



European Economic and Social Committee

Brussels, 18 March 2008

**PLENARY ASSEMBLY
OF 12 AND 13 MARCH 2008**

SUMMARY OF OPINIONS ADOPTED

Full text versions of EESC opinions are available in the official languages on the Committee's web site at the following address:

http://eesc.europa.eu/activities/press/summaries_plenaries/index_en.asp

The plenary assembly was attended by **Mr Barnier**, French Minister for Agriculture and Fisheries and former member of the European Commission, who spoke about natural disasters.

1. HEALTH AND SOCIAL PROTECTION

- ***Guaranteeing universal access to long-term care and the financial sustainability of long-term care systems for older people***

- **Rapporteur:** Ms Klasnic (Employers – AT)

- **Reference:** Exploratory opinion – CESE 501/2008

- **Key points:**

The Committee

- considers that dependency on care is one of life's risks, the impact of which is difficult for an individual to bear alone and which therefore calls for an intergenerational solidarity-based shared responsibility; the form which this responsibility takes must be decided mainly at national or regional level, taking account of different family and tax structures, employment situations, mobility, housing, population density, established traditions and attitudes;
- finds that it is both right and necessary for the subject to be dealt with by the EU institutions; the exchange of experience, through the open method of coordination for example, has a particularly important role to play here, and in some cases legislative measures are also needed;
- underlines that facing up to the needs resulting from the increase in life expectancy requires tackling difficult questions of intergenerational justice and solidarity; the ultimate objective must be to make it possible for old and very old people in Europe to live their lives safely and with dignity, even if they are dependent on care, while at the same time ensuring that this does not impose unbearable burdens on the younger generations.
- calls on the European Council and the Commission, together with the Member States, to tackle the problems of an ageing population as a matter of urgency
- puts forward a number of recommendations in relation to "Financing and affordability", "Care and supply of services", "Care workers", "Care in the family", "Rules, standards and quality" and "Use of information and communication technologies".

- **Contact:** *Mr Torben Bach Nielsen*

(Tel.: 00 32 2 546 96 19 – email : torben.bachnielsen@eesc.europa.eu)

- ***Health and safety – exposure of workers to the risks arising from physical agents***

- **Rapporteur:** Mr Pater (Various Interests – PL)

- **References:** COM(2007) 669 final – 2007/0230 (COD) – CESE 502/2008

- **Key points:**

Taking into account the arguments put forward by the Commission and those presented in this opinion, the EESC takes a positive view of the Commission's proposal.

Simply postponing the transposition of Directive 2004/40/EC will not solve the problems arising from the practical implementation of its provisions. The EESC therefore agrees with the Commission on the need to undertake urgent work on improving this directive.

The EESC emphasises that the postponement by four years of the date on which the current directive will enter into force and the planned amendments to its content will give workers and employers an unclear message about the Commission's legislative plans.

- **Contact:** Ms Ewa Kaniewska
(Tel.: 00 32 2 546 81 17 – e-mail : ewa.kaniewska@eesc.europa.eu)

2. EMPLOYMENT POLICY

- ***Sanctions against employers of illegally staying third-country nationals***

- **Rapporteur:** Ms Roksandić (Employees – SI)

- **Co-rapporteur:** Mr Almeida Freire (Employers – PT)

- **Reference:** Own-initiative opinion – CESE 496/2008

- **Key points:**

The EESC expresses regret at the fact that the proposed directive was not referred to the EESC for an opinion, as it believes that organised civil society, and especially the social partners, has a most important role to play in shaping and implementing the Directive proposed by the European Commission.

In its opinions to date¹, the Committee has highlighted the need for simultaneous action to be taken to create opportunities for legal immigration and to deal with the causes of "irregular" immigration.

The Committee endorses the proposal, because in practice it promotes respect for human rights. However, the Committee has some doubts about the proposed directive's content, the time frame in which the proposal has been made, and the order in which the legislative proposals have been put forward. The employment of immigrants is an issue that is closely connected to the operation of the labour market and illegal employment in general, and therefore cannot be prevented by punishing employers alone.

In view of the connection between two different fields of the European Commission's work, which have a bearing on immigration at EU level, namely the area of freedom, security and justice on the one hand, and employment and social policy on the other, the Committee would highlight the importance of harmonising existing European Union legislation with the legislation on legal and illegal immigration which is currently in the pipeline.

Legal migration and immigration within and into the EU urgently need to be regulated, as do efforts to combat undeclared work.

The proposed directive should, therefore, be part of a broader package of measures to combat undeclared work – including among illegal immigrants – and not represent a fundamental policy instrument, as proposed by the Commission.

– **Contact:** *Mr Pierluigi Brombo*
(Tel.: 00 32 2 546 97 18 – e-mail : pierluigi.brombo@eesc.europa.eu)

¹ See the EESC opinion of 15.12.2004 on "Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Study on the links between legal and illegal migration", rapporteur Mr Pariza Castaños (OJ C 157, 28.06.2005).

See the EESC opinion of 09.06.2005 on "Green paper on an EU approach to managing economic migration", rapporteur Mr Pariza Castaños (OJ C 286, 17.11.2005).

See the EESC opinion of 15.12.2005 on "Communication from the Commission to the Council and the European Parliament: The Hague Programme: Ten priorities for the next five years – The Partnership for European renewal in the field of Freedom, Security and Justice", rapporteur Mr. Pariza Castaños (OJ C 65, 17.03.2006).

- ***Role of the social partners in improving the situation of young people on the labour market***

- **Rapporteur:** Mr Soares (Employees – PT)
- **Co-rapporteur:** Ms Päärendson (Employers – EE)
- **Reference:** Exploratory opinion – CESE 500/2008
- **Key points:**

The measures adopted by the social partners should be based on the following key objectives:

- persuading national governments to carry out appropriate reforms;
- using all available means, in particular programmes supported by the European Structural Funds², to give all young people high-quality and properly paid employment;
- shortening the transition period between leaving school and starting working life proper;
- helping young people to make constructive use of periods of inactivity whilst unemployed or whilst looking for their first job;
- assisting the integration of the most vulnerable groups of young people;
- ensuring that work can be reconciled with personal and family life;
- striking the appropriate balance between flexibility and security;
- ensuring better cooperation between businesses, secondary schools and universities;
- providing incentives for entrepreneurship, creativity and innovation;
- enhancing the quality of apprenticeships and making them more attractive;
- promoting measures to prevent long-term unemployment amongst the younger age-groups;
- informing young people of their economic and social rights.

The areas for action are many and varied, but can be divided into seven main groups:

- **Education:** working at the national, regional and local levels to establish closer links with the world of work.
- **Vocational training:** taking part in the design and organisation of vocational training schemes, encouraging personal development and the acquisition of social skills.
- **Traineeships:** offering traineeships as part of the school curriculum, drawing up codes of conduct on working conditions and pay for trainees.
- **Collective bargaining:** integrating the rights of young people as fully-fledged citizens into consultation and social dialogue.
- **Third-sector activities:** working together with youth organisations, promoting and publicising networks that facilitate contact between young people and the world of work.

²

See: http://ec.europa.eu/employment_social/social_dialogue/docs/lf_070227_donnelly.pps;
http://ec.europa.eu/employment_social/esf/fields/education_en.htm. A wide-ranging information paper will soon be made available at: http://ec.europa.eu/employment_social/esf/fields/partnership_en.htm.

- **Good practice:** promoting the exchange of good practice.
 - **Mobility** (both in the European Union and in businesses): encouraging people to learn other languages³, providing exchanges of work experience on the basis of guaranteeing workers' rights.
- **Contact:** Ms Ewa Kaniewska
(Tel.: 00 32 2 546 81 17 – e-mail : ewa.kaniewska@eesc.europa.eu)
Ms Judite Berkemeier
(Tel.: 00 32 2 546 98 97 – e-mail : marijudite.berkemeier@eesc.europa.eu)

3. ASYLUM SYSTEM

- **Green Paper on the future common European asylum system**
- **Rapporteur:** Ms Le Nouail Marlière (Employees – FR)
- **References:** COM(2007) 301 final – CESE 497/2008
- **Key points:**

The Committee supports the adoption of a fair asylum system, i.e. an asylum system with a human face that takes account of asylum seekers' need for protection as a genuine objective to be included among the objectives for building a Europe that is also social.

It calls for conditions to be created that promote the respect of international conventions, European directives in line with international law and humanitarian law and the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe; a better distribution of the responsibilities incumbent on Member States; the speedy resettlement and integration of people granted protection as refugees or subsidiary protection; a sincere cooperation and co-development policy that improves effective democracy in certain third countries and that contributes to international solidarity in response to asylum needs.

The EESC recommends:

That those in need of international protection are always able to enter the territory of the European Union, irrespective of the level of strengthened controls;

That all asylum seekers are entitled to an effective and case-by-case examination of their applications;

³

See, in this regard, the EESC opinion of 26.10.2006 on the *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A new framework strategy for multilingualism*, rapporteur: A. Le Nouail (OJ C 324 of 30.12.2006). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:324:0068:0073:EN:PDF>.

That all appeals should always have the effect of suspending the execution of a repatriation order.

The Committee advises against the use of safe third country lists.

The EESC approves the creation of a European support office for Member States.

- **Contact:** *Mr Pierluigi Brombo*
(Tel.: 00 32 2 546 97 18 – e-mail : pierluigi.brombo@eesc.europa.eu)

4. EDUCATION AND TRAINING

- ***Erasmus Mundus***

- **Rapporteur:** Mr Soares (Employees – PT)
- **Co-rapporteur:** Mr Rodríguez García-Caro (Employers – ES)

- **References:** COM(2007) 395 final – 2007/0145 COD – CESE 498/2008

- **Key points:**

The European Economic and Social Committee welcomes the Proposal for a Decision of the European Parliament and of the Council establishing an action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through co-operation with third countries (Erasmus Mundus) (2009-2013), which extends and improves the current Erasmus Mundus action programme, which the EESC also welcomed in its time.

In the Committee's view, the aim of making European universities centres of excellence attracting students from all over the world is of the utmost importance and should help to demonstrate the high quality of higher education and research in Europe.

However, so that the programme should not contribute to the brain drain from third countries, it urges the Commission to study, in cooperation with third-country authorities and universities, strategies to encourage students and lecturers to return to their countries of origin once the period of learning, teaching or research has finished.

More specifically, the universities themselves could establish return strategies including compensation measures.

The EESC notes the contribution that the new action programme will make to boosting mobility for lecturers by allocating teaching staff 40% of all planned scholarships, as opposed to the 16.6% under the current programme which is still in force, and therefore urges Member States and the Commission to ensure that barriers arising from national legislation affecting the mobility of lecturers and students are eliminated as quickly and effectively as possible.

On the supply side, the EESC considers that the selection procedures should provide for EU-level compensation measures in order to prevent serious imbalances between students' and academics' areas of study and regions of origin and the destination Member States, and consequently urges the Commission to include this in the proposal under consideration. In order to ensure that the entire European area for higher education is promoted, the Committee fully supports the requirement that partnerships must be established between at least three universities from at least three countries in order to be eligible to apply for the scheme.

The Committee would also point out that this programme should not serve as a pretext for introducing a commercial perspective into higher education, but on the contrary, as envisaged in the proposal, help step up the fight against all forms of social exclusion.

In order to make the European University Area better known, the Committee suggests creating a European university portal, allowing access to the portals of the different European universities, and creating departments in EU representations specifically geared to providing information about the European University Area.

The text should also contain a reference to the role of the social dialogue partners (employees and employers' representatives), on account of their awareness of the skills and qualifications which the labour market really requires. The economic and social development needs of third countries should also be taken into account when planning the content of masters degrees and doctorates.

Since in many developing countries, only public universities have the capacity to democratise higher education, eradicating discrimination and inequality (one of the declared objectives of the Erasmus Mundus programme), the programme could help consolidate and bolster public universities in third countries.

– **Contact:** *Ms Maria Judite Berkemeier*
(Tel.: 00 32 2 546 98 97 – e-mail : mariajudite.berkemeier@eesc.europa.eu)

- **Adult learning**
- **Rapporteur:** Ms Heinisch (Various Interests – DE)
- **Co-rapporteurs:** Ms Le Nouail Marlière (Employees – FR)
Mr Rodríguez García-Caro (Employers – ES)
- **References:** COM(2007) 558 final – CESE 499/2008
- **Key points:**

The Committee:

- welcomes the European Commission's move to open up a new focus in its work programme "Education and training 2010" through its first action plan on adult learning *It is always a good time to learn*, covering the period 2007-2010.
- notes that the overall objective of the adult learning action plan should consist of putting into practice the five key messages of the Commission communication *It is never too late to learn*, and requests that actions for ensuring sufficient investment be included in the plan.
- expects the plan to include among its priorities the expansion of non-vocational adult learning, i.e. the non-formal and informal learning opportunities that people – whether in employment or not – need to further their overall personal development and strengthen democratic citizenship.
- recommends developing new-style, multifunctional local adult education centres, which incorporate new technologies and e-learning.
- urges that a feasibility study be conducted with a view to establishing a specialized European infrastructure in the adult learning sector, with a focus on non-vocational adult learning.
- recommends that greater attention be paid to the territorial dimension of adult learning and to the creation of local learning centres, given their contribution to social cohesion, particularly in regions in decline.
- advocates actions to be taken to ensure decent working conditions for teaching and administrative staff in the adult learning sector.
- endorses the key message that good governance among adult learning providers should be learner-focused and proposes actions to be taken for strengthening adult learners' rights.
- recommends making provision for learners with special needs in all centres dedicated to adult learning.

- asks the European Commission to draw up an accompanying comprehensive plan to foster gender mainstreaming in adult learning.
 - requests that the European social partners and non-governmental organisations also have a role to play in the delivery of the action plan, bringing their specific expertise to bear.
 - recommends the involvement of a number of other European Commission directorates-general and relevant European bodies in future work related to the action plan.
 - asks that steps be taken to promote European adult learning festivals and advocates that European information and motivation campaigns be conducted for making adult learning more attractive.
 - would finally ask to be involved in the European preparations for the next UN International Conference on Adult Education (CONFINTEA VI) due to take place in Brazil in 2009.
- **Contact:** Ms Maria Judite Berkemeier
(Tel.: 00 32 2 546 98 97 – e-mail : mariajudite.berkemeier@eesc.europa.eu)

5. TRANSPORT POLICY

- ***Trans-European Networks – Towards an integrated approach***
- **Rapporteur:** Mr Krzaklewsky (Employees – PL)
- **References:** COM(2007) 135 final – CESE 488/2008
- **Key points:**

The trans-European energy, transport and telecommunications networks are the lifeblood of our economies. The trans-European networks (TENs) also help to boost the EU's competitiveness through the medium of major industrial programmes (GALILEO, ERTMS and SESAR).

The EESC is convinced that an integrated approach can speed up the implementation of planned trans-European networks and reduce associated construction costs. In that connection, the Committee calls on the European Commission to put forward proposals to broaden the scope of financial support for integrated approaches, in the form of an "integrated approached fund".

The Committee notes that an integrated approach to trans-European networks can bring major benefits, namely by:

- limiting environmental damage caused by the construction and operation of networks, and;

- reducing the number and severity of disputes sparked by conflicts of interest involving the construction and operation of networks.

The EESC considers that scientific research comprising both Community and national initiatives has a particularly important role to play in optimising the effects of an integrated approach to trans-European networks. The EESC therefore calls on the Commission and the Council to devise and implement programmes throughout the area of European scientific research to identify synergies between all the different kinds of network making up the TENs.

- **Contact:** Ms Anna Wagner
(Tel. : 00 32 2 546 83 06 – e-mail : anna.wagner@eesc.europa.eu)

- ***Access to the international road haulage market (recast)***

- **Rapporteur:** Mr Chagas (Employees – PT)
- **References:** COM(2007) 265 final – 2007/0099 COD – CESE 489/2008
- **Key points:**

The EESC notes with interest the proposal for a regulation on access to the international road haulage market. The decision taken by the Commission in this proposal to opt for a form of harmonising the regulation's implementation that entails a clear and easily enforceable definition of cabotage and largely improved rules on compliance and enforcement would meet the demands of the majority of stakeholders in the sector.

The Committee considers, however, that the social aspect of access to the international road haulage market warrants closer attention. Cabotage, like cross-trade (carriage to and from third countries), can entail unfair competition and social dumping in the sector, as a result of the wage gap between drivers from the old and new Member States.

In the EESC's opinion, requiring a cabotage operation to take place within seven days could make it easier to monitor. Such operations can only be allowed where they follow an international journey.

Monitoring cabotage should form part of a national strategy for monitoring the implementation of road haulage legislation and should be coordinated by the Commission. The Committee would not want to see a plethora of European-level committees and calls for a single committee made up of representatives of the Member States, with the social partners being given observer status.

For the longer term the Committee would encourage the Commission to undertake further analysis with a view to better achieving the internal market coupled with further harmonisation of quality standards, worker protection and the fiscal and social framework, including the reduction of the pay gap.

- **Contact:** *Mr Sven Dammann*
(Tel. : 00 32 2 546 93 66 – e-mail : svenn.dammann@eesc.europa.eu)
- ***Guidelines on the application of EC competition rules to maritime transport***
- **Rapporteur:** Ms Bredima (Employers – EL)
- **Reference:** Additional opinion – CESE 491/2008
- **Key points:**

The draft Guidelines set out the principles that the Commission will follow when defining markets and assessing cooperation agreements in the maritime transport services sectors directly affected by the changes brought about by Regulation 1419/2006 repealing Regulation 4056/86; laying down detailed rules for the application of Articles 85 and 86 (currently 81 and 82) of the Treaty to maritime transport.

The EESC supports the structure and the current wording of the draft Guidelines. However, it notes a difference in details between the chapters on liner shipping and tramp shipping (pools). The section on information exchanges in the liner shipping chapter is fairly detailed and seems to be relatively helpful in terms of describing and interpreting relevant case law and decision-making practice on the subject. Overall, the draft Guidelines for liner services seem clear and are based on existing case law and long, thorough discussions with the industry. On the other hand, the sections on tramp shipping in general and tramp shipping pools in particular are less detailed.

The EESC wonders whether they will be sufficient enough to provide tramp (pool) operators with the required guidance to carry out a self-assessment of the cooperation agreements in which they are involved. The EESC suggests using illustrative examples to specify the content of the (draft) Guidelines dealing with liner shipping, particularly where data are considered “historic”.

- **Contact:** *Ms Anna Wagner*
(Tel. : 00 32 2 546 83 06 – e-mail : anna.wagner@eesc.europa.eu)
- ***Navigability licences – inland waterway vessels***
CATEGORY C OPINION
- **References:** COM(2008) 37 final – CESE 492/2008
- **Contact:** *Ms Anna Wagner*
(Tel. : 00 32 2 5468306 – e-mail : anna.wagner@eesc.europa.eu)

6. CIVIL PROTECTION

- ***Improving the Community civil protection mechanism – a response to natural disasters***

- **Rapporteur:** Ms Sánchez Miguel
- **Reference:** Additional opinion – CESE 495/2008
- **Key points:**

The EESC, as the representative of civil society, believes that it should contribute to the EU debate on the handling of natural disasters, taking an approach geared towards prevention, intervention and the assumption of responsibility in the event of disasters caused by human acts or omissions.

Furthermore, the Committee

- urges the competent authorities to monitor throughout the EU the application of the legislation which aims at preventing or mitigating the potential effects of natural disasters;
- believes that the implementation of the Water Framework Directive and related legislation, particularly the Flood Directive, would alleviate the effects of natural disasters (e.g. by setting up the flood management plans included in river basin plans); legislation to prevent forest fires could have a similar effect;
- welcomes the system of inter-regional civil protection training centres set up by the European Commission;
- congratulates the Commission for swiftly setting up a European solidarity system which is not only interregional but international, and has its own resources enabling it to act efficiently both in response to disasters and in rehabilitating affected areas – the new Article 176 C of the Lisbon Treaty strengthens the objectives that the EP and the Council had set in this respect.

Lastly, the EESC believes that the environmental liability system should be applied as set down in the Directive on Environmental liability with regard to the prevention and remedying of environmental damage, so as to clearly establish the liability of the perpetrators of certain disasters, such as arson attacks. The EESC considers that better implementation of national provisions and information on the consequences of non-compliance with preventive legislation or of harmful acts by both citizens and the competent authorities could help to alleviate the effects of natural disasters.

- **Contact:** Ms Maarit Laurila
(Tel: 00 32 2 546 97 39 – e-mail : maarit.laurila@eesc.europa.eu)

7. SINGLE MARKET

- ***The future of the Single Market – going global***

- **Rapporteur:** Mr Cassidy (Employers – UK)
- **Reference:** Own-initiative opinion – CESE 481/2008
- **Key points:**

The EU needs to develop its relations with the rest of the world. It also needs to remain competitive with benefit to workers, employers and all citizens. In order to become a more competitive economy on the world scene, the EU itself needs to ensure that remaining internal barriers are removed.

Europe's economic success has not been built on protectionism but on the four freedoms on which the original European Economic Community was constructed.

The EESC takes note of and urges the Commission and Member States to heed the recommendations of the social partners in their joint review and analysis of the key challenges facing the European labour markets.

In particular it supports the four strategies agreed for the Union: R&D and innovation: the right business environment, investment in people, and energy and climate change.

The EESC calls upon the Commission and the Council to ensure that social partners are closely involved in the design and implementation of the "flexicurity" policy measures at national level.

- **Contact:** *Mr Jean-Pierre Faure*
(Tel.: 00 32 2 546 96 15 – e-mail : jeanpierre.faure@eesc.europa.eu)

8. CLIMATE CHANGE

- ***Reduction of CO₂ emissions from airports through new airport management***

- **Rapporteur:** Mr McDonogh (Employers – IE)
- **Reference:** Exploratory opinion – CESE 490/2008
- **Key points:**

Aviation is a significant contributor to greenhouse gas emissions. Emissions currently account for about 3% of total EU greenhouse gas emissions, and have increased by 87% since 1990. The EESC

encourage airports to adopt management strategies for the reduction of airport carbon dioxide emissions through the introduction of an air quality model where all sources of NO_x are identified and targets for CO₂ reduction are established.

Tackling airports environmental impact in a proactive, timely and cost effective manner requires the full co-operation and agreement of international bodies, governments and industry stakeholders.

The adoption of recognised building standards and international best practice associated with the building and operation of airport infrastructure should be encouraged to minimise the associated carbon footprint. The EESC encourages airports to use energy sources, which have been generated from renewable resources and the use of environmentally friendly airport service vehicles at airports.

Emissions reduction through a systems approach – while preserving safety as the top priority all factors must be considered, including airframe and engine design and operations, trade-offs, alternative fuels, ground services, airport capacity and air traffic management. The EESC discourage the use of noisier aircraft through the adoption of aircraft noise classification schemes and associated noise quota schemes at airports. It recommends reducing fuel consumption by switching off 1-2 engines when taxiing to and from the runway.

- **Contact:** Ms Maria José López Grancha
(Tel. : 00 32 2 546 87 13 – e-mail : mariajose.lopezgrancha@eesc.europa.eu)

9. EU BUDGET

- **Budget reform**
 - **Rapporteur:** Ms Florio (Employees – IT)
 - **Reference:** Own-initiative opinion – CESE 503/2008
 - **Key points :**

The review of the European budget comes in the context of the sensitive ratification period of the Lisbon Treaty and is directly connected to the debate on cohesion and research policy and the CAP "health check". The Committee stresses that courageous analysis of the Structural Funds, cohesion funds, regional policies etc. needs to be carried out, to analyse in particular their impact and effectiveness in the new Member States. The Committee believes that a broad consensus will have to be sought with national parliaments and local and regional authorities and above all, priority should be given to the principle of each Member State's fiscal capacity, also taking into account the increased scale of spending objectives. The Committee underlines that greater sharing of responsibility between the Commission and Member States in budget implementation is an important element, not least in involving all the economic and social players (as set out in the new Article 274 of the Lisbon Treaty).

- **Contact:** *Mr Jüri Soosaar*
(Tel : 00 32 2 546 96 28 – e-mail : juri.soosaar@eesc.europa.eu)

10. COMMUNITY LAW

- ***Applying Community law***
- **Rapporteur:** Mr Retureau (Employees – FR)
- **References:** COM(2007) 502 final – CESE 482/2008
- **Key points:**

Improving the application of Community law, as called for by the Commission, is a sensible goal whose achievement is for the most part the responsibility of the Member States.

They should not use transposing directives as an excuse to revise parts of their national legislation which are not directly affected by the Community legislation in question, or to "downgrade" domestic legal provisions.

They should more systematically take the opportunity provided by primary legislation/the treaties to use collective bargaining when transposing directives, particularly those on social and economic issues. Civil society organisations should be consulted during the preparations so as to facilitate the subsequent implementation of Community law by appealing to civil society.

- **Contact:** *Mr Jean-Pierre Faure*
(Tel.: 00 32 2 546 96 15 – e-mail : jeanpierre.faure@eesc.europa.eu)

11. EXTERNAL RELATIONS

- ***Relations between the European Union and the Former Yugoslav Republic of Macedonia: the role of civil society***
- **Rapporteur:** Mr Barabás (Various Interests – HU)
- **Reference:** Own-initiative opinion – CESE 505/2008
- **Key points:**

The EESC recognises the important advances the Former Yugoslav Republic of Macedonia has made in terms of developing and stabilising its relations with the EU with the ultimate objective of joining it. The candidate country status is an acknowledgement of the progress made so far. The EESC is

ready to support the Former Yugoslav Republic of Macedonia in its efforts to start the accession negotiations with the EU as soon as possible, preferably in 2008.

In this process the creation of a Joint Consultative Committee with the EESC plays a highly important role. The identification of the Macedonian members of this joint body should be the result of an open, transparent and democratic process.

Different trade union federations should coexist on an equal footing. In order to create a favourable environment to achieve this goal, there is a need for a specific legislation on trade unions and to reconsider and reduce the present requirement (of 33% of the workforce) for becoming contractual partner in collective bargaining.

The role of the Macedonian ESC should be strengthened; it should be made more representative with the participation of all stakeholders including civil society organisations. For such a development to take place a new legal framework should be prepared with the involvement of the parties concerned and then promptly adopted.

Parallel to increased civic participation the capacity of social and civil partners should be strengthened. An important aspect in this regard is the direct and indirect financial support mechanism of the Macedonian Government. Furthermore, specific educational programmes on the role of civil society should be introduced at school.

- **Contact:** *Mr Loïc Defaye*
(Tel.: 00 32 2 546 83 57 – e-mail : loic.defaye@eesc.europa.eu)

12. TAXATION

- ***Common system of VAT***

- **Rapporteur:** Mr Burani (Employers – IT)
- **References:** COM(2007) 677 final – 2007/0238 CNS – CESE 504/2008
- **Key points:**

The EESC approves the proposal with the following comments:

- certain amendments concern the energy sector, whose tax scheme was originally based on a 2003 directive⁴ and subsequently transposed into the VAT Directive. As a result of the technical terms used, its scope proved to be too narrow, and failed to reflect economic realities;

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Council Directive 2003/92/EC of 7 October 2003.

– the sources of energy mentioned would be taxed in the Member States where the service is provided in terms of supply or access.

– **Contact:** *Mr Juri Soosaar*
(Tel.: 00 32 2 546 96 28 – e-mail : juri.soosaar@eesc.europa.eu)

13. CONSUMER PROTECTION

• ***Marketing of dangerous substances***

– **Rapporteur:** Mr Sears (Employers – UK)
– **References:** COM(2007) 559 final – 2007/0200 COD – CESE 494/2008

– **Contact:** *Ms Filipa Pimentel*
(Tel.: 00 32 2 546 84 44 – e-mail : filipa.pimentel@eesc.europa.eu)

• ***Geographical indications and designations***

– **Rapporteur:** Mr Campli (Various Interests – IT)

– **Reference:** Own-initiative opinion – CESE

– **Key points:**

The EESC felt that this own-initiative opinion on EU quality food should be drawn up in order to ensure further synergy between regulatory requirements in the areas of food safety, the environment and social concerns, and regulations raising the profile of speciality products and foodstuffs from the various EU regions which meet higher standards.

As regards the efficiency of the geographical indications and designations (GI) scheme, the EESC can see a need for further modification of the legislative framework relating to disputes, to prevent and/or handle these problems and to avoid lengthy, exhausting court battles, for example by requiring Member States to act when Community rules have been breached (cf. the ECJ judgment in the Parmesan Case).

On the subject of effectiveness, the EESC stresses that GIs must increasingly be counted among the essential rural development tools, being used in tandem with second-pillar measures at every possible opportunity, particularly where the countries which have recently joined the EU and disadvantaged areas in general are concerned. The EESC feels that the GI scheme – seen as an opportunity for rural development - must meet consumers' growing ethical, social, environmental and other expectations.

– **Contact:** *Mr Arturo Iniguez Yuste*
(Tel.: 00 32 2 546 87 68 – e-mail : arturo.iniguez@eesc.europa.eu)

- ***Classification, labelling and packaging of substances and mixtures***

- **Rapporteur:** Mr Sears (Employers – UK)

- **References:** COM(2007) 355 final – 2007/0121 COD – CESE 493/2008

- **Key points:**

The EESC strongly supports the aim of global harmonisation, the form and legal basis of the implementing legislation hereby proposed by the Commission, and the timetable proposed for implementation by manufacturers and suppliers to coincide with the first major deadline for the registration of "substances" under Regulation (EC) 1907/2006 (REACH).

The EESC also agrees with the Commission's assessment that, although the changes to the system developed in the EU over the last 40 years are both inevitable and widely supported, the short term benefits within the EU are likely to be negligible and the costs potentially high. The EESC therefore believes that greater attention should have been paid to these, quite unusual, circumstances in the original impact assessment.

Furthermore, the EESC

- believes that, given the very tight timetable, and the need to contain start-up costs, there is scope for flexibility in the proposal and in its immediate application. It has taken many years to develop the current system to a point where it properly protects the health and safety of workers and consumers across the EU and it is likely to be the same for the new globally harmonised system. What is key, however, is to commit sufficient long term resources at both the UN and in the Commission to ensure that the process of harmonisation continues;
- notes, with concern, the length of this proposal, by itself and in conjunction with recent proposals such as REACH, the many other pieces of EU legislation with which these both interact, and the ever growing volume of guidance notes now deemed necessary;
- regrets the absence of key definitions and, in particular, the shift from the use of the word "preparations", which has specific toxicological significance, to "mixtures", which does not. The continuing absence of any EU definition of "chemical" as either a noun or adjective continues to give rise to confusion for workers, consumers, managers and legislators alike. The provision of a standard set of definitions, applicable across all the related legislation should be tackled forthwith, leading eventually to a glossary of the key words in all languages, identifying those that mean the same (presumably "chemical", "chemical substance" and "substance") and those that either have different meanings or are unrelated ("article" and "product", for instance.). Cultural confusions or associations, in some languages, with the words "substances" (taken to mean drugs, alcohol or tobacco) and "chemicals" (as indications of terrorist or other illegal activities) should also be identified and avoided;
- notes the twin dangers of over-classification and over-labelling which eventually diminish the impact of warnings that are absolutely essential, and of relying on labels as the only sources of information for workers and consumers alike;

- notes that there is no label proposed for the often very small quantities transferred between laboratories for the purposes of academic study or business R&D. This could be added to the array of labels proposed by the UN without difficulty and is to be preferred to the extremely restrictive, disproportionate and costly exemption currently proposed.

Finally the EESC notes that there will be a growing need to review the quality of the data used and the decisions made under the different jurisdictions world wide. The pressure to agree the outcomes of classification, not just the criteria and processes leading to them, will surely continue. The global needs and benefits of this are rather easier to understand.

- **Contact:** Ms Maarit Laurila
(Tel.: 0032 2 546 97 39 – e-mail : maarit.laurila@eesc.europa.eu)

14. INDUSTRIAL POLICY AND INNOVATION

- ***Fuel cells and hydrogen – joint undertaking***
- **Rapporteur:** Mr Dantin (Employees – FR)
- **References:** COM(2007) 571 final – 2007/0211 CNS – CESE 484/2008
- **Contact:** Ms Filipa Pimentel
(Tel.: 00 32 2 546 84 44 – e-mail : filipa.pimentel@eesc.europa.eu)

15. COMMERCIAL LAW

- ***Mergers of public limited liability companies***
CATEGORY C OPINION
- **References:** COM(2008) 26 final – 2008/0009 COD – CESE 486/2008
- **Contact:** Mr João Pereira dos Santos
(Tel.: 00 32 2 546 92 45 – e-mail : joao.pereiradossantos@eesc.europa.eu)
- ***Protection of the interests of members and third parties***
CATEGORY C OPINION
- **References:** COM(2008) 39 final – 2008/0022 COD – CESE 487/2008
- **Contact:** Mr João Pereira dos Santos
(Tel.: 00 32 2 546 92 45 – e-mail : joao.pereiradossantos@eesc.europa.eu)

16. INFORMATION TECHNOLOGY

- *Legal protection of computer programs (codified version)*

CATEGORY C OPINION

– **References:** COM(2008) 23 final – 2008/0019 COD – CESE 485/2008

– **Contact:** *Mr João Pereira dos Santos*

(Tel.: 0032 2 546 92 45 – e-mail : joao.pereiradossantos@eesc.europa.eu)
