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II

(Preparatory Acts)

ECONOMIC AND SOCIAL COMMITTEE

Opinion on the proposal for a Council Directive amending for the eleventh time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ⁽¹⁾

(90/C 168/01)

On 1 February 1990 the Council decided to consult the Economic and Social Committee, under Article 100a 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 3 April 1990. (Rapporteur: Mr Beltrami, co-rapporteurs: Mr Etty and Mr Landaburu Da Silva).

At its 276th plenary session (meeting of 25 April 1990), the Economic and Social Committee adopted unanimously the following opinion:

1. Introduction

1.1. The draft Directive amends for the 11th time Directive 76/769/EEC, which establishes a legal framework for banning or restricting the marketing and use of certain dangerous substances and preparations.

The proposal aims to provide better protection for man and the environment and to help the internal market operate more smoothly by introducing the same restrictions in all Member States.

1.2. It seeks to restrict use of monomethyl tetrachloro diphenyl methane (trade name: Ugilec 141) and to ban the marketing and use of monomethyl dichloro diphenyl methane (trade name: Ugilec 121 or Ugilec C 21) and monomethyl dibromo diphenyl methane (trade name: DBBT).

1.3. These compounds can be used as substitutes for PCBs, the marketing and use of which was banned under Directive 85/467/EEC ⁽²⁾ with effect from 30 June 1986, apart from certain very limited exceptions.

1.4. In the light of available information, however, the Commission believes that these three compounds also represent a potential hazard for man and the environment:

— because their chemical structures are similar to those of PCBs,

— because of their physico-chemical, toxicological and ecotoxicological properties,

— because they are poorly degradable by either biological or non-biological processes,

— because they tend to accumulate in living tissue.

1.5. The Commission also points out that where 'Ugilec' is regularly used in hydraulic machinery in coalmines, there is a significant risk of contaminating local rivers and ground water in the area.

Furthermore, operating conditions in coalmines make it virtually impossible to prevent significant quantities of these substances from being released into the environment.

2. General comments

2.1. The Economic and Social Committee takes note of the Commission's proposed Directive amending for the 11th time Directive 76/769/EEC.

2.2. It represents a logical development in Commission policy: having replaced PCBs, the Commission now proposes to replace, as requested in opinion CES 462/89 ⁽³⁾, compounds with similar properties to PCBs, particularly as regards their effect on the environment.

⁽¹⁾ OJ No C 24, 1. 2. 1990, p. 20.

⁽²⁾ OJ No C 104, 25. 4. 1985, p. 1.

⁽³⁾ OJ No 139, 5. 6. 1989.

2.3. Given that there are possible alternatives to these substances, the Committee endorses (subject to the comments in the next section) both:

(a) the ban on the marketing and use of:

- monomethyl dichloro diphenyl methane (Ugilec 121/Ugilec C 21),
- monomethyl dibromo diphenyl methane (DBBT),
- preparations containing these substances; and

(b) the restrictions on the marketing and use of monomethyl tetrachloro diphenyl methane (Ugilec 141) and preparations containing this substance, the ultimate aim being a total ban within specified time limits. This is also in keeping with the latest developments in mining, where hydraulic equipment is systematically being replaced by electro-mechanical equipment.

3. Specific comments

3.1. The Committee feels that it is reasonable to lay down a transitional period for monomethyl tetrachloro diphenyl methane (Ugilec 141), but would recommend reducing it to one year from the date of adoption of the

Directive as it constitutes such a serious environmental hazard.

3.2. With regard to the exemptions provided for in the case of plant and machinery already in use, the Committee would suggest that the period of depreciation rather than the 'life-time' be used as the criterion for taking them out of service. Member States should cooperate with the Community in drawing up appropriate disposal schemes.

3.3. As regards the disposal of the actual substances, the Committee feels that in view of their chemical properties they should be included in the draft Directive on the disposal of PCBs and PCTs ⁽¹⁾. The Committee would refer to its opinion on the latter, and would in particular reiterate its concern over the Community's present capacity for disposing of these substances.

Done at Brussels, 25 April 1990.

The Chairman

of the Economic and Social Committee

Alberto MASPRONE

⁽¹⁾ OJ No C 319, 12. 12. 1988.

Opinion on the proposal for a Council Directive amending Directive 87/404/EEC on the harmonization of the laws of the Member States relating to simple pressure vessels ⁽¹⁾

(90/C 168/02)

On 15 January 1990, the Council decided to consult the Economic and Social Committee, under Article 100a 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 4 April 1990. Mr Flum was rapporteur.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted the following opinion:

The Committee approves the proposal for a Directive, subject to the following observations:

1. The 'pressure vessels' Directive of 25 June 1987 represents the first application of the new approach to technical harmonization. Consequently, in delivering its opinion ⁽²⁾ on the corresponding proposal (rapporteur: Mr Flum) the Committee drew attention to the risk of discrimination based on standards since, whilst some Member States relied on voluntary standards, others

had introduced mandatory technical requirements. The absence of a clear legal classification of the rules in question could be expected to create difficulties for certain Member States which would find themselves in a vacuum if the Directive entered into force before the corresponding European standards were adopted.

The Economic and Social Committee therefore proposed that the transitional period be dispensed with and called on the Commission to make every effort to ensure the early establishment of European standards and to submit a timetable drawn up in conjunction with the

⁽¹⁾ OJ No C 13, 19. 1. 1990, p. 7.

⁽²⁾ OJ No C 328, 22. 12. 1986.

European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (Cenelec) so that the parties concerned would know when the European standards applied.

2. In view of the failure of CEN to carry out its standardization contract on time, that is by 1 January 1990, the Commission has proposed the inclusion of a transitional provision in the Directive which would allow the Member States to permit, until 1 July 1992, the placing on the market and/or in service of vessels conforming to the regulations in force in their territories before the date of application of the Directive.
3. The Committee finds this proposal all the more regrettable in that the special health and safety risks to which pressure-vessel operatives and users are exposed continue to create an urgent need for compliance with Community safety deadlines. Consequently, if the date mentioned in Article 1 of the proposed amendment cannot be brought forward, the Commission must

guarantee that there will be no further delays and secure a binding undertaking to that effect from CEN.

4. The Committee calls on the Commission to take whatever steps are necessary to ensure that CEN completes its work satisfactorily and on time. Should it fail to do so, the Commission must take appropriate action in its capacity as the commissioning authority.
5. The Committee would also draw attention to its opinion of 17 September 1986 setting out, in particular, important and constructive proposals for standardization measures to be carefully considered by the Commission and CEN.

Done at Brussels, 25 April 1990.

*The Chairman
of the Economic and Social Committee*

Alberto MASPRONE

Opinion on the proposal for a Council Directive amending Directive 84/529/EEC on the approximation of the laws of the Member States relating to electrically operated lifts ⁽¹⁾

(90/C 168/03)

On 15 January 1990, the Council decided, in accordance with Article 100 of the Treaty establishing the European Economic Community, to consult the Economic and Social Committee on the abovementioned proposal.

The Section for Industry, Commerce, Crafts and Services was instructed to prepare the work on this topic and adopted its opinion on 4 April 1990. Rapporteur: Mr Pearson.

The Economic and Social Committee, at its 276th plenary session, meeting of 25 April 1990, adopted unanimously the following opinion:

1. The Committee notes that the tabled proposal is one which has to be treated as a matter of urgency owing to the imbalance that has come about in the industry concerned as a result of the exclusion of '... appliances actuated by fluids (such as oil and hydraulic lifts) ...' ⁽²⁾. Accordingly, the Committee thinks it right that Council Directive 84/529/EEC as updated in Commission Directive 86/312/EEC ⁽³⁾ should be amended as is proposed in the current draft

Directive, particularly as the CEN has published a second part of Standard EN 81 relating specifically to hydraulic and electrohydraulic lifts.

2. The Committee questions whether the Commission should not have clearly defined the 'appliances actuated by fluids (such as oil and hydraulic lifts)' since, in its view, the mere deletion of an item from the exceptions in a previous Directive is insufficient. It is certainly not clear that the proposal now includes 'hydraulic-powered lifts'.

3. The Committee also approves the technical amendments made to the original Directive 84/529/EEC by Directive 86/312/EEC. Neither the Committee nor the

⁽¹⁾ OJ No C 17, 24. 1. 1990, p. 9.

⁽²⁾ OJ No L 300, 19. 11. 1984, p. 86.

⁽³⁾ OJ No L 196, 18. 7. 1986, p. 56.

European Parliament appear to have been consulted at that time in spite of the proposals being subject to Article 100 of the Treaty.

4.1. It should be noted that the current proposals are not in accordance with the 'new approach' Directives for reasons that are acceptable. Nevertheless the Committee stresses the need for the same level of importance to be given in the area of health and safety as is required in the 'new approach' principle.

4.2. The Committee believes that it should draw the attention of the Council to the ESC opinion of 26 February 1976 ⁽¹⁾, in particular, in relation to 'optional harmoni-

zation'. In point 1.1.2 of that opinion it is stated '... in addition it [the Committee] considers that the Directive on lifts should provide for total harmonization. This is warranted in the interests of workers' and users' safety and for economic and technical reasons.' This sentiment is still valid 14 years later but has not been addressed in either of the amending Directives since then.

Done at Brussels, 25 April 1990.

*The Chairman
of the Economic and Social Committee*

Alberto MASPRONE

⁽¹⁾ OJ No C 131, 12. 6. 1976, p. 31.

Opinion on the proposal for a Council Directive amending Council Directive 79/196/EEC on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection

(90/C 168/04)

On 27 February 1990 the Council decided to consult the Economic and Social Committee, under Article 100a 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 4 April 1990. The rapporteur was Mr Flum.

As its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted unanimously the following opinion:

The Economic and Social Committee endorses the proposal subject to the following comments:

1. The outline Directive 76/117/EEC on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres ⁽¹⁾ was adopted by the Council on 18 December 1975 pursuant to Article 100 of the EEC Treaty:

- This Directive lays down in particular the inspection procedures which this equipment must satisfy in order to be imported, put on the market and used freely after undergoing tests and being provided with the prescribed markings and marks.

It also stipulates that separate Directives are to specify the harmonized standards applicable to this equipment [Article 4 (4)] and that the standards are to be adapted to technical progress (Article 5).

- The free movement of electrical equipment was established by Directive 79/196/EEC of 6 February 1979 ⁽²⁾. This Directive applies to equipment for use in potentially explosive atmospheres which incorporate one or more of the types of protection listed in Article 1.

- Annex I to this Directive lists the harmonized standards produced by Cenelec which equipment with a specific type of protection must satisfy. These standards were adapted to technical progress by Directives 84/47/EEC of 16 January 1984 ⁽³⁾ and 88/571/EEC of 10 November 1988 ⁽⁴⁾.

- Annex II to Directive 79/196/EEC lays down the model for the distinctive Community mark, as implemented in Directive 84/47 of 16 January 1984.

2. The aim of the present proposal [doc. COM(90) 13 final — SYN 243 ⁽⁵⁾] amending Directive 79/196/EEC is to

⁽²⁾ OJ No L 43, 20. 2. 1979, p. 20.

⁽³⁾ OJ No L 31, 2. 2. 1984, p. 19.

⁽⁴⁾ OJ No L 311, 17. 11. 1988, p. 46.

⁽⁵⁾ OJ No C 111, 5. 5. 1990.

⁽¹⁾ OJ No L 24, 30. 1. 1976, p. 45.

add two types of protection — ‘encapsulation-m’ and ‘intrinsically safe electrical systems-i’ — for which European standards also exist in the mean time (EN 50028 and EN 50039).

3. Also to be included is hand-held electrostatic spraying equipment for which there are also new standards (EN 50050 and EN 50053 parts 1, 2 and 3).
4. The types of protection for the hand-held electrostatic spraying equipment come under Article 1 of Directive 79/116/EEC. The aim of the proposal is to adapt to technical progress and establish the free movement of goods. There are no objections to the expansion of

Article 1 and the inclusion of new standards in Annex I. The Directive can be implemented by 1 July 1992. The Committee also notes that a comprehensive revision of the provisions for electrical equipment — which is to cover all sectors — is already under way.

Done at Brussels, 25 April 1990.

*The Chairman
of the Economic and Social Committee*

Alberto MASPRONE

Opinion on the proposal for a Council Decision on expenditure in the veterinary field ⁽¹⁾

(90/C 168/05)

On 14 February 1990 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 5 April 1990. The rapporteur was Mr Storie-Pugh.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted unanimously the following opinion:

General comments

The Committee welcomes this proposal as it provides the financial means for carrying out the veterinary legislative programme and subsequently reduce the risk of a failure of the Community animal health plan, it also makes allowance for desirable expenditure in areas for which hitherto no budgetary provision has been available. The Committee hopes that the financial appropriation will be adequate to avoid the temptation of spreading the money too thinly.

Whilst appreciating that there is a strong and necessary facultative element in the whole proposition, in deciding priorities the Committee strongly supports the compensation measures outlined in Article 3 (5) as being of prime importance. A larger compensatory contribution from Member States could possibly be made through savings on frontier control expenditure to enable producers to receive 100 % compensation *in toto*. Such a level of compensation would have the added advantage that there would be more incentive for livestock producers and others to report the

earliest suspicion of disease. In any case, rapid payment to the farmer is imperative.

Specific comments

Article 3 (1)

Add ‘Aujeszky's disease’. Other diseases such as infectious bovine rhinotracheitis (IBR) and maedi-visna might be considered for inclusion at a later date.

Article 3 (1)

A better scientific definition is required (at least in the English version) of lumpy skin disease. Perhaps by specifying the virus involved to differentiate from the herpes virus causing pseudo-lumpy skin disease.

Article 3 (2)

— First indent

Add ‘with due regard to environmental protection’.

⁽¹⁾ OJ No C 84, 2 4 1990, p 1

— Third indent

Add 'and other materials and equipment including the means of transport that can be disinfected'.

Article 7 (1)

Omit 'directly' as there are other examples of threats than the geographical ones implied here.

Article 7 (3)

— Third line

Insert before vaccination the words 'buffer zone' to make for greater clarity.

Add at the end of 7 (3):

'All payments shall be made as quickly as possible.'

CHAPTER 3

Article 16

Add two further indents:

- the establishment of training programmes for stockmen on livestock production systems which provide for the protection of the animal and for the early identification of health and welfare problems which may arise,

- the establishment of training programmes for the drivers of vehicles on the measures needed to protect the animals and for the early identification of health and welfare problems which may arise.'

These indents would be in keeping with the previously expressed opinions of the Section.

Article 19

In view of consumer concern and because of the effects upon the liberalization of trade, consideration should be given for Community participation to help national programmes for the eradication of bovine spongiform encephalopathy.

Article 47

— Last paragraph

Omit 'utmost' as it implies that the Commission has a grading system for taking account of the opinions of the Standing Veterinary Committee.

Done at Brussels, 25 April 1990.

The Chairman

of the Economic and Social Committee

Alberto MASPRONE

Opinion on the proposal for a Council Directive amending Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products ⁽¹⁾

(90/C 168/06)

On 6 February 1990 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 5 April 1990. The rapporteur was Mr Rolão Gonçalves.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted the following opinion unanimously:

1. Introduction

1.1. The need to boost productivity and improve the quality of farm produce is leading farmers to purchase non-native instead of native plant varieties and species.

1.2. The plantules and seeds thus exported from one part of the world to another may (either directly or as a

carrier) introduce harmful organisms not found in the region of destination. Such organisms may cause epiphytotic diseases with damaging economic and social consequences, and these may be aggravated by the change in ecological or crop-growing conditions.

1.3. Community strategy in this area has hitherto focused on prevention. This takes the form of border checks and quarantine measures at Member States' frontiers, and involves harmonization of inspection

⁽¹⁾ OJ No C 31, 9. 2. 1990, p. 8.

methods and mutual recognition of plant health certificates. Directive 77/93/EEC and its subsequent (almost 20) amendments form the legal framework.

1.4. The establishment of a genuine single market by the start of 1993 rests on the abolition of physical frontiers and the removal of barriers to the free movement of goods. As this will mean the end of frontier controls, a new strategy is called for, designed to:

- retain the present arrangements, with some adjustments, for imports from third countries, either by retaining checks at the Community's external borders or by systems of mutual recognition on the basis of bilateral agreements,
- replace current national risk-assessment systems with Community-wide health standards applicable both to intra-Community trade and to Member States' domestic trade.

2. Principles underlying the proposal

2.1. The proposal forms part of a package of measures to amend the legal framework in the light of the new plant-health strategy. It aims to correct any undesirable effects which could result from misapplication of the general measures being adopted within the Community, i.e. the possibility that organisms harmful to plants could be transferred from one Member State to another in the course of trade.

2.2. The proposal adds two essential components to Community legislation by:

- establishing a system of Community financial assistance to help Member States receiving infested or infected plants and propagating material to clear up the problem quickly or receive compensation,
- setting up a system requiring Member States which export material containing harmful organisms to refund the costs incurred under the financial assistance system.

3. General comments

3.1. The Committee recognizes that the proposal will help ensure that the new system does not lead to a deterioration in plant health within the Community through the introduction or propagation of new harmful

agents. The Committee therefore approves the Commission proposal, subject to the comments and recommendations which follow.

3.2. The Committee considers that the legal basis of the proposal (Article 43 of the EEC Treaty) is unsound, and that it should instead be Article 100a. It is clear from both the explanatory memorandum and the preamble that the proposal is a necessary legislative move towards the completion of the internal market in 1992. If it were not for the internal market, the proposal would not be necessary, as it is not needed for the implementation of the common agricultural policy.

3.3. The Committee also considers that in cases such as the present, where uniform criteria are vital to prevent defective interpretations in the national law of Member States, a Regulation would be a more appropriate instrument than a Directive.

3.4. The Committee is surprised that the Commission has overlooked the need to compensate injured farmers. The proposal concentrates solely on the effect on Member States. The Committee urges the Commission to conduct an early review of this aspect of the problem, without prejudice to its position *vis-à-vis* Member States. In the Committee's view, farmers suffering material or financial losses as a result of official checks or eradication measures should be fully indemnified for this.

3.5. Once the present package of measures tailored to the internal market has been adopted, the Committee strongly urges rapid publication of a consolidated version of Directive 77/93/EEC with all its amendments and any future updates. The successive amendments, some of which overlap, make the legislation extremely complex at the moment.

3.6. The Committee also feels it important that the Commission should consider granting financial and technical assistance (as it does in parallel areas of animal health in the fight against certain epizootic diseases) to campaigns to stamp out certain epiphytotic diseases which are on the increase in the Community and frequently cause serious damage.

4. Specific comments

4.1. Article 1

- Insertion of Article 19b

Given that there is insufficient experience to be able to budget accurately, the Committee is wary of the phrase 'appropriations available for that purpose in the Community budget'. The Committee has always advocated

budgetary rigour and always will, but it considers that in order to cater for exceptional or emergency situations which could endanger human, animal or plant health, one should not lay down prior budgetary restrictions. The Committee therefore proposes deletion of the words 'and within the limits of appropriations available for that purpose in the Community budget'.

4.2. Article 1

— Insertion of Article 19c

4.2.1. Paragraph 1

The words 'or are not endemic' or 'or have been eradicated or are in the process of being eradicated in the Member State' should be inserted in the third line, after the words 'not known to occur'.

4.2.2. Paragraph 2 — first indent

The Committee feels that the reference to 'growing medium' should appear in the first indent rather than (as at present) in the second. It would also be preferable to expand it to read 'soil or other growing medium'. 'Wrapping and packaging material' should also be mentioned.

4.2.3. Paragraph 2 — second indent

By the same token, the Committee considers that in the interests of clarity mention should be made of 'containers and other transportation material'.

4.3. Article 1

— Insertion of Article 19d (2)

The Committee suggests that the second sentence be amended to read as follows: 'For the purposes of this provision, inadequate examinations or inspections, or failure to carry them out when they are required, may, in the absence of proof to the contrary, be taken to indicate presumption of negligence.' This is less stark than the present wording.

Done at Brussels, 25 April 1990.

The Chairman
of the Economic and Social Committee
Alberto MASPRONE

Opinion on the proposal for a Council Regulation (EEC) laying down health rules for the production and placing on the market of melted animal fat, greaves and by-products of rendering for human consumption

(90/C 168/07)

On 27 February 1990 the Economic and Social Committee, acting under the third paragraph of Article 20 of its Rules of Procedure, decided to draw up an additional opinion 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 5 April 1990. The rapporteur was Mr Gardner.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted unanimously the following additional opinion:

In its opinion of 20 December 1989 ⁽¹⁾, the Committee reserved its right to give an additional opinion after it had examined other draft instruments referred to in this proposal by the Commission. One of these instruments is COM(89) 492 final on health rules for products of animal origin. The latter contains a chapter giving detailed requirements for the construction of establishments and cold stores. These rules are designed to keep the finished product in a sound state bacteriologically. A number therefore do not apply for producing fat for further refining since the refining process sterilizes the fat. On the other

hand, it is essential that the fat be kept clean bacteriologically after refining, refining being treatment by steam and/or vacuum.

This could best be achieved by adding a Chapter III, as follows:

'Requirements for the preparation of melted animal fat, greaves and by-products for further refining for human consumption

1. Centres for the collection of raw materials and further transport to processing establishments shall satisfy the general requirements: 1, 2 (a), (g) and (h), 3, 4, 5, 6, 7, 8, 9

⁽¹⁾ OJ No C 62, 12. 3. 1990, p. 25.

and 10 as laid down in Chapter I of the Annex to Council Regulation (EEC) No ... (products of animal origin) and shall be provided with a cold store to store raw materials at an internal temperature of 7°C or less, unless the raw materials are collected and rendered within the time limits laid down in Chapter II.

2. The processing system should be self-contained where it is part of an establishment having at least:

- (a) a cold store, unless the raw materials are collected and rendered within the time limits laid down in point 3 of Chapter II;
- (b) a separate receiving room or place for raw materials;
- (c) an installation to facilitate the visual inspection of raw materials;
- (d) if appropriate, an installation to crush raw materials;
- (e) equipment for the rendering of raw materials by heat or pressure or other appropriate method;
- (f) dedicated tanks in which the fat can be kept in liquid state for despatch by tankers;
- (g) watertight containers for the disposal of raw materials, not fit for human consumption.

3. During refining, the fat must be heated to a sterilizing temperature and time and thereafter kept in conditions which avoid recontamination.'

Changes in Dutch text

Aside from this, the main point of this additional opinion, the Committee would also draw attention to the following problems with the Dutch translation of the Commission proposal.

- (a) *Articles 2 (2) (b): 'Definition of melted animal fats'*

The English definitions 'rendered' and 'melted' cannot be clearly translated into Dutch by 'gesmolten'.

- (b) *Article 2 (2) (c): 'premier jus'*

The Dutch translation of 'caul' is not 'damvlies' but 'darmet'; fat obtained in this way is called 'netvet'.

- (c) *Annex, Chapter I: 'Internal temperature of cold stores'*

Although various texts including the French and Dutch versions refer to a storage temperature ('opslag temperatuur' in Dutch) the English version refers to 'internal temperature'.

- (d) *Annex, Chapter I, point 2 (b) and (h): separate rooms or place for the reception of raw materials and the dispatch of final products*

The English text refers to 'a room or a place'. The Dutch version ('ruimte') is incomplete.

- (e) *Annex, Chapter II, point 3 (c)*

In the second paragraph of (c), 'refrigerated' is translated as 'frozen' in the Dutch text; the correct translation is 'gekoeld'.

- (f) *Annex, Chapter II, point 5*

Another mistranslation; according to the present Dutch text extraneous matters must be removed, but not meat unfit for human consumption!

- (g) *Annex, Chapter II, point 7*

Incorrect Dutch translation: replace 'de betrokken vetten' by 'de vetten voor raffinage'.

Done at Brussels, 25 April 1990.

The Chairman
of the Economic and Social Committee
Alberto MASPRONE

Opinion on the proposal for a Council Decision establishing a trans-European mobility scheme for university studies (Tempus) ⁽¹⁾

(90/C 168/08)

On 12 February 1990 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 Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 9 April 1990. The rapporteur was Mr Nierhaus.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted the following opinion:

1. General comments

1.1. The proposed European Foundation for Training and trans-European mobility scheme for university studies (Tempus) have the same objective: to stimulate Central and Eastern European economies by means of exchange programmes and know-how transfer in the field of vocational training. These Community projects, called for by the Council of Ministers at its meeting in Strasbourg on 8 and 9 December 1989, are part of a general Community policy, the ultimate aim of which is, in the interests of peaceful coexistence, to reduce and eventually eliminate the disparity in living standards between Western and Central/Eastern Europe.

1.2. The Committee endorses the Tempus programme as emphatically as the European Foundation for Training (see separate opinion) because it sees the programme as an effective first step towards the use of vocational training as an additional way of serving an overriding political objective. The activities of Tempus, however, must in no way adversely affect similar existing or planned bilateral schemes between the countries of the European Community.

1.3. The Tempus programme, which concentrates its activities on university teachers and students, can draw on a wealth of experience in the implementation of Community programmes having identical or similar target groups (Erasmus, Comett, Lingua, SPES, Science, etc.). This should make it all the easier to meet the proposed timetable for planning and implementation of the programme.

2. Specific comments

2.1. The comments which the Committee made on the setting-up of the European Foundation for Training also

apply to a great extent to the Tempus programme, so that there is in principle no need to repeat them here. The following requirements should be noted however:

- there must be practical arrangements for appropriate involvement of the social partners in the Tempus programme,
- an adequate flow of information, possibly via national coordination bodies, is needed if Tempus is to be effective,
- the experience accumulated and the results of Tempus must be documented and made available to the participating organizations,
- training policy, social protection and employment policy should be added to the list of activities in the Commission document.

2.2. The Tempus programme activities must also include bringing about medium-term changes in the structure of universities and in higher education policy in Central and Eastern European countries (via contacts with universities in the Member States).

2.3. In view of the target group at which the Tempus programme is aimed the Committee is glad that the principle of reciprocity in exchange programmes is being maintained. The number of exchange students going from west to east will be considerably smaller than that going from east to west, a fact which is reflected in the proposed budget. In the early stages the main advantage of the programme will be to offer Western European students the opportunity to perfect their knowledge of the language of the host country. At a later stage the accent should shift to giving students of economics the opportunity to familiarize themselves with the social and economic structures of the host country as a possible trading partner.

2.4. The effectiveness of exchanges depends to a great extent on sufficient familiarity with the language, culture and society of the host country.

⁽¹⁾ OJ No C 85, 3. 4. 1990, p. 9.

2.5. The possibility of using Action 1 to promote cooperation between universities from East and West in the early stages of the programme should be looked into. The 'other bodies' should include initial and further training establishments, particularly those run by employers'

organizations, trade unions and other participants in vocational training.

Done at Brussels, 25 April 1990.

*The Chairman
of the Economic and Social Committee*

Alberto MASPRONE

Opinion on the proposal for a Council Decision amending Decision 84/636/EEC establishing a third joint programme to encourage the exchange of young workers within the Community

(90/C 168/09)

On 30 March 1990 the Council of the European Communities 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 Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 9 April 1990. The rapporteur was Mr Dassis.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted the following opinion unanimously:

1. The Committee endorses the Commission proposal and agrees that a synchronized approach in the phasing of the programme along with the Youth for Europe programme would provide for a more coherent and efficient set of arrangements.

2. The Committee therefore approves the extension by one year of the period of validity of the current programme, so that a fourth exchange programme can subsequently be presented in parallel with the renewed Youth for Europe programme, and in the light of Commission assessments.

3. The Committee would also urge the Commission to envisage measures to reverse the decline in long-term young worker exchanges and to encourage more participation from peripheral or disadvantaged regions. The particular

needs of young workers in frontier areas might also be given more appropriate attention.

4. Clearly, successful participation in the exchange programme would be significantly aided by a stepping-up of Community measures to promote the mutual recognition of training qualifications, experience and diplomas.

Done at Brussels, 25 April 1990.

*The Chairman
of the Economic and Social Committee*

Alberto MASPRONE

Opinion on the proposal for a Council Decision adopting a specific programme concerning the preparation of the development of an operational Eurotrasystem

(90/C 168/10)

On 5 January 1990 the Council decided to consult the Economic and Social Committee, under Article 130q (2) of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Energy, Nuclear Questions and Research, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 10 April 1990. The rapporteur was Mr Proumens.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted the following opinion by a large majority (one abstention):

1. Preliminary comments

1.1. The Committee notes that the present proposal is a logical follow-up to earlier Council Decisions aimed at eventually creating a machine-translation system of advanced design capable of dealing with all official Community languages. The proposal also dovetails with the initial objectives of the Eurotra programme launched in 1982 ⁽¹⁾.

1.2. Although in earlier opinions the Committee has consistently shown an interest in the Eurotra programme and supported proposals on the implementation thereof, it has always been somewhat sceptical about the likelihood of achieving the programme's objectives, particularly within the deadlines set. The Committee nevertheless approves the present proposal both for reasons of consistency and because of the intrinsic value of the document.

1.3. However, the Committee would wish to make clear that the Eurotra programme's assessment report, which confirms that the execution of the programme is posing real problems, has done nothing to alter its own scepticism.

2. General comments

2.1. Information reaching the Committee suggests that work is likely to be carried out on the following pattern:

- (a) maintenance of a vocabulary of 20 000 words (as initially envisaged);
- (b) limitation of vocabulary to scientific and technical terms;
- (c) inclusion of these terms in a 'dictionary';
- (d) language pairing, i.e. the simultaneous translation of nine languages into the eight other languages (72 pairs), to be abandoned;
- (e) the system to be based on individual language pairs;

(f) the plan would be to work on individual language pairs first and only then move on to a third language.

2.2. It is obvious from the above that the initial objectives of the programme have been whittled down substantially. This is partly because of technological difficulties and partly no doubt because of the lack of qualified engineers in computational linguistics.

2.3. The Committee is concerned lest the system will eventually lead to the disappearance of linguistic features particular to each language (especially vocabulary), thereby impoverishing Europe's languages.

2.4. Whilst linguistic pluralism is and will continue to remain an integral part of the social and cultural fabric of the Member States, there are fears that the proposed automatization will mean the eventual destruction of the rich store of culture embodied in each national language.

2.4.1. Here the Committee would reiterate its previously expressed conviction that translators will continue to play a key role in preserving the semantic and grammatical nuances and particularities which constitute the richness of any language. By performing this function the role of translators will be enhanced.

2.5. The Committee would also draw attention to the fact that linguistic diversity and richness in the Community is not confined to the nine official Community languages covered by the Eurotra programme but extends also to regional languages and dialects (Gaelic, Basque, Frisian, etc.). The Committee attaches great importance to the preservation of such languages and dialects.

2.6. The Committee considers that the switch of emphasis towards developing tools for monolingual applications should make it easier to accommodate the interest of EFTA countries in the Eurotra programme; it should now be easier to integrate new languages such as Swedish and Finnish. This would not have been the case with a system of multilingual applications which would

⁽¹⁾ OJ No L 317, 13. 11. 1982, p. 19.

have led to a big jump in the number of language pairs (more than 100 combinations with two extra languages).

3. Specific comments

3.1. The Committee notes the difficulties in recruiting qualified specialists and supports the Commission's proposal to devote 10 % of the programme's budget to training.

3.2. The Committee also invites the Commission to look into the possibility of using the Comett II ⁽¹⁾, Eurotechnet ⁽²⁾ and to a lesser extent Erasmus ⁽³⁾ programmes, etc., for the purpose of training and recruiting top-level engineers and technicians.

3.3. The Committee notes that specialist firms will and are already being invited to tender since the participation of industry in the programme is vital in order to solve the many difficulties which will arise.

3.4. Some European firms have already developed monolingual translation programmes, and the Commission might perhaps be able to draw very useful lessons from them when implementing its own programme.

3.5. Last but not least, the Committee has been informed of a proposal to create a European Linguistic Technologies Agency. Its aim would be to rationalize and exercise closer control over developments and problems in the field of machine translation.

3.6. As things are at present, the Committee is unable to assess the pros and cons of such an agency. At all events, the Committee should be consulted on any such proposal, which should be accompanied by a detailed financial statement so that the costs involved can be compared with the budget for the next phases of the Eurotra programme.

Done at Brussels, 25 April 1990.

*The Chairman
of the Economic and Social Committee*

Alberto MASPRONE

⁽¹⁾ OJ No L 13, 17 1 1989, p 28

⁽²⁾ OJ No L 393, 30 12 1989, p 29

⁽³⁾ OJ No L 166, 25 6 1987, p 20

Opinion on the proposal for a Council Regulation (EEC) establishing a European Training Foundation ⁽¹⁾

(90/C 168/11)

On 12 February 1990 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 Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 9 April 1990. The rapporteur was Mr Nierhaus.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted the following opinion by a majority with two abstentions

1. General comments

1.1. The full exploitation of human capital is an effective way of promoting economic development in Central and Eastern European countries (initially Poland and Hungary), and bringing them up to Western European standards. Helping the development of initial and advanced vocational training in these countries is therefore a sound and useful investment which benefits the European

economy as a whole and furthers economic cooperation in the interests of all citizens. The creation of a European Training Foundation, which is designed to serve this objective, is therefore emphatically endorsed by the Economic and Social Committee. Since assistance and support needs to be given rapidly, everything should be done to ensure that the Foundation is brought to life in mid-1990, as planned, and that funds are also available to the Foundation in the medium and long term. In this connection the Committee assumes that the necessary preparatory work such as the 'definition of plans for assistance' and the 'creation of networks and fora for consultation' has already begun and will be carried forward rapidly.

⁽¹⁾ OJ No C 86, 4 4 1990, p 12

1.2. The urgency of the need to provide the training systems of Central and Eastern European countries with assistance is not in doubt. The need for flexibility in the Foundation's structure and working methods is also acknowledged but the whole initiative is rather open-ended and non-specific. The Commission therefore urgently needs to draw up and publish concrete proposals.

2. Specific comments

2.1. Since the Foundation's main task is coordination, consideration should be given to whether the establishment of national coordination agencies in the donor countries might not strengthen the links between the public and private bodies participating in the schemes.

2.2. The actual activities themselves must be initiated by the establishments providing the initial and advanced training whilst the role of the Foundation and the competent national organizations is to offer advice and financial assistance if required. Any such assistance should be provided with as little red tape as possible so that all interested female and male members of the workforce can have unimpeded access to training schemes. Under no circumstances can the proposed 'system for the monitoring and evaluation of training assistance' be allowed to jeopardize or delay bilateral projects arranged between individual countries.

2.3. In selecting projects, particular importance should be attached to programmes which enable adults and young people to undergo some of their initial or advanced training in a Western European country, partly to give them an immediate insight into the training schemes of the host country and partly to further contacts between the peoples of Western and Eastern Europe.

The above applies to all those whose periods of study in a Western European country will not be covered by a programme such as Tempus. It concerns in particular the large group of non-academic youngsters.

2.4. Initial and advanced vocational training in Community Member States is provided, to varying degrees, by educational establishments, by firms themselves, and by training establishments operating outside firms or on behalf of groups of firms. This means that, in addition to education departments, employers' organizations, workers' trade unions and other bodies involved in vocational training should also participate in project-planning at national level. The possible involvement of the social partners at European level, as provided for under Article 7 of the draft Regulation, remains unaffected by national arrangements and is likewise deemed to be necessary. This possibility should nevertheless be spelt out clearly by the Commission.

Involvement of the social partners is also necessary to ensure that whatever form economic organization takes in the countries of Central and Eastern Europe in the future,

the workers themselves will also have a proper say in the setting-up, planning and implementation of initial and further training schemes.

The Committee accordingly assumes that socioeconomic groupings will rapidly develop appropriate organizational structures.

2.5. The Committee considers that a link-up between the Foundation and the European Centre for the Development of Vocational Training (Cedefop) is practical and useful. Being able to use existing premises and other facilities saves money and shortens the running-in phase. The geographical location of Berlin, close to the countries of Central and Eastern Europe, is also a plus point.

The form and content of cooperation between the Foundation and Cedefop will have to be spelt out in a written agreement in the light of initial experiences. The two bodies should at all events support each other's activities, giving mutual support in areas such as the development of curricula for advanced further training courses, the exchange of ideas on teaching and learning aids, and the creation of instruments for determining the equivalence of vocational training syllabuses and examinations. Such activities should be underpinned by organizational measures. One possible solution is a coordinating body on which the governing boards of the two organizations would have equal representation.

Priority should, however, be given to ensuring that the Foundation is given identical status to that of the Cedefop in respect of *inter alia*:

- the composition of the governing board,
- arrangements regarding the chairmanship,
- the appointment of the director,
- the involvement of the social partners.

2.6. Guarantees regarding the smooth flow of information from the Foundation to vocational training firms and establishments (if need be via national coordination agencies) are particularly important if the Foundation is to work efficiently. Information in this context embraces (a) the publication of plans and project results in the languages of both donor and beneficiary countries, and (b) notification of the criteria and conditions governing the participation of institutions and firms in Community projects, including information about cooperation partners.

2.7. Careful and urgent attention should be given to analysing the experiences and results of relevant Community programmes to decide which could be successfully transplanted into the special contexts of Central and Eastern European countries.

2.8. Management training programmes are a matter of particular urgency if market-economy structures are to be rapidly set up. Priority should be given to developing and testing models for advanced-level seminars and trainee programmes, e.g. in the fields of accountancy, marketing, foreign trade and company organization. The experiences of public and private institutions, or of organizations specializing in vocational training, may come in useful here.

2.9. As soon as is possible, the Foundation should look beyond cooperation with Poland and Hungary and extend its activities to other Eastern European countries provided this is what the latter want and need, and provided funds can be mobilized by the individual countries concerned and the Community.

2.10. Since the future will see the closer integration of Europe beyond the bounds of the present Community, the proposal to allow non-member countries to participate in the Foundation as donor countries (Article 15) is emphatically endorsed.

The Committee also thinks it will be useful if the Foundation maintains contact with all international organizations setting up and implementing similar aid programmes.

2.11. The Foundation should be supported by an advisory body meeting at regular intervals of about six months and given the tasks of providing technical advice about the Foundation's activities.

To ensure that the Foundation is operational within a short period of time, this task should be entrusted to the Committee and more particularly its Section for Social Questions.

2.12. The Committee trusts that it will also be sent the findings of the review of the experiences acquired in carrying out the Foundation's tasks (Article 16 of the Commission proposal).

2.13. Finally, the Committee trusts that the future activities of the Foundation for Vocational Training will not adversely affect other Commission commitments to help structurally weak regions of the Community.

Done at Brussels, 25 April 1990.

The Chairman
of the Economic and Social Committee
Alberto MASPRONE

Opinion on the proposal for a Council Directive amending Directive 89/392/EEC on the approximation of the laws of the Member States relating to machinery ⁽¹⁾

(90/C 168/12)

On 22 January 1990 the Council decided to consult the Economic and Social Committee, under Article 100a 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 4 April 1990. The rapporteur was Mr Flum.

At its 276th plenary session (meeting on 25 April 1990) the Economic and Social Committee adopted the following opinion by a majority with one vote against

The Economic and Social Committee approves the proposal for a Directive subject to the following comments

1. General comments

1.1. Subject

The Commission proposal seeks to ensure free movement of all mobile machinery within its scope, by aligning the different national provisions for design and manufacture.

The very 'mobility' of such equipment creates specific hazards which warrant the incorporation of separate provisions on mobile machinery into a consolidated Directive on machinery in general.

These provisions, which chiefly target manufacturers, are also to be supplemented by another Directive on the use of mobile machinery.

The existence of several different Directives covering the various areas and persons concerned with machinery could

⁽¹⁾ OJ No C 37, 17 2 1990, p 5

lead to misunderstandings at the application stages. The Committee therefore underlines the importance of this new proposal which, unlike the original separate Directive, provides for a consolidated legal instrument designed to:

- ensure that the various legal provisions complement and are consistent with each other and with the 'user' Directive which is to be drawn up, and
- provide a clear, unambiguous and logical description of scope (definition) and basic requirements ⁽¹⁾.

1.2. *Economic and social impact*

There are no centralized Community statistics on the incidence and seriousness of accidents caused by the use of mobile machinery. Such data are, however, essential for the proposed standardization and administrative procedures. Likewise, in order to determine the scale of and reasons for these accidents, references to such cases in the provisions of Directives and standards must be set out clearly. We recommend that the provisions of the Directives be examined with this in mind, and that steps be taken to investigate how, and by whom, centralized Community statistics could be compiled in the future.

1.3. *Consultation of the parties concerned*

We welcome the efforts to involve all the parties concerned throughout the preparatory work on this proposal. It is necessary to ensure that all interested parties are briefed about and involved in the planned standardization work; this can be done with the help of a standing committee involving the social partners or experts appointed by them.

1.4. *The transitional period*

The Commission expects that there will be a relatively long transition period before the aligned standards under the Directive can be brought into effect. In the mean time, differing interpretations of essential health and safety requirements could lead to frequent use of the safeguard clause. We endorse the Commission's view that examination of specific examples of such use should help to develop a common approach to the problem of assessing technical options. As such procedures and decisions can have far-reaching repercussions and can set a precedent, the social partners must be guaranteed adequate involvement. The procedure to be followed in such cases should be drawn up by the standing committee (cf. point 1.3).

Rules and regulations coordinating the different transitional periods of the individual Directives (e.g. the one on individual protective equipment) must be laid down. Use of

the transitional period has to be justified factually and may not lead to a reduction in the level of protection.

1.5. *The role of standardization*

New aligned European standards will be crucial to future safety levels. For this reason, the CEN initiative is welcome, because it aims to:

- draw up an inventory of existing international and national standards,
- identify standardization requirements,
- establish a standardization programme with concomitant priorities.

It is assumed that, in conjunction with the social partners:

- the standing committee mentioned in point 1.3 will be involved in the process to deal with the individual categories of machinery, and
- the standing committee mentioned in Directive 83/189/EEC will deal with the standardization procedure as a whole.

2. **The proposal for an amended Directive**

2.1. *Scope*

The scope is adequately defined. Certain types of machinery are expressly excluded, as is machinery which falls under the definition of 'mobile' but is already covered by a more specific Community Directive on essential health and safety requirements. The latter restriction is particularly important for the practical aspects of applying the Directive and would appear to be open to interpretation, particularly in borderline cases. Steps should be taken to ensure that means of transportation, such as vehicles carrying tools and equipment (commercial vehicles), comply with industrial safety and road safety Directives (outline type approval Directive 70/156/EEC) and fall within the scope of the present Directive.

The wording of the exclusions should specify whether the mobile machinery category as a whole, or merely part of this category, is covered by the restriction. Devices incorporated in mobile machinery (e.g. compressed air reservoirs) do not require a blanket exclusion for this category of machinery, but rather an assessment of compressed air reservoir specifications, for which the existing relevant Directive is to be used as a basis for assessment. There should also be provisions covering the sale and leasing of second-hand machinery and machinery already on the market.

2.2. *Certification of conformity*

2.2.1. The certification procedure for obtaining an EC mark is set out in the Directive. Under the procedure, an authorized agent of the manufacturer is also empowered to issue a conformity declaration. It must be made clear who

⁽¹⁾ In this connection, the Committee refers to its resolution of 7 July 1988 on the need for Community institutions to draft documents in clear understandable language.

can be the appointed agent of the manufacturer, and to what extent this agent is liable, once he has issued a conformity declaration.

The manufacturer must be assigned sole responsibility. In any case this is a fundamental obligation which should not be open to delegation, irrespective of the legal aspects of liability.

2.2.2. In order to draw up a conformity declaration (as set out in Annex V of the existing machinery Directive) and undergo the EC-type examination, the manufacturer must first prepare a dossier and a proposal, outlining the 'methods adopted to eliminate hazards' in the use of mobile machinery. A point of paramount importance should be added here: before these methods are investigated and attributed, the hazards must first be identified and analysed. It would be reasonable to expect that the hazards thus analysed and the corresponding safety measures also be listed. This recommendation is made against a background of developments in operational safety analyses, which begin with the individual aspects of safety at work.

2.3. *General comments on the essential health and safety requirements*

2.3.1. The Commission has very appropriately pinpointed the importance of the integration principle. The aim is to design individual operations of a piece of machinery so as, as far as possible, to make the application of additional safety measures redundant. In view of the definitions set out in point 1.1, these requirements, to construct the individual operations of a machinery according to an inherently safe design, should be set out systematically in a single paragraph, as provided for in point 1.1.2 of Annex I.

2.3.2. Some basic requirements for mobile machinery design are of fundamental importance. Examples of these are: climatic conditions, excessively high or low pressure in hydraulics and pneumatic systems, appropriate transportation design, safety device design and physical and mental strain.

2.3.3. The Committee does not believe that total safety can be achieved.

Nevertheless, the residual risk must be reduced by aiming for and applying state-of-the-art safety standards in all areas.

2.3.4. *Distinction between the scope of Directives and standards*

The new approach calls for a clear distinction to be made between (a) fundamental requirements consisting of targets

(safety targets) set out in the Directives, and (b) concepts relating to research into safety options and their implementation in the construction of machinery.

With this principle in mind, some minor amendments may be necessary [e.g. point 3.5.3. (Annex II) '... the said substances ... (should be) ... precipitated by water spraying ...'].

2.3.5. *Priority for accident prevention and health protection*

Timely, well-planned accident prevention and health protection measures should ensure that hazards involved in handling or using machinery are eradicated. This entails using the latest accident prevention techniques.

It is, however, essential to familiarize employees and consumers with the correct handling of machines via appropriate training, further education and information dissemination.

If hazards nevertheless remain, there is then no alternative to the preventative safety principle which provides for protective measures.

The essential health and safety requirements mean that the installation of safety devices for protection against existing hazards cannot be contingent on factors such as size (cf. Annex I, points 3.2.1 '... as long as there is room ...' and 3.4.5, '... if its size allows ...').

The provisions governing this area should be worded the other way round, i.e. where certain hazards arise or are likely to do so, the dimensions must permit the (retro) fitting of a safety device or a cabin.

2.3.6. *Comments on technical aspects*

The Commission should examine to what extent the lift apparatus for tower crane drivers falls within the scope of the Directive.

Done at Brussels, 25 April 1990.

The Chairman

of the Economic and Social Committee

Alberto MASPRONE

APPENDIX

The following amendment, submitted in accordance with the Rules of Procedure, was defeated:

Page 2, point 1.4

Add the following at the end of the second paragraph:

'At all events, to ensure that the transitional period is effective and useful, and in keeping with the spirit of the fourth recital of the proposal, Article 1 (8) should be reworded to read:

'Furthermore, Member States shall allow the placing on the market ...'

Simply giving Member States the possibility of authorization could produce contradictory effects; the option could be used to create barriers within the Community rather than to apply the transitional arrangements effectively.'

Reasons

Self-explanatory.

Voting

For: 21.

Against: 56.

Abstentions: 3.

Opinion on the draft Council Directive amending Directive 80/836 laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation as regards prior authorization of shipment of radioactive waste ⁽¹⁾

(90/C 168/13)

On 30 November 1989 the Commission decided to consult the Economic and Social Committee, under Article 31 of the Treaty, on the abovementioned draft Directive.

The Section for Energy, Nuclear Questions and Research, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 10 April 1990. The rapporteur was Mr Flum.

At its 276th plenary session (meeting of 25 April 1990) the Economic and Social Committee adopted the following opinion with no dissenting votes and seven abstentions:

1. General assessment

1.1. The basic standards currently in force are contained in Directive 80/836/Euratom, as amended by Directive 84/467/Euratom, which sets out transport requirements in quite general terms. In order to ensure that administrative authorities keep track of radioactive waste at all times, there is a need for specific provisions governing the shipment of such waste. The present draft Directive has been drawn up to meet this need.

1.2. With this aim in view, it is proposed that further provisions be added to Article 5 of Directive 80/836/Euratom and that an Annex IA be inserted, setting out the administrative procedure governing the shipment of radioactive waste.

1.3. The Commission has convincingly demonstrated the need for administrative supervision of shipments of radioactive waste.

1.4. The Committee fundamentally and emphatically welcomes the Commission's proposals.

2. General comments on the administrative supervision of the shipment of radioactive waste

2.1. Annex IA describes in detail the procedure to be followed as regards prior notification, authorization and documentation.

2.2. Bearing in mind that such shipments may involve, directly or indirectly, various Member States and non-Member States, the draft Directive endeavours to cover every aspect. This does, however, make it difficult to formulate rules which are straightforward and thus readily monitored.

⁽¹⁾ OJ No C 5, 10. 1. 1990, p. 7.

2.3. The public is repeatedly receiving alarming reports of irregularities in the transport of radioactive waste. The draft Directive under review was drawn up as the result of such an incident. As so frequently happens, this case did not involve administrative shortcomings but was caused by a false declaration with regard to the contents of drums being transported.

2.4. It is very necessary that the authorities should keep track of waste. But, in view of the fact that the safety of workers and the general public depends on observance of the regulations, the responsibility of all those involved in transport operations, from the producer to the purchaser, needs to be constantly underlined. The authorities must develop suitable procedures for monitoring observance of the regulations at key points of the transport operations and for rectifying shortcomings forthwith.

2.5. It is rightly pointed out in the Directive that producers and consignees have to be recognized as qualified by the competent authorities. The same applies to all other parties involved in transport operations, and in particular to transport undertakings. The authorities must not shrink from employing the sanction of withdrawing authorization from a firm.

3. Comments on the draft Directive

3.1. The Committee draws attention to the fact that the draft Directive does not apply to transport operations regulated by Directive 80/836/Euratom. The Directive on the shipment of radioactive waste is designed to plug a gap in the provisions covering this field.

3.2. The draft Directive does not deal with measurement, identification, packaging, concrete monitoring measures or hazards. These measures are covered by other Directives and other agreements (dealing with liability, prevention, measurement, identification, mixing) which should be listed in the Annex.

3.3. In the Committee's view, it would have been helpful if the Commission had submitted a new draft Directive bringing together all the associated issues and provisions, rather than merely proposing a supplement to Directive 80/836/Euratom. A completely new Directive would have made the application of Community law in this field simpler and, consequently, safer.

3.4. The Committee, nonetheless, welcomes the draft Directive as it represents an important step towards improving safety in this field. It does, however, call on the Commission to take account, in the final version of the Directive, of the proposals set out below.

3.5. There is a need for clarification as regards the shipment of military waste (quantities, hazards). The Commission should ensure that this field is covered.

3.6. The draft Directive should also draw attention to the dangers involved in the shipment of toxic chemicals. Steps must be taken to ensure that the classification of waste as, for example, slightly radioactive waste, does not preclude the necessary classification of waste as a toxic material and to ensure that the standard of safety precautions is not diminished.

3.7. The Committee calls upon the Commission to ensure that the safety provisions are implemented quickly.

4. Specific comments on the draft Directive

4.1. Article 1 (1)

4.1.1. Under Article 1 (1) prior authorization for shipment is prescribed only in the case of radioactive substances for which no use is foreseen and which are therefore to be placed in final storage. The authorization requirement consequently does not apply to radioactive substances and materials being shipped in connection with manufacturing or for reprocessing purposes and due to be used again at a later stage, frequently after being placed in intermediate storage for several years.

4.1.2. The Committee is by no means convinced of the justification of restricting the field of application of the draft Directive in this way. The Committee has been unable to obtain the slightest assurance that shipment of the radioactive substances and materials in question is covered by Directive 80/836/Euratom or other suitable Community legal provisions.

4.1.3. In the absence of such guarantees there is, in the Committee's view, a serious omission in the draft Directive which runs counter to the declared aim of providing improved protection for the general public, workers and the environment against the dangers of ionizing radiation. The Commission should therefore forthwith consider extending the field of application of the draft Directive to take in all radioactive materials, irrespective of their intended purpose or their final use, or submitting an equivalent draft regulation.

4.2. Annex IA

4.2.1. Part 1: Definitions and general requirements

4.2.1.1. Point 1

(a) As regards the definition of 'radioactive waste' for the purpose of the draft Directive, attention is drawn to the comments made in point 4.1 above.

- (b) The Commission is asked to call upon the Member States to provide it with lists of the competent authorities.
- (c) The definition of 'the producer of radioactive waste' is too restrictive as it does not cover persons such as those who use radioactive materials for irradiation, material testing, etc. In some cases radiation source materials are returned by users directly to the manufacturer for disposal or reprocessing.
- (d) The definition of 'holder' does not cover forwarding agents, carriers and their subcontractors with sufficient preciseness. These terms must be defined more clearly.

4.2.1.2. Point 2

Reference should be made in this paragraph to both the carrier effecting the shipment and the 'holder' on whose behalf the shipment is carried out.

4.2.2. Part III

Paragraph 10

The first sentence of paragraph 10 specifies a maximum of one month between the forwarding of the notification and the forwarding of the acknowledgement. This means that the shipments take place before the transit state is able to make use of its right.

This procedure, therefore, involves considerable potential danger, since it does not preclude cases of certificates being issued as a favour or possible cases of inadequate training in states of destination. These shortcomings were one of the grounds for issuing a revised version of the draft Directive.

Under the final subparagraph of paragraph 10 the authorities in the last Member State of transit bordering on the third State of destination are entitled to issue the acknowledgement of receipt or to raise any objection in place of the authorities in the Member State of dispatch. This right may, however, not be exercised earlier than three months after the Member State concerned has communicated to the Commission and other Member States its intention so to act.

In the Committee's view such a prescribed period, which can in total amount to four months, may not only impede operations and give rise to additional costs, particularly in view of storage requirements, but it may also increase the danger to the general public, workers and the environment, thereby running counter to the objective of the draft Directive.

The Committee therefore proposes that the provision concerned be aligned on Article 6 (4) of the Basle Convention on the control of transboundary movements of

hazardous wastes and their disposal. It should read as follows:

'A Member State of transit ... shall inform the Commission and other Member States without delay. It may then exercise this right within a period of 60 days following such communication.'

Paragraph 14

The wording of this paragraph admits different safety standards. The Commission should reword this paragraph in such a way as to ensure that safety requirements are set at an equally high level in both the Member States of dispatch and the Member States of transit.

4.2.3. Part VI

Paragraph 22

It must be ensured that the producer of the radioactive waste is not discharged of his responsibility before the waste is put into final storage or recycled. The documents should be kept for at least 10 years.

The same applies to Part VII, Paragraph 26. The chain of responsibility must be continuous.

4.2.4. Part VIII

The Commission should ensure that modern means of communication such as fax and electronic mailing are included in the data relating to the competent authorities.

With regard to the competence of the authorities the Commission is requested to ensure that holders of radioactive waste conduct their written communications with the authorities concerned regarding the shipment of waste only via the competent authority in the state of dispatch. This will enable the authorities in the state of dispatch to have an overview of the whole process. This is the only way to guarantee that the responsible authorities are informed in the event of irregularities and are able to coordinate appropriate measures.

4.2.5. Part IX

Paragraph 30

— First indent: the word 'significant' should be deleted,

— Second and third indents:

The term 'quantity and type' should be broadened to include the form of the waste, in order to take greater account of the differing problems associated with the various forms of waste (solid, bulk, powder, etc.). Similarly, no account is taken of the type of radiation (alpha, beta or gamma) emitted by the waste.

4.2.6. Part X

The Committee welcomes the compiling every two years of a report which will also be submitted to it. This report, which should be prepared with the participation of the workers concerned, should publicize, in a plain and simple form, the experience gained in the implementation of the Directive and point out any conclusions which have to be drawn.

must, therefore, be no longer than one VDU screen page; it has been found that texts longer than this are either disregarded or not taken fully into account by persons completing the forms. The Commission should, therefore, restrict itself to the most important data.

Done at Brussels, 25 April 1990.

4.2.7. Part XII

Experience demonstrates that monitoring can only take place if electronic means are used. Consignment notes

The Chairman
of the Economic and Social Committee
Alberto MASPRONE

APPENDIX

The following amendment was rejected in the course of the debate:

Page 3, paragraph 4.1.1

Add at the end:

'Therefore it is essential that waste material be identified as such at the point of origin and cannot subsequently re-enter the fuel cycle or be reprocessed.'

4.1.2 and 4.1.3

Delete.

Reasons

The addition to 4.1.1 emphasizes the specific final nature of waste.

The deletions are proposed to ensure that the reason for the amending Directive is not lost in wider applications.

The Directive is clearly designed to tighten up regulations in the shipment of identified radioactive waste where experience has shown that present regulations are defective.

It would be a grave error, causing confusion, if this clear objective were to be applied widely to all radioactive substances. This would dilute the attention being paid to waste transport and cause conflict with International Atomic Energy Agency regulations, provisions of the Lomé Convention and national regulations for the transport of materials in the fuel cycle or for reprocessing which have proved to be adequate and enforceable.

Voting

For: 27.

Against: 61.

Abstentions: 9.

Opinion on the Mediterranean policy of the European Community

(90/C 168/14)

On 30 January 1990 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 Mediterranean policy of the European Community.

In view of the deadline for adoption of this opinion, the Committee decided to appoint Mr Amato as rapporteur-general with the task of preparing its work on the subject.

At its 276th plenary session (meeting of 26 April 1990), the Economic and Social Committee adopted the following opinion by a majority vote, with 15 abstentions

1. Foreword

On 12 July 1989 the Economic and Social Committee adopted an own-initiative opinion (accompanied by a report drawn up by the Section for External Relations, Trade and Development Policy) calling for a new Mediterranean policy for the European Community, and setting out recommendations.

Commissioner Abel Matutes addressed the External Relations Section on 13 October 1989, and broadly endorsed the recommendations contained in the opinion. He promised that the Commission would take account of them when framing its proposals for renewal of the Community's Mediterranean policy.

The European Council in Strasbourg has since endorsed the need to intensify Mediterranean policy.

The Commission has also sent the Council a Communication entitled *Redirecting the Community's Mediterranean Policy*.

On 5 February 1990 the Council held an exploratory debate on the action areas proposed by the Commission, and asked the Commission to put forward practical proposals in the light of the debate.

The present opinion sets out to give the Committee's response to the Commission communication and to the Council's conclusions, and to express regret at not being consulted on the communication

2. General comments on the Commission communication

2.1. *The Commission proposes a new Mediterranean policy*

2.1.1. The proposal to relaunch Mediterranean policy forms part of a new 'policy of neighbourly relations' aimed at strengthening the Community's links with its closest neighbours: EFTA, Eastern Europe and the Mediterranean.

The Committee fully supports such a policy. The Committee opinion of July 1989 argued that the Community's policy towards the three regions should be distinct from its policy towards other geographical regions, where the main considerations were either commercial interests or aid and development cooperation. Mediterranean policy must instead be directed towards complementary relations and synergy, and towards the prospect of economic integration.

2.1.2. The Committee thus envisaged the creation of a Euro-Mediterranean strategic area (political, economic, market) embracing the three regions covered by the 'policy of neighbourly relations'. This area should be in a position to compete and debate with the other two main global strategic areas, i.e. America and Asia.

In the Committee's view, the upheavals on the world political scene triggered by the democratic revolutions in Eastern Europe confirm the need for such a strategic area. Only by securing a single economic and political future for the whole Euro-Mediterranean area can we shield Europe from the two dangers which are now apparent: nationalist tendencies and Islamic fundamentalism.

To start work now on the construction of a Euro-Mediterranean strategic area does not mean immediate exploration of the institutional links which will bind the area together; rather it means framing a policy of convergence and integration between the different regions and, above all, integration within each region. This would also help to resolve the present debate about the borders of 'Greater Europe'.

2.1.3. The locomotive role which the Community will necessarily play in this rests on two prerequisites:

— the Community must be able to play a full political role; this means accelerating European Community political unification by setting up a Federation of the Twelve,

— the Community must step up its role throughout the Euro-Mediterranean area, always bearing in mind the interdependence and common strategy being pursued, and avoiding underestimations. The pursuit of complementary relations and integration will obviously have to take account of the development level and special features of each of the three regions (EFTA, Eastern Europe, the Mediterranean).

2.1.4. For all these reasons, the Committee endorses the political, economic, social and environmental considerations which the Commission adduces to explain the Community's renewed interest in the development of the Mediterranean non-Community countries (MNC) 'at a time when the expectations of the MNC are quite obviously influenced by the Community's new developments'.

2.1.5. The points made in the Committee's 1989 opinion are echoed by the Commission's anxieties about the increasing demographic pressures, worsening social imbalances, environmental deterioration of the whole Mediterranean basin, and continued serious political instability.

2.1.6. The Committee also endorses the emphasis which the Commission lays on the fears occasioned by the completion of the Community's internal market, both for trade reasons (50 % of MNC exports go to the Community) and on social grounds, 'notably in view of the anticipated impact of a common policy governing the granting of visas'. The Committee agrees that 'the prospect of much closer economic integration between the Community of 1992 and the EFTA countries, and the likelihood that privileged trade links will be established with the countries of Eastern Europe, all contribute to fuel these fears'. The Committee sees a danger that, despite the declarations on a 'policy of neighbourly relations', the Community may in the end underestimate the importance of the Mediterranean area. The conclusions of the Commission communication explain very well why the Community cannot afford to let this happen:

'The Commission believes that current trends in the Community and the Mediterranean non-Community countries would quickly make a worsening of the economic and social imbalance between the two regions virtually unmanageable.

Owing to its proximity and the volume of trade generated, the stability and prosperity of the Mediterranean region are essential to the stability and prosperity of the Community. In a wider sense, the security of the Community is at stake (local or regional conflicts, political instability, terrorism, drugs, environment).'

The Committee fully endorses this view, which lies at the heart of its 1989 opinion. The Committee feels moreover that only the prospect of a Euro-Mediterranean strategic area, on the abovementioned lines, can save the Community from the danger of a 'policy of neighbourly relations' which lacks balance in the South.

2.1.7. The Committee also endorses the Commission's conclusion that 'the relations between the Community and the MNC must be broadened and strengthened to meet the region's political, economic and social challenges, its expectations *vis-à-vis* the Community and the latter's responsibilities in this part of the world'.

2.1.8. The Committee notes that the Commission's broad endorsement of the analysis contained in the ESC's 1986 opinion is an indication of the inadequacy (in terms of policy as well as instruments) of the agreements which the Community concluded with the MNC in the 1970s.

2.1.9. The Committee considers that the Council must accept the full gravity of the Commission's criticism (echoing that made in the Section report of 26 June 1989) of the dwindling Community and Member State role in total official funding (official development aid and other flows) for the MNC; the share of the Community and Member States has fallen to 17 %, even though the MNC form the Community's third main market and 48 % of their imports come from the Community.

2.1.10. The Committee fully endorses the Commission's view that action is urgently required, and supports the proposal that the Council should 'organize the Community's approach around a renewed Mediterranean policy'. This too was recommended in the Committee's opinion.

2.2. *Main features of the new Mediterranean policy proposed by the Commission*

2.2.1. The Commission outlines six action areas for the new policy: measures to support the economic reform process; encouragement of private investment; an increase in bilateral and Community financing; continued or improved access to the Community market; greater MNC involvement in the Community's progress towards the internal market; strengthening of economic and political dialogue.

2.2.2. The communication does not explain exactly how the basic goals and guidelines of Mediterranean policy are to change. It is necessary to define a new general

framework in which to situate the six action areas. However, the communication suggests that these six policy elements (which are generally endorsable if considered independently) are simply to be slotted into the present Mediterranean policy. If this is the case, they will not be effective and may in some cases even prove counter-productive.

2.2.3. The 1989 Committee opinion called for a changed general approach to Mediterranean policy, which would treat the whole Mediterranean as a single unit: the problems of the Mediterranean, starting with its Community flank, have to be tackled in a single strategic perspective. The Committee accordingly introduced the concept of joint development, moving towards complementary relations and ultimately integration.

2.2.4. Although the communication re-affirms the 'global' nature of Mediterranean policy, it does not follow this through to the implications for policy implementation and instruments, or the definition of goals and types of intervention. It fails to update the 'globality' concept to take account of the problems of the Community's Mediterranean regions and the need for a corresponding review of other Community policies.

2.2.5. The six action areas listed by the Commission will only be fully effective if they form part of a joint development policy. For example, improvements in MNC access to the Community market presuppose economic and productive adjustment measures for the Community's Mediterranean regions, as part of the policy of economic and social cohesion. A continued reform of the common agricultural policy, together with a successful conclusion of the current GATT round, should help to reduce MNC food dependency. And again, the economic cooperation programmes (investment, research and development, etc.) for the MNC will only achieve coherent development of the whole Mediterranean area if they make provision for the locomotive and supporting role of the Community's Mediterranean regions.

2.2.6. A joint development policy is the only way of inducing MNC governments to address their responsibilities as regards economic, social and demographic policy. Otherwise, the call for a more open economic system (pinpointed by the Commission) risks being a mere ideological rallying cry — a sound enough objective in

absolute terms — rather than a concrete instrument for MNC development.

2.3. *The first stages of a new, overall policy for the Mediterranean*

2.3.1. The Committee notes the Commission's cautious statement that 'at this stage, no new institutional arrangements are envisaged'. However, intermediate objectives still have to be set as a step in this direction even though institutional machinery (such as the joint development convention between the Community and the MNC, with its own institutions, mooted by the Committee) is not yet being established for the new policy.

2.3.2. The 1989 opinion proposed four stages for the new policy. The Committee considers that the first and second stages of these could be completed during the timespan set by the Commission for implementing the proposals contained in the communication.

2.3.3. Firstly, the setting-up of a Mediterranean Cooperation Council (proposed by the conference for global cooperation in the Mediterranean promoted in 1989 by the European Parliament) and a Mediterranean Forum (as proposed by the United Nations) should provide vehicles for hammering out the guidelines on sectoral joint development policies which will underpin the implementation of the six action areas outlined by the Commission. Other alternatives could also be considered, such as the establishment of a sort of Euro-Mediterranean OECD.

2.3.4. Secondly, the Committee stresses the need to set up a few pilot development agreements. Point 4 of the 1989 opinion contains a full definition of the nature and objectives of the development agreement, and the Committee will here simply underline its overridingly practical nature. Such agreements could also be used for particular sectors of Mediterranean policy, but as they provide linkage between development projects (to be carried out synergically both within the MNC and in the Community), commercial contracts and financial commitments, they are the most innovative instrument of the new policy and offer the best tool for implementing the Commission's six action areas.

2.3.5. Another realistic way of working towards the conclusion of a global convention would be to move away (even if not entirely) from bilateral cooperation, and focus on relations with the subregional groups which have recently been established such as the Arab Maghreb Union (AMU) and the Arab Cooperation Council (ACC).

The Committee is pleased to see that the Commission attaches priority importance to these forms of regional integration. It therefore proposes that the next financial protocols be drawn up with the AMU and the ACC rather than with the individual countries.

3. Specific comments on the Commission's proposed action areas

3.1. A preliminary point: MNC external debt

3.1.1. The Committee agrees with the Commission that an increase in external funding is a precondition for the success of economic adjustment and reform processes, and for a return to economic growth.

Yet all these measures will be ineffective if the even more serious problem of MNC debt is not tackled. MNC external debt has reached alarming proportions: the debt ratio (debt/GDP ratio) of many Mediterranean nations now exceeds that of the 'seriously indebted' countries and in some cases that of sub-Saharan Africa ⁽¹⁾. Debt servicing constitutes an increasing burden ⁽²⁾ and in some MNC is rising steeply ⁽³⁾. The public-sector foreign debt is an increasingly important component of the State budget ⁽⁴⁾.

In such a situation, any new funding would be used to service the debt, thus fuelling a vicious circle. Furthermore,

the debt burden will still remain untenable ⁽⁵⁾, even under the most optimistic forecasts for growth of Mediterranean countries' GDP and exports.

Even the foreign investment which the Commission intends to promote, and the repatriation of capital (or, at least, disincentives to the export of capital), would still be impeded by the fact that the debt and the prospect of insolvency make investment an insufficiently attractive proposition. Nor should we underestimate the dangers which the debt problem creates for the democratic institutions in these countries. As the Commission rightly notes, development of these institutions is one of the main goals of Mediterranean policy.

3.1.2. The vicious circle of MNC debt must thus be broken by decisive measures to reduce the debt in line with the countries' development capacity and ability to pay. Such measures are crucial to the economic growth of most Mediterranean nations.

3.1.3. The Commission proposal advocates 'the continuation of current experiments to reduce the debt-servicing burden for certain highly indebted countries' and 'the continuation or resumption of commercial bank lending in those middle-income countries which have managed to continue servicing their debt without rescheduling arrangements'.

The Committee would make the following comments:

- Not only the debt-servicing burden should be reduced, but also the principal value. The Brady plan acknowledges the need to act on both areas simultaneously.
- The need to reduce debt also exists in countries which have hitherto honoured their debt without rescheduling. Indeed, some of these countries have incurred a

⁽¹⁾ Debt ratio in 1988: Egypt 142 %, Jordan 110 %, Tunisia 70 %, Morocco 106 %, Israel 79 %, Turkey 58 %, Yugoslavia 35 %, Algeria and Cyprus 48 %, Syria 33 %, Malta 20 %, seriously indebted nations 59 %, and sub-Saharan Africa 99 % (source: World Bank).

⁽²⁾ Debt-servicing ratio (debt servicing/exports) in 1988: Algeria 96 % according to the World Bank and 75 % according to the Algerian Central Bank, Turkey 43 %, Morocco 29 %, Syria 24 %, Tunisia 23 %, Israel 18 %, Jordan 28 %, Egypt 16 %, Yugoslavia 21 %, Cyprus 14 %, Lebanon 3 %, Malta 2 %, seriously indebted countries 37 %, sub-Saharan Africa 27 %.

⁽³⁾ Debt-servicing in Morocco rose by 15 % from 1988 to 1989. In Algeria the annual increase was 22 % in 1988 and 17 % in 1989.

⁽⁴⁾ The public-sector foreign debt in Morocco accounts for one-third of the State budget for 1989.

⁽⁵⁾ In order to prevent the debt exploding, and to allow it to be gradually absorbed, the GDP growth rate must always be higher than the debt-servicing/GDP ratio. In 1988 this ratio was between 7 and 19 % in most Mediterranean countries, while the most optimistic forecasts for GDP growth are considerably lower. If GDP continues to grow at the present rate, the debt will explode. For the country to service its debt, the export growth rate must also be higher than the debt-servicing ratio (ratio of debt-servicing/exports). As described in footnote ⁽²⁾, in 1988 in most MNC this ratio was between 21 and 75 % (or 96 %). Even supposing ideal domestic and external conditions for increasing MNC exports (starting with an end to protectionism by the Community and the other industrialized nations), it would be a very long time before the debt/export ratio (which today varies from 160 to 400 %) could be brought down to acceptable levels (below 100 %).

greater debt-servicing burden than the MNC which have made rescheduling arrangements ⁽¹⁾.

3.1.4. The Community's Mediterranean policy cannot remain detached from measures to reduce MNC foreign debt. Even if the Community as a body has no effective powers in this field, and is only a minor creditor, it still can and should play a role.

Its first task is to coordinate the action of Member States, some of whom are major creditors. Member States' bilateral policies have not taken the same line, often with adverse effects. Even greater importance attaches to Community coordination within the international financial institutions (IMF, World Bank, Club of Paris) of which the European Community Member States are important members.

Rather than waiting for IMF decisions, as it does at present, the Community should play a part in the framing of these decisions. This is particularly important at a time when there are difficulties over the application to the MNC of the new guidelines, approved by the IMF executive committee on 23 May 1989, providing for IMF support on operations to reduce debt and debt-servicing. This support is tied to medium-term adjustment programmes with a heavy structural-reform bias ⁽²⁾.

⁽¹⁾ Algeria is a case in point. Algeria has the highest debt-servicing ratio (75 % of export revenue goes on debt servicing), and the structure of the debt has worsened: the variable-rate debt has increased (53 % of the total in 1988); the short-term debt has rocketed (accounting for 25 % of debt-servicing). Hence from 1985 to 1987 the average repayment period fell by almost half (from seven years to approximately three and a half) and Algeria's bargaining capacity on the international financial markets deteriorated.

⁽²⁾ The first concrete example of the new IMF guidelines is the programme for Mexico approved in May 1989 which contains the following important new features: (a) the programme is growth-oriented, reversing the method used hitherto by the IMF in its structural adjustment programmes (i.e. it starts by fixing growth targets and then decides on the external funding, rather than vice versa); (b) for the first time, the programme explicitly recognizes the excessive level of debt and the problems it poses, both for economic policy and for a return to growth; (c) for the first time in the case of a seriously indebted country, the programme was approved without financial guarantees from the creditor commercial banks. The banks thus no longer have the power to veto IMF programmes and have lost their *de facto* role of debt collector; (d) the programme has been framed in a medium-term context; financing has to be provided on a multi-year basis in order to reduce the legal uncertainty which annual negotiations caused; (e) the IMF has committed its own resources to reducing the debt.

3.1.5. The Community should sponsor an international plan for regulating the debt and for structural adjustment in the MNC. The plan should be discussed at the various international bodies (including the Group of Seven) and should centre on an IMF programme (similar to the Mexican one) designed for MNC in general but geared to the special needs and features of the target country. The plan should focus on:

1. Substantial restructuring and reduction of the debt, individually geared to the economic conditions and ability to pay of each MNC;
2. Structural economic and financial reforms to be carried out by the MNC;
3. Extension of MNC export possibilities, to offset the burden of debt-servicing on their balance of payments;
4. Support for growth, so that the (suitably reduced) debt burden absorbs an acceptable percentage of national economic and financial resources.

3.1.6. The first point (action to reduce debt) should involve:

- (a) a cut in official credits, starting with those of the Member States, by means of coordinated Community action. The sum subtracted could be converted into social and ecological expenditure and spending on human capital, using counterpart funds in local currency. The repayment deadlines and interest rates of the remaining debt should be appropriately restructured;
- (b) a mechanism for bank credit involving all the creditor banks ⁽³⁾. This should cover:
 - 'forgiveness' of the excess debt, defined as the part which, if written off, would leave a sum which could be exchanged at virtual parity on the secondary markets,
 - conversion of the rest of the debt into longer-term bonds carrying a rate of interest lower than the market rate,
 - provision of official guarantees on the payment of this reduced interest. These guarantees should be backed by the IMF or the Community, in order to encourage other countries and the commercial banks to grant loans to the MNC,

⁽³⁾ In the last few days Morocco has concluded an agreement with the private bank coordination committee (London Club). This is an agreement in principle to restructure and reschedule debts of US \$ 3 200 million (17 % of Morocco's debt).

- the granting of new loans, which at this point would represent new financing. However, mechanisms should be devised to ensure that the new loans are not recycled to the financial markets of the creditor countries.

Debt-for-equity swaps should not be permitted, as they are known to fuel inflation;

- (c) help with debt-reduction, by IMF financing of operations to reduce debt principal (repurchase or exchange) and by interest support (guarantees), according to the new IMF guidelines described above. The Community should play a positive role in securing a doubling of IMF resources (coordinating the positions of the Member States). The Community should also take decisive steps to encourage Member States to purchase a proportion of MNC debt by financing development projects in MNC.

3.1.7. On similar lines to the arrangements in the EEC-ACP Convention, the Community should provide the MNC with help, at their request, to:

- devise concrete solutions to their debt, debt-servicing, and balance-of-payments problems,
- introduce training schemes on external-debt management and international financial negotiations,
- set up flexible debt-management techniques and instruments in order to tackle any sudden fluctuations in interest and exchange rates.

3.2. *Measures to support the restoration of economic balance*

3.2.1. The Committee supports the Commission proposal for Community action in this field — an area not hitherto covered by Mediterranean policy. However, here too the Community should do more than simply track the action of the international financial organizations, merely playing a complementary role and offsetting the damage done by the IMF's structural adjustment programmes.

It is now widely recognized that the structural adjustment programmes carried out to date in the MNC have not achieved satisfactory results and have created excessive burdens. At the same time, the IMF seems reluctant to apply to the MNC the new guidelines — partial, but decidedly corrective — introduced for Mexico (see footnote 2 on page 26).

3.2.2. The Community's first task is to adopt a clear position (as the UN has) on the results of the structural adjustment programmes in the MNC and in the developing world in general.

In the Committee's view, the judgement must be negative. The structural conditions and external imbalances facing these countries mean that a strategy based on restrictive monetary and fiscal policies and currency devaluations is too costly in terms both of GDP growth and development. Not only does the fall in domestic demand and public spending have serious social consequences on health, nutrition, primary education, employment and social services, in places where these are already far from satisfactory. Worst, the serious depression which is thus engendered acts as a disincentive to foreign investment and seriously undermines any possibility of recovery. One reason for this is that the structural adjustment programmes often even fail to achieve the limited objectives which the IMF sees as the preconditions for recovery (e.g. balance of payments equilibrium). The programmes are even less effective against inflation and fiscal deficits, and the underlying economic problems, such as structural weakness and debt, either remain unaltered or become more acute ⁽¹⁾.

These failures are rooted in an approach which attributes secondary importance to the external causes of balance of

⁽¹⁾ Tunisia is a good example. According to an analysis carried out by the economist Mahmoud Bel Romdhane (1990) in the wake of the structural adjustment programme agreed with the IMF in 1986, some results have been achieved. The squeeze on domestic demand and the devaluation of the dinar (31 % between 1986 and 1989), alongside measures to boost exports, have produced a 9 % annual increase in exports. The current account deficit, which from 1984 to 1986 stood at around 8 % of GDP, fell to 1 % of GDP in 1987 and 1988 and 4 % in 1989. Foreign exchange reserves have been built up again, and the Tunisian economy has been in large part liberalized. Nevertheless, the structural adjustment programme has had no effect on the two endemic problems of the Tunisian economy — debt and excessive reliance on imports. The import-to-GDP ratio has actually worsened, from 38 % in 1985 and 1986 to 39 % in 1988 and 42 % in 1989. No progress has been made on the debt ratio. Tunisia has had to pay a high economic and social price for these far from satisfactory results: a 1 % annual drop in consumption; a 30 % fall in investment between 1983 and 1984; 50 % unemployment; a 60 % drop in real wages above the minimum inter-professional guaranteed wage (which has fallen in real terms by 30 % since 1983); and a general deterioration of basic social services.

payments problems, and pays scant attention to the effects which the excessive debt burden has on the adjustment process. The perverse effects of the structural adjustment programmes are therefore magnified in the seriously indebted countries by their impact on income distribution, and this in turn further aggravates economic instability. Hence the need for a radical rethink of the programmes.

3.2.3. The Community must opt for a structural adjustment policy which:

- first and foremost takes in hand the problem of debt reduction; at all events, this requires less austerity from the IMF,
- is growth, development and employment-oriented,
- acts on macroeconomic supply (rather than simply entailing short-term measures to influence the components of demand), for example by focusing on public investment or on the relation of farm prices to non-farm prices,
- identifies the necessary structural economic, fiscal and financial reforms,
- increases productivity in key sectors of the economy,
- diversifies the economy so as to reduce internal and external imbalances, while maintaining GDP growth,
- improves the balance of payments situation,
- strives to improve social welfare by defining minimum levels of compatibility between the social and political aspects of the adjustment process.

The need is thus for medium-term programmes combining structural change and adjustment, and calling for consensus from all the parties concerned.

If the Community is to propose this type of structural adjustment for the MNC, it will also have to take congruent adjustment measures, within a framework of joint development.

3.2.4. The Community should thus actively coordinate Member States' action, with a view to ensuring that traditional structural adjustment programmes are not implemented in the MNC ⁽¹⁾, and that the abovementioned new approach to structural adjustment is adopted by the IMF (within the framework of the international plan

for MNC proposed in 3.1.5), and by the Member States in their bilateral initiatives.

3.2.5. Only on these terms can the Committee endorse the Commission proposals for helping MNC to implement structural reforms in support of the measures of the international financing bodies.

3.2.6. Community measures on the social aspects of change and adjustment should, rather than 'being aimed at reducing the generally high social cost of adjustment policies', instead focus on the financing of schemes which offer new or alternative employment, and on an active labour and social policy, providing synergy with the economic change and adjustment measures.

3.2.7. As far as possible, help with food supplies should not use the 'emergency aid' approach, but should complement and guide multi-year agricultural development programmes (as proposed in point 9.10 of the Committee opinion of 12 July 1989).

3.2.8. The steep population rise in the MNC is an important factor in the social compatibility of the change and adjustment programmes. At a time when the gap between birth rates and forecasted economic growth has serious implications for the entire Mediterranean basin, the Community should press the MNC to bring in effective family-planning policies. Such a move would be consistent with a joint development policy, and the Community should guarantee appropriate technical and financial support.

3.2.9. In cases where joint assistance or cofinancing with international financial bodies is not feasible, the Community should provide financial support for structural change and adjustment as it does under the Fourth Lomé Convention.

3.3. *Promotion of private investment*

3.3.1. The Committee agrees on the importance of this, and on the need for 'use of limited budget resources to encourage significant private-sector investment based on both the mobilization of domestic savings and direct European investment'.

3.3.2. This subject was considered at some length in the Committee's 1989 opinion and the Section report. The Committee will here note a few guidelines which it asks the Commission to adopt. They are based on the general pointers (fully endorsed by the Committee) contained in the Commission document.

(1) This is a very real danger, if we consider the conditions for IMF assistance still being imposed on the Egyptian Government: a rise in bank interest rates, currently at around 20 % (with 25 % inflation); a 25 % currency devaluation, realignment of exchange rates; and a rise in the price of oil products.

3.3.3. A number of factors have to be considered when deciding what private investment to support: quality of investment, level of technology, suitability to fill a specific niche in the development programmes, relation to local resources and markets, and integration into the region concerned and into the existing production network.

3.3.4. Joint ventures should be the priority form of direct European investment.

3.3.5. National conditions for direct investment in the MNC have improved, but much remains to be done at the level of legislative, administrative and financial provisions, starting with the freedom to repatriate profits.

3.3.6. The Committee broadly endorses the types of support hitherto provided by the Community: EIB loans, contributions to the formation of risk capital (for which the Committee has recommended the establishment of a revolving fund rather than use of EIB loans) and the 'Cheysson facility'. It would be helpful if the Commission could conduct an overall quantitative and qualitative analysis of the use made of these instruments (particularly with respect to joint ventures) under the EEC-MNC financial protocols.

3.3.7. Community support for investment by MNC investors (including joint ventures) should include an interest rebate on similar terms to those laid down in the Fourth Lomé Convention.

3.3.8. Guarantees are an important factor in direct investment. Member States' rules vary, and are not always satisfactory. The Committee asks the Commission to draw up proposals for a Community guarantee system and for the coordination and harmonization of national systems.

3.4. *An increase in bilateral and Community financing*

3.4.1. The Committee considers that the worsening North-South imbalances and the new political situation in Eastern Europe call for an unprecedented Community financial commitment to cooperation policy. The Committee endorses the recent proposal to increase the commitment (Member States plus Community) from 0,4 percentage points of Community GDP — 35 % of which goes to the Mediterranean countries — to one percentage point of GDP, with 25 % going to Mediterranean countries.

3.4.2. The Committee therefore deplores the decision of the Ecofin (Economic and Financial) Council of 13 March 1990 which, while increasing the budget allocations for Eastern Europe, did not increase funding of cooperation with other parts of the world such as the Mediterranean to the (albeit modest) extent proposed by the Commission.

This decision fuels concerns that the financial aid which the Community is beginning to extend to Eastern Europe will mean a cut in Community solidarity with other areas.

3.4.3. The Committee endorses the need for 'investment finance on a large scale, with greater regard for the region's economic and financial problems'. The Committee would here refer back to the 1989 opinion and report, and would again stress the need to insert these investment programmes in the development agreements proposed by the Committee.

3.4.4. The Committee endorses the priority sectors chosen by the Commission (food self-sufficiency, small businesses, environment, and regional integration projects, e.g. for communications). However, these should tie up with local processing of oil, ore and agricultural products, and with the research and development programmes.

The ability of these investment programmes to meet the general aims of a joint development policy will be directly proportional to their tie-up with complementary integrated measures from the Community, and first and foremost from the Community's Mediterranean regions.

3.4.5. As regards the appropriate financial instrument for this enormous task, the Committee endorses the proposal made at political level to establish a Mediterranean development bank.

The Committee feels however that this institution should not be modelled on the World Bank. The project-by-project funding method applied by the World Bank cannot be used for programmes incorporated in the development agreements proposed by the Committee. The Mediterranean development bank should be responsible for evaluating projects; the decisions on whether to provide finance would be taken by the political and administrative authorities.

3.5. *Continued or improved access to the Community market*

3.5.1. The Committee's 1989 opinion (see point 2) and report (see point 9) provided ample evidence that improved access of MNC products to the Community market would require a new form of development in the south of the Community, and a joint development policy under which competition would be replaced by complementary relations and synergy.

3.5.2. This is particularly true in the case of farm products, where the present position is unsatisfactory both for the MNC and for the Community's Mediterranean regions. Continuance of traditional export flows — and even this is not guaranteed by the 1987 and 1989 additional

protocols — simply crystallizes existing imbalances and offers the MNC no prospect of development (see point 5 of the 1989 report). As we have seen, the MNC desperately need to increase their exports, and farm exports in particular. This paradoxical situation can only be resolved by a programme, agreed by the Community and the MNC, to repattern agri-food production throughout the Mediterranean, in line with the criteria given in the Committee's 1989 opinion (points 9.7 to 9.10).

3.5.3. The Committee endorses the Commission's goal of giving MNC industrial products (including textiles and clothing) freer access to the Community. The Community has already called for an end to voluntary restraint agreements, provided that the Community (pending or in the absence of a proper GATT legal framework) concludes an agreement with the MNC defining rules and guarantees on free access, and covering dumping, export credits, counterfeiting, social dumping, and so on (see point 9.13 of the 1989 opinion).

3.5.4. MNC greatly need to earn more hard currency from exports to the Community and the other industrialized nations. This need could decrease if subregional common markets were established. The Community could make this a condition for further concessions for MNC exports.

3.5.5. The Committee agrees that technical support for the improvement of MNC export facilities should be stepped up. The Committee repeats its call for the setting-up of an agency, run jointly by the Community and the MNC, for the commercial promotion of Mediterranean products.

3.5.6. The Community could also play an important role in encouraging the EFTA nations to open their markets more to MNC products. The case should also be considered for three-way European Community-MNC-Eastern Europe trade agreements, in order to achieve the maximum complementarity.

3.6. *Closer MNC involvement in the development of the Community*

3.6.1. The Committee is pleased that the Commission has taken up the recommendation made in its 1989 opinion (point 9.17) that the MNC should be kept informed of progress towards the internal market. The Committee notes however that it also recommended technical assistance for the adjustments which the MNC would have to make in certain key sectors (product standards, patents, movement of goods, transport, banks, insurance, and so on).

3.6.2. An information and technical assistance programme of this sort calls for an *ad hoc* body. The task could be performed by the centre which the Committee proposes should provide technical and planning support for the development agreements and for technology transfer.

3.6.3. The programme should not only be targeted at the public administrations, but also at businesses and other socioeconomic groups. The Commission could depute certain tasks to the Economic and Social Committee, particularly those linked to information.

3.6.4. The Committee notes that no scientific assessment has yet been made of the impact of the internal market on the MNC, or on the Mediterranean economy in general. It therefore asks the Commission to draw up a report based on a study carried out by a research group including experts from the MNC.

3.6.5. The Committee attaches special importance to the Commission's proposal for a programme enabling MNC to participate in certain Community programmes and policies.

3.6.6. The first policy in which the MNC should be involved is, without doubt, regional policy — particularly the measures affecting the Community's Mediterranean regions, first and foremost those financed by the structural funds. New multiregional programmes, *inter alia* covering MNC regions, should be envisaged. To ensure maximum efficiency, the programmes should feature multiregional assistance coordinated around the Mediterranean area, to achieve a synergic effect. The programmes should be medium and long term, and give priority to structural assistance for sectors which have the most to win or lose from the single market. The programmes should achieve a 'critical mass' of assistance in order to ensure significant, lasting results. They should support new forms of regional cooperation around the Mediterranean; they should promote trade, production diversification, and a reduction in reliance on the more developed areas.

Cooperation between regional and local authorities, research centres, universities, training centres, businesses and other socioeconomic groups will be an important feature of these programmes. The programmes must be conceived as a single package; the parts to be carried out in the Community's Mediterranean regions must be of the Community-initiative type. The parts carried out in the MNC, on the other hand, should be included in the development agreements proposed by the Committee.

The programmes as a whole should be framed by the Commission, with maximum involvement of the administrations of the Community's Mediterranean regions,

governments, MNC, and the relevant socioeconomic bodies.

The programmes' financing should be additional both to the structural funds and to the MNC financial protocols. It will have to come from one or more *ad hoc* Community budget lines.

The Committee recommends that pilot projects be set up as soon as possible, even if their funding is limited. These should cover clearly defined areas and should also try out new ways of coordination and consultation between the socioeconomic groups.

3.6.7. In line with the Commission proposals, the Committee accords the utmost importance to MNC access to Community programmes and to measures accompanying the completion of the internal market. Of particular importance are research and innovation (points 9.5 and 9.6 of the 1989 opinion), small firms (point 9.16 of the 1989 opinion), cultural exchanges, environment, tourism, labour market, and job creation. Special attention should be paid to the enhancement of human resources, by training and the promotion of socioeconomic initiatives (see points 9.2 to 9.6 of the 1989 opinion). Alongside participation in existing Community programmes it would be appropriate to establish an instrument jointly administered with the MNC similar to the one recently proposed by the Commission for Eastern Europe.

3.7. *Strengthening of political, cultural, economic and social dialogue*

3.7.1. The Committee endorses the Commission's goal and would make the following additional recommendations.

3.7.2. Given that democracy, peace and development are all inter-dependent, the strengthening of political dialogue must aim to:

- increase MNC democracy — social as well as political — by encouraging the involvement of the social partners in the life of these countries,
- stamp out violations of human rights which have been repeatedly denounced by the European Parliament and by international bodies,
- help bring peace to the Mediterranean. The Community should make a much firmer contribution towards a peaceful solution for the many conflicts in the area, starting with the Palestinian problem (where much more is needed than the simple adoption of a stance, however right it may be — as in the response to the new settlements in the occupied territories — or the nevertheless laudable decision to double aid to the Palestinian people). It should also cover the conflicts between internal and external factions in the Lebanon,

the Turkish Cypriot question, and the conflict in the Western Sahara.

3.7.3. The cultural side of Community-MNC dialogue is also very important. Alongside programmes to increase awareness of each other's culture and cultural exchanges, the Committee attaches particular importance to the establishment of the European/Arab University in Granada.

3.7.4. The Committee will clearly devote its main attention to economic and social dialogue. It endorses the Commission's proposal to develop this dialogue on sectoral issues (agriculture, energy) and to extend it to wider matters (environment, migration, etc.). As proposed in the 1989 opinion, sectoral dialogue should enjoy the support of proper instruments and bodies (Mediterranean forum, joint institutions, etc.). At all events, it should spawn common guidelines on sectoral and more general policies which will form the basis for the subsequent framing of sectoral agreements between the Community and the MNC as a group.

3.7.5. The Committee agrees that economic and social dialogue should begin to operate at regional level (Arab Maghreb Union, Arab Cooperation Council).

3.7.6. Dialogue between the socioeconomic groups of the Community and those of the MNC will account for an important part of economic and social dialogue. As the 1989 opinion noted (point 7), the success of a new Mediterranean policy is closely tied to the involvement and responsibility accorded these groups; to their ability to cooperate at national, regional and Euro-Mediterranean level; and to the opportunities they are offered to comment on the Mediterranean policy and its implementation.

3.7.7. The Commission will thus have to find the best formula for direct talks with the socioeconomic groups of the countries concerned, designed to involve them in the pursuit of Mediterranean policy goals. Consultation of Community and MNC socioeconomic groups should be mandatory prior to any decisions on the various stages of the new policy (development agreements, structural adjustment programmes, programmes to support MNC reforms, investment schemes, and MNC involvement in Community programmes and policies).

3.7.8. The Community will also have to help develop relations between the Community and MNC workers' and employers' organizations (including their supranational dimension), in order to help the MNC social partners to consolidate their arrangements for democratic representation.

3.7.9. Support will also be needed for joint evaluation by Community and MNC socioeconomic groups of areas of Mediterranean policy where their role is particularly important.

3.7.10. The Commission could also consider promoting a Euro-Mediterranean social dialogue, in line with Community practice.

3.7.11. The Economic and Social Committee should play a fundamental role in economic and social dialogue and in promoting the involvement of MNC socioeconomic groups. The Committee's role should extend beyond consultative duties (important though these are, and much though they need to be developed with respect to the MNC). The Committee should be an active tool of the Council and Commission in Euro-Mediterranean economic and social dialogue.

3.7.12. We should here reaffirm the Committee's commitment to set up, with the support of the Council, a standing group for liaison between the Committee and the MNC economic and social councils (where they exist) or socio-occupational organizations. The Committee also plans to organize an annual meeting of the socioeconomic groups of the Euro-Mediterranean area. The purpose of these arrangements would be to keep tabs on the implementation of Mediterranean policy in all its aspects, with special reference to those which most directly concern the socioeconomic groups.

4. Conclusions

4.1. The Committee is pleased that the Commission is proposing a new Mediterranean policy and it endorses the specific proposals for the six action areas. However, it feels that the Commission should show greater boldness and coherence by framing a wider joint development policy into which these measures can be slotted.

4.2. At the same time, the Committee cannot hide its regret that talks between Community Governments — as was clear at the Council meeting of 5 February 1990 — still have much ground to cover. Some governments feel that freer access for MNC products is all that is needed; others merely call for an increase in financial aid. This reflects a failure to grasp the strategic importance of the Mediterranean issue and the need for Community policy to adopt a global approach.

Done at Brussels, 26 April 1990.

*The Chairman
of the Economic and Social Committee*

Alberto MASPRONE

Opinion on the proposal for a Council Regulation (EEC) on the importation of certain furs ⁽¹⁾

(90/C 168/15)

On 18 May 1989, 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 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 3 April 1990. The rapporteur was Mrs Flather.

At its 276th plenary session (meeting of 26 April 1990), the Economic and Social Committee adopted, by 70 votes for, 14 against and 35 abstentions, the following opinion:

1. General comments

1.1. The Committee, subject to the following comments, welcomes the Commission's proposal and feels that it is in fact long overdue. It is pleased that the European Community should take such a stand in the interests of more humane treatment of animals. The use of leghold traps was partially banned in Greenland as early as 1938

and totally banned in 1989. Its use is becoming less and less acceptable in more and more countries. We are living in a world of rapidly changing attitudes towards animals and what was acceptable some years ago is no longer so.

As stated in the explanatory memorandum attached to COM(89) 198 final, the leghold trap has been banned in over 60 countries and other countries have imposed strict conditions on its use.

⁽¹⁾ OJ No C 134, 31. 5. 1989, p. 5.

1.2. Concern has been expressed about the legal basis of the Commission's proposed Regulation as it has been formulated under Article 113 of the Treaty, since the objective pursued here is not the harmonization of the Community's fur trade policy but animal welfare. However, it would not be the first time that this approach has been adopted to achieve a laudable objective.

1.3. The case against any use of leghold traps in all circumstances has been stated and is also the opinion of the European Parliament ⁽¹⁾.

1.4. Clearly it would be inconsistent to prohibit the use of leghold traps in Member States while continuing to accept the importation of furs trapped in this manner. The Committee accepts that inconsistencies exist in other matters which concern Member States, but feels that its aim should be to achieve as much consistency as possible in matters concerned with welfare of any sort. The Committee proposes, therefore, to amend the proposed Regulation to include this prohibition as a new Article (see specific comments, point 2.4).

1.5. When any animal is killed, wild or domesticated, it should be dispatched in as humane a manner as possible. Leghold traps do not, and cannot, meet this criterion and should be banned by international agreement.

1.6. The objections to leghold traps can be restated briefly as follows:

1.6.1. At best, animals caught in leghold traps may suffer pain and distress for a significant period of time. Inspection of traps takes place only at intervals of many hours. 24-hour intervals between inspections is currently accepted as 'good' practice. However 72-hour trap inspection is permitted on Crown Land in British Columbia. Such land is 90 % of the province. Alberta has reduced the requirement for trap inspection to every 48 hours (previously 72). Manitoba retains 72 hours. Thus the time elapsing between trapping — with possibly a fracture of the leg — and death is measured in hours rather than in minutes or seconds.

1.6.2. In the even less satisfactory cases the trapped animal may remain for days until it dies from cold, starvation or attack from another predator; this is unacceptable.

1.6.3. Non-target species may be caught in leghold traps and injured or killed.

The number and type of non-target animals captured varies considerably. One survey by the British Columbia Ministry of the Environment indicates that 9,3 % of all animals trapped are not even fur-bearers. Another survey mentions 11,5 % are non-target species. The total number of fur-bearing animals trapped in the USA is of the order of 16 million per year and the Canadian total appears to be between 3 and 6 million. It is estimated that figures for the Soviet Union are about 16 to 17 million. If 5 % non-target species are involved this means that at least a million animals or birds are killed 'inadvertently' and these unintended victims may well include some endangered species. The unselective nature of leghold or killing traps makes them unsatisfactory for the control of wildlife populations except in so far as indiscriminate killing reduces the overall animal population and so reduces competition for food and territory. However, without human intervention nature maintains its own ecological balance.

1.6.4. Suggestions that leghold traps could continue in use subject to 'codes of conduct' or controls on positioning and seasonality of their use are not acceptable. Trapping is a 'private' procedure, usually carried out alone and in isolated places. The opportunities for enforcement are very small even if any acceptable use can be agreed.

1.7. Concern has been expressed about the loss of income that trappers would suffer if the leghold trap and other inhumane methods of capture were banned, and the effect that this proposal would have on the traditional way of life of indigenous populations. Leghold traps, particularly steel jaw ones can hardly be described as 'traditional' methods of killing, although they have been in use for the past 100 years.

1.7.1. Details of the numbers of trappers, their ethnic origin and the proportion of their annual income derived from trapping vary very much according to the source of the information, and perhaps according to the point of view that the informant wishes to progress. However 10 or 20 % of total annual income and less than 1 000 dollars seems to be a high estimate of the average income from trapping. In the early 1980s it is said that 105 000 trappers shared between 45 and 85 million dollars per year in Canada (raw pelts sold), i.e. 428 to 809 dollars per trapper before any expenses. The income per trapper in the USA may be considerably greater than this.

1.7.2. There is a very good case for providing help to people of any origin, but especially to the indigenous populations, to enable humane traps to be purchased and to train trappers in their use. The future developmental needs of the indigenous people would not be best served if

⁽¹⁾ Tabled in 1988 as a written declaration by Mrs Castle and Mr Seligman and adopted as an opinion under rule 65 of the Rules of Procedure [OJ No C 69, 20. 3. 1989, p. 198, and COM(89) 198 final].

they were to be excluded from the responsibility of conforming to international standards of animal welfare.

1.7.3. Consideration must be given to making certain that the indigenous populations, whose lifestyle is affected by this proposal, can continue to enjoy a way of life which is satisfactory to them, but clearly continuing to accept inhumane methods of capture and killing cannot be the solution and this acceptance would not reverse social and environmental changes that have taken place over many generations and are continuing so to do.

1.7.4. In any event the present proposal will not prevent hunting and trapping for fur providing humane methods are employed and if the general public were convinced that fur is produced in a humane manner it may increase in popularity — which can only be of benefit to the fur trade.

1.8. There are no internationally agreed humane trapping standards at present. Discussions are proceeding but the Community has no direct input into these discussions. If a Regulation is to be adopted which demands certification of the use of humane trapping methods (or, preferred version, capture and killing), Community involvement in the determination of humane standards is essential. To this end the Community should seek representation on the ISO ⁽¹⁾ committee considering humane trapping standards, either in its own right or through Member States.

1.8.1. At the end of 1987 West Germany was a participating member of the ISO technical committee TC 191 on humane animal traps and Italy, Belgium and Spain had observer status. (The other members were Canada, the USA, Sweden, Finland, Australia and Argentina. Other countries with observer status were Hungary, India, Kenya, Switzerland, Turkey and the USSR).

1.8.2. Leghold traps are banned in five Member States and their use is restricted in others. It would seem appropriate that the proposal for harmonization of legislation for a total ban within the Community on the manufacture, sale and use of the leghold trap should be included in the proposed Regulation to avoid any danger of appearing to follow double standards.

2. Specific comments

2.1. *First recital*

This clause is based on the assumption that the manufacture, sale and use of the leghold trap in the Member States

will be prohibited under the proposed 'habitats' Directive. The Committee considers that this prohibition should be retained in the present proposal whether or not it appears eventually in the 'habitats' Directive (if and when adopted).

2.2. *Article 1*

Revise this Article to include references to furskins and pelts so that it now reads as follows:

'This Regulation applies to the importation of furs, furskins or pelts of the species listed in Annex I and of goods including the fur, furskin or pelt of those species.'

because the skins of fur bearing animals are referred to as 'pelts' by the fur trade and 'furskins' in GATT nomenclature. This change will avoid ambiguity.

2.3. *Article 2 — paragraph 1*

Insert the words 'furskin or pelt' after the word 'fur' in the text so that it now reads:

'Specified goods means all goods listed in Annex II which consist of or include the fur, furskin or pelt of any of the animals listed in Annex I.'

For the same reasons as in Article 1.

2.4. Insert between present Articles 2 and 3 a new Article to read as follows:

'Member States shall prohibit the manufacture, sale and use of the leghold trap.'

This is in line with the foregoing observation under the first recital.

2.5. *Article 3 (1) — paragraph 1*

The Committee notes that research into humane trapping methods has been going on for nearly 50 years. Earlier implementation of the prohibition is more likely to accelerate the development of humane methods than delay them. It may be of interest to note that as early as 1948 the Royal Society for Prevention of Cruelty to Animals in the United Kingdom had offered a prize of £ 1 000 for an alternative. In 1985 a report on the defence of the fur trade recommended stopping the use of the steel jawed leghold trap, and added 'It is possible Canada can buy more time on the steel trap issue.' That time has been bought; there is no reason for a further inordinate delay.

⁽¹⁾ International Organization for Standardization (ISO), Geneva.

2.6. Annex I

The suggested list of eight species (out of a possible 22 caught in the wild) is incomplete as it does not include many of the species which are caught in large numbers using the leghold trap. For example, about 1 600 000 muskrats are trapped each year in Canada alone; also about 1 million mink (USA and Canada); 80 000 foxes (Canada); 250 000 squirrels (Canada).

It is quite possible for those pelts coming from farmed species to be identified by an approved official method and therefore separated from pelts of the same species but caught in the wild.

It is suggested that the list of animals in Annex I is incomplete and should at least include the following:

- coypu: *myocastor coypus*,
- muskrat: *ondatra zibethicus*,
- opossum: *didelphis virginiana*,
- fisher: *martes pennanti*,
- marten: *martes americana*,
- red fox: *vulpes vulpes*,
- grey fox: *urocyon littoralis*,
- mink: *mustela vison*,
- squirrel: family *Sciuridae*.

The list may have to be added to from time to time but perhaps the Council should consider the legal implications of this list as far as practical implementation is concerned.

The suggested alteration will mean that all species of wild animals — fur bearing or not — will be protected to the extent that they will not be trapped by inhumane methods.

Sheep skins, cattle hides and similar by-products from the food industry are clearly excluded and problems of identification of particular species of fur avoided — which will make enforcement easier.

2.7. Annex II

Add 'articles manufactured prior to the date of implementation of this prohibition are excluded from restrictions'. The burden of proof is to be on the importer; because there is no reason to interfere with any trade in 'second-hand' clothing or other articles containing fur or non-domesticated pelts. As drafted it would appear to prohibit individuals from importing fur garments which may have been their personal property for very many years.

Done at Brussels, 26 April 1990.

The Chairman
of the Economic and Social Committee
Alberto MASPRONE

APPENDIX 1

The following amendments, which were supported by at least a quarter of the votes, were rejected during the debate:

Point 2.2 (Article 1)

Delete and retain the Commission text.

Voting

For: 48.

Against: 56.

Abstentions: 19.

Paragraph 2.7 (Annex I) (in this text: paragraph 2.6)

Annex I (list of species) should be left as it stands in the Commission document.

Voting

For: 53.

Against: 57.

Abstentions: 9.

APPENDIX 2

The following members, present or represented, voted in favour of the opinion:

ARENA, ARETS, BAGLIANO, BAZIANAS, BEALE, BELTRAMI, BERGER, BERNS, BLESER, BOISSEREE, BREDIMA SAVOPOULOU, BREYIANNIS, BRIGANTI, BROICHER, CEYRAC, COYLE, van DAM, DE TAVERNIER, DONCK, DOS SANTOS, EULEN, FORGAS, GARCÍA MORALES, GERMOZZI, GEUENICH, GIACOMELLI, GOMEZ MARTINEZ, GREEN, HAGEN, HANCOCK, JESÚS SEQUEIRA, KAARIS, KAZAZIS, KELLY, KENNA, KIRCHFELD, KITSIOS, KRÖGER, LAPPAS, LAUR, LÖW, LUSTENHOUWER, MAINETTI, MARVIER, MORALES, MUHR, MULLER, NIELSEN Bent., NIERHAUS, NOORDWAL, PARDON, PEARSON, PELLETIER Charles, PETERSEN, PROUMENS, ROBINSON, ROLÃO GONÇALVES, ROMOLI, ROSEINGRAVE, SHADE-POULSEN, SCHMITZ, SILVA, SOLARI, TUKKER, VALLEJO CALDERON, VASSILARAS, VELASCO MANCEBO, VIDAL, WICK, WITHWORTH

The following members, present or represented voted against the opinion:

BERNASCONI, CAVAZZUTI, ALVES CONDE, CORELL AYORA, FREEMAN, LIVERANI, MACHADO VON TSCHUSI, MERCIER, MURPHY, ORSI, STAEDLIN, STRAUSS, VERCELLINO, WILLIAMS

The following members, present or represented abstained:

AMATO, ASPINALL, ATAÍDE FERREIRA, BORDES-PAGES, BOS, Vasco CAL, CALVET CHAMBON, CHRISTIE, DELLA CROCE, DRAGO, DRILLEAUD, van EEKERT, ELSTNER, ETTY, FLATHER, GREDAL, HILKENS, HOUTHUYS, HÖRSKEN, JENKINS, de KNEGT, LAKA MARTIN, MADDOCKS, MARGOT, MORELAND, MOURGUES, NIEUWENHUIZE, de NORMANN, RAMAEKERS, ROUZIER, SALMON, SCHOEPGES, SMITH L.J., STORIE-PUGH, TAMLIN.

Opinion on the proposal for a Council Directive concerning municipal waste water treatment ⁽¹⁾

(90/C 168/16)

On 23 November 1989 the Council decided to consult the Economic and Social Committee, pursuant to Article 130s 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 3 April 1990. The rapporteur was Mr Boisseree.

At its 276th plenary session (meeting of 25 April 1990), the Economic and Social Committee unanimously adopted the following opinion:

I. Summary of the Commission proposal

Following the resolution adopted at the European Summit in Hanover, the Environment Council decided at its 28 June 1988 meeting to call on the Commission to propose measures for the treatment of waste water collected in and discharged from urban sewage plants (municipal waste water). The aim of this proposal is to ensure that the quality of ground and surface water throughout Europe complies with European standards. These quality requirements will provide a basis for drinking water supplies and help to maintain the ecological balance.

The proposal seeks to achieve this aim by laying down Community rules with regard to:

- requirements for the collection and treatment of municipal sewage,
- control of discharges of sludge,
- control of comparable industrial waste water,
- phasing-out of disposal of sludge at sea,
- administrative arrangements: creation of a regulatory committee, implementation of joint national programmes, public access to information, training of skilled staff.

II. General comments on the proposal

1. The proposed treatment of municipal waste water throughout Europe is welcomed on environmental protection grounds.

⁽¹⁾ OJ No C 1, 4. 1. 1990, p. 20.

The proposal is compatible with the Fourth Action Programme on the Environment in which the Commission stated its intention of improving the cleanliness of inland and coastal waters. The Economic and Social Committee gave its explicit approval at the time to this Action Programme.

Without these present measures, water resources in large areas of the Community, including its coastal and territorial waters, might suffer an ecological disaster and there might be a collapse of drinking water supplies.

Waste water treatment measures, however, also need to be accompanied by guarantees of adequate fresh water resources (protection of catchment areas, the development of new resources, and their designation as protected areas).

2. The Committee lends its support in particular to:

- the proposal that waste water should basically be treated in two stages (including biological treatment) and that nutrients (e.g. nitrates and phosphates) should be eliminated,
- the provision stipulating that, in accordance with Article 130r and 130t of the EEC Treaty, Member States can take more stringent measures depending on specific regional or local situations,
- the Commission proposal which not only contains limit values and technical measures, but also lays down provisions on the supply, basic and further training of the personnel needed to operate waste-water treatment plants; without qualified specialist staff the proper operation of waste-water treatment plants cannot be guaranteed,
- the proposal that the public be given access to all information about the state of areas of water.

Although the objectives of the Commission's proposal and the appropriateness of the technical and practical measures proposed therein are therefore not open to question, the Committee considers that the document still poses basic problems. These are as follows:

3. Modern technology allows waste water to be treated in several stages (including the elimination of nutrients). New sewage plants should therefore only be allowed to operate if they have mechanical, biological and physical-chemical treatment facilities. Appropriate transitional periods should be laid down to allow time for improvements to old sewage plants. Old plants tend to break down frequently so measures are needed to cover emergencies so that ecological catastrophes are avoided.

4. Execution of the programme set out in the proposed Directive (the construction and operation of new treatment plants or the adaptation of existing plants to state-of-the-art technologies by the prescribed deadline) places an extremely heavy financial burden on large areas of the Community. This burden, which is borne by the public authorities of the Member States, should, the Committee believes, also be shared by the European Community, (i) in regions which cannot find the necessary investment funds by themselves (or not by the deadline set) and (ii) in cases where research and development has to be carried out before the programme can be implemented.

4.1. During the next few years, therefore, priority should be given to financing municipal waste water schemes through targeted Community funds (e.g. Envireg, Community environmental action programme, research and development programmes). Meeting the deadline for implementation of the Directive's programme also provides an additional incentive for the creation of a European Environment Fund as advocated by the Committee in its own-initiative opinion of 15 November 1989 ⁽¹⁾.

5. In the proposed Directive the Commission seeks to solve major financial and other problems by allowing plants operating at current levels of sewage technology to deal with discharges into coastal waters whilst insisting on comprehensive waste water treatment only in 'sensitive areas'. Members of the Committee have reservations about such discriminatory practices.

5.1. Drawing a distinction between coastal waters on the one hand and fresh water (including estuaries) on the other would seem to be questionable if it means that discharges into coastal waters are in the long run to be partly excluded from secondary (i.e. biological) treatment. Large tracts of European coastal waters are already as polluted as fresh water resources inland. Even on the high seas further pollution could lead to irreversible ecological damage.

5.2. The mere collection of municipal sewage — with or without a physical treatment stage — does not suffice for the ecological protection of water or for ensuring adequate drinking water supplies. It is only acceptable as a temporary solution.

5.3. The same applies to the Commission proposal that waste-water treatment to eliminate nutrients be confined to specific areas. The non-coverage of other areas can be permitted for a limited period but not indefinitely if ever-

⁽¹⁾ Environmental Policy, a Fundamental Aspect of Economic and Social Development, OJ No C 56, 7. 3. 1990.

declining water resources are to be preserved for future generations.

5.4. The Committee believes that these problems can be tackled more successfully if priorities are set for the timing of the planned measures.

5.5. To ease the quite considerable financial problems of implementing the Directive — problems which cannot even be completely solved by the provision of Community funds — the deadlines for installing sewage plants could be staggered. In large residential and industrial areas (e.g. at least 500 000 population equivalent) the treatment plants would have to be constructed ahead of schedule (perhaps as early as by 31 December 1996), whereas in all other areas later deadlines (which might or might not be staggered further) would be set.

5.6. Responsibility throughout the Community for treating most of the sewage produced probably lies with the large municipalities. Because of the greater efficiency and tapering costs of large-scale installations, state-of-the-art water-treatment plants can be installed most cheaply in large municipalities. Laying down different deadlines does not mean that the overall aim of providing treatment facilities throughout the Community would be abandoned. State-of-the-art water-treatment facilities are also vitally important in rural areas, especially since farms will have to meet stringent environmental requirements regarding the use of nitrates.

5.7. The staggering of deadlines, however, should be based not only on population equivalent figures but also on the sensitivity of the areas in question. Due attention might be paid here to the differences between inland waters, heavily polluted coastal waters and other receiving waters. Even the latter areas cannot manage without treatment facilities for ever.

5.8. Staggered deadlines of this sort might make it easier to solve technological problems (where they still exist) and to train appropriate specialist staff. Waste water treatment plants can be gradually expanded in line with these deadlines.

5.9. Finally, appropriate ways should be found of rewarding municipalities which use their initiative to solve sewage treatment problems ahead of schedule. If there are special circumstances, Member States should also be allowed to prescribe shorter deadlines in accordance with Article 19 of the proposal.

6. The Committee points out that the technical and economic problems of sewage treatment may be easier to

overcome if less sewage-water is produced. This can be done by reducing water consumption. The following measures might also be taken at European level, bearing in mind regional and structural particularities and remembering that such measures should be complementary, rather than alternatives to, the Commission's proposals.

6.1. The Committee believes that water consumption can be reduced by using 'economic instruments' of environmental policy, for example:

- water rates should be put on a new basis so that water consumption over and above a minimum level is not charged at degressive rates, as has frequently happened in the past,
- incentives should be introduced to encourage (a) the 'recycling of water' (the purification of used water prior to its entering the collecting system as well as the re-utilization of industrial water) and (b) the utilization of rain water collected in tanks; such incentives might possibly take the form of tax concessions.

6.2. The appropriate expansion of European-level rules and regulations would also serve the same end. Examples include:

- the adoption of European standards for equipment also used in private households (washing machines, dish-washers, etc.) using large quantities of water; technological advances have reduced this equipment's water consumption quite considerably,
- the adoption of harmonized standards which make it compulsory with certain new building projects to install rainwater tanks.

6.3. Treatment problems are contingent not only on the quantity but also on the composition of the sewage (degree of pollution and noxiousness). The Commission's draft Directive should therefore be accompanied by regulations on (a) the differentiation of sewage tariffs according to the type and degree of pollution and/or (b) the introduction of sewage charges similar to the systems operating in certain European Community Member States; the additional income hopefully derived from this source should be harnessed to finance the modernization of old plants.

7. The Committee works on the assumption that the present Directive will in future be amended to bring it into line with scientific and technological advances, especially if the Committee's proposal on a staggered timescale is accepted. The Committee therefore asks the Council of Ministers to examine — when adopting the Directive on the basis of the second paragraph of EEC Treaty Article 130s — whether it would not help to adopt future amendments by a qualified majority.

III. Comments on individual provisions

Article 3

Simply stating that municipalities must have sewage collection systems solves nothing unless adequate treatment facilities are also available. All it does is endanger receiving waters even more. The requirement to provide collecting systems should therefore be coupled with the requirement to install treatment plants. The deadlines should be staggered according to the proposals made in point 3 of the general comments.

Article 4

Paragraph 1: Deadlines should be staggered according to the priorities laid down (see point 3 of the general comments). In the longer term all areas of the Community, including coastal areas, should be equipped with sewage treatment plants.

Paragraph 3: The Committee takes the 'maximum daily load entering the treatment plant' to mean 'the daily pollution load'. The maximum daily load is calculated on the basis of monitoring carried out over a one-year period.

Article 5

The sensitivity of areas polluted by the arrival of unclean waste water should be taken into consideration when ordering different time-scales (i.e. staggering the entry into force of the provisions). In the longer term sewage in all areas must undergo more thorough-going additional treatment to eliminate nutrients.

Article 6

Paragraphs 2 and 3: Less-sensitive areas should have a low priority when it comes to staggering deadlines; such areas, however, should only be exonerated from the need to submit to sewage treatment for a limited period.

Article 7

The Committee assumes that the 'appropriate treatment' within the meaning of this Article includes at least the 'primary treatment' defined in point 10 of Annex I.

Article 9

Waste water treatment still faces a number of technical problems, e.g. the elimination of nutrients under all climatic conditions. The Committee trusts that the Commission will give its support to suitable research and development projects. The Committee also requests that consideration be given to the possibility of incorporating in the Directive a provision whereby new waste water

treatment plants must be tested by experts for efficiency before they can be brought into service.

Article 10

Article 10 (3) must stipulate that authorizations also have to be compatible with national provisions and programmes (see Article 19).

Article 11

Steps must be taken to ensure that sludge does not get into receiving waters, otherwise sewage treatment might as well be dispensed with altogether.

Article 12

The Committee assumes that, in accordance with Annex 1 (5), waste water from hotels, hospitals, etc. not entering municipal waste water treatment plants will be covered by Article 12.

The Committee also assumes that agricultural effluents will not be allowed to enter municipal sewage treatment plants under any circumstances, otherwise the cost of sewage treatment would rise out of all proportion.

Given that industrial effluents are not comparable with municipal sewage, the Committee would point out that limit values urgently need to be added to Directive 76/464/EEC. Many types of industrial waste water are not covered by European legislation at all.

Article 13

The Committee basically endorses the provisions in Article 13. State-of-the-art technology now permits the environmentally-friendly disposal of sludge. The prime aim, however, should be to recycle sludge. A ban on the disposal of sludges at sea is also necessary from an ecological point of view; the Commission quite rightly refers to the provisions in the International Conference for the Protection of the North Sea (page 5 of the explanatory memorandum). With regard to other seas (e.g. Mediterranean, Baltic) which have riparian non-member States, the conclusion of appropriate international agreements would be an effective way of rounding off the present Directive.

Article 15

The information to be made available to the public pursuant to Article 15 (1) should include 'breakdowns and accidents in waste water treatment plants'.

Article 16

It is unrealistic to expect that comprehensive programmes for the implementation of this Directive can be drawn up by as early as 31 December 1991.

Article 17

The Committee assumes that national governments will send experts to become members of the regulatory committee. Irrespective of whether or not they do so, the regulatory committee should still work together closely with groups and organizations having specialist knowledge in this field.

Article 20

Paragraph 2: The Commission should be obliged to consult the regulatory committee on measures to promote the training of staff and improve waste water technology.

Annex I

The definition of 'appropriate treatment' in Annex I (1) requires a radical reappraisal. Difficulties arise when receiving waters are already heavily polluted by discharges upstream (including discharges not falling within the jurisdiction of the European Community); in such cases the treatment of municipal waste waters cannot ensure that

water will be restored to the state of cleanliness laid down in Community Directives. It would therefore be worth examining whether the reduction of emissions (technical waste water treatment) ought not to be based on state-of-the-art technology.

In Annex I (10) 'die gelösten organischen Feststoffe' is changed to read 'die ungelösten organischen Feststoffe' (affects the German but not the English version).

Annex II B

Provision No 3 is at odds with Article 19. Member States should be able to adopt more stringent measures if specific regional situations so require.

Annex III

The ground-water level situation should also be taken into account in defining sensitive areas.

Done at Brussels, 25 April 1990.

*The Chairman
of the Economic and Social Committee*

Alberto MASPRONE
