

EUROPEAN COMMUNITIES

BULLETIN

6

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



Chair

| | |
|--------------------|---|
| President: | Carlos FERRER (Spain - Employers) |
| Vice-Presidents: | Bent NIELSEN (Denmark - Workers) André LAUR (France - Various Interests) |
| Secretary-General: | Simon-Pierre NOTHOMB (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.

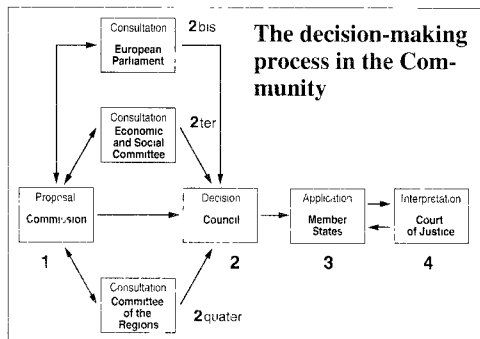
Information and Integration Role

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)
 - Agriculture and Fisheries - secretariat tel: 546 93 96 (President: Pere Margalef Masia - 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 (President: René Bleser - Group II - Luxembourg)
 - Energy, Nuclear Questions and Research - secretariat tel: 546 97 94 (President: José Ignacio Gato 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:

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

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.

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



09/11

This Bulletin reports on the activities of the Economic and Social Committee, a consultative body of the European Communities. It is published by the ESC's General Secretariat (2, rue Ravenstein, B-1000 Brussels) in the official Community languages (10 editions per annum)

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I. 327th PLENARY SESSION OF 5 AND 6 JULY 1995

The 327th Plenary Session of the Economic and Social Committee was held in Brussels on 5/6 July 1995 in Brussels, chaired by Mr Carlos Ferrer.

On 6 July the Session was attended by Mr Klaus Hänsch, President of the European Parliament, who made a statement on the Intergovernmental Conference and Parliament/ESC relations.

The following Opinions were adopted at this Plenary Session:

1. FOODSTUFFS - PARTICULAR NUTRITIONAL USES

Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Directive amending Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses (COM(94) 600 final - 94/0327 (COD))

(CES 795/95)

Rapporteur: Mr Paul Verhaeghe (Belgium - Employers); Co-rapporteurs: Mr Kommer de Knegt (The Netherlands - Workers) and Mr Johannes M. Jaschick (Germany - Various interests)

Gist of the Commission proposal

The specific directives which follow on from the framework Council Directive 89/398/EEC of 3 May 1989 on approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses contain provisions on the composition of the dietary products in question. Amendments to these directives, including updates allowing for technological innovation, have to be approved in accordance with the procedure of the Standing Committee for Foodstuffs and require consultation of the Scientific Committee for Food.

This means that the period after which a specific directive can be amended is relatively long. The length of the procedure reduces the opportunity available to the industry which has produced the technological innovation to benefit from the fruits of its research.

This proposal introduces a procedure by which temporary marketing authorizations (two-year period) can be granted for products resulting from such research.

However, such marketing authorization could be granted only after consultation of the Scientific Committee for Food to check that the proposed technological innovations do not pose a risk to consumer health. In addition, Member States would be consulted through the Standing Committee for Foodstuffs to determine the sort of reception which would be given to the draft modification of the Directive concerned.

Gist of the Opinion

In order to ensure that EU-consumers and healthcare professionals have early access to new scientific and technological developments in dietetic foods and that European research workers and companies are encouraged to invest in the required research and development expenses, it is necessary to shorten the length of time taken to allow the marketing of new innovative products while ensuring a high level of protection for the consumers.

The Committee therefore welcomes the proposal of the Commission and endorses its objectives of shortening the approval times.

The Committee does, however, hold the view that the proposal only addresses a part of the problem and wishes to make the following recommendations to further improve the positive impact of the proposal.

The proposal for the authorization of innovative products should be extended to include a temporary authorization for substances for nutritional purposes which are not included in the nutrient list referred to in Article 4.2. of the current framework directive (89/398/EEC).

The Committee asks the Commission to reduce the length of time which can elapse between submission of a request for approval to market an innovative product and the adoption of the opinion of the Scientific Committee for Food.

The Committee feels that ways of assisting the Scientific Committee for Food to come to decisions earlier should be found, as for example:

- increase the use of SCF working parties to handle submissions;
- consider using the scientific cooperation procedures of the EU;
- increase the size of the SCF;
- reinforce the existing structure within the Commission which has the responsibility for managing and implementing food legislation.

2. PUBLIC PROCUREMENT

Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Directive amending Directive 92/50/EEC relating to the coordination of procedures for the award of public service contracts, Directive 93/36/EEC coordinating procedures for the award of public supply contracts, and Directive 93/37/EEC concerning the coordination of procedures for the award of public work contracts, and the

Proposal for a European Parliament and Council Directive amending Directive 93/38/EEC coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (COM(95) 107 final)

(CES 796/95)

Rapporteur: Mr Michael Mobbs (United Kingdom - Employers)

Gist of the Commission document

The European Union signed the new GATT Agreement on Public Works Contracts with a view to achieving greater liberalization and expansion of world trade and improving the international framework for the conduct of world trade.

The new Agreement no longer covers supplies contracts only, but also works and services and, besides the contracts awarded by the State, certain contracts awarded by public authorities at the regional and local level as well as certain contracts awarded within the water, electricity, urban transport, ports and airports sectors.

The realization of this Agreement by the Community does not, per se, render amendments of the Community legislation necessary. To the extent that the provisions of the Agreement are more favourable on certain points than the Community rules, it is however undeniable that the operation of the Community regime will be affected.

It is therefore essential to guarantee that suppliers, contractors and service providers from the European Union are treated as favourably as suppliers, contractors and service providers from third countries having signed the Agreement. To that end, it is proposed to align the provisions of the directives with those of the Agreement.

Proposal on the amendments to Directive 92/50/EEC (Services Directive), Directive 93/36/EEC (Supplies Directive), and Directive 93/37/EEC (Works Directive)

The main amendments, which are proposed, are identical for all three directives. They are the following:

- As regards scope, the applicable thresholds are amended in order to align them with those provided for by the Agreement.
- Regarding the possibilities of assistance in the preparation of technical specifications, a new provision forbids public authorities from seeking or accepting technical advice on the preparation of tender documents from persons having a commercial interest therein, where this would have the effect of precluding competition.
- Regarding information to be given to rejected undertakings, the directives already oblige contracting authorities, on request, to state the reasons for which a request for participation or a tender has been rejected. In accordance with the Agreement they must furthermore give information on the advantages of the tender chosen, except where there would be legitimate reasons for not disclosing this last type of information.

- Regarding statistics, Member States are requested to forward more detailed information on the contracts to the Commission in order to permit it to meet the international obligations ensuing from the Agreement.
- Finally, a new Article ensures globally that the opportunities for access to public contracts within the Community for undertakings, products and services from the Member States must be at least as favourable as those provided for by the Agreement for undertakings, products and services from third countries which are signatories to the Agreement.

Proposal on the amendments to Directive 93/38/EEC (Utilities Directive) on the water, energy, transport and telecommunications sectors

The main amendments bear on:

- the thresholds;
- the possibilities of assistance in the preparation of technical specifications;
- information to be given to rejected undertakings;
- in line with the Agreement, a provision has been introduced to ensure that access to qualification systems can take place continuously; this is not ensured in the current text;
- the statistical obligations of Member States have been amended in order to allow the Community to meet its international obligations;
- finally, a new Article is proposed to ensure that the opportunities for access to Community public contracts available under the Treaty to undertakings, products and services from the Member States are at least as favourable as the conditions of access to public contracts within the Community accorded under the arrangements contained in the Agreement to undertakings, products and services from third countries which are signatories to the Agreement.

Gist of the Opinion

The Committee acknowledges that there is a need to align the provisions of the existing Directives with those of the Agreement.

While generally approving the Commission's proposal, the Committee does not agree in certain areas.

The main area of disagreement concerns the changes proposed by the Commission which are not required by the GPA (Government Procurement Agreement) and which do not, in the Committee's view, simplify or improve the functioning of the existing Directives.

The Committee doubts if the additional costs or administrative burdens will be offset by the benefits stemming from improved transparency and increased competition in, for example, such areas as (i) proposals for lowering thresholds and (ii) increased statistical reporting.

The Committee is aware that any increase in costs will ultimately have to be borne by consumers or taxpayers.

Thresholds

The threshold for Central Government services has been substantially reduced from ECU 200,000 to ECU 128,000 and would align with that for supplies. It is noted that the proposal applies the lower threshold to all services including Research and Development and Part B services, neither of which are covered by the Agreement. A major question is whether the benefit of having a single threshold will outweigh the extra cost burden it represents.

Information to rejected candidates and tenderers

The proposal for the Utilities and Services Directives requires contracting entities to advise the "characteristics and relevant advantages of the tender selected" when requested in writing to do so. An issue at stake is whether this additional data will give any additional benefit and whether it is in accordance with best commercial practice.

Assistance in the preparation of technical specifications

The philosophy of this provision is understandable. However a flexible approach needs to be adopted, as a rigid application of this rule could totally negate any serious technical dialogue between purchasers and suppliers.

Conditions for submission of tenders

The GPA provision requires that where it is permissible to submit a tender by telex, telegram or fax, the tender must be confirmed promptly by letter or by the despatch of a signed copy of the telex, telegram or fax. The Commission has gone beyond the requirements of the GPA and the Committee considers that the GPA text is clearer and should be reflected in all the Commission's proposals.

Statistical Obligations

The tightening-up of requirements for statistical information by the contracting entities on contract awards must be rejected for at least the private contracting entities in the utilities as these are not subject to the GPA.

Commission extension into areas not covered by WTO/GPA

There should be no extension to include telecommunications, research and development services, non-urban railway transportation, upstream oil and gas industries, since it is not a GPA requirement.

Contract awards without tendering procedure in case of additional contracts of Utilities Directive (93/38)

The GPA provisions apply only to **additional construction services**. However, the Commission's proposal applies the 50% maximum limit to both **additional works** and **additional services**. The Committee finds this unacceptable, since it is not required by the GPA and is not in line with practical requirements.

Changes to annexes

Annex XIII - I and II refers to the Notice of Existence of a Qualification System. The current Directive includes a simple clear format for the publication of qualification notices. However the Commission has complicated issues by creating two versions. The Committee considers the current Annexes should remain unchanged.

The Commission's proposal requires in Article 24(2) that the contract award notice include the price paid as a mandatory disclosure (point I.11 of Annex XV). This is currently optional and, in practice, may be withheld on grounds of commercial sensitivity, and remains so under Article 18(4) of the GPA. The Committee thinks that the GPA provision should have been retained in the Commission's proposal

The Committee is aware that the Directives are shortly to be the subject of a four year review and it will give its Opinion then in the light of lessons learned from the application of the Directives and on the basis of prior consultation. The Committee will take into due consideration the social aspects involved in the application of these Directives.

The Committee would like to take this opportunity to stress the importance to the functioning of the Single Market of the urgent transposition into national law in all Member States of the Public Procurement Directives.

3. PLAIN LANGUAGE (Own-initiative Opinion)

Own-initiative Opinion of the Economic and Social Committee on Plain Language

(CES 797/95)

Rapporteur working alone: Mrs Angela Guillaume (United Kingdom - Various interests)

Gist of the Opinion

The debate over the Maastricht Treaty showed that the people of Europe no longer unreservedly accept the EU. Effective communication is essential if Europe is to match people's aspirations. The Commission's position needs to be expressed clearly and quickly. Plain language is essential to a more open Community.

European documents should become an influence towards harmony and cohesion in Europe. In this context, differentiation can be made between "legal" and "political" texts. The former may be complex but nonetheless require precise definition; the latter have a message that must be clear to every citizen. The Maastricht Treaty on European Union failed on both counts. It is vital that any future revision to the Treaty be comprehensible legally and politically.

On 8 June 1993 the Council passed a resolution on the quality of drafting of Community legislation. However, the Council did not succeed in drafting that resolution in plain language.

It is official policy to use plain language. All that is now required is that it should actually happen.

4. FINANCIAL ADJUSTMENT 4TH RTD FRAMEWORK PROGRAMME FOLLOWING ACCESSION

Opinion of the Economic and Social Committee on the *Proposal for a Decision of the European Parliament and of the Council adapting Decision No. 1110/94/EC concerning the fourth framework programme of the European Community activities in the field of research and technological development and demonstration (1994 to 1998) following the accession to the European Union of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden* and the

Proposal for a Council Decision adapting Decision 94/268/EURATOM concerning a framework programme of Community activities in the field of research and training for the European Atomic Energy Community (1994 to 1998) following the accession to the European Union of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden
(COM(95) 145 final - 95/0092 (COD))

(CES 798/95)

Rapporteur working alone: Mr Claus-Benedict von der Decken (Germany - Various interests)

Gist of the Commission's proposals

The RTD framework programme (1994-1998) was finally adopted on 26 April 1994 with a total initial budget of ECU 12,300 million. It took the form of two Decisions: the first concerns the fourth European Community framework programme for research, technological development and demonstration activities (1994-1998)¹, the second the framework programme for Community research and training activities for the European Atomic Energy Community (1994-1998)². The Committee gave its views on the Commission's proposals for the fourth framework programme on 25 November 1993³.

In accordance with Article 130g of the Treaty establishing the European Community the framework programme provides for four areas of activity:

- implementation of research, technological development and demonstration programmes, by promoting cooperation with and between undertakings, research centres and universities;
- promotion of cooperation in the field of Community research, technological development and demonstration with third countries and international organizations;
- dissemination and optimization of the results of activities in Community research, technological development and demonstration;
- stimulation of the training and mobility of researchers in the Community.

¹ OJ L 126 of 18.5.1994, page 1.

² OJ L 115 of 6.5.1994, page 31.

³ OJ C 34 of 2.2.1994, page 90.

In accordance with Article 130i(3) of the aforementioned Treaty these activities are to be implemented through specific programmes. Thus between 27 July and 8 December 1994 twenty specific programmes (on which the Committee was also consulted) were adopted under the framework programme (1994-1998)⁴.

The increase in the EU's financial resources resulting from the accession of Austria, Finland and Sweden has enabled the budgetary authorities to decide on a 7% annual increase in the budget for the EU's internal policies, including RTD policy.

Article 130i(2) of the Treaty states that "The framework programme shall be adapted or supplemented as the situation changes". Hence the purpose of the draft Decisions under consideration is to adjust the appropriations allocated to the implementation of the framework programme (1994-1998) in line with this budget increase, taking into account also the proportional increase in R&D expenditure resulting from the participation of the three new Member States in the implementation of the specific programmes.

Specifically, the total amount of these appropriations will rise by 7%, from ECU 12,300 million to 13,161 million, of which 11,819 million instead of 11,046 million for the EC framework programme and 1,342 million instead of 1,254 million for the Euratom framework programme.

These additional appropriations are intended only to cover the increase in R&D spending resulting from the participation of Austria, Finland and Sweden in the framework programme and in no way imply an increase in the overall research effort; nor, because the increase is across the board, do they affect the research priorities established when the framework programme was adopted or the balance between the various specific programmes.

The proposed amount corresponds in fact to the financial contribution which these three countries would have had to make to the Community research budget to participate in the framework programme as EEA members.

Gist of the Opinion

The Committee cannot but approve these proposals which merely implement, in the RTD sector, decisions already taken under the budgetary procedure.

It stresses that these proposals must not serve as a pretext for reopening a debate on the research priorities established when the framework programme was adopted or the balance between the various specific programmes. This was never their purpose.

The Committee also points out that this Opinion must in no way prejudge the Opinion it will be called upon to deliver in due course on the granting of an additional ECU 700 million for the implementation of the framework programme (1994-1998), as is provided for in the Decisions concerning the framework programme.

5. PROFESSION OF LAWYER

Opinion of the Economic and Social Committee on the *Proposal for a European Parliament and Council Directive to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained*
(COM(94) 572 final)

(CES 799/95)

Rapporteur: Mr Manuel Eugénio Cavaleiro Brandão (Portugal - Employers)

Gist of the Commission document

The proposal seeks to make it easier for a lawyer to gain access to or practise the profession in a Member State other than that in which he has already been admitted to or allowed to practise the profession, by enabling him initially and for a maximum period of five years to practise under his home-country professional title.

⁴ OJ L 222 of 26.8.1994
OJ L 331 of 21.12.1994
OJ L 334 of 22.12.1994
OJ L 361 of 31.12.1994

Such lawyers will have the right to give advice on the law of their home countries, on international and Community law, and on the law of the host Member State. They will also have the right to represent and defend a client in legal proceedings, if necessary working in conjunction with a lawyer who practises before the relevant judicial authority. In return, lawyers practising under their home-country professional titles will be required to register with the competent authority in the host Member State and will be subject to the obligations and rules of professional conduct applicable to lawyers from that State.

The lawyer may be granted automatic access to the profession in the host Member State if he can show that he has actually practised as a lawyer in that Member State for an unbroken period of at least three years, in the law of the host Member State, including Community law.

Where the unbroken period of three years in the host Member State has not encompassed practice in the law of that Member State, including Community law, the aptitude test will be limited to the law of procedure and the professional rules of conduct of the host Member State.

In any event, the lawyer will, even where he has not practised for a period of three years, be able to gain access to the profession in the host Member State by undertaking the compensatory measures provided for by the general system on the recognition of diplomas.

Gist of the Opinion

The Committee endorses the Commission's goals and agrees in principle with the proposal, subject to some reservations on specific points.

It would also point out that the Commission proposal differs in essential points from the CCBE proposal in that it

- a) sets a time limit on the right of establishment under the home-country professional title, and
- b) generally dispenses with an aptitude test for lawyers wishing to be fully integrated in the host Member State.

In the Committee's view, it is clear that it will only be possible to set up a better integrated and increasingly harmonized European legal system if measures are taken to stimulate and facilitate the movement of the lawyers who are at the heart of the process of mutual familiarization and gradual alignment.

The proposed Directive, which aims to stimulate and facilitate genuine freedom of movement and establishment for lawyers, may prove to be a significant step forward on the road to these objectives.

The Opinion also examines the right to practise and the practice of the profession by migrant lawyers who have relocated to a host Member State on a temporary basis for a period of five years under their home-country professional title.

According to the draft Directive, during a transition period of not more than five years, migrant lawyers are to be progressively integrated into the system of professional rules and organization of the host country until, at the end of this period, their full integration is recognized and formally confirmed.

To this end, lawyers are to register with the competent authority in the host country and to practise under their home-country professional title, in accordance with the rules of professional conduct of the host country and subject to the rules of procedure, penalties and remedies provided for in that country. The Committee agrees with these principles, but sees no justification for the five-year time limit.

The specific comments are concerned primarily with:

- reservations about allowing migrant lawyers to give advice on the law of the host country from the very beginning of their time in that country, i.e. without necessarily having received any in-service training or attending additional training courses, or without their competence in that area having been assessed in any way beforehand;
- the desirability of including a specific reference to the Code of Conduct approved by the CCBE (Consultative Committee of the Bars and Law Societies of the European Community);
- the provisions under which a migrant lawyer's integration into the host country is effected in practical terms and formally finalized and, in particular, the arrangements for assessing the integration process and its results. In any event, the following principles should be adhered to with no time constraints:

- . the freedom to practise under the home-country professional title (in accordance with the rules laid down in Articles 3 to 9);
- . the freedom to apply to sit the aptitude test specified in Directive 89/48/EEC;
- obligatory use of the home-country professional title alongside the professional title used in the host Member State in the interests of transparency and in fairness to consumers;
- the need to examine further the question of multidisciplinary partnerships incorporating lawyers;
- the importance of not fudging such a complex problem using a piece of legislation with a completely different rationale and objective which are not directly connected with the problem.

6. SIDE-IMPACT RESISTANCE OF MOTOR VEHICLES

Opinion of the Economic and Social Committee on the *Proposal for a European Parliament and Council Directive relating to the side-impact resistance of motor vehicles and amending Directive 70/156/EEC* (COM(94) 519 final)

(CES 800/95)

Rapporteur: Mr Edoardo Bagliano (Italy - Employers)

Gist of the Commission proposal

The background to the Commission proposal is that for some years the annual average number of people killed in road accidents in the European Community has been in the order of 50,000, with more than 1.5 million casualties and in excess of 0.5 million hospital admissions, at an estimated cost of around ECU 70 billion. Whilst human factors are thought to be a major contributor to such accidents, the design of the vehicle can play a significant part in reducing the likelihood of an accident occurring (primary safety) and, in particular, minimizing the extent of the injuries to occupants and road users if an accident occurs (secondary safety).

Research has shown that injuries sustained as a result of vehicle side-impact accidents represents the second most significant cause of death and serious injury after frontal impact accidents, and that changes in the design of passenger car side structures offers considerable scope for casualty reduction. Parallel to this proposal, the Commission has prepared an equivalent proposal on frontal impact⁵.

The proposal is based on Council Directive 70/156/EEC on the type-approval of motor vehicles and their trailers, as last amended by Commission Directive 93/81/EEC. Its aim is to reduce the number of people killed or seriously injured in road accidents by the introduction of new standards for the lateral impact resistance of passenger cars.

Applicable to new vehicle types approved after a certain date, the proposal sets out new test procedures in two stages which, when fully implemented, will more realistically represent typical side-impact accidents. In the first stage it is planned to use a mobile barrier of deformable material with a ground clearance of 260 mm (2nd stage: 300 mm).

Account was taken of the technical prescriptions developed by the United Nations Economic Commission for Europe (ECE), on the basis of experimental research work carried out by the European Experimental Vehicles Committee (EEVC).

Gist of the Opinion

The proposed Directive is particularly welcome in that it addresses one of the serious loopholes in the safety measures designed to reduce the number of road accident victims. It is thus all the more urgent.

However, every effort must still be made to improve and step up research and tests, in an attempt to produce more compatible assessments.

⁵ COM(94) 520 final

As regards the mobile barrier ground clearance - the crucial part of the test - the Committee regrets that the Commission's choice for the first stage has not been checked or backed up by similar or equivalent specific tests.

In any event, the Committee would emphasize the urgent need for efficient measures in this area, in which, according to current knowledge and experience, the Commission has set a ground clearance of 300 mm.

The Committee is fully aware of the importance of the test requirements concerning vehicle resistance to collisions, which relate directly to the safety of vehicles and, therefore, to users' lives.

Consequently, it asks the Commission to consult it on the Report to be submitted by the Commission by 1 October 2002.

7. FRONTAL IMPACT RESISTANCE OF MOTOR VEHICLES

Opinion of the Economic and Social Committee on the *Proposal for a European Parliament and Council Directive relating to the frontal impact resistance of motor vehicles and amending Directive 70/156/EEC* (COM(94) 520 final)

(CES 801/95)

Rapporteur: Mr Edoardo Bagliano (Italy - Employers)

Gist of the Commission proposal

The background to the Commission proposal is that for some years the annual average number of people killed in road accidents in the European Community has been in the order of 50,000, with more than 1.5 million casualties and in excess of 0.5 million hospital admissions, at an estimated cost of around ECU 70 billion. Whilst human factors are thought to be a major contributor to such accidents, the design of the vehicle can play a significant part in reducing the likelihood of an accident occurring (primary safety) and, in particular, minimizing the extent of the injuries to occupants and road users if an accident occurs (secondary safety).

Research has shown that injuries sustained as a result of vehicle frontal impact accidents represents the single most significant cause of death and serious injury, and that changes in the design of passenger car frontal structures offers the greatest scope for casualty reduction. Parallel to this proposal, the Commission has prepared an equivalent proposal on side-impact resistance⁶.

The proposal is based on Council Directive 70/156/EEC on the type-approval of motor vehicles and their trailers, as last amended by Commission Directive 93/81/EEC. Its aim is to reduce the number of people killed or seriously injured in road accidents by the introduction of new standards for the frontal impact resistance of passenger cars.

Applicable to new vehicle types approved after a certain date, the proposal sets out new test procedures which are to come into effect in two stages and which, when fully implemented, will more realistically represent typical frontal accidents.

The first stage concerns the technical prescriptions of the 30° angled, rigid barrier test. The second stage introduces a test procedure based on an offset deformable barrier including biomechanical protection criteria. Particular account was taken of the findings of the United Nations Economic Commission for Europe (ECE) and the European Experimental Vehicles Committee (EEVC).

Gist of the Opinion

The Economic and Social Committee endorses the overall aim and requirements of the draft Directive.

However, it believes that while the "first stage" may be acceptable - on the basis of necessity, the "second stage" requirements not being ready - as a direct response by the Community legislator to an acute road safety problem, the "second stage" constitutes a legislative instrument capable of achieving the aim of making road traffic safer, and significantly reducing the number of road accident deaths and injuries.

⁶ COM(94) 519 final

The Committee therefore calls for all requisite steps to be taken swiftly in respect of the "second stage" to ensure that the Commission's deadlines are adhered to.

The Committee welcomes the sense of responsibility shown by the Commission in committing itself to submitting a report by 1 October 2001 on both the operation of the Directive and the feasibility for industry of meeting the 1 October 2003 deadline. The Committee would therefore ask the Commission to provide it with a copy of this report.

8. MEDIA II

Opinion of the Economic and Social Committee on the *Proposal for a Council Decision 95/0026 (SYN) on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA II - Training) (1996-2000) and on the Proposal for a Council Decision 95/0027 (CNS) on a programme to promote the development and distribution of European audiovisual works (MEDIA II - Development and Distribution) (1996-2000)*
(COM(94) 523 final)

(CES 802/95)

Rapporteur: Mr Giampaolo Pellarini (Italy - Workers)

Gist of the Commission proposal

MEDIA II represents the continuation for a further five years of the MEDIA Programme launched in 1990, which expires in 1995.

The Commission Communication and two proposals follow a long series of Community initiatives and studies aimed at the direct or indirect promotion of growth and competitiveness in the European programme industry and the identification of its shortcomings. In this connection, reference can be made, in particular, to the following documents on which the Economic and Social Committee has already delivered Opinions.

- Commission Green Paper on the establishment of the common market for broadcasting, especially by satellite and cable (COM(84) 300 final)⁷
- Council Directive on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of broadcasting activities - Television without frontiers (OJ No. L 298, 17.10.1989)⁸
- Commission Communication and two proposals for a Council Decision concerning an action programme to promote the development of the European audiovisual industry (MEDIA) (1991-1995) (COM(90) 132 final)⁹
- Commission Green Paper on "Pluralism and media concentration in the Internal Market - An assessment of the need for Community action" (COM(92) 480 final)¹⁰
- Draft Council Resolution on Digital Video Broadcasting - a framework for Community policy (COM(93) 557 final)
- Proposal for a Directive of the European Parliament and of the Council on the use of standards for the transmission of television signals (OJ No. C 341, 18.12.1993)¹¹

⁷ ESC Opinion, OJ No. C 303, 25.11.1985

⁸ ESC Opinion, OJ No. C 303, 25.11.1985 and OJ No. C 232, 31.8.1987

⁹ ESC Opinion, OJ No. C 232, 31.12.1990

¹⁰ ESC Opinion, OJ No. C 304, 10.11.1993

¹¹ ESC Opinion, OJ No. C 148, 30.5.1994

- Proposal for a Council Decision amending Council Decision 90/685/EEC concerning the implementation of an action programme to promote the development of the European audiovisual industry (MEDIA) (1991-1995) (COM(93) 462 final)¹²
- White Paper on Growth, Competitiveness, Employment - The Challenges and Ways Forward into the 21st Century (COM(93) 700 final)¹³
- Commission Green Paper on Strategy Options to Strengthen the European Programme Industry in the Context of the Audiovisual Policy of the European Union (COM(94) 96 final)¹⁴
- Commission Communication on Europe's Way to the Information Society: An Action Plan (COM(94) 347 final)¹⁵
- Commission Communication on An Industrial Competitiveness Policy for the European Union (COM(94) 319 final).

The consultation process based on the Commission's Green Paper on strategy options to strengthen the European programme industry has revealed weaknesses which affect the entire audiovisual production and distribution chain in differing degrees. Training systems are underdeveloped and pre-production and marketing are underfunded by comparison with the investments of major non-European producers in project development. Production rarely attains a critical scale and distribution and transmission are often confined to the regional or national level, thus limiting trade in audiovisual works. The number of existing cinemas is not adequate to demand. Regional, national and Community support measures have so far had only a limited affect.

The Commission is therefore proposing two initiatives, one in respect of training and the other relating to project development and distribution.

- ***Training Programme for Professionals in the Audiovisual Programme Industry***

The Commission proposal derives from its recognition that the substantial growth of this sector (6% per annum worldwide) and the resultant creation of jobs in Europe can only be secured by the employment of highly qualified professionals.

It therefore proposes the following priority areas for Community action:

- a) Promotion of the development and application of so-called vocational and continuing training modules (European-scale management techniques, vocational training in new technologies), which take full account of the opportunities offered by, and the conditions in, the European and international audiovisual programme markets;
- b) Incentives for training centres to include these modules in their syllabuses;
- c) Networking of training bodies.

The ESC has consistently stressed the crucial role of vocational and continuing training in its Opinions.

- ***Programme for encouraging the development and distribution of European audiovisual works***

This proposal is based on the new Treaty Article 130, which was added by the Union Treaty. It stresses the need to create incentives for increased investment by the audiovisual industry in the development stage of production (screenplay writing, financial engineering and marketing strategy) by encouraging projects based on the use of new creative technologies which are aimed at the European and world markets and offer the best chances for commercial success. These measures should also take account of structural objectives.

¹² ESC Opinion, OJ No. C 148, 30.5.1994

¹³ ESC Opinion, OJ No. C 295, 22.10.1994

¹⁴ ESC Opinion, OJ No. C 393, 31.12.1994, p.25

¹⁵ ESC Opinion, OJ No. C 110, 21.4.1995

Action is planned on three fronts:

- a) providing additional resources for screenplay writers and producers;
- b) support for companies including, in particular, measures to make independent production companies more economically secure;
- c) encouraging cooperation between companies.

Distribution covers film distribution, television broadcasting, video production and distribution and multimedia production.

Two types of measures are planned;

- a) encouraging distributors from several European countries to work together on financing film projects;
- b) encouraging the networking of European distribution and production companies.

Gist of the Opinion

Of all potential growth industries, the audiovisual sector has a particularly important role to play in boosting employment. Whilst the ESC endorses the Commission's specific proposals as a first step towards a solution, it would express its dismay at the shortcomings in the general analysis of the audiovisual sector's problems, and feels that the proposals are unlikely to produce structural effects, due to inadequate funding and the sectoral nature of the proposals themselves.

The Committee feels that the Commission should set up a European Audiovisual Agency in order to achieve a more concrete cultural policy and to defend our "European cultural identity".

This Agency could constitute a non-bureaucratic meeting point and centre for cooperation and coordination in several fields, from production to distribution under a single European trade-mark. Funding could be provided by a judicious combination of support grants and mechanisms envisaged for encouraging finance.

The Committee hopes that the training programme will be implemented according to criteria which reduce the risk of resources being wasted and ensure that the programmes and their funding are as effective as possible.

For the development and distribution programme, the Committee feels that a clearer definition is needed of the criteria and instruments which can help to pinpoint eligible parties and ensure maximum transparency.

9. FOURTH WORLD CONFERENCE ON WOMEN (Own-initiative Opinion)

Own-initiative Opinion of the Economic and Social Committee on the *Fourth World Conference on Women* (SEC(94) 1373 and SEC(95) 247)

(CES 803/95)

Rapporteur: Mrs Maria Teresa Costa Macedo (Portugal - Various interests)

Reasons for drawing up an Own-initiative Opinion

The United Nations is organizing the Fourth World Conference on Women in Beijing, China, on 4-15 September 1995. The aim of the conference will be to review and appraise the advancement of women in terms of the objectives of the strategies defined in Nairobi, to adopt a platform for action, concentrating on some of the key issues identified as fundamental obstacles to the advancement of the majority of the women in the world, and to determine the priorities for implementation to be followed in 1996-2001. It will cover awareness-raising, decision-making, literacy, poverty, health, violence, national machinery, refugees and technology.

Women constitute half of the world's human resources and nowadays there is an increasing awareness that what happens to women and their children has a profound impact on the well-being of nations. Yet for the majority of women, economic and social progress has not brought the anticipated advantages. A higher proportion of women are literate, and more of them are visible at senior political levels, yet many women are poorer than ever before. Disparities between north and south, rural and urban, rich and poor continue to affect women everywhere. The conference will focus on persistent problems common

to women from all parts of the world. A disproportionate number of women are either unemployed or working in the informal economy; environmental degradation is hitting women hard, especially in agriculture; female literacy is progressing at a slower rate than male literacy. Despite success in passing laws to protect women's rights and guarantee their economic and social equality, de facto discrimination persists.

Given its concern with the economic and social problems of women - these have been dealt with in several Opinions - and both its work on the cooperation policy of the Community (ACP, Euro-Mediterranean partnership, etc.) and the priority given to employment, it is proposed that the Committee make a contribution to the Fourth World Conference on Women, by drafting an Own-initiative Opinion. This Opinion could record the Committee's positions on women's economic and social rights within the EU, consider the position of women at work and unemployment among women, and assess whether EU cooperation policy has made a sufficient contribution to the promotion of women in the south, and, if not, make recommendations for the future management of cooperation policy instruments.

Gist of the Opinion

The Committee recognizes the importance of the 1995 Beijing Conference and underlines the significance of its principal objective which is to give a general review of the Decade launched in Nairobi in 1985, to assess progress throughout the world in securing human rights and in promoting fundamental rights and freedoms for women; above all it seeks to recommend new, substantive measures for promoting women and equal opportunities to decision-makers throughout the world.

The Committee insists that the productive and social role which women play must be supported in all development measures and in allocating adequate resources.

The Committee considers that the aims and objectives of the Decade - equality, development and peace - have not been fully achieved. It believes that it is most urgent to encourage the distribution of multilateral and bilateral aid for developing countries so as to permit the establishment of action plans which can be quantified, monitored and adjusted and which contain precise objectives and a strict timetable; the aim would be to deal with problems preventing the consolidation of women's status.

Bearing in mind the Union's determination to tackle problems and face up to the current economic and social changes in the Member States, the Committee acknowledges the contribution of the White Paper on Social Policy, which follows on from the Green Paper; it feels that its proposals, and the favourable response to it, can be powerful instruments for forging ahead in the areas concerned, particularly in respect of a combined policy for the labour market and social issues.

The Committee hopes to see the European Union sanctioning strategic objectives at the Beijing Conference which allow women economic independence, and enable women to escape once and for all from poverty and violence, to participate in the decision-making process and to stand up to all forms of discrimination.

Moreover, the Committee feels that the Beijing Conference ought to issue, in all clarity and transparency, an unqualified final document guaranteed by a solidarity-based platform, allowing swift implementation of priority measures in all areas for securing women's dignity, equality and freedom, so that the value of women's key contribution to the economy, culture and progress can be appreciated and enhanced.

10. GREEN PAPER - ENERGY POLICY

Opinion of the Economic and Social Committee on the Green Paper entitled "For a European Energy Policy"
(COM(94) 659 final)

(CES 804/95)

Rapporteur: Mr Claus-Benedict von der Decken (Germany - Various interests)

Gist of the Commission document

In putting together this Green Paper the Commission benefitted from the contribution of numerous protagonists in the energy section: national administrations, industry and social partners. The Economic and Social Committee's contribution, through its Own-initiative Opinion on Community energy policy adopted on 14 September 1994 (CES 1016/94), is also expressly acknowledged by the Commission.

The Commission seeks to provide Community institutions and all parties concerned with the necessary elements for a wide-ranging debate which:

- on the one hand, will enable the Community to set itself new energy policy goals, following goals set by the Council on 16 September 1986¹⁶, which will serve as a frame of reference for action by the Community and its Member States;
- and on the other hand, to evaluate the distribution of responsibilities between the national, regional and Community levels and also between public authorities and businesses and thus to assess whether there is a need for the European Union to play a more prominent role in the energy sector.

To this end, the Commission bases its Green Paper on an analysis of the energy situation and energy prospects for the next 20 years; its aim is to work out a common vision of the challenges which will affect the future of the energy sector and, thus, to define the main lines of a common energy policy which involves taking account of a plethora of factors, requirements and interests.

This Green Paper fits into the run-up to the 1996 inter-governmental conference at a time when especially urgent questions are being raised about energy.

There are many aspects to consider:

- the higher energy costs in the European Union compared to its principal trade competitors; this situation is explained *inter alia* by an absence of competition and by the fact that the energy market is still considerably fragmented;
- the European Union's increased energy dependence;
- environmental protection requirements.

The need to take account of these many aspects does pose a number of challenges to the European Union and this raises questions as to its ability to face up to these challenges using the instruments currently available to the Union, particularly legal instruments. These instruments are discussed in the Green Paper.

The Commission thus identifies three key challenges which any energy policy must respond to:

- the challenge of industrial competitiveness which in particular entails the energy sector taking account of the requirements of the single market and the introduction of competition in areas where there are monopolies, while also taking account of public interest requirements and the objective of economic and social cohesion;
- the challenge of security of supply, taking particular account of the constraints relating to the geo-political context and to the European Union's external policy, especially in trade matters;
- the challenge of environmental protection which is the result of classical types of pollution and of risks associated with greenhouse-gas emissions caused by the use of fossil fuels.

In pinpointing these challenges the Commission has been able to state that the objectives of the European Union's energy policy are "to ensure the satisfaction of the users' needs - be they individuals or enterprises - at the least cost while meeting the requirements of security of supply and environmental protection".

However, recognizing the difficulties in reconciling these objectives, not to mention the contradictions which could be created by pursuing several objectives at the same time, in this Green Paper the Commission "proposes for debate the question of how to satisfy, in a balanced way, these three objectives within the framework of an integrated European market".

This then led the Commission to discuss, at a political level, the resources needed for achieving such a balance and the ability of the current legal and institutional framework for Community action in the energy sector to help achieve this balance.

¹⁶ Council Resolution concerning new Community energy policy objectives for 1995 and convergence of the policies of Member States - OJ C 241 of 25 September 1986, page 1.

As a result of this analysis the Commission drew up a number of policy orientations for the future based on what it deemed to be "gaps and insufficiencies of the current position".

These orientations lead us in four directions:

- the need to reinforce the level of concerted action and cooperation between the decision-makers and the operators of energy policy so as to assist the convergence of national and Community policies by means of collective prioritization of political actions at both Community and national level;
- the need to approach national and Community energy policies in a comprehensive way in so far as these policies cannot be devised independently of other EU policies and areas of action (single market, competition, implementation of the White Paper on growth, competitiveness and employment, economic and social cohesion policy, trans-European networks, environment, transport, taxation, external policy, research, etc.);
- clarification about the allocation of Member States' and European Union's respective responsibilities in energy policy (these responsibilities being fully recognized as being the Community's under the ECSC and Euratom Treaties for coal and nuclear energy);
- a more pro-active response to energy problems and the environment by adding a new dimension to cooperation efforts which should help increase the recipients (of cooperation) "to cope with their energy problems without weakening the quality of the economic development of the countries concerned".

On the basis of these orientations and against the general back-drop described above, the Commission feels that the Community's role is to place all the instruments it has available at the disposal of the European Union's energy policy so as to ensure (i) that general interests' requirements are taken into account in increased integration of the energy market, and (ii) that the Community adds value to actions and policies taken at national level. Such a role also implies a contribution to the implementation of the Community's international commitments and to actions undertaken by other international bodies to which it belongs.

Having stressed on many occasions the pre-eminence of the free operation of the market as the main instrument of any energy policy, the Commission stresses the need to limit public authorities' intervention, including the Community's to the absolute minimum for ensuring compatibility of the market's operation with the general interest and the Member States' legitimate interests.

The Commission identifies a number of areas where suitable measures have not been taken by businesses in some sectors, thus warranting public intervention, including, if necessary, Community intervention:

- protection of the public service missions;
- security of supplies;
- establishment of a strategy for international political and economic co-operation;
- environmental protection;
- energy efficiency;
- promotion of research and technological development, innovative technologies and their distribution throughout the industrial fabric.

On the basis of the debate which this Green Paper will trigger, the Commission has already announced its intention to draw up a White Paper in 1995 which will serve as the working plan of the Community in the energy sector; this programme, it stresses, will aim:

- "on the one hand, to mobilize the existing instruments which contribute to the implementation of energy policy goals and,
- on the other hand, to promote cooperation between the Member States and between the companies of the sector".

Gist of the Opinion

The Committee notes, first of all, that the Commission's Green Paper does not make the Own-initiative Opinion issued by the ESC in September 1994 any less topical or relevant.

The ESC Opinion on Community Energy Policy was in fact drafted at more or less the same time as the Commission Green Paper. This meant that it was not possible fully to take account of the Opinion in the Commission Green Paper. The Committee's Own-initiative Opinion on Community Energy Policy should be seen as an integral part of this present Opinion; the two must be read in tandem.

For this reason, the Committee has sought to focus its attention in the present Opinion solely on a number of additional issues raised in the Green Paper which had therefore not been considered by the Committee in its earlier Opinion.

Generally speaking, the Committee is fairly critical of the proposals made in the Green Paper. In the Committee's view the Green Paper does not set out any clear principles with a view to the establishment of a Community energy policy, over and above the policies of individual states and their convergence. If such principles had been set out the need for a longer-term strategy for a Community energy policy, which would be complementary to national energy policies and would pinpoint responsibilities, in accordance with the principle of subsidiarity, would have been apparent.

In this context the Committee regrets that the Commission has confined itself to very general developments, thereby ruling out the possibility of making any assessment of whether it is necessary for the EU to play a greater role in the energy sector.

As regards the aims of the future energy policy, the Committee detects some confusion and considers that it is impossible to determine, on the basis of the Commission's presentation, whether aims are being set out or whether we simply have a description of the problems arising. Furthermore, there is no real indication of the priority to be attached to the different objectives, should it prove to be difficult to seek to attain them all simultaneously.

Quite apart from the above considerations, the Committee draws attention to the fact that there are more energy policy objectives than just the three mentioned by the Commission; the list should be extended to include the objectives of economic and social cohesion and the creation of jobs.

In view of the importance of the objectives to be achieved, the selection of the economic and regulatory instruments to be used to this end is of crucial significance. When applying these instruments it is particularly important to define the responsibilities and powers of the Community and the Member States as clearly as possible.

In the Committee's view the Green Paper once again fails to deliver on this point. The Commission stresses the need to restrict intervention by the public authorities to a minimum, whilst at the same time stating that economic and regulatory instruments are to play a central role. The way in which responsibilities and powers are to be allocated is not, however, defined.

In view of the fact that the selection of the instruments, and the way in which they are used to promote the achievement of the objectives which have been set, are matters which lie at the very heart of any energy policy, the Committee draws the attention of the Commission, with a view to the formulation of the White Paper, to a number of questions which highlight the need to define a real blueprint for energy policy.

The decisions to be taken at the Intergovernmental Conference on the need for additional instruments and/or a coherent institutional framework for energy policy will depend upon the answers provided to all the issues raised by the Committee.

11. RAPHAËL PROGRAMME

Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Decision establishing a Community action programme in the field of cultural heritage - RAPHAËL (COM(95) 110 final - 95/0078 (COD))

(CES 805/95)

Rapporteur-General: Mr Roger Burnel (France - Various interests)

Gist of the Commission document

This proposal is to be seen within the general context of the communication entitled *European Community action in support of culture*, adopted by the Commission on 27 July 1994 in response to the inclusion of an article on culture in the EC Treaty. The movable and non-movable cultural heritage having been recognized as one of the priority fields of action in the Community's cultural policy, this proposal seeks to establish a specific action programme in this area.

The proposed action programme, which covers a period of 5 years, aims to encourage cooperation between Member States and support and supplement their action. A Community programme will serve to pool expertise, so that informed choices can be made and to avoid duplication and waste, at the same time as promoting high standards whilst securing economies of scale.

Community action in the field of cultural heritage should satisfy the following objectives:

- help to develop and promote cultural heritage;
- encourage cooperation and the pooling of knowledge, expertise and practice in the field of heritage preservation at European level;
- improve public access to heritage and the supply of information on it for the public at large so as to contribute to the affirmation of a European citizenship through greater knowledge of heritage;
- support for enriching mutual understanding and practices and realize Europe's potential;
- foster cooperation with non-member countries and other international organizations, in particular the Council of Europe.

In the light of this, the Commission intends to establish a Community action programme in the field of cultural heritage, to be known as the Raphael Programme, which will focus on the following five activities:

- I. Development and promotion of cultural heritage;
- II. Networks and partnership;
- III. Access to heritage;
- IV. Innovation, further training and professional mobility;
- V. Cooperation with non-member countries and international organizations.

Gist of the Opinion

In its Opinion the Committee endorses the general tenor of the proposed programme and draws attention to the main views which it expressed earlier on the subject of culture.

The Committee notes that culture finds expression in many different ways and through a variety of channels. It is a multi-faceted phenomenon incorporating a wealth of complementarity, in which freedom and respect for others are the predominant features. As culture takes in a wide range of different aspects and forms of expression, the Committee urges that the concept of "cultural heritage" be interpreted in a broad and diversified way. In this connection the Committee draws attention to the definition adopted by UNESCO.

The Committee highlights the contribution - both direct and indirect - which action to preserve our cultural heritage can make to promoting training and employment.

In its specific comments on the draft Decision the Committee points out that the objectives, actions and criteria set out in Articles 2,3 and 4 represent a starting point which will have to be adjusted, flexibly and swiftly in the light of the experience gained and any needs which emerge as the programme is being implemented. With this aim in view, the participation of all parties involved will be of decisive importance, if only from the point of view of ensuring effectiveness.

The proposed cooperation with non-member countries and competent international organizations, in particular UNESCO and the Council of Europe, is a key plank of the proposed broad complementarity; it is crucial to ensure that the tasks to be achieved are properly allocated on the basis of qualifications.

Bearing in mind, on the one hand, the inadequacy of the proposed funding in the light of the issues at stake and the requirements (ECU 67 million spread over five years), and, on the other hand, the fact that EU action is designed to play a complementary role and to act as a catalyst for action by the Member States, the Committee calls for very special attention to be paid to aspects of our heritage located in areas with the lowest local sources of funding. Such action would demonstrate real solidarity.

II. FUTURE WORK

Environment Section

- Prohibition of the use of certain additives in the production of certain foodstuffs
COM(95) 126 final - 95/0085 COD
Deadline: September
- Community action programme in the field of civil protection
COM(95) 155 final - 95/0098 CNS
Deadline: September
- Shipments of waste within, into and out of the EC
COM(95) 143 final - 95/0107 SYN
Deadline: October
- Pesticide residues in fruit and vegetables, cereals and foodstuffs
COM(95) 272 final - 95/0154 CNS
Deadline: November
- Consumer protection - indication of prices offered to consumers
COM(95) 276 final
Deadline: November/December

Industry Section

- Action programme for Community customs (Douane 2000)
COM(95) 119 final - 95/0087 COD
Deadline: September
- Amendment to the Regulation on Mergers
Deadline: November

Regional Section

- Green Paper on the role of the Union in the field of tourism
COM(95) 97 final
Deadline: September
- Annual Report 1994 Cohesion: Complement
COM(95) 222 final
Deadline: Dezember

Transport Section

- Transport of goods or passengers by inland waterway between Member States
COM(95) 167 final - 95/0106 CNS
Deadline: September

- Marine Equipment
COM(95) 269 final - 95/0163 SYN

Social Section

- Commission research analysis, cooperation and action in the field of employment
COM(95) 250 final - 95/0149 CNS
- 4th framework programme - occupational health, hygiene and safety
COM(95) 282 final
Deadline: November
- Preservation of additional pension rights for workers already on pension
Deadline: To be decided

Energy Section

- Amendments to the Statutes of the Joint European Torus (JET)
COM(95) 234 final - 95/0136 CNS
Deadline: October

Agriculture Section

- Veterinary checks on products from third countries
COM(95) 254 final - 95/0141 CNS
Deadline: September
- Organisms harmful to plant life (to be confirmed)
COM(95) 239 final
Deadline: September
- Common fisheries policy control system
COM(95) 256 final - 95/0146 CNS
Deadline: November
- Community financial participation in implementing the common fisheries policy control system
COM(95) 243 final - 95/0142 CNS
Deadline: November
- Implementation times for certain pilot schemes on the permanent location of Community fishing boats
Deadline: To be decided

OWN-INITIATIVE WORK

Regional Development Section

- Alpine Arc (Own-initiative)
Deadline: December

External Relations Section

- Global harmonization of direct investment regulations (Own-initiative)
Deadline: 1st quarter 1996

OTHER WORK

Economic Affairs Section

- Tax on carbon dioxide emissions and energy (Additional Opinion)
Deadline: November

Industry Section

- Technical standards and mutual recognition of tests and certification (Additional Opinion)
Deadline: December
- Public procurement (Additional Opinion)
Deadline: December

III. REPRESENTATION AND IMPACT OF THE ECONOMIC AND SOCIAL COMMITTEE

Presidency activities

- 1 June 1995, Brussels, reception of a delegation from the Central African Republic's Economic and Social Council
- 2 June 1995, Messina (Italy), Mr Carlos Ferrer participated in the 40th anniversary of the Messina Conference
- 6 June 1995, Madrid, President Ferrer attended the Inauguration of the European Academy of Yuste and the presentation of the Charles V Prize to Mr Jacques Delors by the King of Spain.
- 8 June 1995, at the Royal Palace, Madrid, the President attended the ceremony marking the tenth anniversary of Spain's signing of the EC Treaty
- 12 June 1995, Madrid, statement by Mr Carlos Ferrer to the General Assembly of l'Union de Empresas Siderurgicas
- 15 June 1995, interview with Mr Felipe Gonzáles, the Spanish Prime Minister
- 15/16 June 1995, reception of a delegation from a Polish Tripartite Committee for socio-economic matters
- 20 June 1995, Brussels, interview with Mrs Monika Wulf-Mathies, Member of the European Commission
- 20 June 1995, Brussels, meeting with Mr Klaus Hänsch, President of the European Parliament
- 20 June 1995, Brussels, meeting with Mrs Christa Randzio-Plath, Member of the European Parliament and Chairwoman of the Sub-Committee for Monetary Policy
- 20 June 1995, Brussels, participation in the EU/Latin America Interparliamentary Conference
- 20 June 1995, Brussels, statement by the ESC President on "the creation of employment in a competitive Europe" at the Royal Institute of International Relations
- 23 June 1995, interview with Mr Jacques Chirac, President of the French Republic
- 6 July 1995, Brussels, meeting with Mr Jean Matteoli, President of the French ESC
- 12 July 1995, Brussels, interview with Mr Ioannis Koukiadis, President, and Mr D. Kiriazis, Mr D. Hatzisokratis and Mr N. Liolios, Vice-Presidents of the Greek Economic and Social Committee

Other activities

Mr John Simpson, member of the ESC, attended the Conference on trade and investment in Northern Ireland and the Border Counties of the Republic from 24 to 26 May, in Washington. Other participants included President Bill Clinton, Vice-President Al Gore, Secretary of State, Ron Brown and other leading American figures. The European Union was also represented by Mrs Monika Wulf-Mathies, member of the Commission, Ministers from the Republic of Ireland and the United Kingdom, and members of the European Parliament and the Committee of the Regions.

On 13 June 1995 Mr Ludwig Schubert, Director, DG II, presented the latest economic forecasts and Commission proposals on the Broad guidelines for economic policy (Article 103 of the Maastricht Treaty), to the members of the Section for Economic, Financial and Monetary Questions in Brussels.

On 19/20 June 1995 Mr C.W.W. Lustenhouwer, member of the ESC, attended the Paris Forum on building a better environment for businesses: solutions to the start phase.

On 20 June 1995 Mrs Monika Wulf-Mathies, Commissioner responsible for regional policy, addressed the 135th meeting in Brussels of the Section for Regional Development and Town and Country Planning, on the prospects for Community regional policy.

On 22 June 1995 the Energy Section held an exchange of views with Commissioner Christo Papoutsis, responsible for energy policy at its 167th meeting in Brussels.

On 26/27 June 1995 an ESC delegation attended the Forum for shipping industries in Bremen (Germany).

On 11 July 1995 Mr Fernand Sauer, Director of the European Agency for the Evaluation of Medicinal Products, briefed the Section for Protection of the Environment, Public Health and Consumer Affairs on the Agency's work.

On 11 July 1995 Mr Jean-François Pons, Deputy Director-General, DG IV, made a statement on the Commission's XXIVth report on competition policy to the Section for Industry, Commerce, Crafts and Services in Brussels.

On 26 July 1995 Mr Jean-Pierre Contzen, Director-General of the JRC, Commission DG XII for Science, Research and Development, addressed the 168th meeting in Brussels of Section for Energy, Nuclear Questions and Research, with a statement on the activities to be pursued at the various JRC locations and the JRC's future. Later Mr Emilio Octavio de Toledo y Ubierto, Spanish Secretary of State for Research and President-in-Office of the Council of Research Ministers, presented the Spanish Presidency's Programme for Research and Technological Development, and Mr Alberto Lafuente, Spanish Secretary for Energy and President-in-Office of the Council of Energy Ministers, presented the Spanish Presidency's Programme for Energy.

Internal Market Forum

The Economic and Social Committee noted the favourable reception given by the Council of Ministers meeting on the Internal Market (Luxembourg, 6 June 1995) to the idea that the ESC should act as a Permanent Observatory for the operation of the internal market.

The Council thus joined the European Parliament and the Commission in seeking the active commitment of the ESC in the drive to complete the European Single Market. As a body representing those actively engaged in the European Union's economic and social life, the ESC has considerable experience in this field.

Reaffirming its intention to intensify its activity to help the internal market succeed, the Economic and Social Committee invited the parties concerned to contact it. With the other EU institutions, it must help to draw up an assessment of the internal market before the Intergovernmental Conference of 1996. To do this as well as possible - and thereby supplement the significant work already done - it intends to draw not only on its own technical and representative strengths but also on the voluntary contributions of all the interests involved. In this way the internal market, as foreseen by the Delors White Paper, will contribute to growth, to competitiveness and above all to employment.

Forum for Forward Socio-Economic studies

At the Committee's initiative, a Forum to define European strategies as clearly as possible for Europeans and the matters that concern them most was held in Barcelona on 9/10 June. Leading international experts and members of the ESC attended the meeting chaired by Mr Carlos Ferrer.

The work concentrated on the future of the European social model and the involvement of citizens in its development.

This Forum is the starting point for establishing a methodology and for organizing a major conference on society which would meet in 1996 at the same time as the Intergovernmental Conference.

Cannes Summit on 26/27 June 1995

Throughout the Summit the Economic and Social Committee manned an information stand on its role, activities and work.

IV. FACT-FINDING VISITS

During the reference period, the following groups visited the Economic and Social Committee:

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| 1 June 1995 | Deutsche Gesellschaft e.V. zur Förderung politischer, kultureller und sozialer Beziehungen in Europa, Berlin (Germany) |
| 6 June 1995 | Group of Senior Officials from the Moldavian Ministry for Labour and Social Security |
| 8 June 1995 | The Institute of European Studies, Freiburg (Germany) |
| 8 June 1995 | Group of Finnish journalists |
| 8 June 1995 | Seminar for students and teachers of Berlin-Brandenburg and Sachsen-Anhalt (Germany) |
| 8 June 1995 | Kvindeligt Arbejderforbund i Danmark, Aalborg |
| 9 June 1995 | Group of teachers from business schools and adult education centres from the region of Lappenranta in South East Finland |
| 14 June 1995 | The Helsinki Institute (Helsinki-instituutti - Helsingforinstitutet) |
| 15 June 1995 | Fachhochschule des Bundes für öffentliche Verwaltung, Brühl (Germany) |
| 15 June 1995 | UPEC - Union économique des régions ultrapériphériques de l'Europe communautaire, Bruxelles |
| 15 June 1995 | Karl-Arnold-Foundation (Institute zur politischen Bildung), Bonn (Germany) |
| 15 June 1995 | Soderhamns Turism, Sweden |
| 16 June 1995 | Hanns Seidel foundation, Brussels Office |
| 16 June 1995 | Kommunedata (Denmark) |
| 16 June 1995 | The Helsinki Institute (Helsinki-instituutti - Helsingforinstitutet), Finland |
| 18 June 1995 | Finnish Metalworker's Union, Helsinki |
| 16 June 1995 | Austrian Labour Chamber |
| 19 June 1995 | Associazione Artigiani di Bergamo, Italy |
| 19 June 1995 | Staffordshire University - Law school, Stoke-on-trent (United Kingdom) |
| 21 June 1995 | Group of students from the ninth Masters in International Business Administration, Valencia, (Spain) |
| 22 June 1995 | Group of trade unions and social organizations from ACP countries (organized by the International labour office) |
| 22 June 1995 | Centre de Formation et de Perfectionnement des Chambres d'Agriculture, Trie-Château (France) |
| 26 June 1995 | Representation of the Free State of Bavaria to the European Union, Brussels |
| 27 June 1995 | Quaker Council for European Affairs, Brussels |
| 27 June 1995 | Prize winners of the N.S.T.F. Mini-European Assembly (by the Maltese Embassy) |
| 27 June 1995 | T.M.C. Asser Institute, the Hague (Holland) |
| 28 June 1995 | Conseil National de Concertation des Ruraux (C.N.C.R.) du Sénégal |

- 29 June 1995 "Liberales Forum" du Parlement autrichien, Vienna
- 30 June 1995 API Torino - Associazione Piccole e Medie Industrie di Torino e Provincia (Italy)
- 11 July 1995 Groupe ESC Nantes Atlantique - Institut pour des relations internationales (France)
- 12 July 1995 Gerhard-Mercator-University - Gesamthochschule Duisburg (Germany)
- 27 July 1995 ACP trade union leaders
- 23 August 1995 Kommando für Truppenversuche der deutschen Marine, Eckernförde (Germany)

