

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

P R E S S R E L E A S E

580th Council meeting

- Labour and Social Affairs -

Brussels, 15 May 1979

President : Mr R. BOULIN,
Minister for Labour and
for Industrial Democracy
of the French Republic

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr R. DE WULF	Minister for Labour and Employment
Mr A. CALIFICE	Minister for Social Security and Pensions

Denmark:

Mr Svend AÜKEN	Minister for Labour
Mr Erling JENSEN	Minister for Social Affairs

Germany:

Mr Reinhard STREHLKE	State Secretary, Federal Ministry of Labour and Social Affairs
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France:

Mr Robert BOULIN	Minister for Labour and for Industrial Democracy
Mrs Nicole PASQUIER	State Secretary, Ministry of Labour and Industrial Democracy (female employment)

Ireland:

Mr Gene FITZGERALD	Minister for Labour
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Italy:

Mr Vincenzo SCOTTI	Minister for Labour and Social Security
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Luxembourg:

Mr Maurice THOSS State Secretary, Ministry of Labour and Social Security

Netherlands:

Mr W. ALBEDA Minister for Social Affairs

Mr D. de GRAAF State Secretary, Ministry of Social Affairs

United Kingdom:

Mr James PRIOR Secretary of State for Employment

Mrs Linda CHALKER Parliamentary Under-Secretary, Ministry of Health and Social Security

Commission:

Mr Henk VREDELING Vice-President

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IMPROVEMENT OF RELATIONS WITH BOTH SIDES OF INDUSTRY

At the close of its discussions concerning the improvement of relations with both sides of industry the Council adopted the following conclusions:

"The Council

- points out that the European Council at its meeting in Paris on 12 and 13 March 1979 once again stressed the importance of consultation with both sides of industry at national as well as at Community level and noted with satisfaction the intention of the Ministers for Labour and Social Affairs to take the necessary measures to improve the work of the Community tripartite meetings;
- thanks the Commission for having forwarded to it an important communication on this matter;
- notes that any improvements to the dialogue at Community level with management and labour should facilitate
 - = a more thorough preparation of tripartite meetings
 - = a greater commitment on the part of all parties participating in the aforementioned meetings
 - = practical implementation of the conclusions resulting from the tripartite meetings;

- considers that the preliminary dialogue between both sides of industry on the topics to be debated in the tripartite meetings is an essential element in their success;
- instructs the Permanent Representatives Committee to examine the Commission communication in order to finalize, in the light of the discussion at Council level and suggestions from both sides of industry, an improved working method for the tripartite meetings, which could be brought to the attention of the European Council at its next meeting."

THE COUNCIL'S CONCLUSIONS ON WORK-SHARING

The Council

- recalls that at its meeting in Paris on 12 and 13 March 1979 the European Council devoted a considerable part of its proceedings to the employment situation and social policy, and that in its discussions it paid particular attention to the problem of work-sharing;
- notes the important contributions made in this area by the Standing Committee on Employment and the Tripartite Conference;
- emphasizes the particular attention with which the Ministers for Labour and Social Affairs of the Member States are following the development of this problem at both national and Community level;
- takes note of the Commission communication on this subject and thanks the Commission for the efforts made to submit this communication for the present meeting;
- recalls that at its meeting on 14 May 1979 the Council agreed to charge the Economic Policy Committee with a detailed study of Chapter III of the Commission communication;

- considers that the approach to the problem of work-sharing must take account of the following requirements:
 - = the internal and external competitiveness of the Community must be maintained bearing in mind the situation in the various sectors
 - = the measures to be proposed will not necessarily have an automatic effect on employment but will have to be conceived as accompanying measures forming part of an active employment policy
 - = both sides of industry will have to co-operate closely both in preparing and in implementing any measures relating to working hours. Such co-operation will have to operate at both national and Community level and this subject will fall firstly within the sphere of responsibility of those groups on both sides of industry who are best placed to assess the possibilities and constraints in each sector and the extent of their respective contributions to the implementation of the measures in question;
- requests the Commission to continue its studies and analyses in this area and to make proposals taking account of the discussions of the European Council and the guidelines indicated by the Council at its meetings on 14 May and 15 May 1979 with a view to establishing a Community framework for work-sharing concerning in particular:
 - = the annual duration of work
 - = the restriction of systematic overtime
 - = the development of vocational training and sandwich-course training
 - = flexible retirement arrangements
 - = part-time voluntary work
 - = temporary work
 - = shift-work,and make any suitable proposals.

EXTENSION OF THE SOCIAL SECURITY ARRANGEMENTS FOR MIGRANT WORKERS TO SELF-EMPLOYED WORKERS

The Council welcomed the progress which had been made under the responsibility of the Permanent Representatives Committee concerning the proposal for a Regulation on the extension to self-employed workers of Regulation No 1408/71 on social security for migrant workers.

The Council then discussed the remaining problems concerning this proposal, which has wide implications for hundreds of thousands of self-employed workers who have not hitherto received adequate social security protection at Community level.

Despite the progress which had been made, the Council found that it could not reach an overall decision at the present meeting, owing to the fact that one of the delegations had problems with the inclusion, on the basis of Article 235 of the Treaty, of the category of persons referred to as "non-employed".

The Council agreed to resume its discussion of this issue at its next meeting on social affairs and expressed the hope that it would then be able to take a final decision.

PROTECTION OF EMPLOYEES IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

The Council agreed on the substance of the Directive on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer.

The Directive is intended to set up a mechanism to guarantee the unpaid claims of employees for remuneration when their employer becomes insolvent. Such insolvency normally becomes obvious with the opening of bankruptcy proceedings or on the definitive closing of the undertaking when the available assets are not even sufficient to permit the opening of such proceedings.

The guarantee mechanism provides that Member States' guarantee institutions guarantee the payment of employees' claims. The guarantee covers part of the period before the employer's insolvency or that preceding the end of the contract of employment, or of the employment relationship on account of the employer's apparent insolvency.

The Member States have the right to limit in certain ways the liability of guarantee institutions. In order to prevent the payment of sums out of proportion to the social objectives of the mechanism, the Member States may also set a ceiling to the guarantee of payment by reference, for example, to a ceiling for social security schemes or for average industrial earnings.

15.V.79

The Member States will lay down detailed rules for the organization, financing and operation of the guarantee institutions. Employers must in principle contribute to the financing of the institutions unless it is fully covered by the public authorities.

The Member States have three years in which to incorporate the provisions of the Directive in their national law.

CONSULTATION ON MIGRATION POLICIES VIS-A-VIS THIRD COUNTRIES

The Council took note of an introductory statement by Vice-President VREDELING on the Commission communication on consultation within the Community on migration policies vis-à-vis third countries. It instructed the Permanent Representatives Committee to give that communication careful consideration and submit the results of its examination to the Council at a future meeting on social affairs and labour problems.

EXCHANGES OF YOUNG WORKERS

The Council was not in a position to take a definitive decision since it had not yet received the Economic and Social Committee's opinion, but it noted that agreement already existed on the setting up of a second joint programme to encourage exchanges of young workers within the Community.

The first programme was adopted in 1964, and the new programme attempts by means of new bases and improved arrangements to give momentum to exchanges of young workers in the Community.

To this end it is intended, inter alia, to enlist the support of the Europe-oriented bodies the structure, activities and operational capacities of which are such that they can make an effective contribution to the realization of the programme.

The scope of the second programme will be greater than that of the first, in particular because of the more varied possibilities for undergoing training periods. Thus there is provision not only for predominantly vocational exchanges - from 4 to 16 months - but also for training periods described as of short duration - from 3 weeks to 3 months - intended to bring larger categories of young people than would necessarily have been interested in exchanges of the first type into contact with the way of work and life in another country.

Another significant innovation in the new programme is that the Community may make a direct financial contribution to trainees' travelling and living expenses.

EQUAL PAY FOR MEN AND WOMEN

The Council discussed a number of matters raised by the Commission regarding the extent to which the Directive on the application of the principle of equal pay for men and women had so far been translated into national law.

During the discussion the delegations commented in particular on the way in which the press had presented the situation in their respective countries. They felt that this presentation could give the general public a mistaken impression both as to the facts and as to what was being done.

In conclusion, the President took note of the Commission's report and the delegations' comments on it, and noted that the procedure initiated by the Commission vis-à-vis certain Member States was being conducted independently of the discussion which had taken place in the Council.

SOCIAL ASPECTS OF THE RESTRUCTURING OF THE STEEL INDUSTRY

The Council heard Mr VREDELING, Vice-President, present the Commission's communication on the social aspects of the restructuring of the steel industry and the accompanying draft Decision, to which the Council has to give its assent under the rules of the ECSC Treaty.

During the discussion which followed the Member States made preliminary comments on the various new measures and types of aid recommended by the Commission as regards eligibility for Community assistance: early retirement, improvement of the work cycle, earnings compensation in the case of reductions in overtime.

The Council concluded by instructing the Permanent Representatives Committee to examine these documents from the Commission and to report back at a future meeting after the Consultative Committee had given its opinion.

OTHER DECISIONS

The Council recorded its agreement on emergency aid of 300,000 EUA for the supply of essential goods to meet some of the immediate needs of the victims of the recent volcano disaster in the northern part of St Vincent.

The Council adopted, in the official languages of the Communities,

- the Regulations
 - = imposing a definitive anti-dumping duty on a certain herbicide originating in Romania;
 - = amending Regulation (EEC) No 974/71 with regard to the calculation of monetary compensatory amounts in the wine sector.

Shipping questions

The Council adopted, in the official languages of the Communities,

- the Regulation concerning the ratification by the Member States of the United Nations Convention on a Code of Conduct for Liner Conferences or the accession of these States to the Convention (see Press Release 6688/79 (Presse 50) of 8.V.79);
- the recommendation on the ratification of the International Convention for Safe Containers (CSC).

Appointments

The Council adopted the Decision appointing the members of the Advisory Committee of the Euratom Supply Agency in the official languages of the Communities. The members are as follows:

For Belgium:

Mr D. DEWEZ	Directeur à la Société Générale des Minerais
Mr P. GOEDSCHMIDT	Chef du Service "Approvisionnement combustibles" S.A. SYNATOM
Mr M. RENIERS	Ingénieur en chef Directeur au Ministère des Affaires économiques

For Denmark:

Mr Erik BASTRUP-BIRK	Kontorchef Energistyrelsen
Mr Eyvind MOE	Ekspeditionssekretær Handelsministeriet

For Germany:

Regierungsdirektor Dr. Karl A. KELTSCH	Bundesministerium für Forschung und Technologie
H. KREWER	Bundesministerium für Forschung und Technologie
Ministerialrat Dr. GERLACH	Bundeswirtschaftsministerium
Dr. Manfred STEPHANY	Geschäftsführer der NUKEM
Dipl.Ing. Wolfgang SCHOBER	Bayernwerk AG
Dipl.Ing. Karl-Ernst KEGEL	Uranerzbergbau GmbH

For France:

Mr A. NOE	Directeur à la SOCIETE MINATOME
Mr Philippe KAYSER	Directeur Commercial de la Compagnie de MOKTA
Mr Armand FAUSSAT	Chargé de Mission "Matières nucléaires" Direction Générale de l'Energie et des Matières premières Ministère de l'Industrie
Mr François MINNARD	Chef adjoint du Service des Combustibles à la Direction "Production et Transport" E.d.F.
Mr Jean-Claude BERAULT	Chef de Service des Affaires Economiques et des Programmes Compagnie Générale des matières nucléaires (COGEMA)
Mr André PETIT	Direction des Relations Internationales (C.E.A.)

For Ireland:

Mr Sean F. COAKLEY	Divisional Engineer (Projects) Electricity Supply Board
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For Italy:

Prof. Maurizio ZIFFERERO	Direttore Settore Combustibile C.N.E.N.
Dott. Umberto BELELLI	Direttore ENEL
Ing. Alberto VAUDO	Dirigente Società Montecatini- Edison
Dott. Giuseppe BENEVOLO	Dirigente E.N.I.
Ing. Giuseppe ARCELLI	Vice Direttore Generale Società Fabbricazioni nucleari (IRI)
Ing. Giulio CESONI	Direttore sezione energia nucleaire FIAT

For the Netherlands:

Dr. Ir H. HOOG	Voorzitter van het bestuur van het Reactor Centrum Nederland
Prof. Ir J. PELSER	Technisch directeur van het Energie Centrum Nederland
Ir R. van ERPERS ROYAARDS	Directeur van de N.V. Gemeenschappelijke Kernenergie- centrale Nederland

For the United Kingdom:

Mrs A.S. GITTELSON	Assistant Secretary Atomic Energy Division
Mr R.W. NICHOLS	Department of Energy
Dr J.K. WRIGHT	Central Electricity Generating Board
Mr G. WYNN	United Kingdom Atomic Energy Authority
Mr J.A. WADDAMS	British Nuclear Fuels Ltd.
Mr P.C.F. CROWSON	Rio Tinto Zinc Services Ltd.

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 NOTE BIO (79) 161 AUX BUREAUX NATIONAUX
 CC AUX MEMBRES DU GROUPE, A M. BURGHARDT, ASSISTANT DG 1
 ET A M. LECOMTE, DG VIII
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PREPARATION DU CONSEIL SOCIAL DU 15 MAI (P. VAN ENK)

1. REPARTITION DU TRAVAIL

LE POINT PRINCIPAL A L'ORDRE DU JOUR EST LA COMMUNICATION INTERIMAIRE DE LA COMMISSION AU CONSEIL CONCERNANT LA REPARTITION DU TRAVAIL (COM(79)188 FIN., P-47). CETTE COMMUNICATION EST EGALLEMENT SOUMISE AUJOURD'HUI AU CONSEIL ECOFIN. APRES LE PREMIER DEBAT DU CONSEIL SUR CE SUJET, LA COMMISSION PREPARERA UN RESUME DE SES REFLEXIONS DESTINE AU CONSEIL EUROPEEN DES 21 ET 22 JUIN.

2. AMELIORATION DE LA PROCEDURE DES CONFERENCES TRIPARTITES

LE CONSEIL SOCIAL SERA SAISI, POUR UN PREMIER DEBAT, DES PROPOSITIONS DE LA COMMISSION VISANT A UNE AMELIORATION DE LA PROCEDURE DES CONFERENCES TRIPARTITES (COM(79)224 FIN, P-45), [REDACTED] PROPOSITIONS QUI ONT D'AILLEURS ETE PREPAREES EN CONCERTATION AVEC LA CONFEDERATION EUROPENNE DES SYNDICATS (C.E.S.) ET L'UNICE. ON SE RAPPELLERA QUE LA C.E.S. POSE COMME CONDITION A SA PARTICIPATION AUX CONFERENCES TRIPARTITES FUTURES, UNE MEILLEURE PROCEDURE QUE CELLE SUIVIE ANTERIEUREMENT, SOIT UNE PROCEDURE ABOUTISSANT EFFECTIVEMENT A DES CONCLUSIONS ENGAGEANTES. LE CONSEIL EUROPEEN ARRETERA UNE DECISION FINALE SUR CES PROPOSITIONS.

3. VOLET SOCIAL DE LA RESTRUCTURATION SIDERURGIQUE

LA COMMUNICATION SUR "LE VOLET SOCIAL DE LA RESTRUCTURATION SIDERURGIQUE" (COM (79)199 FIN., P-41) FERA L'OBJET D'UNE PREMIERE DISCUSSION GENERALE, CE DOSSIER ETANT, POUR LA DECISION FINALE, RENVOYE A UNE REUNION ULTERIEURE DU CONSEIL.

4. EXTENSION DU REGLEMENT 1408/71

LE CONSEIL EST APPELE A ARRETER UNE DECISION SUR LES PROPOSITIONS DE LA COMMISSION VISANT A L'EXTENSION DU REGLEMENT 1408/71. CE REGLEMENT ASSURE L'APPLICATION DES REGIMES NATIONAUX EN MATIERE DE SECURITE SOCIALE AUX TRAVAILLEURS MIGRANTS A L'INTERIEUR DE LA COMMUNAUTE. LA PROPOSITION EN QUESTION VISE A RENDRE LE REGLEMENT APPLICABLE AUX TRAVAILLEURS NON SALARIES ET AUX ASSURES NON-ACTIFS.

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M. SANTARELLI

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DANS CE DOMAINE TROIS PROBLEMES DOIVENT ETRE RESOLUS :

5. DEUXIÈME PROGRAMME D'ÉCHANGES DE JEUNES TRAVAILLEURS

LE DEUXIEME PROGRAMME D'ECHANGES DE JEUNES TRAVAILLEURS (COM (79) 92 FIN, P-20) VA ETRE ADOpte SANS DEBAT. LE PROGRAMME POURRA AINSI ENTRER EN VIGUEUR LE 1ER JUILLET PROCHAIN.

6. POLITIQUE MIGRATOIRE VIS-A-VIS DES PAYS TIERS

LE CONSEIL AURA UN PREMIER DEBAT SUR LA COMMUNICATION DANS

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LAQUELLE LA COMMISSION A PROPOSE D'INSTAURER UNE CONCERTATION ENTRE LES ETATS MEMBRES SUR LA POLITIQUE MIGRATOIRE VIS-A-VIS DES PAYS TIERS (COM (79)115 FIN, P-■32)

7. PROTECTION DES TRAVAILLEURS EN CAS D'INSOLVABILITE DE L'EMPLOYEUR

ETTE DIRECTIVE OBLIGEANT LES ETATS MEMBRES A INSTAURER DES INSTITUTIONS SATISFAISANT LES CREANCES DES TRAVAILLEURS QUANT L'EMPLOUEUR TOMBE EN FAILLITE, LE PROBLEME MAJEUR A CE SUJET CONSISTE DANS LE SOUHAIT DE CERTAINES DELEGATIONS D'EXCLURE DU CHAMP D'APPLICATION DE LA DIRECTIVE CERTAINES CATEGORIES DE TRAVAILLEURS. (COM(78)141 - P-42)

8. EGALITE DES REMUNERATIONS HOMMES/FEMMES

LE CONSEIL ARA UN DEBAT SUR LE RAPPORT DE LA COMMISSION SUR L'ETAT D'APPLICATION DANS LES LEGISLATIONS NATIONALES DE LA DIRECTIVE METTANT EN OEUVRE LE PRINCIPE DE L'EGALITE DES REMUNERATIONS ENTRE HOMMES ET FEMMES. (COM(78)711 - P(7995)

AMITIES,
M. SANTARELLI. COMEUR.

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433030

Bruxelles, le 15 mai 1979.

Note B1C(79)161 (suite 1) aux Bureaux Nationaux
cc aux Membres du Groupe, M. Burghardt DG 1
et à M. Lecomte DG VIII

CONSEIL SOCIAL

Extension du reglement 1408/71

Le Conseil social, qui se reunit aujourd'hui, n'est pas arrive a une decision positive sur la proposition de la Commission visant a une extension du reglement 1408/71. Ce reglement garantit l'application des regimes nationaux de securite sociale aux travailleurs migrants a l'interieur de la Communaute et aux membres de leurs familles. La Commission avait propose d'y inclure egalement, sur la base de l'article 235 CEE, les assures independants et non-actifs.

Cette proposition s'est heurtee a l'opposition de la delegation danoise qui estime que l'article 235 ne constitue pas une base acceptable pour l'extension de ce reglement aux personnes non-actives.

La delegation danoise maintenant sa position, le President, le ministre francais Robert Boulin, a du constater que la proposition de la Commission n'etait pas approuvee.

Protection des travailleurs en cas d'insolvabilite de l'employeur

En ce qui concerne la proposition de directive visant la protection des travailleurs en cas d'insolvabilite de l'employeur, le Conseil a convenu que les Etats membres fourniront a bref delai a la Commission des listes des categories de travailleurs qu'ils desirent exclure du champ d'application de la directive. Sur base de ces informations, la Commission preparera une proposition finale.

Amities,
M. SANTARELLI. Commeur.



Note BIO (79) 161 (suite 2) aux Bureaux nationaux
cc aux Membres du Groupe,
a M. Burghardt, DG I et M. Lecomte, DG VIII.

CONSEIL SOCIAL

Débattant du rapport de la Commission du 16 janvier 1979 sur l'état d'application dans les législations nationales de la directive sur l'égalité des rémunérations entre hommes et femmes, les délégations allemande, danoise et britannique ont vivement critiqué la décision de la Commission d'entamer des procédures contre un nombre d'Etats membres sur la base de l'article 169 CEE. Les trois délégations ont reproché à la Commission de ne pas avoir d'abord pris contact avec les Etats membres incriminés pour recueillir des informations et des explications. Il a surtout été reproché au Vice-président Vredeling d'avoir tenu une conférence de presse en la matière, au cours de laquelle il aurait donné une fausse impression de l'état des choses dans les Etats membres concernés.

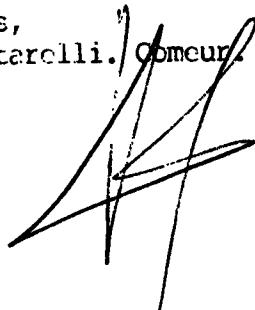
Le Vice-président Vredeling a, pour sa part, fermement souligné que la Commission a fait son devoir en entamant les procédures, y étant tenue en vertu du Traité CEE. Il a d'ailleurs signalé que les procédures se trouvent au stade de la mise en demeure, les Gouvernements étant priés de fournir, dans un délai de 60 jours, des informations. La Commission décidera ultérieurement, compte-tenu de ces informations, si oui ou non les procédures doivent être introduites devant la Cour de Justice.

Retenant la parole, le Secrétaire d'Etat de la RF d'Allemagne, M. Strchlke, a évoqué le communiqué de presse annonçant les procédures précitées, dans lequel il est dit que la Commission aurait entamé des procédures "devant la Cour de Justice". Le Vice-président Vredeling s'est excusé pour cette fausse affirmation.

Le Conseil a adopté la proposition de la Commission concernant le deuxième programme d'échanges de jeunes travailleurs. Il a ensuite envoyé au Conseil européen son projet de décision visant à une amélioration de la procédure des Conférences tripartites.

Le Vice-Président Vredeling a introduit la communication de la Commission proposant d'instaurer une concertation avec et entre les pays membres sur la politique migratoire vis-à-vis des pays tiers. Un premier débat s'est ensuite déroulé sur les propositions de la Commission concernant le volet social de la restructuration sidérurgique, une décision finale dans ce domaine sera arrêtée dans une prochaine session du Conseil.

Amitiés,
M. Santarclli. Commeur 18.30



Bruxelles, le 16 mai 1979.

Note BIO (79) 161 (suite 3 et fin) aux Bureaux nationaux
cc aux Membres du Groupe
a M. Burghardt, DG I et M. Lecomte, DG VIII.

CONSEIL SOCIAL

En ce qui concerne la répartition du travail, le Conseil social du 15 mai a, sur proposition de son Président, M. Boulin, approuve une série de conclusions, élaborées par le Coreper, qui reprennent largement les intentions de la Commission de préparer des propositions pour un nombre d'actions. Il est dit dans ces conclusions que la Commission est invitée à élaborer "un cadre communautaire" dans le domaine de l'aménagement du temps de travail portant notamment sur :

- la durée annuelle du travail,
- la limitation des heures supplémentaires systématiques,
- le développement de la formation professionnelle et la formation en alternance,
- la retraite flexible,
- le travail volontaire à temps partiel,
- le travail temporaire,
- le travail en continu par équipe.

Ces conclusions seront transmises au Conseil Européen des 21 et 22 juin.

A l'issue du Conseil, le Vice-président Vredeling s'est montré satisfait des résultats des travaux. "La répartition du travail est, une fois pour toute, reconnue comme une préoccupation communautaire - voilà la signification politique de ce Conseil" a-t-il dit.

Amitics,
M. Santarelli. Comeur. 10h.

