire de Andrade Santiago (Portugal - Various interests)

Gist of the Commission proposal

As a contracting party to the NAFO Convention, the European Union has participated in the Scheme of Joint International Inspection and Surveillance since its inception in 1988.

At its 14th Annual Meeting on 14-18 September 1992, the Fisheries Commission of NAFO adopted an 18-month pilot observer scheme which was extended by a further six months to 31 December 1994. The Fisheries Commission decided at the 16th Annual Meeting of NAFO on 20/23 September 1994 to extend the pilot scheme for a further twelve months to 31 December 1995. The scheme has been extended in order to continue monitoring compliance with the NAFO conservation and technical measures. Observers will be placed on vessels engaged in the harvesting of stocks which are in a critical state e.g. Greenland halibut and cod.

The extension of the scheme does not imply any change in the tasks of the observers, and the coverage level of 10% of vessels remains unchanged. Member States which nominate observers will remain eligible for a Community financial contribution to defray the costs associated with the scheme.

Gist of the Opinion

The Committee does not oppose the Commission proposal to extend the NAFO scheme until 31 December 1995, but makes certain comments.

To protect resources effectively, the Committee deems it necessary to reinforce and extend the existing global monitoring programme in order to keep a check on catch levels, particularly those of vessels flying flags of convenience or non-contracting parties.

The Committee also hopes that the international code of conduct on responsible fishing, being drawn up by the FAO, will be concluded shortly as it will help to ensure more rational and orderly deep-sea fishing.

5. CMO - SHEEPMEAT AND GOATMEAT

Opinion of the Economic and Social Committee on the Proposal for a Council Regulation (EC) amending Council Regulation (EEC) No. 3013/89 on the common organization of the market in sheepmeat and goatmeat (COM(94) 643 final)

(CES 315/95)

Rapporteur: Mr Michael P. Strauss (United Kingdom - Various Interests)

Gist of the Commission proposal

By Regulation (EEC) No. 2069/92 of 30 June 1992 amending Regulation (EEC) No. 3013/89, the Council imposed, with effect from the 1993 marketing year, an individual limit per producer in respect of the grant of the ewe and goat premium.

This measure has given rise to administrative difficulties in the case of certain groups of producers, in particular family groups, during the transfer of premium rights between members of the said groups.

Therefore, for reasons of correct administration, the Commission proposes that provision should be made for certain groups to be exempted, under certain conditions, from payment to the national reserve of the percentage of rights provided for in the case of a transfer of rights without transfer of holding. That provision must not lead to an increase in individual rights currently allocated in each Member State, nor give rise to the formation of new producer groups created with the sole aim of avoiding payment to the national reserve of the percentage of rights provided for in the case of a transfer or rights without transfer of holding.

The individual limit was established on the basis of the total amount of premiums granted for the 1991 marketing year for each producer. In Italy and in Greece, because that marketing year was a year of transition between two different premium systems, a number of producers were not able to submit an application for a premium for the 1991 marketing year for the number of eligible animals they held.

In order to remedy this situation, special reserves should be created for Italy and for Greece corresponding to the estimated maximum number or rights which the producers concerned were unable to claim (600,000 head). The competent authorities of those two Member States should initially be allowed to grant new rights up to the limit of the special reserve referred to above and then subject to verification by the Commission of the correct allocation of the rights granted, in particular in the regions most affected, the national reserves will be increased for Italy and Greece by the sum of the rights newly granted with effect from the 1995 marketing year.

Gist of the Opinion

The Committee is in general agreement with the proposal.

It does, however, take the view that firm proof of actual ewe numbers will have to be furnished for each of the years for which an increased claim is lodged.

The Committee believes that the Commission should consider whether there is a case for increasing quota allocations to meet the legitimate demands of new entrants and producers who had embarked on investment plans before the introduction of quotas in 1993. The regulation states explicitly that the needs of such producers should be provided for by the reserve.

6. FREE MOVEMENT OF DOCTORS

Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Directive amending Directive 93/16/EEC which facilitates the free movement of doctors and provides for the mutual recognition of their diplomas, certificates and other evidence of formal qualifications, and conferring implementing powers on the Commission for the updating of certain articles thereof (COM(94) 626 final)

(CES 316/95)

Rapporteur: Mr Christoph Fuchs (Germany - Various Interests)

Gist of the Commission document

The proposal seeks to improve the efficiency of updating certain articles of the Doctors Directive 93/16/EEC, which is a consolidated version of all the Directives concerning the mutual recognition of medical qualifications and the coordination of doctors' training that were adopted from 1975 until 1990. During the negotiations of the Council Working Party, several Member States complained that the proposal for the Directive (as it then was) did not take account of the current state of specialist qualifications in the Member States. As a result of pressure from Member States the Council and the Commission made a joint declaration on 9 October 1992 acknowledging that a consolidation exercise did not permit substantive changes to be introduced. Under these circumstances, the Commission undertook to initiate procedures for modifying existing Community legislation so as to reflect changes that had occurred in the meantime, on the basis of information to be supplied by the Member States.

Gist of the Opinion

The Committee notes that the authorization for the Commission to amend the said Articles is more extensive than the aim of the draft - namely a more efficient updating of certain Articles - warrants. It doubts, first of all, the basis in Community law for this authorization to amend, since under Article 145 of the EC Treaty "the Council shall confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down". However, when using such powers, the Commission may neither amend nor supplement the legal acts of the Council to be implemented.

The Committee points out that the "updating" of specialist qualifications is not only a technical or drafting question of inclusion in the catalogue; in individual cases it entails an evaluation of qualitative and substantive conformity with the relevant specializations.

The Committee therefore regards it as necessary to involve the Advisory Committee for further medical training in the procedure. The Committee regards it as inadequate for the matter to be left to the Committee of Senior Officials for Public Health.

It therefore regards it as necessary for the **Standing Committee of European Doctors**, as the federation of national organizations at European level, to be asked for its opinion in all procedures.

The Committee further proposes that the Commission be urged to ensure, when a draft Directive is being drawn up, that the Member States' authorities responsible for further training take account of the views of the national medical profession.

The Committee suggests examination of the question of whether the present system of individual references to the extremely varied descriptions of specializations used in the individual Member States, could not be replaced by a more simple system of mutual recognition of main specializations and associated "sub-specializations".

To that end, it proposes that the Council take a supplementary decision instructing the Commission to ask the **Standing Committee of European Doctors** to make a proposal on the further development of the mutual recognition arrangements for specialist medical qualifications with the aim of improving freedom of establishment and freedom to provide services.

7. BUSINESS TRANSFERS

Opinion of the Economic and Social Committee on the Proposal for a Council Directive on the approximation of the laws of Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses (COM(94) 300 final - 94/0203 (CNS)

(CES 317/95)

Rapporteur: Mr Giorgio Liverani (Italy - Workers)

Gist of the Commission document

Council Directive 77/187/EEC of 14 February 1977 concerns 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. It promotes the harmonization of the relevant national laws safeguarding the rights of transferred employees and requiring transferors and transferees to inform and consult employees' representatives in good time.

The purpose of the present proposal is to amend that Directive in the light of the impact of the internal market, legislative trends in the Member States with regard to the rescue of undertakings in economic difficulties, the case law of the European Court of Justice, the adopted revision of the Directive on collective redundancies and the legislation already in force in most Member States.

In the light of the above and having regard to national implementation of the Directive, the case law of the European Court of Justice, and cross-border corporate restructuring brought about by the completion of the internal market, the Commission is proposing a series of amendments to Section I (Scope and definitions), Section II (Safeguarding of employees' rights), Section III (Information and consultation) and Section IV (Final provisions) of the Directive.

a) Scope and definitions

- Clarification of the term "transfer" so as to include any transfer whether by way of contract or by some other disposition or by operation of law, judicial decision or administrative measure (Article 1);
- Applying the Directive in insolvency situations (Article 3(4) and Article 4(3)(4) and (5));
- Applying the Directive to sea-going vessels (Article 1(4));
- Coverage of part-time, fixed-duration and temporary employees (Article 2(2));
- Definition of representatives of employees (Article 2(1c));

b) Safeguarding of employees' rights

- Joint liability of transferor or transferee (Article 3(1));
- Preservation of the status and functions of employees' representatives (Article 5);

c) Information and consultation (Section III)

- Ensuring the enforcement of the Directive where the decision leading to the transfer is taken by an undertaking other than the employer (Article 6(4));
- Designation of employees' representatives for information and consultation purposes (Article 6(5));

d) Final provisions

- More favourable provisions (Article 7);
- Failure to comply (Article 8);
- Implementation by collective agreement (Article 9);
- Repeal of Directive 77/187/EEC.

Gist of the Opinion

The shortcomings and loopholes of the 1977 Directive must be eliminated in order to address the needs for high levels of employment and social protection in the EU. However, the 1977 Directive must be revised without prejudice to workers' rights.

Unfortunately, the Commission's proposal introduces a distinction between "economic entity" and the "activity" of an undertaking which seems highly ambiguous and will require further interpretation by the Court of Justice especially as regards contracting out of services. The proposal could be interpreted as a step backwards compared to the 1977 Directive, since it would once again bring into question issues which seemed to have been already resolved from a legal point of view. In contrast with its declared aims (safeguarding employees' rights in the event of transfers of undertakings, business or parts of businesses), the proposal undermines employees' rights in this respect. Specific modifications are therefore proposed in the Opinion on this central issue.

8. AIDS PREVENTION

Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Decision adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health (COM(94) 413 final - 94/0222 (COD))

(CES 318/95)

Rapporteur working alone: Mr Sergio Colombo (Italy - Workers)

Gist of the Commission proposal

Preceded by a full, detailed explanatory Communication, the proposal constitutes a continuation, broadening and consolidation of Community measures on AIDS, extending the field of action to certain other communicable diseases.

The aims of the programme are to reduce as far as possible the spread of certain communicable diseases, including HIV and AIDS, in the Community, and the adverse consequences for individuals and society, and to cooperate with efforts to combat these scourges outside the Community.

The previous action programmes on AIDS emphasized a number of fields of activity. It is proposed to continue these actions while extending the programme to include certain other communicable diseases.

Apart from the fields of activity identified in the communication on the framework for action in the field of public health (epidemiological data, provision of information to the public and specific target groups, health education, training, early detection and screening, cooperation with international organizations and third countries), other priority areas are:

- gathering and disseminating various kinds of information on the spread of the diseases and the measures taken in response;
- measures for children and young people;
- diseases transmitted through blood transfusion;
- social and psychological support;
- combating discrimination;
- screening tests.

An allocation of ECU 50 million is proposed for the period 1995-1999.

Gist of the Opinion

The Committee considers that Community action will gain in solidity and coherence by being extended to cover other communicable diseases. Such diseases may be easier to prevent if there is Community-level coordination (especially since more and more people are now moving about freely) and if good use is made of the experience acquired in combatting AIDS. To be successful, however, the programme needs adequate financial resources.

The Committee calls for the required distinction to be made between action on AIDS and action in connection with other infectious diseases. In the case of AIDS, a number of specific features (absence of vaccines and problems of confidentiality in screening results) obtain, but the Community is now able to draw on a solid wealth of experience which will enable progress to be made. With other infectious diseases, however, European-level coordination is already in place. It will therefore be the task of the new programme to improve and develop such coordination, pinpointing centres of excellence that are able to perform functions similar to those of the epidemiological AIDS monitoring centre in Paris.

The Committee notes the Commission's intention (point 158 of the Communication) to maintain and strengthen links with non-governmental organizations which have "contributed generously to the realization of Community actions".

The Committee deplores once more however the failure of the Communication to refer to the social partners and its underestimation of the scope for action at the workplace. Initiatives such as the DELORS-sponsored symposium on AIDS at the workplace held in April 1990 have not been followed up, as they should have been, by concrete schemes.

The Committee therefore calls upon the Commission to find a place in its Action Programme for specific measures at the workplace, focusing on information, prevention and discrimination.

The Committee wonders whether information about Community actions is being properly disseminated in the Member States and whether it is accessible, in particular, to non-governmental organizations. Responsibility for circulating information undoubtedly lies in the hands of the national authorities but certain initiatives supported by the Community have proved to

be valuable, e.g. the drawing up of inventories of existing actions such as the directory of activities carried out by non-governmental organizations in the European Union in the field of AIDS prevention and assistance¹.

The Committee therefore calls upon the Commission to speedily prepare and distribute an information booklet in all languages of the European Union and principal ethnic minorities in order to facilitate access to Community schemes by all interested organizations and associations. A periodic report on on-going schemes in the form of an information broadsheet might also further transparency and the dissemination of experience.

With regard to the "safety of blood and blood products", mentioned in points 109 and 110 of the Communication and discussed in points 3.3.3. to 3.3.10. of ESC Opinion 228/94, the Committee would repeat that "Community self-sufficiency is not in itself synonymous with safety". The Committee is pleased that this will be the subject of a separate Communication Communication. The Conclusions to be drawn from an examination of this separate Communication should be translated into specific measures and incorporated in the present Action Programme; the Committee asks to be consulted on this in due course.

Particular attention should also be paid to the topic of "new types of infection" and the organization of ad hoc epidemiological surveys. This is because of the transnational nature of a) many infections that have already been recognized and b) other infections that are still to emerge.

At the present time Member States already operate an informal network of coordination whenever there is a health emergency (e.g. pneumonic plague in India in September 1994 and cholera in Puglia in October of the same year), but if such emergencies are to be tackled with greater efficiency, then a European rapid intervention unit needs to be set up under the Action Programme.

The Committee finally recommends that the intermediate status report to be forwarded to it should carefully evaluate the feasibility of linking HIV/AIDS and other infectious diseases within the same programme. It may indeed help if action on other infectious diseases uses a solid, pre-established system during the initial start-up phase, but the different features of both projects and operators in this field may require a more clear-cut distinction during the second phase.

9. MOTOR-VEHICLE DISTRIBUTION AND SERVICING AGREEMENTS (Additional Opinion)

Opinion of the Economic and Social Committee on the Proposal for a Commission Regulation on the application of Article 85(3) of the EC Treaty to certain categories of motor vehicle distribution and servicing agreements

(CES 319/95)

Rapporteur: Mr Robert J. Moreland (United Kingdom - Various Interests)

Gist of the Commission document

Under Regulation No. 19/65/EEC and in pursuant of Article 85(3) of the EC Treaty the Commission is empowered to issue Regulations, exempting certain categories of bilateral agreements from the principle set out in Article 85(1). Under the agreements in question one party agrees with the other to supply only to that undertaking certain goods for resale within a defined territory of the common market. The experience gained in dealing with many motor vehicle distribution and servicing agreements allows a category of agreements to be defined which can generally be regarded as satisfying the conditions laid down in Article 85(3). These are agreements, for a definite or an indefinite period, by which the supplying party entrusts to the reselling party the task of promoting the distribution and servicing of certain products of the motor vehicle industry in a defined area and by which the supplier undertakes to supply contract goods for resale only to the dealer, or only to a limited number of undertakings within the distribution network besides the dealer, within the contract territory.

The applicability of Article 85(1) of the Treaty to distribution and servicing agreements in the motor vehicle industry stems in particular from the fact that restrictions on competition and the obligations connected with the distribution system listed in Articles 1 to 4 of this Regulation are regularly imposed in the same or similar form throughout the common market for the products supplied within the distribution system of a particular manufacturer. The motor vehicle manufacturers cover

European Union AIDS Directory, NAM Publications Ltd., London, 1994.

² COM(94) 652 final

the whole common market or substantial parts of it by means of a cluster of agreements involving similar restrictions on competition and affect in this way not only distribution and servicing within Member States but also trade between them.

Commission Regulation (EEC) No. 123/85 of 12 December 1984, which entered into force on 1 July 1985, will expire on 30 June 1995.

On a political level the Commission has recognized the need for a Regulation providing for special exemption in the case of motor vehicle distribution and servicing. In its communication of 23 February 1994 on the European Union automobile industry³, the Commission stated that it was "examining what changes could be made to Regulation 123/85 with a view to ensuring that the most efficient form of distribution will prevail in the Union, taking account of the need for a balance between the interests of the various parties involved and the contribution of the selective and exclusive distribution system to the efficient management of the arrangement between Japan and the EU on trade in automobiles".

The Commission is not submitting a completely new draft Regulation; it is proposing to modify the existing Regulation, maintaining the current structure.

The aim is to establish a better balance between the interests of vehicle manufacturers and their dealers, vehicle manufacturers and spare-part manufacturers or distributors, and distributors and consumers.

With a view to achieving this goal, changes - some of which are substantial - are to be made in the following areas:

- bans on competition and similar clauses;
- quantitative purchase, stock and sale requirements;
- duration and termination of the agreement;
- alteration of the contract area;
- prevention and suppression of abuses;
- parallel imports;
- advertising outside the contract territory;
- technical information;
- introduction of arbitration court procedures;
- leasing;
- price differentials.

Gist of the Opinion

Subject to the remarks below, the Committee accepts that it is necessary to replace Regulation 123/85 on its expiry with a revamped version of the present regulation, to apply for a further ten years. A fundamental and immediate alteration of the existing distribution system would be damaging to the ability of European motor vehicle manufacturers to compete on the global market and to the interest of consumers in benefiting from an efficient motor vehicle distribution system.

With Articles 4 and 5, the Commission has introduced the concept of "arbitration" to resolve disagreements between the parties concerned with regard to sales targets and minimum stock and vehicle demonstration obligations, as well as to resolve disputes about exercising termination rights.

In cases where the manufacturer and dealer do not reach an agreement on certain commercial terms, where they do not already have an agreement in place, the Committee considers the imposition of arbitration to be unnecessary. In such a situation, they can revert to arbitration voluntarily.

See ESC Opinion No. CES 1071/94 of 14/15 September 1994 and Commission document no. COM(94) 49 final

When it is a question (such as in Article 5.4.) about whether a dealer contract has been properly terminated, it is acceptable for arbitration to be imposed, provided that it is without prejudice to the parties' rights of access to competent courts. The arbitration procedure does, however, need to be defined more clearly.

In Article 6.1. (12), the Commission's proposal provides that "manufacturers will lose the benefit of the block exemption if they systematically refuse to make accessible, where appropriate upon payment, to non-network firms the technical information necessary for the repair and maintenance of motor vehicles, provided that the information is not covered by industrial property rights or does not constitute secret know-how". There is concern that the lack of harmonization of the laws of the Member States on industrial property, in particular the differences between the copyright laws of the Member States, will cause problems in the implementation of this Article. Furthermore the Committee notes the Commission's use of the term "industrial property" as opposed to "intellectual property". The latter is generally considered to cover a wider range of rights and the Committee suggests the use of the latter term if the Commission intends this Article to cover the wider range.

The 6 month transitional period set out in Article 7 in respect of existing arrangements is too short. In particular, there may be a conflict with the length of notice manufacturers must give dealers if they are currently relying on Regulation 123/85 but do not wish to rely on the proposed new block exemption. Therefore the transitional period should be 12 months.

Under Article 11(3) a report is to be drawn up after five years on the Commission's regular evaluations of the application of the new regulation. The Commission should not hesitate to issue interpretative communications on the various aspects of the regulation following the report in 2000.

10. INTER-REGIONAL COOPERATION IN THE MEDITERRANEAN (Own-initiative Opinion)

Own-initiative Opinion of the Economic and Social Committee on Spatial planning and inter-regional cooperation in the Mediterranean area

(CES 320/95)

Rapporteur: Mr Vasco Cal (Portugal - Workers)

Purpose of the Own-initiative Opinion

The Council of Ministers responsible for regional policies and spatial planning, meeting in Liège on 12 and 13 November 1993, gave fresh impetus to the implementation of the "Europe 2000" guidelines by making provision for joint financing of inter-regional and trans-national cooperation projects in this sphere. These projects, which affect large expanses of Community territory, must not be carried out without adequate consultation of the economic and social partners since, even where such consultation operates at regional level (and in many cases it does not), a more general appraisal by the economic and social partners will still be needed. Hence the need to elicit the views of the ESC (and the Committee of the Regions) on the matter.

The Council also stressed that the future INTERREG II programme for inter-regional cooperation should be not just cross-border but trans-national. In this context it attaches special attention to projects involving maritime regions of the EU, and it also intends to run cooperation programmes involving non-EU Mediterranean countries.

The Conference of the Peripheral Maritime Regions of the EC also adopted a resolution on 14/15 October 1993 calling on the Community authorities to adopt a programme to assist the Mediterranean regions (MEDPLUS) which could qualify for funding in the context of inter-regional cooperation instruments.

In order to ensure that the two types of initiative are dealt with in an integrated way, it is felt necessary to draw up comprehensive guidelines regarding the EU Mediterranean regions and matters connected with the joint development of the Mediterranean area as a whole.

Gist of the Opinion

By focusing on spatial planning and inter-regional cooperation in the Mediterranean, the Opinion seeks to make a further contribution to the integrated development of the Mediterranean regions with a view to boosting economic and social cohesion, in line with the strategy put forward in the White Paper on growth, competitiveness and employment.

The Opinion first considers the position of the Mediterranean region, in a context of globalization and marginalization. It concludes that changing the European development model is a prerequisite for repatterning the Mediterranean area.

The Opinion goes on to consider strategic goals and spatial planning policies for the Mediterranean area. Special attention is paid to trans-European and trans-Mediterranean networks, and to inter-regional cooperation. The Opinion also stresses the importance of involving the socio-economic partners.

The Opinion is accompanied by an Appendix which contains a detailed analysis of the studies drawn up for the Commission, and of the trans-European and trans-Mediterranean networks.

11. ANNUAL ECONOMIC REPORT FOR 1995

Opinion of the Economic and Social Committee on the Annual Economic Report for 1995 (COM(94) 615 final)

(CES 321/95)

Rapporteur: Mr Roger Ramaekers (Belgium - Various Interests)

Institutional considerations

Earlier Committee Opinions on the annual economic reports were drawn up at the request of the Council on the basis of Decision 90/141/EEC of 12 March 1990 on the attainment of progressive convergence of economic policies and performance during stage one of Economic and Monetary Union.

Since the entry into force of the Treaty on European Union and transition to the second stage of EMU, however, the purpose of the annual economic report, which is no longer sent to the Council for approval, has changed and consultation of the Committee is not stipulated. What, under these circumstances, is the role of the economic and social interest groups represented on the Committee in the formulation of economic policies?

The Committee welcomes the Commission's decision to consult it on the annual economic report, but realizes that the most important problem is the limited role now played by the Commission in coordinating the economic policies of the Community and the Member States. This new approach, which may well impair the effectiveness of the decisions taken, poses problems of transparency and calls into question the democratic nature of the Community's decision-making process.

In the light of the institutional review of the Treaties in 1996, the ESC stresses that it must be consulted in connection with the harmonization of economic policies provided for in Article 103 of the EC Treaty. It also urges that the Commission's right of initiative be restored and provision made for involvement of the European Parliament and consultation of the Committee of the Regions alongside the ESC.

Gist of the Commission document

The Commission report points out that the Community economy is experiencing a strong recovery from the downturn in 1992-93:

- GDP grew by 2.6% in 1994 (compared with a decline of 0.4% in 1993) and growth is expected to continue in the coming years;
- exports rose sharply, thereby promoting investment, which is expected to go on increasing strongly in 1995 and 1996;
- inflation continued to fall from 3.9% in 1993 to 3.1% in 1994.

Unemployment, on the other hand, is still unacceptably high (1991: 8.8%; 1993: 10.6%; 1994: 11% of the active population). Economic growth will only bring it down to just under 10% in 1996. To enable employment to increase and to attain the nominal convergence criteria for accession to the EMU:

- the Community must become more competitive and dynamic;
- the conditions must be created for an improvement in productive capacity;
- the macroeconomic framework must remain stable.

If the right policy is pursued, the Commission forecasts 3-3.5% growth in the second half of the nineties. Such growth will lead to the creation of about 10 million additional new jobs by the year 2000, thereby reducing unemployment to about 7% of the active population.

To be able to satisfy the convergence criteria for accession to EMU, policy must remain oriented towards stability so that growth remains strong. If additional efforts are made, as agreed in the 1993 and 1994 economic policy guidelines, the Commission believes that it will be possible for the majority of Member States to fulfil the convergence criteria by 1996-97.

Although inflation has fallen further, inter alia as a result of wage moderation and productivity increases in the Member States, insufficient progress has been made in reducing budget deficits. The danger now is that the Member States, just as in the second half of the 80s, will fail to improve their financial position sufficiently during a period of strong economic growth and will hesitate to undertake the structural reforms necessary to reduce unemployment. This error must not be repeated.

Gist of the Opinion

The Committee takes note of the 1995 Annual Economic Report. The Commission has given the ESC the opportunity to take part in the debate on the establishment of the "Broad guidelines of the economic policies of the Member States and of the Community", even though the provisions in Article 103 of the EC Treaty concerning the harmonization of economic policies do not stipulate mandatory consultation of the ESC.

The Committee welcomes the improvement in the EU economy, whilst sharing the Commission's regret that employment prospects are not yet very promising. The level of growth is still inadequate to enable any real progress to be made in creating new jobs and it is becoming increasingly unlikely that growth will provide the key to solving the problem of unemployment.

The Committee nonetheless considers that demand should be stimulated in the EU in order to strengthen growth. With this aim in view, salaries and wages - and particularly the lowest levels of wages - should be increased by a slightly lower rate than the rate of growth in order to restore consumer confidence.

The Committee also considers the structural aspects of growth. It underlines once again the need for ongoing vocational training and calls for changes to be made to working hours in order to enable the available work to be allocated more effectively between job-seekers.

Finally, the Committee reiterates it's call for the mandatory consultation of the ESC in respect of official proposals from the Commission concerning the establishment of the "Broad guidelines of the economic policies of the Member States and of the Community" since these guidelines underlie the measures to coordinate Member States' economic policies (see Point "Institutional considerations", above).

II. FUTURE ACTIVITIES

ECOFIN Section

- Harmonized consumer price indices use of certain dangerous substances COM(94) 674 final - 95/0009 CNS

Deadline: May

Industry Section

- Frontal impact resistance of motor vehicles COM(94) 520 final - 94/0323 COD Deadline: April

Side-impact resistance of motor vehicles COM(94) 519 final - 94/0322 COD

Deadline: April

Cable-television networks

Deadline: May

- Communication on the Work Programme for Initiatives announced in the Communication on Industrial

Competitiveness Policy COM(95) 87 final Deadline: May

Coordination of procedures relating to the conclusion of services, supply and works contacts

COM(95) 107 final Deadline: July

Regional Development Section

- Initiative in the framework of the special support programme for peace and reconciliation in Northern Ireland SEC(95) 279 final

Deadline: May/July

Annual Report on the Cohesion Financial Instrument 1993/1994

COM(95) 1 final

Deadline: July/September

Transport Section

Use of vehicles hired without drivers COM(95) 2 final - 95/0012 SYN

Deadline: May

Safety management of Ro-Ro passenger vehicles

COM(95) 28 final - 95/0028 SYN

Deadline: May

Agriculture Section

- Farm prices (1995-1996)

COM(95) 34 final - 95/0033 to 95/0055

Deadline: April

System of aid for cotton - Accession of Greece

COM(95) 35 final - 95/0061 CNS

Deadline: May

Quota system in relation to the production of potato starch

COM(95) 24 final - 95/0024 CNS

Deadline: May

Intervention-threshold mechanisms for fresh fruit and vegetables

COM(95) 83 final - 95/0072 CNS

Deadline: May

Common Market Organization - Dry fodder sector (Austria-Finland-Sweden) (to be confirmed)

COM(95) 96 final Deadline: May

Community action in the fisheries and aquaculture sectors and processing of such products (to be confirmed)

COM(95) 55 final - 95/0058 CNS

Deadline: May/July

- Conservation of fish stocks (Baltic) (5th amendment) (to be confirmed)

COM(95) 70 final Deadline: to be decided

Social Affairs Section

- European Agency for health and safety at work

COM(94) 651 final - Council 4824/95

Deadline: May

- Community support for actions in favour of older people

COM(95) 53 final - 95/0062 CNS

Deadline: May/July

OWN-INITIATIVE OPINIONS

Environment Section

For a sustainable development - An interim evaluation of the fifth Community action programme on the

environment

Deadline: 2nd half of year

Free movement of medicinal products in the EU - Removal of existing barriers

Deadline: 2nd half of year

Internal market and consumer protection: opportunities and obstacles in the internal market

Deadline: 2nd half of year

Regional Development Section

The future of cohesion and the long-term implications for the Structural Funds

Deadline: July

- Europe 2000+ (Additional Opinion to Own-initiative Opinion)

Deadline: July/September

Transport Section

- Assessment of the Commission's 1995 legislative programme for transport

Deadline: September

- Infrastructure costs in the road haulage sector

Deadline: September

Telematics applications for transport in Europe

Deadline: September

Social Affairs Section

- European cultural policy for children

Deadline: May

- Plain language Deadline: May

Energy Section

- European Energy Charter Treaty

Deadline: September

External Relations Section

The EU's relations with ASEAN

Deadline: October

- EU-South Africa relations

Deadline: October

European fair trading movement

Deadline: November

- EU-Mexico relations (2nd Additional Own-initiative Opinion)

Deadline: October

INFORMATION REPORT

Agriculture Section

The alcohol market in the EU (Information Report)

Deadline: to be decided

III. PRESENCE AND INFLUENCE OF THE ECONOMIC AND SOCIAL COMMITTEE

Activities of the Presidency

15 March 1995 - meeting in Brussels with Mrs de Vos van Steenwijk, Chair of ATD Quart Monde, Mr Brand, Secretary-General of the Mouvement International and Mr Gerhard, its representative to the EU;

16 March 1995 - talks in Brussels with Mr Francisco Fernández-Fábregas, Director-General at the Council of Ministers;

16 March 1995 - meeting in Brussels with Mr Francisco Elorza Cavengt, Permanent Representative of Spain to the European Union;

22 March 1995 - talks in Brussels with Mr Juan Prat, European Commission Director-General with responsibility for North-South relations, Mediterranean policy and relations with Latin America and Asia;

- 22 March 1995 meeting in Brussels with Mr Klaus Hänsch, President of the European Parliament;
- 23 March 1995 conference in Madrid at the Spanish Economic and Social Council on the subject of job creation in a competitive Europe;
- 28 March 1995 talks with Mr José María Gil-Robles Gil-Delgado, Vice-President of the European Parliament, and Mr Íñigo Méndez de Vigo and Mr José-Ignacio Salafrance Sánchez-Neyra, MEPs;
- 29 March 1995 reception in Brussels given by Mr Carlos Ferrer, ESC President, for the new Austrian, Swedish and Finnish Committee members;
- 29 March 1995 reception in Brussels for a delegation of politicians and senior civil servants from Ukraine;
- 30 March 1995 talks in Brussels with Commissioner Yves-Thibault de Silguy;

30 March 1995 - meeting in Brussels between Mr André Laur, ESC Vice-President and a delegation from the interregional trade union council of Nord-Pas de Calais - Hainaut - West Flanders - Kent.

Other activities

1 March 1995, in Brussels - Mr Karl von Wogau, Chairman of the European Parliament's Economic, Monetary and Industrial Committee, addressed the 206th meeting of the Section for Industry, Commerce, Crafts and Services on current work of interest to both Institutions.

- 2 March 1995, in Brussels Commissioner Franz Fischler (Agriculture and Rural Development), addressed the Section for Agriculture and Fisheries. His speech focused on the Commission's Proposals on 1995/1996 farm prices, and the need to press ahead with CAP reform. The Commissioner also mapped out the broad guidelines for the Commission's programme in the agriculture sector, with particular reference to extending reform of the CAP, measures to curb fraud, rural society, animal welfare and relations with the countries of Central and Eastern Europe.
- 3 March 1995, in Brussels the Section for Protection of the Environment, Public Health and Consumer Affairs was addressed by Mr D. Jiménez Beltrán, Director of the European Agency for the Environment, on the Agency's work programme.
- 6-12 March 1995 attendance by an ESC delegation at the UN World Summit for Social Development in Copenhagen.
- 7 March 1995, in Brussels Mr Giovanni Ravasio, Director-General of DG II of the European Commission, attended the 169th meeting of the Section for Economic, Financial and Monetary Questions for the debate on the Opinion on the 1995 Annual Economic Report.
- 7-9 March 1995 6th Forum of Works Councils at La Villette, Paris.
- 8 March 1995, in Brussels At a meeting of the Section for Transport and Communications, Commissioner Neil Kinnock (transport and trans-European networks) set out the new Commission's priorities in the field of transport. These were: efficiency, competitiveness, accessibility for peripheral regions, service for citizens, responsibility towards the environment and safety. Mr Bernard Bosson, President-in-office of the Council of Transport Ministers then presented the French Presidency's six-month programme.
- 14 March 1995, in Brussels Mr Stuart E. Eizenstat, Head of the US Mission to the European Union, made a statement on EU-US relations at a meeting of the Section for External Relations, Trade and Development Policy.

IV. ASSOCIATION OF FORMER MEMBERS

On 13-14 March 1995, the Association of Former Members of the Economic and Social Committee held its Annual General Meeting at the Committee building in Brussels.

During the two-day meeting, the 130 strong Association elected a new Bureau. The new Bureau then elected Mr Fons Margot as Chairman, Mr Jens Rømer as Vice-Chairman and Mr Jean Marvier as Vice-Chairman and Treasurer.

Members also had a very wide-ranging discussion with Mrs Giacomina Cassina, the Committee Rapporteur on the subject of the ESC and the Institutional revision of the Treaty on European Union.

The next meeting of the Association of Former Members will be held in Portugal in September.

The Association's aim is to raise the profile of the Committee, promote European integration and consolidate and foster friendly relations between former Committee members. It also aims to provide a genuine, effective link between former members and the ESC and other EU Institutions.

V. FACT-FINDING VISITS

The following groups visited the Economic and Social Committee during March:

1 March 1995	University of Wales - School of European Studies, Cardiff (United Kingdom)
1 March 1995	Université Paris II (France)
2 March 1995	Suffolk College, Ipswich (United Kingdom)
3 March 1995	Justitiedepartementet (legal experts), Stockholm (Sweden)
6 March 1995	The American University, Brussels
6 March 1995	Instituto Politécnico de Castelo Branco (Portugal)

7 March 1995	South Downs College, Havant (United Kingdom)
7 March 1995	Finnish trade union central organizations (SAK, STTK, AKAVA), Helsinki (Finland)
8 March 1995	Université d'Aix Marseille III (Masters in Commercial Law, Taxation and Accountancy), Aixen-Provence (France)
9 March 1995	Université de Droit, d'Economie et des Sciences d'Aix Marseille, Aix-en-Provence (France)
13 March 1995	Instituto Navarro de Administración Pública, Pamplona (Spain)
14 March 1995	Newark & Sherwood College (United Kingdom)
14 March 1995	Esbjerg Handesskole (Denmark)
16 March 1995	Landeszentrale für Politische Bildung, Kiel (Germany)
16 March 1995	ENESAD - Etablissement national d'enseignement supérieur agronomique de Dijon (France)
17 March 1995	Lycée Polyvalent de Sarcelles (LINGUA Programme), (France)
21 March 1995	University of Sunderland (United Kingdom)
23 March 1995	Hogeschool Haarlem - Sector Opleidingen Sociale Arbeid (Netherlands)
24 March 1995	University of Exeter - Centre for European Legal Studies (United Kingdom)
24 March 1995	Group of representatives from the Confederation of the self-employed (Bund der Selbständigen) and the SME Association (Mittelstandsvereinigung - MIT) from the Ostalb region (Germany)
24 March 1995	World University - Zaragoza Campus (Spain)
27 March 1995	Institut rural de Lesneven (France)
27 March 1995	Institut supérieur de Mulhouse (France)
29 March 1995	University of Helsinki (Finland)
30 March 1995	IUC EUROPE, Svendborg (Denmark)
31 March 1995	Åbo Akademi University (Finland)
31 March 1995	European Commission (training course for recently appointed Administrators)

