

# Bulletin of the European Communities

Commission



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# **Bulletin of the European Communities**

**Commission**

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Standardized abbreviations for the designation of certain monetary units in the different languages of the Community:

E $\overline{C}$ U	= European currency unit
BFR	= Belgische frank / Franc belge
DKR	= Dansk krone
DM	= Deutsche Mark
DR	= Greek drachma
ESC	= Escudo
FF	= Franc français
HFL	= Nederlandse gulden (Hollandse florijn)
IRL	= Irish pound / punt
LFR	= Franc luxembourgeois
LIT	= Lira italiana
PTA	= Peseta
UKL	= Pound sterling
USD	= United States dollar

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# I — Birmingham European Council

## **Birmingham, 16 October**

*1.1.* The special meeting of Heads of State or Government held in Birmingham on 16 October was chaired by Mr John Major, President of the Council and Prime Minister of the United Kingdom. It was preceded by a statement by Mr Klepsch, President of the European Parliament, who reviewed the main items on the summit agenda. He called in particular for the rapid convening of an interinstitutional conference on subsidiarity to prepare the ground for the Edinburgh European Council and also proposed an early meeting of the Conference of the Parliaments of the Union as a signal of transparency and democracy to the public at large. Mr Klepsch also stressed the need for an interinstitutional agreement on the Delors II package.

The main aim of this special summit, convened against the difficult background of monetary upheaval and public concern about ratification of the Treaty on European Union, was to convey a message of confidence in the continuation of the Community venture and of economic recovery, as well as in the opening-up of the Community to the rest of the world.

The Heads of State or Government once again stressed that it was important for the ratification process to be completed as quickly as possible, without altering the text of the Treaty, and that the Community should continue to develop as Twelve, while respecting the identity and diversity of the Member States. Much of the proceedings was devoted to reassuring a concerned public by focusing on transparency, subsidiarity and democracy. In the Birmingham Declaration adopted at the end of their discussion, the Heads of State or Government stressed their determination to respond to public concern by demonstrating more clearly the benefits of Community integration, notably by increasing the visibility of institutional proceedings, extending the role of

the national parliaments and bringing to life the principle of subsidiarity incorporated in the Union Treaty.

On the question of economic and monetary cooperation the Heads of State or Government called on Member States to continue their policies for reducing inflation, to implement programmes for controlling budget deficits, to introduce open market policies and to strengthen the process of economic convergence.

They also reaffirmed the need for a fair and successful Uruguay Round agreement which would give a non-inflationary boost to the world economy.

Concerned by the scale of the tragedy unfolding in the former Yugoslavia, the Heads of State or Government decided to speed up Community assistance, with ECU 213 million ready for immediate disbursement, and to establish a task force to support the efforts of the United Nations High Commissioner for Refugees to deliver humanitarian aid to the former Yugoslav republics. The European Council also stressed the importance of rapid deployment of the UN Protection Force (Unprofor II) and the need to maintain economic sanctions. It also called for the rapid deployment of UN troops to the problem areas of Somalia and noted the contribution being made by the Community and its Member States to relieve the crisis there.

## **Conclusions of the Presidency**

*1.2.* The European Council heard a statement by Mr Klepsch, President of the European Parliament, on the main questions under discussion by the European Council.

## The Maastricht Treaty

*1.3.* The European Council reviewed progress on ratification of the Treaty on European Union signed on 7 February and reaffirmed the importance of concluding the process as soon as possible, without reopening the present text, on the timing foreseen in Article R of the Treaty. It agreed that the Community must develop together as Twelve, on the basis of the Maastricht Treaty, while respecting, as the Treaty does, the identity and diversity of Member States.

*1.4.* After a full discussion on bringing the Community closer to its citizens, the European Council agreed the attached Declaration (Annex I). It noted the Danish White Paper and welcomed the Danish Government's intention to present within the next few weeks ideas on the way forward. It asked Foreign Ministers to examine these ideas and to report on them to the Edinburgh European Council, with a view to agreement there on the framework for a solution. The European Council heard a presentation from the President of the Commission and asked him to elaborate the proposals he had made, and to present a report thereon to the Edinburgh European Council.

## Economic and monetary cooperation

*1.5.* The Heads of State or Government agreed that Member States face common economic challenges, and were concerned at lower growth and increasing unemployment. Strong coordination at the Community level will help to ensure that the economy of each Member State is strengthened by the success of other Member States. It is important for Member States to continue policies to reduce inflation; to carry through programmes for controlling budget deficits; and to improve the efficiency of their economies through open market policies. Firm and sustained implementation of these policies establishes the basis for recovery, for social and economic cohesion, and for the creation of the new and lasting jobs that are needed.

The European Council underlined the importance in this context of reinforcing the convergence process among the Member States' economies, which is crucial for maintaining monetary stability and for creating the framework for sustainable growth and rising employment. Strict adherence to the principles of sound economic management, as set out in convergence programmes, formulated by Member

States so as to fulfil the criteria set out in the Maastricht Treaty in order to realize the movement towards economic and monetary union, would enable the Community to meet its objective of proceeding together in its development. The European Council reiterated too its commitment to the European Monetary System as a key factor of economic stability and prosperity in Europe.

The European Council endorsed the view of the Economic and Finance Ministers that the recent financial turbulence calls for reflection and analysis in the light of developments in capital markets and in the European and world monetary systems. It invited the Economic and Finance Ministers, assisted by the Monetary Committee and with the involvement of the Commission, to carry this work forward with the Central Bank Governors. It should cover recent economic and financial developments within Europe and in the major industrialized countries as well as the implications of changes in the general economic and financial environment in recent years, notably the impact of the increasing size and sophistication of financial markets and greater capital liberalization.

## Uruguay Round (GATT)

*1.6.* The European Council reaffirms the importance of a fair and successful GATT agreement for strengthening the multilateral trading systems and increasing trade flows. This would give a non-inflationary boost to the world economy and would benefit industrialized and developing countries.

The European Council heard a report by Vice-President Andriessen on current EC/US talks, indicating that, while gaps remained, real progress had been made. It invited the Commission to work within its existing mandate for an early, comprehensive and balanced GATT agreement by the end of the year, in the interests of the Community and of the world economy, as well as for an early settlement on oil-seeds.

## Yugoslavia and Somalia

*1.7.* The European Council adopted the declarations in Annexes II and III of this document.

## *Annex I*

### **Birmingham Declaration — A community close to its citizens**

- Reference:** Commission communication on the principle of subsidiarity: point 1.1.1 of this Bulletin

1.8. We reaffirm our commitment to the Maastricht Treaty: we need to ratify it to make progress towards European Union if the Community is to remain an anchor of stability and prosperity in a rapidly changing continent, building on its success over the last quarter of a century.

As a community of democracies, we can only move forward with the support of our citizens. We are determined to respond to the concerns raised in the recent public debate. We must:

- demonstrate to our citizens the benefits of the Community and the Maastricht Treaty;
- make the Community more open, to ensure a better informed public debate on its activities;
- respect the history, culture and traditions of individual nations, with a clearer understanding of what Member States should do and what needs to be done by the Community;
- make clear that citizenship of the Union brings our citizens additional rights and protection without in any way taking the place of their national citizenship.

Foreign Ministers will suggest ways, before the Edinburgh European Council, of opening up the work of the Community's institutions, including the possibility of some open Council discussion — for example on future work programmes. We welcome the Commission's offer to consult more widely before proposing legislation, which could include consultation with all the Member States and a more systematic use of consultation documents (Green Papers). We ask the Commission to complete by early next year its work on improving public access to the information available to it and to other Community institutions. We want Community legislation to become simpler and clearer.

We stress the European Parliament's important role in the democratic life of the Community and we welcome the growing contacts between national parliaments and the European Parliament. We reaffirm that national parliaments should be more closely involved in the Community's activities. We shall discuss this with our parliaments. We welcome the Commission's readiness to respond positively to

requests from national parliaments for explanations of its proposals. We underline the importance we attach to the Conference of Parliaments and to the Committee of the Regions.

We reaffirm that decisions must be taken as closely as possible to the citizen. Greater unity can be achieved without excessive centralization. It is for each Member State to decide how its powers should be exercised domestically. The Community can only act where Member States have given it the power to do so in the Treaties. Action at the Community level should happen only when proper and necessary: the Maastricht Treaty provides the right framework and objectives for this. Bringing to life this principle — 'subsidiarity', or 'nearness' — is essential if the Community is to develop with the support of its citizens. We look forward to decisions at Edinburgh on the basis of reports on:

- adapting the Council's procedures and practices — as the Commission for its part has already done — so that the principle becomes an integral part of the Community's decision-making, as the Maastricht Treaty requires;
- guidelines for applying the principle in practice, for instance by using the lightest possible form of legislation, with maximum freedom for Member States on how best to achieve the objective in question. Community legislation must be implemented and enforced effectively, and without interfering unnecessarily in the daily life of our citizens.

We shall also have a look at the first fruits of the Commission's review of past Community legislation with examples.

Making the principle of subsidiarity work should be a priority for all the Community institutions, without affecting the balance between them. We will seek an agreement about this with the European Parliament.

The Maastricht Treaty will bring direct benefits to individual citizens. All of us — Council, Commission and Parliament — must do more to make this clear.

The European Council, in conformity with the responsibilities given to it by the Treaty, will ensure that the fundamental principles of the European Union will be fully observed.

## *Annex II*

### **Declaration on former Yugoslavia**

- References:**

Commission decision on the commitment of ECU 120 million in humanitarian aid for refugees and

displaced persons in what was formerly Yugoslavia:  
Bull. EC 7/8-1992, point 1.4.18

Commission decision on the commitment of a further ECU 120 million in humanitarian aid:  
point 1.4.22 of this Bulletin

*I.9.* The European Council agreed that immediate and decisive action was needed in the face of the impending major human tragedy in former Yugoslavia as winter approached. It underlined the importance of providing winter shelter and zones of safety for refugees, and of ensuring the delivery of relief supplies, as highlighted in the Commission's action plan. It decided that:

the Community will speed up EC assistance, for which ECU 213 million is ready for immediate disbursement, including on 120 000 tons of foodstuffs, and on medicines, shelter and 40 trucks;

Member States will immediately provide further staff and resources, practical and financial, to strengthen UNHCR's capacity;

the Community and its Member States will immediately establish a task force to support the efforts of the UNHCR to deliver humanitarian aid to the former Yugoslav republics;

in order to increase the effectiveness of such humanitarian assistance, the European Council called on the UNHCR to set up:

— next week, a meeting of technical experts on emergency aid to ensure the practical provision of immediate assistance;

— next month, a stocktaking conference, to assess the effectiveness of the operation, and recommend further measures.

Each member of the European Council will appoint a personal representative to supervise this work.

The European Council called on other international donors to make a commensurate effort to support the UNHCR appeal and to speed up the delivery of assistance under existing pledges.

The European Council condemned the continuing widespread violence and cruelty and the savage breaches of international humanitarian law in the former Yugoslavia which have caused this human suffering and are now the main constraint on the delivery of essential aid. It noted the unacceptable fact that commitments made at the London Conference had not been put into effect. The European Council expressed its full support for the unremitting efforts of Lord Owen and Mr Vance to bring about an end to hostilities and a peaceful settlement and to secure the implementation of the agreements already reached.

The European Council strongly endorsed the recent UN Security Council resolutions on the Prevlaka Peninsula, war crimes and a no-fly zone. It underlined the importance of the rapid deployment of forces now under way under Unprofor II, to which a number of Member States were contributing, for humanitarian convoy protection and the escort of detainees from camps. It reaffirmed that sanctions measures and the arms embargo should be maintained.

The European Council discussed the dangerous situation in Kosovo and urged all parties concerned to exercise restraint and negotiate constructively in the current discussions. It endorsed the work of the International Conference and the long-term CSCE mission of Ambassador Boegh.

In the light of the deteriorating economic situation in the former Yugoslav republic of Macedonia, the European Council stressed the need for appropriate measures to prevent this republic from bearing the unintended consequences of UN sanctions.

The European Council noted the recent undertaking by the Bosnian Serbs to remove their military aircraft into Serbia and agreed that in case of violations of UN Security Council Resolution 781 the Security Council should be asked to consider urgently the further measures necessary to enforce the ban on military flights.

### *Annex III*

#### **Declaration on Somalia**

**Reference:** Geneva Conference on aid for Somalia:  
point 1.4.39 of this Bulletin

*I.10.* The European Council expressed its deep concern over the appalling situation in Somalia and the continuing deaths and starvation. It condemned the renewed fighting and called on the parties involved to observe an immediate ceasefire to allow the rapid distribution of aid to the people in desperate need.

It expressed its full support for the efforts of Ambassador Sahnoun on behalf of the United Nations to achieve a national reconciliation as the basis for a peaceful solution, and for the Belgian contribution to the UN force. It welcomed the outcome of the UN Conference in Geneva on 12 and 13 October, and the creation of a 100-day programme to deliver aid to the worst affected areas. The European Council notes the contribution being provided by the Community and its Member States

to relieve the crisis: in addition to other aid, over 100 000 tonnes of food aid has already been delivered and a similar quantity is being sent. Member States are also contributing some ECU 100 million bilaterally.

The European Council called for the rapid deployment of UN troops to the areas where they are needed. It asked the Presidency to consult the UN Secretary-General on ways and means to expedite these deployments.



# **PART ONE**

**ACTIVITIES  
IN OCTOBER 1992**

# News in brief

## **European Union**

- The Commission adopts a communication on the principle of subsidiarity (→ point 1.1.4).
- Italy ratifies the Treaty on European Union (→ point 1.1.5).

## **Delors II package: structural and financial measures 1993-97**

- The Council adopts conclusions on the budgetary treatment of Community loan guarantees to non-member States (→ point 1.2.1).

## **The single market and the Community economic and social area**

### *Internal market*

- The Council adopts eight Directives and one Decision concerning the approximation of VAT rates and excise duties (→ points 1.3.8 to 1.3.17).
- The Council adopts a Regulation establishing the Community Customs Code (→ point 1.3.18).
- The Commission adopts a communication on intellectual property rights and standardization (→ point 1.3.19).
- The report of the high-level group on the operation of the internal market is transmitted to the Council, Parliament and the Economic and Social Committee (→ point 1.3.20).

### *Enterprise policy, industrial policy and services*

- The Commission adopts a report on administrative simplification in the Community (→ point 1.3.62).

### *Telecommunications, information services and industry*

- The Commission adopts a report on the situation in the telecommunications services sector (→ point 1.3.67).

### *Transport*

- The Commission adopts a communication on relations with third countries in air transport and a proposal for a Decision on a consultation and authorization procedure for agreements concerning trade relations between Member States and third countries in the field of civil aviation (→ point 1.3.68).



### *Energy*

The Council adopts conclusions on the operation of Euratom safeguards (→ point 1.3.73).

### *Social dimension*

The Council adopts a Directive concerning measures to encourage improvements in the safety and health of pregnant workers, women workers who have recently given birth and those who are breastfeeding (→ point 1.3.77).

### *Economic and social cohesion: structural measures*

The Commission adopts its 1991 annual report on the implementation of the reform of the structural Funds (→ point 1.3.89).

The Commission approves a draft Decision on the Community support frameworks for Objectives 3 and 4 for 1993 (→ point 1.3.90).

### *Environment*

The Council agrees a proposal for a Regulation on the supervision and control of shipments of waste within, into and out of the European Community (→ point 1.3.99).

### *Fisheries*

The Commission adopts a proposal for a Regulation establishing a Community system for fisheries and aquaculture (→ point 1.3.155).

The Council agrees a proposal for a Regulation on the common organization of the market in fishery products (→ point 1.3.169).

The Commission adopts price proposals for the 1993 fishing year (→ point 1.3.157).

### *A people's Europe*

The Commission adopts an amended proposal for a Directive on the protection of personal data (→ point 1.3.177).

### **The role of the Community in the world**

#### *European Free Trade Association*

Parliament gives its assent to the Agreement establishing the European Economic Area (→ point 1.4.1).

*Central and Eastern Europe and the independent States of the former Soviet Union*

- A meeting of the Heads of State of the Visegrad and European Community countries is held in London (→ point 1.4.7), preceded by a meeting of Foreign Ministers in Luxembourg (→ point 1.4.6).
- A conference on the coordination of assistance to the new independent States of the former Soviet Union is held in Tokyo (→ point 1.4.8).

*Mediterranean and Middle East*

- Further emergency aid is granted for victims of the fighting in the former Yugoslavia (→ point 1.4.23).

*Asia and Latin America*

- The annual EEC-Asean ministerial meeting is held in Manila (→ point 1.4.33).

*ACP countries and OCTs*

- A conference of aid donors for Somalia is held in Geneva (→ point 1.4.39).

*Commercial policy*

- The Council adopts conclusions on the extension of the Multifibre Arrangement (→ point 1.4.56).

# 1. European Union

## **Birmingham European Council**

*1.1.1.* The European Council reaffirmed the importance of completing the ratification process as quickly as possible, without altering the text of the Treaty. It agreed that the Community should continue to develop as Twelve, while respecting the interests and diversity of the Member States, and stressed its determination to respond to public concern by focusing on transparency, subsidiarity and democracy (→ point I.1).

*1.1.2.* Parliament resolution on the state of European Union and ratification of the Maasticht Treaty.

*Adopted on 14 October.* On the eve of the European Council to be held in Luxembourg on 16 October, Parliament appealed to the Heads of State or Government to increase transparency and strengthen democracy in the Community, calling in particular for public deliberations of the Council acting in its legislative capacity, simplification of the comitology rules, and the consolidation of Community law. It urged the Member States to convene a new intergovernmental conference before the next scheduled date in 1996, with a mandate to make good the democratic deficit. It also stressed the need for an interinstitutional conference on subsidiarity and proposed the convening of a meeting of the Conference of the Parliaments of the Union.

OJ C 305, 23.11.1992

*1.1.3.* Parliament resolution on the European Council in Birmingham on 16 October.

*Adopted on 28 October.* Although it welcomed the Birmingham Declaration as a first step towards greater transparency and democracy, Parliament regretted that the European Council had postponed discussion of the actual measures to be taken until the Edinburgh summit. It reiterated its determination to work more closely with the national parliaments and

welcomed the fact that its call for an interinstitutional conference on subsidiarity had been taken into account.

OJ C 305, 23.11.1992

## **Application of the principle of subsidiarity**

*1.1.4.* Commission communication to the Council and Parliament on the principle of subsidiarity.

*Adopted on 27 October.* With this communication (reproduced in full in the Documentation Section) and the detailed analysis annexed to it (→ point 2.2.1), the Commission hopes to make a constructive contribution to the debate on implementation of the principle of subsidiarity, as set out in Article 3b of the Treaty on European Union. In it the Commission examines the scope and rules for the application of subsidiarity in relation to the preparation of Community action, the management of Community policies and the supervision of Community activities.

With regard to the preparation of Community action, the Commission takes Article 3b of the Treaty on European Union to mean that, in areas which do not fall within its exclusive competence, the Community must act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States. Implicit in this is the idea of an 'efficiency test' to determine whether it would be better for the action to be taken by the Community or the Member States. If it is decided that action at Community level is more appropriate, the question of the intensity and nature of the action must then be considered. At this point the principle of proportionality comes into play. This principle, already established in the case-law of the Court of Justice, also applies to areas which fall within the exclusive competence of the Community.

With regard to the management of Community action, the Commission will continue to look more closely at the types of action which could be decentralized and the checks and follow-up procedures for which it might have to remain directly responsible.

As to the supervision of Community activities, the Commission feels a distinction should be made between areas involving Community funding — where the Commission has budgetary obligations to fulfil — and areas where there is no financial element — where the possibility of devolving control must be considered provided the necessary structures are available in the Member States.

## **Procedures for the ratification of the Maastricht Treaty**

### *Italy*

#### *1.1.5. Vote by the Italian Parliament.*

On 26 October the Chamber of Deputies approved the Treaty on European Union, with 423 votes in favour and 46 against. The Senate had already approved the Treaty by 176 votes to 16 on 17 September.

## 2. Delors II package: structural and financial measures 1993-97

1.2.1. Council conclusions on the budgetary treatment of Community loan guarantees to non-member States.

□ **References:**

Commission communication to the Council, 'From the Single Act to Maastricht and beyond: the means to match our ambitions': COM(92) 2000; Bull. EC 1/2-1992, point 1.2.1; Supplement 1/92 — Bull. EC

Commission communication to the Council on the Community's finances between now and 1997: COM(92) 2001; Bull. EC 3-1992, point 1.1.2

Commission report on own resources: COM(92) 81; Bull. EC 3-1992, point 1.1.3

Commission report on application of the Interinstitutional Agreement of 29 June 1988 on budgetary discipline and improvement of the budgetary procedure: COM(92) 82; Bull. EC 3-1992, point 1.1.4

Commission communication to the Council on Community structural policies: assessment and outlook: Bull. EC 3-1992, point 1.1.5

*Adopted on 19 October:*

'1. In the context of its discussions on the Delors II package on 19 October 1992, the Council considered the question of the budgetary treatment of Community loan guarantees to non-member States.

2. The Council noted that the Community's growing international responsibilities have led to an increase in the level and scope of lending to non-member States, backed by guarantees on the EC budget. It concluded that considerations of prudent budgetary management and financial discipline call for the establishment of a new financial framework, including an appropriate form of provisioning.

3. The Council accordingly agreed that a Guarantee Fund should be established, to be financed by a reserve in the budget and the financial perspective on the model of the monetary reserve.

4. The Council also agreed on the following detailed elements of the Fund and reserve:

*Fund*

(a) the target size of the Fund should be 10% of the outstanding liability of the Community arising from external loans and guarantees;

(b) each time the Community decides on a new external loan or guarantee, a provisioning payment of 14% of the capital value of the loan or guarantee would be made into the Guarantee Fund; this provisioning rate will be reviewed when the Fund reaches its target size and in any case no later than the end of the financial perspective period;

(c) in the event of a default, payments would be made directly from the Fund to the creditor; if the Fund did not contain sufficient resources to cover a default, additional payments would be called up from the budget, with any margin remaining in the reserve being the first recourse; any margin available under the ceiling of category 4 of the financial perspective or redeployment within category 4, the second recourse; a revision of the financial perspective in line with the provisions of the Interinstitutional Agreement, which might involve redeployment within other categories, the third recourse;

(d) if, after default, resources in the Fund stood at below a threshold of 75% of its target size, the provisioning rate on new loans would be increased to 15%: either until the target size had once more been reached; or, if the default occurred before the target size had been reached, until the amount of the default had been fully restored; additionally, in the event of one or more major defaults after which the Fund stood at below 50% of its target size, exceptional measures might be required to replenish the Fund;

(e) if the Fund exceeded its target size, any surplus would be returned to the Member States;

(f) the Fund should be managed separately from the budget; it remained for consideration whether the managers should be the Commission, the EIB or another body.

*Reserve*

(g) a reserve should be established within the Community budget and the financial perspective, along the lines of the monetary reserve, to finance the Fund;

(h) resources could not be called up from Member States until payments were required to be made into the Fund;

(i) in the Council's view, such payments should be classified as compulsory expenditure.

5. The size of the reserve will be determined in the context of the overall settlement on the Delors II package. The Council notes that the Commission has suggested ECU 300 million a year for the period of the new financial perspective.

6. The Council calls on the Commission to present detailed legislative proposals as a basis for further discussion.

7. The Council invites the Presidency to inform the European Parliament of the above conclusions.'

### 3. The single market and the Community economic and social area

#### Economic and monetary policy

##### Economic situation

*1.3.1. Own-initiative opinion on the economic situation in the Community in mid-1992.*

*Adopted by the Economic and Social Committee on 22 October.* The Committee analysed the economic situation both within and outside the Community and noted that the international economy was going through a very uncertain phase, with the monetary problems faced by the Community at the present time temporarily disrupting the European Monetary System. The expected growth rate was too low to give a boost to employment. The Committee studied the convergence process in the Community and concluded that, overall, performance seemed to be improving as regards inflation rates, but that the trend was less favourable as regards budget deficits.

In the Committee's view, the economic situation in the Community presented some very worrying aspects. The Committee described the policies required for nominal convergence and considered that such convergence was nevertheless not a sufficient condition for progress on economic and monetary union.

The Committee reviewed the employment situation, which varied considerably from one Member State to another and even between regions within each country, and concluded that a reduction in the differences should be a priority objective for the Community. It found that unemployment had started to rise again in the Community since the end of 1990. It considered that a revival of economic growth, within a stable monetary policy framework, was crucial to promoting job creation.

The Committee noted that when the competitiveness of the Community's economy was compared with that of competing economies, the main weaknesses were to be found in the areas of capitalization and technology. It stressed the key role of the continuous improvement in education and vocational training, and the improvement of the Community's infrastructure, in boosting productivity and competitiveness.

*1.3.2. Parliament resolution on economic and employment policies.*

□ **Reference:** Parliament resolution of 8 July on the European labour market after 1992; OJ C 241, 21.9.1992; Bull. EC 7/8-1992, point 1.3.109

*Adopted on 30 October.* Parliament, noting that registered unemployment in the Community currently stands at over 16 million and is on the rise again, and that economic growth has declined in almost all Member States, drew attention once again to its resolution of 8 July on the European labour market after 1992, and endorsed the joint statement by Unice and the ETUC in July 1992 calling for sustained action to bring down interest rates, redirect fiscal policy towards the revival of the European economy, and develop a joint employment and industry policy. Analysing the causes of the poor economic performance, it called on the Commission to submit proposals to achieve economic growth that eliminates current unemployment, and to coordinate more effectively the development of the internal market, the strengthening of the Community's role in world trade and the use of the structural Funds. Parliament outlined the key elements of a strategy for sustainable growth and employment. It called for more effective vocational training, and insisted that the resolution of economic problems and achievement of convergence must not be at the expense of social protection. It condemned the use of mass

redundancies and called on the Council to convene a meeting of the Standing Committee on Employment before the end of the year, and to give greater depth to discussions on economic recovery and job creation by means of joint meetings of the Council, the Commission, the European Parliament and employers' and workers' representatives.

OJ C 305, 23.11.1992

## European Monetary System

*1.3.3.* Parliament resolution on the development and prospects of the European Monetary System (EMS) and economic and monetary union (EMU).

*Adopted on 30 October.* Parliament considered that the underlying causes of the turbulence on currency markets lay in the problems of recession and imbalance in the global economy, and believed that the political uncertainty about the future of the Community following the various referendum campaigns can only be resolved by the earliest possible ratification of the Maastricht Treaty. It studied the causes of the crisis and was disturbed that speculative movements on money markets should dictate monetary developments that did not reflect the real economy. It listed the measures to be taken to strengthen the functioning of the EMS. Parliament believed that the only available mechanism by which an appropriate economic policy mix could be reached in Member States and at overall Community level was multilateral surveillance, and insisted that projects as conceived in the Delors II package were an essential element in a coordinated strategy for growth and employment as recommended by the European social partners. It urged the Council to promote complementary measures to achieve EMU, without which even the completion of the internal market could be endangered.

OJ C 305, 23.11.1992

## Statistical area

### General

#### *Research statistics*

*1.3.4.* Proposal for a Council Decision establishing a multiannual programme for the development of Community statistics on research, development and innovation.

□ **Commission proposal:** OJ C 122, 14.5.1992; COM(92) 91; Bull. EC 4-1992, point 1.3.3

*Endorsed by the Economic and Social Committee on 22 October,* subject to a number of observations especially on the role of SMEs in producing statistics and the need to avoid overloading them with data-collection tasks.

#### *Agricultural statistics*

*1.3.5.* Proposal for a Council Decision amending Decision 85/360/EEC on the restructuring of the system of agricultural surveys in Greece.

□ **Decision to be amended:** Decision 85/360/EEC, OJ L 191, 23.7.1985, as amended by Decision 90/386/EEC, OJ L 190, 21.7.1990; Bull. EC 7/8-1990, point 1.7.4

*Adopted by the Commission on 1 October.* Purpose: to extend until 1996 the plan for restructuring the agricultural survey system in Greece laid down in Decision 85/360/EEC.

OJ C 273, 22.10.1992; COM(92) 415

### Results

#### *Education in the European Community in the 1980s*

*1.3.6.* During the 1980s the number of students and pupils in the Community fell by roughly three million to a total of just under 72 million in 1989/90. This gradual decline in numbers over the decade came from con-



trasting trends at different educational levels: a fall-off in the number of children reaching school age meant fewer pupils in primary and first-stage secondary education, while a tendency among young people to stay longer in the educational system led to an increase in numbers at the higher levels.

### *Pupils entering education*

The number of children due to enter the school system, usually at six years of age, fell sharply during the 1970s and 1980s, though this trend will level off during the first half of the 1990s. There are currently two opposing trends in annual birth rates: an increase in the north of the Community and a continuing decline in the south.

### *Pupils and students at each educational level*

Primary (first-level) education was, of course, the first to be affected by the decline in the child population. After reaching a peak in 1971/72, the number of pupils in primary education dwindled by 15% during the 1980s with a drop of nearly four million.

The first stage of secondary education reached its peak in 1977/78, since when numbers have declined continuously. By contrast, numbers of pupils in the second stage of secondary education rose by 11% between 1980/81 and 1989/90, reflecting the general tendency of pupils to remain longer in non-compulsory education.

The number of pupils at the second level dropped by around 1.6 million during the 1980s.

The drop in the birth rate has not yet had its full effect on tertiary education. Moreover, far more young people, particularly girls, are now tending to stay in education after the end of compulsory schooling. For these reasons, student numbers rose steadily during the decade by a total of over two million — an increase of nearly 40%.

Where trends at the second and third levels are concerned, Member States fall into three groups.

In the first — Greece, Spain, Ireland and Portugal — the number of students in higher education rose by over 50%, with numbers at the second level also increasing significantly (by over 10%).

The second group — Germany and the United Kingdom — also experienced a surge in numbers (some 40%) at the third level, but numbers in secondary education fell by more than 10%.

Third-level growth in the third group — Belgium, Denmark, France, Italy and the Netherlands — was more moderate but still over 20%, while numbers at the second level changed less than in other Member States.

These trends are illustrated in Table 1.

### *Breakdown by sex*

While the number of girls per 100 boys in pre-school, primary and secondary education remained more or less constant throughout the decade at around 95, the increase in student numbers in second-stage secondary and higher education was greater for girls than for boys (12% compared with 8% in second-stage secondary education and 49% compared with 27% in higher education). The number of girls per 100 boys at these two levels is constantly increasing.

### *Foreign students*

In the nine Member States for which comparable figures are available, 5% of students in tertiary education in 1989/90 were foreign.

Two Member States — Belgium (10%) and France (12%) — had far higher proportions of foreign students.

Only 38% of the foreign students were women, whereas women accounted for 48% of the total numbers in tertiary education.

Twenty-four per cent of foreign students came from another Community Member State and a little over 9% from the rest of Europe. Asia provided 26%, Africa 31% and North and South America 9% of the total. Europeans

Table 1 — *Numbers of pupils and students at each level of education (full-time and part-time)*

('000)

	EUR 12	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
Total (including pre-school)													
1975/76	74 528	2 510	1 026	14 378	1 842	8 354	13 553	877	12 526	58	3 728	1 791	13 885
1989/90	71 768	2 386	1 013	11 959	2 016	10 058	14 032	993	11 358	57	3 426	2 129	12 341
1st level													
1975/76	28 374	942	481	3 903	937	3 697	4 754	407	4 835	29	1 453	1 211	5 725
1989/90	21 788	723	350	2 476	846	2 979	4 163	422	3 140	24	1 082	1 096	4 487
2nd level													
1975/76	32 285	955	385	7 775	680	3 189	5 155	288	4 392	20	1 465	446	7 035
1989/90	32 929	1 020	479	6 042	835	4 918	5 749	356	5 279	24	1 555	759	5 913
3rd level													
1975/76	5 186	176	111	1 044	117	548	1 053	46	977	1	291	89	733
1989/90	8 299	273	133	1 720	194	1 169	1 584	84	1 373	1	438	152	1 178

accounted for 51% of the foreign student population in Belgium and Africans for 57% of foreign students in France.

## Information

### Publications

1.3.7. New publications available from sales offices:

- Country report: Namibia;*
- Eurostatistics;*
- Rapid reports: Agriculture, forestry and fisheries.*

## Internal market

### I

### Approximation of VAT rates and excise duties

#### References:

Council conclusions on VAT and excise duties: Bull. EC 6-1991, point 1.2.5

Council Directive 91/680/EEC supplementing the common system of value added tax (VAT) and amending Directive 77/388/EEC: OJ L 376, 31.12.1991; Bull. EC 12-1991, point 1.2.44

Council Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding and movement of such products: OJ L 76, 23.3.1992; Bull. EC 1/2-1992, point 1.3.9

Council Regulation (EEC) No 218/92 concerning administrative cooperation in the field of indirect taxation: OJ L 24, 1.2.1992; Bull. EC 1/2-1992, point 1.3.56

1.3.8. On 19 October the Council adopted eight Directives and one Decision concerning the approximation of VAT rates (→point

1.3.8) and of excise duties on cigarettes and tobacco other than cigarettes (→points 1.3.10 to 1.3.12), on mineral oils (→points 1.3.13 to 1.3.15) and on alcohol and alcoholic beverages (→points 1.3.16 and 1.3.17).

These instruments supplement those already adopted on indirect taxation at the end of 1991 and the beginning of 1992, which related to the transitional VAT system, the general arrangements for excise duties, and administrative cooperation in the field of indirect taxation.

The adoption of this set of tax measures, which follows on from the Council conclusions of 24 June 1991 on the abolition of tax frontiers, is an essential element in the completion of the internal market by 1 January 1993. It makes it possible to eliminate customs clearance operations and tax controls at internal borders.

1.3.9. Council Directive 92/77/EEC supplementing the common system of value added tax and amending Directive 77/388/EEC (approximation of VAT rates).

**Commission proposal:** OJ C 250, 18.9.1987; COM(87) 321; Bull. EC 7/8-1987, point 1.2.1 *et seq.*

**Economic and Social Committee opinion:** OJ C 237, 12.9.1988; Bull. EC 7/8-1988, point 2.4.55

**Parliament opinion:** OJ C 183, 15.7.1991; Bull. EC 6-1991, point 1.2.36

**Amended Commission proposal:** OJ C 44, 19.2.1992; COM(92) 5; Bull. EC 1/2-1992, point 1.3.55

*Adopted by the Council on 19 October.* The Directive provides for Member States to apply a standard rate of VAT of not less than 15% during the period in which the transitional arrangements are in operation (1 January 1993 to 31 December 1996). They may also apply either one or two reduced rates of not less than 5% but only to certain goods and services of a social or cultural nature (in particular foodstuffs, water supplies, pharmaceutical products, medical equipment, social housing, funeral services, agricultural inputs, sport, books, admission to theatres, cinemas, etc., reception of broadcasting services, accommodation provided by hotels, and the letting of camping sites). However, the retention of existing zero-rating and 'super-reduced' rates

(lower than 5%) is authorized on a transitional basis, as is the maintenance of reduced rates on housing other than social housing, restaurant services and children's clothing and footwear.

The higher rates are to be abolished, which should reduce consumer prices considerably in some sectors, for example cars.

Works of art and antiques, gold (→point 1.3.47) and agricultural products are excluded from the scope of the Directive and will be subject to special arrangements.

OJ L 316, 31.10.1992

**1.3.10. Council Directive 92/78/EEC amending Directives 72/464/EEC and 79/32/EEC on taxes other than turnover taxes which are levied on the consumption of manufactured tobacco (harmonization of structures).**

- **Commission proposal:** OJ C 322, 21.12.1990; COM(90) 433; Bull. EC 9-1990, point 1.2.4
- **Economic and Social Committee opinion:** OJ C 69, 18.3.1991; Bull. EC 1/2-1991, point 1.2.40
- **Parliament opinion:** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.34
- **Council agreement:** Bull. EC 3-1992, point 1.2.34
- **Amended Commission proposal:** COM(92) 368; Bull. EC 9-1992, point 1.2.31

*Adopted by the Council on 19 October.* The Directive harmonizes the structures of the excise duties charged on manufactured tobacco in the Member States, the basis of calculation being the retail selling price. Exemptions are provided for in the case of denatured tobacco used for industrial or horticultural purposes, tobacco destroyed under administrative supervision, tobacco solely intended for scientific tests or for tests connected with product quality, and tobacco re-worked by the producer. Snuff and chewing tobacco are excluded from the scope of the Directive.

OJ L 316, 31.10.1992

**1.3.11. Council Directive 92/79/EEC on the approximation of taxes on cigarettes.**

- **Commission proposal:** OJ C 251, 19.9.1987; COM(87) 325; Bull. EC 7/8-1987, points 1.2.1 and 1.2.3
- **First Economic and Social Committee opinion:** OJ C 237, 12.9.1988; Bull. EC 7/8-1988, point 2.4.59

- **Amended Commission proposal:** OJ C 12, 18.1.1990; COM(89) 525; Bull. EC 10-1989, point 2.1.38
- **Second Economic and Social Committee opinion:** OJ C 225, 10.9.1990; Bull. EC 7/8-1990, point 1.3.43
- **Parliament opinion:** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.35
- **Second amended Commission proposal:** OJ C 268, 17.10.1992; COM(92) 370; Bull. EC 9-1992, point 1.2.32

*Adopted by the Council on 19 October.* The Directive requires Member States to apply to cigarettes, as from 1 January 1993, a specific excise duty per unit of the product, a proportional excise duty calculated on the basis of the maximum retail selling price, and VAT proportional to the retail selling price. The incidence of the overall excise duty (specific duty plus *ad valorem* duty, excluding VAT) must be at least 57% of the selling price. The Directive also provides for a two-year transitional period for Spain and permits a reduced rate to be applied in the Azores and Madeira subject to certain conditions.

OJ L 316, 31.10.1992

**1.3.12. Council Directive 92/80/EEC on the approximation of taxes on manufactured tobacco other than cigarettes.**

- **Commission proposal:** OJ C 251, 19.9.1987; COM(87) 326; Bull. EC 7/8-1987, points 1.2.1 and 1.2.3
- **First Economic and Social Committee opinion:** OJ C 237, 12.9.1988; Bull. EC 7/8-1988, point 2.4.59
- **Amended Commission proposal:** OJ C 12, 18.1.1990; COM(89) 525; Bull. EC 10-1989, point 2.1.38
- **Second Economic and Social Committee opinion:** OJ C 225, 10.9.1990; Bull. EC 7/8-1990, point 1.3.43
- **Parliament opinion:** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.36
- **Second amended Commission proposal:** OJ C 268, 17.10.1992; COM(92) 370; Bull. EC 9-1992, point 1.2.33

*Adopted by the Council on 19 October.* The Directive covers cigars and cigarillos, fine-cut tobacco intended for the rolling of cigarettes, and other smoking tobaccos. It requires Member States to apply to such products a specific duty by quantity or an *ad valorem* duty calcu-

lated on the basis of the maximum retail selling price or a duty combining both elements. The minimum overall excise duty for each of the above categories is as follows:

- cigars and cigarillos: 5% of the retail selling price inclusive of all taxes or ECU 7 per 1 000 items or per kilogram;
- fine-cut smoking tobacco intended for the rolling of cigarettes: 30% of the retail selling price inclusive of all taxes or ECU 20 per kilogram;
- other smoking tobaccos: 20% of the retail selling price inclusive of all taxes or ECU 15 per kilogram.

A reduced rate may be applied for a transitional period by Spain and Italy to rolls of tobacco consisting entirely of natural tobacco which are not cigarettes.

OJ L 316, 31.10.1992

*1.3.13. Council Directive 92/81/EEC on the harmonization of the structures of excise duties on mineral oils.*

- Commission proposal:** OJ C 322, 21.12.1990; COM(90) 434; Bull. EC 9-1990, point 1.2.5
- Economic and Social Committee opinion:** OJ C 69, 18.3.1991; Bull. EC 1/2-1991, point 1.2.41
- Parliament opinion:** OJ C 183, 15.7.1991; Bull. EC 6-1991, point 1.2.38
- Amended Commission proposal:** OJ C 45, 20.2.1992; COM(92) 4; Bull. EC 1/2-1992, point 1.3.58

*Adopted by the Council on 19 October.* The Directive subjects mineral oils used as heating or motor fuel to a specific excise duty calculated per 1 000 litres of product at a temperature of 15 °C (or per 1 000 kg in the case of heavy fuel oils, liquid petroleum gas and methane). It provides for the compulsory exemption of mineral oils used other than as motor or heating fuels or supplied for use as fuel for air transport other than private pleasure flying or for use as fuel for sea transport within Community waters other than in private pleasure craft.

It also permits Member States to apply exemptions or reductions in the rate to mineral oils used for generating electricity, for inland waterway transport other than in private pleasure craft, for rail transport, for the technologi-

cal development of non-polluting products, for the manufacture or maintenance of aircraft and ships, for agriculture, for forestry and fisheries and for dredging operations in navigable waterways and ports. Reduced rates may also be applied to certain mineral oils used for stationary motors, for plant and machinery used in public works projects and for vehicles not primarily intended for use on public highways.

OJ L 316, 31.10.1992

*1.3.14. Council Directive 92/82/EEC on the approximation of the rates of excise duties on mineral oils.*

- Commission proposal:** OJ C 262, 1.10.1987; COM(87) 327; Bull. EC 7/8-1987, points 1.2.1 to 1.2.5
- First Economic and Social Committee opinion:** OJ C 237, 12.9.1988; Bull. EC 7/8-1988, point 2.4.60
- Amended Commission proposal:** OJ C 16, 23.1.1990; COM(89) 526; Bull. EC 10-1989, point 2.1.38
- Second Economic and Social Committee opinion:** OJ C 225, 10.9.1990; Bull. EC 7/8-1990, point 1.3.42
- Parliament opinion:** OJ C 183, 15.7.1991; Bull. EC 6-1991, point 1.2.39
- Second amended Commission proposal:** OJ C 48, 22.2.1992; COM(92) 3; Bull. EC 1/2-1992, point 1.3.59

*Adopted by the Council on 19 October.* The Directive lays down the following minimum rates of excise duty for mineral oils:

- leaded petrol: ECU 337 per 1 000 litres (ECU 292 in Luxembourg until 31 December 1994);
- unleaded petrol: ECU 287 per 1 000 litres (ECU 242 in Luxembourg until 31 December 1994);
- gas oil and kerosene used as a propellant: ECU 245 per 1 000 litres (ECU 195 in Luxembourg and Greece until 31 December 1994);
- domestic fuel; gas oil and kerosene used for stationary motors, plant and machinery used in public works projects, and vehicles not intended primarily for use on public highways: ECU 18 per 1 000 litres. However, existing zero-rating may be retained for such products provided that a monitoring charge of ECU 5 per 1 000 litres is levied;

- heavy fuel oil: ECU 13 per 1 000 kg;
- liquefied petroleum gas and methane used as a propellant: ECU 100 per 1 000 kg;
- liquefied petroleum gas and methane used for stationary motors, plant and machinery used in public works projects, and vehicles not primarily intended for use on public highways: ECU 36 per 1 000 kg;
- liquefied petroleum gas, methane and kerosene used for heating purposes: ECU 0.

There are special arrangements for the Azores and for some of the Greek islands.

OJ L 316, 31.10.1992

*1.3.15.* Council Decision 92/510/EEC authorizing Member States to continue to apply to certain mineral oils when used for specific purposes existing reduced rates of excise duty or exemptions from excise duty in accordance with the procedure provided for in Article 8(4) of Directive 92/81/EEC.

- Reference:** Council Directive 92/81/EEC: point 1.3.13 of this Bulletin
- Commission proposal:** COM(92) 338; Bull. EC 7/8-1992, point 1.3.33

*Adopted by the Council on 19 October.* The Decision authorizes Member States to continue to apply certain existing exemptions or rate reductions, not specifically covered in Directive 92/81/EEC, for special policy reasons and in accordance with the procedure laid down in that Directive.

OJ L 316, 31.10.1992

*1.3.16.* Council Directive 92/83/EEC on the harmonization of the structures of excise duties on alcohol and alcoholic beverages.

- Commission proposal:** OJ C 322, 21.12.1990; COM(90) 432; Bull. EC 9-1990, point 1.2.3.
- Economic and Social Committee opinion:** OJ C 69, 18.3.1991; Bull. EC 1/2-1991, point 1.2.39
- Parliament opinion:** OJ C 67, 16.3.1992; Bull. EC 1/2-1992, point 1.3.57
- Amended Commission proposal:** COM(92) 369, 16.3.1992; Bull. EC 9-1992, point 1.2.34

*Adopted by the Council on 19 October.* The Directive subjects alcohol and alcoholic beverages to excise duty calculated as follows:

- beer: by reference to the number of hectolitre/degrees Plato or to the number of hectolitre/degrees of actual alcoholic strength by volume of finished product;
- wine: by reference to the number of hectolitres of finished product;
- other fermented beverages: by reference to the number of hectolitres of finished product;
- intermediate products: by reference to the number of hectolitres of finished product;
- ethyl alcohol: per hectolitre of pure alcohol at 20 °C.

Provision is made for reduced rates for beer brewed in small independent breweries, for wine and other fermented beverages with an actual alcoholic strength by volume not exceeding 8.5% vol., for intermediate products with an actual alcoholic strength by volume not exceeding 15% vol., for natural sweet wines and for ethyl alcohol produced by small distilleries.

The Directive provides for compulsory exemption for denatured alcohol and for alcohol used in the production of vinegar, medicines, flavours for beverages with an alcoholic strength not exceeding 1.2% vol., and foodstuffs (chocolates). It also permits Member States to exempt alcohol used for research, medical purposes or the manufacture of products not subject to excise duty as well as wines, beers and other alcoholic beverages consumed by the producer, members of his family or his guests.

OJ L 316, 31.10.1992

*1.3.17.* Council Directive 92/84/EEC on the approximation of the rates of excise duty on alcohol and alcoholic beverages.

- Commission proposal:** OJ C 250, 18.9.1987; COM(87) 328; Bull. EC 7/8-1987, points 1.2.1 and 1.2.3
- First Economic and Social Committee opinion:** OJ C 237, 12.9.1988; Bull. EC 7/8-1988, point 2.4.61
- Amended Commission proposal:** OJ C 12, 18.1.1990; COM(89) 527; Bull. EC 10-1989, point 2.1.38
- Second Economic and Social Committee opinion:** OJ C 225, 10.9.1990; Bull. EC 7/8-1990, point 1.3.41
- Parliament opinion:** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.37

**Second amended Commission proposal:** COM(92) 369; Bull. EC 9-1992, point 1.2.35

*Adopted by the Council on 19 October.* The Directive lays down the following minimum rates of excise duty for alcohol and alcoholic beverages:

- alcohol: ECU 550 per hectolitre of pure alcohol. However, Member States which apply a rate of duty exceeding ECU 1 000 may not reduce their national rate below ECU 1 000 and Member States which apply a rate between ECU 550 and ECU 1 000 may not reduce their national rates; transitional arrangements have been made for Denmark and Italy;
- intermediate products: ECU 45 per hectolitre of product;
- wine: ECU 0;
- beer: ECU 0.748 per hectolitre/degree Plato or ECU 1.87 per hectolitre/degree of alcohol of finished product.

Special provision has been made for some of the Greek islands, the Gorizia and Valle d'Aosta regions in Italy, Madeira and the Azores.

OJ L 316, 31.10.1992

## Community Customs Code

1.3.18. Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

- Commission proposal:** OJ C 128, 23.5.1990; COM(90) 71; Bull. EC 1/2-1990, point 1.1.5
- Economic and Social Committee opinion:** OJ C 60, 8.3.1991; Bull. EC 12-1990, point 1.3.14
- Parliament opinion (first reading):** OJ C 72, 18.3.1991; Bull. EC 1/2-1991, point 1.2.15
- Amended Commission proposal:** OJ C 97, 13.4.1991; COM(91) 98; Bull. EC 3-1991, point 1.2.13
- Council common position:** Bull. EC 5-1992, point 1.1.10
- Parliament opinion (second reading):** OJ C 284, 2.11.1992; Bull. EC 9-1992, point 1.2.12

*Re-examined proposal adopted by the Commission on 8 October.*

COM(92) 423

*Adopted by the Council on 12 October.* The Community Customs Code brings together all

the customs law governing Community trade with third countries. It divides structurally into three parts:

- the basic rules of customs law: customs territory of the Community, customs tariff, value of goods for customs purposes, origin of goods;
- the rules relating to customs-approved treatment or use: customs procedures with economic impact (free zones, temporary admission, processing under customs control); re-exportation or destruction of goods;
- the rules relating to customs debt and appeals against decisions taken by the customs authorities.

The Code is designed to make Community customs legislation more transparent and to eliminate the dangers of differing interpretations and legal uncertainty. It will provide a model for the consolidation of Community law.

Its entry into force is scheduled for 1 January 1994, except for the measures relating to exports and export declarations which will be implemented as from 1 January 1993.

OJ L 302, 19.10.1992

## Intellectual property and standardization

1.3.19. Commission communication on intellectual property rights and standardization.

- Reference:** Commission communication on standardization in the European economy: COM(91) 521; Bull. EC 12-1991, point 1.2.12

*Adopted by the Commission on 27 October.* In this communication, which was promised when the communication on standardization in the European economy was published, the Commission examines to what extent standardization and the protection of intellectual property rights, which serve different objectives (dissemination of technology in the public interest in the case of the former and protection of private property in the case of the latter), can coexist in the same industrial and commercial environment.

The Commission points out that certain Community directives refer directly to European standards and make their use mandatory. It considers it essential to ensure that European standards are available for all to use on fair, reasonable and non-discriminatory terms. It therefore recommends that a partnership be developed between standard-making bodies and holders of intellectual property rights on the basis of a number of principles, including access to standards under the abovementioned conditions but also on terms that are fair to the holders of intellectual property rights. The Commission also takes the view that Community recognition of standards to which access is not provided under satisfactory conditions will have to be suspended or withdrawn.

COM(92) 445

## Operation of the internal market after 1992

1.3.20. Report of the high-level group on the operation of the internal market.

- Reference:** seventh report concerning the implementation of the White Paper on the completion of the internal market: COM(92) 383; Bull. EC 9-1992, point 1.2.10

*Commission decision to transmit the report to the Council, to Parliament and to the Economic and Social Committee adopted on 27 October.* The high-level advisory group, which was set up on the Commission's initiative with a brief to formulate a strategy for ensuring that consumers and firms actually reap the full benefits of the single market, was chaired by Mr P. Sutherland, a former Member of the Commission. In its report, and in accordance with the terms of reference given it by the Commission, the group examines the following problems:

- the extent to which existing administrative mechanisms are adapting to the new situation created by the removal of frontier controls;
- the circumstances in which administrative acts or measures adopted in one Member State can be recognized as equivalent in another Member State;

- the question of whether, as a result, there will be enough mutual confidence to meet the needs of producers, suppliers and consumers;
- the division of responsibilities within the Community in this field;
- the strategy the Commission should adopt to ensure that the full benefits of the internal market are secured in practice after 1992.

The Commission has agreed to carry out a detailed examination of this report with a view to adopting a position on the future of the internal market at the next European Council meeting.

## II

### Removal of physical frontiers

#### *Checks on goods*

1.3.21. Recommendation for a Council Decision on the negotiation of customs cooperation agreements with the Community's principal trading partners.

*Adopted by the Commission on 14 October.* Encouragement is given to the negotiation of cooperation agreements with the Community's main trading partners. Those agreements would cover, for example, the simplification and harmonization of procedures, the training and exchange of officials, the computerization of procedures and taxation, coordination within international organizations and mutual assistance in administrative matters.

1.3.22. Council Regulations (EEC) Nos 3005/92 and 3006/92 extending the validity of Regulations (EEC) Nos 4280/88 to 4282/88 concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the EEC-Norway and EEC-Switzerland Joint Committees amending Protocol 3.

- Commission proposal:** COM(92) 250; Bull. EC 6-1992, point 1.3.16

*Adopted by the Council on 12 October.*

OJ L 304, 20.10.1992



## Removal of technical frontiers

### General

1.3.23. Recommendation for a Council Decision on the extension of the EEC-EFTA Agreement in the field of technical regulations.

**References:**

Council Decision 90/518/EEC on the conclusion of an agreement between the EEC and the EFTA countries laying down a procedure for the exchange of information in the field of technical regulations: OJ L 291, 23.10.1990; Bull. EC 9-1990, point 1.3.11

Agreement on the European Economic Area: point 1.4.1 of this Bulletin

*Adopted by the Commission on 14 October.* Provides for the extension of the EEC-EFTA Agreement in the field of technical regulations until 1 January 1993, the date on which the Agreement on the European Economic Area, which provides for a similar system, is due to come into force.

### Free movement of goods

#### Motor vehicles

1.3.24. Proposal for a Council Directive relating to the mechanical coupling devices of motor vehicles and their trailers and their attachment to these vehicles.

**Commission proposal:** OJ C 134, 25.5.1992; COM(92) 108; Bull. EC 3-1992, point 1.2.18

**Economic and Social Committee opinion:** Bull. EC 9-1992, point 1.2.18

*Endorsed by Parliament (first reading) on 29 October.*

OJ C 305, 23.11.1992

1.3.25. Proposal for a Council 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.

**Commission proposal:** OJ C 193, 24.7.1991; COM(91) 51; Bull. EC 6-1991, point 1.2.19

**Economic and Social Committee opinion:** OJ C 49, 24.2.1992; Bull. EC 12-1991, point 1.2.20

**Parliament opinion (first reading):** OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.3.17

**Amended Commission proposal:** OJ C 179, 16.7.1992; COM(92) 263; Bull. EC 6-1992, point 1.3.21

**Council common position:** Bull. EC 6-1992, point 1.3.21

*Endorsed by Parliament (second reading) on 28 October,* subject to amendments designed to speed up implementation of the Directive.

OJ C 305, 23.11.1992

1.3.26. Proposal for a Council Directive relating to the external projections forward of the cab's rear panel of motor vehicles of category N.

**Commission proposal:** OJ C 230, 4.9.1991; COM(91) 238; Bull. EC 7/8-1991, point 1.2.21

**Economic and Social Committee opinion:** OJ C 49, 24.2.1992; Bull. EC 12-1991, point 1.2.23

**Parliament opinion (first reading):** OJ C 67, 16.3.1992; Bull. EC 1/2-1992, point 1.3.25

**Council common position:** Bull. EC 6-1992, point 1.3.19

*Endorsed by Parliament (second reading) on 28 October,* subject to an amendment designed to speed up implementation of the Directive.

OJ C 305, 23.11.1992

1.3.27. Proposal for a Council Directive on the approximation of the laws of the Member States relating to the burning behaviour of materials used in the interior construction of certain categories of motor vehicle.

**Commission proposal:** OJ C 154, 19.6.1992; COM(92) 201; Bull. EC 5-1992, point 1.1.15

*Endorsed by the Economic and Social Committee on 22 October.* The Committee suggests that the scope of the proposal should be extended to cover all motor vehicles.

*Endorsed by Parliament (first reading) on 29 October.*

OJ C 305, 23.11.1992

1.3.28. Proposal for a Council Regulation on the braking of two- and three-wheeled motor vehicles; proposal for a Council Regulation on the installation of lighting and light-signalling devices on two- or three-wheeled motor vehicles.

- Commission proposals:** OJ C 93, 13.4.1992; COM(91) 496 and 498; Bull. EC 1/2-1992, points 1.3.29 and 1.3.31
- Economic and Social Committee opinion:** Bull. EC 9-1992, point 1.2.17

*Endorsed by Parliament (first reading) on 29 October.*

OJ C 305, 23.11.1992

## Industrial products

**1.3.29.** Proposal for a Council Directive on the approximation of the laws of the Member States relating to lifts.

- Commission proposal:** OJ C 62, 11.3.1992; COM(92) 35; Bull. EC 1/2-1992, point 1.3.19
- Economic and Social Committee opinion:** OJ C 287, 4.11.1992; Bull. EC 7/8-1992, point 1.3.22

*Endorsed by Parliament (first reading) on 29 October, subject to technical amendments.*

OJ C 305, 23.11.1992

**1.3.30.** Proposal for a Council Directive on the supervision and placing on the market of explosives for civil uses and the mutual recognition of authorizations and approvals relating to such explosives.

- Commission proposal:** OJ C 121, 13.5.1992; COM(92) 123; Bull. EC 4-1992, point 1.3.13
- Economic and Social Committee opinion:** Bull. EC 9-1992, point 1.2.19

*Endorsed by Parliament (first reading) on 29 October, subject to amendments designed in particular to convert the proposal for a Directive into a proposal for a Regulation, to regulate the transfer of munitions between Member States and to establish a procedure for withdrawing from the market explosives which have already been approved but which are subsequently found to pose a threat to persons, property or the environment.*

OJ C 305, 23.11.1992

## Dangerous substances

**1.3.31.** Proposal for a Council Directive amending for the 13th time Directive 76/769/EEC on the approximation of the laws, regu-

lations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

- Commission proposal:** OJ C 157, 24.6.1992; COM(92) 195; Bull. EC 5-1992, point 1.1.16

*Endorsed by the Economic and Social Committee on 22 October, subject to comments calling in particular for derogations for all motor fuels and not only for petrol.*

## Foodstuffs

**1.3.32.** Proposal for a Council Directive on the subject of additional measures concerning the official control of foodstuffs.

- Commission proposal:** OJ C 51, 26.2.1992; COM(91) 526; Bull. EC 1/2-1992, point 1.3.42

*Endorsed by the Economic and Social Committee on 22 October, subject to various observations concerning the quality standards of laboratories, penalties and the monitoring of products.*

**1.3.33.** Proposal for a Council Directive on the hygiene of foodstuffs.

- Commission proposal:** OJ C 24, 31.1.1992; COM(91) 525; Bull. EC 1/2-1992, point 1.3.41
- Economic and Social Committee opinion:** OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.21

*Endorsed by Parliament (first reading) on 29 October, subject to various technical amendments.*

OJ C 305, 23.11.1992

**1.3.34.** Proposal for a Council Directive amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs.

- Commission proposal:** OJ C 122, 14.5.1992; COM(91) 536; Bull. EC 4-1992, point 1.3.8

*Endorsed by the Economic and Social Committee on 22 October, subject to observations aimed in particular at abolishing the labelling exemption for products which are not prepackaged.*

1.3.35. Proposal for a Council Directive on sweeteners for use in foodstuffs.

- **Commission proposal:** OJ C 206, 13.8.1992; COM(92) 255; Bull. EC 6-1992, point 1.3.22

*Endorsed by the Economic and Social Committee on 22 October*, subject to various observations of a technical nature.

*Endorsed by Parliament on 29 October.*

OJ C 305, 23.11.1992

1.3.36. Proposal for a Council Directive concerning fruit juices and certain similar products.

- **Directive to be consolidated:** Council Directive 75/726/EEC: OJ L 311, 1.12.1975, as last amended by Directive 89/394/EEC: OJ L 186, 30.6.1989
- **Commission proposal:** Bull. EC 5-1992, point 1.1.24
- **Economic and Social Committee opinion:** Bull. EC 9-1992, point 1.2.27

*Endorsed by Parliament (first reading) on 29 October.*

OJ C 305, 23.11.1992

## *Public procurement*

1.3.37. Proposal for a Council Directive concerning the coordination of procedures for the award of public works contracts.

- **Commission proposal:** OJ C 46, 20.2.1992; Bull. EC 1/2-1992, point 1.3.46
- **Economic and Social Committee opinion:** OJ C 106, 27.4.1992; Bull. EC 3-1992, point 1.2.29
- **Parliament opinion (first reading):** OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.3.22
- **Council common position:** Bull. EC 6-1992, point 1.3.9

*Endorsed by Parliament (second reading) on 28 October.*

OJ C 305, 23.11.1992

1.3.38. Proposal for a Council Directive amending Directive 71/305/EEC concerning the coordination of procedures for the award of public works contracts.

- **Commission proposal:** OJ C 225, 1.9.1992; COM(92) 345; Bull. EC 7/8-1992, point 1.3.28

*Endorsed by the Economic and Social Committee on 22 October.*

*Endorsed by Parliament (first reading) on 29 October.*

OJ C 305, 23.11.1992

1.3.39. Proposal for a Council Directive coordinating procedures for the award of public supply contracts.

- **Commission proposal:** COM(92) 346; Bull. EC 9-1992, point 1.2.28

*Endorsed by the Economic and Social Committee on 22 October.* The Committee emphasizes the need for the simultaneous and parallel implementation of the arrangements in question in all Member States.

## *Common market in services*

1.3.40. Proposal for a third Council Directive on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC.

- **Commission proposal:** OJ C 99, 16.4.1991; COM(91) 57; Bull. EC 1/2-1991, point 1.2.6
- **Economic and Social Committee opinion:** OJ C 14, 20.1.1992; Bull. EC 10-1991, point 1.2.20
- **Council endorsement:** Bull. EC 5-1992, point 1.1.28
- **Parliament opinion (first reading):** OJ C 176, 13.7.1992; Bull. EC 6-1992, point 1.3.14
- **Amended Commission proposal:** COM(92) 285; Bull. EC 6-1992, point 1.3.14
- **Council common position:** Bull. EC 6-1992, point 1.3.14

*Endorsed by Parliament (second reading) on 28 October.*

OJ C 305, 23.11.1992

## *Creation of a financial area*

1.3.41. Proposal for a Council Directive on the coordination of laws, regulations and administrative provisions relating to deposit-guarantee schemes.

- **Commission proposal:** OJ C 163, 30.6.1992; COM(92) 188; Bull. EC 5-1992, point 1.1.11

*Endorsed by the Economic and Social Committee on 22 October*, subject to various comments. The Committee suggests in particular that the home country principle should be extended to the additional deposit guarantee for branches established in Member States applying a different level of cover, that branches should, however, be permitted to join the guarantee scheme of the host country and that advertising relating to guarantee schemes should be prohibited.

### *Intellectual property*

*1.3.42.* Proposal for a Council Directive on rental right and lending right and on certain related rights.

- Reference:** Council Resolution on increased protection for copyright and neighbouring rights: OJ C 138, 28.5.1992; Bull. EC 5-1992, point 1.1.12
- Commission proposal:** OJ C 53, 28.2.1991; COM(90) 586; Bull. EC 12-1990, point 1.3.170
- Economic and Social Committee opinion:** OJ C 269, 14.10.1991; Bull. EC 7/8-1991, point 1.2.80
- Parliament opinion (first reading):** OJ C 67, 16.3.1992; Bull. EC 1/2-1992, point 1.3.50
- Amended Commission proposal:** OJ C 128, 20.5.1992; COM(92) 159; Bull. EC 4-1992, point 1.3.25
- Council common position:** Bull. EC 6-1992, point 1.3.27

*Endorsed by Parliament (second reading) on 28 October*, subject to an amendment concerning relations with third countries in the intellectual property field.

OJ C 305, 23.11.1992

*1.3.43.* Proposal for a Council Directive on the coordination of certain rules concerning copyright and neighbouring rights applicable to satellite broadcasting and cable retransmission.

- Commission proposal:** OJ C 255, 1.10.1991; COM(91) 276; Bull. EC 7/8-1991, point 1.2.76
- Economic and Social Committee opinion:** OJ C 98, 21.4.1992; Bull. EC 1/2-1992, point 1.3.52

*Endorsed by Parliament (first reading) on 29 October*, subject to amendments designed in

particular to ensure balance between the various interests covered by the proposal.

OJ C 305, 23.11.1992

*1.3.44.* Proposal for a Council Directive on the legal protection of biotechnological inventions.

- Commission proposal:** OJ C 10, 13.1.1989; COM(88) 496; Bull. EC 10-1988, point 2.1.17
- Economic and Social Committee opinion:** OJ C 159, 26.6.1989; Bull. EC 4-1989, point 2.1.44

*Endorsed by Parliament (first reading) on 29 October*, subject to various amendments designed in particular to introduce an ethical dimension and special treatment for farmers into the proposal.

OJ C 305, 23.11.1992

### *Company law*

*1.3.45.* Proposal for a Council Directive amending Directive 77/91/EEC on the formation of public limited liability companies and the maintenance and alteration of their capital.

- Commission proposal:** OJ C 8, 12.1.1991; COM(90) 631; Bull. EC 12-1990, point 1.3.172
- Economic and Social Committee opinion:** OJ C 269, 14.10.1991; Bull. EC 7/8-1991, point 1.2.77
- Parliament opinion (first reading):** OJ C 240, 16.9.1991; Bull. EC 7/8-1991, point 1.2.77
- Amended Commission proposal:** OJ C 317, 7.12.1991; COM(91) 363
- Council agreement on a common position:** Bull. EC 5-1992, point 1.1.31
- Council common position:** Bull. EC 6-1992, point 1.3.29

*Endorsed by Parliament (second reading) on 28 October.*

OJ C 305, 23.11.1992

### **Removal of tax frontiers**

#### *Value added tax (VAT)*

*1.3.46.* Proposal for a Council Directive on the harmonization of the laws of the Member States relating to turnover taxes — abolition

of certain derogations provided for in Article 28(3) of Directive 77/388/EEC and in the second subparagraph of Article 1(1) of Directive 89/465/EEC.

- **Commission proposal:** OJ C 205, 13.8.1992; COM(92) 215; Bull. EC 7/8-1992, point 1.3.12

*Opinion adopted by the Economic and Social Committee on 22 October.* The Committee questions the need for the measures proposed by the Commission. It takes the view that any distortions of competition that would arise if the derogations in question applied by certain Member States were maintained would be insignificant.

**1.3.47.** Proposal for a Council Directive supplementing the common system of value added tax and amending Directive 77/388/EEC — special scheme for gold.

- **Directive to be amended:** Council Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment: OJ L 145, 13.6.1977, as last amended by Council Directive 92/77/EEC: OJ L 316, 31.10.1992; point 1.3.9 of this Bulletin

*Adopted by the Commission on 27 October.* This proposal provides for transactions involving 'investment gold' — defined as not giving rise to physical delivery and as being carried out by licensed professionals — to be exempted from VAT in order not to disrupt the market in gold and to prevent gold from escaping to third countries.

Provision is made, on the other hand, for other transactions involving gold (gold other than investment gold) to be covered by the normal tax system, subject, however, to special arrangements designed to prevent both fraud and double taxation. The scheme set out in the proposal would apply both under the definitive arrangements and under the transitional system.

OJ C 302, 19.11.1992; COM(92) 441

### *Excise duties and other indirect taxes*

**1.3.48.** Proposal for a Council Directive amending Directive 92/12/EEC on the general

arrangements for products subject to excise duty and on the holding and movement of such products.

- **Directive to be amended:** Council Directive 92/12/EEC: OJ L 76, 23.3.1992; Bull. EC 1/2-1992, point 1.3.9

*Adopted by the Commission on 9 October.* Aims to simplify and clarify certain provisions in Directive 92/12/EEC without altering either the content or the substance of that Directive.

OJ C 283, 31.10.1992; COM(92) 426

## Competition

### **Application of the competition rules to businesses: specific cases**

#### *Prohibited horizontal agreements*

#### **Commission decisions**

##### *CSM*

**1.3.49.** *Adopted on 7 October.* This decision, which is of a procedural nature, imposes a fine on CSM (Centrale Suiker Maatschappij).

During an investigation ordered by the Commission, the Dutch company CSM prevented the Commission's inspectors from making copies of documents on the first day, and allowed copies to be made of only some of the documents on the following day. It was not until after it had imposed periodic penalty payments that the Commission was allowed to copy the remaining documents.

The reason given by CSM for its refusal was that the documents had no bearing on the investigation. However, a company which is being investigated is in no position to judge whether a document should or should not be handed over, nor may it obstruct Commission officials in the performance of their duties as

they alone know which documents they need to see straight away. The company can appeal to the Court of First Instance of the European Communities, which has jurisdiction to monitor the Commission's conduct.

OJ L 305, 21.10.1992

### *90 Tour Italia*

*1.3.50. Adopted on 27 October.* The decision finds that the organizers of the 1990 football World Cup in Italy infringed Article 85 of the EEC Treaty.

The organizing committee concluded a worldwide exclusivity agreement with an Italian tour operator, '90 Tour Italia', for the sale of package tours including entry tickets to stadiums.

As a result, other tour operators had to sell package tours without such tickets and were placed at a serious competitive disadvantage.

In addition, travel agencies offering package tours for sale to the public were unable to shop around as they had to deal exclusively with the tour operator appointed by the organizers.

The Commission considered that the agreement restricted competition, directly affecting spectators.

### *Permissible forms of cooperation*

#### **Commission decision under Article 85(3) of the EEC Treaty**

##### *VTG/BPTL*

*1.3.51. Adopted on 13 October.* The decision authorizes cooperation between these two companies.

VTG (Vereinigte Tanklager- und Transportmittel GmbH) and BPTL (BP Transport und Logistik GmbH), a subsidiary of British Petroleum plc, notified a proposed change in the ownership of their joint venture Transpetrol GmbH Internationale Eisenbahnspedition, which provides forwarding agency services for the transport by rail of petroleum products and chemicals. The proposal was notified under the

Merger Control Regulation, but the Commission considered that, since the parent companies remained active in the same sector, the operation was cooperative in nature and not concentrative. The case was therefore examined as a cooperative joint venture under Article 85 of the EEC Treaty, with which it was found to be compatible. The inquiry was concluded within the same time-limit as that provided under the Merger Control Regulation.

### *Mergers*

#### **Commission decisions under the Merger Control Regulation**

- Reference:** Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings: OJ L 395, 30.12.1989 (corrected version: OJ L 257, 21.9.1990); Bull. EC 12-1989, point 2.1.78; Supplement 2/90 — Bull. EC

##### *Air France/Sabena*

*1.3.52. Adopted on 5 October.* The decision approves the agreement signed by Air France, Sabena and the Belgian Government on 10 April. Under the agreement, Air France acquires a 37.58% stake in Sabena and is granted specific contractual rights which go beyond those normally conferred on minority shareholders as a means of protecting their investment.

The main elements of the decision are as follows:

- the agreement makes Sabena a concentrative joint venture within the meaning of the Merger Control Regulation, controlled jointly by the Belgian Government and Air France;
- the competition problems posed are resolved by commitments entered into by the airlines concerned and the Belgian and French Governments;
- these commitments consist in:
  - withdrawal from certain flights on the Brussels-Lyons and Brussels-Nice routes

- and on routes between Paris or Brussels and the capitals of certain African countries;
- giving rival airlines the opportunity to create a shuttle service between Paris and Brussels;
- the application, under certain conditions, of multiple designation to flights between Paris and Brussels on the one hand and Ankara and Budapest on the other;
- the surrender by Air France and Sabena of slots at Zaventem airport;
- making ground handling facilities available to other airlines.

### Commission decision under Article 66(2) of the ECSC Treaty

#### *Sollac/Holding Riberas*

1.3.53. *Adopted on 27 October.* Under the competition rules of the ECSC Treaty, the Commission has authorized Sollac SA to acquire a 30% stake in the Spanish company Holding Riberas SA, which controls the steel stockholder Gonvarri. This shareholding and a shareholders' agreement will lead to joint control of some of the companies belonging to the Gonvarri group by Usinor Sacilor and the Riberas family.

The Gonvarri group is a major distributor of steel products in Spain.

The proposed operation satisfies the tests of Article 66(2) of the ECSC Treaty.

### Application of the competition rules to government intervention

#### *State aid*

#### Decisions to raise no objection

##### *Germany*

1.3.54. Commission decision on the provision of a guarantee by the *Land* of Baden-Württemberg to Aluminium Giesserei Villingen GmbH.

*Adopted on 27 October.* The guarantee covers 35.9% of a ECU 5.8 million loan intended to meet the company's working capital requirements. The charge is a fixed premium of 0.5% and an annual commission of 0.5%. The guarantee is secured on property worth nearly four times the amount covered. It cannot be called until all other means of recovery have been exhausted. It forms part of a plan to restructure the company which will permit rationalization of production facilities and a reduction in personnel costs. These factors enabled the Commission to approve the plan, which was notified as a significant case under the Baden-Württemberg economic development programme and which is in keeping with the Community guidelines on State guarantees.

1.3.55. Commission decision on aid to Greizer Metall-Rohstoff GmbH (former German Democratic Republic).

- **Reference:** Commission Decision No 3855/91/ECSC establishing Community rules for aid to the steel industry from 1 January 1992: OJ L 362, 31.12.1991; Bull. EC 11-1991, point 1.2.26

*Adopted on 27 October.* The aid granted has an intensity of between 31.9 and 33.9% and is therefore compatible with the relevant Commission decisions. It is also compatible with the Steel Aid Code in view of the capacity reductions carried out or planned in the former German Democratic Republic, the fact that the activities in question are only partially covered by the ECSC Treaty, and their favourable impact on the environment.

1.3.56. Commission decision on aid to Thüringische Faser AG/Schwarza.

- **Reference:** code on aid to the synthetic fibres industry, latest extension: Bull. EC 3-1989, point 2.1.72

*Adopted on 27 October.* The aid granted covers investment in polyamide yarns, plastics and viscose fibres and is compatible with the relevant Commission decisions. The aid for polyamide yarns, which is covered by the above-mentioned code, will be accompanied by a 25% reduction in capacity between 1990 and

1995. The Commission accordingly gave its approval.

1.3.57. Commission decision on an R&TD programme in the aerospace industry.

- **Reference:** Community framework for State aid for research and development: OJ C 83, 11.4.1986; Bull. EC 3-1986, points 1.1.1 to 1.1.6

*Adopted on 27 October.* The decision involves the extension, for 1990 and 1991, of an applied research programme already approved by the Commission.

#### *Denmark*

1.3.58. Commission decision on the Industrial Redevelopment Fund.

*Adopted on 12 October.* The Fund is being set up to make loans for projects aimed at developing new products. The loans are to be granted at commercial rates but they will be repayable only if the projects are successful. They will cover a maximum of 40% of a project's cost. The main beneficiaries will be small and medium-sized firms, which will also qualify for loans to help them gain access to foreign markets (these will cover 50% of the cost of market research and training and they will likewise be repayable only in the event of success), grants covering part of the cost of feasibility studies for the development of new products (the minimum intensity being 50% of expenditure, subject to a ceiling of approximately ECU 39 000) and loan guarantees (costing between 2 and 3% and replacing loans in certain circumstances). These various measures are compatible with previous decisions on loans for the development of new products, and some, being in the form of guarantees, do not count as aid. The Commission's authorization is nevertheless granted for only one year.

#### *Italy*

1.3.59. Commission decision on aid to Radici Chimica.

*Adopted on 12 October.* The aid is from the Technological Innovation Fund and will have an intensity of 21.8% net grant equivalent. It

will not lead to any increase in the company's synthetic fibre production capacity and is compatible with the research and development aid framework.

#### *Netherlands*

1.3.60. Commission decision on Eureka project 13 (Carmat 2000 — Hoogovens).

*Adopted on 27 October.* The aid will be in grant form and will cover 25% of the project's cost. The project concerns basic industrial research into the use of new materials in car manufacture. A check has been made on whether the aid is additional in nature.

### **Decision to terminate proceedings under Article 93(2) of the EEC Treaty**

#### *Germany*

1.3.61. Commission decision on the Film Industry Support Act.

*Adopted on 12 October.* The German authorities have amended the bill so that the conditions concerning German nationals now apply to all Community nationals, and the clause to the effect that, in order to qualify for a co-production grant, a producer has to have made a film in the past five years in Germany has been replaced by a similar clause containing a reference to the Member States of the Community. The scheme is now compatible with Articles 7, 48, 52 and 59 of the Treaty and has accordingly been approved.

## **Enterprise policy, industrial policy and services**

### **I**

#### **Administrative simplification**

1.3.62. Commission report on administrative simplification in the Community.



□ **References:**

Commission report on administrative simplification measures taken by Member States on behalf of enterprises: SEC(89) 726; Bull. EC 6-1989, point 2.1.44

Council Recommendation 90/246/EEC relating to the implementation of a policy of administrative simplification in favour of small and medium-sized enterprises in the Member States: OJ L 141, 2.6.1990; Bull. EC 5-1990, point 1.2.129

*Adopted by the Commission on 27 October.* This document, which is in response to a request by the Council, is the Commission's second report on administrative simplification. It describes the measures introduced by Member States and Community institutions in order to alleviate administrative and legal burdens on enterprises. The Commission looks at issues such as regulatory review and reform, consultation procedures and codes of good practice.

The aim of the report is to highlight the importance of administrative simplification to businesses, and in particular SMEs, while leaving Member States — in accordance with the principle of subsidiarity — free to choose their own means of implementing simplification procedures. The Commission is also planning to strengthen its own system for assessing the impact of Community legislation on SMEs.

SEC(92) 1867

## II

### Enterprise policy

1.3.63. Economic and Social Committee own-initiative opinion on SMEs and craft industries.

□ **Reference:** Council resolution on the action programme for small and medium-sized enterprises including craft industry enterprises: OJ C 146, 5.6.1991; Bull. EC 4-1991, point 1.2.39

*Adopted by the Economic and Social Committee on 22 October.* In this opinion, the Committee reviews the various elements of Community policy in favour of SMEs. Matters examined

include procedures for consulting professional and trade-union organizations, access for SMEs to the Community's information, cooperation and funding instruments, the establishment of a European academy for the craft sector and SMEs, and the continuation of the work begun on administrative simplification.

### Industrial policy

#### Steel

1.3.64. Parliament resolution on the situation in the European steel industry.

*Adopted on 29 October.* Parliament is convinced that the European steel industry must make a substantial effort to restructure itself and calls on the Community, the Member States and the two sides of industry to take coordinated action. It asks the Commission to ensure that all subsidies are linked to reductions in production and that restructuring is accompanied by social measures undertaken in cooperation with the two sides of industry, to examine the question of imports from Eastern Europe while taking into account those countries' need for aid to convert their industries, and to relaunch negotiations with the United States on a multilateral steel agreement.

OJ C 305, 23.11.1992

### Research and technology

#### Research

1.3.65. Council conclusions concerning supplementary financing of the third framework programme of research and technological development (1990-94).

□ **References:**

Council Decision 90/221/EEC, Euratom concerning the framework programme of Community activities in the field of research and

technological development (1990-94): OJ L 117, 8.5.1990; Bull. EC 4-1990, point 1.1.54

Proposal for a Council Decision concerning supplementary financing of the third framework programme of Community activities in the field of research and technological development (1990-94): OJ C 225, 1.9.1992; COM(92) 309; Bull. EC 7/8-1992, point 1.3.82

*Adopted on 12 October*

'The Council:

took note of the Commission's proposal for a Council Decision concerning supplementary financing of the third framework programme;

recognized that there was likely to be a decrease in the level of framework programme funding towards the end of the third framework programme and that this would threaten the continuity of Community research activities;

agreed therefore that, in principle, some financial supplement to the third framework programme could be appropriate in order to ensure continuity of Community R&D activities, subject to the definition of the financial perspectives for 1993-97;

stressed the importance of maintaining continuity within the established objectives of the third framework programme and its specific programmes;

noted the need to reflect as far as possible the existing proportional balance between activities established within the framework programme, and agreed that further work was necessary before the December Council to identify those programmes of particular value which face specific funding problems;

invited the Presidency to seek agreement to a distribution which respects this balance more closely whilst taking due account of areas of particular need;

considered that a decision on the financial supplement was needed as rapidly as possible and that there should be no delay to discussion of the Commission's proposal for a fourth framework programme;

invited therefore the Permanent Representatives Committee to continue work on the Commission's proposal, taking into account the present conclusions and the procedural aspects, so as to enable the Council to reach an agreement by the end of the year;

agreed that the Presidency should pursue contacts, as appropriate, with the representatives of the

European Parliament and the Commission, so as to facilitate an early decision on a financial supplement.'

1.3.66. Commission working document concerning the fourth framework programme of Community activities in the field of research and technological development (1994-98).

**Commission approval:** Bull. EC 9-1992, point 1.2.56

*Formally adopted on 9 October.*

COM(92) 406

## Telecommunications, information services and industry

### Review of the telecommunications services sector

1.3.67. Commission communication to the Council and Parliament: 1992 review of the situation in the telecommunications services sector

**References:**

Green Paper on telecommunications: COM(87) 290; Bull. EC 6-1987, point 1.4.1

Council Directive 90/387/EEC on the establishment of the internal market for telecommunications services through the implementation of open network provision: OJ L 192, 24.7.1990; Bull. EC 6-1990, point 1.3.96

Commission Directive 90/388/EEC on competition in the markets for telecommunications services: OJ L 192, 24.7.1990

Conclusions of the European Council in Birmingham: point I.2 of this Bulletin

*Adopted by the Commission on 21 October.* In its report the Commission reviews the telecommunications services market in terms of the coming internal market. The document is a follow-up to the Directives adopted in 1990, which provided for a number of temporary

exemptions from the rules on competition subject to a review of the market situation in 1992.

The Commission considers that the continuity of Community telecommunications policy as defined in the Green Paper on telecommunications should be maintained and that a balance should be preserved between the liberalization and harmonization of telecommunications services.

It notes that, despite the measures already taken to liberalize the sector, major difficulties remain. Above all, tariffs for voice telephony between Member States are still excessive compared with charges for national calls.

The Commission puts forward four possible options:

- Option 1: to freeze the liberalization process and maintain the status quo;
- Option 2: to introduce extensive regulation of both tariffs and investments at Community level, particularly in order to remove surcharges on intra-Community tariffs;
- Option 3: to liberalize all international and national voice telephony;
- Option 4: an intermediate option of opening up voice telephony between Member States to competition. At this stage the Commission regards this as the most suitable means of achieving the Community's basic objectives in this area.

The Commission has decided to consult all interested parties on the choice to be made between these four options. This is in line with the conclusions of the European Council in Birmingham, where the Commission agreed to extensive consultations before drafting any legislation.

SEC(92) 1048

## Transport

### I

#### External relations in the field of air transport

1.3.68. Communication to the Council on relations with third countries in air transport,

and a proposal for a Council Decision on a consultation and authorization procedure for agreements concerning trade relations between Member States and third countries in the field of civil aviation.

- Reference:** proposal for a Council Decision on a consultation and authorization procedure for agreements concerning commercial aviation relations between Member States and third countries: COM(90) 17; Bull. EC 1/2-1990, point 1.1.256

*Adopted by the Commission on 21 October.* The communication outlines the background to relations between the Community and third countries in the field of air transport. The Commission observes that these are currently conducted on a bilateral basis, but that the Community has now adopted a common policy on air transport which will take effect on 1 January 1993. It is therefore essential, for both political and legal reasons, that the Community immediately establish procedures for negotiating with third countries on market access, capacity, fares and related matters. However, the Commission also accepts that existing agreements should be respected.

The Commission proposes a strict procedure for the allocation of traffic rights, and suggests setting up a management committee to assist it with this.

The proposal for a Council Decision with the communication amends the proposal of 23 February 1990.

COM(92) 434

### II

#### Infrastructure

##### *Financial support for projects of Community interest*

1.3.69. Commission Decisions granting financial support for the implementation of transport infrastructure projects.

*Adopted by the Commission on 14 October, granting financial support totalling ECU 121 million.*

*Endorsed by Parliament on 30 October, subject to certain amendments, inter alia concerning the legal basis of the proposed Decision.*

OJ C 305, 23.11.1992

## **Inland transport**

## *Slovenia*

### *Road and inland waterway transport*

*1.3.72. Council Decision authorizing the Commission to open negotiations for the conclusion of an agreement between the European Economic Community and the Republic of Slovenia in the field of transport.*

*1.3.70. Proposal for a Council Regulation on the transfer of controls in the field of road and inland waterway transport to the Community's external frontiers.*

- Commission proposal:** OJ C 103, 23.4.1992; COM(92) 105; Bull. EC 3-1992, point 1.2.80
- Economic and Social Committee opinion:** OJ C 287, 4.11.1992; Bull. EC 7/8-1992, point 1.3.97

*Recommendation concerning the negotiations adopted by the Commission on 2 October. The Commission asks the Council's authorization to start negotiations with Slovenia with a view to concluding an agreement in the field of transport, in consultation with a committee of Member States' representatives.*

*Endorsed by Parliament on 30 October, subject to certain amendments concerning checks on compliance.*

*Adopted by the Council on 26 October.*

OJ C 305, 23.11.1992

## **International cooperation**

## **Energy**

### *Transit traffic*

### **I**

*1.3.71. Agreements on the transit of goods between the Community and Austria and between the Community and Switzerland.*

### **Euratom safeguards**

- Commission recommendation:** Bull. EC 9-1988, point 2.1.135
- Negotiating directives:** Bull. EC 12-1988, point 2.1.341
- Council agreement:** Bull. EC 10-1991, point 1.2.53
- Agreements initialled:** Bull. EC 12-1991, point 1.2.113
- Commission proposal concerning the conclusion of the Agreements:** COM(92) 107; Bull. EC 3-1992, point 1.2.82
- Council Decision on signature:** Bull. EC 4-1992, point 1.3.76
- Agreements signed:** Bull. EC 5-1992, point 1.2.1
- Amended Commission proposal:** COM(92) 350; Bull. EC 7/8-1992, point 1.3.99

*1.3.73. Council conclusions on the operation of Euratom safeguards.*

- References:**
  - Conclusions of the Dublin European Council: Bull. EC 6-1990, point I.40
  - Council conclusions on the operation of Euratom safeguards: Bull. EC 12-1990, point 1.3.164
  - Report on the operation of Euratom safeguards: Bull. EC 1/2-1992, point 1.3.119

*Adopted on 5 October. The Council adopted the following conclusions:*

*'In the light of the general approach adopted by the Community on nuclear non-proliferation, as outlined in the statement annexed to the Presi-*

agency's conclusions at the close of the discussions of the European Council in Dublin, having regard to the conclusions adopted by the Council on 21 December 1990, and having taken note of the second Commission report (1989-90) on the operation of Euratom safeguards, which provides a comprehensive survey of its activities in the civil nuclear fuel cycle, the Council:

□ reaffirms the importance of the wide-ranging safeguards' activities carried out by the Commission, as provided for in Chapter VII of the Euratom Treaty, and the need for consistent application of existing rules at both Community and international level;

□ expresses its satisfaction at the positive results obtained during the period under consideration and in particular takes note of the Commission's assurances that it has not detected any diversion from intended uses;

□ stresses the need to continue to ensure a high level of safeguards in the future in the Community, taking into account, in particular, the development of the use of plutonium-bearing fuel in light water reactors and fast breeder reactors, which involves a considerable increase in the use of recycled plutonium;

□ encourages the Commission to continue to implement efficient Euratom safeguards in the nuclear fuel cycle by adapting its methods and techniques in modern, fully automated fabrication and reprocessing installations;

□ agrees with the option chosen by the Commission of developing safeguards' approaches based on highly unattended and/or process-integrated systems wherever possible in order to make best use of resources and to reduce occupational radiation exposure for both plant personnel and inspectors;

□ underlines the need to maintain full and appropriate cooperation with the International Atomic Energy Agency (IAEA) in order to carry out inspection activities under the existing Safeguards Agreements in the most efficient way and in particular, as envisaged in the ongoing negotiations on a new partnership approach with the IAEA, to avoid any unnecessary duplication of inspection;

□ recognizes that Euratom's safeguards' activities are a major contribution to the achievement of the objectives of the Safeguards Agreements between the IAEA, Euratom and its member States and constitute a good basis from which experience can be drawn, put into practice and implemented at international level in both new safeguards' concepts and modern safeguards' equipment and technology.'

## II

### Individual sectors

#### *Oil and petroleum products*

1.3.74. Proposal for a Council Directive providing for appropriate measures to be taken in the event of difficulties in the supply of crude oil and petroleum products to the Community.

□ **Commission proposal:** COM(90) 514; Bull. EC 10-1990, point 1.3.205

□ **Amended Commission proposal:** OJ C 127, 19.5.1992; COM(92) 145; Bull. EC 4-1992, point 1.3.78

*Endorsed by the Economic and Social Committee on 22 October.* The Committee stressed the need to take account of the position of the Community within the International Energy Agency, in order to ensure that mutually compatible measures are adopted.

#### *Solid fuels*

1.3.75. Draft Commission Decision on the granting of financial aid for a 1992 technical coal research project.

□ **Reference:** Medium-term guidelines for technical coal research (1990-95); OJ C 52, 1.3.1989; Bull. EC 2-1989, point 2.1.33

*Adopted on 29 October.* Purpose: to grant ECU 1.7 million for a research project relating to protection of the environment.

1.3.76. Commission report on the market for solid fuels in the Community in 1991 and the outlook for 1992 (revised version).

□ **Previous version:** Bull. EC 3-1992, point 1.2.88

□ **Commission draft:** Bull. EC 9-1992, point 1.2.73

*Endorsed by the ECSC Consultative Committee on 2 October.*

## Social dimension

### I

#### Protection of pregnant women

1.3.77. Council Directive 92/85/EEC concerning measures to encourage improvements in the safety and health of pregnant workers, women workers who have recently given birth and those who are breastfeeding.

**References:**

Commission communication concerning its action programme relating to the implementation of the Community Charter of the Fundamental Social Rights of Workers: COM(89) 568; Bull. EC 11-1989, point 2.1.80

Council framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work: OJ L 183, 29.6.1989; Bull. EC 6-1989, point 2.1.105

Parliament resolution on the protection of pregnant women at work: OJ C 284, 2.11.1992; Bull. EC 9-1992, point 1.2.78

**Commission proposal:** OJ C 281, 9.11.1990; COM(90) 406; Bull. EC 9-1990, point 1.2.53

**Economic and Social Committee opinion:** OJ C 41, 18.2.1991; Bull. EC 11-1990, point 1.3.54

**Parliament opinion (first reading):** OJ C 19, 28.1.1991; Bull. EC 12-1990, point 1.3.99

**Amended Commission proposal:** OJ C 25, 1.2.1991; COM(90) 692; Bull. EC 1/2-1991, point 1.2.117

**Council agreement:** Bull. EC 11-1991, point 1.2.90

**Council common position:** Bull. EC 12-1991, point 1.2.144

**Parliament opinion (second reading):** OJ C 150, 15.6.1992; Bull. EC 5-1992, point 1.1.96

**Re-examined Commission proposal:** COM(92) 259; Bull. EC 6-1992, point 1.3.106

*Formally adopted by the Council on 19 October.* This Directive, notice of which was given in the Commission's action programme relating to the implementation of the Community Charter of the Fundamental Social Rights of Workers, is the 10th individual Directive under framework Directive 89/391/EEC on the pro-

tection of the safety and health of workers at work.

It sets out minimum provisions, leaving it to the Member States to decide whether to adopt more favourable arrangements. It also features a 'non-regression clause' to ensure that Member States cannot use the Directive to lower the level of protection for the workers concerned.

The Directive makes provision for:

minimum maternity benefits (which may not be less than those received by a worker stopping work for reasons connected with his or her state of health — thus implying no analogy between pregnancy and sickness);

working time arrangements to ensure that pregnant workers are not exposed to a safety or health hazard;

a ban on exposure to certain agents or working conditions which might jeopardize the worker's health or safety;

at least 14 uninterrupted weeks' maternity leave;

a ban on dismissal for reasons connected with pregnancy or maternity;

maintenance of employment rights;

entitlement to ante-natal medical examinations during working hours;

reduction to one year of the qualifying period for maternity benefits.

The Directive, which has to be incorporated into national law within two years of adoption, is merely a first step towards harmonized pregnancy and maternity protection; it may be subject to revision on the strength of a general assessment exercise to be carried out within five years.

OJ L 348, 28.11.1992

### II

#### Employment

##### *Free movement of workers*

1.3.78. Communication on the comparability of vocational training qualifications between

Member States of the European Community established in implementing Council Decision 85/368/EEC of 16 July 1985, 'chemical industry sector'.

□ **Reference:** Council Decision 85/368/EEC on the comparability of vocational training qualifications between Member States of the European Community: OJ L 199, 31.7.1985; Bull. EC 7/8-1985, point 2.1.88

*Published by the Commission on 12 October.*  
OJ C 262, 12.10.1992

## European Social Fund and other structural measures

1.3.79. Structural measures are now dealt with under the heading 'Economic and social cohesion'.

## Working conditions

### *Measures for ECSC industry workers*

1.3.80. Commission decision concerning the granting of financial aid for research projects under the sixth ergonomics programme in the ECSC industries.

□ **Reference:** Commission memorandum on a sixth ECSC programme of ergonomics research for the coal and steel industries: Bull. EC 12-1990, point 1.3.139

*Adopted by the Commission on 15 October.*  
Purpose: to grant a total amount of ECU 2.5 million for 14 research projects.

1.3.81. Commission decision concerning the granting of financial aid for research projects under the first joint research programme on safety in the ECSC industries.

□ **Reference:** First joint research programme on safety in the ECSC industries: OJ C 325, 29.12.1989; Bull. EC 12-1989, point 2.1.60

*Adopted by the Commission on 1 October.* Purpose: to grant ECU 3.9 million for 18 research projects.

## Social security

### *Social security for migrant workers*

1.3.82. Proposal for a Council Regulation amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71.

□ **Commission proposal:** OJ C 251, 28.9.1992; COM(92) 315; Bull. EC 7/8-1992, point 1.3.116

*Endorsed by the Economic and Social Committee on 22 October.* However, the Committee emphasized the urgent need to update the Community provisions on social security for migrant workers.

*Endorsed by Parliament on 30 October.*  
OJ C 305, 23.11.1992

1.3.83. Coordinated versions of Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the implementing procedure.

□ **References:**  
Council Regulation (EEC) No 1408/71: OJ L 149, 5.7.1971  
Council Regulation (EEC) No 574/72: OJ L 74, 27.3.1972

*Adopted by the Commission on 21 October.* These texts effectively update the Community regulations on social security for migrant workers and incorporate the many changes to the regulations since 1983.

## Health and safety at work

1.3.84. Proposal for a Council Directive concerning the minimum health and safety requirements for work on board fishing vessels.

- **Commission proposal:** OJ C 337, 31.12.1991; COM(91) 446; Bull. EC 11-1991, point 1.2.92
- **Economic and Social Committee opinion:** OJ C 169, 6.7.1992; Bull. EC 4-1992, point 1.3.94
- **Parliament opinion (first reading):** OJ C 241, 21.9.1992; Bull. EC 7/8-1992, point 1.3.123

*Amended proposal adopted by the Commission on 12 October.* The aim of the amendments is essentially to bring out more clearly the conditions regarding the monitoring of safety measures on board ship and to make provision for the training of fishermen and persons likely to command a vessel.

OJ C 311, 27.11.1992; COM(92) 409

1.3.85. Proposal for a Council Directive on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (12th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).

- **Commission proposal:** OJ C 58, 5.3.1992; COM(92) 14; Bull. EC 1/2-1992, point 1.3.128
- **Economic and Social Committee opinion:** OJ C 169, 6.7.1992; Bull. EC 4-1992, point 1.3.93
- **Parliament opinion (first reading):** OJ C 150, 15.6.1992; Bull. EC 5-1992, point 1.1.93
- **Amended Commission proposal:** OJ C 171, 7.7.1992; COM(92) 251; Bull. EC 6-1992, point 1.3.105

*Parliament opinion (second reading) delivered on 28 October.* Parliament made a number of changes to the proposal, mainly concerning arrangements for ensuring the proper application of the minimum requirements laid down in the proposal.

OJ C 305, 23.11.1992

## Solidarity

### *Social integration of the disabled*

1.3.86. Proposal for a Council Decision establishing a third Community action pro-

gramme to assist disabled people — Helios II (1992-96).

- **Commission proposal:** OJ C 293, 12.11.1991; COM(91) 350; Bull. EC 10-1991, point 1.2.71
- **Economic and Social Committee opinion:** OJ C 79, 30.3.1992; Bull. EC 1/2-1992, point 1.3.130

*Endorsed by Parliament on 30 October.* However, Parliament called on the Commission to make certain changes to the proposal with a view to enhancing equal opportunities and the social integration of disabled people and fostering cooperation between disabled persons' support organizations.

OJ C 305, 23.11.1992

## Education, vocational training and youth

### Continuing training

1.3.87. Information report by the Economic and Social Committee on vocational training: The promotion of vocational qualifications — An instrument for the economic and social development of the European Community.

*Adopted by the Economic and Social Committee on 22 October.* The report stresses the crucial importance of vocational qualifications for the furtherance of European integration. After analysing the contemporary and potential problems surrounding vocational training in the Community — e.g. the strategic importance of vocational qualifications for the development of European integration; the inadequacy, in terms of quality and quantity, of existing vocational skills; the problem of forecasting skills needs; inadequate access to vocational training — the report goes on to sketch out the broad lines for Community action in the years to come.

To counter the problem of predicting the kind of economic, social and technical changes that



are likely to occur, the report concludes that vocational training structures should systematically offer broadly based and flexible qualifications and that action to promote the acquisition of vocational qualifications should be accompanied by work reorganization initiatives within firms. Community action must seek to encourage the Member States and companies to focus on specific categories of workers, more especially employees in sectors facing labour-shedding, socially disadvantaged groups of workers and women wishing to enter the labour market or to resume work after a career break, and to guarantee all young people the right to initial vocational training.

The report also stresses the need for special measures to help the long-term unemployed and to promote the mutual recognition of qualifications.

## Cooperation with non-member countries on education, training and youth

### *Central and Eastern Europe*

1.3.88. Proposal for a Council Decision adopting the second phase of the trans-European cooperation scheme for higher education (Tempus II) (1994-98).

#### □ References:

Council Decision 90/233/EEC establishing a trans-European mobility scheme for university studies (Tempus): OJ L 131, 23.5.1990; Bull. EC 5-1990, point 1.3.2

Council Regulation (EEC) No 3906/89 on economic aid to Hungary and Poland: OJ L 375, 23.12.1989; Bull. EC 12-1989, point 2.2.25, as last amended by Regulation (EEC) No 2334/92 to extend economic aid to include Slovenia: OJ L 227, 11.8.1992; Bull. EC 7/8-1992, point 1.4.27

Council Regulation (EEC, Euratom) No 2157/91 concerning the provision of technical assistance for economic reform and recovery in the Union of Soviet Socialist Republics: OJ L 201, 24.7.1991; Bull. EC 7/8-1991, point 1.3.5

*Adopted by the Commission on 1 October.* The proposal for a Council Decision on the second phase of the Tempus programme aims to promote the structural development and facilitate the adaptation of higher education, to address the problem of the shortage of skilled labour and to promote exchanges of young people between the Community and the eligible countries. Such countries are taken to be the countries of Central and Eastern Europe which are eligible for economic aid under the Phare programme, namely Bulgaria, Hungary, Poland, Romania, the Czech and Slovak Federal Republic, Albania, Estonia, Lithuania, Latvia and Slovenia, and the republics of the former Soviet Union which the Council has designated as being eligible for economic aid under Regulation (EEC) No 2157/91.

OJ C 311, 27.11.1992; COM(92) 407

## Economic and social cohesion: structural measures

### I

### Reform of the structural Funds

1.3.89. Annual report on the implementation of the reform of the structural Funds — 1991.

□ **Reference:** Commission communication on Community structural policies assessment and outlook: COM(92) 84; Bull. EC 3-1992, point 1.1.5

□ **Basic regulation:** Council Regulation (EEC) No 2052/88 on the tasks of the structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments: OJ L 185, 15.7.1988; Bull. EC 6-1988, point 2.1.159

- **Previous report:** COM(91) 400; Bull. EC 10-1991, point 1.2.69

*Adopted by the Commission on 27 October.* In its third report the Commission gave a general overview of progress in implementing the reform of the structural Funds in both financial and qualitative terms.

The work of mobilizing all the Community appropriations continued in 1991 and some delays which had arisen in 1990 were made up. Since implementation of the reform began, 90% of indicative total appropriations for all the objectives has been committed.

The Commission stressed the essential role played by monitoring in ensuring the successful implementation of the reform which had resulted in a significant reduction in the number of commitments in respect of which no payments were made. It also welcomed the increase in the number of multifund operational programmes adopted, since these were one of the ways in which the integrated approach could be implemented.

In this report, the Commission reiterated the comment it had made in its communication on the assessment and outlook of Community structural policies to the effect that the reform of the structural Funds had proved, in general, very positive.

## **Structural measures in the social field**

*1.3.90.* Proposal for a Commission decision on the Community support frameworks for Objectives 3 and 4 for 1993.

- **Reference:** Community support frameworks for Objectives 3 and 4 (1990-92): Bull. EC 12-1989, point 2.1.108

*Adopted on 7 October.* The proposal concerns the preparation for 1993 of the Community support frameworks for Objectives 3 and 4 (combating long-term unemployment and facilitating the occupational integration of

young people). The main changes from 1990-92 are:

- rationalization of the priorities in the Community support frameworks;
- reduction in the number of types of assistance;
- increased aid to the long-term unemployed;
- improved aid for training.

In 1993 total finance available for the Community support frameworks will be ECU 2 117 million.

This assistance will be allocated to the Member States on the same basis as in 1990-92.

## **II**

### **Financial assistance**

#### *Less-developed regions*

*1.3.91.* Commission Decision on the establishment of an addendum to the Community support framework for Community structural assistance in France (Corsica) on the improvement of the conditions under which agricultural products are processed and marketed.

- **Reference:** Commission Decision 89/637/EEC on the establishment of Community support frameworks for Community structural assistance in the French overseas departments and Corsica, and the French regions concerned by Objective 1: OJ L 370, 19.12.1989; Bull. EC 10-1989, point 2.1.102

*Adopted on 22 October.* Provides indicative Community financing totalling ECU 2 540 096 for Objective 1 for the three-year period 1991-93.

*1.3.92.* Commission decisions: see Table 2.

Table 2 — *Financing under Objective 1*

<i>(million ECU)</i>		
Country/region	Fund	Total assistance
<i>Spain</i>		
— Andalusia	ERDF	7.49
— Valencia	ERDF	7.74
<i>Portugal</i>		
	EAGGF	3

*Declining industrial areas*

1.3.93. Commission decision: see Table 3.

Table 3 — *Financing under Objective 2*

<i>(million ECU)</i>		
Country/region	Fund	Total assistance
<i>United Kingdom</i>		
West Cumbria	ERDF/ESF	10

*Occupational integration of young people*

1.3.94. Commission decision: see Table 4.

Table 4 — *Financing under Objective 4*

<i>(million ECU)</i>		
Country	Fund	Total assistance
<i>Germany</i>	ESF	21

*Adjustment of agricultural structures*

1.3.95. Commission decisions: see Table 5.

Table 5 — *Financing under Objective 5(a)*

<i>(million ECU)</i>		
Country	Fund	Total assistance
<i>Germany</i>	EAGGF	15.3
<i>France</i>	EAGGF	6.8
<i>Luxembourg</i>	EAGGF	0.04
<i>Netherlands</i>	EAGGF	3.2

*Fisheries structures*

1.3.96. Proposal for a Council Regulation (EEC) amending for the third time Regulation (EEC) No 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector (→point 1.3.155).

1.3.97. Commission decisions: see Table 6.

Table 6 — *Financing of fisheries structures*

<i>(million ECU)</i>		
Country/purpose	Fund	Total assistance
— Construction and modernization of fishing vessels, aquaculture and artificial reefs	EAGGF	35.73
— Facilities at fishing ports	EAGGF	7
— Marketing of fisheries and aquaculture products		
— France	EAGGF	6.4
— Netherlands	EAGGF	2

*Other financial assistance*

1.3.98. Commission decisions: see Table 7.

Table 7 — *Other financial assistance*

			<i>(million ECU)</i>
Type	Country/purpose	Fund	Total assistance
Studies	<i>Spain</i>		
	— Monitoring Committees	ERDF	0.14
	— Information (Castile-Leon)	ERDF	0.15
	<i>Italy</i>		
	— Young businessmen (Palermo)	ERDF	0.03
	<i>Portugal</i>		
— Tourist project (Vale de Souhos)	ERDF	1.74	
<i>United Kingdom</i>			
— Regional financial centres (Edinburgh)	ERDF	0.03	

Environment

I

1.3.99. Proposal for a Council Regulation on the supervision and control of shipments of waste within, into and out of the European Community.

□ **References:**

Basle Convention on Transboundary Movements of Hazardous Wastes: Bull. EC 3-1989, point 2.1.113

Council Directive 91/156/EEC amending Directive 75/442/EEC on waste: OJ L 78, 26.3.1991; Bull. EC 3-1991, point 1.2.167

Fourth Lomé Convention: Bull. EC 9-1991, point 1.3.38

□ **Commission proposal:** OJ C 289, 17.11.1990; COM(90) 415; Bull. EC 9-1990, point 1.2.85

□ **Economic and Social Committee opinion:** OJ C 269, 14.10.1991; Bull. EC 7/8-1991, point 1.2.269

□ **Parliament opinion (first reading):** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.129

□ **Commission proposal:** COM(92) 121; Bull. EC 3-1992, point 1.2.129

*Agreed by the Council on 20 October.* This proposal for a Regulation is one of the last measures to be taken in order to abolish border controls on 1 January 1993, and is designed to put an end to waste 'tourism' within the Community and the unrestricted export of waste to developing countries which is now possible provided that the competent authority in question does not object.

Under the proposal, measures may be taken to prohibit generally or partially shipments of waste for disposal within the Community and in non-member countries, with the control system currently in force being supplemented. In this connection, the proposal seeks to transpose into Community law the Basle Convention on Hazardous Wastes, the Fourth Lomé Convention banning the export of hazardous waste and radioactive waste from the Community to the ACP States, and the OECD

Council Decision of 30 March 1992 on the control of transboundary movements of wastes for recovery. Its scope does not include movements of radioactive waste and other types of waste already covered by Community legislation.

Shipments of waste already covered by the proposal are classified into five categories: shipments between Member States, shipments within Member States, exports to non-member countries, imports into the Community from non-member countries and transit of waste from outside passing through the Community.

In the case of shipments of waste between Member States, a distinction is made between waste for disposal and waste for recovery.

In the case of waste for disposal, the principles of proximity, priority for recovery, and self-sufficiency will apply. Member States may therefore take measures to prohibit or object systematically to shipments of waste, in accordance with the Treaty, simply by notifying the Commission. In the case of hazardous waste produced in small quantities, the Member State of destination must cooperate with the Member State of dispatch. If no satisfactory solution is found, the matter may be referred to the Commission which will settle it in accordance with the procedure laid down in Article 18 of Directive 91/156/EEC.

In the case of waste for recovery, there will be a notification system based on a consignment note and the obligation for the notifier and the consignee to conclude a contract.

'Green' waste, i.e. non-hazardous waste for recovery, is not covered by the proposal, although it may be controlled in specific cases.

In the case of shipments within Member States, the latter must establish an appropriate supervision and control system consistent with the Community system.

Exports of waste to non-Community countries will be prohibited, with the following exceptions:

exports of waste for disposal in EFTA countries which are parties to the Basle Convention;

exports of waste for re-use in countries to which the OECD Decision applies;

exports of waste for re-use in countries to which the OECD Decision does not apply but which are parties to the Basle Convention or have concluded bilateral agreements or arrangements laying down strict control conditions;

re-export of waste treated in a Member State to the ACP State of origin;

in principle, exports of green waste to countries to which the OECD Decision does not apply.

Conversely, imports into the Community of waste from non-member countries will be prohibited, except for:

waste for disposal coming from countries which are parties to the Basle Convention or with which bilateral agreements or arrangements have been concluded;

waste for recovery coming from countries to which the OECD Decision applies or other countries which are parties to the Basle Convention or with which bilateral agreements or arrangements have been concluded.

Lastly, where the transit of waste through the Community is concerned, there will be a system of prior authorization by the transit authorities, with more flexible provisions in the case of waste for recovery passing through two countries to which the OECD Decision applies.

The proposal provides for measures to be taken in the event of illegal trafficking in waste, obliging the Member States to take appropriate action to prohibit and punish this.

## II

### **Industry and environment, civil protection**

#### *Environmental control of products, industrial plants and biotechnology*

1.3.100. Proposal for a Council Regulation allowing voluntary participation by companies

in the industrial sector in a Community eco-audit scheme.

- Commission approval:** Bull. EC 12-1991, point 1.2.297
- Commission proposal:** OJ C 76, 27.3.1992; COM(91) 459; Bull. EC 3-1992, point 1.2.125

*Endorsed by the Economic and Social Committee on 22 October.*

### *Waste management*

**1.3.101.** Proposal for a Council Directive on the incineration of hazardous waste.

- Commission approval:** Bull. EC 1/2-1992, point 1.3.149
- Commission proposal:** OJ C 130, 21.5.1992; COM(92) 9; Bull. EC 3-1992, point 1.2.128

*Endorsed by the Economic and Social Committee on 22 October.* The Committee stressed the need to harmonize waste terminology and to set up a reliable information system concerning the quantities and types of waste produced.

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

- Commission proposal:** OJ C 317, 7.12.1991; COM(91) 358; Bull. EC 10-1992, point 1.2.185
- Economic and Social Committee opinion:** OJ C 98, 21.4.1992; Bull. EC 1/2-1992, point 1.3.159
- Parliament opinion (first reading):** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.127
- Council agreement on a common position:** Bull. EC 5-1992, point 1.1.125
- Council common position:** Bull. EC 6-1992, point 1.3.132

*Endorsed by Parliament (second reading) on 28 October.*

OJ C 305, 23.11.1992

**1.3.103.** Proposal for a Council Directive on the landfilling of waste.

- Commission proposal:** OJ C 190, 22.7.1991; COM(91) 102; Bull. EC 4-1991, point 1.2.134
- Economic and Social Committee opinion:** OJ C 40, 17.2.1992; Bull. EC 11-1991, point 1.2.182

*Endorsed by Parliament (first reading) on 28 October,* subject to certain amendments concerning landfilling procedures and *in situ* controls.

OJ C 305, 23.11.1992

### **Environmental quality and natural resources**

#### *Protection of water, coastal zones, environment and tourism*

**1.3.104.** Proposal for a Council Decision concerning the approval of the Additional Protocol to the Convention on the International Commission for the Protection of the Elbe.

- Commission proposal:** COM(92) 212; Bull. EC 5-1992, point 1.1.130
- Economic and Social Committee opinion:** Bull. EC 7/8-1992, point 1.3.151

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

#### *Urban environment, air quality, transport and noise*

**1.3.105.** Proposal for a Council Directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles.

- Commission proposal:** OJ C 100, 22.4.1992; COM(92) 64; Bull. EC 3-1992, point 1.2.137
- Economic and Social Committee opinion:** Bull. EC 9-1992, point 1.2.107

*Endorsed by Parliament (first reading) on 29 October,* subject to certain amendments of a technical nature.

OJ C 305, 23.11.1992

#### *Global environment: climate change, geosphere and biosphere*

**1.3.106.** Proposal for a Council Regulation amending Regulation (EEC) No 594/91 in

order to speed up the phasing-out of substances that deplete the ozone layer.

**Commission proposal:** OJ C 90, 10.4.1992; Bull. EC 3-1992, point 1.2.117

**Economic and Social Committee opinion:** OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.137

*Endorsed by Parliament on 30 October*, subject to amendments of a technical nature.

OJ C 305, 23.11.1992

## Nuclear safety

### *International cooperation*

*1.3.107.* Parliament resolution on bringing back into service reactor No 3 at the Chernobyl power station.

*Adopted on 29 October.* Parliament called for the immediate shut-down of all Chernobyl-type reactors.

OJ C 305, 23.11.1992

## Agriculture

### **Agricultural structure and rural development**

*1.3.108.* Proposal for a Council Directive concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Germany).

**Commission proposal:** OJ C 251, 28.9.1992; COM(92) 351; Bull. EC 7/8-1992, point 1.3.170

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

*1.3.109.* Proposal for a Council Directive amending Directive 75/273/EEC concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Italy).

**Commission proposal:** OJ C 225, 1.9.1992; COM(92) 349; Bull. EC 7/8-1992, point 1.3.171

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

*1.3.110.* Proposal for a Council Directive amending Directive 75/275/EEC concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Netherlands).

**Commission proposal:** OJ C 260, 9.10.1992; COM(92) 384; Bull. EC 9-1992, point 1.2.109

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

## Legislation

### *General aspects*

*1.3.111.* Proposal for a Council Regulation on Community plant variety rights.

**Commission proposal:** OJ C 244, 28.9.1990; COM(90) 347; Bull. EC 7/8-1990, point 1.3.166

**Economic and Social Committee opinion:** OJ C 60, 8.3.1991; Bull. EC 12-1990, point 1.3.183

*Endorsed by Parliament on 28 October*, subject to an amendment to authorize growers to use, without payment of royalties, on their own holding for the purposes of reproduction or propagation harvested material obtained through cultivation on their own holding of reproductive or propagating material of a variety for which a Community plant variety right has been granted.

OJ C 305, 23.11.1992

### *Veterinary legislation*

#### **Freedom of movement**

*1.3.112.* Council Decision concerning negotiations on an agreement between the European Economic Community and the United States of America concerning the application of the Community Directive on third-country meat, Council Directive 72/462/EEC, and the

corresponding United States of America regulatory requirements with respect to trade in fresh bovine and porcine meat; Council Decision authorizing the Commission to conclude these negotiations.

- Reference:** Council Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine and fresh meat or meat products from third countries (OJ L 302, 31.12.1972), as last amended by Directive 91/266/EEC: OJ L 134, 29.5.1991; Bull. EC 5-1991, point 1.2.106

*Proposals adopted by the Commission on 2 October.*

COM(92) 414

*Adopted by the Council on 26 October.* The Commission and the government of the United States compared the regulatory requirements concerning meat imports imposed by the Community (Directive 72/462/EEC) and the United States and found disparities as regards both the legislation itself and its interpretation and application. These create a number of problems, particularly as regards Community approval of United States slaughterhouses. The decisions provide for negotiation and conclusion with the United States of an agreement under which both sides will amend certain legislative provisions and the interpretation and application of these provisions will be standardized. Cooperation and the exchange of information between the two parties will also be improved.

*1.1.113.* Proposal for a Council Directive concerning the protection of animals kept for farming purposes.

- Commission proposal:** OJ C 156, 23.6.1992; COM(92) 192; Bull. EC 5-1992, point 1.1.150

*Endorsed by the Economic and Social Committee on 22 October*, subject to comments concerning responsibility for implementing the Directive.

*1.3.114.* Proposal for a Council Decision on the conclusion of the Protocol of Amendment to the European Convention for the protection of animals kept for farming purposes.

- Commission proposal:** COM(92) 243; Bull. EC 6-1992, point 1.3.150

*Endorsed by the Economic and Social Committee on 22 October.*

*1.3.115.* The Commission adopted:

- Decision 92/501/EEC, 8.10.1992: OJ L 306, 22.10.1992 — checks;
- Decision 92/503/EEC, 14.10.1992: OJ L 307, 23.10.1992 — imports of fresh meat from Zimbabwe.

**Disease control**

*1.3.116.* Proposal for a Council Decision amending Directive 80/217/EEC introducing Community measures for the control of classical swine fever.

- Directive to be amended:** Council Directive 80/217/EEC (OJ L 47, 21.2.1980), as last amended by Directive 91/685/EEC: OJ L 317, 31.12.1991; Bull. EC 12-1991, point 1.2.211

*Adopted by the Commission on 26 October.* Designates the laboratory of the Hanover Institute of Virology as the Community reference laboratory for classical swine fever.

OJ C 301, 18.11.1992; COM(92) 437

*1.3.117.* The Commission adopted:

- Decision 92/490/EEC, 6.10.1992: OJ L 294, 10.10.1992 — porcine reproductive and respiratory syndrome;
- Decision 92/495/EEC, 14.10.1992: OJ L 299, 15.10.1992 — swine vesicular disease.

*Animal feed*

*1.3.118.* Council Directive 92/88/EEC amending Directive 74/63/EEC on undesirable substances and products in feedingstuffs.

- Directive amended:** Council Directive 74/63/EEC (OJ L 38, 11.2.1974), as last amended by Directive 91/132/EEC: OJ L 66, 13.3.1991; Bull. EC 3-1991, point 1.2.106
- Commission proposal:** OJ C 288, 6.11.1991; COM(91) 369; Bull. EC 10-1991, point 1.2.126
- Economic and Social Committee opinion:** OJ C 79, 30.3.1992; Bull. EC 1/2-1992, point 1.3.185



- Parliament opinion:** OJ C 241, 21.9.1992; Bull. EC 7/8-1992, point 1.3.180
- Commission proposal:** OJ C 260, 9.10.1992; COM(92) 397; Bull. EC 9-1992, point 1.2.113

*Adopted on 26 October.* Strengthens certain provisions of Directive 74/63/EEC to improve the safety of use of feedingstuffs and extends the scope of the Directive to species living freely in the wild.

OJ L 321, 6.11.1992

*1.3.119.* Parliament resolution on monitoring of compliance with the Directives prohibiting the use of hormones and other growth-promoters.

*Adopted on 29 October.* Parliament considered that an end should be put to the illegal use of growth-promoters in livestock farming as soon as possible. It stressed the inadequacy of current Community legislation in this area and asked for it to be strengthened. It also advocated consolidation in a single legislative text of all provisions concerning the administration of pharmaceutical products to animals in order to simplify implementation. It then called on the Member States to introduce more stringent checks and to set up international enforcement teams.

OJ C 305, 23.11.1992

*1.3.120.* The Commission adopted:

- Directive 92/87/EEC, 26.10.1992: OJ L 319, 4.11.1992 — list of ingredients used in compound feedingstuffs;
- Decision 92/508/EEC, 20.10.1992: OJ L 312, 29.10.1992 — list of ingredients prohibited in compound feedingstuffs.

### *Plant health legislation*

*1.3.121.* The Commission adopted:

- Directive 92/76/EEC, 6.10.1992: OJ L 305, 21.10.1992 — protected zones.

### **Agricultural prices and related measures**

*1.3.122.* Proposal for a Council Regulation on the unit of account and the conversion rates

to be applied for the purposes of the common agricultural policy.

- Commission proposal:** OJ C 188, 25.7.1992; COM(92) 275; Bull. EC 7/8-1992, point 1.3.163

*Endorsed by the Economic and Social Committee on 22 October.* The Committee drew attention to the effects of the proposed measures on producers in countries whose currency had been revalued.

*1.3.123.* Proposal for a Council Regulation on special measures for farmers affected by the 1991/92 drought in Portugal.

- Commission proposal:** OJ C 251, 28.9.1992; COM(92) 348; Bull. EC 7/8-1992, point 1.3.185

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

## **Market organization**

### *General aspects*

*1.3.124.* The Commission adopted:

- Regulation (EEC) No 3002/92, 16.10.1992: OJ L 301, 17.10.1992 — verification of the use of products from intervention;
- Regulation (EEC) No 3149/92, 29.10.1992: OJ L 313, 30.10.1992 — supply of food from intervention stocks for the most deprived persons.

### *Cereals*

*1.3.125.* The Commission adopted:

- Regulation (EEC) No 2941/92, 9.10.1992: OJ L 294, 10.10.1992 — land set aside;
- Regulation (EEC) No 2980/92, 14.10.1992: OJ L 299, 15.10.1992 — sorghum (Spain);
- Regulation (EEC) No 2981/92, 14.10.1992: OJ L 299, 15.10.1992 — maize (Spain);
- Regulation (EEC) No 3012/92, 20.10.1992: OJ L 305, 21.10.1992 — STM (Portugal).

## *Sugar*

### *1.3.126. International Sugar Agreement of 1992.*

- Commission recommendation:** Bull. EC 11-1991, point 1.3.72
- Negotiating directives:** Bull. EC 12-1991, point 1.3.46

*Proposal for a Decision on the signature and conclusion of the Agreement adopted by the Commission on 9 October.*

COM(92) 418

### *1.3.127. The Commission adopted:*

- Regulation (EEC) No 2964/92,** 13.10.1992: OJ L 298, 14.10.1992 — B levy;
- Regulation (EEC) No 2965/92,** 13.10.1992: OJ L 298, 14.10.1992 — production levies.

## *Oils and fats*

*1.3.128. Recommendation for a Commission Decision concerning the Community's participation in negotiations to extend the International Agreement on Olive Oil and Table Olives.*

- Reference:** Council Decision concerning the conclusion of the International Agreement on Olive Oil and Table Olives: Bull. EC 12-1986, point 2.2.30

*Adopted on 16 October.* Provides for the Community's participation in negotiations to extend the Agreement, which is due to expire on 31 December 1993, until 31 December 2001.

### *1.3.129. The Commission adopted:*

- Regulation (EEC) No 2890/92,** 2.10.1992: OJ L 288, 3.10.1992 — support for oilseed producers;
- Regulation (EEC) No 3094/92,** 27.10.1992: OJ L 311, 28.10.1992 — accession compensatory amounts (olive oil);
- Regulation (EEC) No 3095/92,** 27.10.1992; OJ L 311, 28.10.1992 — prices fixed in ecus (olive oil);
- Regulation (EEC) No 3114/92,** 28.10.1992: OJ L 312, 29.10.1992 — olive oil imports from Tunisia;

**Regulation (EEC) No 3183/92,** 30.10.1992: OJ L 317, 31.10.1992 — supply of olive oil to the Canary Islands;

**Regulation (EEC) No 3184/92,** 30.10.1992: OJ L 317, 31.10.1992 — supply of olive oil to Madeira.

## *Dried fodder*

### *1.3.130. The Commission adopted:*

**Regulation (EEC) No 2891/92,** 2.10.1992: OJ L 288, 3.10.1992 — support for oilseed producers.

## *Flowers and live plants*

*1.3.131. Proposal for a Council Regulation amending Regulation (EEC) No 234/68 on the common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage.*

- Commission proposal:** OJ C 166, 3.7.1992; COM(92) 249; Bull. EC 6-1992, point 1.3.170.

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

### *1.3.132. The Commission adopted:*

**Regulation (EEC) No 2960/92,** 13.10.1992: OJ L 298, 14.10.1992 — import arrangements.

## *Fresh fruit and vegetables*

- Basic Regulation:** Council Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables (OJ L 118, 20.5.1972), as last amended by Regulation (EEC) No 1754/92: OJ L 180, 1.7.1992; Bull. EC 6-1992, point 1.3.148

*1.3.133. Proposal for a Council Regulation amending Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables.*

*Adopted by the Commission on 27 October.* Provides for the abolition of residual national quantitative restrictions, the possibility of introducing an import licence system and inclusion in the scope of Regulation (EEC)

No 1035/72 of pineapples, avocados, plantain bananas, guavas, mangoes and mangosteens.

OJ C 307, 25.11.1992; COM(92) 442

*1.3.134. Council Regulation (EEC) No 3196/92 on the free distribution outside the Community of fruit and vegetables withdrawn from the market.*

*Proposal adopted by the Commission on 20 October.*

COM(92) 436

*Adopted by the Council on 27 October. Extends to victims of the conflict in the former Yugoslavia the free distribution of apples withdrawn from the market during the 1992/93 marketing year.*

OJ L 317, 31.10.1992

*1.3.135. The Commission adopted:*

□ Regulation (EEC) No 2943/92, 9.10.1992: OJ L 294, 10.10.1992 — imports of mushrooms;

□ Regulation (EEC) No 2974/92, 14.10.1992: OJ L 299, 15.10.1992 — basic and buying-in prices for mandarins and satsumas;

□ Regulation (EEC) No 3009/92, 19.10.1992: OJ L 304, 20.10.1992 — refunds;

□ Regulation (EEC) No 3076/92, 26.10.1992: OJ L 310, 27.10.1992 — imports from ACP countries;

□ Regulation (EEC) No 3115/92, 28.10.1992: OJ L 312, 29.10.1992 — minimum purchase price for oranges;

□ Regulation (EEC) No 3133/92, 29.10.1992: OJ L 313, 30.10.1992 — imports from Mediterranean third countries;

□ Regulation (EEC) No 3134/92, 29.10.1992: OJ L 313, 30.10.1992 — STM (Spain);

□ Regulation (EEC) No 3135/92, 29.10.1992: OJ L 313, 30.10.1992 — reference prices for artichokes;

□ Regulation (EEC) No 3136/92, 29.10.1992: OJ L 313, 30.10.1992 — reference prices for broad-leaved (Batavian) endives;

□ Regulation (EEC) No 3137/92, 29.10.1992: OJ L 313, 30.10.1992 — reference prices for mandarins;

□ Regulation (EEC) No 3138/92, 29.10.1992: OJ L 313, 30.10.1992 — reference prices for cabbage lettuce;

□ Regulation (EEC) No 3139/92, 29.10.1992: OJ L 313, 30.10.1992 — offer price for artichokes;

□ Regulation (EEC) No 3140/92, 29.10.1992: OJ L 313, 30.10.1992 — offer price for broad-leaved (Batavian) endives;

□ Regulation (EEC) No 3141/92, 29.10.1992: OJ L 313, 30.10.1992 — offer price for cabbage lettuce;

□ Regulation (EEC) No 3142/92, 29.10.1992: OJ L 313, 30.10.1992 — offer price for mandarins;

□ Regulation (EEC) No 3185/92, 30.10.1992: OJ L 317, 30.10.1992 — quality standards for carrots, citrus fruit, apples and pears.

### *Processed fruit and vegetables*

*1.3.136. The Commission adopted:*

□ Regulation (EEC) No 2892/92, 2.10.1992: OJ L 288, 3.10.1992 — imports of frozen blackcurrants from Poland;

□ Regulation (EEC) No 2893/92, 2.10.1992: OJ L 288, 3.10.1992 — imports of frozen strawberries from Poland;

□ Regulation (EEC) No 2895/92, 2.10.1992: OJ L 288, 3.10.1992 — imports of mushrooms;

□ Regulation (EEC) No 2958/92, 13.10.1992: OJ L 298, 14.10.1992 — dried grapes (sultanas);

□ Regulation (EEC) No 2999/92, 15.10.1992: OJ L 301, 17.10.1992 — supplies to Madeira.

### *Wine*

*1.3.137. Council Regulations (EEC) Nos 3200/92 and 3201/92 amending, respectively, Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must, and Regulation (EEC) No 1873/84 authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87.*

**Regulations amended:**

Council Regulation (EEC) No 1873/84 (OJ L 176, 3.7.1984), as last amended by Regulation (EEC) No 1336/92: OJ L 145, 27.5.1992; Bull. EC 5-1992, point 1.1.167

Council Regulation (EEC) No 2390/89 (OJ L 232, 9.8.1989; Bull. EC 7/8-1989, point 2.1.150), as last amended by Regulation (EEC) No 1335/92: OJ L 145, 27.5.1992; Bull. EC 5-1992, point 1.1.167

**Reference:** Council Regulation (EEC) No 822/87 on the common organization of the market in wine (OJ L 84, 27.3.1987; Bull. EC 3-1987, point 2.1.167), as last amended by Regulation (EEC) No 1756/92: OJ L 180, 1.7.1992; Bull. EC 6-1992, point 1.3.148

*Proposals adopted by the Commission on 21 October.*

COM(92) 435

*Adopted by the Council on 27 October.* Extend until 30 April 1993 the derogations provided for in Regulations (EEC) Nos 2390/89 and 1873/84 in order to avoid a disruption of trade in the wine sector pending the conclusion of negotiations with the United States.

OJ L 319, 4.11.1992

**1.3.138.** Proposal for a Council Regulation amending for the first time Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails.

**Commission proposal:** OJ C 69, 18.3.1992; COM(92) 55; Bull. EC 1/2-1992, point 1.3.207

**Economic and Social Committee opinion:** OJ C 169, 6.7.1992; Bull. EC 4-1992, point 1.3.150

**Parliament opinion (first reading):** OJ C 241, 21.9.1992; Bull. EC 7/8-1992, point 1.3.195

**Council common position:** Bull. EC 7/8-1992, point 1.3.195

**Amended Commission proposal:** COM(92) 391; Bull. EC 9-1992, point 1.2.121

*Endorsed by Parliament (second reading) on 28 October.*

OJ C 305, 23.11.1992

**1.3.139.** Proposal for a Council Regulation amending for the first time Regulation (EEC) No 1576/89 laying down general rules on the

definition, description and presentation of spirit drinks.

**Commission proposal:** OJ C 69, 18.3.1992; COM(92) 55; Bull. EC 1/2-1992, point 1.3.207

**Economic and Social Committee opinion:** OJ C 169, 6.7.1992; Bull. EC 4-1992, point 1.3.150

**Parliament opinion (first reading):** OJ C 241, 21.9.1992; Bull. EC 7/8-1992, point 1.3.195

**Council common position:** Bull. EC 7/8-1992, point 1.3.195

*Endorsed by Parliament (second reading) on 28 October.*

OJ C 305, 23.11.1992

**1.3.140.** The Commission adopted:

Regulation (EEC) No 2959/92, 13.10.1992: OJ L 298, 14.10.1992 — intervention;

Regulation (EEC) No 3078/92, 26.10.1992: OJ L 310, 27.10.1992 — preventive distillation;

Regulation (EEC) No 3186/92, 30.10.1992: OJ L 317, 31.10.1992 — compulsory distillation;

Regulation (EEC) No 3192/92, 30.10.1992: OJ L 317, 31.10.1992 — preventive distillation.

## Tobacco

**1.3.141.** The Commission adopted:

Regulation (EEC) No 2907/92, 6.10.1992: OJ L 291, 7.10.1992 — maximum guaranteed quantities;

Regulation (EEC) No 2908/92, 6.10.1992: OJ L 291, 7.10.1992 — maximum guaranteed quantities.

## Hops

**1.3.142.** Council Regulation (EEC) No 3124/92 amending Regulation (EEC) No 1696/71 on the common organization of the market in hops.

**Regulation amended:** Council Regulation (EEC) No 1696/71 (OJ L 175, 4.8.1971), as last amended by Regulation (EEC) No 3577/90: OJ L 353, 17.12.1990; Bull. EC 12-1990, point 1.2.1

**Commission proposal:** OJ C 204, 3.8.1991; COM(91) 263; Bull. EC 7/8-1991, point 1.2.228

- Parliament opinion:** OJ C 67, 16.3.1992; Bull. EC 1/2-1992, point 1.3.212

*Adopted on 26 October.* Encourages the marketing by producer groups of all the produce of their members.

OJ L 313, 30.10.1992

**1.3.143.** Proposal for a Council Regulation laying down, in respect of hops, the amount of aid to producers for the 1991 harvest.

- Commission proposal:** OJ C 179, 16.7.1992; COM(92) 281; Bull. EC 6-1992, point 1.3.176

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

**1.3.144.** Proposal for a Council Regulation amending Regulation (EEC) No 2997/87 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production.

- Commission proposal:** COM(92) 310; Bull. EC 7/8-1992, point 1.3.203
- Amended Commission proposal:** OJ C 265, 14.10.1992; COM(92) 399; Bull. EC 9-1992, point 1.2.125

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

**1.3.145.** The Commission adopted:

- Regulation (EEC) No 2940/92, 9.10.1992: OJ L 294, 10.10.1992 — imports from third countries.

## Seeds

**1.3.146.** The Commission adopted:

- Decision 92/502/EEC, 16.10.1992: OJ L 306, 22.10.1992 — bitter white lupin seed (Germany).

## Milk

**1.3.147.** The Commission adopted:

- Regulation (EEC) No 3063/92, 23.10.1992: OJ L 308: 24.10.1992 — import and export licences;
- Regulation (EEC) No 3187/92, 30.10.1992: OJ L 317: 31.10.1992 — export refunds.

## Beef and veal

**1.3.148.** The Commission adopted:

- Regulation (EEC) No 2919/92, 7.10.1992: OJ L 292, 8.10.1992 — intervention sale;
- Regulation (EEC) No 2934/92, 8.10.1992: OJ L 293, 9.10.1992 — STM (Spain and Portugal);
- Regulation (EEC) No 3028/92, 21.10.1992: OJ L 306, 22.10.1992 — intervention sale;
- Regulation (EEC) No 3045/92, 22.10.1992: OJ L 307, 23.10.1992 — intervention sale;
- Decision 92/497/EEC, 16.10.1992: OJ L 301, 17.10.1992 — GATT quota.

## Sheepmeat and goatmeat

**1.3.149.** Council Regulation (EEC) No 3125/92 on the arrangements applicable to the importation into the Community of sheepmeat and goatmeat products originating in Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia.

- Reference:** EEC-Yugoslavia Agreement on trade in the sheepmeat and goatmeat sector: OJ L 137, 23.5.1981, adjusted in 1990: OJ L 95, 12.4.1990
- Commission proposal:** COM(92) 221; Bull. EC 5-1992, point 1.1.174

*Adopted on 26 October.* Suspends the system of administration of the EEC-Yugoslavia Agreement and replaces it temporarily by exclusive administration by the Community of the imports concerned.

OJ L 313, 30.10.1992

## Pigmeat

**1.3.150.** The Commission adopted:

- Regulation (EEC) No 2989/92, 15.10.1992: OJ L 300, 16.10.1992 — supplies to the French overseas departments;
- Regulation (EEC) No 3062/92, 23.10.1992: OJ L 308, 24.10.1992 — market support (Netherlands).

## *Poultrymeat and eggs*

1.3.151. The Commission adopted:

Regulation (EEC) No 2900/92, 5.10.1992: OJ L 290, 6.10.1992 — supply of breeding rabbits to the Canary Islands.

## **EAGGF Guarantee Section**

1.3.152. Twenty-first Financial Report on the EAGGF Guarantee Section for the 1991 financial year.

**Reference:** previous report: COM(91) 371; Bull. EC 10-1991, point 1.2.157

*Adopted by the Commission on 19 October.* The total agricultural expenditure chargeable to the EAGGF Guarantee Section for the 1991 financial year amounted to ECU 31 784.3 million, not counting expenditure under carry-over of appropriations from 1990, compared with ECU 26 453.5 million for the previous year. Export refunds accounted for ECU 10 080 million (ECU 7 722 million in 1990) and intervention for ECU 21 811 million (ECU 18 806 million in 1990). The cereals sector (36.5%) and the milk products sector (22.3%) alone accounted for over half the expenditure on refunds, followed by the beef and veal sector (12.7%) and the sugar sector (12.4%). Intervention expenditure was incurred principally in the following sectors: oilseeds (16.3%), milk products (15.5%), beef/veal (13.8%), sheepmeat and goatmeat (8.2%), olive oil (8.1%), cereals and rice (6.9%).

The trend of public stocks during 1991 showed on the whole an appreciable increase in the book value of stocks, from ECU 1 384 million on 30 September 1990 to ECU 2 584 million on 30 September 1991, an increase of 87%.

As regards the quantities in stock, there was an increase in 1991 for cereals and rice, milk products and beef/veal and a decrease in oils and fats and alcohol.

SEC(92) 1865

1.3.153. The Commission adopted:

Regulation (EEC) No 2922/92, 7.10.1992: OJ L 292, 8.10.1992 — rate of interest for financing public storage (1993 accounting year).

## **International cooperation**

1.3.154. Proposals for Council Decisions on the conclusion of agreements in the form of exchanges of letters concerning certain arrangements in agriculture between the Community and, respectively, Austria, Finland, Iceland, Norway, Sweden and Switzerland.

**Commission proposal:** Bull. EC 4-1992, point 1.3.168

**Signature of the agreements:** Bull. EC 5-1992, point 1.2.1

*Endorsed by Parliament on 28 October.*

OJ C 305, 23.11.1992

## **Fisheries**

### I

## **Common fisheries policy**

1.3.155. Proposal for a Council Regulation establishing a Community system for fisheries and aquaculture.

**Regulation to be repealed:** Council Regulation (EEC) No 170/83 establishing a Community system for the conservation and management of fishery resources: OJ L 24, 27.1.1983; Bull. EC 1-1983, points 1.1.4 and 1.1.5

**References:**

Commission report on the common fisheries policy: Bull. EC 12-1991, point 1.2.255

Conclusions of the Council on the reform of the common fisheries policy: Bull. EC 4-1992, point 1.3.169

Parliament resolution on the common fisheries policy and the adjustments to be made: OJ C 150, 15.6.1992; Bull. EC 5-1992, point 1.1.180

Economic and Social Committee opinion on the report on the common fisheries policy: OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.181

Proposal for a Council Regulation establishing a control system applicable to the common fisheries policy: COM(92) 392; Bull. EC 9-1992, point 1.2.135

*Adopted by the Commission on 6 October.* Follows on the report on the common fisheries policy presented by the Commission in December 1991 and reactions from the other Community institutions to that report. Noting that the present measures for the management and conservation of resources established by Regulation (EEC) No 170/83 have failed to prevent a deterioration in the state of fish stocks and the continuing overcapacity in the Community fishing fleet, the Commission proposes that all the aspects of the common fisheries policy be brought together within a single legal framework with the objective of establishing a lasting balance between resources (in internal and external waters) and the fishing effort deployed.

The proposal, which covers all fishing activities including aquaculture and related activities, plans to regulate fishing effort and rationalize the exploitation of resources, in particular by introducing the following measures:

- establishing a Community licensing system managed and implemented by each Member State in its territorial waters and applicable to Community fishing vessels and fishing vessels of non-member countries operating in Community waters;
- replacing the present system for limiting catches (annual fixing of TACs and quotas) by multiannual planning (three to five years);
- establishing five-year guidelines for the restructuring of the Community fleet;
- laying down technical measures concerning fishing gear and the number and types of authorized vessels and conditions relating to the fitting-out of vessels and size or minimum weight of catches; limiting fishing seasons;
- maintaining CFP legislation, and in particular reserved access in the 12-mile band, creating Community boxes like the Shetland area for biologically sensitive stocks, and laying down the principle of relative stability as regards the allocation of fishing availabilities;

introducing a system for monitoring the implementation of the common fisheries policy (the detailed rules of application were specified in a separate proposal adopted last September).

The proposal also provides for an institutionalized sharing of responsibilities both for decision-making and the carrying-out and monitoring of such measures. In particular it calls for Parliament to be consulted on any decision concerning access to resources and fishing activities.

OJ C 311, 27.11.1992; COM(92) 387

## Market organization

*1.3.156.* Proposal for a Council Regulation on the common organization of the market in fishery products.

- Regulation to be repealed:** Council Regulation (EEC) No 3796/81 on the common organization of the market in fishery products (OJ L 379, 31.12.1981; Bull. EC 12-1981, point 2.1.140), as amended by Regulation (EEC) No 3687/91: OJ L 354, 23.12.1991; Bull. EC 11-1991, point 1.2.176
- Commission proposal:** OJ C 134, 25.5.1992; COM(92) 79; Bull. EC 3-1992, point 1.2.198
- Economic and Social Committee opinion:** Bull. EC 9-1992, point 1.2.146

*Agreed on 19 October.* Pending the opinion of Parliament, the agreement covers in particular:

- strengthening the role and increasing the responsibility of the producers' organizations in the management of resources;
- reviewing the scheme for withdrawal and destruction (more stringent conditions for granting compensation, reduction of eligible quantities, greater degressivity of financial compensation, greater financial co-responsibility for producers' organizations);
- reducing the quantities eligible for carry-over and storage premiums;
- maintaining the compensatory allowance for tuna;

introducing Community import arrangements.

### Prices for 1993

1.3.157. Proposals for Council Regulations fixing the following prices for the 1993 fishing year:

the guide prices for fishery products listed in Annex I(A), (D) and (E) of Regulation (EEC) No 3687/91;

the guide prices for the fishery products listed in Annex II of Regulation (EEC) No 3687/91;

the Community producer price for tuna for the industrial manufacture of products covered by CN code 1604.

**Basic Regulation:** Council Regulation (EEC) No 3687/91 on the common organization of the market in fishery products: OJ L 354, 23.12.1991; Bull. EC 11-1991, point 1.2.176

*Adopted by the Commission on 29 October.* The purpose of the proposals is to fix prices for fishery products for the 1993 fishing year. The prices proposed for the various species are as follows (see Table 8):

Table 8

	<i>(ECU/tonnes)</i>
Species	1993 prices
<i>Guide prices for fresh products</i>	
Herring	
— from 1 January to 31 July 1993 and from 1 October to 31 December 1993	243
— from 1 August to 30 September 1993	182
Sardines	
— Atlantic	
— Member States other than Spain and Portugal	456
— Spain and Portugal	415
— Mediterranean	444

	<i>(ECU/tonnes)</i>
Species	1993 prices
Picked dogfish	886
Catsharks	742
Redfish	941
Cod	1 329
Coalfish	679
Haddock	976
Whiting	822
Ling	984
Mackerel ( <i>Scomber scombrus</i> )	261
Mackerel ( <i>Scomber japonicus</i> )	319
Anchovies	960
Plaice	
— from 1 January to 30 April 1993	812
— from 1 May to 31 December 1993	1 118
Hake	3 165
Megrim	1 980
Ray's bream	1 541
Monkfish	
— whole fish or gutted, with head	2 202
— without head	4 573
Shrimps	1 685
Edible crab	1 482
Norway lobster	
— whole	4 392
— tails	6 962
<i>Guide prices for frozen products</i>	
Sardines	388
Sea bream	1 348
Squid ( <i>Loligo patagonica</i> )	844
Squid ( <i>Ommastrephes sagittatus</i> )	806
Squid ( <i>Illex argentinus</i> )	808
Cuttlefish	1 606
Octopus	1 427
<i>Producer prices for tuna</i>	
Yellowfin tuna	1 038

COM(92) 446



## II

## Review and future development of the common fisheries policy

1.3.158. Commission report on monitoring the implementation of the common fisheries policy.

- **Commission report:** Bull. EC 3-1992, point 1.2.197

*Endorsed by the Economic and Social Committee on 22 October.* The Committee stressed the need for closer coordination between the Member States and more uniform application of Community regulations and in particular of penalties.

1.3.159. Parliament resolution on the multi-annual guidance programmes for 1993-96.

- **Reference:** Proposal for a Council Regulation establishing a Community system for fisheries and aquaculture: COM(92) 387; point 1.3.155 of this Bulletin

*Adopted on 28 October.* Parliament drew attention to the socioeconomic impact of any reduction in the fishing fleet and called on the Commission to submit a proposal to reduce capacity and fishing effort, including a plan for structural financial aid, and urged the Council to enter sufficient funds against the item headed 'Adaptation and modernization' in the 1993 budget.

OJ C 305, 23.11.1992

## Resources

### Internal aspects

### TACs and quotas

- **Basic Regulation:** Council Regulation (EEC) No 3882/91 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches (TACs) for 1992 and certain conditions under which they may be fished: OJ L 367, 31.12.1991; Bull. EC 12-1991, point 1.2.257

1.3.160. Council Regulation (EEC) No 2985/92 amending for the third time Regulation (EEC) No 3882/91.

- **Commission proposal:** COM(92) 396; Bull. EC 9-1992, point 1.2.137

*Adopted on 12 October.* Increases the Community TACs for Arctic cod in the Spitzbergen area.

OJ L 300, 16.10.1992

1.3.161. Proposal for a Council Regulation amending for the fourth time Regulation (EEC) No 3882/91.

- **Reference:** Annual meeting of the International Baltic Sea Fishery Commission: Bull. EC 9-1992, point 1.2.145

*Adopted by the Commission on 21 October.* Proposes an increase in the TAC for the stock of sprat in the Baltic Sea, in accordance with the recommendation of the second meeting of the International Baltic Sea Fishery Commission, and in the Community share of the TAC for cod in the same region, by virtue of the additional quantities transferred by Sweden.

COM(92) 432

## Technical measures

1.3.162. Council Regulation (EEC) No 3034/92 amending for the 14th time Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources.

- **Regulation amended:** Council Regulation (EEC) No 3094/86 (OJ L 288, 11.10.1986; Bull. EC 10-1986, point 2.1.174), as last amended by Regulation (EEC) No 2120/92: OJ L 213, 29.7.1992; Bull. EC 7/8-1992, point 1.3.226
- **Commission proposal:** COM(92) 311; Bull. EC 7/8-1992, point 1.3.225

*Adopted on 19 October.* Aims to protect certain marine mammals, in particular dolphins, from the effects of tuna-fishing with purse seines.

The Regulation defines the rules for using purse seines by prohibiting in particular any fishing vessel flying the flag of, or registered in, a Member State from undertaking encirclements of schools of marine mammals with

purse seines, both in Community waters and outside those waters.

OJ L 307, 23.10.1992

### *External aspects*

#### **Baltic States**

*1.3.163.* Agreements on fisheries between the European Economic Community and Estonia, Latvia and Lithuania.

- Recommendation for a Decision:** Bull. EC 5-1992, point 1.1.184
- Negotiating directives:** Bull. EC 6-1992, point 1.3.189
- Initialling of agreements:** Bull. EC 7/8-1992, point 1.3.233

*Proposals for Regulations on conclusion of agreements adopted by the Commission on 26 October.*

OJ C 304, 21.11.1992; COM(92) 431

#### **Guinea**

*1.3.164.* Proposal for a Council Regulation on the conclusion of the Protocol establishing, for the period 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the Community and Guinea on fishing off the coast of Guinea.

- Commission proposal:** OJ C 54, 29.2.1992; COM(92) 38; Bull. EC 1/2-1992, point 1.3.240

*Endorsed by Parliament on 30 October*, subject to amendments requiring the budget authority to be informed about the application of the Agreement.

OJ C 305, 23.11.1992

#### **Norway**

*1.3.165.* Council Regulation (EEC) No 2984/92 amending Regulation (EEC) No 3884/91 allocating, for 1992, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen.

**Regulation amended:** Council Regulation (EEC) No 3884/91: OJ L 367, 31.12.1991; Bull. EC 12-1991, point 1.2.273

**Commission proposal:** COM(92) 378; Bull. EC 9-1992, point 1.2.140

*Adopted on 12 October.*

OJ L 300, 16.10.1992

#### **Norway and the Faroes**

*1.3.166.* Council Decision authorizing the Commission to negotiate the termination by mutual consent of the Fisheries Agreements of the former German Democratic Republic with the Faroes and Norway.

- Commission proposal:** OJ C 252, 29.9.1992; COM(92) 376; Bull. EC 9-1992, point 1.2.141

*Adopted on 12 October.*

#### **Sweden**

*1.3.167.* Proposal for a Council Decision denouncing the Fisheries Agreement between the former German Democratic Republic and Sweden.

- Commission proposal:** OJ C 252, 29.9.1992; COM(92) 377; Bull. EC 9-1992, point 1.2.142

*Endorsed by Parliament on 30 October.*

OJ C 305, 23.11.1992

#### **Senegal**

*1.3.168.* Protocol defining, for the period 2 October 1992 to 1 October 1994, the fishing rights and financial compensation provided for in the Agreement between the Community and Senegal on fishing off the coast of Senegal.

- Reference:** EEC-Senegal Agreement: OJ L 266, 29.8.1980
- Previous Protocol:** OJ L 53, 27.2.1991; Bull. EC 1/2-1991, point 1.2.217

*Initialled in Brussels on 1 October.* Maintains the overall level of fishing possibilities for Community vessels in Senegalese waters but provides for a change in the allocation of such possibilities between the various types of fishing in order to take better account of the real needs of the Community fleet. The financial

compensation to be defrayed by the Community budget is increased to ECU 31.2 million, plus ECU 600 000 support for national scientific programmes and ECU 200 000 for the funding of study grants.

## Market organization

*1.3.169.* Proposal for a Council Regulation amending Regulation (EEC) No 3687/91 on the common organization of the market in fishery products and Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

□ **Commission proposal:** OJ C 158, 25.6.1992; COM(92) 213; Bull. EC 5-1992, point 1.1.186

*Endorsed by the Economic and Social Committee on 22 October.*

*1.3.170.* The Commission adopted:

□ **Regulation (EEC) No 3075/92,** 26.10.1992: OJ L 310, 27.10.1992 — compensatory allowance for tuna.

## Structural measures and assistance

*1.3.171.* Proposal for a Council Regulation amending for the third time Regulation (EEC) No 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector.

□ **Regulation to be amended:** Regulation (EEC) No 4028/86: OJ L 376, 31.12.1986; Bull. EC 12-1986, point 2.1.285

*Adopted by the Commission on 9 October.* The proposal provides for the introduction into Regulation (EEC) No 4028/86 of the concept of 'fishing effort', defined as the product of fleet capacity and activity, and for the Member States to restrict such fishing effort to a level compatible with the balanced exploitation of fishery resources in order to enable the Member States to reduce not only the capacity of their fleets but also their activity.

OJ C 280, 29.10.1992; COM(92) 425

*1.3.172.* Structural assistance is dealt with under the heading 'Economic and social cohesion'.

## State aid

### *Decision to raise no objection*

#### **Belgium**

*1.3.173.* Commission decision on aid to promote fishery products.

*Adopted on 12 October.* The aid is financed by compulsory contributions which are not payable on imported products.

#### **Italy**

*1.3.174.* Commission decision on aid for the marketing and advertising of Italian products.

*Adopted on 27 October.* The aid covers in particular the purchase of gear for traditional tuna-fishing.

*1.3.175.* Commission decision on aid connected with changes in regional legislation on fisheries.

*Adopted on 27 October.* The aid covers the construction and temporary or definitive laying-up of vessels with a view to conserving fish stocks.

## International cooperation

*1.3.176.* Proposals for Council Decisions on the conclusion of agreements in the form of exchanges of letters on fisheries between the Community and Iceland, Norway and Sweden.

□ **Commission proposals:** Bull. EC 4-1992, point 1.3.176

□ **Signing of agreements:** Bull. EC 5-1992, point 1.2.1

*Endorsed by Parliament on 28 October.*

OJ C 305, 23.11.1992

# A people's Europe

## I

### Protection of personal data

1.3.177. Proposal for a Council Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

- Commission proposal:** OJ C 277, 5.11.1990; COM(90) 314; Bull. EC 7/8-1990, point 1.3.310
- Economic and Social Committee opinion:** OJ C 159, 17.6.1991; Bull. EC 4-1991, point 1.2.140
- Parliament opinion:** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.214

*Amended proposal adopted by the Commission on 15 October.* The proposal seeks to remove the obstacles to the free movement of personal data between Member States while at the same time maintaining a high level of protection for the privacy, rights and freedoms of individuals. The proposed amendments, which take account of the opinions of Parliament and the Economic and Social Committee, are intended principally:

- to extend the scope of the Directive to include the processing of data by associations and foundations entitled to special exemptions by virtue of their specific characteristics;
- to clarify the scope of the Directive: it will apply to all cases where the data are processed by computer and, where they are not, to cases where they form part of a file;
- to drop the distinction between the rules applying in the public sector and the rules applying in the private sector;
- to strengthen individuals' rights;
- to clarify the provisions relating to the transfer of data to third countries.

The proposal is for a framework Directive which will provide Member States with considerable latitude in implementing the common

principles, in accordance with the principle of subsidiarity.

OJ C 311, 27.11.1992; COM(92) 422

## II

### Measures to help disaster victims

#### *Netherlands*

1.3.178. Commission Decision to grant emergency aid to the families of victims of the air crash in Amsterdam (Schiphol).

*Adopted on 5 October.* The Commission decided to grant ECU 1 million in emergency aid to those seriously affected by the tragic accident on Sunday 4 October in the Amsterdam suburbs near Schiphol airport, as a mark of solidarity with the families of the victims.

#### *Spain*

1.3.179. Parliament resolution on the floods in Spain.

*Adopted on 29 October.* Parliament called on the Commission to provide emergency aid for the victims of the storms and to collaborate with the local authorities concerned in the task of repairing the damage caused to infrastructure.

OJ C 305, 23.11.1992

#### *France*

1.3.180. Parliament resolution on the natural disasters in south-eastern and south-western France.

*Adopted on 29 October.* Aware that by showing active solidarity the Community will bring itself closer to its citizens, Parliament called on the Commission to examine the possibility of helping in the reconstruction of the affected areas. It also stressed the need to examine the

causes of the natural disasters affecting regions of the Community.

OJ C 305, 23.11.1992

## Greece

1.3.181. Parliament resolution on the disastrous forest fires in Rhodes.

*Adopted on 29 October.* Parliament called on the Commission to assist in the reforestation of the island and in the provision of compensation for the victims.

OJ C 305, 23.11.1992

## Italy

1.3.182. Parliament resolution on the natural disasters caused by bad weather in Italy and flooding in Liguria and Tuscany.

*Adopted on 29 October.* Parliament called on the Commission and the Council to make provision for a Directive on flood prevention in sensitive catchment areas. It also expressed the hope that the Community funding already granted will be carefully monitored to ensure it is actually used for the purposes originally intended.

OJ C 305, 23.11.1992

## Portugal

1.3.183. Parliament resolution on Hurricane Charlie.

*Adopted on 29 October.* Parliament called on the Commission to make available the funds required to rehabilitate the island of Terceira in the Azores hit by a hurricane at the end of September.

OJ C 305, 23.11.1992

## Human rights

1.3.184. Parliament resolution on racism, xenophobia and anti-semitism.

*Adopted on 30 October.* Concerned by the spread of xenophobia, racism and anti-semitism in different parts of the Community, Parliament called on the Commission and the Member States to set up a joint action programme against racism and xenophobia and to introduce harmonized immigration and asylum policies.

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OJ C 305, 23.11.1992

# Audiovisual media, information, communication and culture

## Audiovisual policy and production

### *Introduction of advanced television services in Europe*

1.3.185. Proposal for a Decision on an action plan for the introduction of advanced television services in Europe.

□ **Commission proposal:** OJ C 139, 2.6.1992; COM(92) 154; Bull. EC 4-1992, point 1.3.185

*Economic and Social Committee opinion adopted on 22 October.* Although the Committee endorsed the proposal, it was concerned that the proposed plan of action had not yet been discussed in detail with the principal economic operators and that the Memorandum of Understanding had not been submitted to it for an opinion.

It stressed the importance of releasing the funds required for the introduction of HDTV standards so that Europe could profit from its technological edge in this area and called for assistance mechanisms and derogations to the principle of double degressivity for operators in linguistically and geographically smaller countries. The Committee expressed concern at the level of support for independent operators and called for a readjustment of the levels of Community funding for the production sector. It felt strongly that Community expenditure on the introduction and development of

HDTV should not be short-term and piecemeal.

## Culture

### *New prospects for Community cultural action*

1.3.186. Commission communication to the Council and Parliament on new prospects for Community cultural action.

- Commission communication:** COM(92) 149; Bull. EC 4-1992, point 1.3.186

*Economic and Social Committee opinion adopted on 22 October.* The Committee endorsed the communication, emphasizing the importance of firm political will translated in practical terms by the provision of resources commensurate with the aspirations involved. It commented on the proposed action, pointing out that culture is a fundamental right, which should be accessible to all, and that specific national, regional and local characteristics must be respected. Dialogue between host and immigrant communities would be enhanced by knowledge of immigrant cultures. The Committee would support the establishment of cultural television channels and would like to see the public informed about Community measures adopted. It felt that the Commission communication should have emphasized the role of schools and universities in the dissemination of culture.

# 4. The role of the Community in the world

## European Free Trade Association

### Relations with EFTA

#### 1.4.1. Agreement establishing the European Economic Area.

- Negotiating directives:** Bull. EC 6-1990, point 1.4.6
- Council agreement:** Bull. EC 10-1991, point 1.3.1
- Opinion of the Court of Justice:** Bull. EC 12-1991, point 1.7.18
- Examination by the Council:** Bull. EC 12-1991, point 1.3.1
- Council conclusions:** Bull. EC 1/2-1992, point 1.4.1
- Parliament resolution:** OJ C 67, 16.3.1992; Bull. EC 1/2-1992, point 1.4.1
- Commission decision to seek a second opinion from the Court of Justice:** Bull. EC 1/2-1992, point 1.4.1
- Council conclusions:** Bull. EC 3-1992, point 1.3.2
- Second opinion of the Court of Justice:** Bull. EC 4-1992, point 1.7.11; Bull. EC 5-1992, point 1.5.16
- Initialling of the Agreement:** Bull. EC 4-1992, point 1.4.1
- Proposal for a Council Decision on the conclusion of the Agreement:** Bull. EC 4-1992, point 1.4.1
- Decision by the Council on the signature of the Agreement:** Bull. EC 4-1992, point 1.4.1
- Signature of the Agreement:** Bull. EC 5-1992, point 1.2.1

*Assent given by Parliament on 28 October.*

OJ C 305, 23.11.1992

1.4.2. Parliament resolution on economic and trade relations between the European Community and the EFTA countries in the European Economic Area.

- Reference:** Agreement establishing the European Economic Area: point 1.4.1 of this Bulletin

*Adopted by Parliament on 30 October.* Noting the importance of trade between the Community and EFTA countries (60% of EFTA's foreign trade is carried out with the EEC and EFTA is the EEC's main supplier, accounting for about 25% of Community imports), Parliament welcomed the establishment of a European Economic Area which created the world's largest integrated economic market and would result in further increases in trade between the two parties. It commented that the Agreement represented a significant step forward compared with previous free trade agreements between the EEC and EFTA countries, since it would extend the four freedoms of the internal market to these countries and broaden cooperation to include other important sectors. It pointed out, however, that the Agreement did not yet establish a customs union or a single market covering all 19 countries and that it did not provide for a common policy on trade with third countries, for which reason frontier controls might remain in place. Finally, Parliament welcomed the introduction of a financial mechanism in support of economic cohesion in the European Economic Area, with the aim of helping the less-developed countries and regions.

OJ C 305, 23.11.1992

### Bilateral relations

#### *Finland*

1.4.3. Dr Koivisto, President of Finland, Mr Salolainen, Deputy Prime Minister and Minister for Foreign Trade, and Mr Väyrynen, Minister for Foreign Affairs, visited the Commission on 29 October.

□ **References:**

Finland's formal application for accession to the European Communities: Bull. EC 3-1992, point 1.3.1

Agreement establishing the European Economic Area: point 1.4.1 of this Bulletin

Dr Koivisto, along with Mr Salolainen and Mr Väyrynen, had talks with Mr Delors and Mr Andriessen on the prospects for progress with Finland's request for accession in view of the forthcoming discussion by the Commission of its opinion on this request.

Both sides expressed satisfaction at the ratification of the Agreement on the European Economic Area by the Finnish parliament on 28 October (following ratification by the Norwegian parliament on 16 October).

### *Liechtenstein*

1.4.4. Visit by Mr Andriessen on 23 October.

Mr Andriessen met the reigning Prince, Hans-Adam II, and the Head of Government, Mr Brunhart. They discussed the country's coming referendum on the European Economic Area. The Liechtenstein representatives also expressed the wish to open a dialogue with the Community on the future development of the process of European integration.

### *Sweden*

1.4.5. Mr C. Bildt, Prime Minister, and Mr U. Dinkelspiel, European Affairs and Foreign Trade Minister, visited the Commission on 22 and 23 October.

□ **References:**

Conclusions of the Lisbon European Council: Bull. EC 6-1992, point I.4

Commission opinion on Sweden's application for accession: Bull. EC 7/8-1992, point 1.4.1

Mr Bildt and Mr Dinkelspiel met Mr Delors and Mr Andriessen for talks on the prospects for Sweden's application in the light of the Commission opinion given in July on Sweden's request for accession and the conclusions of the Lisbon European Council, which spoke of negotiations beginning once the Treaty on

European Union had been ratified and agreement obtained on the Delors II package.

## Central and Eastern Europe and the independent States of the former Soviet Union

### I

### Cooperation with the Visegrad countries (Hungary, Poland and the Czech and Slovak Federal Republic)

1.4.6. Meeting of the Visegrad and European Community countries' foreign ministers.

□ **References:**

Europe Agreements with Hungary, Poland and Czechoslovakia: Bull. EC 12-1991, point 1.3.2; Bull. EC 9-1992, point 1.3.11

Conclusions of the Lisbon European Council: Bull. EC 6-1992, point I.16

*Meeting held in Luxembourg on 5 October.* In a joint statement issued at the close of this first official meeting (→ point 2.3.1), in which Mr Andriessen took part, the participants stressed the importance of the occasion as a significant step in the process of furthering dialogue and cooperation, as agreed at the Lisbon European Council. The ministers reiterated their wish to see the Agreements signed in 1991 with each of the countries in question enter into force, as planned, on 1 January 1993. They stated their belief that the Agreements would help the Visegrad countries to attain their ultimate goal, namely accession to the European Union. Cooperation under the Europe Agreements will be aimed essentially at consolidating and adding to what has already been achieved in terms of adherence to the principles of democracy and human rights, and in terms of establishing economic systems based on competition and private enterprise. The participants welcomed the fact that political dialogue between



them had begun in advance of the entry into force of the Europe Agreements. Such dialogue should encourage political convergence, better mutual understanding and greater stability and security throughout Europe. Also emphasized were the need to improve access to Community markets, regional cooperation and triangular operations as means of furthering economic development in the Visegrad countries. The Community furthermore confirmed its commitment to the continuation of the Phare programme and of financial assistance in the form of loans and grants.

#### 1.4.7. London summit.

- **Reference:** Meeting of the Visegrad and European Community countries' foreign ministers: point 1.4.6 of this Bulletin

*Meeting held in London on 28 October.* The summit was attended by Hanna Suchocka, the Polish Prime Minister, Jozsef Antall, the Hungarian Prime Minister, Vaclav Klaus, the Czech Prime Minister, Vladimir Meciar, the Slovakian Prime Minister, John Major, Prime Minister of the United Kingdom and President of the Council, Mr Delors and Mr Christophersen. It was a sign of the commitment of the Visegrad countries and the European Community to greater political dialogue. The meeting produced a joint declaration on political cooperation through high-level consultations (ministers and senior officials) and, where the course of events made it necessary, *ad hoc* meetings.

The meeting also provided an opportunity for the participants to discuss how economic relations should develop in the light of the Visegrad countries' desire to accede to the Community. In a joint declaration issued at the close of the meeting, Mr Delors and Mr Major stressed the Community's willingness to support the political and economic reform under way in the countries in question. They also stated that the two sides had agreed to step up cooperation, notably in liberalizing and opening up markets, establishing democratic ties and contacts between towns, education and training, and forging links between the European Parliament and the three national parliaments. The participants also discussed the situ-

ation in what were Yugoslavia and the Soviet Union.

### Assistance to the new independent States of the former Soviet Union

1.4.8. Conference on the coordination of assistance to the new independent States of the former Soviet Union.

#### □ **References:**

Washington conference on assistance to the independent States of the former Soviet Union: Bull. EC 1/2-1992, point 1.4.4

Lisbon conference on the coordination of assistance to the independent States of the former Soviet Union: Bull. EC 5-1992, points 1.2.8 and 2.3.1

*Meeting held in Tokyo on 29 and 30 October.* This third and final conference on the coordination of humanitarian and technical assistance to the new independent States of the former Soviet Union, involving the Community, 70 donor and recipient countries and 19 international organizations (including the IBRD, the IMF and the FAO), continued the approach adopted at the Washington and Lisbon conferences to seeking methods of providing humanitarian and technical assistance which is better suited to the independent States of the former Soviet Union. The initial concept of a general approach to assistance for the recipient States had given way to a system focusing on local needs and operating on the basis of advisory committees composed of recipients and donors. The five working parties set up by the Washington conference for the key sectors of food aid, medical aid, energy, housing and technical assistance each presented a report on its activities and the lessons which could be learnt from them. They emphasized the importance of triangular operations to encourage imports of Central European goods and services into the new independent States. The participants also pointed out the need to couple humanitarian assistance with technical assistance, in order to reduce the cost of operations in the short term and eliminate the need for humanitarian assistance in the long term. Also raised were the issues of the parlous state of the environment in the States

in question, and the need for the specialized aid distribution agencies to coordinate their efforts. Before the conference closed, the donors undertook to increase their assistance in response to the huge scale of the needs described by the new independent States.

## II

### Central and Eastern Europe

#### *Coordinated assistance to the countries of Central and Eastern Europe*

1.4.9. Financing decisions, under the Phare programme, pursuant to Council Regulation (EEC) No 2334/92 amending Regulation (EEC) No 3906/89 in order to extend economic aid to include Slovenia.

- Basic Regulation:** Council Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989; Bull. EC 12-1989, point 2.2.25), as last amended by Council Regulation (EEC) No 2334/92: OJ L 227, 11.8.1992; Bull. EC 7/8-1992, point 1.4.27

*Adopted by the Commission on 1 October.* The Commission gave approval for the financing of the following multiannual programmes:

- Bulgaria:**
  - ECU 8 million for a technical assistance programme for restructuring the energy sector;
  - ECU 7.5 million for an environment programme;
- Romania:**
  - ECU 4 million for a general technical assistance programme.

*Adopted by the Commission on 12 October.* The Commission gave approval for the financing of an ECU 20 million programme to improve nuclear safety in Czechoslovakia, Hungary and Bulgaria.

*Adopted by the Commission on 29 October.* The Commission gave approval for the financing of an ECU 18 million technical assistance pro-

gramme for agriculture and rural areas in Poland.

#### *Bilateral relations*

##### **Albania**

1.4.10. Council Regulation (EEC) No 3106/92 on emergency action for the supply of agricultural products to the people of Albania.

- Commission proposal:** OJ C 222, 29.8.1992; Bull. EC 7/8-1992, point 1.4.7
- Parliament opinion:** OJ C 284, 2.11.1992; Bull. EC 9-1992, point 1.3.6

*Adopted by the Council on 26 October.* The Council decided to grant ECU 40 million of emergency aid to supply agricultural products to Albania, in order to improve the supply situation, taking into account variations in circumstances at local level. Agricultural products from intervention stocks or, where requested, other products obtained on the Community market would be supplied free of charge to the Albanian authorities and sold at prices which would not disturb the market and would generate a counterpart fund to help the most needy.

OJ L 312, 29.10.1992

1.4.11. Council Decision on the conclusion of the commercial and economic cooperation Agreement between the European Economic Community and Albania.

- Recommendation for a Decision:** Bull. EC 7/8-1991, point 1.3.11
- Negotiating directives:** Bull. EC 9-1991, point 1.3.19
- Proposal for a Council Decision on the conclusion of the Agreement:** COM(92) 178; Bull. EC 5-1992, point 1.2.11
- Council Decision on the initialling of the Agreement, pending conclusion:** Bull. EC 5-1992, point 1.2.11
- Signature of the Agreement:** Bull. EC 5-1992, point 1.2.11
- Parliament opinion:** OJ C 284, 2.11.1992; Bull. EC 9-1992, point 1.3.5

*Adopted by the Council on 26 October.*

## Baltic States

1.4.12. Proposal for a Council Decision providing medium-term financial assistance for Estonia, Latvia and Lithuania.

- **Commission proposal:** OJ C 226, 15.10.1992; Bull. EC 9-1992, point 1.3.7

*Endorsed by Parliament on 30 October*, subject to amendments relating to protection of the environment, social justice, human rights and budget guarantees.

OJ C 305, 23.11.1992

1.4.13. Proposal for a Council Decision extending a Community guarantee to the EIB in case of losses on loans in Estonia, Latvia and Lithuania (→ point 1.6.10).

## Bulgaria

1.4.14. Council Decision 92/511/EEC providing further medium-term financial assistance for Bulgaria.

- **Commission proposal:** OJ C 164, 1.7.1992; Bull. EC 6-1992, point 1.4.7
- **Agreed by the Council:** Bull. EC 6-1992, point 1.4.7
- **Parliament opinion:** OJ C 284, 2.11.1992; Bull. EC 9-1992, point 1.3.8

*Adopted by the Council on 19 October.* The Council approved the granting of an ECU 110 million medium-term loan to assist Bulgaria's balance of payments and bolster its reserves.

OJ L 317, 31.10.1992

## Hungary, Poland and the Czech and Slovak Federal Republic

1.4.15. Agreements in the form of exchanges of letters between the European Economic Community and European Coal and Steel Community and Hungary, Poland and Czechoslovakia, extending the validity of the Interim Agreements.

- **References:**  
Association Agreements with Hungary, Poland and the Czech and Slovak Federal Republic: Bull. EC 12-1991, point 1.3.2  
Council Decisions on the conclusion by the European Economic Community of Interim

Agreements on trade and trade-related measures between the European Economic Community and European Coal and Steel Community and Czechoslovakia, Hungary and Poland: OJ L 114, 30.4.1992; OJ L 115, 30.4.1992; OJ L 116, 30.4.1992; Bull. EC 1/2-1992, point 1.4.9

*Recommendation for a decision adopted by the Commission on 8 October.*

*Decision authorizing the Commission to negotiate the Agreements adopted by the Council on 19 October.*

*Agreements initialled on 20 October.*

*Proposals for Council Decisions on the conclusion of the Agreements adopted by the Commission on 22 October.*

*Commission request for the Council's assent to the conclusion of the Agreements by the Commission on behalf of the ECSC adopted on 22 October.* Because the ratification procedures for the Europe Agreements signed with Hungary, Poland and Czechoslovakia in December 1991 are not yet complete, they will not be able to enter into force on 1 January 1993, as originally anticipated.

Interim Agreements on trade and trade-related measures were signed on 16 December 1991 and entered into force on 1 March 1992. They were to have remained valid until the entry into force of the Europe Agreements or on 31 December 1992, whichever was the earlier. In order to preserve the continuity of trade relations between the Community and the countries in question, the Council decided to extend the validity of the Interim Agreements.

1.4.16. Mr Zlocha, Slovakia's Transport Minister, visited the Commission on 19 October.

- **Reference:** Parliament resolution on the Gabčíkovo-Nagymaros hydroelectric dam

Mr Zlocha had talks with Mr Van Miert which were concentrated on the dispute between Hungary and Slovakia over the Gabčíkovo-Nagymaros dam on the Danube. Mr Van Miert reiterated the Commission's offer to the parties to use its good offices to help establish a committee of experts to settle the dispute.

1.4.17. Parliament resolution on the Gabčíkovo-Nagymaros hydroelectric dam.

- **Reference:** Visit to the Commission by Mr Zlocha, Transport Minister of Slovakia

*Adopted by Parliament on 29 October.* In the light of its deep concern at the dispute between Hungary and Czechoslovakia over the building of the Gabčíkovo-Nagymaros hydroelectric dam on the Danube at the Hungarian-Slovakian border, Parliament called on the Commission to lend firm support to the attempts being made to find a diplomatic solution to the dispute. Considering in addition the serious ecological and international political consequences of the project, which was undertaken without any in-depth ecological impact study and without proper consultation of those affected, Parliament proposed that the Commission appoint independent ecologists to make an exhaustive study of the environmental consequences of the building of the dam.

OJ C 305, 23.11.1992

1.4.18. Mrs Hanna Suchocka, Poland's Prime Minister, visited the Commission on 8 October.

Mrs Suchocka saw Mr Delors and Mr Andriessen for talks which centred on Poland's economic and political situation. Mrs Suchocka referred particularly to a number of economic difficulties facing the country, chiefly in connection with public finance, and emphasized the importance of stimulating investment in Poland.

Mrs Suchocka also raised the issue of Poland acceding to the Community.

## Independent States of the former Soviet Union

1.4.19. Council Decision authorizing the Commission to open negotiations for partnership and cooperation agreements with the independent States of the former Soviet Union.

- **Reference:** Council Decision 90/116/EEC on the conclusion by the European Economic Community of the Agreement between the EEC and Euratom and the USSR on trade and com-

mercial and economic cooperation: OJ L 68, 15.3.1990; Bull. EC 1/2-1990, point 1.2.23

- **Recommendation for a Decision:** Bull. EC 7/8-1992, point 1.4.3

*Adopted by the Council on 5 October.* The object of the agreements is to replace the 1990 trade and commercial and economic cooperation Agreement with the former Soviet Union and to establish close economic and political relations with each of the independent States of the former Soviet Union. They will cover a wide range of spheres, including trade, economic and financial cooperation, political dialogue and cultural cooperation.

## Assistance to the independent States of the former Soviet Union

1.4.20. Council conclusions on the utilization of the loan of ECU 1 250 million to the former Soviet Union.

- **References:**

Council Decision 91/658/EEC granting a medium-term loan to the Soviet Union and its constituent republics: OJ L 362, 31.12.1991; Bull. EC 12-1991, point 1.3.6

Council conclusions on relations with the independent States of the former Soviet Union: Bull. EC 3-1992, point 1.3.5

Council conclusions on the utilization of the loan of ECU 1 250 million to the CIS States: Bull. EC 7/8-1992, point 1.4.14

*Adopted by the Council on 19 October.* The Council welcomed the signing by eight of the States of the former Soviet Union of agreements allowing the disbursement of their portions of the ECU 1 250 million loan.

The Council also requested the Commission to release Russia's remaining ECU 349 million share of the ECU 1 250 million. However, it regretted Russia's continuing unwillingness to provide the kind of legal security which was usually attached to Community loans. This special loan would be paid into a particular bank and used primarily to obtain foodstuffs, agricultural products and possibly medical assistance. It would be subject to two conditions: that Russia remained up to date with its repayments of the ECU 500 million credit guarantee, and that the loan be accompanied

by an adequate guarantee on the part of the Russian Government.

## *Bilateral relations*

### **Russia**

1.4.21. Parliament resolution on the provision of emergency food aid to Moscow and St Petersburg.

□ **Reference:** Commission communication to the Council concerning finalization of the ECU 200 million food aid programme for Russia: Bull. EC 9-1992, point 1.3.16

*Adopted by Parliament on 30 October.* Parliament observed that the Commission's overall management of the ECU 200 million emergency food aid operation for Russia had been fully satisfactory, and called on it to consider whether and under what political conditions a similar operation could be undertaken for the winter of 1992/93.

OJ C 305, 23.11.1992

## Mediterranean and Middle East

1.4.22. The European Council advocated speeding up Community aid, of which ECU 213 million is immediately available, and forming a special team to assist the Office of the United Nations High Commissioner for Refugees in delivering aid to the former Yugoslav republics (→ point I.8).

### I

### **Developments in the former Yugoslavia**

#### *New instalment of emergency aid*

1.4.23. Commission decision on new emergency aid for the victims of fighting in the former Yugoslavia.

#### □ **References:**

Commission decision on emergency aid: Bull. EC 5-1992, point 1.2.53

Commission decision of 2 July 1992 on the commitment of funds for humanitarian aid for refugees and displaced persons in what was formerly Yugoslavia: Bull. EC 7/8-1992, point 1.4.18

*Adopted by the Commission on 7 October.* The Commission decided to grant a further instalment of humanitarian aid worth ECU 120 million. Since the beginning of the crisis the Community has approved a total of ECU 289 million of emergency aid, including emergency aid of ECU 120 million approved in July. The new instalment will help to meet some of the needs of refugees and displaced persons in the former Yugoslavia, with priority being given to housing, health and food requirements.

#### *Embargo on Serbia and Montenegro*

1.4.24. Commission Regulation (EEC, ECSC) No 3031/92 amending Regulation (EEC, ECSC) No 2725/92 concerning the implementation of Council Regulation (EEC) No 2656/92 and Decision 92/470/ECSC concerning certain technical modalities in connection with the application of, respectively, Regulation (EEC) No 1432/92 and Decision 92/285/ECSC prohibiting trade between the European Economic Community and the European Coal and Steel Community on the one hand, and the republics of Serbia and Montenegro on the other hand.

□ **Regulation amended:** Commission Regulation (EEC, ECSC) No 2725/92: OJ L 276, 19.9.1992; Bull. EC 9-1992, point 1.3.22

*Adopted by the Commission on 21 October.* The aim is to amend Commission Regulation (EEC, ECSC) No 2725/92 and thereby facilitate implementation of the dual control system it introduced for Community exports to Croatia, Bosnia-Herzegovina and the territory of the former Yugoslav republic of Macedonia. It will allow exports to reach the territory of the former republic of Macedonia while preventing goods from being diverted to Serbia.

OJ L 306, 22.10.1992

*Positive measures in favour of Bosnia-Herzegovina, Croatia, Slovenia and the former Yugoslav republic of Macedonia*

1.4.25. Council Regulation (EEC) No 3105/92 amending Regulation (EEC) No 545/92 concerning the arrangements applicable to imports into the Community of products originating in the republics of Bosnia-Herzegovina, Croatia and Slovenia and the former Yugoslav republic of Macedonia (1992).

- **Regulation amended:** Council Regulation (EEC) No 545/92 (OJ L 63, 7.3.1992; Bull. EC 1/2-1992, point 1.4.18), as last amended by Regulation (EEC) No 1433/92: OJ L 151, 3.6.1992; Bull. EC 6-1992, point 1.4.13
- **Commission proposal:** COM(92) 393; Bull. EC 9-1992, point 1.3.24

*Adopted by the Council on 26 October.* The amendment provides for the insertion in Regulation (EEC) No 545/92 of an Article 10a on the procedure for adopting rules of origin.

OJ L 312, 29.10.1992

## II

### Mediterranean countries

#### *Bilateral relations*

##### Egypt

1.4.26. Parliament resolution on the earthquake in Egypt.

*Adopted by Parliament on 29 October.* Following the earthquake which struck Egypt on 12 October, Parliament called on the Member States to provide aid to build housing for the homeless and schools and to second specialists and technical experts to help restore buildings of historic and cultural importance.

OJ C 305, 23.11.1992

##### Israel

1.4.27. Visit to the Commission by Mr S. Peres, Minister for Foreign Affairs, on 2 October.

- **Reference:** EC-Israel Cooperation Agreement: OJ L 136, 28.5.1975; Bull. EC 5-1975, point 2.3.34.

Mr Peres saw Mr Delors, with whom he discussed the continuation of the Middle East peace process and EC-Israel relations.

Mr Peres pointed out that the negotiations with the Arab countries comprised a bilateral level with Jordan, the Palestinians, Syria and Lebanon, for the purpose of settling conflicts, and a multilateral level. Multilateral negotiations should allow for an approach embracing the whole of the Middle East and the initiation of a process of peaceful cooperation.

On the question of relaunching EC-Israel cooperation, with a view to updating the Agreement signed in 1975, Mr Delors highlighted Israel's particular situation, which required a very specific solution, and agreed to speed up work to adapt the Agreement.

##### Morocco

1.4.28. Fourth financial Protocol.

- **Initialed:** Bull. EC 4-1991, point 1.3.25
- **Commission recommendation:** OJ C 135, 25.5.1991; Bull. EC 5-1991, point 1.3.28
- **Council decision on signature:** Bull. EC 5-1991, point 1.3.28
- **Signed:** Bull. EC 6-1991, point 1.3.27
- **Assent refused by Parliament:** OJ C 39, 17.2.1991; Bull. EC 1/2-1992, point 1.4.30

*Assent to the conclusion of the Protocol given by Parliament on 28 October.*

OJ C 305, 23.11.1992

##### Slovenia

1.4.29. Council Decision authorizing the Commission to open negotiations for an agreement between the European Economic Community and Slovenia in the field of transport (→ point 1.3.72).

## Syria

### 1.4.30. Third financial Protocol.

- Commission recommendation:** OJ C 16, 24.1.1991; COM(90) 633; Bull. EC 12-1990, point 1.4.27
- Council decision on signature:** Bull. EC 1/2-1991, point 1.3.26
- Signed:** Bull. EC 1/2-1991, point 1.3.26
- Assent refused by Parliament:** OJ C 39, 17.2.1992; Bull. EC 1/2-1992, point 1.4.31

*Assent to the conclusion of the Protocol given by Parliament on 28 October.*

OJ C 305, 23.11.1992

### 1.4.31. Fourth financial Protocol.

- Initialed:** Bull. EC 5-1991, point 1.3.39
- Commission recommendation:** OJ C 162, 21.6.1991; COM(91) 203; Bull. EC 5-1991, point 1.3.39
- Council decision on signature:** Bull. EC 6-1991, point 1.3.33
- Signed:** Bull. EC 7/8-1991, point 1.3.29
- First refusal of assent by Parliament:** OJ C 39, 17.2.1992; Bull. EC 1/2-1992, point 1.4.32

*Assent refused by Parliament on 28 October.*

OJ C 305, 23.11.1992

## Financial and technical cooperation

### 1.4.32. Financing decisions under the financial Protocols.

*Adopted by the Commission on 12 October.* Aid was approved for the following projects:

*Universities and higher education and vocational training institutes:*

— ECU 6.5 million for the MED-Campus programme designed to support development cooperation schemes between universities and higher education establishments in Europe and Mediterranean non-member countries (Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia and Turkey);

— Euro-Maghreb communications: ECU 1.4 million for a programme of training in communications skills.

*International Planned Parenthood Federation (IPPF):* ECU 10.5 million to set up

family planning services in the Southern and Eastern Mediterranean (Algeria, Morocco, Tunisia, Egypt, Syria, Lebanon, Jordan, West Bank and Gaza Strip, and Turkey);

*Algeria:* ECU 70 million to support a structural adjustment programme, in the form of a sectoral import programme for building finishings needed to complete 100 000 units of subsidized housing. Execution of this operation is subject to a suspension clause linked to the implementation of an economic reform programme agreed with the World Bank and the IMF.

*Egypt:*

— ECU 7.87 million in the form of a 2% interest rate subsidy on an EIB loan of ECU 45 million for a water drainage programme in Cairo;

— ECU 750 000 in the form of a 2% interest rate subsidy on an EIB loan of ECU 6 million and a loan from the Community budget of ECU 1.5 million, for a project to develop market gardening along the Nile;

*Jordan:* 2% interest rate subsidy on an EIB loan of ECU 4.995 million for a water supply project;

*Lebanon:* ECU 3.4 million, of which ECU 0.8 million in the form of a special loan, for technical assistance with rebuilding work.

## Asia and Latin America

### I

## Developing closer links with Asian countries

### *Association of South-East Asian Nations*

#### 1.4.33. Annual ministerial meeting.

**References:**

Council Regulation (EEC) No 1440/80 concerning the conclusion of the EEC-Asean Cooperation Agreement: OJ L 144, 10.6.1980

Recommendation for a Council Decision with a view to opening negotiations on a cooperation agreement between the European Economic Community and Asean member countries: Bull. EC 6-1992, point 1.4.26

□ **Previous meeting:** Bull. EC 5-1991, point 1.3.46

*Tenth meeting, held in Manila on 29 and 30 October.* At this meeting of Community and Asean Foreign Ministers, which was chaired jointly by Mr Hurd, President of the Council, and Mr Romulo, the Philippines' Minister for Foreign Affairs, and which Mr Matutes also attended, the two sides took stock of their bilateral relations and held a wide-ranging exchange of views on various regional and international issues, mainly relating to human rights.

Both sides remarked in particular on the development of trade in the framework of Community-Asean bilateral relations, with trade between the two groups currently amounting to more than ECU 35 billion.

The ministers also debated various political issues and matters relating to security which were of common concern. These included the situation in the former Yugoslavia and the political changes in South-East Asia, in particular the accession of Laos and Viet Nam to the Asean Treaty, which met with a very positive reception. The participants also highlighted the problems of sovereignty in the South China Sea and the need to guarantee cooperation from all parties involved in the peace process in Cambodia.

Human rights dominated the talks on international policy. Ministers expressed the hope that the government of Myanmar (Burma) would step up its political and economic reforms, and they had an in-depth discussion on the human rights situation in East Timor. The Community foreign ministers stressed the universal nature of human rights, fundamental freedoms and development.

Lastly, the participants discussed the role of the European Investment Bank, science and technology, industrial cooperation and advisory bodies on trade.

In conclusion to the ministerial meeting a joint statement was issued dealing with political and economic issues.

## II

### Asia

#### *Bilateral relations*

#### India

1.4.34. Council Decision concerning negotiating directives with a view to the conclusion of a new cooperation agreement with India.

□ **Commission recommendation:** Bull. EC 9-1992, point 1.3.33

*Adopted by the Council on 27 October.*

#### Viet Nam

1.4.35. Mr Phan Van Kahl, Deputy Prime Minister, and Mr Le Van Triet, Minister for Commerce, visited the Commission on 22 October.

Mr Phan Van Kahl and Mr Le Van Triet met Mr Delors and Mr Matutes for talks concerning aid from the Community to their country under the programme for the reintegration of Vietnamese refugees in South-East Asia and also the training courses organized by the Commission for interpreters and government officials. The ministers also expressed their hope that stronger and closer links could be developed between Viet Nam and the Community.

### Latin America

#### *Bilateral relations*

#### Paraguay

1.4.36. Council Decision 92/509/EEC concerning the conclusion of the Framework



Agreement for cooperation between the European Economic Community and the Republic of Paraguay.

- Commission recommendation:** Bull. EC 12-1990, point 1.4.44
- Negotiating directives:** Bull. EC 3-1991, point 1.3.34
- Initialling of the Agreement:** Bull. EC 7/8-1991, point 1.3.43
- Proposal for a Council Decision on the conclusion of the Agreement:** OJ C 309, 29.11.1991; COM(91) 434; Bull. EC 11-1991, point 1.3.48
- Signature of the Agreement:** Bull. EC 1/2-1992, point 1.4.47

*Adopted by the Council on 19 October.* Since Paraguay has already ratified the Framework Agreement, it can enter into force as from 1 November.

This is a non-preferential agreement which includes provisions for trade and economic cooperation in addition to a section on development cooperation. It will also contribute to supporting the ongoing reform process in Paraguay.

OJ L 313, 30.10.1992

## Financial and technical cooperation

### 1.4.37. Project financing.

- Basic Regulation:** Regulation (EEC) No 443/92 on financial and technical assistance to and economic cooperation with the developing countries in Asia and Latin America: OJ L 52, 27.2.1992; Bull. EC 1/2-1992, point 1.4.40

*Commission decisions adopted on 30 October* to provide assistance to the following projects:

- Guatemala:** ECU 9 million to support agrarian reform;
- Philippines:** ECU 20 million for rural development;
- International centres for agricultural research:** ECU 9.5 million to aid agricultural research in centres based in Colombia, India, Mexico, the Netherlands, Peru, the Philippines and Sri Lanka.

Bull. EC 10-1992

## ACP countries and OCTs

1.4.38. The European Council supported the rapid deployment of United Nations troops in areas of Somalia where their presence was needed and noted the efforts made by the Community and its Member States to help deal with the crisis (→ point I.10).

### I

## Humanitarian aid for Somalia

### **References:**

Visit to Somalia by the Community foreign ministers' troika and Mr Andriessen on 4 September: Bull. EC 9-1992, point 1.3.40

Visit to Somalia by the Community development ministers' troika and Mr Marin on 14 and 15 September: Bull. EC 9-1992, point 1.3.41

Conclusions of the Birmingham European Council: point I.10 of this Bulletin

### 1.4.39. Conference of aid donors for Somalia.

*Meeting held in Geneva on 12 and 13 October.* The conference was organized by the United Nations with a view to implementing the 100-days plan of action for Somalia and was attended by representatives of the Community, 90 donor countries, 15 UN agencies, five regional/international organizations and a number of non-governmental organizations.

Participants pledged full support for the UN plan, which will require USD 83 million in financial aid for Somalia.

The aid will be used to finance massive quantities of food aid, extensive basic medical services, a vaccination programme against measles and various health, hygiene and water purification measures.

It is also planned to send blankets, clothing, seeds, tools and vaccinated livestock.

Measures to stem the population exodus are also envisaged, as are programmes to ease people's return home and reintegration into

normal life, plus a programme of economic recovery.

All speakers stressed the importance of coordinating operations at all levels and the crucial role that will be played by the International Committee of the Red Cross and NGOs in implementing the plan. They also underlined the fact that an improvement in the security situation was a precondition for any future humanitarian operation.

The Commission reminded the meeting of the scale of the Community's contribution to humanitarian operations and refugee reintegration efforts and said that the Community aid effort would continue and be improved in terms of efficiency, flexibility and speed. It further confirmed that it would continue to carry out direct operations in Somalia in conjunction with NGOs and the institutions charged with implementing the plan and in accordance with the plan's guidelines.

It was decided to hold another meeting on humanitarian aid for Somalia in November.

## II

### Stabex

*1.4.40.* Commission report on progress in processing Stabex transfers for the 1991 application year

□ **References:**

Fourth ACP-EEC Convention: Bull. EC 9-1991, point 1.3.38

Commission report pursuant to Article 194(4) of the fourth ACP-EEC Convention: Bull. EC 6-1992, point 1.4.37

Commission proposal on transfers for 1991 under the Stabex system, 22 July 1992: Bull. EC 7/8-1992, point 1.4.45

*Commission decision on 9 October to send the report to the ACP-EEC Committee of Ambassadors.* Since ordinary resources amounted to only ECU 316.5 million and hence were insufficient, the Committee of Ambassadors decided on 16 July to increase the total resources available to ECU 391.5 million. In

its report the Commission gave details of 67 transfers to 35 ACP States.

SEC(92) 1828

*1.4.41.* Proposal for a Council Decision to reduce the amount of Stabex transfers to the OCTs for the 1991 application year in accordance with Decision 91/482/EEC.

□ **Reference:** Council Decision 91/482/EEC of 25 July 1991 on the association of the OCTs with the European Economic Community: OJ L 263, 19.9.1991; Bull. EC 7/8-1991, point 1.3.46

*Adopted by the Commission on 5 October.* The Commission proposes to reduce by 45.085% the transfer rights which the OCTs may claim to compensate for losses of export earnings in the 1991 application year. Total transfer rights would thus be cut from ECU 2 185 184 to ECU 1.2 million.

### Bilateral relations

#### Guinea

*1.4.42.* Visit to the Commission by Mr I. Sylla, Minister for Foreign Affairs and Cooperation and EDF national authorizing officer, on 20 October.

Mr Sylla had talks with Mr Marín on various aspects of cooperation between the Community and Guinea, judged by both sides to be very satisfactory. Developments in other West African States, above all Liberia, were also discussed in view of the influence they could have on the democratization and structural adjustment measures being implemented in Guinea.

#### Zaire

*1.4.43.* Visit to the Commission by Mr P. Lumbi, the External Relations Minister, on 20 October.

Mr Lumbi saw Mr Marín, with whom he discussed EEC-Zaire cooperation, which had been temporarily suspended since 22 January.

The resumption of the programme would help the country's economic and social recovery, according to the Minister, who further declared that the Community's political support for the Sovereign National Conference and the present government had rendered the process of democratization in Zaire irreversible. Mr Marin said that the Commission would study the Zairean Government's request for humanitarian aid.

The Commission had followed closely the moves to democracy in Zaire and would be

prepared to examine with the Member States ways and means of resuming cooperation in the near future on a case-by-case basis.

## Financial and technical cooperation

### 1.4.44. Financing of projects.

Commission decisions allocating a total of ECU 145 255 000 from the fifth, sixth and seventh EDFs (see Table 9).

Table 9 — *Financing of operations under the fifth, sixth and seventh EDFs*

Country	Purpose	Amount	
		Grant	Special loan
	<i>Economic infrastructure</i>		
Burundi	Road	11.500	—
Mozambique	Rehabilitation port of Beira	1.000	—
Antigua & Barbuda	Roads	2.100	1.000
Equatorial Guinea	Road	1.600	—
	<i>Rural production</i>		
Mauritius	Control of fruit production	1.700	—
Mauritius	Fisheries	1.960	—
Togo	Agroforestry	1.200	—
	<i>Social development</i>		
Solomon Islands	Vocational training	1.750	—
Botswana	Water supplies	1.000	—
Niger	Promotion of women's organizations	1.100	—
Burkina Faso	Village water engineering	15.000	—
Côte d'Ivoire	Aid for health service	11.200	—
	<i>Industrialization</i>		
Tuvalu	Electrification	1.020	—
	<i>Other</i>		
Seychelles	Protection of the environment	0.425	—
Ethiopia	Short-term aid for reconstruction and recovery (Eritrea)	19.800	—
Mozambique	Support for structural adjustment programme	54.700	—

## General development cooperation

(million ECU)			
Country	Purpose	Amount	
		Grant	Special loan
São Tomé & Príncipe	Support for structural adjustment programme	1.500	—
Tuvalu	Fuel import programme	0.900	—
All ACP	General budget allocation for projects to be carried out by the ACP General Secretariat	7.200	—
All ACP	ACP/OCTs participation in schemes to develop trade and service	7.600	—
Total		144.255	1.000

## General development cooperation

### Human rights, democracy and development

1.4.45. Report from the Commission to the Council on the implementation of the resolution of the Council and of the Member States meeting in the Council on human rights, democracy and development.

- Reference:** Resolution of the Council and of the Member State representatives meeting in the Council, on human rights, democracy and development: Bull. EC 11-1991, points 1.3.67 and 2.3.1

*Adopted by the Commission on 21 October.* This is the first annual report on the implementation of the Council resolution on human rights, democracy and development. In it the Commission highlights positive measures taken by the Community as regards human rights, with details of the financial instruments available, and measures taken in reaction to serious violations of human rights or democratic principles ('negative measures').

### Generalized preferences

1.4.46. Proposal for a Council Regulation extending into 1993 the application of Council

Regulations (EEC) Nos 3831/90, 3832/90, 3833/90, 3834/90 and 3835/90 applying generalized tariff preferences for 1991 in respect of certain products originating in developing countries, and adding to the list of beneficiaries of such preferences; draft Decision of the representatives of the governments of the ECSC Member States meeting within the Council extending into 1993 the application of Decisions 90/672/ECSC and 90/673/ECSC applying generalized tariff preferences for 1991 in respect of certain steel products originating in developing countries.

- Reference:** Commission communication to the Council on the guidelines for the Community's GSP scheme for the 1990s: COM(90) 329; Bull. EC 7/8-1990, point 1.4.59

**Regulations and Decisions to be extended:**

Council Regulations (EEC) Nos 3831/90 to 3834/90 (OJ L 370, 31.12.1990; Bull. EC 12-1990, point 1.4.54), as last amended by Council Regulation (EEC) No 1509/92: OJ L 159, 12.6.1992; Bull. EC 6-1992, point 1.4.9

Council Regulation (EEC) No 3835/90 (OJ L 370, 31.12.1990; Bull. EC 12-1990, point 1.4.40), as last amended by Council Regulation (EEC) No 3587/91: OJ L 341, 12.12.1991; Bull. EC 12-1991, point 1.3.42

Decision 90/672/ECSC of the representatives of the governments of the ECSC Member States, meeting within the Council (OJ L 370, 31.12.1990; Bull. EC 12-1990, point 1.4.54), as amended by Decision 90/673/ECSC of the representatives of the governments of the ECSC Member States, meeting within the Council:

OJ L 370, 31.12.1990; Bull. EC 12-1990, points 1.4.54 and 1.4.40

*Adopted by the Commission on 14 October.* The overhaul of the generalized preferences scheme, set out in the communication adopted by the Commission in 1990, is subject to the completion of the multilateral Uruguay Round trade negotiations and the Commission is therefore proposing that the current scheme be largely renewed for 1993. The proposal does, however, contain technical adjustments to the textile scheme, to the list of least developed countries and the lists of products annexed to the GSP, and includes in the lists of countries benefiting from the GSP the independent States of the former Soviet Union for a period limited to three years.

COM(92) 417

## Commodities and world agreements

### Jute

1.4.47. Council Decision 92/489/(EEC) on the conclusion of the International Agreement on Jute and Jute Products, 1989.

**Commission proposal:** COM(92) 286; Bull. EC 7/8-1992, point 1.4.54

*Adopted by the Council on 5 October.*

OJ L 293, 9.10.1992

## Humanitarian aid

### Food aid

#### Aid management

1.4.48. Commission report on food aid policy and management in 1990.

**Basic Regulation:** Council Regulation (EEC) No 3972/86 on food aid policy and food aid management: OJ L 370, 30.12.1986; Bull. EC 12-1986, point 2.2.31

**Previous report:** Bull. EC 5-1991, point 1.3.68

*Adopted by the Commission on 6 October.* The report takes stock of direct, indirect and emergency food aid measures and complementary programmes for storing foodstuffs and co-financing their purchase, and outlines the evaluation exercises undertaken in some countries.

#### Standard food aid

1.4.49. *Commission decisions:* see Table 10.

Table 10 — *Food aid*

Country/Organization	Cereals (tonnes)	Vegetable oil (tonnes)	Other products (million ECU)
Angola	16 000	750	1.0
Madagascar	10 000	—	—
Nicaragua	15 000	2 500	—
Peru	19 700	2 650	2.1
Bolivia	15 000	400	0.5
Bangladesh (multiannual programme)	140 000	—	—
NGOs	11 000	1 200	0.6

**Storage programmes and early warning systems**

1.4.50. *Commission decision:* grant of ECU 18 815 to Sudan via the UNHCR.

distribution of 13 500 tonnes of cereals in Malawi.

**Emergency food aid**

1.4.51. *Commission decision:* grant of ECU 4.415 million via the IFRC for the

*Emergency aid*

1.4.52. *Commission decisions:* see Table 11.

Table 11 — *Emergency aid*

		<i>(million ECU)</i>
Country	Purpose	Amount
Albania	Welfare and health conditions	0.5
Egypt	Earthquake	0.65
El Salvador/Guatemala	Floods	0.2
Ethiopia	Unrest, refugees and displaced persons	0.85
Kenya	Unrest, Sudanese, Ethiopian and Somali refugees and displaced persons	3.5
Mozambique	Unrest and drought	2.0
Sudan	Unrest and drought	3.0

*Cooperation via non-governmental organizations*

1.4.53. Projects in developing countries.

*Commission co-financing:* commitment of ECU 3 046 540 for 17 operations submitted by 33 NGOs.

1.4.54. Campaigns to raise public awareness of development issues.

*Commission contribution:* ECU 1 305 493 for 17 operations.

*Aid to increase the self-sufficiency of refugees*

1.4.55. *Commission decisions:*

Bangladesh: ECU 500 000 for Rohingya refugee camps;

Hong Kong: ECU 230 000 for medical assistance in refugee camps;

Guatemala: ECU 500 000 for assistance with repatriation of Guatemalan refugees from Mexico.

**Commercial policy**

I

**Multifibre Arrangement**

1.4.56. Extension of the MFA and renewal of the MFA bilateral agreements with certain non-Community countries.

**Recommendation for a Decision:** Bull. EC 7/8-1992, point 1.4.95

*Conclusions adopted by the Council on 6 October.*

'The Council held a wide-ranging policy debate on the overall context against which it has had to contemplate the renewal of the MFA bilateral textile agreements between the Community and certain third countries.

It reiterated the Community's objective of concluding the Uruguay Round negotiations as soon as possible, especially in order to open third markets and to establish a reliable long-term framework for world trade in textiles and for the future structural adjustment of the Community textile industry.

In this context the Council reaffirmed the importance, for the final assessment of the Uruguay Round results, of achieving satisfactory progress in other areas relevant for trade in textiles, notably market access, anti-dumping, anti-subsidy, safeguard action and protection of intellectual property. The Council expressed serious concern as regards the damage to the interests of the Community industry caused by unfair pricing practices, infringements of intellectual property rights and counterfeiting.

The Council and the Commission also expressed serious concern about the fact that circumvention of quotas has become a major problem in the management of bilateral agreements. The Council reaffirms the need to commit the necessary resources to combating textiles fraud and ensuring compliance with anti-fraud provisions in bilateral textile agreements. The Council agreed on the need to fight unfair competition, and noted that it will be considering Commission proposals to reform the EC's trade policy instruments.

Taking full account of the impact of these various factors, and pending a successful outcome to the Uruguay Round negotiations, the Council approved a Decision authorizing the Commission to negotiate the extension of the Arrangement regarding international trade in textiles (MFA) and the renewal of the MFA bilateral textile agreements with certain third countries.'

## II

### General matters

#### *Commercial policy instruments*

#### Trade protection

##### *Council anti-dumping measures*

1.4.57. Proposal for a Council Regulation extending the provisional anti-dumping duty

on imports of synthetic fibres of polyester originating in India and the Republic of Korea.

□ **Reference:** Provisional duty: OJ L 197, 18.7.1992; Bull. EC 7/8-1992, point 1.4.75

*Adopted by the Commission on 7 October.*

COM(92) 427

1.4.58. Proposal for a Council Regulation extending the provisional anti-dumping duty on imports of outer rings of tapered roller bearings originating in Japan.

□ **Reference:** Provisional duty: OJ L 199, 18.7.1992; Bull. EC 7/8-1992, point 1.4.76

*Adopted by the Commission on 15 October.*

COM(92) 433

1.4.59. Council Regulation (EEC) No 3068/92 imposing a definitive anti-dumping duty on imports of potassium chloride originating in Belarus, Russia or Ukraine.

□ **Reference:** Provisional duty: OJ L 110, 28.4.1992; Bull. EC 4-1992, point 1.4.40

*Proposal adopted by the Commission on 6 October.*

COM(92) 419

*Adopted by the Council on 23 October.*

OJ L 308, 24.10.1992

1.4.60. Council Regulation (EEC) No 2966/92 amending Regulation (EEC) No 1798/90 in respect of the definitive anti-dumping duty on certain imports of monosodium glutamate originating, *inter alia*, in Indonesia and the Republic of Korea.

□ **Commission proposal:** COM(92) 402; Bull. EC 9-1992, point 1.3.55

*Adopted by the Council on 12 October.*

OJ L 299, 15.10.1992

1.4.61. Council Regulation (EEC) No 2967/92 amending Regulation (EEC) No 2112/90 imposing a definitive anti-dumping duty on imports of certain types of electronic microcircuits known as D-RAMs (dynamic random access memories) originating in Japan and collecting definitively the provisional duty.

□ **Commission proposal:** COM(92) 388; Bull. EC 9-1992, point 1.3.54

*Adopted by the Council on 12 October.*

OJ L 299, 15.10.1992

1.4.62. Council Regulation (EEC) No 3017/92 modifying the anti-dumping duties following the review of the anti-dumping measures applicable to imports of synthetic polyester fibres originating in Romania, Taiwan, Turkey and the republics of Serbia and Montenegro and the former Yugoslav republic of Macedonia and terminating the said review in respect of imports of synthetic polyester fibres originating in Mexico and the United States of America.

- **Commission proposal:** COM(92) 304; Bull. EC 7/8-1992, point 1.4.69

*Adopted by the Council on 19 October.*

OJ L 306, 22.10.1992

1.4.63. Proposal for a Council Regulation amending Regulation (EEC) No 1768/89 in respect of definitive anti-dumping duty on certain imports of video cassettes originating in Hong Kong.

- **References:**  
Definitive duty: OJ L 174, 22.6.1989; Bull. EC 6-1989, point 2.2.3  
Initiation of review: OJ C 87, 8.4.1992; Bull. EC 4-1992, point 1.4.41

*Adopted by the Commission on 30 October.*

COM(92) 452

*Commission anti-dumping measures*

1.4.64. Commission Decision 92/493/EEC accepting undertakings offered in connection with the review of anti-dumping measures applicable to certain imports of monosodium glutamate originating in Indonesia and terminating the investigation.

- **References:**  
Definitive duty: OJ L 167, 30.6.1990; Bull. EC 6-1990, point 1.4.53  
Initiation of review: OJ C 287, 5.11.1991; Bull. EC 11-1991, point 1.3.84

*Adopted by the Commission on 12 October.*

OJ L 299, 15.10.1992

1.4.65. Commission Decision 92/494/EEC accepting an undertaking in connection with the anti-dumping proceeding concerning imports of certain types of electronic microcircuits known as D-RAMs (dynamic random access memories) originating in Japan, and terminating the investigation with regard to the producer in question.

- **References:**  
Definitive duty: OJ L 193, 25.7.1990; Bull. EC 7/8-1990, point 1.4.75  
Initiation of review: OJ C 50, 25.2.1992; Bull. EC 1/2-1992, point 1.4.85

*Adopted by the Commission on 12 October.*

OJ L 299, 15.10.1992

1.4.66. Review of anti-dumping measures concerning imports of monosodium glutamate originating in Indonesia, Thailand, Taiwan and the Republic of Korea.

- **Reference:** Definitive duty: OJ L 167, 30.6.1990; Bull. EC 6-1990, point 1.4.53; as amended by Council Regulation (EEC) No 2966/92: OJ L 299, 15.10.1992; point 1.4.60 of this Bulletin

*Notice of initiation: 29 October.*

OJ C 286, 4.11.1992

1.4.67. Impending expiry of an anti-dumping measure concerning roller chains for cycles originating in the People's Republic of China.

- **Reference:** Definitive duty: OJ L 115, 3.5.1988; Bull. EC 4-1988, point 2.2.5

*Notice of impending expiry: 23 October.*

OJ C 288, 5.11.1992

1.4.68. Expiry of an anti-dumping measure concerning ferro-silico-calcium/calcium silicide originating in Brazil.

- **Reference:** Definitive duty: OJ L 322, 12.11.1987; Bull. EC 11-1987, point 2.2.2

*Notice of expiry: 27 October.*

OJ C 297, 13.11.1992

1.4.69. Expiry of anti-dumping measures concerning pentaerythritol originating in Canada and Sweden.



□ **References:**

Definitive duty: OJ L 321, 11.11.1987; Bull. EC 11-1987, point 2.2.2

Undertakings: OJ L 321, 11.11.1987; Bull. EC 11-1987, point 2.2.2

*Notice of expiry: 29 October.*

OJ C 296, 12.11.1992

**1.4.70.** Expiry of an anti-dumping measure concerning urea originating in Libya.

□ **Reference:** Definitive duty: OJ L 317, 7.11.1987; Bull. EC 11-1987, point 2.2.2

*Notice of expiry: 29 October.*

OJ C 294, 10.11.1992

### *Treaties and trade agreements*

**1.4.71.** Council Decision 92/487/EEC authorizing extension or tacit renewal of certain trade agreements concluded between Member States and third countries.

□ **Commission proposal:** COM(92) 367; Bull. EC 9-1992, point 1.3.63

*Adopted by the Council on 5 October.*

OJ L 292, 8.10.1992

### *Export credits*

**1.4.72.** Proposal for a Council Decision extending the Decision of 4 April 1978 on the application of certain guidelines in the field of officially supported export credits.

□ **Decision to be extended:** Council Decision of 4 April 1978, as last extended by the Decision of 22 October 1991: Bull. EC 10-1991, point 1.3.68

*Adopted by the Commission on 1 October.* Since the conclusion of the Arrangement on guidelines for officially supported export credits in 1978, its application has been extended several times for limited periods (six months or one year). The Arrangement has proved to be an effective instrument of international discipline and the Commission is therefore proposing to extend its application for an indefinite period. It further proposes that the text of the 1978 Arrangement should be replaced by a consoli-

dated version incorporating all the amendments approved by the parties since then.

COM(92) 389

## **Individual sectors**

### *Steel*

**1.4.73.** Council conclusions on US anti-dumping and countervailing duty actions.

*Adopted by the Council on 6 October.*

'The Council has taken note with grave concern of the numerous anti-dumping and countervailing duty cases filed in the United States against steel imports, and of the recent announcement by the United States Department of Commerce of preliminary determinations in their investigations concerning Community exports of leaded steel bars to the United States. The imposition of these duties in the current steel trading climate will disrupt exports of these products from certain Member States.

The Council considers that the action brought by the US steel industry is unwarranted in the current steel trade climate and it will continue to monitor the situation closely to ensure that international trade rules are fully respected.

The Council reserves the right, if appropriate, to refer the matter to the GATT.

The Council advocates an early resumption of the Multilateral Steel Arrangement discussions in order to eliminate all tariff and non-tariff barriers as well as other distortive measures for steel trade.'

### *Textiles*

**1.4.74.** Council Decision authorizing the Commission to open negotiations with a view to concluding a bilateral textile agreement with Viet Nam.

□ **Recommendation for a Decision:** Bull. 7/8-1992, point 1.4.97

*Adopted by the Council on 26 October.*

**1.4.75.** Recommendation for a Council Decision on the opening of negotiations with Turkey with a view to renewing the arrangement on trade in clothing products.

□ **Reference:** Council Decision on the conclusion of the arrangement on trade in clothing products between the Community and Turkey: Bull. EC 9-1991, point 1.3.68

*Adopted by the Commission on 6 October.*

## International organizations and conferences

1.4.76. The European Council reaffirmed the importance of reaching a fair, successful and non-inflationary GATT agreement and requested the Commission to continue negotiations within its existing mandate in order to reach a comprehensive and balanced agreement by the end of the year (→ point I.6).

## Council of Europe

1.4.77. Parliamentary Assembly.

□ **Previous meeting:** Bull. EC 1/2-1992, point 1.4.105

*Session held in Strasbourg from 5 to 9 October.* At its autumn meeting the Parliamentary Assembly adopted a number of resolutions on issues including the consequences of the Treaty on European Union and economic and monetary union, and the population structure of the communities in Cyprus.

## European Bank for Reconstruction and Development

### General

1.4.78. In October the Bank adopted strategy papers on Ukraine and Uzbekistan and reviewed its strategy and operations with regard to Hungary. It also drew up guidelines for activities concerning education and training and a policy on cooperation with the relevant

international institutions on the issue of ethnic minorities.

### Financing

1.4.79. Projects approved by the Board of Directors do not take effect until the loan or shareholding agreement is signed with the recipient.

Consequently, from the month of October onwards, EBRD loans will no longer be mentioned in the Bulletin on the basis of the date of adoption but of that of signature.

During the transition, references to the signing of agreements for loans will be accompanied by a reference to the Bulletin mentioning the approval of the loan by the Board of Directors.

### Russian Federation

1.4.80. Loan to EDN Sovintel.

□ **Reference:** Decision of the Board: Bull. EC 11-1991, point 1.3.100

The Bank signed a loan contract for USD 6.5 million with Enhanced Digital Networks (EDN) to finance the installation and operation of a digital telecommunications system.

### Estonia

1.4.81. Shareholding in the Estonia Investment Bank.

□ **Reference:** Decision of the Board: Bull. EC 9-1992, point 1.3.71

The agreement under which the EBRD would take an ECU 1.5 million holding in the Estonia Investment Bank, set up to provide hard currency loans for Estonian SMEs, was signed in October.

## Human rights in the world

### Angola

1.4.82. Parliament resolution on the situation in Angola.

*Adopted on 29 October.* Parliament called on all the parties concerned to adhere strictly to the undertakings which had led to the election of a new parliament and the first round of presidential elections and called on the UN to ensure that the second round was conducted in an exemplary manner.

OJ C 305, 23.11.1992

## Guatemala

*1.4.83.* Parliament resolution on the award of the Nobel Peace Prize to Rigoberta Menchu.

□ **Reference:** Parliament resolution: OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.3.90

*Adopted on 29 October.* Parliament congratulated Mrs Menchu on the award and on her decision to use the money to establish a foundation for the protection of indigenous peoples in the Americas. It called on the European Community and its Member States and the UN to respond to Mrs Menchu's appeal and press for substantially more money to be allocated to the Voluntary Fund for Indigenous Peoples to mark the UN Year. It called on the Commission to set up more projects with indigenous communities, and not only in tropical forest regions, and for the automatic inclusion by the Community in its third generation agreements of a clause on the rights of indigenous peoples.

OJ C 305, 23.11.1992

## Morocco

*1.4.84.* Parliament resolution on the release of the Sahrawi detainees in Western Sahara.

*Adopted on 29 October.* Parliament condemned the violent action by the Moroccan police and army against the population of Western Sahara. It called on the Foreign Ministers meeting in European political cooperation to urge the Moroccan Government to release those imprisoned after October's peaceful demonstrations for asserting their right to self-determination and calling for an end to the state of emergency. It also called on the governments of the Member States and the Community authorities

to do all in their power to protect the population of the Sahrawi people.

OJ C 305, 23.11.1992

## Myanmar (Burma)

*1.4.85.* Parliament resolution on Burmese women.

*Adopted on 29 October.* Parliament called for the dispatch of an international committee of inquiry to investigate the presumed murders and disappearances of Burmese women and girls sent to brothels in Thailand. It called on the Community to increase aid programmes for Burmese refugees in Thai border regions and to finance projects for Burmese women.

OJ C 305, 23.11.1992

*1.4.86.* Parliament resolution on the plight of political prisoners in Burma.

□ **Reference:** Parliament resolution: OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.4.60

*Adopted on 29 October.* Parliament again condemned the continuing violation of human rights in Burma and called for the unconditional release of Mrs Aung San Sun Kyi and all other political prisoners. It called on the Foreign Ministers meeting in European political cooperation to consider urgently how best to bring pressure to bear on a government which was spending 60% of the national budget on the military.

OJ C 305, 23.11.1992

## Sudan

*1.4.87.* Parliament resolution on human rights in Sudan.

□ **Reference:** Parliament resolution: OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.4.27

*Adopted on 29 October.* Parliament condemned the abuse of human rights throughout the country, and in particular the repeated human rights violations by government forces recently reported in Juba and the Nuba Hills. It called on the Sudanese Government to put a stop to the pressure on citizens to convert to Islam and to act immediately to end the torture and killing of prisoners and unarmed civilians. It

called on the Foreign Ministers meeting in European political cooperation to bring about the free passage of food shipments, give full support to the humanitarian organizations and seek the admission of UN observers.

OJ C 305, 23.11.1992

### **Togo**

1.4.88. Parliament resolution on the human rights situation in Togo.

*Adopted on 29 October.* Parliament called on the Council and the Commission to bring all due pressure to bear on General Eyadema's regime so as to guarantee the safety of property and persons, ensure that elections took place as scheduled and according to electoral law, and put an immediate stop to all army interference with opposition leaders and the population at large.

OJ C 305, 23.11.1992

### **Yemen**

1.4.89. Parliament resolution on the elections in Yemen.

*Adopted on 29 October.* Parliament backed practical assistance and considered it appropriate that observers be sent to monitor December's elections.

### **Former Yugoslavia**

1.4.90. Parliament resolution on the impending catastrophe in Bosnia and the violation of human rights in the former Yugoslavia.

*Adopted on 29 October.* Parliament called on the Council and the Foreign Ministers meeting in European political cooperation to concentrate their policy immediately on mounting effective measures to stop the crimes against humanity being committed in the former Yugoslavia and deal with those who were committing them, and called on the Foreign Ministers and the UN to insist that ceasefire agreements henceforth include a clause warning that they would, if necessary, be imposed by force.

OJ C 305, 23.11.1992

## 5. Intergovernmental cooperation

### European political cooperation

*1.5.1.* The joint statements adopted and published in October are reproduced below in chronological order.

#### **Angola**

*1.5.2.* The following joint statement on the elections in Angola was published in London and Brussels on 1 October:

‘With the ending of the presidential and legislative elections the Community and its Member States congratulate the people of Angola on the success of their first exercise of democracy. They are confident that the previous belligerent parties, as already promised by both their leaders, together with all Angolans will respect the result of the election. All should now work together to rebuild Angola in a spirit of tolerance and reconciliation. In doing so, they will help not only their own country: they will also serve as an example to other countries in the region and elsewhere who have still to reach the stage of democracy which has been achieved this week by the Angolan people. The Community and its Member States reaffirm their commitment to give what help they can to the reconstruction of the country, thereby counting upon the people of Angola to take up their primary responsibility for ensuring stability in order to hold on to the democratic values so dearly won.’

#### **Former Yugoslavia**

*1.5.3.* The following joint statement was published in London, Luxembourg and Brussels on 5 October:

‘The Community and its Member States fully support the continuing efforts of Lord Owen and Mr Vance to bring about a cessation of hostilities and a peaceful settlement. Despite these efforts, widespread violence and cruelty, the slaughter and deliberate deprivation of civilians, savage breaches of international humanitarian law and military aggression persist in many areas. The Community

and its Member States are pressing for urgent action in the United Nations for the implementation of agreements reached in the London Conference, including a no-fly zone in Bosnia-Herzegovina, and subsequent agreements such as the demilitarization of the Prevlaka peninsula. They are actively involved in steps to secure the deployment of protected humanitarian convoys, the tightening of sanctions measures, the release of detainees and the closure of detention camps, and the supervision of heavy weapons.

The increasing evidence of atrocities, including mass killings and ethnic cleansing, principally by Serbian groups, must be collected systematically and investigated. The Community and its Member States support the action in hand in the United Nations to establish a mechanism for the collection of data and a commission of experts to assist the Secretary-General in the analysis of the evidence. The perpetrators of mass killings and other grave breaches of international humanitarian law will be held individually responsible for their actions and the Community and its Member States will cooperate with the United Nations and the relevant bodies in ensuring that justice is done.

Another major international relief effort is urgently required to avoid an even greater human tragedy as winter approaches. The resumption of the humanitarian airlift is warmly welcomed. The UNHCR and the ICRC are doing invaluable work in all areas and will need even more generous support in the coming weeks in response to the United Nations Secretary-General’s appeal. The Community and its Member States have contributed substantially to current efforts and are making available increased resources, particularly to cover housing needs. They call upon the international community to make a commensurate response to alleviate the desperate suffering of the population and the refugees of the former Yugoslavia.’

#### **Mozambique**

*1.5.4.* The following joint statement was published in London and Brussels on 7 October:

‘The Community and its Member States warmly welcome the signing in Rome on 4 October of the Mozambican peace agreement between the Govern-

ment of Mozambique and Renamo. The agreement offers the prospect of progress towards peace, national reconciliation and multi-party democracy in a country devastated by war. The Community and its Member States call on the two parties to carry out the agreement in good faith, and reaffirm their commitment to assist the people of Mozambique in the reconstruction of their country.

They further expect the Mozambican parties to work in the spirit of the agreement reached and without delay to secure the free access of humanitarian assistance to the victims of the drought in all parts of Mozambique.'

## Zaire

*1.5.5.* The following joint statement was published in London on 8 October:

'Following recent events in Kinshasa, in particular the military presence in front of the Banque nationale and the Parliament, the Community and its Member States, whilst reiterating their support for the Tshisekedi Government, call on all political forces in Zaire to work together towards the transition while respecting the principles established by the CNS.'

## Georgia

*1.5.6.* The following joint statement on the situation in Georgia was published in London and Brussels on 14 October:

'The Community and its Member States welcome the holding of elections in about 90% of the territory of Georgia on 11 October, and the reportedly high turnout in these elections. The elections were attended by observers from EC and other States, whose reports are awaited. The Community and its Member States reiterate their commitment to support the stabilization of the situation within Georgia and the development of democracy and a market economy, and in this context:

warmly congratulate Mr Eduard Shevardnadze on his election as Chairman of the Georgian Parliament, and look forward to sustaining a close working relationship with him in this new capacity;

hope that it will soon be possible for elections to be held in those districts where voting did not take place on 11 October;

look forward to the establishment of the new Parliament and Government in Georgia, whose

authority will be based on the outcome of the elections.

At the same time, the Community and its Member States remain deeply concerned at the recent upsurge in fighting in Georgia, and at reports of heavy loss of life. They:

welcome the decisions of the United Nations Secretary-General and of the Conference on Security and Cooperation in Europe to send further fact-finding missions to Georgia, including Abkhazia;

urge all parties to the dispute in Abkhazia to renew their efforts to find a peaceful settlement within the framework of CSCE principles and the United Nations Charter.'

## Sudan

*1.5.7.* The following joint statement was published in London and Brussels on 14 October:

'The Community and its Member States deeply deplore the execution by the Sudanese authorities of a Sudanese member of the European Commission's staff in Juba in August. Despite repeated requests, the Sudanese authorities failed over a period of several weeks to supply any information on the whereabouts of this employee and of another member of the European Commission's staff who is still missing. The Community and its Member States call upon the Sudanese authorities to provide a full and documented explanation for the execution. They will maintain close contact with the United States Government, in view of the execution of a US-AID employee, and with the United Nations, members of whose staff are also missing.

Evidence of the Sudanese authorities' callous disregard for human rights and indifference to international opinion continues to mount. The Community and its Member States express their abhorrence of the systematic abuses of human rights throughout the country, including persistent recent reports of human rights violations by government forces in Juba and in the Nuba Hills.

The Community and Member States call upon the Sudanese authorities to allow satisfactory access for diplomats and members of international organizations to Juba and to other areas in Sudan where human rights violations have been reported.'

## Angola

*1.5.8.* The following joint statement was published in London and Brussels on 14 October:

□ **Reference:** Joint statement of 1 October on the elections in Angola: point 1.5.2 of this Bulletin

'The Community and its Member States recall the welcome they gave on 1 October 1992 to the elections that have taken place in Angola but note with regret recent violent incidents arising out of disputes over these elections. They reaffirm the importance they attach to all parties using the agreed mechanisms to resolve electoral disputes and appeal to all parties to submit their differences to the National Electoral Council and the Special Representative of the UN Secretary-General. They call for an immediate end to the violence and for all parties to respect the final outcome of the democratic process. They urge all sides to help create conditions that will allow the Community and its Member States and the wider international community to continue to support national reconstruction in Angola.'

### **Former Yugoslavia and Somalia**

*1.5.9.* At its meeting in Birmingham on 16 October the European Council adopted and published declarations on the former Yugoslavia and Somalia (→ points I.9 and I.10).

### **United Arab Emirates and Iran**

*1.5.10.* The following joint statement on relations between the United Arab Emirates and Iran was published in London and Brussels on 19 October:

'The Community and its Member States have noted with concern signs of a deterioration in the neighbourly relations between the United Arab Emirates and the Islamic Republic of Iran. Conscious of the importance of maintaining security and stability in the region, and noting the desire of both parties concerned to find a peaceful solution to differences between them, the Community and its Member States urge the governments of the United Arab Emirates and the Islamic Republic of Iran to work together towards a resolution of these differences on the basis of international law and peaceful coexistence between nations.'

### **Angola**

*1.5.11.* The following joint statement was published in London and Brussels on 22 October:

'The Community and its Member States take note of the publication of the official results of Angola's first democratic elections and their verification as having been free and fair by the Special Representative of the UN Secretary-General. They fully support the conclusions reached by the Special Representative and expect all parties to the elections will respect the choice of the Angolan people.

They also look forward to the holding of the second round of presidential elections in conditions of peace and without threats or intimidation from whatever quarter.

They further believe that an essential condition for peace lies in strict compliance with the Bicesse Accords, particularly those sections related to the Angolan armed forces.'

### **South Africa**

*1.5.12.* The following statement by the Presidency was published in London and Brussels on 27 October:

'In accordance with the terms of UN Security Council Resolution 772, and following an offer made to the South African authorities by the troika of EC Foreign Ministers early in September, an EC observer team of 15 will arrive in South Africa from 29 October onwards. The team members include police officers, lawyers and economists from the Community and its Member States. Their role will be to seek, by their presence in situations of potential conflict, to prevent violence, defuse tension and promote peace. They will be operating in close cooperation with the National Peace Secretariat as well as with UN and observer teams from other international organizations.

In addition, six police experts from the EC are joining Judge Goldstone's newly created "investigative task forces".'

# 6. Financing Community activities

## Budgets

budget be implemented at a more even pace over the year.

OJ C 305, 23.11.1992

### General budget

#### 1993 financial year

#### *Budgetary procedures*

##### 1.6.2. Draft budget.

#### 1992 financial year

1.6.1. Parliament resolution on the implementation of the Community budget for the financial year 1992.

*Adopted on 30 October.* Regretting that it had not had the time required to analyse implementation of the budget, Parliament called on the Commission to introduce an operational early-warning system for the entire budget.

It welcomed the likelihood of significant savings in the EAGGF Guarantee Section. But, reminding the Commission of the substantial fraud affecting this chapter, it called on it to exert pressure on the Member States to fulfil their obligations as regards the fight against fraud.

Parliament regretted the slow rate of spending from the Social Fund, pointing out that the commitment of budgetary funds is of little use unless promptly followed by actual payments. It also deplored the delays in implementing budget items which Parliament itself had entered or increased, in particular for research.

Concerned by the calls that would be made this year on the Community guarantees for loans to non-member countries, Parliament reiterated the need to set up a contingency reserve. It also called on the Commission to improve implementation of external policy, in particular in the Mediterranean region and in Latin America and Asia. It urged that the

□ **References:**  
Interinstitutional Agreement of 29 June 1988 on budgetary discipline and improvement of the budgetary procedure: OJ L 185, 15.7.1988; Bull. EC 6-1988, point 2.3.8

Framework Council Regulation (EEC) No 2052/88 on strengthening the economic and social cohesion of the Community: OJ L 185, 15.7.1988; Bull. EC 7/8-1988, points 1.1.1 to 1.1.4

Parliament resolution on the guidelines for the preparation of the 1993 budget: OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.6.1

□ **Preliminary draft budget:** Bull. EC 5-1992, point 1.4.3

□ **First reading by the Council:** Bull. EC 7/8-1992, point 1.6.3

*First reading by Parliament on 29 October.* As the 1988 Interinstitutional Agreement no longer applies to the budgetary procedure, Parliament conducted its first reading of the draft on the basis of Article 203 of the EEC Treaty. Its verdict was that the draft budget is not commensurate with financial needs inside and outside the Community and is not compatible with the requirements of the Treaties in force as regards the entry in the budget of all foreseeable expenditure and revenue for the year in question. Parliament attacked the contradictions in the Council's attitude represented by the failure to provide sufficient funds for operations which it had decided to implement during the 1993 budget year.

It further observed that the draft budget did not carry the funds required to attain the objectives set by the Treaty on European Union.



The draft budget established by Parliament after its first reading contained ECU 4 600 million more than the Council's draft. In doing this, Parliament used the entire margin (ECU 1 100 million) provided by the maximum rate of increase for non-compulsory expenditure; there will have to be negotiations with the Council about the rest of the increase before it can be entered in the final budget.

As regards the Community's internal policies, Parliament decided to set up the Cohesion Fund provided for in the Treaty on European Union and to allocate ECU 1 565 million so that it will be operational in 1993. It also increased the appropriations for economic and social cohesion (ECU 460 million) so that the allocations for the structural Funds will have been doubled in real terms as stipulated in the 1988 Regulation. Research and development policy (ECU 400 million) and trans-European networks (ECU 75 million) were given additional resources in an attempt to strengthen the competitive position of European industry. Parliament also decided to set up a programme for the closure of military bases and conversion of the arms industry (Conver) (ECU 130 million) and to enter an item of ECU 15 million for the retraining of customs agents. A number of multiannual programmes were also given larger allocations.

Parliament decided to increase the appropriations for the Community's external policies, in particular for the Phare programme (ECU 135 million), aid for the republics of former Yugoslavia (ECU 50 million) and the new policies to be introduced following the Rio Conference (ECU 151 million). As regards development policies, Parliament decided to incorporate the European Development Fund in the general budget and to establish a reserve for humanitarian aid to non-member countries (ECU 209 million).

On the administrative front, Parliament welcomed the reforms made by the Commission as regards non-established staff and insisted that the necessary appropriations be entered to create the office of ombudsman, to set up the Committee of the Regions and to strengthen the role to be played by financial control (see Table 12).

OJ C 305, 23.11.1992

## ECSC operating budget

### 1992 financial year

1.6.3. Parliament resolution on the draft amending the ECSC operating budget for 1992.

- **Reference:** Draft amending ECSC operating budget for 1992: OJ C 241, 21.9.1992; Bull. EC 7/8-1992, point 1.6.4

*Adopted on 30 October.* While it approved the draft amending the operating budget, Parliament protested at the fact that it had been presented late and regretted that the budget had not been fully implemented, in particular in the social field. It welcomed, however, the application of the measures connected with the restructuring of the steel industry in the five new German *Länder*. It also reiterated the need to make a start on incorporating the ECSC Treaty into the EEC Treaty while at the same time reducing the levy.

OJ C 305, 23.11.1992

## Financial operations

### Loans raised

1.6.4. In October the Commission made on behalf of the ECSC:

- a number of private placings in French francs and US dollars for the equivalent of ECU 15.2 million;
- a DM 105 million five-year public issue at 7.625% with an issue price of 101.70%; the proceeds of the loan were swapped for various currencies;
- a DM 18 million five-year public issue at 7.625% with an issue price of 101.75%; the proceeds of the loan were swapped for various currencies.

Table 12 — Stages in budgetary procedure — breakdown in relation (appropriations for commitments)

('000 ECU)

Financial perspective heading	Budget heading	Budget 1992	Financial perspective 1993	Preliminary draft budget 1993	% difference (3)/(1)	Council first reading	% difference (5)/(1)	Parliament first reading	% difference (7)/(1)	Difference (7) - (3)	Difference (7) - (5)	
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
1	<i>Common agricultural policy</i>											
	Markets (B1-1 to B1-3, not including B1-26)	31 915 000.000		33 305 000.000	4.36	33 285 000.000	4.29	33 680 000.000	5.53	375 000.000	395 000 000	
	Accompanying measures (B1-5)	0.000		182 000.000		182 000.000		90 000.000		-92 000.000	-92 000.000	
	Set-aside (B1-40)	360 000.000		489 000.000	35.83	489 000.000	35.83	489 000.000	35.83	0.000	0.000	
	Income aid (B1-41)	100 000.000		59 000.000	-41.00	59 000.000	-41.00	59 000.000	-41.00	0.000	0.000	
	European Fisheries Guarantee Fund (B1-26)	29 000.000		27 000.000	-6.90	27 000.000	-6.90	27 000.000	-6.90	0.000	0.000	
	<b>Total 1</b>	32 404 000.000	36 657	34 062 000.000	5.12	34 042 000.000	5.05	34 345 000.000	5.99	283 000.000	303 000.000	
	Margin in relation to financial perspective			2 595 000.000		2 615 000.000		2 312 000.000				
2	<i>Structural Funds</i>											
	Structural funds (B2-11)	17 685 285.000		20 063 000.000	13.44	19 763 000.000	11.75	20 285 000.000	14.70	222 000.000	522 000.000	
	Pedip (B2-20)	127 700.000		0.000	-100.00	0.000	-100.00	0.000	-100.00			
	IMPs (B2-22)	465 620.000		623.000	-99.87	623.000	-99.87	623.000	-99.87	0.000		
	Community support frameworks (B2-21)	8 540.000		20 600.000	141.22	8 540.000	0.00	13 540.000	58.55	-7 060.000	5 000.000	
	Fisheries Guidance (B2-23)	270 254.000		329 054.000	21.76	301 100.000	11.41	341 100.000	26.21	12 046.000	40 000.000	
	Cohesion Fund			1 565 000.000		0.000		1 565 000.000		0.000	1 565 000.000	
	Programmes for the outermost regions (B2-24)			68 026.000		46 200.000		56 700.000		-11 326.000	10 500.000	
		<b>Total 2</b>	18 557 399.000	22 106	22 046 303.000	18.80	20 119 463.000	8.42	22 261 963.000	19.96	215 660.000	2 142 500.000
		Margin — Structural Funds (FP: 20 541 000)			59 697.000		421 537.000		-155 963.000			
	Margin — Cohesion Fund (FP: 1 565 000)			0.000		1 565 000.000		0.000				
	Total margin in relation to financial perspective			59 697.000		1 986 537.000		-155 963.000				
3	<i>Internal policies</i>											
	Research (B6)	2 469 119.000		2 795 332.000	13.21	2 137 432.000	-13.43	3 029 822.000	22.71	234 490.000	892 390.000	
	Other agricultural operations (B2-5)	189 713.000		216 300.000	14.01	197 800.000	4.26	205 800.000	8.48	-10 500.000	8 000.000	
	Other regional operations (B2-6)	85 014.000		33 000.000	-61.18	19 000.000	-77.65	30 000.000	-64.71	-3 000.000	11 000.000	
	Transport (B2-7)	9 320.000		10 770.000	15.56	9 000.000	-3.43	12 770.000	37.02	2 000.000	3 770.000	
	Fisheries and the sea (B2-9)	23 700.000		25 000.000	5.49	25 000.000	5.49	25 000.000	5.49	0.000		
	Education, vocational training and youth policy (B3-1)	240 724.000		249 767.000	3.76	210 496.000	-12.56	269 079.000	11.78	19 312.000	58 583.000	
	Culture and audiovisual media (B3-2)	63 719.000		99 240.000	55.75	57 192.000	-10.24	97 075.000	52.35	-2 165.000	39 883.000	
	Information and communication (B3-3)	32 878.000		37 995.000	15.56	23 322.000	-29.07	33 731.000	2.59	-4 264.000	10 409.000	
	Other social operations (B3-4)	116 887.000		147 460.000	26.16	75 985.000	-34.99	168 695.000	44.32	21 235.000	92 710.000	
	Energy (B4-1)	180 152.000		185 257.000	2.83	168 410.000	-6.52	202 292.000	12.29	17 035.000	33 882.000	

Financial perspective heading	Budget heading	Budget 1992	Financial perspective 1993	Preliminary draft budget 1993	% difference (3)/(1)	Council first reading	% difference (5)/(1)	Parliament first reading	% difference (7)/(1)	Difference (7) - (3)	Difference (7) - (5)
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Euratom nuclear safeguards (B4-2)	8 867.000		10 871.000	22.60	9 756.000	10.03	11 500.000	29.69	629.000	1 744.000
	Environment (B4-3)	96 115.001		107 564.000	11.91	91 533.000	-4.77	100 733.000	4.80	-6 831.000	9 200.000
	Consumer protection (B5-1)	16 125.000		16 000.000	-0.78	8 000.000	-50.39	16 000.000	-0.78	0.000	8 000.000
	Aid for reconstruction (B5-2)	18 650.000		12 900.000	-30.83	12 900.000	-30.83	12 900.000	-30.83	0.000	0.000
	Internal market (B5-3)	125 363.000		135 215.000	7.86	114 527.000	-8.64	111 815.000	-10.81	-23 400.000	-2 712.000
	Industry (B5-4)	29 537.000		32 951.000	11.56	23 350.000	-20.95	32 850.000	11.22	-101.000	9 500.000
	Information market (B5-5)	10 000.000		15 500.000	55.00	10 000.000	0.00	10 000.000	0.00	-5 500.000	
	Statistical information (B5-6)	29 968.000		57 100.000	90.54	31 900.000	6.45	24 000.000	-19.91	-33 100.000	-7 900.000
	Trans-European networks (B5-7)	150 832.000		251 275.000	66.59	149 350.000	-0.98	265 000.000	75.69	13 725.000	115 650.000
	Negative reserve (B0-42)	0.000		0.000		0.000		0.000			
	Research — subtotal	2 469 119.000		2 795 332.000	13.21	2 137 432.000	-3.43	3 029 822.000	22.71	234 490.000	892 390.000
	Other policies — subtotal	1 427 564.001		1 644 165.000	15.17	1 237 521.000	-13.31	1 629 240.000	14.13	-14 925.000	391 719.000
	<b>Total 3</b>	<b>3 896 683.001</b>	<b>4 592</b>	<b>4 439 497.000</b>	<b>13.93</b>	<b>3 374 953.000</b>	<b>-13.39</b>	<b>4 659 062.000</b>	<b>19.56</b>	<b>219 565.000</b>	<b>1 284 109.000</b>
	Margin — research (FP: 2 847 000)			51 668.000		709 568.000		-182 822.000			
	Margin — other policies (FP: 1 745 000)			100 835.000		507 479.000		115 760.000			
	Total margin in relation to financial perspective			152 503.000		1 217 047.000		-67 062.000			
4	<i>External action</i>										
	EDF (B7-0 and B7-1)	0.000		0.000		0.000		0.000			
	Food aid (B7-2)	486 500.000		574 000.000	17.99	574 000.000	17.99	574 000.000	17.99	0.000	
	Cooperation with Latin American and Asian developing countries (B7-3)	581 600.000		641 400.000	10.28	570 000.000	-1.99	634 000.000	9.01	-7 400.000	64 000.000
	Cooperation with Mediterranean countries (B7-4)	429 530.000		488 800.000	13.80	396 700.000	-7.64	413 700.000	-3.69	-75 100.000	17 000.000
	Other cooperation measures (B7-5)	752 309.999		437 800.000	-41.81	347 253.999	-53.84	578 700.000	-23.08	140 900.000	231 446.001
	Cooperation with Central and East European countries and the independent States of the former Soviet Union (B7-6)	1 463 000.000		1 700 000.000	16.20	1 638 000.000	11.96	1 493 000.000	2.05	-207 000.000	-145 000.000
	Cooperation with other third countries (B7-7)	0.000		0.000		0.000		3 000.000		3 000.000	3 000.000
	External aspects of certain Community policies (B7-8 and B7-0)	276 990.000		307 700.000	11.09	292 100.000	5.46	293 700.000	6.03	-14 000.000	1 600.000
	Negative reserve (B0-42)	-40 000.000		0.000	-100.00	0.000	-100.00	0.000	-100.00		
	Humanitarian aid reserve (B0-440)							209 000.000		209 000.000	209 000.000
	External policies reserve (B0-441)							300 000.000		300 000.000	300 000.000
	<b>Total 4</b>	<b>3 949 929.999</b>	<b>4 240</b>	<b>4 149 700.000</b>	<b>5.06</b>	<b>3 818 053.999</b>	<b>-3.34</b>	<b>4 499 100.000</b>	<b>13.90</b>	<b>349 400.000</b>	<b>681 046.001</b>
	Margin in relation to financial perspective			90 300.000		421 946.001		-259 100.000			

Financial perspective heading	Budget heading	Budget 1992	Financial perspective 1993	Preliminary draft budget 1993	% difference (3)/(1)	Council first reading	% difference (5)/(1)	Parliament first reading	% difference (7)/(1)	Difference (7) - (3)	Difference (7) - (5)
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
5	<i>Administrative expenditure of the institutions</i>										
	Commission (traditional Part A) (not including buildings and pensions)	1 765 558.601		1 928 417.688	9.22	1 793 590.788	1.59	1 828 131.788	3.54	- 100 285.900	34 541.000
	Other institutions (not including buildings)	918 180.194	970	1 018 286.668	10.90	959 420.310	4.49	965 275.364	5.13	- 53 011.304	5 855.054
	Pensions	249 329.000	302	293 176.000	17.59	284 419.000	14.07	284 669.000	14.17	- 8 507.000	250 000
	Expenditure on buildings by the Commission	134 382.500		180 950.000	34.65	163 528.900	21.69	165 028.900	22.81	- 15 921.100	1 500.000
	Expenditure on buildings by the other institutions	138 291.150		157 773.800	14.09	150 396.000	8.75	151 974.000	9.89	- 5 799.800	1 578.000
	Commission -- total	2 149 270.101		2 402 543.688	11.78	2 241 538.688	4.29	2 277 829.688	5.98	- 124 714.000	36 291.000
	Other institutions -- total	1 056 471.344		1 176 060.468	11.32	1 109 816.310	5.05	1 117 249.364	5.75	- 58 811.104	7 433.054
	Buildings -- total	272 673.650	344	338 723.800	24.22	313 924.900	15.13	317 002.900	16.26	- 21 720.900	3 078.000
	Stock disposal and repayments (B0-1)	893 290.548		0.000	-100.00	0.000	-100.00	0.000	-100.00		
	Total 5	4 099 031.993	3 560	3 578 604.156	-12.70	3 351 354.998	-18.24	3 395 079.052	-17.17	- 183 525.104	43 724.054
	Margin -- pensions -- in relation to financial perspective			8 824.000		17 581.000		17 331.000			
	Margin -- buildings -- in relation to financial perspective			5 276.200		30 075.100		26 997.100			
Margin -- Commission (not including pensions and buildings)			15 582.312		150 409.212		115 868.212				
Margin -- other institutions (not including buildings)			- 48 286.668		10 579.690		4 724.636				
Total margin in relation to financial perspective			- 18 604.156		208 645.002		164 920.948				
6	<i>Reserves</i>										
	Monetary reserve (B1-6)	1 000 000.000		1 000 000.000	0.00	1 000 000.000	0.00	1 000 000.000	0.00	0.000	
	Reserve for exceptional expenditure	0.000		0.000		0.000		(209.000)			
Total 6	1 000 000.000	1 521	1 000 000.000	0.00	1 000 000.000	0.00	1 000 000.000	0.00	0.000		
Margin in relation to financial perspective			521 000.000		521 000.000						
	Appropriations for commitments										
	Grand total compulsory expenditure	35 529 521.548		36 430 547.000	2.54	36 384 362.000	2.41	36 787 362.000	3.54	356 815.000	403 000.000
	non-compulsory expenditure	28 377 522.445		32 845 557.156	15.74	29 321 462.997	3.33	33 372 842.052	17.60	527 284.896	4 051 379.055
	Total compulsory + non-compulsory	63 907 043.993	72 676	69 276 104.156	8.40	65 705 824.997	2.81	70 160 204.052	9.78	884 099.896	4 454 379.055
Margin in relation to financial perspective			3 399 895.844		6 970 175.003		2 515 795.948				
	Appropriations for payments										
	Grand total compulsory expenditure	35 456 891.548		36 382 847.000	2.61	36 331 662.000	2.47	36 728 662.000	3.59	345 815.000	397 000.000
	non-compulsory expenditure	25 639 865.466		29 928 193.500	16.73	26 596 604.998	3.73	29 265 474.052	14.14	- 662 719.448	2 668 869.054
	Total compulsory + non-compulsory	61 096 757.014	69 641	66 311 040.500	8.53	62 928 266.998	3.00	65 994 136.052	8.02	- 316 904.448	3 065 869.054
Margin in relation to financial perspective			3 329 959.500		6 712 733.002		3 646 863.948				

NB: The figures for the financial perspective are based on the Commission's proposal [COM(92) 2001] and take account of the transfer of administrative expenditure from Part B to Part A.

1.6.5. In October the Commission obtained on behalf of the EEC a three-year syndicated bank loan of ECU 150 million at Libor + 0.03125% to supplement the loan of ECU 499 million raised in August.

## Loans granted

1.6.6. Acting under Articles 54 and 56 of the ECSC Treaty, the Commission granted loans totalling ECU 69.0 million.

## Industrial loans

1.6.7. Industrial loans (Article 54) totalling ECU 62.1 million were made to Spain.

## Conversion loans

1.6.8. Conversion loans (Article 56) totalling ECU 3.5 million were made to France.

## Workers' housing

1.6.9. Loans totalling ECU 3.4 million were granted for steelworkers and mineworkers in Germany, France, the Netherlands, the United Kingdom, Spain and Portugal.

# European Investment Bank

## General

1.6.10. Proposal for a Council Decision extending a Community guarantee to the European Investment Bank in case of losses on loans in Estonia, Latvia and Lithuania.

**References:**

Council conclusions on the extension of European Investment Bank activities outside the Community: Bull. EC 5-1992, point 1.4.10

Cooperation agreements with Estonia, Latvia and Lithuania: Bull. EC 5-1992, point 1.2.11

*Adopted by the Commission on 23 October.* As a result of the cooperation agreements which the Community signed with the Baltic States on 11 May and in view of the economic and political reforms undertaken in these countries, the Commission has proposed extending the Community guarantee to EIB loans for projects to be carried out in Estonia, Latvia and Lithuania, with an overall limit of ECU 200 million.

OJ C 311, 27.11.1992; COM(92) 401

## Financing

1.6.11. In October the European Investment Bank, the European Community's financial institution, granted loans totalling ECU 1 153.2 million, of which 31 million went outside the Community.

## Community

### Links with Community policies

1.6.12. Loans were made for the following measures:

- ECU 774.7 million for the economic development of disadvantaged regions;
- ECU 237.1 million for the improvement of transport and telecommunications infrastructures of benefit to the Community;
- ECU 132.8 million for the protection of the environment and the improvement of the quality of life;
- ECU 174.8 million for the pursuit of Community objectives in the field of energy;
- ECU 7.5 million for the enhancement of the international competitiveness of industry and its integration within the Community.

The Bank also continued its operations to support small and medium-sized businesses (since the beginning of the year, around ECU 1.7 billion has been granted from current global loans).

Individual loans often come under several Community policies; some are therefore counted more than once in the above amounts.

### **Geographical breakdown**

#### *Belgium*

1.6.13. ECU 24.6 million was granted in the form of global loans to finance small and medium-scale projects.

#### *Denmark*

1.6.14. ECU 67.4 million was provided for railway improvements (electrification of the Nyborg-Odense line, acquisition of rolling stock and installation of automatic train control systems) and the development of the ferry service between Denmark (Helsingør) and Sweden (Helsingborg). ECU 7.9 million went towards the conversion of a waste incinerator into a combined heat and power station south of Copenhagen.

#### *Germany*

1.6.15. ECU 265.3 million was granted to set up a new motor vehicle plant in Thuringia and to modernize and extend a vehicle engine plant in Saxony and a slaughterhouse and a meat-processing factory in Brandenburg. ECU 40.7 million was granted in the form of global loans to finance small and medium-scale projects. ECU 25.4 million was provided for the construction of a new terminal at Frankfurt airport.

#### *Spain*

1.6.16. ECU 137 million was provided for the improvement of transport infrastructures of benefit to the Community: the high-speed rail link between Madrid and Seville, regional and provincial roads in Castile-Leon and modernization of the port of Barcelona. ECU 144.5 million was provided for the expansion and modernization of the electricity

grid in the Basque country, in Madrid and in Castile-Leon.

#### *France*

1.6.17. ECU 75.1 million was granted in the form of global loans to finance small and medium-scale projects. ECU 30 million went towards transport infrastructures: underground car parks in Lyons and the construction of sections of the A29 motorway. ECU 21 million went towards the construction of a production unit for aspartame (artificial sweetener) in the north, ECU 7.5 million towards the modernization of the district heating system in Grenoble and ECU 7.5 million towards the development of a high-tech thrust reverser for aircraft engines at two industrial sites near Paris and in the United Kingdom (Lancashire).

#### *Ireland*

1.6.18. ECU 34 million was provided to improve the road network and various other infrastructures, while ECU 6.7 million went towards the improvement of higher technical education institutions.

#### *Italy*

1.6.19. ECU 66.4 million was granted in the form of global loans to finance small and medium-scale projects. ECU 64.4 million was provided for water supply, collection and treatment infrastructures in Emilia-Romagna, Lazio, Lombardy and Venezia and for flood prevention and waterway control in Basilicata. ECU 3.9 million went towards the construction of a biotechnology research laboratory in Genoa.

#### *Portugal*

1.6.20. ECU 57 million was granted to improve the country's road and rail network. ECU 17.1 million went towards water supply and purification infrastructures in the south and ECU 9.1 million towards the moderniza-

tion and extension of a factory producing electrical transformers in the north of the country. ECU 15 million was granted for the exploitation of an oil deposit in the Norwegian sector of the North Sea, a project of benefit to the Community because of its contribution to the security of oil supply. Although located outside the Community, the project is assimilated to one funded within the Community.

### *Community development cooperation policy*

#### **Mediterranean**

##### *Jordan*

1.6.21. ECU 5 million went towards the repair of distribution networks in the north of the country.

#### **ACP countries**

##### *Guinea*

1.6.22. ECU 20 million was granted from risk capital for the construction of a power station at Conakry.

##### *Ethiopia*

1.6.23. ECU 6 million was granted, again from risk capital, for the repair of the telecommunications network in the north of the country.

# 7. Community institutions

## Parliament

### Extraordinary sitting, Strasbourg, 14 October

1.7.1. The extraordinary sitting convened on the eve of the Birmingham European Council (→ point I.1) to discuss progress on ratification of the Maastricht Treaty was well attended.

In view of the turmoil on the foreign exchanges and the widespread public concern, Mr Garel-Jones, President of the Council and UK Minister of State of Foreign and Commonwealth Affairs, called on the European Council to stress both the importance attached to ratification of the Maastricht Treaty and the wish of the Member States to send out a message of confidence in the Community, emphasizing the need to address three areas: openness in the Community, the protection of national identities, and the benefits of the Maastricht Treaty to individual citizens.

Having first recalled traditional reticence regarding European construction, Mr Delors, President of the Commission, said current difficulties could be ascribed to the democratic deficit, the lack of explanations at Community, national and regional level, and disappointing behaviour at ministerial level, all compounded by the unfavourable economic and monetary climate and the lack of international cooperation in an increasingly interdependent world. Accordingly, recalling that completion of the single market in January 1993 would lead to a reduction in the volume of new Community legislation, President Delors made it clear that the principle of subsidiarity incorporated in the new Treaty must be implemented in such a way as not to encroach on the *acquis communautaire* or to disrupt the existing balance between the institutions. He also drew attention to the

importance of ensuring the suitability of Community measures, and their effectiveness, proportionality and closeness to the grassroots.

During the debate, after which a resolution was passed (→ point 1.1.3), most speakers agreed on the need for more democracy and transparency while at the same time expressing the fear that, under cover of subsidiarity, matters which were part of the *acquis communautaire* might be returned to the national domain.

Many stressed the need for ratification of the Treaty as it stands and for a closer involvement of national parliaments in the monitoring of Community decisions.

Report of proceedings:

OJ Annex 3-422

Full text of opinions and resolutions:

OJ C 299, 16.11.1992

### Part-session, Strasbourg, 26-30 October

1.7.2. Much of the part-session was taken up with the debate on the Birmingham European Council, the discussion of and vote on the 1993 budget (first reading), and various foreign policy debates.

In the debate on the special European Council in Birmingham, Mr Hurd, UK Minister for Foreign and Commonwealth Affairs and President of the Council, made a statement on the three objectives of the European Council: transparency in decision-making, protection of national identities, and bringing the Community closer to the citizen. He felt that the results achieved in this regard provided a solid basis for work at the Edinburgh summit. Mr Delors emphasized that confidence had been restored both in the ratification process



and between the Member States. Following a long debate, which revealed divergent views on the outcome of the summit, a resolution welcoming the fact that the first steps had been taken towards a practical definition of the subsidiarity principle and that Parliament's request for an interinstitutional conference had been taken into account was adopted by a large majority (→ point 1.1.2). The House also reiterated its support for greater transparency and democracy but regretted that discussion of the actual measures to be taken had been held over to the Edinburgh summit.

Following the address by Mr Christophersen, for the Commission, on economic and monetary union, Parliament agreed on the importance of achieving the single market and ratifying the Treaty on European Union in order to restore confidence on the financial markets (→ point 1.3.3). It noted that economic convergence on its own was not enough to redress an economy marked by diminishing growth and employment and called for a relaunch of the Community's social policy, stressing the need for a global policy focusing on solidarity, training, aid for less-developed regions and incentives for investment. Adoption of the Delors II package was considered an essential element of such a strategy (→ point 1.3.2). Mr Garel-Jones pointed to the positive repercussions for economic growth both of ratification of the Treaty on European Union and of the conclusion of the GATT negotiations. Ms Papandreou, Member of the Commission, listed the Commission proposals for social measures currently pending before the Council.

Parliament completed its first reading of the 1993 budget (→ point 1.6.2). As the Interinstitutional Agreement covering the budgetary procedure since 1988 had expired, the only financial constraint affecting Parliament's examination of the draft budget was the maximum rate of increase laid down in Article 203 of the EEC Treaty and fixed this year at 7.2%. About ECU 1 billion was entered under the available margin, primarily for the Community's structural policy, multi-annual programmes and cooperation projects. A second amount of ECU 3.4 billion, outside the available margin, was entered in a reserve

to cover the key components of the Delors II package.

Mr Schmidhuber, for the Commission, declared that he was on the whole satisfied with the operating part of the draft budget. Although he regretted the transfer of the Phare appropriations to humanitarian action, he welcomed Parliament's proposals concerning the Community's external operations. But he expressed concern regarding administrative expenditure, which was well below the amount included in the preliminary draft budget; this could lead to serious difficulties in the year in question. Sir John Cope, UK Paymaster-General, made it clear that, given the restraints imposed on national budgets following the slowdown in growth, the Council would not be able to raise the maximum rate of increase beyond the provisions to be made for the Cohesion Fund. In general, speakers supported the draft budget as it emerged from the first reading in Parliament but reproached the Council for failing to give the Community the resources needed to implement the Maastricht decisions.

Parliament also adopted a decision on the implementation of the 1992 budget, in which it called for a more even pace of implementation over the year (→ point 1.6.1). A resolution on the draft amending the ECSC operating budget for 1992 was also adopted (→ point 1.6.3).

On the external relations front, following a very positive debate, Parliament gave its assent to the Agreement on the European Economic Area (→ point 1.4.1). In addition, members passed a resolution underlining the benefits of the Agreement to the contracting parties and placing its conclusion in the context of possible enlargement of the Community (→ point 1.4.2). In response to questions on the institutional provisions it contains, Mr Andriessen, for the Commission, highlighted the importance of the Agreement but stressed that the institutional autonomy of the Community would not be affected. Members delivered favourable opinions on the transit agreements with Austria and Switzerland (→ point 1.3.71).

Parliament gave its assent to the fourth protocol with Morocco and the third protocol with

Syria but not to the fourth protocol with Syria (→ point 1.4.31). It delivered a favourable opinion on the provision of medium-term financial assistance for Estonia, Latvia and Lithuania (→ point 1.4.13) but the proposal for assistance for Romania was referred back to committee. Members passed a resolution on the provision of emergency food aid to Moscow and St Petersburg (→ point 1.4.21).

On behalf of the Commission, Mr Pandolfi gave a progress report on the GATT negotiations stressing the importance of swiftly concluding a global and balanced agreement. Speakers expressed concern at the possibility that European farmers might be penalized, and called for regular and in-depth briefings for Parliament.

In a debate on home affairs and justice, Parliament examined the relationship between the public security measures required following the abolition of internal frontiers and respect for citizens' democratic rights. On the question of Community competence in this area and the related issue of subsidiarity, Mr Bangemann, for the Commission, drew particular attention to the relevant clauses in the Treaty on European Union, which outline the provisions and means of action that would answer the concerns expressed by Parliament. A resolution was passed on racism, xenophobia and anti-semitism, in which members expressed their concern at recent developments and called on the Commission to take practical action in the field of immigration, with particular reference to integration, training, education and employment (→ point 1.3.184). Mr Garel-Jones pointed out that the subsidiarity principle should also apply in this area and stressed the democratic principles underpinning the political systems in the Member States. Ms Papandreou recalled the coordination action taken by the Commission in this field and raised the possibility of adopting a European charter against racism and xenophobia.

The legislative agenda for the October part-session contained 25 proposals for approval under the cooperation procedure. Favourable opinions were delivered at first reading on proposals concerning the legal protection of biotechnological inventions (→ point 1.3.44),

the landfill of waste (→ point 1.3.103), air pollution by motor vehicles (→ point 1.3.105), copyright and neighbouring rights applicable to satellite broadcasting and cable retransmission (→ point 1.3.43), lifts (→ point 1.3.29), explosives for civil uses (→ point 1.3.30), the hygiene of foodstuffs (→ point 1.3.33) and sweeteners for use in foodstuffs (→ point 1.3.35). The proposal on the maximum design speed of two- or three-wheel motor vehicles was referred back to committee but proposals on braking and lighting were approved at first reading (→ point 1.3.28). Parliament also approved at first reading proposals on the coupling devices of motor vehicles and their trailers and on the burning behaviour of materials used in motor vehicle construction (→ points 1.3.24 and 1.3.27).

Proposals for Directives on fruit juices and on the coordination of procedures for the award of public works contracts (→ points 1.3.36 and 1.3.38) were also approved.

At second reading, Parliament approved proposals for Directives on the safety and health of workers in the extractive industries (→ point 1.3.85), the permissible sound level and the exhaust systems of motor vehicles (→ point 1.3.25), rental right and lending right in the field of intellectual property (→ point 1.3.42), the external projections forward of the cab's rear panel of category N motor vehicles (→ point 1.3.26), the coordination of procedures for the award of public works contracts (→ point 1.3.37), aromatized wine-based and spirit drinks (→ points 1.3.138 and 1.3.139), the formation of public limited liability companies (→ point 1.3.45) and direct life assurance (→ point 1.3.40). Members also delivered a favourable opinion at second reading on the proposal for a Directive on pollution caused by waste from the titanium dioxide industry (→ point 1.3.102).

Under the consultation procedure, Parliament adopted opinions on proposals on plant variety rights (→ point 1.3.11) and on a third Community action programme to assist disabled people (Helios II) (→ point 1.3.86). It also adopted opinions on a number of proposals concerning the common agricultural policy, the common fisheries policy, the protection of

the ozone layer (→ point 1.3.106), the protection of the Elbe (→ point 1.3.104), controls in road and inland waterway transport (→ point 1.3.70), and the application of social security schemes to persons moving within the Community (→ point 1.3.82).

In the topical and urgent debates, members adopted a resolution on the situation in the European steel industry calling on the Commission to give regions undergoing restructuring the necessary social support (→ point 1.3.64). After a debate on the construction of a dam and hydroelectric power station on the Danube, Parliament passed a resolution calling on the parties in dispute and on the Commission to find a satisfactory solution to the environmental problems resulting from the scheme (→ point 1.4.17). Parliament also passed a resolution on bringing the Chernobyl reactor back into service, in which it called for the immediate shutdown of the reactor (→ point 1.3.107). Parliament adopted a resolution on the monitoring of compliance with the Directives prohibiting the use of hormones in livestock farming, in which it called for consolidation of the provisions on the administration of pharmaceutical products to animals (→ point 1.3.119). Resolutions were also adopted on the floods in Spain, the natural disasters in south-eastern and south-western France, Italy, Liguria and Tuscany, the forest fires in Rhodes, Hurricane Charlie (→ points 1.3.179 to 1.3.183) and the earthquake in Egypt (→ point 1.4.26).

Finally, in the field of human rights, the House passed resolutions on the situation in Angola, the award of the Nobel Peace Prize to Rigoberta Menchù, the release of the Saharan detainees in Western Sahara, Burmese women, the plight of political prisoners in Burma, human rights in Sudan, Togo and former Yugoslavia, and the elections in Yemen (→ points 1.4.82 to 1.4.90).

Report of proceedings:

OJ Annex 3-423

Full text of opinions and resolutions:

OJ C 305, 23.11.1992

## Council

### 1605th meeting

1.7.3. General affairs (Brussels, 5 and 6 October).

Previous meeting: Bull. EC 9-1992, point 1.6.2

*President:* Mr Hurd, UK Secretary of State for Foreign and Commonwealth Affairs.

*Commission:* Mr Delors, Mr Andriessen, Mr Marin and Mr Matutes.

### Main items

- Relations with the independent States of the former Soviet Union: negotiating directives for the conclusion of partnership and cooperation agreements adopted (→ point 1.4.19).
- Former Yugoslavia: declaration adopted (→ point 1.5.3).
- Renewal of the Multifibre Arrangement: conclusions adopted (→ point 1.4.56).
- United States — steel — anti-dumping and countervailing duty actions: conclusions adopted (→ point 1.4.73).

### Other business

- Preparations for the Birmingham European Council: in-depth exchange of views.
- Future financing of the Community: discussed.
- Subsidiarity: discussed in detail.
- Informal ministerial meeting between the Community and the Visegrad countries: ground prepared.
- Enlargement: in-depth exchange of views.
- Somalia — troika visit: report by the President of the Council (development).
- GATT — Uruguay Round: conclusions of the Presidency.
- Association Agreements with Romania and Bulgaria: discussed.

- Community instruments of commercial defence: Commission proposal presented.
- Bananas: general discussion.

### 1606th meeting

#### 1.7.4. Research (Luxembourg, 12 October).

- Previous meeting:** Bull. EC 4-1992, point 1.7.5

*President:* Mr Waldegrave, UK Chancellor of the Duchy of Lancaster and Minister for Public Service and Science.

*Commission:* Mr Pandolfi.

#### Main item

- Supplementary financing of the third framework programme of research and technological development (R&TD) (1990-94): conclusions adopted (→ point 1.3.65).

#### Other business

- Evaluation of the second framework R&TD programme (1987-91): Scientific and Technical Research Committee report discussed.
- Fourth framework R&TD programme (1994-98): Commission report.
- Cooperation with the countries of Central and Eastern Europe: Commission statement.

### 1607th meeting

#### 1.7.5. Economic and financial affairs (Luxembourg, 19 October).

- Previous meeting:** Bull. EC 9-1992, point 1.6.5

*President:* Sir John Cope, UK Paymaster-General.

*Commission:* Sir Leon Brittan, Mr Christophersen, Mr Schmidhuber and Mrs Scrivener.

#### Main items

- Budgetary treatment of Community loan guarantees to non-member States: conclusions adopted (→ point 1.2.1).
- Utilization of the ECU 1 250 million loan to the former USSR: conclusions adopted (→ point 1.4.20).
- Abolition of fiscal frontiers: eight Directives and one Decision adopted (→ points 1.3.8 to 1.3.17).

#### Other business

- GATT — financial services: exchange of views.
- Economic and monetary cooperation: follow-up to the Birmingham European Council discussed.

### 1608th meeting

#### 1.7.6. Fisheries (Luxembourg, 19 October).

- Previous meeting:** Bull. EC 6-1992, point 1.7.7

*President:* Mr Curry, UK Minister of State for Agriculture, Fisheries and Food.

*Commission:* Mr Marin.

#### Main items

- Common organization of the market in fishery products: proposal for a Regulation agreed (→ point 1.3.169).
- Protection of dolphins: Regulation adopted (→ point 1.3.162).

#### Other business

- Community accession to the International Convention for the Regulation of Whaling: exchange of views.
- Revision of the common fisheries policy: general discussion.
- Restructuring of the Community fleet: discussion.

- Control system: general discussion.
- Licences in the NAFO area: general discussion.
- High-seas fisheries: Commission statement.

### 1609th meeting

1.7.7. Environment (Luxembourg, 20 October).

- Previous meeting:** Bull. EC 5-1992, point 1.5.121

*President:* Mr Howard, UK Secretary of State for the Environment.

*Commission:* Mr Van Miert.

#### *Main item*

- Supervision and control of shipments of waste: proposal for a Regulation agreed (→ point 1.3.99).

#### *Other business*

- Basle Convention: exchange of views.
- Motor-vehicle emissions: progress examined.
- Climate change — follow-up to Unced: discussed.
- Fifth action programme: discussed in detail.
- European Environment Agency: conclusions of the Presidency.
- Protection of the ozone layer: negotiations relating to the Montreal Protocol prepared.
- Community eco-audit scheme: discussed in detail.
- Possession of and trade in specimens of species of wild fauna and flora: general discussion.

### 1610th meeting

1.7.8. Agriculture (Luxembourg, 26 and 27 October).

- Previous meeting:** Bull. EC 9-1992, point 1.6.3

*President:* Mr Gummer, UK Minister for Agriculture, Fisheries and Food.

*Commission:* Mr Mac Sharry.

#### *Main items*

- Bananas: exchange of views.
- Adjustment of agrimonetary arrangements: discussed.
- Special measures for farmers affected by the exceptionally severe drought in Portugal: broad agreement.
- GATT — agriculture: in-depth exchange of views.
- Application of the milk quota system in Italy: main options examined.
- Beef and veal: initial exchange of views.
- Organisms harmful to plants and plant products: general trend in favour.
- Veterinary checks at external frontiers: discussed.
- Identification and registration of animals: proposed system examined.
- Integrated administration and control system: proposal examined.
- Durum wheat: exchange of views.
- Incomes of sheepmeat producers: question discussed.

### 1611th meeting

1.7.9. Transport (Luxembourg, 26 October).

- Previous meeting:** Bull. EC 6-1992, point 1.7.12

*President:* Mr MacGregor, UK Secretary of State for Transport.

*Commission:* Mr Van Miert.

#### *Main item*

- EEC-Slovenia agreement: negotiating directives adopted (→ point 1.3.72).

### *Other business*

- Action programme in the field of transport infrastructure: proposal for a Regulation discussed.
- Harmonization of road transport taxation: examined in depth.
- Liberalization of goods cabotage (road haulage): general discussion.
- Directive on combined transport: discussed.
- System of aid for investment in combined transport: exchange of views.
- EEC-Austria/Switzerland transit agreements: discussed.
- Distribution of Ecopoints for transit through Austria: proposal for a Regulation discussed.
- Allocation of slots at Community airports: general discussion.
- Community ship register (Euros): exchange of views.

## Commission

### **Proposals adopted**

*1.7.10.* Under the common fisheries policy the Commission adopted a proposal for a Council Regulation establishing a Community system for fisheries and aquaculture (→ point 1.3.155) and its price proposals for the 1993 fishing year (→ point 1.3.157). It also adopted an amended proposal for a Council Directive on the protection of personal data (→ point 1.3.177).

### **Communications, green papers and reports**

*1.7.11.* The Commission adopted a communication on the principle of subsidiarity (→ point 1.1.4).

With a view to completion of the internal market the Commission adopted two reports on intellectual property rights and standardization (→ point 1.3.19) and the situation in the telecommunications services sector (→ point 1.3.67). The report of the high-level group on the operation of the internal market after 1992 produced for the Commission was transmitted to the Council, Parliament and the Economic and Social Committee (→ point 1.3.20).

The Commission also adopted reports on administrative simplification (→ point 1.3.62) and on relations with third countries in the field of air transport (→ point 1.3.68) as well as its 1991 report on the implementation of the reform of the structural Funds (→ point 1.3.89).

### **Other decisions**

*1.7.12.* As part of the move to strengthen economic and social cohesion the Commission approved a draft Decision on the Community support frameworks for Objectives 3 and 4 (→ point 1.3.90). On the civil aviation front the Commission adopted a proposal for a Decision on a consultation and authorization procedure for agreements concerning trade relations between Member States and third countries (→ point 1.3.68).

In connection with the conflict in the former Yugoslavia the Commission decided to grant further emergency aid to help refugees and displaced persons (→ point 1.4.23). It also adopted a Regulation on technical arrangements for implementing the trade embargo on Serbia and Montenegro (→ point 1.4.24).

## Community lawcourts

### **Court of Justice**

*1.7.13.* Decisions given by the Courts are covered in the Bulletin for the month in which

they are reported in the Official Journal. The operative part of the main decisions is reproduced; other decisions are simply listed by field and legal basis. Decisions in disputes between the Community and its staff are not reported.

### Customs union

#### *Article 175 of the EEC Treaty*

- 11.9.1992: Case C-101/92 *Berpol v Commission*  
OJ C 273, 22.10.1992

### Free movement of workers and social policy

#### *Article 177 of the EEC Treaty*

- 7.9.1992: Case C-336/91 *Blomart and Vanschoenbeek v Fonds voor Arbeidsongevallen*  
OJ C 271, 20.10.1992
- 11.9.1992: Case C-51/91 *Caisse primaire d'assurance maladie des Alpes Maritimes v Peschiutta*  
OJ C 273, 22.10.1992
- 22.9.1992: Case C-153/91 *Petit v Office national des pensions*  
OJ C 268, 17.10.1992

### Competition

#### *Article 177 of the EEC Treaty*

- 18.9.1992: Case C-79/92 *Credito Italiano v Conte*  
OJ C 278, 27.10.1992

### State aid

#### *Article 173 of the EEC Treaty*

- 14.9.1992: Case C-117/92 *Sytraval and Others v Commission*  
OJ C 273, 22.10.1992

### Infringements

#### *Article 169 of the EEC Treaty*

- 16.9.1992: Case C-273/91 *Commission v Luxembourg*  
OJ C 279, 28.10.1992

### Court of First Instance

#### *Main decisions*

### Competition

#### *Article 173 of the EEC Treaty*

- 18.9.1992: Case T-24/90 *Automec v Commission*

The application is dismissed.

(Application for annulment of the Commission's decision of 28 February 1990 rejecting the applicant's request pursuant to Article 3(2) of Regulation No 17 in relation to the conduct of the companies BMW AG and BMW Italia SpA.)

OJ C 260, 9.10.1992

#### *Articles 175, 178 and 215 of the EEC Treaty*

- 18.9.1992: Case T-28/90 *Asia Motor and Others v Commission*

1. There is no need to give a decision on the heads of claim in the application in so far as the application is based on Article 175 of the Treaty.

2. The remaining heads of claim in the application are dismissed as inadmissible.

(Application under the third paragraph of Article 175 of the EEC Treaty for a declaration that the Commission has failed to adopt a decision in regard to the applicants based on Article 85 of the Treaty and pursuant to Article 178 and the second paragraph of Article 215 of the EEC Treaty for compensation for the damage allegedly caused by that failure.)

OJ C 260, 9.10.1992

## Other decisions

### Competition

#### Article 173 of the EEC Treaty

□ 11.9.1992: Case T-14/92 *ENCI and VNC v Commission*

OJ C 268, 17.10.1992

□ 17.9.1992: Case T-138/89 *Nederlandse Bankiersvereniging and Nederlandse Vereniging van Banken v Commission*

OJ C 260, 9.10.1992

## Economic and Social Committee

### 300th plenary session

1.7.14. The Economic and Social Committee held its 300th plenary session in Brussels on 21 and 22 October, chaired in turn by Mrs Tiemann and Mr Stecher Navarra.

1.7.15. Mrs Tiemann (Various Interests, Germany) was elected Chairman. In her inaugural address she stressed the role of mediator incumbent on the Economic and Social Committee and the need for it to continue to strive for the full recognition which had not been forthcoming at the Birmingham European Council. During her term in office, Mrs Tiemann said, she would pursue the following objectives in order of priority:

□ implementing the provisions in the Maastricht Treaty concerning the Committee, with particular reference to its rules of procedure and its budget;

□ improving the impact of its opinions and relations with other Community institutions through effective press action and public relations;

□ pursuing the Committee's policy on external relations with regard to the European Economic Area, the ACP States, Eastern Europe, the Maghreb countries and the Middle East.

1.7.16. The Committee debated and adopted opinions on the following:

□ the economic situation in the Community in mid-1992 (→ point 1.3.1);

□ the coordination of procedures for the award of public works contracts (→ point 1.3.38);

□ the coordination of procedures for the award of public supply contracts (→ point 1.3.39);

□ deposit guarantee schemes (→ point 1.3.41);

□ turnover taxes (→ point 1.3.46);

□ the Community action programme for SMEs, including craft industry enterprises (own-initiative opinion) (→ point 1.3.63);

□ voluntary participation by companies in the industrial sector in a Community eco-audit scheme (→ point 1.3.100);

□ the incineration of hazardous waste (→ point 1.3.101);

□ the introduction of advanced television services in Europe (→ point 1.3.185);

□ new prospects for Community cultural action (→ point 1.3.186).

1.7.17. The Committee adopted the following opinions without debate:

□ the multiannual programme for the development of Community statistics on research, development and innovation (→ point 1.3.4);

□ the burning behaviour of materials used in the internal construction of certain categories of motor vehicles (→ point 1.3.27);

□ restrictions on the marketing and use of certain dangerous substances and preparations (→ point 1.3.31);

□ sweeteners for use in foodstuffs (→ point 1.3.35);

□ additional measures concerning the official control of foodstuffs (→ point 1.3.32);



- the labelling, presentation and advertising of foodstuffs (→ point 1.3.34);
- difficulties in the supply of crude oil and petroleum products (→ point 1.3.74);
- the application of social security schemes to employed persons, to self-employed persons, and to members of their families moving within the Community (→ point 1.3.82);
- the protection of animals kept for farming purposes (→ point 1.3.113);
- the conclusion of the Protocol of Amendment to the European Convention for the Protection of Animals kept for Farming Purposes (→ point 1.3.114);
- the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (→ point 1.3.122);
- the common organization of the market in fishery products (→ point 1.3.156);
- monitoring implementation of the common fisheries policy (→ point 1.3.158).

1.7.18. The Committee approved transmission to the Council of an information report on vocational training (→ point 1.3.87).

## ECSC Consultative Committee

### 301st meeting (ordinary)

1.7.19. Luxembourg, 2 October.

*Chairman:* Mr Cimenti.

#### *Items discussed*

- Commission report on the market for solid fuels in the Community in 1991 and the outlook for 1992 (revised version): consultation (→ point 1.3.76).
- Commission proposals on limiting CO<sub>2</sub> emissions and improving energy efficiency: exchange of views.
- Steel market trends: exchange of views.
- ECSC operating budget: exchange of views.



**PART TWO**

**DOCUMENTATION**

# 1. The ecu

## Values in national currencies of ECU 1

October 1992 <sup>1</sup>		
BFR/ LFR	Belgian franc and Luxembourg franc	40.4403
DKR	Danish krone	7.57717
DM	German mark	1.96350
DR	Greek drachma	254.736
ESC	Portuguese escudo	139.803
FF	French franc	6.66100
HFL	Dutch guilder	2.21917
IRL	Irish pound	0.747113
LIT	Italian lira	1 731.71
PTA	Spanish peseta	139.803
UKL	Pound sterling	0.800489
AUD	Australian dollar	1.85209
CAD	Canadian dollar	1.65028
FMK	Finnish markka	6.23460
ISK	Icelandic króna	74.1650
NKR	Norwegian krone	8.01003
NZD	New Zealand dollar	2.45447
OS	Austrian schilling	13.8130
SFR	Swiss franc	1.74341
SKR	Swedish krona	7.40512
USD	United States dollar	1.32523
YEN	Japanese yen	160.536

<sup>1</sup> Average for the month; OJ C 286, 4.11.1992.

*NB:* Explanatory notes on the ecu and 'green' rates can be found in Bull. EC 7/8-1982, points 3.1.1 to 3.1.3, and Bull. EC 9-1989, point 2.1.3.

**Representative rates ('green' rates)***Conversion rates into national currencies for the ecu used in connection with the common agricultural policy*

October 1992

National currency/sector		Value in national currency of ECU 1	National currency/Sector		Value in national currency of ECU 1
BFR/ LFR	Belgian franc and Luxembourg franc — All products	48.5563	HFL	Dutch guilder — All products	2.65256
DKR	Danish krone — All products	8.97989	IRL	Irish pound — All products	0.878776
DM	German mark — All products	2.35418	LIT	Italian lira — Pigmeat — Other products	1 931.48 1 805.45
DR	Greek drachma — Olive oil, sheepmeat, and goatmeat — Pigmeat	266.487 290.644 293.451 on 12.10.1992 295.301 on 19.10.1992 290.644	PTA	Spanish peseta — Cereals, sugar — Pigmeat	154.482 161,910 159.149 on 5.10.1992 162.517 on 12.10.1992
ESC	Portuguese escudo — Scheepmeat and goatmeat, olive oil — Pigmeat	208.676 199.404 204.250 on 5.10.1992 206.307		— Olive oil, wine — Scheepmeat and goatmeat — Beef, milk and milk products — Other products	153.263 154.196 154.801 154.196
FF	French franc — All products	7.89563	UKL	Pound sterling — Pigmeat — Other products	0.874575 0.818896

## 2. The subsidiarity principle

2.2.1. On 27 October the Commission adopted a communication on the principle of subsidiarity for transmission to the Council and Parliament. The text is reproduced in full below.

‘The discussions leading up to the signature of the Treaty on European Union and, in particular, its Article 3b have emphasized the importance which the Community attaches to the three linked issues of greater democratic control, more transparency in Community legislation and other action and the respect of the principle of subsidiarity. The Commission considers that all three elements need to be carried through into the practices of the Community. It has made and will continue to make a positive contribution in this direction. This communication deals only with the principle of subsidiarity, its scope and its application in three areas: the preparation of Community action, the management of Community policies and the financial and other control of Community activities.

### **The preparation and examination of proposed Community action**

The inclusion of the principle of subsidiarity in the Treaty imposes an obligation on all the institutions which participate in the process of decision but in view of its power of initiative the Commission has a particularly important role. The principle of subsidiarity does not determine which competences are attributed to the Community: this is determined by the Treaty itself. It is, however, an important principle regulating the exercise of these competences. In practical terms it implies for the Community institutions, and in particular for the Commission, the application of the simple principle of good sense that, in the exercise of its competences, the Community should do only what is best done at this level. The burden of proof is on the Community institutions to show that there is a need to legislate and take action at Community level and at the intensity proposed. The principle of course operates in both directions: if, within the field of Community competences, a decision or action at Community level meets these requirements, it should be undertaken at this level. For reasons which have to do with

subsidiarity itself, the principle must be examined together with the content of a proposal or action.

Subsidiarity and its brother principle, proportionality, were not invented at Maastricht. They exist in the legislative and other practices of the Community. However, Article 3b of the Treaty on European Union is more explicit. The criteria for its future application can be sketched out. They need not be complicated. They should help to assure the citizen that decisions will be taken as closely as possible to the citizen himself, without damaging the advantages which he gains from common action at the level of the whole Community and without changing the institutional balance.

The analysis of Article 3b leads to the following conclusions.

The first paragraph underlines that the competences are given by the Treaty and that the limits of these competences must be respected. Within these limits the Community has an obligation to achieve the necessary result: to attain the objectives which the Treaty assigns to it.

The second paragraph concerns the areas where the Community has not an exclusive competence and deals with the question whether the Community should act in a specific case. This Article requires that the Community should only intervene if and in so far as the objectives of the proposed action cannot be realized sufficiently by the Member States. This implies that we have to examine if there are other methods available for Member States, for example legislation, administrative instructions or codes of conduct, in order to achieve the objectives in a sufficient manner. This is the test of comparative efficiency between Community action and that of Member States.

The factors which could be examined in such cases are the effect of the scale of the operation (transfrontier problems, critical mass, etc.), the cost of inaction, the necessity to maintain a reasonable coherence, the possible limits on action at national level (including cases of potential distortion where some Member States were able to act and others were not able to do so) and the necessity to ensure that competition is not distorted within the common market.

If it were concluded that a proposal passed the test of comparative efficiency, it would still be necessary

to respond to the question “what should be the intensity and the nature of the Community action?”. This recalls the principle of proportionality, which is already an element of the case-law of the Community. It is necessary to examine carefully if an intervention by legislative means is necessary or if other means which are sufficiently effective can be used. If it is necessary to legislate, the Commission will as far as possible favour framework legislation, minimum norms and mutual recognition and more generally avoid a too detailed legislative prescription.

The third paragraph of Article 3b applies not only to the area of shared competences but also to the area of exclusive competence. It reaffirms that the principle of proportionality, for which certain criteria are set out above, should apply, but does not alter the attribution of competence.

## Management of Community action

It is important that, when legislation is being prepared, there should be careful examination of the possibilities of decentralizing the management of Community action. In practice this should be often the result of the use of framework directives, since the legislation transposed at national level would normally be implemented on the ground by the national or regional authorities with due respect for the constitutional requirements of the individual Member States. However, in the case of other proposed legislation, the possibility of specific decentralization of the management of Community action should also be examined. This corresponds to the need to maintain such actions, as close to the citizen as possible. It is also often inevitable, in view of the fact that the European public service is very small and the national and regional public services very large.

The Commission will continue to examine possible definitions of a more precise kind of the types of action which might be decentralized and of the elements of control and follow-up which might need to remain directly within the Commission's responsibility. The Community has already adopted a number of initiatives in this direction, in particular the development of the partnership in the operation of the structural policies.

## Control

A useful distinction can be made between those areas where Community money is being committed

and those areas where there is no financial element. In the first case the Commission must fulfil its responsibilities in relation to the Community budget. In other cases the possibility of a devolved control should always be considered, provided that the Member States in the sector concerned dispose of an adequate structure for this purpose.

The Commission will in particular be examining:

- a wider use of *de minimis* rules;
- the possibility that in the application of Community law the Member States should cooperate more closely in the examination of complaints for non-respect of Community law;
- in some sectors a possible system of direct application of controls by Member States themselves, with a regular series of reports to the Community institutions, leaving open the possibility of referring issues to the Court of Justice if these reports indicated an unsatisfactory situation.

The paragraphs above indicate that the Commission has carried forward its work in the area of the application of the principle of subsidiarity, over and above the engagement which it took at the Lisbon European Council to justify in legislative proposals the need for such action at Community level. In our view the two key elements are the need for all those concerned in the Community institutions to recognize the need to justify intervention and the need to examine the intensity of the manner in which intervention at Community level is proposed. We do not think that there should be a static interpretation of these two important concepts. We should not “stop the film” of Community development. On an internal basis, the Commission has prepared a more detailed juridico-technical document intended to contribute to the definition of the principle and its better application; this document is [reproduced below]. Furthermore the Commission has already indicated that there could be advantage in an inter-institutional agreement on this point and is prepared to suggest a text, if this course seemed acceptable to the Parliament and to the Council.

## The subsidiarity principle

I — Clarification of the concept

1. *The distinction between Community powers, shared powers and national powers*

- (a) Community powers and national powers
- (b) Exclusive powers and shared powers

2. *The two dimensions of the subsidiarity principle*

- (a) The need for action
- (b) The intensity (proportionality) of the action

II — The circumscription of exclusive powers

1. *The characteristics of exclusive powers*

- (a) A functional element
- (b) A material element

2. *The block of exclusive powers*

3. *The exercise of exclusive powers*

III — Interpreting the need for action when powers are shared

1. *Legislative measures*

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IV — Subsidiarity and intensity of action

1. *Choosing the appropriate form of action*

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2. *Subsidiarity and supervision of implementation*

VI — The solution — an interinstitutional agreement

1. *Need to reconcile a number of imperatives*

2. *Content of interinstitutional agreement*

*The subsidiarity principle*

1. The subsidiarity principle as applied in the institutional context is based on a simple concept: the powers that a State or a federation of States wields in the common interest are only those which individuals, families, companies and local or regional authorities cannot exercise in isolation. This common-sense principle therefore dictates that decisions should be taken at the level closest to the ordinary citizen and that action taken by the upper echelons of the body politic should be limited.

2. The first application in law of this essentially political principle is to be found in the relationship between some of the Member States and their regions, where it takes various forms depending on their constitutional traditions.

In the Community context, subsidiarity means that the functions handed over to the Community are those which the Member States, at the various levels of decision-making, can no longer discharge satisfactorily. Any transfer of powers must have due regard for national identity and the powers of the regions. The Member States, for their part, are required to facilitate the attainment of the Community's objectives by Article 5 of the EEC Treaty.

The subsidiarity principle is enshrined in the preamble and in Articles B and 3b of the Treaty on European Union. It was present in embryonic form in the ECSC Treaty (Article 5), implicit in the Treaty of Rome, and spelled out in the Single European Act in relation to the environment (Article 130r).

Subsidiarity is a dynamic concept in the Community system. Far from putting Community action in a straitjacket, it allows it to be expanded where circumstances so require and, conversely, to be restricted or abandoned where it is no longer justified.

3. For more than 40 years the subsidiarity principle has satisfied two requirements: the need for Community action and the need to ensure that the means employed are commensurate with the objectives pursued, in other words, proportionality.

All the major initiatives taken by the Commission have been based on a justification of the need for action. The common policies provided for in the Treaty of Rome, the creation of a frontier-free area and the flanking policies provided for in the Single Act — all these initiatives have been fully justified by the imperatives of European integration. Everyone accepts that these tasks could only be effectively undertaken at European level. The results speak for themselves.



What is surprising is that certain other obligations to act, imposed by the authors of the Treaty, have still not been met in full. The list includes transport policy, certain aspects of commercial policy, and, indeed, some key provisions of the Euratom Treaty.

The intensity of Community action is sometimes criticized, the finger being pointed in particular at excessively detailed rules in highly sensitive areas (environment, health), regarded, rightly or wrongly, as being essential to the creation of a single market.

The fact that proposals are often requested by the Council or by Parliament, that wide-ranging consultations are held with all concerned (green papers, meetings of experts, etc.), that the initial proposals are expanded or altered beyond recognition by the Council or Parliament is of little consequence. The public perception is that the Commission is mainly to blame for any rules or regulations which seem to conflict with the subsidiarity principle. Its having to bear the brunt of such criticism is especially unfair when it is doing no more than fulfil the two prime tasks assigned to it by the Treaty: exercising its sole right of initiative and acting as the custodian of Community law.

4. Be that as it may, the enshrinement of subsidiarity in the Treaty and the importance attached to it by the Member States provide an opportunity for all the institutions, and above all the Commission with its right of initiative, to confine Community action to the essentials, to do less to achieve more.

It also provides an opportunity to stress that subsidiarity cannot be used to bring the Commission to heel by challenging its right of initiative and in this way altering the balance established by the Treaties. There is an interinstitutional dimension to subsidiarity which also has a bearing on the democratic deficit.

## I — Clarification of the concept

### 1. *The distinction between Community powers, shared powers and national powers*

#### (a) *Community powers and national powers*

It must be made quite clear from the outset that the subsidiarity principle regulates the exercise of powers rather than the conferment of powers. The conferment of powers is a matter for the writers of our "Constitution", that is to say, of the Treaty. A consequence of this is that the powers conferred on

the Community, in contrast to those reserved to the Member States, cannot be assumed.

A first consequence of the subsidiarity principle — too often ignored — is implicit in the first paragraph of Article 3b, namely that national powers are the rule and the Community's the exception. This explains why it would be pointless, at "constitutional" level, to list the powers reserved to the Member States.

However, the absence of a list of national powers creates a political problem to the extent that local authorities, and indeed the general public, in certain Member States conclude that there are no precise limits to intervention by the Community, which stands accused of being able to meddle where it pleases.

If subsidiarity is to be translated into concrete terms for the benefit of the general public, the first question to be answered is whether it might not be better to indicate the main areas reserved to the Member States rather than simply affirm that national powers are the rule.

#### (b) *Exclusive powers and shared powers*

A second difficulty posed by the Treaty on European Union is that, while the authors did enumerate and at times carefully circumscribe the Community's powers, they also drew a distinction in Article 3b between exclusive Community competence and competence shared with the Member States without defining or specifying the content of each of these "blocks of competence".

This means that there is no clear line of demarcation between exclusive and shared powers. The fact is, however, that the distinction between the two is extremely important because the need for action is assessed quite differently depending on the type of powers.

### 2. *The two dimensions of the subsidiarity principle*

Under the terms of Article 3b of the Maastricht Treaty, the notion of subsidiarity covers two distinct legal concepts which are often confused:

- the need for action (second paragraph);
- the intensity (proportionality) of the action taken (third paragraph).

(a) As far as need is concerned, subsidiarity governs the very principle of Community intervention and it is for the Community to demonstrate the

justification for Community action in preference to action taken, or action which could be taken, by the Member States to achieve the objectives of the Treaty.

However, the second paragraph of Article 3b does not require the Community to demonstrate the need for action except "in areas which do not fall within its exclusive competence", that is to say, in areas of shared competence.

In other words, the authors of the Treaty assumed that, in certain areas, the Community was the only appropriate level for taking the action needed to achieve the objectives of the Treaty.

Since the Treaty does not define the notion of exclusive competence or list the areas covered, it is for the institutions, and in the first place the Commission, to agree on a common approach to avoid endless demarcation disputes between exclusive competence and shared competence with the attendant dangers of watering down the "need" element of subsidiarity.

Furthermore, the subsidiarity principle — as a test of whether a given shared power qualifies for Community action — does not apply in the same way to all the objectives set by the Treaty. The constraints under which the institutions operate, and the instruments available to them, differ according to the responsibilities assigned to the Community (as between cohesion policy and civil protection, for example).

(b) As far as intensity is concerned, subsidiarity provides a guarantee that the extent of the action taken will not be out of proportion to the objective pursued, irrespective of whether the powers exercised are exclusive or shared, as stipulated in the third paragraph of Article 3b.

We need to give substance to a well-known problem, the problem of proportionality, and translate political will into practice; if action is needed to achieve the objectives of the Treaty, it must not be disproportionate; this implies that recourse to the most binding instruments should be used as a last resort and that, wherever possible, priority should be given to support measures rather than regulations, to mutual recognition rather than harmonization, to framework directives rather than detailed rules and regulations, etc.

## II — The circumscription of exclusive powers

### 1. *The characteristics of exclusive powers*

Legally speaking, the notion of exclusive powers is characterized by two elements:

(a) A functional element: an obligation on the Community to act because it is regarded as having sole responsibility for the performance of certain tasks.

The obligation to act should be clearly and precisely imposed by the Treaty itself — for example, Article 8a: "The Community shall adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992 ..."; or Article 40: "... a common organization of agricultural markets shall be established".

The Treaty also provides for sanctions in the event of failure to comply with the obligation to act. The Court of Justice has already found against the Council for failure to act in the transport sector.

(b) A material element: the Member States lose the right to act unilaterally.

This does not mean that the Member States can no longer legislate. They can still do so if the Community agrees — on certain aspects of commercial policy, for example — or provides an umbrella for national action. But the Community could decide that this loss should be complete.

But we cannot conclude that, because the Community has exclusive competence for an area defined in the Treaty (for example, common organizations of agricultural markets with a view to achieving the objectives of Article 39), all responsibility for the activity in question (agriculture, say) is covered by exclusive competence. The text of the Treaty cannot be interpreted so broadly as to leave common sense out of account.

In some cases, too, an obligation to act does not reflect any wish to deprive the Member States of the right to act.

### 2. *The block of exclusive powers*<sup>1</sup>

So that the Community can attain its objectives, certain obligations to act have been imposed on it. These include, in particular, the creation of an area without internal frontiers, the strengthening of economic and social cohesion, and the establishment of economic and monetary union (Article B of the Maastricht Treaty).

(a) At the present stage in the Community's development it is impossible, legally speaking, to deter-

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<sup>1</sup> Areas of exclusive powers covered by the ECSC and Euratom Treaties have been disregarded.

mine whether all these obligations to act entail exclusive powers for the Community and in particular whether they deprive the Member States of the right to act.

Under the terms of the Maastricht Treaty itself "exclusive competence" and "common policy" — whatever the scale of that policy — are concepts as different as "objective" and "obligation to act".

Historically the concept of exclusive competence originally grew out of the obligation to establish the "common market", which was spelled out in very firmly binding terms, including the fixing of a deadline under the Single Act.

In this sense it is possible to speak of a genuine obligation to act leading, in the course of time and through the rulings of the Court of Justice, to the formation of a block of exclusive powers centred around the four fundamental freedoms and certain common policies essential to, or a corollary of, the establishment of an internal market.

What is involved here is:

- the removal of barriers to the free movement of goods, persons, services and capital (Article 8a);
- the common commercial policy (Article 113), which guarantees the unity of the internal market;
- the general rules on competition, which guarantee a level playing field in the internal market;
- the common organization of agricultural markets, a precondition for the free movement of agricultural products; it was decided as long ago as 1957 that this would be governed by specific rules reflecting the wider objectives of Article 39 of the EEC Treaty;
- the conservation of fisheries resources (Article 102 of the 1972 Act of Accession) and the common organization of the fishery markets by analogy with agriculture;
- the essential elements of transport policy; as long ago as 1957 the authors of the Treaty imposed precise obligations to act (such as Article 75(1)(a) and (b)).

(b) The demarcation lines of this block of exclusive powers will have to change as European integration progresses. They cannot remain frozen. For one thing, the Maastricht Treaty provides for future single monetary and exchange-rate policies which should ultimately lead to exclusive Community competence in the final stage of EMU.

Furthermore it is clearly not easy to draw a line between implementing the four freedoms and what

some people refer to as the smooth operation of the single market. The dynamics of the four freedoms generate — and will continue to generate — an impetus towards flanking measures which in turn call for the introduction of genuine policies (environment and cohesion, for example), albeit ones that do not at present involve exclusive Community competence — that is, the possibility of depriving the Member States of the power to act.

### 3. *The exercise of exclusive powers*

One consequence of the existence of a block of exclusive powers, joined by the common thread of an internal market, is that the Community does not have to demonstrate the need for action on each occasion where free movement is involved.

It is true that there is some latitude here, but the subsidiarity principle cannot be invoked to question the advisability of Community action.

In the exercise of exclusive powers, the Community has an entire armoury at its disposal (notably the weapon of harmonization), but this does not mean that it has to legislate systematically and cover the sector concerned in its entirety.

It has to be admitted that "area" of exclusive powers is an unfortunate expression. It must be assumed that the exclusive powers flowing from an obligation to act are strictly construed, because they represent an exception to Community powers as a whole. The exclusiveness of powers is not determined by the matter covered (cars, capital), but by the imperatives of free movement. This is why not all the measures associated with the smooth operation of the internal market fall under exclusive Community competence. For example, while harmonization of the VAT base (deciding whether a given type of product is subject to tax) does fall within the area of exclusive powers, it is doubtful whether uniform VAT rates are essential to free movement.

In practical terms, this means that the circumscription of powers to a block of policy measures linked to free movement must not be confused with occupation of the terrain by the legislator. This raises another problem, the issue of primacy. There is nothing to prevent the Community legislator allowing Member States to legislate on measures which are not, or are no longer, essential to free movement, provided that they respect the primacy of the Community's legal order.

### **III — Interpreting the need for action when powers are shared**

Although the subsidiarity principle is not a determining factor when the Community is under

the obligation to produce results, the situation is different in areas where it shares powers with the Member States.

Article 3b provides that the Community takes action only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States.

Each case must therefore be considered individually in the light of two tests laid down in Article 3b — the scale and the effects of the proposed action. This would involve:

□ checking that the Member States have at their disposal the means — including the financial means — to the end (national, regional or local legislation, codes of conduct, agreements between employers and trade unions, etc.) — the comparative efficiency test;

□ assessing the effectiveness of Community action (its scale, cross-border problems, consequences of failure to act, critical mass, etc.) — the value-added test.

However, it is obvious that in the vast range of areas in which powers are shared, the need for Community action cannot always be assessed in the same manner.

Neither the objectives assigned to the Community nor the instruments available to the institutions for achieving them are uniform. This derives from the Treaty itself, which prescribes certain forms of action in one area and rules out other forms of action in other areas.

Bearing this in mind, and allowing for the inevitable lack of precision in an exercise of this kind, it is possible to propose a guide to the various ways of exercising shared powers which under no circumstances should be treated as a kind of ranking order.

1. Legislative measures: smooth operation of the internal market and the common policies (agriculture, transport, fisheries), certain social, environmental and consumer protection measures, in particular when they are related to the internal market.

There is a very strong political resolve to take action because of the development of the internal market. The aim is not just to remove barriers but to facilitate freedom of movement through common legislation, flanking measures and the completion of the single market.

The instruments are, for the most part, harmonization and mutual recognition. Qualified majority voting is given precedence.

2. Joint measures: economic and social cohesion, research.

The political resolve is again very strong in matters of cohesion (“The Community shall ... pursue its actions leading to the strengthening of its economic and social cohesion”), while it is strong for research (“... the objective of strengthening the scientific and technological bases of Community industry”).

The instruments are programmes based on the principle of partnership with the Member States, firms or regions.

Development cooperation, too, should already come under this head, as will the common foreign and security policy as and when joint measures are identified (“gradually implementing ... joint action in the areas in which the Member States have important interests in common”).

3. Supportive measures: certain social and environmental measures, trans-European networks, industrial policy, consumer protection and vocational training.

The Treaty gives the institutions a great deal of latitude for deciding whether to take action.

A variety of instruments are used, the most common being support programmes.

4. Complementary measures: education, culture, health.

There is little political resolve. The Treaty specifically rules out harmonization. The aim is merely to complement and support national measures.

In some fields the Community has only potential powers (tourism, civil protection) and their implementation is strictly limited by the requirements of Article 235.

### IV — Subsidiarity and intensity of action

The purpose of the subsidiarity principle is to give general application to the rule that the means should be proportional to the ends.

In practical terms, subsidiarity means that, when exercising its powers, the Community must, where various equally effective options are available, choose the form of action or measure which leaves the Member States, individuals or businesses concerned the greatest degree of freedom.

Beyond this general rule, though, is the implication that if a binding measure proves necessary, the actual degree of regulation should be kept to a minimum.

## 1. *Choosing the appropriate form of action*

The Community has a wide range of options available to it. It can:

- enact legislation in a variety of forms:
  - the simple provision of a common instrument to supplement national legislation (e.g. the European company);
  - approximation of laws;
  - harmonization — either total or optional — or harmonization by means of general rules or of detailed specifications;
- impose mutual recognition;
- adopt recommendations;
- provide financial support via regional development programmes (structural Funds) or joint projects (networks) based on interoperability;
- promote cooperation between Member States (e.g. Erasmus);
- encourage desirable forms of behaviour (e.g. agreements between the two sides of industry, undertakings from businesses to respect certain standards of conduct in their dealings with each other) or direct or coordinate private or public initiatives;
- become a party to international agreements.

With the exception of legislation, most of the options listed above are based, in accordance with the subsidiarity principle, on a partnership with bodies which are closer to the individual than the Community institutions, e.g. regional authorities, businesses, associations and trade unions.

The main choice where subsidiarity is concerned is between binding and non-binding measures. The decision whether or not to legislate should be based on an assessment of:

- the importance of uniformity in the field in question and, in particular, the need for non-discrimination and certainty as to the law; and,
- where appropriate, the degree of technical complexity of the area in question (e.g. harmonization of technical standards using the old approach).

If legislation is not imperative on the basis of these tests, subsidiarity requires that:

- preference should be given to support programmes or programmes to coordinate national measures, as opposed to harmonization of laws;

the Community should make greater use of the recommendation, while reserving the right to resort to legislation if this proves necessary, particularly if the recommendation does not have the desired effect; in this connection, the provisions of Articles 101 and 102 of the EEC Treaty need to be developed further (these Articles call for recommendations as a first step, followed by harmonization of laws if required); and

particular attention should be paid to the possibility in certain cases of achieving the objectives set out in the Treaty through international agreements rather than via an internal instrument, for subsidiarity surely also means not legislating at Community level when action is already being taken at international level and proving just as effective as Community action.

## 2. *The intensity of legislative action*

If legislative action is necessary, the subsidiarity principle dictates that Community legislation and national measures each be given its own respective role: Community legislation forms the framework into which national action must be fitted.

For this purpose, the Treaty of Rome devised an original instrument which typifies subsidiarity: the directive sets the result to be achieved but leaves it to the Member States to choose the most appropriate means of doing so. It differs from the regulation, which applies directly and in its entirety to States, firms and individuals and, where necessary, supersedes national legislation. When the Single Act was adopted, the Intergovernmental Conference again stressed the need to give pride of place to the directive as the instrument for establishing the frontier-free area.

In practice, of course, the distinction between directive and regulation has become blurred, in some cases for good reasons (need for uniform rules), but in others for less honourable ones (to avoid the detour via a national parliamentary procedure). Be that as it may, the directive no longer enjoys any preference over the regulation and, when it is used, it is generally as detailed as a regulation and leaves hardly any margin of manoeuvre for transposal.

If the subsidiarity exercise is to produce any overall tangible results, then it must unquestionably be by systematically reverting to the original concept of the directive as a framework of general rules, or even simply of objectives, for the attainment of which the Member States have sole responsibility.

Similarly, preference must be given to the techniques of minimum standards and mutual recognition.

Regulations should remain the exception, to be resorted to only where there is an overriding need for uniform rules, in particular to guarantee the rights and obligations of individuals and firms.

### 3. *The need for a hierarchy of norms*

There are unfortunately no miracle cures that will prevent instruments being overburdened with a surfeit of detail, as is borne out by the incapacity of most Member States to contain the plethora of highly detailed rules and regulations produced by their own government departments.

There can be no escaping the fact that the solution, as the Commission proposed to the Intergovernmental Conference (which accepted only the principle), will involve writing into the constitution a genuine hierarchy of norms. A declaration annexed to the Maastricht Treaty states that "the Intergovernmental Conference to be convened in 1996 will examine to what extent it might be possible to review the classification of Community acts with a view to establishing an appropriate hierarchy between the different categories of acts".

There is much to be said for inserting in the legislative process a new type of instrument above the regulation — the framework law — which would lay down the basic principles and essential rules for an operation, in keeping with the idea of a directive. First of all, from the point of view of democracy, this would strengthen Parliament in its natural function as legislator but would also involve it in enforcing the subsidiarity principle by generally transferring responsibility for implementing a law to the national authorities. National parliaments would thus acquire an active role in the Community process instead of being relegated, as all too often at present, to a rubber-stamp function for the transposal of an instrument. On the other hand, such laws would be implemented by Community regulations in respect of those aspects which, for reasons of certainty as to the law and non-discrimination, require uniform rules.

Without awaiting the outcome of a new intergovernmental conference, better use could be made of existing instruments to reduce Community legislation to the essential and leave a greater margin of manoeuvre for implementation to the Member States and to the Commission when uniform rules are required.

### 4. *Transparency of instruments*

Finally, in view of the importance of the public debate on subsidiarity and the need for instruments to be made more comprehensible, not only for economic operators but also for ordinary citizens, who to an increasing extent are directly concerned by Community legislation, special care and attention should be paid to clarity and conciseness right from the proposal stage. Moreover, consolidation should be systematic — if necessary in the form of publication solely for information purposes in the Official Journal — as soon as an instrument has been amended a number of times. It is not acceptable, in a Community governed by law, that individuals and firms should be forced, if they wish to know their rights in the jungle of Community legislation, to produce their own consolidated versions of the enactments in force.

## V — **Management and supervision of implementation**

The practical implications of the subsidiarity principle as regards the management and supervision of implementation are difficult to ascertain at this point in the process of European integration. Even if the question of the very existence of decentralized machinery for applying subsidiarity is resolved, we are still faced with a problem of mutual trust between the institutions, between some Member States and the institutions, and between the Member States themselves. What is more, the Commission cannot surrender its ultimate supervisory responsibility when public money from the Community budget is involved.

### 1. *Subsidiarity and the management of Community activities*

The application of the subsidiarity principle to the management of Community activities is connected with the familiar problem of the delegation of implementing powers. The difficulties raised by the straightforward delegation of such powers by the Council to the Commission or to agencies is well known.

It is to be hoped that the Member States will agree to the decentralized management of a number of the Commission's more burdensome activities.

There is no doubt that, all things considered, the Member States often prefer direct management by the Commission, over which they exercise collective

control, rather than management entrusted to national or regional agencies whose efficiency and regularity are more difficult to control on a shared basis.

The solution might be to arrive at a precise definition of the types of activity to be decentralized, the nature of the decentralized management machinery and the amount of expenditure which can be allocated for this purpose.

## 2. *Subsidiarity and supervision of implementation*

The present situation is unsatisfactory. The bulk of supervisory work is performed by the Commission either in its capacity as the custodian of Community law or by virtue of its powers to implement the budget.

The Commission has already become less involved with certain control activities in areas which do not affect freedom of movement as regards, for instance, national aid schemes of minor importance and "thresholds" for mergers. It will continue to give thought to the matter of petty infringements.

However, over and above the *de minimis* rule, it is important that more decentralized procedures be introduced for supervising the application of Community law in order to avoid 'apoplexy at the centre and paralysis at the extremities'. The best solution would be for the Member States to cooperate more closely in the examination of complaints for failure to comply with Community law. But first of all national examining procedures would not have to show any marked differences in terms of guarantees and costs for plaintiffs. It will be recalled that during the Intergovernmental Conference the Commission proposed that each Member State should designate an ombudsman who would have a role to play in such matters.

Consideration might be given to the introduction of systematic decentralized controls on the lines of those which already exist in the public procurement sector, with the possibility for the national authorities to order by summary procedure the suspension of any contract-award procedures which do not comply with the transparency and equal-treatment requirements contained in Community legislation.

Another avenue worth exploring is for the Member States to be made directly responsible for supervising the application of Community law — for example, in the environment or technical harmonization fields. Each Member State would send annual statements to the Community institutions. In the event

of default, the Community would be entitled to refer the matter to the Court of Justice and ultimately apply financial "sanctions" (along the lines of the clearance of the EAGGF accounts or of the penalty payments provided for in Article 171 of the Treaty).

Lastly, in those areas where an acute problem of mutual trust arises, inspiration should be drawn from experiences such as that of the steel industry during the crisis of the late 1970s by developing a system of "cross-over" controls where an engineer from a firm in one Member State was sent to a firm in another Member State on the strength of a Community instruction to help check that capacity had been cut back and that prices and quotas were being enforced.

## VI — The solution — an interinstitutional agreement

### 1. *Need to reconcile a number of imperatives*

The subsidiarity exercise has to reconcile a number of imperatives:

- on a practical level, Community action must be made more effective — "do less, but do it better";
- on a political level, the Member States and public opinion must be reassured that it is not the Commission's intention to dominate;
- on a legal level, good intentions must be translated into binding commitments;
- on an institutional level, the existing balance must be maintained — particularly the Commission's right of initiative.

An interinstitutional agreement, by providing clear definitions and a precise demarcation of powers, would permit these objectives to be reconciled while allowing the present institutional balance to be preserved intact.

If the Commission must be prepared to demonstrate in every case that the subsidiarity principle has been observed, it must be made clear, in return, that when its proposals are being examined there must be no question of separating the issue of subsidiarity from the substance of the matter in hand and in this way obstructing by degrees the decision-making process.

Subsidiarity is part of decision-making, not a precondition for it. It must be considered together with all the other aspects (legal basis, substantive provisions, etc.) in accordance with the voting conditions applying to a proposal. Only at the end of

the examination of a proposal, if Parliament or the Council (general affairs) feels that it conflicts with subsidiarity, could the Commission, at their express request, reconsider it in that light.

There should also be provision for the Commission, in the context of interinstitutional cooperation, to "sound the alarm" if amendments introduced by the Council or Parliament are inconsistent with the subsidiarity principle, and the Commission's right to withdraw its proposal in such circumstances should be confirmed.

## 2. *Content of interinstitutional agreement*

After first giving a common definition of the concept of exclusive powers — or else drawing the dividing line with shared powers — this agreement could contain two types of provision relating to:

(a) The intensity of Community action, i.e. implementation of the principle of proportionality

In all areas, whether powers are exclusive or shared:

Priority will be given to the implementation of programmes of action to support and coordinate national action, or to recommendations, rather than to systematic harmonization of legislation.

Particular attention will be paid to the possibility of attaining the Treaty's objectives by the Community and/or its Member States acceding to an international convention rather than by adopting Community legislation.

Where the enactment of a binding instrument is found to be necessary, the Commission will give preference to the directive, and specifically to the framework directive, and to the techniques of the minimum standard, mutual recognition and the

possibilities offered by Articles 101 and 102 of the Treaty.

A constant effort shall be devoted to ensuring that instruments are clear and concise, and to consolidation.

(b) The principles of cooperation between the institutions

The Commission's work programme will be presented to Parliament, the Council and the national parliaments. The Commission will undertake to pay special attention to the remarks of the national parliaments concerning subsidiarity.

All Commission proposals to the Council and Parliament will contain an explanatory memorandum, to be published in the Official Journal, and a recital justifying the instrument in terms of subsidiarity.

Establishing that there is no conflict with the subsidiarity principle forms an integral part of the examination of a Commission proposal and may not be separated from it.

If Parliament or the Council wish to make a substantial amendment to a Commission proposal, they must state their grounds with specific reference to the subsidiarity principle.

If Parliament or the Council (general affairs) consider that the Commission proposal conflicts with the subsidiarity principle, they may, stating their grounds and under the voting conditions applying to the proposal, ask the Commission to reconsider. Once the Commission has done so, they will resume their consideration of the proposal.

If the Commission feels that the amendments to its proposal are such as to conflict with the subsidiarity principle, it will make a specific report to the Council (general affairs) and Parliament and, if need be, withdraw its proposal.'



### 3. Joint statement by the Foreign Ministers of the European Community and the Visegrad countries

2.3.1. At the end of their first joint meeting, held in Luxembourg on 5 October, the Foreign Ministers of the European Community and the Visegrad countries adopted the following joint statement:

1. The Ministers of Foreign Affairs of the European Community, the Vice-President of the Commission with responsibility for external relations and the Ministers of Foreign Affairs of the Visegrad countries held their first joint meeting in Luxembourg on 5 October 1992. They welcomed the occasion as marking a significant development in the process of strengthening dialogue and cooperation between them. They agreed that this process serves their common objective of gradual integration of the Visegrad countries into the Community.

2. The Visegrad countries recalled that in the memorandum — on “strengthening their integration with the European Communities and on the perspective of accession” — which they have submitted to the Commission they had set out a series of proposals relating to this process of progressive integration. The Commission welcomed this memorandum and confirmed that it was studying it as a contribution to the preparation of the Commission’s report to the European Council at Edinburgh. The Visegrad countries looked forward to the Community’s considered response. In the mean time the Community and the Visegrad countries agreed upon a series of positions reflecting the present stage in their relations.

3. With regard to ratification of the Europe Agreements, the Community and the Visegrad countries stressed the importance of the objective of the entry into force of the Agreements on 1 January 1993. In this respect, the Community reiterated its commitment to do all that it can to ensure the earliest possible ratification by all Community Member States. However, if necessary, pending completion of ratification procedures, the Community is prepared to assure the extension of the Interim Agreements beyond their current expiry date of 31 December 1992 in order to continue the practical implementation of the agreements without disruption.

4. With the Europe Agreement with CSFR in mind, the Community reaffirmed the importance it attaches to the harmonious development of its relations with the Czech and Slovak Republics within the framework of the constitutional arrangements governing the relations between the two Republics. The Community and Representatives of the CSFR and its two Republics are undertaking informal consultations on the modalities of continuing all the mutual commitments and benefits contained in the Europe Agreement, taking into account the implications of the new framework.

5. The Community and the Visegrad countries reaffirmed their view that the implementation of the Europe Agreements should help the latter achieve their final objective, namely accession to the European Union. The Community reaffirmed its willingness to assist the Visegrad countries in this direction. The Community recognized that the Visegrad countries have established democratic political systems which ensure respect for human rights, and made substantial progress in creating economic systems based on competitive markets and private entrepreneurship.

Cooperation under the Europe Agreements will focus on consolidating and extending progress in these fields. As the Community moves ahead towards the European Union, appropriate forms of consultations should be established with the Visegrad countries in this regard.

6. The Community and the Visegrad countries noted with satisfaction that political dialogue has started even before the Europe Agreements have entered into force. They agreed that this approach should be preserved and that in future, consideration could be given to the extension of this approach to other matters, forms and mechanisms on different levels.

Political dialogue should foster political convergence, a better mutual understanding and enhanced security and stability throughout Europe. They noted that in order to further strengthen this process, the parties will seek to consult each other on matters covered by the European Political Cooper-

ation in harmony with the provisions of the Europe Agreements.

7. The benefits of the Europe Agreements with their dynamic nature should be exploited fully and improved. Improvement in access to Community markets was acknowledged to be one of the most important means of enhancing economic development and strengthening the market economy system of the Visegrad countries. The Community and the Visegrad countries recalled with approval that the Joint Commission held earlier this year agreed to discuss before the end of the year a further package of specific and balanced measures to improve market access. This would correspond to the acceleration mechanisms foreseen in the Europe Agreements. The principle of asymmetry, as provided for in the Europe Agreements, should be maintained. It was also recalled that the results of the Uruguay Round shall be applied in full between the Parties, except where the provisions of the Europe Agreements are more favourable.

8. The Community welcomed progress towards the establishment of a free trade area between EFTA and the Visegrad countries and encouraged the latter to pursue actively the negotiations for the conclusion of a free trade area among themselves. The Community and the Visegrad countries undertook to study the possibility of a wider cumulation of origin between the Community, the Visegrad countries and EFTA as their trade relations develop.

9. The Community reconfirmed its readiness to undertake consultations with the Visegrad countries on major issues related to their respective trade policy with third countries, and particularly when enlargement negotiations with third countries are taking place, in order to ensure that account is taken of their mutual interests.

10. With a view to developing a sense of common European identity between their societies, it was agreed that cultural and social links between the Community and its Member States and the Visegrad countries should be fostered.

11. The Community and the Visegrad countries underlined the importance of early implementation of the provisions of the Europe Agreements on approximation of laws. In this respect, particular emphasis should be placed on assisting the Visegrad countries to adopt the Community's *acquis*. They welcomed the actual or envisaged establishment of working groups for the approximation of laws. The Community and Visegrad countries further agreed to examine the possibility of initiating a Regional Programme on Approximation of Laws.

12. In considering the areas in which cooperation shall be further developed, particular attention

should be given to infrastructure projects of major European interest in areas such as energy, transport and telecommunications.

13. The Community confirmed its commitment to continue financial assistance in the form of grants and loans including EIB loans as foreseen in the Europe Agreements. Among these, Phare will remain a major instrument of assistance, responsive to the needs of the Visegrad countries, and should evolve as the economic reform proceeds. Following consultations with the Visegrad countries, the Community shall this year examine steps towards a larger flexibility of Phare in order to correspond to the evolving needs of the Visegrad countries.

14. The Community and the Visegrad countries stressed that regional cooperation represents a major contribution towards stability in Europe. The Community therefore welcomed the Visegrad countries' efforts to foster such cooperation. In this context, Members of Parliament from the Visegrad countries and the European Parliament should be encouraged to intensify their cooperation.

15. The Community informed the Visegrad countries of its intention to conclude similar Europe Agreements with Romania and Bulgaria. The Community intends to develop relations with these countries according to the same principles as, and without prejudice to, those between the Community and the Visegrad countries.

16. The Community and the Visegrad countries welcomed the actual and future realization of triangular operations under the credit and loan agreements with the Independent States of the former Soviet Union. The Community will examine the possibility of extending, where appropriate, triangular operations for the implementation of EC technical assistance programmes for the former Soviet Union, so as to make better use of the resources of the Visegrad countries.

17. The Community and the Visegrad countries recalled that the Europe Agreements provide for a review during the fifth year of the transitional period. In this context they agreed that, at an appropriate moment in future, consideration might be given to advancing the date of this review.

The Community and the Visegrad countries further agreed to hold an early joint stocktaking of the impact of the Interim Agreements on trade and economic development as a basis for the future evolution of the Europe Agreements.

18. The Community and the Visegrad countries looked forward to the meeting which is to take place at Heads of State or Government level in London on 28 October.'

## 4. Infringement proceedings

### Letters of formal notice

#### *Failure to communicate any measures incorporating Directives into national law*

2.4.1. In October the Commission sent letters of formal notice in the following cases:

#### *Internal market and industrial affairs*

Directive 89/440/EEC (OJ L 210, 21.7.1989)  
Coordination of procedures for the award of public works contracts  
Portugal

Directive 90/531/EEC (OJ L 297, 29.10.1990)  
Procurement procedures in the water, energy, transport and telecommunications sectors  
Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 89/395/EEC (OJ L 186, 3.1.1989)  
Labelling and presentation of foodstuffs intended for sale to the ultimate consumer  
Germany, Portugal

Directive 91/173/EEC (OJ L 85, 5.4.1991)  
Restrictions on the marketing and use of certain dangerous substances and preparations  
Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 91/339/EEC (OJ L 186, 12.7.1991)  
Restrictions on the marketing and use of certain dangerous substances and preparations  
Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Portugal

Directive 91/442/EEC (OJ L 238, 27.8.1991)  
Dangerous preparations whose packaging must be fitted with child-resistant fastenings  
Belgium, Denmark, Germany, Spain, Ireland, Luxembourg, Portugal, United Kingdom

Directive 92/21/EEC (OJ L 129, 14.5.1992)  
Masses and dimensions of motor vehicles of category M1

Belgium, Germany, Greece, Spain, France, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 92/22/EEC (OJ L 129, 14.5.1992)  
Safety glazing and glazing materials on motor vehicles and their trailers  
Belgium, Germany, Greece, Spain, France, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 92/23/EEC (OJ L 129, 14.5.1992)  
Tyres for motor vehicles and their trailers  
Belgium, Germany, Greece, Spain, France, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 89/336/EEC (OJ L 139, 23.5.1989)  
Electromagnetic compatibility  
Belgium, Greece, Spain, Ireland, Italy, Luxembourg, Netherlands, United Kingdom

Directive 90/487/EEC (OJ L 270, 2.10.1990)  
Electrical equipment for use in potentially explosive atmospheres employing certain types of protection  
Denmark, Germany, Greece, Spain, Italy, Luxembourg

Directive 92/31/EEC (OJ L 126, 12.5.1992)  
Electromagnetic compatibility  
Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 90/384/EEC (OJ L 189, 20.7.1990)  
Non-automatic weighing instruments  
Belgium, Germany, Greece, Spain, Ireland, Italy, Netherlands, Portugal

Directive 90/385/EEC (OJ L 189, 20.7.1990)  
Active implantable medical devices  
Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 90/364/EEC (OJ L 180, 13.7.1990)  
Right of residence  
Belgium, Germany, Greece, France, Ireland, Italy, Luxembourg, Portugal, United Kingdom

Directive 90/365/EEC (OJ L 180, 13.7.1990)  
Right of residence for employees and self-employed persons who have ceased their occupational activity

Belgium, Germany, Greece, France, Ireland, Italy, Luxembourg, Portugal, United Kingdom

*Employment, industrial relations and social affairs*

Directive 91/269/EEC (OJ L 134, 29.5.1991)  
Electrical equipment for use in mines susceptible to firedamp  
Belgium, Greece, Italy, Portugal, United Kingdom

Directive 92/41/EEC (OJ L 158, 11.6.1992)  
Labelling of tobacco products  
Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Netherlands, Portugal, United Kingdom

*Agriculture*

Directive 88/380/EEC (OJ L 187, 16.7.1988)  
Marketing of seeds and plants  
France, Ireland, Luxembourg, Netherlands, United Kingdom

Directive 92/9/EEC (OJ L 70, 17.3.1992)  
Marketing of seed of oil and fibre plants  
Denmark, Greece, France, Ireland, Italy, Luxembourg

Directive 92/10/EEC (OJ L 70, 17.3.1992)  
Protective measures against the introduction into the Member States of organisms harmful to plants or plant products  
Greece, France, Italy, Luxembourg

Directive 92/19/EEC (OJ L 104, 22.4.1992)  
Marketing of fodder plant seed  
Denmark, Greece, France, Ireland, Italy, Luxembourg

Directive 89/662/EEC (OJ L 395, 30.12.1989)  
Veterinary checks in intra-Community trade  
Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 90/425/EEC (OJ L 224, 18.8.1990)  
Veterinary and zootechnical checks in intra-Community trade in live animals  
Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 90/426/EEC (OJ L 224, 18.8.1990)  
Animal health conditions governing the movement and import from third countries of *equidae*  
Spain

Directive 90/675/EEC (OJ L 373, 31.12.1990)  
Organization of veterinary checks on products from third countries  
Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 91/496/EEC (OJ L 268, 24.9.1991)  
Organization of veterinary checks for animals from third countries  
Belgium, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Directive 91/685/EEC (OJ L 377, 31.12.1991)  
Community measures for the control of classical swine-fever  
Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Portugal

Directive 91/687/EEC (OJ L 377, 31.12.1991)  
Measures relating to swine-fever  
Belgium, Denmark, Greece, Spain, Ireland, Italy, Luxembourg, Portugal, United Kingdom

Directive 91/688/EEC (OJ L 377, 31.12.1991)  
Veterinary inspection problems on import of certain animals and meat  
Belgium, Denmark, Greece, Spain, France, Ireland, Italy, Luxembourg, Portugal, United Kingdom

*Environment, nuclear safety and civil protection*

Directive 91/269/EEC (OJ L 134, 29.5.1991)  
Electrical equipment for use in mines susceptible to firedamp  
Luxembourg

Directive 91/325/EEC (OJ L 180, 8.7.1991)  
Classification, packaging and labelling of dangerous substances  
Belgium, Germany, Spain, Ireland, Italy, Portugal, United Kingdom

Directive 91/326/EEC (OJ L 180, 8.7.1991)  
Classification, packaging and labelling of dangerous substances  
Belgium, Germany, Greece, Spain, Ireland, Italy, Portugal, United Kingdom

Directive 91/410/EEC (OJ L 228, 17.8.1991)  
Classification, packaging and labelling of dangerous substances  
Belgium, Germany, Greece, Spain, Ireland, Italy, Luxembourg, Portugal, United Kingdom

Directive 91/14/EEC (OJ L 76, 23.3.1992)  
Limitation of operation of aeroplanes covered by the Convention on International Civil Aviation  
Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

*Financial institutions and company law*

Directive 89/592/EEC (OJ L 334, 18.11.1989)  
Insider dealing  
Germany, United Kingdom

Directive 90/434/EEC (OJ L 225, 20.8.1990)  
Common system of taxation applicable to mergers  
and divisions  
Netherlands

**Reasoned opinions***Failure to communicate any measures incorporating Directives into national law*

2.4.2. In October the Commission delivered reasoned opinions in the following cases:

*Internal market and industrial affairs*

Directive 89/48/EEC (OJ L 19, 24.1.1989)  
Recognition of higher education diplomas  
Greece, Netherlands

*Environment, nuclear safety and civil protection*

Directive 88/609/EEC (OJ L 336, 7.12.1988)  
Emissions of pollutants  
Greece

Directive 88/610/EEC (OJ L 336, 7.12.1988)  
Major-accident hazards  
Greece

Directive 89/369/EEC (OJ L 163, 14.6.1989)  
Municipal waste incineration  
Greece

*Financial institutions and company law*

Directive 89/647/EEC (OJ L 386, 30.12.1989)  
Solvency ratio for credit institutions  
Spain

*Infringements of the Treaties or of Regulations; failure properly to apply Directives in practice*

2.4.3. In October the Commission delivered reasoned opinions in the following cases:

*Internal market and industrial affairs*

Directives 71/305/EEC (OJ L 185, 16.8.1971), 77/62/EEC (OJ L 13, 15.1.1977) and 88/295/EEC (OJ L 127, 20.5.1988)

Regional preference arrangements  
Italy

Directives 83/189/EEC (OJ L 109, 26.4.1983) and 88/182/EEC (OJ L 81, 26.3.1988)

Protection of workers — panoramic lifts  
Belgium

Directives 83/189/EEC (OJ L 109, 26.4.1983) and 88/182/EEC (OJ L 81, 26.3.1988)

Order of 10 July 1989 concerning sealed injection pumps  
Spain

Directives 83/189/EEC (OJ L 109, 26.4.1983) and 88/182/EEC (OJ L 81, 26.3.1988)

Proprietary medicinal products originating from organs and tissue of cattle  
Italy

*Employment, industrial relations and social affairs*

Article 48 of the EEC Treaty and Regulation (EEC) No 1612/68 (OJ L 257, 19.10.1968)

Access to employment: urban and regional transport; public health; postal, telecommunications and broadcasting services; air transport; civil research; nationality requirement for access to jobs in the public education sector; nationality requirement for access to jobs in the gas and water industries  
Italy

Regulation (EEC) No 1612/68 (OJ L 257, 19.10.1968) and Articles 5 and 52 of the EEC Treaty  
Refusal by the railway company to grant reduced fares  
Greece

*Agriculture*

Article 30 of the EEC Treaty and Regulation (EEC) No 3013/89 (OJ L 289, 7.10.1989)

Intra-Community trade in live sheep and goats  
Spain

*Environment, nuclear safety and civil protection*

Directives 74/440/EEC and 75/442/EEC (OJ L 194, 25.7.1975), 76/164/EEC (OJ L 129, 18.5.1976), 78/319/EEC (OJ L 84, 31.3.1978), 78/659/EEC (OJ L 222, 14.8.1978), 79/869/EEC (OJ L 271, 29.10.1979) and 80/778/EEC (OJ L 229, 30.8.1980)

Surface water, drinking water and water for fish-breeding — Lake Vegoritis

Greece

Directive 79/409/EEC (OJ L 103, 25.4.1979) and Articles 5 and 189 of the EEC Treaty

Wild birds

Greece

*Fisheries*

Regulations (EEC) Nos 170/83 (OJ L 24, 27.1.1983), 2241/87 (OJ L 207, 29.7.1987) and 3977/87 (OJ L 375, 31.12.1987)

Failure to comply with fisheries monitoring and surveillance: overfishing in 1988

Denmark

Regulations (EEC) Nos 2057/82 (OJ L 220, 29.7.1982), 170/83 (OJ L 24, 27.1.1983) and 3721/85 and 3732/85 (OJ L 361, 31.12.1985)

Overfishing 1985-86

United Kingdom

*Financial institutions and company law*

Articles 52 and 59 of the EEC Treaty

Financial services — Società intermediazione mobiliare

Italy

**Cases referred to the Court of Justice**

*Failure to communicate any measures incorporating Directives into national law*

2.4.4. In October the Commission referred the following cases to the Court of Justice:

*Agriculture*

Directive 88/658/EEC (OJ L 382, 31.12.1988)

Meat products

Spain

Directive 88/661/EEC (OJ L 382, 31.12.1988)

Zootechnical standards applicable to breeding animals of the porcine species

Ireland

Directive 89/361/EEC (OJ L 153, 6.6.1989)

Pure-bred breeding sheep and goats

Ireland

Directive 90/118/EEC (OJ L 71, 17.3.1990)

Pure-bred breeding pigs

Ireland

Directive 90/118/EEC (OJ L 71, 17.3.1990)

Hybrid breeding pigs

Ireland

*Infringements of the Treaties or of Regulations; failure properly to apply Directives in practice*

2.4.5. In October the Commission referred the following case to the Court of Justice:

*Employment, industrial relations and social affairs*

Directive 77/187/EEC (OJ L 61, 5.3.1977)

Transfers of businesses

United Kingdom

## 5. Additional references in the Official Journal

2.5.1. This section lists the titles of legal instruments, communications and notices of Community institutions which have appeared in the Official Journal since the last Bulletin was published but relate to items appearing in earlier issues; the references were not available when the Bulletin went to press.

The number of the Bulletin and the point to which this additional information refers are followed by the title shown on the cover of the Official Journal, the number of the issue and the date of publication.

### **Bull. EC 3-1991**

#### *Point 1.2.168*

Proposal for a Council Directive amending Annex II to Directive 79/409/EEC on the conservation of wild birds  
OJ C 255, 2.10.1992

### **Bull. EC 6-1992**

#### *Point 1.3.47*

Commission Decision 92/483/EEC of 24 June 1992 concerning aid provided by the Brussels Regional Authorities (Belgium) in favour of the activities of Siemens SA in the data-processing and telecommunications sectors  
OJ L 288, 3.10.1992

#### *Point 1.3.74*

Proposal for a Council Decision concerning the establishment of a combined transport network in the Community

Proposal for a Council Directive amending Directive 75/130/EEC on the establishment of common rules for certain types of combined carriage of goods between Member States

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1107/70 on the granting of aids for transport by rail, road and inland waterway  
OJ C 282, 30.10.1992

### **Bull. EC 7/8-1992**

#### *Point 1.3.86*

Proposal for a Council Directive on the application of open network provision (ONP) to voice telephony  
OJ C 263, 12.10.1992

#### *Point 1.3.144*

Proposal for a Council Directive on packaging and packaging waste  
OJ C 263, 12.10.1992

#### *Point 1.4.98*

Council Decision of 13 July 1992 on the conclusion of an Agreement between the European Economic Community and Government of the United States of America concerning the application of the GATT Agreement on Trade in Civil Aircraft to trade in large civil aircraft  
OJ L 301, 17.10.1992

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