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Page

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Seventh annual report to the European Parliament on Commission monitoring of the application of Community law — 1989

1

I

(Information)

COMMISSION

SEVENTH ANNUAL REPORT

to the European Parliament

on Commission monitoring of the application of Community law

1989

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CONTENTS

	Page
I. INTRODUCTION	5
II. SECTOR-BY-SECTOR ANALYSIS	
A. AN AREA WITHOUT FRONTIERS	
1. <i>The single market</i>	
(a) Removal of physical barriers	
(i) Customs union	7
(ii) Free movement of goods	8
Article 30 of the Treaty	8
Article 95 of the Treaty	9
Removal of veterinary and plant health controls	9
(b) Removal of tax barriers	9
(c) Removal of technical barriers	10
(i) Free movement of goods	10
The principle of freedom of movement	10
Article 30 of the Treaty	10
Mutual recognition of national rules	13
Technical regulations	14
Miscellaneous products	14
Motor vehicles/agricultural tractors/motor cycles	14
Foodstuffs	15
Pharmaceutical products	15
Chemical products	15
Energy-generating products	15
(ii) Opening-up of public procurement	15
(iii) Services	17
Financial services	17
Transport	17
New technologies and services	17
(iv) Capital movements	17
(v) Rules applying to businesses	18
Company law	18
Intellectual property	18
Product liability	19
2. <i>A people's Europe</i>	19
(a) Free movement of persons	19
(i) Entry and residence	19
(ii) The right to cross borders freely	19

(iii) Taxation and the citizen	20
(iv) Other questions: driving licences	20
(b) Right of establishment and recognition of qualifications	20
(i) Ban on discrimination	20
(ii) The professions	21
(c) Employment and social policy	22
(d) Consumer protection	23
B. OTHER QUESTIONS	23
1. Statistics	23
2. Community staff	24
3. Budget	24
4. Environment	24
5. Competition	26
6. Agriculture	26
7. Fisheries	27
8. Transport	28
9. Energy	29
10. External relations	30
11. Development cooperation	30
 TABLES, CHARTS AND SUMMARIES	
No 1 Infringement proceedings initiated since 1982, classified by stage of proceedings and Member State	31
No 2 Number of letters of formal notice, 1985 to 1989, classified by sector	32
No 3 Number of reasoned opinions, 1985 to 1989, classified by sector	33
No 4 Number of references to the Court of Justice, 1985 to 1989, classified by sector	34
No 5 Infringement proceedings initiated since 1981, classified by stage of proceedings and sector	35
No 6 Infringement proceedings initiated since 1981, classified by sector and legal basis	36
No 7 Number of infringement proceedings initiated since 1982, classified by legal basis and stage of proceedings	37
No 8 Number of infringement proceedings initiated since 1986, classified by Member State, legal basis and stage of proceedings	38
No 9 References to Court and judgments since 1982	39
No 10 Court of Justice judgments delivered up to 31 December 1989, not complied with	43
No 11 Review of significant judgments of national courts of final instance	54
No 12 Statistics on complaints and infringements detected by the Commission's own inquiries ..	63
 ANNEXES	
A. Infringements of the Treaties and of Regulations	60
B. Infringement of directives	82

INTRODUCTION

1. The seventh annual report on the application of Community law by the Member States deals with the monitoring of the application of Community law during 1989. Like its predecessors ⁽¹⁾ it represents a response to the desire expressed by the European Parliament in its resolution of 9 February 1983 ⁽²⁾.

2. The report comprises:

- a summary of infringements of the Treaties and of regulations at 31 December 1989 and of the infringement proceedings terminated during 1989 (Annex A), and
- a review showing the stage reached in the application of directives at 31 December 1989 and the situation concerning infringements of directives (Annex B).

These are preceded by a sector-by-sector analysis, various tables and graphs and a commentary on the main judgments delivered by the highest courts of law in the Member States.

3. The presentation of the report is similar to that of last year. In the sector-by-sector analysis, the chapter on the single market has been drafted in such a way as to follow the structure of the Commission's White Paper on the internal market.

4. The summaries and tables in this seventh report call for the following comments:

(a) As regards the means of detecting infringements

- (i) The number of complaints registered continues to grow (1 137 in 1988 and 1 195 in 1989), showing that citizens are taking on an increasingly active role in the effective creation of a Community based on law. To satisfy this growing interest, the Commission makes every effort to give a decision as quickly as possible (see table 12).
- (ii) As regards cases detected by the Commission's own inquiries, the increase recorded in 1988 (307) continued in 1989 (352). Many of these cases originate from parliamentary questions or petitions. Here too, the Commission tries to ensure that cases are dealt with as rapidly as possible (see table 12).

(b) The number of letters of formal notice increased sharply in comparison with the previous year (664 as against 569 in 1988). The internal market, agriculture and the environment are the main areas in which infringement procedures have been commenced. In comparison with 1988 there was a sharp increase in relation to the internal market which reflects a tightening up of the Commission's monitoring activities, in particular as regards Articles 30 and 36 of the EEC Treaty and the implementation of directives (see tables 1 and 5, chart 2).

(c) The number of reasoned opinions fell in 1989 (180 compared with 227 in 1988), partly no doubt because some cases were terminated following regularization of infringements by Member States after letters of formal notice had been sent. The sector most affected by this decrease is the environment (see tables 1 and 5, chart 3).

(d) The number of actions brought before the Court of Justice, broken down by Member State, was about the same as the year before. Only in the case of Italy was there a large increase (see tables 1 and 5, chart 4).

(e) The number of Court judgments which have not yet been complied with remained at much the same level as the previous year (82 compared with 86 in 1988) (see summary 10). A total of 26 new procedures based on Article 171 of the EEC Treaty were initiated in 1989. This situation gives cause for concern as it undermines the fundamental principles of a Community based on law. In some cases — where the instruments or programmes making Community funding available make provision for payment to be suspended if a Member State is in breach of Community law — the Commission is in a position to exert financial pressure to secure enforcement. But in view of the limited legal means available for strengthening the authority of the Court's judgments, the Commission is trying to make political leaders more aware of the seriousness of the situation. It hopes to be able to count on more action by Parliament to stimulate interest in national parliaments and national political circles.

5. More generally, the Commission's action in 1989 was characterized by the following features:

(a) First of all, greater transparency has been aimed at. While observing the duty of discretion on matters subject to its own administrative proceedings, the Commission tried to improve the flow of information in important cases of infringements and regularization of infringements (for example: 27 press releases were issued in 1989; all national measures implementing directives are now accessible to the public on the Celex database and, for matters

⁽¹⁾ First annual report COM(84) 181 final, 20. 4. 1984, Second annual report COM(85) 149 final, 23. 4. 1985, Third annual report COM(86) 204 final, 3. 6. 1986, published in OJ No C 220, 1. 9. 1986, Fourth annual report COM(87) 250 final, 24. 8. 1987, published in OJ No C 338, 16. 12. 1987, Fifth annual report COM(88) 425 final, 13. 9. 1988, published in OJ No C 310, 5. 12. 1988, Sixth annual report COM(89) 411 final, 22. 12. 1989, published in OJ No C 330, 30. 12. 1989.

⁽²⁾ OJ No C 68, 14. 3. 1983.

concerning the internal market, on the INFO 92 base). Also, the Commission has made every effort to reply to parliamentary questions and petitions with as much precision as possible.

- (b) Second, efforts have been made to increase the awareness of national political leaders. This has mainly been done by means of the periodic progress reports on the completion of the single market. These reports are being extended to cover other areas, in particular the incorporation of directives into national law. It is too early to judge if these measures will bear fruit, but they are bound to make those concerned more aware of the situation.
- (c) In parallel with this, contacts between Commission departments and national authorities concerning the implementation of Community law have been stepped up. This takes the form of horizontal meetings (for example, to review progress in the application of all directives), sectoral or 'package' meetings, informal contacts, exchanges of officials, etc. Some of the results of these contacts are already in evidence — as regards the incorporation of directives into national law by the newer Member

States, for instance; more should emerge in the years ahead.

- (d) The importance of giving effect to the directives has been stressed. Clearly, priority objectives such as completing the internal market and protecting the environment cannot be achieved unless the directives are actually implemented. On average, Member States have introduced the measures required to give effect to about 87 % of directives by the appointed time. The Commission is concentrating its efforts on improving this situation by stepping up contacts with national administrations and by using the procedure set out in Article 169 of the EEC Treaty. It plans to introduce more systematic monitoring of the incorporation of directives into national law by the immediate initiation of infringement procedures as soon as deadlines are reached. Finally, the Commission would make the point that it expects good results from the entry into force of the Italian Act No 86 of 9 March 1988 (the La Pergola Act). The 'annual Community laws' for which it makes provision should enable the backlog of directives to be cleared and all applicable Community legislation to be implemented rapidly using the most appropriate legal instruments.

SECTOR-BY-SECTOR ANALYSIS

A. AN AREA WITHOUT FRONTIERS

1. THE SINGLE MARKET

6. The speeding-up of the decision-making process for giving effect to the White Paper on completing the internal market⁽¹⁾ has meant that the Community instruments adopted in this connection have been coming into force faster: of the 151 measures definitively adopted, 103 came into force in 1989 and 84 of these require national incorporating or implementing measures.

7. While hitherto the Commission in its political statements had been stressing the need to make the new decision-making mechanism set up by the Single Act fully credible, it is now endeavouring to make the Member States aware of the need to give effect, within the time limits set, to the directives, decisions and regulations adopted to establish the single market. Any accumulation of delays in applying Community law will inevitably compromise the irreversibility of the process that the speeding-up of decision-making has set in motion and in particular must affect the political support of all the Member States and economic operators if any serious imbalances appear in the honouring of pledges given.

8. This prompted the Commission, with a view to initiating a debate at political level on the application of the instruments for establishing the single market, to present a communication on 7 September 1989⁽²⁾, analysing the situation and proposing a number of concrete measures, some of which have already been given effect:

- establishment of a centralized system in each Member State for monitoring implementation. It would appear that most Member States now have an administrative structure to monitor implementation. A permanent dialogue is now possible between the Commission and the Member States which goes beyond the largely technical dialogue which existed previously,
- complete transparency of national incorporation measures. It was clearly important, in order to put pressure on the laggard Member States and in particular to keep the business world properly informed, that national incorporation measures should be entirely transparent. In the past the Commission answered requests for information on a purely case-by-case basis. The Celex database,

(¹) COM(85) 310, 14. 6. 1985.

(²) COM(89) 422.

which is accessible to the general public, now has a sector containing information on the measures for incorporating directives into national law. In addition, a database has been established, INFO 92: it is accessible by videotex and covers all instruments adopted under the White Paper whatever their legal form. This base provides an analysis of the measures and a table giving the references of the national incorporating or implementing measures for all the Member States ⁽¹⁾,

— dialogue with the Member States in the preparation of incorporation measures. The object here is not to add a further negotiation stage after the adoption of the instrument by the Council or to delay adoption of national measures, but to allow Member States to exchange information on the draft legislation being prepared in order to prevent infringements before they occur and ensure consistency between the Member States. This dialogue is particularly important in areas covered by the principle of mutual recognition (recognition of diplomas) and in the area of the 'new approach'. The Commission has already convened a meeting even before the deadline for application of the directive, of those responsible at national level for administering the general system of recognition of diplomas in order to coordinate national incorporation measures. This approach will be applied systematically in future,

— organization of exchanges with national departments responsible for applying Community instruments. Beyond the formal incorporation of Community directives into national law, there is the problem of how the rules are actually applied by the national authorities. Private individuals very rarely come into direct contact with Community law or the Community authorities, such contacts generally being established via national legislation or a national department. It is for this reason that consistency in application is important. As this is a matter of administrative practices rather than of legal rules, consistency can be guaranteed only by exchanges of experience. This was the approach adopted by the Mattheus programme in the customs field, and it is an approach which the Commission proposes to extend to other areas covered by a body of Community rules.

9. This approach was given the Council's backing in the conclusions adopted on 21 December. The Council wishes to receive information about implementing measures taken by the Member States at least once a year, so that it can examine the situation.

The Commission, for its part, has undertaken to report twice a year; the second report was presented as a working paper on 4 December 1989 ⁽²⁾.

10. This political approach, on top of the judicial activity which must be continued and stepped up, has created an awareness in political circles in the Member States of the scale on which national authorities are failing to comply with Community law. Even though the situation improved substantially in the second half of the year, deadlines are not respected in around 45% of cases and new proceedings have been initiated under Article 171 in a large number of cases for failure to comply with earlier rulings. However, the situation differs from one Member State to another and from one area to another.

(a) Removal of physical barriers

11. Article 8a of the Single European Act sets the Community a clear objective, namely the creation by 31 December 1992 of 'an area without internal frontiers'. The Commission's White Paper on completion of internal market contained the work programme for attaining this objective.

(i) Customs union

12. The infringement proceedings in the customs union sector are mainly concerned with infringements of Articles 9 *et seq.* of the EEC Treaty (banning any charges having an effect equivalent to customs duties in trade between Member States), Article 171 of the Treaty (failure to comply with judgments of the Court of Justice), and Council Directive 83/643/EEC of 1 December 1983 on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States.

13. Among the infringements of Articles 9 *et seq.* of the Treaty, proceedings have been brought against France in connection with charges made for computerized control of customs declarations under the SOFI system. The Commission maintains that in trade between Member States no charge may be made in respect of customs formalities, regardless of whether the procedure is manual or computerized. Another infringement proceeding was initiated against France concerning the flat-rate tax on exports of precious personal items to other Member States.

14. In the same area the Commission brought an action before the Court of Justice concerning the charges levied by the Italian customs for services performed at the same time for a number of firms. The

⁽¹⁾ For further information consult the Eurobase service in Brussels, Tel. (32) (2) 235 00 01.

⁽²⁾ SEC(89) 2098.

Commission feels that the charges are out of all proportion to the cost of the services performed at the request of the firms. Infringement proceedings were also brought against Italy in respect of the stamp duty charged on imports of certain products from other Member States.

15. For failure to apply judgments of the Court of Justice a letter of notice was sent to Italy on the basis of Article 171 in connection with the case concerning the rules of proof which make it impossible to obtain repayment of national taxes and charges which had been levied in breach of Community law (judgment of 24 March 1988 in Case 104/86). A similar case concerning Italy was also referred to the Court of Justice in the matter of export procedures (judgment of 30 April 1989 in Case 158/85).

16. As regards secondary legislation, a reasoned opinion was sent to Italy concerning the customs clearance of steel products. Italy has reduced the number of customs offices where steel products can be cleared, thereby infringing Articles 2 and 6 of Directive 83/643/EEC. The Commission has also brought an action against Italy before the Court of Justice on the grounds that the procedure for the customs inspection of goods infringes the same Directive.

17. A reasoned opinion has also been sent to Greece for an infringement of that Directive. It is alleged that controls and formalities for imports of ceramic tiles from other Member States, in particular Italy, are excessive in Greece and delay imports.

18. A reasoned opinion has been sent to France for infringement of Regulation (EEC) No 754/76 on returned goods. This case concerns an incorrect interpretation of the Regulation by national courts which extended to industrial products provisions applicable solely to agricultural products.

19. An infringement proceeding against Germany concerning customs debt in respect of goods stored in free zones was withdrawn after changes were made to the Community legislation by way of compromise.

20. Two infringement proceedings concerning inward processing and monetary compensatory amounts (one against the United Kingdom and the other against France) were abandoned after the Court of Justice found in favour of the Member States concerned.

(ii) Free movements of goods

21. Measures to eliminate physical inspections have been taken only in the areas of veterinary and plant health controls and the control of means of transport and capital. Except in the agricultural field, the appointed dates for applying the measures have not yet been reached. Hence only the directly applicable provisions of the Treaty (Articles 30 and 95) can be relied upon to challenge unjustified frontier controls.

Article 30 of the Treaty

22. Article 30 of the Treaty prohibits, between Member States, quantitative restrictions on imports and measures having equivalent effect. The provisions enables action to be taken import formalities which are not justified by compelling reasons such as health protection or safety considerations.

23. On this basis the Commission has challenged a number of rules introducing unwarranted formalities in the movement of industrial and agricultural products:

- the requirement that a declaration must be lodged in advance indicating the country of origin for imports into France of urea originating in non-member countries but in free circulation in another Member State.
- the requirement that certificates of origin be produced for imports into Italy of steel products coming from another Member States,
- customs formalities which, although justified in certain cases, act as a deterrent to importers:
 - application of different customs tariffs on a wide range of agricultural products depending on the point at which they enter French territory; importers were fined for incorrect declarations even when they had relied on earlier import operations; not only did the Commission obtain the necessary explanations concerning the customs tariff applied, but in particular fines incorrectly levied were repaid,
 - the difficulties in Belgium for the customs clearance of small parcels from other Member States, in particular the time taken; measures have been taken by the authorities to speed up the processing of small consignments and express consignments by the railways and the customs,

- the restriction of the right to import certain products to certain importers; the effect of this arrangement is to block in customs certain imports made by an importer without the right authorization,
- the ban on imports into Germany by private individuals, for their own use, of medicines authorized in Germany but purchased in a pharmacy in another Member State; the Court of Justice ruled that this ban was incompatible with Article 30 (Case 215/87 — *Schumacher v. Germany*, 7 March 1989).

Article 95 of the Treaty

24. In 1989 the Commission continued to examine complaints and the many questions or petitions from the European Parliament. It also initiated proceedings itself whenever it was found that national legislation was not consistent with the tax provisions of the Treaty or of secondary legislation.

25. Under Article 95 of the Treaty the Commission issued reasoned opinions in a number of new cases against the following Member States:

- Greece: differential taxation of imported cars, silver-plated cutlery and instant coffee,
- France: parafiscal charge on potatoes,
- Ireland: introduction of new measures penalizing imported newspapers.

26. These cases lengthen the list of those initiated earlier, in some of which the Commission decided in 1989 to bring actions before the Court: excise duty arrangements on beer in Belgium, the Netherlands, Luxembourg and Italy, the administrative charge for the inspection of fruit and vegetables in Portugal, and the differential VAT rates in Greece for imported spirits.

27. A proceeding concerning a tax on imports into Denmark of chocolate and sugar-based products was dropped after Denmark amended its legislation. A proceedings against the United Kingdom concerning the taxation of sherry was also abandoned.

Removal of veterinary and plant health controls

28. For the application of directives and the White Paper on the internal market, it is the veterinary and plant health field which involves the largest number of instruments whose objective is not only to eliminate physical controls at frontiers on agricultural products but also, by removing these controls, to make it possible to eliminate all controls on goods and persons.

29. Because of the number of instruments in force (35) and their strategic importance for Project 1992, it is essential to see that they are correctly applied. Of the 32 instruments requiring incorporation measures, only a third have been incorporated into national law in all the Member States. The delays are divided fairly evenly between all Member States, but Portugal and Italy are particularly remiss.

30. The Commission was forced to initiate 35 infringement proceedings under Article 169 of the Treaty against Member States for failing to enact national legislation incorporating directives designed to give effect to the single market. Twenty-seven cases concerned the veterinary field and eight cases plant health. In addition, six reasoned opinions (four in the veterinary field and two concerning plant health) were issued.

31. In the plant health field it has been possible so far to terminate all the proceedings before Court action was needed. In the veterinary field, on the other hand, the Commission brought proceedings before the Court against Italy in 1989 for failing to incorporate Directives 85/322/EEC and 85/325/EEC.

(b) Removal of tax barriers

32. The removal of tax controls at frontiers depends on correct application of the Directives on tax relief and the VAT harmonization Directives.

33. As regards tax relief, it is regrettable that despite the great political significance of these measures, the last Directive raising relief to ECU 390 has still not been incorporated into Italian law even though the deadline for this was July 1989; the same applies to the 1985 Directive on small non-commercial consignments and the 1988 Directive on small commercial consignments.

34. As regards VAT harmonization, the Commission concentrated on monitoring the correct application of the VAT directives, which are of fundamental importance for the completion of the internal market by 1992 and the proper collection of own resources.

35. A number of cases were terminated in this area after Member States agreed to comply with the Commission's observations: Spain discontinued zero-rating for lawyers and professional sport; Ireland stopped exempting corrective spectacles from VAT; and France dropped the arrangement limiting the right to deduct.

36. The Commission issued reasoned opinions in the following cases:

- United Kingdom, France, Greece, Netherlands and Ireland: VAT on road tolls,
- Spain: exemption from VAT for services supplied by painters and sculptors, authors and journalists,
- Italy: arrangements for refunding VAT to foreign taxable persons,
- Germany: taxation of travel agents,
- France: VAT on advertising services.

37. Monitoring the application of Community law also involves ensuring that Member States comply with the Court's judgments. In this context seven new cases had to be initiated under Article 171 because Member States had still not taken steps to comply with the following judgments:

- Netherlands: tax status of notaries and bailiffs (judgment of 26 March 1987 in Case 253/85),
- Italy: taxation of bananas (judgment of 7 May 1987 in Case 184/85),
- Italy: exemption from VAT of services of veterinary surgeons and smiths (judgment of 24 March 1988 in Case 122/84),
- Italy: imports of medical samples (judgment of 21 Juni 1988 in Case 257/86),
- Italy: flat-rate refund arrangements for agricultural producers (judgment of 28 June 1988 in Case 3/86),

— Italy: extension of exemption from VAT in connection with earthquakes (judgment of 21 February 1989 in Case 203/87),

— Italy: differential taxation of rum (judgment of 11 July 1989 in Case 323/87).

(c) Removal of technical barriers

38. This is the field in which most progress has been made: 50 directives adopted as part of the White Paper programme were in effect in 1989 in all the areas concerned, particularly that of the harmonization of technical rules.

(i) Free movement of goods

39. The removal of non-tariff barriers to intra-Community trade in goods is a cornerstone of the buildings of the single market. The Commission has two basic instruments for this purpose at its disposal, the prohibition on all measures having equivalent effect to quantitative restrictions (Articles 30 to 36 of the EEC Treaty) and the harmonization of technical rules.

40. Recent cases which have been brought to the attention of the Commission point to the changes under way in the Member States: most obstacles are to be found in technical regulations, while the number of cases of unnecessary import formalities (see above) is steadily falling. Technical regulations are also the area in which the longest delays are occurring in transposing Community provisions into national law.

The principle of freedom of movement

41. The principle of freedom of movement is a development from the prohibition on quantitative restrictions and the recognition of national rules.

Article 30 of the Treaty

42. Article 30 of the EEC Treaty prohibits quantitative restrictions on imports and all measures having equivalent effect. The very broad interpretation put upon the latter notion, which — in the Court of Justice's own words — covers 'all trading rules which are capable of hindering, directly or indirectly, actually or potentially, intra-Community trade', enables the Commission as 'guardian of the Treaties' to take steps to eliminate obstacles to trade of the most diverse kinds.

43. In this connection, in 1989 the Court of Justice confirmed its earlier holding that all rules on the marketing and distribution of goods are open to scrutiny under Article 30. A case in point is that of French legislation on door-to-door sales (Case 382/87 *Roger Buet* — judgment of 16 May 1989), whose compatibility with Article 30 was considered in response to a request for a preliminary ruling, and Case 25/88 *Wurmser* (judgment of 11 May 1989), the object of which was the extent of the liability borne by importers in France in respect of imported goods.

44. These figures also include the technical regulations notified under Directive 83/189/EEC as amended by Directive 88/182/EEC, and scrutinized in the light of Articles 30 and 36 of the Treaty (see below).

45. In view of the ever-increasing number of cases brought to their attention, the Commission's departments have found it necessary to stop dealing with them on an individual basis and have adopted a comprehensive approach. The practice of holding regular 'package' meetings with representatives of the government departments concerned in Member States has become more widespread in 1989. At such meetings, all the cases involving a Member State are discussed, as are cases involving other Member States in which it has expressed an interest. Pragmatic solutions in keeping with Community law can thus be sought jointly at the complaint stage, with a guarantee that the procedure will be transparent. A package meeting involving Germany was held for the first time in 1989. Such meetings have also been held with Spain, France, Portugal, Italy and Greece.

46. The results achieved in 1989 include the cases summarized below.

As regards industrial products:

- the elimination of unwarranted technical specifications defining light mopeds in Germany, which had the effect of closing the German market to imported products which did not meet the specifications,
- the termination of the requirement for television sets imported into France to be fitted with a Péritel socket enabling them to be connected to other audio or video facilities,
- the repeal of unwarranted provisions relating to the labelling of ceramic tiles which had the effect of making it more difficult and more expensive to import tiles manufactured in other Member States into Greece;
- the adjustment of the conditions relating to the type-approval and marketing in the Netherlands of reflective equipment for bicycles, following the dispatch of a reasoned opinion by the Commission.

As regards telecommunications:

- until the Commission adopted Directive 88/301/EEC on 16 May 1988, the national markets in telecommunications terminals were partitioned off from each other by the existence of monopolies in the importing, marketing, connection and installation of terminals granted by Member States to their own postal, telephone and telegraph authorities,

- any obstacles to freedom of movement which may now exist are due mainly to the fact that diverging national approval and specification procedures apply.

47. The Commission took further action to open up national markets.

- In response to a parliamentary question, the Commission satisfied itself that the German authorities grant approval to terminals lawfully marketed in other Member States even if they are manufactured according to specifications different from those contained in national standards, provided they meet certain basic requirements.

- The Commission also made representations to the Belgian authorities to ensure that private individuals in Belgium were authorized to own antennae with which to receive satellite-broadcast television programmes. Following the dispatch of the Commission's reasoned opinion, the Belgian authorities undertook to allow the import and marketing of such antennae where they were lawfully manufactured and marketed in other Member States, without setting any conditions (including conditions relating to authorization or type-approval).

48. More specifically, the Commission had decided in the past to initiate the Article 169 procedure against several Member States (the Netherlands, Luxembourg, Ireland, Greece, the United Kingdom, Denmark, Belgium, Germany, France and Italy) for failure to notify national measures to give effect to Directives 86/361/EEC⁽¹⁾ and 87/372/CEE⁽²⁾. All but Italy had failed to notify any measure to implement either of the two directives. Italy was in breach of the Treaty in respect only of Directive 87/372/EEC.

49. Since then, Germany and France, in accordance with Article 11 (2) of Directive 86/361/EEC and Article 4 (2) of Directive 87/372/EEC, have communicated to the Commission the text of the main provisions trans-

(¹) Council Directive of 24 July 1986 on the initial stage of the mutual recognition of type-approval for telecommunications terminal equipment.

(²) Council Directive of 25 June 1987 on the frequency bands for pan-European cellular land-based mobile communications.

posing the two directives into German domestic law and Directive 87/372/EEC into French domestic law respectively. The Member States still in breach of the law for failure to communicate national implementing measures are the Netherlands, Luxembourg, Ireland, Greece, the United Kingdom, Denmark and Belgium, in respect of both directives, France in respect of Directive 86/361/EEC, and Italy in respect of Directive 87/372/EEC. The Commission has therefore sent letters of formal notice to the governments concerned.

50. With regard to foodstuffs, 1989 saw the publication by the Commission of an interpretative communication reviewing Community law applicable to the movement of foodstuffs within the Community⁽¹⁾.

51. The Commission's departments have also, of course, continued with their monitoring work in this sector.

The following cases were settled before reaching court:

- restrictions on the use of the word *limonades* as a denomination in France,
- difficulties in the marketing of butter in Italy owing to packaging requirements,
- prohibition on the use of certain additives in France (calcium acetate) and the United Kingdom (benzoic acid).

A number of cases before the Court of Justice were also decided in 1989. On 11 May the Court gave judgment in an action brought by the Commission against Belgium for not permitting the sale in its territory of prepared meat containing more than a given quantity of edible gelatine (Case 52/88, not yet reported).

The Court held that an absolute prohibition on the marketing of a foodstuff could only be justified by the need to protect human and animal lives and health or vegetable species, which did not apply in the case at issue. The Court also gave judgment on 2 February in a case against Germany for setting national requirements as to composition in respect of imports of meat products. As Germany has not complied with the judgment, proceedings have been brought against it under Article 171 of the EEC Treaty.

52. A growing number of judgments are not being complied with: in 1989 seven Article 171 actions were brought or pursued further, involving Belgium (Case

52/88), Germany (Cases 274/87, 179/85 and 178/84), Greece (Case 176/84), France (Case 169/87) and Italy (Case 56/87). Because of the checks carried out by the Commission, the area covered by Article 30 is, together with failure to transpose directives into national law, the one in which the greatest number of proceedings are taken for failure to implement Court rulings.

53. In relation to agricultural products⁽²⁾, it should be stressed that Articles 30 and 34 of the Treaty (on the elimination of quantitative restrictions on imports and exports and of all measures having equivalent effect) are to be regarded as an integral part of common market organizations⁽³⁾ and that barriers to trade in products covered by such organizations affect their normal operation.

54. The barriers in respect of which the Commission initiated proceedings were many and varied, as the following examples illustrate:

- technical requirements relating to the presentation, quality or packaging of products, having the effect of limiting or discouraging imports: the Commission took action against this type of measure in the case of restrictions imposed in Italy on the marketing or importation of fats and oils (obligatory presence of a tracer) and of cheeses (minimum fat content), and in that of the obligation imposed by the regulations in certain German *Länder* to present fresh poultrymeat in sealed packaging (*festverpackt*) where they are sold in the same premises as other types of meat, and again in the case of Greece, which, despite the Court of Justice's judgment in Case 124/85⁽⁴⁾, continues to permit the import and wholesale marketing of fresh beef and veal in respect only of certain cuts,
- the requirement for a producer Member State to issue certificates stating that products meet the required standards in the importing Member State, as required by Greece with regard to large numbers of food products on grounds of radioactivity or by Greece and Luxembourg with regard to pasteurized butter; Luxembourg, however, has conformed to the Commission's point of view, in line with the position taken by Germany in 1988,
- the requirement for prior import licences or authorization imposed in respect of live sheep and goats in Germany (although rescinded in France), of

⁽²⁾ I.e. the products listed in Annex II to the EEC Treaty.

⁽³⁾ See judgment of the Court of Justice in Case 83/78 *Pigs Marketing Board v. Redmond* [1978] ECR 2347, Ground 55.

⁽⁴⁾ *Commission v. Greece*, not yet reported.

⁽¹⁾ OJ No C 271, 24. 10. 1989.

semen intended for artificial insemination in France, Luxembourg, the United Kingdom and Ireland, and of live animals and fresh meat in Belgium,

- the practice of carrying out routine health checks on imports of poultrymeat into Germany and Greece or double checks on imported fish in Belgium,
- national measures to do with human, animal or plant health or with additives, prohibiting imports or making them impossible, such as measures affecting imports of cheese into Italy and Greece by setting maximum nitrate content levels, and imports of grapefruit into Italy by limiting entry points to six seaports and excluding all imports by land,
- the setting of maximum prices having the effect of discouraging and restricting imports, as practised in Greece in the olive oil trade.

55. The system of maximum import prices in Greece for sheepmeat and goatmeat from Hungary was discontinued following the Court's judgment in Case 127/87 (1).

Mutual recognition of national rules

56. In accordance with the strategy it outlined in its internal market White Paper, the Commission is paying particular attention to the application of the EEC Treaty's rules on the free movement of goods (Articles 30 to 36) and is endeavouring to ensure that the principle of mutual recognition is systematically incorporated in national law. This principle requires any product lawfully manufactured and marketed in one Member State to have free access to the markets of the other Member States, provided it does not endanger health and safety. At all events, the measures taken to protect these interests must be strictly proportionate to the objectives pursued.

57. This is why, wherever the Commission finds itself facing an obstacle justified on grounds of the need to protect the interests referred to above, it requires the Member States, provided the measures taken are in proportion, to insert a provision in their regulations

embodying recognition for products from other Member States offering equivalent guarantees.

For instance, clauses to this effect have been inserted into:

- German rules on flammable liquids, to enable flame arresters checked by accredited bodies in other Member States to be used in buildings in Germany,
- Spanish rules laying down technical specifications for civil engineering projects, to confer recognition on products from other Member States manufactured according to other specifications,
- Portuguese rules governing the metrological control of radar speed detectors, to confer recognition on tests carried out in other Member States.

58. To this *ex post facto* monitoring activity must be added, in the case of industrial products, the prior monitoring carried out by the Commission pursuant to Directive 83/189/EEC as amended by Directive 88/182/EEC. This Directive obliges the Member States to submit draft technical regulations for prior vetting as part of an information procedure. This obligation — which in the past did not cover the agricultural, foodstuffs, pharmaceuticals and cosmetics sectors — has been extended to cover all technical regulations from 1 January 1989.

59. In 1989, 319 draft technical regulations and standards were scrutinized in the light of the Treaty and secondary legislation. After examination, the Commission sought, in 37 cases, amendments designed to ensure that their adoption did not raise new barriers to the free movement of goods. In nine cases, the Commission announced the presentation of a draft Community directive the provisions of which are to replace the national measures.

60. This year the Commission has set up machinery to ensure compliance with the notification requirement. It signed a contract with a private organization whose task is to go through the official publications from all the Member States and to send whatever technical regulations they adopt to the Commission. Where the Commission detects an infringement of Directive 83/189/EEC, it will a matter of course commence infringement proceedings under Article 169 of the EEC Treaty.

(1) Commission v. Greece, not yet reported.

*Technical regulations**Miscellaneous products*

61. In tandem with developing the 'new approach' whereby a single legal enactment can cover a wide range of products — the first directives using this approach will take effect in 1990 — the Commission has to continue managing large numbers of directives relating to specific industrial products. At present there are 81 directives in force under the 'old approach', in respect of which 85 infringement proceedings are under way.

62. Most of these infringements (79 cases) are cases of failure to incorporate directives into national law, while the other six cases have arisen from the incorrect application of national implementing legislation.

— Of the 79 proceedings against failure to incorporate, 48 were commenced in 1989, while the other 31 were old proceedings already under way. These cases stem as a rule from the slowness of national procedures for amending legislation and in most cases are eventually resolved. For instance, 29 cases were regularized by the Member States concerned in 1989. However, the Commission brought seven actions before the Court of Justice against two Member States — Belgium (Cases 272/89, 274/89 and 276/89) and Luxembourg (Cases 271/89, 273/89, 275/89 and 277/89). All these cases were regularized before the end of the year, and the Commission decided to withdraw. Orders for their removal from the Court register will be made in 1990. An action brought against Italy in 1988 for failure to inform the Commission of measures to give effect to Directive 83/128/EEC (medical thermometers) is still proceeding (Case 99/88).

— As regards the stage reached in the application of directives by Spain and Portugal, contact has been maintained with the relevant government departments with a view to quickly making up the time lost in transposing the directives into national law. Remarkable strides have, in fact, been made by the Spanish authorities, who have transposed 66 directives, including 47 in the last year, out of the total of 81.

— As to the non-conformity of national laws with Community directives or the incorrect application of such laws, apart from one case concerning Directive 84/539/EEC (see 63), all the others, as in the past, concern Directive 73/23/EEC (the 'low voltage' Directive). Of seven sets of proceedings embarked

upon in the course of the year for infringement of this Directive, those against France and Ireland have been dropped. Those against the United Kingdom, the Netherlands, Denmark and Germany are well on the way towards a settlement. But the case against Italy is following its course.

63. A fresh proceeding has been commenced against Germany for the incorrect application of Directive 84/539/EEC (electromedical equipment used in human medicine). The German authorities continue to require type-approval for electromyographs, while the Directive stipulates that a declaration by the manufacturer suffices. The proceeding against the United Kingdom for non-conformity in the transposal of Directive 73/23/EEC has been abandoned following measures taken by the British authorities to comply with the obligations flowing from the Directive. Lastly, the infringement proceeding brought against Spain concerning an interpretation of Decree 7/1988 transposing Directive 73/23/EEC which is not in conformity with the Directive has been closed following the recent adoption of new administrative measures.

64. Directive 88/32/EEC on good laboratory practice, which is very important in organizing recognition of tests and certificates and was to have been implemented by 1 January 1989, has been transposed into national law in only five Member States (Belgium, Denmark, Luxembourg, the Netherlands and the United Kingdom).

Motor vehicles/agricultural tractors/motor cycles

65. Implementation of the directives on motor vehicles, agricultural tractors and motor cycles continued normally in the Member States, 133 of them having now been transposed. In the course of the year, 30 infringement proceedings for failure to transpose directives were commenced. The infringements are all due to administrative delays in certain Member States in incorporating Community directives into their national law.

66. The delays in transposing all the Directives on car exhausts (88/76, 88/77 and 88/436/EEC) into national law in Italy and the Directive on diesel particulates into national law in Belgium and Greece are particularly regrettable.

Foodstuffs

67. The proceedings initiated in respect of the foodstuffs directives all concern instances of failure to communicate national implementing measures. The file was closed on 11 infringements, 13 cases are at the formal notice stage and two are at the reasoned opinion stage.

68. The Commission dropped actions against France and the Netherlands for failure to transpose Directive 83/417/EEC (lactoproteins) and against France for failure to transpose Directive 83/635/EEC (preserved milk).

69. In the field covered by the White Paper programme, nine directives or regulations entered into force and are being transposed into national law or implemented in a very unsatisfactory manner; three of them have not been incorporated into national law in any Member State. Bearing in mind that the 'horizontal' directives are soon to take effect, the delays in this particular sector are a cause for concern.

Pharmaceutical products

70. The situation with regard to medicinal products for use in human or veterinary medicine has changed very little since 1988. Proceedings have been taken against Italy before the Court of Justice for the non-transposition of the two basic Directives on pharmaceutical products (65/65/EEC and 75/319/EEC), and discussions have been held with the Spanish Government with a view to ensuring that these Directives are swiftly and properly incorporated into Spanish law.

71. Although there are very few problems in this particular field, it is noteworthy that no notification of any transposition measure was received in 1989 in respect of the Directive on price transparency (89/105/EEC), which was to have effect from 31 December 1989.

Chemical products

72. Since the sixth annual report to Parliament, all the directives adopted since 1980 have been implemented by all Member States (other than Spain and Portugal) save one only. That Member State, Italy, despite the Court's having found against it for failure to transpose the Directives on surfactants, is being proceeded against under Article 171.

73. As regards fertilizers, the last Directive due to take effect in 1989 (liquid fertilizers) has been incorporated into national law only in Germany and Denmark.

Energy-generating products

74. Following the adoption of a paper on the internal energy market in July 1988, an inventory of barriers to trade in this sector was drawn up. The action needed to dismantle them will shortly be submitted to the Commission.

(ii) Opening-up of public procurement

75. Public procurement is an area which raises problems not only in relation to the transposition of directives but, to an even greater degree, in relation to the proper application of directives by the various official agencies concerned in the Member States.

76. As part of its work of monitoring transposition, the Commission brought an action before the Court against Greece for incorrect transposition of Directive 71/305/EEC. On the other hand, as Greece correctly incorporated the old Directives on supplies (77/62 and 80/767/EEC) in the course of the year, the action brought for failure to do so was withdrawn.

77. The Commission initiated the Article 169 procedure against Italy and the Netherlands for failure to notify it of measures to incorporate Directive 88/295/EEC.

78. The Commission brought an action before the Court in respect of Italian Act No 80 of 17 February 1987. This law lays down a special procedure for the award of public procurement project contracts containing several features which are contrary to the relevant Community rules. When it comes to the criteria for selection, the Act requires bidders to be on the Italian list of accredited contractors, and stipulates that preference should be given to temporary groupings or to consortia of firms carrying on their principal business in the region in which the projects are to be carried out. Another feature is that the region's own firms are also given preference in subcontracting: the Act requires the contracting authority to subcontract a minimum quota of work to firms which have their official head offices in the region in which the works are to be carried out.

79. If national legislation is to be systematized without having to wait for complaints to be lodged, checks must be carried out not only to ensure that a measure transposing a directive into national law is in

keeping with that directive but also that all other provisions applicable to public procurement are consistent with it.

80. The independent experts with whom a contract was signed in 1988 have therefore been instructed to carry out a preliminary review of all the public procurement legislation in each Member State.

81. In the course of the year the measures introduced by the Commission in 1986 ⁽¹⁾ to widen its scope for detecting infringements on its own initiative became operational. These measures consist of:

- systematic checking of public works contract notices over three periods on the basis of a pilot monitoring contract signed last year with a consultancy firm,
- checks for compliance with the rules during the execution of projects and programmes financed by the structural funds and the other financial instruments applying the practical arrangements and resources detailed by the Commission in its communication to the Member States in January ⁽²⁾;
- stricter checks for compliance with Community rules in the publishing of contract notices.

82. The infringement cases processed in 1989 have shown that there are shortcomings in the following areas:

- Interpretation of the scope of directives and the excluded sectors:

A reasoned opinion was sent to Spain concerning a public procurement competition for dredging works launched by the Junta del Puerto de Sevilla y Río del Guadalquivir.

It is worth pointing out here that the Commission has brought an action before the Court over the case involving the failure by the public enterprise which runs Lisbon Airport to put out to Community-wide competitive tender a contract for the supply and assembly of a telephone exchange ⁽³⁾;

- The criteria for selecting those eligible to bid:

A reasoned opinion was served on Italy concerning a public contract for the supply of meat, opened to bids by USL No 11-Genoa 2. In this particular case the contracting authority had specified that 50 % of the minimum amount of supplies which applicants were required to have carried out in the previous three years in order to be admitted to the competition had to consist of supplies to government departments.

Another reasoned opinion was served on Italy in respect of a prequalifying notice issued by the Ente ferrovie dello Stato for the purpose of identifying companies capable of carrying out construction works on a railway line between Rome and Naples. In this particular case the companies concerned had to have already carried out works in Italy worth a stated overall figure and be listed in the Italian trade register.

- The stipulations made in contract documents and the way these are applied when selecting bids:

For example, in the case of the public contract put out for bids by Storebaeltforbindelsen A/S for the construction of the Great Belt Western Bridge in Denmark, which came to the Commission's notice in May and was referred to the Court in August, the contracting authority had included stipulations in the conditions requiring the widest possible use of Danish materials, consumer goods, labour and equipment. The Commission also maintains that negotiations between the contracting authority and the consortium chosen were carried out on the basis of an offer which did not conform to the specifications. In the case of the first of these two infringements, the Commission applied for interim measures to secure an order from the Court that the operation of the contract which the contracting authority had meantime concluded with the successful bidder should be suspended. During the hearing, however, the Commission withdrew this application in the light of solemn commitments received from the Danish Government and in view, too, of the serious difficulties which suspending the contract would have created. The Danish Government has admitted before the Court the incompatibility of the 'Danish clause' with the EEC Treaty and has undertaken to ensure that an arbitration procedure will be applied whereby unsuccessful bidders for the contract in question can be refunded the costs of taking part in the competition without having to show that, if the clause had not existed, they would have won the contract.

⁽¹⁾ Sixth Annual Report to Parliament on monitoring the application of Community law (1988), points 84 and 85.

⁽²⁾ OJ No C 69, 28. 1. 1989; *Bull. EC 1-1989*, point 2.1.8.

⁽³⁾ Sixth Annual Report to Parliament on monitoring the application of Community law (1988), point 81.

(iii) Services

Financial services

83. The Commission intends to show increased vigilance in monitoring the application of Community provisions to establish the common market in financial services by 1992. To this end it has begun talks with the Member States aimed, in particular, at a systematic revision of the application of the directives in this field. Concerned to secure compliance with the deadline set for the implementation of Directive 85/611/EEC on undertakings for collective investment in transferable securities (UCITS) (1 October 1989), the Commission, before setting the Article 169 procedure in motion, sent a letter to those Member States which has not communicated their measures by the deadline (Belgium, Germany, Spain, Italy and the Netherlands). The Directive is not yet applicable in Greece and Portugal. In the case of Belgium, this delay aggravates the serious situation in respect of non-compliance with the Court's rulings (in this instance, the ruling given on 12 February 1987 in Case 390/85) regarding failure to incorporate into national law three directives in this field, and the Commission was obliged to initiate Article 171 proceedings.

84. As regards cases of infringement, the Commission brought before the Court an action involving Italy's checks on the green vehicle insurance card (Case 232/89). Initiation of the Article 169 procedure has been decided in a number of other cases mainly concerning the situation existing in several Member States where tax legislation renders more difficult transactions with insurance companies not established on their territory. These cases are of particular importance given that they affect, in the financial field, the freedom to provide services laid down in Article 59. As regards compliance with the Court's rulings of 4 December 1986 concerning non-life insurance and coinsurance (Cases 205/84, 220/83, 206/84 and 252/83), only Denmark has passed legislation, while Germany, France and Ireland have taken interim administrative measures. The Commission will see to it that definitive measures are taken when the second Directive on non-life insurance (88/357) is incorporated into national law, a step which must be taken by 1 January 1990.

Transport

85. Liberalization of the transport market is gradually being implemented on the basis of the programme set

out in the White Paper. Since most of the instruments involved are regulations, national implementing measures are not always necessary, though in some cases substantive measures on the part of the Member States are called for.

86. There are major delays. Some acts such as the regulation on competition in the sea transport and air transport sectors have been implemented in a limited number of Member States (United Kingdom and Denmark); but in some Member States, such as Belgium, Luxembourg and Portugal, delays are virtually systematic. (See Section B.8 — Transport.)

New technologies and services

87. Freedom of movement of broadcasts is ensured, pending the coming into effect of the Directive on television without frontiers, by the direct application of the provisions of the EEC Treaty, in particular Articles 59 and 62.

88. The Commission has referred to the Court of Justice the Netherlands' insistence that national broadcasting bodies order programmes from a specific Dutch company and the restrictions on cable broadcasting of radio and television programmes from other Member States that include advertising specifically aimed at a Dutch audience.

89. The first Directives adopted in the telecommunications field are reaching their implementation deadlines. The deadline is passed in the case of the Directive on mobile telephones, which has been incorporated in national law in only two Member States. On 3 October 1989 the Council adopted the Directive on television broadcasting activities.

(iv) Capital movements

90. The coming into effect of the Directives on securities coincided with that of the Directive on liberalization of the units issued by UCITS, which has been incorporated in national law in all the Member States except Portugal, which has been granted a derogation. This is particularly important in the context of the work being done on economic and monetary union.

91. In the field of capital movements (Article 67 *et seq.* of the EEC Treaty), it has proved impossible, because of the deterioration in Greece's external position in 1989, to remove a number of restrictions applied by

Greece under the decision adopted by the Commission in November 1985⁽¹⁾. The Commission therefore extended until 30 June 1990 its authorization to apply the remaining restrictions⁽²⁾. Spain and Portugal may also maintain a number of restrictions on capital movements until 1990 and 1992 respectively pursuant to the transitional provisions of the Act of Accession.

92. In response to the judgment given by the Court of Justice on 3 December 1987 in Case 194/84 on funds blocked in Greece, the Greek authorities have adopted a number of measures to honour their obligations. The Commission took the view that these measures were not entirely satisfactory. The Greek authorities amended the administrative provisions in question on 17 March 1988 and 15 March 1989 to take account of the Commission's comments, and the basic legislative instrument is to be amended in the near future.

(v) Rules applying to businesses

Company law

93. In this field, 1989 saw the adoption of a series of implementing measures by Member States. Spain implemented the first, second, third, fourth, sixth and seventh Directives (68/151/EEC — registration, 77/91/EEC — capital, 78/855/EEC — mergers, 78/660/EEC — annual accounts, 82/891/EEC — divisions, 83/349/EEC — consolidated accounts). France, Denmark, the United Kingdom and Greece implemented the eighth Directive (84/253/EEC — approval of persons responsible for the auditing of accounting documents). The United Kingdom also implemented the seventh Directive (83/349/EEC — consolidated accounts). Portugal implemented the fourth Directive.

94. The current situation as regards the company law Directives is as follows:

- The fourth Directive (78/660/EEC) of 25 July 1978 on the annual accounts of certain types of companies still has to be implemented in Italy, and the measures Article 171 of the Treaty are being maintained.

⁽¹⁾ Decision 85/594/EEC, as last amended by Decision 86/600/EEC (JO No L 325, 29. 11. 1988).

⁽²⁾ Decision 89/644/EEC (OJ No L 372, 21. 12. 1989).

- As regards the third and sixth Directives (78/855/EEC of 9 October 1978 on mergers and 82/891/EEC of 17 December 1982 on divisions), the Commission has initiated proceedings before the Court of Justice against Belgium and Italy.

- Infringement proceedings have been commenced against Italy, Ireland, Denmark, Belgium and Portugal in respect of the seventh Council Directive (83/349/EEC) of 13 June 1983 on consolidated accounts.

- Infringement proceedings have been initiated against Ireland, Italy and the Netherlands in respect of the eighth Directive (84/253/EEC) of 10 April 1984 on the approval of persons responsible for carrying out the statutory audits of accounting documents.

- As regards inadequate implementation of the company law Directives by Member States, the Commission withdrew the proceeding initiated against the Netherlands in respect of the seventh Directive (83/349/EEC) after receiving the text of the national instrument in question. On the other hand, an infringement proceeding against Germany concerning the seventh Directive is continuing. An infringement proceeding against Greece concerning the second Directive (77/91/EEC) is continuing, and a proceeding has been initiated against Germany in respect of the first Directive (68/151/EEC).

- In addition, the Commission investigated complaints regarding the acquisition of shareholdings in companies by nationals of other Member States. Some of these cases (France: St-Gobain, Paribas; United Kingdom; British Aerospace, Rolls Royce) have now been resolved.

95. Council Regulation No 2137/85 on the European Economic Interest Grouping (EEIG) was to have effect from 1 July 1989. Seven Member States (Germany, the United Kingdom, France, the Netherlands, Belgium, Denmark and Ireland) have taken the measures needed to implement the Regulation, thus enabling EEIGs to be set up on their territories. The necessary measures are in preparation in the other Member States, on they will presumably be adopted soon.

Intellectual property

96. Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products has been incorporated in national law by ten Member States; infringement proceedings have been commenced against the other two (Belgium and Greece).

Product liability

97. Council Directive 85/374/EEC of 25 July 1985 on liability for defective products has been incorporated in national law by eight Member States; the remaining four (Belgium, France, Ireland and the Netherlands) are being proceeded against, as is the United Kingdom (for incorrect transposition).

2. A PEOPLE'S EUROPE

98. Most of the measures adopted as part of the implementation of the single market directly concern individual citizens in their private or working lives. They are first and foremost provisions aimed at eliminating discrimination based on nationality or restrictions on the right of establishment and freedom to provide services in other Member States. However, they also concern the individual's right to import and use the product of his or her choice.

99. This chapter is concerned solely with the first category of provisions, but we should not discount the potential impact on the lives of individual citizens of measures aimed at:

- allowing the free importing of pharmaceutical products for personal use,
- increasing the ceiling for duty-free entry (expressed in ecus),
- liberalizing the purchase and use of television and telecommunications equipment.

(a) Free movement of persons,

100. The Commission frequently receives letters from individual citizens who complain of disparities between national laws, the fact other Member States, and the behaviour of national officials. What all these complaints have in common is that they reveal situations — whether of law or of fact — which are out of tune with the idea we have of Europe and which shock European citizens.

101. Unfortunately, the Commission is ill-equipped to deal with a great many of these complaints since they fall within areas in which the Community has no powers or has not yet legislated. Consequently, such Community legislation as does exist, compliance with which must be enforced, is fairly limited except for the ban on discrimi-

nation on grounds of nationality, provisions regarding entry and residence, and provisions in respect of taxation.

(i) Entry and residence

102. The Directives on residence by Community nationals (Directives 68/360, 73/148, 73/34 and 64/221/EEC; see also Regulations (EEC) No 1612/68 and (EEC) No 1251/70) have been incorporated in national law by all the Member States and present no problems in their general application. However, the Commission regularly receives complaints about individual cases, e.g. one involving Spain (lifting the ban on returning to Spain after expulsion).

(ii) The right to cross borders freely

103. On the other hand, as regards the right to cross borders freely, Community law is at present limited to Articles 2 and 3 of Directives 68/148/EEC and 73/148/EEC, which give Community nationals the right to enter and leave the territory of any Member State by simply showing a passport or identity card, although these provisions apply subject to reasons of Public policy, public security or public health. Nevertheless, with an eye to the impending elimination of frontier checks, the Commission is endeavouring to give them as wide an application as possible.

104. For example, it has brought an action before the Court of Justice against the Netherlands (Case 68/89) because officials responsible for checks at the frontier continue to ask travellers questions regarding the purpose and duration of their journeys and the amount of money they have. The Commission has initiated the Article 169 procedure against Denmark because officials continue to stamp passports.

105. The Commission has also taken action to guarantee the application of the provisions of Community law concerning members of the families of Community nationals who are not themselves nationals of a Member State. Community law lays down that visas are to be issued free of charge to such persons. In response to representations by the Commission, a number of Member States have taken the necessary measures to comply with Community law. The Commission has initiated Article 169 proceedings against Italy, Germany and Portugal to require them to comply with the obligation to issue visas free of charge.

106. With a view to the establishment of the single market, the freedom of movement of persons will have to be reflected in the elimination of all current checks at the Community's internal frontiers, whether they be checks of persons or checks related to the transporting of luggage and personal effects. However, elimination of checks must not result in any lessening of security in the fight against narcotics; it has to be a very gradual process in line with the development of cooperation between police forces and the convergence of policies relating to the right to asylum, visas and immigration. The importance of the work being done by the five Member States party to the Schengen agreement and by all twelve in the ad hoc Immigration Working Party should be emphasized.

(iii) Taxation and the citizen

107. This is a highly sensitive area which triggered action by a large number of members of the European Parliament over the past year in response to public opinion.

108. In its resolution of 14 May 1987 Parliament sharply criticized the reductions recently made by Denmark and Ireland in duty-free allowances for travellers. The Commission took rapid action in both instances and brought the matter before the Court of Justice in 1988. Denmark amended the legislation in question at the beginning of 1989, thus putting an end to the infringement, and the Commission withdrew its application to the Court. Ireland, on the other hand, has not yet taken steps to end the infringement and the Court's ruling is expected in the near future.

109. Again in the field of duty-free allowances, two further reasoned opinions were sent to Denmark, one concerning national provisions authorizing the duty-free importing of only 20 litres of fuel per vehicle and one concerning the unsatisfactory application of Directive 83/182/EEC on tax exemptions within the Community for certain means of transport temporarily imported into one Member State from another. A proceeding concerning that Directive has likewise been initiated against France.

110. As regards tax exemptions in connection with the moving of household effects (Directive 83/183/EEC), the Commission has commenced proceedings before the Court against Spain and Greece, which are still not applying the Directive correctly.

111. Another important issue is compliance by the Member States with the 'Gaston Schul' judgments on the elimination of double taxation on the importation of

second-hand goods bought by private individuals. The Commission has decided to bring proceedings before the Court against Spain, Greece and Italy, which are the only Member States (apart from Portugal) not yet complying with the Court's rulings.

112. Lastly, two reasoned opinions have been sent to Italy under Article 171 of the EEC Treaty; Italy has not yet taken measures to incorporate in national law Directives 83/181/EEC and 83/183/EEC despite the Court's judgments of 24 November 1987 in Cases 124/86 and 125/86.

(iv) Other matters: driving licences

113. On 16 November 1989 Ireland introduced the Community-model driving licence in accordance with Directive 80/1263/EEC. The United Kingdom enacted a statute (in force from 1 April 1990) introducing the Community-Model licence as follows: on 1 June 1990 for Group A and B licences in Great Britain; on 1 October 1990 for C and D licences in Great Britain; on 1 January 1991 for all licences in Northern Ireland. The Commission has commenced infringement proceedings against Germany concerning the practical application of the Directive, especially as regards the procedure for exchanging the licences of foreign students coming into the country to continue their studies. Discussions are taking place with the German authorities, and practical solutions should be found pending the entry into force of a new Directive currently being considered by the Council, under which it will no longer be necessary for people taking up residence in another Member State to exchange their licences. Italy is the only Member State which has not yet taken the steps needed to give effect to the current Directive. The draft model licence submitted by the Italian authorities is now being finalized and will be introduced shortly.

(b) Right of establishment and recognition of qualifications

114. The right of establishment is laid down differently in the Treaty depending on whether wage-earners or members of the professions are involved.

(i) Ban on discrimination

115. As in the past, the Commission's main concern has been to eliminate, in the field of right of establishment and freedom of movement of European

citizens, discrimination running counter to Articles 7, 52 and 59 of the EEC Treaty.

116. Article 7 prohibits any discrimination on grounds of nationality within the Treaty's scope of application. Though they are becoming increasingly rare, some national laws still contain discrimination based on nationality.

117. For example, it emerged in connection with the Court of Justice ruling of 2 February 1989 in the Cowan case (186/87) that some Member States exercise discrimination in their schemes for compensation of the victims of acts of violence. The Commission has commenced proceedings against the Member States in question. It should be noted, furthermore, that the Cowan judgment, by confirming that tourists are to be regarded as recipients of services and that they thus fall within the scope of application of the Treaty, will make possible a more thorough examination of discrimination applied to non-residents.

118. IAs regards the professions, the Court of Justice on 30 May 1989 delivered a judgment finding against Greece for prohibiting foreigners from engaging in real estate transactions in certain border and coastal areas of the country (Case 305/87). The Commission has also applied to the Court in three other cases (France — Case 154/89; Italy — Case 180/90; Greece — Case 198/89), all three involving restrictions on the freedom to provide services as tourist guides. At the end of the year there were four cases still pending before the Court: the three just mentioned and Case 263/88 (France — Freedom of establishment in the overseas territories).

119. The Commission has also commenced Article 171 proceedings in the Court of Justice in respect of Greece's failure to comply with the Court's rulings in Cases 147/86 and 38/87 relating to the requirement of Greek nationality for access to various regulated occupational activities. It withdrew the proceeding concerning the ban on doctors' having a practice abroad as well as in France after France complied with the Court's judgment in Case 96/85. The Commission continued the proceedings against Greece (Case 194/84 on the transfer of capital by residents of other Member States; Case 305/87 on the right of establishment in border regions; Case 47/86 on the freedom to teach) and against Italy (Case 168/85 on nationality requirements for guides, journalists and pharmacists).

120. Finally, the Commission commenced infringement proceedings against Italy for non-recognition of diplomas in physiotherapy and osteopathy and the requirement of Italian nationality for access to certain activities and against France for non-recognition of diplomas in physiotherapy, pedicure and podology.

121. Among the cases dealt with by the Court of Justice in 1989, mention should be made of the following:

- the judgment given on 2 February 1989 in Case 186/87, in which the Court ruled that the principle of non-discrimination, as set out in particular in Article 7 of the EEC Treaty, must be interpreted as prohibiting a Member State from requiring that persons entitled under Community law to enter its territory, notably as recipients of services, be holders of a resident's permit or nationals of countries with which the Member State has concluded a reciprocal agreement, if they are to receive compensation from the State for harm caused as the result of an assault,
- the judgment given on 30 May 1989 in Case 305/87, which prohibits the Greek authorities from maintaining in their legislation discriminatory provisions applying to nationals of other Member States in respect of legal transactions relating to immovable property in border regions,
- the judgment given on 27 September 1989 in Case 130/88 which clarifies the interpretation in Directive 64/427/EEC of 7 July 1964 (on the freedom of movement of self-employed persons in manufacturing and processing industries) of the expression 'that the activity in question has been pursued in another Member State for [a specified number of] consecutive years'.

(ii) The professions

122. As regards the incorporation in national law of Directives adopted under Article 57 of the Treaty with a view to ensuring the freedom of movement of persons exercising certain professions (doctors, nurses responsible for general care, dentists, midwives, lawyers, hairdressers, services incidental to transport, veterinary surgeons, architects and pharmacists), the Commission had to commence proceedings in the Court of Justice against four Member States (Spain, midwives, Case 313/89; Italy, full-time and part-time training for medical specialists, Case 236/89; Greece, services

incidental to transport, Case 306/89; France, lawyers, Case 294/89).

123. The number of infringements involving the non-communication or non-conformity of national implementing measures has increased considerably. They concern the Directives on pharmacists (proceedings initiated against Belgium, Germany, Italy and Luxembourg), the Directive on specific training in general medicine (Denmark, Germany, France and Italy) and the Directives on architects (Belgium, Germany, Greece, Italy, Ireland, Luxembourg and Spain).

124. This increase in the number of proceedings is attributable to the fact that the deadlines for implementation of the Directives in question have only recently been reached and to delays in the generally fairly cumbersome legislative procedures of several Member States. However, some of them have informed the Commission that the measures implementing the Directives have been adopted, so that, after examining their content, the Commission may be able to withdraw a number of the proceedings. The Commission hopes that the three Directives mentioned above will soon be incorporated in the national law of all the Member States. It is none the less a cause for concern that several of the Member States have not taken measures empowering the executive to effect incorporation without having to resort to the inevitably slow legislative process, all the more so as the national authorities often take the opportunity of incorporation to settle other problems, unrelated to Community law, which fall within the scope of the legislature.

c) Employment and social policy

125. With particular reference to Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to migrant workers, the Commission brought an action before the Court against France (Case 307/89) concerning refusal to grant supplementary benefit under the Fonds national de solidarité scheme to nationals of Member States with which France has no reciprocal agreement. Three other cases concerning France (236/88, 371/88) and Belgium (185/88) are still before the Court.

126. Two reasoned opinions were sent to the Netherlands and Germany concerning national provisions under which family allowances in respect of children who have finished their studies are payable only if they are registered at Dutch and German employment exchanges respectively. In this same field reasoned opinions were sent to Belgium and France concerning

national provisions whereby sickness insurance contributions are withheld from supplementary retirement benefits of people residing in another Member State in which they receive health care at public expense. A reasoned opinion was sent to the Netherlands concerning the refusal to grant Dutch family allowances to people residing in Belgium who are entitled to a Dutch early retirement allowance; and another was sent to Belgium concerning national provisions under which certain social security benefits are payable only if those entitled were resident in Belgium before the date of entitlement.

127. Again in the field of social security for migrant workers, three cases involving France were settled to the Commission's satisfaction and were therefore withdrawn.

128. As regards Article 48 of the Treaty and Regulation (EEC) No 1612/68 on freedom of movement of workers within the Community, the Court of Justice gave judgment against Germany in Case 249/86, ruling that by adopting and retaining provisions which make renewal of the residence permit of members of the family of migrant workers conditional on their living in appropriate housing, not only at the time when they install themselves with the migrant worker concerned but for the entire duration of their residence, Germany was in breach of Community law. A reasoned opinion was addressed to Germany concerning national income tax provisions which ended the tax benefits in respect of children or other members of the family of workers residing abroad. A reasoned opinion was sent to Belgium concerning discrimination on grounds of nationality in the matter of taxation of supplementary insurance contributions. Another case concerning Germany was terminated.

129. Lastly, in respect of Article 48 (4) of the Treaty, concerning employment in the public service, the Commission began a detailed examination of legislation in all the Member States following the memorandum it published on 18 March 1988 (Official Journal No C 72, 18. 3. 1988, p. 2). This exercise, which has now been completed, showed that there are many instances of employment in the public service being subject to a nationality requirement contrary to Article 48 (4) as interpreted by the Court of Justice. In the light of its analysis, the Commission, taking account of the importance and complexity of the issue and after reassessing all the aspects involved, decided in October to continue its regular practice and to commence general infringement proceedings under Article 169 of the Treaty

in the course of 1990 against all Member States concerned and in priority areas where infringements were found to exist (i.e. education, non-military research, health services, bodies operating a public service on commercial lines).

130. With regard to failure to communicate national measures to implement directives, the Commission terminated three infringement proceedings against Greece, Luxembourg and the Netherlands and withdrew three actions in the Court of Justice against the Netherlands, Belgium and Ireland in the field of health and safety at work. On the other hand, letters of formal notice were sent in seven new cases of failure to communicate national measures implementing Directive 88/35/EEC on electrical equipment for use in explosive atmospheres. Proceedings were initiated before the Court against Italy for failure to incorporate in national law Directive 83/477/EEC on the protection of workers exposed to asbestos, and a case is still pending in the Court against Italy for failure to incorporate in national law Directive 82/605/EEC on the protection of workers exposed to metallic lead.

131. Finally, the Commission is particularly concerned by the fact that Italy has still not transposed into national law Directive 75/129/EEC on collective redundancies despite the two judgments given by the Court of Justice on 8 June 1982 and 6 November 1985 in Cases 91/81 and 131/84 respectively.

(d) Consumer protection

132. In the administrative field, 1989 saw the establishment within the Commission of a separate department specifically responsible for consumer policy. This is likely to intensify the attention given to the application of Community law in this area.

133. Generally, it should be noted that consumer interests are also taken into account in other areas of Community activity, notably freedom of movement of goods and services, agricultural and food regulations, and competition. With more particular regard to the monitoring of the application of directives specifically adopted to protect consumer interests, numerous infringement proceedings have been initiated against various Member States:

— as regards Directive 84/450/EEC on misleading advertising, the Court found against Belgium on 16

November and against Greece on 6 December 1989 for failure to transpose into national law; an action concerning the like failure on the part of Italy is also before the Court,

— as regards Directive 85/577/EEC on contracts negotiated away from business premises, the Commission has been able to terminate infringement proceedings involving France, Ireland and the Netherlands, but not those involving Belgium, Greece and Italy, where the transposition situation cannot be regarded as satisfactory.

134. The Commission continues to receive complaints concerning Member States' application of Community law designed to protect the consumer. Apart from cases of failure to transpose into national law, or cases where transposition is incorrectly done, a fair number of complaints relate to misapplication (misconstruction) of the law in proceedings before the national courts. It is often difficult for Commission staff to follow up complaints of this kind, and the desired outcome cannot always be achieved because of the complexity of the Community procedures involved. It would be best if people made more effort to exhaust the remedies available under national law and if the national courts made full use of the opportunity to refer to the Court of Justice for preliminary rulings under Article 177 of the Treaty. This is becoming an increasingly important means of ensuring real harmonization in areas already regulated by Community instruments.

B. OTHER QUESTIONS

1. Statistics

135. With respect to statistics, a Member State is required to supply figures at given intervals in a given statistical field and in accordance with a pre-established procedure.

136. Infringements in this area are specifically due to the fact that the requirement to supply figures at stated intervals is seldom correctly fulfilled. As a rule, the few infringements noted often concern failure to provide data on time.

137. The infringement referred to in the preceding report has still not been brought to an end by the Member State concerned. Italy is still in breach of its obligation under Council Directive 78/546/EEC on the carriage of goods by road. New proceedings have been brought against Italy for its failure to implement a judgment of the Court. Since Italy had not rectified the Commission, the Commission was obliged to bring an action before the Court of Justice (Case 266/89). In 1989 the Commission examined three other cases concerning Italy which have reached the reasoned opinion stage. These infringements are in the area of agricultural statistics.

2. COMMUNITY STAFF

138. On the question of the transfer of pension rights, the Netherlands has adopted legislation enabling such transfers to be made and has notified the Commission of the transferable amounts. The Commission, however, was not satisfied with the calculation of these amounts and a new infringement proceeding was commenced in July 1989.

139. With respect to Belgium, a new draft bill on the question is currently under examination by the Commission. Agreement should be reached after negotiations.

140. With respect to the aggregation of family allowances, the Commission is continuing its discussions with the German authorities on the implementation of the Court of Justice judgment of 7 May 1987, particularly with respect to the amounts to be reimbursed by Germany.

141. In the field of social security, the Commission has delivered a reasoned opinion with respect to France on the deduction of health insurance contributions from the national pension of a retired Community official.

142. The proceeding initiated against Portugal on account of the difficulties encountered in connection with duty-free importation of motor vehicles by former Commission staff was closed following changes to Portuguese legislation. A proceeding against Denmark on the same ground was still being considered at the end of the year.

143. In December 1989 the Commission sent a reasoned opinion to the Belgian authorities concerning their refusal to permit a Community official of Belgian nationality appointed to Luxembourg to enjoy temporary exemption from VAT on a motor car purchased in Belgium.

3. BUDGET

144. Following the judgment by the Court of Justice in Case 68/88, Greece paid the Commission the agricultural levies with default interest which were due on consignments of maize imported from a non-member country. In Case 96/89 the Commission had asked the Court to order the Netherlands to pay agricultural levies (with default interest) which had not been collected when consignments of manioc imported from a non-member country without export certificates were released to the market subject to a preferential levy of 6 %.

145. To recover VAT own resources (and default interest) not paid on account of infringements of Directive 77/388/EEC and Regulation (EEC) No 2892/77, as amended, the Commission delivered reasoned opinions in respect of France, Ireland and the United Kingdom, while it commenced proceedings in the Court of Justice against Germany and France. In this field, the Commission terminated two infringement proceedings since the Member States concerned (Ireland and Italy) paid the VAT resources and the default interest due.

146. With respect to default interest due in the case of late payment of own resources, the Commission brought two cases of infringement (Cases 239/89 and 270/89) to the Court of Justice. Both these cases concerned Italy, which has now made the requisite payments, and the actions have been withdrawn.

147. The Court of Justice delivered judgment in another case of late payment of own resources caused by accounting errors concerning customs duty. This case also concerned Italy, which has not yet given effect to the judgment (Case 54/87).

148. Finally, the Commission terminated an infringement proceeding concerning a case of late payment of customs duties (phased clearance) by Italy after the Court gave judgment (Case 373/88) and the payment was made.

4. ENVIRONMENT

149. In 1989 there was again increased awareness of the state of the environment in most Member States, accentuated by the European elections. At the same time, individuals have noticed that application of environmental law, including Community environment law, leaves much to be desired. This is the cause of the growing number of complaints sent to the Commission. In 1985 there were 35, and in 1988 there were 190 (excluding complaints in the consumer sector). The

complaints have now doubled to reach the figure of 465 in 1989. The number of cases brought to light by the Commission's own investigations also increased.

150. Most of the complaints concern inadequate application of existing law. Although often it is not difficult to establish the facts, the number of cases is increasing where an on-the-spot visit, an analysis by an independent laboratory or measurement of the pollution would be useful. On-the-spot visits must be limited to exceptional cases, because there are not enough staff and the Commission does not have mobile measuring stations to enable it to measure the pollution of the environment or analyse the samples.

151. In 1988 Parliament adopted three resolutions on monitoring the application of environmental law relating to water ⁽¹⁾ air ⁽²⁾ and the protection of habitats. ⁽³⁾. In 1989 the Commission started to follow up these resolutions.

152. During the year the Court dismissed an application from the Commission for the adoption of an interim measure to halt provisionally work on the construction of a dyke in a wild birds' habitat. The Court decided that the Commission had not shown the urgency of the matter, given that the work was already well under way and would not be continued until 1991. This decision was the first environmental case in which the Commission had made application for an interim measure. The Court will probably deliver judgment on the substance in 1990.

153. With regard to the implementation of the Court's decisions, the judgments on the protection of birds delivered in 1987 and 1988 against Germany, the Netherlands, Italy, Belgium and France have not had the desired effects. In addition, Belgium, which the Court had found against for the second time in 1988 for its failure to implement fully the directives on waste, has still not adopted all the necessary measures. The Commission has therefore complained of Belgium's behaviour at a meeting of the Council.

154. As in previous years, the incorporation of environmental directives into national law was delayed in most Member States. The Commission notes, however, that the Netherlands has speeded up its internal decision-

making process considerably and has transposed Community directives within the time limit set. The Commission would point out that failure to give effect to a Community directive limiting polluting emissions constitutes, in economic terms, a subsidy for the industries concerned.

155. Partial conformity of national legislation to Community environmental measures continues to create problems when Member States deliberately abstain from giving effect to environmental directives, in order to avoid clean-up measures in particular. In such cases, the Commission attaches special importance to initiating infringement proceedings.

156. Several Member States have taken advantage of the terms of the Directive on drinking water authorizing exemptions in certain clearly defined circumstances. This Directive, adopted in 1980 and due to come into effect in 1982, extended the time limit to 1985 to enable Member States to bring their drinking water into line with Community provisions. Nevertheless, at the end of 1989 most of the Member States had not achieved this objective, and clean-up measures had not been undertaken with sufficient determination.

157. In 1989 the Commission's main work was again to monitor the application of Community environmental provisions. The difficulty referred to in the preceding report regarding the formulation and implementation of remedial plans or programmes persists. Some Member States seem to be unaware of the fact that they are under a legal obligation to introduce such programmes.

158. Most of the complaints about directives lodged with the Commission concern the Directives on the quality of drinking water (80/778/EEC), the assessment of the effects of certain public and private projects on the environment (85/337/EEC) and the conservation of wild birds (79/409/EEC).

159. The complaints concerning the first two directives in particular showed that citizens understand that their environment is in danger and that what they themselves do may help to protect, preserve and improve it. This awareness was also evident in the European elections, and it is an encouraging sign that the man in the streets is taking an active part in the debate on the protection of the environment at Community level.

(1) OJ No C 94, 11. 4. 1988, p. 155.

(2) OJ No C 94, 11. 4. 1988, p. 151.

(3) OJ No C 290, 14. 11. 1988, p. 137.

5. COMPETITION

160. With respect to the adjustment of state monopolies, Commission activities have mainly been directed to the aspects summarized below.

161. To take the monopolies in petroleum products first:

- With regard to the Greek monopoly, in addition to the infringement noted at point 160 of the preceding report, the Commission has instituted proceedings concerning the rules on compulsory storage, Act 1769/88 being regarded as discriminating against imported products and therefore incompatible with Articles 30 and 37 of the EEC Treaty.
- The Commission also decided to continue the infringement proceeding against Portugal for failure to adjust its monopoly in accordance with Article 208 of the Act of Accession. Other contested points concern the management of quotas (contrary to Article 30) and the system of prices and taxation applied to petroleum products (contrary to Article 95).
- With respect of the Spanish monopoly, on which the Spanish Government undertook to comply with the reasoned opinion, the Commission has noted that certain positive steps have been taken in the mean time. The Commission is keeping a close eye on the development of the parallel network of service stations. It is to be supplied solely with imported products, enabling operators outside the monopoly to have access to the retail motor vehicle fuel market on objective and non-discriminatory terms.

162. As regards other monopolies:

- After serving notice on the Portuguese Government to present its comments on its failure to adjust its monopoly in alcohol, the Commission decided to issue a reasoned opinion in this case too.
- On the other hand, the Commission decided to terminate the infringement proceeding against the French potassium fertilizers monopoly in the light of the measures in the mean time by the French Government and published in France's *Journal officiel* on 29 November 1988.
- Lastly, the Commission decided to terminate the infringement proceeding against the Spanish monopoly in manufactured tobacco products. In the light of the Spanish Government's observations, the Commission has accepted that the basic provisions enacted so far provide an adequate regulatory framework to ensure, during the transitional period, that products imported under quotas from the other Member States can be marketed, and that the Spanish Government is not required to adopt any further implementing measures.

163. As regards public undertakings as referred in Article 90 of the EEC Treaty, note should be taken of the following cases:

- With respect to Commission Directive 88/301/EEC of 16 May 1988 (OJ N. L 131, 27. 5. 1988) on competition in the markets in telecommunications terminal equipment, after examining national legislation in this field for consistency with the Directive the Commission decided to commence infringement proceedings against a number of Member States (Belgium, Denmark, Germany, Ireland and Spain).
- With respect to the insurance of public property and loans granted by state-owned banks in Greece, the Commission took the view that Greece had in fact failed to honour its obligations under Article 171 of the EEC Treaty, and initiated a further infringement proceeding, issuing a reasoned opinion.

6. AGRICULTURE

164. Infringements of specific market organization measures intended to achieve the objectives laid down in Article 39 of the EEC Treaty are of two kinds: either there is delay in applying Community rules (which have to be applied promptly if they are to attain the effects desired by Community legislation), or they are implemented incorrectly.

165. The Commission initiated Article 169 proceedings with respect to delays in the implementation by Denmark of the set-aside scheme for arable land, a computerized register of olive-growing data in Italy and Greece, and the adoption of measures providing for penalties to be applied for infringements of the olive oil reduction aid scheme in France.

166. In response to action by the Commission, Italy finally adopted the necessary measures to apply the supplementary milk levy scheme.

167. Incorrect application of Community rules affected the operation of the common organizations of the following markets:

- cereals and olive oil, in Greece, by reason of state measures relating to Community prices or the buying-in of cereals which do not meet the criteria laid down in the Community rules and, in the meat sector, by restricting supplies of intervention beef for welfare institutions and bodies to the union of stock-raising cooperatives (Ktinotrofiki),

- fruit and vegetables, live oil, poultry and pigmeat farming, in Italy, owing to the continuing absence of quality controls to ensure observance of quality standards for fruit and vegetables, to discrimination against olive oil producers who are not members of cooperatives, and through the award of unlawful aids in the pigmeat and poultry sectors; the Italian authorities have repealed provisions impeding the import of concentrated butter,

- wine, in Germany, through the failure to adopt national legislation imposing penalties in cases of non-observance of the obligation to deliver wine for compulsory distillation, through the ban on the use of rectified concentrated grape must in the preparation of local wines and quality wines *psr*, and lastly, the illegal increase in the minimum natural alcoholic strength of Moselle wine; the last two measures, however, were repealed by the new German wine-growing law of 30 June 1989,

- wine, in Portugal, owing to the incorrect application (e.g. failure to lay down supplementary conditions) of the Community rules on premiums for grubbing up areas under vines; it should be noted that the Portuguese authorities complied with this requirement in 1989,

- milk and milk products, failure to collect the supplementary levy (Belgium, Germany, Italy and Luxembourg); in France, by the allocation of individual quotas which did not respect the right of producers affected by the disasters in 1983 (reference year) to have their normal production in 1981 or 1982 taken fully into account; in 1989 the producers thus affected will still not be assured the individual quotas to which they are entitled under the rules.

168. As regards harmonization, the fields covered are: plant health rules, seeds and plants, animal feed and veterinary law.

169. In 1989 the Commission initiated 90 new infringement proceedings under Article 169 for failure to inform the Commission of national measures to implement directives in the abovementioned fields.

170. Although the number of proceedings commenced levelled off after the considerable increase in 1988, the number of directives giving rise to a reasoned opinion fell in 1989 (to 27). Cases concerning five agricultural directives were referred to the Court in 1989.

171. As for Member States' compliance with Court judgments concerning failure to transpose agricultural directives, the Commission delivered three reasoned opinions in respect of Italy, which has omitted to take steps to give effect to three judgments.

172. As far as the characteristic features of the infringements committed by the Member States are concerned, most of the observations contained in previous reports are still valid. The absence of any significant changes in this regard makes it pointless to repeat them.

173. In its last report, the Commission drew attention to the worrying failure by Italy to comply with the judgment of the Court of Justice in Case 69/86, in which the Court found against Italy under Article 171 for failing to comply with its judgment in Case 322/82, holding that Italy was infringing the rules governing the monitoring of quality standards in regard to fruit and vegetables. This observation remains valid, since, despite the Commission's many representations, Italy has still not complied with the two rulings. The Commission must denounce such conduct as detrimental to the proper functioning of the Community, which is founded on respect for the law.

7. FISHERIES

174. With regard to Community arrangements for the conservation and management of fish stocks, in 1989 the Commission pursued infringement proceedings against the Member States which fail to apply satisfactorily Community rules in this area and where monitoring of compliance with these measures is inadequate.

175. The Commission has continued to take action where catch quotas are exceeded. A proceeding initiated in respect of Belgium (overfishing in 1986) was terminated when the national authorities concurred with the Commission's reasoned opinion. Reasoned opinions were delivered in this connection to the Netherlands (overfishing in 1987) and the United Kingdom (overfishing in 1987). Cases of overfishing noted in 1985 and 1986 by France were referred to the Court. And the Commission decided to refer the case concerning overfishing in 1985 and 1986 by the United Kingdom. The case brought against the Netherlands in 1987 on the question of overfishing in 1983, 1984 and 1985 was decided by the Court on 5 October 1989 (Case 290/87), and that against France for overfishing in 1985 on 20 March (Case 62/89).

176. Proceedings regarding Irish legislation which makes the granting of fishing licences subject to a nationality requirement (Case 93/89) and the British legislation making the granting of flag rights to vessels subject to a nationality requirement (Case 246/89) were brought in 1989. By an interim order made on 10 October 1989 the Court ordered the United Kingdom to suspend application of the nationality requirement with regard to the registration of vessels fishing under the British flag on the eve of the implementation of the legislation. References for preliminary rulings on this issue were made to the Court by national courts (Cases 213/89 and 221/89). The Commission brought an action concerning British legislation which incorporates in fishing licences nationality and residence requirements relating to the composition of the crew (Case 279/89). It also commenced proceedings against Ireland (Case 280/89) concerning provisions intended to exclude British vessels from Irish waters unless they had obtained a fishing licence in accordance with the conditions challenged in Case 279/89.

177. Similar legislation imposing nationality and residence requirements for the granting of licences and/or flag rights to fishing vessels are the subject of proceedings under Article 169 that were decided in 1989 in respect of all the Member States concerned.

178. The Commission published a communication in the *Official Journal of the European Communities* (OJ No C 224, 31. 8. 1989) on a Community framework for access to fishing quotas, which Member States may apply if they wish, establishing guidelines and limits which will make it possible, while fully observing Community law, for management of fishing quotas to reconcile the fundamental principles of the Treaty and the objectives of the common fisheries policy.

179. The Commission continues to monitor Member States' compliance with the inspection procedures for fisheries activities at sea and on land covered by Community regulation.

— The case brought against France in 1988 (Case 64/88) is still pending before the Court of Justice.

— A reasoned opinion concerning failure to cooperate in connection with an infringement and inspection of fish landings was transmitted to the Spanish authorities.

— Another case concerning Spain, in respect of a breach of the requirement to record catches of species subject to TACs or quotas in ICES divisions outside Community fishing areas, has been referred to the Court of Justice.

180. The Commission terminated the proceeding against Portugal concerning the requirement to monitor and inspect fisheries activities on land, since the inspection mission revealed a gradual improvement in the situation and considerable efforts by the Portuguese authorities to end the infringement.

181. In the context of the common organization of markets, there was no need to commence new proceedings. The cases concerning Italy, Ireland and Greece are still before the Court.

182. The application made by the Netherlands in 1987, seeking the annulment of Commission Decision 87/368/EEC, was dismissed (Case 262/87). Giving judgment on 2 February 1989, the Court confirmed the Commission's powers to note Member States' failures to comply with fisheries requirements when clearing EAGGF accounts.

183. Lastly, as in the past, the Commission insists that each Member State must notify it beforehand of any national measures it adopts on fisheries in accordance with the procedures and by the time limits laid down. In this connection the Commission referred to the Court a case concerning an extension of United Kingdom territorial waters entailing restrictions on the specific rights of fishermen from other Member States laid down in the Act of Accession and the basic Regulation (EEC) No 170/83 (Case 146/89).

8. TRANSPORT

184. Italy has still not complied with the Court judgments concerning its failure to incorporate into national law three directives on admission to the occupations of road haulage operator and road passenger transport operator and the mutual recognition of qualifications for these occupations. At the Commission's request, Mr Van Miert approached the Italian Government in mid-November in an attempt to break the deadlock in these cases.

185. On the other hand, there is hope that proceedings at present under way in the Court against Greece for failure to incorporate the same three directives can be terminated in the near future. Greece

has notified the national implementing measures to comply with these requirements, and they are currently being scrutinized by the Commission.

186. The Court judgment of 24 May 1988 requiring Belgium to incorporate Directive 82/714/EEC on technical requirements for inland waterway vessels has still not been complied with. The Commission is pursuing its infringement proceeding.

187. The United Kingdom has presented to the Commission a revised draft amendment to the Air Navigation Order to give effect to the provisions of Directives 83/416/EEC and 86/216/EEC concerning inter-regional air services.

188. One of the air transport liberalization measures referred to in the White Paper is Council Directive 87/601/EEC on fares for scheduled air services between Member States, whose provisions were to have been transposed into national law by 31 December 1987. In 1989 a certain amount of progress was made: six Member States are applying the Directive in full, and four others have presented proposals to the Commission, which endorsed them. The Commission is continuing to press for the application of the Directive in all the Member States in 1990.

189. Despite efforts by the Commission, Italy and France have not yet adopted the national legislation needed to comply fully with the common rules on the carriage of goods by road for hire. At the end of 1989 the Commission decided to bring Court proceedings against Italy for the total absence of measures to incorporate the directive in question. At the same time, the Commission sent the French Government a reasoned opinion on its failure to apply certain measures laid down in the directive. On the other hand, the rules relating to authorization for the carriage of goods by road laid down in Directive 85/505/EEC (coupled combinations of vehicles) have now been given effect in all the Member States. The same is true of Directive 86/364/EEC on the weights and dimensions of certain road vehicles.

190. Most of the Member States concerned by the Directive on admission to the occupation of waterway goods transport operator have not adopted the necessary measures to comply with it, despite the fact that the deadline was 30 June 1988. The position is different with regard to Directive 88/599/EEC aimed at establishing minimum conditions for monitoring the correct and uniform application of the regulations concerning social legislation and recording equipment in road transport,

which should have been incorporated in national legislation by 1 January 1989. By the end of 1989 seven Member States had implemented it (one partially) and three others and drafted bills to that effect. The Commission is actively pursuing its efforts to achieve general application of these two directives.

191. As expected in the previous report, it has been possible to withdraw the infringement proceeding against Portugal on preference accorded the carriage of goods by vessels flying the national flag. As a result of cooperation between the Commission and the Portuguese authorities, in February 1989 the latter adopted a decree-law to bring the legislation into line with Regulation (EEC) No 4055/86 applying the principle of freedom to provide services to maritime transport.

192. Another proceeding brought to a successful close concerned France's refusal to renew authorizations for charter flights carried out by the Belgian company Sobelair between Brussels and the French Antilles on the grounds that a limit of 20 % of French passengers laid down by the French Government had been exceeded. The French Government recognized that once authorization to carry out charter flights on its territory had been given no discriminatory conditions regarding the nationality of the passengers carried could be imposed by the national authorities.

9. ENERGY

193. Despite the action taken with a view to completing the internal market and securing compliance with the rules of competition, the following points need to be mentioned:

- Having brought a case against Belgium to the Court in July 1988 for failure to transmit statistical information concerning prices of crude oil and petroleum products, the Commission withdrew and the case was closed in July 1988. In the second half of 1988 the Belgian authorities again ceased to transmit the information and the Commission decided to commence further proceedings in March 1989; it was decided to make the application for referral to the Court in July 1989.
- With respect to the implementation of directives concerning the performance of heat generators, the Commission is continuing its comparative assessment of national implementing measures. This should be ready in 1990.

— The legislation of seven Member States (Denmark, Germany, Greece, Ireland, Luxembourg, Spain and the United Kingdom) conforms to the Directive on the utilization of substitute fuels. In the case of an eight Member State (France), the Commission is examining the measures incorporating the Directive into national law. With regard to the other countries, the Commission is continuing its scrutiny of presumed infringements.

10. EXTERNAL RELATIONS

194. In the external relations field, two of the three reasoned opinions issued in 1989 — against Greece and the Netherlands — concerned delays in notification and failure to communicate cooperation agreements with non-member countries. Before the Commission sent the Member States a memorandum on this issue, there had been numerous cases of failure to satisfy the procedural and substantive obligations deriving from Article 113 and from Decision 74/393/EEC (see third annual report, 1985). The third opinion related to administrative measures whereby the Greek authorities had barred imports of matches from Bulgaria and Sweden, and to the authorities' refusal to supply the Commission with the texts of the measures in question. In another connection, in 1989 the Commission was able to

withdraw the infringement proceeding against France on account of the obstacles placed in the way of imports of fertilizers from Hungary. The Commission plans to present to the Council a proposal to amend Regulation (EEC) No 3420/83.

11. DEVELOPMENT COOPERATION

195. In this field, the Commission's main purpose in monitoring the application of Community law is to ensure the observance by the Member States of various protocols concluded under the Lomé Convention and Community instruments deriving from certain international commodity agreements.

196. The Commission has closely watched the problems associated with three Member States having deposited instruments of ratification of the International Cocoa Agreement unilaterally rather than in conjunction with the Community.

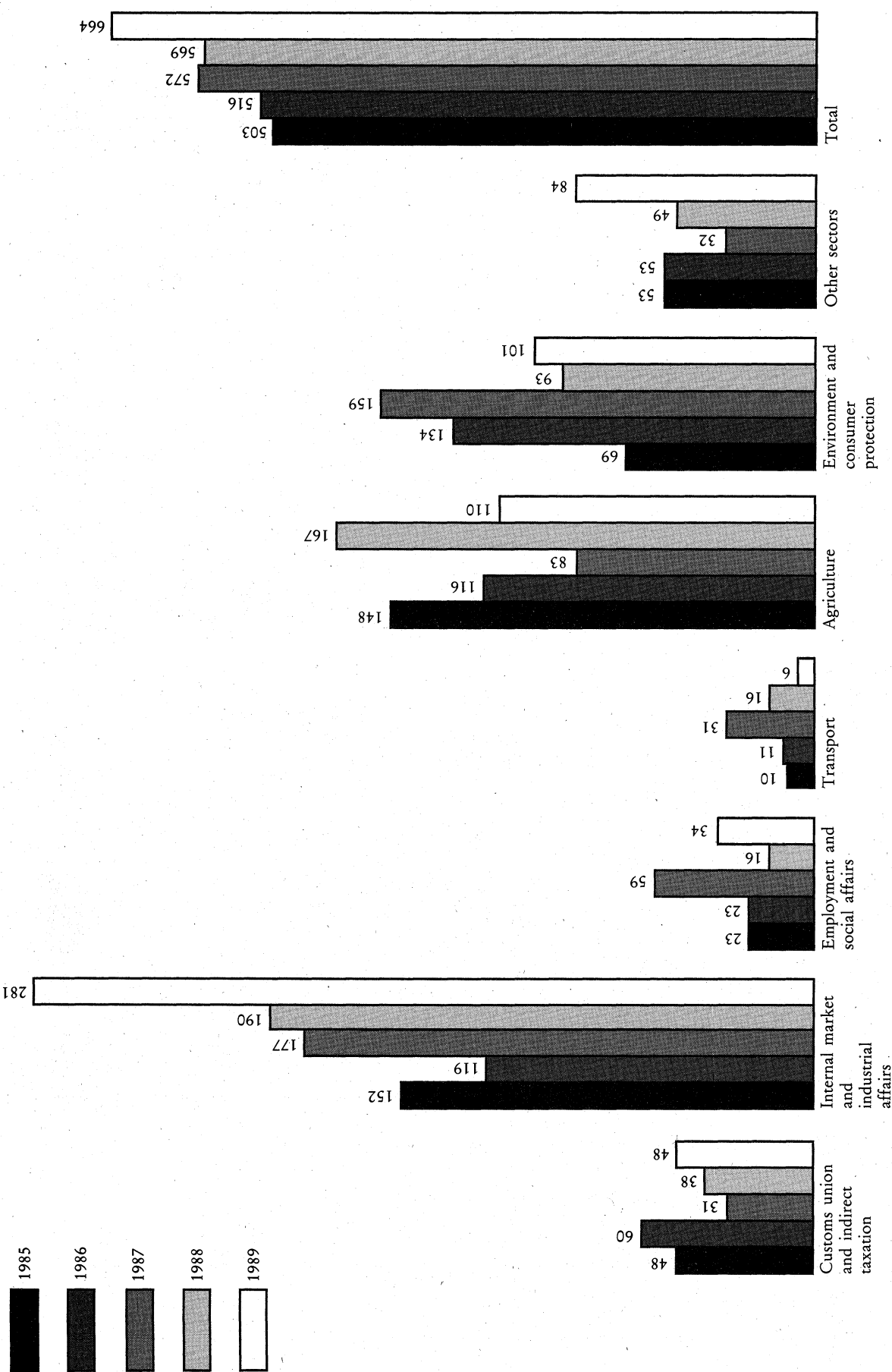
197. With respect to the infringement proceedings initiated against France, Italy and Portugal, the last two were terminated following explanations provided by the respective governments: they accepted the Commission's view that no Member State may deposit an instrument of ratification before the Community instrument concluding the agreement has been deposited.

No 1

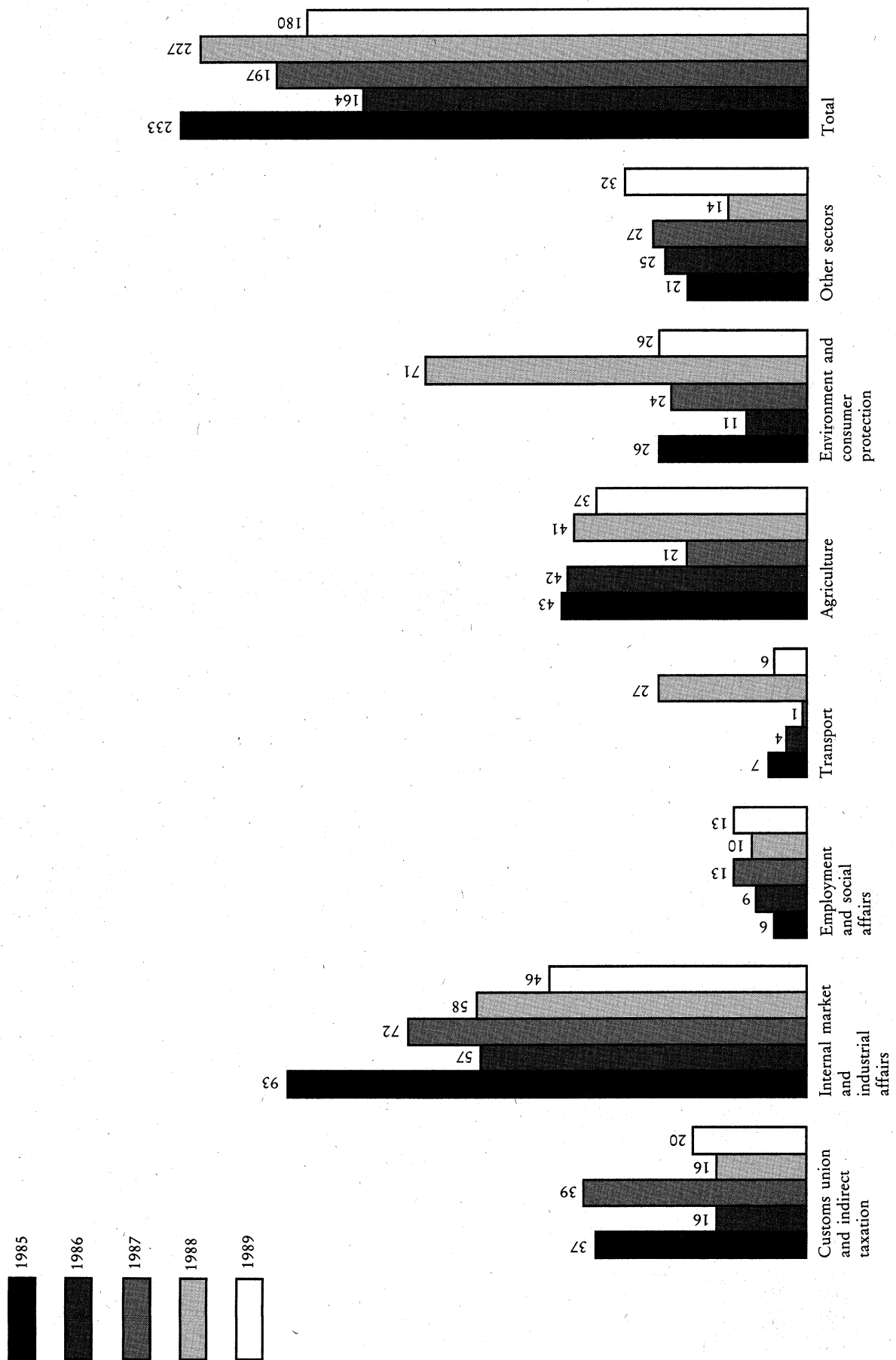
Infringement proceedings initiated since 1982, classified by stage of proceedings and Member State

	Letter of formal notice												Reasoned opinion							Reference to the Court of Justice						
	1982	1983	1984	1985	1986	1987	1988	1989	1982	1983	1984	1985	1986	1987	1988	1989	1982	1983	1984	1985	1986	1987	1988	1989		
	B	27	34	55	68	56	55	52	67	18	8	17	37	25	28	23	18	8	4	4	23	15	7	10	14	
D	26	16	36	29	40	65	58	54	15	8	13	17	17	17	24	12	4	4	7	9	11	2	8	4		
DK	16	13	21	27	26	36	29	34	10	3	3	4	3	6	6	4	1	3	1	2	1	—	3	1		
EL	8	26	60	69	106	77	64	82	2	4	27	30	24	28	32	19	—	2	4	10	11	11	14	10		
E	—	—	—	—	22	32	31	51	—	—	—	—	—	8	11	8	—	—	—	—	—	1	1	5		
F	68	55	92	93	69	66	58	62	33	21	29	36	30	29	27	19	8	12	14	14	8	8	10	8		
IRL	30	16	33	33	44	46	41	46	17	6	12	10	8	24	10	12	3	1	3	9	2	3	8	2		
I	66	69	67	70	61	73	107	110	34	21	26	61	31	27	52	53	14	12	12	31	18	21	14	35		
L	30	24	28	37	43	26	36	38	8	2	6	16	12	10	8	9	3	—	3	6	4	2	2	6		
NL	32	16	28	48	30	41	42	57	16	3	5	11	9	11	12	10	2	3	2	4	—	4	3	5		
P	—	—	—	—	2	11	18	26	—	—	—	—	—	—	7	5	—	—	—	—	—	—	—	1		
UK	32	20	34	29	37	44	33	37	4	7	10	11	5	9	15	11	2	1	4	5	1	2	—	5		
Total	335	289	454	503	516	572	569	664	157	83	148	233	164	197	227	180	45	42	54	113	71	61	73	96		

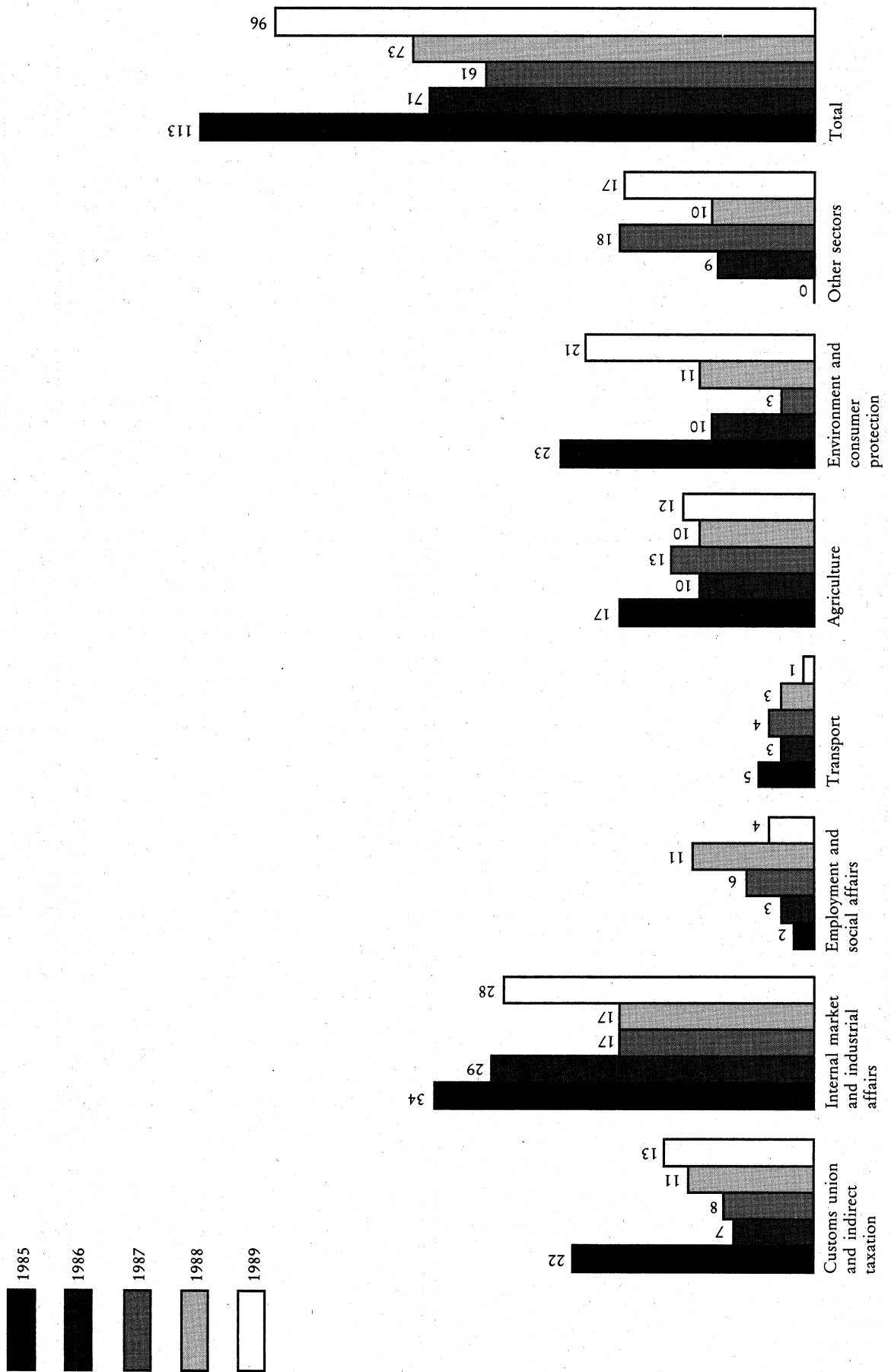
No 2
Number of letters of formal notice, 1985 to 1989, classified by sector



No 3
Number of reasoned opinions, 1985 to 1989, classified by sector



No 4
Number of references to the Court of Justice, 1985 to 1989, classified by sector



No 5

Infringement proceedings initiated since 1981 classified by stage of proceedings and sector

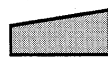
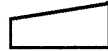
	Secretary-General	Telecommunications, information, industries and innovation	Statistical questions	Customs union indirect taxation	Commercial policy	Economic and financial policy	Internal market and industrial affairs	Competition	Employment and social affairs	Agriculture	Transport	Development	Administrative questions	Environment and consumer protection	Fisheries	Financial control	Energy	Budgets	Legal service	Financial institutions	Total
1981	Letter of formal notice			38	3		92	3	16	67	5			27				5			256
	Reasoned opinion			10	1		79		18	31				3				5			147
	Reference to the Court of Justice			6			22		4	1		1	1	12							50
1982	Letter of formal notice		3	29			97	1	10	164	9			16	5		1				335
	Reasoned opinion		1	25			92	1	10	20	1			7							157
	Reference to the Court of Justice			9			21	3	3	8	1										45
1983	Letter of formal notice			31	1	2	111	9	9	75	5	1	2	35	4		1	2			289
	Reasoned opinion		1	16			40	3	6	14	2			1							83
	Reference to the Court of Justice			7			21	3	6	3	2										42
1984	Letter of formal notice			64	11		172	6	15	91	7	2	4	65	13		1	3			454
	Reasoned opinion		1	25	2	2	46	3	4	25	1		3	33			1	2			148
	Reference to the Court of Justice		1	11	1	1	23		3	7	3			2			1	1			54
1985	Letter of formal notice		1	48	2		152	7	23	148	10	1	5	69	4		6	24	2		503
	Reasoned opinion			37			93	9	6	43	7	1	5	26				2	2		233
	Reference to the Court of Justice			22		1	34	1	2	17	5	1	6	23				1			113
1986	Letter of formal notice			60	1		119	2	23	116	11			134	25		3	5	2	15	516
	Reasoned opinion			16			57		9	42	4		5	11	3		3	10		4	164
	Reference to the Court of Justice		1	7			29		3	10	3		4	10			1	2	1		71
1987	Letter of formal notice			31	4		177	5	59	83	31	1	159	11	1	1	1	6		3	572
	Reasoned opinion			39	1		72	5	13	21	1			24	6	1		5		9	197
	Reference to the Court of Justice			22			17	1	6	13	4			3	1			2			69
1988	Letter of formal notice		4	38	4	1	190	8	16	167	16	3	93	9				6	12	2	569
	Reasoned opinion			16	1		58		10	41	17		2	71	8			2		1	227
	Reference to the Court of Justice			11			17	1	11	10	3			11	4	1		2		2	73
1989	Letter of formal notice	5	16	48		1	281	3	34	110	6		4	101	4		7	5	3	36	664
	Reasoned opinion			4	20	1	46	3	13	37	6		2	26	6		1	2	9	4	180
	Reference to the Court of Justice			1	13		28	1	4	12	1		1	21	8		1	4		1	96

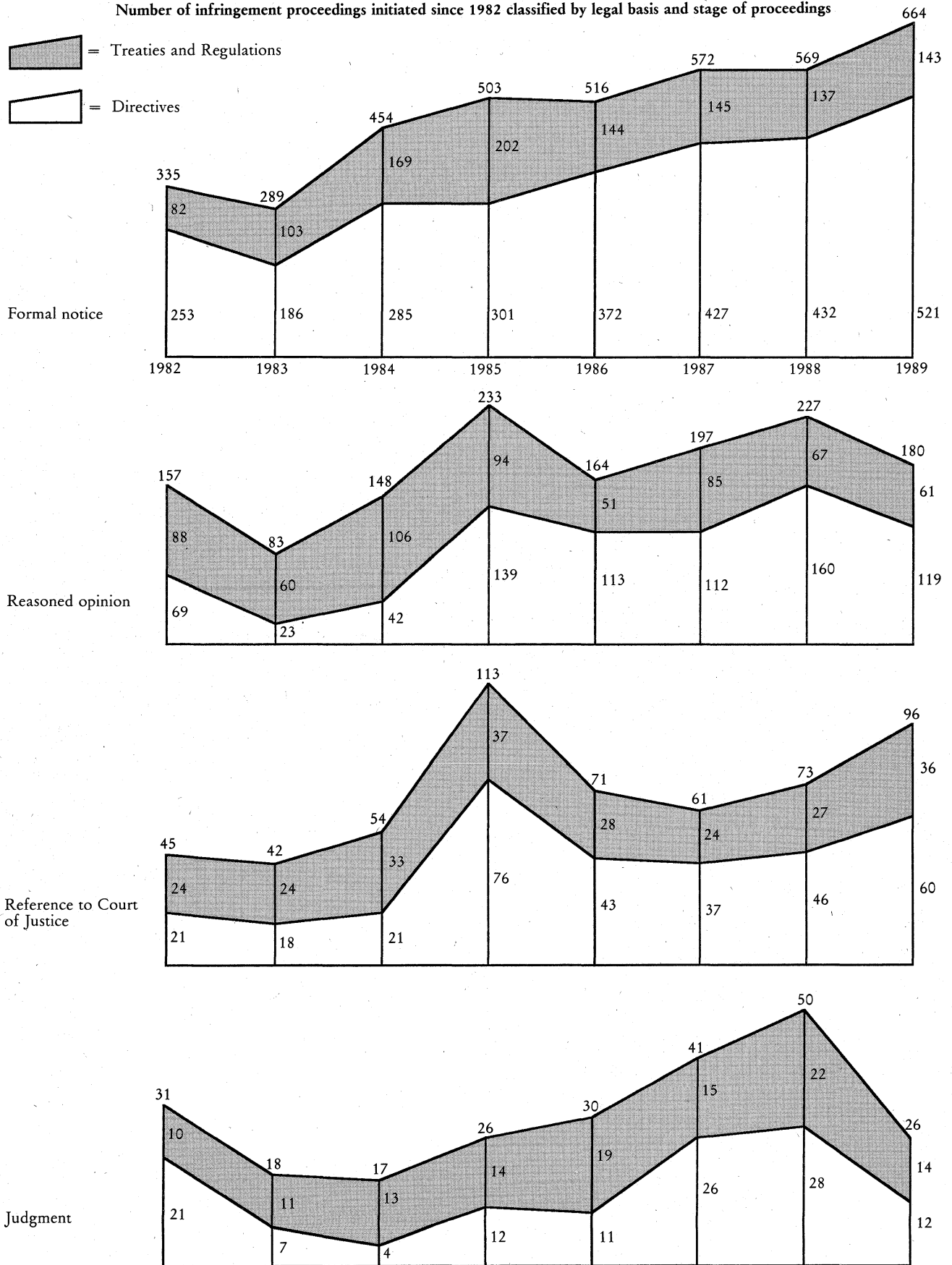
No 6
Infringement proceedings initiated since 1981 classified by sector and legal basis

	Secretariat-General	Telecommunications	Statistical questions	Customs union indirect taxation	Commercial policy	Economic and financial policy	Internal market and industrial affairs	Competition	Employment and social affairs	Agriculture	Transport	Development	Administrative questions	Environment and consumer protection	Fisheries	Financial control	Energy	Budgets	Legal Service	Financial institutions	Subtotal	Total
1981	No measures notified			17			69		6	45				27							164	
	Not properly incorporated						5		1	1											7	
	Not properly applied			13			1		7	2	2										25	256
1982	Treaty/Regulations			8	3		17	3	2	19	3						1	5			60	
	No measures notified						48			142				15							206	
	Not properly incorporated			1			5				3			1							10	
1983	Not properly applied			16			5		9	3	3										37	335
	Treaty/Regulations			2			39	1	1	19	3				5						82	
	No measures notified			9			56		2	45	4			23			1				140	
1984	Not properly incorporated			2			3		3		1			10							19	
	Not properly applied			8		1	6			9				2							27	289
	Treaty/Regulations			12	1	1	46	9	3	22		1	2		4			2			103	
1985	No measures notified			34			83		7	43				48							222	
	Not properly incorporated			6			24		1					15							46	
	Not properly applied			7			1	2	2	3				2							17	454
1986	Treaty/Regulations			17	11		64	4	6	44		2	4		13		1	3			169	
	No measures notified			13			87		5	80	8			58			6				257	
	Not properly incorporated			3			5		7	5				10							30	
1987	Not properly applied			9					2	1				1							14	503
	Treaty/Regulations			23	2		60	7	8	63	2	1	6		4			24	2		202	
	No measures notified			20			73		2	68	9			84			3				268	
1988	Not properly incorporated						3		11	1				32						9	51	
	Not properly applied			13			18		3	4	1			9				4			54	516
	Treaty/Regulations			27	1		25	2	7	43	1			9	25			1	2		143	
1989	No measures notified			5			78		28	58	17			68			1				260	
	Not properly incorporated						1		3		6			30						2	42	
	Not properly applied			15			30		8	9	2			58				2		1	125	572
1989	Treaty/Regulations			11			68	5	20	16	6		1	2	11	1		4			145	
	No measures notified			3			101			130	11			36						1	282	
	Not properly incorporated						7		1					24							33	
1989	Not properly applied			13			49	1	5	14	1			30				1			117	569
	Treaty/Regulations			22	4	1	33	7	10	23	4		3	3	9			5	12		137	
	No measures notified			6			141		7	70	5			46			7				327	
1989	Not properly incorporated			2			3		2					17							25	
	Not properly applied			1		1	87		7	12				37							169	664
	Treaty/Regulations			18			50	3	18	28	1		4	1	4			5	3		143	

No 7

Number of infringement proceedings initiated since 1982 classified by legal basis and stage of proceedings

 = Treaties and Regulations
 = Directives



No 8

Number of infringement proceedings initiated since 1986 classified by Member State, legal basis and stage of proceedings

Member State	Stage of the infringement proceeding ⁽¹⁾	1986						1987						1988						1989					
		Directives			Treaties and Regulations	Directives			Treaties and Regulations	Directives			Treaties and Regulations	Directives			Treaties and Regulations	Directives			Treaties and Regulations				
		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied		No measures notified	Not properly incorporated	Not properly applied									
B	FN	39	4	6	7	22	6	13	14	30	4	7	11	38	2	12	15								
	RO	13	3	1	8	12	1	6	9	5	5	7	7	6	1	4	7								
	RCJ	6	2	2	5	4	—	1	2	4	—	3	3	3	2	3	4								
D	FN	14	6	5	15	23	5	21	16	27	3	12	16	19	3	16	16								
	RO	8	—	2	7	2	4	2	9	4	2	12	6	1	3	5	3								
	RCJ	2	1	1	7	—	—	—	2	1	3	2	2	—	1	2	1								
DK	FN	13	4	2	7	22	1	10	3	20	1	6	2	21	1	8	4								
	RO	1	2	—	—	1	1	—	2	—	1	2	3	—	1	2	1								
	RCJ	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—								
EL	FN	63	6	1	36	46	5	8	18	37	2	11	14	63	2	11	16								
	RO	7	—	2	15	13	1	—	14	12	6	3	11	6	—	6	7								
	RCJ	4	—	1	6	3	—	—	8	5	2	—	7	2	1	5	5								
ES	FN	—	—	1	21	21	—	10	22	—	3	3	15	13	4	22	12								
	RO	—	—	—	—	—	—	3	5	—	—	5	—	—	1	3	4								
	RCJ	—	—	—	—	—	—	1	—	—	—	—	—	—	—	2	2								
F	FN	19	9	7	34	19	9	12	26	22	1	19	16	21	2	11	28								
	RO	11	4	6	9	7	—	4	18	8	5	3	11	—	2	6	11								
	RCJ	3	2	—	3	2	—	3	3	3	1	1	5	1	1	1	5								
IRL	FN	31	8	13	9	29	6	5	6	27	3	4	7	31	3	6	6								
	RO	10	4	6	11	9	—	8	7	6	4	—	—	4	1	3	3								
	RCJ	8	2	2	6	1	—	1	1	4	2	1	1	—	—	4	2								
I	FN	26	3	8	7	32	5	19	17	53	6	23	25	48	4	42	16								
	RO	6	—	—	2	14	—	4	9	17	7	19	9	16	4	20	13								
	RCJ	2	—	—	2	9	1	5	6	5	2	1	6	8	3	14	10								
L	FN	35	2	2	4	18	—	6	2	28	2	3	3	26	1	4	7								
	RO	10	2	—	—	7	—	—	3	5	1	1	1	5	—	1	3								
	RCJ	3	1	—	—	2	—	—	—	2	—	—	—	5	—	—	1								
NL	FN	15	2	4	9	22	1	6	12	22	4	6	10	32	3	14	8								
	RO	6	—	2	1	4	1	—	6	3	1	4	4	3	—	3	4								
	RCJ	—	—	—	—	—	1	1	1	2	—	—	1	1	—	1	3								
P	FN	—	—	—	—	3	—	5	3	—	1	4	13	4	—	12	10								
	RO	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—								
	RCJ	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—								
UK	FN	13	7	5	12	20	4	10	10	16	3	9	5	21	—	11	5								
	RO	1	1	2	1	2	2	2	3	1	6	3	5	3	—	4	4								
	RCJ	—	1	—	—	1	—	1	—	—	—	—	—	—	1	1	3								

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

Sector	Member State	Reference to the Court							Judgment for the Commission							Judgment for the Member State																
		1982	1983	1984	1985	1986	1987	1988	1989	1982	1983	1984	1985	1986	1987	1988	1989	1982	1983	1984	1985	1986	1987	1988	1989							
Indirect taxation	B	1			2																1										1	1
	D	1		1	1	1															1	1										
	DK			1				3														1										
	F	1	1	1	2			2	1												1										1	
	UK			1	2															1												
	I	1	4	2	2	4	6	1	1	1	1	2	2								1	2	2							1		
	IRL			1	3		1	2																							1	
	NL			1	1					1																					1	
	EL								1	3																					1	
	E									2																						
	L									1																						
Employment, education and social affairs	B	1	2	1	1			1	2	1	1												2	1								
	D																															
	DK				3																											
	F						2			2	1																				2	
	UK			1											1																	
	I	1	1		2	1		1	1	1	1																			1	1	
	L							1	1	1	1																					
	EL																															
	IRL																															
	NL																															
	B																															
Energy	B																															

No 10

Court of Justice judgments delivered up to 31 December 1989 not complied with

1. Cases where the Commission has been informed that measures are being taken (to end December 1989)

GERMANY

4. 12. 1986	Case 205/84	Community co-insurance	The German authorities have announced provisional administrative measures to ensure compliance pending legislation implementing the second non-life insurance Directive (88/357/EEC). (A/126/83)	Fresh infringement proceedings
4. 12. 1986	Case 179/85	Bottling of pétillant de raisin	Legislative amendment in progress (A/93/183)	Fresh infringement proceedings
12. 3. 1987	Case 178/84	Ban on the sale of beers not made from malted barley	Pending the Commission's decision on the draft order submitted by Germany, beers from other Member States are provisionally allowed in (see Finance Ministry circular of 29 September 1988). They must nevertheless have a label affixed to them showing their alcoholic strength and indicating the category to which they belong under German law ('Schankbier', etc.). Only the additives generally permitted in all foodstuffs may be used, otherwise prior authorization is needed. The Commission has reservations about the draft order, particularly as regards the labelling requirement. The Court's judgment has not been fully complied with. (A/5/82)	Fresh infringement proceedings
7. 5. 1987	Case 189/85	Overlapping family allowances	The Commission is continuing discussions with the German authorities on compliance with the Court's ruling, in particular as regards sums to be repaid by the Federal Republic (A/65/83)	Fresh infringement proceedings
25. 2. 1988	Case 427/85	Lawyers: freedom to provide services	The German authorities have forwarded a Bill implementing the Court's ruling; it is due to be passed into law very shortly (A/56/83)	Fresh infringement proceedings (A/367/89)

2. 2. 1989	Case 274/87	Problems affecting imports of pâté	Fresh infringement proceedings	
			<p data-bbox="143 666 393 1146">The German Government has indicated that it will amend its legislation when transposing Council Directive 88/658/EEC of 14. 12. 1988 amending Directive 77/99/EEC on health problems affecting intra-Community trade in meat products. In the mean time the <i>Länder</i> inspection authorities have been asked to check that products imported from other Member States are correctly labelled (A/5/85)</p>	
BELGIUM				
2. 12. 1986	Case 239/85	Toxic waste	Fresh infringement proceedings	
<p data-bbox="551 666 657 1146">The region of Wallonia has adopted regulations transposing the Directive but has made no provision for practical implementing arrangements (A/169/83)</p>	3. 10. 1989	Case 383/85	Transfer of pension rights	
<p data-bbox="703 666 839 1146">A draft Bill on this matter is being examined by the Commission. Subsequent negotiations should produce an agreement with the Belgian authorities (A/303/84)</p>	DENMARK			
4. 12. 1986	Case 252/83	Community co-insurance	Legislative amendments have been forwarded and are being examined by Commission departments (A/57/82)	
FRANCE				
4. 12. 1986	Case 220/83	Community co-insurance	<p data-bbox="1217 666 1421 1146">The Commission has been informed that provisional administrative measures are being applied to comply with the Court's ruling pending legislative action planned in conjunction with measures to implement Directive 88/357/EEC (second non-life insurance Directive), due for 1. 1. 1990 (A/265/81)</p>	

25. 10. 1988	Case 312/86	Equal treatment; access to employment	The Commission has learned informally that the French authorities are preparing a proposal to amend the offending Article. As the Commission had not been notified by the French authorities, a telex was sent on 11 July 1989. No reply has been received (A/144/85)	Fresh infringement proceedings
GREECE				
12. 3. 1987	Case 176/84	Provisions laying down that only malt-based beers may be sold	Formal adoption of the new rules is expected (A/4/82)	Fresh infringement proceedings
IRELAND				
4. 12. 1986	Case 206/84	Community co-insurance	Ireland has adopted provisional measures which have yet to be passed into law (A/127/83)	
ITALY				
8. 6. 1982	Case 91/81	Collective redundancies	(A/45/78)	At the end of 1988 the Italian Senate passed a Bill transposing, among other things, the provisions of the Directive in question. The Bill still has to be approved by the Chamber of Deputies. The Court delivered a second judgment on 16. 11. 1985 in Case 131/84 (A/102/83)
15. 11. 1983	Case 322/82	Fruit and vegetables quality control	(A/177/81)	The Court gave a second ruling on 12. 2. 1987 (Case 69/86) in an action brought under Article 171
15. 3. 1988	Case 745/82	Proprietary medicinal products	(A/314/88)	

9. 6. 1988	Case 56/87	Prices of pharmaceutical products	On 21. 7. 1989 the Italian authorities gave notice that the Finance Act (No 67) of 11. 3. 1988 requires the ministries responsible to propose a new method for determining the prices of pharmaceutical products to the interministerial committee on prices and that under the new procedure the provisions condemned by the Court of Justice will be rescinded (A/28/85)	Fresh infringement proceedings
28. 6. 1988	Case 3/86	Flat-rate reimbursement of farmers, beef and pigmeat	The 1989 Tax Act incorporated measures amending the tax arrangements which the Court of Justice found to be unlawful. Technically, the amendments give rise to difficulties in calculating the costs actually incurred by farmers subject to VAT on a flat-rate basis (A/262/81)	Fresh infringement proceedings (A/663/89)
12. 7. 1988	Case 322/86	Quality of fresh waters capable of supporting fish life	On 22. 12. 1988 the Italian authorities announced that a draft Bill for a decree-law was being drawn up (A/71/85)	Fresh infringement proceedings
2. 2. 1989	Case 22/87	Protection of employees in the event of their employer's insolvency	By letter of 11 September 1989 the Italian Republic forwarded the text of a draft Bill to implement Directive 80/987/EEC. According to the Italian authorities (13. 11. 1989) the Bill has not yet been adopted by Parliament. (A/118/85)	Fresh infringement proceedings
NEDERLANDS				
13. 10. 1987	Case 236/85	Wild birds	On 6. 9. 1986 the Dutch authorities announced that a Bill on flora and fauna (Flora-en Faunawet) was in preparation (A/125/84)	Fresh infringement proceedings On 5. 7. 1989 the Commission decided to send a reasoned opinion (A/60/89)

UNITED KINGDOM

8. 11. 1983 Case 165/82 Equal treatment of men and women as regards access to employment
 The UK authorities have adopted certain measures, notifying them on 15 December 1986. These are acceptable on the whole, although one point is still undergoing scrutiny. The situation seems to be satisfactory; however, and it should be possible to terminate the proceedings shortly (A/131/80)

Fresh infringement proceedings (A/260/85)

2. Other cases (to and January 1989)

GERMANY

14. 2. 1984 Case 325/82 Exemptions from turnover tax and excise duties on imports (butter-buying cruises)

Fresh infringement proceedings (A/320/85)

17. 9. 1987 Case 412/85 Wild birds

(A/119/84)

Fresh infringement proceedings
 On 5. 7. 1989 the Commission decided to send a reasoned opinion (A/48/89)

25. 2. 1988 Case 427/85 Lawyers; freedom to provide services

(A/56/83)

Fresh infringement proceedings (A/367/89)

11. 5. 1989 Case 76/86 Ban on the marketing of milk substitutes

Fresh infringement proceedings

18. 5. 1989 Case 249/86 Concept of normal housing conditions

(A/336/84)

28. 11. 1989 Case 186/88 Health controls in intra-Community trade in animals, meat and food preparations

(A/281/87)

BELGIUM

19. 10. 1981 Case 137/80 Transfer of pension rights

(A/7/87)

The Court delivered a second ruling on 3. 10. 1989 (Case 383/85, A/303/84)

2. 2. 1983	Cases 68 to 71/81	Failure to transpose four environmental directives: titanium dioxide waste	(A/98/79, A/102/78, A/94/79, A/135/79)	The Court delivered a second judgment on 14 January 1988 (Cases 227 to 230/85, A/169/84 to A/172/84)
12. 2. 1987	Case 390/85	Securities	(A/9/84 to A/11/84)	Fresh infringement proceedings The Commission has decided to send a reasoned opinion (A/167/89 to A/169/89)
17. 6. 1987	Case 1/86	Protection of groundwater against pollution	The Royal Order of 17 September 1987 is not considered satisfactory by the Commission (A/281/84)	Fresh infringement proceedings (A/291/88)
8. 7. 1987	Case 247/85	Wild birds	(A/118/84)	Fresh infringement proceedings
24. 5. 1988	Case 307/86	Technical requirements for inland waterway vessels	(A/202/85)	Fresh infringement proceedings On 20. 12. 1989 the Commission decided to send a reasoned opinion (A/356/89)
21. 6. 1988	Case 283/86	Service incidental to transport	(A/123/85)	Fresh infringement proceedings (A/355/89)
27. 9. 1988	Case 42/87	Discrimination in respect of public financing: higher education not of university level	(A/435/85)	
11. 5. 1989	Case 46/88	Divisions and mergers of public limited liability companies	(A/129/86)	Fresh infringement proceedings
15. 5. 1989	Case 52/88	Restrictions on the use of edible gelatine	(A/447/85)	Fresh infringement proceedings
16. 11. 1989	Case 360/88	Misleading advertising	(A/488/86)	

FRANCE

3. 6. 1986 Case 307/84 Discrimination against foreign nurses in access to public hospitals
 The requirement that a person must be of French nationality if he is to be appointed a nurse in a public hospital, as laid down, at the time the action was brought, in Article 809 of the Public Health Code (repealed in January 1986), was reintroduced into the Law of July 1983 (new general staff regulations of officials, which apply also to hospital staff) which has not been amended since in this respect. The Commission's departments have written to the French authorities with a view to ensuring compliance with the judgment. No reply has been forthcoming (A/324/82)
27. 4. 1988 Case 252/85 Wild birds (A/121/84)
30. 6. 1988 Case 318/86 Equal treatment of men and women as regards access to employment
 The national rules authorizing separate recruitment according to sex for appointment to various civil service corps *have not been amended*, but there is no evidence to suggest that, since the judgment, government departments have in general continued to recruit men and women separately⁽¹⁾. The Commission's departments wrote to the French authorities on 1 December 1988 with a view to ensuring compliance with the judgment. A reminder telex was sent on 21. 3. 1989. No reply has been forthcoming (A/312/84)
13. 7. 1988 Case 169/87 Retail selling price of tobacco products (A/271/85)
- GREECE
3. 12. 1987 Case 194/84 Refusal to authorize transfer of funds in blocked accounts belonging to EC residents
 Fresh infringements proceedings for partial failure to implement the judgment (A/480/88)

⁽¹⁾ Two competitions (one external and the other internal) for the recruitment of police inspectors, to be held at the beginning of March 1989, were announced in the Revue de la Préfecture de Police de Paris : in the external competition notice, 44 posts are advertised, including 11 for women, and in the internal competition notice 20 posts are advertised (including five women). This proves that, despite the judgment, the system of separate recruitment has been maintained for access to the corps of police inspectors.

15. 3. 1988	Case 147/86	Teaching ban	(A/388/84) Fresh action brought before the Court Case 38/87 (A/265/85)	Fresh infringement proceedings (A/165/89)
30. 6. 1988	Case 226/87	Insurance of public property	(A/111/86)	Fresh infringement proceedings The Commission has decided to send a reasoned opinion (A/47/89)
14. 7. 1988	Case 38/87	Requiring of Greek nationality for access to the professions of — lawyer — architect, civil engineer and surveyor	(A/264/85) (A/265/85)	Fresh infringement proceedings The Commission has decided to send a reasoned opinion (A/165/89)
15. 11. 1988	Case 229/87	Bank charge for checking the prices of imported goods	(A/229/86)	Fresh infringement proceedings
30. 5. 1989	Case 305/87	Legislation an border regions	(A/182/84)	Fresh infringement proceedings
6. 12. 1989	Case 328/88	Misleading advertising	(A/499/86)	
ITALY				
10. 11. 1981	Case 28/81	Admission to the occupation of road haulage operator	(A/85/79)	The Court delivered a second judgment on 5. 11. 1986 (Case 160/85, A/175/83)
10. 11. 1981	Case 29/81	Admission to the occupation of road passenger transport operator	(A/113/79)	The Court delivered a second judgment on 5. 11. 1986 (Case 160/85, A/176/83)
11. 10. 1983	Case 273/82	Recognition of qualifications of goods haulage and road passenger transport operators	(A/41/80)	Fresh infringement proceedings (Case 71/88, A/17/85)
11. 7. 1985	Case 101/84	Statistics on domestic goods carried by road	(A/74/82)	Fresh action brought before the Court (Case 266/89, A/216/88)

20. 3. 1986	Case 17/85	Annual accounts of companies	(A/306/82)	Fresh infringement proceedings The Commission has decided to send a reasoned opinion (A/433/88)
30. 4. 1986	Case 158/85	Export procedures for Community goods	(A/162/83) (A/168/83)	The Commission has decided to bring a fresh action before the Court (A/503/87 — A/502/87)
12. 7. 1986	Case 235/84	Employees' rights in the event of transfer of businesses	(A/24/82)	Fresh proceedings, for infringement of Article 171 of the EEC Treaty: failure to comply with the Court's findings on the Commission's second claim (absence of domestic legislation requiring employers to inform and consult workers affected by a transfer). On 20. 12. 1989 the Commission decided to bring a fresh action before the Court (A/462/87)
15. 10. 1986	Case 168/85	Nationality requirements (tourist guides, journalist, licensed pharmacists)	(A/36/84)	Fresh infringement proceedings (A/373/88)
27. 1. 1987	Case 275/85	Release of imported goods in stages	(A/183/84)	Fresh infringement proceedings On 31. 5. 1989 the Commission decided to send a reasoned opinion (A/240/88)
29. 1. 1987	Case 364/85	Tuberculosis and brucellosis Swine fever	(A/256/83) (A/258/83)	Fresh infringement proceedings On 5. 7. 1989 the Commission decided to send a reasoned opinion (A/453/88 — A/454/88)
12. 2. 1987	Case 69/86	Fruit and vegetables quality control	Judgment given in action brought under Article 171	
10. 3. 1987	Case 386/85	Swine fever	(A/259/83)	Fresh infringement proceedings (A/456/88)

7. 5. 1987	Case 184/85	Consumption tax on bananas	The tax is still being charged both on bananas originating in the Community and on those originating in non-member countries and in free circulation in the Community (A/136/83)	Fresh actions brought before the Court (Case 380/89 — A/300/88)
7. 7. 1987	Case 49/86	Mutual recognition of doctor's qualifications	(A/6/84)	Fresh action brought before the Court (Case 236/89 — A/112/88)
8. 7. 1987	Case 262/85	Wild birds	(A/124/84)	Fresh infringement proceedings On 5. 7. 1989 the Commission decided to send a reasoned opinion (A/49/89)
24. 11. 1987	Case 124/86	Tax exemptions for permanent imports of personal property	(A/421/88)	Fresh infringement proceedings (A/446/88)
25. 11. 1987	Case 125/86	Exemption from VAT on final importation of certain goods	(A/422/84)	Fresh infringement proceedings (A/445/88)
2. 3. 1988	Case 309/86	Non-ionic and anionic surfactants	(A/378/84) (A/379/84)	Fresh infringement proceedings On 20. 12. 1989 the Commission decided to send a reasoned opinion (A/202/89 and A/203/89)
3. 3. 1988	Case 116/86	Brucellosis	(A/316/84)	Fresh infringement proceedings On 5. 7. 1989 the Commission decided to send a reasoned opinion (A/463/88)
24. 3. 1988	Case 104/86	Rules of evidence making it impossible to secure repayment of national charges having an effect equivalent to customs duties	(A/438/84)	Fresh infringement proceedings (A/357/89)
24. 5. 1988	Case 122/87	Exemption from VAT of the services provided by veterinary surgeons	(A/209/85)	Fresh infringement proceedings (A/429/89)
21. 6. 1988	Case 257/86	Importation of medicinal samples	(A/188/84)	Fresh infringement proceedings (A/428/89)

12. 7. 1988	Case 310/86	Services incidental to transport	The Commission's staff are locking into the situation in Italy (A/126/85)	Fresh infringement proceedings (A/362/89)
12. 7. 1988	Case 326/87	Termometers	(A/199/86)	Fresh infringement proceedings
2. 2. 1989	Case 353/87	Movable tangible property	(A/37/86)	Fresh infringement proceedings (A/664/89)
21. 2. 1989	Case 203/87	Extension of VAT exemption for earthquakes	(A/68/86)	Fresh infringement proceedings (A/540/89)
27. 4. 1989	Case 324/87	Fresh meat	(A/349/85)	
30. 5. 1989	Case 340/87	Charges for services rendered during certain opening hours at customs offices	(A/114/86)	Fresh infringement proceedings
11. 7. 1989	Case 323/87	Excise duty on rum	(A/83/86)	Fresh infringement proceedings
5. 12. 1989	Case 3/88	Development of computer systems limited to Italian companies in public or State ownership	(A/446/85)	
NETHERLANDS				
26. 3. 1987	Case 235/85	Tax status of notaries and sheriff's officers	(A/153/83)	Fresh infringement proceedings On 29. 11. 1989 the Commission decided to send a reasoned opinion (A/337/88)
17. 9. 1987	Case 291/84	Protection of groundwater	(A/71/83)	Fresh infringement proceedings On 5. 7. 1989 the Commission decided to send a reasoned opinion (A/532/88)
31. 5. 1989	Case 43/88	Compulsory affiliation of exporters of agricultural products to a supervisory agency.	(A/137/86)	

No 11

Review of significant judgments of national courts of final instance

1. As observed by the Commission in its previous reports, the reviews of national court judgments available to it show that the courts and tribunals of the Member States do in general apply Community law.

2. First, as regards Article 177 of the Treaty, in 1989 the national courts continued to refer to the Court of Justice for preliminary rulings in cases where difficulty arose concerning the interpretation of a given Community rule or the validity of a Community instrument.

Between 1 January and 31 December 1989 the Court was asked to give 139 preliminary rulings. This is lower than the total of 179 references recorded in 1988, but quite close to the 1987 figure of 144.

The table below, which provides a breakdown of references by State and by type of court, reveals considerable disparities between the Member States as regards the application of Article 177. However, in contrast with 1988, when no request for a preliminary ruling was received from Greece, Ireland or Portugal, in 1989 requests were received from all the Member States.

Member State	Total references	References by courts of final instance
Belgium	13 (32) (*)	— (1)
Denmark	2 (4)	1 (2)
France	28 (37)	1 (4)
Germany	47 (34)	22 (8)
Greece	2 (—)	— (—)
Ireland	1 (—)	1 (—)
Italy	10 (28)	1 (—)
Luxembourg	1 (2)	1 (2)
Netherlands	18 (25)	15 (16)
Portugal	1 (—)	— (—)
Spain	2 (1)	— (—)
United Kingdom	14 (16)	2 (2)

* 1988 figures in brackets.

3. In analysing the rulings of the highest national courts for the purposes of this report, the Commission has been greatly assisted by the documentation produced by the Court of Justice of the European Communities. The Court's documentation departments have devised a system for monitoring all judgments and decisions of the courts in the Member States which relate to the application of Community rules or make reference to them.

Analysis of the judgments referred to below leads to the conclusion that over the years Community law has continued to have a real impact on domestic legal systems. The last traces of resistance to the actual principle of the primacy of Community law are vanishing, and awareness of the need to apply Community rules, irrespective of the nature of the proceedings or the stage they have reached, is increasing.

4. Clearly, this does not mean that the national courts have applied Community law correctly in every case. And it should be pointed out that while the systematic consultation of databases containing the judgments of national courts does make it possible to identify decisions involving the application of Community law — whether correct or incorrect — it does not lend itself to identifying judgments where no mention is made of a particular Community rule which should have been applied.

That said, the Commission's analysis has shown no instance of national supreme courts having given judgments inconsistent with Community law.

5. In last year's report, reference was made to an infringement proceeding brought against France concerning a judgment by the Cour de Cassation upholding a lower court's ruling which was contrary to Community rules. This case is likely to be settled shortly following discussions between the French authorities and the Commission.

6. The following judgments by national supreme courts are noteworthy examples of the application of Community law in the Member States.

Conseil d'État (France) — Decision of 20 October 1989 — *Nicolo* — 108423

As stated by the Commission in its appendix ("The attitude of national supreme courts to Community law") to the sixth annual report to Parliament, one of the last remaining major difficulties encountered in the application of Community law by national courts of final instance lay in the refusal of France's Conseil d'État to recognize the primacy of Community rules over subsequent national law.

The Conseil d'État (the supreme administrative court) maintained the position set out in its decision of 1 March 1968 in *Syndicat Général des Fabricants de Semoules de France*: it was not for it to rule on the validity of a law in relation to any other legal act, so laws inconsistent with Community rules which had entered into force at an earlier date were to be applied.

Again recently, the Conseil d'État ruled that a party could not validly claim that the judgment challenged ignored the terms of Articles 30 and 34 of the Treaty of Rome, because it had been delivered on the strength of the Act of 21 July 1983, i.e. after the entry into force of the said Treaty (Decision of 27 April 1988, *Société Bernard Caront*, No 63712).

It should be borne in mind, however, that the Conseil d'État's holding related only to statutes (so not to legislation in the form of regulations) and, moreover, only to statutes enacted after the

pertinent Community legislation. It should also be borne in mind that, as early as 1975, the Cour de Cassation, which is the supreme court in the judicial hierarchy, had acknowledged the primacy of the EEC Treaty over national law, even where the latter had been enacted after the Treaty.

This is the background against which the Conseil d'Etat delivered its *Nicolo* decision on 20 October 1989, whereby it decided to examine the compatibility of rules defined by an Act of 7 July 1977 with Article 277 (1) of the Treaty establishing the European Economic Community.

An action was brought before the court seeking to have the elections to the European Parliament of 10 June 1989 declared void on the grounds that they had been vitiated by the participation of French nationals from the overseas departments and territories and by the inclusion of a number of such nationals in the lists of candidates.

In dismissing the action, the Conseil d'Etat quoted the terms of Article 227 (1) of the Treaty of 25 March 1957 establishing the European Economic Community ('This Treaty shall apply to ... the French Republic ...') and stated that the rules at issue, as defined by the Act of 7 July 1977, which stipulate that 'the overseas departments and territories shall form part of the single electoral constituency' are not inconsistent with the unambiguous terms of Article 227 (1) of the Treaty.

This decision constitutes a major reversal on a principle of fundamental relevance to the application of Community law.

It needs to be said, however, that the decision relates to the primacy of the Treaty itself, which in the case in point was all that was at issue. It is to be hoped, none the less, that the Conseil d'Etat will take the same view in respect of secondary legislation and acknowledge the primacy of Community directives and regulations over subsequent national legislation.

Lastly, it is interesting to note that earlier in the year (on 3 February) the Conseil d'Etat, in its *Alitalia* judgment, had established the possibility of challenging the legality of a regulatory measure beyond the time limit for appeal on grounds of misuse of power and without any objection of illegality being raised by recognizing the right to bring an action asking the court to find against the administration for failure to adopt, within the time allowed, the amendments to the regulations which are required in order to ensure the application of Community directives.

House of Lords — United Kingdom — Judgment of 18 May 1989 — *Factortame Limited*

Under a hitherto sacrosanct rule of common law, the courts may not, for the purposes of interim protection, grant interim injunctions against the Crown.

In a judgment delivered on 10 March 1989, the Queen's Bench Divisional Court, to which application had been made to have that part of the Merchant Shipping Act 1988 which imposes

strict conditions on the registration of fishing vessels as British vessels declared incompatible with Community law, referred to the Court of Justice for a preliminary ruling on the substantive issues and granted an injunction disapplying the operation of the legal provisions challenged pending the outcome of the reference. This injunction was set aside by the Court of Appeal.

On 18 May the House of Lords, to which the case had been appealed as the court of final instance, ruled that as a matter of English law there was no jurisdiction to grant interim relief against the Crown. But it also adjourned further consideration of the appeal and made its own separate reference to the Court of Justice for a preliminary ruling on the question whether Community law either obliges the national court or gives it power to grant interim protection of rights claimed under Community law having direct effect in national law with respect to a national measure which, if applied, would automatically deprive the party concerned of the rights claimed.

This important decision opens up the possibility of a break with the principle whereby courts may not grant interim protection of rights claimed by suspending the operation of a national measure adopted by central government.

The Commission will propose to the Court of Justice that it reply to the reference in the following terms: the obligation laid upon national courts to apply Community law having direct effect and to protect the rights which it confers on individuals includes the obligation to consider whether interim protection of rights claimed against the authorities has to be granted in order to prevent irremediable damage being suffered and to grant such interim relief as may be appropriate.

Cour de Cassation, Chambre commerciale (France) 10. July 1989 — *Bodson v. Société des Pompes Funèbres* — No 85.10.727

In a judgment given on 10 July 1989 the Chambre Commerciale of the Cour de Cassation overruled an appeal court's interim order prohibiting a firm from engaging in any activity forming part of 'external services' for funerals on the grounds that an exclusive concession had been granted by a local authority to another firm.

The higher court held that it was for the court below to ascertain whether the situation at issue was manifestly unlawful under Article 86 of the EEC Treaty by seeking to determine whether the firm holding the concession occupied a dominant position and had abused that position, and that the court making an interim order could not refer this task to the court dealing with the substance of the case.

The value of this decision must be seen in the light of the major developments which have taken place in France as regards the *procédure de référé*, which makes it possible to obtain a very

rapid but interim judicial decision in cases where the obligation invoked cannot be seriously challenged or where a manifestly unlawful situation has to be brought to an end.

The judgment of the Cour de Cassation signalled to the court that had made the interim order that, although it was not deliberating on the substance of the case, it was responsible for determining whether the legal situation before it was incompatible with Community law and, if so, for ending the manifestly unlawful situation constituted by such an infringement.

Constitutional Court (Italy) Judgment No 389 of 11 July 1989

This judgment is of interest first because it follows on from the judgment given by the Court of Justice on 14 January 1988 in Case 63/86 *Commission v. Italy* [1988] ECR 29, and second because it affords the Constitutional Court an opportunity to clarify its rulings in the matter of the relationship between Community law having a direct effect and national law.

In Case 63/86 the Court of Justice declared that Italian legislation restricting the right to purchase or lease subsidized housing and to obtain reduced-rate mortgage loans to Italian nationals was incompatible with Articles 52 and 59 of the EEC Treaty.

To comply with the Court of Justice's judgment, the Italian Government adopted a special measure making it clear to the regions and autonomous provinces, which have exclusive powers in this field, that they are obliged to treat all Community nationals equally. This resulted in a conflict of jurisdiction which was raised before the Constitutional Court by the autonomous province of Bolzano.

The Constitutional Court adopts a clear position on a number of points.

While confirming its previous rulings finding that a Community provision having direct effect must be applied in accordance with the interpretation given by the Court of Justice under Article 177 of the EEC Treaty, the Constitutional Court extends its view specifically to judgments under Article 169 of the

Treaty, where the decision of the Court of Justice, though delivered in a different context, has the same characteristics as a ruling giving an interpretation of Community law.

As regards the relationship in the national legal order between Community rules having direct effect and incompatible national provisions, the Constitutional Court:

- (a) reiterates its position on the autonomy of and coordination between the two legal orders and on the primacy of Community law;
- (b) specifies that this primacy serves to render the incompatible national provision inapplicable but not to rescind or cancel it;
- (c) states (for the first time in such explicit terms) that all those responsible in the national legal order for enforcing laws (whether it be the courts or the administration) are legally bound not to apply domestic measures which are incompatible with Community law;
- (d) stipulates, however, that this does not release Member States from the obligation to rescind or amend those measures to bring them into line with Community law; from the point of view of the national legal order this requirement is a matter of certainty in the law, and from the point of view of Community law it serves as a fundamental guarantee of compliance with the principle of primacy, establishing a specific obligation on the Member States which does not admit of any exception.

This judgment is to be seen as consistent with the way in which the case law of the Italian Constitutional Court has progressed towards full acceptance of the principles defined by the Court of Justice.

Most of these principles had already been recognized in the past (up to the milestone judgment No 170 of 1984), but judgment No 389 does offer a number of extremely useful and significant clarifications.

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

	B		D		DK		E		F		GB		EL		IRL		IT		L		NL		P		Total			
	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I	C	I		
Secretariat-General	1982		1								1															2		
	1988								1																	1		
	1989																										1	
Legal service	1983				1																					1		
	1984										1			2						1						3	2	
	1985		1										1												1	3	2	
	1986			2						1																1	2	4
	1987		1									1		1					1				1			1	4	4
	1988							1			2			1							1						1	4
1989																											13	1
Statistical Office	1984	2										1															2	2
	1985																										2	2
	1987																	1									4	4
	1988																											
External relations	1982																											8
	1983									4	2																4	13
	1984						1			1	1	2															1	9
	1985		2							2											2						1	10
	1986	1								1				2													11	3
	1987	1						1						1													7	3
	1988													1							1						3	6
	1989				2																						3	1
	Economic and financial affairs	1982																										
1983										1				3														1
1984														2													2	2
1985														1													3	2
1986			1											1							1						3	2
Internal market and industrial affairs	1982																											3
	1983																											2
	1984													2													2	2
	1985									1				1													3	2
	1986													1													3	2
	1987													3													3	2
	1988													2													3	2
	1989		1											1													7	5
	1982	12	2	11	4	4				69	13	18	6	31	5	10	1	27	7	4		11	3			197	41	
	1983	13	5	13	5	2				67	21	14	7	47	11	11		22	14	3	3	8	4			197	70	
1984	5	5	11	7	6	1			53	14	14	3	64	10	4		65	7	1	1	3	3			226	51		
1985	13	3	30	6	10				56	11	22	4	123	2	6	3	62	6	2	3	4	6			328	44		
1986	13	8	31	4	5	2			61	18	10	4	57	2	7		35	6	3	2	12	4			358	60		
1987	5	4	75	10	5				64	18	12	6	29	4	11	3	46	3	2	1	9	6			358	66		
1988	18	4	52	7	9	6			289	10	82	15	23	5	5	3	60	20	3	5	9	2			597	97		
1989	21	10	52	10	5	7			61	13	15	1	38	9	3	4	59	5	5	6	12	5			350	88		

ANNEX A

Infringements of the Treaties and of Regulations

Contents

	Page
External relations	63
Economic and monetary policy	63
Internal market and industrial affairs	63
Competition	69
Employment, social affairs and education	69
Agriculture	71
Transport	74
Administrative questions	75
Environment	75
Fisheries	75
Financial institutions and taxation	77
Budgetary questions	77
Customs union	78
Indirect taxation	79

Legal basis

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

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

Example:

3	80	R	2144
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- Sector 3: secondary legislation
- Year of publication
- Regulation
- Regulation No 2144/80

Sector	Form	
1	A B E F H K R G	TREATIES ESTABLISHING THE COMMUNITIES; AMENDING AND ACCESSION TREATIES Euratom Treaty Accession Treaties for Denmark, Ireland, Norway and the United Kingdom EEC Treaty Merger Treaty Treaty amending certain budgetary provisions Accession Treaty for Greece ECSC Treaty Treaty amending certain financial provisions Treaty amending certain provisions of the statute of the EIB Greenland Treaty
2	A	LAW RESULTING FROM COMMUNITY EXTERNAL RELATIONS Agreements with non-member countries
3	B C D L R X Y	SECONDARY LEGISLATION Budget Censure Decisions (except ECSC Decisions of general scope) EEC and Euratom Directives ECSC recommendations EEC and Euratom Regulations ECSC Decisions of general scope Other acts (resolutions, opinions, etc.), published in OJ 'L' series (or old single series) Other acts published in OJ 'C' series
4	A D X Y	COMPLEMENTARY LEGISLATION Intra-Community Agreements Decisions (of the representatives of the Governments of the Member State) Other acts published in OJ 'L' series (or old single series) Other acts published in OJ 'C' series
5	PC AP IP AC IC CC BP	PREPARATORY DOCUMENTS Commission proposals EP Opinions (consultation) EP Opinions (own-initiative) ESC Opinions (consultation) ESC Opinions (own-initiative) Opinions of the Court of Auditors' Acts preparatory to the budget

Sector	Form	
6		CASE-LAW OF THE COURT OF JUSTICE
	B	Observations
	C	Opinions of the Advocate-General
	J	Judgments
	O	Orders
	S	Attachment orders
	T	Third party proceedings
	V	Opinions of the Court of Justice
9		PARLIAMENTARY QUESTIONS
	E	Written questions
	H	Questions arising during Question Time
	O	Oral questions
	P	Petitions

Note: Sectors planned:

7 — National implementing measures.

8 — National case-law.

10 — Academic writing.

N. B.: A/.../...

(A/.../...)

E. g.: A/39/83

(A/480/88)

European Court judgment of 3. 12. 1987

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

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
External relations	374D0393	A/371/88	Greece	Delay in notifying a draft Greece-Thailand cooperation agreement	Reasoned opinion
Economic and monetary policy	180H052	A/39/83 (A/480/88)	Greece	Refusal to authorize transfer of sums credited to blocked accounts of residents of Member States	Reference to the Court of Justice (Case 194/84) Judgment 3. 12. 1987
	180H052; 157E171	A/480/88	Greece	idem	Letter of formal notice
Internal market and industrial affairs	157E030	A/268/81	Denmark	Packaging for beer and soft drinks	Terminated
	157E030	A/4/82	Greece	Provisions establishing that malt-based beers may be sold only	Reference to the Court of Justice (Case 176/84) Judgment 12. 3. 1987
	157E030	A/5/82	Germany	Ban on the sale of beers not brewed solely from malted barley	Reference to the Court of Justice (Case 178/84) Judgment 12. 3. 1987
	157E030	A/51/82	Germany	Restrictions on imports of vermouth	Terminated
	157E030	A/316/82	Belgium	Refusal to grant import licences for codeine	Reasoned opinion
	157E030	A/320/82	United Kingdom	Refusal to grant import licences for codeine	Reasoned opinion
	157E030	A/21/83	Italy	Restrictions on beer imports	Terminated
	157E030	A/43/83	Greece	Limitation of profit margins on certain products	Withdrawn
	157E030	A/101/83	Belgium	Prices of pharmaceutical products	Reference to the Court of Justice (Case 249/88)
	157E030	A/172/83	Italy	Grants for the purchase of buses and trams	Reference to the Court of Justice (Case 263/85)

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and Industrial affairs (cont'd)	157E030	A/183/83	Germany	Packaging of <i>pétillant de raisin</i>	Reference to the Court of Justice (Case 179/85) Judgment 4. 12. 1986
	157E030	A/224/83	France	Restrictions on the import of machinery and equipment: health and safety rules	Withdrawn
	157E030	A/256/84	France	Import declaration required for certain products	Withdrawn
	157E030	A/258/84	Belgium	Reimbursement of the cost of proprietary medicinal products	Reference to the Court of Justice (Case 249/88)
	157E030	A/266/84	Denmark	Packaging of beer and non-alcoholic beverages	Terminated
	157E030	A/354/84	Germany	Marketing of milk substitutes	Reference to the Court of Justice (Case 76/86) Judgment 11. 5. 1988
	157E030	A/28/85	Italy	Prices of pharmaceutical products and medicines	Reference to the Court of Justice (Case 56/87) Judgment 9. 6. 1988
	157E030	A/119/85	Italy	Difficulties in importing Belgian beer	Terminated
	157E030	A/138/85	Belgium	Obstacles to the import of liquid manure	Terminated
	157E030	A/146/85	France	Parallel imports of antiparasitics	Terminated
	157E030	A/211/85	Italy	Marketing of beer	Terminated
	157E030; 157E052; 157E059	A/230/85	France	Preference given to SFP television productions	Reasoned opinion
	157E030	A/269/85	France	Refusal to grant import licences for codeine	Reasoned opinion
	157E030; 157E005; 157E085	A/272/85	France	Book prices	Reasoned opinion
	157E030; 157E059	A/291/85	Germany	Inland waterway scrapping premiums	Terminated

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (cont'd)	157E030	A/357/85	Belgium	Registration of imported vehicles (certificate of conformity and roadworthiness tests)	Terminated
	157E030	A/367/85	Italy	Denaturing of oilseed refining by-products	Reference to the Court of Justice (Case 55/89)
	157E030	A/447/85	Belgium	Restrictions on the use of gelatine in certain food products	Reference to the Court of Justice (Case 52/88) Judgment 11. 5. 1989
	157E052; 157E059; 157E030; 157E086; 157E090; 157E092; 377L0062	A/466/85	Italy	Installation of data-processing systems reserved for Italian state-owned companies	Reference to the Court of Justice (Case 3/88) Judgment 5. 12. 1989
	157E030	A/500/85	Germany	Difficulties in the import of pâté	Reference to the Court of Justice (Case 274/87) Judgment 2. 2. 1989
	157E030	A/6/86	France	Obstacles to the import of soft drinks	Terminated
	157E030	A/40/86	Belgium	Pharmaceutical prices; government/industry agreements	Reference to the Court of Justice (Case 249/88)
	157E034	A/103/86	France	Rules on the disposal of waste oils	Terminated
	157E030	A/104/86	United Kingdom	Obligation to indicate the origin of imported products	Terminated
	157E030	A/234/86	Belgium	Import licence for lubricants originating in Germany	Terminated
	157E030	A/518/86	Germany	Amendment of the German law on foodstuffs following the <i>Cassis de Dijon</i> judgment	Reasoned opinion
	157E030	A/46/87	Germany	Introduction of standards for asphalt membranes	Reasoned opinion

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (cont'd)	157E030	A/49/87	Spain	Registration of imported second-hand vehicles	Terminated
	157E030	A/54/87	France	Imported TV sets required to have Peritel socket	Terminated
	157E030	A/55/87	Italy	Ban on the use of methanol as a solvent	Reference to the Court of Justice (Case 176/89)
	157E030	A/99/87	Italy	Marketing of butter: packaging	Terminated
	157E030	A/154/87	Italy	Ban on the sale of <i>pétillant de raisin</i> in champagne-type bottles	Reasoned opinion
	157E030	A/297/87	Germany	German rules on Leichtmofa light mopeds	Terminated
	157E030	A/311/87	Spain	Obstacles to the import of biscuit and chocolate products	Reasoned opinion
	157E030	A/319/87	United Kingdom	Special UK standards for steel	Reasoned opinion
	157E030	A/424/87	Italy	Import licences for the exploitation of new plant varieties and patents	Reference to the Court of Justice (Case 235/89)
	157E030	A/454/87	France	Bicycle brakes	Terminated
	157E030	A/499/87	Belgium	Obstacles to the import of telecommunications equipment (broadcast receiving aerials))	Terminated
	157E030	A/500/87	Belgium	Fixing minimum prices for manufactured tobacco	Reference to the Court of Justice (Case 287/89)
	157E030	A/61/88	Germany	Personal imports of medicines	Reasoned opinion
	157E030	A/76/88	Luxembourg	Ban on distribution of advertising leaflets	Reasoned opinion
157E030	A/214/88	Spain	Rules amending certain items in specifications: hydrocarbon binders	Terminated	

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (cont'd)	157E030	A/34/89	United Kingdom	Patent licences	Reasoned opinion
	157E034	A/61/89	France	Disproportionate penalties	Reasoned opinion
	157E030; 157E036	A/102/89	Italy	Discriminatory charges for carriage of non-italian newspapers by air	Reasoned opinion
	157E052; 157E059	A/267/83	France	Replacement of doctors: dual practices	Terminated
	157E052; 157E059	A/36/84 (A/373/88)	Italy	Nationality requirement (guides, journalists, licensed pharmacists)	Reference to the Court of Justice (Case 168/85) Judgment 15. 10. 1986
	157E007; 157E048; 157E052; 157E059	A/182/84	Greece	Laws relating to frontier areas	Reference to the Court of Justice (Case 305/87) Judgment 30. 5. 1989
	157E052	A/325/84	Italy	Access to real-estate loans and renting of housing	Terminated
	157E048; 157E052; 157E059	A/388/84 (A/265/85)	Greece	Requirement of Greek nationality for teaching	Reference to Court of Justice (Case 147/86) Judgment 15. 3. 1988
	157E052; 157E059	A/264/85 (A/265/85)	Greece	Nationality requirement for lawyers	Reference to the Court of Justice (Case 38/87) Judgment 14. 7. 1988
	157E052; 157E059;	A/265/85 (A/165/89)	Greece	Nationality requirement for architects, engineers and land surveyors	Reference to the Court of Justice (Case 38/87) Judgment 14. 7. 1988
	157D1186; 386D0283	A/499/85	France	Freedom of establishment and freedom to provide services in overseas territories	Reference to the Court of Justice (Case 263/88)
	157E059	A/432/86	France	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice (Case 154/89)

Sector	Legal basis	Inf. No	Member State	Subject	Stage of proceedings
Internal market and industrial affairs (<i>cont'd</i>)	157E059	A/71/87	Italy	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice (Case 180/89)
	157E059	A/113/87	Greece	Restrictions on freedom to supply services as a tourist guide	Reference to the Court of Justice (Case 198/89)
	157E059	A/463/85	Netherlands	Restrictions on freedom to supply television services	Withdrawn
	157E048; 157E052; 157E059	A/407/87	France	Restriction of recognition of veterinary qualifications to naturalized French citizens	Terminated
	157E007; 157E048; 157E052; 157E059	A/340/88	Italy	Refusal to recognize qualifications in physiotherapy and osteopathy	Reasoned opinion
	157E052; 157E059; 157E171;	A/373/88	Italy	Nationality requirement (guides, journalists, keepers of chemists' shops)	Reasoned opinion
	157E048; 157E052	A/106/89	Luxembourg	Refusal to license opening of dual dental practice	Reasoned opinion
	157E052; 157E059; 157E171	A/165/89	Greece	Nationality requirement to practise as architect, engineer or surveyor	Letter of formal notice
	157E052; 157E059; 157E0171	A/236/89	France	Replacement of doctor, dual practice	Terminated
	157E005; 157E030; 157E062; 37E059	A/505/87	Netherlands	Restrictions on free movement of services in broadcasting	Reference to the Court of Justice (Case 353/898)
	157E059; 157E090	A/332/88	Italy	Notice of qualification	Reasoned opinion
	371L0305	A/379/88	Spain	Public works contract: failure to respect time limit for submission of tenders	Reasoned opinion

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Competition	385D0276	A/111/86 (A/47/89)	Greece	Insurance of public property	Reference to the Court of Justice (Case 226/87) Judgment 30. 6. 1988
	157E030; 157E034; 157E037	A/138/86	Greece	Petroleum products monopoly	Reference to the Court of Justice (Case 347/88)
	157E005; 362R0017	A/72/87	Germany	Refusal to give assistance to Commission staff	Reasoned opinion
	157E0171; 384D0508	A/30/89	Belgium	Aid for Idealspun-Beaulieu	Reference to the Court of Justice (Case 375/89)
	157E0171; 157E005; 157E0189	A/47/89	Greece	Insurance of public property	Reasoned opinion
Employment and Social Affairs	186I048; 157E030	A/361/87	Spain	Adjustment of petroleum monopoly	Reasoned opinion
	371R1408	A/131/79	France	Supplementary allowance from the <i>Fonds national de solidarité</i> — refusal to export a social security benefit	Reference to the Court of Justice (Case 236/88)
	368R1612; 157E048	A/336/84	Germany	Concept of normal housing	Reference to the Court of Justice (Case 249/86) Judgment 18. 5. 1989
	371R1408	A/210/85	France	Calculation of employment benefits for frontier workers	Terminated
	157E007; 157E048; 157E128; 368R1612	A/435/85	Belgium	Discrimination in public financing; non-university higher education	Reference to the Court of Justice (Case 42/87) Judgment 27. 9. 1988
	157E007; 371R1408	A/468/85	France	Refusal to grant allowances from the <i>Fonds national de solidarité</i> to nationals of other Member States	Reference to the Court of Justice (Case 307/89)
	365R0109	A/249/86	France	Social security entitlements of nationals employed in Algeria	Reasoned opinion
	157E051; 157E040; 371R1408	A/374/86	France	Failure to respect Community-wide agreement on disability	Terminated

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Employment and Social Affairs (cont'd)	371R1408	A/56/87	France	Grant of widow's pension	Terminated
	157E007; 371R1498	A/57/87	Belgium	Discrimination in the settlement of old-age pension requirements	Reference to the Court of Justice (Case 185/88)
	368R1612; 157E007; 157E048; 157E052	A/70/87	Germany	Equal treatment in respect of access to vocational training courses	Terminated
	371R1408; 372R0574; 684I0041	A/239/87	France	Family allowances granted under legislation of the State in which a worker's family resides	Reference to the Court of Justice (Case 371/88)
	157E048; 368R1612	A/282/87	Germany	Equal treatment in respect of benefits	Reasoned opinion
	157E051; 371R1408	A/159/88	Netherlands	Refusal to grant family benefits to workers with unemployed children in other Member States	Reasoned opinion
	157E051; 371R1408	A/160/88	Germany	Refusal to grant family benefits to workers with unemployed children in other Member States	Reasoned opinion
	157E048; 368R1612	A/215/88	Belgium	Discrimination in requiring extra insurance contributions	Reasoned opinion
	371R1408	A/362/88	Belgium	Deduction of health insurance contributions from supplementary pension benefits	Reasoned opinion
	371R1408	A/363/88	Netherlands	Discrimination against Belgian workers in relation to early retirement	Reasoned opinion
	683J0261; 673J0187; 674J0039; 675J0007	A/364/88	Belgium	Covert discrimination in granting welfare or social security benefits	Reasoned opinion
	371R1408; 683J0275	A/365/88	France	Deduction of health insurance contributions from supplementary retirement benefits	Reasoned opinion

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Agriculture	157E030; 370R1698	A/212/72 (A/160/89)	Germany	Wine law 1971	Terminated
	379R0337; 379R0338	A/30/83	Germany	Ban on the use of rectified grape must concentrate	Terminated
	157E030; 181H065	A/85/83	Greece	Ban on import of bananas from ACP countries	Terminated
	379R0338	A/115/83	Italy	Lago di Caldaro wine	Terminated
	368R0804; 379R0262	A/85/84	Italy	Marketing of fractionated concentrated butter	Reference to the Court of Justice (Case 67/88)
	368R0805; 157E030	A/180/84 (A/467/89)	Greece	Restrictions on meat imports	Reference to the Court of Justice (Case 124/85) Judgment 16. 12. 1986
	368R0805; 375R2759; 157E030	A/327/84	Germany	Export of agar-preserved meat	Withdrawn
	157E189; 157E005; 379R0337	A/358/84	Germany	Increase in alcoholic strength of Moselle wines	Terminated
	379R0337; 157E030	A/360/84	Germany	Protection of the <i>Bocksbeutel</i> bottle	Withdrawn
	384R0857	A/387/84	Italy	Milk levy	Terminated
	379R337; 157E030	A/16/85	Germany	Sparkling wines	Reasoned opinion
	157E171; 372R1035; 369R2638; 380R2150	A/68/85	Italy	Quality standards for fruit and vegetables	Reference to the Court of Justice (Case 69/86) Judgment 12. 2. 1987
	380R1837; 382R0019; 383R0020; 157E113	A/101/85	Greece	Prices for sheep and goats imported from Hungary	Reference to the Court of Justice (Case 127/87)
	366R0136; 157E030; 157E034	A/142/85	Greece	Obstacles to trade in olive oil	Terminated
	368R0827; 377L0504; 157E030	A/275/85	France	Rules on artificial insemination	Terminated

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Agriculture (cont'd)	375R2744; 382D0495; 382R2029; 382R3383; 157E005; 377R2891	A/258/85	Netherlands	Release for free circulation of 50 000 tonnes of basic product transported by the vessel Equinox and coming from Thailand	Reference to the Court of Justice (Case 96/89)
	385D0341	A/292/85	Italy	Protection against swine fever	Withdrawn
	384R2261; 157E040; 375R2727	A/413/85	Greece	Recognition of olive oil producer organizations: recognition of cooperatives only	Terminated
	375R2727; 157E005; 157E093	A/480/85	Greece	Importation of feed grain, maize and barley; management of markets by Kydep	Referred to the Court of Justice (Case 35/88)
	375R2727	A/25/86	Greece	Purchase of substandard durum wheat from 1982 harvest	Referred to the Court of Justice (Case 281/87) Judgment 29. 11. 1989
	366R0136; 157E034	A/108/86 (A/142/85)	Greece	Barriers to trade in olive oil	Referred to the Court of Justice (Case 272/86) Judgment 22. 9. 1988
	368R0234; 371R2358; 157E034; 157E030	A/137/86	Netherlands	Compulsory registration of exporters of agricultural products with a supervisory body	Referred to the Court of Justice (Case 43/88) Judgment 31. 5. 1989
	157E030; 366R0136	A/215/86	Italy	Restrictions on the marketing of oils and fats	Referred to the Court of Justice (Case 67/88)
	384R3061; 384R2261	A/216/86	Greece	Computerized data files for olive oil	Withdrawn
	384R3061; 384R2261	A/217/86	Italy	Computerized data files for olive oil	Withdrawn
	157E030; 157E036	A/263/86	Greece	Obstacles to the import of cheese (H)	Referred to the Court of Justice (Case 293/89)
	380R1837; 157E030	A/329/86	Germany	Obstacles to the import of live sheep and lambs	Referred to the Court of Justice (Case 382/89)

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Agriculture <i>(cont'd)</i>	375R2727; 157E034	A/422/86	Greece	Refusal to grant export licences for maize	Referred to the Court of Justice (Case 110/89)
	366R0136; 157E030	A/444/86	Greece	Maximum prices in olive oil trade	Referred to the Court of Justice (Case 205/88)
	157E030; 368R0804	A/469/86	Luxemburg	Health control certificates required for the import of pasteurized butter	Terminated
	381R1371; 385R3154; 157E005	A/512/86	Greece	Obstacles to the payment of monetary compensatory amounts	Terminated
	387R0822; 157E005	A/102/87	Germany	Non-compliance with obligation to deliver wine for compulsory distillation	Referred to the Court of Justice (Case 217/89)
	384R2262	A/199/87	France	Penalties for infringements of the rules on aid towards the production of olive oil	Referred to the Court of Justice (Case 260/88)
	368R0804; 384R0857	A/344/87	France	Additional milk levies: right to opt for a reference year other than 1983	Reasoned opinion
	375R2727	A/385/87	Greece	Kydep-monopoly — intervention by the central government in the cereals sector	Reasoned opinion
	375R2771; 375R2772	A/455/87	Netherlands	Export of eggs in shell	Terminated
	157E036; 157E030	A/564/87	Greece	Radioactivity certificate requirement for imports: level of radioactivity in food (H)	Withdrawn
	368R0804; 157E030	A/18/88	Italy	Fat content of cheese (L)	Referred to the Court of Justice (Case 210/89)
	386R2239	A/44/88	Portugal	Misapplication of Community rules on grubbing-up premiums	Terminated
	157E030; 368R0804	A/80/88	Italy	Constraints on consumer price of pasteurized milk	Reasoned opinion

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Agriculture (<i>cont'd</i>)	366R0136; 384R2261	A/83/88	Italy	Community aid: discrimination against olive oil producers not belonging to cooperatives	Terminated
	375R2727; 157E030	A/242/88	Spain	Spanish flag clause, intra-Community deliveries of cereals to Spain	Terminated
	379R2374; 157E005	A/329/88	Greece	Intervention beef and veal intended for welfare organizations	Reasoned opinion
	157E404; 356E0136; 384R2261	A/360/88	Greece	Olive oil — producers' associations	Reasoned opinion
	385R0797	A/3/89	Denmark	Set-aside of arable land	Reasoned opinion
	370R1698; 157E171	A/160/89	Germany	1971 wine law	Terminated
	157E030; 368R0805; 157E171	A/467/89	Greece	Imports of certain cuts of meat	Letter of formal notice
	370R1108; 370R2598	A/476/86	France	Failure to provide statistics on transport infrastructures	Terminated
	157E059; 157E048;	A/351/87	Greece	Discrimination on the ground of nationality as regards entry to museums	Reasoned opinion
	157E059; 157E048; 157E052	A/352/87	Spain	Discrimination on the ground of nationality as regards entry to museum	Reasoned opinion
Transport	386R4055	A/74/88	Portugal	Measures favouring vessels flying the Portuguese flag	Terminated
	387D0602	A/281/88	Italy	Refusal to give authorization for an air link between Manchester and Milan	Referred to the Court of Justice (Case 352/88)

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Administrative affairs	Staff Regulations	A/7/78 (A/303/84)	Belgium	Transfer to Community pension scheme	Referred to the Court of Justice (Case 137/80) Judgment 19. 10. 1981
	Staff Regulations	A/8/78	Netherlands	Transfer to Community pension scheme	Terminated
	165F/PRO/PRI	A/65/83	Germany	Family allowances from more than one source	Referred to the Court of Justice (Case 189/85) Judgment 7. 5. 1987
	157F/PRO/PRI; 157E171	A/303/84	Belgium	Transfer to Community pension scheme	Referred to the Court of Justice (Case 383/85) Judgment 3. 10. 1989
	165F/PRO/PRI	A/50/88	Portugal	Difficulties concerning import of cars by officials or servants of the Commission	Terminated
	157E005	A/65/88	Belgium	50 % reduction in the salaries paid by the Belgian authorities to Belgian teachers on secondment	Referred to the Court of Justice (Case 6/89)
	165/PRO/PRI	A/22/89	Belgium	Application of PPI — Peulens case	Reasoned opinion
	165F/PRO/PRI	A/23/89	France	Deduction of health insurance contributions from retired EC official's national pension	Reasoned opinion
Environment	382R3626; 157E005	A/225/86	France	Rules on international trade in wild animal and plant species in danger of extinction	Referred to the Court of Justice (Case 182/89)
Fisheries	383R0170; 382R2057; 383R0098; 383R3624; 384R0320; 385R0001	A/404/84	Netherlands	Overfishing 1983 and 1984	Referred to the Court of Justice (Case 290/87) Judgment 5. 10. 1989
	382R2057; 383R0171	A/445/84	France	Fisheries: inadequate compliance with technical conservation measures	Referred to the Court of Justice (Case 64/88)

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Fisheries (cont'd)	383R0170; 382R2057; 383R0098; 383R3624; 384R0320; 385R0001	A/354/85	Netherlands	Overfishing 1985	Referred to the Court of Justice (Case 290/87; 290/87/2)
	157E052	A/394/85	Ireland	Lack of conformity with Community law of the Fisheries Amendment Act 1983	Referred to the Court of Justice (Case 93/89)
	381R3796; 382R3191	A/188/86	Italy	Failure to provide information in connection with the common organization of the market in the fisheries sector	Referred to the Court of Justice (Case 209/88)
	381R3796; 383R3598	A/189/86	France	Failure to provide information in connection with the common organization of the market in the fisheries sector	Reasoned opinion
	381R3796; 383R3598	A/362/86	Ireland	Failure to provide information in connection with the common organization of the market in the fisheries sector	Referred to the Court of Justice (Case 39/88)
	385R0001	A/368/86 (A/398/87)	United Kingdom	Overfishing 1985	Reasoned opinion
	385R3721	A/370/86	Netherlands	Overfishing 1986	Reasoned opinion
	381R3796; 383R3598; 382R3191; 383R3599	A/391/86	Greece	Failure to provide information in connection with the common organization of the market in the fisheries sector	Referred to the Court of Justice (Case 200/88)
	385R0001; 385R006	A/255/87	France	Overfishing 1985	Referred to the Court of Justice (Case 62/89)
	385R3721	A/256/87	Belgium	Overfishing 1986	Terminated
	385R3721; 385R3730; 385R3732; 383R0170; 382R057	A/396/87	France	Overfishing 1986	Referred to the Court of Justice (Case 244/89)
	385R3721; 385R3732	A/398/87	United Kingdom	Overfishing 1986	Reasoned opinion

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Fisheries (<i>cont'd</i>)	382R2057; 385R3777; 386R4034	A/405/87	Spain	Failure to fulfil obligation to record catches (ICES divisions)	Referred to the Court of Justice (Case 146/89)
	172B100; 383R0170	A/520/87	United Kingdom	Extension of territorial waters	Referred to the Court of Justice (Case 146/89)
	376R0101; 381R3796	A/186/88	United Kingdom	Fishing boats, restrictions on free movement of persons and exports of goods	Referred to the Court of Justice (Case 279/89)
	376R0101; 381R3796	A/187/88	Ireland	Ban on British fishing boats in Irish waters and associated measures	Referred to the Court of Justice (Case 280/89)
	382R2057; 387R2241	A/356/88	Spain	Requirement to cooperate — inspection and monitoring of fishing	Reasoned opinion
Financial institutions	157E048; 157E052; 157E059	A/87/89	United Kingdom	Merchant Navy Act	Referred to the Court of Justice (Case 246/89)
	157E059; 157E016	A/318/88	Italy	Taxation on encashment of Eurocheques	Reasoned opinion
Budgetary questions	377R2891	A/355/85	Italy	Refusal to pay interest charges	Referred to the Court of Justice (Case 54/87) Judgment 22. 2. 1989
	377R2892; 377R2891	A/60/87	Germany	Own resources from VAT: calculation of compensation for exemption of telecommunications	Referred to the Court of Justice (Case 251/88)
	377R2891	A/98/87	Italy	Interest on payment of own resources from customs duties	Referred to the Court of Justice (Case 373/88)
	375R2727; 377R2891; 379R1697; 157E005	A/358/87	Greece	Own resources; interest on late payments; Yugoslav maize presented as being of Greek origin	Referred to the Court of Justice (Case 68/88) Judgment 21. 9. 1989

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Budgetary questions (<i>cont'd</i>)	377R2891	A/29/88	Italy	Interest on late payment of own resources	Referred to the Court of Justice (Case 239/89)
	157E005; 165F/PRO/PRI	A/245/88	Spain	Implementation of the Protocol on the Privileges and Immunities of the EC	Terminated
	377R2891	A/285/88	Italy	Interest on late payment of customs duties (Report 84-6-3)	Referred to the Court of Justice (Case 270/89)
	377R2891	A/19/89	Ireland	Failure to calculate and pay VAT resources owing to exemption of tolls	Reasoned opinion
	377R2891	A/20/89	United Kingdom	Failure to calculate and pay VAT resources owing to exemption of tolls	Reasoned opinion
Customs union	682J0199	A/437/84	France	Repayment of national charges having equivalent effect	Reference to the Court of Justice (Case 105/86)
	682J0199	A/438/84	Italy	Repayment of national charges having equivalent effect	Reference to the Court of Justice (Case 104/86) Judgment 24. 3. 1988
	377R1535	A/126/84	United Kingdom	Civil aircraft exempted from customs duties and subsequently used as military aircraft	Reasoned opinion
	157E009; 157E028; 368R0950	A/342/84	Belgium	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/343/84	Denmark	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/344/84	United Kingdom	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/345/84	Italy	Duty-free importation of military equipment	Reasoned opinion

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Customs union (<i>cont'd</i>)	157E009; 157E028; 368R0950	A/346/84	Luxembourg	Duty-free importation of military equipment	Reasoned opinion
	157E009; 157E028; 368R0950	A/347/84	Netherlands	Duty-free importation of military equipment	Reasoned opinion
	157E009; 181H029	A/229/86	Greece	Bank charge for checking imported products	Reference to the Court of Justice (Case 229/87) Judgment 15. 11. 1988
	186I035	A/62/87	Spain	Payment of <i>Mozos de Aduana</i> taxes	Reference to the Court of Justice (Case 307/88)
	157E009; 157E102	A/158/87	Italy	Telegrams sent by veterinary services charged to importers of livestock	Reference to the Court of Justice (Case 137/89)
	157E009; 57E095	A/283/87	Denmark	Tax on agricultural products (dried fruit, chocolate-based products and sugar)	Terminated
	157E009; 157E012; 368R0804	A/182/88	France	Charge for computerized checking of customs declarations	Reasoned opinion
	376R0754	A/325/88	France	Returned goods	Reasoned opinion
	157E009; 387D0433	A/447/88	Italy	Stamp duty on certain products	Reasoned opinion
	157E095	A/136/83 (A/300/88)	Italy	Consumption tax on bananas	Reference to the Court of Justice (Case 184/85) Judgment 5. 7. 1987
	157E095; 157E096	A/158/83	Italy	Excise duty on beer	Reasoned opinion
	157E095; 157E096	A/187/83	Belgium	Excise duty on beer	Reference to the Court of Justice (Case 153/89)
	157E095; 157E096	A/188/83	Luxembourg	Excise duty on beer	Reference to the Court of Justice (Case 152/89)
Indirect taxation					

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Indirect taxation (cont'd)	157E095; 157E096	A/189/83	Netherlands	Excise duty on beer	Reference to the Court of Justice (Case 282/89)
	157E095	A/215/85	Ireland	Excise duty on table waters	Withdrawn
	157E095	A/331/85	France	Taxation of imports of second-hand goods having the effect of double taxation	Terminated
	157E095	A/333/85	France	Taxation of imports of second-hand goods having the effect of double taxation	Reference to the Court of Justice (Case 120/88)
	157E095	A/503/85	Denmark	Motor vehicles	Reference to the Court of Justice (Case 47/88)
	157E095	A/78/86	Greece	Differential rates of tax on imports of decorative articles made of ordinary plastic	Terminated
	157E095	A/80/86	Greece	Tax on imports of powdered cheese	Terminated
	157E095	A/83/86	Italy	Excise duties on rum	Reference to the Court of Justice (Case 323/87) Judgment 11. 7. 1989
	157E095	A/219/86	France	Parafiscal charge on imports of forestry products	Reasoned opinion
	157E095	A/340/86	Greece	Discriminatory treatment of motor vehicles imported from other Member States	Reference to the Court of Justice (Case 132/88)
	157E095	A/399/86	United Kingdom	Parafiscal charge levied by the Sea Fish Industry Authority	Terminated
	157E095	A/400/86	France	Contribution levied on potatoes	Reasoned opinion
	157E095	A/308/87	Spain	Taxation of imports of second-hand goods having the effect of double taxation	Reference to the Court of Justice (Case 119/89)

Sector	Legal basis	Inf. No.	Member State	Subject	Stage of proceedings
Indirect taxation (<i>cont'd</i>)	157E095	A/325/87	Greece	Taxation of imports of second-hand goods having the effect of double taxation	Reference to the Court of Justice (Case 159/89)
	157E095	A/341/87	Greece	Higher VAT on imported spirituous beverages than on national products	Reference to the Court of Justice (Case 230/89)
	157E095	A/77/88	Portugal	Administrative charge for the inspection of fruit and vegetables	Reasoned opinion
	157E095	A/275/88	Greece	VAT rate: silver-plated cutlery	Reasoned opinion
	157E095	A/300/88	Italy	Taxation of bananas	Reference to the Court of Justice (Case 380/89)
	157E095	A/336/88	Ireland	Measures introducing differential VAT rates on newspapers	Reasoned opinion
	157E095	A/369/88	Greece	VAT on imported cars	Reasoned opinion

ANNEX B

Infringement of directives

Contents

	Page
Statistical questions	83
Internal market and industrial affairs	83
Competition	112
Financial institutions and company law	112
Employment, social affairs and education	116
Environment, consumer protection and nuclear safety	119
Agriculture	136
Transport	158
Energy	162
Budgets	164
Customs union and indirect taxation	165
Telecommunications, information industries and innovation	171
Human resources, education, training and youth	171

Explanation of entries

78/546	= number of directive
(31. 12. 1980)	= deadline for incorporation of directive into national law
blank	= no measures notified by 31 December 1989 although measures may in fact have been taken (measures notified by MS currently under study)
yes	= national implementing measures notified
n.m.n.	= proceeding initiated or pursued on the grounds that no measures have been notified
n.p.i.	= proceedings pursued on the ground that the directive has not been properly incorporated into national law
n.p.a.	= proceedings pursued on the grounds that the directive is not being properly applied
1. 1. 1984	= deadline for incorporation by the particular Member State
A/74/82	= infringement number (.../82 = year in which proceedings were initiated)
Case 171/84	= number of case on Court of Justice register
Judgment 18. 3. 1980	= date of Court judgment
r.o.	= reasoned opinion

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
71/305 (29. 7. 1972)	Public works contracts	yes	yes	A/316/89 n.p.a. Case 243/89	yes	yes	yes	A/110/88 n.p.i. Case 299/89	A/342/88 n.p.a. r.o.	yes	yes	A/406/87 n.p.a. r.o.	yes
71/319 (29. 1. 1973)	Meters for liquide other than water	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/320 (30. 1. 1973)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/347 (15. 4. 1973)	Measuring of grain	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/348 (15. 4. 1973)	Meters for liquids other than water	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
71/349 (15. 4. 1973)	Calibration of tanks of vessels	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
72/277 (1. 1. 1981)	Public works contracts	yes	yes	yes	yes	yes	yes	A/110/88 n.p.i. Case 299/89	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	VK	EL	I	IRL	L	NL	P
75/35 (18. 12. 1975)	Movement and residence	yes	yes	yes	yes	yes	yes	yes	yes		yes	yes	
75/106 (31. 12. 1979)	Prepackaged liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/107 (20. 6. 1976)	Bottles used as measuring containers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/155 (1. 7. 1975)	Cocoa and chocolate	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
75/318 (22. 11. 1976)	Proprietary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	1. 1. 1991
75/319 (22. 11. 1976)	Proprietary medicinal products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	1. 1. 1991
75/324 (1. 1. 1981)	Aerosols		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/362 (20. 12. 1976)	Doctors	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
75/363 (20. 12. 1976)	Doctors	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes
75/368 (18. 6. 1976)	Freedom of establishment — various activities	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
76/765 (2. 8. 1978)	Alcoholmeters and alcohol hydrometers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/766 (2. 8. 1978)	Alcohol tables	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/767 (1. 1. 1981)	Pressure vessels	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/891 (1. 1. 1981)	Electrical energy meters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		
77/62 (22. 6. 1978)	Public supply contracts	yes	yes	yes	yes	yes	yes	A/382/84 n.p.a. Case 84/86	A/466/85 n.p.a. Judgment 5. 12. 1989 Case 3/88	yes	yes	yes	A/422/87 n.p.a. Case 247/89
77/212 (1. 1. 1981)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/249 (24. 3. 1979)	Lawyers	yes	A/56/83 n.p.i. Judgment 25. 2. 1988 Case 427/85	yes	yes	A/450/84 n.p.i. Case 294/89	yes	yes	yes	yes	yes	yes	yes
			A/367/89 n.p.i. 169 letter (Article 171)						A/28/89 n.p.a. r.o.				

Directive	Subject	B	D	DK	E	F	VK	EL	I	IRL	L	NL	P
78/1027 (21. 12. 1980)	Veterinary surgeons	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/1031 (7. 6. 1980)	Weight grading machines	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/138 (1. 4. 1979)	Analysis of fertilizers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/168 (1. 7. 1980)	Fruit juices	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/196 (8. 8. 1980)	Electrical equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/830 (1. 1. 1982)	Hot-water meters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/1005 (1. 1. 1981)	Prepackaged liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
80/154 (23. 1. 1983)	Midwives	yes	yes	yes				yes		yes		yes	yes
80/155 (23. 1. 1983)	Midwives	yes	yes	yes	A/225/88 n.p.i. Case 313/89			yes		yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
81/962 (1. 12. 1982)	Antioxidants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
81/1057 (30. 6. 1982)	Doctors, nurses, dentists and veterinary surgeons	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/76 (31. 12. 1982)	Doctors	yes		yes			yes		A/6/84 n.p.i. Judgment 7. 7. 1987 Case 49/86 A/88/112 n.p.i. Case 236/89	yes	yes	yes	yes
82/242 (8. 10. 1983)	Biodegradability of surfactants	yes	yes	yes	yes	yes	yes	yes	A/378/84 n.m.n. Judgment 2. 3. 1988 Case 309/86 A/202/89 n.m.n. 169 letter (Article 171)	yes	yes	yes	yes
82/243 (8. 10. 1983)	Biodegradability of surfactants	yes	yes	yes	yes	yes	yes	yes	A/379/84 n.m.n. Judgment 2. 3. 1988 Case 309/86 A/203/89 n.m.n. 169 letter (Article 171)	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
82/712 (30. 6. 1984)	Antioxidants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
82/806 (25. 11. 1983)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
82/890 (21. 6. 1984)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/953 (30. 9. 1983)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/128 (1. 1. 1986)	Clinical thermometers	yes	yes	yes	yes	yes	yes	yes	A/194/86 n.m.n. Case 99/88	yes	yes	yes	
83/189 (31. 3. 1984)	Technical standards	A/276/87 n.p.a. r.o.	A/341/88 n.p.a. r.o.	yes	yes	yes	yes	A/387/87 n.p.a. Case 29/89	yes	yes	A/420/88 n.p.a. r.o.	A/80/89 n.p.a. r.o.	A/418/88 n.p.a. r.o.
		A/407/88 n.p.a. r.o.						A/410/88 n.p.a. r.o.					
								A/424/88 n.p.a. r.o.					
								A/18/89 n.p.a. r.o.					
								A/33/89 n.p.a. r.o.					
								A/95/89 n.p.a. r.o.					
								A/99/89 n.p.a. r.o.					

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
84/47 (1. 1. 1985)	Electrical equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
84/291 (30. 4. 1985)	Pesticides	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/372 (1. 10. 1984)	Sound level of motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/414 (1. 1. 1986)	Thermometers	yes	yes	yes	yes	yes	yes	yes	A/199/86 n.m.n. Judgment 12. 7. 1988 Case 326/87	yes	yes	yes	
84/500 (17. 10. 1987)	Ceramic articles in contact with foodstuffs	A/460/88 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/525 (26. 3. 1986)	Seamless steel gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/35/87 n.m.n. Case 271/89	yes	
84/526 (26. 3. 1986)	Aluminium gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/278/87 n.m.n. Case 273/89	yes	
84/527 (26. 3. 1986)	Welded unalloyed steel gas cylinders	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/279/87 n.m.n. Case 275/89	yes	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
84/528 (26. 9. 1986)	Lifting and mechanical handling appliances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
84/529 (26. 9. 1986)	Lifts	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
84/532 (26. 3. 1986)	Construction plant and equipment	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
84/539 (26. 9. 1986)	Electro-medical equipment used in medicine	A/12/87 n.m.n. Case 311/89	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/41/87 n.m.n. Case 310/89	
85/1 (1. 7. 1985)	Units of measurements	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/10 (20. 12. 1985)	Prepackaged liquids	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
85/146 (1. 1. 1986)	Measures of length	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/205 (1. 10. 1985)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/374 (30. 7. 1988)	Defective products	A/145/89 n.m.n. 169 letter	A/148/89 n.m.n. 169 letter	yes	A/146/89 n.m.n. 169 letter	yes	yes	yes	yes	A/150/89 n.m.n. 169 letter	yes	A/151/89 n.m.n. 169 letter	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
85/610 (31. 12. 1987)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/614 (5. 8. 1987)	Architects	A/508/88 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/388/88 n.m.n. 169 letter	A/509/88 n.m.n. 169 letter	yes	yes	yes	
85/647 (30. 9. 1986)	Motor vehicles	yes	yes	yes	yes	yes	yes	A/438/87 n.m.n. I.O.	yes	yes	yes	yes	yes
86/17 (6. 8. 1987)	Architects	A/546/88 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/389/88 n.m.n. 169 letter	A/547/88 n.m.n. 169 letter	yes	yes	yes	
86/94 (31. 12. 1989)	Detergents	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/96 (19. 9. 1987)	Prepackaged products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/217 (30. 11. 1987)	Tyre pressure gauges	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/295 (30. 5. 1989)	Construction plant(roops)	A/610/89 n.m.n. 169 letter	A/592/89 n.m.n. 169 letter	A/622/89 n.m.n. 169 letter	A/602/89 n.m.n. 169 letter	yes	yes	A/586/89 n.m.n. 169 letter	yes	A/604/89 n.m.n. 169 letter	A/618/89 n.m.n. 169 letter	A/596/89 n.m.n. 169 letter	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
86/296 (30. 5. 1989)	Construction plant (fops)	A/611/89 n.m.n. 169 letter	A/593/89 n.m.n. 169 letter	A/623/89 n.m.n. 169 letter	yes	A/603/89 n.m.n. 169 letter	yes	A/587/89 n.m.n. 169 letter	yes	A/605/89 n.m.n. 169 letter	A/619/89 n.m.n. 169 letter	A/597/89 n.m.n. 169 letter	
86/297 (2. 1. 1988/ 1. 1. 1995)	Tractors — power take-offs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/298 (2. 6. 1988)	Tractors — protection structures	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/312 (27. 9. 1986)	Lifts	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/388 (1. 4. 1987)	Cellulose film in contact with foodstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/415 (1. 10. 1987)	Tractors	yes	yes	yes	yes	yes	yes	yes	A/78/88 n.m.n. Case 250/89	yes	yes	yes	
86/424 (15. 1. 1988)	Caseins and caseinates analysis	A/14/89 n.m.n. 169 letter	yes	yes	yes	yes	A/16/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	
86/457 (1. 1. 1988/ 1. 1. 1990)	Training in general medical practice	yes	A/53/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/56/89 n.m.n. r.o.	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
87/54 (7. 11. 1987)	Legal protection of semi-conductor topographies	A/209/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/449/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
87/56 (1. 1. 1988)	Sound level of motorcycles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/76 (1. 7. 1988)	Motor vehicles — air pollution	yes	yes	yes	yes	yes	yes	A/379/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
87/77 (1. 7. 1988)	Gaseous pollutants from diesel engines	yes	yes	yes	yes	yes	yes	A/380/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
87/94 (31. 12. 1987)	Straight fertilizers	A/229/89 n.m.n. 169 letter	yes	yes	yes	yes	A/238/89 n.m.n. 169 letter	A/296/89 n.m.n. 169 letter	A/294/89 n.m.n. 169 letter	yes	A/233/89 n.m.n. 169 letter	yes	
87/250 (1. 5. 1988— 1. 5. 1989)	Labelling of alcoholic beverages	yes	yes	yes	yes	A/114/89 n.m.n. 169 letter	yes	A/155/89 n.m.n. 169 letter	yes	yes	yes	yes	
87/308 (31. 12. 1988— 31. 12. 1989)	Radio interference	A/614/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/590/89 n.m.n. 169 letter	yes	A/608/89 n.m.n. 169 letter	A/616/89 n.m.n. 169 letter	A/600/89 n.m.n. 169 letter	
87/310 (31. 12. 1988— 31. 12. 1989)	Suppression of radio interference fluorescent lights	A/615/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/591/89 n.m.n. 169 letter	yes	A/609/89 n.m.n. 169 letter	A/617/89 n.m.n. 169 letter	A/601/89 n.m.n. 169 letter	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
87/354 (31. 12. 1987)	Industrial products — indications of Member States	A/396/88 n.m.n. r.o.	A/398/88 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/403/88 n.m.n. r.o.	yes	yes	yes	
87/355 (31. 12. 1987)	Measuring instruments	yes	yes	yes	yes	yes	yes	yes	A/404/88 n.m.n. r.o.	yes	yes	yes	
87/356 (30. 6. 1988)	Prepackaged products	yes	yes	yes	yes	yes	yes	yes	A/193/89 n.m.n. 169 letter	yes	yes	yes	
87/358 (1. 10. 1988)	Motor vehicles — type-approval	yes	yes	yes	yes	yes	yes	A/377/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
87/402 (26. 6. 1989)	Tractors	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
87/403 (1. 10. 1988)	Motor vehicles — type-approval	yes	yes	yes	yes	yes	yes	A/378/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
87/524 (6. 4. 1989)	Preserved milk products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
87/566 (31. 10. 1988)	Fertilizers — sampling and analysis	A/230/89 n.m.n. 169 letter	yes	yes	yes	yes	A/239/89 n.m.n. 169 letter	A/440/89 n.m.n. 169 letter	A/441/89 n.m.n. 169 letter	yes	A/234/89 n.m.n. 169 letter	yes	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
88/182 (1. 1. 1989)	Technical standards	yes	yes	yes	yes	yes	yes	yes		yes			
88/183 (25. 3. 1989)	Fluid fertilizers	yes	yes	yes	yes					yes			
88/194 (1. 10. 1988)	Motor vehicles — braking devices	yes	yes	yes	yes	yes	yes	A/381/89 n.m.n. 169 letter	A/392/89 n.m.n. 169 letter	yes	yes	yes	yes
88/195 (1. 4. 1988)	Motor vehicles — engine power	yes	yes	yes	yes	yes	yes	A/382/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
88/295 (1. 1. 1989)	Public supply contracts	yes	yes	yes	1. 3. 1992	yes	yes	1. 3. 1992	A/449/89 n.m.n. 169 letter	yes	yes	A/580/89 n.m.n. 169 letter	1. 3. 1992
88/297 (31. 12. 1988)	Tractors — type approval	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	
88/316 (30. 6. 1988)	Prepackaged liquids	yes	yes	yes	yes	A/191/89 n.m.n. 169 letter	yes	yes	A/194/89 n.m.n. 169 letter	A/196/89 n.m.n. 169 letter	yes	yes	yes
88/320 (1. 1. 1989)	Good laboratory practice	yes		yes			yes				yes		yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
88/366 (1. 10. 1988)	Motor vehicles — field of vision	yes	yes	yes	yes	yes	yes	A/383/89 n.m.n. 169 letter	A/393/89 n.m.n. 169 letter	yes	yes	yes	yes
88/388 (30. 12. 1989)	Flavourings												
88/410 (30. 9. 1988)	Tractors	yes	yes	yes	yes	yes	yes	A/384/89 n.m.n. 169 letter		yes	yes	yes	yes
88/411 (30. 9. 1988)	Tractors — steering equipment	yes	yes	yes	yes	yes	yes	A/385/89 n.m.n. 169 letter		yes	yes	yes	yes
88/412 (30. 9. 1988)	Tractors — speed	yes	yes	yes	yes	yes	yes	A/386/89 n.m.n. 169 letter		yes	yes	yes	yes
88/413 (30. 9. 1988)	Tractors — roll-over protection	yes	yes	yes	yes	yes	yes	A/387/89 n.m.n. 169 letter		yes	yes	yes	yes
88/414 (30. 9. 1988)	Tractors	yes	yes	yes	yes	yes	yes	A/388/89 n.m.n. 169 letter		yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
88/436 (1. 10. 1988)	Restriction of pollutant emissions from diesel engines		yes	yes	yes	yes	yes	A/389/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
88/465 (30. 9. 1988)	Tractors	yes	yes	yes	yes	yes	yes	A/390/89 n.m.n. 169 letter	yes	yes	yes	yes	
88/571 (31. 12. 1989)	Electrical equipment		yes			yes							
88/593 (1. 1. 1989)	Jams, jellies and marmalades												
89/105 (31. 12. 1989)	Pricing of medicinal products												
89/173 (31. 12. 1989)	Tractors		yes	yes		yes	yes						
89/235 (30. 9. 1989)	Motorcycles — sound level		yes	yes		yes	yes					yes	yes
89/240 (1. 1. 1989)	Self-propelled industrial trucks	A/613/89 n.m.n. 169 letter	yes	A/625/89 n.m.n. 169 letter	yes	yes	yes	A/589/89 n.m.n. 169 letter	A/595/89 n.m.n. 169 letter	A/607/89 n.m.n. 169 letter	A/621/89 n.m.n. 169 letter	A/599/89 n.m.n. 169 letter	
89/277 (30. 9. 1989)	Motor vehicles		yes	yes		yes	yes		yes	yes		yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
89/278 (30. 9. 1989)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
89/297 (30. 10. 1989)	Motor vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
89/344 (1. 1. 1988)	Cocoa and chocolate						yes						
89/516 (31. 12. 1989)	Motor vehicles		yes	yes		yes	yes			yes			
89/517 (31. 12. 1989)	Motor vehicles		yes	yes		yes	yes			yes			
89/518 (31. 12. 1989)	Motor vehicles		yes	yes		yes	yes			yes			
Competition													
88/301 (31. 12. 1988)	Telecommunications terminal equipment		yes		yes			yes	yes	yes	yes	yes	yes
Financial institutions and company law													
69/335 (1. 1. 1972)	Raising of capital	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
72/166 (31. 12. 1973)	Insurance against civil liability (green card)	yes	yes	yes	yes	yes	yes	yes	A/485/87 n.p.a. r.o.	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
73/79 (1. 1. 1976)	Capital duty	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
73/239 (31. 1. 1975)	Taking up of business of direct insurance	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/91 (16. 12. 1978)	Company law	A/404/86 n.p.n. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
77/799 (1. 1. 1979)	Mutual assistance	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/473 (2. 12. 1979)	Community co-insurance	yes	A/126/83 n.p.i. Judgment 4. 12. 1986 Case 205/84	A/57/82 n.p.i. Judgment 4. 12. 1986 Case 252/83	yes	A/265/81 n.p.i. Judgment 4. 12. 1986 Case 220/83	yes	yes	yes	A/127/83 n.p.i. Judgment 4. 12. 1986 Case 206/84	yes	yes	yes
78/660 (31. 1. 1982)	Annual accounts of companies	yes	yes	yes	yes	yes	yes	yes	A/306/82 n.m.n. Judgment 20. 3. 1986 Case 17/85	yes	yes	yes	yes
									A/433/88 n.m.n. 169 letter (Article 171)				

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
82/121 (30. 6. 1983)	Regular information to be published by companies	A/11/84 n.m.n. Judgment 12. 2. 1987 Case 390/85	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
		A/169/89 n.m.n. 169 letter (Article 171)											
82/891 (1. 1. 1986)	Division of public limited liability companies	A/129/86 n.m.n. Judgment 11. 5. 1989 Case 46/88	yes	yes	yes	yes	yes	yes	A/133/86 n.m.n. Case 90/88	yes	yes	yes	yes
83/349 (1. 1. 1988)	Consolidated accounts	A/319/89 n.m.n. 169 letter	A/379/87 n.p.i. r.o.	A/320/89 n.m.n. 169 letter	yes	yes	A/323/89 n.m.n. 169 letter	yes	A/321/89 n.m.n. 169 letter	A/322/89 n.m.n. 169 letter	yes	yes	A/314/89 n.m.n. 169 letter
84/5 (1. 1. 1988)	Insurance against civil liability	A/170/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/200/89 n.m.n. 169 letter	A/171/89 n.m.n. 169 letter	yes	A/172/89 n.m.n. 169 letter	yes	
84/253 (1. 1. 1988)	Audits of accounting documents	yes	yes	yes	yes	yes	A/327/89 n.m.n. 169 letter	yes	A/326/89 n.m.n. 169 letter	A/324/89 n.m.n. 169 letter	yes	A/328/89 n.m.n. 169 letter	yes
84/641 (30. 6. 1987)	Tourist assistance	yes	yes	yes	yes	yes	yes	A/177/89 n.m.n. 169 letter	A/178/89 n.m.n. 169 letter	yes	A/179/89 n.m.n. 169 letter	yes	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
85/303 (1. 1. 1986)	Indirect taxes on capital	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/611 (1. 1. 1989)	Undertakings for collective investments (UCIIS)		yes	yes	yes	yes	yes	yes		yes	yes		yes
88/220 (1. 10. 1989)	Undertakings for collective investments (UCIIS)		yes	yes	yes	yes	yes	yes		yes	yes		yes
88/357 (30. 12. 1989/ 30. 6. 1990)	Direct insurance												
68/360 (15. 7. 1969)	Movement and residence of workers	A/373/86 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/382/87 n.p.a. (delete) Case 68/89	yes

Employment, social affairs and education

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
75/129 (19. 2. 1987)	Collective redundancies	yes	yes	yes	yes	yes	yes	yes	A/45/78 n.m.n. Judgment 8. 6. 1982 Case 91/81	yes	yes	yes	yes
									A/102/83 n.m.n. Judgment 6. 11. 1985 Case 131/84				
76/207 (12. 8. 1978)	Equal treatment for men and women	yes	yes	yes	yes	A/144/85 n.p.i. Judgment 25. 10. 1988 Case 312/86	A/260/85 n.p.i. 169 letter (Article 171)	yes	yes	yes	yes	yes	yes
						A/312/84 n.p.i. Judgment 30. 6. 1988 Case 318/86	A/131/80 n.p.i. Judgment 8. 11. 1983 Case 165/82						
						A/350/89 n.p.i. 169 letter (Article 171)	A/84/82 n.p.i. (delete) Case 202/89						
						A/143/85 n.p.i. (delete) Case 202/89							
77/187 (16. 2. 1979)	Transfers of businesses	yes	yes	yes	yes	yes	yes	yes	A/462/87 n.p.i. r.o. A/24/82 n.p.i. Judgment 10. 7. 1986 Case 235/84	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
85/303 (1. 1. 1986)	Indirect taxes on capital	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes
85/611 (1. 1. 1989)	Undertakings for collective investments (UCIIS)		yes	yes	yes	yes	yes	yes		yes	yes		yes
88/220 (1. 10. 1989)	Undertakings for collective investments (UCIIS)		yes	yes	yes	yes	yes	yes		yes	yes		yes
88/357 (30. 12. 1989/ 30. 6. 1990)	Direct insurance												
Employment, social affairs and education													
68/360 (15. 7. 1969)	Movement and residence of workers	A/373/86 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/382/87 n.p.a. (delete) Case 68/89	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
75/129 (19. 2. 1987)	Collective redundancies	yes	yes	yes	yes	yes	yes	yes	A/45/78 n.m.n. Judgment 8. 6. 1982 Case 91/81	yes	yes	yes	yes
									A/102/83 n.m.n. Judgment 6. 11. 1985 Case 131/84				
76/207 (12. 8. 1978)	Equal treatment for men and women	yes	yes	yes	yes	A/144/85 n.p.i. Judgment 25. 10. 1988 Case 312/86	A/260/85 n.p.i. 169 letter (Article 171)	yes	yes	yes	yes	yes	yes
						A/312/84 n.p.i. Judgment 30. 6. 1988 Case 318/86	A/131/80 n.p.i. Judgment 8. 11. 1983 Case 165/82						
						A/350/89 n.p.i. 169 letter (Article 171)	A/84/82 n.p.i. (delete) Case 202/89						
						A/143/85 n.p.i. (delete) Case 202/89							
77/187 (16. 2. 1979)	Transfers of businesses	yes	yes	yes	yes	yes	yes	yes	A/462/87 n.p.i. r.o. A/24/82 n.p.i. Judgment 10. 7. 1986 Case 235/84	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
75/440 (18. 6. 1977)	Surface water	A/345/87 n.p.i. (delete) Case 290/89	A/372/87 n.p.a. (delete) Case 58/89	yes	A/81/88 n.p.a. (delete) Case 21/89	A/349/87 n.p.i. r.o.	yes	A/347/87 n.p.i. r.o.	yes	yes	yes	yes	
75/442 (18. 7. 1977)	Waste	A/102/78 n.m.n. Judgment 2. 2. 1982 Case 69/81	yes	yes	yes	yes	yes	yes	A/284/87 n.p.a. (delete) Case 48/89	yes	yes	yes	
		A/171/84 n.m.n. Judgment 14. 1. 1988 Case 228/85							A/239/88 n.p.a. r.o.				
		A/109/87 n.p.a. (delete) Case 162/89											
		A/71/88 n.p.a. r.o.											
76/160 (10. 12. 1977)	Bathing water	yes	A/393/87 n.p.a. r.o.	yes		yes	A/84/86 n.p.a. r.o.	A/315/87 n.p.a. r.o.	A/356/87 n.p.i. r.o.	yes	yes	yes	
							A/214/86 n.p.a. r.o.						

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
75/440 (18. 6. 1977)	Surface water	A/345/87 n.p.i. (delete) Case 290/89	A/372/87 n.p.a. (delete) Case 58/89	yes	A/81/88 n.p.a. (delete) Case 21/89	A/349/87 n.p.i. r.o.	yes	A/347/87 n.p.i. r.o.	yes	yes	yes	yes	
75/442 (18. 7. 1977)	Waste	A/102/78 n.m.n. Judgment 2. 2. 1982 Case 69/81	yes	yes	yes	yes	yes	yes	A/284/87 n.p.a. (delete) Case 48/89	yes	yes	yes	
		A/171/84 n.m.n. Judgment 14. 1. 1988 Case 228/85							A/239/88 n.p.a. r.o.				
		A/109/87 n.p.a. (delete) Case 162/89											
		A/71/88 n.p.a. r.o.											
76/160 (10. 12. 1977)	Bathing water	yes	A/393/87 n.p.a. r.o.	yes		yes	A/84/86 n.p.a. r.o.	A/315/87 n.p.a. r.o.	A/356/87 n.p.i. r.o.	yes	yes	yes	
							A/214/86 n.p.a. r.o.						

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
76/403 (9. 4. 1978)	Disposal of PCBs and PCTs	A/94/79 n.m.n. Judgment 2. 2. 1982 Case 71/81	yes	yes	yes	yes	yes	yes	A/285/87 n.p.a. (delete) Case 48/89	yes	yes	yes	
		A/172/84 n.m.n. Judgment 24. 1. 1988 Case 230/85											
		A/110/87 n.p.a. (delete) Case 162/89											
76/464 (15. 3. 1977)	Pollution — dangerous substances in the sea	A/289/88 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/579 (3. 6. 1978/ 30. 6. 1980)	Health — ionizing radiation				yes			yes				yes	
76/768 (31. 12. 1980)	Cosmetics	yes	yes	yes	A/371/87 n.p.a. r.o.	A/390/86 n.p.i. r.o.	yes	A/421/86 n.p.i. r.o.	yes	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
78/176 (22. 2. 1979)	Waste from the titanium dioxide industry	A/135/79 n.m.n. Judgment 2. 2. 1982 Case 68/81	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
		A/169/84 n.m.n. Judgment 14. 1. 1988 Case 227/85 (Article 171)											
78/319 (22. 3. 1980)	Toxic and dangerous wastes	A/169/83 n.p.i. Judgment 2. 12. 1986 Case 239/85	yes	yes	A/81/88 n.p.a. (delete) Case 21/89	yes	yes	yes	A/286/87 n.p.a. (delete) Case 48/89	yes	yes	yes	1. 1. 1989
		A/111/87 n.p.a. (delete) Case 162/89											
78/659 (20. 7. 1980)	Quality of fresh waters	yes	yes	yes	yes	yes	yes	yes	A/71/85 n.p.i. Judgment 12. 7. 1988 Case 322/86	yes	yes	yes	
79/76 (27. 6. 1979)	Analysis of fibres	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
79/112 (22. 12. 1980/ 22. 12. 1982/ 22. 12. 1984)	Labelling of foodstuffs	yes	yes	yes	yes	yes	yes	yes	A/101/87 n.p.a. (delete) Case 177/89	yes	yes	yes	yes
									A/243/88 n.p.a. r.o.				

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
79/581 (20. 6. 1981)	Prices of foodstuffs	A/306/86 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/831 (18. 9. 1981/ 18. 9. 1983)	Dangerous substances	yes	A/339/87 n.p.a. r.o.	A/38/84 n.p.i. Judgment 14. 10. 1987 Case 278/85	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/869 (11. 10. 1981)	Analysis of surface water	A/346/87 n.p.i. (delete) Case 290/89	A/372/87 n.p.a. (delete) Case 58/89	yes	yes	A/350/87 n.p.i. r.o.	yes	A/348/87 n.p.i. r.o.	yes	yes	yes	yes	yes
79/923 (5. 11. 1981)	Quality of shellfish waters	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
80/68 (19. 12. 1981)	Protection of groundwater	A/281/84 n.p.i. Judgment 17. 6. 1987 Case 1/86	A/121/86 n.p.i. (delete) Case 131/88	yes	A/81/88 n.p.a. (delete) Case 21/89	yes	A/354/88 n.p.a. r.o.	yes	A/86/86 n.p.a. (delete) Case 360/87	yes	yes	A/71/83 n.m.n. Judgment 17. 9. 1987 Case 291/84	yes
		A/291/88 n.p.i. 169 letter (Article 171)										A/532/88 n.m.n. 169 letter (Article 171)	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
82/884 (9. 12. 1984)	Limit value for lead in the air	yes	A/36/88 n.p.i. (delete) Case 59/89	yes	yes	A/510/87 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	
83/129 (1. 10. 1983/ 1. 10. 1985)	Seal pups	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes
83/191 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/206 (26. 4. 1984)	Noise emissions of aircraft	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/341 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/467 (1. 1. 1985)	Dangerous substances	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
83/496 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/513 (28. 9. 1983)	Cadmium discharges	yes	yes	yes	yes	A/205/88 n.p.i. r.o.	A/168/87 n.p.i. r.o.	yes	A/369/87 n.p.i. (delete) Case 70/89	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
83/514 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/574 (31. 12. 1984)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
83/623 (29. 11. 1985)	Textile names	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/156 (12. 3. 1986)	Mercury discharges	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/360 (30. 6. 1987)	Air pollution	yes	yes	yes	yes	yes	yes	A/212/88 n.m.n. (delete) Case 257/89	yes	yes	yes	yes	yes
84/415 (31. 12. 1985)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/449 (1. 7. 1985)	Dangerous substances		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
84/450 (1. 10. 1986)	Misleading advertising	A/488/86 n.m.n. Judgment 16. 11. 1989 Case 360/89	yes	yes	yes	yes	yes	A/499/86 n.m.n. Judgment 6. 12. 1989 Case 256/89	A/54/88 n.m.n. (delete) Case 256/89	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
84/537 (26. 3. 1986)	Sound power level of powered hand-held concrete-breakers and picks	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
84/538 (1. 7. 1987)	Sound power level of lawnmowers	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
84/631 (1. 10. 1985)	Transfrontier shipment of hazardous waste	A/71/88 n.p.a. r.o.	A/85/88 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/76/89 n.p.a. 169 letter
85/203 (1. 1. 1987)	Air quality standards for nitrogen dioxide	yes	yes	yes	yes	A/511/87 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	yes
85/210 (1. 1. 1986)	Lead content of petrol	A/565/87 n.p.i. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/337 (1. 7. 1988)	The effects of public and private projects on the environment	yes	yes	A/64/89 n.m.n. 169 letter	yes	yes	yes	A/363/89 n.m.n. 169 letter	yes	yes	yes	yes	
85/339 (3. 7. 1987)	Containers of liquids for human consumption	A/330/87 n.p.a. (delete) Case 330/89	yes	yes	A/337/87 n.p.a. r.o.	A/332/87 n.p.a. r.o.	yes	A/351/88 n.p.a. r.o.	yes	yes	A/334/87 n.p.a. (delete) Case 252/89	yes	A/338/87 n.p.a. r.o.
													A/157/88 n.m.n. (delete) Case 252/89

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
87/140 (1. 9. 1988)	Textile names	A/256/89 n.m.n. 169 letter	yes	A/424/89 n.m.n. 169 letter	yes	yes	yes	A/373/89 n.m.n. 169 letter	A/430/89 n.m.n. 169 letter	yes	A/257/89 n.m.n. 169 letter	A/250/89 n.m.n. 169 letter	
87/143 (1. 7. 1988)	Cosmetics	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
87/184 (1. 7. 1988)	Textile names	yes	yes	A/660/89 n.m.n. 169 letter	yes	yes	yes	yes	A/431/89 n.m.n. 169 letter		A/249/89 n.m.n. 169 letter	yes	
87/216 (24. 9. 1988)	Major-accident hazards	yes	yes	yes	A/423/89 n.m.n. 169 letter	yes	yes	yes	yes	A/253/89 n.m.n. 169 letter	yes	yes	yes
87/217 (31. 12. 1988)	Environmental pollution by asbestos	yes	yes	yes	yes	yes	yes	A/582/89 n.m.n. 169 letter		A/478/89 n.m.n. 169 letter	yes	yes	
87/219 (31. 12. 1988)	Sulphur content of liquid fuels	yes	A/584/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	A/585/89 n.m.n. 169 letter	yes	yes	yes
87/252 (1. 1. 1988)	Sound power level of lawnmowers	A/431/88 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/531/88 n.m.n. 169 letter	A/205/89 n.m.n. 169 letter	yes	yes	yes	
87/357 (26. 6. 1989)	Health and safety of consumers		yes			yes	yes	yes					yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
74/577 (1. 7. 1975)	Slaughter of animals	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
74/647 (10. 12. 1975)	Carnation leaf-rollers	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes
74/649 (31. 12. 1985)	Material for the vegetative propagation of the vine	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/431 (1. 1. 1977)	Trade in fresh poultry meat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/444 (31. 12. 1985)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/502 (31. 12. 1985)	Seed of smooth-stalk meadowgrass	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/331 (31. 12. 1985)	Beet seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/895 (26. 11. 1978)	Pesticide residues — fruit and vegetables	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
77/93 (1. 5. 1980)	Harmful organisms	yes	yes	yes	yes	yes	yes	yes	A/323/87 n.p.a. (delete) Case 128/89	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
80/665 (1. 3. 1981)	Potato ring rot	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
80/695 (1. 1. 1981)	Compound feedingsuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
80/754 (31. 12. 1985)	Fodder plant seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
80/879 (1. 1. 1981)	Marking of large packagings of poultrymeat	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
80/1098 (1. 7. 1981)	Swine vesicular disease and swine fever	yes	yes	yes	yes	yes	yes	yes	A/258/83 n.m.n. Judgment 29. 1. 1987 Case 364/85	yes	yes	yes	
80/1099 (1. 7. 1981)	Swine vesicular disease and swine fever	yes	yes	yes	yes	yes	yes	yes	A/454/88 n.m.n. r.o. (Article 171)	yes	yes	yes	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
80/1100 (1. 7. 1981)	Swine vesicular disease and swine fever	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
80/1102 (1. 1. 1981)	Enzootic bovine leukosis	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/36 (1. 1. 1982)	Pesticide residues — fruit and vegetables	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
81/389 (23. 8. 1983)	Protection of animals during international transport	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
81/602 (3. 11. 1981)	Substances having a hormonal or thyrostatic effect	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/287 (1. 1. 1982/ 1. 1. 1983)	Seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
82/331 (1. 7. 1982)	Propagation of vine	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
82/400	Eradication of brucellosis	yes	yes	yes	yes	yes	yes	yes	yes	A/200/87 n.p.a. r.o.	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
86/155 (1. 3. 1986/ 1. 7. 1987)	Seed and plants	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/174 (30. 6. 1987)	Compound poultry/food	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/267 (1. 1. 1987)	Vine varieties	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/299 (31. 12. 1987)	Undesirable products	yes	yes	yes	yes	yes	yes	yes	A/516/89 n.m.n. r.o.	yes	yes	yes	yes
86/300 (31. 12. 1987)	Additives in feedingsuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
86/320 (1. 7. 1987)	Cereal seed	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/354 (3. 12. 1988)	Feedingsuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/355 (1. 7. 1987)	Plant protection products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/362 (30. 6. 1988)	Pesticide residues in and on cereals	yes	yes	yes	yes	yes	yes	yes	A/434/89 n.m.n. 169 letter	yes	A/432/89 n.m.n. 169 letter	yes	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
87/316 (30. 11. 1987)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	A/137/88 n.m.n. r.o.	yes	yes	yes	yes
87/317 (30. 11. 1987)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	A/138/88 n.m.n. r.o.	yes	yes	yes	yes
87/328 (1. 1. 1989)	Pure-bred breeding animals — bovine species	yes	A/504/89 n.m.n. 169 letter	yes	yes	yes	yes	A/508/89 n.m.n. 169 letter	yes	A/449/88 n.p.a. r.o.	A/496/89 n.m.n. 169 letter	A/500/89 n.m.n. 169 letter	yes
87/477 (1. 1. 1988)	Plant protection products	yes	yes	yes	yes	yes	A/537/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes
87/481 (1. 7. 1989)	Vegetable seed		yes	yes	yes	yes	yes						yes
87/486 (31. 12. 1987)	Swine fever	A/502/89 n.m.n. r.o.	yes	yes	yes	yes	yes	yes	A/499/88 n.m.n. r.o.	yes	yes	yes	yes
87/489 (31. 12. 1988)	Swine fever	A/513/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	A/497/89 n.m.n. 169 letter	yes	yes	yes	yes

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
87/491 (1. 1. 1988)	Meat products	yes	yes	yes	yes	yes	yes	yes	A/542/88 n.m.n. r.o.	yes	yes	yes	
87/552 (30. 11. 1988)	Additives in feedingsuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/95 (1. 7. 1988)	Beet seed	A/285/89 n.m.n. 169 letter	yes	yes	yes	A/287/89 n.m.n. 169 letter	yes	yes	A/289/89 n.m.n. 169 letter	yes	A/290/89 n.m.n. 169 letter	yes	yes
88/146 (31. 12. 1988)	Prohibited substances having a hormonal action	A/514/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/509/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
88/166 (1. 7. 1987)	Protection of laying hens kept in battery cages	yes	yes	yes	yes	yes	yes	yes	yes	A/541/88 n.m.n. r.o.	yes	yes	yes
88/228 (15. 5. 1988)	Additives in feedingsuffs	yes	yes	yes	yes	yes	A/515/88 n.m.n. r.o.	yes	yes	yes	yes	yes	yes
88/271 (1. 1. 1989/ 31. 3. 1989)	Harmful organisms	yes	yes	A/480/89 n.m.n. 169 letter	yes	A/483/89 n.m.n. 169 letter	yes	A/486/89 n.m.n. 169 letter	yes	yes	yes	yes	yes
88/288 (1. 1. 1989)	Trade in fresh meat	A/515/89 n.m.n. 169 letter	yes	yes	yes	yes	A/490/89 n.m.n. 169 letter	A/510/89 n.m.n. 169 letter	A/498/89 n.m.n. 169 letter	yes	yes	A/501/89 n.m.n. 169 letter	

Directive	Subject	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
88/289 (1. 1. 1989)	Importation of bovine animals and swine	A/516/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/511/89 n.m.n. 169 letter	A/499/89 n.m.n. 169 letter	yes	yes	A/502/89 n.m.n. 169 letter	
88/298 (1. 7. 1988)	Pesticide residues	yes	A/438/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	A/436/89 n.m.n. 169 letter	yes		yes	
88/299 (31. 12. 1988)	Substances having a hormonal action — trade in animals									yes	yes	yes	
88/406 (1. 9. 1988)	Enzootic bovine leucosis	yes	A/274/89 n.m.n. 169 letter	A/273/89 n.m.n. 169 letter	yes	yes	yes	A/272/89 n.m.n. 169 letter	A/271/89 n.m.n. 169 letter	yes	yes	yes	
88/430 (1. 1. 1989)	Harmful organisms	yes	yes	A/481/89 n.m.n. 169 letter	yes	A/484/89 n.m.n. 169 letter	yes	A/487/89 n.m.n. 169 letter	yes	yes	yes	yes	
88/483 (30. 6. 1989)	Additives in feedingstuffs	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/485 (30. 6. 1989)	Animal nutrition	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
88/572 (1. 1. 1989)	Harmful organisms	yes	yes	A/482/89 n.m.n. 169 letter	yes	A/485/89 n.m.n. 169 letter	yes	A/488/89 n.m.n. 169 letter	yes	yes	yes	yes	

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
88/616 (30. 6. 1989)	Additives in feedingsuffe	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		yes
89/186 (1. 8. 1989)	Pesticide residues — fruit and vegetables	yes	yes	yes	yes	yes	yes	yes		yes			
89/321 (1. 9. 1989)	Trichinae	yes	yes	yes	yes	yes	yes			yes		yes	
89/360 (1. 10. 1989)	Testing of brucellosis	yes	yes	yes	yes	yes	yes			yes	yes	yes	
89/365 (31. 12. 1989)	Plant protection products	yes	yes	yes	yes	yes	yes		yes				yes
Transports													
74/561 (31. 12. 1976)	Admission to the occupation of road haulage operator	yes	yes	yes	yes	yes	yes	A/317/85 n.m.n. (delete) Case 89/88	A/85/79 n.m.n. Judgement 10. 11. 1981 Case 28/81	yes	yes	yes	yes
									A/175/83 n.m.n. Judgement 5. 11. 1986 Case 160/85				

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
83/416 (1. 10. 1984)	Authorization of air transport services	yes	yes	yes	yes	yes	A/241/87 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes
84/647 (30. 6. 1986)	Hired vehicles for the carriage of goods	yes	yes	yes	yes	yes	yes	yes	A/451/87 n.m.n. r.o.	yes	yes	yes	yes
85/3 (1. 7. 1986/ 1. 1. 1990)	Weights and dimensions of certain vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/347 (1. 10. 1985)	Duty-free allowance for fuel	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/505 (1. 1. 1987)	Authorization — carriage of goods	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
85/579 (1. 1. 1986)	Admission to the occupation of road passenger transport operator	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/216 (30. 6. 1986/ 1. 7. 1993)	Air transport of passengers	yes	yes	yes	yes	yes	A/301/87 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
86/360 (1. 7. 1986/ 1. 1. 1990/ 1. 1. 1992)	Weights and dimensions of certain vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/364 (29. 7. 1987)	Weights and dimensions of certain vehicles	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/544 (1. 7. 1987)	Combined carriage of goods	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/540 (30. 6. 1988)	Access to occupation of carrier of goods by waterway	A/364/89 n.m.n. 169 letter	A/456/89 n.m.n. 169 letter	yes	yes	A/365/89 n.m.n. 169 letter	yes	yes	yes	yes	A/366/89 n.m.n. 169 letter		yes
87/601 (31. 12. 1987)	Fares for scheduled air services	yes	yes	yes	yes	yes	yes	yes	yes	yes	A/495/88 n.m.n. 169 letter		
89/463 (1. 11. 1989)	Interregional air services												
68/414 (1. 1. 1971)	Stocks of crude oil	yes	yes	yes	yes	yes	yes	A/316/88 n.p.a. r.o.	yes	yes	yes	yes	yes

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
72/425 (1. 1. 1975)	Stocks of crude oil	yes	yes	yes	yes	yes	yes	A/316/88 n.p.a. r.o.	yes	yes	yes	yes	
75/339 (1. 1. 1978)	Stocks of fossil fuel	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/404 (31. 12. 1975)	Registration of the use of natural gas	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
75/405 (31. 12. 1975)	Registration of the use of petroleum products	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
76/491 (1. 1. 1977)	Mineral-oil price	A/97/89 n.m.n. (delete) Case 374/89	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
78/170 (1. 7. 1980/ 1. 1. 1981)	Heat generators	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
82/885 (16. 6. 1984)	Heat generators	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
85/536 (1. 1. 1988)	Crude-oil savings	A/173/89 n.m.n. 169 letter	yes	yes	yes	yes	yes	yes	A/175/89 n.m.n. 169 letter	yes	yes	A/297/89 n.m.n. 169 letter	yes

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
79/623 (1. 1. 1982)	Customs debt	yes	A/355/87 n.p.a. r.o.	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
79/695 (1. 7. 1982)	Release for free circulation	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
81/177 (1. 1. 1983)	Procedures for the export of goods	yes	yes	yes	yes	yes	yes	yes	A/168/83 n.m.n. Judgment 30. 4. 1986 Case 158/85	yes	yes	yes	yes
82/57 (1. 7. 1982)	Release for free circulation	yes	yes	yes	yes	yes	yes	yes	A/183/84 n.p.a. Judgment 27. 1. 1987 Case 275/85	yes	yes	yes	yes
									A/240/88 n.p.a. r.o. (Article 171)				

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
82/347 (1. 1. 1983)	Procedures for the export of goods	yes	yes	yes	yes	yes	yes	yes	A/162/83 n.m.n. Judgment 30. 4. 1986 Case 158/85 A/503/87 n.m.n. (delete) Case 208/89 (Article 171)	yes	yes	yes	yes
83/643 (31. 12. 1984/ 31. 12. 1986)	Inspections in respect of the carriage of goods	A/67/89 n.p.a. r.o.	A/281/87 n.p.a. Judgment 28. 11. 1989 Case 186/88	yes	yes	yes	yes	A/475/86 n.p.a. (delete) Case 205/89	A/114/86 n.p.a. Judgment 30. 5. 1989 Case 340/87	yes	yes	yes	yes
								A/322/88 n.p.a. r.o.	A/366/87 n.p.a. (delete) Case 187/89				
									A/33/88 n.p.a. (delete) case 209/89				
									A/314/88 n.p.a. r.o.				
									A/42/89 n.p.a. r.o.				

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
85/479 (1. 1. 1986)	Mutual assistance	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
86/489 (1. 1. 1987)	Mutual assistance	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
87/53 (1. 1. 1987)	Physical inspections in respect of the carriage of goods	yes	yes	yes	yes	yes	yes	A/352/88 n.m.n. r.o.	A/353/88 n.m.n. r.o.	yes	yes	yes	yes
Indirect taxation													
69/169 (1. 1. 1970)	Tax-free allowances in international travel	yes	A/40/82 n.p.a. Judgment 14. 2. 1984 Case 325/82	A/298/87 n.p.a. r.o.	yes	yes	yes	yes	yes	A/96/86 n.p.a. (delete) Case 367/88	yes	yes	yes
72/464 (1. 7. 1973)	Tax on manufactured tobacco	yes	A/320/85 n.p.a. r.o. (Article 171)	A/328/87 n.p.a. (delete) Case 208/88	yes	yes	yes	yes	yes	A/247/87 n.p.a. (delete) Case 158/88	yes	yes	A/491/87 n.p.a. r.o.

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
77/388 (1. 1. 1978)	Sixth VAT Directive	yes	yes	yes	A/323/88 n.p.a. r.o.	A/53/88 n.p.a. r.o.	A/202/88 n.p.a. r.o.	A/199/88 n.p.a. r.o.	A/262/81 n.p.a. Judgment 28. 6. 1988 Case 3/86	yes	yes	A/153/83 n.p.a. Judgment 26. 3. 1987 Case 235/85	yes
						A/213/88 n.p.a. r.o.			A/188/84 n.p.a. Judgment 21. 6. 1988 Case 257/85			A/201/88 n.p.a. r.o.	
									A/209/85 n.p.a. Judgment 24. 5. 1988 Case 122/87			A/337/88 n.p.a. 169 letter (Article 171)	
									A/428/89 n.p.a. 169 letter (Article 171)				
									A/429/89 n.p.a. 169 letter (Article 171)				
									A/663/89 n.p.a. 169 letter (Article 171)				
83/181 (1. 7. 1984)	Importation of goods	yes	yes	yes	yes	yes	yes	yes	A/422/84 n.m.n. Judgment 24. 11. 1987 Case 125/86	yes	yes	yes	yes
									A/446/88 n.m.n. 169 letter (Article 171)				

Directive	Subjekt	B	D	DK	E	F	UK	EL	I	IRL	L	NL	P
88/664 (1. 7. 1989)	Exemption on imports in international travel	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Telecommunications, information industries and innovation													
86/361 (26. 7. 1987)	Mutual recognition of type-approval for telecommunications terminal equipment	A/630/89 n.m.n. 169 letter	yes	A/632/89 n.m.n. 169 letter	yes	A/628/89 n.m.n. 169 letter	A/634/89 n.m.n. 169 letter	A/636/89 n.m.n. 169 letter	yes	A/638/89 n.m.n. 169 letter	A/640/89 n.m.n. 169 letter	A/642/89 n.m.n. 169 letter	
87/372 (26. 12. 1988)	Frequency bands reserved for public communications	A/631/89 n.m.n. 169 letter	yes	A/633/89 n.m.n. 169 letter	yes	yes	A/635/89 n.m.n. 169 letter	A/637/89 n.m.n. 169 letter	A/629/89 n.m.n. 169 letter	A/639/89 n.m.n. 169 letter	A/641/89 n.m.n. 169 letter	A/643/89 n.m.n. 169 letter	
Task Force for Human Resources, Education, Training and Youth													
77/486 (2. 8. 1981/ 31. 10. 1982)	Education of the children of migrant workers		yes		yes				yes				yes

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