

the level of risk compatible with health and safety must be provided.'

### 3.9.2. *Annex II - 1.4.*

The Committee draws attention to the Committee's Opinion <sup>(1)</sup> on the parallel Directive [doc. COM(88) 76] which deals with the information to be supplied by the manufacturer in relation to the use of PPEs: it considers the relationship between the manufacturer and the user to be important to achieve the most effective personal protection.

### 3.10.1. *Annex III - Chapter I - 1*

There can be confusion here as while Article 8.1 requires that a manufacturer draw up a file, there is no obligation on the manufacturer to present the file once it is prepared. Articles 10 and 11 do require such presentation in relation to verification and to conformity.

<sup>(1)</sup> OJ No C318, 12. 12. 1988.

Done at Brussels, 27 October 1988.

*The Chairman  
of the Economic and Social Committee  
Alberto MASPRONE*

## **Opinion on the proposal for a Council Regulation laying down provisions for implementing Council Regulation (EEC) No 2052/88 as regards coordination of the activities of the different structural funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments**

(88/C 337/13)

On 8 August 1988, the Council decided to consult the Economic and Social Committee, under Articles 123, 130 E and 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

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 October 1988. The rapporteur was Mr Serra-Caracciolo and the co-rapporteur was Mr Amato.

At its 259th plenary session (meeting of 27 October 1988), the Economic and Social Committee unanimously adopted the following Opinion.

### 1. Foreword

1.1. The draft Regulation submitted by the Commission falls within the general context of measures taken in furtherance of Title V of the Single Act: 'Economic and Social Cohesion'.

The wording of clause I.1 b) should be altered to read '... the manufacturer's file must include sufficient data to enable the ...'.

### 3.10.2. *Annex III - Chapter I - 2 (a) (English version)*

The sentence should read: '(a) its conformity to the harmonized standards or other technical specifications referred to in Article 5.'

### 3.11. *Annex III - Chapter II*

The Committee endorses the minimum criteria set out for the Member States in appointing inspection bodies. It reiterates earlier Opinions however that mutual recognition between Member States of the testing stations and inspection bodies should exist on a legal Community basis.

More specifically, Article 130 A states that in order to promote its overall harmonious development, the Community shall strengthen its economic and social cohesion by 'reducing disparities between the various regions and the backwardness of the least-favoured regions'.

1.2. In line with its previous positions on this issue, the Committee wholeheartedly endorses the objective of achieving balance between the regions. This target must be pursued via a quantitatively and qualitatively appropriate investment policy capable of narrowing development and income-level gaps in the Community.

1.3. While the structural funds are merely instruments designed to remedy regional imbalances, their reform—along with new administrative criteria—is a major precondition for attaining Community-wide economic and social cohesion.

1.4. The Committee therefore reiterates that the main pillars of genuine reform of structural policies are:

- Coordination of all Community, national and regional policies, with a direct impact or at least substantial repercussions, in particular as regards employment at regional level.
- Guarantees for effective, efficient partnership with the regional and local authorities and with the operators and representatives of economic and social interests.
- Simplification, harmonization and flexibility of procedures.

## 2. General comments

2.1. The Committee finds it regrettable (a) that the framework Regulation has ignored a number of points raised in Committee Opinions<sup>(1)</sup> and (b) that these points have not been incorporated in the new proposals either.

2.2. However, the Committee welcomes certain provisions of the Commission proposal.

Firstly it welcomes Article 9 which provides for qualitative and quantitative additionality, backed up by arrangements to ensure its effective implementation. The concept of 'corresponding increases in total public expenditure' must be clarified to ensure that additionality does not constitute an additional burden for some Member States. The annual increase in appropriations for the Community funds must thus be matched by a net increase in public expenditure investment within each Member State.

The Committee also welcomes Article 27 (2) which provides for ex ante and ex post assessment of Community structural measures. The wholesale introduction of advance assessments is undoubtedly a step forward. Nevertheless there is a need to improve and clarify the entire supervisory arrangements.

<sup>(1)</sup> OJ No C 356, 31. 12. 1987, p. 13, and OJ No C 175, 4. 7. 1988, p. 56.

2.3. The Committee is however concerned that a number of points to be amended are unclear, while others have been omitted.

## 3. Partnership: consultation and concerted action

3.1. Previous ESC Opinions on the reform of the structural funds had requested that:

- the decentralized authorities should be consulted not only when plans are being drafted and submitted, but also when Community support frameworks are being formulated,
- consultation with the economic and social partners should be extended to all structural policies.

3.2. While empowering the Member States to stipulate which authorities are to take part in consultations, Article 4 (1) of the framework Regulation does not exclude the representatives of economic and social interests.

It is unfortunate that this provision has not been incorporated and pursued in the draft Regulation.

3.3. The Committee stresses that:

- the proposal should expressly require local and regional authorities to take part in drafting national plans linked to the five objectives, in defining Community support frameworks and in follow-up and assessment procedures,
- the present Regulation must ensure that the economic and social operators are consulted on all three levels of the decision-making process (plans, Community support frameworks, operational programmes).

3.4. Economic and social operators at national, regional and local level must be involved in Community-level consultations. In defining these consultations, the Commission could expand and draw on experience with the Regulation on the integrated Mediterranean programmes (IMP).

3.5. The list of the representative bodies consulted, and possibly their Opinions, must be included in the plans submitted by the Member States, in the Community support frameworks and in the monitoring and supervisory phase.

#### 4. Committees

4.1. Previous ESC Opinions had wholeheartedly supported the establishment of a single Committee with responsibility for the three funds and for all five objectives. This Committee, the ESC felt, should be representative of all interested bodies at Community, national, regional and other levels, as well as the economic and social partners.

4.2. It has, however, been decided to set up three different committees.

The ESC deplors the ambiguities which will undoubtedly arise in linking the three committees to the three structural funds. This arrangement does nothing to solve the problem of tailoring aid from the three funds to the five objectives. It also curtails the role of the economic and social forces in the Social Fund Committee (Article 124 of the EEC Treaty).

4.3. It is essential to remedy these two shortcomings. The ESC therefore calls for the definition of a body with responsibility for assessing to what extent structural assistance is coordinated with the five objectives, while respecting the principle of partnership within the Community support frameworks. At the very least, this calls for an advisory committee, bringing together the Commission and the socio-economic interest groups.

4.4. A legal basis for such involvement could be provided in respect of the Committees concerned with objectives 1, 2 and 5 by assimilating the definition of 'representatives of the Member States' to the definition set out in Treaty Article 124 ('representatives of Governments, trade unions and employers' organizations').

4.5. In connection with the monitoring and assessment committees provided for in Articles 26 and 27 of the proposal, experience with IMPs could be used and improved with regard to the involvement of the economic and social operators.

4.6. The ESC feels that the present Regulation should focus more sharply on following points:

- The levels at which the Committees come into play, while also ensuring their involvement at regional level.
- The qualifications of the members of these committees, in the context of wider partnership.
- Arrangements for determining the physical and financial indicators to be used by the Commission for monitoring and assessing the impact of Community assistance.

- The reports to be submitted in connection with monitoring (their content is rather unclear).

#### 5. Criteria

5.1. On the issue of the criteria for deciding which regions should receive structural assistance, the ESC notes the indications supplied for objectives 1 and 2. It stresses however that:

- as regards objective No 2 in particular, account should be taken of the arrangements provided for in Article 9 (2), second sub-paragraph, third indent of the framework Regulation (job losses—restructuring of the steel industry and other ailing industrial sectors);
- the criteria for objective 5 b should be reviewed because there are too many of them, they are not sufficiently clear-cut, and they run counter to the principle that assistance should be concentrated.

The Committee therefore refers to its earlier Opinion which proposed in respect of regions falling under objective 5 b and not covered by objectives 1 and 2, that the European Regional Development Fund (ERDF) and the European Social Fund (ESF) aid should be focused on disadvantaged islands and upland areas.

5.2. The ESC concedes that the Commission must retain a minimum of flexibility but feels that this must be exercised within well-defined parameters.

#### 6. The integrated approach

6.1. The Committee would reiterate its support for arrangements which permit the maximum degree of synergy at regional level in terms of both partnership and coordination and multi-annual management and concentration.

6.2. As in previous Opinions, the Committee trusts that the use of this kind of structural assistance will be specifically encouraged. The proposed amendments concerning (i) the incorporation of the five objectives into the regional plans, (ii) partnership and (iii) coordination, reflect the concern to maximize the number of beneficiaries from such an approach, for example by promoting mixed regional and local economic and employment development agencies for the purpose of achieving the objectives. Moreover it should be specified that while remaining within the remit of the regional authorities, integrated operations must as a rule be geographically confined to NUTS III level whenever horizontal structural assistance is involved.

6.3. From this point of view, the Committee believes the Commission should be given more latitude in taking decisions on this approach.

## 7. The new procedures

The Committee demands that the various phases of the new procedure should be more clearly distinguished from one another. Clarity must be the paramount concern in the Regulation. It must be comprehensible and applicable as soon as it is published without the need to refer to subsequent implementing instruments.

### 7.1. Plans

7.1.1. The absence of a single regional plan for the five objectives is regrettable. The regions covered by objectives 2 and 5 should be incorporated into regional planning.

7.1.2. Although the framework Regulation provides for a national plan for objectives 3 and 4, there is nothing to stop them being broken down by region.

7.1.3. The level at which plans are to be drawn up should be clarified. The 'geographical level deemed to be most appropriate' can be too widely interpreted. The Committee proposes that plans concerning only one region should have to be drawn up at regional level by the regional authorities. Where a plan covers several regions or a sectoral aspect of the development of several regions, the State and all regional and sub-regional authorities concerned should, in line with the rules on partnership, be involved in drafting the plan for submission to the Commission. Article 5 (2), third paragraph, should therefore be amended: the term 'expenditure' should be replaced by 'the actions and expenditure in respect of each of the regions ...'.

7.1.4. The fact that certain issues are dealt with at NUTS III level does not prevent them from being incorporated into the regional plan, or being coordinated with regional programming where there is no regional plan.

7.1.5. Objective 5 a poses the most serious problem. The programming principle covers all objectives without exception. The prior, deliberate exclusion of objective 5 a from the new procedures is therefore unacceptable.

7.1.6. In view of the deadlines stipulated in the framework Regulation, the ESC calls for a rapid review of the agricultural regulations. In undertaking the review, the Commission and the Council should give

consideration to coordinating and integrating objective 5 a more closely with the other objectives, at both plan and Community support framework level.

7.1.7. The deadline stipulated in Article 6 for submitting plans is too tight. It should be aligned on the deadlines for objectives 3 and 4 (1 June 1989).

### 7.2. The Community support frameworks

7.2.1. Although the Committee considers the Community support frameworks (CSF) to be a key component of the reform, it deplores the vagueness surrounding their legal definition. The term 'sent as a declaration of intent to the Member State' does little to guarantee the results of consultation with the parties concerned.

7.2.2. The Committee requests that the review procedure for the Community support frameworks should provide for the consultation of all interested parties.

7.2.3. It is essential to ensure that Community support frameworks tie in with the plans. The impact and significance of the CSFs will in fact vary considerably depending on whether each plan has its own CSF or whether one covers several plans or just part of a plan. The Commission proposal should further clarify the content of CSFs.

7.2.4. In the Spanish version of Title III of the draft coordinating Regulation, *Estructuras Comunitarias de Apoyo* should read *Marcos Comunitarios de Apoyo*, in line with Article 8 (5) of Council Regulation EEC No 2052/88 of 24 June 1988.

### 7.3. Forms of assistance

#### 7.3.1. Operational programmes

The Committee attaches fundamental importance to the instrument of operational, possibly integrated, programmes.

#### 7.3.2. Programme contracts

The Committee deplores the fact that the Commission proposal makes no reference to the programme contracts which have been successfully tried out in IMP. The Committee reiterates the importance which it attaches to this instrument and considers that programme contracts should be specified for each operational programme. They should be supported not only by the Community, the Member State and the regional or local authority concerned, but also by the other public bodies involved in the implementation of the programme.

#### 7.4. Assistance from the Fund

7.4.1. The Committee is critical of the arrangements for coordination between the Funds which will in practice lead to separate administration of finances. Global programming of development needs at regional level would make for the gradual coordination of assistance by guaranteeing the requisite synergy, in particular with the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section.

7.4.2. The Committee deplores the absence of statistics on the contribution to objective 1 of ESF and EAGGF resources.

7.4.3. Article 14 (1) does not clearly define the connection between applications for financial assistance and the type of measures to be financed. The legal definition of 'specific operation' must be clarified and replaced by the definition of 'forms of assistance' set out in Article 5 of Regulation (EEC) No 2052/88.

7.4.4. There is some confusion between Article 13 of the framework Regulation and Article 18 of the current proposal dealing with the differentiation of rates of contribution from the Funds, since the rates can only be indicative and not mandatory.

7.4.5. Steps should be taken to ensure that proposed operations and measures proposed for funding conform to the relevant Community support framework. [The current wording of Article 14 (3) provides for conformity 'where appropriate ...']

#### 8. Specific comments

8.1. The Committee believes that the proposal should focus more closely and make adequate provision for a number of other points, in particular:

8.1.1. Article 3's provisions for coordinating structural fund aid and aid from the European Investment Bank (EIB) with other Community financial instruments are unsatisfactory since they do not make any practical proposals to ensure such coordination.

8.1.2. Article 33 (publicity) should give the Commission more mandatory powers *vis-à-vis* the Member States.

8.1.3. Greater emphasis should be placed on the need to focus technical assistance for regions on the most disadvantaged regions and to apply it compulsorily from the moment the plans are drafted, so that these regions derive the maximum benefit from Community assistance.

8.1.4. At no time is it suggested that the opportunities created by Commission action in the area of financial engineering must contribute to the effectiveness of structural assistance.

8.2. With a view to the coordination of Community structural policy, the Committee stresses the need for linked deployment of all the financial instruments, in order to achieve the widest possible creation of new jobs.

8.3. When the reform is being implemented, the Commission must ensure clear-cut organizational forms providing the requisite coordination to secure the efficiency of the new structural aids.

Done at Brussels, 27 October 1988.

*The Chairman  
of the Economic and Social Committee*

Alberto MASPRONE

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