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II

(Preparatory Acts)

ECONOMIC AND SOCIAL COMMITTEE

Opinion of the proposal for a Council Directive on colours for use in foodstuffs⁽¹⁾

(92/C 313/01)

On 6 January 1992 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 7 July 1992. The Rapporteur was Mr Gardner.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion by a unanimous vote.

1. Introduction

1.1. The present food colour directive dates from 23 October 1962 and is one of the earliest pieces of EEC food legislation. There have been many amendments, the Committee giving its Opinion on the last one in 1988.

1.2. The Committee wants to repeat the paragraphs shown below in italics which featured in its last two Opinions:

'The Committee recognizes that the colouring of foodstuffs is widely accepted but is nevertheless aware that the whole subject of food additives, including colorants, and their possible adverse effects on human health, has become a matter of increasing concern.'

Food colours should therefore only be used when strictly necessary and with the greatest possible regard for consumer safety.

'Accordingly the present proposal, which the Committee accepts and considers very timely, should be seen not only in the present context of the harmoniz-

ation of foodstuffs legislation but also in the context of possible Community action in the fields of public safety, health and diet, as well as in the need to avoid misleading the consumer.

The Committee draws attention to the continuing necessity to inform the public by all appropriate means on the interpretation of the EEC numbers and common names of the substances used as food colorants.'

As far as the last point is concerned, the Committee deplores that little progress has been made and consequently urges Member States to implement the Council of Ministers' Resolution on Consumer Education in Schools,⁽²⁾ where nutritional education is specially mentioned.

In the new single market situation it is even more important to have clear, simple, understandable and legible labels so that people are able to make informed judgements about the colours in foods.

⁽¹⁾ OJ No C 12, 18. 1. 1992, p. 7.

⁽²⁾ OJ No C 184, 23. 7. 1986, p. 21.

2. General comments

2.1. The present proposal has become essential because the Council passed a framework Directive (89/107/EEC of 21 December 1988) requiring all additives to be listed with detailed conditions of use. This proposal is one of the sub-Directives implementing this requirement and therefore has to stick to the parameters set by the framework Directive.

Such individual listing inevitably requires lengthy and detailed proposals so as to ensure that the rich and large variety of regional and national foods is adequately covered.

2.2. Getting an EEC-wide framework acceptable to all parties poses three different challenges which are discussed below. They are:

- safety procedure used by the Commission;
- differing national traditions;
- other intakes of colours.

2.3. Safety procedure used by the Commission

2.3.1. The safety of colours and all additives is ensured by the EC Scientific Committee for Food (SCF) within the existing state of the art. Where it is satisfied of the safety of colours, it allots an Acceptable Daily Intake (ADI) per kilogram body weight which itself has a 100- or 500-fold safety factor. This ADI is the amount that one can safely eat on average every day of one's life.

2.3.2. Only colours found safe by the SCF have therefore been included in the Commission proposal. Given the dietary patterns in the Community, the Commission has proposed wider uses for colours with a higher ADI and has restricted those with a low ADI to a few products only. Present national lists of colours are not always based on this objective and transparent procedure and often reflect historical national considerations.

2.3.3. This Community system of safety evaluation is not easy to follow and has not been well explained to the public. There are concerns among consumers

and in scientific circles in some countries particularly about the following:

- Canthaxanthin (E 161g) — low ADI
- Erythrosine (E 127) — low ADI
- Red 2 G (E 128) — low ADI, currently limited to UK and Ireland
- Brown FK (E 154) — low ADI, currently limited to UK and Ireland
- Tartrazine (E 102) — limited in some states
- Allura Red (E 129) — new to the Community — used safely for many years in the USA and Canada.

2.3.4. Given these concerns, the Committee urges the Commission to:

- develop research on dietary patterns, particularly in those States where information is limited;
- conduct a review to establish whether these colours really are safe. This review should include a summary of each evaluation in terms that are comprehensible to non-specialist consumers;
- establish a European coordination of scientific research programmes with the objective of replacing certain colours with others having a higher margin of safety;
- initiate information and education of consumers about additives and an appraisal of their safety. This should be done rapidly because other EC-wide lists of additives will be necessary where the same problem is likely to occur and should be done by all appropriate means with careful targeting of the groups most concerned (e.g. mothers with small children).

2.4. Differing national traditions

2.4.1. Food colours are special among additives in that they make food cosmetically more attractive. Consumer attitudes of what is attractive differ widely by nation and region. These are currently taken care of by national rules which have to disappear as part of the 1993 programme.

2.4.2. Certain countries adhere to the principle that basic foodstuffs should not be coloured, whereas in others the same foods are normally coloured, and citizens are attached to their traditional appearance.

2.4.3. In accordance with the abovementioned principle, meat products for instance are never coloured in some countries, whilst in others a few meat products are traditionally normally coloured. The Commission

has tried to deal with this by allowing colour in products with certain names or compositions. Where separate names exist the original name is given in all the language versions so that the coloured product can only be sold under its original (say) Spanish or Greek name. In accordance with the Labelling Directive, these names, of course, have to be explained in the language understood by the consumer.

2.4.4. However, this still leaves some products where national tradition with regard to colouring varies widely but where there are no specific names. An example is malt bread which has always been coloured with caramel in Ireland and the U.K. and is never coloured in other countries.

2.4.5. This problem could be overcome by adopting the same system, e.g. leaving malt bread in English in all the language versions of the Directive, thus ensuring that the coloured product can only be sold under a name where the consumer expects it and is not deceived. There is good precedent for this: in the proposal on Sweeteners 'Eßoblaten' and 'Oberjähriges Einfachbier' are given in German in all the language versions. The same applies to 'gaseosa' in Spanish. (See also point 4 below.)

2.4.6. By such a system one could, in a single list, have the very restrictive provisions in some countries while ensuring that consumers in other countries are not deprived by the Single Market of the products to which they are attached.

2.4.7. Under the Labelling Directive 79/112/EEC Member States of course have to ensure that all products are appropriately labelled in the national language(s) to ensure that the purchaser is sufficiently informed of any differences. The use of colours always has to be shown on the label.

2.5. Other intakes of colours

As shown under 2.1, this proposal cannot cover medicines nor colours added to animal feeds which may come through to the final food as consumed. The latter would require an instrument under Article 43 of the Treaty. The Committee is aware that the ADI of canthaxanthin covers 'its use as food additive and the amount ingested ... through animal feeds.'⁽¹⁾ However, the Committee insists that labelling and conditions of use must be regulated by the appropriate instruments and that these be amended accordingly.

3. Detailed comments

Article 1.3

First indent

To be consistent with 1.2 this should read:

'foodstuffs, flavourings and their components, incorporated during the manufacturing of compound foodstuffs, having aromatic, sapid or nutritive properties together with a colouring effect such as paprika, turmeric and saffron.'

Second indent

To include stamping of meat and colouring of egg shells, add at end:

'Nevertheless, where there is any possibility of colour transfer to the product, only colours on Annex I may be used for these purposes and Directives and Regulations providing for other colours are herewith amended accordingly.'⁽²⁾

Also in the English version the words 'cheese coatings and edible sausage casings' are unclear. They should be replaced by the terms used in the French text (croûtes de fromage non comestibles et boyaux non comestibles utilisés en charcuterie):

'non-edible cheese rinds and non edible casings used in meat products'.

Article 2

The SCF expresses its ADI in terms of the colouring principle. Equally the enforcement authorities can only use the actual colouring principle for their checks.

This article should therefore clarify that the active colouring principle is used throughout.

Article 6

In changes by a Committee procedure there needs to be provision involving the public at a significant stage of the discussion when its interests are affected.

Article 7

A regular 5-year review is desirable. However, this should not preclude intermediate changes if these prove necessary in the light of ongoing monitoring.

⁽²⁾ Particularly Council Directive 64/433/EEC (Fresh meat) and Commission Regulation EEC No. 1274/91 (Eggs).

⁽¹⁾ SCF Opinion expressed 10 December 1987, p. 10.

Article 9

The second indent should be changed to read:

- allow trade in and use of products conforming to this Directive from the date of its adoption;
- prohibit trades in products not conforming to this Directive two years after its publication or after expiry of the 'best before' date on the pack, whichever is later.'

4. The Annexes

4.1. In line with point 2.4, a number of products have been listed in italics, followed by the languages of the countries where these products may contain colour. Using the wording developed under the Sweeteners Directive, this proposal should say for these products:

'The terms will be printed in italics in the published version of the Directive and will not be translated in the other language versions.'

4.2. Annex I**E 161g Canthaxanthin**

In its latest evaluation in 1988 the SCF gave this colour only a temporary ADI for five years. The SCF will be reviewing further safety-in-use evidence this year. The Committee insists that this colour be removed from the list unless the SCF then finds the colour safe.

4.3. Annex II

4.3.1. 'Tomato preserves' should be replaced by 'canned and bottled tomatoes'.

4.3.2. 'Infusions' should be clarified to read: 'fruit and herbal infusions, fruit and herbal tea extracts'.

4.3.3. After 'Tea, tea extracts and infusions including instant tea mixes' add 'but not including mixtures of teas with other foods'.

4.4. Annex III

4.4.1. 'Wholemeal, brown or malt bread' should be changed to 'Wheatgerm, brown and malt bread'. English only.

4.4.2. The following changes are needed in the item starting 'Sausages':

- a) To be concordant with the Draft for the General Additives Directive, the definition of burger meat should be changed to read:
'Burger meat with a minimum vegetable and/or cereal content of 4 %'. English only.
- b) Burger meat in the proposal has been mistranslated into 'Hackfleisch' in German.
- c) This item is a mixture of Danish, French, Irish, Portuguese and UK products. Where necessary the items should be limited to the appropriate language(s) in accordance with the procedure given above.

4.4.3. Add: Vinegar (except wine vinegar) — Permitted colour, Caramel used QS.

4.5. Annex IV

4.5.1. E 127 Erythrosine. Add: 'Canned Strawberries.' English only.

4.5.2. E 128 Red 2G.

The definition of burger meat should be brought in line with other drafts and the use of this colour in burgers and sausages is an Irish and UK speciality. This entry therefore should read:

'Burger meat (English only) with a minimum vegetable and/or cereal content of 4 % and sausages (English only) with a minimum cereal content of 6 %.'

4.5.3. E 154 Brown FK

English only for all products listed.

E 161g Canthaxanthin: Change 'Cooked sausages' to:

'Saucisses de Strasbourg.' French only.

4.5.4. The English term 'Edible cheese surface' is confusing and should be replaced by the correct translation from the French text (croûte de fromage comestible) to read:

'Edible cheese rind.'

4.6. Annex V

4.6.1. E 161 a-f, Xanthophylls have a 'non-specified' ADI and should be added to point 1.

4.6.2. Jams etc. Add at the end 'including energy-reduced products'. The latter are not jams under the Jam Directive.

4.6.3. Desserts. It should be clarified that these include fruited and fruit-flavoured dairy products.

4.6.4. Below 'confectionery' add: English only
'Aerated chews 500 mg/kg E 151
Red liquorice 'novelties' 400 mg/kg E 124'

4.6.5. Add: Spirits 300 mg/l E 104.

4.6.6. Add: Pre-cooked crustaceans 100 mg/l.

Done at Brussels, 23 September 1992.

The Chairman
of the Economic and Social Committee
Michael GEUENICH

Opinion on the proposal for a Council Decision concerning the conclusion, on behalf of the Community, of the Convention on environmental impact assessment in a transboundary context⁽¹⁾

(92/C 313/02)

On 22 April 1992 the Council decided to consult the Economic and Social Committee, under 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 7 July 1992. The Rapporteur was Mr Kafka.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion unanimously.

The Committee approves the proposal for a Council Decision, subject to the comments set out below.

1. Introduction

1.1. A Convention, prepared under the auspices of the United Nations Economic Commission for Europe (UN-ECE), on environmental impact assessment in a transboundary context was signed at Espoo, Finland from 25 to 27 February 1992 by 27 countries, including the 12 Member States and the Community itself⁽²⁾. The Convention will enter into force 90 days after the date of deposit of the 16th ratification.

1.2. The so-called Espoo Convention is based to a large extent on the provisions set out in Council Directive 85/337/EEC of 25 June 1985 on the assessment of the effects of certain public and private projects on the environment⁽³⁾. However, the Convention goes further in certain aspects than this directive, and the Commission is planning to forward to the Council a proposal for amending Directive 85/337/EEC before the end of 1992. This proposed amendment would bring the Community provisions in line with those of the Convention as a minimum.

1.3. The Commission considers it desirable for the Community and the Member States to deposit the ratification instruments at the same time, and, to this end, a decision requesting all Member States to inform the Commission of their intention to ratify the Convention by a given date, has to be adopted.

⁽¹⁾ OJ No C 104, 24. 4. 1992, p. 5 and 7.

⁽²⁾ Authorization to sign on behalf of the Community given by Council Decision on 25 February 1991.

⁽³⁾ OJ No L 175, 5. 7. 1985; ESC Opinion in OJ No C 185, 27. 7. 1981.

1.4. As far as the Community is concerned, the Espoo Convention should be regarded from the point of view of Article 130 R.

1.5. The points on which the Convention differs from Directive 85/337/EEC include the following:

1.5.1. Definition of 'Impact' in Article 1(vii) of the Convention refers explicitly to effects on socio-economic conditions, while Article 3 of the Directive leaves this merely implied.

1.5.2. Article 2.7 of the Convention states that, to the extent appropriate, the Parties shall endeavour to apply the principles of environmental impact assessment (also) to policies, plans and programmes. In the Directive, the only similar reference is made in the first 'whereas', namely that Member States affirm the need to take effects on the environment into account at the earliest possible stage in all the technical planning and decision-making processes.

1.5.3. Article 7 of the Directive refers, in cases where a Member State is aware that a project is likely to have significant effects on the environment of another Member State, etc., to bilateral consultations between the Member States concerned. The Convention, of course, extends beyond Member States of the Community; Article 3 refers to notifying any Party (state) which is likely to suffer from a significant adverse transboundary impact from a proposed activity listed in Appendix I so as to enable consultations under Article 5 to take place to find ways to mitigate the impact, possible mutual assistance, etc. (Appendix I, though similar to Annex I of the Directive, contains several additional items, e.g. large diameter pipelines, large dams and reservoirs, large ground water abstraction and pulp and paper manufacture).

1.5.4. It must be understood that, while the Directive, Article 4, makes an impact assessment obligatory for projects listed in Annex I, the Convention, according to Articles 2.4, 2.5 and 3, limits such assessments for projects listed in Appendix I to cases when the proposed activity is likely to cause a significant transboundary impact; but — on the other hand — also activities not listed in Appendix I may be agreed to require an assessment. Nor is there any reference in the Convention to a 'development consent' as defined in the Directive, Article 1.2.

1.5.5. Unlike Article 11.1 of the Directive which only makes a reference to exchange of information on the experience gained in applying the Directive, the Convention includes a 'Post-project analysis', which also

covers verification of past predictions in order to transfer experience to future activities of the same type, which may be carried out at the request of the Parties to the Environmental Impact Assessment.

2. General Comments

2.1. Regarding the Proposal for a Council Decision concerning the conclusion of this Convention the Committee finds references in Article 2.2 and the Annex to the competence of the European Economic Community somewhat vague (especially regarding matters which are not yet the subject of Community legislation). The Committee would suggest that the competences of the Member States and of the Commission should be more clearly stated.

2.2. Recognizing that certain types of pollution can have a transboundary impact and can extend beyond the boundaries of the Community, the Committee welcomes the Espoo Convention, and would request all Member States, as well as the Commission to ratify it in accordance with the Council Decision. Indeed, the Committee is proud that the Council Directive 85/337/EEC was regarded internationally of such quality as to form the basis of a UN-ECE Convention.

2.3. The Committee find the terms of the Convention acceptable and has no proposals at this time for any changes for consideration when the Convention is reviewed. It is possible, however, that experience in applying the Convention may give rise to such proposals in the future.

2.4. In particular, the Committee notes that the application of the Convention does not substantially increase the bureaucracy associated with Environmental Impact Assessment, because Member States of the European Community, being already obliged to apply Directive 85/337/EEC, merely send the documentation relevant to that Directive to the 'affected Party' in accordance with the Convention, and follow the procedure of the Directive.

2.5. The Committee accepts the need to adapt Directive 85/337/EEC such that it complies with certain details of the Convention, and supports the Commission's plan to prepare a proposal to this effect before the end of 1992.

2.6. The Committee, however, has to await the issue of the proposed amendment to the Directive (which may include items additional to strict compliance with the Convention) before forming its Opinion on it.

2.7. Finally, the Committee wishes to request the Commission to inform it of important items of experi-

ence in the application of the Convention.

Done at Brussels, 23 September 1992.

The Chairman
of the Economic and Social Committee
Michael GEUENICH

Opinion on:

- the proposal for a Council Regulation (EEC) on the braking of two and three-wheel motor vehicles ⁽¹⁾,
- the proposal for a Council Regulation (EEC) on the maximum design speed, maximum torque and maximum net engine power of two or three-wheel motor vehicles ⁽²⁾, and
- the proposal for a Council Regulation (EEC) on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles ⁽³⁾

(92/C 313/03)

On 11 March 1992 the Council decided to consult the Economic and Social Committee, under Article 100A of the Treaty establishing the European Economic Community, on the abovementioned proposals.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 8 July. The Rapporteur was Mr Bagliano.

At its 299th Plenary Session (meeting of 23 September 1992), the Economic and Social Committee adopted the following Opinion unanimously.

1. General observations

1.1. The Committee endorses these first Regulations implementing the framework regulation on the type approval of two or three-wheel motor vehicles.

1.2. In particular the Committee stresses that the primary aim of the proposed rules is to ensure traffic safety, alongside the harmonization of procedures and standards which is essential if an effective single market is to be brought about.

1.3. In the light of the current debate on which is the most appropriate legal instrument, the Committee considers that in view of the priority of these rules a regulation is the most appropriate.

A regulation is 'binding in its entirety and directly applicable in all Member States' (Treaty Article 189). The great detail of the technical provisions proposed pursuant to the framework Regulation justifies the decision of the Commission to opt for regulations rather than directives in order to avoid the variations in

⁽¹⁾ OJ No C 93, 13. 4. 1992, p. 24.

⁽²⁾ OJ No C 93, 13. 4. 1992, p. 116.

⁽³⁾ OJ No C 93, 13. 4. 1992, p. 39.

implementing dates and 'ways and means' which might otherwise occur between Member States.

1.4. The establishment of a purely consultative committee 'for the adaptation to technical progress' is a subject of major concern in the interested circles (not just manufacturers), who want to be able to participate more effectively and make proposals. In particular the committee should, in order to ensure that it can draw on a full range of experience, include representatives of all associations and organizations (consumers, users) whose aims include ensuring road safety at all levels.

1.5. The Committee is also surprised about the absence of penalties, though it realizes that the draft Regulations are primarily technical. It is necessary, in particular, to ensure that the standards are applied uniformly throughout the Community and that any penalties are of a comparable level.

1.5.1. In this connection the Committee approves, for example, the Commission's intention of proposing an ad hoc regulation laying down measures to prevent tampering with mopeds — even though it feels that the regulation should also cover motorcycles and realizes that it will not cover all possible breaches of standards.

1.6. Inter alia in the light of the findings of the previous Opinion, the Committee feels that it should be made possible to waive the provisions of the three technical regulations for low-performance mopeds, i.e. mopeds with a maximum design speed of 25 km/h or less, an engine with power of 1,5 kW or less and fitted with pedals.

This, of course, without prejudicing the primary requirement of safety.

2. Draft Council Regulation on braking

2.1. The Committee endorses the draft Regulation and supports the Commission in its effort to standardize technical rules in the interests of users and traffic safety.

3. Draft Council Regulation on maximum design speed, maximum torque and maximum net engine power

3.1. The Committee endorses a 74 kW ceiling for the net engine power of all two and three-wheel motor vehicles.

3.1.1. The Committee realizes that this corresponds to 100 hp, giving a maximum speed of 200/250 km/h which is above reasonable limits.

3.1.2. The Committee accepts the argument that this limit is necessary for safety reasons. Some Member States only have recommendations addressed to manufacturers.

3.2. With respect to mopeds fitted with pedals, specific stipulations should be added regarding the measurement of pedal power (the engine being disengaged).

4. Draft Council Regulation on the installation of lighting and light-signalling devices

4.1. Considering the vital need to ensure safety, the Committee endorses the Regulation which is very detailed but very clear and well suited to its purpose. The Committee would however reiterate its call for simplification.

4.2. The Committee has considered the advisability of prescribing direction indicators for mopeds as well. The Committee — constantly concerned to guarantee maximum safety, for users, the public and traffic — urges the Commission to look into this question, though paying due account to the impact on costs which must be kept very low.

4.3. Again with a view to ensuring maximum safety, the Committee considers that rear registration-plate lamps should be mandatory for mopeds (as they are for motorcycles) in Member States which prescribe rear registration plates for mopeds.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

*APPENDIX I***Memo on the Proposal for a Council Regulation (EEC) on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles****— B 8**

The French version of B8 of Annex 1 should be amended.

— B 10

Some of the lamps mentioned in B10 are optional for certain categories of vehicle, in particular mopeds; this sub-section should apply only if the lamps are fitted.

— B 11

Similarly, B11 should apply only if the lamps in question are fitted.

6.8.1 of Annex II, 6.7.1 of Annex III, 6.11.1 and 6.12.1 of Annex IV, 6.11.1 and 6.12.1 of Annex V and 6.12.1 of Annex VI should specify retro reflectors of the class 1A mentioned in ECE⁽¹⁾ Regulation No 3.02, as last amended on 1. 7. 1985.

The reason for this is that at the moment most Member States prescribe this type of retro reflector; it has a greater light intensity than the class 1 retro reflector specified in Directive EEC/76/757, which the Commission intends to align on ECE Regulations.

— Annexes II and III

The class of rear retro reflectors is not specified for two-wheel mopeds (Annex II) and three-wheel mopeds (Annex III). They should be of the class 1A stipulated in ECE Regulation No 3.02.

⁽¹⁾ United Nations' Economic Commission for Europe

Opinion on the proposal for a Council Directive relating to the mechanical coupling devices of motor vehicles and their trailers and their attachment to these vehicles⁽¹⁾

(92/C 313/04)

On 22 April 1992 the Council decided to consult the Economic and Social Committee, under Article 100 A of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 2 September 1992 in the light of the Report by Mr Pearson.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion unanimously.

1. Introduction

1.1. The Economic and Social Committee has been aware of the various proposals to ensure common measures toward the reduction of road accidents, the removal of barriers to trade and the free movement of persons and goods. It has given its opinions, in recent times on subjects such as tyres, safety glazing, masses dimension, speed limiters and external projections to goods vehicles. It therefore is pleased that the Commission now proposes to fill the gap left in the framework Directive 70/156/EEC Annex II point 11.

1.2. With the freeing of the internal market involving the free movement of persons and goods it is very important that there be harmonization of the technical requirements of mechanical coupling devices. The compatibility and the interchangeability for motor vehicles and their trailers are very important for competitive transport.

1.3. The Committee fully agrees with the reasons for the proposals as stated in the explanatory memorandum, but feels that the content does not fulfil certain stated objectives.

2. Specific comments

2.1. The Committee agrees with the bases of the specifications being in accordance with ECE Regulation 55 and with ISO standards. There are several Member States currently signatories to the ECE Regulation 55 and also a number of non-Community countries, whilst ISO standards are widely adopted by the Member States.

2.2. It is appreciated that a harmonized general acceptance of ECE Regulation 55 and ISO standards

will improve safety, however. Some of the technical provisions of the Directive's proposals, claimed to be in the interest of safety, vary and exceed the requirements of that Regulation and of those standards. Such diversion may incur a short term increased cost to the manufacturer and in turn to the user. Also, there may be confusion in the practical application of current coupling mechanisms with those of the new specification thus causing inconvenience to users.

3. Articles

3.1. Article 1

The definition refers to 'type approval of a component within the meaning of Article 9(a) of Directive 70/156/EEC'. To make this definition clearer the words 'as last amended' should be added.

3.2. Article 2

Commence: 'From 1 July 1993 Member States may not refuse ...'

3.3. Article 3

3.3.1. There is a discrepancy between the language versions of this Article which can cause confusion. The Committee clearly understands and approves that it is 'the first entry into service' that is intended.

3.3.2. Change date from 1 October 1995 to 1 January 1996 in the interest of compatibility of other Directives.

3.4. Article 5

The Commission proposes that it be assisted by an Advisory Committee but the Economic and Social Com-

⁽¹⁾ OJ No C 134, 25. 5. 1992, p. 36.

mittee believes that 'The Committee for Adaptation to technical progress' has worked well — with voting procedures permitted — and should remain in place.

3.5. Article 6

The Committee understands the urgency of enacting these provisions within the Member States but points out that the time schedule will put considerable pressure on manufacturers to meet the specifications. It would be admirable if the Council could arrive at a decision early enough for the Member States to comply with the Regulations by 1 January 1993 thus coinciding with the

date set in the general Type Approval Directive (70/156/EEC).

3.6. Annex V (4.5)

In table 5, the figures in Class D50-C2 are not in accordance with ISO standards and the Geneva Convention Regulation, and it is recommended that those recognized standards should stand.

3.7. Annex VII

The manufacturer may find it difficult to evaluate factor 'V' in this context.

Done at Brussels, 23 September 1992.

The Chairman
of the Economic and Social Committee
Michael GEUENICH

Opinion on the proposal for a Council Directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles⁽¹⁾

(92/C 313/05)

On 7 April 1992 the Council decided to consult the Economic and Social Committee, under Article 100 A of the Treaty establishing the European Economic Community on the abovementioned proposal.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 8 July 1992 in the light of the Report by Mr Pearson.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion unanimously.

1. Introduction

1.1. Directive 91/441/EEC⁽²⁾, the most recent amending Directive of the basic Directive 70/220/EEC, made provision for much more severe permitted levels of emission from passenger cars seating no more than six persons and a maximum weight of 2 500 kg. The current proposals cover the same pollution limits as for passenger cars accommodating more than six passengers, for light commercial vehicles and for 'off-road' vehicles, of up to a maximum weight of 3 500 kg.

1.2. This draft Directive was planned to follow Directive 91/441/EEC as a number of the components used in manufacture are the same. In general, light duty commercial vehicles are designed to meet specific requirements in terms of transport of goods and passengers and, as such, are characterized by low volume and high variance of models: those motor car components used in the production of commercial vehicles usually involve alteration as the extra load burden creates a problem for emission control, suspension, gear-box transmission and body design (entailing greater wind pressure).

⁽¹⁾ OJ No C 100, 22. 4. 1992, p. 7.

⁽²⁾ OJ No L 242, 30. 8. 1991, p. 1.

1.3. Complications are increased owing to the two types of engine used in light commercial vehicles. Increasingly often the power unit is a diesel-fuelled engine: the heavier load factor requires modification of the cylinder head, the injection pump and catalytic converter, of the diesel engine. The exact correlation and balance of these factors takes time to achieve.

2. General Comments

2.1. The Committee welcomes the Commission proposals seeing them to be a further valuable step toward the reduction of vehicle emissions with consequent benefit to the environment. It accepts, as logical, that this new Directive — together with Directive 91/441/EEC, will form a base for all categories of light vehicles.

2.2. As the proposed emission levels are equal in stringency as those accepted by the Committee's Opinion for Directive 91/441/EEC there will be conformity

with levels in force with the advanced non-Community competitors.

2.3. The Committee understands that the motor-vehicle manufacturers have accepted the challenge presented by the terms of the Directive and will be able to meet the emission levels required. The Committee however points out that the two deadlines can only be implemented if the necessary decisions to be made by the Commission and the Council are in strict accordance with the scheduled programme.

3. The Committee notes that it is very difficult to be fully conversant with all the changes that have been required concerning motor-vehicle emissions since Directive 70/220/EEC — and as last amended by 91/44/EEC and again by this Directive. It recommends that the Commission should have available to all those in the motor-vehicle industry a form of Compendium clearly setting out the current position in relation to permitted emission levels in motor vehicles. The Annexes I to V in the current document are, for example, not simple to understand.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on the proposal for a Council Directive on the supervision and placing on the market of explosives for civil uses and the mutual recognition of authorizations and approvals relating to such explosives

(92/C 313/06)

On 4 May 1992 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 2 September 1992 in the light of the Report by Mr Little.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion unanimously.

1. Introduction

1.1. By reason of the nature of the products, the explosives sector of industry is one of the most highly regulated. All Member States have adopted strict laws, both civil and criminal, covering the life of explosives from cradle to grave so as to meet prescribed safety and national security requirements. At Community level, there are currently no directives specifically dealing with safety rules for those products.

1.2. The draft Directive is based on Article 100 A of the Treaty which requires completion of the Single Market by the removal of barriers to trade before 1 January 1993.

1.3. The proposed Directive has three aims viz:

- to define conditions for the recognition by all Member States of authorizations (to place explosives on the market) granted by any other Member State;
- to define conditions to control physical transfers of explosives;
- to establish a basis for future harmonization of provisions governing the placing of explosives on the market.

1.4. This draft Directive forms part of the new approach to harmonization and the technical details therefore come under the standardization activities of the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (Cenelec).

2. Comments on the proposed Directive

2.1. General

2.1.1. The Committee strongly supports the objectives of the proposed Directive and is in general agree-

ment with the thrust of the Commission's proposals subject, however, to the specific comments set out in this Opinion.

2.1.2. The Committee welcomes the proposal for achieving mutual recognition of the authorization of explosives (for placing on the market). Such recognition should prevent repetitive testing for product approval from acting as an unjustified barrier to trade.

2.1.3. Full harmonization of the authorization of explosives would require harmonization of the tests as to suitability. This process may take an extremely long time to accomplish in view of the complexity of the current long-standing and successful national testing procedures. The Commission rightly concerns itself at this time with mutual recognition of the existing procedures subject to their meeting essential safety requirements. The Committee supports the Commission's definition of the essential requirements which must be met by the products tested, in order to be authorized. The harmonized testing methods, to be established in due course, will be prepared on the basis of these requirements.

2.1.4. Transfers of explosives from one Member State to another should no longer undergo routine physical checks carried out at the point of entry in order to comply with the requirements of an area without internal frontiers. However, Member States have a right to incorporate in their laws modified provisions to meet safety and national security requirements in respect of physical movements of authorized explosives. The Committee supports the proposed alternative Community system of controls.

2.1.5. The Committee points out that controls at external frontiers of the Community are not affected by the proposed Directive and would stress the crucial need for Member States to maintain effective controls over explosives which are intended to cross such frontiers.

2.1.6. Given the scope for criminals and terrorists to ignore the new system of controlling intra-Community movements of explosives, the Committee wishes to draw attention to the need for enforcement by national security forces and by the police of existing national criminal laws which affect possession of explosives and which will remain in effect.

2.2. *Controls to be established by or affected by the Directive*

2.2.1. The cradle to grave regulations governing explosives for civil use are variously described by generic terms such as licences, approvals and authorizations.

2.2.2. In both the proposed Articles and the Explanatory Memorandum the use of the terms 'authorization' and 'approval' is somewhat inconsistent and confusing. Furthermore, the term 'marketing authorization' is frequently used and is misleading as most Member States do not presently use any such document and no such new document is required.

2.2.3. The proposed Directive would have a direct effect on only two controls over explosives for civil use. They can be described thus:

- authorization of an explosives composition which can be manufactured for sale;
- approval to transfer explosives within a Member State or to transfer explosives into a Member State from another Member State.

2.2.4. The Committee recommends that within the context of the Directive, 'authorization' and 'approval' should be ascribed the meanings stated above, that the two controls are defined clearly in Articles 3 and 7 respectively and that they are referred to elsewhere in the text of the Directive on a consistent basis.

3. Specific Comments on Articles

3.1. *Article 1.2*

The Committee proposes that the definition of explosives should be more precisely defined by adding the following at the end of the existing text 'and as incorporated in the ADR/RID and ICAO/IMO Regulations' ⁽¹⁾.

⁽¹⁾ ADR — European agreement concerning the carriage of dangerous goods by road
 RID — International regulation concerning the transport of goods by rail
 ICAO — International Civil Aviation Organization
 IMO — International Maritime Organization (formerly IMCO - International Maritime Coordination Organization).

3.2. *Article 1.3*

The Committee proposes the following changes to the stated exclusions viz:

- First indent should be restricted to explosives used under direct military control or under the direct control of police forces.
- Second indent should be extended to exclude all pyrotechnicals for consumer use. The range of such products has much wider uses than leisure and display purposes only and the nature of such products is quite different from explosives: the risks are much more limited and should be dealt with by separate Directives.
- There should be an (additional) third indent so as to exclude ammunition for civil uses. Under Council Directive 91/477/EEC of 18 June 1991, it has been laid down that the arrangements for the acquisition and possession of ammunition shall be the same as for the possession of the firearms for which the ammunition is intended. To deal with the procedures governing the transfer of such ammunition, it should be enacted under the proposed Directive that the provisions of Chapter 3 of Directive 91/477 will apply.

3.3. *Article 1.4*

For greater clarity, the second indent should be amended to read:

'« Undertaking in the explosives sector » means any natural or legal person who may legally possess explosives or engage in the manufacture, storage, transfer (including transport) and use of explosives or in trade in explosives;'

3.4. *Article 2*

For clarification and consistency the word 'approval' should be changed to 'authorization'.

3.5. *Article 3*

3.5.1. In most Member States, before an explosives formulation can be manufactured for sale, its physical and chemical composition must be submitted to the appropriate governmental body for evaluation. If the explosive satisfies appropriate tests, it is added to a list of authorized explosives and is then eligible to be sold. This process constitutes a single control.

3.5.2. It is confusing and inconsistent for the proposed Directive to refer to 'approval of explosives' in Article 3 and to 'mutual recognition of authorizations' in Article 4 when both relate to the single control described above.

3.5.3. The Committee proposes that Article 3 should be amended so that this single control is defined as follows:

'Authorization of explosives

Member States shall ensure that the placing of explosives on the market is subject to authorization of the product, substances or preparation. Such authorizations shall be granted only where the explosive satisfies the essential safety requirements aimed at ensuring the safety and health of persons and the protection of property. Tests shall be carried out to the satisfaction of the competent authority to demonstrate compliance with the essential safety requirements. Such tests shall be carried out within the EC in a laboratory approved by the competent authority and registered with the EC or in accordance with procedures providing guarantees similar to those that would be provided by an approved laboratory.'

It is essential to define stringently the framework for approved testing procedures bearing in mind the possible expansion of the Community.

3.6. *Article 4*

For clarity, the text should be amended thus:

' Authorizations (to place explosives on the market) which have been granted in a Member State pursuant to this Directive shall be accepted by the other Member States as authorizations, within the meaning of Article 3, which are valid within their territories.'

3.7. *Article 7*

3.7.1. *Article 7.1*

The Committee fully supports the Commission's proposal for an alternative system to border controls but

is of the view that the proposed Directive fails to make it sufficiently clear that a new Community-wide control will be established. It is recommended that a clear definition of this control is given by adding the following to paragraph 1 of Article 7:

'In order to enable the necessary supervision and control of the physical movements of explosives to take place, an approval of transfer shall be obtained from the competent authorities in the Member States to which the explosives are to be transferred or through which they are to transit within the Community.

The form of approval to be obtained will be in accordance with either paragraph 2 or paragraph 3 of this Article as is appropriate.'

3.7.2. *Article 7.3*

The Committee suggests that, for the sake of clarity, in the introductory clause the word 'safety' is replaced by the words 'national security' and that the word 'additional' is inserted before the word 'information'.

It is further suggested that, in addition to the information listed in this Article of the proposed Directive, the enterprise in question should be required to state the trans-frontier route proposed to be taken by the shipment or, alternatively, optional routes which may be taken and that the Member State would have the right to require a firm notification, immediately before the transfer commences, of the route to be used.

3.7.3. *Article 7.4*

The requirements stated here should be incorporated in Article 7.3.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on:

- the agreement between the European Economic Community and the Republic of Austria on the transit of goods by road and rail, and
- the agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rail

(92/C 313/07)

On 19 May 1992 the Council decided to consult the Economic and Social Committee, under Article 75 of the Treaty establishing the European Economic Community, on the abovementioned proposals.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 9 September 1992. The Rapporteur was Mr Tukker.

At its 299th Plenary Session (meeting of 23 September 1992), the Economic and Social Committee adopted the following Opinion by a unanimous vote.

I. INTRODUCTION

1. On 2 May 1992 the Agreements on the trans-Alpine transport of goods by road were signed by the EC, on the one hand, and Austria and Switzerland, on the other hand.

2. These Transit Agreements take account of the guidelines set out by the Committee in its Opinions (see OJs 88/C 134/09 and 89/C 23/14) on EC transit traffic through Switzerland, Austria and Yugoslavia.

Given the fact that these Agreements have been signed and need only to be ratified by the Parliaments of the States concerned, the Committee's Opinion cannot influence their contents.

II. GENERAL COMMENTS

1. Both Agreements are valid for 12 years, thus ensuring clear-cut relations over a long period. This will prevent the disagreements, unilateral measures and counter measures seen in the past.

2. Both Agreements are designed to promote combined transport.

3. Although with different timetables, both Agreements envisage major medium and long-term infrastructure projects.

4. Both Agreements make provision for promoting the use of environmentally-friendly vehicles.

5. EC standards with regard to dimensions are accepted in both Agreements, although Austria is to retain its 38 tonnes limit and Switzerland its 28 tonnes limit.

6. Both Agreements provide for the creation of a Joint Committee which will, inter alia, oversee application of the Agreements.

7. The two Agreements have different approaches, even though they have a common goal.

III. AUSTRIA

1. The bilateral agreements with regard to transit authorizations are to be replaced by an 'Eco points' system. The number of Eco points are calculated on the basis of the number of journeys made in 1991. This applies both to haulage carried out by professional carriers and own-account haulage. On this basis the total number of journeys (both laden and empty) has been set at 1 264 000 per year. This figure may be increased by 8 % each year, on a non-cumulative basis, if the nitrogen oxide (NO_x) emissions are reduced at a faster rate (i.e. more than 5 % per year). If the number of journeys increases by more than 8 % in a given year, the maximum authorized increase for the following year will be limited to 4 %, irrespective of the extent of the overshoot of the authorized 8 % increase.

2. Austria is retaining its 38 tonnes overall weight limit but is to accept EC dimensions.

3. In view of the fact that Austria intends to pass on the costs incurred in issuing the Eco point card and all the related measures, carriers will clearly face increased costs as a result of these measures.

4. As Article 14 of the Agreement with Austria provides for the charging of road infrastructure costs, there will clearly have to be considerable debate before

agreement can be reached on the matter and road transport will undoubtedly have to reckon with a hefty increase in costs.

5. Combined transport through Austria is not covered by the Eco point system.

6. In any year in which the increase in the number of journeys is limited to 4% rather than 8%, the Commission must ensure that it is the Member State or Member States which have not contributed to the reduction in NO_x emissions on which the burden of the reduced percentage increase falls.

IV. SWITZERLAND

1. Switzerland is seeking to introduce the maximum level of combined transport throughout its territory.

2. With that aim in view the Swiss Government has drawn up plans for both the short to medium term and the long term. The short to medium term plans provide for improvements in the existing rail connections, including conversion work on tunnels. The long-term plans provide for entirely new rail connections and the construction of new tunnels (NEAT project).

3. Switzerland is maintaining its 28 tonnes limit in respect of the total weight of HGVs, but has made the following provisions:

- a) EC vehicle dimensions are accepted;
- b) if rail facilities are not available in the short term, a limited number of HGVs having a total weight of no more than 40 tonnes may travel by road on the following conditions:
 - a) a maximum of 50 HGVs will be permitted to travel by day in each direction (30 000 per year),
 - b) priority will be given in this case to vehicles transporting perishable and urgent deliveries (the ban on night-time and Sunday travelling must be respected),
 - c) only HGVs having clean burning engines and no more than 2 years old will be authorized to use the roads.

4. The rules governing the 50 journeys per day by HGVs of up to 40 tonnes total weight are so complex that there is a real fear that in practice very little use will be made of this arrangement.

5. In the Committee's view a modern clean burning engine fitted to an HGV can still be classified as clean burning even after the vehicle is 2 years old and the engine certainly does not become any more polluting after the lapse of such a period.

V. OBSERVATIONS

1. Both Agreements are clearly designed to make maximum use of combined transport.

2. Both Agreements have a duration of 12 years. The positive aspect referred to in II.1. is offset by the fact that the Agreements have to be accepted as a package. Modifications, e.g. to the Eco point system in the case of the Agreement with Austria, cannot therefore be made.

3. One question which arises is what will happen to these Agreements in the event of the accession of Austria and/or Switzerland to the EC.

Will the Agreements remain applicable or will the new EC Member States have to bring themselves into line with existing EC transport laws?

4. As indicated in point 1.3 above, the Agreements will come into force as soon as they have been ratified by the parliaments of the states concerned. In the case of Switzerland, however, ratification is dependent on the outcome of two referenda — one on the accession of Switzerland to the European Economic Area (EEA) (provisionally scheduled for 6 December 1992) and the other on the NEAT Project (infrastructure) (September 1992).

5. Both Agreements are compromises.

6. If combined transport is to be increased it is important that improvements be made both to the feeder roads and the loading stations in the neighbouring Member States. There is also a need for better international cooperation and planning between railway networks.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on:

- the agreement in the form of an Exchange of Letters amending the Exchange of Letters between the European Economic Community ('the Community') and Hungary concerning transit signed in Brussels on 16 December 1991,
- the agreements in the form of an Exchange of Letters replacing the Exchange of Letters between the European Economic Community ('the Community') and Hungary on land transport infrastructure signed in Brussels on 16 December 1991,
- the agreement in the form of an Exchange of Letters amending the Exchanges of Letters between the Community and Czechoslovakia concerning transit signed in Brussels on 16 December 1991, and
- the agreements in the form of an Exchange of Letters amending the Exchanges of Letters between the Community and Czechoslovakia on land-transport infrastructure signed in Brussels on 16 December 1991

(92/C 313/08)

On 3 July 1992 the Council decided under Article 15 of the Treaty establishing the European Economic Community to consult the Economic and Social Committee on the abovementioned Agreements.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 9 September 1992. The Rapporteur was Mr Eulen.

At its 299th Plenary Session (meeting of 23 September 1992), the Economic and Social Committee unanimously adopted the following Opinion.

1. The Agreement on land transit infrastructure in the form of an exchange of letters between the European Community on the one hand and the CSFR and Hungary on the other, was signed on 16 December 1991, together with another European Agreement between the European Community and the above States.

1.1. Following the signature of the exchanges of letters, the CSFR increased the fees for taxable transit permits and Hungary introduced legislation on vehicle taxes. The ensuing discussions between them and the EC resulted in a mutually acceptable reduction in the transit fees and a clearer undertaking by the Community to explore, with both Hungary and the CSFR, possibilities

for funding improvements in their land transport infrastructure.

1.2. New agreements in the form of exchanges of letters were signed on 1 and 3 July 1992 to take account of this situation.

2. Consequently, as was the case with the Agreement between the Community and Yugoslavia, the Committee Opinion is a pure formality, since amendments could not be taken into account.

3. The Committee deplores this state of affairs; in such circumstances it can only point out that the Agreements have permitted a reduction in the transit license fees in the CSFR and Hungary, given the clear undertaking from the Community to explore with both Hungary and the CSFR funding possibilities for the improvement of land transport infrastructures, mentioned above.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on the Communication from the Commission concerning a quality policy for fishery products

(92/C 313/09)

On 5 March 1992 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the Communication from the Commission concerning a quality policy for fishery products

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 10 September 1992. The Rapporteur was Mr Wick.

At its 299th Plenary Session (meeting of 23 September) the Economic and Social Committee adopted the following Opinion.

1. The Committee notes the Commission Communication, which seeks to improve the quality of fishery products by means of specific legal provisions going beyond the present rules. The Committee welcomes the Commission's aim of raising the average producer price and thus fishermen's incomes by improving the quality of fishery products.

2. General comments

2.1. The Commission wants (a) to improve quality in the interests of consumers and (b) to boost fishermen's potential earnings.

2.2. Catches of the main fish varieties have contracted as a result of excess capacity in fishery fleets. Stocks must therefore be managed rigorously via TACs and quotas.

2.3. This fall in catches — at a time when prices are stable — means that fishermen's incomes are contracting.

2.4. Establishing additional quality standards should enable fishermen to obtain higher prices for their products on the market.

2.5. Commercial standards and pricing rules have already been prescribed by Regulation 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish, and by Regulation 104/76 laying down common marketing standards for shrimps of the genus *Crangon* sp.p.

2.6. Minimum public-health requirements are prescribed by Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products, and by

Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs.

2.7. Fish farming is covered by Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products.

2.8. The Commission now wants to introduce a scheme authorizing producers to use a special label or mark for specific products, which will consequently be distinguishable as of high quality and secure a higher price.

2.9. The Committee points out the need to avoid confusion between this quality concept (e.g. as regards wet fish) and commercial standards which also contain quality criteria.

2.10. The Committee notes that the corresponding proposals for agricultural products cannot be taken over lock, stock and barrel for fishery products.

2.11. The Proposal for a Council Regulation on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾ can hardly be applied to fish. Geographical indications and designations of origin are generally not appropriate for fish, since these move about very freely in the open sea and are not always caught in their normal habitat. There should, however, be a designation of origin wherever this is possible and can be monitored.

2.12. Account should also be taken of the Committee's Opinion on the Proposal for a Council Regulation on certificates of specific character for foodstuffs⁽²⁾. This Opinion refers to the problem of quality definition and the introduction of a common label. The Committee recommends that its general comments on the introduction of a common label be taken into account when the establishment of a quality mark for fish is under consideration.

⁽¹⁾ OJ No C 269, 14. 10. 1992.

⁽²⁾ OJ No C 40, 17. 2. 1992.

3. Specific comments

3.1. Part I — Present situation

3.1.1. I.1 Environment

3.1.1.1. When describing the environmental situation, it is important to note that marine pollution does not just damage the biological structure of stocks but can also influence fish quality.

3.1.1.2. The Committee points out that the quality of farmed fish is influenced not only by water quality but also by the way fish are kept and the feed used.

3.1.2. I.2 Hygiene provisions

3.1.2.1. The Committee suggests that the Directive concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾ be added to the list of legal instruments on hygiene. This Directive has an impact on the quality of aquaculture products.

3.1.2.2. The Committee expressly welcomes the adoption of the Directive⁽²⁾ laying down the minimum hygiene rules applicable to fishery products caught on board certain vessels.

3.1.3. II.1 Rules for classification in commercial categories

3.1.3.1. The Committee reiterates that the quality definition must not be confused with commercial standards (see comments under 2.9).

3.2. Part 2 — Outlook

3.2.1. Environment

3.2.1.1. The Committee considers that it is vital to improve international cooperation in order to upgrade the marine environment. In this connection progress needs to be achieved in both the Conference on the protection of the North Sea and the Helsinki Conference on the Baltic.

3.2.1.2. In the case of aquaculture, further environmental influences such as feed and rearing methods must be taken into account. Since fish is an unprocessed natural product, environmental aspects must be given priority.

3.2.2. Marketing

3.2.2.1. Additional quality provisions should either build on existing provisions or fall within the framework of the Regulation on the common market organ-

ization for fishery products. A new legal framework should be avoided.

3.2.2.2. Quality is a relative concept. It is therefore necessary to begin by establishing a precise definition. Consumer expectations are a major aspect, though they may differ from one area of the Community to another.

3.2.2.3. Objective criteria such as freshness, smell, firmness and appearance must be used to establish a general definition of quality. In this connection the Section would also refer to the comments under 3.2.9.1, pointing out that the recognized quality should be maintained at all marketing and processing stages right up to the time the product reaches the consumer; otherwise the aim of improved prices for the producer will not be warranted.

3.2.2.4. In the case of processed fish such as frozen, deep frozen and canned fish, these criteria will have to be observed from the processing stage.

3.2.2.5. Emphasis must be put on ensuring that fish of a higher quality is offered to consumers. But this must not disadvantage landing areas which are remote from the market.

3.2.2.6. The principles of the hygiene and marketing standards must be complied with. But further stipulations must be added, in order to boost quality.

3.2.3. I.1 Aims of a special quality policy for fishery products

3.2.3.1. The Committee considers that aquaculture problems should be mentioned under 'the specific nature of fisheries'.

3.2.3.2. The Committee endorses the Commission's aim of raising the average producer price and thus fishermen's incomes by improving the quality of fishery products.

3.2.3.3. The Committee nevertheless points out that this is contingent on consumers' willingness to pay an appropriate price for specially marked products. The Section considers that the proposed measures should be backed up by adequate consumer information on the value of fish.

3.2.4. I.2 Special legal framework for fisheries

3.2.4.1. In connection with the conservation and management of stocks, the Committee refers to its Opinion concerning the Commission Report to the Council and the Parliament on the Common Fisheries

⁽¹⁾ OJ No L 46, 19. 2. 1992, p. 1.

⁽²⁾ OJ No L 187, 16. 6. 1992, p. 41.

Policy⁽¹⁾. In addition, the Committee is currently drafting an Opinion on the Proposal for a Regulation on the common market organization for fishery products⁽²⁾.

3.2.4.2. The Committee considers that the present budget for CFP structural policy must not be used to fund investment aids as part of a new quality policy. Additional funding must be provided.

3.2.5. I.3 The aims of a quality policy

3.2.5.1. The Committee notes that the existing hygiene provisions provide a minimum level of protection for consumers' health.

3.2.5.2. The Committee also notes that the common marketing standards laid down by Regulations Nos. 103/76 and 104/76 as amended are commercial standards intended to simplify trade and pricing.

3.2.5.3. The Committee welcomes the intention to improve producers' incomes by improving quality and thus prices.

3.2.6. II. Community instruments

3.2.6.1. The Committee has doubts as to whether a Community-wide procedure for the recognition of the quality of fish and fishery products is feasible.

3.2.6.2. The Committee considers that high aid percentages should be available for investment schemes designed to improve quality.

3.2.7. II.1 Community scheme for officially recognizing quality in fishery products

3.2.7.1. The Committee recommends that the scheme be based on the Regulation on the common market organization for fishery products.

3.2.8. II.1.1 Production quality

3.2.8.1. The Committee has doubts as to whether quality criteria at producer level can be defined and implemented by means of registered lists of specifications. Such lists would also have to be monitored at regular intervals. The monitoring would have to be done by the existing administrative authorities, since it would be expensive to set up a special monitoring agency. If registered lists of specifications are introduced, uniform criteria for these lists (including the financial arrangements) should be incorporated in the Regulation on the common organization of the market in fishery products.

3.2.9. II.1.2 Quality during the various stages of marketing

3.2.9.1. The Committee considers it to be extremely important that the recognized quality should be maintained at all marketing and processing stages right up to the time the product reaches the consumer; otherwise the aim of improved prices for producers will not be justified.

3.2.10. II.2 Incentives under the structural section of the common fisheries policy

3.2.11. II.2.1 Investment

3.2.11.1. The Committee reiterates the need to provide additional funds for investment in quality improvement.

3.2.12. II.2.2 Research

3.2.12.1. The Committee endorses the proposal to launch programmes of quality-related research into the handling of fish on vessels, and also into further processing, storage and transport.

3.2.13. II.2.3 Training

3.2.13.1. The Committee likewise endorses the proposal to improve training. In particular, it is necessary to provide more intensive training in the handling of fish on vessels, during the various marketing stages and in the catering trade, and also in processing and transport. Appropriate training programmes should be developed.

3.2.13.2. In this connection, the Committee also considers it necessary to improve consumer information about the quality of fish and fishery products.

⁽¹⁾ OJ No C 223, 31. 8. 1992.

⁽²⁾ See following opinion in this OJ.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on the proposal for a Council Regulation (EEC) on the Common Organization of the Market in Fishery Products⁽¹⁾

(92/C 313/10)

On 23 April 1992, 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 10 September 1992. The Rapporteur was Mr Silva.

At its 299th Plenary Session (meeting of 23 September) the Economic and Social Committee unanimously adopted the following Opinion.

1. Introduction

1.1. The Common Organization of the Market in Fishery Products, established by Council Regulation (EEC) No. 3796/81 and amended in 1985 and 1988, is due for further adjustments as of January 1993. These involve a review of the rates determining the quantities of tuna eligible for the compensatory allowance, elimination of national quantitative restrictions and equivalent measures as well as abolition of the autonomous, regionalized price mechanism and possible measures to replace it.

1.2. The Commission has also sought to amend the above-mentioned Regulation in the light of market developments, in order to inject a new dynamism into the common organization of the fisheries market.

1.3. In addition to changes in the legal mechanism, the main amendments address the need to make the Common Fisheries Policy more comprehensive and consistent while boosting synergy between its different aspects, given their distinctive origins.

2. General comments

2.1. The Committee feels that in general the Common Organization of the Market in this sector, with all the changes it has undergone since it was set up in 1970⁽²⁾, has fulfilled its task satisfactorily.

2.2. The Committee would, however, stress the fact that dwindling fish stocks and the concomitant drop in TACs and quotas⁽³⁾ have altered the rationale (quantity/price) behind the CMO arrangements. The drop in landed tonnage for a large number of products

coming under CMO rules has, in spite of price increases for some species, sometimes depressed fisheries' revenues. In some cases the price increases have also created added difficulties for the processing industry which has not managed to recoup the increases.

2.2.1. On the other hand, competition from products from third countries does not encourage price increases which might compensate for the losses triggered by implementing stock-management measures. Here the Committee stresses how crucial price support has become for securing the economic viability of large areas of production.

2.3. Mindful of the objectives set out in the Treaty, the Committee endorses the move to boost the role played by producers' organizations. It does, however, feel that for producers' organizations to be more active and assume greater responsibilities, the right conditions should be created at Community and national level to make them more representative.

2.3.1. One of these conditions could be that Member States, in keeping with their usual practices, ensure effective representation in producers' organizations of shipowners and crews which shoulder a large part of the fishing sector's business risk.

2.3.2. This would also enable all interested parties to play a more effective role in the management of fishing quotas now that the Regulation attributes these responsibilities to the producers' organizations.

2.3.3. As regards the possibility of extending producer organizations' agreements and practices to operators who are not members of these organizations, the Committee stresses that recourse to such arrangements must be on an exceptional basis.

2.3.4. Producers' organizations in outlying areas face greater difficulties in adapting to market requirements. Some of the most remote of the Community's outlying regions such as the Azores, Canary Islands, Madeira and the French Overseas Departments are being increas-

⁽¹⁾ OJ No C 134, 25. 5. 1992, p. 1.

⁽²⁾ Regulation (EEC) No 2142/70 in Special Edition of the Official Journal of the European Communities 1970 (III), December 1972, p. 707.

⁽³⁾ Current estimates highlight the plight of demersal species in particular.

ingly affected by their outlying position and structural shortcomings; for this reason the Commission's decision to step up its aid for establishing and strengthening producers' organizations is fully warranted.

2.4. In line with its previous recommendations⁽¹⁾, the Committee endorses the Commission's efforts to improve CMO mechanisms, in particular its moves to simplify market management measures.

2.5. However, it is not quite clear why moves to simplify the withdrawal and carry-over mechanisms have to be backed up by a cut in financial compensatory amounts.

2.6. The proposal to reduce Community support for tuna production is unwarranted. In actual fact, despite an overall increase in tuna consumption, the present state of the world market in tuna does not warrant a measure which will hit all Community producers, particularly those in the most remote outlying island regions of Spain and Portugal.

2.6.1. The Committee recommends a review of the compensatory payment mechanism's method of functioning. There ought to be increases in the intervention threshold for the compensatory payment, the volume of products which can benefit from this payment and the payment itself.

2.7. The Community is still dependent on imports for supplying its market, particularly for supplies to the processing industry.

2.8. The Committee reiterates⁽¹⁾ its previous emphasis on the need to ensure that imports do not destabilize Community production. Mechanisms regulating trade have to be improved if they are to protect the Community market. Imports will thus be able to play their full role in supplementing Community production.

2.9. In trade with third countries, the Committee emphasizes the need for full application of the principle of access to waters in exchange for market access.

2.10. Improvements in quality together with progress in the quest for new uses for fisheries products are two basic objectives for making all parts of the sector profitable. The Committee regrets that the proposal does not include any specific measures for encouraging improvements in product quality, although it recognizes that the Commission is taking steps in this direction.

3. Specific comments

3.1. Article 6(1)

3.1.1. In the Portuguese version only, amend 'Article 7' to read 'Article 5'.

3.1.2. Amend 'the Member State may grant ...' to read 'the Member State shall grant ...'.

3.2. Article 12

3.2.1. Although it is important to help avoid products being destroyed, the Committee fears that the current provisions could reduce producer organizations' capacity to generate interest.

3.3. Article 21

3.3.1. The reverse should also be possible in the event of an increase in Community production.

3.4. Article 24(2)

Since these are emergency measures, the following wording is recommended at the end of the sentence:

'... within five working days from receipt of the request.'

⁽¹⁾ OJ No C 339, 31. 12. 1991.

Done at Brussels, 23 September 1992.

The Chairman
of the Economic and Social Committee
Michael GEUENICH

**Opinion on the proposal for a Council Directive on fruit juices and certain similar products
(consolidated text)**

(92/C 313/11)

On 1 July 1992 the Council decided to consult the Economic and Social Committee, under Article 100 A of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 10 September 1992. The Rapporteur was Mr Margalef Masia.

At its 299th Plenary Session (meeting of 23 September 1992), the Economic and Social Committee unanimously adopted the following Opinion.

The Committee approves the Commission's move, in accordance with its Decision of 1 April 1987, to issue a consolidated version of Directive 75/726/EEC on the approximation of the laws of the Member States concerning fruit juices and certain similar products.

The Committee welcomes this step, which will make it easier for people with a direct interest in the relevant Community legislation to consult legislative texts that would otherwise be difficult to follow.

The Committee therefore urges the Council to adopt the consolidated version forthwith.

The Committee would also point out that some parts of the existing texts are out of date and should be reviewed separately in the light of current practices. For instance, in Article 4(1)(b) asbestos is still permitted as a filtering agent. This is hardly in line with current perceptions of health risks.

Done at Brussels, 23 September 1992.

The Chairman
of the Economic and Social Committee
Michael GEUENICH

Opinion on a Common System of Agricultural Insurance

(92/C 313/12)

On 24 March 1992 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 a Common System of Agricultural Insurance.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 10 September 1992. The Rapporteur was Mr Margalef Masia.

At its 299th Plenary Session (meeting of 23 September 1992), the Economic and Social Committee adopted the following Opinion unanimously.

1. Background and objectives

1.1. In the light of the findings contained in the Information Report of the Section for Agriculture and Fisheries on the Common System of Agricultural Insurance (CES 454/91 fin), submitted at the Economic and Social Committee's Plenary Session of 29 January 1992, which analyzed the current situation and the operation of national compensation systems for losses caused by natural phenomena in the agricultural sector.

1.2. Taking into consideration that in the documents of the Negotiating Group on Agriculture of the multilateral trade negotiations of the Uruguay Round of GATT, State aid to promote agricultural insurance is regarded as not subject to the commitment to a gradual and substantial reduction of such aid. In this connection it should be pointed out that in the various documents submitted by the parties to the GATT agricultural negotiations, the following national aids are regarded as 'permitted policies':

- income support policies not connected with production;
- assistance in the event of disaster entailing bona fide loss of production, including disaster subsidies, crop insurance, disaster relief, etc.

1.3. Taking into account point 6.4.4 of the ESC's Own-initiative Opinion on the Communication from the Commission to the Council on the Development and Future of the CAP⁽¹⁾, where it is stated that:

'One way of protecting farmers' incomes would be to establish a Community Agricultural Insurance Scheme which would receive financial support from the EC budget and would not distort GATT agreements. Such schemes have proved to be effective in countries both inside and outside the EC (e.g. Canada) where they already operate'.

1.4. Bearing in mind the need to establish a uniform framework within which both the Member States and the Community can take steps to protect farmers against exceptional occurrences and inclement weather conditions, in accordance with the Working Document on Competition Conditions in Agriculture (VI/5934/86-FR).

1.5. The Committee has drawn up proposals aimed at establishing common systems to provide farmers with protection against exceptional occurrences and natural disasters and at introducing a Community Agricultural Insurance Scheme. These proposals are set out below.

1.6. The Committee recommends that when the time comes to put forward concrete proposals the Commission ensures that consultations are held with representatives of existing insurance companies and with national and Community farmers' representatives.

1.7. The following must be taken into account when a Community Agricultural Insurance Scheme is started up:

1.7.1. The different nature of the insurance schemes in the Member States (private schemes, State schemes, mixed schemes).

1.7.2. The competition rules of Articles 86-92 of the EEC Treaty.

1.7.3. The harmonization of rules on insurance in the single market.

1.7.4. Regional differences caused by differences in climate, growing conditions and development in the Member States.

2. Compensation for farmers against losses caused by exceptional phenomena or occurrences

2.1. The following measures could be adopted to compensate farmers for losses caused by exceptional phenomena or other exceptional occurrences not covered by agricultural insurance.

⁽¹⁾ OJ No C 40, 17. 2. 1992, p. 63.

2.1.1. Establishment of a system of cover

2.1.1.1. The Member States could guarantee, through appropriate measures, that farmers were compensated for losses caused on their farms by 'agricultural disasters'.

2.1.1.2. For this purpose 'agricultural disaster' would mean the losses caused by exceptional phenomena and would be defined according to the nature of the risk and scale of loss in line with the following criteria:

2.1.1.2.1. 'Agricultural disaster according to nature of risk'. Losses, irrespective of their extent, caused by specific risks, such as earthquakes, floods, avalanches, landslides, nuclear disasters, typhoons and cyclonic winds would be regarded as agricultural disasters.

2.1.1.2.2. 'Agricultural disaster according to scale or importance of loss'. Losses caused by other risks, such as frost, wind, hurricanes, rain, drought, plagues and diseases, etc. would be regarded as agricultural disasters provided the losses were of a certain scale or importance and provided that these risks were not insurable.

2.1.1.3. A minimum threshold for the losses suffered and minimum size for the area affected would have to be established for the accident to qualify as an 'agricultural disaster'.

2.2. Financing of cover systems

2.2.1. Such systems of cover against losses caused by exceptional occurrences would be financed by the Member State and the Community on the basis of discussions in the Council of Ministers which, acting on a proposal by the Commission, would fix the percentages and conditions.

3. Agricultural Insurance

3.1. The following measures are proposed:

3.1.1. Promotion of agricultural insurance

3.1.1.1. The Member States and the Community would encourage farmers to take out agricultural insurance compensating them for production losses caused by exceptional natural phenomena.

3.1.2. National agricultural insurance schemes or programmes

3.1.2.1. The national agricultural insurance schemes or programmes to be developed in each Member State would abide by the following guidelines:

3.1.2.2. In accordance with Articles 86-92 of the EEC Treaty, the Member States would be able to grant subsidies for agricultural insurance schemes or programmes.

3.1.2.3. The insurance companies would be free to

compete with each other and would operate in accordance with the specific rules of each country.

3.1.3. Community Agricultural Insurance Scheme

3.1.3.1. In addition to national agricultural insurance schemes or programmes, the Commission is urged to establish, in conjunction with the agricultural insurance associations and farmers associations, a supplementary Community Agricultural Insurance Scheme with the following features:

3.1.3.2. Under this Scheme the products to be insured would be specified.

3.1.3.2.1. The risks against which these products were to be covered would be specified.

3.1.3.3. The Scheme would apply throughout the Community.

3.1.3.4. Insurance under this Scheme would be optional for farmers.

3.1.3.5. Management of the Scheme in each Member State would be the responsibility of the insurance companies; they would be free to compete with each other and would operate under the relevant national rules.

3.1.3.6. In view of the particular features of the risks to be covered, co-insurance agreements could be drawn up between these companies for operations in each Member State.

3.1.3.7. The competent authorities in each Member State would be responsible for supervising the operations of the insurance companies.

3.1.3.8. Under the Community Agricultural Insurance Scheme a system of subsidies would be set up to encourage farmers to take out insurance.

3.1.3.9. The total cost of the subsidies resulting from the application of the Scheme would be met in equal parts by the Member State and the Community. The Member State would be able to supplement the subsidies referred to in the preceding paragraph, provided that this was so decided by the Council of Ministers, acting on a proposal by the Commission and taking into account any particular characteristics of the individual Member States which might justify such additional subsidies.

3.1.3.10. In view of the special features of the climatic and natural risks affecting the agricultural sector, the Member States will at all events have to ensure that when the Community Scheme is introduced, the viability of national agricultural insurance and re-insurance systems is safeguarded.

3.1.3.11. In each Member State applying the Scheme a public organization or organizations would be set up with responsibility for studying and drawing up the insurance conditions, guarantees and premiums, working out the statistical bases and supervising the system of subsidies.

4. Preventive measures

4.1. Community farm improvement programmes [Regulation (EEC) No 2328/91] would include the setting-up of individual or joint schemes for protection against adverse climatic conditions, especially preventive measures against frost, hail and wind, the purpose being to protect farming activity. These measures would be eligible for aid.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion of the modified Proposal for a Council Directive on Advertising for Tobacco Products⁽¹⁾

(92/C 313/13)

On 1 July 1991 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 7 July 1992. The Rapporteur was Mr Noordwal.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion by 67 votes to 48, with 11 abstentions.

1. Introduction

1.1. This proposal seeks to harmonize completely the national provisions on the advertising of tobacco products on the radio, in the press, on bills and posters, in films and by any other advertising media. Television advertising is already covered by Council Directive 89/552/EEC of 3 October 1989.

1.2. A first proposal for the harmonization of national legislation on advertising for tobacco products was submitted by the Commission on 7 April 1989. There was not a qualified majority for this proposal at the Council meeting of 3 December 1990. Nevertheless, it emerged in discussions in the Council of Health Ministers that a number of Member States are in favour

of complete harmonization, since partial harmonization would not be conducive to efficient operation of the Internal Market. For this reason the Commission announced an amended proposal for complete harmonization of advertising for tobacco products through a ban on such advertising. The amended proposal allows advertising only within specialized tobacco sales outlets, provided that such advertising is not visible from outside.

1.3. Like the Directive on the labelling of tobacco products, the amended proposal is based on Treaty Article 100A(3), which states that the Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection. However, complete harmonization can only involve a high level of protection if authorization for advertising is limited to the inside of tobacco products sale outlets.

⁽¹⁾ OJ No C 167, 27. 6. 1992, p. 3.

Such advertising has no effect on the operation of the Internal Market.

1.4. With regard to indirect advertising the Commission notes that studies of the effects of advertising have shown that the great majority of young people do not distinguish between direct and indirect advertising and therefore see 'brand-stretching' advertising of this type as advertising for the associated tobacco products. To avoid the ban on direct advertising being circumvented, the proposal envisages a complete ban on indirect advertising.

1.5. Although tobacco advertising is not the only factor causing people to start smoking, in the Commission's view advertising plays a fundamental role in promoting the sale of tobacco.

2. General comments

2.1. The Committee is aware that concern for health in the majority of the Member States has led them to regulate tobacco advertising and to adopt increasingly stringent measures or even ban such advertising outright.

The European tobacco industry should be given the opportunity to draw up via arbitration binding self-regulatory measures covering direct and indirect advertising by 1 January 1994. The proposal for a Directive should be suspended until such date. It would be advisable to draw up these measures in consultation with the advertising industry's regulatory and supervisory bodies.

2.2. These self-regulatory measures should include at least the following provisions:

2.2.1. No direct or indirect advertising to be permitted which is in any way aimed at young people. The self-regulatory measures should include a general ban on advertising:

- aimed at persons under 18
- depicting persons under 25
- in publications intended for, or read by, persons under 18
- linking smoking and youth/adulthood

- in or in front of premises or societies mainly patronized by persons under 18

- in or in front of discotheques, dance halls or public buildings where young people congregate

- in or in front of training and educational establishments mainly used by persons under 18.

2.2.2. No direct or indirect advertising to be permitted which is aimed at sports listed in the Annex, where a connection is implied between smoking and the practice of the sport. No tobacco advertisements in printed matter connected with the relevant sports or in connection with their sponsoring. Advertising also to be banned in sports stadia.

2.2.2.1. In order to prevent difficulties in distinguishing between sports and other forms of game, sports where advertising is prohibited are listed in the Annex.

2.2.3. Where advertising continues to be permitted, it should be subject to stringent conditions. Aggressive advertising should be banned, inter alia, on public transport and in public places; for example no implied connection between smoking and adulthood should be allowed.

2.2.4. A Directive banning tobacco advertising on television programmes already exists. The Committee feels that this ban should be extended to tobacco advertising on radio.

3. The Committee hopes and trusts that the European tobacco industry will draw up and accept self-regulation arrangements which function to everyone's satisfaction.

3.1. It will be up to recognized self-regulatory bodies of the kind which exist in certain Member States to police application of the code. Where no such bodies exist, the task will fall to the Member State's competent authorities.

3.2. A European report on application of the code in the Member States must be drawn up by 31 December 1995 at the latest. If the report shows application to be ineffective or insufficiently effective, the Commission should then adopt, as a matter of urgency, all legal measures needed to remedy the situation.

ANNEX

ON SPORTS (2.2.2)

A.	Archery	K.	Karate/martial arts
	Athletics	M.	Mountaineering
B.	Badminton		Motorcycle racing
	Baseball/Softball	N.	Netball
	Basketball	R.	Rollerskating
	Bobsleigh		Rowing
	Boxing		Rugby
C.	Canoeing	S.	Sailing
	Car racing/rallying		Shooting
	Cricket		Skating/figure-skating
	Cycling		Skiing
D.	Diving		Snooker
F.	Fencing		Squash
	Football		Swimming
G.	Golf	T.	Tabletennis
	Gymnastics		Tennis
H.	Handball		Tug-of-war
	Hiking	V.	Volleyball
	Hockey	W.	Waterpolo
	Horse-riding		Waterskiing
I.	Ice hockey		Weightlifting/ bodybuilding
J.	Jogging		(Wind) surfing
	Judo		Wrestling

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

APPENDIX 1

to the Opinion of the Economic and Social Committee

(Nominal vote on the Opinion as a whole)

The following members voted in favour:

Mr/Mrs/Miss: ANDRADE, BAGLIANO, BEALE, BELL, BELTRAMI, BENTO GONÇALVES, BERNABEI, BOISSERÉE, BREDIMA, BRIESCH, CEYRAC, CHEVALIER, CONNELLAN, van DAM, DONCK, DRILLEAUD, DUNKEL, EULEN, FRERICHS, GAFFRON, GARDNER, GERMOZZI, GHIGONIS, GIACOMELLI, GIESECKE, GREEN, GROBEN, GUILLAUME, KAARIS, KAFKA, LAPPAS, LAUR, LITTLE, LÖW, LUSTENHOUWER, MADDOCKS, MAYAYO BELLO, MERCE JUSTE, MEYER-HORN, MOBBS, MORELAND, MULLER E., NIERHAUS, NOORDWAL, PARDON, PAVLOPOULOS, PEARSON, PELLETIER Ch., PERRIN-PELLETIER, PETERSEN, PETROPOULOS, POMPEN, PRICOLO, PROUMENS, QUEVEDO ROJO, ROBINSON, ROMOLI, SCHLEYER, SCHMIDT, SCHMITZ, SCHNIEDERS, von SCHWERIN, SPYROUDIS, TIEMANN, TUKKER, WHITWORTH, WICK.

The following members voted against:

Mr/Mrs: AMATO, ASPINALL, ATAÍDE FERREIRA, BARROW, BONVICINI, BOTTAZZI, VASCO CAL, CARROLL, CASSINA, CEBALLO HERRERO, CHRISTIE, COLOMBO, DECAILLON, d'ELIA, van DIJK, DOUVIS, ELSTNER, ETTY, FREEMANN, GREDAL, HAGEN, HILKENS, HOVGAARD JAKOBSEN, JASCHICK, JENKINS, KANELLOPOULOS, de KNEGT, KORFIATIS, LANDABURU DE SILVA, LIVERANI, LYONS, MORRIS, NIELSEN B., NIELSEN P., PELLARINI, PELLETIER R., RANGONI MACHIAVELLI, REA, ROSEINGRAVE, SAITIS, SALA, SANTOS, SEQUEIRA, SILVA, SMITH, STRAUSS, THEONAS, TIXIER.

The following members abstained :

Mr: DELOROZOY, GOMEZ MARTINEZ, MERCIER, MOLINA VALLEJO, MUÑIZ GUARDADO, RODRIGUEZ de AZERO y DEL HOYO, SAUWENS, SCHADE-POULSEN, STECHER NAVARRA, VELASCO MANCEBO, ZUFIAUR NARVAIZA.

APPENDIX 2

to the Opinion of the Economic and Social Committee

Rejected Amendments

In the course of the Committee discussions the following amendments, which received at least a quarter of the votes of members or their representatives, were defeated:

Amendment 2

Delete paragraphs 1.2 to 3.2 inclusive and substitute the following text:

'2. General comments

2.1. The Committee proposes that the 'Modified Proposal for a Council Directive on Advertising for Tobacco Products' be withdrawn.'

Reasons

1. Each Member State, in keeping with its practice and culture and the structure of its tobacco industry, has rules on tobacco product advertising, drawn-up in agreement with the tobacco—and in particular the cigarette—industry. Some countries have voluntary restrictions backed up by arbitration tribunals.
2. Under the subsidiarity principle enshrined in the Maastricht Treaty the EC is only to intervene if a matter cannot be dealt with equally well by the Member States. This is the case with tobacco advertising.

Nominal vote on Amendment 2 only

The following members voted in favour of the Amendment:

Mr/Mrs: BEALE, BELL, BLACK, BREDIMA, CONNELLAN, DUNKEL, FLUM, FRERICHS, GAFFRON, GAFO FERNANDEZ, GARDNER, GIACOMELLI, GIESECKE, GOMEZ, GREEN, KAARIS, LITTLE, LÖW, LUSTENHOUWER, LYONS, MAYAYO BELLO, MERCE JUSTE, MEYER-HORN, MOBBS, MOLINA VALLEJO, MORELAND, MULLER E., PEARSON, PETERSEN, PETROPOULOS, ROBINSON, RODRIGUEZ GARCIA-CARO, SAUWENS, SCHADE-POULSEN, SCHNIEDERS, SPYROUDIS, STECHER NAVARRA, TUKKER, VELASCO MANCEBO, WHITWORTH, WICK, ZUFIAUR NARVAIZA.

The following members voted against the Amendment:

Mr/Mrs/Miss: ASPINALL, ATAÍDE FERREIRA, ATTLEY, BAGLIANO, BARBAGLI, BARROW, BELTRAMI, BENTO GONÇALVES, BLESER, BOISSERÉE, BONVICINI, VASCO CAL, CARROLL, CASSINA, CEBALLO HERRERO, CEYRAC, CHEVALIER, van DAM, DECAILLON, d'ELIA, DELOROZOY, van DIJK, DONCK, DOUVIS, DRAIJER, ELSTNER, FRANDI, FREEMAN, GERMOZZI, GOTTERO, GREDAL, GROBEN, GUILLAUME, HAGEN, HILKENS, HOVGAARD JAKOBSEN, JASCHICK, JENKINS, KANELLOPOULOS, de KNEGT, KORFIATIS, LANDABURU DE SILVA, LAPPAS, LAUR, LIVE-RANI, MADDOCKS, MANTOVANI, MARGALEF MASIA, MERCIER, MORRIS, MOURGUES, MUÑIZ GUARDADO, NIELSEN B., NIELSEN P., NIERHAUS, NOORDWAL, PAVLOPOULOS, PE, PELLARINI, PELLETIER Ch., PELLETIER R., PERRIN-PELLETIER, PRICOLO, PROUMENS, QUEVEDO ROJO, RODRIGUEZ de AZERO y DEL HOYO, ROMOLI, ROSEINGRAVE, SAITIS, SALA, SANTOS, SCHLEYER, SCHMIDT, SCHMITZ, von SCHWERIN, SCULLY, SEQUEIRA, SILVA, SMITH, SOLARI, STRAUSS, TESORO OLIVER, THEONAS, TIEMANN, TIXIER, VERBOVEN, WAGENMANS.

The following members abstained:

Mr: BERNABEI, BRIESCH, KAFKA, McGARRY, PARDON, PASQUALI.

Result of the voting

For: 42, against: 87, abstentions: 6.

Amendment 1

1. Introduction

Point 1.1: No changes.

Point 1.2: No changes.

Point 1.3: Add the following after 'Internal Market':

'..., nor does it prevent the application of national provisions, such as voluntary agreements.'

Point 1.4: No changes.

Point 1.5: No changes.

2. General comments

Delete points 2.1 to 3.2 inclusive, and replace with the following:

2.1. In view of its great importance for public health, the Committee endorses the Commission proposal. However, the Committee feels that the introduction of a ban on tobacco advertising now would probably be too drastic and could have consequences for the advertising industry, the media and the tobacco industry. The Committee therefore suggests that the ban be postponed to 1 January 1994, so as to give those concerned time to adapt to the new market conditions.

2.2. The Committee notes that voluntary agreements can certainly play a complementary role and facilitate, but not replace, the possible application of legislation.

2.3. In the Committee's view, tobacco advertising might influence smokers to smoke more, non-smokers to start smoking, and prevent smokers from giving up the habit or delay their decision. In that sense, the Committee feels that tobacco advertising plays a fundamental role in the promotion of the use of tobacco, especially for children, who start to be sensitive to advertising at a very early age.

2.4. A Directive banning tobacco advertising on television programmes already exists. The Committee takes the view that this ban should be extended to tobacco advertising on radio.

2.5. The Committee supports the view that the presence of tobacco advertising at points of sale can provide the consumer with information. Nonetheless, the Committee considers that the definition of such points of sale should be clarified and adapted to ensure that, allowing for possible differences in the location of points of sale, no distortions of competition develop between Member States.

2.6. The Committee supports the ban on indirect advertising, whether on the basis of a well-known tobacco brand used for products other than tobacco products, or on the basis of well-known non-tobacco brands being used for new tobacco products.

2.7. The Committee is particularly sensitive to the Commission's arguments on advertising directed in any form at young people. During the transition period, which will last until 1 January 1994, the Committee therefore supports a general ban on advertising:

- aimed at persons under 18;
- depicting persons under 25;
- in publications intended for, or read by, persons under 18;
- linking smoking and adulthood;
- in or in front of premises or clubs mainly patronized by persons under 18;
- in or in front of discotheques, dance halls or public buildings where young people congregate;
- in or in front of training and educational establishments mainly used by persons under 18.

2.8. The Committee takes the view that, during the transition period, in the case of sport no advertising may take place which links smoking to the practice of sport. No tobacco advertising may be placed in printed matter dealing with sport. Nor may advertising take place if a sport is sponsored, or in stadia or on playing fields, buildings or other areas intended for the practice of sport.

2.9. The Committee takes the view that, during the transition period, health warnings and/or tar and nicotine content figures should be indicated in advertisements, posters etc. as laid down in the Directive on labelling of tobacco products.

3. Specific comments on individual Articles

3.1. Article 1

3.1.1. The Committee agrees with the definitions given in this Article.

3.2. Article 2

3.2.1. The Committee agrees with this Article.

3.3. Article 3

3.3.1. The definition relating to this Article should be re-examined.

3.4. Article 6

3.4.1. The implementation of the Directive should be fixed for 1 January 1994.'

Result of the voting

For: 45, against: 72, abstentions: 10.

Amendment 3

'Introduction

1. The present directive emerged following the Council of Ministers' inability to reach a qualified majority on the initial proposal. The Council debate revealed, however, that complete harmonization of Member States' legislation would be easier to implement.

2. The Commission have, therefore, come forward with a new modified proposal aimed at harmonising advertising of tobacco products by imposing a total ban on advertising.

Comments

3. The Committee supports the Commission proposal subject to the following comments.

3.1. The Committee considers that all advertising of tobacco products encourages consumption of tobacco especially amongst the young.

3.2. Clearly there is no longer any need to prove that smoking is harmful and therefore we have a responsibility to set an example and prevent the emergence of new smokers, especially the young.

3.3. Advertising plays a role in recruiting new smokers, mainly children, to replace those who die. It indicates a lifestyle which can be attractive and is often misleading.

3.4. Legislation by means of harmonization to combat this temptation of the young is required and therefore a complete ban on both direct and indirect tobacco advertising is the only way in which this can be achieved.

3.5. The issue of indirect advertising is complex but must be taken head on if the objective is to be achieved of ensuring that new smokers, especially the young, are not encouraged to enter the smoking syndrome. In countries which have banned direct advertising but not indirect advertising of tobacco products the industry has used indirect advertising to negate the ban.

3.6. It is accepted that sufficient time must be given to both the advertising and tobacco industries to adapt, although as far as the former is concerned it is our opinion that new areas of product advertisement will open up. Nevertheless, the Committee considers that the implementation date could be extended to 1996.

3.7. The Committee considers that the Commission's new proposal meets the criteria as a significant step forward to protect and discourage would-be smokers.

3.8. The Committee acknowledges that the right of the individual to choose to smoke or not is an individual matter to them and them alone, this fundamental right is not an issue; what is at issue is the type of advertisement which aims to portray to the public and image that smoking is not harmful when we all know that it is.'

Result of the vote

For: 40, against: 67, abstentions: 13.

Amendment 4

(Point 2.1. accepted with modification)

2.1.1. The Committee fears that the Commission's proposal, which provides for a 1993 deadline, is too draconian a decision and in consequence could disrupt certain sectors of the economy.

2.1.2. The Committee therefore recommends that the proposed Directive should not come into force until 1 January 1996. This would give the relevant sectors time to adapt to the new restrictions by means of self-regulatory measures.'

Reasons

Self-explanatory.

Result of the vote

For: 42, against: 71, abstentions: 12.

APPENDIX 3

to the Opinion of the Economic and Social Committee

A MINORITY DECLARATION FROM THE CONSUMERS INTERESTS GROUP

Following the recorded vote on the Opinion, consumer representatives listed below, who voted against, issued the following declaration:

'The members of the interest group feel that the Commission proposal should have been endorsed by the Committee, since doubts should not be cast over health protection, and particularly the fight against cancer, to serve the specific interests of certain industrialists, manufacturers and dealers or advertising circles and the media. The ban on tobacco advertising as proposed by the Commission is a suitable way to cut back tobacco consumption, as has been urgently called for by the medical profession and public health bodies; the proposed measures do not entail any danger for freedom of information in commercial interests.

The proposal set out in the Opinion, to use a code of conduct instead of Community legislation, is not appropriate since the media is accessible to everyone irrespective of age, even if the message is not directed at everyone. For this reason, restrictions based on target group age would be neither logical nor effective. A code of conduct would only be binding for economic agents who accept it and even then could not be enforced, since persons suffering damages or impairment caused by publicity could not refer to the code in a court of law.

The differences in legislation between Member States can only be solved by issuing a directive. The interest group believes that harmonization must be implemented on the basis of a more precise application of Article 100A of the EC Treaty. This position has unfortunately been rejected by the majority, thus accepting the continuation of discrimination between advertising circles and economic agents in the different Member States.'

Mr/Mrs: ATAÍDE FERREIRA, BONVICINI, CEBALLO HERRERO, ELSTNER, GREDAL, HILKENS, JASCHICK, LANDABURU DE SILVA, RANGONI MACHIAVELLI.

Opinion on the Citizens' Europe

(92/C 313/14)

On 25 April 1991, acting under Article 24 of the Rules of Procedure, the Economic and Social Committee decided to draw up an Information Report on The Citizens' Europe and a Sub-Committee was set up in accordance with Article 17 of the Rules of Procedure.

The Sub-Committee adopted the Information Report unanimously on 18 March 1992.

On 27 May 1992 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 Citizens' Europe.

The Sub-Committee, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 16 July 1992. The Rapporteur was Mrs Rangoni Machiavelli. The Co-Rapporteur was Mr Jenkins.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion by a majority vote with five abstentions.

1. General comments

of such common established rights and accompanying duties and obligations will require more time and attention.

1.1. European citizenship must represent more than just the sum of twelve national citizenships.

1.1.3. At the same time, a 'Citizens' Europe' comprises everyday 'freedoms', rights and duties, but also goes beyond them; it is about constructing a firm and durable, transnational model of citizenship. It is about filling the 'democratic deficit' at European level, developing a civic and social 'Union', enabling Europe's citizens better to control their own destinies, and about reinforcing the European Parliament and other democratic institutions whose role is to represent European citizens and defend their rights, duties and interests.

1.1.1. As the European Community moves towards closer Union, its policies and actions must be rooted in a Union-wide form of democratic legitimacy and popular consent. This is why the European Parliament has repeatedly stressed that European Union and Community Citizenship are inter-linked: they must go hand in hand. The Economic and Social Committee has frequently likewise argued, notably in the context of the '1992' process, that the aim of the European Community is not exclusively to achieve an internal market. It is to achieve a better quality of life and closer relations. A 'Citizens' Europe' is the real goal, in which the quality of everyday life is improved and better guaranteed by constitutional arrangements with a 'European dimension'.

1.2. Under the Maastricht Treaty, European citizenship is officially established in terms of both the rights and duties imposed thereby. But notions of what European citizenship really means remain hazy or at best only partially expressed.

1.1.2. In this connection of a European Union taking shape as 'an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured' (Article 8a), the 'Citizens' Europe' which most easily springs to mind is one in which individual citizens may move to, reside in and work or become established in any Member State, on the basis of equal opportunities, mutual recognition of qualifications and diplomas and equal treatment as regards social protection, welfare and education. Much of this is now regarded as 'acquis communautaire', even if in practice the exercise

1.2.1. A Citizens' Europe is not an 'identikit', all-inclusive, all-embracing 'melting pot'.

1.2.2. The key to a Citizens' Europe is its unity and diversity of culture, its pluralism of thought and tradition, its Christian heritage and appreciation of other faiths as well as of humanistic and secular values and principles, and its fundamental attachment to liberty, peace, social justice, tolerance, human rights and the Rule of Law. The 'soul' of Europe is in fact imbued

with humanistic principles (notably the right to human dignity), such principles constituting the bedrock and driving force of democracy. The Citizens' Europe 'idea' is firmly rooted in these common democratic values and respect for human dignity. These common values inspired the contemporary European idea and the concept of trans-national democracy which, unlike the confines of narrow nationalism, can give full expression to diversity, choice and quality, and can better assure a true and peaceful understanding between peoples.

1.2.3. These common democratic values, and their local, regional, national and supranational expression, are the 'just' foundations of a Citizens' Europe. Economic and social rights are indissolubly linked to civil and political rights: together these citizens' rights and accompanying duties constitute the cornerstone of a free, democratic society founded on respect for human rights.

1.2.4. A dynamic, efficient and democratically-accountable European Union logically invokes the notion of Community Citizenship, based on these values expressed and upheld through a basic Community legal framework which should fully recognize and protect human rights and basic social rights together with fundamental freedoms.

1.2.5. The Citizens' Europe 'ethos' is also central to the widening and deepening of the EC. Deepening is a logical pre-condition for widening. At the same time, as a 'European Union' of democracies, the Citizens' Europe is seen as a source of protection by the emerging democracies to the east, and as a dynamic 'area' in the development of closer ties with EFTA countries. This 'attractiveness,' and the inevitable perspective of a 'wider Europe', should be the source of enrichment and motivation for a 'deeper' form of Union, as sought by most prospective Members, in order to ensure the efficiency, durability and democratic control of the whole process which they want to join. The 'deeper' Citizens' Europe must therefore take shape, in parallel to the widening of the Community horizon. This further stage of development, building on the common democratic and civic values outlined earlier, needs to be considered according to the principles of consensus and social justice by which the Citizens' Europe should set its standards and for which it should strive.

1.2.6. This is why 'social policy goals and priorities ... form an integral part of a People's Europe' ⁽¹⁾ and

why 'EC social policy has a crucial role to play (and) must be allowed to do so on a firmer and clearer footing than hitherto' ⁽²⁾. The Committee in this context called upon the 1991 intergovernmental conference to take account of the need for 'balance and parity' between the social and economic aspects of the Treaty and revisions to it, and to allow a more complete use of Articles 100a and 118a in order to tackle cross-border labour market problems and promote basic social rights throughout the EC ⁽³⁾. The slow progress at Council in applying the EC Social Charter and Social Action Programme has shown that there is still insufficient agreement or political will to achieve this vital and integral goal of a Citizens' Europe. The Maastricht Protocol on Social Policy may help 'unblock' the deadlock, in so much as the heads of government of the signatories to it and to the Social Charter may have recourse to the EC 'institutions, procedures and mechanisms' in order to apply many of the key policies of the Charter on the basis of qualified majority voting. It is indeed a matter for regret that more progress has not been made to date in applying the Social Charter and Social Action Programme, and that not all 'Euro-citizens' from the twelve Member States will be able to benefit from new provisions stemming from the Maastricht 'Agreement on Social Policy concluded between the Member States of the European Community with the exception of the United Kingdom'. This 'Agreement' could also bring about increased flexibility — which would be welcomed — in allowing for appropriate European social policy measures to be drawn up and implemented through agreement between representative organizations, and not exclusively through legislative action initiated by the Commission.

1.2.6.1. It should also be noted that the Committee and European Parliament alike have consistently argued in favour of a substantial widening of the Social Charter, in order to cover both 'workers' and other social groups and individual citizens through generally applicable, basic societal rights.

1.2.7. A Citizens' Europe, built on strong democratic and civic foundations and 'in pursuit of social justice (in) an area of liberty allowing for private initiative and the development of collective undertakings' ⁽⁴⁾, should also help achieve higher standards in education and

⁽¹⁾ OJ No C 208, 8. 8. 1988, point 3.4.

⁽²⁾ OJ No C 225, 10. 9. 1990, point 5.3.

⁽³⁾ Ibid.

⁽⁴⁾ OJ No C 6, 7. 1. 1989, point 1.3.

training, in commerce and design, in economic activity and social wellbeing.

1.2.8. For a Europe 'without frontiers' should be a continual springboard of ideas, of cross-referencing, of 'networking', of cross-fertilisation, of contact and access to what is best being done or conceived. This qualitative approach for a dynamic Citizens' Europe should also apply to the achieving of better services, improved health protection and welfare, more consumer protection and a cleaner environment. The Community's commitment to high standards in these fields is clearly laid down in Article 100a (3) of the Treaty, which states that 'The Commission, in its proposals ... concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection.' This is reaffirmed in Articles 129a and 130r of the Maastricht Treaty. Measures in these fields will no doubt increase as a result of qualified majority voting in Council, and should be accompanied by the closer involvement of European citizens and their environmental and consumer protection agencies in monitoring the rights, obligations and standards laid down. There should also be easier EC-wide access to the courts for European citizens as consumers.

1.2.9. Good use both of the Structural Funds and of a new Cohesion Fund would also require greater participation by 'European citizens' through their various action services, special interest groups, socio-professional organisations and appropriate structures to be provided.

1.2.10. Likewise, a Europe of free thought, free movement, freedom of information and the right to privacy, must be asserted. A Citizens' Europe must stand for transparency and for freedom of information in a context of respect for the individual, as well as for freedom of access to the ideas, media and cultures of third countries. It must not degenerate into a 'fortress' of controls and checks on its citizens (or on other persons legally resident in Member States).

1.2.11. In all this, it is vital for a Citizens' Europe to educate its young citizens and prepare their future, to broaden their horizons, to enable better participation in and access to the European dimension, to help them become more 'Europe conscious'. This is one area where practical progress has been achieved in recent years, notably through new EC exchange programmes for young people. However many young people remain outside and untouched by such EC schemes, and are often excluded from the mainstream of European society in general (the unemployed, those in precarious jobs, in poverty, on the margins of society). More

thought must be given on how to assure all young people a stake in a Citizens' Europe, in the Europe of today and tomorrow. EC activity in this context should be stepped up, notably as regards jobs and school:

- The time has surely come for specific EC resources to be set up to address youth unemployment, together with the promotion of cohesive EC-wide policies on the right to training and of clearer support measures for entry into the labour market.
- The EC might also be more imaginative in promoting the 'European dimension' at school. For example, in addition to exploiting the EC competences established at Maastricht as regards pedagogical material, language teaching and the encouragement of mobility throughout Europe, perhaps the EC and the competent national authorities might consider involving all young Europeans at secondary and training school in the organisation of a biennial 'Young Europe Convention'. The starting point would be to support secondary and training schools throughout the Community in holding elections from amongst their pupils to regional Young European Councils. These Councils could in turn select delegates for the 'Young Europe Convention' itself. The advantage of such an EC initiative would be to 'get through to' and directly involve young people at all levels, from local to trans-national, in debating and registering their views on Europe. Perhaps the Commission and European Youth Forum could give some consideration to this suggestion.

1.2.12. We must continue to promote a Europe of 'solidarity' between generations and citizens as well as with the world as a whole. The Committee reiterates its support for designating 1993 as the 'European Year for Older People' and for the building out of Articles 24 and 25 of the Social Charter in order to promote a Community Charter of the Fundamental Rights of Older People, together with an Action Programme of measures to promote inter-generational solidarity. The Committee also reiterates its views about the need for action aimed at integrating people with disabilities.

2. Recommendations

2.1. To back up the political and historic importance of the conclusions reached by governments at the Maastricht Summit, citizens must be kept more fully informed and involved in the building of the European Union. Decisions should be made at the level (European,

national, regional or local) where the maximum democratic control and effectiveness is ensured⁽¹⁾. To this end, the Committee considers that Union-wide action should focus on the following:

- 1) The need for 'European Union' accession to the European Convention for the Protection of Human Rights and Freedoms, together with the incorporation into the Treaty of the 'Declaration of Fundamental Rights and Freedoms' of the European Parliament.
- 2) The need for a Treaty provision banning discrimination on grounds of sex, colour, race, opinions and beliefs.
- 3) The need, on the basis of the elimination of obstacles and practical application of the 'four freedoms' (free movement of persons, goods, services and capital), to assert equality of rights and duties for all citizens of the Union.
- 4) The need for proper democratic accountability at European level guaranteed through appropriate legislative powers for the European Parliament, transparent Council decision-making procedures, full appreciation of Community law through an independent Court of Justice, and the defence and development of 'open' European administration.
- 5) The need for the European Parliament to be elected according to a uniform electoral system providing proper representation of various political currents.
- 6) The need for the Economic and Social Committee — a European projection of similar national organs of social dialogue — and the new Committee of the Regions — a European projection of regional competences — to carry out and develop their functions independently, but to similar purpose, putting participatory democracy and their representative status to work in the interests of the European Union.
- 7) The need for the Treaty unequivocally to enable the proper application of the Social Charter and Social Protocol Agreement to all citizens concerned throughout the 'European Union' as a whole.
- 8) The need for a similar EC commitment to wider social and societal rights⁽²⁾ in fields including the environment, consumer protection, protection of the citizens against abusive practices on the part of the public authorities, cultural heritage and data protection, and concerning vulnerable disadvantaged groups and the disabled, the role of socio-professional groups and safeguarding the family⁽³⁾. The 'right of conscience' should also be upheld.
- 9) The need for an adequate EC Budget in keeping with 'European Union' and directed towards making an efficient contribution to economic and social cohesion, to training and to reducing unemployment.
- 10) The need to devise European policies for employment and vocational training, involving social dialogue and the increasingly active participation of other interest groups.
- 11) The case for using the European Year of the Elderly (1993) as an EC initiative which, without overlooking the need to improve the wellbeing of today's senior citizens, also launches the policies needed to improve conditions for the elderly of tomorrow.
- 12) The proposal to organize a biennial 'Young Europe Convention'.

2.2. Citizenship is a token of belonging to a community in which each member takes part in implementing the wishes of the whole, submitting oneself to them without loss of personal freedom, since one is obeying rules which one has had a say in drawing up. A democratic society can only be freely constructed around positive values shared by citizens who are equal in freedom. European citizenship is therefore not simply the sum of 12 national citizenships, but constitutes an 'added value', enriching and adding to them all.

⁽¹⁾ In keeping with the general view registered concerning 'subsidiarity'.

⁽²⁾ Individual rights enjoyed by specific groups of categories of citizens, such as the elderly, the disabled, the sick, etc.

⁽³⁾ OJ No C 277, 31. 10. 1989, p. 2.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on the proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft⁽¹⁾

(92/C 313/15)

On 11 May 1992 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 2 September 1992. The Rapporteur was Mr Green.

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion unanimously.

1. Background

1.1. In order to maximize the potential benefits of the new European Single Market by removing existing barriers to trade and to improve the standards of construction and overall safety of recreational craft and their components, the boat-building industry, through the International Council of Marine Industry Associations (ICOMIA), asked the European Commission to submit to the Council an agreed directive covering the safety of recreational craft. This Directive was to form only one specific part of the total number of EC Directives concerning safety. Much work had already been done on a large number of standards within the ISO (TC 188) framework, but it was recognized that one single Boat Construction Directive, in which the EC, EFTA and non-EC members of ICOMIA were closely involved, would offer the best solution for harmonizing boat-construction standards both within EC countries and probably in non-EC countries also. Accordingly the Commission has published the current proposal, which was drafted in close collaboration with the boat-building industry.

2. General Remarks

2.1. The Committee supports the Directive in principle, since its main aim is to remove technical barriers to trade in this field. It covers the safety-related aspects of technical boat construction standards. When the Directive is adopted, all boat and boat component manufacturers will be aware of the minimum safety construction standards their products must comply with before being sold within the EC. This should be of benefit to the user and barriers to trade could become non-existent for the EC boat-building industry. The high safety standards already achieved in some EC Member States must not be reduced by the implementation of this Directive.

2.2. The Directive comprises 14 separate Articles. Among other things, these Articles cover the types of craft involved, the essential safety requirements to be adopted, the procedures to be followed if the Member States or the Commission judge that the standards do not measure up fully to the essential requirements and the craft concerned are to be withdrawn from the market, the method of conformity assessment, and how and when Member States are to conform to the Directive. The Articles are not in any way restrictive, but seek to ensure easy, effective harmonization.

3. Special Remarks

3.1. Annex I lists the essential safety requirements for the design and construction of recreational craft. These essential requirements form a vital component of the Directive. They have been compiled after very detailed and prolonged consultation between Member States and within the boat-building industry. Compromises have been necessary to achieve unanimous agreement, but such agreement has been achieved. It is hoped therefore that major changes to the essential requirements will not be proposed.

3.2. Internal production control, notified bodies and verification, as covered in Annexes V to XIV, are also important components of the Directive. The ESC assumes that internal production control, especially by the smaller boat-builders and SMEs, will be the most common method. Certification for small boats should be kept as straightforward and as easy to administer as possible. Existing small class boats, such as Wayfarers, Lasers and so on, already well established in large numbers, should be subject to internal production control (module A) regardless of quantity produced. More complicated certification procedures than those set out in the Directive could have an adverse effect, even if only in financial terms, on the smaller boat-builder. This is most definitely contrary to the aim of the Directive.

⁽¹⁾ OJ No C 123, 15. 5. 1992, p. 7.

3.3. *Chapter I, Article 1.3*

Has to be reinterpreted and clarified in order to avoid evasion — especially the first and fourth indents.

'Rowing racing boats' would more logically come under the second indent.

3.4. *Chapter II, Article 8*

To take account of the special circumstances of custom-made boats and small production series, it should be made clear that these are not subject to the certification procedures laid down in the Directive. The Committee therefore proposes that in Article 8, indents 1 and 2, procedures be geared not to total annual production, but to the size of series of individual types of boats.

3.5. *Annex I, point 2.2*

It should be specified that the builder's plate shall show the state of the craft at the time of production.

3.6. Revise the wording in paragraph 3.10 to read:

' all habitable multi-hull craft in excess of 12m in length of the hull shall be fitted with escape hatches than can allow escape from a capsized multi-hull craft.'

This requirement is in line with present construction methods and would not impose an undue additional burden on construction of smaller multi-hull craft.

3.7. Revise the last sentence in paragraph 5.1.1 to read:

'the insulating materials inside the engine spaces shall be self-extinguishing.'

The reason for this is that the current language is vague and thus not certifiable.

3.8. *Annex II, point 1*

This sentence should read:

' Ignition protection for petrol inboard and sterndrive engines.'

The word 'petrol' is included because the ignition protection, as required in the ISO standard, is not applicable to diesel engines.

3.9. *Annex II, point 4*

This should read:

' Permanently installed fuel tanks and fuel hoses.'

This is because this requirement is not applicable to portable fuel tanks. The majority of portable fuel tanks are used in the open in small outboard boats, whereas permanently installed fuel tanks are in hidden areas and must be individually tested both prior to and after installation.

Done at Brussels, 23 September 1992.

The Chairman
of the Economic and Social Committee
Michael GEUENICH

Opinion on the future enlargement of the Community

(92/C 313/16)

On 25 February 1992 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 Future Enlargement of the Community.

The Section for External Relations, Trade and Development Policy, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 11 September 1992 (Rapporteur: Mr Bernard Mourgues).

At its 299th Plenary Session (meeting of 23 September 1992) the Economic and Social Committee adopted the following Opinion by a majority with 10 abstentions.

0. Introductory remarks

0.1. The debate on Enlargement is by no means new. It was even referred to in the preamble to the Treaty of Rome. Today it is being discussed in a very different context to the one prevailing in 1957. The Community was born in a world divided into opposing ideological and military Blocs. These divisions have been replaced by the local conflicts on ethnic, religious and economic and social policy issues which have broken out in some countries in Eastern and South-Eastern Europe.

The prospect of a Single Market for the 12 EC Member States from 1 January 1993 has nevertheless triggered a chain reaction.

0.2. Membership of the Community is sought after. Turkey, Cyprus, Malta, Austria, Sweden, Finland and Switzerland have officially applied for membership. Other countries, such as those of Central and Eastern Europe, will probably follow in the next few years.

0.3. Whilst up to now, economic considerations have been largely at the centre of discussions on Enlargement, from now on important political considerations will come to the fore.

0.4. The Edinburgh European Council is to take note of the positions adopted by certain Member States on the ratification of the European Union Treaty. It will then be up to the European Council to consider the conditions, as regards the 'deepening' of the Community and the use of Article 237 of the Rome Treaty, under which official negotiations on accession can begin.

1. General comments

1.1. The basis of any discussion of Enlargement must be the Treaty which states clearly in Article 237 that 'any European State may apply to become a Member of the Community...'; European States sharing the

Community's ideals have been encouraged to apply for membership by the new prospects which are opening up.

1.2. At the conclusion of the European Council meeting in Maastricht in December 1991 the Presidency stated that

'The European Council recalls that the Treaty on European Union which the Heads of State and Government have now agreed, provides that any European State whose systems of government are founded on the principle of democracy may apply to become members of the Union.

The European Council notes that negotiations on accession to the European Union on the basis of the Treaty now agreed can start as soon as the Community has terminated its negotiations on Own Resources and related issues in 1992.

The European Council notes that a number of European countries have submitted applications or announced their intention of seeking membership of the Union. The European Council invites the Commission to examine those questions including the implications for the Union's future development and with regard to the European Council in Lisbon.'

1.3. Any such introductory report by the Commission on the Implications of Enlargement for the Future Development of the Community, must address the following issues:

- a) the Single Market will become generally effective on 1 January 1993;
- b) the European Economic Area (EEA) must also become effective on 1 January 1993, probably extending a Single Market in most goods and services over 19 European countries. It will introduce free movement of goods, services, capital and persons throughout the EC-EFTA Bloc, with a total population of 372 million;

c) between now and January the Member States will be locked in discussions on the ratification of the Maastricht Treaty and on its implications.

1.4. Consequently, the conclusions of the Presidency issued at the end of the Lisbon Council on 26/27 June 1992, drafted on the basis of the report presented by the Commission, state that 'negotiations on accession to the Union on the basis of the Treaty agreed in Maastricht can start as soon as the Community has terminated its negotiations on Own Resources and related issues in 1992'.

1.5. The European Council considers that 'the EEA agreement has paved the way for opening enlargement negotiations with a view to an early conclusion with EFTA countries seeking membership of the European Union. It invites the institutions to speed up preparatory work needed to ensure rapid progress including the preparation before the European Council in Edinburgh of the Union's general negotiation framework. The official negotiation will be opened immediately after the Treaty on European Union is ratified and the agreement has been achieved on the DELORS II package (the second series of financial and structural measures). Negotiations with the candidate countries will, to the extent possible, be conducted in parallel, while dealing with each candidature on its own merit'.

The Committee therefore notes that enlargement should not be achieved at the expense of consolidating the Community; the Community's achievements must not be undermined. This must be quite clear both to Member States and to applicant countries.

The European Council agrees moreover that 'this enlargement is possible on the basis of the institutional provisions contained in the Treaty on the Union and attached declarations'.

1.6. Under these circumstances, accession to the European Union will be rooted in a genuine political will on the part of candidate countries. In fact they will have to accept, the prospect of a common foreign and security policy.

1.7. Whether or not the Community insists on this, and how the candidate countries themselves react, will determine the political structure of Europe for decades to come.

1.8. The integration of the European Community, its progressive enlargement and the cohesion of European Union, as shaped by the Maastricht Treaty, are vital to the continent's future stability. In this respect, the role of European Union will become even more dynamic and decisive as soon as its cohesion is reflected in the development of its institutions.

2. Applicants for membership

2.1. Of the applications for membership currently on the table, those of the EFTA countries (Austria, Finland, Sweden, and Switzerland) do not appear to pose any insurmountable difficulties. These countries seem to be capable of accepting the Community acquis. The same would be the case for Norway if it were to apply for membership.

2.2. The following comments are called for in regard to the other applicants:

2.2.1. Turkey has the advantage of its vital strategic position. It is essential to link this State, which straddles Europe and Asia, more closely to the European Union. Dialogue will be stepped up so as to do everything possible to:

- speed up economic development
- establish democracy throughout the country
- set up a constitutional state once and for all
- ensure that human rights are recognized irrevocably.

The reunification of Cyprus would at all events appear to be a prerequisite for the acceptance of Turkey's application.

2.2.2. Cyprus, in conjunction with the United Nations, and with the support of the European Union, must solve the problem posed by partition, which must be brought to an end. In the immediate future, however, it is vital to help the State of Cyprus to boost its economic development by means of agreements establishing close links with the European Union.

2.2.3. Malta's membership does not pose any serious problem for the European Union. In view of its size, a membership agreement should be concluded, as soon as the European Union's key institutions have been established (cf. Point 4.1 below).

3. The countries of Central and Eastern Europe

3.1. The European Agreements negotiated between the Community and Czechoslovakia, Poland and Hungary mean that these countries will have to prove that they qualify, politically speaking, by developing and strengthening democracy and their constitutional legitimacy and, economically speaking, by establishing a market economy. Their development will also undoubtedly be significantly influenced by the consistency of the European Union's contribution to their economic recovery.

3.2. Other similar European agreements must be

considered. They could be negotiated and at a later stage probably concluded in the following order:

- Romania and Bulgaria (negotiations with these countries have already begun)
- the Baltic States
- the former Yugoslav states and Albania
- Russia and a number of other members of the Commonwealth of Independent States (CIS).

These negotiations will require time. They will be facilitated to the extent that the relevant negotiations are conducted simultaneously for groups of countries having agreed jointly to a) join the ranks of constitutional states and market economies and b), in the case of some of them, settle current ethnic, religious and political conflicts. The Committee feels that organizations representing socioeconomic interests should be involved in preparing these negotiations.

The Committee stresses that the future of Central and Eastern Europe contains a weighty challenge for the European continent.

3.3. Indeed, Economic and Monetary Union will further tighten up the conditions for applicant countries. It is becoming increasingly clear that time will be required for the change-over from state economies to economies based on the principles set out in the Maastricht Treaty. For this reason, and to enable these countries to develop along sound lines, they should be given help to cope with the transition initiated by specific agreements, *inter alia* by consulting them in order to define joint political, economic and social policies. The concept underlying Europe as an 'economic area' as distinct from the 'continent' *per se* will probably also have to be defined.

4. The institutions will have to adjust to match the task

4.1. To remove any ambiguity with regard to the implications of accession to the European Union, the Committee strongly recommends that the impact of a substantial enlargement on the European Institutions be taken into account and analyzed in future negotiations. For a start, the accession agreements to be negotiated with the EFTA countries (cf. Point 2.1 above) will require certain changes to the institutions, currently under examination (the membership of the Council, the European Parliament and the Commission). Malta's accession (cf. point 2.2.3 above), for example, means that changes must henceforth (and increasingly so in the future) gear the level of Member States representation to their geographic and demographic clout within the European Union, while fully respecting sovereignty.

4.2. Over and above analyses of the specific short and long-term problems and circumstances of applicants for membership, account has to be taken of the repercussions on the Institutions' capacity and the financial resources of the Union for pursuing the goals set out in the Maastricht Treaty. Such issues are not going to appear on the agenda of an Intergovernmental Conference before 1996, but the need for changes in this area to cope with enlargement does call for immediate and careful thought on the matter.

4.3. The Committee considers that when the Community is enlarged, it will be necessary to respect at least the basic democratic principle that directives and regulations adopted by a majority Council decision must be endorsed by the European Parliament.

4.4. These weighty questions have been deliberately glossed over in the Treaty reform following Maastricht, including the matter of the Economic and Social Committee's role and position within the framework of the Institutions (cf. Article 193).

The Committee urges that guidelines nevertheless be drawn up at the next Summit and that a rough timetable for work on this issue be outlined. The Committee particularly stresses the compelling need to combine an institutional balance between Member States with effective operation of the Institutions.

5. Conclusions

5.1. The geopolitical and economic situation of the European Union is a magnet for non-member countries in Central, Eastern and Mediterranean Europe. Likewise other Mediterranean countries are and will be increasingly affected by the European Union. Under these circumstances, the European Union must step up economic cooperation with these areas so as to balance trade and boost economic development, on both its Eastern and Southern flanks. Such cooperation must include the gradual dismantling of barriers to trade. Whether or not these countries can keep their expanding populations at home will depend largely on these actions. Assisting these countries to reap the benefits of progress and expansion of trade will help maintain equilibria vital for defusing internal crises which are always dangerous, both for the countries themselves and for Europe.

5.2. The prospect of Community enlargement presents major challenges to would-be members and the present Community alike:

- for candidate countries, their major challenge is that of adapting swiftly to the conditions of European Union once the Maastricht Treaty is ratified;
- for the countries of Central and Eastern Europe, theirs is to be able to respond to the aspirations of their peoples, consolidating democracy and inten-

sifying social and economic development;

- for the Community, its Institutions and decision-making procedures must be adequate for the task of coping with a larger number of Member States.

5.3. The Committee believes that achieving these objectives entails determination and a concomitant political will both on the part of current EC Member States and the countries aspiring to membership of the European Union.

Done at Brussels, 23 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on the Green Paper on the Impact of Transport on the Environment: A Community strategy for 'sustainable mobility'

(92/C 313/17)

On 31 March 1992 the Commission 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 Green Paper on the Impact of Transport on the Environment: a Community strategy for 'sustainable mobility'.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 9 September 1992. The Rapporteur was Mr Bleser.

At its 299th Plenary Session (meeting of 24 September 1992) the Economic and social Committee adopted the following Opinion by 68 votes to 32, with 18 abstentions.

1. Introduction

1.1. *Brief summary of the Green Paper*

On a proposal from Mr Karel VAN MIERT, the Commissioner responsible for transport policy, the Commission has adopted a Green Paper on the impact

of transport on the environment⁽¹⁾. The Green Paper assesses the overall impact of transport on the environment and proposes a global approach designed to achieve 'sustainable mobility' which will enable transport to

⁽¹⁾ COM(92) 46 final.

continue to fulfil its economic and social role whilst limiting the harmful effects on the environment.

It has to be recognized, however, that the Green Paper does not reveal any new aspects of the subject under review. The document sets out a list of the issues rather than providing a carefully devised and consistent basis on which to formulate an EC policy for achieving sustainable mobility over the next ten years, so as to reconcile the growing needs of the transport sector with the increasingly urgent requirements of environmental conservation in the Community.

1.2. *Invitation to contribute to the debate on the issues*

The Commission recognizes the shortcomings of the Green Paper and the complex nature of the problems to be resolved. It is seeking to launch a debate, on the basis of the Green Paper, involving all the various interest groups concerned in order to lay the foundations for a common strategy. In proposing a number of ideas for consideration the document aims to frame an overall approach taking account, of (a) damage to the environment, the socio-economic requirements of transport and the wide variety of solutions offered by technology and research and, (b) the responsibilities to be shouldered at EC, national, regional, and local level and even on the part of the individual citizens. The thinking and solutions which emerge from this wide-ranging public debate will subsequently be incorporated in a Commission White Paper on the future development of the common transport policy.

To reduce harmful effects on the environment — whilst not restricting freedom of movement and allowing transport to continue to fulfil its economic and social role — the Commission has asked the Committee to consider measures in the following fields:

- the framing of strict environmental standards with a view to curbing water, air and soil pollution;
- the optimal deployment of existing means of transport and measures to boost the competitiveness of environment-friendly modes;
- the development of infrastructures facilitating forms of transport which offer an alternative to road transport;
- the promotion of urban and inter-urban collective transport;
- the safe transport of dangerous goods;
- economic and tax incentives and the measures to be taken in order to ensure fair apportionment of external costs;
- the establishment of a consistent and effective structure for European research in the field of sustainable mobility;
- a drive to educate transport-users about the environmental impact of their chosen mode of transport.

1.3. *The Green Paper: an overall assessment*

The Committee welcomes the specific purpose of the Green Paper, viz. to initiate a public debate on the measures to be taken to achieve the goal of sustainable mobility. The Committee does, however, deplore the considerable delay in adopting this overall approach. It is also highly regrettable that the large number of earlier documents submitted by the Commission in the field of transport — on which the Committee has already issued Opinions — have not been more effectively incorporated in the document under review. (For further details, see Chapter II — 'Problems and issues'). Despite these criticisms, the Committee notes that the new departure in the Green Paper is not so much its substance but rather the overall Community-wide approach. The desire to achieve the goal of sustainable mobility has, for the first time, led to a general appraisal of all the fields concerned. This step gives grounds for hope that the future EC transport policy will finally accept its full responsibility — sadly neglected in the past — at any rate in key transport sectors, in many cases the very sectors in which transport is most environment-friendly.

2. Institutional matters

2.1. *The public debate*

Point 129 of the Green Paper lists the parties to the public debate which the Commission would like to involve in the formulation of its future strategy for attaining the goal of 'sustainable mobility'. These parties can be classified in two categories:

2.1.1. Parties consulted within the EC institutional framework

The EC machinery for obtaining the views of the Council of Ministers, the European Parliament and the Economic and Social Committee, is now well established. The extension of the consultation procedure to include other parties — a necessary step fully supported by the ESC — may, however, come up against problems which were not foreseen under the existing institutional framework. All the necessary steps should be taken in order to ensure the success of this movement towards greater democracy in the formulation of a future strategy which will be of vital importance to society.

2.1.2. Parties consulted outside the EC institutional framework

The Commission lists the following parties: the social partners, international organizations and associations,

the general public, industry, transport users and operators, environmental protection groups and regional and local authorities. It is the ESC's profound hope that the EC will be successful in establishing the requisite machinery for involving all these parties in genuine consultations on the Green Paper. A wide-ranging public debate involves more than merely consulting the ESC, which cannot be regarded in this context as representing all the parties listed above. For this reason the ESC calls upon the Commission to (a) establish as soon as possible the institutional framework for such consultation, (b) submit a precise and exhaustive list of the parties to be consulted, (c) determine a reasonable deadline for these consultations and (d) make provision for a final debate between all the parties. In the case of some of the parties, e.g. in certain countries the users of collective transport, it will be difficult to find representative spokesmen, yet this new institutional framework must be established if the goal of establishing a wide-ranging public debate is to be anything more than a pious hope of the Green Paper. Wide-ranging consultation is bound to strengthen support for the final strategy among all the interest groups concerned, particularly consumer protection bodies.

2.2. *Green Paper — White Paper*

In the second paragraph of point 129, it is stated that the debate 'should also provide a blueprint for the forthcoming White Paper on the Future Development of Community Transport Policy'. The ESC deplors the inconsistency of the approach being pursued, inasmuch as no precise deadline has been set for subsequent action to be taken and the formulation of the global strategy on transport — a strategy which has been repeatedly called for by all the interest groups concerned. The increasing delay in tackling the more and more urgent problems is jeopardizing the planned consultation and threatens to postpone the introduction of a global strategy indefinitely. For this reason, the ESC considers it absolutely necessary to draw up a precise timetable for future work, including the drafting of the White Paper. Such a procedure would also guarantee that the future White Paper heeds the Opinions of the ESC, and of course those of the other parties.

2.3. *EC powers in the transport and the environment sectors*

In the Green Paper, the Commission over-emphasizes the principle of subsidiarity in the fields of transport and the environment. Though in the case of certain specific issues this principle is a key element in tackling

problems at source, it cannot be the only option. Restricting action to the subsidiarity principle is inconsistent with the European Treaties, the Single Act and the Treaty on European Union. Indeed in some spheres exclusive reliance on it could seriously impede the establishment of a single market based on the abolition of competition distortions and technical barriers. These considerations are of vital importance in the transport and environment sectors.

2.3.1. *Other principles to underpin sustainable mobility*

The Treaty on European Union stipulates that:

Article 2:

The Community shall have as its task to promote throughout the Community a harmonious and balanced development of economic activities, sustainable and non-inflationary growth respecting the environment.

Article 3:

The activities of the Community shall include:

- f) a common policy in the sphere of transport;
- g) a system ensuring that competition in the internal market is not distorted;
- j) the strengthening of economic and social cohesion;
- k) a policy in the sphere of the environment;
- m) the promotion of research and technological development;
- n) encouragement for the establishment and development of trans-European networks.

Article 3b:

The Community shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States.

Article 130r(2):

Community policy on the environment shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay. Environmental protection requirements must be integrated into the definition and implementation of other Community policies.

Article 129b(2):

Within the framework of a system of open and competitive markets, action by the Community shall aim at promoting the interconnection and inter-operability of national networks as well as access to such networks. (Title XII: Trans-European networks). It shall take account in particular of the need to link island, landlocked and peripheral regions with the central regions of the Community.

Clearly these basic principles for achieving sustainable mobility have not all been included in the Green Paper. Failure to take account of all these principles under the global approach to finding a solution to the current crisis will condemn the whole operation to failure from the outset.

2.3.2. Need for a Community approach

2.3.2.1. A piecemeal approach which is not based on all aspects of EC competence for transport and the environment is fraught with the following risks:

- reduction in operational pollution through the introduction of more stringent standards and more expensive advanced technology must apply to the whole of the Community to avoid distortions in competition, at least within the EC;
- for the same reasons the 'polluter-pays' principle can never be successful if it applies to only one Member State;
- establishment of trans-European networks (road, rail, waterways, combined transport and high-speed trains for passenger and goods transport) requires a Community approach consistent with the subsidiarity principle;
- harmonization of social conditions, safety measures for transport in general and the transport of dangerous products in particular, must be defined and developed at EC level;
- distortions in competition will arise if Member States have divergent national laws which are not compatible with the objectives of the single market;
- failure to coordinate research will impede technological development, give rise to avoidable costs and hold back the introduction of technologies which provide solutions to environmental pollution;
- any economic and/or tax measures must serve as incentives, i.e. tackle the roots rather than the consequences of pollution caused by transport and take

account of the social cost of transport; they must not be introduced unilaterally in specific Member States in view of the risks of distorting competition;

- planning in respect of transport infrastructure and the interconnection of Community central and peripheral regions can only be carried out on the basis of regional planning at EC level;
- a reduction in the volume of transport, presupposing consultation on the restructuring of the EC industrial fabric, would require an overall approach which would in most cases exceed the scope of an individual Member State;
- new management measures designed to rationalize traffic flows and reduce congestion will only be successful if the techniques adopted are compatible in all Member States and among all modes of transport, and do not give rise to new artificial barriers.

2.3.2.2. The above-mentioned non-exhaustive list clearly demonstrates that it is only by observing all the EC action principles embedded in the Treaties that it will be possible to achieve the objective of sustainable mobility, whilst at the same time (a) respecting the user's freedom of choice between modes of transport, (b) ensuring distortion-free competition, (c) observing the laws of the market and, last but not least, (d) providing effective solutions to ecological constraints while having due regard to the socio-economic importance of transport.

3. Origins of the problem

3.1. A point which has been frequently reiterated

At the present time all the interest groups concerned — industry, politicians, transport-users and environmentalists — join in recognizing a potential transport versus environment crisis. While some consider that the environment is under a grave threat, others believe that transport is no longer fulfilling its socio-economic role. As regards the scientific findings set out in the Green Paper it has to be acknowledged that the document provides nothing new. The Committee has been asked to give Opinions in the past on many other documents which reached the same conclusions. A brief selection of these documents is listed below:

Opinions on:

- Transport 2000 Plus (OJ No C 49, 24. 2. 1992)
- Green Paper on the Urban Environment (OJ No C 269, 14. 10. 1991)
- Europe 2000: Outlook for the Development of the Community's Territory (OJ No C 339, 31. 12. 1991)
- Development of a European Network of High-Speed Trains (OJ No C 191, 22. 7. 1991)

- Towards Trans-European Networks — A Programme of Community Action (OJ No C 14, 20. 1. 1992)
- Energy and the Environment (OJ No C 269, 14. 10. 1991)
- Community Action Plan to assist Tourism (OJ No C 49, 24. 2. 1992).

3.2. *Failure to acknowledge the true nature of the crisis*

3.2.1. The ESC notes that the Commission has already carried out a large number of studies into the interdependence of transport and the environment. It also notes that research centres, statistical offices and international organizations such as the UN, the OECD and the European Conference of Ministers of Transport (ECMT), have published documents on this subject. In view of this, the ESC finds the deficiencies in the Green Paper's acknowledgement of a state of crisis regrettable. It deplores for instance the fact that the Green Paper:

- fails to distinguish between passenger and goods transport;
- pays scant attention to objectives such as European economic and social integration;
- sheds inadequate light on the relation between transport and traffic;
- does not give a sufficiently detailed, quantified breakdown, of the social cost of transport;
- confines itself to the macro-economic aspects of relations between transport and the environment;
- does not analyze in depth the relation between economic growth, growth in the transport sector and a worsening of damage caused to the environment;
- fails to provide sufficient data with regard to the distribution of industry at EC level and the flow of transport brought about by this distribution;
- makes no mention of social imbalance within the EC;
- does not make a comprehensive review of research programmes, measures already taken and measures to be taken in the near future.

3.2.2. Whilst it is recognized that the Green Paper is not intended as an in-depth scientific study of the current crisis, the failure to provide some key data in this field is bound to make it more difficult to reach a broad consensus on the future global approach of a transport policy based on sustainable mobility.

4. The economic and social role of transport

The Green Paper reiterates the vital importance of transport to economic and social well-being. Transport is vital to the production of goods, the provision of services, to trade and to national and regional develop-

ment, besides contributing to mobility of the individual, increasingly important for international relations, access to work, recreation and tourism.

The transport sector as a whole, comprising the transport of goods and passengers, production of the means of transport and construction of infrastructure, accounts for some 10 % of GDP and provides 9 % of the jobs in the EC.

In addition to the positive contribution which it makes towards protection of the environment and the relief of congestion in urban areas, public transport plays a vital social role in providing a minimum level of mobility for socially disadvantaged sections of the population. In most cases students, the elderly and the unemployed have little choice but to use public transport. Whilst transport operators are vocal in their call for the preservation of freedom of choice between modes of transport, it should not be forgotten that this freedom of choice should also be guaranteed in the field of passenger transport under the best possible conditions. This aspect of the social role of transport is regrettably almost always overlooked.

The centrifugal effect of the development of urban areas, which draw blue- and white-collar workers further and further away from their centres of activity, combined with the structural changes taking place in the relationship between housing, work and supply locations, mean that all forms of transport have a vital and indispensable role to play in society.

The social role of transport does, of course, also embrace the social aspects of working conditions in the transport sector. The number of jobs, working conditions, qualifications, training and a decent level of social security in the sector must be part and parcel of a future overall strategy.

The ESC regrets that the Green Paper does not make a sufficiently clear distinction between these various socio-economic roles of transport. It proposes to set out a number of additional considerations in this chapter.

4.1. *Goods transport*

4.1.1. For years EC freight transport has witnessed continuous spectacular growth — closely correlated to economic growth. OECD studies show that in the majority of the industrialized countries, transport is growing at a rate which, expressed in percentage terms, is double the rate of economic growth.

4.1.2. The attainment of the outer limits to growth coincides with major changes in production and distribution strategies. Examples of these changes are: more effective use of both space and time, faster and faster production/delivery/distribution processes, fragmentation of industrial production processes, supply chains, computer-controlled management of the flow of goods, mobile warehouses, the transfer of undertakings to countries having lower wages or less demanding manufacturing standards and 'just-in-time' deliveries. These constraints cannot be laid at the door of transport operators.

4.1.3. The ESC strongly regrets the fact that in the Green Paper the Commission seeks only to examine the harmful effects of growth and fails to pay adequate attention to the underlying causes of this growth. This shortcoming is particularly serious since these problems cannot be solved by the transport sector alone. Satisfactory, environment-friendly solutions can also be found by introducing an EC industrial policy and a consistent land-use planning policy.

4.2. *Passenger transport*

4.2.1. The almost equally spectacular expansion of passenger transport prompts similar observations to those set out in respect of goods transport. The considerable increase in mobility cannot be ascribed merely to a change in the behaviour of transport-users. Although part of this expansion is clearly due to changing patterns of social behaviour (leisure activities, tourism, etc.) the main stimulus comes from factors which leave individuals little option but to use transport, e.g.:

- deterioration of the quality of life in large urban centres;
- the need to escape from urbanized areas in search of rest and recreation;
- areas are split into housing, administrative, shopping and sports centres, which are frequently far apart and in many cases not linked by attractive or effective forms of public transport;
- increased commuting;
- the exorbitant cost of living in city centres, pushing people out into suburbs which more often than not lack the necessary social infrastructure.

4.2.2. Acting on the conclusions set out in the Green Paper on the urban environment and the Fifth Action Programme, the Commission should take account of these constraints in framing its global strategy for protection of the environment.

4.2.3. In contrast to the objections raised above (point 2.3.2.) with regard to application of the subsidiarity principle, it should be noted that application of this principle would be appropriate as part of a strategy for reducing the damaging effects of transport on the urban environment.

4.3. *The basis for an overall strategy which heeds freedom of choice and the environment*

4.3.1. It is clear from the above comments that the transport sector alone is unable to provide satisfactory solutions to the problem of the severe damage it causes

to the environment. Given this observation and the severe problems which the EC is facing in this field, two lines of approach can be ruled out as a basis for a future global strategy, namely:

- any attempt to adopt an interventionist policy imposing prohibitions and restrictions on freedom of choice for transport-users;
- nor can problems be solved by extolling the miraculous effects of market forces, *laissez faire* and the principle of freedom of competition.

4.3.2. Instead, we should work towards a consensus for an overall strategy rooted in the following principles:

- Market forces and freedom of choice for transport-users can indeed provide a solution to the problems linked to environmental constraints provided that (a) prices take account of the 'real impact on the environment' and (b) social costs — gradually and long-sightedly — eventually become an effective component of all economic balance sheets.
- Following the oil crisis, developments in all industrialized countries have borne out that economic growth does not inevitably result in increased energy consumption. These two key parameters have become clearly decoupled. The adoption of a consistent policy, use of the best available technology, changes in the behaviour of transport-users and fair competition within and between the different modes of transport can lead to a decoupling of economic growth and traffic volume, whilst at the same time guaranteeing the necessary mobility and respecting the environment.
- It is no longer possible for the different modes of transport to be engaged in cut-throat competition; the aim must rather be to achieve an intelligent pooling of resources, drawing on the specific advantages of each mode of transport. We must endeavour to find a solution to the environmental problems which are of decisive importance to the long-term survival of society by seeking to achieve complementarity between the different modes of transport.
- Carriers, industrialists, political decision-makers, transport-users and the individual citizen must be aware of and heed the impact of their behaviour on the environment since it is the environment which sustains all human life. Adopting an environment-friendly pattern of behaviour is ultimately a way of establishing the basis for sustained economic prosperity so that there ceases to be any conflict between the economy and the environment.

5. *Strategies for achieving sustainable mobility*

Point 104 of the Green Paper sets out the essential basis for a strategy to achieve sustainable mobility. The Commission points out that: 'such a strategy will require a global approach in order to ensure that trans-

port continues to fulfil its economic and social functions under the most favourable environmental conditions, while safeguarding the freedom of choice for the user'. In addition to these basic principles, reference is also made to the contribution made by transport to the prosperity of peripheral regions and, most important of all, the need to integrate transport into sustainable development aimed at meeting 'the needs of the present without compromising the ability of future generations to meet their own needs'.

In point 106 the Commission observes that 'adequate protection of the environment is not possible by reliance only on technological progress and technical measures'. This highly significant observation demonstrates that sustainable mobility can only be achieved if all the parties involved recognize the challenge to be met. New structures and synergies must therefore be established forthwith in order to bring about the profound restructuring required in order to achieve a twofold development in general and sustainable mobility in particular.

The Committee's proposals for achieving sustainable mobility come under the following general headings (based on those used by the Commission):

- 5.1. Standardization measures, operational pollution and sustainable mobility
- 5.2. Market organization measures and sustainable mobility
- 5.3. Economic instruments for achieving sustainable mobility
- 5.4. Research and sustainable mobility
- 5.5. Economic, social and industrial policy and sustainable mobility
- 5.6. Land-use planning and sustainable mobility
- 5.7. The need to change the behaviour of all transport users if sustainable mobility is to be achieved.

Though the proposals set out below are not to be regarded as criticism of the strategy put forward in the Green Paper, the Committee does urge that they be incorporated subsequently in the White Paper on transport being drawn up by the Commission.

The following proposals are quite separate from the ESC Opinion on the Proposal for a Council Resolution on a Community programme of policy and action in relation to the environment and sustainable development (COM(92) 23 final).

5.1. *Standardization measures, operational pollution and sustainable mobility*

5.1.1. The area in which the greatest progress has been made in standardization measures is that of oper-

ational pollution⁽¹⁾. A study carried out by the NEA⁽²⁾ shows that it takes on average 15 to 20 years to replace the total number of commercial vehicles on the road at a given time. To ensure that full benefit is obtained from the reduction in operational pollution and to set out a long-term timetable, the Commission should:

5.1.1.1. Draw up, without delay, the technical standards in respect of emissions, engines, noise, etc. to be applied after the year 2000 in the light of the directives relating to emissions from automobiles (26 June 1991) and industrial vehicles as regards the reduction of gaseous emissions standards and particle limits (1 October 1991)⁽³⁾.

5.1.1.2. Stipulate, in the agreements with the EFTA States, that technical standards are to be aligned on the highest standards in force in the EFTA States or in the EC.

5.1.1.3. Determine the time limits, aids or taxes to be applied in respect of the replacement of the vehicle fleets of Eastern European countries joining the European Economic Area (EEA).

5.1.1.4. In parallel with the standardization measures covering public and private goods and passenger transport by road, frame standardization measures in respect of safety and operational pollution in the air, inland-waterway, maritime and rail transport sectors.

5.1.2. A further means of reducing operational pollution in the immediate future, which has already been the subject of frequent discussion, is the introduction of standardized speed limits throughout the EEA for different types of vehicles.

5.1.3. In the light of congestion in urban centres and the fact that a high percentage of goods-transport operations involve the use of small vehicles covering distances less than 50 km⁽⁴⁾ — which also doubtless holds good for passenger-transport operations — operational pollution must be tackled by introducing vehicles which conform to the ZEV (Zero-Emission Vehicle) concept.

⁽¹⁾ Green Paper, points 110 and 111 and (4) p. 25.

⁽²⁾ NEA: The transport of goods by road and its environment in the Europe of tomorrow.

⁽³⁾ Council Directives 91/441/EEC (OJ No L 242, 30. 08. 1991) and 91/542/EEC (OJ No L 295, 25. 10. 1991).

⁽⁴⁾ See document referred to in (4) above.

5.1.4. The standards applicable to railway networks, rolling stock, signalling equipment, the containers to be used in a European combined transport network, transshipment methods, etc. must be harmonized at EC level as soon as possible to facilitate intelligent pooling of resources between the different modes of transport.

5.1.5. There is also a need to harmonize standards in respect of safety and social conditions for all modes of transport at EC level to prevent such factors becoming the key element in distorting competition within a no-frontier single market.

5.1.6. This set of measures must be discussed with all parties involved and a precise timetable drawn up to facilitate long-term forecasting. In addition, all transport sectors must make a fair contribution towards implementation of these measures.

5.2. *Market organization measures and sustainable mobility*

5.2.1. In spite of the market organization measures already adopted by the EC⁽¹⁾, unladen and partially laden journeys may well constitute a very large percentage of the total number of journeys carried out in Europe⁽²⁾ by the year 2010. It is essential to reduce such journeys for both purely economic reasons and ecological reasons, through the use of advanced supply-management techniques, more effective market integration, new forms of cooperation and synergy between modes of transport.

5.2.2. In order to relieve congestion in urban areas it will undoubtedly be necessary to introduce restrictions on private cars, hand in hand with increased choice and an improved service in public transport. Though it is not the Commission's responsibility to tackle these issues by means of EC directives, the Commission does have a duty to make available to cities a data base comprising information on the measures already taken throughout Europe, research carried out in this field, possible solutions to the problems and financial incentives to relieve congestion and improve the urban environment.

5.2.3. If market organization measures are to be introduced it will also be necessary to frame EC policies on rail, inland-waterway and coastal transport. The neglect of these sectors in the past, at both EC and national level, has been a key factor in encouraging competition leading to under-use of their potential.

5.2.4. In order to re-organize the markets so as to achieve sustainable, environment-friendly mobility, the Commission should lose no time in carrying out a

study, encompassing both the EC and the entire EEA, to focus on: goods- and passenger-transport flows of European importance, including a breakdown of traffic by transport mode; potential pooling of resources through European cooperation; traffic bottle-necks; and the missing links in the various transport networks. This basic information is a prerequisite for framing a global approach to re-organization of the markets.

5.2.5. Combined rail/road transport will be able to make a significant contribution to alleviating the environmental damage caused by transport only if it is covered by market-organization measures in respect of transport operations over distances in excess of 200-300 km⁽³⁾ and insofar as the necessary technical facilities are introduced. Inland waterway and coastal transport must also form part and parcel of any European solution adopted in the field of combined transport.

5.3. *Economic instruments for achieving sustainable mobility*

5.3.1. The conviction has been expressed in many quarters that charging environmental and social costs to the parties responsible for damage inflicted on the environment is the only way of reconciling the underlying principles of the market economy with environmental requirements (see point 4.3). The Committee is convinced that this approach, which also holds good for the transport sector, is the right one.

5.3.2. It has to be recognized, however, that the introduction of environmental and social costs as a factor in profitability calculations is still at a very early stage. Though the justice of the 'polluter-pays' principle is unanimously accepted, difficulties and divergencies arise in connection with its practical implementation and the apportionment of the exact share to be borne by each of the parties. For this reason, the ESC calls on the Commission to heed the procedures set out below when introducing measures for incorporating environmental and social costs into the market economy, with particular reference to the transport sector.

5.3.3. In the immediate future, the Commission should frame a strategy consisting of economic instruments designed to ensure both greater respect for the environment and undistorted harmonization of the markets, to focus on the following potential measures:

- harmonization of taxes on commercial vehicles;
- introduction of an energy/CO₂ tax;
- graduated taxation for private cars, based on the level of damage caused to the environment;
- harmonization of excise duty on fuels;

⁽¹⁾ See points 112 and 113 of the Green Paper.

⁽²⁾ See document referred to in (4) above, p. 23.

⁽³⁾ Ibid, Topic 4.

— setting-up of a fund to facilitate trans-European networks and infrastructure projects of European importance;

— other possible short term economic and tax measures.

5.3.4. Wherever possible, the introduction of these new economic and fiscal measures should respect the principle of tax neutrality and/or boost funds set up for the purpose of promoting the quality of the environment, research and the introduction of new technologies.

5.3.5. To frame a viable strategy the Commission should in the long term undertake an in-depth study to facilitate an accurate assessment of the external costs of transport, the share of these costs to be borne by each transport mode, and the share of each mode of transport per unit transported. This study should take account of all environmental factors, such as land occupation, noise, sound emissions, vibrations, air pollution, etc. If external costs are assessed on the basis of only one parameter, (e.g. energy consumption), the data obtained will certainly be incomplete, if not inaccurate, which could lead to distortions in competition.

5.3.5.1. On the basis of this quantified data, practical proposals could be drawn up with regard to cost-charging measures in respect of external costs (levies, taxes, etc.).

5.3.5.2. The framing of cost-charging policy presupposes on-going consultations with all interest groups concerned and must not be determined behind closed doors.

5.3.5.3. This preparatory work is to be concluded as soon as possible; a very precise timetable must then be drawn up setting out the stages in the long-term implementation of this strategy to provide the interest groups concerned with a clear picture of the situation so that they can plan the necessary restructuring measures in advance.

5.3.5.4. An initial timetable setting out the cost-charging measures to be introduced up to the year 2000 could be ready by 1994. To ensure that costs are assessed on an on-going basis, the timetable will have to be reviewed regularly and extended beyond the year 2000.

5.3.6. These comments regarding charging for external costs are closely linked with those on standardization measures (point 5.1 above). Introduction of the best available technology obviously entails additional costs. Consideration should therefore be given to the introduction, where appropriate, of aid, grants, tax relief and other measures to enable the parties concerned to carry out the necessary restructuring.

5.4. *Research and sustainable mobility*

5.4.1. It will take more than the research projects listed in point 115 of the Green Paper to resolve the problems currently facing the transport sector. The ESC calls on the Commission to establish a 'concerted action' in the field of transport research, embracing the systematic collection of data, the interdependence between traffic and the environment, and EC-level coordination of national research projects.

5.4.2. A clear and precise definition is needed of the long-term objectives of EC policy to determine the main areas in which research should be pursued. Examples of potential areas of research are: development of Zero Emission Vehicles (ZEV), transshipment techniques, supply-management techniques to reduce the incidence of unladen journeys, measures to promote the flow of traffic, telematics, etc.

5.5. *Economic, social and industrial policy and sustainable mobility*

5.5.1. While points 5.1 and 5.4 are based on the initiatives discussed in the Green Paper, the forthcoming White Paper should outline the future thrust of an EC economic and industrial policy designed to reduce demand for transport. This is a key element in achieving sustainable mobility. It is in fact the basic problem, to which the transport sector cannot find solutions but merely adjust.

5.5.2. For purposes of limiting the demand for transport — especially private transport — at source, a thorough examination will be needed of:

- the restructuring of the EC's industrial fabric;
- the role to be played by the peripheral regions so that they attain a prosperity comparable with the other regions of the EC without there being an excessive demand for transport;
- charging the enterprises concerned for the external costs of 'just-in-time' deliveries;
- improved access to tourist regions by means of transport other than the private car;
- the social role of public transport in peripheral and remote regions with a low population density in the light of the duty to provide a public service.

5.6. *Land-use planning and sustainable mobility*

5.6.1. European land-use planners should lose no time in drawing up definitive and binding blueprints for future trans-European transport networks.

These infrastructure projects, to be partly planned and funded by the Community (Structural Funds, Cohesion Fund), must first be the subject of an environmental impact assessment, as provided for in Directive 85/337/EEC, which is applicable in the Member States. This Directive covers the assessment of the potential impact of certain public and private projects on the environment.

5.6.2. Particular attention should be given to linking up regions with these trans-European networks so that they are not cut off from the development generated along these networks and in order to avoid accentuating the geographical split in the EC.

5.7. *The need for a change in the behaviour of all transport users if sustainable mobility is to be achieved*

5.7.1. The objective of sustainable mobility will be attained only if all users become aware of the damage their behaviour inflicts on the environment. Unfortunately, the results of the many information campaigns conducted in the past have frequently been rather discouraging. That is certainly not a reason to abandon this method of encouraging a change in user behaviour, but does point to the need to look for other ways of influencing the behaviour of millions of individuals to make them more aware of the environment and the interdependence of personal actions and global problems.

5.7.2. The Committee advocates that a closer look be taken at the following possible approaches:

- promoting awareness of the interdependence between economic growth and the environment, highlighting (a) environment-goods transport and (b) environment-private transport interactions;

- increased media involvement in explaining the above interdependence;
- integration of the environmental dimension into training, highway codes, school, etc.;
- the possible introduction of environmental advisors in firms over a certain size, along the lines of the risk prevention officers supervising transport of dangerous goods;
- systematic introduction of environmental reporting and the obligation to supply 'environmental audits' regularly;
- 'environmental incentive' schemes to give users some financial incentive to change their behaviour;
- manufacturers' brochures to be required to provide customers with comparable information on the 'environmental conformity' of their vehicles so that environmental criteria can be taken into account when they decide whether to buy;
- the speedy setting-up of an environmental accounting scheme whereby individual users can be charged for the external costs occasioned by their behaviour;
- framing advertising standards so as to highlight environmental performance as well as top speed, engine power, number of valves, etc.;
- tax concessions, soft loans or other financial incentives to encourage the purchase of environment-friendly or electric vehicles.

Finally, the Committee notes that the many Commission proposals on the environment in various sectors (energy, transport, agriculture, etc.), make it difficult to give an objective and consistent opinion on the basic philosophy to underpin the Community approach as a whole.

Done at Brussels, 24 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

APPENDIX I

to the Opinion of the Economic and Social Committee

The following members, present or represented at the Plenary Session, voted for the Opinion:

Mr/Mrs/Miss: AMATO, ATAÍDE FERREIRA, ATTLEY, BARROW, BLESER, BONVICINI, BOTTAZZI, BRIESCH, CAL, CARROLL, CASSINA, CHEVALIER, COLOMBO, DECAILLON, D'ELIA, DIAPOULIS, VAN DIJK, DONCK, DOUVIS, DRAIJER, DUNKEL, ETTY, EULEN, FRERICHS, GAFFRON, GEUENICH, GROBEN, JANSSEN, JENKINS, KANELLOPOULOS, DE KNEGT, KORFIATIS, LACA MARTIN, LAPPAS, LARSEN, LIVERANI, LUSTENHOUWER, LYONS, MADDOCKS, MAYAYO BELLO, MERCIER, MOURGUES, MULLER E., MUÑIZ GUARDADO, NIELSEN B., NIELSEN P., PELLARINI, POMPEN, QUEVEDO ROJO, RODRIGUEZ GARCÍA-CARO, SANDERSON, SANTILLAN CABEZA, SANTOS, SCHMIDT, SCHMITZ, VON SCHWERIN, SEQUEIRA, SILVA, SMITH, SOLARI, STECHER NAVARRA, THEONAS, THYS, TIXIER, VERBOVEN, WAGENMAS, WALDACK, ZUFIAUR NARVAIZA.

The following members, present or represented at the Plenary Session, voted against the Opinion:

Mr/Mrs/Miss: ARENA, BAGLIANO, BARBAGLI, BELTRAMI, BENTO GONÇALVES, BERNABEI, BREDIMA-SAVOPOULOU, CONNELLAN, GARDNER, GHIGONIS, GIACOMELLI, GIESECKE, GREEN, GUILLAUME, KAARIS, LITTLE, LÖW, MOBBS, MORELAND, NOORDWAL, PARDON, PEARSON, PELLETIER R., PETERSEN, PETROPOULOS, PRICOLO, ROBINSON, RODRIGUEZ DE AZERO Y DEL HOYO, ROMOLI, SCHADE-POULSEN, TUKKER, WHITWORTH.

The following members, present or represented at the Plenary Session, abstained:

Mr/Mrs/Miss: BEALE, BELL, CEYRAC, DAWSON, DELOROZOY, KAFKA, MCGARRY, MEYERHORN, MORIZE, PASQUALI, PELLETIER Ch., PERRIN-PELLETIER, PROUMENS, SAITIS, SAUWENS, SCHNIEDERS, SPYROUDIS, WICK.

APPENDIX II

to the Opinion of the Economic and Social Committee

The following amendment to the Section Opinion, tabled in accordance with the Rules of Procedure, was rejected during the discussion:

Page 17 — Point 5.5.1

Delete.

Reasons

Measures specifically designed to reduce demand for transport should not be used until such time as all the other means (improvements in market operation, improved utilization of capacity, the introduction of stricter international standards, the promotion of research) have been fully utilized.

Voting:

For: 36, against: 56, abstentions: 14.

Opinion on Economic Cooperation with the Maghreb Countries

(92/C 313/18)

On 27 September 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 Economic Cooperation with the Maghreb Countries.

The Section for External Relations, Trade and Development Policy, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 11 September 1992. (Rapporteur: Mr Amato).

At its 299th Plenary Session (meeting of 24 September 1992) the Economic and Social Committee adopted the following Opinion unanimously.

INTRODUCTION

The first question to be asked is why the Committee, which has issued a number of Own-initiative Opinions on Mediterranean policy in recent years, should feel it necessary to draw up an Opinion on cooperation with the Maghreb countries.

There are two reasons. Firstly, the Maghreb — by virtue of its geographical proximity, its close economic, commercial, historical and cultural ties and the fact that it is the source of so many migrants to the Community — could well be the most appropriate test-bed for the Renewed Mediterranean Policy which the Committee has been urging for the last few years.

Secondly, a process of regional integration is being implemented in the Maghreb through the Arab Maghreb Union (AMU). It is therefore possible to move beyond the current bilateral agreements and try out advanced forms of regional cooperation, as a first step towards the comprehensive Convention (or Treaty) with all Mediterranean Non-Member Countries (MNC) proposed by the Committee and the European Parliament.

The need for a particular focus on the Maghreb has been highlighted by a number of initiatives taken by Community institutions in recent months.

We would begin by mentioning the First Meeting of Representatives of Social and Economic Interest Groups of the Countries of the Arab Maghreb Union (AMU) and the EC, sponsored by the Economic and Social Committee and held in Brussels from 6 to 8 April.

The meeting, which discussed the main Euro-Maghreb issues and was widely reported in the European and North African press, evaluated the current situation and made a number of recommendations which have been largely taken on board by the Commission and, subsequently, the European Council. On 30 April the

Commission adopted a Communication to the Council and the European Parliament on The Future of Relations Between the Community and the Maghreb.

The Commission has forwarded the Communication officially to the Committee, for information.

The Committee is pleased that for the first time it has received, albeit only for information, a Commission document on the Community's external relations. This shows that the important impact of these relations on Community economic and social sectors has been understood. The Committee is, however, disappointed to note that the Council did not feel it necessary to consult it on this document concerning a subject which it has frequently discussed and taken up.

On 15 June, after a preliminary discussion, the Council of Ministers broadly accepted the Communication.

Lastly, the Conclusions of the Lisbon European Council of 26-27 June 1992 emphasized the importance of Mediterranean policy, and examined EC-Maghreb relations in some depth in two separate annexes.

The European Council adopted a declaration which specifically addressed Euro-Maghreb relations and signalled the translation into policy of the Commission Communication.

The report of the Ministers for Foreign Affairs on the development of the Common Foreign and Security Policy, adopted by the Lisbon European Council and appended to its Conclusions, contains a section on the Maghreb.

The present Opinion on the specific issues of relations with the Maghreb takes as its starting point the earlier Opinions and in particular the general guidelines they

set out, namely the construction of a Euro-Mediterranean strategic area, co-development policy, an overall Mediterranean approach, and regional cooperation. It is worth pointing out that, as in the case of the above-mentioned EC-AMU meeting, these guidelines are increasingly cropping up in the analyses and proposals of the Community institutions, Member States, MNCs, academic circles and economic and social interest groups.

The analyses, guidelines and general proposals already put forward by the Committee were refined by the meeting in the light of events on the international scene and the progress made in Community integration.

Despite the obvious divergences of viewpoint and emphasis, the dialogue with the Maghreb partners at this meeting produced a solid groundwork of assessments and general guidelines which is substantially reflected in the Commission Communication.

The first part of the present Opinion summarizes these assessments and guidelines.

The second part deals with the objectives, content and instruments of the co-development policy which the Committee considers should be the hallmark of a new phase in Euro-Maghreb relations.

The Commission and European Council documents referred to earlier are also assessed and account is taken of developments concerning the Renewed Mediterranean Policy since the last Opinion was adopted on 27 November 1991.

I. THE BASIC ASSESSMENT AND GENERAL GUIDELINES CONFIRMED BY THE FIRST MEETING OF EC-AMU SOCIAL PARTNERS

1. The Euro-Mediterranean outlook: grounds for concern

1.1. *Imbalances and dependent status*

1.1.1. There are deep-rooted, structural disparities between the Maghreb, together with other areas of the Mediterranean, and the European Community in respect of demographic growth (both absolute and in relation to economic growth), per capita production and income, ability to train and employ the local population, and levels of trade. These disparities are tending to become more pronounced.

1.1.2. North-South relations in the Western Mediterranean are marked by heavy trade dependence and increasingly unequal development.

1.1.3. The economic and social upheavals which are throwing up challenges to the Maghreb and Europe have aggravated this general disparity between the two adjoining areas of production, trade and culture.

1.1.4. Hence the urgent need to alleviate and progressively redress the economic imbalances between the EC and the Maghreb, and the latter's dependence, while recognizing that this is an objective which cannot be achieved overnight and must be seen in the context of a fluid international and Euro-Mediterranean situation.

1.2. *The danger of marginalization*

1.2.1. Recent developments around the world, and in particular in Europe, pose additional challenges to the development of the Maghreb countries.

1.2.2. The first of these is clearly the completion of the Single European Market. Our Maghreb partners have voiced particular concern that measures to liberalize trade within the Community (product standards, etc.) may make it increasingly difficult to place Maghreb products on the Community market.

1.2.3. In the Committee's view, however, the greatest causes for concern lie elsewhere. The Single Market and Economic and Monetary Union emerging from Maastricht could contribute to the consolidation of the current economic scenario, in particular the internationalization of the world economy. If this process continues on its present lines, i.e. remains mainly confined to hi-tech and advanced sectors so that it affects only the more developed parts of the world economy (United States, Japan, Western Europe), it will certainly have harmful effects on those parts of the world, like the Maghreb, being left on the sidelines: integration into this process will not be easy.

1.2.3.1. Increasingly fierce competition between the world's three main economic powers is triggering a realignment of the international division of labour which is marginalizing the South still further.

1.2.4. The strengthening of the European economy, in the wake of the creation of the European Economic Area (EC + EFTA), and its potential extension to Central and Eastern Europe, is likely to accentuate this aspect of economic internationalization. Not only because it will accentuate the triangular nature of international development (with Central and Eastern Euro-

pean nations being destined to play the same role as Mexico does vis-à-vis the United States), but also because the new possibilities open to companies will lead them to prefer Central and Eastern Europe for investment and relocation. The changes this triggers in the international division of labour will be even more disorderly than those occurring at present, because they will not be underpinned by common rules, particularly in the social sphere.

1.2.5. Such a scenario would be highly prejudicial for the entire Mediterranean area, both North and South. The non-EC Mediterranean countries, the Maghreb in particular, would be under serious threat of marginalization, or even outright exclusion from the international economic system. The structural imbalances between the Community's centre and its periphery will be accentuated if implementation of an effective cohesion policy continues to be delayed. Southern Europe will then face the prospect of second-class integration and its peripheral regions might be marginalized.

1.2.6. Such marginalization of the Mediterranean basin must be resolutely combated in the interests of the Mediterranean non-member countries — first and foremost the Maghreb — and of Europe.

1.2.7. Firstly, because it would have adverse repercussions on an employment market which now transcends national boundaries. Indeed, a further worsening of the MNC and Maghreb trade deficit, external debt, inflation and unemployment will inevitably trigger a new and unprecedented wave of migration towards Europe which cannot be fully stemmed by bureaucratic barriers or other deterrent measures.

1.2.8. This migration would certainly not provide a safety-valve for the Maghreb. It would occur at a time when the European employment market is thrown into disarray by the new international division of labour and migration from Eastern Europe (on a scale as yet hard to predict), and marked by new competition between workers.

1.2.9. Europe cannot afford to allow the Mediterranean basin to be marginalized, since the ensuing economic decline there could be damaging to Europe on the environmental, political and security fronts, as well as economically (energy supplies, for example) and socially. The signs are already apparent in environmen-

tal deterioration, social and political unrest and the existing conflicts around the Mediterranean. But they could reach unimaginable proportions.

1.3. *Challenges, tensions and conflicts in the Mediterranean and the Maghreb*

1.3.1. While countering the marginalization of the Mediterranean basin is the first precondition for successfully meeting the challenges, tensions and conflicts, it is also essential to understand their character, why they exist, and how they are developing.

1.3.2. The demographic challenge facing Europe, the Maghreb and the other Mediterranean countries is of primary importance. Discussion of the demographic issue tends to focus on the extraordinarily high rate of population growth (approximately 3% in the AMU countries) and on predictions of an outright population explosion over the coming decades. The solutions proposed therefore focus on birth control. However, the most pressing problem in coming years will be the generation born over the last 20 years. It is estimated that in the Maghreb one third of this younger generation will never be able to find employment. If this proportion is not to grow, an annual economic growth rate of 9% will be necessary. At the moment this seems optimistic, to put it mildly.

1.3.3. New political tensions have arisen in the Mediterranean basin, parallel with and closely linked to social strains. While nationalism is rampant in other parts of the region, the Maghreb has been heavily infused with a religious fundamentalism which feeds latent enmity, originating in the continuing inequalities between the two sides of the Mediterranean, and a number of long-standing regional conflicts, beginning with the Israeli-Palestinian and Israeli-Arab confrontations. Fundamentalism is emerging as the most potent challenge facing the countries of not only the Maghreb, but also Europe. The underlying motives — economic and social but, above all, cultural — for the fundamentalist protests point to the inadequacy, if not total failure, of both national policies and the relationship which Europe has pursued to date with the Maghreb and the Arab world.

1.3.4. In the Maghreb, Algeria is the acid-test of this confrontation with fundamentalism. The tragic turn taken by the Algerian crisis clearly shows that the battle will only be won if — even more important than the establishment of rules for a formal democracy — there

is a clean break with the policies of the previous regime, in terms both of morality and of a response to the most pressing social problems.

1.3.4.1. The Community cannot, however, remain on the sidelines. Resolution of the Algerian crisis (and the manner in which it is achieved) is of capital importance for the Community. The Community must acknowledge that it is involved, and accept the consequences. There is however, no sign of this in the Commission Communication or, more importantly, in the European Council's conclusions.

1.3.5. Disquieting social displays of narrow-mindedness and incomprehension are on the increase in Europe. These attitudes are rooted in fear of what is different and in ignorance. The outward signs of racial intolerance and xenophobia, which are unfortunately on the increase, are only the tip of the iceberg.

1.3.6. The mental attitudes in the Mediterranean basin, in the Maghreb, and in Europe, are a real and immediate danger for existing and potential democracy.

1.3.7. The demise of the Cold War checks and balances has heralded a phase of great political instability in the Mediterranean basin, most tragically represented by the Gulf war and the civil strife in Yugoslavia. The Gulf war has left the long-standing conflicts of the region unresolved: indeed, new layers of confrontation have been added. The Libyan crisis is a time-bomb which threatens the peace of the Mediterranean and the Community's security.

1.3.7.1. Both the Libyan crisis and the Western Saharan issue directly involve the Maghreb. They must, of course, be solved within a UN context, but are of immediate importance to the Community which, by virtue of its responsibilities and interests, must play a primary role in seeking solutions based on dialogue and negotiation.

1.3.8. The environment unquestionably presents the most underestimated challenge. Pollution is a disaster progressively affecting both sides of the Mediterranean. The bulk of the blame lies on the Community side and on the density of oil-carrying traffic (one third of the world total), although the South — including the Magh-

reb — is undeniably adding its contribution via huge urban sprawls, coastal congestion and unregulated tourism.

1.3.9. This background of old and new challenges, of rising social and political tension, and of open conflict, affects interests common to the Community, the Maghreb, and the other Mediterranean countries. No solution will be possible, however, if the process of marginalization continues in the region. Environmental, demographic, energy, food, political and security problems in the Mediterranean demand a joint EC-Maghreb response, within the framework of overall Mediterranean cooperation.

2. A shared strategic outlook

2.1. *Constructing a Euro-Mediterranean strategic area*

2.1.1. One important outcome of the meeting of AMU-EC social partners was the joint recognition of the implications of the dramatically changing international scene, as described in the present document. The most important of these implications is that the requisite radical overhaul of Euro-Maghreb relations must fit into a wider picture of Mediterranean cooperation. Nor can it be separated from the new links of interdependence emerging throughout the Euro-Mediterranean area, including Eastern Europe.

2.1.2. The most striking feature of the region is economic, social and political dislocation: not only is this unhelpful in resolving old conflicts, but it contributes to the daily outbreak of new ones. 'Damage-limitation' diplomacy must be replaced by an all-embracing peace offensive, in which 'Greater Europe', the Mediterranean basin and the Middle East work together for security, economic development, growth and peaceful coexistence.

2.1.3. A common initiative of this kind must comprise the construction of a Euro-Mediterranean strategic area of a political, security, economic, market, social and environmental nature, as the Committee has been urging for years.

2.1.4. Furthermore, the first lesson to be drawn from the Gulf war and other conflicts in the Euro-Mediterr-

ranean zone is that democracy, development and security are inseparable.

2.1.5. All this enhances the importance of the proposal — already welcomed by the Committee — for a 'Mediterranean Helsinki' i.e. a Conference for Security and Cooperation in the Mediterranean and the Middle East (CSCM). The value of the CSCM would lie in lending a political, economic, social and cultural dimension to the question of security, which would thereby become a universal, wider concept, harnessing all the region's political and economic entities in a common cause.

2.1.6. If the creation of this broader strategic area is not once again to fall into the trap of the triangular development model, relations between the centre (Western Europe) and the periphery must be transformed. Europe-centred development should be replaced by multi-centred development based on co-development, regional cooperation and the establishment of economically and politically integrated sub-regional areas, such as the AMU.

2.2. Co-development policy

2.2.1. Euro-Mediterranean co-development cannot be attained overnight. An economic and social co-development policy with a Euro-Mediterranean dimension could nevertheless be launched immediately by the Community and the Maghreb countries.

2.2.2. The basic thinking behind this policy is that if the two unequally developed economies are to grow, the nature of relations between the two groups of countries must be transformed and move beyond aid-based relations and the type of trade relations practised to date. But on both sides of the Mediterranean this also involves questioning approaches, policies and conduct incompatible with the objectives of correcting imbalances and dependent relationships, and of building a more economically, socially and politically cohesive Euro-Mediterranean area.

2.2.3. As the Committee has repeatedly pointed out, this means that in planning its policies the Community must take particular account of the special interests of the Maghreb countries and make corresponding recommendations to the Member States.

2.2.4. As was fully recognized by our partners at the

April meeting, co-development also requires a thorough-going reappraisal by the Maghreb countries.

2.2.4.1. Measures to promote mutual horizontal complementarity, regional integration and insertion in the Community economy should have priority over exaggerated export-led economic policies and import-substitution arrangements.

2.2.4.2. For the Maghreb countries, adopting a policy of co-development means rethinking economic and production options within a context of mutual compatibility agreed with the Community. But most of all, it involves facing up to the need for reforms, without which the region will face economic and social deterioration, and increasingly troubled relations with Europe.

2.2.4.3. It is necessary to upgrade public institutions and institute radical economic and structural reforms which will establish a fully-fledged market system, broaden the productive base, generate employment and ensure social justice. However, reforms focusing on the growth of democracy, political and trade union freedoms, and respect for human rights, are also needed. Similarly, the indissoluble link between development and democracy means that the Maghreb countries must inject a strong social element into their policies, by promoting fundamental social rights and involving employers' and workers' representatives in the various stages of economic management.

3. Inadequacy of current cooperation agreements

3.1. The meeting of AMU-EC social partners highlighted the inadequacy of current EC-Maghreb cooperation procedures, measured against the gravity of the problems and the scale of the above-mentioned strategic aims.

3.2. The Economic and Social Committee has repeatedly expressed its views on the efficacy of the EC-Maghreb Cooperation Agreements⁽¹⁾. These views are summarized below.

3.2.1. The fifteen-year-old track record of EC/Maghreb cooperation agreements shows that neither the opening of the Community market to Maghreb goods achieved to date nor low-level financial cooperation are capable of reducing the imbalances, let alone fostering economic and social development in the Maghreb.

3.2.2. Although there is no direct causal link between EC Mediterranean policy and the current state of the Maghreb economies — and despite the positive aspects

⁽¹⁾ OJ No C 221, 26. 3. 1990; OJ No C 168, 10. 7. 1990; OJ No C 40, 17. 2. 1992.

of certain EC activities — there is no getting away from the fact that the relations established to date are not of a nature to generate greater trade or to achieve the other objectives of the 1976 cooperation agreements.

II. TOWARDS A NEW PHASE IN EURO-MAGHREB RELATIONS

4. The Commission Communication on The Future of Relations Between the Community and the Maghreb

4.1. Like the meeting of social partners, the Communication from the Commission — whose assessment of the current cooperation agreements does not differ significantly from that of the Committee — acknowledges the need to recast Euro-Maghreb relations.

4.1.1. The analysis, general approach and individual proposals of the Communication represent a quantum jump in the Commission's thinking, and lay down the basis for a fresh start in Community Mediterranean policy.

4.2. The Committee broadly endorses the Communication, but would make the following comments.

4.3. The Committee is pleased to note that the Commission has taken on board numerous observations and proposals contained in recent Committee Opinions on Mediterranean policy. While the new strategic approach does not precisely tally with that of the Committee, it clearly comes close.

4.4. The Communication sets out to 'move away from the idea of development cooperation that has held sway over the past few decades, to the idea of partnership' — to be applied in all possible fields — 'the ultimate objective being to establish a Euro-Maghreb economic area'.

4.5. Comparison of the Commission's central aim of partnership with the Committee's equally central objective of co-development, reveals that the Commission sees partnership as much more than just a way of implementing co-development policy. Careful examination of the Communication shows that although this partnership is not exactly coterminous with co-development, the difference is not great.

4.6. What is missing from the concept of partnership proposed by the Commission, in contrast with co-development, is mention of the need for the Community and the Member States to slant their policies more towards furthering the development of the Maghreb and other Mediterranean countries.

4.7. The Committee fully endorses the Communication's aim of firmly anchoring the Maghreb to Europe. This view emerged clearly at the meeting of AMU and EC economic and social interest groups, figures prominently in the arguments against marginalization set out above (1.2), and is implicit in the 'co-development' long advocated by the Committee.

4.8. However, the Communication fails to place this objective in the necessarily broader context of the strategic Euro-Mediterranean area. Indeed, the overall Mediterranean approach is virtually ignored throughout the Communication, leaving room for misunderstanding. The negative reactions already voiced by Mashreq governments show how wrong this is.

4.8.1. The Committee therefore stresses that a more binding policy of Euro-Maghreb co-development is not inconsistent with an overall Mediterranean approach: on the contrary, the only way of ensuring that this co-development policy does not become a dead letter is to treat it as an integral part of the overall Mediterranean approach.

4.9. The global Mediterranean approach is not mentioned in the report on Common Foreign and Security Policy Developments, adopted by the Lisbon European Council. It is hard to quarrel with the individual objectives set out in the section on the Maghreb (regional stability, dialogue, partnership, disarmament and arms control, support for Maghreb regional integration, etc.) and the section on the Middle East (support for the Middle East peace conference, European participation in the peace process, persuading Israel to change its settlement policy in the Occupied Territories and the Arab countries to drop their trade boycott, support for regional integration, etc.). However, the absence of any reference to an overall view of peace and security-related issues, such as that embodied in the CSCM proposal, cannot be overlooked.

5. Redefining the objectives

5.1. *Regional integration of the Maghreb countries*

5.1.1. The primary objective of EC-Maghreb cooperation should be Maghreb regional integration. Cooperation initiatives should have a synergetic and catalytic effect on economic and market integration processes, as well as on legislative and administrative harmonization.

5.1.2. The Committee is pleased to note that these points, which were highlighted at the Meeting of AMU-EC Economic and Social Interest Groups, figure in almost the same terms in the Commission Communication.

5.1.2.1. The Committee also endorses the individual suggestions for Community action to this end: support for the creation of a customs union, technical assistance in economic integration processes, funding for regional-level schemes, and the establishment of a Community/Maghreb dialogue at all levels and in all fields, with the aim of expanding opportunities for cooperation between the Maghreb partners.

5.1.3. The Communication overlooks one general point which the Committee considers essential: Maghreb regional integration should not only be furthered by specific measures, but should be accepted as a precondition and implicit objective of all cooperation activities: in other words as the principal yardstick for judging the coherence of such action.

5.1.4. Promotion of economic and market integration requires a political motor at regional level. In the case of the Maghreb, this is the AMU, the only real institutionalized vector of regional integration in the Mediterranean zone. As the Commission says, the AMU 'is therefore to be encouraged'.

5.1.5. The Committee welcomes the Commission's proposal to promote 'a comprehensive survey of the advantages of integration and the cost of non-integration', but would urge that this survey should cover not only the economic but also political and, in particular, social aspects.

5.2. *Developing complementary relations between the EC and the Maghreb*

5.2.1. The objective should be to tie the Maghreb in with the European economy, by gradually eliminating existing forms of dependence. Existing complementar-

ity between the two areas should be enhanced, with efforts being concentrated on complementarity within rather than between different sectors (e.g. fruit and vegetables/cereals, or oil products/machinery).

5.2.2. Intra-industrial complementarity should be sought insofar as it:

- is compatible with intra-Maghreb regional integration, and actively contributes to it;

- does not replicate old forms of dependence such as those seen in textiles sub-contracting. To this end, vertical integration should be pursued in the Maghreb at all stages of the creation of added value, including R&D and marketing.

5.2.3. In developing Euro-Maghreb complementarity in this way, particular attention should be paid to complementary relations between Mediterranean countries — especially between the Maghreb and EC Mediterranean regions — so as to end the current competition between them in certain branches of production.

5.2.4. The aim of developing complementary Euro-Maghreb relations is not explicitly mentioned in the Communication but is implicit in its call for a new division of labour between the Community and the Maghreb.

5.2.4.1. The Committee notes with satisfaction that the Commission has endorsed the objective of a new intraregional division of labour, and in particular has taken on board the reference in its 1989 Opinion to the need for in-depth study and sectoral dialogue.

5.2.5. The Committee hopes the Commission will draw the appropriate conclusions for Community and Member State policy. Sectoral policies will assume a pivotal role in joint establishment of a new division of labour and their compatibility with this process must be ensured.

5.2.6. If, for example, the current agricultural rivalry between the Maghreb and the Community's Mediterranean regions is to be halted, the CAP will have to play an active part in developing complementarities and

synergies between Southern European and Maghreb agriculture, within a broader framework regulating Euro-Mediterranean interdependence.

5.2.7. Similarly, if foreign investment and complementarity within the industrial sector are to be developed, it will be necessary to pursue a Community industrial policy able to promote an industrial development in the EC's Mediterranean regions based on intermediate and advanced technology rather than low added-value and low technology. This would end competition with Maghreb industrialization and make a direct contribution to the requisite synergies, complementarities and integration.

5.2.8. The Communication states that a new division of labour must be accompanied by an opening up of Maghreb markets to the Community. This issue will be discussed below in relation to trade: however, it needs to be made clear at this point that not only should liberalization be gradual, but that the various stages in its achievement must be contingent upon success in developing new specialized types of production in the Mediterranean area. Otherwise, complementarity will not be achieved and Maghreb industrialization and agricultural development will probably be frustrated.

5.3. *Integrated economic development and social development in the Maghreb countries*

5.3.1. Regional integration and the fostering of Euro-Maghreb complementarity should generate, and be sustained by, not only an upturn in economic growth (as suggested by the Commission) but also structural strengthening of the individual Maghreb economies.

5.3.2. Vertically and regionally integrated development, based on the maximum use of local natural and human resources, should therefore figure among the aims of Euro-Maghreb cooperation, and be treated as inseparable from the first two objectives.

5.3.3. Steps to achieve vertically and regionally integrated development should include appropriate industrial development and judicious tourist expansion, together with the necessary accompanying measures in the basic and advanced tertiary sectors. However, the most urgent goal is to press ahead with agro-industrial

development, with the aim of increasing exports and, even more importantly, reducing the Maghreb's dependence on food imports.

5.3.4. To this end, it will be necessary to take measures to boost Maghreb livestock, cereal and olive production, in order to establish the foundation for the development of internal agricultural markets by underpinning the incomes of producers in those sectors. Account will have to be taken here of the links between domestic needs and the world markets. The experience gained in the early years of the CAP could be of considerable help in this respect, not only with regard to internal pricing policy, but also for shielding against outside competition.

5.3.5. The goal of vertically and horizontally integrated development has a strategic dimension, since it should enable rural populations to remain on the land, thus stemming the drift towards congested urban areas and consequently reducing the pool of potential migrants.

5.3.6. Integrated economic development should hinge upon employment. This is the only way of offering hope to young people, who are in the vanguard of current social unrest, of migration and of the 'brain-drain'. Taking a similar view, the Commission Communication states that job creation is a major priority, and calls for emphasis on programmes with a significant employment component, such as the creation of small businesses. The Committee can only welcome the Commission's acknowledgement of these views, long argued by the Committee.

6. Specific co-development policies

6.1. *Debt*

6.1.1. Indebtedness, which has reached unsustainable levels in some Maghreb countries, must be reduced if growth and development are to recover in the region. The Commission, severely criticized by the Committee

in the past for its reticence in this area, has at last given due weight to the debt issue and highlighted the harmful effects of debt on development and cooperation, particularly in the case of Algeria.

6.1.1.1. The Committee welcomes the acceptance of the suggestion in its 1991 Opinion that special loans should be provided in order to support the balance of payments. But although it is important, this measure alone is not an adequate response to the debt issue.

6.1.2. The Committee regrets that its other two proposals have not been heeded, and repeats them. Firstly, the EC should take urgent steps to coordinate action between Member States with the international institutions which concern themselves with debt, with a view to an agreed reduction/conversion of the external debt of the Mediterranean countries, the Maghreb in particular. Secondly, where official loans are concerned — starting with those from Member States — the Tunisian Government's proposal to swap debts for social, ecological and human resources expenditure, using counterpart funds in national currency, should be implemented.

6.1.2.1. An examination should also be made of opportunities which have already been successfully explored by some Latin American countries for reducing foreign debt by opening up secondary markets.

6.2. *Structural adjustment*

6.2.1. A second prerequisite is a review of the structural adjustment programmes (SAPs) imposed by the International Monetary Fund — the inadequate results of which are clear, and whose burden is, especially in social terms, insupportable, despite IMF and World Bank claims. The EC must do more than simply offset the damage caused by SAPs. The Committee regrets that the Commission's Communication is still unable to shake off this type of thinking, which has been repeatedly rejected by the Committee. It therefore reiterates that the Community should actively encourage a new approach to structural adjustment by the IMF and by Member State bilateral agreements. The Community might, for example, promote an international debt management and structural adjustment plan for the Maghreb countries, as proposed by the Committee in 1990. Such a plan would need to be discussed in the various international fora, and to revolve around an IMF programme which accommodates the requirements and special features of each country, but is designed for all the Maghreb countries.

6.2.2. Only under these conditions can Community support for economic adjustment in the Maghreb, under the Renewed Mediterranean Policy, be truly

effective. The Communication spells out the forms which such support might take:

- technical assistance (tax and financial reform, company restructuring, privatization, vocational training, etc.);
- support for vulnerable social sectors (health, education, housing, etc.);
- direct support for programmes linking vocational training to employment (SMEs, apprenticeships which genuinely lead to jobs, etc.).

6.2.2.1. The Committee is pleased to note that the Commission agrees with its 1991 Opinion on the inadequacy of the funds allocated to these objectives of the Renewed Mediterranean Policy, and that it proposes an increase.

6.3. *Foreign investment*

6.3.1. *The importance of a regional Maghreb market*

6.3.1.1. As has already been said, Maghreb development possibilities — and particularly the chances of reducing its trade dependence on Europe — are closely tied to the building of a regional Maghreb market. This is the only conceivable way of gearing Maghreb industry to its domestic market. It is necessary to reiterate a point which emerged at the Meeting of Economic and Social Interest Groups, namely that the creation of an internal Maghreb market would certainly attract far more foreign investment than sub-contracting operations. Of course, this means achieving high enough productivity to make domestic products more attractive than imports.

6.3.1.2. The transfer of labour-intensive industries to the Maghreb would not suffice to meet the need for greater EC-Maghreb complementarity. First and foremost, intra-industrial complementarity (including the food industry) must be secured between the EC's Mediterranean regions and the Maghreb nations; this should be underpinned by a joint effort to develop new technologies suited to the Mediterranean regions.

6.3.2. *Other conditions for encouraging investment in the Maghreb countries*

6.3.2.1. In a world economy founded on free trade, private investment — whether domestic, foreign or mixed — will play a major role in the economic devel-

opment of the AMU Member States. The Committee is in full agreement with the Commission on this.

6.3.2.2. The Communication argues that it is essential that the AMU countries create conditions which cater as far as possible for their real local and international investment needs. Some of these conditions, such as legislation, economic integration, and support structures, are objective; others such as stability and confidence are subjective. They were mentioned in general terms at the Meeting of Economic and Social Interest Groups, and are summarized below.

6.3.2.3. Investment codes, where they exist, must be flexible, transparent and sensitive to fundamental domestic and foreign needs. They should be applied by administrators in a position to provide interested parties rapidly with the guidance they need on how the codes operate, and with full information on the socio-economic system of the country concerned (pay, social security, taxation, statistics, etc.).

6.3.2.4. Investors must be able to count on adequate transport, energy and water-supply infrastructures, at non-prohibitive prices.

6.3.2.5. Free zones offering competitive facilities, services and costs can significantly boost added value by processing local or, if necessary, imported raw materials.

6.3.2.6. It is important that the Maghreb countries should possess a sound banking system, enabling locally-based partners to supplement their capital by tapping development funds, in particular by means of joint ventures.

6.3.2.7. The various taxes, duties, etc. should be levied in a consistent fashion, enabling investors to produce goods at competitive prices. Customs arrangements should be well-organized, straightforward and speedy.

6.3.2.8. Investment means more than just financial and capital equipment transfers: it involves the use of new technologies and techniques, together with human resources. Such transfers presuppose that the countries concerned possess the ways and means to protect intellectual property.

6.3.2.9. The judicious and equitable use of human resources is only possible in countries which have advanced social legislation, and an effective general educational system backed up by a regularly updated

training structure. In order to be effective, training must be carried out in conjunction with private-sector companies which require labour, or specialize in training. It should cover all fields, not just management.

6.3.2.10. The Community should also help make Maghreb employers' associations more efficient, particularly in the areas of management training, statistics gathering and the role of such associations.

6.3.2.11. In addition to training local labour, there is also a need for an appropriate policy on expatriate workers, particularly specialists able to contribute to their home country's economic development.

6.3.2.12. Particular attention should be paid to SME partnerships, taking care that the businesses involved market quality products which can either replace imports or compete on the export market (where appropriate, on a sub-contracting basis).

6.3.2.13. On the Community side, technical and financial support for joint ventures should be stepped up, either on a multilateral basis through the EC — International Investment Partners, or bilaterally through Member State foreign investment promotion bodies.

6.3.2.14. It is also recommended that the BC-NET system, currently operating only in Tunisia and Morocco, be extended to Algeria.

6.4. *Research and training*

6.4.1. The Committee notes that the possibilities for independent economic development are tied to provision of the first link in the added-value chain; namely, scientific and technological research. In other words, the Maghreb must not rely solely on technological transfer from Europe. New technologies must also be available locally. This means appropriate technologies geared to the region's special needs and using its 'poor' and other resources.

6.4.2. Particular encouragement should be given to technologies which use indigenous resources, conserve scarce resources, and minimize waste. To help develop such technologies, support should be given to ventures which bring together research bodies, universities, local institutions and industry. Specific measures should also be taken to encourage small firms to expand their research and development.

6.4.3. The need for appropriate technology is also widely felt in the Community's Mediterranean regions. Priority should therefore be given to programmes which bring together businessmen and research bodies from the Maghreb and from the EC Mediterranean regions to carry out parallel research, experimental and manufacturing activities both in the south of the Community and in the Maghreb. Such ventures are already underway in some parts of the Community. They should be assessed, improved, and extended.

6.4.4. All this calls for a major effort by the Community to include the Maghreb and its special needs in EC scientific and technological research programmes. In its 1991 Opinion on the Renewed Mediterranean Policy, the Committee put forward an interlinked series of proposals, which could be put into practice first in the Maghreb.

6.5. Trade policy

6.5.1. Development of Maghreb exports to the EC has been impeded by the Community's concern to defend, in particular, its agriculture and textiles and clothing industries.

6.5.2. Tariff concessions for Maghreb agricultural exports have been much more than offset by tariff quotas, time limits, reference prices, and other constraints imposed by the Common Agricultural Policy. The 1986-87 protocols provide no real solution and perpetuate the present situation.

6.5.3. In the case of industrial goods, and more especially textiles, voluntary restraint agreements call on the Maghreb to renounce the exercise of advantages offered under the cooperation agreement. The effect of this new approach has been not only to curb textile exports to the EC but also to discourage capital invest-

ment in the textile and other sectors, because of fears that further restrictive measures will be applied.

6.5.4. In its earlier Opinions⁽¹⁾, the Committee provided ample evidence that improved access of MNC products to the Community market would require a new form of development in the southern parts of the Community, and a joint development policy under which competition would be replaced by complementary relations and synergy.

6.5.5. 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 1987-89 additional protocols — simply crystallizes existing imbalances and offers the MNC no prospect of development (see Point 5 of the 1989 Report). 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 earlier Opinions.

6.5.6. The Committee has endorsed the Commission's goal of giving MNC industrial products (including textiles and clothing) freer access to the Community. The Committee has already called for an end to voluntary restraint agreements, provided that the EC (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).

6.5.7. The Maghreb countries urgently need to earn more hard currency from exports to the Community and the industrialized world generally. This need could decrease if a regional common market were established. The Community could make this a condition for further concessions for Maghreb exports.

6.5.8. The Committee confirms its view that technical support for the improvement of MNC export facilities should be stepped up. The Committee repeats its

⁽¹⁾ OJ No C 168, 10. 7. 1990.

call for the setting-up of an agency, run jointly by Community and MNC operators, for the commercial promotion of Mediterranean products. The Community should promote and support an initiative of this kind.

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

6.5.10. The Commission Communication states that the creation of an open EC-Maghreb economic area will be a major ultimate objective of the Euro-Maghreb agreements. This objective was included in the Lisbon European Council declaration.

6.5.10.1. It is in general terms unquestionable that this long-term objective will help anchor the Maghreb to Europe, but the Communication's reasoning is somewhat puzzling.

6.5.11. Firstly, it is strange to argue that the prospect of a free trade area will lend impetus and credibility to the anchoring of the Maghreb to Europe, and act as a catalyst for businesses and the population in general, rather as the prospect of 1992 has done since 1985.

6.5.11.1. Quite apart from the fact that today's Maghreb cannot be compared with a European Community which in 1985 had already existed for nearly three decades, and that a much longer-term timescale should therefore be envisaged in order to avoid damage to the Maghreb's economic and productive system, such a claim would be interpreted by the general population and businesses as gesture politics rather than a genuine move towards Euro-Maghreb integration. Measures lending 'impetus' and 'credibility' to the Community's political commitment to the free-trade objective might perhaps be devised in more immediately practicable and relevant areas.

6.5.12. The Communication (and the European Council declaration) speak of establishing a free trade area in stages, but there is no indication of the sort of

timetable envisaged for the transition period. This makes the proposal imprecise and lends it even more of a public relations aura. The Committee stresses that if damage to the Maghreb's economic and productive system is to be avoided, the transition period must be far longer than the ten years normally applied between countries with more comparable levels of development.

6.5.13. It is stated, and repeated in the European Council declaration, that Morocco is the preferred starting point for progress towards free trade, because it has already expressed an interest. This statement is equally perplexing. Not only does it clash head-on with the European Parliament's recent confirmation of the freeze on the financial protocol with Morocco, but the idea of creating separate free trade areas with the individual Maghreb countries, with different timescales and possibly different institutional arrangements, lacks credibility.

6.5.13.1. In the first place, because liberalization of a single country's trade with Europe would hamper dismantlement of tariff barriers within the AMU, and would therefore make the prospect of an internal Maghreb market — the primary objective — more distant.

6.5.13.2. Secondly, because a piecemeal approach by the Community would simply exacerbate a pointless contest between the Maghreb countries as to who is 'most European' or 'most liberal', with the probable outcome of an even deeper division between the Maghreb as a whole and Europe.

6.6. *Financial cooperation*

6.6.1. The limited sums thus far allocated to financial cooperation have inevitably produced extremely modest results, as measured against needs and objectives.

6.6.2. Without a rapid reshaping of the financial position of the Maghreb nations, their economic and social situation will continue to deteriorate. This will encourage extremism and isolationism, fuelling regional insecurity and undermining — perhaps fatally — the foundations of a future joint Euro-Mediterranean strategy.

6.6.3. One basic precondition for a resurgence of Maghreb economic development and growth is an expansion of external financial flows. The Committee has already endorsed the proposal to increase total development aid (EC and Member States) to 1 % of Community GDP with 0,25 % going to Central and

Eastern Europe, 0,25 % to the Mediterranean nations, and the remaining 0,50 % to the other developing countries. The Delors II package offers a significant first step in this direction by envisaging a doubling of EC external policy resources by 1997. This doubling should, however, provide an opportunity for a more balanced Community aid budget, apportioned as mentioned above.

6.6.4. The European Community, for its part, should not focus exclusively on Central and Eastern Europe; its foreign policy should accord the Mediterranean, particularly the Maghreb, the importance it deserves.

6.6.5. The Communication refers to the Maghreb's enormous financial requirements over the next two decades. The Commission, however, intends to discharge its responsibility for contributing to this investment effort without substantially amending the Renewed Mediterranean Policy's programmes and financial resources, at least before 1996.

6.6.5.1. It is consequently necessary to repeat the criticisms made in the Committee's 1991 Opinion on the Renewed Mediterranean Policy, with regard to both the content and methods of the cooperation initiatives (financial protocols, risk capital, support for economic reform, horizontal cooperation, EIB involvement, etc.) and the level of funding.

6.6.5.2. In particular, the Committee stresses the need for closer coordination of individual Member States' financial cooperation policies with the Maghreb countries. This should be achieved within the framework of the Community's new, post-Maastricht foreign policy, and on the basis of dialogue with the AMU Member States.

6.6.6. The only innovative proposal in this area is the establishment of a Euro-Maghreb development bank. The Committee is pleased that the Commission supports proposals made by certain Community governments almost three years ago and consistently endorsed by the Committee. However, it cannot but note the narrowness of the current proposal, in contrast with the original one which covered not only the Maghreb but the entire Mediterranean basin. It is felt, for obvious reasons of coherence with the Mediterranean approach, that an instrument of this kind should possess a wider dimension: indeed, in the light of the recent resumption of the Euro-Arab dialogue and cooperation with the Gulf Cooperation Council countries, it should

serve to channel funds from the oil-producing countries to a development scheme covering all the Mediterranean and Middle East.

6.6.6.1. The Commission should therefore promote the setting up of a Mediterranean and Euro-Arab development bank in which the European, Arab, and other Mediterranean countries would participate. The bank would remain open to broader international participation.

7. The social aspect of co-development policy

7.1. The social chapter of the 1976 agreements has so far remained a dead letter. Despite the problems raised by Maghreb emigration and the outlook for the single market, this area is still governed by Member States' national legislation and bilateral agreements.

7.2. After a number of years during which the social dimension virtually vanished from EC texts on Mediterranean policy, both the Commission Communication and the European Council Declaration assign a significant place to cooperation in the social sphere. However, these two documents limit themselves to migration (discussed below), and demographic growth. Proposals on the latter issue go no further than strengthening Community support for birth control policies.

7.3. As the Committee said in its November 1991 Second Additional Opinion on the Community's 'overall Mediterranean Policy', the Community should take a broad range of steps to develop the social dimension of its Mediterranean co-development policy, inter alia:

- placing employment at the centre of cooperation policy;
- emphasizing enhancement of human resources, particularly through training;
- preventing disparities in social and working conditions from breaching the fundamental social rights of workers. The Commission is therefore urged to draw up a social protocol, applicable to all MNCs, embodying clauses upholding respect for social and trade union standards, in accordance with ILO Con-

ventions. In the Maghreb context the AMU should be encouraged to adopt a charter of fundamental social rights for workers, based on the Community's Social Charter;

- building up a modern labour relations system throughout the Mediterranean basin;
- promoting the involvement of social and economic interest groups in the implementation of Mediterranean policy at all levels, i.e. local, regional, national and Community. In this context, the Committee would repeat the recommendation that MNC and Community economic and social interest groups be mandatorily consulted before any decisions are taken on programmes pursuant to co-development policy.

7.3.1. The Commission and the European Council have failed, in particular, to develop the last three types of action — which are, in the Committee's view, vital.

8. Migration

8.1. Migration continues to present both sides with a major challenge. In the Maghreb, the twin issues of employment and growth, set against a backdrop of demographic change which will remain in its initial phase for another twenty years, are highlighting the limitations of the development strategies put into place immediately after independence. In the EC, where the Member States have so far dealt with migration on a national basis, there is a risk that the Single Market may institutionalize discriminatory social and legal conditions for non-EC nationals resident within the Community. In addition, the growing pressure to migrate from the countries of the Southern Mediterranean combines with the constant pull exercised by the foreign labour requirements of Europe's black economy to keep illegal immigration at a high level.

8.2. At the recent meeting of EC-Maghreb economic and social interest groups, the Maghreb trade unions recognized that in their home countries, migration has been not so much a force for economic development as a cause of wastage of human resources, economic imbalance and dependence on the countries to which the migrants move. By exporting workers en masse, in exchange for the part of their wages which they send home, the Maghreb countries have adopted a short-sighted economic approach and come to rely on the remittances of their migrant workers. This inward flow

of money has had a purely inflationary impact, since it does not stem from any form of production, and is spent in a way which in the final analysis does not help the supply side of the economy. The disproportionate importance of these flows to their balance of payments makes the Maghreb countries literally dependent on remittances from migrants, at a time when these migrants are increasingly affected by unemployment or are approaching retirement age, with the result that they can send less money home. Mass emigration of workers — generally from the countryside — has disrupted rural society and its economy; it has accelerated the exodus and, because it leads to an economy based on remittances from abroad and not on production, has failed to resolve the employment problem.

8.3. The Committee nevertheless considers that migration from the Maghreb to the Community will be a fact of life for some time to come. An appropriate policy must therefore be devised. The time seems ripe for an agreement between the Community and all the Maghreb countries setting out joint undertakings on curbing migration pressures, on regulating and controlling flows and on social security for migrant workers.

9. Democracy and human rights

9.1. The Declaration approved by the European Council lays heavy stress on a common commitment to respect for international law and the resolutions of the United Nations Security Council; to respect for human rights and fundamental freedoms in civil, political, economic, social and cultural matters; to the establishment of democracy; and to tolerance and co-existence between cultures and religions.

9.2. The Committee strongly backs this approach, which is based on the March 1991 Commission Communication on human rights, democracy and development cooperation policy, and on the subsequent Council Resolution.

9.2.1. A similar line was adopted in the Resolution which the European Parliament adopted in January 1992 when it voted the financial protocols with the Mediterranean countries. The Resolution urged the introduction of a democratic and human rights clause.

9.3. The Committee is pleased that the Commission intends to incorporate the human rights and democracy dimension into the forthcoming Euro-Maghreb agreements. In any event, it hopes that protocols reflecting the clause requested by the European Parliament will be drawn up as soon as possible so that they can be applied to current cooperation activities.

9.4. The Committee further notes that the common commitment signalled by the European Council implies appropriate action by the Community and the Member States, especially on immigrants' rights and to combat racism and xenophobia.

9.5. The Committee is also convinced that imposing conditions upon financial cooperation is not enough to make the democracy and human rights dimension a reality. The Community must implement an active policy of support for human rights and democracy in Mediterranean countries, beginning with the Maghreb.

9.6. The Committee therefore welcomes the Commission's proposal to provide technical and financial support for human rights programmes based on initiatives by local associations working in this field, in addition to the democratic reforms undertaken by governments.

9.7. The Committee would nevertheless stress that similar efforts must be put into developing economic democracy and in particular into promoting and supporting autonomous, socio-economic democratic structures. Inter alia, this will make it possible to avoid implementing the co-development policy exclusively through State-centred channels. The strengthening of democracy and a broader role for economic and social interest groups should be one of the main instruments for promoting democracy in the Maghreb countries.

10. Dialogue and the role of the economic and social organizations

10.1. The above-mentioned goals and substance of revamped Euro-Maghreb cooperation require the EC and the AMU to take immediate steps to strengthen and institutionalize an organized partnership and ongoing dialogue, on economic, political and cultural matters of joint interest. In this connection, initial moves could be made towards the establishment of the Mediterranean Forum long advocated by the Committee.

10.1.1. The cultural side of EC-AMU dialogue is also very important. The Commission Communication and the European Council Declaration both highlight this aspect and make specific proposals, with the emphasis on young people, university students and staff, scientists and the media. This fills a significant gap in the Renewed Mediterranean Policy, which was identified at an earlier stage by the Committee.

10.1.2. Earlier ESC Opinions on the Community's Mediterranean Policy concentrated on economic and social dialogue. The Committee endorsed the Commission's proposal to develop the dialogue on sectoral matters such as agriculture and energy, and on wider matters such as the environment and migration. It reiterated the view of the 1989 Opinion that sectoral dialogue should be underpinned by proper instruments and bodies such as a Mediterranean forum and joint institutions. At all events, such dialogue should lead to common guidelines on sectoral policies which will form the basis for subsequent sectoral agreements between the Community and the Maghreb countries constituting a first step towards wider agreements with the other MNCs.

10.2. The Committee therefore welcomes the inclusion of most of these points in the Commission Communication and the European Council Declaration. It is particularly pleased that for the first time, the Declaration expresses the hope that the EC-Maghreb dialogue will, in addition to the governmental level, 'as soon as possible extend to elected representatives and the social partners'. This is the first time that this particular point, espoused by the Committee in its earlier Opinions and highlighted at the April 1992 meeting of economic and social interest group, has been explicitly accepted. It is, however, regrettable that no mention is made of the central role which the Committee could play in this area.

10.3. The establishment of an EC-AMU economic and social council would be a great help here. Involvement of the socio-economic organizations would help to put the dialogue on a broader footing and thus facilitate an in-depth consideration of ways and means to secure economic and social complementarity between the two regions.

10.4. Given the need to enhance economic democracy and promote dialogue between everyone involved in EC-Maghreb co-development, it is necessary (i) to pursue the dialogue launched at the meeting of representatives of AMU and EC economic and social interest

groups, and (ii) to strengthen the links between the ESC, the European socio-economic organizations, and their AMU counterparts.

10.5. The Committee would reiterate that these meetings should be put on a regular and permanent footing, with a view to their inclusion in the possible institutionalization of EC-Maghreb cooperation.

11. Towards a new EC-AMU contractual framework

11.1. The Commission's pragmatic attitude regarding the AMU, reflected in its aim to continue the EC-AMU dialogue 'as political circumstances allow', is convincing. But the need and the opportunity for the Community to play a positive, active role at the political level must not be overlooked.

11.1.1. At all events, the strengthening of contractual agreements with Algeria, Morocco and Tunisia must not delay the institutionalization of EC-AMU relations and, in particular, must not herald a 're-nationalization' of the global Mediterranean policy.

11.2. The establishment of joint EC-AMU co-development bodies would be the first step towards the setting-up of a Mediterranean cooperation council.

11.3. Steps should be taken in the short-term to draw up an EC-AMU Convention or, if the AMU is not yet ready, a Convention with all those Maghreb countries with which the Community has agreements. This Convention should be a first step towards replacing bilateral agreements by an overall Mediterranean Convention (or Treaty) embracing specific development agreements (or contracts), as the Committee and Parliament have repeatedly suggested.

11.4. The Committee believes that with a view to new EC-Maghreb relations it would be useful to conclude, at least on an experimental basis, a number of development agreements (or contracts), of the types previously suggested by the Committee.

11.5. In any case, the Committee believes that the current Financial Protocols should be replaced by a better instrument when they expire.

Done at Brussels, 24 September 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

**Opinion on the proposal for a Council Decision on the Protection
of Young People at Work⁽¹⁾**

(92/C 313/19)

On 1 April 1992, the Council decided to consult the Economic and Social Committee, under Article 118A 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 10 September 1992. The Rapporteur was Mr van Dijk.

At its 299th Plenary Session (meeting of 24 September 1992) the Economic and Social Committee adopted the following Opinion by a large majority, with 28 votes against and 5 abstentions.

1. General comments

1.1. Subject to the points which follow, the Committee welcomes the proposal for a Council Directive, which generally conforms to the principles and provisions set out in the Social Charter (points 20 to 23) and to the views expressed by the Economic and Social Committee in its Opinions on Basic Community Social Rights and on the Organisation of Working Time⁽²⁾.

1.2. The question of child labour and the need to protect the health and safety of young people at work have long been considered illustrative of the degree to which society is committed or not to civilised standards of well-being and to basic human rights. It is altogether appropriate, and not before time, that the European Community should endeavour to ensure basic EC-wide provisions in this field, respectful of the national authorities' role and prerogatives.

1.3. In attempting to strike a 'fair balance' between the 'definition of a basis of minimum (EC) provisions' and the 'necessary flexibility' required by Member States to pursue their own national employment practices and traditions (see 5th 'Whereas' and Article 3.3), the Commission has, however, introduced an excess of loopholes and derogations. The Committee would draw the Commission's attention to the fact that the ILO has drawn up standards in this regard which are sometimes stricter. The proposal should make it clear that national authorities are free to choose the form and methods for implementing the proposal and that more stringent national measures can be maintained or introduced; but this should not require the Commission to leave too many loose ends as regards the results to be achieved. Nor should there be any implicit condonation of 'traditional' forms of parallel or undeclared employ-

ment of children and adolescents, especially in the light of the Council Directive 91/533/EEC on contracts/employment relationship⁽³⁾, applicable also to the employment of young people.

1.4. The Commission proposal might, on the other hand, stress a little more the benefits in terms of developing human resources. There can also be sound economic sense in banning child labour, investing much more in youth education and training, and having less recourse to premature and unskilled forms of precarious employment for young people. Today's youth is tomorrow's generation. Well-educated young people will mean a well-educated generation more capable of matching the changing needs of a modern European labour market.

1.5. At the same time, it is vital to address in unison the occupational health risks and accidents at work involving young people. The Committee is indeed alarmed that young people have twice as many accidents as adults during their first year of work, and that there is direct correlation between the number of site accidents and the skill level of young trainees⁽⁴⁾. It is likewise worrying to ponder the number of undeclared accidents and illnesses involving children working, or being forced to work, in the 'black economy', or in the grey zone of 'seasonal' or 'traditional' jobs and services. Closer monitoring by the Commission, more hard data from national authorities and tighter regulation in this area are all called for as an accompaniment to the proposed Directive.

1.6. The Committee assumes that the provisions of the proposed Directive do not conflict with compulsory education provisions in the Member States.

⁽¹⁾ OJ No C 84, 4. 4. 1992, p. 7.

⁽²⁾ OJ No C 126, 26. 5. 1989 and OJ No C 60, 8. 3. 1991.

⁽³⁾ OJ No L 288, 18. 10. 1991.

⁽⁴⁾ See COM(91) 543 final — SYN 383, Explanatory Memorandum, point 7.

2. Specific comments

2.1. Legal basis — Article 118a

2.1.1. The subject matter and proposed Directive are indisputably about the working environment and health and safety at the work place. The legal basis proposed is therefore appropriate.

2.1.2. After the 2nd 'Whereas', concerning SMEs under paragraph 2 of Article 118a, it might also be useful to refer to paragraph 3 of the same Article in order to stress that Member States can maintain or introduce 'more stringent measures' than the minimum basis proposed for the protection of young people at work.

2.2. 9th 'Whereas'

In addition to citing the Social Charter and then the resolution of the European Parliament, the Commission might also consider referring to the Economic and Social Committee Opinion on Basic Community Social Rights, which specifically addressed the question of child labour⁽¹⁾, and to the Opinion on the Organisation of Working Time, which called for an EC-wide ban on night working by young people⁽²⁾.

2.3. Article 1

This Article stipulates that the Directive shall not apply to those working for their family. The Committee, however, takes the view that this limitation should not affect the provisions (Articles 5,6 and 7) in the fields of safety and health; those provisions of the Directive are indeed applicable to work of an economic kind for a family.

2.4. Article 2

2.4.1. In point (a), the Commission might usefully refer to the afore-mentioned Council Directive 91/533/EEC concerning an 'employment relationship'.

2.4.2. The definition of 'light work' under point (d) should be further clarified and tightened up, e.g. in relation to Article 3.2 (c). 'Light work' has not been adequately defined. It would be better to include in the Annex a comprehensive, but not exhaustive, list of activities which do not qualify as light work. The list could be amplified by case law, and by collective bargaining.

2.5. Article 3

2.5.1. The Committee welcomes the general objective in Article 3.2 to prohibit child work. Derogations should be the exception, not the rule.

2.5.2. Work-training schemes and apprenticeships, under 3.2 (b), require closer scrutiny in terms of health and safety and working conditions commensurate with age, especially for the significant number of dubious low-skilled or unskilled work experience placement schemes which some Member States have resorted to in order to 'reduce' official youth unemployment statistics. The Committee would again stress the need for quality training under better and safer conditions (jointly monitored for example by the social partners and by the appropriate authorities) in order to turn out young workers properly equipped to match the changing needs of a modern European labour market.

2.5.3. Children being able to perform 'light work' under Article 3.2 (c), needs to be looked into again in consideration of point 2.4.2 above. However, the minimum age laid down in Article 3.2(c) should be 14.

2.5.4. Article 3.3 of the Directive should be deleted. This can be done because Article 3.2(c) allows for children to perform 'light work'. As recommended in 2.4.2 above a negative list of activities which do not qualify as light work should be annexed to this Directive.

2.6. Article 4

The derogations allowed under Article 4 should be clarified, taking account of the frequency and duration of the activities. Moreover, the equivalent of the English term 'employment' (always meaning paid work) must be used in all language versions of the Directive.

2.7. Article 5

2.7.1. Amongst the work-related 'risks' indicated in Article 5.2, of which a 'non-exhaustive' list is set out in Annex I, the Commission should add that of young people being put at potential risk by having to work with, and handle, significant sums of money.

2.7.2. The Committee feels that young people should be fully informed as to the possible consequences of

⁽¹⁾ OJ No C 126 , 26. 5. 1989, op. cit., point IIIB, 8th indent.

⁽²⁾ OJ No C 60, 8. 3. 1991, op. cit., point 1.13.

their work for their health and safety before they start work. This should be clarified beforehand, rather than being evaluated after the event.

Clarification as to how the Directive would apply is required as regards:

- an existing job formerly held by an adult and now to be occupied by a young person. A study must be carried out of the consequences for the young people's health and safety; this may be done on the basis of accumulated experience;
- an existing job already being done by a young person; Article 6 of the Directive applies;
- a new job to be done by a young person. A prior study must be carried out of the possible risks for young people.

2.8. Article 6

The exceptions allowed under the second part of this Article should be clarified. In the Committee's view they are only possible in the case of training agreements. Moreover, the expression 'essential' should be defined in order to meet the needs of vocational training. Provided that supervision and expert guidance are referred to, the Committee endorses this Article, although it is aware of the consequences for SMEs.

The medical surveillance referred to in Article 6.3 must be guaranteed for all young workers and not just for those exposed to risks, in order to avoid any possible effect on the health and development of young people.

2.9. Article 7

This Article should be redrafted as follows:

'Without prejudice to the provisions of Directives 80/1107/EEC and 91/322/EEC, young persons shall not be allowed to perform activities where the evaluation has revealed a risk of exposure to agents and procedures envisaged by Annex II which would put the young person's safety or physical or mental health in jeopardy.'

Account should also be taken of the young person's moral well-being.

2.10. Article 8

2.10.1. The Commission might note that three hours 'light work' plus the normal six hours of full-time compulsory education per day amounts to nine hours, one hour more than the ceiling proposed. The Committee in any case considers as excessive the three hours

of 'light work', under Article 8.1, which young people who are in full-time education could be expected to perform on a school day. The proviso that this should not 'prejudice' their attendance or their capacity to benefit from school instruction is vague and weak (how does homework fit in for instance?). The Article should also cover young people in training establishments. The total hours of attendance at school plus post-school work for young people may not exceed 8 hours a day and 40 hours a week.

2.10.2. Article 8.4 should be deleted.

2.10.3. A new paragraph should be added to Article 8 forbidding Sunday work by children and stipulating that young people may only work on Sundays under supervision and in accordance with school-apprenticeship agreements.

2.11. Article 9

The Committee considers ILO Conventions 79 and 90 preferable in approach to the current draft Commission text on night work of young persons. It would suggest that Article 9.1 be revised to read as follows:

'Without prejudice to the provisions of Article 4, children under 15 years of age (or adolescents if they are subject to full-time compulsory school attendance or training) shall not be employed or work at night during the 12 consecutive hours between 8 p.m. and 8 a.m. Adolescents between 15 and 18 years of age shall not be employed or work at night during the 8 consecutive hours between 10 p.m. and 6 a.m.'

Exceptions to this ban on night work should apply solely to adolescents, subject to the following conditions:

1. under compulsory training agreements;
2. the adolescents must be supervised.

However, there remains a total ban on work by adolescents between midnight and 4 a.m.

2.12. Article 10

Following the ILO example, the rest time for children under 15 years of age should be at least 14 consecutive hours during each 24-hour period. A rest time of 12 consecutive hours for adolescents between 15 and 18 years of age would seem reasonable.

2.13. Article 12

There is a need to distinguish between a 'rest period'

as such, after four and a half hours consecutive work, and a pause or interruption during the working period.

2.14. Article 14

The Committee considers that the sanctions envisaged for non-compliance with the Directive require closer

definition and EC-wide scrutiny procedures, taking account of Articles 169 and 170 of the Treaty.

2.15. Article 15

Adjustments to Annexes I and II should also include revision along the lines suggested in point 2.7 above (Article 5).

Done at Brussels, 23 September 1992.

The Chairman
of the Economic and Social Committee
Michael GEUENICH

APPENDIX

to the Opinion of the Economic and Social Committee

The following amendment which received at least a quarter of the votes cast, was defeated during the discussion:

Delete entire Opinion and substitute:

1. The Committee fully supports the Proposal from the Commission for the protection of young people from working and employment conditions which might damage their health, safety and development.
2. The Committee believes it to be of the utmost importance that the application of the proposed Directive should not inhibit established patterns of on-the-job training and apprenticeship for young people who have left school nor render unlawful part-time activities of relatively short duration traditionally undertaken by young people in their own neighbourhoods for reward. The range and diversity of these is such as to necessitate the ability for Member States to prescribe appropriate derogations from the operative provisions of the proposed Directive, in accordance with the principle of subsidiarity.
3. Accordingly the Committee welcomes the fact that the proposed Directive is drafted to reflect the substance of its fifth and fifteenth provisos. These call for a balance to be struck between minimum protection provisions and the necessary flexibility of employment and working conditions and suggest that derogations from the limitations imposed by the Directive are essential provided that they do not prejudice the underlying protective principles.'

Result of the vote

For: 38, against: 66, abstentions: 2.

Opinion on the proposal for a Council Decision amending Decision 89/631/EEC on a Community financial contribution towards expenditure incurred by Member States for the purpose of ensuring compliance with the Community system for the conservation and management of fishery resources⁽¹⁾

(92/C 313/20)

On 18 May 1992 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Economic and Social Committee decided to appoint Mr Silva as Rapporteur-General for its Opinion.

At its 299th Plenary Session (meeting of 24 September 1992), the Economic and Social Committee unanimously adopted the following Opinion.

1. Introduction

1.1. The proposal seeks to amend Council Decision 89/631/EEC⁽²⁾. This Decision gave the Community the power, until 31 December 1991, to contribute towards expenditure incurred by Member States in enforcing fishery conservation measures in the Mediterranean pending the adoption of EC rules applicable to that area.

1.2. Since common rules for Mediterranean waters have still not been adopted, the present proposal seeks to allow the Community to continue to contribute financially towards Member States' conservation programmes, until such rules are adopted.

⁽¹⁾ OJ No C 138, 28. 5. 1992, p. 10.

⁽²⁾ OJ No L 364, 14. 12. 1989, p. 64

2. General comments

2.1. The Committee approves the Decision.

2.2. However, whilst appreciating the complex and diverse circumstances involved, the Committee regrets that it has not yet proved possible to establish a common legal framework allowing balanced, rational exploitation of the fishery resources of the Mediterranean.

2.3. The Committee⁽³⁾ reiterates the need for an appropriate policy for the conservation and management of fishery resources. This key plank of the Common Fisheries Policy is essential for the survival of the fisheries sector and the communities which depend on it, and thus of the socio-economic fabric of the Community's coastal regions.

⁽³⁾ OJ No C 339, 31. 12. 1991; OJ No C 223, 31. 8. 1992.

Done at Brussels, 24 September 1992.

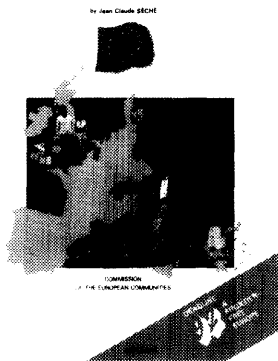
*The Chairman
of the Economic and Social Committee*

Michael GEUENICH



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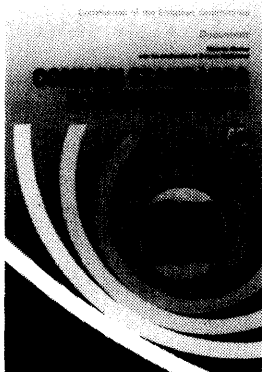
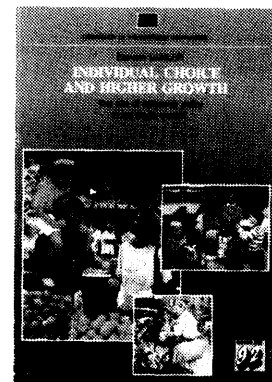
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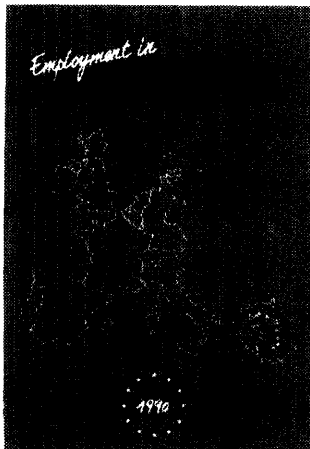
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