

COUNCIL OF THE EUROPEAN COMMUNITIES

PRESS RELEASES

PRESIDENCY: DENMARK

JANUARY-JUNE 1993

Meetings and press releases June 1993

Meeting number	Subject	Date
1666 th	Labour/Social Affairs	1 June 1993
1667 th	Economics/Finance	7 June 1993
1668 th	Transport	7-8 June 1993
1669 th	General Affairs/Political	7-9 June 1993
1670 th	Education	11 June 1993
1671 st	Internal Market	14 June 1993
1672 nd	Agriculture	14 June 1993
1673 rd	Telecommunications	16 June 1993
1674 th	Fisheries	24-25 June 1993
1675 th	Energy	25 June 1993
1676 th	Environment	28-29 June 1993
1677 th	Research	30 June 1993

PRESS RELEASE

6710/93 (Presse 88)

1666th Council meeting

LABOUR AND SOCIAL AFFAIRS

Luxembourg, 1 June 1993

President: Ms Jytte ANDERSEN
Minister for Labour of the Kingdom of
Denmark

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

Belgium:

Ms Miet SMET Minister for Employment and Labour

Denmark:

Ms Jytte ANDERSEN Minister for Labour
Ms Karen MOUSTGAARD JESPERSEN Minister for Social Affairs
Mr Henrik HASSENKAM State Secretary for Labour

Germany:

Mr Horst GÜNTHER Parliamentary State Secretary,
Federal Ministry of Labour and Social
Affairs

Greece:

Mr Aristides KALANTZAKOS Minister for Labour

Spain:

Mr Luis MARTINEZ NOVAL Minister for Labour and Social
Security

France:

Mr Michel GIRAUD Minister for Labour, Employment and
Vocational Training

Ireland:

Ms Mary O'ROURKE Minister of State (Labour Affairs)

Italy:

Mr Gino GIUGNI Minister for Employment

Luxembourg:

Mr Jean-Claude JUNCKER Minister for Labour
Ms Mady DELVAUX-STEHRÉS Secretary of State for Social Security

Netherlands:

Mr Bert DE VRIES Minister for Employment and Social
Security

Portugal:

Mr José DA SILVA PENEDA Minister for Employment and Social
Security

United Kingdom:

Mr David HUNT Secretary of State for Wales
Mr Michael FORSYTH Minister of State for Employment

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Commission :

Mr Pádraig FLYNN Member
Mr Antonio RUBERTI Member

ACCESS TO CONTINUING VOCATIONAL TRAINING

The Council agreed on the Recommendation on access to continuing vocational training (see text in Annex I).

In that Recommendation, provided for in the Commission's action programme on the implementation of the Community Charter of the Fundamental Social Rights of Workers, the Council recommends that Member States organize their vocational training policies in such a way that every Community worker is enabled to have access to continuing vocational training without any form of discrimination and to benefit therefrom throughout his or her working life.

Continuing vocational training has been of constant concern to both employers and workers in the context of the dialogue between the two sides of industry and the Recommendation draws particularly on the joint opinion of the two sides of industry, dated 21 September 1991, on ways of facilitating the broadest possible effective access to training opportunities.

The Recommendation stipulates that Member States should take a series of measures concerning inter alia:

- companies' training plans and programmes;
- support for SMUs facing industrial change;
- informing workers and informing and consulting their representatives;
- access to continuing vocational training for women, young people and the unemployed;

- the transnational dimension, in particular with a view to facilitating workers' freedom of movement.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption without further discussion at a forthcoming meeting.

FLEXIBLE RETIREMENT

The Council agreed on the Resolution on flexible retirement arrangements, the text of which is contained in Annex II.

In this Resolution, approved at the Presidency's initiative, the Council wishes inter alia to see older people continue to play an active part in society and, having regard to the economic and employment situation, maintain a link with the labour market.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption, without further discussion, at a forthcoming meeting.

ORGANIZATION OF WORKING TIME

At the end of discussions over a period of several years, the Council reached agreement, with the United Kingdom delegation abstaining, on the common position concerning the Directive on certain aspects of the organization of working time.

The common position contains minimum provisions concerning the following main aspects:

- maximum weekly working time (48 hours including overtime);
- daily rest (11 hours);
- breaks;
- weekly rest (24 hours);
- annual paid leave (four weeks);
- nighttime working hours (8 hours).

It also includes a provision for the protection of night workers.

The Directive provides for the possibility of fixing:

- reference periods for:
 - = weekly rest;
 - = maximum weekly working time;
 - = nighttime working hours.
- derogations from some of the Directive's Articles.

It will be recalled that at its meeting on 24 June 1992 the Council had already achieved broad agreement on the common position, with the exception of the following two points in particular:

- the level at which the two sides of industry may, subject to certain conditions, derogate from certain articles of the Directive;
- the maximum duration of the reference period relating to the application of Article 6 (maximum weekly working time) and the option open to the two sides of industry of exceeding that maximum.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption, without further discussion, at a forthcoming meeting.

ESTABLISHMENT OF EUROPEAN WORKS COUNCILS

The Council held an exchange of views on the proposal for a Directive on the establishment of a European Works Council in Community-scale undertakings or groups of undertakings for the purposes of informing and consulting employees.

Its discussions focused on the following points:

- definitions of "Community-scale undertaking" and "Community-scale group of undertakings";
- definition of "controlling undertaking";
- possible exclusion from the scope of the Directive of employees on merchant navy ships.

The Council instructed the Permanent Representatives Committee to continue its discussions.

INITIATIVE IN THE FIELD OF EMPLOYMENT

The Council held an exchange of views on the Commission communication entitled "Community-wide framework for employment".

The exchange of views ended with the Council reaching the following conclusions:

1. The Council underlines the vital importance it attaches to attacking the problem of severe unemployment throughout the Community.
2. The Council pledges the collective commitment of Labour and Social Affairs Ministers to seek solutions to unemployment.
3. The Council welcomes the Commission communication as a valuable contribution to this process, while recognizing that the primary responsibility for employment policies lies with the Member States.
4. The Council will intensify its efforts to these ends and will seek to mobilize all parties concerned, notably the social partners.

PROTECTION OF YOUNG PEOPLE AT WORK

Following a policy debate at the meeting on 6 April 1993, the Council continued its discussion on certain questions of principle concerning the proposal for a Directive on the protection of young people at work and of the following points in particular:

- limitations on working time authorized for children working under a combined work/training scheme or performing light work;
- the conditions and scope of any derogations from the principle of banning night work by children and adolescents.

It will be recalled that:

- the Directive is provided for in the Commission's action programme on the implementation of the Community Charter of the Fundamental Social Rights of Workers, which contains specific provisions on the protection of young people and children in particular;
- the conventions and other agreements concluded in this field by international organizations, and in particular Convention No 138 of the International Labour Organization, lay down high standards of protection.

The Council asked the Permanent Representatives Committee to continue its discussions and to submit a draft common position as soon as possible.

FISHING VESSELS

With the French and United Kingdom delegations abstaining, the Council approved the common position with a view to the adoption of the Directive concerning the minimum safety and health requirements for work on board fishing vessels.

It should be emphasized that the activities of fishermen involve specific and major risks and that the accident, and in particular fatal accident rate, is reaching a high level which is of great concern.

The text which was approved applies to:

- new vessels 15 or more metres in length;
- existing vessels 18 or more metres in length.

The common position provides inter alia that:

- owners must ensure that their vessels are used without endangering the safety and health of workers;
- any occurrences at sea which affect or could affect the health and safety of the workers on board must be described in a report to be forwarded to the competent authorities;
- to verify their compliance with the Directive vessels must be subject to regular checks by authorities specifically empowered to carry out such checks;
- owners must ensure that any defects likely to affect the safety and health of workers are rectified;

- owners must ensure that the vessels are cleaned regularly and that life-saving and survival equipment is in good working order and take account of personal protective equipment specifications.

The common position embodies provisions on the information, training, consultation and participation of workers.

It contains 4 Annexes laying down:

- minimum health and safety requirements for new vessels;
- minimum health and safety requirements for existing vessels;
- minimum health and safety requirements concerning life-saving and survival equipment;
- minimum health and safety requirements concerning personal protective equipment.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to its adoption, without further discussion, at a forthcoming meeting.

OTHER BUSINESS

The Council noted:

- a statement by the Danish delegation on combating social exclusion;
- a statement by the German delegation on the protection of data relating to workers;
- a statement by the Commission on the European Year of Older People and of Solidarity between Generations (1993).

COUNCIL RECOMMENDATION
on access to continuing vocational training

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 128 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾,

1. Whereas the first principle established by Council Decision 63/266/EEC of 2 April 1963 laying down general principles for implementing a common vocational training policy ⁽³⁾ states that every person should receive adequate training, with particular reference to the need to promote basic and advanced vocational training and, where appropriate, retraining suitable for the various stages of working life, and the need to offer to every person, by means of permanent facilities for vocational advancement, the opportunity to gain promotion or to receive instruction for a new and higher level of activity;
2. Whereas, under the terms of Decision 63/266/EEC, it is the responsibility of the Member States and the competent institutions of the Community to apply such general principles within the framework of the Treaty;
3. Whereas the development of human resources by means of vocational training is one of the essential elements in increasing the competitiveness of the European economy; whereas, as affirmed by the European Council meeting in Hanover on 27 and 28 June 1988, the completion of the single market must be accompanied by increased access to continuing training;
4. Whereas technological developments, their impact on employees' skills and the growth of unemployment make it necessary to develop access to continuing vocational training;
5. Whereas point 15 of the Community Charter of the Fundamental Social Rights of Workers, adopted by the Heads of State and of Government of eleven Member States at the European Council meeting in Strasbourg on 9 December 1989, states that:

⁽¹⁾ OJ C 23, 27.1.1993, p. 8.

⁽²⁾ OJ C 129, 10.5.1993, p. 57.

⁽³⁾ OJ C 63, 20.4.1993, p. 1338/63.

"Every worker of the European Community must be able to have access to vocational training and to benefit therefrom throughout his working life. In the conditions governing access to such training there may be no discrimination on grounds of nationality.

The competent public authorities, undertakings or the two sides of industry, each within their own sphere of competence, should set up continuing and permanent training systems enabling every person to undergo retraining, more especially through leave for training purposes, to improve his skills or to acquire new skills, particularly in the light of technical developments.";

6. Whereas vocational training remains of constant concern to both employers and workers in the context of the dialogue between the two sides of industry ⁽⁴⁾;
7. Whereas the Economic and Social Committee adopted a report on 22 October 1992 on vocational training as a means of promoting vocational qualifications and a strategic instrument for the economic and social development of the European Community;
8. Whereas on 21 April 1993 the European Parliament adopted an own-initiative report on vocational training policy in the European Community for the 1990s, in which the subject of access to continuing training is considered;
9. Whereas transnational co-operation measures have been undertaken at Community level ⁽⁵⁾;

⁽⁴⁾ See following texts:

- joint opinion of 6 March 1987 on training and motivation, information and consultation;
- joint opinion of 13 February 1990 on the creation of a European occupational and geographical mobility area and improving the operation of the labour market in Europe;
- joint opinion of 19 June 1990 on basic education and initial, vocational and adult training;
- joint opinion of 21 September 1991 on ways of facilitating the broadest possible effective access to training opportunities;
- agreement of 31 October 1991 between the two sides of industry at European level;
- European framework agreement of 6 September 1990 between the European Trade Union Confederation (ETUC) and the European Centre of Public Enterprises (CEEP) on training in public enterprises.

⁽⁵⁾ See following texts:

- Council Decision 90/267/EEC of 29 May 1990 establishing an action programme for the development of continuing vocational training in the European Community (FORCE) (OJ L 156, 21.6.1990, p. 1);

10. Whereas demographic trends will significantly reduce the number of young people entering the Community labour market, which, together with changes in the working environment, must lead to an updating and greater adaptation of skills among the working population;
 11. Whereas it has been noted throughout the Community that the problems faced by women in gaining access to employment are largely attributable to their limited access to vocational training; whereas particular attention must be devoted to ensuring that women have effective access to continuing vocational training; whereas the increase in the number of working women should also be taken into account ⁽⁶⁾;
 12. Whereas co-operation in the field of continuing vocational training should also be based on existing provisions in force in the Member States, while respecting the diversity of national legal systems and practices, the powers under national law of the parties concerned and contractual autonomy; whereas the initiatives taken at national level by the Member States and the two sides of industry are many and varied, and it appears, as regards the Community Charter of the Fundamental Social Rights of Workers, and taking into account the transnational dimension of the action, that they should be supported at Community level; whereas, finally, it is essential to encourage a synergy of resources and promote partnerships between the public and private sectors;
 13. Whereas the Advisory Committee on Vocational Training has been consulted; whereas it has recognized the strategic importance of the question of continuing vocational training in undertakings, for the Member States and for the Community, and the necessity for the Community to be seen to play an active role in this area,
- I. RECOMMENDS that Member States, taking into account the resources available and the

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- Council Decision 89/657/EEC of 18 December 1989 establishing an action programme to promote innovation in the field of vocational training resulting from technological change in the European Community (Eurotecnet) (OJ L 393, 30.12.1989, p. 29); both as amended by Decision 92/170/EEC (OJ L 75, 21.3.1992, p. 51);
 - Council Decision 89/27/EEC of 16 December 1988 adopting the second phase of the programme on co-operation between universities and industry regarding training in the field of technology (Comett II) (OJ L 13, 17.1.1989, p. 28);
 - Council Decision 91/387/EEC of 22 July 1991 amending Decision 87/569/EEC concerning an action programme for the vocational training of young people and their preparation for adult and working life (PETRA) (OJ L 214, 2.8.1991, p. 69);
 - Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund (OJ L 374, 31.12.1988, p. 21).

⁽⁶⁾ Commission of the European Communities: "Employment in Europe" (1992).

respective responsibilities of the competent public authorities, undertakings and the two sides of industry, while respecting the diversity of national legal systems and/or practices, gear their vocational training policies to ensuring that every worker of the Community must be able to have access to continuing vocational training without any form of discrimination and to benefit therefrom throughout his or her working life;

II. **RECOMMENDS** that, in order to provide easy access for as many employees as possible, Member States:

1. raise awareness among undertakings about the links between workers' skills and the competitiveness of undertakings to encourage them to give priority to improving the quality and skills of their employees and to establish training plans and programmes appropriate to their size and business objectives, making their managers aware of requirements in this respect and informing them accordingly.

These plans and programmes may be established by taking into account available human and financial resources, the organization of work, future skill requirements, the need to anticipate industrial and technological change and the transnational dimension of continuing vocational training;

2. make provision for specific incentives and technical support measures for small and medium-sized undertakings.

These could include, for example, assistance with regard to advice on training and assistance with regard to analysis of training needs;

3. encourage undertakings to give impetus to the continuing vocational training necessary for their development, taking account of the particular situation of the employees of the undertakings, particularly in order to promote, where appropriate, the measures described below;
4. make provision for specific incentives and technical support measures which are appropriate, necessary and adequate for undertakings facing industrial change, in order to encourage vocational training and retraining for their employees;
5. develop continuing vocational training in order to make it an important feature of regional and local development, taking into account the specific needs of employees and undertakings;

support the establishment of partnerships, particularly at regional or local level, to analyse the requirements of undertakings and employees and to provide up-to-date information on training opportunities in order to match supply and demand as closely as possible;

6. impress on employers that they should inform their employees as soon as possible and, if necessary, at the time of their recruitment, about the undertaking's policy and activities in the field of continuing vocational training and staff development and about the terms of access to continuing vocational training, including the possibility of being assigned non-active status for the purpose of continuing vocational training;
7. support initiatives which enable workers who so desire to assess their continuing vocational training needs.

This assessment should be carried out within or outside the undertaking and/or in partnership with specialized institutions.

The use of the results must be confidential;

8. encourage the information and consultation of employees' representatives or, in the absence of such representatives, the employees themselves on the development and implementation of the training plans and programmes of the undertaking concerned;
9. make employees and undertakings more aware of the importance of continuing vocational training leading to qualifications relevant to the employment market.

To this end, it should be ensured that training is not directed specifically towards the post in question alone but that it provides the means of anticipating and mastering developments in production systems and the organization of work in order to strengthen the competitiveness of undertakings and improve employees' job prospects;

10. encourage the development of the most suitable teaching and learning methods in continuing vocational training which will facilitate access to continuing vocational training for employees, e.g. methods of self-training on the job, distance learning, media-assisted learning, etc;
11. help less-qualified employees, whatever their status, to benefit from continuing vocational training measures enabling them to achieve a basic level of qualification and giving them the basis for mastery of new technologies.

Particular attention should be paid to providing access to continuing training for employees or groups of employees who have not benefited from training for a certain length of time or who have limited opportunities for employment and job prospects;

12. encourage access for and effective participation by women in continuing vocational training.

This may in particular help to open up new professional fields to women and encourage the resumption of a professional activity after a break in such activity;

13. promote access to continuing vocational training for young people with a vocational qualification or work experience, whatever their level of skills, and encourage their participation therein, in order to enable them to realize their full potential and acquire skills for the present and the future;
14. encourage access to and participation in continuing vocational training by the unemployed.

Particular attention should be paid to the long-term unemployed with inadequate and/or unsuitable qualifications, in order to improve their occupational integration or reintegration.

The continuing vocational training of the unemployed which involves action by undertakings is particularly suited to promoting reintegration into the labour market;

15. encourage, in policies on access to continuing vocational training, a transnational dimension, in particular to assist the free movement of workers;

- III. 1. INVITES the Commission to reinforce co-operation with Member States and the two sides of industry, in particular within the Advisory Committee on Vocational Training, in order to support the implementation of point II;
2. To this end INVITES the Commission, in concert with the Member States and by utilizing the existing Community action programmes and initiatives in the field of training, including, where appropriate, the European Social Fund, and specialized bodies within the Community such as Cedefop, to:
 - (a) disseminate and add to the body of comparative information on continuing vocational training systems, including existing provisions and methods for integrating young job-seekers and the long-term unemployed into the labour market;
 - (b) facilitate suitable exchanges of experience in and methods for significant innovations in continuing training;
 - (c) support transfers of know-how between Member States, which are important for implementing point II, by means of transnational partnerships and networks, especially for the benefit of regions, sectors, types of undertaking and groups of employees for whom access to continuing training is least

developed;

3. Also INVITES the Commission to support moves by both sides of industry at Community level, within the dialogue between them, to discuss access to continuing training in greater depth; such dialogue could, if the two sides consider it desirable, lead to relations based on agreement;
- IV.
1. INVITES Member States to provide the Commission, three years after the date of adoption of this Recommendation, with a report setting out the measures taken under the terms of points I and II;
 2. INVITES the Commission:
 - (a) on the basis of the reports from the Member States and the results of the dialogue between the two sides of industry, to draw up an assessment report on progress made on the basis of the recommendations in points I and II in the sphere of access to continuing vocational training in the Community;
 - (b) to submit this assessment report, not later than one year after the date referred to in point IV.1, to the Advisory Committee on Vocational Training;
 3. INVITES the Commission to submit this report to the European Parliament, the Council and the Economic and Social Committee and to send it to the two sides of industry at Community level,
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COUNCIL RESOLUTION
on flexible retirement arrangements

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

1. **RECALLS** the Council Recommendation of 10 December 1982 on the principles of a Community policy with regard to retirement age, which advocates inter alia the gradual introduction of flexible retirement arrangements and lays down general objectives on these issues;
2. **RECALLS** the reports submitted to the Council by the Commission in 1986 and 1992 on the application of the Recommendation;
3. **RECALLS** the Council Recommendation of 27 July 1992 on the convergence of social protection objectives and policies;
4. **NOTES** the changed employment situation in recent years and the changes in the age and composition of the workforce;
5. **NOTES** that several Member States have framed their policies in the light of a number of objectives having regard, on the one hand, to the retirement situation for employees and, on the other, to the labour-market situation for older workers;
6. **NOTES** the financial constraints and their implications for retirement schemes and other schemes with similar objectives in the Member States, in view of demographic patterns and the labour-market situation;
7. **NOTES** the increasing demand by men and women for greater choice and more flexibility regarding active participation in the labour market over their working lives;
8. **NOTES** that certain features of flexible retirement arrangements for older employees may have a considerable bearing on the possibility of those covered by them returning to employment;
9. **NOTES** recent developments in pension and retirement schemes and the debate under way in Member States in the light of changes in the employment, demographic and economic situation;
10. **EMPHASIZES** the positive socio-economic contribution made by older employees and **WISHES** to encourage a smooth transition from work to retirement, e.g. through appropriate adjustment of working conditions;
11. **EMPHASIZES** that a smooth transition to retirement as well as flexible arrangements as indicated in point 13 may constitute a rational response to changing demographic

patterns and to labour-market changes;

12. **REFERS** in this connection to the steps taken in several Member States, in accordance with their specific features, to introduce the possibility of partial retirement from the labour market, combining retirement benefits with income from employment;
13. **EMPHASIZES** that the framing and implementation of a policy on flexible retirement arrangements is a matter for each Member State, subject to the provisions of the Treaties and bearing in mind the principle of subsidiarity referred to in Article 3b of the Treaty on European Union;
14. **NOTES** the important role of management and labour in this field in the Member States;
15. **WISHES** to see older people continue to play an active part in society and, having regard to the economic and employment situation in each Member State, maintain a link with the labour market;
16. **INVITES** the Member States and, where appropriate, management and labour, to develop and, if necessary, adapt their employment policies so as to make possible flexible adjustments in line with changes in demography and in the age structure of the labour force;
17. **CALLS** on Member States to continue collecting information and assessing the effects of changes in their employment policies and in their pension and retirement schemes;
18. **CALLS** on the Commission therefore:
 - (a) to promote exchanges of information on pension and retirement schemes for older employees in the Community;
 - (b) subsequently to inform the European Parliament, the Council and the Economic and Social Committee of the measures taken by the Member States in implementation of this Resolution;
 - (c) to examine, following communication of this information to the institutions concerned and in consultation with the Member States, whether other measures are needed.

MISCELLANEOUS DECISIONS

Co-operation agreement with India

The Council decided to sign the Co-operation Agreement between the European Economic Community and the Republic of India on partnership and development negotiated by the Commission and initialled on 11 December 1992.

The Council also decided to consult the European Parliament on the Agreement.

Relations with the countries of Central and Eastern Europe

Following the constitutional developments which took place in Czechoslovakia on 1 January 1993, the Council authorized the Commission to negotiate two Exchanges of Letters between the Community, of the one part, and the Czech Republic and Slovakia, of the other part, for the acceptance by the latter of all obligations arising from all the Agreements concluded by the Community with the former CSFR and in particular from the Interim Agreement.

Transport

The Council adopted a common position on the Regulation for an action programme in the field of transport infrastructure with a view to the completion of an integrated transport market.

The purpose of this Regulation is to renew Regulation No 3359/90, with certain amendments regarding objectives and infrastructure projects, for a transitional period of two years, pending more comprehensive measures to be taken later on trans-European networks in the framework of the Treaty on European Union.

It is to be the subject of a conciliation meeting between the Council and the European Parliament on 7 June 1993 in Luxembourg alongside the Transport Council meeting.

Agriculture

The Council adopted:

- the Regulation on measures adjusting certain sectors of the Portuguese food industry. The idea is to encourage that industry's modernization efforts in Portugal in the context of the integration of Portuguese agriculture into the single market. To this end provision is made for the granting of Community aid amounting to a maximum of ECU 60 million to be gradually reduced over three years. Policy agreement on this Regulation had already been reached at the Agriculture Council in March 1993 (see Press Release 4524/93 (Presse 15));
- new Directives on the statistical surveys to be carried out on the production of
 - = pigs,
 - = bovine animals,
 - = sheep and goats.

The purpose of these Directives is to provide the Commission with regular data on the trend of animal populations and production potential. In particular they lay down detailed conditions for surveys, regional breakdowns, classes of population sizes and forecasts on production and external trade.



PRESS RELEASE

7040/93 (Presse 95)

1667th Council meeting

ECONOMIC AND FINANCIAL QUESTIONS

Luxembourg, 7 June 1993

President: Ms Marianne JELVED
Minister for Economic Affairs
of the Kingdom of Denmark

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

<u>Belgium:</u> Mr Philippe MAYSTADT	Minister for Finance
<u>Denmark:</u> Ms Marianne JELVED	Minister for Economic Affairs
<u>Germany:</u> Mr Theo WAIGEL Mr Johann EEKHOFF Mr Christoph ZEITLER	Federal Minister for Finance State Secretary for Economic Affairs State Secretary for Finance
<u>Greece:</u> Mr Stefanos MANOS	Minister for Economic Affairs
<u>Spain:</u> Mr Pedro PEREZ Mr Antonio ZABALZA	State Secretary for Economic Affairs and Finance State Secretary for Finance
<u>France:</u> Mr François SCHEER	Ambassador, Permanent Representative
<u>Ireland:</u> Mr Bertie AHERN	Minister for Finance
<u>Italy:</u> Mr Franco GALLO	Minister for Finance
<u>Luxembourg:</u> Mr Jean-Claude JUNCKER	Minister for Finance
<u>Netherlands:</u> Mr Marius VAN AMELSVOORT	State Secretary for Finance
<u>Portugal:</u> Mr Jorge BRAGA DE MACEDO Mr José BRAZ	Minister for Finance State Secretary for the Treasury
<u>United Kingdom:</u> Mr Kenneth CLARKE Sir John COPE	Chancellor of the Exchequer Paymaster General
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<u>Commission:</u> Mr Henning CHRISTOPHERSEN Mr Peter SCHMIDHUBER Ms Christiane SCRIVENER Mr Raniero VANNI D'ARCHIRAFFI	Member Member Member Member
	- + -
<u>The following also attended:</u> Mr Jean-Claude TRICHET	Chairman of the Monetary Committee

GROWTH AND EMPLOYMENT

The Council heard a statement from Commissioner Christophersen on economic trends in the Community and the prospects for the future. He particularly highlighted developments on the labour market and the need to take additional measures against unemployment.

The President of the Council said that she would brief the President of the European Council on the results achieved following submission of the Commission report in April and the ECOFIN conclusions of 19 April on action by the Community and its Member States to support growth and employment.

The Presidency would also be calling on the European Council to take action on the ECOFIN Ministers' informal discussions in Kolding as regards taking environmental aspects into consideration when the Community and its Member States planned their policies for growth and employment.

The President said that the European Council would have to ensure that the growth and employment initiative was continued and strengthened, using all the means available to the Community and its Member States.

EURATOM BORROWINGS IN ORDER TO CONTRIBUTE TO THE FINANCING REQUIRED FOR IMPROVING THE DEGREE OF SAFETY AND EFFICIENCY OF NUCLEAR POWER STATIONS IN CERTAIN COUNTRIES IN EASTERN AND CENTRAL EUROPE AND IN THE FORMER SOVIET UNION

The Commission proposal of 16 December 1992 is designed to allow the use of the Euratom borrowing facilities currently available, up to an amount of ECU 1 000 million, to contribute to the financing required for improving the degree of safety and efficiency of nuclear power stations in Central and Eastern European countries and in certain CIS countries.

The Council reached political agreement on this measure, pending receipt of the European Parliament's Opinion.

Euratom loans can thus be granted to projects in the following countries: Bulgaria, Hungary, Lithuania, Romania, Slovenia, the Czech Republic, Slovakia, Russia, Armenia and Ukraine. Such projects may cover either nuclear power stations or fuel cycle installations, whether in service or under construction, or - by way of exception - the decommissioning of installations where modification is technically or economically not feasible.

FINANCIAL ASSISTANCE TO ALBANIA - COUNCIL CONCLUSIONS

The Council recalled the present economic situation of Albania and noted that the desirability of ensuring adequate support, through grants, loans or both, had been and would continue to be recognized.

The Council noted that the Commission will consult the Monetary Committee as soon as possible, in the light of Albania's progress in implementing the terms of its IMF stand-by arrangement, on the question of release of the second tranche of up to ECU 35 million of the balance of payments grant for Albania.

Taking account of the recent Commission proposal for a Council Decision on a framework for guarantees for EIB-lending to the countries of Central and Eastern Europe, the Council agreed that it would be appropriate to consider guarantees as regards Albania in the context of such a Council Decision. The Council also agreed that in the event that a decision on this proposal cannot be taken before the end of October 1993 it will come back to the Commission proposal on a specific Community guarantee as regards EIB loans to Albania on which there is a favourable Opinion from the European Parliament.

INTERINSTITUTIONAL AGREEMENT ON BUDGETARY DISCIPLINE

The Council was briefed by its President - and by Commissioner Schmidhuber - on the progress of negotiations with the European Parliament for an interinstitutional agreement on budgetary discipline.

The Council reiterated the importance it attached to concluding this agreement; it instructed the Permanent Representatives Committee to resume examination of the issue with a view to continuing negotiations with the European Parliament.

FIGHT AGAINST FRAUD

The Council reiterated the importance it attaches to combatting fraud and irregularities committed against the Community budget. While noting that there had been progress in the number of priorities identified in ECOFIN Council conclusions in 1992, it stressed the need to continue efforts at Community and national level to safeguard Community financial interests in the areas of both expenditure and revenue.

In support of this affirmation, the Council adopted the conclusions annexed hereto.

SEVENTH VAT DIRECTIVE

On the basis of a draft overall compromise submitted by the Presidency, the Council examined the last questions still to be settled regarding the 7th VAT Directive, which include the arrangements to be applied to imports of works of art from non-member countries, the supply of works of art, antiques and collectors' items within the Community, and jewellery.

Despite a substantial narrowing of differences between delegations, the Council was unable to reach an agreement. It therefore instructed the Permanent Representatives Committee to continue the search for a solution.

COMPANY TAXATION

The Council took note of a settlement by Ms SCRIVENER on the abolition of withholding tax on interest and royalty payments paid to undertakings in other Member States.

This Directive was anxiously awaited by European companies; its aim was to eliminate double taxation, which was prejudicial to any improvement in tax conditions for undertakings. The Commission therefore appealed to the Council to reach a decision on the proposal as soon as possible.

CO₂ ENERGY TAX - PRESIDENCY CONCLUSIONS

Following an exchange of views on this issue, the Council

- requested the ad hoc Working Party to pursue actively its discussions on the matter in the light of that day's debate;
- took note of the following Presidency conclusions:

1. Introductory remarks

The Presidency recalls the Community's commitment to stabilize CO₂ emissions at 1990 levels by the year 2000. It welcomes the progress achieved so far in developing the Community's overall strategy, to limit carbon dioxide emissions and to improve energy efficiency and draws attention to the discussions of the joint Environment/Energy Council of 23 April 1993. The Presidency agrees that fiscal instruments will play an important role in this respect and notes, in this context, that a number of Member States have indicated that fiscal instruments will make a significant contribution to their planned reductions in CO₂ emissions, and that a decision on such instruments at Community level should be reached as soon as possible. Account should also be taken of the report from the Economic Policy Committee.

Against this background and in the light of the work undertaken by the ad hoc Working Party on the basis of the Commission proposal, the Presidency considers that a Community framework is needed for the functioning of the internal market and that the application of a Community-wide CO₂/energy tax should be based on the following principles.

2. Competitiveness

The Presidency recognizes that, in respect of a CO₂/energy tax, due account will have to be taken of the impact on the competitiveness of EC businesses compared with the situation in countries which are the most important trading partners for the Member States in the specific sectors concerned by the tax. The Presidency considers this condition to be fulfilled if the competitiveness of EC firms is not adversely affected by such a tax. The impact on competitiveness of a CO₂/energy tax may be offset for firms or sectors in competition with third countries, in accordance with points 9 and 10, until similar measures have been introduced by the Member States' most important trading partners in the relevant sectors.

The Presidency draws attention to the statement by the EFTA countries to the effect that they have already introduced taxes on CO₂ emissions or are considering doing so. The Presidency considers that the Community should rapidly take an initiative in the OECD framework in order to promote the use of fiscal instruments with a view to an effective and co-ordinated effort to reduce CO₂ emissions, consistent with the Community's own strategy.

The Presidency is of the opinion that early introduction of new energy taxes in the US, together with similar measures by other important trading partners to change their energy price levels, will go some way to meet demands that the effects of the proposed tax on competitiveness in the Community be reduced.

3. Burden sharing

The Presidency considers that the different degrees of economic development of the Member States need to be taken into account when a decision on the introduction of the CO₂/energy tax is taken.

4. Degree of harmonization (principles concerning levying of a tax)

The Presidency considers that a Community CO₂/energy tax can only be introduced by unanimity and that it should be levied according to the same general principles in all the Member States without prejudice to the subsidiarity principle.

The Presidency considers that a CO₂/energy tax should as a general rule be charged in the Member State of destination.

The Presidency further finds it appropriate that the basic rules for the movement and control of goods subject to harmonized excise duties should apply to products subject to a CO₂/energy tax.

5. Relationship between a CO₂/energy tax and existing excise duties or taxes

The Presidency considers that a greater environmental impact would be achieved by imposing a CO₂/energy tax over and above existing excise duties or taxes. However, a legal ban on reducing existing excise duties or taxes may give rise to unforeseeable problems for Member States. The Presidency is therefore of the opinion that a CO₂/energy tax should be imposed over and above the harmonized minimum rates of excise duties. However, upon adoption of a Directive, a statement should be included in the minutes in which Member States state that they will have regard to the objectives of reducing CO₂ emissions and improving energy efficiency in any adjustment of their excise duties and/or other specific taxes.

As far as the road transport sector is concerned, the Presidency considers that Member States should consider giving stronger incentives to reduce CO₂ emissions.

6. The CO₂ and energy components of the tax

The Presidency accepts the objective of the Commission proposal, that efforts should be directed at switching to less CO₂-intensive types of fuel as well as to more efficient use of energy.

The Presidency considers that a CO₂/energy tax should have a mixed base. The Presidency notes that Member States have different preferences as to the balance between the energy component and the CO₂ component. The Presidency feels that a tax should have significant elements of both.

7. Taxation of electricity

The Presidency notes that a CO₂/energy tax on fuel input to power stations would under competitive market conditions be most effective from an environmental point of view with respect to the mix of fuel used in the production of electricity. However, the Presidency recognizes that the application of the destination principle, i.e. taxing imports and refunding tax on exports, in the case of a CO₂/energy tax imposed on input, may cause legal problems under Community law and GATT rules (see opinion of the Council's Legal Service in 10511/92). Furthermore, it recognizes that the application of the origin principle in this case may have adverse competitive, fiscal and environmental effects inter alia because of the risk that electricity will be imported in increased quantities from third countries not applying taxes and environmental standards comparable to those applied in the Community.

The Presidency therefore favours a two-stage approach whereby:

- in the initial stage a CO₂/energy tax will be imposed on electricity in the form of an output tax which provides as strong incentives as possible and whereby the destination principle is fully applied. Member States who want to apply the tax, or part of it, on an input basis with full application of the origin principle and no compensatory border adjustments for that part would, however, be allowed to do so;
- on a bilateral basis, contacts should be established with relevant third countries in order to find a technically and legally acceptable solution allowing the Member States to switch to a greater use of input tax taking into account the question of revenue for Member States.

8. Taxation of renewable energy

The Presidency considers that in order to protect the environment by promoting the use of alternative energy sources, Member States should be allowed, without prejudice to the taxation of electricity generated from renewable sources, to apply exemptions based on those proposed by the Commission for energy from renewable sources.

9. Exemption and abatement schemes

The Presidency starts from the premise that exemptions, rebates, refunds, etc. should be seen strictly in the light of the objective of stabilizing CO₂ emissions and improving energy efficiency, whilst at the same time not damaging the competitiveness of business or economic vitality of the Community.

The Presidency considers that a Community framework should be established for tax reductions for energy-intensive firms in competition with third-country firms not subject to the same tax burden or to measures having equivalent effect. Distortion of competition must be avoided. Tax abatements for firms exposed to competition and energy-intensive firms should therefore be determined in accordance with common guidelines, notably as regards the extent of the abatement and criteria for assessing energy intensiveness.

Common guidelines should also be laid down making tax exemptions for energy-intensive businesses possible on the condition that they take or have taken all steps that can be taken at reasonable cost to scale down CO₂ emissions and improve energy efficiency, including measures linked to voluntary agreements, according to the specific situation in the Member States concerned.

10. Investment incentives

The Presidency starts from the premise that the arrangements should be seen strictly in the light of the objective of stabilizing CO₂ emissions and improving energy efficiency.

The Presidency considers it advisable, in order to achieve that objective and to give businesses and energy producers more possibilities for making the necessary adjustments, that Member States should be allowed, within a Community framework, to establish aid schemes for investments relating to measures to improve energy efficiency and to reduce CO₂ emissions, including schemes linked to voluntary agreements. Such schemes should comply with the principles governing State aid in the Community, including the size of the aid element.

Such schemes should only apply to investments in measures entailing substantial reductions in energy consumption and CO₂ emissions and which would not have been carried out were it not for the aid.

11. Fiscal neutrality

The Presidency acknowledges the macro-economic importance of the proposal as regards fiscal neutrality. However, it is of the opinion that it should be left to Member States themselves to decide how revenue from a CO₂/energy tax should be used.

DEPOSIT GUARANTEE SCHEMES

The Council held an initial examination of the Directive on bank deposit guarantee schemes. The Directive is aimed at setting up a scheme to ensure that a certain proportion of the deposit is reimbursed where a credit institution suspends payments or goes bankrupt. Such schemes are generally financed by the participating credit institutions. They exist in a majority of Member States although there are differences between the various schemes, notably in respect of their scope and coverage.

The Commission's proposal, submitted to the Council in May 1992, aims to introduce certain harmonized rules of a minimal nature in this area, in the interests of protecting depositors and of discouraging sudden withdrawals of funds to the detriment of the stability of the banking system. The principal features of the Commission's proposal are as follows:

- (a) All credit institutions to belong to a scheme;
- (b) Deposits to be reimbursed, as a general rule in full, up to a fixed minimum level;
- (c) Provisions relating to branches of credit institutions established outside the institutions' home Member State; the basic principle is that deposits taken by such branches should be guaranteed by the home State's scheme.

The proposal also allows for certain options exercisable by the Member States in order to accommodate recognized national practices.

Preparatory discussions highlighted the importance of a number of key elements, such as the obligation to belong to a scheme, the minimum amount of coverage, including the minimum percentage of the deposit to be covered and the rules applicable to branches established in another Member State where the level of guarantee differs from that of the home Member State.

The Council was required at this meeting to decide - by virtue of the principle of subsidiarity - whether such a Directive was necessary; its response was, by a very broad majority, in the affirmative.

It also discussed the degree of harmonization necessary to achieve the objectives sought.

In conclusion, the Council instructed the Permanent Representatives Committee actively to pursue work on this matter in the light of that day's discussions.

MISCELLANEOUS DECISIONS**Textiles**

The Council adopted a Regulation opening supplementary quotas for imports into the Community of certain textile products originating in certain non-member countries participating in the 1993 Berlin Trade Fairs.

Customs union

The Council adopted Regulations

- amending and supplementing Regulation No 3915/92 opening and providing for the administration of Community tariff quotas bound in GATT for certain types of plywood and dried onions;
- temporarily suspending the autonomous common customs tariff duties on a number of agricultural products (for the period from 1 July 1993 to 30 June 1994).

FIGHT AGAINST FRAUD - COUNCIL CONCLUSIONS

The Council,

- recalling the conclusions of the ECOFIN Council of 28 September 1992 on the fight against fraud, as well as those of the ECOFIN Council of 23 November 1992 concerning the results of the report of the high-level Working Party on the fight against fraud;
- taking note of the annual report of the Court of Auditors on the implementation of the 1991 Community budget as well as the statement of the President of the Court of Auditors when presenting the key elements of that annual report to the ECOFIN Council of 15 March 1993 concerning the importance of effective financial management and controls, both by Member States and by the Commission;
- having examined the present annual report presented by the Commission on the fight against fraud in 1992 and the action programme for 1993

draws the following conclusions:

- agrees with the Commission's statement in the annual report that the stakes are high in the fight against fraud;
- reiterates the importance of the fight against fraud so as to safeguard the Community's financial interests in the areas of expenditure and revenue, as well as the reputation of the Community, taking into account the prospective increase of the budget as agreed by the European Council of Edinburgh in December 1992;
- underlines the significance it attaches to the annual report on the Commission's activities to combat fraud and its timely appearance and notes the improvements made in the structure of the report;
- recognizes that the fight against fraud is a continuing task as reflected in the continuation by the Commission of certain actions in the new rolling action programme for 1993, and urges the Commission to extend the use of verifiable objectives as well as target dates in the annual action programme;
- notes that progress has been made in a number of the priorities which were identified by the conclusions of the ECOFIN Council in 1992;

- strongly supports simplification of the regulations in the CAP field and regarding the structural funds, both areas of Community expenditure subject to reform at present, and the establishment of clear criteria allowing the identification of fraud and irregularities;
- stresses the need for a report procedure for the structural funds assuring systematic communication of cases of fraud and irregularity as found in other sectors;
- recalls the importance of the method of risk-analysis for optimizing the use of available resources;
- underlines that an effective level of internal control, administrative rigour and co-ordination in Community institutions and in the administrations of Member States is a necessary element in the fight against fraud;

encourages the Commission to do its utmost to exercise fully its responsibilities in the fight against fraud and to play a vital role as a catalyst to further increase the development of joint action between Member States as well as between Member States and the Commission, in order to safeguard Community financial interests;

states that the principle of subsidiarity cannot reduce the need for Community measures to contain adequate provision for the Commission and the Member States to ensure that Community law is properly enforced and to fulfil their obligations to safeguard Community revenue and expenditure;

- requests the Commission to report on the further development of the Community's strategy against fraud, taking into account all the relevant factors, indicating what specific improvements are necessary at the level of the Community and Member States, and to present to the Council its proposals at the latest in the framework of the annual report for 1993 in March 1994.

PRESS RELEASE

7039/93 (Presse 94)

1668th Council meeting

- TRANSPORT -

Luxembourg, 7 and 8 June 1993

Presidents: Mr Helge MORTENSEN,
Minister for Transport

Mr Jan TRØJBORG
Minister for Industry

of the Kingdom of Denmark

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

Belgium:

Mr Guy COEME Deputy Prime Minister, Minister for Transport,
Public Undertakings and Public Building

Denmark:

Mr Helge MORTENSEN Minister for Transport
Mr Jan TRØJBORG Minister for Industry
Mr Jørgen BREDHOLT State Secretary for Industry
Mr Peter ELMING State Secretary for Transport

Germany:

Mr Matthias WISSMANN Federal Minister for Transport

Greece:

Mr Theodoros ANAGNOSTOPOULOS Minister for Transport
Mr Alexandros PAPADONGONAS Minister for Merchant Shipping

Spain:

Mr Manuel PANADERO Secretary-General at the Ministry of Transport

France:

Mr Bernard BOSSON Minister for Transport

Ireland:

Mr Brian COWEN Minister for Transport
Mr Gerry O'SULLIVAN Minister of State, Department of Transport

Italy:

Mr Raffaele COSTA Minister for Transport

Luxembourg:

Mr Robert GOEBBELS Minister for Transport

Netherlands:

Mrs Hanja MAIJ-WEGGEN Minister for Transport and Public Works

Portugal:

Mr Jorge ANTAS State Secretary for Transport
Mr João BEBIANO State Secretary to the Ministry for Maritime Affairs

United Kingdom:

Mr John MacGREGOR Secretary of State for Transport

- + -

For the Commission:

Mr Abel MATUTES Member

ACTION PROGRAMME IN THE FIELD OF TRANSPORT INFRASTRUCTURE

Following the conciliation procedure with the Parliament ⁽¹⁾, the Council approved the draft Regulation for an action programme in the field of transport infrastructure with a view to the completion of an integrated transport market.

Pending more comprehensive measures to be taken at a later date with regard to trans-European networks under the Treaty on European Union, this Regulation renews Regulation No 3359/90, with a number of amendments concerning objectives and infrastructure projects, for a transitional period of two years (1993-1994).

The amount estimated necessary for implementing the programme is ECU 325 million.

Community contributions will either take the form of financial support involving subsidies or be made under other financial instruments.

The Regulation lays down the conditions for awarding the declaration of European interest which the commission will issue in respect of transport infrastructure projects after consulting the Member States directly concerned.

Community action will concern any study covering land transport infrastructure and the major projects listed below:

(1) contribution to the high-speed rail network:

- links: Paris - London - Brussels - Amsterdam - Cologne and connecting lines to other Member States;
- links:
 - (a) Madrid - Barcelona - Lyons - Turin - Milan - Venice and from there to Tarvisio and Trieste;
 - (b) Oporto - Lisbon - Madrid;

(2) the alpine transit route (Brenner route);

⁽¹⁾ The Parliament delegation at today's conciliation meeting was led by Mr Georgios ANASTASSOPOULOS, Vice-President.

- (3) contribution to the combined transport network of Community interest;
- (4) the trans-Pyrenean road links;
- (5) the Scanlink;
- (6) the strengthening of land communications within and with Greece, Ireland and Portugal.

The Regulation will be repealed if, before the date of its expiry, the Council adopts a new instrument on trans-European networks. It will be reviewed during the 1994 financial year in the light of the decisions taken on the financing of infrastructure.

The Regulation will be formally adopted in the near future, after the text has been finalized.

WHITE PAPER ON THE FUTURE DEVELOPMENT OF THE COMMON TRANSPORT
POLICY - COUNCIL CONCLUSIONS

The Council, having held a general debate on the Commission communication on the future development of the common transport policy (White Paper):

1. welcomes this integrated approach, including economic, social, environmental and safety aspects, as well as infrastructure and research and development;
2. recalls the prominent part which transport plays in facilitating the operation of the single market;
3. notes that the common transport policy will contribute to economic and social progress by facilitating the free movement of goods and persons, the common transport policy will thus be conducive to an efficient market structure;
4. recalls the need to promote economic and social cohesion and help reduce regional disparities by addressing the specificities of island, landlocked and peripheral regions whose access links and internal transport systems require further development;
5. will take care to ensure the completion of the remaining single market legislation, its further development and its effective operation;
6. will take care to take further measures at the Community level to develop the common transport policy where appropriate, notably in the fields of fiscal, technical and social harmonization;
7. underlines, without prejudice to Community exclusive competence, the importance of subsidiarity in the continuing development of the common transport policy whereby the Community shall take action only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore be better achieved by the Community;
8. recognizes the need, taking account of the requirement for freedom of choice regarding mode of transport, to strike a balance between the overall development benefits of transport and the protection of the environment;
9. stresses the need to ensure that the common transport policy will play an active role in encouraging cost-effective actions which produce overall environmental benefits, such as energy conservation and a reduction in vehicle emissions;
10. expresses its concern about the problem of traffic congestion particularly in densely populated parts of the Community and recognizes the ameliorating role that can be played by advanced transport telematics and other traffic management systems, as

well as efficient and reliable long-distance collective transport systems and alternative modes of transport, in reducing this problem;

11. emphasizes the importance of promoting environmentally friendly, cost-effective, efficient and safe transport, such as rail transport, inland navigation, short sea shipping and combined transport, while taking into account the volume and the type of demand;
12. recognizes nevertheless the essential role of road transport because of its flexibility and particular convenience over shorter distances and in low populated areas as well as the links it provides between different modes of transport;
13. underlines, without prejudice to the competence of Member States regarding infrastructure on their territory, the importance of improving traffic flows on principal transit axes, in particular key links between national networks;
14. recognizes the need to facilitate transit of community hauliers through third countries and the continuing role which the Community can play in solving this problem;
15. agrees that rapid adoption of the guidelines concerning trans-European networks including integrated networks for the transport of persons and goods, will
 - (a) contribute to easing the transit problems referred to in points 14 and 15;
 - (b) help improve communications with and within island, landlocked and peripheral regions,
16. highlights the importance of efficient and interoperable intermodal transport systems and distribution facilities while at the same time ensuring a high level of accessibility and interconnection;
17. underlines the importance of coherence between the investment plans of Member States, which have Community significance;
18. recognizes the demand for the different modes of transport should not be biased by distortions in competition; therefore measures of further harmonization will be aimed at
 - (a) establishing a fair basis for charging for infrastructure costs;
 - (b) stricter enforcement of existing rules, notably on driving hours and consideration of the need for new rules, which could also address working conditions;
 - (c) ensuring, where necessary, technical compatibility of systems utilized within and between modes of transport;
 - (d) drawing up strict safety and environmentally-friendly standards for vehicles;

- furthermore, appropriate consideration will be given to the question of the internalization of external costs associated i.a. with the environment and safety;
19. as far as State aids are concerned, particularly stresses the need for transparency in the funding of both private and state-owned operators, taking into account the special characteristics of the transport sector, in order to avoid distortions in competition;
 20. agrees that a shift of demand towards other modes of transport, as a result of any future measures, must not worsen the competitive position of island, landlocked and peripheral regions, where a particular mode of transport plays a major role in facilitating access to markets;
 21. agrees that progress must be made, avoiding duplications, at the national and Community levels, and also in a wider international context, as regards transport safety including passenger transport and the transport of dangerous goods;
 22. takes note of the Commission's intention to submit a communication on a Community programme on road safety concerning human behaviour, vehicles and infrastructure with a view to careful consideration under the coming Presidencies;
 23. recalls that Council Resolution of 16 December 1991 states that research and development carried out at Community level in the field of transport should contribute to striking a balance between the direct economic benefits of the transport sector and its negative effects on the well-being of Community citizens, and welcomes the inclusion of transport-related research within the fourth framework programme;
 24. stresses the need to develop the outlines and procedures of a common external dimension for each transport sector, complementary to the progress made in the completion of the single market, in order to be able to promote in the best possible way the interests of the Community and its Member States with regard to third countries;
 25. invites the Commission, in the light of these conclusions of the Council, to follow up its White Paper;
 - (a) by ensuring the completion and proper functioning of the Single Market;
 - (b) by submitting proposals as necessary accompanied by a timetable;
 - (c) and by closely monitoring the development of the Transport sector in the Community;
 26. considers the implementation of the common transport policy as an ongoing process which will have to be adapted periodically, and therefore undertakes to return to the subject regularly; in this context, invites the Commission to update its programme regularly if necessary and to keep the Council informed of its intentions and priorities concerning the schedule for proposals to be submitted to the Council."

AIR TRANSPORT

- Relations with third countries

The Council received a progress report from the Presidency concerning external relations with third countries in the aviation field, in the light of the Council conclusions of 15 March 1993 (see Press Release No 5333/93 Presse 36).

It noted the setting up of an Aviation Group by a decision of the Permanent Representatives Committee which laid down an appropriate framework for the Group's operation within the Council, with particular reference to its powers and working methods.

It was agreed that the discussions on future proceedings in the Council (discussions based on the Commission proposal and the Council conclusions of 15 March 1993) would mainly concern interests and/or conflicts of interest common to several Member States in specific cases where Member States conducted bilateral negotiations with third countries.

These discussions would also have to concern the drawing up of guidelines concerning the impact that negotiations with third countries might have on the internal-market arrangements in the fields of aviation, the allocation of the rights obtained during negotiations with third countries and the administration of the obligations arising from such negotiations.

- Computerized reservation systems (CRS)

The Council held a policy debate on the proposal to amend Regulation No 2299/89 on a code of conduct for computerized reservation systems (CRS).

The proposal seeks to adjust the existing code of conduct so as to improve competition between air carriers and ensure better information for users. It provides for steps to be taken to ensure that:

- parent carriers with a CRS should communicate information to any other CRS that so requests;
- parent companies that own CRSs should not use their special position in such a way as to discriminate against other airlines which use their CRSs;
- airlines that own CRSs should observe the requirements as to non-discrimination against the other airlines in respect of the information displayed on their own computer systems.

The Council noted that progress had been made on certain technical aspects of the proposal and instructed the Permanent Representatives Committee to continue the examination of the texts with particular reference to matters relating to the technical dissociation of systems (de-hosting).

RELATIONS WITH SWITZERLAND IN THE FIELD OF TRANSPORT

After a discussion on the basis of information from the Commission concerning the informal exploratory talks on transport which had been held with Switzerland, the Council noted the Commission's intention of submitting for the Transport Council meeting in September a recommendation for a Decision authorizing it to open negotiations with Switzerland on road and air transport. The recommendation would be coupled with a draft negotiation brief and a study of the relevant aspects of relations between the Community and Switzerland in the field of transport and in the overall context of relations between the two sides.

OUTLINE PLANS FOR NETWORKS

Pending the Opinions of the European Parliament, the Council discussed the proposals for Decisions on the establishment of trans-European networks in the sectors of combined transport, road transport and inland waterway transport.

This initiative arises in the context of the completion of the single market and the Community's contribution to establishing and developing trans-European networks as provided for in the Treaty on European Union.

Community action in this area is aimed at promoting the inter-connection and the inter-operability of national networks and access to such networks, taking account of the need to link the Community's island, landlocked and outlying regions to its central regions.

The outline plans are intended to be the main instrument for setting up the trans-European networks. They identify projects of Community interest for which there might be financial incentives from the Community, and they represent one of the factors for getting the Cohesion Fund under way in the financing of trans-European networks with regard to transport infrastructure.

There was a favourable response to the proposals.

The Permanent Representatives Committee was instructed to continue the discussions, in particular in the light of the Opinions of the European Parliament, so that the Council could act on the proposal at the earliest opportunity.

Any Decisions adopted would have to be provisional, because they would have to be amended once the Treaty on European Union and its implementing provisions came into force.

LAND TRANSPORT

- Taxation of road transport
- Goods cabotage

The Council considered once again the question of harmonizing the taxation of road transport on the basis of a note from the Presidency setting out its assessment of the possible solutions to this question.

The Council discussed among other things the possibility of introducing in Member States that did not have a system of tolls a charge for using the road infrastructure concerned (regional disc).

In conclusion the Council decided to hold a special meeting on transport on 19 June devoted solely to the harmonization of taxation on road transport and the arrangements for liberalizing goods cabotage.

- Transport to and from Greece

The Council was informed by the Minister, Mr Anagnostopoulos, of the difficulties facing Greek road hauliers because of the crisis in the former Yugoslavia.

After an exchange of views, the Council noted that the Commission intended to study these problems and submit its findings to a Council meeting in the near future.

SHIPPING

The Council adopted the following Resolution concerning a common policy on safe seas:

"The Council of the European Communities,

- (1) reaffirming the conclusions of the extraordinary Council of 25 January 1993, stating the Council's intention to improve maritime safety and to contribute to the prevention of maritime pollution in the seas surrounding the Community through the development and implementation of international standards concerning ships, personnel and navigation procedures and through the development of navigation infrastructures and emergency facilities ;
- (2) stressing the role of the International Maritime Organization (IMO) and, where appropriate, of the International Labour Organization (ILO) for maritime safety and pollution prevention, in particular through the establishment of standards for vessels, personnel and maritime infrastructures;
- (3) stressing the role of European co-operation within the Paris Memorandum of Understanding on Port State Control (MOU) for the application of IMO standards;
- (4) calling again upon the Community and the Member States to support and promote further and more co-ordinated and firm action in the on-going work at IMO and MOU;
- (5) recognizing the need for intensified action as appropriate at Community or national level to ensure an adequate response to the requirements of maritime safety and the prevention of marine pollution,
- (6) welcoming the Commission Communication on "A Common Policy on Safe Seas", including its coherent action programme on priority measures to be taken by the Community and its Member States to enhance maritime safety and pollution prevention;

I. The Council

- (1) notes with satisfaction that the objectives and main initiatives outlined in the Communication correspond to a large extent to the conclusions of the aforementioned extraordinary Council;
- (2) fully supports the objectives of the Communication;
- (3) emphasizes that Community measures in the field of maritime safety and of the prevention of maritime pollution, in particular for the convergent application of IMO standards, should apply in principle to ships of all flags in Community

waters ⁽¹⁾ in order to protect the Community coast lines, human life, fauna and flora and other marine resources, and not to jeopardize the competitiveness of the Community fleet while taking due account of the international nature of shipping;

- (4) stresses in this context that further Community action should be framed on the basis of the following main objectives :
- = to strengthen inspection - in particular to reinforce measures concerning standards of operation and against substandard crews - and to take measures with the objective of removing all substandard ships from Community waters;
 - = to improve the safety of maritime navigation,
 - = to identify on the basis of existing legislation and international guidelines environmentally sensitive areas within the Community and propose to IMO specific measures for them;

II. The Council

- (1) agrees that the above main objectives should be implemented while respecting the following priorities for a Community action programme that takes proper account of international conventions and work at IMO, MOU and ILO:

- (a) effective and uniform implementation of international rules
- . to develop common criteria for more thorough port State control and to harmonize rules on port State inspection and detention including the possibility of refusing access to European Community ports to ships found to be below internationally agreed standards and which refuse to be upgraded as required and including the possibility of publishing the results of the inspections,
 - . to identify IMO resolutions considered to be necessary for improving maritime safety of vessels of any flags entering Community waters and to ensure their mandatory application,
 - . to elaborate common standards for classification societies,
 - . to harmonize the implementation of IMO standards and the approval procedures for marine equipments,
 - . to encourage work directed towards the introduction of a Community register (EUROS) as a register of high safety standard ships;
- (b) enhanced training and education

⁽¹⁾ The term "Community waters" refers to waters of the Member States of the European Community.

- to develop common standards for minimum training levels of key personnel, including the question of a common language on board EEC-vessels, as well as of port inspectors and VTS operators;
- (c) improvement of maritime infrastructures and of traffic procedures
 - (i) to identify the need for maritime infrastructures for the protection of environmentally sensitive areas of the Community and to propose to IMO specific measures for them;
 - (ii) to further develop VTS infrastructures, to harmonize VTS procedures and to impose mandatory ship reporting in certain areas through IMO where appropriate;
 - (iii) to adopt, in accordance with Article 13 of the Council Directive concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods, a fuller reporting system;
 - (iv) to develop the availability and use of reception facilities within the Community;
 - (v) to devise a European Radionavigation Plan and, if appropriate, to examine the possibility of introducing a mechanism whereby the cost of providing radionavigational aids are recoverable from users taking account of the international law of the sea;
 - (vi) to strengthen co-ordinated Community emergency planning through enhanced responsibility by way of towing and salvage facilities.
- (d) civil liability
 - to ratify as soon as possible
 - the 1969 International Convention on civil liability for oil pollution damage (CLC) and the 1971 International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) where they have not yet been ratified,
 - the protocols to the 1969 Liability Convention and to the 1971 Fund Convention, as agreed upon in 1984 and revised in 1992, concerning increased compensation amounts;
 - to continue to study the questions of liability for environmental damage including the possibility of a liability and FUND convention covering hazardous and noxious substances;
- (e) Safety of passenger vessels
 - to harmonize criteria for the determination of the number and qualification of lifeboatmen on board passenger ships engaged in short international voyages.

(f) Risk assessment

to consider whether and if so, how the principles of potential risk assessment developed for other major risks can be applied to the sea transport of freight.

- (2) approves in principle the establishment of a Committee on Safe Seas, in accordance with Council Decision 87/373/EEC, with the purpose of:
- (a) centralizing the duties of Committees, created by the implementation of Council Decision 87/373/EEC in existing or future Community legislation, concerning maritime safety matters;
 - (b) assisting and advising the Commission in all maritime safety matters and matters of prevention or limitation of environmental pollution due to maritime activities;
- (3) agrees to a more effective common monitoring of the work of IMO and MOU and the preparation of, or contribution to, a closer co-ordination of Member States towards a common position in these organizations, achieved through the usual Council procedures.

III. The Council therefore:

- (1) welcomes the fact that the Commission has presented proposals concerning
- common rules and standards for ship inspection and survey organizations (Classification societies)
 - the minimum level of training for maritime occupations.
- (2) urges the Commission to submit as soon as possible to the Council suggestions for specific action and formal proposals concerning:
- the implementation of Article 13 of the Council Directive concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods;
 - criteria for the inspection of ships, including the harmonization of detention rules, publication of the results of the inspections, and refusal of access;
 - enforcement within the Community of relevant IMO-resolutions, in particular
 - = IMO Resolution A 722(17) on application of tonnage measurement of ballast spaces in Segregated Ballast Tanks (SBT),
 - = IMO Resolution on the IMO Identification Number for Ships;
 - a revised proposal on the introduction of a Community register (EUROS) also with a view to safety at sea under European flags;

- common safety rules for marine equipment used on board commercial and passenger vessels;
 - safety rules for passenger vessels in domestic voyages;
 - a Committee on Safe Seas;
 - measures for traffic surveillance and aid, including vessel traffic services (VTS).
- (3) commits itself to make every effort to come to conclusions on these suggestions and decide upon proposals before the end of 1993.
- (4) - invites the Commission to submit an interim report by the end of 1993,
- decides to proceed, before the end of 1994 and on the basis of a report by the Commission, to a revision and update of the objectives and priority action programme of this resolution."

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In the context of the new common policy on safe seas, the Council noted the Commission's presentation of two proposals for Directives:

- one concerning common rules and standards for ship inspection and survey organizations;
- the other concerning the minimum level of education for seafarers.

After an exchange of views, the Permanent Representatives Committee was instructed to examine the proposals with a view to Council discussions in the near future.

PRESS RELEASE

7041/93 (Presse 96)

1669th Council Meeting
- GENERAL AFFAIRS -
- POLITICAL CO-OPERATION -

Luxembourg, 7, 8 and 9 June 1993

President: Mr Niels HELVEG PETERSEN

Minister for Foreign Affairs
of the Kingdom of Denmark

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

Belgium:

Mr Willy CLAES Minister for Foreign Affairs
Mr Robert URBAIN Minister for Foreign Trade and European Affairs

Denmark:

Mr Niels HELVEG PETERSEN Minister for Foreign Affairs
Mr Jorgen ØSTRØM MØLLER State Secretary for Foreign Affairs

Germany:

Mr Klaus KINKEL Federal Minister for Foreign Affairs
Mrs Ursula SEILER-ALBRING Minister of State, Foreign Affairs
Mr Johann EEKHOFF State Secretary for Economic Affairs

Greece:

Mr Michalis PAPACONSTANTINOU Minister for Foreign Affairs

Spain:

Mr Carlos WESTENDORP State Secretary for Relations with the European Communities

France:

Mr Alain JUPPE Minister for Foreign Affairs
Mr Alain LAMASSOURE Minister with special responsibility for European Affairs

Ireland:

Mr Dick SPRING Minister for Foreign Affairs
Mr Tom KITT Minister of State at the Department of the Taoiseach with special responsibility for European Affairs

Italy:

Mr Beniamino ANDREATTA Minister for Foreign Affairs
Mr Paolo BARATTA Minister for Foreign Trade

Luxembourg:

Mr Jacques POOS Minister for Foreign Affairs

Netherlands:

Mr P. KOOIJMANS Minister for Foreign Affairs
Mr Piet DANKERT State Secretary for Foreign Affairs

Portugal:

Mr José Manuel Durao BARROSO Minister for Foreign Affairs
Mr Vitor MARTINS State Secretary for Foreign Affairs

United Kingdom:

Mr Douglas HURD Secretary of State for Foreign and Commonwealth Affairs
Mr David HEATHCOAT-AMORY Minister of State, Foreign and Commonwealth Office

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Commission:

Mr Jacques DELORS President
Sir Leon BRITTAN Member
Mr Hans VAN DEN BROEK Member
Mr Bruce MILLAN Member

Also participated:

Lord OWEN (for the item on the former Yugoslavia)

RELATIONS WITH THE EUROPEAN PARLIAMENT

The Council prepared for the interinstitutional meeting with the European Parliament and the Commission, which was held on the evening of Monday 7 June and concerned the conditions governing the mediator's role, an open political discussion on institutional issues and an institutional agreement on the principle of subsidiarity.

ACCESSION NEGOTIATIONS

The Council defined the position to be adopted by the Community on the various issues on the agenda for the second ministerial meetings with the 4 applicant countries, which were held on Tuesday 8 June with Finland (morning) and Sweden (late afternoon) and on Wednesday 9 June with Austria and Norway (afternoon).

DECLARATION ON THE FORMER YUGOSLAVIA

The Community and its Member States pledge themselves to intensify efforts to achieve a lasting and equitable peace in the former Yugoslavia in close co-operation with the rest of the international community. In this context, the Community and its Member States are looking forward to meeting US Secretary of State, Warren Christopher, in Luxembourg on 9 June 1993.

The Vance-Owen Peace Plan remains the centrepiece of EC strategy for peace in Bosnia-Herzegovina. There is no feasible alternative to the Vance-Owen Peace Plan as the basis for reaching a durable political solution based on the principles agreed by all at the London Conference, including the sovereignty of the Republic of Bosnia-Herzegovina, the inviolability of its territorial integrity, respect for its pluralist character, and the inadmissibility of the acquisition of territory by force. Lord Owen and Thorvald Stoltenberg, who have the authority to pursue implementation of the Vance-Owen Peace Plan through contacts with the parties, have our full confidence and support in this matter.

The Community and its Member States welcome the measures developed and supported by the Community and its Member States in the Joint Action Programme agreed on 22 May 1993 in Washington by the Foreign Ministers of five members of the Security Council, with the aim of preparing the ground for the implementation of the Vance-Owen Peace Plan. They attach importance to the new commitments of the United States and Russia in this task.

The Community and its Member States lend their full support to SCR 836 on safe areas, which has as its immediate objective the protection of lives now threatened by aggressive military action, and which constitutes a first step in the comprehensive implementation of the Vance-Owen Peace Plan. Implementation of this resolution requires additional troops and funding, and the Community and its Member States support the efforts of the UNSG to this end with other members of the international community.

The sanctions imposed by the United Nations Security Council against Serbia/Montenegro and the Bosnian Serbs will be rigorously enforced until the conditions in the relevant UNSC Resolutions for their lifting have been met. The Community and its Member States will continue to monitor closely the situation in the Krajina, as well as any Croatian acts in contravention of the Vance-Owen Peace Plan in Bosnia-Herzegovina. They will initiate restrictive measures against Croatia if the situation so requires. They insist that all parties protect the lives and safety of relief personnel and let relief convoys pass unimpeded. The Community and its Member States are concerned about a possible spill-over of the conflict. They support a substantial increase in the preventive international presence in Kosovo and the former Yugoslav Republic of Macedonia.

The Community and its Member States reaffirm that options for new and tougher measures must be kept open.

SOUTH AFRICA

The Council heard a report from its President on his recent journey to South Africa and the evolution of the situation in that country.

In his presentation to the press, the President stressed the following points: The Community and its Member States deem it important to be ready to adjust their policy towards South Africa concurrently with developments in that country towards majority rule and democracy.

The Community and its Member States see the establishment of the Transitional Executive Council as one of the most important steps towards majority rule. For the first time in the history of South Africa a kind of governmental forum with representatives of the majority of the population will come into being.

The Community and its Member States will take the following steps once the TEC is in place:

- a new development initiative will be launched. There will be a dialogue with the TEC on development co-operation. The Council (Development) has already adopted the major outline of the new programme, with more emphasis on democratization and support for institution building;
- Member States will, where appropriate, likewise be ready to enter into a dialogue with the TEC on development matters, including support for the election process;
- the Community and its Member States will be ready to enter into a dialogue with the TEC on future economic relations between the Community and South Africa.
- the Community and its Member States will strive to promote a decision within the World Bank, IMF and other relevant international organizations for a normalization of relations with South Africa;
- reporting under the Code of Conduct for European enterprises in South Africa will be discontinued. Heads of Mission will report annually on developments in the area of labour conditions, in particular concerning equality of opportunities;
- the Commission's office in South Africa will be upgraded to a normal Delegation;
- the ban on military attachés accredited to South Africa and on granting of accreditation to military attachés from South Africa will be lifted, solely with a view to promoting the democratization and integration process in the security field;
- likewise, the freezing of official contacts and international agreements in the security field will be discontinued.

DECLARATION ON SOMALIA

The Community and its Member States express their deep concern over the events in Mogadishu in recent days and condemn without reservation the premeditated killing and wounding of Pakistani soldiers who were conducting a weapons verification inspection with UNOSOM II. They express their regret and sympathy to the people and Government of Pakistan, and especially to the families of those who lost their lives.

The Community and its Member States reiterate their full support for the United Nations in its efforts to bring peace and stability to Somalia. They look forward to the publication of the Secretary General's enquiry into the recent incident and the role of the factional leaders involved.

The Community and its Member States call on all Somali parties, movements, and factions to respect the ceasefire, to comply with the agreements on political reconciliation they entered into in Addis Ababa in March and to co-operate fully with UNOSOM II so that it can fulfil its essential humanitarian mandate.

IMPLEMENTATION OF THE CFSP

The Ministers took note of current preparatory work on security with a view to implementation of the CFSP and instructed the Political Committee to continue that work.

IRAQ

Ministers noted that the critical situation of the UN Inter-agency Humanitarian Programme for Iraq gives rise to deep concern. The Community and its Member States will be prepared to contribute further to this programme.

URUGUAY ROUND

The Council heard a report by Sir Leon BRITTAN on the state of play in the negotiations concerning the Uruguay Round.

The Council also welcomed the presentation by the French Foreign Minister of his Government's memorandum on the Uruguay Round.

The Council had a thorough exchange of views on these statements, which should contribute to giving a new impetus to the negotiations with a view to bringing them to a successful conclusion.

The Council reaffirmed the Community's will to achieve a substantial, global and balanced result through truly multilateral negotiations. The Council considered that it is a main objective of the negotiations that international trade take place under commonly agreed rules so that unilateral action is avoided.

To this end the Council will follow closely developments over the coming months in order to permit the Commission to play an active and constructive role in the negotiations. The Commission will report regularly on progress in the negotiations with a view to creating the conditions for a satisfactory agreement.

RELATIONS WITH THE COUNTRIES OF CENTRAL AND EASTERN EUROPE

With a view to the Copenhagen European Council meeting, the Council examined the various aspects of the Commission communication concerning closer association with the CCEE. The chapters in question concern the objective of accession, the establishment of more structured relations with the CCEE, including the possibility of meetings at Head of State and Government level, the improvement of market access, increased efficiency of aid and encouragement of economic integration.

The Council established guidelines or options relating to those various aspects, for submission to the European Council.

RELATIONS WITH RUSSIA

The Council noted a statement by Sir Leon BRITTAN on progress in the negotiations with Russia for a Partnership and Co-operation Agreement.

ACCESS TO INFORMATION

The Council heard a presentation by Commissioner PINHEIRO of the Commission communication, further to a preliminary Commission communication on the matter submitted in May, on measures to increase public access to information.

The Council held a preliminary discussion on the communication and instructed the Permanent Representatives Committee to prepare for its subsequent work on the issue.

REFORM OF THE STRUCTURAL FUNDS

The Council had before it a Presidency note taking stock of the work done since the Commission submission, in March and April, of 6 proposals for Regulations concerning the reform of the Structural Funds.

The note referred to the agreement already reached on a number of issues and also indicated the problems outstanding, especially as regards a number of political questions. The main issues examined to date are as follows:

- the list of Objective 1 regions
- the allocation of financial resources
- new Objectives 3 and 4 of the Community's structural action
- the programming procedure for Objectives 1 to 4 and 5b
- the programming procedure for Objective 5a
- the choice of regions and/or areas covered by Objectives 2 and 5b
- Committee procedure
- Community initiatives
- the financing of structural action for fisheries and the establishment of a financial instrument for that purpose (FIFG).

Broad agreement had been reached on the problem of programming for Objectives 1 to 4 and 5b and substantial progress had been achieved on the allocation of financial resources and Objectives 3 and 4.

At this meeting the Council was required in particular to discuss the following three issues:

- the list of Objective 1 regions
- the choice of Objective 2 and 5b regions
- the programming procedure for Objective 5a.

At the end of its discussions the Council instructed the Permanent Representatives Committee to continue examining the various proposals for Regulations with a view to the adoption of a Council common position at an extraordinary meeting scheduled for 2 July 1993.

COPENHAGEN EUROPEAN COUNCIL

The Council briefly discussed preparations for the European Council meeting in Copenhagen on 21 and 22 June 1993.

Those preparations are also the subject of the current tour of Member States' capitals by the President of the European Council.

MISCELLANEOUS DECISIONS

Relations with the Republic of Korea - Council conclusions

The Council adopted the following conclusions on the basis of a Commission communication:

1. The Council takes note of the state of economic relations between the Community and the Republic of Korea.

It recognizes that, whereas trade between the Community and the Republic of Korea has considerably increased in the last decade, the level of exchanges with the Republic of Korea should be further developed in order to reflect the importance of both the Community and the Republic of Korea in world trade.

2. The Council welcomes the promising steps taken by the Republic of Korea in recent years towards eliminating barriers to trade and improving conditions for foreign investment; it nevertheless expresses serious concern about the recent tendency towards tariff increases in certain sectors.
3. The Council calls upon the Republic of Korea to make early and substantial further progress towards the liberalization of trade and investment, to remove the significant tariff and non-tariff barriers still facing European enterprises seeking to do business in the Republic of Korea, and to harmonize tariff levels. The Republic of Korea should take measures which are unambiguous and respect GATT principles, these measures should follow a precise timetable and not discriminate between the Republic of Korea's trading partners.

In particular, the Council calls upon the Republic of Korea:

- (i) not to discourage imports through frugality campaigns or in other ways, but to apply consistent and transparent procedures to the import and distribution of goods and services from abroad;
- (ii) to eliminate non-tariff barriers affecting industrial and consumer goods, including motor vehicles, and agro-food products;
- (iii) to provide an adequate level of protection and enforcement of all intellectual property rights, including designations of origin;
- (iv) to abstain from applying emergency and adjustment duties and to bind tariff schedules at current levels;

- (v) to ensure that public procurement rules are implemented in a non-discriminatory way, notably for telecommunications equipment;
 - (vi) to provide legal certainty and transparency in legislation governing foreign investment.
4. The Council considers that the Republic of Korea should actively contribute to the conclusion of the Uruguay Round negotiations, in particular regarding market access and services, and that it should accept responsibilities commensurate with its level of economic development.
 5. The Council considers that the Community should pursue and further develop the existing bilateral dialogue with the Republic of Korea.
 6. The Council underlines the importance of developing co-operation with the Republic of Korea on a mutually advantageous basis; it welcomes the fact that the latter has expressed its desire to develop co-operation with the Community.
 7. The Council considers that co-operation between the Community and the Republic of Korea should go hand in hand with the overall development of bilateral trade and economic relations.
 8. The Council considers that co-operation should be developed in such areas as science and technology, customs and product conformity assessment; it also considers that the possibility of co-operation should be explored, inter alia, in the fields of energy, industrial co-operation and environment, including global environmental issues.
 9. The Council emphasizes the importance of promoting mutual understanding between the Republic of Korea and the Community, and contacts in the economic and cultural fields.
 10. The Council recognizes that a coherent approach is necessary towards the Republic of Korea; it decides to review the development of trade and economic relations with the Republic of Korea in 1994, on the basis of a progress report by the Commission.

The quality of drafting of Community legislation

The Council adopted a Resolution with the following substantive content:

The general objective of making Community legislation more accessible should be pursued, not only by making systematic use of consolidation but also by implementing the following guidelines as criteria against which Council texts should be checked as they are drafted:

1. The wording of the act should be clear, simple, concise and unambiguous; unnecessary abbreviations, "Community jargon" and excessively long sentences should be avoided.
2. Imprecise references to other texts should be avoided as should too many cross-references which make the text difficult to understand.
3. The various provisions of the acts should be consistent with each other; the same term should be used throughout to express a given concept.
4. The rights and obligations of those to whom the act is to apply should be clearly defined.
5. The act should be laid out according to the standard structure (chapters, sections, articles, paragraphs).
6. The preamble should justify the enacting provisions in simple terms.
7. Provisions without legislative character should be avoided (wishes, political statements).
8. Inconsistency with existing legislation should be avoided as should pointless repetition of existing provisions. Any amendment, extension or repeal of an act should be clearly set out.
9. An act amending an earlier act should not contain autonomous substantive provisions but only provisions to be directly incorporated into the act to be amended.
10. The date of entry into force of the act and any transitional provisions which might be necessary should be clearly stated.

Extension of the jurisdiction of the Court of First Instance

On 24 October 1988 the Council decided to establish a Court of First Instance of the European Communities. That Decision ensued from a request from the Court of Justice that such a court be attached to it to hear and determine at first instance certain classes of action or proceeding brought by natural or legal persons, in particular in respect of actions requiring close examination of complex facts. The purpose of establishing the Court of First Instance was, on the one hand, to improve the judicial protection of individual interests and, on the other hand, by freeing the Court of Justice from examination of the facts, to enable the latter to concentrate its activities on its fundamental task of ensuring uniform interpretation of Community law.

The Council Decision conferred jurisdiction on the Court of First Instance for the following:

- disputes between the Communities and their staff;
- actions brought against an institution of the Communities by natural or legal persons concerning the implementation of the rules of competition applicable to undertakings;
- actions brought against the Commission by undertakings or associations of undertakings in the field of the ECSC Treaty.

The Council also made provision for examining, in the light of experience acquired, the question, after two years' operation of the Court, of conferring additional jurisdiction on it.

By letter dated 17 October 1991 the Court called upon the Council to extend the Court of First Instance's jurisdiction to all actions (proceedings for annulment, proceedings for failure to act and claims for compensation for damage) brought by individuals, thus virtually exhausting the field of extensions possible under the present wording of Articles 32d of the ECSC Treaty, 168a of the EEC Treaty and 140a of the ECSC Treaty.

Through today's Decision the Council has acted on the Court's request. The Council Decision will enter into force on the first day of the second month following its publication in the Official Journal. However, as regards actions brought relating to measures to protect trade provided for in the case of dumping and subsidies, its entry into force is deferred until a date to be fixed by the Council acting unanimously.

Shipments of radioactive substances

Following the abolition of intra-Community controls in the context of completion of the internal market, the Council adopted the Regulation on shipments of radioactive substances between Member States.

This Regulation will enable the competent authorities of the Member States to have the same level of information on such shipments as hitherto.

It is a provisional measure pending the entry into force of Directive 92/3/Euratom on shipments of radioactive waste on 1 January 1994 and of the amendment to the Directive laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation.

GATT: oilseeds

The Council adopted the Decision concerning the conclusion of a Memorandum of Understanding between the European Economic Community and the United States of America on oilseeds within the framework of the GATT.

Relations with the United States - public contracts

The Council adopted the Regulation concerning access to public contracts in the Community for tenderers from the United States of America.

The Regulation establishes Community counter-measures in respect of such tenderers similar to those taken by the United States.

PRESS RELEASE

7277/93 (Presse 101)

**1670th meeting of the Council
and the Ministers for Education
meeting within the Council**

Luxembourg, 11 June 1993

President: Mr Ole VIG JENSEN,
Minister for Education
of the Kingdom of Denmark

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

Belgium:

Mr Bernard GENTGES Minister for Education for the German-speaking Community

Mr Luc VAN DEN BOSSCHE Minister for Education and the Civil Service for the Flemish Community

Denmark:

Mr Ole VIG JENSEN Minister for Education

Germany:

Mr Norbert LAMMERT Parliamentary State Secretary to the Federal Minister for Education and Science

Mr Dieter BREITENBACH Minister for Science and Culture of the Saarland

Greece:

Mr Anastassios SPILIOPOULOS Secretary-General for Education

Spain:

Mr Elias FERERES State Secretary for Education

France:

Mr François FILLON Minister for Higher Education and Research

Ireland:

Mr Don THORNHILL Secretary of the Department of Education

Italy:

Mrs Rosa RUSSO JERVOLINO Minister for Education

Luxembourg:

Mr Marc FISCHBACH Minister for Education

Netherlands:

Mr Ate OOSTRA Deputy Permanent Representative

Portugal:

Mr António COUTO DOS SANTOS Minister for Education

United Kingdom:

Mr Timothy BOSWELL Parliamentary Under-Secretary of State, Department for Education

Commission:

Mr Antonio RUBERTI Member

INVOLVING ALL YOUNG PEOPLE IN WORKING AND SOCIAL LIFE

On the basis of a note from the Presidency, the Council and the Ministers discussed the problem of young people, without qualifications, unable to find work, and risking social marginalization as a result.

The discussion established:

- the need for greater coherence between education, training and guidance provision for young people, in order to improve their employment prospects;
- the importance of combating failure at school at the earliest possible stage.

The Council and the Ministers also noted that the Commission intended to:

- submit to them shortly a study on failure at school, drawing on relevant experiments carried out in Member States;
- take account of comments made during discussion of future education and vocational training programmes.

The President announced that the Danish authorities would, with the Commission, be staging a conference in November on the problems involved in integrating all young people into working and social life.

GUIDELINES FOR COMMUNITY ACTION IN THE FIELD OF EDUCATION AND VOCATIONAL TRAINING

The Council held a general discussion on Community action in the field on education and vocational training, based on a Commission working paper.

The Commission considers that the various existing programmes in these areas require streamlining and rationalizing. It therefore proposes regrouping them in two programmes corresponding to the scope of Articles 126 and 127 of the Treaty on European Union, i.e. one programme for activities relating to universities and higher education, and schools, and the other for those relating to vocational training and qualifications. The Commission also announced a Green Paper on a Community scheme for schools.

The discussion gave the Commission the opportunity to note Ministers' comments for its future proposals.

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The Commission presented orally the summary of discussions which had taken place in the Member States on its memoranda on higher education and vocational training. The summary will be issued as a report in writing.

FURTHERING AN OPEN EUROPEAN SPACE FOR CO-OPERATION WITHIN HIGHER EDUCATION

The Council and the Ministers for Education, meeting within the Council, adopted the conclusions in Annex I.

VOCATIONAL EDUCATION AND TRAINING IN THE 1990s

The Council adopted the Resolution in Annex II.

EUROPEAN SCHOOLS

When the new Convention defining the Statute of the European Schools was finalized in November 1992, the Council and the Ministers for Education set up a Subcommittee to look into ways of simplifying and improving the pedagogical, financial and administrative management of the Schools in the long term.

The Subcommittee submitted a first report to the Council and the Ministers containing suggestions put forward by the Presidency and a number of delegations.

The Council and the Ministers

- noted the first report;

- extended the Subcommittee's terms of reference for one year, by the end of which it is to submit a final report providing answers to the questions on the present system and specifying the advantages and disadvantages of alternative systems.

OTHER QUESTIONS

The Council heard oral reports by the Commission on:

- quality assessment of higher education (proceedings of the Working Party);

 - Community/United States co-operation in the field of education and training;

 - European scientific culture week.
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ANNEX I

Draft
Conclusions
of the Council and of the Ministers of Education
meeting within the Council
on furthering an open European space for co-operation
within higher education

After the establishment of the internal market and in view of the present difficult employment and growth prospects in Europe, the Council and the Ministers of Education, meeting within the Council, reaffirm the need for dialogue and co-operation between the Member States on how to achieve a Europe with employment and quality education and training for all, based on democratic values. The memoranda on vocational training in the 1990's, on open and distance learning, and on higher education, which the Commission has submitted for debate in the Member States, constitute a valuable contribution to this dialogue.

With the establishment of the internal market from 1 January 1993, the barriers to the free movement of goods, services, capital and persons between the countries in the Community have largely been removed. The labour markets will in the years to come be subject to constant changes and more closely linked.

The citizens of Europe will thus be living and working in labour markets characterized by specific and distinct cultures but with much more mobility between them than today. This will make more and heavier demands on educational policy than ever before.

A way of facing these challenges to the national educational policies could be to develop an open European space for co-operation within higher education. In this open space citizens should as a long-term aim have the opportunity to choose a place of study in any of the Member States; the necessary European dimension in education should be combined with a respect for the richness and diversity of the national and regional education and training systems.

The Member States and the Community should therefore continue to work with determination in order to remove the remaining barriers to this open space, taking special account of the value of European cultural and linguistic diversity and of the financial problems experienced by individual Member States in relation to imbalances in student flows. Attention should be paid to strengthening higher education systems in less developed regions and contributing in this way to social and economic cohesion.

These conclusions concern three specific areas which are important for furthering an open European space for co-operation within higher education.

Access

1. From a European perspective, the objective is that through co-operation between national systems and institutions of higher education, young people should be able to pursue part or all of their studies in the higher educational institutions of other Member States in ways which best match their needs.
2. The Commission is invited to institute, together with the Member States in accordance with their respective competences, a review of obstacles to the attainment of this objective, in particular concerning:
 - different forms of admission regulations and requirements, as well as any remaining problems of nationality;
 - arrangements for financing higher education within individual Member States, which may inhibit balanced student flows.

The review could be undertaken in co-operation with relevant organizations representing educational institutions and using the knowledge already available in the Commission as well as that gathered by international organizations which are working on the same issues.

3. The Member States could - subject to and in accordance with national education policies and priorities - work to apply the principle that young people enrolled in higher education should be able to take with them for studies in another Member State national student grants or loans intended for living expenses.
4. The Commission is further invited to investigate ways of establishing measures concerning access and financing which will improve the opportunities for students disadvantaged by personal or regional circumstances to undertake study periods in another Member State.

Quality

5. The Member States and the Commission could continue to support the establishment and/or expansion of networks between higher education institutions. Such co-operation could build on the principles and experience which have been established within the ERASMUS, LINGUA and COMETT programmes, for instance beginning with a few fields of study at the postgraduate level.

The aim should be to develop top quality in the networks through co-operation and division of responsibility. The networks could operate a variety of model projects, e.g. experiments with a joint intake of students. Experiments could also be made with new forms of financing co-operation between institutions in the network.

6. The Commission is invited to examine the possibilities of increasing long-term, as well as short-term mobility of staff as well as information exchange between educational institutions in the Community; with a view to strengthening the European dimension and improving quality in higher education; in accordance with the Ministerial conclusions of 27 November 1992.
7. The Commission is invited to present as quickly as possible the report of the working party established by virtue of the conclusions on quality assessment of 25 November 1991. In the light of this report, and following Council consideration thereof, it could initiate pilot projects on quality assessment including elements of both internal and external evaluation, in co-operation with interested Member States and after consultation with relevant organizations active in the field.

Such pilot projects should reflect the increasing importance attached in the Member States to the transparency of arrangements to secure and maintain quality.

8. The Commission is invited to present as soon as possible the report on the extension of credit transfer possibilities between study programmes in the Member States; as requested in the conclusions of the Council and Ministers of 25 November 1991 and 27 November 1992.

Relevance of studies

9. The Member States - and the institutions within them - may need to further diversify their educational instruments and the content of higher education in order to meet in a balanced way the widening educational needs of students, the labour market and society as such.

The Member States and the Commission could support and promote this activity by furthering exchanges of valuable experience and know-how from countries with a wide range of options in higher education to countries with more restricted options for the citizens.

10. The Council and the Ministers of Education, meeting within the Council, agree to study during their forthcoming meetings the reports and studies on the abovementioned points; they moreover take note of the Commission general guidelines for Community action in the field of education and training, and its plans for the extension of European co-operation in higher education, taking into account the experiences gained in the higher education programmes ERASMUS, LINGUA and COMETT as well as the results of their evaluation and the discussions in the Member States concerning the memorandum on "Higher Education in the European Community".

ANNEX II

Council Resolution
on Vocational Education and Training
in the 1990s

The Council of the European Community,

Having regard to the Treaties establishing the European Communities,

Having regard to the Treaty on European Union signed at Maastricht on 7 February 1992, which sets out a framework for co-operation on education and training,

Considering that the fundamental objectives of a common vocational training policy set forth in the second principle of Decision 63/266/EEC refer in particular to the need to promote basic and advanced vocational training and, whereas appropriate, retraining; suitable for the various stages of working life; considering that the tenth principle of Decision 63/266/EEC states that special measures may be taken in respect of special problems concerning special sectors of activity or specific categories of persons;

Considering that the priorities set in the Resolution adopted by the Council on 11 July 1983 on the policies of vocational education and training in the European Community in the 1980s should be revised, in order to allow for the conditions and the new challenges in the 1990s;

Referring to the new challenges and perspectives described in the memorandum of the Commission on vocational education and training in the European Community in the 1990s;

Considering that the Community can make a significant contribution to co-operation between the Member States; by developing a global and coherent approach towards education and training which supports and supplements the policies of the Member States, and by consolidating the achievements of the Community education and training programmes; in particular COMETT, ERASMUS, LINGUA, EUROTECNET, PETRA and FORCE;

Referring to Resolutions or conclusions on:

- sandwich-type training courses for young people (18 December 1979)
- continuing vocational training (5 June 1989)
- technical and vocational education and initial training (14 December 1989)

- the comparability of vocational training qualifications (18 December 1990)
- the transparency of qualifications (3 December 1992)
- the need to take action with regard to the serious unemployment situation in the Community (21 December 1992);

Considering that the "Community Charter of the fundamental social rights of workers", adopted at the European Council in Strasbourg on 9 December 1989 by the Heads of State and of Government of eleven Member States, stated in point 15 that:

"Every worker of the European Community must be able to have access to vocational training and to benefit therefrom throughout his working life. In the conditions governing access to such training; there may be no discrimination on grounds of nationality.

The competent public authorities, undertakings or the two sides of industry; each within their own sphere of competence; should set up continuing and permanent training systems enabling every person to undergo retraining more especially through leave for training purposes; to improve his skills or to acquire new skills; particularly in the light of technical developments;"

Considering that employers and unions in the Social Dialogue have pointed out in joint statements of 19 June 1990, 6 November 1990 and 20 December 1991 that an improvement of European vocational education and training is crucial to a strengthening of the competitiveness of European business enterprises, and that intensified efforts in this area play a central role in the development of regional policies and development of industry and trade;

Considering that the European Parliament; in its Resolution adopted on 15 May 1992, asks Member States to ensure that training programmes lead to high-level qualifications and recommends analyses of the sandwich-type education programmes for the purposes of placing greater emphasis on vocational education and training;

Referring to the Resolution of the European Parliament of 21 April 1993 on vocational training policy in the 1990s;

Considering that vocational, technological and demographic developments call for improved possibilities of continued training within the framework of cohesive policies in the fields of labour market conditions and vocational education and training;

Whereas co-operation in the field of vocational training should also be based on existing provisions in force in the Member States, taking into account the respective responsibilities of the competent public authorities, undertakings and social partners; while respecting the diversity of national legal systems and practices, the powers under national law of the parties concerned and contractual autonomy; whereas the initiatives taken at national level by the Member States and the two sides of industry are many and varied, and taking into account the transnational dimension of the action; they should be supported at Community level; whereas, finally, it is essential to encourage a synergy of resources and promote partnership between the public and private sectors,

Hereby adopts this Resolution:

1. The Council considers that the quality of vocational education and training in the Member States should be strengthened in order to encourage continuing opportunities for individuals to develop their knowledge and skills and thus contribute to increased economic and social cohesion as well as to competitiveness of the European economies.

It stresses that with the establishment of the internal market from 1 January 1993, labour markets will in the years to come be subject to constant changes and more closely linked and that this will intensify the demands on educational and training policy.

In accordance with their own systems and traditions, Member States should make particular endeavours to:

- (a) improve the development possibilities of the individual through enhanced education and training, as an essential element in working life;
- (b) offer all young people recognized broad vocational education and training, to make them better qualified for the labour market and to motivate and commit them to undertake further training courses;
- (c) ensure that the vocational education and training system is attractive to young people;
- (d) use relevant vocational education and training as an important instrument to support employment, and enable unemployed people to gain access to jobs in order to avoid social exclusion;
- (e) take account of the needs of the economy and the competitiveness of enterprises.

2. The Council stresses that special account should be taken of trends becoming increasingly important in the 1990s, in particular:
 - (a) the crucial importance of vocational education and training in the context of developing new technologies, changed forms of decentralized work organization and new working methods; in this connection, educational strategies which integrate general learning and practical training, should be encouraged;
 - (b) the links between the broad-based, basic vocational training provision and vocational in-service training and further training provision designed to give employees the opportunity of training throughout their working career;
 - (c) the reduction of barriers to mobility and the maintenance of flexibility among the workforce, by means of a broad-based effort regarding supplementary and further vocational training;
 - (d) the introduction of new technologies, giving rise to the need for Member States to encourage the development of new qualifications and expanded training programmes dealing with technological transfer and adaptation to industrial change;
 - (e) the promotion of a greater emphasis on training as an important part of companies' corporate strategies.
3. The Council emphasizes that the links between training, delivery of high-quality, updated qualifications and the combating of unemployment should be strengthened.

Measures should be taken in favour of those disadvantaged on the labour market, taking special account of individuals who have not had the opportunity to acquire adequate qualifications; they should be helped to develop their qualifications so as to allow them better access to the labour market.

4. The Council believes that training measures have an important role to play in small and medium-sized enterprises.

Particular attention should be paid to encouraging smaller enterprises to gain access to attractive and appropriate opportunities for the training of their employees at all levels.

5. The Council deems it important that the aims and contents of training programmes are decided in partnership with relevant bodies, which may include the social partners, in accordance with national systems and traditions.

6. The Council emphasizes the importance of vocational education and training policies along the lines indicated above and agrees that Member States' policies should include the following aims, in line with national systems and traditions:
- (a) promoting investment in vocational education and training which will specifically lead to relevant, recognized or validated qualifications;
 - (b) developing close links between school-based and enterprise-based vocational training, as coherent vocational education and training programmes in schools and enterprises are well calculated to ensure relevant training and qualifications;
 - (c) providing better opportunities for disadvantaged young people and adults, where appropriate, to take advantage of recognized up-to-date practical vocational training, which will improve their chances of joining the labour market;
 - (d) developing co-operation between the national and local authorities, employers and unions, enterprises and others, in accordance with national practice, on the overall updating of qualifications and specifically on initiatives designed to increase further training offers;
 - (e) including broad-based general subjects in the vocationally-oriented training system, for the purpose of fulfilling the broader qualification requirements of the future and strengthening the mobility of the workforce;
 - (f) improving the quality of vocational education and training, especially by improving training of trainers;
 - (g) strengthening vocational education systems through improved guidance services, with a view to enhancing the awareness and motivation of individuals;
 - (h) strengthening innovation and applied research, with a view to supporting modernization, adaptability and quality in vocational education and training;
 - (i) strengthening the European dimension in initial and continuing training, in order to facilitate the mobility of young people and adults within the single market.

7. In accordance with the Treaties the Community supports and supplements the Member States' policies set out in paragraph 6 above.

More specifically, the Council invites the Commission:

- (a) to work towards greater coherence at Community level between vocational education and training programmes and other policies which support Member States' efforts in this field;
- (b) to promote the development of European co-operation on qualifications, in line with the Council Resolution of 3 December 1992 on transparency of qualifications;
- (c) to strengthen transnational co-operation by reviewing the possibilities for students and trainees to undertake recognized training courses, or part of them, in another Member State, where this is relevant to their training goals, as well as increasing exchange opportunities for educators and planners in the vocational training system;
- (d) to intensify transnational initiatives designed to promote information exchanges and the level of knowledge in the field of vocational education and training, with a view to enhancing the transparency of qualifications and facilitating the mobility of the workforce within the Community;
- (e) to promote the transfer of innovation and the development of applied research with a view to supporting modernization, adaptability and quality in vocational education and training;
- (f) to take account of this Resolution in its proposals for reviewing and co-ordinating Community education and training programmes, alongside the responses of the Member States to its memorandum on vocational training in the 1990s, and the Council discussion on the Commission guidelines for education and vocational training.

PRESS RELEASE

7278/93 (Presse 102)

1671st Council meeting

- INTERNAL MARKET -

Luxembourg, 14 June 1993

President: **Mr Jan TRØJBORG**

Minister for Industry of the
Kingdom of Denmark

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

Belgium:

Mr Robert URBAIN

Minister for Foreign Trade and
European Affairs

Denmark:

Mr Jan TRØJBORG

Mr Christopher Bo BRAMSEN

Minister for Industry
State Secretary for Industry

Germany:

Mr Johann EEKHOFF

State Secretary, Federal Ministry of
Economic Affairs

Greece:

Mr Georges THEOFANOUS

Secretary-General, Ministry of Trade

Spain:

Mr Carlos WESTENDORP

State Secretary for Relations with the
European Communities

France:

Mr Pierre SELLAL

Deputy Permanent Representative

Ireland:

Mr Eamonn RYAN

Deputy Permanent Representative

Italy:

Mr Livio PALLADIN

Minister for Community Policies

Luxembourg:

Mr Georges WOHLFART

State Secretary for Foreign Affairs and
Foreign Trade

Netherlands:

Mr Ate OOSTRA

Deputy Permanent Representative

Portugal:

Mr Vitor MARTINS

State Secretary for European Integration

United Kingdom:

Mr Richard NEEDHAM

Minister for Trade

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Commission:

Mr Martin BANGEMANN

Member

Mr Raniero VANNI d'ARCHIRAFI

Member

OPERATION OF THE INTERNAL MARKET INCLUDING TRANS-EUROPEAN NETWORKS

The Council held a preliminary exchange of views on a communication adopted by the Commission on 2 June 1993 on the formulation of a strategic plan for the management and development of the Internal Market, together with a working document designed to elicit comments and contributions from all circles concerned including economic and social interest groups to serve as a basis for formulating the strategic plan.

The communication allowed the Council to hold a policy debate with particular reference to trans-European networks.

Following this debate, the Council asked the Permanent Representatives Committee to make the necessary arrangements for a detailed horizontal examination of the various elements contained in the documents submitted by the Commission with the aim of further discussion at the next meeting of the Internal Market Council.

MUTUAL ASSISTANCE BETWEEN ADMINISTRATIONS IN THE CUSTOMS AND AGRICULTURE SECTORS

The Council noted the stage reached in the discussions on the proposal for a Regulation on mutual assistance between the administrative authorities of the Member States and co-operation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters.

The main aim of the proposal is to:

- determine the conditions of co-operation between the Member States' administrative authorities and with the Commission;
- set up, at Community level, a computerized database known as CIS (customs information system) which, as a result of a more rapid dissemination of information, should make for more effective co-operation and controls in the prevention, investigation and prosecution of fraud.

It should be stressed that the work on this proposal drew very extensively on the parallel inter-governmental discussions on a Convention between the Community Member States on the use of information technology for customs purposes. The aim of this inter-governmental convention is to combat fraud in areas not currently coming within the Community competence.

Pending the European Parliament's first-reading Opinion the Council asked delegations to continue their efforts with a view to ensuring that this legal instrument could be adopted at an early date.

TERM OF PROTECTION OF COPYRIGHT AND CERTAIN RELATED RIGHTS

The Council reached political agreement by a qualified majority with a view to the adoption at a future meeting of the common position on the amended proposal for a Directive harmonizing the term of protection of copyright and certain related rights. The Irish, Luxembourg, Netherlands and Portuguese delegations were unable to go along with this political agreement.

With particular reference to copyright, the agreement makes provision for the harmonization of the term of protection at the lifetime of the author and seventy years after his death as proposed by the Commission and approved by the European Parliament.

It contains a special rule regarding the term of protection of audiovisual or cinematographic works; protection will expire seventy years after the death of the last of the following to survive: the principal director, the author of the screen play, the author of the dialogue and the composer of music specifically created for use in the work. The calculation of this period with reference to the death of the above four persons is without prejudice to the question of the ownership of the copyright to the works concerned.

As regards the main related rights (those of performers, producers of phonograms and film producers), their term of protection is harmonized at fifty years. The content of these rights has already been harmonized in Directive 92/100/EEC on rental right and lending right.

COMMUNITY CO-ORDINATION IN DRAWING UP BUSINESS REGISTERS FOR STATISTICAL PURPOSES

The Council recorded its agreement, with Germany voting against, on the substance of the Regulation on Community co-ordination in drawing up business registers for statistical purposes. The aim of the Regulation is the introduction in the Member States of harmonized registers of basic statistical units and to give the Member States' statistical authorities access to the relevant national information.

In the context of the internal market, harmonized registers are a pre-requisite for producing statistics that are comparable throughout the Community.

The Regulation accordingly aims to promote the setting up of national registers which would be administered by the National Statistical Institutes and would at the same time

- be compiled in an identical manner;
- contain compatible information; and
- make it possible to obtain consistent Community statistics, especially on the structure of enterprises and groups of enterprises and on mergers, buy-outs and takeovers.

FREEDOM OF MANAGEMENT AND INVESTMENT OF FUNDS HELD BY INSTITUTIONS FOR RETIREMENT PROVISION

The Council discussed three basic questions arising in the context of the proposal for a Directive relating to the freedom of management and investment of funds held by Institutions for retirement provision. The discussion resulted in considerable progress in this respect.

The proposal's main concern is to apply the principle of free movement of capital to funds held by Institutions for retirement provision by allowing for, in particular, freedom of cross-border financial management and freedom of cross-border investment. Freedom of

cross-border membership of Institutions for retirement provision is not covered by the proposal.

During today's debate:

- agreement emerged on the guidelines contained in the Presidency's compromise proposal as regards the definition of the scope of the Directive from which social security bodies meeting certain criteria will be excluded;
- a majority of delegations was inclined to favour the Presidency's proposal for matching rules (assets against commitments).

The Council also examined other fundamental aspects of the Directive involving the liberalization of the management of assets, the safe-keeping, administration and localization of these same assets (in practice the management and safe-keeping may be entrusted to an individual providing services established in a Member State other than that of the institution for retirement provision), while acknowledging that a number of conditions and accompanying measures have to be clarified. Although most delegations thought the outcome of the proceedings on these points constituted a step in the right direction, further detailed study of this question is still needed.

INFORMATION PROCEDURE IN THE FIELD OF TECHNICAL STANDARDS AND REGULATIONS

The Council held a policy discussion on the proposal for an amendment to Directive 83/189/EEC which aims to define certain aspects of the Directive's scope and to clarify the obligations the Directive places on the Member States.

It will be remembered that Directive 83/189/EEC obliges Member States contemplating the adoption of national technical rules concerning industrial, agricultural, pharmaceutical and cosmetic products to:

- communicate to the Commission and the other Member States the texts of such rules at the draft stage;
- refrain from adopting them for a given period, which varies according to the cases specified in the Directive.

In particular the Commission proposes that the concept of technical specification should be clarified, that the concept of the de facto technical rule be made clear and the provisions on the status quo obligation be made more consistent.

The Council resolved a number of problems regarding the Directive's scope and agreed to re-examine this dossier at a future meeting so that it could reach a common position.

COMMUNITY TRADE MARK

The Council agreed to postpone discussion of the proposal for a Regulation on the Community trade mark until a later meeting since it emerged that, at the moment, although the Presidency's compromise proposals had received broad support, the problem of the language arrangements for the Community Trade Mark Office could not be resolved to the satisfaction of all delegations.

FOOTWEAR LABELLING

Having held a further discussion during which most delegations confirmed the advisability of adopting a Directive on this question, the Council instructed the Permanent Representatives Committee to resume its examination of this dossier as soon as possible to allow the Council to reach an early decision on the matter.

DUAL-USE GOODS AND TECHNOLOGIES

The Council took note of progress on the draft Regulation on dual-use goods and of the fact that a number of questions remained unresolved including:

- the legal structure of the Regulation;
- the prevention of fraudulent practices;
- the length of the transitional period.

It also noted that work was continuing within the Council on General Affairs.

The Council took note of the statement by the Commission and the comments made by delegations, account of which will be taken during the subsequent proceedings, and trusted that work would be expedited in view of the urgency and importance of the dossier for the internal market.

MACHINERY

Further to the adoption of the common position on 17 December 1992 and the completion of the co-operation procedure with the European Parliament, the Council adopted definitively, with the German delegation abstaining, the Directive on the approximation of the laws of the Member States relating to machinery. The text adopted corresponds to that of the common position.

This Directive aims on the one hand to amend a number of the provisions in Directive 89/392/EEC (fixed machinery) and 91/368/EEC (mobile machinery and lifting devices) but is primarily aimed at supplementing those two Directives with additional requirements concerning devices, other than lifts, designed for lifting or moving persons.

TWO OR THREE-WHEEL MOTOR VEHICLES - MAXIMUM SPEED, TORQUE AND ENGINE POWER

With the UK abstaining, the Council adopted a common position on the substance of the Directive on the maximum design speed, maximum torque and maximum net engine power of two and three-wheel vehicles.

This Directive lays down the requirements concerning the methods for measuring these characteristics. The method of measuring the maximum design speed is particularly important for the classification of such vehicles as mopeds, motorcycles or

tricycles, where the maximum-speed parameter is fundamental.

Furthermore, for road-safety reasons, the net engine power of any two or three-wheel vehicle has been limited to 74 kW.

However, a derogation has been provided for which allows a Member State to exempt at national level, for a five-year period beginning on the date of implementation of the Directive (24 months after its final adoption), vehicles presented for registration in its territory provided the net power of such vehicles does not exceed 94 kW.

The Commission is to report on the application of this derogation, taking particular account of the latest information on accidents involving motorcycles, and to present any proposals for amendments to the Directive, on which the Council must act within five years of implementation of the Directive.

The Council will formally adopt the common position once the texts are completely finalized.

FUTURE SYSTEM FOR THE FREE MOVEMENT OF MEDICINAL PRODUCTS

Following completion of the co-operation procedure with the European Parliament, the Council finally adopted, by a qualified majority with the German delegation voting against, the three Directives on the future system for the free movement of medicinal products.

This involves in particular:

- amendments to Directives 65/65/EEC, 75/318/EEC and 75/319/EEC on the approximation of the provisions laid down by law, regulation and administrative action relating to medicinal products for human use;
- amendments to Directives 81/851/EEC and 81/852/EEC on the approximation of the laws of the Member States in respect of veterinary medicinal products;
- the repeal of Directive 87/22/EEC on the approximation of national measures relating

to the placing on the market of high technology medicinal products, particularly those derived from biotechnology;

The Council adopted the common positions on these three Directives at its meeting on 17 December 1992.

Definitive adoption of the Regulation laying down Community procedures for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products will take place at a future Council meeting. The Council also recorded its political agreement on that Regulation at the same meeting on 17 December 1992.

The new system, which supplements the technical harmonization in the pharmaceuticals sector begun in 1965 and completed at the beginning of 1992 with the adoption of the Directives on the rational use of medicinal products for human use, is designed to ensure a genuine single market in medicinal products.

The Directives adopted reinforce the decentralized procedure introduced in this sector in 1983. That procedure, which is based on the principle of mutual recognition of national authorizations, allows marketing authorizations issued by one Member State to be extended to other Member States.

The new procedure, which is based on experience acquired using the multi-State Community procedure, will enable a firm which has obtained an authorization in one Member State to apply for one or more Member States to accept that authorization, with binding arbitration at Community level in the event of non-acceptance by one of the Member States concerned.

After a three-year period during which the decentralized procedure would continue to be optional, this procedure would become compulsory whenever a request for authorization concerns more than one Member State, in order to ensure that decisions are uniform throughout the internal market.

Co-operation and, where appropriate, co-ordination procedures regarding pharmacovigilance (monitoring of the side effects of medicinal products) will also be introduced by means of new Directives.

CONVENTION ON THE ELABORATION OF A EUROPEAN PHARMACOPOEIA

The Council noted there was substantive agreement on the draft Decision accepting, on behalf of the European Economic Community, the Convention on the elaboration of a European Pharmacopoeia.

The Council agreed to forward this draft to the European Parliament within the framework of the co-operation procedure with a view to resuming examination thereof in the light of the European Parliament's Opinion.

The Convention on the elaboration of a European Pharmacopoeia, drawn up within the Council of Europe, aims to harmonize specifications for medicinal substances and pharmaceutical preparations to enable them to circulate in Europe; the monographs of the European Pharmacopoeia become official technical rules applicable within the territories of the countries which are Contracting Parties to the Convention.

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OTHER BUSINESS

The Council noted that a Commission communication on a proposal regarding precious metals would be submitted before the end of June.

The Council also took note of information provided by the Commission regarding the advisability of Community legislation on the fire behaviour of upholstered furniture, as well as a note on the subject submitted by the Italian delegation.

MISCELLANEOUS INTERNAL MARKET DECISIONS

Foodstuffs

Hygiene

Further to the common position adopted on 17 December 1992 and the completion of the co-operation procedure with the European Parliament, the Council finally adopted the Directive on the hygiene of foodstuffs.

This is a horizontal Directive applying to foodstuffs and undertakings that deal with foodstuffs. It supplements Directive 89/397/EEC on the control of foodstuffs by laying down general rules for improving the level of food hygiene in the Community at all stages of production and sale to the ultimate consumer and ensuring that the rules are observed by operators.

Control

The Council adopted a common position on the Directive on the subject of additional measures concerning the official control of foodstuffs. This supplements Directive 89/397/EEC - which lays down general principles for the official control of foodstuffs - with specific provisions mainly concerning co-operation between the Commission and the Member States and the assessment and approval of laboratories. The aim of these extra provisions is to improve the control procedures already in force.

In particular, the Directive provides that:

- Member States must take the necessary steps to ensure that staff of the relevant authorities possess adequate technical and administrative qualifications;
- a system of quality standards will be introduced for the laboratories entrusted by Member States with the control in question; this system must comply with generally accepted and standardized norms; the laboratories must use validated methods of analysis wherever possible;
- there will be closer co-operation between the Member States' control authorities;
- national authorities and the Commission will provide mutual administrative assistance to ensure proper application of the legislation on foodstuffs, in particular through preventive action and the detection of infringements or behaviour suspected of infringing the rules.

Two or three-wheel motor vehicles

Following the adoption on 18 June 1992 of the Framework Directive 92/61/EEC laying down the administrative arrangements for the type-approval of two or three-wheel motor vehicles and for type-approval of their components, the Council adopted the legislative instruments which are summarized below.

The provisions involved form part of the procedure for the type-approval of the two or three-wheel motor vehicles covered by the Framework Directive 92/61/EEC. They lay down technical requirements which, together with those relating to the other elements and characteristics provided for in Annex I to the Framework Directive, must be complied with before such vehicles can receive type-approval and be placed on the Community market.

These requirements are necessary partly in order to harmonize the widely differing legislative provisions that exist in the Member States and partly for reasons of road safety.

Statutory markings

Unauthorized use

Following the European Parliament's approval, under the co-operation procedure, of the common positions of 5 April 1993, the Council finally adopted the Directives on statutory markings for two or three-wheel motor vehicles and on protective devices (anti-theft devices) intended to prevent the unauthorized use of the vehicles in question.

The statutory markings must be placed indelibly in the "manufacturer's data plate" to make it possible, during police road-checks, to ascertain whether a vehicle belongs to the series of the vehicle type that has been approved and thus complies with the construction requirements laid down.

With regard to unauthorized use, the requirements contained in the Directive adopted concern the construction requirements for such devices and the requirements relating to their operation after installation on a vehicle. From the point of view of road safety, the requirements of the Directive are concerned among other things with avoiding the risks - when the vehicle is in motion or the engine is turning - of accidental blocking of the device or of deterioration of the steering mechanism or the transmission on which the device acts, which could impair safety.

Identification of controls, telltales and indicatorsAudible warning devicesStandsPassenger hand-holds

Following the European Parliament's approval, under the co-operation procedure, of the common positions adopted on 25 February 1993, the Council finally adopted the Directives on:

- the identification of controls, telltales and indicators for two or three-wheel vehicles;
- audible warning devices for such vehicles;
- stands;
- passenger hand-holds.

The identification of controls, telltales and indicators is necessary to assist the driving of the vehicle and thus help increase safety. The colours laid down for optical telltales, for example, indicate respectively danger (red), caution (amber) and safety (green).

The Directive for audible warning devices lays down construction requirements and requirements relating to their installation in vehicles. The purpose of these devices is to warn of the presence or of a manoeuvre of the vehicle in a dangerous road-traffic situation but without going above excessive noise thresholds.

The Directive on stands lays down requirements relating to their design and installation on a vehicle. A stand is a device fixed to the vehicle to enable it to remain in a parking position when at a standstill. The proposed requirements are designed to ensure that the device functions properly and that vehicles cannot tip over and cause injury or damage to riders or other persons or objects in the vicinity.

Passenger hand-holds are required to take the form of a strap or grips, the aim being that, where provision is made for the carriage of a passenger, the position of the passenger on board the vehicle is maintained.

Installation of lighting and light-signalling devices on two or three-wheel motor vehicles

The Council adopted a common position on the proposal for a Regulation on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles.

The text of the common position, which generally adheres to the Commission proposal, contains some innovations intended to contribute to improving road safety. Thus provisions were introduced requiring the installation of a stop lamp on two-wheel mopeds, optional installation of direction indicator lamps and rear registration plate lamps on those vehicles and the obligation to install a hazard warning signal on three-wheel mopeds and quadricycles.

Space for the mounting of the rear registration plate

The Council adopted the common position on the Directive on the space for the mounting of the rear registration plate of two or three-wheel vehicles.

This involves technical requirements applicable to the space for the plate in question with particular reference to the dimensions, angle and height of the space for the plate and also the optimum conditions for the visibility of the plate to be mounted in it.

With regard to road safety, the purpose of the registration plate is not only to be able to identify the vehicle's owner but also its driver when he infringes the highway code.

To enable large rear registration plates to continue to be used in certain Member States, it has been decided to determine the dimensions of the space (100 mm x 175 mm) rather than the plate itself.

Masses and dimensions

The Council adopted the common position on the Directive on the masses and dimensions of two or three-wheel vehicles.

As regards road safety, the requirements of this Directive are designed to ensure that vehicles with excessive dimensions or weights relative to their power unit cannot be marketed and hamper the flow of traffic. The maximum permissible width is one metre for mopeds and two metres for the other vehicles covered by the Directive, including quadricycles.

Public contracts

The Council finally adopted the remaining three Directives concerning public contracts contained in the White Paper on completing the internal market.

Supply contracts - consolidation

Following the European Parliament's approval of the common position adopted on 5 April 1993, the Council finally adopted the Directive concerning the co-ordination of procedures for the award of public supply contracts.

The purpose of the Directive is to carry out a legislative consolidation of the legislation in force, in that the new Regulation will replace the various Regulations which are the subject of the consolidation operation.

It aims more particularly to recast (legislative consolidation and amendment) Directive 72/62/EEC in order to bring it into line, in particular in respect of procedural rules but also of other rules, including provisions on technical specifications, with the Directives concerning public works and service contracts.

Public works - consolidation

Following the common position adopted at the Internal Market Council on 18 June 1992 and completion of the co-operation procedure with the European Parliament, the Council finally adopted the Directive on the legislative consolidation of the rules in force on the co-ordination of procedures for the award of public works contracts.

This Directive will replace the previous acts by bringing them together under one head and making the formal amendments to them which consolidation requires. The purpose of legislative consolidation is, therefore, to make Community texts on public works contracts accessible and comprehensible to European citizens.

"Excluded" sectors - consolidation

Following the common position adopted on 21 December 1992 and completion of the co-operation procedure with the European Parliament, the Council proceeded with final adoption of the Directive on the co-ordination of procedures for the award of contracts in the water, energy, transport and telecommunications sectors.

This involves amendment of Directive 90/531/EEC on the procedures for the award of public contracts in the water, energy, transport and telecommunications sectors (excluded sectors).

The Directive is designed to extend the procedural arrangements of Directive 90/531/EEC, which regulated purchases of supplies and works by entities in the excluded sectors, to purchases of services by the same entities. It is the final stage of the legislation on public procurement provided for in the White Paper on the internal market.

The Directive is aimed in particular at supplementing Directive 90/531/EEC, of which the new Directive is a consolidated version, to allow for the specific characteristics of service contracts. The adjustments proposed for this purpose by and large replicate the arrangements adopted in the Directive on the award of public service contracts.

The Directive will in particular apply in full to services regarded as priorities (for example maintenance and repair services, computer services, advertising services, certain financial and broking services, certain R&D services, architectural and engineering services, certain transport and telecommunications services) since they show greater potential for cross-frontier operations. Non-priority services (for example hotel services, legal services, education and vocational education services, social services etc.) are subject to minimum retrospective transparency requirements.

The opening up of community service contracts in the excluded sectors to third-country providers of services and tenders is accompanied by a provision stipulating that the Commission may propose that the Council, acting by a qualified majority, take safeguard measures in relation to third countries which do not grant Community undertakings effective access to their markets.

CE conformity mark

Following the political agreement of 5 April 1993 the Council formally adopted the common positions on the Directive and the Decision on harmonization of rules on CE conformity markings for industrial products covered by the New Approach directives.

The instruments concerned are:

- a proposal for a Directive amending eleven Directives already adopted on the basis of the "New Approach" and introducing the CE mark into Directive 73/23/EEC concerning low voltage, as follows:
 - 87/404/EEC (simple pressure vessels);
 - 88/378/EEC (safety of toys);
 - 89/106/EEC (construction products);
 - 89/336/EEC (electromagnetic compatibility);
 - 89/392/EEC (machinery);
 - 89/686/EEC (individual protective equipment);
 - 90/384/EEC (non-automatic weighing instruments);
 - 90/385/EEC (active implantable medical devices);
 - 90/396/EEC (appliances burning gaseous fuels);
 - 91/263/EEC (telecommunications terminal equipment);
 - 92/42/EEC (new hot-water boilers fired with liquid or gaseous fuels);
 - 73/23/EEC (electrical equipment designed for use within certain voltage limits);
- a Decision supplementing Decision 90/683/EEC of 13 December 1990 concerning the certification modules for use in the technical Directives with provisions regarding the harmonized rules on CE conformity marking.

The CE marking rules adopted implement the principles laid down in the Council Resolution of 7 May 1985 on the New Approach and in the Resolution of 21 December 1989 on a global approach to conformity assessment of industrial products. Under these rules, the CE mark on an industrial product denotes the latter's conformity with all of the provisions of the Directive concerning it.

Medical devices

Following the common position adopted on 8 February 1993 and completion of the co-operation procedure with the European Parliament, the Council finally adopted the Directive on medical devices.

This Directive, the proposal for which was submitted in the context of the White Paper on the completion of the internal market, seeks to harmonize, in accordance with the "new approach" procedure, the conditions for the marketing and placing into service of medical devices with a view to protecting the health and safety of patients and users. To this end, the devices must meet the essential requirements contained in Annex I to the Directive and follow the system of classification provided for in Annex 9 with a view to certifying their

conformity with the provisions of the Directive.

Under the Directive, the term "medical device" is used to mean any instrument, apparatus or appliance intended by the manufacturer to be used in human beings for medical purposes, such as, for example, the diagnosis, prevention, monitoring, treatment or alleviation of a disease. It should be remembered that pacemakers are already covered by Directive 90/385/EEC on active implantable medical devices.

It should be emphasized that the Directive provides for medical devices to be classified according to the risk which their use entails for human beings. Procedures for assessing compliance with the provisions of the Directive are laid down for each category of device, with a more rigorous assessment the greater the risk involved.

Statistical classification of products by activity in the European Economic Community

The Council adopted a common position on the Regulation on the statistical classification of products by activity in the Community.

The purpose of the Regulation is to establish a classification of products by activity in the Community in order to ensure comparability between national and Community classifications and, hence, between national and Community statistics. It establishes a common basis for the classification of products by activities (CPA) in the Community.

Cosmetic products

Following the common position adopted on 17 December 1992 and the completion of the co-operation procedure with the European Parliament, the Council finally adopted the Directive amending for the sixth time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products.

The new Directive is designed to improve and harmonize information for consumers and supervisory authorities on cosmetic products marketed in the Community and thereby to eliminate the last remaining risks of barriers to the free movement of such products in the single market. It also deals with the banning of animal experiments to test the conformity of ingredients of cosmetic products with the requirements of the Directive.

In the area of information, the Directive provides specifically for the compiling of an inventory of ingredients used in cosmetic products with a view, in particular, to establishing a common nomenclature for such ingredients. The text also provides for an obligation on producers to indicate the ingredients on the packaging of cosmetic products. In addition, it lays down criteria for the form and content of the information which the manufacturer must keep available for the supervisory authorities, in particular on the identity, quality, efficacy and safety of the product.

With regard to the testing of cosmetics on animals, the Directive provides that the Member States shall ban the marketing of cosmetic products containing ingredients or combinations

of ingredients tested on animals as from January 1998.

However, in cases where, because of insufficient progress in developing alternatives to animal testing, there are no scientifically validated alternative methods offering an equivalent level of consumer protection, the date of application of the ban will be deferred by decision of the Commission, assisted by a committee composed of representatives of the Member States.

**Community measures for the benefit of enterprises, in particular
small and medium-sized enterprises**

The Council adopted a Decision on a multiannual programme of Community measures to intensify the priority areas and to ensure the continuity and consolidation of policy for enterprise, in particular small and medium-sized enterprises, in the Community.

The objectives of the programme, adopted as from 1 July 1993 and extending until 31 December 1996, are as follows:

- I. INTENSIFYING THE PRIORITY MEASURES FOR ENTERPRISE POLICY IN ORDER TO STIMULATE GROWTH WITHIN THE COMMUNITY
 - A. Improvement of the administrative and legal environment of enterprises inter alia in the area of indirect taxation in order to alleviate the burdens on SMEs arising from Community legislation
 - B. Better access to Community information for enterprises
 - C. Improving the business-partner-search network
 - D. Continued development of instruments permitting direct contact between entrepreneurs and aimed at promoting transnational subcontracting
 - E. Ensuring full consideration of the interests of SMEs in the various Community initiatives and policies
- II. ENSURING THE CONTINUITY AND CONSOLIDATION OF ENTERPRISE POLICY IN ORDER TO ENCOURAGE THE EUROPEANIZATION AND INTERNATIONALIZATION OF ENTERPRISES, ESPECIALLY SMEs,
 - A. Encouraging SMEs, including craft-industry enterprises, to adapt to structural changes and to changes brought about by the internal market, in particular through information, exchange of experiences and transnational co-operation activities
 - B. Promoting a better financial environment for enterprises
 - C. Promoting better observation of the economic development of enterprises as part of the dynamic of effective implementation of the internal market
 - D. Evaluation and development of enterprise policy.

In order to achieve these objectives and insofar as they cannot be better achieved

by the Member States, the Commission, assisted by a Committee composed of representatives of the Member States, will implement such measures as need be taken at Community level, allowing for the findings of any evaluation reports.

The total amount deemed necessary for implementation of this Decision is ECU 112,2 million, including the existing budgetary amount for 1993 of ECU 24,8 million provided for completion of the existing SME programmes.

This initiative is one of the measures to support growth within the Community which were launched by the European Council in Edinburgh in December 1992, which recognized "the importance of SMEs for creating employment and stimulating growth".

MISCELLANEOUS DECISIONS

Customs union

The Council adopted Regulations temporarily suspending the autonomous Common Customs Tariff duties on certain industrial products

- in the microelectronics and related sectors, and
- in the chemical and related sectors.

Anti-dumping

The Council adopted a Regulation imposing a definitive anti-dumping duty on imports of magnesium oxide originating in the People's Republic of China.



PRESS RELEASE

7279/93 (Presse 103)

1672nd Council meeting

AGRICULTURE

Luxembourg, 14 June 1993

President: Mr Bjørn WESTH,

Minister for Agriculture and Fisheries of the
Kingdom of Denmark

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

Belgium:

Mr André BOURGEOIS Minister for Agriculture

Denmark:

Mr Bjørn WESTH Minister for Agriculture and Fisheries
Mr Nils BERNSTEIN State Secretary for Agriculture

Germany:

Mr Jochen BORCHERT Federal Minister for Food, Agriculture and Forestry
Mr Franz-Josef FEITER State Secretary, Federal Ministry of Food, Agriculture and Forestry

Greece:

Mr Christos KOSKINAS Minister for Agriculture

Spain:

Mr Pedro SOLBES MIRA Minister for Agriculture

France:

Mr Jean PUECH Minister for Agriculture and Fisheries

Ireland:

Mr Joe WALSH Minister for Agriculture, Food and Forestry

Italy:

Mr Alfredo DIANA Minister for Agriculture

Luxembourg:

Ms Marie-Josée JACOBS Minister for Agriculture, Viticulture and Rural Development

Netherlands:

Mr Piet BUKMAN Minister for Agriculture, Nature Conservation and Fisheries

Portugal:

Mr Arlindo CUNHA Minister for Agriculture

United Kingdom:

Mrs Gillian SHEPHARD Minister for Agriculture, Fisheries and Food

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Commission:

Mr René STEICHEN Member

MILK AND NON-MILK FATS

The Council examined the Commission proposal the purpose of which is to lay down general Community rules concerning in particular the definition and placing on the market of yellow fats for use as spreads intended for the final consumer. It covers milk and non-milk fats and fats consisting of vegetable and animal products.

In view of the fact that there is such a wide variety of products on the market, this proposal affects the interests of both consumers (guarantee of the product purchased) and producers (certainties concerning production and elimination of distortions of competition).

Noting that the proposal still gave rise to problems, mainly of a technical nature, the Council instructed the Special Committee on Agriculture to continue examining the technical aspects of the dossier.

GREEK ISLANDS IN THE AEGEAN SEA

Pending the Opinion of the European Parliament, the Council held an exchange of views on a proposal introducing specific measures for the smaller Aegean Islands concerning certain agricultural products. It also had before it a final Commission report on those islands.

The proposal is in line with the undertakings given at the Rhodes European Council in December 1988 and includes a series of measures to facilitate supplies to the islands, to support their local products and to improve their agricultural structures. This particular Community effort is justified by a difficult geographical situation and a less-developed structure in comparison with other Community regions.

The Council held a policy debate which resulted in a favourable attitude on this dossier. It instructed the SCA to continue the examination of certain points still outstanding so that the Council could reach a decision once it had received the Opinion of the European Parliament.

URUGUAY ROUND - AGRICULTURAL ASPECTS

The Council took note of the progress of the negotiations on the basis of an introductory statement by the Commission.

The Council recognized the need for a positive and speedy conclusion to the negotiations, on the understanding that such a conclusion must be balanced overall.

During the discussion several delegations provided information with the aim of achieving such a result.

COMMUNITY PLANT VARIETY RIGHTS

The Council examined the Commission proposal to harmonize national plant variety rights schemes by introducing a Community scheme consisting of a special form of industrial property rights for the development of new plant varieties.

This proposal is an integral part of the measures in the 1985 Commission white paper on completion of the internal market in the agricultural sphere.

At this meeting the Council discussed one key question in particular: the "farm saved seed concept". The problem concerns derogations from the protection rules authorizing farmers to use seeds they have harvested themselves to grow protected varieties ("farmer's privilege").

There are still differences of opinion between delegations on the principle of "farmer's privilege", as well as on the scope of this concept and the payment of remuneration to the breeder.

At the close of its discussions, the Council worked out a number of policy guidelines which should enable the Permanent Representatives Committee actively to continue discussing this matter.

MINCED MEAT AND MEAT PREPARATIONS (HEALTH RULES)

The Council again discussed the Commission proposal on extending to the entire national production of the Member States the health rules on production of and trade in minced meat and meat preparations as laid down in Directive 88/657/EEC.

It concentrated on the following major problems still outstanding:

- the demarcation between the scope for minced meat and the scope for meat preparations,
- the extent of the national derogations to be provided for minced meat intended for the domestic market,
- the type of frozen meat which may be used for meat preparations.

The Council noted that the Presidency's compromise suggestions were an acceptable basis for several delegations.

The Permanent Representatives Committee was instructed to discuss further the technical aspects of the dossier and to report back for the next Council meeting.

PROTECTION OF ANIMALS AT THE TIME OF SLAUGHTER OR KILLING

The Council examined a Commission proposal to lay down harmonized rules to ensure humanitarian treatment of animals at the time of slaughter or killing. It discussed in particular

the fundamental question of whether rules on this subject were appropriate, bearing in mind the principle of subsidiarity and the risk of duplicating the rules of the Strasbourg European Convention.

The Council worked out various guidelines and instructed the Permanent Representatives Committee to continue discussing the matter, including the technical aspects still outstanding.

FEES FOR HEALTH INSPECTIONS AND CONTROLS OF FRESH MEAT

The Council adopted by a qualified majority (the French delegation voted against) the Decision extending until 30 September 1993 the deadline laid down in Decision 88/408/EEC for applying flat-rate fees for poultry in connection with health inspections and controls of fresh meat. This additional period should allow detailed examination of the fees arrangements in their entirety, so that the future arrangements can be decided upon.

REVIEW OF THE REGULATIONS ON THE STRUCTURAL FUNDS

This item, which is being examined by the General Affairs Council, was placed on the agenda for this meeting at the specific request of the German delegation. That delegation wanted the Agriculture Council to hold an exchange of views on the reform of the structural funds and to take a position regarding the financing of agricultural structures. It considered that the common agricultural policy was directly affected by this reform.

The Commission stated that its proposal on Objective 5(a) would be submitted shortly and the Council decided to await that proposal.

OTHER AGRICULTURAL DECISIONS

Following the political agreement reached at its meeting on 24 to 27 May 1993 on the 1993/1994 package of prices and related measures (see press release 6704/93 Presse 82), the Council adopted the following Regulations giving legal form to that agreement:

Set-aside

- fixing the non-rotational set-aside rate referred to in Article 7 of Regulation No 1765/92;

Cereals and rice

- fixing the monthly price increases for cereals for the 1993/1994 marketing year;
- fixing the amount of the premium paid to producers of potato starch during the 1993/1994 marketing year;
- amending Regulation No 1418/76 on the common organization of the market in rice and repealing Regulations No 2744/75 and No 1009/86;
- fixing prices for rice for the 1993/1994 marketing year;
- fixing the monthly price increases for paddy rice and husked rice for the 1993/1994 marketing year;
- fixing the production aid for certain varieties of rice sown in the 1992/1993 marketing year;

Sugar

- amending Regulation No 1785/81 on the common organization of the markets in the sugar sector;
- fixing certain sugar prices and the standard quality of beet for the 1993/1994 marketing year;
- fixing the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices and the amount of compensation for storage costs of the 1993/1994 marketing year;

Oils and fats

- fixing the prices, aids and percentages of aid to be retained in the olive oil sector for the 1993/1994 marketing year;

- amending Regulation No 1765/92 establishing a support system for producers of certain arable crops;

Textiles

- adjusting, for the third time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece;
- amending Regulation No 2169/81 laying down the general rules for the system of aid for cotton;
- fixing the guide price for unginmed cotton for the 1993/1994 marketing year;
- fixing the minimum price for unginmed cotton for the 1993/1994 marketing year;
- amending Regulation No 1308/70 on the common organization of the market in flax and hemp and repealing Regulation No 3698/88 laying down special measures for hemp seed;
- fixing the aid for fibre flax and hemp and the amount withheld to finance measures to promote the use of flax fibre for the 1993/1994 marketing year;
- fixing the aid in respect of silkworms for the 1993/1994 rearing year;

Milk products

- amending Regulation No 3950/92 establishing an additional levy in the milk and milk products sector;
- amending Regulation No 2072/92 fixing the target price for milk and the intervention prices for butter, skimmed-milk powder and Grana Padano and Parmigiano Reggiano cheeses for two annual periods from 1 July 1993 to 30 June 1995;
- fixing the threshold prices for certain milk products for the 1993/1994 milk year;

Beef and veal

- fixing the guide price for adult bovine animals for the 1993/1994 marketing year;

Sheepmeat and goatmeat

- fixing the basic price and the seasonal adjustments to the basic price for sheepmeat for the 1994 marketing year;

Pigmeat

- fixing the basic price and defining the standard quality for pig carcasses for the period 1 July 1993 to 30 June 1994;

Wine

- amending Regulation No 822/87 on the common organization of the market in wine;
- amending Regulation No 2046/89 laying down general rules for distillation operations involving wine and the by-products of wine-making;
- amending Regulation No 2332/92 as regards sparkling wines produced in the Community and Regulation No 4252/88 on the preparation and marketing of liqueur wines produced in the Community;
- fixing the guide prices for wine for the 1993/1994 wine year;

Seeds

- fixing the amounts of aid for seeds for the 1994/1995 and 1995/1996 marketing year.

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In the agricultural sphere the Council also adopted Regulations

- amending Regulation No 1883/78 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section. This Regulation relates, firstly, to the possibility of refunding to Member States the financial costs of intervention purchases on the basis of a uniform interest rate fixed at a level lower than its representative level and, secondly, to the grant of financial assistance to one Member State whose interest rates are very high;
- amending Regulations Nos 2771/75 on the common organization of the market in eggs, 2777/75 on the common organization of the market in poultrymeat, 827/68 on the common organization of the market in certain products listed in Annex II to the Treaty and 2658/87 on the tariff and statistical nomenclature and on the CCT. These amendments are intended primarily to ensure uniform application of the Community's external trade regulations.

- Decisions

- = amending Directive 80/217/EEC introducing Community measures for the control of classical swine fever. The purpose of this amendment is to extend the duration of the designation of the laboratory of the Hanover Veterinary School as liaison laboratory for classical swine fever between national laboratories.
- = on reference laboratories for the monitoring of marine biotoxins. The purpose of this Decision is to designate the Community reference laboratory responsible for ensuring the effectiveness of the system for monitoring marine biotoxins implemented in the Member States and national reference laboratories, and to define the tasks, powers and operating conditions of those laboratories.
- = fixing the maximum amount eligible for expenditure on the employment of trained agricultural advisers pursuant to Regulation No 270/79. The amount for Italy is raised to ECU 25 000 per year.

PRESS RELEASE

7280/93 (Presse 104)

1673rd Council meeting

- Telecommunications -

Luxembourg, 16 June 1993

President: **Mr Arne MELCHIOR**

Minister for Communications of
the Kingdom of Denmark

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

Belgium

Mr Guy COEME

Deputy Prime Minister, Minister for Transport, Public Undertakings and Public Building

Denmark

Mr Arne MELCHIOR

Mr Helge ISRAELSEN

Minister for Communications

State Secretary for Communications

Germany

Mr Wolfgang BÖTSCH

Federal Minister of Posts and Telecommunications

Greece

Mr Panayiotis DELIMITSOS

State Secretary for Communications

Spain

Mr José BORRELL

Minister for Communications

France

Mr Gérard LONGUET

Minister for Posts and Telecommunications

Ireland

Mr Noel TREACY

Minister for Communications

Italy

Mr Maurizio PAGANI

Minister for Posts and Telecommunications

Luxembourg

Mr Jean-Marc HOSCHEIT

Deputy Permanent Representative

Netherlands

Mrs J.R.H. MAIJ-WEGGEN

Minister for Transport and Public Works

Portugal

Mr Joaquim FERREIRA DO AMARAL

Minister for Public Works, Transport and Communications

United Kingdom

Mr Patrick McLOUGHLIN

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

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Commission

Mr Martin BANGEMANN

Mr Karel VAN MIERT

Member

Member

DEVELOPMENT OF TECHNOLOGY AND STANDARDS IN THE FIELD OF ADVANCED TELEVISION SERVICES - COUNCIL RESOLUTION

The Council agreed to the text of the following Resolution, the Annex to which contains the Action Plan for the Introduction of Advanced Television Services in Europe. The Decision on the Action Plan will be adopted without further discussion at a forthcoming Council meeting in July 1993.

"The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community,

Whereas the Community, through Council Decision 89/337/EEC, Council Decision 89/630/EEC and Council Directive 92/38/EEC, recognized the strategic importance of High Definition Television (HDTV) for the European consumer electronics industry and for the European television and film industries, and established the strategy framework for the introduction of European HDTV;

Whereas the Council, through this Resolution, has agreed the framework for an Action Plan for the Introduction of Advanced Television Services in Europe having the objective of accelerating the development of the market for advanced television services in the widescreen 16:9 format;

Whereas it is necessary to bring forward the review of Council Directive 92/38/EEC to ensure its coherence with current market and technological realities;

Whereas digital technology will be important for future television systems;

Whereas it is important that Europe have a coherent global approach to the development of technology and standards for new digital television systems;

Having reached agreement on the framework for an Action Plan as contained in Annex I to this Resolution,

considers that:

1. An Action Plan for the Introduction of Advanced Television Services in Europe should be accompanied by additional measures to ensure the coherence of Community policy for advanced television;
2. One of these measures is a revision of Council Directive 92/38/EEC on standards for television broadcasting as provided for in the text, in order to adapt it to the current market and technological realities;
3. Digital technology is essential for future television systems. It is important that the Community develops a coherent global approach to the development of technology and standards for new digital television systems;

invites the Commission:

1. To propose to the Council, before 1 October 1993, a revision of Council Directive 92/38/EEC

reflecting the need for a flexible and workable regulatory framework which responds to the needs of the market and to technological developments. In this respect, the proposals could take account inter alia of the following issues:

- (i) The possible need to expand the scope to allow other standards, in addition to D2-MAC, to be used for the broadcast of not completely digital 625 line television services in the 16:9 format;
 - (ii) The possible need to expand the scope to cover standards for terrestrial transmission and cable distribution;
 - (iii) The possible need to limit the number of different standards as far as possible;
 - (iv) The possible need for a European non-proprietary encryption/conditional access system serving a number of competing service providers;
 - (v) The possible requirement that all new television transmission and encryption systems to be used in the Community should be standardized by the competent European standardization bodies;
 - (vi) The possible need to change other Articles of the Directive to ensure consistency following any changes introduced above.
2. To bring forward to the Council before 1 October 1993 a communication and possible proposals on digital television containing inter alia the following elements:
- (i) Mechanisms for achieving early agreement on a common Community perspective on the development and needs of the market for digital television systems which can inform and guide the standardization of such systems, including the feasibility of a single (family of) digital television standard(s) and matching encryption system(s);
 - (ii) A timetable for the development, system specification, system implementation, evaluation and subsequent standardization;
 - (iii) Community funding of the above activities, if required.

adopts:

the Framework Agreement for an Action Plan for the Introduction of Advanced Television services in Europe set out in Annex 1;

instructs:

COREPER to ensure that the detailed text of the Action Plan is modified to take account of the principles contained in the Framework Agreement;

agrees:

that the modified text of the Action Plan will be adopted, as an "A" item, by the Council before the end of July 1993.

Annex I to the Resolution

Framework Agreement for an Action Plan for the Introduction of Advanced Television Services in Europe

1. The plan is solely directed at promoting the 16:9 format (625 or 1250 lines), irrespective of the European television standard used, and irrespective of the broadcasting mode (terrestrial, satellite or cable).
2. The EEC funds shall cover only part of the difference in costs between production/broadcasting in the customary 4:3 format and in the 16:9 format; the EEC funds shall generally cover up to only 50% of the extra costs. The remaining 50% are to be provided from other sources. The Council attaches great importance to the involvement of the economic operators in the financing and agrees that the funding provided by the economic operators shall be at least 50% of the non-Community funding. Such economic operators shall be given due recognition under EC R&D and standardization activities always in accordance with the general rules for participation in these actions.
3. The support is allocated on a yearly "first-come-first-served" basis with preference for projects where the matching funds stem from the economic operators.
4. 30% of the EEC funding will be reserved for markets not being fully serviced in the early stages of the implementation of the Action Plan. These funds could cover up to 80% of the extra costs, while the remaining 20% is to be provided from other sources.
5. The Action Plan should be as simple as possible and based on transparent, fair and unbureaucratic mechanisms.
6. The funds shall be allocated to broadcasters or producers based in the EEC on the basis of hours produced and transmitted in the 16:9 format, with a maximum support of x ecus per hour. The support will depend on the actual costs of the type of programme and its technical quality, with special emphasis on programmes produced in Europe. New productions will thus receive the highest level of support. Only broadcasters transmitting more than 50 hours of 16:9 services per year will receive funding.
7. Community funding is fixed at 160 MECU. The funding will be given only provided applicants have demonstrated that other sources have already committed themselves to providing the remaining 50%. In addition to the 160 MECU, 68 MECU are held in reserve until 1 January 1995 for markets not being serviced in the early stages of the implementation of the Action Plan. The 68 MECU will have to be matched by 17 MECU from other sources.
8. The Action Plan shall cover a period of four years expiring on 30 June 1997.
9. Emphasis will be given to creating a considerable spread in the markets serviced by the Action Plan, with due recognition of the need to achieve the critical mass, and facilitating the uptake of all technologies including fully digital technology."

SATELLITE EARTH STATION EQUIPMENT

The Council approved the substance of a common position on the Directive on the approximation of the laws of the Member States concerning satellite earth station equipment, amending the scope of Directive 91/263/EEC (telecommunications terminal equipment, including the mutual recognition of their conformity).

Formal adoption of the Directive will take place at a forthcoming meeting after finalization of the texts.

This Directive is the first in a series aimed at regulating the satellite communications services and equipment sector. It ensues from the Council Resolution of 19 December 1991, which enunciated the objective of the harmonization and liberalization of appropriate satellite earth stations and takes into account the outcome of the Commission's consultations with the Member States.

It has four aims:

- (1) to establish the single market in earth station equipment;
- (2) to implement harmonized procedures for certification, testing, marketing, quality assurance and product surveillance to guarantee conformity with the essential requirements enunciated in Directive 91/263/EEC;
- (3) to guarantee the right to use satellite earth communications station equipment which has been placed on the market legally;
- (4) to guarantee the right to connect satellite earth communications station equipment to the public telecommunications network.

THE REVIEW OF THE SITUATION IN THE TELECOMMUNICATIONS SECTOR AND THE NEED FOR FURTHER DEVELOPMENT IN THAT MARKET- COUNCIL RESOLUTION

The Council agreed on the following Resolution:

"The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community,

Whereas both Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of Open Network Provision (ONP), and Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services, call for a review during 1992 of the conditions under which the Telecommunications sector operates in the Community;

Whereas on 21 October 1992 the Commission submitted to the Council a communication on the situation in the market for telecommunications services, which assessed, in particular, the competitive situation, progress on harmonization and restrictions concerning access to telecommunications networks, the effects of those restrictions on the operation of the internal market, and the measures that could be taken to remove those restrictions; whereas the Commission asked the Member States and interested parties to give their opinions concerning the communication and the proposals contained in it;

Whereas on 15 July 1992 the Commission also submitted to the Council a communication entitled: "Towards Cost Orientation and the Adjustment of Pricing Structures", assessing progress towards cost orientation and adjustment of pricing structures for telecommunications within the Community;

Whereas the European Parliament gave its Opinion on both communications on 20 April 1993;

Whereas the Council Resolution of 17 December 1992 called upon the Commission to consider, in consultation with interested parties, the political, economic, commercial and social implications of the options set out in the Commission communication for the future of the Community telecommunications services market; whereas the Council requested the Commission on the basis of the consultation to set out a transparent approach and timetable for a future regulatory framework for the Community telecommunications market, so as to allow regulators and operators to plan the necessary adjustments at national level;

Whereas the Council established an Ad Hoc High Level Committee of National Regulators to assist the Commission in this task; whereas the Council Resolution of 17 December 1992 welcomed the Commission's intention to report to it before the next meeting of the Council of Telecommunications Ministers;

Whereas the Commission has carried out a wide-ranging consultation with all those involved in the European telecommunications industry and, in particular, has received the opinion of the users of telecommunications services, telecommunications operators, equipment manufacturers, service providers and the trade unions;

Whereas on the basis of this wide-ranging consultation the Commission has

submitted a further communication to the Council on the outcome of the consultation on the 1992 Telecommunications Services Review,

Notes as general consensus resulting from the consultation that :

1. there is a general acceptance that liberalization of telecommunications services markets is the inevitable result of technological and market developments;
2. there is a general requirement for maintaining the financial stability of the sector and safeguarding universal service, while proceeding with the necessary adjustment of tariff structures;
3. *it is imperative to have a clear timetable for regulatory changes with defined milestones, in order to give the sector the necessary stability;*
4. a realistic approach to further liberalization must be followed, taking into account the need for adjustment in peripheral regions with less developed networks ;
5. there is need for rapid and effective implementation of the current regulatory environment, in particular Directive 90/388/EEC;
6. there is general recognition of the value to users, industry and the whole of the European economy of a well-developed telecommunications infrastructure and of advanced and efficient telecommunications services;
7. *the opening of the Community telecommunications market for third countries should be linked to comparable access to such countries' markets.*

Recognizes as key factors in the development of future regulatory policy for telecommunications in the community:

1. the application of ONP measures, which constitute the basis for the definition of universal service and provide an appropriate framework for interconnection, the implementation of the principle of mutual recognition of national licences and authorizations based on harmonized conditions and with an interim solution based on one-stop-shopping procedure, as well as the development of the policy established in the Council Resolution of 19 December 1991 in respect of satellite communications, in particular the adoption of measures envisaged in that framework;
2. the importance, for the individual consumer, and for the competitiveness of Community industry and commercial users, of a Community telecommunications system offering to all users including specific social groups, reasonable and affordable charges for access and use, high quality of service and technological innovation;
3. the application, where appropriate, of access charge principles by national regulatory authorities, taking into account in particular the need for tariff rebalancing and the provision of universal service;
4. the independence of telecommunications organizations for the determination of their commercial policy, subject to appropriate regulation by national authorities and the need for telecommunications organizations to be able to meet the increasing competition in the global market;

5. the need to take into account the objectives of Community cohesion in the light of the specific circumstances of peripheral regions;
6. the impact of the development of trans-European networks in the field of telecommunications;
7. the need to take account of changes in the overall employment situation within as well as outside the telecommunications sector;
8. the definition of a coherent policy concerning telecommunications infrastructure;
9. the establishment of a fair international trade environment allowing access to third country telecommunications markets comparable to that existing in the Community;
10. the development of a clear and stable regulatory framework based on the principle of subsidiarity;
11. the importance of competition rules in the new regulatory environment, taking into account the need for co-operation inter alia for trans-European services, and the situation of operators in European and non-European telecommunications markets;
12. the continuing need for a harmonized and open market for telecommunications equipment, and the need for comparable and effective access to third countries.

Considers as major goals for the Community's telecommunications policy in the short term:

1. the adoption of legislative proposals in the field of ONP and satellites, together with rapid and effective implementation of existing Community legislation in the field of telecommunications services and ONP;
2. the application throughout the Community and where necessary the adaptation, in the light of further liberalization, of ONP principles in respect of the entities covered and of such issues as universal service, interconnection and access charges; as well as the consequent questions connected with licensing conditions;
3. the development of future Community policy in the field of mobile and personal communications to which the announced publication of a Green Paper on mobile communications will contribute;
4. the development of future Community policy in the field of telecommunications infrastructure and cable TV networks to which the announced publication of a Green Paper in this area will contribute;
5. the working out of arrangements for suitable measures in relation to specific difficulties encountered by the peripheral regions with less developed networks. Such measures, as a complement to national funding, should, where appropriate, and taking into account the priorities set at national level, make full use of appropriate Community support frameworks to assist network development and universal service in peripheral regions.
6. in the preparation of the steps to implement the goals of this Resolution the Commission will take account of the specific situation of small networks.

Commission will take account of the specific situation of small networks.

Considers as major goals for the Community's telecommunications policy in the longer term:

1. the liberalization of all public voice telephony services, whilst maintaining universal service;
2. ensuring the balance between liberalization and harmonization in an evolving market;
3. examination, prior to full liberalization of all public voice telephony services, of progress on structural adjustment, in particular of tariffs, in those countries experiencing specific difficulties, in order to take account of the situation of the peripheral regions with less developed networks and of very small networks, including the fixing of additional transition periods, where justified.
4. the working out of a future policy for telecommunications infrastructure, on the basis of the result of a broad consultation process following the publication of the Green Paper on infrastructure.

Invites the commission and the Member States

to continue consultation, in particular within the framework of the Ad Hoc High Level Committee of National Regulators referred to in the Council Resolution of 17 December 1992, with a view to the definition of a global and coherent framework for Community telecommunications policy, taking into account the regulatory changes foreseen by this Resolution and aimed at strengthening the competitiveness of European operators.

Urges the Member States

- (a) to promote the progressive rebalancing of tariffs towards cost-orientation together with the continuing development of universal service to all users at reasonable charges;
- (b) to provide for the necessary financial, organizational and management independence of telecommunications organizations, in order to allow them to prepare for the competitive environment.

Gives its support to the intention of the Commission

- (a) to publish before 1 January 1994 a Green Paper on mobile/personal communications,
- (b) to publish before 1 January 1995 a Green Paper on the future policy for telecommunications infrastructure and cable TV networks.
- (c) to prepare before 1 July 1996 the necessary amendments to the Community regulatory framework in order to achieve liberalization of all public voice telephony services by 1 January 1998. In order to allow Member States with less developed networks, i.e. Spain, Ireland, Greece and Portugal, to achieve the necessary structural adjustments in particular of tariffs, these Member States are granted an additional transition period of up to five years. The Council notes the intention of the

Commission to work closely with these Member States in order to achieve such adjustments as soon as possible and in the best possible way within the period. Very small networks can - where justified - have a period of up to two years.

Reaffirms

the necessity that conditions governing the liberalization of all public voice telephony services by 1 January 1998, as well as the definition of a future Community policy on infrastructure, should be the result of a political agreement building on the compromise of December 1989, and notes the Commission support for this approach.

Requests the Commission to report to the Council and the Parliament:

- (a) on the progress made with regard to the implementation and effects of the measures referred to in this Resolution before the end of 1994.
- (b) with preliminary reflections on a global and coherent framework for a Community telecommunications policy before the end of 1993."

GREEN PAPER ON THE DEVELOPMENT OF THE SINGLE MARKET FOR POSTAL SERVICES

The Council held a policy debate on the basis of the communication which the Commission had recently forwarded to it on the consultations which it had held on the Green Paper on the development of the single market for postal services.

The Council instructed the Permanent Representatives Committee to continue its work on this matter to enable it possibly to adopt a Resolution at the next Telecommunications Council meeting under the Belgian Presidency.

PRESS RELEASE

3

7466/93 (Presse 113)

1674th Council meeting

- FISHERIES -

Luxembourg, 24 and 25 June 1993

President: **Mr Bjørn WESTH, Minister
for Agriculture and
Fisheries of the Kingdom of
Denmark**

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

Belgium:

Mr André BOURGEOIS Minister for Agriculture

Denmark:

Mr Bjørn WESTH Minister for Agriculture and Fisheries
Mr Thomas LAURITSEN State Secretary, Ministry of Fisheries

Germany:

Mr Franz-Josef FEITER State Secretary, Federal Ministry of Food, Agriculture and Forestry

Greece:

Mr Apostolos STAVROU State Secretary for Agriculture and Fisheries

Spain:

Mr Pedro SOLBES MIRA Minister for Agriculture, Fisheries and Food

France:

Mr Jean PUECH Minister for Agriculture and Fisheries

Ireland:

Mr David ANDREWS Minister for the Marine

Italy:

Mr Rocco Antonio CANGELOSI Deputy Permanent Representative

Luxembourg:

Mrs Marie-Josée JACOBS Minister for Agriculture, Viticulture and Rural Development

Netherlands:

Mr Piet BUKMAN Minister for Agriculture, Nature Conservation and Fisheries

Portugal:

Mr Eduardo DE AZEVEDO SOARES Minister for Maritime Affairs

United Kingdom:

Mr Michael JACK Minister of State, Ministry of Agriculture, Fisheries and Food
Sir Hector MUNRO Parliamentary Under-Secretary of State, Scottish Office

Commission:

Mr Ioannis PALEOKRASSAS Member

CONTROL SYSTEM APPLICABLE TO THE COMMON FISHERIES POLICY

The Council reached political agreement by qualified majority on the Regulation establishing a control system applicable to the common fisheries policy (CFP), the Netherlands and the United Kingdom being unable to support the majority at this stage.

The Regulation, which will come into force on 1 January 1994 ⁽¹⁾, establishes a Community system including, in particular, provisions for monitoring:

- conservation and resource-management measures;
- structural measures;
- measures concerning the common organization of the market;

and certain provisions relating to the effectiveness of sanctions to be applied in cases where the abovementioned measures are not observed.

The system, which is part of the CFP as revised by the basic Regulation No 3760/92, will apply to all fishing activities, including those carried out by vessels flying the flag of, or registered in, a third country, and to the activities of Community fishing vessels operating in the waters of non-member countries or on the high seas.

This new instrument, designed to replace the one currently in force (Regulation No 2241/87), recognizes the responsibility of each Member State for ensuring compliance with the relevant Community rules and provides for the possibility of the Commission carrying out verifications without prior notice on the application of the Regulation by the Member States.

In order to improve the effectiveness of surveillance of fishing activities, provision is made for the Council, acting on a proposal from the Commission, to decide before 1 January 1996 whether, to what extent, and on what date a continuous position-monitoring system, either

⁽¹⁾ Certain exemptions have been granted for the Mediterranean for a transitional period of five years.

land or satellite-based and using satellite communications for data transmission, should be installed for vessels.

In order to assess the technology to be used and the vessels to be included in the system, all the Member States, in co-operation with the Commission, will carry out pilot projects for certain categories of fishing vessels before 30 June 1995. This will be based on an initial pilot project involving vessels over seventeen metres and at least ten vessels from each Member State. These pilot projects will be financed in full from the Community budget, up to a ceiling of ECU 10 million.

In addition, fishing vessels flying the flag of a third country and authorized to fish in maritime waters under the sovereignty or jurisdiction of the Member States will be subject to a system for communicating movements and fishery products held on board.

With regard to the monitoring of catches, the skippers of fishing vessels of an overall length of more than 10 metres will have to keep a logbook showing, in particular, the quantities of each species caught and kept on board. The Council, acting on a proposal from the Commission, will adopt the lists of the species to be entered in the logbook.

For fishing vessels with an overall length of less than 10 metres, each Member State will monitor their activities by means of sampling, on the basis of sampling plans forwarded to the Commission.

The text contains provisions on landing declarations at ports of landing and the drawing up of sales notes by auction centres or other authorized bodies.

The Regulation also lays down provisions concerning the monitoring and use of fishing gear. In that connection, all catches which have been retained on board any Community fishing vessel must comply with the species composition laid down in Regulation (EEC) No 3094/86 for the net carried on board that vessel. Nets on board vessels which are not used must be stowed in such a way that they may not readily be used and in accordance with certain conditions.

There are also provisions covering:

- the regulation and suspension of fishing activities;
- inspection and control of certain measures to improve and adjust structures in the fisheries sector, including aquaculture;
- inspection and control of certain measures concerning the common organization of the market.

Where the competent authorities in a Member State find that the rules are not being complied with, they will take appropriate measures in conformity with their national law, which may entail the initiation of administrative or criminal proceedings against the natural or legal persons responsible.

Formal adoption of the Regulation will take place in July 1993, after the Permanent Representatives Committee has finalized the text.

APPLICATION OF THE ACT OF ACCESSION OF SPAIN AND PORTUGAL IN THE FISHERIES SECTOR - COUNCIL CONCLUSIONS

"In general, the Council agrees with the analysis of the Commission concerning the application of the Act of Accession of Spain and Portugal as far as access to waters and resources is concerned, as laid out in part one of the "1992 report".

The Council considers that the guidelines for the Commission's formal proposals for Regulations to be adopted by the Council before the end of 1993 will have to encourage integration of the two Member States within the general rules of the Common Fisheries Policy, with effect from 1 January 1996, while fully respecting the "acquis communautaire" in particular the principle of relative stability, the aim being not to increase the fishing effort and the exemptions from the principle of freedom of access to waters, as foreseen in the basic Regulation (EEC) No 3760/92.

The Council considers that the appropriate Commission proposals will have to enter into

the spirit of the new framework of the common fisheries policy, established by Regulation (EEC) No 3760/92, completed by the new Community control system.

With due regard to the overall balance and aiming for better equilibrium between resources and their level of exploitation, the Council takes note of the temporary character of the exemptions provided by the Act of Accession.

The Council requests the Commission to make appropriate proposals.

Adjustments must not lead to any increase in the present fishing effort."

HARMONIZATION OF VARIOUS TECHNICAL MEASURES IN MEDITERRANEAN FISHERIES

Pending receipt of the European Parliament's Opinion, the Council held a policy debate on the proposal for a Regulation harmonizing various technical measures in Mediterranean fisheries.

The proposal is a response to the conclusions of the Fisheries Council of 9 June 1992 concerning the harmonization of the laws of the Mediterranean Member States, so that stocks can be better conserved and managed in compliance with the principles and aims of the common fisheries policy.

The discussion showed that the Council was favourably inclined towards the principles of the proposal.

The Permanent Representatives Committee was asked to continue examining the matters outstanding, such as the introduction of transitional periods for certain specific fishing methods and the minimum sizes for marketing fish, while bearing in mind the socio-economic effects of the measures envisaged on coastal populations, and relations with third countries bordering the Mediterranean or operating in its waters.

The Council will continue examining this matter at a forthcoming meeting, in the light of the European Parliament's Opinion.

EUROPEAN FISHERIES RESEARCH: CURRENT POSITION AND PROSPECTS - COUNCIL CONCLUSIONS

"The Council has taken note of the report of the Commission and of the meeting of directors of Fishery Research Institutes in Member States in which the unsatisfactory situation and evolution of fishery research within the EEC is analyzed.

The Council recognizes the importance of appropriate and efficiently performed fisheries research for the further development of the common fisheries policy, in particular within the framework of the recently adopted new basic Regulation.

The Council stresses the importance of long-term, fundamental and innovative fisheries research as well as the increasing need for directly applied investigations required for the decision-making process within the common fisheries policy. It considers that a clear distinction between these two aspects of fisheries research would improve the transparency and the efficiency of Community funding.

The Council recognizes the need to maintain, extend or create appropriate data bases, covering biological, ecological, technical and socio-economic aspects as vital for the implementation of the common fisheries policy.

The Council confirms that the collection of basic data and associated analyses are first of all the responsibility of Member States. The latter should ensure that research activities are conducted under an appropriate managerial system and that adequate funds are allocated to this end. The Commission must play an important role in stimulating the planning of such work, taking into account in particular the work of ICES.

The Council invites the Commission to submit a report setting out, on a multiannual basis, perspectives for the development and maintenance of data bases within each Member State.

The Council also invites the Commission to quantify the budget corresponding to the investigations directly related to the specific needs of the common fisheries policy.

The Council takes the view that the EC resources for applied fisheries research projects should be concentrated on solving the most pressing problems of the common fisheries policy in all Community waters (in particular the conservation and replenishment of fish

stocks, new fishing opportunities, more effective, control measures, selective fishing methods).

The Council also takes the view that the instrument for special studies in the fisheries sector should be strengthened.

The Council takes note of the present preparation of the 4th Framework Programme with regard to promoting innovative research programmes within fishery research.

The Council considers that it is important that funding of directly applied investigations and impact studies should not cause a deterioration in the support for longer-term research needed to understand the underlying biological mechanisms. Without prejudice to the structure of the 4th Framework Programme, the Commission is requested to give priority to areas for which the present level of expertise is insufficient, such as fishery ecology and fishery economics. Furthermore the Commission should pay special attention to the needs of those Member States which do not benefit from a long experience in some areas of fisheries research, and/or those regions which are economically the most dependent on fisheries.

The Council welcomes the suggestion of strengthening and enlarging international co-operation. It agrees that such co-operation should rely on efficient structures where they exist and it invites the Commission to take the appropriate initiatives where necessary, in particular for the fisheries in the Mediterranean. The Commission is also invited to submit proposals for complementary mechanisms necessary for a better co-ordination of the construction and use of large-scale equipment (e.g. research vessels), development of networks of technical and scientific excellence and the improvement of communication between the scientific community and fishermen.

The Council feels that improved communication between the scientific community and fishermen should be given high priority, e.g. by joint studies of projected technical measures in the commercial fishery.

The Council considers that the Commission's initiative in preparing a review on fishery research has proved to be very positive and therefore invites the Commission to prepare a similar report on research in the field of aquaculture.

The Council invites the Commission to carry out an analysis to find out how fisheries research can contribute more actively to the assessment of the market problems."

SITUATION ON THE MARKET IN FISHERIES PRODUCTS

The Council discussed the situation on the market in fisheries products on the basis, in particular, of a Commission working paper.

At the end of its discussion, the Council adopted the following conclusions.

"The Council expressed its concern at the seriousness of the crisis which the market in fishery products has been undergoing for several months and its impact on the income of fishermen in the Community.

It asked the Commission to extend until 31 October 1993 the measures adopted on 25 February and 12 March on minimum import prices and on controls of direct landings in the Community from third-country fishing vessels.

It stressed the need for Member States to ensure full implementation of these measures and reinforce their co-operation to this end.

Finally, it considered that the current situation required the effectiveness of existing market management and safeguard mechanisms to be analysed. The analysis should cover both fishery problems and the problems of the processing industry. To this end, it asked the Commission to submit by 15 October a comprehensive report accompanied by appropriate proposals to ensure in trade with third countries, while honouring international commitments, strict compliance with the fundamental objectives of the common fisheries policy, in accordance with Article 39 of the Treaty, including the principle of Community preference and the competitiveness of the processing industry."

EEC-RUSSIA FISHERIES AGREEMENT

The Council discussed the draft Decision on the opening of negotiations for a fisheries agreement between the Community and the Russian Federation.

Following its discussion, it instructed the Permanent Representatives Committee to continue work in order to prepare for the Council's discussions at a future meeting.

EEC-CANADA FISHERIES AGREEMENT

Pending receipt of the European Parliament's Opinion, the Council discussed the proposal for a Regulation on the conclusion of the fisheries agreement between the Community and Canada.

The proposal follows the negotiations on fisheries relations held in Brussels on 16 and 17 December 1992 between the Canadian and Community delegations, resulting in the initialling of a Memorandum of Understanding on 17 December 1992.

The Permanent Representatives Committee was instructed to continue work, notably in the light of the European Parliament's Opinion.

EEC-ARGENTINA FISHERIES AGREEMENT

The Council discussed the proposal for a Regulation on the conclusion of the fisheries agreement between the Community and Argentina.

The proposal follows the negotiations held between the two parties from 12 to 14 November 1992, which led to the initialling of an agreement on 30 November 1992.

At the end of its discussion, the Council instructed the Permanent Representatives Committee to resolve the questions outstanding, which relate to the budgetary and financial aspects and to the type of body which will assist the Commission in applying the agreement, the aim being to adopt the Regulation formally in September.

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IRISH MEMORANDUM

The Council took note of the Commission report on the Irish memorandum on the review of the CFP requested by the Irish authorities in April 1992; it instructed the Permanent Representatives Committee to examine the report in preparation for a discussion by the Council at its next meeting.

MULTIANNUAL GUIDANCE PROGRAMMES

The Council took note of a communication on progress with the multiannual guidance programmes for the fishing fleet: results of the transitional programmes for 1992. It instructed the Permanent Representatives Committee to continue its discussions on the matter.

FAO

The Council took note of a declaration on the exercise of competences in respect of fisheries in FAO, of which the Community became a full member in 1991.

OTHER DECISIONS IN THE FISHERIES FIELD

EEC/Iceland fisheries agreement

The Council adopted a regulation concluding the Agreement between the Community and Iceland on Fisheries and the Marine Environment.

Under the Agreement, which was concluded for an initial period of ten years, the parties will co-operate, as appropriate, to ensure the conservation and rational management of the fish stocks occurring within the areas of fisheries jurisdiction of both parties and in adjacent areas.

For that purpose, the parties will consult annually on the allocations of fishing possibilities for each party with a view to obtaining a mutually satisfactory balance in their relations in the fisheries field.

Aid for cephalopod producers in the Canary Islands

The Council adopted a Regulation setting up specific measures in favour of cephalopod producers permanently based in the Canary Islands, namely the grant of aid of ECU 108/t for a maximum quantity of 30 000 t per year which may not exceed an amount equivalent to 2,5% of the annual production value.

The measure, which is funded from the EAGGF Guarantee Section, is part of the programme of options specific to the remote and insular nature of the Canary Islands (Poseican).

MISCELLANEOUS DECISIONS

Relations with Haiti

The Council adopted a Regulation introducing an embargo concerning certain trade between the European Economic Community and Haiti.

The Regulation follows the adoption of Resolution 841 of the United Nations Security Council, which obliges all States to restrict trade with Haiti in order to obtain the solution of the crisis in Haiti desired by the international community.

The Regulation provides for the prohibition of the following operations as from 23 June 1993:

- (a) the sale or supply of petroleum and petroleum products (listed in the Annex) to any person or body in Haiti or to any person or body for the purpose of any business carried on in, or, operated from Haiti (exceptions are possible under a special authorization procedure);
- (b) any activity the object or effect of which is directly or indirectly to promote the transactions mentioned under (a);
- (c) the entering of the territory or the territorial sea of Haiti by any means of transport carrying petroleum or the petroleum products concerned.

The sale or supply to Haiti of petroleum and petroleum products which are not prohibited under the Regulation are subject to prior authorization to be issued by the competent authorities of the Member States.

The ban is to apply notwithstanding any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted before 23 June 1993. Each Member State will determine the sanctions to be imposed where the provisions of the Regulation are infringed.

Taxation

The Council adopted its common position with a view to adopting a Decision on the programme of Community action on the subject of the vocational training of indirect taxation officials (Matthaeus Tax).

The particular purpose of the programme is to prepare indirect taxation officials of Member States, through additional vocational training, for the implications arising out of the creation of the internal market, and to encourage staff mobility and greater co-operation between the relevant administrations of the Member States.

The following training measures are provided for: exchanges of officials between national administrations, training seminars, co-ordinated vocational-training programmes in the Member States' specialized training schools, and organization of language training courses for officials taking part in exchanges.

The cost of these measures will be shared between the Community and the Member States. The annual Community budget appropriations will be adopted in the context of the budgetary procedure and in compliance with the relevant financial perspective.

Customs Union

The Council adopted the Regulation suspending in full, until 31 December 2000, the autonomous Common Customs Tariff Duties on certain industrial products intended to equip the free zones of the Azores and Madeira.

Anti-dumping

The Council adopted a Regulation extending for two months the provisional anti-dumping duty on imports of bicycles originating in the People's Republic of China.

Agriculture

The Council adopted Directives

- amending Directive 89/556/EEC on animal-health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species. The purpose of the amendment is to bring into the scope of the Directive embryos resulting from in vitro fertilization and to alter the provisions on foot-and-mouth disease;
- introducing minimum Community measures for the control of certain fish diseases, in order to eradicate or prevent the spread of certain fish diseases;
- amending Directive 91/67/EEC concerning the animal-health conditions governing the placing on the market of aquaculture animals and products. The purpose is to redefine the scope of the Directive and to clarify certain of its requirements.

Environment

Following the agreement reached at the Environment Council on 22 and 23 March 1993 (see Press Release 5564/93 Presse 41), the Council formally adopted the Decision for a monitoring mechanism for Community CO² and other greenhouse gas emissions and, gradually, for the other greenhouse gases not covered by the Montreal Protocol.

This measure forms part of the Community strategy to ensure compliance with the Community's commitments regarding the prevention of climate change.

Intellectual property

The Council adopted a Decision concerning the participation of the Community in the Committee of governmental experts entrusted with the elaboration of a possible new instrument for the protection of performing artists and phonogram producers under the auspices of WIPO (World Intellectual Property Organization).

PRESS RELEASE

7467/93 (Presse 114)

1675th meeting of the Council

- ENERGY -

Luxembourg, 25 June 1993

President: Mr Jann **SJURSEN**

Minister for Energy of the
Kingdom of Denmark

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

Belgium

Mr Jan DE BOCK Deputy Permanent Representative

Denmark

Mr Jann SJURSEN Minister for Energy

Mr Soeren SKAFTE State Secretary, Ministry of Industry and Energy

Germany

Mr Dieter von WÜRZEN State Secretary, Federal Ministry of Economic Affairs

Greece

Mr Georges APOSTOLAKIS Secretary-General for Energy

Spain

Mr Claudio ARANZADI Minister for Industry and Energy

France

Mr Gérard LONGUET Minister for Energy and External Trade

Ireland

Mr Brian COWEN Minister for Energy

Italy

Mr Paolo SAVONA Minister for Industry

Luxembourg

Mr Alex BODRY Minister for Energy

Netherlands

Mr Koos ANDRIESSEN Minister for Energy

Portugal

Mr Luis Filipe PEREIRA State Secretary for Energy

United Kingdom

Mr Timothy EGGAR Minister for Energy

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Commission

Mr Abel MATUTES Member

NUCLEAR SAFETY IN CENTRAL AND EASTERN EUROPE AND THE FORMERUSSR - COUNCIL CONCLUSIONS

"THE COUNCIL, committed to assisting with improving the nuclear safety in the countries of Central and Eastern Europe and the former Soviet Union and aware of the need for sustainable, medium and long-term solutions, to energy supply problems of those countries,

1. recalls the Council conclusions of 7 December 1992 on nuclear safety in the countries of Central and Eastern Europe and the former Soviet Union, involving measures under the Community's PHARE and TACIS programmes for immediate improvements in the safety of nuclear power plants; recalls the importance of the G-24 mechanism for the co-ordination of assistance programmes and the leading role of the Community in this area; recalls also the Community's intended contribution to the multilateral fund for nuclear safety in the countries of Central and Eastern Europe and the former Soviet Union;
2. notes the assistance already provided by the Community for an immediate improvement in the safety of the plants in question, as presented in the report tabled by the Commission in the Council on 23 April 1993; calls on the Commission to finalize as soon as possible the Master Plan under the PHARE and TACIS programmes referred to in that report;
3. emphasizes the need to continue implementing measures under the nuclear safety aspect of the PHARE and TACIS programmes in order to provide urgently needed practical assistance to improve safety of the plants in question; calls on the Commission to streamline procedures so as to accelerate the implementation of these programmes in the context of the Master Plan by, among other means, increasing the effective use of the expertise available within the Community and in the countries in question;
4. emphasizes that some of these plants are in need of substantial safety improvements and notes that some would be candidates for early decommissioning; notes in this context the

importance of medium and long-term solutions to secure energy needs by means which reduce reliance on less safe reactors, inter alia:

- exploiting the large energy-saving potential existing in those countries;
- increasing efficiency in the energy supply sector;
- diversifying energy supply to any source ensuring appropriate safety and environmental protection;

5. invites the Commission to examine practical ways and means to implement quickly appropriate measures in this field and to submit in the framework of existing programmes proposals for concrete activities by the Community in the energy sector; the Council invites the Commission to report regularly on the practical results of these activities and points to the importance of permanent, close co-ordination between the relevant Community programmes, including activities carried out under the Thermie programme, as well as other international and national programmes;

6. urges the signatories of the European Energy Charter to conclude negotiations and implement as soon as possible the European Energy Charter Treaty and the Protocol on energy efficiency and environmental aspects of energy systems and the Protocol on principles governing the peaceful uses of nuclear energy and the safety of nuclear installations and on co-operation in these areas."

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In this context, the Council noted a report submitted by the Commission entitled "Community assistance to the Countries of Central and Eastern Europe and to the former USSR in the field of energy."

COMMUNITY STRATEGY TO LIMIT CO2 EMISSIONS AND TO IMPROVE ENERGY EFFICIENCY

As part of the Community strategy to stabilize carbon dioxide emissions at 1990 levels by the year 2000 in order to combat the greenhouse effect, the Council agreed on:

- a Decision concerning the Altener programme on the promotion of renewable energy sources;
- a Directive concerning the SAVE programme for improving energy efficiency.

Both these acts will be formally adopted after the texts have been finalized.

- ALTENER PROGRAMME

The indicative objective of this programme, which is set to run for five years from 1 January 1993, is to achieve a reduction in carbon dioxide emissions of 180 million tonnes in 2005 through the development of renewable energy sources according to the following plan:

- increasing the contribution of renewable energy resources to the coverage of total energy demand from nearly 4% in 1991 to 8% in 2005 (to achieve this objective, the production of renewable energy sources should rise from nearly 43 Mtoe in 1991 to approximately 109 Mtoe in 2005);
- trebling the production of electricity from renewable energy sources, excluding large hydro-electric power stations (to achieve this objective, the capacity and electricity production of all power stations - excluding large hydro-electric power stations - using renewable energy sources should rise from 8GW to 25TWh in 1991 to 27GW and 80TWh (in 2005);
- securing for biofuels a market share of 5% of total fuel consumption by motor vehicles

(the production in 2005 of 11 Mtoe of biofuels is considered necessary in order to achieve this objective).

The amount of Community funds estimated as necessary for implementing the programme is ECU 40 million for the duration of the programme. This amount does not cover agricultural policy projects concerning biofuels.

Four categories of actions on renewable energy sources will be financed under the programme, namely,

- studies and technical evaluations for defining technical standards or specifications;
- measures to support the Member States' initiatives for extending or creating infrastructures concerned with renewable energy sources;
- measures to foster the creation of an information network aimed at promoting better co-ordination between national, community and international activities;
- studies, evaluations and other appropriate measures aimed at assessing the technical feasibility of the industrial exploitation of biomass for energy purposes, in particular electricity production.

The Community will bear the full cost of the actions undertaken to define technical standards or specifications, while the level of funding for the other categories of action will in general be between 30% and 50% of their total cost.

A Committee composed of representatives of the Member States will assist the Commission in implementing the programme.

- SAVE PROGRAMME

The SAVE programme seeks to limit carbon dioxide emissions by improving energy efficiency.

In order to attain this objective, the draft Directive provides for the establishment and implementation by the Member States of programmes in the following fields:

- energy certification of buildings;
- the billing of heating, air-conditioning and hot-water costs on the basis of actual consumption;
- third-party financing for energy efficiency investments in the public sector;
- thermal insulation of new buildings;
- regular inspection of boilers;
- energy audits of undertakings with high energy consumption.

Programmes may include economic and administrative instruments, information, education and voluntary agreements whose impact can be objectively assessed as being equivalent.

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The Council was also briefed by the Presidency on the latest situation regarding the proposal to tax CO₂ emissions and energy.

Discussions on this proposal should continue under the next Presidency.

It should be noted that the other component in the Community strategy to prevent climate change, the monitoring mechanism for emissions of CO₂ and other gases responsible for the greenhouse effect, was formally adopted at the Council meeting on 24 June 1993.

INTERNAL ENERGY MARKET

The Council held a policy debate on the proposed Directives concerning common rules for the internal market in electricity and natural gas.

At the close of the debate, the Presidency put forward the following conclusions:

"The Council

- recalled the Council conclusions of 30 November 1992 on the proposals for Council Directives concerning common rules for the internal market in electricity and natural gas;
- looks forward to the results of the European Parliament's examination of the Commission proposals;
- invites the Permanent Representatives Committee to continue the discussion, taking account of today's debate of the Council and of the new elements brought forward by the Commission and the expected modifications in the Commission proposals."

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In addition, the Commission presented orally the second progress report on the internal market in energy.

HYDROCARBON PROSPECTION, EXPLORATION AND PRODUCTION

The Council held an exchange of views on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons.

Examination of this proposal will continue in the Permanent Representatives Committee.

EUROPEAN ENERGY CHARTER

The Council was briefed by the Presidency and the Commission on the progress made in the discussions on the European Energy Charter.

The European Energy Charter was signed in the Hague on 17 December 1991. A draft Basic Agreement, now called the "Charter Treaty", has been under negotiation since September 1991 with a view to:

- introducing market concepts into current legislation in Eastern Europe, and especially the former USSR;
- encouraging the climate for investment in Eastern Europe, by western companies as well as local ones.

The last plenary negotiation meeting (25-28 May 1993) enabled participants to gain an overview of the progress which had been made in this area.

Contacts are under way to find solutions to the outstanding matters so that the next plenary meeting scheduled for 28 June to 2 July 1993 can achieve positive results.

After an exchange of views, the President said that the Council would be returning to the matter in the light of the Conference debate.

COMMUNITY RULES FOR STATE AID TO THE COAL INDUSTRY - COUNCIL GUIDELINES

Having regard to the communication by the Commission requesting Council assent concerning its draft Decision establishing Community rules for State aid to the coal industry;

Having regard to the consultation of the ECSC Consultative Committee dated 2 April 1993;

Having regard to the request for an Opinion of the European Parliament forwarded to it by the Council on 23 April 1993,

The Council reaffirms the need for a new state aid Decision for the Community's coal industry to cover the remaining period until the expiry of the ECSC Treaty in the year 2002;

The Council, although it has not yet finished its examination of the proposal and therefore is not currently able to give its formal unanimous assent, nevertheless underlines the importance of the following principles:

- the need to make further progress in the light of international market prices for coal towards economic viability of the Community's coal industry which will be attained through the reduction of production costs and capacities, in order to achieve degression of aids. Therefore Member States intending to provide aid to coal undertakings will be required to bring forward restructuring plans aiming at improving the economic viability of those undertakings. The implementation of such plans will be monitored and a review made in 1997;
- the need to take account of social and regional consequences of any restructuring of the Community's coal industry;
- the need for an increased transparency of all aid systems including budgetization or fully equivalent mechanisms;

- the need to allow the Community's coal industry access to similar environmental and research and development aid as provided under the existing Community framework.

The Council recognizes the need to give its assent on the draft Commission Decision before the end of the 1993 calendar year.

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The Council noted that the Commission would be submitting:

- a proposal for a Directive on energy efficiency requirements for new household refrigerators, freezers and their combinations;
- objectives for trans-European networks (energy).

MISCELLANEOUS DECISIONS

Import arrangements for Mediterranean products

The Council adopted the Regulations on the opening and management of tariff quotas (1993/1994) for:

- apricot pulp originating in Turkey;
- certain agricultural products originating in Cyprus, Morocco, Israel, Tunisia, and Egypt.

Transport

The Council adopted the Regulation for an action programme in the field of transport infrastructure with a view to the completion of an integrated transport market, after agreement had been reached on it at the Transport Council on 7 and 8 June 1993 (Presse Release 7039/93 Press 94).

Until a more comprehensive set of measures on trans-European networks is adopted in the framework of the Treaty on European Union, this Regulation extends Regulation No 3359/90 for a transitional period of two years (1993/1994), and includes a number of amendments to the objectives and infrastructure projects.

PRESS RELEASE

7468/93 (Presse 115)

1676th Council meeting

- ENVIRONMENT -

Luxembourg, 28 and 29 June 1993

President: Mr Svend AUKEN,

Minister for the Environment
of the Kingdom of Denmark

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

Belgium:

Mrs Magda DE GALAN

Minister for the Environment

Denmark:

Mr Svend AUKEN

Minister for the Environment

Mr Leo BJØRNESKOV

State Secretary for the Environment

Germany:

Mr Klaus TOEPFER

Minister for the Environment

Mr Clemens STROETMANN

State Secretary for the Environment

Greece:

Mr Achilleas KARAMANLIS

Minister for the Environment,
Regional Planning and Public Works

Mr Georges VOULGARAKIS

State Secretary for the Environment

Spain:

Mr José BORRELL

Minister for Public Works and Transport

France:

Mr Michel BARNIER

Minister for the Environment

Ireland:

Mr Michael SMITH

Minister for the Environment

Italy:

Mr Valdo SPINI

Minister for the Environment

Luxembourg:

Mr Alex BODRY

Minister for the Environment

Netherlands:

Mr J.G.M. ALDERS

Minister for Housing, Planning and the Environment

Portugal:

Mrs Teresa GOUVEIA

Minister for the Environment and Natural Resources

United Kingdom:

Mr John GUMMER

Secretary of State for the Environment

Mr Timothy YEO

Minister of State, Department of the Environment

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Commission:

Mr Yannis PALEOKRASSAS

Member

EMISSIONS FROM MOTOR VEHICLES

- LIGHT COMMERCIAL VEHICLES

Following the co-operation procedure with the Parliament, the Council adopted by qualified majority – the Netherlands delegation voting against ⁽¹⁾ – the Directive aimed at making the standards for emissions applicable to light commercial vehicles ⁽²⁾ equally stringent to those in force for private vehicles (Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles).

The text lays down, for the vehicles in question, the application:

Category of vehicle		Reference mass	Limit values		
			Mass of carbon monoxide	Combined mass of hydrocarbons and oxides of nitrogen	Mass of particulates ⁽³⁾
		RW (kg)	L ₁ (g/km)	L ₂ (g/km)	L ₃ (g/km)
M ⁽⁴⁾		all	2,72	0,97	0,14
N ₁ ⁽⁵⁾	Category I	RW ≤ 1 250	2,72	0,97	0,14
	Category II	1 250 < RW ≤ 1 700	5,17	1,4	0,19
	Category III	1 700 < RW	6,9	1,7	0,25

⁽¹⁾ The Netherlands Environment Minister did not support this Directive, because the Netherlands government wants to use tax incentives to promote more stringent standards.

⁽²⁾ Vehicles in Category M1 (vehicles intended for transporting a maximum of 9 persons, including the driver) or Category N1 (vehicles intended for transport of goods, of less than 3,5 tonnes in weight).

⁽³⁾ For compression ignition engines.

⁽⁴⁾ Except: - vehicles designed to carry more than six occupants including the driver,
- vehicles whose maximum mass exceeds 2 500 kg.

⁽⁵⁾ And category M vehicles referred to in footnote 3.

These new standards will be applicable:

- from 1 October 1993 to new vehicle type approvals;
- from 1 October 1994 to all new vehicles (initial entry into service).

The text also provides that more stringent limit values will be laid down by the Council by 31 December 1994 on the basis of a proposal that the Commission will submit by 31 December 1993 at the latest.

These new, lower limit values will not apply before 1 January 1996 to new type approvals for Category I vehicles and not before 1 January 1997 to new type approvals for Category II and III vehicles.

- NEW EMISSION STANDARDS FOR MOTOR VEHICLES

Pending the European Parliament's Opinion, the Council discussed the proposal for a Directive to reduce further the noxious emissions from motor vehicles and amending, therefore, Directive 70/220/EEC.

It should be noted that the Directive in force on exhaust gases (91/441/EEC), adopted by the Council in June 1991 and aiming at an 85/90% reduction in emissions on the initial 1970 level, guarantees one of the lowest levels in the world for noxious emissions from new vehicles placed on the Community market.

The prospects for growth in road traffic over the next few years prompted the Commission to provide in this proposal for a further reduction averaging 35% in permitted vehicle emission levels for regulated pollutants/carbon monoxide nitrogen oxides and unburnt hydrocarbons and particulates).

The discussion of such matters as tax incentives and dates and targets for implementation of the "2000 stage" (further emission reductions after 2000) enabled progress in this area to be achieved.

Accordingly, the Council instructed the Permanent Representatives Committee to continue discussions in the light, particularly, of the European Parliament's Opinion with a view to adoption of the position at its next meeting.

CONTROL OF VOLATILE ORGANIC COMPOUND (VOC) EMISSIONS

The Council reached political agreement by a qualified majority - with the German delegation unable to endorse the agreement - on a common position on the proposal for a Directive on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations.

The proposal, which forms part of the Community strategy for reducing man-made VOC emissions, constitutes the first stage of measures affecting the petrol distribution system.

As such it covers emissions resulting from the storage of petrol and its distribution from terminals to service stations; emissions from the refuelling of vehicles in service stations will shortly form the subject of a new Commission proposal.

The Directive applies to processes, installations, vehicles and inland waterway vessels used for the storage, loading and transportation of petrol from terminals to service stations or between terminals ⁽¹⁾.

The text provides for a wide range of measures concerning storage installations at terminals, loading and unloading of mobile containers at terminals, mobile containers and loading into service station installations.

⁽¹⁾ The inclusion of ocean-going vessels in the scope of the Directive is proposed following the adoption of certain provisions under the IMO.

The aim of these provisions is to achieve a substantial reduction in the evaporation losses occurring at every stage in the petrol storage and distribution chain.

Certain provisions of the Directive enable Member States to maintain or to take tougher measures throughout their territory or in certain geographical areas in which such measures are found to be essential to environmental or health protection.

The Member States must comply with the Directive within twelve months of its notification.

The common position will be formally adopted shortly.

CONVENTION ON BIOLOGICAL DIVERSITY

The Council reached agreement on the Decision concerning the conclusion of the Convention on Biological Diversity, signed by the Community and the Member States at Rio de Janeiro in June 1992.

The objectives of this Convention are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

The Member States and the Community undertook, if possible, to deposit the instruments of ratification simultaneously by the end of this year.

It should be noted that 18 States have already ratified this instrument. The Convention will enter into force 90 days after deposit of the thirtieth instrument of ratification.

INCINERATION OF HAZARDOUS WASTE

Subject to reconsultation of the European Parliament regarding possible change in the legal basis, the Council reached agreement on the Directive on the incineration of hazardous waste.

This Directive provides for measures and procedures to prevent or, where not practicable, to reduce as far as possible negative effects on the environment, in particular the pollution of air, soil, surface and groundwater, and the resulting risks to human health, from the incineration of hazardous waste and, to this end, to set up and maintain appropriate operating conditions and emission limit values for hazardous waste incineration plants within the Community.

The proposal which forms part of the Community's waste-management strategy, supplements Community legislation on incineration of municipal waste.

The text lays down the conditions for obtaining permits to operate plants for the incineration of hazardous Community waste and lists a series of measures which need to be adopted at the time of delivery and reception of the waste.

The Directive also lays down the operating conditions for such plant which are essential to ensure the fullest possible level of incineration.

It fixes average values, on a daily or shorter than daily basis, for emission limits which may not be exceeded in the case of exhaust gases, heavy metals and their gaseous or vapour compounds.

The emission of dioxins and furans will be reduced by the most progressive techniques. No measured average values should exceed a limit value of 0,1 ng/m³ at the latest from 1 January 1997. Until that date, this value will be used as a guide value, pending adoption of a harmonized method of measurement by the CEN (European Committee for Standardization).

The Directive also lays down stringent conditions for waste water discharges resulting from the cleaning of exhaust gases and establishes restrictive conditions whereby the incineration of hazardous waste may be carried out at plants not primarily intended for the purpose.

The Commission will propose revised limit values by 31 December 2000 on the basis of acquired experience and evolving techniques.

Member States must comply with the Directive within two years of the date of notification at the latest.

Existing plant may have a period of three and a half years before being required to apply the Directive's provisions.

PROTECTION OF THE OZONE LAYER

The Council discussed the Commission proposals concerning:

- ratification by the Community of the Montreal Protocol on substances which deplete the ozone layer, adopted in Copenhagen in November 1992;
- the introduction, in the form of a new Regulation, of a swifter timetable than that provided for in Copenhagen for the limitation of HCFCs and methyl bromide.

Following an exchange of views, the Council instructed the Permanent Representatives Committee to press ahead with an examination of the proposals.

CONSERVATION OF WILD BIRDS

The Council discussed the amendment of Directive 79/409/EEC on the conservation of wild birds.

The aim of the Directive is to maintain the population of all species of birds living naturally in the wild in the Community at a level meeting in particular ecological, scientific and cultural requirements, bearing in mind economic and leisure demands.

At the close of the discussion the Permanent Representatives Committee was instructed to continue examining the proposal with a view to reaching agreement at a forthcoming meeting.

POSSESSION OF AND TRADE IN SPECIMENS OF WILD FAUNA AND FLORA SPECIES

The Council took note of the progress of discussions on the proposal for a Regulation laying down provisions with regard to possession of and trade in specimens of wild fauna and flora species.

This proposal relates to the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and to certain more stringent measures due to be adopted by the Community.

Its aim is to adapt Regulation No 3626/82 to the changes which have been made to national, Community and international laws regarding wild fauna and flora, to improve the structure of that Regulation and, in the context of the Single Market, to harmonize national laws on this matter in order to remedy the omissions in Regulation No 3626/82.

The Permanent Representatives Committee was instructed to continue examining the proposal.

PACKAGING AND PACKAGING WASTE

The Council held an in-depth policy debate on the proposal for a Directive on packaging and packaging waste.

The purpose of the proposal is to harmonize national provisions on packaging waste and to put into practice the broad principles of the Community strategy for waste management.

In practice it is proposed to set quantitative goals regarding the recovery, recycling and elimination of packaging waste and to introduce return systems and develop market absorption capacities in terms of recycling and recovery and essential requirements for the manufacture of packaging.

The Ministers' discussions focused on three closely-linked key issues of the proposal, viz.:

- the role of prevention;
- flexibility of objectives;
- market absorption capacities.

On the basis of this discussion it was possible to consider these three matters in more detail with a view to continuing the examination of the proposal under the next Presidency in the light of the Opinions of the European Parliament and the Economic and Social Committee.

FLOWS OF RECYCLABLE MATERIAL

The Commission informed the Council of the outcome of the meeting of experts on this matter on 4 June.

The Council held a detailed discussion on this subject which indicated the problems posed in other Member States by the German Order on packaging.

The German delegation regretted the negative impact of its scheme on the market in other Member States and offered its full co-operation in finding solutions to these problems.

The Council called on the Commission to find solutions which ought to be in line with internal market rules, while several delegations emphasized the urgency of such solutions.

FOLLOW-UP TO THE UNCED - COUNCIL CONCLUSIONS

"THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

1. **STRESS THE IMPORTANCE** of a continuous active follow-up to the decisions of the UN Conference on Environment and Development, **CONFIRM** their commitment to a rapid and comprehensive pursuit of Agenda 21, for which national Governments bear primary responsibility, and in which international and intergovernmental organizations, all social actors, NGOs major groups and the public have an important role to play;
2. **REAFFIRM** their commitment to continue implementing the eight-point plan for follow-up to UNCED agreed at the Lisbon European Council and to implement their Resolution of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development;
3. **TAKE NOTE** of the progress report from the European Communities to the UN Commission on Sustainable Development;
4. **WELCOME** the decisions and conclusions agreed at the first session of the Commission on Sustainable Development from 14 to 25 June in New York;
5. **UNDERLINE** in this regard their commitment to:
 - provide further political impetus and profile to the activities of the CSD;
 - participate actively in the inter-sessional preparation of concrete inputs to the next session of the CSD on freshwater, health, human settlements, toxic chemicals and hazardous wastes, as well as on financial resources and technology transfer; stressing the importance of involving Governments, relevant international and intergovernmental organizations, NGOs and other groups in such work;
 - support the CSD's role in developing solutions to critical elements of sustainability, including: mutually supportive trade and environment policies, the debt problem; production and consumption patterns and lifestyles; and the contribution of high environmental standards to the creation of new economic activity and employment opportunities;

6. **RECALL** the agreement of the Council for the Community and the Member States to ratify the UN Climate Convention and the UN Convention on Biodiversity as soon as possible and not later than 31 December 1993;
7. **STRESS** that the Community and its Member States should play an active role in the work of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change in order to secure the best possible preparation of the first session of the Conference of the Parties and to contribute to the effective operation of the interim arrangements set out in Article 21 of the Convention;
8. **STRESS** that the Community and its Member States should play an active role in the work of the Intergovernmental Committee for the Convention on Biological Diversity in order to secure the best possible preparation of the first session of the Conference of the Parties;
9. **REAFFIRM** their commitment to prepare relevant national strategies on Climate Change and Biodiversity and national sustainable development plans by the end of 1993 and **AGREE** that the Member States should produce by the same date summary progress reports on their national strategies on Climate Change, Biodiversity, the Rio Declaration and Agenda 21;
10. **SUPPORT** early efforts to be undertaken by the CSD on the implementation of the Forest Principles, with a view to accelerating the process of sustainable management and development of all forests;

REAFFIRM the intention of the Community and its Member States to work actively and in close co-operation in the context of the CSD on a global review of the implementation of the Forest Principles. The Community and its Member States reaffirm their commitment to a future global Forest Convention;

AGREE in this context that the Member States should produce full national plans and comprehensive reports for the implementation of the Forest Principles as soon as possible and not later than 31 December 1993. In addition Member States should produce summaries in an agreed common format;

11. **ACKNOWLEDGE** that the European forestry issue should be considered within a global context and on the basis of the Forest Principles, which call for long-term forest management. Thus Member States should endeavour to ensure sustainable forestry management on a national basis;
12. **INTEND** to give priority to a fast implementation and follow-up of the resolutions adopted at the Ministerial Conference on Protection of Forests in Europe (Helsinki, June 1993);
13. **WELCOME** the draft Council Regulation on operations to promote tropical forests, which will enable the Community to play a more active role within the field of tropical forestry on a sustainable basis and in particular promote Community policies within this field;

14. **REAFFIRM** the undertaking of the Community and its Member States to participate actively in the work of the Intergovernmental Negotiating Committee for an International Convention on Desertification which is due to be opened for signature in Paris in June 1994;
15. **UNDERLINE** the fact that the effective use of financial resources and their delivery are decisive for meeting the environmental goals set at the **UNCED** Conference and **WELCOME** that the Development Council on 25 May confirmed that following the global financial commitment of ECU 3 billion made in Rio, the Community and its Member States would provide an initial tranche of ECU 600 million in 1993 for specific projects and programmes in key Agenda 21 sectors;
16. **ACKNOWLEDGE** in this respect the important role of the international and regional financial institutions in enabling the developing countries to carry out the decisions of **UNCED**, and **CALL UPON** the international financial institutions to give urgent priority to the follow-up to **UNCED**;
17. They further **ACCENTUATE** the special importance of the Global Environment Facility and **STRONGLY SUPPORT** the current process of replenishment and the restructuring of the Facility before 31 December 1993 into an effective and transparent body with a balanced and equitable representation of all countries, in order to make it available as the permanent financial mechanism for the Climate Change and Biodiversity Conventions, and without prejudice to future decisions;
18. **INVITE** the Commission to come forward with further appropriate proposals to give effect to its programme "Towards sustainability" and to produce an overview of the elements in this programme which relate particularly to the follow-up to **UNCED**;
19. **NOTE** that the European Council in Copenhagen in response to the presentation by President **DELORS** of a medium-term European Plan, which included the promotion of a new model of development by, inter alia, exploiting the job-creating potential of environmental protection and taxing scarce natural resources, invited the Commission to present a white paper on a medium-term strategy for growth, competitiveness and employment; **CONSIDER** that such a strategy should take account of the orientations set out in Agenda 21."

COMMUNITY STRATEGY ON CLIMATE CHANGE

The Council took note of a progress report on the Community strategy to control climate change in the light of the objective of stabilizing CO₂ emissions in the year 2000 at 1990 levels.

The strategy is based on four elements, viz.:

- Directive designed to improve energy efficiency within the framework of the SAVE programme;
- Decision to promote renewable energy sources (ALTENER programme);
- Decision on a monitoring mechanism for CO₂ and other greenhouse gases;
- Directive introducing a combined CO₂/energy tax.

The first two instruments were the subject of an agreement at the Energy Council meeting on 25 June 1993.

The Decision on a monitoring mechanism was approved at the Environment Council meeting on 23 March 1993 and formally adopted on 24 June.

Discussion of the proposal on the CO₂/energy tax will continue under the next Presidency.

CONFERENCE OF EUROPEAN ENVIRONMENT MINISTERS

The Council held an exchange of views on the follow-up to be given to the Ministerial Conference on the Environment held in Lucerne in April 1993.

At that Conference, the Ministers for the Environment of the region of the UN Economic Commission for Europe and the European Commission affirmed their common responsibility for the European environment in the ministerial statement and expressed their desire to step up co-operation in the area of environmental protection.

At the close of the exchange of views, the Council adopted the following conclusions:

"The Council recognizes that the state of the environment in Central and Eastern European countries calls for urgent action and increased support from the Community.

There is need, not only for nuclear safety, but for broader ecological safety as well as an integrated approach to energy supply and savings.

Under present circumstances the Community has the duty to assist Central and Eastern European countries to achieve this for their people and for Europe.

The Council calls upon the Commission and the various international financial institutions to pursue their efforts to provide the technical assistance and financing necessary to achieve this aim."

EXPORTS OF HAZARDOUS WASTE

The Council took note of the information provided by the Commission on the progress of discussions on the follow-up to the Council conclusions of 22 and 23 March 1993 on exports of hazardous waste to developing countries.

On that occasion, the Council had invited the Commission to examine any circumstances justifying the call for a total ban on exports of hazardous waste covered by the Basle Convention to developing countries and to submit appropriate proposals to it at the earliest possible date.

At this meeting, Commission PALEOKRASSAS repeated the Commission's request for more information from the Member States concerned regarding exports of hazardous waste.

COMMUNITY POLICY ON THE EUROPEAN COASTAL ZONE

The Council took note of the progress of discussions on the follow-up to the Council Resolution of 25 February 1992 on future Community policy on the European coastal zone.

On that occasion, the Council had invited the Commission to propose a Community strategy on integrated coastal zone management which would serve as a framework for its conservation and long-term utilization, and to incorporate this initiative into the 5th Environmental Action Programme.

At the close of the exchange of views, the Council invited the Commission to continue its work with a view to submitting a formal proposal to the Council in this area.

COMMON POLICY ON SAFE SEAS - COUNCIL CONCLUSIONS

"THE COUNCIL

1. WELCOMES the Resolution of the Council (Transport) of 8 June 1993 and in particular the points regarding environmentally sensitive areas, civil liability, risk assessment, port state control and port state inspection and detention;
2. STRESSES the importance of prompt action, in accordance with international law, to require adequate standards for ships sailing through environmentally sensitive areas;
3. INVITES:
 - Member States to identify environmentally sensitive areas on the basis of draft common criteria which will be circulated by the Commission before 15 July 1993, and to report to the Commission before November 1993 on the result of such identification;
 - the Commission to report to Council before February 1994 on a Community-wide identification of environmentally sensitive areas;
4. INVITES the Commission, in consultation with Member States, to study, on the basis of an assessment of risks to environmentally sensitive areas by maritime transport, whether the protection of such areas requires area-specific standards on maritime safety and to present the outcome of its study in the first half of 1995 with a view to proposing specific measures to IMO;
5. INVITES the Commission to examine the possibility of strengthening the preventive effects for the protection of the environment of penalties and civil liability.

In this context, the Council CONFIRMS the priority to ratify as soon as possible the relevant international conventions and protocols, in particular relevant MARPOL Conventions, and to continue studying the possibility of a liability and fund convention covering hazardous and noxious substances."

OTHER DECISIONS CONCERNING THE ENVIRONMENT

Community eco-audit scheme

The Council adopted the Regulation allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme, following the agreement reached at the Environment Council meeting on 22 and 23 March 1993 (see press release 5564/93 Presse 41).

Following the adoption in March 1992 of the Regulation on a Community eco-label award scheme, the above Regulation provides the second example of voluntary schemes and market instruments which should serve to broaden the range of measures in addition to legislation in the environmental field.

MISCELLANEOUS DECISIONS

Agriculture

The Council adopted the Directives:

- amending Directives 86/362/EEC and 86/363/EEC on the fixing of maximum levels for pesticide residues in and on cereals and foodstuffs of animal origin respectively;
- amending Annex II to Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables, and the Annex to the Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruits and vegetables, and providing for the establishment of a first list of maximum levels.

The purpose is to harmonize maximum levels of pesticide residues in these products; harmonization is essential to ensure the smooth operation of the internal market, while guaranteeing a high degree of protection of human health.

Customs Union

The Council adopted a Regulation opening and providing for the administration of a Community tariff quota

- for the period from 1 July to 31 December 1993, for frozen fillets of hake and
- for the period from 1 September 1993 to 31 August 1994, for processing work in respect of certain textile products under Community outward-processing traffic.

Internal market

Following the agreement reached on 14 June 1993, the Council formally adopted its common position on the maximum design speed, maximum torque and maximum net engine power of two or three-wheel motor vehicles (see press release 7278/93 Presse 102).

PRESS RELEASE

7471/93 (Presse 118)

1677th Council meeting

- RESEARCH -

Luxembourg, 30 June 1993

President:

Mr Svend BERGSTEIN,

Minister for Research and
Technology of the Kingdom of Denmark

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

Belgium:

Mr Jean-Maurice DEHOUSSE Minister for Science Policy and Scientific and Cultural Institutions

Denmark:

Mr Svend BERGSTEIN Minister for Research and Technology

Germany:

Mr Bernd NEUMANN State Secretary, Federal Ministry for Research and Technology

Greece:

Mr D. GLAROS Secretary-General

Spain:

Mr Elias FERERES State Secretary for the Universities and Research

France:

Mr François FILLON Minister for Higher Education and Research

Ireland:

Mr Seamus BRENNAN Minister for Science and Technology

Italy:

Mr Umberto COLOMBO Minister for Scientific Research

Luxembourg:

Mr Marc FISCHBACH Minister for Education

Netherlands:

Mr Ate OOSTRA Deputy Permanent Representative

Portugal:

Mr Manuel FERNANDES THOMAZ State Secretary for Science and Technology

United Kingdom:

Mr William WALDEGRAVE Chancellor of the Duchy of Lancaster with responsibility for Science

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Commission:

Mr Antonio RUBERTI Member

FOURTH FRAMEWORK PROGRAMME OF COMMUNITY RTD ACTIVITIES

The Council held an in-depth discussion of the Fourth Framework Programme of Community RTD activities on the basis of the formal proposal approved by the Commission on 16 June 1993 and in the light of an own-initiative opinion from the European Parliament.

The Council paid special attention to:

- the overall financial amount to be allocated to the Fourth Framework Programme;
- the breakdown of financial resources between the four activities under the Fourth Framework Programme (RTD programmes, international co-operation, dissemination of results, training and mobility) and between the main headings of the first activity.

At the close of the discussion the President concluded that major progress had been made towards a convergence of views by the delegations, although there was further work to be done. The Council requested the Permanent Representatives Committee to continue examining the Commission proposal in the light of the Council's discussions with a view to reaching agreement if possible by the end of the year.

MANAGEMENT OF COMMUNITY RTD PROGRAMMES - Council conclusions

Following a new exchange of views between the Ministers on the management of Community RTD programmes, the Council approved the following conclusions:

"The Council:

taking into account previous exchanges of views between the Research Ministers, and in view of the coming decision on the Fourth Framework Programme and its implementation:

1. Recalls its conclusion of 29 April 1993, according to which detailed criteria and mechanisms should be established for cost-effective implementation and improved management of the Framework Programme in order to ensure that its objectives are fully met; reaffirms also its emphasis on the need for the improvement of procedures for systematic, independent and timely evaluation of the Framework Programme;
2. Welcomes in this respect the initiatives undertaken by the Commission with a view to improving the management of the EC research programmes and encourages the Commission to develop further such initiatives in time for the implementation of the Fourth Framework Programme;
3. Emphasizes that procedures and tools for programme implementation should as far as possible be simplified and harmonized in order to facilitate participation in Community research programmes, particularly by SMEs, and to allow for smooth, transparent and timely implementation of the Framework Programme; welcomes in this respect the circulation by the Commission of information bulletins on a regular basis;

4. Would welcome in particular, without prejudice to the quality and transparency of the selection procedure, improvements in specific areas, such as the shortening of delays between deadlines for receipt of proposals and start of selected projects and the provision of information to applicants on non-selected proposals;
5. Takes note of the Commission's intention to assess in further detail the possible benefits and disadvantages of decentralized management and possible further concrete measures that could be taken in this field, so as to enable Council to take a view on this issue as soon as possible;
6. Considers that possible new types of activities, for example thematic networks of excellence, concertation networks and consortia for integrated projects, as proposed by the Commission, need to be clarified further;
7. Reaffirms the importance of the role of programme committees in the management of Community RTD programmes, also in the assessment of projects; considers that co-ordination between the Commission and programme committees should be improved at all stages of implementation in order to create a real partnership and to increase efficiency; notes that the present conclusions are without prejudice to any future decisions to be taken on types of programme committees.
8. The Council invites the Commission to take account of the present conclusions of Council in the ongoing work to improve the management of Community RTD programmes and to keep the Council informed, in order to allow the Council to comment further on this issue in the future."

MISCELLANEOUS DECISIONS CONCERNING SOCIAL AFFAIRS

Social security for migrant workers

The Council adopted the Regulation amending Regulation No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation No 574/72 laying down the procedure for implementing Regulation No 1408/71 and Regulation No 1247/92 amending Regulation No 1408/71. These amendments take account of changes which have occurred in national legislations and adapt the Community Regulations in question in the light of experience acquired when implementing them.

Organization of working time

Following the political agreement reached at its meeting on 1 June 1993 the Council formally adopted, with the United Kingdom abstaining, the common position on the Directive concerning certain aspects of the organization of working time.

The common position contains minimum provisions relating to the following aspects:

- maximum weekly working time (48 hours, including overtime);
- daily rest (11 hours);
- breaks;
- weekly rest period (24 hours);
- paid annual leave (four weeks);
- length of night work (8 hours).

It also contains arrangements to protect workers in the case of night work.

The Directive provides for the possibility of laying down:

- reference periods for:
 - = weekly rest period;
 - = maximum weekly working time;
 - = length of night work;
- derogations from certain Articles in the Directive.

Fishing vessels

Following the agreement reached at its meeting on 1 June 1993 the Council formally approved the common position on the Directive concerning the minimum safety and health requirements for work on board fishing vessels. The French and United Kingdom delegations abstained.

The approved text concerns:

- new vessels with a length of 15 metres or over;
- existing vessels with a length of 18 metres or over;

The common position provides inter alia that:

- owners must ensure that their vessels are used without endangering the safety and health of workers;
- any occurrences at sea which affect or could affect the safety and health of workers must be described in a report to be forwarded to the competent authorities;
- vessels must, as regards compliance with this Directive, be subject to regular checks by authorities specifically empowered to carry out such checks;
- owners must ensure that any defects likely to affect the safety and health of workers are rectified;
- owners must ensure that vessels are cleaned regularly, that emergency and survival equipment is in good working order, and that account is taken of personal protective equipment specifications.

The common position also covers the provision of information and training as well as consultation and participation of workers.

It contains four Annexes laying down minimum safety and health requirements for:

- new vessels;
- existing vessels;
- life-saving and survival equipment;
- personal protective equipment.

Continuing vocational training

Following the agreement reached at its meeting on 1 June 1993 the Council formally adopted the Recommendation on access to continuing vocational training (see Press Release 6710/93 Presse 88).

Flexible retirement

Following the agreement reached at its meeting on 1 June 1993, the Council formally adopted the Resolution on flexible retirement arrangements (see Press Release 6710/93 Presse 88).

Development of vocational training

The Council adopted the Regulations amending

- Regulation No 337/75 establishing a European Centre for the Development of Vocational Training;
- Regulation No 1416/76 on the financial provisions applying to the European Centre for the Development of Vocational Training.

Improvement of living and working conditions

The Council adopted the Regulations amending

- Regulation No 1365/75 on the creation of a European Foundation for the Improvement of Living and Working Conditions;
- Regulation No 1417/76 on the financial provisions applying to the European Foundation for the Improvement of Living and Working Conditions.

OTHER MISCELLANEOUS DECISIONSRelations with the ACP and the OCT

The Council adopted the Regulations opening and providing for the administration of a Community tariff quota for rum, tafia and arrack

- originating in the African, Caribbean and Pacific States (ACP)(1993/1994);
- originating in the Overseas Countries and Territories, associated with the Community (OCT)(1993/1994).

From 1 July 1993 to 30 June 1994 rum, tafia and arrack originating in the ACP States may be imported into the Community free of customs duties within the limit of a Community tariff quota of 224 827 hl of pure alcohol.

For the same period, the tariff quota free of customs duties in the case of the OCT is 15 000 hl of pure alcohol.

Anti-dumping

The Council adopted the Regulation imposing a definitive countervailing duty on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another country, and definitively collecting provisional duty.

This countervailing duty, expressed as a percentage of the net free-at-Community-frontier price of the product, is 6,7%.

Relations with the countries of Central and Eastern Europe

The Council adopted a Regulation amending the PHARE Regulation. This amendment was made following the constitutional changes which have occurred in Czechoslovakia in order to include the Slovak Republic and the Czech Republic following the break-up of Czechoslovakia.

Internal market

The Council formally adopted the common position on the amendment to Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment (PPE).

This amendment provides that Member States shall allow, for the period until 30 June 1995, the placing on the market and putting into service of PPE in conformity with the national regulation in force in their territory on 30 June 1992.

Moreover, whereas the absence of harmonized standards could lead to a situation in which an adequate degree of protection and conformity control as regards helmets for users of two- or three-wheeled motor vehicles was no longer ensured, the amendment provides for such helmets to be excluded from the scope of Directive 89/686/EEC pending the introduction of specific requirements for such helmets.

Agriculture

The Council adopted the Directive amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species and extending it to cover fresh bovine semen.

Relations with Norway and Sweden

The Council

- authorized the Commission to open negotiations with the Kingdom of Norway and the Kingdom of Sweden regarding an amendment to the Agreement on civil aviation;
- adopted the Decision on the amendment of the Agreement.

Fisheries

The Council adopted the Regulation on the submission of catch and activity statistics by Member States fishing in the North-West Atlantic.

This Regulation will apply as from 1 January 1994 and replaces Regulation No 3881/91 on the submission of nominal catch statistics by Member States fishing in the North-West Atlantic since that Regulation does not fully meet the requirements necessary for the Community to supply the NAFO Scientific Council with all statistical information as stated under the NAFO Convention.

Application of open network to voice telephony

Following the internal political agreement reached at the Council meeting on 10 May 1993 the Council formally adopted the common position on the Directive on the application of open network provision to voice telephony.

It will be remembered that this Directive forms part of the policy laid down by Commission Directive 90/388/EEC on competition in the markets for telecommunications services and by the Council framework Directive 90/387/EEC which is designed to harmonize conditions for access to and use of telecommunications networks throughout Europe by gradually applying open network provision in priority areas.

The first step in applying this framework Directive came on 5 June 1992 when the Council adopted a Directive on the application of ONP principles to leased lines.

The present Directive represents a further very important step in harmonization in this sector, since it concerns the largest and most economically significant service operated by telecommunications organizations.

The Directive has three main objectives:

- to lay down the rights of users of voice telephony services in their relations with telecommunications organizations;
- to improve access for all users, including providers of services, to the public telephone network infrastructure;
- to encourage the Community-wide provision of voice telephony services.

It should be stressed that for certain important aspects of voice telephony such as the quality of service, billing and the provision of additional voice telephony services, the Directive makes the Commission responsible for checking the Community-wide convergence of actions taken by the Member States to achieve the targets laid down and provides for a procedure enabling the Commission, with the help of a Regulatory Committee, to introduce binding measures in the case of insufficient convergence.
