

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

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6617/90 (Presse 29)

1406th Council meeting

- Industry -

Brussels, 28 May 1990

President: Mr Desmond J. O'MALLEY
Minister for Industry
and Commerce of Ireland

28.V.90
ton/HM/mm

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

Belgium

Mr Willy CLAES Minister for Economic Affairs

Denmark

Mrs Anne-Birgitte LUNDHOLT Minister for Industry

Germany

Mr Helmut HAUSSMANN Federal Minister for
Economic Affairs

Mr Dieter VON WÜRZEN State Secretary,
Federal Ministry of
Economic Affairs

Greece

Mr Stavros DIMAS Minister for Industry,
Energy and Technology
Ministry of Industry

Spain

Mr Claudio ARANZADI Minister for Industry and Energy

France

Mr Roger FAUROUX Minister for Industry and
Town and Country Planning

Ireland

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

Mr Michael SMITH Minister of State at the
Department of Industry and
Commerce

28.V.90
ton/HM/mm

Italy

Mr Adolfo BATTAGLIA

Minister for Industry, Trade
and Craft Trades

Luxembourg

Mr Robert GOEBBELS

Minister for Economic Affairs

Netherlands

Mr P.C. NIEMAN

Ambassador,
Permanent Representative

Portugal

Mr Luis ALVES MONTEIRO

State Secretary for Industry

United Kingdom

Sir David H.A. HANNAY

Ambassador,
Permanent Representative

o

o

o

Commission

Mr Martin BANGEMANN

Vice-President

Sir Leon BRITTAN

Vice-President

Mr Antonio CARDOSO E CUNHA

Member

SMALL AND MEDIUM-SIZED ENTERPRISES

On the basis of Commission working documents, the Council discussed measures to assist small and medium-sized enterprises, viz. promoting their participation in public procurement in the Community and in Community activities in the field of research and technological development.

It approved the conclusions set out below for the two sectors.

Promoting SME participation in public procurement
in the Community

The Council

1. welcomes the Commission's presentation and invites the Commission to continue to examine measures and to make recommendations to promote increased access of SMEs to public contracts, taking into account the objectives of the policy of open and efficient public procurement;
2. requests the Commission, in consultation with Member States, to continue to work to clarify the definition of SMEs in this and other frameworks;
3. urges the Member States to encourage their public authorities to take account of the categories of measures (other than those of a discriminatory nature) discussed in the Communication in reviewing and implementing their public procurement procedures;
4. stresses that there is a need for actively promoting and assisting SMEs' participation in public procurement. Existing networks and agencies should be used towards this end; the Commission should look in particular at the use of the Euro Info Centres and BC-NET and an improvement in the TED System as a means of disseminating information and promoting and assisting transnational tendering;

28.V.90

ton/HM/er

5. emphasises the need to introduce transparency into all procedures relating to public procurement;
6. requests the Commission to study the problems which face SMEs in tendering for large contracts;
7. asks the Commission to study and analyse various qualification and procedural requirements imposed by contracting authorities, which restrict SME participation, with a view to examining the possibility of drawing up standardised qualification requirements and simplified tendering procedures on a Community-wide basis;
8. urges the Commission to consider appropriate experiments and pilot projects, to study and evaluate their results and make more detailed recommendations on appropriate measures in this area;
9. notes the Commission's intentions to study appropriate and positive measures to prevent any serious risks directly associated with the implementation of open public procurement and in promoting its application at regional level;
10. seeks early progress on the implementation of the Compliance Directive (i.e. to increase guarantees of openness and non-discrimination and to ensure that practical arrangements exist for the redress of problems encountered in the tender procedures);
11. requests the Commission to monitor on an on-going basis the participation of several categories of size of SMEs in public procurement, and to report periodically to the Council on the matter;
12. requests the Commission to increase co-operation with Member States in proposing measures to facilitate increased access of SMEs to public procurement.

SME Participation in Community activities in the field of
research and technological development

The Council

1. welcomes the Commission's working document on efforts to encourage further participation of SMEs in Community R&TD programmes within the general objectives of these programmes;
2. requests the Commission to continue to work in consultation with Member States to clarify the definition of SMEs in this and other frameworks;
3. urges the Commission to intensify its efforts to increase SME participation in these programmes, especially in those projects which are closest to the industrial stage;
4. welcomes the Commission's pilot actions adapted to the needs of SMEs such as CRAFT and the BRITE-Euram feasibility awards and, if their evaluation is positive, agrees to consider their extension to all relevant programmes on a permanent basis;
5. considers that continuing attention should be given to improving the situation for SMEs in the areas of information on Community R&TD Programmes, the Commission's own administrative arrangements and procedures in relation to these programmes and the cost/complexity of preparing applications;

28.V.90

ton/HM/er

6. asks in this context that particular consideration should be given to the development of research infrastructures in the peripheral regions of the Community in the context of Structural Funds (such as the STRIDE programme) to allow for greater SME participation in Community research programmes in these regions;
7. takes note of the intention of the Commission in the implementation of the R&D framework programme 1990-1994 to propose improved measures for the dissemination and exploitation of results taking account of the specific requirement of SMEs;
8. requests the Commission to report periodically to Council on the participation of different categories of size or types of SMEs in R&TD programmes;
9. requests the Commission to increase co-operation with Member States in proposing measures on SMEs' activities in the field of R&TD.

28.V.90
ton/HM/wec

Improvement of the business environment in the Community

The Council heard Commissioner CARDOSO E CUNHA presenting the Commission report on the impact of Community legislation on business with special regard to SMEs, and took note of the various actions undertaken by the Commission to improve the administrative, legal and tax environment for businesses.

The Council asked the Commission to continue its activities in these areas and, if necessary, extend them to other sectors.

It agreed to examine in a constructive manner the proposals which the Commission had submitted or intended to submit in the areas concerned.

It also asked the Member States to take more systematic account of the objective of improving the business environment in the administrative, legal and tax areas when adopting a position on specific legislative proposals from the Commission.

28.V.90

ton/HM/wec

Administrative simplification in favour of small and medium-sized enterprises in the Member States

Having received the Opinion of the European Parliament, the Council, acting on the basis of the amended Commission proposal, adopted the Recommendation relating to the implementation of a policy of administrative simplification in favour of small and medium-sized enterprises in the Member States. Member States are therefore recommended:

- to implement programmes of administrative simplification in favour of businesses, involving all competent public bodies;
- to ensure that the above arrangements relate to both new legislative proposals and existing legislation, the removal of redundant legislation and the adaptation of legislation which no longer reflects economic and social reality;
- to strive to ensure that, for all draft laws and regulations, an examination is also made, at an initial stage, of their necessity, effectiveness and intelligibility where such drafts are likely to increase the administrative burden on enterprises; this should be similar to the examination undertaken by the Commission on the impact of Community legislation, in particular, on small to medium-sized enterprises (impact assessment);
- to pay particular attention to the following points:
 - (a) modernization of the organization of administrative departments, in particular of services in contact with enterprises, with a view to improving the co-ordination of the various departments, their efficiency and speed of response;
 - (b) improvement of procedures by the standardization and reduction in numbers of forms and returns used in the fields of accountancy, taxation, social affairs and statistics;
 - (c) establishment, where appropriate, of one-stop shops providing guidance on the overall formalities to be observed on the creation of an enterprise;
 - (d) replacement of as many formal decisions as possible by procedures involving non-opposition, according to which at the end of a certain time-limit from the receipt of the application the absence of a reaction on the part of the competent authorities is taken as a decision;
 - (e) improvement of the information to small and medium-sized enterprises, for example by the publication of vade mecums, brochures and administrative organization charts;
 - (f) consolidation or compilation of national legislation, to make it more easily understandable for enterprises;
 - (g) where necessary, the development of special simplified administrative implementing measures for SMEs;

28.V.90

ton/HM/tb

- to create or maintain an appropriate body for consultation between the representatives of business, including small and medium-sized enterprises, and the administration, with a view to promoting the simplification of administrative procedures and of legislation;
- in implementing the above, not to prejudice the legal rights of workers and third parties;
- to inform the Commission of major achievements in the field of administrative simplification, problems encountered and initiatives proposed so that the Commission can ensure that all Member States are fully aware of developments and possibilities in this matter;

and the Commission is asked:

- (a) to put into practice within its own Institution the points contained in this Recommendation and to inform the Member States of the main achievements;
- (b) to bring forward a plan for examining the impact of existing Community legislation and to identify areas where this legislation is particularly burdensome;
- (c) to simplify access for SMEs to the structural Funds and to Community research and development programmes as well as to other Community programmes;
- (d) to set up arrangements for consulting the representatives of businesses on the various aspects of the programme for administrative simplification;
- (e) to continue improving the fiches d'impact in the Commission framework and to publish them;
- (f) to examine the scope for reducing overlap between the administrative formalities to be completed by enterprises when they carry on their activities in another country;
- (g) to submit a regular report on Community and national measures relating to administrative simplification.

28.V.90
ton/HM/tb

PRESENTATION OF THE GENERAL OBJECTIVES FOR STEEL - 1995

The Council heard an introductory statement from Vice-President BANGEMANN on the general objectives for steel 1995 which

- began by defining the qualitative scenario, making an attempt to identify the factors which could be crucial to the development of the steel industry over the next few years
- then dealt with the analysis of, and quantitative forecasts for, the steel products market within the Community in 1992 and 1995 and examined the outlook for internal demand using two kinds of forecasting approach
- concluded by examining the market for the main factors of production, making an analysis of future trends on the raw materials markets and in energy inputs and of the kinds of workforce skills and investment that would be required by the steel industry.

The Council held an exchange of views in the course of which the Member States welcomed the fact that these policy guidelines had been put forward and made comments on the objectives set by the Commission.

The Council concluded the discussion by asking the Commission to take account of the comments made by Member States today in its further proceedings in relation to steel.

SHIPBUILDING

The Council heard a statement from Vice-President BRITTAN introducing the Commission proposal for a 7th Directive on aid to shipbuilding.

Essentially, the proposal extends the aid policy in this sector for two years with certain amendments relating mainly to degressive aid ceilings, aid levels for small vessels, the end of the transitional arrangements for Spain and Portugal and a number of more technical amendments.

The Council discussed the various aspects of the Commission proposal and instructed the Permanent Representatives Committee to examine it without delay so that a decision could be taken before the end of the year since the 6th Directive was due to expire on 31 December.

The Council also noted that the Commission had just submitted a proposal for directives for Community participation in the negotiation of an international arrangement within the OECD to eliminate subsidies for shipbuilding.

The Council agreed to take a decision on the negotiating directives as soon as possible and instructed the Permanent Representatives Committee to examine the proposal for that purpose.

MISCELLANEOUS DECISIONS

European Bank for Reconstruction and Development (EBRD)

The Council decided to sign the Agreement establishing the EBRD on behalf of the Community, subject to conclusion; since the Decision on the conclusion is based on Article 235 of the EEC Treaty, the Opinion of the European Parliament has been requested.

OECD: National treatment

The Council decided that the Community would take part, alongside the Member States, in the OECD negotiations on a decision on national treatment.

Fisheries

The Council adopted the Regulation relating to the conclusion of the Protocol establishing, for the period from 1 January 1990 to 31 December 1991, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations.

The fishing possibilities granted are as follows:

- shrimp vessels fishing exclusively for deep-water crustacea:
1 100 GRT per month on a yearly average
- shrimp vessels fishing for shallow-water and deep-water crustacea:
3 700 GRT per month on a yearly average
- ocean-going tuna seiners: licences for 44 vessels.

The financial compensation is fixed at ECU 4 300 000. The Community will contribute ECU 1 950 000 towards the financing of scientific and technical

28.V.90

ton/HM/jb

programmes in Mozambique. In addition, a reconnaissance campaign to find new resources will be carried out by Community vessels.

Appointment

On a proposal from the Netherlands government, the Council appointed Dr. J.J. van DIJK a member of the Economic and Social Committee to replace Mr Bartholomeus PRONK, member, who has resigned, for the remainder of the latter's term of office, i.e. until 20 September 1990.

433

Bruxelles, le 23 mai 1990

Note BIO (90) 152 AUX BUREAUX NATIONAUX
cc: AUX MEMBRES DU SERVICE DU PORTE-PAROLE

Rendez-vous de midi du 23 mai 1990 (C. Stathopoulos)

Préparation Conseil Industrie (W. Hélin)

Le point central de la réunion, sera la présentation que fera le Vice-Président Bangemann des grandes lignes d'un mandat que la Commission Européenne compte obtenir pour négocier, dans le cadre de l'OCDE, un accord international sur l'élimination des aides publiques aux chantiers navals et des pratiques déloyales dans ce secteur. En substance, la Commission Européenne souhaite qu'un tel accord respecte des règles transparentes, à l'image de ce qui se pratique dans la Communauté, et offre un calendrier de démantèlement progressif et équilibré d'une durée suffisamment longue pour ne pas mettre en danger la restructuration des chantiers navals dans la Communauté. Une session de l'OCDE, au niveau ministériel, est prévue dans le courant de la semaine du 18 juin prochain à Paris.

Par ailleurs, M. Bangemann évoquera la situation de la sidérurgie européenne à l'horizon de 1995 (voir la note P-14, du 7.3.90). L'acier européen est sorti de la crise et est redevenu compétitif. La Commission estime qu'il appartient désormais aux seules entreprises de déterminer les stratégies industrielles nécessaires. Certains pays souhaitent que la Commission se prononce sur la surveillance du marché. S'il est vrai que la Commission entend maintenir une surveillance statistique rapide de l'état du marché de l'acier, elle ne compte plus soumettre des programmes indicatifs trop précis pour la production sidérurgique, qui pourraient aboutir, le cas échéant, à une certaine cartellisation du marché.

Pour sa part, M. Cardoso e Cunha évoquera différentes questions liées à la stratégie en faveur des PME : leur insertion dans les programmes de R&D technologique (où les coûts et les procédures sont souvent des freins sérieux), leur imbrication dans les marchés publics et, problème plus général, l'amélioration de l'environnement en faveur des PME.

Enfin, les Ministres entendront un exposé attendu de leur collègue de l'Economie de RFA, Helmut Hausmann, sur les aspects industriels et économiques de l'unification allemande.

Matériel diffusé

- IP 408 - Concurrence: FINMECCANICA/ASEA BROWN BOVERI - Commission examine compatibilité avec règles de la concurrence
- IP 410 - Aide humanitaire à la Pologne

- IP 411 - Conclusions du G 24
 - IP 412 - Conférence internationale sur le thème "Ecoles secondaires et éducation européenne-Internationale en Europe"
 - IP 413 - De l'agriculture ... au consommateur - nouvelle publication de la Commission
 - MEMO 19 - Relations CE-Canada (réunion ministérielle)
 - Discours de M. Andriessen devant "Bretton Woods Committee" le 23. 5. à Washington
 - 2 discours avec EMBARGO de Sir Leon Brittan à Londres: 24. 5. 1990 devant Federal Trust Conference et le 25. 5. 1990 à Colmans RSCG Conference
- 3 arrêts de la Cour
- EUROSTAT: Sidérurgie, 4/90
 - Note sur "lancement des mongolfières - année européenne du tourisme.

Amitiés,


C. Stathopoulos

Bruxelles, le 28 mai 1990

Note BIO (90) 156 AUX BUREAUX NATIONAUX
cc: AUX MEMBRES DU SERVICE DU PORTE-PAROLE

CONSEIL INDUSTRIE (H. Lohan)

Politique PME

M. Cardoso e Cunha a présenté au Conseil trois documents de la Commission portant sur

- la promotion de la participation des PME aux marchés publics dans la Communauté,
- la participation des PME dans les actions communautaires de recherche et de développement technologique,
- l'amélioration de l'environnement législatif des PME.

M Cardoso e Cunha a notamment attiré l'attention du Conseil sur les mesures facilitant l'accès des PME aux marchés publics telles que la sous-division de grands marchés, les mesures pouvant entraîner une réduction des coûts supportés par les PME participant aux marchés publics et les mesures de formation et d'informations pour mieux les y préparer. Il a également souligné l'importance de projets-pilotes et de la coopération transfrontalière en ce qui concerne la participation de PME dans les programmes RDT.

Les conclusions adoptées par le Conseil sur ces deux volets de l'activité en faveur des PME communautaires donnent un large support aux analyses et suggestions de la Commission. En particulier, le Conseil invite la Commission à effectuer des analyses préparatoires à une discussion sur des procédures simplifiées d'accès aux marchés publics dans la Communauté, et d'intensifier ses efforts pour permettre aux PME de participer aux programmes RDT proches de la phase industrielle.

En ce qui concerne l'environnement des PME, le Conseil s'engage à examiner d'une façon constructive les analyses de la Commission et invite les Etats membres à prendre en compte plus activement le cadre fiscal et légal dans lequel doivent opérer les PME.

Situation de l'Industrie sidérurgique

M. Bangemann a évoqué l'environnement économique de l'industrie sidérurgique devenu beaucoup plus favorable, ce qui lui permet de se conformer davantage aux lois de l'économie de marché. Par conséquent la contribution communautaire à la restructuration de l'industrie pourra mettre moins d'accent sur les problèmes sociaux et s'orienter plus vers la modernisation des techniques de production, vers la protection de l'environnement et la formation des employés.

M. Bangemann s'est également référé au traité CECA qui vient à échéance en 2002. M. Bangemann a proposé une approche selon laquelle les dispositions du traité seraient dès maintenant analysées, entre autres par des contacts avec l'industrie et les syndicats en vue de déterminer leur valeur pour le futur. Ces analyses pourraient alors servir comme base pour les réflexions du Conseil sur l'avenir du traité.

Un certain nombre de délégations ayant exprimé des préoccupations sur un assouplissement trop poussé du système actuel de surveillance, M. Bangemann a tenu à souligner la différence entre la poursuite de pratiques de commerce déloyales de pays tiers et la collecte de statistiques intracommunautaires. La Commission restera vigilante dans sa politique anti-dumping; la publication rapide du monitoring et des indications prévisionnelles comporte toutefois un certain risque de cartellisation de la part des opérateurs du marché.

Aides à la construction navale

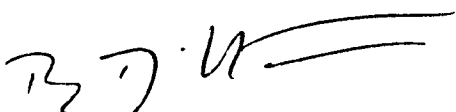
Sir Leon Brittan a présenté au Conseil la proposition de la Commission relative à la 7ème directive concernant les aides à la construction navale, qui, pour une période de deux ans à partir du 1er janvier 1991, reprend les caractéristiques principales de la 6ème directive. Les modifications prévues concernent en particulier l'augmentation du coût des navires de petites dimensions allant de 6 Mecus à 10 Mecus, la dégressivité du plafond d'aides, et l'intégration dans le texte de la directive de la notion d'accord préalable de la Commission pour la réouverture d'un chantier fermé ayant fait l'objet d'aides.

La discussion du Conseil a porté principalement sur la durée de validité de la 7ème directive ainsi que sur la dégressivité. Deux délégations voudraient arriver à une abolition complète de toute aide au bout de la période de deux ans, d'autre part, une délégation souhaite maintenir la 6ème directive telle quelle.

Sir Leon Brittan a rappelé au Conseil le lien entre les dispositions sur la dégressivité et la durée de validité de la nouvelle directive. En fait, c'est parce que la période de validité est limitée et le degré d'incertitude des prévisions faible, que l'ajustement automatique du plafond d'aides ne posera pas de problèmes. La présidence a exprimé l'espoir que la nouvelle directive pourra être approuvée avant la fin de l'année.

Le projet de mandat, que la Commission compte obtenir pour négocier, dans le cadre de l'OCDE, un accord international sur l'élimination des aides publiques aux chantiers navals et des pratiques déloyales dans ce secteur n'a pas encore été reçu officiellement par le Conseil, il n'a donc pas été discuté par celui-ci.

Amitiés,



Bruno Dethomas