

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

6423/92 (Presse 76)

1574th Council meeting

- INTERNAL MARKET -

Brussels, 14 May 1992

President: Mr Vitor MARTINS

State Secretary
for European Integration
of the Portuguese Republic

14.V.1992
dre/AH/cmc

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

Belgium:

Mr Robert URBAIN Minister for Foreign Trade and European Affairs

Denmark:

Mrs Anne Birgitte LUNDHOLT Minister for Industry

Mr Bo BRAMSEN State Secretary for Industry

Germany:

Mr Jochen GRÜNHAGE Deputy Permanent Representative

Greece:

Mr George THEOFANOUS Secretary-General, Ministry of Trade

Spain:

Mr Carlos WESTENDORP State Secretary for Relations with the European Communities

France:

Mr Jean CADET Deputy Permanent Representative

Ireland:

Mr Desmond J. O'MALLEY Minister for Industry and Trade

Italy:

Mr Pierluigi ROMITA Minister for Community Policies

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Luxembourg:

Mr Jim CLOOS

Deputy Permanent Representative

Netherlands:

Mr Piet DANKERT

State Secretary for Foreign Affairs

Portugal:

Mr Vitor MARTINS

State Secretary for European
Integration

United Kingdom:

Mr Richard NEEDHAM

Minister for Trade and Industry

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Commission:

Mr Martin BANGEMANN

Vice-President

Sir Leon BRITTAN

Vice-President

Mrs Christiane SCRIVENER

Member

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ABOLITION OF INTERNAL BORDER CONTROLS

The Council adopted the following conclusions:

"THE COUNCIL

Reaffirms its commitment to adopt the necessary measures to meet the objective of completing the Internal Market by 31 December 1992;

Takes note of the Commission's Communication of 8 May 1992 on this subject;

Takes note that, in relation to goods, certain areas have been identified where the abolition of controls at the internal frontiers raises particularly difficult problems and is likely to create distortions in the functioning of the Internal Market;

Considers that such difficulties arise mainly in connection with certain veterinary and phytosanitary controls; with controls linked to the Common Agricultural Policy; drug precursors; dangerous waste; dual-use goods and other controls related to public security;

Considers that measures need to be agreed at Community level to meet the concerns expressed by some Member States as regards protection of public morality and the health of consumers in relation to the lack of safety of certain products imported from third countries; such measures should ensure the uniform application, at the external frontiers of the Community, of procedures which prevent such imports from being put into free circulation;

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Is confident that such difficulties will be overcome as a result of an integrated approach bringing together Community legislation, adaptation of national legislation and procedures of co-operation between Member States, the Member States and the Commission and; where appropriate, the economic agents;

Takes note with great interest of developments relating to the removal of border controls on persons resulting from the conclusions of the European Councils and encourages further progress in this field;

Agrees to give the highest priority to the approval of the required Community legislation, including those points set out indicatively in the annex;

Calls on Member States:

- to give the highest priority to the approval of the required national legislation as well as to the signing and ratification of the Conventions concluded at intergovernmental level;
- to carry out the correct implementation of Community measures within the specified deadlines;
- to conduct a comprehensive survey of their informatics and telecommunications networks, identifying needs in relation to the completion of the Internal Market which have to be met in order to make possible the interconnection with the telematic systems being developed within the Community;

Invites the Commission:

- to present all proposals deemed necessary to attain the defined goals regarding the abolition of border controls;
- to submit a report on the progress made in relation to the telematic projects necessary for the completion of the Internal Market, notably in removing frontier controls, assessing their prospects for becoming operational at the latest by 1 January 1993 and proposing the solutions required;

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- to proceed in collaboration with each Member State to scrutinize its national implementation measures in order to ensure a balanced and uniform application of the common rules;
- to keep the Internal Market Council informed as to the progress of all initiatives related to the abolition of controls at the internal borders of the Community;
- to establish a framework for permanent collaboration between the Commission and the Member States, in order to ensure the management of the area without internal frontiers and enable Member States to monitor the functioning of the Internal Market.

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ANNEX

- VAT - accompanying measures:
 - . gold
 - . passenger transport
 - . second-hand goods
- "Catch-all" Directive
- pet animals
- production and marketing of milk products
- milk and milk products
- abolition of compensatory amounts
- adjustment of the common organization of the markets in cereals, milk and sugar
- adjustment of the controls linked to the Act of Accession
- control of the production and marketing of drug precursors
- medical devices
- organization of the market in bananas
- control of means of transport registered in third countries
- controls on the export of strategic goods
- control and marketing of explosives and mutual recognition of authorizations for explosives
- radioactive nuclear materials
- shipment of waste
- harmonization of the precious metals sector
- restitution of national treasures and export controls".

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THIRD DIRECTIVE ON DIRECT LIFE ASSURANCE

Pending the Opinion of the European Parliament the Council was favourably inclined to the adoption shortly of a common position on the third Directive on the co-ordination of laws, regulations and administrative provisions relating to direct life insurance and amending Directives 79/267/EEC and 90/619/EEC.

It should be noted that the proposal is designed to supplement the two Directives already adopted on life assurance and, in parallel with the draft third non-life insurance Directive, to bring in:

- co-ordination of basic rules for prudential and financial supervision;
- mutual recognition of authorization for assurance undertakings and of prudential supervision systems in the various Member States;
- granting of a single authorization valid throughout the Community and the supervision of an undertaking's entire business by the home Member State.

FORMATION OF PUBLIC LIMITED LIABILITY COMPANIES AND THE MAINTENANCE AND ALTERATION OF THEIR CAPITAL

The Council gave its unanimous agreement in principle on the common position relating to amendment of the Second Directive on Company Law (77/91/EEC), harmonizing the safeguards required by Member States regarding the formation of public limited liability companies and the maintenance and alteration of their capital.

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This proposal is intended more particularly to close a loophole in the Second Directive, which provides no mechanism to prevent a company from using a subsidiary to acquire company shares. The lack of any such mechanism allows companies, in the States where no legislation to that effect exists, to circumvent the provisions of the Second Directive. Such circumventions may jeopardize the maintenance of capital, lead to self-supervision by companies and form barriers to takeover.

The common position will be formally adopted after legal and linguistic finalization of the texts at a forthcoming Council meeting.

COMMUNITY CUSTOMS CODE

The Council adopted its common position on the Regulation establishing a Community Customs Code, a matter of particular importance in the course of completion of the internal market.

The 253 Articles of the Code sets out to assemble in a single and coherent text the general rules and all the arrangements and procedures applicable to goods traded between the Community and third countries. As a means of consolidating Community customs legislation and making it transparent, it is designed to replace and supplement the thirty or so pieces of legislation adopted between 1968 and 1990 currently in force. It will come into effect from 1 January 1994?

It shall be emphasized that the Code will also form a model of legislation for codification of Community law.

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PROFESSION OF CUSTOMS AGENTS/OFFICERS

After taking note of a Commission communication concerning the back-up measures to be contemplated to adapt the profession of customs agents/officers to the internal market, the Council agreed that more work was needed in this area.

COPYRIGHT AND NEIGHBOURING RIGHTS

The Council unanimously adopted a Resolution on increased protection for copyright and neighbouring rights, in which it notes that the Member States undertake, insofar as they have not already done so, to become by 1 January 1995, parties to the Paris Act of the Berne Convention (copyright) and the Rome Convention (neighbouring rights), and invites the Commission to pay particular attention, when negotiating agreements between the Community and third countries, to third countries' observance of these two Conventions.

The Council furthermore noted with satisfaction the progress of discussions on the amended proposal for a Council Directive on rental right, lending right and certain rights related to copyright in the field of intellectual property; it asked the Permanent Representatives Committee to look more closely into the few questions still to be resolved, with a view to adopting a common position at its meeting on 18 and 19 June 1992.

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PSYCHOTROPIC SUBSTANCES

The Council took note of a Commission statement on the proposal for a Directive on the manufacture and the placing on the market of certain substances used in the illicit manufacture of narcotic drugs and psychotropic substances.

The Commission considers it essential to the proper functioning of the internal market that the Directive should be adopted by the end of 1992.

Pending the Commission's formal submission of an amended proposal, the Council announced its intention of re-opening discussions on this matter as soon as possible.

PUBLIC PROCUREMENT - EXCLUDED SECTORS

Pending the Opinion of the European Parliament, the Council took note of the progress of discussions on the proposal for a Directive amending Directive 90/531/EEC on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (excluded sectors).

It will be recalled that the aim of this proposal is to extend the procedural arrangements of Directive 90/531/EEC, regulating public works contracts and public supply contracts in the excluded sectors, to public service contracts. It constitutes the final section of the legislative programme on public procurement as defined in the White Paper on completing the internal market, of which the public procurement programme is a key element.

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EXPORT CONTROLS ON DUAL-USE GOODS AND TECHNOLOGIES

The Council took note of a Commission statement on export controls on dual-use goods and technologies, and of the importance attached by the Commission to the achievement of tangible progress within the required time, with an eye to the abolition of internal frontiers.

The Council instructed the high-level ad hoc Working Party to press ahead with its discussions pending possible Commission proposals in this field.

PRECIOUS METALS

The Council invited delegations' reactions after hearing a Commission statement on trade in precious metals within the Community in the course of completion of the internal market.

It should be noted that trade in these commodities is still subject to national controls, and that the problem of their circulation within the Community after 1 January 1993 has already been raised by a number of delegations at previous Council meetings.

At the end of the discussion, the Presidency noted that here, most Member States wanted Community-wide harmonization.

The Commission said it was prepared to give fresh consideration to this issue in the light of the discussions within the Council.

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FURTHER DECISION IN THE SPHERE OF THE INTERNAL MARKET

Action plan for the exchange of national officials engaged in the implementation of Community legislation required to build the Single Market

The Council adopted the common position on the Decision concerning the adoption of an action plan for the exchange of national officials between Member States administrations who are engaged in the implementation of Community legislation required to build the Single Market.

It should be noted that the action plan is modelled on the MATTHAEUS programme, extending it to the whole of the internal market sphere. The objective of the exchange is to enable a more homogeneous approach to be taken to the implementation of Community legislation, in particular by making national civil servants more aware of the European dimension of their work and by fostering mutual trust between the administrations of the various Member States. The length of an official's stay on an exchange visit in the administration of another Member State is normally to be set at a minimum of two months.

The action plan covers a period of five years. The estimated amount of Community financial backing required to implement it is MECU 17,3 for an overall number of 1 900 participants. The financing of the programme will be shared between the Community and its Member States.



Bruxelles, le 12 mai 1992

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**NOTE BIO (92) 121 AUX BUREAUX NATIONAUX
CC AUX MEMBRES DU SERVICE DU PORTE-PAROLE**

PREPARATION DU CONSEIL MARCHÉ INTERIEUR DU 14 MAI 1992

(I. Le Moal-Ollive)

Le Conseil Marché Intérieur abordera jeudi 14 mai, deux dossiers concernant l'Union douanière dont Madame Scrivener a la charge, il s'agit de la proposition du Code des Douanes communautaire et du Plan de mesures d'accompagnement pour l'adaptation au marché intérieur de la profession d'agent et commissionnaire en douane.

Le Conseil devrait adopter en position commune la proposition de la Commission qui vise à établir un Code des Douanes communautaire.

Ce Code rassemble dans un seul corps, les dispositions du droit douanier régissant les échanges avec les pays tiers et vise à régler les conditions générales d'application du Tarif Douanier de la Communauté, ainsi que d'autres mesures applicables dans les échanges avec les pays tiers, en assurant l'homogénéité de la frontière extérieure.

C'est la plus vaste opération de codification jamais entreprise dans un domaine relevant du droit communautaire. Le Code des Douanes remplacera par un seul texte systématique et cohérent les quelque 30 textes du Conseil réglementant actuellement la matière.

Se fondant sur cette mosaïque de réglementations sectorielles, la proposition d'un Code des Douanes communautaires répond à une exigence maintes fois avancée tant par le Parlement européen que par les milieux économiques de la CEE. Ce Code constitue la clé de voûte de toute l'oeuvre d'harmonisation de la législation douanière et s'insère ainsi dans le volet extérieur du Marché unique.

En ce qui concerne les agents et commissionnaires en douane, Madame Scrivener présentera au Conseil des Ministres le Plan de mesures adopté mercredi 6 mai à son initiative, par la Commission.

Il s'agit d'un Plan en trois volets (note IP (92) 354) qui repose :

- sur l'ouverture aux agents et commissionnaires en douane, dès le 1er janvier 1993, de l'accès au Fonds social européen en les assimilant à des chômeurs de longue durée, sur tout le territoire de la Communauté;

- sur le rappel des disponibilités du programme INTERREG spécialement adopté pour faire face aux particularités des zones frontalières et aux conséquences du grand marché sur ces régions;

- sur la mise à disposition d'une somme de 2 MECUS en 1992 et de 30 MECUS (à approuver par le Conseil dans la procédure budgétaire) en 1993 pour des actions spécifiques qui ne peuvent être couvertes par les Fonds structurels. Pour 1992 il s'agirait surtout de financer des diagnostics de carrière individuels afin de faciliter le reclassement en 1993 des personnels concernés.

Madame Scrivener insistera sur le caractère exceptionnel de ces mesures ponctuelles et surtout sur la nécessité pour les Etats membres, les régions et la profession de mettre sur pied dans les plus brefs délais des plans d'action concrets et localisés.

Amitiés,

C. STATHOPOULOS



Bruxelles, le 14 mai 1992.

**NOTE BIO (92) 121 (suite 1) AUX BUREAUX NATIONAUX
cc. aux Membres du Service du Porte-Parole**

Conférence de presse de Mme Scrivener à l'issue du Conseil "Marché Intérieur". (I. Le Moal-Ollive)

Le Conseil a adopté à l'unanimité en position commune le Code des Douanes communautaire.

Madame Scrivener a répondu lors du point de presse qui a suivi à la question :

"UN CODE COMMUNAUTAIRE DES DOUANES, POURQUOI EST-CE IMPORTANT ?"

"C'EST UNE ÉTAPE ESSENTIELLE POUR LE GRAND MARCHÉ DE 1993. POUR AU MOINS TROIS BONNES RAISONS :

- 1) LA PREMIÈRE, C'EST QUE CETTE GRANDE OEUVRE DE CODIFICATION COMMUNAUTAIRE, QUI EST SANS PRÉCÉDENT, ABOUTIRA à UN INSTRUMENT TRÈS UTILE AUX OPÉRATEURS ÉCONOMIQUES ET AUX ADMINISTRATIONS.

ACTUELLEMENT IL EXISTE DES DIZAINES DE TEXTES ÉPARS. GRÂCE À LA CODIFICATION, LA RÉGLEMENTATION SERA CLAIRE ET DISPONIBLE IMMÉDIATEMENT. POUR LES ENTREPRISES, ET NOTAMMENT LES PME, CELA FACILITERA LEURS EXPORTATIONS VERS LES PAYS TIERS AINSI QUE LEURS IMPORTATIONS ET TOUTES LEURS OPÉRATIONS DOUANIÈRES.

LA DOUANE AU SERVICE DES ENTREPRISES, GRÂCE AU CODE COMMUNAUTAIRE DES DOUANES.

- 2) DEUXIÈME INTÉRÊT DE CE CODE COMMUNAUTAIRE DES DOUANES, FACILITER LA MISE EN PLACE D'UNE FRONTIÈRE EXTERNE HOMOGENE ET RENFORCÉE. C'EST LE PENDANT DE LA SUPPRESSION EN 1993 DES FRONTIÈRES INTÉRIEURES. CERTES, IL N'EST PAS QUESTION DE CONSTITUER UNE FORTERESSE-EUROPE ET AUCUNE DISPOSITION DU NOUVEAU CODE NE VA DANS CE SENS.

MAIS LE MARCHÉ UNIQUE ET SANS FRONTIÈRES INTÉRIEURES SUPPOSE HOMOGENÉISATION (JE PRÉFÈRE CE TERME À CELUI D'HARMONISATION) DES LÉGISLATIONS ET DES PRATIQUES DOUANIÈRES NATIONALES VIS-À-VIS DES PAYS TIERS.

C'EST L'INTÉRÊT DE LA COMMUNAUTÉ POUR ÉVITER LA FRAUDE (NON PAIEMENT DES DROITS DE DOUANE), LE DUMPING COMMERCIAL, LA SORTIE FRAUDULEUSE DES OEUVRES D'ART. JE VEILLE TOUT PARTICULIÈREMENT À LA QUALITÉ DES CONTRÔLES CONCERNANT LES ÉCHANGES DE PRODUITS AGRICOLES. DES IMPORTATIONS FRAUDULEUSES DE VIANDE OU AUTRES MENACERAIENT LA SANTÉ DE NOS CONCITOYENS.

MAIS CETTE LÉGISLATION COMMUNE RENFORCÉE EST AUSSI DANS L'INTÉRÊT DE NOS PARTENAIRES COMMERCIAUX EXTÉRIEURS. LE CODE COMMUNAUTAIRE ET UNE LÉGISLATION DOUANIÈRE PLUS HOMOGENE LEUR FACILITERONT LA VIE EN SIMPLIFIANT LES CHOSES.

3) ENFIN, CE CODE COMMUNAUTAIRE DES DOUANES DÉMONTRE, SI BESOIN ÉTAIT, COMBIEN L'AVENIR DE LA DOUANE EST ASSURÉ DANS LE GRAND MARCHÉ DE 1993. LES DOUANIERS SE RETIRENT DES CONTRÔLES AUX FRONTIÈRES INTÉRIEURES DÈS LE 1ER JANVIER 1993. LES CHOSES SONT CLAIRES À CE SUJET ET LA COMMISSION Y VEILLERA RIGOREUSEMENT.

MAIS LA TÂCHE NE MANQUERA PAS POUR LES DOUANIERS PAR AILLEURS DANS LE DOMAINE DU CONTRÔLE DES MARCHANDISES EN PROVENANCE OU À DESTINATION DES PAYS TIERS.

JE NE PARLE PAS DE LEUR RÔLE DANS LE DOMAINE DE LA LUTTE CONTRE LA DROGUE QUI EST EXEMPLAIRE, COMME DANS D'AUTRES DOMAINES.

C'EST EN MÊME TEMPS UNE SORTE DE NOUVEAU MÉTIER QUI SERA CELUI DU DOUANIER DE L'AN 2000. DÉJÀ L'INFORMATIQUE EST TRÈS PRÉSENTE. CE SERA DE PLUS EN PLUS LE CAS. EXPERTISE TECHNIQUE, CONSEIL D'ENTREPRISE EN COMMERCE INTERNATIONAL, LUTTE CONTRE LES FRAUDES LES PLUS SOPHISTIQUÉES.

TOUT CELA IMPLIQUE UNE COOPÉRATION ACCRUE ENTRE LES DOUANIERS DE TOUTE LA COMMUNAUTÉ.

D'OÙ LE PROGRAMME MATTHAEUS D'ÉCHANGE DE DOUANIERS QUE J'AI LANCÉ DÈS MON ARRIVÉE À BRUXELLES EN 1989. C'EST UN GROS SUCCÈS.

LES ÉCOLES DE FORMATION DES DOUANIERS DE RAPPROCHENT LES UNES DES AUTRES.

NOUS ALLONS VERS UNE VÉRITABLE DOUANE COMMUNAUTAIRE AU SERVICE DE TOUTE L'EUROPE ET DE SES ETATS MEMBRES."

Amitiés,
K. Stathopoulos.

