

EUROPEAN COMMUNITIES

BULLETIN

8

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



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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 Ranganò 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.

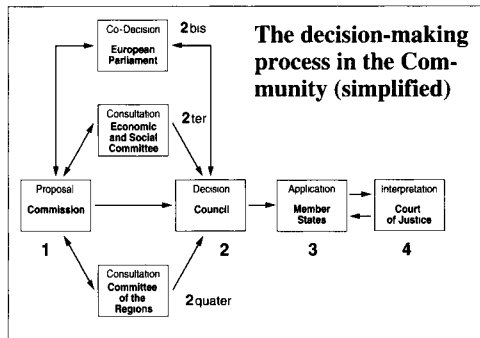
Information and integration role

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 Masà - 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.

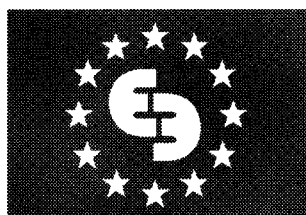
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CES: 1

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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<http://www.esc.eu.int>

I. 349th PLENARY SESSION ON 29 AND 30 OCTOBER 1997

The 349th plenary session of the EU's Economic and Social Committee was held on 29/30 October 1997. The president, **Mr Jenkins**, was in the chair.

The session was attended by **Commission President Santer** who spoke during the debates on enlargement, Agenda 2000, employment and territorial pacts.

The following opinions were adopted.

Section for Protection of the Environment, Public Health and Consumer Affairs
Mrs Calamandrei, Principal Administrator - ☎ (32-2) 546 9657

1. FOOD LAW/CONSUMER HEALTH

Opinion of the Economic and Social Committee on the *general principles of Food Law in the European Union (Commission Green Paper) and Consumer Health and Food Safety (Commission Communication)*

(COM(97) 176 final and COM(97) 183 final)

(CES 1188/97)

Rapporteur: Johannes M. JASCHICK (Germany - Various Interests)

Gist of the Commission documents jointly examined by the Committee

Gist of the Green Paper on the General Principles of Food Law

The green paper is mainly concerned with the substantive rules of Community law applicable to the foodstuffs sector. By taking a stand and inviting comments on a large number of specific questions, the paper aims at launching a public debate on the extent to which:

- current legislation on foodstuffs meets the needs and expectations of consumers, producers, manufacturers and traders;
- the measures to improve control and inspection systems are meeting their basic objectives to ensure a safe and wholesome supply.

On the basis of the reactions to the paper the Commission will subsequently consider the need for: a proposal for a general directive on food law in society, consolidation or reformulation of existing legislation, proposals of a non-legislative nature, including changes in procedures and working methods.

In the introductory part I of the green paper attention is paid to the general need for Community initiatives in this field (specific events such as the BSE-crisis, piecemeal development of EU food law in general etc.), the fundamental goals of EU food law (which should in no way be put into question), the economic importance of the sector, as well as the importance of public health and consumer protection. It is argued that in order to

meet the said goals, it is necessary to ensure that the regulatory approach covers the whole food chain "from the stable to the table". This approach raises questions to: the extent to which primary agricultural production and the processed foodstuffs sector should be brought into line within the same set of rules, and the desirability of extending the Community provisions on product liability to primary production.

Parts II and III of the green paper consider the scope for measures to simplify and rationalize Community food law. Part II sets out the *general approach* of the Community to this question. It stresses, inter alia, the need for a right balance between: streamlined legislation and consumer protection, general provisions and more detailed prescriptive rules, binding legislation and voluntary approaches, as well as horizontal provisions and specific rules for particular categories of foodstuffs.

In the light of these general considerations Part III reviews the various *concrete measures* which might be taken to streamline existing Community legislation. It looks into the possibility of: involving the social partners more actively in the preparation of legislation, having more recourse to regulations instead of directives, introducing simplified procedures for adapting legislation to technical and scientific progress, introducing new definitions (e.g. of "foodstuffs" and "placing on the market"), simplifying the 11 vertical veterinary hygiene directives and reviewing their relation with the general directive (in this latter respect the need for a generalized application of HACCP-type principles is stressed), and reviewing labelling rules by paying attention to, inter alia, the regulation of claims ("light", "low-fat" etc.) and nutritional labelling.

Part IV of the green paper analyses to what extent the Community objectives in the field of public health and consumer policy (a high level of protection, the integration of protection requirements into other Community policies) are taken into account in the framework of the internal market rules and the CAP. In this context it stresses the importance of: risk assessment and the precautionary principle, the independence and objectivity of scientific advice and scientific committees, taking into account consumer needs and concerns, adequate means of preventative action against urgent public health risks, managing the risks of zoonoses, clearly defining the responsibilities of producers, processors, distributors and retailers to supply safe and wholesome food (e.g. by introducing general obligations on all economic operators to ensure that only safe and wholesome food is placed on the market; such an obligation would thus complement liability rules), the extension of the product liability directive to cover primary agriculture production, and considering the scope for mandatory and voluntary labelling schemes in relation to production methods (as opposed to mere *product* characteristics).

Part V deals with the current arrangements for ensuring the effective implementation of Community legislation within the internal market. Here it is suggested to: make greater use of Standing Committees to consider questions regarding the interpretation of Community legislation and to establish a discussion forum on this issue, reinforce measures to ensure equivalence of enforcement throughout the Community and to prevent the marketing of unsafe food, review the role of sanctions for infringement of Community legislation, and to analyze how the free movement of foodstuffs in non-harmonized areas is currently managed.

Finally, part VI discusses the external dimension of EU food policy. Here it is underlined, inter alia, that EU legislation on foodstuffs should be compatible with the international obligations of the Community (especially with the WTO agreements) and that the Community should be able to participate fully in international standardization activities relating to the foodstuff sector.

Gist of the Communication on Consumer Health and Food Safety

The communication explains in detail the new approach of the Commission in this field, in particular with respect to scientific advice and to control and inspection. This new political departure is based on three general principles outlined by **President Santer** on 18 February 1997 before the European Parliament:

- responsibility for legislation should be separate from that for scientific consultation;
- responsibility for legislation should be separate from that for inspection;
- greater transparency and more widely available information throughout the decision making process and inspection measures.

Part 1 provides a synopsis of the objectives (reinforcement of protection of consumer health and proper functioning of the market) and instruments (scientific advice, risk analysis and control).

Part 2 outlines the proactive approach for scientific advice, based on three main principles: excellence, independence and transparency.

Part 3 explains the risk analysis approach, which comprises:

- scientific evaluation of hazards and the probability of their emergence in a given context (risk assessment);
- assessment of all measures making it possible to achieve an appropriate level of protection (risk management);
- exchange of information with all parties concerned (risk communication).

Part 4 puts forward the control and inspection procedures that the Commission intends to follow.

The new approach is based on:

- controls over the whole food, animal and plant production chains;
- formal risk assessment procedures to identify control priorities;
- audit systems to monitor competent authority performance.

In view of implementing this new approach the Commission has undertaken a radical reform of the departments dealing with consumer health: the management of all the relevant scientific committees has been placed under the responsibility of DG XXIV, which will now also comprise the Food and Veterinary Office and a new unit on the assessment of consumer health risks.

Gist of the opinion

The Committee sees the Green Paper as a valuable basis for discussions and as an opportunity to make European food legislation more transparent and more efficient. In the general comments it points out:

- the need for a comprehensive, integrated EU food policy as well as the need for a general directive on food;
- the importance of strengthening Articles 129 and 129(a) of the Amsterdam Treaty to give consumers a firm guarantee that health problems take precedence over economic interests;
- the need for a strict application of the precautionary principle and a clear commitment to the principle of preventative health and consumer protection;
- the fact that legislative and other provisions must be as simple as possible and only go into detail where necessary;
- the great importance of continuing to secure the free movement of goods.

In the specific comments the Committee takes the view that:

- a simplification and rationalization of EU food law would be welcomed provided it did not endanger the necessary safety standards;
- the use of voluntary instruments must in principle be examined before the introduction of legislation and the principle of mutual recognition should also be accepted in the case of voluntary Member State instruments;
- contrary to what is stated in Directive 83/189/EEC, the burden of providing evidence that national laws are not detrimental to the internal market should lie with the Member States;

- only purely technical rules should be dealt with under the committee procedure whilst questions of principle should be the subject of a political decision;
- the European-wide definition of "food" and other concepts is welcomed;
- the task of simplifying and rationalizing legislation in the field of Community food hygiene has now begun and the move is particularly welcome; moreover, in addition to the proposals already submitted, both vertical and horizontal hygiene requirements should be consolidated in a single text;
- HACCP principles should apply to the whole food chain (from stable to table), notwithstanding the size or type of establishment;
- rules on quality need only to be harmonized where a health risk is established and any trade barriers resulting from national quality requirements must be countered by the consistent application of the principle of mutual recognition;
- foodstuff labelling rules are of growing importance in helping the consumer make purchasing decisions although the limits to labelling must also be recognized and efforts made to open up new channels of information;
- nutritional labelling should be made compulsory although, before doing so, this type of labelling should be made more effective;
- health claims shall be allowed provided that they reflect significant agreement among qualified experts;
- the introduction of a general obligation to ensure that food is safe and wholesome is to be welcomed;
- the "due diligence" defence is to be welcomed although the extent to which this principle can be incorporated into different national legal systems needs to be examined;
- the scope of Directive 85/374/EEC on liability for defective products should be extended to cover unprocessed primary agricultural products;
- the principle of mutual recognition will continue unchanged to be of great importance in non-harmonized areas;
- with regard to the multilateral dimension, European efforts need to be pushed more effectively than in the past and this can be done by coordinating and pooling efforts.

As far as the communication is concerned, the Committee takes the view that:

- the document is an essential step towards a consistent policy in the fields of food, cosmetics, animal nutrition, animal health and animal welfare;
- experts' committees need to be strengthened whilst changes to the decision governing detailed procedures - on which the Commission is required by the end of 1998 to submit a proposal - are extremely important; at the same time the powers invested in the Commission to enact implementing measures should be defined precisely;
- the increasing tendency to consult scientific committees is to be welcomed as long as decision-making reflects the principles of excellence, independence and transparency;
- a multidisciplinary approach is needed to fulfil the tasks of scientific committees whilst the discussions and conclusions reached by these committees, including dissenting minority views, should be accessible to the public;
- the establishment of a scientific steering committee to coordinate different committees is to be welcomed;
- the proposed introduction of a new approach which would embrace the monitoring of the whole food production chain, involving both animal and plant products, is to be welcomed;
- the establishment of a strong and efficient inspection and control authority whose task is to "monitor monitoring" is welcomed.

2. INJURY PREVENTION

Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Decision adopting a programme of Community action from 1999-2003 on injury prevention in the context of the framework for action in the field of public health
(COM(97) 178 final - 97/0132 COD)

(CES 1170/97 - 97/0132 COD)

Rapporteur: Ada MADDOCKX (United Kingdom - Workers)
Co-rapporteurs: Georges LINSSEN (Netherlands - Employers)
Christina WAHROLIN (Sweden - Various Interests)

Gist of the proposal for a decision

Injury prevention was identified as a priority area for a Community action programme according to the criteria set out in the Commission Communication on the framework for action in the field of public health¹. The present proposal, based on Article 129 of the Treaty, seeks to promote public health by contributing to actions which reduce the incidence of injury. It does not come under the exclusive competence of the Community and does not seek or require the harmonization of national provisions.

Injury covers all kinds of ill-health resulting from external causes (as opposed to disease processes). The present Commission proposal targets a small number of key areas within this broad field. These are home and leisure accidents to children, young adults and elderly people, and accidents to children while at school, and also the topic of suicide and lesser forms of deliberate self-harm; which constitute the most substantial sources of death, disability and ill-health, apart from occupational injury and road traffic accident (already addressed by other Community activities).

The incentive measures proposed are of two kinds:

- support for the sharing - and shared development - of expertise, particularly in the selection of interventions and the epidemiology of injury;
- encouraging improvement in the quality of data, which are vital to determine what situations, products, behaviours and places are dangerous.

Community action under this proposal would take the form of encouraging and supporting the creation of networks, dissemination of information about prevention campaigns and work on improving data including surveys and technical investigations. An evaluation of the actions implemented under the programme will be provided in two reports (one on the 3rd year, the other one at the end).

Gist of the opinion

The Economic and Social Committee congratulates the Commission for the latest proposals for action programmes in the context of the Communication on the framework for action in the field of public health. These programmes show a will towards a more horizontal approach in public health policy, according to which health promotion should deal with all aspects of the living environment. Such approach was advocated by the Committee in its opinion on the above-mentioned communication².

¹ OJ No. C 388, 31.12.1994.

² OJ No. C 388, 31.12.1994.

The Committee is particularly pleased that the Commission is carrying out a more in-depth analysis of the health circumstances of specific age groups (i.e. children, young and elderly people) and environments (i.e. home and schools) as reflected in the current proposal.

In the context of facilitating the sharing of existing expertise at both Member State and Community level, the Committee stresses the need to involve all interested parties, to assure a more solid scientific/technical basis and to prevent duplication of efforts with regards to health policy. Such involvement should be guaranteed at the earliest possible stage. It is also important to highlight the importance of the role to be played by voluntary organizations which have recognized and valuable experience to offer in this field.

The Committee has a number of specific comments concerning:

Budget: given that funds are only allocated up to 1999, it is critical that, from the onset, the continuity of the programme is guaranteed until the year 2003, which is the end of the proposed period of action.

Consistency and complementarity: it is essential that consistency and complementarity with other relevant Community programmes and actions are guaranteed especially with regards to the EHLASS³ system, which could expire at the end of 1997. The Committee feels that the action programme on injury prevention cannot function without the EHLASS system and calls for it to be extended. It is also vital for the Commission to issue guidelines on the methodologies to be followed for data collection in order to achieve comparability of information between Member States.

Product safety: there should be a strong cross-link established between injury prevention and Directive 92/59/EEC on general product safety⁴. In this connection, the Committee endorses those proposed measures (i.e. under the injury prevention capacity area) directed to add public health value to other Community policies for injury prevention such as the above-mentioned directive.

Health monitoring: it is vital to avoid any duplication or overlap of work between a future Community action programme on health monitoring⁵ and the proposed one in order to achieve efficient interaction between them.

Comitology: the views of the various socio-economic partners and interests involved in injury prevention should be considered by Member States when making nominations for the Advisory Committee.

3. RARE DISEASES

Opinion of the Economic and Social Committee on the Communication from the Commission concerning a programme of Community action on rare diseases within the framework for action in the field of public health and the Proposal for a European Parliament and Council Decision adopting a programme of Community action 1999-2003 on rare diseases in the context of the framework for action in the field of public health
(COM(97) 225 final - 97/0146 COD)

(CES 1171/97 - 97/0146 COD)

Rapporteur: Christoph FUCHS (Germany - Various Interests)

Co-rapporteurs: Georges LINSSEN (Netherlands - Employers)

Markku Matti LEMMETY (Finland - Workers)

3 Data on home and leisure accidents.

4 OJ No. C 75, 26.3.1990.

5 OJ No. C 174, 17.6.1996.

Gist of the Commission proposal

The proposed five-year action programme seeks to address the problem of rare diseases (i.e. life-threatening or chronically debilitating diseases that are of such low prevalence that combined efforts are needed to address them) in the Community. It should be recalled that this problem was identified as a priority area for Community action in the 1993 Commission communication on the framework for action in the field of public health⁶. To address the role of rare diseases the Commission proposes a number of specific actions under three headings:

- actions on Community information on rare diseases (e.g. support for the establishment of a European rare disease database);
- actions in support of patient and family support groups (e.g. promoting the establishment of such groups and their collaboration);
- actions on handling rare diseases clusters (e.g. supporting the monitoring of rare diseases and promoting the creation of rare diseases response teams).

Two methods will be employed to implement these actions: i) supporting projects carried out in Member States and at the Community level and ii) financing additional specific activities to achieve the objectives of the programme. In this task the Commission will be assisted by an advisory committee consisting of representatives from each Member State. The budget proposed for the implementation of the programme for the first year (1999) is MECU 1.3; the financial framework for the final four years will be determined after the establishment of the future financial perspectives.

The accompanying communication gives more detailed information on the subject of rare diseases by looking into, inter alia, definition problems, existing measures at Member State and international level and current European research on rare diseases and orphan products.

Gist of the opinion

The Committee welcomes the action programme as a step towards a more systematic approach to the problem of rare diseases in the Community. It has however serious doubts about whether the objectives of the programme can be achieved with the envisaged budgetary resources. In addition, the Committee wishes to draw attention to the need of ensuring the programme's continuity beyond the year 2003 in an effort to optimizing the effectiveness of many of the proposed actions (e.g. the monitoring of long-term trends). Whilst the Committee agrees with the Commission that Community initiatives on rare diseases can bring important benefits, it would also stress the need for additional action and coordination at Member State level.

The Committee broadly agrees with the three specific objectives of the program and the concrete actions proposed under each of them while it presents the following recommendations:

- with respect to the actions on Community information, the Committee suggests the use of Internet as a means of consulting the proposed European rare disease database and requests clarification of the distinction made between "networks" (referred to in the second action under the first objective) and "groups' collaboration and networking" (mentioned in the second action of the second objective);
- regarding the second objective, the Committee feels that the Internet ("newsgroups") can also play a very useful role in fostering contacts between patients and professionals, as in most cases people suffering from rare diseases live far apart from one another;

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- with regard to the handling of rare disease clusters, the Committee thinks that before task forces are set up, an effort should first be made to reach general agreement on how to respond when such clusters occur. The Committee points out that practical guidelines have been drawn up by, for example, the Centre for Disease Control and that such guidelines must also be established separately for different diseases as the way they need to be handled is clearly very different. In this connection the Committee would further stress the importance of monitoring systems for rare diseases in order to identify trends over time and regional clusters. As such trends do not generally emerge until 10 years later, the Committee thinks that the continuity of the proposed action programme should be ensured, even after 2003.

4. POLLUTION-RELATED DISEASES

Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council decision adopting a programme of Community action 1999-2003 on pollution-related diseases in the context of the framework for action in the field of public health
(COM(97) 266 final - 97/0153 (COD))

(CES 1172/97 - 97/0153 COD)

Rapporteur: Markku Matti LEMMERTY (Finland - Workers)
Co-rapporteurs: Christoph FUCHS (Germany - Various Interests)
Georges LINSSEN (Netherlands - Employers)

Gist of the Commission proposal

The proposed five-year action programme (1999-2003) seeks to address the problem of pollution-related diseases (i.e. diseases which are caused, provoked or aggravated by environmental pollution) in the Community. It should be recalled that this problem was identified as a priority area for Community action in the 1993 Commission communication on the framework for action in the field of public health.⁷ To address the problem of pollution-related diseases the Commission proposes a number of specific actions under three headings:

- actions on improvement of information on these diseases at Community level (this involves, inter alia, a critical review of existing data, the improvement of their comparability as well as better co-operation and exchange mechanisms between Member States);
- actions to increase the level of understanding of the general public and opinion-formers about pollution-related health risks and their assessment and management;
- actions to prevent and reduce the number of respiratory diseases and allergies (e.g. information provision and campaigns, support for self-help groups, promoting best practice in the field of education and training);

Two methods will be employed to implement these actions: i) supporting projects carried out in Member States and at the Community level and ii) financing additional specific activities to achieve the objectives of the programme. In this task the Commission will be assisted by an advisory committee consisting of representatives from each Member State. The budget proposed for the implementation of the programme for the first year (1999) is 1.3 MECU; the financial framework for the final four years will be determined after the establishment of the future financial perspectives.

The accompanying communication gives more detailed information on the subject of pollution-related diseases by looking into, inter alia, the incidence of such diseases (e.g. respiratory diseases such as asthma, allergies,

⁷

COM (93) 559 final

cardiovascular diseases, cancer) in the Community, methods to prevent such diseases, existing measures at Member State and international level as well as existing Community actions.

Gist of the opinion

The Committee endorses the action programme because it is well reasoned and the proposed measures are clearly set out. It is also timely, well-founded and provides for a major Community contribution to the measures being taken in the field of public health. In addition, and even if there is already a large body of information on pollution-related diseases, the programme will yield necessary added value.

The Committee has a number of observations to make, which should not, however, detract from the value of the proposal or the importance of the subject it addresses.

With regard to the first specific objective of the action programme ("Improvement of information"), the Committee would underline the importance of compiling scientific data on the causal relationship between pollution and disease and of collating and evaluating existing data on causality in cooperation with Member States.

As for the second specific objective ("Risk perception and management"), the Committee would point out that in order to i) prevent needless alarm among the general public and ii) encourage people to minimize exposure to environmental risks, considerably more than the provision of information alone is needed. People must have confidence in those providing the information, attention must be paid to such aspects as the social environment and competence of the persons concerned, and communication and the provision of information should be organized systematically.

Regarding the third specific objective ("Respiratory diseases and allergies"), the Committee stresses that, using the same general criteria, the action programme could have been targeted at some other important diseases. It would also like to emphasize the importance of preventing other allergies, such as food allergies.

The Committee would highlight the importance of cooperation with national authorities, the European Environment Agency, the WHO and third countries; and to acknowledge the work that the USA Environmental Protection Agency (EPA) has carried out in the field of risk assessment and management with respect to pollution related-diseases.

In order to avoid unnecessary duplication of work, the Committee urges the Commission to ensure that the proposed measures are consistent with and complementary to actions envisaged under the health monitoring programme⁸ and any other Community action relevant to pollution-related diseases.

In the view of the Committee, it would be desirable if the Commission could put forward at least an outline of the funding requirements for the years 2000-2003, and if the budgetary authorities could ensure that such requirements were subsequently met.

5. CLIMATE CHANGE - KYOTO CONFERENCE

Opinion of the Economic and Social Committee on the Commission Communication on climate change - the EU approach for Kyoto
(COM(97) 481 final)

(CES 1192/97)

Rapporteur-general: Giampaolo PELLARINI (Italy - Workers)

⁸

OJ No. C 174, 17.06.1996

Gist of the Commission document

The communication addresses the urgent need for action to reduce greenhouse gas emissions in view of the Kyoto Conference on Climate Change to be held in December. It outlines how the EU negotiating position on a 15% reduction of the emission of three greenhouse gases by 2010 relative to 1990 can be achieved. The communication concludes that this is technically feasible and economically manageable. Estimates for technical reduction possibilities are provided for all sectors: transport, industry, electricity, etc. The communication makes it clear that it would not be possible for the EU to take unilateral action and that all industrialized countries must make comparable reduction efforts. The direct compliance cost for the EU in 2010 is estimated to be between ECU 15,000 million and ECU 35,000 million, corresponding to roughly 0.2 and 0.4% of GDP in the year 2010. The overall macro-economic impact on GDP may range from a positive impact of 1% to a negative impact of 1.5% depending on the measures chosen to implement the reduction.

The EU position in the negotiations has been widely debated both inside the EU and at international level, particularly among other industrialized countries. Reactions have varied widely from positive recognition of an ambitious policy to over-sceptical questioning of the technical, economic or political feasibility of the targets and in some cases outright opposition. The communication seeks to place the EU negotiating position in an overall context. It seeks to show both that it is technically feasible and that within a sound policy framework it is economically manageable to arrive at a 15% reduction in greenhouse gas emissions by the year 2010 despite the underlying upward trend. The targets were agreed because of their environmental necessity and on the basis of studies showing that the targets are technically and economically feasible using currently available technologies. These targets are based on the assumption that other industrialized countries will make comparable commitments. It is also recognized that implementing the targets will be politically challenging.

The communication concludes:

- that the potential future damage and cost resulting from human-induced climate change makes it imperative to urgently reduce greenhouse gas emissions;
- that industrialized countries must continue to take the lead;
- that the reduction targets are technically feasible and economically manageable within the EU if all industrialized countries, in parallel, make a comparable reduction effort;
- that many of the measures identified within the communication for a cost-effective strategy, are equally applicable to other industrialized countries;
- that the choice of the right mixture of instruments is essential for a cost-effective climate strategy;
- that, given the political challenge and the need for action, the involvement of all parts of society will be needed.

Gist of the opinion

The Commission communication responds to the mandate given by the Council of Ministers in March and June 1997. The effort to substantiate the EU's negotiating position by demonstrating the feasibility of ecologically compatible development is to be welcomed. The communication has already achieved one positive result: other key players, such as the United States and Japan, have been obliged to adopt an official position on the issue, thus paving the way for more specific and binding discussions in Kyoto.

At the same time, the Committee notes that the failure to envisage any unilateral commitment on the part of the EU introduces an element of political weakness which only the Council meeting of 16 October could have remedied.

The Council confirmed its desire to see "an effective protocol that provides legally binding objectives"⁹ adopted at Kyoto, and regretted the "absence or inadequacy of concrete negotiation offers from the major industrialized countries", but was very vague about the possibility of formulating and implementing the Community policies and measures needed to achieve such objectives.

The Committee feels that the platform sketched out by the Commission can help to make the Kyoto conference a success, and to counter the scaled-down decisions for which support seems to be emerging in the United States and Japan. Only by assuming a practical, coherent commitment can the developed countries open the way to greater involvement of the developing countries, whose energy consumption is bound to increase. The United States wishes to make the Kyoto negotiations conditional on agreements on emission trading and joint implementation between the developed and developing countries; but these steps represent a further stage which can only be reached if the developed countries work in concert to reduce their emissions.

The Committee welcomes the Commission communication in the firm belief that the EU's negotiating position can help to make the Kyoto conference a success. However, it reserves the right to return to this subject after the conference in order to evaluate the concrete measures proposed, and their distribution within the EU.

Section for Industry, Commerce, Crafts and Services
Mr Pereira dos Santos, Head of Division - ☎ (32-2) 546 9245

6. ABUSE OF ENVIRONMENTAL LEGISLATION (SMO) *(Own-initiative opinion)*

Opinion of the Economic and Social Committee on the obstacles to the free movement of goods and services in the single market caused by inconsistencies in, or abuse of, environmental legislation *(Single Market Observatory)*

(CES 1195/97)

Rapporteur: José Ignacio GAFO FERNÁNDEZ (Spain - Employers)

Background

The Single Market Observatory (SMO) exists to monitor how the single market is working in practice and where necessary to suggest improvements.

Different levels of environmental protection set by law, regulation or custom have been an area of special difficulty for the EU Single Market from the start. A special procedure to deal with this (Article 100a(4)) was introduced at the instigation of Denmark. Article 130t of the Treaty of the European Union on environmental regulation says that the protective measures adopted pursuant to Article 130s shall not prevent any Member State from maintaining or introducing more stringent protective measures. Articles in the Treaty on consumer protection and health (Article 129a), State aid (Articles 92 and 93), and Article 36 on exceptions to free movement for public safety reasons are other examples being responsible for this potential conflict of interest.

Business and traders have raised several complaints about unequal terms of competition caused by differing standards and practices meant to protect the environment, feeling that new trade barriers are introduced as fast as old ones are removed.

⁹ Conclusions of the Environment Council of 16 October.

In this context the **Observatory** began a major examination of the problems caused by differing environmental protection measures and organized two public hearings on the subject, one in Malmö in late May and the other in Seville in June 1997. The aim was to provide an opportunity for input to the SMO study from practitioners in two widely differing parts of the Community.

Gist of the opinion

Protection of the environment and completion of the single market have equal importance at Community level, and both principles should work in the interests of the harmonious and balanced development and sustainable growth referred to in Article 2 of the EC Treaty.

There are numerous examples of the internal market and protection of the environment working in positive synergy. However, where cooperation could potentially give way to conflict, Community action should be guided by the following principles:

- the precedence of health and public safety criteria, as defined in Article 36, over all others;
- the criterion of prudence in taking action
- the proportionality criterion; and
- prior objective justification of measures to be adopted.

In its capacity as guardian of the Treaties, the European Commission should guarantee that these principles are implemented. The same could be said of the work of the Court of Justice in Luxembourg, whose decisions should gradually build a clear and specific "legal corpus" to facilitate interpretation of similar cases in the future.

Furthermore, the opinion proposes a number of actions to be undertaken by the European Commission, as well as changes in the existing administrative and political framework, in order to meet the challenges presented by the ever increasing need to reconcile the interests of the single market with those of protecting the environment.

7. CAPITAL ADEQUACY

Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Directive amending Council Directive 93/6/EEC on the capital adequacy of investment firms and credit institutions

(COM(97) 71 final - 97/0124 COD)

(CES 1173/97 - 97/0124 COD)

Rapporteur: Malcolm LEVITT (United Kingdom - Employers)

Gist of the Commission proposal

The purpose of this proposal is to amend Council Directive 93/6/EEC on capital adequacy of investment firms and credit institutions with respect to the use of internal risk management models for the calculation of market risks and the inclusion of measures to have appropriate capital available to cover the market risks inherent in commodities and commodity derivatives business.

This proposal for a directive adds two annexes and some minor consequential changes to the original Council Directive 93/6/EEC: one sets out the methods for calculating market risk on positions in commodities and commodity derivatives and the other sets out conditions for the use of internal models for calculating market risk capital requirements.

The effect of these amendments will be twofold. Firstly commodity trading and commodity derivatives undertaken by investment firms and credit institutions, which are currently subject to the full credit risk charge under Council Directive 89/647/EEC will be subject to capital requirements which more accurately reflect the risks involved. Secondly competent authorities will be able to authorize institutions to use their internal models to calculate market risks under strict conditions. This will encourage institutions to make use of more accurate techniques for measuring risk in the context of an improved overall approach to risk management.

Both annexes are closely modelled on the January 1996 amendment to the Basle Capital Accord to incorporate market risks and were presaged in Articles 13 and 14 of the original Council Directive 93/6/EEC. Their introduction will contribute to a level regulatory playing field both within the EU and in the wider international marketplace.

Gist of the opinion

The ESC welcomes and approves the Commission's proposal and urges the Council and the Parliament to consider it with all speed. This is necessary in the interests of protecting the competitive position of EU firms operating in international and highly competitive markets; it will also enhance the prudential control of banks and investment firms which is self-evidently desirable from a public policy perspective and is in the interests of the financial stability of the EU financial system and of the customers of financial institutions.

There are a number of points on which further attention and some amendments may be required.

Consideration needs to be given as to how highly technical amendments to financial services legislation is effected so as to ensure that EU legislation remains current in a fast-moving international environment. The ESC recommends that greater use be made of comitology in this area.

The Commission's proposals on the backtesting of internal models require some amendment to bring them closer to the intentions of international regulators and to avoid putting EU institutions at a competitive disadvantage through excessive, prescriptive requirements. In particular, financial institutions should not have to backtest daily on two different bases, and it should be clear which basis forms the basis on which regulators will apply increased capital charges. In line with Basle, national regulators should also have greater flexibility than the Commission proposes in applying increased capital charges via the plus factor to banks which have had between five and nine overshootings within a 250 working day period.

The ESC recommends that the principal focus of backtesting should be against actual outcomes in order to capture how models perform in live situations.

National supervisors should have the discretion to give full recognition to specific risk models where they are satisfied as to the accuracy of those models.

The approach of providing transitional arrangements for investment firms which have a substantial involvement in commodities, but which are not yet able to model this risk is the correct one. The ESC considers, however, that a two year transitional period may not be sufficient and may need to be reviewed.

8. ELECTRONIC COMMERCE

Opinion of the Economic and Social Committee on the *Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions - A European initiative in electronic commerce*
(COM(97) 157 final)

(CES 1191/97)

Rapporteur: Christos FOLIAS (Greece - Employers)

Co-rapporteur: Knud Erik SKOUBY (Denmark - Various Interests)

Gist of the Commission document

The aim of this European initiative is to encourage the vigorous growth of electronic commerce in Europe. A fast moving sector, electronic commerce will have a considerable impact on Europe's competitiveness in global markets. Building upon Commission's work to date, it provides a coherent policy framework for future Community action, and aims at establishing a common European position to achieve global consensus through international negotiations.

This initiative builds on the particular characteristics of European business and the diversity of its social and cultural fabric to present a distinctive and coherent European approach to the development of electronic commerce in the global market place. The key elements of the initiative are the following:

- Promote the technology and infrastructure needed to ensure the competitiveness of the European electronic commerce industry, and put in place structures that will provide efficient access systems for existing and potential users.
- Capitalize on the single market by ensuring a coherent regulatory framework for electronic commerce in Europe and in wider global markets. This framework needs to boost the trust and confidence of businesses for investments and consumers to make use of electronic commerce by dismantling remaining legal and regulatory barriers and preventing the creation of new obstacles.
- Foster a favourable business environment for electronic commerce by promoting adequate skills, and by making consumers and industry aware of the opportunities offered by electronic commerce.
- Work towards global consensus from a common European position to ensure effective participation in current international cooperation and negotiation.

This initiative provides a coherent framework for these mutually re-enforcing technological, regulatory and support actions to facilitate the development of the electronic commerce market whilst adequately safeguarding public interest objectives. The political objective of the Commission is to implement this coherent framework, as a matter of urgency, by the year 2000.

Gist of the opinion

The ESC will support the Commission's efforts to formulate a set of Community principles for developing the European Information Society and promoting electronic commerce in the EU so that Europe can live up to both its international role and its responsibilities towards European citizens. The regulatory framework must not simply be an instrument for promoting electronic commerce; it must also be a means of preventing mass unemployment.

The ESC calls upon the Commission:

- to step up its efforts to use electronic commerce within its own agencies;
- to promote an action plan to modernize all public bodies and institutions in the Member States;
- to promote a legal framework which would facilitate the practices involved in providing information to businesses in all countries of the EU and which would establish: the right to fast and reliable access to public sector information; the extent of restrictions on and exceptions to the right of access; and the rules on marketing, including billing policies and the safeguarding of state copyrights;
- to propose an electronic link-up programme between equivalent public bodies in the Member States.

The following basic conclusions have been drawn from working on the text:

- Electronic commerce presents a challenge both for the productive sectors of the economy (commerce, industry, crafts, banking, etc.) and for all users and consumers.
- The public sector is called upon to play a key role in promoting electronic commerce.
- Security problems must be solved as soon as possible so that transactions are reliable and justifiable concerns about the protection of personal data can be allayed.
- SMEs should be able to benefit from electronic commerce on an equal basis by taking advantage of the opportunities that it now offers and modernizing their operations.
- The Commission must set up **without delay** the necessary lifelong training programmes so that employers and workers can cope with the new working conditions.
- The European Union should take part in the global dialogue with uniform, integrated positions which safeguard European interests.
- The European Union must directly promote research and development programmes for new technologies.

9. REGISTRATION DOCUMENTS FOR MOTOR VEHICLES

Opinion of the Economic and Social Committee on the proposal for a Council Directive on registration documents for motor vehicles and their trailers
(COM(97) 248 final - 97/0150 SYN)

(CES 1174/97 - 97/0150 SYN)

Rapporteur: Michael KUBENZ (Germany - Employers)

Gist of the Commission document

The proposal for a directive harmonizes the documents issued by the Member States when motor vehicles and their trailers are registered. The aim of that harmonization is to:

- make it easier to use vehicles registered in one Member State on the roads of the other Member States by making it simpler for the relevant national authorities to check registration certificates;
- enable the implementation of Directive 91/439/EEC on driving licences to be verified by means of roadside checks;
- improve the functioning of the internal market by making it easier to understand the registration documents where a vehicle has been registered in another Member State;
- improve the functioning of the internal market by making it easier to check the rightful ownership of a vehicle where this has been registered in another Member State.

Gist of the opinion

The Committee particularly welcomes the fact that the registration certificate is to be designed with reference to the Vienna Convention¹⁰.

¹⁰ Convention on road traffic, signed on 8/11/1968, including amendments taking effect on 3/9/1993. United Nations Economic Commission for Europe (ECE).

However, the Committee points out that it is essential to at least incorporate the scope of the ECE¹¹ convention into European Union rules, since the ECE rules are currently accepted outside the EU, notably in the eastern European countries.

The Committee advocates the setting up of an electronic system throughout the European Union through which vehicle registration data could be accessed via the chassis number.

Plastic cards with a computer chip have been recommended as an interim solution until electronic checks can be carried out on vehicles directly. These cards could be introduced immediately without first providing the data in paper form. If the data are provided on paper, they should at least be electronically readable (e.g. by using a bar code).

The Committee agrees that a two-part registration certificate is absolutely necessary. The issuing of a two-part registration document can also provide proof of ownership, as already provided by the ownership papers issued in some Member States.

As regards measures to increase anti-tampering protection, it is recommended that use of holograms be added in Annex I, part I, point II and Annex I, part II, point II of the directive.

Section for Regional Development and Town and Country Planning
Mr Fève, Principal Administrator - ☎ (32-2) 546 9616

10. TERRITORIAL EMPLOYMENT PACTS (*Information Report*)

Information Report of the Economic and Social Committee on territorial employment pacts.

(CES 656/97 fin)

Rapporteur: Ettore MASUCCI (Italy - Workers)

Aim of and reasons for the request for an information report

President Santer has asked the ESC to assist in the implementation of the territorial and local employment pacts (TLEPs) by keeping a watching brief on the process and passing on information to the appropriate levels, in particular the national organizations representing economic and social interest groups.

In keeping with its remit, the ESC could play a role in three areas, namely, in informing the social partners at national level and promoting the idea of TLEPs amongst them, in monitoring the TLEPs, paying particular attention to the make-up and the dynamism of the partnerships involved and in the exchange of instructive experience between the social partners.

The ESC will examine the partnership arrangements and situation in those countries where there has been a weak response to the initiative and in those where advances have already been made. It will consider in greater detail the role of the various parties and the method used for framing the programmes.

¹¹

ECE: United Nations Economic Commission for Europe.

The Commission plans to set up a permanent forum for encouraging TLEPs; this forum will include representatives of the Member States, the ESC, the COR and the European Parliament. In this context, the ESC could be given responsibility for mobilizing the socio-economic partners and monitoring partnership arrangements in the TLEPs. There is a need to monitor in particular the composition, formation, role and dynamics of the partnerships involved, whilst bearing in mind the general reference framework as regards the territorial confines of the pacts, the goals, the way in which the pacts and projects are drawn up, the finance, and the impact on employment. The information report will examine these questions and prepare the Committee's contribution to the Forum.

Gist of the information report

The Commission has confirmed that it wishes to involve a number of institutions, including the Economic and Social Committee in promoting and publicizing the employment pacts through an inter-institutional forum whose particular task will be to organize promotional events on the ground. The section wishes to make an initial contribution, through this information report, to promoting the pacts by providing information on the methodology (proposed by the Commission) for framing the pacts and on the implementing and operating procedures. This will also be useful for the inter-institutional forum proposed by the Commission.

The report should also be regarded as constituting part of the ESC's contribution to the preparation of the inter-institutional forum. This forum was initially scheduled to be held in November 1997 but will now be held in the Spring of 1998.

The information report is based on six key issues which provide the titles for the main chapters in the report, namely: methodology and the content of the pacts; the role of partnership; the role of the public authorities; innovative actions; the problems to be resolved; and monitoring, information and training regarding the pacts.

The Committee also puts forward a number of observations on the political and general economic impact of the territorial employment pacts.

In the conclusions to the report the ESC highlights the need for the pacts to form part of a wider employment strategy encompassing macroeconomic and employment policies, the operation of the labour market and regional employment growth.

This strategy must coordinate the national, regional and local levels, with a view to (a) encouraging and training new businessmen and women, especially young people; (b) making the best possible use of financial resources; (c) creating new products and services, both for business and for individuals; and (d) generating real, additional lasting jobs.

The Committee also takes the view that territorial employment pacts:

- provide a valuable opportunity to coordinate and intermesh the various public and private forms of Community, national, regional and local support, focusing them on a coherent strategy for job creation;
- must represent a quantum jump in project planning and implementation, in effective use of resources, and results as measured by the number of new jobs;
- must be genuinely and realistically geared to the creation of new jobs, in line with the resources available and in the light of the specific circumstances of the area concerned.

11. **TOURISM** (*Additional opinion*)

Opinion of the Economic and Social Committee on the Commission Report on Community measures affecting tourism (1995-1996)
(COM(97) 332 final)

(CES 1200/97)

Rapporteur: Colin LUSTENHOUWER (Netherlands - Various Interests)

Purpose of the additional opinion and gist of the Commission document

This additional opinion is a follow-up to the last two opinions issued by the Committee on the subject, the first dated 14 September 1995 on the Commission Green Paper on the role of the Union on tourism¹², and the second dated 26 September 1996 on the proposal for a Council Decision on a first multiannual programme to assist European tourism "PHILOXENIA" (1996-2000)¹³, on which the Council has not yet taken a decision.

Through this additional opinion, the Committee wishes both to make known its views on the Commission report in question and to contribute to the work of the conference organized by the Luxembourg presidency in cooperation with the Commission on the subject of tourism and employment, planned for 4 and 5 November 1997.

This report, which presents an overview of Community measures affecting tourism undertaken in 1995/1996, is the third report presented by the Commission in accordance with Article 5 of Council Decision 92/421/EEC of 13 July 1992 on a Community action plan to assist tourism¹⁴.

This document is supplemented by a more detailed working document of the Commission services, describing the Community measures affecting tourism implemented in 1995 and, to the extent that they continued in that year, in 1996¹⁵.

Most of the actions described in the report have been implemented within the framework of a wide range of Community policies and programmes which, while not specifically designed in terms of tourism objectives, nonetheless have an important influence on the development of the tourism industry, on the interests of tourists, and on the exploitation and preservation of assets which are utilized by tourism.

Measures taken over the last two years have thus made it possible to:

- **encourage mobility and improve protection of tourists as consumers:** increased free movement facilities, easier access to tourism for certain population groups (the handicapped, the elderly), encouragement for taking responsibility in combating sex tourism;
- **strengthen the competitiveness of the European tourism industry:** encouragement for establishing an environment favourable to the tourism sector, especially by helping to modernize the industry, incentives for tourism development in disadvantaged regions and encouragement for tourism development in third countries which are partners of the European Union;

12 OJ C 301 of 13.11.1995, page 68

13 OJ C 30 of 30.01.1997, page 103

14 OJ L 231 of 12.08.1992, page 28

15 SEC(97) 1419. This document is available only in French, English and German.

- **encourage the responsible use of tourism resources:** strengthening the development of sustainable tourism, and intensifying the relationship between tourism and culture.

The study carried out by the Commission enables it to conclude that, despite the lack of a specific basis in the Treaty, the European Union has been able to undertake a wide range of tourism-related measures, since the vast majority of Community programmes and actions now have a tourism aspect or a significant impact on tourism activities.

However, the Commission takes the view that:

- the continuity and coherence of Community action in this field could be facilitated by inserting provisions into the Treaty which would make such action more efficient and more visible;
- the impact of the overall effort made could be further improved if the objectives and instruments of tourism measures could be taken into account more fully in the definition and implementation of other Community policies;
- the European Union must give a qualitative impulse to its action in the field of tourism, through more imaginative Community measures focused on real priorities and attainable goals, so as to make this industry more dynamic and to provide it with the means to create jobs while making full use of the latest developments and of the opportunities offered particularly by the information society.

Gist of the additional opinion

The Committee welcomes the report presented by the Commission, which makes it clear that the European Union does concern itself with the tourism sector and those working in it. However, it urges the Commission to try to measure in greater detail the effects of the different measures in terms of job creation in the sector or of improving the quality of the tourism product, as this would facilitate the choices which would guide the continuation, or indeed intensification, of tourism policy.

Following on from earlier opinions, the Committee then returns to certain questions influencing the future development of the tourism industry: the environment, consumer policy and above all the problems of employment.

The Committee welcomes the initiative taken by the Luxembourg Presidency and the European Commission in organizing a conference on tourism and employment to be held in November 1997; it hopes that this conference will result in practical recommendations and that their implementation will give rise to more and better-quality jobs in the tourism industry; the recommendations would also contribute to the special European summit on employment, to be held later the same month.

In this context, the Committee draws attention to the WTO recommendations contained in the 1996 Madrid declaration on tourism human resources development, and calls for a full debate, especially on the possibilities of reducing labour costs.

The Committee also takes the opportunity to express regret that the Treaty of Amsterdam has still not provided a specific legal basis for tourism policy, and to call upon the Council to reach an agreement as soon as possible on the *Philoxenia* programme to assist European tourism, which was proposed by the Commission nearly a year and a half ago.

Section for Transport and Communications
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12. AIRCRAFT SAFETY/THIRD COUNTRIES

Opinion of the Economic and Social Committee on the proposal for a Council Directive establishing a safety assessment of third countries aircraft using Community airports
(COM(97) 55 final - 97/0039 SYN)

(CES 1175/97 - 97/0039 SYN)

Rapporteur: Michael MOBBS (United Kingdom - Employers)

Gist of the Commission document

In the wake of the aircraft accident of Puerto Plata (Dominican Republic) which killed 176 European passengers, both the European Parliament and the Council asked the Commission to study possible measures to improve safety, in particular addressing the problem of sub-standard carriers operating to and from the European Union.

Accordingly the Commission established a High Level Group and in June 1996 issued a communication¹⁶ describing all the steps necessary for a consistent and comprehensive strategy to improve aviation safety.

This Communication underlines the fact that a consensus exists on the necessity to urgently implement a system for checking safety levels of non-Community carriers operating to and from the EU.

The aim of this proposal is therefore to set in the Community the legal framework for the introduction and the operational application of such a safety assessment of third countries aircraft while leaving enough margin to see Member States to build the corresponding mechanisms individually or collectively, for example within the JAA, as they see fit.

The procedure for the safety assessment of foreign aircraft includes, in particular:

- the collection and exchange of information from various sources (passenger complaints, pilot reports, etc.);
- the ramp inspection as soon as there is suspicion of non-compliance with international safety standards¹⁷;
- the grounding of aircraft, when the deficiencies in compliance are clearly hazardous to safety, until the aircraft has been brought up to standard.

¹⁶ Communication from the Commission to the Council and the European Parliament, Report by the High Level Group established by the Council Decision of 11.03.1996 "defining a Community aviation safety improvement strategy", SEC(96) 1083 final, 12.06.1996.

¹⁷ The international standards in question are those set out in the 1944 Chicago Convention.

Gist of the opinion

While welcoming the Commission proposal, the Committee thinks that Community action should not be limited to improving safety of Third Country carriers and aircraft but should continue efforts to increase safety standards in Europe as a whole.

This is why the Committee agrees with the Commission's view that actions on inspections and groundings and, where appropriate on restrictions of landing rights, must be common within all Member States, otherwise the value of the Commission proposal will become questionable.

The Committee also stresses the importance of the JAA (Joint Aviation Authorities) and considers that the Commission should find ways for the JAA and the Commission to cooperate efficiently. Even if they do not currently have any legal status, the JAA are likely to have a major role to play in future, especially in setting standards and work schedules.

Finally, the Committee draws attention to the fact that when an aircraft is grounded, the travelling public (and freight) will be affected and compensation in respect of any delays caused may be sought. Consideration needs to be given to this matter and how passengers (and freight) should reach their destinations.

13. INTERMODALITY/FREIGHT TRANSPORT

Opinion of the Economic and Social Committee on the *Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Intermodality and intermodal freight transport in the European Union - a system approach to freight transport - strategies and actions to enhance efficiency, services and sustainability* (COM(97) 243 final)

(CES 1176/97)

Rapporteur: Dethmer H. KIELMAN (Netherlands - Employers)

Gist of the Commission document

With the projected growth of international trade, the possible enlargement of the Union to the Central and Eastern European countries and enhanced cooperation with the Mediterranean countries, the role of transport will become even more important.

Consequently, intermodality is a key element of the common transport policy designed to achieve sustainable mobility.

The objective of the communication is to develop a framework for an optimal integration of different modes of transport so as to enable an efficient and cost-effective use of the transport system through seamless, customer-oriented door-to-door services whilst promoting competition between transport operators.

Implementing a European intermodal transport system requires coordinated development of transport policy at European, national and regional level. The Commission believes that four key strategies will provide the necessary impetus to the development of intermodal transport in the overall context of the common transport policy:

- A European strategy for infrastructure: trans-European transport networks and nodes
- The single market for transport: harmonization of regulations and competition rules
- Identification and elimination of obstacles to intermodality and the associated friction costs
- Implementing the Information Society in the transport sector

Furthermore, intermodality does not involve any choice between modes; it integrates modes in three ways: infrastructure and means of transport (hardware), operations and use of infrastructure (especially terminals) and services and regulations (from a modal-based to a mode-independent framework).

The actions proposed in the communication are designed to remove existing barriers to the development of intermodal door-to-door transport, and thereby promote a greater use of environmentally friendly modes of transport with spare capacity. By improving the potential of rail, river or maritime transport and by offering, where appropriate, effective alternatives to unimodal road journeys, intermodality will help to reduce congestion in road networks.

Gist of the opinion

The Committee supports the integrated approach to developing intermodal transport in the EU. The way in which this is described in the communication shows insight into a complex issue and points the way for concrete action. However, the section feels that many problems are involved in carrying out the actions described in the communication and suggests that the approach should also be realistic and practical.

The ESC also draws the Commission's attention to a number of points that it feels are important, namely:

- Since the technical, economic and, above all, political obstacles to the market-oriented operation of the railways in particular are hardly mentioned, the ESC feels that one of the most serious, if not the most serious stumbling blocks to the development of intermodality is missing from the communication.
- In view of the developments in road transport, one should focus on improving technology and finding solutions to present obstacles in rail, inland waterway and coastal transport, so they can maintain their advantage in the fields of energy consumption, emissions and noise prevention.
- The Commission's communication does not elaborate on the idea of using "intermodality" as a quality indicator of the efficiency of the total transport system, or give it any concrete foundation. It is also unclear what the consequences of intermodality will be for jobs and society as a whole.
- The development of Trans-European Networks of motorways and "Freeways" for rail traffic will directly have a big impact on the use of road, rail and water-borne transport and may greatly influence the development of "intermodality".
- The development of "intermodality" often calls for huge investments, especially in equipment, terminals and information systems. Government support for new services is only possible to a limited extent, while subsidies for operating losses, for example, are quite impossible, even in the initial phase. As many parties in intermodal transport can only invest very limited sums, this is a considerable barrier.

Finally, the Committee thinks that red tape should be kept to a minimum when implementing the Commission's action programme and further developing intermodality. Moreover, the Commission should consult closely with all those involved, both market operators and social partners.

14. CONSULTATION - GREEN PAPER ON NUMBERING

Opinion of the Economic and Social Committee on the *Communication from the Commission to the European Parliament and the Council regarding the consultation on the Green Paper on a numbering policy for telecommunications services in Europe*
(COM(97) 203 final)

(doc.CES 1177/97)

Rapporteur: Michael MOBBS (United Kingdom - Employers)

Gist of the Commission document

In November 1996 the Commission published its Green Paper on a numbering policy for telecommunications services in Europe¹⁸, on which a broad public consultation took place.

This communication reports on the results of that consultation which demonstrated wide support for the green paper proposals to introduce call-by-call carrier selection, carrier pre-selection and operator number portability.

On the basis of these results, the Commission considers as appropriate the following targets for the introduction of carrier selection, carrier pre-selection and number portability and for the establishment of the European Telephony Numbering Space:

- **by 1 January 1998:** call-by-call carrier selection to be offered by all fixed local access providers with significant market power in all Member States where full liberalization is required by that date and in Member States where additional transition periods have been agreed, by the end of that period;
- **by 1 January 1999:** establishment of a European Telephony Numbering Space on the basis of country code "388";
- **by 1 January 2000:** carrier pre-selection for the user to be offered by all fixed local access providers with significant market power in all Member States; operator number portability to be offered by all fixed local access providers; and number portability to be offered by all operators for non-geographic special service numbers (freephone, shared costs, premium rate services).

Finally, the communication lists the actions regarded as necessary in order to follow up the consultation and to achieve the targets set.

Gist of the opinion

In its opinion, the Committee welcomes the opportunity to comment upon the Commission's communication, especially since the subject raised covers one of the last remaining major areas for action in the telecommunication liberalization process. In the main it reiterates the views expressed in its opinion on the green paper.

The Committee welcomes the proposed priorities for action which are needed in order to foster the liberalization process and feels that their aims are realistic and essential if there is to be genuine competition, innovation and customer choice for users, which best suits them in terms of quality, service and cost. The availability of adequate numbers and appropriate numbering mechanisms allocated and designed on a fair, transparent and non-discriminatory basis will contribute to the development of the single market in telecommunication services.

Finally, the Committee feels that the responsibility for achievement of these objectives belongs to the National Regulatory Authorities (NRAs) and points to the responsibility of the Member States to have the required independent NRAs in place and fully operational on time. Without the NRAs and common rules applicable in the EU, the prospects for the intended uniform numbering plan actions will be materially reduced.

18

OJ C 287 of 22 September 1997, p. 15

Section for Energy, Nuclear Questions and Research
Mr Martinez, Principal Administrator - ☎ (32-2) 546 9794

15. ALTENER II

Opinion of the Economic and Social Committee on the Proposal for a Council Decision concerning a multiannual programme for the promotion of renewable energy sources in the Community - ALTENER II

(COM(97) 87 final - 97/0106 SYN)

(CES 1178/97 - 97/0106 SYN)

Rapporteur: Giannino BERNABEI (Italy - Employers)

Gist of the Commission proposal

The ALTENER programme was established by Council Decision 93/500/EEC. It began officially on 1 January 1993 and will expire on 31 December 1997.

An EU programme to promote renewable energy sources (RES) is necessary in the interests of the environment, security of supply, competitiveness, regional development, social and economic cohesion and employment. Hence ALTENER II is to begin on 1 January 1998 and run until 31 December 2002.

If ALTENER II is to make a meaningful contribution to the goals set for RES in the various Community strategies, not only must the successful ALTENER I actions be continued and strengthened, but new actions are needed which have a direct influence on the uptake of RES and the coordination of the many efforts undertaken in the Member States. The ALTENER II programme will therefore consist of the following elements.

- Extension of ALTENER I actions
- New actions to promote the market penetration of RES
- New actions on the implementation, follow-up and monitoring of the Community RES strategy in the EC and in Member States.

In its opinion of 24 November 1992¹⁹ on the proposal for a Council Decision for the promotion of renewable energy sources in the Community, the Economic and Social Committee pointed out that too little attention had been paid to the environmental impact and to economic and social cohesion. These suggestions have been taken up in ALTENER II and these aspects are considered.

Gist of the opinion of the Economic and Social Committee

In line with some of its more recent opinions, the Committee reiterates its support for a strengthened Altener programme.

¹⁹

OJ No. C 19 of 25 January 1993, p. 7

The Committee feels it is essential, to strengthen the actions of the Community as well as the Member States in order to speed up RES penetration in the internal and global market.

The Committee endorses the conclusions of the first report of the Altener programme, which called for future actions to focus on particular strategic aspects, such as solving market penetration problems, whilst avoiding unwarranted distortions of competition.

The Committee feels that the objectives, criteria and access procedures should be defined immediately, and not on an annual basis, whilst keeping the intervention levels flexible and within predetermined limits in order to avoid distortions of competition.

The Committee would particularly like to see a further increase in the percentage of funding devoted by Altener II to these objectives. The Committee insists that the creation of pan-European standards is an important factor in promoting renewable energy sources.

The Committee believes that the Altener programme, should promote cooperation with international cooperation programmes such as MEDA, PHARE and TACIS. The Euro-Mediterranean Energy Forum should include arrangements for cooperation and coordination with Altener.

The Committee underlines the very important role RES plays in the development of local energy.

Whilst the Committee deplores the failure to include a specific title on energy policy in the Treaty on the European Union, it feels that RES support actions should be included in a strategic Framework Programme and be coordinated with other relevant Community policies and Member States policies.

The Committee supports, once again, an "ad hoc" institute for RES within the framework of the JRC.

16. ENERGY POLICY AND ACTIONS - AN OVERALL VIEW

Opinion of the Economic and Social Committee on the *Communication from the Commission on an overall view of energy policy and actions*
(COM(97) 167 final)

(CES 1179/97)

Rapporteur: Nikolaos LERIOS (Greece - Employers)

Gist of the Commission's communication

The communication aims to improve the transparency of Community energy policy. It presents, for the first time, a complete picture, giving an overall view of the actions of the European Community in the energy field, including both cooperation with Member States and the Community's own actions.

Energy is a sector of vital importance. It is the lifeblood of economic activity and social welfare. It is essential for achieving growth, competitiveness and employment. Its production and use have a great impact on the environment.

In its analysis, the Commission seeks to bring together all Community actions for energy into a coherent and comprehensive framework. Two actions are highlighted:

- actions to promote energy cooperation between Member States;
- Community actions developed both under the Community's specific energy policy and under other relevant Community policies and other instruments.

All Community measures in the field of energy are classified on the basis of the contribution they can make to the four following priority objectives:

- securing supply and strengthening international energy cooperation;
- integration of European energy markets;
- promotion of sustainable development;
- promotion of R&TD.

The major challenges of (a) security of supply, (b) competitiveness which respects the rights and legitimate expectations of consumers, (c) sustainable development, and (d) environmental protection requirements represent major issues for the citizens of Europe, both as regards the way they live and their standard of living. It is therefore a matter of urgency to prepare to meet them by facing up to the changes taking place both within and outside the Union.

Gist of the opinion

The Committee welcomes the new communication from the Commission. However, it still has some reservations.

The Committee believes that a coherent and common energy policy should be drawn up at EU level and reiterates that the common policy be built upon cooperation between national energy policies and the freedom to choose primary energy sources.

The ESC underlines that since the Treaty lacks a chapter on energy there is a risk that the structure of the common energy policy will simply be based on that of numerous other Community policies.

Many of the proposed initiatives contain neither new elements nor additional substance. Therefore the ESC is of the opinion that this communication can only be a starting point and serve as the basis for a real programme for the energy sector.

The Committee points out that the future challenges the EU is facing, closely involve the energy sector. It must be emphasized that any one of these new values or commitments the European Union hopes to achieve could be jeopardized by even a short-lived energy shortage, excessive increases in the cost of imported energy, or a decline in the quality and efficiency of the supply of oil, electricity or natural gas to which European consumers have been accustomed for decades. It is vital, therefore, that the energy sector - and hence energy policy - is able to rise to these challenges and meet the demands of European citizens.

17. THE ENERGY DIMENSION OF CLIMATE CHANGE

Opinion of the Economic and Social Committee on the *Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the energy dimension of climate change*
(COM(97) 196 final)

(CES 1193/97)

Rapporteur: Klaus BOISSEREE (Germany - Various Interests)

Gist of the Commission communication

The aim of the communication is to stimulate the debate in connection with the third conference of the parties to the UN Framework Convention on Climate Change, to be held in Kyoto in December 1997. The

communication focuses on the implications for energy, in preparation for a broader Commission communication covering all relevant sectors, which is to follow in the autumn.

Bearing in mind the challenges currently being posed, such as the commitment to reduce emissions, the trend in CO₂ emissions and the need for political decisions, the communication sets out ten potential areas for action in energy policy, namely:

1. energy efficiency and energy saving;
2. greater cooperation with economic operators; role of environmental agreements;
3. accelerating the market penetration of renewable energy sources;
4. better energy management at island, local and regional level;
5. promoting combined heat and power production initiatives;
6. electricity generation;
7. integration with other policies;
8. technology and innovation;
9. limiting other greenhouse gas emissions;
10. fiscal instruments and resourcing.

Climate change represents an international challenge. Future political decisions will involve meeting particular requirements and the attendant consequences. A decisive energy policy, which takes account of its impact on climate change, should be backed up by improved coordination of all the measures which have a direct bearing on energy. In the general context of energy relations, the common challenges in the field of energy facing both the OECD and non-OECD partners require a response which specifically takes account of the major impact on energy supply.

The challenge of climate change is, in the Commission's view, of such importance that the development of policies and measures need to be pursued jointly, in a spirit of solidarity, by the Member States and the Community at Community, national, regional and local level in order to achieve the agreed reduction targets in respect of greenhouse gases and fair burden-sharing decided upon between the Member States.

Gist of the opinion

The ESC has repeatedly looked at strategies to reduce CO₂ emissions and other "greenhouse gases".

The Committee underlines that climate policy is a global policy. It feels the EU should enter into negotiations with the USA and Japan before the Kyoto Conference.

The Economic and Social Committee believes that the scientific basis for the forecasts used by the Commission to draw up its climate policy objectives is narrow and should be extended, particularly in regard of the relationship between economic growth and energy consumption, the impact of technological innovations and the objectives for climate relevant gases other than CO₂.

The ESC points out that climate policy cannot be implemented unless its objectives are integrated into other policy areas. As such more emphasis should be placed on transport policy.

Taking into account the SAVE programme and the Altener programme the ESC believes that the action plan could be expanded to include arrangements of the kind already introduced by regulatory means in some Member States, such as the non-fossil fuel obligation, or the obligation to buy electricity generated by renewables.

The ESC therefore believes that, if there is to be any significant reduction in CO₂ emissions, nuclear energy together with renewables will have to play key roles. However, the continued, or even expanded, use of nuclear energy requires solving problems of operating safety and waste disposal.

The Economic and Social Committee would like to collaborate in drawing up the action plan to implement climate policy in the EU.

Section for Social, Family, Educational and Cultural Affairs
Mr Hick, Head of Division ad interim - ☎ (32-2) 546 9302

18. QUALITY ASSURANCE IN HIGHER EDUCATION

Opinion of the Economic and Social Committee on the Proposal for a Council Recommendation on European cooperation in quality assurance in higher education
(COM(97) 159 final - 97/0121 SYN)

(CES 1180/97 - 97/0121 SYN)

Rapporteur: José Isaías RODRÍGUEZ GARCÍA CARO (Spain - Employers)

Gist of the Commission proposal

The recommendation urges Member States to consider introducing quality assessment and quality assurance mechanisms into their higher education systems and stresses the usefulness of systems of this kind and certain of their operational principles, without prescribing methods, structures or funding, such arrangements remaining their exclusive responsibility.

The recommendation lays particular emphasis on the advantages of European cooperation in quality assessment and quality assurance in helping Member States to meet the new quality demands on education systems. Permanent observation and comparison of the impact of the legal and institutional frameworks on performance will help to avoid possible undesired side-effects of quality assurance procedures in the different Member States and contribute to increasing effectiveness. Cooperation will also make it easier to develop strategies for innovation in higher education systems.

The establishment of a European network on quality assurance in higher education will promote cooperation between Member States and higher education institutions by supporting the exchange of information and experience at European level.

A whole range of mutual catalytic influences between the existing Community programmes promoting cooperation in education on the one hand, Member States' quality agencies and the proposed network for quality assurance in higher education on the other, are to be expected. Activities pursued by universities, for instance, as part of their institutional contracts under SOCRATES-ERASMUS (e.g. curriculum development of ECTS activities) could derive invaluable additional information from national evaluation agencies or evaluation projects supported by the quality assurance network. Similarly, "thematic networks" which decide to implement quality assessment for their subject area(s) throughout Europe on the basis of their previous work, could obtain direct support from this network. Vice versa, both links could be a resource for information and for building up a pool of international peers for quality evaluation. In the long run, a link could be envisaged with other activities, e.g. open and distance learning and cooperation between university and the business world, in order to integrate graduates in the labour market more effectively.

A study conducted on behalf of the Commission, provided a systematic overview of the activities of quality assessment and assurance implemented by international organizations and the different projects implemented. While noting the number and undoubted merits of efforts by the competent international organizations to improve the quality of higher education establishments, the study shows that these are nonetheless one-off initiatives. Furthermore, cooperation between these organizations and their participation in the quality assurance network would not only contribute to create complementarity of interests and multiplier effects, but above all would preserve transparency in a field in which confusion could well reign if too many different networks were to be working simultaneously on different aspects and at different levels.

Gist of the opinion

The education of citizens with a view to their integration into the labour market equipped with sufficient knowledge to cope with the demands of that market is a key element in the satisfactory economic development of our society.

The Committee considers that the recommendation should urge the Member States to set up quality assurance systems and the structures needed to provide an internal source of awareness-raising in the first instance and act as a support subsequently.

The Treaty expressly rules out the possibility of harmonizing education systems. This incontrovertible fact does not in principle rule out the adoption of duly agreed and standardized assessment systems whereby some common basic criteria can be established for comparing the quality of the different education systems and establishments.

The Committee believes that, with both a local and a European input, cooperation on quality issues would go much further than just knowledge of the methods and systems used. It would also highlight the shortcomings of some institutions in relation to others when it comes to achieving higher levels of quality, since all institutions would be assessed using identical criteria and standards.

The Committee would wish to make it clear that unswerving respect should be shown to two principles that affect the Member States and teaching establishments. These two principles are: under no circumstances is there any question of harmonizing the education policies of the Member States, nor therefore their education systems or the courses given by teaching establishments. It should be expressly stated that the principle of university autonomy is neither under debate nor called into question in the opinion.

The Committee believes it is both useful and necessary to create a European Quality Assurance Network as proposed in the recommendation. However, its tasks may seem incomplete without a component enabling it to establish comparisons at national and Community level as to the quality of teaching and of the institutions themselves.

The Committee believes that the importance of quality assurance in higher education is such that it justifies the allocation of specific funds. It therefore urges the Commission and the Member States to ensure financial support for the measures proposed in the recommendation.

In the recommendation, one of the principles upon which quality assurance systems are based is that of involving all the main players. It recognizes the need for the social partners to be involved in the expert groups considering the external component of assessment.

The Committee believes that socio-economic operators can play an important role by providing the benefit of their own experience which can be useful from a methodological point of view.

19. CONTINUING TRAINING IN THE UNION

Opinion of the Economic and Social Committee on the Report from the Commission on access to continuing training in the Union
(COM (97) 180 final)

(CES 1201/97)

Rapporteur: José Isaiás RODRÍGUEZ GARCÍA CARO (Spain - Employers)

Gist of the Commission proposal

This "report on access to continuing training in the European Union", which constitutes a follow-up to the 1993 recommendation of the Council of Ministers, is based on reports from the Member States and social partners' organizations. It provides the first complete diagnosis of vocational training in Europe.

There are three major points to note:

- The objective of generalized access to continuing training for all workers in the European Union is far from being achieved. It is estimated that on average only slightly more than one worker in four has participated in a continuing training measure for a period of one year and that less than two out of three companies can be regarded as having a continuing training policy.
- There are very substantial discrepancies between Member States and the various company and worker categories. Generally speaking, the countries in which companies are better off have the most dynamic continuing training policies, which means there is a high risk that these discrepancies within the Union will become even greater.
- Initiatives in this field are very numerous, originating both from the public authorities and from the social partners or companies. This creates an interesting opportunity to disseminate information on best practices and ensure more favourable overall development.

Taking note of these facts, the report recommends three initiatives under the Confidence Pact for 1997, with a view to establishing a Community reference framework for promoting access to skills as called for by the Florence European Council (1996):

- The organization of consultations with the social partners on the subject of access to skills, following up their opinions of lifelong learning. Consultations should start after the summer of 1997.
- Presentation (around October) of a proposal for a Council Decision (based on Article 127 of the Treaty) to consolidate the procedures for reports from the Member States and social partners and for the collection of comparable data (company survey). These arrangements would permit a regular comparative assessment (benchmarking) of the progress achieved. The envisaged frequency of reports is every three years.
- A higher degree of priority for continuing training projects and access to skills during the last two years of the European vocational training programme, Leonardo da Vinci, and for preparations for the future generation of vocational training programmes.

Gist of the opinion

The Committee endorses the approach adopted in drawing up the final report. The incorporation of different and sometimes contradictory points of view, all of them however relevant to improving access to training, has enhanced the methodological approach underlying the report, giving a broad overview of the progress achieved in implementing the recommendation.

The Committee supports the initiatives being taken to standardize the criteria used in drawing up the reports of the Member States and social partners. Harmonization in this area in no way implies interference in the prerogatives of the Member States. Using similar parameters, rather, makes it easier to assess the situation with regard to access in all the Member States.

The Committee is surprised that the report makes no mention of CEDEFOP's (The European Centre for the Development of Vocational Training) contribution to vocational training. The Committee feels that the Commission should take account of this as an additional component of the efforts being made to promote access to continuing training.

The Committee disagrees with the tenor of point 1.3 of the report. Whilst the social partners often adopt diverging points of view in legitimate defence of the interests they represent, the Committee does not feel that the views summarized in the report can on the whole be described as diverging.

Future action must concentrate on doing more for the most disadvantaged. The recommendation appears to be based on the assumption that awareness of the problem and initiatives to tackle this differ from one Member State to another. For this reason, actions aimed at reducing disparities in the Union should be a priority, beginning with the equalization of access to training between Member States, with initiatives being concentrated on those Member States which fall furthest below the Community average.

The Committee calls on the Commission and the Member States, in the interests of equity and solidarity, to concentrate their efforts on those with the most acute skills-related problems, i.e. the young unemployed, the long-term unemployed, the unemployed over-forties, the least skilled workers etc.

Finally, the Committee would like to stress the role to be played by the various institutional participants. The Commission and the Member States must be the initiators of the process, but the Committee also calls for greater involvement of the social partners as active instigators of the practical attainment of the objectives.

20. WORKS COUNCIL AND PARENTAL LEAVE DIRECTIVES

Opinion of the Economic and Social Committee on the Proposal for a Council Directive on the extension of Council Directive 94/45/EC of 22 September 1994, on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees, to the United Kingdom of Great Britain and Northern Ireland and the Proposal for a Council Directive extending Council Directive 96/34/EC of 3 June 1996, on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, to the United Kingdom of Great Britain and Northern Ireland (COM(97) 457 final 97/0238 CNS - 97/0239 CNS)

(CES 1181/97 - 97/0238 CNS - 97/0239 CNS)

Rapporteur working without a study group: Ada MADDOCKS (United Kingdom - Workers)

Gist of the Commission proposal

The aim of this proposal is to extend Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees to the United Kingdom of Great Britain and Northern Ireland.

Council Directive 94/45/EC was adopted under Article 2(2) of the Agreement on social policy annexed to Protocol 14 on social policy annexed to the Treaty establishing the European Community. It does not apply to the United Kingdom of Great Britain and Northern Ireland.

The Amsterdam European Council noted with approval the agreement of the Intergovernmental Conference to incorporate the Social Agreement in the Treaty.

At this Summit the members of the European Council whose States are party to the Agreement on social policy annexed to Protocol 14 to the Treaty on European Union welcomed wholeheartedly the decision of the United Kingdom to accede to the social provisions of the new Treaty. They noted with great satisfaction the willingness of the United Kingdom to accept the Directives which have already been adopted on the basis of that agreement. The European Council noted that a means had to be found, in advance of the signature of the Amsterdam Treaty, to give legal effect to these wishes.

At the Council of 24 July 1997, the Council and the Commission agreed to put into effect the conclusions adopted at the Amsterdam European Council. To this effect, they agreed that the European Works Council and the Parental Leave Directives should be applied to the United Kingdom by the adoption of Article 100 ECT Directives. To this end, the Commission should as soon as possible submit to the Council the relevant proposals. Such proposals should, without prejudice to the necessary technical adjustments, not alter the substance of the above-mentioned directives.

As the non-application of Directive 94/45/EC to the United Kingdom has a detrimental impact on the operation of the Single Market, a directive is proposed on the basis of Article 100 of the EC Treaty.

Gist of the opinion

The ESC welcomes the proposals.

Section for Agriculture and Fisheries
Mr Vallejo, Head of Division - ☎ (32-2) 546 9396

21. COM/MILK

Opinion of the Economic and Social Committee on the proposal for a Council Regulation (EC) laying down additional general rules on the common organization of the market in milk and milk products for drinking milk
(COM(97) 133 final - 97/0114 CNS)

(CES 1189/97 - 97/0114 CNS)

Rapporteur-general: Staffan Mats Wilhelm NILSSON (Sweden - Various Interests)

Gist of the Commission's proposal

Regulation (EEC) No. 1441/71 lays down additional general rules on the common market organization in milk and milk products for drinking milk. Its aim is to increase the market for products falling within CN code 0401 as much as possible by providing a guarantee of quality and products which fulfil consumers' needs and wishes. Since its entry into force, it has been amended on numerous occasions and other regulations and directives touching on its field of application have been adopted (composition of drinking milk, nutritional labelling of foodstuffs, etc.). In order to simplify and clarify the rules so as better to guarantee the legal security of those concerned, a number of amendments should be made to the said regulation and its provisions brought together in a new regulation.

In order to meet the wishes of consumers, who attach increasing importance to the nutritional value of milk proteins, the proposal lays down rules to ensure that milk products contain at least the natural protein content of milk and to permit the enrichment of drinking milk with fat-free dried milk ingredients.

In order to ensure consistency, it is proposed that products imported from third countries should be subject to the same rules.

Finally, the proposal stipulates that the Member States must determine the checks and penalties to be applied in the event of infringement of this regulation.

With regard to the fat content of milk, the proposal takes account of the special situation in Finland and Sweden which, under the Act of Accession, have a derogation which expires on 31 December 1997. It is proposed that the derogation be extended temporarily to permit the two Member States concerned to adjust to the arrangements in force in the rest of the Community.

Gist of the opinion

The ESC welcomes the Commission's move to streamline the rules on production and to incorporate health and hygiene aspects in the relevant blanket directive so as to ensure uniformity.

The ESC considers that the proposal fails to place sufficient emphasis on the flexibility needed to give consumers freedom of choice as regards the range of drinking milk and authorized fat content.

The Commission is inconsistent when it cites the absence of consumer demand for a change in classification as grounds for its refusal to authorize lower fat contents in the case of Finland and Sweden yet at the same time says that consumer demand for semi-skimmed and skimmed milk has shot up.

The proposal to extend the derogation is necessary because of the importance of drinking milk on these markets and the way consumer choice looks today.

One way of increasing the consumer's range of choice, without any change in the current basic rules, would be to authorize a variable rate of up to 0.5% instead of 0.3% as at present.

The derogation currently applicable to Finland and Sweden is extended for a further two years. In view of the transitional rules from which other countries have benefited in this matter, the ESC feels that a longer transitional period of five years would be more appropriate to enable the two countries to undertake the necessary adjustments.

22. FISHERIES/CONTROL SYSTEM

Opinion of the Economic and Social Committee on the Proposal for a Council Regulation (EC) amending Regulation (EEC) No. 2847/93 establishing a control system applicable to the common fisheries policy

(COM(97) 341 final - 97/0189 CNS)

(CES 1190/97 - 97/0189 CNS)

Rapporteur-general: Eduardo CHAGAS (Portugal - Workers)

Gist of the Commission proposal

The Commission proposal seeks to introduce, no later than 1 January 1998, arrangements to manage a fishing effort in the IBSFC areas (International Baltic Sea Fishery Commission) as provided for in Community regulations.

Gist of the opinion

The Committee endorses the proposal. However, it takes the view that the measures for monitoring the management of fishing effort should be adopted in the EU in collaboration with the IBSFC, in order that they may be applied to all the countries that fish there.

23. PROCESSED FRUIT AND VEGETABLE PRODUCTS

Opinion of the Economic and Social Committee on the proposal for a Council Regulation (EC) amending Regulation (EC) No. 2201/96 on the common organization of the markets in processed fruit and vegetable products

(COM(97) 414 final - 97/0223 CNS)

(CES 1246/97 - 97/0223 CNS)

Rapporteur-general: Jean-Claude SABIN (France - Various Interests)

Gist of the Commission proposal

The Commission proposal aims to reduce France's quota for tinned whole peeled tomatoes by 15,000 tonnes and to increase its quota for "other products" by the same quantity so as to take account of the needs of the French processing industry.

Gist of the opinion

The Committee endorses the Commission's proposal.

Section for External Relations, Trade and Development Policy
Mrs Willems, Head of Division - ☎ (32-2) 546 9471

24. ENLARGEMENT OF THE EU (Own-initiative Opinion)

Opinion of the Economic and Social Committee on Enlargement of the EU

(CES 1197/97)

Rapporteur: Ettore MASUCCI (Italy - Workers)

Reasons for drawing up the own-initiative opinion

The Committee has closely followed EU policy and developments in the central and eastern European associated countries via own-initiative opinions and information reports and has established regular contacts with representatives of occupational organizations in connection with pre-accession strategy and association agreements. The ten CEEC associated with the EU have applied for membership, as have Turkey and Cyprus.

The European Commission is currently drawing up opinions on the ten applications (one for each country), an impact study of the effects of enlargement on EU policies, a composite document encompassing the horizontal aspects of enlargement and a report on the future financial framework, all of which will be available immediately after the IGC has been concluded.

The proposed opinion would examine aspects which the socio-occupational groups consider to be of key importance in the context of enlargement, with particular reference to the applicant countries and enlargement arrangements. The section could take as its initial starting point the criteria propounded by the Copenhagen European Council, viz.:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect and protection of minorities;
- the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the union;
- the applicant state's ability to take on the obligations of membership, and inter alia to subscribe to the aims of political, economic and monetary union.

In addition to these criteria, the Council specified the EU's capacity to absorb new members, while maintaining the momentum of European integration.

In its opinion on the white paper: preparation of the CEEC for EU accession, the Committee took the view that accession strategy should focus on two main fronts: economic and social policy. The Committee insisted on the consolidation of a social model guaranteeing the participation of civil society and the establishment of social dialogue. It also referred to the changes to be expected in terms of competition and their consequences. The Committee sees social policy as a fundamental component of the *acquis communautaire*.

After an in-depth study of this subject and of the documents which the Commission is poised to adopt, a hearing could be arranged with representatives of the socio-occupational organizations concerned on the key issues identified by the section.

In advance of the key decisions on negotiations, the Committee ought to be in a position to inform the Council as to which aspects of the enlargement question it regards as fundamental vis-à-vis the associated countries.

Gist of the opinion

Enlargement of the EU, along with reform of the Treaty and monetary union, is one of the three great challenges of the turn of the century. The challenge facing the European Union stems from the fact that the ensuing benefits of enlargement will not come automatically: some of them are an inherent part of the process, whereas others are only potential gains, and subject to a series of other factors.

The problems are also daunting.

The Committee welcomes the broad thrust of the Copenhagen criteria, but feels that it is also important to include conformity to the European socio-economic model as a criterion in the assessment.

On the basis of the assessments contained in Agenda 2000, the Commission considers that Hungary, Poland, Estonia, the Czech Republic and Slovenia can take part in the first wave of accession negotiations.

Another approach is gaining ground in the Council, advocating that negotiations should start at the same time for all applicant countries, in order to avoid a feeling of exclusion and hostility developing among the general public in the countries concerned.

The Committee is paying close attention to this position, as it provides encouragement for a solution to be found to tricky political situations, if only for the purposes of launching negotiations.

As regards Cyprus, the problem is whether to launch negotiations without an internal political settlement.

The Committee believes that the EU must continue to support Turkey's efforts to overcome its problems, by forging even closer EU-Turkey relations and keeping a close eye on developments within the country.

The impact of enlargement

The new EU financial framework proposed in Agenda 2000 is heavily influenced by the current climate of austerity, and by the reluctance of the Member States to increase Community resources.

The Committee believes that the Member States and their citizens will have to be persuaded that the financial effort is worthwhile, and that it is in the common interest.

Enlargement will radically alter the EU's institutional organization, decision-making procedures and internal balance.

The Committee believes that the problem of the smooth political and institutional operation of the Union should be dealt with long before membership exceeds twenty, and that a new Intergovernmental Conference should be convened.

The Committee believes that the momentum needed to overcome stumbling blocks and resistance could be provided by adopting a more democratic method, requiring the political consent of the European Parliament and the involvement of the socio-economic organizations.

As regards the impact on the CAP, the Committee would reiterate the views contained in its own-initiative opinion on this important issue.

Turning to structural policy, the applicant countries' urgent need for structural funding needs to be squared with an appropriately gradual approach to releasing funds.

The Committee has repeatedly emphasized the importance of the European social model in the Community acquis, and the fact that the new Member States must be able to sign up to it without weakening it.

Enlargement will bring with it some general risks for EU Member States:

- a lower level of wages and social conditions;
- more employment flexibility, and not subject to collective bargaining;
- difficulty in carrying Community policies forward.

In particular, the establishment of joint economic and social committees should be encouraged between the EU and the applicant countries

The reinforced pre-accession strategy and PHARE

Moreover, it is important to strengthen the role of the social partners in the operation of the PHARE programme.

Finally, the Committee notes with interest the Commission proposal to set up a conference of all European States which hope to join the EU and are linked to the Union through association agreements.

25. EUROPEAN TRAINING FOUNDATION - CEEC

Opinion of the Economic and Social Committee on the proposal for a Council Regulation (EC) amending for the second time Regulation (EEC) No. 1360/90 establishing a European Training Foundation

(COM(97) 177 final - 97/0126 CNS)

(CES 1182/97 - 97/0126 CNS)

Rapporteur: Giacomina CASSINA (Italy - Workers)

Gist of the Commission proposal

The European Training Foundation was created in 1989 to assist the countries of central and eastern Europe in their efforts to restructure their vocational training systems. The regulation setting up the European Training Foundation was adopted by the Council on 7 May 1990 (Regulation (EEC) No. 1360/90). At the beginning the eligible countries comprised only the Phare countries, but already in 1994 the Foundation's remit was extended to cover the countries eligible under the Tacis Programme.

Now the Commission proposes a further extension of that remit together with some other amendments:

- An extension of the Foundation's remit to cover the Mediterranean non-member countries and territories specified in the regulation on the new Mediterranean partnership (MEDA) (Council Regulation (EC) No 1488/96).
- An adjustment to the composition of the Foundation's governing board. In view of the extended geographical spread of the Foundation's responsibilities, it is proposed to widen the governing board's base by providing for an additional Commission representative. However, no change in the number of votes at the disposal of the Commission's representatives is envisaged.
- A number of accompanying measures designed to enhance the efficiency of the Foundation's operations and to increase policy guidance are proposed to be carried out. It is proposed.
 - to enable the Commission to set general policy guidelines for the Foundation's work,
 - to ensure cooperation between the Foundation and other relevant Community bodies,
 - to align the Foundation's work programme more efficiently with its budget,
 - to strengthen the role of the Foundation's advisory forum, and
 - to define the mandate of the Foundation's director more precisely.

The Commission will, on the basis of the general guidelines on economic aid, establish the annual contribution for the Foundation's budget to be included in the preliminary draft budget of the European Communities. The subsidy to the Foundation entered in the general budget of the European Communities is intended to cover the administrative costs, including staff and infrastructure, and the operational expenditure directly linked to the specific mission of the Foundation. In addition to the subsidy under the general budget, the Foundation's budget is designed to accommodate contributions from other sources, such as from the Member States, third countries, institutions, undertakings and private foundations, and funds made available by the eligible countries themselves. No increase in the subsidy as a result of the proposed amendment is envisaged.

The funding of projects and programmes for the beneficiary countries will be organized as part of the PHARE, TACIS and MEDA arrangements. Currently the operational costs of implementing the vocational training programmes under the Phare and Tacis programmes are met under the Phare and Tacis budget lines respectively. In the same way and on the same legal basis it is envisaged that the operational costs of implementing the MED vocational training programmes would be met under the MEDA budget line.

No additional administrative expenditure is involved.

The first results of the monitoring and evaluation procedure provided for in the Regulation setting up the Foundation are due to be submitted to the Council, the European Parliament and the Economic and Social Committee before 30 June 1997.

Gist of the opinion

The ESC has consistently maintained that cooperation on vocational training with third countries is strategically valuable. In the Member States, the development of differing, but high-quality, training systems has been, and continues to be, a key factor in economic growth. The Committee therefore welcomes the Commission proposal and feels certain that this Foundation can contribute significantly to joint development in the Euro-Mediterranean region.

General comments

The task of the Foundation is not specifically to manage programmes, but rather to support their implementation, assessing requirements so as to frame forward-looking and appropriate training schemes and far-sighted and specific intervention strategies.

The ESC is particularly interested in the Foundation's activities and the proposal in question given the role that it plays in the Euro-Mediterranean partnership, and because it has been calling on all the EU institutions for some time to be more coherent, open and committed to promoting the participation of the Mediterranean partner countries in Community activities and projects relating to training.

The ESC is also prepared henceforward to contribute to the subsequent activities of the Foundation, and would ask the Commission not only to forward its annual report, but also to routinely request the ESC's opinion on this report.

Specific comments

The Committee has a few reservations with regard to the Commission proposal:

The ESC feels that the director's term of office should be confirmed as five years with the possibility of extension for up to a further five years.

The ESC would also like the advisory forum to operate increasingly on the basis of specialized groups and its opinions to be incorporated in the decision-making process of the governing board when appropriate.

When the tasks assigned to officials have to be reorganized, care should be taken to boost competence and motivation. The ESC hopes that the Commission's proposals concerning the budget procedure will take account of such requirements and that those responsible for the budget will consider whether funding for the Foundation should not be increased, if only by a small amount.

Section for Economic, Financial and Monetary Questions
Mr Van de Graaf, Head of Division - ☎ (32-2) 546 9227

26. ENERGY TAXES

Opinion of the Economic and Social Committee on the Proposal for a Council Directive on restructuring the Community framework for the taxation of energy products.
(COM(97) 30 final - 97/0111 CNS)

(CES 1194/97 - 97/0111 CNS)

Rapporteur: Klaus SCHMITZ (Germany - Workers)

Gist of the Commission proposal

After the deadlock within the Council on the proposals for a CO₂/energy tax, the Commission is - not least at the Council's urging - now trying a new approach by means of a proposal for minimum taxes on energy products.

The Commission is linking its new proposal to the existing directives on minimum tax levels for mineral oils (92/81/EEC and 92/82/EEC). Like them, other fuels and electricity would be subject to a minimum tax level.

With its proposal, the Commission wants to set minimum rates of excise duty on energy products. The business sector is to be largely unaffected by the taxation.

The Commission is proposing moderate tax increases up to 1 January 2000. Target rates are put forward for 1 January 2002.

Gist of the opinion

Insofar as the Member States have been given room for technical manoeuvre in formulating national energy taxes, this should not be allowed to lead to any distortions of competition in the single market.

The Committee regrets that no clear indications have been given about tax neutrality. Experience unfortunately shows that newly introduced energy taxes are not balanced by corresponding reductions elsewhere in the tax system. The Committee therefore urges the European Council, in parallel with the decision on the directive in the Council, to give a commitment to use any increase in tax revenues to reduce the burden of taxation on employment. Since private households will be hit especially hard by any increase in minimum tax rates, compensatory social measures should be taken to help low-income groups in particular.

The Committee has the impression that the proposal has been prompted less by environmental objectives than by the desire to make the single market operate more efficiently by reducing distortions of competition caused by taxation. This specific objective is welcomed wholeheartedly, especially as tax policy issues in the single market are becoming of ever-increasing importance with economic and monetary union pending. The Committee feels that distortions of competition are particularly marked in the fuels sector. For the rest, the Committee does not expect this proposal to endanger the planned liberalization of EU energy markets.

A big advantage in this proposal compared with the proposed CO₂/energy tax lies at the technical level. The Commission's proposal to tax the final form of energy will involve much less red tape than a tax on primary energy.

27. FISCALIS PROGRAMME

Opinion of the Economic and Social Committee on the proposal for a European Parliament and Council Decision establishing a programme of Community action to reinforce the functioning of the indirect taxation systems of the internal markets (FISCALIS programme)

(COM(97) 175 final - 97/0128 COD)

(CES 1183/97 - 97/0128 COD)

Rapporteur working without a study group: Michael GEUENICH (Germany - Workers)

Summary of the Commission Proposal

The aim of the proposal is to improve the operation of the VAT system in the Member States. Community support, particularly for the training of officials responsible for indirect taxes, is intended to contribute to this.

The programme will cost ECU 45m. over five years. In order to achieve the planned continuing improvement of administrative procedures, improvements are to be brought about in national officials' understanding of tax and Community law, and effective and extensive cooperation among Member States and between them and the Commission are to be secured (Article 3).

Summary of the Opinion

The Committee feels that the timing of the introduction of the FISCALIS programme is good, when one considers that the applicants for Community membership will need extensive help if their administrations are to be able to cooperate with those of the other Member States and with the Commission. Moreover, the planned cooperation between national officials, and particularly the longer-term exchanges between national administrators are greatly to be welcomed.

The Committee wonders whether the programme's funding is sufficient for its objectives to be effectively implemented. The training and exchange of civil servants within the Community is a necessary and excellent investment in the further integration of Europe. The Commission ought therefore at the appropriate time to look into the possibility of extending the programme to other areas of tax policy.

28. STATISTICS ON TRADING OF GOODS BETWEEN MEMBER STATES

Opinion of the Economic and Social Committee on the proposal for a European Parliament and Council Regulation (EC) amending Council Regulation (EEC) No.3330/91 on the statistics relating to the trading of goods between Member States.

(COM(97) 252 final - 97/0155 COD)

(CES 1184/97 - 97/0155 COD)

Rapporteur working without a study group: Kenneth WALKER (United Kingdom - Employers)

Gist of the Commission document

Intrastat is the system which lays down the rules for the collection and compilation of statistics relating to the trading of goods between Member States. It was introduced on 1 January 1993, following the abolition of customs formalities within the European Community, and will end on the date of change-over to an origin-based common system of VAT. The Commission's proposal would reduce the compliance burden on businesses by removing some of the data which they are currently required to provide.

The Intrastat system is based on the principle of direct data collection from intra-Community operators whose total intra-EU purchases or sales exceed a certain annual threshold; at present, the level of this threshold differs from one Member State to another. Those businesses which exceed the threshold applicable in their Member State are obliged to submit a monthly declaration of their despatches and arrivals of goods.

A team, comprising representatives of up to five Member States and a number of trade representatives reported on 31 October 1996 and recommended a package of changes to the Intrastat system.

The details of delivery terms would no longer be required to be shown on the SD but Member States would have the option to prescribe that this information should continue to be provided until 31 December 1999.

The presumed mode of transport would be removed from the SD but this would not take effect until 1 January 2000.

With immediate effect, Member States would no longer be permitted to prescribe the provision of any additional information except, in the Member State of arrival, the country of origin and (until 31 December 1999) the delivery terms.

The Commission considers that the right to require optional data should be abolished in order to reduce the burden on PSIs and to ensure equality of treatment of PSIs across the EU, except for the reporting of the country of origin, which is deemed to be of particular benefit to numerous users and should therefore be retained.

Gist of the Opinion

The ESC therefore approves the present proposals of the Commission as giving effect to the objectives of the SLIM initiative to produce simpler, more transparent and more effective legislation and as being in line with the recommendations of the Intrastat team which participated in the pilot project.

The ESC considers that it would be a further improvement if the SD form were absolutely standard across the whole of the European Union, in order to assist businesses with branches or subsidiaries in more than one Member State and to improve the uniformity of the data collected.

The ESC endorses the Commission's proposals but would like to see their beneficial impact on businesses enhanced by standardisation of the SD form across the European Union on the pattern of the least complex of the existing forms.

29. STATISTICS ON THE TRADING OF GOODS BETWEEN MEMBER STATES - NOMENCLATURE OF PRODUCTS

Opinion of the Economic and Social Committee on the proposal for a European Parliament and Council Regulation (EC) amending Council Regulation (EEC) No. 3330/91 on the statistics relating to the trading of goods between Member States with specific reference to the nomenclature of products

(COM(97) 275 final - 97/0162 COD)

(CES 1185/97 - 97/0162 COD)

Rapporteur working without a study group: Kenneth WALKER (United Kingdom - Employers)

Gist of the Commission document

The Intrastat system for compiling statistics relating to the trading of goods between Member States came into effect on 1 January 1993 and is scheduled to end on the date of change-over to a unified system of VAT based on the principle of taxation in the Member State of origin.

The simplification of the product nomenclature to be used for Intrastat purposes is one such proposal, since information providers generally regard the classification of products as difficult.

There is, therefore, a perceived need to simplify this nomenclature while maintaining its link with the nomenclature used for the trading of goods with non-member countries and its compatibility with other statistical classifications.

The Commission considers it desirable to establish a partnership with the national authorities of Member States and the providers and users of statistical information in order to draw up proposals for simplifying the nomenclature applicable for Intrastat purposes.

The CN contains a number of sub-divisions below the HS sub-heading level; these sub-divisions are created by using the two additional digits of the CN code. It currently has 10,600 items.

The Commission proposes to reduce the incidence of these sub-divisions by limiting them to instances where they are necessary to take account of special needs. In this way, it is hoped to produce a list of no more than 7,000 items - the Intrastat Nomenclature (IN) - and this would be a sub-set of the CN.

Gist of the opinion

The present Intrastat system is a major source of cost, complication and frustration, particularly for SMEs. The Committee therefore endorses the Commission's objective of reducing the items in the Intrastat nomenclature to around 7,000.

However, it feels that more can still be done in this area and that the present proposals should be regarded as a first stage in an on-going process of simplification aimed at culminating in a dramatically-streamlined common system for Intrastat and Extrastat to be introduced concurrently in the year 2002. Decisions on IN, CN and HS nomenclatures should not be taken in isolation but as a coherent package.

Consideration should be given to requiring statistical data from only a sample of traders and to the possibility of introducing further radical simplifications to the coding structure for both Intrastat and Extrastat purposes.

The ESC considers that the threshold of intra-EU activity for inclusion in the Intrastat reporting system should be unified across the EU and that, in order to minimise the burden on those small businesses which are least able to support it, this threshold should be fixed towards the upper extent of the present range.

30. SHORT-TERM STATISTICS

Opinion of the Economic and Social Committee on the *proposal for a Council Regulation (EC) concerning short-term statistics*
(COM(97) 313 final - 97/0171 CNS)

(CES 1202/97 - 97/0171 CNS)

Rapporteur working without a study group: Vasco CAL (Portugal - Workers)

Gist of the Commission proposal

This proposal for a regulation aims to provide the Community with more reliable, complete, up-to-date, and above all comparable, short-term statistics on businesses, thus facilitating the follow-up of the internal market and the development of the European Union's internal policies, including monetary and social policy.

Gist of the opinion

The Committee considers that the proposal takes sufficient account of the principle of subsidiarity in requiring the Member States to provide the necessary data whilst leaving to them the choice of collection method.

The Committee approves the Commission's desire to ensure that the new measure does not increase the administrative workload of small and medium-sized enterprises. Breaking down the data by company size would over time make it easier to identify the effects of the economic cycle on enterprises of different size.

The Committee feels that the proposal should be adapted to reflect the requirements of the employment policies of the Member States and the coordinating role which the European Union is required to play in this field by the provisions of the Treaty of Amsterdam.

Finally, the Committee considers it essential that the social partners and the economic and social interest groups should as soon as possible enjoy access to short-term statistics on businesses in order that they may be able to perform their role to the full.

31. VALUE ADDED TAX COMMITTEE

Opinion of the Economic and Social Committee on the proposal for a Council Directive amending Directive 77/388/EEC on the common system of VAT (the Value Added Tax Committee)
(COM(97) 325 final - 97/0186 CNS)

(CES 1186/97 - 97/0186 CNS)

Rapporteur working without a study group: Kenneth WALKER (United Kingdom - Employers)

Summary of the Commission proposal

The main purpose of this proposal is to introduce measures aimed at ensuring the Community-wide uniform application of the common system of Value Added Tax. A second aim is to up-date the exemptions from VAT conferred under Article 15 (10).

In its advisory capacity, the VAT Committee, composed of representatives of the Member States and chaired by the Commission, is required to adopt guidelines on questions raised by Member States or the Commission and to examine points on which the Committee must be consulted according to the Directive.

In order to address the difficulties encountered by traders due to the lack of uniform application and to provide Member States with sufficient legal certainty, the Commission proposes that the VAT Committee be changed from an advisory committee to a committee acting in the framework of the so-called "regulatory committee" procedure, which, on the basis of drafts submitted by the Commission, delivers its opinions by qualified majority voting.

Questions of VAT rates, including transitional rates, are explicitly excluded from the scope of the proposed procedure.

Summary of the opinion

The ESC accepts the proposition that subsisting differences between the Member States in administrative procedures and regulations impair the neutrality of the tax and constitute a major obstacle to the completion of the Single Market.

There are currently more than four hundred committees which operate in the way in which it is proposed that the VAT Committee should function in future. Given that there is a recognized need for achieving greater uniformity in the application and interpretation of the VAT Directives and for ensuring that the development of Community tax law does not take place in a piecemeal fashion, the ESC sees no compelling reason why the VAT Committee should not be reformed in line with the Commission's proposal.

Under the implementation procedure, the VAT Committee and the Council of Ministers would each act by QMV in accepting or rejecting the Commission's proposals. This would constitute a significant departure from established practice, since hitherto any decision involving taxation has required unanimity; in view of the fact that all matters relating to VAT rates have been specifically excluded from its remit and that they will remain, together with other fiscal matters, subject to unanimity, as will the approval of the current proposal itself, the ESC accepts the rationale for this change.

The ESC considers it essential that Commission proposals which are to be put to the VAT Committee should be published in advance. At present, changes to Community VAT legislation require a directive or regulation and their publication in draft form gives all interested parties an opportunity to comment. This public safeguard should also apply to proposals put to the VAT Committee.

The opinions which the VAT Committee delivers, whether acting in its regulatory or advisory capacity, should also be published in the Official Journal.

The ESC endorses the proposal to revitalize the Advisory Committee on Customs and Indirect Taxation in order to provide a forum where tax consultants, businesses, the social partners and other interested bodies can make an input to the VAT Committee.

The ESC does not agree that the Commission, assisted by the VAT Committee, should be given powers to make adjustments to the scope of exemptions granted under Article 15 (10) or to decide which organizations should be eligible for such exemptions but it sees no reason why matters relating to the details, form and contents of the exemption certificate should not be brought within the competence of the reformed VAT Committee.

32. PRODUCTS SUBJECT TO EXCISE DUTY

Opinion of the Economic and Social Committee on the Proposal for a Council Directive amending Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products
(COM(97) 326 final - 97/0181 CNS)

(CES 1187/97 - 97/0181 CNS)

Rapporteur working without a study group: José BENTO GONÇALVES (Portugal - Various Interests)

Summary of the Commission proposal

This proposal assigns to the Commission wider-ranging regulatory powers with regard to excise duties, and renders their application more rapid.

The remit of the Committee on Excise Duties is changed.

Summary of the Opinion

In view of the objectives - above all those of helping to complete the internal market and improving the effectiveness of legal rules, with positive effects on market transparency - the Ecofin Section of the ESC endorses the proposal.

Subcommittee "Agenda 2000"

33. AGENDA 2000

Opinion of the Economic and Social Committee on the Commission Communication: Agenda 2000: for a stronger and wider Union - The challenge of enlargement
(COM(97) 2000 final - Vols. I, II and III)

(CES 1199/97)

Rapporteurs: Vasco CAL (Portugal - Workers)
Robert J. MORELAND (United Kingdom - Various Interests)

Gist of the Commission's proposals

Agenda 2000 makes a detailed examination of the implications for the Community of a new round of enlargement (CEEC and Cyprus). This latest round of enlargement will be on a much bigger scale than previous enlargements.

The Commission is proposing to start negotiations at the beginning of 1998 with just five CEEC (Hungary, Poland, Estonia, Czech Republic and Slovenia), as well as with Cyprus, on the basis of political, economic and administrative criteria which these countries are required to meet. The Commission has also announced its intention of developing an enlargement strategy without further delay.

The challenges facing the European Union today are very considerable and should be tackled from a platform which recognizes the prime need to ensure the continuing momentum of solidarity in the European Union of 15 (e.g. in the field of agriculture), continued economic and social cohesion (structural actions), and the on-going search for sustainable, job-creating growth.

Agenda 2000 advocates a stronger and wider union through internal policies, viz. the pursuit of monetary integration; the deepening of the single market; the improvement of operating conditions for SMEs; the simplification and modernization of competition rules; the extension of trans-European networks; research and technological development; education and training; the information society. It also calls for continued cohesion by consolidating structural funds, preparations for enlargement by granting structural aid to applicant countries, and continued agricultural reform by bringing agricultural prices more into line with world market prices backed by compensatory direct aid to farmers.

As far as Community financing for the period 1993-99 is concerned, the own resources ceiling will go up progressively from 1.2% of GNP, to 1.27% of GNP. In Agenda 2000 the Commission states that it will be possible "to face the challenges posed by the necessary reforms of some of the most important Community policies and those deriving from a first wave of accessions without exceeding the existing own resources ceiling."

The Commission accordingly presents a new financial framework for the years 2000 to 2006, based on the assumption that the Union's current resources (restricted to a ceiling of 1.27% of GNP) will be sufficient to achieve all the declared objectives.

Gist of the opinion

The Committee broadly approves the Commission proposals, but wonders whether it might be better to alter the negotiation strategy with the applicant countries (five or ten countries). It also questions the limit on Community funding which was decided in Edinburgh (1.27% of GDP). It thinks that the structural policies to be carried out, as well as the other EU internal policies, could justify a higher level of funding.

Subcommittee "Guidelines for Member States' Employment Policies"

34. GUIDELINES FOR MEMBER STATES' EMPLOYMENT POLICIES

Opinion of the Economic and Social Committee on the *Commission Communication on Guidelines for Member States' Employment Policies 1998*

(COM(97) 497 final)

(CES 1198/97)

Rapporteur: H.C.H van den BURG (Netherlands - Workers)

Gist of the Commission Communication

In the run-up to the extraordinary European Council on Employment (Jobs Summit) which will take place in Luxembourg on 20 and 21 November 1997, the European Commission had adopted a package of three documents - Guidelines for Member States' Employment Policies 1998, Joint Employment Report 1997 and Employment in Europe Report 1997. This package is intended to provide sound analysis and policy guidance for discussion by the Heads of State or Government at the Summit. The proposed Guidelines for Member States' employment policies in 1998 emphasize key policy measures and targets (in many cases quantified) which the Commission regards as essential for Member States to pursue if serious progress is to be made in improving the employment situation in Europe.

The guidelines are developed under the four main lines of action outlined in the Joint Employment Report 1997: entrepreneurship, employability, adaptability and equal opportunities.

1. Promoting a new culture of entrepreneurship in the European Union

- making it easier to start up and run businesses
- developing the markets for venture capital
- making the taxation system more employment-friendly

2. Creating a new culture of employability

- tackling long-term and youth unemployment
- easing the transition from school to work
- moving from passive to active measures
- developing a partnership approach

3. Promoting and encouraging adaptability

- modernizing work organization
- supporting adaptability in enterprises

4. Strengthening policies for equal opportunities

- tackling gender gaps
- reconciling work and family life
- facilitating return to work.

Gist of the opinion

The Committee appreciates the preparations of the Commission, culminating in the proposal for employment guidelines to be discussed at the November Employment Summit. In its earlier Opinion on the European Council on Employment (CES 991/97), the Committee stressed the importance of an overall approach including a broad macro-economic framework. This proposal for guidelines focuses on labour market policies. The Committee looks forward to equally important contributions to the Summit in other policy fields, in particular policies for sustainable growth and investment, and in the taxation field. The Growth and Employment Policy Coordination Pact that the Committee wants the Summit to conclude should encompass this broader range of commitments.

The Committee notes with satisfaction that a joint meeting of the Ecofin and Social Council is convened, preceding the Summit, as it had recommended. This joint council could:

- assess the present macro-economic and employment situation and prepare the outline for the macro-economic policy mix that should cover both the employment and the broad economic guidelines;

- integrate the respective policy fields that should be dealt with at the Summit;
- develop a continuous and effective method for cooperation, including roles that different advisory bodies could play.

In its earlier opinion, the Committee urged the setting of "clear targets, performance criteria, suitable timetables and monitoring mechanisms entailing national reports and evaluations". The Committee welcomes the clear objectives that the Commission has formulated as regards the average European increase of the employment rate and the decrease of unemployment percentage levels over a period of five years. These objectives may be considered as an operational application of Article 2 of the Treaty, which clearly commits the Community to have as its task "a high level of employment".

The Committee welcomes the strategic approach of the Commission to focus on four main lines of action for the Member States. These actions must be integrated into a strategy that creates both flexibility and security.

The Committee notes the link between the chapter on entrepreneurship and the action plan developed by the EIB. The EIB is to play an important role in stimulating growth and investment, particularly in SMEs. The Committee would urge the EIB to adopt a more risk-taking attitude and a more focused approach to projects which can enhance employment-intensiveness and the quality of jobs, with due regard to their commercial viability.

The importance of education and training contained in the action line on employability, and of the improvement of the level of qualification of the European workforce, cannot be stressed enough. The Committee echoes the appeal to the social partners to come to (framework) agreements on, for example, apprenticeships and conditions for lifelong learning.

In the context of the adaptation of the work organization, the Committee proposes that the Commission could draw up a new Social Action Programme, in which both its own initiatives and those expected from social partners may be presented using the opportunities in the Social Chapter that now is fully integrated in the new Treaty. It is also evident that an improvement of policies for reconciliation of work and family life may give an important impetus to a higher employment rate and a breakthrough gender segregation in jobs.

In the previous Committee Opinion: much emphasis was given to taxation as an instrument to stimulate job creation and to decrease unemployment. The Committee would urge the Summit to appoint an expert group to evaluate and assess such measures and to make speedy proposals for a more structured approach.

The Committee also recommends that the EIB involve social partners and other relevant organizations and experts in the labour market field in the development and evaluation of quantitative and qualitative criteria of employment-intensive investments, possibly by setting up an advisory board or committee for this purpose.

II. FUTURE WORK

- Legal protection of services based on, or consisting of, conditional access **(IND-FEB)**
COM(97) 356 final - 97/0198 (COD)
- Application of Articles 92 and 93 of the EC Treaty to certain categories of horizontal state aid **(IND-FEB)**
COM(97) 396 final - 97/0203 (CNS)
- The European aerospace industry meeting the global challenge (communication) **(IND-JAN)**
COM(97) 466 final
- New rules on aid to shipbuilding **(IND-FEB)**
COM(97) 469 final - 97/0249 (CNS)

- Towards a new shipbuilding policy (communication) **(IND-MAR)**
COM(97) 470 final
- Ensuring security and trust in electronic communication (communication) **(IND-MAR)**
COM(97) 503 final
- Statistical returns in respect of carriage of goods by road **(TRA-JAN)**
COM(97) 443 final - 97/0233 (CNS)
- Technical measures for the conservation of fishery resources in the Mediterranean **(AGR-DEC)**
COM(97) 459 final - 97/0237 (CNS)
- Europe-Asia cooperation strategy in the field of environment **(EXT-JAN/FEB)**
COM(97) 490 final
- Structural business statistics **(ECO-DEC)**
COM(97) 411 final - 97/0232 (CNS)
- Practical aspects of the introduction of the Euro (communication) **(RAP.GEN.-DEC)**
COM(97) 491 final

IN ANTICIPATION

- Amending the basic regulations of the European environmental agency **(ENV-JAN)**
COM(97) 489 final - 97/0256 (CNS)
- Limit values for nitrogen oxides, particles and lead in the atmosphere **(ENV-FEB/MAR)**
COM(97) 500 final
- Voluntary release of genetically modified organisms to the environment **(ENV-MAR)**
- Insurance against civil liability in respect of the use of motor vehicles **(IND-MAR)**
COM(97) 510 final - 97/0264 (COD)
- Competitiveness of construction industry (communication) **(IND-TO BE DECIDED)**
COM(97) 539 final
- Regional programmes (1995 - 1999) - Objective 2 of Community Structural policies - priority for job creation (Communication) **(REG.DEV.-TO BE DECIDED)**
COM(97) 524 final
- 8th Annual Report on the Structural Funds (1996) **(REG.DEV.-TO BE DECIDED)**
COM(97) 526 final
- Guidelines for development of mobile and cordless communications (communication) **(TRA-DEC)**
COM(97) 513 final
- Promotion of combined heat and electricity generation (communication) **(ENERG-FEB/MAR)**
COM(97) 514 final
- Framework programme for action in energy sector (1998-2002) **(ENERG-TO BE DECIDED)**
COM(97) 550 final

- Multiannual generalized tariff preference schemes for certain industrial and agricultural products from developing countries (**EXT-DEC**)
COM(97) 533 final
- Schemes for promoting the protection of workers' rights and the environment (SPE) (**EXT-DEC**)
COM(97) 534 final
- Common organization of the market in raw tobacco (**AGR-JAN**)
COM(97) 529 final

OWN-INITIATIVE

- TACIS - Technical assistance to the Community of Independent States and Mongolia (**EXT-FEB**)

III. THE COMMITTEE'S IMPACT AND INFLUENCE

The President's activities

On 13 October 1997, **President Jenkins** attended the inaugural session of the 21st meeting of the ACP/EU economic and social interest groups. The meeting was held in Brussels.

On 25 October **President Jenkins** attended a seminar in Paris on the conditions for implementing and ensuring the success of the single currency. The seminar was organized by "Confrontations". Discussion centred on the ICG and the introduction of the euro.

President Jenkins also had the following meetings:

23 October 1997: **Mr Doug Henderson**, Minister for European Affairs, at the British Foreign and Commonwealth Office in London.

30 October 1997: An interview with **Mr Rory Watson**, Deputy-Editor of the European Voice in Brussels.

Activities of sections and members

On 3 October 1997, **Mr Gafo Fernández**, president of the Section for Energy, Nuclear Questions and Research, attended a seminar in Rhodes on Energy Management, Local Development and Employment. The seminar was jointly organized by the European Commission and the Committee of the Regions.

On 6/7 October, **Mr Bernabei**, Section for Energy Nuclear Questions and Research, attended a seminar on the EU's competitive advantage in the "Made in Europe" context. The seminar was held in Seville at the headquarters of the Joint Research Centre's Institute for Technological and Scientific Forward Research.

Mr Gafo Fernández and **Mr Lyons**, respectively president and member of the Energy Section, attended a round table entitled "Steps towards accession to the European Union: Is safe operation of nuclear plants in Europe an issue". The Round Table was held in Brussels on 8 October 1997 under the auspices of the European Energy Foundation and FORATOM.

Mrs Sirkeinen, Energy Section, attended a conference on the "Premature Closing Down of Nuclear Power Plants in Sweden: A Concern for Europe?" This conference was organized in Brussels on 10 October by the Swedish Business Representation Office.

A conference was held in Luxembourg on 10 October on the Challenges of Modern Biotechnology, under the auspices of the Club de Bruxelles. **Mr Gardner**, a member of the Section for Protection of the Environment, Public Health and Consumer Affairs, who has also frequently acted as rapporteur for environmental topics, attended the conference.

Mr Ghigonis, vice-president of the Transport and Communications Section, attended a seminar on "Road Safety in Europe: Shared Responsibility", organized by the European Parliament in Brussels on 14 October.

The Airports Council International (ACI) held a conference on "Airport taxes" in Venice from 13 to 15 October. **Mr von Schwerin** attended the conference in his capacity as rapporteur of the Section for Transport and Communications.

From 16 to 18 October the European Environment Bureau organized a conference in Montpellier on "Civil Society, the Euro-Mediterranean Partnership and the Environment". **Mr Gafo Fernández** attended in his capacity as a member of the Section for Protection of the Environment, Public Health and Consumer Affairs.

An ESC delegation, along with representatives of the ACP/EU economic and social interest groups, attended the meeting of the ACP/EU Joint Assembly held in Togo from 27 to 30 October. The delegation had talks with:

- the Federation of Unions of Professional Agricultural Organizations in Klotu; the Federation outlined its philosophy and its work schedule;
- representatives of the Togo Employers' Council, who underscored the importance of developing a national market and of regional cooperation as a pre-requisite for involvement in international trade;
- representatives of Togo's NGOs, who addressed the problems of international trade, the mobilization of resources and EU support;
- **Mr Aubenas**, Commission delegate to Togo, who briefed members of the delegation about:
 - the economic and political situation in Togo;
 - decentralized cooperation programmes.

On 30/31 October in Livorno, Italy, a Committee delegation, comprising **Mr Moreland**, president of the Regional Development Section, **Mr Chagas** (Portugal - Workers Group) and **Mr Whitworth** (United Kingdom - Workers Group) attended the 6th High-level Conference of Maritime Regional Interests in Europe (AMRIE)".

Other activities

- *21st meeting of ACP/EU socio-economic interest at the Economic and Social Committee*

Meeting in Brussels at the Economic and Social Committee for their 21st Annual Meeting on 13, 14 and 15 October under the auspices of the ACP/EU Joint Assembly, the representatives of the ACP/EU economic and social interest groups examined the conditions for the success of an advantageous integration of the ACP States into international commerce.

Discussion focused on two introductory documents drawn up by the rapporteur for the two preparatory groups within the ACP/EU Follow-up Committee, comprising delegates from the ACP/EU economic and social interest groups. (Rapporteur for the ESC introductory document: **Mr Malosse**: Employers Group - France; rapporteur for the ACP introductory document: **Dr Alleyne**, Barbados Trade Union Movement, Confederation of Barbados Trade Unions).

IV. APPOINTMENT

The Council of the European Union has appointed **Mrs Renate Hornung Draus** (Germany) to replace **Mr Werner Löw** who has resigned from Group I.

V. FACT-FINDING VISITS

- 6 October 1997: Politischer Jugendring Dresden - Germany
- 7 October 1997: Groupe CANA - France
- 8 October 1997: IPSE - France
- 8 October 1997: Finnish Lawyers Association - Finland
- 9 October 1997: Judidisk Selskab I Aarhus - Denmark
Bildungsdienst, Sozialwerk und Akademie des Deutschen
Beambtenbundes Bonn (Bisowe des DBB) - Germany
- 14 October 1997: Escola Superior de Tecnologia e Gestão de Beja - Portugal
- 16 October 1997: Politische Akademie Biggeseesee - Germany
Karl-Arnold-Stiftung - Germany
- 17 October 1997: MESLAY - France
Finnish Association of Translators - Finland
- 21 October 1997: Bisowe des DBB - Germany
Finnish Chemical Industry Federation - Finland
- 22 October 1997: ENESAD - France
- 23 October 1997: Polish National School of Public Administration - Poland
- 24 October 1997: Welthin Rathenau Gymnasium Berlin - Germany
- 28 October 1997: Bavaria Teachers' Delegation - Germany
- 29 October 1997: Bisowe des DBB - Germany
- 30 October 1997: Deutsche Gesellschaft - Germany
St. Guidon Women's Section - Belgium
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