

COUNCIL OF THE EUROPEAN COMMUNITIES

PRESS RELEASES

PRESIDENCY: PORTUGAL

JANUARY-JUNE 1992

Meetings and press releases 18 – 30 June 1992

Meeting number	Subject	Date
1591 st	Internal Market	18 June 1992
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PRESS RELEASE

7277/92 (Presse 119)

1591st Council meeting

- INTERNAL MARKET -

Luxembourg, 18 June 1992

President: Mr Vitor MARTINS

State Secretary
for European Integration
of the Portuguese Republic

Luxembourg:

Mr Georges WOHLFART

State Secretary for Foreign Affairs
and Foreign Trade

Netherlands:

Mr A. OOSTRA

Deputy Permanent Representative

Portugal:

Mr Vitor MARTINS

State Secretary for European
Integration

United Kingdom:

Mr Richard NEEDHAM

Minister for Trade and Industry

Mr Neil HAMILTON

Parliamentary Under-Secretary of State
for Trade and Industry

Commission:

Mr Martin BANGEMANN

Vice-President

AMENDMENT OF DIRECTIVE 90/531/EEC ON THE PROCUREMENT PROCEDURES OF ENTITIES
OPERATING IN THE EXCLUDED SECTORS

Pending the amended proposal to be submitted by the Commission in the light of the European Parliament's Opinion, the Council worked out guidelines for the common position on this proposal for a Directive extending the procedural arrangements in Directive 90/531/EEC which previously governed the purchase of supplies and works by the entities concerned. This proposal constitutes the last part of the legislative action on public contracts defined in the White Paper on the internal market.

The proposal is intended more specifically to supplement Directive 90/531/EEC to take account of the specific characteristics of service contracts. The adjustments envisaged to achieve this are based to a very large extent on the solutions adopted for the Directive on public service contracts.

In particular, the Directive becomes fully applicable to services which are regarded as taking priority (e.g. maintenance and repair services, computer services, advertising services, certain financial and financial intermediation services, certain R&D services, architectural and engineering services and certain transport and telecommunications services), since they are more likely to be the subject of transfrontier operations. Non-priority services (e.g. hotel services, legal services, education and vocational education services, social services, etc.) are subject to minimum retrospective transparency requirements.

It should be stressed that the opening-up of Community service contracts in the excluded sectors to persons providing services and to tenders from third countries is accompanied by a provision allowing the Commission to propose that the Council, acting by a qualified majority, should take safeguard measures in

the case of third countries which do not provide Community undertakings with genuine access to their markets.

EUROPEAN COMPANY

The Council expressed its satisfaction at the considerable progress which had been made in the last six months with the amended proposals for a Regulation and Directive on the Statute for a European Company (SE).

The Council noted that the great majority of delegations had adopted favourable positions on the basis of the compromise proposals submitted by the Portuguese Presidency for a number of key questions.

Following the discussion, the Council concluded that the pace of work could be kept up under the next Presidency with a view to adoption of a common position in the near future.

COPYRIGHT AND RELATED RIGHTS

The Council adopted its common position with a view to adoption of the Directive on rental right and lending right and on certain rights related to copyright in the field of intellectual property.

The Directive provides for an exclusive right enabling authors, performing artists, producers of phonograms and producers of films to authorize or prohibit the rental and lending of their works, performances, phonograms and films; Member States will be able to derogate from the exclusive lending right under certain conditions laid down in the Directive.

The Directive also involves approximation of the laws of the Member States concerning certain rights related to copyright by defining rights of fixation, reproduction, distribution, broadcasting and communication to the public for the aforementioned categories of person holding related rights.

FUTURE SYSTEM FOR THE FREE MOVEMENT OF MEDICINAL PRODUCTS

The Council laid down precise political guidelines for establishing the future system of authorization of medicinal products in the Community, including a European Agency which is to be responsible for assisting Member States and the Community in the evaluation of medicinal products.

These new measures should make possible swifter access for new medicinal products to the single market and greater harmonization of the conditions for use of medicinal products marketed in the Member States.

The Council requested the Permanent Representatives Committee to finalize the proposals with a view to adopting a common position at a forthcoming meeting.

ABOLITION OF FRONTIER CONTROLS

The Council took note of the communication which the Commission had just submitted on the abolition of border controls on goods, capital and services.

PRECIOUS METALS

The Council took note of the Commission's statement that it intended, before the autumn, to submit to the Council a proposal for a Directive on the market in precious metals.

CONTAMINANTS IN FOOD

After a brief examination of this topic, the Council noted that there were still some points outstanding, and instructed the Permanent Representatives Committee to continue discussions with a view to adoption of a common position in the near future.

It should be pointed out that the proposal for a Regulation in question lays down a procedure for the adoption of harmonized Community rules for determining the possible toxicity of contaminants in food.

EXPORT CONTROLS ON DUAL-USE GOODS AND TECHNOLOGIES

The Council noted that the Commission intended, following the most recent discussions of the ad hoc Working Party dealing with this topic, to submit legislative proposals in this area before the summer.

TRANSEUROPEAN NETWORKS

The Council took note of the information provided by the Presidency concerning the Conference on Transeuropean Networks, which was held in Lisbon on 1 and 2 June 1992.

COMMUNITY TRADE MARK

The Council took note of a report from the Presidency on progress with the proposal for a Regulation on the Community trade mark. The Presidency indicated that during the first half of 1992 certain technical problems had been finally

solved or were about to be solved as part of an overall compromise, but that a number of technical matters were still being discussed.

In conclusion, the Presidency, supported by the Commission, thought that this topic should be given a degree of priority with a view to completion of the internal market.

COMPLETION OF THE INTERNAL MARKET

Pending the formal report which the Commission will be submitting to the Council in July 1992, the Council heard an oral account of this topic by the Commission in the course of which the latter warmly congratulated the Portuguese Presidency on the significant progress made in the first half of 1992.

CULTURAL GOODS

The Council held a very detailed discussion on the proposals for a Regulation on the export of cultural goods and for a Directive on the return of cultural objects unlawfully removed from the territory of a Member State.

Following the discussion, the Council noted considerable agreement on these proposals, with the exception of Article 8 of the Directive, concerning the final deadlines for return, on which it was not possible for delegations to approach agreement.

The Permanent Representatives Committee will continue discussion of this topic.

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OTHER DECISIONS CONCERNING THE INTERNAL MARKET

Public works contracts - legislative consolidation

The Council adopted the common position on the Directive concerning legislative consolidation of the rules in force on the co-ordination of procedures for the award of public works contracts. The new Directive is to replace earlier acts and simply combines them, while matching the formal amendments required by the consolidation procedure.

The basic Directives which are the subject of the consolidation are Directive 71/305/EEC and Directive 89/440/EEC together with the acts amending them.

Co-ordination of procedures for the award of public service contracts

Following the common position adopted at its meeting on 25 February 1992 and completion of the procedure for co-operation with the European Parliament, the Council finally adopted the Directive relating to the co-ordination of procedures for the award of public service contracts.

The Directive improves all award procedures to ensure transparency and non-discrimination, and establishes a Community framework for the purchase of services by public authorities at national, regional and local level.

The Directive applies fully to services regarded as taking priority (e.g. maintenance and repair services, computer services, advertising services, certain financial and R&D services, architectural and engineering services, and

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certain transport and telecommunications services), since these are more likely to be the subject of transfrontier operations. Non-priority services (e.g. hotel services, legal services, education and vocational education services, social services, etc.) are subject to minimum retrospective transparency requirements.

The Directive also provides for the Commission to re-examine the situation no later than three years after its implementation and regularly to convene a monitoring body for public procurement to supervise the balanced opening up of all service contracts in the Community together with any effects of the Directive regarding third countries.

Type-approval of motor vehicles and their trailers

Following adoption of the common position at its meeting on 30 April 1992 and completion of the procedure for co-operation with the European Parliament, the Council finally adopted the Directive amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers.

This Directive adapts the administrative rules defined in the 1970 framework Directive in order to ensure that a modern, practical and transparent procedure is established, based on the principle of total harmonization and putting an end to the system of optional harmonization. The twelve national procedures currently in force will therefore be abolished and replaced by a single approval procedure which is valid for the whole Community.

It should be noted that:

- the EEC type-approval procedure is limited to harmonization of national systems of type-approval, i.e. those which are applicable to vehicles manufactured and marketed in large numbers;
- the proposal does not harmonize national registration procedures;
- until 31 December 1995 the new Directive will apply solely to applications by parties seeking EEC type-approval; during this transitional three-year period, the manufacturer may continue to opt for national type-approval;
- national type-approvals granted before 1 January 1996 will be valid until 31 December 1997, when the EEC type-approval procedure will become compulsory.

External projections forward of the cab's rear panel of motor vehicles of category N

The Council adopted the common position on this proposal for a Directive, which uses technical provisions to ensure that the cabs of commercial vehicles do not have any sharp projections in order to reduce the severity of injuries sustained by a person coming into contact with the external surface of the vehicle during an accident.

Third Directive on direct insurance other than life assurance

Following adoption of the common position at its meeting on 25 February 1992 and completion of the procedure for co-operation with the European Parliament, the Council finally adopted this Directive, which is intended to complete the process of liberalization of the insurance market as part of completion of the single market in financial services.

The Directive establishes a single system of authorization making it possible for an undertaking with its head office in one Member State to open branches or provide services in all Member States without being subject to authorization procedures in those countries.

These arrangements are intended to make possible free movement of insurance products within the Community and to enable any policy-holder to call on the services of any Community insurer in order to obtain the cover most suited to his needs, while providing him with adequate protection.

Infant formulae and follow-on formulae intended for export to third countries

The Council adopted the Directive on infant formulae and follow-on formulae intended for export to third countries.

This Directive deals with composition criteria and labelling rules for the formulae in question and applies Community rules or international standards for the composition of such formulae to products intended for export. In order to prevent any inappropriate use of these products which might be harmful to the

health of infants, provision is also made for Community rules on the labelling of infant formulae to be extended to products intended for export.

Since it will be possible to export from the Community only products which comply with this Directive, it is envisaged that exports of products which do not comply will be prohibited as from 1 June 1994.

Marketing of breast-milk substitutes in third countries by Community-based manufacturers

The Council adopted the following Resolution:

COUNCIL RESOLUTION

of

on the marketing of breast-milk substitutes
in third countries by Community-based manufacturers

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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Whereas Council Directive .../.../EEC of, on infant formulae and follow-on formulae intended for export to third countries ⁽¹⁾ renders applicable to such products a certain number of Community provisions relating to the composition and the labelling of infant formulae and follow-on formulae;

Whereas in May 1981 the 34th World Health Assembly adopted as a recommendation the International Code of Marketing of Breast-milk Substitutes;

Whereas a considerable volume of these products are sold to third countries by Community-based manufacturers;

Whereas it is considered very important that marketing practices in third countries should not discourage mothers from breastfeeding;

Whereas the application of the International Code provides without doubt an excellent way to achieve this in these countries;

Whereas the Community cannot legislate for these countries; whereas it is nevertheless necessary to encourage compliance with the International Code of Marketing of Breast-milk Substitutes when these products are placed on sale in export markets, insofar as this does not conflict with the provisions in force in the countries concerned;

(1) OJ No L ..., p. ...

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Whereas the Community can offer an effective support to the competent authorities of these countries in their efforts to apply the International Code in their territory,

HAS ADOPTED THE FOLLOWING RESOLUTION:

1. The Community will contribute to the application of appropriate marketing practices for breast-milk substitutes in third countries.
2. For the implementation of point 1, the Commission will instruct its delegations in third countries to serve as contact points for the competent authorities. Any complaints or criticisms with respect to the marketing practices of a manufacturer based in the Community could be notified to them.
3. The Commission will be ready to examine such cases and to assist in the search for a satisfactory solution for all parties concerned.
4. This Resolution will be communicated by the Commission to the countries concerned through the official channels.
5. The Commission will forward to the European Parliament and to the Council every two years a report on the results of the application of this Resolution.

Programme for the development of European statistics on services

The Council adopted the Decision establishing a two-year programme (1992-1993) for the development of European statistics on services.

This Decision establishes a European reference framework and information system for statistics on services with a view to facilitating the functioning of the single market and meeting the needs of administrations and undertakings; it is also intended to harmonize efforts being made with regard to statistics on services in the Member States.

The amount of financial resources deemed necessary for implementation of the programme is ECU 8,5 million.

Formation of public limited-liability companies and the maintenance and alteration of their capital

The Council adopted its common position on amending Directive 77/91/EEC, which, in order to maintain subscribed capital and guarantee equal treatment of shareholders, restricts the extent to which a limited-liability company may acquire its own shares. This amendment is intended to prevent a limited liability company using another company in which it holds majority voting rights or over which it may exercise a dominant influence in order to make such acquisitions without complying with the prescribed restrictions.

The Member States are required to adopt the provisions necessary to comply with this Directive before 1 January 1994. The date of entry into force of the

provisions is fixed at 1 January 1995. Belgium may defer application of the provisions concerning suspension of voting rights until 1 January 1998, provided that such voting rights are attached to shares acquired before notification of the Directive and that they do not exceed, for all companies associated with the limited-liability company, 10% of the voting rights of that same limited-liability company.

Second general system for the mutual recognition of professional education or training to supplement Directive 89/48/EEC

Following adoption of the common position at its meeting on 25 February 1992 and completion of the procedure for co-operation with the European Parliament, the Council finally adopted the Directive on a second general system for the recognition of professional education or training.

This Directive supplements Directive 89/48/EEC, which established an initial general system for the recognition of higher education diplomas providing evidence of professional education or training lasting at least three years. It is the final part of a series of measures aimed at ensuring that every Community national can have qualifications which he obtained in another Member State recognized by the host Member State. Recognition is based on the principle of mutual trust, without any prior co-ordination of the types of training for the various professions concerned.

The scope of the Directive in principle covers two levels of education or training, namely higher or post-secondary diplomas obtained after a period of less than three years and secondary education diplomas, and also applies

to certain persons who have not obtained diplomas but have acquired professional experience. The Directive provides for cross-over links between the two systems in order to cover those professions which are part of the first system in one Member State but part of the second in another.

The Council also adopted a Resolution concerning nationals of Member States who hold a diploma or certificate awarded in a third country.

Supplementary protection certificate for medicinal products

Following the common position adopted on 25 February 1992 and completion of the procedure for co-operation with the European Parliament, the Council finally adopted the Regulation on the creation of a supplementary protection certificate for medicinal products.

The Regulation is intended to improve legal protection of those medicinal products covered by a patent whose period of protection is in practice reduced by the current system of authorizations for placing on the market. That system reduces the protection actually provided by the patent to a period which is inadequate for the purpose of amortization of investments in research, owing to the length of time which elapses between the deposit of an application for a patent for a new medicinal product and authorization to place such a product on the market.

Through the introduction of a supplementary certificate which will take effect the moment the patent expires, the pharmaceutical industry in the Member States will be placed in a similar position to that in certain third countries.

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The certificate, which may not be issued for a period of more than five years, will make it possible to enjoy a maximum of fifteen years of exclusive protection from the time of first authorization to place the medicinal product in question on the market. The certificate may be issued for all products protected by a basic patent in force at the time of entry into force of this Regulation for which an initial authorization for placing on the market was obtained after 1 January 1985 (1 January 1988 in the case of Germany and Denmark and 1 January 1982 in the case of Belgium and Italy).

Role of European standardization in the European economy

Following the communication submitted by the Commission on 29 December 1991 concerning the reactions to the Green Paper on European standardization, the Council adopted the following Resolution:

COUNCIL RESOLUTION
of

on the role of European standardization
in the European economy

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

1. RECALLING its conclusions on standardization of 16 July 1984 and its Resolution of 7 May 1985 on a new approach to technical harmonization and standards ⁽¹⁾;
2. RECALLING the Community's policy of opening up public procurement, which gives importance to European standardization by requiring that the contracting authorities in the Directives 71/305/EEC ⁽²⁾, 77/62/EEC ⁽³⁾, and 90/531/EEC ⁽⁴⁾ refer to European standards;
3. RECALLING the objectives of the Single Act; including the strengthening of economic and social cohesion;

(1) OJ No C 136, 4. 8.1985.

(2) OJ No L 185, 16. 8.1971, p. 5.

(3) OJ No L 13, 15. 1.1977, p. 1.

(4) OJ No L 297, 29.10.1990, p. 1.

4. RECALLING the Commission communication on an industrial policy in an open and competitive environment the conclusions of which were approved by the Council on 26 November 1990;

5. RECALLING the need for European standards to ensure the interoperability of the transeuropean networks in the spirit of the conclusions of the Maastricht European Council;

6. TAKING INTO CONSIDERATION that the extensive and significant discussions among all the parties concerned on the future development of European standardization further to the publication of the Commission communication of 16 October 1990 ⁽¹⁾ has highlighted the strategic importance of standardization for the European market;

7. TAKING INTO CONSIDERATION the Opinion of the European Parliament ⁽²⁾, the opinion of the two sides of industry expressed during consultations on that communication and the Commission communication to the Council dated 20 December 1991 on standardization in the European economy ⁽³⁾;

8. REITERATES the importance of a cohesive system of European standards, organized by and for the parties concerned, based on transparency, openness, consensus, independence of vested interests, efficiency and decision-taking on the basis of national representations;

9. CONSIDERS that European standardization, while organized on a voluntary basis, serves the public interest and therefore believes that it is necessary to establish and extend a partnership at European level between the Community and the European standards organizations;

(1) OJ No C 20, 28.1.1991, p. 1.

(2) OJ No C 240, 16.9.1991, p. 208.

(3) OJ No C 96, 15.4.1992, p. 2.

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10. CONFIRMS the importance of an international standardization system capable of producing standards that are actually used by all the partners in international trade and of meeting the requirements of Community policy;

11. ENDORSES the desire to avoid the fragmentation of work on European standardization and increased bureaucracy at the expense of efficiency;

12. WELCOMES the steps already taken by European standards organizations as part of the aforementioned discussions and in particular the decisions relating to efficiency, openness to economic and social partners organized at European level, the transparency of standardization activities and the visibility, accessibility and clear identification of European standards, co-operation with third countries, and the agreements with other international standards organizations, and hopes that these efforts will be pursued;

13. STRESSES the urgent need for high-quality European standards both for the application of Directives and the implementation of European policies and to respond to market needs;

14. STRESSES the need to increase the effective availability of European standards at national level for their systematic transposition into national standards, so that they may be widely circulated and Community acts efficiently applied;

15. STRESSES the importance of strengthening links between research and development activities and standardization;

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16. WILL CONTINUE, wherever possible, the New Approach set out in its Resolution of 7 May 1985 for the implementation of the Community's technical harmonization policy;

17. CONSIDERS that the use of European standards should be further encouraged as an instrument of economic and industrial integration within the European market and as a technical basis for legislation, in particular in defining technical specifications for products and services or for testing methods to be used in other areas falling within the scope of Community legislation;

18. INVITES the European standards organizations to strengthen their co-ordination in order to optimize the organization of work in view of the limited resources available;

19. ENCOURAGES the European standards organizations jointly to continue and increase their consultations on a regular basis with all the parties concerned, including small and medium-sized undertakings;

20. INVITES the European standards organizations to continue their discussions on a possible single mark denoting conformity with European standards;

21. INVITES the Commission, where appropriate, to apply the principle of referring to European standards in future draft Community legislation;

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22. INVITES all interested economic circles to organize at European level and co-ordinate more closely in order to play a constructive and more effective part in their own right in European standardization activities;

23. INVITES Member States to take all appropriate measures to encourage their national standards organizations to comply with the common rules of European standards organizations of which they are members and take effective part in European standardization discussions;

24. UNDERTAKES TO CONTINUE to grant financial aid, within the limits of overall budget constraints, to European standards organizations so that the standards required for Community legislation and policies can be developed.

MISCELLANEOUS DECISIONS

Technological problems of nuclear safety

The Council adopted in the official languages of the Community a Resolution on the technological problems of nuclear safety, based on the EURATOM Treaty.

This Resolution, which forms part of a continuous line of Council decisions (notably the Council Resolution of 22 July 1975), stresses the importance attached to the problem of nuclear safety, particularly with regard to the level of protection of the health of the population and of workers as well as the protection of the environment from the dangers resulting from ionizing radiation, particularly in view of the developments which have taken place throughout Europe.

Its prime purpose is to encourage the well-established and continuing process of consultation and co-ordination within the Community regarding nuclear safety criteria and requirements, in order to arrive at a system of safety criteria and requirements recognized throughout the Community, and to extend the results of those discussions beyond the Community. In this context, the primary importance of nuclear safety research and technological innovation is underlined.

The Resolution in addition aims at consolidating the results obtained and encouraging the progress of work in this area. It also sets itself, as the fundamental and priority objective of Community co-operation in the nuclear field, the task of bringing the nuclear installations of the countries of central and eastern Europe and the Republics of the former USSR up to safety levels equivalent to those applied in the Community and of facilitating the

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implementation in those installations of the safety criteria and requirements already recognized throughout the Community.

The text of the Resolution is given below.

COUNCIL RESOLUTION

of

on the technological problems
of nuclear safety

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community,

Whereas, on 22 July 1975, the Council adopted a Resolution on the technological problems of nuclear safety ⁽¹⁾, hereafter referred to as the "1975 Resolution";

Whereas, on the basis of various communications from the Commission, the Council adopted conclusions on 26 September 1988, 21 June 1989 and 26 March 1990 reaffirming, inter alia, the central role it attached to the 1975 Resolution;

Whereas, on 24 January 1992 the Commission forwarded to the Council a report for the period from April 1987 to April 1991 on the implementation of the Resolution of 1975 stressing the need for the institutions responsible for ensuring and verifying nuclear safety within the Community to continue to participate actively in the well-established and continuing process of consultation and co-ordination, in the context of the 1975 Resolution, and to extend the benefits of such work beyond the Community;

Whereas the issue of nuclear safety is an important one, particularly with regard to the protection of the health of the population and of workers as well as the protection of the environment from the dangers resulting from ionizing radiation, particularly in the view of the developments which have taken place throughout Europe:

(1) OJ No C 185, 14.8.1975, p. 1.

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1. RECOGNIZES the progress towards an equivalent and satisfactory degree of protection of the population and of the environment in the Community at the highest practical safety levels, as called for in the 1975 Resolution, and in contributing to the international acceptance of similar high safety levels.
2. ENCOURAGES the Commission, national safety authorities, institutions specialized in nuclear safety evaluation, research and development institutions, nuclear utilities and manufacturers in the Community to continue to participate actively in the well-established and continuing process of consultation and co-operation, in the context of the 1975 Resolution.
3. REAFFIRMS the importance of technological progress in relation to the safety of nuclear installations and in this connection invites the Member States and the Commission to continue and intensify concerted effort through significant joint actions on key safety issues. Thus it underlines the primary importance of nuclear safety research and technological innovation and the need to continue and increase action undertaken within the Community, including the study of future generations of reactors. This action may, where possible, be extended to third countries, notably those of Central and Eastern Europe and the Republics of the former USSR.

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4. REQUESTS the Member States to continue - with an active contribution from the Commission - to ensure greater concerted effort between the national safety authorities in the Community on safety criteria and requirements and on the incorporation of the conclusions reached into the practice followed in the Member States, in order to arrive at a system of safety criteria and requirements recognized throughout the Community.

5. EMPHASIZES the particular importance it attaches to nuclear safety in Europe and therefore requests the Member States and the Commission to adopt as the fundamental and priority objective of Community co-operation in the nuclear field, in particular with the other European countries, especially those of Central and Eastern Europe and the Republics of the former USSR that of bringing their nuclear installations up to safety levels equivalent to those in practice in the Community and to facilitate the implementation of the safety criteria and requirements already recognized throughout the Community.

6. ENCOURAGES the Member States and the Commission to act in a co-ordinated manner in international fora on the basis of the achievements reached in the Community towards a system of internationally accepted nuclear safety criteria and requirements, in particular in the framework of the International Atomic Energy Agency (IAEA).

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Environment

The Council adopted its common position on the text of a Council Directive on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry (see press release 6770/92 Presse 95 of 26/27.V.92).

PRESS RELEASE

7281/92 (Presse 123)

1592nd Council meeting

- TRANSPORT -

Luxembourg, 22 and 23 June 1992

Presidents: Mr Joaquim FERREIRA DO AMARAL
Minister for Public Works, Transport
and Communications

Mr Eduardo de AZEVEDO SOARES
Minister for Maritime Affairs

of the Portuguese Republic

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

Belgium:

Mr Guy COEME Deputy Prime Minister;
Minister for Communications,
Public Utilities and the
Public Buildings Authority

Denmark:

Mr Kaj IKAST Minister for Transport
Mrs Anne Birgitte LUNDHOLT Minister for Industry and Energy

Germany:

Mr Günter KRAUSE Federal Minister for Transport

Greece:

Mr Aristotelis PAVLIDIS Minister for Merchant Shipping
Mr K. STEFANAKOS Secretary-General for Transport

Spain:

Mr José BORRELL Minister for Transport
Mr Manuel PANADERO Secretary-General for Transport

France:

Mr Jean-Louis BIANCO Minister for Transport
Mr Georges SARRE State Secretary for Road and River
Transport
Mr Charles JOSSELIN State Secretary for Maritime Affairs

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Ireland:

Mrs Maire GEOGHEGAN-QUINN

Minister for Tourism, Transport and
Communications

Mr Pat "the Cope" GALLAGHER

Minister of State at the Department of
the Marine

Italy:

Mr Ferdinando FACCHIANO

Minister for Merchant Shipping

Luxembourg:

Mr Robert GOEBBELS

Minister for Transport

Netherlands:

Mrs Hanja MAIJ-WEGGEN

Minister for Transport and Public
Works

Portugal:

Mr Joaquim FERREIRA DO AMARAL

Minister for Public Works, Transport
and Communications

Mr Eduardo de AZEVEDO SOARES

Minister for Maritime Affairs

Mr Jorge ANTAS

State Secretary for Transport

Mr José PRATES BEBIANO

State Secretary for Shipping

United Kingdom:

Mr John MCGREGOR

Minister for Transport

Lord CAITHNESS

Minister of State, Department of
Transport

For the Commission:

Mr Karel VAN MIERT

Member

AIR TRANSPORT

THIRD LIBERALIZATION PACKAGE

The Council reached political agreement on the third liberalization package for air transport, the final stage in organization of the sector in the run-up to the single market.

There are three Regulations on the licensing of air carriers, air fares and access to air routes for carriers. The Regulations are due to enter into force on 1 January 1993; they follow on logically from the first two packages of measures approved by the Council in 1987 and 1990, aimed at gradually opening up air transport to competition.

The texts will be formally adopted shortly, once legal/linguistic finalization has been carried out.

- Licensing

This Regulation sets out the requirements for issue of operating licences to air carriers established in the Community, it being understood that, pursuant to the Regulation on access for air carriers to intra-Community air routes, any Community carrier holding a licence is to be granted traffic rights between any Community airports.

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It is therefore the carrier's operating licence, rather than, as with the existing system, the route licence, that becomes the decisive factor for access to the future Community air transport market.

The text contains specific Community rules governing the relationship between the competent national authorities and carriers established or to be established in the Member States.

The regulations are based on Community criteria, harmonized through adoption of common rules concerning the requirements for economic and technical fitness for the issue of licences. In practice:

- they set non-discriminatory criteria for the location and control of airlines applying for licences; the principle of effective control has been adopted, as defined for other sectors of business in the Community;
- reasonable, practical financial and economic requirements are laid down for new entrants and existing carriers;
- criteria for evaluating technical fitness are referred to Community legislation to be adopted in the meantime. National criteria will continue to apply for AOCs (air operator's certificates) until the JAR-OPS (operating codes for aircraft engaged in commercial air transport and in general aviation, with the exception of helicopters) are incorporated into Community legislation;

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- a degree of flexibility has been brought in as regards the registration of aircraft in the Community.

- Fares

The Regulation on air fares and rates is based on a system of free pricing.

Accordingly, an air fare for a scheduled service is considered as approved if, within 14 days of receiving notification, neither the Member States concerned nor the Commission notify their disapproval, giving reasons.

The free pricing system is combined with appropriate safeguards to protect the interests of the industry (general drop in fares on a market) and consumers (excessively high fares).

- Market access

In the run-up to the internal market, the Regulation on market access lays down that Community air carriers will have access to routes between all airports on Community territory open to civil air traffic.

However, there will be a transitional period until 1 April 1997 for the introduction of cabotage, during which consecutive cabotage will be allowed with capacity limitations (50%).

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During the same period, Member States may continue to regulate access to routes on their territory for resident carriers.

The Regulation provides for certain safeguards, subject to Community supervision, to make allowance for effects on the environment, infrastructure limitations, links with islands and co-ordination between the various modes of transport.

It recognizes the principle of public service obligations, which is necessary to maintain adequate air services to serve certain national regions, particularly islands.

COMPETITION

The Council discussed the two proposals for Regulations on the competition rules applicable to airlines, and enabling the Commission to adopt group exemptions.

The Permanent Representatives Committee was instructed to examine the proposals further in the light of the discussions and of the Opinion which the European Parliament was still to deliver regarding the proposal on group exemptions.

INLAND TRANSPORT

PASSENGER CABOTAGE

The Council reached agreement of substance, by a qualified majority, on the text of a Regulation laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State (passenger cabotage).

Formal adoption will take place shortly, after the texts have been finalized.

The enacting terms of the Regulation, which is scheduled to enter into force on 1 January 1993, lay down

- for regular services:
 - = immediate liberalization of certain special regular frontier-zone services;
 - = exclusion of other regular services for the time being; subsequent review of the situation regarding such services in the light of a report to be drawn up by the Commission by 31 December 1995;

- for non-regular services:
 - = immediate liberalization of closed-door tours;
 - = liberalization of all non-regular services as from 1 January 1996.

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dey/MG/fe

RELATIONS WITH THIRD COUNTRIES REGARDING TRANSPORT BY INLAND WATERWAY

The Council held an exchange of views on the recommendation for a Decision designed to authorize the Commission to negotiate agreements on transport by inland waterway with certain third countries.

In the light of the discussions, the Council instructed the Permanent Representatives Committee actively to pursue work in this area so that the Council could take a decision on the issue at one of its forthcoming meetings, and no later than December 1992.

GOODS CABOTAGE

The Council discussed the proposal for a Regulation laying down the definitive system under which non-resident carriers may operate domestic road haulage services within a Member State (goods cabotage).

At the close of discussions, the Council instructed the Permanent Representatives Committee to examine the proposal further in order that agreement could be reached as soon as possible.

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dey/MG/cc

TAX HARMONIZATION

After a detailed discussion on tax harmonization in the road transport sector, the Council reached the following conclusions:

- it would actively pursue its discussions in order that taxes on vehicles could be harmonized as soon as possible;
- it asked the Commission to bring forward a proposal, once the Member States had been consulted and by the end of September 1992 at the latest, on the procedures whereby Member States could introduce and collect tolls and/or levies for the use of certain road infrastructure.

TRANSPORT INFRASTRUCTURE

The Council took note of a statement by Commissioner VAN MIERT introducing a Commission communication on transport infrastructure and three communications on the masterplans for inland waterways, motorways and combined transport.

The Council also noted the Commission's request that the Council should guarantee the continuity of measures on transport infrastructure by adopting the Regulation amending and extending the existing Regulation by 31 December 1992.

ROAD SAFETY

The Council heard a statement from Commissioner VAN MIERT on the progress of the Commission's work on road safety.

SHIPPING

FREEDOM TO PROVIDE MARITIME TRANSPORT SERVICES WITHIN MEMBER STATES (MARITIME CABOTAGE)

The Council reached agreement of substance, by a qualified majority, on a Regulation applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage).

The Regulation provides that maritime cabotage is to be liberalized from 1 January 1993 for Community shipowners who have their ships registered in, and flying the flag of a Member State, provided those ships comply with all conditions for carrying out cabotage in that Member State, including ships registered in EUROS, once that Register is approved by the Council.

By way of derogation, the provision requiring that ships comply with all conditions for carrying out cabotage in the Member State where they are registered at that time may be temporarily suspended until 1996.

The Commission stated that it would analyse the effects of admission to the market of ships that did not comply with all the conditions for carrying out cabotage in the flag State by the end of 1996. It would report to the Council and submit proposals if necessary.

Regarding the EUROS Register, a large number of delegations and the Commission pointed out that developing a competitive shipping industry in the Community and worldwide meant improving the operating conditions of Member States' fleets, and undertook to see that the proposal for a Regulation establishing a Community

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Register, EUROS, was examined with a view to an early decision. To that end, the above delegations asked the Commission to submit to the Council as soon as possible proposals for new measures to support Member States' fleets.

On manning, the text lays down that

- for vessels carrying out mainland cabotage and for cruise liners, all matters relating to manning are to be the responsibility of the State in which the vessel is registered (flag State), except for ships smaller than 650 GT, where host State conditions may be applied;
- for vessels carrying out island cabotage, all matters relating to manning are to be the responsibility of the State in which the vessel is providing a maritime transport service (host State).

However, for cargo vessels over 650 GT carrying out island cabotage, when the voyage concerned follows or precedes a voyage to or from another State, all matters related to manning shall remain the responsibility of the State in which the vessel is registered (flag State) after 1 January 1999.

The final arrangements for manning will be approved by the Council in due course, by 1 January 1999 at the latest, on the basis of a Commission proposal drawn up in the light of a report on the economic and social impact of liberalizing island cabotage which the Commission will submit to the Council by 1 January 1997.

The text also provides for temporary exemption from the Regulation for the following services in the Mediterranean and along the coast of Spain, Portugal and France:

- cruise services, until 1 January 1995;
- transport of strategic goods (oil and oil products and drinking water), until 1 January 1997;
- services by ships smaller than 650 GT, until 1 January 1998;
- regular passenger and ferry services, until 1 January 1999.

Island cabotage in the Mediterranean and cabotage with regard to the Canary, Azores and Madeira archipelagoes, Ceuta and Melilla, the French islands along the Atlantic coast, and the French overseas departments will also be exempted until 1 January 1999. For reasons of socio-economic cohesion, the above derogation is extended for Greece until 1 January 2004 for regular passenger and ferry services and services provided by vessels less than 650 GT.

The text recognizes the principle of public service obligations and lays down mechanisms for adopting safeguard measures in the event of serious market disturbance.

Formal adoption of the Regulation, which is due to enter into force on 1 January 1993, will take place shortly, once the texts have been finalized.

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COMMUNITY REGISTER (EUROS)

The Council held an exchange of views on the proposal for a Regulation establishing a Community ship register and providing for the flying of the Community flag by sea-going vessels (EUROS).

At the close of discussions, it instructed the Permanent Representatives Committee to examine the proposal further.

TRANSPORT OF DANGEROUS OR POLLUTING GOODS

The Council took note of the progress of work on the proposal for a Directive concerning minimum requirements for vessels entering or leaving Community ports carrying dangerous or polluting goods.

It instructed the Permanent Representatives Committee to examine the proposal further.

The basic purpose of the Directive is to enable vessels carrying dangerous goods to be located exactly and to know where those goods are located on board and to enable the information to be forwarded speedily and accurately to the authorities responsible for safety at sea and environmental protection.

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SHIPPING SAFETY

The Council noted that the Commission would be submitting a communication on shipping safety in the near future.

IMPLEMENTATION OF REGULATIONS ON SHIPPING

The Council noted that the Commission intended to submit, in the coming weeks, a second report on the implementation of the four Regulations on shipping of 22 December 1986.

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dey/MG/cc

OTHER DECISIONS ON TRANSPORT

Agreement between the EEC and the Kingdom of Norway and the Kingdom of Sweden on civil aviation

Following the political agreement reached at the meeting on 26 and 27 March 1992, the Council formally adopted a Decision on the conclusion of an Agreement between the Community, Norway and Sweden on civil aviation.

The basic purpose of the Agreement is to make all the Community provisions on air transport applicable in Norway and Sweden too. It includes:

- compliance with the "acquis communautaire" by Norway and Sweden;
- continued compliance in future, through the incorporation of future Community measures;
- establishment of a joint Committee to administer and implement the Agreement;
- compliance by Sweden and Norway with the legal interpretations of the Commission and the European Court of Justice.

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dey/MG/cc

Roadworthiness tests for motor vehicles - Brakes and exhaust emissions

The Council adopted two Directives laying down minimum standards and methods in respect of brakes and exhaust emissions, within the framework of Directive 77/143/EEC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers.

The Directive on roadworthiness tests for brakes sets out the various components of the braking system which need to be inspected, together with the likely reasons (objective and subjective criteria) for their failure.

The Directive on exhaust emissions lays down limit values for gaseous exhaust emissions from spark ignition (petrol) engines, and for smoke opacity in the case of compression ignition (diesel) engines, motor vehicles.

MISCELLANEOUS DECISIONS

Anti-dumping

The Council adopted a Regulation amending Regulation No 2200/90 by imposing an additional anti-dumping duty on imports of silicon metal originating in the People's Republic of China.

The Regulation takes account of the fact that following the imposition of anti-dumping duties in July 1990, Chinese producers/exporters significantly reduced their prices for export. The result was a corresponding increase in the dumping margin, for which an additional duty should be imposed.

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

7453/92 (Presse 125)

1593rd Council meeting
LABOUR AND SOCIAL AFFAIRS
Luxembourg, 24 June 1992

President: Mr José da SILVA PENEDA

Minister for Employment and
Social Security
of the Portuguese Republic

24.VI.92

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

Belgium:

Mrs Miet SMET Minister for Employment and Labour

Denmark:

Mr Knud E. KIRKEGAARD Minister for Labour

Mr Henrik HASSENKAM State Secretary, Ministry of Labour

Germany:

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

Mr Willi HAUSMANN State Secretary, Federal Ministry of Women and Youth

Greece:

Mr Jean CORANTIS Deputy Permanent Representative

Spain:

Mr Luis MARTINEZ NOVAL Minister for Labour

France:

Mrs Martine AUBRY Minister for Labour, Employment and Vocational Training

Mr René TEULADE Minister for Social Security and Integration

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Ireland:

Mr Brian COWEN	Minister for Labour
Mr Charles McCREEVY	Minister for Social Welfare

Italy:

Mr Ugo GRIPPO	State Secretary for Employment and Social Security
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Luxembourg:

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

Netherlands:

Mr Bert DE VRIES	Minister for Employment and Social Security
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Portugal:

Mr José da SILVA PENEDA	Minister for Employment and Social Security
Mr Jorge ALMEIDA SEABRA	State Secretary to the Minister for Employment and Social Security

United Kingdom:

Mrs Gillian SHEPHARD	Secretary of State for Employment
Mr Nicolas SCOTT	Minister of State, Department of Social Services

Commission:

Miss Vasso PAPANDEOU	Member
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24.VI.92

lby/CH/ptm

ORGANIZATION OF WORKING TIME

The Council discussed in considerable depth the proposal for a Directive on the organization of working time.

The discussion showed there to be broad agreement on the Directive as a whole, apart from a few technical problems regarding the exceptions to be made from the provisions on maximum weekly working time. Those problems, resulting from the diversity of national legislation in this field, relate in particular to the reference period to be applied in calculating maximum weekly working time, to the level at which exceptions may be made by the two sides of industry and to the duration of the transitional period envisaged for such exceptions (Article 17(4)).

The Council instructed a technical working party to resolve those problems as soon as possible and in any event before the next Social Affairs Council meeting, scheduled for 1 December 1992.

PROTECTION OF PREGNANT WORKERS

The Council instructed the Permanent Representatives Committee to discuss this further and resolve the points still outstanding with a view to adoption as an "A" item at a forthcoming meeting, if possible by the end of this half year.

EMPLOYEE PARTICIPATION IN PROFITS

The Council agreed to the Recommendation concerning the promotion of participation by employed persons in profits and enterprise results (including equity participation).

In that Recommendation, the Council invites Member States to acknowledge the potential benefits of wider use of a broad variety of schemes to increase the participation of employed persons in enterprise profits by means of profit-sharing, employee share-ownership or a combination of both.

In that context, account should be taken of the role and responsibility of management and labour, since the ultimate success of this Community initiative depends on their interest and active participation in it.

The Council makes a set of specific recommendations to Member States, including one to contemplate and/or encourage consideration, when new financial participation schemes are being prepared or when existing schemes are being reviewed, of a number of points set out in the Annex to the Recommendation, which concern the following aspects among others: regularity, pre-determined formula, voluntary participation, calculation of amounts, risks, type and size of enterprise.

It instructed the Permanent Representatives Committee to finalize the text for adoption as an "A" item at a forthcoming meeting.

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CONVERGENCE OF SOCIAL PROTECTION POLICIES

The Council agreed to the Recommendation on the convergence of social protection policies.

The Recommendation, which is provided for in the Commission's action programme for the implementation of the Community Charter of Fundamental Social Rights of Workers, sets out a number of principles and guidelines for Member States with the aim of bringing about convergence of national policies in the following areas: sickness, maternity, unemployment, incapacity for work, the elderly and the family.

The Council instructed the Permanent Representatives Committee to finalize the text for adoption as an "A" item at a forthcoming meeting.

OTHER SOCIAL AFFAIRS DECISIONS

Collective redundancies

The Council adopted the Directive amending Directive 75/129/EEC on the approximation of the laws of Member States relating to collective redundancies.

The Directive supplements the existing provisions concerning information for and consultation of workers' representatives in the event of collective redundancies. In particular, it takes account of the impact of the internal market and provides that information and consultation obligations apply irrespective of whether the decision concerning collective redundancies is taken by the employer or by an enterprise which controls the employer.

The Directive also provides that administrative and/or judicial procedures are to be available to workers' representatives and/or workers in order to ensure that the obligations laid down are observed.

The Directive is to be implemented not later than two years after its adoption.

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Temporary or mobile work sites

Following the adoption of its common position on 19 December 1991 and completion of the co-operation procedure with the European Parliament, the Council adopted the Directive on the implementation of minimum safety and health requirements at temporary or mobile work sites.

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

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

It includes provisions on:

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

The Directive also provides in its Annexes for:

- a non-exhaustive list of the building and civil engineering work covered by the Directive;

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

Provision of signs

Following the adoption of the common position on 3 February 1992 and completion of the co-operation procedure with the European Parliament, the Council adopted the Directive concerning the minimum requirements for the provision of safety and/or health signs at work.

The Directive is the ninth individual Directive within the meaning of Article 16(1) of framework Directive 89/391/EEC, aimed at encouraging improvements in the safety and health of workers at work. It is designed, more specifically, to combat risk factors associated with linguistic and cultural differences which might arise as a result of the free movement of workers.

In contrast with Council Directive 77/576/EEC, which it replaces, it is designed to make the provision of signs compulsory in certain circumstances and to introduce new safety signboards and other harmonized forms of signs. It also covers more firms and workers than Directive 77/576/EEC, since its scope in relation to persons is that of framework Directive 89/391/EEC.

The Directive is due to be implemented no later than two years after its adoption.

European Year of the Elderly and of Solidarity between Generations (1993)

The Council adopted the Decision on the organization of the European Year of the Elderly and of Solidarity between Generations (1993).

This Decision is a follow-up to Decision 91/49/EEC of 26 November 1990 on Community actions for the elderly, including the designation of 1993 as "European Year of the Elderly and of Solidarity between Generations".

The purpose of the Decision is to bring a general improvement in the situation of the elderly, bearing in mind the present demographic trend towards a major increase in the elderly as a proportion of the population, which will have considerable economic and social implications.

The Decision's more specific objectives are to:

- heighten society's awareness of the situation of the elderly;
- promote reflection and discussion at all levels on measures of special concern to the elderly;
- promote the principle of solidarity between generations;
- involve the elderly more in the process of Community integration.

The amount of Community financing deemed necessary to implement the Decision is ECU 6.9 million.

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Surface and underground extractive industries

The Council adopted the common position with a view to adopting a Directive on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral extracting industries twelfth individual Directive within the meaning of Article 16(1) of framework Directive 89/391/EEC).

The purpose of the Directive is to protect the safety and health of workers in surface and underground mineral-extracting industries, i.e. in all industries carrying out surface or underground extraction, in the strict sense of the word, of minerals, prospecting with a view to such extraction and/or preparation of extracted materials for sale, but not the processing of such extracted materials.

The Directive contains a set of detailed obligations for the employer designed to guarantee the safety and health of workers. One of the employer's tasks is to ensure that a safety and health document, covering the relevant requirements set out in Articles 6, 9 and 10 of framework Directive 89/391/EEC, is prepared, kept up to date and revised in the event of major changes at workplaces.

In addition the Directive contains provisions on information for and consultation of workers, workers' participation and health surveillance.

A technical Annex contains minimum requirements for the surface and for the underground sectors as well as for both together.

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Sufficient resources and social assistance by way of social protection

The Council adopted the Recommendation on common criteria concerning sufficient resources and social assistance in social protection systems.

The purpose of the Recommendation, which is provided for in the Commission's action programme for the implementation of the Community Charter of Fundamental Social Rights of Workers, is to recognize the basic right of a person to sufficient resources and social assistance to live in a manner compatible with human dignity.

The Recommendation contains a number of general principles and practical guidelines for Member States in order to arrange for the recognition and putting into practice of that basic right.

PRESS RELEASE

7459/92 (Presse 131)

1594th Council meeting
- CONSUMER PROTECTION -
Luxembourg, 29 June 1992

President: Mr Carlos BORREGO,

Minister for the Environment
and Natural Resources
of the Portuguese Republic

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

Belgium:

Mr Melchior WATHELET Deputy Prime Minister,
Minister for Economic Affairs

Denmark:

Mr Niels Henrik SLIBEN Deputy Permanent
Representative

Germany:

Mr Johan EEKHOF State Secretary for Economic
Affairs

Greece:

Mr Jean CORANTIS Deputy Permanent
Representative

Spain:

Mr José Antonio GRIÑAN Minister for Health and
Consumer Affairs

France:

Mrs Véronique NEIERTZ State Secretary for Consumer
Affairs, Ministry of Economic
and Financial Affairs and the
Budget

Ireland:

Mrs Mary O'ROURKE Minister of State at the
Department of Industry and
Commerce with special
responsibility for Trade and
Marketing

Italy:

Mr Rocco A. CANGELOSI

Deputy Permanent
Representative

Luxembourg:

Mr Fernand BODEN

Minister for the Family,
Small and Medium-sized
Businesses and Tourism

Netherlands:

Mr Ate OOSTRA

Deputy Permanent
Representative

Portugal:

Mr Carlos BORREGO

Minister for the Environment
and Natural Resources

Mrs Teresa GOUVEIA

State Secretary for the
Environment and Natural
Resources

United Kingdom:

Baroness DENTON OF WAKEFIELD

Parliamentary Under-Secretary
of State, Department of Trade
and Industry (Consumer
Affairs)

o

o

o

Commission:

Mr Karel VAN MIERT

Member

GENERAL PRODUCT SAFETY

At the close of the co-operation procedure with the European Parliament the Council definitively adopted the Directive on general product safety.

The aim of the Directive is to ensure that products placed on the market are safe, in particular by introducing a general obligation at Community level to produce and market only safe products. Member States have a maximum period of 24 months in which to comply with the Directive (see Press Release 8530/91 Presse 165 of 15.X.91).

UNFAIR TERMS IN CONTRACTS

The Council registered its agreement in principle ⁽¹⁾ on a common position on the Directive on unfair terms in consumer contracts.

The Council instructed the Permanent Representatives Committee to finalize the text, in particular the indicative list of terms which may be regarded as unfair, with a view to formal adoption of the common position at a forthcoming Council meeting.

(1) One delegation made its agreement conditional upon completion of its internal consultation procedures.

This text should contribute to the establishment of the Single Market, insofar as it represents an important stage in the improvement of consumer protection by providing for the approximation, by 31 December 1994 at the latest, of the laws, regulations and administrative provisions of the Member States relating to unfair "non-negotiated" terms in contracts concluded between a consumer and a seller or supplier acting for purposes relating to his occupation, whether in the public or private sector. (1)

The text states that a term which has not been negotiated shall be regarded as unfair if, contrary to the requirements of good faith, it causes to the detriment of the consumer a significant imbalance in the parties' rights and obligations arising under the contract. In particular, the Directive gives consumers' organizations the opportunity to represent consumers before the courts in cases where terms which may be unfair are to be for general use.

The Directive adopts a minimalist approach, leaving open the possibility for Member States, with due regard for the Treaty, to ensure a higher level of protection for the consumer by means of more stringent provisions.

(1) Contractual terms reflecting binding statutory provisions or regulations and provisions or principles of international agreements ratified by the Member States or the Community, particularly in the transport sector, will not be subject to this Directive.

COMPARATIVE ADVERTISING

The Council discussed the proposal for a Directive concerning comparative advertising and amending Directive 84/450 on misleading advertising.

After the discussion, which dealt mainly with the question of the advisability of Community legislation on the subject, the Council instructed the Permanent Representatives Committee to look into the proposal in greater detail, particularly in the light of the European Parliament's Opinion.

LIABILITY OF SUPPLIERS OF SERVICES

The Council discussed the proposal for a Directive on the liability of suppliers of services.

After its discussions, the Council took note of progress and instructed the Permanent Representatives Committee to continue to examine the proposal, particularly in the light of the European Parliament's Opinion.

FUTURE PRIORITIES FOR DEVELOPING CONSUMER PROTECTION AND INFORMATION POLICY

The Council agreed to the Resolution in the Annex. (1)

(1) Two delegations entered provisional reservations on linguistic grounds.

EHLASS

The Council noted the Commission's intention shortly to submit a report on the EHLASS demonstration project (Community system of information on accidents involving consumer products) and a proposal to prolong the system for a fixed period.

CONTRACTS NEGOTIATED AT A DISTANCE

The Council heard a statement from Mr VAN MIERT, Member of the Commission, in which he introduced the proposal for a Directive on the protection of consumers in respect of contracts negotiated at a distance.

The purpose of the proposal is to approximate the laws, regulations and administrative provisions of the Member States concerning contracts negotiated at a distance between consumers and suppliers and the soliciting of custom and preparatory acts with a view to such contracts and to establish a minimum basis for the protection of consumers in respect of contracts negotiated at a distance.

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

CONTRACTS RELATING TO TIME-SHARE REAL ESTATE

The Council heard a statement from Mr VAN MIERT on the draft Directive, which lays down minimum standards for consumer protection in relation to contracts on the use of time-share real estate.

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

SWEETENERS FOR USE IN FOODSTUFFS

The Council noted that there was not the necessary unanimity for this matter to be approved and decided to terminate the procedure.

It should be noted that the Commission has just submitted a new proposal on the subject, which will be examined by the Council as soon as possible.

MISCELLANEOUS DECISIONS

Co-operation Agreements on research and technological development programmes in the field of renewable raw materials

The Council adopted Decisions concerning the conclusion of Co-operation Agreements between

- the EEC and Finland on a research and technological development programme in the field of renewable raw materials: forestry and wood products (including cork) (FOREST)
- the EEC and Sweden on a research and technological development programme in the field of renewable raw materials: forestry and wood products (including cork) (FOREST) and the recycling of waste (REWARD).

Agriculture

The Council adopted the common position with a view to the adoption of a Directive amending for the first time Directive 88/344/EEC on the approximation of the laws of the Member States relating to extraction solvents used in the production of foodstuffs and food ingredients.

It should be noted that Community legislation on this subject is designed, generally speaking, to harmonize national laws relating to extraction solvents in order to facilitate free movement of foodstuffs, while safeguarding health.

The purpose of the amendment is, firstly, to regulate certain substances hitherto governed by national law and, secondly, to revise the existing provisions, in particular Annex II of the 1988 Directive.

Permissible sound level and exhaust system of motor vehicles

The Council adopted the common position with a view to the adoption of a Directive amending Directive 70/157/EEC on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles.

EEC-Yemen Co-operation Agreement

The Council authorized the Commission to negotiate an exchange of letters to extend the scope of the Co-operation Agreement to the whole of the territory of the new Republic of Yemen.

ECSC

The Representatives of the Governments of the Member States of the ECSC, meeting within the Council, adopted the Decision on certain measures to be applied, in respect of Central and Eastern European countries, to trade in iron and steel products covered by the ECSC Treaty.

This Decision concerns in particular import possibilities in 1992 for Germany, Italy and Benelux of steel products from the ex-USSR, Bulgaria and Romania.

COUNCIL RESOLUTION

of

on future priorities for the development
of consumer protection policy

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic
Community,

Whereas the improvement of the quality of life implies, inter alia,
protecting the health, safety and economic interests of consumers
and informing and educating them;

Whereas measures taken under Article 100a of the Treaty must provide
for a high level of consumer protection, particularly in the case of
consumer health and safety;

Whereas, in addition, the Maastricht European Council considered that consumer protection should be included among the Community's policies;

Whereas a Resolution of the European Parliament on the need to enhance consumer and public health protection for the realization of the internal market was adopted on 11 March 1992;

Whereas the Council Resolution of 9 November 1989 set out future priorities for a relaunch of consumer protection policy which continue to be valid;

Whereas the Three Year Action Plan (1990-1992) of the Commission has been progressively implemented but not yet fully realized;

Whereas the Commission should be asked to draw up a further plan to address consumer protection policy issues in the years ahead taking account of the priority measures in the previous plans which have not yet been carried out, technological and socio-economic changes and the need to develop the European Community;

Whereas the goods and services supplied to consumers must not endanger or put at risk consumer health and safety;

Whereas the consumer's freedom to choose from a diverse range of goods and services should be assured by improved information;

Whereas consumers' capacity to choose should be enhanced by fostering education programmes at the appropriate levels;

Whereas further measures to secure consumer confidence in the operation of the single market are required particularly in the areas of transparency, information, guarantees and warranties;

Whereas it is important to promote consumer redress within the meaning of the Resolution of 25 June 1987 on consumer redress ⁽¹⁾ and the Resolution of 9 November 1989 on future priorities for relaunching consumer protection policy ⁽²⁾;

Whereas it is important to ensure enforcement of Community legislation and constant monitoring of its effect on consumers;

Whereas the implementation of the single market will require greater attention to be paid to the quality of services and goods, in particular as regards foodstuffs;

Whereas it is necessary to take consumers' interests into account in the other Community policies and to have a thorough knowledge of the impact of the internal market on consumers;

(1) OJ No C 176, 4. 7.1987, p. 2.
(2) OJ No C 294, 22.11.1989, p. 1.

Whereas consumers' capacity to defend their interests should be strengthened, in particular so as to settle transfrontier consumer disputes, including by the development of Transfrontier Information Centres;

Whereas consumers' capacity to benefit from the various possibilities of the single market should be enhanced by fostering the development of consumer associations;

INVITES the Commission to propose as soon as possible measures to create consumer confidence in the single market, in particular as regards greater transparency, information, health and safety and protection of the economic interests of consumers; also invites the Commission to look further into the question of unfair advertising with a view to submitting a relevant proposal to it;

INVITES the Commission, having regard to these priorities and those listed in the Annex to this Resolution, to present by 31 December 1992 at the latest a report assessing the current plan of action and, on that basis, a proposal for a further plan of action covering the period 1993-1997 designed to develop the consumer protection policy and to achieve these objectives;

AGREES to encourage the Commission to submit to it proposals to improve consumer information;

INVITES the Member States also to promote consumer information and education campaigns;

NOTES the Commission's intention of examining the feasibility of a "European Year of the Consumer".



Annex to the ANNEX

PRIORITIES FOR THE POLICY OF CONSUMER PROTECTION PROMOTION OF
CONSUMERS' INTERESTS

1. Integration into other common policies of the policy of consumer protection and promotion of consumers' interests

- Completion of the comprehensive study of the consequences of the realization of the internal market for consumers;
- Preparation of an appropriate impact assessment for proposals particularly sensitive for consumers;
- Stepping up the taking into account of consumer interests in standard-setting and certification procedures;
- Protection of consumer interests, particularly as regards food, financial services and payment systems.

2. Consumer information and education

- Consumer information and education on the single market, designed to safeguard consumers' interests and rights;
- Better information on services to consumers, particularly by developing transfrontier information centres;

- Improving price transparency of services, particularly of the professions and financial services;
- Consumer information on programmes of recycling, rational use of natural resources and use of ecological labelling.

3. Legal redress

Without prejudice to national provisions on the matter, encouragement of Member States to facilitate legal redress.

- Simplification of procedures for settling consumer disputes;
- Legal aid for consumers in respect of cases brought before the European courts;
- Access for consumer organizations having, under national law, a legitimate interest in the matter to courts in the Member States according to the lex fori of the court to which the case is referred.

4. Safety and health

- Development of any necessary harmonized systems to ensure that safety and health legislation is being effectively applied;
- Fostering the levelling up of scientific know-how and practices of consumer product inspectors in the Member States;

- Further harmonization of the packaging, labelling and classification of products.

5. Representation of consumers

- Stronger representation of consumers at all levels in order to improve dialogue between the various economic operators;
- Fostering the development of consumer associations.

6. Economic interests

- Improvement of application of Community consumer legislation;
 - Assessment of the usefulness and advisability of approximating guarantee arrangements and of improving after-sales service for goods and services in the internal market;
 - Improvement of the quality and transparency of payment systems;
 - Examination of the question of excessive consumer indebtedness;
 - Taking into account the consumer's interests in promoting conditions favouring free competition in the internal market;
 - Development of comparative trials.
-

PRESS RELEASE

7460/92 (Presse 132)

1595th Council meeting

- ECONOMIC AND FINANCIAL QUESTIONS -

Luxembourg, 29 June 1992

President: Mr Jorge BRAGA DE MACEDO

Minister for Finance
of the Portuguese Republic

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

Belgium:

Mr Philippe MAYSTADT Minister for Finance

Denmark:

Mr Jens THOMSON State Secretary for Economic Affairs

Germany:

Mr Franz-Christoph ZEITLER State Secretary, Federal Ministry of Finance

Greece:

Mr Ionnis PALAIOKRASSAS Minister for Finance

Spain:

Mr Pedro PEREZ State Secretary for Economic Affairs

Mr Antonio ZABALZA MARTI State Secretary for Finance

France:

Mr Michel CHARASSE Minister responsible for the Budget

Ireland:

Mr Bertie AHERN Minister for Finance

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Italy:

Mr Federico DI ROBERTO

Ambassador, Permanent
Representative

Luxembourg:

Mr Jean-Jacques KASEL

Ambassador, Permanent
Representative

Netherlands:

Mr Marius van AMELSVOORT

State Secretary for Finance

Portugal:

Mr Jorge BRAGA DE MACEDO

Minister for Finance

Mr José BRAZ

State Secretary, Treasury

United Kingdom:

Mr Norman LAMONT

Chancellor of the Exchequer

Commission:

Sir Leon BRITTAN

Vice-President

Mrs Christiane SCRIVENER

Member

FINANCIAL DIRECTIVES

- CAPITAL ADEQUACY OF INVESTMENT FIRMS AND CREDIT INSTITUTIONS

The Council has just made a decisive breakthrough in setting up the market in financial services through a political agreement by qualified majority on all outstanding problems concerning the finalization of the proposal for a Directive on the capital adequacy of investment firms and credit institutions. Once the texts have been finalized in the official languages of the Communities, the Council will be able formally to adopt its common position and forward it to the European Parliament for a second reading.

The Council had already taken an important step forward on 9 June 1992 by reaching a compromise on the basis of a Presidency proposal on a package of matters regarded as pre-requisites for any progress on the remaining points still under discussion. The Council today brought the matter to a conclusion by taking a decision on the last point of great importance: the amounts of capital which firms must possess in order to start their activity. It also approved the final version of the points on which agreement had been reached on 9 June and found solutions to certain other problems, in particular that of the Committee which will assist the Commission in implementing the Directive.

This Directive is the necessary complement to the Directive on investment services which is designed to liberalize the right of establishment and freedom to provide services for activities in the securities field; the latter Directive is mentioned elsewhere in this press release.

The terms of this liberalization have been aligned on those

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introduced in 1989 for credit institutions by the adoption of the second banking Directive, the own-funds Directive, the solvency-ratio Directive and, since then, the two Directives extending supervision on a consolidated basis and limiting the large exposures to be borne by a credit institution. This exercise involved highly complex discussions because of the need to re-examine all the previous standards drawn up to ensure solvency of the financial system, with a view to transposing them into rules which would guarantee the liquidity of transactions in the trading book.

The finalized Directive fulfils several aims simultaneously: it places an important element of financial services firmly on integrated bases that ensure equivalent treatment throughout the Community, guarantees equal protection for investors, brings about equivalent terms of competition between banks and securities houses and, lastly, increases Europe's attraction as a world financial centre.

The essential details of today's agreement are as follows:

Capital requirements imposed on investment firms:

While the second banking Directive laid down the amounts of initial capital required by credit institutions, the present Directive lays down three levels of initial capital which investment firms must possess when starting up, depending on the nature of the activities they are authorized to engage in:

- firms which neither hold their client's money nor are authorized to deal on own account: ECU 50 000;

- firms dealing on investors' orders: ECU 125 000;
- other firms: ECU 730 000.

These amounts are lower than those required of credit institutions because the activities of investment firms are concentrated on the trading book; investment firms are obliged to hold basic capital equivalent to three months' overhead expenses.

A temporary derogation is provided for firms in existence on the date of the Directive's entry into force to enable them to adjust their funds. A transitional solution has also been found for changes in partnerships in which one of the initial partners remains in the partnership and for transfers by inheritance.

As regards the setting up of the Committee to assist the Commission, the Council agreed to postpone taking a decision. There are still numerous problems concerning the setting up of this Committee, in particular the definition of its tasks, the relationship between these and the powers of the other existing committees (e.g. the Banking Advisory Committee set up in 1977 by the first banking Directive), the composition of its members and the complexity of the subject matter, which involves both banking and securities houses. A solution should be found during the next half-year.

Under the review clause it will be possible in a short time (within three years of entry into force) to take account of structural changes in the markets, in particular international markets.

- INVESTMENT SERVICES

Further to the conclusions of the European Council in Lisbon, the Council reached agreement in principle on the fundamental issues concerning the proposal for a Directive on investment services in the securities field, thus opening up the possibility of reaching a common position on this Directive once the outstanding technical matters have been resolved.

The Directive on investment services, together with the second banking Directive and the Directive on the capital adequacy of own funds, is one of the key elements in the establishment of the European financial area.

Once adopted, the Directive will enable investment firms of any Member State to engage in their activities throughout the Community after obtaining a single banking licence (the "European passport").

The main points on which the Council reached agreement in principle are:

- definition of a regulated market;
- rules governing the possibility for Member States to maintain the obligation to confine transactions to regulated markets;
- the minimum transparency rules to be complied with on regulated markets so as to guarantee investors an adequate level of protection;

- minimum obligations to be met by firms as regards the reporting of transactions;
- terms of access of natural persons to investment services;
- direct access by the banks to stock exchanges.

Following its discussions, the Council instructed the Permanent Representatives Committee to finalize the text with a view to the early adoption of its common position.

ABOLITION OF FISCAL FRONTIERS

On the basis of new compromise proposals from the Presidency, the Council re-examined the issues outstanding in the various sectors involved in the abolition of fiscal frontiers (VAT rates, excise duties on tobacco, mineral oils and alcoholic beverages, the VAT arrangements applicable to second-hand goods, works of art, collector's items and antiques, etc.). Despite the progress made, agreement could not be reached on all these matters.

The Council instructed the Permanent Representatives Committee to continue to seek an overall solution.

TAXATION OF ROAD TRANSPORT

After taking note of the Presidency report on progress in the matter, the Council confirmed its remit to the ad hoc Working Party, namely to pursue its discussions actively so that the Council could take a decision as soon as possible on the harmonization of taxation on vehicles.

The Council asked the Commission to submit as soon as possible, and in any case before the end of the year, a new proposal based on the new Commission approach, with particular reference to tolls and other levies and taking account of the work done so far by the ad hoc Working Party.

WITHHOLDING TAX ON INTEREST AND ROYALTIES

The Presidency informed the Council of progress on this proposal for a Directive.

The Council also heard an urgent plea from Mrs Scrivener, Member of the Commission, that the ad hoc Working Party on Company Taxation should continue its discussions on withholding tax on interest and royalties and on losses of permanent establishments and subsidiaries to enable the Directives in question to be adopted by the end of the year.

MISCELLANEOUS DECISIONS

New Mediterranean policy

The Council adopted all the Regulations, Decisions and provisions necessary for the implementation of the new Mediterranean policy, thereby rendering it fully operational.

Austria: quality wines

Following the exchange of letters approved by the Council on 1 June 1992 extending from 1 July 1992 to 30 June 1993 the EEC-Austria Agreement of 12 December 1988, the Council adopted the Regulation opening and providing for the administration of Community tariff quotas, for this further period, for certain quality wines and sparkling wines originating in Austria. The Regulation makes particular provision for the opening of two quotas of 85 000 hl (quality wines) and 2 000 hl (sparkling wines) respectively.

Relations with the countries of Central and Eastern Europe

The Council decided to proceed with the signing, subject to subsequent conclusion, of the exchanges of letters which the Commission has negotiated with Czechoslovakia and Hungary following the decision of these two countries to raise transit fees after the signing of the Europe Agreements and the Interim Agreements.

The new exchanges of letters amend the exchanges of letters signed on 16 December 1991 and make provision for a mutually acceptable cut in the price of transit authorizations; they also reaffirm more

clearly the Community's undertaking to seek, together with Hungary and Czechoslovakia, ways of financing improvements in the surface transport infrastructure of those countries.

Anti-dumping

The Council adopted the Regulation amending Regulation (EEC) No 1768/89 with regard to definitive anti-dumping duty on certain imports of video cassettes originating in Hong Kong. The purpose of the Regulation is to exempt a Hong Kong firm from definitive anti-dumping duty by replacing it with a variable duty for models intended for export to the Community.

Conclusion of a Euratom/United Kingdom/IAEA Safeguards Agreement pursuant to Additional Protocol No 1 to the Treaty of Tlatelolco

The Council adopted a Decision approving the conclusion of a Euratom/United Kingdom/IAEA ⁽¹⁾ Safeguards Agreement pursuant to Additional Protocol No 1 to the Treaty of Tlatelolco, which provides for the creation of a nuclear-weapon-free zone in Latin America.

The purpose of the Decision is to define, for territories located in the geographical zone referred to in the Treaty of Tlatelolco, for which the United Kingdom assumes international responsibility and to which the Euratom Treaty applies, safety monitoring arrangements and their application to all source and special fissionable material in the context of all peaceful nuclear activities.

(1) International Atomic Energy Agency.

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This Decision follows directly from the various Agreements concluded between EURATOM, the Member States and the IAEA in this area and the provisions contained in it will be implemented, in the main, in the event of such material being introduced into those territories as part of peaceful nuclear activities.

Monitoring and control of large exposures of credit institutions

The Council formally adopted its common position on the above Directive. The common position will be forwarded to the European Parliament for a second reading under the co-operation procedure.

The spreading of risks is a rule of financial activity designed to prevent default by one client from jeopardizing the existence of a credit institution and having repercussions on the system in general, given the extensive interdependence of the financial markets. It is an important monitoring rule which requires a considerable degree of harmonization so as to obviate any source of disparity of treatment.

The limit has initially been fixed at 40% of own funds; following a transitional period, it will be reduced to 25% for the final period.

However, large exposures must be reported to the authorities as soon as they reach 10% of own funds. The reporting frequency (2 or 4 times a year) has been laid down according to precise criteria.

The total of large exposures may not exceed 800% of the own funds of the credit institution concerned.

The Directive lays down a very precise series of exemptions based on criteria the relevance of which has been thoroughly analysed.

It introduces a conciliation procedure designed to ensure smooth application of the rules once they have been transposed into domestic legislation and to provide for the technical adjustments needed to take account both of changes in the markets and commitments at international level.

Direct life assurance

Following the Opinion delivered at first reading by the European Parliament on 10 June 1992, the Council drew up its common position with a view to the adoption of the Directive on the co-ordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance Directive).

The purpose of the Directive is to supplement the two Directives on life assurance already adopted and, in parallel with the third non-life Directive, to introduce the following principles:

- co-ordination of the fundamental rules governing prudential and financial controls;
- mutual recognition of authorizations concerning insurance undertakings and prudential control systems in force in the various Member States;
- the grant of a single authorization valid throughout the Community and supervision of all the activities of an undertaking by the Member State of origin.

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Completion of the internal market for commercial policy in the textile and clothing sector

The Council agreed in principle to the guidelines laid down in the Commission communication to the Council on the implications of completion of the internal market for commercial policy in the textile and clothing sector. This communication represents a significant step towards completion of the single market.

The purpose of the communication is to indicate the various factors to be taken into account in commercial policy on textiles by reason of the completion of the internal market. It states the line which will be followed by the Commission in order to achieve the aim of ending discrepancies in import arrangements irrespective of the Member State where imports enter the Community.

Regarding the main points raised in this communication, the Commission considers that:

- the regional allocation of Community quotas should be abolished by 1 January 1993;
- the regional limits introduced in respect of one or more Member States should disappear in the absence of a Community quota; a decision on the latter should be taken case-by-case according to standard Community procedures;
- regional OPT quotas should be replaced by a system of Community quotas which would not be allocated between Member States and the rules for implementing Regulation No 636/82 should be harmonized;

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- monitoring of Community quotas requires the various offices responsible for managing them in the Member States to set up a computerized network to guarantee the information needed on all operations everywhere at all times. The Commission has already begun work on setting up this network.

The operational measures needed to put these guidelines into practice will be proposed by the Council and discussed either during preparations for the renewal of the bilateral agreements or as and when the various deadlines become clearer.

PRESS RELEASE

7461/92 (Presse 133)

1596th Council meeting

- AGRICULTURE -

Luxembourg, 30 June 1992

President: Mr Arlindo CUNHA,

Minister for Agriculture of
the Portuguese Republic

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

Belgium:

Mr André BOURGEOIS Minister for Agriculture

Denmark:

Mr Laurits TOERNAES Minister for Agriculture

Mr Nils BERNSTEIN State Secretary for Agriculture

Germany:

Mr Ignaz KIECHLE Federal Minister for Food,
Agriculture and Forestry

Mr Walter KITTEL State Secretary, Federal Ministry of
Food, Agriculture and Forestry

Greece:

Mr Sotirios HATZIGAKIS Minister for Agriculture

Spain:

Mr Pedro SOLBES MIRA Minister for Agriculture

France:

Mr Louis MERMAZ Minister for Agriculture

Ireland:

Mr Joe WALSH Minister for Agriculture

Italy:

Mr Giovanni FONTANA

Minister for Agriculture

Luxembourg:

Mr René STEICHEN

Minister for Agriculture and
Viticulture

Netherlands:

Mr Piet BUKMAN

Minister for Agriculture, Nature
Conservation and Fisheries

Portugal:

Mr Arlindo CUNHA

Minister for Agriculture

Mr Alvaro AMARO

State Secretary, Minister of
Agriculture

United Kingdom:

Mr John GUMMER

Minister of Agriculture, Fisheries
and Food

Commission:

Mr Ray MAC SHARRY

Member

- REFORM OF THE COMMON AGRICULTURAL POLICY
- AGRICULTURAL PRICES FOR THE 1992/1993 MARKETING YEAR

Following the political agreement reached on 21 May 1992 on reform of the common agricultural policy and on the fixing of agricultural prices and related measures for the 1992/1993 marketing year (see press release 6539/92 Presse 85), the Council adopted all the Regulations translating that political agreement into law.

With regard to reform of the common agricultural policy, the Regulations are as follows:

(a) arable crops

- establishing a support system for producers of certain arable crops,
- on the common organization of the market in cereals,
- amending Regulation (EEC) No 2727/75 on the common organization of the market in cereals,
- amending Regulation (EEC) No 762/89 introducing a specific measure for certain grain legumes,
- on the percentage to be used to calculate the aid for dried fodder for the 1993/1994 marketing year;

(b) beef and veal

- amending Regulation (EEC) No 805/68 on the common organization

of the market in beef and veal and repealing Regulation (EEC) No 468/87 laying down general rules applying to the special premium for beef producers and Regulation (EEC) No 1357/80 introducing a system of premiums for maintaining suckler cows,

- on measures to promote and market quality beef and veal,
- fixing, for the period from 1 July 1993 to 30 June 1996, intervention prices for adult bovine animals;

(c) sheepmeat and goatmeat

- amending Regulation (EEC) No 3013/89 on the common organization of the market in sheepmeat and goatmeat,
- amending Regulation (EEC) No 3493/90 laying down general rules for the grant of premiums to sheepmeat and goatmeat producers;

(d) milk

- fixing the target price for milk and the intervention prices for butter, skimmed-milk powder and Grana padano and Parmigiano Reggiano cheeses for two annual periods from 1 July 1993 to 30 June 1995,
- on promoting consumption in the Community and expanding the markets for milk and milk products,
- amending Regulation (EEC) No 804/68 on the common organisation

of the market in milk and milk products,

- establishing an additional levy in the milk and milk products sector;

(e) tobacco

- on the common organization of the market in raw tobacco,
- fixing the premiums for leaf tobacco by group of tobacco varieties and the processing quotas allocated by group of varieties and by Member State,
- concerning inter-branch organizations and agreements in the tobacco sector;

(f) accompanying measures

- on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside,
- instituting a Community aid scheme for forestry measures in agriculture,
- instituting a Community aid scheme for early retirement from farming.

(g) transitional national compensation for farmers in Germany

The Council adopted a Decision on temporary compensation for farmers in Germany.

With regard to agricultural prices for the 1992/1993 marketing year, the Council adopted Regulations:

(a) cereals - rice

- fixing the prices applicable to cereals for the 1992/1993 marketing year,
- fixing for the 1992/1993 marketing year the amount of aid for durum wheat,
- fixing the specific aid applicable in Portugal for cereals during the 1992/1993 marketing year,
- fixing the monthly price increases for cereals, wheat and rye flour and wheat groats and meal for the 1992/1993 marketing year,
- fixing the production aid for certain cereals sown in the 1992/1993 marketing year,
- amending Regulation (EEC) No 1008/86 laying down detailed rules for production refunds applicable to potato starch,
- fixing the minimum price for potatoes to be paid by the starch manufacturer to the potato producer for the 1992/1993 cereals marketing year,
- fixing rice prices for the 1992/1993 marketing year,

- fixing the monthly price increases for paddy rice and husked rice for the 1992/1993 marketing year;

(b) sugar

- fixing, for the 1992/1993 marketing year, certain sugar prices and the standard quality of beet,
- fixing, for the 1992/1993 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, the threshold prices, the amount of compensation for storage costs and the prices to be applied in Spain and Portugal;

(c) olive oil - oilseeds

- amending Regulation No 136/66/EEC on the establishment of a common organization of the market in oils and fats,
- fixing the prices, aids and percentages of aid to be retained in the olive-oil sector for the 1992/1993 marketing year,
- fixing the guide price for flax seed for the 1992/1993 marketing year,
- amending Regulation (EEC) No 569/76 laying down special measures for flax seed,
- amending Regulation (EEC) No 3698/88 laying down special measures for hemp seed,

- fixing the aid for hemp seed for the 1992/1993 marketing year;

(d) textiles

- adjusting, for the second time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece,
- amending Regulation (EEC) No 2169/81 laying down the general rules for the system of aid for cotton,
- amending Regulation (EEC) No 1152/90 instituting a system of aid in favour of small cotton producers,
- fixing the guide price for unginmed cotton for the 1992/1993 marketing year,
- fixing the minimum price for unginmed cotton for the 1992/1993 marketing year,
- amending Regulation (EEC) No 1308/70 on the common organization of the market in flax and hemp,
- fixing the amounts of aid for fibre flax and hemp and the amount withheld to finance measures to promote the use of flax fibre for the 1992/1993 marketing year,
- amending Regulation (EEC) No 845/72 laying down special measures to encourage silkworm rearing,

- fixing the amount of aid in respect of silkworms for the 1992/1993 rearing year;

(e) protein products

- amending Regulation (EEC) No 1431/82 laying down special measures for peas, field beans and sweet lupins,
- fixing, for the 1992/1993 marketing year, the activating threshold price for aid, the guide price and the minimum price for peas, field beans and sweet lupins,
- fixing, for the 1992/1993 marketing year, the monthly increases in the activating threshold price and the guide price for peas and field beans,
- amending Regulation (EEC) No 762/89 introducing a specific measure for certain grain legumes;

(f) fruit and vegetable

- amending Regulations (EEC) No 1035/72 and No 1121/89 as regards the intervention thresholds mechanism for fresh fruit and vegetables,
- amending Regulation (EEC) No 989/84 introducing a system of guarantee thresholds for certain processed fruit and vegetable products;

(g) wine

- amending Regulation (EEC) No 822/87 on the common organization of the market in wine,
- fixing the guide prices for wine for the 1992/1993 wine year,
- amending Regulation (EEC) No 2046/89 laying down general rules for distillation operations involving wine and the by-products of wine-making,
- amending Regulation (EEC) No 358/79 as regards sparkling wines produced in the Community as defined in point 15 of Annex I to Regulation (EEC) No 4252/88 on the preparation and marketing of liqueur wines produced in the Community;

(h) tobacco

- laying down special measures for certain varieties of raw tobacco from the 1992 harvest,
- fixing, for the 1992 harvest, the norm and intervention prices and the premiums granted to purchasers of leaf tobacco, the derived intervention prices for baled tobacco, the reference qualities, and the production areas;

(i) beef and veal

- derogating, for the period during which application for 1992/1993 may be lodged, from Regulation (EEC) No 1357/80 introducing a system of premiums for maintaining

suckler cows;

(j) sheepmeat and goatmeat

- fixing the basic price, and the seasonal adjustments to the basic price, for sheepmeat for the 1993 marketing year;

(k) pigmeat

- fixing the basic price and the standard quality for pig carcasses for the period 1 July 1992 to 30 June 1993.

FOOD QUALITY

The Council agreed to instruct the SCA to examine certain parts of this dossier in greater detail so that it could adopt the Regulations in question at its next meeting.

OTHER DECISIONS ON AGRICULTURE

The Council

- adopted the Regulation amending Regulation (EEC) No 1442/88 on the granting, for the 1988/1989 to 1995/1996 wine years, of permanent abandonment premiums in respect of wine-growing areas. This modifies the ways in which the permanent abandonment of wine-growing areas is entered in the accounts for the 1988/1989 and 1989/1990 wine years.
- adopted the Directive amending Directive 90/425/EEC concerning veterinary and zootechnical checks applicable to trade in certain live animals and products with a view to the completion of the internal market (Political position established by the Council on 15/16 June 1992. See press release 7274/92 Presse 116).

VARIOUS DECISIONS

Customs union

The Council adopted Regulations

- opening and providing for the administration (from 1 July to 31 December 1992) of Community tariff quotas for quality wines produced in the specified regions of Jerez (455 964 hl - tariff quotas ECU 0,8 to 0,9 per hl), Malaga (5 713 hl - ECU 1,2 to 1,4 per hl) and Jumilla, Priorato, Rioja and Valdepeñas (11 393 hl - ECU 1,2 to 1,8 per hl);

- opening and providing for the administration (from 1 July to 31 December 1992) of Community tariff quotas for hake fillets (5 000 tonnes - quota 10%) and for processing work in respect of certain textile products under Community outward processing arrangements (quota volume ECU 1 870 000 added value);
- opening and providing for the administration of Community tariff quotas for certain industrial products (4th series 1992);
- increasing the volume of the Community tariff quota for newsprint from Canada for 1992;
- amending Regulation (EEC) No 3905/91 opening and providing for the administration of Community tariff quotas for certain industrial products (1st series 1992).

Intellectual property

The Council and the Commission adopted a joint statement on aspects relating to intellectual property in scientific co-operation agreements concluded between the Community and third countries.

The purpose of this statement is to establish a consistent approach to the problems of intellectual property, to be used in negotiations with third countries.

Commercial and distributive enterprises

The Council adopted the conclusions below.

COUNCIL CONCLUSIONS
ON COMMUNITY ACTION TO ASSIST COMMERCIAL
AND DISTRIBUTIVE ENTERPRISES, INCLUDING SMALL AND MEDIUM-SIZED
ENTERPRISES

The Council of the European Communities,

Having regard to the Treaty establishing the European Communities,

Having regard to Council Resolution 89/C 297/02 of 14 November 1989 on internal trade in the context of the internal market ⁽¹⁾,

Having regard to the Commission communication entitled: "Towards a single market in distribution: internal trade in the Community, the commercial sector and the completion of the internal market" ⁽²⁾,

Having regard to the Opinion of the Economic and Social Committee on the Commission communication entitled: "Towards a single market in distribution" ⁽³⁾,

Having regard to Council Decision 89/490/EEC of 28 July 1989 on the improvement of the business environment and the promotion of the development of enterprises, and in particular small and medium-sized enterprises, in the Community ⁽⁴⁾, as amended by Council Decision 91/319/EEC of 18 June 1991 ⁽⁵⁾,

Taking into account the discussions during the Interministerial Conference held in Alvor (Portugal) on 11 May 1992,

1. notes that the Commission has responded to the brief given to it by submitting in its communication entitled: "Towards a single market in distribution" a work programme broadly corresponding to the expectations voiced by the Council in Resolution 89/C 297/02, and states its intention of examining it further within the Council,

(1) OJ No C 297/2, 25.11.1989

(2) COM(91) 41 final, 16.4.1991

(3) OJ No C 14/39, 20.1.1992

(4) OJ No L 239, 16.8.1989

(5) OJ No L 175/32, 4.7.1991

2. emphasizes the importance of trade in the context of the process of convergence of the European economy and in the completion of the internal market and in the industrial field,

notes the role of trade in maintaining the economic and social cohesion of less-developed regions and of urban or rural areas undergoing change,

recognizes the diversity of the distribution structures in the different Member States, bearing in mind the local nature of trade, and underlines in this context the importance of balance between the various components while complying with the principle of subsidiarity,

3. stresses an open and competitive environment for the development of commercial enterprises, and notes in this context the work done by the Advisory Committee on Commerce and Distribution, set up by Commission Decision ⁽⁶⁾, and in particular its contribution as regards self-regulation, through the development of codes of conduct,

invites the Commission to continue discussions on codes of conduct in consultation with the Member States and the business circles concerned,

4. notes the role which may be played by the boosting of technology absorption capacity and training in improving the competitiveness of commercial enterprises,

notes the need to improve the financial structure of small and medium-sized commercial enterprises to ensure their competitiveness in the internal market,

emphasizes the existence of Community instruments capable of meeting this need and of improving the open and competitive business environment, in particular the structural funds and Community training programmes, as well as the Community programme to assist enterprises, in particular small and medium-sized enterprises,

invites the Commission in its further consideration of the financing of enterprises to take into account also the problems of financing small and medium-sized commercial enterprises,

stresses the importance of a favourable institutional framework for commercial and distributive small and medium-sized undertakings.

(6) OJ No L 165, 23.6.1981

5. notes in the context of the absorption of technology the interest aroused in the circles concerned by pilot projects launched under the "COMM2000" project to strengthen links between commercial enterprises and between small and medium-sized commercial enterprises and their economic partners ⁽⁷⁾,

requests the Commission to submit to it as soon as possible a preliminary assessment of measures initiated under the "COMM2000" project, including the way in which the programme has facilitated the dissemination of the technologies concerned in the commercial sector,

calls upon the Commission to pursue its consideration of Community action to assist trade and small and medium-sized enterprises and to submit a regular report to the Council accompanied, if required, by any proposals it deems necessary to ensure the continuity of such action.

Type-approval of two- or three-wheeled motor vehicles

Further to the common position adopted at its meeting on 25 February 1992 and the completion of the co-operation procedure with the European Parliament, the Council adopted the Directive relating to Community type-approval of two- or three-wheeled motor vehicles. The purpose of this Directive is to achieve complete harmonization, with regard to construction regulations, of 2- or 3-wheeled motor vehicles. The approach proposed is similar to that used for automobiles, lorries and agricultural tractors, an approach based on a procedure of type-approval by type of vehicle and approval of the various components.

The Directive will constitute a framework establishing the procedures on the basis of which type-approval will be given to two- or three- wheeled vehicles, and approval given to their components. The technical regulations proper will be the subject of individual Regulations which the Commission hopes to submit to the Council in the course of 1992.

(7) OJ No S 151/64, 10.8.1991

ECSC

The Council gave its assent to the Commission Decision regarding as compatible the aid intended for Denmark and the Netherlands to reduce the tax burden on steel undertakings resulting from the introduction of a tax on carbon-dioxide emissions.

Appointments

The Council

- appointed members and alternate members of the Advisory Committee on Pharmaceutical Training;
 - replaced two members of the Advisory Committee on Education and Training in the field of Architecture.
-