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## Information and Notices

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## II

*(Preparatory Acts)*

## ECONOMIC AND SOCIAL COMMITTEE

**Opinion of the Economic and Social Committee on the 'Proposal for a Council Directive amending Directive 92/79/EEC on the approximation of taxes on cigarettes, Directive 92/80/EEC on the approximation of taxes on manufactured tobacco other than cigarettes and Directive 95/59/EC on taxes other than turnover taxes which affect the consumption of manufactured tobacco' <sup>(1)</sup>**

(98/C 410/01)

On 3 July 1998 the Commission decided to consult the Economic and Social Committee, under Article 99 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Economic, Financial and Monetary Questions, which was responsible for preparing the Committee's work on the subject, appointed Mr Noordwal as rapporteur working alone.

At its 358th plenary session of 13, 14 and 15 October 1998 (meeting of 15 October), the Economic and Social Committee appointed Mr Noordwal as rapporteur-general and adopted the following opinion by 91 votes to one, with four abstentions.

### 1. Summary of the Commission's text

1.1. The proposal's aim is to make a few technical changes to the basic directives concerning taxes on cigarettes (92/79/EEC) and other tobacco products (92/80/EEC) and to the directive on taxes other than turnover taxes levied on manufactured tobacco (95/59/EC).

1.2. In particular it seeks to allow the member states greater leeway when applying excise duties, which must not be lower than 57 % of the retail selling price for the most popular cigarettes. This must, among other things, make it easier to fix these retail prices in the light of inflation and budget needs.

1.3. In addition the directive seeks to adjust the minimum rates for excise duties on cigars and other tobacco products (5 % of the retail price for cigars and cigarillos, 30 % for hand-rolling tobacco and 20 % for

pipe tobacco; or ECUs 9, 24 and 18 per kilo respectively and ECUs 10, 25 and 19 per kilo from 1 January 2001) to take account of inflation.

1.4. A review is to take place every five years (instead of every two years) as previously.

### 2. The ESC's comments

2.1. The ESC notes that the changes proposed by the Commission to the basic directives concerning the approximation of taxes on manufactured tobacco are of a basically technical nature.

2.2. No fundamental change is planned to the structure of taxation in the sector concerned.

2.3. The technical adjustments seek basically to improve the functioning of the single market and enable the member states to manage their excise duties on

<sup>(1)</sup> OJ C 203, 30.6.1998, p. 16.

cigarettes etc. bearing in mind their budget needs, their public health targets and the need to combat fraud.

2.4. The Economic and Social Committee therefore approves the proposal.

Brussels, 15 October 1998.

*The President*  
*of the Economic and Social Committee*  
Beatrice RANGONI MACHIAVELLI

**Opinion of the Economic and Social Committee on the ‘Proposal for a European Parliament and Council Decision establishing the second phase of the Community action programme in the field of education “Socrates”’**

(98/C 410/02)

On 15 September 1998, the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee’s work on this subject, adopted its opinion on 16 July 1998. The rapporteur was Mr Rodríguez García Caro.

The Committee decided to appoint Mr Rodríguez García Caro as rapporteur-general to draw up this opinion.

At its 358th plenary session held on 13, 14 and 15 October 1998 (meeting of 15 October), the Economic and Social Committee adopted the following opinion by 90 votes in favour with one abstention.

## 1. Introduction

1.1. The Economic and Social Committee issued two opinions on the first phase of Socrates. The opinion on the draft decision establishing Socrates was adopted by the Committee at its plenary session held on 27 and 28 April 1994. The second opinion, on the proposed amendment of the decision, was adopted by the plenary session on 28 May 1997.

In relation to the points put forward in both opinions, the Committee wishes to make the following comments:

- First of all, the Committee’s recommendations were well reflected in the design and development of the programme. Both the first phase and the proposal currently under examination contain aspects which the Committee advocated from the very outset.
- Secondly, some of the difficulties raised in the programme assessment were originally highlighted in the two earlier opinions. The inadequacy of the funds earmarked for the first phase, the information

and coordination problems which the Committee anticipated as a result of excessive decentralization and the need to ensure dissemination of the results, were all foreseeable pitfalls which have been borne out in the implementation of the programme.

The Committee trusts that its input will continue to be welcomed and that the difficulties encountered in the implementation of Socrates will be reduced to a minimum or ironed out completely.

1.2. The good results obtained in the first phase of the programme and the need to further pursue the mandate of Article 126 of the Treaty establishing the European Community, have prompted the presentation of this draft decision which has been submitted to the Committee for a mandatory opinion.

## 2. General comments

2.1. The Committee welcomes the draft decision and is pleased that the Socrates Community action programme is to be continued through the establishment of a second phase. On the threshold of the 21st century,

the Community will thus be encouraging and supporting a basic pillar of EU citizenship, in the shape of access to a high-quality education and training system which enables EU citizens to attain the level of skills and competitiveness required of them by society today.

2.2. The plethora of programmes and actions designed to achieve sometimes identical objectives requires considerable coordination and cooperation in order to ensure that the measures introduced and the related resources are applied efficiently.

Consequently, the Committee welcomes the move to promote joint actions with other Community initiatives geared towards improving knowledge.

2.3. In its opinion on the first phase of Socrates and in relation to the Socrates action aimed at the children of migrant workers, gypsies, travellers and persons with itinerant occupations, the Committee called for the children of refugees and asylum seekers to be explicitly included until such time as their legal situation was fully resolved. Examination of the annexes containing initiatives for the second phase reveals no such measures for these groups of people.

The xenophobic and racist attitudes which are widespread throughout EU Member States call for all possible efforts to be made to eradicate behaviour, customs and ideologies which contravene the most fundamental human rights. With this in mind, the definitive text of the decision should include a specific reference to refugees and asylum seekers in addition to the groups of people already mentioned, so that we may continue to strive for a Europe of human rights.

2.4. The decision should include specific provisions for upholding the principle of equal opportunities and positive discrimination when calculating the amount of financial assistance, as in the case of persons with disabilities. Particular emphasis should be placed on the need to introduce corrective mechanisms in the allocation of resources, to ensure that those with lower incomes are guaranteed higher levels of assistance and grants.

It is important to ensure that level of income does not form a barrier for people who wish to take part in a Socrates action.

2.5. The streamlining of procedures and structures introduced in the second phase of the programme should improve its management. The Committee supports this organizational and operational overhaul and trusts that it will serve to boost effectiveness and efficiency in Socrates as a whole.

However, these measures need to be underpinned by additional efforts to disseminate information on the programme to all persons who may be interested in Socrates actions. The European knowledge centres could prove an excellent tool for bringing together information and disseminating results.

2.6. Teacher and pupil mobility under the measures developed is one of the key components of the programme. According to Commission statistics, out of 4 million teachers in the Community, 60 000 have been involved in study visits abroad. The percentages are similar for pupils. However, the mobility figures for people involved in the programme shed no light on how many people have received assistance on more than one occasion.

Repeating a comment made in its last opinion on the programme, the Committee considers that the Commission and Member States need to introduce mechanisms to allocate and monitor funding so that the greatest possible number of people are able to have access to Socrates, ensuring that assistance is not monopolized by specific individuals or institutions.

2.7. The Committee takes the view that the budget allocation earmarked for the second phase provides a certain degree of financial leeway to accommodate projects and assistance which may be requested under Socrates. The Committee's repeated recommendations for an increase in allocations to Socrates and the programmes preceding it, have thus been met.

The funding earmarked does not, however, seem overly generous, as it must be taken into account that the promotion of new initiatives within existing actions, the inevitable increase in the number of projects submitted, the easing of access to the programme for non-Community European countries, and the need to meet the expectations raised by Socrates in the educational community, may mean that the financial allocation will not satisfy the demand generated.

2.8. Turning to the relationship between the financial resources available and the requests for project funding, the Committee restates its preference for quality over quantity. Socrates has consolidated its position and is widely acknowledged for the work it carries out. Its priority concern should not, therefore, be the number

of projects approved, but rather the quality of these and their future benefits for the educational community.

One of the key aims of this new phase is to improve the dissemination of project results. This means seeking high-quality projects that receive adequate financing, and disregarding quantity as an assessment criterion.

2.9. The use of new communication technologies should receive sufficient support through the programme's actions. The Committee agrees with the proposal's emphasis on the use of multimedia for educational purposes.

In relation to multimedia educational software, the Committee opinion on the Commission Communication: Review of reactions to the White Paper 'Teaching and learning: towards the learning society' pointed out that the time had come for the Community as a whole to commit itself to the use of European multimedia educational tools, providing teachers with additional training in new technologies so that they could deploy and teach these new tools.

Socrates provides an opportunity to put these ideas into practice. The framework of measures which it contains gives reason to be optimistic that new technologies will be widely implemented in education and training.

2.10. The Committee welcomes the fact that the programme allows for the widest possible variety in the submission of education-related projects. The Committee feels that the wide access offered, and the flexible structure of the actions covered, will allow the programme to adjust and open up to innovations during its life span.

2.11. The Committee urges Member States to play a synergic role in this Community effort to support the European dimension of education and promote quality education. Without the active involvement of Member States, the programmes will not be able to reach their target public. Improving information, removing the obstacles to participation by fostering the recognition of experience and qualifications, and making it easier to disseminate project results throughout the country, are some of the measures which Member States need to introduce.

2.12. The Committee calls the Commission's attention to the interest aroused in civil society by the Socrates programme. It is therefore necessary in this new phase of the programme to involve the socio-economic players more closely in its implementation.

### 3. Specific comments

3.1. The Committee opinion on the draft decision amending Decision 819/95/EC establishing the Socrates programme called for the funds allocated to Comenius to be increased as far as possible.

The Committee recommends that sufficient resources be allocated to this action, as it is targeted at the most receptive EU population group, namely school pupils, and will thus have a heightened impact.

3.2. Mobility is one of the cornerstones of the broad Socrates programme and it is implemented mainly through the Comenius, Erasmus and Lingua actions. The physical mobility of teachers and pupils could be complemented by virtual mobility for the educational community through new technologies applied to multimedia.

The Committee supports any initiative which uses multimedia to boost the mobility of EU citizens. Mobility-related activities provide the key to knowledge and understanding of the daily life and culture of a diverse Europe.

3.3. The Committee welcomes the Grundtvig action for two main reasons.

First of all, the Committee supports the idea of introducing an action for those who have left school without acquiring a firm grounding of knowledge. In this context, innovation has a vital role to play in taking an imaginative approach to seeking flexible and informal ways of acquiring knowledge. This option is open to those wishing to begin or resume training after a period away from education.

Secondly, life-long training is essential for everyone in this changing society which places so many demands on the individual. The risks incurred by not possessing or failing to update knowledge in themselves justify actions designed to promote life-long education and training. In its opinion on the Report from the Commission on Access to continuing training in the Union, the Committee stressed the need to promote and encourage policies that facilitate access to life-long training. In keeping with this position, the Committee wholeheartedly supports the Grundtvig action.

3.4. On many occasions and in several opinions, the Committee has stressed the need to strengthen and

promote language-learning among EU citizens, and a number of recommendations and initiatives designed to boost language-learning have been put forward.

The Committee takes the view that the activities supported under Lingua should specifically include projects which promote bilingual or trilingual teaching by encouraging schools to arrange exchanges whereby teachers go abroad to teach school subjects in their mother tongue.

3.5. The second phase of Socrates includes an action described as 'observation of education systems and policies', the aim of which is to help make European education systems more transparent by exchanging information and experiences.

Presented in such a way, this action seems attractive and timely were it not for the similarities and overlaps which it appears to have with the Eurydice information network on education in Europe.

The Committee endorses the aims being pursued and feels that it is more judicious to widen the remit and activities of existing, consolidated bodies than to establish new bodies which require additional funding to get them up and running.

3.6. The activities eligible for funding under this action include the establishment of indicators and assessment of quality in education.

The Committee opinion on the Proposal for a Council recommendation on European cooperation in quality assurance in higher education supported such initiatives as a sure means of improving the end-product of the education system.

The proposal supported the establishment of a European Quality Assurance Network to conduct a number of tasks including:

- assistance to institutions wishing to cooperate in quality assessment and assurance in the Socrates thematic networks;
- creation of links between quality assessment and other activities under the Socrates and Leonardo programmes.

The draft recommendation also specified that the European Quality Assurance Network would be eligible

for financial assistance under the Socrates and Leonardo programmes.

The Committee supports the establishment and use of quality-assessment indicators dovetailed with quality-assurance methods and therefore welcomes activities of this nature in the Socrates programme. However, the Committee is surprised at the failure to include the European Quality Assurance Network among the programme's activities, when the network could well provide the driving force behind the dissemination of quality assurance and facilitate the use of its methods.

3.7. Another activity covered by the 'education observation' action relates to the financing of studies and projects on the recognition of diplomas and qualifications. This activity also overlaps with those of the Community network of national academic recognition information centres (Naric).

3.8. The 'new innovatory initiatives' covered by the Observation and Innovation action look very promising in terms both of their approach and of their flexible arrangements for financing projects that foster innovation. The flexibility of the action means that it may be subsequently adapted to include innovatory initiatives emerging during the period covered by the programme. The Committee strongly supports this action.

3.9. Synergy between the various programmes relating to knowledge in all its shapes and forms is desirable from both an operational and practical point of view in order to make best use of the resources on offer.

The Committee supports the aims of the Socrates joint actions, and urges that possible calls for common proposals also involve activities under European Social Fund programmes for adult education.

3.10. Lastly, the Committee feels it appropriate that the programme's accompanying measures should include Socrates dissemination activities in those regions of the EU which submit fewer projects and request less assistance both quantitatively and proportionally. The success of Socrates, in terms of fulfilling the objectives set, hinges upon the genuine, across-the-board participation of educational establishments throughout Europe.

3.11. The Committee agrees that the programme should be more open to SMEs. It recommends that the programme should, from the outset, allow for closer

cooperation between the educational world and business, especially SMEs and the craft industry.

Brussels, 15 October 1998.

*The President*  
*of the Economic and Social Committee*  
Beatrice RANGONI MACHIAVELLI

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**Opinion of the Economic and Social Committee on the 'Proposal for a Council Decision establishing the second phase of the Community vocational training action programme "Leonardo da Vinci"'**

(98/C 410/03)

On 15 September 1998 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 16 July 1998. The rapporteur was Mr Vasco Cal.

At its 358th plenary session (meeting of 15 October 1998), the Economic and Social Committee appointed Mr Cal as rapporteur-general and adopted the following opinion unanimously.

## 1. Introduction

1.1. At the end of May 1998 the Commission presented a proposal for a Council decision establishing the second phase of the Leonardo programme, to run from 1 January 2000 to 31 December 2004 (five years, like the present programme). The proposal was submitted in conjunction with proposals for the second phase of the Socrates and Youth programmes, and the Commission took advantage of this to use the same wording for many articles in the decisions, even though they involve separate pieces of legislation. Unfortunately the Committee's meeting schedule prevented it from setting up study groups to consider these proposals, and it appointed rapporteurs-general for the three opinions.

1.2. The Commission's proposal for the second phase of the Leonardo programme is based exclusively on Article 127 of the EC Treaty (pre-Amsterdam version). It proposes to reduce the programme's objectives from 19 to three, and the number of strands (3) and measures (19) to six, retaining or strengthening project types and the two selection procedures. As at present, the priorities

will be approved by the Leonardo committee, but in future they will cover a three-year period rather than just one year. The Commission proposes that there be a second call for programmes half way through the period. However, the selection process will remain annual. The proposed budget for the second phase is ECU 1 000 million, compared to ECU 620 million for the first phase.

1.3. The Commission also considers that more responsibility for organizing and managing actions and measures should be devolved to the Member States, through the use of a decentralized selection procedure based on 'indicative budgets' for each country. The centralized selection procedure at Community level would only be used for projects submitted by European organizations and networks, and demonstration projects for piloting European cooperation in innovative fields.

1.4. The results achieved during the first phase were discussed in an interim report which the Commission submitted on 23 July 1997<sup>(1)</sup>. At that stage, it was too

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<sup>(1)</sup> COM(97) 399 final.



early to give a definitive, detailed assessment of the programme's impact as the first projects only began to be operational at the beginning of 1996.

1.5. On the whole, project promoters feel that the results have been positive, although there has been criticism of the complex procedures, budget cuts and payment delays.

1.6. The external evaluation report, commissioned by the Commission and completed in March 1997, raises a number of worrying questions about programme management.

1.6.1. The Commission has a special unit for the operational management of the programme, with over 30 officials. It is also aided by a technical assistance office (TAO) in Brussels, and national coordination units (NCU) have been set up in the Member States. The annual operating costs of these bodies are high, at ECU 4,5 million for the special unit, 8,5 million for the TAO and 8 million for the NCU, with the latter coming from the sum allocated to the programme in part B of the budget. In other words, the equivalent of 14 % of the programme's annual budget is spent on running the programme. The Commission justifies this high percentage by citing the large number of activities, the varied nature of the strands, the annual calls for proposals, and the complexity of the evaluation and selection machinery. A similar situation must not be allowed to recur in the implementation of the second phase of the programme.

1.6.2. The external evaluation report also gives an estimate of the costs incurred by project promoters in presenting their proposals and adjusting them to financial constraints. Adding this rough estimate to the costs mentioned above, the report considers it reasonable to conclude that between 30 and 40 % of resources are used on managerial and administrative tasks (see point 4.9 of the report). The premises behind this figure are over-simple and the figure does not include the sums contributed by the partners, although their costs are included, as is expenditure on seminars organized by the TAO. The figure appears exaggerated, but it still draws attention to the ways the programme is managed.

1.6.3. Even more serious is the fact that the TAO's work is basically limited to contract management and knowledge of the financial and administrative details; it has insufficient direct contact with the projects, and is unable to actually assess them. A databank giving the products and results of earlier programmes can only be consulted at the TAO's multimedia centre.

1.6.4. The fact that the Commission departments have fewer resources than the TAO means that technical knowledge of the projects appears insufficient, the dissemination of good practice is limited and the

anticipated effects on the rest of vocational training activity are not sufficiently apparent. These impact-related aspects should be remedied in the second phase of the programme. Despite the large sums spent on administrative tasks, up-to-date information about the results of the projects receiving funding is not available on the Internet.

1.6.5. Since the drafting and publication of the March 1997 evaluation report, the programme has moved on from the launch stage, with some projects reaching finalization and products being created.

The projects are beginning to market products, and thematic and transnational promotional conferences are being held to mobilize promoters' expertise on key issues for vocational training policy. Furthermore, information on selected projects can be accessed more easily thanks to the publication of a CD-ROM compendium and the forthcoming launch of an Internet site offering the same information.

## 2. General comments

2.1. The Leonardo programme is supposed to provide an instrument for implementing an EU vocational training policy. Yet such a policy does not exist, and the Council has not yet shown any political will to define it. Consequently, the programme's influence on Member States' vocational training systems is limited, particularly in those countries whose systems are the most developed. It has a greater impact in smaller countries, and this aspect should also be borne in mind when planning the second phase of the programme, notably in the criteria for determining the financial allocations (Annex B).

2.2. The Commission proposes to simplify the selection process, while retaining two procedures. The emphasis will be on the decentralized procedure, conducted at national level, and there will also be a centralized one, at Commission level.

2.3. In view of the number of actions financed in the current programme, the positive results achieved in many of these, and the budget cuts which have obliged promoters to adjust their proposals, largely at the expense of the dissemination activities, it follows that the second phase of the programme should give greater priority to dissemination activities and should help to exploit more fully the positive results of the projects

financed during the present phase. This possibility should be offered to current promoters, so they can take greater advantage of the investment made; Article 5(5) (transitional measures) should be altered accordingly. This is the only way to ensure that the innovative effects of current Leonardo projects are felt more widely, and to capitalize on these effects during the next phase.

2.4. The physical mobility measures take up around half of the programme's budget. It is very important that practical steps be taken at EU level to overcome obstacles to mobility, which the programme's activities have also helped to identify. Such obstacles include the absence of a common contractual framework, mutual recognition of qualifications, and exploitation of the training acquired, the failure to certify and recognize skills, the lack of incentives for small firms and craft businesses, the lack of back-up instruments, linguistic problems, lack of information and communication, and the lack of placement mechanisms. For this reason the Committee endorsed the establishment of the 'Europass' for training, and supports the inclusion of specific measures to help SMEs in the second phase of the Leonardo programme.

2.5. In the area of accompanying measures, the Commission proposes to use the same administrative system as for the first phase. This means using technical assistance offices which will now be financed from the programme's overall budget (i.e. from part B of the budget). Aside from the comments made in point 1.6 above, this proposal merits a number of further comments.

2.5.1. It is difficult to understand the logic of proposing increases in the budget for implementing Community programmes while at the same time, on budgetary grounds, failing to increase (or even reducing) the number of Community officials responsible for them, and making increasing use of technical assistance bodies. This trend is not confined to the present programme, and has become widespread throughout the Commission departments.

2.5.2. In a field such as vocational training, where the social partners play an important role, greater use should be made of the technical skills which they can offer. The role of the social partners, including representatives of SMEs and craft firms, should not be limited to sitting on the Leonardo committee which is established at Community level. These partners should also play a greater role in the national coordination units, and Article 5(3) should be amended accordingly.

2.5.3. The Commission intends to enlist independent experts to analyse the proposals and propose a selection of activities, under the centralized procedure. These experts will be appointed by the Commission after consulting the Member States and interested parties, particularly the social partners, including representatives of SMEs and craft firms. However, there is no such arrangement for the decentralized procedure. For this latter procedure, and with a view to ensuring that the proposals are evaluated from a transnational perspective, the programme should provide for the establishment of a pool of experts from different countries, to be made available to the Member States during the evaluation stage.

2.5.4. Given the role of SMEs and craft firms in creating and maintaining employment, the Committee recommends that their representatives be allowed to play an active part in all the working groups, at both EU and national level.

2.6. When setting Member States' budgets for transnational placement and exchange programmes, the Commission proposes to take account of population, per capita GDP in purchasing power parities, geographical distance and transport costs, the size of the target population in relation to the overall population, the overall unemployment figure and the level of long-term unemployment. While the first few criteria are acceptable, the last one is questionable. The best criterion for determining vocational training needs is the existing level of training in the various countries, and this is the criterion which should be used. Annex B, concerning the calculation method referred to in Article 7(2), should be amended accordingly.

2.7. Whilst the proposed statistical surveys are undeniably useful, they raise two questions: firstly, the need for harmonized concepts at EU level, to ensure that the data collected are complete and comparable; and secondly, whether it is appropriate for statistics collection and processing to be funded by the programme and conducted by consultancy firms. It would be more useful, and more fruitful in the long term, for Eurostat and national statistics institutes to include in their programmes the collection and processing of data on apprenticeships and initial and further training, using harmonized concepts.

2.8. As regards the indicative breakdown of measures, the Committee considers that the pilot projects and European networks should receive greater priority, as these are the quintessential elements of the Leonardo programme. The amounts allocated to statistical surveys and mobility should be reduced accordingly, not least because most projects do not involve the testing of new approaches to vocational training.

### 3. Specific comments

3.1. In Article 1, the Committee notes that although the start of the second phase coincides with the start of the new financial perspectives, which are to run from 2000 to 2006, the Commission has chosen to retain a five-year period. It is thus likely that the second phase will be completed before the start of the next EU enlargement. This will make the running of the programme easier, and will make it easier to plan any third phase. Provision is nonetheless made for extension of the programme to the candidate countries, in Article 10.

3.2. Article 2 reduces the number of objectives of the programme. Here the Commission follows a similar approach to that used in its revision of the Structural Funds. In both cases, it justifies the reduction on the grounds of 'simplification'. However, in the present case, it is important that the objectives not be defined so generically as to obscure the specific role of the Leonardo programme; the differences between the programme and the Community initiatives and Structural Fund measures must also be quite clear. The fact that other programmes have similar objectives is not in itself a problem, but it does bring a need to promote synergies and to avoid overlapping, fragmentation and confusion.

In order to clarify the programme's role in supporting national policies, it must be ensured that all the objectives fit in with national systems; the proposal currently only specifies this in the case of the third objective. The first paragraph should therefore be reworded as follows:

'1. The implementation of this programme is based on objectives, in support of and as a supplement to the vocational training systems, policies and actions undertaken by and in the Member States, and designed as a matter of priority to:'

This new wording makes the reference in objective (c) to national systems superfluous. Objective (c) should then be reworded as follows:

'(c) assist those in difficult circumstances due to having insufficient or outdated competences, to find employment and to better insert themselves in the labour market.'

3.2.1. In addition to those proposed by the Commission, the objectives of the Leonardo programme should include support for the contribution which training can make to the strengthening of innovation and technology transfer within companies, particularly in relation to new forms of work organization. Such an objective could help to increase the involvement of the social partners, which is one of the specific features of the programme that should be reinforced in the second phase.

A new objective should be added in Article 2, as follows:

'd) strengthen the contribution of vocational training to the promotion and transfer of technological and social innovation, particularly within companies.'

3.2.2. Care must be taken to ensure that the programme's objectives do not overlap with other Community measures, particularly those taken under the Structural Funds and especially the new Community initiative under the European Social Fund. Notwithstanding the innovative nature of Leonardo measures and other features which distinguish them from other programmes (such as the European dimension of vocational training), any overlapping of objectives could create confusion, especially among project promoters.

3.3. The Committee is in favour of the possibility, provided for in Article 3, of combining various types of measures to form integrated projects. It thinks that these should be encouraged. In particular, support for the mobility of people undergoing training — which takes up around half of the total budget — should not be limited to very young people and instructors, and should always place a strong emphasis on high-quality training, to be evaluated objectively.

3.4. The Committee is pleased that Article 4 lists the public and/or private bodies and institutions involved in vocational training. It should also address the question of the intellectual property of the results of the activities being funded, as in many cases this hampers the dissemination of results.

3.5. Article 5 does not sufficiently recognize the role of the social partners in vocational training systems, both as participants in the framing of vocational training policy and as promoters of training schemes.

The first sentence of Article 5(3) should be reworded as follows:

'3. The Member States shall take appropriate action to secure nationally the coordination, organization and the follow-up needed for the attainment of the objectives of this programme, involving all the parties concerned by vocational training, in particular the social partners in accordance with national practice.'

3.6. The procedures laid down in Article 6 for preparing joint actions (for Leonardo, Socrates and Youth) should be simple and transparent. Socrates and Youth do not provide for the involvement of the social partners, while Leonardo does. The Leonardo committee should be able to monitor and assess the joint actions.

3.7. The membership and operation of the Leonardo committee, as set out in Articles 7 and 8, remain largely unchanged and therefore raise no comments. The Commission could have taken advantage of the move to present a common text for Leonardo, Socrates and Youth in order to propose greater involvement of the social partners in the latter two programmes as well.

3.8. In Article 9, the Committee welcomes the Commission's intention to ensure overall consistency and complementarity with other Community policies and actions. It particularly welcomes the references to action under the Structural Funds, the coordinated employment

strategy and the need for the programme's measures to be consistent with the employment guidelines.

3.9. Article 10 provides for the participation of the associated central and eastern European countries, Cyprus, Turkey and Malta under the same rules as for EEA countries. The Committee welcomes this. However, the Committee considers that Article 11 (international cooperation) should single out the countries which have concluded association agreements with the EU providing for significant cultural cooperation, such as Mediterranean partner countries and Latin American countries, especially Mercosur.

Brussels, 15 October 1998.

*The President*  
*of the Economic and Social Committee*  
Beatrice RANGONI MACHIAVELLI

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**Opinion of the Economic and Social Committee on the 'Proposal for a European Parliament and Council Decision establishing the Community action programme for "Youth"'**

(98/C 410/04)

On 1 October 1998 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Social, Family, Educational and Cultural Affairs, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 16 July 1998. The rapporteur was Mr Rupp.

At its 358th plenary session of 13, 14 and 15 October 1998 (meeting of 15 October) the Economic and Social Committee appointed Mr Rupp rapporteur-general and adopted the following opinion by 89 votes to one with no abstentions.

## 1. Introduction

1.1. The aim of the Community youth action programme is to bring together hitherto independent and basically uncoordinated parallel programmes, thereby generating a fresh quality which involves not only updating, but also concentration and coordination.

1.2. The programme is based in particular on the Communication from the Commission entitled Towards a Europe of knowledge<sup>(1)</sup> and is a continuation of the 'Youth for Europe' programme<sup>(2)</sup>.

1.3. Over the past few years, the Economic and Social Committee has adopted the following opinions on this topic:

— Opinion on the Proposal for a European Parliament and Council Decision adopting the 'Youth for Europe III' programme designed to promote the development of exchanges among young people and of youth activities in the Community<sup>(3)</sup>,

— Opinion on the Proposal for a European Council Decision establishing the Community action programme 'European voluntary service for young people'<sup>(4)</sup>,

— Opinion on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions 'Towards a Europe of knowledge'<sup>(5)</sup>.

1.4. The proposed Commission decision on young people both prolongs and widens the scope of the current action programmes. Together with the proposed decisions on education and vocational training, the Commission is underlining its intention to pursue an integrated approach. The policy aim is to place the central educational objective of life-long learning within a European context.

1.5. Life-long general education and vocational training and youth policy seek to achieve three broad objectives:

- a) to promote employment;
- b) to enhance knowledge potential and;
- c) to give ordinary people access to European experience.

1.6. The proposals aim to gradually create an open and dynamic European educational dimension and contain specific arrangements for joint action.

## 2. General comments

2.1. The draft presented by the Commission provides a major opportunity for a coordinated, common policy on young people in the Member States, particularly in the light of the plan to enhance the integration of youth and education policy.

2.2. It is essential to bring together these two policy areas which traditionally have been artificially split, not least since the issues involved in youth and education

<sup>(1)</sup> COM(97) 563 final.

<sup>(2)</sup> Decision 818/95/EC of the European Parliament and of the Council of 14 March 1995 adopting the third phase of the 'Youth for Europe' programme, OJ L 87, 20.4.1995.

<sup>(3)</sup> COM(93) 523 final — ESC opinion: OJ C 148, 30.5.1994.

<sup>(4)</sup> COM(96) 610 final — OJ C 302, 3.10.1997 — ESC opinion: OJ C 158, 26.5.1997.

<sup>(5)</sup> ESC opinion, OJ C 157, 25.5.1998.

policy are increasingly interdependent, and, as such, cannot be resolved separately.

2.3. Developments in academic proposals and educational practice also match this approach. In the Member States, for example, primary and particularly secondary education is increasingly run — and options offered — on the basis of integrated youth and education policy.

2.4. Against the backdrop, therefore, of Community efforts

- to promote knowledge and encourage skills development,
- to deepen the sense of European citizenship and
- to advance professional skills,
- to boost human development potential,

it seems only consistent to launch a Community youth action programme; the word 'Community' here should not only mean the community of states which make up the EU, but should also refer in particular to a common strategy in youth and education policy.

2.5. At any rate, the success of this programme will essentially depend on whether the different arrangements for assigning responsibilities in youth and education policy in the various Community countries can be dovetailed to avoid any conflict of remit and negative competition. The past has shown that, in some countries, this is a major obstacle to coordinated youth and education policy.

2.6. A further difficulty lies in the differences of approach to youth welfare and teaching in schools. There are undoubtedly different and — despite an identical client base — opposing 'educational worlds'. Actual developments in youth welfare and teaching, however, indicate that there are links between the various different trends. The Community's youth programme can give long-term support and backing to this process.

2.7. By addressing such developments in youth and education policy, the programme also has a role in setting standards.

2.8. In addition, the youth programme offers a 'leaner', more diversified approach to Community youth and education policy. It incorporates the main tenets of these policy areas while at the same time displaying extensive decentralization and diversity within the individual action programmes. Framed for all young people without exception, the programme machinery thus reflects modern management which is harnessed to the needs and expectations of the clients it seeks to serve. No distinction is made between the institutional and non-institutional areas in which young people are involved.

2.9. Bringing together current schemes and new, innovative action programmes can, particularly via the support measures, strengthen the Community's youth policy as a whole and generate new momentum. This also provides the opportunity to reach more young people than hitherto, and thus to consolidate European citizenship and a European identity at a formative stage in young people's political and structural development.

2.10. The efficiency of the programmes themselves should be monitored and analyzed and the findings disseminated, including via the media.

2.11. Young people should also be brought into this programme who have completed an apprenticeship or vocational training. This serves to acquaint young people with the business world, including small and craft-based businesses.

### 3. Specific comments

3.1. The following comments refer to specific articles of the Commission proposal wherever the Economic and Social Committee has deemed this necessary.

#### *Article 1*

3.2. In paragraph 3, the concepts likely to foster the full exercise of citizenship are interpreted too narrowly. Apart from knowledge and skills in the narrower sense, the programme also has to facilitate the formation of attitudes and opinions; only when a positive outlook on continuous, life-long learning has been acquired, will it be possible to organize and manage learning processes autonomously.

#### *Article 2*

3.3. As well as the continuation of current programmes mentioned in paragraphs 1a) and 1b), particular importance is attached to the programme objectives outlined in paragraph 1c). In fact, this is the focal point of the entire programme. The aim is not only to instruct young people, but also for young people themselves to get involved on their own initiative and through their common experience of informal education. This process thus exploits peer group dynamics which, according to pedagogical research, makes for much more efficient learning processes than are generally possible where group management is based on external educational and teaching methods<sup>(1)</sup>.

<sup>(1)</sup> Note on the wording of German text: The German word 'Unternehmergeist' (literally: 'entrepreneurial spirit', translator) is misleading in this context; its use in German-speaking countries will be misinterpreted, giving the impression that this programme seeks to promote an economic elite. What is meant is 'Unternehmungsgeist' (literally: 'spirit of enterprise', translator), in other words the ability to tackle difficulties, develop creativity, resolve problems and shoulder responsibility.

**Article 3: paragraph 1, Actions****3.4. European voluntary service**

3.4.1. The incorporation of this scheme into the youth programme is deemed advantageous, but the conditions must be attractive for the individual. One way of doing this is to provide insurance cover within the voluntary service and to pay appropriate allowances.

3.4.2. Care should be taken to ensure that a considerable number of schemes are organized with non-EU countries.

**3.5. Youth for Europe**

3.5.1. Youth exchanges continue to play a central role in building up a European identity. The value of exchanges with non-EU countries in particular cannot be stressed too highly when it comes to creating a positive image of Europe.

3.5.2. Youth exchanges may be the motor for realizing fundamental Community political objectives (an ability to live in peace, tolerance etc.).

3.5.3. In conjunction with action 3 (Opportunity for Youth), initiatives should be promoted to encourage young people to run youth exchanges themselves.

**3.6. Opportunity for Youth**

3.6.1. This action gives the entire programme its particular focus (see above) since it promotes young people's own activities and innovation. Young people, therefore, are not only on the receiving end, but are already constructively involved and taking responsibility even in the planning stage.

3.6.2. That said, this action should not be established as an adjunct to the volunteer programme. It is to be run independently, albeit with links to the other actions. The reasoning behind this is given in the second part of the annex relating to action 3. There is still a need to define target groups to profit from this action.

3.6.3. The Community should be receptive not only to initiatives involving cultural and sporting activities as a form of communication but also to different areas of activity and types of interaction. These include:

- programmes promoting self-worth and self-esteem;
- programmes encouraging intergenerational learning;
- programmes, involving for instance, young people in research activities in the social sphere.

**3.7. Joint actions**

3.7.1. This scheme is the second, more political and structural, focus of the programme since it brings

education policies together. The Commission's plan to link traditional and state-of-the-art learning options and methods is especially suited to meeting this objective, at least provided that action 3 gives young people themselves the opportunity to make a real impact on how such activities are structured. This may be put into effect particularly successfully in the field of new media (internet).

**3.8. Support measures**

3.8.1. Support measures not only back up the actions mentioned above, but are, in the final analysis, their very foundation. Solid financing is therefore essential. The education and training of the multipliers (youth workers) is particularly important here. They are the mainstay of the interpersonal networks established by the actions.

3.8.2. Paragraph 4 of the text in the annex should be particularly highlighted in connection with action 3.

3.8.3. It is also essential to evaluate joint youth and education policy in academic and political terms. Against the backdrop of the artificial split between youth and education policy, the findings show the extent to which it is possible to work in a more politically efficient way to promote young people's welfare and to build up the Community.

**Article 4**

3.9. The programme covers around 14 % of the EU's population and is open to all young people from the ages of 15 to 25. Appropriate funding is therefore essential. (cf. point 3.12). The Committee expressly endorses the targeted promotion of disadvantaged young people.

**Article 7**

3.10. The last sub-paragraph of paragraph 5 does not take adequate account of the committee in question. It should read: 'The Commission shall incorporate the proposals contained in the Committee opinion.' In this context, the ESC would propose the establishment of a European advisory body for users.

**Article 8**

3.11. The financial resources of ECU 600 million over a five-year period are too small for a scheme designed to reach over 50 million young people. This represents an outlay of ECU 12 for every young person concerned. A figure of at least ECU 20 per young person would be appropriate. It is thus necessary to earmark resources of at least 1 billion euro as part of the financial planning for the period 1999-2003.

**Article 12**

3.12. The programme must be assessed academically, politically, and in practical terms. Together with the

central issues outlined in action 5, Article 12 should ensure that this happens. The findings of this assessment should be part of the reports submitted by the Commission.

Brussels, 15 October 1998.

*The President*  
*of the Economic and Social Committee*  
Beatrice RANGONI MACHIAVELLI

**Opinion of the Economic and Social Committee on the 'Proposal for a Council Directive amending Council Directive 94/4/EC of 14 February 1994 and extending the temporary derogation applicable to Germany and Austria' <sup>(1)</sup>**

(98/C 410/05)

On 8 September 1998 the Council decided to consult the Economic and Social Committee, under Article 99 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Economic and Social Committee instructed the Section for the Single Market, Production and Consumption to prepare the Committee's work on the subject, and appointed Mr Bernabei as rapporteur-general.

At its 358th plenary session (meeting of 15 October 1998), the Economic and Social Committee adopted the following opinion by 87 votes to three with six abstentions.

**1. Introduction**

1.1. The Commission is proposing temporary measures to extend the derogations applicable to Germany and Austria regarding tax- and duty-free arrangements for travellers, under which from 1994 until the end of 1997 they could grant an allowance of ECU 75, as opposed to ECU 175 elsewhere in the Community, to imports by travellers entering by a land frontier or, where applicable, by coastal navigation, linking them to countries other than EU Member States and EFTA members: i.e. Poland, the Czech Republic, Slovakia, Hungary and Slovenia.

1.2. At the time of the first request for a derogation, the reasons given for the measures were the considerable disparity in prices on each side of the borders, together with the existence in the countries concerned of duty free shops in close proximity to the Austrian and German borders, which 'affected their internal trade' and resulted in 'considerable tax losses'.

1.3. The Commission's proposals are in response to the direct requests by the German and Austrian authorities to extend the arrangements until 2002, on account of the continuation or aggravation of the conditions described above.

1.4. While confirming the scope of Directive 94/75/EC <sup>(2)</sup> and Regulation (EC) No 3316/94 <sup>(3)</sup> on the derogation measures, the Commission proposes that a new minimum allowance of ECU 100 be set with effect from 1 January 1999, and that Germany and Austria should gradually and jointly raise this limit to bring it into full alignment with the Community limit by 1 January 2003.

**2. General comments**

2.1. The Committee notes that in spite of the application of multiannual arrangements derogating from Community tax- and duty-free allowance levels between 1994 and the present, the German and Austrian auth-

<sup>(1)</sup> OJ C 273, 2.9.1998, p. 8.

<sup>(2)</sup> OJ L 365, 30.12.1994, p. 52.

<sup>(3)</sup> OJ L 38, 18.2.1995, p. 19.



orities report continuing economic difficulties, particularly in certain sectors such as textiles, foodstuffs and building materials. The immediate application of the normal Community allowance of ECU 175 could therefore damage the industrial structure and the economic and social fabric of their border areas, which already display low levels of growth and high levels of unemployment compared with the remainder of their territories.

2.2. The Committee must, however, emphasize that as such, the derogation arrangements must be of limited duration and of diminishing effect if they are not to run counter to the underlying principle of the single market and of the enlargement process, in keeping with the reinforced pre-accession strategy. The Committee has issued opinions on this strategy on several occasions, highlighting the importance of preparing and implementing a partnership approach and arguing that the EU should, as part of the preparations for enlargement, concentrate on developing cross-border and regional cooperation. It has proposed that 'the European Union continue, by way of action programmes, to provide strong support to the development of trade and cooperation between the applicant countries, especially in border regions and between neighbouring states' <sup>(1)</sup>.

2.3. The Committee therefore supports the Commission's suggestions that the allowance in question should be raised to at least ECU 100 from as early as 1 January 1999, and that gradual increases should be

agreed, bringing it up to the normal Community level by 2002. In the Committee's view, a sizeable increase should come into force from the year 2000 and, if the relevant applicant countries put into the practice the planned timetable for adjustment to the single market *acquis communautaire* in order to avoid distortions of competition, the process should be speeded up in the interests of ensuring the consistency of Community policy.

### 3. Conclusions

3.1. Except for the points indicated above, the Committee approves the Commission's proposals for a further and final period extending the arrangements for a derogation — to be both temporary and phasing out according to an agreed timetable — from the Community system of allowances for goods imported by travellers. This also reflects the fact that the European Union must comply speedily with its international commitments in this field, and especially full implementation throughout its territory of the Kyoto Convention, which provides for an allowance of 150 SDRs (Special Drawing Rights).

3.2. The Committee also recommends that appropriate action under the present Phare cooperation and assistance instruments, the new pre-accession instrument and the Community initiatives for inter-regional and cross-border cooperation should be taken urgently in order to facilitate and accelerate economic recovery and an upturn in employment, and the full application of single market and Community customs and tax policy in the areas in question.

<sup>(1)</sup> ESC opinion CES 456/98, OJ C 157, 25.5.1998.

Brussels, 15 October 1998.

*The President*  
*of the Economic and Social Committee*  
Beatrice RANGONI MACHIAVELLI

Opinion of the Economic and Social Committee on:

- the 'Proposal for a Council Directive amending Council Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States', and
- the 'Proposal for a Council Directive amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic'<sup>(1)</sup>

(98/C 410/06)

On 31 July 1998 the Council decided to consult the Economic and Social Committee, under Articles 75 and 84 of the Treaty establishing the European Community, on the above-mentioned proposals.

On 8 September and 14 October 1998 the Committee Bureau instructed the Section for Transport, Energy, Infrastructure and the Information Society to prepare the work on the subject.

At its 358th plenary session of 13, 14 and 15 October 1998 (meeting of 15 October), and in view of the urgency of the matter, the Economic and Social Committee appointed Mr Bagliano as rapporteur-general and adopted the following opinion by 85 votes to six, with 11 abstentions.

## 1. The Commission document

1.1. The Commission document extends the definition of 'combined transport' to include transport within Member States and between a Member State and a third country where the lorry, trailer, semi-trailer, with or without tractor unit, swap body or container uses in successive sections several modes of transport, provided that:

- each individual road section is no more than 20 % of the total kilometres of the journey by the other mode(s) mentioned;
- there is an equivalent road transport possible for the sea or inland waterway section.

1.2. The purpose of the document is to promote the use of combined transport by:

- extending the tax rebates from vehicle tax to each combined transport operation;
- lifting weekend and similar driving restrictions for initial and final road haulage that is part of combined transport;
- amending Council Directive 96/53/EC in order to allow a maximum total weight of 44 tonnes in combined transport in all Member States.

1.3. The present proposals are necessary because past provisions for promoting combined transport have

had limited scope and impact, as the Commission acknowledged in its 18 July 1997 report on the application of Council Directive 92/106/EEC.

## 2. General comments

2.1. In recent opinions<sup>(2)</sup>, the Committee has constantly stressed the importance of improving and extending combined transport, with a view to the achievement of economically, socially and environmentally sustainable mobility.

2.2. The Committee therefore endorses the Commission's approach and believes that the amendments to Directives 92/106/EEC and 96/53/EC are necessary in order to give effect to the declarations of intent and to implement the framework projects proposed by the Commission in earlier white and green papers.

<sup>(2)</sup> ESC Opinion on the Legislative Commission programme for transport/The common transport policy action programme 1995-2000 — OJ C 39, 12.2.1996, p. 43.  
ESC Opinion on the Proposal for a Council Regulation (EC) concerning the granting of Community financial assistance for actions to promote combined goods transport — OJ C 89, 19.3.1997, p. 18.

ESC Opinion on the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions entitled intermodality and intermodal freight transport in the European Union: A systems approach to freight transport — strategies and actions to enhance efficiency, services and sustainability — OJ C 19, 31.1.1998, p. 25.

<sup>(1)</sup> OJ C 261, 19.8.1998, p. 10-13.

2.3. Despite all efforts to the contrary, combined transport accounts for a mere 5 % of goods transport by road in Europe (except for transalpine transport, where the figure is around 23 %). No substantial progress has therefore been made, if one excludes specific situations in certain countries. Road transport has continued to grow over the past few years, with a 22,8 % increase between 1990 and 1996. Rail transport, in contrast, has continued to decline at an alarming rate (– 14,6 %). The last official figures available (1996) were 73,6 % for road transport and 13,9 % for rail transport<sup>(1)</sup>.

2.4. Moreover, the liberalization/privatization of the railways has been a slow process. The Commission<sup>(2)</sup> has highlighted the fact that only two organizations provide transport services as laid down in Directive 91/440/EEC<sup>(3)</sup>. Furthermore, the ‘freeways’, in which great hopes had been placed to hasten the directive’s impact, do not seem to be taking off. Neither is it conceivable to continue planning individual, isolated actions or measures, as any action geared to realigning and improving the transport sector can only be viewed in a broader context of general policy.

2.5. The two proposals must thus be seen as a tool for facilitating and promoting combined transport via direct measures and a pragmatic methodological approach that establishes a framework within which Member States can and must act, with due regard for the subsidiarity principle.

2.6. The Committee therefore views the proposals as a significant step forward because:

- the proposed initiatives aim to improve the profitability of combined transport also on routes under the 500 km threshold, which are currently held to be unprofitable and unproductive. Below this limit, road-only goods transport is considered more profitable;
- the proposed concessions will be of interest to those road haulage SMEs that can specialize in combined transport;

— the definition of combined transport has been broadened, both in terms of geographic area and transport method, thus plugging a gap that had been causing problems of interpretation.

### 3. Specific comments

#### 3.1. *On the amendments to Directive 92/106/EEC*

##### 3.1.1. Definitions (Article 1)

3.1.1.1. The Committee fully supports the Commission’s move to extend the definition of combined transport in order to include journeys within a Member State and between Member States and third countries. The decision to limit the length of each road leg to 20 % of the journey by other modes provides a sufficient safeguard.

3.1.1.2. However, as the Commission itself recognizes, the ‘rolling road’<sup>(4)</sup> will gain fewer of the advantages contained in the Directive because the road legs of such shipments often form a relatively long part of the total journey. At all events, the Committee asks the Commission to introduce provisions for encouraging use of this technique, given its importance for crossing ecologically sensitive areas such as the Alps.

3.1.1.3. The term ‘short distance ferry crossing’ [Article 1(2)] needs clarifying. Its practical scope is unclear if such crossings are excluded. The limit of ‘more than half’ of sections which are ‘unavoidable in a commercially viable transport operation’ should also be more clearly worded.

##### 3.1.2. Vehicle taxes [Article 6(1)]

3.1.2.1. The Committee has no technical comments to make regarding the rationale used for calculating the costs of individual transport operations. However, it has reservations about exemptions or rebates based on a minimum of ECU 18 for each operation. Given the difficulty of checks, the Committee thinks that it would be better to provide a flat-rate reimbursement related not only to the vehicle tax but also to any motorway tolls and travel-related costs. Failing this, an overall reimbursement of the vehicle tax would still be an improvement, despite the fact that some countries are reducing this tax and increasing duties on diesel.

<sup>(1)</sup> DG VII — Transport in figures, 1998.

<sup>(2)</sup> COM(98) 202 final, 31.3.1998 — Commission Communication on the implementation of Directive 91/440/EEC.

<sup>(3)</sup> Directive 91/440/EEC on the development of the Community’s railways — OJ L 237, 24.8.1991, p. 25).

<sup>(4)</sup> Transport technique whereby all the road units (tractor and trailer or semi-trailer) and the driver are carried on board the train (accompanied combined transport).

### 3.1.3. Exemption from driving restrictions (Article 9 bis)

3.1.3.1. The exemption from bans on driving at weekends, nights or public holidays must be carefully monitored at the roadside in order to avoid possible abuse. The Committee draws attention to the social implications of this provision; the possibility of loading/unloading outside normal working hours and on public holidays could mean that the vehicle and driver have to remain on hand for the consignor, while the consignor could also have to have staff available to hand over/receive the goods.

## 4. Conclusions

4.1. The Committee endorses the proposals and their aims. The Committee believes that everything possible

must be done to encourage combined transport, as an effective means of ensuring lasting mobility and of developing the economy and trade in an environmentally sustainable manner.

4.2. The Committee would however recommend:

- clearer wording of Article 1;
- the possibility of measures to encourage use of the 'rolling road', especially on ecologically sensitive sections;
- reconsideration of the tax-rebate mechanism, not least because of the difficulty of checks;
- proper roadside checks by the relevant authorities, in order to prevent possible abuse.

Brussels, 15 October 1998.

*The President*  
*of the Economic and Social Committee*  
Beatrice RANGONI MACHIAVELLI

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**Opinion of the Economic and Social Committee on the 'Proposal for a Council Regulation (EC) providing for an offer of compensation to certain producers of milk and milk products temporarily restricted in carrying out their trade' <sup>(1)</sup>**

(98/C 410/07)

On 29 September 1998 the Council decided to consult the Economic and Social Committee, under Articles 43 and 198 of the Treaty establishing the European Economic Community, on the above-mentioned proposal.

The Economic and Social Committee decided to appoint Mr Nilsson as rapporteur-general to draw up its opinion.

At its 358th plenary session of 13, 14 and 15 October 1998 (meeting of 15 October) the Economic and Social Committee adopted the following opinion by 99 votes to one.

## 1. Background

1.1. When the additional levy scheme in the milk and milk products sector and the related individual milk quota scheme were introduced in 1984, some producers who had not delivered or sold milk for a certain period before implementation were excluded. The Commission claimed that they had participated in a special scheme — Regulation (EEC) No 1078/77 — and that they had thus entered into a special undertaking under that regulation, and were consequently not entitled to quotas.

1.2. Several of these producers took legal action, and the Court of Justice handed down a number of rulings in which certain provisions of the Community legislation were declared invalid. Council Regulation (EEC) No 857/84 was subsequently amended, first by Regulation (EEC) No 764/89 and then by Regulation (EEC) No 1639/91, thereby providing for the allocation of special reference quantities as long as certain specific conditions were fulfilled.

1.3. A number of producers also pursued a claim for compensation for the losses they had incurred. In its judgment of 19 May 1992, the Court of Justice held that the Council and the Commission were liable to make good the damage. The Council adopted Regulation (EEC) No 2178/93 which introduced compensation arrangements for 80 % of those affected (7 000 cases).

1.4. However, there were still problems with the new rules, which excluded certain producers. In a 1997 judgment, the Court of Justice ordered the Council and the Commission to make good the damage suffered by these producers. There are some 1 900 producers who are — in principle — entitled to compensation.

1.5. The purpose of the Commission proposal is to provide for arrangements for paying this compensation.

## 2. General comments

2.1. The Commission proposal contains a number of rules to determine when and how compensation shall be paid. The Commission states that the proposed Regulation follows closely the previous Regulation (EEC) No 2178/93 which regulated the majority of affected cases.

2.2. The Commission also proposes that it be authorized to decide offers of compensation in cases where proceedings are already underway and where agreement must be reached.

## 3. Specific comments

3.1. When the additional levy and reference quantity scheme (quota system) was introduced, it was, from a legal standpoint, a very delicate operation as it affected the potential livelihood of all producers.

3.2. Evidently, the Commission proposal was not drafted in such a way as to take account of all aspects affecting individual rights.

3.3. At the same time, it must be said that implementation of the milk quota system was very complicated; it was extremely difficult to frame rules relating to individual rights, whilst providing a level playing field for the various individual producers, without causing a few problems.

3.4. Although the vast majority of the producers concerned have obtained satisfactory redress and compensation, it is unacceptable that it has taken from 1992/1993 until now for the matter to be resolved.

3.5. Consequently, it is now particularly important that the Commission and the Council really do provide a definitive solution to this problem. The proposal to authorize the Commission to make offers of compensation will therefore play an important role in dealing with the remaining cases.

<sup>(1)</sup> OJ C 273, 2.9.1998, p. 3.

3.6. Article 11 provides that interest on the amount of compensation shall be paid from 9 December 1997, i.e. the day the Court of First Instance handed down its ruling calling on the Community to make good the damage for producers affected after that date. Following this logic, it would be preferable if the time limit for reasonable interest claims were backdated to 1993, when the Commission and the Council framed the rules which denied these producers redress and compensation.

Moreover, the proposal under this Article to withhold interest in cases where producers have provided insufficient information, gives the competent authorities far too much leeway to exercise their discretionary powers.

3.7. Whilst the Committee otherwise endorses the proposal, it would call on the Commission to waste no time in dealing with the remaining cases, and thus provide a definitive solution for the matter.

Brussels, 15 October 1998.

*The President*  
*of the Economic and Social Committee*  
Beatrice RANGONI MACHIAVELLI

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