

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

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1311th Council meeting

- **INTERNAL MARKET** -

Luxembourg, 13 April 1989

President: Mr Pedro SOLBES

State Secretary for Relations
with the European Communities
of the Kingdom of Spain

13.IV.89

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 and Agriculture

Denmark:

Mr Niels WILHJELM Minister for Industry

Germany:

Mr Dieter von WUERZEN State Secretary, Federal Ministry
of Economic Affairs

Greece:

Mr Ch. STAMATOPOULOS Secretary-General, Ministry of Trade

Spain:

Mr Pedro SOLBES State Secretary for Relations
with the European Communities

Mr Rafael PASTOR Secretary-General, State Secretariat
for Relations with the EEC

France:

Mrs Edith CRESSON Minister for European Affairs

Ireland:

Mr Seamus BRENNAN Minister of State at the Department
of Industry and Commerce

Italy:

Mr Antonio LA PERGOLA Minister for Community Policies

Luxembourg:

Mr Robert GOEBBELS

State Secretary for Foreign Affairs,
Foreign Trade and Co-operation,
State Secretary for Small and Medium-
sized Businesses and the Self-
employed

Netherlands:

B.J.M. Baron van VOORST tot VOORST State Secretary for Foreign Affairs

Portugal:

Mr Vitor A.M. da COSTA MARTINS

State Secretary for European
Integration

United Kingdom:

Mr Francis MAUDE

Under-Secretary of State,
Department of Trade and Industry

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Commission:

Mr Martin BANGEMANN
Sir Leon BRITTAN
Mr Jean DONDELINGER

Vice-President
Vice-President
Member

TRANSFRONTIER TELEVISION

The Council adopted a common position on a Directive co-ordinating the laws of Member States on television broadcasts in the Community, which is aimed at ensuring their free movement.

The Directive lays down the principle of the freedom of reception and retransmission of television broadcasts coming from another Member State: Member States may no longer suspend such broadcasts, except under certain strict conditions when a broadcast manifestly, seriously and gravely infringes the Directive's rule on the protection of minors.

The suspension of broadcasts will no longer be permitted in the other areas co-ordinated by the Directive, for example advertising or the defamatory effect of incorrect statements of fact made in a programme.

The Directive, in common with the draft Council of Europe Convention, lays down provisions on advertising breaks and the duration of advertising. However, it will allow special conditions to apply to a Member State's broadcasts which cannot be received, directly or indirectly, in other Member States.

A significant part of the Directive is devoted to the promotion of European audio-visual production and includes the requirement that Member States ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time excluding the time appointed to news, sports events, games, advertising and teletext services. This proportion is to be attained progressively.

The Commission will be responsible for supervising the implementation of the provision. To that end, it will submit a report every two years, and, if appropriate, propose amendments.

Account will be taken of the interest of the Member States and the Commission in seeking appropriate instruments to encourage the activity and development of European audio-visual production and distribution companies, particularly in Member States with a low production capacity or restricted language area.

Broadcasters will, where practicable, reserve at least 10% of their transmission time to European works created by producers who are independent of broadcasters.

For the purposes of the Directive "European works" covers, subject to certain conditions, works originating from the Member States, from parties to the European Convention on Transfrontier Television of the Council of Europe or works from other European countries with which the Community will conclude agreements.

Broadcasters in the Federal Republic of Germany may count works originating in the German Democratic Republic as works of a Member State of the Community.

The Council decided not to retain the Chapter on copyright. However, it will review this issue in the light of experience gained implementing the Directive.

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The Council also agreed to exclude sound broadcasts from the scope of the Directive, as it did not consider that these required regulation at present.

The common position will be forwarded to the European Parliament under the co-operation procedure.

DANGEROUS SUBSTANCES AND PREPARATIONS

The Council agreed to a common position on the amendment of Directive 76/769/EEC on the marketing and use of dangerous substances and preparations.

The amendment would add certain requirements to Directive 76/769/EEC regarding the marketing and use of the following dangerous substances and preparations:

- benzene
- waste oils
- 2-naphthylamine
- 4-nitrodiphenyl
- 4-aminodiphenyl
- benzidine
- lead salts
- certain anti-fouling preparations
- di-u-oxo-di-n-butylstanniohydroxyborane ($C_8H_{19}BO_3S_n$, CAS No 75113-37-0 and its decomposition/degradation products).

RIGHT OF RESIDENCE

Emphasizing the political significance for the creation of a People's Europe of the proposal for a Directive on the right of residence for nationals of Member States in the territory of another Member State, the Council examined a compromise proposal from the Presidency aimed at solving the problems outstanding.

As the discussions left certain issues still unresolved, in particular right of residence for students, the Council asked the Commission to supplement the compromise with an eye to resuming the discussion at the Council meeting in May and, if appropriate, to suggest principles on which a solution to the remaining problems could be based.

DISCLOSURE REQUIREMENTS FOR BRANCHES

The Council agreed to a common position on the proposal for an eleventh Directive on company law concerning disclosure requirements in respect of branches opened in a Member State by companies governed by the law of another State.

This Directive harmonizes the disclosure requirements applying to branches opened in a Member State by companies subject to the law of another Member State or of a third country.

In addition to the information regarding the branches themselves, the Directive requires disclosure of the registration particulars of the company and the accounting documents of the company (not the branch) as audited and disclosed by the company.

LATERAL PROTECTION OF GOODS VEHICLES

The Council adopted a Directive which provides under Community rules for heavy goods vehicles (categories N2 and N3) to be fitted with devices to prevent pedestrians and users of two-wheeled vehicles being caught under the wheels of such vehicles. These devices are to be fitted to the sides of heavy goods vehicles.

CONTROL OF CONCENTRATIONS BETWEEN UNDERTAKINGS

The Council discussed the amendments submitted by the Vice-President, Sir Leon BRITTAN, regarding the chief aspects of the proposal for a Regulation, in particular the threshold levels for determining whether concentrations had a "Community dimension", the problems of applying Articles 85 and 86 of the EEC Treaty to concentrations within the ambit of the Regulation and the procedural arrangements for the Commission's appraisal of such concentrations.

The Council noted that delegations in principle welcomed the Commission's proposals as a basis for advancing the discussion, and directed the Permanent Representatives Committee to examine the matter in preparation for further deliberation at the Council meeting in May.

MISCELLANEOUS DECISIONSApproximation of laws on fertilizers

Following completion of the co-operation procedure, the Council adopted the Directive supplementing and amending Directive 76/116/EEC in respect of the calcium, magnesium, sodium and sulphur content of fertilizers.

The original Directive laid down rules for the marketing of solid EEC fertilizers in order to allow their free movement between Member States; this amendment extends those provisions to the calcium, magnesium, sodium and sulphur content of fertilizers.

International Customs Conventions

The Council adopted the Decision accepting Resolution No 46 (ECE) concerning the compliance of containers with the standards for transport of goods under customs seals.

Protection of topographies of microchips

The Council authorized the Commission to conduct negotiations on behalf of the Community with a view to the preparation of an international treaty on the protection of layout-designs (topographies) of microchips at the Diplomatic Conference to be held in Washington from 8 May 1989 under the auspices of the World Intellectual Property Organization (WIPO).

Relations with the ACP States and the OCT

The Council adopted the Regulation amending Regulation (EEC) No 486/85 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (yams and similar products for human consumption).

Fisheries

The Council adopted the Decision authorizing the Commission to negotiate a Fisheries Agreement between the European Economic Community and the Republic of Malta.

Appointments

The Council appointed, on a proposal from the French Government, Mr Joël BERTON and Mr Michel BORDES-PAGES as Members of the Economic and Social Committee to replace respectively Mr Gilles NUGEYRE and Mr Michel SAIU for the remainder of their terms of office, which run until 20 September 1990.

The Council also replaced:

- a member and an alternate member of the Advisory Committee on Veterinary Training;
- a member of the Advisory Committee on the Freedom of Movement for Workers;
- an alternate member of the Advisory Committee on Social Security for Migrant Workers.