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## Information and Notices

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**Commission**

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I

*(Information)*

# COMMISSION

## EIGHTH ANNUAL REPORT

to the European Parliament

on Commission monitoring of the application of Community law

1990

(91/C 338/01)

*COM(91) 321 final*



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## I. INTRODUCTION

1. The eighth annual report on the application of Community law by the Member States deals with the monitoring of the application of Community law during 1990. Like its predecessors <sup>(1)</sup> it represents a response to the desire expressed by the European Parliament in its resolution of 9 February 1983 <sup>(2)</sup>.

2. As in the past the report gives a general sector-by-sector analysis, which is followed by a set of tables, charts and graphs and two substantial annexes:

— a summary of infringements of the Treaties and Regulations at 31 December 1990 and of infringement proceedings terminated during 1990 (Annex A),

— a review showing the stage reached in the application of Directives at 31 December 1990 and the situation concerning infringements of Directives (Annex B).

3. This year the Commission has sought to improve the presentation of its report so as to provide clearer and more systematic information. It has taken account of a number of remarks made by Parliament (notably in the Inglewood Report) and of concerns expressed by the Member States; they wish to be given a clearer picture of the situation in each of the Community's main policy areas.

4. The annual report has accordingly been restructured to give practical effect to these various suggestions. Among other things:

— better balance has been sought between the various policy areas, though the part on Europe without frontiers still inevitably accounts for the largest share,

— a new table has been incorporated covering action taken to date on complaints by major policy area (subdivided into cases on which no action was taken and cases in which infringement proceedings were commenced),

<sup>(1)</sup> First annual report COM(84) 181 final, 20. 4. 1984.  
 Second annual report COM(85) 149 final, 23. 4. 1985.  
 Third annual report COM(86) 204 final, 3. 6. 1986, published in OJ No C 220, 1. 9. 1986.  
 Fourth annual report COM(87) 250 final, 24. 8. 1987, published in OJ No C 338, 16. 12. 1987.  
 Fifth annual report COM(88) 425 final, 13. 9. 1988, published in OJ No C 310, 5. 12. 1988.  
 Sixth annual report COM(89) 411 final, 22. 12. 1989, published in OJ No C 330, 30. 12. 1989.  
 Seventh annual report COM(90) 288 final, 22. 5. 1990, published in OJ No C 232, 17. 9. 1990.

<sup>(2)</sup> OJ No C 68, 14. 3. 1983.

— tables on requests for preliminary rulings, broken down by Member State, type of court and policy area.

The Commission has increased the emphasis laid on the transposition of Directives, for it wishes to stress the importance of this question. At the end of each chapter in the sector-by-sector analysis, there are two tables:

— summary of infringement proceedings relating to Directives,

— progress in implementing Directives applicable in each policy area.

Annex C contains a report on the implementation of environmental Directives as requested by the Dublin European Council (June 1990).

5. The summaries and tables in the report give rise to the following conclusions:

(a) As regards the means of detecting infringements:

(i) the number of complaints registered continues to grow (up from 1 195 in 1989 to 1 252 in 1990), showing that citizens are taking an increasingly active role in the effective creation of a Community based on law. Table 12 sums up the actual results;

(ii) as regards cases detected by the Commission's own inquiries, the increase recorded in 1989 (352 cases) was not repeated (down to 283 cases in 1990).

(b) The number of letters of formal notice continued to increase sharply (up from 664 in 1989 to 960 in 1990). As before, the internal market, agriculture and the environment are the main areas in which infringement proceedings have been commenced. This reflects the stepping-up of the Commission's activity relating to the implementation of Community law, and especially of Directives.

(c) The number of reasoned opinions also increased in 1990 (251 as against 180 in 1989), but was still relatively low in comparison with the number of letters of formal notice.

- (d) The number of actions brought before the Court of Justice was down on the previous year (77 compared with 94 in 1989), which reflects the Commission's objective of using the Article 169 procedure to settle infringement cases rather than to sanction them at all costs.
- (e) In its use of the Article 169 procedure the Commission has laid special emphasis on the implementation of Directives by the Member States. It now routinely (every two months) issues letters of formal notice when Member States have not notified national measures implementing Directives which are due for implementation (491 cases since this new procedure was established in July 1990).

The table below shows the situation regarding the implementation of Directives (notification of implementing measures) at 31 December 1990:

	Directives applicable	Directives for which measures have been notified	%
Belgium	889	816	91,7
Denmark	872	842	96,6
Germany	886	845	95,3
Greece	907	775	85,4
Spain	885	828	93,5
France	885	828	93,5
Ireland	862	787	91,2
Italy	884	723	81,7
Luxembourg	874	788	90,1
Netherlands	895	834	93,1
Portugal	917	771	84
United Kingdom	852	806	94,6

The importance of these figures, however, should not be overestimated, since basic Directives and amending Directives are treated on the same footing.

The rate of notification should not blind the reader to the fact that a series of Directives have not been properly incorporated or implemented, and infringement proceedings are in hand accordingly.

The tables in the text for each policy area break these aggregates down and help to make it clear that the Member States' efforts are not confined to the internal market.

6. In 1990 the Commission's activities did not consist solely of bringing Article 169 proceedings, but also of

developing or supporting other measures to improve the application of Community law:

- (a) first of all, greater transparency has been aimed at. While observing its duty of discretion on matters subject to its own administrative proceedings, the Commission continued to improve the flow of information to the press on important cases of infringements and regularization of infringements. Moreover, national measures implementing Directives are now accessible to the public on the Celex database and, for matters concerning the internal market, on the INFO 92 database;
- (b) efforts have been made to increase the awareness of national political leaders, chiefly in connection with measures to step up pressure on the Member States to incorporate Community instruments into national law;
- (c) in parallel with this, contacts between Commission departments and national authorities concerning the implementation of Community law have been stepped up. This takes the form of horizontal and vertical meetings, informal contacts, exchanges of officials, etc. Some of the results of these contacts are already in evidence; more should emerge in the years ahead;
- (d) the Council has introduced the interconnection principle, which means that in their national implementing measures Member States explicitly refer to the Directive being incorporated;
- (e) a procedure for the codification of Community law has been introduced at the Publications Office to improve the accessibility of Community law for Community citizens and thereby improve their familiarity with it;
- (f) subject to the powers which remain with the Member States, Community support has been given to new measures to promote awareness and teaching of Community law in addition to existing measures:
- the Jean Monnet plan,
  - the Erasmus programme,
  - contacts with professional associations,
  - seminars and conferences for practising lawyers,
  - support for postgraduate courses,

- support for the establishment of associations of European lawyers to promote closer cooperation between lawyers and courts in Europe and exchanges between lawyers.

7. More generally, the Commission made a series of suggestions to the Intergovernmental Conference on Political Union so as to help solve, among other problems, the problem of delays in giving effect to judgments of the Court of Justice. Its suggestions were based on three ideas:

- the possibility of financial penalties where effect is not given to a judgment,
- more direct liability of a Member State towards the victims of infringements, the idea being that where the Court finds that an infringement has been committed it would have the power to declare that the Member State is liable to compensate persons harmed by it,
- promotion of anything which will help to strengthen cooperation between the Member States, Article 5 of the EEC Treaty being the basis here.

## II. SECTOR-BY-SECTOR ANALYSIS

### A. A EUROPE WITHOUT FRONTIERS

As the pace of Council Decisions towards establishing the single market quickens, the number of Community acts which the Member States are required to incorporate into national law or implement at national level has grown. Of the 173 measures adopted as at 31 December 1990, 134 were already in force, 109 of them requiring action by the Member States to incorporate them in national law.

Since 1989 the Commission has been stressing the importance of incorporating Community legislation into national law fully and within the required timescale so as to meet the 1992 deadline. The provisions set out in the White Paper must be put into effect quickly and properly for the sake of later progress towards European integration and the Community's credibility on the international stage. The delays occurring in certain Member States can only obstruct progress towards the establishment of the single market.

The crucial importance of this aspect of the establishment of the single market has prompted the Commission to take a number of initiatives.

The primary object of these is to underline the political dimension of applying the new provisions to establish the area without internal frontiers for which the Single Act calls. That is why special reports on the progress achieved in implementing the White Paper measures have been submitted to the Council and Parliament since 1989. At an informal meeting in Dromoland Castle in March 1990 the Council took stock of the situation and noted that the Commission intended to step up its efforts

to quicken the pace at which provisions already in force were put into effect.

Progress on the incorporation of Community law is discussed in contacts with national political leaders and is the subject of 'package' meetings between the Commission and national government departments. The first point of this is to instil a sense of responsibility in terms of the 1992 target at the various levels of the decision-making machinery; the second is to keep attention focused on the need to adhere to the deadlines laid down by the legislative programme in the White Paper.

Openness as to the state of progress in implementation is a fundamental factor here; it is ensured both by the issuing of regular reports and by releasing to the public a database called INFO 92 whose users can keep a running check on the progress of single market legislation and the transposing of Community law.

As part of its action to encourage the incorporation of Community law into national law, the Commission also promotes exchanges of information between the national bodies responsible for implementation, as follows:

- joint consultation between national government departments before provisions enter into force is going ahead on an experimental basis in a number of fields, such as academic qualifications, television, medical products, builders' materials, public procurement and banking; the practice will be extended to other fields. (agri-foodstuffs, the so-called new approach),
- since 1990 there have been regular meetings between national coordinators of the 1992 programme to exchange views on the methods each Member State uses to cope with the growing pace of legislative output by the Council and to discuss other, broader questions which arise in the context of establishing the single market,

— joint management of the economic area of the single market calls for further exchanges of officials between national government departments in several areas (technical rules, qualifications and public contracts), on the lines of the Matthaeus programme for customs officials which the Commission has already presented; there are budgetary difficulties here, however.

Thanks to this growing awareness and to the steps taken to bring about an ongoing improvement in the situation, the rate of incorporation of legislation in the single market area has been constantly rising. Whereas in September 1989 a bare 31 % of national implementing measures had been adopted, by December 1990, despite the entry into force of a large volume of new legislation, the proportion had risen to more than 70 %.

## 1. REMOVAL OF PHYSICAL BARRIERS

### (a) Customs union

A feature of the monitoring of the application of Community customs provisions is the fact that they are almost all contained in Regulations. To make the implementation of Community customs law at the Community's external frontiers more uniform and binding, the Commission has converted most of the customs Directives into Regulations, so that now the only areas covered by Directives are the release of goods for free circulation, export procedures and mutual assistance.

In fact failure to incorporate the Directives on release for free circulation and export procedures into national law is the ground on which infringement proceedings were brought against Italy, firstly pursuant to Article 169 and then pursuant Article 171 of the EEC Treaty. Italy eventually incorporated the Directives into its own law on 8 November 1990.

As stated in the seventh report<sup>(1)</sup> infringement proceedings in the customs union sector mainly involve intra-Community trade and are concerned with infringements of Articles 9 *et seq.* of the EEC Treaty, which ban any charges having an effect equivalent to customs duties in trade between Member States, infringements of Article 171 of the EEC Treaty (failure to comply with judgments of the Court of Justice) and infringements of Council Directive 83/643/EEC of 1 December 1983 on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States.

In 1990 a fairly high number of infringement proceedings was settled. These concerned Greece (bank charges for monitoring the prices of imported products), Ireland (counterfeit goods), Italy (customs offices responsible for customs clearance of iron and steel products, deferred payment of import and export duties, phased release of goods in the case of release for free circulation, counterfeit goods, stamp duties, refund of national taxes incompatible with Community law, charges for services during certain customs office opening hours) and France (flat-rate charge on export of personal effects, returned goods, duties levied by seaboard townships in the Overseas Departments).

The main infringement proceedings currently under way concern Portugal (refusal to allow forwarding agents to make customs declarations, stamp duty on import), Italy (obstacles to the free movement of iron and steel products, veterinary services' telegram costs charged to livestock importers, procedures for checking bonded goods, charges for services supplied to several firms at the same time), Spain (import levy in the Canary Islands on flour of bread-making quality), the Netherlands (outward processing of textiles) and France (charges for computerized checking of customs declarations).

The infringement proceedings relating to imports of military equipment free of customs duties under the Common Customs Tariff are still suspended pending the outcome of discussions in the Council.

<sup>(1)</sup> OJ No 232, 17. 9. 1990, p. 1.

Summary of infringement proceedings relating to Directives (Customs union)

	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
83/643/EEC Controls	NPA	—	NPA	NPA	—	C	C	NPA	C	—	—	—

C = closed

NPA = not properly applied.

**Progress in implementing Directives applicable to the Customs union**

Progress has been satisfactory, with a notification rate of 96 %. Only Italy and, to a lesser extent, Greece are lagging behind. However, it should be pointed out that this is an area where directly-applicable Regulations predominate.

	Directives applicable	Directives for which measures have been notified	%
Belgium	48	45	93,7
Denmark	46	45	97,8
Germany	48	48	100
Greece	36	32	88,8
Spain	49	45	91,8
France	49	48	97,9
Ireland	44	42	95,4
Italy	49	37	75,5
Luxembourg	49	49	100
Netherlands	50	49	98
Portugal	47	45	95,7
United Kingdom	43	41	95,3

**(b) Free movement of products**

*Free movement of agricultural products*

Establishing freedom of movement for agricultural products <sup>(1)</sup> in a single market is one of the principles underpinning the operation of the CAP and its common market organizations.

Originally the ban on quantitative restrictions and measures having equivalent effect on imports or exports was written into the text of the first Regulations setting up common market organizations in the form of specific provisions; as soon as the transitional period ended, on 31 December 1969, there was no longer any need to write them in, but the Court of Justice has repeatedly pointed out that Articles 30 and 34 of the EEC Treaty are an integral part of the common market organizations <sup>(2)</sup>.

In 1990 the Commission once again kept a constant watch to make sure that obstacles to trade in agricultural

products in the Community were removed. The types of obstacles detected and combated by Commission departments remain as before, and have been classified as set out below.

The reason most frequently put forward by Member States for imposing such obstacles is the protection of public, animal and plant health.

Technical provisions relating to the presentation, quality and packaging of products which have the effect of restricting or discouraging imports. A case in point is Italian Law No 396 of 2 February 1939, which prohibits the production of cheeses with a fat content lower than that stipulated by Italian law for marketing in Italy. This has the effect of preventing the marketing of imported cheeses which have been lawfully manufactured and marketed in the Member State of origin and was condemned by the Court of Justice in its judgment of 11 October 1990 in Case 210/89. This category also includes the proceedings as a result of which, for example, Germany waived the requirement in certain *Länder* that fresh poultrymeat be presented in sealed packs (*festverpackt*) when sold in the same premises as other meat, and France waived the rules restricting the

<sup>(1)</sup> Those listed in Annex II to the EEC Treaty.

<sup>(2)</sup> See Judgment of the Court of Justice in Case 83/78 Pigs Marketing Board v. Redmond; [1978-9] ECR 2373, Ground 55.

right to market seed mixes for lawns to the varieties listed in the national varietal catalogue.

The restrictions placed on the marketing or importing into Italy of oils and fats (the requirement that a tracer be present) were condemned by the Court of Justice <sup>(1)</sup>. Lastly, the Commission had to serve a reasoned opinion on Greece, pursuant to Article 171 on the grounds that, notwithstanding the Court's Judgment in Case 124/85 <sup>(2)</sup>, Greece still refused to allow the import of, and wholesale trade in, certain cuts of fresh beef and veal. The last remaining restrictions have since been lifted.

— Import controls: these are the most numerous of all the obstacles to trade. A distinction should be drawn between the following types:

— double checks and systematic checks such as those applied in Germany to live sheep, in Italy to fish (checking for nematodes) and in Greece to chickens (checking for salmonellae),

— the Commission devoted special attention to Italian Decree No 454 of 8 October 1988 concerning health checks on livestock and by-products of animal origin from Community countries, in that it institutes a system of ongoing, compulsory and systematic checks affecting 10 % of all the goods in question imported, 30 % of which are subjected to laboratory testing. The Commission considered that this new arrangement went beyond the notion of spot checks defined by the Court of Justice as occasional random checking, and therefore referred the matter to the Court of Justice.

Belgium, on the other hand, at last ended its system of double checks on imported fish, against which the Court of Justice had already ruled <sup>(3)</sup>,

— the requirement that the producer Member State issue certificates guaranteeing that products conform to the standards of the importing Member State; this requirement is applied in Greece in respect of pasteurized butter.

— the requirement for prior import licences or permits applied in Italy to any vegetable matter sensitive to fire blight, in Germany to live sheep, and in the United Kingdom, Ireland, Germany, Greece, France and Luxembourg to sperm intended for artificial insemination purposes, though the last four countries have ceased to operate the scheme criticized by the Commission.

In its Judgment of 5 July 1970 in Case 304/88 <sup>(4)</sup>, the Court of Justice found in favour of the Commission when it ruled against Belgium's practice of individually authorizing each import of meat or livestock from other Member States,

— over-complicated checking arrangements such as those in force in Germany, which required transporters of fresh poultrymeat as a matter of course to declare their goods in advance so that animal health inspectors could be called in routinely. Following the Court of Justice's ruling <sup>(5)</sup>, Germany took the requisite steps to comply in practice. Other practices were also condemned by the Court of Justice, such as the ban placed by Italy on imports of grapefruit from other Member States through its land border posts <sup>(6)</sup>,

— the disproportionate banning of, or limitations on, the presence of certain additives. In 1990 the Commission, after its proceedings against Greece and Italy, brought its third action (against France) against Member States which prohibit, or place very restrictive limits on, the presence of nitrates in cheese.

<sup>(1)</sup> Judgment of the Court of Justice of 27 November 1990 in Case 67/88 Commission v. Italy.

<sup>(2)</sup> Judgment of the Court of Justice of 16 December 1966 in Case 124/85 Commission v. Greece: [1986] ECR 3935.

<sup>(3)</sup> Judgment of the Court of Justice on 7 April 1981 in Case 132/80 United Foods v. Belgium: [1981] ECR 995.

<sup>(4)</sup> Judgment of the Court of Justice of 7 May 1970 in Case 304/88 Commission v. Belgium, not yet reported.

<sup>(5)</sup> Judgment of the Court of Justice of 28 November 1989 in Case 186/88 Commission v. Germany, not yet reported.

<sup>(6)</sup> Judgment of the Court of Justice of 12 July 1990 in Case 128/90 Commission v. Italy, not yet reported.



This prohibition or limitation has the effect of preventing the import of many types of cheese from other Member States where nitrates have to be used in minute quantities for technical reasons (to prevent butyric swelling).

- national health protection measures which ban or completely prevent imports; Greece, for example, imposes unnecessarily severe microbiological standards, requiring the surface of imported poultry to be completely free of salmonellae, although international research has found that such a requirement is impossible to meet in practice. It is therefore disproportionate, since poultry is hardly ever

intended to be eaten raw and cooking destroys the bacteria <sup>(1)</sup>,

- the practice of setting a maximum price in Greece, which had the effect of deterring and limiting fruit and vegetable imports into the country, was stopped.

<sup>(1)</sup> This applies, of course, only to salmonellae on the surface of poultry and not to those found inside the meat. There is always a possibility of salmonellae being present on the skin of poultry, from contamination by the ambient environment; where they are found inside the meat, however, they are a sign that conditions of hygiene in the farms where the birds were bred are not up to standard, and they are a genuine health hazard (*NB*: Directive 71/118/EEC bans the marketing of such birds).

#### Progress in implementing Directives applicable to the removal of physical barriers (free movement of products)

The rate of progress is close to 72 %, but pressure must be kept up in this area, given its highly technical nature.

	Directives applicable	Directives for which measures have been notified	%
Belgium	38	26	68,4
Denmark	38	29	76,3
Germany	38	33	86,8
Greece	37	26	70
Spain	37	31	83,7
France	38	27	71
Ireland	37	26	70
Italy	37	18	48,6
Luxembourg	38	28	73,6
Netherlands	38	28	73,6
Portugal	38	24	63,1
United Kingdom	38	28	73,6

## 2. ABOLITION OF TECHNICAL BARRIERS

Substantial progress has been made in this field: 69 Directives adopted as part of the White Paper programme were in effect at the beginning of 1991. These covered several fields, but the most important package had to do with the harmonization of technical rules.

Progress towards the 1992 single market has been such that the abolition of technical barriers can now be said to be irreversible.

### (a) Free movement of goods

Recent cases which have been brought to the Commission's attention point to the changes under way in the Member States: most obstacles are to be found in technical regulations, while the number of cases of unjustified import formalities (see above) is steadily falling.

The removal of non-tariff barriers to trade in goods within the Community is the cornerstone of the establishment of the single market. The Commission has two basic instruments for this purpose: the right to ban any

measure having an equivalent effect to quantitative restrictions (Articles 30 to 36 of the EEC Treaty) and the approximation of national legislation.

(i) *Article 30 of the EEC Treaty*

Article 30 of the EEC Treaty prohibits quantitative restrictions on imports, and all measures having equivalent effect, between the Member States. The very broad interpretation put upon the second of these concepts, which, in the Courts of Justice's own words, covers 'all trading rules which are capable of hindering, directly or indirectly, actually or potentially, intra-Community trade', enables the Commission as guardian of the Treaties to take steps to eliminate barriers to trade of the most diverse kinds.

In this connection, in 1990 the Court of Justice confirmed its earlier ruling that all rules on the marketing and distribution of goods are open to scrutiny pursuant to Article 30. A case in point is that of a set of rules in Luxembourg governing bargain offers (Case 362/88 GB-Inno-BM, Judgment of 7 March 1990), whose compatibility with Article 30 was considered in response to a request for a preliminary ruling.

The Commission acts in response to complaints it receives from business concerns and private individuals and follows up problems raised by Parliament in its questions to the Commission or in petitions submitted to the Committee on Petitions.

Departments have also, on their own initiative, developed the practice of monitoring national rules which come to their notice, particularly through the Member States' official gazettes.

As regards industrial products, there has been a continuing rise in monitoring activity, as the number of cases considered in 1990 (more than 1 500) shows. These involve infringements, complaints, cases detected automatically and technical rules notified pursuant to Directive 83/189/EEC as amended by Directive 88/182/EEC and considered in the light of Articles 30 and 36 of the EEC Treaty (see below).

In view of the large number of cases brought to their notice, departments have found it necessary to adopt a comprehensive approach to problems, at two levels.

As for solutions to the underlying issues, the types of problems which crop up have proven to be similar from one Member State to another.

As regards investigating cases, the Commission's departments are still doing their best to ensure that as many cases as possible are settled without legal action having to be taken. In that spirit, the practice of holding regular 'package' meetings with representatives of the government departments concerned in Member States with a relatively high number of disputes to be considered was continued in 1990. At such meetings, all the cases involving a Member State are discussed, as are cases involving other Member States in which it has expressed an interest. Pragmatic solutions in keeping with Community law can thus be sought jointly, with a guarantee that the procedure will be transparent. Package meetings involving France, Germany, Greece, Italy and Spain were held in 1990, with very satisfactory results; large numbers of cases were settled without recourse to the Court.

(ii) *Approximation of national legislation*

Mutual recognition of national rules

In accordance with the strategy it outlined in its internal market White Paper, the Commission is paying particular attention to the application of the EEC Treaty's rules on the free movement of goods (Articles 30 to 36) and is endeavouring to ensure that the principle of mutual recognition is systematically incorporated into national law. This principle requires that any product lawfully manufactured and marketed in one Member State must have free access to the markets of other Member States, provided equivalent health and safety guarantees are supplied.

At all events, the measures taken to protect these interests must be strictly proportionate to the objectives pursued.

This is why, wherever the Commission finds itself facing an obstacle justified on grounds of need to protect the interests referred to above, it requires the Member States, provided the measures taken are in proportion, to insert a provision in their regulations embodying recognition for products from other Member States offering equivalent guarantees.

In addition to this *ex post facto* monitoring activity, the Commission carries out prior monitoring pursuant to Directive 83/189/EEC as amended by Directive 82/182/EEC. This Directive obliges the Member States to submit draft technical regulations for prior vetting as

part of an information procedure covering industrial products, agricultural produce, foodstuffs, pharmaceuticals and cosmetics.

In 1990, 386 draft technical regulations were scrutinized in the light of the Treaty and secondary legislation, a 21 % increase on 1989. After examination, the Commission sought, in 123 cases, amendments designed to ensure that their adoption would not raise new barriers to the free movement of goods. In eight cases the Commission announced that it would put forward a proposal for Community harmonization to replace the projected national measures. Four of these were new cases of harmonization not foreshadowed in the Commission's 1985 White Paper on the completion of the internal market.

The Commission ensures compliance with the notification requirement by systematically studying all the Member States' technical rules. 104 texts are being examined. Wherever the Commission has detected an infringement of Directive 83/189/EEC, it has as a matter of course commenced infringement proceedings pursuant to Article 169 of the EEC Treaty.

#### Technical regulations

#### Miscellaneous products

The Commission takes its lead from the development of the 'new approach', under which the first Directives, on simple pressure vessels and toy safety, entered into force in 1990; the delays in incorporating these Directives into national law in several Member States add to the difficulties, as do the experimentation problems created by the newness of the provisions, and thereby obstruct the implementation of mechanisms which are vital to the functioning of the single market. At present 11 Article 169 proceedings are under way.

At the same time the Commission still has to administer the 81 Directives covered by the old approach; there has been some improvement in terms of progress in implementing these Directives in 1990, but there are still many infringement cases outstanding. In all, 103 proceedings are under way. 53 of these concern failure by Portugal to incorporate Community law in national law; the cases of incorrect implementation mainly concern the 'low tension' directive (73/23/EEC): following the termination of proceedings against the Netherlands and the United Kingdom, there are still three infringement cases outstanding against Denmark, Greece and Italy; in Italy there are still numerous delays

in incorporating Community legislation into national law, though a number of cases from previous years were terminated.

It is regrettable that Directive 88/320/EEC on good laboratory practice, which plays a vital part in relation to the recognition of tests and certificates, has been incorporated in national law in only seven Member States (Belgium, Denmark, Germany, France, Luxembourg, Portugal and the United Kingdom); infringement proceedings are under way against the Member States which have not yet acted; in some cases the explanation for the delay is that certain Member States have decided to incorporate Directive 88/320 and Commission Directive 90/18, which adapts it to technical progress, together.

#### Motor vehicles, agricultural tractors and motorcycles

Implementation of the 95 Directives on private cars and utility vehicles, the 39 Directives on agricultural tractors and the five Directives on motorcycles is proceeding normally.

In the last year, 19 infringement proceedings for failure to incorporate Directives into national law were commenced in relation to private cars and utility vehicles (four have since been terminated), five in respect of agricultural tractors (all terminated) and one in respect of motorcycles. These infringements were basically due to administrative hold-ups in certain Member States.

The incorporation of Directive 89/458/EEC on emission of exhaust fumes by private cars below 1,4 litres calls for special attention in that it is the first compulsory Directive involving motor vehicles. A year after the deadline, five Member States had incorporated it into their rules, six had introduced it as an optional measure and the remaining one has not yet notified any national implementing measure.

#### Foodstuffs

The proceedings initiated in respect of the foodstuffs Directives all concern instances of failure to communicate national implementing measures. The file was closed on 10 infringements in 1990, 49 cases are at the formal notice stage and seven are at the reasoned opinion stage.

The Commission brought two actions against Belgium before the Court of Justice, involving Directives 86/424/EEC (caseins and caseinates) and 84/500/EEC

(ceramic articles intended to come into contact with foodstuffs).

In the field covered by the White Paper programme, 16 Directives or Regulations are in force. The situation regarding incorporation or implementation of these provisions is highly unsatisfactory. Of all the fields covered by measures to align legislation, this is the one in which progress in incorporation or implementation gives the greatest cause for concern: fewer than half the requisite implementing measures (43,4 %) had been adopted in January 1991.

#### Pharmaceutical products

The situation regarding pharmaceuticals is positively encouraging, almost all the national implementing measures having been notified to the Commission. The important Directive on price transparency (89/105/EEC) has been transposed into national law by all the Member States except Italy, which should be able to regularize the situation when it adopts its annual 'Community law'.

#### Chemical products

The files on 14 cases of infringement were closed in 1990, 20 are at the formal notice stage and seven at the reasoned opinion stage.

In the area of hazardous substances and preparations, the Commission was preparing to serve 22 letters of formal notice for failure to communicate national implementing measures.

#### Telecommunications

At its meetings of 6 January 1989, 5 July 1989 and 13 March 1990, the Commission noted that ten Member States, Belgium, Denmark, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Spain and the United Kingdom, had infringed Community law in failing to notify national implementing measures pursuant to Directives 87/372/EEC and/or 86/361/EEC.

The Commission therefore initiated proceedings pursuant to Article 169 of the EEC Treaty against the Member States concerned and served on them formal notice to act.

Most of the Member States involved then informed the Commission of the national implementing measures they had adopted pursuant to the two Directives. This enabled the Commission to terminate the infringement proceedings against the following eight Member States:

Denmark, France, Greece, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom.

There are now only two Member States which have failed to notify national implementing measures; these are Belgium and Spain, in respect of both Directives, 86/361/EEC and 87/372/EEC.

#### (iii) *Opening-up of public procurement*

The Commission's work in the area of public procurement in 1990 focused on the following areas:

- incorporation of Directives into national law,
- monitoring of implementation in practice by the various public bodies concerned in the Member States,
- infringement management,
- regional preferences.

The public procurement field is one of the Community's major priorities in terms of the programme for 1992, as the overhauling of the conditions for the award of public supplies and services contracts shows. However, the implementation of new Directives has been affected by delays in incorporating them into national law, which makes it doubtful whether the provisions can be implemented in a balanced manner by national government departments and undertakings.

As part of its work of monitoring the incorporation of Directives, the Commission initiated Article 169 proceedings against Spain on the grounds that its national measures incorporating Directives 71/305/EEC and 77/62/EEC were not in conformity with Community law. In addition, a reasoned opinion was sent to Portugal for failure to notify national measures incorporating Directive 77/62/EEC.

The Commission sent a reasoned opinion to Italy for failure to communicate national measures incorporating the new supplies Directive (89/295/EEC); the proceedings initiated against the Netherlands (\*) are going ahead.

(\*) Seventh annual report (1989), point 77.

On 19 July 1990 the new public works Directive (89/440/EEC) entered into force. The Commission sent the Member States (apart from Greece, Portugal and Spain, where the Directive does not yet apply) letters asking them to notify it of national incorporating measures. Apart from Luxembourg, the Netherlands and Italy, the Member States have complied.

It is proving extremely difficult to monitor all procedures for the award of public procurement contracts in the Community. For this reason alone, a monitoring system with a specific, *ad hoc* remit, based on sampling, was set up and may produce practical results. The system involves taking further action on measures launched in 1989<sup>(1)</sup>, including the monitoring of the procedural deadlines for the publication of public works contract notices (a monitoring system run in cooperation with the Publications Office), and embarking on new measures involving, *inter alia*, checks for failure to publish or failure to comply with procedural rules or selection and award criteria. Following these Commission approaches, the Member States instructed awarding authorities to comply with Community Directives when placing public procurement contracts.

Independent specialists contracted in 1988 analysed a number of sets of technical specifications which might contain infringements.

The Commission continued its checks of projects and programmes financed by the Structural Funds and the other Community instruments<sup>(1)</sup>.

In an area as sensitive as the public procurement sector, all the checks mentioned above form an instrument whose importance is acknowledged by the Member States themselves, despite their bureaucratic aspects. They are the essential corollary to the complaints lodged by business interests.

The infringement cases processed in 1990 have shown that there are shortcomings in the following areas:

— Interpretation of the scope of Directives and the excluded sectors:

A reasoned opinion was served on Portugal concerning a public works contract issued by ANA

(Aerportos a Navegação Aérea EP). Two reasoned opinions were served on Germany concerning public procurement contracts awarded by Duisburg-Ruhrorter Häfen and Munich Airport.

— Failure to publish in the *Official Journal of the European Communities* for compelling reasons outside the meaning of the term as defined in the Directives:

A reasoned opinion was served on Spain concerning a public works contract launched by Madrid University. The Commission also served a reasoned opinion on Italy in respect of a supplies contract launched by the Instituto Nazionale della Previdenza Sociale.

— Eligibility criteria:

A reasoned opinion, for example, was served on Italy in respect of a public works contract launched by the Consorzio di Bonifica de l'Agro Tortoli. When the technical evaluation of tenders is carried out, preference is given to applicants whose names have been on a regional list of approved undertakings for at least seven years.

## (b) Market in services and capital

### *Capital*

With the lifting of the last remaining restrictions on capital movements by France and Italy in the first half of 1990, the deadline set in Directive 88/361/EEC on capital movements<sup>(2)</sup> was met in full. There has consequently been freedom to move capital without restriction in eight Member States since 1 July 1990.

Under the Directive, four Member States, Greece, Ireland, Spain and Portugal, are authorized to maintain certain restrictions until the end of 1992; these basically relate to short-term capital (and the opening of bank accounts by non-residents). Nevertheless, considerable progress has been made in these four countries and in most cases the liberalization measures adopted have gone beyond what was required.

Greece, which has balance-of-payments difficulties, was authorized by the Commission Decisions 90/348/EEC and 90/663/EEC to maintain until 31 December 1990 certain safeguard measures in relation to investment

<sup>(1)</sup> Seventh annual report (1989), point 81.

<sup>(2)</sup> Council Directive 88/361/EEC of 24 June 1988.

abroad and spending on tourism by Greek residents. The authorization has been extended until 30 June 1991. However, the scope of the restrictions was reduced in the course of 1990.

No infringement procedure in 1990 reached the reasoned opinion stage. In a number of cases where an infringement of the Directive on capital movements was identified, the national authorities concerned, after consultation with Commission departments and sometimes following the sending of a warning letter, complied with their obligations. As regards the Judgment of the Court of Justice of 3 December 1987 in Case 194/84, the Greek authorities accepted the Commission's observations on appropriate administrative provisions and amended the legal texts in question. As a result, Community residents are no longer subject to the law governing funds blocked in Greece.

These positive developments have made for an accentuation of economic and financial integration which will enable citizens and firms in the Community to take full advantage of the European single market. Furthermore, as it will lead to even more integrated national financial systems, freedom of capital movements will open the way to more effective coordination of economic and monetary policies and, ultimately, to economic and monetary union.

### Services

#### New technologies and services

Pending the entry into force of the Directive on television without frontiers, freedom of movement of broadcasts is guaranteed by direct application of the provisions of the EEC Treaty, particularly Articles 59 and 62.

In the area of television, three infringement proceedings are under way, against Belgium (Flemish community), Greece and Spain, for limitations on the acquisition of capital in national broadcasting organizations by foreigners.

Two infringements concern the prohibition in Belgium (Flemish community) on cable broadcasting of programmes from other Member States that include advertising specifically aimed at a Flemish audience.

Two infringement proceedings have been initiated against Belgium (Flemish community) and France on grounds of disproportionate restrictions based on language criteria.

Lastly, there are seven infringement cases (three against Belgium, two of these against the Flemish community and one against the French community, one each against Greece and France and two against the Netherlands) arising out of the requirement that certain commercial distributors must give the broadcasting industry in the relaying country guarantees in respect of economic performance.

The deadline for incorporating Directive 89/552/EEC (on television without frontiers) into national law is 3 October 1991; on 31 December 1990, only Italy and Portugal had taken steps to implement the Directive.

As regards cinema, an infringement proceeding against Spain relates to a system of compulsory permits for dubbing films from non-member countries, such permits being granted only on condition that money is invested in the production and distribution of Spanish-made films.

### Intellectual property

The object of the Commission's work in this area is to abolish restrictions in the Member States' legislation which are clearly contrary to Articles 7, 52 and 59 of the Treaty.

Using this approach, two infringement proceedings have been commenced against the Netherlands and Portugal for maintaining provisions which give advantages to nationals of those countries.

As regards the implementation of Directive 87/54/EEC on the legal protection of topographies of semiconductor products, implementing measures have been notified by all the Member States except Greece, against which infringement proceedings are under way.

### Product liability

Directive 85/374/EEC has been incorporated into the national law of eight Member States; the remaining four (Belgium, France, Ireland and the Netherlands) are being proceeded against, as is the United Kingdom (for incorrect transposition).

### (c) Freedom to provide financial services, direct taxation and company law

There are a number of complex aspects to freedom to supply financial services. For one thing, failure to comply

with Article 59 of the EEC Treaty generally entails a barrier to free movement of capital (Article 67 of the EEC Treaty); for another, most infringements brought to the Commission's attention pursuant to Article 59 concern tax aspects since the Member States have yet to make most of the adjustments to their tax systems which the Community structure requires. In many Member States, for instance, tax deductibility of insurance premiums is confined to insurance contracts with national companies, which is incompatible with the principle of freedom to provide services. In a case of this type proceedings are currently in motion against Belgium pursuant to Article 77 of the EEC Treaty (Case C-204/90) and Article 169 of the EEC Treaty (Case C-300/90).

A large number of complaints concern intra-Community payments, but there are very few legal bases for action on matters such as costs incurred in respect of payments by bank transfer or cheque. Last year the Commission put out a discussion paper on payments in the internal market (COM(90) 447). Regarding the discriminatory stamp duty charged in Italy for cashing foreign cheques, particularly Eurocheques which are so popular with tourists, the Commission was able to drop the case it was about to bring before the Court of Justice when Italy changed its exchange control legislation to allow cheques to be cashed without the establishment of a stamped document.

In the insurance field, the Commission's attention has regularly been drawn to motor insurance; in the absence of a clear legal basis, some Italian authorities have failed to act on the abolition of checks on green cards by Directive 72/166/EEC. The action brought in the Court of Justice by the Commission pursuant to Article 169 (Case C 232/89) will, however, be withdrawn now that the Italian Law of 7 August 1990 establishes a sufficiently clear legal basis.

A reasoned opinion was addressed to Spain concerning the infringement whereby savings banks engaged in insurance business, this being incompatible with Directives 73/239/EEC and 79/267/EEC. In response, Spain reduced the scope of the infringement by banning savings banks from entering into new contracts but has not yet settled the situation regarding contracts already in existence.

The exercise of the freedom to provide services which, by their nature, are governed primarily by national laws,

regularly raises the question of the applicable law, one of the fundamental questions for the development of the internal market in services. The Commission was glad to be able to abandon action on a complaint made by a Danish bank against Germany, on the ground that Article 59 of the EEC Treaty was contravened by the requirement imposed by the German authorities that German law be applied to mortgage loans, thus excluding contracts made under Danish law. Germany has informed the Commission that it will drop this requirement.

Complaints in tax matters often concern cases of double taxation. The Commission, of course, is confined to verifying the correct application of Community law and cannot look into the application of bilateral agreements which have been concluded between most Member States. However, cases of double taxation which are not covered by such agreements or which constitute failure to apply them correctly can often also be considered as infringements of Community law, notably Articles 48, 52, 59 or 67 of the EEC Treaty, and the Commission is competent to deal with them.

Regarding the tax on capital formation, the Commission addressed a reasoned opinion to Italy stating that the charging of an annual duty, known as the *concessione governativa*, was incompatible with Directive 69/335/EEC since there was no clear link between the duty and the administrative cost of registration.

Turning to company law, the Commission regrets that Germany has not always complied with the accounts directives. The rules governing publicity of accounting documents are far from satisfactory and the continued existence of separate rules on consolidation for certain types of firm runs counter to the efforts made to harmonize systems in the Community. A reasoned opinion has been sent to Germany.

Nearly all the Member States are behind schedule regarding the transposition of Directives and a number of serious cases have had to be taken to the Court of Justice:

Luxembourg: Directive 84/5/EEC (third-party motor insurance) and Directive 84/641/EEC (tourist assistance) — Case C-349/90,

Ireland: Directives 83/349/EEC and 84/253/EEC (seventh and eighth company law Directives) — Case C-359/90.

Regarding the failure of certain Member States to implement major Directives, the following examples are noteworthy:

- Directive 88/357/EEC (second non-life insurance Directive) in Belgium, Ireland, Italy, Luxembourg and Portugal,
- Directive 85/611/EEC (UCITS) in Italy,
- Directive 78/660/EEC (fourth company law Directive) in Italy — despite Judgment given by the Court of Justice on 20 March 1986 in Case 17/85.

**Summary of infringement proceedings relating to Directives (Removal of technical barriers)**

Telecommunications	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
87/372/EEC	NMN	C	C	C	NMN	C	C	C	C	C	—	C
86/361/EEC	NMN	C	C	C	NMN	C	C	—	C	C	—	C
<b>Services and capital</b>												
88/361/EEC	—	—	—	D	D	—	—	—	—	—	—	—
86/566/EEC	—	—	—	C	—	—	—	C	—	—	NPA	—
<b>Industrial goods</b>												
88/182/EEC	—	—	C	—	—	—	—	NPA	C	C	NMN	—
88/320/EEC	—	—	—	—	NMN	—	—	—	—	—	NMN	C
<b>Technical rules</b>												
73/23/EEC	NPA	C	C	NPA	C	C	C	NPA	C	C	NPA	C
90/18/EEC	—	—	—	—	—	—	—	—	—	—	—	—
89/458/EEC	C	—	—	C	—	—	C	—	—	C	—	—
<b>Foodstuffs</b>												
86/424/EEC	—	—	—	C	—	C	—	—	—	C	C	C
84/500/EEC	NMN	—	—	—	NMN	—	—	—	—	C	—	C
89/105/EEC	—	—	—	—	—	—	—	—	—	—	—	—

C = closed.

D = devogation.

NMN = no measures notified.

NPA = not properly applied.



**Progress in implementing Directives applicable to the removal of technical barriers (Free movement of goods)**

With an average progress rate of 67 %, the free movement of goods is the area where the gap between the rate of adoption and the rate of implementation is widening fastest, most strikingly in Greece and Italy.

	Directives applicable	Directives for which measures have been notified	%
Belgium	46	34	73,9
Denmark	46	36	78,2
Germany	46	36	78,2
Greece	45	20	44,4
Spain	46	32	71,1
France	46	33	71,7
Ireland	46	30	65,2
Italy	46	20	43,4
Luxembourg	46	30	65,2
Netherlands	46	29	63
Portugal	44	31	70,4
United Kingdom	46	39	84,7

Opening of public procurement	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
71/305/EEC	NPA	NPA	NPA	C	NPA	C	C	NPA	C	C	C	C
77/62/EEC	C	C	NPA	C	NPA	C	NPA	NPA	—	NMN	NMN	C
88/295/EEC	—	—	—	—	—	—	—	—	—	—	—	—
89/440/EEC	—	—	—	—	—	—	—	—	—	—	—	—
<b>Services</b>												
89/552/EEC	—	—	—	—	—	—	—	—	—	—	—	—
87/54/EEC	C	—	—	NMN	—	—	—	—	—	C	—	—
85/374/EEC	NMN	C	C	—	NMN	NMN	NMN	C	C	C	—	NMN

C = closed.  
 NMN = no measures notified.  
 NPA = not properly applied.

**Progress in implementing Directives applicable to the opening of public procurement**

The average progress rate is only 67 % here (Greece is partly to blame), although this is a matter for priority treatment in the frontier-free area and Spain and Portugal both enjoy derogations.

	Directives applicable	Directives for which measures have been notified	%
Belgium	7	5	71,4
Denmark	7	6	85,7
Germany	7	5	71,4
Greece	5	2	40
Spain	5	3	60
France	7	5	71,4
Ireland	7	4	57,1
Italy	7	4	57,4
Luxembourg	7	5	71,4
Netherlands	7	4	57,1
Portugal	5	5	100
United Kingdom	7	5	71,4

**Progress in implementing Directives applicable to the internal market**

With an average rate of 70 % despite Italy's poor performance, the process of establishing the frontier-free area is becoming irreversible.

	Directives applicable	Directives for which measures have been notified	%
Belgium	107	74	69
Denmark	107	94	88
Germany	107	87	81
Greece	105	64	60
Spain	105	79	74
France	107	80	75
Ireland	107	73	68
Italy	107	43	40
Luxembourg	107	72	67
Netherlands	107	76	71
Portugal	107	91	85
United Kingdom	107	90	84

### 3. REMOVAL OF TAX BARRIERS

Considerable progress was made in 1990, with the emphasis being placed on the alignment and convergence of taxation systems. This is the approach advocated by the Single Act and it serves two major objectives: to

abolish all tax checks at borders between the Twelve in practical terms by 1 January 1993 and to align VAT and excise rates (on tobacco, alcoholic beverages and petroleum products) in all the Member States closely enough to ensure that when the frontiers are opened in 1993 there is no risk of competition being distorted.

This makes the Commission's work of monitoring the proper application of Community law, whether it be the Treaty or secondary legislation, all the more necessary. It is vital that the transition to the new taxation system, involving both VAT and excise duties, should take place against a background of compliance with existing Community legislation on the part of the Member States.

Only the most important cases processed in 1990 are discussed in the paragraphs which follow.

As regards, firstly, the application of Article 95 of the EEC Treaty, a number of proceedings relating to vehicle taxation are under way (one against Portugal on grounds of the discriminatory nature of its progressive system of taxation, the other against Greece on grounds of discrimination in the treatment of polluting and non-polluting cars), while others were concluded following judgments of the Court of Justice. In Case C-47/88 the Court found that Denmark was infringing Article 95 of the EEC Treaty by levying a very high registration tax on imported second-hand vehicles in relation to their value, making them more expensive than vehicles registered in Denmark. But it acknowledged that the tax was compatible with Article 95 when applied to new vehicles, since there is no national production. It also found the Greek rules on tax applicable to imported new vehicles to be compatible with that Article.

The Commission brought actions before the Court against Italy, Spain and Greece pursuant to Article 169 for infringing Article 95 by their failure to implement the *G. Schul* judgments<sup>(1)</sup>, which prohibit double assessment to VAT in respect of imports by private individuals. Before these cases came to judgment, Italy and Greece took steps to bring their legislation into line with the earlier judgments; Spain, however, contests those judgments. The Court has not yet given judgment in these three cases.

Some proceedings in other areas were dropped after Member States acknowledged that the Commission had a case. These included the action brought against Ireland following the introduction of new measures establishing a graduated scale of VAT on newspapers, and earlier against Spain because of the system of tax on imports of denatured alcohol, and against Italy, which

eventually abolished its tax on the consumption of bananas.

Lastly, the Commission brought an action against Italy before the Court in the field of excise duty on beer. Other, similar cases are already pending against the Netherlands, Belgium and Luxembourg.

Monitoring the application of secondary legislation basically concerns the directives on VAT and tax exemption.

The fact that VAT controls affect the collection of the Community's own resources makes them especially important.

Italy's 'Community law' of 22 December 1990 put a stop to a number of infringements relating to VAT (imports of medical samples, exemption from VAT of services of veterinary surgeons and smiths), excluding those concerning VAT exemption in regions affected by earthquakes and flat-rate refund arrangements for agricultural producers.

France brought its forestry levy into line with the common system of VAT.

The same applies to the tax status of notaries and bailiffs in the Netherlands.

The Commission went further with the proceeding already initiated in connection with VAT on advertising services in France.

After receiving many complaints on the matter, it brought an action for infringement against Denmark for introducing a new employer's contribution in violation of Article 33 of the Sixth Directive, which prohibits the introduction of any new tax of the nature of a turnover tax.

A case against Spain, for granting exemption on certain services, was also referred to the Court.

As regards failure of national provisions to comply with the directives on tax exemption, the Court, in a case between the Commission and Ireland, ruled on the meaning of the term 'travellers', and found that the granting of exemption could not be dependent on a

<sup>(1)</sup> Judgments of 5 May 1982 in Case 15/81 *Schul I*, 21 May 1985 in Case 47/84 *Schul II* and 23 January 1986 in Case 39/85 *Bergerac-Becque*.

stay's lasting a particular length of time. In other cases involving Denmark and Ireland, the Court ruled that no quantitative limits which went beyond those explicitly stipulated in the Directive itself could be imposed in respect of tax-free imports of goods.

Further action was taken on a proceeding already under way against Greece concerning temporary importation of certain means of transport, but a proceeding against Spain involving the exemptions applicable on the import of certain personal effects was dropped, at least as regards VAT exemption on work on second homes.

On 23 May the Court, in Case C-31/89, held that Spanish legislation was not compatible with Directive 83/183/EEC on tax exemptions applicable to permanent imports of the personal property of individuals (removals) since full VAT allowances were not given on certain vehicles when nationals of Member States relocated to Spain. Spain subsequently enacted a law putting an end to this infringement.

As far as the incorporation of Directives with particular effects on the establishment of the single market is concerned, two proceedings were terminated after Italy, in its 1990 'Community law', had incorporated into national law the Directive on the application of VAT to

the renting of tangible movable property and the Directive on the arrangements for refunding VAT to taxable persons not established on Community territory.

Delays in incorporating other Directives forced the Commission to bring or continue proceedings pursuant to Articles 171 and 169 of the EEC Treaty.

In the first instance these proceedings concern Italy, in view of its failure to incorporate the Directives on tax exemptions on the final import of personal effects by private individuals from a Member State (removals) and those concerning VAT exemption on certain final imports of goods. A reasoned opinion was also served on Italy for failure to adjust the amount of travellers' duty-free allowances, and in respect of the dispatch of small consignments within the Community.

Proceedings were also brought against Ireland, which does not apply the Directive granting exemption on imports of certain goods either.

Lastly, proceedings were brought against Belgium, Italy, Portugal, Spain and the United Kingdom for failure to incorporate into national law the Directive of 23 November 1989 supplementing the basic Directive on tax exemption on final imports of personal effects.

#### Summary of infringement proceedings relating to Directives (removal of tax barriers)

	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
83/183/EEC Final imports of goods	NPA	—	—	NPA	C	—	—	NMN	—	—	NPA	—

C = closed.

NMN = no measures notified.

NPA = not properly applied.

### Progress in implementing Directives applicable to taxation

Taxation has one of the highest rates of progress of all areas at 98 %: there is just one Directive outstanding in Portugal.

	Directives applicable	Directives for which measures have been notified	%
Belgium	4	4	100
Denmark	3	3	100
Germany	3	3	100
Greece	3	3	100
Spain	4	4	100
France	4	4	100
Ireland	2	2	100
Italy	3	3	100
Luxembourg	3	3	100
Netherlands	3	3	100
Portugal	5	4	80
United Kingdom	3	3	100

#### 4. FREE MOVEMENT OF PERSONS

The establishment of a large area without internal frontiers will give the citizens of the Community a stronger sense of belonging together and will open up new opportunities for them, both in their working life and in their private life.

The removal of border checks on persons is one of the Community's priority objectives in the run-up to 1992. Most of the difficulties encountered here flow from the fact that the measures to be taken generally fall within the field of inter-governmental cooperation, but great progress has been made since the Rhodes European Council gave a new stimulus in December 1988 and a detailed plan of action was worked out in its wake.

The results of all this are not easily perceptible but they are not without effect either:

- 11 Member States have signed a Convention on scrutiny of applications for asylum,
- a Convention to supplement the Schengen Agreement has laid the technical foundation for a Europe without frontiers and, in addition, Italy has joined the Schengen Agreement,
- a Convention on the organization of controls at the Community's external borders will probably be signed in the course of the Luxembourg presidency,

— a whole series of measures have gradually been devised to coordinate and harmonize national policies relating to internal frontiers (combating drugs, terrorism and illegal immigration).

Looking beyond these fairly general perspectives, the citizens of Europe are directly concerned by a large number of measures adopted under the legislative programme for the single market. The removal of discrimination based on nationality and of restrictions on freedom of establishment and freedom to provide services broadens the sphere of individual rights and of working opportunities. Even so, it cannot be forgotten that the life of the citizen is also affected by more economic measures such as those allowing the free importation of pharmaceutical products for personal use, increasing the ceiling for duty-free entry (expressed in ecus), and liberalizing the purchase and use of television and telecommunications equipment. These measures mean that the principle of free movement of goods is translated into terms of individual choice; this chapter may be confined to individual rights in the strict sense, but it must be remembered that the removal of trade barriers has more than a purely economic dimension.

There are regular complaints from individual citizens who suffer as a result of disparities between national laws and the fact that their application is not always consistent with Community law.

Unfortunately, the Commission is ill-equipped to deal with a great many of these complaints since they fall within areas in which the Community has no powers. Consequently, the Commission seeks above all to enforce the general rules of the Treaty and secondary legislation regarding entry, residence and taxation.

(a) **Ban on discrimination**

The Commission received forty or so complaints of discrimination contrary to Articles 52 and 59 of the EEC Treaty and, in some cases, contrary to the Directives on the mutual recognition of qualifications.

About 10 of them proved to be unfounded and no action was taken. Other cases are still being examined and in yet others infringement proceedings have been commenced pursuant to Article 169 of the EEC Treaty.

Of the infringement proceedings commenced in response to these complaints, attention is drawn in particular to those against certain Member States (France, Italy and Spain) which, in the absence of a Directive on mutual recognition of diplomas, refused to take account of periods of study successfully completed in the country of origin with a qualification at the end. The Commission considers this practice to be contrary to Community law as declared in the Judgment given by the Court of Justice on 15 October 1987 in Case 222/86 *Unectef v. Heylens* <sup>(1)</sup>. It follows from this Judgment that although, in the absence of Directives on the mutual recognition of qualifications, the Member States retain the power to determine the minimum level of qualification needed to pursue an activity in order to guarantee the quality of services supplied in their territory, they cannot, without infringing Articles 5, 48 or 52 of the EEC Treaty, require a national of a Member State to acquire qualifications which they generally specify in terms of those awarded by their own educational establishments, where the applicant has already acquired all or part of these qualifications in another Member State. Consequently, any host Member State which regulates a given occupation must take account of qualifications acquired in another Member State and assess whether they correspond to its requirements. It must then determine on an objective basis whether the qualification is equivalent or specify what additional training should be followed to meet its national requirements.

Following the proceedings commenced, the relevant French authorities undertook to take the necessary measures to comply with Community law and to notify the Commission of them.

Other infringement proceedings taken in response to complaints under the existing mutual recognition Directives are described at point 11.A.4.C.

The Court of Justice also gave judgment in Case C-263/88 *Commission v. France*. France was condemned for failing to take the necessary measures to enable nationals of another Member State holding the requisite French qualifications to exercise their freedom of establishment or freedom to provide services as medical practitioner, nurse providing general care, dentist, midwife or veterinary surgeon in French Polynesia pursuant to Article 176 of Council Decision 86/283/EEC of 30 June 1986 on the Association of Overseas Countries and Territories with the European Community. The same applied to the French refusal to allow establishment or the provision of services by veterinary surgeons in New Caledonia and dependent territories. One interesting point here is that, although the measures required here were taken before the case came to judgment, the Court nonetheless proceeded to give judgment since the case provided a valuable opportunity to establish that a Member State which fails to comply with its obligation may incur liability towards other Member States or individual citizens.

In similar cases also concerning France (Joined Cases C-100/89 and C-101/89, for preliminary rulings pursuant to Article 177 of the EEC Treaty), still based on the same Council Decision, the Court held that Article 176 did not confer a right of residence in the overseas countries and territories except where those applying for it were exercising or seeking to exercise the right of establishment or freedom to provide services there. It further held that the ban on discrimination could be pleaded where applicants satisfied the conditions required of nationals for establishment in these countries and territories, as long as the Member State of which they were nationals provided identical treatment to persons originating in the relevant overseas country or territory. It is interesting to note here that the Court did not accept the argument presented for the Government of the United Kingdom to the effect that, given the specific status of the overseas countries and

<sup>(1)</sup> [1987] ECR 4097.

territories, it had no jurisdiction in this case since the administrative tribunal for Papeete in Polynesia, which requested the preliminary ruling, could not be regarded as a court or tribunal of a Member State within the meaning of Article 177 of the EEC Treaty.

Another interesting Court case was the preliminary ruling in Case C-113/89 *Rush Portuguesa*, in which the Court interpreted Articles 59 and 60 of the EEC Treaty (cross-border freedom to provide services) and Articles 215 and 216 of the Act of Accession of Spain and Portugal. An undertaking established in Portugal and providing construction and civil engineering services in another Member State enjoys free movement for itself and its staff so long as work is in progress. The authorities of the Member State in which the services are provided may not impose on the person providing the services specific requirements regarding the hiring of local labour or the issue of work permits for the Portuguese staff.

Lastly, infringement proceedings based on Article 171 of the EEC Treaty for failure to comply with judgments of the Court of Justice were brought before the Court in the following cases:

- in Case C-228/90 the Commission brought proceedings against Greece for failure to comply with judgments given in Cases 147/86 and 38/87. The first of these judgments concerned maintenance in force of the Greek rule requiring Greek nationality as a condition for opening a private school, notably a language school (*Frontistirion*), and the second concerns the same principle as regards graduate engineers, surveyors and architects,
- Case C-297/90 was brought against Italy for failure to comply with the judgment given in Case 168/85 which declared that Italy was wrong to require Italian nationality for the occupations of guide or journalist and for admission to competitive examinations for qualification as pharmacist.

Proceedings brought pursuant to Article 169 of the EEC Treaty following the judgment given in Case 186/87 *Cowan* on 2 February 1989 against Member States whose schemes for compensating the victims of acts of violence discriminated on the basis of nationality have begun to bear fruit: Germany and France have both changed their legislation to remove the offending

discrimination. Proceedings are, however, still in hand against Belgium, Luxembourg and the Netherlands, who have received reasoned opinions from the Commission.

In the area governed by Regulation (EEC) No 1612/68 on freedom of movement for workers, excellent cooperation with Germany meant that the Commission was able to close an infringement proceeding with respect to legislation which discriminated in the grant of welfare benefits, Germany now having abolished the offending discrimination.

Portuguese legislation imposing a nationality requirement for access to certain occupations on board ships flying the Portuguese flag has been amended in line with Community legislation on free movement. The Commission accordingly closed the proceedings. This is particularly important in so far as the same form of discrimination subsists in other Member States (Belgium, France, Greece, Italy, Spain and the United Kingdom).

A number of infringement proceedings are in hand against certain Member States regarding equal treatment for the purpose of welfare benefits (Belgium, France, Greece and Luxembourg). A reasoned opinion was addressed to the Luxembourg Government concerning discrimination in the grant of prenatal and maternity benefits.

Several proceedings were continued against certain Member States (Denmark, France, Germany, Luxembourg and the Netherlands) with respect to equal tax treatment for Community workers, particularly as regards discrimination in national legislation regarding the payment of income tax for non-resident workers. These proceedings were based on Article 7 (2) of Regulation (EEC) No 1612/68, as interpreted by the Court of Justice on 8 May 1990 in Case C-175/89 *K. Biehl v. Administration des Contributions du Luxembourg*.

Lastly, infringement proceedings against Luxembourg with respect to discriminatory rules on the exercise of trade union rights — the right for workers from other Member States to vote and stand as candidates at elections for representatives to trade organizations — proceeded with the transmission of a reasoned opinion.

Greece and Spain continue to apply discriminatory treatment to nationals of other Member States regarding museum admission charges.

The Commission considered this discrimination to be contrary to Articles 7, 48, 52 and 59 of the EEC Treaty, and infringement proceedings were commenced in 1987 (Case C-351/87 and C-352/87).

Although at the end of 1989 Spain announced that it would apply equal treatment to all Community nationals as a result of the 1990 reform of the national tax system, the Commission has not been notified of any measure to this end. It accordingly decided to send an additional reasoned opinion to Spain. The Greek case was referred to the Court of Justice.

#### (b) Entry and residence

Pursuant to Articles 2 and 3 of Directives 68/360/EEC and 73/148/EEC, the only formality required to cross the border when leaving or entering a Member State is the presentation of an identity card or passport.

The Commission is continuing to see that these rules are abided by, and has issued a reasoned opinion to Denmark where officials are continuing to stamp the passports of Community nationals entering their country and to ask them a series of questions. The Commission has also brought an action against the Netherlands (Case 68/89) concerning questions put to travellers by border officials.

The Commission is also paying close attention to compliance with rules of Community law applicable to Community nationals' family members who are not themselves nationals of a Member State. Under Community law, national authorities must supply visas free of charge to these people and give them every facility.

The Commission has addressed a reasoned opinion to Italy for charging for such visas, whereas proceedings against Germany and Portugal were closed when these two countries gave satisfactory answers. Proceedings against France, Greece and Spain on the facilities aspect were closed, but reasoned opinions were addressed to Belgium and Italy.

The Commission decided to terminate a proceeding against Germany in which the Court of Justice had given judgment. Germany at last changed national rules which imposed discriminatory terms regarding proper accommodation for the family members of workers from other Member States; there was a requirement as to the minimum number of square metres per family member before they were allowed to settle.

#### (c) Recognition of diplomas

The Commission continued to monitor the implementation of Council Directives issued pursuant to Article 59 of the EEC Treaty to ensure free movement and the recognition of qualifications of professional and employed persons. In the seventh report, last year, it stated that there had been a substantial increase in the number of infringement proceedings following the recent adoption of Directives for architects, pharmacists and doctors in general practice<sup>(1)</sup>.

In response to these proceedings, certain Member States took the requisite implementing measures. Proceedings remain in hand with respect to the others, and new proceedings have been commenced for incomplete or incorrect transposition of the Directives. Proceedings are in hand against Belgium, Greece, Italy and Spain as regards architects, Belgium, Germany, Italy and Luxembourg as regards pharmacists and Italy as regards doctors in general practice.

Some of these cases have already reached the Court of Justice — architects in Greece (Case C-309/90) and Italy (Case C-296/90), pharmacists in Belgium (Case C-167/90), Italy (Case C-152/90) and Luxembourg (Case C-168/90), and general practitioners in Italy (Case C-292/90).

Proceedings were also commenced against certain Member States on grounds of incorrect transposition of earlier mutual recognition Directives, some of them in response to complaints received. The following are worthy of attention:

<sup>(1)</sup> Directives 85/384/EEC, 85/432/EEC, 86/457/EEC.



— Proceedings against Spain pursuant to Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of dental practitioners. Under the Act of Accession, Spain is not required to recognize the qualifications of dentists qualified in other Member States until 1 February 1991. The Commission was, however, informed by a complaint that whereas such dentists were not given access to the profession Spain had for some years authorized a large number of dentists to practise in its territory after obtaining their qualifications in non-member countries, chiefly in Latin America. The Commission considers that authorization to practise with effect from the date of accession (1 January 1986) is contrary to Community law if the training received in non-member countries was of a lower level than that required by the Directive.

— Proceedings against Germany, also based on a series of complaints pursuant to Directive 78/686/EEC since Germany, as the Commission sees it, does not allow dentists qualified in other Member States in accordance with the Directive to practise there unless they accept additional conditions not provided for in the Directive.

— Proceedings against Italy based on Directive 78/686/EEC, since Italy, having transposed the Directive correctly though rather late, passed a new law in 1988, authorizing doctors not specialized in dentistry to practise as dentists beyond the final date set in Article 19 (January 1980), contrary to the Directive.

— Proceedings against Luxembourg, where doctors, dentists and veterinary surgeons wishing to establish themselves are required to close the surgery which they already have in another Member State. The Commission considers this to be contrary to Community law, and in particular to the judgment given by the Court of Justice in Cases 107/83 *Klopp* (\*) and 96/85 *Commission v. France* (\*). This

proceeding has now reached the Court of Justice (Case C-351/90).

— Similar proceedings against Germany, where pharmacists who have an establishment in another Member State may not open a new one in Germany.

Infringement proceedings were commenced against Greece and Spain for incomplete transposition of a whole series of Directives laying down transitional measures for the recognition of professional qualifications (24 in Greece and 12 in Spain).

Proceedings have also been brought against several Member States pursuant to Article 171 of the EEC Treaty where judgment had already been given against them in the Court of Justice for incomplete transposition of certain Directives:

— Case 236/89 concerns the failure of Italy to comply with the Judgment in Case 49/86 concerning transposition of Directive 82/76/EEC (Doctors' Directive);

— in new proceedings, reasoned opinions were addressed to Belgium and Italy for failure to comply with the Judgments in Cases 283/86 and 310/86 for incomplete transposition of Directive 82/470/EEC (Transport Auxiliares Directive).

(d) Access to employment in the public service

#### *Article 48 (4) of the EEC Treaty*

On 25 July 1990 the Commission decided to serve notice on those Member States whose legislation still imposed a nationality requirement on candidates for posts in priority areas, teaching, civilian research, public health care and public service corporations, following its communication of 18 March 1988 (\*).

(\*) [1984] ECR 2971.

(\*) [1986] ECR 1475.

(\*) OJ No C 72, 18. 3. 1988, p. 2.

## Summary of infringement proceedings relating to Directives (Free movement of persons)

Entry and residence	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
68/360/EEC	C	C	NPA	NPA	—	C	C	—	C	C	—	C
73/148/EEC	C	NPA	C	C	C	C	NPA	C	C	C	C	NPA
<b>Recognition of diplomas</b>												
78/686/EEC (dentists)	CW	C	NPA	C	NPA	C	C	NPA	CW	CW	—	C
78/687/EEC (dentists)	CW	C	CW	—	NPA	C	C	NPA	C	CW	—	C
82/76/EEC (doctors)	CW	—	C	C	—	C	—	C	—	C	—	—
82/470/EEC (transport auxiliaries)	NPI	—	—	NMN	—	C	C	NMN	—	—	—	C
85/384/EEC (architects)	NPI	—	C	NMN	NPI	—	C	NMN	C	—	NPI	C
85/432/EEC (pharmacists)	NPI	C	NPA	—	NMN	C	—	NMN	—	C	—	—
86/457/EEC (general medicine)	—	C	C	—	—	C	—	C	—	—	—	—

C = closed.

CW = case withdrawn from Court of Justice.

NMN = no measures notified.

NPA = not properly applied.

NPI = not properly incorporated.

## Progress in implementing Directives applicable to free movement of persons

The overall rate of progress, at 94 %, is considerable, even if it is not always obvious to the citizen.

	Directives applicable	Directives for which measures have been notified	%
Belgium	9	9	100
Denmark	9	9	100
Germany	9	9	100
Greece	9	7	77,7
Spain	9	9	100
France	9	9	100
Ireland	9	9	100
Italy	9	6	66,6
Luxembourg	9	8	88,8
Netherlands	9	9	100
Portugal	9	9	100
United Kingdom	9	9	100

## 5. CONSUMER POLICY AND PRODUCT SAFETY

The first Directive issued under the new approach, Directive 88/378 on toy safety, became applicable this year. This is an important Directive but the Commission observes that progress in implementing it has been disappointing.

In the second half of 1989 only three Member States had adopted implementing measures although the time limit for implementation was 30 June 1989. This, then, was the situation on 1 January 1990, when harmonized rules for the internal market in toys were supposed to be in operation everywhere. In the course of the year five further Member States notified implementing measures, though some of them deviated quite substantially from what was required by the Directive. And by the end of 1990, four Member States had still not notified their national legislation. As long as the Member States do not have equivalent legislation and good administrative practice to back it, the Directive cannot have its full effect. Moreover, late transposition by the Member States generates problems as to the treatment of toys already delivered to dealers at all levels of the distribution chain before the Directive entered into force and still in their stocks.

The transposition of other Directives also leaves much to be desired. More than half the Member States still have to implement Directives 87/102/EEC (consumer credit), 88/315/EEC (amending Directive 79/581 on the indi-

cation of food prices) and 88/314/EEC (indication of prices of non-food products).

In Judgments given on 16 November and 6 December 1989 respectively, the Court of Justice found that Belgium and Greece had failed to transpose Directive 84/450/EEC on misleading advertising. Greece has now adopted implementing measures, but Belgium has still not fully complied with the Court's judgment. Italy has not yet transposed the Directive and infringement proceedings are in motion.

As regards Directive 76/768/EEC (cosmetics) the preliminary ruling given by the Court of Justice on 23 November 1989 at the request of a German court held that the Italian legislation was contrary to the Directive, but Italy has still not brought its legislation into line with Community law.

The Commission has still been receiving complaints on the way Community law on consumer protection is applied in the Member States. One important case concerned cross-frontier problems in applying Directive 84/450/EEC on misleading advertising. Several complaints were received concerning misleading advertising emanating from one Member State and addressed exclusively to the public in another Member State. This case highlighted the difficulty of applying Directives in a cross-border context, for each piece of implementing legislation is always, despite harmonization, a piece of national legislation which applies only within national borders.

## Summary of infringement proceedings relating to Directives (Consumers)

	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
88/378/EEC	C	NMN	C	C	—	—	C	NMN	NMN	NMN	—	—
88/102/EEC	—	—	—	—	—	—	—	—	—	—	—	—
88/315/EEC	NMN	—	—	NMN	—	NMN	—	NMN	—	NMN	—	NMN
88/314/EEC	NMN	—	—	C	—	NMN	—	NMN	—	NMN	—	NMN
84/450/EEC	NMN	—	—	C	—	—	C	NMN	—	—	—	C
76/768/EEC	C	C	C	NPI	NPI	NPI	—	NPI	C	C	NPA	C

C = closed.

NMN = no measures notified.

NPA = not properly applied.

NPI = not properly incorporated.

### Progress in implementing Directives applicable to consumers

Progress here, at 83 % is reasonably good.

	Directives applicable	Directives for which measures have been notified	%
Belgium	41	32	78
Denmark	41	36	88
Germany	41	38	93
Greece	41	35	85
Spain	41	36	88
France	41	35	85
Ireland	41	31	76
Italy	41	30	73
Luxembourg	41	33	80
Netherlands	41	33	80
Portugal	41	32	78
United Kingdom	41	37	90

## B. EMPLOYMENT AND SOCIAL POLICY

### 1. EQUAL TREATMENT

A reasoned opinion was sent to the Greek Government in 1990 concerning non-conformity of the measures it had introduced to give effect to Directive 76/207/EEC on equal treatment for men and women as regards access to employment.

Another was addressed to the Belgian Government in respect of a specific case of discrimination against women in occupational supplementary redundancy payment schemes.

The United Kingdom, Ireland, Greece and the Netherlands were late in transposing into national law certain parts of Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security, which applies only to statutory schemes. For these countries a serious problem is posed by the fact that certain national implementing measures, adopted late, were not made retroactive (to the deadline for transposition fixed by the Directive).

The four infringement proceedings for faulty application are in progress.

Five Member States (Belgium, Denmark, Greece, Italy and the Netherlands) have not communicated measures to give effect to Directive 86/378/EEC on equal treatment for men and women in occupational social security schemes. Letters of formal notice were sent in 1990.

Transposition measures should have been communicated by 30 July 1989, and the Directive should have effect from 1 January 1993.

It should be noted, however, that the judgment handed down by the Court of Justice in Case 262/88 *Barber* on 17 May 1990 invalidated several provisions of the Directive with regard to employees, to whom Article 119 of the EEC Treaty is henceforth directly applicable.

### 2. SOCIAL SECURITY

The Commission is very pleased with the progress made in this area, which is so important for the promotion of occupational mobility within the Community, thanks to the termination of a number of infringement proceedings, some of which dated from 1986. The cases were ended once the Member States concerned had rectified the situations challenged. Three of them had to do with the principle of the 'exportability' of benefits falling within the scope of Regulation (EEC) No 1408/71.

However, there are different interpretations of the exportability principle, and the Commission is pressing on with proceedings in which reasoned opinions have been sent to four Member States (Belgium, Denmark, Italy and the Netherlands).

Two further infringement proceedings, initiated for the same reasons, are pending before the Court of Justice.

Three other reasoned opinions were sent to Germany, Belgium and Italy in connection with discriminatory practices based on nationality in fields such as unemployment benefit withheld from Community nationals not covered by the bilateral Swiss-German agreement, unjustified reductions in old-age pensions, and unemployment benefit.

Two proceedings against Germany which were terminated are worth mentioning. They concerned:

- refusal to allow periods devoted to the bringing up of children to count for purposes of the pension insurance scheme, and
- refusal to grant family allowances to workers with children who are unemployed in another member State.

A case similar to the latter concerning the Netherlands was also terminated.

Lastly, it was decided to terminate a proceeding against France relating to contributions paid by Community nationals who worked in Algeria before independence.

### 3. HEALTH AND SAFETY OF WORKERS

In 1990 the Commission sent letters of formal notice to the governments of six member States (Germany, Italy, Luxembourg, Netherlands, Portugal and Spain) for failure to communicate national measures to give effect to Directive 88/364/EEC banning certain specified agents and/or certain work activities.

Germany and Italy have since communicated their implementing measures to the Commission.

Notice was served on only four Member States (Belgium, Italy, Luxembourg and the Netherlands) for failure to communicate national measures to give effect to Directive 86/188/EEC on the protection of workers from noise.

It should be borne in mind, however, that these two Directives ought to have come into operation on 1 January 1990.

In response to letters of formal notice sent to seven Member States in 1989 (Denmark, France, Greece, Italy, Luxembourg and the Netherlands) and 1990 (Spain), only Greece and France have communicated national measures to give effect to Commission Directive 88/35/EEC adapting to technical progress Council Directive 82/130/EEC on the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp. With regard to the same Directive, the Commission initiated proceedings for non-conformity of national implementing measures against France and the United Kingdom.

### 4. WORKING CONDITIONS

The Commission sent reasoned opinions to the United Kingdom Government for non-conformity of national measures to give effect to Directives 75/129/EEC (collective redundancies) and 77/187/EEC (safeguarding of employees' rights in the event of transfers of undertakings), with particular reference to the fact that workers' representation in firms depends solely on the employer.

As in the seventh report, it has to be pointed out once again that Directive 75/129/EEC has still not been transposed into Italian law despite the fact that the Court of Justice has found against Italy in two judgments.

As agreed by the Commission, the relevant Member of the Commission made representations to the Italian Government at a Council meeting to secure the adoption of the measures required.

The Commission has not yet received any communication to this effect from the Italian Government.

## Summary of infringement proceedings relating to Directives (Employment and social policy)

Equal treatment	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
76/207/EEC	NPA	D	C	NPI	—	NPI	C	C	C	C	—	C
79/7/EEC	NPA	—	—	—	—	—	NPA	—	C	NPA	—	NPA
86/378/EEC	NMN	NMN	—	—	—	NMN	C	NMN	NMN	NMN	—	—
Health and safety												
88/364/EEC	—	—	NMN	—	NMN	—	—	NMN	NMN	NMN	NMN	—
86/188/EEC	—	NMN	—	—	—	—	—	NMN	NMN	NMN	—	—
88/35/EEC	—	NMN	—	NMN	NMN	NMN	C	NMN	NMN	NMN	—	NPI
82/130/EEC	—	—	—	—	—	—	—	—	—	—	—	—
Working conditions												
75/129/EEC	C	C	C	C	—	C	C	NMN	C	C	—	NPA
77/187/EEC	C	—	C	C	—	C	C	C	C	C	—	NPA

C = closed.

D = derogation.

NMN = no measures notified.

NPA = not properly applied.

NPI = not properly incorporated.

## Progress in implementing Directives applicable to employment and social policy

There were 22 Directives <sup>(1)</sup> to be transposed by the Member States on 31 December 1990. The transposition rate was 82 %. Italy and the Netherlands are the main laggards, as can be seen from the table.

	Directives applicable	Directives for which measures have been notified	%
Belgium	21	19	90,4
Denmark	20	18	90
Germany	21	18	85,7
Greece	21	16	76,1
Spain	21	18	85,7
France	21	18	85,7
Ireland	19	16	84,2
Italy	21	15	71,4
Luxembourg	21	16	76,1
Netherlands	21	15	71,4
Portugal	19	16	84,2
United Kingdom	21	19	90,4

<sup>(1)</sup> The number varies from one Member State to another because of derogations and provisions which are not applicable or have been changed.

## C. COMMON AGRICULTURAL AND FISHERIES POLICIES

### 1. COMMON AGRICULTURAL POLICY

#### Agricultural legislation

Whilst working towards the removal of technical barriers to the free movement of agricultural products (in the ways described above), the Commission has also endeavoured to ensure that the other provisions of the Community's agricultural legislation are genuinely and properly applied.

In particular it has closely monitored compliance with the mechanisms introduced to bring agricultural production under control and thus ensure the rapid, effective and non-discriminatory application of the measures taken to reform the CAP. This close surveillance has revealed a number of shortcomings affecting both the specific measures to contain production (milk quotas, co-responsibility levy on cereals, compulsory distillation of wine) and the structural measures for the limitation of supply (set-aside).

The action taken on infringements against the milk quota system included the partial recovery of the additional levy due in certain Member States (Belgium, Germany, Italy and Luxembourg) where the overall guaranteed quantity for 1988/89 had been exceeded. This was consistent with the Commission's decision to withhold a total of ECU 57,4 million of the advances due to these Member States in respect of EAGGF expenditure. This decision was contested in the Court of Justice by two of the Member States concerned. Apart from the financial aspects, such infringements mean that not all producers are treated equally under the compulsory measures adopted at Community level since the penalties applied differ from one Member State to another.

Similarly the Commission found, on initiating the Article 169 of the EEC Treaty procedure, that France was incorrectly implementing the arrangements whereby the fat content of milk deliveries is taken into account and that, consequently, French producers enjoyed an unfair advantage. In certain circumstances a higher fat content may entail the collection of the additional levy.

A problem similar to that encountered with the milk quota scheme was France's failure to collect and pay to

the Community budget the co-responsibility levy on cereals. On 5 December 1990 the Commission therefore decided to issue a reasoned opinion on this matter.

As regards compulsory distillation, the Court of Justice, ruling on an application from the Commission, condemned the German authorities' failure to order the immediate enforcement of notices of liability for compulsory distillation during the 1984/85 wine year or to use the coercive measures provided for under German law to deal with producers refusing to deliver table wine for such distillation (\*).

As regards structural measures to limit supply, the Commission found that Denmark was the only Member State not to have adopted the necessary legislative measures introducing a system of aid to encourage the set-aside of arable land. The Commission therefore referred the matter to the Court of Justice. In the course of the proceedings, however, Denmark adopted the required measures, thus enabling the Commission to withdraw its action.

Whilst monitoring the application of the measures taken to reform the CAP, the Commission also made a point of prosecuting those infringements which could affect the control exercised over EAGGF resources. In this context the Commission was particularly pleased to withdraw the action brought against France, which had failed to adopt provisions penalizing infringements against the aid scheme for the production of olive oil as provided for in Regulation (EEC) No 2262/84. Following a preliminary hearing the French authorities notified the Commission of the rules and regulations laying down the national penalties concerned.

Lastly, the Commission initiated proceedings against certain Member States, and Belgium in particular, for their failure to carry out proper inspections of the storage conditions and health status of intervention beef.

Although the measures taken to reform the CAP have received special attention, the Commission has not neglected to check on the application of specific market-organization mechanisms. The Court of Justice ruled favourably on two actions brought by the Commission against Greece for non-compliance with the rules on the common organization of the market in cereals.

(\*) See Judgment of the Court of Justice in Case 217/88 *Commission v. Federal Republic of Germany*, not yet reported.

For several years the Commission has been endeavouring to eliminate the irregularities in the management of this market which have arisen from government intervention through KYDEP (described as a form of cooperative organization), with the result that, in the case of products such as feed grain, what might be called a national market organization has continued to operate since Greek accession.

The Commission succeeded in collecting, by its own methods, sufficient proof to convince the Court of Justice that the Government had instructed KYDEP to buy in poor-quality durum wheat which failed to meet intervention standards<sup>(1)</sup>, that feed grain had been bought in at prices higher than the market price, and that KYDEP had sold this grain at a loss to stock-farmers, the loss being covered by the State<sup>(2)</sup> <sup>(3)</sup>.

One other case is pending, concerning a system of government programme contracts to encourage exports, at set prices, of pasta products, flour and meal made from cereals receiving a hidden subsidy from the State<sup>(4)</sup>.

This was the case, for example, with the monopoly granted by Greece to the Ktinotrofiki cooperative for the supply of frozen beef from intervention stocks to non-profit-making institutions and establishments (hospitals) and with the failure of Greece to recognize certain producers' organizations even though the latter met the Community criteria for recognition (NB: Greece complied with the rules before the preliminary hearing). As regards non-recognition of producers' organizations and associations thereof, it should also be mentioned that Spain has finally complied with the Commission's reasoned opinion by recognizing the Fedeprol organization.

Apart from the measures taken to reform the CAP, the checks on EAGGF expenditure and specific market-organization measures, the Commission took action to rectify any infringements brought to its attention as conflicting with the terms of the most recent accession.

<sup>(1)</sup> Judgment of 24 November 1989 in Case 281/87 Commission v. Greece, not yet reported.

<sup>(2)</sup> Judgment of 12 July 1990 in Case 35/88 Commission v. Greece, not yet reported.

<sup>(3)</sup> Judgment of 30 May 1991 in Case 110/89 Commission v. Greece, not yet reported. The Court also ruled against the ban on exports imposed on private traders at KYDEP's request in autumn 1985.

<sup>(4)</sup> Case 61/90, Commission v. Greece, pending.

In the agricultural sector these infringements included Spain's refusal to authorize imports under the offsetting arrangements applicable in the oils and fats sector and the continued marketing in the United Kingdom of products described as 'Australian Sherry' or 'South African Sherry', such descriptions being prohibited under the Community rules.

It should be mentioned that both these Member States did comply with the rules once a reasoned opinion had been issued.

Lastly, the Commission must single out for special criticism Italy's persistent refusal to comply with the Court's ruling of 12 February 1987 in Case 69/86 whereby the Court had censured Italy pursuant to Article 171 of the EEC Treaty for non-compliance with the judgment given on 15 November 1983 in Case 322/82 concerning Italy's failure to observe the rules for the enforcement of quality standards in the fruit and vegetables sector.

Despite repeated approaches from the Commission, Italy still refuses to comply with the rules, to the detriment of the proper working of the Community, which is based on observance of the law.

#### Agricultural Directives

The areas covered by the harmonization Directives are plant health, seeds and seedlings, animal feedingstuffs and the veterinary sector.

Where the transposition of Directives was concerned, 1990 saw a significant increase in the number of infringement procedures initiated pursuant to Article 169 of the Treaty for failure to inform the Commission of national implementing measures. The number of such procedures rose from 90 in 1989 to 127 in 1990, whilst the number of reasoned opinions (28) and referrals to the Court (3) showed little change. It should be noted, however, that 57 formal notices were served on a single Member State (Portugal) which, despite the time which it has been given to transpose the Community rules, is still lagging well behind in the agricultural sector, particularly in the veterinary field where certain important Directives have not yet been fully transposed. These include Directive 71/118/EEC (poultrymeat), the amendments thereto and other Directives of great importance to the completion of the single market in 1992 (the Directives on hormones, heat-treated milk, animal diseases, pesticide residues in foodstuffs of animal origin). It should be said, however, that Portugal has made a considerable effort in the feedingstuffs sector where all the Directives have now been transposed, thus



making Portugal the first Member State to meet its obligations in this area.

Despite its declared willingness to take action, Italy is still encountering great difficulty in transposing the agricultural Directives. Following the three reasoned opinions issued against Italy in 1989 for its failure to implement the Judgments given by the Court of Justice, a formal notice was served on Italy in 1990 for the same reason. Leaving aside Portugal, Italy is also the Member State against which the largest number of infringement procedures were initiated in 1990 for failure to transpose legislation (13 formal notices, 10 reasoned opinions and 3 referrals to the Court).

Despite the contacts maintained since the White Paper and despite the Commission's insistence that Member States should give priority to the transposition of Directives with a view to the completion of the internal market, it is a regrettable fact that some Member States do not appear to consider the transposition of Directives as a priority matter. In addition to the above-mentioned infringements by Portugal and Italy, the Commission had to address nine letters of formal notice and one reasoned opinion to the Netherlands, six formal notices and six reasoned opinions to Greece, and six formal notices and five reasoned opinions to Belgium.

The follow-up to the White Paper seems to be bearing fruit, however, and certain Member States deserve some praise, including Denmark, to whom no letter of formal notice or reasoned opinion was addressed in 1990.

Spain, for its part, has made a considerable effort to bring its national law into line with Community law. Only six formal notices have been served on this Member State, which thus ranks as third (after Denmark and Germany) among the Member States doing most to meet their obligations as regards transposition.

The transposition of certain Directives would seem to pose problems for the Member States generally. Since these Directives are important in the context of 1992, they deserve a special mention in this report.

One category comprises the various Directives relating to reproduction and artificial insemination. The deadline for the transposition of these Directives has either expired already or will expire in 1991.

Directive 87/328/EEC (pure-bred breeding cattle), for example, was the subject of three reasoned opinions in 1990 whilst eight letters of formal notice had to be sent concerning Directive 88/407/EEC (artificial insemination) during the same year. This would therefore seem to be a sensitive area and since the five Directives dealing with pigs, sheep and goats for breeding and the importation of bovine embryos are due for transposition in 1991, there is reason to fear that the number of infringements in this sector will increase considerably unless it receives closer attention from the Member States.

Another category of Directives forming the subject of infringement procedures consists of those relating to trade in fresh meat. In 1990 six reasoned opinions were addressed to Member States which had not yet transposed Directives 88/288/EEC and 88/289/EEC.

The transposition of the Directives relating to inter-Community and extra-Community trade in meat products also seems to cause the Member States serious difficulties. Directive 89/227/EEC, which was to be transposed by 30 June 1990, has thus been the subject of 11 infringement procedures.

These examples, all of which involve White Paper Directives that must be transposed and implemented for the completion of the internal market, illustrate the difficulty which Member States have in meeting their obligations in this field. An extra effort is called for in view of the limited time available for achieving the 1992 objective.

Similarly, the Commission notes that several Member States have been very slow to transpose Directives relating to plant health (pesticide residues and harmful organisms), on the one hand, and to the marketing of seeds and seedlings on the other.

In view of such slow progress and given the short time left for the completion of the internal market, the Member States concerned will have to take appropriate steps to ensure that the Directives which the Council is to adopt in these sectors in 1991 are transposed within the prescribed time limits.

## Summary of infringement proceeding relating to Directives (CAP)

Agricultural Directives	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
89/227/EEC	NMN	—	NMN	NMN	NMN	NMN	NMN	NMN	NMN	NMN	—	NMN
88/407/EEC	NMN	—	—	NMN	—	NMN	NMN	NMN	NMN	—	NMN	NMN
88/289/EEC	NMN	C	C	C	—	—	—	NMN	—	C	—	—
88/288/EEC	NMN	—	C	NMN	—	—	—	NMN	—	C	—	NMN
87/328/EEC	—	—	C	NMN	D	C	NMN	—	C	NMN	—	NPA
71/118/EEC	NPA	—	NPA	NPA	—	—	—	NPA	C	C	NMN	—

C = closed.

D = derogation.

NMN = no measures notified.

NPA = not properly applied.

## Progress in implementing Directives applicable under the CAP

Harmonization under the agricultural policy entails a varying number of Directives in the different Member States. The rate of progress, at 92 %, is attained despite problems in the veterinary area, particularly in relation to trade in fresh meat.

The low figure for Portugal is evidence of the difficulties arising as the approaching end of its transitional period, and therefore of its derogations, means that the new obligations will soon have to be met.

	Directive applicable	Directives for which measures have been notified	%
Belgium	249	233	93,6
Denmark	249	241	96,1
Germany	249	242	97,2
Greece	248	231	93,1
Spain	248	236	95,2
France	249	232	93,2
Ireland	249	232	93,2
Italy	249	208	83,5
Luxembourg	249	228	91,6
Netherlands	249	234	94,0
Portugal	248	157	63,3
United Kingdom	249	237	95,2

## 2. COMMON FISHERIES POLICY

To enforce the Community arrangements for the conservation and management of fish stocks, the Commission continued to take action whenever catch quotas were exceeded, bearing in mind that overfishing indicates a failure of the Member State concerned to monitor fishing activities. This view was shared by the Court in its Judgment of 20 March 1990 in Case C-62/89 *Commission v. France*, which dealt with instances of overfishing in the course of 1985. Another action brought against France (Case C-244/89: overfishing in 1986) is still pending. Infringement procedures were also initiated against the United Kingdom (overfishing in 1985, 1986 and 1987), the Netherlands (overfishing in 1986 and 1987), Spain (overfishing in 1988) and France (overfishing in 1988).

Compliance with the fishery control measures which Member States must apply on their territory and within their waters received special attention from the Commission with a view to ensuring the consistency of the conservation arrangements. Investigations were made into infringements by Spain (failure to check landing declarations against the data recorded when the fish were sold), France (failure to meet its obligation to penalize breaches of the Community rules concerning logbooks), Spain (refusal to cooperate with authorized Commission inspectors), France (failure to observe the deadline for the notification of catches subject to TACs or quotas) and Denmark (national legislation contrary to the Community rules concerning logbooks). The cases referred to the Court (Case C-64/88 *Commission v. France*: inadequate enforcement of technical measures for the conservation of stocks; Case C-258/89 *Commission v. Spain*: failure to meet the obligation to record catches subject to TACs or quotas in waters outside the Community fishing zone) are still pending.

There has been a considerable improvement in Member States' application of the Community rules on the compulsory notification of the data required under the common organization of the market. The Commission has been able to terminate a procedure initiated against France. On 27 November 1990 the Court delivered its judgment in the cases against Ireland (Case C-39/88), Greece (Case C-200/88) and Italy (Case C-209/88). In the latter the Court's ruling confirmed the Commission's position as justified.

The Commission has continued its close and systematic monitoring of national fisheries legislation in order to assess compatibility with the provisions and prerogatives of Community law. In this context, mention should be made of the cases referred to the Court in 1989. Case

C-93/89 concerns Irish legislation which makes the issue of fishing licences subject to a nationality condition, whilst Case C-246/89 relates to the United Kingdom's Merchant Shipping Act 1988, which lays down nationality conditions for the granting of national flag rights to fishing vessels. Judgment on both these cases is pending. The same applies not only to Case C-221/89, in which the Court has been asked for a preliminary ruling on British legislation concerning the granting of national flag rights to fishing vessels, but also to the applications lodged under Article 169 of the Treaty against the British legislation which makes fishing licences subject either to nationality and residence conditions as regards the composition of crews or to conditions whereby vessels must return periodically to British ports (Case C-279/89) and against Irish legislation which, following the example of the United Kingdom, prohibits British vessels from fishing in Irish waters unless they have obtained a fishing licence subject to the terms laid down by the above-mentioned British legislation (Case C-280/89).

In conjunction with the legal proceedings brought against the British legislation on the granting of flag rights to fishing vessels, mention should also be made of the House of Lords' request for a preliminary ruling, pursuant to Article 177 of the Treaty, concerning the obligation on national courts to grant interim relief if the case in question has been referred to the Court of Justice (Case C-213/89). In its ruling of 19 June 1990 the Court confirmed that national courts were obliged in such cases to ensure full compliance with directly applicable Community law. In its ruling of 27 July 1990 the House of Lords therefore granted the applicants, who were contesting the restrictive conditions introduced by the British legislation in question, the necessary legal protection while the main action was pending.

Whilst initiating proceedings against the United Kingdom legislation on the granting of licences and flag rights to fishing vessels, the Commission also reviewed the legislative position in the other Member States. This review resulted in the initiation of proceedings pursuant to Article 169 against all the Member States concerned since they, too, had similar national rules whereby the granting of fishing licences and/or flag rights was subject to conditions of nationality, residence and main place of establishment.

The said proceedings raise questions of principle as regards the precedence of Community law over public international law, on the one hand, and as regards the

reconciliation, for the purposes of the catch quota system, of the basic principles of the Treaty (such as freedom of establishment) with the specific aims of the common fisheries policy. More particularly, one of the fundamental questions arising in this context is to what extent, subject to compliance with the Treaty and given the underlying principles and specific features of the common fisheries policy, a relationship must exist between a fishing vessel and the Member State whose flag it flies and whose quotas it fishes.

As regards other national fisheries measures, it should be mentioned that judgment is still awaited in Case C-146/89, in which the Court has to rule on the United Kingdom's extension of its territorial waters and the consequent restrictions on the special rights enjoyed by fishermen from other Member States under the Act of Accession and the basic Regulation (Regulation (EEC) No 170/83).

#### D. COMPETITION

The Commission's main activities on the adjustment of State monopolies and public undertakings are summarized below.

##### 1. PUBLIC UNDERTAKINGS

The following cases regarding public undertakings as referred to in Article 90 of the EEC Treaty are worthy of note:

- With respect to Commission Directive 88/301/EEC of 16 May 1988 on competition in the markets in telecommunications terminal equipment, the Commission pursued its scrutiny of the implementing measures taken by the Member States and terminated three of the five infringement proceedings commenced (those against Denmark, Ireland and Germany). Infringement proceedings are now running only against Belgium and Spain.
- The new infringement proceeding commenced against Greece with respect to the insurance of public property and loans granted by State-owned banks in Greece (see point 162 of the preceding report) was closed after Greece promulgated Law 1975/1990 in February, abolishing the preferential treatment given to public-sector insurance companies.

##### 2. MONOPOLIES

With regard to the Greek petroleum products monopoly, the Commission was not satisfied with the Greek authorities' answer to its reasoned opinion concerning the compulsory storage rules, which it considered to be incompatible with Articles 30 and 37 of the EEC Treaty; it consequently felt unable to terminate the proceeding.

Furthermore, on those aspects of the monopoly which the Commission referred to the Court of Justice on 8 June 1988, the Court gave judgment on 13 December, declaring that measures which maintain in effect the State's import and marketing rights for petroleum products, subject the distribution companies' annual procurement programmes and any amendments thereof to the approval of the Greek authorities and establish a system of marketing quotas are incompatible with Articles 30, 34 and 37 (1) of the EEC Treaty. It held, by contrast, that preservation of the exclusive right to import crude oil was not incompatible with Community law, since the Commission itself had not objected to the national refining monopoly, which was the sole authorized importer. It dismissed the Commission's other objections on grounds of procedural defects.

The Commission concluded that the legislative changes announced by the Portuguese authorities in response to its reasoned opinion of January 1989 (point 161 of the preceding report) brought the rules governing the Portuguese oil monopoly into line with Community law, but decided not to terminate the proceeding until the new measures had actually been adopted and the Commission was in a position to assess their practical impact.

With respect to the adjustment of the Spanish oil monopoly, the Commission is continuing to keep a close eye on the situation to ensure that the Government's commitments are strictly upheld. Among other things, it approved new rules and regulations designed to give independent suppliers access to large-scale users of certain petroleum products and to abolish exclusive retail rights.

The Commission did, however, insist that the Spanish Government should do more to develop the parallel network of service stations.

Lastly, the Commission had no choice but to refer the Portuguese alcohol monopoly to the Court of Justice, as the Portuguese Government had not come into line with the reasoned opinion referred to at point 161 of the preceding report.

## Summary of infringement proceedings relating to Directives (Competition)

	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
88/301/EEC	NPA	C	NPA	—	NPI	—	C	—	C	—	—	—

C = closed.

NPA = not properly applied.

NPI = not properly incorporated.

## Progress in implementing Directives applicable to competition

There is a general backlog of implementing measures in the competition field, even in the Member States whose performance is usually among the best. The progress rate of only 52,7 % means that the Commission will have to be especially vigilant here.

	Directives applicable	Directives for which measures have been notified	%
Belgium	3	0	0
Denmark	3	2	66,6
Germany	3	2	66,6
Greece	3	2	66,6
Spain	3	2	66,6
France	3	2	66,6
Ireland	3	1	33,3
Italy	3	1	33,3
Luxembourg	3	2	66,6
Netherlands	3	2	66,6
Portugal	3	1	33,3
United Kingdom	3	2	66,6

## E. TRANSPORT

In 1990 there were favourable developments in three particularly serious cases of non-compliance with Community law already mentioned in previous reports. They concern the failure to apply the Court's rulings against Italy for not incorporating into national law the Directives on access to the occupation of road haulage operator and road passenger transport operator and the mutual recognition of diplomas for road transport operators.

As a result of Commission pressure, Italy adopted a series of national instruments in 1988 and 1989 which transpose most of the provisions of Directive 74/561/EEC (road haulage operators) into national law. However, there is still a major incompatibility concerning the professional qualifications requirements for road transport operators which, under the Italian

law, are applicable from 1 June 1987 instead of 31 December 1974 as provided for in the Directive.

The draft 'Community law 1990', which Italy communicated to the Commission in April 1990, prepares the ground for applying Directives 74/562/EEC (passenger transport operators) and 77/796/EEC (recognition of diplomas) by empowering the Minister of Transport to adopt the necessary measures. Portugal too has so far failed to take the steps necessary to apply Directive 74/562/EEC despite the Commission's insistence.

The Commission notes with concern that, by the January 1990 deadline, none of the Member States had adopted the necessary provisions to implement Directive 89/463/EEC, which amends the abovementioned Directives on access to the occupation of road transport operator and the mutual recognition of diplomas.

Only Belgium, Italy and Luxembourg have failed to apply Directive 88/599/EEC on uniform procedures for applying the regulations on social legislation and recording equipment. Italy and Luxembourg have, however, informed the Commission of appropriate draft legislation.

### 1. ROAD TRANSPORT

In an order issued by the Transport Minister, Italy declared that road transport authorizations for imports and exports of goods via the Austrian frontier would not be valid from 15 October 1990. This measure had the effect of closing the Austrian frontier to international road freight.

The Italian order followed the termination of the road freight agreement between Italy and Austria on 20 September 1990. Austria then severely cut back the number of international transport authorizations for use on its national road network. The Italian order was intended as a reprisal against the Austrian Government's action.

When Italy failed to respond favourably to calls made at Community level to reopen the frontier, the Commission addressed a letter of formal notice to the Italian Government pursuant to Article 169 of the EEC Treaty.

The Commission expressed the opinion that the closure of the frontier between Austria and Italy was an unauthorized unilateral measure contrary to Community law (as it was formulated) and likely to affect trade between the Member States and obstruct the achievement of a common transport policy; at the same time it stated that it was prepared to do all it could to find political solutions to the difficulties experienced by Italy and other Member States in connection with transit across the Alps.

Italy lifted the restrictions on vehicles crossing its frontier with Austria on 27 October 1990.

#### Road tax

Germany adopted legal provisions introducing a road tax on lorries weighing more than 18 tonnes. This tax, applicable to German and non-German operators using German roads and motorways, was to enter into force on 1 July 1990. At the same time, the national vehicles tax was reduced by approximately the same amount, thus benefiting only German transport operators.

In 1989 the Commission had delivered an opinion on the first versions of the German bill, submitted to it under the consultation procedure provided for by Decision 62/720/EEC Council Decision instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States, as amended by Decision 73/402/EEC in which it expressed the view that the German bill was contrary to Community law and likely to jeopardize implementation of a common transport policy.

On publication of the German law, which was to be applicable from 1 July 1990, the Commission, under the infringement procedure provided for in Article 169 of the EEC Treaty, referred the matter to the Court of Justice on the basis of Articles 5, 76 and 95 of the Treaty and at the same time asked the Court to order interim measures. The Commission was backed in this case by the Governments of Belgium, Denmark, France, Luxembourg and the Netherlands.

In an order dated 12 July 1990 the Court of Justice ruled that Germany should suspend charging the road tax in respect of vehicles registered in other Member States until judgment in the main proceedings was delivered.

### 2. INLAND WATERWAYS

Since Belgium had not taken the necessary measures to implement the Court's Judgment of 24 May 1988 stating that Belgium had failed to fulfil its obligation to transpose into national law Directive 82/714/EEC laying down technical requirements for inland waterway vessels, the Commission decided to bring the case before the Court on the basis of Article 171 of the Treaty.

The Commission considered that the failure by Belgium and Italy to adopt measures to transpose these Directives into national law, despite Court judgments confirming these omissions, was an extremely serious violation of the Community's legal order.

Directive 87/540/EEC on access to the occupation of carrier of goods by waterway has not been transposed into the national law of six Member States, including

those most concerned, despite the fact that most of them have presented draft national implementing measures to the Commission. Infringement procedures have been initiated and at the same time the competent national authorities have been contacted.

### 3. AIR TRANSPORT

Directive 87/601/EEC on fares for scheduled air services between Member States and Decision 87/602/EEC on the sharing of passenger capacity and on access to scheduled air services routes were repealed with effect from 1 November 1990 when they were replaced by Council Regulations (EEC) No 2342/90 and (EEC) No 2343/90 of 24 July 1990. These two Regulations

represent a further step forward in the liberalization of air transport services and have the advantage over the previous texts of being directly applicable. On 31 October 1990 only seven Member States had transposed Decision 87/602/EEC into national law and only eight had transposed Directive 87/601/EEC despite reminders and infringement procedures by the Commission which had had no more than a limited success. Whatever the truth of the claim made by some Member States that they were applying the provisions in question, the Decision and the Directive expressly required the Member States to adopt and communicate national transposition measures. The new stage of air transport liberalization about to take effect cannot be invoked as a reason for not complying with earlier obligations, as at least one Member State did.

#### Summary of infringement proceedings relating to Directives (Transport)

	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
74/561/EEC	C	C	C	C	—	C	C	—	C	C	—	—
74/562/EEC	C	C	C	C	—	C	C	NMN	C	C	NMN	C
77/796/EEC	C	—	—	C	—	—	C	—	C	—	—	C
82/714/EEC	NMN	—	C	—	—	C	—	—	—	C	—	—
89/463/EEC (*)	NMN	NMN	—	NMN	—	NMN	NMN	NMN	NMN	NMN	NMN	NMN
88/599/EEC	NMN	NMN	—	C	—	NMN	C	NMN	NMN	NMN	—	C
87/540/EEC	NMN	—	NMN	—	—	NMN	—	NMN	NMN	—	—	—
87/601/EEC	—	—	—	C	—	—	—	—	C	—	—	—

C = Closed.

NMN = No measures notified.

(\*) Directive adopted on 1 November 1990.

#### Progress in implementing Directives applicable to transport

Harmonization in transport entails 40 or so Directives with a progress rate of 88 % on the general average. Three Member States, Belgium, Italy and Luxembourg, are tending to lag behind, as the table shows.

	Directives applicable	Directives for which measures have been notified	%
Belgium	39	31	79,4
Denmark	37	36	97,2
Germany	39	37	94,8
Greece	38	34	89,4
Spain	39	38	97,4
France	42	38	90,4
Ireland	36	31	86,1
Italy	38	29	76,3
Luxembourg	37	29	78,3
Netherlands	40	34	85
Portugal	32	29	90,6
United Kingdom	37	34	91,8

## F. ENVIRONMENT AND NUCLEAR SAFETY

### 1. PROTECTION OF WILD FAUNA AND FLORA

In 1990 the main problems were posed by the designation and protection of the habitats of wild birds, the hunting of birds and the exemptions from Directive 79/409/EEC granted by Member States. This Directive remained the one most in the public eye with a large number of complaints, written and oral questions, petitions, infringement proceedings and judgments by the Court of Justice.

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, which became operative in 1988, is still in the transitional stage. The Commission terminated proceedings it had commenced against Greece, Portugal and Germany for failing to notify it of national implementing measures, all three countries having adopted legislation in 1990. The number of complaints from individuals opposing specific projects is constantly increasing, in particular those concerning infrastructure and transport projects and the construction of waste processing plants.

Regulation (EEC) No 2052/88 stipulates that any project partly or wholly financed by the Structural Funds or the European Investment Bank must be in keeping with Community law and policies, including those on environmental protection. In several cases, the Commission has withheld finance from projects where an assessment of the impact on the environment had not been carried out as required. On the other hand, the Commission takes the view that the reference to environment 'policy' as opposed to 'law' is redundant:

any project which conforms to Community legislation on the environment can be eligible for financing.

### 2. QUALITY OF WATER

The Commission has concentrated its efforts on the application of Directives 76/160/EEC on the quality of bathing water and 80/778/EEC on drinking water. As regards bathing water, the Commission initiated Article 169 proceedings against all the Member States except Portugal, where the Directive does not apply until 1993. The main shortcomings in the application of the Directive are:

- the number of bathing areas where the required quality control measures are applied,
- the frequency of sampling and the number of parameters examined,
- the quality of water in many bathing areas which does not meet the requirements of the Directive despite the fact that the deadline for compliance was the end of 1985.

The Commission drew the Member States' attention to these problems at several bilateral meetings in the course of 1990. It also commenced or continued Article 169 proceedings to ensure that Member States clean up bathing water which does not conform to Community standards.

Effective application of the Directive on drinking water was still unsatisfactory. In 1990 the Commission commenced or continued proceedings against the majority of Member States. The main problems were as follows:



- Several Member States incorporated into their national legislation unauthorized exemptions from the provisions of the Directive. Some of them issued recommendations to water authorities or companies releasing them from compliance with the Directive. This amounts to waiving Community legislation's mandatory force.
- In several Member States, concentrations of polluting substances are in excess of the authorized limits. The quality of drinking water ought to have conformed to the requirements of Directive 80/778/EEC from July 1985. Because the Member States are not required by the Directive to report on implementation, the Commission does not have sufficient information to assess the degree of compliance. Any action it has taken has therefore been based mainly on complaints from individuals concerned about the quality of their drinking water.

In 1990 the Court of Justice found that Belgium had failed to fulfil its obligations pursuant to Directive 80/778/EEC by allowing drinking water to be supplied to the population of Verviers even though the amount of lead it contained was above the permitted level. The Commission had initiated the infringement proceeding in 1986 as a result of a complaint from an individual: this case illustrates the problems caused by the long duration of proceedings. In the same judgment, the Court held that Directive 80/778/EEC did not apply to water from private wells. This question is likely to cause difficulties in the application of the Directive to water used by the food industry.

### 3. QUALITY OF THE AIR

With respect to air pollution, the Commission commenced a number of proceedings in 1990 concerning the application of Directive 85/210/EEC, which requires Member States to ensure balanced distribution of unleaded petrol from the end of 1989, the Commission having established that distribution was still uneven in the Community as a whole.

As regards air quality standards, the Commission brought an action against Germany before the Court of Justice to shed light on the legal scope of the limit values set by the various Community Directives on air quality. A judgment on this case is expected in the course of 1991. At present, the full and effective application of Directives 80/779/EEC on sulphur dioxide and suspended particulates, 82/884/EEC on lead and 85/203/EEC on nitrogen dioxide is hampered by the fact that the Member States have failed almost entirely to draw up and implement the required clean-up programmes: the Commission has received plans for only

8 out of 56 programmes under Directive 80/779/EEC. It has received no plans for the four zones covered by Directive 82/884/EEC and none for the 35 programmes provided for in Directive 85/203/EEC. As a result of proceedings initiated by the Commission concerning air pollution in Dublin and Athens, measures have been adopted which should lead to an improvement in the quality of the air in these two cities. Proceedings have also been commenced concerning urban areas in Italy and Spain.

### 4. NOISE

There were no particular problems in the application of the various Directives on noise pollution with the exception of Directive 80/51/EEC on aircraft noise. The Commission took action against Belgium for granting an exemption from the Directive to regional airports.

### 5. WASTE AND DANGEROUS SUBSTANCES

The Commission brought an action against Germany before the Court of Justice concerning the extent of Member States' right pursuant to Directive 67/548/EEC to decide for themselves on the labelling and classification of dangerous substances falling within the scope of the Directive.

The application of Directive 82/501/EEC on the prevention of major industrial accidents is on the whole satisfactory in all the Member States. Nevertheless, the Commission had to initiate infringement proceedings against a number of Member States for failing to transpose into national law Directive 88/610/EEC, which amended Directive 82/501/EEC after the accident in Basel in 1986.

It is difficult to monitor the conformity of national measures transposing Directives on waste for two reasons: first, the Commission has proposed substantial amendments to Directives 75/442/EEC (waste), 78/319/EEC (toxic and dangerous waste) and 84/631/EEC (shipment of hazardous waste), thus making application of the existing instruments difficult; second, the Commission and Council disagree on whether the legal base of the 'waste' Directives should be Article 100a or Article 130s. The Commission hopes that the judgment to be delivered by the Court of Justice on the legal base of Directive 89/428/EEC on titanium dioxide will shed light on the nature and scope of Member States' rights and obligations concerning waste.

The application of the 'waste' Directives is still most unsatisfactory in Belgium and Italy and several other Member States. The lack of progress is perhaps best illustrated by the fact that none of the Twelve has submitted plans or programmes pursuant to Directives 75/442/EEC and 78/319/EEC despite the obligations which are clearly laid down in the two instruments.

Generally speaking, it needs to be borne in mind that the main problem in this field is the progressive deterioration

of the environment rather than the late or inadequate transposal of any particular Community provision. Particular attention should therefore be paid to full enforcement of all environmental rules. However, as it pointed out in its last report (point 150), the Commission does not have the means at its disposal to ensure effective enforcement. It has to rely almost entirely on complaints from individuals, of which it received 377 in 1990, simply to keep informed of cases where the rules are not applied.

#### Summary of infringement proceedings relating to Directives (Environment)

	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
79/409/EEC	NPI	—	NPI	NPA	NPA	NPI	NPA	NPA	C	C	NPA	NPA
85/337/EEC	NPA	—	NPA	NPA	NPA	NPA	NPA	NPA	NMN	NPA	NPA	NPA
76/160/EEC	NPA	C	NPA	NPA	NPA	NPA	C	NPA	C	NPA	—	NPA
80/778/EEC	NPA	C	NPA	NPA	NPA	NPA	NPA	NPI	NPA	NPI	—	NPA
85/210/EEC	C	C	C	C	—	—	C	C	C	NPI	—	—
82/884/EEC	—	C	NPI	C	NPA	NPI	C	NPI	C	C	—	C
85/203/EEC	NPI	—	NPI	NPA	NPA	NPI	—	NPI	—	—	—	NPA
80/51/EEC	NPI	C	C	C	—	C	C	C	C	C	—	C
67/548/EEC	NPI	—	—	—	—	—	C	—	C	C	—	—
82/501/EEC	NPA	—	NPI	C	—	—	C	C	C	NPI	—	C
84/631/EEC	NPA	C	NPA	C	NPI	C	C	NPA	C	NPI	C	C
75/442/EEC	NPA	C	NPA	NPA	NPA	C	C	NPA	C	C	NPA	C
78/319/EEC	NPA	C	NPA	NPA	NPA	C	NMN	NPA	C	C	—	NPA
89/428/EEC	—	NMN	—	NMN	—	—	NMN	NMN	C	NMN	—	—

C = closed.

NMN = no measures notified.

NPA = not properly applied.

NPI = not properly implemented.

**Progress in implementing Directives applicable to the environment**

For the 90 or so harmonization Directives adopted and due for implementation by 1990, only 88,6 % of the requisite measures have been taken. Most Member States are actually close to or above the 90 % mark, but the number of infringement cases gives cause for concern.

	Directives applicable	Directives for which measures have been notified	%
Belgium	87	75	86,2
Denmark	90	89	98,8
Germany	89	82	92,1
Greece	86	68	79
Spain	91	84	92,3
France	88	81	92
Ireland	86	75	87,2
Italy	87	55	63,2
Luxembourg	88	78	88,6
Netherlands	89	86	96,6
Portugal	88	84	95,4
United Kingdom	85	77	90,5

**G. ENERGY**

**PETROLEUM PRODUCTS**

The Commission addressed reasoned opinions to Belgium, Italy and the Netherlands for failure to

transpose Directive 85/536/EEC on the use of substitute fuels in petrol.

It commenced Article 169 proceedings against Portugal for failure to transpose Directives 170/78/EEC, 885/82/EEC, 339/75/EEC and 405/75/EEC.

**Progress in implementing Directives applicable to energy**

At an average 95 %, progress has been good here and there are no major problems. Only Belgium and Portugal give cause for concern.

	Directives applicable	Directives for which measures have been notified	%
Belgium	12	10	83,3
Denmark	12	12	100
Germany	12	12	100
Greece	10	9	90
Spain	10	10	100
France	12	12	100
Ireland	9	9	100
Italy	12	11	91,6
Luxembourg	10	10	100
Netherlands	12	12	100
Portugal	11	8	72,7
United Kingdom	9	9	100

## H. EXTERNAL DIMENSION

### 1. EXTERNAL RELATIONS

The Commission was able to terminate two proceedings concerning failure to comply with the obligations of prior notification and consultation on draft cooperation agreements with non-member countries after the Member States concerned (Greece and the Netherlands) had given assurances for the future.

Another proceeding, concerning discriminatory charges giving preference to Austria for the use of terminal facilities on the Ingolstadt-Trieste oil pipeline, was terminated after the Italian authorities had introduced a uniform schedule of charges for all users.

### 2. DEVELOPMENT COOPERATION

In this field, the Commission's main purpose in monitoring the application of Community law is to ensure compliance by Member States with various protocols concluded under the Lomé Convention and with Community instruments arising from certain international commodity agreements.

## I. STATISTICAL, ADMINISTRATIVE AND BUDGETARY MATTERS

### 1. STATISTICS

With respect to statistics, Member States are required to supply figures at given intervals on certain subjects and in accordance with strict procedures.

The main purpose of Council Directive 78/546/EEC on statistical returns in respect of carriage of goods by road, as part of regional statistics is to obtain comparable annual data on the carriage of goods by vehicles registered in one of the Member States in the territory of that Member State (national transport) and to and from other Member States or non-member countries (international transport). This information is extremely useful for the formulation of Community transport policy, which requires a good knowledge of the scale and development of road haulage operations; it is complemented by similar Directives concerning the other two modes of inland transport — rail and inland waterways.

On 18 July 1989 the Council extended the scope of this Directive to provide more comprehensive statistics on the

carriage of goods by road. The amending Directive 89/642/EEC lays down that certain data be forwarded at shorter intervals (every three months) and that additional information be provided on traffic to and from non-member countries.

### Infringements

Following the establishment of an infringement concerning Italy, an action was brought before the Court of Justice, which gave judgment on 11 July 1985<sup>(1)</sup>. In view of the importance of the Directive, the Commission decided on 29 June 1989 to bring a second action before the Court.

Luxembourg also infringed the Directive when, as a result of administrative difficulties, it abandoned certain procedures, including the survey which, since 1987, had been used to obtain the information referred to in the Directive. In recent years the Luxembourg Government has been under pressure from the business world to reduce the overall burden of administrative formalities. As a result, an inventory of administrative formalities for businesses was drawn up and steps were taken to reduce their number, including the road haulage survey. The Luxembourg Statistical Office found that a number of business were not properly equipped to reply to the questionnaires or to derive any benefit from the replies. This, together with problems in the allocation of internal resources in the Luxembourg Statistical Office, led to the survey not being carried out for the years 1987, 1988 and 1989.

It emerged from bilateral contacts in 1990 that the problem still remains. Although Luxembourg has asked the Statistical Office of the European Communities for technical assistance in formulating a new survey, there is no new evidence to suggest that the political difficulty which the Luxembourg authorities say was originally behind the interruption in the forwarding of data has been overcome. In view of the fact that Luxembourg has been in breach of its obligations since the reference year 1987, not having provided data for at least four years, an infringement proceeding ought to be initiated and might prompt Luxembourg into finding a rapid solution to the problem.

At a meeting with the Luxembourg Statistical Office on 30 June 1989 the Community Statistical Office stressed the contradiction between the present situation, which had not been formally explained before, and Luxembourg's vote in June 1989 in favour of Directive 89/462/EEC extending the scope of the original Directive.

<sup>(1)</sup> Case 101/84 Commission v. Italy.

## 2. COMMUNITY STAFF

On the question of the transfer of pension rights, the Commission is continuing negotiations with the Dutch authorities, in the context of the infringement proceeding initiated in 1989, with a view to the conclusion of a final agreement on the detailed procedures for transfer operations. A similar stage has been reached with regard to Belgium.

With respect to the aggregation of family allowances, the Commission is continuing its discussions with the German authorities on the implementation of the Court of Justice Judgment of 7 May 1987, in particular with respect to the scope of that Judgment.

In the field of social security, the Commission, after delivering a reasoned opinion, has begun discussions with the French authorities which should lead to the conclusion of an agreement on the deduction of health insurance contributions from the national pension of retired Community officials.

The Commission has decided to deliver a reasoned opinion in the proceeding initiated against Denmark on account of difficulties encountered in the tax-free importation of motor vehicles by former Commission staff.

With respect to a similar infringement, the Spanish authorities have amended tax arrangements as a result of the proceeding initiated by the Commission and the Court of

Justice Judgment of 23 May 1990 (Case C-31/89). The Commission is at present considering the new arrangements.

The Belgian authorities have informed the Commission that they intend to comply with the reasoned opinion concerning their refusal to permit a Community official of Belgian nationality posted to Luxembourg to use his Luxembourg-registered car without having to pay tax. The infringement proceeding has therefore been terminated.

On 5 April 1990 the Court of Justice gave judgment in Case C-6/89, finding that by reducing the salaries of teachers seconded to the European Schools by 50 % Belgium had failed to fulfil its obligations pursuant to Article 5 of the EEC Treaty. The Belgian authorities have informed the Commission that they will comply.

## 3. BUDGET

In two cases concerning VAT own resources, the Court of Justice rejected the Commission's arguments. In Case C-30/89 the Court ruled that the Sixth VAT Directive does not oblige France to apply VAT to passenger transport by sea or air between mainland France and Corsica for the part of the journey over international waters and therefore found that no compensation was due to the Community in the calculation of own resources. In Case C-251/88 the Court ruled that Germany's method of calculation for incorporating exempt transactions in the VAT base was not contrary to Community legislation.

## Summary of infringement proceedings relating to Directives (Statistics)

	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
78/546/EEC	—	—	—	—	—	—	—	NPI	—	—	—	—
89/462/EEC	—	—	—	—	—	—	—	—	—	—	—	—
78/53/EEC	—	—	—	—	—	—	—	NPA	—	—	—	—

NPA = not properly applied.

NPI = not properly incorporated.

**Progress in implementing Directives applicable to statistics**

The good rate of progress here (91 %) can be attributed to the fact that the legislation of all the Member States except Germany, Italy and the Netherlands already contained provisions corresponding to those of the directives.

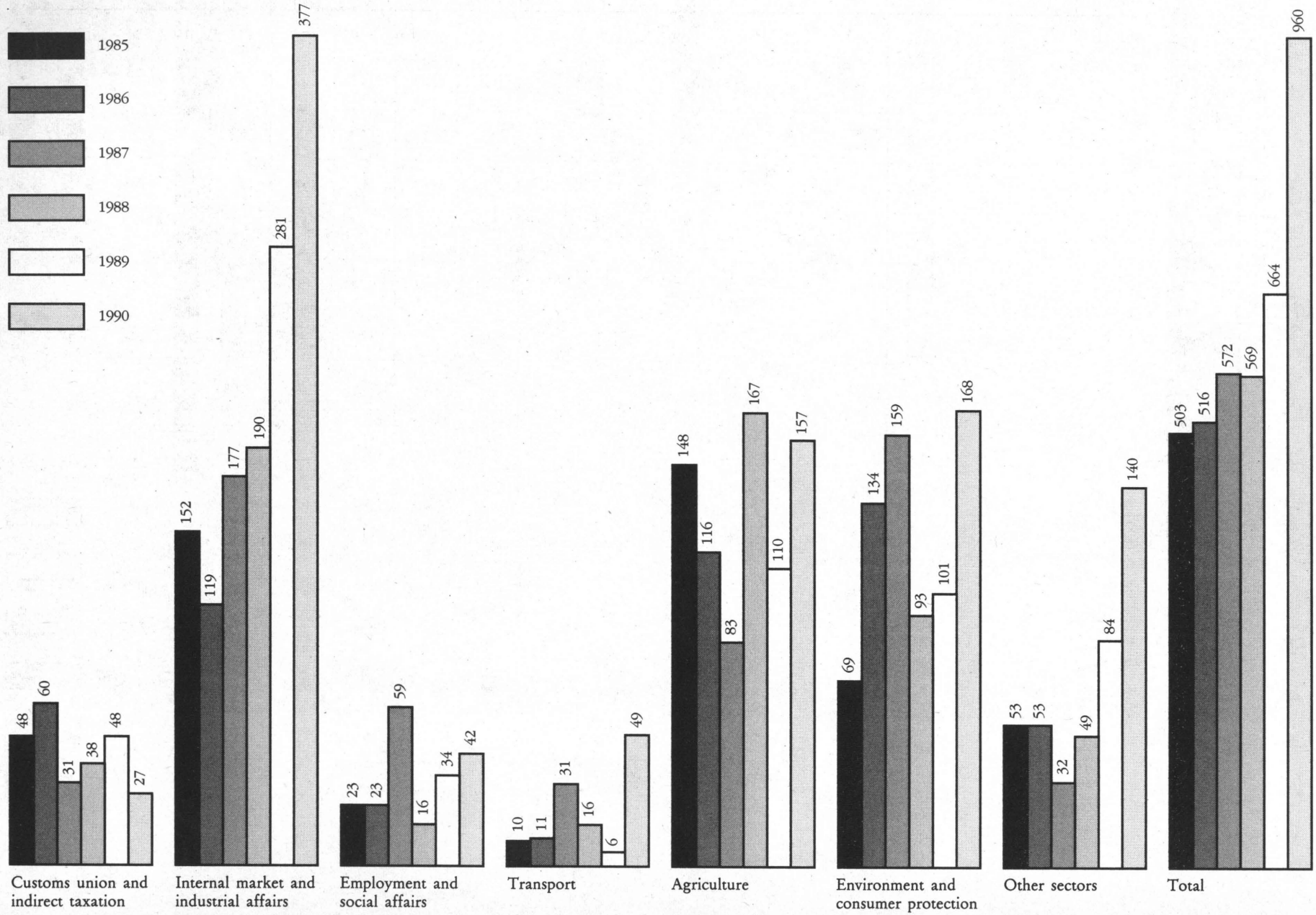
	Directives applicable	Directives for which measures have been notified	%
Belgium	0	0	—
Denmark	0	0	—
Germany	2	2	100
Greece	0	0	—
Spain	0	0	—
France	0	0	—
Ireland	0	0	—
Italy	1	0	—
Luxembourg	0	0	—
Netherlands	9	9	100
Portugal	0	0	—
United Kingdom	0	0	—

## No 1

## Infringement proceedings initiated since 1985, classified by stage of proceedings and Member State

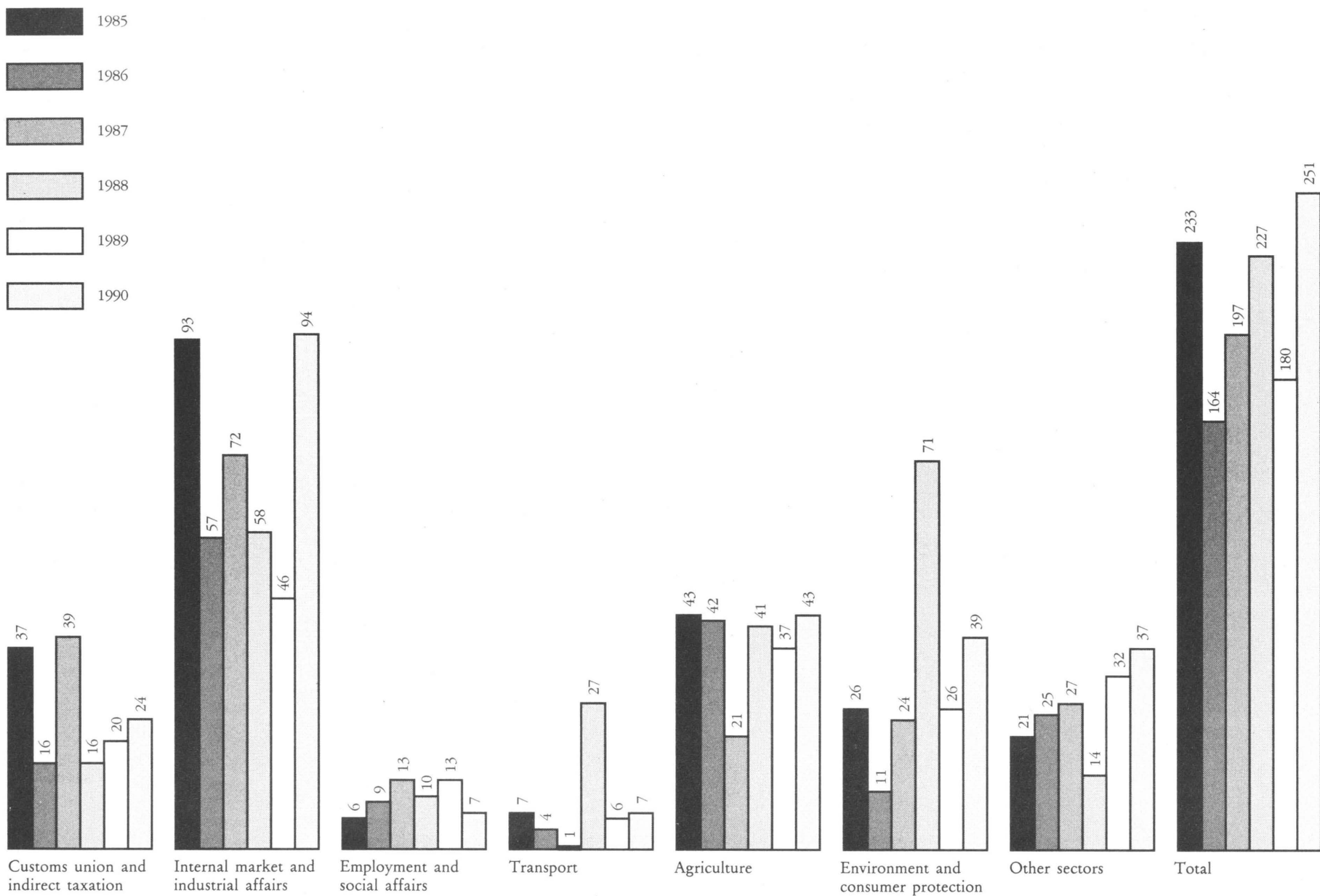
	Letter of formal notice						Reasoned opinion						Reference to the Court of Justice					
	1985	1986	1987	1988	1989	1990	1985	1986	1987	1988	1989	1990	1985	1986	1987	1988	1989	1990
B	68	56	55	52	70	67	37	25	28	23	21	29	23	15	7	10	19	13
D	29	40	65	58	57	61	17	17	17	24	12	20	9	11	2	8	5	5
DK	27	26	36	29	36	35	4	3	6	6	4	5	2	1	—	3	1	3
EL	69	106	77	64	88	121	30	24	28	32	21	39	10	11	11	14	10	10
E	—	22	32	31	53	114	—	—	8	11	8	15	—	—	1	1	5	3
F	93	69	66	58	68	76	36	30	29	27	20	17	14	8	8	10	8	6
IRL	33	44	46	41	50	52	10	8	24	10	14	17	9	2	3	8	2	3
I	70	61	73	107	114	110	61	31	27	52	58	58	31	18	21	14	39	24
L	37	43	26	36	43	43	16	12	10	8	13	14	6	4	2	2	7	4
NL	48	30	41	42	62	61	11	9	11	12	11	20	4	—	4	3	6	2
P	—	2	11	18	26	176	—	—	—	7	5	11	—	—	—	—	1	2
UK	29	37	44	33	37	44	11	5	9	15	12	6	5	1	2	—	5	2
Total	503	516	572	569	704	960	233	164	197	227	199	251	113	71	61	73	108	77

Number of letters of formal notice, 1985 to 1990, classified by sector

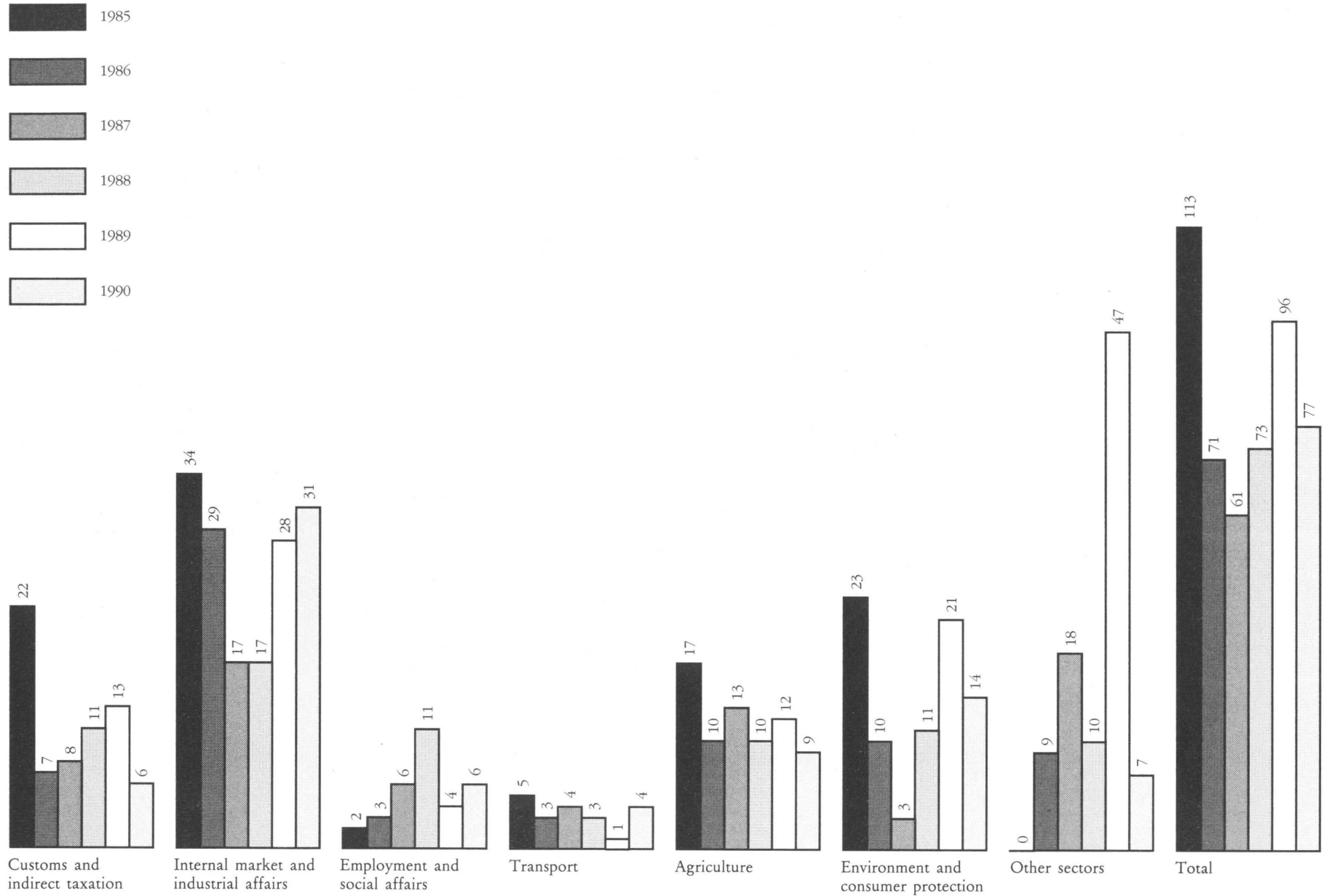




Number of reasoned opinions, 1985 to 1990, classified by sector



Number of references to the Court of Justice, 1985 to 1990, classified by sector



## Infringement proceedings initiated since 1981 classified by stage of proceedings and sector

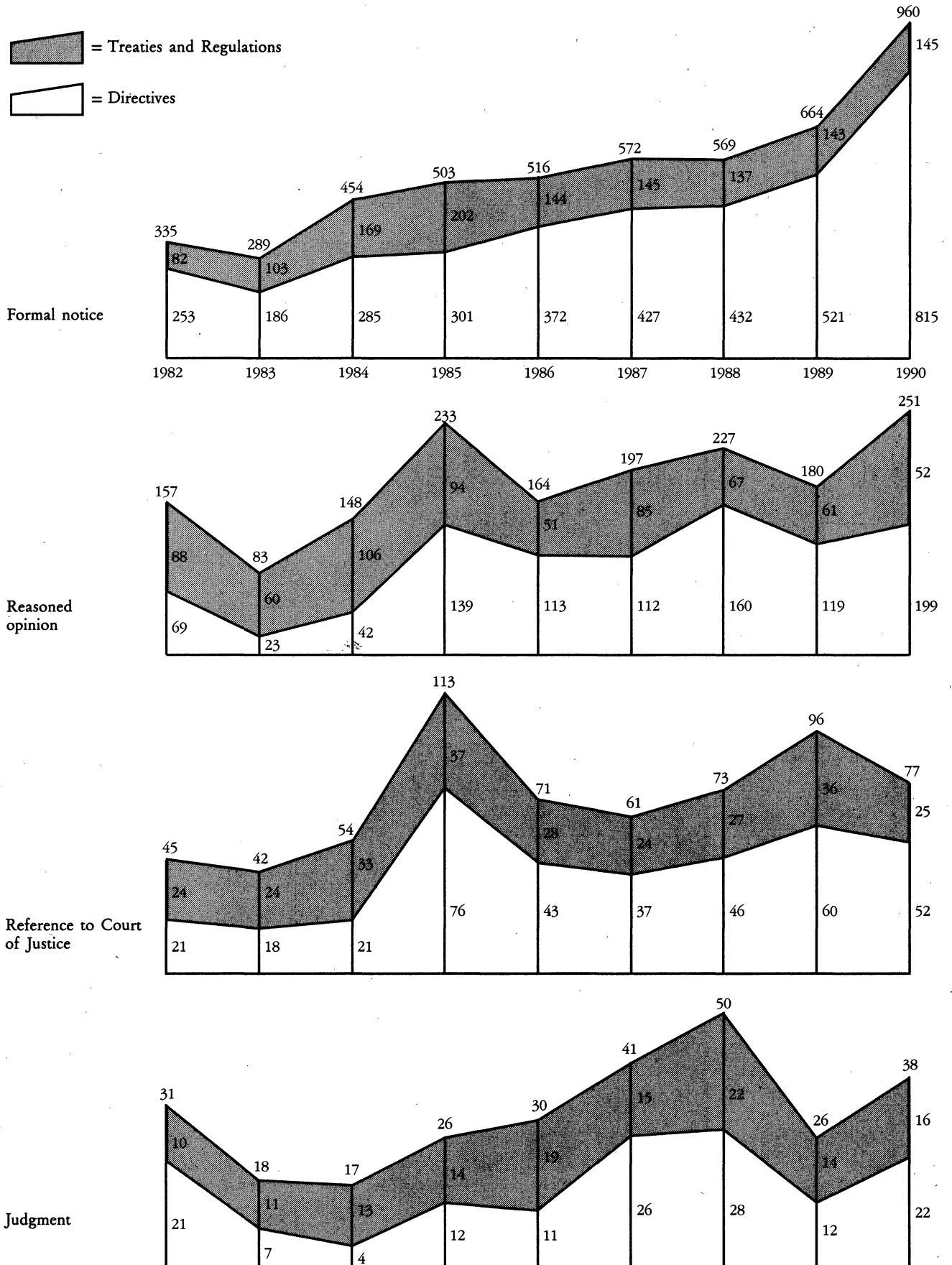
		Secretariat-General	Telecommunications, informatics, industries and innovation	Statistical questions	Customs union indirect taxation	Commercial policy	Economic and financial policy	Internal market and industrial affairs	Competition	Employment and social affairs	Agriculture	Transport	Development	Administrative questions	Environment and consumer protection	Fisheries	Financial control	Energy	Budgets	Legal service	Financial institutions	Total
1981	Letter of formal notice				38	3		92	3	16	67	5			27				5			256
	Reasoned opinion				10	1		79		18	31				3				5			147
	Reference to the Court of Justice				6			22		4	1		1	1	12							50
1982	Letter of formal notice			3	29			97	1	10	164	9			16	5		1				335
	Reasoned opinion			1	25			92	1	10	20	1			7							157
	Reference to the Court of Justice				9			21	3	3	8	1										45
1983	Letter of formal notice				31	1	2	111	9	9	75	5	1	2	35	4		1	2			289
	Reasoned opinion			1	16			40	3	6	14	2			1							83
	Reference to the Court of Justice				7			21	3	6	3	2										42
1984	Letter of formal notice				64	11		172	6	15	91	7	2	4	65	13		1	3			454
	Reasoned opinion			1	25	2	2	46	3	4	25	1		3	33			1	2			148
	Reference to the Court of Justice			1	11	1	1	23		3	7	3			2			1	1			54
1985	Letter of formal notice			1	48	2		152	7	23	148	10	1	5	69	4		6	24	2		503
	Reasoned opinion				37			93	9	6	43	7	1	5	26				2	2		233
	Reference to the Court of Justice				22		1	34	1	2	17	5	1	6	23				1			113
1986	Letter of formal notice				60	1		119	2	23	116	11			134	25		3	5	2	15	516
	Reasoned opinion				16			57		9	42	4		5	11	3		3	10		4	164
	Reference to the Court of Justice			1	7			29		3	10	3		4	10			1	2	1		71
1987	Letter of formal notice				31	4		177	5	59	83	31		1	159	11	1	1	6		3	572
	Reasoned opinion				39	1		72	5	13	21	1			24	6	1		5		9	197
	Reference to the Court of Justice				22			17	1	6	13	4			3	1			2			69
1988	Letter of formal notice			4	38	4	1	190	8	16	167	16		3	93	9			6	12	2	569
	Reasoned opinion				16	1		58		10	41	17		2	71	8			2		1	227
	Reference to the Court of Justice				11			17	1	11	10	3			11	4	1		2		2	73
1989	Letter of formal notice	5	16		48		1	281	3	34	110	6		4	101	4		7	5	3	36	664
	Reasoned opinion			4	20	1		46	3	13	37	6		2	26	6		1	2	9	4	180
	Reference to the Court of Justice			1	13			28	1	4	12	1		1	21	8		1	4		1	96
1990	Letter of formal notice		2		27	1	2	377	3	42	157	49	2	53	168	19		4	6	0	48	960
	Reasoned opinion				24	2		94	3	7	43	7		8	39			3	1	0	20	251
	Reference to the Court of Justice				6			31	1	6	9	4		3	14						3	77

## Infringement proceedings initiated since 1981, classified by sector and legal basis

		Secretariat-General	Telecommunications	Statistical questions	Customs union indirect taxation	Commercial policy	Economic and financial policy	Internal market and industrial affairs	Competition	Employment and affairs	Agriculture	Transport	Development	Administrative questions	Environment and consumer protection	Fisheries	Financial control	Energy	Budgets	Legal Service	Financial institutions	Subtotal	Total
1981	No measures notified				17			69		6	45				27							164	256
	Not properly incorporated							5		1	1											7	
	Not properly applied				13			1		7	2	2										25	
	Treaty/Regulations				8	3		17	3	2	19	3							5			60	
1982	No measures notified							48			142				15			1				206	335
	Not properly incorporated				1			5				3			1							10	
	Not properly applied			1	16			5		9	3	3										37	
	Treaty/Regulations			2	12			39	1	1	19	3				5						82	
1983	No measures notified				9			56		2	45	4			23			1				140	289
	Not properly incorporated				2			3		3		1			10							19	
	Not properly applied				8		1	6			9				2							27	
	Treaty/Regulations				12	1	1	46	9	3	22		1	2		4			2			103	
1984	No measures notified				34			83		7	43				48							222	454
	Not properly incorporated				6			24			1				15							46	
	Not properly applied				7			1	2	2	3				2							17	
	Treaty/Regulations				17	11		64	4	6	44		2	4		13		1	3			169	
1985	No measures notified				13			87		5	80	8			58			6				257	503
	Not properly incorporated				3			5		7	5				10							30	
	Not properly applied			1	9					2	1				1							14	
	Treaty/Regulations				23	2		60	7	8	63	2	1	6		4			24	2		202	
1986	No measures notified				20			73		2	68	9			84			3			9	268	516
	Not properly incorporated							3		11	1				32						4	51	
	Not properly applied				13			18		3	4	1			9				4		2	54	
	Treaty/Regulations				27	1		25	2	7	43	1			9	25			1	2		143	
1987	No measures notified				5			78		28	58	17			68			1			5	260	572
	Not properly incorporated							1		3		6			30						2	42	
	Not properly applied				15			30		8	9	2			58						1	125	
	Treaty/Regulations				11			68	5	20	16	6		1	2	11	1		4			145	
1988	No measures notified				3			101			130	11			36						1	282	569
	Not properly incorporated							7		1					24							33	
	Not properly applied			1	13			49	1	5	14	1			30							117	
	Treaty/Regulations				22	4	1	33	7	10	23	4		3	3	9			5	12	1	137	
1989	No measures notified		16		6			141		7	70	5			46			7			29	327	664
	Not properly incorporated				2			3		2					17						1	25	
	Not properly applied				22		1	87		7	12				37						3	169	
	Treaty/Regulations	5			18			50	3	18	28	1		4	1	4			5	3	3	143	
1990	No measures notified		2		2			260		18	127	34			131			4			38	616	960
	Not properly incorporated							6		1					24						3	37	
	Not properly applied				15		2	66	3	2	9	1			62	1		3			1	162	
	Treaty/Regulations				10			45		21	21	14		2	3	19		1	3		6	145	

No 7

Number of infringement proceedings initiated since 1982, classified by legal basis and stage of proceedings



## Number of infringement proceedings initiated since 1987, classified by Member State, legal basis and stage of proceedings

Member State	Stage of the infringement proceeding (*)	1987				1988				1989				1990			
		Directives			Treaties and Regulations	Directives			Treaties and Regulations	Directives			Treaties and Regulations	Directives			Treaties and Regulations
		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied	
B	FN	22	6	13	14	30	4	7	11	38	2	12	15	32	4	16	15
	RO	12	1	6	9	5	5	6	7	6	1	4	7	17	3	7	2
	RCJ	4	—	1	2	4	—	3	3	3	2	3	4	6	2	2	3
D	FN	23	5	21	16	27	3	12	16	19	3	16	16	18	1	18	24
	RO	2	4	2	9	4	2	12	6	1	3	3	3	6	2	5	7
	RCJ	—	—	—	2	1	3	2	2	—	1	2	1	—	1	1	3
DK	FN	22	1	10	3	20	1	6	2	21	1	8	4	22	1	5	7
	RO	1	1	2	2	—	1	2	3	—	1	2	1	1	—	3	1
	RCJ	—	—	—	—	—	—	2	1	—	—	1	—	—	—	2	1
EL	FN	46	5	8	18	37	2	11	14	53	2	11	16	78	2	26	15
	RO	13	1	—	14	12	6	3	11	6	—	6	7	20	2	5	12
	RCJ	3	—	—	8	5	2	—	7	2	1	2	5	4	1	1	4
ES	FN	21	—	10	22	—	3	3	15	13	4	22	12	75	5	19	15
	RO	—	—	3	5	—	—	5	6	—	1	3	4	1	4	6	4
	RCJ	—	—	1	—	—	—	—	1	—	1	2	2	—	—	3	—
F	FN	19	9	12	26	22	1	19	16	21	2	11	28	31	3	18	24
	RO	7	—	4	18	8	5	3	11	—	2	6	11	8	2	1	6
	RCJ	2	—	3	3	3	1	1	5	1	1	1	5	—	4	—	2
IRL	FN	29	6	5	6	27	3	4	7	31	3	6	6	37	6	2	7
	RO	9	—	8	7	6	4	—	—	4	1	4	3	13	1	1	2
	RCJ	1	—	1	1	4	2	1	1	—	—	—	2	2	—	1	—
I	FN	32	5	19	17	53	6	23	25	48	4	42	16	62	5	27	16
	RO	14	—	4	9	17	7	19	9	16	4	20	13	30	5	16	7
	RCJ	9	1	5	6	5	2	1	6	8	3	14	10	15	1	5	3
L	FN	18	—	6	2	28	2	3	3	26	1	4	7	38	1	2	2
	RO	7	—	—	3	5	1	1	1	5	—	1	3	8	—	4	2
	RCJ	2	—	—	—	2	—	—	—	5	—	—	1	3	—	—	1
NL	FN	22	1	6	12	22	4	6	10	32	3	14	8	46	7	2	6
	RO	4	1	—	6	3	1	4	4	3	—	3	4	10	3	4	3
	RCJ	—	1	1	1	2	—	—	1	1	—	1	3	—	1	—	1
P	FN	3	—	5	3	—	1	4	13	4	—	12	10	151	1	15	8
	RO	—	—	—	—	—	—	3	4	—	—	4	1	3	1	2	5
	RCJ	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	2
UK	FN	20	4	10	10	16	3	9	5	21	—	11	5	26	1	11	6
	RO	2	2	2	3	1	6	3	5	3	—	4	4	1	2	2	1
	RCJ	1	—	1	—	—	—	—	—	—	1	1	3	—	—	1	1

(\*) FN = Formal Notice  
RO = Reasoned Opinion  
RCJ = Reference to the Court of Justice

## References to Court and judgments since 1983

Sector	Member State	Reference to the Court								Judgment for the Commission								Judgment for the Member State							
		1983	1984	1985	1986	1987	1988	1989	1990	1983	1984	1985	1986	1987	1988	1989	1990	1983	1984	1985	1986	1987	1988	1989	1990
Administrative questions	B			3	1			1				1	1	1	1										
	D			1	2									1											
	F				1																				
	L			1																		1			
	NL			1									1												
Internal market and industrial affairs	B	2		3	5	1	3	5	4	1				1	1										
	D		2	1	4	1	1		2		1		1	1	1	3									
	DK				1			1							1										
	F	4	9	3	2	3	4				1		4			1				1					
	UK	1	1		1	1			1	1		1				1					1				
	GR	2	2	2	4		3	1	1		1	1	1	1	2										
	I	3	3	6	1	4	4	9	1	1	2	2	1	3	5	2					2				
	IRL	1	1	2		1	1								1										
	L			3	2	1		4																	
	NL						1	1		1															
	E					1																			
	PO							1																	
Economic and financial policy	GR		1	1	1																				
State monopolies and competition	F	1																							
	I			1									1					1							
	GR					1	1								1		1								
Budget	B												1												
	PO							1																	
	D		1		1		1						1												1
	UK			1									1												
	I					1	1	3								1									
	NL					1																			
	GR													1		1									
F							1																	1	

Sector	Member State	Reference to the Court								Judgment for the Commission								Judgment for the Member State								
		1983	1984	1985	1986	1987	1988	1989	1990	1983	1984	1985	1986	1987	1988	1989	1990	1983	1984	1985	1986	1987	1988	1989	1990	
Development	GR			1	1										1											
Financial control	GR							1																		
Free movement of persons and freedom to provide services	B		1	5	3	2	1		4					1	1							1	1	1		
	D	3	1	2	1							1	1			1										
	DK												1													
	GR		1	1	2	2		2	2							1										
	F	1	1	1	1	1		2	1				4				1									
	I	2		1	3			3	6	1			2	1												
	IRL		2						1				1													
	L		3						3																	
	NL	3				1		2	1																	
	E							1																		
Environment and Consumer protection	B		1	7	2		1	4	2				1	2	4	1	2									
	D			2	1		3	3	1					2			1									
	I			5	2	1	2	8	3					1	2		3									
	L			1	1		1	1																		
	NL		1	1		1			1					2			1									
	DK			1										1												
	F			3			1	1	4							1	1									
	GR			2	3	1	1	1	1								1									
	IRL			1	1		2		1																	
	UK							1	1																	
E							1	2																		
Agriculture	D		1	1	1		2			1		1	2		1		1									
	F		1	3	1		1	1	1								1			1						
	I	2	4	7	6	6	1	5	2		3	1	1	6	3		1				2	1		1		
	IRL		3		1		1				1	1														
	UK		1	2							1		1		1											
	B			1	1	2	1									1	1	1								
	GR			2		4	3	3	3				1		3	1	1								1	
	L			1																						
	NL						1										1									
DK								1																		





Sector	Member State	Reference to the Court								Judgment for the Commission								Judgment for the Member State								
		1983	1984	1985	1986	1987	1988	1989	1990	1983	1984	1985	1986	1987	1988	1989	1990	1983	1984	1985	1986	1987	1988	1989	1990	
Indirect taxation	B			2			1			1				1							1	1				
	D		1	1	1		1				1	1				1										
	DK		1				3		2				1			1										
	F	1	1	2		2	1			1					2							1				
	UK		1	2						1					2											
	I	4	2	2	4	4	1	1	1	1	2	2		3	3	3	1				1					
	IRL		1	3		1	2								1		2				1					
	NL		1	1				1						1							1					
	GR						1	3	1					1												1
	E							2	1								1									
L							1																			
Employment, education and social affairs	B	2	1	1		1	2	1			2	1														
	D	1									1															
	DK	3									1															
	F				2		2	1						2		1										
	UK							1	1							1										
	I		2	1		1	1	1	1			1	1	1		1	1	1								
	L				1	1	1																			
	GR						2										1									
	IRL						1																			
NL						1																				
Energy	B						1																			

## Court of Justice judgments delivered up to 31 december 1990 but not yet complied with

## 1. Cases where the Commission has been informed that measures are being taken (to end December 1990)

## GERMANY

4. 12. 1986	Case C-179/85	Bottling of <i>pétillant de raisin</i>	Legislative amendment in progress (A/183/83)	Fresh infringement proceedings Following the meeting held in Berlin on 17 January 1991 the Commission is to propose that the non-compliance proceedings be terminated. The necessary legislative measures will shortly be brought into force (A/347/90)
12. 3. 1987	Case C-178/84	Ban on the sale of beers not made from malted barley	The draft order was adopted in July 1990. A temporary solution has been found to the problem of the authorization of additives (by circular) until such time as the generally applicable German legislation (the LMBG) has been brought into line with Community rules. The only question of substance still to be resolved is the requirement that the alcoholic strength must be stated on the label. The Commission does not accept the German argument that this is necessary if beer is to be taxed according to its alcoholic strength	
7. 5. 1987	Case C-189/85	Overlapping family allowances	Some technical problems concerning the repayment of arrears have still to be resolved with the German authorities (A/65/83)	

2. 2. 1989	Case C-274/87	Problems affecting imports of paté	The German Government has indicated that it will amend its legislation when transposing Council Directive 88/658/EEC of 14 December 1988 amending Directive 77/99/EEC on health problems affecting intra-Community trade in meat products. In the meantime the Federal Ministry of Health has sent a circular to the <i>Länder</i> inspection authorities asking them to check that products imported from other Member States are correctly labelled. The wording of this circular is the subject of negotiations with the Commission (A/500/85)	Fresh infringement proceedings (A/373/90)
11. 5. 1989	Case C-76/86	Prohibition on the marketing of milk substitutes	The German authorities have adopted measures to implement the Court's ruling and these are now being examined by the Commission (A/354/87)	
28. 11. 1989	Case C-186/88	Health checks in intra-Community trade in livestock, meat and meat products	An interim solution has been adopted in the form of administrative instructions to the <i>Länder</i> . Draft amendments have still to be adopted. The Commission is awaiting a reply on this subject from the German authorities (A/281/87)	
<b>BELGIUM</b>				
19. 10. 1981	Case C-137/80	Transfer of pension rights	A draft bill on this matter is being examined by the Commission. Subsequent negotiations should produce an agreement with the Belgian authorities (A/7/78)	The Court delivered a second judgment on 3. 10. 1989, in Case 383/85 Pending adoption of the bill (A/303/84)
2. 12. 1986	Case C-239/85	Toxic waste	The Walloon Region has adopted legislation transposing the Directive but has made no provision for practical implementing arrangements (A/169/83)	Fresh infringement proceedings On 5 December 1990 the Commission decided to send a reasoned opinion (A/212/90)

17. 6. 1987	Case C-1/86	Protection of ground water against pollution	The Brussels region has complied with the Court's ruling (Royal Decree of 19 June 1989). The Walloon region has not complied, however, nor has the Flemish region in some respects	Fresh infringement proceedings On 11 July 1990 the Commission decided to refer the matter to the Court (A/291/88)
21. 6. 1988	Case C-283/86	Auxiliary staff in the transport sector	The Belgian Government has informed the Commission of new measures which may ensure compliance with the Court's judgment (A/123/85)	Fresh infringement proceedings (A/355/89)
16. 11. 1989	Case C-360/88	Misleading advertisements	Belgium has notified measures to the Commission (A/488/86)	Fresh infringement proceedings will be proposed on the grounds of improper transposition
5. 4. 1990	Case C-6/89	50 % reduction in the salaries paid by the Belgian Government to Belgian teachers seconded to the European Schools	On 23 July 1990 the Belgian authorities informed the Commission that they were ready to comply with the Court's judgment. The reductions continue to be applied, however. The arrangements for reimbursement of the sums advanced by the Commission have still not been notified to the latter (A/65/88)	A reminder has been sent to the Belgian authorities by the Commission
13. 6. 1990	Case C-162/89	Report on the implementation of the Directive on the disposal of toxic and dangerous waste	The Member State has promised to forward reports as soon as possible	A letter warning of action pursuant to Article 171 has been sent
FRANCE				
30. 6. 1988	Case C-318/86	Equal treatment; access to employment	The national provisions authorizing separate procedures for the recruitment of men and women to various categories of the civil service have not been amended, but there is no evidence that national bodies have continued to invoke such authorization on a regular basis for the purposes of recruitment procedures initiated since the Court's ruling	Fresh infringement proceedings. On 20 December 1989 the Commission decided to send a reasoned opinion but took no further action on receiving an assurance from the French authorities that a bill was shortly to be adopted (A/350/89)

12. 7. 1990      Case C-236/88      Refusal to forward social security benefit to other Member States

No legislation implementing the judgment has yet been received. In response to a letter from the Commission, however, France promised a memorandum outlining its position and, in particular, explaining the practical difficulties of implementing the Court's ruling. Probably the matter will therefore be referred to the Administrative Commission on Social Security for Migrant Workers, which will have to resolve the technical difficulties  
(A/131/79)

#### GREECE

12. 3. 1987      Case C-176/84      Provisions stipulating that only malt-based beers may be sold

Formal adoption of the new legislation is awaited. The Ministerial Order (the content of which was notified to the Commission on 29 October 1990 and has been approved by the latter) will shortly be published in the Official Gazette of the Greek Government. Publication has been delayed by certain final consultations with the Government's chemical laboratories  
(A/4/82)

#### IRELAND

4. 12. 1986      Case C-206/84      Community co-insurance

By letter of 29 December 1988 the Irish Minister for Industry and Commerce informed the Commission that he had asked the Attorney-General to draw up the necessary legislative amendments for compliance with the judgment. Pending the incorporation of these amendments into the legislation implementing Directive 88/357/EEC (the Second Directive on non-life insurance), insurers have been informed by circular that co-insurers are no longer required to be approved and established in Ireland. The transposition of Directive 88/357/EEC was scheduled for 1 January 1990 but is still awaited  
(A/127/83)

ITALY

10. 11. 1981	Case C-28/81	Admission to the occupation of road haulage operator	(A/85/79)	The Court delivered a second judgment on 5 November 1986 in Case C-160/85. In 1988 and 1989 Italy gave notice of measures transposing the Directive (A/175/83)
10. 11. 1981	Case C-29/81	Admission to the occupation of road passenger transport operator	(A/113/79)	The Court delivered a second judgment on 5 November 1986 in Case C-160/85. The provisions of the Directive are incorporated in Community Law No 428 of 29 December 1990 (A/176/83)
8. 6. 1982	Case C-91/81	Collective redundancies	At the end of 1990 the Italian Parliament passed a bill transposing, <i>inter alia</i> , the provisions of the Directive in question. The Commission plans to terminate the infringement proceedings in the near future	The Court delivered a second judgment on 16 November 1985 in Case C-131/84 (A/102/83)
2. 3. 1988	Case C-309/86	Non-ionic and anionic surfactants	(A/378/84 and A/379/84)	Fresh infringement proceedings. The provisions of the Directives concerned are incorporated in 'Community' Law No 428 of 29 December 1990 (A/202/89 and A/203/89)
9. 6. 1988	Case C-56/87	Prices of pharmaceutical products	On 21 July 1989 the Italian authorities informed the Commission that Financial Law No 67 of 11 March 1988 required the competent ministries to propose to the Interministerial Price Committee a new method for fixing the prices of pharmaceutical products and that under the new procedure the provisions condemned by the Court of Justice would be rescinded (A/28/85)	Fresh infringement proceedings. On 12. December 1988 the Commission sent a letter warning of action pursuant to Article 171. The Italian Government implemented the Court's ruling by CIP Order No 29/1990 of 2 October 1990. This text is now under scrutiny by the Commission
12. 7. 1988	Case C-310/86	Auxiliary staff in the transport sector	(A/126/85)	Fresh infringements proceedings. The provisions of the Directive concerned are incorporated in 'Community' Law No 428 of 29 December 1990 (A/362/89)

28. 6. 1988	Case C-3/86	Flat-rate reimbursement of farmers: beef and pigmeat	The 1989 Tax Act incorporated measures amending the tax arrangements which the Court of Justice found to be unlawful. Technically, the amendments give rise to difficulties in calculating the costs actually incurred by farmers subject to VAT on a flat-rate basis (A/262/81)	Fresh infringement proceedings On 5 December 1990 the Commission decided to send a reasoned opinion (A/663/89)
12. 7. 1988	Case C-322/86	Quality of fresh waters capable of supporting fish life	On 22 December 1988 the Italian authorities announced that a draft bill for a decree-law was being drawn up (A/71/85)	Fresh infringements proceedings The Commission has received no information on any implementing measures planned by the Italian Government (A/203/90)
2. 2. 1989	Case C-22/87	Protection of employees in the event of their employer's insolvency	By letter of 11 September 1989 the Italian Republic forwarded the text of a draft bill to implement Directive 80/987/EEC. According to the Italian authorities (13 November 1989) the bill has not yet been adopted by Parliament (A/118/85)	Fresh infringement proceedings Article 48 of 'Community' Law No 428 of 29 December 1990 contains a provision authorizing the Government to transpose Directive 80/987/EEC by means of Presidential Decrees. Transposition imminent (A/203/90)
27. 4. 1989	Case C-324/87	Fresh meat	(A/349/85)	Fresh infringement proceedings The provisions of the Directive concerned are incorporated in 'Community' Law No 428 of 29 December 1990 (A/958/90)
NETHERLANDS				
26. 3. 1987	Case C-235/85	Tax status of notaries and bailiffs	In their reply to the reasoned opinion the Netherlands authorities state that under the 1991 Finance Law submitted to Parliament the official functions of notaries and bailiffs will be subject to VAT as from 1 January 1991 (A/153/83)	Fresh infringement proceedings On 5 December 1990 the Commission decided to defer the infringement proceedings with a view to their termination (A/337/88)



31. 5. 1989	Case C-43/88	Requirement that exporters of agricultural products be affiliated to an inspection agency	Scrutiny of the rules forwarded by the Netherlands authorities on 7 June 1990 indicates that in two cases affiliation is still compulsory at the production stage. The Commission has contacted the Netherlands authorities on this matter (A/137/86)	No fresh infringement proceedings
17. 9. 1987	Case C-291/84	Protection of groundwater	(A/71/83)	Fresh infringement proceedings The Commission is studying the reply which it received to its reasoned opinion on 11 July 1990 (A/532/88)
13. 10. 1987	Case C-236/85	Wild birds	On 6 September 1988 the Netherlands authorities announced that a bill on flora and fauna (Flora-en Faunawet) was in preparation (A/125/84)	Fresh infringement proceedings On 11 July 1990 the Commission decided to refer the matter to the Court (A/60/89)

#### UNITED KINGDOM

8. 11. 1983	Case C-165/82	Equal treatment of men and women as regards access to employment	The UK authorities have adopted certain measures, notifying them on 15 December 1986. These measures are acceptable on the whole, but the Sex Discrimination Act 1986 does not provide for any judicial review of discriminatory provisions in collective agreements	Fresh infringement proceedings On 24. October 1990 the Commission decided to send a reasoned opinion (A/260/85)
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#### 2. Other cases (to end January 1991)

#### GERMANY

14. 2. 1984	Case C-352/82	Exemptions from turnover tax and excise duties on imports (butter-buying cruises)		Fresh infringement proceedings The Court's ruling has still not been implemented (A/320/85)
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17. 9. 1987	Case C-412/85	Wild birds	(A/119/84)	Fresh infringement proceedings On 5 December 1990 the Commission decided to refer the matter to the Court (A/48/89)
3. 7. 1990	Case C-288/88	Wild birds	(A/222/86)	Article 171 proceedings are being initiated for non-compliance with the judgment of 3 July 1990. A letter giving notice of these proceedings will be sent
10. 7. 1990	Case C-217/88	Non-compliance with the obligation to deliver wine for compulsory distillation	(A/102/87)	The judgment is essentially declaratory, since it cannot be implemented retrospectively. The Commission has approached Germany for an assurance that, in a comparable situation, the Community rules will be respected. The deadline for a reply has not yet passed
BELGIUM				
8. 7. 1987	Case C-247/85	Wild birds	(A/118/84)	Fresh infringement proceedings On 5 December 1990 the Commission decided to send a reasoned opinion (A/291/90)
24. 5. 1988	Case C-307/86	Technical requirements for inland waterway vessels	(A/202/85)	Fresh infringements proceedings Case pending before the Court (Case C-19/91) (A/356/89)
27. 9. 1988	Case C-42/87	Discrimination in the government funding of higher education establishments not of university level	(A/435/85)	Fresh infringement proceedings Since the Belgian authorities had not replied to the letter of formal notice, the Commission decided to send a reasoned opinion on 26 June 1990 (A/173/90)

11. 5. 1989	Case C-46/88	Divisions and mergers of public limited liability companies (A/129/86)	Fresh infringement proceedings On 5 December 1990 the Commission decided to send a reasoned opinion (A/399/90)
15. 5. 1989	Case C-52/88	Restrictions on the use of edible gelatine (A/447/85)	Fresh infringement proceedings On 5 December 1990 the Commission decided to send a reasoned opinion (A/193/90)
5. 7. 1990	Case C-304/88	Authorization required for the importation of fresh meat and live animals (A/484/85)	No implementing measures have been adopted. On 7 August 1990 the Commission approached the Belgian authorities to ascertain what measures were being taken to comply with the Court's ruling. A reminder was sent on 7 October 1990
5. 7. 1990	Case C-42/89	Water for human consumption; incomplete transposition (exclusion of private water sources from the scope of the Directive) (A/221/86)	A letter giving notice of action pursuant to Article 171 has been sent to the Belgian authorities
DENMARK			
6. 12. 1990	Case C-208/88	Tax exemptions on alcoholic beverages (beers) sold to international travellers (A/328/87)	Recent judgment
11. 12. 1990	Case C-47/88	Taxation of motor vehicles (A/503/85)	Recent judgment

## FRANCE

3. 6. 1986	Case C-307/84	Discrimination against foreign nurses regarding access to public hospitals	The French nationality requirement for nurses appointed in public hospitals, imposed at the time by Article 809 of the Public Health Code (repealed in January 1986) was re-enacted in the Law of July 1983 (new rules governing public service staff, applicable to hospital staff) which has not been amended since then. The Commission has written to the French authorities, asking them to act on the judgment. No reply has been received (A/324/82)	Fresh infringement proceedings The letter giving formal notice was transmitted on 25 July 1990 (Article 48) (B/159/87)
27. 4. 1988	Case C-252/85	Wild birds	(A/121/84)	The letter giving formal notice was transmitted on 11 July 1990 (Article 171)
13. 7. 1988	Case C-169/87	Retail prices of manufactured tobacco	(A/271/85)	France has not yet taken the measures needed to comply with the judgment
25. 10. 1989	Case C-312/86	Equal treatment: access to employment	The Commission received unofficial information to the effect that the French authorities were preparing proposals for legislation to amend the offending provision. In the absence of formal notification it sent a telex on 11 July 1989. No reply has yet been received (A/144/85)	Fresh infringement proceedings The letter giving formal notice was transmitted on 11 October 1990 (A/445/90)
29. 11. 1990	Case C-182/89	Regulation on international trade in endangered species of fauna and flora	(A/225/86)	Recent judgment
12. 12. 1990	Case C-263/88	Denial of the right of establishment and the right to provide services in the Overseas Territories	(A/499/85)	Recent judgment

GREECE

15. 3. 1988	Case C-147/86	Teaching ban	(A/388/84 and A/265/85)	Fresh infringement proceedings (A/165/89)
and				
14. 7. 1988	Case C-38/87	Nationality requirement for access to the professions of: — lawyer, — architect, civil engineer or surveyor	(A/264/85 and A/265/85)	Fresh infringement proceedings This matter was referred to the Court on 24 October 1990 (Case C-90/328) (A/165/89)
30. 5. 1989	Case C-305/87	Legislation on border regions	(A/182/84)	Fresh infringement proceedings On 20 June 1990 the Commission decided to send a reasoned opinion (Article 171)
12. 7. 1990	Case C-35/88	Imports of feed grain, maize and barley; management of the markets by KYDEP	(A/480/85)	This matter is related to the wider problem of the market-management activities of the Greek intervention agency and is still far from being resolved. The Greek authorities maintain that national subsidies for feed grain are already prohibited and that they are prepared to tackle the wider problem of Kydep's activities in the near future
8. 11. 1990	Case C-53/88	Protection of workers in the event of the employer's insolvency	(A/116/86)	Recent judgment
13. 12. 1990	Case C-347/88	Monopoly of petroleum products	(A/138/86)	Recent judgment
IRELAND				
12. 6. 1990	Case C-158/88	Restrictions on travellers' allowances	(A/247/87)	On 12 September 1990 a letter was sent to the Irish authorities requesting them to notify the measures taken for compliance with the Court's ruling

27. 11. 1990	Case C-39/88	Failure to provide data required under the common organization of the market in fishery products	(A/362/86)	Recent judgment
6. 12. 1990	Case C-367/88	Tax exemptions for alcoholic beverages sold to travellers	(A/96/86)	Recent judgment
ITALY				
15. 11. 1983	Case C-322/82	Quality standards for fruit and vegetables	(A/177/81)	The Court delivered a second ruling on 12 February 1987, in Case C-69/86. This judgment was based on Article 171 of the EEC Treaty No developments are expected. The Member State is not prepared to comply with the Court's ruling
11. 10. 1983	Case C-273/82	Qualifications of transport operators	(A/41/80)	Fresh infringement proceedings Case C-71/88 No information has been received on implementing measures (A/17/85)
11. 7. 1985	Case C-101/84	National road haulage statistics	(A/74/82)	This matter has again been referred to the Court — Case C-266/89 (A/216/88)
20. 3. 1986	Case C-17/85	Annual accounts of companies	(A/306/82)	Fresh infringement proceedings On 11 July 1990 the Commission decided to refer the matter to the Court but refrained from such action since the Directive was incorporated into 'Community' Law No 428 of 29 December 1990 (A/433/88)
30. 4. 1986	Case C-158/85	Procedures for the exportation of Community goods	(A/162/83 and A/168/83)	The Commission decided to refer this matter again to the Court Case pending C-208/89 (A/502/87 and A/503/87)

15. 10. 1986	Case C-168/85	Nationality requirement (tourist guides, journalists, licensed pharmacists)	(A/36/84)	Fresh infringement proceedings Case pending (C-297/90). The rules in question have since been amended by 'Community' Law No 428 of 29 December 1990, which is now being scrutinized by the Commission (A/373/88)
29. 1. 1987	Case C-364/85	Tuberculosis and brucellosis; swine fever	(A/256/83 and A/258/83)	Fresh infringement proceedings On 11 July 1990 the Commission decided to refer this matter to the Court. Italy had promised to include this matter within the scope of the 'Pergola' Law but it is not mentioned in 'Community' Law No 428 of 29 December 1990 (A/453/88 and A/454/88)
10. 3. 1987	Case C-386/85	Swine fever	(A/259/83)	Fresh infringement proceedings On 11 July 1990 the Commission decided to refer this matter to the Court. Italy had promised to include this matter within the scope of the 'Pergola' Law but it is not mentioned in 'Community' Law No 428 of 29 December 1990 (A/456/88)
7. 7. 1987	Case C-49/86	Doctors of medicine: mutual recognition of qualifications	(A/6/84)	This matter has again been referred to the Court Case C-236/89 (A/112/88)
8. 7. 1987	Case C-262/85	Wild birds	(A/124/84)	Fresh infringement proceedings A reasoned opinion was sent to Italy on 28 August 1990 (A/49/89)
24. 11. 1987	Case C-124/86	Tax exemptions applicable to permanent imports of personal property	(A/421/84)	Fresh infringement proceedings Proceedings now in progress (A/446/88)

25. 11. 1987	Case C-125/86	Exemptions from VAT on final importation of certain goods	(A/422/84)	Fresh infringement proceedings Proceedings now in progress (A/445/88)
3. 3. 1988	Case C-116/86	Brucellosis	(A/316/84)	Fresh infringement proceedings On 11 July 1990 the Commission decided to refer the matter to the Court. Italy had promised to include this matter within the scope of the 'Pergola' Law but it is not mentioned in 'Community' Law No 428 of 29 December 1990 (A/463/88)
21. 2. 1989	Case C-203/87	Maintenance of VAT exemption on aid to earthquake victims	(A/68/86)	Fresh infringement proceedings On 5 December 1990 the Commission decided to refer the matter to the Court (A/540/89)
5. 12. 1989	Case C-3/88	Data-processing systems accessible only to Italian companies in public ownership	(A/446/85)	Fresh infringement proceedings On 24 October 1990 the Commission decided to send a letter of formal notice (A/2/91)
14. 3. 1990	Case C-137/89	Telegrams sent by the veterinary authorities and charged to importers of live animals	(A/158/87)	A letter giving notice of action pursuant to Article 171 was sent to the Italian authorities on 7 June 1990, requesting information on the measures taken to comply with the Court's ruling
14. 6. 1990	Case C-48/89	Failure to forward reports on the implementation of the Directive on waste disposal	(A/284/87 to A/286/87)	A letter giving notice of action pursuant to Article 171 has been sent to the Italian authorities
12. 7. 1990	Case C-128/89	Inspection of imports and reduction in the number of entry points for grapefruit	(A/323/87)	A letter giving notice of action pursuant to Article 171 was sent to the Italian authorities. No reply has been received. Formal initiation of the Article 171 procedure will shortly be proposed



11. 10. 1990	Case C-210/89	Fat content of cheeses	(A/18/88)	Recent judgment
27. 11. 1990	Case C-209/88	Failure to provide the information required under the market organization for fishery products	(A/188/87)	Recent judgment
13. 12. 1990	Case C-70/89	Cadmium discharges	(A/369/87)	Recent judgment
13. 12. 1990	Case C-240/89	Protection of workers exposed to asbestos	(A/459/87)	Recent judgment

**NETHERLANDS**

15. 3. 1990	Case C-339/87	Wild birds	(A/400/85)	A letter giving notice of action pursuant to Article 171 was sent on 13 January 1991. This case is closely related to Case C-236/85, which the Commission decided to refer to the Court on 11 July 1990
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## No 11

## Application of Community law by national courts

## I. Application of Article 177 of the EEC Treaty

1. In 1990 the Court of Justice received 141 requests from national courts for preliminary rulings in cases where difficulties arose in the interpretation of Community law or there were doubts as to the validity of a Community instrument.

Over the last few years the number of cases referred to the Court for preliminary rulings has remained relatively stable, 139 in 1989 and 144 in 1987, although the figure for 1988 was slightly higher (179).

2. For the second consecutive year, cases were referred by courts in all the Member States. Admittedly there are disparities between the various countries, most notably between Germany which asked for rulings on 34 cases and Greece which referred only two; however, the figures show quite clearly that there is no longer a single Member State that is against the procedure on principle.

3. The three tables below show the number of references from each Member State, the number of cases referred by each court of final instance and the areas of Community law concerned. It should be pointed out that as and when these cases are recorded by the Court of Justice Registry, they are published in full in the *Official Journal of the European Communities*.

Number of cases per Member State

Member State	Total references	References by courts of final instance
Belgium	17 (13) (*)	4 (—)
Denmark	5 (2)	— (1)
France	21 (28)	2 (1)
Germany	34 (47)	12 (22)
Greece	2 (2)	2 (—)
Ireland	4 (1)	2 (1)
Italy	25 (10)	1 (1)
Luxembourg	4 (1)	2 (1)
Netherlands	9 (18)	3 (15)
Portugal	2 (1)	— (—)
Spain	6 (2)	— (—)
United Kingdom	12 (16)	2 (2)

(\*) 1989 figures in brackets

## Origin of cases referred by national courts of final instance

Belgium	Cour de Cassation Hof van Cassatie	4
France	Cour de Cassation Conseil d'État	1 1
Germany	Bundesverwaltungsgericht Bundesfinanzhof Bundessozialgericht	1 9 2
Greece	Council of State	2
Ireland	Supreme Court	2
Italy	Corte Suprema di Cassazione	1
Luxembourg	Conseil d'État	2
Netherlands	Hoge Raad	3
United Kingdom	Court of Appeal (*)	2

(\*) The Court of Appeal is in effect the highest court, since appeals from it may be heard only if it or the House of Lords gives leave to bring them.

## Areas of Community law concerned

Agriculture	37
Brussels Convention	3
Commercial policy	9
Community staff	1
Company law	2
Competition	8
Environment and consumer policy	1
External relations	2
Free movement of goods	26
Free movement of persons	25
Social policy	13
State aid	1
Taxation	12
Transport	1

## II. Review of significant judgments of national courts of final instance

1. In an appendix to the sixth annual report, the Commission published a study on the attitude of national superior courts to Community law, in particular their approach to the principle of the primacy of Community law over national law, the direct effect of many Community rules and the obligations arising from Article 177 of the EEC Treaty.

Analysis of the judgments referred to below shows that national superior courts are paying more and more attention to Community law.

As in the previous year, the Commission has had access to data gathered by the research and documentation department of the Court of Justice. It was thus able to identify decisions which were of significance for the application of Community law, although it should be pointed out that it is not possible, by consulting data bases, to identify cases where national courts ought to have applied Community rules but where the judgment contains no reference to them. Moreover, the Commission cannot undertake a systematic analysis of the thousands of judgments delivered each year by the national superior courts.

*Conseil d'État (France) — Decision of 24 September 1990 — Boisdet*

In Annex No 11 to the seventh annual report, the Commission referred to the decision in *Nicolo* where the Conseil d'État acknowledged the primacy of the Treaty over subsequent national law.

The Commission expressed the hope that the Conseil d'État would take the same view in respect of secondary legislation and acknowledge the primacy of Community Directives and Regulations over subsequent national legislation.

The Conseil d'État fulfilled these hopes in its *Boisdet* decision. It ruled that a judgment extending the scope of rules established by a group of producers to all the producers in a given region could not be based on Article 7 of the Law of 4 July 1980 authorizing the extension for certain products of rules laid down by agricultural committees, as this law was incompatible with Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables.

*House of Lords (United Kingdom) — Order of 26 July 1990 and Judgment of 11 October 1990 — Factortame Limited*

These decisions follow on from the judgment of 18 May 1989 which was analysed in the seventh report. In response to a request for a preliminary ruling, the Court of Justice delivered a judgment on 19 June 1990 in which it found that a national court must set aside a national rule precluding the possibility for a party invoking Community law to obtain an interim injunction against the Crown when all other conditions for the granting of such measures were satisfied.

By an order of 26 July 1990 the House of Lords decided to suspend application of that part of the Merchant Shipping Act 1988 which was in dispute, without giving any grounds; the order was later amplified by a judgment on 11 October 1990.

*College van Beroep voor het bedrijfsleven (Netherlands) — Order of 7 June 1990 — J. P. M. Van de Akker v. Minister van Landbouw*

The interim order delivered by the President of the highest Dutch court with commercial jurisdiction represents an interesting decision which is entirely in keeping with the case-law of the Court of Justice.

By this order a request for interim measures to suspend application of a Community agricultural regulation for the duration of the main proceeding was rejected.

The President referred to the judgment in *Foto-Frost*<sup>(1)</sup> in which the Court of Justice had reserved for itself exclusive jurisdiction to declare a Community legal instrument invalid while accepting that this rule may have to be qualified in the event of an application for interim measures and in certain unspecified circumstances.

The President delivered the provisional opinion that any such qualification can be justified only where it is clear beyond all reasonable doubt that the Community act is invalid and held that this condition was not satisfied in the case in question.

*Bundesverfassungsgericht — Germany — Order of 31 May 1990*

By this order the German Federal Constitutional Court reiterated one of the main arguments in its judgment of 22 October 1986 in *Solange II*, i.e. that the Court of Justice of the European Communities is a lawful judge within the meaning of Article 101 (1) of the German Basic Law. This statement opened the way to a constitutional remedy against the violation by courts of final instance of their obligation to refer cases to the Court of Justice for preliminary rulings pursuant to Article 177, third paragraph, of the EEC Treaty.

Under well-established case-law of the Federal Constitutional Court, withdrawing the jurisdiction of a lawful judge within the meaning of Article 101 constitutes a violation of the Basic Law only when it is done in an arbitrary manner, otherwise the Constitutional Court would be called on to correct all procedural errors committed by courts below.

The Constitutional Court had already provided some indication of how this rule should be applied to Article 177 of the EEC Treaty in a judgment given on 9 November 1987; however, since the judgment was given in a preliminary proceeding before a three-judge chamber, it remained ambiguous and disputed. There was still a need to define the concept of 'arbitrary manner' in relation to the violation of Article 177 of the EEC Treaty. In its new judgment the Constitutional Court, in the form of its second chamber of eight judges, confirmed its earlier decision with more detailed grounds and now seems to have finally resolved the problem.

The Court referred in great detail to the Court of Justice judgment of 6 October 1982 in *CILFIT* and the importance of the strict application of Article 177, under which the Court of Justice becomes part of the legal system of the Member States in so far as it is given the role of interpreting Community law in order to ensure legal certainty and uniform application.

The Court pointed out that its role of monitoring the obligation to refer cases for a preliminary ruling pursuant to Article

<sup>(1)</sup> Case 314/85 [1987] ECR 4225.

177 did not cover all cases which constitute a violation of Community law but only those where a court of final instance does not act on a request for a reference even though it admits that the Community rule invoked does apply or where the court consciously departs from the case-law of the Court of Justice without asking the latter for a preliminary ruling or again where, in the absence of sufficient caselaw of the Court of Justice on a material point of law, the court adopts one possible solution where a different approach would clearly have been preferable.

Although these three categories may appear to be limited, they do in fact cover the most flagrant breaches of Article 177 of the EEC Treaty.

*Constitutional Court — Italy — Judgment No 64 of 18 January 1990*

Judgment No 64 of the Italian Constitutional Court of 18 January 1990 relates to a procedure which is peculiar to the Italian constitutional system: Article 75 of the Constitution provides for a referendum to be held on the repeal of a legal provision ('referendum abrogativo') if a proposal for such a referendum submitted to the Court of Appeal by a 'promotional committee' has the support of at least 500 000 electors. However, Article 75 also imposes restrictions on the procedure in view of the essential requirements of certainty in the law, as regards both national and international law: a proposal for a referendum cannot be declared admissible when it concerns tax or budget laws, amnesties or pardons, or laws authorizing the ratification of international treaties. The Constitutional Court has jurisdiction to decide whether a proposal is admissible.

A committee of Italian electors collected 500 000 signatures and requested a referendum on the repeal of a provision of Law No 283/1982 of 30 April 1982, which confers on the Minister for Public Health the power to lay down by order the maximum content of pesticide residues allowed in products and drinks intended for human consumption. If the Minister did not exercise what is, in fact, this power to grant exemptions, the effect of the law, which is already in force, would be to prohibit all pesticide residues, making it impossible to market foodstuffs containing any such residues whatsoever in Italy.

There are three Community Directives on maximum limits for pesticide residues, which forbid the Member States to impede in

any way the free circulation of foodstuffs in their territory solely because of the presence of pesticide residues, provided the residues do not exceed the maximum permissible level set for each product in the technical annexes to the Directives.

In its judgment the Constitutional Court held that the proposed referendum would not have deprived the Italian State of a legal provision essential to enable it to fulfil its obligation to incorporate the Community Directives into national law, in particular the obligation to refrain from prohibiting or impeding the marketing in Italy of foodstuffs of animal origin, cereals and fruit and vegetables which conform to Community requirements for pesticide residues.

It arrived at this conclusion by the following argument: even if the electors decided by referendum to repeal the legal provision allowing the Italian Government to fulfil its obligations pursuant to Article 3 of the three Directives concerned, the formulation of Article 3 is sufficiently clear and unconditional for it to be invoked against any national provision which is contrary to it and hence to preclude its implementation. The Constitutional Court also held that on the basis of consistent Court of Justice caselaw on the direct effect of directives, Article 3 of each of the three Directives on pesticide residues would take precedence over the first part of Article 5 (b) of Law No 283/1982, which totally prohibits the release for consumption of the same products and would presumably survive the repeal of the second part (the power conferred on the Minister for Public Health to grant exemptions by order).

The proposal for a referendum was finally declared admissible, but the referendum itself, which took place in May 1990, had no effect, since the turnout was below the level required under Article 75 of the Constitution (more than half of the electors).

The introduction to the judgment affirms a very important principle (albeit *a contrario*) on the primacy of Community law and the right under the Italian Constitution to request a referendum to repeal a legal provision: a law, or specific provisions of a law, which constitute an indispensable legal instrument for incorporating a Community directive into Italian law must be regarded as being among the laws which Article 75 of the Italian Constitution excludes from the referendum machinery.

## Statistics on complaints (C) and infringements detected by the Commission's own inquiries (I)

		B		D		DK		E		F		GB		GR		IRL		IT		L		NL		P		Total		
		C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	
Secretariat-General	1982	—	—	1	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
	1988	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	
	1989	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	1990	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—	
Legal Service	1983	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	
	1984	—	—	—	—	—	—	—	—	1	—	1	—	—	2	—	—	—	—	1	—	—	—	—	—	3	2	
	1985	—	—	1	1	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	1	2	
	1986	—	—	—	2	—	1	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4	4
	1987	—	—	1	—	—	—	—	—	—	—	1	—	—	1	—	—	—	1	—	—	—	—	—	—	1	4	
	1988	—	1	—	1	—	—	—	1	—	2	—	1	—	1	—	1	—	2	—	1	—	1	—	—	—	13	
	1989	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	
	1990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Statistical Office	1984	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2
	1985	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	1	—	—	—	—	—	—	—	2	
	1987	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—	—	—	—	—	—	—	4	
	1988	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	1989	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
	1990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
External relations	1982	—	—	—	—	—	—	—	—	—	4	2	—	—	2	—	—	2	1	—	—	—	1	—	—	4	8	
	1983	—	—	—	—	—	1	6	—	1	2	—	2	—	1	—	—	2	1	—	—	—	—	—	4	13		
	1984	—	—	—	—	—	—	2	—	—	—	—	—	—	5	—	—	1	2	—	—	—	—	—	1	9		
	1985	—	2	—	1	—	—	1	—	—	—	—	—	—	1	—	1	—	3	—	2	—	—	—	1	10		
	1986	1	1	—	—	—	—	1	—	—	—	—	—	2	1	—	—	6	—	—	—	—	1	—	11	3		
	1987	1	—	—	—	—	—	1	—	—	—	—	—	1	1	—	—	4	—	—	—	2	—	—	7	3		
	1988	—	1	—	2	—	—	1	—	—	—	—	—	—	1	—	—	1	1	—	1	—	—	—	—	3	6	
	1989	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	2	—	—	—	—	—	—	—	3	1	
	1990	—	—	—	—	1	—	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	3	—	
	Economic and financial affairs	1982	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	—	—	3
1983		—	—	—	—	—	—	—	—	—	1	—	—	—	2	—	—	—	—	—	—	—	—	—	—	2	1	
1984		—	—	—	—	—	—	—	—	—	—	—	—	—	2	1	—	—	—	—	—	—	—	—	—	2	2	
1985		—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	—	—	—	—	—	—	—	—	—	3	—	
1986		—	1	—	—	—	—	—	1	—	—	—	—	—	1	—	—	—	—	—	1	—	—	—	—	3	2	
1987		—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	3	—	
1988		—	—	—	—	1	—	—	2	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	—	7	2	
1989		—	1	—	—	1	—	—	—	—	—	—	—	—	2	1	—	—	—	—	—	—	—	—	—	3	5	
1990		—	—	—	—	—	—	1	—	—	1	—	—	—	1	—	—	—	—	—	—	—	—	—	—	3	—	



		B		D		DK		E		F		GB		GR		IRL		IT		L		NL		P		Total				
		C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I			
Development	1982	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—		
	1983	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—		
	1984	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	2	—	
	1985	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	1	—	
	1986	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
	1990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Administrative affairs	1982	—	1	—	3	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5	—	
	1984	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	3	—	
	1985	1	5	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	6	—	
	1987	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	1	—	
	1988	1	1	—	—	1	—	—	1	—	—	1	—	—	—	—	—	—	—	—	—	—	1	—	—	—	3	3	—	
	1989	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	2	—	
	1990	—	—	2	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—	—	
Environment	1982	1	—	1	—	—	—	—	—	4	—	1	—	—	—	1	—	2	—	—	—	—	—	—	—	—	10	—		
	1983	1	—	1	—	1	—	—	—	1	—	1	—	—	1	—	—	—	—	—	—	—	1	—	—	—	8	—		
	1984	—	—	1	2	—	—	—	—	—	2	—	—	—	2	—	—	—	—	—	—	—	—	—	—	9	2	—		
	1985	—	1	3	1	1	1	—	—	3	2	11	3	—	14	—	—	1	2	—	—	—	3	1	—	—	37	10	—	
	1986	7	3	6	6	1	2	5	—	44	5	32	—	53	3	—	5	13	3	—	2	2	3	2	—	165	32	—		
	1987	4	3	14	6	4	3	29	4	16	1	30	3	17	3	9	1	16	6	—	5	4	1	7	2	150	38	—		
	1988	6	3	35	3	5	1	51	4	36	2	31	7	13	2	12	2	15	3	1	1	2	5	9	—	216	33	—		
	1989	18	3	36	8	—	1	91	10	43	6	192	9	24	11	24	6	22	7	—	3	5	2	10	2	465	60	—		
	1990	17	5	56	2	3	—	111	16	47	2	125	2	40	4	19	—	33	9	3	—	7	—	19	2	480	42	—		
	Fisheries	1982	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	
1983		—	—	1	—	—	2	—	—	—	1	1	—	—	—	1	—	—	—	—	—	—	2	—	—	—	3	6	—	
1984		—	1	1	2	—	1	—	—	—	2	—	1	—	1	1	—	—	—	—	—	—	2	—	—	—	3	10	—	
1985		—	2	—	1	—	3	—	—	—	6	—	3	—	1	—	—	—	—	—	—	—	4	—	—	—	—	26	—	
1986		—	2	—	1	—	2	—	—	—	7	—	1	—	—	—	—	—	—	—	—	—	6	—	—	—	1	24	—	
1987		—	—	—	1	—	—	—	4	—	1	—	4	—	—	—	—	—	—	—	—	—	2	—	—	—	—	18	—	
1988		—	—	—	1	—	—	—	1	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	6	—	
1989		—	1	—	1	—	1	1	3	—	1	1	6	1	—	1	1	—	1	—	—	—	3	—	—	—	9	15	—	
1990		—	—	—	—	—	—	—	1	—	—	2	—	1	3	—	—	—	—	—	—	—	—	—	—	—	1	1	8	—
Financial institutions and taxation		1982	—	—	1	—	1	—	—	—	4	1	2	—	11	9	2	1	3	—	—	1	—	—	—	—	—	25	11	—
	1983	—	—	2	1	1	2	—	—	5	2	—	1	—	2	1	—	2	—	—	1	—	—	2	—	—	11	11	—	
	1984	2	4	5	1	1	—	—	—	9	2	—	3	—	3	—	2	1	4	1	—	—	1	1	—	—	27	13	—	
	1985	2	1	—	2	1	1	—	—	10	8	3	5	5	5	4	4	1	8	—	1	1	2	1	—	—	29	36	—	
	1986	—	1	1	3	1	—	—	—	1	1	—	—	—	—	2	—	—	—	—	—	—	2	—	—	—	4	11	—	
	1987	—	—	2	1	—	—	—	—	—	—	2	1	—	—	1	—	—	—	—	—	—	1	—	—	—	8	4	—	
	1988	—	—	5	—	1	—	—	2	2	5	1	—	1	—	—	—	—	—	—	—	—	1	—	—	—	19	4	—	
	1989	3	1	—	1	1	1	3	1	3	1	1	2	3	—	2	1	—	1	—	—	1	—	—	—	—	17	10	—	
	1990	3	2	7	2	—	—	3	3	3	2	2	—	4	2	—	1	2	4	—	—	—	—	—	—	—	25	16	—	
	Energy	1982	—	—	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—	
1983		—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	2	—	
1984		—	1	—	—	—	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—	
1985		—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	
1989		—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	
1990		—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	

		B		D		DK		E		F		GB		GR		IRL		IT		L		NL		P		Total			
		C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I		
Budgetary affairs	1983	—	—	—	1	—	—	—	—	—	1	—	1	—	—	—	1	—	—	—	—	—	—	—	—	—	—	4	
	1984	—	—	—	1	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	3	
	1985	—	1	—	1	—	1	—	—	—	1	—	3	—	—	—	—	—	—	5	—	—	—	2	—	—	—	14	
	1986	—	1	—	3	—	—	—	—	—	1	—	1	—	—	—	1	—	—	2	—	—	—	—	—	—	—	9	
	1987	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	2	—	—	—	—	—	1	—	5	
	1988	—	—	—	1	—	—	—	—	1	—	—	—	—	—	—	2	—	—	3	—	—	—	—	—	—	—	9	
	1989	—	—	—	1	—	—	—	—	3	—	—	—	—	—	1	—	—	—	2	—	—	—	—	1	—	—	11	
	1990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2
Customs union	1982	—	—	6	1	—	—	—	—	—	2	—	—	1	4	—	—	—	—	—	—	—	—	—	—	—	—	12	2
	1983	—	1	—	—	—	—	—	—	—	5	3	—	1	8	1	—	—	1	1	—	—	—	—	—	—	—	15	9
	1984	—	—	—	—	—	—	—	—	—	1	1	—	—	3	—	—	—	1	1	—	—	—	—	—	—	—	5	2
	1985	3	2	1	3	6	1	—	—	—	3	1	1	3	3	2	1	1	1	2	—	2	—	—	—	—	—	13	19
	1986	3	—	4	3	3	1	10	3	26	2	3	2	5	6	2	1	8	—	5	—	—	—	—	—	—	—	71	19
	1987	6	3	4	3	5	2	11	6	16	3	4	3	8	8	1	5	31	1	—	1	3	3	4	6	—	—	93	44
	1988	12	3	1	3	11	1	6	6	10	4	4	6	10	5	1	1	11	7	1	2	1	3	8	3	—	—	76	38
	1989	7	2	2	1	7	1	6	4	19	8	9	2	6	8	1	2	10	2	—	1	—	1	6	5	—	—	73	37
	1990	3	1	1	4	2	1	8	1	9	2	5	4	4	1	5	2	5	—	—	1	1	2	3	4	—	—	46	23
Total	1982	22	10	31	12	7	2	—	—	106	25	39	10	59	30	17	4	53	13	5	1	13	5	—	—	—	—	352	112
	1983	24	12	31	15	9	9	—	—	117	50	29	23	94	23	19	9	51	28	3	8	21	15	—	—	—	—	399	192
	1984	14	21	34	14	13	4	—	—	102	30	36	12	144	26	9	6	102	21	3	4	19	7	—	—	—	—	476	145
	1985	28	31	45	24	14	12	—	—	106	41	55	26	200	22	16	18	104	38	3	13	14	19	—	—	—	—	585	244
	1986	35	31	68	38	13	13	135	13	163	73	57	11	154	23	12	16	92	33	10	10	20	24	32	8	—	—	791	293
	1987	28	15	121	32	16	9	153	27	142	36	64	23	81	21	38	14	141	27	4	11	22	26	40	19	—	—	850	260
	1988	49	27	116	36	35	12	373	30	173	48	71	26	107	22	27	12	111	44	6	14	26	23	43	13	1	137	307	
	1989	62	34	129	39	17	12	184	40	185	47	247	31	102	38	41	20	155	36	5	15	24	22	44	18	1	195	352	
1990	51	28	141	21	24	11	199	39	250	32	170	18	100	30	34	8	207	46	7	10	27	20	42	20	—	—	1 252	283	



## Action taken on complaints, by policy area

Policy areas	Year of registration	No action taken	Infringement proceedings commenced
Internal market and industrial affairs	1985	242	35
	1986	287	77
	1987	320	85
	1988	308	95
	1989	267	62
	1990 (*)	188	27
Competition	1985	2	—
	1986	10	1
	1987	10	1
	1988	8	—
	1989	8	—
	1990 (*)	5	1
Employment and social affairs	1985	18	1
	1986	24	4
	1987	18	9
	1988	22	12
	1989	46	15
	1990 (*)	92	9
Agriculture	1985	116	24
	1986	112	21
	1987	160	37
	1988	146	24
	1989	164	22
	1990 (*)	46	4
Transport	1985	8	—
	1986	9	2
	1987	6	4
	1988	10	2
	1989	9	1
	1990 (*)	7	5
Environment	1985	26	12
	1986	141	29
	1987	107	40
	1988	160	53
	1989	357	46
	1990 (*)	200	29
Fisheries	1985	—	—
	1986	2	—
	1987	1	—
	1988	—	—
	1989	8	4
	1990 (*)	1	—

Policy areas	Year of registration	No action taken	Infringement proceedings commenced
Financial institutions and banks	1985	20	10
	1986	3	—
	1987	5	3
	1988	14	4
	1989	12	3
	1990 (*)	5	1
Customs union and direct taxation	1985	16	3
	1986	66	13
	1987	83	30
	1988	62	25
	1989	62	14
	1990 (*)	18	4
Consumers	1985	—	—
	1986	—	3
	1987	8	6
	1988	11	2
	1989	9	1
	1990 (*)	1	—
Total	1985	448	75
	1986	654	150
	1987	741	215
	1988	741	217
	1989	942	168
	1990 (*)	563	80

(\*) The Commission reviews complaints received twice a year. The figures for 1990 do not include the 367 cases not yet reviewed by the end of the year.

## ANNEX A

## Infringements of the Treaties and of Regulations

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## Legal basis

The indication of the legal basis provided here is derived from the document number in the Celex data base, which is itself derived from the act's own original number; it is made up as follows:

- one figure identifying the documentary sector (e.g. 1 = Treaties establishing the Communities, etc.),
- two figures identifying the reference year (year of publication, signature, etc.),
- one or two letters identifying the legal form (e.g. E (in sector 1) = EEC Treaty),
- a serial number representing the number given to the document on publication or the article number.

Example:

3	80	R	2144
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- Sector 3: secondary legislation
- Year of publication
- Regulation
- Regulation No 2144/80

Sector	Form	
1	A B E F  H K R  G	<b>TREATIES ESTABLISHING THE COMMUNITIES; AMENDING AND ACCESSION TREATIES</b>  Euratom Treaty Accession Treaties for Denmark, Ireland, Norway and the United Kingdom EEC Treaty Merger Treaty Treaty amending certain budgetary provisions Accession Treaty for Greece ECSC Treaty Treaty amending certain financial provisions Treaty amending certain provisions of the statute of the EIB Greenland Treaty
2	A	<b>LAW RESULTING FROM COMMUNITY EXTERNAL RELATIONS</b>  Agreements with non-member countries
3	B C D L  R  X Y	<b>SECONDARY LEGISLATION</b>  Budget Censure Decisions (except ECSC Decisions of general scope) EEC and Euratom Directives ECSC recommendations EEC and Euratom Regulations ECSC Decisions of general scope Other acts (resolutions, opinions, etc.), published in OJ 'L' series (or old single series) Other acts published in OJ 'C' series
4	A D X Y	<b>COMPLEMENTARY LEGISLATION</b>  Intra-Community Agreements Decisions (of the representatives of the Governments of the Member State) Other acts published in OJ 'L' series (or old single series) Other acts published in OJ 'C' series
5	PC AP IP AC IC CC BP	<b>PREPARATORY DOCUMENTS</b>  Commission proposals EP Opinions (consultation) EP Opinions (own-initiative) ESC Opinions (consultation) ESC Opinions (own-initiative) Opinions of the Court of Auditors Acts preparatory to the budget

Sector	Form	
6		CASELAW OF THE COURT OF JUSTICE
	B	Observations
	C	Opinions of the Advocate-General
	J	Judgments
	O	Orders
	S	Attachment orders
	T	Third party proceedings
	V	Opinions of the Court of Justice
X	Other acts	
9		PARLIAMENTARY QUESTIONS
	E	Written questions
	H	Questions arising during Question Time
	O	Oral questions
	P	Petitions

*Note:* Sectors planned:

7 — National implementing measures.

8 — National caselaw.

10 — Academic writing.

*NB:* A/.... / ..

(A/.... / ..)

E. g.: A/39/83 .....

(A/480/88)

European Court Judgment of 3. 12. 1987

The procedure pursuant to Article 171 of the EEC Treaty — A/480/88 — is based on the failure by the Member State to implement the Court's Judgment in infringement procedure A/39/83).

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
External relations	374D0393	A/371/88	Greece	Delay in notifying a draft Greece-Thailand cooperation agreement	Terminated
	382R1765; 383R3420; 157E005	A/505/88	Greece	'Delta list' matches from Bulgaria and Sweden	Reasoned opinion
Economic and monetary policy	180H052	A/39/83 (A/480/88)	Greece	Refusal to authorize transfer of sums credited to blocked accounts of residents of Member States	Terminated
	180H052; 157E171	A/480/88	Greece	Refusal to authorize transfer of sums credited to blocked accounts of residents of Member States	Letter of formal notice
Internal market and industrial affairs	157E030	A/268/81	Denmark	Packaging for beer and soft drinks	Terminated
	157E030	A/4/82	Greece	Provisions establishing that only malt-based beers may be sold	Reference to the Court of Justice Case 176/84 Judgment 12. 3. 1987 Letter of formal notice (Article 171)
	157E030	A/5/82	Germany	Ban on the sale of beers not brewed solely from malted barley	Reference to the Court of Justice Case 178/84 Judgment 12. 3. 1987
	157E030	A/51/82	Germany	Restrictions on imports of vermouth	Terminated
	157E030	A/316/82	Belgium	Refusal to grant import licences for codeine	Reasoned opinion
	157E030	A/320/82	United Kingdom	Refusal to grant import licences for codeine	Reasoned opinion
	157E030	A/21/83	Italy	Restrictions on beer imports	Terminated
	157E030	A/43/83	Greece	Limitation of profit margins on certain products	Withdrawn

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (cont'd)	157E030	A/101/83	Belgium	Prices of pharmaceutical products	Reference to the Court of Justice Case 249/88
	157E030	A/172/83	Italy	Grants for the purchase of buses and trams	Reference to the Court of Justice Case 263/85
	157E030	A/183/83	Germany	Packaging of <i>pétillant de raisin</i>	Reference to the Court of Justice Case 179/85 Judgment 4. 12. 1986 Letter of formal notice (Article 171)
	157E030	A/224/83	France	Restrictions on the import of machinery and equipment: health and safety rules	Withdrawn
	157E030	A/256/84	France	Import declaration required for certain products	Withdrawn
	157E030	A/258/84	Belgium	Reimbursement of the cost of proprietary medicinal products	Reference to the Court of Justice Case 249/88
	157E030	A/266/84	Denmark	Packaging of beer and non-alcoholic beverages	Terminated
	157E030	A/354/84	Germany	Marketing of milk substitutes	Reference to the Court of Justice Case 76/86 Judgment 11. 5. 1988
	157E030	A/28/85	Italy	Prices of pharmaceutical products and medicines	Reference to the Court of Justice Case 56/87 Judgment 9. 6. 1988
	157E030	A/119/85	Italy	Difficulties in importing Belgian beer	Terminated
	157E030	A/138/85	Belgium	Obstacles to the import of liquid manure	Terminated
	157E030	A/146/85	France	Parallel imports of antiparasitics	Terminated
	157E030	A/211/85	Italy	Marketing of beer	Withdrawn

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
<b>Internal market and industrial affairs</b> ( <i>cont'd</i> )	157E030; 157E052; 157E059	A/230/85	France	Preference given to SFP television productions	Reasoned opinion
	157E171; 157E068; 157E052; 157E059	A/164/90	Greece	Legislation on frontier regions	Reasoned opinion
	157E030	A/269/85	France	Refusal to grant import licences for codeine	Reasoned opinion
	157E030; 157E005; 157E085	A/272/85	France	Book prices	Terminated
	157E030; 157E059	A/291/85	Germany	Inland waterway scrapping premiums	Terminated
	157E030	A/357/85	Belgium	Registration of imported vehicles (certificate of conformity and road-worthiness tests)	Terminated
	157E030	A/367/85	Italy	Denaturing of oilseed refining by-products	Reference to the Court of Justice Case 55/89
	157E030; 157E171	A/447/85 A/193/90	Belgium	Restrictions on the use of gelatine in certain food products	Reference to the Court of Justice Case 52/88 Judgment 11. 5. 1989 Reasoned opinion
	157E052; 157E059; 157E030; 157E086; 157E090; 157E092; 377L0062	A/466/85	Italy	Installation of data-processing systems reserved for Italian State-owned companies	Reference to the Court of Justice Case 3/88 Judgment 5. 12. 1989
	157E030; 157E171	A/500/85 A/373/90	Germany	Difficulties in the import of pâté	Reference to the Court of Justice Case 274/87 Judgment 2. 2. 1989 Letter of formal notice
157E030	A/6/86	France	Obstacles to the import of soft drinks	Terminated	
157E030	A/40/86	Belgium	Pharmaceutical prices; government/industry agreements	Reference to the Court of Justice Case 249/88	



Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (cont'd)	157E034	A/103/86	France	Rules on the disposal of waste oils	Terminated
	373L0148	A/374/89	Denmark	Frontier controls (D/DK)	Reasoned opinion
	157E030	A/104/86	United Kingdom	Obligation to indicate the origin of imported products	Terminated
	157E030	A/234/86	Belgium	Import licence for lubricants originating in Germany	Terminated
	157E030	A/518/86	Germany	Amendment of the German law on food-stuffs following the <i>Cassis de Dijon</i> judgment	Reasoned opinion
	157E030	A/46/87	Germany	Introduction of standards for asphalt membranes	Reasoned opinion
	157E030	A/49/87	Spain	Registration of imported second-hand vehicles	Terminated
	157E030	A/54/87	France	Imported TV sets required to have Peritel socket	Terminated
	157E030	A/55/87	Italy	Ban on the use of methanol as a solvent	Reference to the Court of Justice Case 176/89
	157E030	A/99/87	Italy	Marketing of butter: packaging	Terminated
	157E030	A/154/87	Italy	Ban on the sale of <i>pétillant de raisin</i> in champagne-type bottles	Reasoned opinion
	157E030	A/297/87	Germany	German rules on Leichtomofa light mopeds	Terminated
	157E030	A/311/87	Spain	Obstacles to the import of biscuit and chocolate products	Reference to the Court of Justice
	157E030	A/319/87	United Kingdom	Special UK standards for steel	Reasoned opinion

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (cont'd)	157E030	A/104/89	Germany	Imports of flame arresters	Reasoned opinion
	157E030	A/424/87	Italy	Import licences for the exploitation of new plant varieties and patents	Reference to the Court of Justice Case 235/89
	157E030	A/115/87	Greece	Indication of origin on packaging	Reasoned opinion
	157E030	A/454/87	France	Bicycle brakes	Terminated
	157E030	A/348/89	Greece	Imports of cash registers	Reasoned opinion
	157E030	A/499/87	Belgium	Obstacles to the import of telecommunications equipment (broadcast receiving aerials)	Terminated
	157E030; 157E036	A/125/89	Greece	Imports of second-hand trucks	Terminated
	157E030	A/500/87	Belgium	Fixing minimum prices for manufactured tobacco	Reference to the Court of Justice Case 287/89
	157E030; 157E036	A/349/89	Italy	Marketing of frozen pre-cooked bread	Reasoned opinion
	157E030	A/61/88	Germany	Personal imports of medicines	Reference to the Court of Justice Case 62/90
	157E030	A/76/88	Luxembourg	Ban on distribution of advertising leaflets	Reasoned opinion
	157E030	A/335/89	Ireland	Regulations on tobacco prices	Reasoned opinion
	157E030	A/214/88	Spain	Rules amending certain items in specifications: hydrocarbon binders	Terminated
	157E030	A/127/89	Greece	Imports of tourist buses from Belgium	Reasoned opinion
	157E030	A/34/89	United Kingdom	Patent licences	Reference to the Court of Justice Case 30/90

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
<b>Internal market and industrial affairs</b> <i>(cont'd)</i>	157E034	A/61/89	France	Disproportionate penalties	Reasoned opinion
	157E030	A/538/89	Denmark	Radio reception installations	Reasoned opinion
	157E030; 157E036	A/102/89	Italy	Discriminatory charges for carriage of non-Italian newspapers by air	Reasoned opinion
	157E030	A/166/89	Germany	Labelling of medicinal products	Reasoned opinion
	157E052; 157E059	A/267/83	France	Replacement of doctors: dual practices	Terminated
	157E030	A/227/89	Luxembourg	Imports of saccharine-based products (fish)	Reasoned opinion
	157E052; 157E059	A/36/84 (A/373/88)	Italy	Nationality requirement (guides, journalists, licensed pharmacists)	Reference to the Court of Justice Case 168/85 Judgment 15. 10. 1986
	157E007; 157E048; 157E052; 157E059; 157E171	A/182/84 (A/164/90)	Greece	Laws relating to frontier areas	Reference to the Court of Justice Case 305/87 Judgment 30. 5. 1989
	157E052	A/325/84	Italy	Access to real-estate loans and renting of housing	Terminated
	157E005, 157E048; 157E059	A/73/89	France	Equivalence of diplomas (opticians)	Reasoned opinion
	157E048; 157E052; 157E059	A/388/84 (A/265/85)	Greece	Requirement of Greek nationality for teaching	Reference to the Court of Justice Case 147/86 Judgment 15. 3. 1988
	157E052; 157E059	A/264/85 (A/265/85)	Greece	Nationality requirement for lawyers	Reference to the Court of Justice Case 38/87 Judgment 14. 7. 1988
	157E052; 157E059	A/265/85 (A/165/89)	Greece	Nationality requirement for architects, engineers and land surveyors	Reference to the Court of Justice Case 38/87 Judgment 14. 7. 1988

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (cont'd)	157D1186; 386D0283	A/499/85	France	Freedom of establishment and freedom to provide services in overseas territories	Reference to the Court of Justice Case 263/88 Judgment 12. 12. 1990
	157E059	A/432/86	France	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice Case 154/89
	157E059	A/71/87	Italy	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice Case 180/89
	157E059	A/113/87	Greece	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice Case 198/89
	157E059	A/463/85	Netherlands	Restrictions on freedom to supply television services	Withdrawn and removed from Court register
	157E048; 157E052; 157E059	A/407/87	France	Restriction of recognition of veterinary qualifications to naturalized French citizens	Terminated
	157E007; 157E048; 157E052; 157E059	A/340/88	Italy	Refusal to recognize qualifications in physiotherapy and osteopathy	Reference to the Court of Justice Case 58/90
	157E052; 157E059; 157E171	A/373/88	Italy	Nationality requirement (guides, journalists, keepers of chemists' shops)	Reference to the Court of Justice Case 297/90
	157E048; 157E052	A/106/89	Luxembourg	Refusal to license opening of dual dental practice	Reference to the Court of Justice Case 351/90
	157E052; 157E059; 157E171	A/165/89	Greece	Nationality requirement to practise as architect, engineer or surveyor	Reference to the Court of Justice Case 328/90
	157E052; 157E059; 157E0171	A/236/89	France	Replacement of doctor, dual practice	Terminated
	157E005; 157E048; 157E...; 157E 059	A/117/89	France	Occupational access (kinestherapists and podologists)	Reasoned opinion
	157E005; 157E030; 157E062; 37E059	A/505/87	Netherlands	Restrictions on free movement of services in broadcasting	Reference to the Court of Justice Case 353/89

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
<b>Internal market and industrial affairs</b> ( <i>cont'd</i> )	157E059; 157E090	A/332/88	Italy	Notice of qualification	Reference to the Court of Justice Case 95/90
	371L0305	A/379/88	Spain	Public works contract: failure to respect time limit for submission of tenders	Terminated
	157E030	A/294/88	Germany	Wine law	Reasoned opinion
<b>Competition</b>	385D0276	A/111/86 (A/47/89)	Greece	Insurance of public property	Reference to the Court of Justice Case 226/87 Judgment 30. 6. 1988
	157E030; 157E034; 157E037	A/138/86	Greece	Petroleum products monopoly	Reference to the Court of Justice Case 347/88 Judgment 13. 12. 1990
	157E005; 362R0017	A/72/87	Germany	Refusal to give assistance to Commission staff	Terminated
	157E0171; 384D0508	A/30/89	Belgium	Aid for Idealspun-Beaulieu	Reference to the Court of Justice Case 375/89
	157E0171; 157E005; 157E0189	A/47/89	Greece	Insurance of public property	Terminated
	186I208; 157E012; 157E030; 157E095	A/21/89	Portugal	Adjustment of petroleum monopoly	Reasoned opinion
	186I048; 157E030	A/361/87	Spain	Adjustment of petroleum monopoly	Reasoned opinion
	<b>Employment and Social Affairs</b>	371R1408	A/131/79	France	Supplementary allowance from the <i>Fonds national de solidarité</i> — refusal to export a social security benefit
	368R1612; 157E048	A/336/84	Germany	Concept of normal housing	Terminated
	157E048; 368R1612	A/521/89	Luxembourg	Discrimination on grounds of nationality	Reasoned opinion

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Employment and Social Affairs (cont'd)	371R1408	A/210/85	France	Calculation of employment benefits for frontier workers	Terminated
	157E007; 157E048; 157E128; 368R1612; 157E171	A/435/85 A/173/90	Belgium	Discrimination in public financing; non-university higher education	Reference to the Court of Justice Case 42/87 Judgment 27. 9. 1988
	157E007; 371R1408	A/468/85	France	Refusal to grant allowances from the <i>Fonds national de solidarité</i> to nationals of other Member States	Reference to the Court of Justice Case 307/89
	365R0109	A/249/86	France	Social security entitlements of nationals employed in Algeria	Terminated
	157E051; 157E040; 371R1408	A/374/86	France	Failure to respect Community-wide agreement on disability	Terminated
	371R1408	A/56/87	France	Grant of widow's pension	Terminated
	157E007; 371R1498	A/57/87	Belgium	Discrimination in the settlement of old-age pension requirements	Terminated
	368R1612; 157E007; 157E048; 157E052	A/70/87	Germany	Equal treatment in respect of access to vocational training courses	Terminated
	371R1408; 372R0574; 684I0041	A/239/87	France	Family allowances granted under legis- lation of the State in which a worker's family resides	Withdrawn
	157E007; 371R1408; 372R0574	A/10/89	Italy	Social discrimination	Reasoned opinion
	157E048; 368R1612	A/282/87	Germany	Equal treatment in respect of benefits	Reasoned opinion
	157E051; 371R1408	A/159/88	Netherlands	Refusal to grant family benefits to workers with unemployed children in other Member States	Terminated
	157E051; 371R1408	A/160/88	Germany	Refusal to grant family benefits to workers with unemployed children in other Member States	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
<b>Employment and Social Affairs</b> <i>(cont'd)</i>	157E048; 368R1612	A/215/88	Belgium	Discrimination in requiring extra insurance contributions	Reference to the Court of Justice Case 300/900
	371R1408	A/362/88	Belgium	Deduction of health insurance contributions from supplementary pension benefits	Reference to the Court of Justice Case 253/90
	371R1408	A/363/88	Netherlands	Discrimination against Belgian workers in relation to early retirement	Reference to the Court of Justice Case 198/90
	683J0261; 673J0187; 674J0039; 675J0007	A/364/88	Belgium	Covert discrimination in granting welfare or social security benefits	Reference to the Court of Justice Case 326/90
	371R1408; 683J0275	A/365/88	France	Deduction of health insurance contributions from supplementary retirement benefits	Reference to the Court of Justice Case 57/90
<b>Agriculture</b>	157E030; 370R1698	A/212/72 (A/160/89)	Germany	Wine law 1971	Terminated
	366R0136; 384R2261; 384R3061; 157E005	A/118/89	Spain	Olive oil	Terminated
	379R0337; 379R0338	A/30/83	Germany	Ban on the use of rectified grape must concentrate	Terminated
	157E099; 157E005	A/242/89	Netherlands	Inventory of aids	Reasoned opinion
	157E030; 181H065	A/85/83	Greece	Ban on import of bananas from ACP countries	Terminated
	379R0338	A/115/83	Italy	Lago di Caldaro wine	Terminated
	387R1351; 157E0330	A/176/90	Italy	Imports of eggs for hatching	Reasoned opinion
	368R0804; 379R0262	A/85/84	Italy	Marketing of fractionated concentrated butter	Reference to the Court of Justice Case 67/88
368R0805; 157E030; 157E171	A/180/84 (A/467/89)	Greece	Restrictions on meat imports	Reference to the Court of Justice Case 124/85 Judgment 16. 12. 1986 Reasoned opinion	

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Agriculture (cont'd)	368R0805; 375R2759; 157E030	A/327/84	Germany	Export of agar-preserved meat	Withdrawn
	157E189; 157E005; 379R0337	A/358/84	Germany	Increase in alcoholic strength of Moselle wines	Terminated
	379R0337; 157E030	A/360/84	Germany	Protection of the <i>Bocksbeutel</i> bottle	Withdrawn
	384R0857	A/387/84	Italy	Milk levy	Terminated
	379R337; 157E030	A/16/85	Germany	Sparkling wines	Reference to the Court of Justice
	157E171; 372R1035; 369R2638; 380R2150	A/68/85	Italy	Quality standards for fruit and vegetables	Reference to the Court of Justice Case 69/86 Judgment 12. 2. 1987
	380R1837; 382R0019; 383R0020; 157E113	A/101/85	Greece	Prices for sheep and goats imported from Hungary	Reference to the Court of Justice Case 127/87
	366R0136; 157E030; 157E034	A/142/85	Greece	Obstacles to trade in olive oil	Terminated
	368R0827; 377L0504; 157E030	A/275/85	France	Rules on artificial insemination	Terminated
	375R2744; 382D0495; 382R2029; 382R3383; 157E005; 377R2891	A/258/85	Netherlands	Release for free circulation of 50 000 tonnes of basic product transported by the vessel <i>Equinox</i> and coming from Thailand	Reference to the Court of Justice Case 96/89
	385D0341	A/292/85	Italy	Protection against swine fever	Withdrawn
	384R2261; 157E040; 375R2727	A/413/85	Greece	Recognition of olive oil producer organizations: recognition of cooperatives only	Terminated
375R2727; 157E005; 157E093	A/480/85	Greece	Importation of feed grain, maize and barley; management of markets by Kydep	Referred to the Court of Justice Case 35/88 Judgment 12. 7. 1990	



Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Agriculture (cont'd)	375R2727; 157E171	A/25/86	Greece	Purchase of substandard durum wheat from 1982 harvest	Referred to the Court of Justice Case 281/87 Judgment 29. 11. 1989
	366R0136; 157E034	A/108/86 (A/142/85)	Greece	Barriers to trade in olive oil	Referred to the Court of Justice Case 272/86 Judgment 22. 9. 1988
	368R0234; 371R2358; 157E034; 157E030	A/137/86	Netherlands	Compulsory registration of exporters of agricultural products with a supervisory body	Referred to the Court of Justice Case 43/88 Judgment 31. 5. 1989
	157E030; 366R0136	A/215/86	Italy	Restrictions on the marketing of oils and fats	Referred to the Court of Justice Case 67/88
	379R0729; 157E005	A/57/89	France	Refusal to provide wine samples for analysis	Terminated
	384R3061; 384R2261	A/216/86	Greece	Computerized data files for olive oil	Withdrawn
	384R3061; 384R2261	A/217/86	Italy	Computerized data files for olive oil	Withdrawn
	157E030; 157E036	A/263/86	Greece	Obstacles to the import of cheese (H)	Referred to the Court of Justice Case 293/89
	380R1837; 157E030	A/329/86	Germany	Obstacles to the import of live sheep and lambs	Referred to the Court of Justice Case 382/89
	375R2727; 157E034	A/422/86	Greece	Refusal to grant export licences for maize	Referred to the Court of Justice Case 110/89
	366R0136; 157E030	A/444/86	Greece	Maximum prices in olive oil trade	Terminated
	157E030; 368R0804	A/81/90	France	Oils and fats in cheese	Reasoned opinion
	157E030; 368R0804	A/469/86	Luxembourg	Health control certificates required for the import of pasteurized butter	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Agriculture (cont'd)	157E030; 381R3796	A/375/90	Germany	Imports of live freshwater crayfish	Reasoned opinion
	381R1371; 385R3154; 157E005	A/512/86	Greece	Obstacles to the payment of monetary compensatory amounts	Terminated
	387R0822; 157E005	A/102/87	Germany	Non-compliance with obligation to deliver wine for compulsory distillation	Reference to the Court of Justice Case 217/89 Judgment 10. 7. 1990
	384R2262	A/199/87	France	Penalties for infringements of the rules on aid towards the production of olive oil	Terminated
	157E030	A/72/89	Italy	Ceiling on imports of certain dairy products	Reasoned opinion
	368R0804; 384R0857	A/344/87	France	Additional milk levies: right to opt for a reference year other than 1983	Reasoned opinion
	375R2727	A/385/87	Greece	Kydep monopoly — intervention by the central government in the cereals sector	Reference to the Court of Justice Case 61/90
	375R2771; 375R2772	A/455/87	Netherlands	Export of eggs in shell	Terminated
	157E036; 157E030	A/564/87	Greece	Radioactivity certificate requirement for imports: level of radioactivity in food (H)	Withdrawn
	368R0804; 157E030	A/18/88	Italy	Fat content of cheese (L)	Reference to the Court of Justice Case 210/89 Judgment 11. 10. 1990
	386R2239	A/44/88	Portugal	Misapplication of Community rules on grubbing-up premiums	Terminated
	157E030; 368R0804	A/80/88	Italy	Constraints on consumer price of pasteurized milk	Reasoned opinion
	366R0136; 384R2261	A/83/88	Italy	Community aid: discrimination against olive oil producers not belonging to cooperatives	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Agriculture (cont'd)	375R2727; 157E030	A/242/88	Spain	Spanish flag clause, intra-Community deliveries of cereals to Spain	Terminated
	379R2374; 157E005	A/329/88	Greece	Intervention beef and veal intended for welfare organizations	Reference to the Court of Justice Case 92/90
	157E404; 356E0136; 384R2261	A/360/88	Greece	Olive oil — producers' associations	Reasoned opinion
	385R0797	A/3/89	Denmark	Set-aside of arable land	Reference to the Court of Justice Case 36/90
	370R1698; 157E171	A/160/89	Germany	1971 wine law	Terminated
	157E030; 368R0805; 157E171	A/467/89	Greece	Imports of certain cuts of meat	Reasoned opinion
Transport	370R1108; 370R2598	A/476/86	France	Failure to provide statistics on transport infrastructures	Terminated
	157E076; 157E095	A/202/90	Germany	Tax on heavy goods vehicles	Reference to the Court of Justice Case 195/90
	157E059; 157E048;	A/351/87	Greece	Discrimination on the ground of nationality as regards entry to museums	Reasoned opinion
	157E059; 157E048; 157E052	A/352/87	Spain	Discrimination on the ground of nationality as regards entry to museum	Reasoned opinion
	386R4055	A/74/88	Portugal	Measures favouring vessels flying the Portugese flag	Terminated
	387D0602	A/281/88	Italy	Refusal to give authorization for an air link between Manchester and Milan	Reference to the Court of Justice Case 352/88 Interim order 3. 2. 1989

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
<b>Administrative affairs</b>	Staff Regulations	A/7/78 (A/303/84)	Belgium	Transfer to Community pension scheme	Reference to the Court of Justice Case 137/80 Judgment 19. 10. 1981
	Staff Regulations	A/8/78	Netherlands	Transfer to Community pension scheme	Terminated
	165F/PRO/PRI; 157E171	A/65/83	Germany	Family allowances from more than one source	Reference to the Court of Justice Case 189/85 Judgment 7. 5. 1987
	157F/PRO/PRI; 157E171	A/303/84	Belgium	Transfer to Community pension scheme	Reference to the Court of Justice Case 383/85 Judgment 3. 10. 1989
	165F/PRO/PRI	A/50/88	Portugal	Difficulties concerning import of cars by officials or servants of the Commission	Terminated
	157E005	A/65/88	Belgium	50 % reduction in the salaries paid by the Belgian authorities to Belgian teachers on secondment	Reference to the Court of Justice Case 6/89 Judgment 5. 4. 1990
	165/PRO/PRI	A/22/89	Belgium	Application of PPI — Peulens case	Terminated
	165F/PRO/PRI	A/23/89	France	Deduction of health insurance contributions from retired EC official's national pension	Reasoned opinion
<b>Environment</b>	382R3626; 157E005; 157E189; 186I395	A/66/89	Spain	Imports of chimpanzees	Reasoned opinion
	382R3626; 157E005	A/225/86	France	Rules on international trade in wild animal and plant species in danger of extinction	Reference to the Court of Justice Case 182/89 Judgment 2. 11. 1990
<b>Fisheries</b>	383R0170; 382R2057; 383R0098; 383R3624; 384R0320; 385R0001	A/404/84	Netherlands	Overfishing 1983 and 1984	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Fisheries (cont'd)	382R2057; 383R0171	A/445/84	France	Fisheries: inadequate compliance with technical conservation measures	Reference to the Court of Justice Case 64/88
	383R0170; 382R2057; 383R0098; 383R3624; 384R0320; 385R0001	A/354/85	Netherlands	Overfishing 1985	Judgment 5. 10. 1989 Terminated
	157E052	A/394/85	Ireland	Lack of conformity with Community law of the Fisheries Amendment Act 1983	Reference to the Court of Justice Case 93/89
	381R3796; 382R3191	A/188/86	Italy	Failure to provide information in connection with the common organization of the market in the fisheries sector	Reference to the Court of Justice Case 209/88 Judgment 27. 11. 1990
	381R3796; 383R3598	A/189/86	France	Failure to provide information in connection with the common organization of the market in the fisheries sector	Terminated
	381R3796; 383R3598	A/362/86	Ireland	Failure to provide information in connection with the common organization of the market in the fisheries sector	Reference to the Court of Justice Case 39/88 Judgment 27. 11. 1990
	385R0001	A/368/86 (A/398/87)	United Kingdom	Overfishing 1985	Letter of formal notice
	385R3721	A/370/86	Netherlands	Overfishing 1986	Reasoned opinion
	381R3796; 383R3598; 382R3191; 383R3599	A/391/86	Greece	Failure to provide information in connection with the common organization of the market in the fisheries sector	Reference to the Court of Justice Case 200/88 Judgment 27. 11. 1990
	385R0001; 385R006	A/255/87	France	Overfishing 1985	Reference to the Court of Justice Case 62/89 Judgment 20. 3. 1990
	385R3721	A/256/87	Belgium	Overfishing 1986	Terminated
	385R3721; 385R3730; 385R3732; 383R0170; 382R057	A/396/87	France	Overfishing 1986	Reference to the Court of Justice Case 244/89

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
<b>Fisheries</b> ( <i>cont'd</i> )	385R3721; 385R3732	A/398/87	United Kingdom	Overfishing 1986	Reasoned opinion
	382R2057; 385R3777; 386R4034	A/405/87	Spain	Failure to fulfil obligation to record catches (ICES divisions)	Reference to the Court of Justice Case 146/89
	172B100; 383R0170	A/520/87	United Kingdom	Extension of territorial waters	Reference to the Court of Justice Case 146/89
	376R0101; 381R3796	A/186/88	United Kingdom	Fishing boats, restrictions on free movement of persons and exports of goods	Reference to the Court of Justice Case 279/89
	376R0101; 381R3796	A/187/88	Ireland	Ban on British fishing boats in Irish waters and associated measures	Reference to the Court of Justice Case 280/89
	382R2057; 387R2241	A/356/88	Spain	Requirement to cooperate — inspection and monitoring of fishing	Reasoned opinion
	157E048; 157E052; 157E059	A/87/89	United Kingdom	Merchant Navy Act	Reference to the Court of Justice Case 246/89
<b>Financial institutions</b>	157E059; 157E016	A/318/88	Italy	Taxation on encashment of Eurocheques	Terminated
	157E059	A/149/89	Belgium	Premium for the acquisition of housing	Reasoned opinion
<b>Budgetary questions</b>	377R2891; 157E171	A/355/85	Italy	Refusal to pay interest charges	Reference to the Court of Justice Case 54/87 Judgment 22. 2. 1989
	377R2892; 377R2891	A/60/87	Germany	Own resources from VAT: calculation of compensation for exemption of telecommunications	Reference to the Court of Justice Case 251/88 Judgment 23. 5. 1990
	377R2891	A/98/87	Italy	Interest on payment of own resources from customs duties	Withdrawn

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
<b>Budgetary questions</b> <i>(cont'd)</i>	375R2727; 377R2891; 379R1697; 157E005	A/358/87	Greece	Own resources; interest on late payments; Yugoslav maize presented as being of Greek origin	Terminated
	377R2891	A/29/88	Italy	Interest on late payment of own resources	Withdrawn
	157E005; 165F/PRO/PRI	A/245/88	Spain	Implementation of the Protocol on the Privileges and Immunities of the European Community	Terminated
	377R2891; 157A018	A/466/90	Italy	Interest on late payment of own resources (Report 87-7-3)	Reasoned opinion
	377R2891	A/285/88	Italy	Interest on late payment of customs duties (Report 84-6-3)	Withdrawn
	377R2891	A/19/89	Ireland	Failure to calculate and pay VAT resources owing to exemption of tolls	Reasoned opinion
	377R2891	A/20/89	United Kingdom	Failure to calculate and pay VAT resources owing to exemption of tolls	Reasoned opinion
<b>Customs union</b>	682J0199	A/437/84	France	Repayment of national charges having equivalent effect	Withdrawn
	682J0199; 157E171	A/438/84	Italy	Repayment of national charges having equivalent effect	Reference to the Court of Justice Case 104/86 Judgment 24. 3. 1988 Letter of formal notice
	377R1535	A/126/84	United Kingdom	Civil aircraft exempted from customs duties and subsequently used as military aircraft	Reasoned opinion

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Customs union (cont'd)	157E009; 157E028; 368R0950	A/342/84	Belgium	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/343/84	Denmark	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/344/84	United Kingdom	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/345/84	Italy	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/346/84	Luxembourg	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/347/84	Netherlands	Duty-free importation of military equipment	Reasoned opinion
	157E009; 181H029; 157E171	A/229/86	Greece	Bank charge for checking imported products	Reference to the Court of Justice Case 229/87 Judgment 15. 11. 1988
	186I035	A/62/87	Spain	Payment of <i>Mozos de Aduana</i> taxes	Withdrawn
	157E009; 157E102	A/158/87	Italy	Telegrams sent by veterinary services charged to importers of livestock	Reference to the Court of Justice Case 137/89 Judgment 14. 3. 1990
	157E009; 57E095	A/283/87	Denmark	Tax on agricultural products (dried fruit, chocolate-based products and sugar)	Terminated
	157E009; 157E012; 368R0804	A/182/88	France	Charge for computerized checking of customs declarations	Reasoned opinion
	376R0754	A/325/88	France	Returned goods	Reasoned opinion
	157E009; 387D0433	A/447/88	Italy	Stamp duty on certain products	Reasoned opinion



Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Indirect taxation	157E095	A/136/83 (A/300/88)	Italy	Consumption tax on bananas	Reference to the Court of Justice Case 184/85 Judgment 5. 7. 1987
	157E095; 157E096	A/158/83	Italy	Excise duty on beer	Reference to the Court of Justice Case 238/90
	157E095; 157E096	A/187/83	Belgium	Excise duty on beer	Reference to the Court of Justice Case 153/89
	157E095; 157E096	A/188/83	Luxembourg	Excise duty on beer	Reference to the Court of Justice Case 152/89
	157E095; 157E096	A/189/83	Netherlands	Excise duty on beer	Reference to the Court of Justice Case 282/89
	157E095	A/215/85	Ireland	Excise duty on table waters	Terminated
	157E095	A/331/85	France	Taxation of imports of second-hand goods having the effect of double taxation	Terminated
	157E095	A/333/85	France	Taxation of imports of second-hand goods having the effect of double taxation	Reference to the Court of Justice Case 120/88
	157E095	A/503/85	Denmark	Motor vehicles	Reference to the Court of Justice Case 47/88 Judgment 11. 12. 1990
	157E095	A/78/86	Greece	Differential rates of tax on imports of decorative articles made of ordinary plastic	Terminated
	157E095	A/80/86	Greece	Tax on imports of powdered cheese	Terminated
	157E095; 157E171	A/83/86 A/99/90	Italy	Excise duties on rum	Reference to the Court of Justice Case 323/87 Judgment 11. 7. 1989 Letter of formal notice
	157E095	A/219/86	France	Parafiscal charge on imports of forestry products	Reasoned opinion

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Indirect taxation (cont'd)	157E095	A/340/86	Greece	Discriminatory treatment of motor vehicles imported from other Member States	Reference to the Court of Justice Case 132/88 Judgment 5. 4. 1990
	157E095	A/399/86	United Kingdom	Parafiscal charge levied by the Sea Fish Industry Authority	Terminated
	157E095	A/400/86	France	Contribution levied on potatoes	Terminated
	157E095	A/308/87	Spain	Taxation of imports of second-hand goods having the effect of double taxation	Reference to the Court of Justice Case 119/89
	157E095	A/325/87	Greece	Taxation of imports of second-hand goods having the effect of double taxation	Reference to the Court of Justice Case 159/89
	157E095	A/341/87	Greece	Higher VAT on imported spirituous beverages than on national products	Reference to the Court of Justice Case 230/89
	157E095	A/77/88	Portugal	Administrative charge for the inspection of fruit and vegetables	Reasoned opinion
	157E095	A/275/88	Greece	VAT rate: silver-plated cutlery	Reasoned opinion
	157E095	A/300/88	Italy	Taxation of bananas	Reference to the Court of Justice Case 380/89
	157E095	A/336/88	Ireland	Measures introducing differential VAT rates on newspapers	Terminated
	157E095	A/369/88	Greece	VAT on imported cars	Reference to the Court of Justice Case 327/90
	386R3842; 387R3077	A/89/89	Ireland	Counterfeit goods	Terminated
	386R3842; 387R3077	A/90/89	Italy	Counterfeit goods	Reasoned opinion

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
<b>Indirect taxation</b> <i>(cont'd)</i>	157E095	A/93/89	Portugal	Differential taxation of motor vehicles	Reasoned opinion
	382R0636	A/128/89	Netherlands	Inward processing of textiles	Reasoned opinion
	Art. 6 Accession Protocol	A/130/89	Spain	Imports of bread-making flour into the Canaries	Reasoned opinion
	385R3632	A/132/89	Portugal	Restrictions on forwarding agents making customs declarations	Reasoned opinion
	157E030; 151K004	A/361/89	Italy	Obstacles to the free movement of steel products	Reasoned opinion
	382R3599; 384R1751; 157E030	A/544/89	Greece	Temporary importation of video cameras (camcorders)	Reasoned opinion
	157E095	A/627/89	Greece	Tax discrimination for imported cars	Reasoned opinion
<b>Enterprise policy, Tourism, Cooperatives</b>	157E059; 157E007; 157E048; 157E052	A/351/87	Greece	Admission to museums	Reasoned opinion
	157E059; 157E007; 157E048; 157E052	A/352/87	Spain	Admission to museums	Reasoned opinion
<b>Legal Services</b>	157E112	A/32/89	France	Lodging of instrument of ratification of the 1986 international cocoa agreement	Terminated

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*Explanation of entries*

78/546	= number of Directive
(31. 12. 1989)	= deadline for incorporation of Directive into national law
blank	= no measures notified by 31 December 1990 although measures may in fact have been taken (measures notified by MS currently under study)
yes	= national implementing measures notified
n.m.n.	= proceeding initiated or pursued on the ground that no measures have been notified
n.p.i.	= proceedings pursued on the ground that the Directive has not been properly incorporated into national law
n.p.a.	= proceedings pursued on the ground that the Directive is not being properly applied
1. 1. 1986	= deadline for incorporation by the particular Member State
A/74/89	= infringement number (. . /82 = year in which proceedings were initiated)
Case 171/88	= number of case on Court of Justice register
Judgment 1. 3. 1983	= date of Court judgment
r.o.	= reasoned opinion
169 letter	= letter pursuant to Article 169
(Article 171)	= Article 171 of the EEC Treaty

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
<b>Statistical questions</b>													
72/280 (1. 1. 1973)	Statistical surveys — milk and milk products	yes	yes	yes	yes	yes	yes	yes	A/209/88 n.p.a. r.o.	yes	yes	yes	yes
73/132	Statistical surveys — bovine livestock	yes	yes	yes	yes	yes	yes	yes	A/208/88 n.p.a. r.o.	yes	yes	yes	yes
76/630 (1. 12. 1976)	Surveys of pig production	yes	yes	yes	yes	yes	yes	yes	A/210/88 n.p.a. r.o.	yes	yes	yes	yes
78/546 (31. 12. 1980)	Statistical returns — carriage of goods by road	yes	yes	yes	yes	yes	yes	yes	A/74/82 n.p.i. Judgment 11. 7. 1985 Case 101/84  A/216/88 n.p.i. Case 266/89	yes	yes	yes	yes
82/177 (1. 3. 1985)	Statistical surveys — sheep and goat stocks	yes	yes	yes	yes	yes	yes	yes	A/210/88 n.p.a. r.o.	yes	yes	yes	yes
<b>Internal market and industrial affairs</b>													
62/2645 (26. 10. 1963)	Colouring matters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
63/261 (3. 10. 1963)	Freedom of establishment in agriculture — paid workers	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
63/262 (3. 10. 1963)	Freedom of establishment in agriculture — abandoned holdings	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
63/607 (15. 4. 1964)	Freedom of establishment — film industry	yes	yes	yes	A/499/90 n.m.n. 169 letter	yes	yes	A/612/90 n.m.n. 169 letter	yes	yes	yes	yes	
64/427 (3. 1. 1965)	Self-employed persons in processing industries	yes	yes	yes	yes	yes	yes	A/15/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
64/429 (3. 1. 1965)	Freedom of establishment — self-employed persons in processing industries	yes	yes	yes	yes	yes	yes	A/16/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
64/54 (1. 1. 1981)	Preservatives	yes	yes	yes	yes	yes	yes	yes	A/278/84 n.p.a. r.o.	yes	yes	yes	yes
65/1 (15. 6. 1965)	Freedom to provide services — agriculture	yes	yes	yes	A/520/90 n.m.n. 169 letter	yes	yes	A/3/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
65/264 (14. 11. 1965)	Freedom of establishment — film industry	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
65/569 (31. 12. 1966)	Preservatives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
65/65 (4. 8. 1966)	Proprietary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
66/722 (30. 6. 1967)	Preservatives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
67/427 (1. 3. 1968)	Preservatives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/796/90 n.m.n. 169 letter
67/530 (26. 1. 1968)	Freedom of establishment — farmers	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
67/531 (26. 1. 1968)	Agricultural leases	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
67/532 (26. 1. 1968)	Cooperatives	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
67/653 (1. 1. 1968)	Colouring matters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
67/654 (24. 6. 1968)	Freedom of establishment — forestry	yes	yes	yes	A/521/90 n.m.n. 169 letter	yes	yes	A/4/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
69/192 (11. 10. 1968)	Freedom of access to credit for farmers	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
68/365 (17. 4. 1969)	Freedom of establishment — food industries	yes	yes	yes	A/522/90 n.m.n. 169 letter	yes	yes	A/17/90 n.m.n. 169 letter	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
68/366 (17. 4. 1969)	Food industries	yes	yes	yes	A/523/90 n.m.n. 169 letter	yes	yes	A/18/90 n.p.i. 169 letter	yes	yes	yes	yes	yes
68/367 (17. 4. 1969)	Freedom of establishment — personal services	yes	yes	yes	A/524/90 n.m.n. 169 letter	yes	yes	A/23/90 n.p.i. 169 letter	yes	yes	yes	yes	yes
68/369 (17. 4. 1969)	Personal services	yes	yes	yes		yes	yes		yes	yes	yes	yes	
68/415 (20. 6. 1969)	Freedom of access to aid for farmers	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
69/77 (5. 3. 1969)	Activities of self-employed in processing industries	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
69/82 (14. 9. 1969)	Activities of self-employed in exploration	yes	yes	yes	A/525/90 n.m.n. 169 letter	yes	yes	A/21/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
70/451 (2. 4. 1971)	Freedom of establishment in film production	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	
71/18 (18. 6. 1971)	Freedom of establishment — agriculture and horticulture	yes	yes	yes	A/526/90 n.m.n. 169 letter	yes	yes	A/5/90 n.p.a. 169 letter	yes	yes	yes	yes	yes
71/160 (1. 10. 1971)	Preservatives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
71/305 (29. 7. 1972)	Public works contracts	A/403/90 n.p.a. r.o.	A/195/90 n.p.a. r.o.	A/316/89 n.p.a. Case 243/89	A/562/90 n.p.a. r.o.	yes	yes	A/110/88 n.p.i. Case 299/89  A/201/90 n.p.i. 169 letter (Article 171)	A/332/88 n.p.a. r.o.  A/596/88 n.p.a. Case 194/88  A/163/88 n.p.a. r.o.	yes	yes	A/406/87 n.p.a. r.o.	A/91/89 n.p.a. r.o.
71/319 (29. 1. 1973)	Meters for liquids other than water	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/810/90 n.m.n. 169 letter
71/320 (30. 1. 1973)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/347 (15. 4. 1973)	Measuring of grain	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/811/90 n.m.n. 169 letter
71/348 (15. 4. 1973)	Meters for liquids other than water	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/812/90 n.m.n. 169 letter
71/349 (15. 4. 1973)	Calibration of tanks of vessels	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/813/90 n.m.n. 169 letter
72/277 (1. 1. 1981)	Public works contracts	yes	yes	yes	yes	yes	yes	A/110/88 n.p.i. Case 299/89	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
73/23 (21. 8. 1974)	Low voltage equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
73/148 (23. 11. 1973)	Movement and residence	A/145/86 n.p.a. r.o.	A/405/88 n.p.a. r.o.	A/419/89 n.p.a. r.o.	yes	yes	A/419/90 n.p.a. 169 letter	yes	yes	yes	yes	A/382/87 n.p.a. Case 68/89	yes
73/241 (21. 7. 1974)	Cocoa and chocolate	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
73/350 (1. 1. 1981)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
73/361 (1. 1. 1981)	Marking of wireropes and chains	yes	yes	yes	A/501/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/14/90 n.m.n. 169 letter
73/405 (27. 5. 1975)	Anionic surfactants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
73/437 (13. 12. 1975)	Sugars	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
74/394 (1. 1. 1974)	Preservatives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
74/409 (23. 7. 1976)	Honey	yes	yes	yes	A/488/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
75/34 (18. 12. 1975)	Right to remain	A/373/86 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
75/35 (18. 12. 1975)	Movement and residence	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
75/106 (31. 12. 1979)	Prepackaged liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/815/90 n.m.n. 169 letter
75/107 (20. 6. 1976)	Bottles used as measuring containers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/816/90 n.m.n. 169 letter
75/155 (1. 7. 1975)	Cocoa and chocolate	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
75/318 (22. 11. 1976)	Proprietary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	1. 1. 1991 yes
75/319 (22. 11. 1976)	Proprietary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	1. 1. 1991 yes
75/324 (1. 1. 1981)	Aerosols	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/817/90 n.m.n. 169 letter
75/362 (20. 12. 1976)	Doctors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
75/363 (20. 12. 1976)	Doctors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
75/368 (18. 6. 1976)	Freedom of establishment — various activities	yes	yes	yes	A/528/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
75/726 (19. 11. 1976)	Fruit juices	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/116 (19. 12. 1977)	Fertilizers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/117 (8. 8. 1980)	Electrical equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/211 (31. 12. 1979)	Packaged products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/820/90 n.m.n. 169 letter
76/399 (8. 8. 1980)	Colouring matters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/434	Marking of wire-ropes and chains	yes	yes	yes	A/502/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/821/90 n.m.n. 169 letter
76/462 (31. 12. 1978)	Preservatives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/463 (5. 5. 1978)	Preservatives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/628 (29. 7. 1983)	Cocoa and chocolate	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/756 (1. 10. 1977)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
76/765 (2. 8. 1978)	Alcoholometers and alcohol hydrometers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/822/90 n.m.n. 169 letter
76/766 (2. 8. 1978)	Alcohol tables	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/823/90 n.m.n. 169 letter
76/767 (1. 1. 1981)	Pressure vessels	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/824/90 n.m.n. 169 letter
76/891 (1. 1. 1981)	Electrical energy meters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/62 (22. 6. 1978)	Public supply contracts	A/80/90 n.m.n. 169 letter	yes	A/185/90 n.p.a.	yes	yes	yes	A/382/84 n.p.a. Case 84/86	A/466/85 n.p.a. Judgment 5. 12. 1989 Case 3/88	A/662/90 n.p.a. r.o.	yes	A/818/89 n.p.a. r.o.	A/422/87 n.p.a. Case 247/89
								A/348/90 n.p.a. r.o.	A/28/89 n.p.a. Case 362/90				A/132/90 n.p.a. r.o.
77/212 (11. 1. 1981)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/249 (24. 3. 1979)	Lawyers	yes	yes	yes	yes	A/450/84 n.p.i. Case 294/89	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
77/313 (6. 10. 1978)	Measuring systems for liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/452 (29. 6. 1979)	Nurses	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/453 (29. 6. 1979)	Nurses	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/535 (19. 12. 1977)	Analysis of fertilizers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/536	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/25 (15. 6. 1979)	Colouring matters for medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/142 (26. 11. 1979)	Materials intended to come into contact with foodstuffs	yes	yes	yes	A/489/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
78/143 (1. 2. 1979)	Anti-oxidants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/144 (1. 2. 1979)	Colouring matters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
78/420 (3. 5. 1978)	Proprietary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/609 (5. 7. 1981)	Cocoa and chocolate	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/612 (5. 7. 1980)	Foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/663 (31. 1. 1980)	Foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/664 (31. 1. 1980)	Antioxidants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/669 (2. 2. 1979)	Public works contracts	yes	yes	yes	yes	yes	yes	A/110/88 n.p.i. Case 299/89	yes	yes	yes	yes	yes
78/686 (28. 1. 1980)	Dentists	yes	yes	yes	A/411/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
78/891 (1. 1. 1980)	Pre-packaging	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/1015 (1. 1. 1981)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/1026 (21. 12. 1980)	Veterinary surgeons	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
78/1027 (21. 12. 1980)	Veterinary surgeons	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/1031 (7. 6. 1980)	Weight grading machines	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/829/90 n.m.n. 169 letter
79/138 (1. 4. 1979)	Analysis of fertilizers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/168 (1. 7. 1980)	Fruit juices	yes	yes	yes	A/490/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
79/196 (8. 8. 1980)	Electrical equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/830 (1. 1. 1982)	Hot-water meters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/1005 (1. 1. 1981)	Pre-packaged liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/832/90 n.m.n. 169 letter
80/154 (23. 1. 1983)	Midwives	yes	yes	yes	A/530/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
80/155 (23. 1. 1983)	Midwives	yes	yes	yes	A/225/90 n.p.i. Case 313/89	yes	yes	yes	yes	yes	yes	yes	yes





Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
81/20 (1. 7. 1981)	Colouring matters for use in foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
81/214 (1. 7. 1981)	Preservatives for use in foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/432 (1. 1. 1982)	Foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/798/90 n.m.n. 169 letter
81/464 (1. 1. 1981)	Colouring matters added to medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/487 (1. 7. 1983/ 1. 7. 1984)	Fruit juice	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes
81/712 (20. 2. 1983)	Additives in foodstuffs — criteria of purity	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/851 (9. 10. 1983)	Veterinary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/852 (9. 10. 1983)	Veterinary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/916 (1. 7. 1983)	Paints, varnishes, inks and adhesives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/883/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
81/962 (1. 12. 1982)	Anti-oxidants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
81/1057 (30. 6. 1982)	Doctors, nurses, dentists and veterinary surgeons	yes	yes	yes	A/532/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
82/76 (31. 12. 1982)	Doctors	yes	yes	yes	yes	yes	yes		A/6/84 n.p.i. Judgment 7. 7. 1987 Case 49/86  A/88/112 n.p.i. Case 236/89	yes	yes	yes	yes
82/242 (8. 10. 1983)	Biodegradability of surfactants	yes	yes	yes	yes	yes	yes	yes	A/378/84 n.m.n. Judgment 2. 3. 1988 Case 309/86  A/202/89 n.m.n. r.o. (Article 171)	yes	yes	yes	yes
82/243 (8. 10. 1983)	Biodegradability of surfactants	yes	yes	yes	yes	yes	yes	yes	A/379/84 n.m.n. Judgment 2. 3. 1988 Case 309/86  A/203/89 n.m.n. r.o. (Article 171)	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/470 (2. 1. 1984)	Services incidental to transport	A/123/85 n.p.i. Judgment 21. 6. 1988 Case 283/86  A/355/89 n.p.i. 169 letter (Article 171)	yes	yes	yes	yes	yes	yes	A/126/85 n.m.n. Judgment 12. 7. 1988 Case 310/86  A/362/89 n.m.n. r.o. (Article 171)	yes	yes	yes	yes
83/473 (1. 1. 1984)	Solvents	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/884/90 n.m.n. 169 letter
92/489 (23. 1. 1984)	Hairdressers	yes	yes	yes	A/533/90 n.m.n. 169 letter		yes	yes	yes		yes	yes	yes
82/499 (1. 12. 1984)	Radio interference	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/834/90 n.m.n. 169 letter
82/504 (1. 1. 1984)	Foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/621 (1. 1. 1983)	Electrical energy meters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/624 (1. 5. 1983)	Alcoholometers and alcohol hydrometers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/836/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/625 (1. 5. 1983)	Measuring systems for liquids other than water	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/837/90 n.m.n. 169 letter
82/711	Articles in contact with foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/799/90 n.m.n. 169 letter
82/712 (30. 6. 1984)	Anti-oxidants	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes
82/806 (25. 11. 1983)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/890 (21. 6. 1984)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/953 (30. 9. 1983)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/128 (1. 1. 1986)	Clinical thermometers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
83/189 (31. 3. 1984)	Technical standards	A/276/87 n.p.a. 169 letter	A/431/88 n.p.a. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/420/88 n.p.a. r.o.	A/80/89 n.p.a. r.o.	A/418/88 n.p.a. r.o.
		A/407/88 n.p.a. 169 letter											
83/190 (30. 9. 1983/ 1. 10. 1983)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/229 (1. 1. 1986)	Materials and articles in contact with foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/800/90 n.m.n. 169 letter
83/265 (19. 5. 1984)	Paint, varnishes, inks and adhesives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/885/90 n.m.n. 169 letter
83/417 (1. 8. 1985)	Lactoproteins	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/463 (1. 7. 1984)	Labelling of foodstuffs	yes	yes		yes	yes	yes	A/596/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
83/478 (21. 3. 1986)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/570 (31. 10. 1985)	Proprietary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
83/575 (31. 12. 1984)	Measuring instruments	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/635 (1. 1. 1986/ 1. 1. 1987)	Preserved milk	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/47 (1. 1. 1985)	Electrical equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/840/90 n.m.n. 169 letter
84/291 (30. 4. 1985)	Pesticides	yes	yes	yes	A/517/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
84/372 (1. 10. 1984)	Sound level of motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/414 (1. 1. 1986)	Thermometers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/500 (17. 10. 1987)	Ceramic articles in contact with foodstuffs	A/460/88 n.m.n. Case 307/90	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/525 (23. 3. 1986)	Seamless steel gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/841/90 n.m.n. 169 letter
84/526 (23. 3. 1986)	Aluminium gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/842/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
84/527 (23. 3. 1986)	Welded unalloyed steel gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/843/90 n.m.n. 169 letter
84/528 (26. 9. 1986)	Lifting and mechanical handling appliances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/844/90 n.m.n. 169 letter
84/529 (26. 9. 1986)	Lifts	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/845/90 n.m.n. 169 letter
84/532 (26. 3. 1986)	Construction plant and equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/846/90 n.m.n. 169 letter
84/539 (26. 9. 1986)	Electro-medical equipment used in medicine	yes	yes	yes	A/503/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	A/41/87 n.m.n. Case 310/89	A/847/90 n.m.n. 169 letter
85/1 (1. 7. 1985)	Units of measurements	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/10 (20. 12. 1985)	Prepackaged liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/847/90 n.m.n. 169 letter
85/146 (1. 1. 1986)	Measures of length	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/205 (1. 10. 1985)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/374 (30. 7. 1988)	Defective products	A/145/89 n.m.n.	A/148/89 n.m.n. 169 letter	yes		A/146/89 n.m.n. 169 letter	yes	yes	yes	A/150/89 n.m.n. 169 letter		A/151/89 n.m.n. 169 letter	yes
85/384 (5. 8. 1987)	Architects	A/506/88 n.m.n. r.o.	yes	yes	yes	yes	yes	A/387/88 n.m.n. Case 309/90	A/507/88 n.m.n. Case 296/90	yes	yes	yes	yes
85/432 (1. 10. 1987)	Pharmacists	yes	yes	yes	A/534/90 n.m.n. 169 letter	yes	yes	yes	A/253/88 n.m.n. Case 152/90	yes	yes	yes	yes
85/433 (1. 10. 1987)	Pharmacists	A/255/88 n.m.n. Case 167/90	yes	yes	A/535/90 n.m.n. 169 letter	yes	yes	yes	A/258/88 n.m.n. Case 152/90		A/259/88 n.m.n. Case 168/90	yes	yes
85/467 (30. 6. 1986)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/503 (1. 5. 1987)	Caseins and caseinates	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/573 (1. 1. 1987)	Coffee and chicory extracts	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/584 (1. 10. 1987)	Pharmacists	A/260/88 n.m.n. Case 147/90	yes	yes	yes	yes	yes	yes	A/263/88 n.m.n. Case 152/90	yes	A/264/88 n.m.n. r.o.	yes	yes
85/585 (1. 12. 1986)	Preservatives	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/591 (23. 12. 1987)	Foodstuffs intended for human consumption	yes		yes	yes	yes	yes			yes	yes	yes	yes
85/610 (31. 12. 1987)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/614 (5. 8. 1987)	Architects	yes	yes	yes	yes	yes	yes	A/388/88 n.m.n. Case 309/90	A/509/88 n.m.n. Case 296/90	yes	yes	yes	yes
85/647 (30. 9. 1986)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/17 (6. 8. 1987)	Architects	yes	yes	yes	yes	yes	yes	A/389/88 n.m.n. Case 309/90	A/547/88 n.m.n. Case 296/90	yes	yes	yes	
86/94 (31. 12. 1989)	Detergents	yes	yes	yes	yes	yes	yes	yes	A/678/90 n.m.n. 169 letter	yes	yes	yes	yes
86/96 (19. 9. 1987)	Pre-packaged products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/849/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
86/217 (30. 11. 1987)	Tyre pressure gauges	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/295 (30. 5. 1989)	Construction plant (rops)	yes	yes	yes	A/504/90 n.m.n. 169 letter	yes	yes	A/586/89 n.m.n. r.o.	yes	yes	A/618/89 n.m.n. r.o.	A/596/89 n.m.n. r.o.	A/851/90 n.m.n. 169 letter
86/296 (30. 5. 1989)	Construction plant (fops)	yes	yes	yes	A/505/90 n.m.n. 169 letter	yes	yes	A/587/89 n.m.n. r.o.	yes	yes	A/619/89 n.m.n. r.o.	A/597/89 n.m.n. r.o.	A/852/90 n.m.n. 169 letter
86/297 (2. 1. 1988/ 1. 1. 1995)	Tractors — power take-offs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/298 (2. 6. 1988)	Tractors — protection structures	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/312 (27. 9. 1986)	Lifts	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/853/90 n.m.n. 169 letter
86/388 (1. 4. 1987)	Cellulose film in contact with foodstuffs	yes	yes	yes	A/493/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/801/90 n.m.n. 169 letter
86/415 (1. 10. 1987)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/424 (15. 1. 1988)	Caseins and caseinates — analysis	A/14/89 n.m.n. Case 306/90	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/802/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
86/457 (1. 1. 1988/ 1. 1. 1990)	Training in general medical practice	yes	yes	yes	yes	yes	yes	yes	A/56/89 n.m.n. Case 292/90	yes	yes	yes	yes
86/508 (1. 9. 1987)	Paints, varnishes etc.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/886/90 n.m.n. 169 letter
86/562 (31. 12. 1986)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/604 (1. 1. 1988)	Preservatives used in foodstuffs intended for human consumption	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/663 (1. 1. 1989)	Self-propelled industrial trucks	yes	yes	yes	yes	yes	yes	A/588/89 n.m.n. r.o.	A/594/89 n.m.n. r.o.	A/606/89 n.m.n. r.o.	A/620/89 n.m.n. r.o.	A/598/89 n.m.n. r.o.	A/854/90 n.m.n. 169 letter
87/19 (1. 7. 1987)	Proprietary medicinal products	yes	yes	yes	A/515/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	1. 1. 1991 yes
87/20 (1. 7. 1987)	Veterinary medicinal products	yes	yes	yes	yes	yes	yes	yes	A/94/88 n.m.n. r.o.	yes	yes	yes	yes
87/21 (1. 7. 1987)	Proprietary medicinal products	yes	yes	yes	1. 1. 1992 yes	yes	yes	1. 1. 1992	yes	yes	yes	yes	1. 1. 1992 yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/22 (1. 7. 1987)	High-technology medicinal products	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes
87/54 (7. 11. 1987)	Legal protection of semi-conductor topographies	yes	yes	yes	yes	yes	yes	A/449/89 n.m.n. Case 574/90	yes	yes	yes	yes	yes
87/56 (1. 1. 1988)	Sound level of motorcycles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/76 (1. 7. 1988)	Motor vehicles — air pollution	yes	yes	yes	yes	yes	yes	A/379/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
87/77 (1. 7. 1988)	Gaseous pollutants from diesel engines	yes	yes	yes	yes	yes	yes	A/380/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
87/94 (31. 12. 1987)	Straight fertilizers	yes	yes	yes	yes	yes	A/238/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes
87/250 (1. 5. 1988/ 1. 5. 1989)	Labelling of alcoholic beverages	yes	yes	yes	yes	A/114/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	A/803/90 n.m.n. 169 letter
87/308 (31. 12. 1988/ 31. 12. 1989)	Radio interference	yes	yes	yes	yes	yes	yes	A/590/89 n.m.n. r.o.	yes	yes	yes	yes	A/855/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/310 (31. 12. 1987)	Suppression of radio interference fluorescent lights	yes	yes	yes	yes	yes	yes	A/591/89 n.m.n. r.o.	yes	yes	yes	yes	A/856/90 n.m.n. 169 letter
87/354 (31. 12. 1987)	Industrial products — indications of Member States	A/396/88 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/403/88 n.m.n. r.o.	yes	yes	yes	A/857/90 n.m.n. 169 letter
87/355 (31. 12. 1987)	Measuring instruments	yes	yes	yes	yes	yes	yes	yes	A/404/88 n.m.n. r.o.	yes	yes	yes	yes
87/356 (30. 6. 1988)	Pre-packaged products	yes	yes	yes	yes	yes	yes	yes	A/193/89 n.m.n. r.o.	yes	yes	yes	A/859/90 n.m.n. 169 letter
87/358 (1. 10. 1988)	Motor vehicles — type-approval	yes	yes	yes	yes	yes	yes	A/377/89 n.m.n. r.o.	yes	yes	yes	yes	yes
87/402 (26. 6. 1989)	Tractors	yes	yes	yes	yes	yes	yes	yes	A/956/90 n.m.n. 169 letter	yes	yes	yes	yes
87/403 (1. 10. 1988)	Motor vehicles — type-approval	yes	yes	yes	yes	yes	yes	A/378/89 n.m.n. r.o.	yes	yes	yes	yes	yes
87/524 (6. 4. 1989)	Preserved milk products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/804/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/566 (31. 10. 1988)	Fertilizers — sampling and analysis	yes	yes		yes	yes	A/239/89 n.m.n. r.o.	yes	A/441/89 n.m.n. r.o.	yes	A/234/89 n.m.n. r.o.	yes	yes
88/182 (1. 1. 1989)	Technical standards	yes	yes	yes	yes	yes	yes	yes	A/372/90 n.m.n. 169 letter	yes			A/884/90 n.m.n. 169 letter
88/183 (25. 3. 1989)	Fluid fertilizers	yes	yes	yes	yes	yes	yes	A/186/90 n.m.n. r.o.	A/51/90 n.m.n. r.o.	yes	A/53/90 n.m.n. r.o.	yes	yes
88/194 (1. 10. 1988)	Motor vehicles — braking devices	yes	yes	yes	yes	yes	yes	A/381/89 n.m.n. r.o.	yes	yes	yes	yes	yes
88/195 (1. 4. 1988)	Motor vehicles — engine power	yes	yes	yes	yes	yes	yes	A/382/89 n.m.n. r.o.	yes	yes	yes	yes	yes
88/295 (1. 1. 1989)	Public supply contracts	yes	yes	yes	1. 3. 1992	yes	yes	1. 3. 1992	A/449/89 n.m.n. r.o.	yes	yes	A/580/89 n.m.n. 169 letter	1. 3. 1992
88/297 (31. 12. 1988)	Tractors — type approval	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/316 (30. 6. 1988)	Pre-packaged liquids	yes	yes	yes	yes	yes	yes	yes	A/194/89 n.m.n. r.o.	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/320 (1. 1. 1989)	Good laboratory practice	yes		yes	A/589/90 n.m.n. 169 letter		yes			yes	yes	yes	yes
88/366 (1. 10. 1988)	Motor vehicles — field of vision	yes	yes	yes	yes	yes	yes	A/383/89 n.m.n. r.o.	yes	yes	yes	yes	yes
88/388 (30. 12. 1988)	Flavourings	yes	A/422/90 n.m.n. 169 letter	yes	yes	A/569/90 n.m.n. 169 letter		yes	A/671/90 n.m.n. 169 letter	A/638/90 n.m.n. 169 letter	A/704/90 n.m.n. 169 letter	A/711/90 n.m.n. 169 letter	yes
88/410 (30. 9. 1988)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/411 (30. 9. 1988)	Tractors — steering equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/412 (30. 9. 1988)	Tractors — speed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/413 (30. 9. 1988)	Tractors — roll-over protection	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/414 (30. 9. 1988)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/436 (1. 10. 1988)	Restriction of pollutant emissions from diesel engines	yes	yes	yes	yes	yes	yes	A/389/89 n.m.n. r.o.	yes	yes	yes	yes	yes
88/465 (30. 9. 1988)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/571 (31. 12. 1989)	Electrical equipment	yes	yes	yes	yes	yes	yes	yes	A/670/90 n.m.n. 169 letter	A/641/90 n.m.n. 169 letter	A/711/90 n.m.n. 169 letter	yes	A/872/90 n.m.n. 169 letter
88/593 (1. 1. 1989)	Jams, jellies and marmalades	yes	A/483/90 n.m.n. 169 letter	yes	yes	A/570/90 n.m.n. 169 letter	yes	yes	yes	A/639/90 n.m.n. 169 letter	A/705/90 n.m.n. 169 letter	A/742/90 n.m.n. 169 letter	A/806/90 n.m.n. 169 letter
89/105 (31. 12. 1989)	Pricing of medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
89/173 (31. 12. 1989)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
89/235 (30. 4. 1989)	Motorcycles — sound level	yes	yes	yes	yes	yes	yes	A/344/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
89/240 (1. 1. 1989)	Self-propelled industrial trucks	yes	yes	yes	yes	yes	yes	A/589/89 n.m.n. r.o.	A/595/89 n.m.n. r.o.	A/607/89 n.m.n. r.o.	A/621/89 n.m.n. r.o.	A/599/89 n.m.n. r.o.	A/863/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
89/277 (30. 9. 1989)	Motor vehicles	yes	yes	yes	yes	yes	yes	A/312/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
89/278 (30. 9. 1989)	Motor vehicles	yes	yes	yes	yes	yes	yes	A/313/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
89/297 (30. 10. 1989)	Motor vehicles	yes	yes	yes	yes	yes	yes	A/314/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
89/344 (1. 1. 1988)	Cocoa and chocolate	yes			yes		yes		A/673/90 n.m.n. 169 letter	A/640/90 n.m.n. 169 letter		yes	yes
89/516 (31. 12. 1989)	Motor vehicles	yes	yes	yes	yes	yes	yes	A/607/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
89/517 (31. 12. 1989)	Motor vehicles	yes	yes	yes	yes	yes	yes	A/608/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
89/518 (31. 12. 1989)	Motor vehicles	yes	yes	yes	yes	yes	yes	A/609/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
89/394 (14. 6. 1990)	Fruit juices	yes	yes	A/463/90 n.m.n. 169 letter	A/496/90 n.m.n. 169 letter	A/571/90 n.m.n. 169 letter	yes	A/599/90 n.m.n. 169 letter	A/674/90 n.m.n. 169 letter	A/641/90 n.m.n. 169 letter	A/706/90 n.m.n. 169 letter	A/743/90 n.m.n. 169 letter	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
72/166 (31. 12. 1973)	Insurance against civil liability (Green card)	yes	yes	yes	yes	yes	yes	yes	A/485/87 n.p.a. Case 232/89	yes	yes	yes	yes
73/79 (1. 1. 1976)	Capital duty	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
72/239 (31. 1. 1975)	Taking-up of business of direct insurance	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/91 (16. 12. 1978)	Company law	A/404/86 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/799 (1. 1. 1979)	Mutual assistance	yes	yes	yes	yes	yes	yes	A/804/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
78/473 (2. 12. 1979)	Community co-insurance	yes	yes	yes	yes	yes	yes	yes	yes	A/127/83 n.p.i. Judgment 4. 12. 1986 Case 206/84	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/121 (30. 6. 1983)	Regular information to be published by companies	yes	yes	yes	A/564/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
82/891 (1. 1. 1986)	Division of public limited liability companies	A/129/86 n.m.n. Judgment 11. 5. 1989	yes	yes	yes	yes	yes	yes	A/133/86 n.m.n. Case 90/88	yes	yes	yes	yes
		Case 46/88											
		A/399/90 n.m.n. 169 letter (Article 171)											
83/349 (1. 1. 1988)	Consolidated accounts	yes	yes	yes	yes	yes	yes	yes	A/321/89 n.m.n. r.o.	A/322/89 n.m.n. Case 359/90	yes	yes	A/314/89 n.m.n. r.o.
84/5 (1. 1. 1988)	Insurance against civil liability	yes	yes	yes	yes	yes	yes	A/200/89 n.m.n. r.o.	yes	yes	A/172/89 n.m.n. Case 349/90	yes	yes
84/253 (1. 1. 1988)	Audits of accounting documents	yes	yes	yes	yes	yes	yes	yes	A/326/89 n.m.n. r.o.	A/324/89 n.m.n. Case 359/90	yes	A/328/89 n.m.n. r.o.	yes
84/641 (30. 6. 1987)	Tourist assistance	yes	yes	yes	yes	yes	yes	A/177/89 n.m.n. r.o.	A/178/89 n.m.n. r.o.	yes	A/179/89 n.m.n. Case 349/90	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/303 (1. 1. 1986)	Indirect taxes on capital	yes	yes	yes	A/558/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
85/611 (1. 1. 1989)	Undertakings for collective investments (UCITS)	A/39/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	A/140/90 n.m.n. 169 letter	yes	yes	yes	yes
88/220 (1. 1. 1989)	Undertakings for collective investments (UCITS)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/357 (30. 12. 1989/ 30. 6. 1990)	Direct insurance	A/454/90 n.m.n. 169 letter	yes	yes	A/561/90 n.m.n. 169 letter	yes	yes	A/631/90 n.m.n. 169 letter	A/795/90 n.m.n. 169 letter	A/665/90 n.m.n. 169 letter	A/735/90 n.m.n. 169 letter	yes	A/939/90 n.m.n. 169 letter
<b>Employment, social affairs and education</b>													
68/360 (15. 7. 1969)	Movement and residence of workers	n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/382/87 n.p.a. Case 68/89	yes
75/129 (19. 2. 1987)	Collective redundancies	yes	yes	yes	yes	yes	yes	yes	A/45/78 n.m.n. Judgment 8. 6. 1982 Case 91/81	yes	yes	yes	yes
									A/102/83 n.m.n. Judgment 6. 11. 1985 Case 131/84				







Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/35 (1. 1. 1988)	Electrical equipment for use in mines susceptible to firedamp	yes	yes	A/459/89 n.m.n. 169 letter	A/540/90 n.m.n. 169 letter	A/460/89 n.m.n. 169 letter	yes	yes	A/463/89 n.m.n. 169 letter		A/464/89 n.m.n. 169 letter	A/465/89 n.m.n. 169 letter	yes
86/188 (4. 1. 1990)	Protection of workers from noise	yes	yes	A/470/90 n.m.n. 169 letter	yes	yes	yes	yes	A/680/90 n.m.n. 169 letter	yes	A/719/90 n.m.n. 169 letter	A/753/90 n.m.n. 169 letter	yes
88/364 (1. 1. 1990)	Protection of workers from specified agents	yes	A/429/90 n.m.n. 169 letter	yes	A/539/90 n.m.n. 169 letter	yes	yes	yes	A/681/90 n.m.n. 169 letter	yes	A/780/90 n.m.n. 169 letter	A/754/90 n.m.n. 169 letter	A/892/90 n.m.n. 169 letter
<b>Environment, consumer protection and nuclear safety</b>													
71/307 (29. 1. 1973/ 1. 7. 1973)	Textile names	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
72/276 (10. 1. 1974)	Analysis of textile fibres	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
73/44 (27. 8. 1974)	Analysis of textile fibres	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
75/439 (18. 6. 1977)	Disposal of waste oils	A/98/79 n.m.n. Judgment 2. 2. 1982 Case 70/81 A/170/84 n.m.n. Judgment 14. 1. 1988 Case 229/85 A/108/87 n.p.a. Case 162/89	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes
75/440 (18. 6. 1977)	Surface water	A/345/87 n.p.i. Case 290/89	A/372/87 n.p.a. Case 58/89	yes	yes	A/349/87 n.p.i. Case 21/90 A/653/89 169 letter	yes	A/347/87 n.p.i. r.o.	yes	yes	yes	yes	yes
75/442 (18. 7. 1977)	Waste	A/102/78 n.m.n. Judgment 2. 2. 1982 Case 69/81 A/171/84 n.m.n. Judgment 14. 1. 1988 Case 228/85 A/109/87 n.p.a. Judgment 13. 6. 1990 Case 162/89 A/71/88 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	A/284/87 n.p.a. Judgment 14. 6. 1990 Case 48/89 A/239/88 n.p.a. r.o.	yes	yes	yes	A/331/89 n.p.a. r.o. A/413/89 n.p.a. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
76/160 (10. 12. 1977)	Bathing water	yes	A/317/89 n.p.a. r.o.	yes	A/400/90 n.p.a. r.o.	yes	yes	A/315/87 n.p.a. r.o.	A/356/87 n.p.i. r.o.	yes	yes	yes	
76/403 (9. 4. 1978)	Disposal of PCBs and PCTs	A/94/79 n.m.n. Judgment 2. 2. 1982 Case 71/81  A/172/84 n.m.n. Judgment 24. 1. 1988 Case 230/85  A/110/87 n.p.a. Judgment 13. 6. 1990 Case 162/89	yes	yes	yes	yes	yes	yes	A/285/87 n.p.a. Judgment 14. 6. 1990 Case 48/89	yes	yes	yes	yes
76/464 (15. 3. 1977)	Pollution — dangerous substances in the sea	A/289/88 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/579 (3. 6. 1980)	Health — ionizing radiation				yes			yes				yes	yes
76/768 (31. 12. 1980)	Cosmetics	yes	yes	yes	A/371/87 n.p.a. r.o.	A/390/86 n.p.i. r.o.	yes	A/421/86 n.p.i. Case 29/90	A/450/88 n.p.i. r.o.	yes	yes	yes	A/207/90 n.p.a. 169 letter



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
79/112 (22. 12. 1980/ 22. 12. 1982/ 22. 12. 1984)	Labelling of foodstuffs	yes	yes	yes	A/646/89 n.p.i. 169 letter	yes	yes	yes	A/101/87 n.p.a. Case 177/89  A/243/88 n.p.a. Case 32/90	yes	yes	yes	yes
79/113 (21. 6. 1980)	Construction plant — noise emissions	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/343 (3. 6. 1980)	Health protection — ionizing radiation	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/370 (1. 1. 1980/ 1. 7. 1980)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/409 (6. 4. 1981)	Conservation of wild birds	A/118/84 n.p.i. Judgment 8. 7. 1987 Case 247/85	A/119/84 n.p.i. Judgment 17. 9. 1987 Case 412/85  A/222/86 n.p.i. Judgment 3. 7. 1990 Case 288/88  A/246/87 n.p.a. Case 57/89  A/362/87 n.p.a. Case 57/89  A/48/89 n.p.i. 169 letter (Article 171)	yes	A/295/88 n.p.a. r.o.	A/121/84 n.p.i. Judgment 27. 4. 1988 Case 252/85	A/187/87 n.p.a. r.o.	A/283/88 n.p.a. r.o.	A/124/84 n.p.i. Judgment 13. 10. 1987 Case 262/85  A/501/87 n.p.a. Case 157/89  A/327/87 n.p.a. r.o.	A/309/87 n.p.a. r.o.	yes	A/125/84 n.p.i. Judgment 13. 10. 1987 Case 236/85  A/400/85 n.p.i. Judgment 15. 3. 1990 Case 339/87	A/324/88 n.p.a. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
79/581 (20. 6. 1981)	Prices of foodstuffs	A/306/87 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/831 (18. 9. 1981/ 18. 9. 1983)	Dangerous substances	yes	A/339/87 n.p.a. Case 43/90	A/38/84 n.p.i. Judgment 14. 10. 1987 Case 278/85  A/52/89 n.p.i. 169 letter (Article 171)	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/869 (11. 10. 1981)	Analysis of surface water	yes	A/346/87 n.p.i. Case 290/89	A/372/87 n.p.a. Case 58/89	yes	yes	A/350/87 n.p.i. Case 21/90	yes	A/348/87 n.p.i. r.o.	yes	yes	yes	yes
79/923 (5. 11. 1981)	Quality of shellfish waters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/68 (19. 12. 1981)	Protection of groundwater	A/281/84 n.p.i. Judgment 17. 6. 1987 Case 1/86  A/291/88 n.p.i. r.o. (Article 171)	A/121/86 n.p.i. Case 131/88	yes	A/81/88 n.p.a. Case 21/89	yes	A/354/88 n.p.a. r.o.	yes	A/86/86 n.p.a. Case 360/87	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
80/778 (17. 7. 1982)	Water for human consumption	A/221/86 n.p.i. Judgment 5. 7. 1990 Case 42/89  A/506/87 n.p.i. Case 42/89	A/440/87 n.p.i. r.o.	yes	A/81/88 n.p.a. Case 21/89	A/224/86 n.p.i. Case 287/88	A/370/87 n.p.a. Case 337/89	yes	A/363/87 n.p.a. r.o.	yes	yes	yes	yes
80/779 (18. 7. 1982)	Air quality	yes	A/119/86 n.p.i. Case 361/88	yes	yes	A/14/86 n.p.i. Case 60/90	A/387/87 n.p.a. r.o.	yes	A/102/86 n.p.i. r.o.	yes	yes	A/457/86 n.p.i. Case 190/90	yes
80/836 (3. 12. 1982)	Health protection against ionizing radiation (Euratom)	A/481/88 n.p.i. Case 376/90	yes	A/483/88 n.p.i. r.o.	yes	yes	yes	yes	A/225/87 n.m.n. Case 246/88	A/486/88 n.p.i. r.o.	yes	yes	yes
80/1335 (31. 12. 1982)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/75 (27. 2. 1982)	Analysis of textile fibres	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/957 (1. 7. 1983)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/1051 14. 6. 1982)	Noise emissions of construction plant	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/147 (31. 12. 1982)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/176 (25. 3. 1984)	Mercury discharges	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/232 (1. 7. 1983)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/368 (31. 12. 1983)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/434 (31. 12. 1983)	Analysis of cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
82/501 (8. 1. 1984)	Major-accident hazards	yes	A/219/87 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	A/457/86 n.p.i. Case 190/90	yes
82/883 (9. 12. 1984)	Waste from the titanium dioxide industry	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/884 (9. 12. 1984)	Limit value for lead in the air	yes	A/36/88 n.p.i. Case 59/89	yes	yes	A/510/87 n.p.i. Case 13/90	A/350/88 n.p.a. 169 letter	yes	yes	yes	yes	yes	yes
83/129 (1. 10. 1983/ 1. 10. 1985)	Seal pups	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
83/191 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/349 (26. 3. 1986)	Tax relief — small consignments	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/206 (26. 4. 1984)	Noise emissions of aircraft	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/341 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/467 (1. 1. 1985)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/496 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/513 (28. 9. 1983)	Cadmium discharges	yes	yes	yes	yes	A/205/88 n.p.i. r.o.	yes	yes	A/369/87 n.p.i. Case 70/89  A/416/90 n.p.i. 169 letter (Article 171)	yes	yes	yes	yes
83/514 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
83/574 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/623 (29. 11. 1985)	Textile names	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/156 (12. 3. 1986)	Mercury discharges	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/360 (30. 6. 1987)	Air pollution	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/415 (31. 12. 1985)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/449 (1. 7. 1985)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/450 (1. 10. 1986)	Misleading advertising		yes	yes	yes	yes	yes	yes	A/54/88 n.m.n. Case 256/89	yes	yes	yes	yes
84/466 (1. 1. 1986)	Radiation protection	yes	yes	yes	yes	yes	yes	yes	A/240/90 n.m.n. 169 letter	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
84/467 (5. 4. 1986)	Health protection	A/481/88 n.p.i. r.o.	yes	A/483/88 n.p.i. r.o.	yes	yes	yes	yes	A/233/87 n.m.n. Case 246/88	A/486/88 n.p.i. r.o.	yes	yes	yes
84/491 (1. 4. 1986)	Hexachlorocyclo- hexane discharges	yes	yes	yes	A/81/88 n.p.a. Case 21/89	yes	A/169/87 n.p.i. r.o.	yes	A/129/87 n.m.n. Case 54/89	yes	yes	yes	yes
84/533 (26. 3. 1986)	Sound power level of compressors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/534 (26. 3. 1986)	Sound power level of tower cranes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/535 (26. 3. 1986)	Sound power level of welding generators	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/536 (26. 3. 1986)	Sound power of power generators	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/537 (26. 3. 1986)	Sound power level of powered hand-held concrete-breccers and picks	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
84/538 (1. 7. 1987)	Sound power level of lawnmowers	yes	yes	yes	yes	yes	yes	A/388/90 n.m.n. 169 letter		yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
84/631 (1. 10. 1985)	Transfrontier shipment of hazardous waste	A/71/88 n.p.a. Case 2/90	A/85/88 n.p.a. r.o.	yes	A/495/90 n.p.a. 169 letter	yes	yes	yes	yes	yes		yes	A/76/89 n.p.a. r.o.
85/203 (1. 1. 1987)	Air quality standards for nitrogen dioxide	yes	yes	yes	yes	A/511/87 n.p.i. Case 14/90	yes	yes	yes	yes	yes	yes	yes
85/210 (1. 1. 1986)	Lead content of petrol	A/565/87 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/337 (1. 7. 1988)	The effects of public and private projects on the environment	yes	yes	yes	yes	yes	yes	A/363/89 n.m.n. r.o.	yes	yes	yes	yes	A/124/90 n.m.n. 169 letter
85/339 (3. 7. 1987)	Containers of liquids for human consumption	A/330/87 n.p.a. Case 330/89	yes	yes	A/337/87 n.p.a. r.o.	A/332/87 n.p.a. r.o.	yes	yes	yes	yes	A/334/87 n.p.a. Case 252/89  A/157/88 n.m.n. Case 252/89	yes	A/338/87 n.p.a. r.o.
85/391 (31. 12. 1986)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/405 (25. 3. 1986)	Noise emission of construction plant and equipment	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/406 (26. 3. 1986)	Sound power level of compressors	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/407 (26. 3. 1986)	Sound power level of welding generators	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/408 (26. 3. 1986)	Sound power level of power generators	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/409 (26. 3. 1986)	Sound power level of powered hand-held concrete-breakers and picks	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/411 (31. 7. 1986)	Conservation of wild birds	yes	yes	yes	A/295/88 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	A/324/88 n.p.a. r.o.
85/444 (1. 10. 1989)	Seal pups	yes	yes	yes	yes			A/371/90 n.m.n. r.o.	yes	yes	yes	yes	
85/469 (1. 10. 1985)	Transfrontier shipment of hazardous waste			yes	yes	yes	yes		yes	A/374/87 n.p.i. r.o.	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/490 (13. 12. 1986)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/577 (23. 12. 1987)	Contracts negotiated away	A/490/88 n.m.n. r.o.	yes	yes	A/566/90 n.m.n. 169 letter	yes	yes	A/11/89 n.m.n. Case	yes	yes	yes	yes	yes
86/179 (13. 12. 1986)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/197 (1. 8. 1988)	Labelling of foodstuffs	yes	yes	yes	yes	A/50/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/945/90 n.m.n. 169 letter
86/199 (31. 12. 1986)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/278 (10. 6. 1989)	Sewage sludge used in agriculture	A/230/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/285/90 n.m.n. 169 letter	A/934/90 n.m.n. 169 letter
86/279 (1. 1. 1987)	Transfrontier shipment of hazardous waste	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/280 (1. 1. 1988)	Discharges of dangerous substances	yes	yes	yes	yes	yes	yes	A/529/88 n.m.n. r.o.	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
86/431 (1. 7. 1987)	Dangerous substances	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes
86/594 (4. 12. 1989)	Household appliances — airborne noise		yes	yes	yes	yes	yes	yes					yes
86/609 (24. 11. 1989)	Protection of animals		yes	yes	yes	yes	A/785/90 n.m.n. 169 letter	A/624/90 n.m.n. 169 letter	A/693/90 n.m.n. 169 letter	yes	A/730/90 n.m.n. 169 letter	yes	A/932/90 n.m.n. 169 letter
86/662 (29. 12. 1988)	Noise emitted by hydraulic excavators	A/659/89 n.m.n. r.o.	yes	yes	yes	yes	yes	A/103/90 n.m.n. 169 letter	A/63/90 n.m.n. 169 letter	yes	A/477/89 n.m.n. r.o.	yes	yes
87/18 (30. 6. 1988)	Chemical substances — verification	yes	A/258/89 n.m.n. 169 letter	yes	yes	yes		yes	yes	yes	yes	yes	A/935/90 n.m.n. 169 letter
87/112 (1. 1. 1987)	Transfrontier shipment of hazardous waste	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/137 (31. 12. 1987)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/140 (1. 9. 1988)	Textile names	yes	yes	yes	yes	yes	yes	yes	A/430/89 n.m.n. 169 letter	yes	A/257/89 n.m.n. 169 letter	yes	yes
87/143 (1. 7. 1988)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/184 (1. 7. 1988)	Textile names	yes	yes	yes	yes	yes	yes	yes	A/431/89 n.m.n. r.o.	yes	A/249/89 n.m.n. 169 letter	yes	
87/216 (24. 9. 1988)	Major-accident hazard	yes	yes	yes	A/423/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes
87/217 (31. 12. 1988)	Environmental pollution by asbestos	yes	yes	yes	yes	yes	yes	A/582/89 n.m.n. 169 letter	A/65/90 n.m.n. 169 letter	yes	yes	yes	yes
87/219 (31. 12. 1988)	Sulphur content of liquid fuels	yes	yes	yes	yes	yes	yes	A/340/90 n.m.n. 169 letter	yes	yes	yes	yes	yes
87/252 (1. 1. 1988)	Sound power level of lawnmowers	A/431/88 n.m.n. r.o.	yes	yes	yes	yes	yes	A/531/88 n.m.n. r.o.	A/205/89 n.m.n. r.o.	yes	yes	yes	yes
87/357 (26. 6. 1989)	Health and safety of consumers	yes	A/407/90 n.p.i. 169 letter	A/484/90 n.m.n. 169 letter	yes	yes	yes	yes	A/698/90 n.m.n. 169 letter	A/668/90 n.m.n. 169 letter	A/739/90 n.m.n. 169 letter	yes	yes
87/405 (26. 6. 1989)	Sound power level of tower cranes	A/324/90 n.m.n. 169 letter	A/433/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/370/90 n.m.n. 169 letter	yes	yes	yes	yes
87/416 (29. 7. 1987)	Lead content of petrol		yes		yes	yes					yes	yes	
87/432 (1. 4. 1988/ 1. 10. 1988)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/233 (30. 9. 1988)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	A/252/89 n.m.n. 169 letter	yes	yes	yes
88/347 (1. 1. 1989/ 1. 1. 1990)	Dangerous substances	A/444/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/583/89 n.m.n. 169 letter	A/128/90 n.m.n. 169 letter	yes	yes	yes	yes
88/378 (30. 6. 1989)	Dangerous preparations	yes	yes	A/483/90 n.m.n. 169 letter	yes	yes	yes	yes	A/703/90 n.m.n. 169 letter	yes	A/738/90 n.m.n. 169 letter	A/773/90 n.m.n. 169 letter	yes
88/667 (31. 12. 1989)	Cosmetics	A/458/90 n.m.n. 169 letter	yes	yes	yes	A/594/90 n.m.n. 169 letter	yes	A/636/90 n.m.n. 169 letter	A/702/90 n.m.n. 169 letter		yes	A/771/90 n.m.n. 169 letter	A/947/90 n.m.n. 169 letter
87/102	Consumer credit	A/455/90 n.m.n. 169 letter	A/437/90 n.m.n. 169 letter	yes	A/567/90 n.m.n. 169 letter	yes	yes	A/633/90 n.m.n. 169 letter	A/699/90 n.m.n. 169 letter	A/667/90 n.m.n. 169 letter	A/737/90 n.m.n. 169 letter	A/768/90 n.m.n. 169 letter	yes
88/314	Indication of prices of non-food products	A/456/90 n.m.n. 169 letter	yes	yes		A/592/90 n.m.n. 169 letter	A/790/90 n.m.n. 169 letter	yes	A/700/90 n.m.n. 169 letter		yes	A/769/90 n.m.n. 169 letter	yes
88/315	Indication of prices of foodstuffs (amendment)	A/457/90 n.m.n. 169 letter	yes	yes		A/593/90 n.m.n. 169 letter	A/791/90 n.m.n. 169 letter	A/635/90 n.m.n. 169 letter	A/701/90 n.m.n. 169 letter		yes	A/770/90 n.m.n. 169 letter	yes
88/378	Safety of toys	yes	yes	A/483/90 n.m.n. 169 letter	yes	yes	yes	yes	A/703/90 n.m.n. 169 letter	yes	A/738/90 n.m.n. 169 letter	A/773/90 n.m.n. 169 letter	yes
89/395	Labelling of foodstuffs (amendment)							A/792/90 n.m.n. 169 letter				A/774/90 n.m.n. 169 letter	

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
90/121	Cosmetics		yes		yes				yes				
90/207	Analysis of cosmetics				yes	yes			yes				
89/174 (31. 12. 1989)	Cosmetics	A/459/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/712/90 n.m.n. 169 letter	yes	yes	A/917/90 n.m.n. 169 letter
89/428 (31. 12. 1989)	Titanium dioxide waste		yes	yes	yes	yes		A/623/90 n.m.n. 169 letter	A/692/90 n.m.n. 169 letter	yes	yes	A/763/90 n.m.n. 169 letter	yes
88/490 (1. 7. 1990)	Packaging of dangerous substances	yes	A/435/90 n.m.n. 169 letter	A/476/90 n.m.n. 169 letter	A/554/90 n.m.n. 169 letter	A/588/90 n.m.n. 169 letter	A/788/90 n.m.n. 169 letter	yes	A/696/90 n.m.n. 169 letter	yes	yes	A/765/90 n.m.n. 169 letter	yes
88/609 (30. 6. 1990)	Emissions of pollutants	yes	yes	yes	yes	A/587/90 n.m.n. 169 letter	A/784/90 n.m.n. 169 letter	A/622/90 n.m.n. 169 letter	yes	A/657/90 n.m.n. 169 letter	yes	A/762/90 n.m.n. 169 letter	A/931/90 n.m.n. 169 letter
88/610 (1. 6. 1990)	Major-accident hazards	yes	yes	yes	A/552/90 n.m.n. 169 letter	yes	A/789/90 n.m.n. 169 letter	A/628/90 n.m.n. 169 letter	yes	A/662/90 n.m.n. 169 letter	A/732/90 n.m.n. 169 letter	yes	yes
89/514 (1. 1. 1990)	Noise emitted by hydraulic excavators	yes	yes	A/475/90 n.m.n. 169 letter	yes	yes	A/787/90 n.m.n. 169 letter	A/627/90 n.m.n. 169 letter	A/695/90 n.m.n. 169 letter	A/661/90 n.m.n. 169 letter	A/731/90 n.m.n. 169 letter	yes	A/933/90 n.m.n. 169 letter





Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
69/465 (9. 12. 1971)	Potato cyst eelworm	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
70/457 (1. 7. 1972)	Agricultural plant catalogue	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
70/458 (31. 12. 1985)	Vegetable seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
70/524 (25. 11. 1972)	Additives in feedingsuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/118 (18. 2. 1973)	Fresh poultrymeat	yes	yes	yes	yes	yes	yes	A/129/88 n.p.a. Case 375/90	yes	yes	yes	yes	A/867/90 n.m.n. 169 letter
71/140 (31. 12. 1985)	Material for the vegetative propagation of the vine	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/161 (31. 12. 1985)	Forest reproductive material	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/162 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/285 (23. 7. 1972)	Intra-Community trade in animals	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
72/159 (19. 4. 1973)	Modernization of farms	yes	yes	yes	yes	yes	yes	yes	A/335/88 n.p.a. Case 169/90	yes	yes	yes	yes
72/168 (31. 12. 1985)	Vegetable varieties	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
72/169 (31. 12. 1985)	Vine varieties	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
72/180 (31. 12. 1985)	Agricultural plant varieties	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
72/274 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
72/275 (26. 7. 1972)	Control of feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
72/461 (1. 1. 1974)	Intra-Community trade in meat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
72/462 (1. 10. 1973/ 1. 1. 1976/ 1. 1. 1977)	Importation of animals	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
73/47 (1. 1. 1973)	Control of feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
73/418 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
73/438 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
74/13 (31. 12. 1985)	Forest reproduction material	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
74/63 (1. 1. 1976)	Undesirable substances — feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
74/268 (1. 1. 1976)	'Avena fatua'	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
74/577 (1. 7. 1975)	Slaughter of animals	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
74/647 (10. 12. 1975)	Carnation leaf-rollers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
74/649 (31. 12. 1985)	Material for the vegetative propagation of the vine	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
75/431 (1. 1. 1977)	Trade in fresh poultry meat	yes	yes	yes	A/976/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/868/90 n.m.n. 169 letter
75/444 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
75/502 (31. 12. 1985)	Seed of smooth-stalk meadowgrass	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/331 (31. 12. 1985)	Beet seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/895 (26. 11. 1978)	Pesticide residues — fruit and vegetables	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/93 (1. 5. 1980)	Harmful organisms	yes	yes	yes	yes	yes	yes	yes	A/323/87 n.p.a. Judgment 18. 7. 1990 Case 128/89	yes	yes	yes	yes
77/96 (1. 1. 1979)	Examination for trichinae	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/98 (1. 1. 1977/ 1. 1. 1978)	Veterinary problems	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
77/99 (1. 1. 1981)	Health problems	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/101 (1. 1. 1981)	Straight feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
77/489 (1. 8. 1978)	Protection of animals during international transport	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/504 (1. 1. 1979)	Pure-bred breeding animals of the bovine species	yes	A/143/86 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	A/449/88 n.p.a. r.o.	yes	yes	yes
77/629 (31. 12. 1986)	Material for the vegetative propagation of the vine	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/50 (30. 9. 1977/ 30. 6. 1978)	Trade in fresh poultrymeat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/869/90 n.m.n. 169 letter
78/55 (31. 12. 1990)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/877/90 n.m.n. 169 letter
78/386 (31. 12. 1985)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/805/90 n.m.n. 169 letter
78/387 (31. 12. 1985)	Cereal seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
79/373 (1. 1. 1981)	Compound feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/641 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/692 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/700 (31. 12. 1980)	Pesticide residues — fruit and vegetables	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/797 (1. 1. 1981)	Straight feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/213 (31. 12. 1980)	Health problems — fresh meat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/870/90 n.m.n. 169 letter
80/214 (31. 12. 1980)	Health problems — meat products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/215 (31. 12. 1980)	Health problems — meat products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
80/216 (31. 12. 1990)	Health problems — poultrymeat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/911/90 n.m.n. 169 letter
80/219 (31. 12. 1980)	Tuberculosis and brucellosis	yes	yes	yes	yes	yes	yes	yes	A/256/83 n.m.n. Judgment 29. 1. 1987 Case 364/85  A/453/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes
80/304 (31. 12. 1985)	Oil plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/428 (31. 3. 1981)	Pesticide residues — fruit and vegetables	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/502 (1. 7. 1981)	Undesirable products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/509 (1. 1. 1981)	Compound feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/510 (1. 1. 1981)	Straight feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
80/511 (1. 1. 1981)	Compound feedingstuffs in packages	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/665 (1. 3. 1981)	Potato ring rot	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/695 (1. 1. 1981)	Compound feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/754 (31. 12. 1985)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/818/90 n.m.n. 169 letter
80/879 (1. 1. 1981)	Marking of large packagings of poultrymeat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/912/90 n.m.n. 169 letter
80/1098 (1. 7. 1981)	Swine vesicular disease and swine fever	yes	yes	yes	yes	yes	yes	yes	A/258/83 n.m.n. Judgment 29. 1. 1987 Case 364/85  A/454/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
80/1099 (1. 7. 1981)	Swine vesicular disease and swine fever	yes	yes	yes	yes	yes	yes	yes	A/259/83 n.m.n. Judgment 10. 3. 1987 Case 386/85  A/456/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes
80/1100 (1. 7. 1981)	Swine vesicular disease and swine fever	yes	yes	yes	A/541/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/872/90 n.m.n. 169 letter
80/1102 (1. 1. 1981)	Enzootic bovine leukosis	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/36 (1. 1. 1982)	Pesticide residues — fruit and vegetables	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/389 (23. 8. 1983)	Protection of animals during international transport	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/602 (3. 11. 1981)	Substances having a hormonal or thyrostatic effect	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/287 (1. 1. 1982/ 1. 1. 1983)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/819/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/331 (1. 7. 1982)	Propagation of vine	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/400	Eradication of brucellosis	yes	yes	yes	yes	yes	yes	yes	yes	A/200/87 n.p.a. r.o.	yes	yes	yes
82/475 (1. 1. 1985)	Compound feedingstuffs for pet animals	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/528 (1. 7. 1984)	Pesticide residues	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/859 (1. 7. 1983)	Oil plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/894 (31. 12. 1990)	Animal diseases	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/913/90 n.m.n. 169 letter
82/937 (1. 7. 1983/ 1. 1. 1985)	Straight feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/957 (1. 1. 1985)	Compound feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
83/90 (1. 1. 1985)	Health problems — fresh meat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/91 (1. 1. 1985)	Fresh meat	yes	yes	yes	yes	yes	yes	yes	A/349/85 n.m.n. Judgment 27. 4. 1989 Case 324/87  A/958/90 n.m.n. 169 letter (Article 171)	yes	yes	yes	yes
83/131 (1. 10. 1984)	Plant protection products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/201 (1. 1. 1984)	Percentage of meat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/874/90 n.m.n. 169 letter
84/319 (1. 1. 1985)	Trichinae	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/378 (1. 7. 1985)	Organisms harmful to plants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/587 (4. 12. 1986/ 4. 12. 1988)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	A/559/87 n.m.n. Case 263/89	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
84/643 (31. 12. 1984)	Foot- and-mouth disease	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/644 (30. 8. 1985)	Brucellosis	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/645 (31. 3. 1985)	Swine fever	yes	yes	yes	yes	yes	yes	yes	A/352/85 n.m.n. Case 329/87	yes	yes	yes	yes
85/38 (1. 1. 1986)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/901/90 n.m.n. 169 letter
85/320 (1. 1. 1986)	Swine fever	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/321 (1. 1. 1986)	Swine fever	yes	yes	yes	A/542/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/871/90 n.m.n. 169 letter
85/322 (1. 1. 1986)	Swine fever	yes	yes	yes	yes	yes	yes	yes	A/321/86 n.m.n. Case 349/89	yes	yes	yes	yes
85/325 (1. 1. 1986)	Fresh meat	yes	yes	yes	yes	yes	yes	yes	A/323/86 n.m.n. Case 349/89	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/326 (1. 1. 1986)	Fresh poultrymeat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/878/90 n.m.n. 169 letter
85/327 (1. 1. 1986)	Meat products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/879/90 n.m.n. 169 letter
85/328 (1. 1. 1986)	Meat products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/358 (1. 1. 1987)	Substances having a hormonal action	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/952/90 n.m.n. 169 letter
85/397 (1. 1. 1989)	Heat-treated milk	yes	yes	yes	A/477/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	A/914/90 n.m.n. 169 letter
85/429 (3. 12. 1986)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/509 (30. 6. 1986)	Feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/511 (1. 1. 1987)	Foot-and-mouth disease	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/889/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/520 (3. 12. 1986)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/574 (1. 1. 1987)	Harmful organisms	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/586 (1. 1. 1986)	Veterinary field	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/880/90 n.m.n. 169 letter
86/29 (2. 12. 1986)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/109 (1. 7. 1987)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/902/90 n.m.n. 169 letter
86/155 (1. 3. 1986/ 1. 7. 1987)	Seed and plants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/174 (30. 6. 1987)	Compound poultryfeed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/267 (1. 1. 1987)	Vine varieties	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
86/299 (31. 12. 1987)	Undesirable products	yes	yes	yes	yes	yes	yes	yes	A/516/89 n.m.n. r.o.	yes	yes	yes	yes
86/300 (31. 12. 1987)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/320 (1. 7. 1987)	Cereal seed	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
86/354 (3. 12. 1988)	Feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/355 (1. 7. 1987)	Plant protection products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/362 (30. 6. 1988)	Pesticide residues in and on cereals	yes	yes	yes	yes	yes	yes	yes	A/434/89 n.m.n. r.o.	yes	yes	yes	yes
86/363 (30. 6. 1988)	Pesticide residues in and on foodstuffs of animal origin	yes	yes	yes	yes	yes	yes	yes	A/435/89 n.m.n. r.o.	yes	yes	yes	A/904/90 n.m.n. 169 letter
86/403 (3. 12. 1986)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
86/469 (1. 4. 1987)	Residues in animals and meat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/525 (30. 11. 1987)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/530 (30. 6. 1988)	Products used in animal nutrition	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/546 (1. 1. 1987)	Harmful organisms	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/587 (30. 4. 1987)	Health problems — fresh meat	yes	yes	yes	yes	yes	yes	yes	A/151/88 n.m.n. Case 262/89	yes	yes	yes	A/882/90 n.m.n. 169 letter
86/651 (1. 3. 1987)	Harmful organisms	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/64 (1. 1. 1988)	Health problems — fresh meat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/120 (1. 6. 1988)	Marketing of vegetable seed	A/279/89 n.m.n. r.o.	yes	yes	yes	A/281/89 n.m.n. r.o.	yes	yes	yes	yes	A/284/89 n.m.n. r.o.	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/153 (31. 12. 1987)	Additives in animal nutrition	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/181 (1. 1. 1988)	Plant protection products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/234 (30. 11. 1987)	Straight feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/235 (30. 11. 1987)	Compound feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/238 (3. 12. 1988)	Undesirable products	yes	yes	yes	yes	yes	yes	yes	A/268/89 n.m.n. r.o.	yes	yes	yes	yes
87/298 (1. 7. 1987)	Harmful organisms	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/316 (30. 11. 1987)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/317 (30. 11. 1987)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/328 (1. 1. 1989)	Pure-bred breeding animals — bovine species	yes	yes	yes	yes	yes	yes	A/508/89 n.m.n. r.o.	yes	A/449/88 n.p.a. r.o.  A/493/89 n.m.n. r.o.	yes	A/500/89 n.m.n. r.o.	yes
90/120		A/448/90 n.m.n. 169 letter	yes	yes	yes	yes	A/781/90 n.m.n. 169 letter	A/619/90 n.m.n. 169 letter	A/689/90 n.m.n. 169 letter		A/727/90 n.m.n. 169 letter	A/759/90 n.m.n. 169 letter	A/925/90 n.m.n. 169 letter
87/477 (1. 1. 1988)	Plant protection products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/481 (1. 7. 1989)	Vegetable seed	yes	yes	yes	yes	yes	yes	yes	A/685/90 n.m.n. 169 letter	A/649/90 n.m.n. 169 letter	A/725/90 n.m.n. 169 letter	A/755/90 n.m.n. 169 letter	
87/486 (31. 12. 1987)	Swine fever	A/502/88 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/499/88 n.m.n. r.o.	yes	yes	yes	yes
87/489 (31. 12. 1989)	Swine fever	A/513/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/497/89 n.m.n. r.o.	yes	yes	yes	yes
87/491 (1. 1. 1988)	Meat products	yes	yes	yes	yes	yes	yes	yes	A/542/88 n.m.n. r.o.	yes	yes	yes	A/827/90 n.m.n. 169 letter



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/552 (30. 11. 1988)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/95 (1. 7. 1988)	Beet seed	yes	yes	yes	yes	A/287/89 n.m.n. r.o.	yes	yes	yes	yes	A/290/89 n.m.n. r.o.	yes	yes
88/146 (31. 12. 1988)	Prohibited substances having a hormonal action	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/166 (1. 7. 1987)	Protection of laying hens kept in battery cages	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/228 (15. 5. 1988)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/271 (1. 1. 1989/ 31. 3. 1989)	Harmful organisms	yes	yes	yes	yes	A/483/89 n.m.n. 169 letter	yes	A/486/89 n.m.n. r.o.	yes	yes	yes	yes	yes
88/288 (1. 1. 1989)	Trade in fresh meat	A/515/89 n.m.n. r.o.	yes	yes	yes	yes	A/490/89 n.m.n. r.o.	A/510/89 n.m.n. r.o.	A/498/89 n.m.n. r.o.	yes	yes	yes	yes
88/289 (1. 1. 1989)	Importation of bovine animals and swine	A/516/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	A/499/89 n.m.n. r.o.	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/298 (1. 7. 1988)	Pesticide residues	yes	yes	yes	yes	yes	yes	yes	A/436/89 n.m.n. r.o.	yes	yes	yes	yes
88/299 (31. 12. 1988)	Substances having a hormonal action — trade in animals	yes	A/962/90 n.m.n. 169 letter	yes	yes		A/963/90 n.m.n. 169 letter	yes	A/964/90 n.m.n. 169 letter	yes	yes	A/965/90 n.m.n. 169 letter	A/830/90 n.m.n. 169 letter
88/406 (1. 9. 1988)	Enzootic bovine leucosis	yes	yes	yes	yes	yes	yes	yes	A/271/89 n.m.n. r.o.	yes	yes	yes	yes
88/430 (1. 1. 1989)	Harmful organisms	yes	yes	yes	yes	A/484/89 n.m.n. 169 letter	yes	A/487/89 n.m.n. r.o.	yes	yes	yes	yes	yes
89/227	Meat products	A/447/90 n.m.n. 169 letter	A/430/90 n.m.n. 169 letter	yes	A/544/90 n.m.n. 169 letter	A/580/90 n.m.n. 169 letter	A/780/90 n.m.n. 169 letter	A/618/90 n.m.n. 169 letter	A/687/90 n.m.n. 169 letter	A/653/90 n.m.n. 169 letter	A/726/90 n.m.n. 169 letter	A/758/90 n.m.n. 169 letter	yes
88/483 (30. 6. 1989)	Additives in feedingsuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/485 (30. 6. 1989)	Animal nutrition	A/229/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/572 (1. 1. 1989)	Harmful organisms	yes	yes	yes	yes	A/485/89 n.m.n. 169 letter	yes	A/488/89 n.m.n. r.o.	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/616 (30. 6. 1989)	Additives in feedingsuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/658 (31. 12. 1990)	Trade in meat products			yes									yes
89/186 (1. 8. 1989)	Pesticide residues — fruit and vegetables	A/315/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	A/316/90 n.m.n. 169 letter	yes	yes	yes	yes
89/321 (1. 9. 1989)	Trichinae	A/220/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	A/248/90 n.m.n. 169 letter	yes	yes	yes	yes
89/360 (1. 10. 1989)	Testing of brucellosis	yes	yes	yes	yes	yes	yes	yes	A/819/90 n.m.n. 169 letter	yes	yes	yes	A/923/90 n.m.n. 169 letter
89/365 (31. 12. 1989)	Plant protection products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
89/100 (1. 1. 1990)	Fodder plant seed	yes	yes	yes	yes	A/577/90 n.m.n. 169 letter	yes	A/615/90 n.m.n. 169 letter	A/682/90 n.m.n. 169 letter	A/652/90 n.m.n. 169 letter	A/722/90 n.m.n. 169 letter	A/757/90 n.m.n. 169 letter	A/907/90 n.m.n. 169 letter
89/489 (1. 1. 1990)	Harmful organisms	yes	yes	yes	yes	A/578/90 n.m.n. 169 letter	A/778/90 n.m.n. 169 letter	A/616/90 n.m.n. 169 letter	A/683/90 n.m.n. 169 letter	yes	yes	yes	A/908/90 n.m.n. 169 letter

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/407 (1. 1. 1990)	Health problems	A/446/90 n.m.n. 169 letter	yes	yes	yes	A/579/90 n.m.n. 169 letter	A/779/90 n.m.n. 169 letter	A/617/90 n.m.n. 169 letter	A/684/90 n.m.n. 169 letter	A/652/90 n.m.n. 169 letter	A/724/90 n.m.n. 169 letter	yes	A/922/90 n.m.n. 169 letter
89/362 (31. 12. 1990)	Hygiene	yes	yes	yes	A/545/90 n.m.n. 169 letter	yes	yes	yes	A/688/90 n.m.n. 169 letter	yes	yes	yes	A/924/90 n.m.n. 169 letter
89/384 (31. 12. 1990)	Freezing point of untreated milk	yes	yes	yes			yes	yes		yes		yes	
89/14 (31. 12. 1990)	Vegetable seed	yes	yes	yes	yes	A/584/90 n.m.n. 169 letter	yes	A/614/90 n.m.n. 169 letter	A/686/90 n.m.n. 169 letter	A/650/90 n.m.n. 169 letter	A/721/90 n.m.n. 169 letter	A/756/90 n.m.n. 169 letter	yes
<b>Transport</b>													
74/561 (31. 12. 1976)	Admission to the occupation of road haulage operator	yes	yes	yes	yes	yes	yes	yes	A/85/79 n.m.n. Judgment 10. 11. 1981 Case 28/81  A/175/83 n.m.n. Judgment 5. 11. 1986 Case 160/85	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
74/562 (31. 12. 1976)	Admission to the occupation of road passenger transport operator	yes	yes	yes	yes	yes	yes	A/318/85 n.m.n. Judgment 28. 9. 1987 Case 287/88	A/113/79 n.m.n. Judgment 10. 11. 1981 Case 29/81  A/176/83 n.m.n. Judgment 5. 11. 1986 Case 160/85	yes	yes	yes	A/926/90 n.m.n. 169 letter
75/130 (1. 10. 1975)	Combined road/rail carriage of goods	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/914 (19. 12. 1978)	Road transport — training for drivers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/796 (1. 1. 1979)	Recognition of qualifications	yes	yes	yes	yes	yes	yes	yes	A/141/80 n.m.n. Judgment 11. 10. 1983 Case 273/82  A/17/85 n.m.n. Case 71/88	yes	yes	yes	yes
79/1034 (1. 1. 1979)	Tankers	yes	yes	yes	yes	yes	yes	yes	yes	yes		yes	yes
80/1178 (1. 1. 1981)	Admission to the occupation of road haulage operator	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
80/1179 (1. 1. 1981)	Admission to the occupation of road passenger transport operator	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes
80/1180 (1. 1. 1981)	Goods haulage operators	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes
80/1263 (30. 6. 1982)	Driving licence	yes	yes	yes	yes	yes	A/121/87 n.p.i. r.o.	yes	A/123/87 n.p.i. r.o.	A/124/87 n.p.i. r.o.	yes	yes	yes
80/1266 (1. 7. 1981)	Air accidents	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/603 (1. 4. 1983)	Combined road/rail carriage of goods	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/714 (1. 1. 1985)	Technical requirements for inland waterway vessels	A/202/85 n.m.n. Judgment 24. 5. 1988 Case 307/86  A/356/89 n.m.n. r.o. (Article 171)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/416 (1. 10. 1984)	Authorization of air transport services	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
84/647 (30. 6. 1986)	Hired vehicles for the carriage of goods	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/3 (1. 7. 1986/ 1. 1. 1990)	Weights and dimensions of certain vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
85/347 (1. 10. 1985)	Duty-free allowance for fuel	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/505 (1. 1. 1987)	Authorization — carriage of goods	yes	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes
85/579 (1. 1. 1986)	Admission to the occupation of road passenger transport operator	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/216 (30. 6. 1986/ 1. 7. 1993)	Air transport of passengers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/360 (1. 7. 1986/ 1. 1. 1990/ 1. 1. 1992)	Weights and dimensions of certain vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
86/364 (29. 7. 1987)	Weights and dimensions of certain vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/544 (1. 7. 1987)	Combined carriage of goods	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/540 (30. 6. 1988)	Access to occupation of carrier of goods by waterway	A/364/89 n.m.n. Case 377/90	A/456/89 n.m.n. r.o.	yes	yes	A/365/89 n.m.n. r.o.	yes	yes	yes	yes	A/366/89 n.m.n. r.o.		yes
87/601 (30. 6. 1989)	Fares for scheduled air services	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		yes
89/463 (1. 11. 1989)	Interregional air services	A/450/90 n.m.n. 169 letter	yes	yes	yes	A/586/90 n.m.n. 169 letter	A/783/90 n.m.n. 169 letter	A/621/90 n.m.n. 169 letter	A/691/90 n.m.n. 169 letter	A/566/90 n.m.n. 169 letter	A/729/90 n.m.n. 169 letter	A/761/90 n.m.n. 169 letter	A/928/90 n.m.n. 169 letter
<b>Energy</b>													
68/414 (1. 1. 1971)	Stocks of crude oil	yes	yes	yes	yes	yes	yes	A/316/88 n.p.a. 169 letter	yes	yes	yes	yes	yes
72/425 (1. 1. 1975)	Stocks of crude oil	yes	yes	yes	yes	yes	yes	A/316/88 n.p.a. r.o.	yes	yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
75/339 (1. 1. 1978)	Stocks of fossil fuel	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes
75/404 (31. 12. 1975)	Restriction of the use of natural gas	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/405 (31. 12. 1975)	Restriction of the use of petroleum products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/491 (1. 1. 1977)	Mineral-oil price	A/97/89 n.m.n. Case 374/89	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/170 (1. 1. 1981)	Heat generators	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/480/90 n.m.n. 169 letter
82/885 (6. 6. 1984)	Heat generators	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/491/90 n.m.n. 169 letter
85/536 (1. 1. 1988)	Crude-oil savings	A/173/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	A/175/89 n.m.n. r.o.	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
76/695 (1. 7. 1982)	Release for free circulation	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/177 (1. 1. 1983)	Procedures for the export of goods	yes	yes	yes	yes	yes	yes	yes	A/168/83 n.m.n. Judgment 30. 4. 1986 Case 158/85  A/502/87 n.m.n. Case 208/89 (Article 171)	yes	yes	yes	yes
82/57 (1. 7. 1982)	Release for free circulation	yes	yes	yes	yes	yes	yes	yes	A/183/84 n.p.a. Judgment 27. 1. 1987 Case 275/85  A/240/88 n.p.a. r.o. (Article 171)	yes	yes	yes	yes
82/347 (1. 1. 1983)	Procedures for the export of goods	yes	yes	yes	yes	yes	yes	yes	A/162/83 n.m.n. Judgment 30. 4. 1986 Case 158/85  A/503/87 n.m.n. Case 208/89 (Article 171)	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
83/643 (31. 12. 1984/ 31. 12. 1986)	Inspections in respect of the carriage of goods	A/67/89 n.p.a. r.o.	A/281/87 n.p.a. Judgment 28. 11. 1989 Case 186/88	yes	yes	yes	yes	A/475/86 n.p.a. Case 205/89	A/114/86 n.p.a. Judgment 30. 5. 1989 Case 340/87	yes	yes	yes	yes
								A/322/88 n.p.a. r.o.	A/366/87 n.p.a. Case 187/89				
									A/33/88 n.p.a. Case 209/89				
									A/314/88 n.p.a. r.o.				
85/479 (1. 1. 1986)	Mutual assistance	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/489 (1. 1. 1987)	Mutual assistance	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/53 (1. 1. 1987)	Physical inspections in respect of the carriage of goods	yes	yes	yes	yes	yes	yes	A/352/88 n.m.n. r.o.	A/353/88 n.m.n. Case 69/90	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
<b>Indirect taxation</b>													
69/169 (1. 1. 1970)	Tax-free allowances in international travel	yes	A/40/82 n.p.a. Judgment 14. 2. 1984 Case 325/82	A/298/87 n.p.a. r.o.	yes	yes	yes	yes	yes	A/96/86 n.p.a. Judgment 6. 12. 1990 Case 367/88	yes	yes	yes
			A/320/85 n.p.a. r.o. (Article 171)	A/328/87 n.p.a. Judgment 6. 12. 1990 Case 208/88						A/247/87 n.p.a. Judgment 12. 6. 1990 Case 158/88			
72/464 (1. 7. 1973)	Taxes on manufactured tobacco	yes	yes	yes	yes	A/271/85 n.p.a. Judgment 13. 7. 1988 Case 169/87	yes	yes	yes	yes	yes	yes	A/491/87 n.p.a. r.o.
77/388 (1. 1. 1978)	Sixth VAT Directive	yes	yes	yes	A/323/88 n.p.a. r.o.	A/53/88 n.p.a. r.o.	A/202/88 n.p.a. r.o.	A/199/88 n.p.a. r.o.	A/262/81 n.p.a. Judgment 28. 6. 1988 Case 3/86	yes	yes	A/153/83 n.p.a. Judgment 26. 3. 1987 Case 235/85	yes
					A/213/88 n.p.a. r.o.			A/322/88 n.p.a. r.o.	A/188/88 n.p.a. Judgment 21. 6. 1988 Case 257/85			A/201/88 n.p.a. r.o.	
									A/209/85 n.p.a. Judgment 24. 5. 1988 Case 122/87			A/337/88 n.p.a. 169 letter (Article 171)	
									A/428/89 n.p.a. 169 letter (Article 171)			A/84/90 n.p.a. 169 letter	

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
77/388 (cont'd)									A/429/89 n.p.a. 169 letter (Article 171)  A/663/89 n.p.a. 169 letter (Article 171)			A/134/90 n.p.a. 169 letter	
83/181 (1. 7. 1984)	Importation of goods	yes	yes	yes	yes	yes	yes	yes	A/422/84 n.m.n. Judgment 24. 11. 1987 Case 125/86  A/446/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes
83/182 (1. 1. 1984)	Temporary imports	yes	yes	A/127/86 n.p.a. Case 52/90	A/471/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
83/183 (1. 1. 1984)	Permanent imports	yes	yes	yes	A/402/87 n.p.a. Case 31/89	yes	yes	A/359/87 n.p.a. Case 88/89  A/86/90 n.p.a. 169 letter	A/421/84 n.m.n. Judgment 24. 11. 1987 Case 124/86  A/445/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes



Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/331 (1. 1. 1989)	Final importation of goods	yes	yes	yes	yes	yes	yes	yes	A/578/89 n.m.n. 169 letter	A/583/89 n.m.n. 169 letter	yes	yes	yes
88/663 (1. 7. 1989)	Tax relief — small consignments	yes	yes	yes	yes	yes	yes	yes	A/297/90 n.m.n. 169 letter	yes	yes	yes	yes
88/664 (1. 7. 1989)	Exemption on imports in international travel	yes	yes	yes	yes	yes	yes	yes	A/215/90 n.m.n. 169 letter	yes	yes	yes	yes
<b>Telecommunications, information industries and innovation</b>													
86/631 (26. 7. 1987)	Mutual recognition of type-approval for telecommunications terminal equipment	A/630/89 n.m.n. 169 letter	yes	yes	A/556/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
87/372 (26. 12. 1988)	Frequency bands reserved for public communications	yes	yes	yes	A/557/90 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes
<b>Human resources, education, training and youth</b>													
77/486 (2. 8. 1981/ 31. 10. 1982)	Education of the children of migrant workers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes



## ANNEX C

## Monitoring of the application by Member States of environment Directives

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## I. INTRODUCTION

1. Interest in monitoring the application of Community law on the environment has increased in recent years: in its resolution adopting the fourth EEC environmental action programme (1987 to 1992) <sup>(1)</sup> the Council underlined the importance of Community law on the environment and asked the Commission to send it and Parliament regular reports on its application so that the environment policy could be assessed. Parliament has adopted several resolutions on the application of Community measures concerning the environment <sup>(2)</sup>. Recently, the European Council in Dublin (25 to 26 June 1990) underlined the importance of correct and complete implementation of Community measures, and requested the Commission to carry out regular reviews of the situation and publish detailed reports on its conclusions <sup>(3)</sup>.

2. That is the background to this Annex to the eighth report. It now seems time to consider in greater detail problems arising in the context of the Community environment. This initiative was taken following the presentation early in 1990 of an initial report on the application of Community law of the environment <sup>(4)</sup>.

3. The aim of this Annex is to inform the Council, Parliament and the public on the situation with regard to the application of Community law on the environment. While the Member States are responsible for implementing the provisions concerning the environment pursuant to Article 130r (4) of the EEC Treaty, the Commission is required by Article 155 to 'ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied'. The Commission's task does not end with the adoption of a legal instrument by the Council: the Commission must make sure that the Member States comply with their obligations under Community legislation. They are required to adopt the legislation needed to incorporate Community environment law into national law, notify it to the Commission, and ensure that their internal measures are properly and fully applied.

4. With respect to the application of Community measures on the environment, the Commission believes that only a sustained effort over a number of years will bring about a marked improvement in the situation. The effort devolves on all the parties concerned — Community, national, regional and local authorities, industry and business associations, and non-governmental organizations for the protection of the environment. The objectives of Community environment policy set out in Article 130r of the Treaty is to achieve

appropriate protection of the environment. Community legislation is designed to achieve this aim and monitoring its application seeks to achieve the Article's objectives.

5. The Court of Justice has noted that protection of the environment is an essential goal in the general interests of the Community <sup>(5)</sup>.

6. The fact that environment protection is almost wholly in the hands of the authorities distinguishes environment law from all other sectors of Community law and consequently the monitoring of its application. While Community legislation relating to economic activity, agriculture, competition, transport, freedom to provide services or company law has a direct impact on large sectors of the economy in the Member States, the environment belongs to no-one and does not have an 'institutional' protector. In the economic field, various interest groups are quick to act, mobilize legal, political or media resources at their disposal to ensure respect for Community legislation or combat a practice harmful to them. On the other hand hardly anyone has the knowledge, means or resources needed to protect a biotope, clean river water or forest. Apart from the sporadic action of local protection groups which generally lack effective means, the authorities control activities that are potentially damaging to the environment, authorize or refuse infrastructure projects having an effect on the environment, or control the movement of dangerous substances and waste. Ultimately, the authorities are responsible for the enforcement of regulations generally originating in Community regulations and have the power to take action against the polluters. Only the authorities collect, administer and possibly publish data on air, soil or water pollution, the hazards threatening the environment, the evolution of the diversity of species of flora and fauna or the state of the environment in general. The difference between environment law and other sectors of Community law has contributed to changes in monitoring techniques in recent years and the importance attached to it by the Member States, the Community institutions, the media and public opinion which, in all probability, will continue to increase in the future.

## II. MONITORING INSTRUMENTS

7. Several instruments are available to the Commission to ensure observance of Community environment law. The procedure pursuant to Article 169 of the EEC Treaty is used when all other means have failed.

8. In the period preceding the adoption of a Directive and its entry into force, the Commission writes to the Member States

<sup>(1)</sup> Resolution of 19 October 1987, OJ No C 328, 7. 12. 1987, p. 1.

<sup>(2)</sup> Resolutions of 10 March 1988 (air and water), OJ No C 94, 11. 4. 1988, pp. 151 and 155; of 12 October 1988 (nature), OJ No C 290, 14. 11. 1988, p. 54; of 13 October 1988 (birds), OJ No C 290, 14. 11. 1988, p. 137; and of 16 February 1990 (general), OJ No C 68, 19. 3. 1990, p. 183.

<sup>(3)</sup> European Council, conclusions of the Dublin meeting of 25 to 26 June 1990.

<sup>(4)</sup> Commission information note P-5, 8 February 1990.

<sup>(5)</sup> Case 240/83 Association de Défense des brûleurs d'huiles usagées [1985] ECR 531; Case 302/86 Commission v. Kingdom of Denmark [1988] ECR 4607.

reminding them of the Directive, the time limits laid down in it and the obligation to transpose Community law into national law. The Commission requires the Member States to specify in detail the provisions of national law in which each article and clause of the directive is incorporated.

About three months before expiry of the time limit laid down for incorporation into national law of the Directive, the Commission sends a second official letter to the Member States if no communication has been received concerning the actual incorporation into national law of Community measures. In this letter the Commission reviews the situation and reminds the Member States of the obligation to observe the provisions in the directive.

9. The Commission is available for bilateral discussions with the Member States on all technical or legal questions concerning the incorporation of the Directive into national law. It organizes multilateral meetings with the Member States' representatives to clarify the impact of the various provisions in a Directive, inform them of progress with regard to incorporation and remind them of the time limits for the various Directives.

10. In 1990 the Commission staff initiated 'package' meetings with the central, regional or local authorities of the Member States to discuss the factual or legal aspects of alleged infringements, complaints or implementation of environmental Directives. Such meetings were held in Spain (twice), Portugal, Greece (twice), Germany, Belgium, Ireland and the Netherlands. The Commission plans to pursue and intensify this dialogue.

11. The formal procedure of Article 169 of the EEC Treaty is the only means available to the Commission to exercise control and ensure observance of Community environmental law. There are three stages in this procedure:

— letter of formal notice,

— reasoned opinion,

— referral to the Court of Justice.

12. Each stage requires a specific and formal decision by the Commission. Given that in principle the Commission holds six meetings a year on infringements, that the Member States usually have two months to reply to a formal decision by the Commission, and that cases can take a long time to reach the Court, two years, and generally over three years, may elapse between the decision to open proceedings pursuant to Article 169 and delivery of a judgment by the Court.

13. The Commission can accelerate the procedure by shortening the period between the formal decision and its execution,

and the time of reply allowed the Member State. However, in 1990 this was used only once, in a case where a Belgian regulation authorized an explicit derogation from Directive 80/51/EEC on the limitations of noise emissions from subsonic aircraft.

The Commission cannot take interim measures against a Member State. On the other hand, when a case is being heard the Commission can ask the Court to order interim measures pending the final decision when it is considered that irreversible damage may be caused to the environment.

### III. SCOPE OF MONITORING

14. In monitoring the application of the Community law three aspects are checked:

- (a) that the Member States have adopted and notified the national measures to implement the Directives;
- (b) that the national measures incorporate the obligations deriving from Community law fully and correctly;
- (c) that the national implementing measures are correctly applied in practice.

#### (a) Failure to notify national implementing measures

15. There is a specific provision in each Directive requiring the Member States to notify the Commission of national measures adopted to incorporate a Directive in national law. If, on entry into force of a Directive, the Commission has received no information regarding the national implementing measures, it opens proceedings pursuant to Article 169. Since 1990 the delegation procedure has been used.

It should be pointed out that the proceedings initiated following failure to notify reflect a delay on the part of the Member States in implementing new Directives rather than a deliberate intent to evade their Community obligations. In many cases, the Member States conform to the legislation shortly after the entry into force of the directive, and decisions of the Court tend to be rare. However, there are still too many cases where the measures adopted are not notified to the Commission, which then has to commence proceedings and incur costs which could have been avoided.

16. However, considerable delays may occur before the incorporation of environmental directives. Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment<sup>(1)</sup>, which came into force in July 1988, was not transposed by Greece, Portugal and Germany until 1990, at which time it had still not been transposed by Luxembourg.

<sup>(1)</sup> Directive 85/337/EEC, OJ No L 175, 5. 7. 1985, p. 40.

17. In the case of Directives 89/369/EEC and 89/429/EEC on air pollution from municipal waste incineration plants, which came into force on 1 December 1990, the Commission has not yet been notified of national implementing measures by the Member States. It is true that Portugal, Germany and the Netherlands adopted implementing measures (in the form of a circular) at the end of 1990.

18. It should be noted that the Commission is not kept informed of national measures adopted to implement international conventions on the environment, even where the Community as such is a contracting party.

#### (b) Partial conformity of national measures

19. At the second stage, the Commission seeks to determine whether the national measures fully and correctly incorporate Community measures. It does not simply check whether each article of a Directive is reflected in the national legislation notified; the entire national structure of primary and subordinate legislation and administrative practice is studied, bearing in mind its specific features and mode of operation, to ensure that all the objectives of Community law are achieved.

20. There is a particular problem when provisions of a Community Directive are incorporated at a level other than national (for example at the level of the regions, *Länder*, autonomous provinces, etc.). Each Member State is free to determine how best to confer its internal powers and to implement a Directive through measures adopted by regional and local authorities (\*). The Commission has to make sure that the Directive is applied throughout the territory of the Member State. In this connection, Belgium continued to pose a problem in 1990 since regional legislation transmitted to the Commission is often incomplete owing to delays in one or two regions (waste, underground water, noise).

21. On several occasions the Commission has intervened in cases where a Community environment directive was incorporated into national law by means of administrative circulars. In the various Member States such circulars may take very different forms; this can have an impact on their scope and legal force, and hence their conformity with Community law. In line with consistent Court of Justice case law to the effect that a Directive confers rights or imposes obligations on individuals, the Commission believes that an internal circular which can at any time be altered at the whim of the national authorities would not incorporate a directive correctly. This also applies where a circular is not published or, having been published,

may be amended by another circular which is not published, so that the public cannot determine precisely what law is applicable.

22. The Commission welcomes the tendency in a number of Member States, France, Germany, the United Kingdom, to use binding legislative instruments in place of circulars. It hopes that the Court of Justice Judgment in Case C-131/88 *Commission v. Germany* on the use of circulars in the field of the environment will help to clarify matters.

23. The Commission is frequently confronted with the argument that limit values for certain air or water pollutants should not be specified when a Directive is incorporated into national law, it being sufficient for the authority to make sure that the limit values are observed in practice. The Commission has always firmly held that Community limit values must be specified in a legal instrument or regulation of general application. A limit value fixed at Community level should be specified in national legislation. Here again the Commission hopes that the Court of Justice judgment in Case C-361/88 *Commission v. Germany* will contribute to a more consistent interpretation of the scope of environment law.

24. Some Member States have incorporated Council Directive 85/337/EEC. However, the decision to subject projects to such assessment is left entirely to the discretion of the Member States. The Commission believes that the recitals and various provisions of the Directive, in particular Article 2, make it clear that projects listed in Annex II of Directive 85/337/EEC should also be the subject of an environmental impact assessment, particularly when the nature, dimension or location of the project are such as to require it. Therefore the Member States must provide in their legislation for the possibility of the assessment of such projects. National legislation providing solely for an environmental impact assessment for projects in Annex I to Directive 85/337/EEC cannot therefore be considered complete.

25. The Commission has not yet examined the problem of penalties laid down in national legislation incorporating Community law. However, the Commission will consider the measures to be taken following a recent decision by the Court of Justice (\*) in which the Court held that the Member States are required to take measures penalizing infringements of Community law. While the choice of penalties remains within the discretion of the Member State they must be effective, proportionate and dissuasive, and analogous to penalties for similar infringements of national law.

(\*) Case 96/81 *Commission v. The Netherlands* [1982] ECR 1791.

(\*) Case 8/88 *Commission v. Greece* [1989] ECR 2965.

(c) **Inadequate application of national provisions incorporating an environment Directive**

26. National legislation incorporating a Community environment Directive does not automatically protect the environment; it must be actually applied. In other words, plans or programmes must be drawn up and executed, the established limit values monitored and the administrative authorizations issued. National legislation could reproduce a Directive word-for-word yet remain a dead letter for want of enforcement.

27. Community environment Directives systematically contain provisions requiring the Member States to inform the Commission when Directives are transposed into national law and notify the full text of the national measures. The incorporation of Directives and the conformity of national legislation with them can be monitored at the same time by studying the texts. On the other hand, the Community Directives do not require the Member States to inform the Commission of how Community provisions on the environment are actually applied.

28. Many Directives on the environment require the Member States to report at regular intervals on the implementation of Directives (\*) or on one or other specific aspect of the implementation of a Community provision (for example, see Article 7 of Council Directive 80/779/EEC), but in the past these reports have not been systematically transmitted to the Commission by all the Member States. Only a minority, particularly Denmark and the United Kingdom, fully met their obligations. With respect to waste, the Commission has noted omissions in its report to Parliament in the implementation of the waste Directives (\*). Here, and in relation to Directive 79/409/EEC, the failure of several Member States to present their reports made it impossible for the Commission to publish its three-yearly report on the implementation of the Directives. The situation is similar with respect to air quality (Directives 80/779/EEC, 82/884/EEC and 85/203/EEC) where Commission reports are held up by late transmission or absence of national reports.

29. Apart from the problem of transmission, national situation reports do not contain detailed information on the practical application of environment provisions. They mainly contain summary descriptions of the administrative and technical measures already in place or newly adopted. Consequently, they provide little useful information on the practical application of Community environment measures.

30. With respect to reports on the implementation of directives, the Commission launched a pilot scheme in the field of waste between 1985 and 1988. It sent the Member States

a detailed questionnaire on the implementation of the four Directives. Proceedings were initiated under Article 169 of the EEC Treaty against the Member States who did not answer the questionnaire or had not drawn up the three-yearly reports on the implementation of the Directives.

In 1990, the Commission made a proposal for a Council directive to streamline the preparation of national reports along the following lines:

- the formulation of reports on the basis of a questionnaire drawn up by the Commission,
- the establishment of reports by sector (air, water, waste, etc.),
- reports to be drawn up every three years (\*).

The Commission hopes that the Council will soon remedy a serious lacuna in the application of Community environment measures by adopting this proposal, already approved by the European Parliament and the Economic and Social Committee.

31. Sometimes the Commission seeks to obtain information by asking the Member State precise questions. It also commissions studies on the application of the environment Directives in the Member States, but the number of such studies is necessarily limited. Access to information kept by national, regional or local authorities (such as frequency and results of monitoring, enterprises affected, content of authorizations granted or pollution levels noted) proves extremely difficult for the contractors and limits the value of such studies.

32. Consequently the private citizen is the Commission's main source of information. The complaints system was introduced by the Commission at the end of the 1960s to facilitate completion of the internal market. The possibility for private individuals to lodge complaints with the Commission promoted Community awareness of the environment. Citizens became familiar with Community institutions, discovered that they shared responsibility for protecting the environment and realized they could do something about it.

Complaints from individuals, non-governmental organizations, local authorities, embassies, and even Ministers of a Member State reveal the concern for the environment and the importance attached to Community action.

33. In monitoring the application of Community directives the Commission has focused on cases raised in complaints, in written or oral questions and in petitions. These cases are generally examined systematically. Internal instructions have been issued to this effect and complainants are given

(\*) A list of the Directives is annexed.

(\*) Commission report on the implementation by the Member States of the Community waste Directives 75/442/EEC, 75/439/EEC, 76/403/EEC and 78/319/EEC (SEC(89)1455 final, 27 September 1989).

(\*) OJ No C 214, 29. 8. 1990, p. 6.

the assurance on the complaints form itself<sup>(\*)</sup> that their complaint will be examined. The Commission has no other regular sources of information to assess the application of environment Directives. In cases where, on reception of a complaint or a Parliamentary question, the Commission has discovered a problem with a broad impact it examines the practice in all the Member States. For example, discovery of the failure by Belgium to observe Directive 80/51/EEC prompted the Commission to seek out information from the other Member States to determine whether aircraft landing on their territory observed the provisions of the directive.

#### IV. THE SITUATION IN THE MEMBER STATES

##### Belgium

##### 34. *Late transposal*

Proceedings for failure to notify implementing measures mainly concern waste disposal. Belgium has still not notified measures implementing Directives 75/442/EEC (waste), 76/439/EEC (disposal of waste oils) or 76/403/EEC (polychlorinated biphenyls and polychlorinated terphenyls), despite two judgments against it by the Court of Justice. However, it must be admitted that numerous regional rules have been adopted but not officially notified to the Commission; Belgium did not even mention them in the second Court case. As will be seen below, the Walloon and Flemish regions are virtually in compliance with these four Directives, but the Brussels region has still adopted no measures whatsoever. Belgium's institutional system has the added complication that a number of national measures remain in force and are applicable in the three regions. The Commission has accordingly decided to terminate the proceedings for failure to notify measures transposing the T102 and PCB-PCT Directives but has commenced new proceedings for incomplete transposal. No measures have been taken to give effect to Directive 86/278/EEC.

Measures to transpose the Directives on noise pollution by lawnmowers and on hydraulic and rope-operated excavators have still not been notified. Directive 80/68/EEC on groundwater has not been transposed in the Walloon region despite a ruling by the Court of Justice; nor have measures been taken for Directive 88/347/EEC on the discharge of certain dangerous substances.

##### 35. *Conformity with Community provisions*

When legislation is adopted to give effect to a Directive, it is generally in conformity with Community law. However, the problems of apportioning power among the various tiers of authority is a particular source of difficulty.

Belgian legislation relating to Directive 80/778/EEC (quality of water intended for human consumption), for example, is not in conformity. The Flemish and Brussels regions have taken proper measures but the Walloon region has not, as the Court of Justice declared on 5 July 1990. Furthermore, in 1990 the Flemish region authorized concentrations of two pesticides above the permissible levels.

Directive 84/360/EEC (air pollution from industrial plants) has been most inadequately incorporated by the law organizing the system of classified plants: the system is not made general, there is no obligation to take account of the criteria laid down in the Directive each time a plant is authorized, there is no reference to the best available technology, and there is no obligation to adapt existing plant.

There has been no action to give effect to a 1987 Court of Justice ruling condemning six cases of failure to comply with Directive 79/409/EEC (conservation of wild birds), and new infringement proceedings have been commenced. Directive 85/337/EEC (impact assessment) has not been transposed in the Brussels region and has been incorrectly transposed both in the Flemish region (incomplete transposal of the impact study provisions) and in the Walloon region (Annex II projects are excluded by temporary order and the impact study criteria differ from those laid down in the Directive). The Walloon regulations on nuclear plant were annulled by the Council of State, which ruled that they should have been made by the central authorities.

##### 36. *Effective application*

The situation is less satisfactory here. The Belgian authorities have not supplied the Commission with much information on water pollution matters, although they are required to do so for the implementation of Directive 75/440/EEC (classification; purification plans), while all the scientific reports available testify to the poor quality of surface and underground water and the absence of adequate purification measures (almost all rivers and streams are polluted). Moreover, bathing waters have been inadequately graded and are of poor quality; there are no programmes for the substances on list II of Directive 76/464/EEC; pollution by industrial waste and the pollution of drinking water by nitrates and lead (Verviers) abounds.

(\*) OJ No C 26, 1. 2. 1989, p. 6.

There are no specific problems regarding air pollution.

No implementation reports are available on any of the waste Directives.

The Brussels and Walloon regions have no plans for the elimination of general waste or toxic and dangerous waste.

The practical application of the Seveso Directive gives rise to serious concern as emergency plans are inadequate, where they exist at all, and there is little or no control and coordination on the part of the authorities.

Turning to nature and the living environment, Belgium has designated a large number of special conservation areas for wild birds, but there is evidence to suggest that these areas still do not enjoy proper protection. Hunting problems persist, especially as regards the snaring of birds. Finally, while Directive 85/37/EEC is still not fully transposed, initial experience has shown that such environmental impact studies as have actually been carried out do not cover all the aspects they should.

#### Denmark

##### 37. *Late transposal*

Denmark's parliament keeps a very close eye on the attitude of the Danish minister when a Directive is negotiated and adopted. Adoption of a Directive thus frequently reflects a genuine commitment, and the Government, Parliament and official bodies feel bound by the results to be achieved.

The result is that, generally speaking, Community Directives are transposed within the appointed deadlines. The only major delay in recent years concerned Directive 85/337/EEC (environmental impact assessment).

##### 38. *Conformity with Community provisions*

Danish provisions are clear evidence of Denmark's loyalty to its Community commitments. Divergences discovered between national law and Directive 79/831/EEC (dangerous substances), 76/169/EEC (bathing water) and 79/409/EEC (conservation of wild birds) are the result of a deliberate choice. Denmark took the view that the Community solution was not the best and opted for another one. In the case of the dangerous substances Directive, a ruling by the Court would help to remedy the situation.

##### 39. *Effective application*

There is a high level of environmental awareness in Denmark, which is equally evident in almost all the country's official bodies. This awareness is reflected in effective implementation

and monitoring systems. Effective implementation of Community Directives therefore presents no problems, and complaints to the Commission are extremely rare; Danish citizens have access to a national complaints system which works well, and they do not feel that more is to be gained by complaining to the Commission. In the absence of detailed information, the Commission does not know whether Directives 75/440/EEC (surface water) and 80/778/EEC (water intended for human consumption) are being fully applied in practice. No specific comments are called for in other areas.

#### Germany

40. Obviously, the Commission is not yet monitoring the implementation of the environmental Directives in the *Länder* of the former German Democratic Republic.

##### *Late transposal*

Germany finds little difficulty in transposing technical Directives in good time, but delays occur when legislation or substantial new infrastructures are required.

A particular problem emerges when Community law is to be transposed by the *Länder*, which prefer to draw attention to Community legislation by means of circulars, which may or may not be published. Local authorities and their population know little of Community provisions and their scope.

##### 41. *Conformity with Community provisions*

Because it has highly sophisticated environmental legislation. Germany's main concern is to amend it as little as possible when Community Directives are transposed. This means that important aspects of Community Directives are not completely included.

##### 42. *Effective application*

The day-to-day management of Community rules is not without problems. Water management is in the hands of the *Länder*, which have in the past taken little heed of Directives such as 78/659/EEC (waters supporting fish life), 79/923/EEC (shellfish waters) and 80/68/EEC (groundwater). Germany has considerably improved its bathing water monitoring scheme, but the Commission does not have enough information about the quality of water for human consumption, since Germany has failed to provide it.

Germany has made considerable efforts to improve air quality, though these efforts were independent of the existing Directives.

The differentiation between waste and recyclable waste introduced by Germany is a departure from the Community approach.

In the nature and the living environment sector, the Directive on birds has produced few practical changes. Germany has designated habitats which already existed and has not completely adapted hunting legislation. Some *Länder* are lagging seriously behind in designating special protection areas for the conservation of wild birds. These designated habitats continue to be threatened by construction work, contamination and day-to-day activities.

## Greece

### 43. *Late transposal*

In the past, there were considerable delays in transposing environmental Directives in Greece. Over the last two years, the Commission notes that a considerable effort is being made to live up to the obligations deriving from the adoption of Community Directives. Most of the old Directives have been transposed, though 12 of the Directives which came into force in 1989 and 1990 are still on the waiting list. However, the Commission is gratified to note that by the end of 1990 Greece had incorporated the major Directives 84/369/EEC (air pollution from industrial plants), 85/337/EEC (environmental impact assessment) and 85/339/EEC (containers of liquids for human consumption).

### 44. *Partial conformity*

Generally, Greece adopts the text of the Directives and incorporates them word for word in its national law, adapting the wording only where that proves necessary. The most common techniques are the ministerial decision and the presidential decree. However, an instrument transposing a Directive often requires implementing measures to be effectively applicable. Such implementing measures are often lacking, especially in the fields of nature protection and air pollution.

### 45. *Effective application*

This remains the chief problem in Greece. The situation has worsened to some extent because of the inadequacy of the regional and local infrastructure in the form of qualified staff, structured administration, laboratories, monitoring instruments, etc. An appreciable improvement seems to be on the way, mainly because of the help of the Community's Structural Funds and other economic instruments.

Most industrial waste water is discharged untreated into the sea. The number of areas designated fit for bathing is increasing but remains inadequate; waters suitable for fish life and for shellfish have yet to be designated. The management and monitoring of water, surface water (Directive 85/440/EEC), bathing water

(Directive 76/160/EEC) and groundwater (Directive 80/68/EEC), does not always measure up to Community requirements.

The problem of air pollution persists in Athens, and the clean-up measures taken pursuant to Directives 80/779/EEC and 85/203/EEC have not yet brought about any appreciable improvement.

There is a lack of plans for the disposal of domestic or industrial waste and of treatment and disposal facilities.

As regards nature protection, the number of areas designated pursuant to Directive 79/409/EEC (bird conservation) — 26 — appears inadequate; furthermore, in many cases, there are no specific conservation measures in those designated areas. In several cases, no assessment has been carried out, since the legislation on environmental impact assessment under Directive 85/337/EEC was not adopted until 1990.

## Spain

### 46. *Late transposal*

The Act of Accession gave Spain no additional period of grace for transposing the environmental Directives.

Most of the Directives adopted before 1 January 1986 (the date of accession) were transposed between 1986 and 1988, though there are still a number of gaps.

Several of the Directives adopted after 1 January 1986 have not yet been transposed.

### 47. *Partial conformity*

Spanish legislation on water, nature protection and waste diverges from Community provisions in several respects. As regards nature and water, these divergences derive from existing Spanish law, which has not yet been fully adapted to Community requirements. Legislation on waste is being brought up to date and legal instruments are being adopted which will ensure that there is appropriate infrastructure and proper management of toxic wastes; but the deadlines set for the Community laws in question have long since expired, quite apart from specific omissions. The Spanish legislation incorporating Directive 85/337/EEC (environmental impact assessment) exempts a large number of Annex II projects and the Commission commenced proceedings accordingly.



#### 48. *Effective application*

Where Directives require management or clean-up plans to be established, there are shortcomings and major delays both in establishing them and in applying them to water, air, waste and industrial accidents.

The effective application of existing Directives on industrial waste water leaves much to be desired. The number of areas designated as having water suitable for bathing is inadequate (Directive 76/160/EEC) and the monitoring of these areas does not meet the Directive's requirements. There is no plan for cleaning up surface water (Directive 75/440/EEC).

The Directives on air quality standards (Directives 80/779/EEC, 82/884/EEC and 85/203/EEC) are not being fully applied in some conurbations.

The plans for the management of waste and dangerous waste (Directives 75/442/EEC and 78/319/EEC) do not fully satisfy the requirements of the Directives. In several cases, waste disposal is causing local problems.

Several new nature protection areas have been designated pursuant to Directive 79/409/EEC (protection of birds).

#### France

#### 49. *Late transposal*

Proceedings for failure to notify measures are rare, for France has comprehensive environmental legislation, much of which predates the Directives. The French authorities are nearly always ready to notify measures to the Commission within the deadline laid down in the Directives and thus to meet their formal requirements, though transposal is occasionally delayed; examples are toxic and dangerous waste (over three years) and waste incinerators.

#### 50. *Conformity with Community provisions*

There are a fairly large number of proceedings for non-conformity or partial conformity, several of which present the same legal problem: is the technique of transposal by means of administrative circulars a valid one?

There has long been a difference of opinion between the Commission and the French authorities, which felt that it was. However, over the last two years the French Government has adopted a series of decrees replacing the old circulars and giving the standards laid down in the Directives unquestioned legal status.

On the other hand, France is lagging far behind on a number of planning and management obligations (plan for cleaning up surface water; designation of water suitable for fish and for shellfish; food packaging programme; major combustion facilities). In some of these cases the Commission is willing to admit that plans or programmes may well exist, but it has not been informed of them.

#### 51. *Effective application*

The practical application of the Directives on water is not perfect: an inadequate number of stretches of water have been designated and monitored as suitable for fish and shellfish; surface and groundwater are polluted by nitrates and other harmful substances; there are no programmes for the substances on list II of the dangerous substances Directive, with the result that rivers are polluted by industrial waste; the number of monitored bathing places is too low, and some of them are polluted anyway. Proceedings relating to the cadmium and titanium dioxide Directives are under way, and an infringement proceedings is under way following several complaints received about the quality of water for human consumption.

The Commission is not satisfied with the way in which Directive 84/360/EEC (air pollution from industrial plants) is applied. Despite several requests, no information has been provided about the way account is taken of the best technology available at the time of authorization or, more importantly, about the gradual adaptation of existing plants. Furthermore, the absence of specific measures to ensure the general availability of unleaded petrol by 1 October 1989 placed this goal beyond reach.

The existence of a number of waste disposal programmes formally complies with the Directives, but the situation is hardly perfect. For years France has been allowing the number of unauthorized dumps to rise and has taken no real measures to prevent the unmonitored dumping of toxic waste; worrying problems of soil and water pollution abound as a result. The Commission has been receiving a growing number of complaints.

As regards nature protection, a large number of proceedings for infringement of Directive 79/409/EEC have been commenced in relation to hunting. Ecologists and naturalists are particularly vigilant. France also appears so far to have designated an inadequate number of special conservation areas, and the protection enjoyed by those designated is not always sufficient. The environmental impact studies carried out under legislation predating the Directives and partially in conformity with them are seen as being too sectoral; moreover, the general public and nature conservation associations are not genuinely involved in the assessment process, and hostile reactions expressed in the course of public inquiries are not adequately considered.

## Ireland

52. *Late transposal*

The incorporation of Community provisions into national law within the prescribed period is the exception rather than the rule in all environmental matters. National legislation is often adopted when proceedings initiated by the Commission are already at an advanced stage.

53. *Partial conformity*

It is standard practice in Ireland for Community provisions to be transposed as such. The use of circulars for this purpose seems to have decreased slightly, the Commission having taken issue with this technique on several occasions, the most important of which concerned Directive 85/337/EEC (impact assessment).

54. *Effective application*

With respect to water pollution, the application of Directives 78/659/EEC (designation of waters needing protection or improvement to support fish life) and 79/923/EEC (shellfish waters) is unsatisfactory as regards both the number of designated zones and the measures taken. There are also shortcomings in the classification of surface water (Directive 75/440/EEC) and in the associated clean-up programme.

Air pollution is a serious problem in Dublin. It is too early to judge whether the measures taken by the Irish authorities in 1990, in particular the ban on the sale of certain types of coal in the Dublin region, will have the desired effects.

There are shortcomings in the formulation and implementation of management and improvement plans and programmes regarding waste (Directive 75/442/EEC), toxic and dangerous waste (Directive 78/319/EEC) and containers for liquids for human consumption (Directive 85/339/EEC).

As regards nature protection, the number of habitats designated pursuant to Directive 79/409/EEC (conservation of wild birds) is insufficient. For those habitats which have been designated, conservation measures do not always appear adequate.

## Italy

55. *Late transposal*

In most cases the deadlines for the incorporation of Directives into national law are still not being observed. The new 'Pergola Law', which provides for mechanisms to speed up transposal, has raised hopes that the situation might be improved.

Delays are sometimes worse when responsibility for transposing environmental Directives lies with regional authorities and the role of central government is confined to the adoption of framework laws or decrees.

56. *Partial conformity*

Problems of partial conformity often arise in fields which fall within the legislative competence of the regions, such as the conservation of wild birds (Directive 79/409/EEC), air pollution (Directives 80/779/EEC, 82/884/EEC and 85/205/EEC) and waste. As regards the Directive on wild birds, the Court of Justice condemned Italy in 1987 for failure to adapt its legislation in line with Community provisions. Other problems of non-compliance are likely to result from derogations or authorizations for derogations which are not permitted pursuant to Community Directives (Directive 76/160/EEC — bathing water; Directive 80/778/EEC — drinking water; Directive 76/464/EEC as amended — discharge of certain dangerous substances into the aquatic environment).

57. *Effective application*

The main problem in the implementation of Directives on the environment is the effective application of existing provisions. Regional or local authorities often find it difficult to organize or monitor the effective application of the rules. There are serious problems in the formulation and implementation of clean-up plans and programmes concerning surface water, waters able to support fish life, areas susceptible to air pollution, waste and toxic waste; the level of success varies widely from region to region.

As regards water pollution, Community standards for bathing water (Directive 76/160/EEC) and drinking water (Directive 80/778/EEC) are unevenly observed over the country as a whole. There are serious shortcomings in the designation and classification of waters under Directives 75/440/EEC (surface water), 78/659/EEC (waters able to support fish life) and 79/923/EEC (shellfish waters). The effective application of Directive 76/464/EEC (discharge of dangerous substances) as amended is not properly monitored.

With respect to air pollution, clean-up programmes in sensitive areas (Directives 80/779/EEC, 82/884/EEC and 85/203/EEC) and effective remedial measures are almost completely lacking. Furthermore, the Commission has not received any plans for the elimination of emissions pursuant to the Directive on large combustion plants (Directive 89/609/EEC).

As regards waste, Italy was found wanting by the Court of Justice for failing to send reports to the Commission on the implementation of the four Directives; yet the reports have still not been sent. No plans or programmes have been drawn up for the management of waste (Directive 75/442/EEC) or toxic and dangerous waste (Directive 78/319/EEC).

In the field of nature conservation, there are a number of cases where Directive 79/409/EEC (conservation of wild birds) has not been observed, in particular with regard to the protection of habitats and hunting practices. The effective application of Directive 85/337/EEC (impact assessment) is often hindered by the absence of well-defined and uniform criteria for its implementation.

**Luxembourg****58. Late transposal**

Luxembourg generally incorporates Directives within the prescribed periods. Delays are the exception but have occurred in some areas, such as noise pollution and chemical substances and in the implementation of Directives 85/337/EEC (impact assessment) and 85/339/EEC (containers for liquids for human consumption). Even so, draft legislation on these areas already exists and it is to be hoped that the delays will soon be made up.

**59. Partial conformity**

Luxembourg now makes a special effort to transpose Community Directives correctly by virtually incorporating the entire text into its own legislation. Only minor discrepancies have been observed.

Nevertheless, there are problems in the transposal of Directives on the environment when an existing legal text has to be amended in line with a Directive or when a national Regulation is promulgated using a system or definitions that differ from the Directives it transposes.

**60. Effective application**

There are no major problems here.

Difficulties sometimes arise in the designation of specific zones and measures to improve them (bathing water, sulphur dioxide in the air, natural habitats). However, the Commission has little information on the effective application of Directives since it receives very few complaints concerning Luxembourg.

Ministerial departments are in close contact with the authorities working on the ground and the practical application of rules and their consequences can be readily discussed between those responsible for drawing up the rules and those responsible for implementing them. There is therefore ample opportunity for mutual exchange of information and a high degree of transparency in national rules and their consequences for all those involved, including the general public. This is probably why the Commission has hardly received any complaints from individuals or non-governmental organizations concerning practices which might be in breach of environmental Directives.

**Netherlands****61. Late transposal**

Despite recent improvements, it is still exceptional for a Community Directive to be incorporated into Dutch law within the prescribed period. The reasons lie partly in the legislative process itself and partly in a lack of motivation to adapt national legislation to Community requirements, compounded

by the view that Dutch practices already conform to these requirements. Particular mention should be made of Directive 80/68/EEC (groundwater), which has still not been transposed despite a judgment by the Court of Justice in 1988.

**62. Partial conformity**

The Dutch legal system often accords the authorities the power to grant general or special exemptions of considerable importance. Such derogation clauses are likely to allow the Dutch authorities too much discretion in the effective application of Community rules.

Moreover, Directives are sometimes transposed by plans, programmes or other non-binding instruments, which is unacceptable from the point of view of Community law.

**63. Effective application**

In view of the small number of complaints received by the Commission, it is difficult to give an accurate assessment of the effective application of Community law.

With respect to water pollution, there seem to be some problems in the application of and compliance with Directives 75/440/EEC (surface water) and 80/778/EEC (drinking water) and in the application of Directive 80/68/EEC (groundwater), which has not yet been incorporated into Dutch national law.

There are few specific problems regarding air quality. As for waste, management plans pursuant to Directives 75/442/EEC and 78/319/EEC are lacking as are reports on the implementation of Community Directives.

In the field of nature conservation, the number of wild bird habitats designated under Directive 79/409/EEC (only nine) is insufficient. There are also problems in the effective application of Directive 85/337/EEC (assessment of environmental impact): too many projects have been granted exemptions by the Dutch authorities.

**Portugal****64. Transposal**

The transitional period accorded to Portugal for the transposal of certain Directives on the environment is now at an end, with the exception of Directive 76/160/EEC (bathing water) which will not apply there until 1993.

When Portugal joined the Community, it faced a considerable effort to incorporate environment Directives into national law. At present there are no major delays in carrying out this process. Measures to improve the organization of administration and government have proved successful here.

### 65. *Conformity with Community provisions*

Sometimes the legal texts sent to the Commission do not fully conform to Community provisions. For example, laws which pre-date Portugal's accession have been presented as implementing measures without having been adapted to the exact requirements of Community legislation.

In other cases Directives have not been fully transposed because of problems in the administrative infrastructure; this is true, for example, of legislation on birds and rules on hunting and accounts for the lack of clean-up programmes in the water and waste sectors.

### 66. *Effective application of environmental provisions*

Portuguese legislation on the environment lacks effectiveness (water, waste, nature conservation); Community provisions therefore enjoy remarkable credibility among the population.

It appears that existing legislation on water is not always properly applied in practice. Waste water is often discharged without being treated.

As regards air pollution, the availability of unleaded petrol (Directive 85/210/EEC) is unevenly distributed over the country as a whole. Furthermore, the Commission has not received improvement plans or plans for the reduction of emissions pursuant to Directive 88/609/EEC.

The waste management plans prescribed in Directives 75/442/EEC and 78/319/EEC have not been drawn up.

As regards nature conservation, the pressure of economic development has seriously affected the habitats of wild birds designated pursuant to Directive 79/409/EEC and hunting practices do not fully comply with the requirements of the same Directive. Finally, problems persist in the effective application of Directive 85/337/EEC (impact assessment).

### United Kingdom

#### 67. *Late transposal*

In the past the United Kingdom incorporated Community Directives into national law within the prescribed time limits; today, however, it does so with less consistency. Of the nine Directives which entered into force in 1990, only one was transposed by the required date; for the others there were delays of varying length.

#### 68. *Partial conformity*

The practice of using administrative circulars to transpose Directives has declined in certain fields, such as air quality and, in particular, water pollution — Directives 76/160/EEC (bathing water) and 80/778/EEC (drinking water) — since the

water policy pursued by the Government has made it all the more necessary to transpose Community provisions by binding legislation.

The adoption of a derogation to Directive 79/409/EEC (conservation of wild birds) was a deliberate act based on the view that the Directive was incorrect. The introduction of drinking-water standards which are less strict than those laid down in the Directive constitutes improper application and should be rectified by amendment of the relevant legislation.

There are a few problems concerning minor derogations in the field covered by Directive 85/337/EEC (impact assessment).

In general, there appear to be no major problems in the conformity of national implementing measures with Community provisions.

#### 69. *Effective application*

Public opinion in the United Kingdom is particularly vigilant and the Commission has, in the past, received a large number of complaints; this sometimes gives the misleading impression that the situation in that country is particularly serious.

Nevertheless, the biggest problem concerning the application of Community law on the environment is undoubtedly the effective implementation of obligations arising from Directives.

Extensive national programmes have been introduced to improve the quality of water, which is often well below the standards set by Directives 76/160/EEC (bathing water) and 80/778/EEC (drinking water); however, these programmes have themselves given rise to practical difficulties.

As regards waste, plans for the elimination of waste (Directive 75/442/EEC) and dangerous waste (Directive 78/319/EEC) are established at local level and do not take enough account of Community requirements.

In the field of nature conservation, the number of habitats designated under Directive 79/409/EEC on the conservation of wild birds (40) seems inadequate. There also problems in the effective application of Directive 85/337/EEC (impact assessment).

## V. THE SITUATION SECTOR BY SECTOR

### Air

70. Apart from the Directives on specific substances (Directive 75/716/EEC on the sulphur content of certain liquid fuels and Directive 85/210/EEC on the lead content of petrol), the Community Directives designed to combat air pollution are based on two main priorities:

- authorization for new industrial plant, subject to the use of the best available technology not entailing excessive costs,

— the programmes which have to be drawn up and implemented to adapt existing industrial plant to the best available technology. The same approach is being taken to 'sensitive' areas as regards limit values for concentrations of sulphur dioxide, suspended particulates, lead and nitrogen dioxide.

The ozone layer is protected by Regulation (EEC) No 3222/88, which is directly applicable.

#### 71. *Late transposal*

There is a problem of late transposal of recent Directives. Directive 88/609/EEC, for example, required the Member States to do what was necessary to adapt their legislation and set up programmes for limiting emissions by 1 July 1990, and notify these programmes to the Commission before the end of December 1990. But by that date only Germany and the United Kingdom had sent in a programme and very few Member States had notified the Commission of the transposal measures.

Directives 89/369/EEC and 89/429/EEC on municipal waste incineration plants came into force in December 1990. On that date not one Member State had notified national implementing measures, though Portugal had notified measures implementing one of the Directives before the end of 1990.

#### 72. *Partial conformity*

The Commission's view is that Directives setting limit values for air 'which must not be exceeded throughout the territory' of the Member States must be incorporated in national law in such a way that the limit value in figures appears in the national legislation. Germany disagrees, and the Commission has brought an action in the Court of Justice, hoping that judgment will be given in 1991 and establish specific criteria as to what may be demanded of national implementing legislation.

The incorporation of Directive 84/360/EEC presents problems in Luxembourg and the Netherlands as regards the obligation on the part of the authorities to demand that new industrial plants use the cleanest technologies not entailing excessive costs. Assuming that this obligation is imposed in order to achieve the effective application of the Directive, a corresponding obligation has to be imposed by national law.

#### 73. *Effective application*

Effective implementation of the protective provisions of all the air Directives requires constant activity by the administrative authorities. This is especially true of Directives 80/779/EEC, 82/884/EEC and 85/203/EEC on the quality of air, which require monitoring stations to be established in those areas where, according to the Member States, pollution is at its worst. Furthermore, programmes must be drawn up to reduce pollution as quickly as possible in areas where the limit values are actually or potentially exceeded.

The highly imprecise wording of the Community provisions regarding the number of monitoring stations needed has led to disparities between Member States. There are more than 200 monitoring stations in Germany, 85 in France and 42 in the Netherlands (Directive 85/203), but only 15 in Spain and six in the United Kingdom. The Directive's requirement that limit

values must not be exceeded 'throughout the territory' is thus impossible to monitor. On several occasions, Member States have answered Commission questions about nitrogen dioxide or sulphur dioxide concentrations at specific locations by saying that there was no monitoring station there.

There is likewise a serious problem with the pollution reduction programmes in the areas designated by the Member States. The number of programmes (eight for the 56 sulphur dioxide and suspended particulates areas Directive 80/779/EEC, none for the four lead-in-air areas pursuant to Directive 82/884/EEC and none for the 35 nitrogen dioxide areas pursuant to Directive 85/203), and their effectiveness as means of combating pollution, appear to be inadequate.

Directive 85/210/EEC on the lead content of petrol required a balanced distribution of unleaded petrol throughout the Community by the end of 1989. Several proceedings have been commenced or are under way against those Member States which have failed to ensure this balanced geographic distribution. The Commission notes that the introduction of unleaded petrol has been swifter in those Member States where there is an appreciable difference between the price of leaded and unleaded petrol.

The Commission has no coherent and reliable information on the application of the principle of 'the best available technology not entailing excessive costs' to new industrial plant, and the Member States have not provided the Commission with information as to the policies and strategies pursued to adapt existing plant to technological requirements. Any investigation by the Commission has thus to be on a case-by-case basis and is proving particularly difficult.

Nothing can be said at present as to the effective application of Directives 88/609/EEC (large combustion plants), 89/369/EEC and 89/429/EEC (municipal waste-incineration plants), since they came into force only at the end of 1990.

### Chemical substances

#### 74. *Late transposal*

Several Member States are finding it difficult to keep up with the rate of adaptations to technical progress of Directive 67/548/EEC and are well behind schedule in transposing the dangerous substances Directives.

The same applies to Directive 88/610/EEC on the prevention of industrial accidents, adopted in the wake of the accident at Basel in 1986. The Commission has commenced proceedings against several Member States for failure to notify national implementing measures when this Directive came into force on 1 June 1990.

Finally, Directive 87/18/EEC on good laboratory practice has not been transposed in all the Member States.

#### 75. *Partial conformity*

The main problem of partial conformity in the chemical substances area concerns the transposal of Directive 82/501/EEC on the prevention of industrial accidents, as amended. The complex and innovative content of this Directive gives rise to divergences between national laws, in particular as regards provisions existing before adoption of the Community instruments.

#### 76. *Effective application*

The Commission is devoting special attention to the chemical substances Directives. It regularly organizes meetings with experts from the Member States to consider the practical and legal problems of implementing the Directives and solve problems encountered in their effective application. The points at issue mainly concern access by individuals to information, provided for by Article 8 of Directive 82/501/EEC, and the notification of accidents.

### Water

77. Monitoring the implementation of the water Directives is proving particularly difficult. The Community's approach to combating water pollution combines a variety of lines of action — quality objectives, limitation of polluting emissions and prior authorizations. Above all, the rather imprecise wording of the Community provisions gives water management authorities powers of interpretation which, in the absence of uniform sampling techniques and frequencies, generate divergences between Member States.

#### 78. *Late transposal*

Protection of water, as of other areas of the environment, is primarily a matter for administrative management, and several Member States have taken the view that Community Directives can be properly transposed by administrative circulars. A ruling by the Court of Justice in 1981 in a case concerning Directive 76/160/EEC on the quality of bathing water did not fundamentally change that attitude and, even today, several proceedings are under way to oblige Member States to adopt binding legal instruments to transpose the water Directives. This

applies mainly to the Directives concerned with quality objectives adopted in the seventies.

#### 79. *Partial conformity*

In the field covered by Directive 75/440/EEC (quality of surface water) the laws of several Member States derogate from the Directive's requirements, using as a basis a declaration in the Council minutes made when Directive 76/160/EEC on bathing water was adopted and applying it to water which they have designated, whereas the Directive has quite different objectives. Italian legislation, for example, specifies that compliance with a number of parameters will not be monitored.

The legislation of several Member States on water for human consumption gives cause for considerable concern. In some cases maximum concentrations of certain polluting substances have not been specified, and in others there is express provision for certain concentrations to be exceeded; such derogations existed in Germany (until 1989), Italy and Spain.

As regards the exceeding of certain values, Germany and the United Kingdom have adopted recommendations whose conformity with the requirements of the Directive is by no means certain.

The Commission has asked the Court of Justice to rule on the nature of the obligation to incorporate the details of Directive 80/68/EEC on groundwater in national law. The Court is expected to give judgment in 1991.

#### 80. *Effective application*

The effective application of the water Directives is by far the biggest problem. Apart from Directive 76/160/EEC, very little information reaches the Commission. Consequently, complaints from individuals continue to be the main source of information. They have been particularly numerous in respect of bathing water and water for human consumption.

As regards the Directives setting quality objectives, 75/440/EEC (surface water), 76/160/EEC (bathing water), 78/659/EEC (water for supporting fish life), 79/923/EEC (shellfish waters) and 80/778/EEC (water for human consumption), the Member States were required to devise clean-up programmes for water not meeting the Directives' requirements so as to achieve the quality objectives within the appointed time. Many of the requisite programmes have either not been drawn up or not been implemented. Consequently, the quality objectives have still not been set and are still not being complied with in these cases. Some 20 % of the bathing water within the scope of Directive 76/160/EEC may be assumed to fall below Community standards. Exceeding the maximum concentrations authorized pursuant to Directive 80/778/EEC (water for human consumption) presents problems in many Member States, though not in Denmark. Furthermore, it sometimes happens that the parameters laid down in the two Directives are not monitored.

Only three Member States have notified measures relating to shellfish waters falling within the scope of Directive 78/659/EEC; four Member States have notified measures in respect of Directive 79/923/EEC.

Not one Member State has notified measures relating to the quality objectives set for the substances on list II in Directive 76/464/EEC, and at least 10 Member States have failed to notify their clean-up programmes. Reports to the Commission on the application of list I measures are the exception rather than the rule and do not provide a reliable picture of the effective application of the Directives.

#### Noise

81. Community Directives are designed to cover all noise emissions from products. They set limits for noise emissions which may not be exceeded by products placed on the market. Given that these maximum limits apply to new products, little provision was made for the effective application of Community rules.

Late transposal triggered a number of proceedings, though there are no specific aspects to report. As regards conformity of national laws with the Directives, Belgium derogated from Directive 80/51/EEC on noise emissions from aircraft by granting an additional period of grace for compliance at regional airports. The Commission commenced emergency proceedings and at the beginning of 1991 Belgium informed the Commission that the derogation had expired at the end of 1990 and that it did not intend to renew it.

The Commission took the opportunity to ask the Member States to inform it whether particularly noisy aircraft were still taking off or landing on their territories. No such cases emerged.

#### Waste

82. In 1989 the Commission published a report on the implementation by the Member States of the four waste Directives, i.e. Directives 76/442/EEC (waste), 75/439/EEC (waste oils), 76/160/EEC (PCB-PCT) and 78/319/EEC (toxic and dangerous waste).

This report was based on the limited information available at that time, since most of the Member States had failed to provide the Commission with the three-yearly reports which the Directives required them to submit.

#### 83. *Late transposal*

All the Member States have transposed the waste Directives. But Directive 85/339/EEC on containers of liquids for human consumption allows the Member States to choose between regulations and voluntary agreements and therefore does not necessarily need formal transposition.

However, in many Member States neither regulations nor voluntary agreements have come into being as a result of the Directive. The same applies to the framework programmes within which legislation or regulations were to be adopted or voluntary agreements concluded.

#### 84. *Partial conformity*

Monitoring the conformity of national law with Community provisions in the field of waste is rendered particularly difficult as there have been substantial amendments, especially to Directives 75/442/EEC (waste), 78/403/EEC (PCB-PCT), 78/319/EEC (dangerous waste), 84/631/EEC (waste transport) and 85/339/EEC (containers of liquids for human consumption). It was frequently found to be inadvisable, if not impossible, to commence Article 169 proceedings against a Member State when a Community provision was likely to be amended by a new Council Directive.

Directives 75/442/EEC and 78/318/EEC provide that (dangerous) waste should be disposed of 'without endangering human health and without harming the environment, and in particular... without risk to water, air, soil and plants, and animals...'. In strictly legal terms such a clause can readily be incorporated in a national provision but will be difficult to comply with when dangerous waste is actually disposed of.

Moreover, the Member States and the Commission disagree on the question whether the waste Directives should be adopted on the basis of Article 100a or Article 130s. The Commission has brought an action in the Court for clarification of this question. Finally, while the Court's 1990 rulings affirmed that recyclable waste was in fact waste, some Member States are classifying such waste as products and thus withdrawing it from the provisions applicable to waste.

These difficulties, staff shortages and the fact that there was no monitoring of the application of environmental legislation before 1983 have made it hard to check systematically whether national provisions are in conformity with Community provisions. The same is true where the Directives provide for the adoption of national waste disposal plans or programmes, which are never notified to the Commission when they have been drawn up.

In cases involving effective application which have been drawn to its attention, the Commission's main action has therefore been to check whether national laws are in conformity with the provisions of Community law.

#### 85. *Effective application*

Directives 75/42/EEC and 78/319/EEC require Member States to designate the authority or authorities responsible in a specific area for planning waste disposal, the content of the plans being determined by the Directives. As regards dangerous waste, only three Member States have notified disposal plans to the Commission. Germany has notified programmes covering only

part of its territory and without complying with the requirements of the Directive. The other Member States have not notified their plans.

Directive 85/339/EEC requires Member States to establish and implement programmes designed to reduce containers for liquids for human consumption. Five Member States have submitted no programmes; the others have done so, though sometimes long after the deadline.

Directives 75/442/EEC (waste), 75/439/EEC (waste oils), 76/403/EEC (PCB-PCT) and 78/319/EEC require the Member States to send a report on their implementation to the Commission every three years. Almost all have failed to do so. The Commission therefore sent a detailed questionnaire to the Member States on each of these Directives. Seven Member States replied. The Commission initiated proceedings against those which did not. It should be noted that the questions asked were more concerned with the conformity of national measures than their effective application.

Directive 85/339/EEC requires the Member States to submit reports by the end of 1990. To date not a single report has reached the Commission. The Member States should also have submitted to the Commission a two-yearly report on Directive 84/631/EEC in 1987 and 1989. Once again, not a single Member State has yet fulfilled this obligation.

Complaints, occasional petitions, parliamentary questions and the media are the Commission's only source of information on damage to the environment provoked by waste disposal.

For example, it often happens that a private citizen, directly suffering the nuisance of a badly-managed rubbish dump or finding his favourite bathing place polluted, is unable to make any headway against the complacency of his national authorities and finally complains to the Commission. Sometimes, even, his sole motive is fear.

The implementation of Community provisions on waste is extremely problematical in most Member States. Detailed waste disposal plans and programmes, in particular those devoted to dangerous waste, are few and far between, and such programmes as do exist do not always seem to be managed satisfactorily. The Directives' aim of disposing of (dangerous) waste without danger to human beings and the environment is far from being achieved. The monitoring of the cross-frontier carriage of toxic waste is hampered by the lack of transparency.

It is therefore not surprising to discover that the establishment of new waste disposal facilities is causing considerable anxiety among the members of the public affected by it and that the completion of the single market is perceived as something of a threat. Stronger national and Community monitoring of the implementation of the Directives on waste is becoming inevitable.

#### Nature

86. Directive 83/129/EEC, as amended, bans imports of skins of certain seal pups and products derived therefrom. The Commission checks the conformity of national provisions with those of the Directive. The Directive does not provide for notification to the Commission of any information regarding its

effective application. Consequently, the Commission only has import and export statistics to work from, and they are published long after the event. And such statistics are not specific enough to enable the Commission to monitor compliance with the import ban effectively.

Regulation (EEC) No 3626/82 on a Convention on international trade in endangered species of wild flora and fauna is directly applicable in the Member States. Its application is monitored by the Committee on the Convention, which meets regularly to coordinate the practice of the relevant authorities in the Member States. Article 169 proceedings are the exception.

As already pointed out above (point 24), the Commission does not monitor the application of the Berne Convention on endangered species or the Bonn Convention on migratory species, although the Community is a contracting party to both.

The two most important Directives in the field of nature protection are Directive 79/409/EEC on the conservation of wild birds and Directive 85/337/EEC on the assessment of certain public and private projects on the environment, though the latter also concerns matters other than nature protection.

#### 87. *Late transposal*

All 12 Member States now have legislation incorporating Directive 79/409/EEC on the conservation of wild birds.

Luxembourg was the only Member State which on 31 December 1990 had not transposed Directive 85/337/EEC. Greece, Portugal and Germany took the necessary legislative action in 1990, almost two years after the Directive had come into force (3 July 1988). The result is that projects falling within the scope of the Directive which were authorized after 3 July 1988 but before the legislation came into force often — depending on the attitude of the national authorities — escaped the impact assessment. Portugal, the United Kingdom and Germany actually so provided in their national law, which appears incompatible with the Directive.

#### 88. *Partial conformity*

Not one Member State was able to transpose Directive 79/409/EEC on the conservation of wild birds by means of a single piece of legislation or subordinate instrument. For one thing, the power to legislate for nature protection is often regionalized (Belgium, Germany, Italy, Spain and the United Kingdom). Even in a country like France, regulations related to hunting are partly adopted by the département — and annually as well. For another, measures incorporating the Directives variously cover nature protection, the protection of endangered species and hunting and are thus to be found in traditionally separate instruments.



The Commission consequently has to examine more than 50 interdependent regulatory instruments without being able to keep up with the frequent amendments to them.

In many Member States hunting regulations, introduced well before the adoption of the Community Directive, have not been adapted to the requirements of the Directive; this may well have something to do with the influence of pressure groups. The Commission has therefore commenced proceedings for partial conformity against most of the Member States, including the United Kingdom, Germany, Denmark and the Netherlands. The Court of Justice has already given judgment in two cases against Germany and the Netherlands on the grounds of partial conformity of several of their national provisions, but these Member States have not responded with the necessary amendments.

Overall, the Commission has commenced proceedings in about 20 cases against hunting regulations and practices which it believes to be in conflict with the Directive's requirements.

Another problem involves the Member States' provisions allowing derogations, which are authorized by the Directive (Article 9) under certain circumstances. The very general wording of the Directive has given rise to a number of excessively generous derogations.

Assessment of the conformity of national provisions incorporating Directive 85/337/EEC is complicated by the fact that they were adopted only recently. The Commission is of course continuing to scrutinize national regulations, some of which are highly complex because of the regional factor, and has already commenced Article 169 proceedings in several cases.

The most serious problem so far discovered concerns the incorrect incorporation of the provisions relating to the assessment of the environmental impact of projects in Annex II of Directive 85/357/EEC. The Commission interprets Articles 2 and 4 (2) of the Directive as not allowing the Member States full discretion as regards the advisability of an impact assessment. The assessment must be made where the nature, size and location of a project so require. The Commission is therefore of the opinion that national legislation must specify that each case be considered on its own merits or must itself lay down criteria for the projects covered by Annex II of the abovementioned Directive.

#### 89. *Effective application*

Effective application of Directive 79/409/EEC is the most important problem in the area of monitoring the implementation of environmental provisions. This Directive requires the Member States to designate habitats for especially endangered birds (Annex I) and to take specific conservation measures within them. Designated habitats are meant to form a coherent European network capable of ensuring the conservation and survival of these birds. So far, some 600 habitats have been designated, but the Commission takes the view that twice as many are needed. It considers that only Denmark and Belgium have fully met their obligations.

The proceedings commenced by the Commission are predominantly concerned with two situations — the inadequate number of habitats designated, and the destruction of a habitat by economic activities (agriculture, industry, construction, tourism, infrastructure), sometimes receiving financial support from the Structural Funds. In almost every case, striking a balance between economic interests and environmental requirements is proving particularly delicate. The Commission hopes to obtain guidance on the interpretation of Article 4 from the Court of Justice in a case it has brought against Germany over a designated habitat.

There is little the Commission can do to monitor the effective application of actual derogations, as the requisite annual national reports are either not submitted or are couched in such general terms that it is impossible to tell from them whether the spirit and the letter of Article 9 have in fact been complied with.

In most of the Member States, implementation of Directive 85/337/EEC is still in its infancy.

In all but the really extreme cases, the Commission refrains from taking action on the quality of impact studies and the resultant assessment, since the Directive is neutral on this point. Consequently, even where the procedure laid down by the Directive is formally complied with, impact studies are often of a mediocre quality and almost always underestimate the harm to the environment. Furthermore, the opinions expressed by individuals at public inquiries are not validly taken into consideration by the authorities. The impact assessment thus often turns out to be a formal procedure intended to justify the implementation of a project which has been decided on in advance on the basis of economic and technical criteria.

## VI. GENERAL CONCLUSIONS

90. This Annex on monitoring the application of Community provisions on the environment is not a report on the state of the environment. It is no more than a brief description of a few of the problems which in the Commission's view arise when environment law adopted at Community level comes to be implemented. Since the instruments (the Treaty) available to the Commission for monitoring are of a formal and legal nature, the legal aspect was bound to predominate in this Annex.

91. It must be noted that Community Directives are seldom transposed in the national law of the Member States within the period they prescribe. The situation is made worse by the fact that in most Member States management of the environment law is considered to be an administrative question and that numerous circulars, administrative rules and other instruments obscure the transparency of this area of the law.

92. Cases of non-conformity of national provisions with Community environment measures are relatively numerous. There are few cases where a Community Directive is incor-

porated in national law by a single instrument. Where several instruments are applicable at national level, the references and cross-references between them further obscure the transparency of the applicable provisions, particularly for individuals, firms, the authorities and the Commission.

The Commission has systematically asked the Member States to send it synoptic tables clearly showing which national norm incorporates a Community provision into national law. So far, such information is the exception.

93. The most pressing problem concerns the practical application of environmental provisions by the Member States and the Commission's obligation to ensure that it happens.

It has already been said that the Member States do not generally forward reports on the implementation of environmental provisions, although many Directives clearly, specifically and unambiguously require them to do so. The Commission therefore has to turn to other sources of information. Studies commissioned from private contractors are of limited value: in many cases the contractors do not have access to data held by private firms or even to data held by authorities responsible for monitoring situations and authorizing projects or by other local, regional or national authorities. When the Commission sends a letter or questionnaire seeking specific information on the practical application of this or that directive, it is very rare for all the Member States to respond. To give but one example, the Commission still has no precise information on the quality of drinking water in the Member States despite several attempts.

It is to be hoped that the situation will improve when the European Environment Agency, to be established as decided in 1990, becomes operational; its task will be to collect, process and disseminate objective and reliable data on the state of the environment, cooperating to this end with institutions and information networks in the Member States.

94. At present, the Commission's main source of information on failures to apply Community environmental provisions is the complaint. When a complaint is lodged the Commission undertakes a scrutiny procedure during which a Member State may be asked for information. This arrangement is being used more and more; it constitutes a form of sample survey which, without being systematic, at least makes it possible to monitor the application in some cases. The complaints procedure allows private individuals to do something about 'their' environment and to contribute thereby to a people's Europe. This is not the place to describe in detail the benefits and drawbacks of the complaint system, but the Commission would point out at least two drawbacks. First, the system depends on complainants' motivation and dynamism. Since environmental pollution is

perceived with varying degrees of concern by public opinion in the Member States, the uneven geographical distribution of complaints could result in uneven scrutiny of the application of Community Directives. Second, the procedure pursuant to Article 169 of the Treaty is so cumbersome that problems raised in complaints will not be solved rapidly.

The high number of complaints and the limited resources available to the Commission make systematic and specific scrutiny impossible. Private individuals do not make full use of the possibility of obtaining redress from national authorities or courts before bringing their environmental concerns to Community institutions.

The present situation regarding the practical application of Community environment law is far from satisfactory, and this is also due to the lack of adequate monitoring machinery. The Commission will look into ways of boosting and improving this machinery.

95. The practical application of Community environment measures encounters other obstacles due to their very nature. They are often formulated in such a way as to entrust protection of the environment to national, regional or local authorities. When they do not implement environmental provisions, either because they lack the means or for some other reason, the environmental protection envisaged by the Community instrument is not achieved. For example, several Directives require the Member States to establish and implement management or clean-up programmes, which in turn require continuous activity by the authorities; yet this is often lacking. Again, implementing the concept of Community law of use of clean technology without excessive costs calls for continuous and detailed activity by the authorities, without which it is likely to remain a dead letter.

The Community law of the environment, which is inevitably less specific than national law, contains a number of general notions which must be implemented daily if they are to produce their full effect. This is all the more necessary as the main threat to the Community environment does not come from natural disasters but from a wide range of contaminants and pollutants discharged day by day and steadily building up.

96. In 1990 the Commission took a number of measures to improve the monitoring of the application of Community-law on the environment.

It presented a proposal for a Council Directive harmonizing and rationalizing the Member States' reports on the application of environment Directives. The proposal would provide a legal basis for reports to be drawn up every three years in accordance with a questionnaire prepared by the Commission sector by sector (water, air, etc.) rather than Directive by Directive. The

Commission hopes that the Council will adopt this Directive in the near future so that it will no longer be necessary to use the Article 169 procedure every time a reports fail to materialize.

97. The Commission has begun holding package meetings with the Member States' administrative authorities to discuss a whole set of complaints or infringement proceedings so as to clarify the facts, find solutions to the problems and generally promote cooperation in implementing Community law on the environment. Such meetings have been held with Spain (twice), Greece (twice), Portugal, the Netherlands, Germany, Belgium and Ireland. The Commission is planning to hold further such meetings to make formal infringement proceedings unnecessary.

98. The Commission is also considering whether the question of formal and effective application of a directive in the Member States should be a routine item on the agenda for these meetings. Exchanging experience with the application of Community Directives in the Member States could make a useful contribution to improving the implementation of environment provisions.

99. More generally, the Commission is looking into the possibility of a proposal for a Council Directive setting up an environmental complaints system whereby individuals would lodge complaints with a body in the Member State concerned. The Commission would intervene only if the national authorities failed to solve the problem and end the infringement of Community law or failed to deal with the complaint within a reasonable time. A decentralized system could prevent the concentration of complaints at Community level and encourage the citizen to seek a solution at the actual place of the alleged offence against the environment.

Lastly, the Commission will consider whether the environment might not be better protected if environmental bodies and private individuals were given the power to take action in the courts.

100. The Commission plans to publish an Annex on monitoring the application of Community environment law every year. It believes this would contribute to the protection, preservation and improvement of the environment in the Community. At the same time, Community attempts to monitor the application of environment rules can serve as an example to other international bodies.

## ANNEX I

## List of Directives covered by Annex C

This list gives the numbers of amending Directives but does not include amendments made to Directives to allow for the accession to the Community of Greece, Spain and Portugal and the new German *Länder*.

## A. AIR

- A.1 Council Directive 75/716/EEC of 24 November 1975 on the approximation of the laws of the Member States relating to the sulphur content of certain liquid fuels  
(amended by Directive 87/219/EEC)  
OJ No L 307, 27. 11. 1975, p. 22.
- A.2 Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates  
(amended by Directive 89/427/EEC)  
OJ No L 229, 30. 8. 1980, p. 30.
- A.3 Council Directive 82/884/EEC of 3 December 1982 on a limit value for lead in the air  
OJ No L 378, 31. 12. 1982, p. 15.
- A.4 Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants  
OJ No L 188, 16. 4. 1984, p. 20.
- A.5 Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide  
OJ No L 87, 27. 3. 1985, p. 1.
- A.6 Council Directive 85/210/EEC of 20 March 1985 on the approximation of the laws of the Member States concerning the lead content of petrol  
(amended by Directive 87/416/EEC)  
OJ No L 96, 3. 4. 1985, p. 25.
- A.7 Council Directive 88/609/EEC of 24 November 1988 on the limitation of emissions of certain pollutants into the air from large combustion plants  
OJ No L 336, 7. 12. 1988, p. 1.
- A.8 Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste-incineration plants  
OJ No L 163, 14. 6. 1989, p. 32.
- A.9 Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants  
OJ No L 203, 15. 7. 1989, p. 50.

## B. CHEMICAL SUBSTANCES

- B.1 Council Directive 79/831/EEC of 18 September 1979 amending for the sixth time Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances  
(amended by Directives 81/957/EEC, 82/232/EEC, 83/467/EEC, 84/449/EEC, 86/431/EEC, 87/432/EEC, 88/302/EEC, 88/490/EEC and 90/517/EEC)  
OJ No L 259, 15. 10. 1979, p. 10.
- B.2 Council Directive 82/501/EEC of 24 June 1982 on the major accident hazards of certain industrial activities  
(amended by Directives 87/216/EEC and 88/610/EEC)  
OJ No L 230, 5. 8. 1982, p. 1.
- B.3 Council Directive 87/18/EEC of 18 December 1986 on the harmonization of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances  
OJ No L 15, 17. 1. 1987, p. 29.
- B.4 Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos  
OJ No L 85, 28. 3. 1987, p. 40.

## C. WATER

- C.1 Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States  
OJ No L 194, 25. 7. 1975, p. 34.
- C.2 Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water  
OJ No L 31, 5. 2. 1976, p. 1.
- C.3 Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community  
OJ No L 129, 18. 5. 1976, p. 23.
- C.4 Council Directive 78/659/EEC of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life  
OJ No L 222, 14. 8. 1978, p. 1.
- C.5 Council Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the Member States  
OJ No L 271, 29. 10. 1979, p. 44.
- C.6 Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters  
OJ No L 281, 10. 11. 1979, p. 47.
- C.7 Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances  
OJ No L 20, 26. 1. 1980, p. 43.
- C.8 Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption  
OJ No L 229, 30. 8. 1980, p. 11.
- C.9 Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry  
OJ No L 81, 27. 3. 1982, p. 29.
- C.10 Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges  
OJ No L 291, 24. 10. 1983, p. 1.
- C.11 Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry  
OJ No L 74, 17. 3. 1984, p. 49.
- C.12 Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane  
OJ No L 274, 17. 10. 1984, p. 11.
- C.13 Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC (amended by Directives 88/347/EEC and 90/415/EEC)  
OJ No L 181, 4. 7. 1986, p. 16.

## D. NOISE POLLUTION

- D.1 Council Directive 80/51/EEC of 20 December 1979 on the limitation of noise emissions from subsonic aircraft  
(amended by Directive 83/206/EEC)  
OJ No L 18, 24. 1. 1980, p. 26.
- D.2 Council Directive 84/533/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of compressors  
(amended by Directive 85/406/EEC)  
OJ No L 300, 19. 11. 1984, p. 123.
- D.3 Council Directive 84/534/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of tower cranes  
(amended by Directive 87/405/EEC)  
OJ No L 300, 19. 11. 1984, p. 130.

- D.4 Council Directive 84/535/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of welding generators  
(amended by Directive 85/407/EEC)  
OJ No L 300, 19. 11. 1984, p. 142.
- D.5 Council Directive 84/536 of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of power generators  
(amended by Directive 85/408/EEC)  
OJ No L 300, 19. 11. 1984, p. 149.
- D.6 Council Directive 84/537/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of powered hand-held concrete-breakers and picks  
(amended by Directive 85/409/EEC)  
OJ No L 300, 19. 11. 1984, p. 156.
- D.7 Council Directive 84/538/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of lawnmowers  
(amended by Directives 87/252/EEC, 88/180/EEC and 88/181/EEC)  
OJ No L 300, 19. 11. 1984, p. 171.
- D.8 Council Directive 86/594/EEC of 1 December 1986 on airborne noise emitted by household appliances  
OJ No L 344, 6. 12. 1986, p. 24.
- D.9 Council Directive 86/662/EEC of 22 December 1986 on the limitation of noise emitted by hydraulic excavators, rope-operated excavators, dozers, loaders and excavator-loaders  
(amended by Directive 89/514/EEC)  
OJ No L 384, 31. 12. 1986, p. 1.
- D.10 Council Directive 89/629/EEC of 4 December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes  
OJ No L 363, 13. 12. 1989, p. 27.

#### E. WASTE

- E.1 Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils  
(amended by Directive 87/101/EEC)  
OJ No L 194, 25. 7. 1975, p. 23.
- E.2 Council Directive 75/442/EEC of 15 July 1975 on waste  
OJ No L 194, 25. 7. 1975, p. 39.
- E.3 Council Directive 76/403/EEC of 6 April 1976 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls  
OJ No L 108, 26. 4. 1976, p. 41.
- E.4 Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry  
(amended by Directive 83/29/EEC)  
OJ No L 54, 25. 2. 1978, p. 19.
- E.5 Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste  
OJ No L 84, 31. 3. 1978, p. 43.
- E.6 Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry  
OJ No L 378, 31. 12. 1982, p. 1.
- E.7 Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the European Community of the transfrontier shipment of hazardous waste  
(amended by Directives 86/121/EEC, 86/279/EEC and 87/112/EEC)  
OJ No L 326, 13. 12. 1984, p. 31.
- E.8 Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption  
OJ No L 176, 6. 7. 1985, p. 18.
- E.9 Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture  
OJ No L 181, 4. 7. 1986, p. 6.

- E.10 Council Directive 89/428/EEC of 21 June 1989 on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry  
OJ No L 201, 14. 7. 1989, p. 56.

#### F. NATURE AND THE LIVING ENVIRONMENT

- F.1 Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds  
(amended by Directive 85/411/EEC)  
OJ No L 103, 25. 4. 1979, p. 1.
- F.2 Council Regulation (EEC) No 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on international trade in endangered species of wild fauna and flora  
(amended by various Regulations which apply directly)  
OJ No L 384, 31. 12. 1982, p. 1.
- F.3 Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom  
(amended by Directives 83/129/EEC and 89/370/EEC)  
OJ No L 91, 9. 4. 1983, p. 30.
- F.4 Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment  
OJ No L 175, 5. 7. 1985, p. 40.
- F.5 Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes  
OJ No L 358, 18. 12. 1986, p. 1.

#### ANNEX II

##### Number of complaints and cases detected by the Commission's own inquiries

Year	Environment		Commission	
	Complaints	Cases detected by Commission	Total complaints	Cases detected by Commission
1982	10	—	352	112
1983	8	—	399	192
1984	9	2	476	145
1985	37	10	585	244
1986	165	32	791	293
1987	150	38	850	260
1988	216	33	1 137	307
1989	465	60	1 195	352
1990	480	42	1 252	283

## ANNEX III

## Number of proceedings initiated, by stage of proceedings

	Environment			Commission		
	Letters of formal notice	Reasoned opinions	Referrals to Court	Letters of formal notice	Reasoned opinions	Referrals to Court
1982	16	7	—	335	157	45
1983	35	1	—	289	83	42
1984	65	33	2	454	148	54
1985	69	26	23	503	233	113
1986	134	11	10	516	164	71
1987	159	24	3	572	197	69
1988	93	71	11	569	227	73
1989	101	26	21	664	180	96
1990	167	39	14	960	251	77

*Reasoned opinions and referrals executed in 1990 (environment)*

	Reasoned opinions	Referrals
Belgium	6	2
Germany	2	2
Denmark	—	—
Greece	4	—
Spain	7	2
France	1	4
Ireland	3	1
Italy	7	1
Netherlands	5	1
Luxembourg	1	—
Portugal	1	—
United Kingdom	2	1
Total	39	14



## Proceedings initiated, by legal basis

	Environment					Commission				
	No measures notified	Not properly incorporated	Not properly applied	Treaties and Regulations	Total (*)	No measures notified	Not properly incorporated	Not properly applied	Treaties and Regulations	Total (*)
1982	15	1	—	—	16	206	10	37	82	335
1983	23	10	2	—	35	140	19	27	103	289
1984	48	15	2	—	65	222	46	17	169	454
1985	58	10	1	—	69	257	30	14	202	503
1986	84	32	9	9	134	268	51	54	143	516
1987	68	30	58	2	158	260	42	125	145	572
1988	36	24	30	3	93	282	33	117	137	569
1989	46	17	37	1	101	327	25	169	143	664
1990	131	24	62	3	220	616	37	162	145	960

(\*) The total number of proceedings initiated in the period 1982 to 1989 refers solely to letters of notice served.

## Proceedings in hand on 31 December 1990

## 1. By sector and legal basis

	No measures notified	Not properly incorporated	Not properly applied	Total
Air	10	16	11	37
Chemicals	21	5	1	27
Water	9	31	72	112
Noise	19	2	—	21
Waste	20	9	47	76
Nature	4	7	87	98
<b>Total</b>	<b>83</b>	<b>70</b>	<b>218</b>	<b>371</b>

## 2. By sector and stage of proceedings

	Letter of formal notice	Reasoned opinion	Referral to Court	Total
Air	15	15	7	37
Chemicals	13	11	3	27
Water	25	58	29	112
Noise	2	18	1	21
Waste	30	33	13	76
Nature	30	55	13	98
<b>Total</b>	<b>115</b>	<b>190</b>	<b>66</b>	<b>371</b>

## 3. Situation compared with 1989

## (a) by legal basis

	No measures notified	Not properly incorporated	Not properly applied	Total
31. 12. 1989	60	90	213	362
31. 12. 1990	83	70	218	371

## (b) by stage of proceedings

	Letter of formal notice	Reasoned opinion	Referral	Total
31. 12. 1989	242	76	44	362
31. 12. 1990	115	190	66	371

## (c) by sector

	31. 12. 1989	31. 12. 1990
Air	32	37
Chemicals	25	27
Water	104	112
Noise	13	21
Waste	62	76
Nature	129	98
<b>Total</b>	<b>362</b>	<b>371</b>

*Notes:*

1. The figures include the cases on which the Commission had taken a decision by 31 December each year. Following a change in circumstances, a decision may not have been executed.
2. Proceedings concerning Directive 85/337/EEC (impact assessment) are included under Nature.

## ANNEX IV

## Significant Court of Justice Judgments concerning the environment

Case	Parties	Subject	Date of Judgment	Reported.
141/78	France	Sea fisheries	4. 10. 1979	[1979] ECR 2923
21/79	Commission v. Italy	Petroleum products	8. 1. 1980	[1980] ECR 1
32/79	Commission v. UK	Sea fisheries	10. 7. 1980	[1980] ECR 2403
91/79	Commission v. Italy	Detergents	18. 3. 1980	[1980] ECR 1099
92/79	Commission v. Italy	Sulphur content	18. 3. 1980	[1980] ECR 1115
804/79	Commission v. UK	Sea fisheries	5. 8. 1981	[1981] ECR 1045
30 to 34/81	Commission v. Italy	Mineral oils, surface water, waste, bathing water, disposal of polychlorinated biphenyls + triphenyls	17. 12. 1981	[1981] ECR 3379
68/81	Commission v. Belgium	Titanium dioxide industry	2. 2. 1982	[1982] ECR 153
69/81	Commission v. Belgium	Waste	2. 2. 1982	[1982] ECR 163
70/81	Commission v. Belgium	Waste oils	2. 2. 1982	[1982] ECR 169
71/81	Commission v. Belgium	Disposal of polychlorinated biphenyls + triphenyls	2. 2. 1982	[1982] ECR 175
72/81	Commission v. Belgium	Bathing water	2. 2. 1982	[1982] ECR 183
73/81	Commission v. Belgium	Surface water	2. 2. 1982	[1982] ECR 189
50 to 58/82	Dorca Marina	Fisheries	28. 10. 1982	[1982] ECR 3949
172/82	Inter-Huiles	Waste oils	10. 3. 1983	[1983] ECR 555
295/82	Rhône-Alpes-Huiles	Waste oils	9. 2. 1984	[1984] ECR 575
173/83	Commission v. France	Waste oils	7. 2. 1985	[1985] ECR 491
240/83	ADBHU	Waste oils	7. 2. 1985	[1985] ECR 531
187/84	Caldana	Dangerous substances	26. 9. 1985	[1985] ECR 3013
239/85	Commission v. Belgium	Waste disposal	2. 12. 1986	[1986] ECR 3645
1/86	Commission v. Belgium	Groundwater	17. 6. 1987	[1987] ECR 2797
372 to 374/85	Traen	Waste	12. 5. 1987	[1987] ECR 2141
134/86	Commission v. Belgium	Biodegradability	4. 6. 1987	[1987] ECR 2415
14/86	Pretore di Salò	Water pollution	11. 6. 1987	[1987] ECR 2545
247/85	Commission v. Belgium	Wild birds	8. 7. 1987	[1987] ECR 3029
262/85	Commission v. Italy	Wild birds	8. 7. 1987	[1987] ECR 3073
291/84	Commission v. Netherlands	Groundwater	17. 9. 1987	[1987] ECR 3483
412/85	Commission v. Germany	Wild birds	17. 9. 1987	[1987] ECR 3503
208/85	Commission v. Germany	Dangerous substances	14. 10. 1987	[1987] ECR 4045
236/85	Commission v. Netherlands	Wild birds	13. 10. 1987	[1987] ECR 3989
278/85	Commission v. Denmark	Dangerous substances	14. 10. 1987	[1987] ECR 4069
227, 228, 229 and 230/85	Commission v. Belgium	Titanium dioxide, waste, waste oils	14. 1. 1988	[1988] ECR 1
429/85	Commission v. Italy	Dangerous substances	23. 2. 1988	[1988] ECR 843

Case	Parties	Subject	Date of Judgment	Reported
302/86	Commission v. Denmark	Packaging	20. 9. 1988	
309/86	Commission v. Italy	Biodegradability	2. 3. 1988	[1988] ECR 1237
252/85	Commission v. France	Wild birds	27. 4. 1988	[1988] ECR 2243
322/86	Commission v. Italy	Protection of fresh waters	12. 7. 1988	[1988] ECR 3995
228/87	Criminal proceedings against X	Water for human consumption	22. 9. 1988	[1988] ECR 5099
57/89 R	Commission v. Germany	Wild birds	16. 8. 1989	[1989] ECR 2849
380/87	Balsamo	Waste	13. 7. 1989	[1989] ECR 2491
C-339/87	Commission v. Netherlands	Wild birds	15. 3. 1990	[1990] ECR I-1461
359/88	Zanetti	Waste	20. 3. 1990	[1990] ECR I-1509
206/88 and 207/88	Zanetti and Vessoso	Waste	28. 3. 1990	[1990] ECR I-1461
169/89	Van den Bourg	Wild birds	23. 5. 1990	[1990] ECR I-2143
C-162/89	Commission v. Belgium	Reports	13. 6. 1990	[1991] ECR I-2391
C-48/89	Commission v. Italy	Waste	14. 6. 1990	[1990] ECR I-2425
C-42/89	Commission v. Belgium	Drinking water	5. 7. 1990	[1990] ECR I-2821
C-288/88	Commission v. Germany	Wild birds	3. 7. 1990	[1990] ECR I-2721
C-182/89	Commission v. France	CITES	29. 11. 1990	
C-70/89	Commission v. Italy	Cadmium waste	13. 12. 1990	



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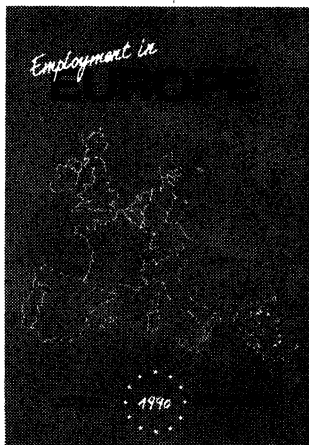
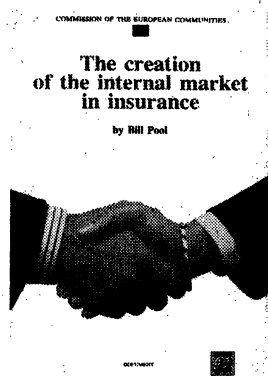
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