

ECONOMIC AND SOCIAL CONSULTATIVE ASSEMBLY

BULLETIN

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272nd Plenary Session

The 272nd Plenary Session of the Economic and Social Committee was held at its headquarters in Brussels on 19 and 20 December 1989. Mr Alberto Masprone, Committee Chairman, presided.

The Session was attended by Mrs Edith Cresson, French Minister for European Affairs, who reported on the Strasbourg Summit.

Extracts from Mrs Edith Cresson's speech

The Minister and the Assembly discussed the European Social Charter. Some of the most interesting comments are given below.

The Economic and Social Committee of the European Communities has played its part in the decision by the Strasbourg European Council to 'take note' of the Commission action programme providing for legal instruments to give practical effect to the Community Charter of basic social rights. This point was stressed by the French Minister for Foreign Affairs, Mrs Edith Cresson. Better still, the whole idea of this action programme was the Committee's brainchild.

Mrs Cresson saw the Opinion adopted by the ESC on 22 February 1989 on basic Community social rights as the basis for the Commission draft — though she acknowledged that there were a number of discrepancies between the ESC Opinion and the Charter adopted in Strasbourg. In particular, the final Charter was not a citizens' charter. As she pointed out: 'On the *ad hoc* group responsible for preparing the adoption of the Charter, eight Member States wished the focus to be on workers' rights.'

The Chairman of the Workers' Group, Mr François Staedelin (France), congratulated Mrs Cresson on presenting the Social Charter adopted in Strasbourg in these colours but pointed out that the ESC had been misunderstood: 'We were not calling for an all-embracing Community regulation but for framework legal instruments to prevent unfair competition rooted in the flouting of social rights (...). Who are we to complain to in the event of a breach of the Charter?'



At the Plenary Session: Mr Alberto Masprone, ESC Chairman, and Mrs Edith Cresson, French Minister for European Affairs.

'We are not happy about the result,' added the Chairman of the Various Interests' Group, Mr Nikolaos Vassilaras (Greece), 'Cooperatives, minority and cultural groups, etc. must also be involved in the Community social dialogue, in discussions on training, recognition of higher education diplomas, etc.'

Mrs Cresson was also questioned about the absence of a single reference to the Committee in the conclusions of the Strasbourg Summit. The Chairman of the Employers' Group, Mr Philip Noordwal (Netherlands), reminded her of the promises made. The Committee was calling for additional financial resources and greater autonomy in relation to the Council, especially in respect of its Rules of Procedure.

'Do you think that the Committee's 189 members can continue for much longer to carry out their duties in such conditions, to the detriment of their jobs and their own and their organizations' pockets?' objected Mr François Staedelin, for the Workers' Group.

Mr Nikolaos Vassilaras (Various Interests' Group) stressed that 'every day, the ESC is emerging as an institution in its own right'. The Committee was eager to be recognized as a fully-fledged Community institution.

Before Mrs Cresson replied, the Committee Chairman, Mr Alberto Masprone (Italy), voiced his 'deep disappointment, in view of the assurances given by the French Head of State'. At the very least, the conclusions of the Strasbourg Summit should have mentioned that the Community Charter of basic social rights was based on the ESC Opinion, 'as a token of recognition of all our work'.

Mrs Cresson replied that Strasbourg was not the place to discuss one of the Community institutions but rather for envisaging a 'comprehensive reform of all EC institutions'. This reform could be undertaken in connection with hearings or an intergovernmental conference to be arranged in conjunction with, or immediately after, the conference on economic and monetary union planned for the end of 1990.

However, the Commission was to draw up annual reports on the implementation of the Social Charter. These reports would be forwarded to the ESC and the European Parliament. Mrs Cresson paid tribute to the ESC for initiating this 'major innovation'.

ADOPTION OF OPINIONS

1. CULTURAL ACTION (Supplementary Opinion)

Previous work

On 28 April 1988 the Committee adopted an Opinion concerning the Commission's communication on cultural action in the Community [COM(87) 603 final and CES 460/88]. In pursuance of Article 20 of the Rules of Procedure, the Section was instructed to draw up a Supplementary Opinion.

Gist of the Committee Opinion¹

The role of television as a cultural and educational instrument and the consequences and risks that the development of television in this domain could incur are the twin themes of the Committee's Opinion.

In several respects this Committee Opinion is a Community 'first':

- (i) It assesses the social impact of media policy on journalists' independence;
- (ii) It deals with the prevailing situation not just in the audiovisual field but over the entire media spectrum (including publishing and the written press).

In practical terms, the Committee advocates the setting-up of a European Media Observatory and urges EC measures to:

- (a) prevent media monopolies and control media mergers;
- (b) guarantee 'minimum protection' for professional standards, ethics, editorial autonomy and freedom of conscience for all journalists and media employees;
- (c) ensure basic collective contractual rights and social insurance cover for media employees;
- (d) encourage transnational corporations to respect existing vested rights and relevant international labour conventions.

On the cultural front, the Committee returns to the matter of quotas which had become a vexed issue when the television without frontiers Directive was debated. The Opinion takes the line that 'a

¹ CES 1372/89.

percentage "European airtime", based on quota systems, viewer-led quality-grading techniques and fiscal incentives must be applied in order to provide positive support for the rich diversity of indigenous European programmes'. On advertising, the Committee calls for a Community drive to align the amount of airtime allocated to advertising and to supervise quality and content.

The Committee repeatedly stresses the potential contribution of the general public in shaping and monitoring any policy with media implication.

Lastly, the Committee expresses the hope that the Council of Europe Convention on Transfrontier Television will be ratified by all EC Member States 'as soon as possible'.

This Opinion, adopted by a large majority with one vote against and two abstentions, was drawn up in the light of the paper produced by the Section for Social, Family, Educational and Cultural Affairs chaired by Mr Carroll (Ireland — Workers). The rapporteur was Mrs Rangoni-Machiavelli (Italy — Various Interests) with Mr Noordwal (Netherlands — Employers) as co-rapporteur.

2. INTERNAL MARKET — INDIRECT TAXES

Communication from the Commission to the Council and to the European Parliament on completion of the internal market and approximation of indirect taxes
[COM(89) 260 final]

Gist of the Commission document

In the interests of a successful outcome for the negotiations in progress on the crucial matter of tax frontiers, the Commission considers it necessary to put forward a number of suggestions and amendments to its proposals.

The Commission's objectives remain the same as those which prompted its initial proposals of August 1987, namely:

- (i) approximation of the VAT and excise duty rates applicable in the Community;
- (ii) removal of tax frontiers incompatible with a genuine single market.

The new approach is based on a three-pronged strategy:

- (a) the introduction of a transitional phase for the approximation of indirect taxes that would last until 1 January 1993;

- (b) a more pragmatic approach to VAT matters;
- (c) increased flexibility on excise duties on alcohol, tobacco and petroleum products.

(a) The *transitional phase*, which would last until the end of 1992, would be based on a gradual but real approximation of rates by the Member States themselves. It would be accompanied by measures to simplify frontier tax controls for the traders concerned (abolition of the transit advice note) and to increase travellers' allowances substantially, as suggested by the European Parliament. By the beginning of 1990, therefore, individual travellers would be free to cross intra-Community frontiers with purchases worth around ECU 800 per trip instead of less than ECU 400 as at present; this amount would be increased to ECU 1 600 at the beginning of 1992.

(b) *With regard to the approximation of VAT rates*, the standard rate band (14 to 20%) would be replaced by a minimum rate which would be applicable as from 1 January 1993. The reduced rate would still be confined within a band ranging from 4 to 9%. Finally, subject to a number of conditions, zero-rating could be retained for a very small number of products by those Member States which so desired.

In order to prevent distortions arising from the maintenance of rate differences between Member States, special arrangements would be made for a number of transactions (mail-order sales; sales of cars; purchases of public institutions, banks and insurance companies; and transactions of enterprises linked within the same group and established in different Member States).

As regards the revenue accruing to Member States, the central clearing fund initially envisaged would be replaced by a simplified mechanism for refunding surplus VAT balances calculated on the basis of intra-Community trade statistics.

(c) Increased flexibility is necessary for the approximation of excise duties in view of the widely differing levels of taxation of the products in question in the Member States. Account must also be taken of the need to protect health (alcohol and tobacco) and to promote energy savings and environmental protection (petroleum products).

The single rates per product would thus be replaced by rate bands or minimum rates.

Control measures would be carried out within the Member States in order to ensure that all frontier tax checks were abolished by the end of 1992.

Gist of the Committee Opinion ¹

The new proposal is generally an improvement on the previous one, since it takes greater account of existing conditions and incorporates a number of the proposals contained in the relevant ESC Opinions. The concern expressed by several Member States is also heeded.

In particular, it allows for a considerable measure of flexibility.

The overall Commission approach is highly pragmatic, and takes account of the difficulties that various proposals have encountered in the past and will most likely encounter in the future. However, the Commission communication can be regarded as a declaration of intent and, as such, is too broad. A more detailed general appraisal will not be possible until the proposed provisions of the directives are published.

The most significant change, compared with the previous proposal, is the indication merely of a minimum standard VAT rate, leaving Member States at liberty to exceed this level.

In addition, the Committee is fully aware of the progress of discussions within the Community institutions, in particular the conclusions of the Ecofin Council meetings on 9 October and 13 November 1989.

It would therefore point out that 31 December 1992 is too tight a deadline for the introduction of a general system of taxation in the country of origin. A transitional arrangement, running from 1 January 1993 for as short a period as possible, whereby transactions carried out by interested parties will be taxed in the country of destination, should therefore be introduced.

Under the new rules, border checks will anyway have to be scrapped in favour of tax control within the Member States, backed by suitable forms of cooperation and exchange of information between the tax authorities.

This Opinion, adopted by a large majority with three votes against and 11 abstentions, was drawn up in the light of the paper produced by the Commission for Economic, Financial and Monetary Questions chaired by Mr Margot (Belgium — Various Interests). The rapporteur was Mr Della Croce (Italy — Workers).

¹ CES 1367/89.

3. ACCIDENTS INVOLVING CONSUMER PRODUCTS

Proposal for a Council Decision amending Decision 86/138/EEC concerning a demonstration project with a view to introducing a Community system of information on accidents involving consumer products and fixing the financial allocation for the last two years of its operation
[COM(89) 550 final]

Gist of the Commission proposal

Decision 86/138 set up a five-year (1987-91) demonstration project under the Ehlass system (European home and leisure accident surveillance system) and provided for financing for the first three years. The current proposal is to provide for financing for the final two years of the project 1990/91.

Gist of the Committee Opinion ¹

The Committee, in its Opinion adopted unanimously, approves the Commission proposal with a number of recommendations regarding its future operation, under the following headings:

- (i) the integration of the Ehlass programme into an 'umbrella' information system for consumer use;
- (ii) the re-examination of the definition of 'consumer products';
- (iii) improvements in administrative procedures and publication of results;
- (iv) follow-up action.

This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs chaired by Mr Jaschick (Germany — Various Interests). The rapporteur-general was Mrs Williams (United Kingdom — Various Interests).

¹ CES 1369/89.

4. TOBACCO ADVERTISING

Proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising of tobacco products in the press and by means of bills and posters

[COM(89) 163 final/2 — SYN 194]

Gist of the Commission proposal

The objective of the proposal is to harmonize provisions on tobacco advertising in the press and by means of bills and posters, taking as a base a high level of health protection.

The Commission notes that at the present stage it is not possible to impose a complete ban and proposes partial harmonization, based on the most advanced system governing authorized advertising, namely the Irish one (warnings to appear, on an alternating basis, on a substantial area of the advertising space, in accordance with an agreed Community list of warnings).

The proposal also maintains the ban on indirect advertising and limits the content of authorized advertising to showing only the tobacco product in question.

All advertising for tobacco products in publications mainly intended for young people under 18 is prohibited.

Gist of the Committee Opinion ¹

The Opinion was adopted by 82 votes to five, with nine abstentions.

The Committee fully supports the objective of the Commission's proposal, in so far as this leads to a reduction of trade barriers, and suggests that a closer examination of the legal drafting should be undertaken by the Commission if the Directive's objective is to be fully implemented into Member State legislation.

The Committee believes that a proposition to ban all advertisements would go too far at this stage and could create unfair and possibly unreasonable restrictions in some Member States. It therefore considers that the proposals on direct advertising in this Direc-

¹ CES 1370/89.

tive are a reasonable compromise which gives the industry time and scope to adapt by consultation between all interested parties.

The Committee considers that the provisions on indirect advertising contained in Article 3(2) are unacceptable. The rigidity of the ban is totally out of proportion with the limitations proposed for direct advertising. A total ban would hit companies which have promoted and continue to promote the diversification of production. It would mean job losses both in these sectors and in the advertising sector.

This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs chaired by Mr Jaschick (Germany — Various Interests). The rapporteur was Mr Aspinalls (United Kingdom — Various Interests).

5. 18th COMPETITION POLICY REPORT

Gist of the Commission document

The Commission in its introduction to its 18th Competition Report indicates that Community competition policy has reached a crossroads. The favourable economic climate has induced economic operators to make increasing provision in their forward planning for the need to adapt to the new market conditions of 1993, and the strategies of undertakings are aimed at overcoming the internal economic frontiers of the Community through involvement in a variety of transnational operations.

In this situation the Commission is of the opinion that an effective competition policy is the sole means of making the most of the potential offered by the completion of the large market and thus, by increasing competitive pressure, of producing a more competitive Community economy. In its application of the competition rules of the Treaties, the Commission is to a large extent concentrating on dismantling the 'no trespassers' signs that have been created or recreated by a wide variety of ways and means ranging from the restrictive or abusive practices of undertakings to the hidden protectionism operated by Member States, notably in the form of certain State aids, certain financial measures to assist public undertakings, etc.

With regard to State aids, the number of notifications in 1988 was even larger than the already significant figure reached in the preceding year.

In this respect it should be mentioned that the Commission concluded in 1988 its first inventory of State aids which gives an overview of the aids awarded in Member States and reveals that the total amount granted is considerable.

The Commission also adopted two frameworks on aid in 1988, one for the motor vehicle sector and the other for non-ECSC steels. In requiring the prior notification of aid in these sectors, the Commission's aim is to institute more stringent checks and assess the overall impact of aid before it is paid.

With regard to agreements between undertakings, the Commission continued to develop its administrative practices on the basis of Article 85(3) of the EEC Treaty and adopted two new block exemption Regulations concerning franchise agreements, and the transfer of know-how. Thus, as regards relations between manufacturers and retailers, the exemption Regulations now encompass exclusive distribution and purchasing agreements, selective distribution of motor vehicles and commercial franchising schemes and, as regards cooperation between producers, they cover specialization, research and development agreements and patent and know-how licensing agreements.

The report also contains an analysis of merger trends in the common market, which shows a significant increase in intra-Community and international operations involving firms in third countries. The trend confirms that many firms in third countries and in the Community are seeking footholds in the common market with an eye to the single market of 1992, thus emphasizing the urgent need to reach a Decision on the merger control legislation.

The Commission sees an effective competition policy as a means to ensure that firms will constantly have to maintain a high level of efficiency and competitiveness. The competition policy of the Commission will continue, as in the past, to be focused on opening up markets, now more necessary than ever in view of the large single market which calls for an immediate restructuring of the production apparatus in the Community.

Gist of the Committee Opinion ¹

The Committee Opinion, adopted unanimously but for one abstention, contains a series of comments on the difficult process leading to the Community Regulation on the control of concentrations

¹ CES 1367/89.

between firms — a highly topical subject since the Council is due to take a final decision on this regulation at its meeting on 21 December 1989 (Council on the single market).

The Opinion also contains comments on the rules of competition in the fields of copyright, public enterprises and regional and agricultural policies, and, in particular, makes the following proposals for necessary developments in European competition policy.

Genuine competition needs to be preserved in the Community in order to secure the advantages of the single market. All citizens will undoubtedly gain from its cost benefits. Thus the expected intensification of competition and improvement in firms' productivity and ability to innovate will come about naturally. On the other hand, the European Community must be given legal powers to vet concentrations of importance to the Community as a whole. The powers to vet these mergers and the powers provided by national legislation must be clearly demarcated. This would appear necessary when markets are open in principle to the rest of the world, if Community industry is to be capable of competing with the USA, Japan and some highly efficient, newly industrialized countries.

Community and national authorities must pay particular attention to small and medium-sized enterprises which are worse off than large firms with regard to information and planning. Public information and advisory services can help to offset these disadvantages.

Competition policy must now take account not only of commercial transactions between Member States but also of those within each Member State and those with third countries.

DG IV must remain the driving force, and continue its work with the help of the relevant government departments of Member States (including that of the customs services for commercial transactions with third countries).

The Opinion's conclusions stress that, in the Section's view, the abolition of barriers within the Community should lead the Commission to consider an amendment — now essential — of the Treaty provisions covering the implementation of a healthy competition policy within the common market.

It is therefore important for the Commission to ask the Council to give it the resources needed to ensure that its departments are in a position — both in terms of personnel and work organization — to achieve this objective.

The Committee takes the view that the maximum effort must be made to strengthen competition policy within the EC, so that a state of competition may be established both within the Community and in relation to third countries which will contribute to the prosperity of all. The future growth of the Community's prosperity and that of its citizens will depend to some extent on the success of Community competition policy.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services chaired by Mr Kazazis (Greece — Employers). The rapporteur was Mr Mourgues (France — Workers).

6. SPRAY-SUPPRESSION DEVICES OF VEHICLES

Proposal for a Council Directive on the approximation of the laws of Member States relating to the spray-suppression devices of certain categories of motor vehicle and their trailers

[COM(89) 377 final — SYN 210]

Gist of the Commission document

The proposal aims to improve road safety by the use of spray-suppression devices designed to limit the spraying of water, mud or pebbles by the tyres of heavy commercial vehicles when in motion.

The proposal replaces the initial proposal contained in COM(87) 132 final (Committee Opinion issued, rapporteur: Mr Perrin-Pelletier).

The enacting terms of the new proposal differ from the earlier proposal with regard to the method of harmonization and to vehicles already on the road.

The Commission has reverted to the 'optional' method of harmonization, since this proposal forms part of a whole series of separate Directives already adopted by the Council which use the same optional method. These Directives form the core of the complete EC type-approval procedure for a type of vehicle. The procedure is governed by the framework Directive 70/156/EEC.

Member States consider that the requirements for the fitting of spray-suppression devices on vehicles already on the road would not be an appropriate addition to the proposal which, like all the separate Directives needed for the granting of EC type-approval, only refers to new vehicles.

The Commission intends to retain the Advisory Committee procedure (rather than the Regulatory Committee) for the adaptation of the Directive to technical progress.

The technical annexes also include several amendments compared to the earlier proposal.

Gist of the Committee Opinion ¹

The Committee generally supports the Commission's proposal to find a practical, short-term solution to mitigate the spray problem.

The Directive should also include an article which stipulates that a device may be awarded an EC component type-approval, if that device can be proved to be at least as effective as the devices specified in Annexes II and III.

The amount of spray generated depends on the specifications of the individual vehicle and its speed; it will also depend a great deal, however, on the type of tyres fitted. The Commission should therefore launch a study into ways to reduce spray produced by tyres.

The Commission should also establish a mechanism, to work in tandem with the proposed Directive, designed to encourage Member States to make maximum use of pervious coated macadam on the surface of (1) fast roads and (2) lanes most often used by heavy vehicles.

The Committee notes that the Commission has reverted to the optional method for granting EC component type-approval, and would agree with the Commission that to change from the optional to the global method would only be workable if the method were to embrace the whole EC type-approval procedure covered by the parent Directive 70/156/EEC.

Article 1 should also make it possible to grant EC component type-approval for types of devices other than those mentioned in Annex II, as long as they can be proved to be at least as effective.

The Committee generally welcomes moves to speed up the procedure for adapting directives to take account of technical progress. It has, however, repeatedly announced that it would not approve the introduction of a new procedure which would confine the role of the Committee on Adaptation to Technical Progress to a purely advisory one.

¹ CES 1362/89.

The wording of Article 11 should be changed. The present wording of the draft Directive means that Member States can make the installation of spray-suppression devices mandatory immediately after publication of the Directive; vehicles not complying with the Directive's requirements could accordingly be refused entry to those States.

The Directive does not provide for any EC type-approval testing of materials used in the manufacture of spray-suppression devices. Of particular relevance would be a test of resistance to (1) abrasion by sand and pebbles and (2) general wear and tear with time. It would be unfortunate if these devices were granted EC component type-approval without any guarantee that they would remain effective when used.

In order to absorb the energy of spray water, the devices are made of porous material which tends to be clogged up by the solids contained in spray. There is no provision for type tests of the clogging rate, which can differ considerably.

The Committee recommends excluding N2 vehicles of less than 7.5 tonnes, which are mainly distribution vehicles operating in built-up areas.

This Opinion, adopted by a large majority with one vote against and four abstentions, was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services chaired by Mr Kazazis (Greece — Employers). The rapporteur was Mr Perrin-Pelletier (France — Employers).

7. RELEASE OF GOODS FOR FREE CIRCULATION

Proposal for Council Directive amending Directive 79/695/EEC on the harmonization of procedures for the release of goods for free circulation
[COM(89) 385 final — SYN 216]

Gist of the Commission document

This proposal for a Directive amends the Council Directive of 24 July 1979 on the harmonization of procedures for the release of goods for free circulation (79/695/EEC); it forms part of the process completing the internal market, in as much as major differences currently exist in the application of simplified procedures for

the release of goods for free circulation in trade with third countries.

When the Directive of 24 July 1979 was adopted, complete harmonization of the simplified procedures for release for free circulation was not considered possible.

This situation will not be sustainable once the internal market has been completed; consequently, this proposal aims to supplement the Directive in question by amending Articles 16 to 20 thereof, and in so doing laying down the conditions under which an importer is entitled to demand authorization for use of a simplified procedure.

The Commission's proposal provides for two types of simplified procedure, i.e.

- (i) the procedure for clearance at a designated place (domiciliation procedure), which enables goods to be released for free circulation at (1) the premises of the person concerned or (2) other places authorized by the competent authorities (Articles 18 to 18c);
- (ii) the simplified declaration procedure, which enables certain particulars of the declaration to be furnished or inserted at a later date in the form of supplementary declarations (Articles 19 to 20a).

Use of both types of procedure is subject to authorization, which must be granted on request if certain conditions are met.

Gist of the Committee Opinion ¹

In its unanimous Opinion, the Committee endorses the proposed Directive whose aim in view of current inconsistencies in the application of simplified procedures, is to place all imports into the Community on an equal footing.

In view of the economic importance of these procedures, the Committee would nevertheless recommend that they be extended accordingly to cover export arrangements.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services chaired by Mr Kazazis (Greece — Employers). The rapporteur was Mr Mourgues (France — Workers).

¹ CES 1363/89.

8. TEDIS

Proposal for a Council Decision concerning the conclusion of an Agreement between the European Economic Community and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation on trade electronic data interchange using the communications networks (Tedis)
[COM(89) 482 final]

Gist of the Commission proposal

In April 1989 the Council agreed to enable firms in non-member countries to participate in the Tedis programme, provided that the non-member countries concerned had concluded an agreement with the European Economic Community providing for their collaboration in the programme.

The proposed Council Decision (which includes an Annex setting out a model for such agreements) lays down the framework for such bilateral agreements with the EFTA countries. The aim is to associate these countries with the implementation of the Tedis programme and enable firms in these countries to participate in the specific projects planned within this framework.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee firmly supports the new proposal, because the relevant countries' involvement in Tedis could strengthen existing cooperation effectively and prevent the possible creation of new trade barriers.

Since the objectives of the Tedis programme listed in Annex A to the Commission document are an integral part of the agreement, the Committee thinks that the further development of Tedis would benefit greatly from the planned cooperation with non-Community countries.

This Opinion was drawn up in the light of the paper produced by the Section for Industry, Commerce, Crafts and Services chaired by Mr Kazazis (Greece — Employers). The rapporteur was Mr Nierhaus (Germany — Workers).

¹ CES 1364/89.

9. ILLUSTRATIVE NUCLEAR PROGRAMME FOR THE COMMUNITY (PINC)

The nuclear power station design and construction industry and completion of the European single market (Illustrative nuclear programme for the Community — PINC)

[COM(89) 347 final]

Gist of the Commission document

Article 40 of the Euratom Treaty obliges the Commission, after obtaining the Opinion of the EC, to 'periodically publish illustrative programmes indicating in particular nuclear energy production targets and all the types of investment required for their attainment'.

The last programme was published in July 1985 [COM(85) 401 final] following the adoption of the ESC Opinion on 30 May 1985 (CES 472/85).

The Commission states that the guidelines contained in the last programme with regard to the industry's development prospects remain largely valid. However, the programme needs updating in the light of the prospects offered by the single market and the priority action needed to help ensure its proper completion, taking account of the special features of the nuclear energy market and the problems faced by the firms involved.

The Commission's working document of May 1988 on the internal energy market [COM(88) 238 final] identified this priority action as the creation of a genuine common market for equipment and components, in order to cut investment costs and improve the competitiveness of the nuclear industries.

This working document noted that 'one of the problems to be overcome in harmonizing the various industries is to ensure that the different national systems of construction and safety standards are mutually compatible'.

The present document thus seeks to specify the concrete steps needed to complete the internal market for equipment and components in the electro-nuclear sector. The focus is on standardization, though the sector's special safety requirements are also borne in mind.

Gist of the Committee Opinion ¹

Because of the existence of various codes and standards — especially within the Community — for the design and construction of nuclear power stations, the Committee thinks that Community-wide standards and a single European market for nuclear power station supplies and construction work would improve the effectiveness of competition between Community contractors on a limited market.

The Committee therefore endorses the broad lines of the Commission's analysis and the conclusions it draws.

Unlike the Commission, which seems to think that this harmonization could and should take place by 1992, the Committee thinks that the establishment of common standards, acceptable to all Member States, is a long and costly process which will not be completed until well after that date and that under these conditions, greater consideration should be given to the requirements and needs which could emerge after the year 2000.

The Committee therefore thinks that these requirements and needs could be identified more specifically once the energy objectives for 1995 have been revised in 1990.

Because of this and because the PINC will be thoroughly revised in 1992, the Committee has its misgivings about the appropriateness of the Commission document.

The Committee also makes a number of comments about:

- (a) the lack of information about the results of work carried out under previous illustrative programmes;
- (b) the contribution which the JRC is likely to make to standardization work in the field of nuclear power station design and construction;
- (c) the harmonization of design with regard to power station decommissioning and nuclear waste storage, reprocessing and disposal;
- (d) public information about all the aspects of nuclear power and the preparation of a service in this field.

This Opinion, adopted unanimously, was drawn up in the light of the paper produced by the Section for Energy, Nuclear Questions and Research chaired by Mr Romoli (Italy — Employers). The rapporteur was Mr Campbell (United Kingdom — Employers).

¹ CES 1365/89.

10. EMERGENCY CALL NUMBER

Proposal for a Council Decision on the introduction of a standard Europe-wide emergency call number
[COM(89) 452 final — SYN 223]

Gist of the Commission proposal

Increased mobility in the EC has led to demands for the establishment of a standard emergency call number to help EC citizens, in particular tourists and business travellers.

The current proposal is for a Decision to introduce the standard number 112 in all Member States.

Gist of the Committee Opinion ¹

The Committee, in its Opinion adopted unanimously, agrees with the Commission's proposal with some comments.

This Opinion was drawn up in the light of the paper produced by the Section for Protection of the Environment, Public Health and Consumer Affairs chaired by Mr Jaschick (Germany — Various Interests). The rapporteur was Mr Green (Denmark — Employers) with Mr Mantovani (Italy — Various Interests) as co-rapporteur.

11. CEREALS

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals
[COM(89) 449 final]

Gist of the Commission proposal

The proposal changes the technical arrangements for applying the additional co-responsibility levy.

It introduces, firstly, a two-stage system for estimating harvests (provisional estimate by 1 September, definitive estimate by 1 March of the subsequent year).

¹ CES 1361/89.

In addition, where the definitive figure differs from the provisional estimate used to calculate the additional levy, the proposal makes it possible to apply the appropriate adjustment to the following market year.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee agrees with the basic approach underlying the Commission's proposal under which a definitive harvest estimate made before 1 March in the year following the harvest will determine whether a price cut will be applied and whether any correction to the additional co-responsibility levy already paid will be required.

The Committee welcomes the decision of the Council on 20 November under which the additional co-responsibility levy will, from the 1990 harvest onwards, be charged initially at 1.5%, any under or overpayments in the light of definitive crop estimates being made good in the subsequent harvest year.

The Committee emphasizes that since cereal substitutes are exempt from levy the arrangements act as a further incentive to switch from EC cereals to imported substitutes.

This Opinion was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries chaired by Mr Laur (France — Various Interests). The rapporteur was Mr Strauss (United Kingdom — Workers).

12. MELTED ANIMAL FAT

Proposal for a Council Regulation (EEC) laying down health rules for the production and placing on the market of melted animal fat, greaves and by-products of rendering for human consumption
[COM(89) 490 final]

Gist of the Commission document

The content of the Regulation is specified in its title.

This is one of the proposals contained in the Annex to the White Paper on completing the internal market. It is necessary in order

¹ CES 1366/89.

to reconcile free movement of products of animal origin with the need to protect public health.

The Commission plans to use the Regulatory Committee system for the implementing decisions. This is without prejudice to the Commission's general preference for the consultative management formula.

Gist of the Committee Opinion ¹

While welcoming the measure, the Committee, in its Opinion adopted unanimously, considers that it would be better as a directive than as a regulation.

The Committee reserves the right to give a further Opinion on this subject when it has received the Commission's proposals on definitions, hygiene and production rules, inspection procedures and analytical standards.

The rapporteur-general for this Opinion was Mr Gardner (United Kingdom — Employers).

13. PROTECTION OF CALVES

Proposal for a Council Regulation (EEC) concerning minimum standards for the protection of calves kept in intensive farming systems
[COM(89) 114 final]

Gist of the Commission proposal

The proposal sets out minimum standards for the protection of calves kept in intensive farming systems, based on what is currently good farming practice and on the Recommendation on Cattle made by the Council of Europe Standing Committee on the European Convention for the Protection of Animals kept for Farming Purposes.

It requires sample inspections of intensive calf farms by the competent authority in each Member State, and by the Commission, and sets up a system, as called for by the Parliament, whereby the Commission will coordinate the dissemination of information on the

¹ CES 1371/89.

welfare of calves to producers, consumers and other interested parties.

It further provides for continuing research into the welfare of intensively farmed calves, and for a report on the subject to be made to the Council and the Parliament, along with any necessary proposals, before 1 January 1993.

Gist of the Committee Opinion¹

In its Opinion adopted by 62 votes for, 22 votes against and 15 abstentions, the Committee welcomes and supports the Commission's proposals. As a contracting party to the European Convention on the Protection of Animals kept for Farming Purposes, it is necessary for the Commission's proposals to ensure that the Convention's principles and provisions are fully implemented.

Whilst seeing the positive aspects of the Commission's proposals, the Committee considers that systematic and hasty implementation of all the provisions may raise practical problems, especially economic consequences for farmers.

This Opinion was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries chaired by Mr Laur (France — Various Interests). The rapporteur was Mr Storie-Pugh (United Kingdom — Various Interests).

14. PROTECTION OF PIGS

Proposal for a Council Regulation (EEC) concerning minimum standards for the protection of pigs kept in intensive farming systems
[COM(89) 115 final]

Gist of the Commission proposal

The proposal sets out minimum standards for the protection of calves kept in intensive farming systems, based on what is currently good farming practice and on the Recommendation on Pigs made by the Council of Europe Standing Committee on the European Convention for the Protection of Animals kept for Farming Purposes.

¹ CES 1373/89.

It requires sample inspections of intensive pig farms by the competent authority in each Member State, and by the Commission, and sets up a system, as called for by the Parliament, whereby the Commission will coordinate the dissemination of information on the welfare of pigs to producers, consumers and other interested parties.

It further provides for continuing research into the welfare of intensively farmed pigs, particularly sows, and for a report on the subject to be made to the Council and the Parliament, along with any necessary proposals, before 1 January 1993.

Gist of the Committee Opinion ¹

In its Opinion, adopted by 57 votes to 30, with 15 abstentions, the Committee endorsed the Commission's proposal but makes a number of recommendations.

It considers that some of the Commission's proposals appear unnecessary for the majority of pig farmers who are responsible and provide for the physiological requirements of pigs.

This Opinion was drawn up in the light of the paper produced by the Section for Agriculture and Fisheries chaired by Mr Laur (France — Various Interests). The rapporteur was Mr Storie-Pugh (United Kingdom — Various Interests).

15. SWINE FEVER IN SARDINIA

Proposal for a Council Decision on financial aid from the Community for the eradication of African swine fever in Sardinia

[COM(89) 499 final]

Gist of the Commission proposal

The aim of this proposal is to introduce a new five-year plan for the eradication of African swine fever in Italy.

This will be the second plan of the kind, as the first (drawn up on the basis of Council Decision 80/1097/EEC and amended by Council Regulation (EEC) No 3768/85; OJ L 325, 1.12.1980, p. 8, and

¹ CES 1374/89.

OJ L 362, 31.12.1985, p. 8) was not entirely successful in eradicating the disease.

Thus, whilst drawing on past experience, new, more effective and more flexible measures are now proposed, so that Member States and the Commission can be more closely involved in implementing the plan.

The proposal also fixes the duration, amount and methods of payment of financial assistance from the Community.

Gist of the Committee Opinion ¹

The Committee is asked to endorse the Commission proposal, but attention is drawn *inter alia* to the importance of cooperation between all the parties concerned (pig breeders, local and regional authorities and sanitary units, etc.) and the need for immediate payment of compensation to farmers who have to destroy infected pigs.

The rapporteur-general for this Opinion, adopted by 56 votes for and four abstentions, was Mr Storie-Pugh (United Kingdom — Various Interests).

16. FOOT-AND-MOUTH DISEASE

Proposal for a Council Directive amending Directive 85/511/EEC introducing Community measures for the control of foot-and-mouth disease
[COM(89) 512 final]

Gist of the Commission proposal

The proposal has been drawn up in the wake of the Commission report to the Council on the control of foot-and-mouth disease, which comes out in favour of a Community policy of non-vaccination.

So far, two different systems have been allowed to exist side-by-side under Council Directive 85/511/EEC of 26 November 1985 (OJ C 315, 26.11.1985, p. 11); the first of these — applied in Denmark, Greece, Ireland and the United Kingdom — is based on a policy

¹ CES 1375/89.

of non-vaccination and the other — in force in the other countries — is based on systematic vaccinations.

The co-existence of these two systems has inevitably impeded free Community trade since quarantine, pre-export testing and other such measures are required.

The aforementioned Council Directive is now being amended in the wake of the Commission report and the choice has fallen on a single Community-wide policy for controlling foot-and-mouth disease. This policy, which is regarded as cheaper and safer, will be based on non-vaccination and the full 'stamping out' of infected animals.

Gist of the Committee Opinion ¹

In its Opinion, adopted by 70 votes for and two abstentions, the Committee gives its unqualified approval to the Commission proposal, which does not call for any specific comments.

The rapporteur-general for this Opinion was Mr Storie-Pugh (United Kingdom — Various Interests).

17. DEEP-FROZEN SEMEN

Proposal for a Council Directive amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species
[COM(89) 495 final]

Gist of the Commission proposal

The aim of the proposal is to amend Council Directive 88/407/EEC (OJ L 194, 22.7.1988, p. 10) which lays down the animal health requirements applicable to intra-Community trade in deep-frozen semen of domestic animals of the bovine species.

As difficulties have arisen in the implementation of the Directive by the Member States, it has become necessary to make certain changes with regard, in particular, to the tests applicable to bulls

¹ CES 1376/89.

entering semen collection centres and the content of the health certificate accompanying consignments of semen.

The draft also includes a proposal that in the future any changes in the Annexes, in particular to adapt them to advances in technology, shall be decided by the Standing Veterinary Committee procedure. In addition, it is proposed to modify the provisions concerning the delegation of competence by the Council to the Commission by deleting the 'contre-filet' clause in the Regulatory Committee procedure.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee endorses the Commission proposal which it regards as realistic and practical. No amendment is proposed.

The rapporteur-general for this Opinion was Mr Storie-Pugh (United Kingdom — Various Interests).

18. HEALTH CONDITIONS — EQUIDAE

Proposal for a Council Regulation (EEC) on animal health conditions governing intra-Community trade in and import from third countries of live equidae

Proposal for a Council Regulation (EEC) on the zootechnical and genealogical conditions governing intra-Community trade in equidae

Proposal for a Council Regulation (EEC) on intra-Community trade in equidae intended for participation in competitions
[COM(89) 503 final]

Gist of the Commission proposal

The aim of this set of proposals is to lay down Community-wide animal health, zootechnical and genealogical rules for intra-Community trade in equidae.

The first proposal deals with animal health matters and provides for the harmonization of national standards. It also establishes the Community regime applicable to import from third countries,

¹ CES 1377/89.

specifying the minimum animal health criteria applicable to the rearing of equidae in third countries before these equidae can be imported into the Community.

The second proposal deals with the zootechnical and genealogical barriers to free Community trade in equidae and their semen, ova and embryos.

The third proposal regulates Community trade in competition equidae, with a view to eliminating national disparities.

Gist of the Committee Opinion ¹

In its Opinion, adopted unanimously, the Committee approves the three proposals. In so doing, it stresses their importance for the rearing of equidae. A number of specific changes are proposed, especially with regard to the restrictions on the free movement of horses and procedures for the identification of species.

The rapporteur-general for this Opinion was Mr Storie-Pugh (United Kingdom — Various Interests).

19. RODENTS

Proposal for a Council Regulation (EEC) on animal health conditions governing the placing of rodents on the market in the Community
[COM(89) 500 final]

Gist of the Commission proposal

The purpose of the proposal is to establish common health policy rules on the marketing of rodents, so as to remove present disparities in national rules.

This will prevent the spread of diseases prevalent in rodents, thus creating the right conditions for expanding intra-Community trade in these animals.

¹ CES 1378/89.

Gist of the Committee Opinion ¹

The Committee is asked to approve the general content of the Commission's proposal, but to make a number of comments on questions of detail.

The rapporteur-general for this Opinion (adopted unanimously) was Mr Hancock (United Kingdom — Employers).

20. BRUCELLOSIS IN SHEEP AND GOATS

Proposal for a Council Decision introducing a Community financial measure for the eradication of brucellosis in sheep and goats
[COM(89) 498 final]

Gist of the Commission proposal

The continued presence of brucellosis in sheep and goats, particularly around the Mediterranean basin, is a serious threat to human and animal health, impedes the free movement of sheep and goats, and prevents the establishment of an internal market in this sector and an increase in livestock productivity.

These are the reasons for this proposal. Its aim is to introduce Community financial aids for the eradication of brucellosis. The aid will be used to partially compensate owners of infected sheep and goats who have their animals slaughtered under a national or regional plan for the eradication of brucellosis. The five Mediterranean Member States must present and implement such a plan.

The proposal lays down basic guidelines for these plans and the duration, scope and conditions of Community financial aid.

Gist of the Committee Opinion ²

The Committee, in its Opinion, adopted unanimously, endorses the general aims of the draft Council Decision but proposes amendments to a number of the articles.

The rapporteur-general for this Opinion was Mr Hancock (United Kingdom — Employers).

¹ CES 1379/89.

² CES 1380/89.



From left to right: Mr Jacques Moreau, ESC Secretary-General with Mr Michel Delbarre, French Minister for Transport and President-in-Office of the Council, at the meeting of the ESC Section for Transport and Communications, 11 December 1989.

Visits

During the period under review, the following visited the Economic and Social Committee:

- 1 December 1989: University of Manchester (United Kingdom)
- 1 December 1989: Centre for Research and Information on the European Communities: Puglia region (Italy)
- 4 December 1989: Teesside Polytechnic (United Kingdom)
- 5 December 1989: ITI (Internal Tradeinvest Institute, Brussels, Algerian executive staff)
- 6 December 1989: FTF (Danish Civil Servants' and Salaried Workers' Federation) Copenhagen (Danish Insurance Employees)
- 8 December 1989: University of Exeter (United Kingdom)
- 11 December 1989: College of Public Administration (Germany)
- 13 December 1989: Centre for Research and Information on the European Communities: Puglia region (Italy)
- 14 December 1989: Prefecture of the Île de France region (Île de France Regional Directorate for Youth and Sport)
- 14 December 1989: 'De Horst' College, Driebergen (Netherlands)
- 15 December 1989: Saint Dominique Institute, St-Herblan (France)
- 15 December 1989: French Hairdressers' Pension Fund (France)
- 18 December 1989: Irish Transport and General Workers' Union (Ireland)

Provisional future work programme

January 1990 Plenary Session

OPINIONS

General system for recognition of vocational qualifications
[COM(89) 372 final — SYN 209]

Protection of natural habitats
[COM(88) 381 final]

General safety of products
[COM(89) 162 final — SYN 192]

Fur imports
[COM(89) 198 final]

Sub-committee

Agricultural and forestry resources

OWN-INITIATIVE WORK

EC/Latin America relations

February 1990 Plenary Session

OPINIONS

Environment Section

Civil responsibility for damage caused by waste
[COM(89) 282 final — SYN 217]

Restrictions on the marketing and use of certain dangerous substances and preparations
[COM(89) 548 final]

Industry Section

Statute for a European company
[COM(89) 268 final — SYN 218-219]

Conformity assessment procedures (certification)
[COM(89) 209 final — SYN 208]

Section for Regional Development

Envireg — Community regional policy

Transport Section

Use of self-drive vehicles
[COM(89) 430 final]

Community civil aviation
[COM(89) 373 final]

Rules of competition — air transport
[COM(89) 417 final]

Agriculture Section

Game and rabbit meat
[COM(89) 496 final]

Fresh poultry and game bird meat
[COM(89) 507 final]

March 1990 Plenary Session

OPINIONS

Environment Section

Treatment of acute human poisoning
[COM(89) 505 final]

Industry Section

Community transit
[COM(89) 480 final — SYN 225]

Transport Section

Recognition of vocational qualifications — civil aviation
[COM(89) 472 final]

Agriculture Section

Infectious haemopoietic necrosis of salmonids
[COM(89) 502 final]

Processing of animal waste and prevention of pathogens in
feedstuffs
[COM(89) 509 final]

Safeguard measures in the veterinary field
[COM(89) 493 final]

Farm prices

OWN-INITIATIVE WORK

Section for Regional Development

Declining industrial areas

April 1990 Plenary Session

OPINIONS

Environment Section

Municipal waste water treatment
[COM(89) 518 final]

Regional Development Section

14th ERDF Report

May 1990 Plenary Session

OWN-INITIATIVE WORK

Section for Regional Development

Tourism year

INFORMATION REPORT

External Relations Section

EC relations with the countries of Eastern Europe

July 1990 Plenary Session

OPINIONS

Section for Social Questions

Social developments

Transport Section

Relations between the Member States and the railways
[COM(88) 842 final]

OWN-INITIATIVE WORK

Ecofin Section

Mid-1990 economic situation

Plenary Sessions still to be determined**OPINIONS***Ecofin Section*

Excise-duty rates

[COM(89) 551, 525, 526, 527 final]

Environment Section

Tourism — five-year programme

[COM(88) 363 final]

Environmental protection (Medspa)

[COM(89) 262 final]

Industry Section

Mobile machinery

[COM(88) 740 final — SYN 175]

Sub-committee

Action programme relating to the implementation of the Community Charter of basic social rights for workers

[COM(89) 568 final]

INFORMATION REPORT*Section for External Relations*

GATT/Uruguay Round

Members' news

Appointments

The Council of the European Communities has appointed Mr François Schweitzer (Luxembourg), the General Secretary of the Confederation of Christian Trade Unions, as a new member of the Economic and Social Committee to replace Mr Marcel Glesener, who has resigned. Mr Schweitzer will serve out the rest of Mr Glesener's term of office, until 20 September 1990.

LIST OF PUBLICATIONS AND BROCHURES

Available from the ESC

General documentation

The other European Assembly (CES 89-003)
Leaflet on the ESC

Opinions and studies

Europe and the new technologies (1986) (ESC 89-004)
Disadvantaged island regions (July 1988) (ESC 88-009)
Basic Community social rights (Opinion) (February 1989)
Horizon 1992: The ESC supports the removal of fiscal frontiers (July 1988)
(8 Opinions)
Target date 1992: The ESC supports 'the new-frontier Europe' (June 1988)
(7 Opinions) (ESC 88-010)

Available from Gower Publishing Co. Ltd, 1 Westmead, Farnborough, Hants GU1 47RU

Community Advisory Committee for the Representation of Socio-Economic
Interests (UKL 8.50)
European interest groups and their relationship to the Economic and Social
Committee (UKL 25)

Available from Delta Publications, rue Scailquin 55, 1030 Brussels

The economic and social interest groups of Portugal (BFR 350)
Action by the European Community through its financial instruments
(Brussels, 1979) (BFR 425)
The economic and social interest groups of Greece (BFR 350)
The right of initiative of the ESC (BFR 400)

Available from Kogan Page Ltd, 120 Pentonville Road, London N1

Directory of European agricultural organizations (UKL 39)

Available from the EC Publications Office

Bulletin (monthly) (per issue: ECU 4. Annual subscription: ECU 28)
Annual Report 1988 (ECU 8.50)
Effects of the CAP on the social situation of farmworkers in the European
Community (Brussels, 1987) (ECU 3.40)
European environment policy: air, water, waste management (Brussels,
1987) (ECU 3.50)
Community rail policy (ECU 7.40)
EEC maritime transport policy (Brussels, June 1986) (ECU 3.40)
EEC air transport policy (October 1985) (ECU 5.50)
GATT — towards a new round (Opinion) (Brussels, 1986) (ECU 2.20)
Competition policy (ECU 3.40)
Europe and the new technologies (Brussels, 1988) (ESC 87-020) (ECU
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