

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.