

BULLETIN

4

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



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027

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(United Kingdom - Workers)

Vice-presidents: Giacomo REGALDO
(Italy - Employers)
Johannes JASCHICK
(Germany - Various Interests)

Secretary-general: Adriano GRAZIOSI

Origins

The ESC was set up by the 1957 Rome Treaties in order to involve economic and social interest groups in the establishment of the common market and to provide institutional machinery for briefing the European Commission and the Council of Ministers on European Union issues.

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

Membership

The 222 members (193 men, 29 women) of the ESC are drawn from 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: Roger Briesch - France), 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 main task of members is to issue opinions on matters referred to the ESC 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 ESC by the Commission or the Council is mandatory in certain cases; in others it is optional. The ESC may, however, also adopt opinions on its own initiative. The Single European Act (17.2.86) and the Maastricht Treaty (7.2.92) have 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 145 advisory documents a year (of which 15% are issued on its own-initiative). All opinions are forwarded to the Community's decision-making bodies and then published in the EU's Official Journal.

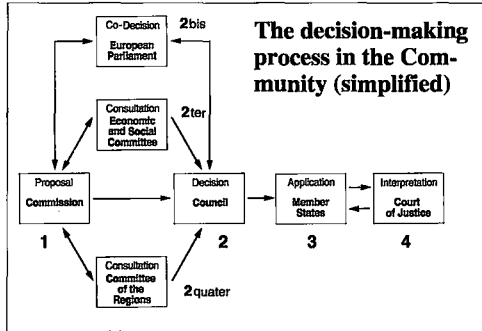
Information and integration role

Over the last few years the ESC has stepped up its role in the European Union and has transcended the straight forward duties flowing from the Treaties. It acts as a forum for the single market and has hosted, with the support of other EU bodies, a series of events aimed at bringing the EU closer to the people.

Internal organization

1. Presidency and bureau

Every two years the ESC 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 by the vice-presidents, who deputize for him in the event of his absence.

The president represents the ESC in relations with outside bodies.

Joint briefs: relations with EFTA, CEEC, AMU, ACP countries, Latin American and other third countries, and the Citizens' Europe fall within the remit of the ESC bureau and the president.

The bureau's main task is to organize and coordinate the work of the ESC's various bodies and to lay down policy guidelines for this work.

2. Sections

The Committee has nine sections:

- Economic, Financial and Monetary Questions - secretariat tel. 546.92.27
(President: Göke Frerichs - Group I - Germany)
- External Relations, Trade and Development Policy - secretariat tel. 546.93.16
(President: John F. Carroll - Group II - Ireland)
- Social, Family, Educational and Cultural Affairs - secretariat tel. 546.93.02
(President: Mrs H.C.H. van den Burg - Group II - Netherlands)
- Protection of the Environment, Public Health and Consumer Affairs secretariat tel. 546.96.57
(President: Manuel Ataíde Ferreira - Group III - Portugal)
- Agriculture and Fisheries - 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: John Little - Group I - United Kingdom)
- Transport and Communications secretariat tel. 546.93.53
(President: Eike Eulen - Group II - Germany)
- 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. These usually have 12 members, including a rapporteur who may be assisted by experts (usually four with a maximum of six).

4. Sub-committees

The ESC has the right to set up temporary sub-committees, for specific issues. These sub-committees operate on the same lines as the sections.

5. Plenary session

As a rule, the full Committee meets in plenary session 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.

The ESC also liaises world-wide with other economic and social councils at the "International Meetings" held every two years.

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

The ESC 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 ESC sets up 15-30 man delegations headed by the president. Some meetings involving the countries of central and eastern Europe, will be institutionalized under the Europe Agreements.

Publications

The ESC regularly distributes a number of publications free of charge (order in writing by mail or fax - 546.98.22), including 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 who reports to the president, representing the bureau.

Since 1 January 1995, the Economic and Social Committee and the Committee of the Regions have shared a common core of departments, mainly staffed by members of the ESC secretariat.

1997 Budget

The 1997 ESC budget totals ECU 27,865,858. The budget for the departments servicing both the ESC and the Committee of the Regions stands at ECU 53,775,429.

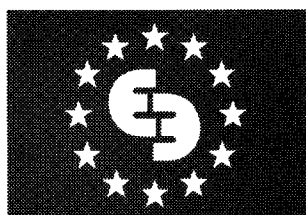
EUROPEAN COMMUNITIES

BULLETIN

97

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



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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Catalogue number: ESC-97-010-EN

Brussels: General Secretariat of the Economic and Social Committee, 1997

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Printed in Belgium

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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 Directorate for Communications - Specialized Department for Information and Visits (Fax: + 32.2.546.98.22)

On-line Database of Economic and Social Committee Opinions

The Economic and Social Committee (ESC) has recently launched a database containing the full text of the Committee's opinions and bulletins. The database contains opinions, in all working languages, since January 1995. The ESC bulletin is available in English and French. The database may be searched using the CCL, a menu system and "Watch ECHO". It is planned to diffuse key documents on the World Wide Web :

<http://www.echo.lu/ces/ceshome.html>

The ESC database will be available free of charge.

I. 345th PLENARY SESSION ON 23 and 24 APRIL 1997

The Economic and Social Committee of the European Communities held its 345th plenary session in Brussels on 23 and 24 April 1997. **Mr Tom Jenkins** presided.

The session was attended by **Mr Mario Monti**, Member of the Commission, who spoke in connection with the debate on the completion of the single market.

In the course of the session the Economic and Social Committee adopted the following opinions:

1. CONTROL OF PSEUDOMONAS SOLANACEARUM (SMITH) SMITH

Opinion of the Economic and Social Committee on the Proposal for a Council Directive on the control of *Pseudomonas solanacearum* (Smith) Smith
(COM(97) 15 final - 97/0025 CNS)

(CES 463/97 - 97/0025 CNS)

Rapporteur: Mr Antoon STOKKERS (Netherlands - Various Interests)

Gist of the Commission proposal

The proposal concerns the measures to be taken by the Member States against the bacterial pathogen *Pseudomonas solanacearum* (Smith) Smith, the cause of the brown rot disease on potatoes and the bacterial wilt of tomatoes. The aim of the measures is to locate the pathogen, prevent its occurrence and spread and control it with a view to its eradication.

Disease outbreaks caused by this pathogen have occurred in some parts of the Community and some limited sources of infection still exist. In certain environmental circumstances the disease can remain latent and undetected both in growing crops of tomatoes and potatoes and in stored potato tubers. The pathogen can also be spread by surface water and certain wild solanaceous plants and can also exist in winter in self-sown potato and tomato plants, which may act as a source of infection from one season to the next.

It is therefore necessary to enact a directive to ensure simultaneous and methodical control of this organism throughout the Community so that yields can be maintained and productivity increased.

Gist of the opinion

The Committee thinks that the Community-wide measures proposed by the Commission remedy a serious shortcoming in an area where there are no internal borders. It considers that the measures which are designed to combat the bacterian *Pseudomonas solanacearum* (Smith) Smith everywhere in the same manner and to prevent it from spreading serve this objective adequately, and it therefore approves the Commission proposal as a whole.

2. SUPPORT FOR ARABLE CROP PRODUCERS

Opinion of the Economic and Social Committee on the proposal for a Council Regulation (EC) amending Regulation (EEC) No. 1765/92 establishing a support system for producers of certain arable crops

(COM(97) 83 final - 97/0063 CNS)

(CES 464/97 - 97/0063 CNS)

Rapporteur-General: Mr José BENTO GONÇALVES (Portugal - Various Interests)

Gist of the Commission proposal

Raw materials used in the manufacture of products not directly intended for human or animal consumption must be harvested and delivered before compensation can be paid to the applicant. Since some crops covered by this "non-food" set-aside scheme are harvested late on in the year, several Member States have encountered difficulties in meeting the payment deadline of 31 December provided for in Article 10(1) of Regulation (EEC) No. 1765/92.

The aim of the proposal is to extend the payment deadline until 31 March.

Gist of the opinion

The ESC endorses the Commission's proposal.

3. PRODUCTION AND MARKETING OF HONEY

Opinion of the Economic and Social Committee on the Proposal for a Council Regulation (EC) laying down general rules for the application of measures to improve the production and marketing of honey

(COM(96) 596 final - 96/0282 CNS)

(CES 465/97 - 96/0282 CNS)

Rapporteur: Mr Vassilis ZARKINOS (Greece - Various Interests)

Gist of the Commission proposal

The proposal follows a discussion paper on beekeeping issued in 1994. It seeks to promote national programmes of technical assistance, laboratory analysis and disease control, as well as national studies on the structure of the production and marketing sectors, by providing a Community contribution of ECU 15 million per year.

The proposed measures are to focus on:

- technical assistance to beekeepers and their organizations, with a view to improving conditions for the production and extraction of honey;
- control of varroasis and related diseases, and improvement of the conditions for the treatment of hives and the harvesting, storage and packaging of honey;
- rationalization of transhumance (seasonal movement of hives);
- support for national laboratories carrying out analyses on the physico-chemical properties of honey;
- cooperation with specialized bodies for the implementation of applied research programmes to improve the quality of honey.

The proposal also provides for studies by the Member States of production and marketing structures in the sector.

Gist of the opinion

In the Committee's view the Commission proposal is positive, marks a step in the right direction and should be supported, because it will contribute to the development of beekeeping in Europe.

The ESC considers that the Commission proposal should also (a) concern itself with the movement of honey in the Community market, (b) set out measures to control the enormous quantity of honey imported from third countries, and (c) lay down quality standards for honey produced in the European Union.

The ESC regards the resources allocated to this sector as inadequate. It feels that the proposal should provide for the establishment of a token subsidy per hive, which would be granted to both professional and non-professional beekeepers. The Committee considers that the proposal should also include vocational training programmes for young farmers among the priority aims.

The Committee calls for the introduction of measures to combat all bee diseases, not just varroasis.

4. **FORESTRY** (*Own-initiative Opinion*)

Opinion of the Economic and Social Committee on the situation and problems of forestry in the European Union and the potential for developing forestry policies

(CES 476/97)

Rapporteur: Mr Seppo Ilmari KALLIO (Finland - Various Interests)

Co-Rapporteur: Mr Hans-Joachim WILMS (Germany - Workers)

Reasons

At the present time, forestry is a key aspect of agricultural policy since it provides a means of offsetting the effects of the set-aside measures introduced under the reform of the CAP, helping to reduce the EU's shortfall in timber production and contributing towards the maintenance of a healthy environment.

Furthermore, as the ESC has already pointed out in its earlier opinion, the improvement and maintenance of existing forests may help to promote employment in agriculture.

Gist of the opinion

In view of the importance of the forestry sector as a source of employment and economic wealth in the EU, the ESC feels that the basic objective of the EU's forestry strategy should be to promote the commercial exploitation of forests. This will help to safeguard jobs, particularly in structurally weak regions and also create new jobs, despite the fact that technical progress will inevitably mean that jobs will be lost as well. Forest management and use must be economically, socially and ecologically sustainable.

The guiding principle of the EU's forestry strategy should be to create operating conditions conducive to the use of economical and environmentally-friendly practices in forestry and to improve rural structures and the economic situation of the forest industry. EU funding should be used for the protection of forests, support for rural regions, research and training, and the provision of information and advice. The coordination of forest-related affairs within the EU should be improved.

As forests vary greatly from country to country in terms of their ecological characteristics and socio-economic significance, it is clear that the Member States have differing forestry policy objectives. Accordingly, the Committee believes that priority should be given to the subsidiarity principle in forestry issues so as to ensure the continued effectiveness of national forestry policies.

5. FUTURE NOISE POLICY (Green Paper)

Opinion of the Economic and Social Committee on the European Commission Green Paper "Future noise policy"

(COM(96) 540 final)

(CES 454/97)

Rapporteur: Mr Klaus BOISSEREE (Germany - Various Interests)

Gist of the green paper

The green paper aims to launch a broad debate as the first step in drafting an action programme for noise abatement.

The main area for Community involvement will remain the reduction of noise from products; the range of instruments applied is to be broadened with particular attention to the use of economic instruments.

In accordance with the new approach to assigning responsibility, brought in under the Fifth Environmental Action Programme, the following measures are proposed:

- a draft directive on harmonization of methods of assessment of noise exposure and the mutual exchange of information;
- action to reduce road traffic noise (tyre noise); this will involve amending Community road-worthiness texts to include noise;
- reduction of rail noise via legislation on emission limit values, negotiated agreements and economic instruments;
- possible more stringent noise limits for air transport;
- simplification of the existing legislation on emission limits for a small range of outdoor equipment, and a draft framework directive, incorporating the existing seven directives, to cover a wider range of equipment.

Gist of the opinion

Given the scale of the noise problem in the Community and the fact that relatively low priority has been given to protection against noise in European environmental policy to date, the ESC regards the planned development of a comprehensive noise abatement action programme as very important. **Although the content of the green paper is welcomed in principle, the ESC trusts that it will not delay the start of the action programme.**

The ESC endorses the Commission's plan for a **framework directive on measurement and assessment of noise pollution**. However, it criticizes the Commission's announcement that the establishment of target values and measures for their implementation is postponed until a "later stage". It points out that, according to the principle of prevention, such target values are urgently necessary for the priority areas of protection against noise, and should not now be put off to some distant future.

The Commission's proposal for greater **use of economic instruments** in noise abatement is acceptable to the ESC; however, the Committee opposes the use of fiscal measures as a kind of "punishment" of those responsible for noise or as a source of public revenue. The Committee also points out that economic instruments are not a substitute for the adoption of provisions on emission limit values.

The ESC confirms that dealing with **road traffic noise** must take priority. In this context it lays special stress on the problem of noise caused by vehicle wheels, and on the importance of research and of rational traffic management.

The priority attached to measures to assess and reduce **rail traffic noise** is confirmed. However, the ESC feels that the noise reduction measures proposed in the green paper can be further improved, e.g. by the use of "low-noise trains". In applying variable charges to the use of individual railway lines, care must be taken to ensure that the associated rise in cost does not push users towards other, generally less environment-friendly modes of transport.

The green paper's argument on **air traffic noise** are also welcomed in principle. However, the ESC points out that in this context account must also be taken of air traffic for private and sporting purposes, helicopter noise and military practice flights. It shares the Commission's view that the grading of airport taxes is desirable and should be harmonized through a framework directive. It notes that relief for people affected by air traffic noise can also be achieved by overall reduction of air traffic.

As regards noise caused by **machines used in the open air**, the ESC regards the proposed restriction of limit values to previously regulated fields as problematic, since the measures to date were not taken systematically or in line with practically-based priorities, but more or less haphazardly. The Committee therefore calls for a comprehensive programme for protection against this type of noise. There should also be stronger incentives (e.g. through fiscal measures) for the early introduction of low-noise machinery.

The ESC goes on to stress that the impact of **industrial noise** should not be underestimated. It believes that the framework fixed by the IPPC directive for the major noise sources should be completed by emission values; this is also necessary to avoid distortions of competition.

Finally, the ESC urgently recommends that **research and development work** in the Community should focus on noise abatement, and that efforts be made to improve coordination and concentration.

6. COMMUNITY ENVIRONMENTAL LAW

Opinion of the Economic and Social Committee on the *Communication from the Commission: Implementing Community environmental law*

(COM(96) 500 final)

(CES 455/97)

Rapporteur: Mrs María Candelas SÁNCHEZ MIGUEL (Spain - Workers)

Gist of the Commission document

The Commission takes the view that there are weaknesses in the current state of implementation of Community environmental law in most parts of the Community, and more action is needed in order to improve the situation.

Furthermore, the Commission concludes from experience that the current means of ensuring implementation, which rely principally on the use of the procedure under Articles 169 and 171 of the Treaty, have proved to be insufficiently speedy and appropriate to protect the environment from breaches of Community law. Some of the problems are related to the special features of environmental law, but there is also a need for a greater diversity and decentralization of control mechanisms.

The Commission document consequently introduces a new broad approach, encompassing the whole regulatory chain and all relevant actors. It suggests a number of new proposals aimed at improving the implementation of Community environmental law at all levels.

The new areas of action proposed in Part II deal with:

- the development of Community-wide minimum criteria for the carrying out of inspection tasks by Member State authorities;
- the operation of environmental complaints and investigations procedures within the Member States which will receive and examine complaints from the public about the implementation of Community environmental law;
- increasing the opportunities for environmental cases to be dealt with by national courts, through broader access to justice.

Part III of the document deals with reinforcing the existing system in the following areas, among others:

- quality of Community legislation (clarity, transparency and certainty);
- consultation arrangements at European and national level;
- information;
- improving cooperation;
- assessing the effectiveness of measures;
- awareness and training;
- Community funding instruments.

Gist of the opinion

The Committee notes that the application of environmental legislation varies considerably as a result of various economic, administrative and geographic factors. It underlines, however, that none of these reasons justifies failure to comply with the regulations: the subsidiarity principle leaves sufficient room for adaptation to suit local circumstances, while the rules need to be redrafted clearly and precisely and compiled thematically in order to improve compliance.

The Committee welcomes the Commission's proposal to draw up recommendations for a harmonized environmental inspection system using the services of IMPEL and the European Environment Agency. It further urges the Commission to reinforce its monitoring and inspection powers under treaty article 155 and if necessary provide itself with the means of doing this.

The Committee supports minimum criteria for use in non-judicial procedures for environmental complaints, which vary from one country to another. It underlines, however, that the lack of Community rules to regulate environmental damage compensation compromises their effectiveness.

Certain reforms should be considered in order to simplify access to justice, broadening the right to bring an action and reducing the often prohibitive legal costs.

As regards national sanctions, the Committee feels that they should be backed by other measures such as suspension of administrative authorizations for firms and organizations infringing environmental legislation and the suspension of Community financial assistance.

7. ENERGY FOR THE FUTURE: RENEWABLE SOURCES OF ENERGY

Opinion of the Economic and Social Committee on the Communication from the Commission "Energy for the future: renewable sources of energy" (Green Paper)
(COM(96) 576 final)

(CES 462/97)

Rapporteur: Mr Peter MORGAN (United Kingdom - Employers)

Gist of the Commission document

This green paper considers that the European Union's current energy situation calls for effective management of all available resources in order to attain Community objectives. Renewable sources of energy are currently unevenly and insufficiently exploited in the European Union.

It describes the current situation, the advantages of an increased use of renewables and sets out the basic elements of a policy strategy to be implemented at both Community and Member State levels. It reinforces the strategic aim of promoting renewable energy sources and sets the objective of doubling the contribution made by renewable energy sources to the European Union's energy balance by 2010.

There are, however, many obstacles in the way of a more general use of these sources, e.g. differing geographical and climatic conditions in the Member States, operating costs. To counteract these obstacles, it is proposed to implement a policy strategy consisting of four distinct elements.

Firstly, a clear ambitious increase in the contributions of renewables to the Community energy balance. Secondly, it is proposed to strengthen Member State cooperation on renewables by means of strong policies at national level and if necessary at Community level. Thirdly, it is suggested that the Community reinforces its policies affecting development of renewable sources of energy - including external affairs, agriculture, regional policy and fiscal policy - by improving coordination between the decisionmakers in these fields. The fourth element is a proposal for strengthening the assessment and monitoring of the progress towards achieving our objectives for the penetration of renewables.

This communication - a green paper - is the first step in the establishment of a strategy for renewable sources of energy. It is intended to open up a debate on what are the most urgent and most important measures that could be undertaken at Community and Member State level and on the nature of these specific actions.

The Commission therefore invites the Member States, other Community institutions and interested parties to contribute to the process by forwarding their **reactions to this green paper** and the questions raised in it to the Commission **by the end of March 1997**. On the basis of this and the consultations with all interested parties, the Commission intends to publish a White Paper on a Community Strategy for Renewable Sources of Energy accompanied by an action plan by mid-1997.

The Committee has always supported renewable energy sources and has issued the following opinions on the subject:

- Opinion on the ALTENER programme¹
- Own-initiative opinion on Community energy policy²
- Opinion on the Green Paper For a European Union Energy Policy³.

The Committee was not consulted on the White Paper An Energy Policy for the European Union.

¹ OJ C 19 of 25 January 1993

² OJ C 393 of 31 December 1994

³ OJ C 256 of 2 October 1995

Gist of the opinion

The Economic and Social Committee recommends support for renewable energies as a means of ensuring sustainable development. The EU needs a programme of research and marketing support comparable to the very significant programme of investment and market-oriented support for renewables exports in the USA. Financial incentives are needed to accelerate the penetration of renewables, with coordination within the Union so that stable and predictable market conditions are created for energy product and services companies, their investors and customers. Priority should be given to promoting the market for renewables in developing countries. In the short to medium term, a parallel aim should be to promote energy efficiency, which should be a priority for the 5th framework programme. There is a need for an R&D programme planned to improve the efficiency and price of renewable energy technology. Policy should recognize that public utilities have an important part to play both in encouraging rational energy use as well as developing and acquiring renewable energy supplies.

In conclusion the ESC is of the view that the Commission's Green Paper on Renewable Energy Sources has provided a valuable stimulus to a necessary debate.

However, it is also certain that "present policies" are not sufficient to promote these important technologies. The Committee hopes that a version of "best practice policies" will be defined in the white paper and that it will, in turn, be accepted by the Member States.

8. ILLUSTRATIVE NUCLEAR PROGRAMME FOR THE EUROPEAN UNION - PINC

Opinion of the Economic and Social Committee on the *Communication from the Commission on the nuclear industries in the European Union (an illustrative nuclear programme according to Article 40 of the Euratom Treaty)*

(COM(96) 339 final)

(CES 470/97)

Rapporteur: Mr John LYONS (United Kingdom - Workers)

Gist of the Commission document

Under the provisions of Article 40 of the Euratom Treaty, the Commission, after having obtained the opinion of the Economic and Social Committee, "*shall periodically publish illustrative programmes indicating in particular nuclear energy production targets and all the types of investment required for their attainment*".

Since the Euratom Treaty was adopted, three illustrative programmes have been published by the Commission, in 1966, 1972 and 1985 (updated 1990).

At the time of this update the Commission considered that the 1985 guidelines for the future development of the nuclear industry were mostly still valid, but should be adapted to take account of the prospects opened up by the single market and the measures to be taken to complete it in this sector, with due regard for the specific characteristics of the nuclear market and the problems faced by the companies concerned.

These priority measures concerned the market in equipment and components for which, according to the Commission, the creation of a genuine common market was necessary to reduce investment costs and improve the competitiveness of the nuclear industry.

It was not until ten years later, in connection with the White Paper on an energy policy for the European Union⁴, and against the background of a much changed energy situation and organization of the energy market in the EU, that the Commission once again adopted a political stance on the role of nuclear energy in pursuit of the energy policy objectives identified in this document (global competitiveness, security of supply and protection of the environment).

In this white paper the Commission therefore highlights the importance of keeping the nuclear option open while at the same time bearing in mind that the future of this energy source depends in large measure on its acceptability to society and the political authorities. The Commission also stresses that, with the Euratom Treaty, the European Communities not only have responsibilities to shoulder but also have their own instruments whereby they can respond to the concerns raised by the use of nuclear energy as part of an overall energy policy for the EU, in particular as a means of diversifying energy supply.

Thus the objectives of this communication are to contribute to a reassessment of the various present and future features of nuclear energy, and to suggest certain basic principles for the definition and implementation of a policy which can serve as a framework for the development of nuclear energy; the aim of this policy is to help bring about the three energy policy objectives identified in the white paper.

The communication therefore discusses the following:

- the contribution of nuclear energy to achieving the energy policy objectives;
- safety problems in the countries of central and eastern Europe and in the CIS;
- the role of the Commission in relation to Article 40 of the Euratom Treaty;
- the main features of the European nuclear energy industry and the challenges facing it.

Gist of the opinion

The Committee welcomed the publication of the Draft Illustrative Nuclear Programme. It provides a basis for a wide debate in the EU, but more detailed information is needed. The proposed principles should be supported.

Nuclear power currently produces one third of the EU's electricity, and has important environmental advantages over fossil fuels in the generation of electricity, as e.g. saving CO₂ emissions. However, it requires extensive arrangements to ensure its safe operation. Despite the excellent safety record of the industry within the EU, there continues to be widespread public concern as to the extent to which these arrangements can be relied upon. Not only did the Chernobyl disaster rekindle deep-seated fears about radiation, but public anxieties about the industry's treatment and disposal of nuclear waste remain unabated.

The extent of public concern, the deregulation and opening up of (in most Member States) a hitherto secure market which has been conducive to long term capital intensive investments, plus the arrival of competitively priced natural gas used in smaller, more efficient and cheaper generation plants, are crucial factors which, according to the information currently available, make it highly unlikely that nuclear generation will be continued in most Member States when existing plants come to the end of their operating lives in the years after 2005-2010.

The prospect of such a development must raise serious strategic questions for EU energy policy. For, the loss of most of its nuclear generation would not only compromise the EU's ability to ensure satisfactory security of supply conditions in respect to the future import of fuel for electricity generation, it would also powerfully counteract the EU's efforts to reduce its CO₂ emissions.

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COM(95) 682 final of 13 December 1996.

It is a serious omission that the Commission's document fails to bring out the importance of the above strategic issues, or to assess adequately their likely impact on the EU's energy policy.

Regarding the dangers which may arise from nuclear facilities in the CEEC and the FSU, there should not be any doubt as to the deeply damaging effect on public attitudes if there were to be another major nuclear accident. The PHARE and TACIS programmes have been valuable, but they are coming under increasing criticism. Insofar as these programmes deal with nuclear safety, the Commission is urged to review them as a matter of urgency, and then to publish the results. The Commission's attention is drawn to the implications of Soviet designed reactors being brought within the boundaries of the EU when enlargement takes place.

The Commission is also asked to consider including attention to dangerous nuclear military installations within the scope of its activities. It is proposed that action to alleviate concerns about nuclear safety in the east is added to the Commission's proposed set of principles.

Nuclear generation in the EU faces major challenges, not least to its future existence. Apart from the need to review its efficiency and its reactor designs, and vigilantly to sustain and improve its existing high standards of safety, the industry has to address the question of its overall acceptability to the public. Finding a way to satisfy the public about the transport, handling and disposal of radioactive waste is seen as the key issue. Public opinion does not accept the industry's concept of final disposal. It wants waste disposed of retrievably and observably, and the industry could not do anything better than to meet the public's wishes on this key matter. The Commission should assist Member States and the industry to achieve this end.

9. AGREED COMMUNITY ENERGY OBJECTIVES

Opinion of the Economic and Social Committee on the Proposal for a Council Decision concerning the organization of cooperation around agreed Community energy objectives

(COM(96) 431 final - 96/0218 CNS)

(CES 475/97 - 96/0218 CNS)

Rapporteur: Mr Bernardo HERNÁNDEZ BATALLER (Spain - Various Interests)

Gist of the Commission document

The proposal for a Decision, submitted by the Council, is based on the Commission's work on the creation of a Community energy policy.

The following points are made to support the establishment of such a policy:

- The Single Act and, more recently, the TEU, together with the advent of EMU, require - if the objective of economic convergence is to be attained - the creation of a single energy market and its smooth functioning, given the sector's strategic nature and indispensable character for economic growth and welfare.
- Treaty Article 130(3) is also of paramount importance for the introduction of a Community framework for energy, since it enables the EU to propose measures intended to support the overall competitiveness of the Community, particularly its industry.
- Reference is also made to the Commission's report to the IGC on civil protection, tourism and energy (SEC(96) 496 final), which also advanced arguments for a more coherent approach to energy policy at Community level.
- Moreover, the general public's increasing environmental concerns, which are taking on an international dimension, demand the creation of a cooperation framework for energy, in order to attain better economic and social development in the EU.
- Lastly, the text also mentioned the Community's energy dependence on third countries, making coordinated policy in this field necessary.

In this context, the Commission relaunched the debate on the possible future shape of a Community energy policy on the basis of the Green Paper "For a European Union Energy Policy", published early in 1995, involving all concerned actors in the energy sector, other Community institutions and the Member States.

On the basis of the results of the debate, the Commission adopted the White Paper "For a European Union Energy Policy" on 13 December 1995, which sets out the Commission's views on how energy policy at Community level should develop and presents detailed arguments on why putting in place a Community energy policy framework is necessary if overall Community objectives are to be achieved.

The text emphasizes the lack to date of a Community energy policy, resulting in each Member State adopting its own solutions to its energy supply and demand situation.

In the past, Community energy policy initiatives set sectoral objectives for the Community, which were soon overtaken, not only because a single source of fuel does not now exist, but also because the objectives were not designed to further the economic integration of the Member States.

The proposal in question therefore sets out to establish a framework for energy cooperation between the Community and the Member States around energy objectives agreed at Community level.

This position is supported by the Resolution of the Energy Council of 7 May 1996 on the White Paper, which considers that the agreed common energy objectives identified in the Resolution on the Green Paper should be implemented at Community level and invites the Commission to put in place a process of cooperation between the Community and Member States in order to ensure that Community and national energy policies are compatible with these objectives.

In order to implement these energy policies, it is proposed to draw up a list of agreed Community energy objectives based on a cooperation policy to ensure that national energy policies and measures are consistent with agreed Community energy objectives.

The draft decision sets out a list of energy objectives based on the White Paper referred to above, in which broad general policy guidelines are given, with particular emphasis on competitiveness, environmental protection, security of supply, external energy relations and the promotion of energy efficiency and renewables.

Quantitative targets were considered for energy efficiency and renewables, but although attractive, these were not adopted.

In order to achieve the agreed energy objectives, the Commission will draw up reports, with the support of a Committee consisting of Member State representatives, to monitor consistency between the measures declared by the Member States and the Community's proposals. The reports will be submitted to the Council, which will use them as the basis for its work in preparing a Community energy policy framework. Only by means of this cooperation can the energy measures adopted by the Community be compatible with the agreed objectives and support the measures taken by the Member States.

This framework will provide for continuing work in the energy field which currently underpins discussions and evaluation of energy policy development in the Member States and the Community.

The Council Resolutions on the Green and White Papers point to the need for taking a long-term cooperative approach with Member States, industry and research centres in order to promote exchanges of information and experience, to identify issues of Community concern and to transfer best analytical practice. This initiative will further contribute to the development of coherent energy analysis procedures, which will help to highlight the key issues in relation to the three pillars of energy policy namely, competitiveness, environment and security of supply.

In conclusion, the document refers to the need for timely implantation of the attached proposal in order to ensure that the necessary transparency of Community and national energy actions is achieved.

Gist of the opinion

The Committee welcomes this initiative by the Commission.

In its specific comments, the Committee takes into account the cooperation framework and the objectives set out in the proposal. The Committee feels that if the compatibility of national energy policies with the agreed energy objectives are to be verified, it will have to be clearly and precisely stipulated, in future, how this cooperation, exchange of information and joint examination of national energy policies are to be established and maintained. The Committee also backs the aim of increased transparency of action in the energy sector through the regular publication of a report on energy policy developments at Community and Member State level in relation to the agreed objectives. The report will serve as a basis for evaluation and adjustment of energy objectives.

The lack of a common energy policy or of greater cooperation in the energy sector results in duplication of Community and national measures. Since national energy policies and Community energy initiatives are complementary, they should be viewed as a whole, since their effectiveness depends on their consistency with each other. Whilst the Committee feels that the definition of Community energy objectives is crucial, equally crucial is their practical implementation and the instruments required for this. At the same time, however, the Committee is aware that the attainment of the Community objectives involves using all the instruments provided under the Treaties in a coordinated fashion and in line with the subsidiarity principle.

Finally, the Committee would insist on the importance of stepping up research and development and the dissemination of new and better technologies in the energy sector.

10. HUMAN RIGHTS (*Own-initiative Opinion*)

Opinion of the Economic and Social Committee on the *European Union and the external dimension of human rights*

(CES 474/97)

Rapporteur: Mr Thomas ETTY (Netherlands - Workers)

Reasons for drafting an own-initiative opinion on the European Union and the external dimension of human rights

In November 1995, the Commission sent a communication to the Council on the European Union and the external dimension of human rights policy: from Rome to Maastricht and beyond (COM(95) 567 final). This document deals with both the record of the European Union to date and the EU's role in the future and will be taken as the basis for the study group's work.

Respect for human rights is one of the main prerequisites for membership of the EU, a basic principle governing all its activities. Article F(2) of the Treaty on European Union states that the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights of 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.

The commitment to respect, promote and protect human rights, democratic principles and fundamental freedom, is a key element of the European Community's relations with third countries and is identified for the first time in the body of the text (rather than in the preamble) of the Maastricht Treaty as one of the main objectives of common foreign and security policy.

In the same way European Community development policy "shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms" (Art. 130u(2) of the Treaty on European Union).

To help it meet these commitments, the Community has a broad range of instruments at its disposal, including Union intervention in international forums and specific operations aimed at bolstering the rule of law and respect for human rights in the context of relations with non-member countries, e.g. taking account of human rights in contracted relations with third countries.

These provisions constitute a decisive advance in the development of an essentially economic community into a political body. In the founding Treaties and prior to the Single European Act (in which political cooperation is formally enshrined) no explicit reference had been made to human rights on the relevant international instruments. Prior to the Single European Act, in the absence of formal reference to these issues the criteria of human rights and democratic principles were gradually introduced in the Community's external relations through the position adopted by the Community institutions and the leaders of state or government.

From the Single European Act onwards, the positions adopted by the Community became increasingly operational in application, identifying priorities for action and paving the way for the incorporation of respect for human rights in the Treaty on European Union.

At the same time the Commission has increasingly included respect for human rights as a criterion in the preparation and implementation of Community action and has conducted a thorough assessment of the instruments and objectives of its activities in this sphere.

It is proposed that the Committee's Opinion on the external dimension of human rights policy should comment on and attempt to add new impetus to/suggestions on the basic underlying principles, the priorities set and the instruments used. In this respect, the opinion should touch upon two fundamental questions:

- the future development of EU human rights policy along intergovernmental, or rather along Community, lines, and
- specific aspects of future majority decision-making in this field, with the inclusion of organizational and institutional consequences.

Although the opinion will deal primarily with the external dimension of the EU's human rights policy, it seems important to give some views on the consistency between the external dimension and the EU's internal human rights policy.

On the issues relating to the social dimension of international trade (e.g. the inclusion of "core labour standards", as defined by the Commission, in multilateral trade relations and which would form the social clause in multilateral trade agreements under the WTO), it has been agreed that these would be dealt with in the opinion on the global challenge of international trade: a market access strategy for the European Union.

Gist of the opinion

The principal aim of this opinion is to indicate what, in the ESC's view, should be the main thrust of a coherent, consistent EU human rights' policy. The Committee also calls for the key elements of this policy to be the subject of wider debate in Europe than has hitherto been the case.

An important basic principle which the ESC feels should be applied here is that internal and external human rights' policies should be firmly linked. Moreover, if the EU's human rights' policy is to be both consistent and coherent, clearer links must be established between EU policy and the policies of the Member States in this field. The ESC inclines towards (ultimately) opting for a policy determined at EU level, provided that adequate democratic control can be ensured.

Finally, the ESC would reiterate that the EU should, in collaboration with the Member States, continue to seek to strengthen the United Nations.

The Commission document does not contain clear, strategic guidelines for the implementation of a coherent human rights' policy. The ESC has the impression that EU policy to date has generally been determined on a case-by-case basis.

There would appear to be three ways to strengthen the EU's internal human rights policy; EU accession to the European Convention for the protection of human rights and fundamental freedoms; the drawing-up of the EU's own "bill of rights"; and incorporation of a number of specific provisions on human rights in a protocol to the Maastricht Treaty.

An EU "Bill of Rights" would incorporate not only civil and political rights but also economic, social and cultural rights, as laid down in, inter alia, the European Social Charter.

The ESC proposes that a number of specific human rights provisions be set out in the Protocol to the Treaty of Maastricht.

The ESC categorically and unreservedly endorses the principles on which the EU human rights policy is based. The ESC also endorses the Commission's view as regards the policy implications of these principles, in particular in respect of the relative nature of the principle of "non-interference"; the expression, in whatever way, of concern over the violation of human rights and the insistence on these rights being respected cannot be regarded as interference in the internal affairs of a state. The ESC also takes the view that, in discussions of human rights problems with non-EU states, the EU must take full account of the major political, economic, social, cultural and religious differences between the various countries in the world and of specific needs of some states.

In the context of the common foreign and security policy, the ESC calls upon the Commission to examine the long-term possibilities as regards the partial extension of majority voting, to the issue of safeguarding human rights. Such a step would however only be possible if considerable progress were made beforehand in bringing about greater democracy in the EU.

In the agreement which it has concluded with third countries, the EU has also rightly sought to pursue a twin-track approach to promoting respect for human rights: on the one hand, it has taken positive steps to encourage greater respect for fundamental human rights in partner countries, whilst, on the other hand, being ready to adopt sanctions as a last resort. The ESC believes that agreements with third countries do not yet include adequate arrangements for monitoring compliance with human rights clauses.

The ESC shares the Commission's view that the ILO's human rights' conventions are important instruments of human rights' policy. The ESC does not share the Commission's (apparent) view that international labour standards drawn up by the ILO are either exclusively or mainly of relevance in the context of bilateral or multilateral trade relations. The ESC takes the view that there is much scope for EU-ILO cooperation in the field of human rights in a way which ties in well with the objectives of EU policy.

The Commission rightly attaches considerable importance to preventive aspects of its policy to promote human rights and democratic principles. The EU and its Member States must do their best to strengthen the role of the UN.

Efforts must also be made to make the human rights policy more cohesive - up to now it has been implemented in a rather fragmented way.

In the ESC's view, the Commission should, in the section dealing with strengthening and broadening the scope of EU instruments, state that the EU wishes to make a distinct contribution, to the campaign to achieve (still) broader ratification of the ILO Conventions on basic human rights.

A policy to promote the establishment of States governed by the rule of law, democracy and human rights will almost always be a long-term policy.

The Commission document ignores involvement of non-governmental players in infringements of human rights. In the ESC's view this matter should be discussed between the Commission and the business world.

The ESC takes the view that the EU should seek to bring about greater cooperation between the international bodies dealing with human rights' policy.

The ESC would like to put forward three practical proposals for measures which the EU could take in the context of its short and medium-term human rights policy. These proposals are as follows: the establishment of an advisory body; the publication of a "Human rights reference handbook" and joint action to counteract attempts by third countries to make agreements subject to qualifications.

11. 1997 ANNUAL ECONOMIC REPORT

Opinion of the Economic and Social Committee on the 1997 Annual Economic Report
(COM(97) 27 final - 96/0290 CNS)

(CES 471/97 - 96/0290 CNS)

Rapporteur: Mr Harry BYRNE (Ireland - Employers)

Gist of the Commission report

The Commission views the present economic trends in the Community with a modest degree of optimism based on the following factors:

- The slow-down in growth which started in 1995 is seen to have ended in mid-1996 and although therefore growth will have reached a three year low of 1.6% in 1996, the Commission is forecasting that this will be the bottom of the cycle and that in 1997 and 1998 growth will advance to 2.3% and 2.8% respectively.
- Although this will lead to an increase in employment when account is taken of the growth in the working population, the impact on unemployment will be relatively small and concentrated in 1998 with the rate across the Community expected to fall to 10.4% compared to 10.9% in 1995.
- Inflation continues to decline and encouragingly even countries with relatively high inflation have participated in the decline bringing a greater degree of convergence in inflation rates across the Community.
- Both long and short term interest rates have continued to decline and again there are welcome signs of convergence with high interest rate currencies (ITL, ESP, PTE) narrowing the long term differential against the DEM.
- While the exchange rate mechanism continued to be relatively tension-free and was joined by the Finnish markka on 14 October 1996, the UK pound which is of course outside the ERM has risen sharply against the DEM.

Gist of the opinion

The present opinion gives the Economic and Social Committee a welcome opportunity to contribute to preparation of the "**broad guidelines of the economic policies of the Member States and of the Community**" which are specified in Treaty Article 103(2). The Member States have in fact made substantial progress, which should be consolidated, towards stability and "**nominal**" convergence (the Maastricht

criteria). The Committee points out that **convergence in real terms** of the economies - jobs, per capita growth and interregional cohesion - is still inadequate. The Committee also believes that the economic outlook for 1997 must be looked at with realism and caution.

The Committee endorses the Commission analysis of the reasons for the inadequate growth rates and deterioration on the employment front which was recorded in the first half of the 1990s: inadequate increase in productive capacity, fiscal looseness in some Member States with regard to public expenditure and wage policy - contrary to the stability objectives - turbulence on the currency markets and devaluation of various currencies. Due to the rebalancing of the macroeconomic policy-mix there seems to have been a turnaround in 1996.

The Committee stresses that the governments and economic and social representatives have a key role to play in boosting the economy and thus creating more jobs. They must continue to apply the policy mix that will eventually, through stability, lead to easier job creation. The Community must tackle unemployment with the same determination with which it is pursuing monetary convergence. Consequently, the *broad guidelines of the economic policies of the Member States and of the Community* will assume greater importance. Indeed one needs a comprehensive economic policy at EU level in order to pursue the employment objective without damaging the substance of the European model and to create in the mean time fair competition conditions. Business and labour must develop a firm political will to create through consensus mechanisms the jobs asked for by the European citizens.

12. LIVING AND WORKING IN THE INFORMATION SOCIETY

Opinion of the Economic and Social Committee on the *Green Paper on living and working in the information society: people first*
(COM(96) 389 final)

(CES 456/97)

Rapporteur: Mr Roger BURNEL (France - Various Interests)

Gist of the Commission document

The importance of the information society (IS) as a positive force for change was highlighted in the Commission's 1993 White Paper on growth, competitiveness and employment. This white paper, together with the subsequent report "Europe and the global information society", launched an important series of initiatives to help shape and promote the IS in Europe.

The Commission's 1994 Action Plan "Europe's way to the information society" presented an overview of the Commission's work programme on the information society and placed an important emphasis on social and societal questions. These issues were also highlighted in the Commission's European confidence pact for employment. This green paper is part of a package of initiatives being developed by the Commission to update and take forward the 1994 action plan.

A high level group of experts began its work in May 1995 and presented its preliminary report "building the information society for us all" in February 1996. In parallel, the Commission created an information society forum, which is broadly based and consists of 128 members. The forum's first annual report was adopted in June 1996. The IS was also one of the four main topics of the first European forum on social policy held in Brussels in March 1996.

The Commission has decided to present a green paper in order to promote wide discussion and awareness of the social and societal issues involved.

The objective is to invite comments on and discussion of the green paper and of the two associated reports of the high level group and the forum. The Commission will present action proposals in 1997.

All Member States are engaged in one way or another in reviewing the social challenges of the emerging information society. Recognizing fully the principle of subsidiarity, the Commission will examine the extent to which there would be added value from pooling of experience through demonstration projects or other initiatives, joint sponsorship of research, and systematic exchange of information, as a complementary and catalytic contribution to the policies and measures pursued within Member States. The Structural Funds have a key role to play in this process, in particular Objective 4 and the ADAPT-BIS Community initiative.

The green paper also complements a range of activities already underway in other areas of Commission work, notably the White Paper on teaching and learning, which focuses on the skills and knowledge which will be necessary for people's full participation in the information society, as well as the forthcoming initiative "learning in the information society".

Within the framework of existing cooperation, this green paper is intended to:

- deepen the **political dialogue** with the European institutions and the Member States, notably on employment policies in the framework of the Essen process (the single report to the European Council in December 1996 and the development of the multiannual programmes 1997);
- focus the **social dialogue** between employers and unions on these issues and stimulate joint initiatives at a European level;
- stimulate **civil dialogue** notably with the NGOs, on the basis of the conclusions of the European social policy forum in March 1996.

Gist of the opinion

The ESC agrees with many of the green paper's points. However, it regrets to note the following:

Too little attention is focused on **daily life**, an area where ICTs exercise a powerful attraction, offering the prospect of huge markets and therefore jobs.

The ESC has already called for studies to evaluate the investment needed to set up and operate information highways and new services, and to assess the effect on employment.

It would be logical to ensure that the discussion encompasses the impact of ICTs as *a means to an end*, with all the advantages and risks they entail, in an attempt to neutralize those risks or minimize their effects in advance.

Following the Dublin colloquium, the Commission began consulting the organizations with which it is in regular contact.

The ESC would be most interested in seeing the results of the consultation. It hopes that provision has been made for some feedback to the bodies and individuals who have answered the Commission's call.

A European employment observatory, constantly covering the positive and negative effects of ICTs, would help greatly in taking predictive decisions.

ICTs are accused of encouraging business relocations. On the other hand, they also contribute to the renovation of national or European problem areas and to safeguard or create jobs.

ICTs have made teleworking possible: this is the ideal solution for some, but can have the undesirable effect of creating or aggravating a feeling of isolation. Hence the importance of objective information and case-by-case advice.

ICTs have also enabled **new forms of home shopping** to be developed. This poses problems for certain types of customer, who must be protected against unfair practices and hasty decisions.

SMEs do not have the resources available to large companies to make use of certain types of ICTs. The ESC has two wishes: firstly, that in relation to ICTs, SMEs receive assistance in terms of advice, training and equipment and secondly, that consideration be given to the possibility of establishing forms of partnership between them and experienced businesses.

The ESC has always advocated appropriate, up-to-date training at the earliest stage. It shares the green paper's concerns and endorses its proposals.

ICTs must be built into curricula at every stage of education as a tool.

The ESC highlights the importance of analysing companies' and people's needs.

The ESC would recall its earlier positions and comments, particularly:

- its opinion on the revamping of the directive on television without frontiers (particularly paragraphs 2.2, 3.16 et seq.);
- its opinion on the Media II programme.

In an opinion on the Communication from the Commission "Europe's way to the information society: An action plan", adopted in 1995, the Committee considered that *"the Commission's proposed timetable for the liberalization of [telecommunications] infrastructure cannot reasonably be introduced without having first clearly defined the concept of universal service - including the reasons for it, the stakes involved, the safeguard mechanisms that go with it, its development, and the financial arrangements"*.

The ESC notes that the content of the universal service is only now being specified and that the funding, apart from that for a hesitantly-defined universal service, will not be provided by operators.

The ESC endorses the green paper's concluding argument on the need to strengthen all expressions of pluralism at all levels.

13. SLIM: A PILOT PROJECT

Opinion of the Economic and Social Committee on Communication from the Commission to the Council and the European Parliament - Simpler Legislation for the Internal Market (SLIM): A Pilot Project

(COM(96) 204 final)

(CES 457/97)

Rapporteur: Mr Philip H. NOORDWAL (Netherlands - Employers)

Gist of the Commission's communication

During the informal meeting of the Internal Market Ministers in Rome on 24 February 1996 there was a consensus in favour of launching a "pilot scheme" to assess how best to reduce the burden on business of single market rules in particular sectors. The Commission's communication from May 1996 proposes the following three guiding principles:

- simplification should be targeted on a few sectors in order to demonstrate rapid and concrete progress;
- business and other interested parties should contribute directly to the exercise;
- a report should be ready for consideration by the Council at the end of 1996.

The Commission has selected the following sectors for four pilot projects:

- Intrastat, the system for collecting statistics on intra-Community trade,
- Technical regulations on construction projects,
- Legislation relating to the mutual recognition of diplomas, and
- Legislation relating to ornamental plants.

Each project is being carried out by a small "SLIM"-team (Simpler Legislation for the Internal Market), bringing together the Commission and the representatives of a few Member States and the users of legislation, such as business and consumers.

The four SLIM teams are finishing their reports in time for the November meeting of the Internal Market Council, which will:

- summarize the need for simplification, including the identification of any national legislation which poses problems for users;
- outline proposals considered by the SLIM teams and their likely effects;
- if appropriate, propose further action;
- report on progress being made on codification and related methods of simplification; and
- evaluate the effectiveness of the approach adopted in the pilot project.

With this May communication, the Commission invited the Council and the European Parliament to support its initiative and to examine constructively the conclusions of the report on the outcome of the pilot projects which the Commission will present in November 1996.

Gist of the Opinion

The Committee welcomes the SLIM initiative and thinks that it is a long wanted need that has now been identified and implemented.

Member States should in parallel with the Community simplify their legislation at all levels (national and local) especially that which results from the transposition of Community legislation.

The Commission should take a vigorous and active approach to auditing transposition and enforcement of EC legislation at national level in order to avoid, in particular, that national legislation or practices hamper the unity of the Community market.

14. IMPACT AND EFFECTIVENESS OF THE SINGLE MARKET

Opinion of the Economic and Social Committee on the *Communication from the Commission to the Council and the European Parliament - the Impact and Effectiveness of the Single Market*
(COM(96) 520 final)

(CES 476/97)

Rapporteur: Mr Flavio PASOTTI (Italy - Various Interests)

Gist of the Commission's communication

The communication identifies the preliminary, positive effects of the Single Market Programme (SMP), suggesting that it has resulted in more jobs, higher income, lower inflation rates and more economic convergence and cohesion between different EU regions.

It also states that these effects will continue to grow in the future, to the extent that the single market is properly implemented and economic operators actually readjust themselves to the new, more competitive environment created.

The communication then addresses what has been achieved and what still needs to be done in the following areas:

- the free movement of persons;
- the single market and social policy;
- consumer interests;
- environmental protection;
- the free movement of products (with particular reference to the abolition of technical trade barriers);
- the free movement of services;
- the free movement of capital and
- public procurement.

The communication lists a number of obstacles to free movement and outlines a series of specific priority measures as the basis for a new political commitment to the single market:

- Problem: ineffective implementation, enforcement and redress. Solution: initiatives to strengthen Community rules, a framework for enforcement policy, audits of national enforcement measures, mobilizing technical and scientific expertise, speeding up infringement procedures, and monitoring the operation of the single market.
- Problem: gaps in the legislative framework. Solution: finishing off the 1985 white paper, and a single market for tomorrow's economy (especially within the information society, biotechnology, services and the energy market).
- Problem: over-complicated rules. Solution: SLIM (Simpler Legislation for the Internal Market).
- Problem: obstacles at national level. Solution: register of national market-fragmenting measures, reduction of administrative burdens, and more and better exchange of information.

In conclusion, the communication defines the single market as politically centre-stage as a key instrument by which the four current priorities of the Union can be delivered:

- creating employment;
- adapting to the globalization of the world economy;

- contributing to the conditions for the success of the EMU, and
- developing the Union's relationship with the central and eastern European countries (CEEC).

For this communication a large number of studies (the so-called Monti Studies) have been drawn up in the following fields: impact on manufacturing, impact on services, dismantling of barriers, impact on trade and investment, aggregate and regional impact, as well as a business survey.

Gist of the opinion

The Committee's opinion assesses various critical elements of the SMP:

- *A cultural leap forward*

The players' attitudes have changed: we now feel more like citizens of Europe, and the single market has been a factor in that.

- *The time-scale of the single market*

The Committee welcomes the announcement of the Commission to draw up an action plan in order to achieve the single market in time for the arrival of the single currency, as advocated by the Committee since 1995. Since the deadline "1999" leaves less than two years to complete this programme, the most complex, outstanding problems could be given more time; but not beyond the year 2002.

- *Players and regulators*

The Committee therefore underscores the need for cooperation between the public authorities of the Member States and other countries within the EEA, both directly and with the EU, for an effective relaunch of the commitment to complete the single market.

The SMP must be viewed in the broader context of all Community policies; these instruments must be coordinated as closely as possible, in order to help the EU to meet the challenges of employment and economic globalization.

15. SMEs CROSS-BORDER RELATIONS (*Own-initiative Opinion*)

Opinion of the Economic and Social Committee on *SMEs - Cross-border relations (Single Market Observatory)*

(CES 468/97)

Rapporteur: Mr Eugène MULLER (Luxembourg - Various Interests)

Co-Rapporteur: Mr Christos FOLIAS (Greece - Employers)

Subject of and reasons for the request for authorization to draw up an Opinion

The Single Market Observatory's main task is to check out complaints concerning the Single Market's malfunctioning and to propose remedies.

The first cases of complaints against obstructions to transfrontier services, imposed by national authorities, have already been made known to the Committee. It wants to make its first enquiry on these cases. They relate to problems, mainly encountered by small and medium-sized enterprises, in administrative law, taxation, labour regulations, environmental protection and so on.

The lack of uniform regulation of standardization and certification is badly influencing small and medium-sized enterprises, mainly in border regions. That is why this point shall be addressed as well.

By means of presentations of real cases the Committee's function as a Single Market Observatory shall be tried out in two hearings in inter-Community border regions, one in Luxembourg, comprising France, Belgium, Netherlands, Germany and Luxembourg, the other in Innsbruck, comprising Italy, Germany and Austria, taking into account national and regional authorities' opinions as well. By way of moderation the Committee could attain a capacity for problem solving in real cases in addition to suggest proposals for optimizing the functioning of the Single Market.

Gist of the opinion

A considerable number of problems meriting consideration came to light at the Luxembourg and Innsbruck hearings. For information, the main problems mentioned were: excessive administrative burdens and regulatory constraints in relation to the volume and frequency of cross-border trade, procedures for registering firms, unsuitable ecotax systems and rules on packaging, tax and social representation, double taxation of firms and workers, unsuitable means of redress, limited access to public contracts, etc.

The ESC wishes to stress a number of actions and measures which could improve the situation outlined above. These actions are situated at EU level, national and regional level and at the level of occupational organizations, support bodies and intermediaries.

On the basis of this opinion, of its findings and of the measures needing to be taken, the Committee hopes to exploit to the full its role as a direct and privileged discussion partner of the Commission and European Parliament.

The Committee will be considering the best way to contribute to the collection and dissemination of experience gained and of model activities undertaken in the various frontier regions of the European Union.

16. PETROL QUALITY/VEHICLE EMISSIONS

Opinion of the Economic and Social Committee on the

Communication from the Commission to the European Parliament and the Council on a future strategy for the control of atmospheric emissions from road transport taking into account the results from the Auto/Oil Programme;

Proposal for a European Parliament and Council Directive relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC, and the

Proposal for a European Parliament and Council Directive relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directives 70/156/EEC and 70/220/EEC

(COM(96) 248 final - 96/0163 COD - 96/0164 COD)

(CES 473/97 - 96/0163 COD - 96/0164 COD)

Rapporteur: Mr José Ignacio GAFO FERNÁNDEZ (Spain - Employers)

Gist of the Commission document

On 18 June 1996 the Commission agreed upon a strategy - the "Auto Oil" package - to combat pollution caused by cars, lorries and buses. The package is based on the results of a collaboration between the oil and automobile industries and the Commission; the aim is to reduce road-transport emissions by the year 2010 by 60-70% as compared to today's levels.

At the same time the Commission adopted two of the proposed Directives needed for carrying out the strategy: a proposal for stricter emission standards for passenger cars and a proposal for quality standards for petrol and diesel fuels to be implemented by 1 January 2000.

Further proposals resulting from the Auto Oil programme will be put forward in 1997.

The aim of the Auto Oil package is to achieve extremely rigorous air-quality objectives for the most important pollutants, and the total cost of the legislative package - including the proposal which is planned for 1997 - will be 5.5 billion ECU per annum.

The Directive on fuel quality (COM(96) 248 final)

The Directive comprises the following three aspects:

- harmonization of limit values for various pollutants in petrol and diesel oil;
- possibility of derogations in areas with particularly serious air pollution;
- a phasing-out of leaded petrol by the year 2000.

The Directive on vehicle emissions (COM(96) 164 final)

The aim of the proposal is to reduce the emissions of various pollutants by 20-40% by the year 2000, by tightening limit values for tailpipe emissions. Thus the Directive amends Directives 70/220/EEC and 70/156/EEC.

To ensure that these limit values are respected, testing procedures - both the car's on-board diagnostic equipment and the type-approval procedure at the factory - will be amended and tightened up.

In 2005 the limit values will be made even stricter. The present proposal will thus enable the automobile industry to prepare itself now for future legislation.

Gist of the opinion

The Committee supports the aim of improving air quality which these draft directives seek to achieve. The Committee also believes that such measures need to be supported by others in areas such as building up public transport and improving traffic management.

The Committee urges the Commission to support the automobile manufacturing industry under the Framework Research Programmes and a selective fiscal approach aimed at sustainable private vehicle use, with incentives for "clean cars" and for the implementation of the Auto/Oil Programme.

The Committee questions the need to set up a system of control of compliance of vehicles in use. It would therefore urge the Commission to study alternative formulas, such as a voluntary agreement in this sphere with the European car industry.

The Committee considers the proposal, as presented by the Commission, to revise the fuel quality and emission limit values by 31 December 1998 to be superfluous, principally because it is necessary to wait and see the combined effect of all the measures adopted on the air quality of urban areas in Europe before assessing whether or not further measures are required. Any such further measures would have to be duly justified in cost-effectiveness terms.

The Committee welcomes the fact that the Auto/Oil II Programme for the period up to 2005 is already being drawn up.

The Committee agrees with the Commission on the need to have reference targets, which are scientifically and economically verifiable. It therefore urges the Commission and the industry to speed up progress on the Auto/Oil II Programme so that appropriate reference targets can be established before the year 2000.

The Committee considers that tax-based environmental incentives are only acceptable if they serve to accelerate the application of stricter standards, approved at Community level, if they are calculated as a fraction of the incremental cost of complying with such measures, and if they do not lead to distortions of competition.

17. 7th ANNUAL REPORT ON THE STRUCTURAL FUNDS 1995

Opinion of the Economic and Social Committee on the 7th annual report on the Structural Funds 1995

(COM(96) 502 final)

(CES 461/97)

Rapporteur: Mr John SIMPSON (United Kingdom - Various Interests)

Gist of the Commission document

The 7th annual report reviews Structural Fund activities in 1995. This was the second year of implementation of the 1994-99 programming period, and was the year in which the new Member States were integrated into the structural policies.

In addition to the areas habitually covered every year - the implementation of Fund objectives, types of measures, strategies, and financial contributions by region and by country - new matters are dealt with, including ways and means of implementing partnership with the regions and the action taken by the Commission to disseminate good practice. The report also contains a wealth of financial data, with 1995 placed in the context of the 1994-99 programming process. Another innovation is the environmental thread running through the report, reflecting the way in which environmental considerations are taken into account in the programming of all measures.

The report is divided into four chapters:

- the implementation of the various structural operations in 1995;
- budgetary implementation in 1995;
- institutional matters concerning the Structural Funds, including dialogue between the Community's various institutions and with the social and economic partners, and information on the work of the Funds;
- the achievements of the 1989-93 programming period, including ex-post evaluation of additionality and of Community objectives and initiatives.

Gist of the opinion

The opinion welcomes the report, and suggests a few ways of improving future reports.

18. FIRST COHESION REPORT

Opinion of the Economic and Social Committee on the *First Cohesion Report*
(COM(96) 542 final/2)

(CES 469/97)

Rapporteur: Mr Vasco CAL (Portugal - Workers)

Gist of the Commission report

The report is the first to be issued by the Commission under Article 130b of the Treaty on European Union, which stipulates that

" The Commission shall submit a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions every three years on the progress made towards achieving economic and social cohesion and on the manner in which the various means provided for in this article have contributed to it."

The report analyses trends in cohesion, and looks at the contribution of Member States' policies to cohesion objectives and the effect of the EU's structural and non-structural policies on cohesion. The findings are used to chart the course of future EU policy in this field.

Analysis of cohesion trends between Member States, regions and social groups shows that the gap between the four poorest Member States and the rest has closed by one fifth since the mid-1980s. Over the same period, their average per capita income has risen from two thirds of the EU average to three quarters. It also emerges that unemployment remains the most serious problem for the EU as a whole, bringing exclusion and poverty. Unemployment rates differ greatly, from 2.6% in Luxembourg to 23% in Spain.

While Member States have different policies for promoting cohesion, they all help to reduce income and employment disparities at national level, although they have not been sufficient to prevent a widening of regional and social disparities within the Member States. The macroeconomic measures taken to meet the Maastricht criteria can also be seen as a sound basis for efforts to boost cohesion.

As regards the EU's non-structural policies, the report notes that:

- social policies have done much to foster integration and cohesion, particularly in the fields of labour legislation, health and safety at work, free movement of persons and equal opportunities between men and women;
- the common agricultural policy (CAP) has helped to close the gap between rich and poor, particularly since the 1992 reform which replaced price support by direct payments to farmers, although a more integrated rural development policy is needed;
- the positive results of the single market programme have enabled countries such as Spain and Portugal to increase their exports to their partners;
- in competition policy, the lack of budgetary capacity has prevented the poorest Member States from taking full advantage of the derogation which permits state aid for investment for regional development purposes;
- the analysis of research and technological development (RTD) policy shows that research contracts are concentrated in the major specialist centres, most of which are in the north, despite efforts to integrate poorer and more peripheral regions;

- the trans-European networks policies are expected to open up the peripheral regions, although efforts are needed to ensure that the poorest and most outlying regions have access to the transport, telecommunications and energy networks.

The report points out that the EU's structural policies have helped to promote environmental protection, the creation of infrastructure, and education and training, and that Structural Fund aid for the 1989-93 programming period produced 0.5 percentage points of additional growth per year in the four cohesion countries (Spain, Greece, Portugal and Ireland), increasing their average annual growth rate from 1.7% to 2.2% and creating over 500,000 new jobs. However, the richer Member States also benefited from these policies, as up to 40% of all the funding that flows into the poorer Member States returns to the richer ones in the form of purchase of know-how and capital goods.

The report draws two main conclusions:

- cohesion and structural policies need to be made more effective, with simpler procedures and better financial engineering;
- the funds should be better geared to the needs of the EU's citizens, and should focus more on job creation, RTD, environment protection and equal opportunities.

Gist of the opinion

The opinion analyses the various chapters of the report and puts forward recommendations for the revision of the funds for the next programming period.

19. LEGAL PROFESSIONS

Opinion of the Economic and Social Committee on the proposal for a European Parliament and Council Directive establishing an action programme to improve awareness of Community law for the legal professions (Robert Schuman Project)
(COM(96) 580 final - 96/0277 COD)

(CES 466/97 - 96/0277 COD)

Rapporteur: Mr Manuel CAVALEIRO BRANDÃO (Portugal - Employers)

Gist of the Commission proposal

The Community's efforts on the legislative front have now given way to a new priority, namely to ensure the effective and uniform implementation, in the Member States, of the common rules necessary to the smooth functioning of the internal market.

The Robert Schuman Project is conceived as a financial support instrument for initiatives designed to improve training and information on Community law for members of the legal profession who play a direct, crucial role in the process of implementing Community law. Accordingly, the programme focuses exclusively on judges and lawyers, who are at the very heart of the process.

The objectives of the programme are to encourage and support training, information and accompanying initiatives for raising awareness of Community law among judges and lawyers in the Member States.

Institutions which are entrusted, under the public law of the Member States, with the initial or continuing vocational training of judges or lawyers are eligible for financial support. The institutions in question normally carry out their activities at local or national level (courts, bar associations, etc.) or at Community level (European institutions). Great importance will also be attached to the cross-border dimension of initiatives.

Assisted initiatives must be conceived to allow for completion within a given time, since the Commission's financial support is granted for a limited initial period (one or two years) on the basis of a commitment by the recipient to continue its work without support from the Commission for a period at least equivalent to that for which they are given.

The Robert Schuman Project complements action carried out under other programmes such as the *Leonardo da Vinci* programme, the *Jean Monnet* Project or the *Grotius* programme.

The Commission is responsible for assessing and monitoring the programme with a view to effecting any necessary adjustments. An assessment report is to be submitted by 31 December 1999 at the latest.

The decision is scheduled to enter into force with effect from 1 January 1997.

Gist of the opinion

There is a widespread feeling that legal practitioners have not yet acquired a sufficient "Community law culture". And there is no guarantee that the national courts currently play their proper role in intra-EU legal relations and, in particular, in the relations generated by the single market.

For the reasons mentioned above, the Robert Schuman Project is particularly apposite, despite the modest funding envisaged. It seeks to make the 100,000 or so judges and 450,000 lawyers in the Community realize the importance of their role in ensuring the application of Community law, providing them with additional specific resources to help them play their role to the full.

The Committee supports the proposal, but it has some specific comments:

The project solely concerns judges and lawyers, and excludes all other members of the legal profession.

As the Member States have different concepts of the term "judge and lawyer", each should use its own concept.

The Committee nevertheless stresses the considerable importance of legal practitioners within companies, organizations and associations as regards day-to-day experience and practical application of Community law. In this context, the Commission proposal already states that "the possibility of extending the scope of the project could be envisaged in connection with the assessment and monitoring arrangements referred to in Article 9". The Committee hopes that when the time comes, such an extension will indeed be considered.

Nonetheless the Commission's justification for initially restricting the proposal to judges and lawyers is sound. Firstly, it is necessary to set clearly delimited objectives and concentrate the modest resources available in order to ensure the effectiveness of the scheme. Secondly, the real objective of the scheme is to improve the practical enforcement of Community law by the courts, and this depends on judges and lawyers, and only very indirectly on other legal practitioners.

There are arguments both for and against the inclusion of "future" judges and lawyers.

On the minus side, their inclusion would considerably extend the scope of the scheme and thus diminish its impact and effectiveness.

Furthermore, universities and other specialist institutions providing basic training for future judges and lawyers are generally already well aware of the objectives of the scheme, although it is hoped they will be provided with more effective means for pursuing these objectives.

Also, it is the older and more senior judges and lawyers who have proved less willing and able to assimilate Community law.

It might therefore be best to make them the priority target of the scheme.

20. ROAD TAXES AND CHARGES

Opinion of the Economic and Social Committee on the Proposal for a Council Directive on the charging of heavy goods vehicles for the use of certain infrastructures
(COM(96) 331 final - 96/0182 SYN)

(CES 458/97 - 96/0182 SYN)

Rapporteur: Mr Joël DECAILLON (France - Workers)

Gist of the Commission document

This proposal for a Council Directive is to replace Directive 93/89/EEC⁵ on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures which was annulled by the European Court of Justice on 5 July 1995 on grounds of procedural irregularities⁶. To avoid a legal vacuum the effects of the Directive were to be maintained until the Council had adopted new legislation.

The general aim, warranted by the need to fulfil these legal obligations, is to further the development of the internal market by ensuring that the proposal reduces distortions to competition. This objective is achieved by further harmonizing tax and user charge levels for identical vehicle categories, irrespective of the country of registration. However, the correct functioning of the internal market also requires the provision and maintenance of adequate infrastructure, the costs of which need to be recovered from users. For this to be carried out fairly, greater differentiation in charges is necessary. Similarly, provisions are needed to allow charges to reflect different levels of external costs. Finally, charging has increasingly to be carried out on a territoriality basis so that costs are recovered where they arise.

The main features of the Directive are:

- the introduction of greater differentiation in the levels of annual vehicle taxes and user charges for individual vehicle categories in line with the costs caused;
- the introduction of changes in the rules governing vehicle taxes, user charges and tolls to put greater emphasis on the use related element (notably user charges and tolls) so as to move towards the principle of territoriality in charging for road use;
- a further harmonization of the structure and levels of vehicle taxes and charges across the Community;
- the introduction of the possibility of an external cost element in tolls and user charges;
- the introduction of the concept of sensitive routes for which a larger external cost element can be charged, in recognition of higher external costs on them;
- specific requirements for shorter period user charges. It is also proposed that their rates should be made more attractive, thereby encouraging a move towards marginal cost charging.

The proposed changes will only have a marginal impact on transport costs (the forecast increase in the price of goods is only 0.008%), but they ought to encourage road transporters to opt for less polluting vehicles which cause less damage to the road infrastructure. The Commission thus feels that the proposal will lead to a sharp

⁵ OJ C 19 of 25.01.1993, page 74.

⁶ Court Ruling of 05.07.95 - Case C-21/94. European Court Reports 1995, pages I-1827.

drop in emissions, reduce congestion on "sensitive" routes and enable savings of ECU 1.6 to 4 thousand million to be made on infrastructure costs.

Gist of the opinion

The Committee appreciates the efforts made by the Commission to accompany its proposal with an analysis - which while open to debate is relatively complete and reliable - of what the practical implications of that proposal would be and to submit a draft which:

- respects the principle of differentiating between vehicle classes but is still simple enough for rapid application without additional administrative costs;
- complies with the principle whereby taxation is calculated as closely as possible in line with the actual use of the infrastructures;
- advocates, simply and straightforwardly, the integration of external costs into the various ways in which charges are levied, while at the same time guaranteeing the principle of non-discrimination and compatibility among these different forms;
- respects the specific character of certain circumstances and infrastructures.

The Committee would point out that, in the European Union at the moment, fuel tax is charged more for tax policy reasons than for transport policy considerations, since fuel excise duties are, and will remain, an important source of revenue.

The Committee hopes that real coherence will be established between indirect taxes based on tax policy per se, and direct charges levied to cover the use of infrastructure and external costs, which come under transport policy.

The Committee recognizes the need to guarantee the Member States adequate tax revenues, but would note that:

- this income must be a true reflection of actual infrastructure use and must not be a general extension of tax revenue;
- the arrangements should be implemented in a balanced, measured and fair way so as (a) not to place an undue burden on the different user classes who already face major difficulties, (b) not to undermine the principle of free circulation, and (c) to avoid introducing new intramodal and/or intermodal distortions.

The Committee notes that, while tolls are one way of applying the principle of territoriality, combining them with vehicle taxes and excise duties constitutes double taxation. This is why the Committee backs ultimately abolishing tolls. Technological innovations, particularly electronic toll collection, should help avoid double taxation of this kind, while still maintaining a steady flow of traffic.

The Committee welcomes the Commission's progressive, measured and gradualist approach which, given the differing conditions and views in the Member States, should pave the way for agreement in the Council. The Committee stresses that, as things stand, it is necessary to proceed, as the Commission is doing, on a step-by-step basis towards more complete harmonization and to leave certain Member States the option of making their own vehicle taxation arrangements, without thereby introducing new competition distortions.

21. WHITE PAPER/RAILWAYS

Opinion of the Economic and Social Committee on the *White Paper: a strategy for revitalising the Community's Railways*
(COM(96) 421 final)

(CES 459/97)

Rapporteur: Mr Claus-Benedict von der DECKEN (Germany - Various Interests)

Gist of the Commission document

The present document is a further policy tool in the Commission's fight to relieve congestion, limit environmental pollution and encourage the better integration of the entire European transport system. Its main objective is to halt the decline of rail freight and rail passenger transport by proposing a new strategy that implies a wholesale revolution of the present organizational structures and should lead to the creation of a new kind of railway which is first and foremost a business geared towards satisfying customer needs. In particular, the document proposes the creation of a number of trans-European rail "freeways" for freight open to all operators. At the same time, the Commission hopes to encourage use of rail as a safe, environmentally responsible and commercially efficient alternative or complement to the roads.

In drafting the white paper the Commission has drawn on the ideas of a panel of experts representing rail unions, managers, operators and users. Their report "The future of rail transport in Europe" was published in June.

As a first stage this new strategy proposes a four-step plan towards the revitalization of the Union's railways by:

Clarifying the division of financial responsibility between the State and the railways

- The Commission will report at regular intervals on the progress made by the Member States in reducing debt and improving finances, beginning 1997;
- in the case of debts accumulated since 1993 and of current losses, the Commission will only authorize state aids if they are in accordance with the Treaty and it will develop specific rules and guidelines by 1998.

Introducing market forces into rail

This is a key element of the proposed strategy to revitalize rail transport. The Commission white paper proposes:

- to speed up, as first suggested in July 1995⁷, modification of the existing EU legislation (Directive 91/440/EC⁸) so as to extend access rights to railway infrastructure for freight and for international passenger services;
- to modify existing EU legislation to require greater separation of infrastructure management and transport operations into distinct business units, with separate management and balance sheets;
- the creation of a number of trans-European rail "freeways" for freight. The Member States along a given route would, acting together, open access to the infrastructure for all rail freight services;

⁷ OJ C 153, 28.5.96, p.16.

⁸ OJ C 225, 10.9.1990, p. 27.

- the creation of single offices ("one-stop shops") designed to handle demands for train paths as quickly as possible;
- the creation of a European Railway Authority.

Assuring the provision of public service through the award of public service contracts

Two major improvements are proposed:

- Moving from a mixed system of obligations imposed by the state and of public service contracts, to the application of contracts negotiated between the state and the railway operator to all types of public service, including the urban, suburban and regional.
- Market forces should be introduced into the operation of services. This could improve domestic passenger transport just as much as international passenger or freight services.

Integrating national rail systems

The Commission is already working on an ambitious policy to tie national transport infrastructure together into trans-European networks and to provide a framework for the coordination of hitherto separate research activities in the Member States through the Community-funded R&D programme "Trains and railways systems of the future".

Social aspects

Finally, the European Commission is aware that restructuring and competition carry social implications. But it is clear that, if the railways do not become competitive they will lose markets and have to reduce employment even more. Personnel policies, including substantial programmes to retrain redundant workers, backed by adequate resources are needed. Although this is primarily the responsibility of Member States, contributions from the European Social Fund must be carefully considered.

Gist of the opinion

The ESC welcomes the Commission's plan to develop a coherent strategy for making the railways more efficient and economically viable. In view of the extremely difficult situation, there is an urgent need for action.

In its white paper the Commission asserts that the railways have reached a nadir and are again losing market share, especially in the freight sector.

This fact cannot be denied, but it is inadequately explained by the data on which the analysis is based. The white paper refers to existing instruments and is based on factors which are still not or not adequately understood.

In particular the Committee considers it absolutely essential to sift through the directives and regulations and study their transposition into national laws. The actual implementation and achievements of these provisions could thus be analyzed so that Member States can learn from each other's experience and future fields of application can be examined, with particular attention to whether implementation in the individual Member States is converging or drawing further apart. Neither the Council nor the Commission can escape their responsibilities in this respect.

The Committee makes the following comments on the various chapters of the white paper:

Old debts, improving the financial position and infrastructure

A key strategic element in the white paper's push for liberalization of the railways is independent commercial management.

An essential precondition for this and hence for compliance with Directive 91/440/EEC on the development of the Community's railways is the elimination of old debts.

Progress on this has, however, been very incomplete and has varied from one Member State to another.

Nor is the elimination of old debts sufficient on its own; apart from the showpiece high-speed networks, national budgetary problems are cited as the reason in many cases for the lack of any real improvement in conventional infrastructure and rolling-stock. There is a massive amount of catching-up to do here. The railways are still a long way from making a fresh start by balancing their books. This is, however, one of the preconditions if commercial management is to be achieved.

Introduction of market forces

In its opinion on Directive 91/440/EEC the Committee warned against embarking on the implementation phase too quickly and argued that the Member States and existing national railway companies should be allowed to put the proposed procedure into practice. The timing of rail liberalization must take full account of the restructuring process and avoid the risk of distorting competition. The introduction of free competition before restructuring is completed could impair the potential growth of the rail market.

It is not clear from the analysis of the introduction of market forces which market sectors could play a role in helping rail transport to develop in a more positive direction. Freight shipments over distances of more than 150km will hardly reverse the trend on their own. Goods with a high added value are not necessarily to be found on the railways. The problem is that industry is constantly trying to reduce warehouse times. Trans-European transport operations could be improved through the use of telematics systems and better scheduling to reduce transport times, and this could improve the order-book situation.

The Commission's proposed amendments to Community legislation with a view to separating management and bookkeeping for infrastructure and operations should be based on thorough analyses and take account of the experience acquired in the application of the existing legal instruments in this area.

In general the possibility of boosting rail transport through competition cannot be explored meaningfully without looking at the positive experiences of some Member States with distinct business units.

Broadly speaking the Committee supports the creation of freeways. Various technical working groups are still discussing the practical arrangements for setting up European rail freight freeways.

Interoperability and infrastructure

The Committee welcomes the plan to link national transport infrastructure together in trans-European networks and to extend the European railway system to the conventional routes. However, this raises the question of whether these networks are an integral part of the planned freight network or whether a new approach is intended here. The Committee cannot at this point discern a plan or where the financing is to come from. Infrastructure and its cost represent a huge burden. Who will bear it: the Member States or the EU as a whole?

Social aspects

Some serious thinking is needed before considering using the European Social Fund. A systematic cut in the workforce cannot be accepted so readily. The shedding of jobs means exacerbating an already bad labour

market situation, and in particular fewer staff to provide the planned or expected services. Bringing the various sectors right up to date and applying new technologies are viewed more favourably by the workforce.

Such measures will make the railways more efficient, improve their operation and thus safeguard jobs. Here too, however, everything depends on whether the Member States are willing to invest. The staffing problem, too, is a major part of the legacy from the past and hence part of the old debts of the railway companies, i.e. of the Member States.

In their respective deliberations the Commission and the Council should not neglect discussions - in a spirit of partnership - with the workforce. Negotiations with the national trade unions, including in the European joint committee, spring to mind.

22. TRAINING OF SEAFARERS

Opinion of the Economic and Social Committee on the Proposal for a Council Directive amending Directive 94/58/EC on the minimum level of training of seafarers
(COM(96) 470 final - 96/0240 SYN)

(CES 460/97 - 96/0240 SYN)

Rapporteur: Mr Eduardo CHAGAS (Portugal - Workers)

Gist of the Commission document

Council Directive 94/58/EC⁹ on the minimum level of training of seafarers adopted on 22 November 1994 is based on the internationally agreed training rules contained in the IMO Convention on standards of training, certification and watchkeeping for seafarers (STCW) 1978¹⁰. This convention was substantially revised at the IMO conference held in London from 26 June to 7 July 1995, which the Commission monitored closely.

One of the new elements introduced in the revised STCW was that IMO obtained the right to verify that contracting parties are giving the new training requirements full and complete effect. It was decided that IMO will draw up and publish a list of parties which will comply with all requirements of STCW 1995.

In its Communication on safe seas¹¹ the Commission has announced that actions to be taken at Community level, in the field of maritime safety, should be consistent with IMO rules and standards.

In the light of this objective and in order to examine together the issues raised in Articles 12 § 2 and 9 § 3 of Directive 94/58/EC, the Commission considered it appropriate to wait for final approval by the IMO conference of the revised 1995 STCW convention before sending to the Council formal proposals for the common criteria and adaptation of the above directive.

The present proposal to adapt Directive 94/58 therefore concerns:

- the new STCW training and certification requirements including watchkeeping provisions which deal, inter alia, with mandatory minimum rest period for watchkeeping personnel, and
- the introduction of common criteria for the recognition of seafarers' certificates issued by third countries.

⁹ OJ C 34, of 2.2.94, p. 28.

¹⁰ IMO convention on standards of training, certification and watchkeeping for seafarers (STCW).

¹¹ OJ C 34, of 2.2.94, p.47.

Lastly, the proposal does not change the articles of Directive 94/58 concerning on board communication and port State control. However, on the latter point, the Commission takes the view that provisions need to be proposed, in addition to the existing Articles 10 and 11, in order to take into account the requirements of Regulation I/4 of STCW 95.

Gist of the opinion

The Committee is of the opinion that nothing should be done which could in any way undermine the integrity and enforceability of the revised STCW Convention at the international level and considers that a European directive giving effect to the revised STCW Convention could complement it provided:

- it does not cause any unnecessary duplication of requirements and will not require frequent revision;
- it will not create legal uncertainty or a legal conflict between the international and national obligations of Member States who are also Parties to IMO Instruments;
- it is fully in line with the undertakings of the Commission, as contained in the Communication on Safe Seas (COM(93) 66 final)¹²;
- it does not prejudice the aims the IMO articulated when it adopted the revised STCW Convention;
- it does not contain any provisions which could be interpreted as permitting any watchkeeping arrangements which contradict the provisions of the revised Convention.

The Committee is also of the opinion that the amending directive should fully reflect the clarification of the revised STCW Convention transitional provisions and the implementation dates for the various requirements which have been agreed within the IMO.

On which concerns the recognition of seafarers' certificates issued by third countries, the Committee agrees with the proposed new text of Article 9(3)(a) insofar as it is in conformity with the requirements of Regulation I/10 of the revised STCW Convention. However, the following aspects have to be carefully considered:

- the practicability of such a mandatory provision as it would require the inspection of individual maritime colleges;
- the respect of such a measure in the case of existing non-EU seafarers currently serving on EU flag vessels and the necessity of such a requirement in the case of all non-EU countries seafarers, in view of the requirements contained in Regulations I/7 and I/8 of the revised STCW Convention;
- the need for the amending Directive to contain adequate control and enforcement provisions.

In view of the above, the Committee suggests that the criteria for the inspection of non-EU training institutions contained in Article 9(3)(a) sub-paragraphs 2 and 3 should be retained. However, provided it does not undermine the objectives of ensuring harmonized and qualified training and certification activities, consideration should be given as to whether sub-paragraphs 2 and 3 would be better presented by way of recommendatory guidance.

Finally, the Committee notes that neither the Directive 94/58/EC nor the 1978 STCW or the 1995 STCW Conventions apply to fishing vessels and that a parallel convention was adopted by the IMO (the STCW-F Convention). It urges the Commission to encourage the Member States to ratify the new convention in order to ensure a harmonized EU approach on the standards of training and certification of fishing vessels crews.

¹²

OJ C 34 of 2.2.94, p. 47.

23. REGISTRATION/PASSENGER SHIPS

Opinion of the Economic and Social Committee on the *Proposal for a Council Directive on the registration of persons sailing on board passenger ships*
(COM(96) 574 final - 96/0281 SYN)

(CES 472/97 - 96/0281 SYN)

Rapporteur working without a study group: Francis J. WHITWORTH (United Kingdom - Employers)

Gist of Commission document

In the aftermath of the "Estonia" disaster the Council requested¹³ the Commission to present a proposal for mandatory registration of passengers aboard Ro-Ro passenger ferries.

Information on passengers on board passenger ships is crucial to effective deployment of emergency services in the aftermath of an accident. This information is particularly necessary:

- to enable the competent authorities to inform the families of persons aboard about the situation;
- to know who to look for and what precautions to take;
- to clarify the legal issues;
- to improve medical care in the event of serious injury.

Furthermore, precise information on the number of persons aboard is required to ensure they do not exceed the maximum permitted for a given vessel.

This draft directive is the Commission's response to a request from the Council. Its purpose is (a) to enhance the safety of passengers and crew aboard passenger ships sailing to or from EU ports and (b) to improve search and rescue operations in the event of an accident.

The question of passenger registration has also been addressed within the International Maritime Organization (IMO). In November 1995 a SOLAS Conference adopted an amendment to the SOLAS Convention introducing the principle of passenger registration in a specific Regulation (Regulation III/24-2). This has now been replaced by Regulation III/2, stipulating that it is applicable to all passenger ships on international voyages. This amendment comes into force on 1 July 1998.

With this proposition the Commission is seeking to ensure harmonized, consistent implementation of SOLAS Regulation III/27 for all passenger ships sailing from EU ports and to ensure that all contracting parties to SOLAS apply correctly the relevant SOLAS provisions for their ships sailing to an EU port: at the same time it tries to remedy some shortcomings in Regulation III/27 and to take account of special features of SOLAS for which it was important to find a solution.

Gist of the opinion

In broad terms the Committee welcomes the proposal for a Council directive. It accepts the necessity for Community legislation which is binding on the port state as well as the flag state. It welcomes the fact that the proposed directive is based on IMO decisions as contained in the SOLAS Regulation.

¹³

Council Resolution of 22 December 1994 on the safety of roll-on roll-off passenger ferries, (94/C/379/05, OJ No. C 379 of 31 December 1994, p. 8.

As to the substance of the directive, it is beyond question that the number of passengers on board should be counted and that masters should be obliged to ensure that they do not exceed the number laid down in the vessel's passenger certificate.

The recording of the names and other details of passengers constitutes a new requirement.

There can be no doubt that the requirement to record the names of all their passengers will create considerable administrative difficulties for these ferry companies operating intensively scheduled services on routes where a significant number of passengers buy a ticket on a "turn-up-and-go" basis at the time of embarkation.

Each and every such name would have to be ascertained and recorded to be retained for little over one hour before the list was scrapped unless the vessel in question had become a casualty during that period.

It was undoubtedly with these considerations in mind that the SOLAS regulation permitted certain derogations as follows

- passenger ships may be exempted if their scheduled voyages render the recording of the information impracticable;
- ships which do not proceed more than 20 miles from land may be exempted if their flag administration considers that the sheltered nature of the voyage renders the requirements unreasonable or unnecessary.

The Committee suggests that the Commission should give further consideration to such a possibility, perhaps adding a clause to the proposed directive which would permit Member States to sanction an alternative recording arrangement on a particular route where they would judge the requirement to record individual names to be impracticable. Essentially such an arrangement would have to be agreed by both (or all) the port states concerned, be fully compatible with the SOLAS criteria, take full cognizance of the SAR and weather forecasting facilities in the area and not result in any distortion of competition between one scheduled service and another.

II. FUTURE WORK

Environment Section

- Limitation of emissions of organic compounds due to the use of volatile organic solvents
COM(96) 538 final - 96/276 SYN
Deadline: May
- Environmental taxes and charges in the single market
(COM(97) 9 final
Deadline: July
- Community eco-label award scheme
COM(96) 603 final - 96/0312 SYN
Deadline: July
- Landfill of waste
COM(97) 105 final - 97/0085 CNS
Deadline: October

Industry Section

- EU action plan on satellite communications in the information society
COM(97) 91 final
Deadline: October

Social Affairs Section

- Modernizing and improving social protection in the European Union
COM(97) 102 final
Deadline: December

Agricultural Section

- Farm prices (1997/1998)
COM (97) 89 final - 97/0087 CNS to 97/0089 CNS - 97/0091 CNS to 97/0094 CNS - 97/0096 CNS to 97/0102 CNS
Deadline: May
- Common organization of the market in hops
COM(97) 98 final - 97/0066 CNS
Deadline: May

Section for Economic Questions

- Taxation of energy products
COM(97) 30 final - 97/0111 CNS
Deadline: July

Transport Section

- Promoting road safety in the European Union
COM(97) 131 final
Deadline: October

IN ANTICIPATION

Industry Section

- Standardization of competitive performances (Communication)
COM(97) 153 final
Deadline: May
- Competitiveness of European communication and information technology industries(Communication)
COM(97) 152 final
Deadline: October
- European initiative on electronic trade (Communication)
COM(97) 157 final
Deadline: October

Transport Section

- Airport taxes
COM(97) 154 final
Deadline: October

Energy Section

- 5th Framework Programme (1998-2002)
COM(97) 142 final
Deadline: October

Social Affairs Section

- Partnership for a new work organization (Green Paper)
COM(97) 128 final
Deadline: December
- Guarantees of quality in higher education
COM(97) 159 final
To be decided

Agriculture Section

- Conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound
COM(97) 139 final - 97/0013 CNS
Deadline: May-July
- Common organization of the markets in the dairy sector
COM(97) 133 final
To be decided

Section for Economic questions

- Improvement of systems of indirect taxation in the single market
COM(97) 175 final
Deadline: October

III. PRESENCE AND INFLUENCE OF THE ECONOMIC AND SOCIAL COMMITTEE

President

40th anniversary of the signature of the Treaties

On 25 May the ESC president, **Mr Jenkins**, visited Rome for talks with **Mr De Rita**, president of the CNEL (National Economic and Labour Council). He attended a luncheon hosted by the president of the Italian Republic, **Mr Scalfaro**, at the Quirinale, before taking part in the ceremony to commemorate the 40th

anniversary of the signature of the Treaties, at the Capitole. The following day he attended the official opening of the symposium "40 years of the Treaties of Rome", organized by the Commission.

This anniversary provides an opportunity to remind readers that the ESC's inaugural session took place on 19 May 1958.

Mr Jenkins met:

- on 7 April in Brussels: the Association of Former ESC members;
- on 15 April in Athens: the Greek prime minister, **Mr Costas Simitis**; the chairman and vice-chairmen of OKE, the Greek Economic and Social Council;
- on 20 April in Helsinki: the presidents of the Finnish socio-economic organizations.

Sections and members

From 25 to 27 March in Paris, **Mr Briesch** and **Mr Dantin**, ESC members, participated in the 7th "Forum des comités d'entreprise et CHSCT".

From 3 to 5 April in Poznan (Poland), **Mr Moreland**, president of the Section for Regional Development And Town and Country Planning, attended a pan-European conference on land use planning organized by the Congress of Local and Regional Authorities in Europe (Council of Europe).

Mr Moreland also took part, on 18 April in Bath (UK), in the XVIth General Assembly of the Atlantic Arc Commission of the Conference of Maritime Peripheral Regions of the EC (CMPR).

On 7 and 8 April a seminar took place in Barcelona on the "EU update for the regions: current trends and developments", organized by the European Institute of Public Administration and the European Centre for the Regions (ECR). **Mr Zufiaur**, member of the Section For Regional Development And Town And Country Planning, took part.

On 15 April a forum on the competitiveness of the chemical industry, organized by the Commission, was held in Brussels. **Mr Little**, president of the Section For Industry, Commerce, Crafts And Services, and **Mr Gafó-Fernandez**, rapporteur for the relevant ESC opinion, participated in this forum.

On 17 April in Barcelona, **Mr Ataíde Ferreira**, president of the Section for Protection Of The Environment, Public Health And Consumer Affairs, chaired the first session of the European Convention on consumer safety, organized by the European Consumer Safety Association(ECOSA).

Other activities

- "**The Euro: it's child's play**" - A film produced by children under the aegis of the ESC

The Economic and Social Committee, **Commissioner Bonino** and **Mrs Guigou**, MEP and president of Europartners, acted as patrons for the production of the film "The Euro: it's child's play" - a digital presentation of drawings by children aged between 5 and 10, with a commentary by the children themselves. The official screening was on Monday 17 March at the European Parliament, Brussels.

Produced by the non-profitmaking association IEED (Informer et Enseigner l'Europe et la Démocratie) the film is the fruits of a totally original teaching project: during the 1995-1996 school year, 208 children and their ten teachers at the "Nos enfants" primary school in Brussels concentrated their attention on such concepts as trade, value, prices, currency, exchange rates and the European single currency - not just to get a grasp of these concepts but also to be able to explain them to **adults**.

Many people fear the changeover to the Euro but children (including the youngest age groups) have managed to explain in their own words and spontaneous and imaginative way this "date with history" which is supposed to be so very complicated.

The ESC is happy to have given its support to this initiative which is in keeping with its own recommendations concerning the informative drive needed to promote the Euro.

- **"Citizens' Europe" Conference - Helsinki, 21 April 1997**

In conjunction with the Finnish socio-occupational organizations the ESC organized a conference as part of its "Citizens' Europe" campaign. This conference, which focused on the topic "The internal market and the Baltic Sea region - opportunities and potential advantages", provided an opportunity to pursue the Committee's work to further interaction between the general public and the Institutions. The ESC launched the campaign to promote closer tangible relations between the EU Institutions and citizens, the transparency of Community policy and dialogue between the Institutions and the socio-occupational organizations. To date over 1500 people have taken part in conferences on this topic: in Brussels in 1993, Nogent-sur-Marne and Magdebourg in 1994, Galway and Seville in 1995 and Milan, Utrecht and Vienna in 1996. The interest sparked by these conferences encourages the ESC to press ahead with its campaign.

IV. IN MEMORIAM

The ESC president, secretary-general and secretariat regret to announce the death, on 7 April, of **Mr Romolo Arena**, former member of the ESC, to whom they pay their respects.

Mr Romolo Arena (Italy - Group I) was a member of the ESC from 17 May 1966 to 20 September 1994 and elected bureau member from 1986 to 1988 and again from 1990 to 1994.

An open-minded man and one of dialogue, **Mr Arena** started his career as a professor in Milan, obtained a degree at the Sorbonne and subsequently, for many years, was in charge of international affairs at the IRI (Institute for Industrial Redevelopment). A committed European, he was head of the private office of **Professor Petrelli**, member of the EEC Commission, from 1958 to 1961.

The Assembly observed a one minute silence in his memory.

V. RESIGNATIONS - APPOINTMENTS

At the 345th plenary session, the ESC president announced the following resignations:

- **Mr Leopold Maurer**, as from 1 June, ESC member (Group I) since 5 December 1996 ;
- **Mr Werner Löw**, as from 15 September, ESC member (Group I) since 21 September 1982.

The Council has appointed **Mr Joseph Ballé** (France) to replace **Mr André Laur**, outgoing member of Group III.

VI INFORMATION VISITS

- 24 March 1997: O.E.E.K (Organization for vocational education and training) - Greece
Önnestads Folkhögskola - Sweden
- 26 March 1997: Deutsche Gesellschaft - Germany
- 1 April 1997: "Youth intergovernmental conference" working group - Belgium
- 3 April 1997: Université Paris III - Sorbonne nouvelle - France
Universidade de Lusiada - Portugal
Universidad de Valencia - Spain
SNCF (French railways) delegation - France
- 4 April 1997: Lycée Gustave Flaubert - France
- 7 April 1997: Euzkadi Bilbao - Spain
- 8 April 1997: Fachhochschule Jena - Germany
- 9 April 1997: Deutsche Gesellschaft - Germany
- 10 April 1997: Universidad del País Vasco - Spain
Bildungsdienst, Sozialwerk und Akademie des Deutschen - Germany
Beambtenbundes Bonn (Bisowe des DBB) - Germany
Escola Superior de Tecnologia de Tomar - Portugal
Universidad de Alicante - Spain
- 14 April 1997: Friedrich Ebert Stiftung - Mexico
- 15 April 1997: Ruskin College - Russia
Christelijk Nationaal Vakverbond, Utrecht - Netherlands
- 16 April 1997: Baden-Württemberg Ministry of Environment and Transport - Germany
Latvian Senior Civil Servants - Latvia
Bisowe des DBB - Bonn - Germany
Erwachsene aus der Weser-Ems-Reigon - Germany
- 22 April 1997: DBB youth seminar - Bonn - Germany
Bisowe des DBB - Bonn - Germany
Hogeschool de Horst - Netherlands
- 23 April 1997: Ecole de formation au Métiers de la Communication (Efap International) - France
European Institute of Public Administration - Austria
- 24 April 1997: Center for Occupational Safety - Finland
Kärtner Gruppe - Austria
Bolivian journalists - Bolivia
National Confederation of Small and Medium-Sized Industries (Confapi) - Italy
- 25 April 1997: Deutschland- und Europapolitisches Bildungswerk Nordrhein-Westfalen (DEPB)
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