

COUNCIL OF THE EUROPEAN COMMUNITIES

PRESS RELEASES

PRESIDENCY: THE NETHERLANDS

JULY-DECEMBER 1991

Meetings and press releases October 1991

<b>Meeting number</b>	<b>Subject</b>	<b>Date</b>
1516 <sup>th</sup>	Environment	1 October 1991
1517 <sup>th</sup>	Economics/Finance	7 October 1991
1518 <sup>th</sup>	Transport	7 October 1991
1519 <sup>th</sup>	Labour/Social Affairs	14 October 1991
1520 <sup>th</sup>	Consumer Protection	15 October 1991
1521 <sup>st</sup>	Agriculture	21-22 October 1991
1522 <sup>nd</sup>	Transport	21 October 1991
1523 <sup>rd</sup>	General Affairs	21-22 October 1991
1524 <sup>th</sup>	Research	28 October 1991
1525 <sup>th</sup>	Agriculture	28 October 1991
1526 <sup>th</sup>	Energy	29 October 1991

**COUNCIL OF THE EUROPEAN COMMUNITIES**

1516th meeting of the Council

- Environment -

Brussels, 1 October 1991

President: Mr. J.G.M. Alders

Minister for Housing, Planning and the Environment, The Netherlands

The official press release was unavailable. A summary of the meeting has been reproduced from the Bulletin of the European Communities, No. 10-1991.

## 1516th meeting

1.7.4. Environment (Luxembourg, 1 October).

- Previous meeting: Bull. EC 6-1991, point 1.7.7

*President:* Mr Alders, Dutch Minister for Housing, Planning and the Environment.

*Commission:* Mr Ripa di Meana.

### *Main items*

Waste from the titanium dioxide industry: declaration adopted (→ point 1.2.184).

Harmonization and rationalization of reports on the implementation of certain directives relating to the environment: proposal for a Directive agreed (→ point 1.2.192).

Norspa: proposal for a Regulation agreed (→ point 1.2.177).

### *Other business*

Conservation of natural habitats: discussed.

LIFE: discussed.

CO<sub>2</sub>/climate change: Commission communication examined.

UN Conference on Environment and Development: Commission communication examined.

Environmental risks: progress examined.

ECO-label: progress examined.

Export and import of certain chemicals: progress examined.

Basle Convention: proposals examined.

## Titanium dioxide

### • References:

Council Directive 89/428/EEC on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry: OJ L 201, 14.7.1989; Bull. EC 6-1989, point 2.1.115

Judgment delivered by the Court of Justice on 11 June 1991 in Case C-300/89 (*Commission v Council*): OJ C 180, 11.7.1991; Bull. EC 7/8-1991, point 1.7.12

1.2.184. Declaration by the Council and the representatives of the Governments of the Member States meeting within the Council.

*Adopted by the Council (environment) on 1 October.*

'The Council takes notes of the judgment delivered by the Court of Justice on 11 June 1991 in case C-300/89 whereby Directive 89/428/EEC was annulled on grounds of infringement of an essential procedural requirement, namely the lack of an appropriate legal basis. The result is that the Directive is null and void with retrospective effect which may be invoked *erga omnes*.

The Council would point out that, in order to comply with Directive 89/428/EEC which has been annulled, the Member States were required to implement the necessary national provisions by 31 December 1989 at the latest and that the resulting transposition is therefore to a large extent an 'acquis' which ought to be preserved at national level. The Commission and the Council would therefore stress that in this particular instance no Member State is obliged to annul the measures it adopted to transpose Directive 89/428/EEC into national legislation on the grounds that the Directive has been annulled by the Court of Justice.

However, in order to fill the temporary legal vacuum at Community level occasioned by the judgment annulling the Directive, the Council firstly requests the Commission to submit immediately a new proposal repeating the provisions of the annulled Directive 89/428/EEC and secondly undertakes to act on the proposal as quickly as

possible, bearing in mind the adoption procedure which must be followed.

Finally, the judgment annulling the Directive means that the Member States have no further obligations under Directive 89/428/EEC and the Commission can no longer exercise its powers of control regarding the transposition and application of the Directive at national level.

In their awareness of the negative effects to which this situation could give rise, the Representatives of the Member States, meeting within the Council, undertake to make appropriate arrangements to give practical effect to the provisions of the annulled Directive 89/428/EEC until such time as a new Directive on the matter is implemented.'

1.2.185. Proposal for a Council Directive on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

*Adopted by the Commission on 2 October.* The provisions contained in the proposal are similar to those of Directive 89/428/EEC which was annulled, owing to the lack of an appropriate legal basis, by the judgment delivered by the Court of Justice on 11 June 1991.

COM(91) 358

1.2.192. Proposal for a Council Directive harmonizing and rationalizing reports on the implementation of certain Directives relating to the environment.

- Commission proposal: OJ C 214, 29.8.1990; COM(90) 287; Bull. EC 7/8-1990, point 1.3.147
- Parliament opinion: OJ C 19, 28.1.1991; Bull. EC 12-1990, point 1.3.161
- Economic and Social Committee opinion: OJ C 60, 8.3.1991; Bull. EC 12-1990, point 1.3.161

*Political agreement reached by the Council (environment) on 1 October.* The purpose of the proposal is to facilitate the task of Member States and the Commission, making them better able to monitor and evaluate the implementation of environmental Directives. Reports on the implementation of the Directives are to be drawn up in turn for each of the three sectors concerned (water, air and waste) at three-yearly intervals.

Bull. EC 10-1991



## Norspa

1.2.177. Proposal for a Council Regulation on specific action to protect the environment in the coastal areas and coastal waters of the Irish Sea, North Sea, Baltic Sea and North-East Atlantic Ocean (Norspa).

- Reference: Council Regulation (EEC) No 563/91 on action by the Community for the protection of the environment in the Mediterranean region (Medspa): OJ L 63, 9.3.1991; Bull. EC 3-1991, point 1.2.173
- Commission proposal: OJ C 21, 29.1.1991; COM(90) 498; Bull. EC 12-1990, point 1.3.159
- Economic and Social Committee opinion: OJ C 191, 22.7.1991; Bull. EC 5-1991, point 1.2.162
- Parliament opinion: OJ C 240, 16.9.1991; Bull. EC 7/8-1991, point 1.2.280
- Amended Commission proposal: OJ C 276, 23.10.1991; COM(91) 354; Bull. EC 9-1991, point 1.2.123

*Agreed by the Council (environment) on 1 October.* The two-year Norspa programme (1991-92) covers the Community's northern maritime areas, i.e. the coastal waters of the Irish Sea, North Sea, English Channel, Baltic Sea and the North-East Atlantic Ocean north of the Tagus, as well as the Azores, Madeira and the Canary Islands.

The aim of the project, which is modelled on the Medspa programme for the Mediterranean regions, is to provide financial support for pilot measures to protect and improve the quality of the environment and to increase the effectiveness of Community policy in the regions concerned.

The amount estimated as necessary is ECU 16.5 million.

Bull. EC 10-1991

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

8404/91 (Presse 159)

1517th meeting of the Council  
- Economic and Financial Affairs -

8th ministerial meeting of the IGC on EMU

Luxembourg, 7 October 1991

President: Mr Wim KOK

Minister for Finance  
of the Kingdom of the Netherlands

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The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Philippe MAYSTADT Minister for Finance

Denmark:

Mr Fogh RASMUSSEN Minister for Economic Affairs

Mr Jens THOMSEN State Secretary, Ministry of Finance

Germany:

Mr Theodor WAIGEL Federal Minister for Finance

Mr Franz Christoph ZEITLER State Secretary, Federal Ministry of Finance

Mr Horst KÖHLER State Secretary, Federal Ministry of Economic Affairs

Mr Johann EEKHOFF State Secretary, Federal Ministry of Economic Affairs

Greece:

Mr Eythymios CHRISTODOULOU Minister for Economic Affairs

Spain:

Mr Carlos SOLCHAGA CATALAN Minister for Economic Affairs and Finance

Mr Pedro PEREZ State Secretary for Economic Affairs

France:

Mr Pierre BEREGOVY Ministre d'Etat, Minister for Economic and Financial Affairs and the Budget

Ireland:

Mr Albert REYNOLDS Minister for Finance

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Italy:

Mr Guido CARLI	Minister for the Treasury
Mr Rino FORMICA	Minister for Finance

Luxembourg:

Mr Jean-Claude JUNCKER	Minister for Finance
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Netherlands:

Mr Wim KOK	Minister for Finance
Mr Marius van AMELSVOORT	State Secretary for Finance

Portugal:

Mr Miguel BELEZA	Minister for Finance
Mr Carlos TAVARES	State Secretary, Treasury
Mr José de OLIVEIRA COSTA	State Secretary for Fiscal Affairs

United Kingdom:

Mr Norman LAMONT	Chancellor of the Exchequer
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Commission:

Mr Jacques DELORS	President
Mr Henning CHRISTOPHERSEN	Vice-President
Mrs Christiane SCRIVENER	Member

Also attended:

Mr Cees MAAS	Chairman of the Monetary Committee
Mr Erik HOFFMEYER	Chairman of the Committee of Central Bank Governors



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IGC ON ECONOMIC AND MONETARY UNION

In the light, in particular, of a report from the Chairman of the Monetary Committee, the IGC held a wide-ranging discussion on the procedure regarding excessive deficits, including the desirability and details of sanctions.

The IGC also agreed on some procedural arrangements for further examination of the institutional aspects of EMU. In addition, it considered a suggestion by the Danish delegation for the reduction of the narrow fluctuation band under the exchange-rate mechanism, as from 1 January 1994.

Winding up the discussions, the Presidency confirmed its intention of formally submitting comprehensive political proposals by the end of October.

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RELATIONS WITH THE SOVIET UNION: REQUEST FOR FOOD AID

The Council heard a statement by President DELORS setting out in particular specific suggestions for following up the lines of approach proposed by the Presidents of the Council (Mr LUBBERS) and of the Commission and the Chairman of the G-7 (Mr MAJOR) following the meeting which they had held on 3 October to consider the reply to be made to the Soviet request by the Community and the G-7 industrialized countries.

After discussing those suggestions, the Council agreed to an overall approach involving:

- an appropriate, swift, concerted approach to the Soviet request under G-7 auspices;
- a balanced breakdown of the cost between the various G-7 members in proportion of one-third for the Community, one-third for the USA and one-third for Japan and Canada;
- an overall budget of the order of \$7 500 million;
- the dispatch by the G-7 of a high-level political mission to the USSR in order to consider more closely the possibility of implementing the operation swiftly and effectively.

In the light of these lines of approach, Mr MAJOR, the G-7 Chairman, will be able to continue his talks with the other G-7 members without delay in order to reach agreement on the total amount and the cost breakdown for this co-ordinated emergency aid.

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As regards the Community's contribution to this emergency aid, the Council agreed in principle on the following:

- establishment of an ECU 1 250 million credit facility to assist with imports of foodstuffs and medical supplies into the USSR. That sum, in addition to existing Community aid (ECU 250 million in food aid and ECU 500 million in credits for imports of foodstuffs into the USSR), would bring the overall Community effort to ECU 2 000 million, equivalent in level to the aid already decided on or envisaged by the USA (around \$2 500 million);
- Community aid (and if possible aid from other G-7 members) could also be provided by means of three-way operations involving Central and East European countries, including the Baltic States. The breakdown between direct aid and three-way operations would be based on a ratio of 50%.

Once the outcome of discussions in progress within the G-7 and the results of the political mission to the USSR are known, the Commission will submit formal proposals to enable the Community to implement that part of the emergency aid forming its contribution.

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RELATIONS WITH EASTERN EUROPE

- co-operation between the Commission and the EBRD

The Council was informed that the talks in progress between the Commission and the EBRD had already narrowed the gap between positions and were continuing with a view to arriving at a satisfactory solution for both sides as soon as possible.

ABOLITION OF FISCAL FRONTIERS

- Transitional VAT arrangements
- Administrative co-operation in the field of indirect taxation

The Council discussed in detail the last problems still to be resolved regarding two legislative drafts designed to couch in legal terms the agreements already arrived at in the ECOFIN Council on VAT and administrative co-operation.

Following the discussion, the Council instructed the ad hoc Working Party to resolve those problems in order for the Council to adopt the texts at its next meeting, in November.

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RELIEF OF ACP DEBT TO THE COMMUNITY

The Council again discussed the Commission proposals, enabling all delegations to spell out clearly their positions on the various aspects involved.

The Permanent Representatives Committee will continue considering the matter in order to prepare, for the next ECOFIN Council meeting, the final conclusions to be drawn from discussions as a whole on the Commission proposals.

COMMUNITY STRATEGY FOR LIMITING CARBON DIOXIDE EMISSIONS AND IMPROVING ENERGY EFFICIENCY

The Council heard Mrs SCRIVENER present the Commission communication.

In view of the procedural arrangements already decided on by the Environment Council on 1 October 1991 (see press release 8086/91 Presse 153), the Council agreed to discuss the communication in depth at one of its forthcoming meetings, in the light of the approach to emerge from the Energy and Environment Councils regarding the communication.

The Presidency will ensure the necessary co-ordination between the various bodies.

MISCELLANEOUS DECISIONSRelations with Japan

The Council adopted the Regulation abolishing certain quantitative restrictions in the various Member States, particularly as regards Japan, and amending Annex I to Regulation (EEC) No 288/82 accordingly.

EEC-Mexico relations

With the European Parliament having delivered its Opinion at its sitting on 10 September 1991, the Council adopted the Decision concerning the conclusion of the Framework Agreement for co-operation between the European Economic Community and the United Mexican States, signed on 26 April 1991 in Luxembourg.

For the content of that Agreement, see press release 5801/91 Presse 52.

Textiles: Bulgaria and Romania

Under the PHARE operation to improve access to the Community market for products originating in Bulgaria and Romania, the Council authorized the Commission to open negotiations with those two countries for the purposes of amending the Textiles Agreements in force with each of them.

The aim of the negotiations is to increase, within certain limits, the quotas for the two countries for 1991. The Community offer amounts to an increase of around 8% for Bulgaria and 2% for Romania for products covered by the Multifibre Arrangement.

It should be noted that, again under PHARE, similar amendments have already been agreed on with Poland, Hungary and Czechoslovakia.

#### Community membership of the FAO

The Council agreed to a letter being sent by the Presidency to the FAO's Director-General for the purpose of obtaining the inclusion on the agenda for the forthcoming FAO Conference of an item concerning a possible application for Community membership of the FAO.

#### Fisheries Agreement between the EEC and Guinea-Bissau

The Council adopted the Decision on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of a new Protocol establishing for the period of 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Guinea-Bissau.

The new Protocol increases catch possibilities from 10 000 to 11 000 GRT for shrimps and from 5 000 to 6 000 GRT for fish and cephalopods, while the number of tuna vessels and surface longliners is reduced from 95 to 32 to reflect the Community fleet's real requirements.

The financial compensation payable from the Community budget is raised to ECU 12 million for two years, plus ECU 850 000 to support national scientific programmes and ECU 550 000 to finance awards for study in the fisheries sector.

In addition, new fees payable by shipowners have been set.

Draft supplementary and amending budget No 2 for 1991

The Council established draft supplementary and amending budget No 2 for the financial year 1991, covering the budget guarantee in respect of Romania and Algeria and energy planning as decided by the ECOFIN Council on 9 September 1991.

It instructed the Budget Committee to continue examining the other components of preliminary draft supplementary and amending budget No 2/91, which might, depending on the outcome of that examination, be included in another draft supplementary and amending budget.

Appointments

The Council replaced (for the remainder of their terms of office):

- a member and an alternate member of the Advisory Committee on Nursing Training;
- an alternate member of the Advisory Committee on the Training of Dental Practitioners;
- a member of the Advisory Committee on the Training of Midwives.



**COUNCIL OF THE EUROPEAN COMMUNITIES**

1518th meeting of the Council

- Transport -

Luxembourg, 7 October 1991

President: Mrs. Hanja Maij-Weggen

Minister for Transport and Public Works, The Netherlands

The official press release was unavailable. A summary of the meeting has been reproduced from the Bulletin of the European Communities, No. 10-1991.

## 1518th meeting

1.7.6. Transport (Luxembourg, 7 October).

- Previous meeting: Bull. EC 6-1991, point 1.7.12

*President:* Mrs Maij-Weggen, Dutch Minister for Transport and Public Works.

*Commission:* Mr Van Miert.

### *Main items*

Enabling of non-resident carriers to transport goods or passengers by inland waterway: proposal for a Regulation agreed (→ point 1.2.58).

Reciprocal recognition of national boatmasters' certificates for the carriage of goods by inland waterway: Directive adopted (→ point 1.2.59).

Compulsory use of safety belts in vehicles of less than 3.5 tonnes: proposal for a Directive agreed (→ point 1.2.55).

Mutual acceptance of personnel licences for the exercise of functions in civil aviation: proposal for a Directive agreed (→ point 1.2.57).

Harmonization of technical rules and administrative procedures applicable to civil aircraft: proposal for a Regulation agreed (→ point 1.2.56).

### *Other business*

Relations with Austria and Switzerland on transit: examined.

International carriage of passengers by coach and bus: discussed.

Third air transport liberalization package: discussed.

Civil subsonic jet aeroplanes: discussed.

Negotiations with Norway and Sweden on air transport: general discussion.

## *Inland waterways*

1.2.58. Proposal for a Council Regulation laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State.

- **Commission proposal:** OJ C 331, 20.12.1985; COM(85) 610; Bull. EC 11-1985, point 2.1.166
- **Economic and Social Committee opinion:** OJ C 328, 20.12.1986; Bull. EC 9-1986, point 2.4.37
- **Parliament opinion:** OJ C 255, 13.10.1986; Bull. EC 9-1986, point 2.1.150
- **Council endorsement:** Bull. EC 6-1991, point 1.2.85

*Agreed by the Council on 7 October.* The aim is progressively to liberalize inland waterway carriers' involvement in the transport operations carried out within the Member States.

1.2.59. Proposal for a Council Directive on the reciprocal recognition of national boatmasters' certificates for the carriage of goods by inland waterway.

- **Commission proposal:** OJ C 120, 7.5.1988; COM(88) 171; Bull. EC 3-1988, point 2.1.190
- **Economic and Social Committee opinion:** Bull. EC 9-1988, point 2.4.39
- **Parliament opinion:** OJ C 12, 16.1.1989; Bull. EC 12-1988, point 2.1.337

*Agreed by the Council on 7 October.* The aim is to promote free movement of craft on the Community's inland waterway systems.

Bull. EC 10-1991

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## **Safety belts**

1.2.55. Proposal for a Council Directive on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes.

- **Commission proposal:** OJ C 298, 23.11.1988; COM(88) 544; Bull. EC 10-1988, point 2.1.183
- **Parliament opinion:** OJ C 96, 17.4.1989; Bull. EC 3-1989, point 2.1.153
- **Economic and Social Committee opinion:** OJ C 159, 26.6.1989; Bull. EC 4-1989, point 2.1.174
- **Amended Commission proposal:** OJ C 308, 8.12.1990; COM(90) 524; Bull. EC 11-1990, point 1.3.183
- **Economic and Social Committee opinion:** OJ C 159, 17.6.1991; Bull. EC 4-1991, point 1.2.55
- **Second Parliament opinion:** OJ C 240, 16.9.1991; Bull. EC 7/8-1991, point 1.2.111

*Agreed by the Council on 7 October.* The proposal lays down as a general principle that drivers and passengers of a vehicle of less than 3.5 tonnes must use a safety belt or, in the case of children, a restraint system suitable for their size and weight once the seats they are occupying are fitted with them.

Member States may adopt less stringent rules for children travelling in their territory.

## **Civil aviation**

1.2.56. Proposal for a Council Regulation on the harmonization of technical rules and procedures in the field of civil aviation.

- **Commission proposal:** OJ C 270, 26.10.1990; COM(90) 442; Bull. EC 9-1990, point 1.2.179
- **Economic and Social Committee opinion:** OJ C 159, 17.6.1991; Bull. EC 4-1991, point 1.2.58
- **Parliament opinion:** OJ C 267, 14.10.1991; Bull. EC 9-1991, point 1.2.49

*Agreed by the Council on 7 October.* The proposed harmonization measures cover airworthiness, operational approval and maintenance of aircraft, engines and other aircraft equipment through the incorporation into Community legislation of the joint airworthiness requirements (JARs) developed by the Joint Aviation Authorities (JAAs), bringing together aviation authorities from all the Member States and EFTA.

1.2.57. Proposal for a Council Directive on the mutual acceptance of personnel licences for the exercise of functions in civil aviation.

- **Commission proposal:** OJ C 10, 16.1.1990; COM(89) 472; Bull. EC 12-1989, point 2.1.251
- **Economic and Social Committee opinion:** OJ C 124, 21.5.1990; Bull. EC 3-1990, point 1.1.181
- **Parliament opinion:** OJ C 284, 12.11.1990; Bull. EC 10-1990, point 1.3.195
- **Amended Commission proposal:** OJ C 175, 6.7.1991; COM(91) 222; Bull. EC 6-1991, point 1.2.91

*Agreed by the Council on 7 October.* Pursuant to the proposal, Member States are required to accept the licences of flight crew members issued by other Member States. The proposal, limited to flight crew (pilots, navigators and flight engineers) constitutes the first step towards a system of full recognition in this area.

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Bull. EC 10-1991

1.2.59. Proposal for a Council Directive on the reciprocal recognition of national boatmasters' certificates for the carriage of goods by inland waterway.

- Commission proposal: OJ C 120, 7.5.1988; COM(88) 171; Bull. EC 3-1988, point 2.1.190
- Economic and Social Committee opinion: Bull. EC 9-1988, point 2.4.39
- Parliament opinion: OJ C 12, 16.1.1989; Bull. EC 12-1988, point 2.1.337

*Agreed by the Council on 7 October.* The aim is to promote free movement of craft on the Community's inland waterway systems.

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

8529/91 (Presse 164)

1519th Council meeting

LABOUR AND SOCIAL AFFAIRS

Luxembourg, 14 October 1991

President: Mr Bert de VRIES

Minister for Employment and  
Social Security of the  
Kingdom of Netherlands

14.X.1991

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The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium

Mr Luc VAN DEN BRANDE Minister for Employment and Labour

Denmark

Mr Knud E. KIRKEGAARD Minister for Labour

Mr Henrik HASSENKAM State Secretary, Ministry of Labour

Germany

Mr Horst GUENTHER Parliamentary State Secretary to the Federal Minister for Labour and Social Affairs

Mr Willi HAUSMAN State Secretary for Women and Youth

Greece

Mr Jean CORANTIS Deputy Permanent Representative

Spain

Mr Luis MARTINEZ NOVAL Minister for Labour

France

Mrs Martine AUBRY Minister for Labour, Employment and Vocational Training

Ireland

Mr Kevin BONNER Secretary at the Department of Labour

Italy

Mr Ugo GRIPPO

State Secretary for Employment and  
Social Security

Luxembourg

Mr Jean-Claude JUNCKER

Minister for Labour

Netherlands

Mr Bert de VRIES

Minister for Employment and  
Social Security

Mrs E. TER VELD

State Secretary for Employment  
and Social Security

Portugal

Mr José DA SILVA PENEDA

Minister for Employment and Social  
Security

United Kingdom

Mr Michael HOWARD

Secretary of State for Employment

Mr Michael JACK

Parliamentary Under-Secretary of  
State, Department of Social  
Security

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Commission

Mrs Vasso PAPANDEOU

Member

14.X.1991

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INFORMAL MEETING BETWEEN THE COUNCIL AND A EUROPEAN PARLIAMENT  
DELEGATION

Before the start of its formal meeting, the Council met a European Parliament delegation headed by Mr E. BARON CRESPO, President of the European Parliament.

The meeting gave Members of the European Parliament a chance to voice their thoughts on the main issues regarding the social action programme and to highlight the European Parliament's priorities in this field.

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TEMPORARY OR MOBILE WORK SITES

The Council agreed unanimously to a common position on a proposal for a Directive on the implementation of minimum safety and health requirements at temporary or mobile work sites. This will be formally adopted shortly, after legal and linguistic editing of the texts.

The Directive is the eighth individual one under Article 16(1) of framework Directive 89/391/EEC of 12 June 1989, which provides for the introduction of measures to encourage improvements in the safety and health of workers at work.

The Directive, due to enter into force by 31 December 1993, takes a comprehensive approach to prevention, establishing a chain of responsibility linking all parties concerned: clients, project supervisors, employers, co-ordinators and self-employed persons.



It contains provisions on:

- the preparation of a safety and health plan prior to the commencement of works at the site;
- prior notice to the competent authorities before the commencement of works where the site concerned exceeds a certain size, and
- information for, consultation of and participation by workers and/or their representatives regarding safety and health at the site.

The Directive also provides in its Annexes for:

- a non-exhaustive list of the building and civil engineering work covered by the Directive;
- the contents of the prior notice to be sent to the competent authorities;
- a non-exhaustive list of works involving special risks to the safety and health of workers;
- minimum safety and health requirements for work sites.

#### PROTECTION OF PREGNANT WOMEN

The Council discussed in detail a proposal for a Directive concerning measures to encourage improvements in the health and safety of pregnant workers and workers who have recently given birth or are breastfeeding.

14.X.1991

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This proposal, which follows from the action programme for the implementation of the Charter of Fundamental Rights of Workers, is for an individual Directive under Directive 89/391/EEC, to encourage improvements in the safety and health of workers at work.

The Council instructed the Permanent Representatives Committees to press ahead with work, with the aim of arriving at a common position at the forthcoming Council meeting on 3 December 1991.

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The Council agreed to discuss the other items on its agenda, in particular a proposal for a Directive on the organization of working time and the Commission report on the second European poverty programme, at a meeting scheduled for 6 November 1991.

OTHER SOCIAL AFFAIRS DECISIONS

Form of proof of an employment relationship

The Council adopted a Directive on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

The Directive, due to enter into force by 30 June 1993, stipulates that an employer must notify an employee of the essential aspects of the contract or employment relationship not later than two months after the commencement of employment by means of a written declaration.

Surveys on the earnings of permanent and seasonal workers employed in agriculture

The Council adopted a Directive amending Directive 82/606/EEC relating to the organization by the Member States of surveys on the earnings of permanent and seasonal workers employed in agriculture.

MISCELLANEOUS DECISIONS

ECSC

The Council gave its assent under:

- Article 56(2)(a) of the ECSC Treaty for global loans to:
  - = Commerzbank (Federal Republic of Germany),
  - = Mediocredito Piemontese (Italy),
  - = Mediocredito Ligure (Italy),
  - = Société de Développement Régional de Normandie (France);

- Article 54(2) of the ECSC Treaty for a loan to Coal Products Limited.

Internal market: checks on goods

The Council adopted a common position with a view to the adoption of a Regulation laying down the methods of using NATO form 302, in preparation for the completion of the internal market, and repealing Regulations Nos 3690/86 and 4283/88 concerning checks on goods crossing the Community's internal borders.

The new Regulation is designed in particular to extend to operations under cover of the NATO form the simplification measures introduced by Regulation No 719/91 as regards the use of the TIR and ATA carnets.

It should be noted that Regulation No 719/91 will result in the complete elimination, as from 1 January 1992, of the forms and checks entailed by the use of those carnets as transit documents, when crossing the Community's internal borders.

EEC-Turkey relations

The Council adopted a Decision concerning the conclusion of a Co-operation Agreement between the European Economic Community and the Republic of Turkey in the field of medical and health research.

International Nickel Study Group

The Council adopted a Decision on acceptance of the Terms of Reference of the International Nickel Study Group.

EEC-Malta relations

In implementation of the Association Agreement between the EEC and Malta, the Council adopted two Regulations:

- one opening and providing for the administration of a tariff quota for beer made from malt;
  - the other establishing ceilings and Community surveillance for imports of certain textile products.
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COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

8530/91 (Presse 165)

1520th Council meeting

- CONSUMER PROTECTION -

Luxembourg, 15 October 1991

President: Mrs Yvonne VAN ROOY

State Secretary  
for Economic Affairs  
of the Kingdom  
of the Netherlands

15.X.1991

lby/LG/bzb

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mrs Léona DETIEGE

State Secretary for Pensions

Denmark:

Mr Christopher Bo BRAMSEN

State Secretary  
Ministry of Industry

Germany:

Mr Johann EEKHOF

State Secretary for Economic Affairs

Greece:

Mr Palos CHATZITHOMAS

Secretary-General of the  
Ministry of Trade

Spain:

Mr Julian GARCIA VALVERDE

Minister for Health and Consumer  
Protection

France:

Mr François DOUBIN

Minister for Trade and Craft Trades

Ireland:

Mr Terry LEYDEN

Minister of State at the  
Department of Industry and Commerce

15.X.1991

lby/LG/bzb

Italy:

Mr Giuseppe FORNASARI

State Secretary for Industry,  
Trade and Craft Trades

Luxembourg:

Mr Marc UNGEHEUER

Legation Secretary,  
Luxembourg Permanent Representation

Netherlands:

Mrs Yvonne VAN ROOY

State Secretary for Economic Affairs

Portugal:

Mr José MACARIO CORREIA

State Secretary for the Environment  
and Natural Resources

United Kingdom:

Mr Edward LEIGH

Parliamentary Under-Secretary of State,  
Department of Trade and Industry

Commission:

Mr Karel VAN MIERT

Member



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lby/LG/tst

#### GENERAL PRODUCT SAFETY

The Council reached agreement in principle on a common position on the proposal for a Directive on general product safety <sup>(1)</sup>.

The common position will be formally adopted shortly, after the text has been finalized.

The proposed Directive is horizontal in nature and is designed to ensure that products placed on the market are safe <sup>(2)</sup>, after making allowance for specific provisions in rules of Community law governing the safety of products (complementarity). It is to be seen in the perspective of the reactivation of consumer-protection policy and the completion of the internal market.

Producers are required to place only safe products on the market, to adopt measures commensurate with the circumstances to enable them to be informed of risks attaching to such products, and to provide consumers with the relevant information to enable them to assess the risks entailed by products.

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(1) "Product" means any product intended for consumers or likely to be used by consumers, supplied whether for consideration or not in the course of a commercial activity and whether new, used or reconditioned. Some consumer products are excluded, in particular used goods supplied as antiques or as products needing to be repaired or reconditioned prior to use.

(2) "Safe product" means any product which, under normal or reasonably foreseeable conditions of use, including durations, does not present any risk or only the minimum risks compatible with the product's use, considered as acceptable and consistent with a high standard of protection for the safety and health of persons, taking into account inter alia the characteristics and presentation of the product and the categories of consumers likely to use it, in particular children.

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Distributors are required to contribute actively to ensuring compliance with the general safety requirement by not supplying products which they know, or have reasonable grounds for believing, do not comply with that requirement. They are also to contribute to information on risks entailed by products.

Member States are to establish or nominate authorities to monitor product compliance. Such authorities are to be empowered to impose penalties in the event of failure to comply with obligations under the Directive.

In addition, provision is made in product-safety emergencies for:

- integration of the Community system for rapid exchange of information on measures taken by Member States with regard to products placing consumers at risk;
- arrangements for action at Community level.

Under these arrangements the Commission, assisted by a Committee, may under certain conditions require Member States to take appropriate temporary measures including, if need be, the withdrawal of a dangerous product or product batch already on the market.

It is also stipulated here that remedies against measures must be available to the parties affected.

Member States are to comply with the Directive's provisions within twenty-four months of its adoption at the latest.

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#### UNFAIR TERMS IN CONTRACTS

The Council held a policy debate on the proposal for a Directive on unfair terms in consumer contracts.

This proposal is designed to lay down rules on the protection of consumers against unfair terms in contracts by calling on Member States to prohibit the use of such terms or to render them void, should they nevertheless be included in contracts.

The proposal covers all contracts concluded between a consumer and any person acting in the course of his trade, business or profession.

The Directive should contribute to the establishment of the single market by standardizing consumer protection in respect of contractual transactions.

Following the debate, the Council instructed the Permanent Representatives Committee to continue examining the proposal, particularly in the light of the European Parliament's Opinion, in order for agreement to be reached as soon as possible.

#### LIABILITY OF SUPPLIERS OF SERVICES

The Council held an initial discussion on the proposal for a Directive on the liability of suppliers of services.

The proposal is designed to lay down clear, homogeneous principles at European level on compensation to victims for services which have caused physical damage to persons or property.

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The Council instructed the Permanent Representatives Committee to continue examining the proposal, particularly in the light of the European Parliament's Opinion.

COMMUNITY SYSTEM OF INFORMATION ON ACCIDENTS INVOLVING CONSUMER PRODUCTS (EHLASS)

The Council asked Member States to forward as soon as possible their national reports on the implementation of the EHLASS (European Home and Leisure Accident Surveillance System) demonstration project, which comes to an end on 1 December 1991.

It also asked the Commission to submit its evaluation report at the earliest opportunity and to send the Council a proposal on the system's future by summer 1992.

In addition, the Presidency noted that there was broad agreement on ensuring continuity of Community funding, pending the findings of the Commission's evaluation report.

Introduced in 1986 for a five-year period, the purpose of the EHLASS system is to collect information at Member State level on accidents in private life involving consumer products, in order to devise preventive action in the Community.

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COMPARATIVE ADVERTISING

The Council heard a statement by Commissioner VAN MIERT presenting the proposal for a Directive concerning comparative advertising.

This proposal, following up Directive 84/450/EEC on misleading advertising, is designed to authorize comparative advertising in all Member States, subject to a number of conditions.

The Council instructed the Permanent Representatives Committee to examine the proposal, in the light of the European Parliament's Opinion in particular.

## **COUNCIL OF THE EUROPEAN COMMUNITIES**

1521st meeting of the Council

- Agriculture -

Luxembourg, 21-22 October 1991

President: Mr. Piet Bukman

Minister for Agriculture, Nature Conservation and Fisheries, The Netherlands

The official press release was unavailable. A summary of the meeting has been reproduced from the Bulletin of the European Communities, No. 10-1991.

## 1521st meeting

1.7.9. Agriculture (Luxembourg, 21 and 22 October).

- Previous meeting: Bull. EC 9-1991, point 1.7.4

*President:* Mr Bukman, Dutch Minister for Agriculture, Nature Conservation and Fisheries.

*Commission:* Mr Mac Sharry

### Main items

Protection of calves and pigs kept in intensive farming systems: proposals for Directives agreed (→ points 1.2.113 and 1.2.114).

Protection of animals during transport: proposal for a Directive agreed (→ point 1.2.112).

### Other business

Support system for oilseed producers: guidelines agreed.

Development and future of the common agricultural policy: exchange of views.

Uruguay Round — agriculture: exchange of views.

Premium for suckler cows: proposal for a Regulation examined.

### Live animals

1.2.112. Proposal for a Council Directive on the protection of animals during transport.

- Reference: White Paper on completing the internal market: Office for Official Publications of the European Communities, Documents series: COM(85) 310; Bull. EC 6-1985, points 1.3.1 to 1.3.9
- Commission proposal: OJ C 214, 21.8.1989; COM(89) 322; Bull. EC 6-1989, points 2.1.161
- Economic and Social Committee opinion: OJ C 53, 5.3.1990; Bull. EC 11-1989, point 2.1.159
- Parliament opinion: OJ C 113, 7.5.1990; Bull. EC 4-1991, point 1.1.126

- Amended Commission proposal: OJ C 154, 23.6.1990; COM(90) 238; Bull. EC 6-1990, point 1.3.201

*Agreed by the Council on 21 October.* The purpose of the proposal, which is provided for in the White Paper, is to guarantee the welfare of animals during transport and to lay down the standards which will apply in this respect to all transport of animals on Community territory and during importation from third countries. In particular it makes provision for the abolition of systematic inspections at the Community's internal borders, and for the extension of the inspections at external borders to checks on compliance with welfare requirements during transport.

1.2.113. Proposal for a Council Directive concerning minimum standards for the protection of pigs kept in intensive farming systems.

- Commission proposal: OJ C 214, 21.8.1989; COM(89) 115; Bull. EC 6-1989, points 2.1.160
- Economic and Social Committee opinion: OJ C 62, 12.3.1990; Bull. EC 12-1989, point 2.1.199
- Parliament opinion: OJ C 113, 7.5.1990; Bull. EC 4-1990, point 1.1.123
- Amended Commission proposal: OJ C 153, 22.6.1990; COM(90) 239; Bull. EC 6-1990, point 1.3.202

*Agreed by the Council on 21 October.* Provides for the introduction of certain requirements regarding the space available for keeping pigs either in groups or in individual boxes to ensure a minimum of well-being for the animals.

1.2.114. Proposal for a Council Directive concerning minimum standards for the protection of calves kept in intensive farming systems.

- Commission proposal: OJ C 214, 21.8.1989; COM(89) 114; Bull. EC 6-1989, points 2.1.160
- Economic and Social Committee opinion: OJ C 62, 12.3.1990; Bull. EC 12-1989, point 2.1.199
- Parliament opinion: OJ C 113, 7.5.1990; Bull. EC 4-1990, point 1.1.124
- Amended Commission proposal: OJ C 154, 22.6.1990; COM(90) 237; Bull. EC 6-1990, point 1.3.200

*Agreed by the Council on 21 October.* Provides for the introduction of certain requirements regarding the space available for keeping calves either in groups or in individual boxes to ensure a minimum of well-being for the animals.

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

8740/91 (Presse 172)

1522nd Council Meeting

- TRANSPORT -

Luxembourg, 21 October 1991

President: Mrs Hanja MAIJ-WEGGEN,

Minister for Transport of the  
Kingdom of the Netherlands



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The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Lode WILLEMS Deputy Permanent Representative

Denmark:

Mr Kaj IKAST Minister for Transport

Germany:

Mr Günther KRAUSE Federal Minister for Transport

Mr Wolfgang GRÖBL Parliamentary State Secretary,  
Federal Ministry of Transport

Greece:

Mr K. STEFANAKOS Secretary-General,  
Ministry of Transport and  
Communications

Spain:

Mr Manuel PANADERO Secretary-General,  
Ministry of Public Works and  
Transport

France:

Mr Georges SARRE State Secretary for Road and River  
Transport

Ireland:

Mr Eamonn RYAN Deputy Permanent Representative

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Italy:

Mr Carlo BERNINI

Minister for Transport

Luxembourg:

Mr Robert GOEBBELS

Minister for Transport

Netherlands:

Mrs Hanja MAIJ-WEGGEN

Minister for Transport and Public  
Works

Portugal:

Mr Vasco VALENTE

Deputy Permanent Representative

United Kingdom:

Mr David DURIE

Deputy Permanent Representative

Commission:

Mr Karel VAN MIERT

Member

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ary/MG/jw

RELATIONS WITH AUSTRIA AND SWITZERLAND WITH REGARD TO TRANSIT

The Council gave political approval to the conclusion of agreements between the Community and Austria and the Community and Switzerland on the transit of goods by road and rail, subject to the Opinions of the European Parliament and the Economic and Social Committee on the Commission proposal.

The two future agreements, the duration of which would be 12 years, would aim at strengthening co-operation between the parties in certain transport sectors, in particular with regard to Alpine transit.

In this context, they provide for a series of measures to promote conventional rail transport and combined road/rail transport with a view to protecting the environment and public health while improving market access.

Short, medium and long-term infrastructure projects would also be planned for both Austria and Switzerland and the European Community.

With regard to road haulage, Switzerland would maintain as a general measure the 28-tonne limit on total laden weight. For transit through Switzerland via the Basel-Chiasso route, a weight of over 28 tonnes could however be authorized for Community lorries transporting perishable goods or other urgent consignments ("just in time" transport) provided that no combined transport capacity was available. The number of Community lorries eligible for this derogation would not in principle exceed 50 units per day in each direction. The annual maximum would be set at 15 000 authorizations in each direction.

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Switzerland would however maintain its present liberal transit system for lorries not exceeding the total permissible laden weight of 28 tonnes.

In Austria, the same standards (a general 38-tonne limit) would be applied to Community lorries under the same conditions as those applying to Austrian lorry-drivers.

The present bilateral quota system for transit traffic through Austria would be replaced by a new "Eco point" system consisting of linking the number of lorry journeys to a reduction of the pollution they cause. In this context, a 60% decrease in NOx emissions in 12 years is planned.

Technological improvements, as provided for by Community legislation concerning the "clean lorry", should enable the present number of journeys by Community lorries through Austria to be maintained and even increased by up to 8% in comparison with the present situation.

There would also be provisions in the two instruments to prevent the parties from adopting unilateral measures discriminating against transit traffic.

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In the context of the abovementioned political stance, bilateral agreement was also reached between Austria and Greece giving Greece certain additional transit facilities for road transport in the framework of combined rail/road transport.

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

8742/91 (Presse 174)

1523rd Council meeting

- General Affairs -

Luxembourg, 21 and 22 October 1991

President: Mr Piet DANKERT,  
State Secretary for Foreign Affairs  
of the Kingdom of the Netherlands

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Paul DE KEERSMAEKER State Secretary for Foreign Affairs

Denmark:

Mr Uffe ELLEMANN-JENSEN Minister for Foreign Affairs

Mr Jørgen ØRSTRØM MØLLER State Secretary,  
Ministry of Foreign Affairs

Germany:

Mr Hans-Werner LAUTENSCHLAGER State Secretary, Foreign Affairs

Greece:

Mr Georges PAPASTAMKOS State Secretary for Foreign Affairs

Spain:

Mr Carlos WESTENDORP State Secretary for Relations with the  
European Communities

France:

Mrs Elisabeth GUIGOU Minister for European Affairs

Ireland:

Mr Gerard COLLINS Minister for Foreign Affairs

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Italy:

Mr Claudio VITALONE

State Secretary for Foreign Affairs

Luxembourg:

Mr Jacques F. POOS

Minister for Foreign Affairs

Netherlands:

Mr Fiet DANKERT

State Secretary for Foreign Affairs

Portugal:

Mr José PINHEIRO

Minister for Foreign Affairs

Mr Vitor MARTINS

State Secretary for European  
Integration

United Kingdom:

Mr Tristan GAREL-JONES

Minister of State, Foreign and  
Commonwealth Office

Mr Tim SAINSBURY

Minister of State, Department of Trade  
and Industry

Mr David CURRY

Parliamentary Secretary, Ministry of  
Agriculture, Fisheries and Food

Commission:

Mr F.H.J.J. ANDRIESSEN

Vice-President



EEC/EFTA: AGREEMENT REACHED ON THE CREATION OF A EUROPEAN ECONOMIC AREA

Following a final, lengthy negotiating session, political agreement was reached in the night from Monday to Tuesday on the last major questions still outstanding, in particular, transit, fisheries and the Cohesion Fund. Details of the solutions agreed upon are annexed hereto.

This agreement removed the final obstacles to the creation of the European Economic Area, which should accordingly, following completion of the ratification procedures, come into existence on 1 January 1993, in accordance with the political will repeatedly expressed by both sides.

Technical proceedings will continue, with a view to early finalization of the text of the Agreement.

The Agreement will be initialled in the next few weeks, once the finalization work has been completed. Signing it should still be possible before the end of the year, after briefing the European Parliament which, moreover, under the assent procedure, will be required to adopt a position on the content of the Agreement prior to its conclusion.

The creation of the European Economic Area ushers in a new phase in relations between the Community and its Member States on the one hand, and EFTA on the other; it will also form a cornerstone of Europe's new structure.

Thus from 1 January 1993 onwards, the Community and its Member States will, together with the EFTA member countries, form the largest integrated economic

area in existence, affording their 380 million citizens the benefit of free movement of goods, persons, services and capital.

The Agreement also includes provisions designed significantly to contribute to the reduction of economic, social and regional disparities (cohesion principle).

Lastly, provision is made for broadened and strengthened co-operation in flanking and horizontal policies, in such fields as environment, education, training and youth, social policy, research and development - including information services - consumer protection, small and medium-sized enterprises, tourism and audio-visual matters.



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ANNEX

The main features of the political agreement may be summarized as follows:

(1) Transit

(See Press release No 8740/91 Presse 172 - Transport - 21.X.91)

(2) Fisheries

The solution adopted is based on concessions concerning market access and access to resources.

Regarding market access:

- the EFTA countries will grant the Community free access to their market from 1 January 1993, with some exceptions for Finland, Sweden, and Switzerland;
- the Community will grant EFTA countries, depending on the products concerned:
  - = either free access to its market from 1 January 1993;
  - = or progressive duty reduction from 1 January 1993 to reach a 70% reduction on 1 January 1997.

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No tariff concession was agreed for certain sensitive species of fish (salmon, herring, mackerel, Norway lobster, coquilles St. Jacques, shrimps and prawns, fish oils/fats and animal feedingstuffs).

Provision was also made for measures to avoid distortion of competition.

Regarding access to resources, the Agreement contains the following features:

- Norway:

= under the existing bilateral agreement the share of the cod TAC in Norwegian waters will be consolidated at 2,9%;

= the Community will receive an additional guaranteed cod quota that will rise as follows: 6 000 tonnes in 1993, 7 250 tonnes in 1994, 8 500 tonnes in 1995, 9 750 tonnes in 1996 and 11 000 tonnes in 1997. In subsequent years the share of the TAC will be equal to the average of the share of the TAC during the period 1993/1997. These quantities will be distributed within the Community on the basis of cohesion criteria;

= a yearly additional 1 500 tonne redfish quota will be consolidated without compensation;

- Iceland: conclusion of a bilateral agreement providing for the exchange of a 3 000 tonne redfish equivalent in Icelandic waters against a 30 000 tonne capelin quota held by the Community in Greenland waters.

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- Sweden: consolidation of existing arrangements.

As regards investments, Iceland and Norway were granted a derogation enabling them to maintain their existing national legislation (in the case of Norway, solely the legislation concerning fishing boats to which fishing rights are attached).

Agreement was reached on an evolutionary clause designed to enable both sides to develop co-operation on a harmonious, mutually beneficial basis within the framework of their respective fisheries policies. The first review will take place before the end of 1993.

(3) Cohesion Fund

The EFTA countries will finance a Cohesion Fund comprising ECU 1.5 billion worth of "soft loans" (for a 10-year period, with a 3% interest subsidy and a 2-year grace period) and ECU 500 million worth of grants, to be committed in equal tranches over 5 years. Spain, Portugal, Ireland and Greece will be the beneficiaries of the Fund.

(4) A further number of outstanding questions were also settled.

**COUNCIL OF THE EUROPEAN COMMUNITIES**

1524th meeting of the Council

- Research -

Luxembourg, 28 October 1991

President: Mr. Jo Ritzen

Minister for Education and Science, The Netherlands

The official press release was unavailable. A summary of the meeting has been reproduced from the Bulletin of the European Communities, No. 10-1991.

## 1524th meeting

1.7.12. Research (Luxembourg, 28 October).

- Previous meeting: Bull. EC 4-1991, point 1.7.6

*President:* Mr Ritzen, Dutch Minister for Education and Science.

*Commission:* Mr Pandolfi.

### *Main items*

R&TD programme in the field of human capital and mobility: common position agreed (→ point 1.2.44).

R&TD programme in the field of nuclear fission safety: decision agreed (→ point 1.2.45).

R&TD programme in the field of biotechnology: common position agreed (→ point 1.2.43).

R&TD programme in the field of controlled thermonuclear fusion and amendment of the JET Statutes: draft decisions agreed (→ point 1.2.46).

### *Other business*

Joint Research Centre: activity plans under the third framework programme discussed.

## Biotechnology

1.2.43. Proposal for a Decision adopting a specific research and technological development programme in the field of biotechnology (1990 to 1994) (Biotech).

- Commission proposal: OJ C 174, 16.7.1990; COM(90) 160; Bull. EC 5-1990, point 1.2.100
- Economic and Social Committee opinion: OJ C 31, 6.2.1991; Bull. EC 10-1990, point 1.3.65

*Endorsed by Parliament on 9 October*, subject to certain amendments relating to the provision of training for all scientists concerned, an evaluation of the ethical, social, economic, legal and ecological impact of biotechnology and the proportion of programme funding devoted to basic research.

OJ C 280, 28.10.1991

*Amended proposal adopted by the Commission on 18 October.*

OJ C 289, 7.11.1990; COM(91) 386

*Common position agreed by the Council (research) on 28 October.* This programme, for which an amount of ECU 164 million is estimated as necessary, covers the following four main areas: molecular approaches, cell and organism biology, the impact of biotechnology on the environment and the conservation of genetic resources.

## Human capital and mobility

1.2.44. Proposal for a Council Decision adopting a specific research and technological development programme in the field of human capital and mobility (1990 to 1994).

- Commission approval: Bull. EC 4-1990, point 1.1.68
- Formal adoption by the Commission: OJ C 174, 16.7.1990; COM(90) 165; Bull. EC 5-1990, point 1.2.105
- Economic and Social Committee opinion: OJ C 332, 31.12.1990; Bull. EC 9-1990, point 1.2.75
- Parliament opinion (first reading): OJ C 158, 17.6.1991; Bull. EC 5-1991, point 1.2.60
- Amended Commission proposal: OJ C 188, 19.7.1991; COM(91) 234; Bull. EC 6-1991, point 1.2.71

*Common position agreed by the Council (research) on 28 October.* This programme, for which an amount of ECU 490 million is estimated as necessary, covers the quantitative and qualitative development of the human resources available for research and technological development needed by the Member States in the years to come. Its main themes are the training and mobility of research staff and the setting up of cooperation networks.

## Nuclear fission

1.2.45. Proposal for a Council Decision adopting a specific research and technological development programme in the field of nuclear fission safety (1990 to 1994).

- Commission proposal: OJ C 247, 2.10.1990; COM(90) 343; Bull. EC 7/8-1990, point 1.3.115
- Economic and Social Committee opinion: OJ C 69, 18.3.1991; Bull. EC 1/2-1991, point 1.2.84
- Parliament opinion: OJ C 240, 16.9.1991; Bull. EC 7/8-1991, point 1.2.88
- Amended Commission proposal: OJ C 262, 8.10.1991; COM(91) 330; Bull. EC 9-1991, point 1.2.40

*Agreed by the Council (research) on 28 October.* This programme, for which an amount of ECU 35.64 million is estimated as necessary, covers two aspects of nuclear fission safety, namely radiation protection and reactor safety.



### *Controlled thermonuclear fusion*

1.2.46. Proposal for a Decision adopting a specific research and technological development programme in the field of controlled thermonuclear fusion (1990 to 1994) — proposal for a Decision amending the Statutes of the Joint European Torus, Joint Undertaking.

- Commission proposals: OJ C 261, 16.10.1990; COM(90) 441; Bull. EC 9-1990, points 1.2.67 and 1.2.68
- Economic and Social Committee opinion: OJ C 120, 6.5.1991; Bull. EC 3-1991, point 1.2.61

*Common position adopted by the Council on 28 October.* The Council adopted a common position on two proposals concerning, respectively, the extension of the JET Joint Undertaking until December 1996 and the adoption of a specific research programme. The aims of this programme, for which an amount of ECU 412 million is estimated as necessary, are to provide a scientific and technological base, to establish environmental and safety criteria and to prepare the industry for the construction of an experimental reactor (Next Step).

**COUNCIL OF THE EUROPEAN COMMUNITIES**

1525th meeting of the Council

- Agriculture -

Luxembourg, 28 October 1991

President: Mr. Piet Bukman

Minister for Agriculture, Nature Conservation and Fisheries, The Netherlands

The official press release was unavailable. A summary of the meeting has been reproduced from the Bulletin of the European Communities, No. 10-1991.

## 1525th meeting

1.7.13. Fisheries (Luxembourg, 28 October).

- Previous meeting: Bull. EC 7/8-1991, point 1.7.3

*President:* Mr Bukman, Dutch Minister for Agriculture, Nature Conservation and Fisheries.

*Commission:* Mr Marín.

### Main item

Technical measures for the conservation of fishery resources: proposals for the 10th, 11th and 12th amendments to Council Regulation (EEC) No 3094/86 agreed (→ point 1.2.162).

## Technical measures

- **Basic Regulation:** Council Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources (OJ L 288, 11.10.1986; Bull. EC 10-1986, point 2.1.174), as last amended by Regulation (EEC) No 4056/89: OJ L 389, 30.12.1989; Bull. EC 12-1989, point 2.1.215

1.2.162. Proposals for Council Regulations amending for the tenth, eleventh and twelfth times, respectively, Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources.

- **Commission proposal:** COM(90) 371; Bull. EC 7/8-1990, point 1.3.261; COM(90) 610; Bull. EC 12-1990, point 1.3.253; COM(91) 209; Bull. EC 6-1991, point 1.2.188

*Endorsed by Parliament on 11 October,* subject to various technical amendments.

*Agreed by the Council on 28 October.* The aim of the amendments is to improve the biological state of stocks in Community waters through technical measures intended principally to reduce or end the catching of young fish. The measures, which will come into force on 1 June 1992, involve, in particular, an increase in minimum mesh sizes, minimum sizes for landed fish and the banning of the use of driftnets.

The main features of the amendments are as follows:

Increase in mesh sizes in Regions 2 and 3: the mesh size in Region 2 (the whole of the North Sea and West Scotland to the north of latitude 56°N) is to increase from 90 to 100 mm from 1 June 1992 (diamond and

square-meshed panels of 90 mm as an option).

Change in net construction: change in the form of nets through the inclusion of, in particular, square-meshed panels so as to maintain or increase net selectivity.

Adoption of a uniform mesh size for the fishing of pelagic species: a uniform mesh size of 40 mm is laid down for the fishing of the following pelagic stocks: herring, mackerel, horse mackerel, blue whiting, sardine (the latter only in Region 2) and pelagic cephalopods. A minimum percentage of either 50% of one of the above species or 80% of a mixture of those species is laid down for this net size. The maximum percentage of other protected species is fixed at 10%.

Abolition in certain regions of measures to protect whiting: the fishing of whiting (a predator of other species) is provided for in Regions 2 and 3 with 90 mm nets with a minimum percentage of target species of 50% and a maximum of 10% cod, haddock and saithe.

Banning of driftnets: fishing with driftnets more than 2.5 km in length is prohibited in both Community and international waters. Arrangements for driftnets in the Baltic Sea will be drawn up by the International Baltic Sea Fishery Commission. A derogation is granted up to 31 December 1993 to Community vessels having used driftnets to fish albacore in the North-East Atlantic for at least the two years preceding the entry into force of the Regulation.

Definition of minimum landing sizes: in order to combat the discard problem, minimum landing sizes for fish are to be adjusted as follows:

- mackerel (*Scomber* spp.): 20 cm in Regions 1, 2, 3 and 5 (30 cm in North Sea);
- anchovies (*Engraulis encrasicolus*): 12 cm in Region 3 (10 cm in Division IXa);
- horse mackerel (*Trachurus* spp.): 15 cm in Regions 1, 2 and 3;
- scallops (*Pecten* spp.): 100 mm in Regions 2 and 3, 110 mm in Division VIId;

- the minimum landing size for whiting is reduced to 23 cm.

Automatic sorting machines: it is to be prohibited for vessels using purse seines or towed nets with a mesh-size permitted exceptionally for fishing mackerel, herring and horse mackerel to carry automatic sorting equipment on board.

An exception is provided for freezer vessels whose sole function is the commercial classification of all fish caught and intended for freezing.

Other measures include the protection of hake off the Spanish and Portuguese coasts and various changes to the rules on sole fishing.

**COUNCIL OF THE EUROPEAN COMMUNITIES**

1526th meeting of the Council

- Energy -

Luxembourg, 29 October 1991  
President: Mr. Frans Andriessen  
Minister for Economic Affairs, The Netherlands

The official press release was unavailable. A summary of the meeting has been reproduced from the Bulletin of the European Communities, No. 10-1991.

## 1526th meeting

1.7.14. Energy (Luxembourg, 29 October).

- Previous meeting: Bull. EC 5-1991, point 1.7.5

*President:* Mr Andriessen, Dutch Minister for Economic Affairs.

*Commission:* Mr Cardoso e Cunha.

### *Main items*

SAVE programme: decision adopted (→ point 1.2.62).

Measures in the event of oil crises: conclusions adopted (→ point 1.2.63).

Internal market in gas and electricity: discussed in detail (→ point 1.2.64).

### *Other business*

Energy and the environment: Commission communication discussed in detail.

Efficiency requirement for new hot-water boilers: general discussion.

European Energy Charter: report tabled by the Presidency.

## Energy

### I

#### SAVE programme

1.2.62. Council Decision concerning the promotion of energy efficiency in the Community (SAVE programme).

- Commission proposal: OJ C 301, 30.11.1990; COM(90) 365; Bull. EC 10-1990, point 1.3.202
- Economic and Social Committee opinion: OJ C 120, 6.5.1991; Bull. EC 3-1991, point 1.2.74
- Parliament opinion: OJ C 240, 16.9.1991; Bull. EC 7/8-1991, point 1.2.120.

*Adopted by the Council (energy) on 29 October.* The purpose of the SAVE programme is to provide funding totalling ECU 35 million for a series of measures aimed at reducing energy intensity per unit of GDP by 20% over five years. Measures for the definition of standards or technical specifications will be wholly financed by the Community. Between 30% and 50% of the total cost of measures to support Member States' initiatives for extending or creating energy efficiency infrastructures and to encourage the setting-up of an information network will be funded by the Community. The level of Community support for measures to implement the programme for improving the efficiency of electricity use will be determined case-by-case.

OJ L 307, 8.11.1991

#### Steps in the event of oil crises

1.2.63. Council conclusions on the management of crisis situations.

- References:

Commission communication on the steps to be taken in the event of oil supply difficulty and on the maintenance of stocks of oil: COM(90) 514; Bull. EC 10-1990, point 1.3.204

Proposal for a Directive providing for appropriate measures to be taken in the event of difficulties in the supply of crude oil and petroleum products to the Community and amending Directive 73/238/EEC on measures

to mitigate the effects of difficulties in the supply of crude oil and petroleum products: COM(90) 514; Bull. EC 10-1990, point 1.3.205

Proposal for a Directive laying down detailed rules for the implementation of the Council Directive with regard to oil stocks: COM(90) 514; Bull. EC 10-1990, point 1.3.206.

*Adopted by the Council (energy) on 29 October.*

'The Council, taking into account the discussions on Community arrangements for the management of oil crises and relations with the International Energy Agency (IEA), and taking into account the international dimension of the oil market and the commitments undertaken by the Member States, has reached the following conclusions:

1. With regard to the future completion of the internal market, a new approach to the management of oil crises is needed in order to adapt the existing provisions to the new economic and political realities. As regards the Community's accession to the IEA, it is necessary to determine the procedures for this accession and the powers of the Community and the Member States within the IEA framework. Action by the Community and the Member States will be complementary to that of the IEA and decisions concerning the management of crisis situations will have to be taken at the most appropriate level.

2. The provisions relating to the management of crisis situations will be based on the following elements:

(a) Decisions concerning the determination of crisis situations and the setting of objectives, including withdrawals from stocks, restriction of demand and other responses, will be adopted within the framework of the IEA.

The Act authorizing accession to the IEA will specify the detailed procedures for the adoption of the Community position, in accordance with the relevant articles of the Treaty. The Commission will present that position on behalf of the Community. During the meetings held by the IEA with the aim of reaching agreement on the determination of crisis situations and the setting of objectives, the Member States will support the Community position in their contributions to the debate. In the light of the discussions within the IEA, Member States will be entitled to request a review of the Community position.

(b) Where a decision of the IEA requires the implementation of measures by the countries participating in the International Energy Programme, such measures will be decided on by the Member States; before implementing them, the Member

States will notify the Commission of the measures they intend to take. Within the framework of the existing rules, the Commission will coordinate those measures with a view to improving their effectiveness and ensuring their compatibility with the Treaty, in accordance with the appropriate procedures.

3. The Council invites the Commission to submit proposals spelling out in more detail the new provisions adopted in accordance with these conclusions relating to the management of crisis situations.

4. The Council invites the Commission, at the same time, to adapt its draft terms of reference for the negotiations on the Community's accession to the IEA, by reviewing the powers of the Community and the Member States in all the areas covered by the IEA.

5. The terms of reference must specify the manner in which the Commission is to keep the Council informed during the current negotiations with the IEA.

6. To enable the IEA to settle the issue of voting rights without further delay, the Community will take a decision as soon as possible on voting rights within the IEA.

7. The terms of reference will include outline procedures covering the role of the Community and of the Member States within the IEA on matters unconnected with crisis situations. These procedures must not interfere with the free exchange of ideas within the IEA.

8. Notwithstanding the provisions referred to above, it is understood that the Community itself is able, in very exceptional circumstances, to adopt provisions relating to the management of crisis situations, this being done unilaterally at Council level pursuant to Article 103(2) of the Treaty.

9. Pending the Community's accession to the IEA, it is necessary to ensure closer Community coordination in the IEA context, under the responsibility of the Presidency of the Council and the Commission, according to the matters discussed and the area of competence within which they fall.

## **Internal market in gas and electricity**

1.2.64. General guidelines adopted by the Commission for the completion of the internal market in gas and electricity.

### • **References:**

Directive 90/377/EEC concerning a Community procedure on the transparency of gas and electricity prices charged to the industrial end-user: OJ L 185, 17.7.1990; Bull. EC 6-1990, point 1.3.253

Council Directive 90/547/EEC on the transit of electricity through transmission grids: OJ L 313, 13.11.1990; Bull. EC 10-1990, point 1.3.213

Council Directive 91/216/EEC on the transit of natural gas through grids: OJ L 147, 12.6.1991; Bull. EC 5-1991, point 1.2.72

*Approved by the Commission on 23 October*

*Presented to the Council (energy) on 29 October.* Reserving the Commission's position with regard to the use of appropriate legal instruments, Mr Cardoso e Cunha, Member of the Commission, proposed an approach based on four principles, namely a phasing-in process to allow the operators concerned to adjust to the new situation, absence of rigid mechanisms, avoidance of excessive regulation, and a political dialogue with the Council and Parliament.

Three stages were planned. The first would involve the implementation of the three Directives on electricity transit, natural gas transit and price transparency. The second stage, beginning on 1 January 1993, would seek to end exclusive rights. The third stage, beginning on 1 January 1996, would be defined in due course in the light of the experience gained.