

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

4506/92 (Presse 23)

1557th Council meeting

- INTERNAL MARKET -

Brussels, 25 February 1992

President: Mr Vitor MARTINS

**State Secretary
for European Integration
of the Portuguese Republic**

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

Belgium:

Mr Paul DE KEERSMAEKER	State Secretary for European Affairs
Mrs Anne-Marie LIZIN	State Secretary for Europe 1992, attached to the Minister for Foreign Trade

Denmark:

Mr Niels Henrik SLIBEN	Deputy Permanent Representative
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Germany:

Mr Johann EEKHOFF	State Secretary, Federal Ministry of Economic Affairs
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Greece:

Mr Georges THEOFANOUS	Secretary-General, Ministry of Trade
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Spain:

Mr Carlos WESTENDORP	State Secretary for Relations with the European Communities
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France:

Mrs Elizabeth GUIGOU	Minister for European Affairs
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Ireland:

Ms Mary O'ROURKE	Minister for Trade and Marketing
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Italy:

Mr Pierluigi ROMITA Minister for Community Policies

Luxembourg:

Mr George WOHLFART State Secretary for Foreign Affairs
and Foreign Trade

Netherlands:

Mr A. OOSTRA Deputy Permanent Representative

Portugal:

Mr Victor MARTINS State Secretary for European
Integration

United Kingdom:

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

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Commission:

Mr Martin BANGEMANN Vice-President
Mr Jean DONDELINGER Member
Mrs Christine SCRIVENER Member

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SECURITY OF INFORMATION SYSTEMS

Pending receipt of the European Parliament's Opinion, the Council gave its unanimous agreement to the substance of the Decision concerning the development of a Community action to develop strategies to ensure security in the use of information systems throughout the Community, while enabling information to circulate freely within the single market. The Community action comprises:

- the development of overall strategies for the security of information systems for an initial period of 24 months, and
- the setting-up of a Senior Officials Group with a long-term remit to advise the Commission on actions in the field.

The action plan includes preparatory work under the following themes:

- (1) development of a strategic framework for the security of information systems;
- (2) identification of user requirements for the security of information systems;
- (3) solutions for certain immediate and interim needs of users, suppliers and service providers;

- (4) development of specifications, standardization, evaluation and certification in respect of the security of information systems;
- (5) technological operational developments;
- (6) provision of security of information systems.

The budget provided for the initial 24-month period is ECU 12 million, including ECU 2 million for 1992.

THIRD DIRECTIVE ON DIRECT NON-LIFE INSURANCE

Following the Opinion delivered by the European Parliament on 12 February 1992 at its first reading, the Council formally adopted the common position on the third Directive on direct insurance other than life assurance.

The purpose of the third Directive is to complete the process of liberalization of the insurance market as part of the creation of the single market in financial services. It specifically aims to set up a system of a single authorization enabling an undertaking with its head office in a Member State of the Community to open branches or supply services in all the Member States without having to undergo authorization procedures in those countries.

This instrument is intended to permit the free movement of insurance products within the Community and to enable any policy-holder to approach any Community insurer in search of the cover best suited to his needs, while affording him adequate protection.

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FREE MOVEMENT OF CULTURAL OBJECTS

The Council listened to a presentation by the Commission of the two proposals on the free movement of cultural objects, one, in the form of a Regulation, establishing arrangements for export licences and another, in the form of a Directive introducing a system for the return from one Member State to another of national treasures unlawfully removed from the territory of the Member State of origin.

The Commission's statement and the delegations' contributions confirmed the great interest among the Member States in establishing appropriate Community measures to safeguard national treasures.

The Council noted that examination of this proposal would be undertaken with all due speed in the ad hoc Working Party under the aegis of the Permanent Representatives Committee.

ABOLITION OF FRONTIER CONTROLS AND COMPLETION OF THE INTERNAL MARKET

The Commission addressed the Council on the subject of the abolition of frontier controls and progress in transposing internal market directives. In that connection, the Commission also raised the specific problems facing customs agents following completion of the internal market.

The Council then held a general exchange of views indicating the fields in which a special effort still had to be made to ensure the internal market came into operation on 1 January 1993 in the desired conditions.

TRANS-EUROPEAN NETWORKS

The Council took note of a Commission communication concerning trans-European networks, welcoming the new prospects in this field which had been opened up by the signing of the Treaty on European Union, and stressing the vital importance of such networks in the internal market context.

EXPORT CONTROLS ON DUAL-USE GOODS AND TECHNOLOGIES

Informally, over lunch, the Ministers discussed questions relating to export controls on dual-use goods and technologies. The Presidency noted that work on this subject would continue on the basis of the Commission communication, that a high level ad hoc working party would be responsible for further action and that the Internal Market Council would discuss the matter again at a forthcoming meeting, it being agreed that the General Affairs Council would deal with the crucial aspects of the subject which might have ramifications for the external relations of the Community and its Member States.

STANDARDIZATION

Informally, over lunch, the subject of standardization in the European economy was also discussed on the basis of a Commission communication. The Presidency felt it appropriate to stress the importance at the "new approach" to standardization in the context of the completion of the internal market.

COMMUNITY PATENTS

Informally, over lunch, the Presidency announced its intention of convening an intergovernmental conference of the Member States at

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the beginning of May, in Lisbon, to negotiate the enacting terms of a protocol amending the conditions for the entry into force of the Agreement relating to Community Patents. The purpose of the conference would be to seek unanimous agreement on the way in which the Community patent system could be implemented at the time of completion of the internal market.

OTHER INTERNAL MARKET DECISIONS

Medicinal products

The Council adopted:

- the common position on the Directive widening the scope of Directives 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products and laying down additional provisions on homeopathic medicinal products for human use;
- the common position on the Directive widening the scope of Directive 81/851/EEC on the approximation of the laws of the Member States relating to veterinary medicinal products and laying down additional provisions on homeopathic veterinary medicinal products.

These two proposals are intended to extend Community pharmaceutical legislation to homeopathic medicinal products for human and veterinary use.

Intellectual property

Following the political agreement reached at its meeting on 19.XII.1991, the Council adopted its common position on the Regulation concerning the creation of a supplementary protection certificate for medicinal products. This Regulation is intended to improve legal protection in the Member States of medicinal products covered by a patent, the protection of which is diminished by the present system of marketing authorizations. By introducing a supplementary protection certificate which will take effect immediately after expiry of the patent, the Member States'

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pharmaceutical industry will be placed in a position similar to that in certain non-Community states.

Public contracts - application of Community rules in the excluded sectors

The Council adopted the Directive co-ordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.

The purpose of the Directive is to guarantee minimum possibilities for review to undertakings which have incurred damage in the event of infringements of the Community rules on procurement procedures, to define the basic elements of a system for voluntary attestation to prove the conformity of the procurement procedures of a contracting entity with the rules in force, to set up a corrective mechanism that can quickly correct clear and manifest infringements and lastly, to establish a conciliation procedure which the parties may apply to settle amicably any disputes concerning the correct application of the rules governing public contracts.

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

Following the agreement in principle reached at its meeting on 19.XII.1991, the Council adopted its common position on the Directive relating to the co-ordination of procedures for the award of public service contracts. This proposal forms part of the Community system for public contracts, covering all purchases of services for which the contracts are sufficiently large to render cross-frontier operations of interest and the Directive will apply to all contracts which are neither supply contracts nor public works contracts and which include contracts for pecuniary interest, concluded in writing between a service provider and a contracting authority.

The Commission will review the Directive at the latest three years after its entry into force. It will periodically convene a monitoring body on public contracts to monitor the balanced opening up of all public service contracts in the Community and any effects the Directive may have in relation to third countries.

Two or three-wheel motor vehicles

The Council adopted the common position on the Directive position on the Directive on the Community type-approval of these vehicles (see Press Release 10393/91 Presse 249).

MISCELLANEOUS DECISIONS

Abolition of fiscal frontiers

The Council formally adopted the Directive on the general arrangements for products subject to excise duty and the holding and

movement of such products which had already been the subject of political agreement at the Council meeting (ECOFIN) on 10 February 1992 (see Press Release 4502/92 Presse 19).

1991-1992 annual economic report

Further to the political agreement reached at the Council meeting (ECOFIN) on 10 February 1992 (Press Release 4502/92 Presse 19), the Council formally adopted the 1991-1992 annual report on the economic situation in the Community and adopted the economic policy guidelines to be followed in the Community in 1992.

Relations with the ACP States and the OCT

Pending the entry into force of the fourth Lomé Convention and the new Decision on the association of the OCT, the Community had adopted Regulation No 715/90, to apply to the ACP States and the OCT, in advance, the arrangements provided for under the Convention for agricultural and processed products originating in those countries.

The fourth Lomé Convention and the new Decision on the association of the OCTs had, in the meantime, entered into force. As a result, the Council adopted the regulation extending, until 29 February 2000, as regards the ACP States, the abovementioned Regulation No 715/90; the specific arrangements applicable to the OCT had already been laid down by the Decision on the association of the OCT with the Community (see OJ No L 263, 19.9.1991).

Relations with the countries of Latin America and Asia

The Council formally adopted the Regulation on financial and technical assistance to, and economic co-operation with the developing countries in Asia and Latin America for the 1990s, which

had already been the subject of political agreement in the Council (GENERAL AFFAIRS) on 3 February 1992 at the conclusion of the conciliation procedure with the European Parliament (see Press Release 4392/92 Presse 12).

ECSC

The Council gave its assent, under Article 54(2) of the ECSC Treaty, for the granting of a global loan to Interbanca, Italy.

Relations with the Faroe Islands

The Council adopted the Regulation on the opening and administration of an annual Community tariff quota for pet food falling within CN code 2309 10 11 and an annual Community tariff quota for fish food falling within CN code ex 2309 90 41, originating in and coming from the Faroe islands.

Specific research and technological development programmes

The Council adopted its common position with a view to the adoption of a Decision on the dissemination and exploitation of knowledge resulting from the specific RTD programmes.

Transport

Following the political agreement reached at its meeting on 16/17.XII.1991, the Council adopted

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- the Decision on radionavigation systems for Europe (see Press Release 10387/91 Presse 243);
- the Regulation on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices between shipping companies (consortia) (see Press Release 10387/91 Presse 243).

Environment

The Council adopted

- conclusions concerning Community participation in a draft Framework Convention on the protection and use of transboundary watercourses and international lakes;
- a Resolution concerning the European coastal zone and
- a Resolution on the future Community groundwater policy.

The texts are attached.

Agriculture

The Council adopted

- the Regulation amending Regulation (EEC) No 4007/87 extending the period referred to in Article 90(1) of the Act of Accession of Spain and Portugal, as regards Spain.

This amendment aims to extend for a further year, until 31 December 1992, for Spain, the period during which transitional measures may be taken under Article 90 of the Act of Accession in order to enable certain difficulties in implementing agricultural market rules in that Member State to be overcome.

- the Regulation on temporary compensation for the impact of the situation in Yugoslavia on transport of fresh fruit and vegetables from Greece.

This Regulation is intended to provide financial assistance for operators following the interruptions to transport in Yugoslavia, to compensate for additional consignment costs in 1991, in order to enable them to adjust to the new situation as quickly as possible.

- the Regulations amending:

- = Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must.

- This will extend by three months, until 30 April 1992, the rules on derogations which introduce some flexibility as regards certificates of origin and analysis reports to be supplied by the United States, provided that they offer specific guarantees accepted by the Community;

- = 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.

This amendment will extend by three months, until 30 April 1992, the derogation accorded to wines originating in the

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United States as regards the application of certain oenological processes permitted in that country, but not in the Community.

Appointment

The Council appointed, on a proposal of the Irish Government, Mr William A. ATTLEY, Joint General President, Services, Industrial, Professional and Technical Union (SIPTU), a member of the Economic and Social Committee, to replace Mr Patrick MURPHY, a member, who has died, for the remainder of the latter's term of office, which runs until 20 September 1994.

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ANNEX I

COUNCIL RESOLUTION

of

**on the future Community policy concerning
the European coastal zone**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

RECOGNIZING that the European coastal zone, including islands, is a fragile and vital common heritage, and that it is essential that its biological diversity, landscape value, ecological quality and its capacity to sustain life, health, economic activities and social wellbeing are safeguarded;

EMPHASIZING that a key to sustainable use and development of coastal zones lies in the full integration of economic, physical planning and environmental policies;

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ACKNOWLEDGING that the vulnerabilities of the environment, including the natural and cultural heritage, in coastal areas should explicitly be taken into account in developing coastal policies;

TAKES NOTE of the final declaration of the European Coastal Conservation Conference, held in The Hague, the Netherlands, from 19 to 21 November 1991 about the future policy with regard to the European coastal zone;

CONCLUDES that, taking into account the subsidiarity principle, there is a clear need for a Community strategy for integrated planning and management of the coastal zones based on the principles of sustainability and sound ecological and environmental practice;

CONCLUDES that conservation and sustainable use of coastal zones is one of the fundamental aspects of such a strategy and that accordingly high priority should be given to specific action in this field;

INVITES the Commission:

- to propose for consideration a Community strategy for integrated coastal zone management which will provide a framework for conservation and sustainable use;
- to incorporate this initiative into the Fifth Environmental Action Programme.

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ANNEX II

**COUNCIL RESOLUTION
of**

**on the future Community
groundwater policy**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

UNDERLINES the vital importance of groundwater for all forms of life, for human health, and for safeguarding ecosystems;

STATES its concern about the lowering of groundwater levels and/or the pollution of certain aquifers;

NOTES that this important resource is limited, that its conservation for the future is a major political, economic and environmental imperative and that it can be exploited only in strict observance of the principle of sustainable development;

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OBSERVES that freshwater management policy can be conducted only through co-ordinated action by all agents in the public and private sectors, taking due account of the principle of subsidiarity;

TAKES NOTE of the final declaration of the ministerial seminar held on 26 and 27 November 1991 on the future Community groundwater policy;

CALLS UPON the Commission:

- to submit, if possible by the middle of 1993, a detailed action programme for which that declaration may provide guidelines;
- to draft a proposal for revising Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances by incorporating it into a general freshwater management policy, including freshwater protection;

REQUESTS the competent authorities and groups involved to contribute to the conservation of this natural resource in the areas under their control.

Bruxelles, le 24 février 1992

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NOTE BIO(92)43 AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

REUNION INFORMELLE DES MINISTRES DE L'ENVIRONNEMENT (ESTORIL, 21-22
FEVRIER 1992)

1. Les Douze prêts à anticiper la date d'élimination des substances qui appauvrissent la couche d'ozone.
2. La Présidence essaiera de proposer un siège pour l'Agence pour l'Environnement avant le prochain Conseil du 23 mars 1992.
3. Pas de progrès substantiels dans la préparation de la position communautaire pour la Conférence de Rio.

Voici en quelques mots les résultats de la réunion d'Estoril:

1. Ozone: Le Conseil semble être d'accord pour approuver une proposition que la Commission n'a pas encore faite formellement : anticiper les dates de l'élimination des substances qui appauvrissent la couche d'ozone. M. RIPA di MEANA a annoncé son intention de proposer à la Commission le calendrier d'élimination suivant :

Elimination de toutes les substances au 31 décembre 1995 au lieu du calendrier prévu par le règlement actuel (à savoir pour les CFC : 1.7.1997, pour les autres substances des dates ultérieures, allant jusqu'à l'an 2005). Les américains viennent d'annoncer l'élimination de la plupart de ces substances ("the most ozone depleting substances") au 31.12.1995. La position communautaire est donc plus ambitieuse que celle des Etats Unis.

L'annonce du Président Bush a certainement fait pression sur les Etats membres et la disponibilité déjà de substances de substitution des CFC (même si ces substances sont elles aussi nocives à concurrence de 5% des CFC) ne semble pas poser de problèmes insurmontables à l'industrie et facilite l'anticipation de l'élimination. Ainsi les réactions des Ministres étaient favorables, certains d'entre eux annonçant même leur intention d'éliminer les CFC avant la fin de 1995 au niveau national. Le Commissaire a annoncé aussi son intention de proposer une anticipation de l'élimination des CFC dans le cadre du protocole de Montréal.

2. Agence: Devant l'impasse actuel dans lequel se trouve le problème du siège de l'Agence de l'Environnement, le Commissaire a insisté sur la nécessité de faire un effort au niveau des Ministres de l'Environnement pour recommander un siège.
La présidence portugaise a promis d'essayer de proposer, d'ici le prochain conseil, un siège que les Ministres de l'Environnement, s'ils sont d'accord, recommanderaient ensuite aux Ministres des Affaires Etrangères.
3. Conférence de Rio: Discussions assez vagues sur la position communautaire à la conférence de Rio en juin 1992. Aucune conclusion opérationnelle importante malgré le fait que tous les Etats membres reconnaissent l'importance de la Conférence.

Les grandes lignes de la discussion sont les suivantes:

il faut

- intégrer l'aspect environnemental dans toutes les autres politiques;
- considérer la mise à la disposition des PVD de ressources financières supplémentaires (contestée par certaines délégations);
- souligner l'importance de notre Agence pour l'Environnement (la

présidence P voudrait même lui confier des tâches d'élaboration de guidelines en matière de politique environnementale. Opposition de plusieurs délégations);

- garantir le transfert de technologie vers les PVD (D a proposé p.ex. la création d'un tel centre en Méditerranée pour le transfert de know-how vers les pays du Maghreb).

Amitiés,
B. Dethomas

