



INTERNAL MARKET - DISPARITY IN RULE IMPLEMENTATION

Brussels, 12th January 2004

Internal Market: big disparities between Member States in implementing and applying rules:

Member States are still failing to implement many EU Internal Market laws correctly and on time.

According to the latest figures released by the European Commission, 131 Directives (around 8.5% of Internal Market Directives) have still not been implemented into national law in every Member State, though the deadlines agreed by the Member States themselves when they adopted the Directives have passed. Some Member States, notably Denmark, Spain, Finland and the UK, have organised themselves to ensure that they have a generally good record of implementing Directives on time. Those four countries have again achieved the target set by the European Council of keeping their implementation deficit below 1.5 %. Ireland now also meets the 1.5 % target after more than halving its deficit

since May 2003. However, others, such as France, Germany, Luxembourg, Greece and Italy, have persistently had a deficit of more than double the target. Belgium, whose implementation deficit has almost doubled since May 2003, has joined this group of Member States which is lagging behind. It now has over ten times the number of Directives overdue as the best performer, Denmark. Big disparities also exist in the number of infringement procedures against Member States for misapplication of Internal Market rules. For example, Italy alone has almost as many infringement cases against it as Denmark, Sweden, Finland, Luxembourg and Portugal combined. The number of cases open against France is more than double that against the UK. The Commission will issue an updated set of figures in its next "Internal Market Scoreboard" in July.

Internal Market Commissioner Frits Bolkestein said: "It is disappointing that some Member States appear

to consider that it is acceptable to regularly implement Directives late and to incorrectly apply commonly agreed rules. This is unfair to those Member States that do get laws on to their statute books on time and then apply them properly. It gives rise to a real opportunity cost and so harms the competitiveness of the EU economy. With enlargement imminent, it is important that Member States, both current and new, respect their obligations to implement and apply commonly agreed rules,



Internal Market Commissioner
Fritz Bolkestein

as the costs of fragmentation will increase significantly in an enlarged EU. It is time Ministers took personal responsibility for their Member State's performance. Ireland's halving of its implementation deficit in only eight months shows what can be done when there is political will and commitment. I also congratulate Denmark and Spain for having improved on

(Continued on page 2)

Welcome to issue two of the FESPA EU Newsletter informing you of latest developments and proposals on Health and safety, Employment and Environmental issues arising from the EU these last 4 weeks.

Though Christmas and New Year are naturally fairly quiet, some interesting information has come out of EU channels worth reporting.

Special points of interest:

Unemployment rates - page 3

EU Employment round-up - page 4

EU Population Estimates - Page 6

Industrial Pollution - Page 7

Solvents - Page 8 and separate attachment

EU Transparency of Qualifications - Page 8

INTERNAL MARKET - DISPARITY IN RULE IMPLEMENTATION (CONTINUED)

(Continued from page 1)
their already relatively good records, giving them the best overall performance. Belgium, France, Germany, Luxembourg, Greece and Italy simply need to do a lot better."

Implementation deficits by Member State

The average implementation deficit per Member State - the percentage of the total number of Internal Market Directives in force that has not been written into national law by the legal deadline is 2.3%, only a marginal improvement on the May 2003 figure of 2.4%.

Of those countries that currently meet the 1.5% target set by the European Council for the percentage of Directives not implemented into national law by the legal

deadline:

- Denmark and Spain now have implementation deficits of only 0.3% and 0.9% respectively
- Ireland has made giant strides in more than halving its implementation deficit, to 1.4%, since May 2003
- Finland and the UK also just managed to meet the target, but have room for further improvement.

Of the Member States that did not meet the 1.5% target:

- while Sweden just missed the target, its performance is its worst since 1999

- Portugal, Austria and to a lesser extent Italy have made some progress towards reducing their deficits, although Italy's is still double the 1.5% target
- the deficits of Belgium and the Netherlands have got considerably worse recently, in Belgium's case almost doubling since May 2003
- France, Germany, Luxembourg and Greece continue to be among the worst performers and, with the exception of Greece, their deficits have got worse since May 2003.

If your Association wants to consider establishing a National Pavilion at FESPA 2005, then please contact Frazer Chesterman at frazer.chesterman@fespa.com as soon as possible.

Member State implementation deficits as at 30 November 2003:

	BE	FR	DE	LU	EL	IT	NL	AT	PT	SE	UK	IE	FI	ES	DK
percentage	3.5	3.5	3.5	3.4	3.1	3.0	2.6	2.5	2.2	1.6	1.4	1.4	1.4	0.9	0.3
number of Directives overdue	54	54	53	52	48	46	40	38	33	25	22	21	21	14	5

Examples of EU laws not implemented

Among the several Directives which should have been implemented more than a year ago, but which still, in several Member States have not been written into national law are: Directive 2001/19 on the recognition of professional qualifications (not implemented in Belgium, Germany, Greece, France, Ireland, Luxembourg, Austria or the UK), Directive 2001/29 on copyright and related rights in the information

society (Belgium, Spain, France, Ireland, Luxembourg, Netherlands, Portugal, Finland, Sweden) and Directive 98/44 on the legal protection of biotechnological inventions (Belgium, Germany, France, Italy, Luxembourg, Netherlands, Austria, Sweden).

Directives more than two years overdue

Only three Member States (Denmark, Finland and Portugal) met the 'zero tolerance' target set by the Euro-

pean Council for Directives which have still not been implemented into national law two years after the legal deadline agreed when the Directives were adopted. Given the amount of time it takes to negotiate and adopt EU laws in the first place, such lengthy delays in putting Directives into effect cause enormous harm to businesses and to citizens, who are deprived of their rights to benefit in full from the Internal Market.

Number of overdue directives with a deadline for implementation into national law before 31 October 2001 that have not been implemented by 30 November 2003:

LU	FR	BE	DE	IE	AT	ES	T	UK	EL	NL	SE	DK	FI	PT
8	7	5	4	3	2	2	2	1	1	1	1	0	0	0

INTERNAL MARKET - DISPARITY IN RULE IMPLEMENTATION (CONCLUDED)

Infringements

France and Italy together account for 28% of Internal Market infringement cases, more than Denmark, Finland, Sweden, Luxembourg, Portugal, Ireland and the Netherlands combined.

In the Internal Market Strategy 2003-2006 the Commission called on Member States to reduce the number of infringement cases by at least 50% by 2006. Given the disproportionately large number of infringement cases outstanding against

them, serious improvements by France and Italy in particular, and also by Spain, Germany, Belgium and Greece, would contribute significantly to meeting this target.

Open infringement cases as at 31st October 2003:

IT	FR	ES	DE	BE	EL	UK	AT	NL	IE	PT	LU	SE	FI	DK
146	135	102	90	81	75	58	57	54	54	44	38	26	25	21

Benefits of the Internal Market and the importance of implementation

The Internal Market plays a key role in achieving the EU's objective of becoming the most dynamic economy in the world by 2010. It is

estimated to have created 2.5 million jobs and € 877 billion in extra prosperity since the EU's internal frontiers were effectively removed in 1993. It gives EU citizens a wider choice of quality goods and services, greater freedom to travel, work, study and live in other EU countries.

It makes for a more efficient allocation of resources and offers greater trading opportunities to our companies. But the Internal Market can only achieve its full potential if legislation agreed at European level is effectively implemented and applied by all Member States.

NOVEMBER 2003: Euro-Zone unemployment stable at 8.8%, EU15 steady at 8.0%

Euro-zone seasonally-adjusted unemployment stood at 8.8% in November 2003, unchanged compared to October, Eurostat, the Statistical Office of the European Communities, reported early January. It was 8.6% in November 2002. The **EU15** unemployment rate was 8.0% in November 2003, unchanged compared to October. It was 7.8% in November 2002.

In November 2003, lowest rates were registered in **Luxembourg** (3.9%), the **Netherlands** (4.0% in October), **Austria** (4.5%) and **Ireland** (4.6%). **Spain's** 11.3% remained the EU's highest rate.

Among the Member States for which data are available for the most recent months, ten recorded an increase in their unemployment rate over a year, and four a decrease. The **Netherlands** (2.9% in October 2002 to 4.0% in October 2003), **Luxembourg** (3.1% to 3.9%) and **Denmark** (4.8% in Oc-

tober 2002 to 6.0% in October 2003) recorded the most important relative increases. **Italy's** unemployment rate fell from 8.9% in October 2002 to 8.4% in October 2003, the **United Kingdom's** rate decreased from 5.2% in September 2002 to 4.9% in September 2003, **Spain's** rate fell from 11.5% to 11.3% and **Finland's** from 9.0% to 8.9%.

In November 2003 compared to November 2002, the unemployment rate for males in the **euro-zone** grew from 7.5% to 7.8%, and the female unemployment rate rose from 10.0% to 10.1%. In the **EU15** the unemployment rate for males grew from 7.1% in November 2002 to 7.3% in November 2003. Over the same period the female rate increased from 8.8% to 8.9%.

In November 2003, the unemployment rate for under-25s was 16.6% in the **euro-zone** and 15.6% in the **EU15**, compared to 16.4% and 15.3% respectively in November 2002. The rate ranged from 6.7% in

the **Netherlands** (in October) to 26.5% in **Italy** (in October). In November 2003, the **US** unemployment rate was 5.9% and the **Japanese** rate was 5.2%.

Eurostat estimates that, in November 2003, 12.3 million men and women were unemployed in the **euro-zone** and 14.2 million in the **EU15**. These figures are seasonally-adjusted in line with ILO criteria.

N.B. The Eurostat definition of unemployed people are those aged 15 to 74 and who, following the International Labour Organisation (ILO) definition:

- are without work
- are available to start work within the next two weeks
- and have actively sought employment at some time during the previous four weeks. The figures are subject to some national deviations.

EMPLOYMENT ROUND-UP around EU

Austria : Social partners propose new rules on unemployment benefit entitlement

In November 2003, the Austrian social partners jointly proposed a redefinition the provisions of reasonableness which govern the conditions under which unemployed people may refuse a job offer without losing their entitlement to unemployment benefits. According to the partners' agreement, unemployed people would be forced, after 100 days of unemployment, to take up a job offered even if it is unrelated to their previous occupation. As compensation, they could refuse jobs if the pay is below a certain level. The Minister of Economy and Labour Affairs, who asked the social partners to negotiate on this matter, is expected to adopt the proposals.

Belgium : Employment conference foresees creation of 60,000 jobs

A national conference for employment convened by Belgian government in September 2003 brought together representatives of the various levels of government and of the social partners, with the aim of developing a series of structural measures to boost employment. The conference resulted in agreement on a number of initiatives which, it is hoped, will create 60,000 jobs. The reactions of the various participants were mixed.

Denmark : Transitional scheme agreed for workers from central and eastern Europe

In December 2003, the Danish government secured support for a political agreement which will permit people from the new EU Member States in central and eastern Europe to seek and take up work in Denmark from the first day of these countries' EU membership in May 2004. However, this is subject to a number of relatively strict conditions. A work and residence permit will be issued only for full-time work on pay and conditions equivalent to those laid down in collective agreements, and only for as long as the person concerned

holds the job. In the event of dismissal, the workers concerned must return to their home country. The social partners have welcomed the agreement.

Prospects for 2004 bargaining round examined

In January 2004, collective bargaining is set to open in the major part of the Danish private sector covered by the DA employers' organisation and LO trade union confederation, which last negotiated in 2000. In a difficult economic and social context, the key issues in bargaining are likely to include occupational pensions, maternity/paternity leave, wages for apprentices and trainees, and working time flexibility. Following a mixed experience with the four-year agreements signed in 2000, the duration of the new agreements is set to be a major

enter the labour market at a young age is an important question in Finland, where income redistribution via the tax system and income transfers is strong, even if studying is mainly free of fees. Research published in November 2003 finds that education does pay, as the wage level rises and the risk of unemployment falls as the level of education increases. Lifelong earnings are higher for highly educated people than for those with a low level of education.

France : Retirement before 60 introduced for people with long working lives

In October 2003, the French government issued a decree stipulating the criteria for a new scheme enabling people with long working lives to retire before the age of 60, as promised in a recent pension reform law. These criteria are quite restrictive and limit the number of people who will potentially benefit from this measure. Nevertheless, 460,000 people should be eligible between 2004 and 2008.

Five-year agreement reached on supplementary pensions

In November 2003, French employers' associations and most trade union confederations reached an agreement on the ARRCO and AGIRC supplementary pensions schemes. This five-year agreement maintains provisions enabling retirement with a supplementary pension from the age of 60, transcribes a number of provisions contained in a recent pension reform law, and takes action to balance the budget.

Germany : Collective bargaining system under pressure

In autumn 2003, debate on the future of the collective bargaining system became a central issue of German politics. The leading opposition political parties - CDU/CSU and FDP - presented draft bills aimed at changing bargaining law in order to give companies more freedom to depart from collectively agreed standards. While employers sup-



point of debate.

Finland : Unions hold day of action against redundancies

On 12 December 2003, Finland's three trade union confederations - SAK, STTK and AKAVA - organised a joint day of action to express their concerns about the large-scale redundancies that have recently taken place in Finnish companies. The action included 15-minute work stoppages, street events and the collection of signatures on an appeal to the government and employers.

Study finds that 'education pays'

The question of whether it pays to study longer or is more profitable to

(Continued on page 5)

EMPLOYMENT ROUND-UP around EU

(Continued from page 4)

ported these initiatives for further decentralisation of bargaining, the trade unions organised many protests and demonstrations against possible legal intervention and defended the principle of collective bargaining autonomy. Although the red-Green government also seeks more flexibility in the bargaining system, it still favours more flexible arrangements agreed by the bargaining parties themselves instead of legal changes. In December, the mediation committee of the two chambers of the German parliament adopted a joint declaration which asks the bargaining parties to agree to more opening clauses within sectoral collective agreements.

Greece : Wave of strikes hits Greece

On 4 November 2004, the Greek Confederation of Public Servants (ADEDY) held a 24-hour strike in opposition to the government's pay policy. This was the most widespread action in wave of strikes which has hit Greece in recent months, involving groups such as doctors and other hospital staff, professors and teachers, employees of the Civil Aviation Authority, ferry workers and construction workers.

Italy : Report examines labour market trends

In December 2003, the Censis research centre published its annual report on the social situation in Italy. It finds that the labour market is becoming increasingly rigid. Unemployed people are finding it harder to enter the labour market, while those in employment are less likely to leave it or to move between positions or jobs. Temporary employment plays a key role in labour market entry, and many workers remain in this type of employment for long periods. Finally, many people find jobs through family and friends.

Undeclared work increases

A series of studies published in

2003 indicates that Italy's hidden or irregular economy continues to grow. According to the most recent figures, 3.5 million workers out of a total labour force of around 23.5 million are irregular, a rate of around 15%. The growth of undeclared work is matched by that of the hidden economy, which is worth between 15.2% and 16.9% of GDP. The hidden economy is particularly important in the South and in certain economic sectors. The Cgil trade union confederation has called for new measures to deal with the problem.

Netherlands : Law on promotion of minority employment to be scrapped

The Dutch Employment of Minorities (Promotion) Act, which seeks to promote equal representation of people from ethnic minorities in the workforce, expires on 1 January 2004 and the government does not plan to prolong it.



Wherever you work in the EU, employment issues will affect your members.

This decision has been supported by employers, but trade unions and the political opposition want to retain some or all of its provisions. The decision to scrap the Act comes at a time when latest figures indicate that the labour market position of people of foreign nationality or extraction may be starting to worsen, following earlier progress. Meanwhile, there has been a debate in late 2003 over the policy to adopt towards labour migration from new Member States joining the EU in 2004.

Debate over improving productivity through innovation

In 2003, for the third consecutive year, the Dutch economy continues to lag behind the EU as a whole. Attention is increasingly turning to improved labour productivity as a solution, especially as continuing wage moderation does not seem to be having the desired effect. A wave of relocations of high-quality production and research and development from the Netherlands to other countries has fuelled the debate, which has been prominent during 2003. The social partners and government alike see improving the Dutch climate of innovation as one of the most important factors in the drive to raise productivity. However, policy on innovation has yet to crystallise.

Norway : Budget compromise means withdrawal of temporary employment reform

A state budget agreement for 2004 was signed on 15 November 2003 by Norway's centre-right coalition government and the opposition Labour Party. The government was forced to accept significant changes to its original budget proposal, and also to abandon a controversial proposal for a relaxation of the rules relating temporary employment.

Poland : Research compares Polish and EU pay

Research published in November 2003 compares various aspects of pay in Poland and the current EU Member States. For example, Poland's minimum wage is around half that in the EU Member State with the lowest minimum, though as a proportion of average wages it is at similar levels to those found in a number of EU countries. Average earnings in Poland are around a third lower than in Greece, the lowest-paid Member State. However, Poland is narrowing the pay gap with the EU, largely due to superior economic growth.

(Continued on page 12)

POPULATION ESTIMATES FOR 2003

9 January 2004

On 1 January 2004, 380.8 million inhabitants in the EU and 74.1 million in the Acceding Countries

306.9 million in the euro zone
According to the first demographic estimates for 2003, published by Eurostat, the Statistical Office of the European Communities, the EU had a population of 380.8 million on 1 January 2004. The population of the euro zone is estimated at 306.9 million, and that of the 10 Acceding Countries at 74.1 million.

In the EU the population grew by 3.4 per 1000 inhabitants in 2003, due to natural population growth and net migration of +0.8% and +2.6% respectively. On the other hand, and despite net migration (+0.4%), the population fell by 0.8% in the Acceding Countries, due to a negative natural growth of 1.2%.

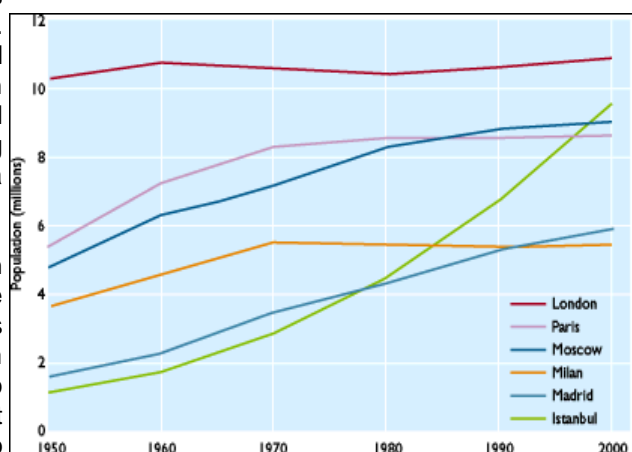
The natural population growth in the EU (live births minus deaths) is expected to decrease from +309,000 in 2002 to +294,000 in 2003, and net migration should be also down, from +1,260,000 in 2002 to +983,000 in 2003. In total, the EU population is estimated to have increased by 1,276,000 in 2003. This is in line with the past few years, but still modest compared with growth in the 1950s and 1960s.

Births and deaths up in the EU, but natural increase down

Live births in the EU are likely to have been 4.03 million, about 1.1% higher than the post-war low observed in 2002. The highest birth rates were recorded in Ireland (15.5 live births per 1000 inhabitants), France (12.7%), the Netherlands (12.6%) and Denmark (12.0%). Germany (8.6%), Greece (9.3%), Italy (9.4%) and Austria (9.5%) registered the lowest rates. In the

Acceding Countries, the highest birth rate was found in Cyprus (11.1%, the only rate above the EU average of 10.6%), and the lowest in Slovenia (8.6%).

For 2003 it is expected that the effects of population ageing might start to outweigh the decrease in mortality rates in the EU, with 3.74 million deaths, about 64,000 more than in 2002. The highest mortality rates in 2003 were registered in Denmark (10.7 deaths per 1000 inhabitants), Germany and Sweden (both 10.4%). Ireland (7.3%), with its relatively young population, is the Member State with the lowest rate, followed by Luxembourg (8.5%). In the Acceding Countries, the highest death rate was found in



Population growth in selected European cities

Latvia (14.1%), and the lowest in Cyprus (7.8%).

Consequently, the highest natural growth of the population was in Ireland (+8.3 per 1000 inhabitants), well ahead of the Netherlands (+3.8%) and France (+3.5%). Three Member States recorded a negative natural growth: Germany (-1.8%), Italy (-0.8%) and Greece (-0.1%). In the Acceding Countries, there was a natural increase only in Cyprus (+3.3%) and Malta (+1.8%). The largest decreases were observed in Latvia (-5.2%) and Hungary (-3.9%). In Slovakia there was no change due to natural growth.

Net migration is responsible for over three quarters of the population increase

In 2003, more than three quarters of the increase in the EU's population came from cross-border migration. Spain accounted for 28% of all the net migration to Member States, Italy 21%, Germany 16% and the United Kingdom 10%.

In relative terms, the largest net migratory flows were to Ireland, Portugal and Spain, with +7.0 per 1000 inhabitants, +6.1% and +5.5% respectively. The Netherlands (+0.2%) and France (+1.0%) had the lowest migration rates. Without net inward migration, Germany, Italy and Greece would have seen a decline in their populations.

In 2003, four Acceding Countries recorded more emigration than immigration, in particular Lithuania (-1.4%), whilst the highest net migration rates were observed in Cyprus (+14.1%) and Malta (+3.9%).

EU population growth in 2003: between +0.1% in Germany and +15.3% in Ireland

In summary, whereas the populations of all the Member States increased in 2003, the changes were notably different. The largest increases were in Ireland (+15.3%), Spain (+7.2%) and Portugal (+6.9%), and the smallest in Germany (+0.1%), Denmark and Greece (+2.6% each).

Half of the 10 Acceding Countries in particular Latvia (-5.6%) and Lithuania (-4.5%), had declining populations in 2003, whilst the biggest rises were in Cyprus (+17.4%) and Malta (+5.7%).

Eurostat, Statistics in focus, Population and social conditions, 1/2004, "First demographic estimates for 2003"

Eurostat will also publish this summer: "European social statistics - Population - 2004 edition". This detailed publication (which includes a CD-ROM) has population breakdowns by sex and age group, statistics on births, deaths, international migration, marriages, divorces, fertility, life

expectancy and population at regional level. It also includes many post-1960 time series.

Population censuses were held in 2000 and 2001 in most EU countries. This led to lower than expected population counts on 1 January 2001 and 2002, followed sometimes by significant corrections, notably for Italy and the UK. There are therefore breaks in series between 2000 and 2003, resulting in discrepancies in figures for population growth and net migration. Population figures for the intercensal period for the countries concerned and the EU will be recalculated in the near future.

Euro zone: Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal and Finland.

Acceding Countries: Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

INDUSTRIAL POLLUTION

Brussels, 6 January 2004

Industrial pollution: Commission requests information from Belgium, Denmark, Greece, Ireland, Luxembourg and the Netherlands.

The European Commission has sent a first written warning to Belgium (only with regard to Flanders and Wallonia), Denmark, Greece, Ireland, Luxembourg and the Netherlands asking them to send initial reports on how they implement the EU law on integrated pollution prevention and control (IPPC). The IPPC Directive aims to ensure that polluting industrial and agricultural operations are subject to strict environmental controls. The reports in question, covering the period 2000 to 2002, should have been forwarded to the Commission by 30 September 2003 at the latest. Without them, the Commission cannot judge how well and evenly the requirements of the Directive are being met across the EU.

Commenting on the request, Commissioner Margot Wallström said: "It is important that Member States fulfil their reporting commitments in relation to this Directive, which is crucial for the protection of the environment and for public health in the Union. Reporting helps us to better understand how much progress is being made in meeting the objectives of the Directive. I urge these Member States to submit the 2000 to 2002 reports as a matter of urgency."

IPPC Directive

The IPPC Directive⁽¹⁾ is one of the EU's major pieces of environmental legislation. It is an example of modern legislation that uses authorisation as the means for controlling environmental impacts. The Directive applies to a significant number of mainly industrial activities with a high pollution potential. This includes, for example, the energy sector, the metal production and processing industry, the mineral and chemical industries, waste management facilities and food production operations. It also applies to some intensive livestock farming.

The Directive seeks to prevent or reduce pollution of the air, water and land through a comprehensive permit system that assesses each environmental medium simultaneously. In addition, the Directive's scope covers the generation of waste, en-

ergy use, accident prevention and the clean-up of industrial sites. This approach ensures a high degree of environmental protection and differs from older environmental legislation, which regulated each environmental medium individually. A first comprehensive report on measures taken to implement the Directive was due on 30 September 2003. It was to cover the period 2000 to 2002. The six Member States mentioned have not met this obligation.

Legal Process

The requests take the form of "letters of formal notice", the first stage of an infringement procedure under Article 226 of the EC Treaty. This Article 226 gives the Commission powers to take legal action against a



Industrial Pollution continues to be a major problem in many Member States.

Member State that is not respecting its obligations. If the Commission considers that there may be an infringement of EU law that warrants the opening of an infringement procedure, it addresses a "letter of formal notice" (or first written warning) to the Member State concerned, requesting it to submit its observations by a specified date, usually two months.

In the light of the reply or absence of a reply from the Member State concerned, the Commission may decide to address a "reasoned opinion" (or final written warning) to the Member State. This clearly and definitively sets out the reasons why it considers there to have been an infringement of Community law and calls upon the Member State to comply within a specified period, usually two months.

If the Member State fails to comply with the Reasoned Opinion, the Commission may decide to bring the case before the Court of Justice.

TRANSPARENCY OF QUALIFICATIONS

Brussels, 7 January 2004

Europass: a new instrument for better recognition of qualifications and skills in the enlarged Europe

The European Commission has just adopted a proposal for a decision of the European Parliament and of the Council on a single framework for the transparency of qualifications and competences (Europass). Conceived with an eye to lifelong learning, the proposal integrates various transparency-promoting instruments into a coherent framework, identified by the single label "Europass", which will be accessible on the Internet and to which other instruments may also be added in the

makes these instruments more accessible, more user-friendly, more visible and more familiar. The urgent need to improve the transparency of qualifications and competences has become even more pressing with the impending entry of ten new Member States as emphasised by the Education Ministers of 31 European countries, the social partners and the Commission in November 2002 in the Copenhagen Declaration, to which this proposal for a decision represents a concrete response.

"With the European Union poised to expand from 15 to 25 Member States, and closer relationships being forged with the other countries of Europe, improving the transparency of qualifications and

competences is essential in order to increase and improve transnational mobility and make lifelong education and training a reality", declared Viviane Reding, European Commissioner in charge of Education and Culture, at a press conference in Brussels. She

went on to add: "This proposal gives concrete effect to a recommendation made in the Copenhagen Declaration and also fits in

with the framework for action proposed by the Commission in its Communication: "The success of the Lisbon strategy hinges on urgent reforms".

The Copenhagen Declaration of 30 November 2002 explicitly called for action to "increase transparency in vocational education and training through the implementation and rationalisation of information tools and networks, including the integration of existing instruments into one single framework."

One year later, the proposal for a decision adopted by the Commission establishes this single framework for the transparency of qualifications and competences, known as "Europass" a name taken over from the present Europass-Training, which this proposal amends and renames "MobiliPass". The proposal for a decision incorporates into the Europass five existing documents which cover qualifications and competences in a lifelong-learning perspective, focusing on:

- personal and vocational skills (the European CV, which is a great success), as well as language skills (the European Language Portfolio);
- experience of transnational mobility (the MobiliPass, which

(Continued on page 9)

SOLVENTS



Of sufficient interest to be referred to by the European Agency for Safety and Health at work, the UK Health and Safety Executive has recently produced an information sheet on the risks of exposure to solvents. A copy is included with this bulletin as an extra pdf attachment.



Training through Europass

future. Coordination, rationalisation and computerisation are the key concepts of the proposal, which thus

TRANSPARENCY OF QUALIFICATIONS

(Continued from page 8)

replaces the Europass-Training, already used by more than 50 000 persons);

- vocational qualifications (the

numbers of citizens concerned.

The other documents within the Europass framework also concern large numbers of citizens. The MobiliPass, for example, will be an expanded version of the

will in future be issued to all new higher education graduates, i.e. more than two million persons each year.

With figures at these levels, it is obvious that effective coordination will be needed both at national and at European level and that ICT systems will need to be introduced at once. To this end, the proposal for a decision provides that all implementation activities shall be rationalised and coordinated by a single body in each country, within a European network. Preparatory work on the technological platform has already begun: Cedefop (the European Centre for the Development of Vocational Training) and the Working Group On Transparency established by the Commission in connection with the Copenhagen Process have already developed a prototype electronic Europass which will be perfected in the course of 2004.

The proposal for a decision should be adopted by the end of 2004: discussions in the European Parliament and the Council will begin under the Irish Presidency and conclude under the Dutch Presidency. The official launch of the new Europass could therefore take place at the major conference on vocational education and training to be held in Maastricht in December 2004.



European CV has been downloaded more than half a million times from the Cedefop website

Certificate Supplement) and higher education diplomas (the Diploma Supplement).

However, the Europass is an open framework to which more documents may be added in the future, in particular in order to address specific sectors or skills more specifically. Individuals looking for a job or for a change of job whether with or without a change of residence clearly need tools which will help them communicate their skills more effectively. The fact that in little more than a year the European CV has been downloaded more than half a million times from the Cedefop website alone gives an idea of the

present Europass-Training document and can be used to record all instances of educational mobility. In the 20 years since the Community programmes began, the number of grants awarded each year has risen from 1 000 to more than 200 000. And this is not to mention the tens of thousands of persons participating in mobility arrangements outside the Erasmus, Comenius and Leonardo da Vinci programmes. In addition, at the Conference on the Bologna Process held in Berlin in September 2003, the Education Ministers decided the Diploma Supplement should be brought into widespread use by 2005. The Diploma Supplement

For dangerous substances a useful approach to risk assessment is:

1. Make an inventory of the substances used in the processes in the workplace and those generated by the processes such as fumes or wood dust.
2. Collect information about these substances, i.e. the harm they can do and how this can happen. Safety data sheets (SDS), which must be provided by the supplier of a chemical, are an important source of information.
3. Assess exposure to the identified dangerous substances, looking at the type, intensity, length, frequency and occurrence of exposure to workers, including combined effects of dangerous substances used together and the related risk.
4. Rank the severity of the established risks. This list can then be used to draw up an action plan to protect workers..

EMPLOYMENT ISSUES—WORKING TIME

Brussels, 5 January 2004

Frequently asked questions about Working Time

The Commission has published its analysis of two aspects of the current working time directive, and at the same time launched a consultation on a future revision.

What is the Working Time Directive?

Directive 93/104/EC lays down provisions for a maximum 48 hour working week (including overtime), rest periods and breaks and a minimum of four weeks paid leave per year, to protect workers from adverse health and safety risks. It applies to all sectors of activity, both public and private. A number of areas, such as air, rail, road, sea, inland waterway and lake transport, sea fishing, other work at sea and doctors in training, which were exempt from the 1993 Directive, were brought within its scope in an amendment agreed in 2000. The measures to implement these new categories were to have been put in place in Member States by 1 August 2003 (1 August 2004 for doctors in training).

There remain a number of categories of worker who are excluded from the Directive:

- Managing executives or other persons with autonomous decision-making powers
- Family workers
- Workers officiating at religious ceremonies in churches and religious communities.

Why does fixing a ceiling on working time protect workers?

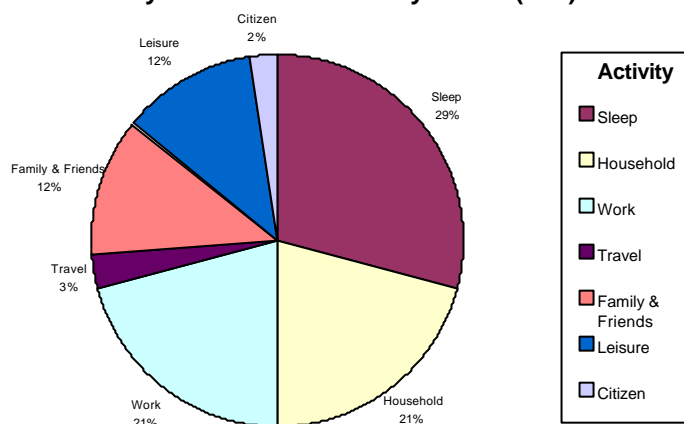
The link between long working hours and health and safety is well-established. Research has shown that work-related fatigue in-

hours worked. Fatigue and loss of concentration cannot be avoided after a certain period of time and the risk of industrial accidents increases during the final hours of work.

How is the 48 hour maximum calculated?

The ceiling of 48 hours worked per week is not calculated on a weekly basis, but over a reference period

Healthy Allocation of weekly hours (168)



Although 48 hours is the maximum number of hours employees should work under the Working Time Directive, a maximum of 35 hours is recommended as a healthy total as above chart shows.

of at least four months. This ensures that enterprises can organise the working time of their employees to respond best to their economic activities. The directive also allows for the reference period to be extended to 6 months in certain specific cases, such as patterns of shift work, security or surveillance work, or where the workers' home and place of work are distant from one another. Furthermore, collective agreements can be concluded on a sectoral basis to extend the reference period to one year.

How is working time defined?

The 1993 Directive defines

working time as "any period during which the worker is working, at the employer's disposal and carrying out his activities or duties, in accordance with national laws and/or practice". A rest period is defined as "any period which is not working time". The directive does not allow for any interim category.

In 2003, the European Court of Justice (ECJ) was asked on two occasions to rule on cases

which involved the definition of working time. Both cases turned on whether time spent on call constituted working time, and both concerned the health care sector, the SIMAP case in primary health care and the Jaeger case in hospitals. In both cases the ECJ ruled that time spent on call should be regarded as working time.

What is the impact of the ECJ rulings on on-call time?

Member States differed in how they put the definition of working time into national legislation. Some left such a definition to collective agreements between employers and workers. Some defined categories beyond the two in the Directive, which generally excluded

Don't
forget
FESPA
2005



31st
May to
4th
June

New
Munich
Trade
Fair
Centre

EMPLOYMENT ISSUES—WORKING TIME

(Continued from page 10)

time on call from the definition of working time.

The judgements will affect the health care sector most heavily, though not exclusively. An impact assessment still has to be carried out at national and Community level, but some preliminary estimations were given during the two court cases:

- The German Government said that staffing requirements would increase by 24%, requiring the employment of between 15000 and 27000 additional doctors and costing €1.75 billion.
- UK indicated that it would be necessary to recruit between 6250 and 12550 doctors and 1250 staff other than doctors, at a cost of £380-£780 million (€540-1100 million)
- Netherlands estimated that it would need 10000 new care staff, at a cost of €400 million.

The implications are not just budgetary all these Member States agreed that there was a lack of candidates with the necessary training to fill such positions.

What is the opt-out?

Article 18 of the 1993 Directive allows Member States not to apply the maximum working week of 48 hours if a number of conditions are complied with. It was negotiated by the UK during the process of adoption of the 1993 Directive. The opt-out is not specific to the UK, but the UK remains the only country to make widespread use of its provisions.

The conditions for the opt-out are:

- The worker must agree to work more than 48 hours a week
- No worker should be disadvantaged by deciding not to opt-out.
- The employer must keep up to date records of all workers who carry out such work
- These records must be made available to the competent authorities, who can restrict working hours above the maximum for health and safety reasons.

What are the Commission's concerns about the implementation of the opt-out in the UK?

What is the situation regarding working time in the UK?

The main characteristics of the system governing working time in the UK have not really changed since the Directive was introduced, largely due to the opt-out.

Latest figures show that about 16% of the workforce currently works more than 48 hours per week, compared with a figure of 15% at the beginning of the 1990s. About 8% of the workforce say they work over 55 hours per week, 3.2% over 60 hours per week and 1% over 70 hours per week. The UK is the only Member State where weekly working time has increased over the last decade.

Many (approximately 46%) of those that say they work over 48 hours are in managerial positions and are covered by the exemption relating to managers.

Therefore the number of workers that actually require an opt-out is quite limited.

How is the opt-out implemented in the UK?

Although approximately 16% of workers are thought to work more than 48 hours per week, the number that have signed an opt-out agreement is considerably higher. There are no reliable statistics, but the consensus is that many more people have opted-out than strictly need to. A survey of UK employers carried out by the Employment Lawyers Association in collaboration with Personnel Today showed that 65% of the 759 companies that replied had asked their employees to sign an opt-out. In 61% of those companies, over half the workers had signed. In 28% of companies, all workers had signed an opt-out. A CBI survey showed that 33% of UK workers - that is, twice as many as say they work more than 48 hours have signed an opt-out agreement.

Legislation and practice do not appear to offer all the guarantees required by the Directive. There is a generalisation in the presentation of the opt-out agreement when the work contract is signed, a practice which *de facto* undermines the freedom of choice of the worker. There are also concerns about the procedure put in place to keep records. It is clear that the intention of the Directive is to keep a record of hours actually worked, but the

national legislation requires only that the opt-out agreement itself is kept. Indeed, the anomalous situation could arise that more complete records are kept of those workers that have not opted out than of those that have, while the latter are arguable more in need of the protection that such records afford.

Do other Member States use the opt-out?

Following the recent ECJ rulings relating to on-call time, some Member States have seen the

opt-out as a way of alleviating the problems caused by the judgements. France has amended its decrees relating to hospitals and public health care establishments, allowing workers there to work beyond their usual weekly duties, in return for time off in lieu, or compensation.

Germany, Netherlands and Spain are drawing up legislation to incorporate the opt-out in the health sector.

Luxembourg uses the opt-out for its hotel and catering sector, with reference periods that are much shorter than those set out in the Directive. The aim is to allow the hotel and catering sector to be responsive to seasonal fluctuations.

Of the future Member States, Malta and Cyprus has already put the opt-out into their national

measures. Slovenia applies it to doctors. Estonia, Hungary, Latvia and Lithuania have indicated that they could make use of this provision to avoid the problems arising from the ECJ rulings.

Why is the Commission proposing a revision of the Directive?

(Continued on page 12)

From the FESPA Secretariat

Produced by SPA-UK
Ltd for FESPA
Associations

www.fespa.com



EMPLOYMENT ISSUES—WORKING TIME

(Continued from page 11)

The Commission was required under the 1993 Directive to prepare a report on the implementation of the opt-out and the reference periods by the end of 2003. Given the implications of the ECJ rulings in 2003 it was decided to include these aspects in the report. The Commission has not made specific proposals as to how the Directive could be amended, but is asking the views of all those with an interest as to whether they identify a need to amend the existing legislation to address the issues raised in the Commission's report:

- The length of reference periods used for

calculating working time;

- The definition of working time, following the ECJ rulings
- The application of the opt-out.
- How to use the Directive not only for the protection of workers' health and safety, but as a tool for the reconciliation of work and family life.

What are the terms of the consultation?

The Communication is addressed to the European parliament, Council of Ministers, Economic and Social Committee and Committee of the Regions.

It is also intended as the first stage of the consultation of workers and employers as provided for in the Treaty prior to any legislative action in this field.

The document will be available on the Commission's website
http://europa.eu.int/comm/employment_social/consultation_en.html.

All interested organisations can send their comments and suggestions by e-mail to empl-labour-law@cec.eu.int.

Deadline for comments is 31 March 2004.

EMPLOYMENT ROUND-UP around EU

(Continued from page 5)

Slovakia : Fundamental changes made to Labour Code

In July 2003, significant and extensive amendments were made to the Slovak Labour Code, little more than a year after it came into force. The changes, which resulted from employers' complaints about some of the Code's provisions, aim to achieve a higher level of flexibility in employment relations by reducing the number of regulations and creating better conditions for autonomous collective bargaining. The areas affected include works council and trade union rights, termination of employment, overtime, paid leave, working time and fixed-term contracts.

Sweden : Fixed-term employment remains high

According to a report published in November 2003 by the LO trade union confederation, over 13% of Swedish employees currently have some form of fixed-term employment. Since 1990, the number of fixed term employment contracts has increased by about a third. The phenomenon particularly affects women (especially young women) and blue-collar workers. The government has not yet responded to a recommendation from a public committee that fixed-term workers should be given greater employment protection.

United Kingdom : New anti-discrimination legislation takes effect

Regulations protecting workers from discrimination and harassment at work on grounds of sex-

ual orientation and religion or belief came into force in the UK in December 2003. The legislation is intended to implement key elements of the 2000 EU equal treatment Directive.

Flexible working law causing few problems, finds survey

Research published in October 2003 by the Chartered Institute of Personnel and Development finds that the statutory right for parents of young children to request flexible working, introduced in the UK in April 2003, has operated smoothly and that most employers report no significant problems in complying with the new legislation.