

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE
9631/84 (Presse 156)

955th Council meeting

- Internal Market -

Luxembourg, 9 October 1984

President : Mr John BRUTON

Minister for Industry, Trade,
Commerce and Tourism of Ireland

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

Belgium:

Mr Paul de KEERSMAEKER
State Secretary,
European Affairs and Agriculture

Denmark:

Mr Ib STETTER
Minister for Industry

Germany:

Mr Martin BANGEMANN
Federal Minister for Economic
Affairs

Greece:

Mr Andréas KAZAZIS
State Secretary,
Ministry of Trade

France:

Mrs Catherine LALUMIERE
State Secretary attached to the
Minister for Economic Affairs,
Finance and the Budget,
responsible for Consumer Affairs

Ireland:

Mr John BRUTON
Minister for Industry, Trade,
Commerce and Tourism

Italy:

Mr Paulo GALLI
Deputy Permanent Representative

Luxembourg:

Mr Robert GOEBBELS
State Secretary for Foreign
Affairs, External Commerce and
Co-operation

Netherlands:

Mr W.F. van EEKELEN
State Secretary,
Ministry of Foreign Affairs

United Kingdom:

Mr Paul CHANNON
Minister for Trade

Commission:

Mr Christopher TUGENDHAT
Vice-President

Mr Karl-Heinz NARJES
Member

SINGLE DOCUMENT

The Council agreed in principle on the basic Regulation concerning the introduction of a single document to be used for the dispatch, transit and entry for home use of Community goods or for their entry under any other procedure in the Member States of destination. By simplifying formalities in trade between the Member States, this Regulation will have a positive impact on the further development of intra-Community trade, and in particular will provide an incentive for firms, especially small ones, to view their activity in terms of the whole of the Community's internal market.

As to the form of the single document itself, the Council noted the considerable progress made in the High Level Group and instructed it to work intensively with a view to finalizing the whole Single Document Package for the next Internal Market Council in December.

4TH "COMPANY LAW" DIRECTIVE - REVISION OF AMOUNTS EXPRESSED
IN ECU

The Council reached agreement in principle by majority vote on a proposal from the Commission concerning the amendment of the 4th Company Law Directive (Directive 78/660/EEC) concerning the annual accounts of certain types of companies (particularly public and private limited companies).

This Directive, adopted by the Council on 25 July 1978, contains certain simplifications concerning the drawing-up, the publication and the control of annual accounts of small companies (balance sheet : 1 million ECU, turnover : 2 million ECU and 50 employees), and medium-sized companies (balance sheet : 4 million ECU, turnover : 8 million ECU and 250 employees).

The 7th Company Law Directive (83/349/EEC) relating to the drawing-up and publication of consolidated accounts by groups of companies, allows Member States to totally exempt medium-sized groups which overall do not exceed the thresholds laid down in the 4th Directive.

The 4th Directive makes provision for the Council to proceed, on the basis of a proposal from the Commission, every five years to the examination, and, if necessary, to the revision of the amounts expressed in ECU in the light of economic and monetary trends in the Community.

The present Directive fixes an increase of 55% of the total balance sheet, and 60% of the turnover, as of 25 July 1983, this being 5 years after the date of the adoption of the 4th Directive. This increase is intended to maintain the scope of the exemptions foreseen in the 4th and 7th Directives.

The Council also noted the commitment of those delegations which have not yet implemented the 4th Company Law Directive to take the necessary steps to achieve this implementation as soon as possible.

The Directive will be formally adopted by the Council after legal and linguistic preparation of the texts.

COMMUNITY TRADE MARK

The Council took note of the work accomplished during the first reading of the proposed regulation of the Community trade mark, and invited the Permanent Representatives Committee to continue its work and to present a further report to it as soon as possible.

SELF-EMPLOYED COMMERCIAL AGENTS

The Council took up the examination of the proposed Directive on the co-ordination of the laws of the Member States relating to (self-employed) commercial agents which, however, remains subject to a fundamental reservation on the part of one Member State.

The question will be examined further with the delegation unable to agree to the proposal and a report will be made to the Council at its December meeting.

TOURIST ASSISTANCE

The Council resolved the major outstanding problem relating to the Directive on tourist assistance. It will be adopted shortly, as soon as certain Member States have completed the necessary administrative procedures.

This Directive, which amends the first Directive in the field of non-life insurance adopted in 1973, aims at harmonizing the conditions for the taking-up and pursuit of the activity of tourist assistance and will therefore guarantee adequate safeguards for the public. This harmonization will also have the effect of eliminating barriers to the right of establishment in this field.

RIGHT OF ESTABLISHMENT IN THE FIELD OF PHARMACY

The Council took note of progress made in the field of right of establishment and mutual recognition of diplomas in the field of pharmacy, and invited the Permanent Representatives Committee to pursue its work with a view to final adoption by a forthcoming Council as soon as possible.

PRODUCT LIABILITY

The Council continued its examination of the proposed Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products. The Council concentrated its work on the question of setting a financial limit for the producer's liability. The Council invited the Permanent Representatives Committee to pursue its work on this matter with a view to bringing delegations' positions closer together and to report back to a meeting of the Council in December.

CONSOLIDATION OF THE INTERNAL MARKET

The Council discussed the future programme for the consolidation of the internal market. In this context it also took note of a joint declaration by the Benelux countries.

MISCELLANEOUS DECLARATION

The Council took note of a declaration from the German delegation concerning the introduction of pollution-free automobiles.

MISCELLANEOUS DECISIONS

Environment

The Council adopted in the languages of the Communities the Directive laying down limit values for discharges of hexachlorocyclohexane together with quality objectives for HCH discharges in the aquatic environment. (Cf. Press Release 8129/84 (Presse 114) dated 28 June 1984).

ECSC

The Council gave assent under Article 56, paragraph 2 a) of the ECSC Treaty

= Mediocredito dell'Umbria (Italy)

= National Westminster Bank, PLC (United Kingdom)

PRESS RELEASE

9631/84 (Presse 156) COR 1

C O R R I G E N D U M

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to Press Release
9631/84 (Presse 156)
- Internal Market -
on 9 October 1984

On page 2, read:

"Ireland:

Mr John BRUTON
Minister for Industry,
Trade, Commerce and Tourism

Mr Edward COLLINS
Minister of State at
the Department of Energy and
the Department of Industry,
Trade, Commerce and Tourism"

Bruxelles, le 8 octobre 1964
Note BIO (84) 364 aux Bureaux Nationaux
cc: aux membres du Groupe du Porte Parole

PREPARATION CONSEIL MARCHE INTERIEUR
9 octobre 1984

(O. von SCHWERIN)

433

A Luxembourg a partir de 10h00. Premiere reunion presidence irlandaise.

A l'ordre du jour trois categories:

a. points traditionnels:

- document unique
- responsabilite du fait des produits

b. plusieurs nouveaux points, notamment

- adaptation 4eme et 7eme directive droit societes
- droits d'une marque europeenne
- libre etablisement des pharmaciens
- agents commerciaux
- programme de consolidation du marche interieur

c. points droit d'assurance et questions fiscales

- assistance touristique
- franchises voyageurs (declaration TUGENDHAT)
- aspect fiscal de l'Europe des Citoyens (declaration TUGENDHAT)

Malgre richesse de l'ordre du jour des grandes decisions ne sont pas a attendre.

1. Document unique:

Proposition de 1982 visant a reduire les formalites dans le dedouanement des marchandises par la centralisation sur un seul document, si possible non seulement reduction du nombre de formulaires, mais aussi des indications (env. 70 a present).

Deux volets: reglement de base,
Formulaire

Le reglement de base pourrait etre adopte mais certains insistent sur parallelisme avec formulaire.

Une seule reserve grecque motivee par surveillance des mouvements des capitaux.

2. Adaptation 4eme et 7eme directives (comptes annuels des entreprises (78), comptes consolides (83)).

Il s'agit d'une revision prevue dans la 4eme directive d'adapter les seuils (chiffre d'affaires, volume libres).

Proposition Commission: 50 % voir 25 %, 5 deleg.: 75 %, depassant l'evolution de l'inflation FR:0.

P.M. 4 delegations (D, GR, IRL, IT) n'ont meme pas encore transpose la 4eme directive (4 ans trop tard!)

3. Reglement marque communautaire.

Proposition de 80: harmonisation droits nationaux.

En raison de la complexite de la proposition (130 articles) il y aura un "rapport de progres" sur la premiere lecture.

Une reserve de fond danoise contestant la competence de la Communauté.

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4. Agents commerciaux:

Proposition de directive de 76 pour harmoniser et protéger les droits des agents commerciaux indépendants à la suite des effets de la libre circulation.

Reserve générale du RU: ni nécessaire, ni urgent.
Plusieurs autres délégations insistent sur la nécessité et la proposition paraît relativement mûre pour adoption.

5. Droit d'établissement et reconnaissance mutuelle des diplômes pour pharmaciens:

Directive de 81. Deux réserves (grecque, lux.) qui veulent freiner la migration (L) et sauvegarder leur droit national d'autorisation (Gr).

6. Responsabilité du fait des produits:

Directive de 1976 établissant une responsabilité du producteur pour les dommages éventuels causés par des défauts de ses produits. Projet bloqué depuis plus d'un an notamment en raison de l'insistance de la RFA d'avoir un plafond financier pour les risques.

7. Consolidation du marché intérieur - programme futur:

Monsieur NARJES fera une déclaration expliquant nos propositions de mai 84 (voir P-47) sur base des conclusions de FONTAINEBLEAU.

8. Assurance touristique :

Inclusion dans première directive de 73 d'harmonisation l'assurance touristique.

9. Déclarations:

a) délégation allemande sur essence sans plomb et émissions véhicules.

b) Commission (TUGENDHAT) sur franchises voyageurs et aspects fiscaux de l'Europe des Citoyens.

Sur les points concernant le dossier du Vice-Président Tugendhat : le Conseil examinera un texte modifiant la Directive 73/239/CEE sur l'assurance directe autre que sur la vie afin d'englober les activités des sociétés notamment dans le domaine de l'assistance touristique. L'objectif est de rendre la Directive plus claire et ce service plus accessible aux voyageurs.

Dans le but de rendre crédible le concept d'une l'Europe des Citoyens, M. Tugendhat a l'intention d'annoncer au Conseil que la Commission présentera prochainement des propositions visant à améliorer les franchises des voyageurs à l'intérieur de la Communauté pour les petits envois et sur la quantité de carburant autorisée aux routiers lors du passage des frontières. Il rappellera également au Conseil notre proposition de 14e Directive TVA qui a comme but d'éviter les délais aux frontières, en permettant de remettre le paiement de la TVA dans un certain délai et non au moment de franchir les frontières.

à suivre,

amities,

M. SANTARELLI COMEUR 13.00////

NOTE B I O (84) 364 (SUITE 1) AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU GROUPE DU PORTE-PAROLE

INTERNAL MARKET (ELPHICK) - LUXEMBOURG 9.10.1984

MINISTERS BEGAN THE MEETING AT TEN OCLOCK AND SWIFTLY RECORDED
AGREEMENT IN PRINCIPLE ON THE BASIC REGULATION CONCERNING THE SINGLE
CUSTOMS DOCUMENT; FOLLOWING A STATEMENT BY THE GREEK DELEGATION
LIFTING THEIR RESERVE, FORMAL APPROVAL HOWEVER MUST WAIT DISCUSSION
ON THE FORM OF THE DOCUMENT NOW BEING STUDIED IN AN EXPERT GROUP
WHICH HAS TO REPORT BACK TO THE COUNCIL THIS AFTERNOON.
FOR THE COMMISSION MR N A R J E S SAID THAT WHAT WAS NEEDED WAS
RUTHLESS ACTION TO CUT DOWN THE SIZE OF THE DOCUMENT AND TO REDUCE
THE NUMBER OF BOXES, ONLY A RADICAL APPROACH WOULD SUFFICE.
(THERE ARE AT THE MOMENT SOME SEVENTY BOXES ON THE DOCUMENT).

MORE LATER:

REGARDS

ROBERT ELPICK

LUXEMBOURG, 9.10.1984
NOTE B 1 0 (84) 364 (SUITE 2) AUX BUREAUX NATIONAUX

CC: AUX MEMBRES DU GROUPE DU PORTE PAROLE

INTERNAL MARKET (ELPHICK)

LEAD FREE PETROL

THE GERMAN MINISTER, MR. MARTIN ZANGEMANN TOOK THE OPPORTUNITY TO EXPLAIN WHAT THE FEDERAL REPUBLIC WAS INTENDING TO DO TO: MAKE

SURE THAT CAR EMISSIONS WOULD BE REDUCED IN FUTURE, HE EXPLAINED THE STAGES WHEREBY THE GOVERNMENT INTENDED TO MAKE LEGISLATION MANDATORY BY 1989, WHEN HE SAID TAX CONCESSIONS ON CARS USING LEAD FREE PETROL WOULD BE ABANDONED.

THERE WAS NO DISCRIMINATION AGAINST CARS MANUFACTURED ELSEWHERE. LEAD FREE PETROL WAS ONLY ONE OF THE MEASURES NOW BEING ACTIVELY PURSUED IN THE FRG IN ORDER TO REDUCE ENVIRONMENTAL RISK FROM AIR POLLUTION.

FOR THE COMMISSION MR NARJES SAID THE COMMUNITY WOULD HAVE TO SPEED UP THEIR PROCEDURES. DISCUSSION ON THE PROBLEM HAD BEGUN IN THE SEVENTIES AND WE WERE NOW WAITING FOR OPINIONS ON OUR PROPOSALS FROM PARLIAMENT AND THE ECONOMIC AND SOCIAL COMMITTEE WHICH WAS HOPED FOR IN NOVEMBER AT THE LATEST. HE SAID THE COMMISSION REGRETTED THAT FRG ACTION DID NOT COMPLY WITH COMMUNITY RULES UNDER DIRECTIVE 189/83 AND WERE LIKELY TO MAKE DISCUSSION IN THE GATT MORE DIFFICULT. A COMMUNITY DISCUSSION WAS THE ONLY PROPER BASIS FOR A DECISION ON THIS MATTER AND THE COMMISSION WOULD SHORTLY BE MAKING CERTAIN TECHNICAL PROPOSALS.

ALTHOUGH THE CHAIRMAN RECOMMENDED NO DISCUSSION ON THE GERMAN DECLARATION, REPRESENTAT OF BOTH FRANCE AND ITALY EXPRESSED DIS- QUIET WITH THE UNILATERAL NATURE OF THE DECISION WHICH THEY SAID ACTED AGAINST THE UNITY OF THE INTERNAL MARKET.

MORE LATER;

REGARDS

ROBERT ELPHICK

CC: AUX MEMBRES DU GROUPE DU PORTE PAROLE

INTERNAL MARKET (ELPHICK)

NO PROGRESS WAS MADE TODAY ON TRADE MARKS; COMMERCIAL AGENTS; OR PHARMACIES (SEE YESTERDAY'S BIO (84) 464). THEY WILL LL BE BROUGHT UP AGAIN IN DECEMBER.

DURING THE AFTERNOON SESSION; MR. TUGENDHAT CALLED ON THE COUNCIL TO ACCEPT THE MODIFICATION OF THE FIRST NON LIFE INSURANCE COORDINATION DIRECTIVE OF 1973; SO AS TO INCLUDE TOURING ASSISTANCE PROTECTION FOR THE TRAVELLING PUBLIC.

THERE HAD BEEN A REMARKABLE GROWTH IN THE USE OF TOURING ASSISTANCE COVER IN RECENT YEARS; HE SAID. BUT THE GROWING MARKET HAD DEVELOPED IN DIFFERENT WAYS IN DIFFERENT MEMBER STATES. IT HAD BEEN MARKED BY SHARP COMPETITION NOT ONLY ON PRICE BUT ON THE RANGE OF BENEFITS OFFERED. THIS DIVERGENCE WAS UNSATISFACTORY BECAUSE MEMBERS OF THE PUBLIC EXPECTED TO FIND BROADLY SIMILAR SAFEGUARDS THROUGHOUT THE COMMUNITY AND BECAUSE IT LED TO PRACTICAL DIFFICULTIES BETWEEN MEMBER STATES. THE COMMISSION PROPOSAL WAS DESIGNED TO OVERCOME THESE PROBLEMS AND TO AFFORD EQUAL AND ADEQUATE SAFEGUARDS FOR THE PUBLIC. THE COMMISSION UNDERSTOOD THE SPECIAL PROBLEM OF GREECE WHERE THE MOTORING ORGANISATION HAD NOT YET SPLIT ITS OPERATIONS BETWEEN DOMESTIC AND EXTERNAL COVER. IT WAS; SAID MR. TUGENDHAT; ACCEPTED THAT FREECE WOULD NEED TIME TO CONFORM. THE QUESTION WAS HOW MUCH TIME AND HE URGED THE GREEK GOVERNMENT TO SEEK TO REDUCE THIS TO A MINIMUM.

IN A SPECIAL STATEMENT TO THE COUNCIL TO FOLLOW UP THE COMMISSION'S COMMUNICATION ON A 'PEOPLE'S EUROPE'; MR. TUGENDHAT SAID THAT EARLY INCREASES IN THE TAX FREE ALLOWANCES AVAILABLE TO TRAVELLERS BETWEEN MEMBER STATES AND IN THE LEVEL OF TAX RELIEF ON SMALL POSTAL CONSIGNMENTS WOULD HAVE A REAL AND SIGNIFICANT IMPACT ON PRIVATE INDIVIDUALS. THE COMMISSION HAD ALREADY MADE PROPOSALS FOR PERIODIC INCREASES BUT IN VIEW OF THE DEMANDS OF THE EUROPEAN COUNCIL AT FONTAINEBLEAU MORE URGENT ACTION WAS NEEDED NOW.

MR. TUGENDHAT DECLARED THAT THE COMMISSION WILL SHORTLY BE SUBMITTING REVISED PROPOSALS WITH A VIEW TO RAISING INTRA COMMUNITY TRAVEL

ERS ALLOWANCES FROM THE PRESENT LEVEL OF 280 ECUS TO 400 FROM 1 JULY 1985 AND THE POSTAL CONSIGNMENTS RELIEF FROM THE PRESENT LEVEL OF 70 ECUS TO 130 ECUS WITH EFFECT FROM THE SAME DATE. (SEE P 28 OF LAST MARCH AND REFERENCES THERE FOR CURRENT PROPOSALS).

A SECOND PROPOSAL FROM THE COMMISSION CONCERNED THE EXEMPTION GRANTED FOR THE FUEL CARRIED BY COMMERCIAL MOTOR VEHICLES. THE COMMISSION WOULD LIKE TO SEE ALL RESTRICTIONS ABOLISHED. THE ONLY TWO STATES WHICH STILL APPLIED A LIMIT OF 200 LITRES WERE FRANCE AND GERMANY AND MR. TUGENDHAT URGED THESE TWO COUNTRIES TO EXAMINE THE POSITION. THE LEAST HE WOULD HOPE FOR WOULD BE AN INCREASE OF THE AMOUNT EXEMPTED TO 300 LITRES. (THIS WOULD IN FACT EXEMPT ABOUT 90 PERCENT OF TRAFFIC).

FINALLY; MR. TUGENDHAT SAID HE WOULD REMIND THE COUNCIL THAT THE 14TH VAT DIRECTIVE WAS STILL ON THE TABLE FOR CONSIDERATION. THIS CONCERNED DEFERRED PAYMENT OF VAT DUE ON IMPORTED GOODS. THE PROPOSAL WAS AN ESSENTIAL COMPLEMENT TO THE PROPOSAL FOR A SINGLE DOCUMENT FOR IMPORTS AND FOR THE REDUCTION OF FRONTIER FORMALITIES. THE COMMISSION WAS DISAPPOINTED BY THE LACK OF ENTHUSIASM DISPLAYED THE PROPOSAL BY MEMBER STATES BUT SAID MR. TUGENDHAT THE COMMISSION REMAINED FIRMLY COMMITTED TO IT.

MORE LATER

ELEX ■ TELEX ■ TELF

LUXEMBOURG 9.10.1984

NOTE B I O (84) 364 (SUITE 4) AUX BUREAUX NATIONAUX
CC: AUX MEMBRES DU GROUPE DU PORTE PAROLE

INTERNAL MARKET (ELPHICK)

TOURING ASSISTANCE - ADD.
IN THE SUBSEQUENT BRIEF DISCUSSION, THE GREEK DELEGATION
OFFERED TO REDUCE THE TRANSITIONAL PERIOD TO A TOTAL OF 8 YEARS
IN WHICH TO ADAPT THE PROVISIONS (I.E. 3 YEARS WHICH ALL MEMBER STATE
GET PLUS 5 YEARS EXTRA). AFTER THIS THE COUNCIL WERE ABLE TO AGREE
THE MODIFICATION IN PRINCIPLE. DEFINITIVE AGREEMENT WILL TAKE
PLACE AT A LATER COUNCIL.

MORE LATER;

REGARDS

ROBERT ELPHICK

Bruxelles, le 10 octobre 1984.

Note BIO (84) 364 (suite 5 et fin) aux Bureaux Nationaux
cc. aux Membres du Groupe du Porte-Parole

CONSEIL MARCHE INTERIEUR DU 9.10.84 a Luxembourg (von Schwerin)

Le Conseil Marche interieur s'est termine vers 18h30 avec plus de resultats positifs que prevus : en effet, le document unique (piece de resistance de tous les Conseils Marche interieur depuis plus de 2 ans) a considerablement progresse grace a l'adoption de principe du reglement de base qui ne sera toutefois formellement approuve qu'en parallele avec les reglements sur le formulaire. A ce sujet, un groupe de travail a reussi a reduire sensiblement les indications maximales des differents elements, a savoir de 70 a 58. Le Conseil s'est felicite de ces progres et a appele les experts a poursuivre ce travail afin d'arriver a une rationalisation effective de ce projet. 5 autres elements ont ete identifies en vue de leur suppression.

L'adaptation de la 4eme directive sur les comptes annuels des societes des entreprises, qui etait assez controversee parmi les delegations (voir BIO 364 point 2) a pu etre adoptee a la suite d'une proposition de compromis de M. Narjes qui depasse legerement la proposition originale : augmentation de 60 % pour le seul chiffre d'affaires et 55 % pour le volume du bilan. Cet accord a pu etre enregistre par un vote a la majorite simple. Les delegations mises en minorite (France, Belgique) ont declare que, tout en s'inclinant devant cette decision, elles se preoccupent du fait que quatre des Etats membres ayant vote maintenant pour cette augmentation, n'ont meme pas encore transforme en droit national la directive de base.

De plus, la directive assistance touristique a ete adoptee en principe, ce qui signifie egalement un progres considerable pour le citoyen europeen.

Par contre, d'autres points a l'ordre du jour n'ont pas avance, et parfois meme a peine abordes.

1. MARQUE COMMUNAUTAIRE : le rapport de "progres" de M. Narjes, apres la premiere lecture, n'a ete commente par aucune delegation.

2. AGENTS COMMERCIAUX : la delegation britannique a insiste sur sa reserve de fond d'une facon plus categorique qu'auparavant et les delegations, qui s'etaient declarees interessees par cette matiere, ne se sont pas manifestees. La directive, relativement avancee, parait donc bloquee a ce stade.

3. RECONNAISSANCE MUTUELLE ET DROIT D'ETABLISSEMENT DES PHARMACIENS : la reserve luxembourgeoise a ete attenuee en quelque sorte, tandis que la reserve de fond grecque reste inchangee. L'interet des autres delegations, ici aussi, etait tres limite.

4. RESPONSABILITE DU FAIT DES PRODUITS : un tour de table n'a donne aucun rapprochement des positions; en effet, la delegation allemande, qui s'etait prononcee seule, depuis longtemps, pour un plafonnement des risques financiers a indique qu'elle pourrait accepter la moitie de la somme proposee par la Commission et deja consideree comme un compromis par les autres delegations (50 millions) et du cote francais, Mme Lalumiere a souligne qu'il fallait eviter une denaturation de l'idee originale de cette directive et que tout compromis devrait trouver ses limites.

Enfin, M. Narjes a fait une communication orale sur le programme de consolidation du marche interieur et les travaux futurs, notamment sous l'aspect des conclusions du Conseil europeen de Fontainebleau. Il a souligne que la Commission soutient entierement les priorites etablies par les Chefs d'Etat, a savoir reduction de toutes les formalites et controles douaniers et policiers aux frontieres intra-communautaires, equivalence des diplomes et document unique.

Amities,
Paul CERF. Comeur 11h////

