

Official Journal

of the European Communities

ISSN 0378-6986

C 250

Volume 35

28 September 1992

English edition

Information and Notices

Notice No

Contents

Page

I *Information*

Commission

92/C 250/01

Ninth annual report to the European Parliament on Commission monitoring of the application of Community law — 1991 1

I

(Information)

COMMISSION

NINTH ANNUAL REPORT

to the European Parliament

on Commission monitoring of the application of Community law

— 1991 —

(92/C 250/01)

COM(92) 136 final

CONTENTS

	Page
I. INTRODUCTION	6
II. SECTOR-BY-SECTOR ANALYSIS	8
A. A Europe without frontiers	8
1. Removal of physical barriers	10
(a) Customs Union	10
(b) Free movement of agricultural products	11
2. Removal of technical barriers	13
(a) Free movement of goods	13
(b) Market in services and capital	17
(1) The market for services	17
(2) Capital movements	18
(c) Freedom to provide financial services, direct taxation and company law	19
3. Removal of tax barriers	20
4. Free movement of persons	22
(a) Ban on discrimination	22
(b) Entry and residence	23
(c) Equal treatment — trade union rights	23
(d) Access to employment in the public service	23
(e) Recognition of qualifications	23
(f) Independent commercial agents	26
5. Consumer policy and product safety	26
B. Employment and social policy	27
1. Equal treatment	27
2. The anti-cancer campaign	28
3. Social security for migrant workers	28
4. Working conditions	28
C. Common agricultural and fisheries policies	29
1. Common agricultural policy	29
2. Common fisheries policy	33
D. Competition	35
1. Public undertakings	35
2. Monopolies	35
E. Transport	36
1. Road transport	36
2. Inland waterways	37

	Page
F. Environment	38
1. Protection of wild fauna and flora	38
2. Water	38
3. Air	38
4. Noise	39
5. Waste; chemical and biochemical substances	39
G. Energy	39
1. Petroleum products	39
2. Transit of electricity	39
3. Transparency of prices	40
4. Coal	40
H. External dimension	40
1. External relations	40
2. Development cooperation	40
I. Statistical, administrative and budgetary matters	40
1. Statistics	40
2. Community staff	41
3. Budgetary matters	42
III. TABLES, CHARTS AND SUMMARIES	42
No 1 Infringement proceedings initiated since 1987, classified by stage of proceedings and Member State	43
No 2 Number of letters of formal notice, 1986 to 1991, classified by sector	44
No 3 Number of reasoned opinions, 1986 to 1991, classified by sector	45
No 4 Number of references to the Court of Justice, 1986 to 1991, classified by sector	46
No 5 Infringement proceedings initiated since 1984, classified by stage of proceedings and sector	47
No 6 Infringement proceedings initiated since 1984, classified by sector and legal basis	48
No 7 Number of infringement proceedings initiated since 1984, classified by legal basis and stage of proceedings	49
No 8 Number of infringement proceedings initiated since 1988, classified by Member State, legal basis and stage of proceedings	50

	Page
No 9 References to Court and judgments since 1987	51
No 10 Court of Justice judgments delivered up to 31 December 1991, not complied with	55
No 11 Application of Community law by national courts	70
No 12 Statistics on complaints and infringements detected by the Commission's own inquiries	73

IV. ANNEXES

A. Infringements of the Treaties and of Regulations	78
B. Infringement of Directives	96
C. Monitoring of the application by Member States of environment Directives	150

I. INTRODUCTION

The annual report on monitoring of the application of Community Law ⁽¹⁾ is produced in response to a request made by Parliament in its resolution of 9 February 1983 ⁽²⁾. In point 2 of declaration No 19 on the implementation of Community law annexed to the Treaty on European Union signed in Maastricht on 7 February 1992, the Conference 'asks the Commission to publish periodically a full report for the member States and the European Parliament.' This ninth report is the response to the two requests.

It comprises a sector-by-sector analysis, which is followed by a set of tables and charts and three annexes:

- a list of infringements of the Treaties and regulations at 31 December 1991 (Annex A),
- a list of infringements of directives at 31 December 1991 (Annex B),
- a review of the application of environmental directives at 31 December 1991, as requested by the Dublin European Council in June 1990 (Annex C).

A number of points emerge from the report:

- the transposal of Community law into national law, notably the implementation of directives, is one of the Community's chief concerns, especially in the run-up to 1993;
- complaints from citizens continue to be a key factor in the detection of infringements. Questions by

MEPs are playing an increasingly significant role, too;

- the sharp rise in the number of Article 169 (EEC) proceedings should not hide the fact that the Commission uses this instrument to put an end to infringements — in particular to secure proper implementation of directives — without actions necessarily having to be brought before the Court of Justice;
- contacts with the national authorities are playing an increasingly important role;
- the same is true of measures to enhance understanding and knowledge of Community law.

Implementation of directives

In point 1 of the abovementioned declaration annexed to the Treaty on European Union, 'the Conference stresses that it is central to the coherence and unity of the process of European construction that each Member State should fully and accurately transpose into national law the Community directives addressed to it within the deadlines laid down therein.'

The list of infringements of directives shows the difficulties encountered by Member States in keeping up with the pace of Community legislative activity, in particular with 174 directives becoming due for implementation in 1991. The Commission is concerned at the delays observed. As well as systematically initiating the Article 169 procedure, it is stepping up its contacts with national authorities also with a view to helping them to deal with any major risks which might compromise the opening-up of frontiers by 1993.

The sector-by-sector analysis includes, for each area of Community activity, a table showing the implementation of directives applicable at 31 December 1991 (notification of implementing measures up to that time).

As the situation in a number of Member States has improved substantially since the end of the year (Italy, for instance, notified implementing measures for around a hundred directives at the end of February under the

⁽¹⁾ First annual report COM(84) 181 final, 20. 4. 1984.
 Second annual report COM(85) 149 final, 23. 4. 1985.
 Third annual report COM(86) 204 final, 3. 6. 1986, published in OJ No C 220, 1. 9. 1986.
 Fourth annual report COM(87) 250 final, 24. 8. 1987, published in OJ No C 338, 16. 12. 1987.
 Fifth annual report COM(88) 425 final, 13. 9. 1988, published in OJ No C 310, 5. 12. 1988.
 Sixth annual report COM(89) 411 final, 22. 12. 1989, published in OJ No C 330, 30. 12. 1989.
 Seventh annual report COM(90) 288 final, 22. 5. 1990, published in OJ No C 232, 17. 9. 1990.
 Eighth annual report COM(91) 231 final, 31. 7. 1991, published in OJ No C 338, 31. 12. 1991.
⁽²⁾ OJ No C 68, 14. 3. 1983.

Italian 'Community Act'), it is considered worth presenting here the position for these directives at 25 March 1992 as well as at 31 December 1991.

Position at 31 December 1991

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	831	733	88
Denmark	830	809	97
Germany	832	773	92,9
Greece	820	735	89,6
Spain	826	760	92
France	836	795	95
Ireland	822	721	88,6
Italy	840	643	76,5
Luxembourg	826	718	86,9
Netherlands	831	752	90
Portugal	819	701	85,5
United Kingdom	824	781	94,7

Position at 25 March 1992

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	831	778	93,6
Denmark	830	822	99
Germany	832	808	97
Greece	820	769	93,7
Spain	826	780	94
France	836	808	96,6
Ireland	822	766	93
Italy	840	773	92
Luxembourg	826	742	89,8
Netherlands	831	790	95
Portugal	819	739	90
United Kingdom	824	799	96,9

Means of detecting infringements

Apart from the formal monitoring of measures for implementing directives, the Commission, in its control function, also relies on:

— complaints lodged by private individuals who have suffered in some way in an area covered by Community law. The number of complaints registered is still very high, although lower than in 1990 (1 252 in 1990 as against 1 052 in 1991). It should be stressed that complaints are treated in strict confidence (which is not breached even in this report),

— cases detected by the Commission itself (381 in 1991 as against 283 in 1990). Commission staff make use of all the sources of information available (meetings with national experts or in Council bodies, Member States' official journals, national or specialized press). It is most important to stress that 125 of the cases come directly or indirectly from Parliamentary questions and 17 from petitions sent to Parliament.

Use of Article 169 of the EEC Treaty

The following picture can be painted:

— the total number of letters of formal notice fell (877 in 1991 compared with 960 in 1990). This is accounted for by a desire to limit the number of procedures: where a number of complaints relate to the same subject, they are grouped together in a single infringement file. But another reason is that in 1990 the Commission set up stricter arrangements for sending letters of notice for failure to notify implementing measures, which meant that that year a large volume of arrears was worked off;

— the total number of reasoned opinion continued to increase sharply compared with the previous year (412 in 1991 as against 251 in 1990). The main reason for this increase is that in a number of cases the letters of notice sent in 1990 for failure to notify implementing measures did not produce any action. There are now more and more procedures being initiated against Member States;

— the number of cases referred to the Court of Justice was down (64 in 1991 as against 77 in 1990). This highlights the fact that despite the sharp increase in reasoned opinions, infringements are being terminated before the final stage of the procedure is reached.

Contacts with Member States

Contacts with Member States were stepped up in 1991: even more so than in the past, the Commission keeps in close and constant contact with national authorities. A growing number of infringement cases are being resolved by means of this collaboration. It also ensures virtually day-by-day monitoring of the implementation of Community law and observance of the Member States' obligation to notify the Commission of national implementing measures with a view to identifying difficulties and resolving them by solutions which do not involve formal proceedings. It is the Commission's intention, in these contacts concerning directives, not only to address cases of late implementation but also to watch out for directives about to become applicable.

Transparency and simplification of Community law — Training

As Parliament has stated on a number of occasions, the situation demands extra effort in this field:

- transparency and simplification of Community law. In order to deal with the difficulties of implementing Community law caused by the complexity of the legislation, the Commission has launched two operations for consolidating legislation:
 - legislative consolidation proper: the replacement of old instruments which have been repeatedly amended by new ones which have to be enacted by the Council;
 - consolidation for information purposes only: the consolidation of instruments, acquiring no legal value but enabling national authorities and the business world to keep abreast of the development of legislation in certain areas;
- training of lawyers. The Commission has extended the programmes and measures designed to improve the training of lawyers in Community law:

- the programme of exchanges of lawyers in civil services now extends to areas covered by the internal market;
- seminars, lectures and conferences in all legal sectors for which the Commission provides a subsidy;
- establishment in all Member States by the end of 1992 of associations of lawyers.

While it is aware of the need to speed up the integration of the Community in legal matters, the Commission does not underestimate the difficulties of its task as guardian of the Treaties. However, a number of developments in 1991 may well mobilize the Member States to improve application of Community law. A special mention should be made of two developments in particular, one concerning Court judgments and the other the Treaty on European Union:

- in its judgments of 20 November 1991 (Francovich and Bonifaci) the Court of Justice held that individuals are entitled to demand that the Member State make good damage which they sustained as a result of the Member State's failure to transpose a directive and laid down the following conditions for its application: the result to be achieved by the directive must include the conferment of rights on individuals, these rights must be identifiable on the basis of the directive and there must be a causal link between the infringement of the Member State's obligation and the damage sustained;
- the new Article 171 of the Treaty laid down in the Treaty on European Union will allow the Court, once the Treaty has entered into force, to impose a lump sum or penalty payment on a Member State which, after the Court has found that it has failed to fulfil its obligations, still does not comply with the Court's judgment.

II. SECTOR-BY-SECTOR ANALYSIS

A. AN AREA WITHOUT INTERNAL FRONTIERS

The establishment of an area without internal frontiers depends mainly on the adoption and implementation of the legislative programme published in the Commission's White Paper in 1985. Over the last three years the

Commission has put forward all the proposals announced in the programme and by the end of 1991 more than 82 % of them had been adopted by the Council and Parliament. However, the main burden of responsibility falls on the Member States, who have to ensure that these rules are incorporated into national law and actually applied.

By the end of 1991, 213 of the measures set out in the programme had been adopted. Of these, 173 are already in force in the Member States, while 136 still require measures to incorporate them into national law ⁽¹⁾. The task of implementing the programme must be given the highest priority since it will determine whether the abolition of controls at intra-Community frontiers — planned for the end of 1992 — is actually achieved.

The Commission is responsible for administering Community instruments in this field and monitoring their proper application at national level. The crucial importance of this aspect of the establishment of the single market has prompted the Commission to take a number of initiatives aimed at highlighting the political significance of applying these provisions if an area without internal frontiers is to be established.

Openness regarding the transposal of Directives is of fundamental importance: the Member States and the general public must know the exact state of progress in implementation in each country. Since 1989 this information has been published in special reports on the application of the measures set out in the White Paper. The situation is also reviewed regularly by the Council. Two other channels of information are the public databases INFO 92, which provides details on the implementation of single market legislation, and CELEX, which covers all Community legislation.

The Commission is stepping up its cooperation with Member States, in particular through bilateral and multi-lateral contacts:

- it holds bilateral meetings with national government departments — know as 'package meetings' — to take stock of progress in the implementation of Directives and observance of Article 30 of the EEC Treaty. These meetings ensure that the situation is kept constantly under joint review and allow the Commission to bring extra pressure to bear on the competent national departments. In 1991 meetings were held with the Greek and Irish authorities, which helped improve the situation regarding the transposal of Directives;
- a group of senior national civil servants was set up in 1990 to examine problems in achieving the 1992 objective. It met five times in 1991. These meetings provide an opportunity for Member States to

exchange information, come to a better understanding of each other's problems and monitor jointly the implementation of Community rules. Discussions are also held at a political level, in particular at informal meetings of the Ministers responsible for the internal market.

Community law is all the more difficult to implement where the legislative set-up results in fragmentation of the texts, thereby detracting from consistency and hampering understanding. For this reason the Commission embarked on a consolidation exercise in 1988; it has so far yielded a consolidated Directive on cosmetics ⁽²⁾ and a series of Commission proposals.

Alongside legislative consolidation, the Commission has announced its intention of developing declaratory consolidation, whereby consolidated texts, which do not have the force of law but are published for information purposes only, will be made available to users of the INFO 92 database.

The various activities outlined above have helped improve the situation regarding the transposal of Community law: the main evidence for this is the growing awareness among certain Member States of their need to catch up. Despite the entry into force of a large volume of new legislation, the rate of transposal rose considerably, from 72 % at the end of 1990 to more than 77 % at the end of 1991.

But the Commission must now do more than just monitor the transposal of Community instruments: it is intent on stepping up controls on their application. Surveillance of this kind is particularly important to ensure mutual confidence between national administrations, especially as regards the implementation of legislation on veterinary and plant health controls and Directives on the opening up of public procurement. In this context, two initiatives are already under way:

- exchanges between national civil servants. In October 1991 the Commission presented to the Council an action plan — to become operational in January 1993 — covering all aspects of the internal market. The plan supplements specific programmes adopted by the Council (in the customs and veterinary fields) and existing pilot schemes (taxation). It should help ensure greater convergence between the national arrangements for administering Community rules;

⁽¹⁾ Commission communication SEC(91) 2491 final.

⁽²⁾ Not yet formally adopted by the Council.

— the establishment of electronic data transmission networks for the exchange of information between national administrations concerning the administration of Community rules. In October 1991 the Commission presented the priorities for establishing such networks and defined the various requirements. The Commission aims to make such networks operational by the end of 1992 to ensure the proper application of the rules adopted on indirect taxation, veterinary and plant health controls, statistics and customs.

These two initiatives reflect the Commission's desire to extend its monitoring activities to cover not only the transposal of Directives but also the proper application of Community rules at the various tiers of government in the Member States.

1. REMOVAL OF PHYSICAL BARRIERS

The political dimension of the area without internal frontiers depends on the adoption and implementation of all provisions relating to customs, statistics and animal and plant health which are designed to remove physical controls at internal frontiers. It also depends on the vigorous application of Articles 30 *et seq.* of the EEC Treaty to challenge any border control which might be considered to be disproportionate to the objectives being pursued. This report does not deal with the application of measures adopted to ensure the free movement of persons, as the most important of these measures have been adopted in the context of international agreements.

(a) Customs union

Alongside the measures adopted by the Council, the Commission, in conjunction with the Member States, conducted a systematic survey of the controls carried out by customs administrations at intra-Community frontiers. The results of the survey show that many controls involve technical checks on products or inspections relating to the protection of public health, environmental protection or security.

In December 1991 the Commission published a communication on the abolition of border controls, which draws conclusions from the survey. The Commission has also contacted the relevant departments in the Member States to assess the compatibility of some of these controls with the Treaty or with secondary legislation.

As stated in last year's report, a feature of the monitoring of the application of Community customs

provisions is the fact that they are almost all contained in Regulations.

Since these Regulations are directly applicable, there should be no difference in the way they are implemented from one Member State to another. However, customs treatment still varies because of the different interpretations favoured by national authorities in issuing instructions to their own departments.

The Commission has therefore begun a detailed review of customs provisions to remedy this situation.

Infringement proceedings in the customs union sector mainly involve intra-Community trade and are concerned with Articles 9 *et seq.* of the EEC Treaty, which ban any charges having an effect equivalent to customs duties in trade between Member States, and Council Directive 83/643/EEC of 1 December 1983 on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States.

In 1991 a number of major infringement proceedings were settled after Member States had reacted to Commission pressure and complied with its requests. Worth mentioning in this respect are the cases relating to the charge levied in France for the computerized checking of customs declarations, the refusal to allow free movement of goods imported from third countries and bound for Andorra and two cases concerning Italy (obstacles to the free movement of iron and steel products, systematic checks on bonded goods).

The infringement relating to the import levy in the Canary Islands on flour of bread-making quality was settled by the introduction of Community measures to integrate the islands more closely into the Community (Council Regulation (EEC) No 1911/91 of 26 June 1991 and Council Decision 91/314/EEC of 26 June 1991 setting up a programme of options specific to the remote and insular nature of the Canary Islands — Poseican).

The main infringement proceedings currently under way concern Italy (disproportionate charges for services supplied by customs to several firms at the same time, customs agents' monopoly and prices, veterinary services' telegram costs charged to livestock importers — in this last case the Commission has commenced proceedings against Italy under Article 171 for failing to implement a Court ruling in the Commission's favour) and Portugal (refusal to allow forwarding agents to make customs declarations, stamp duty on import).

The infringement proceedings relating to imports of military equipment free of customs duties under the Common Customs Tariff are still suspended pending the outcome of discussions in the Council.

Progress in implementing Directives applicable to the customs union

The Commission is gratified by the situation here.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	17	17	100
Denmark	17	17	100
Germany	17	17	100
Greece	17	17	100
Spain	17	17	100
France	17	17	100
Ireland	17	17	100
Italy	17	17	100
Luxembourg	17	17	100
Netherlands	17	17	100
Portugal	17	17	100
United Kingdom	17	17	100

(b) Free movement of agricultural products

Establishing freedom of movement for agricultural products (*) in a single market is one of the principles underpinning the operation of the CAP and its common market organizations.

The Court of Justice has repeatedly pointed out that Articles 30 and 34 of the EEC Treaty are still an integral part of the common market organizations, even though there has no longer been any need to write them into the Regulations since 1 January 1970 (²).

In 1991 the Commission once again kept a constant watch to make sure that obstacles to trade in agricultural products in the Community were removed. The types of

obstacles detected and combated by Commission departments remain as before, and have been classified as set out below.

The reason most frequently put forward by Member States for imposing such obstacles is the protection of public, animal and plant health:

— technical provisions relating to the presentation, quality and packaging of products which have the effect of restricting or discouraging imports. A case in point is Italian Law No 396 of 2 February 1939, which prohibits the production of cheeses with a fat content lower than that stipulated by Italian law for marketing in Italy. This has the effect of preventing the marketing of imported cheeses which have been lawfully manufactured and marketed in the Member State of origin and was condemned by the Court of Justice in its judgment of 11 October 1990 in Case 210/89 (³). The Italian authorities have since given notice of their intention to repeal the law in question.

In a similar case France has taken the necessary steps to comply with the judgment of the Court of Justice in Case 286/86 (Edam) where the Court ruled that, 'Articles 30 *et seq.* of the Treaty must be interpreted as precluding a Member State from applying national legislation making the right to use the trade name of a type of cheese subject to the observance of a minimum fat content to products of the same type imported from another Member State when those products have been lawfully manufactured and marketed under that name in that Member State and consumers are provided with proper information' (⁴).

The Italian authorities have announced their intention of removing a similar restriction concerning the system for monitoring the authenticity of butter, which is based entirely on the ratio between certain fatty acids established with reference to home-produced butter without taking into account standard values for butter produced in other Member States.

As regards the Italian law setting a maximum fat content for butter at 82 %, which also applies to

(¹) Those listed in Annex II to the EEC Treaty.

(²) See judgment of the Court of Justice in Case 83/78 Pigs Marketing Board v Redmond [1978] ECR 2347, 2371, Ground 55.

(³) Judgment of the Court of Justice in Case 210/89 Commission v Italy [1990] ECR 3697.

(⁴) Judgment of the Court of Justice in Case 286/86 Ministère Public v Deserbais [1988] ECR 4907, 4927.

butter imported from other Member States, the authorities have informed the Commission that this rule is no longer applied in practice and that a bill on the matter has been passed by the Italian Parliament.

However, the Italian authorities have still not lifted the restrictions on the marketing or importing into Italy of oils and fats (the requirement that a tracer be present) which have been condemned by the Court of Justice ⁽¹⁾.

Lastly, the Commission has noted with satisfaction that, after receiving a reasoned opinion, the Greek authorities have adopted a new regulation in order to comply with the Court's judgment in Case 124/85, which condemned the restrictions on the import of and wholesale trade in certain cuts of fresh beef and veal ⁽²⁾;

— Import controls: these are the most numerous of all the obstacles to trade. A distinction should be drawn between the following types:

- (a) Double checks and systematic checks such as those applied in Italy to salted fish imported from Greece with a health certificate issued by the Member State of dispatch or to livestock, meat, dairy products and fishery products when animal health inspectors are on strike and are replaced by military veterinary surgeons.
- (b) The requirement that the producer Member State issue certificates guaranteeing that products conform to the standards of the importing Member State; such a requirement was applied in Greece in respect of pasteurized butter but was abolished by the Greek authorities following the judgment of the Court of Justice in Case 205/89 ⁽³⁾.
- (c) The requirement for prior import licences or permits applied in Italy to any vegetable matter sensitive to fire blight and in the United Kingdom and Ireland to sperm intended for artificial insemination purposes. The United Kingdom now allows the import of sperm collected after 1 July 1990 under the 'general

licence' scheme while the case concerning Ireland has been referred to the Court of Justice (Case 235/91). The prior authorization scheme for the import of dairy products into Denmark has been abolished and replaced by a licence scheme which conforms to Community law.

In its judgment of 5 July 1990 in Case 304/88, the Court of Justice ruled against Belgium's practice of individually authorizing each import of meat or livestock from other Member States ⁽⁴⁾. The Belgian authorities have now suspended the arrangements in question and agreed to adopt legislative measures to ensure that the Court's ruling is implemented.

- (d) Over-complicated checking arrangements such as those in force in Germany, which required transporters of fresh poultrymeat as a matter of course to declare their goods in advance so that animal health inspectors could be called in routinely. Following the Court of Justice's ruling ⁽⁵⁾, Germany took the requisite steps to comply in practice. Other practices were also condemned by the Court of Justice, such as the ban placed by Italy on imports of grapefruit from other Member States through its land border posts ⁽⁶⁾. In view of Italy's refusal to comply with the Court's ruling, the Commission has decided to send a reasoned opinion.
- (e) The setting of a single maximum profit margin applied to imported and home-produced cheeses in Greece. This practice discriminated against imported products since the cost of importing was included in the profit margin. It was abolished by the Greek authorities after the Commission had sent a reasoned opinion.
- (f) Bans on the import of products from other Member States, for example crayfish in Germany and pigs in Portugal. The Commission has decided to refer these cases to the Court of

⁽¹⁾ Judgment of the Court of Justice in Case 67/88 Commission v Italy [1990] ECR 4285.

⁽²⁾ Judgment of the Court of Justice in Case 124/85 Commission v Greece [1986] ECR 3935.

⁽³⁾ Judgment of the Court of Justice in Case 205/89, not yet reported.

⁽⁴⁾ Judgment of the Court of Justice in Case 304/88 Commission v Belgium, [1990] ECR 2801.

⁽⁵⁾ Judgment of the Court of Justice of 28 November 1989 in Case 186/88 Commission v Germany, [1989] ECR 3997.

⁽⁶⁾ Judgment of the Court of Justice of 12 July 1990 in Case 128/89 Commission v Italy, [1990] ECR 3239.

Justice. Meanwhile, France has repealed its legislation prohibiting the import of all shellfish intended for immersion or implantation on French shellfish farms.

2. REMOVAL OF TECHNICAL BARRIERS

Removing technical barriers entails applying the rules in the Treaty and introducing the measures called for by the White Paper.

The White Paper legislative programme is virtually complete. Work has now reached the implementation stage — transposing, vetting and adjusting the legislation. There is a large body of legislation here. Of the 135 measures in the White Paper, 78 are already applicable in the Member States. They cover all areas, though technical regulations account for the lion's share. These new measures have been by way of addition to those already in force before the White Paper.

(a) Free movement of goods

The Commission pursued its measures to remove technical barriers to trade in goods on the basis of the three instruments available in Community law — Articles 30 to 36 of the EEC Treaty, prohibiting measures equivalent to quantitative effect; preventive measures under Directive 83/189/EEC; and approximation of laws under Articles 100 and 100a of the EEC Treaty.

(i) *Articles 30 et seq. of the EEC Treaty and the principle of mutual recognition*

Articles 30 *et seq.* of the EEC Treaty, as interpreted by the Court of Justice, seek to abolish all barriers to intra-Community trade. The rule in *Cassis de Dijon* is that any product lawfully made in a Member State must broadly speaking enjoy access to all other Member States. The principle flowing from this rule, which is behind all that the Commission does in this field, is the principle of mutual recognition, whereby each Member State accepts products which comply with the rules, standards or customary processes of the other Member States if they ensure a level of protection at least equivalent to its own.

This principle is the operational expression of the subsidiarity principle. It has given the Commission the grounds for attacking thousands of national technical

regulations which, without being strictly speaking discriminatory, subjected imported products to national rules in such a way as to be in restraint of intra-Community trade.

The Commission acts on complaints it receives, on problems brought up by Parliament and on petitions presented to Parliamentary committees. Commission departments have also developed a practice of monitoring national regulations which come to their notice.

As regards industrial products there has been a continuing rise in monitoring activity, the number of cases to be considered under Articles 30 to 36 of the EEC Treaty rising to more than 1 500 in 1991. In around 60 of them, infringement proceedings were commenced under Article 169 of the EEC Treaty.

The cases mainly concerned public supply contracts, national pricing rules, generic designations for certain types of national product, exclusive industrial and commercial property rights, national advertising rules, the obligation to use the national language at stages upstream of the retail sale stage, and so on.

Following the approach called for by Parliament's resolution of 22 February 1991⁽¹⁾, the Commission pursued the practice of regular dialogue with the Member States at what are now known as package meetings to find rapid solutions to cases outstanding. The new approach is based on trust and cooperation; it has yielded very good results, as can be seen from the low frequency of referrals to the Court of Justice. Package meetings were held this year with France, Germany, Greece, Italy, Portugal and Spain.

Implementing the mutual recognition principle has effectively liberalized whole markets and opened them up to Community competition. A wide range of restrictive rules and practices have been adjusted to the dimension of the single market in food, manufacturing and telecommunications industries.

The Commission is continuing to publish notices of interpretation, which are an ideal instrument for applying the principles of subsidiarity and mutual recognition. Community law can be brought to a wide audience along with the case law of the Court of Justice; the Member States are given guidance for their own law-making purposes; and the business world can be

⁽¹⁾ OJ No C 72, 18. 3. 1991.

acquainted with the rights conferred by the Community legal order. Following its general notice on the free movement of foodstuffs within the Community⁽¹⁾, the Commission published a specific notice on the names under which foodstuffs are sold on 15 October 1991 in the *Official Journal of the European Communities* No C 270 of 15 October 1991.

(ii) *The preventive rules of Directive 83/189/EEC*

The notification procedure of Directive 83/189/EEC, as amended by Directive 88/182/EEC, is an essential tool for preventing barriers to trade from being raised and for sharing information. Member States are required to notify drafts of new technical regulations for vetting. The amendment made by Directive 88/182/EEC extends the procedure to all technical regulations except those issued to implement Directives.

The Commission enforces the notification system by routinely scrutinizing the regulations issued by the Member States. There are currently about 40 sets of regulations under scrutiny. If the Directive is infringed, Article 169 proceedings are commenced.

In 1991 the Commission received 415 drafts of national technical regulations for vetting under Articles 30 to 36 of the EEC Treaty. This represents a 5 % rise from 1990. Around 170 of these 415 cases required a detailed opinion. The main purpose is to secure compliance with the principle of mutual recognition and debar the establishment of new barriers to trade: considerable success has been achieved. The Member States agreed with the opinion in 95 cases, but in five cases the Commission had to ask the Member State for a one-year postponement of the measure, since harmonization Directives were in the pipeline, three of them being over and above what was announced in the White Paper.

(iii) *Implementation of Directives*

Technical harmonization and standardization

Apart from a few delays in adjusting to the new approach, particularly in foodstuffs, this is an area which gives relatively little cause for concern, bearing in mind the number of Directives involved.

The new approach

Of the Directives adopted by the Council under the new approach, only those relating to pressure vessels, toy safety, electromagnetic compatibility and construction products are already in force. The first Directives on pressure vessels and toy safety entered into force in 1990; their implementation has not been satisfactory, particularly on the pressure vessels side. The two later Directives, in force since mid-1991, have been fully transposed in only four Member States.

To help Member States with the transposal, the Commission organizes meetings of senior officials from standards offices to consider questions relating to the presentation of the new approach. It has presented to the Council a proposal for a regulation concerning the EC market conformity as a means of harmonizing the rules on marking laid down in a whole series of directives.

Harmonization by sector

(a) Motor vehicles, agricultural tractors and motorcycles

The rate of transposal of the 143 Directives involved here (99 on motor vehicles, 39 on tractors and 5 on motorcycles) has been reasonably good, with a great improvement on previous years. Part of the explanation lies in the fact that Greece has transposed 18 Directives for which infringement proceedings had been commenced.

In 1991 the Commission examined 40 infringement cases — 37 for failure to notify national measures (24 of them being now closed), and three for failure to apply Directives properly (of which 2 are now closed).

In the tractors area, there are delays in implementing Directives 89/680/EEC, 89/681/EEC and 89/682/EEC

⁽¹⁾ OJ No C 271, 24. 10. 1989.

(protection devices). Three Member States (Belgium, Germany and Luxembourg) have not yet transposed them.

Of the five Directives on motorcycles already in force, only one (Directive 89/235/EEC on the sound level of motorcycle exhaust systems) remains to be transposed, and that only in Greece; infringement proceedings are under way.

(b) Foodstuffs

This is the industry with the most serious delays in transposal. Progress is very slow, chiefly because of the complexity of the subject-matter. The Commission is paying special attention to the implementation of the new framework Directives, notably the health inspection Directive, on which genuine free movement of goods depends.

In the course of the year 106 infringement cases were examined. All concerned failures to notify; reasoned opinions have gone out in 65 of them, and another 34 have already been closed.

Commission staff are in regular contact with the authorities in the Member States to assist them their transposal problems, especially in complex cases where there are separate deadlines for the marketing of products that comply and the banning of products that do not.

(c) Pharmaceuticals

The rate of transposal picked up in 1991 and the situation now is really rather satisfactory. Italy alone is lagging behind with Directive 87/20/EEC (veterinary medicines), in force since 1987.

(d) Chemicals

Here the situation is broadly stable, and some earlier delays subsist. The 74 proceedings in hand all concern failure to notify. Letters of formal notice have gone out

in 37 cases and reasoned opinions in 35; the remaining two (non-ionic and anionic surface agents) have been referred to the Court.

(e) Mechanical engineering, measuring equipment, prepackaging, electronics and medical equipment

In these industries there was a welcome improvement in the transposal rate, mainly because of efforts made by Greece and Portugal to catch up. Cooperation between the Commission and the Member States has been amplified.

There are 91 harmonization Directives, of which 86 are due for transposal (the remaining five fall due in 1992). The number of infringement proceedings is well down on the previous year's; of the 56 cases under way (down from 103 last year), only 13 were commenced in 1991.

The Commission was able to close half the cases commenced against Portugal. Even so, despite the great efforts made, that is still the country with the highest number of infringements (29 cases). The reason is that obligations flowing from the Act of Accession have still not been fully discharged.

Greece has also made a special effort and only one case was still in progress at the end of the year. Six cases against Ireland were closed in the course of the year, leaving only one in progress. The remainder breaks down as follows:

Spain (7); Netherlands (6); Luxembourg (4); Italy (3); Germany (3); United Kingdom (2); Belgium (1); Denmark (1). It will be noticed that France has fully discharged its obligations. Most of the Dutch infringements are in the particularly sensitive machine tools industry.

The Commission took proceedings in six cases concerning failure of implementing measures to comply properly with the Directives, but was able to close three of them (against Denmark, France and Germany). Proceedings continue against Greece and Italy regarding Directive 73/23/EEC (low-tension equipment) and against Ireland regarding Directive 84/532/EEC (construction plant); these cases are on the way to being solved.

Opening up of public procurement

Public procurement is among the Community's chief priorities in the 1992 programme. There have been changes to the rules governing the award of public works and supply contracts. But there have been delays in transposing the new Directives, so that they cannot be applied in a harmonious fashion by the public authorities and state-owned enterprises of the Member States.

In 1991 the Commission's activities in this field concentrated on three aspects:

- transposal of Directives;
- vetting their application by various public-sector bodies;
- processing individual infringement cases.

The situation regarding transposal is described below.

Directive 89/665/EEC on complaint procedures is the only one of the White Paper Directives to have come into force in 1991. Four Member States have notified implementing measures.

The Commission took Portugal to the Court of Justice for failure to notify measures transposing Directive 77/62/EEC and issued a reasoned opinion to Spain for incorrectly transposing Directives 77/62/EEC and 71/305/EEC.

The Commission commenced Court proceedings against Italy, and addressed a reasoned opinion to the Netherlands, for failure to notify measures implementing Directive 88/295/EEC (public supply contracts). Infringement proceedings were also commenced against Belgium for failure to apply the Directive properly.

Infringement proceedings were commenced against Italy and the Netherlands in relation to the new public works Directive (89/440/EEC).

The work of vetting application of Directives by public-sector bodies centred on Article 9 (1) of Directive 88/295/EEC regarding the obligation for what are known as GATT authorities (central procurement

departments) to issue a notice for guidance at the beginning of each financial year, setting out the various contracts worth ECU 750 000 or more which are expected to be placed in each product category. Two reasoned opinions were addressed to Italy to follow up action taken in 1989 ⁽¹⁾ concerning procedural delays in publishing notices of invitation to tender (verification system run with the Publications Office).

The Commission continued action begun in 1990 to vet the placing of contracts in connection with projects or programmes financed by the structural Funds or other Community machinery ⁽²⁾.

Infringement cases were processed in the following areas:

- interpretation of the scope of Directives:
 - concept of awarding authority — infringement proceedings against Spain for the recognition of the Consorci de la Vila Olímpica (a composite public authority) as an awarding authority for the purposes of Directive 71/305/EEC were closed;
 - type of contract subject to the Directive — proceedings against the Netherlands concerning a meteorological office computer leasing contract not complying with the supplies Directives (77/62/EEC, as amended by 88/295/EEC) were closed;
 - excluded sectors — the Commission closed the proceedings against Portugal in respect of a public supply contract to be awarded by Aeroportos e Navegação EP, a body to be treated as a public transport authority for the purposes of Directive 77/62/EEC and Article 3 (4) of Directive 71/305/EEC.

⁽¹⁾ Eighth Annual Report to the European Parliament on Commission monitoring of the application of Community law (1990), point II.A.2.A, (iii).

⁽²⁾ *Ibid.*

- Failure to publish a notice in the *Official Journal of the European Communities*, on grounds of urgency not in conformity with the Directives' requirements. The Commission continued investigating cases where notices were issued only in national publications or where there was no provision for publicity at all.
- The obligation to be entered in a national suppliers' register. A reasoned opinion was addressed to Italy in respect of four contracts to be awarded by the *Assessorato Acque ed Acquedotti* in Naples.
- Award criteria. The German Government accepted the Commission's view and removed clauses that gave preference to firms training apprentices especially female apprentices.

Product liability

The Commission is pursuing infringement proceedings against those Member States which have not yet transposed the product liability Directive (85/374/EEC). Two cases — against France and Ireland — are before the Court of Justice; in another — against Spain — a reasoned opinion has been issued. The Commission has also decided to refer the United Kingdom's failure to transpose the Directive properly to the Court of Justice.

(b) The market for services and capital

1. *The market for services*

(i) Audiovisual

The television without frontiers Directive (89/552/EEC), in force since October 1991, aims to secure free movement of TV programmes so as to create a common broadcasting area. It has been transposed in six Member States (Germany, Ireland, Italy, Luxembourg, Portugal and the United Kingdom), though not everywhere to the full extent required. The other Member States have transposed parts of it or have drafts in hand.

Infringement proceedings brought by the Commission are directed towards abolition of restrictions imposed by national legislation contrary to Articles 52 and 59 of the EEC Treaty.

The judgment given by the Court of Justice on 25 July 1991 in Case C-353/89 declared that the Netherlands had failed to fulfil its obligations by maintaining restrictions on the cable retransmission of programmes broadcast from other Member States and containing advertising material addressed specifically to the public in the receiving country as well as by requiring broadcasting authorities to spend a specified proportion of their budgets with a Dutch public-sector firm.

The Commission commenced proceeding in the Court against Belgium (Flemish community) for infringing Community obligations by banning the cable retransmission of programmes from other Member States not broadcast in the language of the receiving country.

There are several further cases in hand for infringement of Articles 52 and 59 of the EEC Treaty (Belgium — French community, France, Greece and the Netherlands). Some of these cases restrictions imposed on language grounds which are out of proportion to the objective pursued.

Turning to the cinema, proceedings are still in hand against Spain in the matter of the compulsory licensing system for the dubbing of films originating in the EEC; the grant of a licence is subject to production and distribution of national films.

(ii) Intellectual property

There is little legislation in this field. It consists of:

- Directive 87/54/EEC concerning legal protection for semi-conductors, which has been transposed by all the Member States;
- Directive 89/104/EEC on the approximation of trade mark laws, where the date prescribed for transposal has been postponed to 31 December 1992;
- Directive 91/250/EEC on legal protection for computer programmes, which is to be transposed before 1 January 1993.

(iii) Telecommunications

On the telecommunications front, the Commission closed the proceedings opened against Belgium and Spain for failure to notify measures to implement Directives 86/361/EEC⁽¹⁾ and 87/372/EEC⁽²⁾ after receiving notification in the course of the year.

The Commission found that Greece, Ireland and Italy had not notified measures implementing Directive 90/387/EEC⁽³⁾ and accordingly commenced proceedings — Article 169 referrals in the case of the former Directive, reasoned opinions in the case of the latter. But it withdrew the proceedings against Ireland, where national implementing measures are in the process of being adopted, and suspended the proceedings against Greece and Italy. Directive 91/287/EEC entered into force only on 31 December 1991, so no infringement proceedings have yet been commenced.

Progress in implementing Directives applicable to Telecommunications

Only average progress has been made here, at 62,6 %. The Commission must remain vigilant.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	4	3	75
Denmark	4	3	75
Germany	4	3	75
Greece	4	2	50
Spain	4	3	75
France	4	3	75
Ireland	4	2	50
Italy	4	2	50
Luxembourg	4	3	75
Netherlands	4	2	50
Portugal	4	3	75
United Kingdom	4	3	75

(¹) Initial stage of mutual recognition of type approval for telecommunications terminal equipment.

(²) Frequency bands for pan-European cellular digital land-based mobile communications.

(³) Internal market in telecommunications services.

2. Capital movements

Following the removal of all remaining restrictions on the movement of capital in eight Member States during 1990, as required by Directive 88/361/EEC, considerable advance in capital liberalization was made this year in the four member States (Greece, Ireland, Portugal and Spain) which are allowed by the Directive to keep certain restrictions temporarily.

An important measure in this direction was the abrogation⁽⁴⁾ of the Commission decision⁽⁵⁾ authorizing Greece to take certain safeguard measures with regard to capital movements and tourist expenditure. This followed a decision taken by the Greek Government. In compliance with the terms of the Community balance of payments loan, to remove as from 6 May 1991 all restrictions authorized by the derogation.

As a result of the above development no more safeguard measures are in place and the provisions of the capital movements directive apply in their entirety. It is noteworthy that, to a certain degree varying by country, capital liberalization measures were taken, or are planned, ahead of the time-limits set by the directive. In this respect Spanish authorities announced that they will proceed to complete capital liberalization by the end of 1991, a year ahead of the time limit set by the directive. This development reflects the absence of balance of payments problems owed to capital flows, following liberalization measures, as well as the desire of the Member States concerned to keep in pace with the accelerated drive towards financial and monetary integration for which free movement of capital is a basic ingredient.

Despite the important progress made in eliminating direct restrictions on capital movements a number of indirect obstacles are still in place in almost all Community countries. These indirect obstacles basically emanate from national measures and practices imposing or favouring domestic financial instruments and institutions, mainly through tax measures or prudential investment rules. Commission efforts are currently focused on the identification of these obstacles and the initiation of the appropriate procedure for their elimination.

(⁴) Commission Decision 91/285/EEC of 4 June 1991.

(⁵) Commission Decision 85/594/EEC of 22 November 1985, as last amended by Decision 90/663/EEC of 19 December 1990.

Action taken towards eliminating identified restrictions did not reach a stage beyond a warning letter from the Commission. Infringement proceedings initiated in the past, involving warning letters in regard to restrictions on commercial credits, proved ineffective and were dropped this year, following appropriate modifications of national legislation.

(c) Freedom to provide financial services, direct taxation and company law

Community law in this area is primarily to be found in the provisions and principles of the Treaty itself; only a limited number of cases concerned incorrect application of directives. If the cases investigated by the Commission in the report period are grouped by type of suspected or confirmed infringement, it can be seen that most fall to be considered under Article 59 of the EEC Treaty, since freedom to provide financial services is chiefly constrained by measures of public law, relating especially to taxation, which fail to reflect the new dimension in the services industries. In many cases forms of tax relief provided for in Member States' legislation do not apply to providers of services (relief being available only to residents). A second category consists of barriers to investment raised by Member States' legislation or administrative practice; the third consists of national legislation discriminating between foreign firms established in the Member State and firms incorporated in accordance with its own laws.

One of the most typical cases where national law, particularly in the tax field, does not take account of the new dimension in the services sector is the deductibility of insurance premiums in the computation of the amount liable to personal income tax. Infringement proceedings have been commenced against several Member States, but they have been suspended while the Commission awaits the outcome of cases C-204/90 and C-300/90, where the Court of Justice is to rule on the Belgian legislation.

An example of a case in which a directive was wrongly applied was the case of the 'concessione governativa', an annual registration charge; this had no relation with the administrative cost of registering a firm in the companies register and was accordingly to be regarded as contrary to Directive 69/335/EEC on taxes on the raising of capital.

The Commission came across problems in several Member States regarding obstacle to direct investment, which usually entails an element of establishment (as where a majority holding is acquired in a company set up in another Member State). Its attention was drawn to United Kingdom practices which could have the effect of raising barriers to direct investment by state-controlled firms. Talks were held and the barriers were removed. The Commission has launched a general survey of the barriers to direct investment which may subsist in many Member States. Work proceeded throughout the year; conclusions are expected in 1992.

There is a specific problem with the guarantees required by public authorities in most Member States (notably in connection with customs, public contracts and the like). National rules commonly provide that such guarantees must be given by an establishment within the Member State receiving the guarantee, which constitutes a restraint on financial institutions' freedom to provide services. To overcome these problems the Commission made a proposal for a Council Regulation (EEC) on securities given by credit institutions or insurance undertakings. Parliament gave its opinion in 1989⁽¹⁾; the Commission then made a revised proposal on 31 January 1991⁽²⁾. The Council has begun discussing it, but it has become apparent that there will be serious difficulties in the way of early adoption. The Commission will consequently have to consider reactivating the currently suspended infringement proceedings here.

The banking directives are giving more concern than most directives: there have been serious delays in implementing them and in notifying measures taken to that end. Only about half the measures that should have been taken have been notified; the worst delays concern transposal of the directives on banks' accounts and subsidiaries. The transposal rate has been satisfactory for insurance but uneven for securities: there have been delays with the two most recent directives on stock-exchange prospectuses. In the company law area, the Commission has been particularly attentive to the Council Regulation on the European Economic Interest Grouping (Regulation (EEC) No 2137/85, adopted by 11 Member States).

⁽¹⁾ OJ No C 159, 26. 6. 1989, p. 4.

⁽²⁾ OJ No C 53, 28. 2. 1991, p. 74.

The Commission regrets that Germany has still not come into line with the directives on annual accounts, its publicity rules being far from satisfactory. But it closed the proceedings against Germany for infringement of the 7th Directive (consolidated accounts) when a satisfactory answer was received to its reasoned opinion.

Progress in implementing Directives applicable to Financial Institutions, Direct Taxation and Company Law

At 83,8 %, progress is good here, though Greece, Italy and Luxembourg still have backlogs.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	37	30	81
Denmark	36	36	100
Germany	37	32	86,5
Greece	36	25	69
Spain	37	35	94,6
France	37	35	94,6
Ireland	37	30	81
Italy	37	25	67,6
Luxembourg	37	25	67,6
Netherlands	36	31	86
Portugal	36	32	88,8
United Kingdom	37	33	89

3. REMOVAL OF TAX FRONTIERS

This was the year in which agreement was reached on the abolition of tax checks at borders between Member States and on harmonization of VAT and excise rates; the Commission's endeavours have at last borne fruit.

As the Commission stated in the previous report, priority will have to be given to monitoring the application of Community law in the Member States if a success is to be made of the new VAT and excise schemes due to commence on 1 January 1993.

With this in mind the Commission has reorganized some of its departments and introduced a new procedure for vetting national legislation, especially on VAT.

Ad hoc working parties have been formed to prepare the ground for introduction of the new VAT transitional arrangement so that they can operate in full compliance with Community law from 1 January 1993.

The Commission continued vetting national legislation for conformity with the taxation provisions of the EEC Treaty (Articles 95 and 96). It commenced proceedings against Greece in two cases — one for levying tax at higher rates on imported coffee than on locally-produced coffee and the other for subjecting imported ciders and perries to the higher rate of VAT while charging the lower rate on domestic products. Proceedings were brought in the Court of Justice in another case concerning the Greek special consumption tax on motor-cars.

Proceedings were brought against Belgium for taxing imported semi-sparkling grape-based beverages more heavily than local products and for charging taxes on small packets imported from other Member States; the second case was dropped when Belgium accepted the Commission's view.

The Court gave judgment against Greece, Spain and Italy for failure to comply with Article 95 of the Treaty as interpreted by the Court in Schul and subsequent cases, requiring Member States of importation to take account of the amount of VAT charged in the Member State of exportation. Those Member States have now complied with the Court's ruling.

It also gave judgment against Luxembourg and Belgium since under their excise schemes imported beers did not qualify for the same rebates as home-produced beers. Turning to spirits, the Court held that the Greek practice of taxing whisky, gin, rum etc. more heavily than local specialities such as ouzo was discriminatory and therefore contrary to Article 95 of the EEC Treaty.

The Commission has the task of seeing that all the taxation directives are properly applied. Regarding the uniform interpretation of the rules laid down by the Sixth VAT Directive, it commenced proceedings against France, Ireland, Luxembourg and Spain, where the tax arrangements for advertising agencies gave rise to cases of double taxation or of non-taxation where services were performed for taxable persons established in another Member State.

A reasoned opinion was addressed to France for leaving out of the basis of assessment a number of taxes such as the EDF tax on electricity and water charges, contrary to Article 11 (2) of the Directive. The proceeding was dropped when France amended its legislation as required.

A reasoned opinion was also addressed to Italy for failure to comply with the Court's judgment on flat-rate percentages for compensation in agriculture (Case 3/86).

Three cases were brought before the Court of Justice against Member States that had failed to comply with reasoned opinions: Italy (renewal of the VAT exemption given after the earthquake); Germany (taxation of travel agencies); and Denmark (new employers' contribution of 3.05% contrary to Article 33 of the Sixth Directive, which bans the introduction of new turnover taxes other than VAT).

The Court held that VAT exemptions for services supplied by plastic artists, journalists, composers etc. were contrary to Article 2 of the Sixth Directive, and gave judgment against Spain accordingly.

Proceedings commenced under Article 171 of the EEC Treaty against the Netherlands for failure to comply with the judgment in Case 235/85 on the exemption of services supplied by notaries and court bailiffs were terminated when the Dutch Finance Law 1991 rectified the infringement.

Then there are the tax directives designed to give European citizens the benefit of facilities in travel within

the Community. The Commission addressed two reasoned opinions to Greece. One concerned the excessive fine and the prison sentence inflicted on a Dutch national who imported her motor car into Greece when taking up residence here. The other concerned the incorrect transposal of Directive 83/183/EEC by the Greek authorities, who required evidence of the normal place of residence and demanded payment of security upon importation.

The Commission successfully intervened with the Belgian authorities in support of a private individual who, when moving to Belgium, was required to prove that he resided there in order to import his personal property duty-free.

In several other cases proceedings have been commenced in the Court. One concerns the infliction of a particularly heavy fine on a private individual who imported a video camera into Greece. The second concerns the Spanish requirement of a special invoice for the duty-free importation of goods by travellers. The third was brought against France, where a complainant was subject to double taxation because she was regarded as resident both by the Belgian and by the French authorities. This case is also pending in the French Cour de cassation.

The Court gave judgment for the Commission in a case against Denmark, which excluded imports of more than ten litres of fuel from the travellers' tax-free allowance.

The situation regarding transposal of tax directives is broadly satisfactory. But the Commission has had to take Italy to Court under Article 171 of the EEC Treaty for failure to transpose the Council Directives of 28 March 1983 on duty-free allowances on change of residence or for certain imports of goods (marriage, study visits, pharmaceuticals, prospectuses, etc), although judgment was already given in 1987 (Cases 124/86 and 125/86).

Progress in implementing Directives applicable to Indirect Taxation

The Commission is gratified by the 99% success rate here.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	51	51	100
Denmark	55	55	100
Germany	51	51	100
Greece	52	52	100
Spain	51	49	96
France	52	52	100
Ireland	52	51	98
Italy	51	49	96
Luxembourg	51	51	100
Netherlands	51	51	100
Portugal	51	51	100
United Kingdom	51	51	100

4. FREE MOVEMENT OF PERSONS

(a) Ban on discrimination — Welfare benefits and tax relief

Proceedings are in hand against several Member States in matters covered by Regulation (EEC) No 1612/68 on the free movement of workers. The Commission addressed reasoned opinions to Belgium, Greece, Spain, and the United Kingdom in cases concerning equal treatment as regards access to employment on board ship; proceedings against Italy have already reached the Court of Justice.

In cases concerning equal access of all Community nationals to welfare benefits, the Commission has commenced court proceedings against Luxembourg on account of discrimination regarding the grant of prenatal and maternity benefits. Other proceedings are in hand against Belgium, Greece and France.

Proceedings are in hand against several Member States for failure to guarantee equal treatment regarding tax relief for Community workers, and particularly discriminatory aspects of national legislation governing the final assessment of income tax for non-resident workers,

contrary to Article 7 (2) of Regulation No 1612/68, as interpreted by the Court of Justice in Case C-175/89, Biehl: the Commission addressed reasoned opinions to France, Luxembourg and the Netherlands.

Germany was sent an additional reasoned opinion in the infringement proceedings concerning discriminatory provisions which disregarded children and other family members of workers residing outside the country in calculating the family status for tax purposes.

The Commission also sent a reasoned opinion to Germany concerning discrimination between the tax on income of taxable persons working in Germany but not living there and the tax on persons both living and working in the country.

Museum admission charges

Spain continued to discriminate against nationals of other Member States, making them pay more than its own nationals for admission to museums.

The Commission considers this discrimination to be contrary to Article 7, 48 and 59 of the EEC Treaty and commenced the infringement proceedings in 1987 (Case 352/87).

At the end of 1989 Spain announced that it would use the 1990 reform of national taxation schemes to establish equal treatment for all Community nationals.

By letter dated 9 May 1991, the Spanish authorities informed the Commission that there would be a ministerial agreement to terminate the discrimination by June 1991. The agreement has not been notified to the Commission, which has accordingly taken the case to the Court of Justice.

Greek legislation imposing discriminatory treatment regarding museum admission charges was amended in line with Community rules. The Commission accordingly closed the infringement proceedings.

(b) Entry and residence

The Commission has been successful in its work on compliance with Community rules governing the issuance of visas to family members of Community nationals who are not themselves Community nationals (they must be issued free of charge and with all facilities). Eight of the nine proceedings commenced have been closed as a result of satisfactory answers from the Member States. The case against Belgium has unfortunately had to be referred to the Court of Justice.

Articles 2 and 3 of Directives 68/360/EEC and 73/148/EEC provide that the only formality required to enter or leave the territory of a Member State at an internal border is the presentation of an identity card or passport.

Case C-68/89, *Commission v Netherlands*, concerned the specific problem of questions put to travellers by border officials, where the Netherlands was accused of infringing Community law.

The Court held that the directives were infringed by Dutch legislation providing that nationals of Member States could be required to answer questions from border officials regarding the purpose and duration of their visit and the financial resources available to them before being allowed to enter Dutch territory.

(c) Equal treatment — Trade union rights

In Case C-213/90 the Court of Justice held that Luxembourg legislation withholding from Community workers the right to vote at elections for members of a professional body was contrary to Article 8 (1) of Regulation (EEC) No 1612/68.

Since this judgment is silent on the question of the right of Community workers to stand for election as members of professional bodies, the Commission has decided to continue the proceedings against Luxembourg on this point, in the Court of Justice.

(d) Access to public-sector employment*Article 48 (4) of the EEC Treaty*

The Commission's decision of 25 July 1990 to commence Article 169 proceedings against all those Member States acting contrary to Community law in the four 'priority'

areas of the public service (education, civilian research, operational health services, public-sector enterprises⁽¹⁾) was followed up in March and April 1991, when letters of formal notice were sent to the governments concerned.

Given the importance and complexity of the matter, the Commission gave an exceptionally long period of six months for an answer.

Apart from Belgium and Luxembourg, which have not yet reacted, the Commission received a satisfactory answer from the United Kingdom and the answers from France and Denmark showed that progress really was being made with national legislation. In the other Member States, ideas are moving but no practical results have yet been attained.

In the first quarter of 1992 the Commission will decide what action is to be taken in each of these proceedings depending on the Member States' replies (if any) to the letters of formal notice.

(e) Recognition of qualifications

As in previous years the Commission had to deal with forty or so complaints regarding restrictions contrary to Articles 52 and 59 of the EEC Treaty and to the Directives on mutual recognition of vocational or professional qualifications. In some of these cases infringements proceedings were commenced against the Member States under Article 169 of the EEC Treaty; other cases were closed as unfounded.

The Court of Justice gave several judgments in cases concerning restrictions contrary to Articles 52 and 59 of the EEC Treaty. The following are among the more noteworthy:

— the tourist guides cases (C-180/89, *Commission v Italy*; C-189/89, *Commission v Greece*; and C-154/89, *Commission v France*). The Court held that these Member States had violated their

⁽¹⁾ OJ No C 72, 18. 3. 1988.

obligations under Article 59 by requiring tourist guides accompanying groups of tourists from other Member States to hold a licence awarded following the passing of an examination when their function was to guide tourists in places other than museums and historical monuments which could be visited only with a guide;

- the Vlassopoulou preliminary ruling (Case C-340/89), where the Court amplified its earlier ruling in Case 22/86, Heylens, relating to salaried persons and extended it to cases of freedom of establishment, holding that even in the absence of a Directive the host Member State is required to take account of qualifications acquired in another Member State by a Community national, provided the occupation is the same.

The host Member State must check to what extent the qualification corresponds to that required by its own rules; only if it does not fully correspond may it require the person to prove that he has the knowledge and skills not attested;

- Case C-76/90, Dennemeyer, was a preliminary ruling on freedom to provide services in the protection of industrial property. The Court interpreted Article 59 of the EEC Treaty as meaning that national legislation could not prohibit a firm established in another Member State from supplying patent holders in national territory with patent monitoring and renewal services for a fee, on the sole ground that the activity is reserved for holders of a specific professional qualification issued in the host Member State (patent attorney, for instance);

- Case C-167/90, Commission v Italy, held that Italy had failed to fulfil its obligations under Articles 48, 52 and 59 of the EEC Treaty by maintaining provisions allowing only Italian nationals to have foreign qualifications as medical auxiliaries recognized in Italy, thus excluding nationals of other Member States;

- the Article 169 proceedings commenced against Belgium, Luxembourg and the Netherlands for discrimination in their criminal injuries compensation schemes, following the judgment in Case 186/87, Cowan, continued with referrals to the Court of Justice;

- Case C-294/89, Commission v France, concerned freedom to provide services as lawyers. It was held that the relevant Directive had not been properly transposed since under French legislation a French advocate established outside France did not enjoy freedom to provide services in France; he had to work with an advocate established in France even in non-judicial business and even in circumstances where the law did not require a lawyer to be involved. There was a further infringement in the requirement that the advocate had to be assisted by an advocate of the local bar whenever he wished to carry out any procedural formalities.

There were also a series of infringement proceedings based on Article 171 of the EEC Treaty for failure to give effect to a Court of Justice judgment

Judgment was given against France in Case C-263/88 for refusing to allow freedom of establishment and freedom to provide services in the overseas departments. France has still not complied, so the Commission has commenced fresh proceedings under Article 171 of the EEC Treaty.

Similar proceedings were commenced against France, Greece and Italy for failure to notify measures to comply with the tourist guides cases referred to above.

The Commission closed the case against Greece for failure to comply with the judgment given against it in the frontier regions case.

Infringements

There are several proceedings in hand for infringement of Articles 52 and 59 of the EEC Treaty, many of them having reached the reasoned opinion stage. They include the proceedings against France (access to the occupation of estate agent — licensing rules), Spain (tourist guides) and Italy (refusal to issue a licence for a detective agency).

Several cases have been closed, including the case against France concerning recognition of Belgian diplomas of registered nurses.

The Commission is continuing to monitor both primary and secondary legislation. It has commenced proceedings in several cases of failure to notify measures to give effect to Council Directives issued under Article 57 of the EEC Treaty to secure freedom of movement and recognition of occupational qualifications or for failure to transpose them properly.

There was once again an increase in the number of cases, partly as a result of the entry into force of new Directives on architects and pharmacists and the new general Directive.

National implementing measures

Several Member States notified measures in response to Commission decisions commencing proceedings against them. Examples are Spain (Directives on midwives, hairdressers, transitional measures), Belgium and Italy (transport auxiliaries Directive).

But other Member States had judgments given against them in the Court of Justice for failure to transpose Directives: Belgium in Case C-167/90 and Italy in Case C-296/90 (pharmacists); Greece in Case C-309/90 (architects) and Spain in Case C-313/89 (midwives). Luxembourg took the measures needed to comply with the pharmacists Directive after judgment had been given in Case C-168/90.

The final date for transposing Directive 89/48/EEC on a general system for the recognition of higher education qualifications awarded after at least three years' study

was 4 January 1991. The Commission commenced Article 169 proceedings against Belgium, Greece, Italy, Luxembourg and the Netherlands for failure to notify implementing measures.

Incorrect transposal or application of Directives

Proceedings were commenced against several Member States for incorrect transposition or application of Directives. The following cases are of particular interest:

- following a series of complaints the Commission commenced proceedings against Germany for failure to implement the dentists Directives properly. Germany requires dentists who have qualified in accordance with the Directives' requirements in another Member State to resit examinations and meet other conditions going beyond what the Directive allows.

Spain was also found to be infringing the dentists Directives by allowing dentists trained and qualified in Latin America, where the requirements are well below those of the Directive, to become established in Spain. The Commission agrees that dentists from non-member countries may become established, but only if their qualifications correspond to the Directives.

Infringement proceedings were commenced against Italy under the same dentists Directives;

- the Commission found Spain to be infringing the architects Directives by confining architects to practising in the same capacities as in their country of origin and by restricting the time they are allowed to practise;
- the doctors Directive 75/363/EEC provides that doctors must be remunerated when undergoing specialist training. Portugal and Spain have not complied; infringement proceedings are in hand.

(f) Independent commercial agents

Infringement proceedings brought against France, Greece and Italy for failure to transpose Directive 86/653/EEC on self-employed commercial agents were closed when measures were notified. But reasoned opinions were sent to Belgium, Luxembourg and Spain for failure to notify. Ireland and the United Kingdom have a derogation until 1994.

5. CONSUMER POLICY AND PRODUCT SAFETY

This was a year of consolidation for consumer policy.

Directive 88/378/EEC on toy safety has received special attention as it was the first of the 'new approach' directives to become applicable. This year Denmark, the Netherlands and Italy transposed the Directive, so that Luxembourg is now the only Member State not to have done so, two and a half years after the deadline.

There were three cases concerning conformity checks, against Belgium, Greece and Portugal.

The situation will be even more satisfactory when all Member States have designated approved certification bodies (Belgium, Ireland and Luxembourg have yet to make notifications). Given that only two Member States — France and the United Kingdom — used the safeguard clause, the situation is reasonably satisfactory. This is borne out by the fact that the Commission has received no complaints in this area.

The situation is less satisfactory as regards the conformity of national law with Directive 76/768/EEC on cosmetic products. Five Member States — France, Greece, Italy, Portugal and Spain — are still out of line, and the Court of Justice will have a third opportunity to rule on this point, in a new case concerning the French provisions.

Belgium, France, Greece and the United Kingdom have rectified their situation in relation to Directives 88/314/EEC and 88/315/EEC on the indication of

prices. Ireland, Italy, the Netherlands and Spain have still not transposed the Directives.

Regarding commercial practices, the rate of transposal of the Directive on consumer credit remains preoccupying. Two years after the deadline set by the Directive 87/102/EEC, only eight Member States have transposed it into national law, Belgium and Greece being the latest to do so; but Ireland, Italy, Luxembourg and Spain are seriously out of step in an area which is of great interest to consumers.

There has been an improvement in the situation regarding the misleading advertising Directive 84/450/EEC. Belgium has recently adopted new provisions, and Italy is now the only country not to have done so, even though judgment has already been given against it by the Court of Justice.

As for the general application of Community law by the Member States, the Commission has still been receiving complaints which highlight the difficulties of applying Community rules in cross-frontier situations, where the supplier and the consumer are established in different Member States. The Commission will further step up its endeavours to find rapid solutions to these problems.

Progress in implementing Directives applicable to Consumers

Progress here, at 93 %, is good.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	39	37	95
Denmark	39	39	100
Germany	39	39	100
Greece	39	38	97
Spain	39	35	87
France	39	38	97
Ireland	39	34	87
Italy	39	32	82
Luxembourg	39	36	92
Netherlands	39	34	87
Portugal	39	35	90
United Kingdom	39	38	97

Progress in implementing Directives applicable to the Opening of Public Procurement

The average progress rate is only 85 % here (Italy is partly to blame), although this is a matter for priority treatment in the frontier-free area and Spain and Portugal both enjoy derogations.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	8	8	100
Denmark	8	8	100
Germany	8	7	87,5
Greece	6	5	83,3
Spain	6	6	100
France	8	7	87,5
Ireland	8	8	100
Italy	8	4	50
Luxembourg	8	7	83,3
Netherlands	8	5	62,5
Portugal	6	4	66,6
United Kingdom	8	8	100

Progress in implementing Directives applicable to the Internal Market

With an average rate of 77 %, despite Italy's poor performance, the process of establishing the frontier-free area is becoming irreversible.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	130	75	73
Denmark	129	122	94,5
Germany	130	99	76,1
Greece	127	102	80,3
Spain	129	100	77,5
France	131	117	89,3
Ireland	129	94	72,8
Italy	131	70	53,4
Luxembourg	128	88	68,7
Netherlands	130	96	73,8
Portugal	131	108	82,4
United Kingdom	129	110	85,2

B. EMPLOYMENT AND SOCIAL POLICY

1. EQUAL TREATMENT

The Commission was obliged to bring before the Court of Justice a specific case of discrimination against women in occupational supplementary redundancy payment schemes, contrary to Directive 76/207/EEC on equal treatment of women and men in respect of access to employment.

The proceedings commenced against Greece in 1990 for non-conformity of national implementing measures were closed when the offending provisions were brought into line.

Proceedings based on Article 171 of the EEC Treaty are likewise under way against France, which was condemned by the Court for failing to transpose Directive 76/207/EEC fully into national law. France was condemned for:

- maintaining a system of separate recruitment based on sex for appointments in various sectors of the civil services;
- maintaining usages, clauses of contracts of employment or collective agreements which provide special rights for women.

On 25 July 1991, the Court of Justice gave a preliminary ruling in response to a request from a French court (Case C-345/98, Stoeckel) regarding night work by women. It held that Directive 76/207/EEC was sufficiently precise to place the Member States under an obligation to refrain from giving statutory effect to a ban on night work by women, even if that obligation was subject to exceptions, where night work for men was not prohibited.

This interpretation meant that there was conflict between the Directive and ILO Convention No 89, which bans all night work by women in industry. The Commission accordingly requested the Member States that are bound by the Convention (Belgium, France, Greece, Italy, Spain and Portugal) to denounce it by 28 February 1992. There should be no particular difficulty about this.

The Commission also decided to close the proceedings against the United Kingdom and the Netherlands in connection with Directive 79/7/EEC on the gradual implementation of equal treatment of men and women in the field of social security. Two other proceedings — against Ireland and Greece — are being continued since those Member States are still not applying the Directive properly.

Finally, infringement proceedings for failure to notify national implementing measures are pending against Belgium, Denmark, Greece, Italy, Luxembourg and the Netherlands, which have genuine problems with the transposal of Directive 86/378/EEC on equal treatment of men and women in occupational social security schemes. This Directive requires the Member States to abolish certain forms of discrimination by 1 January 1993; it should have been incorporated into national law by 30 July 1989.

However, the difficulties encountered by the Member States have been further complicated by the fact that, as a result of the ruling by the Court of Justice of 17 May 1990 in Case 262/88, Barber, several provisions of the Directive have ceased to be applicable to wage-earners, to whom Article 119 of the EEC Treaty applies directly.

Finally, several requests for preliminary rulings on the same Directive are pending in the Court; they should clarify the scope of the Barber ruling and its effects *rationae temporis*.

At all events, the Maastricht European Council on 9 and 10 December 1991 adopted a protocol interpreting Article 119 with direct reference to the consequences of the Barber ruling.

2. THE ANTI-CANCER CAMPAIGN

The final date for transposal of Directive 89/622/EEC (labelling of tobacco products) was 1 July 1990; most Member States had not notified their national implementing measures by that date.

In response to the initiation of infringement proceedings, the Commission received notifications from almost all Member States. Spain and Ireland simply assured the Commission that the deadlines for entry into force of the Directive (31 December 1991) would be met. However, the proceedings against these two Member States continued, and will shortly reach the reasoned opinion stage.

3. SOCIAL SECURITY FOR MIGRANT WORKERS

Nearly half the infringement proceedings commenced to ensure correct application of Community rules coordinating national social security schemes for migrant workers were closed.

Three such proceedings were closed in 1991; reasoned opinions were sent to Member States in four others.

The procedures closed concerned Italy, which has rectified the situation regarding nationality discrimination in respect of the payment of contributions reserved for Italians; France, which now permits the export of sickness benefits; and Belgium, which no longer requires the repayment of supplementary family allowances paid to pensioners.

On the other hand, Italy and Belgium continue to prohibit the export of the 'social pension' and disability benefits respectively, despite a number of rulings by the Court of Justice, which in June 1991 once again confirmed the exportability of such benefits in Case C-356/89, Newton. The Commission therefore decided to send reasoned opinions to the two Member States.

Reasoned opinions were sent to France and Belgium in respect of nationality discrimination in connection with unemployment benefits and unjustified reductions of old age pensions.

On 11 June 1991, the Court gave judgment against France in Case C-89/307 for reserving benefits from the national solidarity fund for French nationals. The French authorities have now informed the Commission that implementing measures to rectify the situation are almost ready.

4. WORKING CONDITIONS

There was a distinct improvement regarding Directive 88/364/EEC on the banning of certain specific agents and/or certain activities, since, of the six Member States which had failed to notify their national implementing measures, all except Luxembourg have now done so, and their measures are being vetted for conformity with the Directive.

But there has been no net decline in infringement proceedings for failure to notify national measures implementing Directive 86/188/EEC, which is designed to protect workers against noise, for the closing of the proceedings against Italy is made up for by the letter of formal notice served on Portugal, which — along with Luxembourg and the Netherlands — is one of the countries which have not yet notified their measures.

Finally, proceedings against Denmark, France, Italy, Luxembourg, Spain and the Netherlands are being continued for failure to notify national measures implementing Commission Directive 88/35/EEC adapting to technical progress Council Directive 82/130/EEC on approximation of the laws of the Member States on electrical material which may be used in mines susceptible to firedamp.

The deadline for transposal of Directive 88/642/EEC on the protection of workers against chemical, physical and biological agents was 21 December 1990. Since some Member States failed to notify their national implementing measures, the Commission commenced infringement proceedings. In 1991, two of these Member States notified the measures in question, and the proceedings against them were closed. The infringement procedures continue against the other Member States — Belgium, Greece, France, Ireland and Portugal — who have still not come into line.

Worker representation in British firms depends on a decision by the employer to recognize representatives. This is the major point in dispute between the Community and the United Kingdom as regards the transposal of Directives 75/129/EEC on collective redundancies and 77/129/EEC on maintenance of workers' rights in the event of transfers of undertakings.

The issue is rendered more complicated by British traditions of collective bargaining; the United Kingdom government is encountering enormous difficulties in resolving the problem along Community lines.

This is the background to the action brought by the Commission in the Court of Justice in 1991 to have the infringement established; at the same time, contacts are continuing with the British authorities in an attempt to find an acceptable out-of-court solution.

On the other hand, there was a positive outcome to the proceeding against Italy for failure to notify national measures implementing Directive 75/129/EEC. Law No 223 of 23 July 1991 incorporated the Directive in national law, and the procedure was accordingly closed.

Following judgment given by the Court of Justice against Greece in Case C-53/88 for failure to conform with Directive 80/987/EEC on protection of workers in the event of an employer's insolvency, the Commission has resumed contacts with the Greek authorities to see what action is being taken in response.

Progress in implementing Directives applicable to Employment and Social Policy

There were 23 directives to be transposed by the Member States on 31 December 1991 (*). The transposition rate was 86 %.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	22	20	90
Denmark	21	20	95
Germany	22	21	95
Greece	22	17	77
Spain	22	20	90
France	22	18	81
Ireland	20	16	80
Italy	22	20	90
Luxembourg	22	17	77
Netherlands	22	17	77
Portugal	20	17	85
United Kingdom	22	22	100

(*) The number varies from one Member State to another because of derogations, and provisions which are not applicable or that have been changed.

C. COMMON AGRICULTURAL AND FISHERIES POLICIES

1. COMMON AGRICULTURAL POLICY

(a) Agricultural legislation

Whilst working towards the removal of technical barriers to the free movement of agricultural products (in the ways described above), the Commission has also endeavoured to ensure that the other provisions of the Community's agricultural legislation are genuinely and properly applied.

In particular it has closely monitored compliance with the mechanisms introduced to bring agricultural production under control and thus ensure the rapid, effective and non-discriminatory application of the measures taken to reform the common agricultural policy (CAP). This close surveillance has revealed a number of shortcomings affecting the specific measures to contain production (milk quotas, co-responsibility levy on cereals).

The action taken on infringements against the milk quota system again included the partial recovery of the

additional levy due in certain Member States for 1988/89 ⁽¹⁾ and for 1989/90 ⁽²⁾. This was consistent with the Commission's decision to withhold a total of ECU 57,4 million of the advances due to these Member States in respect of European Agricultural Guidance- and Guarantee Fund (EAGGF) expenditure. This decision was contested in the Court of Justice by two of the Member States concerned.

On 17 October the Court of Justice ruled ⁽³⁾ that the Commission had the power, pending a final decision on the clearance of annual accounts, to reduce the sums payable as monthly advances in the light of the Member State's accounting position vis-à-vis the EAGGF, if it found that in breach of Community law the national authorities had failed to collect certain revenue intended for the EAGGF or had effected certain expenditure charged to the Fund.

In the meantime most Member States (except Italy) have acknowledged their financial obligation towards the Community budget and have initiated the administrative and legal procedures for the recovery of the sums due. Most significantly the Commission has had the satisfaction of seeing the Court of Justice confirm that it is competent to withhold advances.

Similarly the Commission had to initiate Article 169 proceedings when it discovered that France was incorrectly implementing the arrangements whereby the fat content of milk deliveries is taken into account and that, consequently, French producers enjoyed an unfair advantage. In certain circumstances a higher fat content may entail the collection of the additional levy. Since the procedure was initiated, however, France has complied with the rules and is now correctly implementing the arrangements in question.

A problem similar to that encountered with the milk quota scheme was France's failure to collect and pay to the Community budget the co-responsibility levy on cereals. The Commission therefore issued a reasoned opinion on this matter. The French authorities have now rectified the situation.

Whilst monitoring the application of the measures taken to stabilize agricultural production, the Commission also made a point of prosecuting those infringements which could affect the control exercised over EAGGF expenditure.

The Commission initiated proceedings against certain Member States, Belgium in particular, for their failure to carry out proper inspections of the storage conditions and health status of intervention beef.

The Commission's position on this matter received support from the Court of Justice, which ruled in Case 113/90 ⁽⁴⁾ that the waiver of the right to lodge any complaint provided for in Article 2 (2) (d) of Commission Regulation (EEC) No 2173/79 of 4 October 1979 laying down procedures for the disposal of beef purchased by intervention agencies and repealing Regulation (EEC) No 216/69 does not extend to any latent defects which, by their very nature, cannot be detected on prior inspection by the person concerned and render the product unfit for consumption.

On 16 May, the Commission also had the satisfaction of seeing the Court endorse its view that it was illegal for the Netherlands authorities to admit to free circulation, at a reduced levy of 6% *ad valorem*, quantities of manioc exported from Thailand without an export certificate ⁽⁵⁾. The Commission will recover the own resources which the Netherlands failed to collect.

Although the measures taken to curb production have received special attention, the Commission has not neglected to check on the application of specific market-organization mechanisms. The Court of Justice gave judgment for the Commission in two actions against Greece for non-compliance with the rules on the common organization of the market in cereals.

⁽¹⁾ Belgium, Germany, Italy, Luxembourg and Ireland.

⁽²⁾ Belgium, Germany, Italy and Luxembourg.

⁽³⁾ Case 342/89, Germany v. Commission, not yet reported; cf. Judgment of 17 October 1991 in Case 346/89, Italy v. Commission, not yet reported.

⁽⁴⁾ Judgment of 2 October 1991 in Case 113/90, Gebroeders Schulte and E. Reinert v. Belgische Dienst voor Bedrijfsleven en Landbouw and Others, not yet reported.

⁽⁵⁾ Judgment of 16 May 1991 in Case 96/89, Commission v. Netherlands, not yet reported.

For several years the Commission has been endeavouring to eliminate the irregularities in the management of this market which have arisen from Government intervention through KYDEP (described as a form of cooperative organization), with the result that, in the case of products such as feed grain, what might be called a national market organization has continued to operate since Greek accession.

The Commission succeeded in collecting sufficient evidence to convince the Court that the Government had instructed KYDEP to buy in poor-quality durum wheat which failed to meet intervention standards⁽¹⁾, that feed grain had been bought in at prices higher than the market price, and that KYDEP had sold this grain at a loss to stockfarmers, the loss being covered by the State⁽²⁾.

In 1991 the Court of Justice again supported the Commission by ruling against the export ban imposed on private traders at KYDEP's request in autumn 1985⁽³⁾.

One other case is pending, concerning a system of Government 'programme contracts' to encourage exports, at set prices, of pasta products, flour and meal made from cereals receiving a hidden subsidy from the State⁽⁴⁾.

Following these rulings, the Greek authorities have indicated their willingness to cooperate with the Commission and have given firm undertakings that such illegal practices involving KYDEP will not recur. Generally speaking, the Commission has nothing but encouragement for the efforts being made to ensure the correct operation of the market organization for cereals in Greece. In view of the gravity of the Court's findings, however, the Commission will continue to keep a watchful eye on the situation.

The Commission also endeavoured to put an end to certain abuses perpetrated by the Milk Marketing Boards (MMBs) in the United Kingdom. The United Kingdom authorities have failed to ensure that the MMBs do not overstep the exclusive purchasing rights conferred by the Community rules (Article 25 (1) (a) of Regulation (EEC) No 804/68). In particular the United Kingdom has done nothing to prevent the MMBs from restricting the options available under the Community rules, which allow producers to process their milk and market the by-products (e.g. skimmed milk) independently of the Boards.

Lastly, the Commission must single out for special criticism Italy's persistent refusal to comply with the Court's ruling of 12 February 1987 in Case 69/86, in which the Court censured Italy under Article 171 of the EEC Treaty for failure to comply with the judgment given against it on 15 November 1983 in Case 322/82 for failure to observe the rules for the enforcement of quality standards in the fruit and vegetables sector.

Despite repeated approaches from the Commission, Italy still refuses to comply with the rules, to the detriment of the proper working of the Community, which is based on observance of the law.

(b) Agricultural directives

The areas covered by the harmonization directives are plant health, seeds and seedlings, animal feedingstuffs and the veterinary sector.

In 1991, where the transposal of directives was concerned, the number of infringement proceedings initiated under Article 169 of the Treaty rose to a record level of 201, up from 90 in 1989 and 127 in 1990. The number of reasoned opinions rose even more spectacularly, from 28 in 1990 to 132 in 1991. Referrals to the Court for non-communication of national implementing measures totalled 15 in 1991, as compared with three in 1990.

As in 1990 the situation is least satisfactory in Italy and Portugal. The latter Member State accounts for by far the largest number of formal notices served (39) and reasoned opinions issued (55). The large number of infringement proceedings against Portugal is essentially

⁽¹⁾ Judgment of 29 November 1989 in Case 281/87, Commission v. Greece (1989), ECR 4015-4028.

⁽²⁾ Judgment of 12 July 1990 in Case 35/88, Commission v. Greece (1990), ECR 3125-3150.

⁽³⁾ Judgment of 30 May 1991 in Case 110/89, Commission v. Greece, not yet reported.

⁽⁴⁾ Case 61/90, Commission v. Greece, pending.

attributable to the fact that this Member State has failed to transpose numerous directives which were already part of the Community rules at the time of Portuguese accession in 1986. In 1991 Portugal made a great effort to reduce the backlog in the plant health sector, with the result that the situation there is now comparable to that in the other Member States. Portugal has also made considerable progress in the veterinary sector: only three reasoned opinions had to be issued in 1991 for failure to transpose veterinary directives. In Portugal the essential problem is the delay in the transposal of directives relating to seeds and seedlings. Although Article 344 of the Accession Treaty gave Portugal extra time for this purpose, infringement proceedings have been initiated in respect of most directives covering this sector. It should be pointed out, however, that in the feedingstuffs sector Portugal is one of only three Member States against whom no infringement proceedings were initiated in 1991.

Leaving aside Portugal, Italy was the Member State with the largest number of non-transposed directives in 1991, as in previous years. This resulted in 19 infringement proceedings, 17 reasoned opinions and 10 referrals to the Court of Justice.

In five cases judgments given by the Court censuring Italy for not meeting its obligation to transpose directives have not been implemented⁽¹⁾. In each case a reasoned opinion for failure to comply with Article 171 of the Treaty has been issued.

Progress with the transposal of agricultural directives can be expected in the near future as a result of the new 'Community laws' implemented in Italy.

As regards the other Member States, 1991 was significant in that the Commission had to address numerous letters of formal notice to them all. The number of procedures initiated ranged from 10 (against Spain) to 19 (against Luxembourg).

The differences between Member States as regards the number of reasoned opinions received are growing wider, however. By the end of 1991 the number of reasoned opinions not complied with was nil in Denmark, Germany, France and the United Kingdom and very small in Greece. On the other hand,

substantial problems would still appear to exist in Belgium and Luxembourg (both Member States have failed to comply with 15 reasoned opinions).

In all, 15 cases were referred to the Court (10 applications against Italy, two against Belgium, two against Luxembourg and one against Ireland). It should be pointed out, however, that the Commission withdrew two cases against Italy and two against Luxembourg when the Member States concerned notified it of measures to transpose the legislation. These were the only cases relating to the feedingstuffs sector (Italy) or seeds and seedlings (Luxembourg). All the cases now before the Court are therefore concerned with the transposal of veterinary directives.

In some Member States awareness of the fact that the single market is nearing completion has led to a noticeable improvement in the transposal of directives. The figures for 1991 indicate that France and Greece in particular have done a great deal to make up for earlier delays and now rank among the Member States which are leading the way with the transposal of the agricultural Directives.

On the other hand, there has been a sharp increase in the number of infringement proceedings against Ireland and the Netherlands where the issue of a reasoned opinion or referral to the Court has not been followed by due compliance; in Belgium and Luxembourg, moreover, the situation is now giving cause for concern.

The increase in the overall number of infringements may be explained both by the introduction of new administrative routines within the Commission, reducing the time required to initiate infringement proceedings if Member States fail to notify measures for the transposal of directives, and by the problems encountered with the directives designed to achieve the objectives of the White Paper. Such difficulties would seem to be particularly significant in the veterinary sector.

In certain Member States there have been substantial delays in transposing the directives on artificial insemination and breeding. In addition to the difficulties encountered in 1990 by Directives 87/328/EEC and 88/407/EEC (as mentioned in the Eighth Annual Report), problems arose in 1991 with Directives 90/120/EEC (deep-frozen semen of bovine animals), 88/661/EEC (breeding pigs), 89/361/EEC (pure-bred

⁽¹⁾ Italy subsequently notified the Commission of implementing measures.

sheep and goats), 89/556/EEC (embryos of domestic bovine animals), 90/118/EEC (pure-bred pigs for breeding) and 90/119/EEC (hybrid pigs for breeding). Substantial delays have also affected the directives on trade in meat products (Directives 88/658/EEC and 89/227/EEC).

The figures on reasoned opinions indicate, however, that certain Member States (see above) have taken appropriate steps to tackle the problems posed by the transposal of these directives. In the eighth annual report it was feared that some Member States would have considerable difficulty in meeting the obligations imposed by the completion of the single market and this fear has been confirmed by the worsening of the situation in Belgium, Ireland, Luxembourg, the Netherlands and elsewhere.

Since the deadline for the transposal of a large number of 'White Paper' agricultural directives will expire in 1992 and since the Council has still to adopt many such directives in the course of 1992, the Member States, and more particularly those now in difficulties, will have to make a considerable effort if they are to meet their obligations in the restricted time remaining until 31 December 1992.

As regards the application of Directive 83/189/EEC, as amended by Directive 88/182/EEC, which lays down a procedure for the provision of information in the field of technical standards and regulations, 47 draft technical regulations relating to agriculture were examined in 1991 for compatibility with the Treaty and the secondary legislation. Of these drafts, 18 were from the EFTA countries. These figures represent a 17,5 % increase on 1990 (39 notifications from the Member States and one notification from an EFTA country). Having systematically vetted the drafts, the Commission had to ask for adjustments in almost every second case to ensure that adoption would not create new obstacles to the free movement of goods (detailed opinions). In other cases the status quo was imposed for 12 months as from the date of notification, either because the Commission intended to present a proposal to the Council or because the measures proposed were covered by a Commission proposal to the Council for Community legislation to replace national measures.

The Commission also measures that Member States comply with their obligation to notify any legislation laying down technical standards or rules pursuant to Directive 83/189/EEC, as amended in respect of agriculture by Directive 88/182/EEC.

In 1991 the Commission, monitoring compliance with this requirement in the agricultural sector, examined some 60 legislative texts adopted by the Member States and had to initiate 10 infringement proceedings as a result. It should be noted that certain Member States, in particular Denmark, Greece and Portugal, suspended the legislation in question and duly forwarded a new draft.

Progress in implementing Directives applicable under the Common Agricultural Policy (CAP)

Under the agricultural policy a total of 330 harmonization directives have to be implemented. Although implementing measures have been notified for 93 % of all these directives together, problems have been encountered in the veterinary area, particularly in relation to artificial insemination and breeding.

The low figure for Portugal is evidence of the difficulties which that Member State is having with the transposal of directives, particularly those relating to seeds and seedlings, which were already established Community law at the time of Portuguese accession.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	330	305	92,4
Denmark	330	322	97,6
Germany	330	322	97,6
Greece	328	315	96
Spain	326	310	95,1
France	330	326	98,8
Ireland	330	311	94,2
Italy	330	284	86,1
Luxembourg	330	306	92,7
Netherlands	330	313	94,8
Portugal	326	258	79,1
United Kingdom	330	320	97

2. COMMON FISHERIES POLICY

To enforce the Community arrangements for the conservation and management of fish stocks, the Commission continued to give its special attention to the measures taken by Member States to ensure observance of the fishing quotas allocated to them. The Commission's view that the Member States are answerable for overfishing if they have failed to monitor fishing activities was again endorsed by the Court in its judgment of 31 January

1991 in Case C-244/89, *Commission v France*, which dealt with instances of overfishing in the course of 1986. On 5 February 1991 an action was also brought against the Netherlands (Case C-52/91) for overfishing in 1986. Infringement proceedings were also initiated against the United Kingdom (overfishing in 1985, 1986 and 1987), the Netherlands (overfishing in 1987), Spain (overfishing in 1988), France (overfishing in 1988) and Denmark (overfishing in 1988).

With a view to ensuring the consistency of the conservation arrangements, the Commission continued to monitor the fishery control measures which Member States must apply on their territory and within their waters. In its judgment of 11 June 1991 in Case C-64/88, the Court found that France had failed to ensure adequate enforcement of technical measures for the conservation of stocks and then on 25 July 1991, in Case C-258/86, *Commission v Spain*, it reaffirmed the Community's authority to fix TACs and quotas even for waters outside the Community fishing zone and, as a corollary, the obligation on the Member State to apply to the catches concerned the control measures required by the Community rules.

Infringement proceedings continued against Spain (failure to check landing declarations against the data recorded when the fish were sold), France (failure to meet its obligation to penalize breaches of the Community rules concerning logbooks), Spain (refusal to cooperate with Commission inspectors), France (failure to observe deadlines for the notification of catches subject to TACs or quotas) and Denmark (national legislation contrary to the Community rules concerning logbooks).

Member States' application of the Community rules on the compulsory notification of the data required under the common organization of the market may now be considered satisfactory. Following the Court's judgment in Cases C-39/88 against Ireland and Case C-200/88 against Greece, the Commission was able to close the files concerned. The judgment given on 27 November 1990 in Case C-209/88 against Italy has not yet been fully implemented, however.

The Commission has continued its close and systematic monitoring of national fisheries legislation in order to assess its compatibility with Community law. In this context mention should be made of Case C-221/89, *Factortame II*, in which the Court was asked for a preliminary ruling on the United Kingdom legislation on the granting of national flag rights to fishing vessels. On 25 July 1991 the Court gave its eagerly awaited ruling. In this leading judgment, as in that given on 4 October 1991 in Case C-246/89 concerning the incompatibility of the said United Kingdom legislation with the EEC Treaty, the Court held that, as Community law stood at present, it was for the Member States to determine the conditions governing the right of fly their flag but, in exercising that power, Member States had to respect the primacy of Community law, and in particular Articles 7, 52 and 221 of the Treaty, whereby the right to fly a particular flag cannot be refused on the grounds that the owners or operators of the vessel concerned are nationals of another Member State or that they reside or have their principal place of business in another Member State. By its judgment of 4 October 1991 in Case C-93/89, the Court also ruled that Article 52 of the Treaty was infringed by Irish legislation requiring nationals of other Member States to set up an Irish company before obtaining a licence for sea fishing. These various rulings reaffirm the primacy of the basic principles of the Treaty as regards the granting of flag rights and/or licences to fishing vessels and are thus of major political importance with profound repercussions not only on the fishing industry but also on the transport and other sectors.

Judgment is still pending in the proceedings brought against the British legislation which make fishing licences subject either to nationality and residence conditions as regards the composition of crews or to conditions whereby vessels must return periodically to British ports (Case C-279/79) and against Irish legislation which, following the example of the United Kingdom, prohibits British vessels from fishing in Irish waters unless they have obtained a fishing licence subject to the terms laid down by the abovementioned British legislation (Case C-280/90) ⁽¹⁾.

Whilst initiating proceedings against the United Kingdom legislation on the granting of flag rights and/or licences to fishing vessels, the Commission also reviewed the legislative position in the other Member States. It emerged that almost all the other Member States had similar national rules whereby the granting of fishing licences and/or flag rights was subject to conditions of nationality, residence and/or main place

⁽¹⁾ See also judgment of 14 December 1989 in Case C-3/87 (1989) ECR 4459, and Case C-216/87 (1989) ECR 4509.

of establishment. Infringement proceedings were initiated accordingly and are still in progress.

the point of doing so. The Commission is, however, paying particular attention to the situation in Spain and Italy.

In the abovementioned cases the Court ruled on important matters of principle but two questions have still to be answered in this context: one is to what extent, subject to compliance with the Treaty and given the underlying principles and specific features of the common fisheries policy, a relationship must exist between a fishing vessel and the Member State whose flag it flies and whose quotas it fishes; the other is to what extent the constraints imposed by the Community's structural policy, which is designed to bring the capacity of the fishing fleet into line with the fish stocks available, may be reconciled with the fundamental principles of the Treaty.

— Most Member States have notified the Commission of the measures they have taken to comply with Directive 90/388/EEC of 28 June 1990⁽²⁾ on competition in the market in telecommunications services. The Commission is now vetting them. It has reason to believe that three Member States — Greece, Ireland and Italy — have not yet fully transposed the Directive and accordingly, on 25 April 1991, have them the opportunity to present their observations as required by the Article 169 procedure.

As regards other national fisheries measures, the Commission was able to terminate the infringement proceedings initiated against Denmark and France for bilaterally concluding fisheries agreements with non-member countries and thus encroaching on the Community's exclusive powers in this field. On 7 July 1991 the Court gave an important ruling in Case C-146/87 concerning the legislation whereby the United Kingdom had extended its territorial waters in 1987. The Court held that when applying the specific access arrangements laid down in Article 6 (2) and in Annex I to Regulation (EEC) No 170/83, the United Kingdom would have to abide by the baselines in force on 25 January 1993, the date when the Regulation came into force.

— On 19 March 1991 the Court of Justice gave judgment, in Case C-202/88, brought by France, supported by Belgium, Germany, Greece and Italy, to have parts of Directive 88/301/EEC annulled. The judgment is of particular interest in that the Court recognizes that Article 90 (3) gives the Commission the general power to issue directives defining the obligations imposed by Articles 90 (1).

2. COMMERCIAL MONOPOLIES

The following points relating to the adjustment of national commercial monopolies are worthy of note:

D. COMPETITION

1. PUBLIC UNDERTAKINGS

The Commission's main activities in relation to Member States' obligations towards their public undertakings are summarized below.

— All the Member States have abolished the special or exclusive rights banned by Directive 88/301/EEC of 16 May 1988⁽¹⁾ on competition in the markets in telecommunications terminal equipment, or are on

— In the more general context of the measures taken to establish an internal market in energy, the Commission commenced infringement proceedings against several Member States where exclusive rights to import and export electricity and gas were found to be in restraint of intra-Community trade. Letters dated 9 August 1991 informed Belgium, Denmark, France, Greece, Ireland, Italy, the Netherlands, Spain and the United Kingdom that the Commission considered these exclusive rights to be contrary to the EEC Treaty, in particular Article 37, and gave them notice to present their observations.

⁽¹⁾ OJ No L 131, 27. 5. 1988, p. 73.

⁽²⁾ OJ No L 192, 24. 7. 1990, p. 10.

- The Commission continued to supervise measures taken by the Spanish authorities to comply with their obligations regarding adjustment of the petroleum monopoly. It drew the Spanish Government's attention to the fact that the exclusive supply clause in its legislation — allowing service stations in the State-owned network to supply only Spanish products — would have to be dropped at the end of the transitional period.
- Turning to the Portuguese petroleum monopoly, the Commission concluded that changes made to Portuguese legislation had indeed liberalized the market. The Commission is currently analysing the reasons why this liberalization has still not resulted in increased imports.

transport and on the mutual recognition of qualifications in these fields (77/796/EEC). Infringement proceedings relating to the first two of these directives have been running for 16 years! The Commission is glad to see Italy has now responded to its pressure and put an end to this serious, prolonged violation of Community law. It will be discussing with the Italian authorities certain shortcomings in the application of the rules governing access to the occupations.

Portugal has still not transposed Directive 74/562/EEC, though draft legislation does seem to be well on the way towards adoption.

Progress in implementing Directives applicable to Competition

The overall rate of implementation is 91.6 %; delays subsist in Greece, Ireland and Italy.

	Directives applicable on 31 December 1991 (*)	Directives for which measures have been notified	%
Belgium	3	3	100,0
Denmark	3	3	100,0
Germany	3	3	100,0
Greece	3	2	66,6
Spain	3	3	100,0
France	3	3	100,0
Ireland	3	2	66,6
Italy	3	2	66,6
Luxembourg	3	3	100,0
Netherlands	3	3	100,0
Portugal	3	3	100,0
United Kingdom	3	3	100,0

(*) The two Directives referred to under heading D.1 and Directive 80/723/EEC.

Directive 89/438/EEC, amending these three directives, has now been transposed by most of the Member States, though not by France. But some of the implementing provisions have been found to be incomplete or incorrect and the Commission is continuing the proceedings.

The new Directive (90/398/EEC) on the use of vehicles hired without drivers for the carriage of goods by road entered into force on 1 January 1991. Italy, the Netherlands and Portugal are the only Member States that have not transposed it.

In the important area of road safety, virtually all the Member States have taken the measures needed to broaden obligations regarding the technical testing of light commercial vehicles. Ireland is the only exception, but it has notified the Commission of a bill which the Commission has approved; it will be enacted shortly.

E. TRANSPORT POLICY

1. ROAD TRANSPORT

Italy at last complied with judgments given against it by the Court of Justice for failure to transpose the Directives on access to the occupation of road haulage operator (74/561/EEC) and of passenger transport operator (74/562/EEC) in national and international

Technical harmonization of road transport is a key component of the common transport policy. One of the most recent measures in this area — Directive 89/461/EEC fixing maximum authorized dimensions for articulated vehicles — has been implemented in all Member States but two — Italy and Luxembourg. The Commission has commenced infringement proceedings against these two Member States and hopes that they will come into line with Community law in the near future.

In a hybrid area concerning both the social protection of workers and road safety, the Commission has still not been able to induce Italy, Belgium and Luxembourg to take the measures needed to implement Directive 88/599/EEC, which lays down standard checking procedures for the implementation of social legislation relating to road transport and to recording equipment in vehicles. The Commission may have to bring proceedings in the Court of Justice.

Italy and the United Kingdom have at last adopted the Community driving licence for all categories prescribed by Directive 80/1263/EEC. All the Member States are now issuing the same type of driving licence.

In May the Court of Justice gave an important judgment relating to combined transport (Case C-45/89). The background to the case was to be found in a complaint received by the Commission from the Italian subsidiary of a German company, according to which the Italian authorities were refusing to issue any new authorizations for tractors used for combined transport operations. The Court held that by maintaining in force a system of authorizations and/or quotas for combined road/rail carriage of goods between Member States and by withholding authorizations from private persons wishing to undertake such carriage, the Italian Republic had failed to fulfil its obligations under Directive 75/130/EEC on the establishment of common rules for certain types of certain road/rail carriage of goods between Member States.

This greatly helps to clarify the rules governing combined transport in a manner which will be conducive to its development in line with the rules made by the Council.

The Commission subsequently asked the Italian government to take the necessary measures to comply with this judgment, but none have yet been notified.

The citizens' Europe concept has transport policy aspects. The Commission received a complaint from a

student to the effect that the German authorities have replaced the concept of 'habitual residence' used in Directive 80/1263/EEC by the concept of 'permanent stay' in applying the rules governing the exchange of driving licences. A student domiciled in one Member State but residing in Germany solely in order to study there is given full residence status by the German authorities and accordingly has to exchange his national driving licence, which he can only use for one year in Germany from the beginning of his stay. Infringement proceedings have accordingly been commenced against Germany.

In July 1991 the Council adopted a new Directive on driving licences (91/439/EEC), which provides that with effect from July 1996 the driving licence issued by the national authorities of the Member States will be recognized rather than exchanged, even when the holder moves to a different Member State. It also confirms the Commission's approach that attendance at a university or school in another Community State should not be regarded as a transfer of habitual residence. Students may thus continue to use the driving licence issued in their Member State of origin.

In the light of these new provisions and following earlier discussions with the Commission, the German national authorities, acting in agreement with the Länder, will be issuing regulations exempting students from the obligation to exchange driving licences imposed by the existing law

2. INLAND WATERWAYS

In December the Court of Justice gave judgment declaring that Belgium had failed to comply with its obligations under Article 171 of the EEC Treaty by failing to give effect to the earlier judgment of 24 May 1988. Belgium has still not transposed Directive 82/714/EEC laying down technical requirements for inland waterway vessels. But it has notified the Commission of draft legislation to do so; the Commission hopes that it will be adopted so as to put an end to this serious infringement of Community law.

Despite Commission pressure, Directive 87/540/EEC on access to the occupation of carrier of goods by waterway has not yet been transposed in all the Member States, although in many cases their authorities have prepared drafts. The Commission may soon have to take the Member States to the Court of Justice if they do not notify measures.

Progress in implementing Directives applicable to Transport

The results are good here, with an average rate of 93 %, and no appreciable divergences between the various Member States.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	42	39	92,9
Denmark	40	39	97,5
Germany	42	40	95,2
Greece	41	39	95,1
Spain	42	41	97,6
France	45	42	93,3
Ireland	39	38	97,4
Italy	41	36	87,8
Luxembourg	40	35	87,5
Netherlands	43	40	93
Portugal	35	32	91,4
United Kingdom	40	39	97,5

F. ENVIRONMENT

1. PROTECTION OF WILD FAUNA AND FLORA

Directive 85/337/EEC on the assessment of the affects of certain public and private projects on the environment was the one that prompted the largest number of cases flowing from complaints or the Commission's own investigations in 1991. With the exception of Luxembourg, where there has been delay in adopting the requisite Grand-Ducal regulation, all the Member States have now transposed the directive and most of the cases arising are for failure to apply it properly.

Directive 79/409/EEC is the other environmental directive most frequently infringed. As in the past, the cases concerned failure to designate special protection areas, disruption or damage in designated areas and unlawful hunting for protected species (¹).

2. WATER

The Court of Justice gave judgment against Germany in Case C-131/88 and Italy in Case C-360/87 for failure to transpose Directive 80/68/EEC on the protection of groundwater. It will be remembered that judgment was given against the Netherlands in 1987 (Case C-219/84) on the same grounds; the requisite implementing measures have still not been notified.

Judgment was also given against Belgium in Case C-290/89 and Germany in Case C-58/89 for incorrect transposal of Directives 75/440/EEC and 79/869/EEC on surface water.

Among the numerous infringement proceedings commenced against Member States who failed to apply or actively violated Community law on water protection, one of the more noteworthy was the case commenced against all Member States for failing to implement programmes to reduce water pollution by 99 dangerous substances and to establish quality objectives as required by Article 7 of Directive 76/464/EEC on pollution by dangerous substances (¹).

3. AIR

Of the six Member States required to take national measures to implement Directive 89/427/EEC, amending Directive 80/779/EEC, on sulphur dioxide and suspended particulates, Portugal was the only one to do so in the time allowed, though Denmark announced

(¹) Fuller details are given in Annex C.

within the time limit that its existing legislation was already in conformity.

In May the Court of Justice gave judgment against Germany for failure to transpose Directive 80/779/EEC on sulphur dioxide and suspended particulates and Directive 82/884/EEC on lead (Cases C-361/88 and C-59/89). Judgment was given against France in October for incorrect transposal of those two Directives and Directive 85/203/EEC on nitrogen dioxide (Cases C-64/90, C-13/90 and C-14/90) ⁽¹⁾.

4. NOISE

Directives 88/180/EEC and 88/181/EEC amending Directive 84/538/EEC relating to the permissible sound power level of lawnmowers have not yet been fully transposed throughout the Community. Implementing measures remain to be taken in one of the three regions of Belgium and in Germany, Ireland and the United Kingdom. Spain has transposed only Directive 88/181/EEC.

5. WASTE — CHEMICAL AND BIOCHEMICAL SUBSTANCES

Germany has already notified the Commission of the measures taken to transpose Directives 90/219/EEC and 90/220/EEC on the contained use and deliberate release into the environment of genetically modified organisms; the Commission has been informed that measures have also been adopted in Denmark and the Netherlands.

Denmark, Germany and Luxembourg have notified their measures for the implementation of Directive 90/517/EEC amending for the eleventh time Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances ⁽¹⁾.

⁽¹⁾ Fuller details are given in Annex C.

Progress in implementing Directives applicable to the Environment

The 85 % average success rate here is quite good, though the delays in Italy and Greece continue to give cause for concern.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	92	75	81
Denmark	92	91	98
Germany	92	84	92
Greece	91	70	76
Spain	91	85	93
France	92	82	89
Ireland	91	77	84
Italy	92	55	59
Luxembourg	92	80	86
Netherlands	92	88	95
Portugal	91	86	94
United Kingdom	91	77	85

G. ENERGY

1. PETROLEUM PRODUCTS

The Commission's proceedings against Italy and the Netherlands for failure to transpose Directive 85/536/EEC (use of substitute fuels in petrol) reached the Court of Justice; the case against Belgium was closed.

The Commission terminated the proceedings against Portugal for failure to transpose Directives 75/339/EEC and 75/405/EEC and suspended the proceedings for failure to transpose Directives 78/170/EEC and 82/885/EEC.

2. TRANSIT OF ELECTRICITY — Directive 90/547/EEC

Belgium, Denmark, France, Germany and the Netherlands have already transposed this Directive.

3. TRANSPARENCY OF PRICES — Directive 90/377/EEC

None of the Member States has yet transposed this Directive.

4. COAL — Decision 90/296/ECSC

The Commission commenced proceedings under Article 688 of the ECSC Treaty by addressing a letter of formal notice to the German authorities regarding their failure to notify the plans for reduction of compensatory payments under the third Electricity-from-coal Law and for restructuring, rationalization and modernization of the mining industry (as required by Commission Decision 89/296/ECSC).

Similar proceedings were commenced against Spain; the Spanish authorities gave a satisfactory answer to the Commission's letter of formal notice and notified plans for the reduction of aids and the restructuring of the mining industry.

Progress in implementing Directives applicable to Energy

Generally speaking there are no major problems with notification of implementing measures; the average rate is a healthy 91 %.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	14	13	92,9
Denmark	14	13	92,9
Germany	14	13	92,9
Greece	12	9	75
Spain	12	10	83
France	14	13	92,9
Ireland	11	9	81,8
Italy	14	11	78,6
Luxembourg	12	10	83
Netherlands	14	12	85,7
Portugal	13	9	69
United Kingdom	11	9	81,8

H. THE EXTERNAL DIMENSION

1. EXTERNAL RELATIONS

The Commission took Greece to court for blocking imports of matches from Sweden and Bulgaria by means of a 'delta procedure', never notified to the Commission, whereby the Central Bank can withhold import licences. The Greek authorities have never answered the Commission's requests for information about this procedure.

2. DEVELOPMENT COOPERATION

The main purpose of monitoring the application of Community law here is to ensure that Member States comply with the various Protocols to the Lomé Convention, agreements with non-member countries and legislation implementing international commodity agreements to which the Community is a party.

I. STATISTICAL, ADMINISTRATIVE AND BUDGETARY MATTERS

1. STATISTICS

Road transport

With respect to statistics, Member States are required to supply figures at given intervals on certain subjects and in accordance with strict procedures.

The main purpose of Council Directive 78/546/EEC on statistical returns in respect of carriage of goods by road, as part of regional statistics is to obtain comparable annual data on the carriage of goods by vehicles registered in one of the Member States in the territory of that Member State (national transport) and to and from other Member States or non-member countries (international transport). This information is extremely useful for the formulation of Community transport policy, which requires a good knowledge of the scale and development of road haulage operations; it is complemented by similar Directives concerning the other two modes of inland transport — rail and inland waterways.

On 18 July 1989 the Council extended the scope of this Directive to provide more comprehensive statistics on the carriage of goods by road. The amending Directive (89/642/EEC) lays down that certain data be forwarded at shorter intervals (every three months) and that additional information be provided on traffic to and from non-member countries.

Infringements

Following the establishment of an infringement concerning Italy, an action was brought before the Court of Justice, which gave judgment on 11 July 1985 ⁽¹⁾. In view of the importance of the Directive, the Commission decided on 29 June 1989 to bring a second action before the Court, which gave judgment on 8 May 1991 ⁽²⁾. The data for 1989 supplied by Italy in July 1991 are in conformity with the Directive.

At the end of November 1991, thanks to technical assistance from Eurostat, Luxembourg resumed supplying data with effect from the first quarter of 1991. The infringement proceedings have been suspended until 30 June 1992 to give time to establish whether the flow of data is resumed on a regular basis; if so, the proceedings will be terminated.

Agricultural statistics

Several Council Directives provide for the transmission of agricultural statistics regularly used by management committees. The nature of the data, and the frequency and timing of notification, have been determined with the Member States so as to meet the needs of these committees. Agricultural measures regularly entail heavy expenditure from national budgets and the Community budget, and can only be devised properly if the statistics available for use by the committees are fully reliable and available on time.

At the end of 1988 the Commission commenced proceedings against Italy for failure to supply reliable statistics on cattle herds. Comparison of its figures with those of previous years, with those given for the purposes of calculating milk cow premiums and with other data supplied by Italy to the management committees raised doubts as to the correctness of data

supplied under Directives 73/132/EEC and 78/53/EEC. Considerable progress has since then been made in establishing agricultural statistics in Italy. The Commission hopes that doubts still surrounding these statistics will be allayed when the final results of the 1990 agricultural census emerge.

The weakness of Belgium's agricultural statistics is such that at the end of 1991 the Commission had to commence infringement proceedings for delays in notifying statistics on herds and agricultural production. The Directives concerned here are 76/630/EEC (pigs); 73/132 and 78/53/EEC (cattle); 72/280/EEC (milk and milk products), and 82/177/EEC (sheep and goats).

2. COMMUNITY STAFF

The infringement proceeding against the Netherlands regarding the transfer of pension rights under Article 11 of Annex VIII to the Community Staff Regulations were closed when the Dutch authorities gave a satisfactory answer to the Commission's letter of formal notice.

In the same context, Belgium responded to infringement proceedings by passing a new law in May 1991 that allows pension transfers to be made on the basis of a subrogation principle.

The first transfers are now being effected. The proceedings will be closed after the implementation and operation of the new law have been monitored for a 'running in' period.

With respect to the aggregation of family allowances under Article 68 of the Staff Regulations, the Commission is continuing its discussions with the German authorities on the implementation of the Court of Justice judgment of 7 May 1978 in Case 189/85 (1987), ECR 2075. Germany passed new legislation in 1987, the discussions now concern the question of compensation to the Community in respect of the period from 31 January 1975 to 30 April 1987.

The Spanish authorities responded to the infringement proceedings based on Article 12 of the Protocol on Privileges and Immunities by changing their legislation to solve difficulties met by former officials and temporary

⁽¹⁾ Case 101/84, Commission v. Italy.

⁽²⁾ Case C-266/89, Commission v. Italy.

staff wishing to import their motor vehicles tax-free. The Commission is pursuing its discussions with the Spanish authorities in order to settle a number of specific cases covered by the old legislation.

The Belgian authorities brought in new tax measures whereby the spouses of Community officials with earned income liable to Belgian tax did not qualify for the married person's allowance. As they had not sought to cooperate with the Community institutions as required by Article 19 of the Protocol on Privileges and Immunities, the Commission sent a letter of formal notice.

3. BUDGETARY MATTERS

On 16 May the Court of Justice gave judgment against the Netherlands in Case C-96/89, ordering it to pay agricultural levies for 1983 (with interest running from June 1984) on consignments of manioc imported from Thailand without export certificates and charged to levy at the preferential rate of 6 % instead of the full rate of 72 %. The Netherlands responded by paying the corresponding own resources to the Commission (Hfl 19 765 281 by way of levies and Hfl 57 946 131 by way of interest).

The Commission addressed a reasoned opinion to France in order to obtain payment of VAT own resources (with interest) that have not been paid, contrary to Directive 77/388/EEC and Regulation (EEC) No 1552/89.

Progress in implementing Directives applicable to Statistics

The generally good rate of progress here at 98,5 %, makes Italy's slight delay all the more significant.

	Directives applicable on 31 December 1991	Directives for which measures have been notified	%
Belgium	42	38	90
Denmark	42	42	100
Germany	43	43	100
Greece	42	42	100
Spain	47	47	100
France	42	42	100
Ireland	42	42	100
Italy	42	42	95
Luxembourg	42	41	98
Netherlands	42	42	100
Portugal	47	47	100
United Kingdom	42	42	100

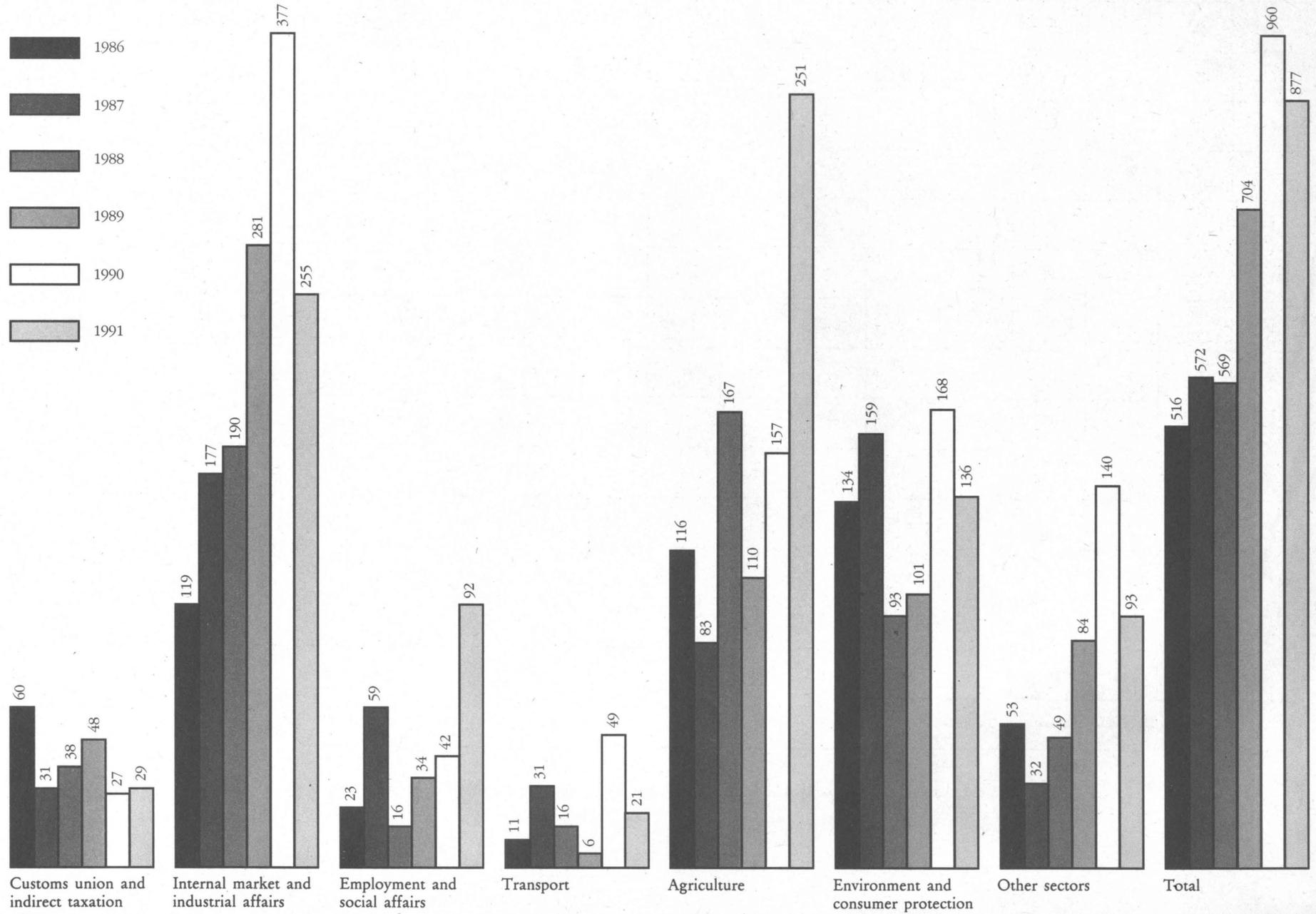
III. TABLES, CHARTS AND SUMMARIES

No 1

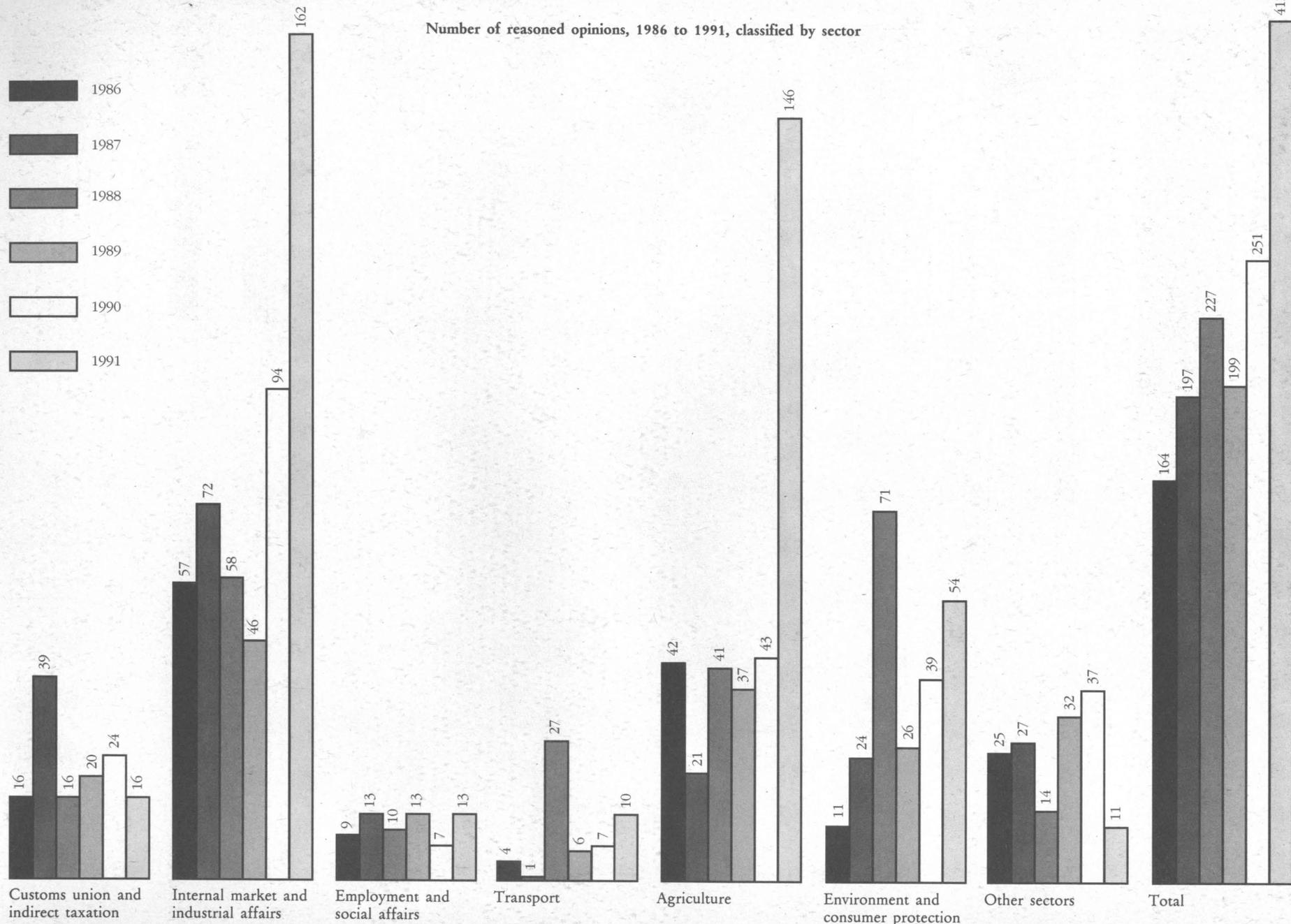
Infringement proceedings initiated since 1987, classified by stage of proceedings and Member State

	Letter of formal notice					Reasoned opinion					Reference to the Court of Justice				
	1987	1988	1989	1990	1991	1987	1988	1989	1990	1991	1987	1988	1989	1990	1991
B	55	52	70	67	74	28	23	21	29	46	7	10	19	13	7
D	65	58	57	61	62	17	24	12	20	13	2	8	5	5	1
DK	36	29	36	35	53	6	6	4	5	4	0	3	1	3	1
EL	77	64	88	121	89	28	32	21	39	48	11	14	10	10	9
E	32	31	53	114	81	8	11	8	15	30	1	1	5	3	2
F	66	58	68	76	60	29	27	20	17	15	8	10	8	6	4
IRL	46	41	50	52	62	24	10	14	17	27	3	8	2	3	3
I	73	107	114	110	118	27	52	58	58	76	21	14	39	24	24
L	26	36	43	43	64	10	8	13	14	35	2	2	7	4	4
NL	41	42	62	61	64	11	12	11	20	23	4	3	6	2	7
P	11	18	26	176	86	0	7	5	11	84	0	0	1	2	2
UK	44	33	37	44	64	9	15	12	6	11	2	0	5	2	0
Total	572	569	704	960	877	197	227	199	251	412	61	73	108	77	64

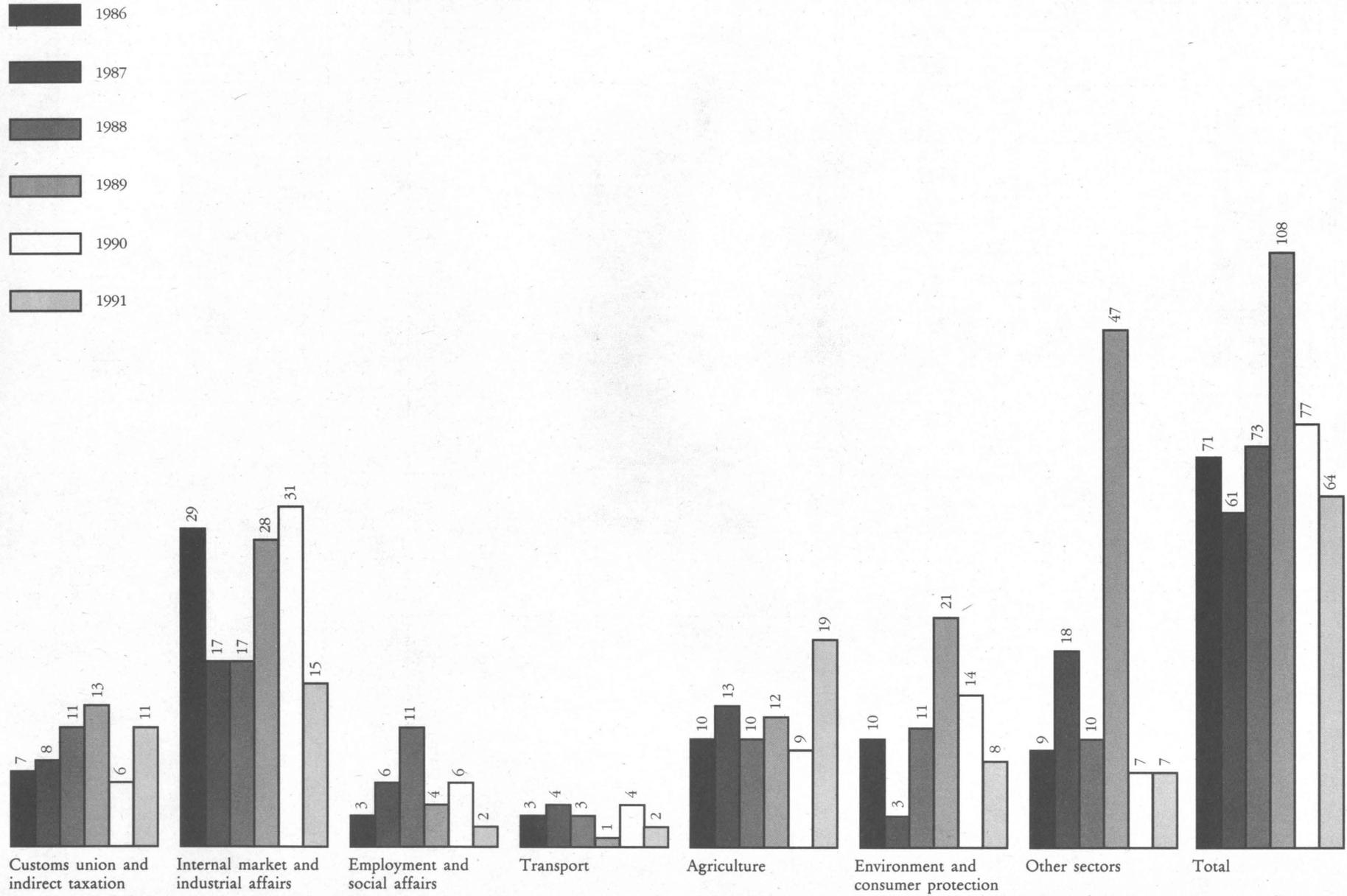
Number of letters of formal notice, 1986 to 1991, classified by sector



Number of reasoned opinions, 1986 to 1991, classified by sector



Number of references to the Court of Justice, 1986 to 1991, classified by sector



Infringement proceedings initiated since 1984 classified by stage of proceedings and sector

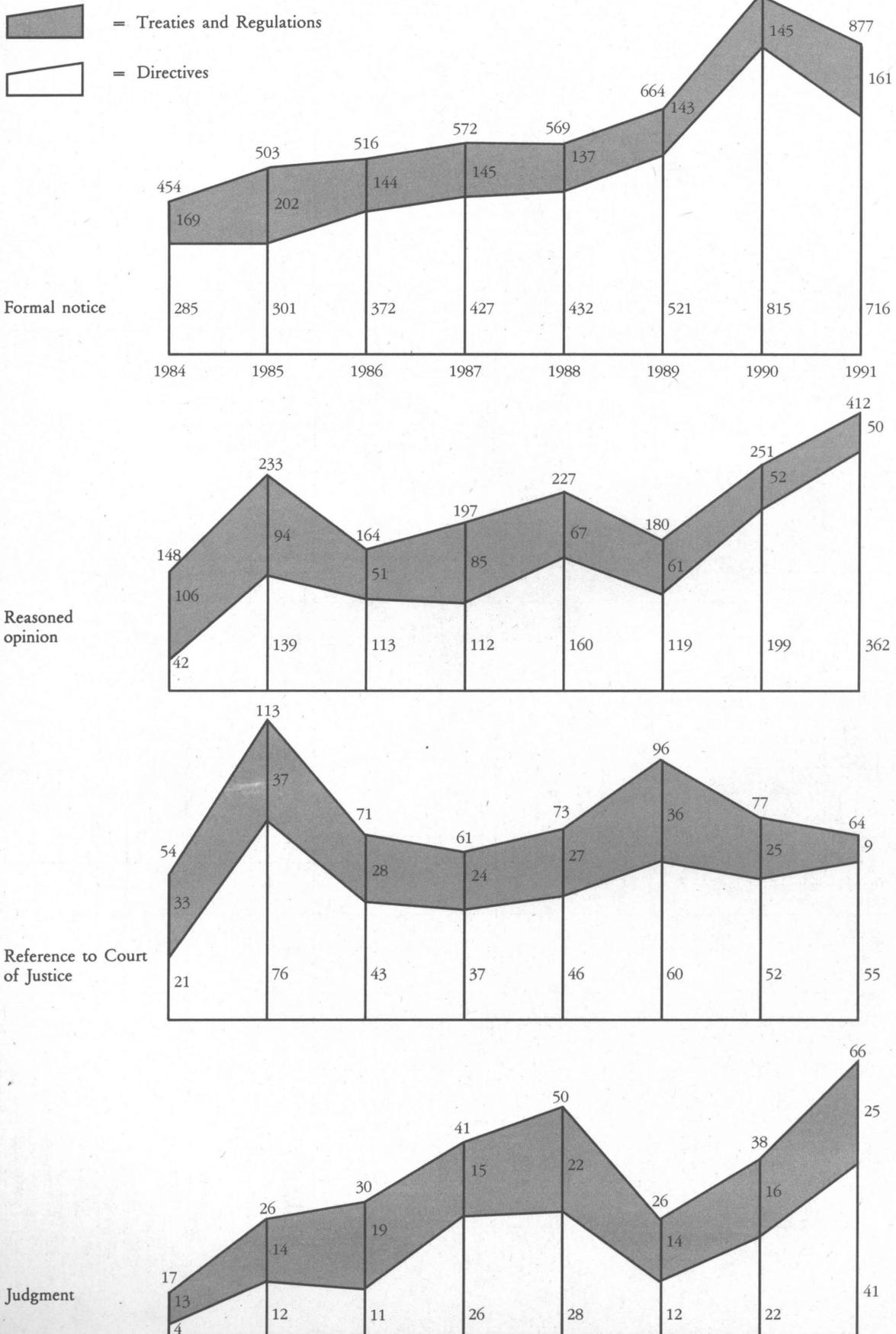
		Secretariat-General	Telecommunications, information industry, innovation	Statistical questions	Customs union indirect taxation	Commercial policy	Economic and financial policy	Internal market and industrial affairs	Competition	Employment and social affairs	Agriculture	Transport	Development	Administrative questions	Environment and consumer protection	Fisheries	Financial control	Energy	Budgets	Legal service	Financial institutions	Total
1984	Letter of formal notice				64	11		172	6	15	91	7	2	4	65	13		1	3			454
	Reasoned opinion			1	25	2	2	46	3	4	25	1		3	33			1	2			148
	Reference to the Court of Justice			1	11	1	1	23		3	7	3			2			1	1			54
1985	Letter of formal notice			1	48	2		152	7	23	148	10	1	5	69	4		6	24	2		503
	Reasoned opinion				37			93	9	6	43	7	1	5	26				2	2		233
	Reference to the Court of Justice				22		1	34	1	2	17	5	1	6	23				1			113
1986	Letter of formal notice				60	1		119	2	23	116	11			134	25		3	5	2	15	516
	Reasoned opinion				16			57		9	42	4		5	11	3		3	10		4	164
	Reference to the Court of Justice			1	7			29		3	10	3		4	10			1	2	1		71
1987	Letter of formal notice				31	4		177	5	59	83	31		1	159	11	1	1	6		3	572
	Reasoned opinion				39	1		72	5	13	21	1			24	6	1		5		9	197
	Reference to the Court of Justice				22			17	1	6	13	4			3	1			2			69
1988	Letter of formal notice			4	38	4	1	190	8	16	167	16		3	93	9			6	12	2	569
	Reasoned opinion				16	1		58		10	41	17		2	71	8			2		1	227
	Reference to the Court of Justice				11			17	1	11	10	3			11	4	1		2		2	73
1989	Letter of formal notice	5	16		48		1	281	3	34	110	6		4	101	4		7	5	3	36	664
	Reasoned opinion			4	20	1		46	3	13	37	6		2	26	6		1	2	9	4	180
	Reference to the Court of Justice			1	13			28	1	4	12	1		1	21	8		1	4		1	96
1990	Letter of formal notice		2		27	1	2	377	3	42	157	49	2	53	168	19		4	6		48	960
	Reasoned opinion				24	2		94	3	7	43	7		8	39			3	1		20	251
	Reference to the Court of Justice				6			31	1	6	9	4		3	14						3	77
1991	Letter of formal notice		10		29			255	18	92	251	21			136	5		1	2	5	52	877
	Reasoned opinion		2		16			162	3	13	146	10			54	5			1		1	412
	Reference to the Court of Justice			3	11			15		2	19	2			8	2					4	64

Infringement proceedings initiated since 1984, classified by sector and legal basis

		Secretariat-General	Telecommunications information industry, innovation	Statistical questions	Customs union indirect taxation	Commercial policy	Economic and financial policy	Internal market and industrial affairs	Competition	Employment and social affairs	Agriculture	Transport	Development	Administrative questions	Environment and consumer protection	Fisheries	Financial control	Energy	Budgets	Legal service	Financial institutions	Subtotal	Total
1984	No measures notified				34			83		7	43				48							222	454
	Not properly incorporated				6			24			1				15								
	Not properly applied				7			1	2	2	3				2								17
	Treaty/Regulations				17	11		64	4	6	44		2	4		13		1	3				169
1985	No measures notified				13			87		5	80	8			58			6					257
	Not properly incorporated				3			5		7	5				10								30
	Not properly applied			1	9					2	1				1								14
	Treaty/Regulations				23	2		60	7	8	63	2	1	6		4			24	2			202
1986	No measures notified				20			73		2	68	9			84			3				9	268
	Not properly incorporated							3		11	1				32						4	4	51
	Not properly applied				13			18		3	4	1			9				4		2	2	54
	Treaty/Regulations				27	1		25	2	7	43	1			9	25			1	2			143
1987	No measures notified				5			78		28	58	17			68			1				5	260
	Not properly incorporated							1		3		6			30							2	42
	Not properly applied				15			30		8	9	2			58				2			1	125
	Treaty/Regulations				11			68	5	20	16	6		1	2	11	1		4				145
1988	No measures notified				3			101			130	11			36							1	282
	Not properly incorporated							7		1					24								33
	Not properly applied			1	3			49	1	5	14	1			30				1				117
	Treaty/Regulations				22	4	1	33	7	10	23	4		3	3	9			5	12	1		137
1989	No measures notified		16		6			141		7	70	5			46			7				29	327
	Not properly incorporated				2			3		2					17							1	25
	Not properly applied			1	22		1	87		7	12				37						3	169	
	Treaty/Regulations	5			18			50	3	18	28	1		4	1	4			5	3	3		143
1990	No measures notified		2		2			260		18	127	34			182			4				38	656
	Not properly incorporated							6	3	1					74							3	87
	Not properly applied				15		2	66		2	9	1			62	1		3				1	162
	Treaty/Regulations				10			45		21	21	14		2	3	19		1	3			6	145
1991	No measures notified		10		5			173	7	22	202	17			67							36	539
	Not properly incorporated							3			1				25							4	33
	Not properly applied				10			53		3	33				42	1		1	1			1	144
	Treaty/Regulations				14			26	11	67	15	4			2	4		1		5	12		161

No 7

Number of infringement proceedings initiated since 1984, classified by legal basis and stage of proceedings



Number of infringement proceedings initiated since 1988, classified by Member State, legal basis and stage of proceedings

Member State	Stage of the infringement proceeding (*)	1988				1989				1990				1991			
		Directives			Treaties and Regulations												
		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied	
B	FN	30	4	7	11	38	2	12	15	32	4	16	15	49	5	7	13
	RO	5	5	6	7	6	1	4	7	17	3	7	2	23	—	9	15
	RCJ	4	—	3	3	3	2	3	4	6	2	2	3	3	2	1	1
D	FN	27	3	12	16	19	3	16	16	18	1	18	24	36	1	12	13
	RO	4	2	12	6	1	3	5	3	6	2	5	7	6	—	4	3
	RCJ	1	3	2	2	—	1	2	1	—	1	1	3	—	—	1	—
DK	FN	20	1	6	2	21	1	8	4	22	1	5	7	34	1	5	13
	RO	—	1	2	3	—	1	2	1	1	—	3	1	1	—	1	2
	RCJ	—	—	2	1	—	—	1	—	—	—	2	1	—	—	1	—
EL	FN	37	2	11	14	63	2	11	16	78	2	26	15	49	4	18	18
	RO	12	6	3	11	6	—	6	7	20	2	5	12	37	2	5	4
	RCJ	5	2	—	7	2	1	2	5	4	1	1	4	2	—	2	5
ES	FN	—	3	3	15	13	4	22	12	75	5	19	15	41	9	13	18
	RO	—	—	5	6	—	1	3	4	1	4	6	4	18	3	5	4
	RCJ	—	—	—	1	—	1	2	2	—	—	3	—	—	—	2	—
F	FN	22	1	19	16	21	2	11	28	31	3	18	24	30	3	9	18
	RO	8	5	3	11	—	2	6	11	8	2	1	6	4	1	4	6
	RCJ	3	1	1	5	1	1	1	5	—	4	—	2	1	1	1	1
IRL	FN	27	3	4	7	31	3	6	6	37	6	2	7	46	3	9	4
	RO	6	4	—	—	4	1	4	3	13	1	1	2	23	2	2	—
	RCJ	4	2	1	1	—	—	—	2	2	—	1	—	2	—	1	—
I	FN	53	6	23	25	48	4	42	16	62	5	27	16	57	3	32	26
	RO	17	7	19	9	16	4	20	13	30	5	16	7	40	5	23	8
	RCJ	5	2	1	6	8	3	14	10	15	1	5	3	15	3	6	—
L	FN	28	2	3	3	26	1	4	7	38	1	2	2	54	—	4	6
	RO	5	1	1	1	5	—	1	3	8	—	4	2	29	2	2	2
	RCJ	2	—	—	—	5	—	—	1	3	—	—	1	3	—	—	1
NL	FN	22	4	6	10	32	3	14	8	46	7	2	6	39	3	12	10
	RO	3	1	4	4	3	—	3	4	10	3	4	3	14	2	4	3
	RCJ	2	—	—	1	1	—	1	3	—	1	—	1	5	1	—	1
P	FN	—	1	4	13	4	—	12	10	151	1	15	8	64	1	11	10
	RO	—	—	3	4	—	—	4	1	3	1	2	5	79	—	3	2
	RCJ	—	—	—	—	—	—	1	—	—	—	—	2	2	—	—	—
UK	FN	16	3	9	5	21	—	11	5	26	1	11	6	40	—	12	12
	RO	1	6	3	5	3	—	4	4	1	2	2	1	7	—	3	1
	RCJ	—	—	—	—	—	1	1	3	—	—	1	1	—	—	—	—

(*) FN = Formal Notice
RO = Reasoned Opinion
RCJ = Reference to the Court of Justice

References to Court and judgments since 1987

Sector	Member State	Reference to the Court					Judgment for the Commission					Judgment for the Member State				
		1987	1988	1989	1990	1991	1987	1988	1989	1990	1991	1987	1988	1989	1990	1991
Administrative questions	B			1			1	1	1	1						
	D						1									
	L										1					
Internal market and industrial affairs	B	1	3	5	4		1	1			2					
	D	1	1		2		1	1	3							
	DK			1				1								
	F	3	4					1								
	UK	1			1			1								
	GR		3	1	1	2	1	2								
	I	4	4	9	1	5	3	5	2		2					
	IRL	1	1					1								
	L	1		4		1										
	NL		1	1		4					1					
	E	1				1										
	P			1		1										1
State monopolies and competition	I						1									
	GR	1	1			1		1		1						
	B						1				1					
	P				1											
Budget	D		1												1	
	I	1	1	3					1							
	NL	1														
	GR						1		1							
	F			1											1	

Sector	Member State	Reference to the Court					Judgment for the Commission					Judgment for the Member State				
		1987	1988	1989	1990	1991	1987	1988	1989	1990	1991	1987	1988	1989	1990	1991
Transport	B				1	1	1	1			1					
	F	1														
	D				1											
	I		2	1	1		2				2					
	IRL	1														
	GR	2	1			1				1						
Statistics	I			1							1					
Fisheries	GR		1							1						
	F		1	2						1	2					
	I		1							1						
	UK			3							2					
	IRL		1	2						1	1					
	NL	1				1			1							
	E			1							1					
Customs union	B		1													
	E		1													
	F	1												1		
	I	1		4				1	1		1					
	P				1											
	UK	1												1		
	GR	1				2		1								
	D	1											1			
Financial institutions	B		1				1									
	I		1													

Sector	Member State	Reference to the Court					Judgment for the Commission					Judgment for the Member State				
		1987	1988	1989	1990	1991	1987	1988	1989	1990	1991	1987	1988	1989	1990	1991
Indirect taxation	B			1				1			1	1	1			
	D		1			1				1						
	DK		3		2	1				1	1					
	F		1			1		2				1				
	UK							2								
	I	6	1	1	1	5	3	3	3	1	1					
	IRL	1	2					1		2						
	NL			1			1									
	GR		1	3	1	1	1				2				1	
	E			2	1	1				1	2					
	L			1							1					
Employment, education and social affairs	B	1	2	1		1										1
	F		2	1				2		1	1					
	UK			1						1						
	I	1	1	1	1		1		1	1						
	L	1	1			1										
	GR		2							1						
	IRL		1													
	NL		1													1
Energy	B			1						1						

Court of Justice Judgments delivered up to 31 December 1991 but not yet complied with

GERMANY

14. 2. 1984	Case C-352/82	Exemptions from turnover tax and excise duties on imports (butter-buying cruises)		Fresh infringement proceedings (A/320/85) Germany has still not taken measures to give effect to the Court's ruling
12. 3. 1987	Case C-178/84	Ban on the sale of beers not made from malted barley	The German authorities have informed the Commission that following the judgment they have taken administrative measures to allow properly labelled beers from other Member States to be sold in Germany. But they still have to take legislative measures	
7. 5. 1987	Case C-189/85	Overlapping family allowances	(A/65/83) Some technical problems concerning the repayment of arrears have still to be resolved. Contacts are to take place with the German authorities in February 1992	
17. 9. 1987	Case C-412/85	Wild birds	(A/119/84)	Fresh infringement proceedings (A/48/89) On 5 December 1990 the Commission decided to refer the matter to the Court
2. 2. 1989	Case C-274/87	Problems affecting imports of pâté	The German Government has confirmed that it will amend its legislation when transposing Council Directive 88/658/EEC of 14 December 1988 amending Directive 77/99/EEC on health problems affecting intra-Community trade in meat products. In the meantime the Federal Ministry of Health has sent an administrative order to the Länder inspection authorities requiring them to comply with the Court's ruling. A Government circular, accepted by the Commission, has been issued to the effect that free movement has been achieved (A/85/500)	Fresh infringement proceedings (A/373/90)

11. 5. 1989	Case C-76/86	Prohibition on the marketing of milk substitutes	(A/354/84) The German measures to implement the Court's ruling have been found satisfactory after initial vetting by the Commission	
28. 11. 1989	Case C-186/88	Health checks in intra-Community trade in livestock, meat and meat products	(A/281/87) Health checks were abolished by a Regulation of 7 November 1991 (Bundesgesetzblatt I No 62, 15. 11. 1991)	
3. 7. 1990	Case C-288/88	Wild birds	(A/222/86)	Article 171 proceedings are being initiated for non-compliance with the judgment of 3 July 1990
28. 2. 1991	Case C-131/88	Groundwater	The German reply of 2 October 1991 stated that the legislative procedures with the Länder to give effect to the judgment were to be commenced. No timetable was given	A letter warning of action under Article 171 was sent on 23 July 1991
30. 5. 1991	Case C-361/88	Sulphur dioxide		A letter warning of action under Article 171 was sent on 7 November 1991
30. 5. 1991	Case C-59/89	Lead in the air		A letter warning of action under Article 171 was sent on 7 November 1991
17. 10. 1991	Case C-58/89	Surface water: incorrect transposal		A letter warning of action under Article 171 is being sent
BELGIUM				
19. 10. 1986	Case C-137/80	Transfer of pension rights	(A/7/78) Transfers are now possible under the Law passed on 21 May 1991, effective 1992. Infringement proceedings may be closed after a running-in period	The Court delivered a second judgment on 3 October 1989, in Case 383/85 (A/303/84)

2. 12. 1986	Case C-239/85	Toxic waste	The Walloon Region has adopted legislation transposing the Directive but has made no provision for practical implementing arrangements (A/169/83)	Fresh infringement proceedings (A/212/90) On 5 December 1990 the Commission decided to send a reasoned opinion
17. 6. 1987	Case C-1/86	Protection of groundwater against pollution	The Brussels Region has complied with the Court's ruling (Royal Decree of 19 June 1989). The Walloon Region has not complied, however, nor has the Flemish Region in some respects	Fresh infringement proceedings (A/291/88) Case pending before the Court (C-174/91)
8. 7. 1987	Case C-247/85	Wild birds	(A/118/84)	Fresh infringement proceedings (A/291/90) On 5 December 1990 the Commission decided to send a reasoned opinion
24. 5. 1988	Case C-307/86	Technical requirements for inland waterway vessels	(A/202/85)	Second judgment given against Belgium on 10 December 1991 (Case C-19/91) (A/356/89)
27. 9. 1988	Case C-42/87	Discrimination in the government funding of higher education establishments not of university level	(A/435/85)	Fresh infringement proceedings (A/173/90) On 18 December 1991 the Commission decided to refer the matter to the Court. On 4 December 1991 the Executive of the German-speaking Community announced draft measures to comply with the ruling
11. 5. 1989	Case C-46/88	Divisions and mergers of public limited liability companies	(A/129/86)	Fresh infringement proceedings (A/399/90) The decision to send a reasoned opinion will be carried out if there is no progress in adopting the draft law notified in October 1990

15. 5. 1989	Case C-52/88	Restrictions on the use of edible gelatine	(A/447/85)	Fresh infringement proceedings (A/193/90) On 18 December 1991 the Commission decided to refer the matter to the Court
5. 4. 1990	Case C-6/89	50 % reduction in the salaries paid by the Belgian Government to Belgian teachers seconded to the European Schools	(A/65/88) On 23 July 1990 the Belgian authorities informed the Commission that they were ready to comply with the Court's judgment. The reductions continue to be applied, however, to the salaries of French-speaking teachers. Full salary payments were reinstated for Dutch-speaking teachers in September 1990. Arrears are expected to be settled early in 1992. The Commission is pursuing contacts with the Belgian authorities as regards the other teachers	A reminder has been sent to the Belgian authorities by the Commission
5. 7. 1990	Case C-304/88	Authorization required for the importation of fresh meat and live animals	(A/484/85) Requirement abolished by Royal Decree on 11 December 1991	Under examination at the Commission
5. 7. 1990	Case C-42/89	Water for human consumption; incomplete transposition (exclusion of private water sources from the scope of the Directive)	(A/221/86)	A letter giving formal notice was sent to the Belgian authorities on 2 December 1991
19. 2. 1991	Case C-375/89	Aid for Idealspun/Beaulieu		Meeting have been held with the Belgian authorities
19. 3. 1991	Case C-249/88	Prices of pharmaceutical products (public programme contracts)		The Belgian authorities have been contacted
7. 5. 1991	Case C-287/89	Minimum price for manufactured tobacco		The Belgian authorities have been contacted
16. 5. 1991	Case C-167/90	Pharmacists: coordination and mutual recognition of qualifications		By letter dated 21 October 1991 the Commission reminded the Belgian authorities of their obligation to take measures giving effect to the judgment
11. 6. 1991	Case C-290/89	Surface water		A letter warning of action under Article 171 was sent on 4 September 1991

26. 6. 1991	Case C-153/89	Excise duties on beer		A letter warning of action under Article 171 and asking for information on measures to comply with the judgment was sent on 25 October 1991
DENMARK				
17. 10. 1991	Case C-100/90	National provisions allowing only 10 litres of fuel to be imported tax-free per vehicle	On 20 December 1991 the Danish Parliament passed new measures in response to the Court judgment. They complied with the Council Directive on tax-free allowances adopted on 1 February 1992, which is to enter into force on 1 January 1993	
SPAIN				
25. 7. 1991	Case C-258/89	Fisheries: catch registers (ICES divisions)	(A/405/87)	By letter dated 23 October 1991 the Spanish authorities undertook to comply henceforth with Community rules. In the course of a general survey under Article 12 (2) of Regulation (EEC) No 2241/87, the Commission is checking whether instructions issued to national surveillance authorities are actually being carried out
17. 10. 1991	Case C-35/90	VAT exemption for services supplied by artists and journalists		No measures have been notified
7. 11. 1991	Case C-313/89	Midwives (training not in conformity with Directive 80/155/EEC)		Recent judgment
10. 12. 1991	Case C-192/90	Failure to notify programmes for the implementation of the Directive on liquid containers		Recent judgment

FRANCE

3. 6. 1986	Case C-307/84	Discrimination against foreign nurses regarding access to public hospitals	The French authorities have announced that Law No 91/715 of 26 July 1991 provides for the progressive removal of barriers in certain areas, including public health, by decree. Decrees for adoption in the Conseil d'État are in preparation	Fresh infringement proceedings (A/159/87), now being handled (as A/220/91) in the general context of the Commission's activities directed towards liberalization of access to certain public-service functions in the Member States
27. 4. 1988	Case C-252/85	Wild birds	(A/121/84)	Fresh infringement proceedings
30. 6. 1988	Case C-318/86	Equal treatment; access to employment	Decree No 89-317 of 16 August 1989 abolished separate procedures for the recruitment of men and women to managerial, technical and training functions in the prison service, but there is no change in the police forces, where the infringement proceedings are therefore continuing	Fresh infringement proceedings On 20 December 1989 the Commission decided to send a reasoned opinion (A/350/89) but took no further action on receiving an assurance from the French authorities that a bill was shortly to be adopted. On 18 December 1991 the Commission decided to send a reasoned opinion
13. 7. 1988	Case C-169/87	Retail prices of manufactured tobacco	(A/271/85)	France has not yet taken the measures needed to comply with the judgment
25. 10. 1988	Case C-312/86	Equal treatment: access to employment	(A/144/85) Article 8 of Law No 89/488 provides that discriminatory collective agreements must be revised by the end of July 1991	The Commission is awaiting the report on Article 8 by the Minister for Employment in order to check for compliance with the judgment
12. 7. 1990	Case C-236/88	Refusal to forward social security benefit to other Member States	(A/131/79) No legislation implementing the judgment has yet been received. Technical solutions have been proposed following discussions in the Administrative Commission for Social Security for Migrant Workers and elsewhere; they should be adopted shortly	
29. 11. 1990	Case C-182/89	Regulation on international trade in endangered species of fauna and flora	(A/225/86)	A letter requesting notification of measures taken to comply with the judgment was sent on 28 November 1991

12. 12. 1990	Case C-263/88	Denial of the right of establishment and the right to provide services in the Overseas Territories	(A/499/85)	On 18 December 1991 the Commission decided to send a letter giving formal notice (Article 171)
26. 2. 1991	Case C-154/89	Restrictions on freedom to provide services by tourist guides	(A/432/86)	On 18 December 1991 the Commission decided to send a letter giving formal notice (Article 171)
11. 6. 1991	Case C-307/89	Refusal to grant benefits from the National Solidarity Fund to a national of another Member State	A circular will shortly be issued to secure full compliance with the principle of equal treatment	
10. 7. 1991	Case C-294/89	Lawyers: incorrect transposal of Directive 77/249/EEC	(A/450/84)	A letter warning of action under Article 171 was sent on 23 December 1991
1. 10. 1991	Case C-13/90	Lead in the air		A letter warning of action under Article 171 is being sent
1. 10. 1991	Case C-14/90	Nitrogen dioxide quality standards		A letter warning of action under Article 171 is being sent
1. 10. 1991	Case C-64/90	Sulphur dioxide		A letter warning of action under Article 171 is being sent
GREECE				
12. 3. 1987	Case C-176/84	Provisions stipulating that only malt-based beers may be sold	Formal adoption of the new legislation is awaited (A/4/82) The Ministerial Order (the content of which was notified to the Commission on 29 October 1990 and has been approved by the latter) will shortly be published in the Official Gazette of the Greek Government. Publication has been delayed by certain final consultations with the Government's chemical laboratories	

15. 3. 1988	Case C-147/86	Teaching ban (Frontistirion); nationality requirement	(A/388/84) (A/265/85) The British wives with whom the case originated are still having difficulties. Political action taken in parallel with court action has so far remained fruitless. It is not possible to commence new proceedings. The Court has now confirmed the infringement twice	
and				
14. 7. 1988	Case C-38/87	Nationality requirement for access to the professions of: — lawyer, — architect, civil engineer or surveyor	(A/264/85) (A/265/85) Greece has come into line with Community law regarding lawyers (Presidential Decree No 172, 2 March 1989), but there is no progress in the other matters	Fresh infringement proceedings (A/165/89) This matter was referred to the Court on 24 October 1990 (Case C-328/90)
12. 7. 1990	Case C-35/88	Imports of feed grain, maize and barley; management of the markets by KYDEP	(A/480/85) This matter is related to the wider problem of the market-management activities of KYDEP (cereals and cotton). The Greek authorities maintain that the cereals market is fully liberalized and have undertaken to comply scrupulously with common rules here. They have also authorized the EAGGF to verify KYDEP's activities itself	The Commission is continuing to monitor the operation of the market to see that the rules are in fact applied in practice
8. 11. 1990	Case C-53/88	Protection of workers in the event of the employer's insolvency	(A/116/86) New rules adopted to comply with the judgment are being vetted	Recent judgment
26. 2. 1991	Case C-198/89	Restrictions on freedom to provide services by tourist guides		(A/113/87) On 18 December 1991 the Commission decided to send a letter giving formal notice (Article 171)
19. 3. 1991	Case C-205/89	Control measures and health certificates for imported milk products	To comply with the Court judgment, the Greek authorities have prepared a decree for signature by the President, abolishing the requirement for health certificates for imported butter	
18. 4. 1991	Case C-230/89	VAT on imported spirits, levied at a higher rate than on Greek products	The Greek authorities have orally confirmed the content of their letter dated 22 October 1991 to the effect that they are planning to terminate the infringement	

7. 11. 1991	Case C-309/90	Architects		Recent judgment
10. 12. 1991	Case C-306/89	Services incidental to transport		Recent judgment
IRELAND				
12. 6. 1990	Case C-158/88	Restrictions on travellers' allowances	(A/247/87) Ireland has not taken measures to comply with the judgment as it is awaiting the outcome of negotiations on the Council on a special derogation for travellers visiting Ireland	In March 1991 the Council adopted a derogation allowing Ireland to restrict imports by travellers living in Ireland who have been out of the country for less than 24 hours. On 19 December 1991 the Council adopted a new Directive amending Directive 69/169/EEC, extending and amending the exceptions allowed to Ireland and Denmark regarding tax-free allowances for travellers. These exceptions expire on 31 December 1992
6. 12. 1990	Case C-367/88	Tax exemptions for alcoholic beverages sold to travellers	(A/96/86) Ireland has not taken measures to comply with the judgment as it is awaiting the outcome of negotiations in the Council on a special derogation for travellers visiting Ireland	In March 1991 the Council adopted a derogation allowing Ireland to restrict imports by travellers living in Ireland who have been out of the country for less than 24 hours. On 19 December 1991 the Council adopted a new Directive amending Directive 69/169/EEC, extending and amending the exceptions allowed to Ireland and Denmark regarding tax-free allowances for travellers. These exceptions expire on 31 December 1992
4. 10. 1991	Case C-93/89	Non-conformity of Fisheries Amendment Act 1983 with Community law	(A/394/85)	Recent judgment. A letter has been sent asking the Irish authorities to notify the legislative measures taken to comply

ITALY

10. 11. 1981	Case C-29/81	Admission to the occupation of road passenger transport operator	(A/113/79)	The Court delivered a second judgment on 5 November 1986 in Case C-160/85 (A/176/83) The Italian Community Law No 428 of 29 December 1990 empowers the Minister responsible to take the measures needed to implement the Directive. To the Commission's knowledge, he has not done so
15. 11. 1983	Case C-322/82	Quality standards for fruit and vegetables	(A/177/81)	The Court delivered a second ruling on 12 February 1987, in Case C-69/86. This judgment was based on Article 171 of the EEC Treaty
29. 1. 1987	Case C-364/85	Tuberculosis and brucellosis; swine fever	(A/256/83) (A/258/83)	Fresh infringement proceedings (A/453/88 — A/454/88)
10. 3. 1987	Case C-386/85	Swine fever	(A/259/83)	Fresh infringement proceedings (A/456/88)
8. 7. 1987	Case C-262/85	Wild birds	(A/124/84) Implementing provisions not all adopted within the time limit	Fresh infringement proceedings (A/49/89) On 26 June 1991 the Commission decided to refer the matter to the Court
24. 11. 1987	Case C-124/86	Tax exemptions applicable to permanent imports of personal property	(A/421/84)	Fresh infringement proceedings (A/446/88) Case pending before the Court (C-262/91)
25. 11. 1987	Case C-125/86	Exemptions from VAT on final importation of certain goods	(A/422/84)	Fresh infringement proceedings (A/445/88) Case pending before the Court (C-262/91)
2. 3. 1988	Case C-309/86	Non-ionic and anionic surfactants	(A/378/84) (A/379/84)	Fresh infringement proceedings (A/202/89 and A/203/89) The provisions of the Directives concerned are incorporated in Community Law No 428 of 29 December 1990. On 18 December 1991 the Commission decided to refer the matter to the Court

3. 3. 1988	Case C-116/86	Brucellosis	(A/316/84)	Fresh infringement proceedings (A/463/88)
28. 6. 1988	Case C-3/86	Flat-rate reimbursement of farmers: beef and pigmeat	The 1989 Tax Act incorporated measures amending the tax arrangements which the Court of Justice found to be unlawful. Technically, the amendments give rise to difficulties in calculating the costs actually incurred by farmers subject to VAT on a flat-rate basis (A/262/81)	Fresh infringement proceedings (A/663/89) The Commission decided to send a reasoned opinion Italy is paying the own resources corresponding to excess compensation for flat-rate farmers
12. 7. 1988	Case C-310/86	Services incidental to transport	(A/126/85)	Fresh infringement proceedings (A/362/89) The provisions of the Directive concerned are incorporated in Community Law No 428 of 29 December 1990. On 26 June 1991 the Commission decided to refer the matter to the Court, but suspended action pending early legislation
12. 7. 1988	Case C-322/86	Quality of fresh waters capable of supporting fish life	The Directive is incorporated in the Community Law (Pergola Law) for 1990, which provides for accelerated transposal. The draft Decree-Law implementing it was laid before Parliament on 5 October 1991	Fresh infringement proceedings (A/203/90)
2. 2. 1989	Case C-22/87	Protection of employees in the event of their employer's insolvency	By letter of 11 September 1989 the Italian Republic forwarded the text of a draft bill to implement Directive 80/987/EEC. According to the Italian authorities (13 November 1989) the bill has not yet been adopted by Parliament (A/118/85)	Fresh infringement proceedings (A/203/90) Article 48 of Community Law No 428 of 29 December 1990 contains a provision authorizing the Government to transpose Directive 80/987/EEC by means of Presidential Decrees. No text having been notified, the Commission decided to send a reasoned opinion on 18 December 1991

21. 2. 1989	Case C-203/87	Maintenance of VAT exemption on aid to earthquake victims	(A/68/86)	Fresh infringement proceedings (A/540/89) Case pending before the Court (C-101/91)
27. 4. 1989	Case C-324/87	Fresh meat	(A/349/85)	Fresh infringement proceedings (A/958/90) The provisions of the Directive concerned are incorporated in Community Law No 428 of 29 December 1990
5. 12. 1989	Case C-3/88	Data-processing systems accessible only to Italian companies in public ownership	(A/446/85)	Fresh infringement proceedings (A/2/91) Case pending before the Court (C-309/91)
14. 3. 1990	Case C-137/89	Telegrams sent by the veterinary authorities and charged to importers of live animals	(A/158/87)	Fresh infringement proceedings (A/634/91) A letter giving formal notice was sent on 28 June 1991
14. 6. 1990	Case C-48/89	Failure to forward reports on the implementation of the Directive on waste disposal	(A/284/87 to A/286/87)	A letter giving notice of action under Article 171 was sent to the Italian authorities on 15 March 1991
12. 7. 1990	Case C-128/89	Inspection of imports and reduction in the number of entry points for grapefruit	(A/323/87)	Fresh infringement proceedings (A/780/91) A letter giving formal notice under Article 171 was sent on 25 September 1991. No reply having been received within the prescribed period of two months, the Commission decided to send a reasoned opinion on 18 December 1991
11. 10. 1991	Case C-210/89	Fat content of cheeses	(A/18/88) The Italian authorities have notified a draft law adopted at first reading by the Chamber of Deputies. Article 53 provides that no maximum fat content may be required of cheeses other than those bearing a designation of origin or type and repeals Law No 396 of 2 February 1939. At the current stage of the legislative procedure, the Commission considers that this provision fully satisfies its requirements	

27. 11. 1990	Case C-209/88	Failure to provide the information required under the market organization for fishery products	(A/188/86)	On 18 December 1991 the Commission decided to send a letter of formal notice (Article 171)
13. 12. 1990	Case C-70/89	Cadmium discharges	(A/369/87) The provisions needed to transpose Directive 83/513/EEC have not been adopted	On 25 September 1991 a letter warning of action under Article 171 was sent
17. 1. 1991	Case C-157/89	Protection of wild birds; hunting season		On 7 November 1991 a letter warning of action under Article 171 was sent
17. 1. 1991	Case C-334/89	Wild birds		On 17 November 1991 a letter warning of action under Article 171 was sent
26. 2. 1991	Case C-180/89	Restrictions on freedom to provide services by tourist guides	(A/71/87)	On 18 December 1991 the Commission decided to send a letter giving formal notice (Article 171)
28. 2. 1991	Case C-360/87	Protection of groundwater (water table under Naples)	Failure to transpose all the provisions of Directive 80/68/EEC on protection of groundwater against pollution by certain dangerous substances	On 25 November 1991 a letter giving notice of action under Article 171 was sent
21. 3. 1991	Case C-209/89	Customs fees; charges for services supplied simultaneously to several firms	The Commission has had no information from Italy	On 18 December 1991 the Commission decided to send a letter giving formal notice (now being sent)
7. 5. 1991	Case C-246/88	Public health protection — ionizing radiation		As the Italian Government has not transposed Directive 80/836/Euratom of 15 July 1980, the Commission has decided to commence infringement proceedings under Article 143 of the Euratom Treaty
7. 5. 1991	Case C-45/89	Common rules governing combined transport of goods by rail and road		The Commission has written to the Italian Government, reminding it of its obligation to comply

16. 5. 1991	Case C-263/85	Contribution to regional authorities for the purchase of home-produced buses and trams		As this judgment applies the rule laid down in Du Pont de Nemours regarding the reservation of public supply contracts for firms established in certain regions (Mezzogiorno), the Commission will monitor compliance with the judgment in connection with its infringement proceedings relating to regional preferences (A/725/91)
11. 7. 1991	Case C-296/90	Architects: mutual recognition of qualifications		A letter warning of action under Article 171 is being sent
25. 7. 1991	Case C-32/90	Labelling of extruded pasta products	(A/243/88) The Italian authorities have notified no measures to give effect to this judgment	The case will be considered at the package meeting to be held in Rome on 3 and 4 February 1992
25. 7. 1991	Case C-58/90	Failure to recognize foreign qualifications in physiotherapy and osteopathy — nationality discrimination contrary to Articles 48, 52 and 59 of the EEC Treaty		A letter warning of action under Article 171 has been sent. No reply has been received so far
13. 12. 1991	Case C-33/90	Waste — Campania		Recent judgment
13. 12. 1991	Case C-69/90	Physical checks on the carriage of goods		Recent judgment
LUXEMBOURG				
26. 6. 1991	Case C-152/89	Excise duties on beer		On 25 October 1991 a letter warning of action under Article 171 and requesting information on measures taken to comply with the judgment was sent
25. 7. 1991	Case C-252/89	Containers of liquids for consumption		Situation to be reviewed in connection with new developments in Community law on waste recycling (draft directive on packaging)

NETHERLANDS

17. 9. 1987	Case C-291/84	Protection of groundwater	(A/71/83)	Fresh infringement proceedings (A/532/88)
3. 10. 1987	Case C-236/85	Wild birds	On 6 September 1988 the Netherlands authorities announced that a bill on flora and fauna (Flora-en Faunawet) was in preparation (A/125/84)	Fresh infringement proceedings (A/60/89) Case pending before the Court (C-75/91)
15. 3. 1990	Case C-339/87	Wild birds	(A/400/85)	This case is closely related to Case C-236/85, which the Commission decided to refer to the Court on 11 July 1990 A letter giving formal notice under Article 171 was sent on 26 June 1991
30. 5. 1991	Case C-68/89	Free movement of tourists: request for information on the duration of their visit and the resources at their disposal	The Dutch authorities have not yet notified measures to comply	On 11 December 1991 a letter was sent to draw the attention of the Dutch authorities to the need to comply

UNITED KINGDOM

8. 11. 1983	Case C-165/82	Equal treatment of men and women as regards access to employment	The UK authorities have adopted certain measures, notifying them on 15 December 1986. These measures are acceptable on the whole, but the Sex Discrimination Act 1986 does not provide for any judicial review of discriminatory provisions in collective agreements. The Commission is awaiting the adoption of legislation to solve the problem	Fresh infringement proceedings (A/260/85)
9. 7. 1991	Case C-146/89	Extension of UK territorial waters	(A/520/87)	On 16 October 1991 a letter was sent requesting the UK authorities to notify the legislative measures taken to comply
4. 10. 1991	Case C-246/89	Merchant Shipping Act	(A/87/89)	A letter has been sent requesting the UK authorities to notify the requisite legislative measures

No 11

Application of Community law by national courts

I. APPLICATION OF ARTICLE 177 OF THE EEC TREATY

1. In 1991 the Court of Justice received 153 requests from national courts for preliminary rulings in cases where difficulties arose in the interpretation of Community law or there were doubts as to the validity of a Community instrument.

Over the last few years the number of cases referred to the Court for preliminary rulings has remained relatively stable — 141 in 1990 and 139 in 1989 — although the figure for 1988 was slightly higher (179).

2. For the second consecutive year, cases were referred by courts in all the Member States. Admittedly there are disparities between the various countries, most notably between Germany, which asked for rulings on 50 cases, and Ireland, which referred only one; but the figures show quite clearly that there is no longer a single Member State that is against the procedure on principle.

3. The three tables below show the number of references from each Member State, the number of cases referred by each court of final instance and the areas of Community law concerned. It should be pointed out that as and when these cases are recorded by the Court of Justice Registry, they are published in full in the *Official Journal of the European Communities*.

Number of cases per Member State

Member State	Total references (*)	References by courts of final instance (*)
Belgium	17 (17)	1 (4)
Denmark	2 (5)	— (—)
France	24 (21)	3 (2)
Germany	50 (34)	17 (12)
Greece	2 (2)	— (2)
Ireland	1 (4)	1 (2)
Italy	18 (25)	3 (1)
Luxembourg	2 (4)	1 (2)
Netherlands	17 (9)	4 (3)
Portugal	3 (2)	2 (—)
Spain	4 (6)	— (—)
United Kingdom	13 (12)	3 (2)

(*) 1990 figures in brackets.

Origin of cases referred by national courts of final instance

Belgium	Cour de Cassation	1
	Hof van Cassatie	
France	Cour de Cassation	2
	Conseil d'État	1
Germany	Bundesverwaltungsgericht	2
	Bundesfinanzhof	9
	Bundessozialgericht	1
	Bundesgerichtshof	5
Ireland	Supreme Court	1
Italy	Corte Suprema di Cassazione	2
	Consiglio di Stato	1
Luxembourg	Conseil d'État	1
Netherlands	Hoge Raad	3
	Raad van State	1
Portugal	Supremo Tribunal Administrativo	2
United Kingdom	House of Lords	3

Areas of Community law concerned

Agriculture	27
Brussels Convention	4
Commercial policy	1
Community staff	2
Company law	3
Competition	13
Environment and consumer policy	0
External relations	4
Free movement of capital	1
Free movement of goods	27
Free movement of persons	9
Social policy	41
State aid	4
Taxation	14
Transport	3

II. REVIEW OF SIGNIFICANT JUDGMENTS OF NATIONAL COURTS OF FINAL INSTANCE

In an appendix to the Eighth Annual Report, the Commission published a study on the attitude of national superior courts to Community law, in particular their approach to the principle of the primacy of Community law over national law, the direct effect of many Community rules and the obligations arising from Article 177 of the EEC Treaty.

Analysis of the judgments referred to below shows that national superior courts are paying more and more attention to Community law.

As in the previous year, the Commission has had access to data gathered by the research and documentation department of the Court of Justice. It was thus able to identify decisions which were of significance for the application of Community law, although it should be pointed out that it is not possible, by consulting data bases, to identify cases where national courts ought to have applied Community rules but where the judgment contains no reference to them. Moreover, the Commission cannot undertake a systematic analysis of the thousands of judgments delivered each year by the national superior courts.

The research

Research was carried out on the following questions:

1. Were there cases where decisions against which there was no appeal were taken without a reference for a preliminary ruling?
2. Were there any cases where courts, contrary to the ruling in Case 314/85 *Fotofrost*, declared an act of a Community institution to be invalid?
3. Were there any decisions that were noteworthy as setting good or bad examples?

Decisions given late in 1990 and in the course of 1991 were reviewed.

Question 1

A judgment given by the Bundesverfassungsgericht in Germany on 27 August 1991, upholding the decision of the Bundesgerichtshof of 15 January 1990 not to refer to the Court of Justice a series of questions relating to company law (compatibility of the German concept of 'disguised contributions in kind' with Council Directive 77/91/EEC) is particularly noteworthy. In two judgments given on 17 October 1991 the Bundesfinanzhof also declined to ask for preliminary rulings in cases concerning failure to take account of losses sustained on rental of property outside Germany (but within the Community) for income tax purposes, although the possibility exists where the property is situated within Germany. But questions on the same subject were subsequently put by the Landgericht Hannover (Case C-83/91).

In Portugal the Supremo Tribunal de Justiça declined to request a preliminary ruling in a recent case concerning Decree-Law No

430/83, which provides for the expulsion from Portugal of foreign nationals convicted of certain offences. Having regard to the judgment given by the Court of Justice in Case 67/74, *Bonsignore*, it upheld the decision to expel a Dutch national convicted of a drug offence.

There was a particularly important development in Spain. An administrative division of the Tribunal Supremo and the Tribunal Constitucional both had doubts as to their jurisdiction to refer questions for a preliminary ruling on the compatibility of a national provision with Community law. In four judgments given at the end of November 1990 on Spanish legislation implementing the Sixth VAT Directive, the Sala de lo Contencioso Administrativo of the Tribunal Supremo held that a court or tribunal whose jurisdiction is confined to reviewing administrative measures and regulations and does not extend to reviewing administrative measures and regulations and does not extend to reviewing legal provisions has no power to ask the Court of Justice questions that might lead to a ruling as to the applicability or otherwise of a legal rule; the Tribunal Constitucional alone had that power. But the Tribunal Constitucional did not share that interpretation of its own jurisdiction. In two judgments that were by no means unanimously acclaimed, it held that it could not rule on the compatibility of Spanish law with Community law since Community law was not part of the Spanish Constitution. The first of these judgments — given on 14 February 1991 — concerned the compatibility of a Spanish law governing the election of Members of the European Parliament with a decision of the Council of the European Communities. The Tribunal Constitucional held that the question whether a provision of Spanish law conflicted with Community law did not fall to be treated as a question of constitutional law: it concerned a conflict of laws arising below the constitutional level and could be adjudicated by the lower courts. The Tribunal declared that it had no jurisdiction to ensure the uniform application of Community law and accordingly declined to refer the question for a preliminary ruling. By a further judgment given on 22 March 1991 it upheld its earlier approach, adding that it could review the implementation of Community law by the Spanish authorities only where an abuse of fundamental rights was involved.

A final decision worthy of comment in this field is that given by the Dutch College van Beroep voor het Bedrijfsleven on 30 January 1991. It had been established that the Dutch Government, contrary to Article 5 of Directive 88/301/EEC, had failed to notify the Commission of terminals type-approval procedures. The applicant in the main proceedings had argued that this failure to discharge a Community obligation invalidated all type-approval procedures. The Court used Case 380/87, *Enichem Base v. Comune di Cinisello Balsamo*, as authority for holding that neither the terms nor the purpose of the Directive warranted a conclusion that failure to notify invalidated all procedures. But it must be remembered that the legal effect of failure to notify technical rules is in issue in several cases pending before the Court of Justice (e.g. Cases C-69/91, *Decoster*; C-92/91, *Taillandier*; C-93/91, *Evrard*).

Question 2

Research revealed no cases of this type.

Question 3

Research yielded several exemplary decisions of supreme courts in the Member States; the judgment given by the Italian Corte Costituzionale on 18 April 1991 is a shining example. It confirmed the right in Italian law for an individual to plead provisions of a Directive which are sufficiently precise and unconditional against the State if the State has failed to transpose the Directive into national law or has done so but not correctly. The Corte Costituzionale held that where a court established that a national provision conflicts with a directly applicable provision of Community law it must of its own motion disapply the national provision; it need not refer the question for constitutional review, and if it did so the reference would be dismissed for want of jurisdiction.

A few cases to close with:

- the decision of the House of Lords in *Chief Adjudication Officer v. Foster*, based on the judgment of the Court of Justice of 12 July in Case C-188/89, rejected arguments in

favour of restrictive interpretations of Court of Justice judgments;

- on 4 June 1991 the commercial division of the French Court of Cassation, in *Doyen et al v. Société des pompes funèbres des régions libérées*, annulled a Court of Appeal judgment as unreliable in law since it had applied Article 86 of the EEC Treaty without regard for the criteria established by the Court of Justice;
- on 8 July 1991 the French Conseil d'État, in *Palazzi*, held a decree governing rights of residence to be illegal as incompatible with Council Directive 64/221/EEC on the coordination of special measures applicable to the movement and residence of foreign nationals on grounds of public policy, public security or public health;
- on 4 December 1990 the Dutch Raad van State declared in *Bruin & Hartveld v. Minister van Landbouw* that it had jurisdiction to check a national administrative regulation for conformity with a principle of Community law (in this case the principle of proportionality).

Statistics on complaints (C) and infringements detected by the Commission's own inquiries (I)

		B		D		DK		E		F		UK		GR		IRL		IT		L		NL		P		Total		
		C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	
Secretariat-General	1988	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	1	1
	1989	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	1990	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
	1991	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Legal Service	1985	—	—	1	1	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	1	2
	1986	—	—	—	2	—	1	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	4
	1987	—	—	1	—	—	—	—	—	—	—	—	1	—	1	—	—	—	1	—	—	—	—	—	—	—	1	4
	1988	—	1	—	1	—	—	—	1	—	2	—	1	—	1	—	1	—	2	—	1	—	1	—	—	—	—	13
	1989	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	1
	1990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	1991	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Statistical Office	1985	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—	—	—	—	—	—	—	—	2
	1987	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—	—	—	—	—	—	1	—	4
	1988	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	1989	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	1990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	1991	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1
External relations	1985	—	2	—	1	—	—	—	—	1	—	—	—	1	—	1	—	3	—	2	—	—	—	—	—	—	1	10
	1986	1	1	—	—	—	—	1	—	1	—	—	—	2	1	—	—	6	—	—	—	1	—	—	—	11	3	
	1987	1	—	—	—	—	—	—	—	1	—	—	—	1	1	—	—	4	—	—	—	—	2	—	—	7	3	
	1988	—	1	—	2	—	—	—	1	—	1	—	—	1	—	—	—	1	1	—	1	—	—	—	—	—	3	6
	1989	—	—	—	—	—	—	—	1	—	1	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	3	1
	1990	—	—	—	—	1	—	—	—	—	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	3	—
	1991	—	—	—	—	—	—	—	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2
Economic and financial affairs	1985	—	—	—	—	—	—	—	—	1	—	—	—	1	—	—	—	1	—	—	—	—	—	—	—	—	3	—
	1986	—	1	—	—	—	—	—	1	—	—	—	—	1	—	—	—	1	—	—	1	—	—	—	—	—	3	2
	1987	—	—	—	—	—	—	—	—	1	—	—	—	1	—	—	—	1	—	—	—	—	—	—	—	—	3	—
	1988	—	—	—	—	1	—	—	2	—	—	—	—	3	—	—	—	—	—	—	—	—	—	—	1	2	7	2
	1989	—	1	—	—	1	—	—	—	—	—	—	—	2	1	—	1	—	1	—	1	—	—	—	—	—	3	5
	1990	—	—	—	—	—	—	—	1	—	1	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	3	—
	1991	—	—	—	1	—	—	—	1	—	1	1	—	—	1	—	—	—	3	—	—	—	—	—	—	—	2	7

		B		D		DK		E		F		UK		GR		IRL		IT		L		NL		P		Total				
		C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I			
																												C	I	C
Internal market and industrial affairs	1985	13	3	30	6	10	—	—	—	56	11	22	4	123	2	6	3	62	6	2	3	4	6	—	—	—	—	328	44	
	1986	13	8	31	4	5	2	106	7	61	18	10	4	57	2	7	—	35	6	3	2	12	4	18	3	358	60			
	1987	5	4	75	10	5	—	93	6	64	18	12	6	23	4	11	3	46	3	2	1	9	6	14	5	359	66			
	1988	18	4	52	7	9	6	289	10	89	22	15	10	29	5	5	3	60	20	3	5	9	2	22	3	597	97			
	1989	21	10	52	10	5	7	63	13	61	13	15	1	38	9	3	4	59	5	5	6	12	5	16	5	350	88			
	1990	17	9	50	7	11	2	46	7	148	13	24	5	30	8	1	1	47	14	3	1	10	11	12	4	399	82			
	1991	19	8	55	7	3	4	58	15	81	9	20	11	36	5	6	6	40	14	2	3	12	6	14	5	346	93			
Competition	1985	2	—	—	—	—	1	—	—	—	—	—	1	—	2	2	—	—	1	—	—	—	—	—	—	—	5	4		
	1986	2	1	2	—	—	—	2	—	2	2	—	—	1	—	—	—	1	1	—	1	—	—	—	—	—	11	7		
	1987	—	—	—	2	—	1	1	2	3	1	1	—	1	—	—	—	—	2	—	—	—	—	—	—	2	—	9	8	
	1988	—	2	2	—	—	—	—	2	1	2	1	—	1	5	1	—	—	1	—	—	—	—	—	—	1	1	9	15	
	1989	—	1	1	1	—	1	—	1	1	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	7	5		
	1990	2	—	—	—	—	—	2	—	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	1	12	1
	1991	—	1	1	—	1	3	3	1	2	2	1	1	—	2	—	1	3	1	—	—	—	—	1	1	1	1	13	14	
Employment and social affairs	1985	5	5	3	—	—	—	—	3	3	—	1	—	—	—	—	—	3	1	—	—	2	—	—	—	—	16	10		
	1986	8	8	4	7	—	3	—	2	4	10	1	3	—	3	—	3	4	6	—	2	3	4	1	2	—	25	53		
	1987	2	2	3	4	—	1	2	1	7	4	1	4	1	1	1	1	4	2	2	2	—	6	—	—	—	23	28		
	1988	8	8	4	7	2	1	1	—	8	4	4	1	2	—	1	1	2	1	1	2	1	4	—	—	—	34	29		
	1989	6	10	10	11	1	—	—	3	22	9	7	10	3	3	1	—	5	8	—	—	2	5	2	2	—	59	61		
	1990	2	9	3	5	1	6	7	9	12	8	2	2	4	8	1	1	86	11	—	6	—	1	—	1	8	119	74		
	1991	8	3	7	—	2	—	3	2	3	4	5	2	11	1	1	—	5	1	—	—	5	—	—	—	1	1	51	14	
Agriculture	1985	2	8	5	7	2	4	—	—	28	9	17	3	49	7	5	4	32	8	—	5	2	3	—	—	—	142	58		
	1986	—	3	20	6	2	2	10	1	21	20	10	—	34	4	5	1	20	9	1	2	2	4	8	1	—	131	53		
	1987	8	1	19	4	2	2	17	2	31	5	14	1	29	1	16	—	37	5	—	1	4	4	8	2	—	185	28		
	1988	4	1	16	8	3	2	20	2	26	4	10	1	47	1	6	1	18	5	—	2	11	4	—	—	—	161	32		
	1989	7	2	26	4	2	—	18	—	31	4	16	5	24	2	9	3	54	4	—	2	2	3	9	—	—	198	29		
	1990	2	—	19	—	6	1	20	1	25	3	11	1	24	5	8	2	32	5	—	—	6	3	6	—	—	159	21		
	1991	4	5	10	4	4	4	10	12	42	6	47	3	24	1	2	5	24	9	—	3	2	5	5	5	—	174	62		
Transport	1985	—	—	2	—	—	—	—	—	1	—	—	—	3	—	—	—	1	1	—	—	—	—	—	—	—	8	1		
	1986	1	2	—	2	1	—	—	—	3	6	—	—	2	—	—	—	4	4	—	—	—	—	—	—	—	11	15		
	1987	1	1	3	1	—	—	—	1	3	2	—	—	—	1	—	—	—	1	—	—	—	—	—	3	—	10	9		
	1988	—	3	1	3	2	1	2	2	2	3	1	1	1	2	1	1	1	1	—	—	—	—	—	—	—	1	19		
	1989	—	1	2	1	—	—	1	1	1	3	—	1	2	2	—	1	2	5	—	1	2	1	1	1	1	1	11	18	
	1990	3	2	3	1	—	1	1	1	—	1	—	1	1	1	—	1	1	2	—	2	1	1	1	—	—	1	10	15	
	1991	—	1	3	2	—	1	1	1	2	2	—	2	1	1	—	1	2	3	—	1	—	3	1	4	—	10	22		
Administrative affairs	1985	1	5	—	1	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	2	6		
	1987	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	2	1		
	1988	1	1	—	—	1	—	1	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	3		
	1989	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2		
	1990	—	—	2	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3		
	1991	—	2	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3		
Environment and Consumer Protection	1985	—	1	3	1	1	1	—	—	3	2	11	3	14	—	—	1	2	—	—	—	—	3	1	—	—	37	10		
	1986	7	3	6	6	1	2	5	—	44	5	32	—	53	3	—	5	13	3	—	2	2	3	2	—	—	165	32		
	1987	4	3	14	6	4	3	29	4	16	1	30	3	17	3	9	1	16	6	—	5	4	1	7	2	—	150	38		
	1988	6	3	35	3	5	1	51	4	36	2	31	7	13	2	12	2	15	3	1	1	2	5	9	—	—	216	33		
	1989	18	3	36	8	—	1	91	10	43	6	192	9	24	11	24	6	22	7	—	3	5	2	10	2	—	465	60		
	1990	17	5	56	2	3	—	111	16	47	2	125	2	40	4	19	—	33	9	3	—	7	—	19	2	—	480	42		
	1991	7	5	61	5	15	2	65	18	44	7	55	17	38	21	29	3	20	19	—	2	6	2	13	12	—	353	113		

		B		D		DK		E		F		UK		GR		IRL		IT		L		NL		P		Total			
		C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I		
Fisheries	1985	—	2	—	1	—	3	—	—	—	6	—	3	—	1	—	4	—	2	—	—	—	—	4	—	—	—	26	
	1986	—	2	—	1	—	2	—	—	—	7	—	1	—	—	—	4	—	—	—	1	—	—	6	—	1	24		
	1987	—	—	—	1	—	—	—	—	4	—	1	—	4	—	—	—	—	—	—	—	—	2	—	2	—	18		
	1988	—	—	—	1	—	—	—	—	1	—	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	6		
	1989	—	1	—	1	—	1	1	3	1	1	1	6	1	—	1	1	1	—	1	—	—	—	3	—	1	9	15	
	1990	—	—	—	—	—	—	—	1	—	2	—	1	3	—	—	—	—	—	1	—	—	—	—	—	—	1	8	
	1991	—	—	—	—	—	—	2	—	—	2	1	—	1	—	—	—	—	—	—	—	—	1	2	—	—	5	4	
Financial institutions and taxation	1985	2	1	—	2	1	1	—	—	10	8	3	5	5	5	4	4	1	8	1	1	2	1	—	—	—	29	36	
	1986	—	1	1	3	1	—	—	—	1	1	—	—	2	—	—	—	—	2	1	—	—	2	—	—	—	4	11	
	1987	—	—	2	1	—	—	—	—	—	—	2	1	—	1	—	—	2	1	—	—	—	1	—	—	1	8	4	
	1988	—	—	5	—	1	—	2	2	5	1	—	1	—	—	—	3	—	—	—	1	—	1	—	—	1	19	4	
	1989	3	1	—	1	1	1	3	1	3	1	3	1	1	2	3	—	2	1	—	1	—	1	—	—	—	17	10	
	1990	3	2	7	2	—	—	3	3	3	2	3	2	2	—	4	2	—	1	—	2	4	1	—	—	—	25	16	
	1991	1	—	6	3	2	1	—	1	—	—	—	—	1	1	1	—	1	—	6	—	—	—	1	2	—	19	10	
Energy	1985	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	
	1989	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	
	1990	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1		
	1991	—	—	—	1	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	
Budgetary affairs	1985	—	1	—	1	—	1	—	—	—	1	—	3	—	—	—	—	—	5	—	—	—	2	—	—	—	—	14	
	1986	—	1	—	3	—	—	—	—	—	1	—	1	—	—	—	—	—	—	2	—	—	—	—	—	—	—	9	
	1987	—	—	—	—	—	—	—	1	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	5	
	1988	—	—	—	1	—	—	—	1	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	9	
	1989	—	—	—	1	—	—	—	3	—	2	—	—	—	—	1	—	—	—	2	—	—	—	1	—	—	—	11	
	1990	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	1	—	—	—	2	
	1991	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	
Customs union	1985	3	2	1	3	6	1	—	—	3	1	1	3	3	2	1	1	1	2	—	2	—	2	—	—	—	13	19	
	1986	3	—	4	3	3	1	10	3	26	2	3	2	5	6	2	1	8	—	—	5	—	—	—	2	1	71	19	
	1987	6	3	4	3	5	2	11	6	16	3	4	3	8	8	1	5	31	1	—	1	—	3	3	4	6	93	44	
	1988	12	3	1	3	11	1	6	6	10	4	4	6	10	5	1	1	11	7	1	2	1	3	8	3	76	38		
	1989	7	2	2	1	7	1	6	4	19	8	9	2	6	8	1	2	10	2	—	1	—	1	—	6	5	73	37	
	1990	3	1	1	4	2	1	8	1	9	2	5	4	4	1	5	2	5	—	—	—	1	—	1	2	3	4	46	23
	1991	4	3	5	2	8	1	8	3	4	5	2	2	3	6	5	—	19	3	—	—	—	—	1	2	6	60	32	
Total	1985	28	31	45	24	14	12	—	—	106	41	55	26	200	22	16	18	104	38	3	13	14	19	—	—	—	585	244	
	1986	35	31	68	38	13	13	135	13	163	73	57	11	154	23	12	16	92	33	10	10	20	24	32	8	—	791	293	
	1987	28	15	121	32	16	9	153	27	142	36	64	23	81	21	38	14	141	27	4	11	22	26	40	19	—	850	260	
	1988	49	27	116	36	35	12	373	30	173	48	71	26	107	22	27	12	111	44	6	14	26	23	43	13	1	137	307	
	1989	62	34	129	39	17	12	184	40	185	47	247	31	102	38	41	20	155	36	5	15	24	22	44	18	1	195	352	
	1990	51	28	141	21	24	11	199	39	250	32	170	18	100	30	34	8	207	46	7	10	27	20	42	20	1	252	283	
	1991	46	29	151	25	36	16	151	58	184	38	131	41	115	38	44	16	122	53	2	9	33	22	37	36	1	052	381	

Action taken on presumed infringements (complaints and cases detected by the Commission) at the end of 1991, by major policy area

Policy areas	Year of registration	File closed	Infringement proceedings opened
External relations	1985	10	2
	1986	12	4
	1987	5	5
	1988	7	1
	1989	5	0
	1990	2	0
	1991	0	0
Internal market and industrial affairs	1985	243	54
	1986	186	96
	1987	170	71
	1988	199	120
	1989	212	74
	1990	210	30
	1991	86	18
Competition	1985	4	2
	1986	11	2
	1987	12	3
	1988	5	12
	1989	9	1
	1990	12	0
	1991	5	11
Employment and social affairs	1985	19	10
	1986	44	21
	1987	20	22
	1988	26	27
	1989	60	24
	1990	31	56
	1991	27	1
Agriculture	1985	150	50
	1986	110	33
	1987	102	32
	1988	100	23
	1989	113	30
	1990	93	22
	1991	97	19
Transport	1985	8	2
	1986	23	3
	1987	7	8
	1988	18	11
	1989	20	5
	1990	4	3
	1991	9	1

Policy areas	Year of registration	File closed	Infringement proceedings opened
Environment	1985	27	19
	1986	60	45
	1987	62	60
	1988	105	50
	1989	146	67
	1990	173	8
	1991	89	7
Fisheries	1985	4	22
	1986	3	23
	1987	3	14
	1988	1	3
	1989	6	12
	1990	0	8
	1991	2	2
Financial institutions and company law	1985	23	35
	1986	7	5
	1987	5	5
	1988	10	6
	1989	11	9
	1990	10	11
	1991	9	1
Customs union and indirect taxation	1985	25	19
	1986	70	19
	1987	63	39
	1988	54	35
	1989	65	23
	1990	32	14
	1991	31	12
Consumer protection	1985	0	0
	1986	0	3
	1987	1	4
	1988	7	1
	1989	6	0
	1990	6	4
	1991	7	0
Total	1985	528	236
	1986	534	265
	1987	456	273
	1988	544	314
	1989	667	258
	1990	581	158
	1991	370	73

Note: this table does not include the files which are in progress.

ANNEX A

Infringements of the Treaties and of Regulations

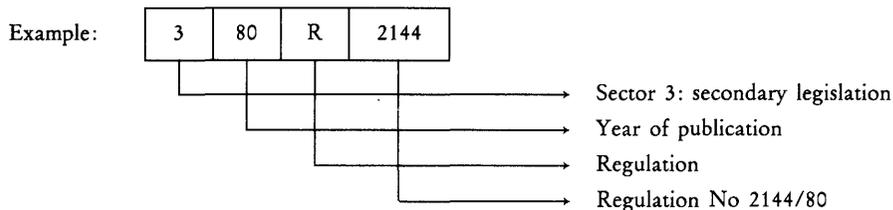
Contents

	Page
External relations	81
Economic and monetary policy	81
Internal market and industrial affairs	81
Competition	85
Employment, social affairs and education	86
Agriculture	87
Transport	89
Administrative questions	89
Environment	90
Fisheries	90
Financial institutions and taxation	91
Budgetary questions	91
Customs union	92
Indirect taxation	93
Enterprise policy, tourism and cooperatives	95

Legal basis

The indication of the legal basis provided here is derived from the document number in the Celex data base, which is itself derived from the act's own original number; it is made up as follows:

- one figure identifying the documentary sector (e.g. 1 = Treaties establishing the Communities, etc.),
- two figures identifying the reference year (year of publication, signature, etc.),
- one or two letters identifying the legal form (e.g. E (in sector 1) = EEC Treaty),
- a serial number representing the number given to the document on publication or the article number.



Sector	Letter code	
1	<p>A</p> <p>B</p> <p>E</p> <p>F</p> <p>H</p> <p>K</p> <p>R</p> <p>G</p>	<p>TREATIES ESTABLISHING THE EUROPEAN COMMUNITIES; TREATIES AMENDING OR SUPPLEMENTING THOSE TREATIES</p> <p>Euratom Treaty (1957)</p> <p>Accession Treaty Denmark, Ireland, Norway and the United Kingdom (1972)</p> <p>EEC Treaty (1957)</p> <p>Treaty establishing a single Council and a single Commission (1965)</p> <p>Treaty amending certain budgetary provisions (1970)</p> <p>Accession Treaty Greece (1979)</p> <p>ECSC Treaty (1951)</p> <p>Treaty amending certain financial provisions</p> <p>Treaty amending certain provisions of the statute of the European Investment Bank (1975)</p> <p>Amending Treaty (Greenland) (1985)</p>
2	<p>A</p>	<p>LEGAL ACTS RESULTING FROM THE EXTERNAL RELATIONS OF THE EUROPEAN COMMUNITIES</p> <p>Agreements with non-member countries or international organizations</p>
3	<p>B</p> <p>C</p> <p>D</p> <p>L</p> <p>R</p> <p>X</p> <p>Y</p>	<p>SECONDARY LEGISLATION</p> <p>Budget</p> <p>Censure</p> <p>Decision (except ECSC general decisions)</p> <p>EEC/Euratom Directives</p> <p>EEC/Euratom Regulations</p> <p>Other acts (resolutions, opinions, etc.) published in the OJ L series or in the OJ prior to 1967</p> <p>Other acts published in the OJ C series</p>
4	<p>A</p> <p>D</p> <p>X</p> <p>Y</p>	<p>COMMUNITY SUPPLEMENTARY LEGISLATION</p> <p>Agreements between Member States</p> <p>Decisions (of the representatives of the governments of Member States meeting within the Council)</p> <p>Other acts published in the OJ L series</p> <p>Other acts published in the OJ C series</p>
5	<p>PC</p> <p>AP</p> <p>IP</p> <p>AC</p> <p>IC</p> <p>CC</p> <p>BP</p>	<p>PREPARATORY DOCUMENTS</p> <p>Commission proposals</p> <p>EP Opinions (if consulted)</p> <p>EP Opinions (own initiative)</p> <p>ESC Opinions (if consulted)</p> <p>ESC Opinions (own initiative)</p> <p>Court of Auditors Opinions</p> <p>EP preparatory acts for the budget</p>

Sector	Letter code	
6		CASE LAW
	B	Order — Court of First Instance
	C	Opinions of the Advocate-General — Court of Justice
	J	Judgment — Court of Justice
	O	Order — Court of Justice
	S	Seizure
	T	Third party proceedings — Court of Justice
	V	Opinion
	X	Ruling
7		NATIONAL PROVISIONS IMPLEMENTING DIRECTIVES
9		PARLIAMENTARY QUESTIONS
	E	Written questions
	H	Questions asked during question time
	O	Oral questions
	P	Petitions

Note: Sectors planned:

7 — National provisions implementing Directives.

8 — National case-law.

10 — Academic writing.

NB: A/.../..

(A/.../..)

E. g.: A/39/83
(A/480/88)

European Court judgment of 3 December 1987

The procedure under Article 171 EEC — A/480/88 — is based on the failure by the Member State to implement the Court's judgment in infringement procedure A/39/83.

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
External relations	382R1765; 383R3420; 157E005	A/505/88	Greece	'Delta list' matches from Bulgaria and Sweden	Reference to the Court of Justice Case 65/91
Economic and monetary policy	180H052; 157E171	A/480/88	Greece	Refusal to authorize transfer of sums credited to blocked accounts of residents of Member States	Terminated
	157E030	A/28/85	Italy	Prices of pharmaceutical products and medicines	Terminated
Internal market and industrial affairs	157E030	A/4/82 (A/331/90)	Greece	Provisions establishing that only malt-based beers may be sold	Reference to the Court of Justice Case 176/84 Judgment 12 March 1987 Letter of formal notice (Article 171)
	157E030	A/5/82 A/306/90	Germany	Ban on the sale of beers not brewed solely from malted barley	Reference to the Court of Justice Case 178/84 Judgment 12 March 1987 Letter of formal notice (Article 171)
	157E030	A/316/82	Belgium	Refusal to grant import licences for codeine	Reasoned opinion
	157E030	A/320/82	United Kingdom	Refusal to grant import licences for codeine	Reasoned opinion
	157E030	A/101/83	Belgium	Prices of pharmaceutical products	Terminated
	157E030	A/172/83 A/725/91	Italy	Grants for the purchase of buses and trams	Reference to the Court of Justice Case 263/85 Judgment 16 May 1991
	157E030	A/183/83 A/374/90	Germany	Packaging of ' <i>pétillant de raisin</i> '	Terminated
	157E030	A/258/84 A/40/86	Belgium	Reimbursement of the cost of proprietary medicinal products	Reference to the Court of Justice Case 249/88 Judgment 19 March 1991
	157E030	A/354/84	Germany	Marketing of milk substitutes	Reference to the Court of Justice Case 76/86 Judgment 11 May 1988

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (cont'd)	157E030; 157E052; 157E059	A/230/85	France	Preference given to SFP television productions	Terminated
	157E171; 157E068; 157E052; 157E059	A/164/90	Greece	Legislation on frontier regions	Terminated
	157E030	A/269/85	France	Refusal to grant import licences for codeine	Reasoned opinion
	157E030	A/367/85	Italy	Denaturing of oilseed refining by-products	Withdrawn
	157E030; 157E171	A/447/85 A/193/90	Belgium	Restrictions on the use of gelatin in certain food products	Reference to the Court of Justice Case 52/88 Judgment 11 May 1989 Reasoned opinion
	157E052; 157E059; 157E030; 157E086; 157E090; 157E092; 377L0062	A/466/85	Italy	Installation of data-processing systems reserved for Italian state-owned companies	Reference to the Court of Justice Case 3/88 Judgment 5 December 1989 Reference to the Court of Justice Case 309/91
	157E030; 157E171	A/500/85 A/373/90	Germany	Difficulties in the import of pâté	Reference to the Court of Justice Case 274/87 Judgment 2 February 1989 Letter of formal notice (Article 171)
	157E030	A/40/86	Belgium	Pharmaceutical prices; government/industry agreements	Reference to the Court of Justice Case 249/88/3 Judgment 19 March 1991
	373L0148	A/374/89	Denmark	Frontier controls (D/DK)	Terminated
	157E030	A/518/86	Germany	Amendment of the German law on food-stuffs following the <i>Cassis de Dijon</i> judgment	Reasoned opinion
157E030	A/46/87	Germany	Introduction of standards for asphalt membranes	Terminated	

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs <i>(cont'd)</i>	157E030	A/55/87	Italy	Ban on the use of methanol as a solvent	Withdrawn
	157E030	A/311/87	Spain	Obstacles to the import of biscuit and chocolate products	Reference to the Court of Justice
	157E030	A/319/87	United Kingdom	Special UK standards for steel	Terminated
	157E030	A/104/89	Germany	Imports of flame arresters	Reasoned opinion
	157E030	A/424/87	Italy	Import licences for the exploitation of new plant varieties and patents	Reference to the Court of Justice Case 235/89
	157E030	A/115/87	Greece	Indication of origin on packaging	Terminated
	157E030	A/348/89	Greece	Imports of cash registers	Reasoned opinion
	157E030	A/500/87	Belgium	Fixing minimum prices for manufactured tobacco	Reference to the Court of Justice Case 287/89 Judgment 7 May 1991
	157E030; 157E036	A/349/89	Italy	Marketing of frozen pre-cooked bread	Reasoned opinion
	157E030	A/61/88	Germany	Personal imports of medicines	Reference to the Court of Justice Case 62/90
	157E030	A/76/88	Luxembourg	Ban on distribution of advertising leaflets	Reasoned opinion
	157E030	A/335/89	Ireland	Regulations on tobacco prices	Reasoned opinion
	157E030	A/127/89	Greece	Imports of tourist buses from Belgium	Terminated
	157E030	A/34/89	United Kingdom	Patent licences	Reference to the Court of Justice Case 30/90

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs <i>(cont'd)</i>	157E034	A/61/89	France	Disproportionate penalties	Reasoned opinion
	157E030	A/538/89	Denmark	Radio reception installations	Reasoned opinion
	157E030; 157E036	A/102/89	Italy	Discriminatory charges for carriage of non-Italian newspapers by air	Terminated
	157E030	A/166/89	Germany	Labelling of medicinal products	Reasoned opinion
	157E030	A/227/89	Luxembourg	Imports of saccharine-based products (fish)	Reasoned opinion
	157E052; 157E059	A/36/84 (A/373/88)	Italy	Nationality requirement (guides, journalists, licensed pharmacists)	Reference to the Court of Justice Case 168/85 Judgment 15 October 1986 Reference to the Court of Justice Case 297/90
	157E007; 157E048; 157E052; 157E059; 157E171; 157E005; 157E048	A/182/84 (A/164/90)	Greece	Laws relating to frontier areas	Terminated
	157E059	A/73/89	France	Equivalence of diplomas (opticians)	Reasoned opinion
	157E048; 157E052; 157E059	A/388/84 (A/265/85) (A/165/89)	Greece	Requirement of Greek nationality for teaching	Reference to the Court of Justice Case 147/86 Judgment 15 March 1988 Reference to the Court of Justice Case 328/90
	157D1186; 386D0283	A/499/85	France	Freedom of establishment and freedom to provide services in overseas territories	Reference to the Court of Justice Case 263/88 Judgment 12 December 1990 Letter of formal notice (Article 171)
157E059	A/432/86	France	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice Case 154/89 Judgment 26 February 1991 Letter of formal notice (Article 171)	

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs <i>(cont'd)</i>	157E059	A/71/87	Italy	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice Case 180/89 Judgment 26 February 1991 Letter of formal notice (Article 171)
	157E059	A/113/87	Greece	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice Case 198/89 Judgment 26 February 1991 Letter of formal notice (Article 171)
	157E007; 157E048; 157E052; 157E059	A/340/88	Italy	Refusal to recognize qualifications in physiotherapy and osteopathy	Reference to the Court of Justice Case 58/90 Judgment 25 July 1991
	157E052; 157E059; 157E171	A/373/88	Italy	Nationality requirement (guides, journalists, keepers of chemists' shops)	Withdrawn
	157E048; 157E052	A/106/89	Luxembourg	Refusal to license opening of dual dental practice	Reference to the Court of Justice Case 351/90
	157E005; 157E048; 157E...; 157E059	A/117/89	France	Occupational access (kinestherapists and podologists)	Reasoned opinion
	157E005; 157E030; 157E062; 157E059	A/505/87	Netherlands	Restrictions on free movement of services in broadcasting	Reference to the Court of Justice Case 353/89 Judgment 25 July 1991
	157E059; 157E090	A/332/88	Italy	Notice of qualification	Withdrawn
	157E030	A/294/88	Germany	Wine law	Reasoned opinion
Competition	157E030; 157E034; 157E037	A/138/86	Greece	Petroleum products monopoly	Terminated
	157E0171; 384D0508	A/30/89	Belgium	Aid for Idealspun-Beaulieu	Reference to the Court of Justice Case 375/89 Judgment 19 February 1991

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Competition (cont'd)	186I208; 157E012; 157E030; 157E095	A/21/89	Portugal	Adjustment of petroleum monopoly	Reasoned opinion
	186I048; 157E030	A/361/87	Spain	Adjustment of petroleum monopoly	Reasoned opinion
Employment and Social Affairs	371R1408	A/131/79	France	Supplementary allowance from the <i>Fonds national de solidarité</i> — refusal to export a social security benefit	Reference to the Court of Justice Case 236/88 Judgment 12 July 1990
	157E048; 368R1612	A/521/89	Luxembourg	Discrimination on grounds of nationality	Reasoned opinion
	157E007; 157E048; 157E128; 368R1612; 157E171	A/435/85 A/173/90	Belgium	Discrimination in public financing; non-university higher education	Reference to the Court of Justice Case 42/87 Judgment 27 September 1988
	157E007; 371R1408	A/468/85	France	Refusal to grant allowances from the <i>Fonds national de solidarité</i> to nationals of other Member States	Reference to the Court of Justice Case 307/89 Judgment 11 June 1991
	157E007; 371R1408; 372R0574	A/10/89	Italy	Social discrimination	Terminated
	157E048; 368R1612	A/282/87	Germany	Equal treatment in respect of benefits	Reasoned opinion
	157E048; 368R1612	A/215/88	Belgium	Discrimination in requiring extra insurance contributions	Terminated
	371R1408	A/362/88	Belgium	Deduction of health insurance contributions from supplementary pension benefits	Reference to the Court of Justice Case 253/90
	371R1408	A/363/88	Netherlands	Discrimination against Belgian workers in relation to early retirement	Terminated
	683J0261; 673J0187; 674J0039; 675J0007	A/364/88	Belgium	Covert discrimination in granting welfare or social security benefits	Reference to the Court of Justice Case 326/90
371R1408; 683J0275	A/365/88	France	Deduction of health insurance contributions from supplementary retirement benefits	Reference to the Court of Justice Case 57/90	

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Agriculture	157E093; 157E005	A/242/89	Netherlands	Inventory of aids	Reasoned opinion
	387R1351; 157E0330	A/176/90	Italy	Imports of eggs for hatching	Terminated
	368R0804; 379R0262	A/85/84	Italy	Marketing of fractionated concentrated butter	Reference to the Court of Justice Case 67/88
	368R0805; 157E030; 157E171	A/180/84 (A/467/89)	Greece	Restrictions on meat imports	Terminated
	379R337; 157E030	A/016/85	Germany	Sparkling wines	Terminated
	157E171; 372R1035; 369R2638; 380R2150	A/68/85	Italy	Quality standards for fruit and vegetables	Reference to the Court of Justice Case 69/86 Judgment 12 February 1987
	380R1837; 382R0019; 383R0020; 157E113	A/101/85	Greece	Prices for sheep and goats imported from Hungary	Reference to the Court of Justice Case 127/87
	375R2744; 382D0495; 382R2029; 382R3383; 157E005; 377R2891	A/258/85	Netherlands	Release for free circulation of 50 000 tonnes of basic product transported by the vessel Equinox and coming from Thailand	Reference to the Court of Justice Case 96/89 Judgment 16 May 1991
	375R2727; 157E005; 157E093	A/480/85	Greece	Importation of feed grain, maize and barley; management of markets by Kydep	Referred to the Court of Justice Case 35/88 Judgment 12 July 1990
	375R2727; 157E171	A/25/86	Greece	Purchase of substandard durum wheat from 1982 harvest	Referred to the Court of Justice Case 281/87 Judgment 29 November 1989
	366R0136; 157E034	A/108/86 (A/142/85)	Greece	Barriers to trade in olive oil	Terminated
	368R0234; 371R2358; 157E034; 157E030	A/137/86	Netherlands	Compulsory registration of exporters of agricultural products with a supervisory body	Terminated
	157E030; 366R0136	A/215/86	Italy	Restrictions on the marketing of oils and fats	Referred to the Court of Justice Case 67/88

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Agriculture (cont'd)	157E030; 157E036	A/263/86	Greece	Obstacles to the import of cheese (H)	Referred to the Court of Justice Case 293/89
	380R1837; 157E030	A/329/86	Germany	Obstacles to the import of live sheep and lambs	Withdrawn
	375R2727; 157E034	A/422/86	Greece	Refusal to grant export licences for maize	Terminated
	157E030; 368R0804	A/81/90	France	Oils and fats in cheese	Terminated
	157E030; 381R3796	A/375/90	Germany	Imports of live freshwater crayfish	Reasoned opinion
	387R0822; 157E005	A/102/87	Germany	Non-compliance with obligation to deliver wine for compulsory distillation	Terminated
	157E030	A/72/89	Italy	Ceiling on imports of certain dairy products	Reasoned opinion
	368R0804; 384R0857	A/344/87	France	Additional milk levies: right to opt for a reference year other than 1983	Terminated
	375R2727	A/385/87	Greece	Kydep monopoly — intervention by the central government in the cereals sector	Reference to the Court of Justice Case 61/90
	368R0804; 157E030	A/18/88	Italy	Fat content of cheese (L)	Reference to the Court of Justice Case 210/89 Judgment 11 October 1990
	157E030; 368R0804	A/80/88	Italy	Constraints on consumer price of pasteurized milk	Terminated
	379R2374; 157E005	A/329/88	Greece	Intervention beef and veal intended for welfare organizations	Terminated
	157E404; 356E0136; 384R2261	A/360/88	Greece	Olive oil — producers' associations	Reasoned opinion
	385R0797	A/3/89	Denmark	Set-aside of arable land	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Agriculture <i>(cont'd)</i>	157E030; 368R0805; 157E171	A/467/89	Greece	Imports of certain cuts of meat	Reasoned opinion
	368R0804; 378R1422	91/541	United Kingdom	Milk Marketing Board: restrictions on disposal of milk	Reasoned opinion
Transport	157E076; 157E095	A/202/90	Germany	Tax on heavy goods vehicles	Terminated
	157E059; 157E048	A/351/87	Greece	Discrimination on the ground of nationality as regards entry to museums	Reasoned opinion
	157E059; 157E048; 157E052	A/352/87	Spain	Discrimination on the ground of nationality as regards entry to museums	Reasoned opinion
	387D0602	A/281/88	Italy	Refusal to give authorization for an air link between Manchester and Milan	Terminated
Administrative affairs	Staff Regulations	A/7/78 (A/303/84)	Belgium	Transfer to Community pension scheme	Reference to the Court of Justice Case 137/80 Judgment 19 October 1981 Letter of formal notice (Article 171)
	165F/PRO/PRI; 157E171	A/65/83	Germany	Family allowances from more than one source	Reference to the Court of Justice Case 189/85 Judgment 7 May 1987
	157F/PRO/PRI; 157E171	A/303/84	Belgium	Transfer to Community pension scheme	Reference to the Court of Justice Case 383/85 Judgment 3 October 1989
	157E005	A/65/88	Belgium	50 % reduction in the salaries paid by the Belgian authorities to Belgian teachers on secondment	Reference to the Court of Justice Case 6/89 Judgment 5 April 1990
	165F/PRO/PRI	A/23/89	France	Deduction of health insurance contributions from retired EC official's national pension	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Environment	382R3626; 157E005; 157E189; 186I395	A/66/89	Spain	Imports of chimpanzees	Terminated
	382R3626; 157E005	A/225/86	France	Rules on international trade in wild animal and plant species in danger of extinction	Reference to the Court of Justice Case 182/89 Judgment 2 November 1990
Fisheries	382R2057; 383R0171	A/445/84	France	Fisheries: inadequate compliance with technical conservation measures	Reference to the Court of Justice Case 64/88 Judgment 4 October 1991
	157E052	A/394/85	Ireland	Lack of conformity with Community law of the Fisheries Amendment Act 1983	Reference to the Court of Justice Case 93/89 Judgment 10 April 1991
	381R3796; 382R3191	A/188/86	Italy	Failure to provide information in connection with the common organization of the market in the fisheries sector	Reference to the Court of Justice Case 209/88 Judgment 27 November 1990 Letter of formal notice (Article 171)
	381R3796; 383R3598	A/362/86	Ireland	Failure to provide information in connection with the common organization of the market in the fisheries sector	Terminated
	385R0001	A/368/86 (A/398/87)	United Kingdom	Overfishing 1985	Reasoned opinion
	385R3721	A/370/86	Netherlands	Overfishing 1986	Reference to the Court of Justice Case 52/91
	381R3796; 383R3598; 382R3191; 383R3599	A/391/86	Greece	Failure to provide information in connection with the common organization of the market in the fisheries sector	Terminated
	385R0001; 385R006	A/255/87	France	Overfishing 1985	Terminated
385R3721; 385R3730; 385R3732; 383R0170; 382R057	A/396/87	France	Overfishing 1986	Terminated	

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Fisheries <i>(cont'd)</i>	385R3721; 385R3732	A/398/87	United Kingdom	Overfishing 1986	Reasoned opinion
	382R2057; 385R3777; 386R4034	A/405/87	Spain	Failure to fulfil obligation to record catches (ICES divisions)	Reference to the Court of Justice Case 258/89 Judgment 25 July 1991
	172B100; 383R0170	A/520/87	United Kingdom	Extension of territorial waters	Reference to the Court of Justice Case 146/89 Judgment 7 July 1991
	376R0101; 381R3796	A/186/88	United Kingdom	Fishing boats, restrictions on free movement of persons and exports of goods	Reference to the Court of Justice Case 279/89
	376R0101; 381R3796	A/187/88	Ireland	Ban on British fishing boats in Irish waters and associated measures	Reference to the Court of Justice Case 280/89
	382R2057; 387R2241	A/356/88	Spain	Requirement to cooperate — inspection and monitoring of fishing	Reasoned opinion
	157E048; 157E052; 157E059	A/87/89	United Kingdom	Merchant Navy Act	Reference to the Court of Justice Case 246/89 Judgment 4 October 1991
Financial institutions	157E059	A/149/89	Belgium	Premium for the acquisition of housing	Reasoned opinion
Budgetary questions	377R2891; 157E171	A/355/85	Italy	Refusal to pay interest charges	Terminated
	377R2892; 377R2891	A/60/87	Germany	Own resources from VAT: calculation of compensation for exemption of telecommunications	Terminated
	377R2891; 157A018	A/466/90	Italy	Interest on late payment of own resources (Report 87-7-3)	Reasoned opinion
	377R2891	A/19/89 (A/200/88)	Ireland	Failure to calculate and pay VAT resources owing to exemption of tolls	Reasoned opinion

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Budgetary questions <i>(cont'd)</i>	377R2891	A/20/89 (A/202/88)	United Kingdom	Failure to calculate and pay VAT resources owing to exemption of tolls	Reasoned opinion
Customs union	682J0199; 157E171	A/438/84	Italy	Repayment of national charges having equivalent effect	Terminated
	377R1535	A/126/84	United Kingdom	Civil aircraft exempted from customs duties and subsequently used as military aircraft	Reasoned opinion
	157E009; 157E028; 368R0950	A/342/84	Belgium	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/343/84	Denmark	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/344/84	United Kingdom	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/345/84	Italy	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/346/84	Luxembourg	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/347/84	Netherlands	Duty-free importation of military equipment	Reasoned opinion
	157E009; 181H029; 157E171	A/229/86 (A/32/90)	Greece	Bank charge for checking imported products	Reference to the Court of Justice Case 229/87 Judgment 15 November 1988 Letter of formal notice (Article 171)

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Customs union <i>(cont'd)</i>	157E009; 157E102	A/158/87	Italy	Telegrams sent by veterinary services charged to importers of livestock	Terminated
	157E009; 157E012; 368R0804	A/182/88	France	Charge for computerized checking of customs declarations	Terminated
	157E009; 387D0433	A/447/88	Italy	Stamp duty on certain products	Terminated
Indirect taxation	157E095	A/136/83 (A/300/88)	Italy	Consumption tax on bananas	Terminated
	157E095; 157E096	A/158/83	Italy	Excise duty on beer	Reference to the Court of Justice Case 238/90
	157E095; 157E096	A/187/83	Belgium	Excise duty on beer	Reference to the Court of Justice Case 153/89 Judgment 26 June 1991 Letter of formal notice (Article 171)
	157E095; 157E096	A/188/83	Luxembourg	Excise duty on beer	Reference to the Court of Justice Case 152/89 Judgment 26 June 1991 Letter of formal notice (Article 171)
	157E095; 157E096	A/189/83	Netherlands	Excise duty on beer	Reference to the Court of Justice Case 282/89
	157E095	A/333/85	Italy	Taxation of imports of second-hand goods having the effect of double taxation	Terminated
	157E095	A/503/85	Denmark	Motor vehicles	Terminated
	157E095; 157E171	A/83/86 A/99/90	Italy	Excise duties on rum	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Indirect taxation <i>(cont'd)</i>	157E095	A/219/86	France	Parafiscal charge on imports of forestry products	Terminated
	157E095	A/308/87	Spain	Taxation of imports of second-hand goods having the effect of double taxation	Terminated
	157E095	A/325/87	Greece	Taxation of imports of second-hand goods having the effect of double taxation	Terminated
	157E095	A/341/87	Greece	Higher VAT on imported spirituous beverages than on national products	Reference to the Court of Justice Case 230/89 Judgment 18 April 1991
	157E095	A/77/88	Portugal	Administrative charge for the inspection of fruit and vegetables	Reasoned opinion
	157E095	A/275/88	Greece	VAT rate: silver-plated cutlery	Reasoned opinion
	157E095	A/300/88	Italy	Taxation of bananas	Terminated
	157E095	A/369/88 A/627/89	Greece	VAT on imported cars	Reference to the Court of Justice Case 327/90
	386R3842; 387R3077	A/90/89	Ireland	Counterfeit goods	Terminated
	157E095	A/93/89	Portugal	Differential taxation of motor vehicles	Reasoned opinion
	382R0636	A/128/89	Netherlands	Inward processing of textiles	Terminated
	Art. 6 Accession Protocol	A/130/89	Spain	Imports of bread-making flour into the Canaries	Terminated
	385R3632	A/132/89	Portugal	Restrictions on forwarding agents making customs declarations	Referred to the Court of Justice Case 323/90
	157E030; 151K004	A/361/89	Italy	Obstacles to the free movement of steel products	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Indirect taxation <i>(cont'd)</i>	382R3599; 384R1751; 157E030	A/544/89	Greece	Temporary importation of video cameras (camcorders)	Referred to the Court of Justice Case 210/91
	157E095	A/627/89	Greece	Tax discrimination for imported cars	Referred to the Court of Justice Case 105/91
Enterprise policy, Tourism, Cooperatives	157E059; 157E007; 157E048; 157E052	A/351/87	Greece	Admission to museums	Terminated
	157E059; 157E007; 157E048; 157E052	A/352/87	Spain	Admission to museums	Reasoned opinion

*ANNEX B***Infringement of directives***Contents*

Statistical questions	97
Internal market and industrial affairs	97
Competition	112
Financial institutions and company law	112
Employment, social affairs and education	115
Environment, consumer protection and nuclear safety	116
Agriculture	128
Transport	143
Energy	145
Budgets	146
Customs union and indirect taxation	146
Telecommunications, information industries and innovation	149

Explanation of entries

78/546	= number of Directive
(31. 12. 1989)	= deadline for incorporation of Directive into national law
blank	= no measures notified by 31 December 1990 although measures may in fact have been taken (measures notified by MS currently under study)
yes	= national implementing measures notified
n.m.n.	= proceeding initiated or pursued on the ground that no measures have been notified
n.p.i.	= proceeding pursued on the ground that the Directive has not been properly incorporated into national law
n.p.a.	= proceeding pursued on the ground that the Directive is not being properly applied
1. 1. 1986	= deadline for incorporation by the particular Member State
A/74/89	= infringement number (.../82 = year in which proceedings were initiated)
Case 171/88	= number of case on Court of Justice register
Judgment 1. 3. 1983	= date of Court judgment
r.o.	= reasoned opinion

Directive	Subject	B	D	DK	E	F	VK	GR	I	IRL	L	NL	P
67/654 (26. 4. 1968)	Freedom of establishment-forestry	yes	yes	yes	A/521/90 n.m.n. r.o.	yes							
68/192 (11. 10. 1968)	Freedom of access to credit for farmers	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
68/365 (17. 4. 1969)	Freedom of establishment-food industries	yes	yes	yes	A/522/90 n.m.n. r.o.	yes							
68/366 (17. 4. 1969)	Food industries	yes	yes	yes	A/523/90 n.m.n. r.o.	yes							
68/367 (17. 4. 1969)	Freedom of establishment-personal services	yes	yes	yes	A/524/90 n.m.n. r.o.	yes							
68/369 (17. 4. 1969)	Personal services	yes	yes	yes		yes	yes		yes	yes	yes	yes	
68/415 (20. 6. 1969)	Freedom of access to aid for farmers	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
69/77 (5. 3. 1969)	Activities of the self-employed in processing industries	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
69/82 (14. 9. 1969)	Activities of the self-employed in exploration	yes	yes	yes	A/525/90 n.m.n. r.o.	yes							

Directive	Subject	B	D	DK	E	F	VK	GR	I	IRL	L	NL	P
78/669 (2. 2. 1979)	Public works contracts	yes	yes	yes	yes	yes	yes	A/110/88 n.p.i. Referral Case 299/89	yes	yes	yes	yes	yes
78/686 (28. 1. 1980)	Dentists	yes	yes	yes	A/411/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes
78/891 (1. 1. 1980)	Prepackaging	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/168 (1. 7. 1980)	Fruit juices	yes	yes	yes	A/490/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes
79/1005 (1. 1. 1981)	Prepackaged liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/832/90 n.m.n. r.o.
80/155 (23. 1. 1983)	Midwives	yes	yes	yes	A/225/90 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	yes	yes
80/232 (15. 1. 1982)	Prepackaged products	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	A/833/90 n.m.n. r.o.
80/767 (1. 1. 1981)	Public supply contracts	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/283/90 n.m.n. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/76 (31. 12. 1982)	Doctors	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes
82/242 (8. 10. 1983)	Biodegradability of surfactants	yes	yes	yes	yes	yes	yes		A/378/84 n.m.n. Judgment 2. 3. 1988 Case 309/86 A/202/89 n.m.n. Referral (Article 171)	yes	yes	yes	yes
82/243 (8. 10. 1983)	Biodegradability of surfactants	yes	yes	yes	yes	yes	yes	yes	A/379/84 n.m.n. Judgment 2. 3. 1988 Case 309/86 A/203/89 n.m.n. Referral (Article 171)	yes	yes	yes	yes
82/470 (2. 1. 1984)	Services incidental to transport	yes	yes	yes	yes	yes	yes	yes	A/126/85 n.m.n. Judgment 12. 7. 1988 Case 310/86 A/362/89 n.m.n. Referral (Article 171)	yes	yes	yes	yes
82/489 (23. 1. 1984)	Hairdressers	yes	yes	yes	A/533/90 n.m.n. r.o.		yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/499 (1. 12. 1984)	Radio interference	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/834/90 n.m.n. r.o.
82/711 (4. 11. 1982)	Articles in contact with foodstuffs	A/260/91 n.m.n. r.o.	A/241/91 n.m.n. 169 lett.	A/285/91 n.m.n. r.o.	yes	yes	A/531/91 n.m.n. r.o.	A/348/91 n.m.n. r.o.	A/397/91 n.m.n. r.o.	A/377/91 n.m.n. r.o.	yes	yes	A/799/90 n.m.n. 169 lett.
83/189 (31. 3. 1984)	Technical standards	A/276/87 n.p.a. r.o.	A/341/88 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/463 (1. 7. 1984)	Labelling of foodstuffs	yes	yes		yes	yes	yes	A/596/90 n.m.n. r.o.	yes	yes	yes	yes	yes
84/525 (23. 3. 1986)	Seamless steel gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/841/90 n.m.n. r.o.
84/526 (23. 3. 1986)	Aluminium gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/842/90 n.m.n. r.o.
84/527 (23. 3. 1986)	Welded steel gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/843/90 n.m.n. r.o.
84/539 (26. 9. 1986)	Electrical equipment used in medicine	yes	yes	yes	A/503/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/10 (20. 12. 1985)	Prepackaged liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/848/90 n.m.n. r.o.
85/374 (30. 7. 1988)	Defective products	yes	yes	yes		A/146/89 n.m.n. r.o.	yes	yes	yes	A/150/89 n.m.n. Referral Case 192/91		yes	yes
85/384 (5. 8. 1987)	Architects	yes	yes	yes	yes	yes	yes	A/387/88 n.m.n. Referral Case 309/90	A/507/88 n.m.n. Referral Case 236/90	yes	yes	yes	yes
85/433 (1. 10. 1987)	Pharmacists	A/255/88 n.m.n. Judgment 14. 5. 1991 Case 167/90	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes
85/584 (1. 10. 1987)	Pharmacists	A/260/88 n.m.n. Judgment 16. 8. 1991 Case 167/90	yes	yes	yes	yes	yes	yes	A/263/88 n.m.n. Referral Case 152/90	yes	A/264/88 n.m.n. Referral Case 168/90	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/591 (23. 12. 1987)	Foodstuffs for human consumption	yes		yes	yes	yes	yes			yes	yes	yes	yes
85/614 (5. 8. 1987)	Architects	yes	yes	yes	yes	yes	yes	A/388/88 n.m.n. Judgment 7. 11. 1991 Case 309/90	A/509/88 n.m.n. Referral Case 296/90	yes	yes	yes	yes
86/17 (6. 8. 1987)	Architects	yes	yes	yes	yes	yes	yes	A/389/88 n.m.n. Judgment 7. 11. 1991 Case 309/90	A/547/88 n.m.n. Referral Case 296/90	yes	yes	yes	
86/94 (31. 12. 1989)	Detergents	yes	yes	yes	yes	yes	yes	yes		A/678/90 n.m.n. r.o.	yes	yes	yes
86/96 (19. 9. 1987)	Prepackaged products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/849/90 n.m.n. r.o.
86/295 (30. 5. 1989)	Construction plant (rops)	yes	yes	yes	A/504/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/596/89 n.m.n. Referral Case 204/91	A/851/90 n.m.n. r.o.
86/296 (30. 5. 1989)	Construction plant (fops)	yes	yes	yes	A/505/90 n.m.n.	yes	yes	yes	yes	yes	yes	A/597/89 n.m.n. Referral Case 205/91	A/852/90 n.m.n. r.o.
86/663 (1. 1. 1989)	Self-propelled industrial trucks	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/598/89 n.m.n. Referral Case 202/91	A/854/90 n.m.n. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P	
87/20 (1. 7. 1987)	Veterinary medicinal products	yes	yes	yes	yes	yes	yes	yes	A/94/88 n.m.n. Referral	yes	yes	yes	yes	
87/21 (1. 7. 1987)	Proprietary medicinal products	yes	yes	yes	1. 1. 1992 yes	yes	yes	1. 1. 1992	yes	yes	yes	yes	1. 1. 1992 yes	
87/22 (1. 7. 1987)	High-technology medicinal products	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	
87/54 (7. 11. 1987)	Legal protection of semiconductor topographies	yes	yes	yes	yes	yes	yes	A/449/89 n.m.n. Referral Case 574/90	yes	yes	yes	yes	yes	
87/250 (1. 5. 1988/ 1. 5. 1989)	Labelling of alcoholic beverages	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/803/90 n.m.n. r.o.	
87/308 (31. 12. 1988/ 31. 12. 1989)	Radio interference	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/855/90 n.m.n. r.o.	
87/310 (31. 12. 1987)	Radio interference by fluorescent lights	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/856/90 n.m.n. r.o.	
87/354 (31. 12. 1987)	Industrial products — indications of Member States	A/396/88 n.m.n. Referral	yes	yes	yes	yes	yes	yes	yes	A/403/88 n.m.n. Referral Case 366/90	yes	yes	yes	A/857/90 n.m.n. 169 lett.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/355 (31. 12. 1987)	Measuring instruments	yes	yes	yes	yes	yes	yes	yes	A/404/88 n.m.n. Referral	yes	yes	yes	yes
87/356 (30. 6. 1988)	Prepackaged products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/859/90 n.m.n. r.o.
87/524 (6. 4. 1989)	Preserved milk products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/804/90 n.m.n. r.o.
87/566 (31. 10. 1988)	Fertilizers — sampling and analysis	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes
88/182 (1. 1. 1989)	Technical standards	yes	yes	yes	yes	yes	yes	yes	yes	yes			yes
87/183 (25. 3. 1989)	Fluid fertilizers	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/53/90 n.m.n. Referral Case 273/91	yes	yes
88/295 (1. 1. 1989)	Public supply contracts	yes	yes	yes	1. 3. 1992	yes	yes	1. 3. 1992	A/449/89 n.m.n. Referral Case 82/91 A/725/91 n.p.a. r.o. A/619/91 n.p.a. Referral	yes	yes	A/884/90 n.p.a. 169 lett.	1. 3. 1992

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/316 (30. 6. 1988)	Prepackaged liquids	yes	yes	yes	yes	yes	yes	yes	A/194/90 n.m.n. r.o.	yes	yes	yes	yes
88/320 (1. 1. 1989)	Good laboratory practice	yes		yes	A/509/90 n.m.n. r.o.		yes	A 35/91 n.m.n. r.o.	A/95/91 n.m.n. r.o.	yes	yes	yes	yes
88/388 (30. 12. 1989)	Flavourings	yes	A/422/90 n.m.n. r.o.	yes	yes	yes	yes	yes	A/671/90 n.m.n. r.o.	A/638/90 n.m.n. r.o.	yes	yes	yes
88/571 (31. 12. 1989)	Electrical equipment	yes	yes	yes	yes	yes	yes	yes	yes	A/646/90 n.m.n. r.o.	A/771/90 n.m.n. r.o.	yes	A/682/90 n.m.n. r.o.
88/593 (1. 1. 1989)	Jams, jellies and marmelades	yes	yes	yes	yes	A/570/90 n.m.n. r.o.	yes	yes	yes	A/639/90 n.m.n. r.o.	yes	A/742/90 n.m.n. r.o.	A/806/90 n.m.n. r.o.
89/235 (30. 9. 1989)	Motorcycles — sound level	yes	yes	yes	yes	yes	yes	yes	A/344/90 n.m.n. 169 lett.	yes	yes	yes	yes
89/240 (1. 1. 1989)	Self-propelled industrial trucks	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/863/90 n.m.n. r.o.
89/344 (1. 1. 1988)	Cocoa and chocolate	yes			yes		yes		yes	yes		yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
89/394 (14. 6. 1990)	Fruit juices	yes	yes	yes	A/496/90 n.m.n. r.o.	yes	yes	yes	yes	A/641/90 n.m.n. r.o.	yes	A/743/90 n.m.n. r.o.	yes
89/396 (20. 6. 1990)	Foodstuffs	yes	A/425/90 n.m.n. 169 lett.	yes	A/497/90 n.m.n. 169 lett.	yes	yes	yes	A/675/90 n.m.n. 169 lett.	A/642/90 n.m.n. 169 lett.	yes	A/744/90 n.m.n. 169 lett.	A/807/90 n.m.n. 169 lett.
89/397 (20. 6. 1990)	Foodstuffs	yes	yes	yes	A/498/90 n.m.n. r.o.	yes	yes	A/601/90 n.m.n. r.o.	A/676/90 n.m.n. r.o.	A/643/90 n.m.n. r.o.	A/708/90 n.m.n. r.o.	A/745/90 n.m.n. r.o.	A/808/90 n.m.n. r.o.
89/398 (16. 5. 1990)	Foodstuffs	yes	A/427/90 n.m.n. r.o.	yes	A/500/90 n.m.n. r.o.	yes	yes	yes	A/677/90 n.m.n. r.o.	A/644/90 n.m.n. r.o.	yes	yes	yes
89/284 (17. 4. 1989)	Fertilizers	yes	yes	yes	A/518/90 n.m.n. r.o.	yes	yes	A/610/90 n.m.n. r.o.	A/679/90 n.m.n. r.o.	yes	A/717/90 n.m.n. r.o.	yes	yes
85/572 (1. 1. 1991)	Plastic materials and articles in contact with foodstuffs	A/261/91 n.m.n. r.o.	A/242/91 n.m.n. r.o.	A/286/91 n.m.n. r.o.	A/307/91 n.m.n. r.o.		A/532/91 n.m.n. r.o.	A/349/91 n.m.n. r.o.	A/398/91 n.m.n. r.o.	A1/378/91 n.m.n. r.o.	A/426/91 n.m.n. r.o.	A/451/91 n.m.n. r.o.	yes
86/102 (27. 3. 1987)	Additives in foodstuffs	yes	yes	yes	yes	yes	yes	yes		yes	A/154/91 n.m.n. r.o.	yes	yes
89/107 (28. 6. 1990)	Additives in foodstuffs	yes	A/182/91 n.m.n. r.o.	yes	yes	yes	A/67/91 n.m.n. r.o.	yes	A/90/91 n.m.n. r.o.	A/110/91 n.m.n. r.o.	A/155/91 n.m.n. r.o.	A/129/91 n.m.n. r.o.	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
89/108 (10. 7. 1991) (10. 1. 1991)	Quick-frozen foodstuffs	yes	A/181/91 n.m.n. r.o.	yes	A/6/91 n.m.n. r.o.	A/50/91 n.m.n. r.o.	yes	yes	A/89/91 n.m.n. r.o.	A/109/91 n.m.n. r.o.	yes	yes	A/22/91 n.m.n. r.o.
89/109 (10. 7. 1990)	Materials and articles in contact with foodstuffs	A/141/91 n.m.n. r.o.	A/180/91 n.m.n. r.o.	yes	yes	A/51/91 n.m.n. r.o.	yes	yes	A/88/91 n.m.n. r.o.	A/108/91 n.m.n. r.o.	A/157/91 n.m.n. r.o.	A/127/91 n.m.n. r.o.	yes
89/440 (19. 7. 1990)	Public works contracts		yes	yes	yes	yes			A/85/91 n.m.n. r.o. A/712/91 n.p.a. r.o.		A/153/91 n.m.n. r.o.	A/126/91 n.m.n. r.o.	yes
90/18 (1. 7. 1990)	Good laboratory practice							A/36/91 n.m.n. r.o. A/316/91 n.p.a. r.o.	A/80/91 n.m.n. r.o.	yes	yes		
89/681 (3. 1. 1991)	Tractors — front-mounted rops	A/650/91 n.m.n. 169 lett.	A/647/91 n.m.n. 169 lett.	yes	yes	yes	yes	yes	A/673/91 n.m.n. 169 lett.	yes	A/681/91 n.m.n. 169 lett.	yes	yes
89/682 (3. 1. 1991)	Tractors — rear-mounted rops	A/651/91 n.m.n. 169 lett.	A/648/91 n.m.n. 169 lett.	yes	yes	yes		yes	A/674/91 n.m.n. 169 lett.	yes	A/682/91 n.m.n. 169 lett.	yes	yes
89/676 (1. 7. 1990)	Prepackaged liquids	yes	yes	yes	A/8/91 n.m.n. r.o.	yes	yes	yes	A/81/91 n.m.n. r.o.	yes	A/159/91 n.m.n. r.o.	yes	A/25/91 n.m.n. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/404 (1. 1. 1990)	Simple pressure vessels	yes	A/186/91 n.m.n. r.o.	yes		yes	A/72/91 n.m.n. r.o.						
90/486 (24. 3. 1990)	Electrically-operated lifts	A/652/91 n.m.n. 169 lett.	yes	yes	A/659/91 n.m.n. 169 lett.	yes	A/693/91 n.m.n. 169 lett.	A/667/91 n.m.n. 169 lett.	A/675/91 n.m.n. 169 lett.	yes	A/683/91 n.m.n. 169 lett.	A/687/91 n.m.n. 169 lett.	A/690/91 n.m.n. 169 lett.
86/653 (1. 1. 1990)	Self-employed commercial agents		yes	yes					A/96/91 n.m.n. r.o.			yes	yes
89/48 (4. 1. 1991)	Recognition of higher-education diplomas	A/653/91 n.m.n. r.o.	yes	yes	A/660/91 n.m.n. 169 lett.	yes	yes	A/668/91 n.m.n. 169 lett.	A/677/91 n.m.n. 169 lett.	yes	A/684/91 n.m.n. 169 lett.	A/688/91 n.m.n. 169 lett.	A/691/91 n.m.n. 169 lett.
90/128 (31. 12. 1990)	Plastic articles and materials in contact with foodstuffs	A/262/91 n.m.n. r.o.	A/243/91 n.m.n. r.o.	A/287/91 n.m.n. r.o.	A/308/91 n.m.n. r.o.	A/331/91 n.m.n. r.o.	A/533/91 n.m.n. r.o.	A/350/91 n.m.n. r.o.	A/399/91 n.m.n. r.o.	A/373/91 n.m.n. r.o.	yes		A/566/91 n.m.n. r.o.
89/178 (1. 12. 1990)	Labelling of dangerous substances	A/263/91 n.m.n. r.o.	yes	yes	A/309/91 n.m.n. r.o.	yes	A/534/91 n.m.n. r.o.	yes	A/401/91 n.m.n. r.o.	A/380/91 n.m.n. r.o.	A/428/91 n.m.n. r.o.	A/453/91 n.m.n. r.o.	A/567/91 n.m.n. r.o.
89/519 (1. 9. 1990)	Fertilizers — sampling and analysis	yes	yes	yes	yes	yes	A/63/91 n.m.n. r.o.	A/40/91 n.m.n. r.o.	yes	yes	A/158/91 n.m.n. r.o.	yes	yes
90/35 (31. 12. 1990)	Child-resistant packaging	A/264/91 n.m.n. r.o.	A/244/91 n.m.n. r.o.	yes	A/310/91 n.m.n. r.o.	yes	A/535/91 n.m.n. r.o.	yes	A/402/91 n.m.n. r.o.	A/381/91 n.m.n. r.o.	A/429/91 n.m.n. r.o.	A/454/91 n.m.n. r.o.	A/486/91 n.m.n. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
83/349 (1. 1. 1988)	Consolidated accounts	yes	yes	A/322/89 n.m.n. Referral Case 359/90	yes	yes	A/314/89 n.m.n. Referral Case 58/91						
84/5 (1. 1. 1988)	Civil liability insurance	yes	yes	yes	yes	yes	yes	A/200/89 n.m.n. Referral Case 57/91	yes	yes	A/172/89 n.m.n. Referral Case 349/90	yes	yes
84/253 (1. 1. 1988)	Audits of accounting documents	yes	A/326/89 n.m.n. Referral	A/324/89 n.m.n. Referral Case 359/90	yes	A/328/89 n.m.n. Referral Case 157/91	yes						
84/641 (30. 6. 1987)	Tourist assistance	yes	A/178/89 n.m.n. Referral	yes	A/179/89 n.m.n. Referral Case 157/91	yes	yes						
85/611 (1. 1. 1989)	Undertakings for collective investment in securities (UCITS)	yes	A/140/90 n.m.n. r.o.	yes	yes	yes	yes						
88/220 (1. 10. 1989)	Undertakings for collective investment in securities (UCITS)	yes		yes	yes	yes	yes	yes		yes	yes		yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/357 (30. 12. 1989/ 30. 6. 1990)	Direct insurance	yes	yes	yes	yes	yes	yes	A/631/90 n.m.n. r.o.	A/795/90 n.m.n. 169 lett.	yes	A/735/90 n.m.n. r.o.	yes	yes
86/635 (31. 12. 1990)	Consolidated accounts of banks and other financial institutions	A/280/91 n.m.n. r.o.	A/473/91 n.m.n. 169 lett.	yes	yes	yes	yes	A/370/91 n.m.n. r.o.	A/420/91 n.m.n. r.o.	A/393/91 n.m.n. r.o.	A/443/91 n.m.n. r.o.	A/482/91 n.m.n. r.o.	yes
89/647 (1. 1. 1991)	Solvency ratios for credit institutions	yes		yes	A/326/91 n.m.n. r.o.	yes	yes	A/372/91 n.m.n. r.o.	A/421/91 n.m.n. r.o.	yes	A/444/91 n.m.n. r.o.	yes	yes
89/299 (1. 1. 1991)	Own funds of credit institutions	yes		yes	A/328/91 n.m.n. r.o.	yes	A/550/91 n.m.n. 169 lett.	A/371/91 n.m.n. r.o.	A/400/91 n.m.n. r.o.	yes	A/445/91 n.m.n. r.o.	yes	yes
87/343 (1. 1. 1990)	Credit insurance and suretyship insurance	yes	yes	yes	yes		yes				A/169/91 n.m.n. r.o.	yes	
87/344 (1. 1. 1990)	Legal expenses insurance	yes	yes	yes	yes	yes	yes	yes			A/170/91 n.m.n. r.o.	yes	yes
88/627 (1. 1. 1991)	Major holdings in listed companies	yes	A/257/91 n.m.n. r.o.	yes	yes	yes	A/551/91 n.m.n. r.o.	A/373/91 n.m.n. r.o.	A/422/91 n.m.n. r.o.	yes	A/446/91 n.m.n. r.o.		yes
87/345 (1. 1. 1991)	Stock exchange pros- pectus	yes	yes	yes	A/327/91 n.m.n. r.o.	yes	yes		yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P	
Employment, social affairs and education														
68/360 (15. 7. 1969)	Movement and residence of workers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/382/87 n.p.a. Referral Case 68/89	yes	
76/207 (12. 8. 1978)	Equal treatment for men and women	yes	yes	yes	yes	A/312/84 n.p.i. Judgment 30. 6. 1988 Case 318/86 A/445/90 n.p.i. r.o. (Article 171)	A/260/85 n.p.i. r.o. (Article 171) A/143/85 n.p.i. Referral Case 202/89	yes	yes	yes	yes	yes	yes	yes
80/987 (22. 10. 1983)	Protection of employees in the event of the insolvency of the employer	yes	yes	yes	yes	yes	yes	yes	A/118/85 n.p.i. Judgment 2. 2. 1989 Case 22/87 A/203/90 n.p.i. 169 lett. (Article 171)	yes	yes	yes	yes	
86/378 (30. 7. 1989)	Equal treatment for men and women	A/341/90 n.m.n. 169 lett.	yes	A/342/90 n.m.n. 169 lett.	yes	yes	yes	A/343/90 n.m.n. 169 lett.	A/344/90 n.m.n. 169 lett.	yes	A/345/90 n.m.n. r.o.	A/134/91 n.m.n. r.o.	yes	
88/35 (1. 1. 1988)	Electrical equipment for use in mines susceptible to firedamp	A/459/90 n.m.n. r.o.	yes	yes	A/540/90 n.m.n. r.o.	A/460/89 n.m.n. r.o.	yes	yes	A/463/89 n.m.n. r.o.	A/464/89 n.m.n. 169 lett.	A/465/89 n.m.n. r.o.	yes		

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
86/188 (4. 1. 1990)	Protection of workers from noise	A/151/91 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	A/719/90 n.m.n. r.o.	A/753/90 n.m.n. r.o.	A/488/91 n.m.n. r.o.
88/364 (1. 1. 1990)	Protection of workers from specified agents	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/720/90 n.m.n. r.o.	yes	yes
88/642 (21. 12. 1990)	Protection of workers from exposure to chemical agents	A/266/91 n.m.n. r.o.			yes	A/332/91 n.m.n. r.o.		A/354/91 n.m.n. r.o.	yes	A/383/91 n.m.n. r.o.	yes	yes	A/489/91 n.m.n. r.o.
89/622 (1. 7. 1990)	Labelling of tobacco products	yes	yes	yes	yes	yes	yes	yes	yes	A/105/91 n.m.n. r.o.	yes	yes	A/26/91 n.m.n. r.o.
Environment, consumer protection and nuclear safety													
75/439 (18. 6. 1977)	Disposal of waste oils	A/108/87 n.p.a. Judgment 13. 6. 1990 Case 162/89	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
75/440 (18. 6. 1977)	Surface water	A/345/87 n.p.i. Judgment 11. 6. 1990 Case 290/89	A/372/87 n.p.a. Judgment 17. 10. 1990 Case 58/89	yes	yes	A/349/87 n.p.i. Referral Case 21/90 A/89/653 169 lett.	yes	A/347/87 n.p.i. Referral	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
75/442 (18. 7. 1977)	Waste	A/109/87 n.p.a. Judgment 13. 6. 1990 Case 162/89 A/71/88 n.p.a. r.o. Referral Case 2/90	yes	yes	yes	yes	yes	yes	A/284/87 n.p.a. Judgment 14. 6. 1990 Case 48/89 A/239/88 n.p.a. Referral Case 33/90	yes	yes	yes	A/413/89 n.p.a. r.o.
76/160 (10. 12. 1977)	Bathing water	yes	A/317/89 n.p.a. r.o.	yes	A/400/90 n.p.a. 169 lett.	yes	yes	A/315/87 n.p.a. r.o.	A/356/87 n.p.i. 169 lett.	yes	yes	yes	yes
76/403 (9. 4. 1978)	Disposal of PCBs and PCTs	A/110/87 n.p.a. Judgment 13. 6. 1990 Case 162/89	yes	yes	yes	yes	yes	yes	A/285/87 n.p.a. Judgment 14. 6. 1990 Case 48/89	yes	yes	yes	yes
76/464 (15. 3. 1977)	Pollution — dangerous substances in the sea	A/289/88 n.p.a. Referral A/205/91 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
76/579 (3. 6. 1978/ 3. 6. 1980)	Health — ionizing radiation				yes			yes				yes	yes
76/768 (31. 12. 1980)	Cosmetics	yes	yes	yes	A/371/87 n.p.a. r.o.	A/390/86 n.p.i. Referral Case 246/91	yes	A/421/86 n.p.i. Referral Case 29/90	A/450/88 n.p.i. r.o.	yes	yes	yes	A/207/90 n.p.i. 169 lett.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
78/176 (22. 2. 1979)	Waste from the titanium dioxide industry	A/135/79 n.m.n. Judgment 2. 2. 1982 Case 68/81 A/169/84 n.m.n. Judgment 14. 1. 1988 Case 227/85 (Article 171) A/367/90 n.m.n. r.o. (Article 171)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/929/90 n.m.n. r.o.
87/102 (1. 1. 1990)	Consumer credit	yes	yes	yes	A/567/90 n.m.n. r.o.	yes	yes	yes	A/699/90 n.m.n. r.o.	A/667/90 n.m.n. r.o.	A/737/90 n.m.n. r.o.	A/768/90 n.m.n. r.o.	yes
88/314 (7. 6. 1990)	Indication of prices of non-food products	yes	yes	yes	A/19/91 n.m.n. r.o.	yes	yes	yes	A/700/90 n.m.n. r.o.	A/118/91 n.m.n. r.o.	yes	A/769/90 n.m.n. r.o.	yes
88/315 (7. 6. 1990)	Indication of prices of foodstuffs (amendment)	yes	yes	yes	A/20/91 n.m.n. r.o.	yes	yes	yes	A/701/90 n.m.n. r.o.	A/117/91 n.m.n. r.o.	yes	A/770/90 n.m.n. r.o.	yes
88/378 (1. 1. 1990)	Safety of toys	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/738/90 n.m.n. r.o.	yes	yes
89/395 (20. 12. 1990)	Labelling of foodstuffs (amendment)		A/259/91 n.m.n. 169 lett.	yes	A/329/91 n.m.n. r.o.	yes	yes	A/376/91 n.m.n. r.o.	A/423/91 n.m.n. 169 lett.	A/396/91 n.m.n. r.o.	A/449/91 n.m.n. r.o.	A/485/91 n.m.n. r.o.	A/528/91 n.m.n. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
90/121 (31. 12. 1990)	Cosmetics	A/283/91 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes		yes	yes	A/529/91 n.m.n. r.o.
90/207 (31. 12. 1990)	Cosmetics	A/284/91 n.m.n. r.o.	yes	yes	yes	yes	yes	A/375/91 n.m.n. r.o.	yes		yes	yes	A/530/91 n.m.n. r.o.
78/319 (22. 3. 1980)	Toxic and dangerous waste	A/169/83 n.p.i. Judgment 2. 12. 1986 Case 239/85 A/111/87 n.p.a. Judgment 13. 6. 1990 Case 162/89	yes	yes	yes	yes	yes	yes	A/286/87 n.p.a. Judgment 14. 6. 1990 Case 48/89	yes	yes	yes	yes
78/659 (20. 7. 1980)	Quality of fresh waters	yes	yes	yes	yes	yes	yes	yes	A/71/85 n.p.i. Judgment 12. 7. 1988 Case 322/86 A/211/90 n.p.i. r.o. (Article 171)	yes	yes	yes	yes
79/112 (22. 12. 1980/ 22. 12. 1982/ 22. 12. 1984)	Labelling of food- stuffs	yes	yes	yes	A/649/89 n.p.i. r.o.	yes	yes	yes	A/101/87 n.p.a. Referral Case 177/89 A/243/88 n.p.a. Judgment 25. 7. 1991 Case 32/90	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
79/409 (6. 4. 1981)	Conservation of wild birds	A/118/84 n.p.i. Judgment 8. 7. 1987 Case 247/85 A/291/90 n.p.i. r.o. (Article 171)	A/246/87 n.p.a. Referral Case 57/89 A/362/87 n.p.a. Referral Case 57/89 A/48/89 n.p.i. r.o. (Article 171)	yes	A/295/88 n.p.a. Referral Case 355/90	A/121/84 n.p.i. Judgment 27. 4. 1988 Case 252/85	A/187/87 n.p.a. r.o.	A/283/88 n.p.a. r.o.	A/501/87 n.p.a. Referral Case 157/89	A/309/87 n.p.a. Referral Case 55/90	yes	A/125/84 n.p.i. Judgment 13. 10. 1987 Case 236/85 A/400/85 n.p.i. Judgment 15. 3. 1990 Case 339/87 169 lett. (Article 169)	yes
79/831 (18. 9. 1983/ 18. 9. 1983)	Dangerous substances	yes	A/339/87 n.p.a. Referral Case 43/90	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/869 (11. 10. 1981)	Analysis of surface water	A/346/87 n.p.i. arret 11. 9. 1991 Case 290/89	A/372/87 n.p.a. Referral Case 58/89	yes	yes	A/350/87 n.p.i. Referral Case 21/90	yes	A/348/87 n.p.i. Referral	yes	yes	yes	yes	yes
80/68 (19. 12. 1981)	Protection of groundwater	A/281/84 n.p.i. Judgment 17. 6. 1987 Case 1/86 A/291/88 n.p.i. Referral Case 174/91 (Article 171)	A/121/86 n.p.i. Judgment 28. 2. 1991 Case 131/88	yes	yes	yes	A/354/88 n.p.a. r.o.	yes	A/86/86 n.p.a. Judgment 28. 2. 1991 Case 360/87	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
80/778 (17. 7. 1982)	Water for human consumption	A/221/86 n.p.i. Judgment 5. 7. 1990 Case 42/89 A/506/87 n.p.i. Referral Case 42/89	A/440/87 n.p.i. Referral Case 237/90	yes	A/81/88 n.p.a. Referral Case 21/89	A/224/86 n.p.i. Referral Case 287/88	A/370/87 n.p.a. Referral Case 337/89	yes	A/363/87 n.p.a. Referral	yes	yes	yes	yes
80/779 (18. 7. 1982)	Air quality	yes	A/119/86 n.p.i. Judgment 30. 5. 1991 Case 361/88	yes	yes	A/14/86 n.p.i. Judgment 1. 10. 1991 Case 64/90	A/387/87 n.p.a. r.o.	yes	A/120/86 n.p.i. 169 lett.	yes	yes	A/457/86 n.p.i. Referral Case 190/90	yes
80/836 (3. 12. 1982)	Health protection against ionizing radiation (Euratom)	A/481/88 n.p.i. Referral Case 376/90	yes	yes	yes	yes	yes	yes	A/225/87 n.m.n. Judgment 7. 5. 1991 Case 246/88	A/486/88 n.p.i. r.o.	yes	yes	yes
81/1051 (14. 6. 1982)	Noise emissions of construction plant	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
82/434 (31. 12. 1983)	Analysis of cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
82/501 (8. 1. 1984)	Major accident hazards	yes	A/219/87 n.p.i. Referral	yes	yes	yes	yes	yes	yes	yes	yes	A/457/86 n.p.i. Referral Case 190/90	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/884 (9. 12. 1984)	Limit value for lead in the air	yes	A/36/88 n.p.i. Judgment 30. 5. 1991 Case 59/89	yes	yes	A/510/87 n.p.i. Judgment 1. 10. 1991 Case 13/90	yes	yes	yes	yes	yes	yes	yes
83/513 (28. 9. 1983)	Cadmium discharges	yes	yes	yes	yes	A/205/88 n.p.i. r.o.	yes	yes	A/369/87 n.p.i. Referral Case 70/89 A/416/90 n.p.i. r.o. (Article 171)	yes	yes	yes	yes
84/450 (1. 10. 1986)	Misleading advertising	yes	yes	yes	yes	yes	yes	yes	A/54/88 n.m.n. Referral Case 256/89	yes	yes	yes	yes
84/466 (1. 1. 1986)	Radiation protection	yes	yes	yes	yes	yes	yes	yes	A/240/90 n.m.n. r.o.	yes	yes	yes	yes
84/467 (5. 4. 1986)	Health protection	A/481/88 n.p.i. Referral Case 376/90	yes	yes	yes	yes	yes	yes	A/233/87 n.m.n. Judgment 7. 5. 1991 Case 246/88	A/486/88 n.p.i. r.o.	yes	yes	yes
84/491 (1. 4. 1986)	Hexachlorocyclo- hexane discharges	yes	yes	yes	yes	yes	yes	yes	A/129/87 n.m.n. Referral Case 54/89	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
84/537 (26. 3. 1986)	Sound power level of concrete breakers	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
84/538 (1. 7. 1987)	Sound power level of lawn mowers	yes	yes	yes	A/388/90 n.m.n. r.o.	yes	yes	yes		yes	yes	yes	yes
84/631 (1. 10. 1985)	Transfrontier shipment of hazardous waste	A/71/88 n.p.a. Referral Case 8/90	A/38/90 n.p.a. r.o.	yes	A/495/90 n.p.a. r.o.	yes	yes	yes	yes	yes		yes	yes
85/203 (1. 1. 1987)	Air quality standards	yes	yes	yes	yes	A/511/87 n.p.i. Referral Case 14/90	yes	yes	yes	yes	yes	yes	yes
85/337 (1. 7. 1988)	Assessment of the effects of public and private projects on the environment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/124/90 n.m.n. 160 lett.
85/339 (3. 7. 1987)	Containers of liquids for human consumption	yes	yes	yes	A/337/87 n.p.a. Referral Case 192/90	A/332/87 n.p.a. r.o.	yes	yes	yes	yes	A/334/87 n.p.a. Referral Case 252/89 A/157/88 n.m.n. Referral Case 252/89	yes	A/338/87 n.p.a. r.o.
85/405 (26. 3. 1986)	Noise emission of construction plant	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/406 (26. 3. 1986)	Sound power level of compressors	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/407 (26. 3. 1986)	Sound power level of welding generators	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/408 (26. 3. 1986)	Sound power level of power generators	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/409 (26. 3. 1986)	Sound power level of concrete breakers	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/411 (31. 7. 1986)	Conservation of wild birds	yes	yes	yes	A/295/88 n.p.a. Referral Case 355/90	yes	yes	yes	yes	yes	yes	yes	yes
85/444 (1. 10. 1989)	Seal pups	yes	yes	yes	yes			A/149/90 n.p.a. r.o.	yes	yes	yes	yes	yes
85/469 (1. 10. 1985)	Transfrontier shipment of hazardous waste			yes	yes	yes	yes		yes	yes	yes	yes	yes
85/577 (23. 12. 1987)	Contracts negotiated away from business premises		yes	yes	yes	yes	yes	A/11/89 n.m.n. Referral Case 357/90	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
86/197 (1. 8. 1988)	Labelling of foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/945/90 n.m.n. r.o.
86/278 (16. 6. 1989)	Sewage sludge used in agriculture	A/230/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/934/90 n.m.n. r.o.
86/279 (1. 1. 1987)	Transfrontier shipment of hazardous waste	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/431 (1. 7. 1987)	Dangerous substances	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes
86/594 (4. 12. 1989)	Household appliances — airborne noise		yes	yes	yes	yes	yes	yes					yes
86/609 (24. 11. 1989)	Protection of animals	A/150/91 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/693/90 n.m.n. r.o.	yes	A/730/90 n.m.n. r.o.	yes	A/932/90 n.m.n. r.o.
86/662 (29. 12. 1988)	Noise emitted by hydraulic excavators	A/659/89 n.m.n. Referral	yes	yes	yes	yes	yes	yes	A/63/90 n.m.n. r.o.	yes	A/477/89 n.m.n. r.o.	yes	yes
87/18 (30. 6. 1988)	Chemical substances — verification	yes	yes	yes	yes	yes	A/62/91 n.m.n. r.o.	yes	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
87/140 (1. 9. 1988)	Textile names	yes	yes	yes	yes	yes	yes	yes	A/430/89 n.m.n. Referral Case 227/91	yes	yes	yes	
87/184 (1. 7. 1988)	Textile names	yes	yes	yes	yes	yes	yes	yes	A/431/89 n.m.n. Referral Case 227/91	yes	yes	yes	
87/217 (31. 12. 1988)	Environmental pollution by asbestos	yes	yes	yes	yes	yes	yes	A/582/89 n.m.n. r.o.	A/65/90 n.m.n. r.o.	yes	yes	yes	yes
87/252 (1. 1. 1988)	Sound power level of lawnmowers	A/431/88 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/205/89 n.m.n. r.o.	yes	yes	yes	yes
87/357 (26. 6. 1989)	Health and safety of consumers	yes	yes	yes	yes	yes	yes	yes	A/698/90 n.m.n. r.o.	yes	yes	yes	yes
87/405 (26. 6. 1989)	Sound power level of tower cranes	yes	A/433/90 n.m.n. r.o.	yes	yes	yes	yes	yes	A/370/90 n.m.n. r.o.	yes	yes	yes	yes
87/416 (29. 7. 1987)	Lead content of petrol		yes		yes	yes					yes	yes	
88/347 (1. 1. 1989/ 1. 1. 1990)	Dangerous substances	A/444/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/128/90 n.m.n. r.o.	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/378 (30. 6. 1989)	Dangerous preparations	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/738/90 n.m.n. r.o.	yes	yes
88/667 (31. 12. 1989)	Cosmetics	A/458/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/711/90 n.m.n. r.o.	yes
89/174 (31. 12. 1989)	Cosmetics	A/459/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/917/90 n.m.n. r.o.
89/428 (31. 12. 1989)	Titanium dioxide waste	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes
88/490 (1. 7. 1990)	Packaging of dangerous substances	A/147/91 n.m.n. r.o.	yes	yes	yes	A/588/90 n.m.n. r.o.	yes	yes	A/696/90 n.m.n. r.o.	yes	yes	yes	yes
88/609 (30. 6. 1990)	Emissions of pollutants	A/146/91 n.m.n. r.o.	yes	yes	yes	yes	yes	A/622/90 n.m.n. r.o.	yes	A/657/90 n.m.n. r.o.	yes	yes	yes
88/610 (1. 6. 1990)	Major accident hazards	yes	yes	yes	yes	yes	yes	A/628/90 n.m.n. r.o.	yes	A/662/90 n.m.n. r.o.	A/732/90 n.m.n. r.o.	yes	yes
89/514 (1. 1. 1990)	Noise emitted by hydraulic excavators	yes	yes	yes	yes	yes	A/787/90 n.m.n. r.o.	yes	A/695/90 n.m.n. r.o.	yes	A/731/90 n.m.n. r.o.	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
89/629 (30. 9. 1990)	Noise emission from civil aircraft	A/138/91 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/82/91 n.m.n. r.o.	A/104/91 n.m.n. r.o.	A/168/91 n.m.n. r.o.	yes	
87/101 (1. 1. 1990)	Waste oils	A/149/91 n.m.n. r.o.	yes	yes	yes	yes	yes				yes	yes	yes
89/428 (31. 12. 1989)	Pollution caused by waste from the titanium dioxide industry			yes	yes	yes	yes	yes				yes	
89/429 (1. 12. 1990)	Waste-incineration plants	A/278/91 n.m.n. r.o.	yes	yes	A/323/91 n.m.n. r.o.	yes	A/547/91 n.m.n. r.o.	A/368/91 n.m.n. r.o.	A/418/91 n.m.n. r.o.		A/441/91 n.m.n. r.o.	yes	yes
89/369 (1. 12. 1990)	Waste-incineration plants	A/277/91 n.m.n. r.o.	yes	yes	A/322/91 n.m.n. r.o.	yes	A/546/91 n.m.n. r.o.	A/367/91 n.m.n. r.o.	A/417/91 n.m.n. r.o.	A/391/91 n.m.n. r.o.	A/440/91 n.m.n. r.o.	yes	yes
89/427 (1. 1. 1991)	Air quality limit values and guide values		yes	yes	A/661/91 n.m.n. r.o.			yes	A/678/91 n.m.n. r.o.	A/671/91 n.m.n. r.o.	A/685/91 n.m.n. r.o.		yes
Agriculture													
64/432 (30. 6. 1965)	Animal health	A/484/85 n.p.a. Judgment 5. 7. 1990 Case 304/88	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/698/91 n.p.a. Referral

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
64/433 (1. 1. 1981)	Fresh meat	A/484/85 n.p.a. Judgment 5. 7. 1990 Case 304/88	yes	yes	yes	yes	yes	yes	A/314/88 n.p.a. r.o.	yes	yes	yes	yes
66/400 (31. 12. 1985)	Beet seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/490/91 n.m.n. r.o.
66/401 (31. 12. 1985)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/893/90 n.m.n. r.o.
66/403 (31. 12. 1985)	Seed potatoes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/491/91 n.m.n. r.o.
68/193 (31. 12. 1985)	Material for the vegetative propagation of the vine	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/494/91 n.m.n. r.o.
69/61 (31. 12. 1985)	Beet seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/495/91 n.m.n. r.o.
69/63 (31. 12. 1985)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/894/90 n.m.n. r.o.
69/208 (31. 12. 1985)	Oil plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/497/91 n.m.n. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
70/458 (31. 12. 1985)	Vegetable seed	yes	yes	yes	yes	yes	A/499/91 n.m.n. r.o.						
71/118 (18. 2. 1973)	Fresh poultrymeat	yes	yes	yes	yes	yes	yes	A/129/88 n.p.a. Referral Case 375/90	yes	yes	yes	yes	A/867/90 n.m.n. r.o.
71/140 (31. 12. 1985)	Material for the vegetative propagation of the vine	yes	yes	yes	yes	yes	A/500/91 n.m.n. r.o.						
71/161 (31. 12. 1985)	Forest reproductive material	yes	yes	yes	yes	yes	A/501/91 n.m.n. r.o.						
72/168 (31. 12. 1985)	Vegetable seed	yes	yes	yes	yes	yes	A/502/91 n.m.n. r.o.						
72/169 (31. 12. 1985)	Vine varieties	yes	yes	yes	yes	yes	A/503/91 n.m.n. r.o.						
72/180 (31. 12. 1985)	Agricultural plant varieties	yes	yes	yes	yes	yes	A/504/91 n.m.n. r.o.						
73/418 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	A/866/90 n.m.n. r.o.						

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
74/13 (31. 12. 1985)	Forest reproduction material	yes	yes	yes	yes	A/492/91 n.m.n. r.o.							
74/649 (31. 12. 1985)	Material for the vegetative propagation of the vine	yes	yes	yes	yes	A/505/91 n.m.n. r.o.							
75/431 (1. 1. 1977)	Intra-Community trade in fresh poultrymeat	yes	yes	yes	yes	A/868/90 n.m.n. r.o.							
75/502 (31. 12. 1985)	Seed of smooth-stalk meadowgrass	yes	yes	yes	yes	A/506/91 n.m.n. r.o.							
76/331 (31. 12. 1985)	Beet seed	yes	yes	yes	yes	A/507/91 n.m.n. r.o.							
77/93 (1. 5. 1980)	Harmful organisms	yes	A/323/87 n.p.a. Judgment 18. 7. 1980 Case 128/89	yes	yes	yes	yes						
									A/780/91 n.p.a. 169 lett. (Article 171)				

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
77/98 (1. 1. 1977/ 1. 1. 1978)	Veterinary problems	yes	yes	yes									
77/101 (1. 1. 1981)	Straight feedingstuffs	yes	yes	yes									
77/504 (1. 1. 1979)	Pure-bred breeding animals of the bovine species	yes	A/449/88 n.p.a. Referral Case 235/91	yes	yes	yes							
77/629 (31. 12. 1986)	Material for the vegetative propagation of the vine	yes	yes	yes	A/508/91 n.m.n. r.o.								
78/50 (30. 9. 1977/ 30. 6. 1978)	Trade in fresh poultrymeat	yes	yes	yes	A/869/91 n.m.n. r.o.								
78/55 (31. 12. 1990)	Seed	yes	yes	yes	A/877/90 n.m.n. r.o.								
78/386 (31. 12. 1985)	Fodder plant seed	yes	yes	yes	A/805/90 n.m.n. r.o.								

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
78/388 (31. 12. 1985)	Oil plant seed	yes	yes	yes	yes	A/509/91 n.m.n. r.o.							
78/692 (31. 12. 1985)	Seed	yes	yes	yes	yes	A/918/90 n.m.n. r.o.							
79/109 (1. 4. 1979)	Brucellosis	yes	A/316/84 n.m.n. Judgment 3. 9. 1988 Case 116/86 A/463/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes						
79/641 (31. 12. 1985)	Seed	yes	yes	yes	yes	A/988/90 n.m.n. r.o.							
80/216 (31. 12. 1990)	Health problems — poultrymeat	yes	yes	yes	yes	A/911/91 n.m.n. r.o.							
80/219 (31. 12. 1980)	Tuberculosis and brucellosis	yes	A/256/83 n.m.n. Judgment 29. 1. 1987 Case 364/85 A/453/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes						

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
80/304 (31. 12. 1985)	Oil plant seed	yes	yes	yes	yes	A/510/91 n.m.n. r.o.							
80/754 (31. 12. 1985)	Fodder plant seed	yes	yes	yes	yes	A/818/90 n.m.n. r.o.							
80/879 (31. 12. 1989)	Fresh meat and poultrymeat	yes	yes	yes	yes	A/912/90 n.m.n. r.o.							
80/1098 (1. 7. 1981)	Swine vesicular disease and swine fever	yes	A/258/83 n.m.n. Judgment 29. 1. 1987 Case 364/85 A/454/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes						
80/1099 (1. 7. 1981)	Swine vesicular disease and swine fever	yes	A/259/83 n.m.n. Judgment 10. 3. 1987 Case 386/85 A/456/88 n.m.n. r.o. (Article 171)	yes	yes	yes	yes						

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/287 (1. 1. 1982/ 1. 1. 1983)	Seed	yes	yes	yes	yes	A/819/90 n.m.n. r.o.							
82/331 (1. 7. 1982)	Material for the vegetative propa- gation of the vine	yes	yes	yes	yes	A/511/91 n.m.n. r.o.							
82/859 (1. 7. 1983)	Oil plant seed	yes	yes	yes	yes	A/512/91 n.m.n. r.o.							
83/91 (1. 1. 1985)	Fresh meat	yes	A/349/85 n.m.n. Judgment 27. 4. 1989 Case 324/87 A/958/90 n.m.n. r.o. (Article 171)	yes	yes	yes	yes						
84/587 (4. 12. 1986/ 4. 12. 1988)	Additives in feedingstuffs	yes	A/559/87 n.m.n. Referral Case 263/89	yes	yes	yes	yes						
84/645 (31. 3. 1985)	Swine fever	yes	A/352/85 n.m.n. Referral Case 329/87	yes	yes	yes	yes						
85/38 (1. 1. 1986)	Fodder plant seed	yes	yes	yes	yes	A/901/90 n.m.n. r.o.							

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
85/322 (1. 1. 1986)	Swine fever	yes	yes	yes	yes	yes	yes	yes	A/321/86 n.m.n. Referral Case 349/89	yes	yes	yes	yes
85/325 (1. 1. 1986)	Fresh meat	yes	yes	yes	yes	yes	yes	yes	A/323/86 n.m.n. Referral Case 349/89	yes	yes	yes	yes
85/326 (1. 7. 1987)	Fresh meat and poultrymeat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/378/90 n.m.n. r.o.
85/397 (1. 7. 1988)	Heat-treated milk	yes	yes	yes	A/976/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes
85/511 (1. 1. 1987)	Foot-and-mouth disease	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/889/90 n.m.n. r.o.
86/109 (1. 7. 1987)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/902/90 n.m.n. r.o.
86/155 (1. 3. 1986/ 1. 7. 1987)	Seed and plants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/950/90 n.m.n. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P	
86/299 (31. 12. 1987)	Undesirable products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/320 (1. 7. 1987)	Cereal seed	yes	yes	yes	yes	yes	yes	yes	A/97/91 n.m.n. r.o.	yes	yes	yes	yes	
86/587 (30. 4. 1987)	Health problems — fresh meat	yes	yes	yes	yes	yes	yes	yes	A/151/88 n.m.n. Referral Case 262/89	yes	yes	yes	yes	
87/328 (1. 1. 1989)	Pure-bred breeding animals of the bovine species	yes	yes	yes	yes	yes	yes	yes	yes	A/449/88 n.p.a. Referral Case 235/91 A/493/89 n.m.n. Referral Case 236/91	yes	A/500/89 n.m.n. Referral	yes	
90/120 (1. 4. 1990)	Imports of deep-frozen sperm of bovine animals	A/448/90 n.m.n. r.o.	yes	A/689/90 n.m.n. 169 lett.	A/101/91 n.m.n. r.o.	A/727/90 n.m.n. r.o.	yes	yes						
87/481 (1. 7. 1989)	Vegetable seed	yes	yes	yes	yes	yes	yes	yes	yes	A/685/90 n.m.n. r.o.	yes	yes	A/755/90 n.m.n. r.o.	A/513/91 n.m.n. r.o.

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P	
87/486 (31. 12. 1987)	Swine fever	yes	yes	yes	yes	yes	yes	yes	A/499/88 n.m.n. Referral Case 11/91	yes	yes	yes	yes	
87/489 (31. 12. 1989)	Swine fever	yes	yes	yes	yes	yes	yes	yes	A/497/89 n.m.n. Referral Case 269/91	yes	yes	yes	yes	
87/491 (1. 1. 1988)	Meat products	yes	yes	yes	yes	yes	yes	yes	A/542/88 n.m.n. Referral Case 11/91	yes	yes	yes	yes	
88/95 (1. 7. 1988)	Beet seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/514/91 n.m.n. r.o.	
88/288 (1. 1. 1989)	Trade in fresh meat	A/515/89 n.m.n. Referral	yes	A/498/89 n.m.n. Referral Case 269/91	yes	yes	yes	yes						
88/289 (1. 1. 1989)	Importation of bovine animals and swine	A/516/89 n.m.n. Referral	yes	A/499/89 n.m.n. Referral Case 269/91	yes	yes	yes	yes						

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
88/299 (31. 12. 1988)	Substances with a hormonal action	yes	yes	yes	yes		yes	yes	A/964/90 n.m.n. r.o.	yes	yes	yes	yes
88/406 (1. 9. 1988)	Enzootic bovine leukosis	yes	yes	yes	yes	yes	yes	yes	A/271/89 n.m.n. Referral Case 6/91	yes	yes	yes	yes
89/227 (30. 6. 1990)	Meat products	A/447/90 n.m.n. r.o.	yes	yes	A/544/90 n.m.n. r.o.	yes	yes	A/618/90 n.m.n. r.o.	A/687/90 n.m.n. r.o.	A/653/90 n.m.n. r.o.	A/726/90 n.m.n. r.o.	A/758/90 n.m.n. r.o.	yes
88/658 (31. 12. 1990)	Trade in meat products	A/145/91 n.m.n. r.o.	yes	yes	A/15/91 n.m.n. r.o.	yes	yes		A/93/91 n.m.n. r.o.	A/113/91 n.m.n. r.o.	A/164/91 n.m.n. r.o.	A/131/91 n.m.n. r.o.	yes
89/321 (1. 9. 1989)	Trichinae	A/220/90 n.m.n. r.o.	A/230/91 n.p.i. r.o.	yes	yes	yes	yes	yes	A/218/90 n.m.n. Referral Case 270/91	yes	yes	yes	yes
89/360 (1. 10. 1989)	Testing of brucellosis	yes	yes	yes	yes	yes	yes	yes	A/819/90 n.m.n. r.o.	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
89/100 (1. 1. 1990)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	A/682/90 n.m.n. r.o.	yes	yes	yes	A/907/90 n.m.n. r.o.
88/407 (1. 1. 1990)	Health problems	A/446/90 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/684/90 n.m.n. r.o.	A/652/90 n.m.n. r.o.	A/724/90 n.m.n. r.o.	yes	yes
89/362 (31. 12. 1990)	Hygiene	yes	yes	yes	A/545/90 n.m.n. r.o.	yes	yes	yes	A/688/90 n.m.n. r.o.	yes	yes	yes	yes
89/384 (31. 12. 1990)	Freezing point of untreated milk	yes	yes	yes	A/11/91 n.m.n. r.o.	yes	yes	yes	A/87/91 n.m.n. r.o.	yes	A/165/91 n.m.n. r.o.	yes	yes
89/14 (31. 12. 1990)	Vegetable seed	yes	yes	yes	yes	yes	yes	yes	A/686/90 n.m.n. r.o.	yes	yes	yes	A/515/91 n.m.n. r.o.
90/506 (1. 1. 1991)	Harmful organisms	A/269/91 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/358/91 n.m.n. r.o.	yes	yes	A/434/91 n.m.n. r.o.	A/519/91 n.m.n. r.o.
90/533 (30. 9. 1991)	Plant protection products containing certain active substances	yes	yes	yes	yes	yes	yes	yes	A/359/91 n.m.n. r.o.	A/409/91 n.m.n. r.o.	yes	A/461/91 n.m.n. r.o.	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
74/648 (1. 7. 1976)	Material for the vegetative propagation of the vine		yes		yes	yes		yes	yes				A/493/91 n.m.n. r.o.
69/64 (19. 2. 1969)	Forest reproduction material				yes			yes					A/496/91 n.m.n. r.o.
90/335 (1. 1. 1991)	Plant protection products containing certain active substances	yes	yes	yes	yes	yes	yes	yes	A/406/91 n.m.n. r.o.	yes	yes	A/458/91 n.m.n. r.o.	yes
90/110 (30. 11. 1990)	Additives in feedingstuffs	A/152/91 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/480 (1. 7. 1990)	Oil and fodder plant seeds	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/160/91 n.m.n. r.o.	yes	A/27/91 n.m.n. r.o.
88/380 (1. 7. 1990)	Seeds and plants	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/161/91 n.m.n.	yes	A/28/91 n.m.n. r.o.
89/2 (1. 7. 1990)	Marketing of cereal seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/409 (1. 1. 1991)	Meat inspection fees	A/271/91 n.m.n. r.o.	yes	yes	A/318/91 n.m.n. r.o.	yes	yes		A/410/91 n.m.n. r.o.	A/384/91 n.m.n. r.o.	A/436/91 n.m.n. r.o.	yes	yes
88/661 (1. 1. 1991)	Zootechnical standards for breeding pigs	A/272/91 n.m.n. r.o.	yes	yes	yes	yes	A/540/91 n.m.n. r.o.	yes	yes	A/385/91 n.m.n. r.o.		A/463/91 n.m.n. r.o.	

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
89/556 (1. 1. 1991)	Imports of embryos of domestic animals of the bovine species	A/276/91 n.m.n. r.o.	yes	yes	A/320/91 n.m.n. r.o.	yes	yes	yes	A/412/91 n.m.n. r.o.	A/387/91 n.m.n. r.o.	A/438/91 n.m.n. r.o.	yes	A/523/91 n.m.n. r.o.
89/424 (1. 7. 1990/ 1. 7. 1991)	Certification of seed	yes	yes	yes	yes	yes	yes	yes	A/86/91 n.m.n. r.o.	yes	A/163/91 n.m.n. r.o.	yes	A/516/91 n.m.n. r.o.
90/119 (1. 1. 1991)	Hybrid breeding pigs	A/275/91 n.m.n. r.o.	yes	yes		yes	A/545/91 n.m.n. r.o.	yes	yes	A/389/91 n.m.n. r.o.	yes	A/476/91 n.m.n. r.o.	
89/361 (1. 1. 1991)	Pure-bred breeding sheep and goats	A/273/91 n.m.n. r.o.	yes	yes	yes	yes	A/542/91 n.m.n. r.o.	yes	yes	A/386/91 n.m.n. r.o.	A/437/91 n.m.n. r.o.	A/464/91 n.m.n. r.o.	A/522/91 n.m.n. r.o.
90/118 (1. 1. 1991)	Pure-bred breeding pigs	A/274/91 n.m.n. r.o.	yes	yes		yes	A/544/91 n.m.n. r.o.	yes	yes	A/388/91 n.m.n. r.o.	yes	A/466/91 n.m.n. r.o.	
90/168 (1. 1. 1991)	Harmful organisms	yes	yes	yes	yes	yes	yes	A/355/91 n.m.n. r.o.	yes	yes	A/432/91 n.m.n. r.o.	yes	yes
90/490 (1. 1. 1991)	Harmful organisms	A/268/91 n.m.n. r.o.	yes	yes	yes	yes	yes	A/357/91 n.m.n. r.o.	yes	yes	A/433/91 n.m.n. r.o.	yes	A/518/91 n.m.n. r.o.
90/422 (1. 10. 1990)	Enzootic bovine leukosis	A/136/91 n.m.n. r.o.	yes	yes	A/12/91 n.m.n. r.o.	yes	yes	A/42/91 n.m.n. r.o.	A/78/91 n.m.n. r.o.	yes	A/166/91 n.m.n. r.o.	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
90/237 (1. 7. 1990)	Turnover tax										yes		A/698/91 n.p.a. r.o.
88/182 (1. 1. 1989)	Labelling of gloves	yes	yes	yes	yes	yes	yes		A/565/91 n.p.a. r.o.	yes			
Transport													
74/562 (31. 12. 1976)	Access to the occupation of road haulage operator	yes	A/113/79 n.m.n. Judgment 10. 11. 1981 Case 28/81 A/176/83 n.m.n. Judgment 5. 11. 1986 Case 160/85	yes	yes	yes	A/926/90 n.m.n. r.o.						
79/1034 (1. 1. 1979)	Tankers	yes	yes		yes	yes							
80/1178 (1. 1. 1981)	Access to the occupation of road haulage operator	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes
80/1179 (1. 1. 1981)	Access to the occupation of road passenger transport operator	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes
80/1180 (1. 1. 1981)	Goods haulage operators	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
82/714 (1. 1. 1985)	Technical requirements for inland waterway vessels	A/202/85 Judgment 24. 5. 1988 Case 307/86 A/356/89 n.m.n. Referral Case 19/91 (Article 171)	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes
85/3 (1. 7. 1986/ 1. 1. 1990)	Weights and dimensions of certain vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
87/540 (30. 6. 1988)	Access to occupation of carrier of goods by waterway	A/364/89 n.m.n. Referral Case 377/90	A/456/89 n.m.n. Referral	yes	yes	A/365/89 n.m.n. Referral	yes	yes	yes	yes	A/366/89 n.m.n. Referral		yes
87/601 (31. 12. 1987)	Fares for scheduled air services	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		yes
89/463 (1. 11. 1989)	Interregional air services	yes	yes	yes	yes	yes	yes	yes	yes	A/566/90 n.m.n. r.o.	yes	yes	yes
88/599 (1. 1. 1989/ 1. 1. 1990)	Recording equipment in road transport		yes	yes	yes	yes	yes	yes		yes	A/3/91 n.m.n. r.o.		yes
88/449 (27. 7. 1990)	Motor vehicles and their trailers	yes	yes	yes	yes	yes	yes	yes	yes	A/114/91 n.m.n. r.o.	yes	yes	

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
89/461 (1. 1. 1991)	Technical characteristics of certain road vehicles	yes	yes	yes	yes	yes		yes	A/416/91 n.m.n. r.o.	yes	A/3/91 n.m.n. r.o.	yes	yes
90/398 (31. 12. 1990)	Vehicles hired without drivers		yes	yes	yes			yes	A/415/91 n.m.n. r.o.	yes		A/478/91 n.m.n. r.o.	A/524/91 n.m.n. r.o.
Energy													
64/414 (1. 1. 1971)	Stocks of crude oil	yes	yes	yes	yes	yes	yes		A/316/88 n.p.a. r.o.	yes	yes	yes	yes
72/425 (1. 1. 1975)	Stocks of crude oil	yes	yes	yes	yes	yes	yes		A/316/88 n.p.a. r.o.	yes	yes	yes	yes
75/339 (1. 1. 1978)	Stocks of fossil fuel	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes
75/404 (31. 12. 1975)	Restriction of the use of natural gas	yes	yes	yes	yes								
78/170 (1. 7. 1980/ 1. 1. 1981)	Heat generators	yes	yes	yes	yes	A/940/90 n.m.n. r.o.							
82/885 (16. 6. 1984)	Heat generators	yes	yes	yes	yes	A/941/90 n.m.n. r.o.							
85/536 (1. 1. 1988)	Crude-oil savings	yes	A/175/89 n.m.n. r.o.	yes	yes	yes	yes						

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
Budget													
77/388 (1. 1. 1978)	Sixth VAT Directive	yes	yes	yes	yes	A/134/90 n.p.a. 169 lett.							
Customs union and indirect taxation													
<i>Customs union</i>													
82/347 (1. 1. 1983)	Procedures for the export of goods	yes	A/162/83 n.m.n. Judgment 30. 4. 1986 Case 158/85 A/502/87 n.m.n. Referral Case 208/89 (Article 171)	yes	yes	yes	yes						
83/643 (31. 12. 1986)	Inspections in respect of the carriage of goods	yes	A/33/88 n.p.a. Referral Case 209/89 A/314/88 n.p.a. r.o.	yes	yes	yes	yes						
87/53 (1. 1. 1987)	Physical inspections in respect of the carriage of goods	yes	A/353/88 n.m.n. Referral Case 69/90	yes	yes	yes	yes						

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
Indirect taxation													
69/169 (1. 1. 1970)	Tax-free allowances in international travel	yes	A/40/82 n.p.a. Judgment 14. 2. 1984 Case 325/82	A/298/87 n.p.a. Judgment 17. 10. 1991 Case 100/90	yes	yes	yes	yes	yes	yes	yes	yes	yes
			A/320/85 n.p.a. r.o. (Article 171)										
72/464 (1. 7. 1973)	Taxes on manufactured tobacco	yes	yes	yes	yes	A/271/85 n.p.a. Judgment 13. 7. 1988 Case 169/87	yes	yes	yes	yes	yes	yes	yes
77/388 (1. 1. 1978)	Sixth VAT Directive	yes	yes	yes	A/323/88 n.p.a. Judgment 7. 10. 1991 Case 35/90	A/53/88 n.p.a. r.o.	A/202/88 n.p.a. Referral	A/199/88 n.p.a. Referral	A/262/81 n.p.a. Judgment 28. 6. 1988 Case 3/86	yes	yes	A/153/83 n.p.a. Judgment 26. 3. 1987 Case 235/85	yes
					A/213/88 n.p.a. Referral				A/188/84 n.p.a. Judgment 21. 6. 1988 Case 257/85			A/201/88 n.p.a. r.o.	
									A/209/85 n.p.a. Judgment 24. 5. 1988 Case 122/87				
									A/428/85 n.p.a. r.o. (Article 171)			A/84/90 n.p.a. r.o.	

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
77/388 (cont'd)									A/429/85 n.p.a. r.o. (Article 171) A/663/89 n.p.a. r.o. (Article 171)			A/134/90 n.p.a. r.o.	
83/181 (1. 7. 1984)	Importation of goods	yes	yes	yes	yes	yes	yes	yes	A/422/84 n.m.n. Judgment 24. 11. 1987 Case 125/86 A/446/88 n.m.n. Referral (Article 171)	yes	yes	yes	yes
83/182 (1. 1. 1984)	Temporary imports	yes	yes	A/127/86 n.p.a. Referral Case 52/90	A/471/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes
83/183 (1. 1. 1984)	Permanent imports	yes	yes	yes	yes	yes	yes	yes	A/421/84 n.m.n. Judgment 24. 11. 1987 Case 124/86 A/86/90 n.p.a. r.o.	yes	yes	yes	yes
88/331 (1. 1. 1989)	Final importation of goods	yes	yes	yes	yes	yes	yes	yes	A/578/89 n.m.n. r.o.	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	GR	I	IRL	L	NL	P
89/604 (1. 7. 1990)	Final importation of goods	A/140/91 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/83/91 n.m.n. r.o.	yes	yes	yes	yes
Telecommunications, information industries and innovation													
86/361 (26. 7. 1987)	Mutual recognition of type-approval for telecommunications terminal equipment	A/630/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
90/387 (1. 1. 1991)	Open network provision for telecommunications		yes	yes	yes	yes		A/369/91 n.m.n. r.o.	A/419/91 n.m.n. r.o.	A/392/91 n.m.n. 169 lett.	yes		yes

ANNEX C

Monitoring the application by Member States of environment Directives

I. INTRODUCTION

The main feature which emerges from a review of the various complaints received by the Commission and cases it established on its own initiative regarding the environment in 1991 is that a great many of them concern Community instruments on nature conservation, in particular Directive 85/337/EEC on the assessment of environmental impact.

The reason for this preponderance is not that other provisions of Community environment law are applied more effectively: such a hypothesis is hardly borne out by the rather scant information at the Commission's disposal. It is rather a reflection of the particular sensitivity of individuals and their increasing awareness of the consequences of major public works for the environment and their quality of life. In this respect, the complaints⁽¹⁾ show the growing importance which the public attaches not only to the principle that a project's impact on the environment must be assessed — a requirement which is still too often ignored — but also their right to be consulted before work begins on a project, as provided for in Article 6 (2) of Directive 85/337/EEC.

There are other reasons why the impact assessment Directive is of particular importance. In 1991 there were a great many cases where major construction projects, most frequently involving transport infrastructure, were implemented without due regard to Directive 85/337/EEC.

As regards the other sectors, the Commission's observation in the eighth annual report still holds true: the situation is at its least satisfactory in cases where Community legislation lays down obligations to plan ahead, since few Member States do so satisfactorily.

This is the case for many Directives concerning water; it is therefore no surprise that this sector ranks second in terms of complaints and infringements recorded in 1991.

The waste sector ranks third for the same reason and also because of incorrect transposal and slack application in many Member States, problems which also apply to the Directives on water and to a lesser extent those on air quality.

On the other hand, there appear to be few problems in the implementation of environmental Directives applicable to marketable products. This may account for the relatively small number of cases concerning the application of Community law relating to chemicals and noise.

In general, there was no sign in 1991 of a fall in the number of complaints to the Commission concerning the environment⁽²⁾.

Since the administrative workload has not eased, the Commission needs to review the ways in which complaints are handled. In this respect there is a special place for 'package meetings' which give the Commission more opportunity to explain to Member States the exact nature of the problems and grievances raised by complainants and obtain more relevant information from them without the risk of mutual misunderstandings. In 1991 meetings of this kind were held with Belgium, Italy, France and Ireland.

II. SITUATION IN THE MEMBER STATES

Belgium

Late transposal

The Brussels Capital Region has made up much of the delay observed in the past.

The Walloon and Brussels Capital Regions have notified measures transposing Directives 88/180/EEC and 88/181/EEC amending Directive 84/538/EEC on the permissible sound power level of lawnmowers. The Flemish Region has notified measures implementing Directives 90/219/EEC and 90/220/EEC on the contained use and deliberate release into the environment of genetically modified organisms.

No measures have been notified for Directive 90/517/EEC amending for the 11th time the Directive on the classification, packaging and labelling of dangerous substances.

Conformity with Community Directives

Legislation adopted to give effect to Directives is generally in order. But the complications of allocating powers at the various levels of authority are such that gaps, sometimes substantial, subsist.

⁽¹⁾ The statistics on the number of complaints recorded in 1991 cannot be compared to statistics for previous years as the criteria for counting them, in particular complaints addressed to the Commission in the form of petitions, have been changed.

A judgment given by the Court of Justice in 1987 in six cases of failure to comply with Directive 79/409/EEC has still not been complied with. New proceedings under Article 171 of the EEC Treaty are in hand.

Directive 84/360/EEC is still not fully transposed. Nor are Directives 85/203/EEC (nitrogen dioxide), 76/403/EEC (PCBs and PCTs), 78/319/EEC (toxic waste), 78/176/EEC (titanium dioxide) and 87/217/EEC (asbestos).

On 11 June 1990, the Court of Justice gave judgment against Belgium for failure to transpose fully Directives 75/440/EEC and 79/869/EEC (surface water for human consumption and analysis procedures).

Directive 85/337/EEC (impact assessment) has not been fully transposed in the Walloon and Flemish Regions, though the VLAREM legislation has settled some of the problems; it has not been transposed in the Brussels Capital Region.

The Commission withdrew its action in the Court of Justice regarding transposal of Directive 85/339/EEC (containers of liquids for human consumption) when Belgium notified the requisite measures.

Effective application

In the water sector, there are still serious problems with transposal of Directive 76/464/EEC (dangerous substances in water), as all rivers are badly polluted. The situation will continue to give cause for concern as long as there are no programmes for the reduction of this pollution under Article 7 of the Directive. The drinking water situation in Verviers is deteriorating despite the judgment given by the Court of Justice on 5 July 1990. Water quality remains well below the requirements of Directive 80/778/EEC. An implementation report has been notified for Directive 76/160/EEC (bathing water), but not for Directive 78/659/EEC (fish waters) or 79/923/EEC (shellfish waters).

There are no special problems of air pollution.

Implementation reports regarding waste have been notified for all Directives except Directives 86/339/EEC (containers of liquids for human consumption) and 86/278/EEC (agricultural sludge). Plans for the removal of general waste and toxic and dangerous waste have still to be notified for the Brussels Capital Region; they are expected early in 1992.

The situation regarding the Seveso Directive (82/501/EEC) is improving, but much remains to be done as regards emergency plans.

Directive 79/409/EEC on wild birds continues to pose implementation problems in both Wallonia and Flanders. In the Flanders Region, insufficient special protection areas have been

designated; in the Walloon Region, problems subsist with hunting and trapping regulations, even though the Court of Justice gave judgment against Belgium in 1987.

Application of the impact assessment Directive (85/337/EEC) also gives rise to problems, particularly as regards public inquiries and evaluation by the public authorities of impact assessments carried out by those in charge of projects.

Denmark

Late transposal

Denmark has discharged its obligations in this respect and notified instruments transposing Directives 88/180/EEC and 88/181/EEC amending Directive 84/538/EEC on the permissible sound power level of lawnmowers, and also Directive 90/517/EEC amending for the 11th time the Directive on the classification, packaging and labelling of dangerous substances.

Denmark has also transposed Directives 90/219/EEC and 90/220/EEC on the contained use and deliberate release into the environment of genetically modified organisms.

Conformity with Community law

In general terms Denmark goes seriously about the business of transposing Community environment Directives.

The rare cases of non-conformity concern failure to adapt pre-existing law to the new requirements. The infringement proceedings for failure to notify programmes to reduce water pollution by certain dangerous substances as required by Directive 76/464/EEC (dangerous substances) is an example.

Effective application

Individual violations of Community environment law are so few and far between that their media impact is much greater than it would be in other Member States.

The most striking example in 1991 was the planned construction of a bridge to link Denmark to Sweden across the Øresund (the sound). There was a vast public debate on the compatibility of this project with Directives 79/409/EEC (wild birds) and 85/337/EEC (impact assessment), and the Commission received a series of complaints. It has yet to decide on the action to be taken.

Germany

Late transposal

Germany has transposed Directive 90/517/EEC (11th amendment to Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances and Directives 90/219/EEC and 90/220/EEC (genetically modified organisms). But the Commission has yet to receive notification of the measures to transpose Directives 88/180/EEC and 88/181/EEC (permissible sound power level of lawnmowers).

In September Germany notified measures to transpose Directive 88/610/EEC on the prevention of major accident hazards in certain industrial activities, the deadline for which was 1 June 1990.

It was a little late — between two and seven months — in notifying the areas of the new Länder to be designated before the end of 1992 under Directive 90/656/EEC for the purposes of Directive 79/409/EEC on the conservation of wild birds.

Conformity with Community law

Most cases of non-conformity arise where new Community law is to be grafted on to existing national law. The Commission considers, for instance, that Directive 86/609/EEC on laboratory animals has not been fully transposed in Germany.

The Commission also considers that the German hunting legislation remains incompatible with many of the requirements of Directive 79/409/EEC (protection of birds), even though judgment to this effect was given by the Court of Justice in 1990, and it has not been informed of any measures to comply with the Court's judgments in Cases 412/85 and 288/88 (given on 17 September 1987 and 3 July 1990 respectively) declaring several German provisions incompatible with Directive 79/409/EEC.

Germany has now announced measures to comply with the judgments given on 30 May 1991 in Cases C-361/88 and C-59/89 regarding Directives 80/779/EEC on air pollution by SO₂ and particulates and 82/884/EEC on lead pollution.

German legislation was developing in parallel with the preparation of Directives 90/219/EEC and 90/220/EEC on genetically modified organisms, but the Commission found that some of the German provisions diverged from the Community rules.

In February 1990 Germany adopted federal legislation transposing Directive 85/337/EEC on environmental impact assessment. It came into force in August 1990, two years after

the prescribed date (3 July 1988). Commission vetting of the legislation revealed that it did not fully transpose the Directive. Länder rules were missing as were certain implementing rules; and several provisions were not in line with the Community requirements.

In the water area, the Court of Justice gave judgment against Germany for incorrect transposal of Directive 80/68/EEC (groundwater) in Case C-131/88 (on 28 February 1991) and of Directives 75/440/EEC and 79/869/EEC (surface water) in Case C-58/89 (on 17 October 1991). Germany has announced measures to comply with the groundwater judgment.

Effective application

Germany is still not supplying the Commission with all the reports required by Community Directives. The Commission has therefore begun taking action to obtain reports in the waste sector for past years under Directives 75/442/EEC, 76/403/EEC, 78/319/EEC and 84/631/EEC. The three-yearly implementation reports and the annual derogation reports under Directive 79/409/EEC have not been sent for some years. Nor has the Commission received the report due in mid-1991 on implementation of Directive 85/339/EEC on containers of liquids for human consumption.

The German legislation implementing the environmental impact assessment Directive (85/337/EEC) came into force — in incomplete form — in autumn 1990. The Commission now has a number of complaints before it, from which it emerges that assessments were not carried out for a series of projects covered by the Directive. Many of the complaints concern projects in the new Länder, where the Community did not allow a transitional period.

In two specific cases the Commission has commenced official proceedings against the German authorities, after raising two comparable cases in 1990. Differences of opinion subsist in all these cases.

The Commission has been in contact with the German authorities on a number of cases where waste has been transported to other Member States in violation of Community rules. One of these cases began with a complaint from the Environment Ministry of another Member State.

The current situation derives from the fact that German legislation does not define waste in the same way as Community law; in the Commission's opinion several provisions are out of line with Directives adopted unanimously by the Council from 1975 onwards. The Commission has commenced infringement proceedings for incompatibility of German law on waste with Community law.

In water matters the Commission has received a large number of complaints about the quality of drinking water, especially in the southern parts of the country. Maximum permissible concentrations, in particular of nitrates and pesticides, are regularly exceeded, contrary to Directive 80/778/EEC. The

Commission regrets Germany's frequent failure to respond to its requests for notification of drinking water analyses in those areas in good time, if at all.

In the eastern Länder, Germany will not be able to meet the quality objectives of the drinking water Directive by 31 December 1991, as required by Article 7 of Directive 90/656/EEC. The drinking water Directive will not in fact be fully applied throughout the eastern parts of the country before the end of 1995.

The designation of fish and shellfish waters (Directives 78/659/EEC and 79/923/EEC) has still not been made in the form of mandatory legal instruments enjoying adequate publicity. Programmes required by Article 5 of each of the two Directives have apparently not been prepared. The Commission observes the same shortcomings in relation to Directive 76/464/EEC: the programmes for the reduction of pollution by dangerous substances required by Article 7 are still missing.

Greece

Transposal

The Greek authorities are now transposing Directives quicker than in the past, but they are still not managing to make all the requisite notifications within the prescribed time limits. They have notified measures implementing only two of the Directives to be implemented in 1991 — Directives 88/180/EEC and 88/181/EEC amending Directive 84/538/EEC on the sound power level of lawnmowers.

Conformity with Community law

The number of proceedings in hand against Greece for incorrect transposal is quite low in proportion to the total number of Directives.

Greece commonly transposes the text of the Directive — both Articles and Annexes — into Greek law in the form, generally, of a Presidential Decree or a Ministerial Order. An exception was Directive 85/337/EEC (impact assessment), which was not entirely transposed in proper form.

Effective application

Most of the problems that arise concern the practical application of Directives and flow from the inadequacy of local and regional infrastructures (sampling facilities, laboratories, qualified staff).

The practical application of the water Directives leaves much to be desired. Industrial waste water containing dangerous substances listed in Directive 76/464/EEC is all too often discharged into the sea.

The parameters of Directive 76/160/EEC (bathing waters) are not all tested or inspected, and the frequency of measurements at bathing places is commonly insufficient.

The Greek authorities have not notified the Commission of mandatory measures designating fish and shellfish waters (Directives 78/659/EEC and 79/923/EEC), though the implementation report for 1990 referred to 47 designations of shellfish waters, 16 of carp waters and 9 of salmon waters. Nor are the requirements of Directives 75/440/EEC (surface water) and 80/68/EEC (groundwater) met in many cases.

Most problems of air pollution are concentrated in the Athens area, where the limit values of Directive 80/779/EEC are regularly exceeded. The measures announced by the Greek authorities have so far done little to improve the situation.

Waste elimination plans are still missing, and Greece has a serious shortage of waste-disposal facilities. There are frequent complaints about unauthorized or unchecked dumps.

The number of nature conservation areas designated under Directive 79/409/EEC as regards wild birds (26, so far) still appears inadequate, and the conservation measures to be taken in most of these areas are still awaited.

Implementation of Directive 85/337/EEC (impact assessment) is still in its infancy, as the Directive was not transposed until 1990. But there have already been several complaints that the Directive is not being properly applied.

Spain

Late transposal

The effort of Spanish authorities to implement EEC environmental Directives has been quite remarkable in recent years, given the existence of multiple autonomous administrations with legislative competences in this field. There are, however, significant deficiencies in the transposition of some Directives regarding the application of the principles of good laboratory practice for tests on chemical substances (Directive 87/18/EEC); the classification, packaging and labelling of dangerous substances (Directive 90/517/EEC); the control of air pollution from new municipal waste incinerator plants (Directives 89/369/EEC and 89/429/EEC); the quality limit values and guide values for sulphur dioxide and suspended particulates (Directive 89/427/EEC); the permissible sound power level of lawnmowers (Directive 88/180/EEC); and the contained use and deliberate release into the environment of

genetically modified micro-organisms (Directives 90/219/EEC and 90/220/EEC).

The dispersion of legislative and administrative competences and the consequent lack of a more centralized coordination of environmental matters appear to be the main reason behind the current delays in the implementation of EEC Directives, as has been repeatedly recognized by the Spanish authorities.

Partial conformity

Most of the deficiencies of the Spanish legislation indicated in last year's report have not yet been corrected. As was stated in that report, the Spanish implementing legislation in the nature, water and waste sectors does not fully comply with all the requirements of EEC legislation.

In the water sector, while some existing differences between Directive 76/464/EEC on dangerous substances and the Spanish legislation appear to have been resolved, the partial conformity of the Spanish legislation on groundwater (Directive 80/68/EEC) still subsists.

As for the waste Directives, and particularly toxic waste (Directive 78/319/EEC), the Spanish legislation has not set up the necessary regulatory and administrative framework for the effective control of hazardous wastes.

Furthermore, some of the delays included in the Spanish rules have no correlation with the provisions of the Directives.

This very same issue has arisen quite often in relation to other environmental Directives; the Directive on the supervision and control of the shipment of hazardous waste within the European Community (Directive 84/631/EEC) is the most recent case in point.

Environmental impact assessment remains as another important field in which the differences between EEC legislation (Directive 85/337/EEC) and the Spanish provisions still subsists. The lack of any reference in the Spanish texts to most of the projects of Annex II to the Directive was already emphasized in last year's report. Despite the initiation of infringement proceedings against Spain, the deficiency has not been corrected.

Effective application

In the previous two sections — lack of notifications and incomplete transposition — Spanish performance has somewhat improved in recent years. In contrast, the inadequate application of environmental Directives appears as one of the most important deficiencies still to be corrected. The increasing number of environmental complaints from Spain in the last year is an objective indicator of the depth of the problem.

The complaints make reference to all areas and are generalized in all the regions of the country. They mostly involve nature,

impact assessment, water, waste and air issues. Quite many new complaints relate to development projects which have been authorized without the required environmental impact assessment as required by Directive 85/337/EEC.

Another serious deficiency in the Spanish implementation of EEC environmental Directives is the delay in the presentation of implementation reports, particularly those required by the Directives on waste, water (no reports on shellfish waters; incomplete report on fish waters; but satisfactory report on bathing waters) and air. This deficiency seemingly corresponds to the lack of existing information and insufficient administrative resources for the preparation of those plans.

France

Late transposal

Several Directives were transposed in 1991, among them Directives 89/369/EEC and 89/429/EEC on municipal waste incinerators.

The Commission has so far received no notification of measures transposing Directive 88/490/EEC, amending for the tenth time Directive 67/458/EEC (classification, packaging and labelling of dangerous substances), which was to be transposed by 1 January 1990; Directive 90/517/EEC (11th amendment), or Directives 90/219/EEC and 90/220/EEC on genetically modified organisms, which were to be transposed by 23 October 1991.

Conformity with Community law

France has continued its endeavours to replace administrative circulars implementing the water Directives by decrees and orders that provide the clarity and certainty in the law needed for proper transposition. But the practice of using circulars has not completely died out. In October the Court of Justice gave judgment against France for using circulars to transpose Directives 80/779/EEC (air quality), 82/884/EEC (air pollution by lead) and 85/203/EEC (nitrogen dioxide). To the Commission's knowledge the decrees which the French authorities were to issue by the middle of 1991 have still not come out.

There are still a few cases of incorrect transposal of Directives on water and nature conservation. Directives 85/337/EEC (impact assessment) and 80/68/EEC (groundwater) have not yet been incorporated in French law.

Effective application

The limit values established for pollution of drinking water by Directive 80/778/EEC are still regularly exceeded, notably where nitrates and pesticides are concerned.

The Commission is waiting for the French authorities to step up their efforts to see that seaside and inland bathing waters comply with the mandatory standards set by Directive 76/160/EEC. The general level of fish water designations is also geographically imbalanced, with no designations in 15 of the 22 European regions of France (78/659/EEC).

The Commission is continuing to receive complaints about water pollution by dangerous substances, which suggests the possible absence of genuine programmes to reduce pollution, required by Article 7 of Directive 76/464/EEC.

France seems to be having difficulties in meeting its obligations to draw up programmes and reports on the implementation of Directives, notably Directives 86/278/EEC (sewage sludge) and 85/339/EEC (containers of liquids for human consumption).

In the nature conservation area the Commission is still receiving very many complaints regarding the application of Directive 79/409/EEC, alleging damage to habitats and disruption to bird-life there or the maintenance of hunting practices contrary to the Directive. In 1991 the disappearance of large areas of natural landscape with exceptional ecological riches continued; the Marais Poitevin (marshlands to the north of La Rochelle) is a case in point. But several areas were designated for special protection in the course of the year, and this would indicate that the French authorities are going seriously about the business of implementing Article 4 of the Directive. The Commission keenly hopes that the process will continue and will be supported by the announcement of special conservation measures in the designated areas.

The number of complaints for infringement of Directive 85/337/EEC is rising constantly. Many of them also concern infringements of Directive 79/409/EEC and arise from major transport infrastructure projects that can have the effect of damaging or destroying the habitats of wild bird species.

Ireland

Late transposal

The problem of late transposal of environmental Directives persisted in 1991, with no measures communicated for any of the Directives which came into operation during the year (Directives 88/180/EEC and 88/181/EEC on lawnmowers, 90/517/EEC on chemical substances, 90/219/EEC and 90/220/EEC on genetically modified organisms). Furthermore, several Directives which were due to be transposed in previous years still await legislation, for example Directives 87/101/EEC (waste oils) and 86/278/EEC (sewage sludge).

Partial conformity

Lack of conformity of Irish legislation with several important environmental Directives remained a problem in 1991. Significant flaws exist in relation to the following, among

others: Directives 85/337/EEC (impact assessment), 75/442/EEC (waste), 78/319/EEC (toxic and hazardous waste), 80/68/EEC (groundwater), 76/464/EEC (dangerous substances), 79/923/EEC (shellfish waters), and 79/409/EEC (wild birds). Proceedings under Article 169 are running in respect of all of these.

Practical implementation

In the water sector, an increasing number of complaints call into question practical implementation of the groundwater Directive (80/68/EEC). The lack of a proper statutory framework is a major factor in hampering such implementation. Investigation of several complaints suggests that the bathing water Directive (76/160/EEC) is not applied to enough waters.

There is evidence that the number of designations under the shellfish water Directive (79/923/EEC) is inadequate, and more work appears to be necessary on classification and action planning under the surface water Directive (75/440/EEC). A significant number of water supplies do not comply with the drinking water Directive (80/778/EEC), although extensive remedial and other works seem to be under way. Increasingly, implementation of the dangerous substances Directive (76/464/EEC) is coming into question (lack of programmes, deficiencies in the authorization system).

The success of Irish measures adopted in 1990 to deal with pollution of the air appears to indicate a satisfactory response to the many complaints made to the Commission since 1987 on air quality in Dublin (Directive 80/779/EEC). It is regrettable that no programme yet seems to have been adopted under the large combustion plants Directive (88/609/EEC).

Irish implementation of Community rules on waste gives serious cause for dissatisfaction, largely as a result of the inadequacy of the statutory framework. In particular, the requirements as to making waste plans and issuing permits under the waste Directive (75/442/EEC) and toxic waste Directive (78/319/EEC) are not fully respected. In addition, the first programme sent under the liquid containers Directive (85/339/EEC) proved to be deficient. The Commission is running a number of proceedings under Article 169.

On nature conservation, Ireland continues to fall short of the requirements of the wild birds Directive (79/409/EEC) in regard to the number of habitats it has designated, and a worrying number of complaints suggest threats to particular habitats.

Italy

Late transposal

Italy transposes Community Directives in environmental as in other matters by the annual Community law. Legislative decrees may now be issued each year by a simplified procedure to facilitate the transposal of Directives.

In the course of 1992 the following Directives, among others, are to be transposed: Directives 75/464/EEC, 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 88/347/EEC and 90/415/EEC on dangerous substances in water; 87/217/EEC on asbestos; 87/219/EEC on the sulphur content of liquid fuels; 87/416/EEC on the lead content of petrol; 78/659/EEC on protection of fish waters; 79/923/EEC on shellfish waters; 80/68/EEC on groundwater; 87/101/EEC on disposal of waste oils; and 85/211/EEC on the conservation of threatened species.

It must, however, be emphasized that a legislative programme has been announced, nothing more.

Transposal is effected by a series of national (central government) measures that confer powers on various national and regional authorities, especially the latter. There is a manifest need for better information on these matters to give a clearer picture of the legal situation at all levels.

Partial conformity

The failure to transpose Directive 76/464/EEC properly, already mentioned, illustrates the problem. Other noteworthy cases include the bathing waters Directive (76/160/EEC) and the impact assessment Directive (85/337/EEC), Annex II to which remains almost wholly untransposed. Infringement proceedings are accordingly in hand.

Infringement proceedings are also under way in the important matter of failure to comply with provisions requiring plans and programmes to be presented (waste and water).

Effective application

Complaints relating to Italy cover all the areas to which environmental Directives extend. The most delicate area remains the impact assessment Directive (85/337/EEC). It is followed by conservation of wild birds (79/409/EEC) and the waste Directives (75/442/EEC and 78/319/EEC).

One interesting point is that several of these complaints were filed by Members of the European Parliament, and that action is often also taken in the Italian Courts.

Luxembourg

Late transposal

Luxembourg is having real difficulty in transposing certain Directives within the prescribed periods.

The fact that the sole judgment which the Court of Justice gave against it on environmental matters in 1991 (judgment of 24 July 1991, Case C-252/89) related to its failure to transpose Directive 85/339/EEC (containers of liquids for human consumption) is significant.

Luxembourg has also failed to notify within the prescribed period legislation implementing Directives 90/219/EEC (contained use of genetically modified micro-organisms) and 90/220/EEC (deliberate release into the environment of genetically modified organisms).

Such delays do not occur in every case, however, since Directives 88/180/EEC and 88/181/EEC amending Directive 84/538/EEC (permissible sound power level of lawnmowers) were implemented by a Grand-Ducal Regulation of 5 March 1990, whereas the deadline for transposal was only 1 July 1991.

Lastly, Directive 90/517/EEC adapting to technical progress, for the 11th time, Directive 67/548/EEC (classification, packaging and labelling of dangerous substances) was transposed by a Grand-Ducal Regulation of 23 July 1991.

Partial conformity

Luxembourg transposes the Community Directives faithfully and, where possible, literally. The few discrepancies arise from errors of interpretation.

On the other hand, transposal may present problems when an existing legal text has to be amended in line with a Directive. One example of this has been the difficulty of transposing into Luxembourg law Directive 85/337/EEC (assessment of environmental impact).

Lastly, the provisions relating to sampling in Directive 76/160/EEC (bathing water) have not been satisfactorily transposed in every case.

Effective application

Luxembourg has failed to provide the reports required by various Directives, particularly those relating to waste. The Commission was therefore obliged to initiate infringement proceedings in 1991.

In the field of nature conservation, Luxembourg should increase the number of special protection zones provided for in Article 4 of Directive 79/409/EEC (wild birds). Seven areas suitable for the conservation of birds are now being considered for designation.

As regards water standards, Luxembourg does not correctly apply Directive 80/778/EEC (quality of drinking water) since several districts continue to receive drinking water in which the nitrate concentration exceeds 50 mg/l, the maximum permissible concentration set by the Directive.

The Commission has still not received from the Luxembourg authorities any precise information on the implementation of Directives 75/440/EEC (quality of surface water intended for the abstraction of drinking water) and 79/869/EEC (measurement and sampling of such surface water), and in particular the provisions relating to the systematic plan of action, the frequencies of sampling and analysis and the scope for derogations.

Lastly, the Luxembourg authorities have not sent the Commission the programmes which they were to draw up for the reduction of water pollution from certain dangerous substances (listed in Annex II to Directive 76/464/EEC) discharged into the aquatic environment.

Generally speaking, the problems which Luxembourg encounters in implementing the Community's Directives on the environment would seem to be mainly attributable to its limited administrative infrastructure (it is the smallest Member State).

Netherlands

Late transposal

The Netherlands authorities notified the Commission of measures implementing four of the Directives which the Netherlands was to transpose in 1991 — Directives 90/219/EEC and 90/220/EEC (contained use and deliberate release of genetically modified organisms, respectively) and Directives 88/180/EEC and 88/181/EEC amending Directive 84/538/EEC (permissible sound power level of lawnmowers).

On the other hand, the Netherlands is late in transposing Directive 90/517/EEC, amending for the 11th time Directive 67/548/EEC (classification, packaging and labelling of dangerous substances).

Lastly, Directive 80/68/EEC (groundwater), already mentioned by the Commission in its 1990 report, has still not been transposed into Dutch law despite a judgment by the Court of Justice in 1988. The Lozingen Besluit Bodembescherming (Order on protection against waste) entered into force in July 1990, but the Commission has received no information regarding changes to the law governing groundwater nor any of the other instruments needed.

Partial conformity

As regards water protection, the Commission informed the Netherlands authorities that Directives 80/778/EEC (drinking water), 76/160/EEC (bathing water), 79/869/EEC and 85/440/EEC (surface water) had not been transposed in a satisfactory manner.

As regards air pollution, the Netherlands has so far issued only a circular to transpose Directives 89/369/EEC and 89/429/EEC (municipal waste-incineration plants).

The Netherlands has also failed to ensure the correct or complete transposal of Directives 82/501/EEC (major-accident hazards of certain industrial activities), 85/337/EEC (impact assessment) and 79/409/EEC (wild birds), despite the Court's ruling in 1987.

Effective application

Effective application is difficult to assess with any accuracy since few complaints are received by the Commission and the reports on the implementation of the Directives are of a very general nature.

For instance, the Netherlands has not fully met its obligation to provide the reports required by Directives 75/442/EEC (waste), 78/319/EEC (toxic and dangerous waste), 76/403/EEC (PCBs and PCTs) or 84/631/EEC (transfrontier shipment of hazardous waste).

The Commission has received complaints concerning, in particular, the lack of adequate protection for green areas and

non-compliance with Directive 85/337/EEC (impact assessment) in connection with roadbuilding and other infrastructure projects.

As regards water pollution, mention should be made of the failure to produce the improvement plans required by Directive 76/464/EEC (dangerous substances in the aquatic environment). Moreover, the maximum permissible concentrations set by the Directives on drinking water are still being exceeded, particularly in the case of pesticides.

Lastly, infringement proceedings have been initiated for the Netherlands' failure to designate a sufficient number of special protection areas under Directive 79/409/EEC (wild birds).

Portugal

Late transposal

When Portugal joined the Community, it faced the considerable task of incorporating the environment Directives into national law. The Commission acknowledges that Portugal has done much to achieve this objective. For example, it has already notified a framework law to implement Directive 76/160/EEC (bathing water), the only Directive for which the transitional period has not yet come to an end.

On the other hand, of the environment Directives which were to be transposed in 1991 at the latest, only three appear to have passed into Portuguese law.

Portugal has notified measures transposing Directives 88/180/EEC and 88/181/EEC amending Directive 84/538/EEC (permissible sound power level of lawnmowers) and Directive 89/427/EEC amending Directive 80/779/EEC (air quality values for sulphur dioxide and suspended particulates).

On the other hand, Portugal is late in communicating measures to transpose Directives 90/219/EEC and 90/220/EEC (contained use and deliberate release of genetically modified organisms, respectively) and Directive 90/517/EEC amending for the 11th time Directive 67/548/EEC (classification, packaging and labelling of dangerous substances).

Partial conformity

The preferred instruments for the transposal of environmental Directives are the law and the decree-law, which often have to be supplemented by a 'portaria' (implementing order). In the absence of the latter, problems sometimes arise.

As regards air pollution, Portugal notified a framework law designed to transpose most of the Directives concerned in their entirety. The limit values and guide values have still to be laid down by portaria, however. Since the framework law has repealed the existing legislation, the Commission notes that there is now a legal vacuum.

As regards water pollution, Portugal has notified the Commission of another framework law which transposes all the

environmental Directives. Although limit values and guide values have been laid down, Portugal has not designated the areas in which these values will apply. On the other hand it is already transmitting information on bathing waters although it is not yet legally bound to do so.

In other spheres such as noise pollution, Portugal has merely made reference to a Directive without transposing its provisions. The Commission regards this technique as unacceptable since persons subject to the law are not clearly informed of their rights and obligations.

Lastly, Directive 85/337/EEC has still not been properly transposed into Portuguese law. Certain road infrastructure projects *inter alia* are excluded from the scope of the Portuguese legislation, at the very time when the Portuguese authorities are planning to renew much of the country's road network.

Effective application

The lack of effective application is the main problem facing the implementation of the Community Directives in Portugal. The situation is largely attributable to the absence of satisfactory infrastructures but is slowly improving thanks to aid from the Structural Funds and other EEC financial instruments.

Problems are encountered in all sectors.

As regards air pollution, the Commission is receiving an increasing number of complaints concerning industrial pollution in residential areas, often as a result of bad planning. The new law on town and country planning should make it possible to avoid this type of problem in future, however.

As regards water pollution, unsatisfactory implementation of Directive 76/464/EEC (dangerous substances in the aquatic environment) is giving rise to serious problems, particularly where rivers have been polluted by the textile industry. The inadequacy of clean-up programmes outside priority areas such as the Ave and those covered by the Envireg programme (district waste water systems in coastal areas) is significant in this context.

Neither the methods of waste disposal nor the management of municipal dumps yet seem to comply with Directive 75/442/EEC.

The first programme concerning containers of liquids for human consumption does not satisfy the requirements of Directive 85/339/EEC. The Portuguese authorities have notified a new programme for the beginning of next year.

Although in some sectors such as tourism Portugal seems to be increasingly aware of the importance of nature conservancy, the incorrect transposal of Directive 85/337/EEC (environmental impact assessment) is seriously hampering progress.

Lastly, Portugal is encountering difficulties in producing the implementation reports required by Directives 75/442/EEC (waste), 76/402/EEC (PCBs and PCTs), 84/631/EEC (trans-frontier shipment of hazardous waste), 79/409/EEC (wild birds) and 78/659/EEC (fresh water for fish-farming).

United Kingdom

Late transposal

No transposing legislation has been notified in respect of the following Directives: 90/219/EEC and 90/220/EEC (contained use of genetically and deliberate release of genetically modified organisms, respectively); 88/180/EEC and 88/181/EEC amending Directive 84/538/EEC (permissible sound power level of lawnmowers); and 90/517/EEC adapting to technical progress for the 11th time Directive 67/548/EEC (classification, packaging and labelling of dangerous substances).

Partial conformity

There remain relatively significant failures in the obligation fully to transpose Directives. For example, the following Directives have not been adequately transposed; Directives 85/337/EEC (impact assessment), 85/203/EEC (nitrogen dioxide), 84/360/EEC (adaptation of existing plants to the best available technologies), 79/409/EEC (wild birds), 76/464/EEC (dangerous substances in the aquatic environment), and 80/778/EEC (drinking water). Infringement proceedings have been commenced in respect of each of these.

Practical implementation

In the water sector, serious problems exist with regard to the implementation of Directives 76/160/EEC (bathing water) and 80/778/EEC (drinking water). The implementation of Directive 76/464/EEC (certain dangerous substances discharged into the aquatic environment) is also the subject of infringement proceedings.

With regard to the bathing water Directive, Case C-56/90 concerning the quality of the bathing waters at Blackpool, Formby and Southport is before the Court of Justice. In addition, infringement proceedings for failure to comply with the requirements of the Directive have been commenced. About 100 United Kingdom bathing waters have still to be designated.

Case C-337/89 concerning the lack of binding provisions transposing Directive 80/778/EEC (drinking water) in Northern Ireland, and the levels of lead and nitrates in United Kingdom drinking water is before the Court of Justice. The Commission has also commenced proceedings concerning, more generally, the quality of United Kingdom drinking water and the provisions transposing the Directive in the United Kingdom. In particular, the Commission is concerned that the United Kingdom Government has authorized the granting to water companies of derogations from the provisions of the Directive.

With regard to Directive 76/464/EEC (dangerous substances), the Commission has commenced infringement proceedings in respect of failure to establish all necessary programmes to reduce the pollution of inland surface water, territorial waters, internal coastal waters and ground water in accordance with Article 7.

A significant proportion of the complaints received this year concerned impact assessment. The Commission commenced proceedings concerning the transposition of Directive 85/337/EEC on environmental impact assessment and its implementation in specific cases. This set of proceedings, combined with those previously initiated, should resolve some important issues, for example, the question whether the Directive applies to all projects in respect of which development consent was granted after 3 July 1988, as the Commission argues, or whether it applies only to projects in respect of which application for development consent was made after the coming into force of national transposing legislation, as the United Kingdom argues.

In the air sector, infringement proceedings have been commenced in respect of the failure by the United Kingdom to establish sufficient measuring stations to ensure compliance with Directive 85/203/EEC on air quality standards for nitrogen dioxide, and in respect of inadequate transposition of the Directive.

In the nature sector, the general problem of insufficient designation of special protection areas remains. In this context, the Commission has decided to bring before the Court of Justice a case concerning the non-designation of special protection areas for certain species of bird listed in Annex I to Directive 79/409/EEC on the conservation of wild birds, and provisions in the Wildlife and Countryside Act 1981 which provide, contrary to the Directive, for a licensing system whereby certain birds can be killed or taken at all times.

In the waste sector, a concern frequently raised in complaints and otherwise has been the pollution of water, in particular groundwater, by various wastes. The Commission is assessing the situation.

III. THE SITUATION SECTOR BY SECTOR

Air

Measures adopted by Council and Commission in 1991

Council Regulation (EEC) No 594/91 on substances that deplete the ozone layer was adopted on 4 March (*). It applies to the import, export, production and consumption of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, and to the reporting of data on these substances and on transitional substances.

Further to the Community's decision of October 1990 to stabilize carbon dioxide emissions at their 1990 level by the year 2000, in September the Commission adopted a communication to the Council on a Community strategy to limit carbon dioxide emissions and to improve energy efficiency. Depending on the Council's reaction to this communication, the Commission may go on to present legislative proposals with a view to ensuring that the Community sets an example to the world as regards

effective environment protection and sustainable management of natural resources.

Late transposal

Of the six environmental Directives which came into force in 1991, only one was concerned with the quality of air. This was Directive 89/427/EEC amending Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates. Directive 80/779/EEC provides that the Member States have a certain discretion as to which method of sampling and analysis they use. Directive 89/427/EEC amends Annex IV of Directive 80/779/EEC, which sets out the limit values applicable when the gravimetric method of sampling and analysis has been chosen. Therefore, Member States such as Belgium, Luxembourg, the Netherlands, the United Kingdom, Ireland and, possibly, Greece which do not use the gravimetric method, did not have to introduce any measures to transpose Directive 89/427/EEC. Denmark informed the Commission that its present legislation already complies with the new Directive, but Portugal is the only other Member State concerned that notified implementation measures to the Commission.

Partial conformity

In Cases C-361/88 and C-59/89, the Court of Justice gave judgment against Germany in May 1991 for having inadequately transposed (by circulars and administrative measures only) Directives 80/779/EEC (sulphur dioxide and suspended particulates) and 82/884/EEC (lead). The German Government has now announced that it will introduce legislative transposing measures.

In Cases C-64/90, C-13/90 and C-14/90, the Court gave judgment against France in October 1991 for having inadequately transposed (by circular only) Directives 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates, 82/884/EEC on a limit value for lead in the air, and 85/203/EEC on air quality standards for nitrogen dioxide.

Some Member States have still only partially transposed Directives 89/369/EEC on the prevention of air pollution from new municipal waste incineration plants and 89/429/EEC on the reduction of air pollution from existing municipal waste-incineration plants.

Effective application

The implementation of Directive 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates continues to pose difficulties. The measures taken in Athens, for example, have not led to a perceptible improvement in the situation. But progress has been made in Ireland where, in 1990, the authorities adopted certain measures in response to the many complaints made to the Commission since 1987 about the quality of air in Dublin. These appear to be dealing satisfactorily with the matters raised in the complaints.

Only a minority of the Member States have notified the Commission of the programmes required by Article 3 of

(*) OJ No L 67, 14. 3. 1991, p. 1.

Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants.

Not one single report has been received under Article 16 of that Directive.

Directives 82/884/EEC on a limit value for lead in the air, 85/203/EEC on air quality standards for nitrogen dioxide, and 80/779/EEC on air quality limit values for sulphur dioxide and suspended particulates all provide that the Member States shall inform the Commission annually of instances where the relevant limit values are exceeded. For each annual period, some Member States notify such cases and others notify a 'clean bill of health'. A significant number of Member States, however, fail to notify anything.

This is not contrary to the provisions of the Directives, but it does make it difficult for the Commission to know whether in such cases there have been no instances where the limit values were exceeded, or whether there have been such instances which have not been reported. The Commission will therefore be writing to Member States, where appropriate, in order to clarify the situation.

Chemical and biochemical substances

Late transposal

There are still problems concerning the transposal by several Member States of the Directives amending Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances, especially the 10th and 11th amending Directives 88/490/EEC and 90/517/EEC, respectively. A series of infringement proceedings have been initiated under Article 169 of the EEC Treaty.

There have also been delays in the transposal of Directive 88/610/EEC, amending Directive 82/501/EEC, on the major accident hazards of certain industrial activities. Article 169 infringement proceedings have also been commenced in this respect.

The great majority of Member States have failed to notify the Commission of measures to implement Directives 90/219/EEC and 90/220/EEC on the contained use and deliberate release of genetically modified organisms, although the deadline for transposal was October 1991.

The same applies to Directive 87/18/EEC on good laboratory practice. Infringement proceedings have been initiated.

Partial conformity

The main problem of incomplete or incorrect transposal in this field concern Directive 82/501/EEC on the major accident hazards of certain industrial activities and its amending Directives, in particular the divergences between Community provisions and certain national laws which predate them.

Effective application

The administration of Community measures on chemicals is discussed in detail at meetings between the Commission and national experts. Many of the problems concerning the application of Directives are tackled and resolved at these meetings.

Complaints received by the Commission are mainly concerned with the failure of manufacturers and public authorities to fulfil their obligations under Articles 5, 7 and 8 of Directive 82/501/EEC regarding information and emergency plans and the obligation to notify the Commission of accidents.

Water

Community legislation on water was further extended in 1991 with the adoption of Directive 91/271/EEC on urban waste water treatment. The Directive sets out a well-defined programme, with a precise timetable, aimed at the gradual introduction of appropriate systems for treating urban waste water according to the size of conurbations. Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources was adopted in 1991. Waters are to be monitored and sensitive areas are to be designated by the end of 1993. Action programmes to reduce pollution are to be prepared and implemented. It is specifically provided that the amount of livestock manure applied to the land in sensitive areas may not exceed 170 kg N per hectare and per year.

Late transposal

There has been a decline in the use by Member States of administrative circulars to transpose Directives. The Commission has noted with satisfaction a trend towards the incorporation of Directives into legal instruments which mean that Community law is implanted with greater transparency and certainty and fuller mandatory force.

Partial conformity

Although there has been a welcome reduction in the use of circulars to transpose Directives, the Commission notes the continued existence of interpreting circulars which run counter to Community law, especially as regards drinking water, where they allow the maximum permissible concentrations to be exceeded in cases other than those provided for in Directive 80/778/EEC.

As regards incoherent transposal, there are particular problems with Directive 80/68/EEC (groundwater), which has not been properly implemented in several Member States.

In its judgment of 28 February 1991 in Case C-131/88, Commission v. Germany, the Court of Justice gave a ruling on

the interpretation of several Articles of the above Directive and how they should be incorporated into national law.

According to Ground 19 of the judgment, a national law can faithfully incorporate Article 4 (1) of Directive 80/68/EEC only if it prohibits all direct discharges into groundwater of the substances on List I of the Annex to the Directive.

On the basis of this judgment, the Commission is now reviewing the measures adopted by other Member States to transpose the Directive. It may have to initiate proceedings against some of them for failing to fulfil their obligations.

On the same day and on similar grounds, the Court gave judgment against Italy in Case C-360/87, holding that Italian Law No 319 of 10 May 1976 is incompatible with the Directive on groundwater. Under this law anyone applying for authorization to discharge substances into groundwater is given a provisional authorization if their application has not been rejected within six months.

There are problems in the transposal of other Directive but, generally speaking, only a small number of Member States are involved.

Among the Directives concerned are those on surface water (75/440/EEC and 79/869/EEC). The Court of Justice has given judgment against Belgium (Judgment of 11 May, Case C-290/89) and Germany (Judgment of 17 October, Case C-58/89) for failing to implement these Directives properly.

Effective application

The effective application of Community law on water does not measure up to the aspirations of the common policy on conservation and quality in this field.

Most of the Member States have failed to carry out the planning work required by various Directives.

The case of Directive 76/464/EEC on dangerous substances is symptomatic of this problem: the Commission has been forced to commence infringement proceedings against all the Member States for failing to notify it of programmes to reduce pollution caused by 99 dangerous substances which are mentioned in List I of the Annex to the Directive but have not yet been the subject of specific Community legislation.

Another example is Directive 75/440/EEC — only one Member State, France, has notified the Commission of its systematic plans of action and quality objectives in accordance with Article 4 (2) of the Directive: it did so for the first time in 1991.

The same applies to Directives 78/659/EEC (water for supporting fish life) and 79/923/EEC (shellfish waters), where there is also a general problem of an insufficient number of designated waters or inadequate publicity of designation, though progress was made by some Member States in 1991.

All the Member States have sent their reports on bathing waters (Directive 76/160/EEC), but the same cannot be said of fish waters (Directive 78/659/EEC) and shellfish waters (Directive 79/923/EEC). This particular problem should be solved in the medium term by Directive 91/692/EEC harmonizing and rationalizing reports on the implementation of certain environ-

mental Directives. The Commission's system of questionnaires, provided for by the Directives, should help to improve the quality and quantity of the information and standardize presentation.

As regards the Directive on drinking water (80/778/EEC), there is still a problem concerning instances where the maximum permissible concentrations are exceeded, especially for nitrates and pesticides.

Finally, the Member States must continue their efforts to bring the quality of all bathing water up to the standards laid down in Directive 76/160/EEC.

The adoption of the Directive on urban waste water treatment should help reduce the pollution of coastal waters and other areas of bathing water in the medium or long term.

Noise

Community Directives in this field have focused on the setting of emission levels for new products.

The main problem is the delay in transposing certain Directives.

Directives 88/180/EEC and 88/181/EEC, amending Directive 84/538/EEC, on the approximation of the laws of the Member States relating to the permissible sound power level of lawnmowers have not yet been transposed by Germany or the United Kingdom or by the Flemish Region in Belgium.

The Commission has terminated the infringement proceedings initiated against Belgium in 1990 for granting regional airports a longer time limit than that laid down in Directive 80/51/EEC on noise emissions from subsonic aircraft. The unlawful extra period of grace has already elapsed and such derogations are no longer allowed under Belgian legislation.

Waste

In 1991 the Commission should have received reports from the Member States on the application of the following waste Directives: Directives 78/176/EEC on waste from the titanium dioxide industry; 84/631/EEC on the supervision and control within the Community of the transfrontier shipment of hazardous waste; 85/339/EEC on containers of liquids for human consumption and 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture.

As in previous years, most Member States failed to fulfil this obligation.

On 11 June 1991 the Court annulled Directive 89/428/EEC on the grounds that its legal base was inappropriate.

The Commission has accordingly drawn up a new proposal for a Directive laying down procedures for the harmonization of programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

Late transposal

A total of seven Member States have still not transposed Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture.

Partial conformity

There are still problems with the conformity of national measures transposing the framework Directive 75/442/EEC and Directives 78/319/EEC on toxic and dangerous waste; 76/403/EEC on PCBs and PCTs; 84/631/EEC on the shipment of waste and 85/339/EEC on containers of liquids for human consumption. Monitoring the conformity of national law with Community provisions is rendered more difficult by the fact that all these Directives have already been amended (for example, the framework Directive was amended by Directive 91/156/EEC) or are in the process of being revised.

This makes the pursuit of infringement proceedings a rather delicate matter as there are doubts over how certain points should be handled.

The Commission has requested that the framework Directive 91/156/EEC be annulled on the grounds that its legal base is inappropriate: the Council decided to use Article 130s rather than Article 100a as the Commission had proposed.

Effective application

The main problems in 1991 were the failure by Member States to submit reports, the unsatisfactory nature of plans and programmes, the important question of cases where the cross-border transport of waste takes no account of the relevant Directive and the increase in uncontrolled disposal sites. It is by no means certain that waste is being disposed of in an appropriate manner respecting human and environmental constraints throughout the Community as the 1975 rules require.

Nature

In 1991, great progress was made in extending Community legislation on the protection of nature.

In March the Commission laid before the Council a proposal for a new Directive on the protection of natural and semi-natural habitats and of wild fauna and flora⁽¹⁾.

In the second half of 1991, there were intense negotiations on this new proposal, an improved version of a proposal put forward in 1988, with a view to securing its adoption under the Dutch presidency. If this proposal were adopted, it would considerably widen the Community's role in the Berne and Bonn Conventions and underline the Community's resolve to acknowledge and protect its common natural heritage.

Annexes I and III to Directive 79/409/EEC on the conservation of wild birds were amended by Directive 91/244/EEC. The Commission has also put forward a proposal (COM(91) 42 final) to amend Annex II, which would add five new species to Part 2, thereby allowing them to be hunted.

At the end of the year the Commission decided to propose wide-ranging new legislation on trade in wild animals with a view to updating and extending the present Community rules for the implementation of Cites (Convention on international trade in endangered species).

Late transposal

The process of incorporating Directive 85/337/EEC into national law continued in 1991, particularly in the southern Member States. Luxembourg has still not completed its transposal, though a draft regulation to this effect has been sent to the Commission.

Partial conformity

As the Commission pointed out in the eighth annual report, national hunting regulations present one of the main obstacles to the incorporation of Directive 79/409/EEC on the protection of wild birds. There has been no significant change in the situation, a fact which is illustrated by the various infringement proceedings under way, including some for failure to implement judgments by the Court of Justice.

Another problem is the continued existence of national provisions allowing derogations which are incompatible with the Directive, although the proposed amendment to Annex II mentioned above could be seen as an attempt by the Commission to make the use of derogations easier.

As well as shedding light on how the Directive's provisions on designated habitats should be implemented, the Court's judgment in Case C-57/89 (referred to below) also suggested that the legal protection of habitats is probably inadequate in several Member States.

As regards environmental impact, the Commission is continuing to scrutinize national regulations and has noted that most of the Member States have not incorporated Directive 85/337/EEC in an entirely satisfactory manner. Infringement proceedings have been commenced against the Member States concerned.

Effective application

On 28 February 1991 the Court of Justice gave an important judgment on the protection of habitats under Directive 79/409/EEC in Case C-57/89, Commission v. Germany.

(¹) OJ No C 75, 20. 3. 1991, p. 4.

The case concerned a particular special protection area, the Leybucht, but the Court took the opportunity to clarify for the first time the obligations of Member States with regard to such areas and ruled that a reduction in the size of a special protection area could be justified only on the grounds of a superior general interest.

The Court's final decision was clearly influenced by the inclusion of compensatory conservation measures in the construction project concerned.

The ruling came amid growing concern on the Commission's part over the inadequacy of the designation of special protection zones in the Community and the continuing destruction of habitats, sometimes caused by programmes receiving financial assistance from the Community.

In 1991 the Commission commenced several infringement proceedings and pressed on with those already under way.

The protection of habitats was high on the agenda at several package meetings with Member States, and there was closer coordination with Commission activities relating to the Structural Funds.

As regards environmental impact assessment, there was again an increase in complaints concerning infringements of Directive 85/337/EEC which is now one of the Community instruments most often alleged to be infringed.

The Commission is extremely concerned by the fact that most of the problems in the application of the Directive are related not to small projects but to construction projects of national or even European importance, in particular major transport infrastructure projects such as important motorway links or high-speed rail networks. Because of their size, such projects have a considerable impact on the environment. It is therefore essential that Member States respect the aims of the Directive and make a real effort to look for solutions which cause the least possible damage to the environment rather than look on impact assessment as a mere formality in the authorization procedure.

IV. CONCLUSIONS

The conclusions to be drawn from monitoring the application of Community environmental law in 1991 do not differ substantially from those set forth in the Eighth Report.

Whereas the body of Community law is growing larger and more elaborate, as evidenced by the adoption in 1991 of Directive 91/271/EEC (urban waste water) and Directive

91/157/EEC (batteries and accumulators) and by the continued discussions on the draft Directives concerning 'habitats' or 'nitrate pollution from agricultural sources', the Member States application of the existing law is still unsatisfactory on the whole.

Admittedly, several Member States are making a great effort, despite real difficulties, to make up the ground lost over a number of years. There is also a clear tendency away from legally questionable methods of transposal such as circulars.

Even so, a number of Member States continue to see the deadlines for transposal as optional or indicative. It is not unusual for implementing measures to provide for derogations which have no basis in the Directive transposed or for derogations strictly defined by the Community rules to be written into national law in the most flexible terms. Certain provisions of Directives adopted more than 10 years ago are still a dead letter. Measures to implement Court rulings are by no means taken in every case, even after a second judgment based on Article 171 of the EEC Treaty (cf tables in this report). It is the exception, rather than the rule, for the Commission to receive the reports provided for in many Directives, although this requirement has been met in the case of the Directive on bathing water.

In this context the Commission hopes that the new Directive on reports adopted towards the end of 1991 will bring about a significant quantitative and qualitative increase in the environmental information available at Community level in the medium term. Since most of the new-style reports will not be available until 1996/97 at the earliest, however, Member States will have to continue for the time being to supply the Commission with information under the arrangements currently in force, as stipulated in Article 7 (2) of the Directive on reports.

In the medium term, the Commission also expects a positive contribution from the measures which it is likely to adopt as a result of its research into the the question of liability for environmental damage and its discussions on the availability of legal remedies.

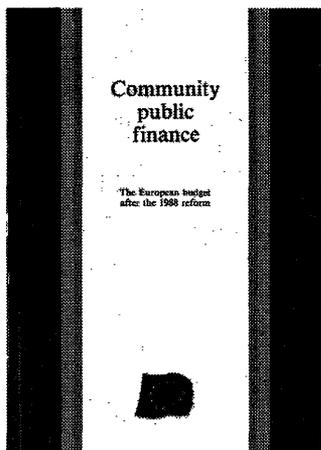
To improve efficiency in the application of Community law, possibilities for strengthening cooperation between the Commission and the Member States and for streamlining the Commission's monitoring activities will be explored.

Lastly, the Commission would stress that developments relating to environmental law, unlike other branches of Community law, are of considerable and ever-increasing interest to the public at large.



**OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES**

Luxembourg



Community public finance

The European budget after the 1988 reform

This publication will serve as an informative and up-to-date guide to help the Community public gain a better understanding of the budgetary and financial policy of the European Communities.

116 pp. — 21 × 29,7 cm

ISBN 92-825-9830-6 — Catalogue No CB-55-89-625-EN-C

Price (excluding VAT) in Luxembourg: ECU 10,50

ES, DA, DE, GR, EN, FR, IT, NL, PT

The single financial market
by Dominique Servais

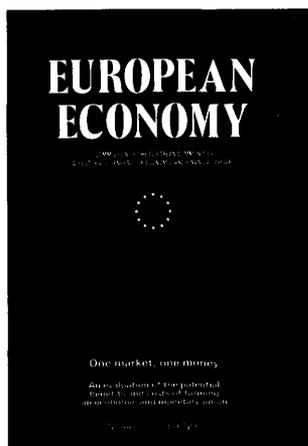
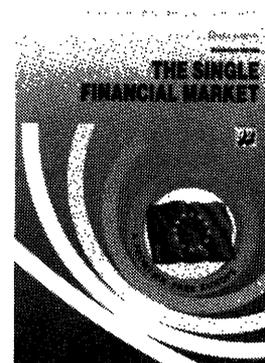
The large internal market is inconceivable without a financial dimension: capital and financial services must be able to circulate freely. Despite the progress made in this field to date there is still a long way to go. The prospect of the creation of a real 'European area' makes it more urgent, but also more problematical, to achieve the complete deregulation of movements of capital.

53 pp. — 17,6 × 25 cm

ISBN 92-825-8572-7 — Catalogue No CB-PP-88-C03-EN-C

Price (excluding VAT) in Luxembourg: ECU 6,00

ES, DA, DE, GR, EN, FR, IT, NL, PT



One market, one money
European Economy No 44

This study contributes to a project initiated by the Commission, whose objective was to evaluate the potential benefits and costs of forming an economic and monetary union.

351 pp. — 21 × 29,7 cm

ISSN 0379-0991 — Catalogue No CB-AR-90-044-EN-C

Price (excluding VAT) in Luxembourg: ECU 18,00

DE, EN, FR, IT

ORDER FORM TO BE SENT TO:

Office for Official Publications of the European Communities
2, rue Mercier, L-2985 Luxembourg

Please send me the publications I have indicated above

Name:

Address:

..... Tel.:

Date: Signature:

SALES AND SUBSCRIPTION OFFICES — PRICE

UNITED KINGDOM

HMSO
51, Nine Elms Lane
London SW8 5DR
Tel. 071 873 8409
Telex 297 138
Telefax 071 873 8463
National Giro account No: 582-1002

IRELAND

Sun Alliance House
Molesworth Street
Dublin 2
or by post from
Office of Public Works,
Government Supplies Agency,
Stationery Office,
(Contracts Branch),
Bishop Street,
Dublin 8.

OTHER COUNTRIES

Office for Official Publications of the
European Communities
L-2985 Luxembourg
Tel. 49 928-1

Price	Annual subscription						Single copy (**)		
	'L+C' (calendar year 1992) (*)	Notices of recruitment	'L+C' microfiches	OJ Supplement (Notices and public contracts) (calendar year 1992)	'Annex — Debates' (March — February)	'Annex — Debates' (March — February) microfiches	1—32 pages	33—64 pages	64 or more pages
ECU	465,—	27,50	325,—	341,—	175,—	134,—	5,—	10,—	Price determined according to each case and printed on cover

Special mailing charges are invoiced separately. Other European Communities' publications on sale, whether periodical or otherwise, may be obtained at the abovementioned offices. Price lists sent free on request.

N.B.:

The subscription to the *Official Journal of the European Communities* also includes the Directory of Community legislation in force and other acts of the Community institutions (two editions a year).

(*) It is only possible to make a joint subscription (including delivery) to the L (Legislation) and C (Information and Notices) series of the *Official Journal of the European Communities*. Separate subscriptions are not available.

(**) Except for the 'Notifications and open competitions' (C series) edition of the Official Journal, which is distributed free of charge.

