



EU Supplement

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Introduction

This supplement covers the significant EU developments from December 2002 to early March 2003 in the broad areas of social policy, citizens' rights and consumer policy.

Monthly updates are posted on Comhairle's Citizens Information Database in the middle of each month. (www.cidb.ie). These include more detailed information on many of the topics which are briefly described in the Supplement and on a number of other topics. The monthly updates also include information on calls for proposals for funding – these must be checked frequently as the closing dates are usually within a number of weeks of publication.

There is further information about almost all the issues mentioned on the Europa website: www.europa.eu.int. In some cases, we give the extended website address. The Official Journal of the EU may be accessed via www.europa.eu.int/eur-lex.

Enlargement

At the Copenhagen European Council meeting in December, it was formally agreed that ten countries would join the EU - Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia in May 2004. It is expected that the Accession treaty will be signed in Athens in April 2003.

Bulgaria and Romania are expected to be able to join in 2007 and the EU hopes to start negotiations with Turkey after the end of 2004.

Nine of the ten countries which are set to join the EU in 2004 are organising referendums on joining – that is all except Cyprus. Malta held its referendum on 9 March – the result favoured entry to the EU. Some of the referendums (including Malta's) are not constitutionally necessary and/or are not binding.

Forthcoming referendums and their status:

Slovenia	23rd March	Not binding
Hungary	12th April	Binding
Lithuania	10th-11th May	Binding
Slovakia	16th-17th May	Binding
Poland	8th June	Binding
Czech Republic	15th-16th June	Binding
Estonia	14th September	Not binding
Latvia	20th September	Binding

Employment and Social Policy

Pensions

The Commission has published an analysis of national pension systems and their ability to face the challenges of an ageing population. The report will be considered by the European Council at its Spring 2003 meeting. The analysis is based on the national strategy reports which the member states have compiled.

The report and the national strategy reports are at http://europa.eu.int/comm/employment_social/news/2002/dec/joint_pensions_report_en.html

Equality Directives

The EU Framework Equality Directive (Directive 2000/78/EC) is due to be implemented by 2 December 2003 but member states may take another 3 years to implement those aspects of it which relate to age and disability. It provides for the prohibition of discrimination in relation to employment and occupation on grounds of religion or belief, disability, age or sexual orientation. The bulk of its requirements are already covered in Ireland by the Employment Equality Act but some changes in this Act will be required – in particular in relation to the exceptions in the EEA concerning age and disability.



information for all

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation is published in OJ L 303, 2 December 2000.

The Race Directive (Directive 2000/43/EC) provides for the prohibition of direct or indirect discrimination on the grounds of race or ethnic origin. It is due to come into effect on 19 July 2003. It is unlikely that any substantial new legislation will be required for its implementation in Ireland.

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin is published in OJ L 180, 19 July 2000.

The Equal Treatment Directive (Directive 2002/73/EC) of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions is published in OJ L 269, 5 October 2002. It is due to be implemented by 5 October 2005.

Rights of People with Disabilities

The Commission has issued a Communication which sets out its position regarding a possible international legally binding instrument to protect and promote the rights and dignity of people with disabilities. This possible legally binding instrument is going to be discussed in the framework of a United Nations (UN) Ad Hoc Committee set up by UN resolution 56/168 to consider proposals for such a legal instrument.

This topic will be dealt with further in a forthcoming edition of *Relate*.

European health card

The Commission has proposed that the EU health card will be launched on 1 June 2004. This is designed to replace the existing Form E111 and some other forms as the means of establishing entitlement to emergency health services when visiting another EU member state. There will be no change in your entitlements but this should make it easier to establish your rights.

http://europa.eu.int/comm/employment_social/news/2003/feb/hicard_en.html

The Social Policy Agenda

The Commission has published the third annual progress report on the EU's Social Policy Agenda of 2000. A mid term review of the agenda will take place in 2003.

http://europa.eu.int/comm/employment_social/social_policy_agenda/social_pol_ag_en.html

Social protection in Europe in 2000

Eurostat has published information on social protection in the EU in 2000. In the EU, the share of social protection expenditure in GDP fell from 27.5% in 1999 to 27.3% in 2000. It has been falling steadily since 1996, when it was 28.4%. In 2000, the lowest shares of GDP attributable to social protection were in Ireland (14.1%) and Spain (20.1%). The figure was highest in Sweden (32.3%), France (29.7%) and Germany (29.5%).

Eurostat, *Statistics in focus*, Population and social conditions, n° 3/2003, "Social protection in Europe".

Social Inclusion

The Council Resolution of 6 February 2003 on Social Inclusion - through social dialogue and partnership is published in OJ C 39, 18 February 2003.

eAccessibility

The Council Resolution of 6 February 2003 "eAccessibility" - improving the access of people with disabilities to the knowledge based society is published in OJ C 39, 18 February 2003.

Transfer of Undertakings Directive

Directive 98/50/EC amends Directive 77/187/EEC on the approximation of the laws of the member states relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses. (These are now consolidated in Directive 2001/23/EC of 12 March 2001). The Commission has sent a reasoned opinion to Ireland for failing to bring the terms of the amending Directive into national law by the due date - July 2001. The Department of Enterprise, Trade and Employment intend to have the necessary regulations made by March 2003. The amending Directive is largely concerned with the issue of contracting out of services and its consequence for employees.

Asbestos Protection

The European Parliament has approved the proposed Directive on asbestos protection for workers. The Directive should come into effect in three years time.

Health and Consumer Affairs

Food Hygiene Rules

The Council has reached political agreement on a regulation to set hygiene rules for food of animal origin. It affects, among others, products including fresh and processed meat, milk and dairy products, and fishery products. The new regulation is less detailed and prescriptive than existing rules and is designed to operate in tandem with the self-checking Hazard Analysis Critical Control Point (HACCP) system agreed in June

2002. The HACCP system prescribes steps towards identifying and addressing points throughout the production chain where control is critical to food safety.

This Regulation only affects food of animal origin. Exemptions can be made for food produced according to traditional methods, by small businesses or in remote regions. Exemptions that may compromise food hygiene objectives are not allowed, and the procedures for granting exemptions must be transparent. In general, it does not cover retail establishments such as hotels, restaurants and shops.

It will not apply to primary production for private domestic use or to the domestic preparation, handling or storage of food for private consumption. The following areas are controlled by national legislation:

- ◆ the direct supply by a producer of small quantities of primary products such as eggs or milk to the final consumer or to local shops serving the final consumer
- ◆ the direct supply by a producer to the final consumer and to local shops of small quantities of meat from poultry, rabbit and hares slaughtered on the farm
- ◆ hunters who supply small quantities of wild game meat directly to the final consumer or to local shops serving the final consumer

Labelling rules for meat

New rules for the labelling of meat based products came into effect on 1 January 2003. These are set out in a Directive amending Directive 2000/13/EC. The new rules require that distinctions be made between muscle meat, fat and offal. There is a six month transition period for producers to conform to the new rules – the new rules must be fully in effect on 1 July 2003.

Personal imports of meat and milk

Stricter rules on personal imports of meat and milk into the EU from third countries are in force from 1 January 2003. Broadly this means that individuals may no longer import these products unless accompanied by official veterinary documentation.

http://europa.eu.int/comm/food/fs/ah_pcad/ah_pcad_importposters_en.html

Food and feed controls

The Commission has published a proposed Regulation on official food and feed controls. The proposed Regulation is designed to streamline and reinforce the existing control system. It is one of the measures announced in the White Paper on Food safety.

The member states have primary responsibility for food and feed controls and this will remain the case. The proposed Regulation is designed to introduce performance criteria for the implementing authorities in the member states and a harmonised EU-wide approach to the design

and development of control systems in the member states. It will require that compliance with the law is verified at all stages of production, processing and distribution. There will have to have documented control procedures, internal audits and stricter rules on the accreditation of laboratories. National control plans will have to be established. Audits by the Commission's Food and Veterinary Office (FVO) will evaluate performance against these control plans. This means that the FVO will move away from focusing on individual production establishments towards evaluating the overall operation of national control systems.

The proposal introduces criminal sanctions in cases of serious offences against EU feed and food law.

The responsibilities of the member states are set out in Regulation 178/2002. This proposal sets out how this is to be implemented.

http://europa.eu.int/comm/food/fs/inspections/index_en.html.

Video surveillance – public consultation

The Commission is undertaking a public consultation on the conditions and limitations that should apply to the installation and to the implementation of video surveillance systems. This kind of system as well as the necessary safeguards for data subjects. A document on the subject has been published; Working Document on the Processing of Personal Data by means of Video Surveillance.

www.europa.eu.int/comm/internal_market/en/dataprot

Environment

Public Participation in Environmental plans

The Council and the European Parliament have agreed the draft Directive providing for public participation in the drawing up of plans and programmes in the field of the environment. The agreement must be formally endorsed by the both institutions. The draft Directive covers plans and programmes provided for under Directives 85/337/EEC and 96/16/EEC in the area of waste, air quality management and the protection of water from nitrates. It aims to enhance public participation in decisionmaking, and to ensure that procedures are consistent in all Member States and in cases having a crossborder effect. The Directive is further aimed at implementing the United Nations Convention, concluded at Aarhus in June 1998, on access to information, public participation in decisionmaking and access to justice in environmental matters. The draft Directive supplements that agreed on public access to information on the environment.

NATURA 2000

Natura 2000 is an EU-wide network of nature protection areas established under the 1992 Habitats Directive

(Directive 92/43/EEC of 21 May 1992) and the UN Convention on Biological Diversity. The aim of the network is to assure the long-term survival of the most valuable and threatened species and habitats. It is made up of the Special Areas of Conservation (SAC) designated by Member States under the Habitats Directive and the Special Protection Areas (SPAs) designated under the Birds Directive (Directive 79/409/EEC of 2 April 1979). <http://europa.eu.int/comm/environment/nature/home.htm>

Justice and Home Affairs

Minimum Standards for Asylum Seekers

The Council has adopted a Directive concerning minimum standards on the reception of asylum seekers in member states. The agreed Directive differs from the original proposals in a number of respects and generally leave more decisions to the member states. Ireland has not opted in to this Directive so it will not apply here.

The Dublin Convention II

The Dublin Convention (so called because it was negotiated during Ireland's EU Presidency in 1996) is an agreement between the member states of the EU about where applications for refugee status will be heard. The basic principle is that a person seeking asylum should apply for it in the first safe country he/she reaches.

Political agreement has been reached on the proposed Regulation to amend this Convention. The Convention itself will now be replaced by the Regulation – this means it will be an integral part of EU law and not an intergovernmental agreement only.

EURODAC

EURODAC is the European Automated Fingerprint Identification System (AFIS) and it came into effect on 15 January 2003. It involves the registration of the fingerprints of asylum seekers and certain illegal immigrants arriving in any of the participating countries. It operates in all EU member states except Denmark and also in Norway and Iceland.

General

Consolidated Treaties

The Treaty of Nice came into effect on 1 February 2003. Most of the institutional changes which it contains will come into effect on specified dates – mainly in 2004 when the new member states have joined and European Parliament elections will be held. The consolidated versions of the treaties establishing the EU, including the Treaty of Nice is published in OJ C325, 24 December 2002.

Ombudsman's Guide for Citizens

The Ombudsman has published a Guide for Citizens which explains the role and activities of the Ombudsman. A new European Ombudsman, Nikiforos Diamandouros, has been elected by the European Parliament and will take up office on 1 April 2003. He will replace Jacob Soderman, who was the first European Ombudsman. <http://www.euro-ombudsman.eu.int/guide/en/default.htm>

EU Constitutional treaty

The Convention on the Future of Europe has published a draft of the first 16 articles of the proposed EU constitutional treaty. These articles cover the EU's values and objectives, fundamental rights and EU citizenship, and the competence of the EU (the areas where the EU has the power to make decisions and the areas where it shares decision making with the member states). The draft text is at: <http://european-convention.eu.int/docs/Treaty/cv00528.en03.pdf>

Public procurement

The Commission is taking action against Ireland in order to enforce the EU rules on public procurement. This provides that major public contracts must be open to tenders from all member states. In Ireland's case, the complaint relates to the contract between An Post and the Department of Social and Family Affairs in relation to social welfare services and the contract between Dublin City Council and the Eastern Regional Health Authority for the provision of ambulance services. The Commission is complaining that these contracts were renewed without competition.

http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm

Glossary

"Opt in": The Irish and British governments are not bound by certain decisions in the Justice and Home Affairs area. They may decide to be bound by them and they then "opt in" to the particular decision. The decisions in question are mainly concerned with immigration, asylum, cross border arrangements for combatting crime and for legal co-operation.

Communication: A Communication, unlike a Directives or Regulation is not legally binding. It can be a compilation of information, an expression of opinion or a statement of policy intention. It is generally designed to promote debate.

Resolution: A Resolution has no legal status either. It is usually an expression of intention to do something or an exhortation to others to do something.