

# COMMISSION OF THE EUROPEAN COMMUNITIES

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## FIFTH REPORT OF THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

concerning the Implementation of the White Paper on the  
Completion of the Internal Market

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## INTRODUCTION

1. The Community institutions have been striving to complete the area without frontiers since publication of the White Paper in June 1985.<sup>(1)</sup> The programme set out in the latter provides a yardstick against which to measure progress made towards full implementation of the Single Act and, in particular, Article 8a of the Treaty.

2. The Commission has continued to implement that programme resolutely, with the result that all the proposals announced in 1985 have now been transmitted to the Council, sometimes with supplementary proposals. The European Council has, for its part, kept up the pressure on the different Council bodies to keep sight of the programme's central political priorities; at its last meeting, in Strasbourg on 8 and 9 December 1989, it attached great importance to completing the financial area, opening up public procurement, transport policy and the free movement of persons, all matters currently before the Council; it also urged the latter to adopt "the decisions which will make the process of the complete abolition of fiscal frontiers irreversible".

3. The Commission continues to review regularly progress towards implementing the White Paper, in order both to meet the demand for information from business circles, citizens and the Community's external partners, and to pinpoint areas where lack of progress might compromise the 1992 objective so as to alert the different political authorities.

4. This is the fifth annual report; it differs from previous ones in that it takes stock not only of decision-making but also of progress made in transposing into national law instruments that have been adopted and come into force. The latter point was the subject of specific reports last year.<sup>(2)</sup> The Annexes therefore now set out a list of proposals adopted by the Council, a list of proposals pending, the progress made in transposing each measure, Court judgments not yet complied with and the status of transposition in each Member State.

5. It should also be borne in mind that this year, like 1988, will see the formal report on "the progress made towards achieving the internal market within the time limit fixed in Article 8a" required by Article 8b of the Treaty.

6. The White Paper's phased implementation cannot be dissociated from that of the Single Act's other five objectives: economic and social cohesion, social policy, the environment, research policy and monetary capacity.

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(1) COM(85)310, 14 June 1985.

(2) COM(89)422, 7 September 1989; SEC(89)2098, 4 December 1989.

## PART I: THE OVERALL PICTURE

### 1. GENERAL PROGRESS

7. Irreversibility and anticipation have characterized work in recent months.

8. As the previous reports indicate, the irreversibility noted by the Council meeting in Hannover in June 1988 is the result of the fresh impetus given to decision-making by organizing work more efficiently and, above all, systematic recourse to the voting procedure. The following figures serve to illustrate how the process has been speeded up:

- Almost 60% of the proposals in the 1985 programme have now been adopted: a decision has been taken, or a common position reached, on 158 of them. This total includes key decisions in areas such as liberalisation of capital movements and banking services, the opening up of public procurement, merger control, mutual recognition of diplomas, the implementation of the "new approach" in the field of standards and the opening up of air transport
- There is no comparison between the past and present pace of decision-making: during the 1970s, in the area of public procurement, it took the Council four-and-a-half years to agree on a Directive on supplies; it took only one-and-a-half years to substantially reinforce that Directive. As far as securities are concerned, the first Directive was adopted in 1985 after over nine years' work, whereas since 1987, common positions have been adopted on subsequent proposals within the space of two years and two months. Similar examples are to be found in all areas.
- Even if it is not always necessary to go to the vote, the option of putting proposals to the vote has led to the rapid adoption of directives. This is borne out by the infrequency with which a matter that could be resolved by qualified majority voting has repeatedly appeared on the Council's agenda; it is further borne out by the breakthrough on the right of residence, achieved solely as a result of the change in the legal basis to allow voting in the Council, and due to pressure from Parliament.

9. The Commission's approach, combining mutual recognition and harmonization, has also speeded up decision-making; it has led to agreement on technical regulations; it also enabled important decisions to be taken in December on road cabotage and abolishing veterinary and vehicle inspections.

10. But no such speeding-up has been seen where unanimity is imposed either by the legal basis (trade mark law, taxation) or the Council's refusal to implement the principles of the Single Act concerning the powers of implementation of the Commission ; for this reason the Commission has requested a debate at the General Affairs Council on the subject of "comitology".

11. Both business circles and governments are actively preparing and anticipating, to such an extent that, in the assessment of the Council meeting in Strasbourg, with three years still to go, the benefits are being felt in all sectors of the economy. The authorities are taking appropriate implementing measures in such diverse areas as the budget, physical planning and taxation. These preparatory measures have played their part in economically and politically strengthening the Community since 1984: industrial output has grown by 20% and 8.5 million jobs have been created.

12. The single market is already having a dynamic effect on Intra-Community trade : in constant decline between 1973 and 1985, it climbed back in 1988 to its early-Seventies level at 62% of the volume of Member States' exports. This turnaround is the best testimony to the revitalization of economic integration in the Community, which has not, however, detracted from the Community's role in the world economy, since imports also grew noticeably from 1985 to 1988.

13. Firms are planning to step up investment to meet a surge in demand motivated by the prospect of 1992. Of the less advanced countries, Spain and Portugal will benefit most from this: recent data for 1988 and 1989 show gross fixed capital formation in those countries to be expanding by over 10% a year, well above the Community average of 8.3% in 1988 and 6.9% last year. Firms are currently taking decisions both on allocating resources in-house and on establishing strategies on acquisitions and cooperation in anticipation of the post-1992 market structure. This attitude reflects the credibility lent by the speed of progress towards 1992; this credibility must not be undermined by the prevarication observed in tax matters, particularly.

14. As the fourth report on the implementation of the White Paper shows,<sup>(3)</sup> these positive aspects must not obscure the difficulties being encountered at three levels:

- While real progress has been made in all areas covered by qualified majority voting, matters requiring the Council to be unanimous are falling behind schedule. Even in areas such as opening up public procurement, industrial property and insurance, where important measures remain to be taken, the momentum is such that work ought to be completed in the course of the year. However, while 19% of the programme's proposals require unanimity, the proportion rises to 23% of the 139 proposals before the Council. Even in animal and plant health, where decisions can be taken by qualified majority voting, the process

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(3) COM(89)311, 20 June 1989.

has slowed down because of difficulties in reaching agreement in the Council on delegating implementing powers to the Commission. Recourse to intergovernmental measures, requiring the Member States' consensus is also having an impact on progress in work on the free movement of persons.

- As the Commission has already made clear, the transposition and implementation of Community legislation is giving similar cause for concern. Most Member States have become aware of the scale of the backlog and the situation has improved considerably since September 1989: 70% of the necessary implementing measures have now been taken and, while in September only seven measures had been transposed throughout the Community, this figure has now risen to 21. However, in some countries progress has been much slower, particularly in Italy, which despite its experience with Community law, has become the Member State with the greatest backlog since improvements in Spain and Portugal. No less worrying is the lack of improvement, shown in Annex IV, in compliance with Court judgments, where there has been no progress since last December. However, account should also be taken on the one hand of the fact that after the ruling given in 1990 by the French "Conseil d'Etat" all High Courts ensure the direct effect of Community law, and on the other hand, that the "La Pergola" law now enters its implementation phase and should allow Italy to reduce its backlog in 1990.

- Neither has there been any new development to allay concern about the abolition of frontier formalities since the Article 8b report of December 1988.<sup>(4)</sup> Frontier formalities are of two kinds: customs controls on goods and therefore also on goods carried by individuals, and identity checks on travellers themselves. Progress has been made in the first area, which requires Community legislation: measures have been taken to abolish most vehicle checks, to reorganize veterinary and plant health inspections and to abolish the obligation to lodge a transit advice note at border posts for goods in transit. Such progress does not, however, represent a qualitative leap forward; such an advance can only be fully achieved by substantial measures on indirect taxation. Work on identity checks is carried out at intergovernmental level, rather than in the Council on the basis of Commission proposals. The Member States therefore have sole responsibility for speeding up and expanding the scope of their work. Despite the impetus provided by the European Council meetings at Rhodes, Madrid and Strasbourg, time is now short. Any deviation from the schedule proposed to the European Council in Madrid by the Coordinators' Group could affect the chances of establishing the system by 1992. It is therefore essential that the General Affairs Council should, as the European Council asked, provide the political will needed to ensure that the timetable does not slip.

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(4) COM(88)650, 17 November 1988.

15. The Commission therefore solemnly appeals to the European Council to take the measures needed to establish the area without frontiers. It is essential that work progresses if the Presidency's conclusions following the Strasbourg European Council are to be effectively implemented.

16. In short, the Community is now at a crucial stage in implementation of the Single Act. This year will determine whether or not the objectives set in 1985 and confirmed by the Single Act will be attained.

17. It is in this context that the move towards Europe Economic and Monetary Union (EMU) offers the prospect of reinforcing the effects of the internal market since it increases European economic integration and as a result benefits the competitive environment favourable to the dynamism of enterprises. In addition the achievement of EMU will lead to direct gains for European enterprises in that uncertainties are reduced in the field of exchange rates and costs of intra Community transactions will decrease. But EMU is also necessary, so that all potential gains linked to the 1992 perspective can be realised especially those relating to the liberalisation of capital movements and to the integration of the financial services market in the Community.

18. It is in this same crucial year that the Community faces a new challenge resulting from the very success of the Single Act and the Community's lodestone effect on its neighbours. Such success cannot be allowed to compromise what has been achieved. The internal market must lose none of the momentum carrying it towards economic and political integration. It is in such a frame of mind that the Commission is facing new developments in relations between the Federal Republic of Germany and the Democratic Republic.

19. As regards third countries, the Community has taken on the mantle of "Europe World Partner". Clearly, it expects that its trading partners adopt a similar open policy towards Community enterprises. This approach goes hand-in-hand with the position taken by the Community in the Uruguay Round negotiations on the opening up of markets and the establishing of multilateral rules in the sectors where they are lacking.

## 11. THE GENERAL SITUATION

### The Commission

20. The Commission has honoured its commitments; on 7 April 1990, 1000 days before the 1992 deadline, all proposals are before the Council, but the fact that the Council has taken partial decisions in certain areas (such as transport) or departed from the approach recommended by the Commission (as in taxation) will call for additional proposals. The initial programme related to 279 proposals; that total was increased to 282 in order to take account of new proposals in, for example, the fields of public procurement and services.

21. The main areas covered by proposals tabled in 1989 concern:

- **abolishing border controls on veterinary and plant health:** The Commission has caught up on the backlog it had accumulated in this field; 38 new proposals (28 concerning animal and ten concerning plant health) have been transmitted to the Council; they concern, in particular, eradicating animal diseases, health and hygiene conditions and controls concerning the bringing to market of animals or animal products which are not covered by Community rules, the extension to national markets of rules currently applying only to intra-Community trade, the organization of Community finance to help cover the cost of implementing veterinary measures, the introduction of a Community safeguard system, and the adjustment of rules on plant health in line with conditions on the single market;
- completing work on **technical regulations** on, for example, motor cars, pharmaceuticals and machinery;
- completing the liberalization of **air and road transport services** by proposals leading on to the final phase and undertaking work in the railway sector ;
- completing the general recognition of **diplomas** by extending the general system already adopted for university diplomas gained after at least three years study to lesser diplomas.

22. The Commission has already embarked on the phase of **administering** directives and, more generally, existing Community legislation. This is particularly true of pharmaceuticals, agri-foodstuffs, diplomas, banking, etc. The continuous expansion of this legislation is increasing the pressure to keep business circles and, more generally, citizens informed.

23. Responsibility for **administering** Community legislation includes **monitoring implementation by Member States**. This responsibility is exercised through the formal procedures laid down in the Treaty.



However, the challenge of 1992, the comprehensiveness and balance of the White Paper programme and the speeding-up of decision-making all justify taking political initiatives. Two measures were taken last year:

- A political debate organized at Council level brought home to Member States their individual responsibility to implement Community law. This action is already bearing fruit: in three months the rate of transposition has risen from 67% in December 1989 to more than 70% at the end of February.<sup>(5)</sup>
- By opening to the public the appropriate databases, measures to transpose or implement Community legislation at national level have been made more transparent.

24. However, as it announced in its report last September, the Commission must supplement its own apparatus by organizing administrative cooperation between Member States in areas requiring coherent management. It will therefore be making proposals this year for exchanges of civil servants between national administrations, thereby extending last year's initiative on exchanges between customs authorities (MATTHAEUS programme), and a range of courses directed at the staff of customs training schools and the officers themselves. The Commission has also proposed to the Council an exchange programme between inspectorates in the veterinary sector.

The Council

25. Never before have so many proposals been on the Council table (139 including five common positions and eight partial decisions). This situation is obviously connected with the number of proposals made last year, but above all the backlog in areas requiring unanimity.

26. These proposals include 32 (almost a quarter) from before 1985, seven of which concern animal and plant health and 15 relate to taxation.

27. It should also be noted that, of the 139 proposals, 39 concern animal and plant health and 18 the harmonization of indirect taxation.

28. In the previous report, the Commission had criticized delays in matters relating to a People's Europe, taxation, the abolition of veterinary and plant health controls and industrial property. This view has changed in recent months:

- Real progress has been made towards a People's Europe. Marked by the adoption in 1988 of the general system for the recognition of university or equivalent diplomas, this progress has continued with the liberalization of the conditions governing migration within the

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(5) Of the 1021 transposition measures required 710 have been notified by the Member States.

Community and, above all, the consensus achieved in December 1989 to extend the right of residence to students, pensioners and other unwaged persons; and which, after further consideration by the European Parliament will be the subject of a formal agreement.

However, the European Council's declarations on the dismantling of frontier checks on individuals have yet to be translated into concrete measures. The Heads of State or of Government are continuing to address the problem and in December instructed the competent bodies to finalize, by the end of 1990, conventions on the right of asylum and checks at the Community's external frontiers, two matters which are regarded as essential if checks at the internal frontiers are to be abolished.

- Last year the Council held its first detailed discussions on taxation, and reached a series of conclusions in October, November and December. Although the Commission noted the progress achieved, it also expressed disappointment at the Council's lack of ambition: it has ruled out introduction in the near future of the definitive system, as proposed by the Commission, although accepting it in principle. The Council also failed to achieve unanimity on the abolition of duty-free allowances by the end of 1992.

This situation explains why the Commission distanced itself from the Council's conclusions. However, in the months ahead the Commission will make the proposals needed to break the deadlock. The Council's fundamental responsibility is now to concentrate its attention on this matter and, in the short term, to increase tax-paid allowances.

- A great deal of work remains to be done in the veterinary and plant health sectors, but a qualitative advance was made with the adoption last December of Directive 89/662/EEC, which strengthens checks at the place of dispatch, organizes checks at the place of destination and suspends veterinary checks at the Community's internal frontiers for most products of animal origin. The Council has also committed itself to taking, by 31 December 1990, a decision concerning checks on livestock and certain other products.

- As far as industrial property is concerned, last December's signing of an agreement on a Community patent brings one step closer the introduction of a Community patent in 1993, which is so important for firms. However, the agreement still has to be ratified by the twelve Member States and major proposals concerning the Community trade mark and legal protection for computer programs and biotechnology products are still on the Council table.

## Parliament

29. Owing to the speeding-up of the rate at which proposals are being submitted and to the way in which Parliament's work has been organized since last June's elections, **the number of proposals before Parliament has never been greater.** Seven of the 64 proposals still on the table at the end of February concern harmonizing indirect taxation, which from the point of view of inter-institutional dialogue has not been satisfactorily handled by the Council, but other matters, such as proposals relating to insurance, certification, telecommunications terminals, veterinary medicines and pesticides, depend directly on the speed with which Parliament delivers its opinion.

30. Should this situation persist, the pace of Council decision-making could drop; it therefore falls to the Commission to ensure that the progress in the Council's work does not lead to proposals being altered and Parliament's opinions thereby nullified. The Commission therefore keeps the rapporteurs or the Parliamentary committees concerned regularly informed of progress in the Council's work; the need for further consultation on the Regulation on mergers control was thus avoided. It is regrettable that the Council does not assume this responsibility itself. In order to enable Parliament to comment on proposals in full knowledge of the facts, the Commission withdraws or amends its proposals to incorporate the outcome of the Council's discussions; it has recently done so by drafting new proposals on mobile machinery and weapons. The Commission managed to persuade the Council to agree to fresh consultation of Parliament on the right of residence.

31. The Commission will therefore use all means at its disposal to safeguard Parliament's prerogatives and powers. To that end, it adopted on 14 February and then proposed, a code of conduct, to be followed by all its departments with a view to strengthening Parliament's role in the cooperation procedure. However, Parliament, whose principal task is to guarantee the freedom of the individual, should also be able to follow current work on the free movement of persons.

### III. HORIZONTAL MEASURES

32. Completing the single market also depends on the implementation of initiatives and policies to support the moves to break down barriers within the Community and to boost their impact on economic efficiency and redistribution. This is especially true of the following areas:

33. **Economic and social cohesion:** The reform of the structural Funds which came into force on 1 January 1989 is now being implemented on the basis of the Community Support Frameworks (CSFs) which were adopted on schedule. Implementation of the CSFs takes account of growing awareness of the opening-up of public procurement, support for product-testing and certification infrastructures, the abolition of trade restrictions authorized pursuant to Article 115 and the effects of the suppression of controls at the Community's internal borders. The Commission has also reminded Member States of its decision to refuse Community funding for projects that are not in line with the Directives on public procurement or the objective of abolishing border controls. Finally, according to the Single Act, measures to complete the single market must take economic cohesion into consideration by granting exemptions to less developed Member States: 20 instruments include such measures.

34. **The social dimension:** The social dimension is fundamental to the internal market. The European Council meeting in Madrid, following on from the conclusions of the Hannover and Rhodes European Councils, thus took the view that when completing constructing the single market, social and economic aspects should be given equal weight and should therefore be developed in a balanced way. At the European Council meeting at Strasbourg on 8 and 9 December, the Heads of State or of Government of eleven Member States therefore adopted the Social Charter establishing basic rights for workers. On 29 November the Commission also presented its action programme for implementing the Charter (COM(89)568) ; in its work programme for 1990 the Commission announced the first measures which will complete those already underway concerning either article 118A or the European Company Statute.

35. **Competition policy:** The momentum of cooperation between firms, acquisitions and mergers renders even more important the decision taken by the Council last December, after thirteen years work, to adopt the merger control Regulation. In some instances, if the free movement of goods and services is to be ensured in areas covered by enterprises in Member States which benefit from special or exclusive rights, horizontal harmonisation measures must be adopted and/or under Article 90 of the Treaty ; this was the case with telecommunications terminals and, as the Commission has decided, will also apply to telecommunications services.

36. **Environmental protection:** Protecting the environment is central to the single market programme since the different technical harmonization measures must, pursuant to Article 100a(3), ensure a high level of protection: this concern has, for example, underpinned measures on motor-vehicle exhaust emissions, dangerous preparations and fertilizers. The Commission has undertaken to send the Council a general communication on the links between the internal market and environment policy, highlighting - out of concern to ensure that its policies are implemented as effectively as possible - the appropriate economic and tax measures to be used.

However, protecting the environment must also be governed by the principle of subsidiarity and pursued on an indisputable scientific basis; this is the idea behind the proposal to set up a European Environment Agency, the final adoption of which depends on Parliament's opinion and agreement on the location of its headquarters.

37. **Consumer protection:** Consumer protection is covered by current legislation either laying down essential product-safety requirements or measures to harmonize rules on the provision of services. This approach remains, however, to be supplemented by measures enabling consumers to take part in establishing common policies and others to give them legal protection. This is the thinking behind the Commission's decision to upgrade the Consumers Consultative Committee. Adopting the general product safety Directive will give consumers more effective protection and supplement the Directive on product liability.

38. **Trans-European networks:** Last December the Council adopted a resolution calling on the Commission to develop an integrated approach to European infrastructures, based on the networks most essential to the operation of the single market. In response to that request and in the light of its own Communication to the Council,<sup>6</sup> the Commission will by the end of the year formulate a coherent programme for trans-European networks, covering data transmission, energy transport, transport and training. For the purpose of drafting this programme, the Council has set up an expert working party to bring together the work being carried out by various bodies.

39. **Energy :** following the adoption of its working document on the internal market for energy, approved by the Council in November 1988, the Commission presented in July 1989 proposals which represent the first steps in a gradual approach. The proposals concern the transparency of gas and electricity prices charged to industrial end-users, investment projects, updating of the illustrative nuclear programme and exchanges (rights of transit for gas and electricity). At the moment the Commission, on the basis of an assessment already started on the access of third parties to networks, intends to pursue its efforts to eliminate existing barriers to the free circulation of energy, with the aim of ensuring an appropriate level of security of supply, by means of a more integrated market.

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6 COM(89)643, 18 December 1989.

## PART II

### PROGRESS ON THE WHITE PAPER PROGRAMME

40. The progress made in implementing the White Paper is assessed in terms of decision-making and Member States' application of decisions.

#### 1. THE REMOVAL OF PHYSICAL BARRIERS

41. The achievements of recent months have brought the steady progress needed to do away with formalities on terms acceptable to those responsible for carrying out such formalities or controls. The measures taken supplement those already adopted on capital movements and road-haulage quotas.

42. **Customs and tax formalities:** After the early measures to simplify formalities, the Council has now started dismantling them by abolishing the obligation to furnish a frontier transit note when goods cross internal frontiers in transit; there is a common position on this measure, which should come into force on 1 July. It will be supplemented by the reorganization of Community transit, which is the subject of a Commission proposal.

43. The implementation of the eight measures currently in force in this area is unproblematic, particularly because it is usually a matter of regulations.

44. **Plant and animal health controls:** Despite the decision-making problems caused by the Council's alteration of machinery for delegating powers to the Commission, work has speeded up, since ten measures were adopted last year (as compared with seven in 1988). These concerned imports of meat products, purebred breeding animals, production and trade in eggs, embryos and procedures for carrying out plant health checks, including in the exporting country. The most important Directive, however, concerns the reorganization of animal health checks, which involves abandoning controls at internal frontiers for most animal products. The controls in question should be abolished by 31 December 1991 at the latest (31 December 1992 for Greece), except for meat and meat products (continuation of document checks until 1992), but those dates could be brought forward if a solution were found to problems connected with checks on products from outside the Community and the harmonization of policies on combating certain animal diseases. However, despite progress made, this is the area with the most proposals still before the Council.

45. Considerable delays in transposing or implementing legislation in the area are to be found, to varying degrees, in all Member States: nearly 30% of implementing measures remain to be taken. Portugal is behind on more than half of the directives in force.

46. **Controls resulting from national commercial policy measures:** The achievement of the internal market should lead in practice to the disappearance of Article 115. In order to pave the way for abolition of such controls, the Commission undertook, with the assistance of the heads of the national industrial policy departments, a systematic study of the industrial status of the products concerned. This work concluded that in most cases recourse to Article 115 of the Treaty could be abolished without any need to consider introducing flanking measures. The number of instances of reliance on Article 115 is already declining: the number of surveillance measures dropped from 1300 in 1987 to 335 in 1990 and that of protective measures fell from 157 in 1987 to 119 in 1989 under the combined impact of a significant reduction in the cases in which Member States sought to make use of Article 115 and more rigorous checks by the Commission on the economic and industrial grounds for applications.

47. The study did nevertheless show that, for certain branches of industry, the abolition of intra-Community controls warranted an overall survey of the impact of integrating the market and any Community flanking policies which might be needed. The motor manufacturing, textiles, consumer electronics and footwear industries are currently being subjected to such study. Steel products, for which the application of Article 71(3) of the ECSC Treaty poses similar problems, must also be placed in this category. Where motor vehicles, textiles and footwear are concerned, proposals regarding the different aspects of policies likely to be introduced at Community level are now before the Council. The proposals concerning consumer electronics and steel products will be presented before the end of the year. Bananas can be added to this list: the Commission will this year have to propose measures which both protect the interests of Community producers and fulfil the Community's international commitments.

48. **Controls on road transport:** The Council has taken its first positive measure to do away with frontier controls by adopting a Regulation abolishing vehicle checks: from 1 July, tachograph checks, technical checks etc. will no longer be carried out at frontiers but within Member States as part of their overall road-safety policy. However, the Council has still not come to an agreement on abolishing checks on the amount of fuel in lorries' tanks, proposed in 1984, which would greatly facilitate road haulage; raising of the rate of excise duty on diesel fuel in Belgium and the Netherlands should allow work to resume. Another important measure will be the adoption of the proposal to abolish the stamping of transport records, a temporary measure pending the suppression of this document together with the abolition of all road-haulage quotas on 31 December 1992.

49. **Controls specific to the export of certain goods:** Two types of item are of particular interest: strategic goods on the COCOM list and national treasures possessing artistic, historic or archaeological value.

50. Where industrial products on the COCOM list are concerned, the current tendency is to make the control apparatus more flexible and revise the lists. Besides the implications for managing the system of the disappearance of frontier controls within the Community, the demands of industrial cooperation both within the Community and throughout Europe are no longer compatible with the red tape imposed by the system. It may be appropriate, therefore in the framework of the discussion currently underway at COCOM, to take account of the objective of the abolition of internal frontier controls.

51. On the subject of national treasures, the Commission opened talks with the Member States last November on the need for flanking measures to protect such treasures in a frontier-free area. The outcome of those talks will determine the nature of the measures taken. The Commission has already decided to publish a communication this year setting out the conditions that must be met by national export controls in order to comply with Article 30.

52. **Collection of statistics:** The proposal for a Regulation concerning statistics on trade in goods between Member States after 1992 has been on the Council table since January last year; the Council has not yet begun discussing it. However, the connection established by the Economic and Social Committee and Parliament's Committee on Economic and Monetary Affairs with discussions on indirect taxation justifies this delay. The conclusions of the Council meeting on economic and financial affairs on 13 November last provided for the identification of intra-Community transactions by businesses, their lodging of regular returns for statistical and tax purposes and the determination of the obligations of businesses. These conclusions, which formally establish a direct link between taxation and statistics, entail the amendment of the proposal to take in the transitional period envisaged by the Council. The proposal also forms part of a broader initiative: the European statistical system, which has led to a proposal for a Regulation introducing a General Industrial Classification of Economic Activities within the European Communities (NACE) and, in the field of business statistics, a four-year programme on registers, the drafting of a Directive relating to statistics on services and the issue of a Directive improving statistics on road haulage.

53. **Abolition of monetary compensatory amounts:** The conversion rates set by the Council last year enabled monetary disparities between all the Member States to be reduced and the application of monetary compensatory amounts to those currencies which remained within the 2.25% margin of fluctuation allowed by the European Monetary System to be avoided. The Commission is continuing its efforts, particularly in the context of the agricultural price proposals for the 1990-91 marketing year, to eliminate monetary disparities.



54. Control of the waste transport: Waste movement and treatment is organized on the basis of control measures, some of which are implemented at frontiers. This situation is reflected in the Community Directives on the transfrontier shipment of radioactive and other waste. The Commission has already proposed a uniform system of controls for the transport of radioactive waste; it will also propose amendments to Directive 84/631/EEC on the transfrontier shipment of hazardous waste, inter alia to incorporate therein the provisions of the Bâle Convention.

55. The abolition of frontier controls on persons: The "Palma document" drafted by the Coordinators' Group and approved by the Madrid European Council last June listed the flanking measures essential to abolishing controls and set out a timetable for their adoption. The Coordinators are ensuring that the competent bodies (Council, Working Party on Immigration, Working Party on Mutual Aid, TREVI Working Party, European political cooperation) adhere to this timetable. There now exists a catalogue of measures whose implementation will make the free movement of persons an attainable objective. Since the latter half of last year, work has moved into an operational phase: the European Council has called for the conclusion before the end of the year of two conventions currently in preparation, one on crossing external borders and visa policy, and the other on rules for determining the State responsible for handling a request for asylum. This direct impetus from the European Council is all the more necessary since the 5 Member States which are party to the Schengen agreement have been unable to sign the Convention abolishing controls between them which was due to enter into force on 1 January 1990.

The Commission, for its part, intends to press for the adoption of the proposal for a Directive on the acquisition and possession of weapons; this year it will present a proposal on harmonizing rules for the protection of personal data so as to tackle the problems posed by cross-border data transmission, taking account in particular of the special case of police records.

## II. THE REMOVAL OF TECHNICAL BARRIERS

### 1. Technical harmonization and standards

56. This is the area in which most progress has been made (80% of proposals have been adopted or reached the common position stage). The Commission has now moved on to the management phase since most directives have already been or are about to be adopted.

57. The fourth report's assessment continues to apply: after the adoption of directives, which is no longer a problem, it is the operating machinery for the "new approach" which requires attention:

- **Effective transposition:** The adoption of national measures incorporating Community instruments into national law, which includes designating certification laboratories, is a prerequisite for implementing the new approach. The only example of this so far is the toy-safety Directive, which came into force in January. The Directive has been transposed by only two Member States, which have yet to submit the names of their certification bodies. It therefore has to be recognized that Member States have not fulfilled their obligations, and this situation does not hold out much promise for the entry into force in July of the Directive on pressure vessels.

- **Standardization policy:** European standardization organizations have continued to step up their activity in recent months: 305 European standards and harmonization documents were adopted last year, half as much again as in 1988. This speeding-up of their work has enabled the vast majority of the standards required for implementation of the toy-safety Directive to come into force (except for standards for "chemical toys"). By contrast, the European Standards Committee has, with only four months to go before the deadline, still to adopt the three standards needed for the Directive on pressure vessels to function. The Commission intends, on the basis of a green paper, to launch a debate this year on the structure, working methods and funding of the European standards organizations, in order to boost their representativeness and effectiveness.

- **Certification policy:** The Commission's communication on the recognition of tests and conformity certificates led to a Council resolution on 21 December establishing five principles: the consistency of Community law; the promotion of common instruments for ensuring the technical know-how of manufacturers, testing laboratories and certification bodies (e.g. standards EN 29000 and EN 45000); the establishment of a European network to administer the recognition of tests and certificates in the voluntary sector (which is covered by neither Community nor national rules); improvement of testing and certification infrastructures in the Member States; and the negotiation of mutual recognition agreements with countries outside the Community.

This year will see the establishment on this basis of a European testing and certification body and a proposal for harmonizing the conditions for the issue of a Community conformity mark. The industrial interests at stake in certification policy account for the eagerness of non-member countries to conclude reciprocity agreements. At all events, the Council, by establishing basic guidelines in its resolution of 21 December, clearly announced its willingness to enter into such negotiations.

Bodies in countries outside the Community will thus have to demonstrate that they have the same standard of know-how as their Community counterparts, and agreements will be restricted to those party to them and will, as far as possible, have to ensure that all parties gain a fair share of the resulting benefits. The Commission has initially endeavoured to allay concern by improving the flow of information; it will be able to begin negotiating such agreements only gradually and on the basis of a mandate to be presented to the Council in the months ahead.

(a) Sectoral approximation of laws

58. **Motor vehicles and tractors:** The Council has completed its work on tractors, and Community type approval came into force on 31 December last year; the failure of seven Member States (B, E, EL, I, L, NL, P) to transpose it is, however, affecting its use by manufacturers. In the motor-vehicle sector, the Council has all it needs to decide on completion of the internal market: a communication on industrial strategy and proposals for completing the type-approval procedure for passenger cars. Directives are being transposed without difficulty, except for those on emission standards, whose implementation is behind schedule in Greece and, to a lesser extent, Belgium.

59. The motor-vehicle sector is surely the only one in which the White Paper was not ambitious enough to have the desired industrial impact on the single market: the programme will therefore be augmented this year by two sets of proposals, one introducing "total" harmonization<sup>(7)</sup> for cars and tractors, the other to extend car type-approval to new types of vehicle, together with follow-up work in motor-vehicle emissions.

60. **Foodstuffs:** The Council has now adopted the bulk of the planned legislation except for proposals concerning nutritional labelling (for which a common position has been reached on part of the proposal), irradiated foodstuffs and the labelling of alcohol content. The Commission has recently withdrawn, in response to objections from Parliament, a proposal on modified starches.

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(7) These directives (with the exception of Dir. 89/458 on motor vehicle emissions) only apply at present to intra-Community trade. Member States may maintain their own legislation without being able to apply it to vehicles coming from other Member States and conforming to the Directives.

61. The agri-foodstuffs sector is also entering its administrative phase:

- **Transposition of directives:** This year all directives will be in force, except for one on food inspection and another on solvents, for which the date of entry into force has not yet been decided. France, Portugal and Ireland are the most dilatory, but this sector is also one where some directives have not yet been transposed by a single Member State. This state of affairs calls for special investigation by the Commission's Advisory Committee on Foodstuffs.

- **Implementation of directives:** The directives adopted by the Council are usually framework directives requiring implementing measures. The Commission has taken its first measure, using the powers delegated to it, concerning materials in contact with foodstuffs; other Directives on foods for particular nutritional uses and labelling will follow. It is, however, additives which account for the bulk of implementing measures yet to be taken and which only the Council can take: the first proposal will relate to artificial sweeteners (approved list and conditions of use).

62. **Pharmaceuticals:** The Council and Parliament have almost finished their work on veterinary medicines. The last of the White Paper's proposals on pharmaceuticals have been presented to the Council; they are aimed at encouraging rational use of medicines and concern the monitoring of wholesale distribution channels, rules on dispensing (with or without a medical prescription) and better information for patients through labelling and package inserts. These proposals will shortly be followed by others on the advertising of pharmaceutical products and on homeopathic medicines.

63. As in the agri-foodstuffs sector, and even though the Council has not yet completed its work the human and veterinary medicines is now entering a phase requiring increasing administration:

- **Transposition of directives:** All directives are now applicable, except for the last four, which come into force at the end of next year. Taking account of derogations granted to some Member States, cases of failure to transpose the Community rules are limited to Spain and, to a lesser degree, Italy, Ireland and Portugal.

- **Scientific evaluation:** Authorizing the placing on the market of medicines requires extensive scientific analysis to ensure maximum health protection. With the aim of optimizing Member States' existing scientific resources and enabling them to benefit the entire Community, talks are under way to establish a single system for evaluating medicines, which would entail setting up a European agency. Appropriate proposals will be presented towards the middle of the year.

64. **Chemicals:** This is the sector in which both the Commission and the Council have most successfully adhered to the White Paper's timetable. All the Directives concerning detergents, fertilizers and, above all, dangerous preparations have been adopted. Only the dangerous-preparations Directive has not yet come into effect; the others are being satisfactorily transposed, except for the Directive on liquid fertilizers, which has been in force for a year but only Germany and Denmark have transposed, and the Directive on good laboratory practice, which has been transposed in only four Member States.

65. **Prevention of new barriers:** Directive 83/189/EEC has been in force for over a year for all industrial and agricultural products; although it has not yet been fully transposed in four Member States, the latter are applying it in practice. Last year there were twice as many notifications as the year before (319 as against 156 in 1988), bringing the number of national draft technical regulations examined since 1984 to 937. The notification procedure enables the Commission to put the idea of mutual recognition into practice; it introduced the concept into about a quarter of cases. Notifications have also revealed new needs for harmonization in twenty cases, relating mainly to chemicals and telecommunications. The Commission has also defined in general terms the scope of mutual recognition in the foodstuffs sector by publishing a communication on its interpretation of Article 30. The general problem of mutual recognition will be dealt with in the Article 8b report from the standpoint of implementation of Article 100b.

## 2. The opening-up of public procurement

66. The Council has kept up the pace of decision-making by reaching agreement in February on the proposal for a Directive on the opening-up of procurement in public services (water, telecommunications, transport and energy), which will enable the Directive to be finally adopted before the end of the year. The Council is continuing discussions on two proposals:

- one aimed at ensuring correct application of the Directive to public service enterprises, by introducing review procedures that can be used by businesses which believe they have been unfairly treated;
- the other designed to open up public service contracts awarded by contracting authorities covered by the existing Public Works and Public Supplies Directives. This proposal will later be supplemented to cover entities operating in the water, energy, transport and telecommunications sectors.

67. Two basic instruments adopted by the Council, concerning public supply and public works contracts, will enter into force this year. The Public Supplies Directive, which has been in force for over a year, has been transposed in all the Member States concerned except Italy and the Netherlands. In public procurement, incorporation is only the formal aspect of implementation, however. The Commission is very actively monitoring both what happens in the Member States and the publication of tender notices, and has referred four cases to the Court, one of which was the subject of an application for interim measures.

Nevertheless, it is only the entry into force of last December's Directive on review procedures which will make this monitoring more effective, thanks to the new machinery it introduces for cooperation between the Commission and the Member States, and the new legal guarantees it affords operators.

## 3. The free movement of wage-earners and non-wage-earners

68. **The regulated professions:** After the adoption in December 1988 of the Directive introducing a general system for the mutual recognition of higher education diplomas awarded after at least three years' training, the Commission proposed last August to extend it to diplomas for lower levels of training, including secondary education. The Council and Parliament began work immediately to enable a decision to be taken before the end of the year. Moreover, without waiting for the first Directive to come into force next January, the Commission has held several meetings with those responsible for implementing the system in the Member States, so as to coordinate their interpretation of the Directive when drafting national transposition measures.

69. **The free movement of wage-earners:** Workers must be able to take up residence in any Member State of the Community without hindrance and therefore obtain the right of residence for themselves and their families and have their qualifications recognized. Proposals to make residence conditions for workers more flexible have now been examined by Parliament: their aim is essentially to strengthen the principle of equal treatment and to strengthen the right of residence of unemployed or short-term workers and their families. To ensure that the 1985 Council Decision concerning the correspondence of different professional qualifications is implemented, the Commission, with the help of the European Centre for the Development of Vocational Training (CEDEFOP), published last year the initial results of work on the correspondence of qualifications in three professions.

The information sheet also planned by the Commission will enable workers to attest that their training corresponds to that in the host country.

70. **The general right of residence:** The right of establishment is not just an economic notion, it is a question of the individual freedom of any citizen wishing to move within the Community. This has been the Commission's approach since 1979, confirmed in 1985 by the Adonnino report on a People's Europe and taken up by the European Council on several occasions when it called for recognition of the right of residence for all Community citizens. To help the Council reach a decision, the Commission last year revised its original proposal. The resulting new proposals enabled unanimous agreement to be reached last December, while their final adoption depends on the outcome of fresh consultation of Parliament.

#### 4. Services

##### (a) Financial services

71. **Banking:** Adoption of the Second Directive and its technical corollaries, the Directives on own funds and solvency ratios, is a decisive and irreversible step forward. The foundations have now been laid for an internal market in banking with a single passport and home-country control; from 1 January 1993 banks will be able to operate throughout the Community. The Commission will for its part also be proposing this year that its two 1987 recommendations on deposit guarantees and the supervision and control of large exposures be transformed into directives.

72. **Insurance:** The Council has adopted a common position on the third motor-vehicle insurance Directive. The next major step will be the adoption of the life assurance Directive currently before Parliament and the Directive on the provision of motor-vehicle insurance services, on which Parliament recently delivered its opinion. The Council will be able to begin work on annual accounts, for which proposals have been on the Council table since 1986. Lastly, as it undertook to do, the Commission will this year propose the necessary concomitant, covering mass risks, to the non-life or general insurance Directive, which is coming into force in June and has so far been incorporated by one Member State, France, and measures concerning life assurance.

73. **Securities transactions:** The Council has introduced a concomitant to the technical directives adopted so far by approving last April the Directive on the prospectus to be published when transferable securities are offered for subscription or sale to the public, which allow mutual recognition of such prospectuses from next year. The Council has adopted another Directive prohibiting insider trading and thereby protecting investors. Work in this sector is continuing with discussions on the Directive concerning investment services, on which Parliament has recently given its opinion.

74. This sector has now entered the implementing phase, since the two Directives on UCITS enabling such entities to operate throughout the Community came into force last October. However, these Directives have so far been transposed by only five Member States; Belgium, Germany, Italy and the Netherlands are all behind schedule.

(b) Transport

75. In the last three years key decisions have been taken concerning the different modes of transport although progress is still necessary to liberalize completely the provision of transport services in the Community. The opening-up of cabotage in the road-haulage sector does represent a decisive step forward for the functioning of the internal market, even if for the moment it is of a limited nature and must still be extended to other means of transport.

76. **Air:** Last year the Commission presented proposals for the second phase of liberalization (prices, market access, capacity, rules on competition) and on mutual recognition of staff qualifications. These steps have been, or will be followed, in 1990 by proposals on the external relations aspect of air transport and on limiting flying hours for aircrew. The accompanying measures proposals will follow during the course of 1990 and 1991.

77. **Road:** By introducing cabotage last year, the Council for the very first time backed up harmonization of the conditions for competition with measures to liberalize the market. This Regulation, which should gradually come into force from 1 July, will require further measures before the definitive cabotage regime is complete, because its scope is limited.



These measures form part of an integrated package for reorganizing the transport market, including harmonization of the conditions governing access to the road-haulage profession - a necessary flanking measure for the introduction of cabotage - and the introduction of a system to allow full freedom in pricing road transport between Member States. Moreover, the Commission has continued to implement the Regulation reorganizing transport quotas, by proposing a 40% increase for this year and the next two years, enabling the definitive rules for freely crossing borders to come into being on 1 January 1993.

78. However, it is surprising at the very least that substantial progress in freight transport should have no impact on passenger transport, which continues to be governed by rules affecting both carriers and citizens. Proposals have been on the table since 1987.

79. **Sea:** Since the adoption in December 1986 of a major package of measures guaranteeing the freedom to provide shipping services, proposals intended to permit cabotage have made no progress at all. Under the "positive measures" proposed to the Council last August, the Commission has taken new steps to encourage progress in this area.

80. **Inland waterways:** The cabotage proposal, before the Council since 1985, must be re-examined so that a decision can be reached before the end of the year. The willingness to compromise which enabled a decision to be taken on road cabotage should also enable a decision to be taken on this matter.

(c) New technologies

81. **Television:** The key Directive on cross-border broadcasting was adopted last October. This decision was reached by means of a compromise on the part not only of the Member States but also of the Commission and Parliament; it was the first example of the Community's commitment to an audiovisual policy, which covers the Media programme, involvement in the EUREKA programme and promotion of the new standard for high-definition television.

82. **Telecommunications:** The adoption of a common position on the "Open Network Provision" (ONP) Directive is a demonstration of Member States' political commitment to embarking on a standardization policy leading to the interconnection of networks. The aim of the proposed Directive is to eliminate disparities in standards or barriers deriving from the lack of harmonized technical interfaces, different conditions of use and lack of transparency in charging. The technical conditions for the provision of services will thus be fulfilled. The Directive, which is based on Article 90, pursues the objective of free provision of services and will be notified by the Commission to the Member States in the coming months. However, a single market should also make it possible for telecommunications terminals to be used freely in any

Member State. This is the purpose of the proposal for a Directive on the recognition of type approval which has been before the Council and Parliament since July last year. It must be remembered that the sole technical specifications in force in this sector, relating to mobile radio, have been transposed only by France and Germany.

83. Accompanying the free movement of capital and the freedom to supply banking services, the Commission wishes to promote new means of payment ("monétique"). On the basis of a Recommendation adopted in 1988, work has begun on three fronts : network, standards and user protection. This Commission measure has recently received the support of the European Banking Federation which has adopted a Code of Conduct on the basis of the Recommendation.

#### 5. Capital movements

84. The adoption in June 1988 of the Directive providing for complete liberalization of capital movements and the Regulation establishing a system providing financial assistance for Member States' balances of payments was a milestone in the completion of the single market. The liberalization of capital movements, which should enter into force in eight Member States by July, has already led seven Member States to take preparatory measures; Italy still has to liberalize the terms under which residents can hold accounts abroad before the Directive can be fully implemented there. When the Directive was being adopted, the Commission undertook to present a proposal designed to eliminate or minimize the risks of distortion and tax evasion arising from the diversity of national systems for taxing savings. Two proposals were therefore presented to the Council at the beginning of last year: the first concerns a minimum rate of taxation for interest earned on savings, the second, strengthening cooperation between national authorities to combat tax evasion. The Council has been unable to reach agreement on these two proposals.

#### 6. Creating suitable conditions for cooperation between businesses

##### (a) Company law and taxation

85. Company law: Last year saw the entry into force of the Regulation on the European Economic Interest Grouping (EEIG), which was introduced in all Member States except Spain, Greece, Italy, Luxembourg and Portugal. Firms began to make immediate use of this form of cooperation: to the Commission's knowledge, 54 EEIGs have been set up. There has been only limited progress in other areas of company law, except for the adoption of the Directive exempting branches of companies from publishing separate accounts (11th Directive) and the Directive on single-member companies (12th Directive).

86. Four important proposals are still before the Council: the fifth company law Directive, on company structures, is deadlocked in the Council on the worker participation issue, and the tenth Directive concerning cross-border mergers is at a standstill in Parliament because it refers to national laws on worker participation. The Commission has therefore urged that priority be given to two other proposals: the proposals for a Directive and a Regulation on the statute for a European company and the proposal on public purchase or public exchange offers (13th Directive).

87. **Direct taxation :** The Commission proposals are currently blocked at Council despite the re-launch of negotiations by the Commission since 1989. The 3 directives mentioned in the White Paper which are designed to eliminate fiscal obstacles to cooperation between firms in different Member States have not yet been adopted. These directives, which concern the common system of taxation applicable to parent companies and their subsidiaries, the system of taxation of mergers, divisions and contributions of assets together with the arbitration procedure concerning the elimination of double taxation, are however of prime importance if enterprises are to be able to take full advantage of the internal market.

(b) Intellectual and Industrial property

88. The **Community Patent Convention** was the subject of another diplomatic conference last December, whose positive outcome holds out hope for implementation of the Convention in 1993. A general proposal (for a Community trade mark) and specific proposals concerning biotechnological inventions and software are under discussion. Unanimous adoption of the proposal for a Community trade mark is still hampered by the twin problem of location of the Community Trademark Office and the choice of its working language; the specific proposals are still the subject of technically and politically complicated debates in Parliament. So far the Council has adopted only two directives: one harmonizing national trademark law and the other on the legal protection of microcircuits; only the latter is in force and has been transposed in all Member States but Greece.

### III. THE REMOVAL OF FISCAL BARRIERS

89. Following the Commission's communication of May last year, which paved the way for adjusting the initial proposals concerning indirect taxation, the Council set up an ad hoc working party of national experts. This working party, instructed to examine the communication and any other idea put forward during Council discussions, met regularly during the latter half of last year. These meetings proved once again just how difficult it is to reach agreement in this area, which is so important if frontier controls are to be abolished, but also for progress towards economic and monetary union.

90. For the first time, the Council meetings on economic and financial affairs held in October, November and December discussed the different aspects of the issue on the basis of the report from the ad hoc working group. The conclusions reached by the Council in agreeing the first guidelines for implementing the commitments of the Single Act fall somewhat short of the Commission's proposals. With regard to the VAT system, whilst accepting the abolition of remission of tax on export the Council stated its preference for a period of transition ensuring for companies the abolition of fiscal controls at frontiers from 1 January 1993 but the maintenance of tax in the country of destination. The Council will decide on the passing to a definitive regime of VAT before 31 December 1996. In addition, the abolition from 1 January 1993 of restrictions on the purchases of individuals in the Community is still subject to a reserve by one Member State. This Council position will lead to the establishment of a transitory system to go beyond 1992 which would maintain different treatment for intraCommunity trade and national trade.

91. However, the Council adopted unanimously the first guidelines concerning the progressive approximation of VAT rates. Whilst it has not yet adopted the Commission proposals on rate bands it is committed to decide, before the end of 1991, on a rate band or a minimum rate concerning normal rates of VAT as well as on the level and the field of application of reduced rates. In addition, the Council has undertaken not to modify VAT rates unless it is to bring them within the band of 14 to 20 % proposed by the Commission for the basic VAT rate.

92. In December the European Council acknowledged the work undertaken by the Council and specifically requested it to take decisions swiftly, on Commission proposals and to ensure that the necessary decisions which would render irreversible the complete abolition of fiscal frontiers be taken.

93. The months ahead represent a major test of the Council's will to decide on the more difficult aspects of fiscal harmonization. The slowness of the Council's work, the fact that it only responded to the Commission's proposal of September 1987 in December 1989 and its new guidelines of May 1989 explains why the Commission has not yet finalized its package of proposals. These additional proposals will be presented as from April : they will supplement both the VAT proposals and the most recent proposals on excise rates. On this basis, the Commission will press the Council to ensure that the goal of eliminating tax frontiers, on which the 1992 objective itself now depends, is attained. This will only be achieved with the active support of Parliament, whose opinion is awaited on these proposals.

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|---------|
| ANNEXES |
|---------|

## INTRODUCTION

The following Annexes outline

- A. Progress to date at both Council and Commission level on adoption of initiatives contained in the White Paper programme
- B. Information concerning implementation of Community measures on the internal market in the Member States

A. Adoption of White Paper initiatives - Commission and Council aspect

ANNEX I : list of initiatives presented in the context of the Completion of the Internal Market which have been adopted by the Commission and Council up to 28 February 1990

ANNEX 2 : list of Commission proposals awaiting Council adoption on 28 February 1990

B. Implementation by Member States of Legal Acts required to complete the Internal Market

ANNEX 3 : list of directives, regulations, decisions and recommendations contained in the White Paper programme which are already in force or due to enter into force by 31/12/1990

ANNEX 4 : Court of Justice decisions not implemented by Member States (procedures underway on the basis of Article 171 of the Treaty)

ANNEX 5 : Global assessment of implementation in individual Member States

28 February, 1990

ANNEX I  
to 5th Progress Report

COMPLETION OF THE INTERNAL MARKET  
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INITIATIVES AND PROPOSALS  
ADOPTED BY COMMISSION AND COUNCIL  
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The following list shows the proposals presented in the context of the Completion of the Internal Market which have been adopted or partially adopted by both Commission and Council. Numbers refer to the total number of decisions taken by Council including partial adoptions.

Those partially adopted will require further Council decision.

NB : In the "Comments" section, the term "implementation date" means the date on which the Member States are expected to apply the legislation concerned

| SUBJECT | ADOPTION<br>DATE |
|---------|------------------|
|---------|------------------|

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PART ONE : THE REMOVAL OF PHYSICAL BARRIERS

I. CONTROL OF GOODS

1. Various controls

|   |   |
|---|---|
| 1. Duty free admission of fuel contained in the fuel tanks of commercial motor vehicles : lorries and coaches<br>COM(84)171, COM(86)383 | PARTIALLY<br>ADOPTED<br>(coaches)<br>8/7/85<br>Dir.85/347<br>OJ L 183 of<br>16/7/85 |
|---|---|

COMMENTS :  
Implementation date : 1/10/1985

2. Single Administrative document  
(SAD) third country aspects
- ADOPTED 8/7/85  
Regul.1900/85  
&  
1901/85 EEC  
OJ L 179 of  
11/7/85

COMMENTS :  
Implementation date : 1/1/1988

- 
3. Abolition of customs presentation  
charges
- ADOPTED  
9/6/86  
Reg. 1797/86  
OJ L 157 of  
12/6/86

COMMENTS :  
Implementation date : 1/1/1988; DEROGATIONS for Spain and  
Portugal

- 
4. Elimination of customs formalities  
in the framework of the TIR Convention  
(COM(86)184) and the introduction of  
common border posts - "banalisation"
- ADOPTED  
1/12/86  
(TIR  
aspect)  
REG 3690/86  
OJ L 341 of  
4/12/86  
and  
21/12/88  
REG.4283/88  
OJ L 382/88  
of 31/12/88

COMMENTS :  
Implementation date : Reg. 3690/86 - 1/7/87  
Implementation date : Reg. 4283/88 - 1/7/89

- 
5. Simplification of Community transit  
procedure :  
amendment to Reg. 222/77
- ADOPTED  
11/6/87  
Reg.87/1674  
OJ L 157/87  
of 17/6/87

COMMENTS :  
Implementation date : 1/7/88

- 
6. Elimination of controls performed  
at the frontiers of Member States  
in the field of road and inland  
waterway transport
- ADOPTED  
21/12/89  
REG. 89/4060  
OJ L 390 of  
30/12/89

COMMENTS : Implementation date : 1/7/90

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7. Transit advice note (amendment  
to Regulation 222/77)

ADOPTED  
22/2/1990  
Not yet  
published in the  
Official Journal

COMMENTS : Implementation date : 1/7/90

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## 2. Veterinary and phytosanitary controls

### Veterinary Controls

8. Microbiological controls (meats,  
poultry, red meat)

ADOPTED  
12/6/85  
Dirs 85/323  
& 85/324  
OJ L 168 of  
28/6/85

COMMENTS :

Implementation date Dir. 85/323 : obligation to conform to  
terms of directive contains period not yet fixed  
Implementation date Dir. 85/324 : as above

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9. Medical examination of Personnel

ADOPTED  
12 & 20  
June 1985  
Directives  
85/325, 85/326  
85/327  
OJ L 168 of  
28/6/85

COMMENTS :

Implementation date Dir. 85/325 : 1/1/86  
Implementation date Dir. 85/326 : 1/1/86  
Implementation date Dir. 85/327 : 1/1/86

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10. Swine fever

ADOPTED  
12/6/85  
Dirs. 85/320,  
85/321 &  
85/322  
OJ L 168 of  
28/6/85

COMMENTS :

Implementation date : Dir. 85/320 : 1/1/1986  
Implementation date : Dir. 85/321 : 1/1/1986  
Implementation date : Dir. 85/322 : 1/1/1986

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## 11. Hormone growth promoters

ADOPTED

10/7/85

Dir 85/358

OJ L 191 of

23/7/85

Dir 88/146

of 7/3/88

OJ L 70 of

16/3/88

## COMMENTS :

Implementation date Dir. 85/358 : 1/1/87

Implementation date Dir. 88/146 : 1/1/88

NB : Directive 88/146 replaces Directive 85/649 in accordance  
with the Court of Justice ruling on hormones in March  
1988

## 12. Production and trade in milk

ADOPTED

5/8/85

Dir. 85/397

OJ L 226 of

24/8/85

## COMMENTS :

Implementation date : 1 January 1989

## 13. Control of foot and mouth disease

ADOPTED

18/11/85

Dir. 85/511

OJ L 315 of

26/11/85

## COMMENTS :

Implementation date : 1/1/1987

## 14. Antibiotic residues

ADOPTED

16.9.86

Dir

86/469

OJ L 275 of

24/9/86

## COMMENTS :

Implementation dates : 1 April 1987 (Articles 3 and 4);  
31 December 1987 (Articles 5, 11, 12),  
31 December 1988 (all other articles)

## 15. Control of residues

ADOPTED  
16.9.86  
Dir  
86/469  
OJ L 275 of  
24/9/86

## COMMENTS :

Implementation dates : 1 April 1987 (Articles 3 and 4);  
31 December 1987 (Articles 5,11,12),  
31 December 1988 (all other articles)

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16. Live animals of the porcine  
species : eradication of  
African swine fever in  
Portugal

ADOPTED  
16/12/86  
Dec.86/649  
OJ L 382 of  
31/12/86

## COMMENTS :

PORTUGAL to submit a reinforced plan to the Commission for the eradication of African swine fever and the restructuring of pig farms. No precise deadlines mentioned in the decision. Commission to approve plans according to the procedure of the Standing Veterinary Committee which includes specific time limits, and follow the developments concerning the implementation of eradication plan (a report must be made to the Committee at least once a year)

A supplementary plan was adopted in 1989 - Directive 89/577,  
OJ L 322 of 7/11/1989.

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17. Live animals of the porcine  
species : eradication of  
African swine fever in Spain

ADOPTED  
16/12/86  
Dec. 86/650  
OJ L 382 of  
31/12/86

## COMMENTS :

SPAIN to submit reinforced plan for the above-mentioned eradication scheme. No precise deadlines are mentioned in the decision. The Commission must approve these plans, according to the procedure of the Standing Veterinary Committee which includes specific time limits, and follow the developments concerning the implementation of the eradication plan.  
(A report must be made to the Committee at least once a year)

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18. Live animals of the bovine  
species: amended eradication  
directives to provide for  
final eradication of brucellosis  
tuberculosis & leukosis  
in all Member States including  
Spain and Portugal

ADOPTED  
22/12/86  
Decision  
87/58  
OJs L 24 &  
L 32 of  
27/1 &  
3/2/87  
respectively

COMMENTS :

Member States shall draw up eradication plans to be submitted to the Commission within nine months of the notification of Decision; the Commission, after examination of the proposed plans and any amendments thereto, shall approve them according to the procedure of the Standing Veterinary Committee. On the dates fixed by the Commission in its decision of approval, Member States shall bring into force the national provisions required to implement the eradication plans.

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- Modification of Directive 72/461 on  
health problems affecting intra-  
Community trade in fresh meat and  
Directive 72/462 on health and  
veterinary inspection problems  
upon importation of bovine animals  
and swine and fresh meat from 3rd  
countries

ADOPTED  
30/12/86  
Dir.87/64  
OJ L 34/87  
of 5/2/87

COMMENTS :

Implementation date : 1/1/88

NB : This directive was annulled by the European Court of Justice on 16 November 1989 - Case Number 131/87 - and published in Official Journal C 313 of 13 December 1989. A replacement proposal will be prepared by the Commission.

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19. Eradication of classical swine fever  
in the Community as a whole  
and swine fever

ADOPTED  
7/4/87  
Decs  
87/230  
& 87/231  
OJ L 99 of  
11/4/87  
A further 4  
decisions: Dirs  
87/486, 487 &  
489, Dec. 87/488  
taken on  
22/9/87  
OJ L 280 of  
3/10/87

COMMENTS :

Decision 87/230 to apply from 1/1/1987

Decision 87/231 : Member States to enforce necessary measures  
to comply with decision not later than 31/12/87 and must  
inform the Commission thereof

Directives 87/486, 87/487 and Dec. 87/488 drawn up in line  
with Article 2 of Decision 87/230 which required further  
Council decision on financial measures before 1/11/87, and  
Directive 87/489 in line with Article 3 of Decision 87/231,  
which required further Council decision before 1/11/87

Directive 87/486 (control of classical swine fever) : Member  
States to bring into force laws and other provisions  
necessary to comply with directive not later than 31 December  
1987; Commission to be notified of provisions

Directive 87/487 (conditions designed to render and keep  
territory free of classical swine fever) : national  
programmes to be implemented in Member States not yet  
officially swine fever-free : minimum period of 6 years;  
maximum period 10 years

Decision 87/488 : (classical swine fever : financial  
measures) original eradication plan under Directive 80/1095  
given a 6 year period; this has now been extended by 4 years;  
those Member States not yet officially swine fever-free must  
therefore submit a new plan not later than 3 months before  
the expiry of their initial plan.

Directive 87/489 : (swine fever : certain measures)  
Member States shall bring into force laws, etc. to comply  
with directive not later than 31 December 1988 and must  
inform the Commission of these provisions

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- |   |   |
|---|---|
| 20. Acceptance for breeding purposes of purebred breeding animals of the bovine species   | ADOPTED<br>18/6/87<br>DIR.<br>87/328<br>L 167/87<br>of 26/6/87          |
| COMMENTS :<br>Implementation date : 1/1/89<br>DEROGATION for Spain and Portugal to 1/1/1992   |   |
| 21. Amendment to Directive 80/215 on animal health problems affecting intra-Community trade in meat products  | ADOPTED<br>22/9/87<br>Dir. 87/491<br>L 279/87<br>of 2/10/87             |
| COMMENTS :<br>Implementation date : 1/1/88  |   |
| 22. Amendment to Directive 64/433 on health problems affecting intra-Community trade in fresh meat  | ADOPTED<br>3/5/88<br>Dir.88/288<br>OJ L 124 of<br>18/5/88               |
| COMMENTS :<br>Implementation date : 1/1/89  |   |
| 23. Amendment to Directive 72/462 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries | ADOPTED<br>3/5/88<br>Dir.88/289<br>OJ L 124 of<br>18/5/88               |
| COMMENTS :<br>Implementation date : 1/1/89  |   |
| 24. Semen of animals : bovine species (porcine species aspect yet to be adopted)<br>COM(83)512, COM(86)657  | PARTIALLY<br>ADOPTED<br>13/6/88<br>DIR.88/407<br>OJ L 194 of<br>22/7/88 |
| COMMENTS :<br>Implementation date : 1/1/90  |   |
| 25. Minced meat and similar : health problems   | ADOPTED<br>13/12/88<br>DIR.88/657<br>OJ L 382 of<br>31/12/88            |
| COMMENTS : Implementation date : 1/1/1992   |   |

26. Modification of Dir. 77/99 - meat products

ADOPTED  
13/12/88  
DIR.88/658  
OJ L 382 of  
31/12/88

COMMENTS :

Implementation date : 1/7/1990

DEROGATION for Greece until 31/12/1992 (in order to comply with the exception provided for in Article 3(1)(9) of Directive 77/99)

27. Zootechnical standards  
porcine species

ADOPTED  
19/12/88  
DIR.88/661  
OJ L 382 of  
31/12/88

COMMENTS : Implementation date - 1/1/1991

DEROGATION until 1/1/93 for Spain and Portugal  
(but clause in decision which allows for prolongation of derogation)

28. Pleuro-pneumonia in Portugal  
- financial scheme for  
eradication

ADOPTED  
20/2/89  
Dec.89/145  
OJ L 53 of  
25/2/89

COMMENTS :

Under the terms of the Decision, the Portuguese government will draw up a reinforced plan for the eradication of contagious bovine pleuropneumonia; no deadline is given for the submission of the plan which, when approved by the Commission, will qualify for Community financial assistance for a period of 3 years

29. Imports of meat products from  
third countries (animal health  
and public health rules)

ADOPTED  
21/3/89  
Dir. 89/227  
OJ L 93 of  
6/4/89

COMMENTS :

Implementation date : 30/6/1990

30. Purebred breeding - sheep and goats

ADOPTED  
30/5/89  
DIR.89/361  
OJ L 153 of  
6/6/89

COMMENTS :

Implementation date : 1/1/1991

31. Hygiene and health problems affecting the production and the placing on the market of egg products

ADOPTED  
20/6/89  
DIR.89/437  
OJ L 212  
of 22/7/89

COMMENTS :

Implementation date : 31/12/1991

32. Pilot projects for the control of rabies

PARTIALLY  
ADOPTED  
24/7/89  
DEC. 89/455  
OJ L 223 of  
2/8/89

COMMENTS :

Not later than 6 months after notification of this Decision, the Member States on whose territory the presence of rabies has been established shall forward their pilot projects to the Commission; the Commission shall assess the pilot projects and within 4 months reach a final decision thereon; this decision shall contain the date on which the pilot projects will be implemented by the Member States.

33. Animal embryos

ADOPTED  
25/9/89  
DIR.89/556  
OJ L 302 of  
19/10/89

COMMENTS : Implementation date : 1/1/91

34. Mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters

ADOPTED  
21/11/89  
DIR.89/608  
OJ L 351 of  
2/12/89

COMMENTS : Implementation date : 1/7/1991

35. Veterinary checks in intra-Community trade

PARTIALLY  
ADOPTED  
11/12/89  
DIR.89/662  
OJ L 395 of  
30/12/89

COMMENTS : Implementation date : 31/12/91  
DEROGATION for Greece to 31/12/92



Phytosanitary Controls

36. Amendment to Directive  
77/93 (plant health)

ADOPTED  
19/12/85  
DIR.85/574  
OJ L 372/85  
of 31/12/85  
and  
14/11/88  
DIR.88/572  
OJ L 313/88  
of 19/11/88

## COMMENTS :

Implementation dates : DIR. 85/574 - 1/1/87  
DIR. 88/572 - 1/1/89

37. Amendment of Directive  
79/117/EEC on the prohibition of  
certain plant protection products  
(ethylene oxide)

ADOPTED  
21/7/86  
Dir. 86/355  
OJ L 212 of  
2/8/86

## COMMENTS :

Implementation date : 1/7/87

38. Maximum levels for pesticide  
residues in cereals and foodstuffs  
of animal origin

ADOPTED  
24/7/86  
Dirc 86/362  
& 86/363  
OJ L 221 of  
7/8/86

## COMMENTS :

Implementation date : 30/6/1988

39. Proposal for Directive on the  
fixing of guidelines for the  
evaluation of additives used in  
animal foodstuffs

ADOPTED  
16/2/87  
Dir. 87/153  
OJ L 64 of  
7/3/87

## COMMENTS :

Implementation date : 31/12/87

- Amendment to Directive 74/63 on  
undesirable substances and products  
in animal nutrition (maximum  
pesticide residues in animal  
feedingstuffs)

ADOPTED  
19/10/87  
Dir. 87/519  
OJ L 304/87  
of 27/10/87

## COMMENTS :

Implementation date : 31/12/90

NB : This directive was annulled by the European Court of  
Justice on 16 November 1989 - Case Number 11/88 - and  
published in Official Journal C 313 of 13 December 1989  
A replacement proposal will be prepared by the Commission.

## 40. Certification of seeds

ADOPTED  
13/6/88  
DIR.88/380  
OJ L 187 of  
16/7/88

## COMMENTS :

Implementation dates -

Article 3(11) & Article 7(9) : 1/7/82  
Article 3(12) : 1/1/83  
Article 6(5)&(6) and Article 7(6)&(10) : 1/1/86  
Article 2(8),(17),(20),(28); Article 3(18),  
(31),(37); Article 5(10),(19),(23),(25)  
Articles 1(8), 2(10), 3(20), 5(12), 7(18) : 1/7/92  
All other provisions : 1/7/90

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41. Harmful organisms in seeds and seed  
potatoes  
(amendment to Directive 64/403)

ADOPTED  
30/5/89  
DIR. 89/366  
OJ L 159 of  
10/6/89

## COMMENTS :

Implementation date : 31/3/89

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42. Amendment to Dir. 77/93 on protective  
measures against the introduction into  
Member States of organisms harmful to  
plants and plant products  
(plant health inspectorate)  
COM(88)170

PARTIALLY  
ADOPTED  
26/6/89  
DIR. 89/439  
OJ L 212 of  
22/7/89

## COMMENTS :

Implementation date : 1/1/90

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43. Compound feedingstuffs

ADOPTED  
22/1/90  
DIR. 90/44  
OJ L 27 of  
31/1/90

COMMENTS : Implementation date : 22/1/92

## II. CONTROL OF INDIVIDUALS

44. Sixth Directive relative to  
allowances in intra-Community  
travel: increase to 350 ECUs  
85/348

ADOPTED  
8/7/85  
Dir.

OJ L 183 of  
16/7/85

COMMENTS :

Implementation date : 1/10/1985;  
Certain DEROGATIONS for Denmark, Greece and Ireland

NB : A further decision in this domain was taken on  
21/12/1988 which increased the allowance to 390 ECU - Dir.  
88/664, OJ L 382 of 31/12/1988, implementation date 1/7/89;  
certain DEROGATIONS for Denmark, Greece and Ireland.

45. Tax reliefs to be allowed on the  
importation of goods in small  
consignments of a non-commercial  
character within the Community :  
up to 100 ECU

ADOPTED  
8/7/85  
Dir.85/349  
OJ L 183 of  
16/7/85

COMMENTS :

Implementation date : 1/10/1985  
DEROGATION for Ireland

NB : A further decision in this domain was taken on  
21/12/1988 increasing the allowance to 110 ECU - Dir.88/663,  
OJ L 382 of 31/12/88, implementation : 1/7/89;  
DEROGATION for Ireland.

46. Small consignments : exemption from VAT  
on the final importation of goods  
(amendment to Directive 83/181 determining  
the scope of Article 14(1)(d) of Directive  
77/388)

ADOPTED  
13/6/88  
Dir. 88/331  
OJ L 151 of  
17/6/88

COMMENTS :

Implementation date : 1 January 1989

47. Modification to Dir. 83/183  
(tax exemptions applicable to permanent  
imports from a Member State of the  
personal property of individuals)

ADOPTED  
23/11/89  
DIR.89/604  
OJ L 348 of  
29/11/89

COMMENTS : Implementation date : 1/7/1990

## PART TWO : THE REMOVAL OF TECHNICAL BARRIERS

### I. FREE MOVEMENT OF GOODS

1. New approach in technical harmonization and standards policy

#### 48. Simple Pressure Vessels

ADOPTED  
25/6/87  
Dir. 87/404  
OJ L 220/87  
of 8/8/87

#### COMMENTS :

Implementation date : 1/7/90  
(Member States required to publish laws of compliance by 1/1/90)

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#### 49. Extension of information procedures on standards and technical rules (amendment to Directive 83/189)

ADOPTED  
22/3/88  
Dir. 88/182  
OJ L 81 of  
26/3/88

#### COMMENTS :

Implementation date : 1 January 1989

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#### 50. Safety of toys

ADOPTED  
3/5/88  
DIR. 88/378  
OJ L 187 of  
16/7/88

#### COMMENTS :

Implementation date : 1/1/90

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#### 51. Electromagnetic compatibility

ADOPTED  
3/5/89  
DIR. 89/336  
OJ L 139 of  
23/5/89

#### COMMENTS :

Laws of compliance must be published by 1/7/1991 whilst implementation is due on 1/1/92

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#### 52. Machinery

ADOPTED  
14/6/89  
DIR. 89/392  
OJ L 183 of  
14/6/89

#### COMMENTS :

Implementation date : 31/12/1992

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53. Personal protective devices

ADOPTED  
21/12/89  
DIR.89/686  
OJ L 399 of  
31/12/89

COMMENTS : Implementation date : 1/6/92

## 2. Sectoral proposals concerning approximation of laws

### 2.1. Motor vehicles

54. Type approval of motor vehicles  
and their trailers (amendment  
to Directive 70/156)

ADOPTED  
25/6/87  
DIR.87/358  
OJ L 192  
of 11/7/87

COMMENTS :  
Implementation date : 1/10/88

55. Gaseous emissions, passenger cars

ADOPTED  
3/12/87  
Dir. 88/76  
OJ L 36  
of 9/2/88

COMMENTS :  
Implementation date : 1/7/88

56. Gaseous emissions, commercial  
vehicles

ADOPTED  
3/12/87  
Dir. 88/77  
OJ L 36  
of 9/2/88

COMMENTS :  
Implementation date : 1/7/88

57. Diesel particulates

ADOPTED  
16/6/88  
DIR.88/436  
OJ L 214 of  
6/8/88

COMMENTS :  
Implementation date : 1/10/88  
In the framework of the proposal for a consolidated directive  
on passenger car emissions - COM(89)662 fin - the Commission  
has proposed a second stage for further reduction in the  
limit values for particulate pollutant emissions of diesel  
powered passenger cars

58. Motorcycle replacement exhaust systems

ADOPTED  
13/3/89  
Dir. 89/235  
OJ L 98 of  
11/4/89

COMMENTS :

Implementation date : 1/10/1989

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59. Motor vehicles - lateral protection

ADOPTED  
13/4/89  
DIR.89/297  
OJ L 124 of  
5/5/89

COMMENTS :

Implementation date : 30/10/89

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60. Modification to Dir. 70/220  
(limit values for vehicles below  
1400 cc)

ADOPTED  
18/7/89  
DIR. 89/458  
OJ L 226 of  
3/8/89

COMMENTS :

Implementation date : 1/1/1990

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**2.2. Tractors and agricultural machines**

61. Rollover protection structures  
(incorporating two pillars and  
mounted in front of the driver's  
seat on narrow-track wheeled  
agricultural and forestry tractors)

ADOPTED  
25/6/87  
Dir.87/402  
OJ L 220  
of 8/8/87

COMMENTS :

Implementation date : 25/6/89

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62. Modification of framework directive  
74/150

ADOPTED  
3/5/88  
Dir.88/297  
OJ L 126/88  
of 20/5/88

COMMENTS :

Implementation date : 31/12/1988

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63. Certain components and characteristics of wheeled agricultural or forestry tractors  
(weight and dimensions, drive-shaft, engine stopping device, windscreen wipers, footrest)

ADOPTED  
21/12/88  
DIR.89/173  
OJ L 67 of  
10/3/89

COMMENTS :

Implementation date : 31/12/89

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**2.3. Food law**

64. Coffee extracts chicory  
extracts (modification)

ADOPTED  
19/12/85  
Dir.85/573  
O.J. L 372 of  
31/12/85

**COMMENTS :**

Member States to take necessary measures

(a) by 1/1/87 as far as trade in products that conform to present directive is concerned;

(b) by 1/7/88 as far as trade in products that do not conform to present directive is concerned

65. Simulants (plastic materials  
in contact with foodstuffs)

ADOPTED  
19/12/85  
Dir.85/572  
OJ L 372 of  
31/12/85

**COMMENTS :**

Member States shall :

- permit trade in and use of plastics, materials and articles complying with this Directive up to 1 January 1991

- prohibit trade in and use of plastics, materials and articles intended to come into contact with foodstuffs and which do not comply with this Directive as from 1 January 1993

66. General Directive on sampling  
and methods of analysis

ADOPTED  
20/12/85  
Dir.85/591  
O.J. L 372 of  
31.12.85

**COMMENTS :**

Implementation date : 22/12/87

67. Preservatives (modification)  
COM(81)712

PARTIALLY  
ADOPTED  
20/12/85  
Dir. 85/585  
O.J. L372 of  
31.12.85

**COMMENTS :**

Implementation date : 31.12.1986

68. Emulsifiers (modification)

ADOPTED  
24/3/86  
Dir.86/102  
O.J. L 88 of  
3/4/86

**COMMENTS :**

Implementation date : 26/3/88

69. Obligation to indicate  
ingredients and alcoholic  
strength

PARTIALLY  
ADOPTED  
26/5/86  
Dir.86/197  
OJ L 144 of  
29/5/86

COMMENTS :

Member States to modify (if necessary) their legislation in order to :

- permit trade in products which comply with this Directive by 1 May 1988 at the latest;
- prohibit trade in products which do not comply with this Directive as from 1 May 1989

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70. Extraction solvents

ADOPTED  
13/6/88  
DIR.88/344  
OJ L 157 of  
24/6/88

COMMENTS :

Implementation date : 12/6/91

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71. Flavourings

ADOPTED  
22/6/88  
DIR.88/388  
OJ L 184 of  
15/7/88

COMMENTS :

Implementation date : 21/12/89

(marketing of goods complying with the directive shall be permitted by 22/6/90 whilst marketing of goods not complying with the directive shall be prohibited by 22/6/91)

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72. Jams

ADOPTED  
18/11/88  
DIR.88/593  
OJ L 318 of  
25/11/88

COMMENTS :

Member States to take measures in order to :

- permit trade in products which comply with this directive by 31/12/89;
  - prohibit trade in products which do not comply with this directive by 1/1/91
-



## 73. Frozen foods

ADOPTED  
21/12/88  
DIR.89/108  
OJ L 40 of  
11/2/89

## COMMENTS :

Member States to take measures in order to :

- permit trade in products which comply with this directive by 10/7/1990;
- prohibit trade in products which do not comply with this directive 10/1/1991

## 74. Food additives

ADOPTED  
21/12/88  
DIR.89/107  
OJ L 40 of  
11/2/89

## COMMENTS :

Implementation date : 28/6/1990

(Member States to take measures to permit trade in products complying with this directive by 28 December 1990 and to prohibit trade in products not complying with this Directive by 28 December 1991)

## 75. Materials in contact with foodstuffs

ADOPTED  
21/12/88  
DIR.89/109  
OJ L 40 of  
11/2/89

## COMMENTS :

Member States to take measures to :

- permit trade in goods which comply with this directive by 10/7/1990;
- to prohibit trade in goods which do not comply with this directive by 10/1/1992

## 76. Food for particular nutritional uses

ADOPTED  
3/5/89  
DIR. 89/398  
OJ L 186 of  
30/6/89

## COMMENTS :

Implementation dates :

- trade in goods complying with the directive to be permitted by 16/5/1990
- trade in goods not complying with the directive to be prohibited by 16/5/1991

77. Definition, description and  
presentation of spirit drinks

ADOPTED  
30/5/89  
REG.1576/89  
OJ L 160 of  
29/5/89

COMMENTS :

The Regulation entered into force on the third day after its  
publication in the Official Journal of the European  
Communities (15/6/89):

Application from 15/12/1989 except for Articles 13 to 16  
which apply from 15/6/1989

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78. Official control of foodstuffs

ADOPTED  
14/6/89  
DIR. 89/397  
OJ L 186 of  
30/6/89

COMMENTS :

Implementation date : 3/6/1991

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79. Fruit juices and similar products  
(third amendment to Dir.75/726)

ADOPTED  
14/6/89  
DIR. 89/394  
OJ L 186 of  
30/6/89

COMMENTS :

- trade in goods complying with the directive to be  
permitted by 14/6/1990
- trade in goods not complying with the directive to be  
prohibited by 14/6/1991

---

80. Labelling, presentation and  
advertising of foodstuffs for  
sale to the ultimate consumer  
(amendment to Dir. 79/112)

ADOPTED  
14/6/89  
DIR.89/395  
OJ L 186 of  
30/6/89

COMMENTS :

- Trade in goods complying with this Directive to be  
permitted by 20/12/1990
- Trade in goods not complying with this Directive to be  
prohibited by 20/6/1992

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**2.4. Pharmaceuticals and high-technology medicines**

81. Proposal for Directive  
concerning the placing on the  
market of high-technology  
medicinal products incl. those  
derived from biotechnology

ADOPTED  
22/12/86  
Dir.87/22  
OJ L 15 of  
17/1/87

COMMENTS :

Implementation date : 1/7/87

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82. Proposal amending Directive  
75/318/EEC concerning the  
testing of medicinal products

idem  
DIR 87/19

COMMENTS :

Implementation date : 1/7/87;

DEROGATION for Portugal under the Treaty of Accession until  
1/1/91

83. Proposal amending Directive  
81/852/EEC concerning  
veterinary medicinal products

idem  
DIR 87/20

COMMENTS :

Implementation date : 1/7/87

84. Proposal for a Council Directive  
amending Directive 65/65/EEC  
concerning medicinal products

ADOPTED  
22/12/86  
DIR 87/21  
OJ L15 of  
17/1/87

COMMENTS :

Implementation date : 1/7/87

DEROGATIONS for Greece, Portugal and Spain until 1/1/92

85. Proposal for a Council  
Recommendation concerning tests  
relating to the placing on the  
market of medicinal products

ADOPTED  
9/2/87  
REC.87/176  
OJ L 73  
of  
16/3/1987

COMMENTS :

No implementation period required for this recommendation

86. Membership of the European Pharma-  
copeia

ADOPTED  
26/5/87

COMMENTS :

This adoption enabled the Commission to negotiate  
membership on behalf of the 12 Member States; the Community  
joined in September 1989.

87. Price transparency in the prices  
of medicines and social security  
refunds

ADOPTED  
21/12/88  
DIR.89/105  
OJ L 40 of  
11/2/89

COMMENTS :

Implementation date : 31/12/89

|  |   |
|--|---|
| 88. Extension of directives to medicinal products not already included :<br>proprietary medicinal products (Dir. 341/89); immunological medicinal products consisting of vaccines, toxins or serums and allergens (Dir. 89/342); radiopharmaceuticals (Dir. 89/343); medicinal products derived from human blood or human plasma (Dir. 89/381) | ADOPTED<br><u>3/5/89</u><br>DIRS 89/341<br>89/342<br>89/343<br>OJ L 142/89<br>and<br><u>14/6/89</u><br>DIR.89/381<br>OJ L 181 of<br>28/6/89 |
|--|---|

COMMENTS : Implementation dates : 1/1/92  
(with progressive extension to existing products by 31/12/1992)

## 2.5. Chemical products

|  |  |
|--|--|
| 89. Council Directive relating to restrictions on the marketing and use of PCB's (polychlorinated biphenyls) | ADOPTED<br>1/10/85<br>DIR 85/467<br>OJ L269 of<br>11/10/85 |
|--|--|

COMMENTS :  
Implementation date : 30/6/86

|  |                     |
|--|---------------------|
| 90. Membership of the European Agreement on detergents | ADOPTED<br>12/12/85 |
|--|---------------------|

COMMENTS :  
The decision taken on 12/12/85 enables the Commission to commence negotiations for the Membership of the European Agreement on Detergents; there are no implementation requirements.

|   |  |
|---|--|
| 91. Council Directive relating to "Restrictions on the marketing and use of asbestos" | ADOPTED<br>20/12/85<br>DIR.85/610<br>OJ L 375 of<br>31/12/85 |
|---|--|

COMMENTS :  
Implementation date : 31/12/87

92. Non-ionic detergents  
(modification of existing  
Directive)

ADOPTED  
10/3/86  
DIR 86/94  
OJ L80 of  
25/3/86

COMMENTS :

Member States are being allowed to maintain exceptions to the requirements concerning certain non-ionic agents included in detergents laid down by Directive 73/404 the implementation date of which was 22/5/75 until 31/12/89

93. Liquid fertilisers (amendment to  
directive 76/116)

ADOPTED  
22/3/88  
Dir. 88/183  
OJ L 83 of  
29/3/88

COMMENTS :

Implementation date : 25 March 1989

94. Classification, packaging and labelling  
of dangerous preparations

ADOPTED  
8/6/88  
DIR.88/379  
OJ L 187 of  
16/7/88

COMMENTS :

Implementation date : 8/6/91

95. Secondary fertilisers  
(amendment to Dir.76/116 in respect of  
calcium, magnesium, sodium and sulphur  
content of fertilisers)

ADOPTED  
13/4/89  
Dir. 89/284  
OJ L 111 of  
22/4/89

COMMENTS :

Implementation date : 16 April 1990

96. Oligo-elements in fertilisers

ADOPTED  
18/9/89  
DIR.89/530  
OJ L 281 of  
30/9/89

COMMENTS :

Implementation date : 18 March 1991

## 2.6 Construction and construction products

97. Tower cranes : permissible sound  
levels

ADOPTED  
25/6/87  
Dir.87/405  
OJ L 220/87  
of 8/8/87

COMMENTS :

Implementation date : 25/6/89

## 98. Construction products

ADOPTED  
21/12/88  
DIR.89/106  
OJ L 40 of  
11/2/89

## COMMENTS :

Implementation date : 27/6/91

---

2.7. Other items

## 99. Tyre pressure gauge

ADOPTED  
26/5/86  
Dir.86/217  
OJ L 152 of  
6/6/86

## COMMENTS :

Implementation date : 30/11/87

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## 100. Household appliances: airborne noise

ADOPTED  
1/12/86  
DIR 86/594  
OJ L 344  
of 6/12/86

## COMMENTS :

Implementation date : 3/12/89

---

## 101. Hydraulic diggers (noise)

ADOPTED  
22/12/86  
Dir. 86/662  
OJ L 384 of  
31/12/86

## COMMENTS :

Implementation date : 24/12/88

NB : 6 years after implementation common noise levels to be adhered to

---

## 102. Protection of hotels against fire

ADOPTED  
22/12/86  
Recommendation 86/666  
OJ L 384 of  
31/12/86

## COMMENTS :

Measures in accordance : 22/12/88

Member States to report to Commission, within 2 years, all national measures taken in accordance with the Recommendation

---

103. Directive on products which, appearing to be other than they are, endanger the health or safety of consumers

ADOPTED  
25/6/87  
Dir.87/357  
OJ L 192/87  
of 11/7/87

## COMMENTS :

Implementation date : 26/6/89

104. Modification to Directive 84/538 on lawn mower noise

ADOPTED  
22/3/88  
Dirs 88/180  
& 88/181  
OJ L 81 of  
26/3/88

## COMMENTS :

Implementation date : 1 July 1991

105. Indication of prices of non-foodstuffs

ADOPTED  
7/6/88  
Dir. 88/314  
OJ L 142 of  
9/6/88

## COMMENTS :

Implementation date : 7/6/90

106. Indication of prices of foodstuffs

ADOPTED  
7/6/88  
Dir.88/315  
OJ L 142 of  
9/6/88

## COMMENTS :

Implementation date : 7/6/90

107. Good laboratory practices : non-clinical testing of chemicals

ADOPTED  
7/6/88  
Dir.88/320  
OJ L 145 of  
11/6/88

## COMMENTS :

Implementation date : 1 January 1989

108. Cosmetics

ADOPTED  
21/12/88  
DIR.88/667  
OJ L 382 of  
31/12/88

## COMMENTS :

Implementation date : 31/12/89

113. Coordination of  
provisions in respect of  
certain activities in the  
field of pharmacy

ADOPTED  
16/9/85  
DIR 85/432,  
& DEC.  
85/434/EEC  
OJ L 253 of  
24/9/85

COMMENTS :

Implementation date for DIR 85/432 - 1/10/87;  
Decision 85/434 concerned the creation of an Advisory  
Committee on Pharmaceutical Training within the Commission

114. Mutual recognition  
of diplomas in  
pharmacy

ADOPTED  
16/9/85  
Dir. 85/433  
OJ L 253 of  
24/9/85

COMMENTS :

Implementation date : 1/10/87.  
DEROGATION for Greece : 10 years after entry into force the  
Commission must make proposals aiming at the extension of  
mutual recognition of diplomas to self-employed pharmacists

A directive including SPAIN and PORTUGAL in this measure was  
adopted in 1985 - Dir. 85/584 - and published in OJ L 372 of  
31/12/85

115. University/Industry  
Cooperation in the field  
of new technologies  
(COMETT)

ADOPTED  
24/7/86  
Dec. 86/365  
OJ L 222 of  
8/8/1986

COMMENTS :

Implementation : preparatory phase 1986; operation of  
programme 1987-1989;

COMETT II adopted 16/12/88 (OJ L 13 of 17/1/89 -  
implementation 1990/1994)

Commission report on 1987 activities submitted 12 February  
1988, COM(88)36 final;  
Commission report on 1988 activities submitted 13 April 1989,  
COM(89)171;  
Commission report on 1989 activities due March 1990.

116. Specific training  
in general medical practice

ADOPTED  
15/9/86  
Dir. 86/457  
OJ L 267 of  
19/9/86

COMMENTS :

Implementation date : 1/1/95



117. Coordination  
relating to commercial agents

ADOPTED  
18/12/86  
DIR 86/653  
OJ L 382 of  
31/12/86

COMMENTS :

Implementation date : 1/1/90;

- DEROGATION for ITALY concerning the provisions on the ending of commercial agents contracts (Article 17) to 1/1/93
- DEROGATION for IRELAND and the U.K. to 1/1/94

118. Regulated professions : General system  
for the mutual recognition of higher  
education diplomas awarded on completion  
of professional education and training  
of at least 3 years' duration

ADOPTED  
21/12/88  
DIR.89/48  
OJ L 19 of  
24/1/89

COMMENTS :

Implementation date : 3/1/91

(a report on the state of application of the general system will be submitted by the Commission within 5 years of the date of implementation)

#### IV. COMMON MARKET FOR SERVICES

##### 1. FINANCIAL SERVICES

###### 1.1 Banks

119. Accounts of banks

ADOPTED  
8/12/86  
DIR 86/  
635  
OJ L 372 of  
31/12/86

COMMENTS :

Implementation date : 31/12/1990

(facility for Member States to apply implementing rules for the first time for financial year accounts beginning 1993)

120. Foreign branches' accounts : banks

ADOPTED  
13/2/89  
Dir. 89/117  
OJ L 44 of  
16/2/89

COMMENTS :

Implementation date : 1/1/1991  
(facility for Member States to provide that provisions shall apply for the first time to annual accounts for the financial year beginning on 1/1/93 or during the calendar year 1993)

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121. Own funds - banks

ADOPTED  
17/4/89  
DIR. 89/299  
OJ L 124 of  
5/5/89

COMMENTS :

Implementation date : 1/1/1993

---

122. Taking up and pursuit of the business  
of credit institutions and amendment to  
Dir. 77/780 (2nd banking directive)

ADOPTED  
15/12/89  
DIR.89/646  
OJ L 386 of  
30/12/89

COMMENTS : Implementation date 1/1/93

---

123. Solvency ratio for credit institutions

ADOPTED  
18/12/89  
DIR.89/647  
OJ L 386 of  
30/12/89

COMMENTS : Implementation date 1/1/91

DEROGATIONS for Germany, Greece and Denmark on mortgage  
credits aspect to 1/1/96 and for Greece on application of 8%  
ratio until 1/1/2000

---

- Recommendation on the setting up of a  
guarantee system of deposit within the  
Community

ADOPTED  
22/12/1986  
Commission  
Recommendation  
87/63  
OJ L 33 of  
4/2/1987

COMMENTS : Implementation requirements do not apply

---

- Recommendation on control of large exposures

ADOPTED  
22/12/1986  
Commission  
Recommendation  
87/62  
OJ L 33 of  
4/2/1987

COMMENTS : Implementation requirements do not apply

---

## 1.2 Insurance

- 124. Coordination of laws relating to legal expenses insurance

ADOPTED  
22/6/87  
Dir.87/344  
OJ L 185/87  
of 4/7/87

COMMENTS :  
Implementation date : 1/7/90

---

- 125. Credit insurance

ADOPTED  
22/6/87  
Dir.87/343  
OJ L 185/87  
of 4/7/87

COMMENTS :  
Implementation date : 1/7/90

---

- 126. Non-life insurance  
(2nd directive)

ADOPTED  
22/6/88  
Dir.88/357  
OJ L 172 of  
4/7/88

COMMENTS :  
Implementation date : 29/6/90  
Some DEROGATIONS for Spain (1.1.97); Greece, Ireland and Portugal (1.10.98)

---

## 1.3 Transactions in securities

- 127. Collective investment undertakings for transferable securities (UCITS)

ADOPTED  
20/12/85  
DIR 85/611  
OJ L 375 of  
31/12/85

COMMENTS :  
Implementation date : 1/10/1989  
(Member States may grant additional period of 12 months to comply with those rules for UCITS existing on that date; DEROGATIONS for Greece and Portugal to postpone application up to 1/4/1992.)

---

128. UCITS Directive : special measures  
concerning certain investments  
(amendment to Directive 85/611)

ADOPTED  
22/3/88  
Dir. 88/220  
OJ L 100 of  
19/4/88

COMMENTS : (as in preceding measure)  
Implementation date : 1/10/1989  
(Member States may grant additional period of 12 months to  
comply with those rules for UCITS existing on that date;  
DEROGATIONS for Greece and Portugal to postpone application  
up to 1/4/1992.)

129. Information to be published when  
major holdings are acquired or  
disposed of

ADOPTED  
12/12/88  
OJ L 348 of  
17/12/88  
DIR. 88/627

COMMENTS :  
Implementation date : 1 January 1991

130. Prospectus to be published  
when securities offered for  
sale to the public

ADOPTED  
17/4/89  
DIR. 89/298  
OJ L 124 of  
5/5/89

COMMENTS :  
Implementation date : 17/4/1991

131. Coordination of regulations on  
Insider Trading

ADOPTED  
13/11/89  
DIR. 89/592  
OJ L 334 of  
18/11/89

COMMENTS : Implementation date 1/6/1992

**2. TRANSPORT**

132. Maritime transport: PARTIALLY  
 1. freedom to provide services in the ADOPTED  
   sea transport sector: 22/12/86  
     (a) between M.States and between REGS:  
        M.States and third countries 1(a) :  
     (b) within M.States 4055/86  
 2. application of Arts 85 & 86 of Rome 2 : 4056/86  
   Treaty to maritime transport 3 : 4057/86  
 3. unfair pricing practices 4 : 4058/86  
 4. Coordinated action to safeguard 1(b) NOT  
   free access to cargoes in oceanic adopted  
   trades OJ L 378 of  
   COM(85)90 31/12/86

**COMMENTS :**

Implementation dates : REG. 4055 : 1/1/87  
 4056 - 4058 : 1/7/87

- 
133. Fares for scheduled air ADOPTED  
   services 14/12/87  
           OJ L 374  
           of 31/12/87  
           Dir. 87/601

**COMMENTS :**

Implementation date : 31/12/87  
 Revision will be decided upon by Council before 30/6/90 on  
 the basis of Commission proposal COM(89)273 presented in  
 December 1989 (see Annex 2)

- 
134. Air transport : sharing of passenger ADOPTED  
   capacity and market access 14/12/87  
                           OJ L 374  
                           of 31/12/87  
                           Dec. 87/602

**COMMENTS :**

Implementation date : 1/1/88  
 Revision will be decided upon by Council before 30/6/90 on  
 the basis of Commission proposal COM(89)273 presented in  
 December 1989 (see Annex 2)

- 
135. Air transport : application of ADOPTED  
   Articles 85 and 86 (rules of 14/12/87  
   competition) OJ L 374  
                   of 31/12/87  
                   Reg. 3975/87

**COMMENTS :**

Implementation date : 1/1/88

---

136. Road transport : Community quota  
(amendment to Regulation 3164/76)

ADOPTED  
21/6/88  
Reg. 1841/88  
OJ L 163/88  
of 30/6/88

COMMENTS :

Implementation date : 1/7/88

In addition Council shall decide by 31/3/90 on a proposal from the Commission (COM(89)572) concerning an increase in the Community quota from 1990 to 1992

---

137. Road transport - goods (freedom to  
provide services)

ADOPTED  
21/12/89  
REG. 4059/89  
OJ L 390 of  
30/12/89

COMMENTS : Implementation date : 1/7/90

(this Regulation will last until 31/12/92 by which time the definitive cabotage system will have been adopted and will take effect from 1/1/93)

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### 3 - NEW TECHNOLOGIES AND SERVICES

138. Pan European mobile telephones

ADOPTED  
25/6/87  
Rec.  
87/371  
Dir.  
87/372  
OJ L 196/87  
of 17/7/87

COMMENTS :

Implementation date :

Directive 87/372 - 25/12/88

Recommendation 87/371 - Commission to be informed each year from end 1989 onwards of progress in implementation of the recommendation

---

139. Establishment at Community level of a policy and plan of priority action for the development of an information services market

ADOPTED  
26/7/88  
DEC.88/524  
OJ L 288 of  
21/10/88

COMMENTS :

Implementation date : 26/7/88

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140. Broadcasting activities

ADOPTED  
3/10/89  
DIR.89/552  
OJ L 298 of  
17/10/89

COMMENTS :

Implementation date 3/10/1991

---

- Recommendation on a European Code of Conduct relating to electronic payment (relations between financial institutions traders and service establishments and consumers)

ADOPTED  
8/12/87  
Commission Recommendation  
87/598  
OJ L 365  
of 24/12/87

COMMENTS : No implementation requirements

---

**V - CAPITAL MOVEMENTS**

141. Liberalisation of units in  
collective investment under-  
takings for transferable securities

ADOPTED  
20/12/85  
DIR.  
85/583  
OJ L 372 of  
31/12/85

**COMMENTS :**

Implementation date : 1/10/89;  
DEROGATION for Portugal to 31/12/1990

142. Liberalisation  
of operations such as  
transactions in securities  
not dealt in on a Stock  
Exchange, admission of securities  
on the capital market and  
long-term commercial credits

ADOPTED  
17/11/86  
DIR  
86/566  
OJ L 332  
of  
26/11/86

**COMMENTS :**

Implementation date : 28/2/87;  
Spain and Portugal may, in connection with the Act of  
Accession, postpone liberalisation until respectively :

- 1/10/1989 (already liberalised) and 31/12/1990 for  
transactions on units in collective investment undertakings  
in transferable securities,

- 31/12/1990 and 31/12/1992 for other transactions  
liberalised

**NB :**

Greece has been allowed to extend the DEROGATION in this  
field (in accordance with Article 108 of the Treaty of Rome)  
to some of the above liberalised operations until 30/6/1990.  
However, operations representing inflows of capital and long  
term commercial credits have been liberalised from 28/2/1987

143. Liberalisation of capital movements

ADOPTED  
24/6/88  
DIR. 88/361  
OJ L 178 of  
8/7/88

**COMMENTS :**

Implementation date : 1/7/1990

DEROGATIONS until the end of 1992 for Greece, Ireland, Spain  
and Portugal concerning short-term capital movements and for  
Belgium and Luxembourg concerning the dual exchange market  
system.



**VI - CREATION OF SUITABLE CONDITIONS FOR INDUSTRIAL COOPERATION**

**1. Company law**

144. Proposals for a Regulation  
for a European Economic  
Interest Grouping

ADOPTED  
25/7/85  
Reg. 85/2137  
OJ L 199 of  
31/7/85

**COMMENTS :**

Implementation date : 1/7/89

145. 11th Company law directive  
(disclosure requirements for  
branches opened in a Member State  
by certain types of company  
governed by the law of another State)

ADOPTED  
21/12/89  
DIR. 89/666  
OJ L 395 of  
30/12/89

**COMMENTS :** Implementation date 1/1/93

**2. Intellectual and industrial property**

146. Legal protection of  
micro circuits

ADOPTED  
18/12/86  
DIR.  
87/54  
OJ L 24  
of  
27/1/87

**COMMENTS :**

Implementation date : 7/11/87

147. Trademarks : first directive

ADOPTED  
21/12/88  
DIR. 89/104  
OJ L 40 of  
11/2/89

**COMMENTS:**

Implementation date : 28/12/1991  
(facility to defer above date to 31/12/92 included in the  
decision)

### PART III : THE REMOVAL OF FISCAL BARRIERS

#### 1. V.A.T.

148. 13th VAT Directive concerning  
tax refunds to persons not  
established in the Community

ADOPTED  
17/11/1986  
DIR. 86/560  
OJ L 326 of  
21/11/1986

COMMENTS :

Implementation date : 1/1/1988

149. 17th VAT Directive concerning  
the temporary importation of  
goods other than means of  
transport

ADOPTED  
16/7/85  
DIR. 85/362  
OJ L 192 of  
24/7/85

COMMENTS :

Implementation date : 1/1/1986;

DEROGATIONS for Germany and Greece : carryover of application  
of certain articles

150. 18th VAT directive - abolition of  
certain derogations provided for  
in Article 28(3) of the 6th directive  
77/388

ADOPTED  
18/7/89  
DIR. 89/465  
OJ L 226 of  
3/8/89

COMMENTS :

Implementation date :

1/1/90 for Points 1, 3 to 6, 8, 9, 10, 12, 13, 14 of Annexe E  
and Points 3, 14 & 18 to 22 of Annex F

1/1/91 for Points 4, 13, 15 & 24 of Annex F

1/1/92 for Point 9 of Annex F

1/1/93 for Point 11 of Annex F

DEROGATION to 1/1/94 for PORTUGAL - Points 3 & 9 of Annex F

## 2. EXCISE DUTIES

- |  |  |
|--|--|
| 151. Harmonisation of the structure of<br>excise duties on alcoholic drinks<br>authorising the French Republic to<br><u>derogate</u> from Article 95 in applying<br>a reduced rate of revenue duty<br>imposed on the consumption of<br>"traditional" rum produced in its<br>overseas departments and in metro-<br>politan France | ADOPTED<br>19/4/88<br>Dec.88/245<br>OJ L 106 of<br>27/4/88 |
|--|--|

### COMMENTS :

The decision enables the derogation to continue until  
31/12/92

---

|   |       |
|---|-------|
| TOTAL NUMBER OF PROPOSALS <u>FINALLY</u> ADOPTED BY COUNCIL   | : 143 |
| TOTAL NUMBER OF PROPOSALS <u>PARTIALLY</u> ADOPTED BY COUNCIL | : 8   |

28 February, 1990

**ANNEX 2  
TO FIFTH PROGRESS REPORT**

**COMMISSION PROPOSALS  
IN THE CONTEXT OF THE COMPLETION  
OF THE INTERNAL MARKET  
WHICH STILL REQUIRE COUNCIL ADOPTION**

- 
- Proposals marked with an asterisk (\*) were presented since the publication of the White Paper (14 June 1985)
  - Proposals marked with two asterisks (\*\*) await European Parliament Opinion or First Reading
  - Where the Cooperation Procedure applies :
    - FR indicates that Parliament has completed its First Reading
    - CP indicates proposals upon which a Common Position has been reached
    - SR indicates that Parliament has completed its Second Reading (Second Readings are delivered on Common Positions - Common Positions exist until final adoption by Council)
  - Voting procedures are indicated in the Council column thus :
    - U = unanimity
    - QM = qualified majority
    - SM = simple majority

| SUBJECT | Date of<br>Commission's<br>proposal | Projected date<br>of adoption by<br>Council as per<br>White Paper |
|---------|-------------------------------------|---|
|---------|-------------------------------------|---|

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**PART ONE : THE REMOVAL OF PHYSICAL BARRIERS**

**I. CONTROL OF GOODS**

**1. Various controls**

|  |      |  |
|--|------|--|
| 1. Duty free admission of fuel contained in the fuel tanks of commercial motor vehicles : lorries & coaches COM(84)171 updated by COM(86)383 (lorries) | 1984 | PARTIALLY<br>ADOPTED<br>8/7/85<br>Dir.85/347<br>(coaches)<br>1987<br>(U) |
|--|------|--|

|   |       |                |
|---|-------|----------------|
| 2. Collection of trade statistics<br>COM(88)810 | 1988* | 1989**<br>(QM) |
| 3. Community transit<br>COM(89)480              | 1989* | 1990**<br>(QM) |
| 4. Shipment of radioactive wastes<br>COM(89)559 | 1989* | 1990**<br>(QM) |

## 2. Veterinary and phytosanitary controls

### Veterinary Controls

|   |              |  |
|---|--------------|--|
| 5. Production and trade in medicated<br>feeding stuffs - COM(81)795 &<br>COM(83)378   | 1981         | 1985<br>(QM)                                     |
| 6. Boar meat- COM(83)655  | 1983         | 1985<br>(QM)                                     |
| 7. Personnel responsible for<br>inspection COM(81)504   | 1981<br>(QM) | 1985   |
| 8. Semen of animals - porcine<br>species (bovine aspect already<br>adopted)<br>COM(83)512, COM(86)657   | 1983         | PARTIALLY<br>ADOPTED<br>13/6/88<br>1987<br>(QM)  |
| 9. Aujeszky's disease and swine<br>vesicular disease COM(82)529   | 1982         | 1985<br>(QM)                                     |
| 10. Harmonised health and hygiene<br>conditions : fish and fish<br>products - health guarantees<br>- nematodes COM(88)47, COM(89)428                          | 1988*        | 1989<br>(QM)                                     |
| 11. Proposal for Regulation concerning<br>veterinary checks in intra-Community<br>trade with a view to the completion of<br>the internal market<br>COM(88)383 | 1988*        | 1989<br>(QM)<br>PARTIALLY<br>ADOPTED<br>11/12/89 |
| 12. Proposal for Regulation on intensi-<br>fying controls on the application<br>of veterinary rules<br>COM(88)383   | 1988*        | 1989<br>(QM)                                     |

|  |       |   |
|--|-------|---|
| 13. Pedigree animals not covered by existing directives : other species<br>COM(88)598  | 1988* | 1989<br>(QM)  |
| 14. Animal health problems - ovine and caprine species (intra-Community and third countries)<br>COM(88)742   | 1988* | 1989<br>(QM)  |
| 15. Formulation of directives relating to health problems relating to trade in dogs and cats (rabies) (proposal includes echinococcosis)<br>COM(88)836 | 1988* | PARTIALLY<br>ADOPTED<br>24/7/89<br>(Pilot<br>project<br>aspect)<br>DEC.89/455<br>1989<br>(QM) |
| 16. Poultry meat and hatching eggs<br>COM(89)9   | 1989* | 1989**<br>(QM)  |
| 17. Transport of animals<br>COM(89)322   | 1989* | 1990**<br>(QM)  |
| 18. Animal health in live animals of the equine species - competition<br>COM(89)503  | 1989* | 1990**<br>(QM)  |
| 19. Animal health in live animals of the equine species : zoo-technical rules<br>COM(89)503  | 1989* | 1990**<br>(QM)  |
| 20. Animal health in live animals of the equine species : 3rd country imports<br>COM(89)503  | 1989* | 1990**<br>(QM)  |
| 21. 2nd revision safeguard clause<br>COM(89)493  | 1989* | 1992**<br>(QM)  |
| 22. Animal health problems - rodents<br>COM(89)500   | 1989* | 1990<br>(QM)  |
| 23. Brucellosis in small ruminants (sheep & goats)<br>COM(89)498   | 1989* | 1990**<br>(QM)  |
| 24. African swine fever in Sardinia<br>COM(89)499  | 1989* | 1990**<br>(QM)  |

|   |       |                |
|---|-------|----------------|
| 25. Eradication of IHN<br>COM(89) 502   | 1989* | 1990**<br>(QM) |
| 26. Pathogens in feedingstuffs<br>COM(89) 509   | 1989* | 1992**<br>(QM) |
| 27. Animal fats<br>COM(89) 490  | 1989* | 1990**<br>(QM) |
| 28. Products of animal origin -<br>general hygiene rules<br>COM(89) 492   | 1989* | 1992**<br>(QM) |
| 29. Control of foot and mouth disease<br>COM(89) 512  | 1989* | 1990**<br>(QM) |
| 30. Poultry Meat - animal health<br>conditions<br>COM(89) 507   | 1989* | 1990**<br>(QM) |
| 31. Game Meat<br>COM(89) 496  | 1989* | 1990**<br>(QM) |
| 32. Expenditure in veterinary field<br>COM(89) 666  | 1989* | 1990**<br>(QM) |
| 33. Health rules for production and<br>placing on the market of fresh<br>meat and repealing Directive 64/433<br>COM(89) 673 | 1989* | 1990**<br>(QM) |
| 34. Trade in fish and fish products<br>(health problems)<br>COM(89) 655   | 1989* | 1990**<br>(QM) |
| 35. Molluscs<br>COM(89) 648   | 1989* | 1990**<br>(QM) |
| 36. Fish products - health and hygiene<br>standards<br>COM(89) 645  | 1989* | 1990**<br>(QM) |
| 37. Products of animal origin not<br>covered by existing<br>directives - other species<br>COM(89) 658                       | 1989* | 1990**<br>(QM) |
| 38. Application of health standards to<br>national products<br>(modification of directive 77/99)<br>COM(89) 669             | 1989* | 1990**<br>(QM) |

|   |       |   |
|---|-------|---|
| 39. Application of health standards to meat (Dir. 88/657)<br>COM(89)671   | 1989* | 1990**<br>(QM)  |
| 40. Application of health standards to national products - modification of directive 71/118 (poultry)<br>COM(89)668   | 1989* | 1990**<br>(QM)  |
| 41. Application of health standards to national products ( <u>derogations</u> )<br>COM(89)670   | 1989* | 1990**<br>(QM)  |
| 42. Harmonised health conditions for production and trade in milk products<br>COM(89)667  | 1989* | 1990**<br>(QM)  |
| 43. Heat treated milk   | 1990  | 1991<br>(QM)  |
| <u>Phytosanitary Controls</u>   |       |   |
| 44. Proposal to amend the annex of Directive 76/895/EEC concerning residues of pesticides in and on fruit and vegetables (ethoxyquin and diphenylamine)<br>COM(82)883   | 1983  | 1985<br>(QM)  |
| 45. Proposal for the placing of plant protection products on the market ( <u>including</u> guidelines for checking requirements in connection with the approval of plant protection production incorporated in modifying proposal)<br>COM(76)427, COM(89)34 | 1976  | 1986<br>(QM)  |
| 46. Modification to Dir. 76/895 maximum levels for pesticide residues in fruit and vegetables<br>COM(88)798   | 1988* | 1989**<br>(QM)  |
| 47. Amendment to Dir. 77/93 on protective measures against the introduction into Member States of organisms harmful to plants or plant products<br>COM(88)170   | 1988* | PARTIALLY<br>ADOPTED<br>26/6/89<br>DIR.<br>89/439<br>1989<br>(QM) |



|   |       |                |
|---|-------|----------------|
| 48. Organic farming<br>COM(89)552   | 1989* | 1990**<br>(QM) |
| 49. Regulation on marketing of young<br>plants of vegetables<br>COM(89)649  | 1989* | 1990**<br>(QM) |
| 50. Amendment to Dir. 77/93 on protec-<br>tive measures against the intro-<br>duction into Member States of<br>organisms harmful to plants or<br>plant products (rules of liability)<br>COM(89)647                                    | 1989* | 1990**<br>(QM) |
| 51. Amendment to Dir. 77/93 (including<br>simplification of annexes, alignment<br>of 3rd country standards, alignment<br>of national and intra-Community<br>standards and phasing out of<br>phytosanitary certificates)<br>COM(89)646 | 1989* | 1990**<br>(QM) |
| 52. Regulation on the marketing of<br>ornamental plants COM(89)650  | 1989* | 1990**<br>(QM) |
| 53. Regulation on the marketing of<br>fruit plants<br>COM(89)651  | 1989* | 1990**<br>(QM) |
| 54. European plant breeders' code   | 1990  | 1991<br>(QM)   |
| <b><u>II. CONTROL OF INDIVIDUALS</u></b>  |       |                |
| 55. Directive on the easing of<br>controls at intra-Community<br>Borders COM(84)749 & COM(85)224  | 1985  | 1985<br>(U)    |
| 56. Directive on the control of the<br>acquisition and possession of<br>arms COM(87)383, COM(89)446   | 1987* | 1988**<br>(QM) |
| 57. Proposal for a Directive amending<br>for the first time Dir. 83/182 on<br>temporary importation of certain<br>means of transport<br>(motor vehicles) COM(87)14, COM(88)297  | 1987* | 1987<br>(U)    |
| 58. Proposal for a directive amending<br>Directive 69/169 (to increase in<br>real terms tax paid allowances<br>in intra-Community travel)<br>COM(89)331   | 1989* | 1990<br>(U)    |

## PART TWO : THE REMOVAL OF TECHNICAL BARRIERS

### I. FREE MOVEMENT OF GOODS

#### 1. New approach in technical harmonization and standards policy

|  |       |                    |
|--|-------|--------------------|
| 59. Gas appliances<br>COM(88)786<br>COM(89)459                                 | 1988* | 1990<br>(QM)<br>CP |
| 60. Electro-medical implantables<br>COM(88)717<br>COM(89)418                   | 1988* | 1989<br>(QM)<br>CP |
| 61. Machines<br>(including lifting & loading)<br>COM(89)624                    | 1989* | 1989**<br>(QM)     |
| 62. Metrology : non-automatic<br>weighing instruments COM(88)780<br>COM(89)553 | 1988* | 1989<br>(QM)<br>CP |
| 63. Recognition of tests and<br>certificates<br>COM(89)209                     | 1989* | 1990**<br>(QM)     |

#### 2. Sectoral proposals concerning approximation of laws

##### 2.1. Motor vehicles

|  |       |                |
|--|-------|----------------|
| 64. Directive on safety glass for<br>use in motor vehicles<br>COM(89)653 final   | 1990* | 1990**<br>(QM) |
| 65. Directive on the approximation<br>of laws relating to masses and<br>dimensions of certain motor<br>vehicles COM(89)653 final | 1990* | 1990**<br>(QM) |
| 66. Directive on the approximation<br>of laws relating to tyres for<br>motor vehicles and their trailers<br>COM(89)653 final     | 1990* | 1990**<br>(QM) |

**2.3. Food law**

|  |       |  |
|--|-------|--|
| 67. Preservatives (modification)<br>COM(81)712                                   | 1981  | PARTIALLY<br>ADOPTED<br>20/12/85<br>Dir.85/585<br>1985<br>(QM)<br>FR |
| 68. Obligation to indicate<br>ingredients and alcoholic<br>strength - COM(82)626 | 1982  | PARTIALLY<br>ADOPTED<br>26/5/86<br>DIR.86/197<br>1985<br>(QM)<br>FR  |
| 69. Compulsory Nutrition labelling<br>COM(88)489                                 | 1988* | 1990<br>(QM)<br>FR   |
| 70. Nutrition labelling rules<br>COM(88)489, COM(89)420                          | 1988* | 1990<br>(QM)<br>CP   |
| 71. Irradiation of foodstuffs<br>COM(88)654<br>COM(89)596                        | 1988* | 1989<br>(QM)<br>FR   |

**2.4. Pharmaceuticals and high-technology medicines**

|   |       |                |
|---|-------|----------------|
| 72. Amendment to directive 81/851<br>on veterinary medicines<br>COM(88)779  | 1988* | 1989**<br>(QM) |
| 73. Proposal for a Regulation<br>establishing a Community procedure<br>on tolerance levels of veterinary<br>medicine residues<br>COM(88)779 | 1988* | 1989**<br>(QM) |
| 74. Proposal for a directive enlarging<br>the range of Directive 81/851<br>(immunology)<br>COM(88)779                                       | 1988* | 1989**<br>(QM) |
| 75. Proposed Directive on the<br>wholesale distribution of<br>medicinal products for human use<br>COM(89)607                                | 1990* | 1990**<br>(QM) |

|   |       |                |
|---|-------|----------------|
| 76. Proposed directive concerning the legal status for the supply of medicinal products for human use<br>COM(89)607 | 1990* | 1990**<br>(QM) |
| 77. Proposed directive on the labelling of medicinal products for human use and on package leaflets<br>COM(89)607   | 1990* | 1990**<br>(QM) |

## II. PUBLIC PROCUREMENT

|   |       |                    |
|---|-------|--------------------|
| 78. Public procurement : excluded sectors - water, energy, transport and telecommunications<br>COM(88)377, COM(88)378, COM(89)380 | 1988* | 1989<br>(QM)<br>FR |
| 79. Public Procurement - services   | 1990  | 1991<br>(QM)       |
| 80. Public Procurement - excluded sectors (remedies)  | 1990  | 1991<br>(QM)       |

## III. FREE MOVEMENT FOR LABOUR AND THE PROFESSIONS

|   |       |                    |
|---|-------|--------------------|
| 81. Harmonisation of income taxation provisions with respect to freedom of movement of workers within the Community<br>COM(79)737 | 1979  | 1985<br>(U)        |
| 82. Freedom of movement for workers : residence permits (proposal for Directive and Regulation)<br>COM(88)815                     | 1988* | 1989<br>(QM)<br>FR |
| 83. Right of residence - retired people<br>COM(89)275, COM(89)675   | 1989* | 1990<br>(QM)<br>FR |
| 84. Right of residence - general directive<br>COM(89)275, COM(89)675  | 1989* | 1990<br>(U)        |
| 85. Right of residence - students<br>COM(89)275, COM(89)675   | 1989* | 1990<br>(QM)<br>FR |

|   |       |                |
|---|-------|----------------|
| 86. Regulated professions - higher education of less than 3 years' duration<br>COM(89)372 | 1989* | 1990**<br>(QM) |
|---|-------|----------------|

#### IV. COMMON MARKET FOR SERVICES

##### 1. FINANCIAL SERVICES

###### 1-1 Banks

|  |       |                    |
|--|-------|--------------------|
| 87. Freedom of establishment and freedom to supply services in the field of mortgage credit - COM(84)730<br>COM(87)255 | 1985  | 1988<br>(QM)<br>FR |
| 88. Reorganisation and winding-up of credit institutions<br>COM(85)788, COM(88)4                                       | 1985* | 1987<br>(QM)<br>FR |

###### 1-2 Insurance

|   |       |                    |
|---|-------|--------------------|
| 89. Insurance contracts<br>COM(79)355 & COM(80)854                    | 1979  | 1988<br>(QM)<br>FR |
| 90. Annual accounts - insurance undertakings COM(86)764<br>COM(89)474 | 1986* | 1989<br>(QM)<br>FR |
| 91. Winding up of insurance undertakings COM(86)768<br>COM(89)394     | 1986* | 1989<br>(QM)<br>FR |
| 92. Motor liability insurance<br>COM(88)791                           | 1988* | 1989<br>(QM)<br>FR |
| 93. 3rd directive concerning motor liability insurance<br>COM(88)644  | 1988* | 1989<br>(QM)<br>CP |
| 94. Life insurance : freedom to supply services<br>COM(88)729         | 1988* | 1991**<br>(QM)     |
| 95. 3rd non-life insurance directive (mass risks)                     | 1990  | 1991<br>(QM)       |

**1-3 Transactions in securities**

|   |       |                    |
|---|-------|--------------------|
| 96. Investment services<br>COM(88)778   | 1988* | 1989<br>(QM)<br>FR |
| 97. Amendment to Dir. 80/390<br>in respect of mutual recognition<br>of public offer prospectuses and<br>stock exchange listing particulars<br>COM(89)133, COM(90)77 | 1989* | 1990<br>CP/SR      |

**2 TRANSPORT**

|   |       |   |
|---|-------|---|
| 98. Inland waterways: goods and<br>passengers. Freedom to provide<br>services by non-resident carriers<br>within a Member State<br>COM(85)610   | 1985* | 1989<br>(QM :<br>subject<br>to Art.<br>75(3))   |
| 99. Road transport : passengers<br>Freedom to provide services by<br>non-resident carriers within<br>a Member State<br>COM(87)31, COM(88)596  | 1987* | 1987<br>(QM :<br>subject<br>to Art.<br>75(3))   |
| 100. Maritime transport : goods and<br>passengers : freedom to provide<br>services in the sea transport<br>sector within a Member State<br>by non-resident carriers (cabotage)<br>COM(85)90 | 1985  | 1986<br>PARTIALLY<br>ADOPTED<br>22/12/86<br>(QM :<br>subject<br>to Art.<br>75(3))<br>Regs 4055<br>to 4058 |
| 101. Road transport : common rules for<br>the international carriage<br>of passengers by road<br>COM(87)79, COM(88)595<br>COM(88)770  | 1987* | 1987<br>(QM :<br>subject<br>to<br>Art.75(3))  |
| 102. Air fares and passenger capacity<br>COM(89)373   | 1989* | 1990**<br>(QM)  |
| 103. Directive for mutual acceptance<br>of personnel licences and<br>qualifications for the exercise<br>of functions in civil aviation<br>COM(89)472  | 1989* | 1990**<br>(QM)  |

**3 - NEW TECHNOLOGIES AND SERVICES**

|   |       |        |
|---|-------|--------|
| 104. Open network provision                                 | 1988* | 1990   |
| COM(88)825  |       | (QM)   |
| COM(89)325  |       | CP     |
| <hr/>   |       |        |
| 105. Type approval of telecommunications terminal equipment | 1989* | 1990** |
| COM(89)289  |       | (QM)   |
| <hr/>   |       |        |

VI - CREATION OF SUITABLE CONDITIONS FOR  
INDUSTRIAL COOPERATION

1. Company law

|  |       |                    |
|--|-------|--------------------|
| 106. Fifth Company<br>Law Directive (structure of<br>public limited companies)<br>COM(72)887 & COM(83)185  | 1973  | 1988<br>(QM)<br>FR |
| 107. Tenth Directive concerning<br>cross-border mergers -<br>COM(84)727  | 1985  | 1987**<br>(QM)     |
| 108. Statute for<br>a European Company<br>COM(89)268   | 1989* | 1990**<br>(QM)     |
| 109. Proposal for Council directive<br>amending Dir.78/660/EEC on annual<br>accounts and Dir.83/349/EEC on<br>consolidated accounts as regards<br>the scope of those directives<br>(4th and 7th Co.Law directives)<br>COM(86)238 | 1986* | 1987<br>(QM)<br>FR |
| 110. Take-over bids<br>(13th company law directive)<br>COM(88)823  | 1988* | 1989<br>(QM)<br>FR |



## **2. Intellectual and industrial property**

|  |       |                |
|--|-------|----------------|
| 111. Regulation on Community trade marks - COM(80)635 & COM(84)470.  | 1980  | 1987<br>(U)    |
| 112. Regulation on the rules needed for implementing the Community Trademark regulation COM(85)844             | 1985* | 1987<br>(QM)   |
| 113. Regulation on rules of procedure for the Boards of Appeal of the Community's Trade Mark office COM(86)731 | 1986* | 1988<br>(QM)   |
| 114. Community trademark office - regulation on fees COM(86)742  | 1986* | 1988<br>(QM)   |
| 115. Legal protection of biotechnological inventions COM(88)496  | 1988* | 1989**<br>(QM) |
| 116. Protection of computer programs COM(88)816  | 1988* | 1990**<br>(QM) |

## **3. Taxation (removing tax obstacles to cooperation between enterprises)**

|   |      |             |
|---|------|-------------|
| 117. Arbitration procedure concerning the elimination of double taxation COM(76)511                       | 1976 | 1985<br>(U) |
| 118. Common system of taxation applicable to parent companies and their subsidiaries COM(69)6, COM(85)360 | 1969 | 1985<br>(U) |
| 119. Common system of taxation of mergers, divisions and contributions of assets COM(69)5                 | 1969 | 1985<br>(U) |
| 120. Harmonization of taxes on transactions in securities COM(76)124, modified by COM(87)139              | 1976 | 1986<br>(U) |

|  |      |             |
|--|------|-------------|
| 121. Harmonization of M.S. laws relating to tax arrangements for carryover of losses of undertakings COM(84)404 and COM(85)319 | 1984 | 1988<br>(U) |
|--|------|-------------|

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### PART III : THE REMOVAL OF FISCAL BARRIERS

#### 1. V.A.T.

|  |       |               |
|--|-------|---------------|
| 122. Proposal for Council directive instituting a process of convergence of rates of VAT and excise duties COM(87)324                    | 1987* | 1988**<br>(U) |
| 123. Proposal on special schemes for small business (includes flat rate farmers proposal now no longer necessary) COM(86)444; COM(87)524 | 1986* | 1987<br>(U)   |
| 124. 12th VAT Directive concerning expenditure on which tax is not deductible - COM(82)870 & COM(84)84                                   | 1982  | 1986<br>(U)   |
| 125. 19th VAT Directive : miscellaneous supplementary and amending provisions of Directive 77/388/EEC COM(84)648, modified by COM(87)315 | 1984  | 1986<br>(U)   |
| 126. Directive on the stores of ships, aircraft and international trains COM(79)794  | 1980  | 1986<br>(U)   |
| 127. Approximation of VAT rates COM(87)321   | 1987* | 1988**<br>(U) |
| 128. Abolition of fiscal frontiers COM(87)322  | 1987* | 1988**<br>(U) |
| 129. Completion of common VAT system & modification to Articles 32 & 28 of Dir. 77/388 (7th VAT dir.) COM(88)846                         | 1988* | 1989<br>(U)   |

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**2. EXCISE DUTIES**

|   |       |               |
|---|-------|---------------|
| 130. Harmonization of the structure of excise duties on alcoholic drinks COM(72)225/2   | 1972  | 1985<br>(U)   |
| 131. Proposal for a directive on the harmonisation of excise duties on beer COM(72)225/4  | 1972  | 1985<br>(U)   |
| 132. Proposal for directive laying down certain rules on indirect taxes which affect the consumption of alcoholic drinks COM(85)150           | 1985  | 1985<br>(U)   |
| 133. Harmonization of the structure of excise duties on fortified wines and similar products COM(85)151                                       | 1985  | 1985<br>(U)   |
| 134. Excise duty on wine - COM(72)225/3   | 1972  | 1986<br>(U)   |
| 135. Harmonization of excise duties on mineral oils COM(73)1234   | 1973  | 1986<br>(U)   |
| 136. Approximation of taxes on manufactured tobacco other than cigarettes COM(87)326, COM(89)525/2  | 1987* | 1988**<br>(U) |
| 137. Approximation of taxes on cigarettes COM(87)325, COM(89)525/1  | 1987* | 1988**<br>(U) |
| 138. Approximation of the rates of excise duties on alcoholic beverages and on the alcohol contained in other products COM(87)328, COM(89)527 | 1987* | 1988**<br>(U) |
| 139. Council directive on the approximation of the rates of excise duties on mineral oils COM(87)327, COM(89)526                              | 1987* | 1988**<br>(U) |

# ANNEX III

## WHITE PAPER ON THE COMPLETION OF THE INTERNAL MARKET

LIST OF DIRECTIVES/REGULATIONS/DECISIONS AND RECOMMENDATIONS CONTAINED IN  
THE WHITE PAPER PROGRAMME WHICH ARE ALREADY IN FORCE OR DUE TO ENTER  
INTO FORCE BY 31/12/1990

|       |      |                                       |
|-------|------|---------------------------------------|
| N.B.: | I    | = Implementing measures notified      |
|       | NI   | = Not incorporated into national law  |
|       | D    | = Derogation from implementation date |
|       | INFR | = Infringement procedure<br>under way |
|       | NA   | = Not applicable                      |

[illegible]











| Measure   | B | D | DK | SP | F | EL | IT | IRL | L | NL | PT | UK | Remarks  |
|---|---|---|----|----|---|----|----|-----|---|----|----|----|--|
| African fever in Portugal<br>DEC. 86/649<br>Impl.Date 16/12/86                              | : | : | :  | :  | : | :  | :  | :   | : | :  | :  | :  | : *voir art. 3 :   |
| African swine fever in Spain<br>Dec.86/650<br>Impl.Date 16/12/86                            | : | : | :  | :  | : | :  | :  | :   | : | :  | :  | :  | : *voir art. 3 :   |
| Eradication of tuberculosis<br>leukosis (bovine species)<br>Dec.87/58<br>Impl.Date 22/12/86 | : | : | :  | :  | : | :  | :  | :   | : | :  | :  | :  | : Implement. : compulsory : only for : NA : E & P : see art. 3 : |

| Measure   | B | D | DK | SP | F    | EL   | IT   | IRL | L    | NL | PT | UK | Remarks |
|---|---|---|----|----|------|------|------|-----|------|----|----|----|---------|
| Amendment to Directive 77/93 (plant health) DIR. 85/574 Impl.Date 1/1/87                      | I | I | I  | I  | I    | I    | I    | I   | I    | I  | I  | I  |         |
| Amendment to Directive 77/93 (plant health) DIR. 88/572 Impl.Date 1/1/89                      | I | I | I  | I  | INFR | INFR | NI   | I   | I    | I  | NI | I  |         |
| Pesticide residues: in cereals and foodstuffs of animal origin DIR.86/362 Impl.Date 30/6/88   | I | I | I  | I  | I    | I    | INFR | I   | INFR | I  | NI | I  |         |
| Pesticide residues: in cereals and foodstuffs of animal origin DIR. 86/363 Impl.Date 30/06/88 | I | I | I  | NI | I    | I    | INFR | I   | INFR | I  | NI | I  |         |
| Amendment of Directive 79/117 (ethylene oxide) DIR.86/355 Impl.Date 1/7/87                    | I | I | I  | I  | I    | I    | NA   | I   | I    | I  | I  | I  |         |

| Measure   | B    | D | DK | SP | F | EL   | IT   | IRL  | L    | NL   | PT | UK   | Remarks   |
|---|------|---|----|----|---|------|------|------|------|------|----|------|---|
| Fixing of guide-<br>lines for addi-<br>tives used in<br>animal foodstuffs<br>DIR. 87/153<br>Impl.Date 31/12/87:                     | I    | I | I  | I  | I | I    | I    | I    | I    | I    | I  | I    |   |
| purebred<br>breeding animals<br>of the bovine<br>species<br>DIR.87/328<br>Impl.Date 1/1/89  | I    | I | I  | D  | I | INFR | I    | INFR | INFR | INFR | D  | I    | :SP & P<br>:implementa-<br>:tion<br>:required for:<br>:1/1/92 |
| Amendment to<br>Directive 80/215:<br>intra-<br>Community trade in:<br>meat products<br>DIR.87/491<br>Impl.Date 1/1/88               | I    | I | I  | I  | I | I    | INFR | I    | I    | I    | I  | I    |   |
| Amendment to<br>Directive 64/433:<br>health problems<br>intra-Community<br>trade in fresh<br>meat<br>DIR.88/288<br>Impl.Date 1/1/89 | INFR | I | I  | NI | I | INFR | INFR | I    | I    | I    | NI | INFR |   |



















| Measure   | B | D | DK | SP | F | EL | IT | IRL | L | NL | PT | UK | Remarks  |
|---|---|---|----|----|---|----|----|-----|---|----|----|----|--|
| Labelling,<br>presentation<br>and advertising of:<br>foodstuffs for<br>sale to the<br>ultimate consumer<br>DIR. 89/395<br>Impl.Date 20/12/90:           | : | : | :  | :  | : | :  | :  | :   | : | :  | :  | :  | :  |
| 4. <u>Pharmaceuticals</u><br><u>and high-</u><br><u>technology</u><br><u>medicines</u>  | : | : | :  | :  | : | :  | :  | :   | : | :  | :  | :  | :  |
| Placing on the<br>market of high-<br>technology<br>medicinal products:<br>incl. those<br>derived from<br>biotechnology<br>DIR.87/22<br>Impl.Date 1/7/87 | I | I | I  | NI | I | I  | I  | I   | I | I  | I  | I  | :  |
| Amendment to Dir.<br>75/318 -<br>testing of<br>medical<br>specialities<br>DIR.87/19<br>Impl.Date 1/7/87   | I | I | I  | NI | I | I  | I  | I   | I | I  | D  | I  | :P:Derogation:<br>:until 1/1/91:<br>:IT: basic<br>:pharmaceut.<br>:DIRs 65/65 &<br>:75/319 not<br>:implemented<br>::(INFR) |











| Measure             | B     | D | DK | SP | F | EL | IT    | IRL | L  | NL | PT | UK | Remarks        |
|---------------------|-------|---|----|----|---|----|-------|-----|----|----|----|----|----------------|
| Public procurement: | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :SP,EL & P     |
| Public supply       | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :Derogation    |
| contracts           | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :to 1/3/92     |
| (amendment to       | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :Conformity    |
| Dirs 77/62 &        | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :national      |
| 80/767              | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :measures not: |
| DIR.88/295          | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :checked       |
| Impl.Date 1/1/89    | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| Coordination of     | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| procedures for the: | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| award of public     | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| works contracts     | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| DIR. 89/440         | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| Impl.Date 19/7/90   | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| FREE MOVEMENT FOR   | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| LABOUR AND THE      | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| PROFESSIONS         | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| Coordination of     | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| provisions in the   | :     | : | :  | :  | : | :  | :     | :   | :  | :  | :  | :  | :              |
| field of pharmacy   | :INFR | I | I  | NI | I | I  | :INFR | I   | NA | I  | I  | I  | :              |







| Measure   | B    | D  | DK | SP | F                   | EL   | IT   | IRL  | L    | NL   | PT | UK | Remarks                               |
|---|------|----|----|----|---------------------|------|------|------|------|------|----|----|---------------------------------------|
| Application of competition rules to air transport | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | :                                     |
| REG.3975/87                                       | NI   | NI | I  | NI | NI                  | NI   | NI   | NI   | NI   | NI   | NI | I  | :                                     |
| Road transport - Community quota                  | :    | :  | :  | :  | Directly applicable | :    | :    | :    | :    | :    | :  | :  | :                                     |
| REG.1841/88                                       | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | :                                     |
| Road transport of goods                           | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | :                                     |
| REG.4059/89                                       | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | :                                     |
| Impl.Date 1/7/90                                  | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | :                                     |
| NEW TECHNOLOGIES AND SERVICES                     | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | :                                     |
| Pan European mobile telephones                    | INFR | I  | I  | NI | I                   | INFR | INFR | INFR | INFR | INFR | NI | I  | :                                     |
| DIR.87/372  | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | :                                     |
| Impl.Date 25/12/88                                | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | :                                     |
| Pan European mobile telephones                    | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | Gradual implementation from end 1987; |
| Dir.87/371  | :    | :  | :  | :  | :                   | :    | :    | :    | :    | :    | :  | :  | Member States to report to commission |







| Measure                                  | B  | GER. | DK | SP | F  | EL   | IT   | IRL | L  | NL | P  | UK | Remarks |
|--|----|------|----|----|----|------|------|-----|----|----|----|----|---------|
| Intellectual and industrial property     | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| Legal protection of micro circuits       | I  | I    | I  | I  | I  | INFR | I    | I   | I  | I  | I  | I  | :       |
| DIR.87/54                                | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| Impl.Date 7/11/87                        | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| 3) THE REMOVAL OF FISCAL BARRIERS        | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| V.A.T                                    | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| 13th VAT Directive                       | I  | I    | I  | I  | I  | I    | INFR | I   | I  | I  | I  | I  | :       |
| DIR.86/560                               | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| Impl.Date 1/1/88                         | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| 17th VAT Directive                       | I  | I    | I  | I  | I  | D    | I    | I   | I  | I  | I  | I  | :       |
| DIR.85/362                               | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| 18th VAT directive                       | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| DIR. 89/465                              | NI | NI   | I  | NI | NI | NI   | NI   | NI  | NI | NI | NI | NI | :       |
| Impl.Date 1/1/90                         | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| EXCISE DUTIES                            | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| Rum in French DOMs & metropolitan France | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |
| DEC.88/245                               | :  | :    | :  | :  | :  | :    | :    | :   | :  | :  | :  | :  | :       |

Implementation not required

ANNEX IV

COURT OF JUSTICE DECISIONS NOT IMPLEMENTED BY MEMBER STATES  
PROCEDURES UNDERWAY ON THE BASIS OF ARTICLE 171 OF THE TREATY  
SITUATION ON 10 NOVEMBER 1989

| MEMBER STATE | LEGAL BASE  | SUBJECT OF INFRINGEMENT<br>PROCEDURE   |
|--------------|---|--|
| BELGIUM      | Article 30 of EC Treaty<br>Case No. 88/52   | Limitation of use of gelatine in<br>certain food products                          |
|              | Articles 7, 48, 128, of EC<br>Treaty; Regulation 68/1612<br>Case No. 87/042                     | Discrimination in public<br>financing; non-university<br>higher education.         |
|              | Directive 82/714<br>Case No. 86/307   | Technical specifications<br>inland waterway vessels                                |
|              | Directive 82/470<br>Case No. 86/283   | Transport agents   |
|              | Directive 82/121<br>" 80/390<br>" 79/279<br>" 82/121<br>" 80/390<br>" 79/279<br>Case No. 85/390 | Securities<br>Prospectus of stock exchange<br>listings<br>Stock Exchange quotation |
|              | Directive 76/403<br>Case No. 85/230   | Elimination of polychlorobiphenyls<br>and polychloroterphenyls                     |

|         |  |   |  |
|---------|--|---|--|
|         |  |   |  |
| GERMANY | Directive 77/249<br><u>Case No. 85/427</u><br>Article 30 of the EC<br>Treaty<br><u>Case No. 87/274</u><br>Dir. 69/169<br><u>Case No. 82/325</u><br>Article 30 of the EC<br>Treaty<br><u>Case No. 85/179</u><br>Article 30 of the EC Treaty<br><u>Case No. 84/178</u> | Lawyers - free movement of services<br>Difficulties with pasta<br>imports<br>Butter "cruises" - Taxation<br>aspect<br>Packaging of "petillant de raisin"<br>Prohibition on sale of<br>beer not exclusively brewed with<br>malt barley |  |
| GREECE  | Articles 52 & 59 of the EC Treaty<br><u>Case No. 87/38</u><br>Article 90 (3) of the EC Treaty,<br>Commission decision 85/276<br><u>Case No. 87/226</u>   | Nationality requirements for<br>access to the following<br>professions :<br>architects, graduate engineers,<br>surveyors and lawyers<br>Insurance of public goods   |  |

|        |   |  |
|--------|---|--|
|        | Article 52 of Greek Act of Accession<br><u>Case No. 84/194</u><br>Articles 9 & 13 of the EC Treaty<br>Article 29 of the Greek Act of Accession<br><u>Case No. 87/229</u><br>Regulation 68/805<br><u>Case No. 85/124</u><br>Articles 7, 48, 52, 59 of EC Treaty<br><u>Case No. 87/305</u><br>Articles 48, 52 & 59 of the EC Treaty<br><u>Case No. 86/47</u><br>Article 30 of the EC Treaty<br><u>Case No. 84/176</u> | Refusal to authorise transfer of credits to the blocked accounts of Member State residents<br>Bank fees for the control of imported products<br>Import of certain cuts of meat<br>Border region legislation<br>Prohibition on teaching<br>Provisions imposed on sale of malt beers |
| SPAIN  |   |  |
| FRANCE | Article 30 of EC Treaty;<br>Dir. 72/464<br><u>Case No. 87/169</u>   | Manufactured tobacco - retail prices   |

|         |  |   |
|---------|--|---|
| IRELAND |  |   |
| ITALY   | DIR. 77/388<br><u>Case No. 3/86</u><br><br>Dir. 79/109<br><u>Case No. 86/116</u><br><br>Dir. 80/219<br>Dir. 80/1098<br><u>Case No. 85/364</u><br><br>Dir. 80/1099<br><u>Case No. 85/386</u><br><br>Dir. 82/243<br>Dir. 82/242<br><u>Case No. 86/309</u><br><br>Dir. 84/414<br><u>Case No. 87/326</u> | Reimbursement flat-rate farmers<br><br>Brucellosis<br><br>Tuberculosis and brucellosis<br>Classical swine fever and<br>swine vesicular disease<br><br>Classical swine fever and<br>swine vesicular disease<br><br>Anionic surfactant<br>Non-ionic surfactants<br><br>Thermometres |
|         | Articles 52 & 59 of the EC Treaty:<br><u>Case No. 85/168</u>   | Nationality requirements (guides,<br>journalists, self-employed<br>pharmacists)   |

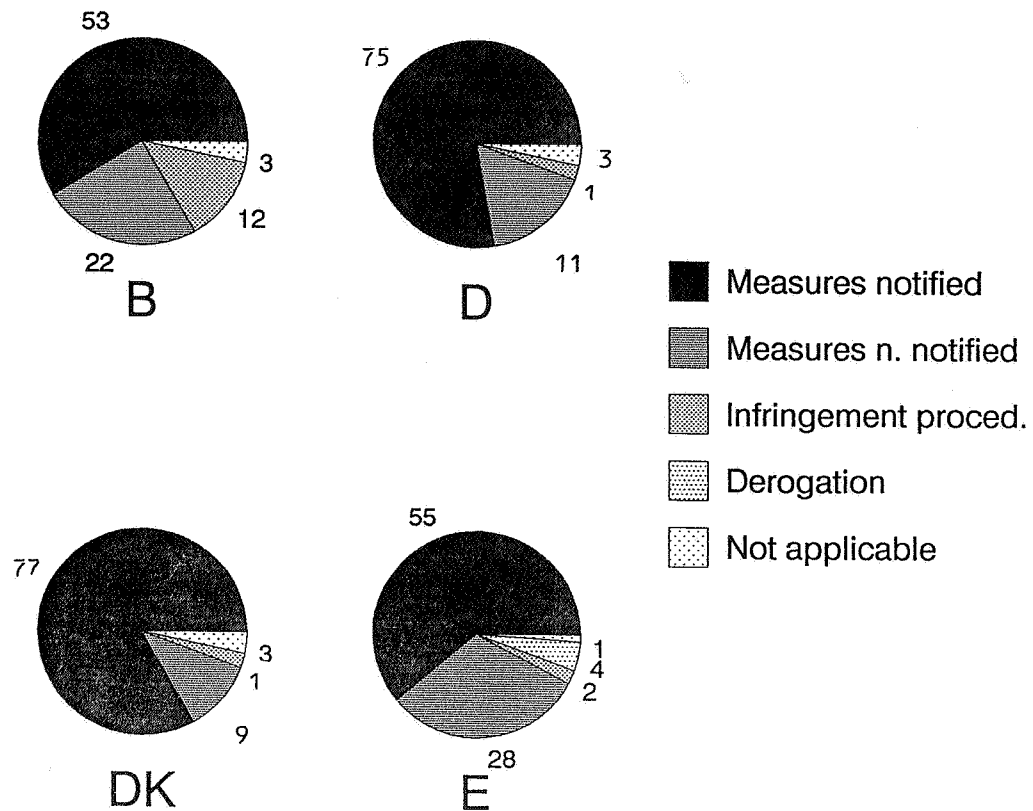
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|--|--|
| Dir. 83/181<br>Case No. 86/124                 | Final importations of personal effects - tax relief  |
| Dir. 83/181<br>Case No. 86/125                 | VAT exemption on final importation of certain goods  |
| Art. 95 of EC Treaty<br>Case No. 85/184        | Taxation on bananas  |
| Dir. 82/57<br>Case No. 85/275                  | Phased customs clearance   |
| Dir. 82/347<br>Dir. 81/177<br>Case No. 85/158  | Export procedures on Community goods   |
| Dir. 76/82<br>Case No. 86/49                   | Part-time and full time training of specialist medical personnel   |
| Dir 82/470<br>Case No. 86/310                  | Transport agents   |
| Article 13 of the EC Treaty<br>Case No. 86/104 | Burden of proof requirements which make the reimbursement of national taxes at equivalent rates impossible |
| Directive 78/660<br>Case No. 85/17             | Company annual accounts  |

|                           |   |                                     |
|---------------------------|---|-------------------------------------|
| : Directive 84/386        | : | Movable tangible property           |
| : <u>Case No. 87/353</u>  | : |                                     |
| : Directive 77/388        | : | Veterinary surgeons and blacksmiths |
| : <u>Case No. 84/122</u>  | : | - exemption from services           |
| : Article 95 of EC Treaty | : | Import of medical samples           |
| : Directive 77/388        | : |                                     |
| : <u>Case No. 86/257</u>  | : |                                     |
| : Article 30 of EC Treaty | : | Prices of pharmaceutical products   |
| : <u>Case No. 87/56</u>   | : | and medicines                       |
| : Dir. 77/796             | : | Recognition of diplomas -           |
| : <u>Case No. 88/71</u>   | : | carriers of goods and passengers    |
| :                         | : | (by road)                           |
| : Dir. 74/562             | : | Access to profession - transport of |
| : Dir. 74/561             | : | passengers and goods                |
| : <u>Case No. 85/160</u>  | : |                                     |
| : Article 95              | : | Excise duties on rum                |
| : <u>Case No. 87/323</u>  | : |                                     |

|                |                                       |                                |  |
|----------------|---------------------------------------|--------------------------------|--|
| LUXEMBOURG     |                                       |                                |  |
| NETHERLANDS    | Dir. 77/388<br><u>Case No. 85/253</u> | Tax regime notaries and ushers |  |
| PORTUGAL       |                                       |                                |  |
| UNITED KINGDOM |                                       |                                |  |

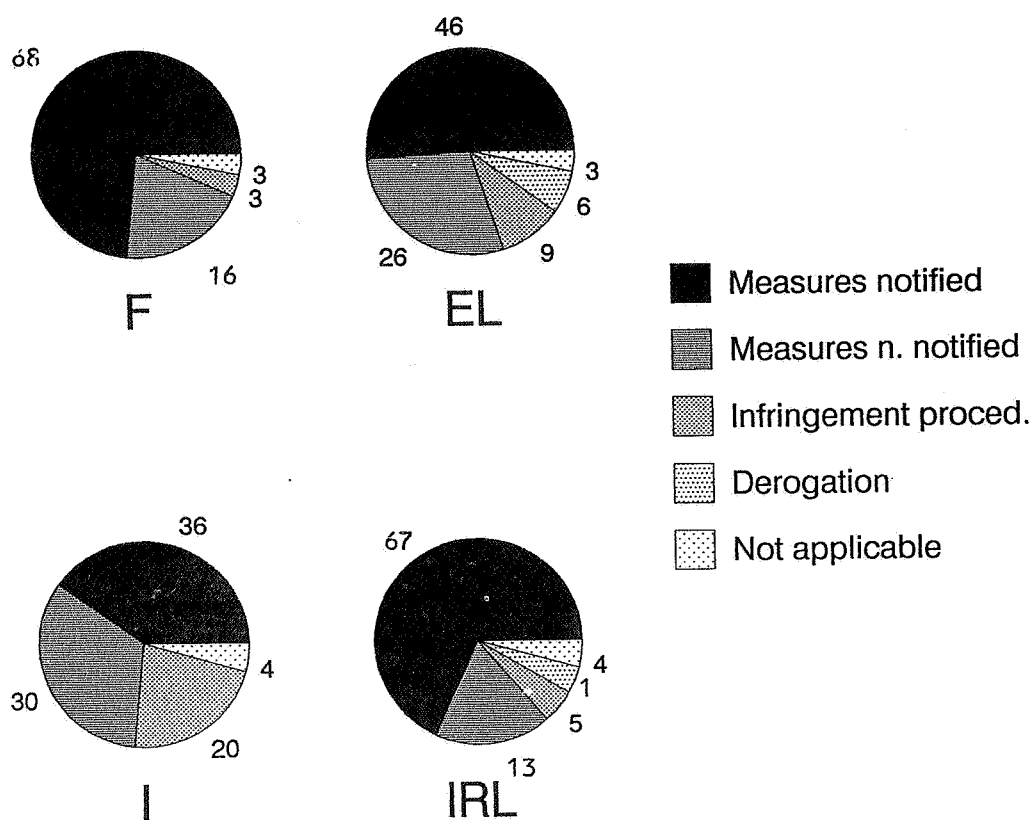


## Breakdown of situation by member state



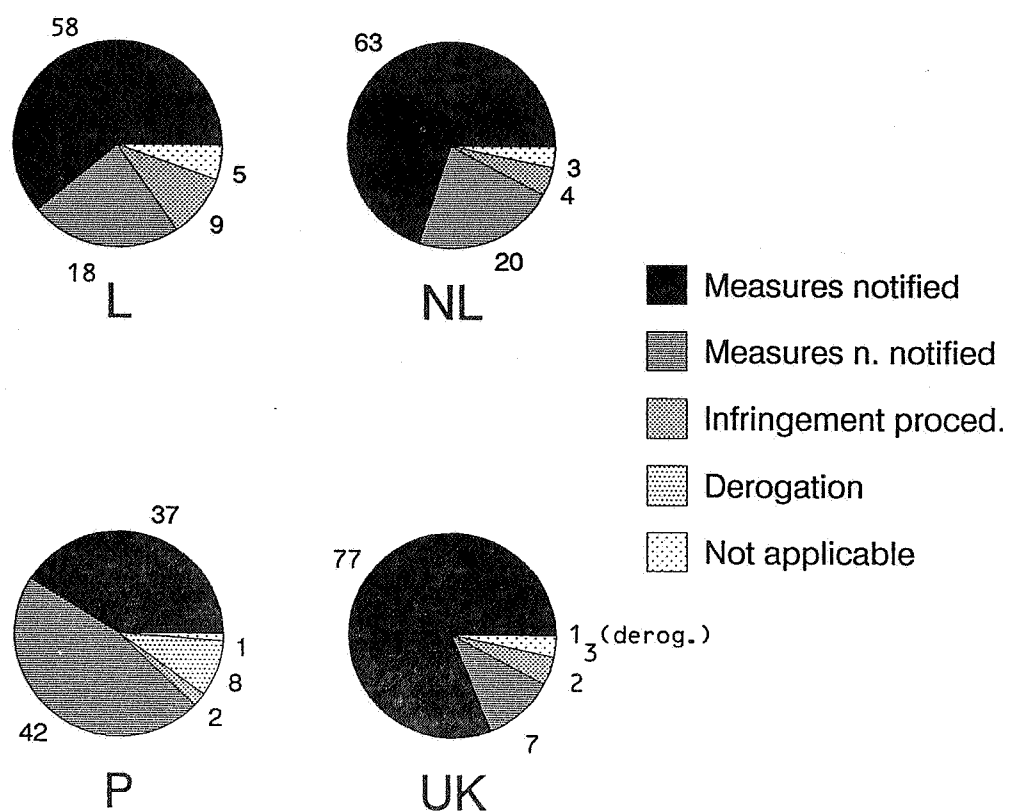
|                      | B  | D  | DK | E  |
|----------------------|----|----|----|----|
| Measures notified    | 53 | 75 | 77 | 55 |
| Measures n. notified | 22 | 11 | 9  | 28 |
| Infringement proced. | 12 | 1  | 1  | 2  |
| Derogation           |    |    |    | 4  |
| Not applicable       | 3  | 3  | 3  | 1  |

## Breakdown of situation by member state



|                      | F  | EL | I  | IRL |
|----------------------|----|----|----|-----|
| Measures notified    | 68 | 46 | 36 | 67  |
| Measures n. notified | 16 | 26 | 30 | 13  |
| Infringement proced. | 3  | 9  | 20 | 5   |
| Derogation           |    | 6  |    | 1   |
| Not applicable       | 3  | 3  | 4  | 4   |

## Breakdown of situation by member state



|                      | L  | NL | P  | UK |
|----------------------|----|----|----|----|
| Measures notified    | 58 | 63 | 37 | 77 |
| Measures n. notified | 18 | 20 | 42 | 7  |
| Infringement proced. | 9  | 4  | 2  | 2  |
| Derogation           |    |    | 8  | 1  |
| Not applicable       | 5  | 3  | 1  | 3  |