

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

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1031st meeting of the Council

- Internal Market -

Luxembourg, 7 October 1985

President: Mr Robert GOEBBELS

State Secretary  
for Foreign Affairs

of the Grand Duchy of Luxembourg

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

Belgium:

Mr Marc LEPOIVRE  
Deputy Permanent Representative

Germany:

Mr Otto SCHLECHT  
State Secretary,  
Federal Ministry of Economic  
Affairs

France:

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

Italy:

Mr Paolo GALLI  
Deputy Permanent Representative

Netherlands:

Mr W.F. van EEKELEN  
State Secretary for Foreign  
Affairs

Denmark:

Mr Ib STETTER  
Minister for Industry

Greece:

Mr N. AKRITIDIS  
Minister for Trade

Ireland:

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

Luxembourg:

Mr Robert GOEBBELS  
State Secretary for Foreign Affairs

United Kingdom:

Mr Paul CHANNON  
Minister for Trade

Commission:

Lord COCKFIELD  
Vice-President

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The following also attended as observers:

Spain:

Mr Luis VELASCO  
State Secretary,  
Ministry of Commerce

Portugal:

Mr Luis ROMA DE ALBUQUERQUE  
Deputy Head of Mission

COMPLETION OF THE INTERNAL MARKET: CONCLUSIONS

The Council considered the results of the work accomplished so far towards the realization of the internal market, in particular since the Copenhagen European Council in 1982. It stressed the importance of the work that had been carried out and welcomed the progress already made, particularly in the fields of technical barriers, customs union and the right of establishment and freedom to provide services. It also observed that significant work had been carried out on harmonization with regard to animal and plant health, animal feedingstuffs, foodstuffs, and seeds and seedlings.

The Council discussed the White Paper on completing the internal market submitted by Lord COCKFIELD. It took note of the statements made on the paper by the different delegations.

It recalled the conclusions of the Milan European Council and took note of the programme of action for the second half of 1985 drawn up by the Presidency, on the basis, in particular, of the Commission's timetable for action. It stressed the importance of observing the timetable proposed right from the first stage of implementing the White Paper. To that end, it drew attention to the need for appropriate co-ordination at both national and Community level. It instructed the Permanent Representatives Committee to make preparations for the necessary work in the different fields and to report to it by its next meeting.

As regards the finalization of the medium-term action programme, it took note of the Presidency's intention to confer with the future Presidencies and report to it at its next meeting.

As it was concerned that a single market should be achieved in a complete, effective and balanced manner by 1992 at the latest, it agreed that the Internal Market Council should take stock regularly of progress being made with this work.

LUXEMBOURG COMMUNITY PATENT CONVENTION

The Luxembourg Community Patent Convention, signed in Luxembourg on 15 December 1975 by the Member States of the Community, nine in number at that time, requires ratification by all the signatory States before it enters into force. Since the Convention has not yet entered into force, ten years after being signed, as only seven Member States have completed the national procedures for approval, the German Government has taken an initiative to amend the Convention so that it may enter into force as soon as seven ratifications have been deposited.

The Council had an exchange of views on this initiative. It noted that a large majority of delegations and the Commission were in favour of it, although some delegations maintained certain reservations or had doubts about the proposed solution.

In conclusion, it noted that the President of the Council would invite the Member States of the Community and the acceding States to take part in an Intergovernmental Conference in Luxembourg in December 1985. The aims of the Conference would be:

- adoption of the instrument to allow prompt entry into force of the Luxembourg Convention,
- adoption of a Protocol on the Settlement of Litigation concerning the Infringement and Validity of Community Patents,
- the adoption of measures to enable Greece to accede to the Luxembourg Convention.

It instructed the Permanent Representatives Committee to make preparations for the Conference in close co-operation with the Community Patent Interim Committee.

PEOPLE'S EUROPE

Easing of controls at borders

The Council considered the proposal for a Directive on the easing of controls and formalities applicable to nationals of the Member States when crossing intra-Community borders. The Council had before it a suggestion for an overall compromise from the Presidency concerning in particular the improvement of controls in ports and airports and co-operation between control administrations.

At the end of its discussion, the Council requested the Permanent Representatives Committee to continue its work in the light of the exchange of views that had just taken place with a view to adoption of the text in question in the near future.

Right of residence

The Council considered the proposal for a Directive on a right of residence for nationals of Member States in the territory of another Member State, on the basis of a suggestion for a compromise put forward by the Presidency, which covered, inter alia, the right of residence for students.

The Council agreed to request the Permanent Representatives Committee to examine this dossier further in the light of the exchange of views that had just taken place with a view to adoption of the text in question in the near future.

MISCELLANEOUS DECISIONS

Appointments

On a proposal from the Danish Government, the Council appointed Mrs Margit HURUP NIELSEN, Dansk Arbejdsgiverforening, an alternate member of the Advisory Committee on Vocational Training in place of Mr E. TØTTRUP, who has resigned, for the remainder of the latter's term of office, which runs until 14 July 1987.

The Council also adopted, in the official languages of the Communities, the Decision appointing the members of the Advisory Committee of the Euratom Supply Agency for the period from 29 March 1985 to 28 March 1987:

BELGIUM (3 places)

M. Pierre GOLDSCHMIDT  
M. Denis DEWEZ  
M. Martin RENIERS

DENMARK (2 places)

Erik BASTRUP-BIRK  
Terkel NIELSEN

GERMANY (6 places)

Reg.-Dir. Dr. Rolf-Peter RANDL  
Reg.-Dir. Klaus F. UNGER  
Bergassessor  
Dipl.-Ing. K.-I. KEGEL  
Dr. Horst KEESE  
Dipl.-Ing. Wolfgang SCHOBER  
Klaus JOHANNSEN

GREECE (3 places)

Professor  
M. ANTONOPOULOS-DOMIS  
M. Themistocles SBAROUNIS  
M. George HATZIYANNIS

FRANCE (6 places)

M. Pierre FRIGOLA  
M. François MINNARD  
M. Jean-Claude BERAULT  
M. André PETIT  
M. Pierre REYNAUD  
M. Michel CHEVET

IRELAND (1 place)

Mr Patrick J. MURPHY

ITALY (6 places)

Sig. Paolo VENDITTI  
Sig. Giovanni CUTTICA  
Sig. Mariano CUZZANITI  
Sig. Marcello PALANDRI  
Sig. Michel SANTANGELO  
Sig. Giuseppe PREVITI

NETHERLANDS (3 places)

De heer J.J. DE JONG  
De heer R. VAN ERPERS ROYAARDS  
De heer D.H.J. TIELEMAN

UNITED KINGDOM (6 places)

Mr G. STEVENS  
Mr M. TOWNSEND  
Mr D.J. GROOM  
Mr P.C.F. CROWSON  
Mr D. ASTON  
Mr H.G. STURMAN

Finally, the Council adopted, in the official languages of the Communities, the Decision appointing members and alternate members of the Advisory Committee on Freedom of Movement for Workers for the period from 7 October 1985 to 6 October 1987:



I. Government representatives(a) Members(b) Alternates

Belgium	Mr J. DEQUAN	Mr J. DENYS	Mr M. TAVERNIER
Denmark	Mr N.O. ANDERSEN	Ms B. HERMANN	Ms K. RUDFELD
Germany	Mr O. SCHULZ	Mr E. BIRKER	Mr P. FENDRICH
Greece	Ms E. IOANNIDOU	Ms E. HATZIANDONIOU	Mr D. TSOLAKIS
France	Mr H. de LARY de LATOUR	Mr P. PADOVANI	Ms N. MAROT
Ireland	Mr W. HANNON	Mr M. AHERNE	Mr R. SHEEHAN
Italy	Mr N. FALCHI	Mr A.F. D'HARMANT	Mr G. MORRONE
Luxembourg	Mr R. SCHINTGEN	Mr J.M. MOUSEL	Mr J. HOFFMAN
Netherlands	Mr F.H.A.M. KRUSE	Mr J.W.S. PABON	Mr Th. KNOL
United Kingdom	Ms M.E. GREEN	Mr E.J. PLEASANCE	Mr J.M. CURRIE

II. Representatives of the employers' organizations(a) Members(b) Alternates

Belgium	Mr D. DE NORRE	Mr J. LABAR	Mr F. LARDOT
Denmark	Mr P.E. BORGQVIST	Mr. H. MØRKEBERG	Mr D. von GRUMBKOW
Germany	Mr W.D. LINDNER	Mr R. REICHLING	Mr H.-J. RABE
Greece	Ms E. TSOUMANI	Mr A. VAYIAS	Mr D. LEVENDIS
France	Mr A.-A. SOREL	Mr A. BRUM	Mr G. BENSAID
Ireland	Mr V. KEOGH	Mr L. STEEN	Mr G.F. DEMPSEY
Italy	Mr E. PALLADINI	Mr G. PUNZI	Mr R. SORACE
Luxembourg	Mr R. BEFFORT	Mr E. MULLER	Mr M. WAGNER
Netherlands	Mr J.A.P. GREVERS	Ms A.P. van WEGENBERG	Mr B.J. van der TOOM
United Kingdom	Mr R.C.H. THOMAS	Mr W.H. TAYLOR	Ms F. WEBSTER

III. Trade union representatives

(a) Members

(b) Alternates

Belgium	Mr E. LOOF	Mr J.L. STALPORT	Mr R. SPAEY
Denmark	Mr H. HANSEN	Mr B. LARSEN	Mr P. CARLSEN
Germany	Mr K.-H. GOEBELS	Mr O. SEMMLER	Mr R.D. ASCHENBECK
Greece	Mr G. DASSIS	Mr D. GOULIANAS	Mr L. KANELLOPOULOS
France	Mr J. BELLANGER	Mr J.-L. DUFFAUD	Mr D. JACQUOT
Ireland	Mr P. MERRIGAN	Mr W.A. ATTLEY	Mr T. HEERY
Italy	Mr R. MAGNO	Mr N. DE MEOLA	Mr F. SALVATORI
Luxembourg	Mr V. DE MATTEIS	Mr R. DAUBENFELD	Mr H. DENKEL
Netherlands	Ms I. KETELAAR	Mr T. DEMIRHAN	Mr M.A. NEGEMAN
United Kingdom	Mr F.F. JARVIS	Ms P. TURNER	Mr A.L. SAPPER

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Brussels, 4 October 1985  
Bio Note (85)323 to the National Offices

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CC. TO THE MEMBERS OF THE SPOKESMANS SERVICE  
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Noon Briefing (4.10.85) (E. REUTER)

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Preparation Internal Market Council  
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The main points on the agenda of the Internal Market Council taking place on Monday 7 October in Luxembourg at 11 a.m. are:

The Council is expected to deal with three items of substance: completion of the Internal Market, Luxembourg Convention on the Community patent and Citizens' Europe. Under the first item there will be a general progress report by the presidency. This report is basically of a historical nature. There will be a general discussion on the Commission's White Paper with a view to defining an action programme for the remainder of the Luxembourg presidency.

The discussion of the Luxembourg Convention on the Community patent follows a proposal made by Germany purporting to secure entry into force of the Convention between the Member States who have already ratified it. The proposed Community system for the protection of patent rights rests on three elements: the European Patent Convention signed in Munich in 1973 and which entered into force in 1977 (under this Convention there is a single procedure under which patents registered with the European Patents Office in Munich will automatically receive the legal protection awarded to patents by national legislation in the Member States), the Community Patent Convention signed in Luxembourg on 15 December 1975 (under this Convention a European patent - a Community legal instrument - will grant the same protection throughout the Community, the system will also be administered by the European patent office) and a Protocol on the settlement of litigation arising from Community patents. For the operation of a genuine Internal Market the European patent is of immense value and the Commission will therefore endeavour to obtain that as many Member States as possible will ratify the Convention. Problems are caused by the Danish and Irish constitutions which impose safeguards on the transfer of sovereign powers to intergovernmental bodies.

DIS. As far as the German initiative is concerned 4 delegations (B, DK, UK and It.) supported by the presidency can accept it. France and the Netherlands have reservations, some of which appear very fundamental, others have not yet pronounced. END DIS The Commission although not particularly prepared to accept a rift in the international market on this issue hopes that such a rift would be temporary and will therefore attempt to contribute to finding solutions to the difficulties flagged by the Member States. We do not expect the Council to reach a definite conclusion.

As to Citizens' Europe the Council will consider the Green Disc "Directive for frontier facilities". The actual contents of the draft directive seem to be shrinking with every discussion in the Council. It is however likely that the outcome will be pretty minimalist and fall very much short of the Commission's expectations not to mention the conclusions of the European

Council at Fontainebleau or the Adonino report. Under this item the Council will also consider a draft directive of the right of residence, dealing more particularly with students and old age pensioners i.e. persons considered not economically productive.

The Spokesman made available to the press a table of events scheduled for next week. The week is dominated by the Session of the European Parliament, the main theme of which is technology. The Parliament is organising a Symposium which will be addressed by President Delors on Monday 7 October at 10 a.m. Mr. Narjes will wind up. The Spokesman also circulated a note on the control of dangerous waste exports (P-78) as well as the text of an address by Mr. Narjes in Peking on the "Technological Revolution" and the text of an oral comment by Mr. Sutherland on the European Court's ruling on Aids to the Steel Industry (IP(85)426).

In reply to questions referring to Mr. Delors in the context of a meeting of the Socialist Group of the European Parliament, the Spokesman said that meetings of political groups in which Members of the Commission took part were considered of a specific nature and that therefore no particular emphasis should be given to statements made. These were to be considered of a quasi-private character and as far as the press present were concerned ought to be regarded as personal background briefing by Members of the Commission. Consequently they did not call for comments by the Spokesman.

Regards,

  
Gilles ANOUIL COMEUR ////

n o t e b i o (85) 323 suite 1 aux bureaux nationaux  
c.c. aux membres du service du porte-parole  
+ p.e. a strasbourg

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internal market council

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the council began its work at 11 00 hours with a general discussion on the implementation of the commission's proposals for the completion of a genuine internal market by 1992. lord cockfield stressed the immense amount of work which had to be done quickly if one wanted to meet the 1992 deadline. although progress achieved so far - as documented by the notes circulated by the presidency - was impressive, what remained to be done was even more impressive. it was important to win over the support of the people of europe which would harden the governments into action. lord cockfield pointed to one significant phenomenon which accounted for the council's work falling consistently behind schedule. if it weren't for the unanimity requirement a number of proposals on the council's table could be adopted straight away. it was therefore important that article 100 of the treaty should be amended for internal market purposes as quickly as possible. at this very moment ten commission proposals were being blocked by just one member state. lord cockfield thought that member states should reconsider their positions in a constructive way so as to allow for the adoption of these proposals. . .

lord cockfield was also concerned by the lack of progress at expert level and stressed the necessity for the council to continue to give pressing political directions for national administrations. the council ought to reflect on measures which could be taken to speed up the completion of the internal market. there was a particular need for coordination between the various technical councils. one ought to consider more particularly whether some proposals, notably those relating to veterinary and public health measures currently on the table of the already overburdened agricultural council should not be dealt with by the internal market council.

the dutch minister mr van eekelen and his uk colleague mr channon, referring to their forthcoming presidency underlined their internal market priorities. as far as the priorities listed by the european council in milan are concerned, mr channon thought it desirable to concentrate on erasing barriers which affected particularly large amounts of trade. he wanted to see the mutual recognition of standards furthered and felt that business interests must be taken into account more with a view to subtracting from the regulative burden and creating a favourable environment for business. during the remainder of the tour de table delegations stressed the need of ensuring good coordination between the various councils. different areas must see parallel progress. it was particularly important that work on subjects such as the monetary system or transport which were crucially relevant to a properly functioning internal market would not lag behind.

the idea that veterinary and phytosanitary matters where a number of draft directives were in abeyance in the agricultural council should be treated by the internal market council received a favourable wind, except from the italian delegation.

the president drew the council's attention to the fact that intra community trade (12.5 % of total trade) had been stagnating since 1974 despite an overall growth in trade. this was chiefly due to lack of progress in internal market. a lot remained to be done. lord cockfield warned against the risk inherent in the fixing of priorities by successive presidencies which could lead to the de facto exclusion of those items which their governments did not particularly like. he was pleased to note that mr channon wished to concentrate on removing those barriers which affected large volumes of trade. wasn't it true that this definition particularly applied to fiscal barriers which at the last eco-fin council the uk government had specifically excluded from their priorities?

the presidency summed up, stressing that the internal market would continuously monitor and regularly take stock of progress made on the completion of the internal market.

the council adjourned for lunch at 1.30.

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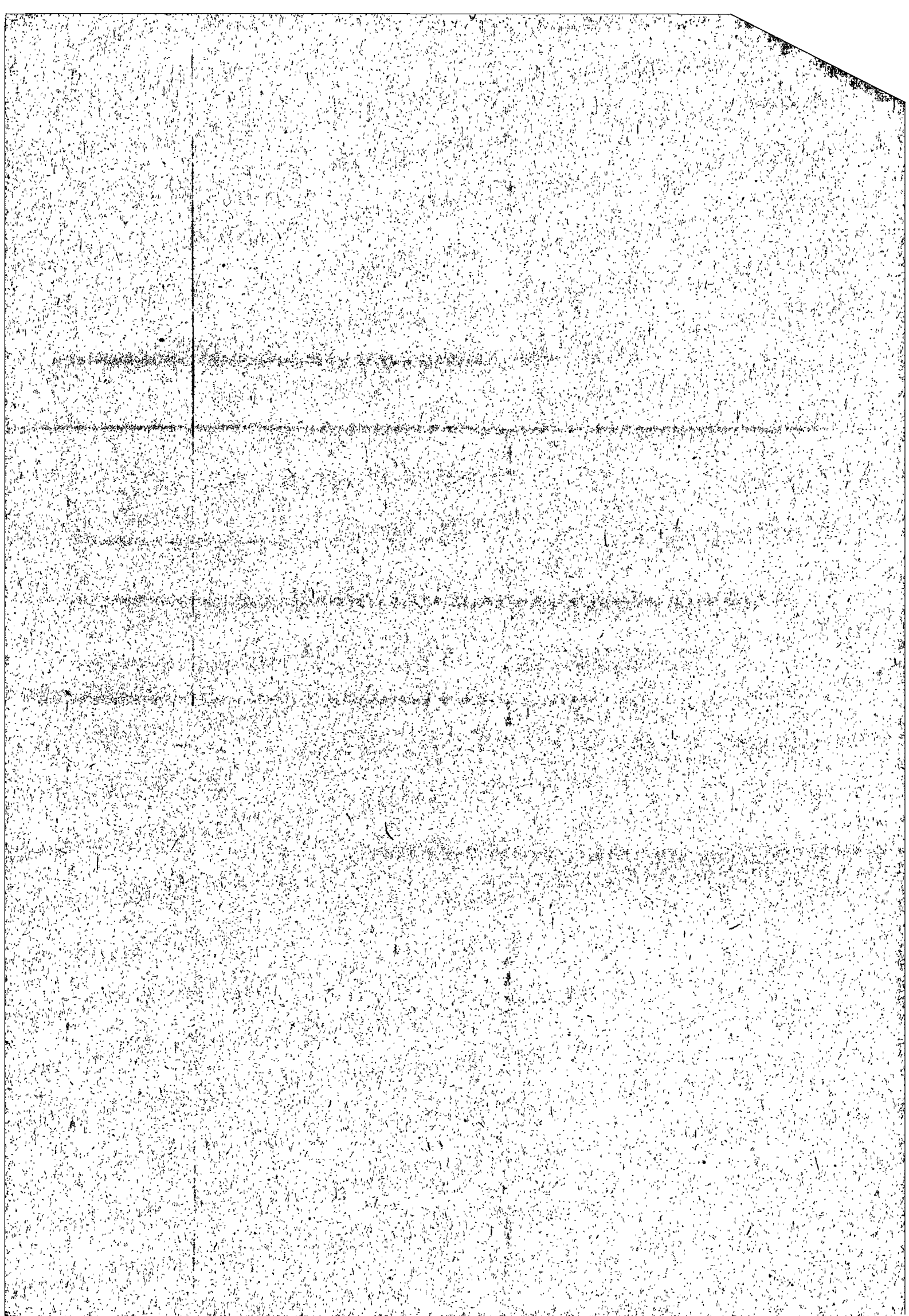
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cc. to the members of the spokesmans service + pe strasbourg  
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the council resumed at 3.15 today with a discussion of the luxembourg convention on the community patent. it is recalled that the german delegation had proposed to amend the luxembourg convention in order to make it possible for the convention to enter into force immediately between the member states who have already ratified it. it is recalled that the proposed community system for the protection of patent rights rests on three elements: the european patent convention signed in munich in 1973 and which entered into force in 1977 (under this convention there is a single procedure under which patents registered with the european patents office in munich will automatically receive the legal protection awarded to patents by national legislation in the member states), the community patent convention signed in luxembourg on 15 december 1975 (under this convention a european patent - a community legal instrument - will grant the same protection throughout the community, the system will also be administered by the european patent office) and a protocol on the settlement of litigation arising from community patents. lord cockfield stressed the importance of a european patent for the internal market. the commission would support the idea that the convention should enter into force with a limited scope. it hoped that the operation of the convention would confirm its merits and provide an incentive for those member states like denmark and ireland who felt that they had to stay out for constitutional reasons to find solutions to their legal problem and rally the main flock.

after a 'tour de table' during which the irish minister, eddie collins, signaled his government's sympathy with the view that the convention should enter into force as quickly as possible, the council recorded agreement on the approach that ratification by seven member states should render possible immediate entry into force. an intergovernmental conference (patent rights' experts) will be summoned in december and deal with the litigation aspects. guidance for the conference will be prepared by coreper.  
etienne reuter

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the council then devoted some time to the draft directive on the easing of controls and formalities applicable to eec nationals when crossing internal borders and to the draft directive on the right of residence for nationals of member states in the territory of other member states. both discussions were inconclusive and matters were referred to coreper.

the council adjourned at 5.30.

etienne reuter

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