

**COMMISSION FOLLOW-UP TO OPINIONS OF THE**  
**EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**  
**COVERING THE FIRST THREE MONTHS OF 2003**

**(January, February and March)**

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**1. The Lisbon Strategy and Sustainable Development  
Own initiative Opinion - EESC 289/2003 - February 2003  
SG - President Prodi**

<b>Main points of the EESC Opinion</b>	<b>Commission position</b>
<p>1. The EESC recalls that sustainable development was conceived as the overarching priority for the European Union and that over the past few years it has become an ever more urgent policy approach for safeguarding a balanced shaping of economic growth, welfare, social justice and environmental knowledge.</p>	<p>The Commission is fully committed to the priority of sustainable development and seeks to incorporate sustainable development concerns into all its major policies. The Commission intends to undertake a general review of the Göteborg strategy at the start of each new Commission and is now preparing to undertake this review in 2004. Also, with the introduction of the new impact assessment procedure, the Commission has an operational tool that will ensure that all major policy proposals are analysed in terms of their impact on sustainability. The Commission shares the concerns of the EESC that much remains to be done to ensure that the goal of sustainable development underpins the actions and policies put in place to move towards the Lisbon strategy objectives. It believes that the 2003 spring European Council, particularly through its focus on the follow-up to the Johannesburg World Summit, has contributed to this process of integration.</p>
<p>2. The EESC regrets that sustainable development is still not fully integrated into the Lisbon strategy and calls on the Spring Summit in March 2003 to give the necessary impetus for such integration. (1.4 and 1.5). It is critical of the Spring Report for failing to deliver a coherent report on progress with sustainable development and particularly in those areas identified as priority items by the Göteborg European Council, and suggests it has fallen into the trap of identifying sustainable development only as an environmental issue. (2.1)</p>	<p>The Commission takes note that some voices have suggested that the Spring Report took too narrow a view of sustainable development and that it could have been more comprehensive in its assessment of progress since Göteborg. However, both the Report itself and supporting Staff Paper highlighted the main trends and policy developments related to sustainable development, taking a broad view of sustainability rather than restricting it to just environmental issues. The coverage included, for example, the ageing population, quality of work, the Commission's new impact assessment system and the follow-up to the Johannesburg World Summit.</p>

<p>3. The EESC suggested that the Lisbon strategy is in trouble because of a lack of delivery on the bold objectives and actions set out in 2000, and offered to contribute to a review of the strategy in 2003. (1.9 )</p>	<p>The Commission fully shares the EESC's emphasis on the delivery of the reforms of the ground needed to move towards the Lisbon goals. This contrasts with the considerable efforts made by the Commission to formulate policies, and the progress since the Barcelona European Council in getting agreement among the institutions on key proposals and programmes. A key focus for next year must be on how to help Member States move forward with reforms needed to ensure sustainability – particularly in those areas which depend most on national rather than Community action, such as education, curbing unsustainable environmental trends or reforming pension systems to meet the challenge of an ageing population.</p> <p>The Commission welcomes the EESC willingness to contribute to a review of the Lisbon strategy. It has therefore invited the EESC to draw up an opinion assessing the impact of the strategy over its first four years and looks forward to the stakeholders' forum, which the EESC will organise in October on the Lisbon strategy.</p>
<p>4. The Commission is called upon, together with the European Parliament, to ensure policy coherence (1.12).</p>	<p>The Commission believes that both the Lisbon and the sustainable development strategies are helping to ensure a more coherent approach to its policy-making. They are strengthening awareness of the impact of our policies in the economic, social and environmental domains, and of the need to balance short and long-term objectives in formulating policy. Two examples signalled by the Spring Report are our proposals for agricultural and fisheries reforms. Furthermore, the Commission's new system of impact assessment of key proposals is now up and running. It provides a practical tool for improving policy coherence in individual cases.</p>

<p>5. The EESC highlights the fact that the indicators developed in support of the Lisbon strategy tend to focus on the individual dimensions of sustainable development – economic, social and environmental. Additional indicators are needed to show sustainability as a whole. (6.1).</p>	<p>The spring European Council noted the Commission’s intention to report ahead of next year’s Summit on « how the use of structural indicators and other analytical tools for assessing progress on Lisbon strategy could be strengthened ». The EESC’s suggestion is a useful contribution to the reflections, which will go into that report.</p> <p>The Commission recognises the need to develop comprehensive indicators in the context of the SDS. It wishes to emphasise that work has already started in this area piloted by Eurostat.</p>
<p>6. The EESC calls for an annual sustainable development policy report to be prepared for the Spring European Council alongside the implementation report on the broad economic policy guidelines and the joint Employment Report each year (6.6), and invites the Commission to produce an annual or biannual scorecard on progress in sustainable development (7.3).</p>	<p>The Spring Report draws on an “implementation package”, which assesses progress across key aspects of the Lisbon strategy. For this year’s report, that package addressed the implementation of the broad economic policy guidelines and employment developments. The Commission will, as noted by the Spring European Council 2003, update the operational ‘Roadmap on the follow-up to the Goteborg conclusions’. It will also continue to include an assessment of sustainable development within its annual Spring Report. Ensuring coordination between these two documents will help maintain focus. In addition, specifically in relation to environmental aspects of sustainable development, the Commission foresees two further elements, namely an annual stocktaking of the Cardiff process of integration of the environment into other policies and a regular environment policy review.</p>

<p>7. The EESC acknowledges the introduction of the IA procedure in the Commission but expresses concern that only a few proposals have been subjected to the procedure so far.</p>	<p>As mentioned above, the Commission introduced the new impact assessment procedure in June 2002. It comprises a sustainability and regulatory impact assessment. It is being implemented gradually, starting with the assessment of 42 key proposals in 2003. In 2004, the procedure will be fully implemented and the Commission will select a number of key proposals that will have to undergo an impact assessment.</p>
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**2. Simplification (Single Market Observatory)**  
**Own-initiative opinion - EESC 398/2003 - March 2003**  
**SG – President PRODI**

Follow-up of this point has been postponed until the next quarter.

<p><b>3. Proposal for a Directive of the European Parliament and of the Council on the inspection and verification of good laboratory practice (GLP) (codified version)</b>  <b>COM (2002) 529 final – EESC 74/2003 - January 2003</b>  <b>SJ and DG ENTR – Mr President – Mr Liikanen</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC endorses the initiative behind the draft Directive.</p>	<p>The Commission thanks the EESC for the endorsement of the codified Directive.</p>

<p><b>4. Proposal for a Directive of the European Parliament and of the Council on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances (codified version)</b>  <b>COM(2002) 530 final – EESC 75/2003 – January 2003</b>  <b>SJ and DG ENTR – Mr President – Mr Liikanen</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The European Economic and Social Committee welcomes this process. The proposed directive is a positive and necessary step.</p>	<p>The Commission thanks the EESC for the endorsement of the codified Directive.</p>
<p>While the Committee welcomes the above moves, it questions whether the mechanisms designed to put them into practice are efficient enough.</p>	<p>The Commission is in constant contact with the Member States in order to ensure the efficient implementation of the GLP Directives.</p>

- 5. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on an information and communication strategy for the European Union**  
**COM (2002) 350 final - EESC 72/2003 - January 2003**  
**DG PRESS - Mr Antonio VITORINO**

No follow-up has been notified on this point.

<p><b>6. The 2003 Broad Economic Policy Guidelines</b>  <b>Own-initiative Opinion - EESC 410/2003 - March 2003</b>  <b>DG ECFIN - Mr Solbes Mira</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>With this opinion, the EESC contributes to the economic policy debate in the run-up to the Broad Economic Policy Guidelines (BEPGs) for the 2003 – 2005 period. The opinion approves the streamlining of the economic and employment policy coordination cycles and presents, against the background of the current economic situation, the Committee's economic policy priorities. Moreover, the opinion calls for more effective implementation of the BEPGs and provides proposals for improving economic governance.</p>	<p>The Commission welcomes the opinion of the EESC as a useful contribution to the economic policy debate. The Commission notes the Committee's economic policy priorities and is in broad agreement with the suggested way ahead. It fully agrees that effective implementation of the BEPGs is crucial and notes with interest the proposals for improving economic governance.</p>
<p>2, 3.1, 3.2. The opinion recalls the new streamlined policy coordination cycle, approves greater consistency and stability in policy guidance and calls for policies based on detailed macroeconomic analysis.</p>	<p>The Commission is pleased to note the support of the EESC for the streamlined policy coordination cycle which puts increased emphasis on the coherence of policies and the medium-term orientation of the policy strategy. Moreover, the Commission agrees on the importance of the analytical underpinnings of policy guidance and wishes to point out that its competent services regularly analyse both the macroeconomic situation at large and specific topical issues.</p>
<p>The EESC believes the policy objectives set out in the 2002 BEPGs remain valid and considers as priorities at the present juncture (4.2):</p> <ul style="list-style-type: none"> <li>• to maintain the spirit of the Stability and Growth Pact (SGP) and take more account of its growth component by considering a wide range of economic variables (4.2.3);</li> </ul>	<p>The Commission welcomes the support for the main thrust of the policy strategy that has been developed in successive BEPGs.</p> <p>Regarding the SGP, the Commission fully agrees with the EESC that it is essential to reduce deficits in line with the spirit of the SGP. In implementing the Pact, the Commission is taking into due account the economic situation and country-specific conditions.</p>

<ul style="list-style-type: none"> <li>• to proceed with greater fiscal harmonisation (4.2.4); and</li> <li>• to foster the innovation process (4.2.5).</li> </ul> <p>Moreover, the opinion urges progress with the Lisbon reforms, the completion of the single market, and to simplify legislation and regulation (4.4.2-4.4.4).</p>	<p>As to taxation, the Commission sees neither a case nor a possibility for "harmonisation", given the differences in the size of the public sector across Member States. But it agrees that there is a case for simplifying corporate taxation, countering harmful tax competition and, with a view to incentive effects, lowering the tax burden on labour.</p> <p>The Commission fully agrees that for reaching the Lisbon objectives and raising the growth potential, it is key to make progress with economic reforms, the functioning of the internal market, an environment supportive to entrepreneurship and framework conditions conducive to innovation.</p>
<p>The EESC calls for a proper application of the BEPGs and considers that involvement of the social partners in the policy coordination cycle, the use of better indicators and benchmarking could contribute to a more effective implementation of the BEPGs (points 4.3.1, 4.3.3, 4.3.4)</p>	<p>The Commission welcomes the call of the EESC for effective implementation of the BEPGs. In this respect, the Commission appreciates the involvement of the social partners in coordination, e.g. by means of EESC opinions. Moreover, it would like to recall that work on improving statistics and indicators continues and that benchmarking is provided in the BEPGs' Implementation Report.</p>
<p>The EESC makes several suggestions related to economic governance. It calls for the Eurogroup to become a genuine economic government for the euro area (4.3.2) and proposes future Treaty provisions (4.4.5) .</p>	<p>The Commission agrees that the Eurogroup has an important role to play and recalls that it has already been strengthened in numerous ways. But it should also be recalled that in the EMU setup it is the Member States which ultimately bear responsibility for implementing policies in line with the BEPGs.</p>
<p>Decisions on economic and monetary policy to be taken by euro-area finance ministers.</p>	<p>For a future Treaty, the Commission considers it appropriate to set up an Ecofin Council for the euro area to deal with matters directly related to this area, within the existing assignment of competencies, and in particular in full respect of the ECB's independence in monetary policy matters.</p>

The role of the Commission in economic policy coordination to be strengthened.

The Commission welcomes the support of the EESC for a stronger Commission role in economic policy coordination as proposed to the Convention.

<b>7 Proposal for a Regulation of the European Parliament and of the Council on drug precursors</b> <b>COM(2002) 494 final – EESC 277/2003 – February 2003</b> <b>DG ENTR - Mr Liikanen</b>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The EESC endorses the Commission's initiative to transform current Directive 92/109/EEC into a Regulation.	The Commission thanks the EESC for the endorsement of the initiative.

<p><b>8. Proposal for a Regulation of the European Parliament and of the Council on detergents</b>  <b>COM (2000) 485 final – EESC 282/2003 - February 2003</b>  <b>DG ENTR – Mr Liikanen</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>4.2 first bullet point : The EESC therefore recommends that the proposed regulation should specifically state that its joint objective is to encourage the use of surfactants which rapidly biodegrade in a way which does not raise any problem of environmental toxicity.</p>	<p>The Commission does not share the view of the EESC. By setting the wider objective of providing a high level of environmental protection in all respects, the proposal responds to the requirements of Article 95(3) of the Treaty, and in so doing the legislation will be able to respond more easily to any future changes in priority for environmental protection.</p>
<p>4.2 second bullet point : the EESC therefore recommends that more precise test methods are sought, making it possible to more accurately monitor biodegradation over time.</p>	<p>The Commission does not share the view of the EESC. The fact is that more precise test methods do not exist at present. The proposal has taken the best methods available, e.g. the internationally recognised OECD method. The main problem concerning the variability of the biodegradability test results lies not with the test methods, but rather with the inherent biological variability of the test systems. More precise measuring techniques, like the chromatography or electrochemical methods, or continuous monitoring using them, would not give a more accurate answer.</p>
<p>4.2 third bullet point : the EESC therefore recommends that a clear statement should be made that substances in cleaning products causing excessive harm to the environment will be banned. This to be based on evidence published to date and maintained as a rolling review to incorporate the findings of new research studies as they are published.</p>	<p>The Commission does not share the view of the EESC. In fact, substances that cause excessive harm to the environment are already being banned (or restricted in use) under Directive 76/769/EEC, which concerns restrictions on the marketing and use of dangerous substances and preparations. We have made provision to list such banned or restricted substances in Annex 7 of the proposal. An active programme of risk assessments has been in operation in the Member States for many years to identify dangerous</p>

	<p>substances. Well over 1000 substances have so far been restricted or banned under Directive 76/769/EEC.</p>
<p>4.3. : The EESC therefore recommends that the Commission propose ways and means to communicate the general environmental impact characteristics of the product (not just the surfactant), e.g. by requiring the level of primary and ultimate biodegradability as determined by an improved testing process to be expressed as a percentage on the product label.</p>	<p>The Commission does not share the view of the EESC. Labelling the detergent with the percentage ultimate biodegradability could be misleading to the public. The reason is that the tests for ultimate biodegradability measure only mineralisation of the surfactant whereas the increase in biomass, which is not measured, would also need to be known to give the ultimate biodegradability. For this reason, a surfactant with a measured mineralisation of, say, 80% could, in fact, be biodegraded less than one achieving 70% in the same test.</p> <p>Primary biodegradability test results are not open to the objections raised above for ultimate biodegradability. Nevertheless, primary biodegradability tests are foreseen only in the case of derogations, in which case a dossier containing the results of toxicity testing on several organisms must also be submitted. Any decision to grant a derogation would need to take many other factors into account in addition to the primary biodegradability results. In such a case, to label a detergent with the results of primary biodegradation would also be misleading, whereas to label with the detailed outcome of all the tests performed in support of a derogation application is unlikely to lead to any meaningful ranking of products.</p>

<p><b>9. Proposal for a Directive of the European Parliament and of the Council relating to restrictions on the marketing and use of nonylphenol, nonylphenol ethoxylate and cement (twenty-sixth amendment of Council Directive 76/769/EEC)</b>  <b>COM (2002) 459 final – EESC 399/2003 - March 2003</b>  <b>DG ENTR - Mr Liikanen</b></p>	
<p><b>Main points of the EESC opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC intends, within a limited timescale, to encourage structured consultation between the social partners in the sectors concerned.</p>	<p>The Commission notes that the EESC intends to encourage further structured consultation.</p>
<p>A convention between the parties designed to guarantee health protection for people coming into contact with cement would be highly desirable, and would be likely to make an important contribution, on the part of the social partners concerned, to the draft directive under discussion; as a result, its adoption and its implementation by the Member States would be made easier.</p>	<p>The Commission notes the opinion of the EESC to create a convention between social partners and other parties that could guarantee health protection. The Commission notes the initiative to facilitate the implementation of the proposed provisions.</p>

<p><b>10. XXXIst Report on Competition Policy</b>  <b>SEC(2002) 462 final - EESC 69/2003 - January 2003</b>  <b>DG COMP - Mr Monti</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>4.11. The Committee wishes the annual report also to mention the question of limitations imposed on competition by liberal professions and their associations. Bearing in mind the implications this can have, the Committee feels that it merits attention and, if necessary, intervention by the Commission.</p>	<p>The Commission shares the Committee's view that liberal professions are also in principle subject to the rules of European competition law. The Commission has just launched a public debate on whether the present rules and regulations produce more costs than benefits and on possible alternatives.</p>
<p>4.26.1 The Committee finds the public state aid register difficult to access, either because much of the information is unavailable in more than one language, or because of the way the information is structured. The Committee suggests that the page containing this information be updated to make it clearer and more transparent, and that a search engine be added.</p>	<p>The Commission is continuously improving the content and structure of the information it makes available on the web.</p>

**11. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on a framework for the promotion of employee financial participation**  
**COM(2002) 364 final – EESC 284/2003 - February 2003**  
**DG EMPL - Mrs Diamantopoulou**

<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The EESC considers that the Commission Communication makes a significant contribution to reactivating initiatives on employee financial participation.	The Commission takes note of the EESC's positive comments.
The EESC endorses all elements of the Communication.	The Commission welcomes this endorsement.
The EESC emphasises the role which the social partners can play in determining forms of financial participation.	The Commission will try to make sure that this topic is, in the future, included on the agenda for the European social partners' dialogue.

<p><b>12. Communication on the future of the European Employment Strategy (EES)</b>  <b>COM(2003) 6 final – EESC 405/2003 - March 2003</b>  <b>DG EMPL - Mrs Diamantopoulou</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
	<p>Generally speaking, the Commission welcomes the EESC's support. It nevertheless wishes to comment on the following points:</p>
<p>4.3/5.3 Importance of investment in human capital – substantial increase required.</p>	<p>The EESC refers to the proposed objective of 15% of workers participating in training/education activities. This is in line with the objectives currently under discussion in the Education Council.</p>
<p>4.4.1/4.4.2/4.4.4 Need for more measures to assist the unemployed, combat undeclared work and integrate immigrants.</p>	<p>These aspects are highlighted in the proposed guidelines - COM(2003) 176.</p>
<p>4.4/5.9 Need for reinforcement of entrepreneurship and the role of SMEs.</p>	<p>The Commission is generally in agreement. In its proposed guidelines - COM(2003) 176 - it has included a separate priority, referring to the Charter for Small Enterprises; however, the EESC recognises the difficulty of establishing appropriate quantified objectives.</p>
<p>4.5 The Commission's reference to poverty traps is too much of a generalisation. The EESC fears that this might lead to a cut in social welfare services.</p>	<p>The EESC is probably referring to the unemployment trap, since the poverty trap has more to do with heavy marginal taxation of low-income workers. Nevertheless, the EESC's reading is too restrictive. The Commission's contrasting analysis of social security systems in COM(2002) 416 taking stock of the EES shows that in some countries they could not be further reduced. The present Communication, moreover, advocates social integration through the labour market, a flexibility-security balance, and quality of work.</p>

<p>5.4.1 The EESC proposes that the Member States provide financial incentives for unemployed people undergoing education or training, using ESF resources for this purpose.</p>	<p>The Commission believes that this is already done in many Member States.</p>
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<p><b>13. Communication from the Commission to the Council and the European Parliament – Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities COM (2003) 16 final – EESC 407/2003 - March 2003 DG EMPL - Mrs Diamantopoulou</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
2.4 The EESC considers that the legally binding instrument should be a Convention.	The Commission shares this view and welcomes the support from the EESC.
2.7 The EESC considers that the Convention must be based on the principles and ideas laid down in the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities and in the World Programme of Action concerning Disabled Persons.	Standard Rules and the World Programme of Action should be given due consideration, without them necessarily constituting the basis for a Convention. The Standard Rules were not aimed at conferring protection against discrimination on the grounds of disability. They were conceived as guidelines for the development of policies to promote the equalisation of opportunities for persons with disabilities.
2.8 The EESC considers that the Convention should refer to and identify the full spread of human rights.	The Commission agrees with this view. The objective of the Convention is to cover the full range of existing human rights.
2.10 The EESC considers the establishment of a strong monitoring mechanism and the specification of enforcement provisions as crucial success factors, in line with those included in the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Elimination of Discrimination Against Women.	The Commission agrees with this view.

<p>2.16 The EESC recalls its recommendation on the need for a disability-specific directive, based on Article 13 of the EC Treaty, combating discrimination in all areas of EC competence.</p>	<p>The Commission thinks that a new proposal for a directive in this area before having had some experience with the implementation of the equal treatment in employment directive would be counter-productive. It could, in particular, have a negative impact on the transposition of the employment directive by leading Member States to postpone measures to implement it pending discussions on the new proposal.</p>
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<p><b>14. Proposal for a Directive of the European Parliament and of the Council on the promotion of cogeneration based on a useful heat demand in the internal energy market</b>  <b>COM(2002) 415 final - EESC 279/2002 - February 2003</b>  <b>DG TREN – Mrs de Palacio</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC welcomes the objective of developing a framework directive on promotion of cogeneration, and agrees on the majority of elements proposed by the Commission.</p>	<p>The Commission is grateful for this support.</p>
<p>3.6 Article 7 Support schemes</p> <p>The EESC opposes the differentiated treatment that penalises cogeneration installations above 50 Mwe.</p> <p>(Mentioned in recital 16)</p>	<p>The Commission <u>can accept</u> deletion of the reference to a specific capacity threshold for public support and will take account of this when negotiating with the other institutions. However, the Commission would like to stress that Member States' economic support programmes must be designed in accordance with the guidelines for state aid for environmental protection in order to avoid damaging market distortions.</p>
<p>3.9 Article 10 Member States reporting</p> <p>3.10 Article 11 Commission reporting</p> <p>The EESC considers that simplification is needed in order to avoid too burdensome reporting obligations.</p>	<p>The Commission agrees that reporting must not be too burdensome and this is already reflected in the process in Council, where Member States have argued for a reduction in the reporting obligations and the Commission has agreed on simplifications.</p>

<p><b>15. Proposal for a Regulation of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators</b>  <b>COM (2002) 521 - EESC 280/2003 - February 2003</b>  <b>DG TREN - Mrs de Palacio</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p><b>Article 2(a), 2(b) and 4</b></p> <p>Drafting amendment to bring the text of these articles into line with Article 1.</p>	<p>The Commission can accept the proposal, which will further clarify the text. To be taken into account in negotiations with the other institutions.</p>
<p><b>Article 2</b></p> <p>Alteration of the scope of the Regulation to include non-motorised and ultra-light power driven aircraft, and local flights.</p>	<p>The Commission can accept the proposal and will take it into account during negotiations with the other institutions.</p>
<p><b>Article 3</b></p> <p>Introduction of new definitions: "the insured" and "civil commotion or social disturbance"; replacement of the term "incident" with "accident".</p>	<p>The Commission cannot accept the EESC's proposal: it is both superfluous (concept of insured) and confusing.</p>
<p><b>Article 6</b></p> <p>Amendment of the text relating to liability for damage to passengers and baggage in order to determine the levels of strict liability and to make a distinction between passengers and baggage.</p>	<p>Accepted in part: the Commission's proposal is intended to deal only with insurance, not liability. However, the Commission can accept that the amounts of cover for passengers and baggage should be determined independently and will take this into account during negotiations with the other institutions.</p>
<p><b>Article 7</b></p> <p>Introduction of a category for aircraft weighing less than 25 000 kg.</p>	<p>The Commission can accept the EESC's proposal and will take it into account during negotiations with the other institutions.</p>

**Article 10**

Drafting amendment of the text providing for 1) the Commission's report to contain also an assessment, and 2) the Commission to examine developments and occurrences on the market.

The Commission cannot accept the EESC's proposal, which is superfluous.

**16. Proposal for a Directive of the European Parliament and of the Council amending Directive 2001/25/EC on the minimum level of training of seafarers**  
**COM (2003) 1 final - EESC 401/2003 - March 2003**  
**DG TREN - Mrs de Palacio**

<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p><b>2.9.</b> Despite the concerns expressed and the suggestions made by the Commission in its April 2001 Communication regarding the shortage of EU seafarers, the measure under consideration would have precisely the opposite effect, making it easier for third countries' cheaper crews to be employed on EU vessels.</p>	<p>This is a parallel, independent measure designed only to improve the existing procedure for the recognition of certificates issued by third countries. It will apply only when Member States decide to employ seafarers holding certificates issued by third countries, the sole objective being to lay down conditions for their recruitment.</p>
<p><b>4.3.</b> The Commission is requested to ensure that adequate resources are made available, at both national and EU levels, (Commission departments and European Maritime Safety Agency), for carrying out the evaluation work involved.</p>	<p>The Commission takes due note of this request.</p>
<p><b>4.4.</b> No additional measures have been taken to ensure that third-country nationals are not exploited on EU vessels.</p>	<p>The Commission will take this observation into account for the preparation of future legislative proposals concerning living and working conditions on board vessels flying the flags of EU Member States.</p>
<p><b>4.4.</b> The Committee encourages the Commission to move forward with the preparation of legislative proposals which can guarantee adequate protection on board vessels calling at EU ports.</p>	<p>The Commission notes the Committee's support for the legislative proposal which it intends to put forward shortly, concerning the application of minimum international social standards on board vessels calling at EU ports.</p>

**17. Proposal for a Council Directive (Euratom) setting out basic obligations and general principles on the safety of nuclear installations**  
**Proposal for a Council Directive (Euratom) on the management of spent nuclear fuel and radioactive waste**  
**COM (2003) 32 final - EESC 411/2003 - March 2003**  
**DG TREN – Mrs de Palacio**

Main points of the EESC Opinion	Commission Position
<p><b>4.2</b> The EESC considers that the safety directive should make it clear that the monitoring procedures will apply without prejudice to the current remit of the Member States' safety authorities and that the operators of nuclear installations will continue to bear sole responsibility for safety.</p>	<p>It may be possible to amend subsequently, in negotiation with the Council, the text of <b>Article 5</b>, mainly to point out that the operator remains responsible for the safety of the nuclear installation.</p>
<p><b>4.3</b> The EESC suggests amending <b>Article 12(1)</b>, concerning checks, as follows : "In order to ensure the maintenance of a high level of nuclear safety in the Member States, the Commission shall monitor safety authorities <u>in line with the common safety standards set out in Article 7(1).</u>"</p>	<p>It may be possible to introduce subsequently, in negotiation with the Council, an amendment allowing for speedy verification. The text might read : "<u>...the Commission shall monitor safety authorities in line with the safety practices currently in force in the Member States and the common standards set out in Article 2 (2).</u>"</p> <p>Further clarification could be given to the effect that the common standards are to be based wholly on those drawn up by the IAEA. The definition of common standards could be consequently altered. Such alteration might be necessary in the light of the Commission receiving numerous comments from European industry expressing fears about the possibility of the current drafting ultimately giving rise to two different or competing standards systems. The change could be made in negotiation with the Council, along the following lines : "<i>common safety standards, all the rules to be drawn up on the basis of the general principles set out in this Directive observing the safety standards established within the framework of the International Atomic Energy Agency.</i>"</p>

<p><b>4.4</b> The EESC proposes an addition to <b>Article 7(1)</b>, concerning the responsibilities of undertakings : <i>"The timetable for introducing common safety standards and implementing provisions shall be set out in future updates of the present Directive."</i></p>	<p>This viewpoint cannot be followed up. The suggestion gives no substantive input. The definition of common standards in Article 2(2) (<i>all the rules to be drawn up on the basis of the general principles set out in this Directive</i>) is sufficiently clear in indicating that there could be other directives.</p>
<p><b>4.5.1</b> The EESC thinks that the wording of <b>Article 1(a)</b> on the purpose and scope of the waste directive is too vague. It suggests clarification <i>"to ensure that all spent nuclear fuel and radioactive waste is safely managed so that workers, the general public and the environment are protected in accordance with the objectives of Directive 96/29/EURATOM (instead of "...adequately protected")</i>.</p>	<p>This suggestion could be acceptable in substance. As regards the form, it would be preferable to state : "<u>... in accordance with the basic standards provided for in Article 30 of the Euratom Treaty.</u>" Such wording ensures greater consistency with Article 1 of the safety directive. This proposal will be put forward during negotiations with the Council.</p>
<p><b>4.6</b> Two criticisms are made on the subject of funding for decommissioning nuclear installations. Firstly, the EESC has doubts about the legal basis for funding mechanisms being derived from Chapter 3 of the Euratom Treaty. It points out that the Commission's proposal on this matter is simply an administrative and organisational arrangement that sets out the way in which decommissioning is to be financed and does not have implications for the practicalities of health protection. In the EESC's view, this is an area for which the Member States should have sole responsibility.</p> <p>Secondly, the EESC questions the soundness of obliging the Member States to externalise the funds. It recommends giving operators freedom to choose the most economical method of obtaining sufficient and secure funding in line with EU competition law. It concludes by stating that the decommissioning funds proposed by the Commission should be seen as only one option.</p>	<p>This viewpoint cannot be followed up. The EESC's comments call into question the options adopted by the Commission on 30 January 2003. They are not acceptable because there is a risk that they will distort the Commission's proposal.</p>
<p><b>4.7</b> The EESC believes that the proposed</p>	<p>The Commission's proposal emphasises the</p>

<p>timetable for the authorisation and operation of storage sites or the elimination of radioactive waste is too tight.</p>	<p>incentive nature of these dates for the Member States. Even if there is room for some flexibility, appraisal of the need to modify the proposed dates will take place during negotiations with the Council.</p>
<p><b>4.8</b> The EESC considers also that the directive should state clearly that no Member State will be obliged to import or export radioactive waste if this is in breach of its national legislation.</p>	<p>The proposed directive cannot in any way be interpreted as placing an obligation on a Member State to import radioactive waste from another Member State. This point could, if necessary, be the subject of a <b>new recital</b> negotiated with the Council.</p>

<p><b>18. Proposal for a Directive concerning the alignment of measures with regard to security of supply for petroleum products</b></p> <p><b>Proposal for a Directive concerning measures to safeguard security of natural gas supply</b></p> <p><b>Proposal for a Council Directive repealing Council Directives 68/414/EEC and 98/93/EC imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products, and Council Directive 73/238/EEC on measures to mitigate the effects of difficulties in the supply of crude oil and petroleum products</b>  <b>COM(2002) 488 final – EESC 400/2003 – March 2003</b>  <b>DG TREN – Mrs de Palacio</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p><b>3.1.2 and 4.2.1</b></p> <p>The Committee is very guarded about the proposal obliging the Member States to increase their security stocks from 90 days' to 120 days' consumption. It believes that there are no compensatory benefits to justify the additional cost of such a decision.</p>	<p>Reserved pending negotiations with the other institutions. As far as the Commission is concerned, abandoning the 120-day obligation will require a substantial improvement in the <i>quality</i> of security stocks.</p>
<p><b>3.1.3 and 4.2.3</b></p> <p>The Committee sees it as essential that the EU strategy on security of oil supply should not be separate from that adopted by the other major consumer countries and should be based on close collaboration with the IEA. By speaking with one voice, the EU Member States would certainly carry more weight within and in their dealings with the IEA than if they adopted a Eurocentric approach, which does not make much sense in a worldwide oil market.</p> <p>The Committee believes that EU action to manage oil supply crises should be carried out within the framework of the IEA, in order to have sufficient clout and prospects of success.</p>	<p>The Commission is not aiming to create a situation where the EU must decide unilaterally to use its stocks without liaising with the other consumer countries, which would of course be inefficient. Given the global, flexible nature of the oil market, the EU must always seek to act in concert with the other major consumer countries; the IEA may provide a framework for the necessary coordination. However, the existence of the IEA in no way lessens the need for a Community decision-making process : the specific characteristics of the European Union and the development of the internal market make it essential to establish a Community decision-making process. This does not mean negating the role of the International Energy Agency. The Commission can envisage explicit provision being made in the legislative</p>

	text for linking the IEA procedures and the Community mechanisms.
<p><b>3.1.4 et 4.2.2</b></p> <p>Whilst the EESC shares the Commission's concern over the damaging effects of sharp increases in oil prices on the EU economy and household purchasing power, it is very guarded about the Commission's proposal for using strategic stocks to intervene on the market in a counter-cyclical way when prices rise sharply.</p>	<p>The Commission agrees that it would be illusory to believe that consumer countries could use security stocks to counter OPEC and control prices. It is, however, also a question of actively broadening the concept of strategic stock use under the 1974 Treaty founding the International Energy Agency and the Community texts dating from the 1970s, whereby stocks could be used only as a means of last resort to cope with an existing shortage. Given that the market in oil operates by anticipation, it is logical that there should be scope for releasing security stocks where a risk of potential disruption of supply is perceived, although physical disruption may not be expected to occur.</p>
<p><b>3.2.3.</b> The EESC understands that, given the current situation as regards the internal market for gas, the Commission does not wish to penalise unduly companies which are "new entrants" to the market or "companies with small market shares". The EESC does not, however, believe that consideration should consequently be given to exempting these companies on principle from the security of supply provisions to be implemented by the Member States. It should be up to the Member States to define the best way to reconcile, on the one hand, the priority which has to be attached to maintaining security of supply for customers with, on the other hand, the real opening-up of the market.</p>	<p>In view of the current state of the internal market for gas, the Commission considers exemptions from security of supply obligations a necessary means, in order not to deter new market entrants and to promote competition.</p> <p>While Member States may define how these exemptions should be implemented in practice, the Commission must have a say, in order to maintain a level playing field across the European gas market.</p>

<p><b>3.2.3.1.</b> Household customers and very small enterprises do not have the necessary knowledge to gauge the reliability of an offer made by a gas supplier, if the state does not require the supplier in question to assume his share of the responsibility, irrespective of how big or small he may be. Furthermore, the proposed exemption would result in a difference of treatment vis-à-vis oil suppliers which are required in the Commission's proposal to contribute to stocks - and to make payments to the central stockholding agency</p>	<p>It is the Commission's understanding that customers of new market entrants and small companies would enjoy the same level of security of supply as customers supplied by incumbents. Ensuring this would be a matter for Member States.</p>
<p><b>4.3.3.</b> The EESC notes that companies which are new entrants to the market may be exempted from the obligation to hold security stocks; it wonders what impact this measure may have and proposes that responsibility for it should lie with the Member States.</p>	<p>It is the Commission's view that only the Commission would be in a position to maintain a level playing field across the European internal market for gas. This is, however, without prejudice to the competence of and measures taken by Member States, which may be in line with that objective.</p>
<p><b>4.4.</b> In the light of the EESC's own nature and role, it believes that it should be associated and involved in the monitoring and assessment of the policies for ensuring security of oil and gas supplies; such involvement would fulfil the need for transparency expressed by representatives of European consumers.</p>	<p>The Commission cannot take a final position on this request, as the procedures on how monitoring would be ensured are not finally defined yet. These procedures must be effective and efficient and will be as transparent as possible.</p>

**19. Proposal for a Regulation amending Regulation (EC) No 417/2002 on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers and repealing Regulation (EC) No 2978/94  
COM(2002) 780 - EESC 415/2003 - March 2003  
DG TREN – Mrs de Palacio**

<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>5.2 The EESC regretted that another ecological disaster had occurred with the sinking of the tanker Prestige, despite the precedent of the Erika accident and the ensuing mobilisation of the Community institutions which resulted in two legislative packages (Erika I and II).</p>	<p>The Commission shares the EESC's regret. It believes that such a disaster could have been avoided if all the European Commission's proposals had been fully adopted and applied. In the wake of the Prestige accident, the Commission wrote to all the Member States asking them to implement as quickly as possible the new legislative measures under the "Erika I and II" packages.</p>
<p>5.7 The EESC calls for:</p> <ul style="list-style-type: none"> <li>the introduction of contingency plans for accidents;</li> <li>intensification of supervisory measures;</li> <li>clarification of the legal liability of all parties involved in maritime transport;</li> <li>improved vocational skills for crews;</li> <li>repairs to be carried out at dockyards offering guaranteed quality, thus ensuring safety, with more stringent technical standards for the design and construction of vessels;</li> <li>stronger enforcement of the port state control Directive;</li> <li>more rapid implementation of the Directive requiring greater transparency of classification societies;</li> <li>ratification by EU Member States of the Hazardous and Noxious Substances Convention (HNS) and the Bunkers Convention;</li> <li>implementation by EU Member States of the 1990 Oil Pollution</li> </ul>	<p>The Commission intends to give the European Union the necessary tools to guard against such accidents in the future, through suitable regulation and international vigilance.</p> <p>On 3 December, the Commission adopted a communication on improving safety at sea, with particular emphasis on establishing the Maritime Safety Agency, banning the transport of heavy fuel oil by single hull tankers and introducing penal sanctions.</p> <p>At the Copenhagen European Council of 12 and 13 December 2002, the Heads of State and Government reiterated their conclusions adopted at the Nice European Council in December 2000 concerning forward planning to implement the Erika I and II legislative packages. They also called on the Commission to present a progress report.</p> <p>The Commission presented its report on 5 March 2003 (doc COM(2003) 105 final), describing the wide range of actions taken or planned at EU and national level. These measures, by and large incorporating most of the EESC's requests, focus on aspects of prevention on the one hand, and compensation and repairing damage on the other.</p>

<p>Preparedness, Response and Cooperation Convention (OPRC);</p> <p>adoption of an Erika III package of measures addressing the human factor in maritime safety;</p> <p>more stringent application of the Convention on training, certification and watchkeeping for seafarers (STCW 78/95).</p>	<p>The Commission will endeavour, in its future legislative and administrative proposals, to pursue a comprehensive strategy of prevention, reparation and sanctions with the involvement of all concerned.</p>
<p>5.8 Given the far-reaching socio-economic implications and the international character of shipping, the Member States should endeavour swiftly to introduce through the IMO (to ensure global application) a satisfactory accelerated phasing-out schedule for single-hull tankers which would be aligned with the American Oil Pollution Act of 1990. The EU initiative in the IMO should be taken without prejudice to the right and obligation to ensure timely and adequate environmental protection within the EU.</p>	<p>The Commission has taken the EESC's suggestion into account in negotiations with the other institutions.</p> <p>Firstly, the accelerated phasing-out schedule has been altered. The deadline for withdrawal of Category 3 tankers has been brought forward from 2015 to 2010, with certain exemptions made for tankers with double bottom spaces and/or double sides. These changes bring the proposed timetable into line with that in force in the United States since 1990.</p> <p>Secondly, the Member States and the Commission placed before the IMO, on 10 April 2003, a proposal for measures geared to revising the MARPOL Convention in order to guarantee the application of similar measures worldwide. The Commission and the IMO have agreed on a method for speeding up, in the course of 2003, the processing of EU proposals.</p>
<p>5.10 The proposed banning of single-hull tankers from 600 to 5 000 dwt would seriously affect bunkering operations in the EU and put at risk the supply of islands and other locations that depend on sea transport for their oil. It would also hamper the promotion of the European short-sea shipping sector. Therefore, for tankers below 5 000 dwt, the banning measure ought to be introduced progressively.</p>	<p>The Commission has taken the EESC's suggestion into account in negotiations with the other institutions.</p> <p>There is at present in the Member States a limited number of double-hull tankers below 5 000 dwt, unlikely to suffice for the supply of islands and other locations. Nevertheless, the situation differs markedly from one Member State to another. The Commission believes that a 5-year transitional period as from the entry into force of the Regulation, i.e. by 2008, is reasonable for ensuring the replacement of the existing fleet and the</p>

	<p>phasing-in of double-hull tankers for transporting the most polluting substances (heavy grades of oil) in this market sector.</p>
<p>5.11 The EU should propose to the IMO that, under the MARPOL Convention, highly sensitive environmental areas be designated as "areas to be avoided" as far as tankers carrying heavy fuel oil are concerned. Additionally, the EU and the IMO should cooperate to establish, in accordance with the SOLAS Convention, mandatory routing systems along EU coasts for single-hull tankers carrying highly polluting oils.</p>	<p>On 9 April 2002, the Commission issued a recommendation to the Council with a view to the European Community's accession to the IMO so that the EU would have a full say in the preparation and adoption of more stringent international rules governing maritime safety.</p> <p>As pointed out by the Copenhagen European Council, the European Union must play a leading role in international efforts in pursuit of maritime safety objectives, in particular within the IMO.</p> <p>Coordinated EU action will meanwhile be necessary to back the demands of the Member States (notably Belgium, France, Spain, Portugal, the United Kingdom and Ireland) for swift referral to the IMO with the aim of identifying and protecting particularly sensitive areas on account of their resources and the particular nature of the traffic.</p>

<p><b>20. Communication – Towards a Thematic Strategy on the Sustainable Use of Pesticides</b>  <b>COM (2002) 349 final – EESC 68/2003 - January 2003</b>  <b>DG ENV - Mrs WALLSTRÖM</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The EESC endorses the general approach.	The Commission takes note of the favourable opinion.
The EESC recommends that the action programme be based on EU-harmonised criteria but elaborated at Member State level to tackle local specificity.	The Commission agrees that subsidiarity plays a role in the elaboration of national reduction plans, but it will aim at maintaining coherence among the Member States to avoid any distortion of the internal market and inequity regarding risk reduction.
The EESC encourages the Commission, before raising a fair levy to finance partly the proposed measures, to ensure that corresponding charges are also introduced in other countries.	The Commission notes the EESC's suggestion but wishes to point out that it has no competence to encourage third countries to apply a similar levy system. Furthermore, the Commission will take a careful approach on this matter.
The EESC supports the proposed harmonisation of VAT.	The Commission takes note of the support.
The EESC invites the Commission to work on the development of indicators.	The Commission agrees that indicators are necessary instruments and will work with Member States in the framework of the OECD to develop them.
The EESC supports mandatory training/advice and technical control of application equipment.	The Commission takes note of the support.
The EESC welcomes the revision of Directive 91/414/EEC concerning the placing on the market of plant protection products.	The Commission is currently finalising the internal adoption of the revised text (including substitution principle) and will present it to the EESC in mid-2003.

<p><b>21. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 2037/2000 as regards the critical uses and export of halons, the export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane COM(2002) 642 final – EESC 283/2003 - February 2003 DG ENV - Mrs WALLSTRÖM</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC supports the proposed amendments, which are consistent with the environmental objective of Regulation (EC) No 2037/2000, and set out to provide practical solutions for the safer and more effective achievement of this objective.</p>	<p>The Commission welcomes the Committee's support for the proposed amendments.</p>
<p>In particular, the EESC welcomes the approach regarding exports, which are to be subject to specific authorisations and strict controls. The purpose is to reduce the amount of substances harmful to the ozone layer released into the atmosphere, including in countries outside the EU and which are not signatories to the Montreal Protocol.</p>	<p>The Commission also attaches particular importance to the control of exports. This aspect has been further strengthened in the first reading with the Council.</p>
<p>In the final version of the regulation, the discrepancy between the wording of Article 1(3)(c) and that of Article 1(4)(a) should be removed, since the texts they refer to are worded identically.</p>	<p>This discrepancy has been resolved.</p>
<p>The EESC welcomes the fact that the candidate countries have already received proper support in applying Regulation No 2037/2000, and that they have signed the Montreal Protocol: these are preconditions for consistent and uniform application in an enlarged EU.</p>	<p>The Commission shares the Committee's view as regards the candidate countries. The accession countries will fully apply Regulation (EC) 2037/2000 from 1 May 2004 without any derogations or transition periods.</p>

<p>In the light of the above, and of the new situation which will exist in 2004 regarding both the new export arrangements from 1 January of that year and, even more importantly, EU enlargement, the Committee wonders whether the time has come for a thoroughgoing review leading to a new regulation, rather than continuing with successive amendments.</p>	<p>The Commission takes note of the Committee's suggestion for a review of the Regulation. It believes that there is a good case for consolidating and reviewing the Regulation in the near future in order to take account of new developments in this policy area.</p>
<p>The EESC would once again call upon the Commission to pursue the basic objective of involving those countries which have not signed the Montreal Protocol in this global drive. The protocol is now achieving major results in a number of developing countries, where work is already under way to phase out the use of CFCs and replace them immediately with more environmentally friendly technologies.</p>	<p>Most countries have signed the Montreal Protocol and there is a determined effort at international level, which the Commission fully supports, to get all countries to sign and ratify the Montreal Protocol. Equally important are efforts, in which the Commission plays a leading role, to ensure that developing countries sign up to subsequent amendments to the Montreal Protocol. Trade measures under the Regulation and the Multilateral Fund that assist developing countries in their phase out are ways in which developing countries can be encouraged to fully participate in the Montreal Protocol.</p>

**22. European Research Area: providing new momentum**  
**COM (2002) 565 final – EESC 288/2003 – February 2003**  
**DG RTD – Mr Busquin**

Main points of the EESC Opinion	Commission Position
<p>5.1. The Committee emphasises the fundamental <b>importance</b> of <b>mobility</b> for scientists and technicians as regards knowledge transfer, contacts and networking; in this connection, it supports the Commission's proposals and recommends taking into account and compensating, through promotional measures and regulatory provisions, any mobility-related costs so that those concerned are not disadvantaged but are given sufficient incentive.</p>	<p>The Commission gives very high priority to human resources and the mobility of researchers in the initiatives which it currently undertakes in this field. The Committee's attention is drawn especially to:</p> <ul style="list-style-type: none"> <li>• the implementation, in close cooperation with the Member States and the candidate countries, of the strategy geared to mobility in the ERA, as outlined in an initial report [SEC(2003) 146 of 4.02.2003 annexed]; in particular, in this context the Commission will, next autumn, make specific proposals to facilitate the entry and residence of researchers from third countries within the ERA;</li> <li>• the adoption of the « Human resources and mobility (Marie Curie Actions) » strand of the sixth R&amp;D framework programme, for which the budget has been substantially increased (1.58 billion euro for 2003-2006); the first calls for proposals were published on 17 December 2002, covering 12 types of Marie Curie action with an anticipated budget of 744.5 million euro.</li> <li>• Work has begun on strengthening the European dimension of researchers' careers: for instance, a conference on the future of human resources for research in Europe was organised by the European Commission on 24 March 2003; a communication on researchers' careers will be presented in June 2003.</li> <li>• Mobility is regarded as a priority area</li> </ul>

	for applying the open method of coordination (cf. point below).
5.2. The Committee expressly supports the creation of a "Community patent".	At the Competitiveness Council of 3 March 2003, political agreement was reached on the Community patent with further endorsement at the Brussels European Council in March 2003. A Regulation on the Community patent is expected to be adopted shortly.

<p><b>23. More research for Europe – Towards 3% of GDP</b>  <b>COM (2002) 499 final – EESC 278/2003 - February 2003</b>  <b>DG RDT – Mr Busquin</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
	<p>The following two points of the EESC's highly favourable opinion regarding the "More research for Europe" communication are mainly taken on board in the Commission communication "Investing in research : an action plan for Europe" (COM (2003) 226 of 30 April 2003)</p>
<p>3.2. The EESC points out that R&amp;D, especially in a period of economic slowdown, should be regarded as an investment, not an expense.</p>	<p>In the current economic slowdown, it is all the more important that budgetary policies foster investment generating stronger future growth, where research is a key priority. Emphasis is placed on encouraging and monitoring the refocusing of public budgets on knowledge, and research and innovation in particular. As the Commission pointed out in its report to the European Council of March 2003<sup>1</sup>, investing in research is central to the strategy defined by the Lisbon European Council in March 2000 for economic, social and environmental renewal.</p>
<p>3.5. The EESC urges the Commission to give the Member States more encouragement to make the radical changes needed.</p>	<p>A series of actions are designed to support the efforts made by European countries, ensuring that they are mutually consistent and form an effective combination of public policy instruments. This entails a process of coordination with and between the Member States and the acceding countries.</p>

<sup>1</sup> Communication from the Commission to the spring European Council - «Choosing to grow: knowledge, innovation and jobs in a cohesive society», COM(2003) 5, 14 January 2003.

<p><b>24. Proposal for a Decision of the European Parliament and of the Council on Community participation in a research and development programme aimed at developing new clinical interventions to combat HIV/AIDS, malaria and tuberculosis through a long-term partnership between Europe and the developing countries, undertaken by a number of Member States and Norway</b>  <b>COM (2002) 474 final – EESC 414/2003 - March 2003</b>  <b>DG RTD – Mr Busquin</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>5.3. The EESC recognises that the Community decision to intervene to combat the three diseases is necessary and urgent.</p>	<p>The Commission has actively supported this research programme aimed at accelerating the development and evaluation of new vaccines and medicines, in the framework of a partnership between European countries and those of sub-Saharan Africa.</p>
<p>5.5. Stresses the importance of boosting research capacity in the developing countries in the interest of sustainability through the transfer of technologies in particular.</p>	<p>The platform to be created should transfer the research results more rapidly towards clinical development with the full participation of the developing countries. A large part of the programme budget is earmarked for strengthening the research capacity of the developing countries.</p> <p>The Commission draws attention to the uniqueness of this initiative, which is based on four kinds of partnership:</p> <ul style="list-style-type: none"> <li>• Partnership between European countries through better coordination of their national research programmes on the three diseases targeting the developing countries;</li> <li>• Partnership between scientists from North and South, from the outset of the project;</li> </ul>

	<ul style="list-style-type: none"> <li>• Partnership between African countries geared to greater mobility of researchers, more fruitful exchange between laboratories and enhanced training of young scientists;</li> <li>• Partnership between the public and private sectors for sharing of risks and benefits.</li> </ul>
<p>6.10. The EESC draws attention to the difficulties faced by countries in the sub-Saharan region of Africa as regards obtaining drugs and medicines adapted to their economic and cultural circumstances.</p>	<p>This programme is intended to lead to the discovery of new effective and affordable products, along with proposed new strategies for treatment with already known medicines which may be applied in circumstances where health services are lacking, taking cultural barriers into account.</p>
<p>6.9. The EESC points out that other diseases also require urgent action.</p>	<p>The Commission has targeted this first initiative on the three most serious infectious diseases. If the results of this programme are promising, it may subsequently be extended to other pathologies.</p>

**25. Communication from the Commission to the Council and the European Parliament laying down a Community action plan for the conservation and sustainable exploitation of fisheries resources in the Mediterranean Sea under the Common Fisheries Policy  
COM (2002) 535 final - EESC 402/2003 – March 2003  
DG FISH- Mr Franz FISCHLER**

No follow-up has been notified on this point.

**26. Proposal for a Directive of the European Parliament and of the Council amending Council Directives 78/660/EEC, 83/349/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies and insurance undertakings  
COM(2002) 259 final – EESC 91/2003 – January 2003  
DG MARKT – Mr BOLKESTEIN**

The Commission considers that it is not suitable to take any actions pursuant to this opinion of the EESC, in particular owing to the fact that the EESC had not suggested any specific actions to be taken in this proposal.

<p><b>27. Proposal for a Directive of the European Parliament and of the Council amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC, 90/232/EEC and Council Directive 2000/26/EC on insurance against civil liability in respect of the use of motor vehicles</b>  <b>COM (2002) 244 final – EESC 287/2003 – February 2003</b>  <b>DG MARKT – Mr BOLKESTEIN</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The EESC supports the approach of the Commission.	Endorsement noted.
The EESC proposes setting a ceiling of EUR 10 000 000 per claim for personal injury whatever the number of victims (Article 2 - point 3.2.3 of the opinion).	Rejected. The Commission considers such an amendment to be incompatible with the approach of the directives in the field (minimum harmonisation), since the Second Directive establishes a minimum amount of cover, while giving the Member States scope to lay down higher, even unlimited, amounts.
The EESC proposes that the provision concerning pedestrians and cyclists be withdrawn from the present draft, while reserving the right to put forward a new proposal on the matter (Article 4§2 – point 3.4.2.3 of the opinion).	Rejected. This provision should improve the lot of "vulnerable" road users in need of particular protection. It is consistent with the general objective of halving the number of accident victims by 2010.
The EESC wants the insurance statement to be provided within 15 days of a request by the policy holder (Article 4§4 – point 3.4.3.2 <i>in fine</i> of the opinion).	The EESC's request could perhaps be taken into account in current or subsequent negotiations with the other institutions.
The EESC calls upon the Commission to propose that this text should consolidate the four earlier directives, perhaps later being transformed into a " <i>European motor insurance code</i> " (point 4.1.3).	Request taken into account, but not in the context of the current proposal. Following adoption, the Commission could consider recasting all the directives on motor vehicle civil liability insurance.

<p><b>28. Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions - The programming of the Structural Funds 2000-2006 : an initial assessment of the Urban Initiative</b>  <b>COM(2002) 308 final – EESC 408/2003 - March 2003</b>  <b>DG REGIO - Mr Barnier</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>3.3. Convinced of the importance of Urban as an instrument of policy support for the Union, the EESC considers that efforts need to be stepped up to increase Urban resources in the future.</p>	<p>The Commission agrees with the EESC on the advisability of increasing the focus on urban development in the future.</p>
<p>4.1.4 The Committee believes that, in the future, an explicit demand should be made for local authorities to be entrusted with management. Experience to date indicates that this would contribute to administrative simplification of the programmes.</p>	<p>The Commission firmly believes that increasingly direct involvement locally could only enhance the effectiveness of Community measures.</p> <p>Even if it is too early to define the method which will be finally adopted for designating the Management Authority, local bodies will have to be directly involved in taking the decision and implementing the actions affecting them.</p>
<p>4.5.1/4.5.5 The progressive ageing of the population affects all the countries of the European Union and presents a key challenge for future development policies, starting with urban areas.</p> <p>A more detailed analysis should therefore be made of the measures planned under the programmes, specifically targeting the older population, as one of the Urban priorities.</p>	<p>The Commission takes due note of the EESC's analysis and shares this view. The question of ageing constitutes one of the new aspects to be considered in relation to urban development.</p>

4.7.1 The Commission's communication closes with a question concerning the future of the Urban initiative. The EESC recommends that these innovative programmes be continued and broadened, and that greater economic resources be brought to bear on them; it calls for many of the methods and practices created through the Urban programmes to be applied to the more general management of the Structural Funds.

The Commission agrees with the EESC on the advisability of continuing with the activities launched through the Urban programmes and developing them further, including in terms of the financial resources allocated.

More simplification should be sought: the current Urban implementation model provides an essential point of reference in this respect, which could usefully influence other Structural Fund instruments.

**29. Proposal for a Council Directive amending Directive 92/81/EEC and Directive 92/82/EEC to introduce special tax arrangements for diesel fuel used for commercial purposes and to align the excise duties on petrol and diesel fuel**  
**COM(2002) 410 final – EESC 73/2003 – January 2003**  
**DG TAXUD – Mr BOLKESTEIN**

<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>Welcoming the proposal, the Committee called for the setting-up of a European fund to finance transport infrastructure.</p> <p>Payment into this fund would come from a European tax of one cent per litre of fuel and from a levy charged on HGVs entering the Union from non-EU states.</p>	<p>The Commission does not agree with the EESC. It does not at this stage envisage the creation of a specific fund for transport infrastructure.</p> <p>There are already various channels for financing transport infrastructure at EU level: the trans-European transport network budget, the Cohesion Fund and the Structural Funds.</p> <p>Moreover, as regards the means of funding sought by the EESC, the Commission considers the pre-allocation of fiscal revenue to be generally inefficient economically.</p>

<p><b>30. Place of supply of electricity and gas/VAT rules</b>  <b>COM (2002) 688 final – EESC 409/2003 – March 2003</b>  <b>DG TAXUD - Mr Bolkestein</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The Committee shares the Commission’s opinion that the liberalisation of the energy markets calls for amendments to the VAT rules for the place of supply of gas and electricity.</p>	<p>The Commission fully agrees with this remark.</p>
<p>The main reservation of the Committee is that the use of the reverse charge mechanism is restricted to the supply of energy to traders. The Committee would favour a broader application of the reverse charge to all supplies of gas and electricity to taxable persons.</p>	<p>The Commission can not accept the suggestion to broaden the application of the reverse charge mechanism. For supplies of gas and electricity to taxable persons, other than traders, the existing rules permit Member States to opt for the application of the reverse charge mechanism if the supplier is not established in the country of the customer.</p> <p>This optional regime gives Member States the required flexibility.</p>
<p>In a second reservation, the Committee asks for clarification of the persons that can use the special regime of taxation.</p>	<p>The Commission has taken this into consideration. The wording of the relevant provision will be clarified.</p>

**31. Promoting language learning and linguistic diversity.  
SEC (2002) 1234 – EESC 71/2003 - January 2003  
DG EAC - Mrs Reding**

Document SEC (2002) 1234 is a public consultation document. The Commission has no plans to amend it.

The Commission will take account of all the responses to the public consultation, including the valued suggestions of the Economic and Social Committee, in drafting its Action Plan *Promoting language learning and linguistic diversity*, which is to be published in summer 2003.

<p><b>32. Commission proposal for a European Parliament and Council decision establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus World) (2004-2008) COM (2002) 401 final - EESC 285/2003 - February 2003 DG EAC - Mrs REDING</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The Committee fully supports the proposal.	The Commission welcomes the Committee's support.
The Committee is of the view that the national agencies should play a major role in the award of mobility scholarships and in providing information and advice. European-level tasks should be undertaken by existing or new structures, e.g. within the framework of the Socrates programme.	The Commission proposal foresees the designation by Member States of structures (which could be existing ones) to assist the Commission in the implementation of the programme. Their main responsibility will be information and advice. The award of scholarships will be the responsibility of the Commission on the basis of proposals by the Masters Courses.
It is essential to implement support measures to ensure that participants return to their countries of origin, to prevent countries in great need of their most highly qualified human resources suffering from cultural and professional brain drain.	International student mobility is a widespread phenomenon. The major concern of the proposal is to ensure that European higher education is perceived as an attractive option by prospective mobile students. The Commission does not have the means to <i>ensure</i> that participants return to their countries of origin. Nevertheless, due attention will be paid to the issue of brain drain at implementation level.
The programme must safeguard linguistic diversity. The Committee welcomes the measures proposed under the section on European Union Masters Courses with regard to linguistic preparation of students and assistance in this matter.	The Commission welcomes the Committee's support on this point.
The Committee urges the Parliament and Council to do their utmost to ensure that the proposal is dealt with in time for a launch in 2004.	The Commission welcomes the Committee's support on this point.

<p>The Commission should specify what part of the proposed action is designed to improve the links between university and industry.</p>	<p>The focus of this proposal is clearly higher education at Masters level. Professionally oriented Masters selected under the programme are likely to have strong links with industry (e.g. engineering). By providing support to this type of Masters, they become examples of good practice likely to be followed by others. It is in this manner that the Community, through this programme, will seek to improve links between higher education and industry.</p>
<p>Quality assessment must form part of the criteria for selecting Masters Courses.</p>	<p>Quality assurance is the exclusive competence of Member States. Masters Courses must fully comply with national provisions.</p>
<p>The Committee endorses the idea of awarding a double or multiple qualification.</p>	<p>The Commission welcomes the Committee's support on this point.</p>
<p>The Commission should clarify the criteria which should be used to calculate the funding granted to each student; corrective mechanisms should be introduced in the allocation of resources, to ensure that those with lower incomes are guaranteed higher levels of assistance and grants.</p>	<p>The Commission does not have the means to ascertain the level of income of participants. In addition, discriminating against or in favour of participants on the basis of income is contrary to the objectives of the programme, i.e. attracting the brightest students. As is the case with other internationally recognised programmes, like Fulbright, financial support is granted on the basis of academic merit only.</p>
<p>The Commission and Member States must introduce mechanisms to ensure that assistance is not monopolised by specific individuals or institutions.</p>	<p>The implementation of the programme will be based on the overarching criterion of quality. No individual or institution will be in a position to monopolise assistance.</p>
<p>The requirement for three years' residence for third country students under partnerships with higher education institutions must be clarified.</p>	<p>If necessary, this requirement will be further clarified at implementation level.</p>

<p><b>33. Communication from the Commission – European benchmarks in education and training : follow-up to the Lisbon European Council COM (2002) 629 final – EESC 406/2003 - March 2003 DG EAC - Mrs REDING</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC agrees with the six specific European benchmarks submitted by the Commission to the Council for approval, proposed as they are under Articles 149 and 150 of the EC Treaty. However, it would draw attention to an important shortcoming, which is the failure to cover the three strategic objectives and the detailed programme to implement the thirteen objectives associated with these.</p>	<p>The Commission shares the view of the EESC. The proposed benchmarks cover mainly objective 1 “improving the quality and effectiveness of education and training systems in the EU”, which is also the objective that lends itself most easily to the establishment of benchmarks. However, the proposed five benchmarks should be seen as a first list of benchmarks. Where appropriate, other benchmarks will be proposed at later stages of the objective process when valid, comparable, pertinent data have been established.</p>
<p>The EESC therefore feels it is essential, since the groundwork has been done, to add at least those associated with strategic objective 3 (opening up education and training systems to the wider world) to the European benchmarks submitted for approval.</p>	<p>The Commission shares the view of the EESC. Moreover, a number of Member States have also asked for benchmarks in the area of strategic objective 3. However, for the time being, the lack of comparable data implies that such benchmarks should be established at a later stage (please see above). The Commission therefore does not consider indicators from the employment guidelines as adequate for monitoring progress within strategic objective 3 as suggested by the EESC.</p>
<p>The EESC feels that the proposed European benchmark for lifelong learning should be modified to make it more ambitious. A target of bringing the country with the current lowest performance up to the level of the highest performer by 2010 is ambitious, but necessary.</p>	<p>The Commission does believe that the current target is ambitious for the lowest performing Member States. These Member States will have to develop new learning opportunities and encourage a new culture of lifelong learning among its citizens. However, the Commission does underline that it is <i>at least</i> 15 % of the working age population that should participate in lifelong learning. Therefore, an even</p>

	better performance will be appreciated.
The EESC thinks that there should be a European benchmark for public spending on education as a proportion of GDP.	The Commission believes that the focus should be on making best use of resources as emphasised in the Detailed Work Programme on the follow-up of the objectives of education and training systems in Europe. Moreover, the Commission finds that it would be inappropriate, in the current situation of budgetary uncertainties, to set a benchmark on public spending. This is further accentuated by the fact that a number of countries have difficulties respecting the Stability and Growth Pact.
The EESC emphasises the need for procedures by the Commission to ensure the smooth incorporation of the new Member States into the whole system of benchmarks.	<p>The Commission shares the view that there is a need to ensure a smooth incorporation of the new Member States in the system of benchmarking. Therefore, acceding countries are already closely involved in the benchmark process through their participation in the Standing Group on Indicators and Benchmarks, which is an expert group that advises the Commission on the use of indicators and benchmarks within the objectives process.</p> <p>Moreover, Ministers from acceding countries took part in the Council meeting on 5 May, as observers, when European benchmarks were adopted.</p>

<p>The Lisbon objectives include some particularly important qualitative goals which are not covered in the Commission proposal. These are:</p> <ul style="list-style-type: none"> <li>– to convert schools and training centres into multifunctional learning centres, accessible to all, using the most appropriate methods to encompass a broad spectrum of target groups, and</li> <li>– to set up mutually beneficial learning collaborations between schools, training centres, businesses and research establishments.</li> </ul> <p>The foregoing comment is intended to highlight the need to place particular emphasis on developing qualitative indicators.</p>	<p>The Communication on Benchmarks does not intend to cover these very important issues. The Commission has proposed benchmarks in areas where valid and comparable data exist and where it is politically pertinent to establish benchmarks within the objectives process.</p> <p>However, in a number of the Lisbon objective areas, benchmarks might not be the appropriate response to common challenges.</p> <p>Therefore, the Commission has also set up a number of working groups that analyse examples of best practice and conduct peer review in the objective areas. The policy messages from this process will be highlighted in the interim report destined for the 2004 spring summit.</p>
<p>The EESC welcomes the intention to increase investment in education. However, the picture presented is unclear. It therefore proposes that investment should be examined in terms of amount per pupil, level and area of education, but in conjunction with a breakdown of expenditure into fixed and non-fixed items.</p>	<p>As explained above, the Commission does not propose a benchmark in the area of investment. However, two working groups are currently working on appropriate indicators for measuring progress in the area of “making best use of resources”, namely the Standing Group on Indicators and Benchmarks and the working group on making best use of resources. The indicator proposed by the EESC is among the indicators analysed for measuring progress in this very complex area.</p>

<p><b>34. Proposal for a Decision of the European Parliament and of the Council adopting a multi-annual programme (2004-2006) for the effective integration of Information and Communication Technologies (ICT) in education and training systems in Europe (eLearning Programme) COM(2002) 751 final – EESC 404/2003 - March 2003 DG EAC - Mrs REDING</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The Committee welcomes the proposed decision, referred for consultation, and reiterates the comments and recommendations made in its opinion on the Communication from the Commission to the Council and the European Parliament entitled "eLearning Action Plan – Designing tomorrow's education"<sup>2</sup></p>	<p>The Commission welcomes the EESC's support and the fact that the EESC stresses the strategic nature of e-learning (use of ICT in education and training) for building tomorrow's Europe.</p>
<p>The Committee considers that the amounts allocated to help the programme meet its very ambitious objectives are extremely insufficient. It therefore calls for a significant increase in funding for the programme. It also recommends focusing on "fighting the digital divide" and "school twinning via the Internet".</p>	<p>Given the position of the Council and the European Parliament, the Commission can go along with the EESC's recommendations for schools, but, as far as the budget is concerned, "fighting the digital divide" has been reoriented towards actions focusing on "digital culture", since issues of social or digital division are proper to other Community instruments, given the wide scope involved.</p>
<p>The Committee welcomes the fact that the proposed decision presents a specific action plan with its own budget, but stresses the need to prevent actions overlapping with existing programmes.</p>	<p>As the EESC points out, the coordination, cooperation and information measures contained in the text ought to help achieve this aim. The fourth element of the proposal seeks expressly to develop complementarity and synergy between existing programmes.</p>

<sup>2</sup> See opinion of the EESC, OJ C 36, 8 February 2002 (rapporteur: Mr RUPP; corapporteur: Mr KORYFIDIS).

The Committee emphasises the need to prevent discrimination against those who find it particularly difficult to use ICT. The Committee therefore urges the Commission and the Member States to do their utmost to avoid the exclusion of the most underprivileged groups in general, and people with disabilities in particular.

The Commission will pay particular attention to the benefits of new educational approaches for categories of persons affected by social or "learning" exclusion.

Priority will be given to exchanges of information and experience concerning the integration of ICT and their potential added value for education in the different contexts concerned.

<p><b>35. Proposal for a Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption COM (2002) 377 final – EESC 281/2003 - February 2003 DG SANCO – Mr Byrne</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>- improve national control systems (consistent approach in all MS);</p> <p>- official controls should be extended to all sectors in the food chain from farm to table.</p>	<p>- covered by the recent Commission proposal for a Regulation on official feed and food controls [COM (2003) 52].</p>
<p>- value of the small processing sector for the production of quality products at local level.</p>	<p>- supports flexibility as regards hygiene rules for traditional production and establishments in remote areas and structural requirements. Council and Commission have reached a political agreement on these aspects in the discussions on the proposals for hygiene of foodstuffs [COM (2000) 438 final].</p>
<p>- ensure that Member States put in place a documented information-management system to communicate with stakeholders.</p>	<p>Reg (EC) No 178/2002 contains specific requirements on transparency concerning preparation/evaluation/revision of food law, and situations where food or feed may present a risk for human or animal health. The present proposal introduces additional requirements. The Commission will take the EESC comments into account in the discussions in Council and Parliament on this subject.</p>
<p>Turning to imports from third countries, the Committee asks the Commission to ensure the same level of supervision as for EU products.</p>	<p>The Commission agrees with this point of view. This aspect is covered in a general way by Article 11 of Regulation (EC) No 178/2002. Specific provisions are contained in the recent Commission proposal for a Regulation on official feed and food controls [COM (2003) 52]</p>

**36. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on consumer policy strategy 2002-2006  
COM (2002) 208 final – EESC 276/2003 - February 2003  
DG SANCO – Mr Byrne**

Main points of the EESC Opinion	Commission Position
<p>1.3.2. The Committee believes that integration of consumer protection into other Community policy areas should constitute a fourth priority, on the same footing as the other three mentioned above.</p>	<p>Integration is the key cross-cutting feature of the entire Consumer Policy Strategy 2002-2006, and its three key objectives serve to integrate consumer interests into all EU policies. This is reflected in the specific actions of the strategy, e.g. action on consumer participation within Commission consultation bodies and working groups foreseen under the third objective “Proper involvement of consumer organisations in EU policies”.</p> <p>Commission action to integrate consumer interests in all policies will only work if a similar effort is made by all the institutions and the Member States.</p>
<p>2.4.3. The Commission should consider the possibility of establishing an EU Research Institute for Consumer Affairs.</p>	<p>The Commission proposal for a European Parliament and Council Decision establishing a framework for the financing of actions in support of consumer policy 2004-2007, adopted on 31 January 2003 (COM (2003) 44 final), does not include financing for such an institute because the current financial perspectives, which run through 31 December 2006, put a ceiling on the spending for consumer policy; this does not allow for a major new initiative of this kind and its financial implications.</p> <p>The current proposal does provide for the start-up of work to build a knowledge base for consumer policy as outlined in the Consumer Policy Strategy 2002-2006.</p>

<p>3.2.2.2. The Committee urges the Commission to expand the European Home and Leisure Accident Surveillance System (EHLASS)</p>	<p>The Commission is currently assessing the effectiveness and comprehensiveness of EHLASS and other systems and methods for collection of data related to dangerous products and will, based on the outcome, define means and measures for any improvements needed.</p>
<p>3.2.2.3. The Committee also urges the Commission to establish a plan to support carefully targeted campaigns to enhance public awareness of consumer safety.</p>	<p>The Commission proposal for a European Parliament and Council Decision establishing a framework for the financing of actions in support of consumer policy 2004-2007 includes a provision for information actions on EU consumer policy issues – while respecting that the main responsibility for consumer information and education rests with the national, regional and local authorities as stated in the Consumer Policy Strategy.</p> <p>The current food safety campaigns, which have just come to a close, will be evaluated before any further information actions are undertaken.</p>
<p>3.2.3. The Committee welcomes proposed action on the development of standards and the safety of services which (with few exceptions – e.g. on installations) are not covered by the revised GPSD. It awaits, for comment, the Commission's Communication on the safety of services, whether sectoral or general.</p>	<p>The Commission intends to present in June 2003 a report on safety of services for consumers, announcing in particular its intention to propose a legislative initiative aimed at monitoring and supporting national policies and measures in this area. This could, for example, cover the systematic collection of data on service-related accidents, injuries and risks, procedures for the exchange of information on national policy and regulatory developments and procedures for the establishment of European safety standards when necessary.</p>
<p>3.3.1. The Committee looks forward to commenting on a Commission proposal for a framework directive as recommended in the Green Paper on Consumer Protection.</p>	<p>The framework directive on “unfair commercial practices” has been adopted on 18<sup>th</sup> of June 2003.</p>

<p>3.3.3. The Committee recommends the review and amendment of Directives including those on distance selling, timeshare, package travel, indication of prices and guarantees in this context.</p>	<p>The review of the Directives on timeshare, package travel and indication of prices will happen in due course on the basis, in particular, of the implementation reports, while the report on the Price Indication Directive is forthcoming. The report on the implementation of the Distance Selling Directive, which is also forthcoming, will give the opportunity to comment on the implementation of the directive and, if appropriate, to make suggestions for amendments.</p> <p>The forthcoming report on the implementation of Article 5(2) of the Guarantees Directive will provide for a first, albeit limited, assessment of the experience under this directive. Considering however that, 16 months after the expiry of the transposition term, only eight Member States have notified their relevant legislation to the Commission, any suggestion for amendments would be premature.</p>
<p>3.4. The Committee endorses the need for a review and clarification of existing contract law in order to remove existing inconsistencies and it would stress the importance of a common EU cooling-off period to encourage cross-border trade and transparency. This should be at the highest level to enable the consumer to correspond with a different country.</p>	<p>The Action Plan on European contract law of 12 February 2003 (COM(2003) 68 final) suggests a mix of non-regulatory and regulatory measures related to problems in contract law. The specific problem of cooling-off periods is mentioned in both the Action Plan and the earlier Communication on European contract law of 11 July 2001 (COM(2001) 398 final). In addition to appropriate sector-specific interventions, this Action Plan includes measures (1) to increase the coherence of the EC <i>acquis</i> in the area of contract law, (2) to promote the elaboration of EU-wide general contract terms, and (3) to further reflect on the advisability of an optional instrument in the area of European contract law. Measure one of the Action Plan suggests developing a ‘Common Frame of Reference’ (CFR) elaborated after preliminary research is conducted, financed by the Sixth Framework Programme for Research (FP6). Where appropriate, the Commission may use the</p>

	CFR when the existing <i>acquis</i> is reviewed and new measures proposed.
3.6.1. Speedy implementation of the E-Commerce directive is required. Whilst welcoming the stakeholders' agreement on a European trustmark, the Committee would like to see more child protection included, given the high use of the Internet by children, including for shopping. Consumers need speedy access to justice if confidence in E-commerce is to expand <sup>3</sup> . Business and consumer organisations' cooperation on Alternative Dispute Resolution on-line is to be welcomed.	<p>Transposition of the E-commerce Directive was regrettably slow but is by now nearly completed.</p> <p>The Commission intends to present in 2003 a Recommendation on e-confidence on the basis of the work of consumer and business representatives towards a set of trustmark requirements. The Commission will take into account the issue of Internet use by children in the Recommendation.</p> <p>The Commission is assessing the pilot phase of the European Extra-Judicial Network ('EEJ-Net') and will produce a report during 2003. The EEJ-Net now comprises 17 Clearing Houses, one in each Member State as well as Norway and Iceland, which give consumers information and practical help in accessing alternative dispute resolution schemes.</p>
3.7.3. The Committee would welcome a recommendation on the rights of consumers in services of general interest pending publication of a proposed directive.	The Commission is currently preparing a Green paper on services of general interest which will help to determine the next steps, in particular on the need for a framework directive at EU level.

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<sup>3</sup> See for example "the OECD Guidelines for Consumer Protection in the Context of Electronic Commerce".

3.8.1. The Committee would emphasise the importance of the social, environmental, health and consumer aspects of the trade agenda. The WTO needs to appeal to non-trade specialists' expertise on trade related issues, such as the environment and consumers<sup>4</sup>. International bodies exist for labour, environment and health, but one is needed for consumer protection.

The EESC notes that this is the only part of the Commission's Communication which deals with global issues such as trade, labelling, and standardisation; in view of the fact that consumers do not operate in a solely European context, the EESC urges the Commission to place greater emphasis on involvement in world issues.

The Commission attaches great importance to social, environmental, health and consumer aspects of the trade agenda. The WTO allows governments to take measures to pursue legitimate public policy objectives and achieve the desired level of protection. It aims to ensure that such measures are prepared, adopted and applied in a manner which does not arbitrarily or unnecessarily restrict trade.

Nevertheless, the EC is continuing to work to enhance clarity on these issues. For example, the EC underlined the importance of ensuring the consumer's right to information with regard to labelling in a recent WTO submission (3rd Triennial Review of the WTO Agreement on Technical Barriers to Trade, Submission from the European Communities, ref. G/TBT/W/197).

The EC has reached out to civil society, including consumers, in relation to its trade agenda. As such it has benefited from the expertise of non-trade specialists' expertise on trade related issues. The Commission is working with civil society to enhance further these links, and details of past and upcoming meetings and discussions are available on the DG Trade website.

The EC has also actively supported efforts by the WTO to reach out to civil society. The EC will participate in the WTO public symposium from 16 to 18 June 2003 on the challenges WTO Members face ahead of the WTO's 5th Ministerial Conference this September in Cancún. Participants from governments, parliaments, civil society, the business sector, academia and the media will discuss how the new negotiations can address key challenges facing the multilateral trading system.

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<sup>4</sup> See, for example, the OECD guidelines for Consumer Protection in the Context of Electronic Commerce.

	<p>The Commission believes that, so far, there has been insufficient evidence to justify the creation of an entirely new institution dedicated to consumer issues. Consumer issues may cover a very wide range of subjects, overlapping with other areas such as environment or health.</p>
<p>3.9. We urge the Commission to comply with its commitment to prioritise the effective enforcement of existing regulation and cooperation between enforcement bodies, which should be the first step in improving the current level of cross-border consumer protection</p>	<p>The Commission plans to adopt a proposal for enforcement cooperation in May 2003.</p>
<p>3.10.3. The Committee would like to see further support for an increase in the role of the Consumers' Consultative Committee and better organisation of other advisory committees so that these can function more effectively on behalf of consumers. Provision must be made for representation of members from accession countries.</p>	<p>Commission services are currently reviewing consumer participation in Commission consultative committees and working groups. The idea is to make better use of the Consumer Committee to discuss priorities and to see how best to improve consumer participation.</p> <p>Participation of consumer NGOs from acceding countries in the meetings of the Consumer Committee is envisaged from 17 April 2003 onwards (date of signature of Accession Treaty).</p>
<p>3.11. 2. The Committee considers the Commission's views on consumer education are limited and must be expanded. Consumer education should be integrated into existing EU educational programmes, for example Internet safety into the E-learning programme.</p>	<p>Consumer education initiatives in favour of different target groups, including on-line interactive education tools, will be developed (2003-2006) with the help of education and consumer experts in full respect of the subsidiarity principle. It is the intention to use formal and informal channels of education, i.e. schools, universities, professional institutions and other non-conventional structures such as NGOs, social partners, etc. in cooperation with existing programmes such as SOCRATES, LEONARDO and YOUTH.</p>

<b>37. Consumer education</b> <b>Own-initiative opinion – EESC 397/2003 - March 2003</b> <b>DG SANCO – Mr Byrne</b>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
DG SANCO's medium-term consumer education policy ties in with the EESC's opinion. The initiatives to be taken in the next three years reflect the EESC's proposals.	

<p><b>38. Proposal for a Council Directive on compensation to crime victims COM (2002) 562 final – EESC 286/2002 – February DG JAI - Mr Vitorino</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC endorses the proposed directive and its objectives, subject to the following comments.</p>	<p>Favourable opinion taken into account.</p>
<p>The provisions on determining the amount of compensation and the provisions relating to cooperation between the assisting and the deciding authority risk giving rise to considerably different schemes in the Member States. These provisions should therefore be carefully reviewed.</p>	<p>The Commission has sought to strike a balance between the objectives to be achieved and the need to respect subsidiarity, taking into account that the aim is to establish a minimum standard. In this light, the Commission does not consider it possible or suitable to go further in the direction of harmonisation of these provisions. The Commission will, however, take the position of the Committee into account in the negotiations in the institutions to avoid any changes that may lead to greater disparities in the implementation of the directive, once adopted.</p>
<p>The provisions on advance payment should be broadened and strengthened, with a trans-European scheme applied across the board with uniform criteria and with, at least in part, European funding.</p>	<p>The Commission would be prepared to take the general thrust of this proposal into account in the negotiations in the institutions, subject to the limitations mentioned under the previous point and with the exception of European funding, which the Commission does not consider appropriate.</p>
<p>Where an upper limit is placed on compensation, this will have to be adjusted regularly in line with cost of living trends.</p>	<p>The Commission would be prepared to take this proposal into account in the negotiations in the institutions.</p>

<p><b>39. Proposal for a Directive on the conditions of entry and residence of third country nationals for the purposes of studies, vocational training or voluntary service</b>  <b>COM (2002) 548 final – EESC 403/2003 - March 2003</b>  <b>DG JAI – M. VITORINO</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
Introduce a system for assessing how many persons from third countries remain in the EU after their studies, in terms of brain drain significance.	This interesting proposal cannot be followed up in this context, owing to the subject matter; the Commission is, however, prepared to give more forethought to studying the impact, in terms of human capital transfer, of extension beyond the end of their studies of the residence of students from developing countries.
Remove the maximum age for volunteers.	Providing a legal basis for the admission of volunteers is a major step forward; it seems justified to allow the Member States to set an age requirement in order to limit the risk of abuse.
Give trainees the same access to the labour market as students.	The rights of trainees have been evaluated in the light of the fact that they can only be admitted for a maximum period of one year, thus requiring them to have resources covering a shorter period than a course of study. The Commission does not intend to change position on this point, but will assess the situation with regard to the results of negotiations on students' access to work which will be central to the discussions.
Reduce from 90 to 60 days the period for administrative decisions on admission.	This proposals seems advisable for students to avoid starting their studies late; the Commission will take it into account in negotiations in the Council.

<p>Provide for appeals to have suspensory effect.</p>	<p>The provision in question is similar in all proposals for directives relating to immigration; the Commission will take its cue from the outcome of ongoing negotiations concerning the other proposals.</p>
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**40. For a WTO with a human face: the EESC's proposals  
Own-initiative Opinion – EESC 412/2003 – March 2003  
DG TRADE – Mr LAMY**

Main points of the EESC Opinion	Commission Position
<p>The EESC proposes (section 1.4):</p> <ul style="list-style-type: none"> <li>• creating a parliamentary dimension to the WTO, despite the difficulties inherent in such a proposal, in order to widen the democratic debate and to ensure that elected representatives have substantial involvement in its operations;</li> <li>• establishing a formal dialogue between the WTO and the stakeholders of organised civil society, as there is a need to endorse and recognise these stakeholders and to establish concrete and structured codes of communication;</li> <li>• establishing a formal dialogue between the WTO and the other international organisations (UN, World Bank, IMF, OECD, ILO, etc.) and with regional transnational organisations so that action can be coordinated to achieve better results and to avoid conflicting programmes and wasted resources;</li> <li>• providing ongoing and unbroken support to the LDCs by transferring resources and technical expertise so that their participation in WTO processes is both substantial and fruitful. The Committee recognises as an important factor the major economic and social disparities which exist among the LDCs such that the circumstances call for the creation of clearly distinguished separate categories;</li> <li>• showing particular sensitivity in handling the critical issues facing developing countries in relation to poverty<sup>5</sup>, epidemics, the environment and</li> </ul>	<p>The Commission has consistently supported the addition of a parliamentary dimension to the WTO, and has managed the funds the Budgetary Authority has made available to support the work of the Parliamentary Assembly steering group. It also agrees that dialogue between the WTO and civil society needs to be strengthened and will include Parliamentary and NGO representatives in its delegation for Cancun.</p> <p>The Commission also agrees that it is important to ensure good coordination between different international organisations to develop an effective system of international governance. As part of this, the Community is strongly supporting the proposal for representatives of the Multilateral Environmental Agencies to be given observer status at the WTO.</p> <p>With regard to technical assistance for least developed countries, in September 2002 the Commission adopted a new Communication on “Trade and Development: assisting developing countries benefiting from trade”<sup>6</sup>, which spells out the way the EU can fulfil its global commitments in support of the efforts of developing countries to better reap the benefits of trade and investment.</p> <p>Over the 1996-2001 period, 117 trade related projects were carried out to a value of around EUR 640 million. Casting the net more widely to cover all ongoing trade related assistance produces a figure as high as EUR 1.6 billion, covering around 230 projects. Moreover, there are EUR 2 billion worth of TRA programmes and projects in the pipeline.</p> <p>In addition, the Commission provided</p>

<sup>5</sup> European Parliament – P.5 – TA(2002) 0389

<p>agricultural production where these affect trade policies and are within the remit of the WTO.</p>	<p>financial assistance to help developing countries participate in the Doha Ministerial Meeting and has set aside a further EUR 300 000 to assist such participation at Cancun.</p> <p>More generally, the Commission is committed to making sure the DDA really is about development by putting forward measures for:</p> <ul style="list-style-type: none"> <li>- Special and Differential Treatment (SDT) decisions (i.e. decisions that are only applicable to developing countries),</li> <li>- market access commitments in sectors of interest to Developing Countries,</li> <li>- stronger WTO rules that are pro-development,</li> <li>- more and better aid to Developing Countries to help them trade and integrate, including amongst themselves.</li> </ul>
<p>4.3.4. An agreement allowing developing countries without manufacturing capacities access to affordable medicines is an urgent humanitarian matter.</p>	<p>The Commission shares the Committee's view. This is the reason it has played a pioneer role on this issue, trying to build bridges between North and South, over the last 3 years. The EC endorsed the 16 December 2002 draft decision on TRIPs/health and regrets that the US is blocking the process by refusing to join the consensus around this text. In order to break the deadlock Commissioner Lamy submitted a compromise proposal on 7 January 2003, which is now being discussed in the WTO. We will maintain pressure to reach agreement before Cancun.</p>

<p>5.3.3.3.2 The EESC proposes mandatory involvement and consultation of national parliaments and civil society organisations in shaping the decisions on commercial, political and national reports submitted under the TPRM before the official texts are published.</p>	<p>The Commission supports civil society access to the Trade Policy Review Mechanism but believes this is most appropriately undertaken at national level, within the domestic processes of consultation.</p>
<p>5.3.3.5 The role of Economic and Social Councils.</p>	<p>The Commission sympathises with the view that existing Economic and Social Councils, where they exist, should be encouraged to take a greater interest in the work of the WTO. It welcomes the efforts the EESC has made and is planning to make to work with ESCs from the developing world, including by drawing up joint opinions. In particular, it would encourage the EESC to make its contribution to addressing the concerns developing countries have about the social dimension of trade negotiations identified in section 4 of the report.</p> <p>The Commission also recognises that developing countries that have not established Economic and Social Councils may suffer from a lack of social consultation and would welcome any assistance the EESC can provide to encourage such gaps to be filled.</p>
<p>5.5.1 Reconciling the full involvement of members and the efficiency of the WTO's operations.</p>	<p>The Commission shares the Committee's view that the basic democratic principle of one member – one vote should be maintained. It notes that, in practice, voting is rarely used and that the situation has changed substantially since the Seattle Ministerial Meeting, with the full involvement of members being ensured by means of improved informal/formal consultations rather than changing the institutional rules.</p>

<p>5.6 Establishing institutionalised cooperation with other international organisations.</p>	<p>In addition to the work mentioned in this section of the Committee's report, it is also worth noting the Integrated Framework for LDCs which groups six international agencies (WTO, WB, IMF, UNCTAD, UNDP, and ITC), bilateral country donors and LDCs in a close effort to mainstream trade into the LDCs' development and poverty reduction programmes.</p>
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<p><b>41. Proposal for a Regulation of the European Parliament and of the Council on the production of annual Community statistics on steel for the reference years 2003-2009</b></p> <p><b>COM (2002) 584 final - EESC 413/2003 - March 2003</b></p> <p><b>DG ESTAT - Mr SOLBES MIRA</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>4.4.1 Information on consumption of steel by user sectors is essential for both consumers and producers. Increased clarity on the outlook for consumption and production of steel would help to provide early indicators of developments in the sector and facilitate timely decisions by policy makers. Certain activity indicators, broken down by country and product type, should also be made available, as should indicators on sectors downstream and forecast data on factory orders.</p>	<p>The Commission wishes to point out that statistics on consumption of steel were withdrawn in 1994 because of the cost of collecting data. Statistics on activity indicators and orders were withdrawn prior to the preparation of the new Regulations governing steel statistics after the expiry of the ECSC Treaty. The Commission therefore cannot take this proposal into consideration.</p>
<p>4.4.2 Rather than putting the burden on Eurostat, these data could be gathered by means of the statistical and analytical activities of the relevant Commission departments, in particular, the Enterprise DG which, in the Committee's view, should conduct a periodic coordinated analysis of the competitiveness of the European steel industry, particularly in the accession countries. This analysis could also cover employment needs and trends in the sector.</p>	<p>The Commission, and DG Enterprise in particular, will as a rule prepare market analyses and ongoing studies of the competitiveness of the Community steel industry.</p>
<p>5.1 The Committee agrees that an interim report should be submitted within five years of the adoption of the regulation, and believes that five years is a long enough period to be meaningful. The report should be checked in advance with the companies, social partners and users concerned, and should be addressed not only to the European Parliament and the Council but also to the European Economic and Social Committee.</p>	<p>The Commission could take the EESC's views into consideration when drawing up the interim report.</p>

<p>5.4. The production/delivery statistics incorporated within the Prod-Com system, and the statistics on activity indicators for forecasts for sectors using steel, should all be synchronised. These statistics should also be made available to economic and social decision-makers in the sector and to organised civil society.</p>	<p>The availability of data follows the rules generally laid down.</p>
<p>5.5. Particularly as regards statistics on employment and the labour market in Central European countries, the "National time series" should include a specific item for the steel industry under "Employment by economic activity". The employment data for the sector must be broken down sufficiently to allow for the requisite training and retraining measures under the Community Structural Funds.</p>	<p>Statistics on employment in the steel industry were withdrawn prior to the preparation of the new Regulations governing steel statistics after the expiry of the ECSC Treaty. It is not relevant to this Regulation.</p>
<p>5.6.1 Recital: "Having regard to the need for a comprehensive, systematic and timely framework that can serve future policy strategy in the sector, and also serve social dialogue, including basic statistics applying clearly defined criteria, with a sufficient level of disaggregation, particularly for the accession countries".</p>	<p>The Commission does not deem it advisable to take up the EESC's proposal. The reference to future policies and to the social dialogue does not fit into this Regulation, which aims only to define the way in which existing statistics will be continued. The Regulation has nothing to do with new statistics.</p>
<p>5.6.2 Recital: "Having regard to the need for a periodic coordinated analysis of the competitiveness of the European steel industry, with input from the socio-economic players, to include additional statistics with indicators for activity, forecasts, employment trends and environmental sustainability, in line with the Lisbon strategy; this analysis should be conducted without increasing the burden on Eurostat but rather by drawing on the statistical and analytical activities of Commission departments and agencies, and on the work of the EESC's Consultative Commission on Industrial Change, in a properly coordinated and synchronised manner".</p>	<p>The Commission does not deem it advisable to take up the EESC's proposal. Analysis of the competitiveness of the European steel industry, indicators for activity, forecasts, employment trends and environmental sustainability are not relevant to this Regulation.</p>