

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

10519/92 (Presse 231)

1626th Council meeting  
LABOUR AND SOCIAL AFFAIRS  
Brussels, 3 December 1992

President: Mrs Gillian SHEPHARD

Minister for Employment  
of the United Kingdom

03.XII.92  
ory/MG/ms

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

Belgium:

Mrs Miet SMET Minister for Employment and Labour

Denmark

Mr Knud E. KIRKEGAARD Minister for Labour  
Mr Henrik HASSENKAM State Secretary, Ministry of Labour

Germany:

Mr Horst GÜNTHER Parliamentary State Secretary to the Federal  
Minister for Labour and Social Affairs

Greece:

Mr Stafanos SFAKIANAKIS Secretary-General

Spain:

Mr Luis MARTINEZ NOVAL Minister for Labour and Social Security

France:

Mrs Martine AUBRY Minister for Labour, Employment and  
Vocational Training  
Mr René TEULADE Minister for Social Security and Integration

Ireland:

Mr Kevin BONNER Secretary, Department of Labour

Italy:

Mr Florindo D'AIMMO State Secretary for Employment and  
Social Security

Luxembourg:

Mr Jean-Claude JUNCKER Minister for Labour  
Mrs Mady DELVAUX-STEHRES State Secretary for Social Security

Netherlands:

Mr Bert DE VRIES Minister for Employment and Social Security

Portugal:

Mr José da SILVA PENEDA Minister for Employment and Social Security

United Kingdom:

Mrs Gillian SHEPHARD Secretary of State for Employment  
Mr Michael FORSYTHE Minister of State, Department of Employment

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Commission:

Mrs Vasso PAPANDEOU Member

THE POSTING OF WORKERS IN THE FRAMEWORK OF THE PROVISION OF SERVICES

The Council held a detailed discussion on the basis of a series of questions put by the Presidency in the context of discussions on the proposal for a Directive concerning the posting of workers in the framework of the provision of services.

The Council noted that a large majority of delegations was in favour of the principle of the Directive proposed by the Commission.

The Council's discussions covered certain key questions:

- the practical problems that Member States would have to face in connection with the posting of workers;
- the proposed legal bases, namely Article 57(2) and Article 66 of the EEC Treaty;
- the possibility that Member States might impose conditions on the employment of workers posed to their territory in addition to the list of matters in the Directive;
- the application of collective agreements that do not have an erga omnes effect but which apply generally;
- whether any sectors, occupations or types of posting should be excluded from the Directive (e.g. transport activities);
- whether there should be an initial "threshold period" during which a Member State would be required to apply only certain of the conditions specified in the Directive to workers posted to its territory.

Pending the Opinion of the European Parliament, the Permanent Representatives Committee was instructed to continue discussion on this matter.

OCCUPATIONAL RETIREMENT PENSION SCHEMES AND THEIR IMPLICATIONS FOR WORKERS WHO  
MOVE FROM ONE MEMBER STATE TO ANOTHER

The Council discussed a draft Resolution, submitted by the Presidency, on occupational retirement pension schemes and their implications for workers who move from one Member State to another.

Noting that there were still different views as to the scope of the draft Resolution, the Council instructed the Permanent Representatives Committee to continue discussions thereon.

THIRD COMMUNITY ACTION PROGRAMME TO ASSIST DISABLED PEOPLE (HELIOS II)

The President informed the Council of progress on the proposal for a Decision establishing a third Community action programme to assist disabled people (HELIOS II).

The Permanent Representatives Committee was instructed to continue its discussions with a view to the adoption of the Council Decision as soon as possible.

THE NEED TO TACKLE UNEMPLOYMENT - COUNCIL RESOLUTION

The Council agreed on the following Resolution:

"THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

1. Whereas there are currently 16 million unemployed people in the Community (some 10% of the Community's workforce), a total which is more than 400% higher than in the 1960s;
2. Whereas it is necessary that the Community employment situation which has seriously deteriorated be tackled by effective policies on the part of the Member States supported by the Community institutions;
3. Whereas the Commission's 1992 Report "Employment in Europe" states that, despite its creditable record on job growth in the 1980s, the Community is now faced with a very serious and deteriorating situation with regard to unemployment which threatens to become a central problem in the 1990s;
4. Whereas the Commission's Report "Issues for Debate: Employment and the Labour Market in the 1990s" emphasizes inter alia that long-term unemployment persists at high levels, nearly half the total number of unemployed people have been out of work for more than a year; and some 30% of long-term unemployed people have never worked at all;
5. Whereas, in their Joint Opinion of July 1992 concerning "A Renewed Co-operative Growth Strategy for More Employment", both sides of industry, in the framework of the Social Dialogue, called for a non-inflationary, lasting and employment-growth trend leading to a reduction in unemployment and enhancing the competitiveness of enterprises;
6. Whereas the conclusions of the European Council in Birmingham in October 1992 expressed concern at lower growth and increasing unemployment in the Community and called for the sustained implementation of sound policies for the creation of the new and lasting jobs that are needed;
7. Whereas in its Resolution of October 1992 the European Parliament urged the Council to take action to tackle the problem of unemployment.
8. Whereas in addition to achieving environmentally sustainable economic growth it is necessary to seek other policies in order to reduce unemployment;

9. Whereas the conditions and problems encountered in different parts of the community vary considerably and all the parties concerned, including both sides of industry, should be involved in seeking new and differing combinations of policies to respond appropriately to specific circumstances.

HEREBY ADOPTS THIS RESOLUTION:

The Council:

EMPHASIZES that:

- (a) high levels of unemployment represent a major waste of talent and resource, and are demoralising and damaging for the individuals concerned;
  - (b) the unemployed usually have lower standards of living and income than those in jobs;
  - (c) not only is unemployment a grave problem generally, but it is a particularly serious matter for certain regions and areas of the Community, notably the less-favoured regions, and for vulnerable groups in society; combating unemployment in such regions and areas, and among such groups is therefore a vital part of economic and social cohesion within the Community.
2. AGREES the following principles and considerations as the necessary framework for the effective operation of labour market policies:
- (a) the reduction of unemployment depends critically on economic growth which is non-inflationary, lasting, environmentally sustainable and employment-creating, and which is therefore based on productive investment, on improving the competitiveness of enterprises, and on sound conditions of economic demand;
  - (b) this demands not only investment, but also changes in working practices that will make it possible to take full advantage of changes in technology and markets, and to enhance the skills of the workforce;
  - (c) in addition to achieving economic growth, there is a continuing need to identify and pursue other effective policies in order to achieve the desired reduction in unemployment;
  - (d) the task of tackling unemployment lies first and foremost with the Member States, but there is also an important contribution which can be made through discussion and co-ordinated supporting action at the level of the Community;
  - (e) greater convergence and economic and social cohesion in the Community and greater stability in currency markets are all needed to increase the prospects for business growth and investment;
  - (f) the completion and effective working of the Single Market must be achieved as quickly as possible, and the competitiveness of the Community's enterprises on the world market must be enhanced;

- (g) it is of great importance that both sides of industry at European level as well as within Member States participate closely in the search for solutions to the problems of unemployment and in creation of lasting employment.
3. WELCOMES the initiative of both sides of industry in their Joint Opinion of 3 July 1992 in calling for activity to develop a renewed co-operative growth strategy for more employment.
4. UNDERLINES the importance of achieving growth and improved competitiveness of enterprises, especially by means of:
- (a) prompting enterprises to increase the efficiency and adaptability of their production systems, for example by promoting the speedy introduction and transfer of new technologies, while recognizing also the need to develop human resources and to enrich the contents of jobs;
  - (b) providing accessible information, support and advice for the establishment and continued success of new enterprises, especially small and medium-sized enterprises;
  - (c) avoiding the imposition of rigidities which would hold back the creation and development of employment, while respecting the legitimate rights of employees.
5. STRESSES that effective labour market policies and measures also have a key role to play in reducing unemployment and helping to ensure the creation of lasting, rewarding jobs which provide the right levels of protection for employees; and DRAWS PARTICULAR ATTENTION to the following labour market policies and measures as having had an especially beneficial impact:
- (a) high quality services for those who are looking for jobs and for employers who are looking for new employees, which in turn entail:
    - (i) information which is available to each unemployed person about job and training opportunities and which is clear, timely and readily accessible;
    - (ii) the provision as appropriate, and in a manner tailored to the needs and circumstances of the individual, of job advice, counselling, work experience and/or training, particularly in the case of long-term unemployed people;
    - (iii) ready access for employers to suitable applicants for the jobs which are on offer;
    - (iv) improved labour mobility, and correction of any rigidities and unintended barriers to such mobility where they are demonstrated to exist;
  - (b) training and vocational education which provide those seeking work with the skills needed to secure and to retain jobs, in particular:
    - (i) basic education and training which equips young people with the

- knowledge, skills and motivation needed to participate successfully in the labour market;
- (ii) improved levels of standards and skills, embodied in vocational qualifications;
  - (iii) training and vocational education which is adapted to the demand for labour from employers at the local level;
  - (iv) training which enables the individual to respond successfully to changes in technology and the market;
- (c) conditions to foster developments in the labour market likely to favour growth of jobs which provide the right levels of protection for employees, in particular:
- (i) well-organized patterns of work for those who want them, which reflect the needs of enterprises and workers in modern economies;
  - (ii) growth of the service sector, including services of particular benefit to individuals;
  - (iii) job sharing in all its forms and similar voluntary approaches to the structuring of work;
  - (iv) breaking down out-dated stereotypes concerning women, disadvantaged groups and older workers, and taking into account the labour market situation in each Member State, seeking to remove obstacles to work for people who have reached the minimum age at which entitlement to retirement pension begins;
  - (v) structures to assist local growth and development.

6. Accordingly, CALLS ON the Commission:

- (a) to have close regard to the concerns, principles, considerations, and the labour market policies and measures set out in this Resolution, in particular in future editions of the "Employment in Europe" report and other publications and proposals with a bearing on employment;
- (b) to take into account, inter alia, the terms of this Resolution, in particular concerning training and services for the unemployed, when drawing up its proposals for the forthcoming review of the Structural Funds and in particular of the European Social Fund;
- (c) to improve the production and secure wider dissemination and utilization of the information, in particular that collected through the Employment Observatory networks, and of the analyses undertaken in the "Employment in Europe" reports;
- (d) in close collaboration with the Member States, the ILO, OECD and other authoritative bodies, to conduct a continuing, specific examination of the effectiveness of policy responses to the present unemployment problem; and



to present a first report on the findings of the European Parliament, Council and both sides of industry in 1993;

- (e) to pursue its work to improve labour mobility at Community level, in particular through Regulation (EEC) No 2434/92 (EURES) <sup>(1)</sup>.

7. CALLS ON the Member States:

- (a) to promote dissemination and discussion of the matters addressed by this Resolution within each Member State, notably by way of both sides of industry;
- (b) to pay close regard to the terms of this Resolution in drawing up and operating their own labour market policies and measures.

8. UNDERTAKES:

- (a) to discuss once every six months in relevant fora, including, as appropriate, the Standing Committee on Employment, key aspects of the employment situation in the Community and/or relevant labour market programmes and policies, and to promote dissemination of the conclusions of those discussions;
- (b) to discuss each year the most recent annual report from the Commission on "Employment in Europe" and to propose to the Commission issues to be addressed as part of the following year's report, and to be disseminated more widely;
- (c) to bring this Resolution to the attention of the European Parliament, the Economic and Social Committee and to both sides of industry in the framework of the Social Dialogue, and to seek their comments on the Resolution with a view to informing continued consideration at Community level of the problem of unemployment."

### THE ORGANIZATION OF WORKING TIME

The Council noted that the technical questions outstanding at the meeting on 24 June 1992 remained unresolved and decided to continue discussions under the Danish presidency.

### FREEDOM OF MOVEMENT FOR WORKERS WITHIN THE COMMUNITY

There was broad support for a compromise suggestion put forward by the Presidency. However, some delegations and the Commission expressed reservations.

The Council instructed the Permanent Representatives Committee to continue discussions on the subject.

### EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK

The Council held a detailed discussion on a series of questions put by the Presidency in the context of work on the proposal for a Regulation establishing a European Agency for Safety and Health at Work.

The discussions centered upon the following questions:

- whether there were perhaps other activities in the area of occupational health and safety which needed to be carried out at Community level;
- the means of satisfying the possible need to increase or improve Community-level activity in this area most effectively, through the creation of an agency, through existing institutions or bodies, through Community programmes, through intergovernmental co-operation or otherwise.

The Council instructed the Permanent Representatives Committee to continue discussions on this issue.

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THE EFFECTIVE IMPLEMENTATION AND ENFORCEMENT OF COMMUNITY LEGISLATION IN THE SOCIAL AFFAIRS AREA

The Council agreed on the following conclusions:

"THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and to the Declaration on the implementation of Community law adopted by the Intergovernmental Conference on 7 February 1992 and attached to the Treaty on European Union,

1. Whereas that Declaration stresses that it is essential that each Member State fully and accurately transpose into national law the Community legislation addressed to it, and within the required deadlines, and that measures be taken by the different Member States to ensure that Community law is applied with the same effectiveness and rigour as national law;
2. Whereas recent judgements of the European Court of Justice have established that, subject to certain conditions, individuals who have suffered damage as a result of a Member State's failure to implement Community legislation have a right to compensation from the Member State in question;
3. Whereas the Treaty on European Union will empower the European Court of Justice to impose lump sums or penalty payments on Member States which have not complied with its judgements;
4. Whereas the European Court of Justice has also held that national courts must interpret national legislation transposing Community directives in the light of these directives;
5. Whereas there is already a significant body of Community legislation in the area of social affairs, and this will increase,

EMPHASIZES the following principles:

1. In order to make a reality of Community social legislation for individual citizens, it is essential that arrangements for its implementation are such that it is transposed accurately and on time into national legislation.

The legislation must be also enforced effectively and consistently in all Member States.

2. Under the Treaty, the Commission has the responsibility to ensure that the Member States implement Community legislation fully and on time.

It is for Member States to ensure that the legislation is enforced.

These separate responsibilities must be fully respected.

3. The task is to ensure that these responsibilities are carried out fully, in

a consistent manner and in a spirit of co-operation.

The work of the Committee of Senior Labour Inspectors in the area of health and safety at work provides a helpful example of how progress can be made on these matters.

INVITES THE COMMISSION:

4. To continue to publish systematic information on an annual basis on the state of implementation of Community social legislation, commenting where appropriate on general progress and any difficulties on enforcement identified from the normal reports by Member States on the implementation of this legislation.
5. To continue its arrangements for consultation in advance of proposing new legislation, including consultation with national experts from the Member States and with both sides of industry at Community level.

INVITES THE MEMBER STATES AND THE COMMISSION:

6. To support regular contact between national experts, and between national experts and those in the Commission who are responsible for policy on specific aspects of Community social legislation, to help ensure consistent interpretation and effective enforcement of that legislation.
7. On the basis of close collaboration between national experts from the Member States and the Commission, to establish the exchange of information and a network of relevant officials to assist the achievement of effective enforcement of Community social legislation, to encourage the spread of effective practice throughout the Community, and to address other significant issues which arise out of the application of Community social legislation.
8. To ensure that those concerned with the application of Community law are adequately informed of development as to Community social legislation.
9. To encourage and support continued close co-operation between members of the Committee of Senior Labour Inspectors, in particular with a view to arrive at common principles concerned with health and safety inspection at the workplace and the role of the relevant authorities in each Member State, and with a view to improving the effectiveness of inspection as assessed against those principles.

INVITES THE MEMBER STATES:

10. To provide the necessary information to both sides of industry and to the other relevant interests about proposed Community legislation and, when such legislation is adopted, about arrangements for implementation, enforcement, and the means available to enable those concerned to defend their rights.

UNDERTAKES:

11. To review annually significant matters addressed by these Conclusions, based on the annual information from the Commission referred to in paragraph 4 of these Conclusions.

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12. When considering proposals for new legislation, to pay close regard to ensuring that the amendments adopted by the Council are clearly drafted, that the scope of the legislation is the subject of rigorous analysis, and that the legislation takes account of practical aspects concerning its subsequent effective enforcement.

This consideration should be conducted in such a way that it does not delay the adoption of Community legislation.

13. To consider at regular intervals lessons arising out of the implementation and enforcement of existing legislation, exchanges of information and officials between the Member States and the Commission, and the work of the Committee of Senior Labour Inspectors.
14. To work in partnership with all Community Institutions and Member States to ensure the effective application of social legislation throughout the Community."

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BIOLOGICAL AGENTS

Pending the Opinion of the European Parliament, the Council heard a report from the Chairman on progress in connection with the proposal for a Directive amending Directive 90/679/EEC on the protection of workers from risks related to exposure to biological agents at work.

The Council instructed the Permanent Representatives Committee to pursue the discussions with a view to the adoption of the common position as soon as possible.

OTHER DECISIONS IN THE AREA OF SOCIAL AFFAIRS

Safety and health protection of workers in the surface and underground mineral-extracting industries

The Council adopted the Directive concerning the minimum requirements for improving the safety and health protection of workers in the surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC). It should be noted that the Council adopted the common position on this Directive at its meeting on 24 June 1992 and that the European Parliament delivered its Opinion on second reading, under the co-operation procedure, on 26 October 1992.

The purpose of the Directive is to protect the safety and health of workers in surface and underground mineral-extracting industries, i.e. in all industries carrying out surface or underground extraction, in the strict sense of the word, of minerals, prospecting with a view to such extraction and/or preparation of extracted materials for sale, but not the processing of such extracted materials.

The Directive contains a set of detailed obligations for the employer designed to guarantee the safety and health of workers. One of the employer's tasks is to ensure that a safety and health document, covering the relevant requirements set out in Articles 6, 9 and 10 of framework Directive 89/391/EEC, is prepared, kept up to date and revised in the event of major changes at workplaces.

In addition the Directive contains provisions on information for and consultation of workers, workers' participation and health surveillance.

A technical Annex contains minimum requirements for the surface and for the underground sectors as well as for both together;

Transparency of qualifications - Council Resolution (1)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas, pursuant to Article 3(c) of the Treaty, the abolition, as between Member States, of obstacles to freedom of movement for individual workers who are Community nationals constitutes one of the objectives of the Community; whereas, for nationals of the Member States, this means in particular the possibility of pursuing a profession or occupation, whether in a self-employed or employed capacity, in a Member State other than that in which they acquired their professional or vocational qualifications or experience;

Whereas the Council Resolution of 18 December 1990 (2) on the comparability of vocational training qualifications invited Member States to submit reports on the implementation of Council Decision 85/368/EEC of 16 July 1985 (3) on the comparability of vocational training qualifications between the Member States of the European Community and the results obtained; whereas Member States' reports have now been produced and show that there are doubts about whether the work on comparability provides the kind of clear information about qualifications necessary to promote free movement of labour; whereas this means there is a need to consider new directions for work on transparency of qualifications;

Whereas, by their joint opinion of 3 July 1992 on vocational qualifications and certification, both sides of industry, in the framework of the Social Dialogue, emphasized that the freedom to move from one country to another is in the interests of workers and enterprises and that developing a concerted approach to establish reciprocal information concerned with vocational qualifications and certification in order to give transparency at European level is a high priority; whereas they advocate an evolutionary approach rather than a single solution imposed from above; whereas they are concerned that means must be found for taking into account the relevant skills and knowledge of workers who have acquired these without formal study and certification;

Whereas there is a very substantial degree of diversity in qualification systems in the Community; whereas most job seekers hold qualifications issued by these diverse systems; whereas this can make it difficult for an employer in one Member State to assess the skills and knowledge of an applicant with qualifications from and work experience in another Member State and can place such applicants at a disadvantage;

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(1) One delegation agreed to the text subject to confirmation.

(2) OJ No C 109, 24.4.1991, p. 1.

(3) OJ No L 199, 31.7.1985, p. 56.



Whereas future Community work on transparency of qualifications should avoid conflict with national systems and improve the practical effect of Community action to date, should take account of the practical needs expressed by individuals and employers, and should first identify what specific information is needed at the Community level, and provide a focus for the Community's efforts,

HEREBY ADOPTS THIS RESOLUTION:

THE COUNCIL:

1. RECALLS that the Council Resolution of 18 December 1990 on the comparability of vocational qualifications invites the Commission to submit proposals which would enable genuine free movement for workers within the Community to be fulfilled.
2. IS AGREED on the objectives of:
  - (a) enabling individuals who so wish to present their occupational qualifications, education and work experience clearly and effectively to potential employers throughout the Community;
  - (b) helping employers to have easy access to clear descriptions of qualifications and relevant professional experience, in order to establish the relevance of the skills of job applicants from other Member States to jobs on offer;
3. IS AGREED that:
  - (a) in order to meet the practical objectives set out in paragraph 2, it is necessary to define the need for information at Community level as well as the means of its communication;
  - (b) a step by step approach is required, beginning with the identification of the specific information needed at a Community level followed by the design of any infrastructure required to provide it.

The improvement of mutual understanding of, and confidence in, the diverse qualification systems of Member States and the qualifications themselves could make a contribution to the successful attainment of these objectives.
4. CONSIDERS that, in the light of the national assessment reports and the responses by Member States to the Commission's preparatory document on training in the European Community, proposals to further these objectives should:
  - (a) respect the diversity of Member States' own systems of training and qualifications;
  - (b) take full account of and complement existing Community legislation and action;

- (c) take full account of the development of the EURES system in the context of supporting the mobility of individuals;
  - (d) add value to the efforts of individuals, their representatives and employers, be cost-effective and minimize additional administrative burdens and costs both within Member States and at the Community level;
  - (e) begin by focusing on the needs of individuals who wish to be mobile within the Community, and the occupations for which those individuals are qualified, while being capable of extension to all occupations;
  - (f) take into account all the relevant skills and knowledge of workers, acquired through qualifications or experience;
  - (g) take into account the need to protect data about individuals in accordance with national practices and Community legislation;
  - (h) be subject to voluntary participation by individuals and employers;
  - (i) work through existing bodies and authorities in Member States with responsibility for qualifications and their accreditation wherever possible and encourage direct communication between the relevant bodies;
  - (j) respect national practice, including arrangements agreed between the social partners, individuals and employers;
  - (k) be limited to the exchange of relevant information, rather than its verification.
5. CALLS ON the Commission to formulate its proposals, taking into account the contents of this Resolution, according to the following priorities:
- (a) the identification, in co-operation with Member States and the social partners, of any information about qualifications and experience needed at the Community level to meet the objectives set out in paragraph 2.

Such steps could explore ways of clarifying the different terminology used about qualifications in Member States to assist effective communication;

- (b) the evaluation, in co-operation with Member States and the social partners, of possible means of helping individuals and employers to communicate the information needed.

In particular, to consider the acceptability, feasibility and added value of making available to individuals, on request, a summary of individual achievement (which might be called an "individual portfolio"), giving a brief account of achievements and experience gained in the course of education, training and throughout working life.

Without prejudice to the outcome of further evaluation of these ideas, feasibility studies should cover both the sources of information and the means of conveying it at Community level, for example:

- (i) a common format of headings for that information. This could be provided as appropriate by the individual and by competent bodies nominated by Member States;
- (ii) the nomination by Member States of bodies competent to:
- support the provision of such a summary and provide any necessary information on the qualifications of their respective countries;
  - communicate with equivalent bodies in other Member States to exchange such information in accordance with individual and employer needs;
- (c) encouragement for initiatives undertaken by Member States to exchange relevant information and expertise about qualification systems and the qualifications themselves to contribute to the objectives set out in paragraph 2.
6. The proposals should also review and define the particular contribution the European Centre for the Development of Vocational Training could make to the objectives set out in paragraph 2, in the light of its expertise.

MISCELLANEOUS DECISIONS

Prices for the 1993 fishing year

The Council adopted Regulations fixing for 1993 the guide prices for the fishery products listed in Annex I(A), (D) and (E) (fresh products) and in Annex II (frozen products) to Regulation No 3687/91 and the producer price for tuna intended for the canning industry.

The 1993 prices and the variation in comparison with the 1992 prices are as follows:

A. ECU/tonne guide prices for fresh products <sup>(1)</sup>

		<u>% change in comparison with 1992</u>
1. Herrings		
- from 1.1. to 31.7. and from 1.10. to 31.12.1993	256	0
- from 1.8. to 30.9.1993	182	- 16
2. Sardines		
(a) Atlantic		
- Member States other than Spain and Portugal	465	- 1
- Spain, Portugal	424	- 1 (2)
(b) Mediterranean	453	- 1
3. Picked dogfish	886	+ 1
4. Catshanks	742	- 2
5. Redfish	941	+ 2
6. Cod	1329	+ 1
7. Coalfish	679	+ 2
8. Haddock	976	+ 1
9. Whiting	822	0

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(1) The guide price for fresh products serves to determine the Community withdrawal price and, for the species referred to in Annex I(E), the Community selling price.

(2) After implementation of the price alignment mechanism provided for in the Act of Accession of Spain and Portugal.

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10. Ling	984	+ 3
11. Mackerel ( <i>Scomber scombrus</i> )	261	0
12. Spanish mackerel ( <i>Scomber japonicus</i> )	319	- 1
13. Anchovies	969	+ 1
14. Plaice		
- from 1.1. to 30.4.1993	812	+ 2
- from 1.5. to 31.12.1993	1118	+ 3
15. Hake	3165	+ 3
16. Megrin	1980	+ 3
17. Ray's bream	1541	- 1
18. Monkfish		
- with head	2202	+ 2
- headless	4573	- 10
19. Shrimps	1685	0
20. Edible crab	1482	0
21. Norway lobster		
- whole	4392	0
- tails	6962	- 10
B. ECU/tonne guide prices for frozen products (3)		
1. Sardines	388	0
2. Sea bream	1348	- 1
3. Squid ( <i>Loligo patagonica</i> )	881	- 5
4. Squid ( <i>Todarodes</i> )	806	0
5. Squid ( <i>Illex argentinus</i> )	808	0
6. Cuttlefish	1606	- 2
7. Octopus	1427	0
C. ECU/tonne producer price for tuna (4)		
Tuna (Albacore)	1070	

(3) The guide prices for frozen products serve in particular to determine whether private storage aid is granted in certain circumstances.

(4) The Community production price for tuna serves in particular to determine whether an allowance is granted to producer organizations in certain circumstances.

Agriculture

The Council adopted the Regulation amending Regulation No 2420/92 of 18 August 1992 temporarily suspending the Common Customs Tariff duties on imports of certain mixtures of residues of the maize starch industry and of residues from the extraction of maize germ oil obtained by wet milling. The purpose of the Regulation is to extend until 31 March 1993 the temporary suspension of customs duties for the aforementioned products.

The Council adopted the Decision authorizing the Commission to open negotiations concerning the adaptation of voluntary restraint agreements with certain third countries in the sheepmeat and goatmeat sector. The aim is to extend for one year, until 31 December 1993, the adaptations to the agreements in question, which expire on 31 December 1992.

industry

Further to the agreements reached at the Industry Council on 24 November 1992 (see Press Release No 10091/92 Presse 219) the Council formally adopted Resolutions on:

- administrative simplification for enterprises, especially SMEs;
- the relationship between industrial competitiveness and environmental protection.

Bruxelles, le 2 décembre 1992

NOTE BIO(92) 307 AUX BUREAUX NATIONAUX  
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

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PREPARATION DU CONSEIL AFFAIRES SOCIALES DU 3 DECEMBRE 1992

Les Ministres des Affaires Sociales seront appelés demain, 3 décembre, à adopter des résolutions et conclusions d'initiative de la Présidence. Les propositions de la Commission concernant l'Agence européenne pour la sécurité et la santé et la sous-traitance devraient faire l'objet uniquement d'un débat d'orientation. Les propositions sur la directive "agents biologiques" et le programme d'action en faveur des handicapés HELIOS II feront l'objet d'un rapport sur l'état des travaux. Enfin, la Commission a insisté auprès de la Présidence pour que la directive sur l'aménagement du temps de travail figure à l'ordre du jour. Ce dossier, qui n'a fait l'objet d'aucune préparation après les débats qui ont eu lieu au dernier Conseil Affaires Sociales du 24 juin 1992, est présenté aux Ministres en vue d'une discussion politique.

1) MISE EN OEUVRE DE LA LEGISLATION COMMUNAUTAIRE DANS LE DOMAINE SOCIAL

La Présidence a présenté des conclusions en vue d'améliorer la mise en oeuvre et l'exécution de la législation communautaire. Les conclusions soulignent qu'il incombe à la Commission de s'assurer de la mise en oeuvre de la législation communautaire et que les Etats membres sont responsables de son exécution. La Commission est invitée à publier systématiquement sur une base annuelle l'état de mise en oeuvre de la législation communautaire dans le domaine social. En outre, elle est invitée à renforcer ses consultations préparatoires dans le but, entre autres, de s'assurer que ses propositions soient rédigées de façon claire et tiennent compte des réalités pour leur mise en oeuvre et leur exécution.

Plusieurs délégations ainsi que la Commission ont exprimé de fortes réticences à l'égard de la prolifération des résolutions, conclusions, etc. proposées par la Présidence. Certaines d'entre elles ont même critiqué la méthode employée par la Présidence qui consiste à reprendre dans ces résolutions seulement certains éléments du Traité de Maastricht.

Par ailleurs, la Commission a exprimé son désaccord sur certains passages de la résolution : en ce qui concerne la publication annuelle de l'état de mise en oeuvre de la législation communautaire en matière sociale, elle a rappelé que son intention est de publier annuellement un seul rapport sur l'application du droit communautaire.

2) LUTTE CONTRE LE CHOMAGE

Le Président a souligné l'intérêt qu'attache la Présidence britannique à cette résolution car, comme il ressort du rapport de la Commission de 1992 sur l'emploi en Europe, le chômage risque de devenir le problème principal des années 1990.

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Par cette résolution, le Conseil souligne, entre autre, que la nécessité de croissance et l'amélioration de la compétitivité des entreprises peuvent être obtenues par certains moyens comme : l'absence de rigidités administratives, financières et légales qui freinent le développement des entreprises; l'amélioration des systèmes de production ainsi qu'une meilleure information et des conseils aux nouvelles entreprises, en particulier les PME. Le Conseil reconnaîtrait également la nécessité de développer les ressources humaines et de respecter les droits légitimes des travailleurs.

Quelques délégations ont exprimé des préoccupations à l'égard de l'approche qui sous-tend toute la philosophie du texte de la résolution malgré le fait que le volet "social" du texte ait été quelque peu amélioré. Ces délégations ont également souligné que certains passages de la résolution donnent l'impression qu'il s'agit d'un texte à caractère économique plutôt qu'une résolution des Ministres des Affaires Sociales. D'ailleurs, pour relancer la compétitivité des entreprises et la croissance, d'autres mesures sont également envisageables mais qui ne sont pas pour autant reprises par la Présidence.

La Commission a demandé de préciser dans le texte que la discussion des problèmes sur la situation de l'emploi devrait avoir lieu au sein du Comité Permanent de l'Emploi (le CPE n'a pas été convoqué sous Présidence britannique). La Présidence a préféré se référer à des "fora appropriés".

### 3) HELIOS II (1993-1997)

Le Conseil est appelé à prendre acte de l'état des travaux sur cette proposition de la Commission qui vise à continuer, en intensifiant et en élargissant, les activités de HELIOS I en faveur des personnes handicapées.

Le groupe de travail du Conseil n'a pas été en mesure d'examiner les importantes modifications apportées par la Commission à sa proposition à la suite de l'avis du Parlement européen. Le Conseil ne pourrait pas par conséquent avoir un débat utile sur ce dossier.

### 4) DIRECTIVE "AGENTS BIOLOGIQUES"

Le Conseil sera saisi d'un rapport sur l'état d'avancement des travaux, en l'absence de l'avis du Parlement européen sur cette proposition.

La proposition, sur laquelle des solutions majoritaires se dessinent, vise à arrêter une première liste d'agents biologiques à inclure dans la directive 90/679. Cette directive envisage une classification des agents biologiques en quatre groupes en fonction de l'importance du risque d'infection qu'ils représentent.

### 5) TRANSPARENCE DES QUALIFICATIONS DE FORMATION PROFESSIONNELLE

Le Conseil est appelé à approuver un projet de résolution sur la transparence des qualifications professionnelles qui ne soulève pas de difficultés.



La Commission est invitée à élaborer ses propositions d'après certaines priorités (collecte d'informations sur les qualifications, évaluation sur la communication des informations, encouragement des initiatives nationales).

#### 6) AGENCE EUROPEENNE POUR LA SECURITE ET LA SANTE AU TRAVAIL

Le Conseil est appelé à avoir un débat d'orientation sur la proposition de la Commission visant à créer une Agence en matière de sécurité, d'hygiène et de santé au travail. La création de cette Agence a été prévue dans le Programme d'action pour la mise en oeuvre de la Charte communautaire des droits fondamentaux des travailleurs.

Pour orienter le débat, la Présidence a élaboré quelques questions. Toutefois, la Présidence ne demande pas aux Ministres de se prononcer directement sur la proposition de la Commission mais de répondre à une question préalable, à savoir s'il y a, au niveau communautaire, un besoin d'activités supplémentaires dans le domaine de la sécurité et de la santé au travail. Si la réponse à cette question est positive, la création d'une Agence européenne n'est envisagée que comme un des moyens pour atteindre ce but à côté d'institutions ou instances existantes, de la coopération intergouvernementale, etc.

#### 7) REGIMES DE PENSION PROFESSIONNELS

Le Conseil est appelé à approuver cette résolution à la lumière notamment de la communication de la Commission sur le même sujet. Cette résolution vise à promouvoir la libre circulation des travailleurs à l'intérieur de la Communauté dans la mesure où la crainte d'une perte de la pension professionnelle constitue un obstacle à l'exercice de la libre circulation.

La Commission est invitée à promouvoir l'échange d'informations sur les régimes de pension professionnels au regard notamment de leur impact sur la mobilité des travailleurs, de faire rapport au Parlement européen et au Conseil sur les mesures nationales et d'envisager, sur la base de ce rapport, si une action future est nécessaire.

#### 8) LIBRE CIRCULATION DES TRAVAILLEURS A L'INTERIEUR DE LA COMMUNAUTE

La Commission a proposé une révision de la réglementation communautaire sur la libre circulation des travailleurs conformément au Livre blanc sur l'achèvement du Marché intérieur.

Cette révision vise essentiellement :

- a) à faciliter le regroupement familial par une extension de la sphère des personnes bénéficiaires directes du droit communautaire (tous les descendants et ascendants du travailleur et de son conjoint, plus les autres membres de la famille à charge);

- b) à renforcer la règle de l'égalité de traitement entre nationaux et autres ressortissants communautaires par la consécration du principe de l'équivalence des situations pour l'octroi des avantages sociaux et fiscaux (prise en compte de faits ou d'événements survenus dans un autre Etat membre);
- c) à renforcer le droit de séjour des travailleurs exerçant des emplois de courte durée dans un autre Etat membre ou dans un pays tiers.

Les Etats membres semblent être divisés en deux groupes : le premier (D,UK,F et NL) a formulé des réserves sur la plupart des modifications proposées par la Commission; le second groupe (E, P, GR et I) soutient les propositions de la Commission.

La situation sur les différents points est la suivante :

- sous a) - L'extension proposée par la Commission n'étant pas acceptable, la Présidence a proposé le maintien du statu quo, à savoir: autant le droit de s'installer avec le travailleur son conjoint, ses descendants de moins de 21 ans ou à charge et les ascendants de ce travailleur et de son conjoint qui sont à charge. La Présidence suggère cependant de supprimer l'exigence qui était prévue dans le règlement 1612/68 d'après laquelle le travailleur devrait disposer d'un logement pour sa famille considéré comme normal pour les travailleurs nationaux.

Ce compromis n'est pas acceptable, d'une part, par certaines délégations en ce qui concerne la suppression de l'exigence de logement et, d'autre part, par la Commission. Il s'agit, pour la Commission, du point central de sa proposition qui illustre la volonté de la Communauté de s'orienter vers une Europe des citoyens.

- sous b) - Certaines délégations ne sont pas favorables à ce que les membres de la famille du travailleur qui résident sur le territoire de l'Etat membre dans lequel celui-ci est ou a été employé bénéficient des mêmes avantages sociaux que les nationaux de cet Etat membre.
- sous c) - Certaines délégations ne sont pas favorables à ce que le travailleur communautaire bénéficie de l'égalité de traitement si celui-ci est détaché dans un pays tiers. D'autres appuient la proposition de la Commission.

Amitiés,

  
C. STATHOPOULOS

Bruxelles, le 4 décembre 1992

NOTE BIO(92) 307 (suite 1 et fin) AUX BUREAUX NATIONAUX  
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

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CONSEIL AFFAIRES SOCIALES DU 3 DECEMBRE 1992

Les résultats du Conseil des Ministres des Affaires Sociales ont été extrêmement limités. Le Conseil a approuvé une résolution sur la lutte contre le chômage et des conclusions sur la mise en oeuvre de la législation communautaire dans le domaine social. Il a également adopté sans débat la proposition de directive sur la protection de la sécurité et de la santé des travailleurs des industries extractives.

La proposition de directive sur l'aménagement du temps de travail n'a été discuté qu'au déjeuner. Vu qu'aucune préparation n'avait été faite après le dernier Conseil de juin 1992, la directive a été renvoyée à la prochaine Présidence. Aucune décision n'a pu être prise sur les propositions d'une révision de la réglementation communautaire concernant la libre circulation des travailleurs. Le débat sur la création d'une Agence européenne pour la sécurité et la santé au travail n'a pas été conclusif. Même chose pour la proposition de directive sur la soustraitance et la résolution sur les régimes de pension professionnels. Enfin aucune discussion n'a eu lieu sur le programme HELIOS II pour les handicapés et la proposition de directive "Agents biologiques".

#### Les décisions

La directive sur la protection de la sécurité et de la santé des travailleurs des industries extractives a été adoptée sans débat. Tirant des leçons des catastrophes survenues au puit Simon en France en 1985 et à la mine de Stolzenbach en Allemagne en 1988, au cours desquelles plusieurs dizaines de mineurs avaient trouvé la mort, cette directive fixe des prescriptions minimales en termes d'objectifs à atteindre pour préserver la santé et la sécurité des travailleurs des secteurs susmentionnés des industries extractives. Elle procède d'une approche globale, exigeant de l'employeur de prendre en considération ces questions dès le stade de la conception, et de procéder en particulier à une évaluation des risques afin que les précautions appropriées soient prises pour éviter, détecter et combattre le déclenchement et la propagation d'incendies et d'explosions.

Par ailleurs, la proposition stipule que l'employeur est tenu d'assurer une surveillance adéquate et de veiller à ce que les travailleurs soient convenablement formés et consultés.

La résolution sur la lutte contre le chômage a pu être adoptée moyennant un renforcement des aspects de politique sociale du texte. Un tel renforcement était souhaité avec instance par la Commission et plusieurs délégations. Ainsi la possibilité de discuter les problèmes de l'emploi au sein du Comité Permanent de l'Emploi a été ajoutée, ainsi que l'assurance que les travailleurs devraient bénéficier d'une protection conforme à leurs droits.

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Enfin la résolution sur la légalisation communautaire dans le domaine social a été nettoyée de tout élément portant atteinte aux droits d'initiative et d'application du droit communautaire de la Commission. Le reste ne contient pas de valeur ajoutée.

### Les débats

Le débat d'orientation sur la directive "soustraitance", qui a succédé à celui qui a eu lieu il y a déjà 14 mois, lors du Conseil Informel à Nordwijk aux Pays-Bas, a démontré que la majorité des Etats membres (L, D, NL, E, I, F, GR) est en faveur d'une telle directive.

Par contre plusieurs délégations sont réticentes à l'égard de la création d'une Agence européenne pour la Sécurité et la Santé des travailleurs. Presque tous les Etats membres sont d'accord qu'il faut agir au niveau communautaire pour recueillir des informations, les échanger, évaluer les risques d'un travail. Pourtant plusieurs d'entre eux se demandent si une Agence est le moyen le plus approprié.

En ce qui concerne la réglementation communautaire sur la libre circulation des travailleurs dans la Communauté la discussion n'a pas été conclusive. Les Etats membres ont confirmé leurs positions (décrites dans la note BIO de la préparation de ce Conseil) et le dossier a été renvoyé au COREPER.

S'adressant à la presse à l'issue des travaux du Conseil, Mme PAPANDREOU a souligné que la révision de la réglementation communautaire pour la libre circulation des travailleurs à l'intérieur de la Communauté est indispensable pour la création du Grand Marché. Elle a aussi rappelé que les amendements proposés par le Parlement européen vont bien au-delà des propositions de la Commission. Le Commissaire a dit ensuite qu'elle aurait souhaité des progrès plus significatifs dans la réalisation du Programme d'actions dans le domaine social. Ceci serait d'autant plus important, qu'on constate la nécessité de faire participer activement les citoyens à la construction européenne. Le rôle des Présidences est déterminant selon Madame PAPANDREOU et le fait que la Présidence britannique n'a organisé qu'une seule réunion du Conseil n'a pas contribué à la recherche de résultats satisfaisants dans le domaine de la politique sociale.

Amitiés,

  
C. STATHOPOULOS