

COUNCIL OF THE EUROPEAN UNION

PRESS RELEASES

PRESIDENCY: GERMANY

JULY-DECEMBER 1994

Meetings and press releases September 1994

<b>Meeting number</b>	<b>Subject</b>	<b>Date</b>
1782 <sup>nd</sup>	Economics/Finance	19 September 1994
1783 <sup>rd</sup>	Agriculture	19-20 September 1994
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**COUNCIL OF THE EUROPEAN UNION**

1782nd meeting of the Council

- Economic and Financial Questions -

Brussels, 19 September 1994

President: Mr. Theo Waigel  
Minister for Finance, Federal Republic of Germany

1782ND MEETING OF THE COUNCIL - ECONOMIC AND FINANCIAL  
QUESTIONS BRUSSELS, 19 SEPTEMBER 1994 - PRESIDENT: MR THEO WAIGEL,  
MINISTER FOR FINANCE OF THE FEDERAL REPUBLIC OF GERMANY

Reference: PRES/94/174 Date: 20/09/1994

The Governments of the Member States and the European Commission  
were

represented as follows:

Belgium:

Mr Philippe MAYSTADT Minister for Finance

Denmark:

Ms Marianne JELVED Minister for Economic Affairs

Germany:

Mr Theo WAIGEL Federal Minister for Finance  
Mr Gert HALLER State Secretary for Finance  
Mr Johann EEKHOF State Secretary for Economic Affairs

Greece:

Mr Yiannos PAPANTONIOU Minister for Economic Affairs

Spain:

Mr Pedro SOLBES MIRA Minister for Economic Affairs and  
Finance  
Mr Alfredo PASTOR BODMER State Secretary for Economic Affairs

France:

Mr Edmond ALPHANDERY Minister for Economic Affairs

Ireland:

Mr Bertie AHERN Minister for Finance

Italy:

Mr Livio CAPUTO State Secretary for Foreign Affairs

Luxembourg:

Mr Jean-Claude JUNCKER Minister for Finance

Netherlands:

Mr G. ZALM Minister for Finance

Portugal:

Mr Eduardo CATROGA Minister for Finance

United Kingdom:

Mr Kenneth CLARKE Chancellor of the Exchequer

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Commission

Mr Jacques DELORS President

Mr Henning CHRISTOPHERSEN Vice-President  
Mr Peter SCHMIDHUBER Member

- + -

The following also attended:

Sir Nigel WICKS Chairman of the Monetary Committee

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The following representatives of the four acceding countries also participated as observers:

Norway  
Mr Sigbjørn JOHNSEN Minister for Finance

Austria  
Mr Ferdinand LACINA Minister for Finance

Finland  
Mr Liro VIINANEN Minister for Finance

Sweden  
Mr Lars ANELL Ambassador

- + -

#### WHITE PAPER ON GROWTH, COMPETITIVENESS AND EMPLOYMENT

President Delors informed the Council of progress made on the White Paper following the conclusions of the Corfu European Council, particularly in the fields of the internal market, research, infrastructure networks and new information technology in the Community.

In the light of information obtained by the Commission, the Council agreed on its own programme of work which was as follows:

- at its meeting on 10 October, to commence discussions on improving the employment situation, taking into consideration, inter alia, the report on that subject from the Ministers for Employment, which will then be available;

- on 7 November, to continue discussing employment. The Council should by that time also have received the report from the Economic Policy Committee. At the same meeting, the Council will discuss the problem

of the financing of trans-European networks and will have before it

the Christophersen Group's report;

- at its meeting on 5 December, to finalize its contribution to the European Council in Essen.

#### PROCEDURE IN CASES OF EXCESSIVE PUBLIC SECTOR DEFICIT

Acting on a Recommendation by the Commission, the Council endorsed the

Decisions on the existence of excessive deficits in Belgium, Denmark,

Germany, Greece, Spain, France, Italy, Netherlands, Portugal and the

United Kingdom, in accordance with Article 104c(6) of the Treaty.

This is the first time this procedure has been applied since the entry

into force on 1 January 1994 of the second stage for achieving economic

and monetary union, and the relevant provisions obliging Member States to

avoid excessive government deficits.

The Council stressed the importance of this procedure as an instrument

for achieving convergence of the Member States' financial policies. It

also restated the importance of strict budgetary discipline for the

achievement of EMU.

#### CONVERGENCE PROGRAMMES

The Council examined the convergence programmes presented by Greece and

Ireland on the basis of reports from the Commission and the Monetary

Committee. At the end of its discussions the Council adopted the

following conclusions:

##### Greek Convergence Programme 1994-1999 - Council Conclusions

The Council examined the revised Convergence Programme for the Greek

economy 1994-1999. The programme aims to achieve the nominal convergence

criteria set in the Union Treaty by 1998. In the light of the current

economic situation in Greece, where the requirements for fiscal

adjustment are large, these are ambitious but essential targets.

The Council welcomed the realistic growth projections on which

the

programme is constructed. The Council urged the Greek government to pursue vigorously all the policies necessary to achieve the targets of the programme. It welcomed the commitment of the Greek authorities to establish, year by year, budgets which fully conform to the convergence programme and it welcomed the commitment of the Greek government to take whatever actions were necessary to ensure that the budgetary targets were met.

The Council stressed the importance of establishing a budget for 1995 which fully conforms to the objectives and targets of the convergence programme and to do so whatever the out-turn for the 1994 budget. It encouraged the Greek government to strengthen the proposed reductions in primary expenditure foreseen in the programme with a view to enhancing the sustainability of the programme and to increasing the certainty of its achievement.

The Council agreed to review, in the context of the Union's multilateral surveillance procedures, including the excessive deficit procedure, the implementation of the convergence programme year for year over the period covered by the programme.

#### Ireland's Convergence Programme 1994-1996 - Council Conclusions

The Council welcomed Ireland's convergence programme 1994-1996. The Council noted the strong performance of the Irish economy including the sound fiscal position and the continued reduction in Ireland's debt ratio. It welcomed the firmly expressed commitment of the Irish government to continue to pursue policies conforming to the requirements for moving to stage III of EMU.

The Council endorsed the determination of the Irish government to pursue a continued strategy of enhancing the performance of the real economy on the basis of stability oriented macroeconomic policies. It noted that

Ireland has continued to catch up while maintaining an excellent stability performance.

The high level of unemployment remains the outstanding problem of the

Irish economy. The Council welcomed the Irish government's policy of tackling the unemployment problem through the application of policies which build upon and complement the stability oriented macroeconomic policies. The Council encouraged the Irish government to pursue the structural reforms and other policies necessary to improve the investment performance, sustain growth and achieve an enhanced employment performance.

The Council agreed to review, in the context of the Union's multilateral surveillance procedures, including the excessive deficit procedure, Ireland's progress in meeting the convergence programme targets.

#### PREPARATION OF THE ANNUAL MEETING OF THE IMF AND THE WORLD BANK

The Council approved the draft statements which its President will be making at the annual meeting of the IMF and the World Bank in Madrid from 2 to 6 October 1994.

#### NEW DECISION ON OWN RESOURCES

The Council again discussed the problem of the Italian reservation on approval of the new Decision on own resources; Italy's reservation establishes a link between the Decision and a satisfactory solution, from Italy's point of view, to the problem of milk quotas.

The Council agreed to discuss this item again at its meeting on 10 October.

#### MISCELLANEOUS DECISIONS

(Adopted without debate. In the case of acts of legislation, votes against or abstentions are indicated).

#### Anti-dumping

The Council adopted the Regulation amending Regulation (EEC) No

1781/93

imposing a definitive countervailing duty on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another third country. The countervailing duty, expressed as a percentage of the price net, free-at-Community-frontier, is now 5,3% instead of 6,7%.

The Council also decided not to terminate the anti-dumping procedures concerning:

- synthetic fibre fabric originating in India, Pakistan and Thailand,
- cotton fabric originating in China, India, Indonesia, Pakistan and Turkey.

The Commission for its part had decided on 17 and 25 August 1994 to terminate the abovementioned anti-dumping procedures.

#### EC-Turkey customs cooperation

In preparation for the EEC-Turkey Association Council meeting on 19 December 1994, the Council approved the provisions on mutual assistance between administrative authorities in customs matters to be put forward as a Community proposal.

#### Intellectual property

The Council established that it was unable to approve all the European Parliament's amendments to its common position of 7 February 1994 on the Directive on the legal protection of biotechnological inventions. As a result, the procedure laid down in Article 189b will be implemented and a meeting of the Conciliation Committee called.

The Council decided to authorize the Commission to participate in the negotiations of the Diplomatic Conference to draw up a Trade Mark Law Treaty, to be held in Geneva from 10 to 28 October 1994 under the auspices of the World Intellectual Property Organization (WIPO), to ensure that the Community becomes a full Contracting Party to the

Treaty.

In particular, the Commission will ensure that the provisions of the projected Treaty are compatible with the provisions on the Community Trade Mark.

#### Transport

Following the political agreement reached at the Transport Council meeting on 13 and 14 June 1994 (see Press Release 7731/94 Presse 119), the Council formally adopted its common positions on:

- the Directive on the approximation of the laws of the Member States on the transport of dangerous goods by road.

The purpose of this Directive is to transpose into Community law the international rules governing this sector, viz. the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (Geneva, 1957).

The Spanish and Netherlands delegations abstained;

- the Regulation on the tonnage measurement of ballast spaces in segregated ballast oil tankers.

The purpose of this Regulation is to end the penalization of segregated ballast oil tankers with regard to port and pilotage fees incurred when fees are calculated on the basis of the vessel's gross tonnage;

- the Directive on the minimum level of training of seafarers.

The common position provides that all seafarers serving on board ships registered in the Member States must possess a certificate issued by or recognized by the competent authority of a Member State and attesting that they have received appropriate training in accordance with the 1978 International Convention of the International Maritime Organization (IMO) on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention);

- the Directive on common rules and standards for ship inspections and survey organizations and for the relevant activities of maritime administrations.

This Directive follows the Council Resolution of 8 June 1993 on a common policy safe seas which set the objective of removing all substandard vessels from Community waters and gave priority to Community action to secure the effective and uniform implementation of international rules by elaborating common standards for classification societies.

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PRESS RELEASE

9205/94 (Presse 173)

1783rd Council meeting

**AGRICULTURE**

Brussels, 19 and 20 September 1994

President: Mr Jochen BORCHERT

Minister for Food,  
Agriculture and Forestry of  
the Federal Republic of Germany

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

**Belgium:**

Mr André BOURGEOIS Minister for Agriculture

**Denmark:**

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

**Germany:**

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

**Greece:**

Mr Georges MORAITIS Minister for Agriculture

**Spain:**

Mr Luis ATIENZA Minister for Agriculture, Fisheries and Food

**France:**

Mr Jean PUECH Minister for Agriculture and Fisheries

**Ireland:**

Mr Joe WALSH Minister for Agriculture, Food and Forestry

**Italy:**

Ms Adriana POLI BORTONE Minister for Agriculture, Food and Forest Resources

**Luxembourg:**

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

**Netherlands:**

Mr J.J. van AARTSEN Minister for Agriculture, Nature Conservation and Fisheries

**Portugal:**

Mr Antonio DUARTE-SILVA Minister for Agriculture

**United Kingdom:**

Mr William WALDEGRAVE Minister for Agriculture, Fisheries and Food

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**Commission**

Mr René STEICHEN Member

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The following representatives of the four accession countries also attended as observers:

**Norway:**

Ms Gunhild ØYANGEN

Minister for Agriculture

**Austria:**

Mr Franz FISCHLER

Federal Minister for Agriculture and Forestry

**Finland:**

Mr Mikko PESÄLÄ

Minister for Agriculture and Forestry

**Sweden:**

Mr Karl Erik OLSSON

Minister for Agriculture

**PROTECTION OF ANIMALS DURING TRANSPORT**

The Council resumed the examination of the Commission proposal amending Directive 91/628 concerning the protection of animals during transport.

The proposal aims, in order to improve the conditions under which animals are currently transported; to amend and supplement that Directive by inserting provisions on loading densities in vehicles for certain types of animal and on the watering and feeding intervals and resting periods applicable to animals during transport.

The Council paid special attention to the problems still outstanding, in particular that of the fixing of a limit on the maximum road transport time for slaughter animals. This question, which is not in the proposal, was considered essential by a number of delegations.

At the close of its discussion, the Council had to note that there were still major differences of views on this last point. It instructed a high level Working Party (veterinary experts) to seek a solution which would guarantee animal protection during transport. This Working Party will report to the Permanent Representatives Committee with a view to preparing the Council Decision.

**REFORM OF THE COMMON ORGANIZATION OF THE MARKET IN WINE**

Pending the Opinion of the European Parliament, the Council had a first exchange of views on the Commission proposal on the reform of the common organization of the market in wine.

The principal aim of the proposal is to achieve balance on the wine market and to improve the quality of the product. It sets forth several measures to achieve this objective.

At this meeting, the Council concentrated in particular on the following four major topics:

- reference quantities,
- regional programmes,
- the consequences of both these aspects, in particular compulsory distillation,
- oenological practices.

During the discussions, it clearly emerged that although no one was questioning the need to seek a lasting and balanced improvement in this sector, the differences of view were particularly marked when it came to the means of attaining that objective. The proposal as a whole was welcomed as a basis for discussions by a majority of delegations, albeit subject to adjustments and amendments; for other delegations, on the other hand, this proposal gave rise to major objections.

At the conclusion of its discussion, the Council having noted the differences of views which existed, instructed the Special Committee on Agriculture to go in greater detail into the topics discussed during the meeting and to complete the examination of the matter in preparation for a forthcoming Council meeting.

## ADJUSTMENT OF AGRICULTURAL STRUCTURES

The Council held a policy discussion on the Commission proposal aimed at speeding up the adjustment of agricultural structures as regards Objective 5(a).

This proposal is a follow up to a request from the Member States made at the Council meeting on 22 December 1993 at which a first adjustment of the Objective 5(a) measures was decided (Regulation 3669/93) which had become necessary following the reform of the structural funds in July 1993.

At this meeting, the Council concentrated on the following major topics:

- the investment aid system: compulsory or optional,
- the assessment of the Commission proposals to determine whether they are capable of taking account of recent developments, in particular the consequences of the reform of the CAP, the GATT agreement, the new constraints imposed by society (environmental protection, animal welfare, etc.).

The Council noted a majority in favour of the approach advocated by the Commission while stressing the importance of regulations which were sufficiently flexible so as the better to adjust to the new situation faced by agricultural holdings.

At the close of its discussions, the Council instructed the Special Committee on Agriculture to complete its study of the question so that the Council might reach a conclusion at a forthcoming meeting.

**FRUIT AND VEGETABLE SECTOR**

The Commission representative presented a Commission study paper to the Council on the development and future of Community policy in the fruit and vegetable sector.

This communication will be examined in detail over the coming weeks and the Council will hold a substantive discussion on the matter once the Special Committee on Agriculture has carried out the necessary preparation and in the light of the awaited Opinions of the European Parliament and the Economic and Social Committee.

**MISCELLANEOUS DECISIONS**

(Adopted without discussion. In the case of legislative acts, votes against or abstentions are indicated)

**Fisheries**

The Council adopted the Decision on the provisional application of the Protocol defining for the period from 3 May 1994 to 2 May 1996 the fishing possibilities and financial compensation provided for in the Agreement between the Community and Angola.

The fishing possibilities defined in the Protocol for the Community fleet off the coast of Angola are as follows:

- shrimp vessels: 6.550 GRT per month, as an annual average (maximum 22 vessels);
- demersal trawlers: 1.900 GRT per month, as an annual average;
- bottom set longliner, fixed gillnet: 900 GRT per month, as an annual average;
- freezer tuna seiners: 19 vessels;
- surface longliners: 5 vessels.

The financial compensation laid down for the duration of the Protocol is fixed at 13,9 MECU. In addition, the Community will contribute 2,8 MECU towards the financing of Angolan scientific and technical programmes.

The Council also adopted the Decision authorizing the Commission to negotiate amendments to Article VII of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts (1973 Gdansk Convention). These amendments are aimed at establishing a more equitable sharing of the breakdown of contributions to the International Baltic Sea Fishery Commission budget.

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PRESS RELEASE

9402/94 (Presse 190)

1784th Council meeting

**LABOUR AND SOCIAL AFFAIRS**

Brussels, 22 September 1994

President: **Mr Norbert BLÜM**

**Minister for Labour and Social Affairs  
of the Federal Republic of Germany**

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

**Belgium:**

Ms Miet SMET

Minister for Employment, Labour and Policy on Equal Opportunities

**Denmark:**

Mr Henning OLESEN

State Secretary for Labour

**Germany:**

Mr Norbert BLÜM

Mr Horst GÜNTHER

Mr Werner TEGTMEIER

Federal Minister for Labour and Social Affairs  
Parliamentary State Secretary,  
Federal Ministry of Labour and Social Affairs  
State Secretary, Federal Ministry of Labour and Social Affairs**Greece:**

Mr Ioannis SKOULARIKIS

Minister for Labour

**Spain:**

Mr José Antonio GRIÑAN

Ms Cristina ALBERDI ALONSO

Minister for Labour and Social Security  
Minister for Social Affairs**France:**

Mr Michel GIRAUD

Minister for Labour, Employment and Vocational Training

**Ireland:**

Ms Mary O'ROURKE

Mr Mervyn TAYLOR

Minister for Labour  
Minister for Equality and Law Reform**Italy:**

Mr Andriano TESO

State Secretary for Employment and Social Security

**Luxembourg:**

Mr Jean-Claude JUNCKER

Ms Mady DELVAUX-STEHRÉS

Minister for Labour  
Minister for Social Security**Netherlands:**

Mr L.J. HANRATH

Deputy Permanent Representative

**Portugal:**

Mr José Bernardo VELOSO

FALCAO CUNHA

Mr José Mateus

VARATOJO JÚNIOR

Minister for Employment and Social Security  
State Secretary for Employment and Vocational Training**United Kingdom:**

Mr Michael PORTILLO

Ms Anne WIDDECOMBE

Secretary of State for Employment  
Minister of State, Department of Employment

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**Commission:**  
Mr Pádraig FLYNN

Member

- + -

The following representatives of the four acceding countries also attended as observers:

**Norway:**  
Mr Gunner BERGE

Minister for Labour

**Austria:**  
Mr Günther STEINBACH

Director-General

**Finland:**  
Mr Iikka KANERVA

Minister for Labour

**Sweden:**  
Mr Göte EKSTROEM

State Secretary for Labour

## EUROPEAN WORKS COUNCILS

The Council as eleven unanimously adopted, with the Portuguese delegation abstaining, the Directive on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.

This is the first Directive adopted by eleven Member States on the basis of the Agreement on Social Policy.

### **The main provisions of the Directive are as follows:**

A European Works Council will be established or a procedure for informing and consulting employees will take place in every Community-scale undertaking and every Community-scale group of undertakings following agreement between the central management and a special negotiating body.

For the purposes of the Directive:

- "Community-scale undertaking" means any undertaking with at least 1 000 employees within the Member States as a whole and at least 150 employees in each of at least two Member States;
- "group of undertakings" means a controlling undertaking and its controlled undertakings;
- "Community-scale group of undertakings" means a group of undertakings with at least the following characteristics:

- = at least 1000 employees within the Member States,
  - = at least two group undertakings in different Member States, and
  - = at least one group undertaking with at least 150 employees in one Member State and another group undertaking with at least 150 employees in another Member State;
- "controlling undertaking" means an undertaking which can exercise a dominant influence over another undertaking by virtue, for example, of ownership, financial participation or the rules which govern it;
  - "consultation" means the exchange of views and establishment of dialogue between employees' representatives and central management or any other more appropriate level of management.

The central management:

- will be responsible for creating the conditions and means necessary for the setting up of a European Works Council or an information and consultation procedure;
- will initiate negotiations on its own initiative, or at the written request of at least 100 employees or their representatives in at least two undertakings in at least two Member States.

The special negotiating body will have a minimum of 3 and a maximum of 17 members, and:

- will have the task of determining, with the central management, by written agreement, the scope, composition, powers and term of office of European Works Council(s), or the arrangements for implementing a procedure for the information and consultation of employees;

- may decide, by at least two-thirds of the votes, not to open negotiations or to terminate the negotiations already opened; such a decision would stop the procedure to conclude the agreement and the provisions in the Annex would not apply.

Members of special negotiating bodies or of European Works Councils and any experts who assist them will not be authorized to reveal any information which has expressly been provided to them in confidence.

Community-scale undertakings or Community-scale groups of undertakings in which there is already an agreement covering the entire workforce providing for the transnational information and consultation of employees will not be subject to the obligations arising from the Directive. When these agreements expire, the parties may decide jointly to renew them. Should that not be the case, the provisions of the Directive would apply.

The subsidiary requirements laid down by the legislation of the Member State in which the central management is situated will apply:

- where the central management and the special negotiating body so decide, or
- where the central management refuses to commence negotiations within six months of the initial request to convene the special negotiating body, or
- where, after three years from the date of this request, they are unable to conclude an agreement setting up a European Works Council or an information and consultation procedure and if the special negotiating body has not taken the decision to initiate negotiations or terminate the negotiations.

These subsidiary requirements must satisfy the provisions set out in the Annex;

these stipulate, inter alia, that:

- the competence of the European Works Council will be limited to information and consultation on matters which concern the Community-scale undertaking or Community-scale group of undertakings as a whole or at least two of its establishments or group undertakings situated in different Member States;
- the European Works Council will have a minimum of 3 members and a maximum of 30 members and, where its size so warrants, will elect from among its members a select committee of no more than 3 members;
- four years after the European Works Council is established it shall examine whether to open negotiations for the conclusion of the agreement on the method of ensuring that employees are informed and consulted, or to continue to apply the subsidiary requirements adopted in accordance with the Annex;
- the European Works Council will have the right to meet with the central management once a year, to be informed and consulted, on the basis of a report drawn up by the central management, of the progress of the business of the Community-scale undertaking or Community-scale group of undertakings and of its prospects;
- where there are exceptional circumstances affecting the employees' interests to a considerable extent, particularly in the event of relocations, closures or collective redundancies, the select committee or, where no such committee exists, the European Works Council, will have the right to be informed;
- the members of the European Works Council will inform the employees' representatives of the content and outcome of the information and consultation procedure;

- the operating expenses of the European Works Council will be borne by the central management; in compliance with this principle, Member States may lay down budgetary rules regarding the operation of the European Works Council.

### **COMBATING UNEMPLOYMENT**

Further to the Corfu European council and on the basis of a report prepared by the personal representatives of the Ministers for Labour and Social Affairs, the Council drew up its report on combating unemployment for the European Council in Essen. The report is set out in the Annex.

### **WHITE PAPER "SOCIAL POLICY: A WAY FORWARD FOR THE UNION"**

Commissioner Flynn presented to the Council the White Paper entitled "European Social Policy: a way forward for the Union", which details the Commission's approach for the next stage in the development of its social policy (1995 to 1999).

The Council agreed to discuss the White Paper in depth at a subsequent meeting and asked the Permanent Representative Committee to prepare that discussion.

## **POSTING OF WORKERS IN THE FRAMEWORK OF THE PROVISION OF SERVICES**

The Council held a policy debate on the proposal for a Directive concerning the posting of workers in the framework of the provision of services.

The debate focused on:

- the scope of the Directive;
- whether to stipulate or to allow an initial period during which certain provisions of the Directive would not apply and, if appropriate, how long such an initial period should last.

The Council instructed the Permanent Representatives Committee to continue the discussions in preparation for the next meeting of the Labour and Social Affairs Council.

## **PART-TIME AND FIXED-TERM EMPLOYMENT**

The Council held a policy debate on the following questions, which the Presidency had put to it in order to expedite proceedings on the proposal for a Directive on part-time and fixed-term employment relationships:

- the scope of the Directive;
- the solution to be found for statutory social security schemes;
- whether the Directive should incorporate the principle of equal treatment for part-time employees and fixed-term employees, and any exceptions to this principle.

The Council instructed the Permanent Representatives Committee to continue discussing the matter in preparation for the next meeting of the Labour and Social Affairs Council.

**PARENTAL LEAVE**

The Council again considered the proposal for a Directive on parental leave.

As one delegation upheld its substantive reservation, the President of the Council concluded that there was deadlock on this proposal.

The Council took note of a statement by Commissioner Flynn that the Commission would start the procedure provided for in the Agreement on Social Policy.

**BURDEN OF PROOF**

The Council returned to the proposal for a Directive on the burden of proof in the area of equal pay and treatment for men and women.

As one delegation upheld its substantive reservation, the President of the Council concluded that there was also deadlock on this proposal.

The Council noted a statement by Commissioner Flynn that the Commission would consider what course of action to take in this situation.

COMBATING UNEMPLOYMENT**REPORT FROM THE COUNCIL (LABOUR AND SOCIAL AFFAIRS)  
ON 22 SEPTEMBER 1994 FOR THE EUROPEAN COUNCIL IN ESSEN**

## General

1. The Council of the European Union (Labour and Social Affairs) confirms that, alongside economic and financial policy, labour-market and social policy must make its own contribution to combating unemployment in Europe. The Council would refer in this connection to the European Council meeting in Corfu on 24 and 25 June 1994, at which the Ministers for Labour and Social Affairs were instructed to put forward appropriate policy recommendations for further developing current policies in the Member States.
2. The Labour and Social Affairs Council views labour-market action in the Member States against the background in particular of the short and medium-term action plan to combat unemployment, decided on by the European Council on 10 and 11 December 1993. On the basis of the Commission White Paper on growth, competitiveness and employment, that action plan describes seven areas of action for Member States' measures: improving education and training systems, improving flexibility within enterprises and on the labour market, formulas for the reorganization of work at enterprise level, targeted reductions in the indirect cost of labour, better use of public funds set aside for combating unemployment, specific measures for young people without training, and developing employment in connection with meeting new requirements. The Council notes that Member States need to focus their labour-market action in ways which make allowance both for their respective circumstances and possibilities and also for short and longer-term aspects.
3. As a contribution to implementing the action plan, the Labour and Social Affairs Council has identified four areas of action for labour-market measures as being particularly important and has approved further recommendations on them. Those areas of action are as follows: improving job skills, greater flexibility in working time, combating long-term unemployment, and effective use of labour-market policy funds. Of those areas of action, that of job skills takes on a key role in a number of ways. Investment in human capital by way of job skills must be regarded as ranking at least on a par with other forms of investment. Improving young people's job skills and putting into practice the principle of life-long learning will represent a crucial investment for the future as

regards the European Union's competitiveness in relation to other economic areas.

4. The Labour and Social Affairs Council considers that the two sides of industry must in future be regarded as having a greater role with regard to their shared responsibility in labour-market policy as well because they too can, through their activities, avoid or eliminate unemployment among various categories of people addressed by labour-market policy. In the context of national traditions and practices, they are of major importance for the areas of action identified in improving job skills, bringing greater flexibility to working time and combating long-term unemployment. The Council therefore advocates constant renewal and extension of the dialogue and cooperation between the two sides of industry themselves and between them and governments.
5. The Labour and Social Affairs Council notes that, in order to combat unemployment, the creation of new jobs with a future must be speeded up. In this connection it points out that there are people who, in spite of all efforts, cannot match the ever-increasing skills required of employees. There must be job prospects for such people too. To the extent that this is not possible within existing jobs - for example by means of further job training for those employed in unskilled jobs, thus releasing those jobs for employees unsuitable for training - account must also be taken of such people when new jobs are created. This appears possible especially in the development, under the action plan, of employment to meet new needs linked to the quality of life and protection of the environment. In this context the fact that both men and women are working will mean that a variety of new services also need to be provided in the home.
6. The Labour and Social Affairs Council notes that, in labour-market policy, avoiding unemployment and reducing its length must take precedence over merely safeguarding the livelihood of the unemployed with welfare benefits. Resources for passive labour-market policy must therefore in future be used to a greater extent for active labour-market policy.

**First area of action: improving job skills**

The job skills of young people, those in work and the unemployed have a key role to play in avoiding and eliminating unemployment, as well as in attaining and safeguarding economic competitiveness. In order to achieve job skills able to keep abreast of ever-changing requirements, all bodies involved need to cooperate, with special responsibility being taken by the two sides of industry, though matching efforts are to be expected of employees as well. The following principles should be observed in improving job skills:

1. Those responsible for schooling need to pay greater heed to ensuring that school-leaving qualifications provide the necessary basis on which to go on to training and working life, in accordance with the increased standards as well. For a smoother transition from school to working life, periods of job experience should also be arranged as part of school education and thereafter.
2. Appropriate measures should be taken to ensure that the proportion of young people without school-leaving qualifications is brought down to as low a level as possible. Young people who do not obtain school-leaving qualifications, on account of their abilities, attitude or social background, need to be given special assistance. Suitable opportunities must also be available for obtaining a school-leaving qualification later, even after an interval of a number of years.
3. All young people are to be given access to appropriate and recognized vocational training. This requires multiple provision of training courses and schemes with different requirements, so as also to cater for different practical and theoretical strengths. Training and qualifications that can be completed in stages are particularly suitable for the purpose, with the aim in all cases being to obtain a qualification in line with aptitude within as short a time as possible.
4. Young people and adults not yet holding any training qualification need to be offered a chance to obtain one later.
5. In the case of adult employees extending their job skills, due account needs to be taken in training of acquired abilities and purposeful learning habits. It should therefore be possible as a rule to obtain qualifications in a shorter time than for young people.
6. New ways of acquiring job skills also need to be developed in line with both the needs of those to be trained and the ever-changing requirements, and making use of new technologies and information systems. The combination of work and training is particularly suitable for those in danger of being sidelined on the

labour market.

7. Intensive efforts must be made to ensure that those in work are given the necessary further training promptly to enable them to adapt their qualifications to the changes resulting from technological advance and reduce the risk of losing their jobs. Arrangements in keeping with requirements need to be arrived at for small and medium-sized firms.
8. In line with the key role of job skills, labour-market policy and firms must give particular priority to job skills and make appropriate funding available. This should also result in the development and availability of appropriate training provision.

### **Second area of action: greater flexibility in working time**

Greater flexibility in working time is in the interests of both employees and industry. It enables employees to achieve a better balance in their lives between work, family life, leisure and education. For industry, improved work organization and harder-working staff may bring productivity gains, thereby improving competitiveness. Broader application of flexibility will also allow more workers to be employed. An extension of flexibility in working time can be achieved only with the assistance of the two sides of industry and those responsible on both sides within firms. The following principles should be observed in bringing greater flexibility to working time:

1. Flexibility in working time needs to include a great variety of arrangements extending as far as time worked over a year or over a lifetime. It must not be confined to part-time work, particularly in the form of working half-days.
2. In order to expand flexibility in working time, other services required by the employees concerned also need to be provided in a more flexible manner (local public transport, childminding facilities, etc.).
3. Employees covered by extended flexibility in working time should not be placed at a disadvantage compared with other employees. Flexibility can be implemented more extensively only if such disadvantages are avoided, if flexibility is not confined to the activities of particular categories of employees and if it is not imposed against employees' will.
4. Older employees need to be offered the opportunity to smooth the transition to retirement by means of a reduction in working time. A smooth transition facilitates the changeover for employees as well as the replacement of

experienced skilled workers for firms.

5. Young people who cannot find a full-time job should be given a chance to improve their skills and placement prospects by means of part-time work.
6. Public institutions and administrative authorities must set an example for industry by extending flexibility in working time.
7. Extended flexibility in working time also opens up new possibilities for job skills which should be used to the appropriate extent and taken into account in the relevant regulations.

### **Third area of action: combating long-term unemployment**

Structural change and the shedding of jobs have brought a considerable increase in long-term unemployment. In developing new job opportunities, job prospects must also be held out for the long-term unemployed, those out of work for more than a year. The following principles should be observed here:

1. Labour-market measures need to be geared to the very different categories of long-term unemployed and hence to a variety of needs if they are to be successful. This requires, *inter alia*, varied provision of counselling and job placement as well as supplementary benefits. Employment initiatives and services at local level are particularly well able to cater for each individual's needs and possibilities as well as for local circumstances, being better informed and able to provide a more flexible response than countrywide institutions.
2. Efforts to bring the unemployed back into the labour market must be stepped up after a maximum of six months out of work in order to avoid long-term unemployment and the related obstacles to employability. Here the aim should be to achieve intensive cooperation between the various responsible institutions.
3. Labour-market measures need to be directed at integration into the general labour market. Direct – if need be temporarily assisted – integration must as a rule take precedence over other labour-market measures.
4. Certain categories of long-term unemployed also require special labour-market measures in line with their special needs in order to integrate them into the general labour market. Such measures may include the following:

- publicly assisted fixed-term employment for the purposes of maintaining skills and social stabilization;
- Support for the development of additional jobs not posing a threat to competition – e.g. in the environmental field, in social and local services and in improving local structure – where welfare benefits for the unemployed can be converted into wage subsidies;
- flexible combinations of measures concerned with job skills, employment and social counselling.

#### **Fourth area of action: effective use of labour-market policy funds**

Considerable funds are set aside for active and passive labour-market policy. Effective and efficient use of funds is therefore very important because such use enables the unemployed to be helped to a greater extent. The following principles should be observed in the effective use of labour-market policy funds:

1. Active labour-market measures must be reviewed at regular intervals for necessity and effectiveness. Interchange of information between Member States must be used for the purpose.
2. In the case of benefits for the unemployed to safeguard their livelihood, checks must be carried out at regular intervals on the extent to which the conditions for benefits are still being fulfilled.
3. Suitable means must be used to combat unlawful work so that resulting jobs can be used to employ those out of work. The authorities responsible in the Member States for combating unlawful work should cooperate – across borders as well – so that the free movement of services is not exploited for the purposes of engaging in unlawful work. Labour and Social Affairs Ministers are interested in ensuring that speedy progress is achieved in this area and that – where necessary – the preconditions for progress are improved.

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PRESS RELEASE

9405/94 (Presse 193)

1785th Council meeting

- TRANSPORT -

Brussels, 26 September 1994

**President:** Mr Matthias WISSMANN  
Federal Minister for Transport  
of the Federal Republic of Germany

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

**Belgium:**

Mr Elio DI RUPO

Deputy Prime Minister, Minister for  
Transport and Public Undertakings

Mr Johan SAUWENS

Minister for Transport, Government of the  
Flemish Community

**Denmark:**

Mr Niels Henrik SLIBEN

Deputy Permanent Representative

**Germany:**

Mr Matthias WISSMANN

Minister for Transport

Mr Wilhelm KNITTEL

State Secretary, Ministry for Transport

**Greece:**

Mr A. TSOURAS

Minister for Transport and  
Communications

**Spain:**

Mr Manuel PANADERO

Secretary General, Ministry of Transport

**France:**

Mr Bernard BOSSON

Minister for Transport

**Ireland:**

Mr Noel TREACY

Minister of State at the Departments of  
the Taoiseach, Finance and Transport,  
Energy and Communications

**Italy:**

Mr Giovanni MICCICHE

State Secretary for Transport

**Luxembourg:**

Mrs Mady DELVAUX-STEHRÉS

Minister for Transport

**Netherlands:**

Mrs A. JORRITSMA-LEBBINK

Minister for Transport

**Portugal:**

Mr Jorge ANTAS

State Secretary for Transport

**United Kingdom:**

Mr Brian MAWHINNEY

Minister for Transport

- + -

**For the Commission:**

Mr Marcelino OREJA AGUIRRE

Member

Representatives of the four acceding countries also participated as observers, namely:

**Norway:**

Mr Kjell OPSETH

Minister for Transport and  
Communications

**Austria:**

Mr Viktor KLIMA

Federal Minister for Public Economy  
and Transport

**Finland:**

Mr Johan NORRBACK

Minister for Transport and  
Communications

**Sweden:**

Mr Mats ODELL

Minister for Transport and  
Communications

Mr Per-Egon JOHANSSON

State Secretary for Transport

## INLAND TRANSPORT

### ROAD TRANSPORT

#### - TRANSPORT OF DANGEROUS GOODS BY ROAD

The Council agreed on its common position on the proposal for a Directive on uniform procedures for checks on the transport of dangerous goods by road.

This proposal was drawn up with a view to improving and ensuring compliance with the safety conditions for the transport of dangerous goods by road and eliminating barriers to the free movement of dangerous goods transported by road throughout the Community.

It supplements the proposal for a Directive on the approximation of the laws of the Member States concerning the transport of dangerous goods by road on which the Council recently adopted its common position.

The present common position provides that Member States should ensure that a representative proportion of consignments of dangerous goods transported by road is subject to the checks laid down in an indicative Community list, in order to check their compliance with the relevant legislation in this area.

Under the text approved, the checks, which should not exceed a reasonable length of time, would be random, and should as far as possible cover an extensive portion of the road network.

The places chosen for these checks should permit infringing vehicles to be brought into compliance or, if the authority carrying out the check deems it appropriate, to be immobilized. Where appropriate, samples of the goods transported could be taken for examination.

Checks could also be carried out at the premises of undertakings, as a preventive measure or where infringements jeopardizing safety in the transport of dangerous goods have been recorded at the roadside.

Member States should assist each other to give proper effect to the Directive, particularly in the event of serious or repeated infringements committed by a non-resident vehicle or undertaking.

Member States should comply with the Directive by 1 January 1997.

Once formally adopted following finalization of the text, the common position will be forwarded to the European Parliament under the cooperation procedure.

**- ROAD FREIGHT TRANSPORT IN THE SINGLE EUROPEAN MARKET -  
COUNCIL RESOLUTION**

"THE COUNCIL OF THE EUROPEAN UNION,

WELCOMES the report entitled "Road freight transport in the Single European Market", which was submitted in July 1994 by the Committee of Enquiry set up by the Commission,

NOTES that, while the report recognizes the increasingly dominant and vital role that road freight transport has come to play in support of the industrial and retail sectors, it identifies some adjustment problems which its development in the Single Market has caused in recent years for the road haulage sector itself and the problems caused for the general public by inadequate application of existing standards; NOTES the fact that the report's comprehensive analysis of and solutions to the problems, especially with regard to permanently workable competition, safety and environmental protection, are positive,

AGREES TO THE FOLLOWING POINTS:

- the internal market in the road freight transport sector should be further completed particularly as far as the removal of quantitative restrictions on market access and of price regulations is concerned;
- a liberalized internal market requires harmonization of the conditions essential for fair competition and their more or less uniform application and enforcement. In this context a suitable balance with the principle of subsidiarity must be preserved,

NOTES the conclusions of the abovementioned report on State aids,

STRESSES that, in the interest of fair competition between the various modes of transport and within the road transport sector, it is desirable to move in the medium term towards ensuring that as far as possible all modes of transport are charged the costs they cause, based on the principle of territoriality,

UNDERLINES the importance of a consistent and uniform application and enforcement of all regulations in the road haulage sector, including those on safety, environment and social conditions, and if necessary their modernization and simplification,

CONSIDERS THAT IT IS NECESSARY TO apply rigorously – for the stabilization of the road haulage sector and for the protection of the general public – the requirements for access to the profession so that a satisfactory level is achieved in the European Union, but at the same time to avoid imposing arbitrary barriers to market access in the process,

INVITES the Commission,

- with regard to the scope of the measures necessary in individual areas relating to access to the profession to draw up a comparative study on the requirements in the individual Member States; that study should in particular:
  - = analyse the requirements as to professional competence in order to take account, in training and examinations, of developments with regard to the management of modern transport undertakings,
  - = analyse the minimum requirements as to financial capacity in order to establish whether they are still appropriate,
- to examine, in accordance with Council Resolution 94/C 179/01 of 16 June 1994 <sup>(1)</sup>, ways of improving cooperation among administrations which are appropriate for identifying and prosecuting infringements of the social regulations more effectively;

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<sup>(1)</sup> OJ No C 179, 1.7.1994, p. 1.

- to produce a report on regulations in force in the Member States relating to the training of long-distance drivers of heavy goods vehicles, including drivers of vehicles carrying dangerous goods, and if appropriate to formulate proposals for compulsory initial training and appropriate continuing training,
- to bring forward at an early date its promised proposal on the leasing and hiring of commercial vehicles,

#### CALLS UPON the Member States

- to do everything within their power – including the use of state-of-the-art technology – in order to prevent infringements of road freight transport regulations;

#### ANNOUNCES ITS INTENTION

- to gradually develop transport relations between the European Community and third countries provided that an adequate level of harmonization of conditions of competition is being achieved between the parties involved,
- immediately to start discussions on the Commission proposal <sup>(1)</sup> amending Regulation (EEC) No 3821/85 <sup>(2)</sup> (recording equipment) and Directive 88/599/EEC <sup>(3)</sup> and to come to a decision as soon as possible,

NOTES that the Commission will follow up its communication of 20 March 1992 <sup>(4)</sup> on the introduction of the concept of working time into Regulations Nos 3820/85 and 3821/85 which deal with driving and rest periods in the road transport sector and that it may submit any appropriate proposals."

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<sup>(1)</sup> OJ No C 243, 31. 8.1994, p. 8.

<sup>(2)</sup> OJ No L 370, 31.12.1985, p. 8.

<sup>(3)</sup> OJ No L 325, 29.11.1988, p. 55.

<sup>(4)</sup> SEC(92) 496 final.

## RAIL TRANSPORT

The Council reached a political agreement <sup>(1)</sup> concerning the proposals for a Directive on

- the licensing of railway undertakings,
- the allocation of railway infrastructure capacity and the charging of infrastructure fees.

These two proposals, which form a whole, are intended to facilitate application of Directive 91/440/EEC on the development of the Community's railways.

1. The Common position on licensing provides for the introduction of an operating licence for railway undertakings in order to ensure that the rights of access to railway infrastructures conferred by Article 10 of Directive 91/440/EEC are applied to the industry on a uniform, non-discriminative basis.

Directive 91/440/EEC grants access rights solely to:

- railway undertakings, whether private or public, established or to be established in a Member State, engaged in the international combined transport of goods;
- international groupings of at least two of these undertakings established in different Member States for the purpose of providing international transport services between these Member States.

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(<sup>1</sup>) The United Kingdom delegation entered a Parliamentary scrutiny reservation.

The common position on the granting of railway licences provides for the following system:

- A railway undertaking applies to the competent authority of the Member State in which it is established for the appropriate licence for the services it intends to operate. Possession of that licence, called an operating licence, is a prior condition for authorization to apply for rights of access to the infrastructure in question. The licence itself does not, therefore, give the railway undertaking any right to operate transport services. It will need to have obtained a safety certificate (see proposed Directive on railway infrastructure) in order to obtain train paths.
- Both existing and new railway undertakings must possess this licence.
- A licence issued by a Member State is automatically recognized as valid throughout the Community.
- In order to obtain the licence, a railway undertaking must fulfil the conditions of good repute, financial fitness and professional competence and be insured in accordance with the provisions of the draft Directive (common position).
- Once a railway undertaking has obtained a licence, it may apply to the competent authority of any Member State affected by the transport services which it intends to operate (including transit) for rights of access, in accordance with the conditions laid down in Article 10 of Directive 91/440/EEC.

2. The proposal on the allocation of railway infrastructure capacity and the charging of infrastructure fees is aimed at introducing the general framework for a uniform and non-discriminatory Community system in this area in such a way that railway undertakings and their customers may benefit in full from the possibilities offered by the internal market in the rail sector.

The common position provides for the following system:

- The licensed railway undertaking applies for a safety certificate to the body designated for that purpose by the Member State in which the infrastructure used is situated; the certificate states that the undertaking meets the safety conditions, laid down by Community law.
- The railway undertaking holding the safety certificate can then apply to the allocation body of the Member State on whose territory the departure point of the service concerned is situated for the allocation of one or more train paths.
- The infrastructure manager charges infrastructure fees on the basis of common general criteria.
- The railway undertaking which has been allocated a train path concludes with the infrastructure manager(s) concerned the administrative, technical and financial railway agreements necessary.

Member States should comply with these Directives within two years of their entry into force.

Once formally adopted, following finalization of the texts, the common positions will be forwarded to the European Parliament under the co-operation procedure.

**INLAND WATERWAY TRANSPORT****– ORGANIZATION OF THE INLAND WATERWAY TRANSPORT MARKET –  
COUNCIL RESOLUTION**

"THE COUNCIL OF THE EUROPEAN UNION,

NOTES with concern that an imbalance between the supply of and the demand for capacity continues to exist as a consequence of the economic downturn and the structural changes noted over several years on the inland waterway transport market. Consequently, the freight rates are also still at an unacceptable level or continue to show a downward trend,

CONSIDERS IT urgently necessary, for the purpose of reorganizing the Western European inland waterway transport market and ensuring the lasting competitiveness of the inland waterway transport sector, to take more effective measures than those currently applied so that a healthy profit situation can be re-established in the future,

REFERS to Council Regulation (EEC) No 1101/89 of 27 April 1989, as amended by Regulation (EEC) No 844/94 of 12 April 1994, and Commission Regulation (EEC) No 1102/89, as last amended by Regulation (EEC) No 3433/93 of 15 December 1993, on structural improvements in inland waterway transport,

CONSIDERS that as an adequate measure for ensuring the lasting competitiveness of the inland waterway transport trade, a new comprehensive structural adjustment is necessary,

CALLS UPON the Commission to submit proposals, or to adopt other suitable measures within its field of competence, with a view to improving the effectiveness of the Regulation on structural improvements; NOTES in this connection the Commission's intention to increase to 1,5:1 the ratio of old tonnage to be broken up to new tonnage ("old for new" ratio),

CALLS UPON the Commission also to submit before 1 January 1995 a comprehensive proposal on inland waterway transport, with particular reference to the future organization of the market and scrapping measures."

## TRANSPORT INFRASTRUCTURES

### TRANS-EUROPEAN TRANSPORT NETWORK

The Council held an exchange of views on the proposal for a Decision on Community guidelines for the development of the trans-European transport network, after which it instructed the Permanent Representatives Committee to continue its discussions so that the Council could hold a policy debate at its next meeting.

This proposal covers all transport infrastructures – inland, sea and air – with a view to inter-modal integration. The proposed guidelines therefore replace the three "modal" Decisions adopted by the Council on 29 October 1993 (road, inland waterway and combined transport networks) and also cover railways, ports, airports and the information and management systems for the whole network.

AIR TRANSPORTTHE WAY FORWARD FOR CIVIL AVIATION IN EUROPE – COUNCIL RESOLUTION

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Noting the report "Expanding Horizons" by the "Comité des Sages" set up by the European Commission which was submitted on 1 February 1994,

Having regard to the conclusions of the Council meeting on 18 April 1994 on the situation in European civil aviation,

Having regard to the communication from the Commission of the European Community <sup>(1)</sup> on "The way forward for civil aviation in Europe",

Having regard to the Commission of the European Community communication on "Satellite Navigation Services: A European Approach" <sup>(2)</sup>,

Whereas a pre-condition for a European civil aviation sector which can hold its own in worldwide competition is a common civil aviation policy in the European Union.

Whereas the abovementioned communications from the Commission refer to relevant measures and announce, in some cases with target dates, proposals for regulations in individual areas; whereas in view of the large number of measures mentioned and of the need for action which is urgent in some areas it is appropriate to give special attention to certain topics,

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<sup>(1)</sup> COM(94) 218 final.

<sup>(2)</sup> COM(94) 248 final.

WELCOMES the presentation of the Commission communication on the situation in European civil aviation which was a first step towards fulfilling the request by the Council to prepare suitable measures,

HOLDS THE VIEW that in general the measures announced in the Commission communication can contribute significantly to the increased overall competitiveness and financial recovery of European civil aviation and that the preparatory work should be continued without delay. The following subjects should in this context be given special priority:

- (a) An efficient aviation sector in Europe requires significant progress to be made in the spheres of air traffic control/air traffic management and satellite navigation systems:
- The harmonization and integration of European air traffic control systems makes it necessary to develop a great number of technical standards under the conditions defined in Directive 93/65/EEC on the basis of EUROCONTROL standards, in order to ensure the interaction and compatibility of technical systems in the Member States and to introduce new equipment and services which satisfy these standards with the aim of increasing the capacity of the entire European system. The Commission should back by means of all suitable measures the work in this respect.
  - Navigation and communications by means of satellites will be of increasing significance and every effort should be made to make European contributions to global satellite navigation systems. The high-level coordinating group proposed in the Commission communication of 14 June 1994 (COM(94) 248 final) should begin work as soon as possible;

- (b) The completion of the common air transport market should also find expression in common provisions and in uniform procedures for the safety of air traffic. Considerations on the development of an efficient regulatory authority for Europe, based on the J.A.A., dealing with safety standards should be pursued without delay. In the same spirit common air worthiness certification for aeronautical products should be considered;
- (c) To prevent distortions of competition for European aviation, State aids, which have or may have negative effects on competition, must be ruled out. Such State aids may only be granted in the case of certain clearly defined exceptions in conformity with the Treaty and on the basis of transparent decisions;
- (d) In order to strengthen the competitiveness of European aviation it is necessary to ensure efficient utilization of the air transport infrastructure. Efficient and market-oriented ground handling services at airports make an important contribution to the efficient utilization of the air transport infrastructure. They should be offered on a non-discriminatory, transparent and cost-effective basis. Measures in this field should take into account these considerations and the capacity and safety concerns at airports.

EXPECTS that all the measures to intensify the competitiveness and adapt the structures of the air transport industry in the European Union will ensure that the air transport industry can continue to operate from a strong economic position in the European Union in the future.

CONSIDERS that a more detailed examination should be made of the risk of development of flags of convenience and other practices which result, over and above the flexibility required for all operations, in a substantial use of non-Community resources. A study - carried out as soon as possible by the Commission, accompanied, if necessary, by appropriate proposals - could provide useful support for such an examination.

REQUESTS THE COMMISSION to take forthwith the measures necessary to implement this Resolution and to report back on them at the next Council meeting.

HOLDS THE VIEW that in the sphere of air traffic relations between the community and third countries, the course taken in accordance with the Council conclusions of 15 March 1993 should be followed step by step, pragmatically and with the aim of pursuing Community interests.

**MEASURES CONCERNING ALL MODES OF TRANSPORT****TELEMATICS IN THE TRANSPORT SECTOR - COUNCIL RESOLUTION**

"THE COUNCIL OF THE EUROPEAN UNION,

Whereas telematics systems should increasingly be used in the field of transport insofar as they are cost-efficient particularly in the trans-European transport network, using the results of the work on the information society; whereas this should enhance the safety, efficiency and environmental compatibility of transport;

Whereas one task of Community policy in particular is to achieve a convergence or standardization, where appropriate, of technical systems to make them compatible and interoperable between Member States so that they can as far as possible be used by road users and operators throughout Europe;

Whereas the variety of technical systems at present available on the market offers solutions at reasonable costs; whereas it is expected that an important impetus will be provided to private sector led initiatives for the creation of European information infrastructures;

TAKES NOTE of the Commission communication "Satellite Navigation Services: A European Approach" and the proposals in the ECMT Resolution of 26 and 27 May 1994 on the use of new information technology in the transport sector;

AGREES that action in the following areas is of major importance:

- progress towards the introduction of interoperable automatic road traffic information and warning systems in Member States at European level;

- standardization of testing criteria as well as of the assessment and approval procedures for in-vehicle information display in road transport;
- guarantee of compatibility and interoperability of systems for data exchange between vehicle and infrastructure in road transport;
- harmonization of the data bases for the Europe-wide utilization of digital road maps;
- binding acceptance of the standards formulated by EUROCONTROL under the conditions defined in Directive 93/65/EEC;
- introduction of a Community vessel movement reporting system for ships carrying dangerous or environmentally-hazardous goods on the basis of electronic data exchange systems;
- further development of the information and communication systems for computerized data exchange between the authorities responsible for port State control;
- implementation and improvement of Edifact of the compatibility of information and communication systems and for automatic transport control;

CONFIRMS that the introduction of compatible telematics systems should also be advanced in rail transport;

REQUESTS the Commission and the Member States:

- (a) to exercise their influence on the European railways for the introduction of a European Command and Control System;

- (b) jointly to select trans-European cross-border axes in road and rail transport on which currently available telematics systems should be optimally applied; on road transport, in particular, to jointly define standard evaluation methods to test the interoperability at European level of road information services and data exchange systems in accordance with the orientations prescribed in this Resolution;
- (c) as a matter of urgency to discuss the Commission communication on satellite navigation services and to submit recommendations as soon as possible;

INVITES the Commission:

- (a) to draw up a programme for the measures required at Community level for the implementation of telematics in the transport sector (action programme);
- (b) to back, by all suitable measures, standardization in air traffic management, including research and development;
- (c) to advance the necessary work and to submit proposals which do not interfere with proportionality, are in conformity with the principle of subsidiarity and do not create more bureaucracy."

## **MISCELLANEOUS DECISIONS**

(adopted without debate. In the case of legislative acts, votes against and abstentions are indicated).

### **European Economic Area**

The Council agreed to the adoption by the EEA Joint Committee, subject to subsequent Community approval, of the draft Decision concerning the second "interim package" (amending Annex I (veterinary and phytosanitary matters) and Annex II (technical regulations, standards testing and certification) to the EEA Agreement).

The first "interim package", which entered into force on 1 July 1994, added to the EEA Agreement most of the "acquis communautaire" adopted between 1 August 1991 and 31 December 1993, given that the EEA Agreement contains the "acquis communautaire" adopted up until 31 July 1991.

The second "interim package" contains a small number of Community acts which were not included in the first "interim package" as there was not sufficient time to conclude their examination with the EFTA States,

### **Committee of the Regions**

The Council appointed Mr Lothar KLEMM, to replace Mr Herbert Günther for the remainder of the latter's term of office, which runs until 25 January 1998.

### **Renewal of the Economic and Social Committee**

The Council adopted the Decision appointing members of the Economic and Social Committee for the period 21 September 1994 to 20 September 1998 (cf. annexed list).

BELGIË/BELGIQUE

M. Daniel DENORRE  
Directeur du département des relations publiques et des publications  
Fédération des entreprises de Belgique

M. Juan FERNANDEZ  
Gewezen Voorzitter  
Algemene centrale A.B.V.V.

M. Rudolf GAUDER  
Directeur général du Groupement de la Sidérurgie

M. Paul GRUSELIN  
Conseiller  
Département des Relations internationales  
Fédération générale du travail de Belgique (F.G.T.B.)

M. Guy HAAZE  
Nationaal Voorzitter van de Algemene Centrale der Liberale Vakbonden van België

M. Ronald JANSSEN  
Mederwerker  
Studiedienst Algemeen Christelijk Vakverbond van België (A.C.V.)

M. Jean PARDON  
Directeur du Département juridique et fiscal  
Association belge des Banques

M. Etienne de PAUL de BARCHIFONTAIRE  
Secrétaire général de l'Alliance agricole belge

M. Josly PIETTE  
Secrétaire général de la Confédération des syndicats chrétiens de Belgique

M. RAMAEKERS Roger  
Secrétaire général de la Fédération belge des coopératives "Febecoop"

M. Petrus THYS  
Voorzitter van het NCMV de organisatie voor zelfstandige ondernemers  
Ondervoorzitter van de Hoge Raad voor de Middenstand

M. Paul VERHAEGHE  
Afgevaardigd beheerder van de Federatie van de Voedingsindustrie

DANMARK

Konsulent Erik CARLSLUND  
LO

Afdelingschef Bo GREEN  
Det Danske Handelskammer  
Børsen

Økonom Frithiof HAGEN  
Arbejderbevægelsens Erhvervsråd

Kontorchef Birte JOHANSEN  
Dansk Arbejdsgiverforening

International sekretær Søren KARGAARD  
FTF

Europapolitisk rådgiver Søren KROHN  
Dansk Industri

Sekretær Bent NIELSEN  
LO

Afdelingschef Leif Erland NIELSEN  
Landbrugsrådet

Centerleder for Center for  
Teleinformation på DTU  
Cand.polit. Knud Erik SKOUBY

DEUTSCHLAND

Dr. Klaus BOISSERÉE  
Mitglied der Arbeitsgemeinschaft für Umweltfragen

Prof. Dr. Claus Benedict von der DECKEN  
Prof. em. für Reaktorsicherheit und Reaktorkomponenten

Achim DENKHAUS  
Vorsitzender des Aufsichtsrates der Denkhaus Spedition GmbH

Helga ELSTNER  
Präsidentin der Bürgerschaft der Freien und Hansestadt Hamburg a.D.

Ursula ENGELEN-KEFER  
Stellvertretende Vorsitzende des Deutschen Gewerkschaftsbundes

Eike EULEN  
Mitglied des Geschäftsführenden Hauptvorstandes der Gewerkschaft Öffentliche Dienste,  
Transport und Verkehr

Soscha Gräfin zu EULENBURG  
Vizepräsidentin der Bundesarbeitsgemeinschaft der Freien Wohlfahrtspflege und des Deutschen Roten Kreuzes

Dr. Göke FRERICHS  
Präsidiumsmitglied des Bundesverbandes des Deutschen Groß- und Außenhandels

Prof. Dr. med. Christoph FUCHS  
Hauptgeschäftsführer der Bundesärztekammer und des Deutschen Ärztetages

Michael GEUENICH  
Mitglied des Geschäftsführenden Bundesvorstandes des Deutschen Gewerkschaftsbundes

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Mr Neville BEALE  
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European Union of Women

Mr Tom JENKINS  
Head of Europe Unit  
Trades Union Congress

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European Union Adviser to Barclays Bank

Mr John LITTLE  
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Councillor, Westminster City Council  
Member of Council for Business Graduates' Association

Mr Peter MORGAN  
Director-General  
Institute of Directors

Mr Richard PICKERING  
National President  
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Mr Michael STRAUSS  
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Mr John WHITWORTH, OBE  
Former Executive Director  
International Shipping Federation  
Barrister

Mr George WRIGHT  
Regional Secretary for Transport and General Workers' Union (Wales)  
Chairman, Wales Trades Union Congress

PRESS RELEASE

**9560/94 (Presse 196)**

**1786th Council meeting**

**- INDUSTRY -**

**Brussels, 28 September 1994**

**President: Mr Günther REXRODT**

**Federal Minister for Economic Affairs of  
the Federal Republic of Germany**

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

**Belgium:**

Mr Luc VAN DEN BRANDE President of the Government of Flanders

**Denmark:**

Mr Joergen ROSTED State Secretary for Industry

**Germany:**

Mr Günther REXRODT Federal Minister for Economic Affairs  
Mr Johann EEKHOF State Secretary, Federal Ministry for Economic Affairs

**Greece:**

Mr Constantin SIMITIS Minister for Industry  
Mr Christos ROKOFYLLOS Deputy Minister, Ministry for Industrial Affairs

**Spain:**

Mr Juan Manuel EGUIAGARAY Minister for Industry

**France:**

Mr Pierre de BOISSIEU Ambassador, Permanent Representative

**Ireland:**

Mr Ruari QUINN Minister for Employment and Enterprise

**Italy:**

Mr Enzo PERLOT Ambassador, Permanent Representative

**Luxembourg:**

Mr Robert GOEBBELS Minister for Economic Affairs

**Netherlands:**

Mr G.J. WIJERS Minister for Economic Affairs

**Portugal:**

Mr Luis MIRA AMARAL Minister for Industry

**United Kingdom:**

Mr Tim EGGAR Minister of State,  
Department of Trade and Industry

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**For the Commission:**

Mr Martin BANGEMANN Member  
Mr Karel VAN MIERT Member  
Mr Raniero VANNI d'ARCHIRAFI Member

The following representatives of the four acceding countries attended as observers:

**Norway:**

Mrs Anne BREIBY

State Secretary for Industry and Energy

**Austria:**

Mr Wolfgang SCHÜSSEL

Mr Viktor KLIMA

Federal Minister for Economic Affairs

Federal Minister for Public Economy and  
Transport

**Finland:**

Mr Seppo KÄÄRIÄINEN

Minister for Trade and Industry

**Sweden:**

Mr Hans KARLANDER

State Secretary for Industry and Trade

**STEEL INDUSTRY – RESTRUCTURING OF THE EUROPEAN STEEL INDUSTRY –****STATE AID****– COUNCIL CONCLUSIONS**

The Council heard an oral report from Commissioner Bangemann on the current situation as regards the programme for reducing the production capacities of the European steel industry and agreed:

- to extend the accompanying measures which it had decided to implement on 25 February 1993 (and renewed on 21 September 1993 and 22 April 1994) until the date of its next meeting;
- to hold a conclusive discussion of this item at its next meeting when the Commission should be in a position to submit a definitive report on the restructuring plan;
- to remind the non-subsidized industry of its responsibility in making an extra effort to attain the minimum closure level of 19 million tonnes;
- that if the capacity reduction programme failed, the accompanying measures for the restructuring plan would be abolished as provided for in the Commission's communication to the Council on 21 June 1994.

Pending the Commission's second six-monthly report on the monitoring of official aid, the Council also heard a statement by Commissioner Van Miert reporting on the state aids situation and held a wide-ranging discussion of the subject.

**POLICY TO ASSIST SMEs****COUNCIL RESOLUTION on giving full scope to the dynamism and innovatory potential of small and medium-sized enterprises, including the craft sector and micro-enterprises, in a competitive economy**

After a detailed examination of the integrated programme in favour of SMEs and the craft sector, the Council has adopted the following Resolution:

"The Council of the European Union

I.

HAVING REGARD to the Treaty establishing the European Community,

HAVING REGARD to the Council Decision of 14 June 1993 on a multiannual programme of Community measures to intensify the priority areas and to ensure the continuity and consolidation of policy for enterprise, in particular small and medium-sized enterprises, in the Community <sup>(1)</sup>,

HAVING REGARD to the Council Resolution of 22 November 1993 on strengthening the competitiveness of enterprises, in particular of small and medium-sized enterprises and craft enterprises, and developing employment <sup>(2)</sup>,

HAVING REGARD to the plan of action approved by the European Council in Brussels on 11 and 12 December 1993 on the basis of the Commission's White Paper on growth, competitiveness and employment,

HAVING REGARD to the Commission communication on an integrated programme in favour of small and medium-sized enterprises and the craft sector,

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<sup>(1)</sup> OJ No L 161, 2. 7.1993, p. 68.

<sup>(2)</sup> OJ No C 326, 3.12.1993, p. 1.

CONSIDERING that, further to its conclusions of 22 June 1994 on the integrated Community programme in favour of SMEs and the craft sector, examination of that programme should be continued and completed so that the appropriate operational conclusions can be drawn before the end of 1994,

RECALLING the conclusions of the European Council in Corfu on 24 and 25 June 1994,

EMPHASIZING the need, in the interests of SMEs, to continue to ensure proper compliance with the rules on competition and the monitoring of state aid,

TAKING INTO ACCOUNT the outcome of the European Conference on craft businesses held in Berlin on 26 and 27 September 1994.

## II.

### RECOGNIZING THAT

- the development of small and medium-sized enterprises is of great importance for the competitiveness of the European economy, regional development and economic cohesion in the European Union,
- small and medium-sized enterprises, including the various service activities, make an important contribution to growth and the creation of jobs,
- the strengths of small and medium-sized enterprises lie in their flexibility and adaptability to changing circumstances,
- this adaptability and flexibility is hampered by both internal (particularly financial and managerial) and external (particularly legal and administrative) hurdles,
- a simple, logical and coherent legal framework would accordingly be essential to such enterprises,

CONSIDERING that local development initiatives offer considerable potential for strengthening the economic and social fabric of the European Union and for creating employment,

AWARE that both measures to create a legislative and administrative environment favourable to the development of enterprise and effective, high-profile support measures are essentially the responsibility of the Member States, in accordance with the principle of subsidiarity set out in Article 3b of the Treaty establishing the European Community,

EMPHASIZES that it is a priority concern of enterprise policy in the Community, as mentioned in the multiannual programme, to improve the legislative and administrative environment for enterprises, to intensify and improve the Community's provision of information to enterprises, to promote cooperation and partnership between small and medium-sized enterprises and to ensure the promotion and coordination of Community instruments,

IS ACCORDINGLY CONVINCED that the Community's policy in favour of small and medium-sized enterprises should be put into practice and made more effective through a new and extended partnership between the Member States and the Community, and through efficient and regular consultation of the bodies concerned with the development of small and medium-sized enterprises and the craft sector as well as professional associations and organizations representing small and medium-sized enterprises at European level,

EMPHASIZES the need to ensure consistency between domestic and Community regulations.

### III.

RECALLS that, in view of the specific institutional, legislative and contractual characteristics of each Member State, Community action should concentrate on setting objectives, leaving it to the Member States to choose the means most appropriate to their situation, within a commonly defined general framework,

CONSIDERS it necessary to step up action in favour of SMEs to improve and simplify the legislative and administrative environment, and is therefore in favour of consultation between Member States on the basis of continual exchange of experience, with the assistance of the Commission and organized within the framework of a Committee consisting in particular of representatives of the Member States,

Particularly WELCOMES the Commission's continued efforts in parallel to simplify current Community legislation and its intention to set up a group of independent experts charged with re-examining the effects of existing Community and national legislation on employment and competitiveness with the aim of reducing legal and administrative constraints on enterprises,

CONSIDERS also that it is necessary to extend cooperation between the Member States and the Community to include exchange of experience and best practice regarding enterprise-support measures in a competitive economy for small and medium-sized enterprises, including micro-enterprises and the craft sector and concerted action to stimulate demand for services offered to enterprises,

CONSIDERS it appropriate to concentrate on the three key stages in the life of an enterprise, i.e. creation, growth and transfer,

CONSIDERS that policies should take account of the difficulties of the craft sector and micro-enterprises in particular, having regard to the major contribution they make to job-creation.

#### IV.

CALLS UPON THE MEMBER STATES AND THE COMMISSION to examine, in mutual consultation, to what extent the legal provisions of the Member States and of the Community could place a specific extra burden on small and medium-sized enterprises, by

- pinpointing existing legal provisions hindering the creation, growth and transfer of businesses,
- analysing the problem of excessive additional burdens caused by differences of approach between the legal systems of the Member States and the Community,
- taking stock of the situation regarding the various burdens placed in particular on SMEs developing transfrontier activities,
- examining the possibilities for cooperation between SMEs (for example cooperation in networks for joint purchases and sales) in the framework of Community competition law,

- examining the possibility of establishing national contact points to help enterprises, in particular SMEs, to deal with possible intra-Community trade barriers.

To that end, CALLS UPON THE COMMISSION to take the necessary measures to set up a Committee for improving and simplifying the environment for enterprises and in particular SMEs, consisting of expert representatives from each Member State, and charged with carrying out consultations on legislative and administrative provisions which hamper the creation, growth and transfer of enterprises (e.g. in the following fields, as regards SMEs: financial instruments, capital markets, increased responsibility of enterprises, internationalization of activities, statistical reporting obligations). In addition to representatives of the competent public authorities, professional associations and organizations representing small and medium-sized enterprises at European level may be admitted.

CALLS UPON the Commission to organize intensive exchanges of experience between the Member States, by means of a series of Forums, concerning the objectives, structure and efficiency of national measures at every level, particularly with regard to the creation, growth and transfer of enterprises, including means of encouraging concerted measures to stimulate the services' market.

EXPRESSES its keen interest in the Community contributions announced in the integrated programme in favour of SMEs and the craft sector, and calls on the Commission to propose measures for their implementation, to be examined by the Council according to the appropriate procedures for each measure,

CALLS UPON THE COMMISSION to analyse the conclusions of the 2nd Conference on craft businesses and small enterprises and to report to the Council by the end of 1995 on action it intends to take further to these conclusions and on the initiatives to be recommended at Member State level.

On the basis of this Resolution the Commission should in due course, and by the end of 1996 at the latest, submit a report to the Council on the results of the consultations and exchanges of information and on concerted action to stimulate demand for services offered to enterprises.

v.

Furthermore, CALLS UPON the Commission, in accordance with the intention stated in the integrated programme, to:

- ensure that small and medium-sized enterprises gain better access to the specific research programmes under the fourth framework programme;
- ensure, in particular, that the specific programmes for disseminating and exploiting the results of research and promoting transfers of technology and innovation are formulated in a manner helpful to small and medium-sized enterprises;
- provide for simplified procedures to facilitate access by small and medium-sized enterprises to Community programmes in the field of vocational training and further training;
- ensure that barriers to international payments are removed;
- provide better access for SMEs to European public contract procedures.

NOTES the Commission's intention to draw up a detailed inventory of the various Community measures designed to encourage local development initiatives and local initiatives to promote employment, in particular those directed at micro-enterprises and craft enterprises. The inventory will be accompanied by any proposals deemed necessary to increase the consistency and efficiency of such measures.

ENCOURAGES the Commission, when making new legislative proposals and in appropriate cases, to carry out thorough consultations and a cost/benefit analysis."

**"BIOTECHNOLOGY AND THE WHITE PAPER ON GROWTH, COMPETITIVENESS AND EMPLOYMENT"**

**PRESIDENCY CONCLUSIONS**

Following a policy debate the Presidency, summing up notes that the Council affirms the economic importance of modern biotechnology for Europe as an industrial area and welcomes the Commission's initiative to improve the environment and competitiveness in this field of technology.

The Council's discussions reinforce the Presidency's conviction that:

- the public must be given a better understanding of modern biotechnology, for example by enhancing information and extending the debate on bioethics;
- Community policies which affect competitiveness in the biotechnology sector must meet the needs of European industry while maintaining the level of security – taking particular account of the need to protect the environment and health – and strengthen its competitiveness on world markets;
- a large majority of delegations consider that experience gained so far gives sufficient certainty about the safety of genetic engineering, justifying a reduction in administrative requirements, without undermining the safety of human beings and the environment;
- a large majority of delegations consider that there are grounds for amending the Community's regulatory framework in order to reduce excessive constraints hampering European industry in relation to competitors on the world market;
- in this context, the Commission should examine the legal framework and submit to the Council before the end of 1994 concrete proposals to amend Directive 90/219/EEC;

- in view of the economic importance of releases and the placing of products on the market, the Commission should also consider amending Directive 90/220/EEC in the near future;
- in addition, rapid progress must be made on other provisions, concerning for example patent protection, which are important for biotechnology, in order to simplify the procedure and – taking account of the "one-door one-key" principle – to avoid double or multiple examinations;
- small and medium-sized undertakings working in the field of biotechnology should be given greater help to develop – under existing research programmes – and it should be made easier to draw up the appropriate statistics concerning biotechnology.

From this the Presidency concludes that there is a broad consensus that this topic should be dealt with swiftly in the competent bodies – particularly the Council of Environment Ministers – so that decisions can be taken quickly on the necessary adjustments to Community rules in the light of the current state of international science, research and technology.

### INDUSTRIAL POLICY

The Council took note of the Commission's communication on industrial competitiveness policy in the European Union, containing initiatives built around the following guidelines and operational provisions:

- promotion of intangible investment,
- development of industrial cooperation,
- strengthening of competition,
- modernizing the industrial role of public authorities.

After an initial exchange of views in which delegations conveyed their preliminary reactions, the Council asked the Permanent Representatives Committee to examine the Commission communication in preparation for further discussion at the Council meeting on 8 November 1994.

**OTHER DECISIONS**

(adopted without debate. Where these are legislative instruments, votes against and abstentions are indicated.)

**ECSC assent**

The Council gave its assent, pursuant to the second paragraph of Article 54 of the ECSC Treaty, for the granting of a global loan to EFIBANCA, S.p.A, Rome, to finance investment programmes which contribute to facilitating the marketing of Community steel.

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PRESS RELEASE

9561/94 (Presse 197)

1787th Council meeting

- INDUSTRY/TELECOMMUNICATIONS -

Brussels, 28 September 1994

President: **Mr Günther REXRODT**

Federal Minister for Economic Affairs  
of the Federal Republic of Germany

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

Belgium:

Mr Elio DI RUPO

Deputy Prime Minister and Minister for  
Communications and Public Undertakings

Denmark:

Mr Joergen ROSTED

State Secretary for Industry

Germany:

Mr Günther REXRODT

Mr Wolfgang BÖTSCH

Mr Johann EEKHOFF

Federal Minister for Economic Affairs  
Federal Minister for Post and Telecommunications  
State Secretary, Federal Ministry of Economic  
Affairs

Greece:

Mr Konstantinos SIMITIS

Mr Athanasios TSOURAS

Minister for Industry  
State Secretary for Transport and  
Communications

Spain:

Mr Juan Manuel EGUIAGARAY

Mr José BORRELL FONTELLES

Minister for Industry  
Minister for Transport, Public Works and the  
Environment

France:

Mr Pierre de BOISSIEU

Ambassador, Permanent Representative

Ireland:

Mr Ruairi QUINN

Mr Brian COWEN

Minister for Employment and Enterprise  
Minister for Transport

Italy:

Mr Domenico COMINO

Mr Ilario FLORESTA

Minister with responsibility for Community Policy  
Coordination  
State Secretary for the Budget

Luxembourg:

Mr Robert GOEBBELS

Mrs Mady DELVAUX-STEHRÉS

Minister for Economic Affairs  
Minister for Communications

Netherlands:

Mr G.J. WIJERS

Mrs A. JORRITSMA-LEBBINK

Minister for Economic Affairs  
Minister for Transport

Portugal:

Mr Luis MIRA AMARAL

Mr Joaquim FERREIRA DO AMARAL

Minister for Industry  
Minister for Public Works, Transport and  
Communications

United Kingdom:  
Mr Ian TAYLOR

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

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Commission:  
Mr Martin BANGEMANN  
Mr Karel VAN MIERT

Member  
Member

◦

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The following representatives of the acceding countries attended as observers:

Norway:  
Mr Kjell OPSETH  
Mrs Anne BREIBY

Minister for Transport and Communications  
State Secretary for Industry and Energy

Austria  
Mr Wolfgang SCHÜSSEL  
Mr Viktor KLIMA

Federal Minister for Economic Affairs  
Federal Minister for Public Economy and  
Transport

Finland  
Mr Seppo KÄÄRIÄINEN

Minister for Trade and Industry

Sweden  
Mr Hans KARLANDER

State Secretary for Industry and Trade

**THE INFORMATION SOCIETY**

- **"EUROPE'S WAY TO THE INFORMATION SOCIETY – AN ACTION PLAN"**
- **THE COUNCIL'S CONCLUSIONS**

**"THE COUNCIL****I**

**RECALLS** the conclusions of the European Council (Corfu, 24 and 25 June 1994) especially those concerning the information society;

**II**

**EMPHASIZES** that future-oriented and cost-effective information infrastructures are of major importance to growth, economic and social progress, competitiveness, employment and quality of life as well as supporting the structural change of Europe's economies. Given these far-reaching perspectives of the information society and the initiatives in these areas in other economic regions of the world, the rapid development of efficient information infrastructures (including networks, services and applications) is indispensable to Europe. This has to be done on the basis of a global, coherent and balanced approach;

**WELCOMES** the rapid submission of the Communication "Europe's way to the information society – an action plan" <sup>(1)</sup> by the Commission to the European Parliament and the Council;

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(<sup>1</sup>) COM(94) 347 final.

## III

**STRESSES** the importance and urgency with respect to rapidly evolving market conditions of setting up a clear and stable regulatory and legal framework allowing market operators to engage in business activities, to invest and to take initiatives to bring about the information society. To this end it is equally important to stabilize the basis for market operators' decisions as soon as possible by providing a clear and stable timetable, and to provide a more secure basis for planning for all parties involved;

**IS COMMITTED** to taking decisions on regulatory and legal matters, as soon as possible, especially in the areas covered by the proposals already submitted by the Commission;

**NOTES** the need for the Member States to ensure full, effective and timely implementation of existing Community legislation which will also promote lower tariffs;

## IV

**NOTES** that the Commission will present before 1 November 1994 the first part of the Green Paper on the liberalization of telecommunication infrastructure, which should enable the Council to examine and, if possible, decide on the principles of liberalization of infrastructure and to set a clear timetable. The second part of the Green Paper will be presented before 1 January 1995.

**ALSO CONSIDERS** the following points particularly urgent:

- Rapid enactment of the liberalization of voice telephony by means of specific legal measures in accordance with the Council Resolution of 22 July 1993 and measures intended to guarantee the provision of universal service in accordance with the Council Resolution of 7 February 1994;
- Acceleration of the European standardization process in an international context, particularly with a view to being able to respond to market trends more effectively;

- Protection of intellectual property rights as related to the information society;
- Issues concerning security of information systems;
- Continuing activities on an international basis (e.g. trade issues, market access, interoperability, cooperation) and notably obtaining in GATT negotiations on Basic Telecommunications effective and comparable access to third countries' markets concerning services and infrastructures;
- Improvement of the competitiveness of the European audiovisual and information industry in the world market, including the necessary development of a European programmes industry taking due account of the cultural specificities and impacts on the society of these programmes;
- Issues concerning privacy;
- Early setting up by the Member States and the Commission of the permanent coordination instrument referred to in the conclusions of the Corfu European Council.

**NOTES** the Commission's intention to submit proposals on these items rapidly and **IS COMMITTED** to examining these proposals as soon as possible;

Also **INVITES** the Commission

- to assess the industrial and economic implications of the proposed orientations, in the context of the follow-up to the 18 November 1991 Council Resolution <sup>(2)</sup> and 10 May 1993 Council conclusions on the electronics and telecommunications equipment industry, and
- to present a document describing the methodology the Commission intends to adopt for the coordination of actions aimed at the development of new services and applications, in particular in the context of the research and development framework programme and the transeuropean network programme;

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<sup>(2)</sup> OJ No C 325, 14 December 1991, p. 2.

## V

**CONSIDERS** as important that, regarding the areas of application generally agreed by the European Council, activities will continue without delay in the relevant Community bodies. Thus it is expected that an important impetus will be provided to private sector led initiatives for the creation of European information infrastructures;

**INVITES** the Member States to supply the necessary impulse to launch general interest applications in cooperation with the private sector and with regional and local authorities;

**NOTES** the initiatives the Commission intends to take in order

- to give the necessary impetus to contribute in the context of existing activities to specific projects such as those mentioned in the report of the **BANGEMANN** group;
- to encourage the implementation of an environment stimulating new forms of private sector led partnerships, involving where appropriate Member States, regions and towns, for general interest applications;
- to present to the Parliament and the Council a Communication further to the Green Paper on media pluralism;

**NOTES** that the Commission is taking account of social and cultural aspects of the information society and welcomes its intention to give priority, in parallel with and complementary to the process of liberalization, to initiatives in the following areas: employment and work environment as well as social, cultural and language aspects;

**INVITES** the Commission and the Member States to stimulate public debate on the ways to maximize the benefits of the information society;

## VI

**CALLS UPON** all competent Council compositions to pursue where necessary the areas of applications agreed to in general by the European Council and to adopt as soon as possible the necessary regulatory and legal measures;

**WELCOMES** the holding of the forthcoming G7 Ministerial Conference on the Information Society and **INVITES** the Commission to do the necessary preparatory work in cooperation with the Member States;

**INVITES THE COMMISSION** to submit a report in time to enable the European Council in Essen (9 and 10 December 1994) to assess the progress made."

#### **G7 MINISTERIAL CONFERENCE ON THE INFORMATION SOCIETY**

The Council was briefed by Commissioner Bangemann on the preparation for the extraordinary G7 Conference due to be held in Brussels on 25 and 26 February 1995: the first day would be devoted to a round table discussion with industry representatives, the second day to a political discussion.

#### **ELECTRONICS, INFORMATION AND COMMUNICATION TECHNOLOGIES**

The Council took note of the Commission's announcement of an activity report on follow-up to the Council Resolution of 18 November 1991 concerning electronics, information and communication technologies, to be submitted for examination at the next Council meeting.

PRESS RELEASE

9563/94 (Presse 199)

1788th Council meeting

- FISHERIES -

Brussels, 28 September 1994

President: Mr Jochen BORCHERT  
Minister of Food, Agriculture  
and Fisheries of the  
Federal Republic of Germany

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

**Belgium:**

Mr André BOURGEOIS Minister for Agriculture

**Denmark:**

Mr Henrik DAM KRISTENSEN Minister for Agriculture and Fisheries  
Mr Thomas LAURITSEN State Secretary, Ministry of Fisheries

**Germany:**

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

**Greece:**

Mr Floros CONSTANTINOU State Secretary for Agriculture

**Spain:**

Mr Luis ATIENZA Minister for Agriculture, Fisheries and Food

**France:**

Mr Jean PUECH Minister for Agriculture and Fisheries

**Ireland:**

Mr David ANDREWS Minister for the Marine

**Italy:**

Ms Adriana POLI BORTONE Minister for Agriculture, Food and Forest Resources

**Luxembourg:**

Mr Jean-Marc HOSCHEIT Deputy Permanent Representative

**Netherlands:**

Mr J.J. van AARTSEN Minister for Agriculture, Nature Conservation and Fisheries

**Portugal:**

Mr Eduardo DE AZEVEDO SOARES Minister for Maritime Affairs

**United Kingdom:**

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

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**Commission:**

Mr Ioannis PALEOKRASSAS Member

Representatives from the four acceding Member States also attended the meeting as observers:

Norway:

Mr Jan Henry T. OLSEN                      Minister for Fisheries

Austria:

Mr Franz FISCHLER                      Minister for Agriculture and Forestry

Finland:

Mr Mikko PESÄLÄ                      Minister for Agriculture and Forestry

Sweden:

Mr Karl Erik OLSSON                      Minister for Agriculture

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Before starting the meeting, delegations observed a minute's silence in memory of the victims of the accident which occurred today in the Baltic Sea.

**NEW COMPONENTS OF THE COMMON FISHERIES POLICY – MANAGEMENT OBJECTIVES  
AND STRATEGIES FOR THE PERIOD 1994–1997**

The Council held a policy debate on the proposal for a Regulation fixing management objectives and strategies for certain fisheries or groups of fisheries for the period 1994 to 1997.

The proposal arises from implementation of the new components of the common fisheries policy and specifically from the application of Article 8 of Regulation No 3760/92. It reflects the advice given repeatedly by scientists as regards rebuilding certain stocks which are in a very poor state.

The discussions focused on general questions raised by the proposal such as the multi-annual and multi-species TACs, flexible quota management, the time-scale for achievement of objectives and implementation of strategies and the nature of the legal instrument.

It emerged from the discussions that:

- the Council recognizes the advantages of multi-annual management objectives and strategies, with the necessary flexibility to take into account new developments. The objectives and strategies must be realistic and take into account biological, as well as regional and socio-economic factors. The Multi-Annual Guidance Programme (MAGPs) ought also to be taken into account;
- multi-annual and multi-species TACs ought to be established on the basis of sound scientific advice. In particular, the problems of gear selectivity and discards will have to be examined;
- a period starting in 1995 would be an appropriate framework for phasing in the objectives and strategies. The objectives and strategies might have to be adapted for the following period;

- a Council Decision would be the appropriate legal form for the implementation of the objectives and strategies.

At the close of the discussion, the Council instructed the Permanent Representatives Committee to examine further the Commission proposal, including the Annexes, and to report back to the Council in time for a decision to be taken at its November meeting.

The Council also invited the Commission to submit a proposal on flexible quota management as soon as possible which took account of the positions expressed in the Council.

### **RULES FOR ACCESS TO AND CONTROL OF COMMUNITY FISHING AREAS**

Pending the European Parliament's Opinions, the Council held a policy debate on two proposals for Regulations aimed at ensuring full integration of the Spanish and Portuguese fleets into the Community's fisheries policy as from 1 January 1996.

These are:

- a proposal for a Regulation establishing the rules for access to certain Community fishing areas and resources, which for the first time lays down identical conditions for access to regulated fishing areas for vessels from all the Member States;
- a proposal amending the Regulation establishing a control system (Regulation 2847/93), aimed at supplementing existing control arrangements (monitoring of vessel movements and of catches, application of SVDs, close-down of authorized fishing periods, etc).

The first proposal would introduce new arrangements for the uniform establishment of balanced fisheries management in the light of the limits imposed by the availability of marine resources. These arrangements would apply to all Community vessels fishing in waters west of 4°W including those areas already subject to restrictions on access under the Act of Accession of Spain and Portugal.

The second proposal provides for new provisions to ensure compliance with limits on fishing effort laid down in the first proposal for vessels operating in regulated areas. Member States would have to satisfy themselves that on the basis of the information they received fishing would stop in an area when the permitted level of fishing efforts or the quotas allocated were reached; the TAC and quotas system would thus continue to apply.

It emerged from the discussions that a number of delegations had difficulties with the Commission proposal, notably as regards its feasibility. Management and control of the system for limiting fishing effort should be as simple as possible.

Member States were asked to submit any alternative suggestions. The Council asked the Commission to examine possible alternatives to its proposal.

**DRIFTNETS**

Pending an Opinion from the European Parliament, the Council, at the Spanish delegation's request, held a debate on the use of driftnets by the Community fleet, during which Mr Atienza stressed the need to take a decision banning this practice as soon as possible and in any case before the end of the year.

The proposal which the Commission submitted on the subject in April aimed in particular at:

- a total ban on fishing with driftnets, including nets of less than 2,5 km, in four years' time;
- extension of the derogations for nets longer than 2,5 km until the end of 1994.

The Permanent Representatives Committee will continue to examine the proposal in the light of the European Parliament's Opinion and the discussions to be conducted as soon as possible by the Scientific, Technical and Economic Committee for Fisheries. These discussions will have to focus in particular on the impact of the use of driftnets on the targeted species, in particular tuna and on by-catches, particularly marine mammals and birds. They will also have to deal with specific regional characteristics, particularly as regards the fisheries in the Bay of Biscay, the Mediterranean and the Baltic Sea.

**CRISIS IN THE FISHING INDUSTRY – COUNCIL CONCLUSIONS**

"The Council held a wide-ranging exchange of views, on the basis of the Commission report, on the difficulties in the fisheries sector requiring a comprehensive response by all concerned.

The necessary efforts must be undertaken at all levels, i.e. the Union and its bodies, the Member States, producer organizations and other branches of economic activity affected, in equal measure and in cooperation, with the primary objective being to restore the competitiveness of the sector as a whole in relation to the world market and to assure in particular a better functioning of the market.

Particular emphasis should be placed on steps to conserve stocks and to adjust fishing capacity and activity in line with actual fishing possibilities, as well as on strengthening the functioning and marketing activity of producers' organizations. In this connection product quality is especially important.

The Council requests the Commission to submit to it as soon as possible appropriate proposals based on existing analyses and taking into account the outcome of the Council's discussion and also invites it to consider complementary initiatives in the framework of its own competences."

**TARIFF QUOTAS FOR COD**

The Council took note of a request by the Danish delegation for an increase in the 1994 Community tariff quotas for fresh, chilled and frozen cod for processing.

The Commission stated that it would examine the overall situation on the market in this product and if necessary submit an appropriate proposal.

## ARRANGEMENTS APPLICABLE TO TUNA FOR PROCESSING

The Council discussed the arrangements applicable to tuna for the canning industry, on the basis of a Commission report.

The present arrangements were introduced to compensate, under certain conditions, Community producers (mainly from France and Spain) in order to counterbalance the drawbacks they encounter due to the suspension of import duties. These suspensions ensure sufficient supplies of raw material at relatively low prices to the canning industry, thus maintaining competitiveness.

The Council asked the Commission to submit suitable proposals to it in the light of the discussion, which showed that the Council tended to favour maintaining the current arrangements with certain adjustments.

## FISHERIES IN THE BARENTS SEA – COUNCIL STATEMENT

The Council of the European Union is particularly concerned about developments in the fisheries situation in the Barents Sea and their negative impact on the Community's fishing interests in that area.

In that connection it has reaffirmed its commitment to a responsible policy to conserve fishery resources, including those of the high seas.

In compliance with the general principles of the common fisheries policy, the Union's international commitments and the UN Convention on the Law of the Sea, the Council invites the Commission to study the implications of this situation and the solutions that might be envisaged to safeguard the Community's interests, particularly given the prospect of enlargement of the Union.

PRESS RELEASE

9565/94 (Presse 201)

1789th Council meeting

- RESEARCH -

Brussels, 29 September 1994

President: Mr Paul KRÜGER

Minister for Research and Technology of the  
Federal Republic of Germany

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

Belgium:

Mr Michel LEBRUN

Mr Jean-Maurice DEHOUSSE

Minister for Education

Minister for Science Policy and Scientific and Cultural Institutions

Denmark:

Mr Niels Henrik SLIBEN

Deputy Permanent Representative

Germany:

Mr Paul KRÜGER

Mr Bernd NEUMANN

Minister for Research and Technology

Parliamentary State Secretary for Research and Technology

Greece:

Mr Constantin SIMITIS

Minister for Industry, Energy and Technology

Spain:

Mr Emilio OCTAVIO de TOLEDO

State Secretary for Universities and Research

France:

Mr François FILLON

Minister for Higher Education and Research

Ireland:

Mr Seamus BRENNAN

Minister of State for Science and Technology

Italy:

Mr Roberto ROSSI

Deputy Permanent Representative

Luxembourg:

Mr Marc FISCHBACH

Minister for Education

Netherlands:

Mr G.J. WIJERS

Mr A. NUIS

Minister for Economic Affairs

State Secretary for Education, Cultural Affairs and Science

Portugal:

Mr Manuel FERNANDES THOMAZ

State Secretary for Science and Technology

United Kingdom:

Mr Robert HUGHES

Parliamentary Under-Secretary of State for Science and Technology

Commission:

Mr Antonio RUBERTI

Mr Martin BANGEMANN

Member

Member

Austria:

Mr Hans BRUNMAYR

Deputy Head of Mission

Finland:

Mr Seppo KÄÄRIÄINEN

Minister for Trade and Industry

Norway:

Mr Gudmund HERNES

Minister for Education, Research and Religious Affairs

Sweden:

Mr Per UNCKEL

Minister for Education and Science

## SPECIFIC RESEARCH PROGRAMMES

At the close of a detailed discussion and on the basis of a Presidency draft overall compromise, the Council agreed on seven specific research programmes in implementation of the Fourth Framework Programme for Community activities in the field of research, technological development and demonstration (RTD) for the period 1994-1998.

The content of those seven programmes can be summarized as follows:

### **Telematics applications of common interest**

*General objective:* to increase the efficiency of the engineering of telematics applications and ensure the interoperability of telematics systems and networks through prenormative research, development activities and technical validation trials.

*Amount deemed necessary:* ECU 843 million

#### *Indicative breakdown by field:*

Telematics for Services of Public Interest	30,2%
1. Administrations	5,9%
2. Transport	24,3%
Telematics for knowledge	17,3%
3. Telematics for research	5,9%
4. Education and training	7,8%
5. Libraries	3,6%
Telematics for Improving Employment and the Quality of Life	31,8%
6. Urban and rural areas	5,7%
7. Health care	16,0%
8. Elderly and disabled people	7,7%
9. Exploratory action (environment)	2,4%
10. Other exploratory actions	p.m.
Horizontal RTD activities	15,8%
11. Telematics engineering	1,8%
12. Language engineering	9,6%
13. Information engineering	4,4%
Support actions	4,9%

### Standardization, measurement and testing

*General objective:* to carry out the research necessary to develop new methods of measurement and testing.

*Amount deemed necessary:* ECU 173 million

*Indicative breakdown by field:*

- |  |     |
|--|-----|
| - Measurements for quality European products                           | 40% |
| - Research related to written standards and technical support to trade | 35% |
| - Measurement related to the needs of society                          | 25% |

### Marine science and technology

*General objective:* to define basic methodologies and technologies applicable to, *inter alia*, hostile environments with a view to the description, monitoring, prediction, protection and management of the marine environment as a resource.

*Amount deemed necessary:* ECU 228 million

*Indicative breakdown by field:*

- |                             |       |
|-----------------------------|-------|
| - Marine science            | 40%   |
| - Strategic marine research | 22,5% |
| - Marine technology         | 30%   |
| - Supporting initiatives    | 7,5%  |

### Agriculture and fisheries

*General objective:* to increase the competitiveness, efficiency and sustainability of the agricultural, fishery and related industry sectors.

*Amount deemed necessary:* ECU 607 million

*Indicative breakdown by field:*

- |   |     |
|---|-----|
| - Integrated production and processing chains                     | 15% |
| - Scaling-up and processing technologies                          | 7%  |
| - Generic sciences and advanced technologies for nutritious foods | 16% |
| - Agriculture, forestry and rural development                     | 37% |
| - Fisheries and aquaculture                                       | 17% |
| - Other activities, mainly implemented by concertation            | 8%  |

### Cooperation with third countries and international organizations

*General objective:* to add value to the Community's and the Member States' RTD activities and other Community policies by means of selective, mutually advantageous cooperation with third countries and international organizations.

*Amount deemed necessary:* ECU 540 million

*Indicative breakdown by field:*

- Cooperation with other fora for scientific and technological cooperation in Europe	8.5%
- Cooperation with the countries of Central and Eastern Europe and the new independent states of the former Soviet Union	43%
- Cooperation with non-European industrialized third countries	5.5%
- Cooperation with the developing countries	43%

### Information technology

*Principal fields covered:* see "Indicative breakdown by field".

*Amount deemed necessary:* ECU 1 911 million

*Indicative breakdown by field:*

- Software technologies	14%
- Technologies for components and subsystems	25.5%
- Multimedia systems	8%
- Long-term research	10%
- Open-microprocessor systems initiative	9%
- High-performance computing and networking	12.75%
- Technologies for business processes	8.75%
- Integration in manufacturing	12%

## Non-nuclear energy

*General objective:* to design and demonstrate efficient, cleaner and safer technologies that guarantee compatibility between the use of energy, the equilibrium of the biosphere and economic development.

*Amount deemed necessary:* ECU 967 million

*Indicative breakdown by field:*

- Rational use of energy (R&D 12%, Demonstration 15%)	27%
- Renewable energies (R&D 28%, Demonstration 17%)	45%
- Fossil fuels (R&D 5%, Demonstration 23%)	28%

As well as providing for the opening of all the programmes in the Fourth Framework Programme, the Council decided, in the case of the following programmes, on the possibility of participation, on a project-by-project basis, by third-country research bodies:

- Standardization, measurement and testing;
- Marine science and technology;
- Information technology;
- Non-nuclear energy (R&D part only).

In that context the Commission announced the presentation of a report, with a view to the next Council meeting on Research, on all the Community's scientific relations with third countries.

These seven programmes will be formally adopted after the finalization of the texts in the official languages of the Communities.

In addition, the Council adopted a favourable attitude to the content of the specific programme on controlled thermo-nuclear fusion, on which the Council, optionally, requested the European Parliament's Opinion.

It should be recalled that the Fourth Framework Programme, which was adopted on 26 April 1994, comprises twenty specific programmes, two of which (Industrial and materials technologies and Advanced communications technologies and services) the Council adopted in June.

The objective is still to adopt all the specific programmes before the end of the year, i.e. before the present programmes come to an end.

**OTHER DECISIONS IN THE RESEARCH FIELD**

(Adopted without debate. In the case of legislative instruments any votes against or abstentions are indicated.)

The Council adopted a Decision authorizing the Commission to negotiate a scientific and technical cooperation agreement between the Community and the State of Israel.

That Decision supplements that on the negotiation of an association agreement. The objective is to associate Israel with the RTD programmes (except the nuclear programmes) adopted for the implementation of the Community RTD Framework Programme.

As usual with this type of agreement, Israel's contribution to the budget for the programmes will be in the proportion that its GNP bears to the Community's. In addition, the agreement will provide for reciprocity in the opening of Israel's research activities equivalent to those of the Fourth Framework Programme to bodies established within the European Union.

**MISCELLANEOUS DECISIONS****Customs Union**

The Council adopted a Regulation opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (fourth series 1994), and amending Regulations (EC) Nos 3466/93 and 3672/93 opening and providing for the administration of Community tariff quotas for certain agricultural, chemical and industrial products.

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