

COUNCIL OF THE EUROPEAN UNION

PRESS RELEASES

PRESIDENCY: BELGIUM

JULY-DECEMBER 1993

Meetings and press releases November 1993

Meeting number	Subject	Date
1697 th	Culture	5 November 1993
1698 th	General Affairs	29 October 1993
1699 th	General Affairs	8-9 November 1993
1700 th	Education	8 November 1993
1701 st	Internal Market	11 November 1993
1702 nd	Budget	15 November 1993
1703 rd	Agriculture	16-17 November 1993
1704 th	Consumers	19 November 1993
1705 th	Industry	18 November 1993
1706 th	Economics/Finance	25 November 1993
1707 th	Fisheries	22 November 1993
1708 th	Labour/Social Affairs	23 November 1993
1709 th	Transport	29-30 November 1993
1710 th	Justice and Home Affairs	29-30 November 1993
1711 th	General Affairs	22 November 1993

PRESS RELEASE

9621/93 (Presse 177)

1697th meeting of the Council

CULTURAL AFFAIRS

Brussels, 5 November 1993

President: **Mr Eric TOMAS**
Chairman of the French-speaking
Community and Minister with
responsibility for Culture
of the Kingdom of Belgium

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

Belgium:

Mr Hugo WECKX

Minister for Culture and Brussels Affairs (Flemish Community)

Mr Bernd GENTGES

Minister for Education, Culture and Youth Affairs (Executive of the German-speaking Community)

Mr Elio DI RUPO

Minister for Education, Audiovisual Matters and the Civil Service (Executive of the French-speaking Community)

Denmark:

Ms Jytte HILDEN

Minister for Culture

Mr Erik JACOBSEN

State Secretary for Cultural Affairs

Germany:

Ms Ursula SEILER-ALBRING

Minister of State, Foreign Affairs

Mr Hans ZEHETMAIR

Minister for Education, Science and the Arts, Bavaria

Greece:

Ms Melina MERCOURI

Minister for Culture

Spain:

Ms Carmen ALBORCH BATALLER

Minister for Culture

France:

Mr Jacques TOUBON

Minister for Culture and the French-speaking World

Ireland:

Mr Michael D. HIGGINS

Minister for Arts, Culture and the Gaeltacht

Italy:

Mr Alberto RONCHEY

Minister for Cultural Assets

Luxembourg:

Ms Marie-Josée JACOBS

Minister with responsibility for Cultural Affairs

Netherlands:

Ms Hedy D'ANCONA

Minister for Welfare, Health and Cultural Affairs

Portugal:

Mr Pedro Miguel SANTANA LOPES

State Secretary for Culture

Mr Manuel FREXES

Deputy State Secretary for Culture

United Kingdom:

Mr Peter BROOKE

Secretary of State for National Heritage

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Commission:

Mr João de DEUS PINHEIRO

Member

EUROPEAN CITY OF CULTURE AND EUROPEAN CULTURAL MONTH

The Ministers designated:

– as **European city of culture**

1998 Stockholm

1999 Weimar

– for the **European cultural month**

1995 Ljubljana and Nicosia.

The Ministers acknowledged the cultural importance of Avignon, Bologna and Prague, whose applications were supported by several delegations. They agreed to devote some attention in the first half of 1994 to the concepts of the European City of culture and the European cultural month and how these had developed. The future Greek Presidency agreed to take charge of the process.

The Ministers pointed out that the year 2000 would be of quite specific symbolic importance. They agreed to consider the possibility of involving a larger number of towns and cities in events planned for that year, including Avignon, Bologna and Prague.

The President of the Council thanked Antwerp and Graz for their efforts in organizing events for the "European city of culture" and "European cultural month" in 1993 and congratulated them on making them highly successful.

ECONOMIC ASPECTS OF CULTURE AND ITS JOB-CREATING ROLE

On the basis of a note from the Presidency, the Council exchanged views on the economic aspects of culture and its job-creating role.

Following the discussion, the President noted that the Commission would take account of the comments made in its white paper on growth, competitiveness and employment. He also invited the Commission to draw up an assessment of the contribution of culture as a job-creator in the Member States.

FIXED BOOK PRICE AND STATUS OF THE ARTIST

The Council heard an oral report from the Presidency on the informal meeting of Ministers for Culture in Antwerp on 19 and 20 September 1993.

The Presidency reminded the meeting that the Commission had undertaken to carry out a further exploratory examination of the fixed book-price issue in the hope of finding pragmatic solutions for cross-border trade in the same language area.

The Presidency pointed out that the Commission was prepared to carry out an inventory of work relating to the status of the artist with the assistance of an ad hoc working party of representatives of the Member States. It would be for the Council to draw any conclusions from that work.

Mr PINHEIRO confirmed the undertakings given in Antwerp.

THE CINEMA'S FIRST CENTURY

At the initiative of the French delegation, the Council adopted the following Resolution on the cinema's first century:

"THE COUNCIL

Aware of the place which the cinema has occupied for a hundred years in our common cultural heritage and the importance of its influence on the development of other means of expression and communication both in the arts and in the media;

Aware of the fundamental role as a witness to the history of our community which the cinema has played throughout that period,

Recognizing the importance of the cultural, technical and economic exchanges it has led to in Europe,

Whereas the centenary of the invention of the cinematograph will be celebrated in the next few years,

AGREES, with a view to celebrating the centenary of cinema, to:

- increase action to restore films from the European heritage in the context of greater co-operation between Member States' archives, notably in the framework of the MEDIA programme (Lumière project);
- encourage the dissemination of this heritage in European festivals and cinemas in initiatives to highlight the importance of this heritage for the future of European cinema;
- promote awareness of the artistic trends of European cinema, its pioneers and its schools, in the interests of a continuing dialogue with contemporary film-makers;

CALLS ON the Commission to participate in this campaign, in particular in liaison with the Council of Europe, by:

- continuing and expanding its activities to commemorate this centenary, particularly as part of its action in support of film festivals;
- helping to give maximum publicity to action taken in all Member States."

"In adopting this Resolution, the Ministers for Culture recalled with gratitude and emotion the figure of Federico Fellini, whose work helped to stimulate a love of the cinema over several generations, both in Europe and throughout the world."

EVALUATION OF THE MEDIA PROGRAMME

The Council adopted the following conclusions:

"The Council took note of the Commission communication of 23 July 1993 on the evaluation report drawn up in accordance with Article 8 of the Decision of 21 December 1990 setting up the MEDIA programme.

It requested the Commission to take the appropriate action as a result, particularly as regards the co-ordination and financial supervision of activities, with the assistance of the Committee set up under Article 7 of the Decision and in accordance with the procedures laid down in that Article, respecting the decentralized character of the programme.

It considered that the programme's objectives responded to considerable demand in the European audiovisual field and that they were worth pursuing in the future.

On the question of funding for the MEDIA programme up to the end of 1995 which was raised in the evaluation report, the Council noted the need to ensure continuity in existing activities.

Finally, the Council considered that it was necessary to examine as of now the measures which would be needed to launch the MEDIA II programme after 1995."

AUDIOVISUAL MATTERS

Following a statement by Mr DI RUPO on the results of the seminar of Ministers responsible for Audiovisual Matters (Mons, 4 and 5 October 1993), the Ministers exchanged views with Commissioner PINHEIRO on the latest developments in the GATT negotiations as regards audiovisual matters.

EUROPEAN CAMPAIGN ON READING FOR PLEASURE

The Council took note of an information note from the Commission on events during the "Reading for Pleasure" campaign which was launched in Copenhagen in April.

SARAJEVO

The Ministers for Culture, meeting within the Council, in a desire to enable the creative and artistic Community in Bosnia-Herzegovina to continue to express themselves and to take part in European cultural exchanges

- called on the Commission to consider providing financial support for the 10th Winter Festival in Sarajevo;
- approved the fact that some Member States intended to offer support in the way they deemed most appropriate, both in Sarajevo and in their own countries, for acts of solidarity with Sarajevo planned by artistic and cultural circles.

MISCELLANEOUS DECISIONS

FISHERIES

The Council adopted the Regulations:

- authorizing Estonian fishing vessels to exploit the quotas allocated to them in Community waters for 1993, in accordance with the reciprocal arrangements in force, and allocating catch quotas between Member States for vessels fishing in Estonian waters in the same year;
- increasing fishing possibilities for 1993 under Regulation No 3919/92 :
 - . in view of the completion of the arrangements concluded with Estonia for 1993;
 - . in view of the increased access to Norwegian waters granted to Community fishermen in accordance with the arrangements concluded with Norway;
 - . in order to increase current TACs for sprat in the North Sea, sole in the Skagerrak and the Kattegat and Norway lobster to the west of Scotland;
 - . in order to implement an exchange of quotas with Sweden in the Skagerrak and the Kattegat.

The Council also adopted the Decision allowing provisional application for the period 1 August 1993 to 31 July 1996 of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Agreement between the Community and Mauritania.

The Protocol was initialled on 10 June 1993 and for the period in question grants Community vessels the following fishing opportunities off Mauritania:

- Specialized vessels
 - . fishing vessels specializing in crustaceans, with the exception of crawfish: 4 500 GRT/month annual average;
 - . black hake trawlers and bottom longliners: 12 000 GRT/month annual average;
 - . vessels fishing for demersal species other than black hake with gear other than trawls: 2 600 GRT/month annual average;
 - . trawlers fishing for deepwater demersal species other than black hake: 4 200 GRT/month annual average;
 - . pot vessels (crawfish): 300 GRT/month annual average.

- Vessels fishing for highly migratory species
 - . Pole-and-line tuna vessels and surface longliners : 11 vessels
 - . Freezer tune seiners : 34 vessels.

The total financial compensation amounts to ECU 26 m, of which ECU 360 000 will be devoted to training in the fisheries sector.

CUSTOMS UNION

The Council adopted the Regulation amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

BUDGET

The Council established letter of amendment No 1 to the draft general budget of the European Communities for 1994 which includes a change in the allocation of EAGGF Guarantee appropriations and the addition of appropriations for financial assistance to the territories of the West Bank and Gaza.



PRESS RELEASE

9617/93 (Presse 173)

1698th meeting of the Council

- GENERAL AFFAIRS -

Luxembourg, 29 October 1993

President: Mr Robert URBAIN
Minister for Foreign Trade and
European Affairs of the Kingdom of Belgium

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

Belgium:

Mr Robert URBAIN Minister for Foreign Trade and European Affairs

Denmark:

Mr Jorgen ØSTRØM MØLLER State Secretary for Foreign Affairs

Germany:

Ms Ursula SEILER-ALBRING Minister of State, Foreign Affairs

Greece:

Mr Dimitrios KREMASTINOS Minister for Health, Social Welfare and Social Security

Spain:

Mr Carlos WESTENDORP State Secretary for Relations with the European Communities

France:

Mr Alain LAMASSOURE Minister with special responsibility for European Affairs

Ireland:

Mr Tom KITT Minister of State at the Department of the Taoiseach with special responsibility for European Affairs

Italy:

Mr Rocco CANGELOSI Deputy Permanent Representative

Luxembourg:

Mr Jean-Jacques KASEL Deputy Permanent Representative

Netherlands:

Mr Piet DANKERT State Secretary for Foreign Affairs

Portugal:

Mr Vitor MARTINS State Secretary for European Affairs

United Kingdom:

Mr David HEATHCOAT-AMORY Minister of State, Foreign and Commonwealth Office

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Commission:

Mr Raniero VANNI D'ARCHIRAFI Member

INTERNAL MARKET

Statistical classification of products by activity in the Community

Following the common position adopted on 14 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council adopted the Regulation on the statistical classification of products by activity in the Community.

This proposal for a Regulation basically aims to establish a common statistical language which will allow effective comparisons to be made between data collected in the Member States. By standardising the statistical language, it will be possible to speed up the supply of reliable and comparable statistical information both to public authorities and to economic operators.

This approach is also in line with the completion of the single market, since it sets up an instrument which, through the effective comparability of the data, will allow the necessary monitoring to be carried out, with particular regard to the prevention of distortions of competition within the Community.

Two or three-wheel motor vehicles

Following the common positions adopted on 14 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted three Directives which come within the context of the type-approval procedure for two or three-wheel motor vehicles covered by the framework Directive 92/61/EEC.

They establish the technical specification which, together with those for the other features and characteristics laid down in Annex I to the framework Directive, must be complied with if the vehicles are to be type-approved and placed on the Community market. These requirements are necessary both for harmonizing the very different legislative provisions in force in the Member States and for the safety of road traffic.

A summary of the texts adopted is given below.

Installation of lighting and light-signalling devices

This Directive concerning the installation of lighting and light-signalling devices on two and three-wheel motor vehicles contains certain innovations intended to help improve road safety. For example, provisions have been introduced requiring the compulsory installation of stop lamps on two-wheel mopeds, the optional installation of direction indicators and rear registration plate lighting devices on such vehicles, and compulsory hazard warning signals on tricycles and four-wheelers.

Mounting of the rear registration plate

This Directive, concerning the mounting of the rear registration plate on two or three-wheel motor vehicles, establishes the technical requirements for the mounting of the registration plate, with particular regard to the dimensions, angle and height of the mounting of the plate and the optimum conditions for the visibility of the plate affixed.

As to the safety of road traffic, the purpose of the registration plate is to make it possible to identify not only the owner of the vehicle but also the driver where he or she commits a breach of road traffic regulations.

To enable the large rear registration plates in some Member States to continue to be used it was decided that the dimensions of the mounting space would be defined (100 mm x 175 mm) rather than those of the plate itself.

Masses and dimensions

Again with regard to road traffic safety, this Directive, on the masses and dimensions of two and three-wheel motor vehicles, is designed to prevent vehicles with excessive dimensions or weight in relation to the power unit from being placed on the market and thus constitute an impediment to traffic. The maximum authorized width is one metre for mopeds (two wheels) and two metres for other vehicles covered by the Directive, including four-wheelers.

Personal protective equipment

Following the common position adopted on 30 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted an amendment to Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment (PPE).

This amendment provides that until 30 June 1995 Member States will allow the placing on the market and putting into service of PPE which comply with national regulations in force on their territory at 30 June 1992.

In addition, since the lack of harmonized standards could lead to a situation in which an appropriate level of protection and conformity compliance in respect of helmets for users of two and three-wheel motor vehicles was no longer guaranteed, such helmets are to be excluded from the scope of Directive 89/686/EEC pending the application of specific requirements for such helmets.

Term of protection of copyright and certain related rights

Following the common position adopted on 22 July 1993 and the completion of the co-operation procedure with the European Parliament, the Council adopted by a qualified majority (the Luxembourg, Netherlands and Portuguese delegations voting against and the Irish delegation abstaining) the Directive on the harmonization of the term of protection of copyright and certain related rights.

An explanation of the Netherlands delegation's vote and a joint explanation by the French, German and Italian delegation's are annexed hereto.

The Directive provides for the term of copyright to be harmonized to cover the author's life and 70 years after his death, as proposed by the Commission and approved by the European Parliament.

It contains a special rule concerning the term of protection for cinematographic or audiovisual works: protection will come to an end 70 years after the death of the last of the following persons to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of music created specifically to be used in the work. The calculation of this term in relation to the death of the four persons concerned is without prejudice to the ownership of the works concerned.

In the case of the main related rights (those of performers, producers of phonograms or of films), the term of protection is harmonized at 50 years. The content of such rights has already been harmonized, by Directive 92/100/EEC on rental right and lending right.

Control of foodstuffs

Following the common position adopted on 14 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted, with the Luxembourg and Portuguese delegations abstaining, the Directive on additional measures concerning the official control of foodstuffs.

This Directive supplements Directive 89/397/EEC, which established the general principles for the official control of foodstuffs, with specific provisions essentially concerning co-operation between the Commission and the Member States and the assessment and accreditation of laboratories. The aim of the additional provisions is to improve the control procedures already in force.

Specifically, the Directive provides that:

- Member States must take the necessary measures to ensure that the officials appointed by the competent authorities possess adequate technical and administrative qualifications;
- a system of quality standards is to be introduced for laboratories entrusted by Member States with the task of carrying out the control in question; this system must comply with generally accepted and standardized rules, and the laboratories must, wherever possible, use validated methods of analysis;

- there should be closer co-operation between the Member States' authorities responsible for such control;
- the national authorities and the Commission must provide mutual administrative assistance to ensure the correct application of the legislation on foodstuffs, in particular through preventive measures and the detection of infringements or practices suspected to be in breach of the regulations.

Right of residence for students

Following the common position adopted on 11 October 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted, with Germany abstaining, the Directive on a right of residence for students. The adoption of this Directive was made necessary by the judgment delivered by the Court of Justice on 7 July 1992 in case C-295/90 annulling Directive 90/366/EEC on the right of residence. In its judgment the Court stipulated that the effects of the annulled Directive were to be maintained until the entry into force of a new directive established on the appropriate legal basis, viz. Article 7 rather than Article 235 of the EEC Treaty.

The Directive which has just been adopted essentially incorporates the content of the annulled Directive. It establishes that the Member States shall recognize the right of residence for any student who is a national of a Member State and does not enjoy that right under other provisions of Community law, and for the student's spouse and their dependent children, where the student assures the relevant national authority that he has sufficient resources to avoid becoming a burden on the social assistance system of the host Member State, provided that he is enrolled at a recognized educational establishment for the principal purpose of following a vocational training course there and that they are covered by sickness insurance in respect of all risks in the host Member State.

TELECOMMUNICATIONS

Satellite earth station equipment

Following the common position adopted on 22 July 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted the Directive supplementing Directive 91/263/EEC in respect of satellite earth station equipment.

This Directive seeks to establish a modern and open market for satellite earth station equipment by introducing harmonized and efficient procedures for certification, testing, quality assurance and surveillance in respect of such equipment.

In order to achieve this objective the Directive provides for the scope of the harmonization procedures established by Directive 91/263/EEC on telecommunications terminal equipment to be extended to cover satellite earth station equipment.

It has four objectives:

1. to establish a single market for earth station equipment;
2. to bring into force harmonized procedures for certification, testing, marking, quality assurance and product surveillance, in order to ensure adherence to the essential requirements specified in Directive 91/263/EEC;
3. to guarantee the right to use satellite earth station equipment which has been legally placed on the market;
4. to guarantee the right to connect satellite earth station equipment to the public telecommunications network.

TRANSPORT

Network master plans

Following the Opinion delivered by the European Parliament on 26 October 1993, the Council adopted the decisions concerning the establishment of trans-European networks in the fields of road transport, combined transport and inland waterway transport.

It will be remembered that the network master plans come within the context of the completion of the single market and the Community's contribution to the establishment and development of trans-European networks.

The Community's action in this area is intended to promote the inter-connection and inter-operability of national networks and access to those networks, having regard to the need to link the island, landlocked and peripheral regions to the central regions of the Community.

The master plans are the principal instrument for the setting up of trans-European networks since they identify the projects of common interest likely to attract financial incentives from the Community.

Computerized reservation systems

Further to the agreement in substance recorded at the Council meeting on 28 September 1993, the Council unanimously adopted the Regulation amending Regulation No 2299/89 on a code of conduct for computerized reservations systems (CRSs) designed to ensure improved competition between air carriers and between CRSs and provide improved information for users (see Press Release 8701/93 Presse 152). The European Parliament delivered its Opinion on 26 May 1993, after which the Commission submitted an amended proposal.

The provisions, which are to enter into force one month after publication in the Official Journal, stipulate in particular that:

- CRS parent carriers are to communicate information to another CRS which

requests it;

- air carriers which own CRSs must observe the requirements of non-discrimination towards other carriers in respect of information displayed in their own computerized system.

CONSUMER PROTECTION

The Council unanimously adopted the Decision introducing for 1993 a Community system of information on home and leisure accidents (EHLASS).

The aim of the system is to collect data on home and leisure accidents with a view to promoting the prevention of such accidents, improving the safety of consumer products and informing and educating consumers so that they make better use of products. This Decision does not apply to industrial accidents nor to road, rail, sea or air traffic accidents.

More specifically, this system applies to home and leisure accidents necessitating medical attention and occurring in the home or the immediate surroundings in particular gardens, yards and garages and during leisure, sports or school activities.

The amount of Community financing required for implementing the system is estimated at ECU 2,5 million for 1993.

FISHERIES

The Council unanimously adopted the Decision on the provisional application of the Protocols setting out the fishing opportunities and financial contribution provided for in the Agreement between the Community and

- the Republic of the Gambia, for the period from 1 July 1993 to 30 June 1996;
- the Republic of Guinea-Bissau, for the period from 16 June 1993 to 15 June 1995.

Fishing rights under the Protocol with the Gambia for the relevant period are as follows:

- Tuna vessels: freezer seiners, 23 vessels; pole and line, 7 vessels.
- Trawlers and other vessels: fresh fish trawlers, 410 gross registered tonnes (GRT); freezer trawlers, 2 000 GRT fishing for shrimps and 750 GRT fishing for other species.

Financial compensation is set at ECU 1,4 m, including ECU 300 000 to finance scientific programmes and grants.

The Protocol with Guinea-Bissau provides for the following fishing rights:

- freezer shrimp trawlers: 11 000 GRT per month, annual average;
- freezer fin fish and cephalopod trawlers: 4 000 GRT per month, annual average;
- freezer tuna seiners: 22 vessels;
- pole-and-line tuna vessels and surface longliners: 10 vessels.

Financial compensation is set at ECU 12,45 m, of which ECU 450 000 will be for scientific research.

TAXATION

The Council unanimously adopted the Decision on the programme of Community action on the subject of the vocational training of indirect taxation officials (Matthaeus-Tax).

The main objectives of the programme are to prepare – by means of supplementary vocational training – Member States' indirect taxation officials for the implications arising out of the creation of the internal market and to promote the mobility of staff and increased co-operation between the relevant Member States' administrations.

The following training measures are provided for: exchange of officials between national administrations, training seminars, common vocational training programmes in specialized schools in the Member States, organization of language training courses for officials participating in exchanges.

The cost of these measures will be shared between the Community and the Member States. The annual budgetary appropriations required on the Community side will be adopted under the budgetary procedure and in compliance with the relevant financial perspective.

EXPLANATION OF VOTE ON THE DIRECTIVE HARMONIZING THE TERM OF PROTECTION OF COPYRIGHT AND CERTAIN RELATED RIGHTS**EXPLANATION BY THE NETHERLANDS DELEGATION**

The Netherlands delegation regrets the Council's decision to adopt a Directive which sets the term of copyright protection at 70 years. This Directive will have considerable economic and legal consequences for the 10 Member States which hitherto had a shorter term of protection. Not only does the Directive give precedence to authors' interests over users' interests but it also undermines legal certainty, it complicates relations with third countries and it seems not to be based on a balanced analysis of the financial and economic advantages and disadvantages involved.

Bearing in mind precisely its tradition of transparency, intellectual freedom and independence, the Netherlands thought it was particularly important to adopt a scheme which did not uphold exclusively the interests of authors and their successors in title but also those of consumers. During the negotiations the Netherlands delegation pointed out on several occasions that to achieve the desired balance more information and a thorough examination of various other approaches were needed. Although the Commission did not dispute the grounds for the Netherlands delegation's concern, such information was never provided and other possible approaches were not considered.

Despite the insistence of at least four delegations it was apparently not possible to hold an open and rational discussion on the subject. The ensuing form of words which has just been adopted constitutes, in the view of several Member States, a retrograde step from current practice and, for most of them, an element of legal uncertainty. The Netherlands delegation considers this Directive to be a good example of the lack of substantive dialogue between a qualified majority which existed from the outset and a minority which was practically shut out from the discussion, at the expense of the quality of legislation.

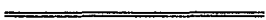
JOINT EXPLANATION BY THE FRENCH, GERMAN AND ITALIAN DELEGATIONS

The French, German and Italian delegations approved this Directive as it:

- satisfies the concern for the smooth operation of the Internal Market from the viewpoint of both free movement of works and the elimination of distortions of competition;
- ensures a satisfactory balance between a high degree of protection for authors on the

one hand and the economic requirements of the sectors concerned on the other, and will thus help to promote literary and artistic creativeness;

- takes appropriate account of special national features in the area of copyright protection.



PRESS RELEASE

9622/93 (Presse 178)

1699th meeting of the Council

- GENERAL AFFAIRS -

Brussels, 8 and 9 November 1993

President: Mr Willy CLAES
Minister for Foreign Affairs
of the Kingdom of Belgium

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

Belgium:

Mr Willy CLAES
Mr Robert URBAIN

Minister for Foreign Affairs
Minister for Foreign Trade and European Affairs

Denmark:

Mr Niels HELVEG PETERSEN
Mr Jørgen ØSTRØM MØLLER

Minister for Foreign Affairs
State Secretary for Foreign Affairs

Germany:

Mr Klaus KINKEL
Mr Günter REXRODT
Ms Ursula SEILER-ALBRING

Federal Minister for Foreign Affairs
Minister for Economic Affairs
Minister of State, Foreign Affairs

Greece:

Mr Theodoros PANGALOS

Deputy Minister for Foreign Affairs

Spain:

Mr Javier GÓMEZ-NAVARRO
Mr Carlos WESTENDORP

Minister for Trade and Tourism
State Secretary for Relations with the European Communities

France:

Mr Alain JUPPE
Mr Alain LAMASSOURE

Minister for Foreign Affairs
Minister with special responsibility for European Affairs

Ireland:

Mr Dick SPRING
Mr Tom KITT

Minister for Foreign Affairs
Minister of State at the Department of the Taoiseach with special responsibility for European Affairs

Italy:

Mr Beniamino ANDREATTA

Minister for Foreign Affairs

Luxembourg:

Mr Jacques POOS

Minister for Foreign Affairs

Netherlands:

Mr Peter KOOIJMANS
Mr Piet DANKERT

Minister for Foreign Affairs
State Secretary for Foreign Affairs

Portugal:

Mr José Manuel DURAO BARROSO
Mr Vitor MARTINS

Minister for Foreign Affairs
State Secretary for European Affairs

United Kingdom:

Mr Douglas HURD

Mr David HEATHCOAT-AMORY

Secretary of State for Foreign and Commonwealth Affairs
Minister of State, Foreign and Commonwealth Office

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Commission:

Mr Jacques DELORS
Sir Leon BRITTAN
Mr Manuel MARIN
Mr Hans VAN DEN BROEK

President
Member
Member
Member

TITLE OF THE COUNCIL FOLLOWING THE ENTRY INTO FORCE OF THE TREATY ON EUROPEAN UNION

The Council adopted the following Decision:

The Council shall henceforth be called "Council of the European Union" and shall be so designated in particular in all the acts it adopts, including those under Titles V and VI of the TEU; the political statements which the Council adopts under the CFSP shall accordingly be made in the name of the "European Union".

FOLLOW-UP TO THE EUROPEAN COUNCIL ON 29 OCTOBER 1993

The Council noted the work programme prepared by the Presidency for the coming months, both as regards the implementation of the Treaty on European Union in the various sectors - EMU, CFSP, home affairs and justice and democracy and transparency - and as regards growth and employment and the enlargement negotiations.

COMMERCIAL POLICY**- Uruguay Round - Council conclusions**

The Council adopted the following conclusions on the Uruguay Round:

1. The Council heard a statement by Sir Leon BRITTAN on the discussions he had held with the United States and on the progress of the bilateral and multilateral talks in Geneva.
2. Referring to the conclusions of the Brussels European Council on 29 October 1993, the Council reaffirmed that it was now more necessary than ever that every effort should be made to reach an overall, lasting and balanced agreement in the Uruguay Round negotiations by the scheduled deadline of 15 December 1993, in accordance with the conclusions and guidelines laid down by the Council on 20 September and 4 October 1993.
3. In this connection, the Council voiced its concern at the slow progress of the negotiations and at certain recent blockages, particularly on the part of the Community's major trading partners. It considered that, if the negotiations were to succeed in the few weeks which remained, the politicians of all parties to the negotiations must make a sustained effort and it was essential to return to the concept of globality of the negotiations by advancing simultaneously on all fronts where there were still problems in the various areas of negotiation. It appeals urgently to the main partners to engage more actively in the negotiations. It is desirable that the broad outlines of the final general agreement emerge by the end of November.
4. The Council examined the problems outstanding on the basis of the written report submitted to it by the Commission. The Council generally endorsed the assessments and guidelines in the report, subject to delegations' comments or additions.

The Council noted that the Commission would shortly be submitting a document on the basis of which it could decide on the best approach for safeguarding and promoting European cultural identities within the audiovisual sector.

5. The Council recalled that one of the central objectives to be achieved by concluding the Uruguay Round and setting up a Multilateral Trade Organization (MTO) was the provision of a single, coherent framework for monitoring compliance with the commitments given in all areas of the negotiations. It was essential to achieve complete equality of treatment among all partners with the same level of development as regards the compliance of national legislation with agreed multilateral rules and disciplines, and the implementation of a multilateral integrated system for disputes.
6. In this final, crucial phase of the negotiations, the Council stressed the need for Community cohesion and solidarity. The Presidency, in contact with the Member States and the Commission, will ensure that the necessary co-ordination procedures are established, including the convening of a special Council meeting. "

- Commercial policy instruments

The Council instructed the Permanent Representatives Committee to examine the recent Commission proposal concerning the acceleration of the investigation periods for Community trade protection measures and agreed to resume its discussions on this proposal and on the problem of commercial policy instruments as a whole at its meeting on 6 December 1993.

RELATIONS WITH RUSSIA**- Negotiation of a Partnership Agreement - review of the negotiating directives**

The Council approved the additional negotiating directives for the Commission in order to permit it to complete rapidly the current negotiations with Russia for the conclusion of a Partnership and Co-operation Agreement.

- Monitoring of the elections in Russia - Joint Action

In line with the general guidelines set by the European Council on 29 October 1993, the Council decided on the joint action concerning the dispatch of a team of observers for the parliamentary elections in the Russian Federation (the text of the Decision on the joint action is set out in Annex I).

RELATIONS WITH MOROCCO

The Council had an exchange of views on the last remaining problems as regards the negotiating directives for a new agreement with Morocco.

In conclusion, the Council instructed the Permanent Representatives Committee to continue work on the matter to enable it swiftly to approve these terms of reference.

RELATIONS WITH TUNISIA

The Council noted that the Commission would shortly be submitting draft negotiating directives for the conclusion of a Partnership Agreement with Tunisia and instructed the Permanent Representatives Committee to examine the draft so that the Council could discuss it at its meeting on 6 December 1993.

ACCESS TO INFORMATION

The Council had an exchange of views on a small number of questions still outstanding as regards the adoption of a common code of conduct for the Council and the Commission establishing the principles for public access to information, pursuant to the conclusions of the Copenhagen European Council.

The Council instructed the Permanent Representatives Committee to resume proceedings at its level with a view to reaching final agreement on the matter.

EUROPEAN PARLIAMENT COMMITTEES OF INQUIRY

The Council adopted the internal arrangements necessary to enable an interinstitutional (Council, European Parliament and Commission) Working Party to meet with the task of identifying problems related to the implementation of Article 138c of the Treaty on European Union - which provides for the setting up of temporary Committees of Inquiry - and devising ways to reach agreement as soon as possible.

ACCESSION NEGOTIATIONS

The Council prepared the Ministerial negotiating meetings with Austria, Sweden, Finland and Norway, which were held on the morning of Tuesday, 9 November 1993.

The aim of the meetings was in particular to:

- take stock of progress in the negotiations;
- record that the negotiations were now formally for the accession of the applicant States to the European Union and would therefore be conducted under Article 6 of the Maastricht Treaty;
- extend the work programme to the new chapters of the Treaty on European Union, namely EMU, CFSP, home affairs and justice;
- confirm together with the applicant States the objectives which the European Council had defined for the accession date, 1 January 1995, the date for the completion of the negotiations, 1 March 1994, which in particular implied that a significant breakthrough should be made before the end of the year.

STABILITY PACT

The Council took note of an interim report submitted by the Political Committee dealing mainly with consultations to date with third countries in connection with the European Union initiative in the form of a joint action on a stability pact in Europe.

FORMER YUGOSLAVIA

On the basis of the general guidelines given by the European Council on 29 October 1993, the Council decided on the joint action on support for the conveying of humanitarian aid in Bosnia-Herzegovina (set out in Annex II).

The Council also held an exchange of views on the situation in the former Yugoslavia and on the various aspects of the negotiations. It agreed to return to the question as a whole at an extraordinary meeting on 22 November 1993 in Luxembourg.

Lastly, the Council heard a report by Ambassador Napolitano, the sanctions co-ordinator, on the application of the sanctions against Serbia/Montenegro and on their implications for neighbouring countries. It will likewise return to this question at the aforementioned extraordinary Council meeting.

RELATIONS WITH BULGARIA

The Council was unable to reach a decision on the conclusion of an interim agreement with Bulgaria because of the continuing disagreement at Community level on the implementation of certain provisions of the agreement. The Presidency stated that it would seek a way of removing this impasse through bilateral contacts, at the highest level, with the Member States.

SOUTH AFRICA - COUNCIL CONCLUSIONS

1. It will be recalled that, at its meeting on 29 October 1993, the European Council instructed the Council, as a matter of priority, to define the conditions and procedures for joint action with regard to South Africa, aimed at support for the transition towards multi-racial democracy in South Africa through a co-ordinated programme of assistance in preparing for the elections and monitoring them, and through the creation of an appropriate co-operation framework to consolidate the economic and social foundations of that transition.
2. The Council agreed to implement a co-ordinated programme of assistance in preparing for the elections and monitoring them, the detailed arrangements for which will be defined by the end of November.
3. As regards the creation of an appropriate co-operation framework to consolidate the economic and social foundations of transition, the Council:
 - took note of the proceedings in Coreper on the Commission communication, the purpose of which is the gradual normalization of relations between the Community and South Africa based on South Africa's progress towards democracy. It confirmed its agreement on the phased approach advocated by the Commission and on the general content of the guidelines proposed for a policy to support the transition to democracy in South Africa;
 - invited Coreper to study certain aspects of the Commission communication in greater detail. The outcome of Coreper's proceedings will serve as a basis for the contacts which the Commission will initiate at the appropriate time with the Transitional Executive Council (TEC), in close co-operation with the Member States;

- agreed on the need at the same time to continue internal discussions on the longer-term future of relations between the Community and a democratic South Africa.
4. A new Working Party on South Africa will continue discussions on the implementation of the joint action.
 5. The Council decided that, once the TEC was in place, it would lift the two sanctions prohibiting any further co-operation in the nuclear sector and stopping exports of sensitive equipment intended for the police and armed forces.

FUTURE RELATIONS BETWEEN THE EUROPEAN COMMUNITY AND SWITZERLAND - COUNCIL CONCLUSIONS

The Council held an exchange of views on the Commission communication regarding the Community's future relations with Switzerland.

The Council noted the approach to future European policy set out by the Swiss Federal Council, which is based on the desire to keep all options open in order to secure active co-operation with the Community, founded on a community of interests, including, depending on how the situation develops, participation in the EEA and accession to the European Union. The Council also noted that in the present circumstances the Swiss authorities wished to develop bilateral relations with the Community in the immediate future.

The Council drew attention to the close and mutually beneficial ties traditionally linking the Community to Switzerland, which is one of its major partners. The Council confirmed the importance which it too attached to developing co-operation with Switzerland in the interests and to the benefit of both parties. While pleased that the options of participation in the EEA and accession to the European Union remained open, the Council expressed the Community's willingness to negotiate new sectoral agreements with Switzerland on the basis of an overall balance of mutual advantages and, at the same time, to develop the Free-Trade Agreement.

The Council felt that relations with Switzerland might be developed in the following areas in particular: transport, free movement of persons, research, access to the market for agricultural products, technical barriers to trade, access to public contracts, veterinary and plant-health legislation, intellectual property, geographical designations and designations of origin.

The Council trusts that negotiations can be started soon, initially in the areas of transport, free movement of persons, research and access to the market for agricultural products, and as far as possible also in the areas of technical barriers to trade and access to public contracts.

In this connection the Council notes that it already has before it draft negotiating directives for transport and calls on the Commission shortly to submit draft negotiating directives for the other areas concerned.

The Council also hopes that a solution can soon be found, under the Free-Trade Agreement, to the rules of origin problem resulting from the forthcoming entry into force of the EEA without Swiss participation.

The Council intends to make sure that, where necessary, there is appropriate linkage between the various sectoral agreements concerned.

RELATIONS WITH TURKEY

The Council determined the position to be adopted by the Community at the 34th meeting of the Association Council with Turkey at Ministerial level, which was held in the evening of Monday, 8 November 1993 (See Joint Press Release, CEE-TR 124/93).

ALUMINIUM IMPORTS FROM RUSSIA, UKRAINE, TAJIKISTAN AND AZERBAIJAN

The Council approved the directives authorizing the Commission to negotiate quantitative arrangements on trade in aluminium products with Russia, Ukraine, Tajikistan and Azerbaijan, which are to replace the safeguard measures decided on by the Commission in August 1993 and due to expire at the end of November.

**DISPATCH OF A TEAM OF OBSERVERS FOR THE
PARLIAMENTARY ELECTIONS IN THE RUSSIAN FEDERATION**

THE COUNCIL of the European Union,

having regard to the Treaty on European Union and in particular Article J.3 thereof,

Having regard to the general guidelines issued by the European Council on 29 October 1993 whereby support for the democratic process initiated in Russia was adopted as an area of joint action,

HAS DECIDED AS FOLLOWS,

1. The European Union will send a team of observers to the forthcoming legislative elections (December 1993) and the election campaign in Russia, in accordance with the wishes of the Russian authorities.
2. The European Union will co-ordinate its efforts in conjunction with the international organizations concerned, including the Council of Europe and the CSCE.
3. To these ends, there will be set up in Moscow a Special Co-ordination and Reception Unit placed under the authority of the Presidency, with which the Commission, also acting within its own terms of reference, will be fully associated. The task of the Special Unit will be to:
 - co-ordinate the observers from the European Union;
 - provide on-the-spot co-ordination with the international organizations concerned and with the other international observers;

- provide a link with the appropriate Russian authorities, in particular to assist the observers in the performance of their task and to ensure a balanced deployment of the available observers throughout the territory.
4. The Special Co-ordination and Reception Unit will make an assessment of the conduct of the election process on the basis of the accounts given by the observers and will report to the Council before 31 December 1993.
 5. The expenditure of the Special Co-ordination and Reception Unit will be considered administrative expenditure incurred by the Council within the meaning of Article J.11(2) of the Treaty on European Union.

The expenditure of observers from the Member States shall be defrayed by the latter.

6. This Decision will come into force on the date of its publication and will apply until 31 December 1993.
7. This Decision will be published in the Official Journal of the European Union.

**THE CONVOYING OF HUMANITARIAN AID IN BOSNIA-HERZEGOVINA : JOINT ACTION
ADOPTED BY THE COUNCIL**

THE COUNCIL of the European Union,

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

Having regard to the general guidelines of the European Council meeting on 29 October 1993 adopting the search for a negotiated and lasting solution to the conflict in former Yugoslavia and the conveying of humanitarian aid in Bosnia-Herzegovina as an area of joint action,

HAS DECIDED AS FOLLOWS:

1. The European Union will step up its efforts to assist the suffering populations in Bosnia-Herzegovina. To that end, it is willing to:
 - increase its contribution towards the resources placed at the disposal of the HCR;
 - support the conveying of international aid, in particular through the identification, restoration and preservation of priority routes.
2. The Presidency shall be responsible for contacting the co-Chairmen of the London Conference Steering Committee, the HCR and Unprofor with a view to identifying priority routes, in particular to Sarajevo, and studying the conditions for and ways and means of reopening the airports at Tuzla and Mostar.
3. The Presidency and the Commission, assisted by the ECMM and the ECTF, will draw up a report on aid conveying requirements in close liaison with the HCR and Unprofor. The role and possible strengthening of the ECMM and the ECTF will be evaluated in this context.
4. On the basis of that report, the Council will adopt the budget necessary to finance the requirements thus defined. It will decide on the proportion to be covered by the

Community budget, taking account of available national contributions. The budgetary procedure provided for in the Treaty establishing the European Community will apply to the proportion covered by the Community budget.

At the same time, the Presidency will approach third countries with a view to obtaining from them additional contributions for the humanitarian action in Bosnia-Herzegovina.

5. Lord Owen, together with Mr Stoltenberg and in co-operation with the Presidency the HCR and Unprofor, shall be responsible for bringing all the parties to the conflict in Bosnia-Herzegovina together shortly in order to obtain their firm and specific commitment, in particular at local level, to the preservation of priority routes as identified.
6. All appropriate means will be put in hand to support the conveying of humanitarian aid via priority routes, in accordance with the relevant Security Council Resolutions.
7. The Member States of the Union will do everything possible to strengthen their participation in Unprofor, particularly in the area of logistical support and engineering. The Presidency will be responsible for studying, in close liaison with the United Nations Secretary-General, ways and means of obtaining additional third-country contributions to Unprofor.
8. The Commission shall be associated in full with the tasks entrusted to the Presidency in accordance with Article J.5(3) of the Treaty.
9. The Union's position will, if necessary, be defended in accordance with Article J.5 should implementation of the joint action as defined necessitate the intervention of the Security Council.
10. This Decision shall enter into force on today's date and shall apply until 31 March 1994, subject to any subsequent extensions to be decided on by the Council. The Presidency will report to the Council regularly on the progress and implementation of this Decision.
11. This Decision will be published in the Official Journal of the European Union.

OTHER DECISIONS

(adopted unanimously without debate unless otherwise stated)

**Relations with the former USSR - International Science and Technology Centre (ISTC) :
Statute and administrative documents**

The Council approved the following documents as a Community position:

- the Statute of the ISTC;
- the criteria for project evaluation;
- the rules of procedure of the Governing Board;
- the setting-up of the Co-ordination Committee;
- the procedures for the accession of new members to the Centre, and
- the procedures for requesting representation on the Governing Board;

The Council authorized the members representing the Community on the ISTC Governing Board in due course to agree to any minor amendments to the Statute, and to take part in defining the criteria for admitting new members to the Governing Board, on the basis of the guidelines entitled "ISTC Board membership - Community position" provided by the Commission.

Lastly, the Council appointed Mr W. HÄFELE and Mr A. ZICHICHI to represent the Community on the ISTC Scientific Advisory Board.

European Energy Charter

The Council took stock of progress in the negotiations on the draft Energy Charter Treaty, and approved the approach suggested by the Community delegation in the negotiations on the Treaty, in order to conclude an agreement which, while taking into account the real difficulties faced by countries in transition, at the same time encouraged investment, provided sufficient guarantees to investors and enshrined the principle of national treatment.

The Council also stressed that the Community had to maintain its initiative in the ongoing negotiation process, in which over 50 countries are participating.

It will be remembered that the European Energy Charter was signed in The Hague on 17 December 1991 with the aim of establishing the framework for a European efficient energy market enabling security of supply to be ensured, energy efficiency to be improved and adverse environmental impacts of energy production to be limited.

The draft Charter Treaty under negotiation since September 1991 is intended to place the Charter commitments on a secure and binding international legal basis.

To arrive at a solution to the problems still under discussion, the approach recommended by the Council consists of two stages:

1. signing of a Treaty containing all the elements on which agreement can already be reached, particularly in the chapters on trade and transit and, with regard to investment, consensus should be achieved on the application of the principle of national treatment;
2. commitment to a second round of negotiations limited to the arrangements for applying the same principle in the pre-investment stage.

Textiles - trade in clothing products with Turkey

The Council adopted a Decision concluding the arrangement between the European Community and Turkey on trade in clothing products.

Agriculture

The Council adopted, with the abstention of the United Kingdom, a Regulation laying down special measures to encourage the processing of certain citrus fruits.

Community aid is thereby granted for processing oranges, mandarins and clementines into juice and satsumas into segments.

Appointment of members of the ECSC Consultative Committee

The Council appointed the following to replace members of the ECSC Consultative Committee who had resigned, for the remainder of their term of office, which runs until 10 June 1995:

- Mr Salvatore BIONDO, nominated by the Federazione Italiana Metalmeccanici, to replace Mr. G. CAPRIOLI;
- Mr A.S. MacDONALD, nominated by the United Kingdom government, to replace Mr R. RAWLINS;
- Mr Jacques FONTAINE, nominated by the Fédération générale du travail de Belgique, to replace Mr M. CORNET.

PRESS RELEASE

9623/93 (Presse 179)

1700th meeting of the Council

EDUCATION

Brussels, 8 November 1993

President:

Mr Luc VAN DEN BOSSCHE
Minister for Education and the Civil Service
of the Flemish Community of the Kingdom
of Belgium

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

Belgium

Mr Michel LEBRUN

Minister for Education of the French-speaking Community

Mr Bernard GENTGES

Minister for Education of the German-speaking Community

Mr Luc VAN DEN BOSSCHE

Minister for Education and the Civil Service of the Flemish Community

Denmark

Mr Ole VIG JENSEN

Minister for Education

Germany

Mr Rainer ORTLEB

Minister for Education and Science

Mr Dieter BREITENBACH

Minister for Science and Culture of the Saarland

Greece

Mr Dimitrios FATOUROS

Minister for Education and Religious Affairs

Spain

Mr Alvaro MARCHESI

State Secretary for Education

France

Mr François BAYROU

Minister for Education

Ireland

Ms Niamh BHREATHNACH

Minister for Education

Italy

Ms Rosa RUSSO JERVOLINO

Minister for Education

Ms Silvia COSTA

State Secretary for the Universities

Luxembourg

Mr Marc FISCHBACH

Minister for Education

Netherlands

Mr J.M.M. RITZEN

Minister for Education and Science

Portugal

Mr António COUTO DOS SANTOS

Minister for Education

United Kingdom

Mr Timothy BOSWELL

Parliamentary Under-Secretary of State for Education

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Commission

Mr Antonio RUBERTI

Member

Before the formal Council meeting, the Ministers for Education met the Russian Minister for Education, Mr E.V. TKACHENKO. At that meeting the Russian Minister explained the special problems encountered by the reform of the educational system in Russia.

MOBILITY AND ACCESS TO HIGHER EDUCATION IN THE COMMUNITY

On the basis of a note from the Presidency, the Council held a discussion serving to bring out more clearly issues in connection with student mobility and access to higher education. In the discussion all Ministers pointed to the importance of maintaining student mobility.

Commissioner RUBERTI promised to provide the Council with figures on the flow of students at higher education establishments in the Member States.

The Council asked the Education Committee to give the issues further consideration, in liaison with the Conference of Rectors of the European Universities.

The Belgian Minister (French-speaking Community) announced the holding of a symposium in spring 1994 on the subject of student mobility and access to higher education.

GREEN PAPER ON THE EUROPEAN DIMENSION OF EDUCATION

The Ministers and Commissioner RUBERTI held a discussion on the Commission's Green Paper on the European dimension of education.

The Council asked the Commission to bear the discussion in mind in the proposal on education which it was to submit by the end of the year.

PRESS RELEASE

9624/93 (Presse 180)

1701st Council meeting

- INTERNAL MARKET -

Brussels, 11 November 1993

President: **Mr Robert URBAIN,**

Minister for Foreign Trade
and European Affairs
of the Kingdom of Belgium

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

Belgium:

Mr Robert URBAIN
Mr André BOURGEOIS

Minister for Foreign Trade and European Affairs
Minister for Agriculture and Small and Medium-sized Businesses

Denmark:

Mr Jan TROEJBORG
Mr Christopher BO BRAMSEN

Minister for Industry
State Secretary for Industry

Germany:

Mr Jochen GRÜNHAGE

Deputy Permanent Representative

Greece:

Mr Yiannos PAPANTONIOU
Mr Alexandros BALTAS

Deputy Minister for Economic Affairs
State Secretary for Trade

Spain:

Mr Carlos WESTENDORP

State Secretary for Relations with the European Communities

France:

Mr Pierre SELLAL

Deputy Permanent Representative

Ireland:

Mr Seamus BRENNAN

Minister for Commerce and Technology

Italy:

Mrs Rosella ARTIOLI

State Secretary for Industry

Luxembourg:

Mr Georges WOHLFART

State Secretary for Foreign Affairs and Foreign Trade

Netherlands:

Mr Piet DANKERT

State Secretary for Foreign Affairs

Portugal:

Mr Vitor MARTINS
Mr Alves MONTEIRO

State Secretary for European Integration
State Secretary for Industry

United Kingdom:

Lord STRATHCLYDE

Parliamentary Under-Secretary of State for Consumer Affairs and Small Firms

- + -

Commission:

Mr Martin BANGEMANN
Mrs Christiane SCRIVENER
Mr Raniero VANNI d'ARCHIRAFI

Member
Member
Member

STRENGTHENING THE COMPETITIVENESS OF ENTERPRISES, IN PARTICULAR OF SMALL AND MEDIUM-SIZED ENTERPRISES AND CRAFT ENTERPRISES, AND DEVELOPING EMPLOYMENT IN THE COMMUNITY

The Council held a public discussion on strengthening the competitiveness of small and medium-sized enterprises and craft enterprises and developing employment in the Community, and adopted the Resolution set out below:

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Council Resolution of 27 May 1991 on the action programme for small and medium-sized enterprises including craft industry enterprises ⁽¹⁾,

Having regard to the Council Resolution of 17 June 1992 on Community action to support enterprises, in particular small and medium-sized enterprises including craft industry enterprises ⁽²⁾,

Having regard to the Council Resolution of 3 December 1992 on administrative simplification for enterprises, especially small and medium-sized enterprises ⁽³⁾,

Having regard to the Commission communication of 23 January 1992 entitled "Towards a European market in subcontracting",

Having regard to the own-initiative report from the Economic and Social Committee of 28 April 1993 ⁽⁴⁾,

Having regard to Council Decision 93/379/EEC of 14 June 1993 on a multiannual programme of Community measures to intensify the priority areas and to ensure the continuity and consolidation of policy for enterprise, in particular small and medium-sized enterprises, in the Community ⁽⁵⁾,

(1) OJ C 146, 5. 6.1992, p. 3.

(2) OJ C 178, 15. 7.1992, p. 8.

(3) OJ C 331, 16.12.1992, p. 3.

(4) OJ C 161, 14. 6.1993, pp. 6 et seq.

(5) OJ L 161, 2. 7.1993, p. 68.

Having regard to the conclusions of the Edinburgh European Council of 11 and 12 December 1992 setting out the principles of "a plan of action by the Member States and the Community to promote growth and to combat unemployment" and emphasizing the importance of small and medium-sized enterprises for creating jobs and stimulating growth,

Having regard to the conclusions of the Copenhagen European Council of 21 and 22 June 1993, which amplify the principles set out in Edinburgh for promoting growth and combating unemployment and propose short-term measures aimed at small and medium-sized enterprises,

Having regard to the Council's conclusions of 13 September 1993 which acknowledge the desirability of stimulating SME investment by means of a simple, non-discriminatory mechanism which can be implemented rapidly and note the Commission's intention of examining the viability of a Community initiative programme (CIP) as a matter of urgency,

Having regard to the conclusions of the Brussels European Council of 29 October 1993 calling upon the ECOFIN Council to ensure that an interest-rate subsidy mechanism for SMEs in accordance with the guidelines adopted by the Copenhagen European Council is set up within the limits fixed in the 1994 budget,

Having regard to the Commission communications, on which there are to be further discussions in the Council:

- Commission report on the definitions of SMEs used in the context of Community activities ⁽⁶⁾;
- Commission communication of 1 June 1992 on SME participation in public procurement in the Community ⁽⁷⁾;
- Commission communication of 2 June 1993 on the strategic programme for the management of the Internal Market entitled "Reinforcing the effectiveness of the Internal Market" ⁽⁸⁾;
- Commission communication of 7 October 1993 entitled "Small and medium-sized enterprises and Community activity in research and technological development" ⁽⁹⁾;

(6) SEC(92) 351 final of 29 April 1992.

(7) SEC(92) 722 final of 1 June 1992.

(8) COM(93) 256 final of 2 June 1993.

(9) COM(93) 356 final of 30 September 1993.

- Commission communication of 10 November 1993 on the funding problems of SMEs ⁽¹⁰⁾;
- Commission communication on the first report of the European Monitoring Centre for SMEs of 5 November 1993 ⁽¹¹⁾ (Commission's comments on the first annual report for 1993);

Recognizing the importance of co-ordinating measures to restore lasting growth and to strengthen the competitiveness of European industry and create jobs,

Recognizing that small and medium-sized enterprises are one of the essential components in relaunching growth and creating jobs and that it is therefore appropriate to encourage their development, with the objective of economic and social cohesion in the Community,

Recognizing that it is desirable to implement measures such as will swiftly eliminate the obstacles still hampering the full participation of small and medium-sized enterprises in the Internal Market,

Recognizing the importance of encouraging the development of SMEs at the appropriate decision-making level while taking account in particular of specific national features,

Emphasizing that existing Community initiatives concerning a policy for small and medium-sized enterprises should be reinforced and extended and that the conclusions of the Copenhagen European Council relating to these should be speedily followed-up,

Emphasizing that small and medium-sized enterprises should be encouraged to participate more in all Community programmes from which they may benefit,

Stressing the need not to increase the administrative burdens already borne by SMEs, ¹

1. **STRESSES** the importance of a global and horizontal approach to the policy developed on behalf of small and medium-sized enterprises, in order to be able, together with the various circles taking part in the Community decision-making process, to find ways of enhancing the value of Community action,
2. **CONSIDERS** therefore that closer partnership between all the parties involved in the development of small and medium-sized enterprises - at Community, national and

(10) COM(93) 528 final.

(11) COM(93) 527 final.

regional level - could be more in keeping with the aim of convergence,

3. WELCOMES the fact that the Presidency has drawn up a Memorandum entitled "SMEs: driving force of European growth", the recommendations in which have yet to be analysed,
4. INVITES THE COMMISSION:
 - (a) to promote
 - in the context of the multiannual SME programme and other existing programmes, an environment which favours the creation of enterprises,
 - on the basis of an analysis of existing policies which support the creation and development of new enterprises, an exchange of experience in the Community, particularly in the following areas:
 - vocational training and in particular the initial and continuing training of heads of enterprises and their managerial staff, particularly in management;
 - the needs of creators of innovative enterprises in general and innovative technological enterprises in particular, especially as regards technical assistance;
 - the relations of SMEs with financial institutions and, inter alia, a closer relationship between creators of enterprises and suppliers of capital;
 - promotion of spin-off techniques for enterprises from existing enterprises;
 - (b) to speed up, in the context of the multiannual SME programme, the timely, targeted distribution of relevant information on business opportunities and co-operation possibilities on the subcontracting markets, in particular with the aid of initiatives such as:
 - promotion, within the framework of existing European networks accessible to SMEs, of linking and compatibility between databanks and subcontracting exchanges, several of which are already involved in transnational co-operation, in order to extend the European scope of their activities;
 - encouraging trials of meetings which are organized by main contractors for the purpose of contacting subcontractors in the context of new-style inter-industry partnerships;
 - (c) improving the access of SMEs to quality and certification techniques within the framework of the existing Community programmes, in particular the multiannual SME programme;
 - (d) to encourage, in the context of the Community growth initiative, and in accordance

with their respective statutes, support for investment in the SMEs by the European Investment Fund and the EIB, particularly by means of the on-going development of its programme of global loans and in particular by:

- taking care that EIF assistance really does benefit the SMEs concerned and, in the case of the smallest SMEs, ensuring that there is access to guarantee mechanisms;
- inviting the European Investment Bank to consider the possible advantages of diversifying financial intermediaries;

(e) to organize, in accordance with the SME programme:

- more systematic consultation of organizations representing SMEs and craft enterprises at European level on all Community projects likely to have an impact on enterprises, starting at the planning stage;
- a new methodology for assessing the cost and benefits of the Community proposals on the basis of a regularly updated impact statement, in particular from the angle of administrative simplification, in order to produce an environment favourable to the creation and development of enterprises;

((f) to promote, in a strengthened SME partnership in the Community, consultations with the organizations representing SMEs and craft enterprise at Community level, including within the framework of the procedures provided for by the Agreement on Social Policy;

(g) to increase, in particular, as part of the strategic programme on the Internal Market, SME participation in public procurement in this field, inter alia by means of:

- action to eliminate existing barriers to SMEs and, where necessary, by further Community measures to that end;
- stepping up co-operation between enterprises and providing more information to SMEs, for example through pilot schemes devised within existing Community networks;

(h) to strengthen, in the fourth R & TD framework programme currently being adopted, effective SME participation, in particular by:

- greater consistency between the various Community measures on the one hand and between Community and Member State measures on the other;

- broader dissemination and exploitation of research results by calling upon existing specialized Community networks and national and regional bodies;
 - the improvement, strengthening and extending to other programmes of specific measures to stimulate research and technological development by or for SMEs, particularly in the light of experience with CRAFT measures and feasibility premiums;
 - simplification of procedures and conditions for participating in calls for tenders and improvements in the time taken to process files;
 - encouraging co-operation between SMEs and between large enterprises and SMEs;
- (i) to examine and analyse the approach adopted in third countries towards the development of SMEs;

5. INVITES THE MEMBER STATES TO:

- (a) take care that both public and private financial intermediaries, specialized in financing SMEs are in a position to call on the EIF for the granting of guarantees to SMEs;
- (b) take care that a stable and favourable financial climate exists for SMEs so that they can achieve the balanced financial structure they need to anticipate more accurately the various economic cycles;
- (c) remove any barriers to co-operation between enterprises on the subcontracting markets by taking steps to ensure respect for the rights and obligations of the parties, for example, through codes of practice;
- (d) encourage SMEs to participate in public works, public supply and public service contracts, inter alia by promoting the temporary grouping of small-scale tenderers;
- (e) facilitate the realization of SME development potential, in particular regarding new jobs, by simplifying the administrative and regulatory procedures which concern them;
- (f) promote high-level vocational training opportunities, giving priority to heads of enterprises, young entrepreneurs and managerial staff;
- (g) ensure that the organizations representing SMEs and craft enterprises are regularly asked in social and economic consultative fora to give opinions on legislative and regulatory measures and, where appropriate, on action which affects them, in accordance with the practices in force in each Member State;

6. REQUESTS THE COMMISSION AND THE MEMBER STATES TO:

strengthen, within the framework of enlarged partnerships, the effectiveness, consistency and visibility of measures to assist SMEs while taking also into account the strategic dimension of the size of the enterprises;

In this context and in the light of the conclusions of the Brussels European Council of 29 October 1993:

REQUESTS THE COMMISSION TO:

examine at the earliest possible opportunity concrete proposals for the achievement of an integrated programme for SMEs and craft enterprises by means of a CIP (Community Initiative Programme),

7. UNDERTAKES TO:

hold regularly, in the light of the way the multiannual SME programme is functioning and SME and craft enterprise needs are developing, an overall debate on the competitiveness of enterprises and on their situation in the Internal Market."

EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES (ATEX DIRECTIVE)

The Council unanimously adopted the common position on the Directive on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres.

This is a "new approach" Directive which applies to equipment and protective systems intended for use in potentially explosive atmospheres and to safety devices which are outside potentially explosive atmospheres but have an influence on equipment installed in such atmospheres.

Its purpose is to cover risks both from electrical and non-electrical sources and to replace the old optional Directives 76/117/EEC and 79/196/EEC (surface equipment) and 82/13/EEC (mining equipment), as well as their successive amending Directives 84/47/EEC, 88/517/EEC, 90/487/EEC, 88/35/EEC and 91/269/EEC, which relate only to the electrical field.

The equipment covered by the Directive is divided into two groups. Group I includes equipment intended for use in underground parts of mines as well as those parts of surface installations endangered, or liable to be endangered, by firedamp and/or combustible dust. Group II includes equipment intended for use in other areas which are endangered or liable to be so by potentially explosive atmospheres.

The equipment, protective systems and devices to which the Directive applies must meet the essential health and safety requirements set out in Annex II to the Directive. Those requirements are subdivided into general requirements and supplementary requirements, and the latter are intended to take account of existing or potential hazards.

The Directive also lays down procedures for assessing conformity with the essential requirements. Those procedures are devised in the light of the level of inherent risk in equipment and/or against which systems must protect the immediate environment. The

affixing of the CE marking will mean that the product complies with all the basic requirements and assessment procedures laid down by the relevant Community law.

COMPLETION OF THE INTERNAL MARKET

The Council took note of a new oral presentation by the Commission relating to the situation as regards the transposition of Community texts into national law.

The Commission appealed to Member States to speed up the national transposition process, especially in the fields of public contracts, intellectual property and company law.

COUNTERFEIT AND PIRATED GOODS

The Council took note of the presentation by Commissioner SCRIVENER of the proposal for a Regulation prohibiting the release for free circulation, export or transit or counterfeit or pirated goods. The Council also noted the importance which the Commission attached to the issue.

It should be noted that the main thrust of the proposal is to strengthen the procedure introduced under Regulation 3842/86 in the effort to combat the "scourge of counterfeit goods and to extend its scope (currently confined to trade mark protection) to the protection of other intellectual property rights (copyright, designs, etc.).

The Council agreed that work on the proposal would be intensive and thorough so that the Regulation could be adopted as soon as possible.

PROCEDURE FOR THE PROVISION OF INFORMATION IN THE FIELD OF TECHNICAL
STANDARDS AND REGULATIONS

The Council unanimously adopted the common position on the amendment of Directive 83/189/EEC laying down a procedure for providing information in the field of technical standards and regulations. The amendment is directed towards amplifying certain aspects of the scope and clarifying the obligations imposed on Member States by the Directive.

It should be noted that Directive 83/189/EEC imposes a dual obligation on Member States proposing to adopt national technical regulations relating to industrial, agricultural, pharmaceutical and cosmetic products:

- to communicate to the Commission and the other Member States the texts of such regulations at the draft stage (notification procedure);
- to abstain from adopting them for a given period whose duration depends on the specific cases indicated in the Directive (standstill or status quo rule).

The amendment in question is aimed at increasing transparency with regard to national measures in the field of technical regulations with a view to completion of the internal market.

More particularly, it aims to extend the scope of Directive 83/189/EEC by redefining the concept of the "technical rule" so as to include de facto technical regulations. The latter are, inter alia:

- national provisions which refer to technical specifications or to professional codes or other requirements compliance with which confers a presumption of conformity with the said provisions;
- voluntary agreements with which public authorities are associated;
- technical specifications linked to fiscal measures affecting consumption of a product.

On these issues, it should be stressed that:

- comments by the Commission or the Member States may not relate to fiscal aspects, but only to any effects which impede the proposed measure;
- such measures would be subject only to the notification procedure, without a standstill period.

Other amendments are based on experience acquired in the course of implementing Directive 83/189/EEC. Thus, as a general rule, the standstill period, during which Member States are prohibited from adopting a national regulation in a field in which the Council is endeavouring to draw up a harmonized measure, may be increased to a maximum of eighteen months.

Implementation of the Directive is planned for 1 July 1995.

LABELLING OF FOOTWEAR MATERIALS

The Council adopted by a qualified majority, with the German delegation voting against and the Netherlands delegation abstaining, the common position on the Directive on the approximation of the provisions of the Member States relating to the labelling of the materials used in the main components of footwear for sale to the final consumer. An explanation of the German delegation's vote, which was endorsed by the Netherlands delegation, is given in Annex I.

The aims of the proposal are to ensure free movement of footwear within the Community and to provide the consumer with reliable information by means of a system for labelling the materials used in the main components of footwear.

The labelling envisaged includes information on the composition of footwear in accordance with the detailed arrangements laid down in the Directive.

Under the labelling system adopted, the manufacturer may use, at his discretion, either

pictograms or written indications, the terms for which are set out in Annex I to the Directive. Labelling must not be such as to mislead the consumer.

FOODSTUFFS - ADDITIVES AND SWEETENERS

After examining a request from the Danish delegation concerning the addition of certain sweeteners to certain types of white cheese, the Council formally adopted the three common positions (on which it had given its political agreement at its meeting on 27 September 1993 (see press release 8700/93 (Presse 151)) on the Directives:

- on colours for use in foodstuffs (by a qualified majority, with the Netherlands and Luxembourg voting against and Germany and Denmark abstaining);
- amending Directive 89/107/EEC on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption (unanimously);
- on sweeteners for use in foodstuffs (unanimously).

COMMUNITY TRADE MARK

After a very thorough discussion on the establishment of the Community Trade Mark Office, with particular reference to its linguistic arrangements in the light of relevant decisions taken by the Heads of State and Government meeting within the European Council on 29 October 1993, it was decided to suspend the Council meeting. The Presidency announced that it intended to hold bilateral talks with a number of delegations and the Commission before continuing the Council's deliberations on the issue.

OTHER BUSINESS

The Council took note of a report by the Presidency on the social economy further to the 4th European Conference on the topic held in Brussels from 8 to 10 November 1993.

The Presidency announced that the proposals relating to the Statutes for a European co-operative society, a European association and a European mutual society would be placed on the agenda for the next Internal Market Council meeting, scheduled for 16 December 1993.

Statement by the Federal Republic of Germany
concerning its vote on the Directive on the labelling of footwear

The Federal Republic of Germany rejects the Directive on the labelling of footwear on the basis of the principle of subsidiarity.

We understand the position of those Member States which support the proposal for the purpose of eliminating barriers to trade and improving consumer protection. In the final analysis, however, those two arguments do not have sufficient force with a view to limiting Community rules to what is economically necessary and imperative, as required by the principle of subsidiarity.

The Netherlands delegation consequently abstained.

MISCELLANEOUS DECISIONSImports of maize gluten foodstuffs

The Council adopted the Regulation amending Regulation No 2420/92 temporarily suspending until 30 June 1994 Common Customs Tariff duties on certain mixtures of residues of the maize starch industry and of residues from the extraction of maize germ oil obtained by wet milling.

PRESS RELEASE

10018/93 (Presse 186)

1702nd Council meeting

- BUDGET -

Brussels, 15 November 1993

President: Mr Herman VAN ROMPUY

Minister for the Budget
of the Kingdom of Belgium

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

Belgium:

Mr Herman VAN ROMPUY Minister for the Budget

Denmark:

Mr Jørgen ØSTRØM MØLLER State Secretary for Foreign Affairs

Germany:

Mr Gert HALLER State Secretary to the Federal Minister for Finance

Greece:

Mr Alexandros PAPADOPOULOS State Secretary for Finance

Spain:

Mr Enrique Jesús MARTINEZ ROBLES State Secretary for Finance

France:

Mr Nicolas SARKOZY Minister for the Budget

Ireland:

Mrs Eithne FITZGERALD Minister of State for Finance

Italy:

Mr Rocco Antonio CANGELOSI Deputy Permanent Representative

Luxembourg:

Mr Jean-Claude JUNCKER Minister for the Budget

Netherlands:

Mr Piet DANKERT State Secretary for Foreign Affairs

Portugal:

Mrs Maria Manuela FERREIRA-LEITE State Secretary for the Budget

United Kingdom:

Sir John COPE Paymaster General

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Commission

Mr Peter SCHMIDHUBER Member

LETTER OF AMENDMENT NO 1 TO DRAFT SUPPLEMENTARY AND AMENDING
BUDGET NO 1/93

The Council established letter of amendment No 1 to draft supplementary and amending budget No 1 for the financial year 1993, which provides for an adjustment of the estimated revenue for customs duties and the inclusion of a budget heading, with a "p.m." entry, to cover refunds on own resources to Greece, Spain and Portugal.

The letter of amendment will be forwarded to the European Parliament very shortly.

CONTINUATION OF THE 1994 BUDGET PROCEDURE

The Council held a second reading of the draft general budget of the European Communities for 1994. It took a decision on all the proposed modifications and amendments adopted by the European Parliament at first reading, in the light of the new Interinstitutional Agreement.

The Council expressed the wish that the 1994 budget should remain within the bounds of genuine budgetary discipline, given the efforts that would be needed from the national budgets. It stressed the need to leave substantial margins for the various headings, and reiterated the importance it attached to ensuring budgetary transparency and having specific legal bases.

The Council gave clear political signals to the European Parliament by accepting amendments in the areas of Growth and Employment and Research.

Expenditure agreed by the Council at the close of its second reading of the 1994 draft budget totals (in millions of ecu, round figures) ⁽¹⁾

Appropriations for commitment (c/a)	73.112,4
Appropriations for payments (p/a)	69.726,5
of which non-compulsory expenditure:	c/a 34.126,0
	p/a 30.758,7

The appropriations break down as follows (in millions of ecu, round figures):

	c/a	p/a
Common agricultural policy	35.922,0	35.922,0
Other measures	543,0	543,0
Structural funds	21.323,0	19.416,0
Other structural measures	0	209,1
Cohesion Fund	1.853,0	1.679,0
Research	2.549,5	2.380,8
Other internal policies	1.643,0	1.432,9
External action	4.139,4	3.004,2 ⁽²⁾
inc. PHARE	1.423,0	788,0
Administrative expenditure:		
- Commission	2.424,2	2.424,2
- Other institutions	1.185,3	1.185,3
Monetary reserve	1.000,0	1.000,0
Emergency aid reserve	212,0	212,0
Repayments, guarantees, reserves	318,0	318,0

⁽¹⁾ Taking account of letter of amendment No 1 to the 1994 DB, these amounts are respectively ECU 73.147,4 million in c/a and ECU 69.745,5 million in p/a of which NCE: ECU 34.161,0 million in c/a and ECU 30.777,7 million in p/a.

⁽²⁾ Taking account of letter of amendment No 1 to the 1994 DB, these amounts are respectively:
External action: ECU 4.174,4 million in c/a and ECU 3.023,2 million in p/a.

The rates of increase in NCE are thus 3,82% for commitment appropriations and 4,87% for payment appropriations. ⁽³⁾

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The Council instructed its President to forward the result of its second reading of the draft budget to the European Parliament.

FINANCIAL PERSPECTIVE FOR 1994

The Council unanimously adopted a Decision increasing the expenditure ceilings for 1994 by ECU 175 million in commitment appropriations and by ECU 120 million in payment appropriations, in order to meet additional requirements not taken into account when the financial perspective was drawn up, in particular Community measures to contribute to the relaunch of economic activity and the Community contribution to the Middle East peace process.

⁽³⁾ Taking account of letter of amendment No 1 to the 1994 DB, the rates of increase in NCE are: 3,93% in c/a and 4,93% in p/a.

MISCELLANEOUS DECISIONS

Community loan of ECU 1250 million to the former USSR: Eligibility of Azerbaijan and Uzbekistan - Council conclusions

On the Commission's initiative the Council took note of the arrangements concluded by Azerbaijan and Uzbekistan with the Government of the Russian Federation whereby Russia assumes full responsibility for payment of those countries' debt to foreign creditors arising from the debt of the former USSR.

The Council agreed that Azerbaijan and Uzbekistan would be considered eligible to benefit from the Community loan facility of ECU 1250 million granted to countries of the former USSR pursuant to the Council Decision (91/658/EEC) of 16 December 1991 (as interpreted by the Ecofin Council on 10 February 1992) once these arrangements had been agreed by the group of official creditors (Paris Club) of the former USSR.

The Council and the Commission agreed that the loans for Azerbaijan and Uzbekistan would in fact be implemented in accordance with the procedures laid down in the basic Decision and that any reallocation of the sums available under the ECU 1250 facility would be made in close consultation with the appropriate Council bodies.

Environment

The Council approved the mandate for the Commission to negotiate a second Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution concerning the control of sulphur emissions or their transboundary fluxes.

The second stage of the Protocol relating to nitrogen oxide emissions will be the subject of a later Council decision.

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PRESS RELEASE

10019/93 (Presse 187)

1703rd Council meeting

AGRICULTURE

Brussels, 16 and 17 November 1993

President: Mr André BOURGEOIS,
Minister for Agriculture of the
Kingdom of Belgium

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

Belgium:

Mr André BOURGEOIS Minister for Agriculture

Denmark:

Mr Bjørn WESTH Minister for Agriculture and Fisheries

Germany:

Mr Jochen BORCHERT Federal Minister for Food, Agriculture and Forestry
Mr Franz-Josef FEITER State Secretary, Federal Ministry of Food, Agriculture and Forestry

Greece:

Mr Georges MORAITIS Minister for Agriculture

Spain:

Mr Vicente ALBERO SILLA Minister for Agriculture, Fisheries and Food

France:

Mr Jean PUECH Minister for Agriculture and Fisheries

Ireland:

Mr Joe WALSH Minister for Agriculture, Food and Forestry

Italy:

Mr Alfredo DIANA Minister for the co-ordination of agricultural, food and forestry policies

Luxembourg:

Ms Marie-Josée JACOBS Minister for Agriculture, Viticulture and Rural Development

Netherlands:

Mr Piet BUKMAN Minister for Agriculture, Nature Conservation and Fisheries

Portugal:

Mr Arlindo CUNHA Minister for Agriculture

United Kingdom:

Mrs Gillian SHEPHARD Minister for Agriculture, Fisheries and Food
The Earl of Arran Parliamentary Under Secretary of State for Northern Ireland

Commission

Mr René STEICHEN Member

SUPPORT FOR PRODUCERS OF CERTAIN ARABLE CROPS

The Council continued its discussions on the Commission proposal for an adaptation of Regulation 1765/92 (arable crops), adopted following the CAP reform, making it more flexible.

On the basis of the ideas put forward by the Presidency in the search for solutions, the Council concentrated on those aspects of the proposal which continued to raise problems, namely:

- regionalization plans (Article 3) and in particular the introduction of a corrective mechanism;
- set-aside (Article 7), including the percentage to be applied to mixed set-aside, voluntary set-aside and rates of aid applying thereto, transfer of set-aside obligation;
- eligibility of land for compensatory payments (Article 9).

Other questions were also raised in the course of discussion.

At the close of the debate, despite some progress having been made, the Council noted that the conditions for a positive conclusion had not yet been achieved.

The Presidency stated that it would continue to make the necessary endeavours to enable the Council to take a decision on this matter, once and for all, at its meeting in December.

IMPLEMENTATION OF THE MEMORANDUM OF AGREEMENT ON OILSEEDS

The Council continued its examination of the Commission proposal aimed at making the necessary adaptations to the Community rules in force in the oilseed sector in order to make them compatible with the Agreement concluded between the Community and the United States on 8 June 1993.

During the debate, which gave delegations the opportunity of making known their concerns and problems, it transpired that the major outstanding questions were those which had already been raised at the preceding Council meeting, and principally relate to:

- distribution of the penalty if the base area for the Community (5 128 000 ha) is exceeded;
- the duration of such a penalty;
- double penalization;
- weighting of the penalty to take account of the particular situation of Member States in which production is relatively low;
- the procedure for bringing the penalty to an end.

At the close of its discussions, the Council noted that the conditions for a positive conclusion had not yet been achieved.

The Presidency stated that it would continue to make the necessary endeavours to enable the Council to take a definite decision on this matter at its meeting in December.

AGRI-MONETARY SYSTEM

The Council continued its examination of the Commission proposal on the agri-monetary system applicable following the decision taken on 2 August 1993 by the Ministers for Finance and the Governors of the Central Banks to temporarily widen the fluctuation ranges in the EMS.

This proposal follows the Council conclusion of 21 September 1993 and aims to adapt the agri-monetary system to the current situation, characterized by an all-round floating of currencies within widened ranges which, in agri-monetary terms, has resulted among other things in the de facto suspension of application of the switch-over mechanism.

The Commission proposes certain amendments to current Regulation 3813/92, with the aim of:

- avoiding too frequent amendments of green rates;
- offsetting price falls in the currency of a Member State;
- halting the tendency towards rising budget expenditure.

At the close of the discussion, the Council noted that a further period of reflection was needed, and agreed to carry this item forward to the agenda for its next meeting in December, with the aim of concluding the discussion at that time.

SUGAR SECTOR

Pending the Opinion of the European Parliament, the Council held an initial policy debate on

the Commission proposal amending certain provisions in the sugar sector.

The aim of the proposal is:

- to extend for one year, until 30 June 1995, the provisions of the sugar arrangements which expire on 30 June 1994;
- to supplement the basic sugar Regulation by quota arrangements for inulin syrup under the conditions accepted by the Council as part of the price package for the marketing year 1993/1994.

In the course of the exchange of views, delegations made known their points of view on the various elements of the proposal. Several questions were raised, in particular on the duration of the extension of the sugar arrangements, the period required for determining inulin syrup production capacity, the sugar/inulin syrup coefficient to be laid down, and the level of production levies to be imposed.

Concluding its discussion, the Council decided to place this item on the agenda for its next meeting on 13 and 14 December 1993.

EXPORT CONTROLS

Pending the Opinion of the European Parliament, the Council conducted an initial examination of the Commission proposal on the monitoring carried out when agricultural products receiving refunds or other amounts are being exported.

The aim of the proposal is to introduce two amendments to current Regulation 386/90. This is a measure to reinforce monitoring to combat fraud. The measure provides for:

- application of the rule of monitoring 5% of export declarations over all sectors, where monitoring is based on a risk analysis, while maintaining a minimum of 2% for each sector;
- introduction of the possibility of imposing a minimum rate of checks to be carried out by the customs office of exit from the Community, in cases where export declarations are accepted at an internal customs office (risk of substitution).

The discussion in Council revealed a desire to make rapid progress on this issue, which forms part of the fight against fraud, in accordance with the action advocated by all the European Institutions.

The Council reached a common position on the Commission proposal, and will continue its discussions after receipt of the Opinion of the European Parliament, which it agreed to request under the emergency procedure, given the great sensitivity of the subject.

URUGUAY ROUND - AGRICULTURAL ASPECT

The Council took note of the latest developments in the Uruguay Round negotiations as described in a statement by Commissioner STEICHEN relating firstly to the state of

negotiations on access to the agricultural market and secondly to the health and plant health aspect.

After emphasizing that its earlier conclusions (of 20 September and 4 October 1993) had lost none of their relevance, the Council asked the Commission to maintain a dynamic position in order to reactivate bilateral and multilateral negotiations with a view to a balanced overall solution within the time period envisaged.

The Council repeated its request to the Commission to be kept constantly abreast of progress with the issues under discussion, and agreed to put this item on the agenda for its next meeting.

COMMUNITY PLANT VARIETY RIGHTS

The Council continued its examination of the Commission proposal on Community plant variety rights, which provides among other things for:

- Community protection of varieties at the request of the breeder;
- certain exceptions to such protection, including the concept of "seeds obtained by farmers and used on their own holding";
- procedural provisions, including the setting up of a new Community body, the Community Office for the Protection of Plant Variety Rights;
- financial provisions.

The Council focused exclusively on the agricultural aspects of the proposal, namely the question of the "farmers' privilege", i.e. the exception to the rule protecting breeders where seeds are obtained by farmers and used on their own holding.

Taking account of the need to strike a reasonable balance between the legitimate interests of plant variety breeders and those of farmers, the Council examined the question of the payment of a fee by the farmer, and the question of exception from such payment for small farmers. The possibility of including a list of species to which the farmers' privilege would apply was also discussed.

Substantial progress was made, and the Council agreed to carry the item over to the agenda for its meeting in December with a view to taking a decision on the agricultural aspects of the dossier.

FURTHER DECISIONS RELATING TO AGRICULTURE

(adopted without debate)

The Council unanimously adopted the Regulations:

- amending Regulation No 136/66/EEC on the establishment of a common organization of the markets in oils and fats; this amendment supplements the Regulation in force by introducing particular intervention measures for olive oil in order to offset serious market disturbances before the opening of the normal intervention period (1.7.-31.10.);
- amending Regulation (EEC) No 1906/90 on certain marketing standards for poultrymeat; this involves a clarification and technical update of the existing rules;
- setting for the 1993/1994 marketing year the percentages mentioned in Article 3(1a) of Regulation (EEC) No 426/86 in connection with aid for products processed from tomatoes; this is the percentage of the quantities of processed tomatoes covered by contracts concluded with associations of producers. It is set at 80%, the same level as the previous year;
- amending Regulation (EEC) No 357/79 on statistical surveys on areas under vines; this amendment aims to phase in the use of the vineyard register for statistical surveys, and thus to reduce the workload for the Member States concerned.

The Council adopted the Decision on the conclusion of the 1993 Protocol renewing until 31 December 1998 the International Agreement on Olive Oil and Table Olives, 1986, with amendments to the said Agreement.

PRESS RELEASE

10232/93 (Presse 194)

1704th Council meeting
- **CONSUMER AFFAIRS** -

Brussels, 19 November 1993

President: Mr Melchior WATHELET,
Minister for Justice
and Economic Affairs
of the Kingdom of Belgium

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

<u>Belgium:</u> Mr Melchior WATHELET	Minister for Justice and Economic Affairs
<u>Denmark:</u> Mr Christopher BO BRAMSEN	State Secretary for Industry
<u>Germany:</u> Mr Johan EEKHOFF	State Secretary for Economic Affairs
<u>Greece:</u> Mr Constantin SIMITIS	Minister for Trade, Minister for Industry, Energy and Technology
<u>Spain:</u> Mr José CONDE	Deputy State Secretary for Health and Consumer Affairs
<u>France</u> Mr Pierre SELLAL	Deputy Permanent Representative
<u>Ireland:</u> Ms Mary O'ROURKE	Minister of State with special responsibility for Labour Affairs
<u>Italy:</u> Mr Rocco Antonio CANGELOSI	Deputy Permanent Representative
<u>Luxembourg:</u> Mr Georges WOHLFART	State Secretary for Trade
<u>Netherlands:</u> Mr Ate OOSTRA	Deputy Permanent Representative
<u>Portugal:</u> Mr Joaquim POÇAS MARTINS	State Secretary for the Environment and Consumer Affairs
<u>United Kingdom:</u> Mr David DURIE	Deputy Permanent Representative
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<u>Commission</u> Ms Christiane SCRIVENER	Member

PROTECTION OF TIMESHARE PURCHASERS

The Council reached agreement in substance on a common position concerning the Directive on the protection of purchasers in contracts relating to the purchase of a right to utilize one or more immovable properties on a timeshare basis ⁽¹⁾.

Such protection, by means of a Community instrument, is warranted on account of the cross-border nature of such transactions, of differences between the relevant national laws and of the problems faces by consumers in taking out such contracts.

The common position is designed to approximate the laws, regulations and administrative provisions of the Member States concerning the protection of purchasers in respect of certain aspects of timeshare contracts, viz.:

- information on the minimum constituent parts of the contract and the arrangements for forwarding such information;
- the procedures and arrangements for cancellation and withdrawal.

With regard to the provisions on information, the timeshare contract and the document describing the property covered by the contract would have to be drafted, from among the official languages of the Community, in the language (or one of the languages) of the Member State in which the purchaser resides or in the language (or one of the languages) of the

(1) For the purposes of the Directive, a timeshare contract means any contract or group of contracts concluded for a minimum of three years by which, directly or indirectly, on payment of a certain global price, a real property right or any other right relating to the utilization of one or more immovable properties for a specified or specifiable period of the year, which may not be less than one week, is established or is the subject of a transfer or an undertaking to transfer.

Member State of which he is a national, if he so wishes. However, the Member State in which the purchaser resides would be able to require the contract in all cases to be drafted at least in its own (or one of its own) official language(s), from among those of the Community. In addition the vendor would have to provide the purchaser with a certified translation of the contract in the official Community language (or one of the official Community languages) of the Member State in which the property is situated.

With regard to withdrawal conditions, the purchaser would be entitled to withdraw within 10 days without giving any reason. Any advance payment by the purchaser before the end of that cooling-off period would be prohibited.

The Directive lays down minimum requirements and so would not prevent Member States from adopting or retaining provisions that are more favourable in terms of protecting purchasers in this field, subject to their obligations under the Treaty.

Member States would have to comply with the Directive not later than three years after it is published, although they are committed to transposing it within as short a time as possible, in fact two years, in order to bring about swiftly a better standard of consumer protection in this field.

CONTRACTS NEGOTIATED AT A DISTANCE

The Council was briefed on progress with the proposal for a Directive to approximate Member States' legislation on contracts negotiated at a distance (distance-selling) and instructed the Permanent Representatives Committee to discuss it further.

TRANSPARENCY OF CROSS-BORDER PAYMENTS

The Council took note of the presentation by the Commission of the findings of a survey concerning transparency of cross-border payments and the present picture as regards costs entailed by such payments.

The document points in particular to the high charges made for banking transactions, despite the undertaking given by the banks in March 1992 to bring such charges down.

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The Council took note of progress with the other items on its agenda, viz.:

- second consumer action plan;
- consumer labelling of products;
- consumers' access to the courts;
- guarantees and after-sales service.

MISCELLANEOUS DECISION**Economic and Social Committee**

The Council decided to appoint Miss Beata Brookes, Mrs Ann Davison and Mr Graham Speirs members of the Economic and Social Committee in place of Dr Ann Robinson, Miss Sue Slipman and Mr Andrew Tyrie respectively for the remainder of their terms of office, which run until 20 September 1994.

PRESS RELEASE

10022/93 (Presse 190)

1705th Council meeting

- INDUSTRY -

Brussels, 18 November 1993

President: Mr Melchior WATHELET,

Deputy Prime Minister, Minister for
Economic Affairs of the Kingdom
of Belgium

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

Belgium:

Mr Melchior WATHELET

Deputy Prime Minister, Minister for Economic Affairs

Mr Guy SPITAEELS

President of the Walloon Government

Denmark:

Mr Jan TRØJBORG

Minister for Industry

Germany:

Mr Günther REXRODT

Federal Minister for Economic Affairs

Mr Johann EEKHOFF

State Secretary for Economic Affairs

Greece:

Mr Constantin SIMITIS

Minister for Industry, Energy and Technology

Mr Christos PAHTAS

State Secretary for Industry

Spain:

Mr Juan Manuel EGUIAGARAY UCELAY

Minister for Industry

Mr Juan Ignacio MOLTÓ GARCÍA

State Secretary for Industry

France:

Mr Gérard LONGUET

Minister for Industry, Posts and Telecommunications and Foreign Trade

Ireland:

Mr Ruairi QUINN

Minister for Employment and Enterprise

Italy:

Mr Paolo SAVONA

Minister for Industry

Luxembourg:

Mr Robert GOEBBELS

Minister for Economic Affairs

Netherlands:

Mr J.E. ANDRIESSEN

Minister for Economic Affairs

Portugal:

Mr Luis MIRA AMARAL

Minister for Industry and Energy

Mr Luis Filipe ALVES MONTEIRO

State Secretary for Industry

United Kingdom:

Mr Tim SAINSBURY

Minister of State, Department of Trade and Industry

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Commission:

Mr Martin BANGEMANN

Member

Mr Karel VAN MIERT

Member

RESTRUCTURING OF THE EUROPEAN STEEL INDUSTRY

The Council held a full debate on the problems raised by the restructuring of the Community industry, particularly with regard for State aid.

Following the discussions, which took place in the framework of a global approach that was deemed necessary for the sake of coherent and balanced treatment of all the dossiers on restructuring with State aid currently before the Council, the President of the Council was obliged to acknowledge that:

- there continued to be substantial differences between the Italian delegation and the Commission on the restructuring of the ILVA undertaking,
- there was no agreement on the other dossiers because of the abovementioned differences and of the maintenance of specific reservations by certain delegations.

Given therefore the impossibility of reaching full or partial political agreement at this juncture, the President said that a further meeting of the Industry Council might be convened for 17 December if there were found to be a genuine prospect of agreement.

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The other items on the agenda were held over until a later meeting.

OTHER DECISIONSDefinition of a Community approach to the development of the non-energy mining industry
- Council conclusions

"THE COUNCIL OF THE EUROPEAN UNION:

- 1) WELCOMES the Commission communication of 11 November 1992 entitled "The non-energy mining industry: current situation and guidelines for a Community approach", which analyses the follow-up to the Council Resolution of 28 July 1989 on the development of the Community mining industry ⁽¹⁾, which highlights the economic importance of this industrial activity and proposes guidelines for a Community approach with a view to strengthening the competitiveness of the non-energy mining industry;
- 2) EMPHASIZES the importance of comprehensive and consistent consideration of the internal and external aspects of a Community approach in this field, taking into account the approach advocated in the most recent guidelines which appear in the Commission communication of 20 November 1990 entitled "Industrial policy in an open and competitive environment: guidelines for a Community approach";
- 3) CALLS UPON the Commission to continue its work, with due regard for the principle of subsidiarity, turning the dialogue with the representatives of the industries concerned and experts from the Member States into its main instrument and studying essentially the issues set out below without any particular priority:
 - (a) improving access to, and updating of, information, both on geological and mining data and on markets, products and other economic factors by improving the Commission structure for providing raw material statistics and by increased co-operation between Member States' geological departments, and the use of their knowledge by the Commission;

⁽¹⁾ OJ C 207, 12.8.1989, p. 1.

- (b) consideration of the environmental dimension, taking account of the restoration of closed or closing sites, while promoting a balance between the economic interests of the sector and environmental protection requirements;
 - (c) tailoring training structures to industry's requirements at the level of both universities and technicians, taking into account the need to maintain a technico-scientific capacity in the mining sector to encourage access in third countries and the possibilities for intra-Community exchanges and exchanges with third countries;
 - (d) strengthening policy for industrial co-operation with the third countries most concerned within the framework of their agreements with the Community, based on mutual interest, in line with commercial practices which comply with the GATT rules, and aimed in particular at ensuring that Community undertakings have access to resources;
- 4) REQUESTS the Commission to submit conclusions on the outcome of these proceedings within the next twelve months.
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PRESS RELEASE

10235/93 (Presse 197)

1706th Council meeting

ECONOMIC AND FINANCIAL QUESTIONS

Brussels, 25 November 1993

President: Mr Philippe MAYSTADT,
Minister for Finance
of the Kingdom of Belgium

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

Belgium:

Mr Philippe MAYSTADT Minister for Finance

Denmark:

Mrs Marianne JELVED Minister for Economic Affairs
Mr Jens THOMSEN State Secretary for Finance

Germany:

Mr Günter REXRODT Federal Minister for Economic Affairs
Mr Johann EEKHOFF State Secretary for Economic Affairs
Mr Gert HALLER State Secretary for Economic Affairs

Greece:

Mr Yiannos PAPANTONIOU Deputy Minister for Economic Affairs

Spain:

Mr Pedro SOLBES MIRA Minister for Economic Affairs and Finance
Mr Alfredo PASTOR BODMER State Secretary for Economic Affairs and Finance

France:

Mr Edmond ALPHANDERY Minister for Economic Affairs

Ireland:

Mr Bertie AHERN Minister for Finance

Italy:

Mr Piero BARUCCI Minister for the Treasury

Luxembourg:

Mr Jean-Claude JUNCKER Minister for Finance

Netherlands:

Mr Wim KOK Minister for Finance

Portugal:

Mr Jorge BRAGA DE MACEDO Minister for Finance
Mr José BRAZ State Secretary for the Treasury

United Kingdom:

Mr Kenneth CLARKE Chancellor of the Exchequer

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Commission:

Mr Jacques DELORS President
Mr Henning CHRISTOPHERSEN Vice-President
Mr Raniero VANNI d'ARCHIRAFI Member

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The following also attended:

Sir Brian UNWIN President of the EIB
Sir Nigel WICKS Chairman of the Monetary Committee
Mr François MONIER Chairman of the Economic Policy Committee

WHITE PAPER ON GROWTH, COMPETITIVENESS AND EMPLOYMENT

After an introduction by President Delors of the main points of the White Paper which the Commission will be submitting to the European Council on 10 and 11 December 1993, the Council held a wide-ranging discussion.

It asked the Commission to take account of the comments made during the discussion when preparing the final version of the White Paper.

BROAD GUIDELINES OF THE ECONOMIC POLICIES OF THE MEMBER STATES AND OF THE COMMUNITY

The Council heard a statement by Commissioner Christophersen introducing the Commission working document on the framework for the broad guidelines of the economic policies of the Member States and of the Community entitled "Restoring growth and employment - strengthening convergence".

After an exchange of views, the Council asked for its comments to be reflected in the recommendation which the Commission would be finalizing the following Wednesday.

The Council will hold a special meeting on Sunday 5 December, at which it will draw up its draft broad economic policy guidelines for submission to the European Council, on the basis of the Commission recommendation.

CONVERGENCE PROGRAMMES

Having examined the Federal Republic of Germany's updated convergence programme and the French economic convergence programme, submitted jointly by Germany and France and both covering the period 1994 to 1997, the Council adopted the following conclusions:

Conclusions on the German convergence programme

The Council welcomed the presentation of the updated programme and, in particular, the enhanced efforts of the German authorities to achieve convergence, notwithstanding the considerable difficulties being faced in the aftermath of German unification.

The Council strongly welcomed the determination of the German authorities to achieve fiscal consolidation, as underlined by the measures already put into law as well as those in the process of being adopted. The Council was of the opinion that the goals of the convergence programme were attainable but at the same time recognized that there were some downside risks as to the pace of adjustment. It therefore urged the Federal Government to monitor closely the implementation of the programme.

It also took note of the Government's structural policy strategy and its emphasis on the importance of better growth performance and stability for the convergence process. Strong measures to improve the productivity and competitiveness of the German economy were deemed to be necessary, also to deal better with the distributional questions raised in the process of absorbing the East German economy.

The Council acknowledged the great challenge facing the German authorities in simultaneously achieving low inflation and budgetary consolidation. It recognized the importance of bringing the inflation rate further down and urged the German authorities

to be especially vigilant in their monitoring of the implementation of this part of the programme.

The Council stressed the crucial role of the authorities at the local and regional levels in the budgetary and structural field and emphasized the importance of national consensus in order to reach the objectives of the convergence programme.

Conclusions on the French convergence programme

The Council expressed satisfaction that the economic policies pursued by France since the 1980s had left the economy in a relatively favourable position in terms of inflation, price competitiveness and debt situation. France was therefore well-placed to achieve full compliance with the convergence criteria laid down in the Maastricht Treaty,

Inflationary pressures being likely to remain low in France over the coming years, the Council saw the main convergence challenge facing the French authorities to be on the budget position, which had suffered a substantial deterioration in the last two years, mainly on account of cyclical factors. In this regard, the Council welcomed the commitment to an ambitious budgetary adjustment effort contained in the convergence programme.

Wide-ranging measures aimed at reducing the budget deficit to below 3% by 1996-1997 and at reversing the moderate rise in the public-sector debt ratio had been outlined. The Council noted that several of these measures were already based in legislation, thereby reinforcing the credibility of the adjustment commitment contained in the programme.

The Council was of the opinion that the programme presented was solid and coherent. However, given the fact that some uncertainty remained as to the growth prospects for the future, it invited the French Government to monitor its implementation closely.

The Council also welcomed the structural reform measures to be undertaken by the French authorities, particularly in respect of the operation of the labour market.

Given the difficult employment conditions in France and throughout the Community, the Council attached particular importance to these measures and encouraged the French authorities to continue their efforts in this direction.

PREPARATION FOR THE SECOND STAGE OF EMU

At its meeting on 25 October the Council reached political agreement on the series of draft texts required for implementation of the second stage of EMU. Following entry into force of the TEU on 1 November and in view of the fact that the Committee of Governors of the central banks, the Monetary Committee and the European Parliament ⁽¹⁾ had given their opinions, the Council proceeded to adopt:

- the following four acts:

- = Regulation on the application of the Protocol on the excessive deficit procedure annexed to the Treaty
- = Decision on the statistical data to be used for the determination of the key for the financial resources of the European Monetary Institute
- = Decision on the consultation of the European Monetary Institute by the authorities of the Member States on draft legislative provisions
- = Regulation modifying Regulation No 260/68 which lays down the conditions and procedure for applying the tax for the benefit of the European Communities.

- two common positions:

- = on a Regulation specifying definitions for the application of the prohibition of privileged access referred to in Article 104a of the Treaty

⁽¹⁾ The text concerning privileges and immunities, on which the European Parliament has not yet delivered its Opinion, will be adopted later.

= on a Regulation specifying definitions for the application of the prohibitions referred to in Articles 104 and 104b(1) of the Treaty, to which the co-operation procedure applies.

When examining the European Parliament's Opinions, the Council found the views of the Parliament to be broadly in line with those of the Council; it adopted a number of the amendments proposed by the European Parliament.

BCCI AFFAIR

Pending the Opinions of the European Parliament and the Economic and Social Committee on the proposal for a Directive on the reinforcement of prudential supervision of financial undertakings, the Council noted that a political agreement was emerging on the content of the proposal.

This Directive, proposed by the Commission on 28 July 1993, is designed to make amendments across the board to a number of framework Directives applying to financial undertakings in order to strengthen the competent authorities' supervisory powers and obviate as far as possible the risk of financial scandals arising, as in the recent past.

The four cardinal points in the proposal are as follows:

- transparency is required of the group of companies to which a financial undertaking belongs;
- a financial undertaking is required to have its registered office and its head office in the same Member State;
- the scope for exchanging information between authorities is extended;
- auditors are required to report to the supervisory authorities any irregularities discovered in financial undertakings.

Once it has received the abovementioned Opinions, the Council will return to this proposal in order to adopt a common position.

FOLLOW-UP TO THE BRUSSELS EUROPEAN COUNCIL ON 29 OCTOBER 1993 - GROWTH INITIATIVE

- Extension of the criteria for eligibility for the "Edinburgh facility"

The Council noted an oral progress report by the EIB President on the Bank's work on extending the scope of the "Edinburgh facility" to transport infrastructure, energy production and urban renewal.

- Interest rate subsidies for SMEs

The Council gave its political agreement to the amended proposal recently submitted by the Commission on the grant of interest-rate subsidies to SMEs under the "Edinburgh facility".

The Council asked Coreper to finalize the relevant text so that it could be adopted without further debate at a forthcoming meeting.

- European Investment Fund

The Council reached political agreement on the proposal for a Decision on Community membership of the European Investment Fund. The Decision will be formally adopted once the act enabling the Fund to be set up has been ratified.

The Council asked Member States which had not yet ratified the act in question to ensure that, as far as was possible, it was ratified by the end of the year.

MISCELLANEOUS DECISIONS

(adopted unanimously without discussion unless otherwise indicated)

Sixth VAT Directive

The Council adopted the Decision authorizing the United Kingdom to apply, as from 1 January 1993 and until 31 December 1996, a particular measure in accordance with Article 22(12)(a) of the sixth Directive (77/388/EEC) on the harmonization of the laws of the Member States relating to turnover taxes.

This Decision meets a request for a derogation submitted by the United Kingdom Government on 23 April 1993 and concerns a simplification of the statement obligations laid down in Article 22(6)(b) of the sixth VAT Directive.

Internal market - SMEs

The Council formally adopted the Resolution on strengthening the competitiveness of small and medium-sized enterprises and craft enterprises, and developing employment, which was approved by the Internal Market Council on 11 November 1993 (see Press Release 9624/93 Press 180).

Relations with the ACP States

The Council approved, for the Community, the draft decision on the budget for the Centre for the Development of Industry and decided to have it forwarded to the ACP side with a view to its adoption by the ACP-EEC Committee on Industrial Co-operation.

Relations with the EFTA countries

The Council adopted by a qualified majority, with Spain voting against, the Decisions of the EEC-EFTA Joint Committees altering the limits expressed in ECUs in Article 8 of Protocol No 3 to the EEC-EFTA Agreements concerning the definition of the concept of "originating products" and methods of administrative co-operation.

The Decisions, which raise the said limits as from 1 May 1993, are designed to ensure that administrative simplifications are not eroded as a result of the old limits being exceeded through the revaluation of certain EFTA currencies.

The Council also adopted the Decision concerning the conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation relating to the amendment of

- the Convention of 20 May 1987 on a common transit procedure, and
- the Convention of 28 April 1987 on simplification of formalities in trade in goods.

Anti-dumping measures

The Council adopted the Regulation amending Regulation No 738/92 imposing a definitive anti-dumping duty on imports of cotton yarn originating in Brazil and Turkey.

Under this amendment, the level of duty applicable to each of the five companies concerned will be equal to the level of the dumping margins established as a result of the review carried out by the Commission:

- Brazil: Cocomar Ltda 12,3%, Corduroy S.A. 11,7%, Cotece S.A. 10,9%, Norfil S.A. 8,7%;
- Turkey: Kula Mensucat Fabrikasi A.S. 8,4%.

Fisheries

The Council adopted the Regulation on the conclusion of the Protocol establishing, for the period 1 June 1993 to 31 May 1996, the fishing rights and financial compensation provided for in the Agreement between the Community and Sao Tomé e Príncipe.

The fishing rights are set at 40 freezer tuna seiners and eight pole-and-line wet tuna vessels or surface long-liners. Financial compensation for the life of the Protocol amounts to ECU 1 650 000, covering an annual catch of 9 000 tonnes in Sao Tomé e Príncipe waters.

PRESS RELEASE

10234/93 (Presse 196)

1707th Council meeting

- FISHERIES -

Brussels, 22 November 1993

President: **Mr André BOURGEOIS,**
Minister for Agriculture
of the Kingdom of Belgium

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

Belgium:

Mr André BOURGEOIS Minister for Agriculture

Denmark:

Mr Bjørn WESTH Minister for Agriculture and Fisheries
Mr Thomas LAURITSEN State Secretary, Ministry of Fisheries

Germany:

Mr Franz-Josef FEITER State Secretary, Federal Ministry of Food, Agriculture and Forestry

Greece:

Mr Floris KONSTANTINOU State Secretary for Agriculture

Spain:

Mr Vicente ALBERO SILLA Minister for Agriculture, Fisheries and Food

France:

Mr Jean PUECH Minister for Agriculture and Fisheries

Ireland:

Mr David ANDREWS Minister for the Marine

Italy:

Mr Pasquale DIGLIO State Secretary for Agriculture

Luxembourg:

Mr Jean-Marc HORSCHHEIT Deputy Permanent Representative

Netherlands:

Mr E. PIERHAGEN Director-General for Fisheries

Portugal:

Mr Eduardo DE AZEVEDO SOARES Minister for Maritime Affairs

United Kingdom:

Mr Michael JACK Minister of State, Ministry of Agriculture, Fisheries and Food

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Commission:

Mr Ioannis PALEOKRASSAS Member

PRICES FOR THE 1994 FISHING YEAR

The Council adopted unanimously the Regulations fixing for 1994 the guide prices for the fishery products listed in Annex I(A), (D) and (E) (fresh products) and Annex II (frozen products) to Regulation No 3759/92 and the producer price for tuna intended for the canning industry.

The amounts for 1994 and the variations as compared to 1993 prices for the various species are as follows:

A. Guide prices in ECU/tonne for fresh products ⁽¹⁾		<u>% change from 1993</u>
1. Herrings		
- from 1. 1.1994 to 31. 7.1994 and from 1.10.1994 to 31.12.1994	248	- 2
- from 1. 8.1994 to 30. 9.1994	172	- 4,5
2. Sardines		
(a) Atlantic		
- Member States other than Spain and Portugal	436	- 4
- Spain and Portugal	417	- 4
(b) Mediterranean	430	- 4
3. Picked dogfish	877	0
4. Catshanks	690	- 6
5. Redfish	931	0
6. Cod	1 289	- 2

⁽¹⁾ The guide prices for fresh products are used in particular to determine the Community withdrawal price or, for the species listed under Annex I(E), the Community selling price.

	<u>% change from 1993</u>	
7. Coalfish	659	- 2
8. Haddock	918	- 5
9. Whiting	970	- 4
10. Ling	955	- 2
11. Mackerel (Scomber Scombrus)	240	- 7
12. Spanish mackerel (Scomber japonicus)	300	- 5
13. Anchovies	959	0
14. Plaice		
- from 1.1.1994 to 30. 4.1994	804	0
- from 1.5.1994 to 31.12.1994	1 106	0
15. Hake	3 132	0
16. Megrin	1 959	0
17. Ray's bream	1 495	- 2
18. Monkfish		
- whole	2 201	+ 1
- without head	4 525	0
19. Shrimps	1 684	+ 1
20. Edible crab	1 467	0
21. Norway lobster		
- whole	4 259	- 2
- without head	6 200	- 10
22. Dab	752	- 1
23. Flounder	450	0
24. Albacore or long-finned tuna	1 800	0
Gutted	2 100	0
25. Cuttlefish	1 300	0
26. Sole	5 000	0

% change from 1993B. Guide prices in ECU/tonne for frozen products ⁽²⁾

1. Sea-bream	1 294	- 3
2. Squid (<i>Ioligo patagonica</i>)	889	+ 2
3. Squid (<i>Ommastrephes sagittatus</i>)	798	0
4. Squid (<i>Illex argentinus</i>)	752	- 6
5. Cuttlefish and <i>Sepiola rondeletti</i>	1 541	- 3
6. Octopus	1 412	0
7. Lesmer of Greenland halibut	1 500	0
8. Whole hake	1 150	0
9. Fillets of hake	1 450	0
10. - Prawn (<i>Parapenaeus longirostris</i>)	4 900	- 2
- other species of the family Penaeidae	6 500	0

% change from 1993C. Producer price for tuna in ECU/tonne ⁽³⁾

Tuna (albacore)	1 011	- 4,5
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⁽²⁾ The guide prices for frozen products are used in particular as a reference for the granting under certain conditions of private storage aid.

⁽³⁾ The Community producer price for tuna is used in particular as a reference for the granting under certain conditions of an allowance to producers' organizations.

ARRANGEMENTS FOR THE ACCESSION OF SPAIN AND PORTUGAL

The Council held a policy debate on the proposal for a Regulation adjusting, from 1 January 1996, the transitional arrangements for Spain and Portugal in the fisheries sector.

The proposal is in particular directed towards the integration of the specific arrangements currently applied to the fleets of those two Member States into the general rules of the common fisheries policy.

At the close of the debate, the Permanent Representatives Committee was instructed to examine the dossier further on the basis of the compromise points put forward by the Presidency and in the light of the Opinion of the European Parliament, so that the Council could act by the end of the year.

COMMUNITY STRUCTURAL ASSISTANCE

The Council held a policy debate on the main questions raised by the proposal for a Regulation laying down detailed rules for implementing Regulation No 2080/93 on Community structural assistance in the fisheries and aquaculture sector and the industry processing and marketing its products.

The aim of the proposal is, in particular, to incorporate the structural aspects of the common fisheries policy into the Structural Fund legislation alongside the specific Regulations relating to each Fund (ERDF, ESF and EAGGF Guidance Section).

At the close of the debate the Council noted a certain convergence of views and instructed the Permanent Representatives Committee to examine the proposal further in the light of the guidelines worked out and the Opinion of the European Parliament, so that the Council could act before the end of the year, thus avoiding a legal vacuum as regards Community aid for structural measures in the fisheries sector.

RESTRUCTURING OF THE FISHERIES SECTOR

The Council took note of the Commission's presentation of a proposal for a Decision laying down the objectives and detailed rules for restructuring the Community fisheries sector over the period 1 January 1994 to 31 December 1996 with a view to achieving a lasting balance between the resources and their exploitation.

This proposal is the first implementation of the basic Regulation on the common fisheries policy (No 3760/92), which stipulates in particular that the Council is required to fix by a procedure established by Article 43 of the Treaty (qualified majority, consultation of Parliament), on a multiannual basis and for the first time by 1 January 1994 at the latest, the objectives and detailed rules for restructuring the Community fisheries sector.

Its main aim is to confirm the Multiannual Guidance Programmes for 1993-1996, decided on by the Commission on 21 December 1992 following the guidelines worked out by the Council in November 1992 and to make them binding.

The Permanent Representatives Committee will begin examining this proposal so that the Council can act as soon as possible, particularly in the light of Parliament's Opinion.

COMMUNITY SYSTEM OF FISHING LICENCES

The proposal for a Council Regulation establishing a Community system of fishing licences was again discussed by the Council.

The proposal follows on from the decision of the Council, under the new Community system for fisheries and aquaculture, to establish before 31 December 1993 a Community system which will apply no later than 1 January 1995 laying down rules for the minimum information to be contained in fishing licences, to be issued and managed by Member States.

The Commission proposes supplementing this Community system of fishing licences, which should allow all fishing vessels to be identified ("identity card") by provisions concerning the management of fishing activities ("fishing permit").

It emerged from the discussion that the Council tended to favour the adoption before the end of this year of the "identity card" part of the Regulation, consisting of minimum requirements on the identification, technical characteristics and equipment of fishing vessels. The Council undertook to take a decision on the provisions concerning the "fishing permit" before the end of 1994.

The Permanent Representatives Committee was instructed to continue the discussions on the basis of this approach, and in the light of Parliament's Opinion.

TERMS GOVERNING DIRECT LANDINGS BY VESSELS FROM THIRD COUNTRIES

The Council took note of an interim report by the Presidency on work relating to the proposal for a Regulation setting the terms under which fishing vessels flying a third-country flag may land and market their catches at Community ports.

This proposal is intended to make imports of the fisheries products in question subject to the same health, veterinary and marketing requirements as Community production and to the rules of the producers' organizations regarding withdrawal or selling prices.

The Permanent Representative Committee was instructed to continue examining the proposal, in particular in the light of Parliament's Opinion, prior to the next Council meeting on 20 and 21 December 1993.

INDUSTRIAL FISHERIES

The Council held a debate on industrial fisheries and in particular on the pilot projects in the Baltic which the Commission intended to propose.

This debate followed the presentation by the Community of two reports on industrial fisheries in the North Sea, the Skagerrak and the Kattegat, and on the assessment of the biological impact of these activities.

The Council approved the idea of the pilot projects and instructed the Permanent Representatives Committee to continue discussions on an overall approach taking account of the results of those projects.

PRESS RELEASE

10237/93 (Presse 199)

1708th Council meeting

LABOUR AND SOCIAL AFFAIRS

Brussels, 23 November 1993

President: **Ms Miet SMET**

Minister for Employment, Labour and
Policy on Equal Opportunities of the
Kingdom of Belgium

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

Belgium:

Ms Miet SMET

Minister for Employment, Labour and Policy on Equal Opportunities

Mr F. WILLOCKX

Ms Laurette ONKELINX

Minister for Pensions

Chairwoman of the French-speaking Community and Minister with responsibility for Social Affairs, Public Health and Tourism

Denmark:

Ms Jytte ANDERSEN

Mr Henrik HASSENKAM

Minister for Labour

State Secretary for Labour

Germany:

Mr Horst GÜNTHER

Parliamentary State Secretary, Federal Ministry of Labour and Social Affairs

Greece:

Mr Evangelos YIANNOPOULOS

Minister for Labour

Spain:

Mr José Antonio GRIÑAN

Ms Cristina ALBERDI ALONSO

Minister for Labour and Social Security

Minister for Social Affairs

France:

Mr Michel GIRAUD

Minister for Labour, Employment and Vocational Training

Ireland:

Ms Mary O'ROURKE

Mr Mervyn TAYLOR

Minister of State (Labour Affairs)

Minister for Equality and Law Reform

Italy:

Mr Gino GIUGNI

Minister for Employment and Social Security

Luxembourg:

Mr Jean-Claude JUNCKER

Ms Mady DELVAUX-STEHRÉS

Minister for Labour

Secretary of State for Social Security

Netherlands:

Mr Bert DE VRIES

Minister for Employment and Social Security

Portugal:

Mr José DA SILVA PENEDA

Minister for Employment and Social Security

United Kingdom:

Mr David HUNT

Mr Michael FORSYTH

Secretary of State for Employment

Minister of State for Employment

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Commission :

Mr Pádraig FLYNN

Member

At this meeting, the Council:

- adopted two Directives, namely
 - = a Directive on the organization of working time (see p. 7)
 - = a Directive on the protection of workers on fishing vessels (see pp. I and II);

- adopted its common position on the proposal for a Directive on the protection of young people at work (see pp. 4 to 6);

- approved a Declaration of Principles concerning future policy to help the elderly (see p. 10);

- reached broad agreement on two other proposals for Directives, namely
 - = a Directive on parental leave (see p. 8)
 - = a Directive on the burden of proof (see p. 8).

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PROTECTION OF YOUNG PEOPLE AT WORK

Following the political agreement reached at its meeting on 12 October 1993, the Council adopted unanimously (Spain and Italy abstained: their explanations are given in the Annex) the common position on the Directive concerning the protection of young people at work.

The Directive provides that the Member States will:

- take the necessary measures to prohibit work by children;

- ensure that work by adolescents is strictly regulated and protected under the conditions set by the Directive.

The Directive is based on Article 118a of the EEC Treaty. It applies to anyone under the age of 18 who has an employment contract or an employment relationship defined by the law in force in a Member State and/or governed by the law in force in a Member State.

The Directive defines the following groups of young people:

- child: any young person of less than 15 years of age or who is still subject to compulsory full-time schooling under national law;

- adolescent: any young person of at least 15 years of age but less than 18 years of age who is no longer subject to compulsory full-time schooling under national law.

The first aim of the Directive is to prohibit work by children.

However, the Directive allows Member States, under certain conditions, to make provision to the effect that the prohibition on work by children does not apply to:

- children pursuing cultural, artistic, sports or advertising activities so long as prior authorization has been given by the competent authority in individual cases;
- children of at least 14 years of age working under a combined work/training scheme or an in-plant work-experience scheme, provided that such work is done in accordance with the conditions laid down by the competent authority;
- children of at least 14 years of age performing light work other than that referred to in the first indent; light work may, however, be performed by children of 13 years of age for a limited number of hours per week in the case of categories of work determined by national legislation.

"Light work" means all work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed:

- is not likely to be harmful to the safety, health or development of young people, and
- is not such as to be harmful to their attendance at school, their participation in vocational guidance or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

The Directive contains provisions concerning:

- general obligations on employers, such as protecting the health and safety of young people, assessing the hazards to young people in connection with their work, assessing and monitoring the health of young people, informing young people and the legal representatives of children about possible risks to health and safety;

- work which young people are not allowed to perform, e.g. work which is beyond their physical or psychological capacity; work involving harmful exposure to dangerous agents.

It also contains detailed provisions on the following points:

- working time;
- night work;
- rest periods;
- annual rest;
- annual holidays;
- breaks.

The United Kingdom will have the option of not applying certain provisions of the Directive concerning adolescents for a period of four years from the date on which the Directive takes effect. The Commission will submit a report on the effects of this transitional provision, and on the basis of that report the Council will decide, by the procedures laid down in the Treaty, whether the provision should be extended.

ORGANIZATION OF WORKING TIME

Following the agreement achieved on the common position on 1 June 1993 (see Press Release 6710/93 - Presse 88), the Council adopted, with the United Kingdom delegation abstaining, the Directive concerning certain aspects of the organization of working time.

The Directive lays down minimum health and safety provisions in the following areas:

- maximum weekly working time (48 hours including overtime);
- daily rest (11 hours);
- breaks;
- weekly rest (24 hours);
- annual paid leave (four weeks);
- nighttime working hours (8 hours).

It also includes a provision for the protection of night workers.

The Directive provides for the possibility of fixing:

- reference periods for weekly rest, maximum weekly working time and nighttime working hours;
- derogations from some of its Articles.

GREEN PAPER ON SOCIAL POLICY AND WHITE PAPER ON GROWTH, COMPETITIVENESS AND EMPLOYMENT

The Council heard an oral statement by Commissioner FLYNN about the main points of:

- the Commission's Green Paper on the future of social policy in the Community - Options for the Union;
- the White Paper to be submitted by the Commission to the European Council meeting on 10 and 11 December 1993.

PARENTAL LEAVE AND BURDEN OF PROOF

On the basis of compromise texts from the Presidency, the Council examined the final points outstanding, and established broad agreement on most of them. A number of other points will still have to be examined by the Permanent Representatives Committee.

It may be noted that:

- the proposed Directive on parental leave provides, among other things, that Member States shall take the necessary measures
 - = to entitle employees to parental leave on grounds of the birth or adoption of a child so that they can care for it until a given age
 - = to protect employees against dismissal on grounds of an application for and/or the taking of parental leave;
- the proposed Directive on the burden of proof seeks to ensure the genuine effectiveness of national measures taken pursuant to the principle of equality between men and women which enable all persons who consider themselves wronged by a failure to apply that principle to them to pursue their claims by judicial process after possible recourse to other competent authorities.

PROGRESS CONCERNING

- **European Works Councils**
- **Posting of workers**
- **Non-standard employment**
- **Combating social exclusion**

The Council noted the progress that had been made on these issues.

Regarding the proposal for a Council Directive on European Works Councils, Commissioner FLYNN informed the Council that on 18 November 1993 the Commission had sent a consultation document to representatives of management and labour in accordance with the procedure laid down in the Social Protocol annexed to the Treaty on European Union. He said the social partners now had six weeks to comment on the possible direction of any Community action in this area.

The Council instructed the Permanent Representatives Committee to continue the examination of the other three dossiers with a view to a Council meeting in the near future, although the Decision on the programme to combat social exclusion ought to be adopted at the earliest opportunity - in February 1994 if at all possible.

THE ELDERLY

The Council and the Social Affairs Ministers agreed to a Declaration of Principles to be made at the ceremony to mark the end of the European Year of the Elderly and of Solidarity between Generations (1993) which would be held in Brussels at the beginning of December.

The Declaration sets out certain guidelines for future policy on the elderly, who make up a very significant and ever-increasing proportion of the citizens of the European Union.

It covers the following aspects, among others:

- level of income and standard of living;
- housing and mobility;
- the provision of care and services;
- the employment of elderly workers and preparation for retirement;
- the participation of the elderly in the life of the community.

The Council charged the Permanent Representatives Committee with the finalization of the text for adoption without further discussion at a meeting in the near future.

EXPLANATIONS OF VOTING ON THE COMMON POSITION CONCERNING THE PROTECTION OF YOUNG PEOPLE AT WORK

SPANISH DELEGATION

"The Spanish delegation thinks that there needs to be a Directive to protect the health and safety of young people by prohibiting child labour.

Articles 4 and 8 of the draft Directive still fail to define the derogation for light work in sufficient detail, allowing a longer working day than is appropriate for such work. Specifically, the Spanish delegation considers that young people under the age of fifteen should under no circumstances be authorized to work for more than two hours per day and twelve hours per week.

For the reasons already described, the Spanish delegation does not share the position of the majority of Governments of the Member States which are in favour of the draft Directive as it stands, but it considers that prolonging examination of the draft will not help achieve the goal of securing appropriate Community legislation.

On the other hand, since it considers there to be insufficient objective reasons justifying the United Kingdom's exemption from compliance with Articles 8 and 9, Spain opts to abstain when the common position is adopted."

ITALIAN DELEGATION

"The Italian delegation deplores the Council's decision to extend further the derogation that was allowed to a Member State at the previous meeting in October with regard to certain important provisions of this Directive.

It is therefore abstaining from the vote on the text of the common position put before the Council."

DECISION IN THE FIELD OF LABOUR AND SOCIAL AFFAIRS

(adopted without discussion)

Protection of workers on board fishing vessels

Following the adoption of the common position on 30 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council (with France and the United Kingdom abstaining) adopted a Directive on the minimum safety and health requirements for work on board fishing vessels.

This is the thirteenth individual Directive within the meaning of Article 16(1) of Framework Directive 89/391/EEC of 12 June 1989, which provides for the implementation of measures to promote the improvement of workers' health and safety at the workplace.

The Directive applies to:

- new vessels 15 or more metres in length;
- existing vessels 18 or more metres in length.

The common position provides inter alia that:

- owners must ensure that their vessels are used without endangering the safety and health of workers;
- any occurrences at sea which affect or could affect the health and safety of the workers on board must be described in a report to be forwarded to the competent authorities;
- to verify their compliance with the Directive vessels must be subject to regular checks by authorities specifically empowered to carry out such checks;
- owners must ensure that any defects likely to affect the safety and health of workers are rectified;
- owners must ensure that the vessels are cleaned regularly and that life-saving and survival equipment is in good working order and take account of personal protective equipment specifications.

The Directive also contains provisions on the information, training, consultation and participation of workers.

It contains four Annexes laying down:

- minimum health and safety requirements for new vessels;
- minimum health and safety requirements for existing vessels;
- minimum health and safety requirements concerning life-saving and survival equipment;
- minimum health and safety requirements concerning personal protective equipment.

MISCELLANEOUS DECISIONS

Agreements with Bulgaria, Hungary and Romania on wine

The Council adopted Decisions concerning the conclusion and signature of Agreements with Bulgaria, Hungary and Romania on wine. These Agreements concern:

- the reciprocal establishment of import tariff quotas;
- reciprocal protection and control of wine names.

The Decisions concerning Bulgaria were adopted unanimously; those for Hungary and Romania by a qualified majority, with Italy voting against in the case of Hungary and Portugal voting against in the case of Romania.

With regard to the tariff quotas, the mutual concessions are based on recent patterns of trade, and gradual increases are scheduled over an initial period of five years. In the context of the relevant quotas, the Community will reduce tariffs more quickly than its partners.

On the protection and control of registered designations of origin for wine, the Agreements provide that the Parties will grant each other reciprocal protection in respect of the names used for the designation and presentation of wines originating in the territory of the other Party, in particular against unfair competition.

The Agreement with Hungary contains specific provisions on the protection of the Hungarian name "Tokay", including a 13-year period for phasing out the names "Tokay" and "Tocai" in France and Italy.

PRESS RELEASE

10551/93 (Presse 210)

1709th Council meeting

- TRANSPORT -

Brussels, 29 and 30 November 1993

President: Mr Guy COEME,

Deputy Prime Minister
Minister for Transport
of the Kingdom of Belgium

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

Belgium:

Mr Guy COEME Deputy Prime Minister, Minister for Transport,
Public Undertakings and Public Building

Denmark:

Mr Helge MORTENSEN Minister for Transport
Mr Jan TRØJBERG Minister for Industry
Mr Ole ZACCHI Deputy State Secretary for Transport

Germany:

Mr Wilhelm KNITTEL State Secretary, Federal Minister of Transport

Greece:

Mr Ioannis HARALAMPOUS Minister for Transport and Communications
Mr Georges KATSIFARAS Minister for Merchant Shipping

Spain:

Mr Manuel PANADERO Secretary-General at the Ministry of Transport

France:

Mr Bernard BOSSON Minister for Transport

Ireland:

Mr Brian COWEN Minister for Transport
Ms Joan BURTON Minister of State at the Department of Social
Welfare

Italy:

Mr Raffaele COSTA Minister for Transport

Luxembourg:

Mr Robert GOEBBELS Minister for Transport

Netherlands:

Ms Hanja MAIJ-WEGGEN Minister for Transport and Public Works

Portugal:

Mr Jorge ANTAS State Secretary for Transport
Mr Carlos LOUREIRO State Secretary for the Interior
Mr João BEBIANO State Secretary to the Minister for Maritime Affairs

United Kingdom:

The Earl of Caithness Minister of State, Department of Transport

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For the Commission:

Mr Karel VAN MIERT Member
Mr Abel MATUTES Member

MARITIME TRANSPORT

LEVEL OF TRAINING FOR MARITIME OCCUPATIONS

Following up its Resolution of 8 June 1993 on safe seas, the Council held a policy debate on the proposal for a Directive on the minimum level of training for maritime occupations, the main aim of which is to reduce the human errors that cause a large proportion of accidents at sea.

Specifically, the proposal provides that all seafarers serving on board vessels flying the flag of a Member State of the Union must hold a certificate issued or recognized by a competent authority of a Member State and attesting that they have undergone appropriate training in accordance with the International Convention of the IMO (International Maritime Organization) on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW Convention).

The discussion established the policy principles - especially as regards recognition of certificates issued by third countries - on which the Council would have to base the adoption of its common position.

The Council instructed the Permanent Representatives Committee to continue the discussions, particularly in the light of the Opinion of the Parliament.

SHIP INSPECTION AND SURVEY

The Council held a policy debate on the proposal for a Directive on common rules and standards for ship inspection and survey organizations.

In the context of the common policy on maritime safety, this initiative seeks to improve the construction and maintenance of sea-going vessels flying the flag of a Member State or entering a Community port.

Under the proposal, the inspection, survey and certification organizations responsible for certifying that Community vessels comply with the standards laid down in the relevant international conventions will have to be approved by a Member State and meet criteria of competence, reliability and experience very similar to those of the IMO. Third-country vessels not classified by an approved classification society would have to undergo a port inspection as a matter of priority.

The Council focused mainly on the criteria for recognizing ship inspection and survey organizations and established the policy principles that would underlie its common position.

The Permanent Representatives Committee was instructed to continue the discussions, particularly in the light of the Opinion of the Parliament.

RELATIONS WITH WEST AND CENTRAL AFRICA IN MARITIME TRANSPORT

The Council considered the relations between the Community and the States of West and Central Africa with regard to maritime transport and discussed the measures to be taken to break the deadlock in consultations between the two sides.

The Council noted that the ultimate goal of Community policy towards this region was to ensure the harmonious development of efficient and reliable shipping services on economically satisfactory terms by facilitating the active participation of all parties in accordance with the principle of unrestricted access to the trade on a commercial basis.

It was agreed that the Commission would conduct a fact-finding mission in the countries concerned and report back to the Council.

APPLICATION OF THE COMPETITION RULES TO MARITIME TRANSPORT

After discussing the application of the competition rules to maritime transport on the basis of a statement by the Commissioner Mr VAN MIERT, the Council noted that by 30 June 1994 the Commission intended to submit a detailed report on the legal position of multimodal transport and the legal problems relating to liner conferences with regard to price setting and capacity sharing.

The Council was concerned that the position of Community shipowners should not be fundamentally different from that of their international competitors.

COMMUNITY REGISTER (EUROS)

The Council noted a statement by the Commissioner Mr MATUTES on a new approach being taken by the Commission regarding the proposal for a Regulation establishing a Community ship register (EUROS) and providing for the flying of the Community flag by sea-going vessels.

The new approach involves greater flexibility than the original proposal in the provisions on crews and financial assistance, allowance for maritime safety requirements and the development of a common external policy on the subject to improve European shipowners' opportunities for access to the markets.

The Council will consider the issue at its next meeting, under the Greek Presidency, in the light of the discussions of the Permanent Representatives Committee and of the high-level working party which the Commission intends to set up in the near future.

LAND TRANSPORTROAD SAFETY- ACTION PROGRAMME - COUNCIL CONCLUSIONS

"The Council, after holding a general debate on the Commission communication for an action programme on road safety:

1. notes this action programme, which was submitted following a request by the Council and the representatives of the Governments of the Member States, meeting within the Council, in their Resolution of 21 June 1991 ⁽¹⁾;
2. welcomes the fact that this programme, which was established notably on the basis of the report by the high-level working party of representatives of the Governments of the Member States, set up by the Commission at the Council's request, takes a global and integrated approach to the problem of road safety while taking into account the added value of the actions implemented at Community level, with due regard for the principle of subsidiarity;
3. welcomes the concrete short and medium-term actions contained in this programme, as called for in the abovementioned Council Resolution, designed to remedy the veritable scourge constituted by road accidents, the human cost of which exceeds 50 000 dead and 1 500 000 injured a year in the Community as a whole and the socio-economic cost of which is astronomical (some ECU 70 billion per year);
4. notes the importance attached by the European Parliament to road safety, as stated in particular in its Resolution on that subject adopted on 12 March 1993 ⁽²⁾

⁽¹⁾ 91/C 178/01 - OJ C 178, 9.7.1991, p.1.

⁽²⁾ Resolution A3-0014/93 - OJ C 115, 26.4.1993, p. 260.

and notes that the programme proposed by the Commission takes account of this Parliament Resolution in the enlarged framework of Article 75 of the Union Treaty;

5. recalls that in its conclusions on the White Paper on the future development of the common transport policy, the Council recognized that "progress must be made, avoiding duplications, at the national and Community levels, and also in a wider international context, as regards transport safety including the safety of passengers and the transport of dangerous goods";
6. stresses that it is important to pay more attention to road safety in Community policies other than transport policy, in particular when defining and implementing technical standards to improve active and passive vehicle safety;
7. considers that this programme meets the concerns set out above, especially as it includes an aspect involving the exchange at Community level of information and experience from the Member States in the fields of statistics, law and the media in particular;
8. considers that the projected creation of a Community data bank on statistics for road accidents resulting in injury or death (CARE project) ⁽³⁾ is a useful tool for implementing the said aspect of the action programme;
9. considers that attention should be focused first on the causes of the most serious accidents, on the categories of users most frequently involved in road accidents as well as on the most vulnerable categories of users, and that actions should be aimed as a matter

⁽³⁾ OJ C 225, 20.8.1993, p. 6.

of priority at the target groups thus pinpointed;

10. considers in this context that the most appropriate level and means of action (legislative or non-legislative measures) must be defined on a case-by-case basis in the light of analysis of the relevant data, and stresses in this framework the important role to be played by the Commission and the Member States in analyzing the results of the measures already taken in the Member States;
11. considers that such an approach could also be useful in the framework of the action taken by the Member States to reduce the number of accidents linked in particular to drink, drugs or inappropriate speeds;
12. considers, regarding the latter aspect, that calmer driving should be encouraged, with action being taken simultaneously with respect to drivers, vehicles and infrastructure;
13. considers that, regarding driver behaviour, further stages could be undertaken to improve the safety of certain categories of users, with new drivers and drivers of two-wheel vehicles deserving particular attention in this context; considers nonetheless that non-legislative action, such as awareness and education campaigns, could also have a place here;
14. considers that in the field of vehicles, and without underestimating the progress already made both in completing the internal market and in terms of safety, additional measures in the technical field could be contemplated where these measures will make possible improvements in active and passive safety, at the level of design, construction and equipment;
15. considers that safety is an essential criterion in designing, maintaining or improving road

infrastructures according to the intended use for the different types of network; that, in order to do this, it is necessary to study and take appropriate measures in the sector of road infrastructure, including the road-sign and safety-equipment aspects; that, moreover, in the light of the increase in international traffic, it is vital that a high level of safety be achieved for the trans-European road network;

16. stresses, in line with the aforementioned conclusions on the White Paper, the need for good co-operation with international authorities working in the field of road safety, in particular the United Nations Economic Commission for Europe, the ECMT and the OECD, while avoiding duplication of effort; by way of example, recalls that a Commission proposal is awaited which integrates into Community legislation the content of an agreement drawn up under the aegis of the United Nations (ADR Agreement) ⁽⁴⁾;
17. considers it essential that the high-level working party mentioned in point 2 continue its work on a permanent basis, in co-operation with the Commission, in order to study possible actions and their follow-up;
18. recalls, as already requested in its abovementioned Resolution of 21 June 1991, that the cost-benefit ratio of the measures contemplated should be estimated;
19. considers moreover that any measure contemplated should be examined from the point of view of its feasibility and likely acceptability in order to increase its effectiveness; reaffirms the importance of effective monitoring to ensure that measures already taken or to be taken are complied with;
20. considers that particular attention should be paid to research, so as to draw from it all

⁽⁴⁾ European Agreement concerning the International Carriage of Dangerous Goods by Road, signed in Geneva on 30 September 1957 within the framework of the UN-ECE.

the lessons of benefit to road safety;

21. invites the Commission to take action on these Council conclusions by forwarding to it the relevant proposals, and agrees to return regularly to the question of road safety on the basis, in particular, of a report to be submitted by the Commission before 31 December 1996".

- COMMUNITY DATABASE ON ROAD ACCIDENTS (CARE)

With the German and United Kingdom delegations abstaining (see explanation of votes in the Annex), the Council approved the Decision on the creation of a Community database assembling statistics on road accidents in the Community resulting in death or injury (CARE).

This should make it possible to extend the range of cases that can be studied and to record the data in disaggregated form (accident by accident), which would make for greater transferability of findings.

In practice, once a year the Member States will send the Statistical Office of the European Communities (SOEC) their existing computer files, organized in accordance with a common data system to permit centralized interrogation.

The Decision concerns a three-year pilot project at the end of which the Commission will have to submit an evaluation report to the Council on the results obtained and on whether these activities should be continued.

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On a proposal from the Presidency, the Council agreed in principle to the organization of a European Year of the Young Driver.

TRANSPORT TO AND FROM GREECE

The Council noted the Commission's report on the situation regarding transport to and from Greece, drawn up in response to the Greek delegation's request for action to relieve the problems faced by Greek hauliers because of the crisis in the former Yugoslavia.

The Commission intends to pursue various courses of action, including negotiations with the Hungarian authorities to obtain additional transit licences and the adoption of financial support measures, via the PHARE programme among other things, to make frontier crossings easier on the routes to and from Greece.

In the long term, the Commission intends to take this problem into consideration when planning infrastructures in co-operation with the countries concerned, with particular reference to the promotion of combined transport between Greece and Italy.

RELATIONS WITH SWITZERLAND IN THE FIELD OF TRANSPORT

After a discussion on the recommendation for a Council Decision on the opening of negotiations with Switzerland on road and air transport, the Council agreed in principle to the opening of such negotiations and instructed the Permanent Representatives Committee to continue examination of this dossier with the aim of enabling the Council to issue the negotiating brief not later than its next meeting in April.

RELATIONS WITH THE ASSOCIATED COUNTRIES OF CENTRAL AND EASTERN EUROPE

On the occasion of the Council meeting a ministerial meeting was held between the Community Transport Ministers and their counterparts from Central and Eastern Europe (Bulgaria, Hungary, Poland, Romania, Slovakia and the Czech Republic).

The discussion mainly dealt with the development of transport infrastructure and the approximation of the laws of the countries concerned with Community law on transport, especially road transport.

AIR TRANSPORT

INVESTIGATION OF CIVIL AVIATION ACCIDENTS AND INCIDENTS

The Council held a policy debate on the proposal for a Directive establishing the fundamental principles governing the investigation of civil aviation accidents and incidents.

The aim of the proposal is to acquire a better understanding of the factors that lead to the accidents and incidents in question, so that preventive measures can be envisaged in the context of a common policy on air safety.

The Council established the policy principles which should form the basis of the common position it will have to adopt in the light of the Opinion of the European Parliament.

CIVIL AVIATION

The Council noted the account given by Mr Herman DE CROO, Chairman of the Committee of Wise Men, of the situation regarding civil aviation, and also French and United Kingdom memorandums on the same subject.

With the final report due in January, it was agreed that the Ministers would consider this dossier at the informal meeting to be held in Greece on 7 February and at the Transport Council meeting in April 1994.

After an exchange of views, the President drew the following conclusions on the situation in civil aviation:

- "1. Concerned by the economic recession afflicting civil air transport and by the high costs of air transport undertakings, confronted as they are by overcapacity and low yields, which are affecting the air transport industry to such a degree that it is incurring unbearable losses, considers that an environment must be created which will enable air transport undertakings to reduce their costs and improve their yields.
2. Having listened with great attention to the statement by the Chairman of the Committee of Wise Men analyzing the specific weaknesses of the air transport industry in the face of the economic recession and the liberalization of the market, urges the Committee of Wise Men to complete its work by the beginning of next year, and awaits with great interest its proposals for measures to remedy the current economic difficulties in this sector.
3. Having concluded that short, medium and long term measures must be taken to enable the industry to take action to restore profitability.
4. Notes that handling monopolies still exist at several airports in the Community; recognizes that the overall efficiency of handling services must be improved; calls on the Commission to pursue its work with vigour and to submit a document as soon as possible, with a view to introducing greater competition into this aspect of air transport, observing the principles of non-discrimination and transparency.

5. Recalling the conclusions of the Ministers of the ECAC Member States for the harmonization and integration of European airspace, confirms the Council conclusions stressing the need for close co-operation between Eurocontrol and the European Commission with a view to the co-ordination, development and implementation of the future European Air Traffic Management System (EATMS) and emphasizes that the early installation of FANS technology should be treated as a matter of priority; considers that the high level of air transport safety should be preserved by strengthening support for the activity of the JAA and reviving the regulatory role of the ICAO, as desired by the United States, with regard to harmonization of the technical and social environments of undertakings.
6. Taking note of the levels of airport and air navigation charges, which have increased substantially over the last five years, considers that these charges should be significantly moderated. In addition, it would ask the Member States to consider measures regarding the tax and VAT elements in the cost bases of air transport undertakings, which may increase transparency and help air transport undertakings restore their profitability.
7. Aware of airport infrastructure problems, calls on the Commission to expedite its work and to submit a proposal for a Council Decision on the Community Airport Network.
8. Recognizes the difficulties of European air carriers in keeping their yields at economically viable levels in view of high costs, overcapacity and the recession, and calls on the Commission, when applying the competition rules, to make allowances for the present difficult situation in the air transport industry.
9. Noting that, in view of the Community regulations in force, the economic situation may call into question the location of the Community industry, asks the Commission to

analyze this problem with a view to strengthening the Community nature of the operation.

10. Noting that there is overcapacity on certain routes and that the safeguard clause referred to in Article 10 of Council Regulation (EEC) No 2408/92 of 23 July 1992 has never been applied, invites the Member States to consider the arrangements in Article 10 with a view to forestalling a worsening of overcapacity.
11. Considers that the European air transport industry needs to be restructured to improve its efficiency and competitiveness, and recognizes that State aid is possible only within the limits of the Treaty. With a view to restructuring operations, the issue of specific financial aid could be raised.
12. Aware of the problems which might arise in the use of computerized reservation systems (CRS), asks the Commission to make a detailed analysis of possible abuses in this area and to examine provisions capable of preventing such abuses."

FUTURE DEVELOPMENT OF THE COMMON TRANSPORT POLICY

The Council noted the Commission's presentation of a report on the future development of the common transport policy, which was drawn up in response to the conclusions on this subject adopted by the Council last June.

After a discussion, during which the future Greek Presidency announced its intention of ensuring follow-up, the Council agreed to return to the matter at a future meeting.

INLAND WATERWAY TRANSPORT

The Council noted the Commission's presentation of a report on the effect of the structural improvement measures in inland waterway transport, as introduced by Regulation No 1101/89, together with a proposal for extending the temporary measures adopted by the Council to curb investment in renewed overcapacity in the sector. The Permanent Representatives Committee was instructed to continue examination of the dossier, pending the Parliament's first-reading Opinion, with a view to a Council meeting in the near future.

After a discussion centring mainly on the question of the exchange system, the Council noted the Commission's intention of submitting a report and a proposal on the organization of this sector in the first half of 1994.

SUMMER TIME

The Council held a discussion on the proposal for a seventh Directive on summer time arrangements.

There was a favourable response to the idea of the starting and finishing dates for summer time being harmonized throughout the Member States as from 1996.

The current arrangements (summer time starting on the last Sunday in March for all Member States and finishing in September for all except Ireland and the United Kingdom) would be extended until 1995.

With a view to the Council's adoption of its common position, the Permanent Representatives Committee was instructed to continue examination of this dossier in the light of the Opinion of the Parliament.

COMMUNITY DATABASE ON
ROAD ACCIDENTS (CARE)
- Explanation of votes -

United Kingdom delegation

"The United Kingdom is abstaining on this Decision since it does not believe that the proposed Community Data Base would provide added value to existing national systems, and duplicates work being done in other international fora, such as OECD."

German delegation

"Investigations based on accident statistics have hitherto been carried out on very dissimilar bases in different European countries. In the interests of comparability, the statistical bases of such investigations must be harmonized (standard definition of road deaths, road injuries, type of accident, causes etc.) before an EC database is set up."

MISCELLANEOUS DECISIONS

(adopted without discussion)

Reduction of economic relations with Libya

The Council adopted two Regulations implementing United Nations Security Council Resolution of 11 November 1993 on the extension of the embargo measures concerning Libya, the principle of which was the subject of a common position adopted by the Council on 22 November 1993.

The first Regulation seeks to prevent the supply of certain goods and services to Libya, while the second prohibits the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 883 (1993) and related resolutions concerning Libya.

Relations with the former USSR

The Council authorized the Commission to take part in the negotiation of the technical adjustment needed to allow the provisional application of the Agreement establishing an International Science and Technology Centre (ISTC). This action had to be taken because of the delay in Russia's ratification procedures.

Relations with Bulgaria - Textiles

The Council authorized the Commission to open negotiations with Bulgaria to amend the bilateral agreement on trade in textile products, which expires on 31 December 1993.

Imports of certain wines from Hungary and Romania

The Council adopted a Regulation opening and providing for the administration of Community tariff quotas for certain wines originating in Hungary and Romania for the period 1 December to 31 December 1993.

The quota for Hungary is 5 833 hl of wine of fresh grapes, 208 hl of sparkling wine and 9 583 hl of quality wine at a duty of 80% of the basic duty.

For Romania the quota is 9 167 hl of wine of fresh grapes at a duty of 80% of the basic duty.

Fisheries

The Council adopted a Regulation concerning the conclusion of an Agreement on fisheries between the Community and Dominica.

The Agreement is applicable for an initial period of three years. It guarantees, on a reciprocal basis, fishing possibilities for the Community's fishermen in the waters over which the Commonwealth of Dominica exercises sovereignty or jurisdiction, and for fishermen from Dominica in the Community fishery zone off the coast of the French Departments of Guadeloupe and Martinique.

Appointments

The Council replaced Mr Svend Skovbro LARSEN, a member of the Economic and Social Committee who had resigned.

PRESS RELEASE

10550/93 (Presse 209)

1710th Council meeting
- JUSTICE AND HOME AFFAIRS -

Brussels, 29 and 30 November 1993

Presidents:

Mr Melchior WATHELET

Deputy Prime Minister and
Minister for Justice of the Kingdom of
Belgium

Mr Louis TOBBACK

Minister for the Interior and Policy on
Non-Nationals of the Kingdom of
Belgium

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

Belgium

Mr Melchior WATHELET

Deputy Prime Minister and Minister
for Justice

Mr Louis TOBBACK

Minister for the Interior and Policy on
Non-NationalsDenmark

Mrs Birte WEISS

Minister for the Interior

Mr Erling OLSEN

Minister for Justice

Germany

Mr Manfred KANTHER

Minister for the Interior

Mrs Sabine LEUTHEUSER-SCHNARRENBARGER

Minister for Justice

Mr Kurt SCHELTER

State Secretary, Ministry of the
InteriorGreece

Mr Stelios PAPATHEMELIS

Minister for Public Order

Spain

Mr Antonio ASUNCION HERNANDEZ

Minister for the Interior

Mr Alberto BELLOCH JULIVE

Minister for Justice

France

Mr Charles PASQUA

Minister for the Interior

Mr Pierre MEHAIGNERIE

Minister for Justice

Ireland

Mrs Maire GEOGHEGAN-QUINN

Minister for Justice

Italy

Mr Nicola MANCINO

Minister for the Interior

Mrs Daniela MAZZUCCONI

State Secretary, Ministry of Justice

Luxembourg

Mr Marc FISCHBACH

Minister for Justice

Netherlands

Mr Ernst M.H. HIRSCH BALLIN

Minister for Justice

Mrs Ien DALES

Minister for the Interior

Portugal

Mr Manuel DIAS LOUREIRO

Minister for the Interior

Mr Álvaro LABORINHO LÚCIO

Minister for Justice

United Kingdom

Lord FRASER OF CARMYLLIE

Minister of State, Scottish Office

Mr Charles WARDLE

Parliamentary Under-Secretary of
State, Home Office

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Commission

Mr Pádraig FLYNN

Member

Mr Raniero VANNI D'ARCHIRAFI

Member

GENERAL REMARKS

At the start of the proceedings the Presidency particularly emphasized that this was the first meeting of the Justice and Home Affairs Council since the entry into force of the Treaty on European Union, Chapter VI of which encompassed the activities hitherto developed in various "Trevi" frameworks, namely mutual customs measures, immigration, judicial co-operation and CELAD, in the henceforth single institutional framework of the Council of the European Union. A substantial part of the Council's proceedings was, moreover, devoted to setting up the new organizational structures devolving from Chapter VI of the TEU and on programming future discussions on justice and home affairs.

In the above context, the Netherlands delegation stated that it was obliged to enter a parliamentary scrutiny reservation on all the items under discussion.

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PREPARATION FOR THE EUROPEAN COUNCIL

In accordance with the express request made by the European Council on 29 October, the Council drew up an action plan and a work programme for all the sectors for which it is responsible, namely asylum and immigration, police and customs co-operation and the fight against drugs, and co-operation in criminal and civil matters.

It was noted that a general reservation by the Spanish delegation (linked, on the one hand, to a bilateral problem in the field of asylum between Spain and Belgium and, on the other hand, to certain issues outstanding with regard to implementation of the decision on "seats" taken by the European Council on 29 October) prevented the formal adoption, at this stage, of the action plan and work programme relating to the fields of asylum and immigration, as well as some areas of police and customs co-operation and the fight against drugs.

However, as the contents of the work programme and of the action plan for these two sectors did not give rise to any substantive problems, the Presidency decided to forward them to the European Council on its own responsibility.

The Council adopted the part of the action plan and of the work programme concerning judicial co-operation, and it is also to be submitted to the European Council meeting on 10 and 11 December 1993.

The main ingredients of the action plans and work programmes are as follows:

- As regards asylum and immigration policy, they relate in particular to the proposal for a Regulation on the list of third countries whose nationals require visas, a proposal for joint action involving harmonized application of the definition of "refugee" and provisions concerning the procedure for vetting asylum-seekers and the problem of the readmission of illegal immigrants.
- As to co-operation in police and customs matters and the fight against drugs, the priorities are in particular the setting up of the Europol Drugs Unit, preparation of the Europol Convention, the fight against organized crime, drug trafficking, money laundering and certain customs measures.
- With regard to judicial co-operation, particular emphasis was placed on extradition and the means of co-operating against organized crime, mutual assistance in criminal matters, the enforcement of foreign measures, etc.

IMMIGRATION AND ASYLUM

While taking into account the general reservation by Spain, the Council took stock of the work on immigration and asylum in the light of the work programme adopted in Maastricht, noting that work on the implementation of the programme was well ahead, notably as regards the preparation of a number of texts on the practical application of the Dublin Convention.

The Council also agreed with the Commission's conclusion, in the report to the Council on the matter, that it would be premature to transfer competence on right of asylum to the Community Institutions, but that the matter should be re-examined before the end of 1995. Lastly, a number of texts were formally adopted, in particular a review on the admission and reception of displaced persons from the former Yugoslavia.

RACISM AND XENOPHOBIA

Following the decision taken by the Ministers for Justice and Home Affairs to conduct an inquiry into racism and xenophobia, the Council, on the basis of the information provided, approved a number of specific measures concerning the fight against this scourge.

The Council's conclusions are set out in Annex I.

IMPLEMENTATION OF ARTICLE 100c – VISA AND CROSSING OF EXTERNAL FRONTIERS

The Council heard statements by Commissioners Flynn and Vanni d'Archirafi presenting the Commission proposals on the list of countries whose nationals require visas, which was put forward pursuant to Article 100c, and concerning the revision of the draft Convention on the Crossing of the External Frontiers of the European Union.

In conclusion, the Council agreed that once it received the texts of those proposals it would initiate the procedures laid down in the Treaty for examining them.

READMISSION AGREEMENTS WITH THIRD COUNTRIES

Continuing the proceedings begun some time ago by the Ministers responsible for immigration policy, the Council agreed on guidelines to be followed in preparing bilateral or multilateral readmission agreements with third countries. These guidelines, to be followed by the Member States of the Union, concern in particular demarcation of the scope of readmission agreements, the authorities competent to implement them, the definition of nationality for the purposes of readmission, time scales and other aspects to be taken into consideration.

The Council also discussed the desirability of a link between Europe agreements, other association or co-operation agreements and third countries' practices as regards the readmission of illegal immigrants.

The Council approved the principle of such a link, provided that this was evaluated on a case-by-case basis, and instructed the Permanent Representatives Committee to continue examining the implementation of this principle and to report to it at a forthcoming Council meeting.

CO-OPERATION WITH THIRD COUNTRIES

The Council discussed ways of enlarging and intensifying relations with certain third countries under Title VI of the TEU, concerning justice and home affairs. With that in mind, the Council instructed the Permanent Representatives Committee to continue, with the support of the K.4 Committee, its deliberations on the issue with a view to putting specific suggestions to it at its next meeting.

It should also be noted that on Tuesday 1 December the Troika will be meeting the relevant Ministers from the countries which have applied for accession, and officials from the United States, Canada, Switzerland and Morocco, to inform them of the Council's discussions and to exchange views on subjects of common interest.

PROGRESS REPORT ON EXTRADITION

The Council took note of an interim report on current work in the field of extradition. The Ministers for Justice had requested, at their informal meeting in Limelette in September 1993, in a statement formally adopted by the Council at that meeting (see Annex II), an examination of extradition requirements relaxing them, and of extradition procedures, with a view to simplifying and accelerating them, as far as was compatible with the fundamental principles of the Member States' national laws.

The Council asked the Working Party to continue its proceedings along the same lines with a view to submitting a final report by the end of 1994, as envisaged in the Limelette statement.

ACCESSION BY THE COMMUNITY TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)

The Council had before it a Presidency report on progress with regard to the accession of the Community to the ECHR, placing emphasis on certain political or legal aspects.

At the end of the discussion the Council agreed to ask the Court of Justice for its opinion on the consequences of Community accession with regard to the EC Treaty.

The Council instructed the Permanent Representatives Committee initially to clarify the aspects to be put to the Court and subsequently to continue its discussions in the light, in particular, of the Court's opinion, once it had been delivered.

EUROPOL

The Council was informed of progress as regards the drafting of the Europol Convention, on the one hand, and the setting up of its precursor, the Europol Drugs Unit (EDU), on the other.

As regards the latter subject, the Presidency noted that there was basically no longer any problem regarding the conditions for transition between the Project Team, the start-up stage and the transitional stage. However, in view of Spain's reservation on all points concerning Europol, the Council was unable, at this stage, to adopt the Recommendations concerned, although adoption will be possible once the Spanish reservation has been withdrawn.

As to the Europol Convention, the Council noted that considerable progress had already been made over the last few months, and it instructed its relevant subordinate bodies to continue discussions so that the objective set by the European Council on 29 October of the Convention being concluded by October 1994 can be met.

INTERNATIONAL ORGANIZED CRIME

The Council took note of a report from the ad hoc Working Group on Organized Crime set up in September 1992, which had received a specific brief from the Ministers at their meeting in Kolding in May 1993.

The Council approved the programme of action against international organized crime contained in the report, providing in particular for measures on:

- exchanging information and setting up a common mechanism for the collection and systematic analysis of information on international organized crime;

- improving and intensifying co-operation between Member States in particular on the fight against money laundering, telecommunications and measures to encourage witnesses to testify while ensuring their security, etc.

FIGHT AGAINST TERRORISM

The Council held a wide-ranging discussion on the internal and external terrorist threats facing the Member States of the European Union.

At the end of the discussion the Council called upon the Working Party on Terrorism set up under the new structures responsible for implementing the provisions of the TEU on justice and home affairs to seek ways of improving co-operation between Member States on the matter.

CRIME ANALYSIS

The Council agreed on a Recommendation directed towards the organization of a training module on the operational analysis of crime on the basis of an established programme.

FRAUD ON AN INTERNATIONAL SCALE – PROTECTION OF THE EUROPEAN UNION'S FINANCIAL INTERESTS

The Council adopted a Resolution on the protection of the European Union's financial interests from fraud on an international scale, the text of which is set out in Annex III.

TRADE IN HUMAN BEINGS FOR THE PURPOSES OF PROSTITUTION

The Council agreed on five Recommendations to the Member States directed notably towards intensifying the fight against the procuring of prostitutes and towards dismantling networks for the exploitation of prostitution. The five Recommendations are set out in Annex IV.

RESPONSIBILITY OF ORGANIZERS OF SPORTING EVENTS

The Council adopted a Recommendation in this important area of public safety. The text of the Recommendation is set out in Annex V.

ENVIRONMENTAL CRIME

The Council adopted a Recommendation relating in particular to exchanges of information in this field. The text of the Recommendation is set out in Annex VI.

RACISM AND XENOPHOBIA - COUNCIL CONCLUSIONS

1. The Council took note of the results of the survey into racist and xenophobic acts initiated by the Ministers of Justice and Home Affairs in May 1993.
2. It reiterated its abhorrence at and concern about attacks on immigrants which have taken place in many Community States and condemned the rise in right-wing extremism which had occurred throughout Europe.
3. The Council recalled its resolution adopted on 29 May 1990 ⁽¹⁾ on the fight against racism and xenophobia which set out a number of measures to counteract these phenomena.
4. The Council acknowledged the important work undertaken by the European Parliament in this area as well as the recent initiatives taken by the Council of Europe summit on 8 and 9 October 1993 and in particular its action plan on the fight against racism, xenophobia, anti-semitism and intolerance. It also welcomed the conclusions reached by the 5th Conference of European Ministers responsible for migration questions held in Athens on 18 and 19 November 1993 under the auspices of the Council of Europe, which indicated inter alia possible measures which governments could take against racism and xenophobia.
5. Based on the results of the survey and as a first step to promoting improved co-operation between Member States to prevent racist and xenophobic acts, the Council endorsed the measures set out below and instructed the Permanent Representatives Committee to report to it by the end of 1994 at the latest on the progress achieved and on any other concrete measures considered appropriate to combat racism and xenophobia:
 - Member States not already applying the multi-agency approach (involving schools, social services, police, etc.) which could provide a useful tool to combat the problem of racism and xenophobia, should give consideration to the possibilities afforded by it. Where appropriate, key elements to this approach could be agreed and adopted by the Member States in due course.

(1) OJ C 157/1, 27.6.1990, p. 1.

- Emphasis should be given to appropriate training by the various enforcement agencies at national level, so that they are increasingly aware of racism and xenophobia and are sensitive to those who suffer from these phenomena. The Member States could discuss the essential elements of a training programme aimed at raising awareness levels in particular within the police, thus increasing co-operation possibilities and encouraging exchanges in experiences in this field to take place.
- To the extent that it is possible, Member States should examine ways of broadly improving the collection and publication of statistics relating to racist and xenophobic acts.

Improved data collection should cover both quantitative and qualitative aspects, be based on a broad acceptance of what constitutes a racist or xenophobic act and aim at establishing a "typology" of these acts.

Such an improvement would allow for better monitoring of the situation throughout the Community and permit valid comparisons to be made concerning the efficacy of the steps taken by the different Member States to combat the phenomenon.

- Particular emphasis should be given to cross-border co-operation in relation to combating racism and xenophobia. This should involve, *inter alia*, continuing and improving exchanges of information between the Member States at the operational level (quantity, nature, structure, *modus operandi* and profile of perpetrators, profile of victims, target groups), in particular in relation to racist acts of violence or manifestations by right-wing extremists to ensure that they are satisfactorily monitored and investigated."

EXTRADITION - COUNCIL STATEMENT

"The Council of the European Union:

- A. Recognizing that serious crime often assumes trans-border forms,
- B. Concerned to strengthen judicial co-operation between the Member States in the fight against crime,
- C. Recognizing the importance of extradition in the area of judicial co-operation,
- D. Noting the results achieved within the framework of the Judicial Co-operation Working Party in enhancing the effectiveness of forms of judicial co-operation between the Twelve other than on extradition,
- E. Convinced that further progress could be made concerning extradition,
- F. Having in mind the inter-relationship between the work of the Judicial Co-operation Working Party on this point and work relating to the setting up of a European information system,
- G. Emphasizing that all Member States have a common interest in ensuring that extradition processes and procedures work effectively and expeditiously,
- H. Expressing confidence in the structure and operation of each other's judicial systems, and in the correlative ability of all Member States to ensure a fair trial for their own and other States' nationals,
- I. Taking into account the rights of the individual under the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- J. Having in mind the importance of examining the expediency of concluding between the Member States of the European Communities a convention supplementing the Council of Europe Convention of 13 December 1957, and amending some of its provisions with a view to facilitating extradition,
 - 1. Hereby decides to give the following working programme on extradition to the relevant Working Party and invites the Working Party to report to it on the points listed below within one year;

Regarding extradition requirements

2. In order to increase the efficiency of judicial co-operation within the Community, the requirements and grounds for refusing extradition, including reservations expressed by the Member States when ratifying the European Convention on Extradition, should be re-examined with a view to relaxing them to the fullest extent compatible with the basic principles of Member States' laws;
3. In preparation for future decisions, the following measures should in particular be examined by the Working Party for the purpose of assessing the expediency of incorporating them in a convention on extradition between the Twelve;

extraditable offences:

- (a) reducing to one year the imprisonment threshold required for extradition in all Member States;
- (b) setting aside the imprisonment threshold requirement for the requested State, provided that the conduct concerned carries a custodial penalty in that State and is an extraditable offence according to the law of the requesting State;

political offences:

- (c) exclusion of the political nature of the offence as a ground for refusal of extradition in connection with requests submitted between Member States for one of the offences defined in Article 1 or covered by Article 2 of the European Convention on the Suppression of Terrorism of 27 January 1977;

fiscal offences:

- (d) assimilation of fiscal offences to ordinary law offences for the purposes of extradition, at least concerning excise duties, value added tax and customs;

lapse of time:

- (e) assessment of whether there is immunity from prosecution or punishment by reason of lapse of time by exclusive reference to the law of the requesting State;

extradition of nationals:

- (f) extradition of nationals, possibly with conditions;

life sentence:

- (g) extradition for offences punishable by life imprisonment under the requesting State's law, if that sentence is not provided for in the requested State's legislation, provided that the requesting State gives an assurance that measures will be provided in respect of the sentence which would be for the benefit of the requested person pursuant to its legislation and practice;

speciality rule:

(h) waiving the speciality rule in specific cases;

Regarding extradition procedures

4. In order to increase the efficiency of judicial co-operation within the Community, extradition procedures should be re-examined, on the basis of the discussions relating to the requirements and grounds refusing extradition, with a view to simplifying and accelerating those procedures in a way compatible with the basic principles of the Member States' domestic laws;
 5. In preparation for future decisions, the following measures should in particular be examined by the Working Party for the purpose of assessing the expediency of incorporating them in a convention on extradition in the framework of the European Union:
 - (a) simplification of judicial control of the extradition decision, at least in some circumstances;
 - (b) simplification of the procedure where the person agrees to extradition."
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FRAUD ON AN INTERNATIONAL SCALE - COUNCIL RESOLUTION

THE COUNCIL OF THE EUROPEAN UNION,

HAVING regard to the Treaty on European Union,

RECALLING the Council Resolution of 13 November 1991 concerning the protection of the financial interests of the Communities in which the Council and the Representatives of the Governments of the Member States, meeting within the Council, called upon the Commission to conduct a comparative law study of the Member States' laws, regulations and administrative provisions relating to fraud against the Community budget;

BEARING IN MIND, furthermore, recent developments regarding the relationship between criminal law and Community law, particularly the Court of Justice judgment of 27 October 1992 in case C-240/90 ⁽²⁾;

CONSIDERING THAT, without prejudice to Community competence, the question of protection of the financial interests of the Communities must henceforth be examined in the light of the co-operation introduced under Title VI of the Treaty on European Union;

1. Notes with interest the comparative study of the laws, regulations and administrative provisions of the Member States relating to fraud against the Community budget which was conducted by the Commission on the basis of the Resolution of the Council and the Representatives of the Governments of the Member States meeting within the Council;
2. Considers that that study suggests very useful avenues to be explored with a view to protecting the financial interests of the Communities and highlights fundamental questions of principle which require detailed examination;
3. Considers that some of those questions fall within areas of common interest covered by Title VI of the Treaty on European Union and therefore require detailed examination by the bodies set up within the framework of Title VI;
4. Considers that the study of the relationship between criminal law and Community law should be continued in the light of the aforesaid judgment of the Court of Justice and the study conducted by the Commission;

(2) Germany v. Commission of the European Communities – ECR 1992-8, Part 1, p. 5383.

5. Considers it necessary to examine the implementation of Article 209a of the Treaty in the Member States;
 6. Considers it necessary to examine, in the light of the study conducted by the Commission and the earlier work of the ad hoc Group on Community Law and Criminal Law, the measures which should be taken to achieve a greater degree of compatibility in the laws, regulations and administrative provisions of the Member States in the effort to combat inadmissible practices by which harm is done to the financial interests of the Communities, with particular attention to the following points:
 - (1) offences;
 - (2) liability;
 - (3) penalties;
 - (4) settlements and the like;
 - (5) extra-territorial application and mutual assistance in criminal matters;
 - (6) limitation,
 7. Has decided to examine, in the second half of 1994, a report to be submitted to it in accordance with points 4, 5 and 6 of this Resolution and any proposals it may contain;
 8. This Resolution does not prejudice the division of competence between the Community and the Member States in relation to these matters.
-

TRADE IN HUMAN BEINGS FOR THE PURPOSES OF PROSTITUTION
- COUNCIL RECOMMENDATIONS

Recommendation 1

Whereas effectively combating procuring and dismantling prostitution exploitation networks require that police officers have the best information possible on other countries' laws and foreign police methods of combat and practices, the Council recommends taking bilateral initiatives so that police officers may complete their training in this area.

Recommendation 2

Whereas effectively combating the exploitation of prostitution may require the centralization of information at national level, the Council recommends that national authorities examine the possibility of setting up national co-ordination structures within States and developing international exchanges of that information.

Recommendation 3

The Council stresses the need to develop the role of the collection and distribution of information in this field by liaison officers with general powers seconded to Community Member States and to non-member countries from which the victims of prostitution networks originate.

Recommendation 4

As most Member States have no special legislation to deal with trade in human beings for the purposes of prostitution, the Council would stress the importance of considering the need for instituting information campaigns in diplomatic and consular circles and among the border control authorities in order to forestall the exploitation of prostitution, particularly when visa applications are examined.

Recommendation 5

The Council decides that work carried out in the fight against trade in human beings for the purposes of prostitution will be extended and intensified in the areas of administrative and police co-operation, law enforcement, immigration and entry to national territories.

RESPONSIBILITY OF ORGANISERS OF SPORTING EVENTS
- COUNCIL RECOMMENDATION

"The Council notes that the Standing Committee of the Council of Europe has established a check list to ensure that all security measures are taken during football matches.

The Council expresses its satisfaction at the efforts already made by UEFA towards collaborating with the competent authorities in a spirit of mutual understanding and responsibility with the aim of increasing security at football matches.

The Council acknowledges that in each of the twelve Member States, the Minister responsible for public safety will recommend, in accordance with the national situation, that this check list is used at every international match (at both friendly and competitive matches, whether within the framework of UEFA or FIFA); to this end, it will forward the necessary documents and give national football federations the requisite guidelines."

ENVIRONMENTAL CRIME
- COUNCIL RECOMMENDATION

- "1. The Council is aware that environmental crime constitutes a growing threat for certain Member States and that the training of competent officials to detect it plays an essential part in the elimination of this type of crime and other forms of organized crime.
2. The Council recommends that discussions on co-operation between competent officials in this area should concentrate on problems associated with cross-border transfers of waste.
3. In this context an exchange of information should be organized on the basis of an ad hoc report dealing with illegal dumping, the illegal brokerage of waste and the existence of specific flows of waste.
4. The Council recommends that Member States should, as far as possible, ensure that statistics based on this information are drawn up, circulated and analysed and that they keep each other informed.
5. The Council takes the view that consideration should be given to centralizing such information at a European level.
6. With regard to the training of competent officials in this area, the Council approves the organization of a seminar on the illegal export and transport of substances that are harmful to the environment in breach of the regulations in force."

**COUNCIL OF THE EUROPEAN UNION
GENERAL SECRETARIAT**

COUNCIL OF THE EUROPEAN COMMUNITIES

GENERAL SECRETARIAT

PRESS RELEASE

10236/93 (Presse 198)

1711th meeting of the Council

- GENERAL AFFAIRS -

Luxembourg, 22 November 1993

President: Mr Willy CLAES
Minister for Foreign Affairs
of the Kingdom of Belgium

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

Belgium:

Mr Willy CLAES Minister for Foreign Affairs

Denmark:

Mr Niels HELVEG PETERSEN Minister for Foreign Affairs

Germany:

Mr Klaus KINKEL Federal Minister for Foreign Affairs

Greece:

Mr Karolos PAPOULIAS Minister for Foreign Affairs

Spain:

Mr Javier SOLANA Minister for Foreign Affairs

France:

Mr Alain JUPPE Minister for Foreign Affairs

Ireland:

Mr Brian O'SHEA Minister of State at the Department of Agriculture

Italy:

Mr Beniamino ANDREATTA Minister for Foreign Affairs

Luxembourg:

Mr Jacques POOS Minister for Foreign Affairs

Netherlands:

Mr P.H. KOOIJMANS Minister for Foreign Affairs

Portugal:

Mr José Manuel DURAO BARROSO Minister for Foreign Affairs

United Kingdom:

Mr Douglas HURD Secretary of State for Foreign and Commonwealth Affairs

- + -

Commission:

Mr Hans VAN DEN BROEK Member

FORMER YUGOSLAVIA

The Council meeting was also attended by Lord Owen, General Cot and General Briquemont.

The Council held a detailed discussion of the situation in former Yugoslavia and the prospects for negotiation. The Presidency reported on implementation of the joint action on conveying humanitarian aid in Bosnia and Herzegovina. The Council noted with satisfaction the undertakings given by the parties at the 18 November meeting chaired by Mrs Ogata, not to obstruct humanitarian-aid convoys. It will remain vigilant as to whether those commitments are being duly honoured on the ground. The Ministers agreed to return to this question at the meeting with the parties scheduled for 29 November in Geneva.

General Cot and General Briquemont presented Unprofor's viewpoint on the protection of priority routes. The Council stressed the need to find additional contributions of troops or logistical support to Unprofor. The Council will return to the matter of funding humanitarian aid at its December meeting.

As part of the effort to revive the negotiating process and in view of the European Union's resolve to play a dynamic role in that context, the Council decided to invite, in close liaison with the Co-Chairmen, the parties to the conflict and the military chiefs to a meeting in Geneva on 29 November, to be attended by the twelve Foreign Ministers and the Commission on the Union side and also by the Co-Chairmen. The Unprofor military leaders will also be invited. The aim will be on the one hand to propose to the parties a new peace effort based on an improvement, to the advantage of the Muslims, of the territorial terms agreed earlier in Geneva. On the other hand it will be pointed out that such concessions as the Serbian side might make could lead to the progressive suspension of sanctions and that the efforts that the European Union is prepared to make to rebuild the former Yugoslavia are dependent on a swift return to peace and a constructive attitude on all sides.

HUMANITARIAN AID

1. The Presidency reported to Ministers following its talks with the UNHCR and Unprofor on an initial assessment of the situation as regards the choice of priority routes (see Annex). The Council also heard a report by the Unprofor commanders on the subject. The choice of route will be left to the organizations responsible for conveying aid in consultation with Unprofor, depending on the military situation, agreements reached on the ground, weather conditions and the state of the roads.

The Council stressed the need to find additional contributions of troops or logistical support to Unprofor once the relevant requirements had been clearly identified. The Member States will give shape to that commitment before the Geneva meeting. The Council agreed on the need for Member States of the European Union to put together, if appropriate under the ECMM, the fifty specialists that are essential for the operation of Tuzla airport as well as the corresponding logistical and back-up facilities.

In connection with the agreements reached between the parties on 18 November to allow the conveying of humanitarian aid to proceed, the Council wanted to see the Unprofor command able to make, against uncontrolled elements obstructing aid convoys, the swiftest and most effective possible use of all appropriate means, including air cover, as provided for by the relevant Security Council resolutions.

2. The Council noted with satisfaction the undertakings regarding the unobstructed conveying of humanitarian aid which were given by the various parties on 18 November at the meeting of the ICFY Working Party on Humanitarian Questions, chaired by Mrs Ogata. In order to consolidate and amplify those results, the European Union will invite civilian and military representatives to attend the planned meeting in Geneva. On that occasion the European Union, together with Lord Owen, will endeavour to obtain from the parties the reconfirmation of their commitments, holding good at all levels, on

keeping priority routes open, on the opening and protection by Unprofor of Tuzla airport and on the opening of air corridors, on restoring energy supplies and on the use of force against uncontrolled elements. As soon as conditions permit, the European Union will work for the reconstruction and reopening of Mostar airport.

At the meeting which the Presidency is to organize in Geneva, it will be making the following points in particular:

- the parties will be held responsible, in the eyes of their own population and of the international community, for any obstacles or impediments placed in the way of the conveying of humanitarian aid. The extortion of levies will not be tolerated;
 - the international community cannot remain indifferent to the fate of refugees, displaced persons and vulnerable population groups in Serbia and Montenegro. In compliance with Security Council resolutions, the European Union practises no discrimination in the distribution of humanitarian aid. In that spirit it will take steps to achieve accelerated and simplified processing of notifications and requests concerning humanitarian aid for Serbia and Montenegro.
3. Restoring fuel supplies will be given the highest priority. The ECMM and ECTF are requested to look into the problem and put forward proposals, which might entail their reinforcement or adjustment. Particular attention will be paid to safeguarding access routes to coal mines and gas supplies.
 4. With regard to determining the needs arising from the above decisions and their financial implications, the Presidency and the Commission will draw up the report called for by the end of the month, so that decisions can be taken on budgetary funding at the December Council meeting. The ECTF and IMG will be involved in that exercise.

List of routes

The following routes could be used:

- Coast – Metkovic – Jablanica – Sarajevo – Tuzla ("Gannet"): once the agreement of all parties, at all levels, has been obtained, this road will return to being an important access route, owing to its capacity, low altitude and commercial potential. However, the road has been blocked and several of the bridges it crosses destroyed. It will take at least three months before it can be reopened. Obtaining such agreement and repairing and maintaining the road are top priorities.

- Split – Duvno – Prozor – Gornivakuf – Vitez ("Diamond")
- Zagreb – Banja Luka – Doboj – Tuzla
- Zagreb – Banja Luka – Zenica – Sarajevo
- Belgrade – Valljevo – Titovo – Eastern Bosnia
- Bar – Uzice – Eastern Bosnia (railway as far as Uzice)
- Bar – Podgorica – Niksic – Foca
- Ploce – Metkovic – Stolac – Foca.



MISCELLANEOUS DECISIONS**REDUCTION OF ECONOMIC RELATIONS WITH LIBYA**

The Council adopted a common position, defined on the basis of TEU Article J.2, with regard to the reduction of economic relations with Libya.

Under this Decision, economic relations with Libya will be reduced in accordance with the relevant provisions of Resolution 883(93) adopted by the UN Security Council on 11 November 1993.
