

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

**PRESS RELEASE**  
4681/85 (Presse 11)

**LIBRARY**

985th meeting of the Council

- Internal Market/Consumer Protection -

Brussels, 11 February 1985

President: Mr Francesco FORTE,  
Minister for Co-ordination  
of Community Policies  
of the Italian Republic

11.II.85

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 Isi FOIGHEL  
Minister for Taxation

Germany:

Mr Otto SCHLECHT  
State Secretary  
Federal Ministry of Economic  
Affairs

Greece:

Mr Andréas KAZAZIS  
State Secretary  
Ministry of Trade

France:

Mrs Catherine LALUMIERE  
State Secretary attached to the  
Minister for Foreign Relations,  
responsible for European Affairs

Ireland:

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

Italy:

Mr Francesco FORTE  
Minister for Co-ordination of  
Community Policies

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:

Lord COCKFIELD  
Vice-President

Mr Stanley Clinton DAVIS  
Member

Mr Carlo RIPA DI MEANA  
Member

STANDARDIZATION

The Council took note of a Commission communication outlining the Commission's new approach on technical harmonization. It emphasized the importance and urgent nature of this matter and invited the Permanent Representatives Committee to examine the content of the communication as swiftly as possible so that it would be able to take a decision on the initiative at its next meeting.

EUROPEAN ECONOMIC INTEREST GROUPING (EEIG)

The Council took note of a communication by the Presidency on progress made on the amended proposal for a Regulation on the establishment of a European Economic Interest Grouping. At the same time the Council confirmed the importance of the proposal in facilitating trans-boundary co-operation between undertakings, particularly between small and medium-sized enterprises. It instructed the Permanent Representatives Committee to expedite its work on the matter so that it could discuss the proposal at its next meeting.

EASING OF CHECKS AND FORMALITIES AT INTRA-COMMUNITY FRONTIERS

The Council noted that the Commission had submitted a proposal for a Directive on the easing of checks and formalities for citizens of the Member States crossing intra-Community frontiers. The proposal forms part of the action to be taken following the conclusions of the European Council at Fontainebleau, by the establishment of a Citizens' Europe.

The Council agreed to instruct the Permanent Representatives Committee to study the proposal and report back in the near future, on the understanding that the Presidency would maintain contact with the Chair of the ad hoc Committee (Adonnino) for a Citizens' Europe so that discussions within the Committee and the Council did not progress on divergent lines.

CO-ORDINATION OF THE LAWS OF THE MEMBER STATES RELATING TO "SELF-EMPLOYED" COMMERCIAL AGENTS

The Council took note of a progress report by the Presidency on the amended proposal for a Directive on the co-ordination of the laws of the Member States relating to "self-employed" commercial agents. Noting that the proposal was still the subject of a reservation by one delegation, the Council agreed to discuss it at its next meeting; active steps would be taken in the meantime to reach a compromise solution.

PHARMACY

The Council further discussed the proposals concerning right of establishment in the field of pharmacy.

However, since one delegation was still unable to support the majority position, the Council agreed to return to the matter at its next meeting in the hope of reaching unanimous agreement.

ARCHITECTS

The Council resumed its discussions on the right of establishment and freedom to provide services in architecture, and in particular the recognition of diplomas conferred by architecture "Fachhochschulen" in Germany after a three-year course of study.

The Council instructed the Permanent Representatives Committee to continue seeking agreement on the basis of a compromise proposal submitted by the Presidency at the meeting so that a decision could be taken at its next meeting.

TAX EXEMPTIONS

The Council further examined tax exemptions for travellers, small consignments and fuel on the basis of a compromise proposal from the Presidency.

Following this examination, the Council instructed the Permanent Representatives Committee to continue proceedings on the matter on the basis of an amended compromise to be submitted by the Presidency.

CONSUMER PROTECTION AND INFORMATION POLICY

The Council took note of a statement by the Commission on consumer protection and information policy with a view to the organization of future discussions on the matter.

LIABILITY FOR DEFECTIVE PRODUCTS

The Council further examined the amended proposal for a Directive on harmonization of the laws concerning liability for defective products.

The Council concluded by agreeing that the discussions should continue on the basis of the 1982 overall compromise in the form of four points, which it considered capable of producing agreement. It consequently asked the Permanent Representatives Committee to continue discussions on that basis with a view to reaching agreement in the Council during the Italian Presidency.

DOORSTEP SELLING

The Council re-examined the proposal for a Directive to protect the consumer in respect of contracts negotiated away from business premises (doorstep selling).

The Council noted that one delegation was still unable to withdraw its reservation on the proposal.

It consequently agreed to return to the matter at a forthcoming meeting in the hope of securing a positive outcome.

Brussels, 8 February 1985  
NOTE BIO (85)54 TO NATIONAL OFFICES  
COPIED TO THE MEMBERS OF THE GROUP  
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PRESS CONFERENCE BY LORD COCKFIELD  
INTERNAL MARKET COUNCIL (11.2.1985) (Elphick)  
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Lord Cockfield outlined the Commission's new policy approach towards opening up the internal Community market which he said was designed to take advantage of the opportunities available to make a more prosperous Europe for our citizens. Emphasis on this had only arisen in the last few years. A lot of work had been done by his predecessor as Internal Market Commissioner, Karl-Heinz Narjes, and it was one of the main objectives of the present Commission. It would figure as such in the work programme to be presented by President Jacques Delors in Parliament next March.

Monday's meeting of the Internal Market Council would mark an important departure. It is the first under the new Commission presidency and the first under the Italian Presidency. There were two subjects of particular importance.

The first concerned technical harmonisation and standards (see P-12). The setting of standards sounded dull but it was crucial for the efficient working of the Internal Market, Lord Cockfield said. If goods were to be traded freely it was essential for states to be prepared to receive and to accept goods manufactured in other Member States. It should only be necessary for these goods to reach certain essential requirements for health and safety and in some cases environmental protection.

Up to now the Commission had followed the route of harmonisation. But this had proved agonisingly slow. In the new approach the Commission will be proposing model directives for whole sectors. These would lay down the basic requirements. It would then be for the various Standards Institutes in the Member States or for CEN or CENELEC on the European level to draw up detailed specifications.

There would be a built in protection for manufacturers. There would be a 90-day notification period for any new standard plus an appeal body to deal with disputes.

The Commission's Communication will be debated in the Council for the first time on Monday and Lord Cockfield said he hoped the Council would endorse the new approach at their May meeting. Parliament, he said, was very anxious to get ahead in this field and the Commission would pay careful attention to what was said there. But, Lord Cockfield stressed, work would start immediately on drawing up the model directives in parallel with the political process.

Lord Cockfield said that this was not a policy for setting minimum standards. All experience showed that where Standards Institutes set high standards, industries in those countries enjoyed a reputation for high quality. He instanced the German DIN standards. He had followed this approach when he was in the British Government and concerned with British standards. High standards reinforced commercial advantage.

The second major subject at the Council concerned frontier facilitation - how to help the ordinary citizen pass through frontiers. The Commission wanted to simplify formalities and to reduce immigration, police and customs' controls. The right of citizens to cross internal frontiers with only the minimum amount of checking was a requirement set out in the Fontainebleau Declaration. The Commission would shortly be proposing a system similar to that represented by the agreement between France and Germany where a Green sticker showed that frontier requirements had been complied with. One of the things he had been struck by was how much easier it was to cross to this side of the Channel than to the UK. Lord Cockfield said he hoped this proposal would also get a fair wind from Parliament.

Answering questions Lord Cockfield made the following points.

The issue of lead-free petrol was not on the agenda.

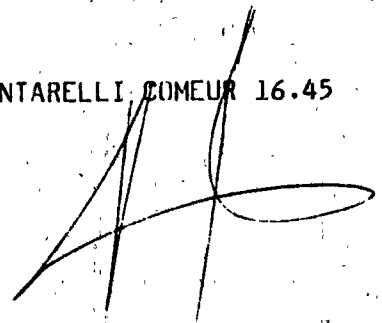
It was obvious that one could not abolish all forms of frontier control because of the danger of terrorism and drug trafficking. There would have to be some facility for spot checks.

The model directives would cover entire groups of products or whole sectors. We would start with groups which were broadly homogeneous. One model directive might cover up to 100 products. Under the old system that would have needed 100 directives. As for toys and games, a great deal of thought was being given to the problems and Lord Cockfield said there should be something soon.

Asked whether the UK Government was not one of the "villains" when it came to frontier controls, Lord Cockfield said he was not speaking for the UK Government but it was clear that the problems that had to be faced were more obvious in the case of maritime states. The purpose of the discussion on Monday was to enable problems of this sort to be dealt with. There was a lot of goodwill among Member States about opening up the Internal Market and the UK Government had certainly accepted from the beginning that this was one of the areas in which progress needed to be made.

amities,

M. SANTARELLI COMEUR 16.45





NOTE BIO(85) 54 (suite 1 et fin) AUX BUREAUX NATIONAUX  
C.C. AUX MEMBRES DU GROUPE DU PORTE-PAROLE

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CONSEIL MARCHE INTERIEUR ET DES CONSOMMATEURS  
DU 11.02.1985 (O.VON SCHWERIN)  
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Le Conseil Marche Interieur s'est termine apres huit heures de discussions sans aboutir formellement a des resultats concrets. Neanmoins, sur les deux propositions relativement nouvelles qui avaient fait l'objet principal de la conference de presse de Lord Cockfield vendredi dernier (voir Bio(85)54 du 11.02.1985), a savoir la nouvelle approche de la Commission en matiere de normalisation d'une part (voir P-12), et la proposition de directive pour la facilitation des controles et formalites aux frontieres (voir P-1) . D'autre part, les prises de position des differentes delegations etaient largement positives.

1. NORMALISATION :

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La declaration introductive de Lord Cockfield qui suivait essentiellement les lignes de sa conference de presse a ete accueillie par toutes les delegations d'une maniere tres positive, et l'urgence ainsi que l'effet de rationalisation des travaux ont ete soulignes par plusieurs delegations. Il y a un espoir reel que le Conseil se prononce formellement lors de la prochaine reunion au mois de mai sur cette proposition.

2. FACILITATION DES CONTROLES AUX FRONTIERES :

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Cette proposition qui vise a la generalisation au niveau communautaire des dispositions prises initialement entre administration francaise et allemande l'annee derniere pour faciliter les controles aux frontieres a ete egalement accueillie assez positivement. Lord Cockfield a lance un appel aux Etats membres de faire des efforts en faveur du citoyen europeen dans l'esprit des decisions de Fontainebleau et il a ete vivement soutenu par la Presidence et la plupart des delegations. Une question qui a fait l'objet d'une certaine discussion etait la coordination avec les travaux du Comite ADONINO et la creation eventuelle d'un Groupe AD HOC pour s'occuper des problemes specifiques de cette proposition. Le COREPER a ete demande de veiller a ce que les travaux au Conseil et au sein du Comite ADONINO n'evoluent pas de maniere divergente.

Les autres points de l'ordre du jour avaient tous fait deja en partie a plusieurs reprises l'objet d'un debat au Conseil et n'ont pour la plus grande partie pas fait des progres majeurs .

3. REGLEMENT D'UN GROUPEMENT D'INTERETS ECONOMIQUE :

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Projet devant le Conseil depuis de longues annees et qui revet un certain interet pour les PME n'a pas ete approfondi en substance. Lord Cockfield a fait appel aux Etats membres de passer outre les obstacles juridiques afin de pouvoir adopter le projet a la reunion de mai prochain.

4. DIRECTIVE SUR L'HARMONISATION DU DROIT DES AGENTS  
COMMERCIAUX :

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La proposition se heurte toujours a la reserve de fond britannique et a du etre renvoyee au COREPER. La Presidence s'efforcera de la faire adopter definitivement en mai prochain.

## 5. LIBRE ETABLISSEMENT DES ARCHITECTES :

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La discussion a porte notamment sur le probleme allemand des diplomes d'architecture delivres apres trois ans d'etudes par les Fachhochschulen. La delegation allemande n'etait de nouveau pas en mesure de s'aligner aux conditions minima de la directive en raison de dispositions de divergence entre les Lander et a plaide en faveur d'une reconnaissance mutuelle sans harmonisation prealable des dispositions de formation. Elle a, neanmoins, demontre une certaine ouverture a l'idee d'ajouter un stage supplementaire a la formation de l'architecte si cela ne faisait pas objet d'un examen particulier. Le dossier a ete renvoye au COREPER avec un certain espoir de pouvoir le resoudre en mai prochain.

## 6. LIBRE ETABLISSEMENT DES PHARMACIENS :

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Le dossier egalement devant le Conseil depuis des annees n'a pas avance en raison de la reserve grecque (voir BIO(84) 490).

## 7. FRANCHISE FISCALE POUR VOYAGEURS :

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La proposition de compromis de relever la franchise fiscale generale de 280 a 320 ECU a partir du 1er juillet 1985 avec certaines exceptions pour la Grece et l'Irlande n'a pas ete acceptee en raison des problemes evoques par ces deux delegations ainsi que notamment par la delegation danoise qui a fait valoir que cette proposition signifierait des pertes budgetaires de 4,5 milliards de couronnes. Point renvoye au COREPER.

## 8. RESPONSABILITE DE FAIT DES PRODUITS :

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Deux des quatre grands principes de cette directive, a savoir, limitation du plafond global pour les risques d'une part, et inclusion des risques e developpement d'autre part, sont toujours l'objet de divergences notamment entre les delegations allemande et danoise d'une part et les autres delegations et la Commission d'autre part. Le COREPER a ete charge de chercher une solution sur base du compromis de 1982 et ceci dans la perspective d'arriver a un accord sous la presidence italienne.

## 9. VENTE A DOMICILE :

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Ce dossier bloque depuis des annees par la delegation allemande n'a pas avance non plus, mais M. Schlecht a insinue que la question pourrait bouger au sein du Bundesrat d'ici la reunion de mai prochain.

## 10. POLITIQUE DES CONSOMMATEURS :

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M. Clinton Davis a fait une declaration tres substantielle pour une relance de la politique des consommateurs qui a ete accueillie favorablement par la plupart des delegations et qui a fait l'objet d'un communique de presse qui vous parviendra par courrier separe (voir IP(85) 32).

La Presidence a confirme qu'il y aura, au mois de mai prochain, deux reunions separees du Conseil, a savoir marche interieur et consommateurs.

Amities,  
C. Stathopoulos, Comeur ////