



European Economic and Social Committee

Brussels, 24 September 2002

PLENARY SESSION
18 AND 19 SEPTEMBER 2002

SUMMARY OF OPINIONS ADOPTED

Full text versions of EESC opinions are available in the 11 official languages on the Committee's website at the following address:

<http://www.esc.eu.int> ("Documents")

The plenary session of 18 and 19 September was attended by **Mr Pat Cox**, President of the European Parliament.

This was the last Plenary Session of the EESC's 1998-2002 term of office. The first meeting of the new Committee would be held on 22-24 October 2002.

1. EUROPEAN CONVENTION

- ***Resolution addressed to the European Convention***

- **Reference:** CES 1069/2002

- **Key points:**

In the resolution, the Committee has chosen to limit itself to three issues which it views as essential to the debate on the future of Europe and the work of the Convention: (i) the European model of society (ii) participatory democracy, civil dialogue and social dialogue, and (iii) economic and social governance. It considers that the work of the Convention concerns the very essence of the European identity and the European venture, and the values on which this venture is based, and is not concerned exclusively with "competences" and the distribution of powers. However, it reserves the right to give its views at a later date on other more specific matters dealt with by the European Convention.

The Committee thus calls for a redefinition of the European Union's constitutional foundations. This new definition should be marked by a balance between cultural diversity and political unity, and should allow the European model of society to develop while at the same time fostering socio-cultural identities.

The Committee reiterates its support for the development of European Union citizenship, including the Charter of fundamental rights. The Charter, which the Committee believes should be incorporated into the Treaty, is set to become a key element in this citizenship.

In this context, it also urges that the Union:

- be given the institutions which would enable it to conduct a genuine common foreign policy;
- be granted stronger competences with regard to justice and home affairs;
- be equipped with the instruments needed to implement effectively a common immigration and asylum policy.

The Committee advocates that the Union's democratic legitimacy be significantly strengthened by developing participatory processes which allow civil society organisations to be involved at an early stage in the process of framing policy and preparing decisions and implementing these decisions.

The Committee upholds the idea of functional subsidiarity, considering that civil dialogue – for which it is the natural focus – is a key factor in enhancing this democratic legitimacy.

Turning to economic and social governance, the Committee also submits a number of demands to the Convention, seeking to provide the Union with the procedures and instruments necessary for making a complete success of the Lisbon strategy with a view to achieving the objective of growth, employment and sustainable development.

The Committee also calls for the following:

- the open method of coordination to be enshrined in the Treaty;
- a new system of Union financing to be introduced, boosting its own resources;
- simplification of the legislative and Community regulation processes;
- adoption by the European institutions of codes of conduct for simplifying the regulatory process.

Regarding the Committee itself more directly, it asks that it:

- be systematically consulted upstream of the legislative process and, to this end, that the exploratory opinion procedure be included in the constitutional Treaty;
- be granted the status of institution, which would strengthen its role as an institutional representative of organised civil society.

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2. ENLARGEMENT

- ***The impact of enlargement on EMU***

Rapporteur : **Mr Vever** (Employers – F)

– **Reference:** own-initiative opinion – CES 1018/2002

– **Key points :**

In the Committee's view, it is necessary

- to assess strictly each individual country's merits, so as to avoid placing new members in structural difficulties and so as not to upset the euro's internal and external equilibrium;
 - for new Member States to join the European exchange rate mechanism, ERM2, as soon as they join the EU;
 - that the procedures for the effective reform of the ECB's management structure to make it ready for enlargement be in place by the time the accession negotiations are completed;
 - to strengthen the independent resources of the Eurogroup;
 - that plans be made to bolster the European Union's own resources for the post-2006 period;
 - that the Convention considers thoroughly all issues triggered by the prospect of EMU enlargement (e.g. institutional concerns, subsidiarity in practice, forms of cooperation).
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- ***Economic and Social Situation and the Role of the Socio-Professional Organisations in Cyprus***

Rapporteur : **Ms Cassina** (Workers – I)

– **Reference:** addendum to the information report – CES 291/1999 Addendum fin

– **Key points :**

This is an addendum to the information report adopted by the External Relations Section in January 2000. The addendum reflects the views of civil society organisations throughout the island and focuses primarily on the economic, social and political situation in the north of Cyprus. It provides information about the state of the agriculture, industry, tourism, construction and higher education sectors. It highlights the fact that the restricted economy of the north of Cyprus

survives only due to significant transfers of resources from Turkey and analyses the economic implications of this dependence.

The addendum describes the activities and perspectives of civil society organisations in Cyprus. It notes that the division of the island continues to impose an overwhelmingly heavy burden on civil society in the north of Cyprus, and that the most common feeling among socio-professional organizations there is very much in favour of entry into the EU. The addendum concludes by noting that there is universal support for the need for a fair and effective settlement as a concrete way to secure the future within the EU of the whole island which would thus be well placed to develop and fulfil all of its economic, social and cultural potential.

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- **Pre-Accession Funds – PHARE, ISPA and SAPARD**
Rapporteur : **Mr Walker** (Employers – UK)

- **Reference:** own-initiative opinion – CES 1023/2002

- **Key points :**

The opinion describes the political and legal framework and *modus operandi* of ISPA, Phare and SAPARD, and offers critical perspectives on the progress achieved to date and on the way in which the funds are being administered and applied. In the preparation of the opinion, Commission documents were examined and officials in Brussels and in some candidate countries were interviewed. Information was gathered from civil society organizations in the candidate countries by means of a questionnaire, and hearings were held or visits made to four countries – Bulgaria, Estonia, Poland and the Slovak Republic – where Committee Members met representatives of civil society and government.

The opinion reflects clear differences of opinion concerning the administration and application of the pre-accession funds, in particular between the Commission and actors in the candidate countries, and also between the governments and civil society organizations in these countries. It concludes that the pre-accession funds have provided valuable assistance to the candidate countries, but that there is room for considerable improvement in the way the funds are administered and operated.

The opinion makes a series of recommendations to improve the operation and effectiveness of the funds and recommends that a follow-up opinion be prepared in order to assess the extent to which

these recommendations have been implemented and to up-date the Committee's evaluation of the operation of the pre-accession funds.

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- ***Latvia and Lithuania on the Road to Accession***

Rapporteur : **Mr Westerlund** (Workers – S)

- **Reference:** own-initiative opinion – CES 1022/2002

- **Key points :**

Civil society is the focus of the following assessment – an assessment based on **progress made in relation to the Copenhagen political criteria, which were a precondition for negotiations getting under way**. It takes a closer look at **certain specific areas which are among the conditions for obtaining membership**.

Organised civil society has progressed in both countries. The opinion focuses on certain problem areas such as fight against corruption, integration of non-nationals in Latvia, distribution of the benefits of the market economy, employment policies, nuclear power plant in Lithuania, social and civil dialogue, rural and regional development.

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- ***Transport/Enlargement***

Rapporteur : **Mr Kielman** (Employers – NL)

- **Reference :** own-initiative opinion – CES 1032/2002

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3. ENVIRONMENT, ENERGY AND AGRICULTURE

- **Soil protection**

Rapporteur : **Mr Nilsson** (Various interests – S)

– **References** : COM(2002) 179 final – CES 1015/2002

– **Key points:**

Though the European Union has framed common strategies for water and air preservation and protection, there are no common long-term strategies for soil protection. In addition, the recent very heavy rains and floods in many European countries show the need for a carefully prepared soil protection strategy. Flooding is often made worse because the water absorption capacity of the soil has deteriorated in areas that formerly were flooded naturally or land use has been changed. This must be taken into serious consideration when the EU is working out strategies for soil protection and land use.

Already in its own-initiative opinion on the use of sewage sludge in agriculture, the EESC called for a proposal on an EU soil protection strategy. The EESC therefore welcomes this Commission communication as a first step towards a European strategy for soil protection and makes the following suggestions for future work: description and justification of measures to be implemented at EU level, leading a strategic discussion on aspirations and objectives, assessing threats applicable to different regions within the EU and applicant countries, linking future monitoring systems with ongoing measures on national and regional level, incorporating action covering education, information and suitable penalty arrangements, taking account of the right of ownership of soil, and description of the threats involved so as to enlist the support of all players for the initiative.

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- **Environmental agreements**

Rapporteur : **Mr Gafo Fernández** (Employers – E)

– **References**: COM(2002) 412 final – CES 1029/2002

– **Key points** :

The Committee has always been in favour of improving legislative methods to make them less complex, more flexible, closer to Union citizens and easier for the public to understand. Not least in light of the results of the World Summit on Sustainable Development in Johannesburg stressing the importance of concrete projects and voluntary action, the Committee welcomes the Commission communication which seeks to promote the adoption of voluntary environmental agreements at Community level, and hopes that after a short trial period it can be extended to other areas of economic and social activity as an alternative (which may be quicker and more flexible) to the traditional legislative process. By definition, voluntary agreements must always go beyond the minimum standards required by law. In no circumstances must they conflict with minimum standards adopted at national or Community level.

The EESC suggests the following amendments in order to make voluntary agreements more accessible and transparent, and in particular to give greater certainty in terms of the final outcome for stakeholders proposing such agreements: a better definition of "stakeholders", consideration of voluntary agreements for the award of ecolabels, EMAS-certification and public procurement, modalities of acknowledgement of voluntary agreements and criteria for recognition, criteria for the internal functioning of voluntary agreements, removal of the requirement for cost-effective administration, and ensuring compatibility with competition rules.

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- **Energy programme**
Rapporteur : **Mr Morgan** (Employers – UK)

- **References:** COM(2002) 162 final – 2002/0082 COD – CES 1013/2002

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- **CAP financing**
Rapporteur : **Mr Strasser** (Various interests – A)

- **References:** COM(2002) 293 final – 2002/0125 CNS – CES 1017/2002

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- ***Additives in animal nutrition***

Rapporteur : **Mr Scully** (Various interests – IRL)

– **References:** COM(2002) 153 final – 2002/0073 COD – CES 1014/2002

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- ***Producer organisations***

Rapporteur : **Mr de las Heras Cabañas** (Various interests – E)

– **References:** COM(2002) 252 final – 2002/0111 CNS – CES 1016/2002

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4. EMPLOYMENT, SOCIAL AND IMMIGRATION ISSUES

- ***Recognition of professional qualifications***

Rapporteur : **Mr Ehnmark** (Workers – S)

– **References :** COM(2002) 119 final – 2002/0061 COD – CES 1020/2002

– **Key points :**

The Committee welcomes the new proposal for consolidating and simplifying the legal framework for mutual recognition of professional qualifications. It is a timely proposal, and far-reaching.

A system for recognition of professional qualifications must be based on active support and involvement from the relevant professional associations and the social partners. The proposed new system does not guarantee that. The EESC proposes amendments to the draft directive in order to safeguard this involvement.

It is essential that the consumers and citizens at large can have confidence in the quality of the services offered by migrant as well as national professionals. The draft directive does not sufficiently cover the problems inherent in establishing a good consumer service.

The EESC further recommends that the European Commission give attention to the need for policy coherence in the interface between education policy, labour market policy and internal market policy.

The new system opens the door for European professional associations to propose Europe-wide common platforms for recognition of professional qualifications. The EESC finds it very positive that this opportunity is included in the draft directive. However, the criteria for submitting such proposals should be better elaborated in the directive. The EESC proposes a set of such criteria.

- **Contact :** *Ms Susanne Johansson*
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- **Proposal for a Directive of the European Parliament and the Council on working conditions for temporary workers**
Rapporteur : **Ms Le Nouail-Marlière** (Workers – F)

- **References :** COM(2002) 149 final – 2002/0072 COD – CES 1027/2002

- **Key points :**

On the one hand, the Committee feels that the principle of non-discrimination in relation to a comparable worker in the user undertaking, which is fundamental, is in danger of being eroded by the derogations the draft allows, specifically in Article 5(4), concerning temporary workers who complete assignments with a user undertaking over a period not exceeding six weeks. The Committee fears that, in some countries, this derogation will have the effect of depriving temporary workers of the protection afforded by the principle of non-discrimination in relation to comparable workers in the user undertaking. It considers this protection essential to ensure the legal safety of the temporary worker and so as not to undermine the conventional arrangements for setting working conditions and pay within the user undertaking.

On the other hand, the Committee realises that the principle of non-discrimination, a fundamental principle of the European treaties, must not be put at risk. This is to be guaranteed using the point of reference chosen in the directive, i.e. in terms of basic working and employment conditions, a

comparable worker in the user undertaking. But it would suggest that, to ensure that this principle is implemented effectively by the Member States, bearing in mind the differing legal and social circumstances which apply and the triangular nature of temporary work, which is one of its specific features, the Member States should be allowed the option of how to achieve it while avoiding a reference system involving restrictive interpretations or derogations and complying with national legislation, conventions and practices.

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- ***Proposal for a Directive of the European Parliament and of the Council concerning certain aspects of the organisation of working time (codified version)***
Rapporteur : **Ms Cassina** (Workers – I)

- **References :** COM(2002) 336 final – 2002/0131 COD – CES 1026/202

- **Contact:** *Mr Alan Hick*
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- ***Enforcement of judgments in matrimonial matters***
Rapporteur : **Ms Carroll** (Employers – IRL)
Co-rapporteurs : **Mr Burnel** (Various interests – F)
Mr Retureau (Workers – F)

- **References :** COM(2002) 222 final – 2002/0110 (CNS) – CES 1021/2002

- **Key points:**

The Committee is pleased to note that the current proposal is wider and more ambitious in its scope than Regulation (EC) 1347/2000. It is also pleased to note that its scope is no longer limited to issues of parental responsibility arising before the final judgment or decision has been handed down in divorce or separation proceedings and that ongoing disputes are now covered.

The issue of non-marital family situations and disputes arising from them upon separation and, in particular, in relation to parental responsibility, however, still remain to be dealt with. The Committee again urges the Commission to put forward proposals covering non-marital situations, as it did in its opinion on the Proposal for Regulation 1347/2000.

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- **Community return policy**

Rapporteur : **Mr Pariza Castaños** (Workers – E)

- **References :** COM(2002) 175 final – CES 1019/2002

- **Key points :**

The EESC believes it would be wrong to think that compulsory return could be the EU's only or prime response to immigrants currently in the EU in an irregular situation. What is needed is a comprehensive policy incorporating both return and regularisation.

The Committee is surprised and disappointed that the Seville European Council failed to agree a timetable for adoption of the directive on conditions of entry and residence for persons entering the Union for economic purposes. It is essential that means of legal immigration function if illegal immigration is to be prevented. In this regard, the Seville Council failed to send out the right message to promote steady progress on the common immigration and asylum policy.

The Committee welcomes the Commission's decision to present this Green Paper as a discussion document paving the way for a wide-ranging debate.

The Commission proposal is right to give priority to voluntary return and treat forced return as a last resort.

The EESC supports common legislation, if it is based on the Charter of Fundamental Rights and the European Convention for the Protection of Human Rights.

European return policy vis-à-vis third countries must be positive for the development of these countries. Returns should be accompanied by programmes tailored to personal situations, reflecting the financial, professional, social and family circumstances of the people concerned and the economic and social situation in the country to which they are returning.

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5. TRANSPORT, TOURISM AND MOUNTAIN REGIONS

- ***Railway package***

Rapporteur : **Mr Konz** (Workers – L)

– **References:** COM(2002) 21-22-23-25 final – CES 1028/2002

– **Key points :**

The EESC supports the Commission in its efforts to guarantee all railway undertakings free and non-discriminatory access to the entire European rail network, but considers that the overriding concern in railway operation must continue to be **safety**.

In this spirit, the EESC :

- points out that forced liberalisation could lead to large-scale deregulation;
- believes that it should continue to be left to the discretion of the Member States whether to go further than the accounting separation required between infrastructure and operation of services and the transfer of the main functions to an independent body, as provided for in Directive 91/440/EEC;
- supports the involvement of railway workers and their trade unions, and of railway users and customers, in procedures to ensure operational safety and restructuring of enterprises;
- draws attention to the crucial importance of uniform and strict application of social legislation.

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- ***Unfair practices/Air transport***

Rapporteur : **Mr Green** (Employers – DK)

– **References :** COM(2002) 110 final – 2002/0067 COD – CES 1011/2002

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- ***The future of European tourism***

Rapporteur : **Mr Liverani** (Workers – I)

- **References:** COM(2001) 665 final – CES 1009/2002

In its opinion the Committee carries out a comprehensive analysis of tourism of Europe, going well beyond the scope of the Commission proposal.

The Committee endorses the Commission Communication and the Council of Ministers Resolution of 21 May 2002 and applauds the method used and the content of the work carried out hitherto, considering it a sound basis upon which to consolidate EU policies on tourism.

The Committee calls on the Commission and especially the Council to establish the legal basis needed to strengthen Community strategies on tourism. This is all the more urgent given the economic and social importance of this sector in Europe, the consolidation of the European economic area, the process under way to reunify Europe and the project to create a free trade area in the Mediterranean.

A legal basis would foster the full development of the sector and facilitate the establishment of a framework programme for tourism that could harness Community programmes and initiatives in other policy areas in support of tourism, where relevant. Organised civil society, the social partners and national and Community institutions must all be closely involved in defining such strategies and measures during the annual European forums organised by the Commission.

As its specific contribution to the first European Forum on tourism scheduled to be held in Brussels in December 2002, the Committee highlights the need for action to: **boost the financial and human resources** available to the Commission's Tourism Division, **create a basic network of Tourism information and consultancy points (TICP)** and set up a group of experts to develop a **Quality charter for Europe's tourist destinations** and coordinate its application.

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- ***The future of upland areas in the EU***

Rapporteur : **Mr Bastian** (Various interests – F)

– **References:** own-initiative opinion – CES 1025/2002

– **Key points :**

To mark the UN's International Year of Mountains, the Committee urges the European Union to give thought to its policy for upland and mountain regions. This is particularly necessary in view of the fact that after the forthcoming EU enlargement, such regions will form a larger percentage of the total EU area.

The Committee considers that upland policy must become a model of fair and sustainable development that provides compensation for the irremediable handicaps that these regions face, takes active steps to reduce handicap factors there, and exploits their special identity and assets.

The Committee believes that this policy will not be possible without assistance from the Structural Funds, which must continue to support current upland beneficiary areas.

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6. **LISBON STRATEGY**

- ***Lisbon – Renewing the Vision***

Rapporteur : **Mr Morgan** (Employers – UK)

– **Reference:** own-initiative opinion – CES 1030/2002

– **Key points :**

– Good progress has been made in many areas especially those where the Commission has had the initiative.

- In areas which require political leadership, only a few Member States have made the necessary progress.
 - The open method of coordination needs objective appraisal in the context of the 2003 Spring Summit, when the Lisbon timetable will already be 30 % complete.
 - In the opinion submitted to the Lisbon Summit, the EESC asked whether it might not be the case that in order to address the challenges of the new paradigm, we might not need a new paradigm for government itself. It is clearly appropriate to ask that question again, if we are to get the action needed to fulfil the Lisbon Vision. The new paradigm should be defined by the Convention on the Future of Europe.
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7. INTERNAL MARKET

- **Medicinal products**

Rapporteur : **Mr Fuchs** (Various interests – D)

- **References :** COM(2001) 404 final – 2001/252-253-254 COD – CES 1007/2002

The Committee welcomes in principle the Commission proposals for revising and developing EU legislation with regard to medicinal products for human and veterinary use. It attaches great importance to the point that the protection of human and animal health must take precedence over all other areas of regulation.

The Committee

- supports the Commission in its efforts to enhance the safety of medicinal products by improving patient and consumer information about such products and to improve pharmacovigilance by involving health professionals and patients as partners in the reporting of the risks associated with medicinal products;
- welcomes the Commission's efforts to promote new developments in the field of medicinal products and make them available as soon as possible for patient therapy. However, data

protection must be guaranteed and competition between the manufacturers of generic medicinal products must not be hampered unduly;

- thinks that a balanced relationship must be maintained between the various authorisation systems (centralised authorisation, authorisation with mutual recognition and national authorisation) and that in principle applicants must be entitled to choose between the various systems;
 - considers that it is necessary to improve and extend the supply of veterinary medicinal products and that a programme is required to promote the development of medicinal products for treating rare animal diseases;
 - recommends that a clear distinction be drawn between medicinal products and other products such as medical devices, foodstuffs (including food supplements) and cosmetics;
 - welcomes the Commission's intention to extend the rules on good manufacturing practice to starting materials and especially active substances;
 - considers that it is necessary to harmonise the rules for the prescription of medicinal products in the Member States.
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- ***Herbal medicinal products***

Rapporteur : **Mr Braghin** (Employers – I)

- **References :** COM(2002) 1 final – 2002/0008 COD – CES 1008/2002

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8. INFORMATION SOCIETY

- ***Illegal content/Internet***

Rapporteur : **Ms Davison** (Various interests – UK)

- **References:** COM(2002) 152 final – 2002/0071 COD – CES 1012/2002

– **Key points :**

The Committee confirms its position in favour of child protection in the information society, as already outlined in its opinion entitled "A programme of child protection on the Internet" of 28 November 2001. It welcomes the Internet Action Plan, which should benefit from greater governmental and industry support.

While supporting the action lines included in the Plan, the Committee recommends:

- the creation of a positive space on-line for children, possibly in the form of an enlarged walled garden under some sort of ".kids.eu" domain name;
- the establishment of hot-lines in those countries where they do not yet exist, in particular in the applicant countries;
- the establishment of a legislative framework of the co-regulation type;
- stronger governmental and industry support to make Internet content rating systems workable;
- that the industry should play an active role in safety and awareness-raising issues. The Commission, meanwhile, could flesh out existing thematic programmes such as *e-Europe* and *e-learning*.

Racism on the Internet must be tackled much more firmly. Whilst freedom of expression is to be valued, it should not be an excuse for allowing crime to flourish.

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• **Patentability of computer-implemented inventions**

Rapporteur : **Mr Retureau** (Workers – F)

– **References:** COM(2002) 92 final – 2002/0047 COD – CES 1031/2002

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9. CAPITAL MARKETS

- ***Trend, structures and institutional mechanisms of the international capital markets''***

Rapporteur : **Mr Sepi** (Workers – I)

– **Reference** : own-initiative opinion – CES 1024/2002

– **Key points** :

A new financial architecture capable of anticipating or managing crises has to be based on a new conceptual framework reflecting not only financial, but also economic and social aspects, and the institutional and democratic solidity of the countries affected.

The Committee calls for governance along the lines set out in the Commission's Governance white paper, under which the involvement of civil society and the reduction of global economic disparities are set objectives.

The European Union must adopt a higher profile in the debate, bringing this new vision to institutional forums and presenting a united front.

The international institutions must be thoroughly overhauled; while the World Bank is progressively broadening its methods of analysis, the IMF remains firmly anchored to its traditional criteria.

Reform is only possible if the balance of power between the international institutions is altered: this presupposes an understanding between the European countries speak with a single voice.

The Committee calls on all the international organisations to enter into close and effective cooperation with each other and with national systems.

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10. RESEARCH

• *Life sciences and biotechnology*

Rapporteur : **Mr Bedossa** (Various interests – F)

– **References** : COM(2002) 27 final – CES 1010/2002

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