

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 19 June 1991

SIXTH REPORT OF THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

concerning the implementation of the White Paper
on the Completion of the Internal Market

COMMISSION OF THE EUROPEAN COMMUNITIES

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CORRIGENDUM

NOUVELLE PAGE 21 DE
L'ANNEXE I
NE CONCERNE QUE LA VERSION
ANGLAISE

Brussels, 28 June 1991

**SIXTH REPORT OF THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT**

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on the Completion of the Internal Market**

124. Oligo-elements in fertilisers

ADOPTED 18/9/89
DIR.89/530
OJ L 281 of 30/9/89

COMMENTS : Implementation date : 18 March 1991

2.6 Construction and construction products

125. Tower cranes : permissible sound levels

ADOPTED 25/6/87
Dir.87/405
OJ L 220 of 8/8/87

COMMENTS : Implementation date : 25/6/89

126. Construction products

ADOPTED 21/12/88
DIR.89/106
OJ L 40 of 11/2/89

COMMENTS : Implementation date : 27/6/91

2.7. Other items

127. Tyre pressure gauge

ADOPTED 26/5/86
DIR.86/217
OJ L 152 of 6/6/86

COMMENTS : Implementation date : 30/11/87

128. Household appliances: airborne noise

ADOPTED 1/12/86
DIR 86/594
OJ L 344 of 6/12/86

COMMENTS : Implementation date : 3/12/89

129. Hydraulic diggers (noise)

ADOPTED 22/12/86
Dir. 86/662
OJ L 384 of 31/12/86

COMMENTS : Implementation date : 24/12/88

NB : 6 years after implementation common noise levels to be adhered to

130. Protection of hotels against fire

ADOPTED 22/12/86
Recommendation
86/666
OJ L 384 of 31/12/86

COMMENTS : Measures in accordance : 22/12/88

Member States to report to Commission, within 2 years, all national measures taken in accordance with the Recommendation

131. Directive on products which, appearing to be other than they are, endanger the health or safety of consumers

ADOPTED 25/6/87
Dir.87/357
OJ L 192 of 11/7/87

COMMENTS : Implementation date : 26/6/89

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INTRODUCTION

1. The Community institutions have been striving since June 1985 to implement a legislative programme designed to complete an area without internal frontiers; this programme, which was published as part of a White Paper,¹ provides a yardstick against which to measure progress made towards completion of that area in accordance with the Single Act and, in particular, Article 8a of the Treaty.
2. It is now more than one year since the remaining proposals required by that programme to permit the final legislation to be adopted in time for it to be implemented by the Member States by 31 December 1992 were submitted to Council and the European Parliament. The Commission is endeavouring to keep to the timetable by seeking appropriate compromises that are compatible with the objective in view.
3. The European Council's continuing support and guidance on the most difficult issues have maintained the political pressure on the Council and the Member States and have contributed greatly to the current results which, as the Commission indicated in its previous report, are convincing political and economic circles of the irreversibility of the process by which the frontier free area is taking shape. This support was last expressed at the European Council meeting in Rome, where the European Council undertook to do everything necessary to ensure that the 1 January 1993 deadline was met.
4. The Commission continues to review regularly progress towards implementing the White Paper in order both to meet the demand for information from business circles, citizens and the Community's external partners and to pinpoint areas where lack of progress might compromise the 1992 objective so as to alert the different political authorities.
5. This is the sixth annual report; as in the case of the previous report, it not only takes stock of the decision making process but also covers problems involved in implementing Community legislation at national and Community levels. The annexes therefore now set out not only a list of proposals adopted by, or pending before, the Council but also the progress made by the Member States in transposing each measure and in implementing Court judgments.
6. The Commission has already given an account of the progress being made in the report it presented to the Council last November under Article 8b of the Treaty.² The present report will restrict itself, on many points, to expanding on the Article 8b report since work has barely progressed since publication of that report. The level of decision taking, which stood at nearly 70% in December, should exceed 75% by the end of the first half of this year.
7. Although this report is confined strictly to the single market, it should also be borne in mind that the process of completing the single market cannot be dissociated from the five other objectives of the Single Act: economic and social cohesion, social policy, the environment, research policy and the strengthening of economic and monetary cooperation.

1 COM(85)310.

2 COM(90)552.

PART I : THE OVERALL PICTURE

I. GENERAL PROGRESS

8. Although work is continuing apace, particularly in the area of free movement for individuals, progress has been very limited since the last report; while there is reason to think that major decisions needed to finalize work will be taken in the months ahead, there are certainly no guarantees that all the decisions will in fact be taken, and this for the following reasons:

- in the area of taxation, the political orientations established in 1990 and the progress achieved in the first six months of 1991 allow one to suppose that the Council's work will result in the adoption of the main legal acts once the opinion of Parliament is available. It must be emphasised in this context how important it is, as much for the taxation authorities as for the economic operator, to have these texts at their disposal as soon as possible this year. One of the measures already taken concerns the raising of duty paid allowances.
- as to the free movement of individuals, the following progress has been made:
 - (i) signing by Denmark of the Dublin Convention of June 1990 determining the Member State responsible for examining applications for asylum, which has now been signed by all Member States;
 - (ii) arrangements drawn up by the TREVI Group for cooperation between police forces;
 - (iii) adoption by the Council of a common position on the directive on the acquisition and possession of weapons.
 - (iv) convergence of immigration policies through the definition of political orientations on the entry procedures for immigrants and the coordination of national admission policies.

However, the convention on crossing external borders, which constitutes the key element, has still not been signed despite the repeatedly stated wishes of the European Council. The main difficulty lies in the interpretation of Article 8a; a clear interpretation of this provision, as requested by the European Council, is made of all the more necessary to ensure its full effectiveness by the fact that the extension of the Schengen Agreement to Spain and Portugal demonstrates the Member States' capacity to agree to a solution to problems once there is political agreement on the objective to be pursued.

With regard to cooperation between firms, no progress has been made on the creation of a Community trade mark or on the consolidation of company losses or, finally, on mergers between companies from different Member States. While work has continued steadily on the European company, which has high political priority, and has begun on withholding taxes on interest payments and royalties, progress is delayed in Parliament on international mergers and, at Council level, on investment services.

In the case of freedom of establishment, the completion of work aimed at facilitating mobility still depends on the extension of recognition of qualifications to all regulated professions and on the reform of the arrangements under which workers and their families obtain the right of residence.

In the services field, the main problem lies in extending the right to supply services to the investment field and to sea, inland waterway and road passenger transport.

9. In its Article 8b report, the Commission set out for the Council a tentative programme of work for matters which it considers should be given priority in 1991. While, over the past 12 months, the pace of work has been such that the proportion of proposals adopted has risen from 50% to 66%, only eleven new measures have been adopted by the Council since the Article 8b report appeared in November 1990. This leaves 89 proposals from the White Paper programme still on the table.

10. This situation can be attributed to four factors:

- Firstly, there have been regrettable delays with certain proposals before Parliament up to the June session; while these delays concerned only 35 proposals, they were generally matters on which Council agreement could have been rapidly reached, and these delays in Parliament have therefore affected organization of the Council's work and the periods allowed for transposition in Member States.
- Secondly, the dispersion of proposals among the various Council bodies is leading to an unbalanced distribution of work between those different bodies, and in particular to a dilution of the political pressure from the European Council. It should be noted that the Internal Market Council has cancelled two of its meetings whilst at the same time other bodies of the Council were not in a position to make progress on dossiers within their field of responsibility.
- In the area of transport taxation, political agreement is likely to be reached within the timescale set by the European Council on only one aspect, the level of excise duty on diesel fuel. Elsewhere little progress has been made.
- Finally, a number of issues depend on key political decisions being taken in the Member States in such fields as transport, worker participation and the location of the Trade Mark Office.

11. The Commission is currently examining with the Member States the contribution which implementation of Article 100b of the Treaty might make: this Article permits the Council, during the course of 1992, to recognize as being equivalent national rules which have not been harmonized according to Treaty procedures. With a view to drawing up the list required of it, the Commission is making enquiries among the Member States, which should enable it to put forward the necessary proposals.

II. THE GENERAL SITUATION

The Commission

12. The Commission has exercised its power of initiative to the full. All the proposals arising from the White Paper have been presented: between 1985 and 1990, 196 proposals were transmitted to the Council and Parliament to add to the 86 proposals already before the Council. New proposals put forward from now on will be aimed at extending legislation already adopted (public procurement, insurance, etc.) or at administering basic legislation (air transport, technical legislation, etc.).

13. As pointed out in the previous reports, the Commission's attention will now focus on administering existing Community legislation; this presupposes that implementing laws are adopted to give full effect to the basic proposals adopted by the Council, that the organizational measures necessary for such administration are taken and, finally, that accompanying measures are adopted which will guarantee balanced implementation of the measures relating to freedom of movement:

- The implementing legislation is concentrated mainly in the animal health, plant health and foodstuffs fields:
 - (i) In the veterinary sector, the Commission has adopted more than 100 implementing measures under the powers devolved to it by the Council; these measures relate both to the new strategy regarding supervision (including the necessary financial decisions) and to the administration of the basic directives.
 - (ii) In the phytosanitary sector, none of the application measures has been taken - except in the area of animal feedstuffs - due to the absence of full decisions of the Council on the "framework" provisions.
 - (iii) In the foodstuffs field, implementing measures have to be taken on the basis of the "framework" directives adopted by the Council. These implementing measures are part of the normal process in the case of additives: a proposal concerning sweeteners is already before the Council; it will be followed, before the end of the year, by another proposal concerning colorants, which will cancel the pending proposal for an 8th Directive. Other proposals on preservatives, antioxidants and the other additives will follow. Commission implementing measures relating to materials coming into contact with food and to dietary foods are currently being prepared.
- Organizational measures are necessary to enable the Commission to fulfil its administrative responsibilities, which require both a high level of technical expertise and a capacity to react rapidly to requests for products to be authorized or to health problems which, without that capacity to react, could lead to decisions being taken at national level that would prejudice freedom of movement. Such organizational measures have been proposed for the following fields:
 - (i) the Commission has suggested that a medicines agency be set up which, while not intruding on the public authorities' powers to authorize medicines, would pool scientific capacity in the Member States and guarantee European industry a rapid appraisal of products;
 - (ii) in the foodstuffs field, the Commission has put forward proposals for reinforcing the structure of the Scientific Committee for Food and cooperation between the various competent bodies in the Member States;
 - (iii) in the veterinary and plant health fields, the Commission has given the necessary undertakings to increase substantially the staffing resources required for the inspection tasks which it has to carry out to ensure that legislation adopted is properly implemented.
- Back-up measures have been adopted or proposed to ensure that the frontier free Europe functions smoothly and thus to guarantee freedom of movement: these measures mainly involve fields connected with the abolition of frontier

checks (steps to combat trafficking in drugs and precursors, data protection, transport policy, etc.).

14. Responsibility for administering Community legislation includes monitoring implementation by Member States. This responsibility is exercised through the formal procedures laid down in the Treaty, and it should be noted in this regard that the Commission adopted internal measures in 1990 to ensure that infringement proceedings could be instituted rapidly. However, the challenge of 1992, the comprehensiveness and balance of the White Paper programme and the speeding up of decision making all justify the steps taken to politicize monitoring of the transposition process based on complete transparency of the situation in each Member State.

The results of this action can be viewed positively since the level of transposition increased from 69% in December 1990 to more than 73% in May 1991, and this despite the entry into force of 20 new instruments. Each country's awareness of its responsibilities is demonstrated by the fact that countries such as France and in particular Greece have stepped up their rate of transposition (as Portugal had done in 1990), with the result that the responsibility for the delay now lies entirely with Italy which has adopted barely more than half of the national measures; countries such as the Netherlands, Luxembourg, Ireland and Spain have been unable to keep up the necessary rate of transposition. Implementation of Court judgments has itself considerably improved over the last twelve months, since 26 judgments are currently the subject of actions brought for failure to act, as opposed to 43 a year ago, this due to steps taken by Italy to regularize the position in twelve cases. Only three new actions have been brought over this same period. These failures to act involve only four Member States: Greece (3), Germany (4), Belgium (4) and Italy (15).

15. But the implementation of measures goes beyond transposition alone. It is also dependent on (i) sound training for the national authorities which will have to administer the same rules in a convergent fashion, (ii) on information programmes aimed at making firms and citizens aware of their new rights and (iii) on appropriate information exchange mechanisms:

- The training measures are based mainly on programmes for the exchange of officials between national authorities but they may also include measures aimed at training administrations in the application of Community rules; programmes are now in progress in the customs field (MATTHAEUS programme) and in the animal health sphere.
- Responsibility for the information programmes lies primarily with the Member States and trade organizations; however, the particular needs of SMEs and the single market's special impact in certain industrial sectors justify a specific effort by the Commission; the Council already has on its table a proposal for a decision to reinforce these actions of information in the enterprise policy of the Community.
- Cooperation between national authorities and between those authorities and the Commission will be one of the factors dictating whether or not Community obligations are properly met; the Commission is therefore examining the possibility of making available to Member States cooperation structures and information exchange infrastructures. It was with this in mind that it announced, in its action programme on trans European networks,³ a communication on this specific theme with the aim of identifying needs,

3 COM(90)585 of 10 December 1990.

available resources and possible technical solutions. Provision is now made for such cooperation in customs and agricultural regulations.

The Council

16. The Council's workload has diminished considerably since the last report owing to the steady progress made in 1990. However, since the publication of the Article 8b report in November, which gave an indication of priorities on the basis of the measures which were vital for implementing the Single Act, too few decisions have been taken (11) and none of the tentative deadlines set out in that programme have been met. The Council's capacity to meet these deadlines will in fact depend on the outcome of the meetings in June on such matters as indirect taxation, recognition of qualifications, insurance, public procurement, free movement of individuals and company law. By the end of the first half of this year, the Council should have taken decisions in respect of some 75% of the White Paper programme.

17. The 89 dossiers pending are distributed as follows:

- "internal market" Council: 26
- "economic and financial affairs" Council: 28
- "agriculture" Council: 28
- "transport" Council: 5
- "environment" Council: 1
- "social affairs" Council: 1

18. The diagnosis established in the 8B report has developed positively since progress has been made in defining the VAT and excise duty regime arising from the abolition of internal border controls; but this progress has not yet permitted the Council to adopt the necessary legal acts and the opinion of Parliament is still awaited. Work in the animal and plant health fields can also be judged to have reached the point of no return, even though 28 proposals have still to be adopted, some of which are still before Parliament.

19. Apart from these positive aspects, however, many issues are still blocked and require new impetus:

- In the area of the free circulation of persons, the state of the work is described in points 44 and after. In addition it should be noted that the free circulation of persons also requires the abolition of the present regime of duty free allowances as well as the liberalisation of passenger transport and temporary importation of vehicles. None of these files is progressing satisfactorily.
- In the industrial and intellectual property field, the adoption of the proposal for a directive on the protection of computer software and the progress made on the protection of biotechnology products must not be allowed to conceal the continuing disagreement on the Community trade mark due to the problems of the location of the office and working languages; in addition, the entry into force of the Community Patent Convention still depends on its ratification by Member States.
- Despite the progress made in the transport field on air transport, no decisions have been taken to ensure freedom to supply services in respect of shipping, inland waterway transport and road passenger transport.
- In the financial services field, work has not started on the proposal for a Regulation on guarantees issued by credit institutions or insurance

undertakings, although an amended proposal has been presented in the light of Parliament's opinion.

- In the area of direct taxation, the Council has immediately begun the study of the proposal which aims to abolish the tax on interest payments and royalties retained at source, but to succeed in finally adopting the two Commission proposals of 1989 before the end of 1991, a sustained effort by the Council will be necessary.
- In the company law sphere, a positive decision on the proposal for a fifth Directive depends partly on the outcome of the work on the European company, and more particularly on the provisions relating to the position of employees in it.

20. In conclusion, the Commission is maintaining the procedural proposals it put forward in the Article 8b report, namely:

- to give the Internal Market Council the right to raise matters with which other Council bodies are unable to deal through lack of time;
- to take new steps to guarantee that deadlines are met, including the organization of work at the various Council levels so as to ensure that priority is given to matters connected with attainment of the 1992 objective.

Parliament

21. The situation in Parliament no longer constitutes a major obstacle to progress in the Council; the number of proposals pending before the Parliament has never been as low (35), although up to the June session, this represented almost half of the proposals pending. This situation resulted notably from the artificial regrouping of certain files by certain parliamentary committees; it is a fact that this method of work has affected the work of the Council and, in the veterinary sector, the adoption by the Commission of application measures necessary for the entry into force of these acts before the deadline of 1993.

22. As the Commission has already pointed out in its fifth report, Parliament's position becomes increasingly difficult as work concentrates on fields requiring unanimity, and particularly on matters covered within the framework of intergovernmental cooperation.

- As the Commission stated in the Article 8b report, the cooperation procedure has functioned satisfactorily; despite figures showing that the Council has adopted only 32% of the amendments put forward by Parliament, it is a fact that in many fields, such as public works contracts and public services, machine safety, and insurance, Parliament has directly influenced the content of directives, in particular by taking account of their social dimension.
- In fields requiring unanimity, Parliament has been able, under the consultation procedure, to use its powers to take account of the direction of work in the Council when formulating its opinions; this is particularly true of indirect taxation. In those spheres regarded by Member States as coming within the framework of intergovernmental cooperation (TREVI group, RHODES group), the Commission has sought to introduce a specific procedure for providing Parliament with information at the end of each presidency. While this procedure, which was introduced in June 1990 by the Irish Presidency, has not achieved the degree of interinstitutional cooperation provided for in the Treaty in the Community legislative process, it

nevertheless provides a means of keeping Parliament regularly informed of the state of progress.

III. HORIZONTAL MEASURES

23. Completing the single market also depends on the implementation of initiatives and policies to accompany the abolition of frontier checks and to provide support for the integration of national economies.

24. Economic and social cohesion: following the adoption of the Community Support Frameworks in 1990, the Commission launched a series of twelve new initiatives, which will help the less developed regions to respond to the challenges of the single market. Particularly worthy of mention, in this context, are :

- (i) the INTERREG programme, which will help economic actors in border regions to develop projects on a trans-frontier basis;
- (ii) the STRIDE programme, which will strengthen the capacities of the regions in research, technology and innovation;
- (iii) the PRISMA programme, which will help the development of certification and testing procedures and technical assistance for firms in the regions;
- (iv) the TELEMATIQUE programme which will promote the use of advanced telecommunication services and
- (v) the EUROFORM programme, which will promote transnational networks for vocational training.

25. The social dimension : during the past 12 months, the Commission has actively pursued its work to implement the Community Charter of fundamental social rights for workers. In this aim it has adopted more than half of the initiatives foreseen in this programme; the rest of the legislative proposals will be presented before the end of the year. Among the texts presented this year, the most significant concern, for example, the health and safety of workers, atypical work, the organisation of work, the protection of pregnant women at work as well as the information and consultation of workers in companies of a European dimension. The Council has, for its part, adopted 5 measures in the area of health and safety at work. The Commission hopes that decisions will be able to be taken at the forthcoming meetings of the Council on the other measures on which, for the moment, the progress which has been made does not live up to the expectations raised by the adoption, by 11 Member States, of the Community Charter for the Social Rights of Workers.

26. Competition policy: it has a growing importance in the framework of the completion of the Internal Market of 1992. It will not be possible to take full advantage of this market in terms of growth in production and the improvement of growth in employment unless competition intensifies thanks to the progressive abolition of artificial obstacles to trade which still exist. It is precisely in the areas where trade between Member States is less developed that the resolute application of a competition policy can bear the most fruit.

According to a recent decision by the European Court of Justice (4), this objective is in fact clearly confirmed by Articles 2 and 3 of the Treaty which aim at the creation of a market where goods circulate freely with no distortion of conditions of

4 See ECJ, Decision of 19.03.1991, France/Commission, para. 41.

competition. Article 30 and subsequent Articles must therefore be interpreted in the light of this principle which implies that the competition aspect of Article 3f of the Treaty must be taken into consideration.

The entry into force of the regulation on mergers in September 1990 completes the range of instruments enabling the Commission to prevent commercial behaviour or structural modifications from holding up the process of market integration.

As for the regulated sectors, notably those consisting of public sector undertakings or those benefiting from exclusive rights, the Commission is especially requested to ensure on the one hand that the granting of these rights is compatible with the Treaty (5) and, on the other, that Member States neither enact nor continue with measures which are incompatible with the conditions of the Treaty in this respect, notably those concerning competition. While recognising that one must take account of the need to provide services of general economic interest, the Commission believes that this should be done with the fewest possible restrictions placed on competition.

The Commission consequently decided itself against an agreement between electricity producers and distributors and also against their abuse of a dominant position. The Commission has also decided to open proceedings against Member States holding exclusive import and export rights for electricity and gas.

In addition to the public sector - gas, electricity, telecommunications and postal services - the Commission is also examining other markets where there are restrictions on competition between Member States. This applies especially to the transport sector (air and sea), banking and insurance.

27. Environmental protection: As well as removing obstacles to trade, technical legislation measures must also meet certain political objectives, predominant among which is the need to protect the environment, particularly in the transport field and in the chemical industry. All Commission proposals are based on a high level of protection, which has made it possible to avoid recourse to Article 100A(4). But the Commission has been anxious to enable those Member States which wish to proceed more quickly in raising their standards to do so within certain limits:

- Member States are authorized to introduce economic and tax incentives in anticipation of the entry into force of a common rule; this means that products which comply with the rules in force will continue to be authorized but that, during the period between the adoption of the new rule and its entry into force, the marketing of products complying with this new rule will be encouraged;
- The Commission now intends, in its proposals, to establish not only a mandatory standard (as has been the case until now) but also a "target" standard which Member States may encourage by means of fiscal incentives, provided that it does not affect freedom of movement, and which will also give the Community and industry the prospect of the mandatory standard changing.

28. Trans European networks: In December, the Commission transmitted to the Council its action programme designed to give the Community the instruments necessary for the completion of trans European networks, such as the regular preparation of network master plans, a "European label" mechanism to enable promoters of infrastructure projects to mobilize private funding, the development of standardization programmes to ensure compatibility and interoperability of networks and, finally, the setting up of a "think tank" on the development of transport,

5 See the above-mentioned Decision, para. 22.

telecommunications and energy networks in the Community and in Europe generally. This programme identifies the projects to be given priority which are vital for the operation of the internal market, for example telematic networks for the transmission and exchange of data between administrations.

29. Energy: A first group of directives concerning the transparency of electricity and gas prices for private and industrial users (90/377/EEC) was adopted in 1990 and should enter into force on 1.7.91; the directive on the transit of natural gas, adopted on 31.5.91, should for its part, enter into force on 1.1.92. In parallel, the Commission has developed the application, in this area, of Community law and has decided, in this context, to start infringement procedures against certain Member States which maintain monopolies of import and exports of electricity and gas on their territories.

PART II : PROGRESS ON THE WHITE PAPER PROGRAMME

30. The progress made in implementing the White Paper is assessed in terms of the decision making process and Member States' application of decisions.

I. THE ABOLITION OF PHYSICAL FRONTIERS

31. As the Commission indicated in its Article 8b report, it is in the area of the abolition of physical frontiers that the credibility of the aim pursued to complete the internal market as defined in Article 8a of the Treaty is not assured because basic decisions have still to be taken regarding goods and because there are still fundamental disagreements regarding the free movement of persons.

1. Controls on goods

32. Despite the political determination to press ahead with the abolition of controls and formalities at intra-Community frontiers, basic decisions have still to be taken to ensure that tax frontiers are dismantled. Progress to date has been limited mainly to the abolition of customs checks and animal and plant health controls. In other fields, such as controls on exports or on the importation of certain special products (e.g. agricultural products, waste), much progress has still to be made, although, as the Commission has always pointed out, as soon as the abolition of the single administrative document is put into effect, specific controls will no longer be possible owing to the disappearance of the administrative support for such controls.

33. Customs formalities: Work in this field can be regarded as having been completed: the abolition of the transit arrangements and the single administrative document in intra Community trade, which will come into force on 1 January 1993, is an established fact and foreshadows the decisions to be taken regarding indirect taxation. The Commission sees these two measures as signalling the political will to abolish frontier checks and formalities and thus as triggering the necessary gradual redeployment of the infrastructures and staff assigned to such checks and formalities.

34. The implementation of these measures is not problematic because of the direct applicability of the legislation adopted, which does not therefore necessitate transposition measures. The abolition, in intra Community trade, of the transit advice note, which had hitherto to be produced at customs offices for products moving under the transit arrangements, came into force in this way in July 1990.

35. Veterinary and plant health controls: Work has barely progressed since the Article 8b report was drawn up, mainly because of the situation in Parliament. Admittedly, 53 measures have been adopted, including two directives which, by switching controls to the place of production or to the place of destination, will pave the way for the abolition of frontier checks and the approval of plant protection products. However, in order to establish the basic operating principle of the internal market (namely recognition of controls in the country of origin) and thus to give Member States of destination every guarantee, it will be necessary for the Council to complete its work programme and to adopt the 28 proposals which are still on the table and which cover the following main fields:

- the Community regime for the approval of phytopharmaceutical products;
- intra-Community trade and imports from third countries in respect of the few products of animal origin and the few animals which have not yet been covered;
- the production and marketing rules which constitute the bulk of the programme for ensuring recognition of controls in the country of origin;

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35. Veterinary and plant health controls: Work has barely progressed since the Article 8b report was drawn up, mainly because of the situation in Parliament. Admittedly, 53 measures have been adopted, including two directives which, by switching controls to the place of production or to the place of destination, will pave the way for the abolition of frontier checks and the approval of plant protection products. However, in order to establish the basic operating principle of the internal market (namely recognition of controls in the country of origin) and thus to give Member States of destination every guarantee, it will be necessary for the Council to complete its work programme and to adopt the 28 proposals which are still on the table and which cover the following main fields:

- the Community regime for the approval of phytopharmaceutical products;
- intra-Community trade and imports from third countries in respect of the few products of animal origin and the few animals which have not yet been covered;
- the production and marketing rules which constitute the bulk of the programme for ensuring recognition of controls in the country of origin;

40. Export controls: The abolition of internal frontier controls will call into question the arrangements established at national level for controlling exports of sensitive products and technologies and for protecting national treasures:

- The sensitive nature of certain products or technologies derives from the dual use - civil and military - which can be made of them. The controls applied pursuant to the COCOM rules or to national external policy measures are also applied in intraCommunity trade. A satisfactory basis for cooperation between the Member States and the Commission has now been established, which should mean that solutions are rapidly found to all of these problems; the Commission itself has clearly established the guidelines: out of concern for pragmatism its objective is for the moment to uniform control procedures by reserving the possibility, in future, to take initiatives at one and the same time on the lists and on the destinations of the products concerned. The technical complexities involved here, the impact of a turbulent international environment in this area and the links between these measures and the Member States' external policies explain the difficulties of the work. However, the momentum which is developing on the margins of the intergovernmental conference on political union in respect of exports of weapons and non-proliferation should facilitate an agreement on the treatment of dual use products.
- In the case of national treasures, work has proceeded in a positive manner in recent months. Taking into account the concern expressed by certain Member States regarding the protection of their national treasures, the Council and the Ministers for Culture last November identified the following three areas of work:
 - (i) the establishment of cooperation between Member States and the Commission;
 - (ii) the harmonization of controls on exports to non-member countries;
 - (iii) a system for the return of cultural assets illegally exported to another Member State.

Over the next few weeks, the Commission is to present specific proposals in the last two of these fields.

41. Collection of statistics: Progress is continuing to be made in the Council towards a common position on the new arrangements for collecting statistics following abolition of statistical returns at intra Community frontiers; it is expected that a common position will be agreed within the next few weeks and that these new arrangements will be adopted before the end of 1991. The Commission has amended its initial proposal in order to take account, during the transitional period for the indirect taxation arrangements, of taxation in the country of destination and to focus on alleviating the burdens borne by firms of statistical collection.

42. Controls on agricultural products: The operation of the common agricultural policy necessitates a series of controls and formalities at frontiers. Those which affect all agricultural products stem from the monetary compensatory amounts (MCAs). These MCAs are already no longer applied between Member States observing the 2.25% margins of fluctuation under the European Monetary System. The Commission intends to put forward the necessary proposals for their total abolition at the beginning of 1992. Other controls are made necessary by the rules governing the common organization of the markets in certain products (milk, cereals, refined sugar). Appropriate measures will be taken as the current Regulations expire. Finally, the Commission will act on certain formalities and controls applied

in connection with the Accession Treaties which justify the initiatives of the Commission before the end of the year. Furthermore, the Commission reserves the right to make the necessary proposals to avoid recourse to Article 46.

43. Other controls: The Commission has held discussions with the Member States with a view to drawing up a list of all controls carried out at frontiers; these inquiries have revealed many different controls in addition to those hitherto identified by the Commission. These are controls which, in some cases, stem from administrative or even historical tradition in each of the countries. Discussions are continuing with Member States with the aim of assessing to what extent these controls are compatible with the Treaty and how they might be carried out within the countries in question.

2. Controls on persons

44. Intergovernmental cooperation resulted in signature in June 1990, by 11 Member States, of the Convention determining the State responsible for examining an application for asylum; signature by Denmark on 13 June 1991 paves the way for ratification of the Convention.

45. Efforts have subsequently focused on drawing up an intergovernmental convention laying down the rules governing the crossing of the Community's external frontiers. Despite substantial progress, which reflects definite political willingness on the part of most Member States, differences of opinion persist on the inclusion, under certain conditions, of ports and airports in the scope of the convention. The vast majority of Member States and the Commission have come out clearly in favour of a text that will genuinely contribute to the establishment of an area without internal frontiers, regardless of the means of transport used and the traveller's nationality. As far as the substance is concerned, the central problem hinges on how Article 8a of the Treaty should be interpreted. The Commission intends to have this point clarified as quickly as possible and is proposing that work be organized even more efficiently than at present: the setting up of the Rhodes group has made it possible to overcome conflicts of responsibility between the different administrations and to prepare ministerial discussions more thoroughly; this group should now be accorded genuine negotiating powers along the lines of the structures which generated the Schengen Agreement. Accession to that Agreement by Spain and Portugal enables it to serve as an example for the abolition of frontier controls throughout the Community.

46. Progress has been made within the other bodies involved in work on dismantling controls on persons, notably enabling flanking measures to be put in place in the spheres of cooperation between police forces, of the fight against drugs and of immigration policy. This is the case of the TREVI 92 group, which is implementing the action programme adopted by the ministers in June 1990 and in which the Commission has been taking part since the beginning of 1991. Such work concerns the police cooperation that is needed if the abolition of controls at internal frontiers is not to result in a lowering of the level of security for society as a whole. Despite technical difficulties, progress is heartening. Nevertheless, since the necessary conclusions have to be drawn from the convention on the crossing of external frontiers, it is essential that the latter be signed so that this work can come into its own. With regard to immigration, the subject of immigration policy in the Community was debated for the first time in November 1990 on the basis of a Commission report. The Schengen agreement has of itself led to a convergence of policy between States.

47. The Council has continued to discuss objects carried by persons; progress has been achieved on the acquisition and possession of weapons and tax paid allowances,

while headway is expected to be made with regard to checks on luggage at ports and airports.

II. REMOVAL OF TECHNICAL FRONTIERS

1. Technical harmonization and standards

48. This is the area where most progress has been made; if it were not for the delay caused by Parliament in the pharmaceuticals sector and, above all, the link with commercial policy where motor vehicles are concerned, the entire work programme would be completed. The Commission has consequently devoted most of its attention to managing the legislation, an activity which involves both monitoring transposition and, most importantly, the establishment of European standards or implementing measures. Transposition is better than average here (76%), but uneven: delays are accumulating in the agrifoodstuffs and fertilizers sectors.

(a) The "new approach"

49. Implementation of the new approach rests on four inseparable foundations:

- Notification of national technical regulations: the procedure for the provision of information introduced by Directive 83/189/EEC, as amended by Directive 88/182/EEC, is increasingly demonstrating its effectiveness as a fundamental instrument for preventing the emergence of trade barriers and for exchanging information. The number of notifications grows steadily each year: 319 in 1989, 386 in 1990 and 213 for the first five months of 1991.

In 1990 the Commission delivered a detailed opinion on 42% of the draft regulations notified, on the grounds that they could create barriers to trade; Member States shared that view in 26.6% of cases. In 14 instances the Commission requested that adoption of the national measure be postponed for one year, to allow time for a Community measure to be taken.

The number of detailed opinions delivered reflect Member States' failure to take into account the principle of the mutual recognition of equivalent specifications, tests and checks adopted by other Member States. It is disquieting to note that this fundamental Treaty principle has not been more fully taken on board by the national administrations, with less than two years to go to the 1993 deadline;

- Effective transposition: of the Directives adopted under the new approach, only those relating to toys and pressure vessels are in force. These have not been transposed satisfactorily, however, and particularly the latter. To prevent such situations arising in future, the Commission is therefore assisting Member States in interpreting directives that are shortly to come into force. This will be the case in 1991 of the Directives on electromagnetic compatibility and construction products.

Some directives require the Commission to take implementing measures, e.g. the Directive on construction products, for which the Commission has to adopt interpreting documents by early 1992 at the latest. This also applies to the Directive on medical equipment, which will necessitate a system for exchanging information on incidents with a view to monitoring product quality. A guide to the system will be drawn up for Member States at the end of 1991;

- Standards policy: European standards will have to be available if certain directives - in particular those on toys, pressure vessels and (when they come into force) machinery and personal protective clothing - are to be properly applied. However, delays in standardization work, which were mentioned in earlier reports, are persisting: only in the case of toys is over half the necessary number of standards available (five out of seven).

On the other hand, the need for harmonized standards is not as pressing in the case of the Directive on construction products, thanks to its flexibility and transitional provisions. Consequently, the standardization programme and the resulting remits will spread the necessary standardization work over the period up to 1996.

To make up the leeway in standardization work, the Commission has opened a public debate on the basis of a green paper. The reactions received confirm the need - stressed in the document - to streamline the standardization process. Contacts will be stepped up in the months ahead with the standards institutions in order to allay misunderstandings and even mistrust so that the Commission can send the Council by the end of the year a communication backed up by specific proposals;

- Certification policy: smooth functioning of the technical regulations system depends on recognition of the tests and documents certifying the conformity of products to those regulations. To that end, the Council adopted on 13 December 1990 a Decision laying down the certification modules to be used in future in technical harmonization directives. Headway has been made on that basis in discussions with Member States on the principles governing subcontracting conditions for notified bodies and the negotiation of mutual recognition agreements with non-member countries.

To ensure that Member States effectively recognize marks affixed in pursuance of the "new approach" directives, the Commission has also proposed legislation to harmonize the rules for using and affixing the EC conformity mark.

In the context of the Directive on construction products, the European Organization for Technical Approvals (EOTA) has been set up and is to become operational before the end of the year. In the unregulated sector, the European Organization for Testing and Certification (EOTC), which was set up in April 1990, should also be able to start operating before the end of the year.

(b) Sectoral approximation of laws

50. Motor vehicles and tractors: While work on motor-vehicle emissions aimed at introducing new pollution control standards for all vehicle categories are being developed, thanks in particular to Parliament's active support, the introduction of a Community system of vehicle type approval, involving, for consumers, recognition of conformity certificates, is being held up by disagreement on commercial policy towards Japan. This is preventing the last three proposals from being adopted. Transposition of directives is proceeding smoothly here, except in the case of emission standards for small cars.

As stated in the fifth report, it is necessary to supplement the White Paper programme and switch from the optional harmonization currently in effect to "total" harmonization; the Commission plans to send the Council a proposal to that end in the immediate future.

51. As far as tractors are concerned, the White Paper programme has been completed since 31 December 1989; the entry into force of Community type approval now awaits only the transposition of a single directive in Italy. As in the case of motor vehicles, the Commission is working on proposals to supplement the White Paper programme by introducing total harmonization in the sector.

52. Building on the progress achieved so far, the Commission sent the Council on 3 April 1991 a proposal for a Regulation on the type approval of two- or three-wheeled motor vehicles. Over and above what was originally planned in the White Paper, this proposal is intended to establish a comprehensive body of Community legislation in the industrial sector concerned.

53. Foodstuffs: The key pieces of the harmonization jigsaw are in place, even though the Council has not yet adopted the proposal on irradiated foodstuffs. The Commission now has the task of adopting or proposing the necessary implementing measures: it has done so in the case of materials which can come into contact with foodstuffs and is preparing the necessary measures as far as additives are concerned. The problem of the volume of implementing work still to be done is, however, aggravated by delays in transposition: the backlog which has accumulated in this sector is one of the largest (only 58% of the necessary measures have been taken). The Directives on flavourings, jams, additives, frozen foods, materials which can come into contact with foodstuffs, emulsifiers, fruit juices, labelling, control and dietary foodstuffs have thus either not yet been transposed at all, or have been only partly transposed, in most Member States.

54. Pharmaceuticals: All the measures announced in the White Paper have now been adopted, with the exception of three proposals concerning the rational use of medicines which are still before the Council as a result of the belated arrival of Parliament's opinion. The Directives adopted in 1989 extending the scope of Community legislation to categories of medicines which were previously excluded will come into force on 1 January 1992 on the basis of implementing measures to be adopted this year. The transposition rate in this field is higher than average; only Italy and, to a lesser degree, Spain have limited leeway to make up.

55. Satisfactory progress has enabled the Commission to go a stage further than its 1985 programme by proposing to the Council and Parliament a blueprint for the future system for authorizing medicines, which will entail setting up a European agency, as well as harmonization of advertising rules and the inclusion of homeopathic medicines.

56. Chemicals: The White Paper programme has been completed as far as legislative work is concerned; attention is now being focused exclusively on management with the dual aim of ensuring that directives are properly applied by Member States and updating the legislation in line with safety and environmental concerns.

Transposition of directives is lagging behind chiefly in the fertilizers sector, but the major deadline is the entry into force on 8 June 1991 of the Directive on the classification and labelling of dangerous preparations, which has so far been transposed only by Denmark, France and Greece. Management and proper application of this Directive will require confidential information to be exchanged between Member States and the Commission, necessitating efficient organization.

2. Opening up of public procurement

57. Work is proceeding satisfactorily within the Council: following adoption of the Directive opening up procurement in public services (transport, telecommunications, water and energy), the Commission expects to see adopted during the year the companion Directive on review procedures which will ensure that the former is applied evenhandedly throughout the Community. The Commission has proposed that services contracts awarded by administrations be made subject to transparent procedures too; it is expected that a common position will be reached on this proposal by the end of the year. It will be swiftly followed up by a further proposal extending such transparency to procurement by public services whose works and supplies contracts are already covered by the new Directive.

58. Only the Public Works and Public Supplies Directives have so far entered into force, as of January 1989 and July 1990 respectively. Transposition of these instruments has improved considerably since the last report, since only Italy and the Netherlands have yet to transpose the Public Supplies Directive and those countries plus Spain, Luxembourg and Portugal the Public Works Directive. In public procurement as in other fields, however, transposition is only the formal aspect of implementation. To ensure that these Directives are uniformly applied in all Member States, despite differences between their administrative structures and internal controls, the Commission has thus introduced monitoring machinery which supplements measures taken in some cases by certain Member States:

- infringement procedures have been started to make the regional preferences conform to the Treaty; however, controls are carried out on contracts awarded in connection with programmes financed under the structural Funds. These checks can lead to infringement proceedings and a freeze on payments;
- following checks on tender notices published in June/July 1990, over 900 presumed infringements were noted. These related to selection and award criteria and requirements concerning guarantees and deposits. Similar checks are being carried out on the tender specifications of certain types of contracting authority and on the publication of prior information notices concerning public works contracts;
- with a view to increasing transparency in public procurement and, most importantly, facilitating compliance with the Directives by contracting entities, the Commission will publish in 1991 standard models for tender notices which incorporate the specific features of national procedures in a form that is compatible with the Directives;
- since the root cause of most difficulties is ignorance of the Directives and transposition measures, information campaigns are being conducted and training activities organized for the competent administrations at national, regional and local level.

3. Free movement of workers

59. Following adoption in 1990 of the three Directives on the right of residence (for students, retired persons and other members of the non working population), which will not enter into force until 1 July 1992, the Council is focusing its attention on the adoption of measures necessary for the recognition of diplomas at a level below university level, and therefore not covered by the first directive and on the facilitation of the mobility of workers by a redefinition of the rules of residence. The Commission has for its part to ensure that the Directive on the recognition of diplomas and the Decision on the comparability of vocational qualifications are correctly applied.

60. The regulated professions: The period for transposing into national law Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years' duration expired on 4 January 1991. It has been fully or partly transposed in five Member States (Denmark, Germany, France, Ireland and the United Kingdom), the others having communicated draft transposition measures. This situation can undoubtedly be deemed satisfactory when compared with the Directive on commercial agents, which was adopted in 1986, entered into force also in January 1991 and has been transposed in only four Member States.

The proposal for a Directive on a second general system for the recognition of professional education and training has been under discussion within the Council since October 1989. Work is focusing chiefly on the compilation of a list of professional and vocational training courses which, on account of the high level of training and responsibility involved, can be compared with post secondary courses completed after long course secondary education.

61. The non-regulated professions: By application of the Council decision of 1985 on the comparability of qualifications, 75 professions in 6 sectors have been the subject of publications necessary for the comparability of qualifications obtained in another Member State. All of the 19 professional groups/sectors considered as priorities, will be covered between now and the end of 1992. In parallel, measures to disseminate information, in collaboration with the European Centre for Professional Training (CEDEFOP) are being taken in the Member States. An evaluation of this work will be undertaken in 1991, on the basis notably of reports that the Member States are to transmit to the Commission, and this evaluation could lead the Commission to make appropriate proposals in this area.

62. Free movement of wage earners: Two proposals have now been on the Council table since 11 January 1989 on freedom of movement and right of residence for workers and members of their family; these proposals are aimed at broadening the category of persons directly benefiting from the Community provisions, consolidating equal treatment and protecting the rights of workers in short term employment and their families. The proposals are still on the Council table due to the absence of the required majority for their adoption. The Commission has also proposed that the transposition periods laid down in the Act of Accession of Spain and Portugal, which normally expire on 31 December 1995, be made consistent with the 31 December 1992 deadline. As announced in the programme of action on the implementation of the Community charter of fundamental social rights for workers, the Commission will make a proposal for the revision of the regulation on the compensation of job vacancies and demand for jobs and the transparency of the employment market (SEDOC - Community System of transparency of the employment market).

4. Services

(a) Financial services

63. Banking: Following up the breakthrough achieved in 1989 with adoption of the Directives on own funds and solvency ratios and the second banking Directive, the Commission has put forward proposals on capital adequacy, consolidated supervision and large exposures; on the basis of the opinion which Parliament is expected to deliver on the latter two proposals, the Council should be able to adopt a common position by the end of the year. Transposition delays have been considerable, but though only two Member States, namely France and Portugal, have transposed all three Directives in force, the pace of implementation has begun to accelerate recently.

64. Insurance: The third generation of directives in the insurance field (life and non-life) has been laid before the Council. Given the satisfactory pace of discussions within Parliament, it should be possible for a common position to be reached on the non-life proposal before the end of the year. Although appreciably better than in the banking sector, transposition remains lower than average.

65. Transactions in Securities: By adopting the Directive on insider trading, the Council has completed the body of measures for accompanying the liberalization of capital movements. The investment services market will be opened up when the Council adopts the proposal it is discussing, which has run into conceptual difficulties; the Commission hopes that the efforts made under the Luxembourg Presidency will make it possible to arrive at a common position in this crucially important area for the establishment of a genuine European financial market. After legislating on UCITS, insider trading and the conditions governing admission to stock exchange listing, the Community will thereby create an instrument for regulating the activities of economic operators on that market. Delays in transposition are affecting particularly legislation which has come into force since January 1991.

(b) Transport

66. The Council remains unable to complete its work on cabotage since the proposals concerning maritime transport are still held up by the positions of a few Member States that wish to safeguard their market; discussions on road passenger transport have not resumed for many years. River transport is now the only area where discussions on cabotage appear likely to reach agreement. The only sectors where satisfactory progress is being made are air transport and road haulage.

67. Air transport : the implementation of liberalisation measures in the Community context in this sector, as adopted by the Council, assumes that States will progressively abandon interventionist practices. These measures will not be truly effective unless the application of competition rules guarantees at the same time the application of competition that airlines cannot prevent their competitors from exploiting the opportunities created by liberalisation. The Commission has accordingly taken up such questions as access to computerised reservation systems, interlining, stopover services, and timetabling as well as merger questions; in this area the Commission's objective is to ensure that these operations are translated into gains in efficiency and that they develop in conditions which are least likely to affect competition in a large part of the Community market.

68. Road: The Commission has now turned its attention to implementing the Regulations on international transport and cabotage by raising the quotas which give effect to the measures; in April it thus raised the cabotage quota by 10% for the period July 1991 - June 1992, while the Council decided to raise the international transport quota for 1991/92 by 40%. The Commission must, however, above all pave the way for the liberalization due to take effect in the transport sector in January 1993 by proposing the necessary flanking measures.

Although key decisions have been taken on the carriage of goods, the Council's inability to reach agreement on passenger transport is to be deplored. This situation directly affects the free movement of persons, since travellers have to undergo formalities that are excessive in comparison with progress achieved in other areas and facilities now afforded to persons crossing frontiers.

69. Sea: Despite having reached political agreement last December on introducing cabotage in two phases, postponing the liberalization of coastal navigation to a later date, the Council has not yet taken any formal decision. The Commission is

endeavouring to ensure that efforts to achieve a compromise do not call into question the Article 8a objectives or timetable.

70. Inland waterways: This is undoubtedly the area where most progress has been made since the Article 8b report since, after years of deadlock, discussions have resumed and are likely to lead to a decision in the weeks ahead.

(c) New technologies

71. Television: The White Paper measures have all been adopted with the exception of additional proposals, made necessary by expiry of the Directive on the satellite broadcasting standard. In the case of the Transfrontier Television Directive, for which the transposition period is due to come to an end on 3 October 1991, Italy and Portugal have already adopted the overall measures and partial measures have been taken by other Member States.

72. Telecommunications: In addition to implementation of the Directive on open network provision (ONP), for which it has forwarded a proposal on leased lines, the Commission has to secure correct transposition of the Directive, a process which, together with implementation of the Commission Directive on telecommunications services, is essential to opening up of the market. The Directive has, however, so far been transposed only in the Netherlands, in Portugal, in Luxembourg, in Spain and in the United Kingdom. On the other hand, transposition of the Directive on mobile telephones, which was much delayed, has now been accomplished in all Member States except Belgium and Spain.

73. New means of payment: Inefficient systems of payment between Member States constitute a serious barrier to trade within the Single Market, and a penal burden, especially upon smaller businesses and individuals. Accordingly, the Commission has taken recent initiatives, building upon its 1987 paper on interoperability of payment cards. In 1990 it issued a recommendation on the need for transparency in this field, followed by a discussion paper on financial transactions between Member States. On the basis of responses to that paper the Commission has established two groups with a remit to recommend, by the end of 1991, a Community approach to swift, reliable and inexpensive payment systems.

5. Capital movements

74. Complete liberalization of capital movements between eight Member States became reality in 1990. Four Member States (Greece, Spain, Ireland and Portugal) were authorized by the Directive to retain certain restrictions on short term capital movements running until the end of 1992. Nevertheless, those countries are also making progress in liberalizing capital movements, and Spain and Ireland particularly have in certain cases liberalized further than they are currently required.

Liberalization of capital movements contributes to the process of economic and monetary integration. The mobility of capital is indispensable, particularly to the freedom to provide cross border financial services, and lays the foundations of a single financial area. From a macroeconomic standpoint, the integration of national financial systems paves the way for coordination of monetary policies and, ultimately, Economic and Monetary Union. The fact can hardly be overlooked that 1 July 1990 was also the starting date for stage one of Economic and Monetary Union.

6. Creating a propitious environment for business cooperation

(a) Company law and taxation

75. Company law: following the adoption and entry into force of the Regulation on the European Economic Interest Grouping and the amendment of the fourth and seventh Directives to take account of the SME dimension in the harmonization of company law, the Council has still to deal with all the key issues involved in reinforcing cooperation between firms:

- the proposal on the harmonization of national rules relating to takeover bids should be adopted in the next few months given the necessary political will in the Council;
- in the light of Parliament's opinion on the proposals for the creation of the European company law statute, the Commission has amended those proposals to enable the Council to take a decision before the end of the year. The delay on this file appears to rule out a common position before the end of 1991.
- the solutions which will thus be found to the question of the position of employees in firms should help to reactivate work on the fifth and tenth Directives.

76. On 1 July 1991, two years after the Regulation on the European Economic Interest Grouping came into force, two Member States (Italy and Greece) have still to take the implementing measures necessary to ensure that such groupings can be registered on their territories. To the Commission's knowledge, more than 165 groupings have been set up in the other Member States in all activity sectors.

77. Company taxation: Member States are in the process of preparing for the transposition of the two Directives adopted by the Council on 23 July 1990 on the common system of taxation applicable to mergers and similar operations and on the common system of taxation applicable to parent companies and their subsidiaries and for the ratification of the Convention on the elimination of double taxation in connection with the adjustment of profits of associated enterprises, which was signed by Member States on that same date.

The new proposals adopted by the Commission in November, which provide for the abolition of withholding taxes on interest payments and royalties within a group of companies and for account to be taken by companies of losses incurred by permanent establishments and subsidiaries in other Member States, have already been endorsed by the Economic and Social Committee; Parliament's opinion is expected in October. The Council has begun to examine the first of these proposals. As to the 1984 proposal on the tax arrangements for the carry-over of losses, it is expected that examination of this will be resumed following that of the proposal on foreign losses.

The Council has not resumed work on the 1987 proposal providing for the abolition of indirect taxes on dealings in securities. However, it will be noted that Member States are tending to abolish these taxes on their own initiative and that half of the Member States are no longer applying them.

(b) Industrial and intellectual property

78. After initial difficulties, the work on harmonization is progressing satisfactorily: following adoption of the Directive on the protection of computer programs to add to the protection of integrated circuits and the harmonization of national trademark rules, the Council and Parliament are left with only one proposal

for a Directive before them: that concerning the legal protection of biotechnological inventions. This proposal is closely linked with the regulation to set up a system of Community protection for plant breeding which was submitted to the Council during the second half of 1990 and which foresees the establishment of a form of sui generis ownership of the type defined by the Union for the Protection of Plant Breeders' Rights (UPOV) relating to the newly created plant varieties. The present state of the procedures is comparable to that indicated above on the subject of the proposal for a "biotechnology inventions" directive.

- after the adoption of the directive harmonising national trade mark law in 1988 the creation of the Community trademark is still conditional on the decisions to be taken on the location of the Trademark Office
- the Convention creating the Community patent has been signed and should be ratified before the end of 1991. The Commission would point out that, to its knowledge, none of the national ratification procedures has been started; this situation can only jeopardize the entry into force of the Convention.

Of the proposals adopted, only the Directive on the protection of integrated circuits is in force. It has been transposed into national law in all the Member States. In some cases, the Commission is examining, with the Member States, the technical aspects of this transposition process.

III. THE REMOVAL OF TAX BARRIERS

79. As was the case at the time of the 5th annual report the translation of the political orientations of the Council into practical reality through the adoption of legal texts has still not been achieved. This is the case despite the considerable efforts made by the Council Presidencies during the last year and reflects not only the complexity and contentious nature of the dossier but also the difficulties inherent in obtaining unanimity on the issues in question.

As the Commission has already noted in its report under Article 8b the achievement of the 1992 goal is becoming more and more dependent on the progress of this dossier. Moreover the situation becomes more critical as time passes due to the need for a reasonable period of time between adoption of Community law and its implementation. This is needed to allow Member States to put in place their own legislative provisions and to allow economic operators time to plan for the new indirect tax regimes which will apply after 1992. The shortage of time, the fact that the Council has in its possession all of the objectives and the existence of clear political orientations from the ECOFIN Council itself all argue strongly for early decisions by the Council on the various legal texts.

Value added tax

80. Following the Council's decision at the end of 1989 that it was not able to adopt the definitive internal market VAT regime in time for 1.1.1993 the Commission made a proposal for a transitional regime for the period up to the end of 1996. This proposal, which ensures the ending of frontier controls, but which maintains the notion of a tax charge in the Member State of destination, has been the subject of detailed and lengthy discussions during the second half of 1990 and during the first half of 1991, mainly in the ad hoc working party previously set up by the Council to deal with the fiscal questions. In December 1990 the Council decided on the main features of the transitional VAT regime, without at that stage adopting a legal text. Work has continued in the Council ad hoc working party on the issues that were left outstanding at the time and it now seems probable that the Council will agree on the required legal text during July 1991. However, it should be noted

that if the internal market objectives are to be really achieved and the fiscal treatment of intra-Community and national trade is to be aligned the decision taken in Council must include a real commitment to the changeover to the definitive VAT regime.

81. The successful working of the transitional VAT regime and indeed the definitive VAT regime will depend on the putting into place of a mechanism for administrative cooperation between tax administrations as provided for by the Commission proposal on this subject. In December 1990, the Council reached agreement on the control measures for cooperation between Member States necessary for the proper functioning of the indirect taxation systems (VAT and excise duty) after 1992. It is essential that the legal texts are adopted quickly by the Council. For its part the Commission has completed the first phase of a feasibility study on the computerized exchanges of information, as requested by the Council, and is also in the process of putting into place the procedures to allow for the exchange of fiscal officials between Member States.

82. With regard to the approximation of VAT rates the Council undertook during 1989 to come to a decision on the level and coverage of the standard and reduced VAT rates by the end of 1991. Following preparatory work in the ad hoc working party, the Council agreed in March 1991 on the application and coverage of the reduced rates. It also undertook to take a decision on all rates (VAT and excise duty) by the end of June 1991. The corresponding legal texts will have to be adopted by the end of the year.

Excise duties

83. During the second half of 1990 and particularly during the first half of 1991 the Council ad hoc working party has been examining in detail the Commission's proposal for a directive dealing with the circulation of goods liable to excise duties. This work led the Council to take a position on a number of points of substance in December 1990, and again in April 1991, which gives grounds for the belief that the Council will be able to adopt a legal text during the month of July. This would allow the ending of border formalities for goods liable to excise duty and would represent a significant step forward in this area, where progress to date has been very slow. However, it must not be forgotten that the Council will also need to act on the Commission's proposals relating to the structure of the excise duties of mineral oils, tobacco products and alcoholic beverages if the internal market excise duty regime is to be successfully put in place.

84. On the approximation of excise duty rates the Council has yet to clearly indicate its preferences except in the case of the excise duty on diesel fuel where the Council has said that in accordance with instructions of the Rome European Council concerning the taxation of road transport, it will express a view by the end of June 1991. As in the case of VAT, however, recent work in the ad hoc working group suggests that the Council will be in a position to clearly indicate its requirements during the month of June 1991. This agreement will have to be backed up by the adoption of the appropriate legal text.

Travellers' allowances

85. The partial adoption by the Council in March 1991 of the Commission's proposal for a gradual and significant increase in travellers' allowances up to the end of 1991 represents an element of success in the fiscal programme. In March 1991, two fundamental steps were taken in this area : on the one hand, the unanimous decision by the Council to totally abolish restrictions concerning travellers' allowances on duty paid goods, as from 1st January 1993, and on the other hand, in that perspective, the raising of these allowances by 50 % as from the 1st July 1991.

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| ANNEXES |
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INTRODUCTION

The following Annexes outline

- A. Progress to date at both Council and Commission level on adoption of initiatives contained in the White Paper programme
- B. Information concerning implementation of Community measures on the Internal Market in the Member States
- A. Adoption of White Paper initiatives - Commission and Council aspect

ANNEX 1 : List of initiatives presented in the context of the Completion of the Internal Market which have been adopted by the Commission and Council up to 31 May 1991

ANNEX 2 : List of Commission proposals awaiting Council adoption as at 31 May 1991

B. Implementation by Member States of Legal Acts required to complete the Internal Market

ANNEX 3 : List of directives, regulations, decisions and recommendations contained in the White Paper programme which are already in force or due to enter into force by 31/12/1991

ANNEX 4 : List of implementing measures taken in the framework of the White Paper which are already in force or which should enter into force before 31/12/1991

ANNEX 5 : Court of Justice decisions not implemented by Member States (procedures underway on the basis of Article 171 of the Treaty)

ANNEX 6 : Global assessment of implementation in individual Member States

ANNEX I
to Sixth Progress Report
31 May, 1991

COMPLETION OF THE INTERNAL MARKET
INITIATIVES AND PROPOSALS
ADOPTED BY COMMISSION AND COUNCIL

The following list shows the proposals presented in the context of the Completion of the Internal Market which have been adopted or partially adopted by both Commission and Council. Numbers refer to the total number of decisions taken by Council including partial adoptions. Those partially adopted will require further Council decision.

| SUBJECT | ADOPTION DATE |
|---------|---------------|
|---------|---------------|

PART ONE : THE REMOVAL OF PHYSICAL BARRIERS

I. CONTROL OF GOODS

1. Various controls

| | |
|--|--|
| 1. Duty free admission of fuel contained in the fuel tanks of commercial motor vehicles lorries and coaches COM(84)171, COM(86)383 | PARTIALLY ADOPTED (coaches) 8/7/85 DIR. 85/347 OJ L 183 of 16/7/85 |
|--|--|

COMMENTS : Implementation date : 1/10/1985

| | |
|---|---|
| 2. Single Administrative document (SAD) third country aspects | ADOPTED 8/7/85 REG. 1900/85 & 1901/85 OJ L 179 of 11/7/85 |
|---|---|

COMMENTS : Implementation date : 1/1/1988 (a further Regulation concerning the abolition of the single administrative document was adopted by Council on 21 March 1991 : Regulation 91/717, OJ L 78 of 26/3/91; implementation 1/1/1993)

| | |
|--|---|
| 3. Abolition of customs presentation charges | ADOPTED 9/6/86 REG. 1797/86 OJ L 157 of 12/6/86 |
|--|---|

COMMENTS : Implementation date : 1/1/1988; DEROGATIONS for Spain and Portugal

4. Elimination of customs formalities in the framework of the TIR convention (COM (86)184) and the introduction of common border posts - "banalisation" ADOPTED 1/12/86
(TIR aspect)
REG 3960/86
OJ L 341 of 4/12/86
and
21/12/88
REG 4283/88
OJ L 382 of 31/12/88

COMMENTS : Implementation dates -
Reg. 3690/86 - 1/7/87
Reg. 4283/88 - 1/7/89

-
5. Simplification of Community transit procedure : amendment to Reg. 222/77 ADOPTED 11/6/87
REG.87/1674
OJ L 157 of 17/6/87

COMMENTS : Implementation date : 1/7/88

-
6. Elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport ADOPTED 21/12/89
REG. 89/4060
OJ L 390 of 30/12/89

COMMENTS : Implementation date : 1/7/90

-
7. Transit advice note (amendment to Regulation 222/77) ADOPTED 22/2/1990
REG.474/90
OJ L 51 of 27/2/90

COMMENTS : Implementation date : 1/7/90

-
8. Community transit ADOPTED 17/9/90
REG. 2726/90
OJ L 262 of 26/9/90

COMMENTS : Implementation :
Entry into force : 29/9/90
Application : 1/1/93

2. Veterinary and phytosanitary controls

Veterinary Controls

9. Microbiological controls (meats, poultry, red meat) ADOPTED 12/6/85
Dirs 85/323 &
85/324
OJ L 168 of 28/6/85

COMMENTS : Implementation date Dir. 85/323 : obligation to conform to terms of directive contains period not yet fixed;
Implementation date Dir. 85/324 : as above

10. Medical examination of Personnel
ADOPTED 12 & 20 June
1985 Directives
85/325,85/326
85/327
OJ L 168 of 28/6/85

COMMENTS : Implementation dates :
Dirs.85/325, 85/326 & 85/327 : 1/1/86

-
11. Swine fever
ADOPTED 12/6/85
Dirs. 85/320, 85/321 &
85/322
OJ L 168 of 28/6/85

COMMENTS : Implementation dates :
Dirs. 85/320, 85/321 & 85/322 : 1/1/1986

-
12. Hormone growth promoters
ADOPTED 10/7/85
Dir 85/358
OJ L 191 of 23/7/85
Dir 88/146
of 7/3/88
OJ L 70 of 16/3/88

COMMENTS : Implementation dates :
Dir. 85/358 : 1/1/87
Dir. 88/146 : 1/1/88
NB : Directive 88/146 replaces Directive 85/649 in accordance with the Court
of Justice ruling on hormones in March 1988

-
13. Production and trade in milk
ADOPTED 5/8/85
Dir. 85/397
OJ L 226 of 24/8/85

COMMENTS : Implementation date : 1 January 1989

-
14. Control of foot and mouth disease
ADOPTED 18/11/85
Dir.85/511
OJ L 315 of 26/11/85

COMMENTS : Implementation date 1/1/1987

-
15. Antibiotic residues
ADOPTED 16.9.86
Dir 86/469
OJ L 275 of 24/9/86

COMMENTS : Implementation dates : 1 April 1987 (Articles 3 and 4); 31
December 1987 (Articles 5,11,12), 31 December 1988 (all other articles)

-
16. Control of residues
ADOPTED 16.9.86 Dir
86/469
OJ L 275 of 24/9/86

COMMENTS : Implementation dates : 1 April 1987 (Articles 3 and 4); 31
December 1987 (Articles 5,11,12), 31 December 1988 (all other articles)

17. Live animals of the porcine species : ADOPTED 16/12/86
 eradication of African swine fever in Dec.86/649
 Portugal OJ L 382 of 31/12/86

COMMENTS : PORTUGAL to submit a reinforced plan to the Commission for the eradication of African swine fever and the restructuring of pig farms. No precise deadlines mentioned in the decision. Commission to approve plans according to the procedure of the Standing Veterinary Committee which includes specific time limits, and follow the developments concerning the implementation of eradication plan (a report must be made to the Committee at least once a year).

A supplementary plan was adopted in 1989 - Directive 89/577, OJ L 322 of 7/11/1989.

18. Live animals of the porcine species : ADOPTED 16/12/86
 eradication of African swine fever in Spain Dec. 86/650
 OJ L 382 of 31/12/86

COMMENTS : SPAIN to submit reinforced plan for the above-mentioned eradication scheme. No precise deadlines are mentioned in the decision. The Commission must approve these plans, according to the procedure of the Standing Veterinary Committee which includes specific time limits, and follow the developments concerning the implementation of the eradication plan. (A report must be made to the Committee at least once a year)

19. Live animals of the bovine species: amended ADOPTED 22/12/86
 eradication directives to provide for final Decision 87/58
 eradication of brucellosis tuberculosis & OJ L 24 & L 32
 leukosis in all Member States including of 27/1 & 3/2/87
 Spain and Portugal respectively

COMMENTS : Member States shall draw up eradication plans to be submitted to the Commission within nine months of the notification of Decision; the Commission, after examination of the proposed plans and any amendments thereto, shall approve them according to the procedure of the Standing Veterinary Committee. On the dates fixed by the Commission in its decision of approval, Member States shall bring into force the national provisions required to implement the eradication plans.

- Modification of Directive 72/461 on health ADOPTED 30/12/86
 problems affecting intra-Community trade Dir.87/64
 in fresh meat and Directive 72/462 on OJ L 34 of 5/2/87
 health and veterinary inspection problems
 upon importation of bovine animals and
 swine and fresh meat from 3rd countries

COMMENTS : Implementation date : 1/1/88:

This directive was annulled by the European Court of Justice on 16 November 1989 - Case Number 131/87 - and published in Official Journal C 313 of 13 December 1989. A replacement proposal- COM(90)175 - was adopted by Council during its session of 21 -24 May 1991.

- | | |
|--|---|
| 20. Eradication of classical swine fever in the Community as a whole and swine fever | ADOPTED 7/4/87 Decs 87/230 & 87/231, OJ L 99 of 11/4/87 A further 4 adoptions Dirs 87/486,487 & 489, Dec. 87/488 taken on 22/9/87 OJ L 280 of 3/10/87 |
|--|---|

COMMENTS :

Decision 87/230 to apply from 1/1/1987.

Decision 87/231: Member States to enforce necessary measures to comply with decision not later than 31/12/87 and must inform the Commission thereof.

Directives 87/486, 87/487 and Dec. 87/488 drawn up in line with article 2 of Decision 87/230 which required further Council decision on financial measures before 1/11/87, and Directive 87/489 in line with Article 3 of Decision 87/231, which required further Council decision before 1/11/87.

Directive 87/486 (control of classical swine fever): Member States to bring into force laws and other provisions necessary to comply with directive not later than 31 December 1987; Commission to be notified of provisions

Directive 87/487 (conditions designed to render and keep territory free of classical swine fever) : national programmes to be implemented in Member States not yet officially swine fever-free: minimum period of 6 years; maximum period 10 years.

Decision 87/488: (classical swine fever : financial measures) original eradication plan under Directive 80/1095 given a 6 year period; this has now been extended by 4 years; those Member States not yet officially swine fever-free must therefore submit a new plan not later than 3 months before the expiry of their initial plan.

Directive 87/489 : (swine fever : certain measures) Member States shall bring into force laws, etc. to comply with directive not later than 31 December 1988 and must inform the Commission of these provisions

- | | |
|---|---|
| 21. Acceptance for breeding purposes of purebred breeding animals of the bovine species | ADOPTED 18/6/87 DIR.87/328 L 167 of 26/6/87 |
|---|---|

COMMENTS : Implementation date : 1/1/89.
DEROGATION for Spain and Portugal to 1/1/1992

- | | |
|--|--|
| 22. Amendment to Directive 80/215 on animal health problems affecting intra-Community trade in meat products | ADOPTED 22/9/87 Dir. 87/491 L 279 of 2/10/87 |
|--|--|

COMMENTS : Implementation date : 1/1/88

- | | |
|--|---|
| 23. Amendment to Directive 64/433 on health problems affecting intra-Community trade in fresh meat | ADOPTED 3/5/88 Dir.88/288 OJ L 124 of 18/5/88 |
|--|---|

COMMENTS : Implementation date : 1/1/89

24. Amendment to Directive 72/462 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries

ADOPTED 3/5/88
Dir.88/289
OJ L 124 of 18/5/88

COMMENTS : Implementation date : 1/1/89

25. Semen of animals : bovine and porcine species

ADOPTED 13/6/88
DIR.88/407
OJ L 194 of 22/7/88
and 26/6/90
DIR.90/429
OJ L 224 of 18/8/90

COMMENTS : : Implementation dates :

Directive 88/407 : 1/1/90
Directive 90/429 : 31/12/91

26. Minced meat and similar : health problems

ADOPTED 13/12/88
DIR.88/657
OJ L 382 of 31/12/88

COMMENTS : Implementation date : 1/1/1992

27. Modification of Dir. 77/99 - meat products

ADOPTED 13/12/88
DIR.88/658
OJ L 382 of 31/12/88

COMMENTS : Implementation date : 1/7/1990.

DEROGATION for Greece until 31/12/1992 (in order to comply with the exception provided for in Article 3(1)(9) of Directive 77/99)

28. Zootechnical standards, porcine species

ADOPTED 19/12/88
DIR.88/661
OJ L 382 of 31/12/88

COMMENTS : Implementation date - 1/1/1991. DEROGATION until 1/1/93 for Spain and Portugal (but clause in decision which allows for prolongation of derogation)

29. Pleuro-pneumonia in Portugal - financial scheme for eradication

ADOPTED 20/2/89
Dec.89/145
OJ L 53 of 25/2/89

COMMENTS : Under the terms of the Decision, the Portuguese government will draw up a reinforced plan for the eradication of contagious bovine pleuropneumonia; no deadline is given for the submission of the plan which, when approved by the Commission, will qualify for Community financial assistance for a period of 3 years

30. Imports of meat products from third countries (animal health and public health rules)

ADOPTED 21/3/89
Dir. 89/227
OJ L 93 of 6/4/89

COMMENTS : Implementation date : 30/6/1990

31. Purebred breeding - sheep and goats

ADOPTED 30/5/89
DIR 89/361
OJ L 153 of 6/6/89

COMMENTS : Implementation date : 1/1/1991

32. Hygiene and health problems affecting the production and the placing on the market of egg products
ADOPTED 20/6/89
DIR.89/437
OJ L 212 of 22/7/89

COMMENTS : Implementation date : 31/12/1991

33. Pilot projects for the control of rabies
PARTIALLY ADOPTED
24/7/89
DEC. 89/455
OJ L 223 of 2/8/89

COMMENTS : Not later than 6 months after notification of this Decision, the Member States on whose territory the presence of rabies has been established shall forward their pilot projects to the Commission; the Commission shall assess the pilot projects and within 4 months reach a final decision thereon; this decision shall contain the date on which the pilot projects will be implemented by the Member States.

34. Animal embryos
ADOPTED 25/9/89
DIR.89/556
OJ L 302 of 19/10/89

COMMENTS : Implementation date : 1/1/91

35. Mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters
ADOPTED 21/11/89
DIR.89/608
OJ L 351 of 2/12/89

COMMENTS : Implementation date : 1/7/1991

36. Veterinary checks in intra-Community trade
ADOPTED 11/12/89
DIR.89/662
OJ L 395 of 30/12/89

COMMENTS : Implementation date : 31/12/91
DEROGATION for Greece to 31/12/92

37. Production and trade in medicated feeding-stuffs
ADOPTED 26/3/90
DIR.90/167
OJ L 92 of 7/4/90

COMMENTS : Implementation date : 1/10/91 for all articles other than Article 11(2); 31/12/92 (for Article 11(2))

38. African Swine fever in Sardinia
ADOPTED 26/4/90
DEC.90/217
OJ L 116 of
8/5/90

COMMENTS : Implementation : the decision applies only to the Italian Republic which is required to draw up a 5 year eradication plan for which no time limit for submission was given

39. Brucellosis in small ruminants (sheep and goats) ADOPTED 21/5/90
DEC. 90/242
OJ L 140 of 1/6/90

COMMENTS : Implementation date : the Decision applies only to France, Greece, Italy, Spain and Portugal who are required to submit eradication plans within 3 months of the notification of the decision

40. Horses - competition ADOPTED 26/6/90
DIR. 90/428
OJ L 224 of 18/8/90

COMMENTS : Implementation date : 1/7/91

41. Horses - zoo-technical rules ADOPTED 26/6/90
DIR. 90/427
OJ L 224 of 18/8/90

COMMENTS : Implementation date : 1/7/91

42. Horses - 3rd country imports & movement inside the Community ADOPTED 26/6/90
DIR. 90/426
OJ L 224 of 18/8/90

COMMENTS : Implementation date : 1/1/92

43. Foot and mouth disease ADOPTED 26/6/90
DIR. 90/423
OJ L 224 of 18/8/90

COMMENTS : Implementation date : 1/1/92

44. Expenditure in the veterinary field ADOPTED 26/6/90
DEC.90/424
OJ L 224 of 18/8/90

COMMENTS : Implementation date : Decision applies immediately

45. Veterinary and zootechnical checks in intra-Community trade in certain live animals and products ADOPTED 26/6/90
DIR. 90/425
OJ L 224 of 18/8/90

COMMENTS : Implementation dates :

Article 10 - 28/9/90

Remainder - 31/12/91 at the latest

DEROGATION : additional time limit of one year allowed for Greece for "remainder"

46. Financial measures for the eradication of IHN ADOPTED 24/9/90
DEC. 90/495
OJ L 276 of 6/10/90

COMMENTS : Member States required to submit their eradication plans 3 months after adoption of the decision

47. Poultry and hatching eggs
ADOPTED 15/10/90
DIR.90/539
OJ L 303 of 31/10/90

COMMENTS : Implementation - 1 January 1992 (the provisions of the Directive and in particular Article 29 will be reviewed before 31/12/92 in the light of proposals concerning the completion of the internal market)

48. Pathogens in feedingstuffs (Veterinary rules for disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Dir. 90/425)
ADOPTED 27/11/90
DIR.90/667
OJ L 363 of 27/12/90

COMMENTS : Implementation : 31/12/1991

DEROGATION for Länder of Mecklenburg-W. Pomerania, Brandenburg, Saxony-Anhalt, Saxony and Thuringia in Federal Republic of Germany until 31/12/1992; Federal Republic required to submit report on the animal waste disposal situation in those Länder by 30/6/1992.

49. Game Meat
ADOPTED 27/11/90
Not yet published in Official Journal

COMMENTS :

50. Animal health conditions governing the placing on the market of aquaculture animals and products.
ADOPTED 28/1/91
DIR. 91/67
OJ L 46 of
19/2/91

COMMENTS : Implementation date - 1/1/93

51. Animal health problems - ovine and caprine species (intra-Community trade and third countries)
ADOPTED 28/1/91
Dirs 91/68 & 91/69
OJ L 46 of
19/2/91

COMMENTS : Implementation dates -
DIR. 91/68 (intra-Community trade)
Articles 7 & 8 : 2 months after
notification

Remainder : 31/12/92
DIR. 91/69 : 31/12/92

52. Pedigree animals not covered by existing directives : other species (amendment to Directives 77/504 and 90/425)
ADOPTED 25/3/91
DIR. 91/174
OJ L 85 of 5/4/1991

COMMENTS : Implementation date - 1/7/1992

Phytosanitary Controls

53. Amendment to Directive 77/93 (plant health) ADOPTED 19/12/85 DIR. 85/574 OJ L 372 of 31/12/85 and 14/11/88 DIR.88/572 OJ L 313 of 19/11/88

COMMENTS : Implementation dates :
 DIR. 85/574 - 1/1/87
 DIR. 88/572 - 1/1/89

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54. Amendment of Directive 79/117/EEC on the prohibition of certain plant protection products (ethylene oxide) ADOPTED 21/7/86 Dir. 86/355 OJ L 212 of 2/8/86

COMMENTS : Implementation date : 1/7/87 (NB.: this Directive was amended by Dir.89/365 of 30 May 1989, OJ L 159 of 10/6/1989)

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55. Maximum levels for pesticide residues in cereals and foodstuffs of animal origin ADOPTED 24/7/86 Dirs 86/362 & 86/363 OJ L 221 of 7/8/86

COMMENTS : Implementation date : 30/6/1988

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56. Directive fixing guidelines for the assessment of additives used in animal nutrition ADOPTED 16/2/87 Dir. 87/153 OJ L 64 of 7/3/87

COMMENTS : Implementation date : 31/12/87

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- Amendment to Directive 74/63 on undesirable substances and products in animal nutrition (maximum pesticide residues in animal feedingstuffs) ADOPTED 19/10/87 Dir. 87/519 OJ L 304 of 27/10/87

COMMENTS : Implementation date : 31/12/90.

NB : This directive was annulled by the European Court of Justice on 16 November 1989 - Case Number 11/88 - and published in Official Journal C 313 of 13 December 1989. A replacement directive was adopted by Council on 4/3/91 - DIR. 91/132, OJ L 66 of 13/3/91. New implementation date : 4/8/1991

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57. Certification of seeds ADOPTED 13/6/88 DIR.88/380 OJ L 187 of 16/7/88

COMMENTS : Implementation dates :
 Article 3 (11) & Article 7 (9) : 1/7/82
 Article 3 (12) : 1/1/83
 Article 6 (5) & (6) and Article 7 (6) & (10) : 1/1/86
 Article 2 (8), (17), (20), (28);
 Article 3 (18), (31), (37);
 Article 5 (10), (19), (23),
 (25) Articles 1 (8), 2 (10), 3
 (20), 5 (12), 7 (18) : 1/7/92
 All other provisions : 1/7/90

58. Harmful organisms in seeds and seed potatoes (amendment to Directive 64/403) ADOPTED 30/5/89
DIR. 89/366
OJ L 159 of
10/6/89

COMMENTS : Implementation date : 31/3/89

59. Amendment to Dir. 77/93 on protective measures against the introduction into member States of organisms harmful to plants or plant products (plant health inspectorate and progressive reduction of checks) ADOPTED 26/6/89
DIR. 89/439
OJ L 212 of 22/7/89 and
26/3/90
DIR.90/168
OJ L 92 of 7/4/90

COMMENTS : Implementation dates :
DIR. 89/439 - 1/1/90
DIR. 90/168 - 1/1/91

60. Amendment to Directive 79/373 on the marketing of compound feedingstuffs ADOPTED 22/1/90
DIR. 90/44
OJ L 27 of 31/1/90

COMMENTS : Implementation date : 22/1/92
(a new proposal - COM(91)90 : OJ C 103 of 19/4/91 - concerning amendment of the implementation provisions has recently been submitted to Council)

61. Amendment to Annex to Dir. 79/117 on the banning of the marketing and use of phytopharmaceutical products containing certain active substances ADOPTED 15/10/90
DIR. 90/533
OJ L 296 of 27/10/90

COMMENTS : Implementation:
All aspects except that mentioned below: 30/12/90 Compound under section C,8 of Annex to Dir.79/117, 30/9/91

62. Maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ADOPTED 27/11/90
DIR. 90/642
OJ L 350 of 14/12/90

COMMENTS: Implementation - 31/12/92

II. CONTROL OF INDIVIDUALS

63. Sixth Directive relative to allowances in intra-Community travel: increase to 350 ECUS
ADOPTED 8/7/85
Dir. 85/348
OJ L 183 of 16/7/85

COMMENTS : Implementation date : 1/10/1985;
Certain DEROGATIONS for Denmark, Greece and Ireland.

NB: a further decision in this domain was taken on 21/12/1988 which increased the allowance to 390 ECU - Dir. 88/664, OJ L 382 of 31/12/1988, implementation date 1/7/89; certain DEROGATIONS for Denmark, Greece and Ireland.

-
64. Tax reliefs to be allowed on the importation of goods in small consignments of a non-commercial character within the Community: up to 100 ECU
ADOPTED 8/7/85
Dir.85/349
OJ L 183 of 16/7/85

COMMENTS : Implementation date: 1/10/1985. DEROGATION for Ireland.
NB: A further decision in this domain was taken on 21/12/1988 increasing the allowance to 110 ECU - Dir.88/663, OJ L 382 of 31/12/88, implementation: 1/7/89; DEROGATION for Ireland.

-
65. Small consignments: exemption from VAT on the final importation of goods (amendment to Directive 83/181 determining the scope of Article 14(1)(d) of Directive 77/388)
ADOPTED 13/6/88
Dir. 88/331
OJ L 151 of 17/6/88

COMMENTS : Implementation date: 1 January 1989

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66. Modification to Dir. 83/183 (tax exemptions applicable to permanent imports from a Member State of the personal property of individuals)
ADOPTED 23/11/89
DIR.89/604
OJ L 348 of 29/11/89

COMMENTS : Implementation date: 1/7/1990

-
67. Amendment to Directive 69/169 increasing tax paid allowances in intra Community travel and as regards a derogation granted to Denmark and Ireland relating to the rules governing travellers' allowances on imports
PARTIALLY ADOPTED
27/3/91
DIR. 91/191 OJ L 94 of
16/4/91
COM(89)331

COMMENTS : Implementation - 8/4/91 for Article 1, points 4 & 5 (derogation for Denmark and Ireland); 1/7/91 for remainder of Directive

PART TWO ; THE REMOVAL OF TECHNICAL BARRIERS

I. FREE MOVEMENT OF GOODS

1. New approach in technical harmonization and standards policy

68. Simple Pressure Vessels ADOPTED 25/6/87
Dir. 87/404
OJ L 220 of 8/8/87

COMMENTS : Implementation date: 1/7/90
(Member States required to publish laws of compliance by 1/1/90)
The above Directive was amended on 17/9/1990 by DIR. 90/488, OJ L 270 of 2/10/90; optional application until 1/7/1992

69. Extension of information procedures on standards and technical rules (amendment to Directive 83/189) ADOPTED 22/3/88
Dir.88/182
OJ L 81 of 26/3/88

COMMENTS : Implementation date: 1 January 1989

70. Safety of toys ADOPTED 3/5/88
DIR.88/378
OJ L 187 of 16/7/88

COMMENTS : Implementation date : 1/1/90
(publication date for laws of compliance 30/6/90)

71. Electromagnetic compatibility ADOPTED 3/5/89
DIR. 89/336
OJ L 139
of 23/5/89

COMMENTS : Laws of compliance must be published by 1/7/1991 whilst implementation is due on 1/1/92

72. Machinery ADOPTED 14/6/89
DIR. 89/392
OJ L 183
of 14/6/89

COMMENTS : Implementation date: 31/12/1992

73. Personal protective devices ADOPTED 21/12/89
DIR.89/686
OJ L 399
of 31/12/89

COMMENTS : Implementation date: 1/7/92

74. Electro-medical implantables ADOPTED 20/6/90
DIR.90/385
OJ L 189
of 20/7/90

COMMENTS : Implementation date 1/1/93. Optional application 1993 and 1994

75. Non-automatic weighing instruments
- ADOPTED 20/6/90
DIR. 90/384
OJ L 189
of 20/7/90

COMMENTS : Implementation date : 1/1/93
Transitional period foreseen

-
76. Gas appliances
- ADOPTED 29/6/90
DIR.90/396
OJ L 196
of 26/7/90

COMMENTS : Implementation date - 1/1/92 Transitional period up to 31/12/1995

-
77. Tests and certificates (Modules for the various phases of the conformity assessment procedures which are intended to be used in the technical harmonisation directives)
- ADOPTED 13/12/90
DEC. 90/683,
OJ L380 of 31/12/90

COMMENTS : Implementation not required

2. Sectoral proposals concerning approximation of laws

2.1. Motor vehicles

78. Type approval of motor vehicles and their trailers (amendment to Directive 70/156)
- ADOPTED 25/6/87
DIR.87/358
OJ L 192 of 11/7/87

COMMENTS : Implementation date : 1/10/88

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79. Gaseous emissions, passenger cars
- ADOPTED 3/12/87
Dir. 88/76
OJ L 36 of 9/2/88

COMMENTS : Implementation date : 1/7/88; The Commission has proposed a consolidated Directive on passenger car emissions (COM(89)662 final) on which the Council reached a Common Position on 4/3/91.

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80. Gaseous emissions, commercial vehicles
- ADOPTED 3/12/87
Dir. 88/77
OJ L 36 of 9/2/88

COMMENTS : Implementation date : 1/7/88
The Commission has made a proposal for a Directive including a second stage for further reduction of gaseous pollutants and limit values for particulate emissions (COM(90)174) on which the Council adopted a Common Position on 18 March 1991

81. Diesel particulates
ADOPTED 16/6/88
DIR.88/436
OJ L 214 of 6/8/88

COMMENTS : Implementation date : 1/10/88
In the framework of the proposal for a consolidated directive on passenger car emissions - COM(89)662 fin - the Commission has proposed a second stage for further reduction in the limit values for particulate pollutant emissions of diesel powered passenger cars. The Council reached a Common Position on 4/3/91

82. Motorcycle replacement exhaust systems
ADOPTED 13/3/89
Dir. 89/235
OJ L 98 of 11/4/89

COMMENTS : Implementation date : 1/10/1989

83. Motor vehicles - lateral protection
ADOPTED 13/4/89
DIR.89/297
OJ L 124 of 5/5/89

COMMENTS : Implementation date : 30/10/89

84. Modification to Dir. 70/220 (limit values for vehicles below 1400 cc)
ADOPTED 18/7/89
DIR. 89/458
OJ L 226 of 3/8/89

COMMENTS : Implementation date : 1/1/1990; the Commission has proposed a consolidated Directive on passenger car emissions (COM(89)662 final) to bring into line with Dir. 89/458 the requirements for medium and large passenger cars. The Council reached a Common Position on 4/3/91.

2.2. Tractors and agricultural machines

85. Rollover protection structures (incorporating two pillars and mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors)
ADOPTED 25/6/87
Dir.87/402
OJ L 220 of 8/8/87

COMMENTS : Implementation date : 25/6/89

86. Modification of framework directive 74/150
ADOPTED 3/5/88
Dir.88/297
OJ L 126 of 20/5/88

COMMENTS : Implementation date : 31/12/1988

87. Certain components and characteristics of wheeled agricultural or forestry tractors (weight and dimensions, drive-shaft, engine stopping device, windscreen wipers, footrest)
ADOPTED 21/12/88
DIR.89/173
OJ L 67 of 10/3/89

COMMENTS : Implementation date : 31/12/89

2.3. Food law

88. Coffee extracts chicory extracts (modification) ADOPTED 19/12/85
Dir.85/573
O.J. L 372 of 31/12/85

COMMENTS : Member States to take necessary measures (a) by 1/1/87 as far as trade in products that conform to present directive is concerned; (b) by 1/7/88 as far as trade in products that do not conform to present directive is concerned

89. Simulants (plastic materials in contact with foodstuffs) ADOPTED 19/12/85
Dir.85/572
OJ L 372 of 31/12/85

COMMENTS : Member States shall :
- permit trade in and use of plastics, materials and articles complying with this Directive up to 1 January 1991
- prohibit trade in and use of plastics, materials and articles intended to come into contact with foodstuffs and which do not comply with this Directive as from 1 January 1993

90. General Directive on sampling and methods of analysis ADOPTED 20/12/85
Dir.85/591
O.J. L 372 of 31.12.85

COMMENTS : Implementation date : 22/12/87

91. Preservatives (modification) ADOPTED 20/12/85
Dir. 85/585
O.J. L 372 of 31.12.85

COMMENTS : Implementation date : 31.12.1986

92. Emulsifiers (modification) ADOPTED 24/3/86
Dir.86/102
O.J. L 88 of 3/4/86

COMMENTS : Implementation date : 26/3/88

93. Obligation to indicate ingredients and alcoholic strength ADOPTED
26/5/86
Dir.86/197
OJ L 144
of 29/5/86

COMMENTS : Member States to modify (if necessary) their legislation in order to :
- permit trade in products which comply with this Directive by 1 May 1988 at the latest;
- prohibit trade in products which do not comply with this Directive as from 1 May 1989

94. Extraction solvents ADOPTED 13/6/88
DIR.88/344
OJ L 157
of 24/6/88

COMMENTS : Implementation date : 12/6/91

95. Flavourings
ADOPTED 22/6/88
DIR.88/388
OJ L 184 of 15/7/88

COMMENTS : Implementation date : 21/12/89
(marketing of goods complying with the directive shall be permitted by 22/6/90 whilst marketing of goods not complying with the directive shall be prohibited by 22/6/91)

96. Jams
ADQPTED 18/11/88
DIR.88/593
OJ L 318 of 25/11/88

COMMENTS: Member States to take measures in order to : - permit trade in products which comply with this directive by 31/12/89; - prohibit trade in products which do not comply with this directive by 1/1/91.

97. Frozen foods
ADOPTED 21/12/88
DIR.89/108
OJ L 40 of 11/2/89

COMMENTS : Member States to take measures in order to : - permit trade in products which comply with this directive by 10/7/1990; - prohibit trade in products which do not comply with this directive 10/1/1991

98. Food additives
ADOPTED 21/12/88
DIR.89/107
OJ L 40 of 11/2/89

COMMENTS : Implementation date : 28/6/1990
(Member States to take measures to permit trade in products complying with this directive by 28 December 1990 and to prohibit trade in products not complying with this Directive by 28 December 1991)

99. Materials in contact with foodstuffs
ADOPTED 21/12/88
DIR.89/109
OJ L 40 of 11/2/89

COMMENTS : Member States to take measures to :
- permit trade in goods which comply with this directive by 10/7/1990;
- to prohibit trade in goods which do not comply with this directive by 10/1/1992

100. Food for particular nutritional uses
ADOPTED 3/5/89
DIR. 89/398
OJ L 186
of 30/6/89

COMMENTS : Implementation dates :
- trade in goods complying with the directive to be permitted by 16/5/1990
- trade in goods not complying with the directive to be prohibited by 16/5/1991

101. Definition, description and presentation of spirit drinks
ADOPTED 30/5/89
REG.1576/89
OJ L 160
of 29/5/89

COMMENTS : The Regulation entered into force on the third day after its publication in the Official Journal of the European Communities (15/6/89): Application from 15/12/1989 except for Articles 13 to 16 which apply from 15/6/1989

102. Official control of foodstuffs
ADOPTED 14/6/89
DIR. 89/397
OJ L 186
of 30/6/89

COMMENTS : Implementation date : 20/6/1990 Application date : 20/6/91

103. Fruit juices and similar products (third amendment to Dir.75/726)
ADOPTED 14/6/89
DIR. 89/394
OJ L 186
of 30/6/89

COMMENTS :

- trade in goods complying with the directive to be permitted by 14/6/1990
- trade in goods not complying with the directive to be prohibited by 14/6/1991

104. Labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (amendment to Dir. 79/112)
ADOPTED 14/6/89
DIR.89/395
OJ L 186
of 30/6/89

COMMENTS :

- Trade in goods complying with this Directive to be permitted by 20/12/1990
- Trade in goods not complying with this Directive to be prohibited by 20/6/1992

105. Nutrition labelling rules
ADOPTED 24/9/90
DIR. 90/496
OJ L 276
of 6/10/90

COMMENTS :

- Trade in goods complying with this measure to be permitted by 1/4/92
- Trade in goods not complying with this measure to be prohibited by 1/10/93

2.4. Pharmaceuticals and high-technology medicines

106. Proposal for Directive concerning the placing on the market of high-technology medicinal products incl. those derived from biotechnology

ADOPTED 22/12/86
Dir.87/22
OJ L 15 of 17/1/87

COMMENTS : Implementation date : 1/7/87

107. Proposal amending Directive 75/318/EEC concerning the testing of medicinal products Idem
DIR 87/19
- COMMENTS : Implementation date : 1/7/87;
DEROGATION for Portugal under the Treaty of Accession until 1/1/91
-
108. Proposal amending Directive 81/852/EEC concerning veterinary medicinal products idem
DIR 87/20
- COMMENTS : Implementation date : 1/7/87
-
109. Proposal for a Council Directive amending Directive 65/65/EEC concerning medicinal products ADOPTED 22/12/86
DIR 87/21
OJ L 15 of 17/1/87
- COMMENTS : Implementation date : 1/7/87
DEROGATIONS for Greece, Portugal and Spain until 1/1/92
-
110. Proposal for a Council Recommendation concerning tests relating to the placing on the market of medicinal products ADOPTED 9/2/87
REC.87/176
OJ L 73 of 16/3/1987
- COMMENTS : No implementation period required for this recommendation
-
111. Membership of the European Pharmacopeia ADOPTED 26/5/87
- COMMENTS : This adoption enabled the Commission to negotiate membership on behalf of the 12 Member States; the Community joined in September 1989.
-
112. Price transparency in the prices of medicines and social security refunds ADOPTED 21/12/88
DIR.89/105
OJ L 40 of 11/2/89
- COMMENTS : Implementation date : 31/12/89
-
113. Extension of directives to medicinal products not already included : proprietary medicinal products (Dir. 341/89); immunological medicinal or serums and allergens (Dir. 89/342); radiopharmaceuticals (Dir. 89/343); medicinal products derived from human blood or human plasma (Dir. 89/381) ADOPTED 3/5/89
DIRS 89/341
89/342, 89/343
OJ L 142 of 25/5/89
and
14/6/89
DIR.89/381
OJ L 181
of 28/6/89
- COMMENTS : Implementation dates : 1/1/92 (with progressive extension to existing products by 31/12/1992)
-
114. Regulation concerning Community procedure for the establishment of maximum residue limits for veterinary medicines ADOPTED 25/6/90
REG.2377/90
OJ L 224 of
18/8/90
- COMMENTS : Implementation date : 1/1/92
-

115. Amendment to Dir. 81/851 on approximation of laws relating to veterinary medicinal products
- ADOPTED 13/12/90
DIR.90/676
OJ L 373 of 31/12/90

COMMENTS : Implementation date : 1/1/92

116. Extension of range of scope of Dir. 85/851 on veterinary medicinal products (immunology)
- ADOPTED 13/12/90
DIR.90/677, OJ L 373 of 31/12/90

COMMENTS : Implementation date : 1/1/92

2.5. Chemical products

ADOPTED 1/10/85
DIR 85/467
OJ L 269 of 11/10/85

117. Council Directive relating to restrictions on the marketing and use of PCB's (polychlorinated biphenyls)
- COMMENTS : Implementation date : 30/6/86

118. Membership of the European Agreement on detergents
- ADOPTED 12/12/85

COMMENTS : The decision taken on 12/12/85 enables the Commission to commence negotiations for the Membership of the European Agreement on Detergents; there are no implementation requirements.

119. Council Directive relating to "Restrictions on the marketing and use of asbestos"
- ADOPTED 20/12/85
DIR.85/610
OJ L 375 of 31/12/85

COMMENTS : Implementation date : 31/12/87

120. Non-ionic detergents (modification of existing Directive)
- ADOPTED 10/3/86
DIR 86/94
OJ L 80 of 25/3/86

COMMENTS : Member States are being allowed to maintain exceptions to the requirements concerning certain non-ionic agents included in detergents laid down by Directive 73/404, the implementation date of which was 22/5/75, until 31/12/89

121. Liquid fertilisers (amendment to directive 76/116)
- ADOPTED 22/3/88
Dir 88/183
OJ L 83 of 29/3/88

COMMENTS : Implementation date : 25 March 1989

122. Classification, packaging and labelling of dangerous preparations
- ADOPTED 8/6/88
DIR.88/379
OJ L 187 of 16/7/88

COMMENTS : Implementation date : 8/6/91

123. Secondary fertilisers (amendment to Dir.76/116 in respect of calcium, magnesium, sodium and sulphur content of fertilisers)
- ADOPTED 13/4/89
Dir. 89/284
OJ L 111 of 22/4/89

COMMENTS : Implementation date : 16 April 1990

124. Oligo-elements in fertilisers

ADOPTED 18/9/89
DIR.89/530
OJ L 281 of 30/9/89

COMMENTS : Implementation date : 18 March 1991

2.6 Construction and construction products

125. Tower cranes : permissible sound levels

ADOPTED 25/6/87
Dir.87/405
OJ L 220 of 8/8/87

COMMENTS : Implementation date : 25/6/89

126. Construction products

ADOPTED 21/12/88
DIR.89/106
OJ L 40 of 11/2/89

COMMENTS : Implementation date : 27/6/91

2.7. Other Items

127. Tyre pressure gauge

ADOPTED 26/5/86
DIR.86/217
OJ L 152 of 6/6/86

COMMENTS : Implementation date : 30/11/87

128. Household appliances: airborne noise

ADOPTED 1/12/86
DIR 86/594
OJ L 344 of 6/12/86

COMMENTS : Implementation date : 3/12/89

129. Hydraulic diggers (noise)

ADOPTED 22/12/86
Dir. 86/662
OJ L 384 of 31/12/86

COMMENTS : Implementation date : 24/12/88

NB : 6 years after implementation common noise levels to be adhered to

130. Protection of hotels against fire

ADOPTED 22/12/86
Recommendation
86/666
OJ L 384 of 31/12/86

COMMENTS : Measures in accordance : 22/12/88

Member States to report to Commission, within 2 years, all national measures taken in accordance with the Recommendation

131. Directive on products which, appearing to be other than they are, endanger the health or safety of consumers

ADOPTED 25/6/87
Dir.87/357
OJ L 192 of 11/7/87

COMMENTS : Implementation date : 26/6/89

132. Modification to Directive 84/538 on lawn
mower noise
- ADOPTED 22/3/88
Dir. 88/180
& 88/181
OJ L 81 of 26/3/88

COMMENTS : Implementation date : 1 July 1991

-
133. Indication of prices of non-foodstuffs
- ADOPTED 7/6/88
Dir. 88/314
OJ L 142 of 9/6/88

COMMENTS : Implementation date : 7/6/90

-
134. Indication of prices of foodstuffs
- ADOPTED
7/6/88
Dir.88/315
OJ L 142 of 9/6/88

COMMENTS : Implementation date : 7/6/90

-
135. Good laboratory practices : non-clinical
testing of chemicals
- ADOPTED 7/6/88
Dir.88/320
OJ L 145 of 11/6/88

COMMENTS : Implementation date : 1 January 1989

-
136. Cosmetics
- ADOPTED 21/12/88
DIR.88/667
OJ L 382 of 31/12/88

COMMENTS : Implementation date : 31/12/89

II PUBLIC PROCUREMENT

137. Coordination of procedures on the award of public supply contracts (amendment of directive 77/62) and deletion of certain provisions of directive 80/767
- ADOPTED 22/3/88
Dir.88/295
OJ L 127 of 20/5/88

COMMENTS : Implementation date : 1/1/89;
DEROGATIONS for Greece, Portugal & Spain until 1/3/92

138. Amendment to Dir. 71/305 concerning coordination of procedures for the award of public works contracts
- ADOPTED 18/7/89
DIR. 89/440
OJ L 210 of 21/7/1989

COMMENTS : Implementation date : 19/7/1990 DEROGATIONS for Greece, Spain and Portugal until 1/3/1992

139. Public procurement (remedies)
- ADOPTED 21/12/89
DIR. 89/665
OJ L 395 of 30/12/89

COMMENTS : Implementation date 21/12/91

140. Public procurement (excluded sectors)
- ADOPTED 17/9/90
DIR.90/531
OJ L 297 of 29/10/90

COMMENTS : Implementation :
Measures to be ready for compliance : 1/7/92 Application : 1/1/93
DEROGATIONS : Spain to 1/1/96 Greece & Portugal to 1/1/98

III. FREE MOVEMENT FOR LABOUR AND THE PROFESSIONS

141. Comparability of vocational training qualifications
ADOPTED 16/7/85
Dec.85/368
OJ L 199 of 31/7/85
COMMENTS : First results (in 6 sectors) of the comparability procedure were published in 1989 and in 1990; an interim report was published by the Commission in June 1990 and a Council Resolution adopted on 26 November 1990.
-
142. Coordination of provisions in respect of certain activities in the field of pharmacy
ADOPTED 16/9/85
DIR 85/432
& DEC 85/434/EEC
OJ L 253 of 24/9/85
COMMENTS : Implementation date DIR 85/432 - 1/10/87; Decision 85/434 concerned the creation of an Advisory Committee on Pharmaceutical Training within the Commission
-
143. Mutual recognition of diplomas in pharmacy
ADOPTED 16/9/85
Dir. 85/433
OJ L 253 of 24/9/85
COMMENTS : Implementation date : 1/10/87.
DEROGATION for Greece : 10 years after entry into force the Commission must make proposals aiming at the extension of mutual recognition of diplomas to self-employed pharmacists A directive including SPAIN and PORTUGAL in this measure was adopted in 1985 - Dir. 85/584 - and published in OJ L 372 of 31/12/85
-
144. University/Industry Cooperation in the field of new technologies (COMETT)
ADOPTED 24/7/86
Dec.86/365
OJ L 222 of 8/8/1986
COMMENTS : Implementation : preparatory phase 1986; operation of programme 1987-1989; COMETT II adopted 16/12/88 (OJ L 13 of 17/1/89 - implementation 1990/1994);
Commission report on 1989 activities published 11 April 1990 - COM(90)119; Report on COMETT I (1987-1989) in preparation and due for publication beginning June 1991
-
145. Specific training in general medical practice
ADOPTED 15/9/86
Dir.86/457
OJ L 267 of 19/9/86
COMMENTS : Implementation date : 1/1/90 (see Article 1); 1/1/95 (see Article 7)
-
146. Coordination relating to commercial agents
ADOPTED 18/12/86
DIR 86/653
OJ L 382 of 31/12/86
COMMENTS : Implementation date : 1/1/90;
DEROGATION for ITALY concerning the provisions on the ending of commercial agents contracts (Article 17) to 1/1/93; DEROGATION for IRELAND and the U.K. to 1/1/94
-

147. Regulated professions : General system for the mutual recognition of higher education diplomas awarded on completion of professional education and training of at least 3 years' duration
- ADOPTED 21/12/88
DIR.89/48
OJ L 19 of 24/1/89

COMMENTS : Implementation date : 3/1/91 (a report on the state of application of the general system will be submitted by the Commission within 5 years of the date of implementation)

148. Right of residence - retired persons
- ADOPTED 28/6/90
DIR.90/365
OJ L 180 of 13/7/90

COMMENTS : Implementation date - 30/6/92

149. Right of residence - general directive
- ADOPTED 28/6/90
DIR.90/364
OJ L 180 of 13/7/90

COMMENTS Implementation date 30/6/92

150. Right of residence - students
- ADOPTED 28/6/90
DIR.90/366
OJ L 180 of 13/7/90

COMMENTS : Implementation date - 30/6/92

IV. COMMON MARKET FOR SERVICES

1. FINANCIAL SERVICES

1.1 Banks

151. Accounts of banks
- ADOPTED 8/12/86
DIR 86/635
OJ L 372 of 31/12/86

COMMENTS : Implementation date : 31/12/1990
(facility for Member States to apply implementing rules for the first time for financial year accounts beginning 1993)

152. Foreign branches' accounts : banks
- ADOPTED 13/2/89
Dir. 89/117
OJ L 44 of 16/2/89

COMMENTS : Implementation date : 1/1/1991
(facility for Member States to provide that provisions shall apply for the first time to annual accounts for the financial year beginning on 1/1/93 or during the calendar year 1993)

153. Own funds - banks
- ADOPTED 17/4/89
DIR. 89/299
OJ L 124 of 5/5/89

COMMENTS : Implementation date : 1/1/1991

154. Taking up and pursuit of the business of credit institutions and amendment to Dir. 77/780 (2nd banking directive) ADOPTED 15/12/89
DIR.89/646
OJ L 386 of 30/12/89

COMMENTS : Implementation date 1/1/93

155. Solvency ratio for credit institutions ADOPTED 18/12/89
DIR.89/647
OJ L 386 of 30/12/89

COMMENTS : Implementation date 1/1/91 DEROGATIONS for Germany, Greece and Denmark on mortgage credits aspect to 1/1/96 and for Greece on application of 8% ratio until 1/1/2000

- Recommendation on the setting up of a guarantee system of deposit within the Community ADOPTED 22/12/1986
Commission
Recommendation
87/63
OJ L 33 of 4/2/1987

COMMENTS : Implementation requirements do not apply
(Directive in preparation)

- Recommendation on control of large exposures ADOPTED
22/12/1986
Commission
Recommendation
87/62
OJ L 33 of 4/2/1987

COMMENTS : Implementation requirements do not apply
(Directive in preparation)

- Recommendation on transparency of banking conditions for financial cross border transactions

ADOPTED 14/2/1990
Commission
Recommendation
90/109 OJ L 67 of 15/3/90

COMMENTS : Implementation requirements do not apply

1.2 Insurance

156. Coordination of laws relating to legal expenses insurance
ADOPTED 22/6/87
Dir.87/344
OJ L 185 of 4/7/87

COMMENTS : Implementation date : 31/12/89
Application date : 1/7/90

157. Credit insurance
ADOPTED 22/6/87
Dir.87/343
OJ L 185 of 4/7/87

COMMENTS : Implementation date : 31/12/89
Application date : 1/7/90

158. Non-life insurance (2nd directive)
ADOPTED 22/6/88
Dir.88/357
OJ L 172 of 4/7/88

COMMENTS : Implementation date : 1/1/90; Application date : 30/6/90
Some DEROGATIONS for Spain (1.1.97); Greece, Ireland and Portugal (1.10.98) ;

159. 3rd directive on motor vehicle insurance
ADOPTED 14/5/90
DIR.90/232
OJ L 129 of 19/5/90

COMMENTS : Implementation date : 31/12/92
DEROGATIONS for Greece, Spain and Portugal until 31/12/95 for Articles 1 and 2; DEROGATIONS for Ireland until 31/12/98 regarding pillion passengers of motorcycles under Article 1 until 31/12/95 to comply with Article 1 as regards other vehicles and to comply with Article 2

160. Motor liability insurance (amendments to Directives 73/239 and 88/357)
ADOPTED 8/11/90
DIR. 90/618
OJ L 330 of 29/11/90

COMMENTS : Implementation date - 20/5/92
Application date - 20/11/92

The Mass Risks aspect of the directive (home country control) will only enter into force after adoption of the 3rd non-life directive; as a result, the mass risks régime foreseen in the 2nd non-life directive (Dir. 88/357) will not be entirely applicable until the 3rd non life directive has been implemented.

161. Life insurance - freedom to supply services (amendment to Dir. 79/267)
ADOPTED 8/11/90
DIR. 90/619
OJ L 330 of 29/11/90

COMMENTS : Implementation date - 20/11/92
Application date - 20/5/93

Transitional arrangements : Certain transitional provisions will apply for SPAIN until 31/12/95 and GREECE and PORTUGAL until 31/12/98 and for all Member States until 31/12/94

1.3 Transactions in securities

162. Collective investment undertakings for transferable securities (UCITS) ADOPTED 20/12/85
DIR 85/611
OJ L 375 of 31/12/85

COMMENTS : Implementation date : 1/10/1989
(Member States may grant additional period of 12 months to comply with those rules for UCITS existing on that date; DEROGATIONS for Greece and Portugal to postpone application up to 1/4/1992.)

163. Mutual recognition of admission prospectus (amendment to Dir. 80/390) ADOPTED 22/6/87 Dir.
87/345 OJ L 185 of
14/7/87

COMMENTS : Implementation date - 1/1/90; DEROGATIONS for Spain (to 1/1/91) and Portugal (to 1/1/92)

164. UCITS Directive : special measures concerning certain investments (amendment to Directive 85/611) ADOPTED 22/3/88
Dir.88/220
OJ L 100 of 19/4/88

COMMENTS : As at No. 162 above

165. Information to be published when major holdings are acquired or disposed of ADOPTED 12/12/88
DIR. 88/627
OJ L 348 of 17/12/88

COMMENTS : Implementation date : 1 January 1991

166. Prospectus to be published when securities offered for sale to the public ADOPTED 17/4/89
DIR. 89/298
OJ L 124 of 5/5/89

COMMENTS : Implementation date : 17/4/1991

167. Coordination of regulations on Insider Trading ADOPTED 13/11/89
DIR.89/592
OJ L 334 of 18/11/89

COMMENTS : Implementation date 1/6/1992

168. Mutual recognition of public offer prospectuses (amendment to Dir.80/390) ADOPTED 23/4/90
DIR. 90/211
OJ L 112 of 3/5/90

COMMENTS : Implementation date : 17/4/91

2. TRANSPORT

169. Maritime transport : 1. freedom to provide services in the sea transport sector: (a) between M.States and between M.States and third countries (b) within M.States 2. application of Arts 85 & 86 of Rome Treaty to maritime transport 3. unfair pricing practices 4. Coordinated action to safeguard free access to cargoes in oceanic trades COM(85)90,COM(89)266
- PARTIALLY
ADOPTED
22/12/86
REGS:
1(a) : 4055/86
2 : 4056/86
3 : 4057/86
4 : 4058/86
1(b) : NOT ADOPTED
OJ L 378
of 31/12/86

COMMENTS : Implementation dates : REG. 4055 : 1/1/87; 4056 - 4058 : 1/7/87; Commission proposal - COM(89)266 - relates to cabotage (Ib) and modifies COM(85)90.

-
170. Fares for scheduled air services
- ADOPTED 14/12/87
Dir. 87/601
OJ L 374 of
31/12/87

COMMENTS : Implementation date : 31/12/87

-
171. Air transport : sharing of passenger capacity and market access
- ADOPTED 14/12/87
Dec.87/602
OJ L 374
of 31/12/87

COMMENTS : Implementation date : 1/1/88

-
172. Air transport : application of Articles 85 and 86 (rules of competition)
- ADOPTED 14/12/87
Reg. 3975/87
OJ L 374 of 31/12/87

COMMENTS : Implementation date : 1/1/88

-
173. Road transport : Community quota (amendment to Regulation 3164/76)
- ADOPTED 21/6/88
Reg.1841/88
OJ L 163 of 30/6/88

COMMENTS : Implementation date : 1/7/88
Measures for definitive regime to be decided and implemented by 31/12/92

-
174. Road transport - goods (freedom to provide services)
- ADOPTED 21/12/89
REG.4059/89
OJ L 390 of 30/12/89

COMMENTS : Implementation date : 1/7/90
(this Regulation will last until 31/12/92 by which time the definitive cabotage system will have been adopted and will take effect from 1/1/93)

175. Air fares and passenger capacity
ADOPTED 24/7/90
REG. 2342/90
REG. 2343/90
OJ L 217 of 11/8/90

COMMENTS : Implementation dates : 1/11/90
NB : REG. 2342 relates to air fares whilst REG. 2343 relates to passenger capacity and access for air carriers

3 - NEW TECHNOLOGIES AND SERVICES

176. Pan European mobile telephones
ADOPTED 25/6/87
Rec. 87/371
Dir. 87/372
OJ L 196 of 17/7/87

COMMENTS : Implementation date : Directive 87/372 - 25/12/88
Recommendation 87/371 - Commission to be informed each year from end 1989 onwards of progress in implementation of the recommendation

177. Establishment at Community level of a policy and plan of priority action for the development of an information services market
ADOPTED 26/7/88
DEC.88/524
OJ L 288 of 21/10/88

COMMENTS : Implementation date : 26/7/88

178. Broadcasting activities
ADOPTED 3/10/89
DIR.89/552
OJ L 298 of 17/10/89

COMMENTS : Implementation date 3/10/1991

179. Open network provision
ADOPTED 28/6/90
DIR.90/387
OJ L 192 of 24/7/90

COMMENTS : Implementation date - 1/1/91

180. Type approval of telecommunications terminal equipment
ADOPTED 29/4/91
DIR. 91/263 OJ L 128 of 23/5/91

COMMENTS : Implementation date - 6/11/1992 (18 months after notification)

- Recommendation on a European Code of Conduct relating to electronic payment (relations between financial institutions traders and service establishments and consumers)
ADOPTED 8/12/87
Commission Recommendation 87/598
OJ L 365 of 24/12/87

COMMENTS : No implementation requirements

V - CAPITAL MOVEMENTS

181. Liberalisation of units in collective investment under-takings for transferable securities
- ADOPTED 20/12/85
DIR. 85/583
OJ L 372 of 31/12/85

COMMENTS : Implementation date : 1/10/89;
DEROGATION for Portugal to 31/12/1990

182. Liberalisation of operations such as transactions in securities not dealt in on a Stock Exchange, admission of securities on the capital market and long-term commercial credits
- ADOPTED 17/11/86
DIR 86/566
OJ L 332 of 26/11/86

COMMENTS : Implementation date : 28/2/87;
Spain and Portugal may, in connection with the Act of Accession, postpone liberalisation until respectively - 1/10/1989 (already liberalised) and 31/12/1990 for transactions on units in collective investment undertakings in transferable securities,

- 31/12/1990 and 31/12/1992 for other transactions liberalised

NB : Greece has been allowed to extend the DEROGATION in this field (in accordance with Article 108 of the Treaty of Rome) to some of the above liberalised operations until 31/12/1990. However, operations representing inflows of capital and long term commercial credits have been liberalised from 28/2/1987

183. Liberalisation of capital movements
- ADOPTED 24/6/88
DIR.88/361
OJ L 178 of 8/7/88

COMMENTS : Implementation date : 1/7/1990
DEROGATIONS until the end of 1992 for Greece, Ireland, Spain and Portugal concerning short-term capital movements and for Belgium and Luxembourg concerning the dual exchange market system.

VI - CREATION OF SUITABLE CONDITIONS FOR INDUSTRIAL COOPERATION**1. Company law**

184. Proposals for a Regulation for a European Economic Interest Grouping
- ADOPTED 25/7/85
Reg.85/2137
OJ L 199 of 31/7/85

COMMENTS : Implementation date : 1/7/89

185. 11th Company law directive (disclosure requirements for branches opened in a Member State by certain types of company governed by the law of another State)
- ADOPTED 21/12/89
DIR. 89/666
OJ L 395 of 30/12/89

COMMENTS : Implementation date 1/1/92

186. 12th Company law directive on single member private limited liability companies
- ADOPTED 21/12/89 DIR.
89/667 OJ L 395 of
30/12/89

COMMENTS : Implementation date - 1/1/92

187. 4th and 7th company law directives - small and medium sized enterprises and consolidated and annual accounts (amendment to Directives 78/660 & 83/349)

ADOPTED 8/11/90
DIR. 90/604 &
DIR.90/605
OJ L 317 of 16/11/90

COMMENTS : Implementation date - 1/1/93

2. Intellectual and industrial property

188. Legal protection of micro circuits

ADOPTED 18/12/86
DIR. 87/54
OJ L 24 of 27/1/87

COMMENTS : Implementation date : 7/11/87

-
189. Trademarks : first directive

ADOPTED 21/12/88
DIR.89/104
OJ L 40 of 11/2/89

COMMENTS : Implementation date : 28/12/1991 (facility to defer above date to 31/12/92 included in the decision)

-
190. Legal protection of computer programmes

ADOPTED 14/5/91
DIR. 91/250 OJ L 122 of
17/5/91

COMMENTS : Implementation date : 1/1/93

3. Taxation

191. Convention on elimination of double taxation (adjustment of profits of associated enterprises : arbitration procedure)

ADOPTED 23/7/90
DOC. NO 90/436
OJ L 225 of 20/8/90

COMMENTS : The Convention is expected to be ratified within the implementation deadlines (1/1/92) for the following 2 items listed below

-
192. Common system of taxation applicable to parent companies and their subsidiaries

ADOPTED 23/7/90
DIR. 90/435
OJ L 225 of 20/8/90

COMMENTS : Implementation date : 1/1/92

Derogations : Greece until corporate taxation on distributed gains no longer applied by that Member State;

Certain derogations for Germany until mid 1996 at the latest and for Portugal until the end of the 8th year following the implementation of this directive

-
193. Common system of taxation of mergers divisions and contributions of assets

ADOPTED 23/7/90
DIR. 90/434
OJ L 225 of 20/8/90

COMMENTS : Implementation date : 1/1/92

DEROGATION for Portugal to 1/1/93 (transfer of assets and exchange of shares)

PART III : THE REMOVAL OF FISCAL BARRIERS**1. V.A.T.**

194. 13th VAT Directive concerning tax refunds to persons not established in the Community
ADOPTED 17/11/1986
DIR. 86/560
OJ L 326 of 21/11/1986

COMMENTS : Implementation date : 1/1/1988

195. 17th VAT Directive concerning the temporary importation of goods other than means of transport
ADOPTED 16/7/85
DIR. 85/362
OJ L 192 of 24/7/85

COMMENTS : Implementation date : 1/1/1986; DEROGATIONS for Germany and Greece : carryover of application of certain articles

196. 18th VAT directive - abolition of certain derogations provided for in Article 28(3) of the 6th directive 77/388
ADOPTED 18/7/89
DIR.89/465
OJ L 226 of 3/8/89

COMMENTS : Implementation dates :

1/1/90 for Points 1, 3 to 6, 8, 9, 10, 12, 13, 14 of Annexe E end Points 3, 14 & 18 to 22 of Annex F 1/1/91 for Points 4, 13, 15 & 24 of Annex F

1/1/92 for Point 9 of Annex F

1/1/93 for Point 11 of Annex F;

DEROGATION to 1/1/94 for PORTUGAL - Points 3 & 9 of Annex F

2. EXCISE DUTIES

197. Harmonisation of the structure of excise duties on alcoholic drinks authorising the French Republic to derogate from Article 95 in applying a reduced rate of revenue duty imposed on the consumption of "traditional" rum produced in its overseas departments and in metropolitan France
ADOPTED 19/4/88
Dec.88/245
OJ L 106 of 27/4/88

COMMENTS : The decision enables the derogation to continue until 31/12/92

TOTAL NUMBER OF PROPOSALS FINALLY ADOPTED BY COUNCIL : 193
TOTAL NUMBER OF PROPOSALS PARTIALLY ADOPTED BY COUNCIL : 4

1

ANNEX 2
TO SIXTH PROGRESS REPORT
31 May, 1991

PROPOSALS SUBMITTED BY COMMISSION TO COUNCIL IN THE
CONTEXT OF THE COMPLETION OF THE INTERNAL MARKET WHICH
STILL REQUIRE COUNCIL ADOPTION

Proposals marked with an asterisk (*) were presented since the publication of the White Paper (14 June 1985)

Proposals marked with two asterisks (**) await European Parliament Opinion or First Reading

Where the Cooperation Procedure applies :

- FR indicates that Parliament has completed its First Reading
- CP indicates proposals upon which a Common Position has been reached
- SR indicates that Parliament has completed its Second Reading (Second Readings are delivered on Common Positions - Common Positions exist until final adoption by Council)

Voting procedures are indicated in the Council column thus :

- U : unanimity
- QM : qualified majority
- SM : simple majority

| SUBJECT | Date of Commission's proposal | Projected date of adoption by Council |
|---------|-------------------------------------|---|
|---------|-------------------------------------|---|

PART ONE : THE REMOVAL OF PHYSICAL BARRIERS

I. CONTROL OF GOODS

1. Various controls

- | | | |
|---|------|--|
| 1. Duty free admission of fuel contained in the fuel tanks of commercial motor vehicles : lorries & coaches COM(84)17 updated by COM(86)383 (lorries) | 1984 | PARTIALLY ADOPTED 8/7/85 Dir.85/347 (coaches) 1991 (U) |
|---|------|--|
-

| | | |
|--|-------|---|
| 2. Collection of trade statistics COM(88)810, COM(90)423 COM(91)18 | 1988* | 1991 (QM) FR |
| 3. Shipment of radioactive wastes COM(89)559, COM(90)328 | 1989* | 1991** (QM) |
| <u>2. Veterinary and phytosanitary controls</u> | | |
| <u>Veterinary Controls</u> | | |
| 4. Personnel responsible for inspection COM(81)504 | 1981 | 1991 (QM) |
| 5. Aujesky's disease and swine vesicular disease COM(82)529 | 1982 | 1991 (QM) |
| 6. Harmonised health and hygiene conditions : fish and fish products - health guarantees - nematodes COM(88)47, COM(89)428 | 1988* | 1991 (QM) |
| 7. Formulation of directives relating to health problems relating to trade in dogs and cats (rabies) (proposal includes echinococcosis) COM(88)836 | 1988* | PARTIALLY ADOPTED 24/7/89 (Pilot project aspect) DEC.89/455 1991 (QM) |
| 8. Transport of animals COM(89)322, COM(90)238 | 1989* | 1991 (QM) |
| 9. 2nd revision safeguard clause COM(89)493 | 1989* | 1991 (QM) |
| 10. Animal health problems - rodents COM(89)500 | 1989* | 1991 (QM) |
| 11. Animal fats COM(89)490 | 1989* | 1991 (QM) |
| 12. Products of animal origin - general hygiene rules COM(89)492 | 1989* | 1991 (QM) |
| 13. Poultry Meat - animal health conditions COM(89)507 | 1989* | 1991** (QM) |

| | | |
|---|-------|----------------|
| 14. Health rules for production and placing on the market of fresh meat and repealing Directive 64/433 COM(89)673 | 1989* | 1991** (QM) |
| 15. Molluscs COM(89)648 | 1989* | 1991** (QM) |
| 16. Fish products - health and hygiene standards COM(89)645 | 1989* | 1991** (QM) |
| 17. Products of animal origin not covered by existing directives : other species COM(89)658 | 1989* | 1991 (QM) |
| 18. Application of health standards to national products (modification of directive 77/99) COM(89)669 | 1989* | 1991** (QM) |
| 19. Application of health standards to meat (Dir. 88/657) COM(89)671 | 1989* | 1991** (QM) |
| 20. Application of health standards to national products - modification of directive 71/118 (poultry) COM(89)668 | 1989* | 1991** (QM) |
| 21. Application of health standards to national products (<u>derogations</u>) COM(89)670 | 1989* | 1991 (QM) |
| 22. Harmonised health conditions for production and trade in milk products COM(89)667 | 1989* | 1991** (QM) |
| 23. Heat treated milk COM(89)672 | 1990* | 1991** (QM) |

Phytosanitary Controls

| | | |
|--|-------|----------------|
| 24. Proposal for the placing of plant protection products on the market (<u>including</u> guidelines for checking requirements in connection with the approval of plant protection production incorporated in modifying proposal) COM(76)427, COM(89)34, COM(91)87 | 1976 | 1991 (QM) |
| 25. Organic farming COM(89)552, COM(91)112 | 1989* | 1991 (QM) |
| 26. Regulation on marketing of young plants of vegetables COM(89)649 | 1989* | 1991** (QM) |
| 27. Amendment to Dir. 77/93 on protective measures against the introduction into Member States of organisms harmful to plants or plant products (rules of liability) COM(89)647 | 1989* | 1991 (QM) |
| 28. Amendment to Dir. 77/93 (including simplification of annexes, alignment of 3rd country standards, alignment of national and intra-Community standards and phasing out of phytosanitary certificates) COM(89)646 | 1989* | 1991 (QM) |
| 29. Regulation on the marketing of ornamental plants COM(89)650 | 1989* | 1991** (QM) |
| 30. Regulation on the marketing of fruit plants COM(89)651 | 1989* | 1991** (QM) |
| 31. European plant breeders' rights COM(90)347 | 1990* | 1992** (QM) |

II. CONTROL OF INDIVIDUALS

| | | |
|--|-------|---|
| 32. Directive on the easing of controls at intra-Community Borders COM(84)749 & COM(85)224 | 1985 | 1991 (U) |
| 33. Directive on the control of the acquisition and possession of arms COM(87)383, COM(89)446 COM(90)453 | 1987* | 1991 (QM) CP/SR |
| 34. Proposal for a Directive amending for the first time Dir. 83/182 on temporary importation of certain means of transport (motor vehicles) COM(87)14, COM(88)297 | 1987* | 1991 (U) |
| 35. Proposal for a directive amending Directive 69/169 (to increase in real terms tax paid allowances in intra-Community travel) COM(89)331, COM(90)76 | 1989* | PARTIALLY ADOPTED 27/3/91 1991 (U) |

PART TWO : THE REMOVAL OF TECHNICAL BARRIERS

I. FREE MOVEMENT OF GOODS

1. New approach in technical harmonization and standards policy

| | | |
|---|-------|-----------------------|
| 36. Machines (including lifting & loading) COM(89)624, COM(90)462 COM(91)167 | 1989* | 1991 (QM) CP/SR |
|---|-------|-----------------------|

2. Sectoral proposals concerning approximation of laws

2.1. Motor vehicles

| | | |
|---|-------|--------------------|
| 37. Directive on safety glass for use in motor vehicles COM(89)653 final, COM(91)38 | 1990* | 1991 (QM) FR |
|---|-------|--------------------|

| | | |
|--|-------|--------------------|
| 38. Directive on the approximation of laws relating to masses and dimensions of certain motor vehicles COM(89)653 final, COM(91)38 | 1990* | 1991 (QM) FR |
|--|-------|--------------------|

| | | |
|---|-------|--------------------|
| 39. Directive on the approximation of laws relating to tyres for motor vehicles and their trailers COM(89)653 final, COM(91)38 | 1990* | 1991 (QM) FR |
|---|-------|--------------------|

2.3. Food law

| | | |
|--|-------|--------------------|
| 40. Compulsory Nutrition labelling COM(88)489 | 1988* | 1992 (QM) FR |
|--|-------|--------------------|

| | | |
|---|-------|--------------------|
| 41. Irradiation of foodstuffs COM(88)654 COM(89)576 | 1988* | 1991 (QM) FR |
|---|-------|--------------------|

2.4. Pharmaceuticals and high-technology medicines

| | | |
|--|-------|----------------|
| 42. Proposed Directive on the wholesale distribution of medicinal products for human use COM(89)607 | 1990* | 1991** (QM) |
|--|-------|----------------|

| | | |
|---|-------|----------------|
| 43. Proposed directive concerning the legal status for the supply of medicinal products for human use COM(89)607 | 1990* | 1991** (QM) |
| 44. Proposed directive on the labelling of medicinal products for human use and on package leaflets COM(89)607 | 1990* | 1991** (QM) |

II. PUBLIC PROCUREMENT

| | | |
|--|-------|--------------------|
| 45. Public Procurement - services COM(90)372 | 1990* | 1991 (QM) FR |
| 46. Public Procurement - excluded sectors (remedies) COM(90)297 | 1990* | 1991 (QM) FR |

III. FREE MOVEMENT FOR LABOUR AND THE PROFESSIONS

| | | |
|---|-------|--------------------|
| 47. Harmonisation of income taxation provisions with respect to freedom of movement of workers within the Community COM(79)737 | 1979 | 1992 (U) |
| 48. Freedom of movement for workers : residence permits (proposal for Directive and Regulation) COM(88)815, COM(90)108 | 1988* | 1991 (QM) FR |
| 49. Regulated professions - higher education of less than 3 years' duration COM(89)372 | 1989* | 1991 (QM) FR |

3IV. COMMON MARKET FOR SERVICES**1. FINANCIAL SERVICES****1-1 Banks**

| | | |
|---|-------|----------------|
| 50. Directive on consolidated supervision (amendment to Dir. 86/635) COM(90)451 | 1990* | 1991** (QM) |
| 51. Directive on the adequacy of own funds for investment funds and credit institutions COM(90)141 | 1990* | 1991** (QM) |

1-2 Insurance

| | | |
|---|-------|--------------------|
| 52. Annual accounts - insurance undertakings COM(86)764 COM(89)474 | 1986* | 1991 (QM) FR |
| 53. Regulation on guarantees issued by credit institutions and insurance undertakings COM(88)805, COM(90)567 | 1988* | 1991 (QM) FR |
| 54. 3rd non-life insurance directive (mass risks) COM(90)348 | 1990* | 1991** (QM) |
| 55. 3rd life insurance directive COM(91)57 | 1991* | 1992** (QM) |

1-3 Transactions in securities

| | | |
|---------------------------------------|-------|--------------------|
| 56. Investment services COM(88)778 | 1988* | 1991 (QM) FR |
|---------------------------------------|-------|--------------------|

2 TRANSPORT

| | | |
|--|-------|---|
| 57. Inland waterways: goods and passengers. Freedom to provide services by non-resident carriers within a Member State COM(85)610 | 1985* | 1991 (QM : subject to Art. 75(3)) |
|--|-------|---|

| | | |
|---|-------|---|
| 58. Road transport : passengers Freedom to provide services by non-resident carriers within a Member State COM(87)31, COM(88)596 | 1987* | 1991 (QM : subject to Art. 75(3)) |
| 59. Maritime transport : goods and passengers : freedom to provide services in the sea transport sector within Member States cabotage) COM(85)90 COM(89)266 | 1985 | 1991 PARTIALLY ADOPTED 22/12/86 (QM : subject to Art. 75(3)) Regs 4055 to 4058 |
| 60. Road transport : common rules for the international carriage of passengers by road COM(87)79, COM(88)595 COM(88)770 | 1987* | 1991 (QM : subject to Art.75(3)) |
| 61. Directive for mutual acceptance of personnel licences and qualifications for the exercise of functions in civil aviation COM(89)472 | 1989* | 1991 (QM) |

VI - CREATION OF SUITABLE CONDITIONS FOR INDUSTRIAL COOPERATION

1. Company law

| | | |
|---|-------|--------------------|
| 62. Fifth Company Law Directive (structure of public limited companies) COM(72)887, COM(83)185 COM(90)629 | 1990* | 1991** (QM) |
| 63. Tenth Directive concerning cross-border mergers - COM(84)727 | 1985 | 1991** (QM) |
| 64. Statute for a European Company COM(89)268, COM(91)174 | 1989* | 1991 (QM) FR |
| 65. Take-over bids (13th company law directive) COM(88)823, COM(90)416 | 1988* | 1991 (QM) FR |

2. Intellectual and industrial property

| | | |
|--|-------|----------------|
| 66. Regulation on Community trade marks - COM(80)635 & COM(84)470. | 1980 | 1991 (U) |
| 67. Regulation on the rules needed for implementing the Community Trademark regulation COM(85)844 | 1985* | 1991 (QM) |
| 68. Regulation on rules of procedure for the Boards of Appeal of the Community's Trade Mark office COM(86)731 | 1986* | 1991 (QM) |
| 69. Community trademark office - regulation on fees COM(86)742 | 1986* | 1991 (QM) |
| 70. Legal protection of biotechnological inventions COM(88)496 | 1988* | 1991** (QM) |

3. Taxation (removing tax obstacles to cooperation between enterprises)

| | | |
|---|-------|---------------|
| 71. Arrangements for the taking into account by undertakings of the losses of their permanent establishments and subsidiaries situated in other Member States COM(90)595 | 1990* | 1991** (U) |
| 72. Harmonization of M.S. laws relating to tax arrangements for carryover of losses of undertakings COM(84)404 and COM(85)319 | 1984 | 1991 (U) |

PART III : THE REMOVAL OF FISCAL BARRIERS1. V.A.T.

| | | |
|---|-------|---------------|
| 73. Proposal for Council directive instituting a process of convergence of rates of VAT and excise duties COM(87)324 | 1987* | 1991** (U) |
| 74. Proposal on special schemes for small business COM(86)444; COM(87)524 | 1986* | 1992 (U) |
| 75. 12th VAT Directive concerning expenditure on which tax is not deductible - COM(82)870 & COM(84)84 | 1982 | 1991 (U) |
| 76. 19th VAT Directive : miscellaneous supplementary and amending provisions of Directive 77/388/EEC COM(84)648, modified by COM(87)315 | 1984 | 1991 (U) |
| 77. Directive on the stores of ships, aircraft and international trains COM(79)794 | 1980 | 1991 (U) |
| 78. Approximation of VAT rates COM(87)321 | 1987* | 1991** (U) |
| 79. Abolition of fiscal frontiers COM(87)322, COM(90)182, COM(91)157 | 1987* | 1991 (U) |
| 80. Completion of common VAT system & modification to Articles 32 & 28 of Dir. 77/388 (7th VAT dir.) COM(88)846 | 1988* | 1991 (U) |

2. EXCISE DUTIES

| | | |
|--|-------|---------------|
| 81. General arrangements for products subject to excise duties and on holding and movement of such products COM(90)431 | 1990* | 1991** (U) |
| 82. Proposal for a directive on the structure of excise duties on alcoholic drinks and on alcohol contained in other products COM(90)432 | 1990* | 1991** (U) |
| 83. Proposal for directive laying down certain rules on indirect taxes which affect the consumption of alcoholic drinks COM(85)150 | 1985 | 1991 (U) |
| 84. Structure of excise duties on manufactured tobacco COM(90)433 | 1990* | 1991** (U) |
| 85. Harmonization of excise duties on mineral oils COM(90)434 | 1990* | 1991** (U) |
| 86. Approximation of taxes on manufactured tobacco other than cigarettes COM(87)326, COM(89)525/2 | 1987* | 1991** (U) |
| 87. Approximation of taxes on cigarettes COM(87)325, COM(89)525/1 | 1987* | 1991** (U) |
| 88. Approximation of the rates of excise duties on alcoholic beverages and on the alcohol contained in other products COM(87)328, COM(89)527 | 1987* | 1991** (U) |
| 89. Council directive on the approximation of the rates of excise duties on mineral oils COM(87)327, COM(89)526, COM(91)43 | 1987* | 1991** (U) |

ANNEX III
31/5/91

WHITE PAPER ON THE COMPLETION OF THE INTERNAL MARKET

LIST OF DIRECTIVES, REGULATIONS, DECISIONS AND RECOMMENDATIONS CONTAINED IN THE WHITE PAPER PROGRAMME WHICH ARE ALREADY IN FORCE OR DUE TO ENTER INTO FORCE BY 31/12/1991.

N.B. I = Implementing measures notified
NI= Not incorporated into national law
D = Derogation from implementation date
IR= Infringement procedure underway
SO= Not applicable

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

REMOVAL OF PHYSICAL BARRIERS
 - Control of goods -
 Various controls

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---|
| REG 1674/87 Transit procedure simplification | 1/07/88 | | | | | | | | | | | | | directly applicable |
| REG 1797/86 Customs presentation charges (abolition) | 1/01/88 | | | | | | | | | | | | | directly applicable |
| REG 1900/85 SAD | | | | | | | | | | | | | | directly applicable |
| REG 1901/85 SAD | | | | | | | | | | | | | | directly applicable |
| REG 3690/86 TIR | 1/07/87 | | | | | | | | | | | | | directly applicable |
| REG 4060/89 Abolition of controls relating to transport (means and documents) | 1/07/90 | | | | | | | | | | | | | directly applicable. Some adm. measures should be taken by MS |
| REG 4283/88 Banalisation | 1/07/89 | | | | | | | | | | | | | directly applicable |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

REMOVAL OF PHYSICAL BARRIERS
- Control of goods -
Various controls

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---|
| REG 1674/87 Transit procedure simplification | 1/07/88 | | | | | | | | -- | | | | | directly applicable |
| REG 1797/86 Customs presentation charges (abolition) | 1/01/88 | | | | | | | | | | | | | directly applicable |
| REG 1900/85 SAD | | | | | | | | | | | | | | directly applicable |
| REG 1901/85 SAD | | | | | | | | | | | | | | directly applicable |
| REG 3690/86 TIR | 1/07/87 | | | | | | | | | | | | | directly applicable |
| REG 4060/89 Abolition of controls relating to transport (means and documents) | 1/07/90 | | | | | | | | | | | | | directly applicable. Some adm. measures should be taken by MS |
| REG 4283/88 Banalisation | 1/07/89 | | | | | | | | | | | | | directly applicable |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|---|---|----|----|---|----|----|-----|---|----|----|----|----------------------------|
| DIR 85/325 Medical examination of personnel | 1/01/86 | I | I | I | I | I | I | IR | I | I | I | I | I | |
| DIR 85/326 Medical examination of personnel | 1/01/86 | I | I | I | I | I | I | I | I | I | I | NI | I | P : partial implementation |
| DIR 85/327 Medical examination of personnel | 1/01/86 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 85/358 Hormone growth promoters | 1/01/87 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 85/397 Production and trade in milk | 1/01/89 | I | I | I | IR | I | I | I | I | I | I | I | I | E : partial implementation |
| DIR 85/511 Control of foot and mouth disease | 1/01/87 | I | I | I | I | I | I | I | I | I | I | NI | I | P : partial implementation |
| DIR 85/574 Amendment to Directive 77/93 (plant health) | 1/01/87 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 86/355 Amendment of Directive 79/117 (ethylene oxide) | 1/07/87 | I | I | I | I | I | I | SO | I | I | I | I | I | |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|----|----|----|----|----|----|----|-----|----|----|----|----|---------------------|
| DIR 86/362 Pesticide residues in cereals and foodstuffs of animal origin | 30/06/88 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 86/363 Pesticide residues in cereals and foodstuffs of animal origin | 30/06/88 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 86/469 Antibiotic residues - control of residues | 31/12/88 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DEC 86/649 African fever in Portugal | 16/12/86 | SO | SO | SO | I | SO | see art. 3 |
| DEC 86/650 African swine fever in Spain | 16/12/86 | SO | SO | SO | I | SO | SO | SO | SO | SO | SO | SO | SO | see art. 3 |
| DIR 87/153 Fixing of guidelines for additives used in animal foodstuffs | 31/12/87 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DEC 87/230 Classical swine fever and swine fever | 1/07/87 | | | | | | | | | | | | | directly applicable |
| DEC 87/231 Classical swine fever and swine fever | 31/12/87 | | | | | | | | | | | | | directly applicable |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|----|----|----|----|----|----|----|-----|----|----|----|----|----------------------------------|
| DIR 88/288 Amendment to Directive 64/433 : health problems intra-Community trade in fresh meat | 1/01/89 | IR | I | I | I | I | I | IR | I | I | I | I | I | |
| DIR 88/289 Amendment to Dir. 72/462 : imports of bovine animals swine and fresh meat from third countries | 1/01/89 | IR | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 88/380 Certification of seeds | 1/07/90 | I | I | I | I | I | I | IR | IR | IR | I | IR | I | implementation date : see art. 1 |
| DIR 88/407 Imports of frozen semen of bovine animals | 1/01/90 | IR | I | I | I | I | I | IR | IR | IR | I | I | I | |
| DIR 88/572 Amendment to Directive 77/93 (plant health) | 1/01/89 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 88/658 Intracommunity trade of meat products (modification of dir. 77/99) | 1/07/90 | IR | IR | I | IR | I | D | IR | IR | IR | IR | I | IR | EL : derogation until 31/12/92 |
| DIR 88/661 Zootechnical standards - porcine species | 1/01/91 | IR | I | I | I | I | I | IR | I | IR | I | IR | D | P : derogation until 01.01.93 |
| DEC 89/145 Pleuro-pneumonia in Portugal | | SO | SO | SO | I | SO | P : eradication plan |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|----|----|----|----|----|----|----|-----|----|----|----|----|---|
| DIR 90/428 Trade in equidae intended for competitions | 1/07/91 | | | | | | | | | | | | | |
| DIR 90/429 Animal health requirements applicable to intra-community trade in and imports of semen of the porcine species | 31/12/91 | | | | | | | | | | | | | |
| DEC 90/495 Eradication of infectious haemopoietic necrosis of salmonids in the Community | | NI | NI | NI | NI | I | NI | NI | NI | NI | NI | I | I | Eradication plans to be submitted 3 months after the adoption of the decision |
| DIR 90/533 Placing in the market and use of plant protection products containing certain active substances | 30/12/90 | IR | I | SO | I | IR | IR | I | IR | I | IR | IR | I | Impl. date section C,8 of the annex of the dir 79/117: 30/9/91 |
| DIR 90/667 Disposal and processing of animal waste | 31/12/91 | | | | | | | | | | | | | |
| DIR 91/132 Undesirable substances and products in animal nutrition | 1/08/91 | | | | | | | | | | | | | This directive replaces the dir. 87/519/CS |
| REMOVAL OF PHYSICAL BARRIERS - Control of individuals - | | | | | | | | | | | | | | |
| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
| DIR 88/331 Small consignments - exemption from VAT on the final importation of goods | 1/01/89 | I | I | I | I | I | I | IR | IR | I | I | I | I | |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|---|----|----|----|---|----|----|-----|----|----|----|----|--|
| DIR 88/663 Tax reliefs - small consignments of a non-commercial character | 1/10/85 | I | I | I | I | I | I | IR | I | I | I | I | I | |
| DIR 88/664 Sixth Directive on allowances in intra-community travel (Dir. 69/169) | 1/10/85 | I | I | I | I | I | I | IR | I | I | I | I | I | Derogatory measures: DK: 8.4.81; IRL: derogation until 31.12.91 |
| DIR 89/604 Imports of personal property of individuals | 1/07/90 | I | I | I | IR | I | I | IR | I | I | I | I | IR | |
| CCC CC Convention - Right of asylum | | | | | | | | | | | | | | Ratification necessary by the 31.12.92 |
| REMOVAL OF TECHNICAL BARRIERS - Free movement of goods - New approach in technical harmonization and standards | | | | | | | | | | | | | | |
| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
| DIR 87/404 Simple pressure vessels | 1/07/90 | I | IR | I | IR | I | I | IR | IR | IR | IR | IR | IR | |
| DIR 88/182 Amendment to Directive 83/189. Information procedures, etc. | 1/01/89 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 88/378 Safety of toys | 1/01/90 | I | I | I | I | I | I | IR | I | IR | IR | I | I | |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|---|----|----|---|---|----|---|-----|----|----|---|----|---|
| DIR 89/458 European standards on limit values for vehicles below 1400 cc | 1/01/90 | I | NI | NI | I | I | I | I | NI | NI | I | I | NI | D, DK, IRL, L, UK : partial implementation |

REMOVAL OF TECHNICAL BARRIERS
- Free movement of goods -
Tractors and agricultural machines

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|---|---|----|---|---|----|----|-----|---|----|---|----|---------|
| DIR 87/402 Rollover protection structures | 25/06/89 | I | I | I | I | I | I | NI | I | I | I | I | I | |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|----|----|----|----|----|----|----|-----|----|----|----|----|--|
| DIR 88/593 Jams | 31/12/89 | I | IR | I | I | IR | I | I | IR | I | IR | IR | I | 31.12.89 free movement clause; 1.1.91 full application |
| DIR 89/107 Food additives in foodstuffs | 28/06/90 | I | IR | I | IR | I | I | IR | IR | IR | IR | I | IR | 28.12.90 free movement clause; 28.12.91 full application |
| DIR 89/108 Frozen foods | 10/07/90 | I | IR | I | IR | IR | IR | IR | IR | I | I | I | I | 10.7.90 free movement clause; 28.12.91 full application |
| DIR 89/109 Materials in contact within foodstuffs | 10/07/90 | IR | IR | I | I | IR | I | IR | IR | IR | I | NI | I | 10.7.90 free movement clause; 10.1.92 full application. P: partial implem. |
| DIR 89/394 Fruit juices | 14/06/90 | I | I | I | IR | IR | I | I | IR | I | NI | I | NI | UK : partial implementation; 14.6.91 full application |
| DIR 89/395 Labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer | 20/12/90 | I | IR | I | IR | I | I | IR | IR | IR | IR | IR | I | 20.12.90 free movement clause; 20.6.92 full application |
| DIR 89/397 Official control of foodstuffs | 20/06/90 | I | IR | IR | IR | I | IR | IR | IR | IR | IR | IR | I | |
| DIR 89/398 Food for particular nutritional uses | 16/05/90 | I | IR | I | IR | IR | I | IR | IR | I | NI | I | NI | UK, NL: partial implementation. 16.5.91 full application |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|---|---|----|--|--|----|----|-----|---|----|---|----|---------------------------------|
| REMOVAL OF TECHNICAL BARRIERS - Free movement of goods - Pharmaceuticals and high-technology medicines | | | | | | | | | | | | | | |
| Measure | Impl. date | B | D | DK | E <td>F <td>EL</td> <td>I</td> <td>IRL</td> <td>L</td> <td>NL</td> <td>P</td> <td>UK</td> <td>Remarks</td> </td> | F <td>EL</td> <td>I</td> <td>IRL</td> <td>L</td> <td>NL</td> <td>P</td> <td>UK</td> <td>Remarks</td> | EL | I | IRL | L | NL | P | UK | Remarks |
| REC 87/176 Tests relating to placing on the market of medical specialities | | | | | | | | | | | | | | Implementation not required |
| DIR 87/19 Amendment to Dir. 73/318 - testing of medical specialities | 1/07/87 | I | I | I | IR | I | I | I | I | I | I | I | I | |
| DIR 87/21 Amendment to Dir. 65/65 concerning medical specialities | 1/07/87 | I | I | I | I | I | D | I | I | I | I | I | I | E, EL : derogation until 1.1.92 |
| DIR 87/22 Placing on the market of high-technology medicinal products including those derived from biotechnology | | I | I | I | IR | I | I | I | I | I | I | I | I | |
| DIR 87/20 Amendment to Dir. 81/852 on veterinary medicinal products | 1/07/87 | I | I | I | I | I | I | IR | I | I | I | I | I | |
| DIR 89/105 Price transparency in the prices of medicines & social security refunds | 31/12/89 | I | I | I | I | I | I | NI | I | I | I | I | I | I : partial implementation |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

REMOVAL OF TECHNICAL BARRIERS
- Free movement of goods -
Chemical products

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|---|---|----|----|---|----|----|-----|----|----|---|----|---------|
| DIR 85/467 PCB's (polychlorinated biphenyls) | 30/06/86 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 85/610 Asbestos | 31/12/87 | I | I | I | I | I | I | I | I | I | I | I | I | |
| DIR 86/94 Non-ionic detergents | 31/12/89 | I | I | I | I | I | I | IR | I | I | I | I | I | |
| DIR 88/183 Liquid fertilisers | 25/03/89 | I | I | I | I | I | I | IR | I | IR | I | I | I | |
| DIR 88/379 Classification, packaging and labelling of dangerous preparations | 8/06/91 | | | I | | | I | | | | | | | |
| DIR 89/284 Calcium, magnesium, sodium, sulphur content of fertilisers | 16/04/90 | I | I | I | IR | I | IR | IR | IR | IR | I | I | IR | |
| DIR 89/530 Trace elements contained in fertilizers | 18/03/91 | I | I | I | IR | I | IR | IR | IR | IR | IR | I | IR | |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

REMOVAL OF TECHNICAL BARRIERS
 - Free movement of goods -
 Construction and construction products

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|----|---|----|---|---|----|----|-----|---|----|---|----|--------------------------------------|
| DIR 87/405 Tower cranes : permissible sound levels | 25/06/89 | IR | I | I | I | I | I | IR | I | I | I | I | I | B : measures to be taken by Wallonia |

| | | | | | | | | | | | | | | |
|-------------------------------------|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|
| DIR 89/106 Construction products | 27/06/91 | | | | | | | | | | | | | |
|-------------------------------------|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|

REMOVAL OF TECHNICAL BARRIERS
 - Free movement of goods -
 Other items

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|-----------------------------------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
| DIR 86/217 Tyre pressure gauge | 30/11/87 | I | I | I | I | I | I | I | I | I | I | I | I | |

| | | | | | | | | | | | | | | |
|---|---------|----|---|---|---|---|---|----|----|---|----|---|---|--|
| DIR 86/594 Household appliances - airborne noise | 3/12/89 | IR | I | I | I | I | I | IR | IR | I | IR | I | I | |
|---|---------|----|---|---|---|---|---|----|----|---|----|---|---|--|

| | | | | | | | | | | | | | | |
|---|----------|---|---|---|---|---|---|----|---|----|---|---|---|--|
| DIR 86/662 Hydraulic diggers (noise) | 24/12/88 | I | I | I | I | I | I | IR | I | IR | I | I | I | |
|---|----------|---|---|---|---|---|---|----|---|----|---|---|---|--|

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | ML | P | UK | Remarks |
|---|------------|----|---|----|----|---|----|----|-----|----|----|----|----|-----------------------------|
| REC 86/666 Protection of hotels against fire | | NI | I | I | I | I | NI | NI | I | NI | I | I | I | implementation non required |
| DIR 87/357 Products which, appearing to be other than they are, endanger the health or safety of consumers | 26/06/89 | I | I | I | I | I | I | IR | IR | I | I | I | I | |
| DIR 88/180 Permissible sound power level of lawn mowers | 1/07/91 | | | | | | I | I | I | | I | I | | |
| DIR 88/181 Permissible sound power level of lawn mowers | 1/07/91 | | | | | | I | I | I | | I | I | | |
| DIR 88/314 Indication of prices of non-foodstuffs | 7/06/90 | I | I | I | IR | I | I | IR | IR | I | IR | I | IR | |
| DIR 88/315 Indication of prices of foodstuffs | 7/06/90 | I | I | I | IR | I | I | IR | IR | I | IR | I | IR | |
| DIR 88/320 Good laboratory practices : non clinical testing of chemicals | 1/01/82 | I | I | I | IR | I | I | IR | IR | I | I | NI | I | P : partial implementation |
| DIR 88/667 Cosmetics | 31/12/89 | IR | I | I | I | I | I | IR | IR | I | IR | I | I | |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

REMOVAL OF TECHNICAL BARRIERS
- Public procurement -

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
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| DIR 88/295 Public supply contracts (amendment to Dirs 77/62 & 80/767) | 1/01/89 | I | I | I | D | I | D | IR | I | I | IR | | | E, EL & P: derogation to 1/3/92. |
|--|---------|---|---|---|---|---|---|----|---|---|----|--|--|----------------------------------|

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|---|----------|---|---|---|----|---|---|----|---|----|----|----|---|--|
| DIR 89/440 Coordination of procedures for the award of public work contracts | 19/07/90 | I | I | I | NI | I | D | IR | I | IR | IR | NI | I | E, EL: derogation until 1.3.92. P, E: partial implementation |
|---|----------|---|---|---|----|---|---|----|---|----|----|----|---|--|

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|---|----------|--|--|--|---|--|--|--|--|--|--|--|--|--|
| DIR 89/665 Application of review procedures to the award of public supply and public works contracts | 21/12/91 | | | | I | | | | | | | | | |
|---|----------|--|--|--|---|--|--|--|--|--|--|--|--|--|

REMOVAL OF TECHNICAL BARRIERS
- Labour and the professions -

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
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|---|----|--|--|--|--|--|--|--|--|--|--|--|--|-----------------------------|
| DEC 85/368 Comparability of vocational training qualifications | -- | | | | | | | | | | | | | Implementation not required |
|---|----|--|--|--|--|--|--|--|--|--|--|--|--|-----------------------------|

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|---|---------|---|---|---|---|---|---|----|---|----|---|---|---|--|
| DIR 85/432 Coordination of provisions in the field of pharmacy | 1/10/87 | I | I | I | I | I | I | IR | I | SO | I | I | I | |
|---|---------|---|---|---|---|---|---|----|---|----|---|---|---|--|

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|----|----|----|----|----|----|----|-----|----|----|----|----|---|
| | | | | | | | | | | | | | | |
| DIR 85/433 Mutual recognition of diplomas in pharmacy | 1/10/87 | IR | I | I | I | I | I | IR | I | IR | I | I | I | |
| DEC 85/434 Creation of an advisory committee on pharmaceutical training | | | | | | | | | | | | | | implementation non required |
| DEC 86/365 COMETT | | | | | | | | | | | | | | implementation not required |
| DIR 86/457 Specific training in general medical practice | | I | NI | I | I | I | I | IR | I | SO | I | I | I | Implementation date : see art. 7. D: partial implementation |
| DIR 86/653 Independent commercial agents | 1/01/90 | IR | I | I | IR | IR | I | IR | D | IR | I | I | D | UK, IRL : derogation until 1/1/94. I: derogation until 1.1.93 for article 17 |
| DIR 89/48 General system for the recognition of higher-education diplomas | 1/01/91 | NI | NI | I | NI | NI | NI | NI | I | NI | NI | I | I | D, F : partial implementation |
| REMOVAL OF TECHNICAL BARRIERS - Common market for services - Banks | | | | | | | | | | | | | | |
| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
| DIR 86/635 Bank accounts | 31/12/90 | IR | NI | IR | IR | I | IR | IR | IR | IR | IR | NI | IR | 'D, P: partial implementation |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|----|----|----|----|---|----|----|-----|----|----|----|----|--|
| DIR 89/117 Obligations of credit institutions and financial institutions regarding the publication of annual accounting documents | 1/01/91 | I | NI | I | I | I | I | I | I | I | I | NI | I | D, P: partial implementation |
| DIR 89/299 Own funds - banks | 1/01/91 | IR | IR | I | IR | I | IR | IR | IR | IR | I | I | IR | |
| DIR 89/647 Solvency ratio for credit institutions | 1/01/91 | IR | NI | I | IR | I | NI | IR | IR | IR | I | I | I | D, EL: 1.1.96 mortgage credit; EL: 1.1.2000: application ratio of 8% |
| REC C 87/62 Control of large exposures | | NI | NI | NI | NI | I | NI | NI | NI | NI | NI | I | NI | Implementation not required |
| REC C 87/63 Guarantee system - deposits within Community | | NI | NI | NI | NI | I | NI | NI | NI | NI | NI | NI | I | Implementation not required |
| REMOVAL OF TECHNICAL BARRIERS - Common market for services - Insurance | | | | | | | | | | | | | | |
| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
| DIR 87/343 Freedom provide life insurance | 1/07/90 | IR | I | I | I | I | IR | IR | IR | IR | I | NI | I | P : partial implementation |
| DIR 87/344 Legal costs insurance | 1/07/90 | I | I | I | I | I | I | IR | IR | IR | I | I | I | |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|----------------------------------|------------|---|---|----|---|---|----|----|-----|----|----|----|----|----------------------------|
| DIR 88/357 Non-life insurance | 29/06/90 | I | I | I | I | I | IR | IR | IR | IR | I | IR | I | F : partial implementation |

REMOVAL OF TECHNICAL BARRIERS
- Common market for services -
Transactions in securities

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
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|---|---------|---|---|---|---|---|---|----|---|---|---|---|---|---|
| DIR 85/611 Transactions in securities collective investment undertakings for transferable securities | 1/10/89 | I | I | I | I | I | D | IR | I | I | I | D | I | EL & P : derogation until 1/4/92 ; E: partial implementation |
|---|---------|---|---|---|---|---|---|----|---|---|---|---|---|---|

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|---|---------|---|----|----|----|---|----|----|---|----|----|----|----|------------------------------|
| DIR 88/627 Information to be published when a major holding in a listed company is acquired or disposed of | 1/01/91 | I | IR | IR | NI | I | IR | IR | I | IR | NI | IR | IR | E, P: partial implementation |
|---|---------|---|----|----|----|---|----|----|---|----|----|----|----|------------------------------|

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|--|----------|----|---|----|----|----|----|----|----|---|----|----|---|-------------------|
| DIR 89/298 Drawing-up, scrutiny and distribution of the prospectus to be published when transferable securities are offered to the public | 17/04/91 | NI | I | NI | NI | NI | NI | NI | NI | I | NI | NI | I | P : partial impl. |
|--|----------|----|---|----|----|----|----|----|----|---|----|----|---|-------------------|

| | | | | | | | | | | | | | | |
|---|----------|----|----|---|----|----|----|----|----|---|---|----|---|--|
| DIR 90/211 Mutual recognition of public-offer prospectuses as stock-exchange listing particulars | 17/04/91 | NI | NI | I | NI | NI | NI | NI | NI | I | I | NI | I | |
|---|----------|----|----|---|----|----|----|----|----|---|---|----|---|--|

REMOVAL OF TECHNICAL BARRIERS
- Common market for services -
Transport

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|----|---|----|----|----|----|----|-----|----|----|---|----|--|
| REG 1841/88 Road transport - Community quota | | | | | | | | | | | | | | Directly applicable |
| REG 2342/90 Air transport: air fares and passenger capacity | 11/01/90 | | | | | | | | | | | | | directly applicable |
| REG 2343/90 Passengers capacity, access for air carriers | 1/11/90 | | | | | | | | | | | | | Directly applicable |
| REG 3975/87 Application of competition rules to air transport | 1/01/88 | NI | I | I | NI | NI | NI | NI | NI | NI | NI | I | I | Art. 11.6 : obligation to assist the Commission services |
| REG 4055/86 Maritime transport | | | | | | | | | | | | | | directly applicable |
| REG 4056/86 Maritime transport | 1/07/87 | NI | I | I | NI | NI | I | NI | NI | NI | I | I | I | Art. 18.6: obligation to assist the Commission services |
| REG 4057/86 Maritime transport | --- | | | | | | | | | | | | | directly applicable |
| REG 4058/86 Maritime transport | | | | | | | | | | | | | | directly applicable |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|---|---|----|----|---|----|---|-----|---|----|---|----|---------|
| REG 4059/89 Road transport of goods | 1/07/90 | I | I | I | NI | I | NI | I | NI | I | I | I | I | |

REMOVAL OF TECHNICAL BARRIERS
- Common market for services -
New technologies and services

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|----|---|----|----|----|----|----|-----|---|----|---|----|---|
| REC 87/371 Pan European mobile telephones | | | | | | | | | | | | | | Gradual implementation from end 1987; Member States to report to the Commission |
| DIR 87/372 Pan European mobile telephones | 25/12/88 | IR | I | I | IR | I | I | I | I | I | I | I | I | |
| REC 87/598 European code of conduct relating to electronic payment | | | | | | | | | | | | | | Implementation not required. This measure is addressed to enterprises. |
| DEC 88/524 Development of information services market | 26/07/88 | | | | | | | | | | | | | implementation not required |
| DIR 89/552 Pursuit of television broadcasting activities | 3/10/91 | | | | | | | I | | | | I | | |
| DIR 90/387 Implementation of an open network provision | 1/01/91 | IR | I | IR | I | IR | IR | IR | IR | I | I | I | I | |

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

REMOVAL OF FISCAL BARRIERS
- Excise duties -

| Measure | Impl. date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

DEC 88/245
Rum in French DOMs & metropolitan France

implementation not required

ANNEX IV
31/5/91

LIST OF ACTS GIVING EFFECT TO THE WHITE PAPER PROGRAMME

N.B. I = Implementing measures notified
 NI = Not incorporated into national law
 IR = Infringement procedure

| Measure | Impl. Date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------------------------------|
| Various controls | | | | | | | | | | | | | | |
| Measure | Impl. Date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
| REG 1544/87 Framework measure:Reg 3690/86/CS; Detailed rules for the application of the framework regulation (TIR)(Reg COM) | 1/07/87 | | | | | | | | | | | | | Directly applicable |
| REG 2793/86 Framework measure:Reg 1900/85/CS; Codes to be used in the focus laid down in framework regulations (DAU) (Reg COM) | 1/01/88 | | | | | | | | | | | | | Implementation date: see art. 3 |
| Veterinary and phytosanitary controls | | | | | | | | | | | | | | |
| Measure | Impl. Date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
| DIR 89/365 Framework measure:Dir 86/355/CS; Placing on the market and use of plant protection products containing active substances (Dir CS) | 31/12/89 | | | | | | | | | | | | | |
| DEC 90/254 Framework measure:Dir 89/361/CS; Criteria for approval of breeders' organisations and associations (Dec COM) | 1/01/91 | | | | | | | | | | | | | Directly applicable |
| DEC 90/255 Framework measure:Dir 89/361/CS; Criteria governing entry in flock-books for pure-bred breeding sheep and goats (Dec COM) | 1/01/91 | | | | | | | | | | | | | Directly applicable |

| Measure | Impl. Date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

| | | | | | | | | | | | | | | |
|---|---------|---|---|---|---|---|---|----|---|----|---|---|----|--|
| DIR 89/514 Framework measure:Dir 86/662/CS; Adaptation to technical progress (Dir COM) | 1/01/90 | I | I | I | I | I | I | IR | I | IR | I | I | IR | |
|---|---------|---|---|---|---|---|---|----|---|----|---|---|----|--|

| | | | | | | | | | | | | | | |
|---|---------|----|----|----|----|----|----|----|---|---|----|----|----|--|
| DIR 90/18 Framework measure:Dir 88/320/CS; Mechanisms of verification and inspection of laboratories (Dir COM) | 1/07/90 | NI | NI | NI | IR | NI | IR | IR | I | I | NI | NI | IR | |
|---|---------|----|----|----|----|----|----|----|---|---|----|----|----|--|

Public procurement

| Measure | Impl. Date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

| | | | | | | | | | | | | | | |
|--|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|
| DEC 90/380 Framework measure:Dir 89/440/CS;List of organisms and categories of public law organisms (Dec COM) | 19/07/90 | | | | | | | | | | | | | |
|--|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|

Insurance

| Measure | Impl. Date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

| | | | | | | | | | | | | | | |
|---|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|
| DIR 90/618 Framework measure:Dir 88/357/CS; Motor vehicle liability insurance (Dir CS) | 20/05/92 | | | | | | | | | | | | | |
|---|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|

Transport

| Measure | Impl. Date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|
|---------|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------|

| Measure | Impl. Date | B | D | DK | E | F | EL | I | IRL | L | NL | P | UK | Remarks |
|--|------------|---|---|----|---|---|----|---|-----|---|----|---|----|---------------------|
| REG 4261/88 Framework measure: Reg 3975/87/CS; Procedure for the application of the rules on competition to undertakings (air transport sector) (Reg COM) | 1/01/89 | | | | | | | | | | | | | Directly applicable |

COURT OF JUSTICE DECISIONS NOT IMPLEMENTED BY MEMBER STATES
 PROCEDURES UNDERWAY ON THE BASIS OF ARTICLE 171 OF THE TREATY
 Situation on 31 May 1991

| MEMBER STATE | LEGAL BASE | SUBJECT OF INFRINGEMENT PROCEDURE |
|--------------|---|--|
| BELGIQUE | Dir. 82/891; 78/855 Case 46/88 | Divisions and mergers of public limited liability companies |
| | Articles 7, 48, 128, of EEC Treaty; Regulation 1612/68 Case 42/87 | Discrimination in public financing; non-university higher education. |
| | Dir. 82/714 Case 019/91 | Technical specifications inland waterway vessels |
| | Dir. 76/403 Case 230/85 | Elimination of polychlorobiphenyls and polychloroterphenyls |

| | | |
|------------|---|---|
| DEUTSHLAND | Article 30 of EEC Treaty Case 76/86 | Milk and diary substitutes |
| | Article 30 of EEC Treaty Case 178/84 | "Beer purity law" |
| | Article 30 of EEC Treaty Case 274/87 | Difficulties in importing paté |
| | Directive 69/169 Case 325/82 | Butter ships - fiscal aspects |
| ELLAS | Articles 52 & 59 of EEC Treaty Case 328/90 | Nationality requirements for access to the following professions : architects, graduate engineers, surveyors |
| | Art. 7, 48, 52, 59 of EEC Treaty Case 305/87 | Legislation on frontier areas * |
| | Art. 30 of EEC Treaty, Case 176/84 | Rules requiring beer to be malt- based |

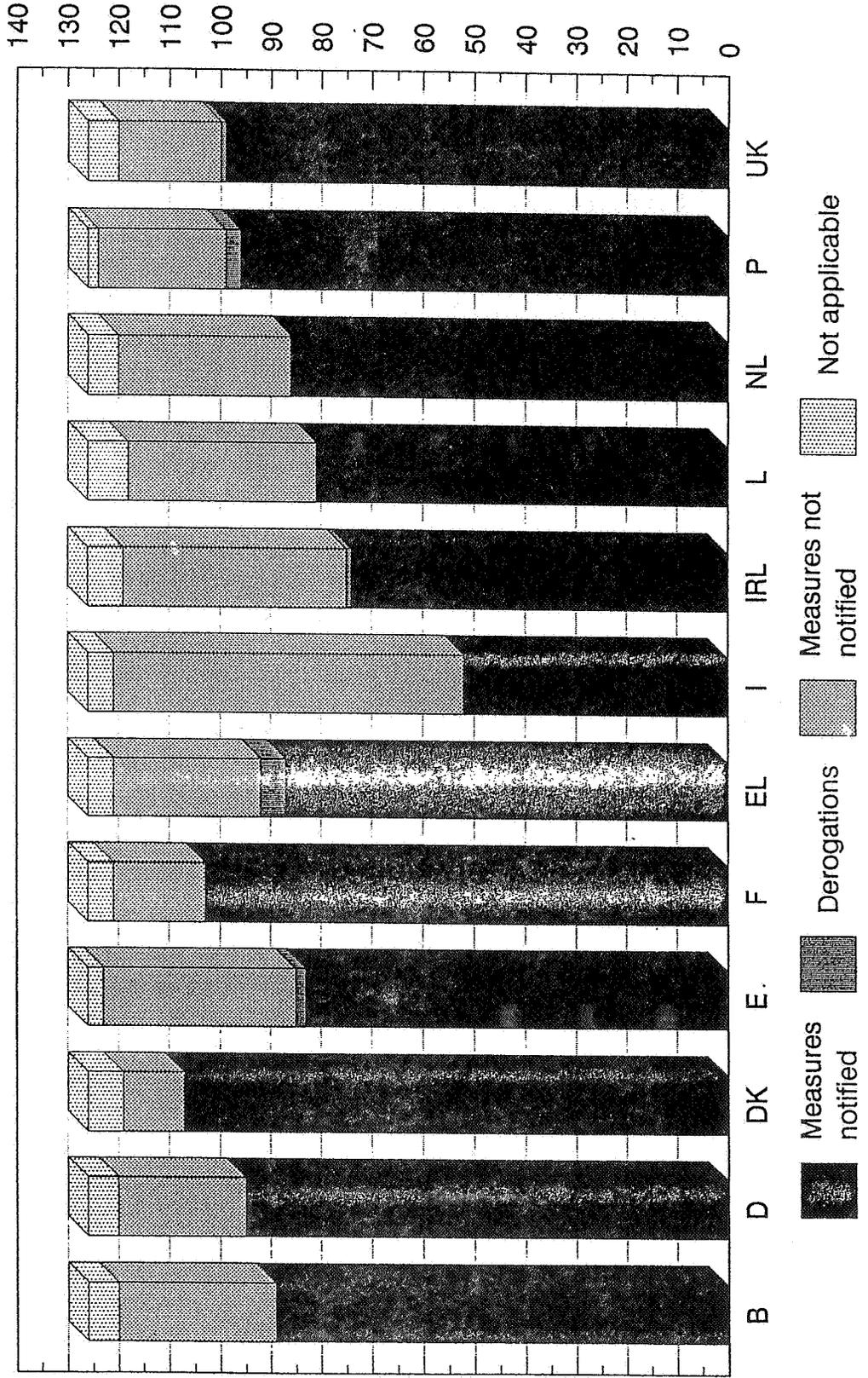
* Measures notified
Conformity control underway

| | | |
|--------|---|--|
| ITALIA | Dir. 77/388 Case 3/86 | Flat-rate reimbursement to farmers |
| | Dir. 79/109 Case 116/86 | Brucellosis |
| | Dir. 82/243 Dir. 82/242 Case 309/86 | Non-ionic surfactants Anionic surfactants |

| | |
|---|---|
| Dir. 80/219 Case 364/85 | Tuberculosis |
| Dir. 80/1098 Case 364/85 | Vesicular disease in pigs and swine fever |
| Dir. 80/1099 Case 386/85 | Vesicular disease in pigs and swine fever |
| Dir. 83/91 Case 324/87 | Fresh meat |
| Articles 52 & 59 of EEC Treaty Case 297/90 | Nationality requirements (guides, journalists, self-employed pharmacists) |
| Dir. 83/181 Case 124/86 | Tax allowances on final import of personal property |
| Dir. 83/181 Case 125/86 | Exemption from VAT on final import certain goods |

| | |
|--|--|
| : : Dir. 82/347 : : Dir. 81/177 : : Case 208/89 : : | : : Procedures for the export of : : Community goods : : |
| : : Dir. 82/76 : : Case 236/89 : : | : : Full-time and part-time training : : of specialist doctors : : |
| : : Dir. 82/470 : : Case 310/86 : : | : : Transport agents : : |
| : : Dir. 74/562 : : Dir. 74/561 : : Case 160/85 : : | : : Admission to the occupation of road: : : passenger transport operator : : Admission to the occupation : : |

ANNEX VI
 STATE OF IMPLEMENTATION
 (Situation at 31/5/91)
 Breakdown of situation by Member State



Breakdown of situation by Member State
(Situation at 31/5/91)

| | Measures notified | Derogations | Measures not notified | Not applicable |
|-----|-------------------|-------------|-----------------------|----------------|
| B | 89 | 0 | 31 | 6 |
| D | 95 | 0 | 25 | 6 |
| DK | 107 | 0 | 12 | 7 |
| E | 83 | 2 | 38 | 3 |
| F | 103 | 0 | 18 | 5 |
| EL | 87 | 5 | 29 | 5 |
| I | 52 | 0 | 69 | 5 |
| IRL | 74 | 1 | 44 | 7 |
| L | 81 | 0 | 37 | 8 |
| NL | 86 | 0 | 34 | 6 |
| P | 96 | 3 | 25 | 2 |
| UK | 99 | 1 | 20 | 6 |