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### Information and Notices

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## II

*(Preparatory Acts)*

## ECONOMIC AND SOCIAL COMMITTEE

**Opinion on the proposal for a Council Decision concerning the conclusion of the Framework Convention on Climate Change<sup>(1)</sup>**

(93/C 201/01)

On 8 January 1993 the Council decided to consult the Economic and Social Committee, under Article 130 S of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 4 May 1993. The Rapporteur was Mr Silva.

At its 306th Plenary Session (meeting of 26 May 1993), the Economic and Social Committee unanimously adopted the following Opinion.

**1. Introduction**

1.1. There is now growing international consensus about the nature and origin of certain global phenomena which threaten ecological balance and lie behind climate changes and the depletion of the ozone layer.

1.2. There is also growing support for the view that the present system of growth and its concomitants, including:

- non-sustainable economic growth;
- production structures that rely heavily on fossil fuels;
- world demographic growth and the consequent rise in food, energy and other requirements;
- poverty and unregulated urbanization, mainly in the developing nations;
- ecologically harmful consumer practices;

are upsetting the ecological balance at regional, national and world level, and draining natural resources.

1.3. For several years now, awareness of the threats clouding our future—and more especially, climate

change, depletion of the ozone layer and deforestation—has led the States of the Organization of Economic Cooperation and Development (OECD), the countries of Central and Eastern Europe, and the developing nations to attempt to reach a consensus on internationally acceptable measures.

1.4. The UN framework convention on climate change is concrete evidence of this realization of the ecological dangers that are damaging the earth's basic ecosystems and threatening its future.

1.5. The convention would also seem indicative of a concerted readiness on the part of the international community to rethink humankind's relations with its planet.

1.6. This positive (albeit belated) shift in outlook presupposes a new pattern of sustainable development in which environmental protection and the management of natural resources occupy a key part.

<sup>(1)</sup> OJ No C 44, 16. 2. 1993, p. 1.

## 2. The role of the EC

2.1. The EC has assumed a major role in the definition of a global strategy to stabilize greenhouse gas emissions, hence helping to tackle this serious environmental problem.

2.2. The Dublin European Council of June 1990 stressed that the EC and its Member States bear a special responsibility for promoting international action to combat global environmental problems.

2.3. The EC and its Member States took part in the negotiation of the framework convention on climate change, and signed it in Rio following the Environment Council mandate of 26 May 1992.

2.4. In Annex III to the present draft Decision, the Community reaffirms its commitment to stabilize CO<sub>2</sub> emissions by the year 2000 at their 1990 level in the Community as a whole.

2.4.1. Although the Committee is aware of certain difficulties in implementing the Decision, it is confident that the planned emissions level will be fully attained if all the necessary measures are taken as swiftly as possible.

2.5. When dealing with international conventions it is necessary to avoid the adoption of non-essential measures since these could have an adverse impact on the European business economy, and this could in turn also have social implications.

## 3. Ratification of the convention

### 3.1. *The ESC favours ratification and implementation of the convention*

3.1.1. Having carefully examined the draft Decision and its Annexes, the Committee strongly supports the proposal to ensure prompt ratification and effective implementation of the convention by the Community and its Member States.

3.1.2. The Committee fully endorses the general approach and key objective of 'stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic inter-

ference with the climate system ... within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.'

3.1.3. The Committee feels it useful to explain its stance in detail, and to draw attention to certain implementing and information-related problems that now arise, in order to help ensure that the convention is implemented as effectively as possible.

## 4. General considerations and recommendations

### 4.1. *Differentiated responsibilities*

4.1.1. The Committee strongly supports the important commitment of the contracting parties to work towards the achievement of the ultimate objective 'on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.' The developed nations are thus to 'take the lead', giving full consideration to 'the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable ... (or) would have to bear a disproportionate or abnormal burden.'

### 4.2. *Basic principles*

4.2.1. Of vital importance is the commitment to be guided by two basic principles:

- where there are threats of serious or irreversible damage, lack of full scientific certainty is not to be used as a reason for postponing such measures;
- the measures adopted, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

### 4.3. *Programmes and other main measures*

4.3.1. The various forms of intervention contained in the general strategy are in keeping with the undertakings made and with the differing requirements and circumstances: national inventories of greenhouse gas emissions; national and regional programmes; cooper-

ation arrangements (technology transfer, control and reduction of emissions in all relevant sectors: energy, transport, construction, agriculture, forestry and waste management); sinks and reservoirs of all greenhouse gases, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems; integrated plans for various zones, and more particularly for African areas hit by drought and desertification or floods; social, economic and environmental policies; scientific research; improving public awareness; communication to the Conference of the Parties.

4.3.2. The Committee particularly appreciates the implementing procedures and instruments. These are streamlined and clear-cut, leaving sufficient room for initiative and for the necessary agreements: Conference of the Parties (the supreme body); secretariat; subsidiary body for scientific and technological advice; subsidiary body for implementation; financial mechanism; system for the communication of information; system for the settlement of disputes; amending mechanism.

## 5. Comments and recommendations on implementation

### 5.1. Ratification deadlines

5.1.1. Since the different situations faced by the parties are likely to prevent some of them from ratifying the convention promptly, it is desirable for the EC and Member States to ratify it as soon as possible, bearing in mind that such developed nations as Canada and the United States have already done so.

### 5.2. Implementing arrangements (*Annex II to the Report*)

5.2.1. The Committee calls on the parties to implement the interim arrangements swiftly and properly, particularly as regards making voluntary contributions to the costs of the interim measures and ensuring full and effective participation of developing nations.

### 5.3. Preparation of the next conference

5.3.1. The Committee calls on the organizers of the next conference to make maximum use of the lessons learnt at Rio, so as to ensure that the number of participants is neither too low or too high. To facilitate global debate and understanding, it is desirable that no justified request for participation be turned down; but nor should there be a disproportionate increase in the number of participants. This is made particularly important by the fact that, as at Rio, parallel initiatives and meetings are likely, and these could draw on the contributions of other parties active in the same sphere.

### 5.4. The EC's contribution to methodology

5.4.1. The Committee calls on the EC to extend the contribution it has already made in the area of methodology, for example establishment of the mechanism for monitoring emissions, together with other measures already adopted or in the pipeline.

5.4.2. As regards the methodology being set up by the OECD, which should be ready by the end of this year, the Committee urges the Community to help by offering its own comparable data and comments, bearing in mind that as the methodology for CO<sub>2</sub> has already been perfected, attention should now focus on other gases and elements.

Done at Brussels, 26 May 1993.

*The Chairman*  
*of the Economic and Social Committee*  
Susanne TIEMANN

**Opinion on the proposal for a Council Directive amending Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants—Commission report on the availability of coal with a low sulphur content<sup>(1)</sup>**

(93/C 201/02)

On 4 February 1993 the Council decided to consult the Economic and Social Committee, under Article 130 S of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 4 May 1993. The Rapporteur was Mr Boisserée.

At its 306th Plenary Session (meeting of 26 May 1993) the Economic and Social Committee unanimously adopted the following Opinion.

## 1. Introduction

1.1. The provisions adopted in pursuance of Council Directive 88/609/EEC of 24 November 1988<sup>(2)</sup> on the reduction of emissions of pollutants into the air from large combustion plants came into force in mid-1990. Prior to its adoption, the Council had argued for many years about this Directive, which the Economic and Social Committee commented on in its Opinion of 21 November 1984<sup>(3)</sup>.

1.2. The 1988 Directive draws distinctions in a number of areas, but differentiates in particular between gas-, oil- and coal-fired plants, and between plant-size. In principle it covers plants with a rated thermal input of 50 MW or more. Nevertheless, the existing provisions on the limitation of sulphur-dioxide emissions from plants using solid fuels (particularly coal-fired systems) are applicable only to plants over 100 MWth.

1.3. The present proposal for a Directive is concerned with limiting sulphur-dioxide (SO<sub>2</sub>) emissions from solid-fuel plants in the 50 to 100 MWth range. It aims to close an existing loophole but is to apply only to new plants approved after 1 July 1987. Existing plants will continue to be subject to Article 3 of Directive 88/609/EEC which stipulates that Member States are to draw up and implement phased emission-reduction programmes in accordance with Annex I of the said Directive.

1.4. Under the newly proposed Directive, the SO<sub>2</sub> limit value is to be set at 2 000 mg SO<sub>2</sub>/m<sup>3</sup>, i.e. the ceiling is to be the same as that already fixed for 100 MWth plants.

## 2. Comments on the Commission proposal

2.1. In keeping with the Committee's Opinion of 1984, the present Commission proposal should be approved in order to close a gap in the harmonized legislation on clean air. The Committee is also pleased that the Commission has appended to its proposed Directive the results of a thorough and painstaking feasibility report on the availability of coal with a low sulphur content.

2.2. The proposed new Directive is limited in practice to smaller, local electricity-generating stations (including stations in industrial firms), and to smaller district-heating power stations (unit-type power stations), insofar as they are coal-fired. Such plants at present have virtually no desulphurization units.

2.3. The Commission's proposal, which follows on from its report on the availability of coal with a low sulphur content, is formulated in such a way that targets can be reached without desulphurization equipment by simply using the low sulphur coal which is readily available on the market.

2.4. However, state-of-the-art technology is such that flue gas desulphurization equipment is available even for plants covered by the draft Directive. In some Member States desulphurization equipment has already been fitted to coal-fired plants in the 50-100 MWth range, especially when necessitated by practical environmental considerations; through such action, substantially lower waste-gas emission levels have been achieved than would otherwise have been possible simply by using coal with a low sulphur content.

2.5. The draft Directive is based on Article 130 S of the EEC Treaty. In accordance with Article 130 T, Member States are entitled to take more stringent measures than those adopted by the Community. Article 4(3) of Directive 88/609/EEC consequently stipulates that Member States may require compliance

<sup>(1)</sup> OJ No C 17, 22. 1. 1993, p. 12.

<sup>(2)</sup> OJ No L 336, 7. 12. 1988.

<sup>(3)</sup> OJ No C 25, 28. 1. 1985.

with more stringent emission limit values. This provision also applies in full to plants covered by the present proposal for a Directive, which means that there is nothing to stop Member States in future from insisting on the installation of flue gas desulphurization units in specific cases. Member States should be urged—either in the Directive itself or in some other way—to exploit this opportunity in order to further technological progress and the commercial feasibility of this technology. The Commission should also promote such technologically advanced solutions in the Community's existing programmes.

2.6. The Commission will review the whole body of legislation on emissions from power-and heat-generat-

ing plants (large combustion plants) in 1995 and incorporate the latest technological advances in the harmonized provisions. Such action will make it possible to comply with the Maastricht Treaty whose aim is to achieve a high level of protection, based on precautionary action, against environmental damage (Article 130 R of the Maastricht Treaty).

2.7. The Committee would propose in connection with the 1995 review of the whole body of legislation that an investigation be carried out into whether or not emission limits for existing plants should be incorporated in the harmonized legislation (maybe in phases) so as to put an end to the different national rules currently possible under Article 3 of Directive 88/609/EEC.

Done at Brussels, 26 May 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN

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**Opinion on:**

- the communication from the Commission to the Council on home and leisure accidents, and
- the proposal for a Council Decision on the introduction of a Community information system on domestic and leisure accidents<sup>(1)</sup>

(93/C 201/03)

On 8 March 1993 the Council decided to consult the Economic and Social Committee, under Article 198 of the EEC Treaty, on the abovementioned communication and proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 4 May 1993. The Rapporteur was Miss Maddocks. Co-Rapporteurs were Mr Jaschick and Mr Löw.

At its 306th Plenary Session (meeting of 26 May 1993), the Economic and Social Committee unanimously adopted the following Opinion.

**1. Introduction**

1.1. Under Council Decision 81/623/EEC of 23 July 1981, it was agreed to implement a pilot experiment relating to a Community system of information on accidents involving products outside the areas of occupational activities and road traffic. The result of the study illustrated the feasibility of collecting information on this subject, primarily from hospital casualty departments and secondarily from other sources.

1.2. As a result of the pilot experiment, under Council Decision 86/138/EEC of 22 April 1986, it was agreed to set up a demonstration project for five years, effective from December 1985, with a view to the possible introduction of a Community system of information on accidents involving consumer products.

1.3. The objective of the project was to collect data on accidents with a view to promoting accident prevention, improving the safety of consumer products and informing and educating consumers in this area. An advisory committee consisting of two representatives from each Member State was established to oversee the setting up and the management of the project.

1.4. On 22 October 1990, under Council Decision 90/534/EEC, the original decision was amended which, *inter alia*, extended the period covered by the project from five to six years.

1.5. The demonstration project has now been completed and an assessment made of the exercise based

on reports from Member States. It is stated that the project has caused new initiatives to be taken in the Member States, particularly relating to products where children could be involved, also in relation to electrical garden implements and electrical DIY tools.

1.6. As a result of the information obtained from the demonstration it is proposed that a new system be established for five years and re-examined before the end of 1994.

**2. General comments**

2.1. Whilst the Committee accepts that the project cannot be considered to be a statistical instrument, it would appear, however, from the information supplied, that it could be used as an indicator for planning safety measures, first of all at Member State level, and then it can be examined to see to what extent Community measures can be usefully taken. However, the Committee would stress that further thought must be given to improving the bases of the information collected in the Member States, so that it has more relevance to, and can be interpreted properly, in other Member States.

2.2. It is not clear how the information used as a basis for the study would be compared and interpreted due to the fact that ten countries use information mainly obtained from hospital sources, whilst the remaining countries use household surveys. The Committee urges the Commission to examine whether, on the basis of these two different types of procedure, there might be inaccuracies in the conclusions drawn and also urges that further thought be given to obtaining information on a common basis which could provide a more accurate comparison and evaluation.

2.3. Whilst welcoming any initiatives taken to reduce home and leisure-related accidents, the Committee did

<sup>(1)</sup> OJ No C 59, 2. 3. 1993, p. 10.



not find it possible to identify from the explanatory memorandum whether some of the measures listed as initiatives arising from the trials, would not have been taken as a result of national reporting schemes—where they exist. The Committee considers this information to be of the utmost importance to ensure that measures are being taken from national initiatives as well as from Community initiatives in this important sphere.

2.4. There does not appear to be a link between the proposed system and the measures against dangerous products laid down by the Product Safety Directive. The Committee considers that there should be a strong cross-link established as this could improve consumer protection in the Community.

### 3. Specific comments

#### 3.1. Article 1

##### 3.1.1. First paragraph

The Committee welcomes the proposal to establish a Community system of information on home and leisure accidents with a view to promoting accident prevention, as a step towards meeting the Commission's own claim of ensuring the safety of the consumer in the Community, in the wake of the completion of the internal market. It is stressed, however, that the system should serve to establish a minimum basis for appropriate action to be taken by Member States.

##### 3.1.2. Second paragraph

In its Opinion on the proposal for a demonstration project (CES 1369/89) the Committee requested that a more precise definition be formulated than the term 'consumer products' and this request is now reiterated. The definition under Article 2(a) of the General Product Directive is not very helpful in this instance.

Whilst it is stated that the system's objective is to collect relevant data 'with a view to promoting accident

prevention', there is no indication how such an activity will be monitored, and translated into preventive action whether at Member State level or Community level.

##### 3.1.3. Third paragraph

The Committee considers that the term 'accidents at work' should be substituted for the term 'industrial accidents' as this is the terminology more widely used and understood in the Community.

#### 3.2. Article 2

3.2.1. The planned system provides only for nationally organised data collection. Concern is expressed that this data is not to be passed on continually to the Commission, nor is there evidently to be any reciprocal exchange, the Member States having only to present a final report once a year. The Committee would, however, wish to be reassured that contacts would be made between Member States and with the appropriate section of the Commission, as and when required, in order to make the most effective use of the information available.

#### 3.3. Article 3

##### 3.3.1. First paragraph

The Committee would stress that it is of the utmost importance that there should be compatibility of the methodologies in the collection of data if the maximum use is to be made by all Member States of this exercise. However, as at least two Member States have chosen different data collection methods, the comparability of the data does raise doubts.

##### 3.3.2. Third paragraph

The Committee welcomes the proposal that the summarised processed data shall be disseminated at Community level but would urge that consideration be given to the Commission monitoring what steps are taken at national level to ensure the effective dissemination and use of the data within the individual countries.

Done at Brussels, 26 May 1993.

*The Chairman*  
*of the Economic and Social Committee*  
Susanne TIEMANN

**Opinion on the proposal for a Council Decision concerning the conclusion of the amendment to the Montreal Protocol on substances that deplete the ozone layer as adopted in November 1992 in Copenhagen by the Parties to the Protocol<sup>(1)</sup>**

(93/C 201/04)

On 1 April 1993 the Council decided to consult the Economic and Social Committee, under Articles 130 S and 113 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 4 May 1993. The Rapporteur was Mr Colombo and the Co-Rapporteurs were Mr Proumens and Mr Boisserée.

At its 306th Plenary Session (meeting of 26 May 1993), the Economic and Social Committee unanimously adopted the following Opinion.

**1. General comments**

1.1. The Committee approves the draft Decision, considering it essential that the European Community and the individual Member States, by November 1993, ratify the second amendment to the Montreal Protocol on the progressive elimination of substances depleting the ozone layer, adopted in Copenhagen in November 1992.

1.2. The Committee endorses the content of the amendment, which strengthens controls on chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane and extends the controls to methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons.

1.3. The Committee urges that the text be adopted, since it represents a continuation of the driving role which the EC has always played in international negotiations of this kind.

1.4. The Committee also welcomes the choice of legal basis, combining Article 130 S, which concords with the objective of pursuing environmental protection policy, with Article 113 on trade arrangements with third countries.

**2. Specific comments**

2.1. The Committee would indicate that there are differences in interpretation regarding the frequency (six-monthly or annual) with which data on ozone layer depleting substances should be notified. The Committee proposes that it should be standardized on an annual basis: this would not hamper control efficacy and would, at the same time, reduce costs for the companies involved.

<sup>(1)</sup> OJ No C 103, 14. 4. 1993, p. 18.

Done at Brussels, 26 May 1993.

*The Chairman*  
*of the Economic and Social Committee*  
Susanne TIEMANN

**Opinion on the proposal for a Council Directive relating to measures to be taken against air pollution by emissions from motor vehicles and amending Directive 70/220/EEC<sup>(1)</sup>**

(93/C 201/05)

On 5 February 1993 the Council decided to consult the Economic and Social Committee, under Article 100 A of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 5 May 1993. The Rapporteur was Mr Pearson.

At its 306th Plenary Session (meeting of 26 May 1993) the Economic and Social Committee adopted the following Opinion unanimously.

## 1. Introduction

1.1. The Committee recognizes and welcomes the terms of this amending Directive as a further easing of the environmental pollution caused by motor vehicle emissions.

1.2. The basic Directive concerning the levels of fuel emissions of motor vehicles of not more than six seating positions and not exceeding 2 500 kg mass is 70/220/EEC dated 20 March 1970<sup>(2)</sup>. Since then there have been a number of amending Directives progressively reducing the permitted limit values of emissions of CO, HC, NO<sub>x</sub> and of particulates, the latest being 91/441/EEC (26 June 1991)<sup>(3)</sup>.

1.3. In that Directive 91/441/EEC there was a requirement for the Commission to propose, prior to 31 December 1992, a further reduction in permitted emission limits based on the best technology which will be available after 1996. The current proposal is in response to this obligation containing a framework for the further reduction of emissions to be in force by the year 2000.

## 2. General comments

2.1. The implementation of the value limits in 91/441/EEC has required change in engine technology and the use of three-way converter catalysers. Further sophistication of these new technologies is foreseen with anticipated reduction of 20% limit value of CO and 50% for HC and NO<sub>x</sub> by 1996. Until now, for passenger vehicles, the limit values of emissions have been set at the same level for petrol engined and diesel engined cars. The new proposals recognize that this is now not possible and it has been necessary to differen-

tiate between the two fuels: two emission levels also are required catering for diesel engined cars which have direct injection and those with indirect injection systems.

2.2. Conformity of production: the new proposals, in the interest of more efficient enforcement of emission limits at production level have introduced a statistical sampling procedure. Previous Directives dealing with motor emission levels had provided for a tolerance between type approved models and subsequent series produced vehicles: that permitted variance had declined from 25% to 16%, and is now dispensed with. The Committee believes that this new system can be effective but stresses that there must be close monitoring of the operation to ensure that it is better than the current method.

2.3. As a year is the least possible time for legal enforcement for new type approvals and the new limit values for all types of vehicle it is agreed that 1 January 1996 and 1 January 1997 are accepted as reasonable operational dates for the implementation of the amending Directive.

2.4. The 'Medium Term Target': aiming at further reductions again for the year 2000 is at present the case of urgent investigation. Greater environmental benefit can only be achieved by a multifaceted approach combining actions in the areas of engine/vehicle technologies, fuel quality, in-use vehicle inspection and maintenance and vehicle evaporative emissions.

2.4.1. Petrol and diesel fuels of the correct grade must be available for all vehicles throughout the Member States and coordination with the petroleum industry is vital if the deadlines for implementation are to be kept. Promotion of the use of environmentally friendly fuels should be encouraged.

2.4.2. The Committee recommends that a Community research and development programme be under-

<sup>(1)</sup> OJ No C 56, 26. 2. 1993, p. 34.

<sup>(2)</sup> OJ No C 112, 20. 12. 1973, p. 1.

<sup>(3)</sup> OJ No L 242, 30. 8. 1991, p. 1.

taken into the quality and efficacy of alternative fuels for motor vehicles.

2.4.3. Member States should give greater priority to the management of transport and traffic regulation, particularly in city areas, in order to reduce pollution caused by exhaust gases of vehicles.

3. The Commission notes that the cost of compliance with the new proposed standards '... will not be insubstantial', this is true but it is doubtful whether the Commission is correct in stating that the costs will be reduced as a result of the growth of the internal market. Nevertheless the Committee, in the interest of further improvement of the environment, believes this is a legitimate cost to bear.

4. The Member States are encouraged to view the Commission parameters for tax incentives for motor vehicles which meet the future emission standards as laid down in Article 3 of the Directive. Member States should also consider incentives to modernize the vehicle park.

#### 5. Specific comments

5.1. The Committee yet again points to the laxity of many Member States in the surveillance of the required minimum standards of maintenance of motor vehicles, particularly in relation to emission levels. The Committee has already welcomed Directive 92/55/EEC on road worthiness testing and insists that the terms of

that Directive be implemented without any further delay in all the Member States.

5.2. It believes that it is urgent to develop new lower emitting power sources: the present reliance on the three-way converter catalyser is acceptable only as an intermediate solution, because the current limited working life and high replacement cost means that much tighter control is necessary. The sophistication of the most modern injection systems also require supervision to retain the necessary degree of tuning through on board diagnostic systems.

5.3. The Committee believes that it is necessary for manufacturers to make available as normal course, details of the vehicle emission performance for each new vehicle. The purchaser thus can form an overall judgement as to which vehicle is considered the most environmentally friendly.

#### 6. Conclusions

6.1. The Committee, on the understanding that the proposed Directive is adopted without any delay in the dates set out in the Articles, can agree to the levels proposed:

- petrol engines: CO 2,2 g/km, HC and NO<sub>x</sub> 0,5 g/km,
- diesel engines indirect injection: CO 1,0 g/km, HC and NO<sub>x</sub> 0,70 g/km, particulates 0,08 g/km,
- diesel engines direct injection: CO 1,0 g/km, HC and NO<sub>x</sub> 0,90 g/km, particulates 0,10 g/km.

It is hoped, however, that ongoing research and development will allow further improvement in particulate values.

Done at Brussels, 26 May 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN

**Opinion on the proposal for a Council Directive amending for the second time Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations<sup>(1)</sup>**

(93/C 201/06)

On 14 December 1992, the Council decided to consult the Economic and Social Committee, under Article 100 A of the Treaty Establishing the European Economic Community, on the abovementioned proposal.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 5 May 1993. The Rapporteur was Mr de Knecht.

At its 306th Plenary Session (meeting of 26 May 1993) the Economic and Social Committee adopted the following Opinion unanimously.

**1. General**

1.1. Council Directive 83/189/EEC of 28 March 1983<sup>(2)</sup> and its (first) amending Directive 88/182/EEC of 22 March 1988<sup>(3)</sup> are designed:

- to provide the Commission with an early warning of technical regulations proposed by Member States which may act as barriers to trade;
- to ensure total transparency of national plans for regulations and standards and to ensure effective cooperation between the Commission and the Member States in the creation of a single market;
- to ensure that the Commission and the Member States are jointly responsible for the proper working of these systems through a Standing Committee (Article 5 of Directive 83/189/EEC).

The ESC endorsed both these Directives<sup>(4)</sup>.

1.2. On 8 December 1988, in accordance with Article 11 of Directive 83/189/EEC, the Commission published a report on the operation of the Directive. The ESC was consulted on that report.

1.3. In its Opinion of 27 September 1989<sup>(5)</sup> on the report, the Committee noted, in particular, that the 1983 Directive had operated effectively in preventing the creation of new technical barriers to trade within the Community in so far as it had instituted a mechanism for collective scrutiny of draft technical legislation at national level and had set up at the same time an

institutional and procedural framework to facilitate and accelerate standardization at European level.

1.4. The Committee also draws attention to a Commission Communication which reviews progress with regard to standardization in the internal market and relations between the Commission and the European standardization institutions.

1.5. On 5 April 1991, the Commission published a report on the application of the Directive in 1988 and 1989, which it referred to the Committee.

1.6. The ensuring ESC Opinion (published on 30 October 1991)<sup>(6)</sup> stated that the report created the impression that the European Committee for Standardization (CEN) and the European Committee for Electro-technical Standardization (Cenelec) did not always get the full cooperation or commitment which might be expected from the national bodies within the Member States, even though the Commission Green Paper on the Development of European Standardization called for greater commitment from the members of CEN and Cenelec. It was important that the stage at which new work should be notified by national bodies should be laid down and made common to all.

1.7. Later on in the Opinion, the Committee strongly supported the Commission proposal for the creation of a European Standards Data Bank as a bibliographical source for standardization activities. Those data should be accessible and available to the national bodies and to all other interested parties. There was a lack of transparency at all levels of defining or adopting standards and this was an aspect that should be attended to.

<sup>(1)</sup> OJ No C 340, 23. 12. 1992, p. 7.

<sup>(2)</sup> OJ No L 109, 26. 4. 1983, p. 8.

<sup>(3)</sup> OJ No L 81, 26. 3. 1988, p. 75.

<sup>(4)</sup> OJ No C 159, 29. 6. 1981; OJ No C 319, 30. 11. 1987.

<sup>(5)</sup> OJ No C 298, 27. 11. 1989.

<sup>(6)</sup> OJ No C 14, 20. 1. 1992.

## 2. Proposed amendment of Directive 83/189/EEC for the second time

2.1. Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations, as subsequently amended by Directive 88/182/EEC of 22 March 1988 to include all products, introduced a mandatory requirement of transparency for new national technical specifications, whether standards or regulations.

2.1.1. This transparency is essential in order to eliminate or minimize the difficulties which the measures in question may cause in respect of trade between Member States of the Community.

2.2. This Directive, which as already pointed out is designed to prevent the emergence of new barriers to trade, has proved to be fundamental to the process of completing the internal market by promoting cooperation between Member States or identifying the areas where there is a need for joint action.

2.3. This instrument sets out to reduce the constraints imposed by divergent national technical specifications on businesses wishing to operate Community-wide and to create a technical environment in which they can maintain or improve their ability to compete both on the Community market and outside.

2.4. From now on this strategy will have to take account of a new parameter, namely the establishment of the internal market on 1 January 1993. The instrument devised in 1983 to help with the completion of the internal market has to be adapted to its new role in the years ahead, which is to make sure that the internal market functions properly.

2.5. This will not require any changes to the basis on which the instrument rests—the concepts of product, standard and mandatory regulation—nor any radical alteration of the procedures governing compulsory notification and dialogue. However, it is essential, in the light of experience and of developments which have already begun in the field of standardization and national regulations, to reinforce the basic principles of the information procedure, namely transparency of action at national level and discipline in the case of joint action.

2.6. The information procedure laid down in the Directive covers only regulations relating to products. In order to reaffirm this basic principle, which determines the Directive's scope, the definition of a product—which remains unchanged—is placed at the head of Article 1.

2.7. This proposal has been discussed in depth by the Standing Committee set up under Article 5 of the Directive and with the European standardization bodies.

## 3. Gist of the Commission proposal

3.1. The Commission's proposals can be grouped under three main headings, namely standards, technical regulations and improving the basis for joint action in the field of technical regulations.

3.2. As regards standards, it is stated that there are certain difficulties with the notification procedure and the unwieldiness of the procedure itself. The aim of the proposed amendment, therefore, is to specify more precisely the national standards which must be notified and to simplify the procedure.

3.3. The powers of national standardization bodies and authorities are also to be regulated afresh. These include the right to participate passively or actively in the standards-making activities of another national standardization body, the right to request drafts of standards and the right to be told about the action taken on comments relating to the drafts.

3.4. As regards technical regulations, the aim is to increase transparency by widening and defining in more detail the scope of the Directive, clarifying certain concepts and rules of procedure and introducing the possibility of informing economic operators.

3.5. On this latter point, the provision of information to economic operators, the proposal seeks to put an end to the present Directive's requirement that incoming information should be absolutely confidential.

3.6. As regards improving the basis for joint action in the field of technical regulations, the Commission proposal provides for the broadening of the conditions for joint action and the strengthening of the basis for harmonization.

3.7. Of particular importance is the adjustment of the 'standstill periods', which come into force either when the Commission has announced its intention to draw up Community rules or in cases where such rules have already been formally proposed and are before the Council.

3.8. At present, the Member States are required to observe a one-year standstill period, which takes effect whenever a harmonization proposal is presented to the Council. The Commission wishes to make the following changes:

- the standstill period is to be extended to eighteen months and is to take effect from the date of submission of the national draft to the Commission;
- Member States are to refrain from introducing regulations once the Council has adopted a common position on the Commission's harmonizing proposal.

3.9. The Commission's reason for submitting a proposal to the Council concerning this extension derives from the experience that more time than originally foreseen is needed for Council approval of Community legislation.

#### 4. Specific comments

4.1. The Directive will be radically changed by the proposal. Virtually all the Articles (with the exception of Articles 5 and 6) have been rewritten and/or added to.

4.2. The Committee can endorse the proposed second amendment of the Directive. It notes that this follows on from the need to ensure that standardization activities are optimally integrated into the internal market, which began to take shape on 1 January 1993 but which must be extended further. At the same time, it would make the following observations:

4.3. The Committee welcomes Article 8 which refers to limitation of the marketing or use of a chemical or pharmaceutical substance, preparation or product on grounds of public health or the protection of consumers or the environment.

4.4. At the same time, it regrets the absence of explicit encouragement for the development of corresponding standards. In the fields of public health and environmental protection, greater emphasis must be given to the development of European standards on industrial pollution and other preventive and protective measures. The GATT Agreement also mentions this need.

4.5. In this context, it should be pointed out that the Commission has published a proposal for a Council Directive on packaging and packaging waste. There is an urgent need for Community-level standardization on the basis of the principle underlying this Directive and, in particular, for the harmonization of criteria and methods governing the life-cycle of packaging.

4.6. A permanent and closer watch must be kept on countries that lag behind in the standardization process, both as regards testing and certification and in respect of the rapid provision of accurate information on the development of new standards. This is particularly important in the context of competition policy and is

absolutely crucial for small and medium-sized enterprises. There is a special need, within this overall framework, for the creation of a data bank on standardization activities.

4.7. At present, it is difficult to say whether the Committee is satisfied in all respects with the large number of standards drawn up in the different sectors, since so many are awaiting approval.

4.8. CEN is said to be far behind in the preparation of standards for, for example, the building industry. According to reports, some two thousand topics are waiting to be dealt with and CEN has been assigned responsibility for 800 of these.

4.9. Since most of CEN's activity depends on the voluntary cooperation of experts who take great trouble in drawing up standards, the Committee would ask the Commission to contact CEN with a view to finding the best way of clearing the backlog.

4.10. The Commission should also pay more attention to the implementation of the 'new approach'. In the Committee's view, CEN should complete the tasks assigned to it more rapidly. The Member States have failed, to differing extents, to devote the necessary energy and attention to meeting the Directive's requirements.

4.11. The Committee has now taken note of the Commission report on the operation of the Directive in 1990 and 1991. This report announces, in particular, that CEN and Cenelec decided in 1991 to postpone the creation of the European Standards Data Bank indefinitely. This was because of (a) the Commission's proposal to share the costs of only the first two project phases and (b) the interest of CEN members in the Perinorm commercial project.

4.12. The Committee received this announcement with regret, since it means that action to increase the transparency of standardization—for which the data bank represented an important 'resource'—will be deferred.

4.13. The Committee notes the Commission's endorsement of CEN's decision to examine the possibility of also feeding data from other standardization bodies into the Perinorm data base. The Committee assumes that this data base will be able to satisfy the divergent market requirements within a short time and that all interested parties will enjoy access to the information on reasonable terms.

4.14. The Committee appreciates the Commission's efforts to ensure that information on standards that

have been, or are being, drawn up is made available with minimum delay. It would, however, be regrettable if the data-base objective formerly advocated by the Commission and endorsed by many organizations were to be pushed into the background by CEN activities enjoying the Commission's support.

4.15. Committee Opinions on standardization have systematically stressed the importance of transparency—in which a data bank would play a major role—and this has evoked a favourable response from the Commission. Consequently, the ESC sees the Perinorm project as an interim measure and would endorse, in advance, Commission action to encourage CEN and Cenelec to set up a data bank more rapidly, as desired.

Done at Brussels, 26 May 1993.

4.16. The foregoing represents the Committee's complete endorsement of the Council Resolution of 18 June 1992 which refers to the importance of a cohesive system of European standards, organized by and for the parties concerned, based on transparency, openness, consensus, independence of vested interests, efficiency and decision-taking on the basis of national representation.

## 5. Comments on the Articles

5.1. The Committee suggests that the last two sentences of Article 9(7) should be amended as follows:

'To be valid, any Commission decision to refuse the urgent procedure on grounds of improper use shall be made within a time limit of not more than five working days. The Commission shall take appropriate action in the event of improper use.'

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN



**Opinion on the report from the Commission on the operation of Directive 83/189/EEC in 1990 and 1991**

(93/C 201/07)

On 18 February 1993 the Commission decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the report from the Commission on the operation of Directive 83/189/EEC in 1990 and 1991.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 5 May 1993. The Rapporteur was Mr de Knecht.

At its 306th Plenary Session (meeting of 26 May 1993) the Economic and Social Committee unanimously adopted the following Opinion.

### 1. General

1.1. In accordance with Article 11 of Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations, on 18 December 1992 the Commission published a Report on the operation of the Directive in 1990 and 1991. The Committee has been asked for its Opinion.

1.2. This is the third time the Committee has issued an Opinion on the operation of this Directive. The first Opinion, relating to the period 1984-1987, was issued on 27 September 1989, and the second, relating to the period 1988/1989, on 30 October 1991.

1.3. In its first Opinion the Committee noted in particular that the Directive of 28 March 1983 had operated effectively, and drew attention to a Commission Communication reviewing progress with regard to standardization in the internal market and relations between the Commission and the European standards institutes.

1.4. In its second Opinion the Committee strongly supported the Commission proposal for the creation of a European Standards Databank as a bibliographical source for standardization activities. Those data should be accessible and available to the national bodies and to all other interested parties. There was a lack of transparency at all levels of defining and adopting standards and regulations, and this was an aspect which should be attended to.

### 2. Report on 1990 and 1991

2.1. The Report on the operation of the Directive in 1990 and 1991 is divided into three chapters relating to:

— the information procedure for standards;

— the information procedure in the field of technical regulations;

— the Agreement on the exchange of information in the field of technical regulations between the EEC and countries of the European Free Trade Association (EFTA).

2.2. The Report also highlights the factors which prompted the Commission to propose to the Council that the Directive be amended for the second time.

### 3. Information procedure in the field of standards

3.1. The Report states that the mode of operation of the information procedure for technical standards remained unchanged over the previous two years. The contract between the Commission and the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (Cenelec) stipulates that the latter bodies are responsible for the technical operation of the information procedure (the 'INFOPRO' system). This task includes collecting and verifying notifications, processing and storing them in a data bank, and distributing the results. To complete the procedure, new work started at European and national level also had to be registered.

3.2. The Report also states that, as in the period 1988 to 1989, the statistics must be treated with a degree of caution, as:

— no figures are available for 1990 and 1991 for the sectors concerned, although it can be assumed that the situation was similar to that in 1989;

— a new activity begun at European level sometimes covers a larger field than an activity at national level;

— not all CEN/Cenelec members send their notifications of new standardization projects at the same stage.

3.3. Despite these reservations, some conclusions can be drawn about the general trend in European and national standardization activities on the basis of the tables appended to the Report. Thus, the number of new activities started has increased significantly over the last four years, from 3 514 in 1988 to 10 210 in 1991. This growth is attributable largely to the increase in new European initiatives and, to a lesser extent, to an upswing in national work.

3.4. At national level, the number of new initiatives now seems to be levelling off at around 2 150. However, the national share of all new activities was down from 75,8 % in 1987 to 21,5 % in 1991.

3.5. The number of new activities at European level has risen year by year, by 35 % between 1989 and 1990, and by 140 % between 1990 and 1991. This vigorous expansion was particularly marked in the non-electrical sector.

3.6. The breakdown of new national activities by Community country reveals big differences. Approximately one third of new national standardization activities are in France. National activities are declining in Germany and the United Kingdom but have begun to revive in Italy and Spain since 1991.

3.7. The EFTA countries' share of new national standardization activities in Europe has fallen sharply since 1990, increasing the EC countries' share to around 90 %.

3.8. The notifications received from the Member States in 1988 and 1989 had already been found to be of poor quality. Lack of information makes it impossible, however, to draw any conclusions as to 1990 and 1991. A preliminary study suggests, however, that national institutions are still having problems.

3.9. Little or no use is being made of the opportunity, provided for by Article 3 of the Directive, for involvement in national activities and the drawing up of European standards.

3.10. This contrasts with the electrotechnical sector where new initiatives are being studied systematically at national level in the framework of the voluntary Cenelec procedure.

#### 4. Information procedure for technical regulations

4.1. The Commission received 365 draft technical regulations in 1990 and 435 in 1991. The total number of notifications over these two years (821) was up by 70 % compared with the total in 1988 and 1989. Most of these notifications came from France, Germany and the United Kingdom.

4.2. The net result in 1990 and 1991 shows a further substantial increase in the number of notifications registered, with the food sector once again generating a large proportion. The number of notifications concerning mechanical engineering and telecommunications rose sharply in 1991, overtaking the food industry cases for the first time since the 1988 amendment.

4.3. The Commission has submitted to the Council a proposal for an amendment to the standstill period [Article 9(2) of the Directive].

4.4. Under the Commission proposal the standstill period would begin on the date of notification of the national measure rather than on the date on which the Community proposal is submitted. The period would also be extended from 12 to 18 months.

4.5. With regard to the notification obligation, there were problems in 1990 and 1991 with the definition of the term 'technical regulation'. The first dispute on this subject was triggered in 1990 by tax incentives for 'environmentally clean' vehicles, as some Member States had already sent notification of their drafts on this subject. However, in 1990 others refused to notify their measures which, they considered, could not be regarded as compulsory technical regulations. The Commission argued that, on the contrary, they were de facto compulsory technical regulations.

4.6. Also in 1991, further problems arose with the definition of a de facto compulsory 'technical' regulation, this time in connection with agreements between economic operators in various sectors (e.g. packaging) under which technical product specifications had been drawn up. A new problem then arose, in connection with the definition of technical regulation in the Directive.

4.7. This involved national regulations imposing requirements on products after they are placed on the market. The draft national regulations requiring recyclable or reusable packaging are one example. The Member States involved considered that the current

wording of the definition of technical regulation in the Directive covered technical specifications to be observed at the time of the placing of the product on the market, and that therefore, in their view, this type of draft measure was not notifiable.

4.8. In the light of this experience and to tailor the information procedure more closely to the new national product regulation methods, the Commission has submitted to the Council a proposal amending for the second time Directive 83/189/EEC [COM(92) 491 final]. This will extend and define the scope of the Directive, clarify certain concepts and settle the situations which have given rise to disputes with some Member States.

#### 5. Agreement between the Community and the EFTA countries

5.1. The agreement between the EFTA countries and the EEC laying down a procedure for the exchange of information in the field of technical regulations<sup>(1)</sup> entered into force in November 1990. With a view to avoiding possible barriers to trade between the member states of both associations, it links the information procedure based on Directive 83/189/EEC with a comparable procedure between the EFTA countries. The Agreement is laid down in Council Decision 90/518/EEC.

5.2. All the messages relating to the information procedure between the EEC Member States and the EFTA countries are exchanged between the EC Commission and the EFTA Council.

5.3. The Agreement makes no provision for the extension of the standstill period. The one possibility for taking the procedure beyond comments is laid down in Article 13. No use was made of this option in 1990 or 1991.

5.4. The agreement between EFTA and the EEC on the exchange of information in the field of technical regulations also contains a clause which provides for the immediate adoption of a draft for urgent reasons such as the protection of public health or safety or animal or plant health.

5.5. This differs from the information procedure laid down in Directive 83/189/EEC in that EFTA member states wishing to adopt a draft for an urgent reason can do so without the prior approval of the EFTA Council or the Commission. They simply announce that they intend to adopt the text immediately and add an explanation of the reasons for the urgency.

5.6. As the Agreement between the EEC and EFTA entered into force only at the end of 1990, only five draft technical regulations were notified by the EFTA countries in that year. In 1991 the Commission received 120 notifications from the EFTA countries. About half of the 123 EFTA notifications in 1990 and 1991 came from Austria and Finland.

5.7. A significant proportion of the technical regulations (27%) concerned chemical products; other important sectors were electronic engineering (15%), building and construction (10%), agriculture and food products (10%) and mechanical engineering (9%).

5.8. In 1991 the EFTA countries adopted four technical regulations for urgent reasons. Two of them related to agricultural and food products and the other two to plants.

5.9. In 1991 the Community commented on 68 (55%) notifications. Comments from the EEC Member States were often taken into account. The comments mainly concerned compatibility with existing Community legislation.

5.10. Throughout 1990 and up to the adoption of the first version of the Agreement establishing a European Economic Area on 22 October 1991, the comments from the Community always included a reminder of the negotiations on this Agreement, which were based on the principle of acceptance of the existing Community legislation by all the EFTA countries. This commitment could force EFTA countries to make amendments to the draft notified were they to adopt it without taking account of the comments made by the Community.

5.11. In 1990 and 1991 EFTA commented on seven EEC notifications. Three of these cases were requests for additional information. In the other four the EFTA countries pointed out potential obstacles to trade.

#### 6. Commission initiatives after the proposal for a Directive 83/189/EEC of 28 March 1983

6.1. Before concluding the Opinion on the 1990 and 1991 Report with a chapter entitled Specific Comments, it is important to consider what other initiatives the Commission and Council have taken on standardization and to what extent Directive 83/189/EEC has evolved in parallel.

<sup>(1)</sup> OJ No L 291, 23. 10. 1990.

6.2. On 7 May 1985 the Council adopted a Resolution on Technical Harmonization and Standards: a New Approach<sup>(1)</sup>. Until then, a separate Directive, setting out extremely detailed specifications, had been adopted for all individual products. The disadvantages of this approach were the lengthy period required for decision-making and the fact that, as a result, Directives had frequently been overtaken by technical developments by the time they entered into force.

6.3. The Resolution defined the form to be taken by the 'new approach' Directives. Thus, each one had to cover a broad range of products (e.g. all construction products). The essence of these 'new approach' Directives were basic requirements which had to be precisely defined.

6.4. The Council consulted the standardization organizations and the ESC prior to the official publication of the Resolution. The Committee's Opinion was positive<sup>(2)</sup>. The Opinion stated, *inter alia*, that: 'The Committee approves the new approach proposed by the Commission to overcome the difficulties involved in removing technical barriers to trade. The present system clearly has not worked as effectively as it should have. As a result, the Community's internal market is far from complete.'

6.5. On 8 October 1990 the Commission published a Green Paper on the Development of European Standardization: Action for Faster Technological Integration in Europe<sup>(3)</sup>.

6.6. The Green Paper evaluates existing methods of formulating European standards and recommends a European organizational structure designed to speed up delivery of European standards. The standardization organizations and the ESC are asked for their reactions and comments.

6.7. The Green Paper provides, *inter alia*, a response to the Committee's comment in the Report of 27 September 1989 on the operation of Directive 83/189/EEC<sup>(4)</sup> concerning notification of progress made in European standardization.

6.8. The Committee's Opinion on the Green Paper [published on 20 March 1991<sup>(5)</sup>] endorsed the Com-

mission's initiative to promote Community discussion of European standardization, stating: 'Five years after the adoption of the Council Resolution on standardization, and on the basis of the 'new approach', the time is now ripe to review at European and national levels the role and work of the standardization organizations, the decision-making procedures on standards and the role of the parties involved in that procedure. It is also time to make a closer assessment of the current financial and working relationships between the Commission and the standardization organizations.'

6.9. Concrete proposals, designed to make standardization more transparent through the involvement of workers and consumers at an early stage, were then put forward; the Committee also called for the creation of a European Standards Data Bank and for extra funding to help those Member States whose certification and testing structures lag farthest behind.

6.10. On 16 December 1991, the Commission published a follow-up to the Green Paper<sup>(6)</sup>, setting out recommendations based on reactions to the earlier publication.

6.11. Since the Committee was not consulted by the Commission on this 'follow-up', it did not deliver an Opinion. The Industry Section did, however, hold a far-reaching discussion of the document, partly on the basis of further clarification from a Commission representative.

6.12. Without indicating an official ESC position, the reaction to the Green Paper follow-up can be said to have been favourable. The Commission took careful account of the reactions to the Green Paper (including the Committee's), as can be seen from its proposals designed to improve the European standardization process.

6.13. On 18 June 1992<sup>(7)</sup> the Council adopted a Resolution stressing the importance of a coherent European standardization system operating through and for the organizations involved, based on transparency, openness, consensus, independence of specific interests and efficiency, and with its decisions taken on the basis of national representation.

(1) OJ No C 136, 4. 6. 1985.

(2) OJ No C 169, 8. 7. 1985.

(3) OJ No C 20, 28. 1. 1991.

(4) OJ No C 298, 27. 11. 1989.

(5) OJ No C 120, 6. 5. 1991.

(6) OJ No C 96, 15. 4. 1992.

(7) OJ No C 173, 9. 7. 1992.

## 7. Specific comments

7.1. First of all, the Committee wishes to stress that the Commission has drawn up an excellent Report. It gives a systematic and open account of important developments, as well as providing a detailed account of the considerations which prompted the Commission to submit a proposal to the Council for a second amendment of the Directive.

7.2. In this respect the Commission is setting a good example for the national standardization organizations and others involved in the standardization process.

7.3. The Committee is also impressed with the Agreement, concluded in November 1990, between the EFTA countries and the EEC laying down a procedure for the exchange of information in the field of technical regulations. This is in tune with the Committee's view, expressed in its Opinion on the Green Paper, that cooperation on standardization with non-Community countries is of great importance. It opens up opportunities for high-quality production.

7.4. The Committee notes that, as stated in point 10 of the Report, it is not possible to produce figures for certain sectors covering the period to which the Report refers as:

- the statistics take no account of the relatively high proportion of undeclared activities;
- new activities at European level can cover a broader area than activities at national level;
- not all members of CEN and Cenelec notify new standardization activities at the same time.

This makes it difficult to form any definite view of the development of the work of the standardization institutes. The Committee accepts the Commission's assurance that the figures for 1990/1991 are not very different from those for 1989.

7.5. As stated in the Opinion on the proposal for a second amendment of Directive 83/189/EEC<sup>(1)</sup> the Committee regrets the decision of CEN and Cenelec to

postpone indefinitely the previously proposed setting-up of a databank (ESD) because of the Commission's proposal to share the costs of only the first two project phases, and the interest of CEN members in the Perinorm commercial project.

7.6. The Committee notes that the Commission approves CEN's decision to study the possibility of including data from other standardization organizations in the Perinorm database. In so doing the Commission is assuming that this database will in the short term be able to satisfy divergent market needs and that the information will be available to all interested parties on reasonable conditions.

7.7. The Committee values the Commission's efforts to ensure that data on standards already developed or being developed is available in the short term. But it would be highly regrettable if as a result of the activities of CEN, supported by the Commission, the setting up of a data bank, as previously advocated by the Commission, were to be pushed into the background. The Committee therefore feels that the Perinorm project can be no more than a stop-gap solution.

7.8. The Committee has expressly supported the Commission's view that the databank should not be set up on purely commercial lines, as this would restrict access.

7.9. The Committee approves the Commission's proposals for a second amendment of the Directive. The reasons for its support are set out in the Committee's Opinion on that proposal<sup>(1)</sup>.

7.10. The Committee finds no reference in the Report to activities concerning certification and testing in countries which lag behind on standardization. The Committee cannot therefore judge whether or not there has been an increase in activity in this area and whether the trend is positive.

7.11. In its Opinion on the Green Paper, referred to above, the Committee said that the establishment of European standards implementing the protection objectives laid down in EC Directives is a task of public importance, carried out at the instigation of the Commission by standardization bodies, and that these tasks arise from the political responsibility of the Commission in this area.

7.12. The Committee calls on the Commission, in the light of this responsibility, to continue monitoring the work of the standardization organizations, including the establishment of a databank.

<sup>(1)</sup> CES 265/93 fin.

7.13. The Committee has noted with approval the proposed amendment of Article 11 of the Directive, stating that the Commission shall report to the Committee, as well as the European Parliament, on the results of application of the Directive.

7.14. The Committee wonders whether it is right for the Advisory Committees set up in connection with certain Directives to be able to comment on the interpretation of standards and the establishment of

rules. The Committee feels that interpretation is a matter for the Commission's departments which are responsible for the implementation of the Directives.

7.15. Subject to reservations on the databank, the unavailability of data relating to the period covered by the Report and the lack of information on certification and testing, the Committee feels that the Report contains sufficient information for it to be able to conclude that standardization is heading in the right direction.

Done at Brussels, 26 May 1993.

*The Chairman*

*of the Economic and Social Committee*

Susanne TIEMANN

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Opinion on the agreement between the European Economic Community and the Republic of Slovenia in the field of transport

(93/C 201/08)

On 5 April 1993 the Council decided to consult the Economic and Social Committee on the agreement between the European Economic Community and the Republic of Slovenia in the field of transport

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 12 May 1993. The Rapporteur was Mr Eulen.

At its 306th Plenary Session (meeting of 26 May 1993) the Economic and Social Committee adopted the following Opinion unanimously.

1. The transport agreement between the Community and Slovenia was signed on 5 April 1993. At the end of April 1993 the Council forwarded to the Committee the request for an Opinion, to be delivered no later than its May Plenary Session.

2. The agreement between the Community and Slovenia covers important areas of cooperation in the field of transport, transit traffic in particular. It applies primarily to road, rail and combined transport and the relevant infrastructure. Negotiations on cooperation in the sea and air transport sectors are planned.

3. Once again the Council is consulting the Committee on an agreement which has already been signed. Under these circumstances—as with the Opinions on the agreement between the Community and Yugoslavia [Rapporteur: Mrs Bredima Savopoulou<sup>(1)</sup>] and the two agreements in the form of an exchange of letters between the Community and the Republic of Hungary and the CSFR [Rapporteur: Mr Eulen<sup>(2)</sup>—the Com-

mittee's Opinion is a pure formality since any amendments which it proposed could not be taken into account anyway.

4. As in the aforementioned Opinions, the Committee deplores this state of affairs and declines to comment on the agreement under consideration here.

As the agreement touches on important matters of Community transport policy in relation to non-EC countries, the Committee will issue a substantive Opinion in due course in the context of other referrals, e.g. when it draws up the Information Report on relations between the Community and the associated countries of central and eastern Europe or the Own-initiative Opinion on the second Pan-European Transport Conference.

5. The Committee urges the Commission and Council to resolve definitively the controversy over the use of Article 113 or Article 75 as a legal base. At all events the Committee calls for a reasonable consultation period which logically should come before the agreement is signed. If in future the Committee is again not consulted in good time, it has no intention of drawing up a purely formal, ex post facto Opinion.

<sup>(1)</sup> OJ No C 40, 17. 2. 1992, p. 13.

<sup>(2)</sup> OJ No C 313, 30. 11. 1992, p. 18.

Done at Brussels, 26 May 1993.

*The Chairman*  
*of the Economic and Social Committee*  
Susanne TIEMANN

**Opinion on the proposal for a Council Regulation (EEC) introducing specific measures for the smaller Aegean islands concerning certain agricultural products<sup>(1)</sup>**

(93/C 201/09)

On 12 February 1993 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 6 May 1993. The Rapporteur was Mr Spyroudis.

At its 306th Plenary Session (meeting of 26 May 1993), the Economic and Social Committee adopted the following Opinion unanimously.

## 1. Introduction

1.1. In accordance with the conclusions of the European Council meeting in Rhodes in December 1988, a number of steps have been taken so far by both the Commission and the Greek authorities concerning the Aegean islands:

- a) Submission of a proposal by the Greek authorities in the form of a 'Programme of special measures for the Aegean islands 1992-1996' (October 1991 and January 1992);
- b) Commission Report on the socio-economic situation of the Aegean islands [SEC(92) 36 final of 10 January 1992];
- c) Final Commission Report with a view to following up the above obligations and needs [COM(92) 569 final of 23 December 1992];
- d) Together with the Final Commission Report the current Proposal for a Council Regulation was also presented.

1.2. In considering the question, the Section took account of the above-mentioned Reports and earlier relevant Committee Opinions on the 'Posei' programmes to assist isolated and disadvantaged regions of the Community:

- a) Own-initiative Opinion on Disadvantaged Island Regions, 2 July 1987<sup>(2)</sup>;
- b) Opinion on the draft joint Decision of the Council and the Commission establishing a programme of options specific to the remote and insular nature of the French Overseas Departments (Poseidom)<sup>(3)</sup>;

- c) Opinion on the draft Council Decision establishing a programme of options specific to the remote and insular nature of Madeira and the Azores (Poseima)<sup>(4)</sup>;
- d) Opinion on the draft Council Decision establishing a programme of options specific to the remote and insular nature of the Canary Islands (Poseican)<sup>(4)</sup>.

## 2. General comments

2.1. The Committee has taken account, in its general approach, of the Commission report preceding the Draft Regulation. The Committee's view of the present Commission initiative is, as in its earlier Opinions, thoroughly positive.

2.1.1. It would, however, point out that the Draft Regulation fails to take account of points made in the Opinion on Disadvantaged Island Regions, adopted unanimously by the Committee on 2 July 1987.

2.2. The development of the islands has a considerable impact on that of the country as a whole: a more general development policy and more comprehensive planning for the Aegean Islands are therefore needed.

2.3. Reinforcement of the agricultural sector cannot be separated from the implementation of a number of determined development factors, dealing with the pronounced insular problems faced by the islands. These factors include the following:

<sup>(1)</sup> OJ No C 56, 26. 2. 1993, p. 21.

<sup>(2)</sup> OJ No C 232, 31. 8. 1987.

<sup>(3)</sup> OJ No C 159, 26. 6. 1989.

<sup>(4)</sup> OJ No C 191, 22. 7. 1991.



- Safeguarding of, and intervention in, the forestry infrastructure.
- Determined environmental protection.
- Facing the water shortage and managing water resources.
- Resolving the question of energy sufficiency, and the use of alternative sources of energy.
- The pressing problems of transport. The implementation of the above measures in favour of the farming sector is not considered to be feasible without the prior solution of transport and communications policy issues (inter-island communications and links to the mainland network, excessive cost, etc.).
- Action to make better use of up-graded human resources, in response to increased unemployment.
- The development of agro-tourism as an alternative solution to mass tourism, and as a supplement to farm incomes.
- A review of the health sector, including medical and hospital care, to guarantee the best possible provision of social services for the population of the islands.

2.4. The Committee believes that the development of the Aegean Islands requires measures in the agricultural sector, hand-in-hand with comprehensive development of the fisheries sector (coastal and intermediate). A parallel programme is therefore needed for the development of the fisheries sector, with measures covering the market, infrastructures, processing, commerce and the utilization of human resources.

2.4.1. In addition to aspects of marine resource exploitation such as sponge fishing and aquaculture, specific policies and backing will be needed for economic activities integrated into island life.

2.5. The agricultural measures can only achieve lasting and comprehensive success if appropriate planning, management and supervisory mechanisms are in place.

2.5.1. The Committee considers that the regulations implementing the programme in question must contain provisions which would assure a proper place and function for all the social partners and business enterprises in the islands.

2.5.2. Without such arrangements, it cannot be guaranteed that the final users will reap the expected benefits.

2.5.3. The Commission must give more serious consideration, in terms of relations between the public authorities and the social partners, to the contribution and role of:

- district/local authorities,
- small and medium-sized enterprises,
- labour and farmers' unions,
- professional bodies,
- agricultural cooperatives.

2.6. In the event that the programme for agricultural products in question is successful, the above-mentioned elements of the islands' general development will require overall funding.

2.6.1. It is the Committee's view that the Commission and the Council must proceed with specific funding via a programme of practical structural measures of a regional nature, to supplement the Community Support Framework for Greece.

2.6.2. It should be borne in mind that in the three earlier Posei programmes the agricultural sector formed a part of the overall programme benefiting from special funding from the Community Budget<sup>(1)</sup>.

### 3. Specific comments

#### 3.1. *Recitals*

3.1.1. The recitals of the Commission proposal should mention the unique status of these islands on account of their position on the South-East Mediterranean borders of the Community. Their sensitive border role should be given greater substance by (i) implementing a supply programme (in response to probable competition for Community products arising from large-scale imports from third countries) and (ii) envisaging accompanying measures for agricultural development, as mentioned in the general comments (2.3.1).

3.1.2. Customs facilities must be stepped up (in terms of infrastructure and personnel) precisely because of this proximity with third countries in a particularly sensitive region.

#### 3.2. *Title 1*

##### 3.2.1. *Article 3*

3.2.1.1. The recognition by the Commission of the need to supply the islands with agricultural produce,

<sup>(1)</sup> 1992 Budget, item B2-160, Community initiatives.

basically for human consumption, indicates how urgent the solution sought is. For the fruit and vegetable sector, a longer-term measure is needed, while awaiting the results of the planned structural measures and the achievement of reasonable self-sufficiency. The Commission proposal to apply the supply measures for 1½ years is totally insufficient. Action of this kind constitutes an exceptional measure, not a system of supply.

3.2.1.2. It is proposed that the arrangements for fruit and vegetables remain in force for a five-year period, with a progressive reduction of aid to 30% of the original by the fifth year of application. 1994 would be the first year, with 1993 being seen as an experimental-transitional year. At the end of the five-year period, the Commission would have to report on the results of its activities and submit proposals for the future application of the arrangements. The Commission report should be supplemented by information on changes to sectoral readjustments and on the progress of local crops. The five-year programme needs to be backed up by guarantees for the necessary checks on its application and on the mechanisms for ensuring that the final user benefits. A new fruit, the kiwi, with good prospects in terms of consumption, should be added to fruit and vegetables.

3.2.2. The preservation of the small number of units for fattening calves in the islands is essential to the economies of some of them. Consequently, the import of calves for fattening should be exempted from the planned contributions, when carried out by island undertakings/farms.

3.2.2.1. The supply system should be supported by the necessary measures and guarantees to verify that final users in the islands benefit.

### 3.3. Title II

#### 3.3.1. Article 7

- a) The proposed arrangements for fruit and vegetables should be extended to flowers and plants. Their application should be restricted to quantities for local consumption or to supply neighbouring islands, on the basis of pluriannual production/distribution agreements concluded by island undertakings.
- b) The following change is proposed in the form of co-financing for aid: amount of aid ECU 1 000/hectare, of which 60% would be covered by the Community contribution and 40% by public loans, according to criteria laid down by the national

authorities and depending on the particular conditions on the islands.

- c) The criteria for producer organizations should be lowered in the Community regulations because of difficulties with the number of farmers and volume of production on the smaller Aegean islands.

#### 3.3.2. Article 9

3.3.2.1. The amount of aid for the continued cultivation of vines is regarded as particularly low in view of the adverse geographical/soil conditions on the islands.

#### 3.3.3. Article 10

3.3.3.1. The planned amount of aid for olive trees is too low to act as an incentive for the re-establishment and conservation of olive groves. On the Aegean islands, olive groves are located in steep and inaccessible areas, involving very high costs.

#### 3.3.4. Article 11

- a) The proposed amount of aid per hive is regarded as very low. Beekeeping is of vital importance for certain islands, and the cost of maintaining and moving hives is exceptionally high. Finally, cheap imports of lower-quality flower-based honeys from third countries constitute a serious risk.
- b) Paragraph 1 assumes the existence of producers' groups recognized in accordance with Regulation (EEC) No 1360/78. Such a requirement in the honey sector is excessive for the smaller islands, which with small populations and widely scattered small settlements do not meet all the conditions for recognition of producers' groups under Regulation (EEC) No 1360/78. It is proposed that certain criteria be laid down for guarantees of proper operation for the already existing and operating agricultural organizations (cooperatives) so that, by way of exception, the island beekeepers can benefit from the aid.

3.3.5. Under Title II the following new measures are proposed for the more general improvement of agriculture on the islands. They are judged to be of significance to the balanced agricultural development of the rural population, particularly in the isolated Aegean islands.

- a) There should be a provision for special indirect aid for consumption of fresh milk in local dairies. It should be set at ECU 5/100 kg. Given the particu-

larly low milk-producing capacity of the islands, the risk of increasing production is non-existent. On the other hand, non-payment would condemn all remaining residual milk production to extinction.

- b) There should be a provision for continued payment of the 'rural society' premium on a long-term basis, at the level fixed by the Council in Regulation (EEC) No 363/93<sup>(1)</sup>.
- c) Notwithstanding Article 5 of Council Regulation (EEC) No 3013/89, 100 % of the planned premium for selected sheep, ewes with weak lambs, and goats should be granted.
- d) There should be a provision for Community aid per hectare for the production of aromatic and pharmaceutical plants and aid for their processing. The dry, warm climate and the soil of the islands favour the development of such crops, which pose no problem for the Community markets, while they make full use of the land and provide additional income for the island populations.
- e) Aid should be provided for the market in animals for breeding (new breeds) of Community origin by analogy with the arrangements applying under the previous Posei programmes.
- f) There should be incentives for the processing and preservation of citrus fruits (oranges, lemons, mandarins) bought in by the islands, with additional aid for the purchasing firms, on the basis of pluriannual purchase contracts. Otherwise the remote location of the islands and the constantly diminishing interest of industries will lead to the disappearance of this sector.

### 3.4. Title III

#### 3.4.1. Article 12.1.(c)

3.4.1.1. The measure proposed by the Commission would be helpful to pigmeat production. However, retaining the 35 % self-sufficiency condition for feed means it cannot be applied under Aegean island conditions.

3.4.1.2. It is proposed that this condition be waived, as was done in the similar measure applied under the other Posei programmes. In this case, environmental safeguards would have to be devised.

### 4. Proposed new measures under Title III

#### 4.1. Implementation of early retirement—Regulation (EEC) No 2079/92

4.1.1. A number of exemptions from the provisions of Regulation (EEC) No 2079/92 'instituting a Community aid scheme for early retirement from farming' will have to be provided, in order to facilitate the replacement of older farmers with younger ones. Implementation of the current provisions in small Aegean islands is difficult.

#### 4.2. Article 2, third indent

4.2.1. 'Farming transferees' in the Aegean islands coming under the present programme should be exempted from the obligation to expand the size of their agricultural holding. They should be island residents.

#### 4.3. Article 5(1), second indent

4.3.1. A 'transferor' living on one of the Aegean islands concerned should be exempted from the obligation to have had farming as his main occupation for at least the last 10 years before the transfer.

4.3.2. However, the Greek authorities should ensure that rigorous selection criteria are applied to identify eligible farmers, such as sufficient degree of occupation in agriculture, local residence, farm income as a proportion of household income, agricultural contributions, etc.

### 5. Special measures for the development of agriculture

5.1. It is necessary to support the setting-up, operation and staffing of an 'Agricultural Production Research Centre for the Aegean Islands', ensuring the participation of the public authorities, local authorities and the professional associations for agricultural production, processing and commerce of the Aegean islands for the proper planning and research on the needs of the sector. Such assistance could make the most of the relevant programmes on research and technology in the agricultural sector with favourable conditions for a Community contribution.

#### 5.2. Special arrangements for mastic on Chios

5.2.1. Mastic is an agricultural product which has provided a living for a substantial number of inhabi-

<sup>(1)</sup> OJ No L 42, 11. 2. 1993.

tants of the islands for centuries. It is a traditional product, linked historically and culturally with life on the islands, mainly in the eastern Aegean.

5.2.1.1. It is noted that this important product has been omitted from the present proposal on agricultural products.

5.2.1.2. The Committee calls on the Commission to investigate the legal basis on which it could include this product in the group of agricultural products, and to make concrete proposals for reorganizing the whole sector.

### 5.3. *Other measures*

5.3.1. Studies should be made to clarify the situation and the proposed measures on reorganization and development of the processing branch for all the agricultural products of the islands. This sector is tending to disappear because of the very scattered location of the islands and the high transport costs.

5.3.2. A special wide-ranging programme of vocational information and training should be drawn up for the agricultural population and agricultural advisers and experts, so that they can benefit from the new opportunities, technologies and Community policies in the context of the development of rural society and the reform of the common agricultural policy (CAP).

5.3.3. There is a need for development and improvement of pastureland in the more suitable parts of the islands. Pastureland serves two purposes at once: exploitation of local resources for animal feeding, and prevention of erosion.

5.3.4. The maintenance and development of local breeds of sheep on certain islands is of vital importance. The good yields and toughness of these breeds make them popular. The absence of a local breeding centre gives rise to a serious supply problem, because of the increased demand in recent years. The Committee calls on the Commission to include aid for setting up a sheep-breeding centre on Chios in the special aid section of the European Agricultural Guidance and Guarantee Fund (EAGGF).

Done at Brussels, 26 May 1993.

*The Chairman*  
*of the Economic and Social Committee*  
Susanne TIEMANN

**Opinion on the proposal for a Council Regulation (EEC) harmonizing various technical measures in Mediterranean fisheries**

(93/C 201/10)

On 11 January 1993 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 6 May 1993. The Rapporteur was Mr Muñiz Guardado.

At its 306th Plenary Session (meeting of 26 May 1993), the Economic and Social Committee adopted the following Opinion unanimously.

Broadly speaking the Committee approves the Commission proposal, but would make the following comments.

### 1. General comments

1.1. The aim of the proposed Regulation is to harmonize the technical measures of the four Mediterranean Member States. No attempt is made to apply technical measures analogous to those established for the Atlantic since the situation is different. Harmonization should serve as a platform for immediate negotiations with third countries whose fleets fish in the Mediterranean.

1.2. Account must be taken of the activities in the Mediterranean of vessels from third country Mediterranean and non-Mediterranean countries operating outside EC territorial waters. Further steps are thus urgently needed to establish a Mediterranean Fisheries Policy which extends beyond the EC Member States.

1.3. Account must be taken of the specific features of Member States as regards: Community territorial waters (12 miles for Italy, France and Spain, 6 miles for Greece), fishing grounds and methods used to limit the fishing effort (e.g. reduction in fishing time, limitation of fishing zones).

1.4. For the Aegean in particular, account should be taken of specific natural (geographical and geological) and social features, such as:

- the narrowness of the continental shelf, where the distance criterion would have harmful effects on island fishing. Coastal (shallow-water) fishing is the only response to this problem;

- narrow, small inlets;

- proximity of islands. Application of the distance criterion would drive fishermen into international fishing waters;

- employment of a significant proportion of the population in traditional fishing.

These problems will have to be solved.

1.5. Progress must be made on drawing up a resources conservation policy in line with Articles 117 and 119 of the UN Convention on the Law of the Sea.

1.6. The resources conservation policy should apply to all vessels fishing in the Mediterranean so that the technical rules do not affect Community vessels only and place them at a disadvantage compared with rival fleets (which in some cases use large-scale fishing methods). This policy must cover all countries if the requisite international effort is to be achieved.

1.7. As regards the conservation and management of fishery resources in the Mediterranean, it must be borne in mind that the particular circumstances there are different from those in the North Atlantic and North Sea. It is therefore appropriate to introduce a harmonized conservation and management system based on existing national regulations, starting with a check on the landings in EC ports of both EC and non-EC vessels fishing in the Mediterranean. The minimum sizes of species should also be checked.

1.8. The Regulation should define and harmonize the technical characteristics of the types of fishing gear

used in the Mediterranean and lay down minimum sizes for certain species of fish, crustaceans and molluscs so as to achieve a sustainable yield.

1.9. Measures proposed by fishermen's organizations (protection zones, use of fishing gear, limitation of fishing time, etc.) which go beyond the minimum requirements currently laid down by the Member States should receive consideration, provided they are compatible with Community law and in line with the Common Fisheries Policy.

## 2. Specific comments

### 2.1. Article 1

#### 2.1.1. Paragraph 1 — Add the following:

'and to the transshipment and landing in Community ports and waters of fishery resources caught in the Mediterranean by vessels flying the flag of third countries.

For the purposes of this Regulation, the Mediterranean shall be delimited in the west by the meridian of Punta Marroquí, longitude 05° 36' west, in the vicinity of Tarifa.'

### 2.2. Article 2

#### 2.2.1. Paragraph 1 — Replace by the following:

'The holding on board and use for fishing purposes of substances and equipment such as the following shall be prohibited:

- a) toxic, poisonous, narcotic and corrosive substances;
- b) explosives;
- c) vacuum turbocompressors;
- d) equipment for producing electrical discharges;
- e) pneumatic drills.'

#### 2.2.2. Paragraph 2

The harvesting of coral should be more closely regulated; the use of Saint Andrew's and Saint George's crosses, 'Italian bars' and similar towed gear should be prohibited. It is also necessary to stipulate the gear appropriate to each depth.

### 2.2.3. Paragraph 3

Shore seines (encircling nets and towed nets set from a boat and operated from the shore) should be prohibited as soon as this Regulation is approved, unless there are exceptional scientific, social or other reasons for waiting until 1 January 1997.

### 2.3. Article 3

#### 2.3.1. Paragraph 1 — Replace by the following:

'1. Bottom fishing with towed gear shall be prohibited within the 50 m isobath (exemptions may be laid down in special cases).'

#### 2.3.2. Paragraph 2 — Replace by the following:

'2. It shall be prohibited to set any type of encircling net in waters which are less than 30 m deep (exemptions may be laid down — catching of live bait for tuna fishing).'

#### 2.3.3. Paragraph 3

The prohibition on setting bottom nets at a depth of less than double the drop of the net shall apply where this impedes free navigation.

### 2.4. Article 4

#### 2.4.1. Paragraph 1 — Add the following:

'or for other reasons (in order to secure a sustainable yield which respects the balance between resources and fishing effort).'

### 2.5. Article 5

#### 2.5.1. Paragraph 3 — Replace by the following:

'The Commission, when it decides whether such measures are in conformity with Community law and the Common Fisheries Policy on the basis of Annex II, shall take account of traditional fishing practices in the Member States.'

2.6. *Article 6*

2.6.1. Paragraph 1 — Replace by the following:

'1. It is prohibited to use or have on board any bottom trawl nets, gillnets or encircling nets with a mesh size smaller than those listed in Annex III.'

2.6.2. Paragraph 3 — Replace by the following:

'3. The length of nets shall be defined by the length of the float line. The drop of nets shall be equal to the distance between the float line and the bottom line when the net is wet and stretched.'

2.7. *Article 7*

2.7.1. Replace by the following:

'The Member States shall establish checks on catches as they are landed. Such checks shall be permitted only at places specially prepared or recognized as suitable for that purpose, and shall also apply to all vessels from third countries fishing in the Mediterranean. Such vessels shall likewise be subject to all other checks established either now or in the future for Community vessels.'

2.8. *Article 8*

2.8.1. Paragraph 3 — Replace by the following:

'3. Vessels flying the flag of a third country may not land, tranship or sell species below the minimum sizes laid down in this Regulation in Community ports or waters.'

The rules on minimum sizes shall also apply to imports from vessels of third countries operating in the Mediterranean.'

3. *Annex I*3.1. *Bottom-set nets and drift nets*

Replace by the following:

'Bottom-set and drift nets must be set with a minimum interval between nets of 300 m.'

3.2. *Bottom-set and floating longlines*

Replace by the following:

'The minimum distance between a longliner which is setting its gear and the heading of a trawler which is fishing shall be 1 mile.'

The longliner may not set its gear less than 1.5 miles from the bows of a vessel trawling in its path.

Lines shall be set parallel to the isobaths of banks, beaches, channels and shelves where they exist, and in other cases parallel to the shore.

A minimum distance of 2 miles must be kept between the buoys which mark the ends of two longlines in operation.'

4. *Annex II*4.1. *Trawls*

Add the following paragraphs:

'With a view to protecting rocks and coral on the seabed, when rigging the bottom line it is permitted to use weights such as sinkers, chains or rollers only where they are mounted on the line itself and not suspended from it.'

It is prohibited to use any additional weights, to add chains and use devices such as bobbins and the like, the purpose of which is to facilitate fishing over rocky seabeds.'

4.2. *Encircling nets*

Replace by the following:

'When fishing for coastal pelagic species, the length of netting may not exceed 450 m and the depth 90 m.'

When fishing for oceanic pelagic species, the length of netting may not exceed 600 m and the depth 150 m.'

4.3. *Bottom-set nets (gillnets and entangling nets)*

Replace by the following:

'The maximum length shall be 5 000 m per vessel and maximum drop 4 m.'

#### 4.4. *Trammel nets*

Replace by the following:

- Maximum drop: 4 m.
- Each vessel may set a maximum of 5 000 m of trammel nets (trammel or combined gillnet-trammel nets)
- It is prohibited to use combined gillnet-trammel nets for drift fishing.'

#### 5. Annex III

##### 5.1. *Minimum mesh sizes*

Replace by the following:

- Bottom trawls: 40 mm.

- Encircling nets:
  - Coastal pelagic: 14 mm,
  - Oceanic pelagic: 80 mm.
- Anchored seine nets ('arte bolador' (surface anchored seines), beach seines, etc.): 40 mm.
- Anchored bottom nets:
  - Gillnets: 40 mm,
  - Trammel: 40 mm (inner)—200 mm (outer),
  - Combined gillnet-trammel nets: 40 mm (inner)—200 mm (outer).
- Drift nets:
  - Gillnets: 50 mm for tuna and the like—18 mm for sardine and the like,
  - Trammel: 40 mm (inner)—200 mm (outer).

The mesh size of gear used for catching frigate mackerel, tuna and the like may not exceed 150 mm.'

Done at Brussels, 26 May 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN



**Opinion on the proposal for a Council Directive amending Directive 77/93/EEC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>**

(93/C 201/11)

On 14 April 1993 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 6 May 1993. The Rapporteur was Mr Pricolo.

At its 306th Plenary Session (meeting of 26 May 1993), the Economic and Social Committee unanimously adopted the following Opinion.

### 1. Introduction

1.1. Council Directive 77/93/EEC of 21 December 1976 laid down phytosanitary arrangements within the Community.

1.2. This basic Directive—subsequently amended and supplemented by further Directives—contains implementing provisions for measures to protect against the introduction and spread within the Community of organisms harmful to plants or plant products.

1.3. Article 1(2) excluded the Canary Islands from the scope of the Directive.

1.4. This was because Community policies in general—and in particular the common agricultural policy (CAP) and the rules governing agricultural production—could not be fully applied to the Canary Islands because of the special circumstances of the islands and hence their special position as regards plant health.

1.5. However, the exclusion could not be permanent. Accordingly, Council Regulation (EEC) No 1911/91 of 26 June 1991 provided for the integration of the Canary Islands into the EC's customs territory and common policies. Council Decision 91/314/EEC, taken on the same date, established the Poseican programme designed to offset the islands' remote and insular situation.

1.6. The purpose of the present Commission proposal is to lift the derogation hitherto enjoyed by the Canary Islands and bring them under the EC phytosanitary system.

### 2. General comments

2.1. The Committee considers that the Commission proposal is in keeping with the Council Decision of June 1991 to bring the Canary Islands under Community policies, and also meets the need to prevent exceptions or derogations which could threaten the phytosanitary barrier around the EC now that the internal market is in place.

2.2. The Committee also endorses the Commission's view that small quantities of plants intended for consumption during intra-EC transport should be exempt from the phytosanitary ban laid down in Directive 77/93/EEC.

2.2.1. However, the Committee recommends that in these cases too, appropriate measures should be taken to prevent any risk of harmful organisms spreading.

2.3. As regards direct transport between two places within the EC which involves crossing the territory of a third country, exemption from the ban may be allowed provided that the plants are in closed, sealed packaging and the goods are not stored, even temporarily, in the territory of the third country.

### 3. Specific comments

3.1. On the basis of the above, the Committee suggests adding the following phrase at the end of Article 1(2), 1(3) and 1(4):

'In order to prevent this risk, the Commission, using the Standing Committee on Plant Health procedure, will adopt appropriate monitoring measures.'

<sup>(1)</sup> OJ No C 97, 6. 4. 1993, p. 13.

3.1.1. The Committee considers that the plant health committee should adopt preventive measures to deal with outbreaks, in third countries bordering the Community, of plant diseases that are liable to have adverse effects on EC production.

3.2. The following should be added to the first indent of Article 1(5)(b):

'provided such products are transported in closed sealed packaging and are not stored, even if only

temporarily, in the third country'.

3.3. The Committee considers that the proposed date of 1 June 1993 for Member States to comply with the Directive is unrealistic.

3.3.1. Bearing in mind the time needed for the Council to approve the Directive and for Member States to then adopt their provisions, the Committee thinks that the words 'by 1 June 1993' [Article 2(1)] should be replaced by 'within six months of the adoption of the Directive'.

Done at Brussels, 26 May 1993.

*The Chairman*

*of the Economic and Social Committee*

Susanne TIEMANN

**Opinion on the proposal for a Council Directive amending Directive 70/524/EEC concerning additives in feedingstuffs<sup>(1)</sup>**

(93/C 201/12)

On 6 April 1993 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 6 May 1993 (Rapporteur: Mr Hovgaard Jakobsen).

At its 306th Plenary Session held on 26 and 27 May 1993 (meeting of 26 May 1993) the Economic and Social Committee unanimously adopted the following Opinion.

1.1. This text consists of logical amendments to the parent Directive 70/524/EEC (additives in feedingstuffs).

1.1.1. In this connection, the Committee stresses the need for clear, precise labelling rules as regards both the content and area of use of additives, as well as the quantities permitted for different categories of livestock, in order to avoid confusing users or any advisory bodies.

1.2. The Committee also hopes that the announced proposal for a Directive on monitoring will be finalized as soon as possible.

Done at Brussels, 26 May 1993.

*The Chairman*  
*of the Economic and Social Committee*  
Susanne TIEMANN

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<sup>(1)</sup> OJ No C 107, 17. 4. 1993, p. 11.

**Opinion on the proposal for a Council Decision concerning the use and marketing of enzymes, micro-organisms and their preparations in animal nutrition<sup>(1)</sup>**

(93/C 201/13)

On 14 April 1993 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 6 May 1993. The Rapporteur was Mr Hovgaard Jakobsen.

At its 306th Plenary Session held on 26 and 27 May 1993 (meeting of 26 May) the Economic and Social Committee unanimously adopted the following Opinion.

1.1. The Committee sees the proposed decision as a necessary and constructive move towards common rules and uniformity in this matter, to the advantage of both producers and consumers.

1.2. In the Committee's view, the proposal should help secure free trade on equal terms throughout the Community and further product development in this area, thereby impeding the marketing of sub-standard products potentially harmful to both animals and humans.

1.3. In this connection, it urges that the period of transition to common EC rules should be kept as short as possible. The 1996 and 1998 deadlines proposed by the Commission would seem too distant. (1995 and 1997 would be preferable). The dates specified in Articles 3 and 8 should be replaced by 'as soon as

possible but anyway within one year from adoption of this proposal'.

1.3.1. Further, care must be taken to ensure that the transition period does not breed inappropriate loopholes or interim arrangements. Regulation is particularly necessary in this field which is in the throes of such rapid and dramatic change. Care must also be taken to ensure that the future common rules lay the foundations for effective, speedy approval of new products which it is wished to employ in this field.

1.4. Enzymes of course cease to be enzymes once they are inactivated by heat or other means and they then become ordinary proteins. Article 7 is not totally clear on this and could authorize declaration of enzymes even when they are no longer present at the point of marketing. It should therefore be amended as follows: First line change to: 'Enzymes (which are still active when the product or preparation is marketed), micro-organisms ...' Ea—change first line to: 'The specific name of the constituent(s), active when the product is marketed ...'

<sup>(1)</sup> OJ No C 116, 27. 4. 1993, p. 6.

Done at Brussels, 26 May 1993.

*The Chairman*  
*of the Economic and Social Committee*  
Susanne TIEMANN

**Opinion on the proposal for a Council Regulation (EEC) amending Regulation (EEC) No 2731/75 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat<sup>(1)</sup>**

(93/C 201/14)

On 26 April 1993 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 6 May 1993. The Rapporteur was Mr Gardner.

At its 306th Plenary Session (meeting of 26 May 1993) the Economic and Social Committee unanimously the following Opinion.

**1. Introduction**

Regulation (EEC) No 2731/75 as amended fixes standard qualities for cereals which apply to intervention and target prices. This proposal applies the same standards, without any change, to threshold prices as well.

**2. Comments**

The Committee accepts the proposal. However, if this change is applied to any further legal instrument, the Committee wants to be consulted again on any such application.

Done at Brussels, 26 May 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN

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<sup>(1)</sup> OJ No C 112, 22. 4. 1993, p. 14.

## Opinion on the Fourth Framework Programme of Community activities in the field of research and technological development (1994-1998)

(93/C 201/15)

On 23 March 1993 the Economic and Social Committee, acting under the fourth paragraph of Article 20 of its Rules of Procedure, decided to draw up an Opinion on the Fourth Framework Programme of Community activities in the field of research and technological development (RTD) (1994-1998).

The Section for Energy, Nuclear Questions and Research, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 11 May 1993. The Rapporteur was Mr Roseingrave.

At its 306th Plenary Session (meeting of 26 May 1993) the Economic and Social Committee unanimously adopted the following Opinion.

### 1. Introduction

1.1. The Third Framework Programme of Community activities in the field of research and technological development, covering the period 1990-1994, was adopted by Council decision of 23 April 1990<sup>(1)</sup>. The Committee issued an Opinion on the corresponding Commission proposal on 15 November 1989<sup>(2)</sup>.

1.2. In adopting the Third Framework Programme, which linked in with the second programme spanning 1987-1991, the Council took on board the principle of a 'rolling programme' of Community RTD activity, whereby two consecutive programmes overlap by one or two years.

1.3. This principle (which the Committee endorsed in the abovementioned Opinion) was introduced to ensure the necessary continuity of research work and to adjust priorities in the light of experience and changing needs.

1.4. Under this principle, the financing of the third programme was to be wound down in 1993/1994, and a fourth programme was to be decided for 1993-1997. The Commission was initially due to present its proposal on this in September 1992.

1.5. Various factors combined to call this scenario into question: the absence of a Community financial framework for the period beginning 1993, and delays in the entry into force of the Treaty on European Union (the 'Maastricht' Treaty), which lays down a new 'co-decision procedure' for the adoption of the Framework Programme.

1.6. The European Council in Edinburgh on 11 and 12 December 1992 reached agreement on the future financing of the Community and a financial framework

for 1993-1999, including perspectives for RTD spending over the same period.

1.7. As the Maastricht Treaty has not yet been ratified by all Member States, the Commission is not expected to present its formal proposal for the Fourth Framework Programme before the autumn of 1993.

1.8. The Committee will receive a formal referral on this proposal. In the meantime, an inter-institutional dialogue has got under way, in which the Committee is involved, concerning the principles, concepts and strategy which should underlie the Fourth Framework Programme and its objectives, as well as the research priorities to adopt. This dialogue is intended to facilitate and speed up the subsequent adoption and implementation of the Fourth Framework Programme.

1.9. The following Opinion should be seen as part of this process. It draws especially on two Commission documents:

- the Communication entitled Research after Maastricht: An assessment, a strategy [doc. SEC(92) 682 final of 9 April 1992], and
- a Working Document on the Fourth Framework Programme [doc. COM(92) 406 final of 9 October 1992].

1.10. The purpose of the Communication was to 'present the Commission's reflections on the principal issues of research and technological development policy in a coherent manner' (paragraph 12). It contains the full analysis and grounds on which the Commission feels the Fourth Framework Programme should be based.

1.11. The Working Document contains practical details of how the Commission intends to implement its strategy, and provides detailed information on the research activity to be included in the Fourth Framework Programme, which the Commission now proposes to implement in 1994 in order to cover the period 1994-1998.

<sup>(1)</sup> OJ No L 117, 8. 5. 1990, p. 28.

<sup>(2)</sup> OJ No C 56, 7. 3. 1990, p. 34.

1.12. The Commission very recently submitted a second Working Document [doc. COM(93) 158 final] which takes specific account of the conclusions of the Edinburgh Summit and of the comments and views expressed on its first Working Document. The general tenor of the second Working Document and a number of modifications it contains, could be said to represent a praiseworthy move towards the recommendations of the Committee in this Opinion and in previous Opinions. This second Working Document was, however, received too late to be referred to at this stage. When references are made in the Opinion to the Commission's Working Document, they are references to doc. COM(92) 406 final.

1.13. This Opinion makes important contributions to the ongoing institutional consultations which will lead to a final proposal from the Commission. The Committee will be commenting on the new Working Document in due course.

## 2. Objectives governing the Fourth Framework Programme and policy guidelines

2.1. The Commission states in paragraph 16 of its Working Document that 'the contents of the Fourth Framework Programme were determined in accordance with two main objectives: strengthening the competitive position of our industry at international level and the improvement of the quality of life. These two main objectives are closely linked and interdependent'.

2.2. The Committee endorses the determination of the content of the Fourth Framework Programme on the basis of these two objectives. The statement that they are closely linked and interdependent is in accordance with the views of the Committee. It must also be borne in mind that all Community research and technological activities, whatever their form and under whichever common policy they fall, will be included in the Framework Programme in its role to support other Community policies and the objectives of other chapters of the Maastricht Treaty.

### 2.3. Competitiveness

2.3.1. The Committee believes that research aimed at achieving competitiveness in the Community and global markets requires and deserves more resources at Community level than have so far been allocated in the Framework Programmes.

2.3.2. The Committee Opinion of 27 November 1991<sup>(1)</sup> on the Commission Communication on industrial policy in an open and competitive environment [doc. COM(90) 556 final] stressed that 'the technological competitiveness of European industry plays a key

role and determines whether European firms can hold their own on the world markets'. It added that 'measures for enhancing competitiveness should not be confined to a few high-tech sectors but must also address broadly based technologies' (par. 3.4.1).

2.3.3. The quality of products and manufacturing processes which meet the existing and emerging needs of consumers is the key to achieving competitiveness. The Working Document gives considerable attention to RTD for product and production quality. A general objective of the proposed First Activity is stated to be the contribution of science and technology to society's needs and there are indications of attention to needs in some research themes. The identification of needs as market opportunities is not sufficiently stressed, however. In particular, the Horizontal Support Measure—Study and Exploratory Activities—does not appear to give sufficient attention to research to identify and analyze the market opportunities of existing and emerging needs of the citizens of Europe.

2.3.4. The more rapid dissemination and valorization of research results, reducing the time from research to market, is even more important in an era of globalized enterprise than when the Committee drew attention to it in previous Opinions.

2.3.5. An essential element of the common policies of the Community, to provide increased employment opportunities for the citizens of Europe, deserves more emphasis and attention than is given in both the Commission Communication and the Working Document.

2.3.6. As far back as 1986, in its Opinion on the Second Framework Programme of 27 November 1986<sup>(2)</sup> the Committee stated its view clearly:

'The strengthening of the scientific and technological basis of European industry and the development of its international competitiveness are major objectives of a research and technological development strategy, but in turn they constitute only one element in the development of a Europe which will be a better place for its citizens. This requires, as an essential, increased employment opportunities and an improved quality of life for the citizens of the Community' (par. 1.1).

2.3.7. The unemployment position has worsened rather than improved since 1986. Globalization of industrial enterprises and the reorganization of the manufacturing system with the present approach of

<sup>(1)</sup> OJ No C 40, 17. 2. 1992, p. 31.

<sup>(2)</sup> OJ No C 333, 29. 12. 1986, p. 45-54.

emphasizing the application of the new technologies to increase productivity in the interest of achieving the objective of competitiveness in global markets may aggravate unemployment problems in Europe unless accompanied by an ongoing drive to improve the skills of the workforce and create new products designed for needs which exist already. Product oriented applications of technological innovation could be a source of new markets and, as a result, of employment. This should even more be the case taking into account the opportunities provided by the Single European Market. Research to identify emerging and future needs is very desirable. Similarly, the potential of RTD for the delivery and improvement of services could be exploited more effectively.

2.3.8. The Commission would do well to go back to its own discussion document before the Third Framework Programme Proposal, A Framework for Community R&D Actions in the 1990s [doc. SEC(89) 675/5] where paragraph 25 provides a good basis for approaching plans for science and technology for society. This paragraph states that:

'A further issue that will have far-reaching implications for S&T policy in the 1990s is the growing need for closer contact and interaction between the 'consumers' of technologies and the 'producers' of technologies (the scientific and industrial communities). Accelerating scientific and technological changes provide new opportunities to enhance the quality of life and to widen personal freedoms, creating new and better ways of serving consumers and solving societal problems. But S&T can also create new sources of concern—from a growing awareness of environmental impacts, to worries about the privacy of personal information, ethical concern about the possibilities opened up by biotechnology and concern about the impact of new technologies on employment and safety.

If the benefits of S&T advance are to be fully realized it will become more and more necessary to ensure that producers are able to respond rapidly and effectively to consumer requirements and concerns, while consumers are better informed of the potential implications of new developments.'

2.3.9. Work and employment constitute the basis of our mode of living. In addition to being concerned

about the reduction in opportunities to work, EC research planning should propose to study the process of change in this respect in our society and also its implications. The changing needs in Education and Training are also an urgent research priority with a view to an improvement in skills and the development of a popular scientific and technical culture. Indeed Education and Training could well constitute a separate section in the Framework Programme activities.

2.3.10. Over-concentrating RTD on increasing the speed of production of new models may even be counterproductive for the growth of existing markets, as well as for employment.

2.3.11. What is technologically possible and economically desirable in terms of a higher standard of living for some, may not ultimately be socially and culturally acceptable. The now all-embracing Framework Programme should include research aimed at exploring ways of reconciling the two objectives, achieving competitiveness in world markets and achieving an acceptable quality of life for the citizens of Europe. The Committee believes that research and development aimed at improving the competitiveness of the economic-industrial-employment system of the Community is needed for example on adaptation and reconversion of existing manufacturing plants, instruments of production and their potential for maintaining employment while achieving competitiveness.

Particular attention must be given to implementing simultaneous technical and organizational adjustments. To this end, model projects to create interfaces should be encouraged; they should help to support the transfer of research findings to user-oriented production.

## 2.4. *Quality of Life*

2.4.1. The Committee welcomes the commitment in the Working Document to the Quality of Life as one of the two main and interrelated objectives and the contribution of science and technology to the satisfaction of society's needs as a general objective of the First Activity of the proposed Fourth Framework Programme. The Committee urges that RTD for the Quality of Life be given the special attention which it needs if it is to emerge from the underdeveloped status which it has hitherto had in Community scientific research programmes. This will require an innovative multidisciplinary approach, such as the Working Document refers to in the First Activity under the research themes 16 'S&T for a new urban habitat' and 18 'S&T for the struggle against social exclusion'. The Committee rec-



ommends that the final Proposal contain more reference to and emphasis on this innovative multidisciplinary approach and its extension to other themes. There is a need for an emphasis on the importance of the Quality of European Society as a civic culture and on the social quality of life of the citizens of Europe.

2.4.2. A specific instance where an innovative multidisciplinary approach is called for (as for the Urban Habitat) is the Rural Habitat, but the reference to the Rural Habitat is much less creative when it appears in theme 26 'Agriculture, Forestry and Rural Development'. This should be remedied in the final Proposal.

2.4.3. Concern for the Quality of Life of the citizens of Europe is important and valuable in itself and it also offers market opportunities and a possible market niche in which Europe could develop a competitive advantage. The much talked of spin-off from investments in military RTD could be substituted in Europe by spin-off from investments in socially useful and Quality of Life research.

2.4.4. There should be more attention to researching the potential of RTD for maintaining and improving the quality of life, with related market opportunities. Similarly, the social uses of technology appear to offer vast opportunities for new markets in the European Community. The environmental and life sciences have considerable potential also. Research on these themes deserves high priority in the Framework Programme.

## 2.5. *Subsidiarity*

2.5.1. As the Commission says in paragraph 94 of Research after Maastricht 'The European Council at Maastricht laid down a fundamental principle for Community activities: the principle of subsidiarity'. The Commission discusses its application in Community RTD Programmes in paragraphs 93-102 of Research after Maastricht.

2.5.2. There is, on the one hand, the worry that the Commission may be reluctant to lose authority and the concern that Community RTD has become too bureaucratic. There is, on the other hand, the defects of a watering can approach and the danger of Member States using their own budgets without integration into Community effort. To effectively apply the principle of subsidiarity there should be encouragement of cooperation and coordination among the Member States in their research activities.

2.5.3. The Commission appears to have done what the Committee requested in its Opinion on the Proposal for the Third Framework Programme:

'The Committee believes it is necessary for the Commission to define clearly what it means by the principle of subsidiarity and to formulate a set of criteria against which programme proposals will be assessed' (par. 5.11).

2.5.4. The Committee is of the opinion that there is a need for further discussion both at the level of general formulation and in relation to the specific question addressed by the Commission which 'concerns the level of desegregation—programme, sub-programme, project—to be taken into account in deciding whether the principle of subsidiarity has been respected'. Paragraph 99 of the Commission Communication concludes that it is the project 'taken as a part of a more complex activity'.

2.5.5. The principle of subsidiarity could be said to have begun its progress towards its current place in Community policy when Altiero Spinelli and the European Parliament gave it a central place in their Draft Treaty on European Union (1984).

2.5.6. The principle of subsidiarity has been developed and refined over the years. The Committee regards it as important that both restrictive and developmental implications of the principle be affirmed. Responsibilities and activities should be undertaken at the most decentralised level consistent with their effective performance. This concept is affirmed by the Maastricht Treaty under Article 3b. The wording of paragraphs 1 and 2 of Article 3b is as follows:

'The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.'

2.5.6.1. Equally, where satisfactory performance exceeds the competence and resources of any level, the responsibility should be transferred to the first greater social aggregate which has such competence. This latter positive aspect of the principle of subsidiarity appears to be what is in mind in the reference to reasons of scale in Article 3b of the Maastricht Treaty where deficits in research resources at the lower level of regions of Member States could be supplied at the higher level of the Community.

2.5.7. In the application of the principle of subsidiarity as a determinant of appropriate competence in Community RTD, the level of disaggregation suggested by

the Commission in Research after Maastricht (par. 99) and applied in the Working Document is too low. The criteria are 'by reason of the scale or effects'. The Commission's level of disaggregation is that 'taken as part of a more complex activity, the project could well present the required characteristics' (par. 99). This appears to be appropriate on the criterion of scale. The effects are, however, related to the objectives of the RTD action and for this the project appears to be too low a level of disaggregation. To evaluate implementation in relation to objectives requires assessment at a higher level than the project level. The criterion should then be 'by reason of the effects of the proposed sub-programme the proposed action can be better achieved by the Community'.

## 2.6. *Economic and Social Cohesion*

2.6.1. The Committee's approach in its Opinion on the Proposal for the Third Framework Programme is vindicated in the approach of the Maastricht Treaty.

2.6.2. The Committee agrees with the Commission's position in the opening of paragraph 111 of Research after Maastricht that 'cohesion and competitiveness are not exclusive but complementary and their synergy should be better exploited'. The Committee points out, however, that Articles 130a and 130b of the Maastricht Treaty apply to all the activities and are not confined to dissemination, access to technologies and mobility. This requires a revision in the final Proposal.

2.6.3. The Human Capital and Mobility Programme decided under the Third Framework Programme<sup>(1)</sup>, with its special provision of measures to promote cohesion and reduce the effects of peripherality is an initiative which should be developed in the Fourth Activity of the Fourth Framework Programme.

2.6.4. The conclusions of the report 'Evaluation of the Effects of the EC Framework Programme for Research and Technological Development on Economic and Social Cohesion' (Monitor-Spear No 18) should be reflected in the actions of the Fourth Framework Programme.

In a number of important aspects the Evaluation Panel which prepared the report is of the opinion that the contribution of the Framework Programme to the cohesion goal needs to be strengthened. These include:

- the involvement of small and medium-sized enterprises (SMEs), particularly those located in less favoured regions;

- the sustained involvement of scientists from less favoured regions, as well as the encouragement of a new generation of young scientists;
- the dissemination and commercial utilization of R&D results, including the use of mass media;
- the level and extent of relevance of the programmes of the Framework Programme to the capacities and interests of all regions, including the less favoured regions;
- awareness of the Framework Programme, information on deadlines and assistance for finding new partners, statistics on Framework Programme contracts and data on the cohesion impacts of programmes;
- bureaucracy is a particular problem: it is a barrier as far as less favoured regions are concerned, and it must be simplified. There are long delays (e.g. in releasing funds). Substantial progress reports are required. Guides, official announcements, and other material of this type tend to be very long, such that the novice cannot easily find the relevant information<sup>(2)</sup>.

2.6.5. When planning the way in which the Fourth Framework Programme will contribute to social and economic cohesion, use should be made of the results of the various and relevant research projects completed as part of the Monitor Programme.

2.6.6. There is a need to promote coordination of activities of the Structural Funds and research initiatives under the Fourth Framework Programme.

## 3. **Scope and content of the Fourth Framework Programme**

3.1. The scope of the Fourth Framework Programme has been determined on the basis of one of the most important new RTD provisions introduced in the Maastricht Treaty, i.e. Article 130f(3). Under this provision the Framework Programme is to include all the RTD activities covered by the Treaty, including demonstration projects.

3.2. The Commission Working Document removes all the ambiguity regarding the activities which go to make up the Framework Programme. To that effect, Annex II to the Working Document is structured according to four activities described in Article 130g of both the Single Act and the Maastricht Treaty. These four activities are:

- (a) implementation of research, technological development and demonstration programmes,

<sup>(1)</sup> OJ No L 107, 24. 4. 1992, p. 1.

<sup>(2)</sup> EUR 13994 EN, p. VII.

by promoting cooperation with and between undertakings, research centres and universities;

- (b) promotion of cooperation in the field of Community research, technological development and demonstration with third countries and international organisations;
- (c) dissemination and optimisation of the results of activities in Community research, technological development and demonstration;
- (d) stimulation of the training and mobility of researchers in the Community.

### 3.3. *General comments*

3.3.1. The Committee strongly supports the emphasis on coordination between the RTD policy of Member States and Community RTD policy, so as to ensure, in accordance with the principle of subsidiarity, that national and Community RTD policies are consistent with each other.

3.3.1.1. The Committee nevertheless believes that it will be essential that the bureaucracy inevitably associated with the wide-ranging responsibilities for coordination is kept under the strictest control, if innovation and initiative are not to be affected adversely.

3.3.2. The Working Document, following the provisions of the Maastricht Treaty, states that a central feature of the Fourth Framework Programme are the RTD activities relating directly to the implementation of the common policies of the Community. The Committee emphasises that all of the common policies are included.

3.3.3. The strategic role of generic technologies in the industrial economy is an important feature of the Framework Programme, as envisaged in the Working Document.

3.3.4. The complementary top-down and bottom-up approaches outlined in the Working Document are in line with the Committee's recommendation in its Opinion on the Third Framework Programme (par. 3.3).

3.3.5. In its Opinion on the Third Framework Programme the Committee also recommended closer coordination with and 'more frequent consideration of Eureka in the utilisation plan which should accompany programme proposals' (par. 12.3). The Working Document's summary introduction to the proposed First Activity of the Fourth Framework Programme indicates that 'the Eureka scheme may be used to carry out' 'priority technology activities' (page 20). Already in its Opinion on the Second Framework Programme the Committee drew attention to the importance of regarding Eureka and the Framework Programme RTD activities as complementary.

3.3.6. A later section of this Opinion refers to appropriate attention to SMEs, their potential and their needs. In the context of 'concentrating major resources on precise objectives proposed by businesses on their own initiative' (paragraph 18 of the Explanatory Memorandum), attention should be given to two factors which impede SMEs access to research support viz. lack of capacity to design a research programme responding to a market problem and inadequate staff and financial resources to carry out research and ensure the development of the research results. The special funding for SMEs under the Third Activity of the proposed Fourth Framework Programme is extremely important. The experience of the Craft programme is clearly relevant.

### 3.4. *Economic and Social Scientific Research*

3.4.1. A Programme of Social Research was the emphatic recommendation of the Committee in its Opinion on the Proposal for the Third Framework Programme, where a separate section of the Opinion was devoted to 'the need for social research' (See Section 4 of the Opinion).

3.4.2. The Committee welcomes the Commission's commitment to social research in the proposed Fourth Framework Programme, as expressed in the Working Document and other Communications. The Committee is of the opinion, not least because of its correspondence to the current emphasis on the importance of explicit reference in all Community proposals to relevance for the citizens of Europe, that the wording in the Working Document which implies a social scientific research element should become an explicit social scientific element in the final proposal.

3.4.3. There should be a Social Sciences core theme in the Fourth Framework Programme entitled 'Social and Economic Research'. The description 'Social and Economic' should be used (e.g. in preference to the narrower 'socio-economic') both because of the multi-disciplinary perspective it indicates and because 'social and economic' is more consonant with the scope of the Fourth Framework Programme as determined by the Maastricht Treaty.

3.4.4. With the new dimensions to Community RTD introduced by the Maastricht Treaty, an even greater need for Social Research exists by virtue of other Chapters of the Treaty.

3.4.5. Building on a synergy of diversity within a common cultural tradition requires empirical knowledge and understanding of cultural patterns, values and attitudes and patterns of behaviour. At a theoretical level concepts of national identity, minority/majority

relations and images of other members are central to achievement of the aspirations of the 'Treaty on European Union'.

3.4.6. Subsidiarity is a form of human social organization. Planning for it would benefit from the insights of political and social science.

3.4.7. The effectiveness of valorization of Community RTD Programmes might be enhanced by in-depth studies of patterns of behaviour and underlying attitudes. This has been recognised, for example, in the Environment Programme<sup>(1)</sup> under the Third Framework Programme. Economic and Social Sciences are also included in the Human Capital and Mobility Programme under the Third Framework Programme. The COST Social Sciences Programme, which was formally launched in November 1991, also appears to have developed very rapidly and satisfactorily.

3.4.8. Economic and social scientific research activities should be part of the horizontal support measures similar to the five other activities listed under that heading in Annex II of doc. COM(92) 406 final. An explicit reference should be made as to the inclusion of social scientific research under Study and Exploratory Activities.

Economic and social scientific research activities should have a close thematic link with the research, development and demonstration measures in the first activity field. This would enable them to contribute to improving the use of the innovative potential of science and technology in the interests of the European Community and its citizens.

### 3.5. *Small and Medium Enterprises*

3.5.1. Previous Framework Programmes have given attention to the problems of SMEs in gaining access to the results of Community RTD and in exploiting those results.

Though this attention has been praised by the Committee, it has failed to produce programmes, instruments and resources on the scale needed for effective SME participation in the research projects and exploitation of results.

Provision should be made for an RTD Optimization Fund offering SMEs an integrated aid package covering:

- preparation of the proposal;
- drawing-up of the contract;
- implementation of the project;
- the post-research stages involving: promotion of

research results; dissemination, application and exploitation of these results.

3.5.2. The special assistance fund for SMEs to help them bridge the gap between discovery and commercialisation indicated in paragraph 125 of Research after Maastricht and referred to under the Third Activity in the Working Document, is a very worthwhile initiative. Attention will have to be given to how it can be operationalized effectively.

3.5.3. In addition to the overall implementation of the commitment to cohesion in relation to RTD, with the particular importance of SMEs in the Objective I Member States in mind, the potential of the Structural Funds for the development of the RTD capacity of SMEs should be researched further in order to improve it. There should be research also on the criteria for the use of the structural funds and the obligation on Member States to adhere to the principles governing the implementation and operation of the Structural Funds.

3.5.4. Experiments in the USA and Japan in promoting the RTD capacity of small enterprises should be reviewed in a search for transferable knowledge and experience.

3.5.5. The Committee warmly welcomes the measures to stimulate SME participation in Community programmes, with particular reference to the reinforcement of 'bottom-up' programmes, such as the Craft sub-programme, carried out under the Brite/Euram programme<sup>(2)</sup> the extension of feasibility studies to more programmes and the streamlining of administrative procedures. It advocates the identification of new measures such as the introduction of procedures designed to stimulate cooperation between large and small businesses and between businesses and the universities through particularly suitable channels of evaluation or increased funding.

3.5.6. The potential and the achievements of SMEs in the creation of employment opportunities and in their innovative capacity have been clearly demonstrated both in the Community and elsewhere. Every appropriate means should be utilised in Community programmes to enable them to benefit from successful innovation and research carried out in the more highly financed areas of the private and public sectors. To foster RTD by SMEs there should be a support fund for SMEs corresponding to the Eureka-type initiative in the proposed First Activity.

<sup>(1)</sup> OJ No L 192, 16. 7. 1991, p. 29.

<sup>(2)</sup> OJ No L 375, 31. 12. 1991, p. 18.

3.6. *The First Activity: Implementation of research, technological development and demonstration programmes, by promoting cooperation with and between undertakings, research centres and universities*

3.6.1. The objectives given are those of the Fourth Framework Programme and as such are endorsed by the Committee.

3.6.2. The thematic framework is a useful method of presentation. In practice, however, it has led to a very long listing of themes without any indication of the Commission's priorities and, of necessity, no information can yet be given on the financial envelope.

3.6.3. Given the very large number of themes, and since this Own-initiative Opinion is a matter of urgency, if it is to be influential in the process of inter-institutional consultation, the Committee will not at this stage comment on each of the proposed themes.

3.6.4. Priorities depend on principles and, from these, strategies are developed. The Committee's principles for a Framework Programme have been set out above. In this section there are some observations on the themes presented by the Commission in Annex II of its Working Document together with indications of the importance which the Committee attaches to some fields of RTD.

3.6.5. The Committee would ask that priority be given to research which leads to industrial applications.

3.6.6. Positive criteria for areas of RTD include research likely to generate a positive cycle of employment; high technology sectors which are not excessively capital intensive; research which fosters coordination with SMEs; research which consolidates European experience and expertise; research which will provide employment for young researchers.

3.6.7. Separately from these criteria are those which derive from the need to concentrate resources on RTD in support of the common policies of the Community to the satisfaction of society's needs.

3.6.8. In evaluating proposals for research activities, there should be emphasis on ensuring that the research is in the interest of the Community and is primarily oriented towards employment within the Community.

3.6.9. **Information and Communication Technologies**

3.6.9.1. The overview content does not show the links between envisaged research actions in the various themes. Information exchange should be promoted, as

should coordination of research focused on a particular area of application, e.g. transport and information exchange systems.

3.6.9.2. The facilitation of technology exchange and transfer appears to be possible especially in the software field. Software appears as an integral element or associated requirement in other sections of the First Activity and this gives it high importance in planning RTD.

3.6.9.3. In framing the information and communications' technologies programme, a priority aim should be to select appropriate themes arising out of the interface between IT producers' and users' requirements so as to respond more effectively to society's needs.

3.6.9.4. Continuity with the research activities of the Third Framework Programme suggests a high priority for image technologies and advanced communications, but there should be an evaluation of research to date and an assessment of the probable market demand.

3.6.9.5. The central importance of transport and related infrastructure needs to be stressed as does the need for a comprehensive strategy in that field. Provision for coordination is necessary and an overview would indicate how complete the proposed programme is—for example, is electric traction included? This area of research deserves more attention and coordination and indeed all research activities relating to transport could appropriately be brought together in a section of the Framework Programme.

3.6.10. **Industrial technologies**

3.6.10.1. Success in competitiveness in global terms will not be achieved in individual industries in isolation from a general advance in knowledge and its rapid valorization. This gives importance to the theme 'Advanced Manufacturing Technologies (AMT)'. The comments already made about the relationship of AMT and employment (par. 2.3.7) are recalled. Research aimed at improving quality and speeding the time to market are a high priority. Research should be undertaken to explore the possibility that improved interface of human competence and technology can reduce costs without reduction of employment.

3.6.10.2. The interface of human competence and technology should be a high priority in RTD for the reason mentioned above and also because without an effective interface the economic returns from technological advance are reduced.

3.6.10.3. Themes 16, 17 and 18 are highly desirable moves to reduced a gap in Community RTD to date.

The multidisciplinary approach envisaged is an important innovation. The aims of the three themes are laudable. The themes do not fit easily under 'Industrial Technologies' exclusively and research proposed in other sections is clearly a contribution to these themes, which should be re-grouped to facilitate greater multidisciplinary and synergy and to emphasize interaction rather than impact analysis.

3.6.10.4. The themes presented do not appear to adequately represent the Maastricht Treaty provision that the Framework Programme should include RTD activities relating directly to the implementation of the common policies of the Community (3.3.2). Industrial technologies relating to Agricultural Policy, e.g. food-processing technologies, are not a focus for research in this section which they should be to complement themes 26 previously mentioned and 29 'Fisheries and aquaculture' in the Life Sciences and Technologies Section.

3.6.10.5. The Working Document provides for the theme 'Human Centred Technology' as theme 12 under 'Industrial Technologies Activities' in the First Activity. There should be a reference in the text to the importance of research on the interface of technology and humans. Community research as part of the Monitor programme<sup>(1)</sup> has highlighted the interface as critical for productivity and competitiveness both at the level of production systems and at the level of the strategic capabilities of industrial enterprises.

### 3.6.11. The environment

3.6.11.1. The effects of human activity on the environment in general and on specific aspects of it is a problem of crisis proportions. In addition to the emphasis on 'Global Change' in theme 19 there is a need for greater attention to evaluation of the effects of human activities in such fields as water resources, industrial hazards and systems of transport.

3.6.11.2. The availability of fresh water supplies is so important to the citizens of Europe that it deserves greater emphasis and expansion of the thinking in theme 19. The protection of aquatic resources is a continental-wide problem, which requires the elaboration of a Europe-wide comparable basic scientific information for standards and criteria. Their broad acceptance in Europe, as well as the need to develop them further, require further scientific research and also greater knowledge of related social behaviour and attitudes. Water management and water control deserves attention.

3.6.11.3. Theme 20 'Environmental Quality and Human Health', which is of high importance, needs expansion to embrace human activities, related aspects of human health, e.g. nutrition, and research to identify underlying human attitudes as was provided for in Area III of the Third Framework Programme on the Environment.

3.6.11.4. Theme 22 'Innovative Technologies and Infrastructure for Marine and Polar Research' presumably includes marine life and this should be made explicit. Responsibility for RTD related to the common policies of the Community should also be made explicit in this theme. There should be close coordination between theme 22 and 29.

3.6.11.5. The Section on the Environment, as currently drafted, does not appear to have been written with sufficient attention to the new and all-inclusive scope of RTD in the Maastricht Treaty.

3.6.11.6. Research relating to environmental education and the potential of interactive communication with citizens is not sufficiently provided for in this section.

3.6.11.7. Research concerned with global problems, notably those of the environment, requires coordinated international arrangements. Care should be taken to avoid duplication of such research under the Framework Programme activities.

### 3.6.12. Life sciences and technologies

3.6.12.1. The title of the Section is too narrow for the themes included under it. For example, themes 26, 27, 28, 29 and 31 should cover topics much wider than Life Sciences and Technologies. For example the descriptions of 'Rural Development' and 'Addressing Europe's Major Health Problems' are evidently restricted in an unfortunate way due to the narrow perspective adopted. These two highly important fields for RTD should be expanded and regrouped. As has been said in 2.4.2, there should be a research theme 'A New Rural Habitat' similar to theme 16 on a New Urban Habitat.

3.6.12.2. Research in the service of the reformed Common Agricultural Policy should be undertaken with a broader perspective and with particular reference to the consequences for rural development of the proposed programme for set-aside land. Attention should be given to research for high quality agricultural products driven by consumers' wants and needs.

3.6.12.3. Research to improve the development of an interactive weather service for farmers should be intensified and integrated with the research envisaged in the themes on the Environment and developments in 'Information and Communication Technologies'.

3.6.12.4. Similarly, in the sphere of life sciences and technologies, it is important that explicit provision be

<sup>(1)</sup> OJ No L 200, 13. 7. 1989, p. 38.

made for research on biomedical technologies and biotechnologies relating to pharmaceuticals.

3.6.12.5. A new Section should be included to cover Food Science and Technology. The objective would be to improve further the food supply, including safety, consumer acceptance, nutritional status and basic knowledge. Food safety should include risk assessment (focussing both on the real risks and the risks as perceived by the consumer), predictive microbiological tests, hygienic design of manufacturing equipment, methods of detecting non-metal foreign bodies and other sensing systems. There should be research on new methods for minimal but safe processing. The more fundamental work should include biological processing and research into the molecular basis of eating quality.

3.6.12.6. In relation to themes 23 'Genomes', 24 'Molecular genetics of plants and biodiversity' and 25 'The cell factory' attention is drawn to the Committee's views in its relevant Opinions.

### 3.6.13. Energy

3.6.13.1. The Committee's emphasis on the importance of renewable energies has been made clear in a number of Opinions. Similarly, the Committee's view is clear on the continuing importance of research related to nuclear energy and associated safety issues. It is important that these continue. The concentration on large projects in theme 32 should not reduce research on effective use of renewable energies in small-scale projects.

3.6.13.2. The demonstration projects which are mentioned in theme 33 'Better and cleaner production and use of energy' and their closeness to viable productive units require clarification and attention.

3.6.13.3. Since standards are changing rapidly in relation to the environment it is very important that arrangements for managing energy research include prompt feed-back to contractors, based on good communication within the Commission.

3.6.13.4. In several Opinions the Committee has expressed its concern over the repeated cutbacks in the 'Nuclear Safety' and 'Radiation Protection' programmes and regards any further reduction in the Fourth Framework Programme as unjustifiable.

### 3.6.14. Science and Technology for Society and the quality of life of the Citizens of Europe

3.6.14.1. The Commission Working Document envisages regrouping of themes as the proposal

develops. An obvious regrouping is to have a separate group of themes in the First Activity concerned with science and technology for society and the quality of life of the citizens of Europe.

3.6.14.2. The research under this theme would be multidisciplinary, drawing on the human, social and economic sciences and RTD simultaneously.

3.6.14.3. A number of themes in the First Activity are very marginally and inadequately located in their present groups. They would be much more appropriately located in the proposed group and adopting the multidisciplinary research approach advocated in:

Theme 8 Information exchange between administrations, broadened to be Information exchange in the service of the common policies of the Community

Theme 16 Science and technology for a new urban habitat

Theme 18 Science and technology for the struggle against social exclusion

Theme 26, last part Rural development

Three themes of European Health Policy:

Theme 31 Addressing Europe's major health problems

Theme 30 Development of protocols has elements which would benefit from a multidisciplinary approach

Theme 20 Environmental quality and human health is an instance where the interface of the human and technological is central.

Some elements of Horizontal support measure study and exploratory activities, notably Assessment and Forecasting would also be appropriately assigned to this Group.

3.6.14.4. The proposed Group is concerned with much more than the impact of technology on the quality of life. Its focus is the interface of Technology, the Human Factor and Society. It has a positive orientation towards improving the quality of life of the citizens of Europe and, in the process, it should identify new markets. It recognizes the interaction of the human, social and technological aspects and has, as a research objective, greater understanding of that interaction. Greater understanding of relevant patterns of behaviour and attitudes should, inter alia, lead to faster innovation and advances in information and communication technologies and more productive use of industrial technologies and more effective action in support of the common policies of the Community.

3.6.14.5. There is no implication that the quality of life and the interface of science and technology and

society's needs would be excluded from other research activities.

3.7. *The Second Activity: Promotion of cooperation in the field of Community research, technological development and demonstration with third countries and international organizations*

3.7.1. The linkage with Eureka and the implications of such a linkage need careful attention. The positive value of the closeness to the market of Eureka research is acknowledged and it is very important. Too close a linkage or the allocation of too high a proportion of resources to it could have serious negative implications for S&T cooperation with developing countries. Complicated management arrangements may slow down the process of cooperation with other industrialised countries. The need for attention to the requirements of SMEs has been mentioned in 3.3.6 and 3.5.

3.7.2. The Committee regards as of high importance theme 5 'Cooperation through COST Actions' where the cooperative return is very good from very limited resources.

3.7.3. Recent provisions to support both participation and research by some Central Eastern European countries has been very significant for them. Similar support for Community Objective I Member States would be a very effective example of implementing the cohesion approach of Articles 130a and 130b of the Maastricht Treaty.

3.7.4. Support for research and the dissemination of research results in Developing Countries is of high importance.

3.8. *The Third Activity: Dissemination and optimisation of the results of activities in Community research, technological development and demonstration*

3.8.1. The importance which the Committee attaches to dissemination and optimisation of the results of activities in Community RTD and Demonstration has already been indicated in previous Committee Opinions.

3.8.2. Methods to increase effective translation of research results into successes in the market place are very important.

3.8.3. The interdisciplinary interaction deserves to be continued and broadened so as to enhance the effectiveness of the scientific community.

3.8.4. The objective of theme 3 should be re-written to avoid the implication that it is concerned with the impact of technology rather than the interface which appears in the title of the Theme. The assessment of

technological risk should include the assessment of both real and perceived risks. Technology assessment which the theme includes is very important, so important in terms of effects that it should not be left at the level of the Member States but should be a Community research activity.

3.8.5. Themes 4 and 5 are very important and should be very helpful to SMEs and the valorisation fund for SMEs is a particularly valuable innovation.

3.9. *The Fourth Activity: Stimulation of the training and mobility of researchers in the Community*

3.9.1. Measures to support training and mobility are extremely important for the future of science and technological development in the Community.

3.9.2. Measures to reduce the isolation of researchers in small laboratories or in peripheral areas of the European Community are important not only for the researchers but to ensure that there is added value from the Activity in its emphasis on its contribution to economic and social cohesion.

3.9.3. The Activity should promote an ensemble of activities with a complementarity in approaches and, it is to be hoped, a resulting synergy.

3.9.4. The measures to promote cohesion and the support for the development of competency in Objective I Member States are very important elements of this Activity. Theme 4 should be expanded to facilitate more short-term mobility of both researchers and young graduates to receive training on industrial research projects to be pursued in the context of networks.

3.9.5. The University-Industry link should be emphasised in training and mobility activities. It should be oriented towards reciprocal support and stimulation between universities and industry.

3.9.6. This Activity has important potential for the objectives of the Second Activity.

3.9.7. The Committee hopes that the Fourth Activity will be implemented with a consciousness of the overriding importance of policies and action which bear in mind the crisis of unemployment in the Community.

3.10. *Horizontal support measures*

3.10.1. The Explanatory Memorandum of the Commission Working Document introduces the Horizontal Support Measures 'as activities to prepare, accompany and promote initiatives taken within the framework of



the four Framework Programme Activities' (para. 24). This is a very important initiative.

3.10.2. The wording of the Introduction appears to confine these activities to the four Framework Programme Activities. To confine forecasting, assessment and evaluation activities in this way is not desirable as it would negatively affect the contribution of the horizontal support measures to future Community RTD policy. The change here recommended would require the amendment of the proposed procedure for allocating resources set out in Annex I of the Commission Working Document.

3.10.3. That social scientific research activities be among the horizontal support measures has already been strongly recommended in paragraph 3.4.

#### 4. Financial aspects

4.1. The Council Decision of 23 April 1990, as amended by the Decision of 15 March 1993<sup>(1)</sup>, set the total appropriation for the implementation of the Third Framework Programme (1990-1994) at ECU 6 600 million.

4.2. In the light of the financial perspectives set out in its Communication of 10 March 1992 on 'The Community's finances between now and 1997' [doc. COM(92) 2001 final], the Commission initially proposed allocating ECU 14 700 million for the implementation of the Fourth Framework Programme 1994-1998.

4.3. As a result of the decisions taken by the European Council in Edinburgh, including the financial framework for 1993-1999, the Commission has now set the budget for the Fourth Programme at ECU 13 100 million. This figure, which appears in the second Working Document adopted by the Commission on 21 April last [doc. COM(93) 158 final], represents 62% of the total funds earmarked for 'Internal Policies'.

4.4. The Committee will give its views later in greater detail on the budget for the Fourth Framework Programme and its allocation between the various research actions and themes. It is already clear that the proposed amount does not in any event mean that the funding for the Fourth Programme will be twice that for the Third.

<sup>(1)</sup> OJ No L 69, 20. 3. 1993, p. 43.

4.5. In this connection the Committee would also point out that the Fourth Framework Programme will include activities which have hitherto been carried out and financed outside the Framework Programme, such as demonstration projects and so-called APAS measures ('Actions de Préparation, d'Accompagnement et de Suivi'). The Treaty on European Union also provides for all research activities carried out in support of the common policies of the Community to be included in the Framework Programme, thus also extending its scope.

4.6. So that it can assess the true scale of the proposed financing, the Committee urges the Commission to provide it with the requisite information, particularly with regard to all the above-mentioned activities, their duration and current funding.

4.7. Bearing in mind the foregoing, the Committee can only take note of the amount proposed by the Commission, without being really convinced that this represents a very significant increase in real terms in Community RTD funding.

#### 5. Additional comment

5.1. The Committee hopes that the Fourth Framework Programme will maintain the momentum achieved by the earlier Framework Programmes and that it will be in operation with the minimum of delay in view of the utmost importance of its objective of strengthening the competitive position of the Community industry at the international level. It is unfortunate that the complex and time-consuming procedures agreed at Maastricht for deciding future RTD framework programmes appear likely to delay the entry into action of the activities planned under this programme as well as future programmes.

5.2. Such delays could place Community RTD activities at a serious disadvantage to international competitors able to move more quickly in developing their own RTD programmes. This is a matter of considerable concern. The Committee believes that it would be highly desirable to introduce much quicker as well as more flexible procedures for determining Community RTD at the earliest practicable opportunity.

Done at Brussels, 26 May 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN

**Opinion on the proposal for a Council Decision concerning the conclusion of a cooperation agreement for the protection of the coasts and waters of the North-East Atlantic against pollution<sup>(1)</sup>**

(93/C 201/16)

On 12 February 1993 the Council decided to consult the Economic and Social Committee, under Article 130 S of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 4 May 1993. The Rapporteur was Mr Margalef Masia.

At its 306th Plenary Session (meeting of 26 May 1993), the Economic and Social Committee adopted the following Opinion by 93 votes to seven, with six abstentions.

## 1. Introduction

1.1. One of the main consequences of the entry into force of the Single Act has been that the Community has assumed responsibilities in new areas. While in the early years it was concerned almost exclusively with commercial, agricultural, transport and some social issues, over time other issues have been added, such as economic and social cohesion, new technologies and, after much effort, the environment. Accidents involving oil tankers highlight the need for adequate measures to protect the marine environment.

1.2. It is of the greatest importance in this context to stipulate that vessels carrying dangerous goods or pollutants use particular routes designated to comply with the highest, technically feasible safety standards.

1.3. To achieve this, the Committee urges the Member States to carry out proper consultations, in accordance with Community procedures and with the Commission's assistance, with a view to submitting the necessary proposals to the International Maritime Organization, including whatever amendments to the international legal instruments [International Convention for the Safety of Life at Sea (Solas), International Convention for the Prevention of Pollution from Ships (Marpol)] may be required.

1.4. The more general topic of maritime safety would be better dealt with in the Opinion currently being drawn up on a common policy on safe seas<sup>(2)</sup>.

## 2. General comments

2.1. The Committee approves the proposed Council Decision.

2.2. The Lisbon Convention is regarded positively. Its Articles examine the various measures required today to tackle the problem of marine pollution at international level (prevention, planning, coordination, response, etc.).

2.3. In this respect point 2 of the explanatory memorandum is especially clear where it refers to the Council Resolution of 26 June 1978 setting up an action programme on the control and reduction of pollution caused by hydrocarbons discharged at sea, in line with EC environmental objectives as laid down in Article 130s of the EEC Treaty.

2.4. International Conventions are a suitable instrument for encouraging international cooperation. In the present case Article 10 of the 1990 International Convention on oil pollution preparedness and response (OPPR-90) explicitly urges regional cooperation as an effective and practical way for countries in the same geographical region to tackle marine pollution, particularly in the case of accidents.

2.5. The Lisbon Agreement rounds off the international measures taken by the Community to combat

<sup>(1)</sup> OJ No C 56, 26. 2. 1993, p. 13.

<sup>(2)</sup> COM(93) 66 final.

accidental marine pollution: the Baltic Sea, the North Sea and the Mediterranean are already covered by the corresponding instruments (Helsinki Convention, Bonn Agreement and Barcelona Convention respectively), leaving only the North-East Atlantic which will be adequately covered by the Lisbon Agreement.

2.6. The inclusion of Morocco and its waters will make for additional maritime safety and protection in the event of an accident on the Community's southern frontier.

2.7. The inclusion of the Atlantic archipelagoes is also viewed positively.

2.8. The financial provisions of the Agreement are correct and the expenditure fairly divided.

2.9. The Committee would, however, recommend that the Community's voluntary contribution be on a three rather than one year basis so as to ensure that the International Centre functions smoothly.

2.10. The Committee recommends rapid ratification of the Agreement by the Community and the Member States so that the Centre can start operations and thus complete the protection system for all European coasts and waters.

Done at Brussels, 26 May 1993.

*The Chairman*  
*of the Economic and Social Committee*  
Susanne TIEMANN

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#### APPENDIX

##### to the Opinion of the Economic and Social Committee

##### Defeated amendment

The following amendment, which received more than 25 % of the votes, was examined and rejected during the discussion:

Delete paragraphs 1.2, 1.3 and 1.4 and replace with the following text:

'1.2. The ESC expresses its concern regarding the safe transportation of hazardous and noxious substances in the Community. In that respect it recalls its relevant Opinion on the draft directive on the minimum requirements for vessels entering or leaving Community ports carrying packages of dangerous or polluting goods (October 1989, OJ No C 329/20), and will re-examine the issue shortly in the context of its forthcoming Opinion on the « Communication on a common policy on Safe Seas »'.

##### *Reason*

Self-explanatory.

##### *Voting*

For: 23, against: 61, abstentions: 2.

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**Opinion on:**

- the proposal for a Council Directive amending Directive 90/539/EEC on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs, and
- the proposal for a Council Directive amending Directive 91/494/EEC on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat<sup>(1)</sup>

(93/C 201/17)

On 31 March 1993, the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Economic and Social Committee appointed Mr Proumens as Rapporteur-General for its Opinion.

At its 306th Plenary Session (meeting of 27 May 1993) the Economic and Social Committee adopted the following Opinion unanimously.

**Summary of the Opinion**

The Committee approves the two proposals amending Directives 90/539/EEC and 91/494/EEC respectively, but has a few reservations as well as a number of suggestions to make.

**1. General comments**

1.1. The Committee considers that the report from the Commission to the Council on Newcastle disease is an important part of the procedure for assessing all the types of risks associated with this disease, particularly in intra-Community trade in, and imports of, poultry and hatching eggs.

1.2. The economic consequences of the disease for poultry farmers are now a well-established fact.

1.3. By presenting these two amendments the Commission is justifiably seeking as far as possible to standardize the approach adopted when earlier measures were put forward; in doing so it makes use of the experiences gained in the meantime.

1.4. The Commission is also seeking to simplify administrative and other procedures.

1.5. Although the Committee has not been consulted on the Commission report, it hopes that its views will be heard. The ESC considers that some of the points made in this report should be the subject of recommendations or clarifications, primarily for poultry farmers and in particular small-scale poultry farmers, but also with a view to assisting national civil servants, notably in their preventive role.

**2. Comments on the report**

2.1. The competent national authorities should bring the problem to the attention of poultry farmers in areas where migratory birds congregate, and in areas where wild pigeons are particularly numerous.

2.2. An illustrative list of recommended egg fumigation procedures could be established.

2.3. The national authorities should be particularly careful about imports of fresh poultrymeat from countries where Newcastle disease is enzootic.

2.4. Manufacturers of fertilizers incorporating poultry manure must be informed about methods of treatment to preclude contamination, and must apply such methods.

2.5. The national authorities should take all measures to eradicate the disease in wild pigeons, including wild pigeons in towns, but will need to be aware that implementing the solutions is no easy matter.

2.6. Surface water presents high risks of contamination so here too the compendium of treatment methods to be circulated should be as comprehensive as possible.

2.7. Whilst there is no need to review the position of three Member States on vaccination (Ireland, Denmark and Northern Ireland as part of the United Kingdom), the Committee feels that vaccination is the best method of protection against the disease provided it is carried out under appropriate conditions.

2.8. The obligatory vaccination certificate for racing pigeons should be delivered by an official or authorized veterinary officer.

<sup>(1)</sup> OJ No C 89, 31. 3. 1993, p. 8 and 12.

### 3. Amendments to Directive 90/539/EEC

3.1. The aims of the Commission's amendments are:

- to bring order to the different texts;
- to define more clearly conditions for export;
- to draw up an effective but less stringent timetable of inspection.

These objectives are clearly set out and defined in the text of the new Directive.

3.2. The Commission recognizes that vaccination is not practiced in some Member States (Ireland, Northern Ireland as part of the United Kingdom and Denmark). If need be, however, this special non-vaccinating status could be withdrawn.

3.2.1. Subsidiarity continues to play a role but if the disease is in danger of spreading, then action must be taken in conformity with Community rules.

3.3. Experience has shown that monthly veterinary inspections are appropriate and minimize red tape.

3.4. In this connection one Member State, namely Ireland, has expressed concern regarding non-veterinary personnel working under the authority of veterinary inspectors. Ireland is afraid that if the legislation is applied rigorously, the jobs of non-veterinary personnel will disappear; the only solution is to adopt transitional measures that take into account their long experience in the veterinary field.

3.5. Finally, if veterinarians have to notify the appropriate authorities of cases or even suspicion of disease, this does not free poultry farmers themselves from the same responsibility, e.g. where they suspect the presence of disease.

### 4. Amendments to Directive 91/494/EEC

4.1. The vaccination position will in any event have to be reviewed by 1 January 1995 in the light of the reports drawn up by the Standing Veterinary Committee.

4.2. The new provisions of Article 10 (covering health conditions for imported poultrymeat) deserve to be unreservedly approved as they provide Community poultry farmers with guarantees against unfair competition in the event of the rules applied in non-Member States being less tight.

Done at Brussels, 27 May 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN

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**Opinion on the amendment of the Structural Fund Regulations [Framework Regulation, Coordinating Regulation, and Regulations of the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Guidance section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and the Financial Instrument for Fisheries Guidance (FIFG)]<sup>(1)</sup>**

(93/C 201/18)

On 27 April 1993, the Council decided to consult the Economic and Social Committee, under Article 130 D of the Treaty establishing the European Economic Community, on the amendment of the Structural Fund Regulations (Framework Regulation, Coordinating Regulation, and ERDF, ESF, EAGGF-Guidance and FIFG Regulations).

The Section for Regional Development and Town and Country Planning, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 18 May 1993. The Rapporteur was Mr Vasco Cal.

At its 306th Plenary Session (meeting of 26 May 1993), the Economic and Social Committee adopted the following Opinion by a majority vote, with two abstentions.

## 1. Introduction

1.1. The revision of the Structural Fund Regulations is more limited in scope than the reform which was approved in 1988.

1.1.1. The broad thrust of the present revision was considered at the Lisbon and Edinburgh European Councils. Lisbon saw the ratification of the main principles of the 1988 reform; these principles were reaffirmed in Edinburgh, where decisions were also taken about the future financing of the Community up to the end of 1999.

1.1.2. The declared objectives of the revision—greater openness, simpler procedures and stricter financial controls—clearly merit universal approval.

1.1.3. The revision of the Regulations, particularly as regards the European Social Fund (ESF), must also take account of the new objectives laid down in the Treaty on European Union.

1.1.4. Last but not least, the revision must take account of the experience gained in implementing the 1988 reform, taking the opportunity to introduce the alterations which practice has shown to be necessary.

1.2. As regards the procedures and timescales for the consultation procedure and the approval of the Regulations, the Committee considers that the Structural Fund Regulations should enter into force at the beginning of 1994. It has therefore decided to draw up a single Opinion covering all six proposed Regulations, so as to ensure that its Opinion is issued in good time.

## 2. General comments

2.1. The Committee endorses the Commission's proposal to use as its legal basis the present Treaty and the provisions of the existing Regulations. Although the consultation and decision-making procedure laid down in the Treaty on European Union would have been preferable, the fact that the Treaty has not yet entered into force would hinder the revision of the Regulations and jeopardize the continuity of structural support.

2.2. The Committee agrees with the reaffirmation of the key principles of the 1988 reform (concentration, programming, partnership and additionality), although it considers that they have not always been satisfactorily implemented in practice. As the Committee has already stated in several Opinions, this applies particularly to the partnership arrangements; the Commission also mentions this in its introduction to the framework Regulation.

2.3. The Committee endorses the Commission proposals, which also redefine the Funds' Objectives and the measures to be financed. Financing is now to be extended to investment in the education and health sectors [in the case of aid of the European Regional Development Fund (ERDF) to Objective 1 regions, previously only granted in exceptional circumstances], labour-market integration of people facing social exclusion (ESF aid for Objective 3), promotion of equal opportunities for men and women (ESF), helping workers to adjust to industrial change and changes in production systems (ESF aid for the new Objective 4), and promotional measures and investment for local farm and forestry produce and for the renewal and development of villages and protection of the rural heritage [aid of the Guidance section of the European Agricultural Guidance and Guarantee Fund (EAGGF) to Objective 5a regions]. A new financial guidance instrument for the fisheries sector is also to be included.

<sup>(1)</sup> OJ No C 131, 11. 5. 1993, p. 6, 10, 15, 18; OJ No C 118, 28. 4. 1993, p. 21, 55.

2.3.1. These additions to the Objectives (as well as the increase in the number of people and years covered) make the inadequacy of the financial perspectives approved at the Edinburgh Summit even more obvious, despite the considerable effort that was made there. By the end of the period 1993-1999, EC budgetary contributions to the Structural Funds will still only account for around 33% of the budget, or approximately 0,47% of Community Gross National Product (GNP)<sup>(1)</sup>. The situation calls for more efficient use of the Structural Funds and greater respect for the principle of concentration (see Point 2.5 below). The Committee has always held that EC and national economic policies and the coordination of the various Community policies and forms of assistance (including competition policy and State aid, the common agricultural policy and research and development policy) should play a vital part in the pursuit of economic and social cohesion. Regional policy is only one component of regional development, to which other policies and budgets also contribute. The fact remains, however, that the Structural Funds are the Community's main instrument for bolstering cohesion, and their effectiveness depends not only on fixing the right objectives but also on providing the funds.

2.4. As regards the proposed programming periods, it is right to lay down a six-year period for Objective 1, 3 and 5b regions. This fits in with the wish to ensure a degree of budgetary stability and to simplify procedures. Although provision is made for updating the programming annually, there should also be greater flexibility in the financial adjustments over the next few years, so as to cater for the changing situation in the Member States, and more especially the likely rise in unemployment and each Member State's ability to mop this up.

2.4.1. The Committee considers that the uncertainty deriving from the proposed use of three-year periods for Objectives 2 and 4 assistance should be avoided. This is important because measures conducted in Objective 2 regions selected in the first three-year period could be hampered by uncertainty as to whether these regions will also be selected for the second three-year period. A transparent procedure with corresponding transitional arrangements should be devised to govern the removal of a region from Objective 2 status. The selection criteria must be as objective as possible and the most capable regions must not subsequently be penalized.

2.5. Concentration of Structural Fund assistance remains fully justified both by the need to increase the

Funds' impact and effectiveness, and by the continuing disparities between EC regions' levels of development. Indiscriminate attempts to extend the sectors and regions receiving assistance should therefore be rebuffed. It is noted that in the light of the Edinburgh deliberation, the Commission has undertaken, in the interests of transparency, to provide the Council and Parliament with its proposals for the allocation of funding per Member State. The Committee welcomes the verbal assurance it has been given that it will also receive these details.

2.5.1. The Edinburgh Summit decided that the less-developed regions (Objective 1) are to receive two thirds (around 67%) of all Structural Fund support. It is right that this concentration should refer to all the Funds, rather than just the ERDF portion as the 1988 reform did [Article 12(5) of Regulation (EEC) No 2052/88 states that 'the ERDF may devote approximately 80% of its appropriations to Objective 1'—a point which is omitted from the proposed revision].

2.5.1.1. The concentration on Objective 1 regions is also justified by the fact that these regions are less able to finance their own development needs, as their per capita GDP is below 75% of the Community average. As in 1988, this should be the basic criterion for allocating Community support, without prejudice to the suggestion made in point 2.4 above. [The wording of Article 12(6) of the existing framework Regulation—'this allocation shall be based on the socio-economic criteria determining the eligibility of regions and areas for ERDF assistance'—is clearer and more appropriate than the proposed new wording.]

The population covered by Objective 1 has risen from 21,7% to 26% of the Community population.

2.5.1.2. The Committee considers that it would be helpful for the Commission proposal to specify that the sums allocated to Community initiatives will respect the concentration principle and will go first and foremost to Objective 1 regions, although this does not mean that they have to be limited geographically to Objective 1, 2 and 5b regions.

2.5.2. The declining industrial areas covered by Objective 2 are defined in smaller administrative units than Objective 1 regions. This has raised demarcation problems and problems about relations with adjacent areas that do not meet all the criteria used to define Objective 2 regions (average rate of unemployment, percentage share of industrial employment in total employment, observable fall in industrial employment).

<sup>(1)</sup> Opinion on the Delors II package—OJ No C 169, 6. 7. 1992, p. 34.

The Commission now proposes that adjacent areas may also be considered in duly justified cases and on the basis of criteria defined at EC level.

2.5.2.1. The gravity of the regeneration problems facing many declining industrial areas and urban areas has meant that the declared limit of 15% of the total EC population has been exceeded.

2.5.2.2. Given the smaller sums allocated to Objective 2 and the wider geographical spread of regions involved, the Committee has called in several Opinions for the procedures to be simpler than for the other Objectives. The Commission proposal takes a step in the right direction by allowing Member States to submit their development plans at the same time as the corresponding applications for assistance.

2.5.2.3. The Commission proposes to improve the coordination of Objective 2 and 5b assistance. However, it must specify how Objective 2 assistance is to be coordinated with assistance under the new Objective 4 (helping workers to adapt to industrial change and to changes in production systems).

2.5.3. Objective 3 has been redefined to include combating long-term unemployment and helping young people and the socially excluded to enter the labour market. It should also include the promotion of equal employment opportunities for men and women, which—quite rightly—is now one of the objectives of the ESF [Article 3(2) of the proposed framework Regulation]. The sums allocated to Objective 3 will therefore have to be significantly increased, building on the present basis which brackets Objectives 3 and 4 together.

2.5.3.1. The fight against social exclusion is of key importance. The situation of the most marginalized groups has worsened in recent years. Such groups include the physically and mentally handicapped, immigrants, refugees, travellers, the homeless, prisoners and former prisoners, people living in conditions of isolation, lone parents, and young people at special risk such as drug addicts and other alienated groups<sup>(1)</sup>. The Committee feels that the exhaustive definition given by the Commission should include ethnic minorities, as they too are particularly affected by social exclusion.

The Committee considers that the lessons learned in the pilot schemes carried out over the last few years should provide the basis for Community assistance. There should be an increase in funding from both national budgets and the ESF (which should also continue to fund new pilot schemes).

2.5.3.2. The Committee considers it right to include among the unemployed groups eligible for support those who risk joining the ranks of the long-term unemployed; the present ESF Regulation has been interpreted too restrictively. Workers with insecure or part-time jobs, the self-employed and unpaid family workers should also not be excluded a priori from ESF-funded measures. The requirement that beneficiaries must be registered as unemployed or in receipt of unemployment assistance should be lifted.

2.5.4. The new Objective 4 is designed to help workers adapt to industrial change and to changes in production systems. The Committee supports this, as it meets a real need in the face of the growing threats of dismissal and the rise in unemployment. Even if the sums involved are modest, these measures may prove to be trailblazing and take on considerable importance in the future.

2.5.4.1. While it is true that industrial change and changing production systems are affecting virtually all workers and all sectors, Objective 4 should give priority support to workers in the firms, sectors and regions worse hit—or likely to be worst hit—by industrial change, as these workers are at particular risk of losing their jobs.

2.5.4.2. Objective 4 measures should focus on retraining and redeployment of workers. In this context, the role of further training should be strengthened. When deciding on training measures, full use should be made of the experience gained with innovative pilot schemes over the last few years. Guidance for workers, to advise them on what training to take, should be treated as an integral part of redeployment and retraining. Framework agreements between the social partners, especially at sectoral level, are vital to ensure that such measures are effective.

2.5.4.3. Measures should be targeted at workers in smaller firms, who usually have greater difficulty in gaining access to training and retraining courses. Interfaces should be established between training bodies and small firms as part of the partnership with the socio-economic partners, and the training on offer should be better geared to the specific needs of small firms.

<sup>(1)</sup> See the explanatory memorandum for the revised ESF Regulation.



2.5.4.4. More generally, measures under Objectives 3 and 4 should be consistent with the various Council Resolutions, Recommendations and Directives on unemployment and training, and with other Community vocational training programmes. This has not necessarily been the case in recent years, as the operational programmes in the Member States have not always taken the guidelines approved by the Council into account.

2.5.5. Objective 5 has been redefined to embrace the whole of Community rural development policy, and now covers both the improvement of farm structures and measures to further economic development in specific rural areas.

The Committee endorses this new broader remit, particularly as the environment, afforestation and early retirement measures accompanying the reform of the common agricultural policy are now being financed by the EAGGF-Guarantee Section.

2.5.5.1. The Committee approves the distinction which the Commission has made between measures to promote rural development in the lagging regions and measures in other rural areas.

2.5.5.2. Given the need for stricter financial discipline and the fact that Objective 1 regions already draw up plans for Objective 5a, the Commission proposes to extend this procedure to all cases. However, care will be needed to ensure that procedures are not too rigid and do not make it difficult for farmers to obtain EC aid for farm modernization.

2.5.6. The Commission initially intended to include measures to adapt fishery structures in Objective 6, but these are now to be brought under Objective 5a.

2.5.6.1. The establishment of the new Community system for fisheries and aquaculture and the implementation of the various Regulations governing this sector have prompted the Commission to propose a separate Financial Instrument for Fisheries Guidance (FIG), in order to give substance to the guidelines already approved under the common fisheries policy.

2.5.6.2. The Commission should have taken advantage of this move to define the function of the new instrument more broadly, so as to include the social measures which are so sorely needed by the sector's workforce, as the Committee has already suggested<sup>(1)</sup>.

The proposals for the ESF do not specify support for workers in the fisheries sector.

2.6. Turning to the partnership procedures, the Committee is pleased that the Commission explicitly proposes to involve the economic and social partners in the consultations between the Commission, the Member State and the competent authorities and bodies [Article 4(1) of the framework Regulation]. As the Commission acknowledges in its explanatory memorandum, this meets a repeated request of the Committee, as well as the wishes expressed by the European Trade Union Confederation and the Union of Industries of the European Community (UNICE).

The involvement of the economic and social partners and bodies designated by the Member States will also help to make Community operations more open and effective; wider participation will help ensure that measures are tailored more closely to local and regional needs, fostering a 'bottom-up' approach rather than the bureaucratic 'top-down' system which prevails at the moment.

The partnership, as defined in Article 4(1) of the existing Regulation (EEC) No 2052/88, 'shall cover the preparation, financing, monitoring and assessment of operations'.

2.6.1. Despite Member States' continued calls for openness and efficiency, the 1988 Regulations did not involve the socio-economic partners adequately. The Committee therefore urges the Council to approve the Commission's proposal concerning the partnership procedure; it also takes this opportunity to outline some practical ways of giving substance to the partnership principle.

2.6.1.1. It would be useful if Member States could include, with the plans they submit to the Commission, details of the stance taken by the socio-economic partners during the consultation process.

2.6.1.2. All the implementing Regulations should include the recital proposed in the revision of the ERDF Regulation, referring to Article 4(1) of the framework Regulation. The other implementing Regulations should likewise include Articles similar in content to the proposed Article 9 of the ERDF Regulation.

2.6.1.3. The Articles referring to the Monitoring Committees should include provision for consulting the socio-economic partners. It should be made an established principle that they are involved in the planning and assessment of Community measures. This involvement could be on a regular basis, for example every time one of the Monitoring Committees' meetings is held.

<sup>(1)</sup> Opinion on the Communication from the Commission to the Council and the European Parliament on the Common Fisheries Policy—OJ No C 339, 31. 12. 1991, p. 75 and Opinion on the 1991 Report from the Commission to the Council and the European Parliament on the Common Fisheries Policy—OJ No C 223, 31. 8. 1992, p. 30.

2.6.2. Reference has been made above to consultation of the economic and social partners at national level. In addition to mandatory consultation of the Economic and Social Committee, the Commission should also make adequate provision for involving the economic and social partners at EC level (including in a sectoral context). This would be in addition to their involvement in the European Social Fund Committee, which is laid down in the Treaty of Rome and is thus obligatory. The annual referral on the implementing reports is not sufficient.

2.7. The forms of assistance laid down in the framework Regulation remain unchanged. Pilot and demonstration projects rightly receive explicit mention now, given the role they have played recently.

2.7.1. However, just because financial assistance can take a variety of forms does not mean that all the different forms have been used evenly. Most assistance has taken the form of joint financing of operational programmes. It is a pity that little use has been made of global grants. They were an important innovation which the Committee supported at the time because of the positive impact they could have on the local economy. Since there is clearly a reluctance to use them, the Committee supports the Commission's proposal to extend them to Community initiatives.

2.7.2. Pilot and demonstration projects may receive 100% financing. The Commission should use this possibility to provide appropriate training for the socio-economic groupings involved in the partnership process.

2.7.3. Experience has shown that the Commission needs to step up its technical assistance to the regions, especially as regards the identification of projects, integrated planning, ex ante and ex post assessment, and monitoring. To this end the Commission should be granted greater powers of initiative, extending these to regions which have made little use of these opportunities hitherto.

2.8. Although the Community initiatives have been devised to serve precise objectives, they have not quite matched expectations. The Committee considers that the decision to reserve 10% of appropriations for Community initiatives is fully justified. It would be helpful to make provision, as part of the partnership arrangements with the socio-economic partners and/or the competent bodies and authorities, for the Commission to use their knowhow and experience to provide more appropriate assistance to regions, with the knowledge and agreement of the Member State.

The Committee is to draw up an Opinion on the Green Paper on Community initiatives. Without prejudging the stance it will take in that Opinion, the Committee considers that priority should go to cross-frontier Community initiatives.

2.9. Various Committee Opinions have expressed support for the additionality principle, as correctly defined in Article 9 of the proposed coordinating Regulation. Despite present budgetary problems, it is necessary to continue to ensure that Structural Fund assistance has an additional impact. This means that such assistance cannot take the place of Member States' public investment spending.

2.10. The Committee welcomes the Commission's intention to include in the implementing reports an assessment of other Community policies' impact on regional development, as the Committee has recommended in earlier Opinions.

### 3. Specific comments

#### 3.1. *Amendment of the ERDF Regulation*

The Commission's proposed amendments stem directly from the amendments to the framework Regulation and the coordinating Regulation.

3.1.1. This applies in particular to the extension of the scope of assistance to include investment 'contributing to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructure' [Article 1(b)], 'investment in the field of health and education' [Article 1(d)], and 'measures in the field of research and technological development' [Article 1(e)]. The ERDF should also be able to finance public amenities which contribute to economic and social development.

3.1.2. The global grants option is now being extended to Community initiatives, provided there is the agreement of the Member State concerned.

3.1.3. The regional partnership is now to include 'the economic and social partners, designated by the Member State'.

#### 3.2. *Amendment of the ESF Regulation*

3.2.1. It is this Regulation which is to receive the most substantial amendments. This is because the Regulation has had to be adapted to the new tasks and goals defined in the framework and coordinating Regulations and also because it has failed in practice to provide an efficient response to social problems as listed by the Fund's objectives.

3.2.2. Article 1 defines Objectives 3 and 4 much more exhaustively than do the framework and coordinating Regulations.

3.2.2.1. The Regulation includes assistance for 'pre-training, including upgrading of basic skills' for the long-term unemployed and those who risk becoming so. The Committee has already supported such measures in past Opinions<sup>(1)</sup> just as it has supported initial vocational training leading to a vocational qualification.

3.2.2.2. The Regulation explicitly mentions 'provision for child-minding arrangements' among the measures to promote (a) the labour-market integration of persons exposed to social exclusion and (b) equal opportunities for men and women. The provision of affordable child-minding arrangements was also recommended by the Committee in its Opinion on lone parent families.

3.2.2.3. The ESF-financed measures under Objective 4 will now only cover vocational training and retraining, and the improvement of training systems.

These extremely limited measures are not a satisfactory response to the complex problems generated by industrial change, and to the need to safeguard and diversify employment in the worst hit firms, sectors and regions.

3.2.3. The Commission proposes to group the measures into separate categories, making a distinction between (a) Objective 1 regions, (b) Objectives 1, 2 and 5b regions and (c) the Community as a whole.

Thus, for example, the Fund will support measures to train teachers and public officials in Objective 1 regions; measures to train trainers, managers and research staff in Objectives 1, 2 and 5b regions; and measures to help workers throughout the Community.

3.2.4. Only 1% of the annual allocation (plus a further 1% for studies and pilot projects outside the Community Support Frameworks) is earmarked for preparatory and innovative measures, studies and technical assistance, controls, information for the various parties involved, and actions which form part of the social dialogue. The proposed percentages do not reflect the important role which information, advice and encouragement play in regional development and in mobilizing local resources and potential.

3.2.5. The proposal makes no provision for solving problems liable to arise during the transitional period between the present and the new Regulation. Given the difficulties with the ESF during the 1988 reform of the Structural Funds, the transitional period should be clearly defined in the proposal.

### 3.3. *Amendment of the EAGGF-Guidance Regulation*

3.3.1. As mentioned above, the reform of the common agricultural policy has moved certain accompanying measures from the EAGGF-Guidance Section to the Guarantee Section. These concern afforestation, incentives for early retirement from farming and environmentally friendly farming methods.

Objective 5a measures financed by the Guidance Section are to include measures to improve and adapt farm structures (help for young farmers, diversification of farming activities, compensation for permanent natural handicaps, improved marketing). Measures to encourage assistance to farmers and the setting-up of producer groups will also be eligible for support.

Regions with severe structural handicaps can be very dependent on Objective 5a support which acts as an essential income supplement for farmers. Such income supplements, however, do not bring about the structural adjustment necessary to improve competitiveness and should not be taken into the calculation when comparing allocations among the various regions.

3.3.2. The Committee welcomes the move to support alternative production (non-food agricultural products, local agricultural and forestry products) in Objective 1 regions. It also approves the extension of the scope of assistance to cover the renovation and development of villages, conservation of the rural heritage, the prevention of natural disasters (especially in the more remote areas), and restoration of the landscape. Operational programmes should remain the main form of assistance.

3.3.3. The Committee reiterates the suggestion it has made since the 1988 reform of the Structural Funds, that upland areas receive due consideration under Objective 5b.

### 3.4. *FIFG Regulation*

3.4.1. The Committee supports the Commission proposal to establish a new Regulation covering structural assistance for the fisheries sector. The Regulation will replace the present sectoral regulations and will bring fisheries support under the umbrella of the Structural Funds.

<sup>(1)</sup> Opinion on Employment in Europe—OJ No C 181, 14. 6. 1993; opinion on continuing vocational training—OJ No C 129, 10. 5. 1993.

3.4.2. The inclusion of fisheries in the Structural Funds will also mean a change in procedures, which will come under the programming system. This may cause problems for those operating in the sector.

3.4.2.1. Assistance [Article 3(3)] should also be available to help fishermen's organizations equip themselves to cope with the new procedures.

3.4.2.2. The FIG's implementing Regulation must include provision for continuation of the support currently provided under Regulation (EEC) No 4028/86 for bringing the fleet into line with the resources available.

3.4.3. The extension of FIG assistance to the control of fishing activities [Art. 2(1)] has already been mentioned in a Committee Opinion and is welcomed.

3.4.4. Now that the fisheries sector is included in Structural Fund aid, the Committee considers that the social measures (see Point 2.5.6.2) could be financed by the ERDF (creation of alternative employment) and the ESF (training and retraining of workers). However, these options can only apply in Objective 1, 2 and 5b regions and even in these they will depend on the priority which the Member State's programming accords to the fisheries sector. Coordination between Structural Fund assistance and the FIG will thus be vital to the success of the common fisheries policy.

3.4.5. Structural Fund measures in the fisheries sector should pay particular attention to the socio-economic situation of remote coastal communities which are almost completely dependent on fishing. Measures must be designed to help such communities to compete with international operators and thereby to sustain local employment in fishing.

Done at Brussels, 26 May 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN

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## Opinion on the Commission Communication on the operation of the Community's internal market after 1992—Follow-up to the Sutherland Report

(93/C 201/19)

On 28 January 1993 the Economic and Social Committee, acting under the fourth paragraph of Article 20 of its Rules of Procedure, decided to draw up an Opinion on the Commission Communication on the operation of the Community's internal market after 1992—Follow-up to the Sutherland Report.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 5 May 1993. The Rapporteur was Mr Schmitz and the Co-Rapporteur was Mrs Robinson.

At its 306th Plenary Session (meeting of 27 May 1993), the Economic and Social Committee adopted the following Opinion with no dissenting votes and two abstentions.

### 1. Foreword

1.1. The Sutherland Report and the subsequent Commission Communication<sup>(1)</sup> require thorough examination. The Economic and Social Committee will be reviewing both of these documents in detail and will issue an additional Opinion on their contents later in the year. The additional Opinion will scrutinize the drafting of Internal Market legislation, its transposition into national law and its subsequent application by the Member States. In particular, the Committee will undertake a critical analysis of the Communication and the Sutherland Report's recommendations on:

- trust between consumers, workers and entrepreneurs;
- the transparency and consistency of the Community legislative system;
- administrative and legal cooperation between the Community and the Member States; and
- subsidiarity.

1.2. As the Council has already started to discuss the two documents, the Committee wishes forthwith to highlight a number of key issues raised by the Sutherland<sup>(2)</sup> Report, in particular the ESC's role in the implementation and further shaping of the Internal Market. The issues on which we wish to focus are: the consultation process in the preparation of legislation, the transparency of the consultation process, the relation of specific interest groups to the ESC, and the methods by which information on the practical effects of single market rules is gathered.

1.3. The growing credibility gap in Europe stems from the lack of transparency in Community legislation and from the man in the street's lack of confidence in the Community decision-making process. This raises the question of how confidence-building measures can be used to initiate on-going dialogue between a) the Community bodies and b) European citizens and the economic operators.

Because it represents organized social and economic forces, the ESC plays an important part, through its public debates and the Opinions it issues, in securing the social cohesion which must necessarily accompany European integration. Institutionalized dialogue within the ESC plays an important part in re-establishing the credibility of Europe and regaining the confidence of the citizens.

### 2. Introductory remarks

2.1. The Committee attaches great importance to the Sutherland Report. The time is right for an interim stock-taking of the practical impact of the Internal Market rules, and the Report's recommendations are an extremely useful basis for discussion in this connection.

2.2. From the outset, the Committee has welcomed the objective of completing the Internal Market. However, it has never seen the Internal Market as an end in itself, but rather as an important instrument for improving the EC's economic efficiency, thus making a major contribution to employment and to improving the welfare of Community citizens.

<sup>(1)</sup> SEC(92) 2277 final.

<sup>(2)</sup> Recommendations 8 and 9, p. 24 of the Report.

2.3. A legal framework is needed to safeguard the practical operation of the Internal Market, in particular the four freedoms<sup>(1)</sup>, and to secure a high level of health, safety, environmental and consumer protection<sup>(2)</sup>. This framework, embracing competition, consumer, environment and social policies, involves responsibilities and costs for the economic actors and needs to be feasible. It must be based on sound evidence and research. It also needs to involve those who have to implement its detailed provisions—without their cooperation, the objectives cannot be realized.

2.4. The practical effects of legislation and the capacity of the economic actors to implement it without undue strain can only be judged if a constructive process of consultation is undertaken prior to the publication of legislation. The Sutherland Report pointed out that in many cases, consumers and entrepreneurs have not been properly consulted or involved in the legislative drafting process. This could be construed to mean that other groups such as workers (workers' organizations) have been properly consulted or involved in the legislative drafting process. However, this is not the case.

2.5. As regards the Committee, the Sutherland Report states: 'Consultation of the Economic and Social Committee, although mandatory, is by itself insufficient (it takes place only once the preparatory work has been completed)'<sup>(3)</sup>.

### 3. General comments

3.1. By 31 March 1993 the Council had adopted 95% of the legislation set out in the Internal Market White Paper. However, it is not clear to what extent this legislation—particularly directives—has been fully transposed into national law in all Member States. In many cases the Commission has been obliged to resort to the European Court of Justice to secure the legal implementation of Internal Market legislation. (The Committee will return to this question in its additional Opinion.)

3.2. Apart from the transposition of Internal Market rules into national law, the extent to which they are actually being applied in the Member States needs to be studied. The Sutherland Report addressed this issue and made a number of major proposals with regard to

transparency, administration and legal enforcement. (The Committee will consider these aspects in its additional Opinion.)

3.3. In addition to the proper transposition of the Internal Market rules into national law and their actual application, the question arises as to how far existing laws are appropriate, whether they require revision, and whether additional legislation is needed.

3.3.1. Since there has as yet been relatively little practical experience with the large volume of new Internal Market legislation, the Committee sounds a warning against developing too many new legal initiatives on the Internal Market at this point.

3.3.2. The Committee considers that procedures for drafting or revising new Community Internal Market legislation often fail to provide for adequate, appropriate forms of consultation of the interested parties. The Sutherland Report rightly pointed this out.

### 4. Role of the economic and social interest groups and of the Committee in shaping and implementing the Community legislative process

4.1. The Economic and Social Committee has a key role to play in consolidating the Internal Market, within the EC legislative process and in checking and completing existing provisions, inter alia on the basis on an analysis of their impact.

4.2. While the ESC was established as a consultative body to the Community by the Treaty of Rome, there are nevertheless a number of consultative committees, some of them sectoral, which play an important role at Community level. But it is often unclear what remit these other committees have, whether they are truly representative, and where they stand in relation to the Economic and Social Committee. In addition, their work unfortunately lacks transparency.

4.3. There is therefore a need to review how the relevant economic and social interest groups are to be involved in drafting Community legislation in future, and what role the existing consultative bodies are to play.

4.4. The Committee stresses that involvement of the parties concerned—and in particular of their recognized representatives—in all phases of the legislative process, and in the preparatory stages in particular, is the hallmark of a pluralist society.

<sup>(1)</sup> Free movement of goods, persons, services and capital (Art. 8a of the EC Treaty).

<sup>(2)</sup> EEC Treaty, Article 100a(3).

<sup>(3)</sup> Section II.3 (2nd paragraph), p. 23.

4.4.1. The volume of legislation initiated by the European Community has expanded substantially over recent years, particularly as a result of the Internal Market programme. It is therefore not surprising that many associations and undertakings attempt to influence the legislative process by developing lobbies in Brussels<sup>(1)</sup>. There is also intensive lobbying of Ministers on EC issues at the national level.

4.4.2. Lobbying creates problems, however, when it seeks to influence socially orientated draft legislation, e.g. on environmental, social and consumer policies, affecting all citizens, without sufficient transparency and public supervision. This is a much greater problem at Community than at national level. At Community level the strong parliamentary supervision which is a feature of the Member States is missing, and decisions emerge from a somewhat fuzzy interaction between the Commission and the Council. The risk is therefore much greater at Community level than at national level that well-organized firms or interest groups with enough money and manpower will be able to wield disproportionate influence.

4.5. Any examination of the role of interest groups at Community level should start with the functions of the Economic and Social Committee. Under the Treaty of Rome, the Committee is the institutionalized EC-level forum for interest groups. The ESC can act as a consensus-building forum for interest groups. The information which such groups have is valuable and the ESC is dependent on close relations with interest groups.

4.5.1. At the Committee, relevant interest groups can express their views. Transparency is ensured by the public debate at Plenary Sessions.

4.5.2. As a variety of interest groups are represented on the Committee, it is more than a platform for a broad range of interests: it is also the Institution which seeks to secure consensus between the various interests, in order to prevent any single interest prevailing.

## 5. Proposals for involvement in the Community legislative process

5.1. In the preparation of Community legislation, a distinction should be drawn between (a) the stage before

the Commission's decision on a proposal and (b) the stage between the Commission's decision and the Council's final decision.

5.2. The Sutherland Report makes general recommendations on this topic<sup>(2)</sup> which the Committee can endorse. But the Committee wishes to make the following concrete suggestions based on the recommendations.

5.2.1. The Commission should announce publicly and in good time that it proposes to table Community legislation on given subjects. For complex topics, the submission of a Green Paper would be very useful.

5.2.2. Where important issues are concerned, the relevant interest groups should be informed and invited to attend public hearings, well in advance of the Commission decision. This raises the question of whether the existing Commission advisory committees should continue to operate in their present form. In this context, more attention should be paid to the representativity of the interest groups concerned and the transparency of working methods.

5.2.3. The Commission should recognize and strengthen the role of the ESC as a consultative institution under the Treaties for the public display of the effects of existing and proposed legislation.

5.2.4. The EEC Treaty stipulates: 'The Committee must be consulted by the Council or by the Commission where this Treaty so provides. The Committee may be consulted by these institutions in all cases in which they consider it appropriate'<sup>(3)</sup>. The Committee regrets that under a unilateral interpretation of the Treaty, it is not as a rule consulted until the Commission has formally finalized proposals for Directives, Regulations or Council Decisions. The Committee calls on the Commission to consult it more at the drafting stage. A Green Paper can be just as useful as a specific referral to the Committee.

5.2.5. Formal consultation of the Committee after the Commission has finalized its proposal is somewhat unsatisfactory. Documents are often not submitted in time and not in all official languages, and the consultation procedure deadline is often tight. Consultation is only worthwhile when Opinions can be adopted in time for them to influence Parliamentary and Council decisions.

<sup>(1)</sup> Commission sources (OJ No C 63, 5. 3. 1993, p. 2, 'An open and structured dialogue between the Commission and special interest groups', The Present Situation) indicate that there are 3 000 EC-oriented lobby organizations employing more than 10 000 people in Brussels alone. Brussels therefore comes second only to Washington in terms of lobbyists.

<sup>(2)</sup> Recommendations Nos 8 and 9, p. 24 of the Report.

<sup>(3)</sup> Article 198, paragraph 1.

5.2.6. The Commission and the Council, in conjunction with Parliament, should conclude an agreement with the Committee on the consultation procedure. The agreement should:

- settle technical aspects of document submission arrangements, and the timing and coordination of the consultation procedure with Parliament and the Council;
- provide for possible consultation before the Commission finalizes its decision; and
- lay down criteria for consideration of the Committee's proposals by the Commission and the Council.

5.3. In a Resolution on the 1992 Internal Market programme, the European Parliament suggested to the Council that 'the ESC should constitute a forum for future development of a Community action plan and periodically analyze and study its progress and implications for businesses, consumers and other groups represented in the ESC' <sup>(1)</sup>.

<sup>(1)</sup> EP 202.673/fin, Resolution A3-0401/92, point 16, 11.

5.3.1. The Committee is pleased that the Parliament advocates this role for the ESC in the implementation and future shaping of the Internal Market programme; the Committee supports the Parliament's initiative.

5.3.2. The Committee regrets that the European Parliament Resolution refers only to business and consumers. Workers are another important group affected in many ways by European union. They should be specifically mentioned.

5.3.3. The Committee does not, however, interpret Parliament's proposal as requiring a revamp of the ESC's organizational structure. The Committee is confronted, as a whole and through the work of its Sections, with the implementation and shaping of the Internal Market. The Committee will submit specific proposals on working methods.

In this connection, the Committee urges the recognized interest groups in the Member States and at Community level to send the ESC complaints and suggestions in respect of the Community legislative process. These complaints and suggestions should be addressed by the ESC when it is dealing with the Commission's regular progress reports on implementation of legislation, and in its discussions on topics linked to the operation of the Internal Market.

Done at Brussels, 27 May 1993.

*The Chairman  
of the Economic and Social Committee*

Susanne TIEMANN