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**FOURTEENTH ANNUAL REPORT**  
**on monitoring the application of Community law**

**— 1996 —**

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## INTRODUCTION

Each year the European Commission draws up a report on the monitoring of the application of Community law in response to requests made by the European Parliament (resolution of 9 February 1983) and the Member States (point 2 of Declaration No 19 annexed to the Treaty signed at Maastricht on 7 February 1992). The report also meets requests from the European Council and the Council for information on specific sectors.

As Parliament declared in its 1983 resolution, 'the uniform, complete and simultaneous application of Community law in all Member States is a fundamental prerequisite for the existence of a Community governed by the rule of law'<sup>(1)</sup> That is the measure of the importance of the Commission's function of guardian of the Treaties, conferred on it by Article 155 of the EC Treaty. The Commission has a specific means of giving effect to its responsibility in this respect — the infringement procedure laid down by Article 169 of the Treaty.

1996 was a good year for the application of Article 169, as can be seen from the statistics (fall in number of complaints) and the measures taken by the Commission to improve the operation and effectiveness of the infringement procedure.

The Commission adopted a series of measures to improve its working methods and make the management of procedures quicker, simpler and more transparent. The measures taken by it and applying to all its departments were supported by more specific measures regarding the internal market (communication on the impact and effectiveness of the internal market<sup>(2)</sup>) and the environment (communication concerning the implementation of Community environment law<sup>(3)</sup>).

These improvements have already produced an impact on the statistics for the past year, particularly as regards the number of decisions notified to the Member States.

Analysis of the results reveals four major trends:

- the number of decisions serving Article 169 letters or reasoned opinions on Member States is up quite sharply,
- the number of complaints is down by 15%. This pattern — already observed in the thirteenth report

- follows on from a relatively stable period as regards the number of complaints. The thirteenth report offered a number of explanations. The scale of the decline in 1996 is such that the matter must be raised again this year,

- the number of cases terminated remains high,
- there has been sustained activity in the form of package meetings on directives.

The statistics on progress in implementing directives merit special attention. There was a slight improvement in the rate of notification of national implementing measures in 1996.

The Commission is not only endeavouring to improve its working methods. It is also determined to make full use of all the rights conferred on it by the Treaties. For instance, it adopted a memorandum concerning the implementation of the second subparagraph of Article 171 (2) of the EC Treaty<sup>(4)</sup> and a method of calculating the penalty payments provided for by that Article<sup>(5)</sup>, which it applied in January 1997, the first time the new provisions introduced at Maastricht were applied in practice.

It was also at pains to ease the task of the European Ombudsman, following his first investigation into the Commission's management of infringement proceedings, in strict compliance with the two sides' respective jurisdictions.

This introduction will consider five points in turn:

- I. Measures to improve the infringements procedure
- II. Statistical trends in 1996
- III. Progress in implementing directives in 1996
- IV. The implementation of the second subparagraph of Article 171 (2) of the EC Treaty
- V. Initial investigations by the European Ombudsman into infringement proceedings

<sup>(1)</sup> Point 1.

<sup>(2)</sup> COM(96) 520 final.

<sup>(3)</sup> COM(96) 500 final; see point 1.1 of the environment chapter.

<sup>(4)</sup> OJ C 242, 21. 8. 1996, p. 6.

<sup>(5)</sup> Adopted on 8 January 1997: OJ C 63, 28. 2. 1997, p. 2.

## I. MEASURES TO IMPROVE THE INFRINGEMENT PROCEDURE

The object of the infringement procedure laid down by the EC Treaty is to cause Member States to rectify infringement situations before coming to the litigation stage proper. The action in the Court of Justice is preceded by at least two pre-litigation stages (the 'Article 169 letter' and the reasoned opinion), each of which necessitates a Commission decision. This multi-stage procedure obviates the need for a Court action in more than 80 % of cases<sup>(1)</sup>, but it is by definition time-consuming.

While the Commission must seek to have the situation rectified, it cannot do so at any price. It cannot accept excessively long reply periods, or absence of a reply, or the dilatory replies sometimes received from Member States, and must do what it can to reduce the time taken to scrutinize a case.

The Commission's concern to streamline the infringement procedure has already prompted a series of improvements to working methods, most recently in 1993. Lengthening timespans, cumbersome and sometimes inappropriate internal procedures, a degree of confidentiality that is perceived as excessive and repeated requests from Parliament for greater speed and transparency<sup>(2)</sup> militated in favour of improvements on three fronts:

- quicker processing of cases (A),
- simplification of internal procedural rules (B), and
- transparency of Commission decisions in infringement cases (C).

### A. Quicker processing of cases

The Commission, as invited by Parliament's resolution on the 12th report<sup>(3)</sup>, adopted a number of measures, of which three are especially noteworthy: priorities in the processing of complaints (i), stricter adherence to time-limits for opening and terminating proceedings (ii) and quicker preparation of reasoned opinions (iii).

- (i) In the Article 169 procedure, all complaints are registered and passed on for departmental scrutiny irrespective of the seriousness of the alleged facts or

<sup>(1)</sup> See Annex II, table 2.3.

<sup>(2)</sup> Points 23 and 25 of Parliament's resolution on the 12th report and point 8 of its resolution on the 13th report.

<sup>(3)</sup> Points 23 and 25.

infringements of Community law and whether or not they are of 'Community interest'. The Commission has nonetheless established certain priorities for the processing of complaints, as certain alleged infringements can be dealt with outside the Article 169 procedure, for instance by a direct approach to the Member States' authorities. The priorities are as follows:

- infringements which cause the greatest harm for the Community legal order, i.e. failure to transpose directives and failure of national measures to comply with Community law in general,
- horizontal cases of incorrect application, particularly those detected from a series of specific complaints by individuals,
- infringements that seriously violate the interests that the relevant legislation is supposed to protect,
- infringements in relation to Community co-financing.

This is not to say, of course, that non-priority cases are actually neglected.

- (ii) To speed up the processing of infringement cases, the Commission has insisted on adherence to internal procedural deadlines. The rule is that in any suspected infringement case the decision to commence proceedings (Article 169 letter) or to terminate them must be taken within the year following registration of the complaint or the own-motion detection. Obviously this will be tricky where negotiations are in progress with the Member State attacked or where that Member State has announced measures. Even if the Commission accepts exceptions from the time-limit where it is clear that the Member State will be rectifying the situation, it has nonetheless opted for strict rules, as the credibility of its action depends very much on the speed with which it acts.

This being so, the decision to send an Article 169 letter can be taken all the sooner; it is not the outcome of negotiations with the Member State but rather a valuable stage in the negotiations. What the letter does in fact, according to Article 169, is to call on the Member State to 'present its observations'. It therefore seems important to give the letter its full function; the Member State is not condemned but simply given the opportunity to explain its action. With it, the Commission pursues

two objectives: strict compliance with the principle of the adversary procedure and assistance to the Member State in rectifying the situation before taking the case to the Court of Justice. The Commission is thus restoring the genuine function of the Article 169 letter, which is to facilitate veritable dialogue with the Member State in full respect for its rights, and to do so at the earliest possible opportunity.

- (iii) The Commission has taken the measures needed to ensure that from 1997 onwards the text of the reasoned opinion will be ready before the decision to issue it is taken. The Member State will then be apprised of it in advance, whereas hitherto there was an interval of sometimes several months between the decision to issue the reasoned opinion and its actual issuance.

### B. Simplification of procedural rules

Simplifying the procedural rules for processing infringement cases entails lightening the general burden of work at departmental level and the work of preparing the full cm's discussions while keeping pace with the volume of cases to be handled. For instance, there is greater use of the simplified termination procedure for suspected infringements, where cases are closed without going through the full set of stages usually applicable. Cases are closed by the simplified procedure after the Legal Service has approved and the proposal has been referred to the full Commission. It is possible only in cases where either the complaint is clearly unfounded or the requisite evidence is lacking or the complainant does not follow the case up.

### C. Greater transparency in Commission decisions

The Commission reviewed the rules governing the publicity surrounding its infringement decisions in the light of the general evolution of attitudes to transparency, its own determination to make its action more visible and repeated requests from Parliament (<sup>1</sup>).

Publicity is now the general rule for decisions to issue reasoned opinions and referrals to the Court of Justice; a press release will always be put out, unless the Commission decides otherwise, without awaiting the actual issuance or referral. A copy will be sent to the Member State before publication.

Before 1996, Commission press releases concerning infringement decisions were the exception rather than the rule. The new policy has already borne fruit, as there were 32 press releases on internal market matters alone in 1996. There were a further 19 concerning the environment, two concerning transport and one in a social case. Many of these press releases covered several cases. A good number were cited in both the international and the national or regional press. Termination decisions were often also announced in press releases.

There has been no change in relation to Article 169 letters; the principle of confidentiality always applies here, though not in cases based on Article 171 or proceedings for failure to notify national measures implementing directives. Otherwise, an express Commission decision is needed to authorize a press release. Article 169 letters never contain the Commission's final decision, being designed to help the Member State rectify the situation.

The Commission's actual decisions, of course, remain confidential.

## II. STATISTICAL TRENDS IN 1996

Analysis of the infringement proceedings statistics for 1996 yields a bright result; among other things, the number of complaints is down.

There are four major trends:

- declining number of complaints, cases to which attention is drawn by MEPs and cases detected by the Commission's own investigations (A),
- continued high frequency of cases terminated (B),
- sharp increase in the number of Article 169 letters and reasoned opinions sent by the Commission to Member States (C),
- sustained activity regarding package meetings and missions on directives (D)

### A. Declining number of complaints, cases to which attention is drawn by MEPs and cases detected by the Commission's own investigations

The number of complaints fell by 14 %, from 955 in 1995 to 819 in 1996. The downward trend began in 1995 (with a 19,8 % fall from the 1994 figure of 1 145).

(<sup>1</sup>) Point 8 of the resolution on the 13th report.

The number of cases detected by the Commission's own investigations fell by 13 %, from 297 to 257. This is a reversal of the past trend.

The total of 1 076 (819 new complaints + 257 new cases detected in 1996) reflects a contrasting set of realities. The number of complaints and cases is up sharply in Austria (+ 15,5 %), Finland (+ 17,8 %) and the United Kingdom (+ 82 %) <sup>(1)</sup>. It is down, sometimes sharply, in Italy (- 1,4 %), Sweden (- 3,8 %), Denmark (- 8,4 %), Germany (- 9,4 %), Belgium (- 28,8 %), Portugal (- 30,8 %), France (- 31,5 %) <sup>(2)</sup>, Spain (- 32,7 %) <sup>(3)</sup>, Ireland (- 34 %), Luxembourg (- 36 %), the Netherlands (- 41,6 %) and Greece (- 41,7 %).

Review of the figures sector by sector reveals a sharp fall in the number of complaints and cases detected in relation to the environment (down by 27 % from 265 to 207 — more than a quarter in Spain) and a moderate rise in the internal market (up 5,3 % from 483 to 512). The decline is continuing in customs and indirect taxation (44 as against 62, a drop of 29 %) and agriculture (136 as against 159, a drop of 15,5 %). In transport, the decline reverses the downward trend of recent years: after a sharp increase in 1995 (from 48 to 82), the number of complaints and cases detected fell to 53 (- 35,5 %).

These figures are not easy to interpret. In the 13th report, the Commission put forward a number of hypotheses.

— *The falling number of complaints*

There are a variety of reasons for the decline in the number of new infringements reported. A number of positive signs are worth highlighting:

- there appears to be an objective improvement in the enforcement of Community law by the Member States, as can be seen from the simultaneous fall in both complaints and cases detected,
- there also appears to be an improvement in the enforcement of Community law by the Member States, through the national courts. The fact that in 1991 the Court of Justice acknowledged that individuals might have redress possibilities in actions based on Community law (action for damages against a Member State not complying with Community law) may have contributed to the phenomenon,

<sup>(1)</sup> The United Kingdom figures are hardly meaningful, as there was an avalanche of complaints (76) about the rules applicable to London taxis.

<sup>(2)</sup> Half the cases concern the internal market.

<sup>(3)</sup> Half the cases concern the environment.

- the Commission is notified only of infringements that are genuinely within its jurisdiction,
- after the 31 December 1992 watershed, the pattern of Union legislative activity shifted: the main single market instruments were in place, and the Community moved on to a period devoted to consolidation and management of the *acquis*. The recent years' relative decline in the volume of new legislation has undoubtedly reduced the number of national implementing measures to be checked for conformity and a concomitant drop in the opportunities for infringements,
- there is a possible technical explanation: before asking the Secretariat-General to register an incoming letter as a complaint, some departments first exchange correspondence with the original writer to ensure that the matter really is one for a complaint to be handled by the Article 169 procedure. In many cases, for instances, the original is not explicit enough. This more rigorous approach to processing complaints may have had an impact on the total number of complaints registered.

Certain negative phenomena may also help to explain the drop in the number of new cases:

- potential complainants are losing interest in the infringement procedure as being too slow and unlikely to modify their legal position: the limited effects of the procedure (confined to a declaratory judgment by the Court of Justice with no possibility of an order to pay damages such as an ordinary court might make) may well be having a dissuasive effect,
- knowledge of Community law is perhaps difficult to come by, and the ordinary citizen is not familiar, or not familiar enough, with it. The slight increase in the frequency of questions put to the Court of Justice for preliminary ruling bears this out,
- Parliament's resolution on the 13th report echoes this phenomenon: '[Parliament] expresses its concern at the lack of public enthusiasm for the European integration process and takes the view that this phenomenon might be due both to a lack of appropriate information and to the adoption of acts which sometimes have no bearing on public concerns' <sup>(4)</sup>,
- as regards the environment, the decline in the number of complaints does not necessarily reflect an improvement in environmental performance <sup>(5)</sup>.

<sup>(4)</sup> Point 8.

<sup>(5)</sup> Point 1.4 of the environment chapter.



This is not the place for unverifiable conjectures or hypothetical scenarios. What is certain is that the Commission wishes to construct a people's Europe whose doors are always open to complainants.

Yet the Commission is perceived as capable of solving every individual situation — a kind of Community Supercourt, as it were — whereas in fact the object of the Article 169 procedure is to induce a Member State to come back into line with Community law. The citizen is not party to a procedure which cannot in any case change his personal situation, but he plays a valuable detection and information role. It should not be forgotten that the citizen can rely on Community law in the national courts and have rights conferred by Community law secured by them. Annex VI takes stock of what the national courts have done in this respect.

There is thus a gap between what the Commission can do and what the citizen expects of it. The decline in the number of infringements brought to the Commission's notice may well be due to public opinion's misunderstanding of its function.

To remedy this situation, the Commission should make its role in infringement proceedings clearer. The forthcoming publication in the Official Journal of a new complaint form will be a step in this direction, as it will provide an opportunity to describe the various redress procedures available to individuals — the possibility of action in the national courts and the Community infringement procedure. On the latter point, the Commission will show what it is doing to speed up the complaints procedure and make it more transparent while making the Article 171 penalties provisions more dissuasive.

Moreover, proposals for financial penalties in Article 171 proceedings should have a dissuasive impact on Member States, boost the efficacy of infringement proceedings and thus offer the citizen an incentive to come to the Commission more often, knowing that doing so will serve a useful purpose. Even if that is not the primary object of the procedure, at least it will help ensure that many specific cases can be settled.

— *The declining number of cases reported by MEPs*

The number of cases directly recorded as a result of parliamentary questions is also down (20 in 1996 as against 34 in 1995). Five of them concern public procurement and four concern barriers to free movement of goods. New cases were also registered as a result of petitions in 1996. They included the conditions for access to French universities and the enrolment fees charged by the General Medical Council<sup>(1)</sup>. As the

Commission pointed out in the 13th report, the figures need interpreting with care: in addition to these figures, MEPs report infringements situations which the Commission may already have detected itself or on which it may have received a complaint.

— *The declining number of cases detected by the Commission's own investigations*

The declining number of cases detected by the Commission's own investigations is explained in part by the fact that departments take advantage of direct contacts with Member States to press for rectification of an infringement situation quite outside the official procedure. They then seek to obtain notification, for instance, of a technical standard, and they commence infringement proceedings only if there is a repeated refusal and the dispute with the Member State persists.

The Commission's wish to scrutinize infringements within a reasonable period of time and consequently to give cases already in motion priority over new cases is a further part explanation.

**B. Continued high frequency of cases terminated**

Parliament's resolution on the 13th report asks the Commission to be transparent as to the reasons for its decisions to take no action<sup>(2)</sup>.

The number of cases terminated fell by 14 % from 2 043 in 1995 to 1 771 in 1996.

The reasons vary from case to case.

The number of confirmed infringement cases closed (cases in which the Article 169 letter had already been sent to the Member State) was 1 344 in 1995. In 1996 it was 877, down by 34 %. This is generally seen as evidence that the Member State has rectified an infringement that the Commission regarded as proven, though it also includes cases where the Member State has convinced the Commission that it was in the right. In 1996 it was more difficult to induce the Member States to rectify situations than in earlier years. This borne out by the slight rise in the number of referrals to the Court of Justice (93 referrals as against 72 in 1995).

<sup>(1)</sup> Petitions 40/96 and 877/95.

<sup>(2)</sup> Point 8.

The cases terminated regarding established infringements must be distinguished from the 874 cases terminated concerning suspected infringements, complaints or cases detected. The sharp rise in the number of suspected infringement cases terminated is without a doubt the result of strict application of the one-year time-limit separating registration of the case and the initial decision on the substance; many such cases were terminated simply because the Commission was unable to establish the infringement within the year.

### C. Sharp increase in the number of Article 169 letters and reasoned opinions sent by the Commission to Member States

In 1996, the Commission notified 1 587 decisions issuing Article 169 letters or reasoned opinions and made 93 new referrals to the Court of Justice, a historic record.

Reasoned opinions account for the lion's share of the increase.

In 1996, the Commission issued 435 reasoned opinions, 224 % up on the 1995 figure of 194. Measures taken in 1996 to speed up the procedures are beginning to bear fruit. The delays observed in earlier years have been partly made up, and there is a significant fall in the number of reasoned opinions awaiting notification ('reasoned opinions for execution without time-limit').

The number of Article 169 letters sent in 1996 was up slightly, by 9 % (from 1 044 to 1 142). This is probably due to new Commission instructions to departments to propose sending the letter more quickly, as soon as they have adequate evidence to ground a presumption, while preserving its status as a request for observations.

The number of new referrals to the Court of Justice rose from 72 in 1995 to 93 in 1996.

These decisions — Article 169 letters, reasoned opinions and referrals — mostly concern cases of failure to notify national measures transposing directives, as can be seen from table 2.2. Point III specifically concerns progress in transposing directives in 1996.

### D. Sustained activity regarding package meetings and missions on directives

In its opinion on the 13th report, Parliament's Committee on Petitions made a number of observations

on package meetings<sup>(1)</sup>: the Commission therefore believes it must report on activities in 1996.

(i) Package meetings are devoted mainly — but not exclusively — to the internal market and the environment. There were package meetings on barriers to free movement of goods with eight Member States — the Netherlands, Austria, Germany, Spain, France, Greece, the United Kingdom and Portugal. Out of the 172 infringement situations discussed with the Member States, a solution was found in 73, i.e. 42 %.

(ii) Depending on actual needs, the Commission organizes several meetings on directives in the Member States each year. Their main purpose is to consider, with the authorities of the Member State, the progress made in notifying national measures implementing directives in all areas where they have been adopted and look into any points where notional provisions may not be in conformity with Community law.

Of the various meetings of this type organized in 1996, those in the three new Member States are particularly noteworthy. They were especially fruitful, as the national authorities were extremely cooperative. They contributed greatly to the considerable improvement in the rate of transposal of directives in those countries.

## III. PROGRESS IN IMPLEMENTING DIRECTIVES IN 1996

### A. Notification of transposal measures

The number of infringement proceedings commenced in 1996 for failure to transpose was considerably higher than in 1995 (1097 as against 799).

The table below gives an overall picture of the rate of notification of national measures implementing all the directives applicable on 31 December 1996. The number of new directives coming into force this year was lower than in the previous year. Once again, the effects of a Community that is now legislating less intensively, for the reasons already mentioned<sup>(2)</sup>, are being felt.

<sup>(1)</sup> Opinion of 16 December 1996 (PE 216.821/déf, p. 20).

<sup>(2)</sup> Point II-A.

**Progress in notifying national measures transposing community directives**

*Situation at 31 December 1996*

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	1 311	1 215	92,68
Denmark	1 310	1 285	98
Germany	1 313	1 227	93,45
Greece	1 304	1 189	91,18
Spain	1 314	1 245	94,75
France	1 310	1 203	91,83
Ireland	1 310	1 218	92,98
Italy	1 310	1 181	90,15
Luxembourg	1 309	1 223	93,43
Netherlands	1 310	1 275	97,32
Austria	1 306	1 153	88,28
Portugal	1 311	1 204	91,84
Finland	1 306	1 057	80,93 <sup>(1)</sup>
Sweden	1 308	1 227	93,80
United Kingdom	1 309	1 233	94,19 <sup>(2)</sup>

On 31 December 1996, the Member States had on average notified 92,8 % of the national measures needed to implement the Community directives applicable. This is higher than the figure for 1995 (90,7 %). But the performance of individual Member States is variable.

Attention is drawn to the spectacular improvement in the notification rate for Finland, up from 70,5 % to 80,93 %, and for Sweden, which, only two years after accession, has risen from sixth to fifth place in the ranking.

As the thirteenth report already observed, these high rates conceal contrasting realities.

There is no denying that, in certain areas, even for directives adopted many years ago, the rate of notification of national implementing measures is improving

<sup>(1)</sup> The notification rate for Finland is actually much higher than this if the problem of transposing directives in the Aland Islands are disregarded.

<sup>(2)</sup> The United Kingdom notification rate disregards the implementation of directives in Gibraltar, monitored on a special basis.

only very slowly. The public procurement directives are a particular example <sup>(3)</sup>. In some cases the rates have even fallen on account of failure to transpose some of the more recent directives <sup>(4)</sup>.

Elsewhere, there has been substantial improvement. The comparison, for instance, between progress in implementing the directives applicable to recognition of qualifications in 1995 and 1996 is particularly eloquent <sup>(5)</sup>.

There are many areas, consumer policy among them, where the majority of Member States tend to adopt implementing measures only after the prescribed date <sup>(6)</sup>.

### B. Conformity of transposal measures

The quality of transposal is, of course, as important as the fact of transposal.

The efficacy of package meetings in removing cases of non-conformity in many areas is worth highlighting <sup>(7)</sup>. It would, incidentally, be much easier to scrutinize national measures for conformity if the Member States routinely supplied the Commission with tables of concordance between corresponding Community and national provisions <sup>(8)</sup>.

### C. Application of transposal measures

The main cases of incorrect application by the Member States of national measures that are in conformity with Community law are considered in the sector-by-sector chapters below. But one area where problems abound is the application of the directives relating to recognition of vocational qualifications and restrictions contrary to Articles 52 and 59 of the EC Treaty. The Commission received 30 or so complaints in 1996 <sup>(9)</sup>.

<sup>(1)</sup> See point 2.2.8.1.

<sup>(4)</sup> See progress in implementing directives applicable to telecommunications, point 2.2.4.3.

<sup>(5)</sup> Point 2.2.3.8. The trend in company law is similar: see point 2.2.6.1.

<sup>(6)</sup> See consumer policy chapter.

<sup>(7)</sup> See, for instance, point 1.3 of the environment chapter.

<sup>(8)</sup> Ibid.

<sup>(9)</sup> See point 2.2.3.7.

#### IV. IMPLEMENTATION OF SECOND SUBPARAGRAPH OF ARTICLE 171(2) OF THE EC TREATY

The second and third subparagraphs of Article 171 (2) of the EC Treaty (Commission actions in the Court of Justice against Member States violating Community law) read:

'If the Member State concerned fails to take the necessary measures to comply with the Court's judgment within the time-limit laid down by the Commission, the latter may bring the case before the Court of Justice. In so doing it shall specify the amount of the to be paid by the Member State concerned which it considers appropriate in the circumstances.

If the Court of Justice finds that the Member State concerned has not complied with its judgment it may impose a lump sum or penalty payment on it.'

There are many areas where the Commission, subject to review by the Court, has the power to order financial penalties. It enjoys a power of proposal which the authors of the Treaty did not see fit to spell out. The only provision is that the penalty must be 'appropriate in the circumstances'.

It follows that the Commission could not act on the new Treaty provision without first setting out the lines it would follow and without giving the Member States fully transparent information as to the criteria and methods of calculation it would apply when proposing penalties to be imposed on Member States for infringements of the infringement procedure.

Parliament has regularly called on the Commission to act under Article 171 and propose that the Court of Justice impose penalties<sup>(1)</sup>.

The Commission proceeded in two stages. It began by adopting a memorandum on applying Article 171 of the EC Treaty<sup>(2)</sup>, which was followed by a method of calculation<sup>(3)</sup> for penalties to be proposed to the Court of Justice under the Article. The points made

below are in response to a request from Parliament's rapporteur on the thirteenth report<sup>(4)</sup>; their purpose is to outline the two documents, to which the reader is referred.

#### A. The memorandum of 6 July 1996

The Commission memorandum set out to 'publicly state the criteria it means to apply in asking the Court to impose monetary penalties', bearing in mind that these criteria would be gradually refined after being applied in individual cases.

The Commission has a discretionary power to act in the Court of Justice for infringement of Article 171. Where it exercises that power, it must state its view on the penalties question, even if it is able to give good grounds for not proposing them.

The amount must be determined with an eye to the actual purpose of the penalty, which is to 'ensure that Community law is effectively enforced'<sup>(5)</sup> and to 'secure compliance as rapidly as possible'<sup>(6)</sup>. That is the reasoning behind the Commission's preference for periodic penalties as the most appropriate instrument for achieving it. A periodic penalty is payable by a Member State per day of delay; time runs from the date on which the Court's judgment is served on it until the date when it puts a final end to the infringement.

The daily penalty must be calculated on the basis of three fundamental criteria<sup>(7)</sup>:

- the seriousness of the infringement,
- its duration,
- the need to ensure that the penalty itself is a deterrent to further infringements.

The infringement is by definition always of the same nature. It is failure to comply with a judgment given by the Court of Justice. That is always of a certain seriousness<sup>(8)</sup>. But the amount of the penalty must reflect not only the fact of non-compliance but also the

<sup>(1)</sup> Resolution on the 1995 legislative programme — OJ C 225, 30. 8. 1995, p. 50; report of Legal Affairs and Citizens' Rights Committee, 4. 1. 1996, on the 12th annual report on monitoring the application of Community law (PE 214.598 def). See also point 20 of the resolution on the 13th report.

<sup>(2)</sup> See footnote 4.

<sup>(3)</sup> See footnote 5.

<sup>(4)</sup> Point 5 of the explanatory memorandum to the report of 7. 1. 1997 (PE 216.821 def.).

<sup>(5)</sup> Point 5.

<sup>(6)</sup> Point 4.

<sup>(7)</sup> Point 5.

<sup>(8)</sup> Point 6.

seriousness of the infringement for which the original judgment was given. This is to be measured by two parameters — the importance of the Community rules which have been infringed and the effects of the infringement on general and particular interests<sup>(1)</sup>.

The need to ensure that penalties are really effective means they must be set at a deterrent level; purely symbolic penalties are out of the question.

#### B. The calculation method of 8 January 1997

Proceeding from the principles set out in the memorandum, the Commission adopted a calculation method applicable uniformly to all its departments, to serve as a basis for proposals to be made in a foreseeable and transparent fashion. Although the method was formally adopted only on 8 January 1997<sup>(2)</sup>, it is inseparable from the memorandum and should be considered with it.

Penalties would be calculated on the basis of a uniform flat-rate amount of ECU 500 per day of delay to penalize the violation of the principle of legality and the sole jurisdiction of the Court which applies in all Article 171 cases.

The flat-rate amount will be multiplied by two coefficients reflecting the seriousness of the infringement and its duration. The first will be on a scale from 1 to 20; the second will be on a scale from 1 to 3.

To achieve deterrence, the result will be multiplied by a 'factor n' reflecting the ability of the Member State to pay (based on GDP) and the number of votes it can cast in the Council. This factor ranges from 1 for Luxembourg to 26,4 for Germany.

The proposal for a penalty payment payable by a Member State committing an infringement considered by the Commission to be at the top of the scale of seriousness and duration would thus range from ECU 30 000 for Luxembourg to ECU 791 293 for Germany.

Given the principles of certainty and non-retroactivity in the law, it is clear that penalties may be imposed only in

<sup>(1)</sup> Point 6.

<sup>(2)</sup> See footnote 5.

respect of periods of non-compliance subsequent to the entry into force of the Treaty on European Union, that is to say 1 November 1993<sup>(3)</sup>. And given the time required for the pre-litigation procedure (Article 171 letter, reasoned opinion), cases have only recently become ripe for financial penalty proposals.

The Commission, then, has a reliable, fair and transparent method which it used to decide on penalty proposals in several cases concerning two Member States on 29 January 1997<sup>(4)</sup>. Some of these cases are being settled or have been settled without the Court of Justice having to give judgment or even being asked to do so.

Annex V identifies all the Article 171 proceedings in motion. Ten of them are at reasoned opinion stage; five are at the referral stage. Future applications to the Court in these cases will contain observations regarding penalty proposals.

#### V. INITIAL INVESTIGATIONS BY THE EUROPEAN OMBUDSMAN INTO INFRINGEMENT PROCEEDINGS

In 1996 the Ombudsman conducted initial investigations into infringement proceedings.

The institution of Ombudsman, set up by Parliament decision on 12 July 1995<sup>(5)</sup>, is now at the operational phase. His first task is to 'deal with specific instances of maladministration. He must provide an effective means of redress for citizens who are denied their legal rights or who do not receive proper administrative treatment by Community institutions or bodies'<sup>(6)</sup>.

The Commission has every intention of facilitating his work cooperating with this new Community entity. Following scrutiny of an environment case, the Ombudsman concluded that the Commission could not be accused of maladministration. He raised the question whether the complainant ought to be consulted as

<sup>(3)</sup> See conclusions of Advocate-General Fennelly in Case C-334/94 Commission v. France, presented on 16 November 1995, point 17.

<sup>(4)</sup> Press release IP/97/63, 29. 1. 1997.

<sup>(5)</sup> OJ L 225, 22. 9. 1995, p. 17.

<sup>(6)</sup> Annual report of the Ombudsman for 1995, point 1.2.1: OJ C 234, p. 1.

soon as the lead department envisages terminating a case and before the termination is formally taken. He criticized the Commission for having announced its decision by a press release before the complainants had been apprised of it. The Commission has now changed its practice accordingly.

1996 was thus a fertile year for monitoring the application of Community law.

The Commission's previous annual reports stressed the need to speed up procedures, to secure greater transparency in its action and to enforce Court judgments more thoroughly.

The initiatives taken by the Commission in 1996 show what effect has been given in practice to concern with attaining the objectives that have been set.

There is admittedly still room for improvement.

Two points need making by way of conclusion.

To improve the application of Community law, the Commission depends for its efficiency on permanent far-reaching cooperation from the Member States, especially at the pre-litigation stages of the infringement procedure but also in other respects so that recourse to the full Article 169 procedure can be avoided<sup>(1)</sup>. For several years now the Commission, as requested by the Council, has been anxious to promote intensive admin-

istrative collaboration with the Member States<sup>(2)</sup>. The progress described above in the application of Community law is the outcome. But more could be done. Certain infringement proceedings have revealed that the Member States do all give the Commission all the cooperation they should under Article 5 of the EC Treaty. And the decline in the rate of notification of national transposal measures in some Member States gives cause for concern.

Vigilance by the Commission will not suffice on its own to ensure that all Member States fully comply with Community law. The importance for the infringement procedure of individuals who are vigilant as regards the rights conferred by Community law is well enough known. And the vigilance of Members of the European Parliament, who enjoy a close privileged relationship with the European people, is also a valuable aid to enforcement.

Lastly, a few points about the structure of this report. As in previous years, there is a sector-by-sector analysis of the application of Community law. For the first time, there is a specific chapter devoted to the Structural Funds, as it was felt useful to highlight the powers available to and used by the Commission in the management of the Structural Funds: it can reduce, suspend or even withdraw support where Community law is violated. The efficacy of this means of bringing pressure to bear on the Member States and its relationship with the Article 169 procedure warranted new developments. The Annexes follow the same pattern as in previous years so as to facilitate statistical comparisons.

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<sup>(1)</sup> See the report on cooperation between administrations for the application of internal market legislation (COM(96) 20 final).

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<sup>(1)</sup> See point 5 of Parliament's resolution on the 13th report.

### Structure of the 13th report

This report consists of:

- a sector-by-sector analysis,
- statistical tables updated to 31 December 1996 concerning suspected infringements (Annex I) and established infringements (Annex II),
- a list of established infringements of the treaties, regulations and directives investigated in 1996 (Annex III),
- report on the application by Member States of directives in force on 31 December 1996, indicating infringement proceedings (Annex IV),
- a list of judgments of the Court of Justice not yet implemented (Annex V),
- a survey of the application of Community law by national courts (Annex VI).

## AREA WITHOUT INTERNAL FRONTIERS

## 1. INTRODUCTION

The completion of the single market remains one of the European Union's main objectives and plays a crucial role in economic growth and job creation. It has required the adoption and implementation of national legislation — much of it very detailed — to remove physical, technical and tax barriers in a variety of sectors. The project has now largely been completed and extended to the new Member States which joined the European Union at the beginning of 1995. However, gaps still remain in vital areas such as taxation and company law. Furthermore, existing legislation is sometimes applied unevenly or with too much red tape.

On 26 November the Commission presented a communication to Parliament and the Council on the impact and effectiveness of the single market, in which it reported on progress made so far and outlined the challenges for the future<sup>(1)</sup>. The message is simple. The single market must be consolidated and developed. Its smooth operation is a fundamental precondition for the next stage in the integration of the European Union — the establishment of economic and monetary union (EMU). If this process of consolidation is to succeed, a number of measures will have to be taken at national and Community level and certain priorities will have to be observed.

The top priority is the application of existing legislation, i.e. the incorporation of the directives establishing the single market into the national law of every Member State. This project received a boost at the Florence European Council on 21 and 22 June 1996, which once again stressed the single market's contribution to economic growth and employment and urged Member States to speed up the process of transposing internal market directives, particularly on public procurement and financial services.

However, establishing the single market amounts to more than simply adopting the national measures needed to implement existing directives. National authorities must also ensure that the directives are applied in practice and that the basic principles of Community law are observed, and they must cooperate with the Commission and the other Member States to achieve this goal.

In 1993 the Commission presented a reference document — a strategic programme for completing, managing and

developing the single market<sup>(2)</sup> — which argued that administrative cooperation was also a vital factor in the smooth operation of the internal market. In its resolution of 16 June 1994 on developing administrative cooperation in the enforcement of Community legislation on the internal market, the Council asked the Commission to step up cooperation with the relevant authorities in the Member States. In 1996 the Commission took stock of the situation in a report on cooperation between administrations for the enforcement of internal market law, which it laid before the Council and Parliament<sup>(3)</sup>.

Still on the subject of administrative cooperation, it is worth mentioning the Karolus exchange programme for officials from the Member States<sup>(4)</sup>, which is aimed in particular at harmonizing the interpretation and application of Community law, especially in the internal market field. All the Member States have already taken part in the programme, either sending or receiving officials from national government departments. By 10 October 1996 a total of 377 exchanges had taken place. A similar programme, Matthaëus, was launched in 1991 for officials working in the customs field.

As guardian of the Treaty, the Commission keeps a constant eye on the transposal and effective application of internal market legislation at national level. For each Council meeting on the internal market, it presents a report on the state of play regarding the incorporation into national law of the measures set out in the 1995 White Paper on the internal market and other legislation of particular relevance to the smooth operation of the internal market. Of the 275 White Paper measures in force at 31 December 1996, 219 required national implementing measures, 93,8 % of which had been notified by the Member States.

Despite this rather high percentage, there are still serious delays in certain key sectors, such as public procurement, financial services and intellectual and industrial property. These delays are often caused by problems in the national decision-making process or the technical complexity of Community texts, which sometimes leads

<sup>(2)</sup> Commission communication to the Council of 22 December 1993, 'Making the most of the internal market — Strategic Programme' COM(93) 632 final.

<sup>(3)</sup> COM(96) 20 final.

<sup>(4)</sup> The Karolus programme was launched in 1993 by Council Decision 92/481/EEC of 22 September 1992, OJ L 286, 1. 10. 1992, p. 65.

<sup>(1)</sup> COM(96) 520 final, 31. 10. 1996.



Member States to adopt national measures implementing only part of a directive.

The Commission also takes a keen interest in the quality of implementing measures, since the incomplete or incorrect transposal of Community legislation can lead to unequal treatment between Member States and raise *de facto* barriers to free movement which the single market is actually meant to eliminate.

Another priority is to put the finishing touches to the legislative framework of the single market by incorporating the main proposals set out in the White Paper and organizing the liberalization of certain sectors not covered by that programme. For example, Community legislation on company law is incomplete, with the result that European firms are faced with barriers to their mobility. It is now vital that the Member States reach agreement on a statute for a European company. On the indirect taxation front, the only way to resolve the existing problems is by adopting a definitive system. The free movement of persons will not become a reality until essential security measures are in place. Finally, completion of the single market also requires the liberalization of sectors such as gas and electricity, which are still the province of national monopolies. Moreover, the single market will have to be adapted to new technological challenges, such as the creation of an information society and the introduction of trans-European networks through the adoption of an appropriate regulatory framework.

But completing the legislative framework is not enough. The establishment of a genuine frontier-free area also requires an effort to simplify legislation. To this end the Commission has launched the SLIM pilot project to explore how the constraints and formalities imposed on businesses by the complexity of legislation can be reduced by simplifying laws and administrative procedures<sup>(1)</sup>. To date the exercise has concentrated on four sectors (Intrastat, construction products, mutual recognition of diplomas and ornamental plants). A progress report was laid before the Council on 26 November 1996.

The establishment of the single market has created its own dynamic. New problems arise which require new solutions. Managing and improving the single market is a

real challenge for the Commission. In its communication of 26 November on the impact and effectiveness of the single market, the Commission identified a series of practical measures to be taken at national and Community level to ensure that the single market can play a full part in the pursuit of the Union's current priorities.

## 2. SITUATION SECTOR BY SECTOR

### 2.1. Removal of physical barriers

#### 2.1.1. Customs

The Commission decided to commence infringement proceedings against Italy on the grounds that national measures on the refund of taxes collected in breach of Community law are incompatible with the principles laid down by the Court of Justice. The Italian system for collecting these taxes diverges from the general rules laid down in the Civil Code: while the authorities may rely on mere presumptions to prove undue enrichment, the taxpayer must provide evidence that the tax was not passed on to a third party — which is much more difficult. Moreover, the three-year time-limit (compared with the normal limitation period of ten years) considerably reduces the scope for firms to obtain a refund of undue payments.

The Italian system is therefore contrary to the case-law of the Court, according to which the procedures laid down by national rules may not be any less favourable than those for similar internal claims, and may not render it virtually impossible or excessively difficult to secure repayment of taxes collected in breach of Community law<sup>(2)</sup>.

Another proceeding in motion concerns Italy's failure to comply with the Community transit rules. The Italian authorities make it a requirement that an external Community transit document (T1) must be issued for Community goods which are being exported to an EFTA country with an approved movement certificate (EUR1) — and should in principle come under the internal procedure (T2) — and for Italian steel products on which specific export refunds are payable. Use of the

<sup>(1)</sup> Simpler Legislation for the Internal Market — Commission communication to the Council and Parliament of 6 November 1996 (COM(96) 559 final)

<sup>(2)</sup> See in particular the judgment given on 9 November 1983 in Case C-199/82, [1983] ECR 3595, and Case C-125/94.

external transit procedure is not justified in either case. The external procedure applies to Community goods only in a limited number of cases where Community measures are involved in the export operation.

The Commission has terminated the proceedings against Belgium regarding dues collected for the benefit of the *Fonds pour la Santé et la Production des Animaux* (animal health and production fund), as the Belgian authorities have abolished the scheme in question <sup>(1)</sup>.

#### 2.1.1.1. Progress in implementing Directives applicable to the customs field

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	4	4	100
Denmark	4	4	100
Germany	4	4	100
Greece	4	4	100
Spain	4	4	100
France	4	4	100
Ireland	4	4	100
Italy	4	4	100
Luxembourg	4	4	100
Netherlands	4	4	100
Austria	4	4	100
Portugal	4	4	100
Finland	4	4	100
Sweden	4	4	100
United Kingdom	4	4	100

Note: this table concerns Directives 76/308, 77/794, 85/479, 86/489.

#### 2.1.2. Free movement of agricultural products

Freedom of movement for agricultural products in a single market is one of the principles underpinning the operation of the common agricultural policy and its common market organizations.

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

The Commission kept a constant watch to make sure that barriers to trade in agricultural products in the Community were swiftly removed.

<sup>(1)</sup> See 13th annual report (1995).

In 1996 there was a further drop in the number of new cases involving 'classic' barriers to the free movement of agricultural products, such as systematic import checks or certification requirements.

An action against Germany is still before the Court of Justice regarding certain types of fresh pigmeat imported from Denmark <sup>(2)</sup>.

The Commission decided to send a reasoned opinion concerning the requirement imposed by the regional authorities in Galicia that imported cupped oysters be accompanied by an animal health certificate. Under Directive 91/67/EEC, combined with Decision 93/55/EEC, there should no longer be any need to ask an administrative authority to issue an animal health certificate for the marketing of animals and aquaculture products.

The Commission sent another reasoned opinion to Spain regarding the requirement imposed by the authorities in the Valencia region that only the Spanish language be used in the labelling of apples from other Member States. Both Article 30 of the Treaty and Regulation (EEC) No 1035/72 on the common organization of the market preclude national rules imposing the exclusive use of a specific language for the labelling of food products at the wholesale stage (i.e. where only professional traders are involved and not Spanish consumers).

Finally, the Commission decided to send a reasoned opinion to Ireland for restricting trade in breeding sheep from other Member States by imposing unilateral health requirements over and above those provided for in Community legislation, without taking account of the prescribed procedure.

## 2.2. Removal of technical barriers

### 2.2.1. Free movement of goods

#### 2.2.1.1. Articles 30 *et seq.* of the EC Treaty

Articles 30 *et seq.* of the EC Treaty prohibit quantitative restrictions on imports and exports, and all other measures having equivalent effect <sup>(3)</sup>.

<sup>(2)</sup> Case C-102/96; see 13th annual report (1995).

<sup>(3)</sup> See 11th annual report (1993).

As guardian of the Treaty, the Commission seeks to ensure that the internal market rules are properly applied by the Member States. It strives to remove technical barriers to trade and develop instruments which will prevent new barriers being raised. To achieve this, it draws on the case law of the Court of Justice. In 1996 the Court once again gave a number of judgments setting out guiding principles for the Commission's action.

#### *Commission action*

During the first three quarters of 1996, the Commission dealt with some 684 cases of complaints and suspected or established infringements. It shelved 194 cases and referred only one to the Court of Justice.

In many cases progress was made as a result of meetings with the national authorities. This year the Commission departments responsible for the application of Articles 30 *et seq.* of the Treaty met the authorities from eight Member States (Italy, Germany, Austria, the Netherlands, Greece, the United Kingdom and, for the first time, Finland and Sweden). These 'package meetings' serve as an opportunity not only to discuss current complaints and infringement proceedings but also to raise awareness among national authorities of the Community rules which they bear primary responsibility for enforcing.

The following examples illustrate the success of these meetings:

- the French authorities have adopted an interpretative circular on the 'Toubon' Law, spelling out ways of applying it in a 'reasonable' fashion and taking up some of the points raised by the Commission in its interpretative communication on the use of languages in the marketing of foodstuffs<sup>(1)</sup>,
- the Danish authorities have adopted a circular on automobile parts, recognizing the certificates of conformity for tyres and wheels issued by other Union or EFTA Member States.

<sup>(1)</sup> Interpretative Commission communication concerning the use of languages in the marketing of foodstuffs in the light of the judgment in the Peeters case, 23 December 1993.

Cases are generally closed once the Member State has amended the legislation challenged to comply with the Treaty. However, pending an official amendment, which often takes some time, Member States frequently adopt interim measures, such as circulars or notices published in their national official gazettes informing interested parties that the legislation in question is to be interpreted in such a way as to be compatible with the principle of free movement of goods and will be applied accordingly by the authorities.

To gain a better insight into the situation on the ground in the different Member States and to develop a more consistent approach to their job, the Commission departments responsible for the application of Articles 30 *et seq.* of the Treaty carry out horizontal surveys, which allow them to take stock of national regulations in a particular field. These surveys, conducted with the assistance of national government departments, also serve to foster cooperation between Commission departments and the national authorities, which is vital if Community law is to be properly applied. This year a survey (to be completed by the end of the year) was launched into the national definitions used to distinguish two similar pharmaceutical products.

The Commission also takes action to prevent new barriers being erected to the free movement of goods by encouraging Member States to insert mutual recognition clauses in their national legislation<sup>(2)</sup>.

For example, the Dutch authorities have inserted a mutual recognition clause in their legislation on the labelling of soft drinks which takes on board the principle that additional information is required only where there is a real risk of confusion for the consumer.

#### *The Court's main judgments*

Judgments by the Court shed light on the application of Community law by setting out its main principles. The following judgments are worthy of mention:

<sup>(2)</sup> See 13th annual report (1995).

— *Brasserie du Pêcheur*<sup>(1)</sup>

The Court confirmed the principle that Member States must make good any damage caused to individuals by infringements of Community law attributable to them, where the fault lies with the national legislature. It held that the injured party has the right to reparation where three conditions are met: the rule of law infringed must confer rights on them, the infringement must be sufficiently serious and there must be a causal link between the infringement and the damage sustained.

— Hedley Lomas; scope of Article 36 of the Treaty

The Court held that Community law precludes a Member State from invoking Article 36 of the Treaty to justify a limitation of exports of goods to another Member State on the sole ground that, according to the first State, the second State is not complying with the requirements of a Community harmonizing directive pursuing the objective which Article 36 is intended to protect. The Court also recalled the conditions governing the liability of Member States in accordance with its judgment in *Brasserie du Pêcheur*.

— Ban on the exercise of certain commercial activities on Sundays and holidays<sup>(2)</sup>

The Court held that national rules imposing general restrictions on the marketing — and hence import — of a product cannot on that ground alone be regarded as limiting the market access of such imported products to a greater extent than that of similar national products. Referring to its judgment in *Keck and Mithouard*, it held that the fact that legislation may restrict the volume of sales generally, and hence the sale of products from other Member States, is not sufficient to characterize such legislation as a measure having an effect equivalent to a quantitative import restriction.

— Authorization to market biocides<sup>(3)</sup>

National legislation prohibiting the marketing of a biocidal product containing dangerous substances, without prior authorization, is justified under Article 36 of the Treaty, even if the product in question has already been authorized for sale in another Member State.

<sup>(1)</sup> Joined Cases C-46/93 and C-48/93 [1996]; ECR I-1029, judgment given on 5 March 1996.

<sup>(2)</sup> Case 418/93 [1996] ECR I-2978, judgment given on 20 June 1996.

<sup>(3)</sup> Case 293/94 [1996] ECR I-3159, judgment given on 27 June 1996.

However, the authorities responsible are not entitled to require technical or chemical analyses or laboratory tests unnecessarily, where such analyses or tests have already been carried out in the other Member State and the results are available to those authorities.

— Discrimination against parallel imports of vehicles<sup>(4)</sup>

The Court ruled that Article 30 precludes national legislation concerning model-year dates for motor vehicles which causes the administrative authorities and traders to consider that, where two motor vehicles of the same model are sold on the same date, the one imported through parallel channels cannot be granted the same model-year date as the one sold through the official network of dealers.

— Repackaging of pharmaceuticals (Joined Cases C-427/93, C-429/93 and C-436/93 — judgment given on 11 July 1996 — and Joined Cases C-71/94, C-72/94 and C-73/94, and Case C-232/94)

The Court specified the terms on which a parallel importer may repackage pharmaceutical products without the trademark-holder being able to rely on his rights to oppose it. The judgment is a valuable clarification of the doctrine of the exhaustion of trademark rights.

— Exhaustion of patent rights in relation to goods not patentable in the Member State of origin (Cases C-267/95 and C-268/95, judgment given on 5 December 1996)

The Court of Justice spelled out the application of its rulings on the exhaustion of patent rights in relation to imports from a Member State where the product is not patentable: the patent holder may not impose such imports unless he can prove that he was under compulsion to market the product in the Member State of origin.

2.2.1.2. The preventive rules of Directive 83/189/EEC

The notification procedure of Directive 83/189/EEC is an essential tool for preventing barriers to trade from being raised and for sharing information. Member States

<sup>(4)</sup> Case 240/95 [1996] ECR 3179, judgment given on 27 June 1996.

are required to notify drafts of new technical regulations for vetting before they are finally adopted. The procedure does not cover technical regulations issued to implement directives.

The Commission received 523 drafts of technical regulations<sup>(1)</sup>, which were scrutinized by the relevant departments. This figure compares with 389 in 1994<sup>(2)</sup> and 439 in 1995 — clear evidence that, despite the completion of the internal market at the end of 1992, Member States are still adopting large numbers of technical regulations which could undermine the single market and the integrity of the benefits it has brought to all sectors of the economy.

Of the 523 drafts received, 104 required a detailed Commission opinion<sup>(3)</sup> recommending changes to the measure to eliminate infringements of secondary Community legislation or to debar the establishment of new barriers to trade. For their part, the Member States issued 134 opinions<sup>(4)</sup>. In five cases<sup>(5)</sup> the Commission had to ask the Member State for a one-year postponement of the measures as it intends to propose harmonization measures, and in another five cases<sup>(6)</sup> the measures will have to be postponed for a year because of an overlap with a draft directive or regulation already before the Council.

On 26 June the Commission adopted a report on the operation of Directive 83/189/EEC in 1992, 1993 and 1994, which describes developments and progress in the field of technical rules and standards. The report is divided into three parts: the procedure for standards, including an analysis of its operation during the years in question together with statistics (short and medium-term improvements under the Directive are also analysed); the notification procedure for technical rules, including a detailed analysis of the various problems and questions raised by its application; and, finally, the sharing of information on technical rules with the EFTA countries.

<sup>(1)</sup> This was the figure at 31 December 1996.

<sup>(2)</sup> This figure is for the 12 old Member States only. If the three new Member States are included, the figure for 1994 is 442.

<sup>(3)</sup> This was the figure for drafts which had to be notified by 31 December 1996. The deadline for issuing opinions on draft legislation notified in 1996 expired on 31 March 1997.

<sup>(4)</sup> This was the figure for drafts which had to be notified by 31 December 1996. The deadline for issuing opinions on draft legislation notified in 1996 expired on 31 March 1997.

<sup>(5)</sup> This was the figure for drafts which had to be notified by 31 December 1996. The deadline for asking Member States to postpone measures notified in 1996 expired on 31 March 1997.

<sup>(6)</sup> This was the figure for drafts which had to be notified by 31 December 1996. The deadline for asking Member States to postpone measures notified in 1996 expired on 31 March 1997.

Since 1989 the Commission has been monitoring compliance with the notification requirement by routinely scrutinizing the official gazettes of all the Member States. When it discovers a breach of Directive 83/189/EEC, it may commence infringement proceedings under Article 169 of the EC Treaty. Compliance by Member States with their notification duties will have to be reinforced following the Court's judgment in *CIA Security International*<sup>(7)</sup> since a technical rule not brought to third parties' attention may not be relied on against him; this is the situation called for by the Commission ever since its Communication 86/C 245/05<sup>(8)</sup>.

During the first nine months of 1996, some 2 200 national laws were examined, of which about 40% were technical rules which had not been notified under the Directive or fell outside its scope. After careful study to see whether these rules should be notified under the Directive, the Commission commenced 80 infringement proceedings.

#### 2.2.2. *Progress in implementing Directives on the free movement of goods*

##### 2.2.2.1. Foodstuffs

47 infringement proceedings for failure to notify national implementing measures within the time allowed were terminated. Of the remaining cases, 31 are at the Article 169 letter stage and 12 have reached the reasoned opinion stage.

Four infringement proceedings have been initiated for incorrect application of national texts adopted to transpose Community legislation in this sector.

A further 10 or so complaints were lodged. Quite a few of these cases were settled following correspondence between the Commission's departments and the national authorities concerned.

A number of infringement proceedings were initiated for incorrect application of Directive 79/112/EEC

<sup>(7)</sup> Case C-194/94, judgment given on 30 April 1996.

<sup>(8)</sup> OJ C 245, 1. 10. 1986, p. 4.

on the labelling of foodstuffs, as in the following example:

Directive 79/112/EEC lays down an exhaustive list of information which must be indicated on the labels of foodstuffs (sales description, list of ingredients, net quantity, etc.). However, a Member State may deem it necessary to impose new labelling indications, which are not laid down by the Directive, in order to provide better information for consumers. Since a unilateral obligation of this kind may constitute a barrier to trade between the Member States, Directive 79/112/EEC provides that the Member State must notify the Commission and the other Member States of its proposed measure. The Commission then scrutinizes the draft and may oppose its adoption. During the year, two Member States were in breach of Community law for failing to follow the notification procedure laid down in the Directive.

#### 2.2.2.2. Progress in implementing Directives applicable to foodstuffs

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	75	66	88
Denmark	75	74	98,7
Germany	75	66	88
Greece	75	72	96
Spain	75	73	97,3
France	75	61	81,3
Ireland	75	69	92
Italy	75	69	92
Luxembourg	75	70	93,3
Netherlands	75	75	100
Austria	75	69	92
Portugal	75	69	92
Finland	75	72	96
Sweden	75	72	96
United Kingdom	75	74	98,7

Note: this table concerns Directives 73/241, 73/437, 74/409, 76/118, 76/621, 77/436, 78/142, 78/663, 78/664, 79/112, 79/693, 79/796, 79/1066, 79/1067, 80/590, 80/766, 80/777, 80/891, 81/432, 81/712, 82/711, 83/417, 84/500, 85/503, 85/572, 85/591, 86/424, 87/250, 87/524, 88/344, 88/388, 88/593, 89/107, 89/108, 89/109, 89/344, 89/395, 89/396, 89/397, 89/398, 90/128, 90/496, 90/612, 91/71, 91/72, 91/238, 91/321, 92/1, 92/2, 92/4, 92/39, 92/52, 92/115, 93/5, 93/8, 93/9, 93/10, 93/11, 93/43, 93/45, 93/99, 93/102, 94/35, 94/36, 94/52, 94/54, 95/2, 95/3, 95/31, 95/45, 96/3, 96/21.

#### 2.2.2.3. Pharmaceutical products

There has been a considerable increase in notification of national implementation measures. Measures im-

plementing the Directives concerning the rational use of medicinal products (92/25/EEC, 92/26/EEC, 92/27/EEC, 92/28/EEC) have been notified by all Member States. The situation regarding the implementation of the homeopathy Directives (92/73/EEC and 92/74/EEC) and the Directives establishing the new system of mutual recognition of marketing authorizations (93/39/EEC and 93/40/EEC) has significantly improved, but at least three Member States have still not notified their implementation measures. Infringement proceedings have been started in all these cases and are being closely followed by the Commission.

There are also some general problems concerning the interpretation and application of the pharmaceutical directives by Member States. These cases concern mainly the different interpretations given by Member States to the concept of 'medicinal product' (sometimes resulting in barriers to the free movement of goods) and complaints concerning the alleged non-respect of mandatory time-limits or other procedural requirements by national authorities. The Commission is carefully considering these problems and complaints, but for the time being no legislative activities are planned. It has to be stressed, however, that a draft consolidation of the pharmaceutical legislation (both human and veterinary) is already very advanced; consolidation will increase the clarity of the legislation and ultimately the effectiveness of its implementation.

#### 2.2.2.4. Progress in implementing Directives applicable to pharmaceutical products

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	32	30	93,8
Denmark	32	32	100
Germany	32	30	93,8
Greece	32	31	96,9
Spain	32	32	100
France	32	26	81,3
Ireland	32	29	90,6
Italy	32	30	93,8
Luxembourg	32	32	100
Netherlands	32	32	100
Austria	32	30	93,8
Portugal	32	28	87,5
Finland	32	32	100
Sweden	32	32	100
United Kingdom	32	29	90,6

Note: this table concerns Directives 65/65, 66/454, 75/318, 75/319, 78/25, 81/851, 81/852, 83/570, 87/19, 87/20, 87/21, 87/22, 89/105, 89/341, 89/342, 89/343, 89/381, 91/356, 91/507, 90/676, 90/677, 91/412, 92/18, 92/25, 92/26, 92/27, 92/28, 92/73, 92/74, 93/39, 93/40, 93/41.

## 2.2.2.5. Chemicals

There are no particular problems in the application of Directives in this sector. Some Member States, including Belgium, Denmark, Germany, Spain, France and Italy, which had fallen behind in transposing the measures in force, were able to catch up in the course of the year.

A number of new proceedings have begun, particularly in connection with Directive 95/8/EC on fertilizers (see Annex IV).

Requests for derogations under Article 100a (4) of the EC Treaty continue to be a significant feature in the harmonization of restrictions on the use of dangerous substances. Five requests for derogations are currently under examination by the competent Commission departments.

## 2.2.2.6. Progress in implementing Directives applicable to chemicals

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	47	44	93,6
Denmark	47	46	97,9
Germany	47	40	85,1
Greece	47	41	87,2
Spain	47	44	93,6
France	47	38	80,9
Ireland	47	44	93,6
Italy	47	40	85,1
Luxembourg	47	43	91,5
Netherlands	47	46	97,9
Austria	47	39	82,9
Portugal	47	37	78,7
Finland	47	46	97,9
Sweden	47	47	100
United Kingdom	47	46	97,9

Note: this table concerns Directives 73/404, 73/405, 76/116, 76/769, 77/535, 78/631, 79/138, 79/663, 80/876, 81/187, 82/242, 82/243, 82/806, 82/828, 83/264, 83/478, 84/291, 85/467, 85/610, 87/94, 87/566, 88/126, 88/183, 88/379, 89/178, 89/284, 89/519, 89/530, 89/677, 89/678, 90/35, 90/492, 91/155, 91/173, 91/338, 91/339, 91/442, 91/659, 92/109, 93/1, 93/15, 93/18, 93/46, 93/69, 93/112, 94/60, 95/8.

## 2.2.2.7. Motor vehicles, tractors and motorcycles

1996 was a pivotal year for this sector, since the Community type-approval procedure became mandatory for vehicles of category M1 on 1 January 1996. The separate directives became binding as a result.

The transposal of directives, so vital against a background of total harmonization, is going smoothly thanks to the experience acquired by the competent national authorities.

Given the detailed, technical nature of the motor vehicle provisions, many Member States routinely refer in their national legislation to the text published in the Official Journal, which in practice facilitates and speeds up the transposal process and scrutiny for conformity with Community law. There are delays, but they rarely exceed a few months and generally arise because the deadline for transposing the directive comes soon after the date of adoption.

Four infringement proceedings were begun for failure to notify national measures in respect of the nine directives which came into force in the course of the year.

## 2.2.2.8. Progress in implementing Directives applicable to motor vehicles, tractors and motorcycles

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	185	184	99,5
Denmark	185	180	97,3
Germany	185	177	95,7
Greece	185	178	96,2
Spain	185	180	97,3
France	185	182	98,4
Ireland	185	184	99,5
Italy	185	184	99,5
Luxembourg	185	178	96,2
Netherlands	185	179	96,8
Austria	185	173	93,5
Portugal	185	178	96,2
Finland	185	182	98,4
Sweden	185	169	91,4
United Kingdom	185	176	95,1

Note: this table concerns Directives 70/156, 70/157, 70/220, 70/221, 70/222, 70/311, 70/387, 70/388, 71/127, 71/320, 72/245, 72/306, 73/350, 74/060, 74/061, 74/132, 74/150, 74/151, 74/152, 74/290, 74/297, 74/346, 74/347, 74/408, 74/483, 75/321, 75/322, 75/443, 75/524, 76/114, 76/115, 76/432, 76/756, 76/757, 76/758, 76/759, 76/760, 76/761, 76/762, 76/763, 77/102, 77/143, 77/212, 77/311, 77/389, 77/536, 77/537, 77/538, 77/539, 77/540, 77/541, 77/649, 78/315, 78/316, 78/317, 78/318, 78/507, 78/547, 78/548, 78/549, 78/632, 78/665, 78/764, 78/932, 78/933, 78/1015, 79/488, 79/489, 79/490, 79/532, 79/533, 79/622, 79/694, 79/795, 79/1073, 80/233, 80/720, 80/780, 80/1267, 80/1268, 80/1269, 80/1272, 81/333, 81/334, 81/575, 81/576, 81/577, 81/643, 82/244, 82/318, 82/319, 82/890, 82/953, 83/190, 83/276, 83/351, 84/008, 84/372, 84/424, 85/205, 85/647, 86/297, 86/298, 86/415, 86/562, 87/056, 87/358, 87/402, 87/403, 87/405, 88/076, 88/077, 88/194, 88/195, 88/297, 88/321, 88/366, 88/410, 88/411, 88/412, 88/413, 88/414, 88/436, 88/465, 89/173, 89/235, 89/277, 89/278, 89/297, 89/458, 89/491, 89/516, 89/517, 89/518, 89/680, 89/681, 89/682, 90/628, 90/629, 90/630, 91/226, 91/328, 91/422, 91/441, 91/542, 91/662, 91/663, 92/021, 92/022, 92/023, 92/024, 92/053, 92/062, 92/097, 92/114, 93/059, 92/061, 93/14, 93/81, 93/91, 93/116, 93/29, 93/30, 93/31, 93/32, 93/33, 93/34, 94/12, 94/20, 94/53, 94/68, 94/78, 95/54, 95/48, 95/56, 96/1, 95/1, 96/20, 96/36, 96/37, 96/38, 96/44.

### 2.2.2.9. Construction products

The Commission commenced an action in the Court of Justice against Belgium, the only Member State not to have notified national measures implementing Directive 89/106/EEC.

There are also particular problems in Austria due to its federal structure (the *Länder* have the power to incorporate Community rules into their own legislation, but not all of them have done so).

The Commission now uses the mechanism laid down in the Directive to follow up complaints on barriers to trade and check that the practices in question are consistent with Community law. In the past, such cases were examined only in the light of Articles 30 to 36 of the Treaty.

### 2.2.2.10. Mechanical engineering, electronics, personal protection equipment, gas equipment, pressure equipment, pre-packaging, measuring equipment, medical devices and pleasure craft

All 97 directives in this field had reached their transposal deadlines by 31 December 1996.

Member States achieved a satisfactory rate of transposal, considering the complexity of the directives in this field

(which mostly follow the 'new approach'). Even where transposal of a directive is incomplete, there are no barriers to the free movement of products that are contrary to the Directives. Delays in transposal are mostly due to domestic reasons in the Member States (more than one Minister responsible, cumbersome legislative process, etc.).

Incorrect application of directives deprives Community harmonization exercises of much of their anticipated benefit. The end of the transitional period for certain Directives has highlighted a number of problems with the interpretation of these texts. In addition to formal measures (initiation of infringement proceedings), the Commission has also taken informal action (meetings of Groups of experts, interpretative notes, etc.) which has helped to resolve a number of doubtful, if not actually contentious cases.

### 2.2.2.11. Progress in implementing directives applicable to mechanical engineering, electronics, personal protection equipment, gas equipment, pressure equipment, pre-packaging, measuring equipment, medical devices and pleasure craft

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	97	92	94,8
Denmark	97	97	100
Germany	97	95	97,9
Greece	97	96	99
Spain	97	94	96,9
France	97	96	99
Ireland	97	91	93,8
Italy	97	92	94,8
Luxembourg	97	94	96,9
Netherlands	97	96	99
Austria	97	96	99
Portugal	97	95	97,9
Finland	97	96	99
Sweden	97	95	97,9
United Kingdom	97	95	97,9

Note: this table concerns Directives 69/493, 71/316, 71/317, 71/318, 71/319, 71/347, 71/348, 71/349, 72/427, 73/23, 73/360, 73/361, 73/362, 74/148, 74/331, 75/33, 75/106, 75/107, 75/324, 75/410, 76/117, 76/211, 76/434, 76/696, 76/764, 76/765, 76/766, 76/767, 76/891, 77/95, 77/313, 78/365, 78/629, 78/891, 78/1031, 79/196, 79/830, 79/1005, 80/181, 80/232, 82/621, 82/622, 82/623, 82/624, 82/625, 83/128, 83/575, 84/47, 84/414, 84/525, 84/526, 84/527, 84/528, 84/529, 84/532, 84/539, 85/1, 85/10, 85/146, 86/96, 86/217, 86/295, 86/296, 86/312, 86/663, 87/354, 87/355, 87/356, 87/404, 88/320, 88/316, 88/571, 88/665, 89/240, 89/336, 89/392, 89/617, 89/676, 89/686, 90/18, 90/384, 90/385, 90/396, 90/486, 90/487, 90/488, 91/368, 92/31, 93/44, 93/95, 93/42, 93/68, 94/1, 94/9, 94/11, 94/25, 94/26.



### 2.2.2.12. Liability for defective products

Directive 85/374/EEC concerning liability for defective products has been transposed by all Member States except France. Following France's failure to act on the 1993 ruling by the Court of Justice which found it to be at fault, the Commission continued with the infringement procedure under Article 171 of the Treaty. France was sent a reasoned opinion in 1995.

The Commission also brought an action in the Court of Justice against the United Kingdom in 1995 (Case C-300/95). The Commission contests the UK's transposal of the clause exempting producers from liability as provided for in Article 7 (e) of the Directive (development risk).

### 2.2.3. Free movement of persons, right of establishment and voting rights

#### 2.2.3.1. Ending discrimination

Infringement proceedings are under way against a number of Member States concerning the application of Regulation (EEC) No 1612/68 on the free movement of workers.

The infringement proceedings brought against Greece under Article 171 of the Treaty, relating to the implementation of the Court of Justice's judgment in Case C-123/94 <sup>(1)</sup> are continuing. This case is concerned with the conditions imposed on nationals of the other Member States wishing to teach a foreign language.

The Court has given its judgment in the case against Belgium for legislation which discriminates against young job-seekers who have studied in another Member State by denying them integration benefits <sup>(2)</sup>. The Court found in the Commission's favour.

The infringement proceedings brought against Belgium under Article 171 for failing to comply with the Court of Justice's judgment in case C-47/93 <sup>(3)</sup> are also under way. These relate to the withholding of finance for university studies from students from other Member States who are in Belgium solely for the purpose of studying there.

<sup>(1)</sup> Judgment given on 1 June 1994 [1995] ECR I-1457.

<sup>(2)</sup> Judgment given on 12 September 1996 in Case C-278/94 [1996] ECR I-4307.

<sup>(3)</sup> Judgment given on 4 May 1994 [1994] ECR I-1593.

The case of Greece's nationality discrimination in acknowledging the eligibility of large families for certain allowances and failure to reckon services performed in the public administration of other Member States for the purpose of granting seniority and grading of workers in Greek public services on the sole ground that the services were not performed for a Greek administration has been referred to the Court of Justice. Also, following amendments to Greek legislation, the Commission has dropped the infringement proceedings on conditions for access to the profession of medical specialist.

As a decree was issued by the French government bringing legislation into line with Community law, the infringement proceeding against France concerning nationality discrimination for the granting of teacher training allowances have been dropped.

The Commission also sent Germany a reasoned opinion concerning the protection of personal data on migrant workers.

The infringement proceedings against the United Kingdom for failing to accord social security benefits to a Community worker in the form of reductions in university entrance fees and study grants for his spouse and against France for discrimination against early-retired frontier workers are under way.

In the tax field, the Commission is monitoring Luxembourg's compliance with the Court of Justice judgment in case C-151/94 concerning the final payment of income tax by non-resident workers <sup>(4)</sup>.

The infringement proceedings against Belgium concerning the granting of certain social security benefits are still pending <sup>(5)</sup>.

Finally, infringement proceedings were brought against the Netherlands in two cases, one concerning the withholding of supplementary pension insurance from unemployed Belgian frontier workers after termination of the employment relationship and during the period unemployment benefit is received, and the other relating

<sup>(4)</sup> Judgment given on 26 October 1995 [1995] ECR I-3685.

<sup>(5)</sup> Case C-326/90 [1992] ECR I-5517 (Judgment given on 10 November 1992).

to the Dutch legislation modifying the cost of permanent residence documents for Community nationals, which is higher than that of identity cards for nationals.

### 2.2.3.2. Entry and residence

As regards the infringement proceedings brought for failure to transpose correctly into national law the three Directives on right of residence — 90/365/EEC (employees and self-employed persons who have ceased their occupational activity), 90/364/EEC (persons not in active employment) and 93/96/EC (students) — reasoned opinions were decided on or sent to various Member States in the course of the year. These proceedings relate mainly to implementing measures on the declaration of financial means by students (Spain, France, Ireland, Italy), financial means requirements for retired persons and persons not in active employment (France, Italy), sickness insurance requirements and their control (France, Italy) and the mechanism for checking the residence permit of retired persons and persons not in active employment after two years.

As well as actions for the incorrect transposal of directives, the Commission also brought infringement proceedings for incorrect application of Community law. A reasoned opinion was sent to Greece on the cost of residence permits for members of EU citizens' families who are nationals of non-member countries. The Commission also decided to send four reasoned opinions to France on the supporting documents required from EU citizens when applying for residence permits, the expulsion of a Belgian national and the issuing of visas to nationals of non-member countries who are members of EU citizens' families (failure to comply with the obligation to facilitate the granting of such visas and failure to provide a reason for refusals of visas). Finally, the Commission decided to send a reasoned opinion to Italy concerning the requirement of a residence permit for study visits of less than three months.

Moreover, on the basis of complaints and requests from EU citizens, the Commission has observed that there are many cases in which clear provisions of Community law are incorrectly applied. For example, the six-month period which is needed to issue a residence permit when checks relating to health or public order are required is the time imposed by several national governments in

normal circumstances. Others have excessive requirements as to the supporting documents to be presented when applying for a residence permit — it is not a correct application of Community law to require self-employed workers to carry bundles of documents to prove their status (proof of inclusion on the commercial register, VAT number, bank statements, commercial lease, tax returns etc.). Nor is it in line with Community law to systematically require persons applying for a residence permit to produce, besides their identity card or passport, a record of civil status — translated, moreover, into the language of the host country.

All of these examples help to explain the feeling among many citizens of not really belonging to the Union. To rectify such cases, the Commission naturally approaches the Member States concerned on the individual issues, and brings infringement proceedings in cases where flawed administrative practices are identified — which unfortunately is a very slow process. For this reason, the Commission has also decided to take action on another level — information. The 'Citizens First' initiative, which aims to disseminate Community law on the free movement of persons and its practical application in the Member States, should ensure that, in the medium term, greater overall compliance with Community law is achieved.

### 2.2.3.3. Progress in implementing directives applicable to right of residence

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	5	5	100
Denmark	5	5	100
Germany	5	2	40
Greece	5	5	100
Spain	5	5	100
France	5	5	100
Ireland	5	5	100
Italy	5	5	100
Luxembourg	5	5	100
Netherlands	5	5	100
Austria	5	5	100
Portugal	5	5	100
Finland	5	5	100
Sweden	5	5	100
United Kingdom	5	5	100

Note: this table concerns Directives 64/221, 73/148, 90/364, 90/365, 93/96.

#### 2.2.3.4. Right to vote and stand in elections

Under Directive 93/109/EC, Union citizens residing in a Member State of which they are not nationals were able to vote and stand in elections to the European Parliament in June 1994. A report is being drawn up on the application of the Directive during these elections.

The first elections to the European Parliament in the three new Member States were held in Sweden, Austria and Finland on 17 September 1995, 13 October 1996 and 20 October 1996 respectively.

Following the entry into force of Directive 94/80/EC on 1 January 1996, Union citizens residing in a Member State of which they are not nationals were able to take part in municipal elections in Germany (Bavaria, Lower Saxony), Luxembourg, Italy, Finland and the United Kingdom.

#### 2.2.3.5. Access to employment in the public service

For a number of years the Commission has been conducting a systematic campaign to open up four priority areas of the public service to workers from other Union countries (state education, civilian research, operational public health services and public bodies responsible for administering commercial services)<sup>(1)</sup>. This sectoral initiative, which goes further than the previous case-by-case approach to the application of Article 48 (4) of the Treaty, has led to the commencement of several infringement proceedings.

Most of these proceedings have been dropped following legislative amendments in the Member States. However, the Commission has decided to continue with three of the cases before the Court, against Belgium, Greece and Luxembourg. In its judgments of 2 July 1996<sup>(2)</sup>, the Court ruled that these three Member States had failed in their obligations by generally limiting access to employment in the public service to their own nationals<sup>(3)</sup>. The Commission will ensure that these

Member States amend their legislation to comply with the Court's rulings as soon as possible.

These judgments show that the Court of Justice sanctions the Commission's 'sectoral' approach. However, it should be noted that the Commission's systematic efforts in the priority sectors have rubbed off in other sectors — France and Germany, for example, have enacted legislation (in July 1991 and December 1993 respectively) whose scope is not confined to the priority areas but, in theory, covers the public service as a whole.

The important thing now is to ensure that non-discriminatory access to all public service posts not covered by Article 48 (4), whether or not they belong to a priority sector, becomes the norm in all the Member States, so that discrimination on the grounds of nationality for public service posts is completely eliminated in the European Union.

#### 2.2.3.6. Social security of migrant workers

The Commission brought an action against Greece following several complaints concerning the status of members of large families. It contended that by denying salaried or unsalaried Community workers and their families the status of large families on the grounds of their nationality, either by legislation or administrative practices, Greece was failing to discharge its obligations under Community law (Articles 48 and 52 of the Treaty, Article 7 of Regulation (EEC) No 1612/68, Article 7 of Regulation (EEC) No 1251/70, Article 7 of Directive 75/34/EEC and Article 3 of Regulation (EEC) No 1408/71).

A reasoned opinion was sent to Belgium for obliging firms in the construction industry to make advance payments in respect of their social security contributions in order to obtain social identity cards for their workers and authorization to commence work on a site, without taking account of Community provisions on the posting of workers.

With regard to the dissolution of the Social Insurance Fund in Gibraltar, the United Kingdom informed the Commission — in response to its reasoned opinion — that new legislation which conforms to Community law would be introduced before the end of 1996. Meanwhile, payments were restarted on 1 October, backdated to 1 January 1994, the date on which the Fund was dissolved.

<sup>(1)</sup> See Commission communication, OJ C 72, 18. 3. 1988, p. 2.

<sup>(2)</sup> Cases C-473/93 [1996] ECR I-3207, C-173/94 [1996] ECR I-3265 and C-290/94 [1996] ECR I-3285.

<sup>(3)</sup> In the case of Belgium, the Commission action concerned only jobs in energy distribution bodies.

## 2.2.3.7. Recognition of qualifications

*Cases decided by the Court of Justice*

The following are noteworthy among the Article 171 cases for failure to comply with earlier Court of Justice judgments:

- infringement proceedings brought against Belgium for failing to comply with the judgment given on 16 May 1991 (Case C-167/90) concerning the incorrect transposal of Directives 85/432/EEC and 85/433/EEC (pharmacists),
- infringement proceedings in the case concerning private schools in Greece (*frontistiria*); In Case C-147/86, the Court condemned Greece for a breach of Articles 48, 52 and 59 of the Treaty in the form of a ban on nationals of other Member States setting up *frontistiria* and private music and dance schools. Following Case C-328/90<sup>(1)</sup>, in which Greece was condemned for a second time, the Greek authorities amended their legislation. However, the infringement proceedings on this newly-adopted legislation are still open,
- the infringement proceedings concerning the freedom of tourist guides to provide services against Italy and France<sup>(2)</sup> are pending. Italy has notified the Commission of the adoption of new legislation. The Commission is currently examining whether this legislation complies with the Court's judgment.

Two other cases stand out:

- following the judgment given against Spain in Case C-375/92 concerning the freedom of tourist guides to provide services, some of the autonomous communities have adopted new decrees on the exercise of that profession. Following remarks made by the Commission, Spain has notified new legislation which is being scrutinized by the appropriate Commission departments,
- following Greece's notification of measures to bring its legislation into line with the Court's judgment on the freedom of tourist guides to provide services<sup>(3)</sup>, the Commission requested some amendments to the legislation in question. These have been incorporated in a bill which is about to be adopted.

<sup>(1)</sup> Judgment given on 30 January 1992 [1992] ECR I-425.

<sup>(2)</sup> Judgments given on 26 February 1991, Cases C-180/89 [1991] ECR I-0709 and C-154/89 [1991] ECR I-0659.

<sup>(3)</sup> Judgment given on 26 February 1991, Case C-198/89 [1991] ECR I-727.

*National implementing measures*

The two cases concerning the failure to notify measures transposing Directive 89/48/EEC (first general system) by Belgium and Greece (Cases C-365/93 and C-216/94)<sup>(4)</sup>, on which the Court of Justice has given its judgment, are continuing. A letter of notice has been sent to them under Article 171 of the Treaty.

Regarding Directive 92/51/EEC on a second general system for the recognition of professional education and training, which supplements Directive 89/48/EEC, infringement proceedings have also been commenced against Greece and Belgium. Portugal, Ireland, Germany and the United Kingdom have recently notified implementing measures or are about to do so.

With regard to Directive 94/38/EC amending Directive 92/51/EEC with respect to the level of certain qualifications, proceedings are also under way against several Member States.

*Incorrect transposal and incorrect application of directives*

The Commission received around 30 complaints concerning restrictions in breach of Articles 52 and 59 of the EEC Treaty and directives on the mutual recognition of professional qualifications. Some of these complaints gave rise to infringement proceedings, while others were shelved.

The Commission pursued a number of proceedings already in motion against Member States for incorrect transposal or incorrect application of directives. For example:

- a case concerning the transposal of Directive 89/48/EEC with regard to the teaching profession in Germany,
- a proceeding against Germany concerning access to the dental profession (requirements not allowed by the dentist directives for admission to the social security register of dentists who hold non-German qualifications which conform to the directives),
- a case against Spain for admitting dentists with qualifications obtained in Latin America at a level

<sup>(4)</sup> Judgments given on 23 March 1995 [1995] ECR I-499, and 13 July 1995 [1995] ECR I-2155 respectively.

far below the Directive's requirements. Spain is currently taking steps to bring its legislation into line with Community law,

— a proceeding against the Spanish legislation implementing the architects directives, which lays down restrictions on the maximum period during which services may be provided in Spain,

— new infringement cases, including one against Italy for failing to observe the procedural guarantees laid down in the Directive and one against France for failing to apply the rule in the Heylens-Vlassopoulou case on hairdressers holding Belgian qualifications.

#### 2.2.3.8. Progress in implementing Directives applicable to recognition of qualifications

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	63	58	92
Denmark	63	63	100
Germany	63	63	100
Greece	63	59	93
Spain	63	63	100
France	63	61	97
Ireland	63	63	100
Italy	63	63	100
Luxembourg	63	63	100
Netherlands	63	63	100
Austria	63	62	98
Portugal	63	61	97
Finland	63	61	97
Sweden	63	63	100
United Kingdom	63	63	100 <sup>(1)</sup>

Note: this table concerns Directives 63/261, 63/262, 64/222, 64/223, 64/224, 64/427, 64/428, 64/429, 65/1, 66/162, 67/43, 67/530, 67/531, 67/532, 67/654, 68/192, 68/363, 68/364, 68/365, 68/366, 68/367, 68/368, 68/369, 68/415, 69/82, 70/451, 70/522, 70/523, 71/18, 74/556, 74/557, 75/362<sup>(\*)</sup>, 75/363<sup>(\*)</sup>, 75/368, 75/369, 77/249, 77/452, 77/453, 78/686, 78/687, 78/1026, 78/1027, 80/154, 80/155, 81/1057, 80/1273, 82/76, 82/470, 82/489, 85/384, 85/432, 85/433, 85/584, 85/614, 86/017, 86/457<sup>(\*)</sup>, 89/048, 89/594, 89/595, 90/658<sup>(\*)</sup>, 92/51, 94/38, 95/43.

<sup>(\*)</sup> These Directives were consolidated by Directive 93/16/EEC (free movement of doctors and mutual recognition of diplomas, certificates and other evidence of formal qualifications).

<sup>(1)</sup> The notification rate for the United Kingdom disregards the situation as to the implementation of directives in Gibraltar, which is subject to special monitoring.

#### 2.2.3.9. Independent commercial agents

Directive 86/653/EEC on independent commercial agents has been transposed in all the Member States. However, the Commission has decided to send a reasoned opinion to Ireland for incorrect transposal of the directive.

#### 2.2.4. Freedom to provide services

##### 2.2.4.1. Broadcasting

All the Member States have notified national measures to implement Directive 89/552/EEC (television without frontiers).

Only the two problems of substance with Belgium and the United Kingdom that were the subject of two judgments by the Court of Justice<sup>(2)</sup> still remain. These two major cases primarily concern the main Directive's central provision, Article 2 (freedom of reception and retransmission, applicable law). The Court first stated, upholding the Commission's arguments, that a system of prior authorization for television broadcasts emanating from another Member State was in breach of the principle of freedom of reception and retransmission of television broadcasts laid down by the Directive. In its second judgment, the Court ruled that both the failure to respect the hierarchy of criteria determining a Member State's jurisdiction and the introduction of a double control on broadcasting services depending on the target audience were in breach of the Directive.

The Commission regrets that the effectiveness of the application of provisions on advertising and sponsorship varies between Member States. It will keep a close eye on this problem.

The Commission also felt the need to step up monitoring of the application by the Member States of Article 22 of the Directive on the protection of minors, given the rising number of pornography channels.

<sup>(2)</sup> Judgments given on 10 September 1996.

#### 2.2.4.2. Telecommunications

In its resolution of 21 November 1996 on new policy priorities regarding the information society<sup>(1)</sup>, the Council recognized that liberalization of telecommunications markets by 1 January 1998 would stimulate the private and public investment necessary for development of the information society in Europe. It stressed the importance of an appropriate and consistent legal framework for the information society at European level.

To prepare the ground for liberalization of the telecommunications markets in 1998, the Commission adopted two Directives, one on mobile and personal communications (96/2/EC)<sup>(2)</sup> and the other governing the implementation of full competition in telecommunications markets (96/19/EC)<sup>(3)</sup>. To round out the new regulatory framework, the Council and Parliament have continued to work towards the adoption of new directives on harmonized conditions for providing telecommunications services in the EU<sup>(4)</sup>.

Most Member States have drawn up new legislation to comply with the requirements of new directives that have already been adopted or are in the process of being adopted. Basic legislation has been rounded out with a series of implementing instruments. The Commission helped those Member States that notified their draft national legislation by providing detailed comments on them. Given the increased volume of instruments that have been or are being adopted, such assistance is bound to increase over the next two years in order to achieve effective liberalization of telecommunications throughout the EU.

The Commission has also examined the national measures implementing the directives and decisions currently in force notified by the Member States.

All the Member States have notified national measures implementing the three Directives on frequencies — Directives 87/372/EEC (GSM), 90/544/EEC (Erasmus) and 91/287/EEC (DECT). The Commission is currently preparing a report on the application of these three Directives. This report will be submitted to the Council and Parliament during the first half of 1997.

<sup>(1)</sup> OJ C 376, 12. 12. 1996.

<sup>(2)</sup> OJ L 20, 26. 1. 1996.

<sup>(3)</sup> OJ L 74, 22. 3. 1996.

<sup>(4)</sup> Draft Directives on licences (common position adopted on 9 December 1996), interconnection (common position No 34/96), data protection.

Framework Directive 90/387/EEC prescribing the principles to be applied to the implementation of open network provision (ONP) has been transposed by all the Member States.

All Member States except Luxembourg have notified national measures transposing the first specific ONP Directive (92/44/EEC). The Commission has scrutinized the national measures notified and considers that Austria, Belgium, Greece, Finland, the Netherlands and Portugal have failed to transpose the Directive in full. The measures notified by Italy raise various problems in terms of consistency with Community law.

The Commission had introduced infringement proceedings against Luxembourg with respect to this Directive. The Court of Justice<sup>(5)</sup> having confirmed that Luxembourg had failed to fulfil its obligations under Directive 92/44/EEC, a new proceeding was initiated under Article 171 of the Treaty.

The Commission is preparing that report on the implementation of the Directive required by Article 14. The report will be laid before the Council and Parliament in the first half of 1997.

The Commission has proposed a Directive amending Directives 90/387/EEC and 92/44/EEC to adapt them to the new competitive environment<sup>(6)</sup>.

Only six Member States (Germany, Austria, Belgium, Finland, Sweden and Portugal) have notified national measures transposing Directive 95/62/EC on the application of open network provision (ONP) to voice telephony.

The basic Directive on the harmonization of telecommunications terminal equipment (Directive 91/263/EEC) is a framework instrument providing for the adoption of a range of common technical rules for its implementation. The Commission has adopted 14 Decisions relating to this Directive (94/11/EC and 94/12/EC relating to the GSM, 94/470/EC on ONP 2 048 kbit/s digital unstructured leased lines, 94/471/EC and 94/472/EC for DECT, 94/796/EC and 94/797/EC for ISDN, 94/821/EC on ONP 64 kbit/s digital unstructured leased lines, 95/526/EC on ISDN telephony, 95/290/EC on Erasmus, 95/525/EC on

<sup>(5)</sup> Case C-220/94 (judgment given on 15 June 1995).

<sup>(6)</sup> Common position adopted on 9 December 1996.

DECT-public access, 96/71/EC on X.25 interfaces, 96/629/EC and 96/630/EC GSM-Phase II).

12 Member States (Germany, Austria, Denmark, Spain, Finland, France, Greece, Italy, the Netherlands, Portugal, the United Kingdom and Sweden) have notified national measures transposing Directive 91/263/EEC. Examination has shown that the notifications from Austria and the Netherlands are incomplete.

The Court of Justice also found that, by failing to adopt transposal measures, Belgium<sup>(1)</sup>, Luxembourg<sup>(2)</sup> and Ireland<sup>(3)</sup> had failed to fulfil their obligations under Directive 91/263/EEC. The Commission has brought National transposal measures notified by the Member States with regard to the two Directives amending Directive 91/263/EEC have also been subject to scrutiny.

This process involves measures notified by 11 Member States (Germany, Denmark, Spain, Finland, France, Greece, Italy, the Netherlands, Portugal, the United Kingdom and Sweden) transposing Directive 93/68/EEC on marking.

Directive 93/97/EEC extends the scope of Directive 91/263/EEC to the equipment of ground satellite tracking stations. Nine Member States (Germany, Denmark, Spain, Finland, France, the Netherlands, Portugal, the United Kingdom and Sweden) have notified the Commission of national measures transposing the new Directive. Infringement proceedings are under way against Member States who have not notified transposal measures.

Nine Member States (Germany, Austria, Belgium, Denmark, Finland, Ireland, Luxembourg, the United Kingdom and Sweden) have adopted measures required under Decision 91/396/EEC on the introduction of '112' as the standard emergency services number

(<sup>1</sup>) Case C-218/94 (judgment given on 4 May 1995).

(<sup>2</sup>) Case C-221/94 (judgment given on 7 November 1996).

(<sup>3</sup>) Case C-239/94 (judgment given on 29 February 1996).

throughout the Union. France, Italy and the Netherlands have asked the Commission for a derogation under Article 3 (2) of the Decision.

12 Member States (Germany, Belgium, Denmark, Finland, France, Greece, Luxembourg, Ireland, Italy, the Netherlands, Portugal and the United Kingdom) have already introduced '00' as the standard code for access to the international network in the Community, in accordance with Decision 92/264/EEC. Austria and Sweden have announced their intention to introduce the '00' code in December 1997 and December 1998 respectively. Spain is the only Member State that has still supplied no information on implementation of the Decision.

None of the Member States has notified national measures transposing Directive 95/47/EC on the use of standards for the transmission of television signals. The Commission has therefore commenced infringement proceedings.

#### 2.2.4.3. Progress in implementing directives applicable to telecommunications

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	9	6	67
Denmark	9	7	78
Germany	9	8	89
Greece	9	6	67
Spain	9	7	78
France	9	7	78
Ireland	9	5	56
Italy	9	6	67
Luxembourg	9	4	44
Netherlands	9	7	78
Austria	9	7	78
Portugal	9	8	89
Finland	9	8	89
Sweden	9	8	89
United Kingdom	9	7	78

Note: this table concerns Directives 87/372, 90/387, 90/544, 91/263, 91/287, 92/044, 93/097, 95/47, 95/62.

#### 2.2.4.4. Financial Services

##### *Dialogue with the national authorities*

As a means of consolidating administrative cooperation and resolving problems quickly, the Commission main-

tained regular contacts with the national authorities through institutional committees (Banking Advisory Committee, Insurance Committee, UCITS — Undertakings for Collective Investment in Transferable Securities — Contact Committee), *ad hoc* interpretation groups (the banking directives group, the insurance group and the capital adequacy directive group, etc.) and high-level working parties (HLSSC — High-Level Security Supervisors Committee — for negotiable securities).

### *Complaints and infringements*

In the insurance field, the Commission commenced infringement proceedings in eight new cases for breaches of Articles 52 and 59 of the Treaty and directives. All cases were detected by the Commission itself. Two of the proceedings opened in 1995 were shelved, one because it was unfounded and the other because the Member State concerned complied with Community law. The banking sector saw a decrease in the number of proceedings compared with last year. The Commission shelved two complaints without taking further action, one brought this year and one in 1995.

Many infringement proceedings have reached the reasoned opinion stage. In the insurance field, the number of proceedings formally commenced in 1996 for failure to comply with Community law or for incorrect application was considerably higher than in 1995. This is explained by the fact that the Commission has almost completed its inspection of the quality of national measures transposing several directives and has discovered failures to comply with Community law or failures to transpose directives in full. In the banking sector, the number of proceedings opened for failure to communicate measures transposing directives into national law has increased as a result of delays in several Member States adopting measures transposing Directives 94/19/EEC (deposit-guarantee schemes) and 93/6/EEC (capital adequacy) that had recently entered into force.

### *Infringement proceedings for failure to notify national measures*

The following cases are particularly noteworthy:

— in the banking sector, reasoned opinions were sent to Germany, Spain, Italy and Luxembourg for failing to notify measures implementing Directive 94/19/EC

(deposit-guarantee schemes) and to Germany, Greece, France, Italy and Luxembourg for failing to notify measures in respect of Directive 93/6/EEC (capital adequacy of investments firms and credit institutions),

— as regards securities, the Commission decided to send a reasoned opinion for failure to notify measures implementing Directive 93/22/EEC (investment services in the securities field) to Germany, Greece, Spain, Portugal and Luxembourg (for partial notification),

— turning to insurance, Belgium was sent a reasoned opinion for transposing only part of Directive 90/232/EEC (third vehicle insurance Directive),

— a case against Spain involving failure to notify national measures implementing Directive 92/49/EEC (third non-life insurance Directive) was referred to the Court of Justice (see also below). Application of this Directive and of Directive 92/96/EEC on life insurance has not been unproblematic. Although most Member States have already notified national transposal measures for the two Directives, this does not mean that transposal or application is perfect,

— Italy's failure to transpose Directive 91/674/EEC (annual accounts and consolidated accounts of insurance undertakings) has been referred to the Court of Justice. A reasoned opinion has also been sent to Spain for failing to notify measures implementing this Directive,

— finally, the Commission terminated cases against various Member States for failing to notify measures implementing the following Directives — 91/371/EEC concerning an agreement with Switzerland (Luxembourg), 91/674/EEC (Belgium), 90/618/EEC on motor vehicle liability insurance and the second life insurance Directive 90/619/EEC (Spain), 94/7/EEC on a solvency ratio for credit institutions (Denmark, Greece, Spain, Ireland, Italy and Portugal), 93/6/EEC on capital adequacy of investment firms and credit institutions (Belgium, Denmark, Ireland and the Netherlands), 92/30/EEC on consolidated supervision and 92/121/EEC on large exposures of credit institutions (Germany), and 93/22/EEC (the United Kingdom, Belgium, the Netherlands, Denmark, France and Italy).



*Infringement proceedings for failure to comply with Community law or incorrect application*

The following cases are of particular interest:

- in banking, Italy was sent a reasoned opinion for discriminatory tax treatment of banks that are not established in Italy. Such banks cannot benefit from the advantageous 'imposta sostitutiva' system and therefore have to pay 5% registration fees on mortgages instead of the favourable rate granted to established banks,
- Austria was sent a reasoned opinion because the existence of anonymous accounts in Austria is incompatible with its obligation to check the identity of customers when they open an account under Article 3 (1) of Directive 91/308/EEC (money laundering),
- proceedings started against Luxembourg for failing to bring its legislation on insurance brokers into line with Article 59 of the Treaty have been terminated, since the requirement that directors, general representatives, inspectors, agents and brokers and any other person performing insurance operations be resident in Luxembourg has now been abolished,
- in the securities sector, a reasoned opinion was sent to Germany for discriminating against UK investment trusts both with respect to public offers of their shares in Germany and in terms of taxation,
- in the insurance field, the Commission sent a reasoned opinion to France for failing to implement Directives 92/49/EEC and 92/96/EEC in their entirety, as its legislation implementing these Directives did not contain measures adapting the mutual insurance code to the third non-life and life insurance directives,
- a reasoned opinion was also sent to Belgium because Belgian legislation on the supervision of insurance companies excludes accidents at work from the scope of Directive 92/49/EEC. The Commission considers that the such risks are covered by the Directive where they are insured by private insurance companies. Finland was also found to commit the same breach of

Directive 92/49/EEC and an Article 169 letter was therefore sent to Finland in 1996,

- the Commission also sent a reasoned opinion to Germany for incorrect application of Directive 92/49/EEC. In its legislation implementing this Directive, Germany formally abolished the provision prohibiting the simultaneous transaction of health insurance and other classes by non-German companies hoping to set up a branch or operate as service-providers in Germany, in line with the third non-life insurance directive, which ruled out this possibility. However, Germany introduced a new provision into its social security legislation whereby the employee would benefit from contributions paid by the employer only if the insurance company did not provide both health insurance and other classes of insurance simultaneously, irrespective of where it had its headquarters. This was an indirect violation of Directive 92/49/EEC,
- finally, the Commission sent a reasoned opinion to Spain because Spanish legislation implementing Directive 84/5/EEC did not meet the requirement of Article 1 (4) of that Directive that a body be set up with the task of providing compensation for damage to property or personal injuries caused by an unidentified vehicle and the victim be given a reasoned reply regarding the payment of any compensation.

*Cases before the Court*

As regards requests for preliminary rulings, the Court of Justice still has not reached a decision in Case C-222/95 concerning a Member State's right, before the entry into force of the second banking Directive (89/646/EEC), to require a Community credit establishment already accredited in its country of origin to obtain further accreditation in order to enjoy the freedom to provide services on its territory<sup>(1)</sup>.

In its judgment given on 26 March 1996 (Case C-238/94), the Court of Justice declared that social security schemes such as the French statutory social security schemes providing health and maternity insurance for the self-employed in non-agricultural trades, old-age insurance for those in skilled manual trades and old-age insurance for those in industrial and commercial trades are excluded from the scope of Community insurance directives under Article 2 (2) of Directive 92/49/EEC on non-life insurance.

<sup>(1)</sup> See 13th annual report (1995).

The departmental farmers' union brought a case against the Commission for its failure to act (Case C-47/96) on the grounds that, contrary to plaintiffs' requests, the Commission had not commenced infringement proceedings against France for incorrect transposal of Directives 92/49/EEC and 92/96/EEC due to the monopoly on covering 'health' risks established by French legislation in the field of statutory social insurance.

As regards actions brought under Article 169 of the Treaty, in its judgment given on 6 June 1996 the Court of Justice upheld the Commission's complaint that Italy's 'SIM' Law on financial intermediaries breached Article 59 of the Treaty (<sup>1</sup>).

In its judgment given on 14 November 1995 (Case C-484/93) (<sup>2</sup>), the Court of Justice declared Luxembourg's legislation making the grant of an interest rate subsidy for a building loan subject to the requirement that the loan has been obtained from a credit institution approved in that Member State incompatible with Community law. Luxembourg has now amended its legislation in line with Community law.

Since Greece has now implemented judgments given for its failure to notify measures transposing Directives 90/618/EEC (motor vehicle liability insurance — provision of services), 90/619/EEC (second life insurance Directive) and 88/357/EEC (second non-life insurance Directive) (<sup>3</sup>), infringement proceedings started on the basis of Article 171 of the Treaty have been terminated.

A case was also brought before the Court of Justice against Greece for its failure to transpose Directives 92/49/EEC (Case C-111/96), 92/96/EEC (Case C-112/96), 91/674/EEC (Case C-110/96) and 91/371/EEC (Case C-109/96). Calls were made for withdrawal of this case following notification of national measures transposing these Directives. Proceedings con-

tinue against Ireland for its failure to transpose Directive 91/371/EEC (Case C-394/95) and against Spain for incomplete implementation of Directives 92/49/EEC (Case C-361/95) and 91/371/EEC (Case C-360/95).

#### 2.2.4.5. Progress in implementing directives applicable to financial services

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	43	42	98
Denmark	43	42	98
Germany	43	42	98
Greece	43	40	93
Spain	43	36	84
France	43	41	95
Ireland	43	41	95
Italy	43	40	93
Luxembourg	43	40	93
Netherlands	43	43	100
Austria	43	39	90
Portugal	43	40	93
Finland	43	37	86
Sweden	43	37	86
United Kingdom	43	41	95 ( <sup>4</sup> )

Note: this table concerns Directives 64/225, 72/166, 73/183, 73/239, 77/92, 77/780, 78/473, 79/267, 79/279, 80/390, 82/121, 84/5, 84/641, 85/611, 86/635, 87/343, 87/344, 87/345, 88/220, 88/357, 88/627, 89/117, 89/298, 89/299, 89/592, 89/646, 89/647, 90/211, 90/232, 90/618, 90/619, 91/308, 91/371, 91/633, 91/674, 92/30, 92/49, 92/96, 92/121, 93/6, 93/22, 94/7, 94/19.

#### 2.2.5. Free movement of capital

Available information shows that the situation regarding the movement of capital within the Union is basically satisfactory. Considerable sums of money now flow across national borders to meet the economic needs of market players. A growing awareness on the part of economic agents regarding the possibilities for investments, borrowing transactions and risk management provided by the integrated European market has contributed to capital mobility within the Union.

(<sup>1</sup>) See 10th, 11th, 12th and 13th annual reports (1992), (1993), (1994) and (1995) respectively.

(<sup>2</sup>) See 12th and 13th annual reports (1994) and (1995) respectively.

(<sup>3</sup>) Joined Cases C-109/94, C-209/94 and C-225/94 (judgment given on 29 June 1995).

(<sup>4</sup>) The notification rate for the United Kingdom disregards the situation as to the implementation of directives in Gibraltar, which is subject to special monitoring.

Some progress has been made, particularly in eliminating restrictions on the physical export of means of payment by Italy and Spain, on administering securities denominated in national currency by the United Kingdom and on direct foreign investment by France; these restrictions have been subject to infringement proceedings started by the Commission. Court of Justice rulings clarifying the scope of Treaty provisions on free movement of capital have contributed to this positive trend.

The Commission took action to eliminate the final impediments and indirect restrictions on free movement of capital both in cases already identified in last year's report and in new cases. These impediments take the shape of constraints on investments abroad by institutional investors which are not justified by prudential rules, restrictions on purchases of holdings in nationalized companies and of property in certain regions, conditions for the admission of foreign securities to domestic capital markets and favourable tax provisions for certain financial investments.

A reasoned opinion has been addressed to Belgium in infringement proceedings concerning restrictions imposed by both Belgium and Greece on the purchase by residents of assets denominated in foreign currency issued abroad when transferring funds and investments abroad. Elimination of indirect restrictions on the free movement of capital presents a number of specific problems, since a distinction must be made between cases in which these restrictions can be justified by general interest and those to which these grounds do not apply.

#### 2.2.6. *Company law*

Apart from the cases listed below where no measures have been notified, and a few problems with incorrect implementation, the seriousness of which will be examined in a general study to be completed by the end of 1997, no particular difficulties have arisen in the transposal of directives in this field.

The Commission has brought an action against Germany (Case C-191/95) for incorrect application of Directive 68/151/EEC (companies register) and 78/660/EEC (annual accounts). About 90 % of German private limited companies are refusing to publish their accounts by depositing them with the companies register, as required by the directives and the German legislation transposing them.

The Commission has commenced another action in the Court against Germany for failure to notify national measures implementing Directive 90/605/EEC (amending the scope of the directives on annual accounts and consolidated accounts).

Reasoned opinions had already been sent to Greece, Ireland and Luxembourg for failure to notify national measures implementing Directive 92/101/EEC (amending Directive 77/91/EEC on the capital of public limited liability companies): these cases have not yet been terminated.

#### 2.2.6.1. **Progress in implementing directives applicable to company law**

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	12	12	100
Denmark	12	12	100
Germany	12	11	92
Greece	12	11	92
Spain	12	12	100
France	12	12	100
Ireland	12	11	92
Italy	12	12	100
Luxembourg	12	11	92
Netherlands	12	12	100
Austria	12	12	100
Portugal	12	12	100
Finland	12	12	100
Sweden	12	12	100
United Kingdom	12	12	100 <sup>(1)</sup>

*Note:* this table concerns Directives 68/151, 77/091, 78/660, 78/855, 82/891, 83/349, 84/253, 89/666, 89/667, 90/604, 90/605, 92/101.

#### 2.2.7. *Intellectual and industrial property*

There is currently only one directive in force in the field of industrial property — Directive 89/104/EEC on trade marks. Under its provisions, the registration of a trade mark confers on its owner exclusive rights allowing him to prohibit its use for commercial purposes by a third party without his consent.

<sup>(1)</sup> The notification rate for the United Kingdom disregards the situation as to the implementation of directives in Gibraltar, which is subject to special monitoring.

The harmonization of Member States' legislation on national trade marks is not comprehensive, but confined to certain aspects which have a direct impact on the functioning of the internal market. Outside these harmonized fields, the Member States retain complete freedom to lay down arrangements best suited to their traditions.

The scope of harmonization is defined by the Directive as follows:

- registered trade marks only: arrangements for protecting trade marks resulting from usage are left up to the Member States;
- all categories of registered trade marks recognized by national legislation: trade marks in respect of products or services, individual trade marks, collective marks and guarantee or certification marks. This does not mean that the Member States are required to introduce these various categories of trade marks into their legislation,
- trade marks which have been registered under international arrangements but have effect in the Member States,
- the Directive covers only substantive law on registered trade marks; none of its provisions is aimed at harmonizing procedures.

The deadline for the transposal of this Directive was extended until 31 December 1992.

All of the Member States, including the new Members, have notified the Commission of national legislation on the transposal of this Directive. The Spanish authorities notified the Commission of transposal even before the Directive had been adopted. The Commission is currently checking that the measures adopted at national level conform to the Directive.

#### *Copyright and related rights*

Member States generally adopt the national measures implementing the directives relating to this sector only after long delays and often only after infringement proceedings have been launched.

All Member States have now notified their national measures transposing Directive 87/54/EEC on the legal protection of topographies of semiconductors.

In the case of Greece, the examination of the national implementing legislation revealed several infringements of Community provisions. The Greek authorities sent the Commission a draft text amending the offending regulation and remedying the infringements. This text was adopted in November 1995, with the result that the infringement proceedings could be dropped.

All Member States have now notified the Commission of national measures implementing Directive 91/250/EEC on the legal protection of computer programs. The examination of the measures notified by the United Kingdom revealed problems of compatibility with Community legislation, the United Kingdom having chosen to retain certain concepts of copyright in the transposal of the Directive, instead of adapting its traditions in this area to the requirements of the Community regulations. After an Article 169 letter to the United Kingdom and a reply from the British authorities, it transpired that the issue could be resolved once and for all by transposing the other Directives on copyright into national law.

Ireland, Luxembourg, Portugal and the United Kingdom have yet to communicate national measures implementing Directive 92/100/EEC (lending right). Infringement proceedings against these States have reached the stage of the reasoned opinion.

Only Belgium, Denmark, Spain, Finland, Sweden and Austria have notified national measures implementing Directive 93/83/EEC (on satellite broadcasting and cable retransmission). Infringement proceedings against the other Member States have reached the stage of the reasoned opinion.

Directive 93/98/EEC on the term of protection of copyright and certain related rights has been transposed into national legislation in 11 Member States. Infringement proceedings against the other four have reached the stage of the reasoned opinion.

Finally, no Member State has yet notified implementing measures for transposal of Directive 96/9/EC on the legal protection of data bases.

### 2.2.7.1. Progress in implementing Directives applicable to intellectual and industrial property

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	6	6	100
Denmark	6	6	100
Germany	6	5	83
Greece	6	4	67
Spain	6	6	100
France	6	4	67
Ireland	6	4	67
Italy	6	4	67
Luxembourg	6	3	50
Netherlands	6	4	67
Austria	6	4	67
Portugal	6	3	50
Finland	6	5	83
Sweden	6	5	83
United Kingdom	6	3	50

Note: this table concerns Directives 87/54, 89/104, 91/250, 92/100, 93/83, 93/98.

### 2.2.8. Public procurement

Nearly two years after the expiry of the deadline for transposing the latest directives adopted in the field of public procurement, a large number of measures have still not been transposed. In the case of Directive 92/50/EEC on services, for example, the five Member States (Belgium, Greece, France, Germany and Austria) which had not notified the Commission of national implementing measures have still not fulfilled their obligations, resulting in judgments against them by the Court of Justice on 2 May 1996<sup>(1)</sup>. The Commission has now decided to bring action against Belgium in the Court.

Similarly, four Member States have failed to notify measures implementing Directive 93/36/EEC on supplies, and the Commission has decided to bring actions against them in the Court of Justice (Belgium, Germany, France, Italy). Four other Member States have failed to comply with their obligations under Directive 93/38/EEC on excluded service sectors<sup>(2)</sup> and the Commission has also decided to bring actions against

<sup>(1)</sup> Cases C-253/95 (Germany), C-234/95 (France) and C-311/95 (Greece).

<sup>(2)</sup> Water, gas and electricity.

them in the Court of Justice (Belgium, Germany, France, United Kingdom).

The texts notified to the Commission have been examined for compatibility with Community legislation, revealing numerous problems in many Member States where the national legislation is inadequate or incorrect.

The scrutiny of national implementing measures revealed four new cases of infringement for incorrect transposal, bringing the number of cases pending in this category to 29. Some of these cases involve questions of principle which could undermine the liberalization of public contracts awarded in the Member States concerned.

The situation in the three new Member States is still under examination, but numerous problems have already been identified with existing national legislation.

The Commission continued its monitoring of the application of Community law in the procedures for awarding private contracts, by following up complaints and investigating and checking cases on its own initiative.

The Commission processed 148 complaints and investigations of its own in 1996, including 42 new cases. It was able to settle 97 cases, mostly as a result of action by the awarding authorities or their supervisory bodies to remedy the irregularities. The dialogue and consultation procedure ('package meetings')<sup>(3)</sup>, set up to help Member States find and reach agreement on solutions to outstanding disputes which conform to Community law, undoubtedly helped in this respect.

A few of these cases deserve special mention:

— the case of a contract for supplying various goods in the hospital sector which was awarded by negotiated procedure without any of the conditions for using this type of procedure being fulfilled. Following Commission intervention, the authorities of the Member State set aside the disputed procedure and began new procedures that complied with Directive 93/36/EEC,

— in another Member State, a contract to supply computer equipment had also been awarded by mutual agreement, without any justification for the absence of competitive tendering. The contract having been fully executed, the national authorities adopted precise instructions addressed to the

<sup>(3)</sup> See also point 2.2.11 above.

departments concerned in order to clear up the confusion that had given rise to the irregularities documented,

— in a third case, a tender that did not comply with the specifications was accepted in the process for awarding a public works contract, constituting a breach of the principle of equal treatment that invalidated the decision awarding the contract. Following representations by the Commission, the authorities of the Member State in question set aside the decision awarding the contract and repeated the phase of the disputed procedure.

In other cases, however, it proved impossible to reach agreement, and infringement proceedings had to be carried through to their conclusion.

The Commission brought three actions in the Court of Justice. They concerned the construction of a Parliament building for the Flemish Region of Belgium (Vlaamse Raad), the supply of fertilizer for the Irish Forestry Board, and the construction of an administrative and cultural complex in St Pölten, capital of the state of Niederösterreich.

All three cases involved a failure to award the contract on the basis of competitive tendering. In the first two cases the Member States are contesting the designation of the project administrator as adjudicating authority, while in the third case a specific provision of the regional law deliberately excluded application of Community law.

In the first six months of the year the Court of First Instance and the Court of Justice gave judgment in several cases relating to public contracts, including the following important examples:

— Case C-87/94 *Commission of the European Communities v. Kingdom of Belgium (Walloon buses)*<sup>(1)</sup>, which deals with the following issues: equal treatment of tenderers, change in tender, failure to comply with criteria for awarding the contract and the principle of transparency,

— Case C-318/94 *Commission of the European Communities v. Federal Republic of Germany (dredging of the lower Ems)*<sup>(2)</sup> concerning the following issues: failure to publish a contract notice, strict interpretation of exceptions: overriding urgency, unforeseeable occurrence.

<sup>(1)</sup> Judgment given on 25 April 1996, 1994 ECR I-1395.

<sup>(2)</sup> Judgment given on 28 March 1996.

### 2.2.8.1. Progress in implementing Directives applicable to public procurement

The table below does not include information on national provisions that have to be adopted in certain Member States because power is shared between different institutional structures (e.g. Austrian Länder).

Member States	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	11	9	82
Denmark	11	11	100
Germany	11	8	73
Greece	8	7	88
Spain	10	8	80
France	11	8	73
Ireland	11	11	100
Italy	11	10	91
Luxembourg	11	11	100
Netherlands	11	11	100
Austria	11	7	64
Portugal	8	8	100
Finland	11	11	100
Sweden	11	11	100
United Kingdom	11	10	91 <sup>(1)</sup>

Note: this table concerns Directives 71/305, 89/440 (consolidated by Directive 93/37), 77/62, 80/767, 88/295, 90/531, 92/13, 92/50, 93/36 and 93/38/EEC.

### 2.3. Removal of tax barriers

#### 2.3.1. Direct taxation

##### *Personal taxation*

In cases involving Articles 48 and 52 of the EC Treaty (free movement of persons) and Regulation (EEC) No 1612/68, the Court of Justice has repeatedly applied the general principles of non-discrimination and equal treatment of workers exercising their right to mobility in the context of the tax treatment of residents of a Member State as compared with non-residents. In substance, wherever a non-resident is in the same objective situation as a resident for tax purposes, the Court has held that imposing a different tax scheme (non-residents' scheme) constitutes potential nationality discrimination.

<sup>(1)</sup> The notification rate for the United Kingdom disregards the situation as to the implementation of directives in Gibraltar, which is subject to special monitoring.

This was the Court's point in a case concerning the personal and family situation of employed persons who earned virtually all their income in the Member State of employment although they resided in another Member State, where their personal situation (marital status, dependent children, the first Schumacker judgment) was not taken into account. Likewise, the application of a higher tax scale to the income of non-residents than to residents for tax purposes in the same Member State was held to be discriminatory where the non-resident earned virtually all his income in that State (Ascher).

Following the judgments in Schumacker, Wielockx and Ascher, the Commission has initiated contacts with the Member States to monitor the progress of planned legislation to give effect to these principles.

In this connection, the Commission welcomes that fact that the United Kingdom's 1996 Finance Act extends the tax allowances available until now only to residents of the Commonwealth and taxpayers from certain other countries to all nationals of Member States of the European Economic Area (EEA).

Similarly, the Commission has closed its file on a case of discrimination against foreign health insurance companies in Ireland. Ireland enacted a provision in its 1996 Finance Act which will extend income tax relief to premiums paid to institutions of other Member States.

The Commission was able to terminate several infringement proceedings commenced against Member States for failure to comply with Community law.

Germany, for instance, finally granted the parents of a disabled child residing abroad the same tax relief as the parents of a child residing in Germany<sup>(1)</sup>.

#### *Company taxation*

Belgium abolished the difference in company tax rates between Belgian companies and permanent business establishments (branches of foreign companies).

A reasoned opinion has also been sent to France on the subject of the provisions of the general tax code which subject the profits of permanent establishments of foreign companies to a tax at source at a rate that varies according to the country in which the company has its registered offices, by virtue of bilateral dual-taxation conventions. These provisions impose a different tax system based indirectly on the nationality of the company, in violation of Article 52 of the Treaty.

As regards notification of implementing measures, the Commission has received national measures transposing all of the Directives from all Member States except Greece, which has not notified legislation transposing Directive 90/434/EEC on mergers (see point 2.3.1.1. below).

#### *Capital transfer duties — Directive 69/335/EEC*

The interpretation on the directive on indirect taxation on the raising of capital has generated an extensive body of case-law. Among other things, the Court of Justice gave judgment on 13 February 1996 in Cases C-197/94 and C-252/94 *Bautiaa*, declaring that the French legislation maintaining the tax on registration of capital transfers in the merger context at 1,2 % incompatible with Article 7 (1) of the Directive.

The Court also specified that the prohibition by Article 10 of the Directive on charging other taxes on such capital transfers applied only to indirect taxation (Case C-287/94 *Frederiksen Co.*, judgment given on 26 September 1996), and that the prohibition did not extend to an annual tax for registration of a company with a chamber of commerce and industry (Case C-2/94 *Denkavit International BV* and others).

A large number of questions are currently before the Court of Justice for preliminary rulings on the compatibility with Community law of limitation periods for the repayment of amounts due following rulings that taxes charged by a Member State were not in conformity with the capital transfer duties Directive (C-188/95 *Fantasia*, C-231/96 *Edis*, C-260/96 *Ansaldo Energia* C-280/96, C-281/96 and C-10/97 *In.co.ge 90 Srl*). Among other points, they include the question whether the limitation period runs from the date the offending tax was charged or the date when the Directive was properly transposed.

<sup>(1)</sup> See 13th annual report (1995).

There are also a series of questions concerning the interface between the Directive and charges for company reorganizations or registrations where the operation is to combine capital from different sources in whatever way (Cases C-8/96 Locamion, C-42/96 SIF, C-347/96 Solred, and C-31/97 and C-32/97 Fecca autopistas). The same question has been asked as regards corporation taxes (Case C-4/97 Norwoven Spa).

The United Kingdom's 1996 Finance Act amended the stamp duty reserve tax applied to security transactions to abolish discrimination against non-British clearing houses. They can now choose between a tax of 1,5 % of the value of the securities or 0,5 % per transaction.

#### 2.3.1.1. Progress in implementing Directives applicable to direct taxation

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	4	4	100
Denmark	4	4	100
Germany	4	4	100
Greece	4	3	75
Spain	4	4	100
France	4	4	100
Ireland	4	4	100
Italy	4	4	100
Luxembourg	4	4	100
Netherlands	4	4	100
Austria	4	4	100
Portugal	4	4	100
Finland	4	4	100
Sweden	4	4	100
United Kingdom	4	4	100 (*)

Note: this table concerns Directives 69/335, 77/799, 90/434, 90/435.

#### 2.3.2. Indirect taxation

##### Article 95 of the Treaty

The Commission has sent a reasoned opinion to Italy following the introduction of a special levy on the price of unprocessed polyethylene which violates

Article 95 of the Treaty because the tax on plastic film produced in Italy is less than that on the same products from other Member States. The levy is applied in the first case to the value of the raw material and in the second to the value of the finished product.

The Commission has also decided to bring infringement proceedings against Belgium for insisting that consignments of non-alcoholic beverages from other Member States must be cleared for home use as soon as they enter Belgium, at the first Belgian office regarded as a frontier office before 1 January 1993, or that the consignee must first have set itself up as a registered depositor or registered trader, with all the obligations that this entails. The Commission believes that the continued application of such measures is contrary to Article 95 of the Treaty and Article 3 (3) of Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products.

Finally, the Court of Justice has struck out the case against Luxembourg for exempting sample discs and books from VAT on the domestic market (?).

##### Value-added tax

The Commission has commenced two new series of infringement proceedings for failure to notify national implementing measures:

— one relates to Austria and Italy in respect of Directive 95/7/EC introducing new simplification measures with regard to value added tax — scope of certain exemptions and practical arrangements for implementing them,

— the other relates to all Member States except Finland, Italy and the Netherlands in respect of Directive 96/42/EC introducing a reduced rate of VAT for supplies of live plants and other outputs of the floricultural and horticultural sectors and wood for use as firewood (?).

The infringement proceedings commenced in 1995 against Belgium, Italy, France, Luxembourg, the Netherlands and Portugal for failure to notify measures transposing Directive 94/76/EC introducing transitional

(?) Case C-152/96.

(?) See the earlier reference to infringement proceedings under Article 170 of the Treaty connected with the adoption of this Directive.

(\*) The notification rate for the United Kingdom disregards the situation as to the implementation of directives in Gibraltar, which is subject to special monitoring.



measures applicable to VAT in the context of the enlargement of the European Union have been dropped following the notification of national implementing measures <sup>(1)</sup>.

Similarly, the Commission was able to drop the proceedings against Portugal relating to Directive 94/5/EC on the special VAT arrangements applicable to second-hand goods, works of art, collectors' items and antiques <sup>(2)</sup>.

As regards application of the sixth VAT Directive (Directive 77/388/EEC), the Council — under pressure from the Commission — reached agreement on the common system of VAT on cut flowers, ornamental plants and firewood, thus ending a three-year dispute between Member States. The Directive allows Member States to apply a reduced VAT rate to live plants, other outputs of floriculture and horticulture (including bulbs, roots and the like, cut flowers and ornamental foliage) and wood for use as firewood for the duration of the transitional tax system for trade between Member States referred to in Article 28 (1) of the sixth Directive <sup>(3)</sup>.

Under Community VAT legislation, the Council ought to have taken a decision by the end of 1994. However, because it had proved impossible to adopt such a decision by this date and the previous agreement sanctioning the status quo (allowing Member States that applied a reduced rate on 31 December 1992 to continue to do so, while the others were required to apply the standard rate) had expired, the Member States applying a reduced rate after this date were clearly violating Community law. The structural differences between the VAT rates applied by the Member States to outputs of the floricultural and horticultural sectors had also given rise to cases of fraud — which had been reported — and hence to distortions of competition. In 1995, the country worst affected, Belgium, therefore called for proceedings as provided for in Article 170 of the Treaty to be brought against countries applying a reduced rate in this sector. In December 1995 Parliament delivered a favourable opinion on the proposal for a Council directive on the taxation of agricultural products presented by the Commission, thus enabling the Council, for the first time, to vote on the proposal.

In view of the situation, however, the Commission felt compelled to intervene, either by trying to

persuade the Member States to accept its initial proposal for a directive (or a reasonable compromise), or by referring infringements to the Court of Justice. In the end the Member States were willing to accept a compromise submitted by the Belgian government, which is broadly similar to the Commission's initial proposal <sup>(4)</sup> but with a number of technical changes.

As part of its monitoring of the correct application of the provisions of the sixth VAT Directive, the Commission also decided to initiate a large number of new infringement proceedings against the following countries:

- Germany, which has amended its legislation on exempting gold transactions, whereas the sixth Directive does not allow for the introduction of any new exemptions,
- Greece, which, on the one hand, levies VAT on taxi drivers' income based on a flat-rate amount significantly lower than actual turnover and, on the other, continues to apply a number of special VAT rules and customs formalities that impede the smooth working of the single market,
- Spain, for exempting imports of military equipment from VAT and for excessive delays in refunding VAT, which causes particular hardship in the food sector,
- France, for exempting payments to public and private non-profit making medical establishments from VAT and for the way it taxes waste treatment companies based in other Member States,
- Italy, both for denying real estate companies the right to deduct VAT and for applying a zero rate to industrial waste, contrary to the Directive, which no longer permits such an exemption. Separate proceedings relate to the special reduced rate of 4 % which Italy introduced last year for medicines and other pharmaceutical products, despite the fact that the Member States have not been allowed to introduce any new reduced rates since 1991,
- Portugal, which, like Spain, exempts imports of military equipment and also restricts the right to deduct VAT in various areas of activity.

The Commission also brought actions against two Member States in the Court of Justice:

<sup>(1)</sup> See 13th annual report (1995).

<sup>(2)</sup> Ibid.

<sup>(3)</sup> Directive 96/42/EC of 25 June 1996 (OJ L 170, 9. 7. 1996, p. 34).

<sup>(4)</sup> COM(94) 584 final, 13 December 1994 (OJ C 389, 31. 12. 1994, p. 14).

- Spain, for exempting from VAT services relating to the sporting activity of clubs and sports federations <sup>(1)</sup> and
- France, for exempting from VAT occasional and permanent rentals of furnished accommodation <sup>(2)</sup> and for refusing to allow tax to be deducted in the case of purchase of helicopters by companies providing flying or lifting services <sup>(3)</sup>.

On the other hand, it was possible to drop several infringement proceedings that were already under way following action by the Commission, the Member States in question having amended the relevant national legislation:

- Greece: taxation of second-hand vehicles <sup>(4)</sup>,
- Spain: failure to comply with provisions of the eighth VAT Directive on the time-limit for refunding VAT to foreign taxpayers <sup>(5)</sup>,
- Portugal: requirement that taxpayers not established in the country use a special model VAT return <sup>(6)</sup>.

Finally, in the proceedings initiated against France under Article 171 of the Treaty for failing to implement the Court's judgment of 17 November 1993 concerning VAT on certain advertising services, the Commission sent a supplementary letter of formal notice.

#### Excise duties

The Commission was able to drop proceedings against Belgium, Denmark, Germany, France, Greece, Spain, Ireland, Italy, Luxembourg, Portugal and the United Kingdom for failure to notify measures transposing Directive 94/74/EC on the harmonization of the structures of excise duties on mineral oils.

The Commission has decided to initiate two infringement proceedings against France relating to excise duties on alcoholic beverages, for the following reasons:

- the introduction of two separate systems for 'naturally sweet or liqueur-like' wines, depending on whether they were produced in France or come from other Member States, the latter being subject to conditions not provided for in Directive 92/83/EEC and requiring prior recognition by decree as eligible

<sup>(1)</sup> Case C-124/96.

<sup>(2)</sup> Case C-60/96.

<sup>(3)</sup> Case C-43/96.

<sup>(4)</sup> See 13th annual report (1995).

<sup>(5)</sup> Ibid. (Case C-16/95).

<sup>(6)</sup> See 13th annual report (1995).

for treatment as wines for tax purposes (such a difference in tax treatment between similar products depending on whether they are produced on the domestic market or in other Member States being also contrary to Article 95 of the Treaty),

- infringement of Directive 92/12/EEC on the general system of excise duties: although the social security contribution which applies to alcoholic beverages in France could be maintained under the terms of this Directive provided it served specific purposes and complied with the structure imposed by the harmonization of excise duties, the contribution in question is incompatible with this structure in that it does not apply to all alcoholic beverages as defined in Directive 92/83/EC, but only to beverages with an alcoholic strength by volume of 25 % Volume or more, and because it is levied on the basis of the volume of beverage and not the pure alcohol content.

Infringement proceedings have also been initiated against Greece in connection with excise on manufactured tobacco. Greek legislation allows the Minister of Finance to set the minimum price for manufactured tobacco, whereas Directive 72/464/EEC expressly states that the producers or importers of manufactured tobacco are free to set the maximum price for retail sales of these products.

#### 2.3.2.1. Progress in implementing directives applicable to indirect taxation

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	41	39	95,1
Denmark	40	39	97,5
Germany	40	39	97,5
Greece	41	40	97,6
Spain	40	39	97,5
France	40	39	97,5
Ireland	40	40	100
Italy	40	39	97,5
Luxembourg	40	39	97,5
Netherlands	40	39	97,5
Austria	40	39	97,5
Portugal	40	40	100
Finland	40	39	97,5
Sweden	40	39	97,5
United Kingdom	40	39	97,5

Note: this table concerns Directives 67/227, 69/169, 77/388, 78/1035, 79/1070, 79/1071, 79/1072, 80/368, 83/181, 83/182, 83/183, 84/386, 85/346, 85/576, 86/560, 88/331, 88/664, 89/219, 89/220, 89/465, 89/604, 91/680, 92/12, 92/77, 92/79, 92/80, 92/81, 92/82, 92/83, 92/84, 92/108, 92/111, 94/4, 94/5, 94/74, 94/75, 94/76, 95/7, 95/59, 95/60, 96/42.

## CONSUMER PROTECTION AND PRODUCT SAFETY

### 1. INTRODUCTION

There are a few general points to be made regarding the conduct of the Member States in the matter of transposal.

Of the 62 directives adopted in this area (including directives not yet due for transposal), the Member States have notified the Commission of measures implementing 41.

As was the case last year, most of the Member States adopt transposal measures only when the time allowed has elapsed; the most recent Directives (93/35/EEC, 93/47/EEC, 93/73/EEC, 94/32/EC and 94/47/EC) typify the practice. Half the Member States account for the bulk of the infringement proceedings. National implementing measures are notified only after the reasoned opinion has been issued.

### 2. SITUATION SECTOR BY SECTOR

#### 2.1. Cosmetics

Transposal problems persist.

The proceedings commenced against Greece, Spain, France and Portugal for infringement of the basic Directive (76/768/EEC) are still in motion.

In particular, the proceeding against France, in which the Court of Justice has already given judgment<sup>(1)</sup>, is continuing as France has yet to amend its legislation.

As for Directive 93/35/EEC amending for the sixth time Directive 76/768/EEC, several Member States have still to notify the Commission of their implementing measures.

On 1 June 1996 the Commission published Decision 96/335/EC establishing an inventory and a common nomenclature of ingredients employed in cosmetic products. Article 5 (a) of Directive 93/35/EEC required

<sup>(1)</sup> Case C-246/91 [1993] ECR I-2289, judgment given on 5 May 1993; see also 13th annual report (1995).

publication to be made by 14 December. The delay had been taken to justify delays in transposal of Directive 93/35/EC, but now publication has taken place there are no further grounds to warrant defects in transposal.

#### 2.2. Textiles

The chief aim of the directives here (concerning textile names and analysis methods) is to secure both free circulation of textile products and to inform consumers. There are no specific problems of transposal.

In 1994 the procedure for formal consolidation was launched for Directive 71/307/EEC on the approximation of the laws of the Member States relating to textile names and Directive 72/276/EEC relating to certain methods for the quantitative analysis of binary textile fibre mixtures, both amended on many occasions.

To secure transparency and clarity on Community law, this proposal aims to consolidate in a single instrument all the instruments enacted since 1971 (textile names) and 1972 (analysis methods). Proceedings are now at the final stages<sup>(2)</sup>.

#### 2.3. Safety and health

Three Member States (Germany, Ireland and Luxembourg) have yet to notify the Commission of measures transposing Directive 92/59/EEC on general product safety, which entered into force on 29 June 1994. Proceedings against Luxembourg have been referred to the Court of Justice; the others are still at the scrutiny stage.

#### 2.4. Protection of economic interests

Regarding Directive 90/314/EEC on package travel, package holidays and package tours, it is worth noting that in Dillenkofer<sup>(3)</sup> the Court of Justice gave judgment in the consumers' favour. Confirming what

<sup>(2)</sup> Council common position published in OJ C 196, 16. 7. 1996.

<sup>(3)</sup> Joined Cases C-178/94, C-179/94, C-188-190/94, judgment given on 8 October 1996.

its earlier rulings in *Francovich* and *Faccini-Dori* <sup>(1)</sup>, the Court held:

'Failure to take any measure to transpose a directive in order to achieve the result it prescribes within the period laid down for that purpose constitutes per se a serious breach of Community law and consequently gives rise to a right of reparation for individuals suffering injury if the result prescribed by the directive entails the grant to individuals of rights whose content is identifiable and a causal link exists between the breach of the State's obligation and the loss and damage suffered.'

This judgment is of crucial importance for European consumers.

All the Member States have now notified measures transposing Directive 90/314/EEC.

The time allowed for transposing Directive 94/47/EC on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis expired in April 1997, but no Member State has yet notified implementing measures.

<sup>(1)</sup> Joined Cases C-6/90, C-9/90 [1991] ECR I-5357 (judgment given on 19 November 1991), and Joined Cases C-91/92 [1994] ECR I-3325 (judgment given on 15 July 1994) respectively.

## 2.5. Progress in implementing directives applicable to consumer protection and product safety

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	54	48	88
Denmark	54	51	95
Germany	54	48	88
Greece	54	46	86
Spain	54	47	88
France	54	47	88
Ireland	54	46	86
Italy	54	48	89
Luxembourg	54	47	86
Netherlands	54	50	92
Austria	54	52	96
Portugal	54	45	84
Finland	54	51	97
Sweden	54	48	92
United Kingdom	54	48	92

Note: this table concerns the following Directives:

### Cosmetics

76/768, 80/1335, 82/47, 82/368, 82/434, 83/191, 83/341, 83/496, 83/514, 83/574, 84/415, 85/391, 85/490, 86/179, 86/199, 87/137, 87/143, 88/233, 88/667, 89/174, 90/121, 90/207, 91/184, 92/8, 92/86, 93/35, 93/47, 93/73, 94/32, 95/17, 95/34, 96/41, 96/45;

### Textiles

71/307, 72/276, 73/44, 79/76, 81/75, 83/623, 87/140, 87/184;

### Protection of economic interests

79/581, 84/450, 85/577, 87/102, 88/314, 88/315, 90/88, 90/314, 93/13, 94/47;

### Safety and health

87/357, 88/378, 92/59.

## COMPETITION

### 1. INTRODUCTION

In 1996 the deadlines passed for Member States to notify national measures implementing three directives in the telecommunications field.

The number of individual infringement proceedings commenced was similar to that in 1995. They mainly concerned telecommunications and access to port infrastructures.

### 2. SITUATION SECTOR BY SECTOR

#### 2.1. Public enterprises

In the telecommunications field the Commission decided to send reasoned opinions to Portugal, Ireland,

Luxembourg, Greece, Italy and Spain for failure to notify measures implementing Directive 94/46/EC on satellite communications. Portugal subsequently notified the Commission of its implementing legislation <sup>(1)</sup>.

Three Directives fell due for transposal in this field — 96/19/EC (liberalization of alternative infrastructures), 95/51/EC (abolition of restrictions on the use of cable television networks for the provision of already liberalized telecommunications services) and 96/2/EC (mobile and personal communications systems). The situation regarding notification of national implementing measures is as follows:

<sup>(1)</sup> Decree Act No 120/96, 7 August 1996.

- all the Member States except Belgium, Italy and Austria have notified measures implementing Directive 96/19/EC. Ireland, Portugal, Greece and Luxembourg asked for an additional period of grace, as provided for by the Directive. The Commission has accepted Ireland's request and is scrutinizing the requests from the other Member States concerned,
- seven Member States have notified measures implementing Directives 95/51/EC and 96/2/EC. Portugal and Ireland have asked for additional time. The Commission has accepted Ireland's request and is looking into Portugal's.

The Commission also acted against Spain, requiring it by Decision of 18 December 1996 to remove the distortion of competition generated by the initial payment imposed on the second mobile-telephone operator, Airtel. Spain has been given until 24 April 1997 to notify the Commission of measures to implement the Directive.

Belgium has now transposed Directive 93/84/EEC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings, but no implementing measures have yet been received from Greece, although some information was supplied by letter dated 20 May 1996<sup>(1)</sup>.

#### *Individual cases*

On the telecommunications front the Commission was satisfied with the remedial measures notified by the Italian Government to comply with Article 2 of Decision 95/489/EC on the conditions imposed on the second GSM mobile telephone operator in Italy<sup>(2)</sup>. Under this Decision the Italian Government was asked to end the distortion of competition arising from the initial payment imposed on Omnitel Pronto Italia and to ensure equal treatment of GSM operators on the Italian market. While Omnitel Pronto Italia had to pay Lit 750 billion for a GSM licence, Telecom Italia obtained its licence free of charge<sup>(3)</sup>.

The Commission took similar action against other Member States which required a second operator to pay

an initial fee. As a consequence, Belgium and Ireland decided to impose a similar fee on the public-sector GSM operator. Both countries have since confirmed that these fees have been paid.

In the transport field, mention must be made once again of the case concerning discounts on landing charges at Zaventem airport in Belgium. The Belgian authorities have still not complied with the Commission Decision of 28 June 1995<sup>(4)</sup>, citing as grounds the fact that they have brought an action before the Court of Justice. However, under Article 185 of the Treaty, the court action has no suspensory effect. The Commission accordingly addressed a reasoned opinion to Belgium.

Following Commission intervention, the ferry company Mercandia was authorized to operate a new service between Helsingør in Denmark and Helsingborg in Sweden on 1 June 1996. Mercandia had complained to the Commission and the Danish competition authorities about the refusal of the Danish Transport Ministry to grant it authorization to operate a ferry service between these two ports. The effect of this refusal was to exclude a potential competitor on the Øresund and strengthen the dominant position of DSB, the maritime subsidiary of the Danish and Swedish railway companies, and Sweferry, in breach of Articles 90 and 86 of the Treaty. An undertaking that owns or manages a port infrastructure is in breach of Article 86 if it uses its dominant position in the market for the provision of port services in order to strengthen the dominant position of an existing operator on the related, but separate market for maritime transport services. This is particularly the case where there is no objective reason for refusing to grant an operating licence.

The Danish competition authority recommended that DSB cede part of its terminal to other operators, but the Danish Government declined to act on that recommendation. Consequently, the Commission began intense negotiations with the Danish authorities with a view to allowing new competitors on the line in question. On 27 February 1996, the Danish authorities decided to authorize a new operator, to be selected after a call for tenders. The Commission accepted this proposal, since the selection criteria guaranteed that access to the market would be fair, reasonable and non-discriminatory.

The Commission is pursuing infringement proceedings in respect of the grant of exclusive television advertising rights to a private-sector broadcasting company, the

<sup>(1)</sup> See 13th annual report (1995).

<sup>(2)</sup> OJ L 280, 23. 11. 1995.

<sup>(3)</sup> See 13th annual report (1995).

<sup>(4)</sup> See 13th annual report (1995).

'Vlaamse Televisie Maatschappij' (VTM), which gave it favourable treatment in comparison with broadcasters in other Member States contrary to Article 90 (1) read with Article 59 of the Treaty.

## 2.2. Monopolies

The cases brought before the Court of Justice in 1994 against France, Italy, the Netherlands and Spain concerning monopolies on the import of gas and electricity are still in motion. However, the Commission has dropped its case against Ireland.

Despite repeated warnings from the Commission, Austria has still not satisfactorily adjusted its monopoly on manufactured tobacco. Although new legislation<sup>(1)</sup> abolished exclusive rights on the import and marketing of wholesale tobacco (intra-Community aspects) earlier than required under Article 71 of Austria's Act of Accession, it still maintains conditions which the Commission considers discriminatory *vis-à-vis* competitors of the former monopoly. Accordingly the Commission sent Austria a reasoned opinion.

(1) Act No 830 of 21 December 1995.

## 2.3. Progress in implementing Directives applicable to competition

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	8	4	50
Denmark	8	5	62,5
Germany	8	7	87,5
Greece	8	3	37,5
Spain	8	6	75
France	8	7	87,5
Ireland	8	5	62,5
Italy	8	5	62,5
Luxembourg	8	5	62,5
Netherlands	8	6	75
Austria	8	5	62,5
Portugal	8	5	62,5
Finland	8	7	87,5
Sweden	8	7	87,5
United Kingdom	8	7	87,5

Note: This table concerns the following Directives:  
80/723, 88/301, 90/388, 93/84, 94/46, 95/51, 96/2, 96/19.

## EMPLOYMENT AND SOCIAL POLICY

### 1. INTRODUCTION

The Commission adopted a medium-term social action programme in 1995<sup>(1)</sup>. Building on the achievements of the 1989 programme, this document sets out the Commission's detailed work programme in the field of social policy for the period from 1995 to 1997. It is the third and the final phase in a process which started in 1993, with the launch of the Green Paper on the future of social policy, and continued in 1994 with the White Paper on European social policy<sup>(2)</sup>.

### 2. SITUATION SECTOR BY SECTOR

#### 2.1. Equal treatment of men and women

The Commission commenced two infringement proceedings against Greece for breach of Directive 76/207/EEC. Under Greek law, workers must retire as

(1) COM(95) 134 final, 12 April 1995.

(2) COM(94) 333 final, 27 June 1994.

soon as they reach pensionable age. Since the pensionable age for women is different from that for men, women are obliged to retire earlier than men, contrary to the Directive as interpreted by the Court of Justice in Marshall<sup>(3)</sup>.

The Commission has decided to terminate proceedings against Greece concerning the ban on night work by women. However, it has referred the cases against France and Italy to the Court of Justice.

As for the health and safety of pregnant workers and workers who have recently given birth or are breast-feeding, the Commission is pursuing infringement proceedings for failure to notify national measures implementing the Directive against Greece, France, Italy and Luxembourg, but has terminated the proceedings against Belgium and Germany.

#### 2.2. Working conditions

All the Member States except Belgium and Greece have now notified transposal measures for Directive

(3) Case C-152/84 [1986] ECR I-723.

91/383/EEC on improvements in the safety and health at work of workers with a fixed-duration or temporary employment relationship.

Directive 94/33/EC on the protection of young people at work fell due for transposal on 22 June 1996. At present eight Member States have still to notify national implementing measures (France, United Kingdom, Italy, Sweden, Luxembourg, Greece, Portugal and Austria).

As for Directive 94/45/EC (establishment of a European Works Council or an information and consultation procedure for employees in Community-scale undertakings and groups of undertakings), there has been some progress in implementation by the Member States concerned:

- Belgium, Germany, Denmark, France, Ireland, Finland and Sweden have formally notified transposal measures,
- in most other Member States transposal is virtually complete and legislation is expected to be notified shortly.

### 2.3. Health and safety at work

There has been notable progress in the implementation of the framework Directive 89/391/EEC.

Now that Spain has adopted national implementing measures <sup>(1)</sup>, notification of national transposal measures is complete. Furthermore, Germany and Greece have undertaken a revision of existing law, and a similar initiative is in the pipeline in Belgium.

Despite some improvement, the situation regarding measures giving effect to the directives implementing the framework Directive is still not entirely satisfactory. Mention should be made here of the judgment given by the Court of Justice against Spain on 26 September 1996 for failure to notify measures implementing the first six individual directives <sup>(2)</sup>.

Infringement proceedings are in motion against other Member States which have still to notify national implementing measures.

The Commission is at present assessing the measures notified by the Member States for the implementation of the individual directives adopted under the framework

Directive and the directives on carcinogens and chemical and biological agents. On the basis of its assessment, it may terminate infringement proceedings in some cases.

### 2.4. Public health

Article 129 of the Treaty states that 'Health protection requirements shall form a constituent part of the Community's other policies.' The Commission reports regularly on its efforts to ensure this obligation is met. The second such report, covering activities in 1995, was published in September 1996 <sup>(3)</sup>.

### 2.5. Progress in implementing Directives applicable to employment and social policy

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	50	41	82
Denmark	50	48	96
Germany	50	48	96
Greece	49	41	83,6
Spain	50	36	72
France	50	45	90
Ireland <sup>(4)</sup>	50	43	88
Italy	50	42	84
Luxembourg <sup>(5)</sup>	50	42	85,7
Netherlands	50	47	94
Austria <sup>(6)</sup>	50	44	89,7
Portugal <sup>(7)</sup>	50	40	81,6
Finland <sup>(8)</sup>	50	46	100
Sweden	50	47	96
United Kingdom	49	47	96

Note: This table concerns the following Directives:

Labour law

75/129, 77/187, 80/987, 91/533, 92/56, 94/45;

Equal opportunities

75/117, 76/207, 79/7, 86/378, 86/613;

Free movement of workers

64/221, 68/360, 72/194;

Health and safety at work

78/610, 80/1107, 82/130, 82/605, 83/477, 86/188, 88/35, 88/364, 88/642, 89/391, 89/654, 89/655, 89/656, 90/269, 90/270, 90/394, 90/679, 91/269, 91/322, 91/382, 91/383, 92/29, 92/57, 92/58, 92/85, 92/91, 92/104, 93/88, 93/103, 93/104, 94/33, 94/44, 95/30;

Public health

89/622, 90/239, 92/41.

<sup>(3)</sup> COM(96) 407 final, 4 September 1996.

<sup>(4)</sup> Directive 94/44/EC not relevant to Ireland.

<sup>(5)</sup> Directive 93/103/EC not relevant to Luxembourg.

<sup>(6)</sup> Directive 93/103/EC not relevant to Austria.

<sup>(7)</sup> Directive 94/44/EC not relevant to Portugal.

<sup>(8)</sup> Directives 82/130/EEC, 88/35/EEC, 91/269/EEC and 94/44/EC not relevant to Finland.

<sup>(1)</sup> *Ley de prevención de riesgos laborales.*

<sup>(2)</sup> Case C-79/95.

## AGRICULTURE

## 1. INTRODUCTION

Community legislation deliveries may be offset only by the purchaser or at national level, according to certain criteria. There is no legal base for compensation by a producers' association.

## 2. SITUATION IN THE DIFFERENT SECTORS

## 2.1. Markets

- (b) The following cases arose under the Community rules on the description of agricultural products.

In addition to its efforts to eliminate barriers to freedom of movement, the Commission also sought to ensure that the other provisions of the Community's agricultural legislation are effectively and correctly applied.

In the milk sector, the Commission had already decided in 1995 to bring an action before the Court of Justice following the refusal by the British authorities to regard the marketing of soya milk as an infringement of Regulation (EEC) No 1898/87, Article 3 of which prohibits products other than milk and milk products from being described as 'milk'.

- (a) In monitoring the application of specific market organization mechanisms, the Commission continued to keep a close watch on the use of production control mechanisms, particularly in the milk sector, where it conducted a systematic analysis of national measures to implement Regulations (EEC) No 3952/92 and (EEC) No 536/93.

Since the British authorities adopted national rules implementing Regulation (EEC) No 1898/87, the Commission took no further action on this decision. However, fresh infringement proceedings have now been commenced, as the ban on the name 'soya milk' is not applied in practice.

The Commission brought an action before the Court of Justice against France because of the discriminatory way in which it distributes the reference quantities released under the scheme for the cessation of milk production (Case C-198/96).

In the spirits sector, the Commission decided to send a reasoned opinion to France for allowing the marketing of spirits made by adding a percentage of water to whisky. Under Regulation (EEC) No 1576/89, whisky must have an alcoholic strength of at least 40 % and no water may be added to an alcoholic drink so that the nature of the product will not be changed.

The terms on which the redistribution is made are considered discriminatory because the quantities to be redistributed depend on the purchaser's cessation level. This practice has been condemned by the Court of Justice on two occasions.

- (c) The Commission strives to secure compliance with Community rules on quality standards in the practical application of the rules governing the market organizations. After many years of inaction, the Italian authorities were finally persuaded to adopt and apply the measures required to carry out checks on quality standards in the fruit and vegetable sector.

Furthermore, under the Community rules the Member States are obliged to offset the linear reduction (2,15 %) occurring in 1990/91 by supplementary allocations.

France failed to respect this obligation; although it gave producers the 2,15 % with one hand, it took away 2,35 % with the other.

Italy thus complied with the Article 171 judgment given against it by the Court of Justice in Case C-69/86<sup>(1)</sup> for failure to implement an earlier

Finally, the Commission sent a reasoned opinion to Italy regarding the scheme for offsetting milk deliveries operated by producers' associations. Under

<sup>(1)</sup> Judgment of 12 February 1987 [1987] ECR 773 and ff.



judgment <sup>(1)</sup> concerning a breach of the rules for the enforcement of quality standards in the fruit and vegetable sector.

- (d) The Commission also sought to eliminate additional conditions imposed by Member States when applying agricultural legislation. For example, it decided to send a reasoned opinion to Greece concerning a system of penalties it imposes in connection with the Community direct aid scheme in the cotton sector. The guarantee provided for in the aid scheme is not refunded until proof has been produced that a 1% parafiscal charge has been paid to the Greek Cotton Board.
- (e) Finally, in the wine sector, the Commission sent a reasoned opinion concerning certain provisions of a German law on wine which authorizes the *Länder* to allow cooperatives and unions thereof to add together the areas under vines in calculating the maximum yield per hectare and to allow the wine-growers concerned not to deliver all of their harvest to the cooperative or group of which they are members.

## 2.2. Harmonization

### *Background*

There was a substantial increase in the number of infringement proceedings for failure to notify national implementing measures, which can be accounted for entirely by proceedings commenced for the first time against the new Member States.

There was an increase in the number of reasoned opinions sent in 1996 (118), but, as the 1995 figure was extremely low (26), this should be seen as rather less worrying than the number sent in 1994 (262).

Finally, fewer cases were referred to the Court of Justice (33 compared with 63 in 1995) — a logical consequence of the drop in the number of reasoned opinions in 1995.

<sup>(1)</sup> Judgment of 15 November 1983 in Case C-322/82 [1983] ECR 3689 and ff.

### *Situation in the Member States*

The positive trends recorded in Luxembourg, the Netherlands and Spain in 1995 continued and, as in the past, there were hardly any problems with delays in transposal in Denmark. Improvements were also evident in Belgium, Ireland, Portugal and the United Kingdom.

The Commission is particularly concerned about Germany's transposal of Directive 91/414/EEC (plant protection products), Directive 93/85/EEC and subsequent amending directives, and certain directives on seeds and seedlings. In all, 12 infringement cases have been referred to the Court of Justice.

Delays in transposal subsist in France, which has yet to comply with the Court's judgment for failure to notify national measures implementing Directive 91/628/EEC (protection of animals in international transport), even though it concerns a sensitive political issue.

There seems to have been little improvement in the situation in Greece, which has been censured by the Court of Justice for failure to notify national measures implementing Directives 92/5/EEC (meat products), 91/414/EEC (plant protection products), 92/118/EEC (products not subject to specific rules) and 93/52/EEC (bovine embryos). The number of reasoned opinions sent to Greece and the number of referrals to the Court is well above the Community average.

In Italy the incorporation of agricultural directives into national law has undoubtedly been speeded up in the past by the special 'Community Acts' empowering the Government to transpose Community directives under a simplified procedure. However, because of the instability in Parliament, the Act for 1994, proposed by the Italian Government in 1993, did not come into force until February 1996.

As a result Article 171 infringement proceedings were commenced in two cases for failure to comply with a Court judgment, and Italy was censured by the Court for failing to fulfil its obligation to transpose 14 directives in the veterinary field and on seeds and seedlings. The actions brought before the Court have now reached an advanced stage and it is to be feared that Italy will again be censured in these cases and in connection with a number of other directives, some of them vital to the operation of the internal market, in

particular 92/46/EEC (production and marketing of raw milk, heat-treated milk and milk-based products), 92/65/EEC (animals, semen, ova and embryos not subject to specific Community rules referred to in Directive 90/425/EEC), 92/116/EEC (poultrymeat) and 92/118/EEC (products not subject to specific rules referred to in Directive 89/662/EEC).

Progress has been made in Ireland despite continuing problems concerning the transposal of health regulations on fish and fishery products. The Commission has commenced infringement proceedings for failure to comply with four Court judgments<sup>(1)</sup> in which Ireland was censured for not adopting implementing measures in respect of the veterinary checks for fishery products provided for in Directives 89/662/EEC, 90/425/EEC, 90/675/EEC and 91/496/EEC.

On joining the Community, the three new Member States were faced with a considerable workload, since, with a few exceptions, national implementing measures had to be adopted for all directives forming part of the *acquis communautaire*. While it is true that, as members of the European Economic Area, they had been required to align some national legislation on Community law, transposal was not complete and, in any case, many Community provisions on agriculture did not apply under the EEA Agreement. As a result, agricultural legislation in the three countries had to be completely overhauled.

In Sweden the incorporation of directives into national law has already attained a very satisfactory level.

In Austria legislative work is proceeding at a steady pace. However, the Commission has noted longer delays in the implementation of directives falling under the responsibility of the *Länder*.

Many of the infringement proceedings against Finland have been prompted by a failure to notify implementing measures in the Åland islands, a region which enjoys considerable autonomy in agricultural matters.

#### *Incorrect transposal and incorrect application of directives*

In this field two particular kinds of problem have come to the Commission's attention.

<sup>(1)</sup> Judgments of 14 December 1995 in Cases C-132/94, C-138/94, C-161/94 and C-162/94.

First, following scrutiny of the national measures notified by the Member States as part of a survey, the Commission found that certain provisions failed to comply with Directive 93/118/EEC on the financing of health inspections and checks on fresh meat and poultrymeat. Reasoned opinions have been sent to six Member States. Second, proceedings have been brought against Germany and Italy for failure to sign contracts for the use of the computer server for the Animo network, which was introduced in connection with the internal market to provide speedy information on the movements of livestock in the Community.

#### *Implementation of Directive 83/189/EEC (technical standards) in the agricultural sector*

The Member States have been particularly active in notifying draft regulations laying down technical standards in the agricultural sector.

A total of 112 draft legislative texts notified by the Member States were examined in the light of Article 30 of the Treaty and the relevant secondary legislation, pursuant to Directive 83/189/EEC (amended by Directives 88/182/EEC (agricultural products) and 94/10/EC), which provides for an information procedure in the field of technical standards and regulations<sup>(2)</sup>. In many cases, after systematic analysis of the drafts, the Commission requested amendments to ensure that adoption of the regulations concerned would not create barriers to the free movement of goods. 13 drafts gave rise to reasoned opinions, five of them accompanied by supplementary observations; eight others gave rise to observations by the Commission. Generally speaking, Member States to which reasoned opinions or observations were addressed made the requisite changes to their drafts.

Since the United Kingdom had to adopt a number of legislative measures to curb bovine spongiform encephalopathy, it notified 20 drafts under an emergency procedure.

In exercising its duty to monitor the implementation of Directive 83/189/EEC, the Commission keeps a close watch to ensure that Member States comply with their obligation to notify all draft instruments containing technical rules or standards. After scrutinizing many instruments adopted by the Member States, it twice

<sup>(2)</sup> See point 2.2.1.2 above.

commenced infringement proceedings for failure to observe the notification procedure.

The Commission decided to refer three cases to the Court of Justice (two against Italy and one against the Netherlands) for the same infringement.

The Court has already given two judgments against these countries in similar cases.

### 2.3. Progress in implementing Directives applicable to agriculture

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	370	356	98
Denmark	370	369	99
Germany	370	328	89
Greece	370	325	88
Spain	370	365	99
France	370	339	92
Ireland	370	358	97
Italy	370	329	89
Luxembourg	370	344	93
Netherlands	370	365	99
Austria	370	302	82
Portugal	370	349	94
Finland	370	169	46 <sup>(1)</sup>
Sweden	370	349	94
United Kingdom	370	361	98 <sup>(2)</sup>

<sup>(1)</sup> This figure is explained by the failure to notify transposal measures in the Åland Islands, which have considerable autonomy in these matters and are consequently required to take specific transposal measures.

<sup>(2)</sup> The notification rate for the United Kingdom disregards the situation for the implementation of directives in Gibraltar, which is subject to special monitoring.

Note: this table concerns the following Directives:

#### Feedingstuffs

70/373, 70/524, 71/250, 71/393, 72/199, 73/46, 73/47, 74/63, 74/203, 75/84, 76/14, 76/371, 76/372, 76/934, 77/101, 78/633, 79/372, 79/373, 79/797, 80/502, 80/510, 80/511, 80/695, 81/680, 81/715, 82/471, 82/475, 82/937, 83/228, 83/381, 84/4, 84/425, 84/443, 84/587, 85/509, 86/174, 86/299, 86/354, 86/530, 87/153, 87/234, 87/238, 88/485, 89/520, 90/44, 90/167, 90/439, 91/126, 91/132, 91/248, 91/249, 91/334, 91/336, 91/357, 91/508, 92/63, 92/64, 92/87, 92/88, 92/89, 92/95, 92/113, 93/26, 93/27, 93/28, 93/55, 93/56, 93/70, 93/74, 93/107, 93/113, 93/114, 93/117, 94/14, 94/16, 94/17, 94/39, 94/40, 94/41, 95/9, 95/10, 95/11, 95/33, 95/37, 96/6, 96/7;

#### Plant health

69/464, 69/465, 69/466, 74/647, 76/895, 77/93, 79/117, 79/700, 80/392, 80/428, 81/7, 81/36, 82/528, 83/131, 85/298, 85/574, 86/214, 86/355, 86/362, 86/363, 86/651, 87/181, 87/298, 87/477, 88/298, 88/572, 89/186, 89/365, 89/439, 90/168, 90/335, 90/533, 90/642, 91/188, 91/414, 91/683, 92/70, 92/76, 92/90, 92/98, 92/103, 92/105, 93/50, 93/51, 93/57, 93/58, 93/71, 93/85, 93/106, 93/110, 94/3, 94/13, 94/29, 94/30, 94/37, 94/79, 95/4, 95/35, 95/36, 95/38, 95/39, 95/40, 95/41, 95/44, 95/61, 95/65, 95/66, 96/14, 96/15;

#### Seeds and seedlings

66/400, 66/401, 66/402, 66/403, 68/193, 69/60, 69/61, 69/62, 69/63, 69/208, 70/457, 70/458, 71/140, 71/162, 72/168, 72/169, 72/180, 72/274, 72/418, 73/438, 74/268, 74/648, 74/649, 75/444, 75/502, 76/331, 77/629, 78/55, 78/386, 78/387, 78/388, 78/511, 78/692, 78/816, 78/1020, 79/641, 79/692, 79/967, 80/304, 80/754, 81/126, 82/287, 82/331, 82/859, 83/116, 85/38, 86/109, 86/155, 86/267, 86/320, 87/120, 87/480, 87/481, 88/95, 88/380, 89/2, 89/14, 89/100, 89/424, 91/682, 92/9, 92/19, 92/33, 92/34, 92/107, 93/17, 93/48, 93/49, 93/61, 93/62, 93/63, 93/64, 93/78, 93/79, 95/6, 96/18;

#### Forestry

66/404, 69/64, 71/161, 74/13, 75/445;

#### Veterinary matters

64/432, 64/433, 66/600, 71/118, 71/285, 72/445, 72/461, 72/462, 73/150, 77/96, 77/98, 77/99, 77/391, 77/504, 78/52, 79/109, 79/111, 80/213, 80/215, 80/217, 80/219, 80/1095, 80/1098, 80/1099, 80/1100, 80/1101, 80/1274, 81/6, 81/602, 82/894, 83/91, 83/201, 84/319, 84/643, 84/644, 84/645, 85/73, 85/320, 85/321, 85/322, 85/358, 85/511, 85/586, 86/469, 87/328, 87/486, 87/487, 87/489, 87/491, 88/146, 88/166, 88/289, 88/299, 88/406, 88/407, 88/409, 88/660, 88/661, 89/227, 89/321, 89/360, 89/361, 89/362, 89/384, 89/437, 89/556, 89/608, 89/662, 90/118, 90/119, 90/120, 90/422, 90/423, 90/425, 90/426, 90/427, 90/428, 90/429, 90/539, 90/667, 90/675, 91/67, 91/68, 91/69, 91/174, 91/266, 91/492, 91/493, 91/494, 91/495, 91/496, 91/497, 91/499, 91/628, 91/629, 91/630, 91/684, 91/685, 91/687, 91/688, 92/5, 92/35, 92/36, 92/40, 92/45, 92/46, 92/48, 92/60, 92/65, 92/66, 92/67, 92/102, 92/116, 92/117, 92/118, 92/119, 93/52, 93/53, 93/54, 93/60, 93/118, 93/119, 93/120, 93/121, 94/28, 94/42, 94/59, 94/65, 94/71, 95/22, 95/23, 95/25, 95/29, 95/68.

## FISHERIES

### 1. INTRODUCTION

In order to ensure respect for the Community rules governing fisheries and aquaculture, the Commission continued to monitor the resource conservation and management measures put in place by the Member States in areas covered by the common fisheries policy.

It kept a particularly close watch on the fishery control measures that Member States are required to implement.

The Commission also continued its systematic scrutiny of national fisheries and aquaculture legislation for compatibility with Community law, notably as regards

the grant of flag rights and technical resource conservation measures.

## 2. SITUATION SECTOR BY SECTOR

### 2.1. Markets

Member States' application of the Community rules on the compulsory notification of the data required under the common organization of the market may now be considered satisfactory, as there are no infringement proceedings currently outstanding.

### 2.2. Resources

Particular attention was paid to monitoring the Member States' implementation of the new control measures under the common organization of the market.

In this connection, in 1995 the Court ruled that France had failed to fulfil its obligations under Community legislation on the control of fishing activities in the context of the exceeding of its anchovy quotas for 1991 and 1992 (Case C-52/95).

Community inspections were carried out during the year to establish whether the ruling was being properly implemented. Most recent figures suggest that the rate of consumption of the quota is such that it is unlikely to be exceeded in the current year.

On 11 June 1991, the Court ruled against France in Case C-64/88 for failure to discharge the obligation to enforce technical conservation measures (minimum mesh

size of nets, attachments to nets, by-catches, the minimum size of catches and failure to take action against infringements).

The Article 171 proceedings for failure to give proper effect to this judgment are running their course. The Commission has sent France a reasoned opinion for failure to implement the following aspects of this judgment: differences between the French gauges and those used by the Community for measuring net-size, absence of control measures in relation to by-catches, non-compliance with rules on minimum size of fish. France's reply is currently being scrutinized.

### 2.3. Compatibility with Community law of national legislation on the grant of flag rights to fishing vessels

The Court ruled against France in Case C-334/94 on grounds of incompatibility with Community law of French legislation on the grant of flag rights. In the same judgment the Court also established that France was in breach of its obligations under Article 171 of the EC Treaty by not giving effect to the judgment in Case 167/73 (*Code de travail maritime*).

The Commission also brought a case against Greece (Case C-62/96, pending) to have Greek legislation on the grant of flag rights declared incompatible with Community law.

The proceedings against Ireland in relation to the grant of flag rights and fishing licences have been dropped.

Talks are under way with the Finnish and Swedish authorities on the current amendments to national legislation on the grant of flag rights.

## ENVIRONMENT

### 1. INTRODUCTION

#### 1.1. General situation

In 1996 a number of study and assessment projects were carried out aimed at improving the implementation of Community law in environmental matters.

The Commission adopted the progress report on the implementation of the fifth environment action

programme 'Towards Sustainability'. While welcoming the positive developments (the contributions made by strategy groups and financial instruments, notably the Cohesion Fund, to the effective and transparent implementation of environmental measures), the report emphasized the need to encourage an integrated policy of environmental legislation and to strengthen implementation controls.

In May the European Parliament and the Commission organized joint hearings on the implementation of

Community legislation. Following on from this in-depth discussion, the Commission adopted a communication entitled 'Implementing Community environmental law' (\*) in which it proposed among other things that minimum standards be laid down for environmental inspections in the Member States. It also proposed the setting up of procedures for lodging and examining complaints and for Commission scrutiny of measures to widen access by representative organizations to justice in the Member States, subject to compliance with the subsidiarity principle. The Commission is persuaded that the initiatives in its communication will make a practical contribution to the enforcement of Community environmental law at all relevant levels.

A further significant development this year was the adoption of Directive 96/61/EC concerning integrated pollution prevention and control (IPPC). This Directive provides for the setting up of a committee where Member States, with the coordination of the Commission and participation of industry, non-governmental environment organizations and the public concerned define overall pollution control standards for installations which cause the most pollution. On the basis of the committee's findings, the Member States must find the best solution in view of the environment for controlling pollution. Of all the third generation Community initiatives regarding the environment, this is the first directive to favour an integrated approach, which takes account of subsidiarity, encourages all the actors to participate and promotes industry/environment synergy.

## 1.2. Notification of national implementing measures

Member States are still finding it difficult to transpose Community Directives within the prescribed period of time. Delays in notification of national measures transposing Directives can usually be attributed to institutional and administrative structures in the Member States and, in the case of the new Member States, to the importance and complexity of the *acquis communautaire* which needs to be transposed.

This is particularly true in the case of chemical substances, where it can be seen that certain Member

States are having difficulties in keeping up with the pace of transposal required by successive adaptations of Directive 67/548/EEC (dangerous substances) to technical progress. This particularly applies to Belgium, against whom the Commission has taken legal action in the Court of Justice on several occasions for failure to fulfil obligations. In Greece and Portugal, however, legislation has been brought into line.

As far as the new Member States are concerned, in spite of the efforts undertaken, particularly Finland's efforts to make up the delay in notifying the transposition texts of the autonomous province of Åland, some Directives still have to be transposed, notably with regard to air.

The deadlines for transposing a further three directives have been reached, namely Directives 94/62/EC (packaging and packaging waste), 94/67/EC (incineration of hazardous waste) and 94/69/EC (adapting to technical progress for the 21st time Council Directive 67/548/EEC concerning dangerous substances). The Commission acts swiftly to ensure that Member States fulfil their obligations regarding the notification of national implementation measures which serve as the basis for the Commission's scrutiny of conformity and application.

A list of environment Directives in force and the situation regarding notification of national implementation measures can be found in the table in point 2.8.

## 1.3. Conformity of national implementing measures

In spite of the efforts made by the Member States to transpose Community directives correctly — by exchanging views with the Commission departments in package meetings, particularly before infringement proceedings initiated by the Commission come to Court — there are still some cases of non-conformity in most areas of environmental legislation.

Difficulties often arise from the problem of apportioning responsibilities between the different levels within the Member States (national or regional), or of environmental provisions having been made in other areas of State activity (agriculture, transport, industry, etc.). Particular problems arise when Member States' existing legislation covers the subject-matter of a directive but needs amending in line with new Community

(\*) COM(96) 500 of 22 October 1996.

requirements. Difficulties can also arise where there is a choice between different transposal techniques, whereby several legal instruments may be used without the relationship between them and the various obligations imposed by the directive being clearly defined.

While recognizing that there is no simple, universal solution to these problems, the Commission notes with regret that, apart from Denmark, Finland and Sweden, the Member States do not generally meet the Commission's requests that they supply concordance tables indicating national provisions and the corresponding Community provisions as they are obliged to do by the Directives. The tables would make conformity checks far easier, both at national and Community level.

The Commission has also been carrying out the important task of scrutinizing the conformity of national implementing measures notified by the three new Member States in accordance with the obligation to adopt the *acquis communautaire*.

Finally, on the litigation side, the Court of Justice held in Case C-133/94 (\*) that Belgium had not transposed correctly some of the obligations imposed by Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

#### 1.4. Incorrect application of directives

In the absence of regular reports on the application of directives in the Member States required by the majority of Directives in this field, the Commission's main sources of information remain the complaints addressed to it by citizens, questions asked by Members of the European Parliament and petitions sent to it.

There has been a levelling off in the number of cases raised by Parliament. Not only do these cases demonstrate to the Commission the importance the public attaches to environmental issues (mentioned in between 20 % and 25 % of petitions), they also give a better idea of the breakdown by sector and directive, thus enabling the Commission to target its efforts in scrutinizing the application of Community law in environmental matters more effectively.

The number of complaints has fallen, but this does not mean that environmental performance has improved.

(\*) Judgment given on 2 May 1996.

The largest number of complaints were received from Spain and Germany, while Luxembourg, Finland and Sweden were the Member States least affected. Most complaints concerned nature, environmental impact assessment, waste and water.

Complaints and petitions were mostly about specific and very practical problems directly affecting the complainants and petitioners, such as uncontrolled or poorly controlled waste disposal near a village, the construction of a road without prior assessment of the damage to the complainant's quality of life caused by the traffic, and the smell and appearance of water poured into nearby rivers commonly used for bathing or fishing. These problems often typify an underlying situation in one or several Member States.

The Commission tries to identify the general problem underlying individual infringement situations (the first example given in the previous paragraph may therefore be evidence of an absence of the waste management planning required by Article 7 of Directive 75/442/EEC or the lack or poor quality of permits issued pursuant to Article 9 of the same Directive), subsequently endeavouring to adopt a horizontal approach to the problem so as to secure lasting protection for the environment throughout the Community.

A significant number of problems mentioned in complaints stem from the incomplete or incorrect transposal of directives. This may be the case in the second example given above (transposal not in strict conformity with Directive 85/337/EEC on environmental impact assessment). This is why, without neglecting the monitoring of incorrect application cases which reveal questions of principle or administrative practices that contravene the Directives or horizontal questions, the Commission concentrates its efforts on dealing with problems of conformity.

Some of the infringements detected through scrutiny of the complaints and petitions also pose questions regarding the lack of the requisite technical infrastructure (the third example given above might suggest that the Member State does not have an effective network of treatment plants for urban waste water and so will be unable to transpose the obligations imposed by Directive 91/271/EEC in the near future). In such cases, while monitoring the application of Community law in

matters of the environment as usual, the Commission endeavours to continue its activity of improving environmental infrastructure via projects financed by the Structural Funds and the cohesion Fund. On this subject, it is worth recalling the communication from the Commission on cohesion policy and the environment<sup>(1)</sup> which sets the goal of ensuring that Cohesion Fund financing is divided equally between transport and environmental projects.

### 1.5. Freedom of access to information

While it is true that all the Member States have notified national measures implementing Directive 90/313/EEC on the freedom of access to information on the environment, there are still some conformity problems.

In spite of the Commission's diligence and the activities of some Member States there has been a lack of progress in the sector overall:

- the Dutch Parliament has not completed its examination of the draft legislation to bring national measures into line with the Directive,
- the conformity problems identified last year regarding German and French legislation have not been resolved,
- it has emerged that there are conformity problems with the Belgian and Portuguese legislation,
- the Commission has contacted the Italian authorities as the legislation notified in 1995, following which infringement proceedings were terminated, does not transpose the Directive correctly, and
- in Ireland, although the relevant legislation was amended to take account of the 1995 report on the first year's application of the national instruments transposing the Directive, there are still some

problems such as estimating waiting times relating to the right of access to certain types of information.

The fact that, for the most part, questions of non-conformity of the transposal measures provide the basis of the complaints filed with the Commission is evidence that progress has not been made on the implementation of Community regulations at national level. While aware that legislative procedures for amending national legislation as required are relatively time-consuming, the Commission does regret the absence of progress.

Many complaints concern such matters as the refusal of national authorities to respond to requests for information or demands for payment of unreasonably high fees.

With the obvious exception of complaints about the absence of redress procedures regarding decisions made by the authorities, the Commission encourages complainants to make use of the procedures available under the Directive and national transposal legislation. Where complaints are filed at the same time as judicial or administrative remedies are applied for at national level, the Commission asks complainants for information regarding the outcome.

Regarding the implementation of Directive 90/313/EEC, the Commission has drawn the Member States' attention to the requirement under the Directive to furnish the Commission with a report on their experience with the implementation of this Directive by 31 December 1996.

In its judgment in Case C-58/94<sup>(2)</sup> the Court of Justice reaffirmed the importance of the individual's freedom of access to public authority documents and dismissed the Netherlands' action for annulment of Council Decision 93/731/EC (public access to Council documents), Article 22 of the Council's Rules of Procedure and the Code of Conduct (93/730/EC) governing public access to Council and Commission documents.

### 1.6. Environmental impact assessment

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment

<sup>(1)</sup> COM (95) 509/5.

<sup>(2)</sup> Given on 30 April 1996.

is still the most widely cited legal instrument relating to matters of the environment. Thus it is not surprising that most complaints and petitions filed with the European Parliament take this Directive as their principal or subsidiary basis.

Infringements detected in this area are often caused by incorrect transposal of the Directive. Of the Member States contravening the Directive, Spain, Greece, Italy and Portugal are still amending national transposal measures to conform to their obligations under the Directive, while problems subsist regarding German legislation. A case has been brought in the Court of Justice to have Germany's infringement confirmed (Case C-301/95).

As was mentioned in point 1.3, the Court of Justice found that Belgium has incorrectly and incompletely transposed Directive 85/337/EEC. The Court criticized the absence of transboundary consultation procedures for the Brussels and Flanders regions and the incorrect transposal by Flanders of Article 4 and Annex II. The Flemish region had excluded from transposal whole categories of projects covered by Annex II which must be subjected to assessment if the Member States consider that their characteristics so require (Article 4(2)). The Court upheld the Commission's view, pointing out that the Article in question does not give Member States the power to exclude from assessment totally and definitively one or more classes of project covered by Annex II. Brussels-Capital has issued a regional decree to comply with the judgment.

Impact assessment has shown itself to be a well-established practice in all Member States. Complaints and petitions are primarily based on the quality of impact assessments (especially on the lack of adequate assessment of the indirect effects of the project) and on the fact that not enough weight is given to recommendations arising from the evaluation of the impact assessment (particularly following public inquiries) in the final decision. This partly covers cases where work is started before the impact assessment has been completed, one of the other most common complaints.

It is very difficult for Commission departments to investigate cases where the quality of impact assessments is questioned or it is contended that their findings are not

properly acted upon. Although the Directive contains Articles regarding the content of impact assessments (Article 3 refers to direct and indirect effects of projects on several factors, including human beings, flora, fauna, the soil, water, air, landscape and cultural heritage), given that the burden of proof in Article 169 proceedings rests with the Commission, it is not always easy to contest the merits of a choice taken by the national authorities who, if the principle of subsidiarity is taken into account, would appear to be in a better position to take the decision in any case.

It is to be hoped that the rapid adoption of the Directive amending Directive 85/337/EEC and the interpretative role of the Court in this area (see Case C-72/95, spelling out the discretion enjoyed by the Member States in relation to projects unlikely to have a major environmental impact<sup>(1)</sup>; the Court has been asked, incidentally, for new preliminary ruling<sup>(2)</sup>) will serve to clarify certain points concerning the correct application of this important Directive.

#### 1.7. Action needed

In spite of the efforts of the Commission and the Member States, the problems of implementing environment law underlined in previous reports have not yet gone away. There are delays in notifying national implementing measures and national legislation is often not in conformity with the requirements of Community law. As for the effective application of directives, the continued frequency of complaints and petitions offers evidence that the environment is not yet adequately protected by national authorities (and courts).

In tandem with this year's reform of internal rules to increase the transparency, speed and effectiveness of infringement procedures, the Commission will endeavour to stimulate debate by means of its communication on the implementation of Community law in environment matters and will come up with new initiatives to improve the application of these rules in the Member States.

It is also planned to extend the range of activities to be carried out by the informal network Impel (Implemen-

<sup>(1)</sup> Judgment given on 24 October 1996, [1996] ECR.

<sup>(2)</sup> Case C-81/96.



tation and Enforcement of EU Environmental Law). In the light of initiatives suggested by the Commission's conclusions on the implementation of Community law in environment matters mentioned above, the network examined its role, which had been enlarged in relation to its traditional monitoring activities, at its June meeting.

Finally, the Commission is looking into possibilities regarding the implementation of Community law in environment matters arising from a whole series of initiatives in which it is actively participating. In this context it is worth mentioning its reflections on the encouragement of action on environmental agreements by defining criteria which guarantee the transparency, credibility and reliability of the instruments. After examining the reports on environmental liability in the Member States, the Commission also intends to start a major inter-institutional debate together with the relevant social actors on this subject with the aim of harmonizing existing solutions in the future.

## 2. SITUATION SECTOR BY SECTOR

### 2.1. Air

There are still transposal problems even though no new Directive has entered into force.

Regarding Directives which should have been transposed in 1994 and 1995, several Member States have failed to notify the national measures implementing the Directives 93/12/EEC relating to the sulphur content of certain liquid fuels, 94/63/EC on the control of volatile organic compound emissions and 94/66/EC relating to large combustion plants. Moreover, the Commission also referred Greece (Case C-331/96) and Italy (Case C-286/96) to the Court of Justice for failure to notify transposal measures regarding Directive 92/72/EEC on air pollution by ozone; the failure to transpose this Directive deprives Union citizens of the right to be kept informed of incidents of air pollution by ozone and consequently denies them the possibility of protecting themselves better.

On the subject of older directives, the Court of Justice found against Italy in Case C-237/95 for failing to notify measures transposing Directives 89/369/EEC and 89/429/EEC on the prevention of air pollution from municipal waste incineration plants. Italy has not yet complied with the judgment of the Court<sup>(1)</sup>.

<sup>(1)</sup> Given on 20 June 1996.

Notwithstanding the efforts made by Austria and Finland, there are delays in the transposal of the *acquis communautaire* in this area, particularly regarding Directives 80/779/EEC and 82/884/EEC on pollution by sulphur dioxide and lead respectively.

As for the conformity of national transposal measures, it should be pointed out that the problems of conformity of British legislation transposing Directive 85/203/EEC on air quality standards for nitrogen dioxide have been resolved successfully. The British authorities will produce a report on the increase in the number of sampling centres.

Concerning the application of directives, the Commission is continuing to request information from Member States on the values measured every time a complaint is received, and to terminate action on a complaint wherever it has ascertained that the values laid down in the directives are not being exceeded. In Greece, in an attempt to improve air quality in Athens, the Commission has decided to monitor air quality with the aid of the Research Centre at Ispra and the municipal corporation of Athens.

### 2.2. Chemicals

Serious delays in transposal of the directives in this field and problems regarding the conformity of national texts are still being caused by the scientific complexity, the need for constant adaptation to technical progress (dangerous substances) and the pioneering legal work undertaken on certain questions (biotechnology).

So, whereas Greece has complied with the judgment of the Court of Justice in Case C-170/94<sup>(2)</sup> and has notified national measures implementing Directives 90/219/EEC and 90/220/EEC concerning genetically modified organisms (and also Directives 94/15/EC and 94/51/EC adapting them to technical progress), other States are still having difficulties. Luxembourg has not notified national measures implementing Directives 90/219/EEC and 90/220/EEC, as the Court of Justice confirmed in Case C-312/95<sup>(3)</sup>, Belgium has only done so partly and problems of conformity subsist in

<sup>(2)</sup> Judgment of 29 June 1995.

<sup>(3)</sup> Judgment given on 17 October 1996.

Germany, France and Portugal. Furthermore, several Member States have not notified national measures implementing Directives 94/15/EC and 94/51/EC.

As for the directives relating to Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances, especially those adapting it to technical progress, Italy and Belgium are having particular difficulties:

- the Court of Justice found against Italy for failing to transpose Directive 93/67/EEC laying down the principles for assessment of risks to man and the environment of substances notified in accordance with Council Directive 67/548/EEC<sup>(1)</sup>. Legal action has also been taken against Italy (Case C-286/96) for failure to transpose Directive 91/410/EEC (14th adaptation to technical progress),
- the Court of Justice found against Belgium for failure to transpose Directives 92/35/EEC, 92/69/EEC, 93/67/EEC and 93/105/EC<sup>(2)</sup>. Other cases (C-313/96, C-356/96 and C-358/96) are also in motion for Belgium's failure to transpose Directives 93/21/EEC, 91/140/EEC and 93/90/EEC respectively.

The situation has, however, greatly improved in Portugal, where several directives, notably Directives 91/410/EEC, 92/32/EEC, 92/69/EEC, 93/67/EEC and 93/105/EC, which were the basis for infringement proceedings<sup>(3)</sup>, have now been transposed.

The majority of complaints received in this field were about problems arising from the incorrect application of Directive 86/609/EEC concerning laboratory animals, particularly regarding the use of stray dogs for experiments and on the welfare and accommodation afforded to animals which were to be used for the purposes of experiments. As part of its investigation of these complaints — a matter of great public interest — the Commission makes use of its contacts with the national authorities to ensure that the Directive is properly observed.

### 2.3. Water

The scale and complexity of the obligations imposed by traditional Community policy on improving water

<sup>(1)</sup> Case C-238/95; judgment given on 14 March.

<sup>(2)</sup> Belgium: Cases C-218/96 and C-220/96 to 222/96; Portugal: Cases C-165/96 to 169/96.

<sup>(3)</sup> Cases C-165/96 to C-169/96.

quality, which focuses on the determination of quality objectives, the establishment of clean-up and prior authorization programmes, together with assessment reports, entail a major administrative effort for the Member States, some of which are in serious difficulties with regard to the proper application of Community directives. Directive 76/464/EEC (dangerous substances discharged into the aquatic environment) is a good illustration. The Commission is looking into the possibility of commencing infringement proceedings against several Member States for failure to notify programmes for the reduction of water pollution by dangerous substances on List II in the Annex to the Directive. In this context Luxembourg, Spain and Italy have recently been referred to the Court of Justice (Cases C-206/96, C-214/96 and C-285/96).

In its judgment in Case C-168/95 on the interpretation of Directives 83/513/EEC concerning cadmium discharges and 76/464/EEC relating to dangerous substances, the Court of Justice confirmed, among other things, that a public authority cannot invoke Article 3 of Directive 76/464/EEC (the requirement of prior authorization for the discharge of dangerous substances) against an individual if the two Directives have not been transposed<sup>(4)</sup>.

Regarding the disposal of hazardous substances, the Court of Justice gave judgment against Germany<sup>(5)</sup> for incorrect transposal of Directives 82/176/EEC (mercury), 83/513/EEC (cadmium), 84/456/EEC (mercury), 84/491/EEC (hexachlorocyclohexane) and 86/280/EEC (various substances).

The application of Directive 76/160/EEC concerning the quality of bathing water is causing many Member States problems. Finland has yet to notify national measures implementing the Directive, while an action was brought against Spain for the same reason (Case C-92/96). On a more positive note, the United Kingdom has completed its infrastructure work to improve the quality of bathing water at Blackpool and Southport, in compliance with the judgment given by the Court of Justice in Case C-56/90<sup>(6)</sup>.

Several Member States have not yet notified national measures implementing Directive 91/676/EEC on

<sup>(4)</sup> Judgment of 26 September 1996.

<sup>(5)</sup> Case C-262/95, judgment given on 7 November 1996.

<sup>(6)</sup> On 14 July 1993.

nitrate. Most of the Member States are having difficulty transposing certain articles, failing to designate vulnerable zones and draw up appropriate action programmes, failing to establish codes of good agricultural practice and set up monitoring programmes and failing to provide the Commission with the report required by Article 10. The Commission is closely monitoring these application problems and is looking into the possibility of commencing infringement proceedings in appropriate cases.

Complaints raising problems of the quality of drinking water have also been received at the Commission. The Commission endeavours to ensure that Community standards are observed, a task often made more difficult by the methods adopted by some Member States to check water quality. Thus, for example, the United Kingdom authorities operate a system whereby the privatized water companies are required to give undertakings, and it is not easy to check whether standards are being observed. The Commission accordingly commenced an action against the United Kingdom<sup>(1)</sup> for incorrect application of Directive 80/778/EEC (water for human consumption). Many complaints allege a lack of adequate technical infrastructure. One of the options available to the Commission for solving these problems is the financing of projects by means of the Structural Funds and the Cohesion Fund.

Regarding the quality of fresh water (Directive 78/659/EEC) and shellfish waters (Directive 79/923/EEC), the Court of Justice found against Germany for failure to transpose certain provisions of the two Directives<sup>(2)</sup>.

Lastly, with regard to urban waste water it is noteworthy that the Court of Justice ruled against Greece in Case C-161/95<sup>(3)</sup>, Germany in Case C-297/95 and Italy in Case C-302/95 for failing to transpose Directive 91/271/EEC<sup>(4)</sup>.

#### 2.4. Noise

There are no special problems with the application of the noise directives. Some delays are still occurring in the

notification of implementation measures, particularly in connection with Directive 95/27/EC, amending Directive 86/662/EEC, on the limitation of noise emitted by hydraulic excavators, rope-operated excavators, dozers, loaders and excavator-loaders, which certain Member States have still not transposed. The Commission has commenced infringement proceedings against these States.

Elsewhere, no particular difficulties are being encountered in applying the directives. As was stated in previous years' reports, these directives set limits for newly marketed products. They do not apply to ambient noise from multiple sources (for example, noise in cities caused by traffic jams or industrial activity near residential areas). However, the very few complaints received by the Commission in fact concern ambient noise but since there is no overall Community policy regarding health and the quality of life, they cannot be addressed at Community level.

#### 2.5. Waste

Several Member States have not yet notified the national measures implementing the articles amending the general waste Directive 75/442/EEC contained in Directive 91/156/EEC. As a consequence, Court action has been taken against Spain and France for failure to transpose the Directive (Cases C-107/96 et C-223/96 respectively). The Court of Justice found against Greece for the same reason (Case C-160/95<sup>(5)</sup>), and Greece has complied with the judgment, notifying the Commission of national implementing measures. Ireland has notified the Commission of the passing of the Waste Management Act which partially transposes several directives in this sector, including the general waste Directive.

Problems of conformity subsist (notably in Italy), mostly relating to the application of this Directive. An enormous number of complaints have been received about such problems as the proliferation of uncontrolled dumps and illegal tipping, water pollution by directly discharged waste and the siting of planned controlled tips.

<sup>(1)</sup> Case C-340/96.

<sup>(2)</sup> Case C-298/95, judgment given on 12 December 1996.

<sup>(3)</sup> Judgment given on 28 March 1996.

<sup>(4)</sup> Judgments given on 12 December 1996.

<sup>(5)</sup> Judgment given on 28 March 1996.

These complaints illustrate the lack of the necessary technical infrastructure and waste management planning in the Member States. There is one positive note in this field, however, namely that Portugal has produced an urban waste management plan.

The importance of the general waste Directive is underlined by the number of cases referred to the Court of Justice for a preliminary ruling concerning the interpretation of articles in it: Cases C-129/96 (interpretation of Article 1 (a)), C-192/96 (concept of storage for the purposes of one of the operations in Annex II B) and C-203/96 (principles of self sufficiency and proximity)<sup>(1)</sup>. In a further case the Court of Justice confirmed that Member States could provide for criminal penalties to enforce that the Articles of the general waste Directive were properly observed<sup>(2)</sup>.

The Commission has commenced infringement proceedings against Greece, Spain, Italy and Luxembourg for failure to notify measures transposing Directive 91/689/EEC concerning hazardous waste, against France and Portugal for only having partially done so and against the United Kingdom for restricting the field of application and failing to transpose the Directive in Northern Ireland.

Delays in notifying measures for the transposal of Directives 91/157/EEC and 93/86/EEC on batteries and accumulators persist in some Member States. The Commission has taken Germany and France to Court for failure to notify national measures implementing the two Directives<sup>(3)</sup> and Italy for the second of them<sup>(4)</sup>, while

in Cases C-303/95<sup>(5)</sup> and C-219/96<sup>(6)</sup> the Court of Justice found against Italy and Belgium respectively, the former for failure to transpose Directive 91/157/EEC and the latter for failure to transpose Directive 93/86/EEC. The Commission has also commenced infringement proceedings against Member States which have not yet set up programmes under Article 6 of Directive 91/157/EEC.

Directive 94/62/EC on packaging and packaging waste, due to be transposed by 30 June 1996, contains an innovative article regarding the transposal of directives. Article 16 requires Member States to notify drafts of measures they intend to adopt so that the Commission can examine them. By formalizing the dialogue between the Commission and the Member States on the adoption of measures implementing directives in this way, the Article helps resolve any problems of conformity and subsequent application. Generally speaking, the Member States have complied with the Article, although the majority did not observe the deadline for the transposal of the Directive. The Commission has initiated infringement proceedings against those States which have failed to meet their obligations (see Annex IV).

Lastly, Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT) has been adopted, taking account of technical progress and replacing Directive 76/403/EEC.

## 2.6. Nature

As was stated in previous years' reports, nature protection activities centre around the implementation of Directives 79/409/EEC (the conservation of wild birds) and 92/43/EEC (the conservation of natural habitats and of wild flora and fauna). The Commission's main preoccupation in this field is still the protection of habitats.

As far as national implementing measures are concerned, several Member States have not notified implementing measures for the Articles of Directive 92/43/EEC. Some Member States (Germany, Greece, Italy and Portugal)

<sup>(1)</sup> In the latter two Cases, and in Case C-193/96, the preliminary ruling also concerns the Articles in Regulation (EEC) No 259/93 regarding the supervision and control of shipments of waste within, into and out of the European Community.

<sup>(2)</sup> Judgment of 12 September 1996 in the Joined Cases C-58, 75, 112, 119, 123, 135, 140, 141, 154 and 157/95.

<sup>(3)</sup> Cases C-236/96 (Germany) and C-282/96 and 283/96 (France).

<sup>(4)</sup> Case C-286/96.

<sup>(5)</sup> Judgment given on 11 July 1996.

<sup>(6)</sup> Judgment given on 12 December 1996.

have given no notification at all, in spite of the fact that the deadline for transposal was June 1994. The Commission has accordingly commenced infringement proceedings against Greece<sup>(1)</sup> and is pursuing the other cases in this context.

Further proceedings were commenced against Greece for failure to notify measures implementing Directive 91/224/EEC amending Directive 79/409/EEC (wild birds)<sup>(2)</sup>.

With regard to the application of Community directives, the Commission's main objective is to ensure the establishment of Natura 2000, the European ecological network of sites set up in accordance with Directive 79/409/EEC or Directive 92/43/EEC.

Certain Member States, notably Ireland and the United Kingdom, have made significant progress in designating sites in accordance with Directive 79/409/EEC. This has been a major contributory factor in the increase of the total number of designated Community sites. However, in certain other Member States (Germany, Greece and the Netherlands) there has been little if any progress. The Commission has commenced an action against the Netherlands for failing to designate sufficient special protection areas (Case C-3/96).

As for the sites to be designated under Directive 92/43/EEC, progress is very patchy. Although under the Directive the deadline expired in June 1995, most Member States still have to notify a complete list of sites they wish to protect. Concerned to rectify this situation, the Commission is continuing the infringement proceedings brought against the Member States in question. Furthermore, it is operating a stricter policy regarding Community funding for the conservation of sites under the LIFE Regulation on integrated sites and sites to be integrated into the Natura 2000 network.

With the aim of increasing the availability of information and attracting the attention of the actors involved in the creation of Natura 2000, particularly business and other interest groups, the Commission launched the Natura 2000 newsletter which deals with the key issues and major events in this field. It has also prepared some technical support documents to assist the national authorities responsible for the network.

The Court of Justice gave an important preliminary ruling on a question raised by the House of Lords (Case C-44/95)<sup>(3)</sup>. On the fundamental question of the Member States' discretion in the selection of sites and in defining their powers with regard to designation under Directive 79/409/EEC, the Court, upholding the Commission's arguments, held that the choice of sites must be made strictly on the basis of ornithological criteria and must not be influenced by socio-economic considerations (which can subsequently be taken into account under Article 6 of Directive 92/43/EEC which covers the protection of sites).

## 2.7. Radiation protection

The infringement proceedings against Luxembourg and the Netherlands for incorrect transposal of Council Directives 80/836/Euratom and 84/467/Euratom concerning basic safety standards for ionizing radiation are still in motion. As the latest amending legislation is not sufficient to transpose them fully, the Commission has sent Luxembourg a further reasoned opinion.

Infringement proceedings are still in motion against Belgium, Spain, Ireland, Italy and Portugal for failure to transpose correctly Council Directive 84/466/Euratom concerning the protection of patients. The Commission also commenced actions in the Court of Justice against Spain (Case C-21/96) and Portugal (Case C-276/96) as the two Member States have stated that they are highly unlikely to complete the full transposal of the Directive in the near future. Italy has been sent a reasoned opinion under Article 143 of the Euratom Treaty (equivalent to Article 171 of the EU Treaty) for failure to transpose some of the Articles in the Directive.

Luxembourg — against which the Commission had commenced an action in the Court of Justice<sup>(4)</sup> — has enacted national measures implementing Directive 89/618/Euratom (information for the general public in the event of a radiological emergency). Germany has not yet completed the transposal of the Directive. The national measures implementing the Directive notified by France, Spain, Finland and Sweden are currently under scrutiny at the Commission.

<sup>(1)</sup> Case C-329/96.

<sup>(2)</sup> Case C-330/96.

<sup>(3)</sup> Judgment given on 11 July 1996.

<sup>(4)</sup> Case C-46/95.

Infringement proceedings for failure to notify national measures implementing Directive 90/641/Euratom are still in motion against Belgium, Greece, Spain and Portugal. The Commission has also sent a reasoned opinion to France as part of the infringement proceeding, as there are problems of conformity regarding the national transposal measures and the Directive.

Council Directive 92/3/Euratom (transfrontier shipments of radioactive waste) has not been transposed in five Member States (Austria, Belgium, Germany, Greece and Sweden), but all of them, with the exception of Sweden, have notified the Commission of draft transposal measures.

## 2.8. Progress in implementing Directives applicable to the environment

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	136	117	86
Denmark	136	133	98
Germany	138	132	96
Greece	141	128	91
Spain	140	131	94
France	136	126	93
Ireland	136	130	96
Italy	136	116	85
Luxembourg	136	131	96
Netherlands	136	133	98
Austria	132	124	94
Portugal	140	131	94

Finland	134	115	86 <sup>(1)</sup>
Sweden	134	127	95
United Kingdom	136	128	94 <sup>(2)</sup>

Note: This table concerns the following directives:

### General matters

85/337, 90/313, 90/656, 90/660, 93/80;

### Waste

75/439, 75/442, 76/403, 78/319, 84/631, 85/339, 85/469, 86/121, 86/278, 86/279, 87/101, 87/112, 91/156, 91/157, 91/689, 93/86, 94/62, 94/67;

### Water

75/440, 76/160, 76/464, 78/176, 78/659, 79/869, 79/923, 80/68, 80/778, 81/855, 81/858, 82/176, 82/883, 83/29, 83/513, 84/156, 84/491, 86/280, 88/347, 90/415, 91/271, 91/676, 92/112;

### Air

75/716, 80/779, 81/857, 82/884, 84/360, 85/203, 85/210, 85/580, 85/581, 87/219, 87/416, 88/609, 89/369, 89/427, 89/429, 92/72, 93/12, 94/63, 94/66;

### Noise

79/113, 80/51, 81/1051, 83/206, 84/533, 84/534, 84/535, 84/536, 84/537, 84/538, 85/405, 85/406, 85/407, 85/408, 85/409, 86/594, 86/662, 87/252, 88/180, 88/181, 89/514, 89/629, 92/14, 95/27;

### Nature

79/409, 81/854, 83/129, 85/411, 85/444, 86/122, 89/370, 91/244, 92/43, 94/24;

### Chemicals

67/548, 69/81, 70/189, 73/146, 75/409, 76/907, 79/370, 79/831, 80/1189, 81/957, 82/232, 82/501, 83/467, 84/449, 86/431, 86/609, 87/18, 87/216, 87/217, 87/432, 88/302, 88/490, 88/610, 90/219, 90/220, 90/517, 91/325, 91/326, 91/410, 91/632, 92/32, 92/37, 92/69, 93/21, 93/67, 93/72, 93/90, 93/101, 93/105, 94/15, 94/51, 94/69;

### Radiation protection

80/836, 84/466, 84/467, 89/618, 90/641, 92/3.

<sup>(1)</sup> The notification rate for Finland is actually much higher than this if the problems of transposing directives in the Åland Islands are disregarded. They have considerable autonomy in these matters and are consequently required to take specific transposal measures.

<sup>(2)</sup> The notification rate for the United Kingdom disregards the situation for implementation of directives in Gibraltar, which is subject to special monitoring.

## TRANSPORT

### 1. INTRODUCTION

The trend for the majority of Member States to adopt national implementing measures only after the deadline laid down in the Directive has passed is continuing. In most cases, the Commission is not notified of implementing measures until it has begun infringement proceedings. Consequently, a large number of proceedings have been or are about to be initiated in connection with the five directives which entered into force this year.

Results as regards surface transport were mixed; the situation in the railway sector gives particular cause for concern.

The sea transport sector is still rather worrying, since the transposal of directives on safety at sea has not been completed and there are still problems regarding compliance with Community legislation on flag rights and cargo-sharing.

In the field of air transport, the Commission is continuing its efforts to ensure the proper application of Directive 91/670/EEC (mutual acceptance of personnel licences for the exercise of functions in civil aviation). The Commission is continuing to receive complaints which indicate that difficulties arising from the restrictive interpretation of the Directive by national authorities are continuing.

## 2. SITUATION SECTOR BY SECTOR

### 2.1. Road transport

The rate of transposal of the Directive on driving licences (Directive 91/439/EEC), scheduled for 1 July 1994, is disappointing. Although all Member States, with the exception of Belgium which has been sent an Article 169 letter, have entered into the consultations with the Commission referred to in the Directive, the transposal procedure has still not been completed in several Member States. However, mutual recognition, eliminating the obligation to exchange licences on changing State of residence, has been transposed in all Member States, although one or two practical problems are still being encountered here and there.

On the taxation front, notification of national measures transposing Directive 93/89/EEC, on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures, has improved and the infringement proceedings initiated against Belgium, Greece, Ireland, Luxembourg, Portugal and Spain have been terminated. The proceedings initiated against France are continuing, however. Instances of misapplication of this Directive are also starting to appear and the Commission has decided to send a reasoned opinion to Austria concerning the increase in the toll for the Brenner motorway. It should not be forgotten that, although this Directive was annulled by the Court of Justice in 1995, its effects will continue until the Council adopts new provisions. Discussions are continuing within the Council.

On roadworthiness testing, Ireland is still the only Member State not to have notified national measures implementing Directive 91/328/EEC. Although Ireland had a derogation for the application of the Directive until 1 January 1998, this does not entitle it to delay the adoption of the implementing measures. A reasoned opinion has accordingly been sent.

In a number of other areas, the overall picture is also satisfactory. In the social field, Italy has at last implemented the Court of Justice judgment in Case C-289/93<sup>(1)</sup>, and Directive 88/599/EEC (standard checking procedures for the implementation of social legislation) has now been transposed in all Member

States. On the question of safety and technical standards, it was possible to terminate quite a few infringement proceedings, and transposal of Directives 91/671/EEC (compulsory use of safety belts), 92/6/EEC (speed limitation devices) and 92/54/EEC (braking standards) has been completed in all Member States following the termination of the proceedings for failure to notify initiated against Belgium (Directive 91/671), Portugal (Directive 92/6/EEC) and Italy (Directive 92/54/EEC). The last proceeding for failure to notify measures transposing the Directive on admission to the occupation of road haulage operator (89/438/EEC) has also been terminated now that Luxembourg has notified its national implementing measures.

As for the transposal of Directives by the three new Member States, only two proceedings are now running against Austria for incorrect transposal of Directives 84/647/EEC and 90/398/EEC (vehicles hired without drivers).

### 2.2. Combined transport

Against the present background of traffic congestion and environmental and road safety concerns, the Commission deplores the fact that infringement proceedings are still running against Belgium for failure to notify measures transposing Directive 92/106/EEC. The removal of all quantitative restrictions and the abolition of a variety of administrative constraints, which are aims of the Directive, would pave the way for more rapid development of combined transport.

### 2.3. Inland waterways

Although the transposal of Directive 87/540/EEC (access to the occupation of carrier of goods by waterway) is still creating problems in Germany, the German authorities have nevertheless submitted to the Commission for its opinion a text intended to replace the national provision in dispute. The proceedings against Belgium have been terminated.

An Article 169 letter was sent to Austria for failing to notify measures to transpose Directive 91/672/EEC (certificates for the carriage of goods and passengers by inland waterway).

### 2.4. Rail transport

Significant problems remain as regards transposal of Directive 91/440/EEC on the development of the

<sup>(1)</sup> Judgment given on 23 February 1994.

Community's railways, the aim of which is to integrate the railway system into a competitive market and make railway transport efficient and competitive compared with other modes of transport.

Although the proceedings initiated against Greece for failure to notify national implementing measures have now been terminated, problems persist in several Member States with regard to transposal of Article 10 (rights of access to infrastructure for railway companies in the Community). This situation is worrying, since transposal of this article, which is intended to gradually open up access to the rail networks for competition, is of particular importance for the future development of the Community's railway policy. Failure to transpose it could compromise Directives 95/18/EC (on the licensing of railway undertakings) and 95/19/EC (on the allocation of railway infrastructure capacity and the charging of infrastructure fees), for which the final dates for transposal fall in June 1997.

## 2.5. Sea transport

The Commission's efforts in this sector concentrated in particular on improving safety and preventing pollution of the seas. The infringement proceedings begun in 1995 to secure the correct application of Directive 93/75/EC continued and were also accompanied by initiatives to ensure that the three new Directives (94/57/EC, 94/58/EC and 95/21/EC) were transposed on schedule.

Transposal of Directive 94/57/EC (common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations) has not been completed in most Member States and reasoned opinions for failure to notify measures transposing the Directive have been sent to the United Kingdom, Belgium, Greece, Ireland, Italy and the Netherlands. Infringement proceedings have also been initiated against Austria, Finland and Sweden.

Reasoned opinions for failure to notify measures transposing Directive 94/58 (the minimum level of training of seafarers) were sent to Ireland, Italy, the Netherlands and Portugal. An Article 169 letter was also sent to Austria.

Only seven Member States notified measures transposing Directive 95/21/EC (enforcement, in respect of shipping

using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions). Only seven Member States have notified transposal measures. Article 169 letters have been sent to Belgium, Greece, Ireland, Italy, the Netherlands, Portugal, Spain and Finland.

There are also transposal delays in the field of transport of dangerous goods. The transposal of Directive 93/75/EEC (vessels carrying dangerous or polluting goods) is still incomplete. While the proceedings initiated against Belgium, France, Ireland, the Netherlands, Portugal and the United Kingdom were terminated, the Commission has not been notified of national measures transposing the Directive by Spain, Denmark and Italy and problems of conformity have arisen in six other Member States.

Problems also remain as regards compliance with Community legislation on the registration of vessels and the granting of flag rights. The proceedings against Belgium, Denmark, Italy and the Netherlands for failure to abolish discriminatory conditions for the granting of flag rights are therefore continuing. Cases against Ireland and Greece were referred to the Court of Justice.

The case against France, however, in which the Court gave judgment on the conditions for granting vessels the right to fly the French flag on 7 March (Case C-334/94) <sup>(1)</sup>, was terminated as the new French legislation <sup>(2)</sup> no longer includes the French nationality requirement condemned by the Court. But the other aspects of the case are still under scrutiny.

The new French Act also amended the legislation which reserved the carriage of coal for vessels flying the French flag, thus enabling the infringement proceedings in this area to be terminated too.

The situation regarding cargo-sharing agreements between Member States and non-member countries has not improved and the principle of freedom to provide services guaranteed by Regulation (EEC) No 4055/86 is being flouted in this sector. Infringement proceedings are continuing against Spain (agreements with Gabon and Tunisia), Belgium (agreements with Malaysia, Zaire and Togo), Luxembourg (agreement with Malaysia) and Italy (agreement with Morocco). The Commission is also maintaining its vigilance to ensure that the agreements

<sup>(1)</sup> Judgment given on 7 March 1997.

<sup>(2)</sup> Act 96-151.



between Member States and the countries of West and Central Africa (MCWCS) are adapted. It has decided to send reasoned opinions to five Member States.

## 2.6. Air transport

Problems of conformity of national measures transposing Directive 91/670/EEC (mutual acceptance of personnel licences in civil aviation) have not been settled and the Commission is continuing to receive fresh complaints. These complaints have prompted new infringement proceedings. Reasoned opinions were also sent to Spain and France for refusing to accept pilot's licences issued by another Member State, and the Commission subsequently decided to refer these two Member States to the Court of Justice.

Reasoned opinions were sent to Belgium, Spain, France and Italy for failure to give notification of national measures transposing Directive 93/65/EEC (definition and use of compatible technical specifications for the procurement of air-traffic-management equipment and systems). Infringement proceedings have also begun against Austria, whereas those against Portugal and Greece have been terminated. Proper application of this Directive is of major importance for the harmonization of the Member States' air traffic control systems and for the smooth operation of public procurement in this sector. The opening of these infringement proceedings has concentrated the minds of most Member States involved, which are preparing measures for the transposal of the Directive.

The final date for transposing Directive 94/56/EC (establishing the fundamental principles governing the investigation of civil aviation accidents and incidents) was 21 November 1996. Only two Member States had notified measures transposing the Directive by that date. The increase in air traffic could lead to a corresponding increase in accidents if nothing is done to improve standards of safety in this sector. It is therefore vital for a detailed enquiry to be carried out into all accidents or

serious incidents, in accordance with the obligation now imposed by the Directive, to prevent a recurrence.

The infringement proceedings which had been initiated against several Member States in connection with the conclusion of bilateral 'open skies' agreements with the United States have been suspended following the Council's mandate to the Commission to enter into preliminary negotiations with the United States.

## 2.7. Summertime

Directive 94/21/EC on summertime arrangements has been transposed in all Member States and all infringement proceedings have been terminated.

## 2.8. Progress in implementing directives applicable to transport

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	44	38	86,5
Denmark	44	43	98
Germany	44	42	95,5
Greece	44	41	93
Spain	44	40	91
France	44	41	93
Ireland	44	39	89
Italy	44	37	84
Luxembourg	44	42	95,5
Netherlands	44	41	93
Austria	44	36	82
Portugal	44	41	93
Finland	44	39	89
Sweden	44	41	93
United Kingdom	44	41	93

Note: this table concerns the following Directives:

62/2005, 74/561 (\*), 74/562 (\*), 76/135, 76/914, 77/143, 77/796, 79/115, 80/1266, 82/714, 84/647, 85/003, 86/360, 86/364, 87/540, 88/218, 88/449, 88/599, 89/338, 89/438 (\*), 89/459, 89/461, 89/684, 90/398, 91/060, 91/328, 91/439, 91/440, 91/670, 91/671, 91/672, 92/006, 92/007, 92/054, 92/055, 92/106, 93/065, 93/075, 93/089, 94/21, 94/56, 94/57, 94/58, 95/21.

(\*) As consolidated on 29 April 1996 by Directive 92/26/EC (OJ L 124, 23. 5. 1996).

## ENERGY

### 1. INTRODUCTION

In parallel with work on legislation to open up the markets for gas and electricity, the proceedings in the Court of Justice for the monopoly on imports and exports of gas and electricity in five Member States continue to follow their course. On 7 May 1996, the

Court held a public hearing for the five cases in question and is expected to give judgment soon.

At 87 %, the rate of transposal of directives is slightly down on the rate for 1995 (88,5 %), as there have been several delays in the transposal of recent directives.

## 2. SITUATION SECTOR BY SECTOR

### 2.1 Transparency of prices

Spain has notified measures implementing Directive 90/377/EEC on transparency of prices of gas and electricity. All the Member States have now completed the transposal procedure.

### 2.2. Internal market for electricity and natural gas

Notification of measures implementing Directive 91/296/EEC on the transit of gas have been received from all the Member States. The last Member State to complete the transposal process was Portugal.

The actions brought before the Court regarding exclusive gas and electricity import rights in Spain, France, Italy and the Netherlands are still in motion. After the Court of Justice's public hearings, the Commission decided not to continue with the procedure in Case C-156/94 against Ireland.

### 2.3. Energy efficiency

Notification of measures implementing Directive 92/42/EEC on efficiency requirements for new hot-water boilers has been received from Portugal and Luxembourg. Only three Member States (Belgium, Italy and Austria) have still not issued implementing measures.

A new directive in this field was adopted in September (Directive 96/57/EC<sup>(1)</sup>). It concerns the energy efficiency requirements for household electric refrigerators, freezers and combinations thereof.

As the infringement proceedings regarding Directive 92/75/EEC on the indication of the consumption of energy have been terminated, the Member States are now accused only of failing to notify measures transposing the directives implementing it.

Belgium, Germany and Italy have still not transposed Directive 94/2/EC on energy labelling of household

electrical refrigerators, freezers and their combinations; Austria, Belgium, Germany, Greece, France, Ireland, Italy and the Netherlands have not yet transposed Directive 95/12/EC on household washing machines; and Belgium, Germany, Greece, Ireland, Italy, the Netherlands and Austria have still to transpose Directive 95/13/EC on household electric tumble driers.

Directive 93/76/EEC on limiting carbon dioxide emissions by improving energy efficiency (SAVE) has been transposed by Denmark, France, the Netherlands and the United Kingdom.

### 2.4. Oil and gas

Three Member States (Belgium, Ireland and Italy) have still to notify national implementing measures for Directive 94/22/EC on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons. The Directive is not applicable in Luxembourg.

### 2.5. Progress in implementing directives applicable to energy

Member State	Directives applicable on 31. 12. 1996	Directives for which measures have been notified	%
Belgium	19	13	68
Denmark	19	19	100
Germany	20	16	80
Greece	19	16	84
Spain	19	18	95
France	19	18	95
Ireland	19	15	79
Italy	19	13	68
Luxembourg	18	17	94
Netherlands	19	17	89
Austria	19	15	79
Portugal	19	18	95
Finland	17	15	88
Sweden	19	16	84
United Kingdom	19	19	100

Note: this table concerns Directives

68/414, 72/425, 73/238, 75/339, 75/405, 76/491, 78/170, 82/885, 85/536, 87/441, 90/377, 90/547, 90/653 (applicable exclusively in Germany), 91/296, 92/42, 93/76, 94/2, 94/22 (not applicable in Luxembourg), 95/12, 95/13.

Directives 91/296/EEC and 94/22/EC are not relevant to Finland, subject to verification by the Commission.

<sup>(1)</sup> OJ L 296, 18. 9. 1996.

## STRUCTURAL FUNDS AND COMMUNITY LAW

The Structural Funds Regulations lay down the principle that projects enjoying Community financial support must be in conformity with Community law (Article 7 of Regulation (EEC) No 2052/88). The impact of the principle is that wherever it is established that Community law is violated the support given from the Structural Funds may be suspended, reduced or withdrawn (Article 24 of Regulation (EEC) No 4253/88 on the Structural Funds and Annex II Article H of Regulation (EC) No 1164/94 on the Cohesion Fund).

Measures financed by the Funds are managed in partnership, which means that the primary responsibility for monitoring compliance with Community law lies with the national authorities. The Commission, however, retains its enforcement powers under Article 169 of the Treaty and Article 24 of Regulation (EEC) No 4253/88.

The Community case-law confirms that the infringement procedure and the procedure of Article 24 of Regulation (EEC) No 4253/88 are quite distinct (Case T-461/93)<sup>(1)</sup> which means that the commencement of infringement proceedings does not automatically trigger the procedure of Article 24 of Regulation (EEC) No 4253/88 (and vice versa).

But the absence of an automatic political or legal link between the two procedures (commencement of infringement proceedings and withdrawal of support) does not mean that there is no coherence between them. In practice, once the Article 169 letter has been transmitted in an infringement case, the question whether assistance should be suspended may be considered and, when the reasoned opinion has been issued, the question whether to commence the procedure for reduction or withdrawal in accordance with the provisions implementing Article 24 may arise. Likewise, where Article 169 infringement proceedings are terminated, the Commission does not lose its right to recover the Community contribution.

The basic principle is that the effectiveness of the cohesion policy depends heavily on compliance with Community law and policies. But before taking a decision to reduce or withdraw Community assistance, the Commission assesses the gravity of the infringement on a case-by-case basis. This means that serious infringements will not be allowed to remain with no impact on Community co-financing and that minor infringements will not be allowed to have a disproportionate impact on the development of regions that are lagging behind or in decline.

Infringements connected with operations co-financed by the ERDF and the Cohesion Funds most commonly relate to compliance with environment directives and the Community rules on public procurement. Complaints typically allege infringement of Directive 85/337/EEC (environmental impact assessment).

The cases involving Community cofinancing account for only a small proportion of the suspected or established infringements of environment and public procurement rules (4,3 % of cases for the environment and 3,4 % for public procurement).

These figures are given for guidance; they are merely one clue among others as to the scale of the problem. Some infringement cases do not come to the Commission's notice, and in others it is difficult to establish a direct link between the infringement and the existence of Community co-financing, as Structural Funds co-financing is generally managed on an aggregate basis under operational programmes and project selection is primarily in the hands of the Member States. There is also the further problem of a more general infringement (as where a directive is incorrectly transposed) with indirect implications for projects co-financed by the Funds.

According to available data, the breakdown of proceedings commenced for suspected or established infringements in relation to co-financed projects is as follows:

Germany	1 (environment)
Greece	5 (environment)
Spain	8 (environment)
France	4 (environment: 3; public procurement: 1)
Ireland	3 (environment)
Italy	1 (public procurement)
Portugal:	6 (environment: 2; public procurement: 4)
United Kingdom	1 (environment)

The frequency of established infringements in relation to co-financed projects would appear to correlate with the scale of the assistance given and the volume of Community co-financing rather than the specific practices of this or that Member State. Road works and water treatment facilities are the most common types of project.

Even though the number of infringement cases does not appear very high in comparison with the sometimes very high volume of Community co-financing, the fact

<sup>(1)</sup> Judgment given on 23 September 1994.

remains that protection of the Community's financial interests is indispensable.

Lastly, it should be remembered that monitoring the application of Community law in connection with Structural and Cohesion Funds financial assistance

requires not only that action be taken against infringements but above all that preventive action be taken as a matter of course. This is first and foremost a task for the national authorities, which must take all such measures as are needed to ensure that Community law is observed wherever projects are co-financed by the Community.

#### BUDGETARY MATTERS

The Commission issued a reasoned opinion against Germany in order to have own resources (and interest for late payment) made available as regards agricultural

levies not charged and paid over contrary to Regulations (EEC) No 2252/90 and (EEC) No 1552/89.

#### COMMUNITY STAFF

The infringement proceedings initiated in this field concern the failure of the Member States to comply with the Protocol on Privileges and Immunities of the European Communities and to implement national provisions required for the correct application of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.

The infringement proceeding initiated against Spain in 1995 as a result of the national authorities' refusal to grant a residence permit to officials and other servants of the European Communities is continuing.

On the basis of information provided by offices and bodies employing officials and other servants of the European Communities, raising doubts as to the practical value of the residence permits issued since March 1995 by the Spanish authorities, the Commission has

addressed a reasoned opinion to Spain. The nub of the matter is that these permits do not allow officials and other servants of the European Communities to furnish proof of the legality of their status while working in Spain.

With regard to the transfer of pension rights (Article 11 (2) of Annex VIII to the Staff Regulations of Officials of the European Communities), infringement proceedings against Spain, Greece and Belgium are under way.

In the case of Spain, the matter is pending before the Court of Justice. The proceeding against Greece is at the reasoned opinion stage. The Commission is currently examining a reply from the Greek national authorities.

Additional measures being devised by the Belgian national authorities should enable the infringement proceedings against them to be terminated shortly.

#### STATISTICAL MATTERS

The Member States' obligations in statistical matters are mainly to supply figures at pre-determined intervals on specific questions. There are no major problems as regards either the application of statistical methods or compliance with deadlines.

However, infringement proceedings commenced last year against the Spanish and French authorities for failure to submit monthly data on the quantities and average prices of landings of fishery products in the prescribed form (Regulation (EEC) No 1382/91) and annual catch statistics (Regulation (EEC) No 3880/91) are still in motion, and have now reached the reasoned opinion stage.

## ANNEX I

## SUSPECTED INFRINGEMENTS 1992 TO 1996

Table 1.1.

## Suspected infringements — Origin

Year	Complaints	Parliamentary questions	Petitions	Cases detected by Commission	Total
1992	1 185	45	33	282	1 545
1993	1 040	30	23	247	1 340
1994	1 145	5	6	277	1 433
1995	955	30 (*)	4 (*)	297	1 252
1996	819	22 (*)	4 (*)	257	1 076

(\*) Since 1995, parliamentary questions and petitions have been included either in the number of cases detected by the Commission or in the number of complaints, as the case may be.

Table 1.2.  
Suspected infringements — Classified by sector and Member State

	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
DGI External Relations	1992	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
	1993	0	0	2	0	0	0	0	0	1	0	0	0	0	1	4
	1994	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2
	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	0	0	0	0	0	0	0	0	0	1	0	0	0	1	2
DG II Economic and Financial Affairs	1992	0	1	1	3	0	0	0	0	0	0	1	0	0	0	6
	1993	0	0	0	2	2	0	1	0	0	0	1	0	0	0	6
	1994	1	0	1	1	0	2	1	1	0	0	2	0	0	1	10
	1995	0	0	0	1	0	1	0	0	0	2	0	1	0	0	5
	1996	0	0	0	0	1	0	0	0	0	0	1	0	0	0	2
DG III Internal Market and Industrial Affairs (up to 1992) Industry (1993)	1992	20	14	74	44	39	71	8	48	6	20	0	13	0	25	382
	1993	1	5	4	5	1	1	0	7	1	6	0	1	0	2	34
	1994	2	0	12	7	3	1	1	8	1	1	0	6	0	2	44
	1995	1	3	10	1	2	6	0	2	1	4	0	1	1	4	38
	1996	1	4	12	0	3	3	1	7	0	0	0	1	2	3	38
	1992	3	0	6	2	8	6	2	7	3	3	0	0	0	0	2
DG IV Competition	1993	2	4	2	7	2	5	2	7	1	3	0	2	0	1	38
	1994	1	0	2	20	3	3	1	4	1	2	0	1	0	0	38
	1995	2	2	4	0	5	6	0	11	0	1	4	1	0	1	37
	1996	1	0	5	4	2	2	1	2	0	1	2	1	1	1	24
	1992	7	1	4	4	5	4	3	14	1	1	0	2	0	0	8
DG V Employment, Industrial Relations and Social Affairs	1993	4	4	3	4	3	11	2	3	0	2	0	0	0	8	44
	1994	3	0	3	4	2	7	1	14	0	2	0	1	0	24	61
	1995	7	2	2	1	1	10	2	1	1	4	1	3	1	7	44
	1996	10	3	3	0	2	10	1	4	0	3	0	0	1	3	40



	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
DG XIII Telecommunications, Information Market and Exploitation of Research	1992	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1993	0	0	0	1	1	0	1	0	1	0	3	0	0	0	7
	1994	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
	1995	2	0	1	0	1	0	0	0	0	1	2	0	0	0	7
	1996	0	0	0	0	0	0	0	3	1	0	0	0	1	0	5
	1992	1	1	1	1	5	2	2	2	0	0	0	0	0	0	2
DG XIV Fisheries	1993	0	1	1	0	0	2	0	1	0	1	0	0	0	1	7
	1994	0	1	0	1	2	3	1	0	0	0	0	0	0	1	9
	1995	0	0	2	1	1	1	0	0	0	0	0	0	0	0	5
	1996	1	1	0	0	1	1	0	0	0	0	0	0	2	1	7
	1992	7	5	5	2	3	6	1	5	2	3	0	0	0	0	3
DG XV Financial Institutions and Company Law (up to 1992) Internal Market and Financial Services (1993)	1993	53	9	86	58	34	99	6	108	6	25	0	15	0	42	541
	1994	33	11	76	44	40	95	7	106	7	32	0	19	0	23	493
	1995	36	13	84	39	56	91	11	65	7	26	21	22	9	30	512
	1996	31	9	65	23	26	76	10	53	9	13	25	13	12	33	501
	1992	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
	1993	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DG XVI Regional Policies	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1995	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1992	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1993	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1994	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1
DG XVII Energy	1995	1	1	1	1	2	1	1	1	1	1	1	1	0	1	14
	1996	0	0	3	1	0	0	1	0	0	1	0	0	0	0	6



	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
DG XIX Budgets	1992	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	1993	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
	1994	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	1995	1	0	1	0	0	0	1	0	0	0	0	0	0	0	3
	1996	0	0	0	1	0	1	0	1	0	0	0	0	0	0	3
	1992	9	5	3	11	16	11	0	11	2	5	0	3	0	0	8
DG XXI Customs and Indirect Taxation	1993	8	2	8	12	9	4	17	0	6	0	2	0	0	9	82
	1994	4	3	1	3	1	2	4	1	2	0	2	0	0	3	28
	1995	3	0	5	8	2	13	0	10	2	3	0	4	2	7	62
	1996	2	4	4	2	4	8	0	1	0	3	4	2	4	2	46
	1992	1	0	0	0	0	0	0	0	0	1	0	0	0	1	3
	1993	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
DG XXII Human Resources, Education, Training and Youth	1994	0	0	0	0	1	0	1	0	0	0	0	0	0	0	4
	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	0	0	1	0	0	1	0	0	0	0	0	0	0	2	4
	1992	0	0	0	1	0	0	0	0	0	0	0	0	0	1	2
	1993	1	0	0	0	2	0	0	0	0	0	0	0	0	0	3
	1994	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
DG XXIII Enterprise Policy, Distributive Trades, Tourism and Cooperatives	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	0	0	1	0	0	1	0	0	0	0	0	0	0	1	4
	1992	0	0	0	1	0	0	0	0	0	0	0	0	0	1	2
	1993	1	0	0	0	2	0	0	0	0	0	0	0	0	0	3
	1994	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
	1995	0	0	0	0	1	0	0	0	0	0	1	0	0	0	2
DG XXIV Consumer Policy Service	1996	0	0	0	2	1	0	2	0	0	1	0	0	0	0	6
	1992	0	2	11	3	2	5	2	2	0	1	4	0	0	3	35
	1993	0	0	1	0	0	5	0	1	3	7	0	2	0	2	21
	1994	1	1	0	0	0	4	0	1	0	1	0	0	0	1	9
	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	1	0	0	0	1	0	0	2	0	0	0	0	1	0	5

	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
SOEC Statistical Office	1992	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1993	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2
	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1995	0	0	0	0	2	1	0	0	0	0	0	0	0	0	3
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1992	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
LG Legal Service	1993	1	0	1	0	2	0	0	0	0	0	1	0	0	0	5
	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1995	0	1	0	0	0	0	0	0	0	0	0	1	1	0	3
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SG Secretariat-General	1992	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1993	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1992	70	45	181	168	247	195	70	207	25	54	0	60	0	223	1 545
1993	92	37	149	146	184	209	52	192	14	67	0	59	0	139	1 340	
1994	92	33	185	112	196	246	66	185	18	85	0	59	0	156	1 433	
1995	80	36	171	84	147	210	44	140	25	65	45	52	28	52	73	1 252
1996	57	34	155	52	103	148	29	135	16	38	52	37	33	51	136	1 076

*Table 1.3.***Suspected infringements — Action taken, classified by year of registration**

Year	Total cases	Terminated	In motion	Established infringements
1992	1 545	1 190	69	286
1993	1 340	992	69	279
1994	1 433	909	217	307
1995	1 252	756	284	212
1996	1 076	310	665	101

## ANNEX II

## ESTABLISHED INFRINGEMENTS 1992 TO 1996

Table 2.1.

## Established infringements — Classified by stage of proceedings and Member State

Member State	Article 169 letters						Reasoned opinions						Referrals to Court							
	1992		1993		1994		1995		1996		1992		1993		1994		1995		1996	
B	110	98	77	80	72	22	26	41	19	62	6	7	10	6	20					
DK	46	66	57	42	22	4	3	14	1	0	0	0	0	0	0					
D	97	120	90	92	62	18	35	66	25	37	5	4	5	10	8					
EL	112	125	96	113	58	30	41	85	26	51	4	4	17	12	17					
E	129	107	86	81	59	39	28	53	15	30	5	5	9	6	9					
F	113	105	90	97	88	10	39	49	17	46	1	2	8	6	11					
IRL	87	91	70	67	43	13	25	47	3	36	9	0	12	6	4					
I	138	108	102	114	75	40	49	60	36	71	11	6	12	17	9					
L	97	91	64	71	39	21	29	36	9	28	14	11	6	3	4					
NL	75	75	73	59	32	16	22	20	4	9	5	5	4	0	2					
A	0	0	0	4	132	0	0	0	0	2	0	0	0	0	1					
P	116	125	96	115	54	22	40	54	22	49	1	0	5	4	6					
FIN	0	0	0	2	290	0	0	0	0	0	0	0	0	0	0					
S	0	0	0	2	69	0	0	0	0	0	0	0	0	0	0					
UK	97	98	73	77	47	13	15	21	15	14	3	0	1	2	1					
Total	1 217	1 209	974	1 016	1 142	248	352	546	192	435	64	44	89	72	92					

Table 2.2.  
Infringement proceedings classified by Member State, stage reached and legal basis

	1992				1993				1994				1995				1996				
	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	
		No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.		No notif.
B	Art. 169	110	84	1	15	9	77	58	4	11	4	80	59	3	8	10	72	31	8	16	17
	RO	22	13	1	2	6	41	36	1	4	3	19	15	1	1	3	62	48	4	7	3
	REF	6	2		1	2	10	6	1	1	2	6	4	1	1	1	20	19		1	
DK	Art. 169	46	39		2	5	66	63		2	1	57	51	1	2	3	42	36		6	2
	RO	4	2		2	2	14	12		2	2	1	1	1		0	0				
	REF	0			0	0	0					0				0	0				
D	Art. 169	97	77	6	10	4	120	95	3	15	7	90	63	5	19	3	92	63	5	14	10
	RO	18	4	2	5	7	35	22	1	5	7	66	58	1	3	4	25	15	4	5	1
	REF	5	1	1	3	2	4	4	2	2	2	5	2	2	1	1	10	7	2	1	8
EL	Art. 169	112	93	4	7	8	125	104	3	12	6	96	72	20	4	4	113	90	1	13	9
	RO	30	13	7	7	10	41	33	2	2	6	85	80	2	3	3	26	14	8	8	4
	REF	4	1	1	1	1	4	4				17	12	2	2	2	12	8		2	2
E	Art. 169	129	89	3	16	21	107	80	1	15	11	86	62	1	14	9	81	61	1	12	7
	RO	39	20	3	4	12	28	19	1	5	3	53	48	4	4	1	15	9	4	4	2
	REF	5	1	1	2	1	5	3	1	1	1	9	8			1	6	5	1	1	9
F	Art. 169	113	67	4	25	17	105	82	2	11	10	90	64	2	11	13	97	70	3	11	13
	RO	10	2			8	39	22	2	7	8	49	38	1	6	4	17	8	5	5	4
	REF	1			1	1	2	2		1	1	8	5			3	6	4			2
IRL	Art. 169	87	78	4	4	1	91	85	2	3	3	70	62	2	3	3	67	59	1	3	4
	RO	13	12		1	1	25	17	4	2	2	47	45			2	3	3			4
	REF	9	8		1		0					12	11			1	6	6			3
I	Art. 169	138	87	4	27	20	108	75	8	16	9	102	66	2	21	13	114	85	3	10	16
	RO	40	10	1	13	16	49	31	1	8	9	60	56	2	2	2	36	16	1	10	9
	REF	11	5	1	4	1	6	3	1	1	1	12	5		4	3	17	13		2	2
L	Art. 169	97	90	1	5	1	91	84	1	2	4	64	58	4		2	71	66		3	2
	RO	21	13	1		7	29	28		1	1	36	36			1	9	6	1	1	1
	REF	14	10	1	1	2	11	5			6	6	5			1	3	3			4
NL	Art. 169	75	61	1	8	5	75	64	1	8	2	73	49	3	20	1	59	47	1	8	3
	RO	16	7	2	5	2	22	14	2	3	3	20	17		3	4	4	1	1	1	2
	REF	5	5			3	5	1		3	1	4	2		1	1	0				8

	1992				1993				1994				1995				1996							
	Directives			Treaties Regu- lations De- cisions	Directives			Treaties Regu- lations De- cisions	Directives			Treaties Regu- lations De- cisions	Directives			Treaties Regu- lations De- cisions	Directives			Treaties Regu- lations De- cisions				
	No. notif.	Impl. prob.	Appl. prob.	Total	No. notif.	Impl. prob.	Appl. prob.	Total	No. notif.	Impl. prob.	Appl. prob.	Total	No. notif.	Impl. prob.	Appl. prob.	Total	No. notif.	Impl. prob.	Appl. prob.	Total				
A																								
	Art. 169																							
	RO																							
	REF																							
P		88	7	13	8	8	14	3	96	70	5	12	9	115	4	9	4	4	9	54	34	5	12	3
	Art. 169																							
	RO	22	18	1	2	1	2	2	54	49	1	3	1	22	15	4	2	4	4	49	37	8	4	
	REF	1		1	0			0	5	5				4	4					6	5	1		
FIN																								
	Art. 169																							
	RO																							
	REF																							
S																								
	Art. 169																							
	RO																							
	REF																							
UK		97	82	4	6	5	8	6	73	57	3	10	3	77	65	1	7	4	4	47	26	3	16	2
	Art. 169																							
	RO	13	12			1	3	3	21	21				15	11	2	2	2	2	14	11	1	1	1
	REF	3			2	1			1		1			2	2					1		1		
Total		1 217	935	39	138	105	32	121	974	732	32	143	67	1 016	799	23	105	89	1 142	801	52	174	115	
	Art. 169																							
	RO	248	126	11	38	73	18	38	546	496	8	28	14	192	114	8	42	28	435	320	35	52	28	
	REF	64	33	5	17	9	4	5	89	61	2	10	16	72	56	3	7	6	92	60	4	20	8	

Table 2.3.  
Established infringements — Trend by Member State and year case commenced  
— 1992 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	Withdrawn	Judgments	For Commission	For Member States
Total	1 217	778	17	413	255	150	114	22	51	45	41	4
B	110	76	1	30	14	16	13	3	2	8	8	0
DK	46	42	1	3	3	0	0	0	0	0	0	0
D	97	53	0	43	30	13	8	4	3	3	1	2
EL	112	65	1	45	28	17	15	2	6	8	7	1
E	129	91	3	33	17	16	13	4	5	4	4	0
F	113	63	3	42	20	20	15	3	12	0	0	0
IRL	87	59	1	27	13	12	12	1	3	8	8	0
I	138	70	3	70	43	23	16	4	6	7	6	1
L	97	66	0	30	21	9	9	0	6	3	3	0
NL	75	54	0	20	14	6	5	0	2	3	3	0
P	116	63	2	52	40	12	7	1	6	0	0	0
UK	97	76	2	18	12	6	1	0	0	1	1	0

Table 2.4.

## Established infringements — Trend by Member State and year case commenced

— 1993 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	Withdrawn	Judgments	For Commission	For Member States
Total	1 209	776	35	392	258	133	96	23	41	35	32	3
B	98	62	6	30	15	15	11	4	3	4	4	0
DK	66	61	0	5	5	0	0	0	0	0	0	0
D	120	74	2	43	27	16	12	3	7	2	2	0
EL	125	57	2	65	46	19	15	3	6	6	6	0
E	107	69	3	34	19	15	12	2	4	8	6	2
F	105	65	5	35	20	14	8	2	2	5	4	1
IRL	91	56	2	32	22	10	8	0	4	4	4	0
I	108	55	7	44	27	17	14	6	3	5	5	0
L	91	64	0	27	23	4	4	0	3	1	1	0
NL	75	59	1	14	12	2	1	0	1	0	0	0
P	125	76	3	47	30	17	9	3	6	0	0	0
UK	98	78	4	16	12	4	2	0	2	0	0	0



Table 2.5.

## Established infringements — Trend by Member State and year case commenced

— 1994 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	Withdrawn	Judgments	For Commission	For Member States
Total	974	557	87	328	165	163	80	40	32	9	8	1
B	77	31	10	37	13	24	11	3	6	2	2	0
DK	57	52	0	5	5	0	0	0	0	0	0	0
D	90	40	10	40	18	22	13	13	0	0	0	0
EL	96	40	11	43	27	16	10	2	6	2	2	0
E	86	45	10	30	17	13	2	1	1	0	0	0
F	90	54	15	22	8	14	9	3	6	0	0	0
IRL	70	46	3	20	10	10	8	1	7	0	0	0
I	102	45	6	52	18	34	19	13	2	5	4	1
L	64	42	4	18	12	6	2	2	0	0	0	0
NL	73	61	4	9	6	3	1	1	0	0	0	0
P	96	55	7	33	17	16	5	1	4	0	0	0
UK	73	46	7	19	14	5	0	0	0	0	0	0

Table 2.6.

## Established infringements — Trend by Member State and year case commenced

— 1995 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	Withdrawn	Judgments	For Commission	For Member States
Total	1 016	559	224	242	42	200	13	10	3	0	0	0
B	80	36	21	29	8	21	3	3	0	0	0	0
DK	42	35	4	1	1	0	0	0	0	0	0	0
D	92	48	34	18	4	14	0	0	0	0	0	0
EL	113	57	19	32	4	28	1	1	0	0	0	0
E	81	50	15	14	0	14	0	0	0	0	0	0
F	97	46	31	28	5	23	1	1	0	0	0	0
IRL	67	23	15	16	1	15	2	0	2	0	0	0
I	114	46	25	46	5	41	5	4	1	0	0	0
L	71	40	9	18	3	15	0	0	0	0	0	0
NL	59	47	10	4	3	1	0	0	0	0	0	0
A	4	1	2	1	0	1	1	1	0	0	0	0
P	115	64	24	26	5	21	0	0	0	0	0	0
FIN	2	1	1	0	0	0	0	0	0	0	0	0
S	2	1	1	0	0	0	0	0	0	0	0	0
UK	77	64	13	9	3	6	0	0	0	0	0	0

Table 2.7.

## Established infringements — Trend by Member State and year case commenced

— 1996 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	Withdrawn	Judgments	For Commission	For Member States
Total	1 142	232	846	53	5	48	0	0	0	0	0	0
B	72	13	47	10	2	8	0	0	0	0	0	0
DK	22	16	6	0	0	0	0	0	0	0	0	0
D	62	10	48	3	0	3	0	0	0	0	0	0
EL	58	11	39	8	0	8	0	0	0	0	0	0
E	59	16	39	2	1	1	0	0	0	0	0	0
F	88	11	68	6	0	6	0	0	0	0	0	0
IRL	43	14	19	7	0	7	0	0	0	0	0	0
I	75	14	56	5	0	5	0	0	0	0	0	0
L	39	13	20	6	2	4	0	0	0	0	0	0
NL	32	8	22	2	0	2	0	0	0	0	0	0
A	132	21	111	0	0	0	0	0	0	0	0	0
P	54	12	40	2	0	2	0	0	0	0	0	0
FIN	290	41	249	0	0	0	0	0	0	0	0	0
S	69	18	51	0	0	0	0	0	0	0	0	0
UK	47	14	31	2	0	2	0	0	0	0	0	0

## ANNEX III

## INFRINGEMENTS OF TREATIES AND REGULATIONS

## Economic and Financial Affairs

## PORTUGAL

Number: 91/2097  
 Legal base: 157E052; 157E058; 157E221  
 Title: Discrimination concerning foreign investment in privatized companies  
 Dd. ro: Date reasoned opinion sent: 95/05/29

## Competition

## BELGIUM

Number: 89/0030  
 Legal base: 157E171; 384D0508  
 Title: Aid for Idealspun/Beaulieu  
 Dd. ro: Date reasoned opinion sent: 89/08/30  
 Dd. ref: Date of referral: 89/12/18  
 Case: C-89/375  
 Dd. ju.: Date of judgment: 91/02/19  
 Ju. for: Commission

## SPAIN

Number: 91/0755  
 Legal base: 157E030; 157E034; 157E037; 157E048  
 Title: Exclusive rights in respect of electricity  
 Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/15  
 Case: C-94/160

## FRANCE

Number: 91/0751  
 Legal base: 157E037; 157E030; 157E034  
 Title: Exclusive rights in respect of gas and electricity  
 Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/14  
 Case: C-94/159

## IRELAND

Number: 91/0756  
 Legal base: 157E030; 157E034; 157E037  
 Title: Exclusive rights in respect of electricity  
 Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/13  
 Case: C-94/156  
 Dd. term: Termination decision: 96/06/28

## ITALY

Number: 91/0757  
 Legal base: 157E030; 157E034; 157E037  
 Title: Exclusive rights in respect of electricity  
 Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/15  
 Case: C-94/158

Number: 92/2028  
 Legal base: 387R3975  
 Title: Air transport (Assistance to Commission inquiries)  
 Dd. ro: Date reasoned opinion sent: 95/05/18

Number: 92/2035  
 Legal base: 368R4056  
 Title: Sea transport (Assistance to Commission inquiries)  
 Dd. ro: Date reasoned opinion sent: 95/06/12

Number: 93/2054  
 Legal base: 368R1017  
 Title: Surface transport  
 Dd. ro: Date reasoned opinion sent: 95/12/21

Number: 93/2181  
 Legal base: 157E003; 157E005; 157E085  
 Title: Customs forwarding agents  
 Dd. ro: Date reasoned opinion sent: 95/06/21  
 Dd. ref: Date of referral: 96/02/09  
 Case: C-96/035

## NETHERLANDS

Number: 91/0759  
 Legal base: 157E030; 157E037  
 Title: Exclusive rights in respect of electricity  
 Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/13  
 Case: C-94/157

## Employment and social policy

## BELGIUM

Number: 87/0207  
 Legal base: 157E048; 368R1612  
 Title: Nationality requirement — Posts, Telecommunications and Radio-television  
 Dd. ro: Date reasoned opinion sent: 92/08/06

- Number: 88/0364  
 Legal base: 157E048; 368R1612; 371R1408; 683J0249; 684J0122; 683J0261; 673J0187; 674J0039; 675J0007; 157E0171  
 Title: Covert discrimination as regards welfare benefits and services  
 Dd. ro: Date reasoned opinion sent: 89/08/28  
 Dd. ref: Date of referral: 90/10/23  
 Case: C-90/326  
 Dd. ju.: Date for judgment: 92/11/10  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 95/07/03
- Number: 89/0457  
 Legal base: 157E007; 157E128; 157E171  
 Title: Study grants — Discrimination on the basis of nationality  
 Dd. ro: Date reasoned opinion sent: 91/03/21  
 Dd. ref: Date of referral: 93/02/17  
 Case: C-93/047  
 Dd. ju.: Date of judgment: 94/05/03  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 95/10/03
- Number: 90/0404  
 Legal base: 157E007; 157E048; 157E052; 368R1612  
 Title: Discrimination regarding study grants for workers  
 Dd. ro: Date reasoned opinion sent: 93/05/17
- Number: 91/0573  
 Legal base: 157E048; 368R1612  
 Title: Access to employment in sea and air transport  
 Dd. ro: Date reasoned opinion sent: 92/08/06
- Number: 91/0574  
 Legal base: 157E048; 368R1612  
 Title: Access to employment in distribution of water, gas and electricity  
 Dd. ro: Date reasoned opinion sent: 92/08/06  
 Dd. ref: Date of referral: 94/06/22  
 Case: C-94/173  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 91/2017  
 Legal base: 157E045; 368R1612  
 Title: Equal treatment — Access to employment — Discrimination against children of migrant workers  
 Dd. ro: Date reasoned opinion sent: 93/08/13  
 Dd. ref: Date of referral: 94/10/13  
 Case: C-94/278  
 Dd. Ju.: Date of judgment: 96/09/12  
 Ju. for: Commission
- GERMANY
- Number: 87/0282  
 Legal base: 157E048; 368R1612  
 Title: Equal treatment — Tax advantages  
 Dd. ro: Date reasoned opinion sent: 89/03/01  
 Dd. term: 96/12/10: Termination decision
- Number: 89/0116  
 Legal base: 368R1612; 157E048  
 Title: Taxation of non-residents  
 Dd. ro: Date reasoned opinion sent: 92/02/19  
 Dd. term: 96/06/26: Termination decision
- Number: 90/0179  
 Legal base: 157E048; 368R1612; 157E052; 157E059  
 Title: Equal treatment — Tax advantages  
 Dd. ro: Date reasoned opinion sent: 94/05/04  
 Dd. term: 96/06/26: Termination decision
- GREECE
- Number: 89/5227  
 Legal base: 157E048; 368R1612  
 Title: Nationality discrimination in respect of employment as Cellist at the Athens Opera  
 Dd. ro: Date reasoned opinion sent: 93/03/03  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 90/4816  
 Legal base: 157E048; 368R1612  
 Title: Nationality discrimination — Language assistants  
 Dd. ro: Date reasoned opinion sent: 93/08/03  
 Dd. ref: Date of referral: 94/04/27  
 Case: C-94/123  
 Dd. ju.: Date of judgment: 95/06/01  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 97/01/24
- Number: 91/0583  
 Legal base: 368R1612; 157E048  
 Title: Nationality discrimination — Access to employment in public electricity company  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0584  
 Legal base: 368R1612; 157E048  
 Title: Nationality discrimination — Access to employment in public service — Doctors in public hospitals  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0585  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — Public education  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0586  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — Sea and air transport  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0587  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — Surface transport  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0588  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — Civilian research  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0589  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — Posts, Telecommunications and Radio-television  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/4957  
 Legal base: 157E048  
 Title: Period worked in other Member States — Calculation of seniority  
 Dd. ro: Date reasoned opinion sent: 95/05/18  
 Dd. ref: Date of referral: 96/06/04  
 Case: C-96/187

Number: 92/4760  
 Legal base: 157E048; 157E052; 157E059; 368R1612  
 Title: Nationality discrimination — Status of *Famille nombreuse*  
 Dd. ro: Date reasoned opinion sent: 95/05/18  
 Dd. ref: Date of referral: 96/06/03  
 Case: C-96/185

Number: 93/4236  
 Legal base: 157E048  
 Title: Access to employment and terms of employment of specialist doctors  
 Dd. ro: Date reasoned opinion sent: 95/06/19  
 Dd. term: 96/06/26: Termination decision

## FRANCE

Number: 90/0284  
 Legal base: 157E048; 368R1612; 157E005  
 Title: Access to employment on board ship  
 Dd. ro: Date reasoned opinion sent: 91/04/17

Number: 91/0233  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — Sea and inland waterway transport  
 Dd. ro: Date reasoned opinion sent: 92/08/06

Number: 91/2373  
 Legal base: 368R1612  
 Title: Refusal to grant education allowance  
 Dd. ro: Date reasoned opinion sent: 94/08/04  
 Dd. term: 96/12/10: Termination decision

Number: 93/4403  
 Legal base: 368R1612  
 Title: Calculation of supplementary retirement pension for Frontier workers  
 Dd. ro: Date reasoned opinion sent: 95/07/28

## ITALY

Number: 87/0212  
 Legal base: 157E048; 368R1612  
 Title: Nationality requirement for access to employment in various public institutes

Dd. ro: Date reasoned opinion sent: 92/11/09  
Dd. term: 96/12/10: Termination decision

Number: 87/0213  
Legal base: 157E048; 368R1612  
Title: Nationality requirement for access to employment in public education  
Dd. ro: Date reasoned opinion sent: 92/10/15  
Dd. term: 96/12/10: Termination decision

Number: 91/0576  
Legal base: 368R1612; 157E048  
Title: Nationality discrimination — Access to employment in public gas and water companies  
Dd. ro: Date reasoned opinion sent: 92/10/15  
Dd. term: 96/12/10: Termination decision

Number: 91/0577  
Legal base: 157E048; 368R1612  
Title: Access to employment — Posts, Telecommunications and Radio-television  
Dd. ro: Date reasoned opinion sent: 92/10/15  
Dd. term: 96/12/10: Termination decision

Number: 91/0578  
Legal base: 157E048; 368R1612  
Title: Access to employment — Air transport  
Dd. ro: Date reasoned opinion sent: 92/10/15  
Dd. term: 96/12/10: Termination decision

Number: 91/0579  
Legal base: 157E048; 368R1612  
Title: Access to employment — Civilian research  
Dd. ro: Date reasoned opinion sent: 92/10/15  
Dd. term: 96/12/10: Termination decision

Number: 91/0580  
Legal base: 157E048; 368R1612  
Title: Access to employment — Urban and regional transport  
Dd. ro: Date reasoned opinion sent: 92/10/15  
Dd. term: 96/12/10: Termination decision

Number: 91/0581  
Legal base: 157E048; 368R1612  
Title: Access to employment — Sea and inland waterways  
Dd. ro: Date reasoned opinion sent: 92/11/09  
Dd. term: 96/12/10: Termination decision

Number: 91/0582  
Legal base: 157E048; 368R1612  
Title: Access to employment — Public health

Dd. ro: Date reasoned opinion sent: 92/10/15  
Dd. term: 96/12/10: Termination decision

Number: 92/4660  
Legal base: 368R1612; 157E048  
Title: Conditions of employment of teachers  
Dd. ro: Date reasoned opinion sent: 93/12/31  
Dd. term: 96/10/16: Termination decision

## LUXEMBOURG

Number: 89/0408  
Legal base: 368R1612; 157E048  
Title: Income Tax Act — Taxation of non-residents  
Dd. ro: Date reasoned opinion sent: 92/02/04  
Dd. ref: Date of referral: 94/06/03  
Case: C-94/151  
Dd. ju.: Date of judgment: 95/10/26  
Ju. for: Commission

Number: 91/0222  
Legal base: 157E048; 368R1612  
Title: Access to employment — Surface transport  
Dd. ro: Date Art. 171 letter sent: 92/07/14  
Dd. ref: Date of referral: 93/12/17  
Case: C-93/473  
Dd. ju.: Date of judgment: 96/07/02  
Ju. for: Commission

Number: 91/0223  
Legal base: 157E048; 368R1612  
Title: Access to employment — Civilian research  
Dd. ro: Date reasoned opinion sent: 92/07/14  
Dd. ref: Date of referral: 93/12/17  
Case: C-93/473  
Dd. ju.: Date of judgment: 96/07/02  
Ju. for: Commission

Number: 91/0224  
Legal base: 157E048; 368R1612  
Title: Access to employment — Public education  
Dd. ro: Date reasoned opinion sent: 92/07/14  
Dd. ref: Date of referral: 93/12/17  
Case: C-93/473  
Dd. ju.: Date of judgment: 96/07/02  
Ju. for: Commission

Number: 91/0225  
Legal base: 157E048; 368R1612;  
Title: Access to employment — Posts and Telecommunications  
Dd. ro: Date reasoned opinion sent: 92/07/14

Dd. ref:	Date of referral: 93/12/17	GREECE	
Case:	C-93/473		
Dd. ju.:	Date of judgment: 96/07/02		
Ju. for:	Commission		
Number:	91/0226	Number:	85/0101
Legal base:	157E048; 368R1612;	Legal base:	380R1837; 382R0019; 383R0020; 157E113; 157E030; 157E171
Title:	Access to employment — Distribution of water, gas and electricity	Title:	Prices of sheep and goats imported from Hungary
Dd. ro:	Date reasoned opinion sent: 92/07/14	Dd. ro:	Date reasoned opinion sent: 86/02/25
Dd. ref:	Date of referral: 93/12/17	Dd. ref:	Date of referral: 87/04/15
Case:	C-93/473	Case:	C-87/127
Dd. ju.:	Date of judgment: 96/07/02		
Ju. for:	Commission		
		FRANCE	
Number:	91/0228	Number:	92/4664
Legal base:	368R1612; 157E048	Legal base:	391R1697; 368R0804
Title:	Nationality discrimination — Access to employment in public hospitals	Title:	Definitive abandonment of milk production
Dd. ro:	Date reasoned opinion sent: 92/07/14	Dd. ro:	Date reasoned opinion sent: 95/01/19
Dd. ref:	Date of referral: 93/12/17		
Case:	C-93/473		
Dd. ju.:	Date of judgment: 96/07/02		
Ju. for:	Commission		
		Number:	94/4466
		Legal base:	157E030
		Title:	Barriers to imports of Spanish strawberries
		Dd. ro:	Date reasoned opinion sent: 95/05/05
		Dd. ref:	Date of referral: 95/08/04
		Case:	C-95/265
UNITED KINGDOM			
Number:	92/2247		
Legal base:	157E048; 368R1612		
Title:	Nationality discrimination — University education	IRELAND	
Dd. ro:	Date reasoned opinion sent: 95/11/14		
		Number:	88/0449
Number:	94/4092	Legal base:	377L0504; 388D0124; 157E030; 157E171
Legal base:	157E005; 157E048; 157E051	Title:	Import restrictions — Semen bulls and pigs for artificial insemination
Title:	Dissolution of Gibraltar pension fund	Dd. ro:	Date reasoned opinion sent: 89/10/12
Dd. ro:	Date reasoned opinion sent: 95/10/31	Dd. ref:	Date of referral: 91/09/17
		Case:	C-91/235
		Dd. ju.:	Date of judgment: 92/11/17
		Ju. for:	Commission
<b>Agriculture</b>			
		ITALY	
GERMANY		Number:	91/4287
Number:	90/5328	Legal base:	366R0136
Legal base:	387R0823; 387R3929; 157E040	Title:	Minimum prices for virgin olive-oil cakes
Title:	Maximum yield per hectare in wine-growing — Privileges of cooperatives (R)	Dd. ro:	Date reasoned opinion sent: 93/10/05
Dd. ro:	Date reasoned opinion sent: 95/07/03		Date reasoned opinion sent-bis: 95/03/24
Dd. term:	96/12/10: Termination decision	Dd. ref:	Date of referral: 95/10/17
		Case:	C-95/327
Number:	93/2097	Number:	92/2141
Legal base:	157E030; 391L0497	Legal base:	390R1186
Title:	Barriers to imports of boars from Denmark	Title:	Classification of adult bovine carcasses
Dd. ro:	Date reasoned opinion sent: 94/10/05	Dd. ro:	Date reasoned opinion sent: 95/01/20
Dd. ref:	Date of referral: 96/03/27	Dd. ref:	Date of referral: 95/10/17
Case:	C-96/102	Case:	C-95/328



Number: 94/4123  
 Legal base: 384R0857  
 Title: Application of milk quotas 3 — Problems of centralized Management  
 Dd. ro: Date reasoned opinion sent: 96/05/20  
 Dd. ref: Date of referral: 95/10/17

## DENMARK

Number: 90/0355  
 Legal base: 157E007; 157E048; 157E052; 157E058; 157E221; 157E005  
 Title: Merchant vessels — Flag rights  
 Dd. ro: Date reasoned opinion sent: 94/02/21

## UNITED KINGDOM

Number: 91/0541  
 Legal base: 157E171  
 Title: MMB-restrictions on freedom to sell milk produced  
 Dd. ro: Date reasoned opinion sent: 91/09/23  
 Dd. ref: Date of referral: 92/02/13  
 Case: C-92/040  
 Dd. ju.: Date of judgment: 94/03/24  
 Ju. for: Commission  
 Dd. term: 96/12/10: Termination decision

## GREECE

Number: 90/0356  
 Legal base: 157E007; 157E048; 157E052; 157E221; 157E005  
 Title: Merchant vessels — Flag rights  
 Dd. ro: Date reasoned opinion sent: 93/07/27  
 Dd. ref: Date of referral: 96/03/07  
 Case: C-96/062

Number: 92/2209  
 Legal base: 368R0804; 387R1898; 388D0566.  
 Title: Non-conformity of designation 'Soya-milk'  
 Dd. ro: Date reasoned opinion sent: 93/05/11  
 Dd. term: 96/12/10: Termination decision

## SPAIN

Number: 91/0469  
 Legal base: 386R4055  
 Title: Freedom to provide services in sea transport — Spain and Gabon  
 Dd. ro: Date reasoned opinion sent: 94/01/19

## Transport

Number: 93/2100  
 Legal base: 386R4055  
 Title: Cargo-sharing agreements with non-member countries in sea transport  
 Dd. ro: Date reasoned opinion sent: 95/12/06

## BELGIUM

Number: 90/0354  
 Legal base: 157E007; 157E048; 157E052; 157E058  
 Title: Merchant vessels — Flag rights  
 Dd. ro: Date reasoned opinion sent: 93/06/04

## FRANCE

Number: 89/0306  
 Legal base: 157E007; 157E048; 157E052; 157E058; 157E221  
 Title: Merchant vessels — Flag rights  
 Dd. ro: Date reasoned opinion sent: 93/10/11  
 Dd. ref: Date of referral: 94/12/22  
 Case: C-94/334  
 Dd. ju.: Date of judgment: 96/03/07  
 Ju. for: Commission  
 Dd. term: 96/06/26: Termination decision

Number: 91/0600  
 Legal base: 386R4055  
 Title: Cargo-sharing arrangements in Bleu-Togo agreement  
 Dd. ro: Date reasoned opinion sent: 93/10/11  
 Date reasoned opinion sent-bis: 96/01/26

Number: 91/0601  
 Legal base: 386R4055  
 Title: Cargo-sharing arrangements in agreement with Zaire  
 Dd. ro: Date reasoned opinion sent: 93/10/1

Number: 93/2099  
 Legal base: 386R4055  
 Title: Reservation of French flag rights for transport of coal  
 Dd. ro: Date reasoned opinion sent: 95/06/26  
 Dd. term: 96/12/10: Termination decision

Number: 93/2101  
 Legal base: 386R4055  
 Title: Cargo-sharing agreements with non-member countries in sea transport  
 Dd. ro: Date reasoned opinion sent: 95/12/21

## IRELAND

Number: 90/0357  
 Legal base: 157E007; 157E048; 157E052; 157E058; 157E005  
 Title: Merchant vessels — Flag rights

Dd. ro: Date reasoned opinion sent: 93/06/18  
Date reasoned opinion sent-bis: 94/08/04  
Dd. ref: Date of referral: 96/05/06  
Case: C-96/151

Date 171 letter: Date Art. 171 letter sent: 84/07/31  
Dd. ro 171: Date Art. 171 reasoned opinion sent:  
85/05/08  
Dd. ref 2: Date of referral-171: 85/11/28  
Case 2: C-85/383  
Dd. ju. 2: Date of judgment-171: 89/10/03  
Ju. for 2: Commission

## ITALY

Number: 91/2148  
Legal base: 157E007; 157E048; 157E052; 157E058;  
157E221  
Title: Merchant vessels — Flag rights  
Dd. ro: Date reasoned opinion sent: 93/06/30  
Date reasoned opinion sent-bis: 96/02/23

## GREECE

Number: 93/2139  
Legal base: 368R0259  
Title: Transfers to Community pension scheme  
Dd. ro: Date reasoned opinion sent: 95/08/14

Number: 93/2105  
Legal base: 386R4055  
Title: Cargo-sharing agreements with  
non-member countries in sea transport  
Dd. ro: Date reasoned opinion sent: 95/12/21

## SPAIN

Number: 91/2315  
Legal base: 157E005; 157E011  
Title: Transfers of pension rights  
Dd. ro: Date reasoned opinion sent: 93/12/13  
Dd. ref: Date of referral: 96/01/21  
Case: C-96/052

## LUXEMBOURG

Number: 93/2102  
Legal base: 386R4055  
Title: Cargo-sharing agreements with  
non-member countries in sea transport  
Dd. ro: Date reasoned opinion sent: 95/12/21

Number: 93/2297  
Legal base: 165FPRI; 165FPRO  
Title: Residence permits  
Dd. ro: Date reasoned opinion sent: 96/09/13

## NETHERLANDS

Number: 90/0358  
Legal base: 157E007; 157E048; 157E052; 157E058;  
157E221; 157E005  
Title: Merchant vessels — Flag rights  
Dd. ro: Date reasoned opinion sent: 93/06/30

## Environment

## GERMANY

Number: 91/0216  
Legal base: 382R3626;  
Title: Trade in endangered species  
Dd. ro: Date reasoned opinion sent: 93/03/31  
Dd. term: 96/12/10: Termination decision

## PORTUGAL

Number: 93/2103  
Legal base: 386R4055  
Title: Cargo-sharing agreements with  
non-member countries in sea transport  
Dd. ro: Date reasoned opinion sent: 95/12/06

## Fisheries

## BELGIUM

Number: 90/0248  
Legal base: 157E007; 157E034; 157E048; 157E052;  
157E058; 381R3796; 383R0170  
Title: Fishing vessels — Licensing and flag rights  
Dd. ro: Date reasoned opinion sent: 93/03/23

## Community staff

## BELGIUM

Number: 84/0303  
Legal base: 157F/PRO/PRI; 157E171  
Title: Transfer of pension rights  
Dd. ro: Date reasoned opinion sent: 79/07/24  
Dd. ref: Date of referral: 80/06/09  
Case: C-80/137  
Dd. ju.: Date of judgment: 81/10/19  
Ju. for: Commission

## DENMARK

Number: 90/0296  
Legal base: 157E007; 157E048; 157E052; 157E067;  
157E221  
Title: Fishing vessels — Licensing and flag rights  
Dd. ro: Date reasoned opinion sent: 94/02/21

Number: 90/0481  
 Legal base: 383R0170; 387R3977; 387R2241;  
 Title: Failure to Inspect — Overfishing 1988  
 Dd. ro: Date reasoned opinion sent: 92/10/28

## GREECE

Number: 90/0328  
 Legal base: 157E007; 157E048; 157E052; 157E058;  
 157E221; 383R0170  
 Title: Fishing vessels — Licensing and flag rights  
 Dd. ro: Date reasoned opinion sent: 93/07/27  
 Dd. ref: Date of referral: 96/03/07  
 Case: C-96/062

## SPAIN

Number: 88/0356  
 Legal base: 382R2057; 387R2241;  
 Title: Duty to cooperate — Fisheries inspection  
 and monitoring  
 Dd. ro: Date reasoned opinion sent: 89/11/20

## FRANCE

Number: 84/0445  
 Legal base: 382R2057; 383R0171; 157E171  
 Title: Failure to monitor compliance with  
 technical conservation measures  
 Dd. ro: Date reasoned opinion sent: 86/11/18  
 Dd. ref: Date of referral: 88/02/29  
 Case: C-88/064  
 Dd. ju.: Date of judgment: 91/06/11  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 93/10/11

Number: 90/0249  
 Legal base: 157E007; 157E048; 157E052; 157E058;  
 157E221; 157E171; 368R1612; 383R0170  
 Title: Fishing vessels — Licensing and flag rights  
 Dd. ro: Date reasoned opinion sent: 93/10/18  
 Dd. ref: Date of referral: 94/12/22  
 Case: C-94/334  
 Dd. ju.: Date of judgment: 96/03/07  
 Ju. for: Commission  
 Dd. term: 96/06/26: Termination decision

Number: 90/0418  
 Legal base: 387R3977; 383R0170; 387R2241;  
 Title: Failure to inspect — Overfishing 1988  
 Dd. ro: Date reasoned opinion sent: 92/09/29

Number: 91/4509  
 Legal base: 390R3926; 383R0170; 387R2241;  
 Title: Overfishing 1991 (Anchovies)  
 Dd. ro: Date reasoned opinion sent: 94/05/02  
 Dd. ref: Date of referral: 95/02/28  
 Case: C-95/052  
 Dd. ju.: Date of judgment: 95/12/07  
 Ju. for: Commission  
 Dd. term: 96/12/10: Termination decision

## IRELAND

Number: 90/0333  
 Legal base: 157E007; 157E052; 157E058; 383R0170  
 Title: Fishing vessels — Licensing and flag rights  
 Dd. ro: Date reasoned opinion sent: 93/06/18  
 Date reasoned opinion sent-bis: 94/08/04  
 Dd. term: 96/07/24: Termination decision

## ITALY

Number: 90/0332  
 Legal base: 157E007; 157E048; 157E052; 157E058;  
 157E221; 383R0170  
 Title: Fishing vessels — Licensing and flag rights  
 Dd. ro: Date reasoned opinion sent: 93/03/11  
 Date reasoned opinion sent-bis: 94/08/04

## UNITED KINGDOM

Number: 87/0398  
 Legal base: 385R3721; 385R3732; 383R0170;  
 382R2057;  
 Title: Overfishing 1985-86  
 Dd. ro: Date reasoned opinion sent: 89/02/09  
 Date reasoned opinion sent-bis: 92/10/01

Number: 91/0637  
 Legal base: 383R0170; 387R2241; 387R3977;  
 388R4194;  
 Title: Failure to inspect — Overfishing 1988  
 Dd. ro: Date reasoned opinion sent: 96/04/17

## Internal market and financial services

## BELGIUM

Number: 82/0316  
 Legal base: 157E030  
 Title: Refusal to issue import licences for  
 codeine  
 Dd. ro: Date reasoned opinion sent: 83/09/19

Number: 89/0228  
 Legal base: 157E030; 157E034; 157E036; 157E059;  
 373L0023  
 Title: Free movement of wireless telephones  
 Dd. ro: Date reasoned opinion sent: 89/11/29  
 Dd. ref: Date of referral: 92/03/12  
 Case: C-92/080  
 Dd. ju.: Date of judgment: 94/03/24  
 Ju. for: Commission

Number: 89/4822  
 Legal base: 157E030  
 Title: Television advertising  
 Dd. ro: Date reasoned opinion sent: 95/09/28

Number: 91/0209  
 Legal base: 157E052; 157E067  
 Title: Discriminatory taxation of permanent  
 establishments of foreign companies  
 Dd. ro: Date reasoned opinion sent: 93/09/16  
 Dd. term: 96/06/26: Termination decision

## DENMARK

Number: 91/0782  
 Legal base: 157E005; 157E030; 157E036  
 Title: Imports of enzyme preparations  
 Dd. ro: Date reasoned opinion sent: 93/07/12

## GERMANY

Number: 88/0189  
 Legal base: 157E030  
 Title: Ban on cosmetics advertising  
 Dd. ro: Date reasoned opinion sent: 93/06/03  
 Dd. term: 96/06/26: Termination decision

Number: 89/0082  
 Legal base: 157E030  
 Title: Discrimination against imports of fruit and  
 vegetables  
 Dd. ro: Date reasoned opinion sent: 94/07/15  
 Dd. term: 96/04/03: Termination decision

Number: 91/4782  
 Legal base: 157E030  
 Title: 'Advocaat' egg-based liqueur — obligation  
 to specify use of beta-carotene on labels  
 Dd. ro: Date reasoned opinion sent: 96/07/10

## GREECE

Number: 84/0388  
 Legal base: 157E048; 157E052; 157E059  
 Title: Ban on teaching

Dd. ro: Date reasoned opinion sent: 85/10/28  
 Dd. ref: Date of referral: 86/06/13  
 Case: C-86/147  
 Dd. ju.: Date of judgment: 88/03/15  
 Ju. for: Commission

Number: 85/0264  
 Legal base: 157E052; 157E059  
 Title: Nationality requirement for access to  
 occupation of lawyer  
 Dd. ro: Date reasoned opinion sent: 86/05/14  
 Dd. ref: Date of referral: 87/02/05  
 Case: C-87/038  
 Dd. ju.: Date of judgment: 88/07/14  
 Ju. for: Commission

Number: 87/0113  
 Legal base: 157E059; 157E171  
 Title: Restrictions on freedom to provide  
 services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 88/04/20  
 Dd. ref: Date of referral: 89/06/20  
 Case: C-89/198  
 Dd. ju.: Date of judgment: 91/02/26  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 92/05/18

Number: 89/0165  
 Legal base: 157E052; 157E059; 157E171  
 Title: Nationality requirement for opening  
 private schools  
 Date 171 letter: Date Art. 171 letter sent: 89/05/26  
 Date ro 171: Date Art. 171 reasoned opinion sent:  
 90/01/22  
 Dd. ref 2: Date of referral 171: 90/10/24  
 Case 2: C-90/328  
 Dd. ju. 2: Date of judgment-171: 92/01/30  
 Ju. for2: Commission  
 Date 171 letter: Date Art. 171 letter sent: 96/04/03

Number: 89/0354  
 Legal base: 157E030; 157E036;  
 Title: Sale of baby foods exclusively through  
 pharmacists  
 Dd. ro: Date reasoned opinion sent: 91/10/28  
 Dd. ref: Date of referral: 92/11/09  
 Case: C-92/391

Number: 92/0271  
 Legal base: None  
 Title: Redress procedures — Award of public  
 supply and works contracts  
 Dd. ro: Date reasoned opinion sent: 94/07/04  
 Dd. ref: Date of referral: 95/07/07  
 Case: C-95/236

## SPAIN

- Number: 89/4709  
 Legal base: 157E030  
 Title: Assay marks for objects in precious metals  
 Dd. ro: Date reasoned opinion sent: 96/06/14
- Number: 90/0388  
 Legal base: 157E005; 157E048; 157E052; 157E059  
 Title: Restrictions on freedom to provide services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 91/10/14  
 Dd. ref dec: Date of referral decision: 92/06/10; PV(92)1109  
 Dd. ref: Date of referral: 92/10/01  
 Case: C-92/375  
 Dd. ju.: Date of judgment: 94/03/22  
 Ju. for: Commission
- Number: 94/4103  
 Legal base: 157E048; 157E052; 157E059  
 Title: Exercise of activities in security services  
 Dd. ro: Date reasoned opinion sent: 96/06/11
- Number: 91/0555  
 Legal base: 157E030  
 Title: Requirement of a hallmark on imported objects of precious metals  
 Dd. ro: Date reasoned opinion sent: 96/07/10
- Number: 93/2222  
 Legal base: 157E030; 157E036  
 Title: Preparations based on foie gras  
 Dd. ro: Date reasoned opinion sent: 94/10/14  
 De. sais: Date of referral: 96/05/31  
 Case: C-96/184
- Number: 93/2261  
 Legal base: 157E030; 157E036  
 Title: Barriers to imports of leavened bread  
 Dd. ro: Date reasoned opinion sent: 94/10/19
- Number: 94/4855  
 Legal base: 157E059; 157E171;  
 Title: Distribution of alcoholic beverages imported from other Member States  
 Dd. ro: Date reasoned opinion sent: 96/11/21

## IRELAND

## FRANCE

- Number: 85/0269  
 Legal base: 157E030  
 Title: Refusal to issue import licences for codeine  
 Dd. ro: Date reasoned opinion sent: 87/11/12
- Number: 85/0499  
 Legal base: 380D1186; 386D0283; 157E171; 391D0482  
 Title: Refusal to grant right of establishment and freedom to provide services in the overseas territories  
 Dd. ro: Date reasoned opinion sent: 87/05/27  
 Dd. ref: Date of referral: 88/09/23  
 Case: C-88/263  
 Dd. ju.: Date of judgment: 90/12/12  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 92/06/05
- Number: 86/0432  
 Legal base: 157E059; 157E171  
 Title: Restrictions on freedom to provide services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 88/05/02  
 Dd. ref: Date of referral: 89/04/28  
 Case: C-89/154  
 Dd. ju.: Date of judgment: 91/02/26  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 92/05/18
- Number: 89/0335  
 Legal base: 157E030;  
 Title: Tobacco proce rules  
 Dd. ro: Date reasoned opinion sent: 90/07/12
- Number: 92/2085  
 Legal base: 157E030  
 Title: Imported objects of precious metals  
 Dd. ro: Date reasoned opinion sent: 96/11/11
- ITALY
- Number: 87/0071  
 Legal base: 157E059; 157E171  
 Title: Restrictions on freedom to provide services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 88/04/20  
 Dd. ref: Date of referral: 89/05/25  
 Case: C-89/180  
 Dd. ju.: Date of judgment: 91/02/26  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 95/07/05
- Number: 89/0534  
 Legal base: 157E030; 157E036; 377L0094  
 Title: Procedure for authorizing dietary products  
 Dd. ro: Date reasoned opinion sent: 91/11/25

Number: 90/0397  
 Legal base: 157E030  
 Title: Marketing of whole-meal bread  
 Dd. ro: Date reasoned opinion sent: 91/03/18

Number: 91/0835  
 Legal base: 157E052; 157E059  
 Title: Financial services — *intermediazione mobiliare*  
 Dd. ro: Date reasoned opinion sent: 92/10/19  
 Dd. ref: Date of referral: 94/03/23  
 Case: C-94/101  
 Dd. ju.: Date of judgment: 96/06/06  
 Ju. for: Commission

Number: 91/2159  
 Legal base: 157E030;  
 Title: Subsidies for scheduled bus services  
 Dd. ro: Date reasoned opinion sent: 93/10/18  
 Date reasoned opinion sent-bis: 95/10/04

Number: 91/4303  
 Legal base: 157E030;  
 Title: Supply contracts  
 Dd. ro: Date reasoned opinion sent: 93/06/18  
 Date reasoned opinion sent-bis: 96/07/02

Number: 92/2116  
 Legal base: 157E030  
 Title: Imports of objects of precious metals  
 Dd. ro: Date reasoned opinion sent: 96/03/08

Number: 92/4131  
 Legal base: 157E005; 157E048; 157E052  
 Title: Publishing; press register — Nationality discrimination  
 Dd. ro: Date reasoned opinion sent: 96/01/05

Number: 93/4698  
 Legal base: 157E030; 157E036  
 Title: Barriers to marketing of dietary products for sportsmen  
 Dd. ro: Date reasoned opinion sent: 96/09/04

Number: 94/2146  
 Legal base: 157E059  
 Title: Legislative barriers to freedom to provide cleaning services  
 Dd. ro: Date reasoned opinion sent: 96/03/12

Number: 95/2028  
 Legal base: 157E059  
 Title: Mortgage registration charges  
 Dd. ro: Date reasoned opinion sent: 96/06/26

## LUXEMBOURG

Number: 89/0106  
 Legal base: 157E048; 157E052  
 Title: Refusal of permission to open a second dental surgery  
 Dd. ro: Date reasoned opinion sent: 89/11/21  
 Dd. ref: Date of referral: 90/11/29  
 Case: C-90/351  
 Dd. ju.: Date of judgment: 92/06/16  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent: 93/07/27

Number: 89/0568  
 Legal base: 157E007  
 Title: State compensation of victims of acts of violence  
 Dd. ro: Date reasoned opinion sent: 91/02/08  
 Dd. ref: Date of referral: 92/03/24  
 Case: C-92/096

## PORTUGAL

Number: 91/2314  
 Legal base: 157E052; 157E221  
 Title: Pursuit of activities in television broadcasting  
 Dd. ro: Date reasoned opinion sent: 94/07/14

## UNITED KINGDOM

Number: 82/0320  
 Legal base: 157E030  
 Title: Refusal to issue import licences for codeine  
 Dd. ro: Date reasoned opinion sent: 83/09/06

Number: 89/0034  
 Legal base: 157E030  
 Title: Patent licences  
 Dd. ro: Date reasoned opinion sent: 89/08/28  
 Dd. ref: Date of referral: 90/01/31  
 Case: C-90/030  
 Dd. ju.: Date of judgment: 92/02/18  
 Ju. for: Commission

## Budgets

## GERMANY

Number: 95/2126  
 Legal base: 390R2252  
 Title: Dutch butter  
 Dd. ro: Date reasoned opinion sent: 96/10/30

## Customs and indirect taxation

## ITALY

## BELGIUM

Number: 84/0342  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

Number: 84/0345  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

Number: 91/4164  
 Legal base: 157E095; 157E012  
 Title: Aids and parafiscal charges to support animal health and production fund  
 Dd. ro: Date reasoned opinion sent: 95/06/14  
 Dd. term: Termination decision: 96/06/26

Number: 87/0158  
 Legal base: 157E009; 157E012  
 Title: Veterinary services' telegram charges invoiced to importers of live animals  
 Dd. ro: Date reasoned opinion sent: 87/10/14  
 Dd. ref: Date of referral: 89/04/21  
 Case: C-89/137  
 Dd. ju.: Date of judgment: 90/03/14  
 Ju. for: Commission

## DENMARK

Number: 84/0343  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

Number: 90/0253  
 Legal base: 157E007; 157E030; 157E034; 157E059; 385R3632; 377R0222  
 Title: Monopoly and charges of customs forwarding agents  
 Dd. ro: Date reasoned opinion sent: 91/04/16  
 Dd. ref: Date of referral: 92/04/14  
 Case: C-92/119  
 Dd. ju.: Date of judgment: 94/02/09  
 Ju. for: Commission  
 Date 171 letter: Date Art. 171 letter sent-bis: 95/11/16

## GERMANY

Number: 91/0559  
 Legal base: 385R1999; 386R3677;  
 Title: Inward processing  
 Dd. ro: Date reasoned opinion sent: 93/02/03  
 Dd. ref: Date of referral: 94/02/14  
 Case: C-94/076  
 Dd. ju.: Date of judgment: 96/09/10  
 Ju. for: Commission

Number: 93/2170  
 Legal base: 157E095  
 Title: Vehicle seized at Italian border  
 Dd. ro: Date reasoned opinion sent: 95/07/27

## GREECE

Number: 86/0126  
 Legal base: 157E009 ; 157E028 ; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 90/05/02

Number: 95/0332  
 Legal base: 394L0076  
 Title: VAT — transitional measures  
 Dd. ro: Date reasoned opinion sent: 96/07/03

Number: 91/0779  
 Legal base: 157E095;  
 Title: Taxes on second-hand cars  
 Dd. ro: Date reasoned opinion sent: 93/09/07  
 Dd. ref: Date of referral: 95/12/01  
 Case: C-95/375

## LUXEMBOURG

Number: 84/0346  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

## SPAIN

Number: 90/0078  
 Legal base: 387R2658; 157E028  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 92/12/31

## NETHERLANDS

Number: 84/0347  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

## PORTUGAL

Number: 90/0079  
Legal base: 387R2658; 157E028  
Title: Duty-free imports of non-military equipment  
Dd. ro: Date reasoned opinion sent: 93/01/20

## UNITED KINGDOM

Number: 84/0126  
Legal base: 377R1535  
Title: Civil aircraft imported duty-free and subsequently used as military aircraft  
Dd. ro: Date reasoned opinion sent: 85/06/06  
Number: 84/0344  
Legal base: 157E009; 157E028; 368R0950

Title: Duty-free imports of non-military equipment  
Dd. ro: Date reasoned opinion sent: 85/07/25

**Enterprise policy, commerce, tourism and cooperatives**

## SPAIN

Number: 87/0352  
Legal base: 157E059; 157E048; 157E052; 157E007  
Title: Discrimination in museum admission charges  
Dd. ro: Date reasoned opinion sent: 88/07/08  
Dd. ref: Date of referral: 93/02/16  
Case: C-93/045  
Dd. ju.: Date of judgment: 94/03/15  
Ju. for: Commission  
De. 171: Date Art. 171 letter sent: 96/11/26



## ANNEX IV

## REPORT ON THE APPLICATION OF DIRECTIVES

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## 1. AN AREA WITHOUT INTERNAL FRONTIERS

## REMOVAL OF PHYSICAL BARRIERS

## Customs Union

76/0308

Mutual assistance — debt recovery

Member States which have notified implementing measures: all

77/0794

Mutual assistance — debt recovery

Member States which have notified implementing measures: all

85/0479

Mutual assistance — debt recovery

Member States which have notified implementing measures: all

86/0489

Mutual assistance — debt recovery

Member States which have notified implementing measures: all

## REMOVAL OF TECHNICAL BARRIERS

## — Goods

Information procedure in the field of technical rules and standards

83/0189

Technical standards (amended by Directive 88/0182 and 94/0010)

Member States which have notified implementing measures: all

Belgium — 95/0009, not properly applied, reasoned opinion in 1995

Belgium — 95/0211, not properly applied, reasoned opinion in 1995, referral scheduled

Belgium — 95/0650, not properly applied, reasoned opinion to be sent

Belgium — 96/0224, not properly applied, reasoned opinion to be sent

Belgium — 96/0228, not properly applied, reasoned opinion to be sent

Germany — 92/0956, not properly applied, reasoned opinion in 1995

Germany — 92/0666, not properly applied, reasoned opinion to be sent

Germany — 92/0670, not properly applied, reasoned opinion to be sent

France — 94/0441, not properly applied, reasoned opinion in 1995

France — 95/0645, not properly applied, reasoned opinion in 1996

Greece — 93/0508, not properly applied, reasoned opinion in 1995

Italy — 92/0007, not properly applied, reasoned opinion in 1992, referral in 1994, Case C-94/289, judgment in 1996

Italy — 92/0958, not properly applied, reasoned opinion in 1993, referral in 1994, Case C-94/279

Italy — 94/0329, not properly applied, reasoned opinion to be sent

Italy — 94/0330, not properly applied, reasoned opinion in 1995

Italy — 94/0530, not properly applied, reasoned opinion in 1994, referral scheduled

Italy — 95/0005, not properly applied, reasoned opinion in 1995

Italy — 95/0011, not properly applied, reasoned opinion in 1995, to be terminated

Austria — 96/0219, not properly applied, reasoned opinion to be sent

Austria — 96/0220, not properly applied, reasoned opinion to be sent

Austria — 96/0222, not properly applied, reasoned opinion to be sent

Netherlands — 89/0549, not properly applied, referral in 1993, Case C-93/061, judgment in 1994

Netherlands — 93/0510, not properly applied, reasoned opinion in 1994, to be terminated

Netherlands — 94/0461, not properly applied, reasoned opinion in 1995

Netherlands — 94/0777, not properly applied, reasoned opinion in 1994, to be terminated

Netherlands — 95/0665, not properly applied, reasoned opinion to be sent

88/0182

Technical standards (amending Directive 83/0189)

Member States which have notified implementing measures: all

Italy — 91/0565, not properly applied, referral in 1994, Case C-94/289

Italy — 92/0646, not properly applied, reasoned opinion in 1993

Netherlands — 91/0747, not properly applied, referral in 1993, Case C-93/052, judgment in 1994

Netherlands — 91/2328, not properly applied, referral in 1994, Case C-94/273

Italy — 93/0614, not properly applied, referral in 1995, Case C-95/289

Netherlands — 93/2267, not properly applied, reasoned opinion in 1994

94/0010

Technical standards (Amendment to Directive 83/189)

Member States which have notified implementing measures: all

## Foodstuffs

73/0241

Cocoa and chocolate

Member States which have notified implementing measures: all

- 73/0437  
Sugars  
Member States which have notified implementing measures: all
- 74/0409  
Honey  
Member States which have notified implementing measures: all  
Italy — 89/0571, not properly applied, reasoned opinion in 1996
- 75/0726  
Fruit juices  
Member States which have notified implementing measures: all
- 76/0118  
Preserved milk  
Member States which have notified implementing measures: all except A
- 76/0621  
Foodstuffs for human consumption — oils and fats  
Member States which have notified implementing measures: all
- 77/0436  
Coffee and chicory  
Member States which have notified implementing measures: all
- 78/0142  
Foodstuffs for human consumption — materials intended to come into contact  
Member States which have notified implementing measures: all
- 78/0663  
Foodstuffs for human consumption — additives  
Member States which have notified implementing measures: all
- 78/0664  
Foodstuffs for human consumption — additives  
Member States which have notified implementing measures: all
- 79/0112  
Labelling of foodstuffs  
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Germany — 95/4134, not properly applied, Article 169 letter (to be sent)  
Greece — 93/4345, not properly applied; Article 169 letter in 1995, Supplementary Article 169 letter (to be sent)
- 79/0168  
Fruit juices  
Member States which have notified implementing measures: all
- 79/0693  
Jams, jellies and marmalades  
Member States which have notified implementing measures: all
- 79/0796  
Sugars  
Member States which have notified implementing measures: all
- 79/1066  
Coffee and chicory  
Member States which have notified implementing measures: all
- 79/1067  
Preserved milk  
Member States which have notified implementing measures: all
- 80/0590  
Foodstuffs for human consumption — materials intended to come into contact  
Member States which have notified implementing measures: all
- 80/0766  
Foodstuffs for human consumption — materials intended to come into contact  
Member States which have notified implementing measures: all
- 80/0777  
Natural mineral waters  
Member States which have notified implementing measures: all
- 80/0891  
Foodstuffs for human consumption — oils and fats  
Member States which have notified implementing measures: all except FIN
- 81/0432  
Foodstuffs for human consumption — materials intended to come into contact  
Member States which have notified implementing measures: all
- 81/0712  
Additives in foodstuffs  
Member States which have notified implementing measures: all
- 82/0711  
Foodstuffs for human consumption — materials intended to come into contact  
Member States which have notified implementing measures: all
- 83/0417  
Caseins  
Member States which have notified implementing measures: all
- 84/0500  
Foodstuffs for human consumption — materials intended to come into contact  
Member States which have notified implementing measures: all
- 85/0503  
Caseins  
Member States which have notified implementing measures: all
- 85/0572  
Foodstuffs — articles intended to come into contact  
Member States which have notified implementing measures: all

- 85/0591  
Monitoring of foodstuffs for human consumption  
Member States which have notified implementing measures: all
- 86/0424  
Caseins  
Member States which have notified implementing measures: all  
Netherlands — 95/2309, not properly applied, Article 169  
letter (to be sent)
- 87/0250  
Labelling of alcoholic beverages  
Member States which have notified implementing measures: all
- 87/0524  
Preserved milk  
Member States which have notified implementing measures: all  
except A
- 88/0344  
Foodstuffs for human consumption — extraction solvents  
Member States which have notified implementing measures: all
- 88/0388  
Flavourings for use in foodstuffs for human consumption  
Member States which have notified implementing measures: all
- 88/0593  
Jams, jellies and marmalades  
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- 89/0107  
Additives in foodstuffs  
Member States which have notified implementing measures: all  
Netherlands — 93/2274, not properly applied
- 89/0108  
Quick-frozen foodstuffs  
Member States which have notified implementing measures: all
- 89/0109  
Foodstuffs for human consumption — materials intended to  
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Member States which have notified implementing measures: all
- 89/0344  
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Member States which have notified implementing measures: all
- 89/0394  
Fruit juices  
Member States which have notified implementing measures: all
- 89/0395  
Foodstuffs — labelling  
Member States which have notified implementing measures: all
- 89/0396  
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- 89/0397  
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- 89/0398  
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Labelling of foodstuffs  
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- 91/0071  
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transposal: 30. 6. 1992 and 1. 1. 1994)  
Member States which have notified implementing measures: all
- 91/0072  
Labelling of foodstuffs  
(deadlines for transposal: 30. 6. 1992 and 1. 1. 1994)  
Member States which have notified implementing measures: all
- 91/0238  
Labelling of foodstuffs — indication of lot  
Member States which have notified implementing measures: all
- 91/0321  
Infant formulae (deadlines for transposal: 1. 6. 1992 and 1. 6.  
1994)  
Member States which have notified implementing measures: all  
Germany — 93/0808, no measures notified, reasoned  
opinion in 1996 (to be terminated in 1997)
- 92/0001  
Quick-frozen foodstuffs  
Member States which have notified implementing measures:  
B, D, DK, EL, E, FIN, I, IRL, L, NL, A, P, S, UK  
France — 93/0923, no measures notified, Article 169  
letter in 1993, reasoned opinion to be sent  
Ireland — 93/0934, no measures notified, Article 169  
letter in 1993 (to be terminated in 1997)

92/0002

Community method of analysis for the control of the temperatures of quick-frozen foods

Member States which have notified implementing measures: B, D, DK, EL, E, FIN, I, IRL, L, NL, A, P, S, UK

France — 93/0924, no measures notified, Article 169 letter in 1993, reasoned opinion to be sent

Ireland — 93/0935, no measures notified, Article 169 letter in 1993 (to be terminated in 1997)

92/0004

Criteria of purity for emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

Member States which have notified implementing measures: all

92/0039

Foodstuffs for human consumption — materials intended to come into contact (deadlines for transposal: 31. 12. 1992, 31. 3. 1994, 1. 4. 1995)

Member States which have notified implementing measures: all

92/0052

Infant formulae for export

Member States which have notified implementing measures: B, DK, E, EL, F, IRL, I, L, NL, UK, S, FIN, A

Germany — 94/0646, no measures notified, Article 169 letter in 1994, reasoned opinion in 1995 (to be terminated in 1997)

92/0115

Extraction solvents used in the production of foodstuffs (deadlines for transposal: 1. 7. 1993 and 1. 1. 1994)

Member States which have notified implementing measures: all

93/0005

Scientific examination of questions relating to food

Member States which have notified implementing measures: all except A

93/0008

Plastic materials and articles intended to come into contact with foodstuffs

Member States which have notified implementing measures: all

93/0009

Plastic materials and articles intended to come into contact with foodstuffs

Member States which have notified implementing measures: all

93/0010

Materials and articles of regenerated cellulose film intended to come into contact with foodstuffs

Member States which have notified implementing measures: all

Greece — 94/0991, no measures notified, Article 169 letter in 1995, terminated in 1996

93/0011

N-nitrosamines in rubber teats and soothers

Member States which have notified implementing measures: all

93/0043

Hygiene of foodstuffs

Member States which have notified implementing measures: DK, E, FIN, NL, A, P, S, UK

Belgium — 96/0002, no measures notified, reasoned opinion in 1996

Germany — 96/0035, no measures notified, reasoned opinion in 1996

Denmark — 96/0020, no measures notified, Article 169 letter in 1996, terminated in 1996

Ireland — 96/0107, no measures notified, reasoned opinion in 1996

Greece — 96/0049, no measures notified, reasoned opinion in 1996

France — 96/0088, no measures notified, reasoned opinion in 1996

Italy — 96/0126, no measures notified, reasoned opinion in 1996

Luxembourg — 96/0145, no measures notified, reasoned opinion in 1996

Portugal — 96/0173, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

United Kingdom — 96/0195, no measures notified, Article 169 letter in 1996, terminated in 1996

93/0045

Nectars without addition of sugar or honey

Member States which have notified implementing measures: all

Italy — 94/0252, no measures notified, Article 169 letter in 1994, reasoned opinion in 1995, terminated in 1996

93/0099

Foodstuffs — official control

Member States which have notified implementing measures: all except F, I

Belgium — 95/0400, no measures notified, Article 169 letter in 1995, terminated in 1996

Denmark — 95/0422, no measures notified, Article 169 letter in 1995 terminated in 1996

Germany — 95/0434, no measures notified, Article 169 letter in 1995 terminated in 1996

Greece — 95/0455, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 94/0560, no measures notified, Article 169 letter in 1995

Ireland — 95/0525, no measures notified, Article 169 letter in 1995, terminated in 1996

Italy — 95/0546, no measures notified, Article 169 letter in 1995

Luxembourg — 95/0569, no measures notified, Article 169 letter in 1995, terminated in 1996

- Portugal — 95/0607, no measures notified, Article 169 letter in 1995, terminated in 1996
- United Kingdom — 95/0633, no measures notified, Article 169 letter in 1995, terminated in 1996
- 93/0102  
Labelling of foodstuffs  
Member States which have notified implementing measures: all
- Belgium — 95/0231, no measures notified, Article 169 letter in 1995 terminated in 1996
- Ireland — 95/0308, no measures notified, reasoned opinion in 1996 (to be terminated in 1997)
- Italy — 95/0320, no measures notified, Article 169 letter in 1995, terminated in 1996
- United Kingdom — 95/0378, no measures notified, Article 169 letter in 1995, terminated in 1996
- 94/0035  
Sweeteners in foodstuffs  
Member States which have notified implementing measures: all except B, D, F
- Belgium — 96/0006, no measures notified, Article 169 letter in 1996
- Germany — 96/0038, no measures notified, Article 169 letter in 1996
- Denmark — 96/0023, no measures notified, Article 169 letter in 1996, terminated in 1996
- Greece — 96/0053, no measures notified, Article 169 letter in 1996, terminated in 1996
- Spain — 96/0072, no measures notified, Article 169 letter in 1996, terminated in 1996
- France — 96/0091, no measures notified, Article 169 letter in 1996
- Ireland — 96/0110, no measures notified, Article 169 letter in 1996, terminated in 1996
- Italy — 96/0129, no measures notified, Article 169 letter in 1996, terminated in 1996
- Luxembourg — 96/0148, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 96/0178, no measures notified, Article 169 letter in 1996, terminated in 1996
- United Kingdom — 96/0199, no measures notified, Article 169 letter in 1996, terminated in 1996
- 94/0036  
Foodstuffs for human consumption — colouring matter  
Member States which have notified implementing measures: B partial), DK, E, EL, FIN, IRL, I, L, NL, A, P, S, UK
- Belgium — 96/0007, no measures notified, Article 169 letter in 1996
- Germany — 96/0039, no measures notified, Article 169 letter in 1996
- Denmark — 96/0024, no measures notified, Article 169 letter in 1996, terminated in 1996
- Greece — 96/0054, no measures notified, Article 169 letter in 1996, terminated in 1996
- Spain — 96/0073, no measures notified, Article 169 letter in 1996, terminated in 1996
- France — 96/0092, no measures notified, Article 169 letter in 1996
- Ireland — 96/0011, no measures notified, Article 169 letter in 1996, terminated in 1996
- Italy — 96/0130, no measures notified, Article 169 letter in 1996, terminated in 1996
- Luxembourg — 96/0148, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 96/0179, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- United Kingdom — 96/0200, no measures notified, Article 169 letter in 1996, terminated in 1996
- 94/0052  
Extraction solvents used in the production of foodstuffs  
Member States which have notified implementing measures: all except F, S
- Belgium — 96/0008, no measures notified, Article 169 letter in 1996, terminated in 1996
- Germany — 96/0040, no measures notified, Article 169 letter in 1996, terminated in 1996
- Denmark — 96/0025, no measures notified, Article 169 letter in 1996, terminated in 1996
- Greece — 96/0055, no measures notified, Article 169 letter in 1996, terminated in 1996
- Spain — 96/0074, no measures notified, Article 169 letter in 1996, terminated in 1996
- France — 96/0093, no measures notified, Article 169 letter in 1996
- Ireland — 96/0112, no measures notified, Article 169 letter in 1996, terminated in 1996
- Italy — 96/0131, no measures notified, Article 169 letter in 1996, terminated in 1996
- Luxembourg — 96/0150, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 96/0180, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- United Kingdom — 96/0201, no measures notified, Article 169 letter in 1996, terminated in 1996

94/0054

Labelling of foodstuffs

Member States which have notified implementing measures: all except F, I, P

Belgium — 95/0408, no measures notified, Article 169 letter in 1995, terminated in 1996

Germany — 95/0441, no measures notified, Article 169 letter in 1995, terminated in 1996

Denmark — 95/0426, no measures notified, Article 169 letter in 1995, terminated in 1996

Spain — 95/0490, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 95/0512, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

Ireland — 95/0531, no measures notified, Article 169 letter in 1995 (to be terminated in 1997)

Italy — 95/0554, no measures notified, reasoned opinion in 1996

Netherlands — 95/0594, no measures notified, Article 169 letter in 1996, terminated in 1996

Portugal — 95/0619, no measures notified, reasoned opinion in 1996

United Kingdom — 95/0638, no measures notified, Article 169 letter in 1996, terminated in 1996

95/0002

Additives in foodstuffs other than colours and sweeteners

Member States which have notified implementing measures:

DK, EL, FIN, I, L, NL, A, S, UK

No infringement proceedings

95/0003

Plastic materials and articles intended to come into contact with foodstuffs

Member States which have notified implementing measures:

DK, E, FIN, IRL, I, NL, A, S, UK

Belgium — 96/0232, no measures notified, Article 169 letter in 1996

Germany — 96/0249, no measures notified, Article 169 letter in 1996

Greece — 96/0265, no measures notified, Article 169 letter in 1996

France — 96/0284, no measures notified, Article 169 letter in 1996

Ireland — 96/0298, no measures notified, Article 169 letter in 1996, terminated in 1996

Italy — 96/0307, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Luxembourg — 96/0320, no measures notified, Article 169 letter in 1996

Netherlands — 96/0331, no measures notified, Article 169 letter in 1996, terminated in 1996

Portugal — 96/0341, no measures notified, Article 169 letter in 1996

Austria — 96/0475, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Finland — 96/0492, no measures notified, Article 169 letter in 1996, terminated in 1996

Sweden — 96/0498, no measures notified, Article 169 letter in 1996, terminated in 1996

95/0031

Specific criteria of purity for sweeteners

Member States which have notified implementing measures:

DK, E, EL, I, NL, A, S, UK

No infringement proceedings

95/0045

Specific criteria of purity for sweeteners

Member States which have notified implementing measures:

DK, E, EL, NL, A, P, S, UK

No infringement proceedings

96/0003

Hygiene of foodstuffs

Member States which have notified implementing measures:

DK, E, FIN, NL, S

Belgium — 96/0238, no measures notified, Article 169 letter in 1996

Denmark — 96/0246, no measures notified, Article 169 letter in 1996, terminated in 1996

Germany — 96/0258, no measures notified, Article 169 letter in 1996

Greece — 96/0273, no measures notified, Article 169 letter in 1996

Spain — 96/0280, no measures notified, Article 169 letter in 1996, terminated in 1996

France — 96/0292, no measures notified, Article 169 letter in 1996

Ireland — 96/0302, no measures notified, Article 169 letter in 1996

Italy — 96/0313, no measures notified, Article 169 letter in 1996

Luxembourg — 96/0328, no measures notified, Article 169 letter in 1996

Portugal — 96/0347, no measures notified, Article 169 letter in 1996

United Kingdom — 96/0356, no measures notified, Article 169 letter in 1996

Austria — 96/0483, no measures notified, Article 169 letter in 1996

Finland — 96/0594, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Sweden — 96/0505, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

96/0021

Labelling of foodstuffs

Member States which have notified implementing measures:

EL, FIN, L, NL, A, UK

No infringement proceedings

- Pharmaceutical products
- 89/0341  
Pharmaceutical products  
Member States which have notified implementing measures: all
- 65/0065  
Pharmaceutical products  
Member States which have notified implementing measures: all
- 89/0342  
Immunological medicinal products  
Member States which have notified implementing measures: all
- 66/0454  
Pharmaceutical products  
Member States which have notified implementing measures: all
- 89/0343  
Radiopharmaceuticals  
Member States which have notified implementing measures: all
- 75/0318  
Pharmaceutical products, analytical standards and protocols  
Member States which have notified implementing measures: all
- 89/0381  
Medicinal products derived from human blood  
Member States which have notified implementing measures: all except A (partial)  
Austria — 96/0407, no measures notified, Article 169 letter in 1996
- 75/0319  
Pharmaceutical products  
Member States which have notified implementing measures: all
- 90/0676  
Veterinary medicinal products  
Member States which have notified implementing measures: all except F, P, UK  
Ireland — 93/0276, no measures notified, Article 169 letter in 1993, terminated in 1996  
Portugal — 93/0438, no measures notified, reasoned opinion in 1996 (referral scheduled)
- 78/0025  
Medicinal products — colouring matter  
Member States which have notified implementing measures: all
- 81/0851  
Veterinary medicinal products  
Member States which have notified implementing measures: all
- 90/0677  
Immunological veterinary medicinal products  
Member States which have notified implementing measures: all except F, UK  
Ireland — 93/0592, no measures notified, reasoned opinion in 1996, terminated in 1996
- 81/0852  
Veterinary medicinal products  
Member States which have notified implementing measures: all
- 91/0356  
Good manufacturing practice for medicinal products  
Member States which have notified implementing measures: all
- 83/0570  
Proprietary medicinal products — multi-States procedure  
Member States which have notified implementing measures: all
- 91/0412  
Principles and guidelines of good manufacturing practice for veterinary medicinal products  
Member States which have notified implementing measures: all except F, P  
France — 93/0921, no measures notified, reasoned opinion in 1996 (referral scheduled)  
Ireland — 93/0932, no measures notified, Article 169 letter in 1993, terminated in 1996  
Portugal — 93/0944, no measures notified, reasoned opinion in 1996 (referral scheduled)
- 87/0019  
Pharmaceutical products, analytical standards and protocols  
Member States which have notified implementing measures: all except A (partial)
- 91/0507  
Testing of medicinal products  
Member States which have notified implementing measures: all except A, F, IRL  
France — 92/0228, no measures notified, reasoned opinion in 1994, referral in 1996, Case C-23/96
- 87/0020  
Veterinary medicinal products, analytical standards and protocols  
Member States which have notified implementing measures: all except A (partial)
- 87/0021  
Pharmaceutical products  
Member States which have notified implementing measures: all
- 87/0022  
High-technology medicinal products  
Member States which have notified implementing measures: all
- 89/0105  
Prices of medicinal products  
Member States which have notified implementing measures: all



- France — 95/0291, no measures notified, Article 169 letter in 1995
- Austria — 96/0425, no measures notified, Article 169 letter in 1996
- Ireland — 95/0303, no measures notified, Article 169 letter in 1995, reasoned opinion to be sent
- 92/0018  
Veterinary medicinal products, analytical standards and protocols  
Member States which have notified implementing measures: all  
France — 93/0556, no measures notified, reasoned opinion in 1996, terminated in 1996
- Ireland — 93/0563, no measures notified, reasoned opinion in 1996, terminated in 1996
- 92/0025  
Wholesale distribution of medicinal products  
Member States which have notified implementing measures: all  
Germany — 93/0084, no measures notified, reasoned opinion in 1994, terminated in 1996
- Luxembourg — 93/0336, no measures notified, referral in 1995, terminated in 1996
- 92/0026  
Classification for the supply of medicinal products  
Member States which have notified implementing measures: all
- 92/0027  
Labelling of medicinal products and package leaflets  
Member States which have notified implementing measures: all
- 92/0028  
Advertising of medicinal products  
Member States which have notified implementing measures: all  
France — 93/0217, no measures notified, reasoned opinion in 1994, terminated in 1996
- 92/0073  
Homeopathic medicinal products for human use  
Member States which have notified implementing measures: all except B, F, IRL  
Belgium — 94/0014, no measures notified, Article 169 letter in 1994, reasoned opinion to be sent
- Greece — 94/0119, no measures notified, Article 169 letter in 1994, terminated in 1996
- Spain — 94/0143, no measures notified, Article 169 letter in 1994, terminated in 1996
- France — 94/0176, no measures notified, reasoned opinion in 1996
- Ireland — 94/0208, no measures notified, Article 169 letter in 1994, reasoned opinion to be sent
- Luxembourg — 94/0275, no measures notified, Article 169 letter in 1994, terminated in 1996
- Netherlands — 94/0309, no measures notified, Article 169 letter in 1994, terminated in 1996
- Portugal — 94/0340, no measures notified, Article 169 letter in 1994, terminated in 1996
- 92/0074  
Homeopathic veterinary medicinal products  
Member States which have notified implementing measures: all except B, F, P, UK  
Belgium — 94/0015, no measures notified, reasoned opinion in 1996, referral scheduled
- France — 94/0177, no measures notified, reasoned opinion in 1996, referral scheduled
- Portugal — 94/0341, no measures notified, reasoned opinion in 1996, referral scheduled
- United Kingdom — 94/0375, no measures notified, reasoned opinion in 1996
- 93/0039  
Medicines  
Member States which have notified implementing measures: all except D, I, IRL  
Germany — 95/0251, no measures notified, reasoned opinion in 1996
- Italy — 95/0316, no measures notified, reasoned opinion in 1996
- Ireland — 95/0304, no measures notified, reasoned opinion in 1996
- 93/0040  
Veterinary medicinal products  
Member States which have notified implementing measures: all except D, EL, F, I, P  
Germany — 95/0252, no measures notified, reasoned opinion in 1996
- Greece — 95/0266, no measures notified, Article 169 letter in 1995
- France — 95/0293, no measures notified, reasoned opinion in 1996
- Italy — 95/0317, no measures notified, Article 169 letter in 1995
- Portugal — 95/0358, no measures notified, reasoned opinion in 1996
- 93/0041  
High-technology medicinal products  
Member States which have notified implementing measures: all
- Chemicals
- 73/0404  
Detergents  
Member States which have notified implementing measures: all

73/0405 Detergents Member States which have notified implementing measures: all	83/0478 Dangerous substances and preparations Member States which have notified implementing measures: all
76/0116 Fertilizers Member States which have notified implementing measures: all	84/0291 Dangerous preparations (pesticides) Member States which have notified implementing measures: all
76/0769 Dangerous substances and preparations Member States which have notified implementing measures: all	85/0467 Dangerous substances and preparations Member States which have notified implementing measures: all
77/0535 Fertilizers Member States which have notified implementing measures: all	85/0610 Dangerous substances and preparations Member States which have notified implementing measures: all
78/0631 Labelling of dangerous preparations (pesticides) Member States which have notified implementing measures: all	87/0094 Fertilizers Member States which have notified implementing measures: all
79/0138 Fertilizers Member States which have notified implementing measures: all	87/0566 Fertilizers Member States which have notified implementing measures: all
79/0663 Dangerous substances and preparations Member States which have notified implementing measures: all	88/0126 Fertilizers Member States which have notified implementing measures: all
80/0876 Fertilizers Member States which have notified implementing measures: all	88/0183 Liquid fertilizers Member States which have notified implementing measures: all
81/0187 Pesticides Member States which have notified implementing measures: all	88/0379 Dangerous preparations Member States which have notified implementing measures: all
82/0242 Detergents Member States which have notified implementing measures: all	89/0178 Labelling of dangerous preparations Member States which have notified implementing measures: all
82/0243 Detergents Member States which have notified implementing measures: all	89/0284 Fertilizers Member States which have notified implementing measures: all
82/0806 Dangerous substances and preparations Member States which have notified implementing measures: all	89/0519 Fertilizers — sampling Member States which have notified implementing measures: all
82/0828 Dangerous substances and preparations Member States which have notified implementing measures: all	89/0530 Fertilizers (oligo-elements) Member States which have notified implementing measures: all
83/0264 Dangerous substances and preparations Member States which have notified implementing measures: all	89/0677 Dangerous substances and preparations Member States which have notified implementing measures: all

- 89/0678  
Dangerous substances and preparations  
Member States which have notified implementing measures: all
- 90/0035  
Packaging — child safety  
Member States which have notified implementing measures: all except A
- 90/0492  
Labelling of dangerous preparations  
Member States which have notified implementing measures: all
- 91/0155  
Dangerous preparations  
Member States which have notified implementing measures: all except A
- 91/0173  
Dangerous substances and preparations  
Member States which have notified implementing measures: all
- 91/0338  
Dangerous substances and preparations  
Member States which have notified implementing measures: all except B, NL  
Belgium — 93/0024, no measures notified, reasoned opinion in 1995, referral scheduled  
Netherlands — 93/0390, no measures notified, reasoned opinion in 1996
- 91/0339  
Dangerous substances and preparations  
Member States which have notified implementing measures: all  
Belgium — 92/0665, no measures notified, reasoned opinion in 1993, terminated in 1996
- 91/0442  
Child-resistant fastenings  
Member States which have notified implementing measures: all except A
- 91/0659  
Dangerous substances and preparations  
Member States which have notified implementing measures: all except B  
Belgium — 93/0020, no measures notified, reasoned opinion in 1994, referral scheduled
- 92/0109  
Narcotic drugs and psychotropic substances  
Member States which have notified implementing measures: all except A, F, I  
Spain — 93/0731, no measures notified, Article 169 letter in 1993, reasoned opinion in 1994, terminated in 1996
- France — 93/0755, no measures notified, Article 169 letter in 1993, reasoned opinion in 1994, referral scheduled
- Italy — 93/0800, no measures notified, Article 169 letter in 1993, reasoned opinion in 1994, referral scheduled
- 93/0001  
Methods of sampling and analysis for fertilizers  
Member States which have notified implementing measures: all  
Germany — 94/0415, no measures notified, Article 169 letter in 1994, terminated in 1996
- 93/0015  
Placing on the market and supervision of explosives for civil uses (deadline for transposal: 30. 9. 1993 and 30. 6. 1994)  
Member States which have notified implementing measures: B, DK, L, NL, P, UK, S, A  
Germany — 94/0616 and 94/0649, no measures notified, Article 169 letter in 1994, reasoned opinion to be sent  
Greece — 94/0699, no measures notified, Article 169 letter in 1994 (to be terminated)  
— 4/0425, no measures notified, Article 169 letter in 1994 (to be terminated)  
Spain — 94/0437 and 94/0663, no measures notified, Article 169 letter in 1994, reasoned opinion to be sent  
France — 94/0676, no measures notified, Article 169 letter in 1994 (to be terminated)  
France — 94/0449, no measures notified, Article 169 letter in 1994, reasoned opinion to be sent  
Italy — 94/0468, no measures notified, Article 169 letter in 1994 (to be terminated)  
Italy — 94/0721, no measures notified, Article 169 letter in 1994, reasoned opinion to be sent
- 93/0018  
Dangerous preparations  
Member States which have notified implementing measures: A, B, DK, D, E, F, FIN, EL, L, NL, UK, S  
Ireland — 94/0856, no measures notified, Article 169 letter in 1995, reasoned opinion to be sent  
Italy — 94/0875, no measures notified, Article 169 letter in 1995, reasoned opinion to be sent  
Netherlands — 94/0912, no measures notified, Article 169 letter in 1995, terminated in 1996  
Portugal — 94/0932, no measures notified, Article 169 letter in 1995, reasoned opinion to be sent
- 93/0046  
Drugs — precursors  
Member States which have notified implementing measures: B, D, DK, E, F, FIN, EL, I, IRL, L, NL, P, S, UK  
France — 94/0450, no measures notified, Article 169 letter in 1994 (to be terminated)  
Italy — 94/0469, no measures notified, Article 169 letter in 1994, terminated in 1996

93/0069

Fertilizers

Member States which have notified implementing measures:  
A, D, DK, E, FIN, IRL, I, L, NL, P, S, UKBelgium — 94/0520, no measures notified, Article 169  
letter in 1994, reasoned opinion to be sentGermany — 94/0792, no measures notified, Article 169  
letter in 1994, terminated in 1996France — 94/0792, no measures notified, Article 169  
letter in 1994, reasoned opinion to be sentGreece — 94/0792, no measures notified, Article 169  
letter in 1994, reasoned opinion to be sent

93/0112

System of specific information for dangerous preparations

Member States which have notified implementing measures: all  
except E, ISpain — 95/0288, no measures notified, Article 169  
letter in 1995, reasoned opinion to be sentItaly — 95/0321, no measures notified, Article 169  
letter in 1995, reasoned opinion to be sentPortugal — 95/0363, no measures notified, Article 169  
letter in 1995

94/0060

Restrictions on the marketing of dangerous substances  
(CMT/aerosols/solvents/creosote)Member States which have notified implementing measures:  
A, FIN, S, D, DK, EL, L, NLBelgium — 96/0010, no measures notified, Article 169  
letter in 1996, reasoned opinion to be sentFrance — 96/0095, no measures notified, Article 169  
letter in 1996, reasoned opinion to be sentGreece — 96/0058, no measures notified, Article 169  
letter in 1996 (to be terminated)Ireland — 96/0115, no measures notified, Article 169  
letter in 1996, reasoned opinion to be sentItaly — 96/0134, no measures notified, Article 169  
letter in 1996, reasoned opinion to be sent

95/0008

Fertilizers

Member States which have notified implementing measures:  
DK, IRL, I, NL, B, A, S, FINFrance — 96/0098, no measures notified, Article 169  
letter in 1996, reasoned opinion to be sentGreece — 96/0061, no measures notified, Article 169  
letter in 1996, reasoned opinion to be sentIreland — 96/0117, no measures notified, Article 169  
letter in 1996 (to be terminated)Italy — 96/0136, no measures notified, Article 169  
letter in 1996, terminated in 1996Luxembourg — 96/0154, no measures notified, Article 169  
letter in 1996, reasoned opinion to be sent

Motor vehicles, tractors and motorcycles

70/0156

Type-approval of motor vehicles

Member States which have notified implementing measures: all

70/0157

Sound level of motor vehicles

Member States which have notified implementing measures: all

70/0220

Air pollution from engines

Member States which have notified implementing measures: all

70/0221

Fuel tanks

Member States which have notified implementing measures: all

70/0222

Mounting of motor-vehicle registration plates

Member States which have notified implementing measures: all

70/0311

Steering equipment for motor vehicles

Member States which have notified implementing measures: all

70/0387

Doors of motor vehicles

Member States which have notified implementing measures: all

70/0388

Audible warning devices for motor vehicles

Member States which have notified implementing measures: all

71/0127

Rear-view mirrors of motor vehicles

Member States which have notified implementing measures: all

71/0320

Braking devices of motor vehicles

Member States which have notified implementing measures: all

72/0245

Radio interference from engines

Member States which have notified implementing measures: all

72/0306

Emission of pollutants from diesel engines

Member States which have notified implementing measures: all

73/0350 Sound level of motor vehicles Member States which have notified implementing measures: all	75/0322 Radio interference from tractors Member States which have notified implementing measures: all
74/0060 Interior fittings of motor vehicles Member States which have notified implementing measures: all	75/0443 Reverse equipment of motor vehicles Member States which have notified implementing measures: all
74/0061 Devices to prevent the unauthorized use of motor vehicles Member States which have notified implementing measures: all	75/0524 Braking devices of motor vehicles Member States which have notified implementing measures: all
74/0132 Braking devices of motor vehicles Member States which have notified implementing measures: all	76/0114 Motor-vehicle registration plates Member States which have notified implementing measures: all
74/0150 Type-approval of tractors Member States which have notified implementing measures: all	76/0115 Safety belts Member States which have notified implementing measures: all
74/0151 Characteristics of tractors Member States which have notified implementing measures: all	76/0432 Braking devices of tractors Member States which have notified implementing measures: all
74/0152 Maximum speed of tractors Member States which have notified implementing measures: all	76/0756 Lighting and light-signalling devices on motor vehicles Member States which have notified implementing measures: all
74/0290 Air pollution from engines Member States which have notified implementing measures: all	76/0757 Reflex reflectors for motor vehicles Member States which have notified implementing measures: all
74/0297 Interior fittings of motor vehicles Member States which have notified implementing measures: all	76/0758 Lamps for motor vehicles Member States which have notified implementing measures: all
74/0346 Rear-view mirrors of tractors Member States which have notified implementing measures: all	76/0759 Lamps for motor vehicles Member States which have notified implementing measures: all
74/0347 Windscreen wipers of tractors Member States which have notified implementing measures: all	76/0760 Registration-plate lamps for motor vehicles Member States which have notified implementing measures: all
74/0408 Interior fittings of motor vehicles Member States which have notified implementing measures: all	76/0761 Headlamps for motor vehicles Member States which have notified implementing measures: all
74/0483 External projections of motor vehicles Member States which have notified implementing measures: all	76/0762 Lamps for motor vehicles Member States which have notified implementing measures: all
75/0321 Steering equipment of tractors Member States which have notified implementing measures: all	76/0763 Seats for tractors Member States which have notified implementing measures: all

77/0102 Air pollution from engines Member States which have notified implementing measures: all	78/0317 Defrosting systems of motor vehicles Member States which have notified implementing measures: all
77/0143 Roadworthiness tests for motor vehicles Member States which have notified implementing measures: all	78/0318 Windscreen wipers of motor vehicles Member States which have notified implementing measures: all
77/0212 Sound level of motor vehicles Member States which have notified implementing measures: all	78/0507 Motor-vehicle registration plates Member States which have notified implementing measures: all
77/0311 Sound level of tractors Member States which have notified implementing measures: all	78/0547 Type-approval of motor vehicles Member States which have notified implementing measures: all
77/0389 Motor-vehicle towing devices Member States which have notified implementing measures: all	78/0548 Heating of motor vehicles Member States which have notified implementing measures: all
77/0536 Roll-over protection of tractors Member States which have notified implementing measures: all	78/0549 Wheels of motor vehicles Member States which have notified implementing measures: all
77/0537 Emission of pollutants from diesel engines Member States which have notified implementing measures: all	78/0632 Interior fittings of motor vehicles Member States which have notified implementing measures: all
77/0538 Lamps for motor vehicles Member States which have notified implementing measures: all	78/0665 Air pollution from engines Member States which have notified implementing measures: all
77/0539 Lamps for motor vehicles Member States which have notified implementing measures: all	78/0764 Driver's seat on tractors Member States which have notified implementing measures: all
77/0540 Lamps for motor vehicles Member States which have notified implementing measures: all	78/0932 Head restraints of seats of motor vehicles Member States which have notified implementing measures: all
77/0541 Safety belts Member States which have notified implementing measures: all	78/0933 Lighting on tractors Member States which have notified implementing measures: all
77/0649 Driver's field of vision in motor vehicles Member States which have notified implementing measures: all	78/1015 Sound level of motorcycles Member States which have notified implementing measures: all
78/0315 Type-approval of motor vehicles Member States which have notified implementing measures: all	79/0488 External projections of motor vehicles Member States which have notified implementing measures: all
78/0316 Interior fittings of motor vehicles Member States which have notified implementing measures: all	79/0489 Braking devices of motor vehicles Member States which have notified implementing measures: all

79/0490 Fuel tanks of motor vehicles Member States which have notified implementing measures: all	81/0333 Fuel tanks of motor vehicles Member States which have notified implementing measures: all
79/0532 Lighting on tractors Member States which have notified implementing measures: all	81/0334 Sound level of motor vehicles Member States which have notified implementing measures: all
79/0533 Coupling device of tractors Member States which have notified implementing measures: all	81/0575 Safety belts Member States which have notified implementing measures: all
79/0622 Roll-over protection of tractors Member States which have notified implementing measures: all	81/0576 Safety belts Member States which have notified implementing measures: all
79/0694 Type-approval of tractors Member States which have notified implementing measures: all	81/0577 Interior fittings of motor vehicles Member States which have notified implementing measures: all
79/0795 Rear-view mirrors of motor vehicles Member States which have notified implementing measures: all	81/0643 Driver's field of vision on motor vehicles Member States which have notified implementing measures: all
79/1073 Sound level of tractors Member States which have notified implementing measures: all	82/0244 Lighting on motor vehicles Member States which have notified implementing measures: all
80/0233 Lighting on motor vehicles Member States which have notified implementing measures: all	82/0318 Safety belts Member States which have notified implementing measures: all
80/0720 Doors and windows of tractors Member States which have notified implementing measures: all	82/0319 Safety belts Member States which have notified implementing measures: all
80/0780 Rear-view mirrors of two-wheeled motor vehicles Member States which have notified implementing measures: all	82/0890 Tractors Member States which have notified implementing measures: all
80/1267 Type-approval of motor vehicles Member States which have notified implementing measures: all	82/0953 Roll-over protection of tractors Member States which have notified implementing measures: all
80/1268 Fuel consumption of motor vehicles Member States which have notified implementing measures: all	83/0190 Driver's seat on tractors Member States which have notified implementing measures: all
80/1269 Engine power of motor vehicles Member States which have notified implementing measures: all	83/0276 Lighting and light-signalling devices on motor vehicles Member States which have notified implementing measures: all
80/1272 Rear-view mirrors of motor vehicles (motorcycles) Member States which have notified implementing measures: all	83/0351 Air pollution from engines Member States which have notified implementing measures: all

84/0008  
Lighting and light-signalling devices on motor vehicles  
Member States which have notified implementing measures: all

84/0372  
Sound level of motor vehicles  
Member States which have notified implementing measures: all

84/0424  
Sound level of motor vehicles  
Member States which have notified implementing measures: all

85/0205  
Rear-view mirrors of motor vehicles  
Member States which have notified implementing measures: all

85/0647  
Braking devices of motor vehicles  
Member States which have notified implementing measures: all

86/0297  
Power take-offs of tractors  
Member States which have notified implementing measures: all

86/0298  
Roll-over protection of tractors  
Member States which have notified implementing measures: all

86/0415  
Controls of tractors  
Member States which have notified implementing measures: all

86/0562  
Rear-view mirrors of motor vehicles  
Member States which have notified implementing measures: all

87/0056  
Sound level of motorcycles  
Member States which have notified implementing measures: all

87/0358  
Type-approval of motor vehicles  
Member States which have notified implementing measures: all

87/0402  
Roll-over protection of tractors  
Member States which have notified implementing measures: all

87/0403  
Type-approval of motor vehicles  
Member States which have notified implementing measures: all

87/0405  
Sound power level of tower cranes  
Member States which have notified implementing measures: all

88/0076  
Air pollution from motor vehicles  
Member States which have notified implementing measures: all

88/0077  
Emissions from diesel engines  
Member States which have notified implementing measures: all

88/0194  
Braking devices of motor vehicles  
Member States which have notified implementing measures: all

88/0195  
Engine power of motor vehicles  
Member States which have notified implementing measures: all

88/0297  
Type-approval of tractors  
Member States which have notified implementing measures: all

88/0321  
Rear-view mirrors of motor vehicles  
Member States which have notified implementing measures: all

88/0366  
Driver's field of vision in motor vehicles  
Member States which have notified implementing measures: all

88/0410  
Characteristics of tractors  
Member States which have notified implementing measures: all

88/0411  
Steering equipment of tractors  
Member States which have notified implementing measures: all

88/0412  
Maximum speed of tractors  
Member States which have notified implementing measures: all

88/0413  
Roll-over protection of tractors  
Member States which have notified implementing measures: all

88/0414  
Doors and windows of tractors  
Member States which have notified implementing measures: all

88/0436  
Particulate emissions from diesel engines  
Member States which have notified implementing measures: all

88/0465  
Driver's seat on tractors  
Member States which have notified implementing measures: all



89/0173 Characteristics of tractors Member States which have notified implementing measures: all	90/0629 Safety belts Member States which have notified implementing measures: all
89/0235 Sound level of motorcycles Member States which have notified implementing measures: all	90/0630 Driver's field of vision in motor vehicles Member States which have notified implementing measures: all
89/0277 Lamps for motor vehicles Member States which have notified implementing measures: all	91/0226 Spray-suppression systems of motor vehicles Member States which have notified implementing measures: all
89/0278 Lighting on motor vehicles Member States which have notified implementing measures: all	91/0328 Roadworthiness tests for motor vehicles and their trailers Member States which have notified implementing measures: all
89/0297 Lateral protection of motor vehicles Member States which have notified implementing measures: all	91/0422 Braking devices of motor vehicles Member States which have notified implementing measures: all
89/0458 Emissions from motor vehicles Member States which have notified implementing measures: all	91/0441 Emissions from motor vehicles Member States which have notified implementing measures: all
89/0491 Sound level of motor vehicles Member States which have notified implementing measures: all	91/0542 Gas emissions from diesel engines Member States which have notified implementing measures: all
89/0516 Lamps for motor vehicles Member States which have notified implementing measures: all	91/0662 Interior fittings of motor vehicles Member States which have notified implementing measures: all
89/0517 Headlamps for motor vehicles Member States which have notified implementing measures: all	91/0663 Lighting and light-signalling devices on motor vehicles Member States which have notified implementing measures: all
89/0518 Fog lamps for motor vehicles Member States which have notified implementing measures: all	92/0021 Masses and dimensions of motor vehicles Member States which have notified implementing measures: all
89/0680 Protection structures — tractors Member States which have notified implementing measures: all	92/0022 Glazing on motor vehicles Member States which have notified implementing measures: all
89/0681 Protection structures — tractors Member States which have notified implementing measures: all	92/0023 Tyres for motor vehicles Member States which have notified implementing measures: all
89/0682 Protection structures — tractors Member States which have notified implementing measures: all	92/0024 Speed limitation devices Member States which have notified implementing measures: all
90/0628 Safety belts Member States which have notified implementing measures: all	92/0053 Type-approval of motor vehicles Member States which have notified implementing measures: all

- 92/0061  
Type-approval of two and three-wheel motor vehicles  
Member States which have notified implementing measures: all
- 92/0062  
Steering equipment for motor vehicles  
Member States which have notified implementing measures: all
- 92/0097  
Permissible sound level and the exhaust system of motor vehicles  
Member States which have notified implementing measures: all
- 92/0114  
Cabs of motor vehicles of category N  
Member States which have notified implementing measures: all
- 93/0014  
Braking systems of two and three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0029  
Identification of controls, tell-tales and indicators for two or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0030  
Audible warning devices for two or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0031  
Stands for two or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0032  
Passenger hand-holds for two or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0033  
Devices to prevent unauthorized use of two or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0034  
Statutory markings for two or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0059  
Air pollution by emissions from motor vehicles  
Member States which have notified implementing measures: all
- 93/0081  
Type-approval of motor vehicles  
Member States which have notified implementing measures: all
- 93/0091  
Interior fittings of motor vehicles  
Member States which have notified implementing measures: all
- 93/0092  
Lighting and light-signalling devices of two or three-wheeled motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0093  
Masses and dimensions of two or three-wheeled motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0094  
Mounting of registration plate for two or three-wheeled motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0116  
Fuel consumption of motor vehicles  
Member States which have notified implementing measures: all
- 94/0012  
Pollution by emissions from motor vehicles  
Member States which have notified implementing measures: all except EL  
Greece — 94/0974, no measures notified, Article 169 letter in 1995 and reasoned opinion in 1996
- 94/0020  
Motor vehicles  
Member States which have notified implementing measures: all
- 94/0053  
Identification of motor vehicles  
Member States which have notified implementing measures: all  
Belgium — 95/240, no measures notified, Article 169 letter in 1995, terminated in 1996  
Portugal — 95/372, no measures notified, Article 169 letter in 1995, terminated in 1996  
United Kingdom — 95/386, no measures notified, Article 169 letter in 1995, terminated in 1996
- 94/0068  
Windscreen wiper and washer systems of motor vehicles  
Member States which have notified implementing measures: all except A
- 94/0078  
Wheel guards of motor vehicles  
Member States which have notified implementing measures: all except A

- 95/0001  
Torque and net engine power of two and three-wheeled motor vehicles  
Member States which have notified implementing measures: all except A, DK, D, NL, P, S, UK
- Austria — 96/1079, no measures notified, Article 169 letter (to be sent in 1997)
- Denmark — 96/0878, no measures notified, Article 169 letter (to be sent in 1997)
- Germany — 96/0888, no measures notified, Article 169 letter (to be sent in 1997)
- Netherlands — 96/1030, no measures notified, Article 169 letter (to be sent in 1997)
- Portugal — 96/1041, no measures notified, Article 169 letter (to be sent in 1997)
- Sweden — 96/1128, no measures notified, Article 169 letter (to be sent in 1997)
- United Kingdom — 96/1066, no measures notified, Article 169 letter (to be sent in 1997)
- France — 96/0289, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Ireland — 96/0301, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Italy — 96/0346, no measures notified, Article 169 letter in 1996
- Luxembourg — 96/0325, no measures notified, Article 169 letter in 1996
- Netherlands — 96/0336, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Portugal — 96/0346, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Sweden — 96/0504, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- United Kingdom — 96/0354, no measures notified, Article 169 letter in 1996
- 95/0028  
Burning behaviour  
Member States which have notified implementing measures: all except A, EL, L, NL, P, UK
- 95/0048  
Weights and dimensions of category M1 motor vehicles  
Member States which have notified implementing measures: all except A, D, NL, UK
- Austria — 96/0481, no measures notified, Article 169 letter in 1996
- Germany — 96/0254, no measures notified, Article 169 letter in 1996
- Spain — 96/0278, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Ireland — 96/0300, no measures notified, Article 169 letter in 1996
- Italy — 96/0311, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Netherlands — 96/0335, no measures notified, Article 169 letter in 1996
- Portugal — 96/0344, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Sweden — 96/0503, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- United Kingdom — 96/0353, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 95/0056  
Devices to prevent the unauthorized use of motor vehicles  
Member States which have notified implementing measures: all except A, I, L, UK
- Austria — 96/0482, no measures notified, Article 169 letter in 1996
- Germany — 96/0255, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Spain — 96/0279, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 96/0001  
Emissions — Small diesel engines  
Member States which have notified implementing measures: B, DK, E, FIN, IRL, I, NL, S
- Austria — 96/1091, no measures notified, Article 169 letter (to be sent in 1997)
- Germany — 96/0900, no measures notified, Article 169 letter (to be sent in 1997)
- Greece — 96/0926, no measures notified, Article 169 letter (to be sent in 1997)
- France — 96/0967, no measures notified, Article 169 letter (to be sent in 1997)
- Portugal — 96/1057, no measures notified, Article 169 letter (to be sent in 1997)
- United Kingdom — 96/1073, no measures notified, Article 169 letter (to be sent in 1997)
- 96/0020  
Sound level of motor vehicles  
Member States which have notified implementing measures: B, DK, FIN, F, IRL, I, NL, S
- Austria — 96/1097, no measures notified, Article 169 letter (to be sent in 1997)
- Germany — 96/0905, no measures notified, Article 169 letter (to be sent in 1997)
- Greece — 96/0931, no measures notified, Article 169 letter (to be sent in 1997)
- Spain — 96/0949, no measures notified, Article 169 letter (to be sent in 1997)
- Luxembourg — 96/1026, no measures notified, Article 169 letter (to be sent in 1997)
- Portugal — 96/1061, no measures notified, Article 169 letter (to be sent in 1997)
- United Kingdom — 96/1074, no measures notified, Article 169 letter (to be sent in 1997)

- 96/0027  
Lateral protection of occupants of motor vehicles  
Member States which have notified implementing measures:  
B, IRL, I, S
- 96/0036  
Safety belts and restraint systems of motor vehicles  
Member States which have notified implementing measures:  
DK, F, IRL, I
- 96/0037  
Interior fittings of motor vehicles (resistance of seats and their anchorages)  
Member States which have notified implementing measures:  
B, F, IRL, I
- 96/0038  
Anchorages for motor-vehicle safety belts  
Member States which have notified implementing measures:  
B, F, IRL, I
- 96/0044  
Emissions from motor vehicles  
Member States which have notified implementing measures:  
B, FIN, I
- 96/0063  
Braking devices of wheeled agricultural or forestry tractors  
Member States which have notified implementing measures: F
- 96/0064  
Motor-vehicle towing devices  
Member States which have notified implementing measures: F
- 96/0069  
Emissions — Light utility vehicles
- Construction products
- 89/0106  
Construction products  
Member States which have notified implementing measures:  
DK, D, E, EL, F, FIN, IRL, I, L, NL, P, S, UK  
Belgium — 92/0026, no measures notified, reasoned  
opinion in 1993, referral in 1996, Case  
C-96/263  
Austria — 96/0404, no measures notified, Article 169  
letter in 1996
- Machinery
- 69/0493  
Crystal glass  
Member States which have notified implementing measures: all  
except FIN, S
- 71/0316  
Measuring instruments  
Member States which have notified implementing measures: all
- 71/0317  
Medium accuracy weights  
Member States which have notified implementing measures: all
- 71/0318  
Gas volume meters  
Member States which have notified implementing measures: all
- 71/0319  
Meters for liquids  
Member States which have notified implementing measures: all
- 71/0347  
Measuring of grain  
Member States which have notified implementing measures: all
- 71/0348  
Meters for liquids  
Member States which have notified implementing measures: all
- 71/0349  
Calibration of the tanks of vessels  
Member States which have notified implementing measures: all  
except S
- 72/0427  
Measuring instruments  
Member States which have notified implementing measures: all
- 73/0023  
Electrical equipment — low tension  
Member States which have notified implementing measures: all
- 73/0360  
Weighing instruments  
Member States which have notified implementing measures: all  
except A, S
- 73/0361  
Marking of wire-ropes, chains and hooks  
Member States which have notified implementing measures: all
- 73/0362  
Measures of length  
Member States which have notified implementing measures: all
- 74/0148  
Weights of above-medium accuracy  
Member States which have notified implementing measures: all
- 74/0331  
Gas volume meters  
Member States which have notified implementing measures: all  
except FIN
- 75/0033  
Water meters  
Member States which have notified implementing measures: all

75/0106 Pre-packaged liquids Member States which have notified implementing measures: all	77/0313 Measuring of liquids Member States which have notified implementing measures: all except S
75/0107 Bottles used as measuring containers Member States which have notified implementing measures: all	78/0365 Gas volume meters Member States which have notified implementing measures: all
75/0324 Aerosols Member States which have notified implementing measures: all	78/0629 Measures of length Member States which have notified implementing measures: all
75/0410 Continuous totalizing weighing machines Member States which have notified implementing measures: all except FIN	78/0891 Pre-packaging Member States which have notified implementing measures: all
76/0117 Electrical equipment Member States which have notified implementing measures: all	78/1031 Automatic check-weighing machines Member States which have notified implementing measures: all except S
76/0211 Pre-packaged products Member States which have notified implementing measures: all	79/0196 Electrical equipment Member States which have notified implementing measures: all
76/0434 Marking of wire-ropes, chains and hooks Member States which have notified implementing measures: all	79/0830 Water meters Member States which have notified implementing measures: all
76/0696 Non-automatic weighing machines Member States which have notified implementing measures: all except A, S	79/1005 Pre-packaged liquids Member States which have notified implementing measures: all
76/0764 Thermometers Member States which have notified implementing measures: all	80/0181 Units of measurement Member States which have notified implementing measures: all
76/0765 Alcoholometers Member States which have notified implementing measures: all	80/0232 Pre-packaged products Member States which have notified implementing measures: all
76/0766 Alcohol tables Member States which have notified implementing measures: all	82/0621 Electrical energy meters Member States which have notified implementing measures: all
76/0767 Pressure vessels Member States which have notified implementing measures: all	82/0622 Weighing instruments Member States which have notified implementing measures: all
76/0891 Electrical energy meters Member States which have notified implementing measures: all	82/0623 Gas volume meters Member States which have notified implementing measures: all except S
77/0095 Taximeters Member States which have notified implementing measures: all except S	82/0624 Alcoholometers Member States which have notified implementing measures: all except S

- 82/0625  
Measuring systems for liquids  
Member States which have notified implementing measures: all except S
- 83/0128  
Clinical thermometers — mercury  
Member States which have notified implementing measures: all except S
- 83/0575  
Measuring instruments  
Member States which have notified implementing measures: all
- 84/0047  
Electrical equipment  
Member States which have notified implementing measures: all
- 84/0414  
Thermometers  
Member States which have notified implementing measures: all except S
- 84/0525  
Steel gas cylinders  
Member States which have notified implementing measures: all
- 84/0526  
Aluminium gas cylinders  
Member States which have notified implementing measures: all
- 84/0527  
Welded steel gas cylinders  
Member States which have notified implementing measures: all
- 84/0528  
Lifting appliances  
Member States which have notified implementing measures: all
- 84/0529  
Electrically-operated lifts  
Member States which have notified implementing measures: all
- 84/0532  
Construction plant  
Member States which have notified implementing measures: all
- 84/0539  
Electro-medical equipment  
Member States which have notified implementing measures: A, B, DK, D, EL, E, F, IRL, I, L, NL, P, UK
- 85/0001  
Units of measurement  
Member States which have notified implementing measures: all
- 85/0010  
Pre-packaged liquids  
Member States which have notified implementing measures: all
- 85/0146  
Measures of length  
Member States which have notified implementing measures: all
- 86/0096  
Pre-packaging  
Member States which have notified implementing measures: all
- 86/0217  
Pressure gauges  
Member States which have notified implementing measures: all except S
- 86/0295  
Construction plant  
Member States which have notified implementing measures: all
- 86/0296  
Construction plant  
Member States which have notified implementing measures: all
- 86/0312  
Electrically-operated lifts  
Member States which have notified implementing measures: all
- 86/0663  
Self-propelled industrial trucks  
Member States which have notified implementing measures: all
- 87/0354  
Industrial products — distinctive numbers and letters  
Member States which have notified implementing measures: all
- 87/0355  
Measuring instruments  
Member States which have notified implementing measures: all
- 87/0356  
Pre-packaged products  
Member States which have notified implementing measures: all
- 87/0404  
Pressure vessels  
Member States which have notified implementing measures: all  
Italy — 93/4069, not properly applied, reasoned opinion in 1994, terminated in 1996
- 88/0316  
Pre-packaged liquids  
Member States which have notified implementing measures: all

88/0320

Good laboratory practice

Member States which have notified implementing measures: all except UK and A

Spain — 90/509, no measures notified, referral in 1993, Case C-93/268, judgment in 1994, terminated in 1996

88/0571

Electrical equipment

Member States which have notified implementing measures: all

88/0665

Attestations and certificates

Member States which have notified implementing measures: all

89/0240

Self-propelled industrial trucks

Member States which have notified implementing measures: all

89/0336

Electromagnetic compatibility

Member States which have notified implementing measures: all except IRL

Ireland — 92/0793, no measures notified, reasoned opinion in 1993, referral in 1994, Case C-94/240, judgment in 1995, Article 171 letter in 1996

89/0392

Machinery

Member States which have notified implementing measures: all

Italy — 92/0328, no measures notified, referral in 1994, Case C-94/182 judgment in 1995, terminated in 1996

89/0617

Units of measurement

Member States which have notified implementing measures: all except E

Spain — 92/0157, no measures notified, supplementary reasoned opinion in 1994

89/0676

Pre-packaged liquids

Member States which have notified implementing measures: all

89/0686

Personal protective equipment

Member States which have notified implementing measures: all

90/0018

Good laboratory practice

Member States which have notified implementing measures: all except UK

90/0384

Weighing instruments

Member States which have notified implementing measures: all

90/0385

Active implantable medical devices

Member States which have notified implementing measures: A, FIN, S, DK, D, F, IRL, I, L, NL, UK, EL, E, P

Belgium — 92/0657, no measures notified, reasoned opinion in 1993, referral in 1994, Case C-95/239, judgment in 1996, Article 171 letter in 1996

90/0396

Gas appliances

Member States which have notified implementing measures: all

90/0486

Electrically-operated lifts

Member States which have notified implementing measures: all

90/0487

Electrical equipment

Member States which have notified implementing measures: all

90/0488

Pressure vessels

Member States which have notified implementing measures: all

91/0368

Machinery (amendment)

Member States which have notified implementing measures: all

Italy — 92/0368, no measures notified, reasoned opinion in 1993, referral in 1994, Case C-94/182, judgment in 1995, terminated in 1996

92/0031

Electromagnetic compatibility (amendment)

Member States which have notified implementing measures: A, B, DK, D, F, FIN, I, L, NL, UK, EL, E, P, S

Ireland — 92/0815, no measures notified, reasoned opinion in 1993, referral in 1994, Case C-94/240, judgment in 1995, Article 171 letter in 1996

93/0042

Medical devices

Member States which have notified implementing measures: all except B

Belgium — 94/0784, no measures notified, reasoned opinion in 1995, referral in 1996, Case C-96/294

Luxembourg — 94/0901, no measures notified, reasoned opinion in 1995, terminated in 1996

Italy — 94/0878, no measures notified, reasoned opinion in 1995 (to be terminated in 1997)

93/0044

## Machinery (amendment)

Member States which have notified implementing measures: all

Germany — 94/0812, no measures notified, reasoned opinion in 1995, terminated in 1996

Greece — 94/0986, no measures notified, reasoned opinion in 1995, terminated in 1996

France — 94/0839, no measures notified, reasoned opinion in 1995, terminated in 1996

Italy — 94/0879, no measures notified, reasoned opinion in 1995, terminated in 1996

Luxembourg — 94/0902, no measures notified, reasoned opinion in 1995, terminated in 1996

93/0068

## EC labelling

Member States which have notified implementing measures: DK, FIN, UK

Belgium — 94/0789, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

Denmark — 94/0802, no measures notified, Article 169 letter in 1995 (to be terminated in 1997)

Germany — 94/0815, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

Greece — 94/0981, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

Spain — 94/0830, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

France — 94/0844, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

Italy — 94/0883, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

Ireland — 94/0861, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

Netherlands — 94/918, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

Portugal — 94/0941, no measures notified, Article 169 letter in 1995, reasoned opinion (to be sent in 1997)

United Kingdom — 94/0963, no measures notified, Article 169 letter in 1995 (to be terminated in 1997)

93/0095

## Personal protective equipment

Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S, UK

Germany — 94/0418, no measures notified, reasoned opinion in 1995, terminated in 1996

France — 94/0451, no measures notified, reasoned opinion in 1995, terminated in 1996

Italy — 94/0470, no measures notified, reasoned opinion in 1995

94/0001

## Aerosol dispensers

Member States which have notified implementing measures: all except I, S

Germany — 94/0820, no measures notified, reasoned opinion in 1995, terminated in 1996

Italy — 94/0891, no measures notified, reasoned opinion in 1995, referral (scheduled for 1997)

United Kingdom — 94/0971, no measures notified, reasoned opinion in 1995, terminated in 1996

94/0009

## Electrical equipment in explosive atmosphere

Member States which have notified implementing measures: DK, EL, E, F, L, NL, A, P, FIN, S, UK

Belgium — 95/0672, no measures notified, Article 169 letter in 1995

Germany — 95/0679, no measures notified, Article 169 letter in 1995

Italy — 95/0701, no measures notified, Article 169 letter in 1995

Ireland — 95/0696, no measures notified, Article 169 letter in 1995

Netherlands — 95/0710, no measures notified, Article 169 letter in 1995, terminated in 1996

94/0011

## Labelling of materials used in footwear

Member States which have notified implementing measures: all except L

Belgium — 96/0230, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Ireland — 96/0297, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

France — 96/0282, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Italy — 95/0702, no measures notified, Article 169 letter in 1995, terminated in 1996

Luxembourg — 96/0317, no measures notified, Article 169 letter in 1996

94/0025

## Recreational craft

Member States which have notified implementing measures: DK, D, EL, F, I, NL, A, FIN, S, UK

Belgium — 96/0005, no measures notified, Article 169 letter in 1996

Ireland — 96/0109, no measures notified, Article 169 letter in 1996



- Portugal — 96/0177, no measures notified, Article 169 letter in 1996
- Spain — 96/0071, no measures notified, Article 169 letter in 1996, reasoned opinion to be sent
- Luxembourg — 96/0147, no measures notified, Article 169 letter in 1996, reasoned opinion to be sent
- Greece — 96/0052, no measures notified, Article 169 letter in 1996 (to be terminated)
- United Kingdom — 96/0198, no measures notified, Article 169 letter in 1996 (to be terminated)
- Italy — 96/0128, no measures notified, Article 169 letter in 1996 (to be terminated)
- Netherlands — 96/0163, no measures notified, Article 169 letter in 1996, terminated in 1996
- France — 96/0090, no measures notified, Article 169 letter in 1996, terminated in 1996
- Germany — 96/0037, no measures notified, Article 169 letter in 1996, terminated in 1996
- Denmark — 96/0022, no measures notified, Article 169 letter in 1996, terminated in 1996
- 94/0026  
Electrical equipment in explosive atmosphere (amendment 79/196)  
Member States which have notified implementing measures: all except IRL
- Belgium — 95/0237, no measures notified, Article 169 letter in 1995, terminated in 1996
- Spain — 95/0289, no measures notified, Article 169 letter in 1995, terminated in 1996
- Greece — 95/0275, no measures notified, Article 169 letter in 1995, terminated in 1996
- Ireland — 95/0310, no measures notified, reasoned opinion in 1996
- Luxembourg — 95/0342, no measures notified, reasoned opinion in 1995, terminated in 1996
- Portugal — 95/0369, no measures notified, reasoned opinion in 1995, terminated in 1996
- United Kingdom — 95/0383, no measures notified, Article 169 letter in 1995, terminated in 1996
- 95/0054  
Electromagnetic compatibility  
Member States which have notified implementing measures: all except A, F, S
- Belgium — 96/0018, no measures notified, Article 169 letter and terminated in 1996
- Denmark — 96/0032, no measures notified, Article 169 letter and terminated in 1996
- Spain — 96/0086, no measures notified, Article 169 letter and terminated in 1996
- France — 96/0105, no measures notified, Article 169 letter in 1996 and reasoned opinion (to be sent in 1997)
- Ireland — 96/0124, no measures notified, Article 169 letter and terminated in 1996
- Netherlands — 96/0170, no measures notified, Article 169 letter and terminated in 1996
- Portugal — 96/0193, no measures notified, Article 169 letter and terminated in 1996
- United Kingdom — 96/0212, no measures notified, Article 169 letter and terminated in 1996
- Free movement — special arrangements
- 91/0477  
Acquisition and possession of weapons  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0580, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent in 1977)
- 93/0007  
Return of cultural objects unlawfully removed from the territory of a Member State  
Member States which have notified implementing measures: all except D, EL, I, L, A
- Germany — 94/0532, no measures notified, reasoned opinion in 1996 (to be terminated in 1977)
- Belgium — 94/0518, no measures notified, reasoned opinion in 1996
- Greece — 94/0546, no measures notified, reasoned opinion in 1996
- Italy — 94/0569, no measures notified, reasoned opinion in 1996
- Luxembourg — 94/0578, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Austria — 96/0443, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent in 1977)
- Liability for defective products
- 85/0374  
Liability for defective products  
Member States which have notified implementing measures: all except F
- France — 89/0146, no measures notified, reasoned opinion (171) in 1995
- United Kingdom — 89/0153, not properly implemented, referral in 1995

## — Persons

## Right of residence

64/0221

Public policy and public health

Member States which have notified implementing measures: all

73/0148

Movement and residence of nationals of the Member States

Member States which have notified implementing measures: all

90/0364

Right of residence

Member States which have notified implementing measures: all except D

Germany — no measures notified, referral in 1995

90/0365

Right of residence of employees and self-employed persons who have ceased their occupational activity

Member States which have notified implementing measures: all except D

Germany — no measures notified, referral in 1995

90/0366

Right of residence for students (directive annulled by the Court of Justice. See Directive 93/96/EEC which replaces it)

93/0096

Right of residence for students

Member States which have notified implementing measures: all except D

Germany — no measures notified, reasoned opinion in 1995

## Voting rights

93/0109

Right to vote and stand as a candidate for elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals

Member States which have notified implementing measures: all

94/0080 (amended by 96/0030)

Right to vote and stand as a candidate for municipal elections for Union citizens residing in a Member State of which they are not nationals

Member States which have notified implementing measures: DK, D, IRL, I, L, NL, P, UK

Belgium — 96/0012, no measures notified, reasoned opinion in 1996

Germany — 96/0043, no measures notified, Article 169 letter in 1996, terminated in 1996

Greece — 96/0097, no measures notified, reasoned opinion in 1996

Spain — 96/0079, no measures notified, reasoned opinion to be sent, suspended

France — 96/0097, no measures notified, reasoned opinion in 1996

Italy — 96/0135, no measures notified, Article 169 letter in 1996, terminated in 1996

Luxembourg — 96/0153, no measures notified, Article 169 letter sent in 1996, terminated in 1996

Netherlands — 96/0166, no measures notified, Article 169 letter in 1996, terminated in 1996

Austria — 96/0474, no measures notified, reasoned opinion to be sent

Portugal — 96/0185, no measures notified, Article 169 letter in 1996, terminated in 1996

Finland — 96/0591, no measures notified, reasoned opinion to be sent

Sweden — 96/0497, no measures notified, reasoned opinion to be sent

United Kingdom — 96/0206, no measures notified, reasoned opinion in 1996, terminated in 1996

## Recognition of qualifications

63/0261

Freedom of establishment for agricultural workers

Member States which have notified implementing measures: all

63/0262

Freedom of establishment in agriculture — holdings abandoned

Member States which have notified implementing measures: all

64/0222

Wholesale trade and intermediaries in commerce, industry and small craft industries (transitional measures)

Member States which have notified implementing measures: all

64/0223

Freedom of establishments — wholesale trade

Member States which have notified implementing measures: all

64/0224

Freedom of establishment — intermediaries in commerce, industry and small craft industries

Member States which have notified implementing measures: all

64/0427

Processing industries (transitional measures)

Member States which have notified implementing measures: all

64/0428

Freedom of establishment — mining and quarrying

Member States which have notified implementing measures: all

64/0429

Freedom of establishment — processing industries

Member States which have notified implementing measures: all except A

- 65/0001  
Freedom to provide services — agriculture  
Member States which have notified implementing measures: all
- 66/0162  
Freedom of establishment — electricity, gas, water and sanitary services  
Member States which have notified implementing measures: all
- 67/0043  
Freedom of establishment — real estate agents  
Member States which have notified implementing measures: all
- 67/0530  
Freedom for farmers to transfer from one holding to another  
Member States which have notified implementing measures: all
- 67/0531  
Agricultural leases  
Member States which have notified implementing measures: all
- 67/0532  
Agriculture — freedom of access to cooperatives  
Member States which have notified implementing measures: all
- 67/0654  
Freedom of establishment — forestry  
Member States which have notified implementing measures: all
- 68/0192  
Freedom of access to credit for farmers  
Member States which have notified implementing measures: all
- 68/0363  
Freedom of establishment — retail trade  
Member States which have notified implementing measures: all
- 68/0364  
Retail trade (transitional measures)  
Member States which have notified implementing measures: all
- 68/0365  
Freedom of establishment — food-manufacturing industries  
Member States which have notified implementing measures: all
- 68/0366  
Food-manufacturing industries  
Member States which have notified implementing measures: all  
Spain — 91/2377, not properly implemented, Article 169 letter in 1993, reasoned opinion in 1996
- 68/0367  
Freedom of establishment — personal services  
Member States which have notified implementing measures: all
- 68/0368  
Personal services (catering) (transitional measures)  
Member States which have notified implementing measures: all
- 68/0369  
Freedom of establishment — film distribution  
Member States which have notified implementing measures: all
- 68/0415  
Freedom of access to aid for farmers  
Member States which have notified implementing measures: all
- 69/0082  
Activities of the self-employed in oil and gas exploration  
Member States which have notified implementing measures: all
- 70/0451  
Freedom of establishment — film production  
Member States which have notified implementing measures: all
- 70/0522  
Freedom of establishment — wholesale coal trade  
Member States which have notified implementing measures: all
- 70/0523  
Wholesale coal trade (transitional measures)  
Member States which have notified implementing measures: all
- 71/0018  
Freedom of establishment — agriculture and horticulture  
Member States which have notified implementing measures: all
- 74/0556  
Toxic products (transitional measures)  
Member States which have notified implementing measures: all
- 74/0557  
Freedom of establishment — toxic products  
Member States which have notified implementing measures: all
- 75/0362 (\*)  
Mutual recognition of medical qualifications  
Member States which have notified implementing measures: all  
Spain — 90/0981, not properly implemented, reasoned opinion in 1991, suspended in 1992, and in 1993, Supplementary Article 169 letter in 1996
- (\*) This Directive was consolidated by Directive 93/16/EEC.
- 75/0363 (\*)  
Activities of doctors  
Member States which have notified implementing measures: all
- (\*) This Directive was consolidated by Directive 93/16/EEC.

75/0368  
Freedom of establishment — various activities  
Member States which have notified implementing measures: all

75/0369  
Freedom of establishment — itinerant activities  
Member States which have notified implementing measures: all

77/0249  
Lawyers  
Member States which have notified implementing measures: all

77/0452  
Mutual recognition of qualifications — nurses  
Member States which have notified implementing measures: all  
United Kingdom — 91/4846, not properly applied, terminated in 1996

77/0453  
Activities of nurses  
Member States which have notified implementing measures: all  
Spain — 91/4352, not properly applied, Article 169 letter in 1993, Supplementary Article 169 letter in 1994, immediate action (Supplementary Article 169 letter) in 1995 and in 1996

78/0686  
Dentists  
Member States which have notified implementing measures: all  
Germany — 87/434, not properly applied, reasoned opinion in 1992, referral decided in 1993, immediate action (referral) in 1996

Spain — 90/411, not properly applied, reasoned opinion in 1992, postponed in 1996

Italy — 90/412, not properly applied, referral in 1993, judgment in 1995 (Case C-93/40), postponed in 1996

78/0687  
Dentists  
Member States which have notified implementing measures: all  
Spain — 90/411, not properly applied, reasoned opinion in 1992, postponed in 1996

Italy — 90/412, not properly applied, referral in 1993, judgment in 1995, (Case C-93/40), postponed in 1996

78/1026  
Veterinary surgeons  
Member States which have notified implementing measures: all

78/1027  
Veterinary surgeons  
Member States which have notified implementing measures: all

80/0154  
Mutual recognition of qualifications — midwives  
Member States which have notified implementing measures: all

80/0155  
Activities of midwives  
Member States which have notified implementing measures: all

81/1057  
Acquired rights — doctors, nurses, dentists and veterinary surgeons  
Member States which have notified implementing measures: all

80/1273  
Mutual recognition of qualifications — midwives  
Member States which have notified implementing measures: all

82/0076 (\*)  
Doctors  
Member States which have notified implementing measures: all

(\*) This Directive was consolidated by Directive 93/16/EEC.

82/0470  
Services incidental to transport  
Member States which have notified implementing measures: all

82/0489  
Hairdressers  
Member States which have notified implementing measures: all

85/0384  
Architects  
Member States which have notified implementing measures: all  
Spain — 90/0349, not properly implemented, referral in 1992, immediate action (referral) in 1996

Italy — 94/0003, not properly implemented, Article 169 letter in 1994, reasoned opinion in 1995, terminated in 1996

85/0432  
Pharmacists  
Member States which have notified implementing measures: all  
Italy — 91/820, not properly applied, referral in 1994 (Case C-94/307), postponed in 1996

Belgium — 88/0265, not properly implemented, terminated in 1996

85/0433  
Pharmacists  
Member States which have notified implementing measures: all

85/0584  
Pharmacists  
Member States which have notified implementing measures: all

85/0614

Architects

Member States which have notified implementing measures: all

Spain — 90/0349, not properly implemented, reasoned opinion in 1992, suspended (referral) in 1993, immediate action (referral) in 1996

86/0017

Architects

Member States which have notified implementing measures: all

Spain — 90/0349, not properly implemented, reasoned opinion in 1992, suspended (referral) in 1993, immediate action (referral) in 1996

86/0457 (\*)

Training in general medicine

Member States which have notified implementing measures: all

Germany — 91/0787, not properly applied, Article 169 letter in 1991, Supplementary Article 169 letter in 1993, terminated in 1996

(\*) This Directive was consolidated by Directive 93/16/EEC.

89/0048

Recognition of qualifications higher education

Member States which have notified implementing measures: all except EL and A

Belgium — 91/653, no measures notified, referral in 1994, judgment in 1995 (Case C-94/316), Article 171 letter in 1996, terminated in 1996

Greece — 91/668, no measures notified, reasoned opinion in 1992, referral in 1994, judgment in 1995 (Case C-93/365), Article 171 letter in 1996 (Article 171 reasoned opinion to be sent)

89/0594

Recognition of qualifications — doctors, nurses, dentists, veterinary surgeons, midwives

Member States which have notified implementing measures: all except E and P

Spain — 92/154, no measures notified, reasoned opinion in 1995, referral in 1996, terminated in 1996

France — 92/2292, not properly implemented, reasoned opinion decided in 1994, referral in 1996

Portugal — 92/512, no measures notified, reasoned opinion in 1995, terminated in 1996

89/0595

Recognition of qualifications — nurses

Member States which have notified implementing measures: all except UK

United Kingdom — 92/534, no measures notified, suspended (reasoned opinion) in 1993, immediate action (reasoned opinion) in 1995, postponed in 1996

90/0658 (\*)

Recognition of qualifications — German unification

Member States which have notified implementing measures: DK, D, EL, F, IRL, I, L, NL

Belgium — 92/0055, no measures notified, reasoned opinion in 1994, postponed in 1995, terminated in 1996

Spain — 92/0175, no measures notified, reasoned opinion in 1993, referral in 1995

Portugal — 92/487, no measures notified, reasoned opinion in 1993, terminated in 1996

United Kingdom — 92/551, no measures notified, suspended (reasoned opinion) in 1993, immediate action (reasoned opinion) in 1995, postponed in 1996

(\*) This Directive was consolidated by Directive 93/16/EEC.

92/0051

Mutual recognition of diplomas — second general system

Member States which have notified implementing measures: all except EL

Belgium — 94/0623, no measures notified, reasoned opinion in 1995, referral in 1996, suspended

Greece — 94/0702, no measures notified, reasoned opinion in 1995 (referral scheduled for 1997)

94/0038

Amendment of Annexes C and D to Directive 92/51

Implementing measures not required in some countries which have already transposed Directive 92/51/EEC

Belgium — 95/0030, no measures notified, postponed in 1996

Germany — 95/0051, no measures notified, terminated in 1996

Greece — 95/0074, no measures notified, reasoned opinion in 1996

France — 95/0107, no measures notified, terminated in 1996

Italy — 95/0140, no measures notified, postponed in 1996

Portugal — 95/0187, no measures notified, reasoned opinion in 1996

United Kingdom — 95/0209, no measures notified, terminated in 1996

95/0043

Amendment of Annexes C and D to Directive 92/51

Implementing measures not required in some countries which have already transposed Directive 92/51/EEC

Independent commercial agents

86/0653

Independent commercial agents

Member States which have notified implementing measures: all

Ireland — 94/2287, not properly implemented, Article 169 letter in 1995

- Italy — 95/2178, not properly implemented, Article 169 letter in 1996
- Portugal — 95/2304, not properly implemented, Article 169 letter in 1996
- United Kingdom — 91/4846, not properly implemented, terminated in 1996

— Services

Audiovisual media

89/552

Television without frontiers

Member States which have notified implementing measures: all

- Belgium — 92/2159, not properly implemented, referral in 1995, Case C-11/95 judgment of 10. 9. 1996
- United Kingdom — 92/2167, not properly implemented, referral in 1994, Case C-222/94, judgment of 10. 9. 1996
- United Kingdom — 92/4089, not properly applied, referral in 1995 (scheduled)
- Netherlands — 92/2165, not properly implemented, reasoned opinion in 1995
- France — 92/2164, not properly implemented, Supplementary reasoned opinion in 1996 (to be sent)
- Ireland — 92/2163, not properly implemented, reasoned opinion in 1994, terminated in 1996
- Greece — 95/4452, not properly applied, reasoned opinion in 1996 (to be sent)
- Greece — 93/2158, not properly implemented, reasoned opinion in 1994
- Portugal — 92/2166, not properly implemented, reasoned opinion in 1994
- Italy — 92/2168, not properly implemented, Supplementary reasoned opinion in 1996 (to be sent)

Telecommunications

87/0372

Cellular communications — frequency bands to be reserved

Member States which have notified implementing measures: all

90/0387

Telecommunications — open network provision (ONP)

Member States which have notified implementing measures: all

90/0544

Frequency bands for radio paging

Member States which have notified implementing measures: all

91/0263

Telecommunications terminal equipment

Member States which have notified implementing measures: DK, D, E, F, I, NL, P, UK

- Belgium — 92/0966, no measures notified, Article 169 letter in 1992, referral in 1994, Case C-94/218

- Greece — 92/0975, no measures notified, Article 169 letter in 1992, referral in 1994, Case C-94/260

- Ireland — 92/0985, no measures notified, Article 169 letter in 1992, referral in 1994

- Luxembourg — 92/0994, no measures notified, Article 169 letter in 1992, referral in 1994

91/0287

Cordless telecommunications — frequency bands

Member States which have notified implementing measures: all

92/0044

Application of open network provision to leased lines

Member States which have notified implementing measures: B, DK, D, F, IRL, I, NL, P, UK

- Greece — 93/0712, no measures notified, referral in 1994, Case C-94/259
- Spain — 93/0725, no measures notified, referral in 1994, Case C-94/266
- Luxembourg — 93/0816, no measures notified, referral in 1994, Case C-94/220

93/0097

Satellite Earth-station equipment

Member States which have notified implementing measures: DK, D, F, UK

- Belgium — 95/0399, no measures notified, Article 169 letter in 1995
- Greece — 95/0453, no measures notified, Article 169 letter in 1995
- Spain — 95/0479, no measures notified, Article 169 letter in 1995
- Ireland — 95/0524, no measures notified, Article 169 letter in 1995
- Italy — 95/0544, no measures notified, Article 169 letter in 1995
- Luxembourg — 95/0567, no measures notified, Article 169 letter in 1995
- Netherlands — 95/0588, no measures notified, Article 169 letter in 1995
- Portugal — 95/0605, no measures notified, Article 169 letter in 1995
- Austria — 96/0458, no measures notified, Article 169 letter in 1996

95/0047

Standards for the transmission of television signals

- Belgium — 96/0870, no measures notified, Article 169 letter in 1996
- Denmark — 96/0882, no measures notified, Article 169 letter in 1996
- United Kingdom — 96/1072, no measures notified, Article 169 letter in 1996
- Austria — 96/1089, no measures notified, Article 169 letter in 1996
- Greece — 96/0923, no measures notified, Article 169 letter in 1996
- Ireland — 96/0985, no measures notified, Article 169 letter in 1996
- Portugal — 96/1054, no measures notified, Article 169 letter in 1996
- France — 96/0966, no measures notified, Article 169 letter in 1996

- Luxembourg — 96/1021, no measures notified, Article 169 letter in 1996
- Germany — 96/0899, no measures notified, Article 169 letter in 1996
- Italy — 96/1004, no measures notified, Article 169 letter in 1996
- Spain — 96/0946, no measures notified, Article 169 letter in 1996
- Finland — 96/1113, no measures notified, Article 169 letter in 1996
- Sweden — 96/1127, no measures notified, Article 169 letter in 1996
- Netherlands — 96/1043, no measures notified, Article 169 letter in 1996
- Financial services
- 64/0225  
Freedom of establishment  
Member States which have notified implementing measures: all
- 72/0166  
First Directive on insurance for motor vehicles  
Member States which have notified implementing measures: all
- 73/0183  
Freedom of establishment for banks  
Member States which have notified implementing measures: all
- 73/0239  
First Directive on insurance other than life assurance  
Member States which have notified implementing measures: all
- 77/0092  
Freedom of establishment — insurance brokers  
Member States which have notified implementing measures: all  
Luxembourg — 92/2284, not properly applied, reasoned opinion in 1995, referral in 1996, terminated in 1996
- Greece — 91/0775, not properly applied, reasoned opinion in 1994
- 77/0780  
First Directive on the coordination of banking laws  
Member States which have notified implementing measures: all
- 78/0473  
Community co-insurance  
Member States which have notified implementing measures: all
- 79/0267  
First Directive on life assurance  
Member States which have notified implementing measures: all
- 79/0279  
Admission of securities to stock-exchange listing  
Member States which have notified implementing measures: all
- 80/0390  
Admission of securities to stock-exchange listing — particulars to be published  
Member States which have notified implementing measures: all
- 82/0121  
Information to be published regularly by companies  
Member States which have notified implementing measures: all
- 84/0005  
Second Directive on motor-vehicle insurance  
Member States which have notified implementing measures: all  
Spain — 95/2048, not properly applied, reasoned opinion in 1996
- 84/0641  
Tourist assistance  
Member States which have notified implementing measures: all
- 85/0611  
Undertakings for collective investment  
Member States which have notified implementing measures: all
- 86/0635  
Annual accounts of banks  
Member States which have notified implementing measures: all  
Italy — 96/2021, not properly applied, Article 169 letter in 1996
- 87/0343  
Credit insurance and suretyship insurance  
Member States which have notified implementing measures: all
- 87/0344  
Legal-expenses insurance  
Member States which have notified implementing measures: all
- 87/0345  
Admission of securities to stock-exchange listing — particulars to be published  
Member States which have notified implementing measures: all
- 88/0220  
Investment policy of certain undertakings for collective investment in transferable securities  
Member States which have notified implementing measures: all
- 88/0357  
Second Directive on insurance other than life assurance  
Member States which have notified implementing measures: all  
Greece — 90/0631, no measures notified, referral (C-94/207) in 1994, judgment of 29. 6. 1995, terminated in 1996

- 88/0627  
Major holdings in a listed company  
Member States which have notified implementing measures: all
- 89/0117  
Publication of accounting documents of credit institutions  
Member States which have notified implementing measures: all
- 89/0298  
Prospectuses for transferable securities on offer to the public  
Member States which have notified implementing measures: all
- 89/0299  
Own funds of credit institutions  
Member States which have notified implementing measures: all
- 89/0592  
Insider dealing  
Member States which have notified implementing measures: all
- 89/0646  
Second banking Directive  
Member States which have notified implementing measures: all
- 89/0647  
Solvency ratio for credit institutions  
Member States which have notified implementing measures: all
- 90/0211  
Admission of securities to stock-exchange listing — particulars to be published  
Member States which have notified implementing measures: all
- 90/0232  
Third Directive on insurance for motor vehicles  
Member States which have notified implementing measures: all except B  
Belgium — 93/0033, no measures notified, reasoned opinion in 1996  
Spain — 93/0200, no measures notified, reasoned opinion in 1994, referral in 1995, withdrawn in 1996
- 90/0618  
Insurance of motor vehicles  
Member States which have notified implementing measures: all  
Greece — 92/0606, no measures notified, referral in 1994 (Case C-109/94), judgment of 29. 6. 1995, terminated in 1996  
Spain — 92/0592, no measures notified, referral in 1994 (Case C-47/94), judgment of 6. 4. 1995, terminated in 1996
- 90/0619  
Second Directive on life assurance  
Member States which have notified implementing measures: all  
Greece — 92/0974, no measures notified, referral in 1994 (Case C-225/94), judgment of 29. 6. 1995, terminated in 1996
- Spain — 92/0981, no measures notified, referral in 1994 (Case C-242/94), judgment of 12. 10. 1995, terminated in 1996
- 91/0308  
Money laundering  
Member States which have notified implementing measures: all  
Austria — 95/2121, not properly implemented, reasoned opinion in 1996
- 91/0371  
Implementation of the agreement between the EEC and Switzerland on insurance  
Member States which have notified implementing measures: all except E  
Greece — 93/0916, no measures notified, reasoned opinion in 1994, referral in 1996, withdrawn in 1996  
Spain — 93/0917, no measures notified, reasoned opinion in 1994, referral in 1995 (Case C-360/95)  
Ireland — 93/0931, no measures notified, reasoned opinion in 1994, referral in 1995, withdrawn in 1996  
Luxembourg — 93/0939, no measures notified, reasoned opinion in 1994, referral in 1995, withdrawn in 1996
- 91/0633  
Own funds of credit institutions  
Member States which have notified implementing measures: all
- 91/0674  
Annual accounts of insurance undertakings  
Member States which have notified implementing measures: all except E, I  
Belgium — 94/0008, no measures notified, reasoned opinion in 1994, referral in 1995, terminated in 1996  
Greece — 94/0125, no measures notified, reasoned opinion in 1994, referral in 1996, withdrawn in 1996  
Spain — 94/0136, no measures notified, Article 169 letter in 1994, reasoned opinion in 1996  
Ireland — 94/0202, no measures notified, reasoned opinion in 1994, referral in 1995, withdrawn in 1996  
Italy — 94/0234, no measures notified, reasoned opinion in 1994, suspended in 1995, referral in 1996
- 92/0030  
Supervision of credit institutions  
Member States which have notified implementing measures: all except A
- 92/0049  
Third Directive on insurance other than life assurance  
Member States which have notified implementing measures: all except E  
Belgium — 95/2112, not properly applied (reasoned opinion to be sent in 1997)  
Germany — 94/4124, not properly applied, Article 169 letter in 1994



- Greece — 94/0124, no measures notified, reasoned opinion in 1994, referral in 1995, withdrawn in 1996
- Spain — 94/0140, no measures notified, reasoned opinion in 1994, referral in 1996
- France — 95/2046, not properly implemented (reasoned opinion to be sent in 1997)
- 92/0096  
Third Directive on life assurance  
Member States which have notified implementing measures: all except EL and E
- Greece — 94/0116, no measures notified, reasoned opinion in 1994, referral in 1995, withdrawn in 1996
- Spain — 94/0145, no measures notified, reasoned opinion in 1994 (referral scheduled for 1997)
- France — 95/2046, not properly implemented (reasoned opinion to be sent in 1997)
- 92/0121  
Large exposures of credit institutions  
Member States which have notified implementing measures: all
- 93/0006  
Capital adequacy  
Member States which have notified implementing measures: all except D
- Germany — 96/0034, no measures notified, reasoned opinion in 1996
- 93/0022  
Investment services  
Member States which have notified implementing measures: all except D, E, EL, L and A
- Belgium — 95/0392, no measures notified, Article 169 letter in 1995, terminated in 1996
- Denmark — 95/0420, no measures notified, Article 169 letter in 1995, terminated in 1996
- Germany — 95/0431, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (referral scheduled for 1997)
- Greece — 95/0449, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- Spain — 95/0475, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- France — 95/0499, no measures notified, Article 169 letter in 1995, terminated in 1996
- Italy — 95/0540, no measures notified, Article 169 letter in 1995, terminated in 1996
- Luxembourg — 95/0566, no measures notified, Article 169 letter in 1995
- Netherlands — 95/0586, no measures notified, Article 169 letter in 1995, terminated in 1996
- Portugal — 95/0602, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- United Kingdom — 95/0630, no measures notified, Article 169 letter in 1995, terminated in 1996
- 94/0007  
Multilateral development banks  
Member States which have notified implementing measures: all
- 94/0019  
Deposit guarantee schemes  
Member States which have notified implementing measures: all except D
- Germany — 94/0032, no measures notified, reasoned opinion in 1996
- Italy — 95/0547, no measures notified, reasoned opinion in 1996
- Luxembourg — 95/0572, no measures notified, reasoned opinion in 1996
- 95/0026  
'Post-BCCI' Directive  
Member States which have notified implementing measures: DK, NL, A, P, FIN, S, UK
- Belgium — 96/0862, no measures notified (Article 169 letter to be sent in 1997)
- Germany — 96/0890, no measures notified (Article 169 letter to be sent in 1997)
- Greece — 96/0916, no measures notified (Article 169 letter to be sent in 1997)
- Spain — 96/0941, no measures notified (Article 169 letter to be sent in 1997)
- France — 96/0958, no measures notified (Article 169 letter to be sent in 1997)
- Ireland — 96/0980, no measures notified (Article 169 letter to be sent in 1997)
- Italy — 96/0999, no measures notified (Article 169 letter to be sent in 1997)
- Luxembourg — 96/1015, no measures notified (Article 169 letter to be sent in 1997)
- 96/0010  
'Netting' Directive  
Member States which have notified implementing measures: all except EL
- Greece — no measures notified, Article 169 letter in 1996, to be sent
- **Company law**
- 68/0151  
First Directive on company law  
Member States which have notified implementing measures: all except FIN
- Germany — 90/0322, not properly applied, referral in 1995
- Finland — 96/0558, no measures notified, Article 169 letter in 1996

77/0091

Second Directive Company law

Member States which have notified implementing measures: all except FIN

Finland — 96/0560, no measures notified, Article 169 letter in 1996

78/0660

Annual accounts of companies

Member States which have notified implementing measures: all except FIN

Germany — 90/0322, not properly applied, referral in 1995

Portugal — 96/2050, not properly applied, Article 169 letter in 1996

Finland — 96/0561, no measures notified, Article 169 letter in 1996

78/0855

Company mergers

Member States which have notified implementing measures: all except FIN

Finland — 96/0562, no measures notified, Article 169 letter in 1996

82/0891

Division of companies

Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, I, L, A, P, UK

83/0349

Consolidated accounts of companies

Member States which have notified implementing measures: all except FIN

Finland — 96/0567, no measures notified, Article 169 letter in 1996

84/0253

Audit of accounting documents

Member States which have notified implementing measures: all

89/0666

Disclosure requirements for company branches

Member States which have notified implementing measures: all except FIN

Finland — 96/0575, no measures notified, Article 169 letter in 1996

89/0667

Single-member private limited companies

Member States which have notified implementing measures: all except FIN

Finland — 96/0576, no measures notified, Article 169 letter in 1996

90/0604

Annual accounts — consolidated accounts: publication in ecus  
Member States which have notified implementing measures: all except FIN

Finland — 96/0577, no measures notified, Article 169 letter in 1996

90/0605

Annual accounts — consolidated accounts: scope of application  
Member States which have notified implementing measures: all except D and FIN

Germany — 93/0108, no measures notified (referral scheduled for 1997)

Finland — 96/0578, no measures notified, Article 169 letter in 1996

92/0101

Maintenance and alteration of the capital of public limited-liability companies

Member States which have notified implementing measures: B, DK, D, E, F, I, NL, A, P, S and UK

Greece — no measures notified, reasoned opinion in 1996

Ireland — 94/0458, no measures notified, reasoned opinion in 1995

Luxembourg — 94/0473, no measures notified, reasoned opinion in 1995

Portugal — 94/0489, no measures notified, terminated in 1996

Finland — 96/0584, no measures notified, Article 169 letter in 1996

## — Intellectual and industrial property

87/0054

Legal protection of semi-conductor products

Member States which have notified implementing measures: all

89/0104

Trade marks

Member States which have notified implementing measures: all

Belgium — 93/0038, no measures notified, Article 169 letter in 1993, terminated in 1996

Ireland — 93/0289, no measures notified, Article 169 letter in 1993, terminated in 1996

Luxembourg — 93/0369, no measures notified, Article 169 letter in 1993, terminated in 1996

Netherlands — 93/0404, no measures notified, Article 169 letter in 1993, terminated in 1996

91/0250

Legal protection of computer programs

Member States which have notified implementing measures: all

United Kingdom — 93/4459, not properly implemented, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)

92/0100

Rental and lending right

Member States which have notified implementing measures: all except IRL, I, P

Ireland — 94/0855, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)

Luxembourg — 94/0894, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (carried over to 1997)

- Portugal — 94/0927, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (referral scheduled for 1997)
- United Kingdom — 94/0952, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (to be terminated in 1997)
- 93/0083  
Copyright relating to satellite broadcasting and cable retransmission  
Member States which have notified implementing measures: B, DK, E, F, I, NL, A, FIN, S, UK
- Germany — 95/0047, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- Greece — 95/0065, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (referral scheduled for 1997)
- France — 95/0102, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (to be terminated in 1997)
- Ireland — 95/0114, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (referral scheduled for 1997)
- Italy — 95/0132, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (to be terminated in 1997)
- Luxembourg — 95/0147, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (to be terminated in 1997)
- Portugal — 95/0177, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (referral scheduled for 1997)
- United Kingdom — 95/0201, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- 93/0098  
Term of protection of copyright and certain related rights.  
Member States which have notified implementing measures: all except L, P
- France — 95/0502, no measures notified, Article 169 letter in 1995 (to be terminated in 1997)
- Luxembourg — 95/0568, no measures notified, Article 169 letter in 1995, reasoned opinion decided in 1996 (suspended in 1997)
- Portugal — 95/0606, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996 (referral scheduled for 1997)
- **Public procurement**
- 71/0305  
Public works contracts (amended by Directive 89/440)  
Member States which have notified implementing measures: all
- Spain — 90/0875, not properly implemented, terminated in 1996
- 77/0062  
Public supply contracts (amended by Directive 88/0295)  
Member States which have notified implementing measures: all
- Spain — 90/0875, not properly implemented, terminated in 1996
- 80/0767  
Public supply contracts  
Member States which have notified implementing measures: all
- 88/0295  
Public supply contracts (amending Directive 77/62)  
Member States which have notified implementing measures: all
- Italy — 92/4023, not properly implemented, terminated in 1996
- Portugal — 94/2104, not properly implemented, reasoned opinion in 1996
- 89/0440  
Public works contracts (amending Directive 71/305)  
Member States which have notified implementing measures: all
- Belgium — 93/2156, not properly implemented, reasoned opinion in 1994, suspended in 1995, Supplementary Article 169 letter in 1996
- 89/0665  
Public contracts — review procedures  
Member States which have notified implementing measures: all
- Germany — 95/2044, not properly implemented, Article 169 letter in 1995, reasoned opinion in 1996
- Greece — 92/0271, no measures notified, referral in 1995 (Case C-95/236), judgment of 19. 9. 1996
- Greece — 94/2153, not properly implemented, reasoned opinion in 1995, referral in 1996
- Portugal — 94/2236, not properly implemented, reasoned opinion in 1995, Supplementary Article 169 letter/reasoned opinion in 1996
- 90/0531  
Public contracts — excluded sectors  
Member States which have notified implementing measures: all except E (EL and P: derogation until 1998)
- United Kingdom — 94/2054, not properly implemented, Article 169 letter in 1995, termination proposed in 1996
- 92/0013  
Public contracts — review procedures (excluded sectors)  
Member States which have notified implementing measures: all except E, A (EL and P: derogation until 1997)
- France — 95/2082, not properly implemented, reasoned opinion in 1995
- Ireland — 95/2083, not properly implemented, Article 169 letter in 1995, terminated in 1996

Italy — 95/2071, not properly implemented, Article 169 letter in 1995, reasoned opinion in 1996

United Kingdom — 95/2084, not properly implemented, Article 169 letter in 1995, reasoned opinion in 1996

92/0050

Public service contracts

Member States which have notified implementing measures: all except B, D, EL, F and A

Belgium — 93/0628, no measures notified, reasoned opinion in 1995, referral in 1996

Belgium — 94/2289, not properly implemented, Article 169 letter in 1995, reasoned opinion in 1996

Germany — 93/0676, no measures notified, reasoned opinion in 1994, referral in 1995, judgment of 2. 5. 1996

Greece — 93/0711, no measures notified, referral in 1995 (Case C-95/311), judgment of 2. 5. 1996

France — 93/0744, no measures notified, referral in 1995 (Case C-95/234), judgment of 2. 5. 1996

France — 95/2073, not properly implemented, reasoned opinion in 1995

93/0036

Public supply contracts

Member States which have notified implementing measures: all except B, D, F, I and A

Belgium — 94/0626, no measures notified, reasoned opinion in 1995, referral in 1996

Belgium — 94/2289, not properly implemented, Article 169 letter in 1995, reasoned opinion in 1996

Germany — 94/0650, no measures notified, reasoned opinion in 1995, referral in 1996

France — 94/0677, no measures notified, reasoned opinion in 1995, referral in 1995

France — 95/2073, not properly implemented, reasoned opinion in 1995

Italy — 94/0722, no measures notified, reasoned opinion in 1994, referral in 1996

93/0037

Public works contracts (consolidation)

The Member State are not required to notify measures implementing this directive

Belgium — 94/2289, not properly implemented, Article 169 letter in 1995, reasoned opinion in 1996

France — 95/2073, not properly implemented reasoned opinion in 1995

Italy — 94/4576, not properly implemented, reasoned opinion in 1996

93/0038

Public contracts — excluded sectors

Member States which have notified implementing measures: all except D, F and A (E: derogation until 1997, EL and P: derogation until 1998)

Germany — 94/0811, no measures notified, reasoned opinion in 1995, referral in 1996

Belgium — 94/0783, no measures notified, referral in 1996 (\*)

France — 94/0838, no measures notified, reasoned opinion in 1995, referral in 1996

United Kingdom — 94/0957, no measures notified, reasoned opinion in 1995, termination proposed in 1996

(\*) Infringement for incomplete transposal.

## REMOVAL OF TAX BARRIERS

### Corporate taxation

69/0335

Tax system — indirect taxes on the raising of capital

Member States which have notified implementing measures: all

Greece — 91/2193, not properly implemented, reasoned opinion in 1996

Italy — 94/5101, not properly implemented (Article 169 letter to be sent in 1997)

77/0799

Tax system — mutual assistance — direct taxes

Member States which have notified implementing measures: all

United Kingdom — 92/2196, not properly implemented (Article 169 letter to be sent in 1997)

90/0434

Tax system — company mergers and divisions

Member States which have notified implementing measures: all except EL

Greece — 92/0603, no measures notified, reasoned opinion in 1994 (referral scheduled for 1997)

90/0435

Tax system — parent companies and subsidiaries

Member States which have notified implementing measures: all

### Indirect taxes

67/0227

First VAT Directive

Member States which have notified implementing measures: all

69/0169

Tax-free allowances for travellers

Member States which have notified implementing measures: all

Portugal — 91/2015, not properly applied, reasoned opinion in 1995

77/0388

Sixth VAT Directive

Member States which have notified implementing measures: all

Germany — 93/2142, not properly applied, reasoned opinion in 1996

- Greece — 88/0199, not properly applied, reasoned opinion in 1989
- Greece — 91/0778, not properly applied, referral in 1994, Case C-94/331
- Greece — 92/2233, not properly applied, reasoned opinion in 1995
- Spain — 90/0033, not properly applied, reasoned opinion in 1996
- Spain — 92/2073, not properly applied, referral in 1996, Case C-96/124
- Spain — 92/2232, not properly applied, reasoned opinion in 1995
- Spain — 94/4684, not properly applied, reasoned opinion in 1996
- France — 88/0053, not properly applied, judgment in 1993, Case C-92/68, Supplementary Article 169 letter 171 in 1996
- France — 88/0213, not properly applied, reasoned opinion in 1989
- France — 91/0706, not properly applied, referral in 1996, Case C-96/043
- France — 91/0798, not properly applied, reasoned opinion in 1994
- France — 92/2069, not properly applied, referral in 1996, Case C-96/060
- France — 93/4391, not properly applied, reasoned opinion in 1996
- Ireland — 88/0200, not properly applied, reasoned opinion in 1989
- Italy — 92/2002, not properly applied, referral in 1995, Case C-95/45
- Italy — 92/2259, not properly applied, reasoned opinion in 1995
- Italy — 95/2038, not properly applied, reasoned opinion in 1996
- Luxembourg — 91/0738, not properly applied, referral in 1996, Case C-96/152
- Netherlands — 88/0201, not properly applied, reasoned opinion in 1989
- Portugal — 90/0084, not properly applied, reasoned opinion in 1996
- Portugal — 92/2074, not properly applied, reasoned opinion in 1994
- Portugal — 93/2141, not properly applied, reasoned opinion in 1996
- United Kingdom — 88/0202, not properly applied, reasoned opinion in 1989
- 78/1035  
Tax exemptions for small consignments  
Member States which have notified implementing measures: all
- 79/1070  
Mutual assistance — direct taxes and VAT  
Member States which have notified implementing measures: all
- 79/1071  
Mutual assistance — debts  
Member States which have notified implementing measures: all
- 79/1072  
Eighth VAT Directive  
Member States which have notified implementing measures: all  
Spain — 91/4161, not properly applied, referral in 1995, Case C-95/16, terminated in 1996  
France — 92/4607, not properly applied, reasoned opinion in 1996
- 80/0368  
Eleventh VAT Directive — french overseas departments  
Member States which have notified implementing measures: all
- 83/0181  
VAT — final import of goods  
Member States which have notified implementing measures: all
- 83/0182  
Tax exemptions on temporary import of means of transport  
Member States which have notified implementing measures: all
- 83/0183  
Tax exemptions — permanent imports of personal property  
Member States which have notified implementing measures: all
- 84/0386  
Tenth VAT Directive  
Member States which have notified implementing measures: all
- 85/0346  
VAT — exemption of certain final imports of goods — fuel of utility vehicles  
Member States which have notified implementing measures: all
- 85/0576  
Tax exemptions for small consignments  
Member States which have notified implementing measures: all
- 86/0560  
Thirteenth VAT Directive — taxable persons not established in Community territory  
Member States which have notified implementing measures: all
- 88/0331  
VAT — final import of goods  
Member States which have notified implementing measures: all
- 88/0664  
Tax-free allowances  
Member States which have notified implementing measures: all
- 89/0219  
VAT — final import of goods  
Member States which have notified implementing measures: all

- 89/0220  
Exemptions — combined nomenclature  
Member States which have notified implementing measures: all
- 89/0465  
18th VAT Directive  
Member States which have notified implementing measures: all  
Italy — 92/2242, not properly applied, reasoned opinion in 1996  
Netherlands — 92/2241, not properly applied, referral in 1996, Case C-96/310
- 89/0604  
Tax exemptions — permanent imports of personal property  
Member States which have notified implementing measures: all
- 91/0680  
VAT — abolition of tax frontiers  
Member States which have notified implementing measures: all
- 92/0012  
Arrangements for products subject to excise duty  
Member States which have notified implementing measures: all
- 92/0077  
Approximation of VAT rates  
Member States which have notified implementing measures: all
- 92/0079  
Taxes on cigarettes  
Member States which have notified implementing measures: all
- 92/0080  
Taxes on tobacco  
Member States which have notified implementing measures: all
- 92/0081  
Excise duty on mineral oils  
Member States which have notified implementing measures: all
- 92/0082  
Excise duty on mineral oils  
Member States which have notified implementing measures: all
- 92/0083  
Excise duty on alcohol  
Member States which have notified implementing measures: all
- 92/0084  
Excise duty on alcohol  
Member States which have notified implementing measures: all  
France — 95/2019, not properly applied, reasoned opinion in 1996
- 92/0108  
Products subject to excise duties — amendment to Directives 92/12/EEC and 92/81/EEC  
Member States which have notified implementing measures: all
- 92/0111  
VAT — simplification measures  
Member States which have notified implementing measures: all
- 94/0004  
Tax-free allowances for travellers — imports and duty-free purchases  
Member States which have notified implementing measures: all
- 94/0005  
7th VAT Directive — second-hand goods, works of art, collectors' items and antiques  
Member States which have notified implementing measures: all  
Portugal — 95/0182, no measures notified, Article 169 letter in 1995, terminated in 1996
- 94/0074  
Amendment Directives 92/12/EEC, 92/81/EEC and 92/82/EEC  
Member States which have notified implementing measures: all  
Belgium — 95/0412, no measures notified, Article 169 letter in 1995, terminated in 1996  
Denmark — 95/0428, no measures notified, Article 169 letter in 1995, terminated in 1996  
Germany — 95/0442, no measures notified, Article 169 letter in 1995, terminated in 1996  
Greece — 95/0468, no measures notified, Article 169 letter in 1995, terminated in 1996  
Spain — 95/0493, no measures notified, Article 169 letter in 1995, terminated in 1996  
France — 95/0515, no measures notified, Article 169 letter in 1995, terminated in 1996  
Ireland — 95/0534, no measures notified, Article 169 letter in 1995, terminated in 1996  
Italy — 95/0558, no measures notified, Article 169 letter in 1995, terminated in 1996  
Luxembourg — 95/0579, no measures notified, Article 169 letter in 1995, terminated in 1996  
Portugal — 95/0622, no measures notified, Article 169 letter in 1995, terminated in 1996  
United Kingdom — 95/0641, no measures notified, Article 169 letter in 1995, terminated in 1996
- 94/0075  
Temporary derogation measures/Amendment to Directive 94/4/EC (addressed to: Germany and Austria)  
Member States which have notified implementing measures: D and A

94/0076  
VAT — measures in enlargement context  
Member States which have notified implementing measures: all

Belgium — 95/0243, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 95/0301, no measures notified, Article 169 letter in 1995, terminated in 1996

Italy — 95/0332, no measures notified, reasoned opinion in 1996, terminated in 1996

Luxembourg — 95/0348, no measures notified, Article 169 letter in 1995, terminated in 1996

Netherlands — 95/0356, no measures notified, reasoned opinion in 1996, terminated in 1996

Portugal — 95/0375, no measures notified, reasoned opinion in 1996, terminated in 1996

95/0007  
VAT — simplification measures — application of certain exemptions  
Member States which have notified implementing measures: all except A and IT

France — 96/0285, no measures notified, Article 169 letter in 1996, terminated in 1996

Ireland — 96/0299, no measures notified, Article 169 letter in 1996, terminated in 1996

Italy — 96/0308, no measures notified, Article 169 letter in 1996

Austria — 96/0476, no measures notified, Article 169 letter in 1996, to be terminated in 1997

Portugal — 96/0342, no measures notified, Article 169 letter in 1996, terminated in 1996

Sweden — 96/0499, no measures notified, Article 169 letter in 1996, terminated in 1996

95/0059  
Tobacco consolidation directives  
Member States which have notified implementing measures: national implementing measures not required

95/0060  
Fiscal marking of gas oils and kerosene  
Member States which have notified implementing measures: national implementing measures not required

96/0042  
VAT — horticulture and floriculture  
Member States which have notified implementing measures: FIN, IT, NL

Belgium — 96/0876, no measures notified, Article 169 letter in 1996

Denmark — 96/0886, no measures notified, Article 169 letter in 1996, to be terminated in 1997

Germany — 96/0907, no measures notified, Article 169 letter in 1996

Greece — 96/0933, no measures notified, Article 169 letter in 1996

Spain — 96/0951, no measures notified, Article 169 letter in 1996

France — 96/0973, no measures notified, Article 169 letter in 1996

Ireland — 96/0993, no measures notified, Article 169 letter in 1996

Luxembourg — 96/1028, no measures notified, Article 169 letter in 1996

Austria — 96/1069, no measures notified, Article 169 letter in 1996

Portugal — 96/1063, no measures notified, Article 169 letter in 1996

Sweden — 96/1133, no measures notified, Article 169 letter in 1996

United Kingdom — 96/1075, no measures notified, Article 169 letter in 1996

## 2. CONSUMER PROTECTION AND PRODUCT SAFETY

71/0307  
Textile names  
Member States which have notified implementing measures: all

72/0276  
Analysis of textile fibres  
Member States which have notified implementing measures: all

73/044  
Analysis of textile fibres  
Member States which have notified implementing measures: all

76/0768  
Cosmetics  
Member States which have notified implementing measures: all

France — 86/0390, not properly implemented, judgment 5. 5. 1993, Case C-91/246, Article 171 letter in 1995

Portugal — 90/0207, not properly implemented, reasoned opinion in 1992

Greece — 92/4341, not properly implemented, reasoned opinion in 1996

79/0076  
Analysis of textile fibres  
Member States which have notified implementing measures: all

79/0581  
Indication of the prices of foodstuffs  
Member States which have notified implementing measures: all

Luxembourg — 93/2045, not properly implemented, Article 169 letter in 1994

80/1335  
Cosmetics  
Member States which have notified implementing measures: all

- 81/0075  
Analysis of textile fibres  
Member States which have notified implementing measures: all
- 82/0147  
Cosmetics  
Member States which have notified implementing measures: all
- 82/0368  
Cosmetics  
Member States which have notified implementing measures: all
- 82/0434  
Cosmetics  
Member States which have notified implementing measures: all
- 83/0191  
Cosmetics  
Member States which have notified implementing measures: all
- 83/0341  
Cosmetics  
Member States which have notified implementing measures: all
- 83/0496  
Cosmetics  
Member States which have notified implementing measures: all
- 83/0514  
Cosmetics  
Member States which have notified implementing measures: all
- 83/0574  
Cosmetics  
Member States which have notified implementing measures: all
- 83/0623  
Textile names  
Member States which have notified implementing measures: all
- 84/0415  
Cosmetics  
Member States which have notified implementing measures: all
- 84/0450  
Misleading advertising  
Member States which have notified implementing measures: all
- 85/0391  
Cosmetics  
Member States which have notified implementing measures: all
- 85/0490  
Cosmetics  
Member States which have notified implementing measures: all
- 85/0577  
Contracts negotiated away from business premises  
Member States which have notified implementing measures: all  
Belgium — 91/0212, not properly implemented, reasoned opinion in 1993, referral scheduled for 1997  
Luxembourg — 93/2047, not properly implemented, reasoned opinion in 1996
- 86/0179  
Cosmetics  
Member States which have notified implementing measures: all
- 86/0199  
Cosmetics  
Member States which have notified implementing measures: all
- 87/0102  
Consumer credit  
Member States which have notified implementing measures: B, DK, D, EL, E, F, I, L, NL, A, P, FIN, S, UK
- 87/0137  
Cosmetics  
Member States which have notified implementing measures: all
- 87/0140  
Textile names  
Member States which have notified implementing measures: all
- 87/0143  
Cosmetics  
Member States which have notified implementing measures: all
- 87/0184  
Analysis of textile fibres  
Member States which have notified implementing measures: all
- 87/0357  
Dangerous imitations  
Member States which have notified implementing measures: all
- 88/0357  
Analysis of textile fibres  
Member States which have notified implementing measures: all
- 88/0233  
Cosmetics  
Member States which have notified implementing measures: all
- 88/0314  
Indication of the prices of non-food products  
Member States which have notified implementing measures: all
- 88/0315  
Indication of the prices of foodstuffs  
Member States which have notified implementing measures: all



- 88/0378  
Toy safety  
Member States which have notified implementing measures: all
- 88/0667  
Cosmetics  
Member States which have notified implementing measures: all
- 89/0174  
Cosmetics  
Member States which have notified implementing measures: all
- 90/0088  
Consumer credit  
Member States which have notified implementing measures:  
B, DK, D, EL, E, IRL, I, L, NL, A, P, FIN, S, UK  
France — 93/0242, no measures notified, reasoned  
opinion in 1995, referral scheduled for 1997
- 90/0121  
Cosmetics  
Member States which have notified implementing measures: all
- 90/0207  
Cosmetics  
Member States which have notified implementing measures: all
- 90/0314  
Package tours  
Member States which have notified implementing measures:  
B, DK, D, EL, E, F, IRL, I, L, A, P, FIN, S, UK  
Netherlands — 93/2183, not properly implemented, reasoned  
opinion scheduled for 1997
- 91/0184  
Cosmetics  
Member States which have notified implementing measures: all
- 92/0008  
Cosmetics  
Member States which have notified implementing measures: all
- 92/0059  
General product safety  
Member States which have notified implementing measures:  
B, DK, EL, E, F, I, NL, A, P, FIN, S, UK  
Germany — 94/0648, no measures notified, Article 169  
letter in 1994  
Ireland — 94/0710, no measures notified, Article 169  
letter in 1994, reasoned opinion in 1996  
Luxembourg — 94/0733, no measures notified, reasoned  
opinion in 1995, referral scheduled for 1997
- 92/0086  
Cosmetics  
Member States which have notified implementing measures: all
- 93/0013  
Unfair contract terms  
Member States which have notified implementing measures:  
B, DK, EL, F, IRL, I, NL, A, P, FIN, S, UK  
Germany — 95/0045, no measures notified, Article 169  
letter in 1995, reasoned opinion in 1996  
Spain — 95/0079, no measures notified, Article 169  
letter in 1995, reasoned opinion in 1996  
Luxembourg — 95/0145, no measures notified, Article 169  
letter in 1995, reasoned opinion in 1996
- 93/0035  
Cosmetics  
Member States which have notified implementing measures:  
DK, L, NL, A, FIN, S  
Belgium — 95/0393, no measures notified, Article 169  
letter in 1995  
Germany — 95/0432, no measures notified, Article 169  
letter in 1995  
Greece — 95/0450, no measures notified, Article 169  
letter in 1995  
Spain — 95/0476, no measures notified, Article 169  
letter in 1995  
France — 95/0508, no measures notified, Article 169  
letter in 1995  
Ireland — 95/0522, no measures notified, Article 169  
letter in 1995  
Italy — 95/0541, no measures notified, Article 169  
letter in 1995  
Portugal — 95/0603, no measures notified, Article 169  
letter in 1995  
United Kingdom — 95/0631, no measures notified, Article 169  
letter in 1995
- 93/0047  
Cosmetics  
Member States which have notified implementing measures:  
B, DK, D, EL, E, F, I, L, NL, A, FIN, S, UK  
Germany — 94/0651, no measures notified, Article 169  
letter in 1994, terminated in 1994  
Belgium — 94/0627, no measures notified, Article 169  
letter in 1994, terminated in 1994  
Greece — 94/0697, no measures notified, Article 169  
letter in 1994, terminated in 1995  
Ireland — 94/0713, no measures notified, Article 169  
letter in 1994  
Luxembourg — 94/0735, no measures notified, Article 169  
letter in 1994, terminated in 1994  
Netherlands — 94/0745, no measures notified, Article 169  
letter in 1994, terminated in 1995  
Portugal — 94/0754, no measures notified, Article 169  
letter in 1994
- 93/0073  
Cosmetics  
Member States which have notified implementing measures:  
B, DK, D, EL, E, F, I, L, NL, A, FIN, S, UK

- Ireland — 94/0862, no measures notified, Article 169 letter in 1995
- Luxembourg — 94/0908, no measures notified, Article 169 letter in 1995, terminated in 1995
- Netherlands — 94/0920, no measures notified, Article 169 letter in 1994, terminated in 1995
- Portugal — 94/0944, no measures notified, Article 169 letter in 1995

94/0032

Cosmetics

Member States which have notified implementing measures: DK, D, E, F, I, L, NL, A, P, FIN S, UK

- Belgium — 95/0405, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Greece — 95/0458, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Ireland — 95/0528, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Portugal — 95/0613, no measures notified, Article 169 letter in 1995, terminated in 1996

94/0047

Time-sharing

Member States which have notified implementing measures: none

Deadline for transposal: 29. 4. 1997

95/0017

Cosmetics

Member States which have notified implementing measures: DK, L, NL, A, FIN

- Belgium — 96/0013, no measures notified, Article 169 letter in 1996, reasoned opinion scheduled for 1997
- Germany — 96/0045, no measures notified, Article 169 letter in 1996
- Greece — 96/0063, no measures notified, Article 169 letter in 1996
- Spain — 96/0081, no measures notified, Article 169 letter in 1996
- France — 96/0100, no measures notified, Article 169 letter in 1996
- Ireland — 96/0119, no measures notified, Article 169 letter in 1996
- Italy — 96/0138, no measures notified, Article 169 letter in 1996
- Luxembourg — 96/0156, no measures notified, Article 169 letter in 1996
- Portugal — 96/0188, no measures notified, Article 169 letter in 1996
- United Kingdom — 96/0208, no measures notified, Article 169 letter in 1996

95/0032

Cosmetics

Member States which have notified implementing measures: B, DK, EL, E, IRL, I, L, NL, A, FIN, S, UK

- Germany — 96/0892, no measures notified, Article 169 letter in January 1997

- France — 96/0960, no measures notified, Article 169 letter in January 1997

- Portugal — 96/1046, no measures notified, Article 169 letter in January 1997

95/0034

Cosmetics

Member States which have notified implementing measures: DK, D, E, F, I, L, NL, A, P, FIN, UK

96/0041

Cosmetics

Member States which have notified implementing measures: none

96/0045

Cosmetics

Member States which have notified implementing measures: none

### 3. COMPETITION

88/0301

Competition in the markets for telecommunications terminals  
Member States which have notified implementing measures: all

90/0388

Competition in the markets for telecommunications services

Member States which have notified implementing measures: all except EL

- Greece — 91/0352, no measures notified, reasoned opinion, referral in 1994, Case C-94/281

- Italy — 94/2004, no measures notified, Article 169 letter in 1994, terminated in 1996

93/0084

Transparency of financial relations between Member States and public undertakings

Member States which have notified implementing measures: all

- Belgium — 93/0030, no measures notified, reasoned opinion in 1996, terminated in 1996

- Greece — 94/0102, no measures notified, reasoned opinion in 1996, terminated in 1996

- 96/2253, not properly applied, Article 169 letter to be sent

94/0046

Satellite communications

Member States which have notified implementing measures: B, DK, D, F, NL, A, P, FIN, S, UK

- Greece — 95/0463, reasoned opinion to be sent

- Spain — 95/0489, reasoned opinion to be sent

- Ireland — 95/0530, reasoned opinion to be sent

- Italy — 95/0553, reasoned opinion to be sent

- Luxembourg — 95/0576, reasoned opinion to be sent

- Portugal — 95/0618, terminated in 1996

- 95/0051  
Use of cable distribution networks for telecommunications services  
Member States which have notified implementing measures: B, DK, D, E, F, I, NL, FIN, S, UK
- 96/0002  
Mobiles and personal communications  
Member States which have notified implementing measures: DK, D, EL, F, IRL, NL, A, P, FIN, S
- 96/019  
Full opening to competition  
Member States which have notified implementing measures: all except I
- 95/0051  
France — 90/0445, no measures notified, Article 171 letter in 1990, reasoned opinion (171) in 1995
- France — 90/2109, not properly applied, Article 169 letter in 1993, reasoned opinion in 1994, referral in 1996, Case C-197/96
- Greece — 90/2224, not properly applied, reasoned opinion in 1995, terminated in 1996
- Italy — 90/2226, not properly applied, referral in 1996, Case C-96/207
- 77/0187  
Safeguarding of employees' rights in the event of the transfer of firms  
Member States which have notified implementing measures: all  
United Kingdom — 89/0537, not properly implemented, referral in 1992, Case C-382/92, judgment in 1994, Article 171 letter in 1996
4. SOCIAL POLICY
- 64/0221  
Public policy and public health  
Member States which have notified implementing measures: all  
Germany — 91/4686, not properly applied, Article 169 letter in 1992, reasoned opinion in 1996
- 68/0360  
Movement and residence of workers  
Member States which have notified implementing measures: all
- 72/0194  
Right to reside in the Member States  
Member States which have notified implementing measures: all  
Germany — 90/0275, not properly applied, Article 169 letter in 1990, reasoned opinion in 1995, (referral scheduled)
- 75/0117  
Equal pay for men and women  
Member States which have notified implementing measures: all  
Greece — 91/4668, not properly applied, reasoned opinion in 1995
- 75/0129  
Collective redundancies  
Member States which have notified implementing measures: all  
United Kingdom — 89/0536, not properly implemented, referral in 1992, Case C-383/92, judgment in 1994, Article 171 letter in 1996
- 76/0207  
Equal treatment of men and women  
Member States which have notified implementing measures: all  
Belgium — 89/0458, not properly applied, judgment in 1993, Case C-173/91, reasoned opinion (171) in 1995
- Belgium — 90/2223, not properly applied, Article 169 letter in 1994, reasoned opinion in 1994
- 78/0610  
Health protection of workers — vinyl chloride monomer  
Member States which have notified implementing measures: all
- 79/0007  
Equal treatment in social security  
Member States which have notified implementing measures: all  
Greece — 91/4668, not properly applied, reasoned opinion in 1995
- 80/0987  
Protection of workers — insolvency of employers  
Member States which have notified implementing measures: all  
Greece — 86/0116, not properly implemented, judgment in 1990, Case C-53/88, Article 171 letter in 1993
- 80/1107  
Protection of workers against chemicals  
Member States which have notified implementing measures: all
- 82/0130  
Electrical equipment  
Member States which have notified implementing measures: all
- 82/0605  
Protection of workers — metallic lead  
Member States which have notified implementing measures: all
- 83/0477  
Protection of workers — asbestos  
Member States which have notified implementing measures: all

- 86/0188  
Protection of workers from noise  
Member States which have notified implementing measures: all
- Spain — 93/0205, no measures notified, referral in 1995, Case C-95/079, judgment in 1996
- 86/0378  
Equal treatment of men and women  
Member States which have notified implementing measures: D, E, F, IRL, A, P, FIN, S, UK
- 90/0239  
Maximum tar yield of cigarettes  
Member States which have notified implementing measures: all
- 86/0613  
Equal treatment of men and women  
Member States which have notified implementing measures: all
- 90/0269  
Health and safety of workers  
Member States which have notified implementing measures: all except E  
Spain — 93/0199, no measures notified, referral in 1995, Case C-95/079, judgment in 1996
- 88/0035  
Electrical equipment  
Member States which have notified implementing measures: all
- 90/0270  
Health and safety — display screen equipment  
Member States which have notified implementing measures: all except E  
Spain — 93/0198, no measures notified, referral in 1995, Case C-95/079, judgment in 1996
- 88/0364  
Protection of workers against specific agents  
Member States which have notified implementing measures: all
- 90/0394  
Protection of workers — carcinogens  
Member States which have notified implementing measures: all except E  
Spain — 93/0195, no measures notified, referral in 1995, Case C-95/079, judgment in 1996
- 88/0642  
Protection of workers against chemicals  
Member States which have notified implementing measures: B, DK, D, IRL, I, L, NL, A, FIN, S, UK
- 90/0679  
Risks relating to exposure to biological agents at work  
Member States which have notified implementing measures: DK, D, EL, F, IRL, I, L, NL, A, FIN, S, UK  
Belgium — 94/0005, no measures notified, Article 169 letter in 1994 (reasoned opinion to be sent)  
Spain — 94/0133, no measures notified, Article 169 letter in 1994 (reasoned opinion to be sent)
- 89/0391  
Health and safety of workers  
Member States which have notified implementing measures: all  
Spain — 93/0208, no measures notified, reasoned opinion in 1994, referral in 1995, Case C-95/079, judgment in 1996, terminated in 1996
- 91/0269  
Electrical equipment for use in mines susceptible to firedamp  
Member States which have notified implementing measures: all
- 89/0622  
Labelling of tobacco products  
Member States which have notified implementing measures: all
- 91/0322  
Protection of workers from risks relating to exposure to chemical, physical and biological agents  
Member States which have notified implementing measures: B, DK, D, IRL, I, L, NL, FIN, S, UK  
Greece — 94/0505, no measures notified, Article 169 letter in 1994, terminated in 1996  
Spain — 94/0506, no measures notified, Article 169 letter in 1994, terminated in 1996  
France — 94/0507, no measures notified, Article 169 letter in 1994, terminated in 1996  
Portugal — 94/0512, no measures notified, Article 169 letter in 1994, terminated in 1996
- 89/0654  
Health and safety at the workplace  
Member States which have notified implementing measures: all  
Spain — 93/0207, no measures notified, referral in 1995, Case C-95/079, judgment in 1996
- 89/0655  
Health and safety — work equipment  
Member States which have notified implementing measures: all except E  
Spain — 93/0206, no measures notified, referral in 1995, Case C-95/079, judgment in 1996
- 89/0656  
Personal protective equipment  
Member States which have notified implementing measures: B, DK, D, EL, F, IRL, I, L, NL, P, UK
- 91/0382  
Protection of workers (asbestos)  
Member States which have notified implementing measures: all (partial derogation, Greece 1996)

- Greece — 96/0262, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent)
- 91/0383  
Health and safety of temporary workers  
Member States which have notified implementing measures: DK, D, E, F, IRL, I, L, NL, A, P, FIN, S, UK
- Belgium — 93/0023, no measures notified, Article 169 letter in 1993
- Germany — 93/0097, no measures notified, reasoned opinion in 1995, terminated in 1996
- Greece — 93/0147, no measures notified, reasoned opinion in 1996
- Italy — 93/0309, no measures notified, terminated in 1996
- 91/0533  
Obligation to inform employees of the conditions applicable to the employment relationship  
Member States which have notified implementing measures: all except I
- Italy — 93/0787, no measures notified, Article 169 letter in 1993, reasoned opinion in 1996
- 92/0029  
Health and safety on board ships  
Member States which have notified implementing measures: D, DK, E, F, EL, I, NL, A, P, FIN, S, UK
- Belgium — 95/0012, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent)
- Denmark — 95/0032, no measures notified, Article 169 letter in 1995, terminated in 1996
- Germany — 95/0840, no measures notified, Article 169 letter in 1995, terminated in 1996
- Greece — 95/0054, no measures notified, Article 169 letter in 1995, terminated in 1996
- Ireland — 95/0109, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent)
- Italy — 95/0125, no measures notified, Article 169 letter in 1995, terminated in 1996
- Luxembourg — 95/0142, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent)
- Netherlands — 95/0155, no measures notified, Article 169 letter in 1995, terminated in 1996
- Austria — 96/0435, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 95/0164, no measures notified, Article 169 letter in 1995, terminated in 1996
- United Kingdom — 95/0189, no measures notified, Article 169 letter in 1995, terminated in 1996
- 92/0041  
Labelling of tobacco products  
Member States which have notified implementing measures: all
- 92/0056  
Collective redundancies  
Member States which have notified implementing measures: all except IRL
- Germany — 94/0809, no measures notified, Article 169 letter in 1995, terminated in 1996
- France — 94/0837, no measures notified, Article 169 letter in 1995, terminated in 1996
- Ireland — 94/0584, no measures notified, Article 169 letter in 1995
- United Kingdom — 94/0951, not properly implemented, Article 169 letter in 1995, case treated as 89/0536 (see Directive 75/0129)
- 92/0057  
Minimum safety and health requirements at temporary or mobile construction sites  
Member States which have notified implementing measures: all except B
- Belgium — 94/0013, no measures notified, Article 169 letter in 1994, reasoned opinion in 1996
- Germany — 94/0074, no measures notified, Article 169 letter in 1994, reasoned opinion in 1996, terminated in 1996
- Italy — 94/0239, no measures notified, Article 169 letter in 1994, reasoned opinion in 1996, terminated in 1996
- 92/0058  
Safety and/or health signs at work  
Member States which have notified implementing measures: all except B and E
- Belgium — 94/0624, no measures notified, Article 169 letter in 1994 (reasoned opinion to be sent)
- Germany — 94/0647, no measures notified, Article 169 letter in 1994, reasoned opinion in 1996, terminated in 1996
- Spain — 94/0661, no measures notified, Article 169 letter in 1994, reasoned opinion in 1996
- Italy — 94/0719, no measures notified, Article 169 letter in 1994, reasoned opinion in 1996, terminated in 1996
- United Kingdom — 94/0769, no measures notified, Article 169 letter in 1994, terminated in 1996
- 92/0085  
Safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding  
Member States which have notified implementing measures: B, DK, D, E, F, NL, A, P, FIN, S, UK

- Belgium — 95/0013, no measures notified, Article 169 letter in 1995, terminated in 1996
- Germany — 95/0041, no measures notified, Article 169 letter in 1995, terminated in 1996
- Greece — 95/0055, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- France — 95/0091, no measures notified, Article 169 letter in 1995,
- Italy — 95/0126, no measures notified, Article 169 letter in 1995 (to be terminated in 1997)
- Luxembourg — 95/0143, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- 92/0091  
Protection of workers in extracting industries by drilling  
Member States which have notified implementing measures:  
DK, D, EL, E, F, I, L, NL, P, FIN, S, UK
- Belgium — 95/0014, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Germany — 95/0042, no measures notified, Article 169 letter in 1995, terminated in 1996
- Spain — 95/0076, no measures notified, Article 169 letter in 1996, terminated in 1996
- France — 95/0092, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996, terminated in 1996
- Ireland — 95/0110, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Italy — 95/0127, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Portugal — 95/0166, no measures notified, Article 169 letter in 1995, terminated in 1996
- Netherlands — 95/0156, no measures notified, Article 169 letter in 1995, terminated in 1996
- 92/0104  
Health and safety of workers in underground and open cast mining industries  
Member States which have notified implementing measures:  
DK, D, F, EL, I, L, NL, A, P, FIN, S, UK
- Belgium — 95/0016, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Germany — 95/0044, no measures notified, Article 169 letter in 1995, terminated in 1996
- Greece — 95/0058, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996, terminated in 1996
- Spain — 95/0078, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- France — 95/0094, no measures notified, Article 169 letter in 1995, terminated in 1996
- Ireland — 95/0112, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Italy — 95/0129, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Portugal — 95/0167, no measures notified, Article 169 letter in 1995, terminated in 1996
- 93/0088  
Risks relating to exposure to biological agents at work  
Member States which have notified implementing measures:  
DK, D, EL, F, IRL, I, L, NL, A, FIN, S, UK
- Belgium — 94/0521, no measures notified, Article 169 letter in 1994 reasoned opinion in 1996
- Spain — 94/0554, no measures notified, Article 169 letter in 1994 (reasoned opinion to be sent)
- Portugal — 96/0174, no measures notified, Article 169 letter in 1996
- 93/0103  
Health and safety on board fishing vessels  
Member States which have notified implementing measures:  
DK, EL, F, NL, FIN, S
- Belgium — 96/0003, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Germany — 96/0036, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent)
- Denmark — 96/0021, no measures notified, Article 169 letter in 1996, terminated in 1996
- Greece — 96/0050, no measures notified, Article 169 letter in 1996, terminated in 1996
- Spain — 96/0070, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent)
- France — 96/0089, no measures notified, Article 169 letter in 1996, terminated in 1996
- Italy — 96/0127, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Luxembourg — 96/0146, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 96/0175, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent)
- United Kingdom — 96/0196, no measures notified, Article 169 letter in 1996
- Ireland — 96/0108, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996

- 93/0104  
Reorganization of working time  
Member States which have notified implementing measures:  
D, E, NL, FIN
- 94/0033  
Protection of young people at work  
Member States which have notified implementing measures:  
B, DK, D, E, IRL, FIN
- 94/0044  
Electrical equipment for use in explosive atmospheres  
Member States which have notified implementing measures:  
B, DK, D, E, F, IRL, L, NL, A, P, FIN, UK  
Greece — 95/0684, no measures notified, Article 169  
letter in 1995  
Spain — 95/0689, no measures notified, Article 169  
letter in 1995  
Italy — 95/0704, no measures notified, Article 169  
letter in 1995  
Netherlands — 95/0711, no measures notified, Article 169  
letter in 1995, terminated in 1996  
United Kingdom — 95/0719, no measures notified, Article 169  
letter in 1995, terminated in 1996
- 94/0045  
European Works Council  
Member States which have notified implementing measures:  
B, DK, D, F, IRL, S (United Kingdom not covered by this  
Directive)
- 95/0030  
Risks relating to exposure to biological agents at work  
Member States which have notified implementing measures:  
DK, NL, FIN, UK
- 66/0401  
Fodder-plant seed  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0854, no measures notified, Article 169  
letter in 1996
- 66/0402  
Cereal seed  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0853, no measures notified, Article 169  
letter in 1996
- 66/0403  
Seed potatoes  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0852, no measures notified, Article 169  
letter in 1996
- 66/0404  
Forest reproductive material  
Member States which have notified implementing measures: all  
Austria — 96/0359, no measures notified, Article 169  
letter in 1996, terminated in 1996
- 66/0600  
Health problems — trade in animals  
Member States which have notified implementing measures: all
- 68/0193  
Material for the propagation of vines  
Member States which have notified implementing measures: all  
Austria — 96/0361, no measures notified, Article 169  
letter in 1996, terminated in 1996
- 69/0060  
Cereal seed  
Member States which have notified implementing measures: all  
except FIN
- 69/0061  
Beet seed  
Member States which have notified implementing measures: all  
except FIN  
Finland — no measures notified, Article 169 letter in  
1996
- 69/0062  
Seed potatoes  
Member States which have notified implementing measures: all  
except A and FIN  
Austria — 96/0362, no measures notified, Article 169  
letter in 1996  
Finland — 96/0850, no measures notified, Article 169  
letter in 1996
- 69/0063  
Fodder-plant seed  
Member States which have notified implementing measures: all  
except A and FIN  
Austria — 96/0363, no measures notified, Article 169  
letter in 1996

## 5. AGRICULTURE

64/0432  
Health problems — trade in animals  
Member States which have notified implementing measures: all

64/0433  
Health problems — trade in meat  
Member States which have notified implementing measures: all  
Germany — 93/2097, not properly applied, referral in  
1996, Case C-96/102  
Finland — 96/0856, no measures notified, Article 169  
letter in 1996 (to be terminated in 1997)

66/0400  
Beet seed  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0855, no measures notified, Article 169  
letter in 1996

- 69/0064  
Reproductive material  
Member States which have notified implementing measures: all  
Austria — 96/0364, no measures notified, Article 169  
letter in 1996, terminated in 1996
- 69/0208  
Seed of oil and fibre plants  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0849, no measures notified, Article 169  
letter in 1996
- 69/0464  
Control of potato wart disease  
Member States which have notified implementing measures: all  
except A and FIN  
Austria — 96/0365, no measures notified, Article 169  
letter in 1996  
Finland — 96/0848, no measures notified, Article 169  
letter in 1996
- 69/0465  
Control of potato cyst eelworm  
Member States which have notified implementing measures: all  
except A and FIN  
Austria — 96/0366, no measures notified, Article 169  
letter in 1996  
Finland — 96/0847, no measures notified, Article 169  
letter in 1996
- 69/0466  
Control of San José scale  
Member States which have notified implementing measures: all  
except A  
Austria — 96/0367, no measures notified, Article 169  
letter in 1996
- 70/0373  
Feedingstuffs — official control  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0846, no measures notified, Article 169  
letter in 1996
- 70/0457  
Common catalogue of varieties of plant species  
Member States which have notified implementing measures: all  
except A and FIN  
Austria — 96/0368, no measures notified, Article 169  
letter in 1996  
Finland — 96/0845, no measures notified, Article 169  
letter in 1996
- 70/0458  
Vegetable seed  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0844, no measures notified, Article 169  
letter in 1996
- 70/0524  
Feedingstuffs — additives  
Member States which have notified implementing measures: all  
except FIN
- Finland — 96/0843, no measures notified, Article 169  
letter in 1996
- 71/0118  
Health problems — trade in poultrymeat  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0842, no measures notified, Article 169  
letter in 1996
- 71/0140  
Material for the propagation of vines  
Member States which have notified implementing measures: all  
Austria — 96/0369, no measures notified, Article 169  
letter in 1996, terminated in 1996
- 71/0161  
Forest reproductive material  
Member States which have notified implementing measures: all  
except S  
Austria — 96/0370, no measures notified, Article 169  
letter in 1996, terminated in 1996  
Sweden — 96/0546, no measures notified, Article 169  
letter in 1996
- 71/0162  
Seed  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0841, no measures notified, Article 169  
letter in 1996
- 71/0250  
Feedingstuffs — official control  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0840, no measures notified, Article 169  
letter in 1996
- 71/0285  
Health problems — trade in animals  
Member States which have notified implementing measures: all  
Sweden — 96/0547, no measures notified, Article 169  
letter in 1996 (to be terminated in 1997)
- 71/0393  
Feedingstuffs — official control  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0839, no measures notified, Article 169  
letter in 1996
- 72/0168  
Vegetable varieties  
Member States which have notified implementing measures: all  
except A and FIN  
Austria — 96/0371, no measures notified, Article 169  
letter in 1996  
Finland — 96/0838, no measures notified, Article 169  
letter in 1996



- 72/0169  
Vine varieties  
Member States which have notified implementing measures: all  
Austria — 96/0372, no measures notified, Article 169 letter in 1996, terminated in 1996
- 72/0180  
Agricultural varieties  
Member States which have notified implementing measures: all except A and FIN  
Austria — 96/0373, no measures notified, Article 169 letter in 1996  
Finland — 96/0837, no measures notified, Article 169 letter in 1996
- 72/0199  
Feedingstuffs — official controls  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0836, no measures notified, Article 169 letter in 1996
- 72/0274  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0835, no measures notified, Article 169 letter in 1996
- 72/0418  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0833, no measures notified, Article 169 letter in 1996
- 72/0445  
Health problems — live animals  
Member States which have notified implementing measures: all
- 72/0461  
Health problems — trade in meat  
Member States which have notified implementing measures: all  
Finland — 96/0832, no measures notified, Article 169 letter in 1996, terminated in 1996
- 72/0462  
Health problems — animals and meat from non-member countries  
Member States which have notified implementing measures: all
- 73/0046  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0831, no measures notified, Article 169 letter in 1996
- 73/0047  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN
- Sweden — 96/0545, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Finland — 96/0830, no measures notified, Article 169 letter in 1996
- 73/0150  
Health problems — live animals  
Member States which have notified implementing measures: all
- 73/0438  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0829, no measures notified, Article 169 letter in 1996
- 74/0013  
Forest reproductive material  
Member States which have notified implementing measures: all except S  
Austria — 96/0374, no measures notified, Article 169 letter in 1996, terminated in 1996  
Sweden — 96/0544, no measures notified, Article 169 letter in 1996
- 74/0063  
Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0828, no measures notified, Article 169 letter in 1996
- 74/0203  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0827, no measures notified, Article 169 letter in 1996
- 74/0268  
Fodder-plant and cereal seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0826, no measures notified, Article 169 letter in 1996
- 74/0647  
Control of carnation leaf-rollers  
Member States which have notified implementing measures: all except A  
Austria — 96/0375, no measures notified, Article 169 letter in 1996
- 74/0648  
Material for the propagation of vines  
Member States which have notified implementing measures: all  
Austria — 96/0376, no measures notified, Article 169 letter in 1996, terminated in 1996
- 74/0649  
Material for the propagation of vines  
Member States which have notified implementing measures: all

Austria — 96/0377, no measures notified, Article 169 letter in 1996, terminated in 1996

75/0084

Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN

Finland — 96/0825, no measures notified, Article 169 letter in 1996

75/0444

Seed  
Member States which have notified implementing measures: all except FIN

Finland — 96/0824, no measures notified, Article 169 letter in 1996

75/0445

Forest reproductive material  
Member States which have notified implementing measures: all  
Austria — 96/0378, no measures notified, Article 169 letter in 1996, terminated in 1996

75/0502

Meadowgrass seed  
Member States which have notified implementing measures: all except FIN

Finland — 96/0823, no measures notified, Article 169 letter in 1996

76/0014

Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all except FIN

76/0331

Beet seed  
Member States which have notified implementing measures: all except FIN

Finland — 96/0822, no measures notified, Article 169 letter in 1996

76/0371

Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN

Finland — 96/0821, no measures notified, Article 169 letter in 1996

76/0372

Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN

Finland — 96/0820, no measures notified, Article 169 letter in 1996

76/0895

Pesticide residues in fruit and vegetables  
Member States which have notified implementing measures: all  
Finland — 96/0819, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

76/0934

Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all except FIN

Finland — 96/0818, no measures notified, Article 169 letter in 1996

77/0093

Organisms harmful to plants  
Member States which have notified implementing measures: all  
Finland — 96/0817, no measures notified, Article 169 letter in 1996, terminated in 1996

77/0096

Health problems — import of meat  
Member States which have notified implementing measures: all except S

Sweden — 96/0543, no measures notified, Article 169 letter in 1996

77/0098

Health problems — trade in animals  
Member States which have notified implementing measures: all

77/0099

Health problems — meat products  
Member States which have notified implementing measures: all  
Finland — 96/0815, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

77/0101

Straight feedingstuffs  
Member States which have notified implementing measures: all except FIN

Finland — 96/0814, no measures notified, Article 169 letter in 1996

77/0391

Eradication of brucellosis  
Member States which have notified implementing measures: all

77/0504

Pure-bred cattle for breeding  
Member States which have notified implementing measures: all except A

Austria — 96/0380, no measures notified, Article 169 letter in 1996

77/0629

Material for the propagation of vines  
Member States which have notified implementing measures: all  
Austria — 96/0381, no measures notified, Article 169 letter in 1996, terminated in 1996

78/0052

Eradication of brucellosis  
Member States which have notified implementing measures: all

- 78/0055  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0813, no measures notified, Article 169 letter in 1996
- 78/0386  
Fodder-plant seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0812, no measures notified, Article 169 letter in 1996
- 78/0387  
Cereal seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0811, no measures notified, Article 169 letter in 1996
- 78/0388  
Seed of oil and fibre plants  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0810, no measures notified, Article 169 letter in 1996
- 78/0511  
Fodder-plant and cereal seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0809, no measures notified, Article 169 letter in 1996
- 78/0633  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0808, no measures notified, Article 169 letter in 1996
- 78/0692  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0807, no measures notified, Article 169 letter in 1996
- 78/0816  
Seed potatoes  
Member States which have notified implementing measures: all except A and FIN  
Austria — 96/0383, no measures notified, Article 169 letter in 1996
- 78/1020  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0806, no measures notified, Article 169 letter in 1996
- 79/0109  
Health problems — trade in animals — brucellosis  
Member States which have notified implementing measures: all
- 79/0111  
Health problems — trade in animals — brucellosis  
Member States which have notified implementing measures: all
- 79/0117  
Plant protection products containing certain active substances  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0805, no measures notified, Article 169 letter in 1996
- 79/0372  
Straight feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0804, no measures notified, Article 169 letter in 1996
- 79/0373  
Compound feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0803, no measures notified, Article 169 letter in 1996
- 79/0641  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0802, no measures notified, Article 169 letter in 1996
- 79/0692  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0801, no measures notified, Article 169 letter in 1996
- 79/0700  
Pesticides in fruit and vegetables — official control  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0800, no measures notified, Article 169 letter in 1996
- 79/0797  
Feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0799, no measures notified, Article 169 letter in 1996
- 79/967  
Seed  
Member States which have notified implementing measures: all except A and FIN  
Austria — 96/0385, no measures notified, Article 169 letter in 1996  
Finland — 96/0798, no measures notified, Article 169 letter in 1996
- 80/0213  
Health problems — trade in meat  
Member States which have notified implementing measures: all

- 80/0215  
Health problems — meat products  
Member States which have notified implementing measures: all  
Finland — 96/0796, no measures notified, Article 169  
letter in 1996, terminated in 1996
- 80/0217  
Control of classical swine fever  
Member States which have notified implementing measures: all
- 80/0219  
Health problems — trade in animals — tuberculosis  
Member States which have notified implementing measures: all
- 80/0304  
Seed of oil and fibre plants  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0795, no measures notified, Article 169  
letter in 1996
- 80/0392  
Organisms harmful to plants  
Member States which have notified implementing measures: all  
except FIN
- 80/0428  
Pesticide residues in fruit and vegetables  
Member States which have notified implementing measures: all  
Finland — 96/0794, no measures notified, Article 169  
letter in 1996 (to be terminated in 1997)
- 80/0502  
Feedingsuffs — undesirable substances  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0793, no measures notified, Article 169  
letter in 1996
- 80/0510  
Straight feedingsuffs  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0792, no measures notified, Article 169  
letter in 1996
- 80/0511  
Compound feedingsuffs in packages  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0791, no measures notified, Article 169  
letter in 1996
- 80/0695  
Compound feedingsuffs  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0790, no measures notified, Article 169  
letter in 1996
- 80/0754  
Fodder-plant seed  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0789, no measures notified, Article 169  
letter in 1996
- 80/1095  
Control of classical swine fever  
Member States which have notified implementing measures: all
- 80/1098  
Health problems — trade in animals — classical swine fever  
Member States which have notified implementing measures: all
- 80/1099  
Health problems — trade in meat — classical swine fever  
Member States which have notified implementing measures: all
- 80/1100  
Health problems — meat products — classical swine fever  
Member States which have notified implementing measures: all  
Sweden — 96/0542, no measures notified, Article 169  
letter in 1996, terminated in 1996  
Finland — 96/0787, no measures notified, Article 169  
letter in 1996, terminated in 1996
- 80/1101  
Control of classical swine fever  
Member States which have notified implementing measures: all
- 80/1274  
Health problems — trade in animals — classical swine fever  
Member States which have notified implementing measures: all
- 81/0006  
Eradication of brucellosis  
Member States which have notified implementing measures: all
- 81/0007  
Organisms harmful to plants  
Member States which have notified implementing measures: all
- 81/0036  
Pesticide residues in fruit and vegetables  
Member States which have notified implementing measures: all  
Finland — 96/0786, no measures notified, Article 169  
letter in 1996 (to be terminated in 1997)
- 81/0126  
Seed  
Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0785, no measures notified, Article 169  
letter in 1996

- 81/0602  
Ban on hormones  
Member States which have notified implementing measures: all
- 81/0680  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0784, no measures notified, Article 169 letter in 1996
- 81/0715  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0783, no measures notified, Article 169 letter in 1996
- 82/0287  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0782, no measures notified, Article 169 letter in 1996
- 82/0331  
Material for the propagation of vines  
Member States which have notified implementing measures: all  
Austria — no measures notified, Article 169 letter in 1996, terminated in 1996
- 82/0471  
Feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0781, no measures notified, Article 169 letter in 1996
- 82/0475  
Labelling of compound feedingstuffs for pet animals  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0870, no measures notified, Article 169 letter in 1996
- 82/0528  
Pesticide residues in fruit and vegetables  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0779, no measures notified, Article 169 letter in 1996
- 82/0859  
Seed of oil and fibre plants  
Member States which have notified implementing measures: all  
Finland — 96/0778, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 82/0894  
Notification of animal diseases  
Member States which have notified implementing measures: all
- 82/0937  
Straight feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0777, no measures notified, Article 169 letter in 1996
- 83/0091  
Health problems — trade in animals and meat  
Member States which have notified implementing measures: all  
Sweden — 96/0541, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 83/0116  
Fodder-plant seed and seed of oil and fibre plants  
Member States which have notified implementing measures: all except A and FIN  
Austria — 96/0390, no measures notified, Article 169 letter in 1996  
Finland — 96/0775, no measures notified, Article 169 letter in 1996
- 83/0131  
Plant protection products containing certain active substances  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0774, no measures notified, Article 169 letter in 1996
- 83/0201  
Health problems — products containing a small percentage of meat  
Member States which have notified implementing measures: all  
Finland — 96/0773, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 83/0228  
Feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0772, no measures notified, Article 169 letter in 1996
- 83/0381  
Feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0771, no measures notified, Article 169 letter in 1996
- 84/0004  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN  
Sweden — 96/0540, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)  
Finland — 96/0770, no measures notified, Article 169 letter in 1996

- 84/0319  
Health problems — import of meat — trichinae  
Member States which have notified implementing measures: all except S  
Sweden — 96/0539, no measures notified, Article 169 letter in 1996
- 84/0425  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0769, no measures notified, Article 169 letter in 1996
- 84/0443  
Products used in feedingstuffs  
Member States which have notified implementing measures: all except FIN
- 84/0587  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except FIN
- 84/0643  
Health problems — trade in animals — foot-and-mouth disease  
Member States which have notified implementing measures: all  
Finland — 96/0768, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 84/0644  
Health problems — trade in animals — brucellosis  
Member States which have notified implementing measures: all
- 84/0645  
Control of classical swine fever  
Member States which have notified implementing measures: all
- 85/0038  
Fodder-plant seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0766, no measures notified, Article 169 letter in 1996
- 85/0073  
Financing of health inspections of fresh meat  
Member States which have notified implementing measures: all except A  
Austria — 96/0393, no measures notified, Article 169 letter in 1996  
Sweden — 96/0538, no measures notified, Article 169 letter in 1996, terminated in 1996  
Finland — 96/0765, no measures notified, Article 169 letter in 1996, terminated in 1996  
Greece — 94/2181, not properly applied
- 85/0298  
Plant protection products containing certain active substances  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0764, no measures notified, Article 169 letter in 1996
- 85/0320  
Health problems — trade in animals — classical swine fever  
Member States which have notified implementing measures: all
- 85/0321  
Health problems — meat products — classical swine fever  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0763, no measures notified, Article 169 letter in 1996, terminated in 1996
- 85/0322  
Health problems — trade in meat — classical swine fever  
Member States which have notified implementing measures: all except FIN and S  
Sweden — 96/0537, no measures notified, Article 169 letter in 1996, terminated in 1996
- 85/0358  
Ban on hormones  
Member States which have notified implementing measures: all
- 85/0509  
Feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0761, no measures notified, Article 169 letter in 1996
- 85/0511  
Control of foot-and-mouth disease  
Member States which have notified implementing measures: all except FIN
- 85/0574  
Organisms harmful to plants  
Member States which have notified implementing measures: all  
Finland — 96/0760, no measures notified, Article 169 letter in 1996, terminated in 1996
- 85/0586  
Health problems — trade in animals and meat  
Member States which have notified implementing measures: all  
Finland — 96/0759, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 86/0109  
Certified seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0758, no measures notified, Article 169 letter in 1996
- 86/0155  
Seed  
Member States which have notified implementing measures: all except A and FIN

- Austria — 96/0395, no measures notified, Article 169 letter in 1996
- Finland — 96/0757, no measures notified, Article 169 letter in 1996
- 86/0174  
Compound feedingstuffs for poultry  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0756, no measures notified, Article 169 letter in 1996
- 86/0214  
Plant protection products containing certain active substances  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0755, no measures notified, Article 169 letter in 1996
- 86/0267  
Vine varieties  
Member States which have notified implementing measures: all  
Austria — 96/0396, no measures notified, Article 169 letter in 1996, terminated in 1996
- 86/0299  
Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0754, no measures notified, Article 169 letter in 1996
- 86/0320  
Cereal seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0753, no measures notified, Article 169 letter in 1996
- 86/0354  
Compound feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0752, no measures notified, Article 169 letter in 1996
- 86/0355  
Plant protection products containing certain active substances  
Member States which have notified implementing measures: all  
Finland — 96/0751, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 86/0362  
Pesticide residues in cereals  
Member States which have notified implementing measures: all  
Finland — 96/0750, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 86/0363  
Pesticide residues in foodstuffs of animal origin  
Member States which have notified implementing measures: all  
Finland — 96/0749, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 86/0469  
Examination of meat for the presence of residues  
Member States which have notified implementing measures: all  
Finland — 96/0748, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 86/0530  
Products used in feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0747, no measures notified, Article 169 letter in 1996
- 86/0651  
Organisms harmful to plants  
Member States which have notified implementing measures: all  
Finland — 96/0746, no measures notified, Article 169 letter in 1996, terminated in 1996
- 87/0120  
Seeds and propagating materials  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0745, no measures notified, Article 169 letter in 1996
- 87/0153  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except A and FIN  
Finland — 96/0744, no measures notified, Article 169 letter in 1996
- 87/0181  
Plant protection products containing certain active substances  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0743, no measures notified, Article 169 letter in 1996
- 87/0234  
Straight feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0742, no measures notified, Article 169 letter in 1996
- 87/0238  
Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0741, no measures notified, Article 169 letter in 1996
- 87/0298  
Organisms harmful to plants  
Member States which have notified implementing measures: all

Finland — 96/0740, no measures notified, Article 169 letter in 1996, terminated in 1996

87/0328

Cattle for breeding

Member States which have notified implementing measures: all except A

Austria — 89/0398, no measures notified, Article 169 letter in 1996

87/0477

Plant protection products containing certain active substances

Member States which have notified implementing measures: all except FIN

Finland — 96/0739, no measures notified, Article 169 letter in 1996

87/0480

Seed

Member States which have notified implementing measures: all except FIN

Finland — 96/0738, no measures notified, Article 169 letter in 1996

87/0481

Vegetable seed

Member States which have notified implementing measures: all except A and FIN

Austria — 96/0399, no measures notified, Article 169 letter in 1996

Finland — 96/0737, no measures notified, Article 169 letter in 1996

87/0486

Control of classical swine fever

Member States which have notified implementing measures: all

87/0487

Classical swine fever

Member States which have notified implementing measures: all

87/0489

Health problems — trade in animals — classical swine fever

Member States which have notified implementing measures: all except FIN

87/0491

Health problems — meat products

Member States which have notified implementing measures: all

Sweden — 96/0536, no measures notified, Article 169 letter in 1996, terminated in 1996

Finland — 96/0735, no measures notified, Article 169 letter in 1996, terminated in 1996

88/0095

Beet seed

Member States which have notified implementing measures: all except FIN

Finland — 96/0734, no measures notified, Article 169 letter in 1996

88/0146

Ban on hormones

Member States which have notified implementing measures: all

Finland — 96/0733, no measures notified, Article 169 letter in 1996, terminated in 1996

88/0166

Protection of laying hens kept in battery cages

Member States which have notified implementing measures: all except A and FIN

Austria — 96/0400, no measures notified, Article 169 letter in 1996

88/0182

Technical rules and standards (amending Directive 83/189)

Member States which have notified implementing measures: all

Italy — 91/0565, not properly applied, referral in 1994, Case C-94/289, judgment in 1996

Italy — 92/0646, not properly applied, reasoned opinion in 1993

Netherlands — 91/0747, not properly applied, referral in 1993, Case C-93/052, judgment in 1994, terminated in 1996

Netherlands — 91/2328, not properly applied, referral in 1994, Case C-94/273, judgment in 1996

Italy — 92/0647, not properly applied, reasoned opinion in 1996

Italy — 93/0614, not properly applied, referral in 1995, Case C-95/289, cancelled in 1996

Netherlands — 93/2267, not properly applied, reasoned opinion in 1994

Italy — 94/0616, not properly applied, reasoned opinion in 1996

88/0289

Health problems — animals and meat from non-member countries

Member States which have notified implementing measures: all except S

Sweden — 96/0535, no measures notified, Article 169 letter in 1996

88/0298

Pesticides in fruit and vegetables and cereals

Member States which have notified implementing measures: all

Finland — 96/0731, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

88/0299

Meat and animals from non-member countries

Member States which have notified implementing measures: all

88/0380

Seed

Member States which have notified implementing measures: all except FIN

Finland — 96/0730, no measures notified, Article 169 letter in 1996



- 88/0406  
Health problems — trade in animals — enzootic bovine leukosis  
Member States which have notified implementing measures: all
- 88/0407  
Bovine semen  
Member States which have notified implementing measures: all
- 88/0409  
Fees for the inspection of meat  
Member States which have notified implementing measures: all except A  
Austria — 96/0401, no measures notified, Article 169 letter in 1996  
Sweden — 96/0534, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)  
Finland — 96/0729, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 88/0485  
Products used in feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0728, no measures notified, Article 169 letter in 1996
- 88/0572  
Organisms harmful to plants  
Member States which have notified implementing measures: all  
Finland — 96/0727, no measures notified, Article 169 letter in 1996, terminated in 1996
- 88/0660  
Health problems — meat products  
Member States which have notified implementing measures: all  
Finland — 96/0726, no measures notified, Article 169 letter in 1996, terminated in 1996
- 88/0661  
Pigs for breeding  
Member States which have notified implementing measures: all except A  
Austria — 96/0402, no measures notified, Article 169 letter in 1996
- 89/0002  
Cereal seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0725, no measures notified, Article 169 letter in 1996
- 89/0014  
Vegetable seed  
Member States which have notified implementing measures: all except A and FIN  
Austria — 96/0403, no measures notified, Article 169 letter in 1996
- Finland — 96/0724, no measures notified, Article 169 letter in 1996
- 89/0100  
Fodder-plant seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0723, no measures notified, Article 169 letter in 1996
- 89/0186  
Pesticide residues in fruit and vegetables  
Member States which have notified implementing measures: all  
Finland — 96/0722, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 89/0227  
Health problems — meat products — non-member countries  
Member States which have notified implementing measures: all  
Finland — 96/0721, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 89/0321  
Health problems — import of meat  
Member States which have notified implementing measures: all except S  
Sweden — 96/0533, no measures notified, Article 169 letter in 1996
- 89/0360  
Health problems — trade in animals — brucellosis  
Member States which have notified implementing measures: all
- 89/0361  
Sheep and goats for breeding  
Member States which have notified implementing measures: all except A  
Austria — 96/0406, no measures notified, Article 169 letter in 1996
- 89/0362  
Hygiene in milk production holdings  
Member States which have notified implementing measures: all  
Finland — 96/0720, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 89/0365  
Plant protection products containing certain active substances  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0719, no measures notified, Article 169 letter in 1996
- 89/0384  
Health problems — trade in milk  
Member States which have notified implementing measures: all  
Finland — 96/0718, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

- 89/0424  
Seed  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0717, no measures notified, Article 169 letter in 1996
- 89/0437  
Health problems — eggs  
Member States which have notified implementing measures: all  
Austria — 96/0408, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)  
Finland — 96/0716, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 89/0439  
Organisms harmful to plants  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0715, no measures notified, Article 169 letter in 1996, terminated in 1996
- 89/0520  
Products used in feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0714, no measures notified, Article 169 letter in 1996
- 89/0556  
Embryos of bovine animals  
Member States which have notified implementing measures: all
- 89/0608  
Mutual assistance — veterinary and zootechnical legislation  
Member States which have notified implementing measures: all
- 89/0662  
Veterinary checks in intra-Community trade  
Member States which have notified implementing measures: all except IRL  
Ireland — 92/0794, no measures notified, referral in 1994, Case C-94/162, judgment in 1995, Article 171 letter in 1996 (reasoned opinion (171) to be sent in 1997)  
Finland — 96/0713, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 90/0044  
Compound feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0712, no measures notified, Article 169 letter in 1996
- 90/0118  
Pure-bred breeding pigs  
Member States which have notified implementing measures: all except A  
Austria — 96/0411, no measures notified, Article 169 letter in 1996
- 90/0119  
Hybrid breeding pigs  
Member States which have notified implementing measures: all except A  
Austria — 96/0412, no measures notified, Article 169 letter in 1996
- 90/0120  
Bovine semen  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0711, no measures notified, Article 169 letter in 1996, terminated in 1996
- 90/0167  
Medicated feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Spain — 92/0161, no measures notified, judgment in 1994, Case C-94/094, terminated in 1996  
Finland — 96/0710, no measures notified, Article 169 letter in 1996
- 90/0168  
Organisms harmful to plants  
Member States which have notified implementing measures: all  
Finland — 96/0709, no measures notified, Article 169 letter in 1996, terminated in 1996
- 90/0335  
Plant protection products  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0708, no measures notified, Article 169 letter in 1996
- 90/0422  
Health problems — trade in animals — bovine leukosis  
Member States which have notified implementing measures: all
- 90/0423  
Control of foot-and-mouth disease  
Member States which have notified implementing measures: all
- 90/0425  
Veterinary checks in intra-Community trade  
Member States which have notified implementing measures: all except IRL  
Ireland — 92/0799, no measures notified, reasoned opinion in 1993, referral in 1994, Case C-94/161, judgment in 1995, Article 171 letter in 1996 (reasoned opinion (171) to be sent in 1997)  
Finland — 96/0707, no measures notified, Article 169 letter in 1996, terminated in 1996

- 90/0426  
Animal health conditions governing the movement of equidae  
Member States which have notified implementing measures: all
- Austria — 96/0418, no measures notified, Article 169 letter in 1996
- Finland — 96/0703, no measures notified, Article 169 letter in 1996
- 90/0427  
Zootechnical conditions governing trade in equidae  
Member States which have notified implementing measures: all except A
- Austria — 96/0414, no measures notified, Article 169 letter in 1996
- 90/0428  
Trade in equidae for competitions  
Member States which have notified implementing measures: all except A
- Germany — 92/0121, no measures notified, reasoned opinion in 1993, terminated in 1996
- Austria — 96/0415, no measures notified, Article 169 letter in 1996
- Sweden — 96/0532, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 90/0429  
Health problems — porcine semen  
Member States which have notified implementing measures: all
- 90/0439  
Products used in feedingstuffs  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0706, no measures notified, Article 169 letter in 1996
- 90/0533  
Plant protection products  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0705, no measures notified, Article 169 letter in 1996
- 90/0539  
Health problems — poultry and hatching eggs  
Member States which have notified implementing measures: all
- 90/0642  
Pesticide residues in and on plant products  
Member States which have notified implementing measures: all
- Finland — 96/0704, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 90/0667  
Processing of animal waste  
Member States which have notified implementing measures: all except A and FIN
- Netherlands — 92/0456, no measures notified, Case C-94/093, judgment in 1995, Article 171 letter in 1995, terminated in 1996
- Austria — 96/0418, no measures notified, Article 169 letter in 1996
- Finland — 96/0703, no measures notified, Article 169 letter in 1996
- 90/0675  
Veterinary checks for products from non-member countries  
Member States which have notified implementing measures: all except IRL
- Ireland — 92/0801, no measures notified, reasoned opinion in 1993, referral in 1994, Case C-94/132, judgment in 1995, Article 171 letter in 1996 (reasoned opinion (171) to be sent in 1997)
- 91/0067  
Aquaculture products  
Member States which have notified implementing measures: all
- Ireland — 93/0275, no measures notified, referral in 1995, Case C-95/325, judgment in 1996, terminated in 1996
- 91/0068  
Health problems — trade in sheep  
Member States which have notified implementing measures: all
- 91/0069  
Health problems — trade in sheep  
Member States which have notified implementing measures: all except S
- Sweden — 96/0531, no measures notified, Article 169 letter in 1996
- 91/0126  
Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0701, no measures notified, Article 169 letter in 1996
- 91/0132  
Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0700, no measures notified, Article 169 letter in 1996
- 91/0174  
Marketing of pure-bred animals  
Member States which have notified implementing measures: all except A
- Austria — 96/0419, no measures notified, Article 169 letter in 1996
- 91/0188  
Plant protection products containing certain active substances  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0699, no measures notified, Article 169 letter in 1996
- 91/0248  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except FIN

- 91/0249  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0698, no measures notified, Article 169 letter in 1996
- 91/0266  
Health problems — trade in animals and meat  
Member States which have notified implementing measures: all
- 91/0334  
Compound feedingstuffs for pet animals  
Member States which have notified implementing measures: all except FIN  
Finland — 96/696, no measures notified, Article 169 letter in 1996
- 91/0336  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0695, no measures notified, Article 169 letter in 1996
- 91/0357  
Compound feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0694, no measures notified, Article 169 letter in 1996
- 91/0414  
Placing of plant protection products on the market  
Member States which have notified implementing measures: B, DK, E, F, IRL, I, L, NL, P, FIN, S, UK  
Germany — 93/0906, no measures notified, referral in 1996, C-96/137  
Greece — 93/0914, no measures notified, referral in 1995, Case C-95/380, judgment in 1996  
Austria — 96/0421, no measures notified, Article 169 letter in 1996
- 91/0492  
Live bivalve molluscs  
Member States which have notified implementing measures: all except A  
Ireland — 93/0266, no measures notified, referral in 1995, Case C-95/325, judgment in 1996, terminated in 1996  
Austria — 96/0423, no measures notified, Article 169 letter in 1996  
Finland — 96/0693, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 91/0493  
Fishery products  
Member States which have notified implementing measures: all except A  
Ireland — 93/0265, no measures notified, referral in 1995, Case C-95/325, judgment in 1996, terminated in 1996
- Austria — 96/0424, no measures notified, Article 169 letter in 1996
- Finland — 96/0692, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 91/0494  
Health problems — import of poultrymeat  
Member States which have notified implementing measures: all  
Finland — 96/0691, no measures notified, Article 169 letter in 1996, terminated in 1996
- 91/0495  
Rabbit meat and farmed game meat  
Member States which have notified implementing measures: all except FIN  
Ireland — 93/0264, no measures notified, referral in 1995, Case C-95/324  
United Kingdom — 93/0473, no measures notified, referral in 1995, Case C-95/306, withdrawn in 1996  
Finland — 96/0690, no measures notified, Article 169 letter in 1996
- 91/0496  
Veterinary checks for animals from non-member countries  
Member States which have notified implementing measures: all except IRL  
Ireland — 92/0808, no measures notified, referral in 1994, Case C-94/138, judgment in 1995, Article 171 letter in 1996 (reasoned opinion (171) to be sent in 1997)
- 91/0497  
Fresh meat  
Member States which have notified implementing measures: all  
Finland — 96/0689, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 91/0499  
Health problems — trade in animals — brucellosis  
Member States which have notified implementing measures: all
- 91/0508  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0688, no measures notified, Article 169 letter in 1996
- 91/0628  
Protection of animals during transport  
Member States which have notified implementing measures: all except F and A  
France — 93/0229, no measures notified, referral in 1995, Case C-95/017, judgment in 1995, Article 171 letter in 1996 (reasoned opinion (171) to be sent in 1997)  
Austria — 96/0426, no measures notified, Article 169 letter in 1996

91/0629

Protection of calves

Member States which have notified implementing measures: all except A and FIN

Austria — 96/0427, no measures notified, Article 169 letter in 1996

Finland — 96/0687, no measures notified, Article 169 letter in 1996

91/0630

Protection of pigs

Member States which have notified implementing measures: all except A and FIN

Austria — 96/0428, no measures notified, Article 169 letter in 1996

Finland — 96/0686, no measures notified, Article 169 letter in 1996

91/0682

Material for the propagation of ornamental plants

Member States which have notified implementing measures: all except A and FIN

Austria — 96/0431, no measures notified, Article 169 letter in 1996

Sweden — 96/0530, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Finland — 96/0685, no measures notified, Article 169 letter in 1996

United Kingdom — 93/0468, no measures notified, reasoned opinion in 1995, terminated in 1996

91/0683

Organisms harmful to plants

Member States which have notified implementing measures: all

Finland — 96/0684, no measures notified, Article 169 letter in 1996, terminated in 1996

91/0684

Health problems — egg products

Member States which have notified implementing measures: all

Austria — 96/0432, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Finland — 96/0683, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

91/0685

Control of classical swine fever

Member States which have notified implementing measures: all

Italy — 92/0834, no measures notified, referral in 1993, Case C-94/257, judgment in 1995, Article 171 letter in 1996, terminated in 1996

91/0687

Health problems — trade in animals — classical swine fever

Member States which have notified implementing measures: all

Finland — 96/0682, no measures notified, Article 169 letter in 1996, terminated in 1996

91/0688

Health problems — import of animals and meat

Member States which have notified implementing measures: all except FIN

Belgium — 92/0671, no measures notified, Case C-94/066, judgment in 1995, Article 171 letter in 1995, terminated in 1996

Italy — 92/0836, no measures notified, Case C-94/257, judgment in 1995, terminated in 1996

92/0005

Health problems — meat products

Member States which have notified implementing measures: all

Greece — 93/0137, no measures notified, referral in 1995, Case C-95/304, judgment in 1996, terminated in 1996

Finland — 96/0680, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

92/0009

Seed of oil and fibre plants

Member States which have notified implementing measures: all except A and FIN

Austria — 96/0434, no measures notified, Article 169 letter in 1996

Finland — 96/0679, no measures notified, Article 169 letter in 1996

92/0019

Fodder-plant seed

Member States which have notified implementing measures: all except FIN

Finland — 96/0678, no measures notified, Article 169 letter in 1996

92/0033

Vegetable propagating material

Member States which have notified implementing measures: all except I, A and FIN

Italy — 93/0297, no measures notified, referral in 1995, Case C-95/118, judgment in 1995, Article 171 letter in 1996 (reasoned opinion (171) to be sent in 1997)

United Kingdom — 93/0460, no measures notified, reasoned opinion in 1995, terminated in 1996

Austria — 96/0437, no measures notified, Article 169 letter in 1996

Finland — 96/0677, no measures notified, Article 169 letter in 1996

92/0034

Fruit-plant propagating material

Member States which have notified implementing measures: all except I, A and FIN

Italy — 93/0296, no measures notified, referral in 1995, Case C-95/118, judgment in 1995, Article 171 letter in 1996 (reasoned opinion (171) to be sent in 1997)

United Kingdom — 93/0459, no measures notified, reasoned opinion in 1995, terminated in 1996

Austria — 96/0438, no measures notified, Article 169 letter in 1996

Finland — 96/0676, no measures notified, Article 169 letter in 1996

92/0035

Control of African horse sickness

Member States which have notified implementing measures: all

France — 93/0213, no measures notified, referral in 1995, Case C-95/017, judgment in 1995, terminated in 1996

Italy — 93/0295, no measures notified, referral in 1995, Case C-95/117, judgment in 1996, terminated in 1996

Finland — 96/0675, no measures notified, Article 169 letter in 1996, terminated in 1996

92/0036

African horse sickness

Member States which have notified implementing measures: all

92/0040

Avian influenza

Member States which have notified implementing measures: all except I

Italy — 93/0292, no measures notified, referral in 1995, Case C-95/117, judgment in 1996 (to be terminated in 1997)

United Kingdom — 93/0456, no measures notified, referral in 1995, Case C-95/306, withdrawn in 1996

92/0045

Wild-game meat

Member States which have notified implementing measures: all

Ireland — 94/0203, no measures notified, referral in 1995, Case C-95/319, withdrawn in 1996

Italy — 94/0236, no measures notified, referral in 1995, Case C-95/314 (to be terminated in 1997)

Portugal — 94/0336, no measures notified, referral in 1996, Case C-95/385, withdrawn in 1996

United Kingdom — 94/0369, no measures notified, reasoned opinion in 1994, terminated in 1996

Finland — 96/0674, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

92/0046

Milk products

Member States which have notified implementing measures: all except I

Ireland — 94/0204, no measures notified, referral in 1995, Case C-95/319, withdrawn in 1996

Italy — 94/0237, no measures notified, referral in 1995, Case C-95/314

Finland — 96/0673, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

92/0048

Hygiene rules applicable to fishery products

Member States which have notified implementing measures: all

Ireland — 93/0247, no measures notified, referral in 1995, Case C-95/325, judgment in 1996, terminated in 1996

Italy — 93/0290, no measures notified, referral in 1995, Case C-95/116, withdrawn in 1996

Finland — 96/0672, no measures notified, Article 169 letter in 1996, terminated in 1996

92/0060

Veterinary and zootechnical checks in intra-Community trade

Member States which have notified implementing measures: all

Ireland — 94/0456, no measures notified, reasoned opinion in 1996, terminated in 1996

92/0063

Undesirable substances and products in animal nutrition

Member States which have notified implementing measures: all except FIN

Finland — 96/0671, no measures notified, Article 169 letter in 1996

92/0064

Feedingstuffs — additives

Member States which have notified implementing measures: all except FIN

Finland — 96/0670, no measures notified, Article 169 letter in 1996

92/0065

Semen, ova and embryos not subject to Directive 90/425/EEC

Member States which have notified implementing measures: all except I

Greece — 94/0120, no measures notified, referral in 1996, Case C-96/227, withdrawn in 1996

Ireland — 94/0207, no measures notified, referral in 1995, Case C-95/319, withdrawn in 1996

Italy — 94/0240, no measures notified, referral in 1995, Case C-95/314 (to be terminated in 1997)

Finland — 96/0669, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

92/0066

Control of Newcastle disease

Member States which have notified implementing measures: all except I

Greece — 93/1026, no measures notified, referral in 1996, Case C-96/241, withdrawn in 1996

Italy — 93/1046, no measures notified, referral in 1995, Case C-95/313 (to be terminated in 1997)

United Kingdom — 93/1088, no measures notified, reasoned opinion in 1994, terminated in 1996

92/0067

Veterinary checks in intra-Community trade

Member States which have notified implementing measures: all  
Ireland — 94/0457, no measures notified, reasoned  
opinion in 1996, terminated in 1996

92/0070

Recognition of protected zones

Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0667, no measures notified, Article 169  
letter in 1996

92/0076

Protected zones exposed to particular plant health risks

Member States which have notified implementing measures: all  
except FIN  
Finland — 96/0666, no measures notified, Article 169  
letter in 1996

92/0087

Preparation of compound feedingstuffs intended for animals  
other than pets

Member States which have notified implementing measures: all  
except FIN

92/0088

Undesirable substances and products in animal nutrition

Member States which have notified implementing measures: all  
except I and FIN

Italy — 94/0243, no measures notified, referral in  
1995, Case C-95/314

Finland — 96/0665, no measures notified, Article 169  
letter in 1996

92/0089

Community methods of analysis for the official control of feed-  
ingstuffs

Member States which have notified implementing measures: all  
except FIN

Portugal — 93/1078, no measures notified, reasoned  
opinion in 1994, terminated in 1996

Finland — 96/0664, no measures notified, Article 169  
letter in 1996

92/0090

Producers and importers of plants

Member States which have notified implementing measures: all  
except FIN

Finland — 96/0663, no measures notified, Article 169  
letter in 1996

92/0095

Community methods of analysis for the official control of feed-  
ingstuffs

Member States which have notified implementing measures: all  
except FIN

Portugal — 93/1079, no measures notified, referral in  
1995, Case C-95/402, withdrawn in 1996

92/0098

Organisms harmful to plants

Member States which have notified implementing measures: all  
Finland — 96/0662, no measures notified, Article 169  
letter in 1996, terminated in 1996

92/0102

Identification and registration of animals

Member States which have notified implementing measures: all  
except FIN and UK

Belgium — 95/0015, no measures notified, Article 169  
letter in 1995 (\*\*), terminated in 1996

Spain — 95/0077, no measures notified, Article 169  
letter in 1995 (\*\*), terminated in 1996

Ireland — 94/0212, no measures notified, reasoned  
opinion in 1994 (\*), terminated in 1996

— 95/0111, no measures notified, Article 169  
letter in 1995 (\*\*), terminated in 1996

Italy — 94/0245, no measures notified, reasoned  
opinion in 1994 (\*), terminated in 1996

— 95/0128, no measures notified, reasoned  
opinion in 1996 (\*\*), terminated in 1996

United Kingdom — 95/0191, no measures notified, reasoned  
opinion in 1996 (\*\*) (referral scheduled in  
1997)

Finland — 96/0661, no measures notified, Article 169  
letter in 1996 (\*\*\*)

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(\*) Cattle and pigs

(\*\*) Sheep and goats

(\*\*\*) All aspects

92/0103

Organisms harmful to plants

Member States which have notified implementing measures: all

Finland — 96/0660, no measures notified, Article 169  
letter in 1996, terminated in 1996

92/0105

Plant passports

Member States which have notified implementing measures: all  
except A and FIN

Finland — 96/0659, no measures notified, Article 169  
letter in 1996, terminated in 1996

92/0107

Oil and fibre plants

Member States which have notified implementing measures: all  
except A and FIN

Italy — 94/0872, no measures notified, reasoned  
opinion in 1996, terminated in 1996

Austria — 96/0440, no measures notified, Article 169  
letter in 1996

Finland — 96/0658, no measures notified, Article 169  
letter in 1996

Portugal — 94/0928, no measures notified, Article 169  
letter in 1995, terminated in 1996

- 92/0113  
Additives in feedingstuffs  
Member States which have notified implementing measures: all except FIN
- Ireland — 93/1037, no measures notified, referral in 1995, Case C-95/318, withdrawn in 1996
- Italy — 93/1050, no measures notified, referral in 1995, Case C-95/313, withdrawn in 1997
- Netherlands — 93/1058, no measures notified, reasoned opinion in 1994, terminated in 1996
- 92/0116  
Health problems affecting trade in fresh poultrymeat  
Member States which have notified implementing measures: all except D and I
- Germany — 94/0081, no measures notified, referral in 1996, Case C-96/138
- Greece — 94/0113, no measures notified, referral in 1996, Case C-96/094, withdrawn in 1996
- Ireland — 94/0214, no measures notified, referral in 1995, Case C-95/319, withdrawn in 1996
- Italy — 94/0247, no measures notified, referral in 1995, Case C-95/314
- 92/0117  
Zoonoses and zoonotic agents  
Member States which have notified implementing measures: all except I and B
- Belgium — 94/0019, no measures notified, reasoned opinion in 1994
- France — 94/0182, no measures notified, referral in 1995, Case C-95/256, withdrawn in 1996
- Ireland — 94/0215, no measures notified, referral in 1995, Case C-95/319, withdrawn in 1996
- Italy — 94/0248, no measures notified, referral in 1995, Case C-95/314
- Netherlands — 94/0316, no measures notified, Article 169 letter in 1994, terminated in 1996
- Finland — 96/0656, no measures notified, Article 169 letter in 1996
- 92/0118  
Products not subject to specific health requirements  
Member States which have notified implementing measures: all except I, EL and FIN
- Greece — 94/0111, no measures notified, referral in 1996, Case C-96/091, judgment in 1996
- France — 94/0183, no measures notified, referral in 1995, Case C-95/256, withdrawn in 1996
- Ireland — 94/0216, no measures notified, referral in 1995, Case C-95/319, withdrawn in 1996
- Italy — 94/0249, no measures notified, referral in 1995, Case C-95/314
- Finland — 96/0655, no measures notified, Article 169 letter in 1996
- 92/0119  
Specific measures relating to swine vesicular disease  
Member States which have notified implementing measures: all
- Belgium — 93/0974, no measures notified, reasoned opinion in 1994
- 93/0017  
Community grades of seed potatoes  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0654, no measures notified, Article 169 letter in 1996
- 93/0026  
Feedingstuffs  
Member States which have notified implementing measures: all except FIN
- Finland — 96/0653, no measures notified, Article 169 letter in 1996
- 93/0027  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except FIN
- Greece — 94/0542, no measures notified, referral in 1996, Case C-96/211, terminated in 1996
- Finland — 96/0652, no measures notified, Article 169 letter in 1996
- 93/0028  
Official control of feedingstuffs  
Member States which have notified implementing measures: all except P and FIN
- Portugal — 94/0934, no measures notified, reasoned opinion in 1996
- Finland — 96/0651, no measures notified, Article 169 letter in 1996
- 93/0048  
Fruit-plant propagating material  
Member States which have notified implementing measures: B, DK, EL, E, F, IRL, L, NL, P, S, UK
- Germany — 94/0086, no measures notified, referral in 1996, Case C-96/139
- France — 94/0185, no measures notified, referral in 1995, Case C-95/256, withdrawn in 1996
- Italy — 94/0253, no measures notified, referral in 1995, Case C-95/315, judgment in 1996
- Austria — 96/0447, no measures notified, Article 169 letter in 1996
- Finland — 96/0650, no measures notified, Article 169 letter in 1996
- Portugal — 94/0352, no measures notified, referral in 1995, Case C-95/385, withdrawn in 1996
- United Kingdom — 94/0384, no measures notified, reasoned opinion in 1995, terminated in 1996



- 93/0049  
Material for the propagation of ornamental plants  
Member States which have notified implementing measures: B, DK, EL, E, F, IRL, L, NL, P, S, UK  
Germany — 94/0087, no measures notified, referral in 1996, Case C-96/139  
France — 94/0186, no measures notified, referral in 1995, Case C-95/256, withdrawn in 1996  
Italy — 94/0254, no measures notified, referral in 1995, Case C-95/315, judgment in 1996  
Austria — 96/0448, no measures notified, Article 169 letter in 1996  
Portugal — 94/0353, no measures notified, referral in 1995, Case C-95/385, withdrawn in 1996  
United Kingdom — 94/0385, no measures notified, reasoned opinion in 1995, terminated in 1996  
Sweden — 96/0529, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)  
Finland — 96/0649, no measures notified, Article 169 letter in 1996
- 93/0050  
Organisms harmful to plants  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0648, no measures notified, Article 169 letter in 1996
- 93/0051  
Movement of plants in protected zones  
Member States which have notified implementing measures: all except FIN  
Finland — 96/0647, no measures notified, Article 169 letter in 1996
- 93/0052  
Embryos of domestic bovine animals  
Member States which have notified implementing measures: all except EL  
Belgium — 94/0026, no measures notified, reasoned opinion in 1994, terminated in 1996  
Greece — 94/0108, no measures notified, referral in 1996, Case C-96/091, judgment in 1996  
Italy — 94/0255, no measures notified, referral in 1995, Case C-95/315, judgment in 1996 (to be terminated in 1997)  
United Kingdom — 94/0386, no measures notified, reasoned opinion in 1994, terminated in 1996
- 93/0053  
Control of certain fish diseases  
Member States which have notified implementing measures: B, DK, D, EL, E, IRL, L, NL, A, FIN, S, UK  
Belgium — 94/0786, no measures notified, Article 169 letter in 1995, terminated in 1996
- Greece — 94/0985, no measures notified, Article 169 letter in 1995, terminated in 1996  
France — 94/0840, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)  
Ireland — 94/0859, no measures notified, referral in 1996, Case C-96/290, withdrawn in 1996  
Italy — 94/0880, no measures notified, referral in 1996, Case C-96/316  
Netherlands — 94/0915, no measures notified, Article 169 letter in 1995, terminated in 1996  
Portugal — 94/0937, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)  
Finland — 96/0646, no measures notified, Article 169 letter in 1996, terminated in 1996
- 93/0054  
Animals and products of fish farming  
Member States which have notified implementing measures: all except I  
Belgium — 94/0787, no measures notified, Article 169 letter in 1995, terminated in 1996  
Ireland — 94/0860, no measures notified, referral in 1996, Case C-96/290, withdrawn in 1996  
Italy — 94/0881, no measures notified, referral in 1996, Case C-96/316  
Portugal — 94/0938, no measures notified, Article 169 letter in 1996, terminated in 1996
- 93/0055  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except FIN  
Greece — 94/0696, no measures notified, reasoned opinion in 1996, terminated in 1996  
Finland — 96/0645, no measures notified, Article 169 letter in 1996
- 93/0056  
Feedingstuffs  
Member States which have notified implementing measures: all except FIN  
Finland — 96/00644, no measures notified, Article 169 letter in 1996
- 93/0057  
Pesticide residues — cereals and foodstuffs of animal origin  
Member States which have notified implementing measures: all  
Finland — 96/0643, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

- 93/0058  
Pesticide residues — products of plant origin  
Member States which have notified implementing measures: all
- Finland — 96/0642, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 93/0060  
Fresh semen  
Member States which have notified implementing measures: all except EL and P
- Greece — 94/0983, no measures notified, reasoned opinion in 1996
- Italy — 94/0882, no measures notified, referral in 1996, Case C-96/317, withdrawn in 1996
- Portugal — 94/0939, no measures notified, reasoned opinion in 1996
- United Kingdom — 94/0959, no measures notified, Article 169 letter in 1995, terminated in 1996
- 93/0061  
Vegetable propagating and planting material  
Member States which have notified implementing measures: B, DK, EL, E, F, IRL, L, NL, P, S, UK
- Belgium — 94/0029, no measures notified, reasoned opinion in 1994, terminated in 1996
- Germany — 94/0091, no measures notified, referral in 1996, Case C-96/139
- France — 94/0190, no measures notified, referral in 1995, Case C-95/256, withdrawn in 1996
- Italy — 94/0258, no measures notified, referral in 1995, Case C-95/315, judgment in 1996
- Austria — 96/0449, no measures notified, Article 169 letter in 1996
- Finland — 96/0641, no measures notified, Article 169 letter in 1996
- Portugal — 94/0357, no measures notified, referral in 1995, Case C-95/385, withdrawn in 1996
- United Kingdom — 94/0389, no measures notified, reasoned opinion in 1995, terminated in 1996
- 93/0062  
Vegetable propagating material  
Member States which have notified implementing measures: B, DK, EL, E, F, IRL, L, NL, P, S, UK
- Belgium — 94/0628, no measures notified, referral in 1996, Case C-96/243, withdrawn in 1996
- Germany — 94/0652, no measures notified, referral in 1996, Case C-96/344
- France — 94/0679, no measures notified, Article 169 letter in 1994, terminated in 1996
- Italy — 94/0724, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- Austria — 96/0450, no measures notified, Article 169 letter in 1996
- Finland — 96/0640, no measures notified, Article 169 letter in 1996
- Portugal — 94/0757, no measures notified, reasoned opinion in 1996, terminated in 1996
- United Kingdom — 94/0960, no measures notified, Article 169 letter in 1995, terminated in 1996
- 93/0063  
Ornamental plants  
Member States which have notified implementing measures: B, DK, EL, E, F, IRL, L, NL, P, S, UK
- Belgium — 94/0629, no measures notified, referral in 1996, Case C-96/244, withdrawn in 1996
- Germany — 94/0653, no measures notified, referral in 1996, Case C-96/344
- France — 94/0680, no measures notified, Article 169 letter in 1994, terminated in 1996
- Italy — 94/0725, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- Austria — 96/0451, no measures notified, Article 169 letter in 1996
- Sweden — 96/0528, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Finland — 96/0639, no measures notified, Article 169 letter in 1996
- Portugal — 94/0758, no measures notified, reasoned opinion in 1996, terminated in 1996
- United Kingdom — 94/0961, no measures notified, Article 169 letter in 1995, terminated in 1996
- 93/0064  
Fruit plant propagating material  
Member States which have notified implementing measures: B, DK, EL, E, F, IRL, L, NL, P, S, UK
- Belgium — 94/0630, no measures notified, referral in 1996, Case C-96/265, withdrawn in 1996
- Germany — 94/0654, no measures notified, referral in 1996, Case C-96/344
- France — 94/0681, no measures notified, Article 169 letter in 1994, terminated in 1996
- Italy — 94/0726, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- Austria — 96/0452, no measures notified, Article 169 letter in 1996
- Finland — 96/0638, no measures notified, Article 169 letter in 1996
- Portugal — 94/0759, no measures notified, reasoned opinion in 1996, terminated in 1996
- United Kingdom — 94/0962, no measures notified, Article 169 letter in 1995, terminated in 1996

93/0070

Official control of feedingstuffs

Member States which have notified implementing measures: all except EL and FIN

Greece — 94/0694, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Portugal — 94/0760, no measures notified, reasoned opinion in 1996, terminated in 1996

United Kingdom — 94/0773, no measures notified, reasoned opinion in 1996, terminated in 1996

Finland — 96/0637, no measures notified, Article 169 letter in 1996

93/0071

Plant protection products

Member States which have notified implementing measures: B, DK, E, F, IRL, I, L, NL, P, FIN, S, UK

Germany — 94/0816, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Greece — 94/0980, no measures notified, reasoned opinion in 1996

Austria — 96/0454, no measures notified, Article 169 letter in 1996

Finland — 96/0636, no measures notified, Article 169 letter in 1996, terminated in 1996

93/0074

Feedingstuffs intended for special nutritional purposes

Member States which have notified implementing measures: B, DK, D, IRL, L, NL, A, P, S, UK

Belgium — 95/0395, no measures notified, Article 169 letter in 1995, terminated in 1996

Germany — 95/0433, no measures notified, Article 169 letter in 1995, terminated in 1996

Spain — 95/0478, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 95/0501, no measures notified, reasoned opinion in 1996

Greece — 95/0451, no measures notified, reasoned opinion in 1996

Ireland — 95/0523, no measures notified, Article 169 letter in 1995, terminated in 1996

Italy — 95/0543, no measures notified, reasoned opinion in 1996

Portugal — 95/0604, no measures notified, Article 169 letter in 1995, terminated in 1996

Finland — 96/0635, no measures notified, Article 169 letter in 1996

93/0078

Ornamental plants

Member States which have notified implementing measures: B, DK, EL, E, F, IRL, L, NL, P, S, UK

Belgium — 94/0631, no measures notified, referral in 1996, Case C-96/244, withdrawn in 1996

Germany — 94/0655, no measures notified, referral in 1996, Case C-96/344

France — 94/0683, no measures notified, Article 169 letter in 1994, terminated in 1996

Italy — 94/0728, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Portugal — 94/0761, no measures notified, reasoned opinion in 1996, terminated in 1996

Austria — 96/0455, no measures notified, Article 169 letter in 1996

Sweden — 96/0527, no measures notified, Article 169 letter in 1996, terminated in 1996

Finland — 96/0634, no measures notified, Article 169 letter in 1996

United Kingdom — 94/0967, no measures notified, Article 169 letter in 1995, terminated in 1996

93/0079

Fruit plant propagating material

Member States which have notified implementing measures: B, DK, EL, E, F, IRL, L, NL, P, S, UK

Belgium — 94/0632, no measures notified, referral in 1996, Case C-96/265, withdrawn in 1996

Germany — 94/0656, no measures notified, referral in 1996, Case C-96/344

France — 94/0684, no measures notified, Article 169 letter in 1994, terminated in 1996

Italy — 94/0729, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Austria — 96/0456, no measures notified, Article 169 letter in 1996

Sweden — 96/0526, no measures notified, Article 169 letter in 1996, terminated in 1996

Finland — 96/0633, no measures notified, Article 169 letter in 1996

Portugal — 94/0762, no measures notified, reasoned opinion in 1996, terminated in 1996

United Kingdom — 94/0968, no measures notified, Article 169 letter in 1995, terminated in 1996

93/0085

Potato ring rot

Member States which have notified implementing measures: B, DK, EL, E, F, IRL, I, L, NL, P, S, UK

Germany — 94/0093, no measures notified, referral in 1996, Case C-96/146

Italy — 94/0260, no measures notified, referral in 1995, Case C-95/315

Austria — 96/0457, no measures notified, Article 169 letter in 1996

Finland — 96/0632, no measures notified, Article 169 letter in 1996

93/0106

Particular plant health risks — protected zones  
Member States which have notified implementing measures: all except EL and L

Greece — 94/0423, no measures notified, reasoned opinion in 1995 (referral scheduled in 1997)

Luxembourg — 94/0477, no measures notified, referral in 1996, Case C-96/362

United Kingdom — 94/0498, no measures notified, Article 169 letter in 1994, terminated in 1996

93/0107

Feedingstuffs — additives

Member States which have notified implementing measures: all except FIN

Greece — 95/0067, no measures notified, reasoned opinion in 1996, terminated in 1996

Austria — 96/0459, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Finland — 96/0631, no measures notified, Article 169 letter in 1996

93/0110

Organisms harmful to plants and plant products

Member States which have notified implementing measures: all

Greece — 94/0422, no measures notified, reasoned opinion in 1995, terminated in 1996

Finland — 96/0630, no measures notified, Article 169 letter in 1996, terminated in 1996

93/0113

Enzymes and micro-organisms in animal nutrition

Member States which have notified implementing measures: B, DK, D, EL, E, IRL, L, NL, A, P, S, UK

Greece — 94/0977, no measures notified, reasoned opinion in 1996, terminated in 1996

France — 94/0849, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Italy — 94/0889, no measures notified, referral in 1996, Case C-96/316

Austria — 96/0461, no measures notified, Article 169 letter in 1996, to be terminated in 1997

Finland — 96/0629, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Portugal — 94/0946, no measures notified, reasoned opinion in 1996 (to be terminated in 1997)

93/0114

Feedingstuffs — additives

Member States which have notified implementing measures: B, DK, D, E, IRL, L, NL, A, P, S, UK

Greece — 94/0976, no measures notified, reasoned opinion in 1996

France — 94/0850, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Italy — 94/0890, no measures notified, referral in 1996, Case C-96/316

Portugal — 94/0947, no measures notified, reasoned opinion in 1996 (to be terminated in 1997)

Sweden — 96/0525, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Finland — 96/0628, no measures notified, Article 169 letter in 1996

93/0117

Official control of feedingstuffs

Member States which have notified implementing measures: B, DK, D, E, F, IRL, I, L, NL, A, P, S, UK

Greece — 95/0068, no measures notified, reasoned opinion in 1996

Luxembourg — 95/0149, no measures notified, Article 169 letter in 1995, terminated in 1996

Portugal — 95/0179, no measures notified, Article 169 letter in 1995, terminated in 1996

United Kingdom — 95/0203, no measures notified, reasoned opinion in 1996, terminated in 1996

Sweden — 96/0524, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Finland — 96/0627, no measures notified, Article 169 letter in 1996

93/0118

Financing of veterinary health inspections

Member States which have notified implementing measures: for provisions falling due on 31.12.1993: all except A, FIN for provisions falling due on 1.1.1995: DK, D, F, IRL, L, NL, S, UK

Belgium — 95/0025, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Spain — 95/0085, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Greece — 95/0069, no measures notified, reasoned opinion in 1996

Italy — 95/0135, no measures notified, reasoned opinion in 1996

Austria — 96/0462, no measures notified, Article 169 letter in 1996

Sweden — 96/0523, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Finland — 96/0626, no measures notified, Article 169 letter in 1996

Portugal — 95/0180, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

- United Kingdom — 95/0204, no measures notified, Article 169 letter in 1995, terminated in 1996
- 93/0119  
Protection of animals at the time of slaughter or killing  
Member States which have notified implementing measures: DK, EL, E, IRL, L, P
- Germany — 95/0257, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- Belgium — 95/0233, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- France — 95/0295, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- Greece — 95/0271, no measures notified, reasoned opinion in 1996, terminated in 1996
- Italy — 95/0322, no measures notified, reasoned opinion in 1996
- Netherlands — 95/0352, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- Austria — 96/0463, no measures notified, Article 169 letter in 1996
- Sweden — 96/0522, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Finland — 96/0625, no measures notified, Article 169 letter in 1996
- Portugal — 95/0364, no measures notified, Article 169 letter in 1995, terminated in 1996
- United Kingdom — 95/0379, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- 93/0120  
Health problems — poultry and hatching eggs  
Member States which have notified implementing measures: DK, D, E, F, IRL, L, NL, A, FIN, S, UK
- Belgium — 95/0234, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- Greece — 95/0272, no measures notified, reasoned opinion in 1996
- Italy — 95/0323, no measures notified, reasoned opinion in 1996
- Portugal — 95/0365, no measures notified, reasoned opinion in 1996
- 93/0121  
Health problems — trade in poultrymeat  
Member States which have notified implementing measures: B, DK, D, E, F, IRL, L, NL, A, P, FIN, S, UK
- Greece — 95/0273, no measures notified, reasoned opinion in 1996
- Italy — 95/0324, no measures notified, reasoned opinion in 1996
- Sweden — 96/0521, no measures notified, Article 169 letter in 1996, terminated in 1996
- Finland — 96/0623, no measures notified, Article 169 letter in 1996, terminated in 1996
- 94/0003  
Interception of harmful organisms  
Member States which have notified implementing measures: all except L
- Germany — 94/0657 no measures notified, referral in 1996, Case C-96/344 (withdrawn in 1997)
- Italy — 94/0730, no measures notified, reasoned opinion in 1996, terminated in 1996
- Luxembourg — 94/0741, no measures notified, referral in 1996, Case C-96/362
- Finland — 96/0622, no measures notified, Article 169 letter in 1996, terminated in 1996
- 94/0013  
Organisms harmful to plants  
Member States which have notified implementing measures: all except D
- Germany — 95/0258, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)
- Denmark — 95/0248, no measures notified, Article 169 letter in 1995, terminated in 1996
- Italy — 95/0325, no measures notified, Article 169 letter in 1995, terminated in 1996
- Portugal — 95/0367, no measures notified, Article 169 letter in 1995, terminated in 1996
- Finland — 96/0621, no measures notified, Article 169 letter in 1996, terminated in 1996
- 94/0014  
Feedingstuffs — official control  
Member States which have notified implementing measures: all except P
- Luxembourg — 95/0571, no measures notified, Article 169 letter in 1995, terminated in 1996
- Austria — 96/0465, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 95/0608, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- 94/0016  
Undesirable substances and products in animal nutrition  
Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, NL, A, P, S, UK
- Italy — 95/0326, no measures notified, reasoned opinion in 1996

Luxembourg — 95/0341, no measures notified, reasoned opinion in 1996 (referral scheduled in 1997)

Portugal — 95/0368, no measures notified, Article 169 letter in 1995, terminated in 1996

Finland — 95/0620, no measures notified, Article 169 letter in 1996

#### 94/0017

Feedingstuffs — additives

Member States which have notified implementing measures: all except FIN

Greece — 95/0072, no measures notified, Article 169 letter in 1995, terminated in 1996

Portugal — 95/0184, no measures notified, Article 169 letter in 1995, terminated in 1996

Finland — no measures notified, Article 169 letter in 1996

#### 94/0028

Imports from third countries — zootechnical and genealogical conditions

Member States which have notified implementing measures: D, DK, EL, E, I, NL, FIN, S

Germany — 95/0436, no measures notified, Article 169 letter in 1995, terminated in 1996

Belgium — 95/0402, no measures notified, reasoned opinion in 1996

Denmark — 95/0424, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 95/0505, no measures notified, reasoned opinion in 1996

Greece — 95/0457, no measures notified, Article 169 letter in 1995, terminated in 1996

Ireland — 95/0527, no measures notified, reasoned opinion in 1996

Luxembourg — 95/0573, no measures notified, reasoned opinion in 1996

Austria — 96/0467, no measures notified, Article 169 letter in 1996

Portugal — 95/0610, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)

United Kingdom — 95/0635, no measures notified, reasoned opinion in 1996

#### 94/0029

Pesticide residues — cereals and foodstuffs of animal origin

Member States which have notified implementing measures: all

Belgium — 95/0403, no measures notified, reasoned opinion in 1996 (to be terminated in 1997)

France — 95/0506, no measures notified, Article 169 letter in 1995, terminated in 1996

Italy — 95/0549, no measures notified, Article 169 letter in 1995, terminated in 1996

Luxembourg — 95/0574, no measures notified, Article 169 letter in 1995, terminated in 1996

Portugal — 95/0611, no measures notified, Article 169 letter in 1995 (to be terminated in 1997)

Finland — 96/0618, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

#### 94/0030

Pesticide residues in products of plant origin

Member States which have notified implementing measures: all except F

Belgium — 95/0404, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Spain — 95/0484, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 95/0507, no measures notified, reasoned opinion in 1996

Italy — 95/0550, no measures notified, Article 169 letter in 1995, terminated in 1996

Luxembourg — 95/0575, no measures notified, Article 169 letter in 1995, terminated in 1996

Portugal — 95/0612, no measures notified, Article 169 letter in 1995 (to be terminated in 1997)

Finland — 96/0617, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

#### 94/0037

Plant protection products

Member States which have notified implementing measures: B, DK, E, IRL, I, L, NL, FIN, S, UK

Germany — 95/0437, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)

Spain — 95/0485, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 95/0509, no measures notified, reasoned opinion in 1996

Greece — 95/0459, no measures notified, reasoned opinion in 1996

Austria — 96/0468, no measures notified, Article 169 letter in 1996

Finland — 96/0616, no measures notified, Article 169 letter in 1996, terminated in 1996

Portugal — 95/0614, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)

94/0039

Intended uses of feedingsuffs for particular nutritional purposes  
Member States which have notified implementing measures:  
B, DK, E, IRL, L, NL, A, P, UK

Germany — 95/0438, no measures notified, Article 169  
letter in 1995 (reasoned opinion to be sent in  
1997)

Belgium — 95/0406, no measures notified, Article 169  
letter in 1995, terminated in 1996

Spain — 95/0486, no measures notified, Article 169  
letter in 1995, terminated in 1996

France — 95/0510, no measures notified, reasoned  
opinion in 1996

Greece — 95/0460, no measures notified, reasoned  
opinion in 1996

Ireland — 95/0529, no measures notified, Article 169  
letter in 1995, terminated in 1996

Italy — 95/0552, no measures notified, reasoned  
opinion in 1996

Portugal — 95/0615, no measures notified, Article 169  
letter in 1995, terminated in 1996

Sweden — 96/0520, no measures notified, Article 169  
letter in 1996

Finland — 96/0615, no measures notified, Article 169  
letter in 1996

94/0040

Additives — guidelines for evaluation

Member States which have notified implementing measures:  
B, DK, D, E, F, IRL, I, L, NL, A, S, UK

Greece — 94/0973, no measures notified, reasoned  
opinion in 1996

Portugal — 94/0950, no measures notified, reasoned  
opinion in 1996

Sweden — 96/0519, no measures notified, Article 169  
letter in 1996 (to be terminated in 1997)

Finland — 96/0614, no measures notified, Article 169  
letter in 1996

94/0041

Feedingsuffs — additives

Member States which have notified implementing measures: all  
except D and FIN

Germany — 95/0439, no measures notified, Article 169  
letter in 1995 (reasoned opinion to be sent in  
1997)

Greece — 95/0461, no measures notified, Article 169  
letter in 1995, terminated in 1996

Portugal — 95/0616, no measures notified, Article 169  
letter in 1995, terminated in 1996

Finland — 96/0613, no measures notified, Article 169  
letter in 1996

94/0042

Health problems — live animals

Member States which have notified implementing measures:  
B, DK, D, E, F, NL, A, FIN, S, UK

Greece — 95/0276, no measures notified, reasoned  
opinion in 1996

Ireland — 95/0311, no measures notified, reasoned  
opinion in 1996

Italy — 95/0327, no measures notified, reasoned  
opinion in 1996

Luxembourg — 95/0343, no measures notified, reasoned  
opinion in 1996 (referral scheduled in 1997)

Portugal — 95/0370, no measures notified, reasoned  
opinion in 1996

94/0059

Imports from third countries — examination for trichinae  
Member States which have notified implementing measures:  
B, DK, E, F, IRL, L, NL, A, P, FIN

Germany — 95/0052, no measures notified, reasoned  
opinion in 1996 (referral scheduled in 1997)

Spain — 95/0090, no measures notified, Article 169  
letter in 1995, terminated in 1996

France — 95/0108, no measures notified, Article 169  
letter in 1995, terminated in 1996

Greece — 95/0075, no measures notified, reasoned  
opinion in 1996

Ireland — 95/0124, no measures notified, reasoned  
opinion in 1996, terminated in 1996

Italy — 95/0141, no measures notified, reasoned  
opinion in 1996

United Kingdom — 95/0210, no measures notified, reasoned  
opinion in 1996 (referral scheduled in 1997)

Sweden — 96/0518, no measures notified, Article 169  
letter in 1996

94/0065

Minced meat and meat preparations

Member States which have notified implementing measures:  
B, DK, F, IRL, L, NL, A, S, P

Belgium — 96/0231, no measures notified, Article 169  
letter in 1996, terminated in 1996

Germany — 96/0247, no measures notified, Article 169  
letter in 1996

Denmark — 96/0242, no measures notified, Article 169  
letter in 1996, terminated in 1996

Spain — 96/0277, no measures notified, Article 169  
letter in 1996

Greece — 96/0263, no measures notified, Article 169  
letter in 1996

Italy — 96/0306, no measures notified, Article 169  
letter in 1996

Luxembourg — 96/0318, no measures notified, Article 169  
letter in 1996, terminated in 1996

Austria — 96/0471, no measures notified, Article 169  
letter in 1996 (to be terminated in 1997)

Finland — 96/0611, no measures notified, Article 169  
letter in 1996

Sweden — 96/0517, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

United Kingdom — 96/0351, no measures notified, Article 169 letter in 1996

94/0071

Raw milk, heat-treated milk and milk-based products

Member States which have notified implementing measures: B, DK, D, E, IRL, L, NL, P, FIN, S, UK

Belgium — 95/0411, no measures notified, Article 169 letter in 1995, terminated in 1996

Spain — 95/0492, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 95/0514, no measures notified, reasoned opinion in 1996

Greece — 95/0467, no measures notified, reasoned opinion in 1996

Ireland — 95/0533, no measures notified, Article 169 letter in 1995, terminated in 1996

Italy — 95/0557, no measures notified, reasoned opinion in 1996

Austria — 96/0472, no measures notified, Article 169 letter in 1996

United Kingdom — 95/0640, no measures notified, Article 169 letter in 1995, terminated in 1996

94/0079

Plant protection products

Member States which have notified implementing measures: B, DK, E, IRL, I, NL, FIN, S, UK

Germany — 96/0248, no measures notified, Article 169 letter in 1996

Denmark — 96/0243, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

Greece — 96/0264, no measures notified, Article 169 letter in 1996

France — 96/0283, no measures notified, Article 169 letter in 1996

Luxembourg — 96/0319, no measures notified, Article 169 letter in 1996

Austria — 96/0473, no measures notified, Article 169 letter in 1996

Portugal — 96/0340, no measures notified, Article 169 letter in 1996

Finland — 96/0610, no measures notified, Article 169 letter in 1996, terminated in 1996

95/0004

Organisms harmful to plants

Member States which have notified implementing measures: all

Germany — 95/0264, no measures notified, reasoned opinion in 1996, terminated in 1996

Greece — 95/0282, no measures notified, Article 169 letter in 1995, terminated in 1996

Italy — 95/0333, no measures notified, Article 169 letter in 1995, terminated in 1996

Finland — 96/0609, no measures notified, Article 169 letter in 1996, terminated in 1996

95/0006

Cereal seed

Member States which have notified implementing measures: all except EL and FIN

Germany — 95/0443, no measures notified, Article 169 letter in 1995, terminated in 1996

Greece — 95/0469, no measures notified, reasoned opinion in 1996

Italy — 95/0560, no measures notified, reasoned opinion in 1996 (to be terminated in 1997)

Luxembourg — 95/0581, no measures notified, Article 169 letter in 1995, terminated in 1996

Netherlands — 95/0598, no measures notified, Article 169 letter in 1995, terminated in 1996

Portugal — 95/0624, no measures notified, Article 169 letter in 1995, terminated in 1996

Sweden — 96/0516, no measures notified, Article 169 letter in 1996, terminated in 1996

Finland — 96/0608, no measures notified, Article 169 letter in 1996

95/0009

Feedingstuffs intended for particular nutritional purposes

Member States which have notified implementing measures: B, DK, E, IRL, NL, A, P, UK

Germany — 95/0444, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)

Belgium — 95/0415, no measures notified, Article 169 letter in 1995, terminated in 1996

Spain — 95/0494, no measures notified, Article 169 letter in 1995, terminated in 1996

France — 95/0517, no measures notified, reasoned opinion in 1996

Greece — 95/0470, no measures notified, reasoned opinion in 1996

Ireland — 95/0535, no measures notified, Article 169 letter in 1995, terminated in 1996

Italy — 95/0561, no measures notified, reasoned opinion in 1996

Luxembourg — 95/0582, no measures notified, reasoned opinion in 1996

Portugal — 95/0625, no measures notified, Article 169 letter in 1995, terminated in 1996



- Sweden — 96/0515, no measures notified, Article 169 letter in 1996
- Finland — 96/0607, no measures notified, Article 169 letter in 1996
- 95/0010  
Calculating the energy value of certain dog and cat food  
Member States which have notified implementing measures: B, DK, E, IRL, NL, A, P, UK
- Germany — 95/0445, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- Belgium — 95/0416, no measures notified, Article 169 letter in 1995, terminated in 1996
- Spain — 95/0495, no measures notified, Article 169 letter in 1995, terminated in 1996
- France — 95/0518, no measures notified, reasoned opinion in 1996
- Greece — 95/0471, no measures notified, reasoned opinion in 1996
- Ireland — 95/0536, no measures notified, Article 169 letter in 1995, terminated in 1996
- Italy — 95/0562, no measures notified, reasoned opinion in 1996
- Luxembourg — 95/0583, no measures notified, reasoned opinion in 1996
- Netherlands — 95/0600, no measures notified, Article 169 letter in 1995, terminated in 1996
- Portugal — 95/0626, no measures notified, Article 169 letter in 1995, terminated in 1996
- Sweden — 96/0514, no measures notified, Article 169 letter in 1996
- Finland — 96/0606, no measures notified, Article 169 letter in 1996
- 95/0011  
Feedingstuffs — assessment of additives  
Member States which have notified implementing measures: B, DK, D, E, IRL, I, NL, A, S, UK
- France — 96/0099, no measures notified, reasoned opinion in 1996
- Greece — 96/0062, no measures notified, reasoned opinion in 1996
- Ireland — 96/0118, no measures notified, Article 169 letter in 1996, terminated in 1996
- Italy — 96/0137, no measures notified, Article 169 letter in 1996, terminated in 1996
- Luxembourg — 96/0155, no measures notified, reasoned opinion in 1996
- Portugal — 96/0181, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent in 1997)
- Sweden — 96/0513, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Finland — 96/0605, no measures notified, Article 169 letter in 1996
- 95/0022  
Aquaculture products  
Member States which have notified implementing measures: B, DK, D, NL, P, S, UK
- Greece — ..., no measures notified (Article 169 letter to be sent in 1997)
- Spain — ..., no measures notified (Article 169 letter to be sent in 1997)
- France — ..., no measures notified (Article 169 letter to be sent in 1997)
- Ireland — ..., no measures notified (Article 169 letter to be sent in 1997)
- Italy — ..., no measures notified (Article 169 letter to be sent in 1997)
- Luxembourg — ..., no measures notified (Article 169 letter to be sent in 1997)
- Austria — ..., no measures notified (Article 169 letter to be sent in 1997)
- Finland — ..., no measures notified (Article 169 letter to be sent in 1997)
- 95/0023  
Fresh meat — production conditions  
Member States which have notified implementing measures: B, DK, E, I, L, A, P, FIN, UK
- Germany — 96/0046, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent in 1997)
- Belgium — 96/0014, no measures notified, Article 169 letter in 1996, terminated in 1996
- Denmark — 96/0028, no measures notified, Article 169 letter in 1996, terminated in 1996
- Spain — 96/0082, no measures notified, Article 169 letter in 1996, terminated in 1996
- France — 96/0101, no measures notified, reasoned opinion in 1996
- Greece — 96/0064, no measures notified, reasoned opinion in 1996
- Ireland — 96/0120, no measures notified, reasoned opinion in 1996
- Italy — 96/0139, no measures notified, Article 169 letter in 1996, terminated in 1996
- Luxembourg — 96/0157, no measures notified, reasoned opinion in 1996, terminated in 1996
- Netherlands — 96/0168, no measures notified, Article 169 letter in 1996 (reasoned opinion to be sent in 1997)
- Portugal — 96/0189, no measures notified, Article 169 letter in 1996, terminated in 1996
- United Kingdom — 96/0209, no measures notified, Article 169 letter in 1996, terminated in 1996
- Sweden — 96/0510, no measures notified, Article 169 letter in 1996
- Finland — 96/0604, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)

95/0025

Health problems — live animals

Member States which have notified implementing measures:  
D, DK, E, F, NL, A, P, FINBelgium — 96/0015, no measures notified, reasoned  
opinion in 1996Denmark — 96/0029, no measures notified, Article 169  
letter in 1996, terminated in 1996Spain — 96/0083, no measures notified, Article 169  
letter in 1996, terminated in 1996France — 96/0102, no measures notified, Article 169  
letter in 1996, terminated in 1996Greece — 96/0065, no measures notified, reasoned  
opinion in 1996Ireland — 96/0121, no measures notified, reasoned  
opinion in 1996Italy — 96/0140, no measures notified, reasoned  
opinion in 1996Luxembourg — 96/0158, no measures notified, reasoned  
opinion in 1996Netherlands — 96/0169, no measures notified, Article 169  
letter in 1996, terminated in 1996Portugal — 96/0190, no measures notified, Article 169  
letter in 1996, terminated in 1996United  
Kingdom — 96/0210, no measures notified, reasoned  
opinion in 1996Sweden — 96/0509, no measures notified, Article 169  
letter in 1996

95/0029

Protection of animals during transport

Member States which have notified implementing measures: S

Belgium — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Denmark — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Germany — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Greece — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Spain — . . . , no measures notified (Article 169 letter to  
be sent in 1997)France — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Ireland — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Italy — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Luxembourg — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Netherlands — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Austria — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Portugal — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Finland — . . . , no measures notified (Article 169 letter to  
be sent in 1997)United  
Kingdom — . . . , no measures notified (Article 169 letter to  
be sent in 1997)

95/0033

Feedingstuffs — products used

Member States which have notified implementing measures:  
DK, EL, E, IRL, NL, A, FIN, UKBelgium — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Germany — . . . , no measures notified (Article 169 letter to  
be sent in 1997)France — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Italy — . . . , no measures notified (Article 169 letter to  
be sent in 1997) (to be terminated in 1997)Luxembourg — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Portugal — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Sweden — . . . , no measures notified (Article 169 letter to  
be sent in 1997)

95/0035

Placing of plant protection products on the market

Member States which have notified implementing measures:  
B, DK, E, F, IRL, I, NL, SGermany — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Greece — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Luxembourg — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Austria — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Portugal — . . . , no measures notified (Article 169 letter to  
be sent in 1997)Finland — . . . , no measures notified (Article 169 letter to  
be sent in 1997)United  
Kingdom — . . . , no measures notified (Article 169 letter to  
be sent in 1997)

95/0036

Plant protection products

Member States which have notified implementing measures:  
B, DK, E, F, IRL, I, NL, FIN, S, UKGermany — 96/0252, no measures notified, Article 169  
letter in 1996Denmark — 96/0244, no measures notified, Article 169  
letter in 1996 (to be terminated in 1997)France — 96/0287, no measures notified, Article 169  
letter in 1996 (to be terminated in 1997)Greece — 96/0268, no measures notified, Article 169  
letter in 1996Luxembourg — 96/0323, no measures notified, Article 169  
letter in 1996

- Netherlands — 96/0334, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 96/0343, no measures notified, Article 169 letter in 1996
- Austria — 96/0480, no measures notified, Article 169 letter in 1996
- Finland — 96/0603, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Sweden — 96/0512, no measures notified, Article 169 letter in 1996, terminated in 1996
- United Kingdom — 96/0352, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 95/0037  
Feedingsuffs — additives  
Member States which have notified implementing measures: B, DK, E, IRL, I, NL, A, S, UK
- Germany — ... , no measures notified (Article 169 letter to be sent in 1997)
- Greece — ... , no measures notified (Article 169 letter to be sent in 1997)
- France — ... , no measures notified (Article 169 letter to be sent in 1997)
- Luxembourg — ... , no measures notified (Article 169 letter to be sent in 1997)
- Portugal — ... , no measures notified (Article 169 letter to be sent in 1997)
- Finland — ... , no measures notified (Article 169 letter to be sent in 1997)
- 95/0038  
Pesticide residues in and on fruit and vegetables  
Member States which have notified implementing measures: DK, E, IRL, I, L, NL, P, UK
- Belgium — ... , no measures notified (Article 169 letter to be sent in 1997)
- Germany — ... , no measures notified (Article 169 letter to be sent in 1997)
- Greece — ... , no measures notified (Article 169 letter to be sent in 1997)
- France — ... , no measures notified (Article 169 letter to be sent in 1997)
- Austria — ... , no measures notified (Article 169 letter to be sent in 1997)
- Finland — ... , no measures notified (Article 169 letter to be sent in 1997)
- Sweden — ... , no measures notified (Article 169 letter to be sent in 1997)
- 95/0039  
Pesticide residues — cereals and foodstuffs of animal origin  
Member States which have notified implementing measures: DK, E, F, IRL, I, L, NL, P, UK
- Belgium — ... , no measures notified (Article 169 letter to be sent in 1997)
- Germany — ... , no measures notified (Article 169 letter to be sent in 1997)
- Greece — ... , no measures notified (Article 169 letter to be sent in 1997)
- Austria — ... , no measures notified (Article 169 letter to be sent in 1997)
- Finland — ... , no measures notified (Article 169 letter to be sent in 1997)
- Sweden — ... , no measures notified (Article 169 letter to be sent in 1997)
- 95/0040  
Organisms harmful to plants — protected zones  
Member States which have notified implementing measures: B, DK, E, F, IRL, I, NL, A, P, S, UK
- Germany — 95/0446, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- Belgium — 95/0417, no measures notified, Article 169 letter in 1995, terminated in 1996
- Denmark — 95/0429, no measures notified, Article 169 letter in 1995, terminated in 1996
- Spain — 95/0496, no measures notified, Article 169 letter in 1995, terminated in 1996
- France — 95/0519, no measures notified, Article 169 letter in 1995, terminated in 1996
- Greece — 95/0472, no measures notified, reasoned opinion in 1996
- Italy — 95/0563, no measures notified, Article 169 letter in 1995, terminated in 1996
- Luxembourg — 95/0584, no measures notified, reasoned opinion in 1996
- Portugal — 95/0627, no measures notified, Article 169 letter in 1995, terminated in 1996
- United Kingdom — 95/0643, no measures notified, Article 169 letter in 1995, terminated in 1996
- Finland — 96/0602, no measures notified, Article 169 letter in 1996
- 95/0041  
Organisms harmful to plants  
Member States which have notified implementing measures: B, DK, E, F, IRL, I, NL, A, P, FIN, S, UK
- Germany — 95/0447, no measures notified, Article 169 letter in 1995 (reasoned opinion to be sent in 1997)
- Belgium — 95/0418, no measures notified, Article 169 letter in 1995, terminated in 1996
- Denmark — 95/0430, no measures notified, Article 169 letter in 1995, terminated in 1996
- Spain — 95/0497, no measures notified, Article 169 letter in 1995, terminated in 1996
- France — 95/0520, no measures notified, Article 169 letter in 1995, terminated in 1996
- Greece — 95/0473, no measures notified, reasoned opinion in 1996

Italy — 95/0564, no measures notified, Article 169 letter in 1995, terminated in 1996

Luxembourg — 95/0585, no measures notified, reasoned opinion in 1996

Portugal — 95/0628, no measures notified, Article 169 letter in 1995, terminated in 1996

Finland — 96/0601, no measures notified, Article 169 letter in 1996, terminated in 1996

United Kingdom — 95/0644, no measures notified, Article 169 letter in 1995, terminated in 1996

95/0044

Organisms harmful to plants — work for trial or scientific purposes

Member States which have notified implementing measures: B, DK, E, IRL, I, NL, A, P, FIN, S, UK

Belgium — 96/0235, no measures notified, Article 169 letter in 1996, terminated in 1996

Germany — 96/253, no measures notified, Article 169 letter in 1996

France — 96/288, no measures notified, Article 169 letter in 1996

Greece — 96/269, no measures notified, Article 169 letter in 1996

Luxembourg — 96/324, no measures notified, Article 169 letter in 1996

Finland — 96/600, no measures notified, Article 169 letter in 1996, terminated in 1996

Sweden — 96/511, no measures notified, Article 169 letter in 1996, terminated in 1996

95/0061

Pesticide residues in and on fruit and vegetables

Member States which have notified implementing measures: DK, E, IRL, L, NL, UK

Belgium — ..., no measures notified (Article 169 letter to be sent in 1997)

Germany — ..., no measures notified (Article 169 letter to be sent in 1997)

Greece — ..., no measures notified (Article 169 letter to be sent in 1997)

France — ..., no measures notified (Article 169 letter to be sent in 1997)

Italy — ..., no measures notified (Article 169 letter to be sent in 1997)

Austria — ..., no measures notified (Article 169 letter to be sent in 1997)

Portugal — ..., no measures notified (Article 169 letter to be sent in 1997)

Finland — ..., no measures notified (Article 169 letter to be sent in 1997)

Sweden — ..., no measures notified (Article 169 letter to be sent in 1997)

95/0065

Organisms harmful to plants — protected zones

Member States which have notified implementing measures: B, DK, E, IRL, I, NL, A, P, S, UK

Germany — 96/0256, no measures notified, Article 169 letter in 1996

France — 96/0290, no measures notified, Article 169 letter in 1996

Greece — 96/0271, no measures notified, Article 169 letter in 1996

Luxembourg — 96/0326, no measures notified, Article 169 letter in 1996

Finland — 96/0599, no measures notified, Article 169 letter in 1996

95/0066

Organisms harmful to plants and plant products

Member States which have notified implementing measures: B, DK, E, IRL, I, NL, A, P, S, UK

Germany — 96/0257, no measures notified, Article 169 letter in 1996

France — 96/0291, no measures notified, Article 169 letter in 1996

Greece — 96/0272, no measures notified, Article 169 letter in 1996

Luxembourg — 96/0327, no measures notified, Article 169 letter in 1996

Finland — 96/0598, no measures notified, Article 169 letter in 1996

United Kingdom — 96/0355, no measures notified, Article 169 letter in 1996, terminated in 1996

95/0068

Marketing of meat products

Member States which have notified implementing measures: DK

Belgium — ..., no measures notified (Article 169 letter to be sent in 1997)

Germany — ..., no measures notified (Article 169 letter to be sent in 1997)

Greece — ..., no measures notified (Article 169 letter to be sent in 1997)

Spain — ..., no measures notified (Article 169 letter to be sent in 1997)

France — ..., no measures notified (Article 169 letter to be sent in 1997)

Ireland — ..., no measures notified (Article 169 letter to be sent in 1997)

Italy — ..., no measures notified (Article 169 letter to be sent in 1997)

Luxembourg — ..., no measures notified (Article 169 letter to be sent in 1997)

Netherlands — ..., no measures notified (Article 169 letter to be sent in 1997)

Austria — ..., no measures notified (Article 169 letter to be sent in 1997)

Portugal — ..., no measures notified (Article 169 letter to be sent in 1997)

Finland — ..., no measures notified (Article 169 letter to be sent in 1997)

Sweden — ..., no measures notified (Article 169 letter to be sent in 1997)

- United Kingdom — ..., no measures notified (Article 169 letter to be sent in 1997)
- 96/0006  
Feedingstuffs, undesirable substances  
Member States which have notified implementing measures: B, DK, E, IRL, NL, UK
- Germany — ..., no measures notified (Article 169 letter to be sent in 1997)
- Greece — ..., no measures notified (Article 169 letter to be sent in 1997)
- France — ..., no measures notified (Article 169 letter to be sent in 1997)
- Italy — ..., no measures notified (Article 169 letter to be sent in 1997)
- Luxembourg — ..., no measures notified (Article 169 letter to be sent in 1997)
- Austria — ..., no measures notified (Article 169 letter to be sent in 1997)
- Portugal — ..., no measures notified (Article 169 letter to be sent in 1997)
- Finland — ..., no measures notified (Article 169 letter to be sent in 1997)
- Sweden — ..., no measures notified (Article 169 letter to be sent in 1997)
- 96/0007  
Feedingstuffs — additives  
Member States which have notified implementing measures: B, DK, E, IRL, I, NL, UK
- Germany — ..., no measures notified (Article 169 letter to be sent in 1997)
- Greece — ..., no measures notified (Article 169 letter to be sent in 1997)
- France — ..., no measures notified (Article 169 letter to be sent in 1997)
- Luxembourg — ..., no measures notified (Article 169 letter to be sent in 1997)
- Austria — ..., no measures notified (Article 169 letter to be sent in 1997)
- Portugal — ..., no measures notified (Article 169 letter to be sent in 1997)
- Finland — ..., no measures notified (Article 169 letter to be sent in 1997)
- Sweden — ..., no measures notified (Article 169 letter to be sent in 1997)
- 96/0014  
Organisms harmful to plants or plant products  
Member States which have notified implementing measures: B, DK, E, IRL, NL, A, P, FIN, S, UK
- Belgium — 96/0240, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Germany — 96/0260, no measures notified, Article 169 letter in 1996
- France — 96/0294, no measures notified, Article 169 letter in 1996
- Greece — 96/0275, no measures notified, Article 169 letter in 1996
- Ireland — 96/0304, no measures notified, Article 169 letter in 1996, terminated in 1996
- Italy — 96/0315, no measures notified, Article 169 letter in 1996
- Luxembourg — 96/0329, no measures notified, Article 169 letter in 1996
- Netherlands — 96/0338, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 96/0349, no measures notified, Article 169 letter in 1996, terminated in 1996
- Finland — 96/0597, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- Sweden — 96/0508, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 96/0015  
Organisms harmful to plants — protected zones  
Member States which have notified implementing measures: B, DK, E, IRL, NL, A, S, UK
- Belgium — 96/0241, no measures notified, Article 169 letter in 1996
- Germany — 96/0261, no measures notified, Article 169 letter in 1996
- France — 96/0295, no measures notified, Article 169 letter in 1996
- Greece — 96/0276, no measures notified, Article 169 letter in 1996
- Ireland — 96/0305, no measures notified, Article 169 letter in 1996, terminated in 1996
- Italy — 96/0316, no measures notified, Article 169 letter in 1996
- Luxembourg — 96/0330, no measures notified, Article 169 letter in 1996
- Netherlands — 96/0339, no measures notified, Article 169 letter in 1996, terminated in 1996
- Portugal — 96/0350, no measures notified, Article 169 letter in 1996, terminated in 1996
- Finland — 96/0596, no measures notified, Article 169 letter in 1996
- Sweden — 96/0507, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 96/0018  
Seeds and propagating materials, marketing  
Member States which have notified implementing measures: DK, E, I, L, P, S, UK
- Belgium — no measures notified (Article 169 letter to be sent in 1997)
- Germany — no measures notified (Article 169 letter to be sent in 1997)
- Greece — no measures notified (Article 169 letter to be sent in 1997)
- France — no measures notified (Article 169 letter to be sent in 1997)
- Ireland — no measures notified (Article 169 letter to be sent in 1997)

Netherlands — no measures notified (Article 169 letter to be sent in 1997)

Austria — no measures notified (Article 169 letter to be sent in 1997)

Finland — no measures notified (Article 169 letter to be sent in 1997)

## 6. ENVIRONMENT

67/0548  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

69/0081  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

70/0157  
Sound level of motor vehicles  
Member States which have notified implementing measures: all

70/0189  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

72/0306  
Emission of pollutants from diesel engines  
Member States which have notified implementing measures: all

73/0146  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

75/0409  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

75/0439  
Disposal of waste oils  
Member States which have notified implementing measures: all  
Germany — 90/5097, not properly applied, referral scheduled in 1997

Italy — 86/0419, not properly applied, terminated in 1996

Portugal — 93/2115, not properly implemented, reasoned opinion to be sent in 1997

75/0440  
Surface water  
Member States which have notified implementing measures: all  
Belgium — 87/0345, not properly implemented, 2nd referral 171 scheduled for 1997

Germany — 87/0372, not properly implemented, 2nd referral 171 scheduled 1997

France — 92/4200, not properly applied, reasoned opinion to be sent in 1997

Italy — 89/0206, not properly implemented, referral scheduled in 1997

Portugal — 92/2300, not properly applied, referral scheduled in 1997

United Kingdom — 89/4571, not properly implemented, reasoned opinion in 1996

75/0442

Waste

Member States which have notified implementing measures: all  
Greece — 89/0138, not properly applied, judgment 7. 4. 1992, Case C-91/045, Article 171 letter in 1995

Greece — 92/4682, not properly applied, reasoned opinion to be sent in 1997

Greece — 92/5154, not properly applied, terminated in 1996

Greece — 93/4481, not properly applied, reasoned opinion to be sent in 1997

Ireland — 91/0704, not properly implemented, referral scheduled in 1997

Italy — 88/0239, not properly applied, judgment in 1991, Case C-90/033, 2nd referral 171 scheduled for 1997

Italy — 90/0262, not properly applied, referral scheduled in 1997

75/0716

Sulphur content of liquid fuel

Member States which have notified implementing measures: all

76/0160

Bathing water

Member States which have notified implementing measures: all except FIN, S

Belgium — 89/0416, not properly applied, reasoned opinion to be sent in 1997

Germany — 89/0317, not properly applied, referral scheduled in 1997

Spain — 89/0418, not properly applied, referral in 1996, Case C-96/092

France — 96/2107, not properly applied, reasoned opinion to be sent in 1997

Italy — 87/0356, not properly implemented, referral scheduled in 1997

Finland — 96/0559, no measures notified, reasoned opinion to be sent in 1997

United Kingdom — 86/0214, not properly applied, judgment in 1993, Case C-90/056

76/0403

Disposal of PCBs

Member States which have notified implementing measures: all

76/0464

Dangerous substances in the sea

Member States which have notified implementing measures: all

Belgium — 91/0205, not properly implemented, referral scheduled in 1997

Germany — 89/2343, not properly applied, referral scheduled in 1997

Greece — 91/0620, not properly applied, referral in 1995, Case C-95/233

Greece — 90/0979, not properly applied, reasoned opinion in 1996

Greece — 89/0303, not properly applied, referral in 1995, Case C-95/232

Spain — 90/0960, not properly applied, referral scheduled in 1997

Spain — 90/2190, not properly applied, reasoned opinion in 1995

Spain — 94/4865, not properly applied, reasoned opinion to be sent in 1997

Spain — 94/4548, not properly applied, Supplementary reasoned opinion to be sent in 1997

France — 91/0206, not properly applied, referral scheduled in 1997

Ireland — 94/4274, not properly implemented, reasoned opinion to be sent in 1997

Ireland — 90/0961, not properly applied, reasoned opinion to be sent in 1997

Ireland — 90/5220, not properly implemented, reasoned opinion to be sent in 1997

Italy — 91/0642, not properly applied, referral in 1996, Case C-96/285

Italy — 92/2184, not properly implemented, reasoned opinion to be sent in 1997

Luxembourg — 91/0207, not properly applied, referral in 1996, Case C-96/206

Netherlands — 90/4113, not properly applied, reasoned opinion to be sent in 1997

Portugal — 91/0556, not properly applied, referral scheduled in 1997

United Kingdom — 91/0785, not properly applied, reasoned opinion to be sent in 1997

76/0907

Labelling of dangerous substances

Member States which have notified implementing measures: all

78/0176

Waste — titanium dioxide

Member States which have notified implementing measures: all

78/0319

Toxic and dangerous waste

Member States which have notified implementing measures: all

Germany — 90/0038, not properly applied, referral in 1992, Case C-92/422, judgment in 1994

78/0659

Quality of fresh waters

Member States which have notified implementing measures: all

Belgium — 90/2202, not properly applied, reasoned opinion in 1996

Germany — 90/2203, not properly applied, referral in 1995, Case C-95/298

France — 91/4338, not properly applied, reasoned opinion to be sent in 1997

Italy — 90/0211, not properly implemented, referral in 1993, Case C-93/291, judgment in 1994, Article 169 letter 171 to be sent in 1997

78/1015

Sound level of motorcycles

Member States which have notified implementing measures: all

79/0113

Noise emissions from construction plant

Member States which have notified implementing measures: all

79/0370

Labelling of dangerous substances

Member States which have notified implementing measures: all

79/0409

Conservation of wild birds

Member States which have notified implementing measures: all except FIN

Belgium — 90/0291, not properly implemented, reasoned opinion in 1993, Supplementary reasoned opinion to be sent in 1997

Germany — 92/4575, not properly applied, reasoned opinion to be sent in 1997

Germany — 86/0222, not properly implemented, judgment in 1990, Case C-88/288, 2nd referral scheduled in 1997

Spain — 91/4380, not properly applied, reasoned opinion in 1996

Spain — 88/0295, not properly applied, judgment in 1993, Case C-90/355, Article 169 letter 171 in 1996

France — 84/0121, not properly implemented, Case C-90/355, judgment in 1993, Supplementary reasoned opinion 171 to be sent in 1997

France — 94/4084, not properly implemented, reasoned opinion to be sent in 1997

France — 94/4733, not properly applied, reasoned opinion to be sent in 1997

France — 91/4599, not properly applied, referral scheduled in 1997

France — 92/4052, not properly applied, reasoned opinion to be sent in 1997

France — 92/4527, not properly applied, reasoned opinion to be sent in 1997

France — 89/4910, not properly applied, reasoned opinion in 1995

- France — 91/0640, not properly applied, referral scheduled in 1997
- Italy — 92/4279, not properly implemented, reasoned opinion to be sent in 1997
- Italy — 87/0327, not properly applied, referral scheduled in 1997
- Luxembourg — 88/0172, not properly applied, Supplementary reasoned opinion to be sent in 1997
- Netherlands — 93/4479, not properly applied, reasoned opinion to be sent in 1997
- Finland — no measures notified, reasoned opinion to be sent in 1997
- 79/0831  
Labelling of dangerous substances  
Member States which have notified implementing measures: all
- 79/0869  
Surface water  
Member States which have notified implementing measures: all except S  
Portugal — 93/2035, not properly implemented, referral scheduled in 1997
- 79/0923  
Shellfish waters  
Member States which have notified implementing measures: all except FIN, S  
Italy — 91/0743, not properly applied, reasoned opinion in 1993, referral in 1996, Case C-96/225
- 80/0051  
Noise emissions from aircraft  
Member States which have notified implementing measures: all  
Germany — 93/4719, not properly applied, terminated in 1996
- 80/0068  
Protection of groundwater  
Member States which have notified implementing measures: all except S  
Germany — 86/0121, not properly implemented, Case C-131/88, 2nd referral 171 scheduled for 1997
- Ireland — 89/0163, not properly implemented, Supplementary reasoned opinion to be sent in 1997
- Portugal — 93/2112, not properly implemented, referral scheduled in 1997
- United Kingdom — 88/0354, not properly applied, terminated in 1996
- 80/0778  
Labelling of dangerous substances  
Member States which have notified implementing measures: all  
Belgium — 90/5043, not properly applied, reasoned opinion in 1996
- France — 91/2316, not properly applied, referral scheduled in 1997
- Italy — 87/0363, not properly implemented, terminated in 1996
- Netherlands — 91/0214, not properly implemented, terminated in 1996
- Portugal — 93/2191, not properly implemented, reasoned opinion to be sent in 1997
- United Kingdom — 87/0370, not properly applied, terminated in 1996
- United Kingdom — 91/0772, not properly applied, referral in 1996, Case C-96/340
- 80/0779  
Air quality (addressed to Greece)  
Member States which have notified implementing measures: all except A, FIN  
Austria — 96/0386, no measures notified, reasoned opinion to be sent in 1997
- Portugal — 93/2113, not properly applied, reasoned opinion to be sent in 1997
- Finland — 96/0564, no measures notified, reasoned opinion to be sent in 1997
- 80/0836  
Health protection — ionizing radiation  
Member States which have notified implementing measures: all  
Luxembourg — 88/0487, not properly implemented, Supplementary reasoned opinion to be sent in 1997
- Netherlands — 88/0488, not properly implemented, reasoned opinion in 1990
- 80/1189  
Labelling of dangerous substances  
Member States which have notified implementing measures: all
- 81/0854  
Conservation of wild birds  
Member States which have notified implementing measures: all
- 81/0855  
Surface water  
(addressed to: Greece)  
Member States which have notified implementing measures: EL
- 81/0857  
Air quality  
(addressed to: Greece)  
Member States which have notified implementing measures: EL
- 81/0858  
Labelling of dangerous substances  
Member States which have notified implementing measures: all
- 81/0957  
Labelling of dangerous substances  
Member States which have notified implementing measures: all



- 81/1051  
Acquired rights — doctors, nurses, dentists and veterinary surgeons  
Member States which have notified implementing measures: all
- 82/0176  
Mercury discharges  
Member States which have notified implementing measures: all  
Italy — 92/2207, not properly implemented, reasoned opinion to be sent in 1997
- 82/0232  
Labelling of dangerous substances  
Member States which have notified implementing measures: all
- 82/0501  
Major-accident hazards  
Member States which have notified implementing measures: all  
Germany — 87/0219, not properly implemented, referral scheduled in 1997  
Italy — 91/2065, not properly applied, referral scheduled in 1997
- 82/0883  
Titanium dioxide waste  
Member States which have notified implementing measures: all
- 82/0884  
Lead in the air  
Member States which have notified implementing measures: all except A, FIN  
Austria — 96/0388, no measures notified, reasoned opinion to be sent in 1997  
Finland — 96/0565, no measures notified, reasoned opinion to be sent in 1997
- 83/0029  
Waste — titanium dioxide  
Member States which have notified implementing measures: all
- 83/0129  
Seal-pup skins  
Member States which have notified implementing measures: all except A, FIN  
Finland — 96/0567, no measures notified, reasoned opinion to be sent in 1997
- 83/0206  
Noise emissions from aircraft  
Member States which have notified implementing measures: all
- 83/0467  
Labelling of dangerous substances  
Member States which have notified implementing measures: all
- 83/0513  
Cadmium discharges  
Member States which have notified implementing measures: all  
Italy — 92/2205, not properly implemented, reasoned opinion to be sent in 1997
- 84/0156  
Mercury discharges  
Member States which have notified implementing measures: all  
Portugal — 92/2303, not properly applied, referral scheduled in 1997
- 84/0360  
Air pollution from industrial plants  
Member States which have notified implementing measures: all
- 84/0449  
Labelling of dangerous substances  
Member States which have notified implementing measures: all
- 84/0466  
Radiation protection — patients  
Member States which have notified implementing measures: all  
Belgium — 90/0237, not properly implemented, Supplementary Article 169 letter to be sent in 1997  
Spain — 91/0723, not properly implemented, referral scheduled in 1997  
Ireland — 90/0239, not properly implemented, reasoned opinion in 1993  
Italy — 90/0240, not properly implemented, judgment in 1993, Case C-92/95, 2nd referral 171 scheduled for 1997  
Portugal — 90/0242, not properly implemented, referral scheduled in 1997
- 84/0467  
Health protection — ionizing radiation  
Member States which have notified implementing measures: all
- 84/0491  
HCH discharges  
Member States which have notified implementing measures: all
- 84/0532  
Construction plant  
Member States which have notified implementing measures: all
- 84/0533  
Sound power level of compressors  
Member States which have notified implementing measures: all
- 84/0534  
Sound power level of tower cranes  
Member States which have notified implementing measures: all

84/0535  
Sound power level of welding generators  
Member States which have notified implementing measures: all

84/0536  
Sound power level of power generators  
Member States which have notified implementing measures: all

84/0537  
Sound power level of hand-held concrete breakers  
Member States which have notified implementing measures: all

84/0538  
Sound power level of lawnmowers  
Member States which have notified implementing measures: all

84/0631  
Transfrontier shipment of hazardous waste  
Member States which have notified implementing measures: all

85/0203  
Air quality — nitrogen dioxide  
Member States which have notified implementing measures: all except A, FIN  
Austria — 96/0394, no measures notified, reasoned opinion to be sent in 1997  
Finland — 96/0568, no measures notified, reasoned opinion to be sent in 1997  
United Kingdom — 89/5110, not properly implemented, reasoned opinion in 1993

85/0210  
Lead content of petrol  
Member States which have notified implementing measures: all

85/0337  
Assessment of projects on the environment  
Member States which have notified implementing measures: all  
Belgium — 89/0652, not properly implemented referral in 1994, Case C-94/133  
Germany — 90/4710, not properly implemented, referral in 1995, Case C-95/301  
Greece — 91/2036, not properly implemented, reasoned opinion to be sent in 1997  
Greece — 93/4048, not properly applied, reasoned opinion to be sent in 1997  
Spain — 90/0129, not properly implemented, Supplementary reasoned opinion to be sent in 1997  
Ireland — 89/0425, not properly implemented, referral scheduled in 1997  
Italy — 91/0794, not properly implemented, reasoned opinion in 1993  
Portugal — 91/2168, not properly implemented, referral scheduled in 1997

85/0339  
Containers for liquids for human consumption  
Member States which have notified implementing measures: all

85/0405  
Noise emissions from construction plant  
Member States which have notified implementing measures: all

85/0406  
Sound power level of compressors  
Member States which have notified implementing measures: all

85/0407  
Sound power level of welding generators  
Member States which have notified implementing measures: all

85/0408  
Sound power level of power generators  
Member States which have notified implementing measures: all

85/0409  
Sound power level of hand-held concrete breakers  
Member States which have notified implementing measures: all

85/0411  
Conservation of wild birds  
Member States which have notified implementing measures: all except FIN  
Netherlands — 87/0176, not properly applied, referral in 1996, Case C-96/003  
Finland — 96/0569, no measures notified, reasoned opinion to be sent in 1997

85/0444  
Seal-pup skins  
Member States which have notified implementing measures: all except A, FIN  
Finland — 96/0570, no measures notified, reasoned opinion to be sent in 1997

85/0467  
Dangerous substances and preparations  
Member States which have notified implementing measures: all

85/0469  
Transfrontier shipment of hazardous waste  
Member States which have notified implementing measures: all

85/0580  
Air quality — nitrogen dioxide  
Member States which have notified implementing measures: all

85/0581  
Lead content of petrol  
Member States which have notified implementing measures: all

- 86/0121  
Transfrontier shipment of hazardous waste  
Member States which have notified implementing measures: all
- 86/0122  
Conservation of wild birds  
Member States which have notified implementing measures: all
- 86/0278  
Sewage sludge used in agriculture  
Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, I, L, NL, A, P, FIN, S, UK  
Belgium — 90/0230, no measures notified, Case C-93/260, judgment in 1994 (to be terminated in 1997)  
France — 92/2226, not properly implemented, reasoned opinion to be sent in 1997
- 86/0279  
Transfrontier shipment of hazardous waste  
Member States which have notified implementing measures: all
- 86/0280  
Dangerous substances in the sea  
Member States which have notified implementing measures: all  
Germany — 89/0427, not properly implemented, referral in 1995, Case C-95/262  
Ireland — 91/2216, not properly implemented, Supplementary reasoned opinion to be sent in 1997  
Portugal — 92/2358, not properly implemented, referral scheduled in 1997
- 86/0295  
Construction plant  
Member States which have notified implementing measures: all
- 86/0296  
Construction plant  
Member States which have notified implementing measures: all
- 86/0431  
Labelling of dangerous substances  
Member States which have notified implementing measures: all  
Austria — 96/0397, no measures notified, reasoned opinion to be sent in 1997
- 86/0594  
Noise from household appliances  
Member States which have notified implementing measures: all except A
- 86/0609  
Protection of animals  
Member States which have notified implementing measures: all except S  
Belgium — 93/2218, not properly implemented, referral scheduled in 1997  
Luxembourg — 93/2190, not properly implemented, reasoned opinion to be sent in 1997
- Portugal — 92/2359, not properly implemented, reasoned opinion to be sent in 1997
- 86/0662  
Noise emissions from hydraulic excavators  
Member States which have notified implementing measures: all
- 87/0018  
Good laboratory practice  
Member States which have notified implementing measures: all
- 87/0101  
Disposal of waste oils  
Member States which have notified implementing measures: all
- 87/0112  
Transfrontier shipment of hazardous waste  
Member States which have notified implementing measures: all
- 87/0216  
Major-accident hazards  
Member States which have notified implementing measures: all
- 87/0217  
Pollution by asbestos  
Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, I, L, NL, A, P, FIN, S, UK  
Belgium — 90/4122, not properly applied, reasoned opinion to be sent in 1997  
Portugal — 91/2218, not properly implemented, referral scheduled in 1997  
United Kingdom — 91/2163, not properly applied, reasoned opinion in 1995
- 87/0219  
Sulphur content of liquid fuel  
Member States which have notified implementing measures: all
- 87/0252  
Sound power level of lawnmowers  
Member States which have notified implementing measures: all
- 87/0405  
Sound power level of tower cranes  
Member States which have notified implementing measures: all
- 87/0416  
Lead content of petrol  
Member States which have notified implementing measures: all
- 87/0432  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

88/0180  
Sound power level of lawnmowers  
Member States which have notified implementing measures: all

88/0181  
Sound power level of lawnmowers  
Member States which have notified implementing measures: all

88/0302  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

88/0347  
Dangerous substances in the sea  
Member States which have notified implementing measures: all

88/0490  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

88/0609  
Emissions from large combustion plants  
Member States which have notified implementing measures: all  
Portugal — 91/2220, not properly implemented, reasoned opinion to be sent in 1997

88/0610  
Major-accident hazards  
Member States which have notified implementing measures: all

89/0369  
Incineration of municipal waste  
Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S, UK  
Italy — 91/0417, no measures notified, referral in 1995, Case C-95/237  
Portugal — 91/2173, not properly implemented, referral scheduled in 1997

89/0370  
Seal-pup skins  
Member States which have notified implementing measures: all except A, FIN  
Finland — 96/0572, no measures notified, reasoned opinion to be sent in 1997

89/0427  
Sulphur dioxide in the air  
Member States which have notified implementing measures: all except A, FIN  
Finland — 96/0573, no measures notified, reasoned opinion to be sent in 1997

89/0429  
Incineration of municipal waste  
Member States which have notified implementing measures: all  
Italy — 91/0418, no measures notified, terminated in 1996

89/0514  
Noise emissions from hydraulic excavators  
Member States which have notified implementing measures: all

89/0618  
Health protection — radiological emergency  
Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, I, NL, A, P, S, UK  
Luxembourg — 93/0611, no measures notified, referral in 1995, Case C-46/95

89/0629  
Noise emissions from aeroplanes  
Member States which have notified implementing measures: all

90/0219  
Genetically modified organisms  
Member States which have notified implementing measures: all except L

Belgium — 93/2120, not properly implemented, reasoned opinion in 1996

Germany — 91/2336, not properly implemented, reasoned opinion to be sent in 1997

Greece — 92/0264, no measures notified, terminated in 1996

Luxembourg — 92/0395, no measures notified, referral in 1995, Case C-95/312

Portugal — 93/2179, not properly implemented, reasoned opinion to be sent in 1997

90/0220  
Genetically modified organisms  
Member States which have notified implementing measures: all except L

Belgium — 93/2120, not properly implemented, reasoned opinion in 1996

Germany — 91/2336, not properly implemented, reasoned opinion to be sent in 1997

Greece — 92/0263, no measures notified, terminated in 1996

Luxembourg — 92/0396, no measures notified, referral in 1995, Case C-95/312

Portugal — 93/2179, not properly implemented, reasoned opinion to be sent in 1997

90/0313  
Freedom of access to information on the environment  
Member States which have notified implementing measures: all  
Germany — 94/2196, not properly implemented, referral scheduled in 1997

France — 93/2058, not properly implemented, reasoned opinion to be sent in 1997

Netherlands — 93/2034, not properly implemented, reasoned opinion to be sent in 1997

90/0415  
Dangerous substances in the sea  
Member States which have notified implementing measures: all

- 90/0517  
Labelling of dangerous substances  
Member States which have notified implementing measures: all
- Ireland — 94/4343, not properly applied, reasoned opinion to be sent in 1997
- Italy — 92/1011, no measures notified, judgment in 1996, Case C-95/303
- Italy — 94/2274, not properly applied, reasoned opinion to be sent in 1997
- 90/0641  
Radiation protection — outside workers  
Member States which have notified implementing measures: DK, D, F, IRL, I, L, NL, A, FIN, S, UK
- Belgium — 94/0004, no measures notified, reasoned opinion to be sent in 1997
- Greece — 94/0130, no measures notified, reasoned opinion to be sent in 1997
- Spain — 94/0131, no measures notified, reasoned opinion in 1995
- Portugal — 94/0332, no measures notified, reasoned opinion to be sent in 1997
- 90/0656  
Transitional measures — protection of the environment (addressed to: Germany)  
Member States which have notified implementing measures: D
- 90/0660  
Transitional measures — protection of the environment (addressed to: Germany)  
Member States which have notified implementing measures: D
- 91/0156  
Waste  
Member States which have notified implementing measures: B, DK, D, EL, IRL, I, L, NL, A, P, FIN, S, UK
- Greece — 93/0719, no measures notified, terminated in 1996
- Spain — 93/0720, no measures notified, referral in 1996, Case C-96/107
- France — 93/0737, no measures notified, referral in 1996, Case C-96/223
- Ireland — 93/0762, no measures notified, terminated in 1996
- Italy — 95/2184, not properly applied, reasoned opinion to be sent in 1997
- 91/0157  
Batteries containing dangerous substances  
Member States which have notified implementing measures: DK, EL, E, IRL, L, NL, A, P, FIN, S, UK
- Belgium — 92/1005, no measures notified, reasoned opinion to be sent in 1997
- Belgium — 94/2271, not properly applied, reasoned opinion in 1996
- Germany — 92/1006, no measures notified, referral in 1996, Case C-96/236
- Greece — 94/2273, not properly applied, reasoned opinion to be sent in 1997
- Spain — 92/1008, no measures notified, terminated in 1996
- Spain — 94/2277, not properly applied, reasoned opinion to be sent in 1997
- France — 94/2270, not properly applied, reasoned opinion to be sent in 1997
- France — 92/1009, no measures notified, referral in 1996, Case C-96/282
- 91/0244  
Conservation of wild birds  
Member States which have notified implementing measures: DK, D, EL, E, F, IRL, I, L, NL, A, P, S, UK
- Belgium — 93/2123, not properly implemented, reasoned opinion to be sent in 1997
- Greece — 93/0901, no measures notified, referral in 1996, Case C-96/330
- Finland — 96/0579, no measures notified, reasoned opinion to be sent in 1997
- 91/0271  
Urban waste-water treatment  
Member States which have notified implementing measures: B, DK, E, F, IRL, L, NL, A, P, FIN, S, UK
- Germany — 93/0669, no measures notified, referral in 1995, Case C-95/297
- Greece — 93/0718, no measures notified, referral in 1995, Case C-95/161
- Spain — 93/0721, no measures notified, terminated in 1996
- Italy — 93/0786, no measures notified, referral in 1995, Case C-95/302
- Portugal — 93/2247, not properly implemented, reasoned opinion to be sent in 1997
- United Kingdom — 93/0873, no measures notified, terminated in 1996
- 91/0325  
Labelling of dangerous substances (double deadline for transposal: 8. 6. 1991 and 1. 7. 1992)  
Member States which have notified implementing measures: all
- 91/0326  
Labelling of dangerous substances  
Member States which have notified implementing measures: all
- Italy — 92/0830, no measures notified, terminated in 1996
- 91/0410  
Labelling of dangerous substances  
Member States which have notified implementing measures: DK, D, EL, E, IRL, L, NL, A, P, FIN, S
- Belgium — 92/0666, no measures notified, referral scheduled in 1997
- Italy — 92/0832, no measures notified, referral scheduled in 1997
- Portugal — 92/0902, no measures notified, referral in 1996, Case C-96/165 (to be terminated in 1997)
- United Kingdom — 92/0930, no measures notified, referral scheduled in 1997
- 91/0632  
Labelling of dangerous substances  
Member States which have notified implementing measures: all

91/0676

Pollution of water by nitrates of agricultural origin  
Member States which have notified implementing measures: all except NL, FIN

- Belgium — 94/2239, not properly implemented, Supplementary reasoned opinion to be sent in 1997
- Greece — 94/2247, not properly implemented, referral scheduled in 1997
- Spain — 94/2240, not properly implemented, referral scheduled in 1997
- France — 94/2246, not properly applied, reasoned opinion to be sent in 1997
- Italy — 94/2245, not properly implemented, referral scheduled in 1997
- Netherlands — 94/2242, Supplementary Article 169 letter to be sent in 1997
- Austria — 96/0430, no measures notified (to be terminated in 1997)
- Portugal — 94/2243, not properly implemented, reasoned opinion to be sent in 1997
- Finland — 96/0581, no measures notified, reasoned opinion to be sent in 1997

91/0689

Hazardous waste

Member States which have notified implementing measures: B, DK, D, IRL, L, NL, A, FIN, S

- Belgium — 95/0391, no measures notified, terminated in 1996
- Denmark — 95/0419, no measures notified, terminated in 1996
- Greece — 95/0448, no measures notified, reasoned opinion to be sent in 1997
- Spain — 95/0474, no measures notified, reasoned opinion in 1996
- France — 95/0498, no measures notified, reasoned opinion to be sent in 1997
- Ireland — 95/0521, no measures notified, terminated in 1996
- Italy — 95/0539, no measures notified, reasoned opinion to be sent in 1997
- Luxembourg — 95/0565, no measures notified (to be terminated in 1997)
- Portugal — 95/0601, no measures notified, Article 169 letter in 1995
- United Kingdom — 95/0629, no measures notified, Article 169 letter in 1995

92/0003

Shipments of radioactive waste

Member States which have notified implementing measures: DK, E, F, IRL, I, L, NL, A, P, FIN, S, UK

- Belgium — 94/0400, no measures notified, reasoned opinion in 1996
- Germany — 94/0413, no measures notified, reasoned opinion in 1996
- Greece — 94/0428, no measures notified, reasoned opinion to be sent in 1997
- Portugal — 94/0487, no measures notified, terminated in 1996

92/0014

Operation of aeroplanes

Member States which have notified implementing measures: all

92/0032

Labelling of dangerous substances

Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S, UK

- Belgium — 93/0970, no measures notified, referral in 1996, Case C-96/222
- Italy — 93/1044, no measures notified, reasoned opinion to be sent in 1997
- Portugal — 93/1075, no measures notified, referral in 1996, Case C-96/166 (to be terminated in 1997)

92/0037

Labelling of dangerous substances

Member States which have notified implementing measures: all

92/0043

Conservation of natural habitats and wild fauna and flora

Member States which have notified implementing measures: B, DK, E, IRL, L, NL, A, S, UK

- Germany — 94/0645, no measures notified, referral scheduled in 1997
- Greece — 94/0703, no measures notified, referral in 1996, Case C-96/324
- Spain — 94/0659, no measures notified, terminated in 1996
- France — 94/0673, no measures notified, referral scheduled in 1997
- Ireland — 96/2028, not properly implemented, reasoned opinion to be sent in 1997
- Italy — 94/0718, no measures notified, referral scheduled in 1997
- Portugal — 94/0748, no measures notified, referral scheduled in 1997
- Finland — 96/0582, no measures notified, reasoned opinion to be sent in 1997

92/0069

Labelling of dangerous substances

Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S, UK

- Belgium — 93/0973, no measures notified, referral in 1996, Case C-96/220
- Italy — 93/1047, no measures notified, reasoned opinion to be sent in 1997
- Portugal — 93/1077, no measures notified, referral in 1996, Case C-96/167 (to be terminated in 1997)

92/0072

Air pollution by ozone

Member States which have notified implementing measures: B, DK, D, E, IRL, I, F, L, NL, A, P, S, UK

- Greece — 94/0547, no measures notified, referral in 1996, Case C-96/331
- France — 94/0555, no measures notified, terminated in 1996
- Italy — 94/0568, no measures notified, terminated in 1996

- Netherlands — 94/0583, no measures notified terminated in 1996
- Portugal — 94/0590, no measures notified (to be terminated in 1997)
- Finland — 96/0583, no measures notified, reasoned opinion in 1997
- 92/0112  
Pollution — titanium dioxide  
Member States which have notified implementing measures: all
- Belgium — 93/0638, no measures notified, terminated in 1996
- Germany — 94/2151, not properly implemented, reasoned opinion to be sent in 1997
- 93/0012  
Sulphur content of liquid fuels  
Member States which have notified implementing measures: B, DK, D, EL, F, IRL, I, L, NL, A, P, FIN, S, UK
- Belgium — 94/0519, no measures notified (to be terminated in 1997)
- Spain — 94/0552, no measures notified, reasoned opinion in 1996
- Italy — 94/0571, no measures notified, terminated in 1996
- 93/0021  
Labelling of dangerous substances  
Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S, UK
- Belgium — 94/0782, no measures notified, referral in 1996, Case C-96/313
- Italy — 94/0876, no measures notified, reasoned opinion to be sent in 1997
- Portugal — 94/0933, no measures notified (to be terminated in 1997)
- 93/0067  
Principles for assessment of risks  
Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S
- Belgium — 93/0978, no measures notified, referral in 1996, Case C-96/221
- Greece — 93/1020, no measures notified, terminated in 1996
- Italy — 93/1054, no measures notified, referral in 1995, Case C-95/238
- Portugal — 93/1084, no measures notified, referral in 1996, Case C-96/168 (to be terminated in 1997)
- United Kingdom — 93/1095, no measures notified, referral scheduled in 1997
- 93/0072  
Labelling of dangerous substances  
Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S, UK
- Belgium — 94/0791, no measures notified, referral scheduled in 1997
- Italy — 94/0885, no measures notified, reasoned opinion to be sent in 1997
- Portugal — 94/0943, no measures notified (to be terminated in 1997)
- 93/0086  
Batteries and accumulators containing certain dangerous substances  
Member States which have notified implementing measures: DK, EL, E, IRL, L, NL, A, P, FIN, S, UK
- Belgium — 94/0032, no measures notified, referral in 1996, Case C-96/219
- Germany — 94/0094, no measures notified, referral in 1996, Case C-96/236
- Spain — 94/0162, no measures notified, terminated in 1996
- France — 94/0193, no measures notified, referral in 1996, Case C-96/283
- Italy — 94/0261, no measures notified, referral in 1996, Case C-96/286
- 93/0090  
Labelling of dangerous substances  
Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S
- Belgium — 94/0033, no measures notified, referral scheduled in 1997
- Italy — 94/0262, no measures notified, referral in 1996, Case C-96/286
- Luxembourg — 94/0296, no measures notified, terminated in 1996
- Portugal — 94/0361, no measures notified (to be terminated in 1997)
- United Kingdom — 94/0393, no measures notified, referral scheduled in 1997
- 93/0101  
Labelling of dangerous substances  
Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S, UK
- Belgium — 95/0230, no measures notified, referral scheduled in 1997
- Greece — 95/0268, no measures notified, terminated in 1996
- Spain — 95/0286, no measures notified, terminated in 1996
- Italy — 95/0319, no measures notified, reasoned opinion to be sent in 1997
- Luxembourg — 95/0337, no measures notified, terminated in 1996
- Portugal — 95/0361, no measures notified (to be terminated in 1997)
- 93/0105  
Information required for technical dossiers  
Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, A, P, FIN, S
- Belgium — 94/0035, no measures notified, referral in 1996, Case C-96/218
- Italy — 94/0263, no measures notified, referral in 1996, Case C-96/286
- Portugal — 94/0362, no measures notified, referral in 1996, Case C-96/169 (to be terminated in 1997)
- United Kingdom — 94/0395, no measures notified, referral scheduled in 1997

94/0015  
Genetically modified organisms  
Member States which have notified implementing measures:  
DK, D, EL, F, IRL, I, NL, A, P, FIN, S, UK  
Belgium — 94/0634, no measures notified, referral  
scheduled in 1997  
Germany — 94/0658, no measures notified (to be  
terminated in 1997)  
Greece — 94/0687, no measures notified, terminated in  
1996  
Spain — 94/0672, no measures notified, Supplementary  
reasoned opinion to be sent in 1997  
Luxembourg — 94/0742, no measures notified, reasoned  
opinion to be sent in 1997  
United Kingdom — 94/0775, no measures notified, terminated in  
1996

94/0024  
Conservation of wild birds  
Addressed to: Italy  
Member States which have notified implementing measures: I

94/0051  
Genetically modified organisms  
Member States which have notified implementing measures:  
DK, D, EL, F, I, NL, A, FIN, S, UK  
Belgium — 95/0239, no measures notified, reasoned  
opinion to be sent in 1997  
Greece — 95/0277, no measures notified, terminated in  
1996  
Spain — 95/0290, no measures notified, reasoned  
opinion to be sent in 1997  
Ireland — 95/0312, no measures notified, reasoned  
opinion to be sent in 1997  
Luxembourg — 95/0344, no measures notified, reasoned  
opinion to be sent in 1997  
Portugal — 95/0371, no measures notified, reasoned  
opinion to be sent in 1997  
United Kingdom — 95/0385, no measures notified, terminated in  
1996

94/0062  
Packaging and packaging waste  
Member States which have notified implementing measures: D

94/0063  
Volatile organic compound emissions  
Member States which have notified implementing measures:  
B, DK, E, F, I, L, NL, A, S, UK  
Belgium — 96/0011, no measures notified (to be  
terminated in 1997)  
Germany — 96/0042, no measures notified, reasoned  
opinion to be sent in 1997  
Greece — 96/0059, no measures notified, reasoned  
opinion to be sent in 1997  
Ireland — 96/0116, no measures notified, reasoned  
opinion to be sent in 1997  
Portugal — 96/0184, no measures notified, reasoned  
opinion to be sent in 1997  
Finland — 96/0590, no measures notified, reasoned  
opinion to be sent in 1997

94/0066  
Emissions from large combustion plants  
Member States which have notified implementing measures:  
B, DK, D, E, F, IRL, L, NL, A, FIN, S, UK  
Belgium — 95/0409, no measures notified, terminated in  
1996  
Greece — 95/0465, no measures notified, reasoned  
opinion in 1996  
Spain — 95/0491, no measures notified, terminated in  
1996  
Ireland — 95/0532, no measures notified, terminated in  
1996  
Italy — 95/0555, no measures notified, reasoned  
opinion to be sent in 1997  
Portugal — 95/0620, no measures notified, reasoned  
opinion in 1996

94/0067  
Incineration of hazardous waste  
Member States which have notified implementing measures:  
D, L

94/0069  
Labelling of dangerous substances  
Member States which have notified implementing measures:  
D, L, NL, S

95/0027  
Excavators, dozers and excavator-loaders  
Member States which have notified implementing measures:  
DK, D, E, L, NL, P, FIN, UK  
Belgium — 96/0016, no measures notified, reasoned  
opinion to be sent in 1997  
Greece — 96/0066, no measures notified, reasoned  
opinion to be sent in 1997  
Ireland — 96/0122, no measures notified, reasoned  
opinion to be sent in 1997  
Italy — 96/0141, no measures notified, reasoned  
opinion to be sent in 1997  
Luxembourg — 96/0159, no measures notified (to be  
terminated in 1997)

## 7. TRANSPORT

62/2005  
Carriage of goods by road  
Member States which have notified implementing measures: all

74/0561  
Carriage of goods by road  
Member States which have notified implementing measures: all

74/0562  
Admission to the occupation of road passenger transport  
operator  
Member States which have notified implementing measures: all

76/0135  
Inland waterway vessels  
Member States which have notified implementing measures: all  
except FIN and S



- 76/0914  
Training for road transport drivers  
Member States which have notified implementing measures: all
- 77/0143  
Roadworthiness tests for motor vehicles  
Member States which have notified implementing measures: all
- 77/0796  
Mutual recognition of qualifications — goods haulage operators  
Member States which have notified implementing measures: all
- 79/0115  
Pilotage of vessels  
Member States which have notified implementing measures: all except A.
- 80/1266  
Mutual assistance — aircraft accidents  
Member States which have notified implementing measures: all
- 82/0714  
Inland waterway vessels  
Member States which have notified implementing measures: all except FIN and S
- 84/0647  
Vehicles hired without drivers  
Member States which have notified implementing measures: all except A  
Austria — 96/0392, no measures notified, Article 169 letter in 1996
- 85/0003  
Weights and dimensions of motor vehicles  
Member States which have notified implementing measures: all
- 86/0360  
Weights and dimensions of motor vehicles  
Member States which have notified implementing measures: all
- 86/0364  
Weights and dimensions of motor vehicles  
Member States which have notified implementing measures: all
- 87/0540  
Admission to the occupation of carrier of goods by waterway  
Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, I, L, NL, A, P, UK  
Belgium — 89/0364, no measures notified, referral in 1990, Case C-90/377, Article 171 letter in 1993, terminated in 1996  
Germany — 93/2202, not properly implemented, Article 169 letter in 1994, reasoned opinion in 1995
- 88/0218  
Weights and dimensions of motor vehicles  
Member States which have notified implementing measures: all
- 88/0449  
Roadworthiness tests for motor vehicles  
Member States which have notified implementing measures: all
- 88/0599  
Road transport — social provisions — recording equipment  
Member States which have notified implementing measures: all  
Italy — 90/0061, no measures notified, referral in 1993, Case C-93/289, Article 171 letter in 1995, terminated in 1996  
Finland — 96/0571, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 89/0338  
Weights and dimensions of motor vehicles  
Member States which have notified implementing measures: all
- 89/0438  
Admission to the occupation of road haulage operator  
Member States which have notified implementing measures: all  
Luxembourg — 92/2199, not properly implemented, Article 169 letter in 1993, reasoned opinion in 1995, terminated in 1996
- 89/0459  
Tyres of motor vehicles  
Member States which have notified implementing measures: all
- 89/0461  
Weights and dimensions of motor vehicles  
Member States which have notified implementing measures: all
- 89/0684  
Training for drivers of vehicles carrying dangerous goods  
Member States which have notified implementing measures: all
- 90/0398  
Vehicles hired without drivers  
Member States which have notified implementing measures: all except A  
Austria — 96/0413, no measures notified, Article 169 letter in 1996.
- 91/0060  
Weights and dimensions of motor vehicles  
Member States which have notified implementing measures: all
- 91/0328  
Roadworthiness tests for motor vehicles and their trailers  
Member States which have notified implementing measures: all except IRL  
Ireland — 93/0764, no measures notified, Article 169 letter in 1993, reasoned opinion in 1996

- 91/0439  
Driving licence  
Member States which have notified implementing measures: DK, EL, E, F, IRL, I, L, NL, P, FIN and S  
Belgium — 96/0857, no measures notified (Article 169 letter to be sent in 1997)
- 91/0440  
Development of railways  
Member States which have notified implementing measures: all  
Greece — 94/0429, no measures notified, Article 169 letter in 1994, reasoned opinion in 1995, terminated in 1996
- 91/0670  
Mutual acceptance of personnel licences in civil aviation  
Member States which have notified implementing measures: all  
Spain — 93/4211, not properly applied, reasoned opinion in 1996  
France — 93/4916, not properly applied, reasoned opinion in 1995
- 91/0671  
Use of safety belts  
Member States which have notified implementing measures: all  
Belgium — 93/0018, no measures notified, reasoned opinion in 1995, terminated in 1996
- 91/0672  
Boatmasters' certificates for inland waterways  
Member States which have notified implementing measures: all except A  
Austria — 96/0429, no measures notified, Article 169 letter in 1996
- 92/0006  
Speed limitation devices for certain categories of motor vehicles  
Member States which have notified implementing measures: all  
Portugal — 93/1074, no measures notified, Article 169 letter in 1993, reasoned opinion in 1995, terminated in 1996
- 92/0007  
Weights and dimensions of motor vehicles  
Member States which have notified implementing measures: all
- 92/0054  
Roadworthiness tests for motor vehicles and their trailers (brakes)  
Member States which have notified implementing measures: all  
Italy — 93/0793, no measures notified, Article 169 letter in 1993, terminated in 1996
- 92/0055  
Roadworthiness tests for motor vehicles and their trailers (exhaust emissions)  
Member States which have notified implementing measures: all
- 92/0106  
Combined transport  
Member States which have notified implementing measures: all except B  
Belgium — 93/0636, no measures notified, Article 169 letter in 1993, reasoned opinion in 1996  
Greece — 93/0701, no measures notified, Article 169 letter in 1993, terminated in 1996
- 93/0065  
Air-traffic management systems  
Member States which have notified implementing measures: DK, D, EL, IRL, L, NL, P, FIN, S, UK  
Belgium — 95/0394, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996  
Greece — 94/0982, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996, terminated in 1996  
Spain — 95/0477, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996  
France — 94/0843, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996  
Italy — 95/0542, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996  
Austria — 96/0453, no measures notified, Article 169 letter in 1996  
Portugal — 94/0940, no measures notified, Article 169 letter in 1995, terminated in 1996
- 93/0075  
Minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods  
Member States which have notified implementing measures: B, DK, D, EL, F, IRL, NL, A, P, FIN, S, UK  
Belgium — 94/0793, no measures notified, Article 169 letter in 1995, terminated in 1996  
Denmark — 94/0804, no measures notified, Article 169 letter in 1995, reasoned opinion in 1995 (to be terminated in 1997)  
Spain — 94/0833, no measures notified, Article 169 letter in 1995, reasoned opinion in 1995  
France — 94/0847, no measures notified, Article 169 letter in 1995, terminated in 1996  
Ireland — 94/0863, no measures notified, Article 169 letter in 1995, terminated in 1996  
Italy — 94/0887, no measures notified, Article 169 letter in 1995, reasoned opinion in 1995  
Netherlands — 94/0921, no measures notified, Article 169 letter in 1995, terminated in 1996  
Portugal — 95/0360, no measures notified, Article 169 letter in 1995, terminated in 1996

- United Kingdom — 94/0966, no measures notified, Article 169 letter in 1995, reasoned opinion in 1995, terminated in 1996
- Denmark — 96/0026, no measures notified, Article 169 letter in 1996, terminated in 1996
- Greece — 96/0056, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Spain — 96/0075, no measures notified, Article 169 letter in 1996, terminated in 1996
- Ireland — 96/0113, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Italy — 96/0132, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Netherlands — 96/0164, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Austria — 96/0469, no measures notified, Article 169 letter in 1996
- Portugal — 96/0181, no measures notified, Article 169 letter in 1996, terminated in 1996
- Finland — 96/0588, no measures notified, Article 169 letter in 1996
- Sweden — 96/0495, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- United Kingdom — 96/0202, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- 93/0089  
Taxes on certain vehicles used for the carriage of goods by road  
Member States which have notified implementing measures:  
B, D, DK, EL, E, IRL, L, NL, A, P, FIN, S, UK
- Belgium — 95/0024, no measures notified, Article 169 letter in 1995, terminated in 1996
- Greece — 95/0066, no measures notified, Article 169 letter in 1995, terminated in 1996
- Spain — 95/0082, no measures notified, Article 169 letter in 1995, terminated in 1996
- France — 95/0103, no measures notified, Article 169 letter in 1995, reasoned opinion in 1996
- Ireland — 95/0115, no measures notified, Article 169 letter in 1995, terminated in 1996
- Italy — 95/0133, no measures notified, Article 169 letter in 1995
- Luxembourg — 95/0148, no measures notified, Article 169 letter in 1995, terminated in 1996
- Portugal — 95/0178, no measures notified, Article 169 letter in 1995, terminated in 1996
- Sweden — 96/0493, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 94/0021  
Summertime  
Member States which have notified implementing measures: all
- Denmark — 95/0036, no measures notified, Article 169 letter in 1995, terminated in 1996
- Italy — 95/0138, no measures notified, Article 169 letter in 1995, terminated in 1996
- Netherlands — 95/0161, no measures notified, Article 169 letter in 1995, terminated in 1996
- Portugal — 95/0185, no measures notified, Article 169 letter in 1995, terminated in 1996
- United Kingdom — 95/0207, no measures notified, Article 169 letter in 1995, terminated in 1996
- 94/0058  
Training of seafarers  
Member States which have notified implementing measures:  
B, DK, D, EL, E, F, L, NL, A, S, UK
- Denmark — 96/0027, no measures notified, Article 169 letter in 1996, terminated in 1996
- Germany — 96/0041, no measures notified, Article 169 letter in 1996, terminated in 1996
- Greece — 96/0057, no measures notified, Article 169 letter in 1996, terminated in 1996
- Spain — 96/0076, no measures notified, Article 169 letter in 1996, terminated in 1996
- France — 96/0094, no measures notified, Article 169 letter in 1996, terminated in 1996
- Ireland — 96/0114, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Italy — 96/0133, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996
- Luxembourg — 96/0151, no measures notified, Article 169 letter in 1996, terminated in 1996.
- Netherlands — 96/0165, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996 (to be terminated in 1997)
- Austria — 96/0470, no measures notified, Article 169 letter in 1996 (to be terminated in 1997)
- 94/0056  
Investigation of civil aviation accidents and incidents  
Member States which have notified implementing measures:  
FIN, S
- 94/0057  
Ship inspections and surveys  
Member States which have notified implementing measures:  
DK, D, E, F, L, P, S
- Belgium — 96/0009, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996

Portugal — 96/0182, no measures notified, Article 169 letter in 1996, reasoned opinion in 1996

United Kingdom — 96/0203, no measures notified, Article 169 letter in 1996, terminated in 1996

95/0021

Ship safety, pollution control and shipboard living and working conditions

Member States which have notified implementing measures: DK, D, F, L, A, S, UK

Belgium — 96/0861, no measures notified (Article 169 letter to be sent in 1997)

Greece — 96/0914, no measures notified (Article 169 letter to be sent in 1997)

Spain — 96/0939, no measures notified (Article 169 letter to be sent in 1997)

Ireland — 96/0978, no measures notified (Article 169 letter to be sent in 1997)

Italy — 96/0997, no measures notified (Article 169 letter to be sent in 1997)

Netherlands — 96/1032, no measures notified (Article 169 letter to be sent in 1997)

Portugal — 96/1043, no measures notified (Article 169 letter to be sent in 1997)

Finland — 96/1102, no measures notified (Article 169 letter to be sent in 1997)

## 8. ENERGY

68/0414

Crude-oil stocks

Member States which have notified implementing measures: all

72/0425

Crude-oil stocks

Member States which have notified implementing measures: all

73/0238

Oil supply difficulties

Member States which have notified implementing measures: all

75/0339

Fossil fuel stocks

Member States which have notified implementing measures: all except FIN

75/0405

Use of petroleum products in power stations

Member States which have notified implementing measures: all

76/0491

Information on oil prices

Member States which have notified implementing measures: all

78/0170

Heat generators

Member States which have notified implementing measures: all

82/0885

Heat generators

Member States which have notified implementing measures: all

85/0536

Crude-oil savings

Member States which have notified implementing measures: all

87/0441

Crude-oil savings

Member States which have notified implementing measures: all except FIN

90/0377

Transparency of gas and electricity prices

Member States which have notified implementing measures: all

Spain — 92/0165, no measures notified, terminated in 1996

90/0547

Transit of electricity through transmission grids

Member States which have notified implementing measures: all

90/0653

Gas and electricity prices

(addressed to: Germany)

Member States which have notified implementing measures: D

91/0296

Transit of natural gas through grids

Member States which have notified implementing measures: all

Spain — 92/0181, no measures notified, terminated in 1996

Portugal — 92/0481, no measures notified, terminated in 1996

92/0042

Efficiency requirements for hot-water boilers

Member States which have notified implementing measures: DK, D, EL, E, FIN, F, IRL, LUX, NL, P, S, UK

Belgium — 93/0971, no measures notified, referral in 1996

Luxembourg — 93/1065, no measures notified, terminated in 1996

Portugal — 93/1076, no measures notified, terminated in 1996

Italy — 93/1045, no measures notified, referral in 1996

92/0075

Information on the consumption of energy by household appliances

Member States which have notified implementing measures: all

93/0076

Carbon dioxide emissions

Member States which have notified implementing measures: F, DK, NL, UK

Belgium — 95/0023, no measures notified, reasoned opinion in 1996

Denmark — 95/0033, no measures notified, terminated in 1996

- Spain — 95/0080, no measures notified, reasoned opinion in 1996
- Greece — 95/0064, no measures notified, reasoned opinion in 1996
- Ireland — 95/0113, no measures notified, reasoned opinion in 1996
- Italy — 95/0131, no measures notified, reasoned opinion in 1996
- Luxembourg — 95/0146, no measures notified, reasoned opinion in 1996
- Portugal — 95/0176, no measures notified, reasoned opinion in 1996
- 94/0002  
Energy labelling of refrigerators, freezers and their combinations  
Member States which have notified implementing measures: A, DK, EL, E, FIN, F, IRL, NL, P, S, UK
- Belgium — 95/0026, no measures notified, reasoned opinion in 1996
- Germany — 95/0049, no measures notified, reasoned opinion in 1996
- Italy — 95/0136, no measures notified, reasoned opinion in 1996
- Luxembourg — 95/0151, no measures notified, terminated in 1996
- 94/0022  
Authorizations for the prospection, exploration and production of hydrocarbons  
Member States which have notified implementing measures: A, DK, D, E, EL, F, NL, P, S, UK (Luxembourg not required to transpose)
- Belgium — 95/0401, no measures notified, Article 169 letter in 1995
- Spain — 95/0483, no measures notified, terminated in 1996
- Italy — 95/0543, no measures notified, Article 169 letter in 1995
- Ireland — 95/0526, no measures notified, Article 169 letter in 1995
- Netherlands — 95/0591, no measures notified, terminated in 1996
- 95/12/EC  
Energy labelling of household washing machines  
Member States which have notified implementing measures: A, DK, E, FIN, L, P, S, UK
- Germany — 96/0250, no measures notified, Article 169 letter in 1996
- Belgium — 96/0233, no measures notified, Article 169 letter in 1996
- France — 96/0286, no measures notified, Article 169 letter in 1996
- Greece — 96/0266, no measures notified, Article 169 letter in 1996
- Italy — 96/0309, no measures notified, Article 169 letter in 1996
- Netherlands — 96/0332, no measures notified, Article 169 letter in 1996
- 95/13/EC  
Energy labelling of household electric tumble driers  
Member States which have notified implementing measures: A, DK, E, F, FIN, L, P, S, UK
- Germany — 96/0251, no measures notified, Article 169 letter in 1996
- Belgium — 96/0234, no measures notified, Article 169 letter in 1996
- Greece — 96/0267, no measures notified, Article 169 letter in 1996
- Italy — 96/0310, no measures notified, Article 169 letter in 1996
- Netherlands — 96/0333, no measures notified, Article 169 letter in 1996

## ANNEX V

## JUDGMENTS GIVEN BY THE COURT OF JUSTICE NOT YET IMPLEMENTED

## BELGIUM

**Judgment given on 19/10/81**, Case C-137/80

**Judgment given on 03/10/89**, Case C-383/85

Transfer of pension rights

The Act of 21 May 1991 gives effect to the Court's judgment except as regards Article 11 (2) of Annex 8 to the Staff Regulations (situation of self-employed persons).

A Government Bill to amend the Act of 1991 in line with the Commission's wishes has been presented to Parliament, and its enactment is awaited.

**Judgment given on 08/07/87**, Case C-247/85

Wild birds

Article 171 proceedings are in motion.

**Judgment given on 27/09/88**, Case C-42/87

**Judgment given on 03/05/94**, Case C-47/93

Discrimination in public financing — non-university further education

Article 171 proceedings are in motion.

**Judgment given on 19/02/91**, Case C-375/89

Aid for Idealspun/Beaulieu

The Belgian authorities have commenced proceedings in the national courts to recover the unlawful aid.

Judgment was given on 20 September 1994. The company has appealed against the substance and against enforcement.

**Judgment given on 10/11/92**, Case C-326/90

Covert discrimination regarding social security benefits

The Commission has approached the Belgian authorities, drawing their attention to the Cabannis judgment and to the need to implement the relevant legislation.

**Judgment given on 17/02/93**, Case C-173/91

Equal treatment of men and women

Discrimination based on age

Progress is being made.

**Judgment given on 24/03/94**, Case C-80/92

Free movement of wireless telephones

Progress is being made.

**Judgment given on 03/05/94**, Case C-260/93

Sewage sludge used in agriculture

Article 171 proceedings have been commenced.

**Judgment given on 04/05/95**, Case C-218/94

Telecommunications terminal equipment: failure to notify measures transposing the Council Directive

The Belgian authorities have confirmed that the requisite Royal Decree is up for approval.

**Judgment given on 14/03/96**, Case C-239/95

Active implantable medical devices

Article 171 proceedings have been commenced.

**Judgment given on 25/04/96**, Case C-87/94

Public procurement: Buses for the Walloon Region Transport Company

The Commission has approached the Belgian authorities to obtain information about the measures that have been or about to be taken to implement the Court's judgment.

**Judgment given on 02/05/96**, Case C-133/94

Incomplete transposal of the Council Directive on the assessment of the impact of certain public or private projects on the environment

The Brussels authorities have given effect to the Court's judgment. No information has been received from the Flemish Region. The Commission has written to the Belgian authorities to inquire about the measures planned in order to come into line with the Court's judgment.

**Judgment given on 02/07/96**, Case C-173/94

Access to employment — water, gas and electricity distribution  
The Commission has contacted the Belgian authorities to inquire about the measures planned in order to come into line with the Court's judgment.

**Judgment given on 10/09/96**, Case C-11/95

Incomplete transposal of Television without frontiers Directive  
The Commission has contacted the Belgian authorities to inquire about the measures planned in order to come into line with the Court's judgment.

**Judgment given on 12/06/96**, Case C-278/94

Employment — equal treatment — discrimination against children of migrant workers

The Commission has approached the Belgian authorities, drawing their attention to the need to implement the relevant legislation.

**Judgment given on 12/12/96**, Case C-218/96

Failure to notify measures transposing the Council Directive on information required for technical files

Recent judgment.

**Judgment given on 12/12/96**, Case C-219/96

Failure to notify measures transposing the Directive on batteries and accumulators containing dangerous substances

Recent judgment.

**Judgment given on 12/12/96**, Case C-220/96

Failure to notify measures transposing Commission Directive 84/449/EEC adapting to technical progress for the sixth time Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances

Recent judgment.

**Judgment given on 12/12/96, Case C-221/96**

Failure to notify measures transposing the Commission Directive on the principles for the evaluation of the risks to man and the environment of substances notified in accordance with Council Directive 67/548/EEC  
Recent judgment.

**Judgment given on 12/12/96, Case C-222/96**

Failure to notify measures transposing the Council Directive on the classification, packaging and labelling of dangerous substances  
Recent judgment.

## GERMANY

**Judgment given on 03/07/90, Case C-288/88**

Wild birds, legislation, shooting laws  
The Commission has been notified of satisfactory Bills.  
Article 171 proceedings have been commenced pending their enactment by the Saarland.

**Judgment given on 20/09/90**

Bug-Alutechnik — repayment of a grant  
National recovery proceedings are still in motion.

**Judgment given on 28/02/91, Case C-131/88**

Groundwater  
The German authorities have not notified measures to comply with the Court's judgment.  
Article 171 proceedings have been commenced.

**Judgment given on 17/10/91, Case C-58/89**

Surface water, not properly implemented  
The German authorities have not notified the measures taken to comply with the Court's judgment.  
Article 171 proceedings have been commenced.

**Judgment given on 10/05/95, Case C-422/92**

Waste disposal  
Progress is being made.

**Judgment given on 02/05/96, Case C-253/95**

Failure to notify measures transposing the Council Directive coordinating procedures for the award of public services contracts  
The Commission has contacted the German authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 10/09/96, Case C-61/94**

Inward processing  
The Commission has contacted the German authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 07/11/96, Case C-262/95**

Dangerous substances — limit values set by administrative circular  
Recent judgment.

**Judgment given on 12/12/96, Case C-297/95**

Failure to notify measures transposing the Council Directive on treatment of urban waste water  
Recent judgment.

**Judgment given on 12/12/96, Case C-298/95**

Fish and shellfish waters  
Recent judgment.

## GREECE

**Judgment given on 15/03/88, Case C-147/86**

**Judgment given on 30/01/92, Case C-328/90**  
Ban on opening a private school (Frontistirion); nationality discrimination  
Article 171 proceedings are in motion.

**Judgment given on 08/11/90, Case C-53/88**

Protection of workers in the event of the employer's insolvency  
Article 171 proceedings are in motion.

**Judgment given on 26/02/91, Case C-189/89**

Restrictions on freedom to provide services — tourist guides  
Measures have been received. They are under scrutiny at the Commission.

**Judgment given on 07/04/92, Case C-45/91**

Village waste in Crete  
The Greek authorities have notified the Commission of a set of measures, and a reply containing technical annexes. They are under scrutiny.

**Judgment given on 23/03/95, Case C-365/93**

Mutual recognition of qualifications — higher education  
Article 171 proceedings are in motion.

**Judgment given on 01/06/95, Case C-123/94**

Nationality discrimination  
Article 171 proceedings are in motion.

**Judgment given on 06/07/95, Case C-259/94**

Open network provision — leased lines  
Some measures remain to be taken. The Commission has received drafts.

**Judgment given on 11/08/95, Case C-260/94**

Failure to notify measures transposing the Council Directive on telecommunications terminal equipment  
The Greek authorities have notified the Commission of legislation which is under scrutiny.

**Judgment given on 28/03/96, Case C-161/95**

Failure to notify measures transposing the Council Directive on urban waste water  
The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 02/05/96, Case C-311/95**

Failure to notify measures transposing the Council Directive coordinating procedures for the award of public services contracts

The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 23/05/96, Case C-331/94**

VAT on transport, cruises and package holidays

The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 02/07/96, Case C-290/94**

Access to employment — nationality discrimination

The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 19/09/96, Case C-236/95**

Failure to notify measures transposing the Council Directive coordinating procedures for the award of public services and works contracts

The Commission has contacted the Greek authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 03/10/96, Case C-380/95**

Plant health products

Recent judgment.

**Judgment given on 05/12/96, Case C-91/96**

Failure to notify measures transposing the Council Directives on health policy in intra-Community trade and on imports from non-member countries of embryos of domestic bovine animals and products not subject to specific Community rules

Recent judgment.

## SPAIN

**Judgment given on 02/08/93, Case C-355/90**

Conservation of wild birds at Santoña

Progress is being made.

**Judgment given on 15/03/94, Case C-45/93**

Nationality discrimination — access to museums

Article 171 proceedings have been commenced.

**Judgment given on 22/03/94, Case C-375/92**

Restrictions on freedom to provide services as tourist guides

The Spanish authorities have notified the Commission of several legislative instruments. Certain regional instruments are not yet available.

**Judgment given on 26/09/96, Case C-79/95**

Failure to notify measures transposing the Council Directives on safety and health of workers, minimum safety and health requirements at the workplace, for individual protective equipment, for the manual handling of loads where there is a risk of injury to workers, for work at display screen equipment and for risks of exposure to carcinogens at work

The Commission has contacted the Spanish authorities to ascertain what measures are planned to comply with the Court's judgment.

## FRANCE

**Judgment given on 27/04/88, Case C-252/85**

Wild birds

The Commission is pursuing the proceedings.

**Judgment given on 25/10/88, Case C-312/86**

Equal treatment, access to employment

The French authorities have notified the Commission of a draft circular that it considers potentially satisfactory. Progress has been made.

**Judgment given on 12/12/90, Case C-263/88**

Refusal to allow freedom of establishment and freedom to provide services in the overseas territories

Article 171 proceedings are in motion.

**Judgment given on 26/02/91, Case C-154/89**

Restrictions on freedom to provide services — tourist guides

Progress is being made.

**Judgment given on 11/06/91, Case C-64/88**

Fisheries: inadequate enforcement of technical conservation measures

Progress in implementing the Court's judgment is unsatisfactory; Article 171 proceedings are in motion, and a reasoned opinion has been sent. A reply has been received and is now being scrutinized.

**Judgment given on 13/01/93, Case C-293/91**

Defective products

The French authorities have notified the Commission of a government Bill and amendments relating to the exclusion of products derived from the human body. Contacts are being maintained.

**Judgment given on 17/11/93, Case C-68/92**

VAT on advertising services. double taxation

A fresh circular complying with the Court's judgment is awaited.

**Judgment given on 14/12/95, Case C-17/95**

Protection of animals in transport. Checks and preventive measures — horse sickness

Article 171 proceedings are in motion.

**Judgment given on 02/05/96, Case C-234/95**

Failure to notify measures transposing the Council Directive coordinating procedures for the award of public services contracts

The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment.



## IRELAND

**Judgment given on 11/08/95**, Case C-240/94  
Electromagnetic compatibility  
Article 171 proceedings are in motion.

**Judgment given on 14/12/95**, Case C-132/94  
Organization of veterinary checks on products from non-member countries  
Article 171 proceedings have been commenced.

**Judgment given on 14/12/95**, Case C-138/94  
Organization of veterinary checks on products from non-member countries  
Article 171 proceedings are in motion.

**Judgment given on 14/12/95**, Case C-161/94  
Veterinary and zootechnical checks in intra-Community trade in certain animals  
Article 171 proceedings are in motion.

**Judgment given on 14/12/95**, Case C-162/94  
Veterinary checks in intra-Community trade  
Article 171 proceedings are in motion.

**Judgment given on 26/02/96**, Case C-239/94  
Telecommunications terminal equipment: failure to notify measures transposing the Council Directive  
The Commission has contacted the Irish authorities to ascertain what measures are planned to comply with the Court's judgment. National legislation is in preparation, but has yet to be enacted.

## ITALY

**Judgment given on 12/07/88**, Case C-322/86  
**Judgment given on 09/03/94**, Case C-291/93  
Quality of fishing waters  
Article 171 proceedings have been commenced.

**Judgment given on 17/01/91**, Case C-157/89  
Protection of wild birds, shooting season  
A circular properly reflecting the undertakings entered into by the Italian authorities has been gazetted. However, since circulars are not a satisfactory means of incorporating a directive into national law, Article 171 proceedings have been commenced and are continuing.

**Judgment given on 26/02/91**, Case C-180/89  
Restrictions on freedom to provide services — tourist guides  
Legislation has been enacted. The Commission is still awaiting enactment of regional legislation.

**Judgment given on 16/05/91**, Case C-263/85  
Contributions to Regions purchasing home-produced buses and trams. Regional preferences  
The Italian national legislation has been enacted; the Commission is still awaiting enactment of regional legislation.

**Judgment given on 13/12/91**, Case C-33/90  
Waste-Campania  
Article 171 proceedings have reached the referral stage.

**Judgment given on 09/06/93**, Case C-95/92  
Radiation protection — medical examinations  
Article 171 proceedings have reached the referral stage.

**Judgment given on 09/02/94**, Case C-119/92  
Customs agents' monopoly and scale of charges  
Article 171 proceedings are in motion.

**Judgment given on 26/04/94**, Case C-272/91  
Public procurement — computerized lottery systems  
Most of the requisite measures have been enacted; the Commission is awaiting the enactment of the final decree.

**Judgment given on 01/06/95**, Case C-40/93  
Access to the profession of dentist  
The Commission is pursuing its discussions with the Italian authorities to solve the problems of compliance with the Court's judgment.

**Judgment given on 30/11/95**, Case C-118/95  
Failure to notify measures transposing the Council Directives on the marketing of fruit-plant propagating material and vegetable seedlings  
Article 171 proceedings are in motion.

**Judgment given on 29/02/96**, Case C-307/94  
Failure to notify measures transposing the Council Directive coordinating legislation relating to certain activities of pharmacists  
Article 171 proceedings are in motion.

**Judgment given on 14/03/96**, Case C-238/95  
Failure to notify measures transposing the Commission Directive on the principles for the evaluation of the risks to man and the environment of substances notified in accordance with Council Directive 67/548/EEC  
Article 171 proceedings are in motion.

**Judgment given on 06/06/96**, Case C-101/94  
Financial services — *Intermediazione Mobiliare*  
Progress. The Italian authorities have notified the Commission of legislation, which is being scrutinized.

**Judgment given on 20/06/96**, Case C-237/95  
Failure to notify measures transposing the Council Directive on prevention of atmospheric pollution from existing municipal waste incinerators  
The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 11/07/96, Case C-303/95**

Failure to notify measures transposing the Council Directive on batteries and accumulators containing dangerous substances  
The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 17/09/96, Case C-289/94**

Technical standards — Decrees Nos 256 and 257 of 1990 establishing health policy measures in respect of shellfish and Decree of 1991 on pharmaceutical specialities derived from bovine tissues and organs

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 26/06/96, Case C-117/95**

Failure to notify measures transposing the Council Directive laying down Community measures to combat avian influenza  
The Italian authorities notified the Commission of legislative measures in November 1996. Their enactment is awaited.

**Judgment given on 07/11/96, Case C-315/95**

Failure to notify measures transposing the Council Directives on conditions to be satisfied by propagation material for ornamental, fruit and vegetable plants; failure to notify measures transposing the Council Directives on potato ring-rot and health policy measures in intra-Community trade and imports of embryos of domestic bovine animals  
Recent judgment.

## LUXEMBOURG

**Judgment given on 16/06/92, Case C-351/90**

Refusal to allow dentists to have two surgeries  
The Luxembourg authorities have notified no legislation. An Article 171 reasoned opinion has been sent.

**Judgment given on 15/06/95, Case C-220/94**

Open network provision — leased lines  
Article 171 proceedings have been commenced.

**Judgment given on 26/10/95, Case C-151/94**

Income Tax Act — taxation of non-residents  
Progress.

**Judgment given on 02/07/96, Case C-312/95**

Failure to notify measures transposing the Council Directives on confined use and voluntary release of genetically modified organisms  
Recent judgment.

**Judgment given on 07/11/96, Case C-221/94**

Telecommunications terminal equipment: failure to notify measures transposing the Council Directive  
Recent judgment.

## THE NETHERLANDS

**Judgment given on 14/07/94, Case C-61/93**

Electronic kw/h meters  
Article 171 proceedings have been commenced.

**Judgment given on 11/01/96, Case C-273/94**

Technical standards and rules: failure to notify Decree on margarines of 19/09/90

The Dutch authorities have notified the Commission of a draft, to which it has no objections; adoption is awaited.

## UNITED KINGDOM

**Judgment given on 18/02/92, Case C-30/90**

Patent licences  
The difficulty has been solved in practice, but the Commission is awaiting enactment of the legislation.

**Judgment given on 14/07/93, Case C-56/90**

Bathing water quality: Blackpool and Southport  
The Member State is rectifying matters. The Commission regularly checks that the Court's judgment is properly implemented. Data relating to the last bathing season are awaited.

**Judgment given on 08/06/94, Case C-383/92**

Collective redundancies  
Article 171 proceedings are in motion.

**Judgment given on 08/06/94, Case C-382/92**

Transfers of undertakings  
Article 171 proceedings are in motion

**Judgment given on 10/09/96, Case C-222/94**

Television without frontiers  
Recent judgment.

## ANNEX VI

## APPLICATION OF COMMUNITY LAW BY NATIONAL COURTS

## 1. Application of Article 177 of the EC Treaty

In 1996 the Court of Justice of the European Communities received requests for preliminary rulings in cases where difficulties arose in the interpretation of Community law or where there were doubts as to the validity of Community instruments.

When references are recorded at the Court of Justice Registry, they are published in full in the Official Journal of the European Communities. The table below shows the number of references from each Member State over the last seven years (\*).

Number of references per Member State

Member State (*)	Year						
	1990	1991	1992	1993	1994	1995	1996
Italy	25	18	22	24	46	58	70
Ireland	4	1	—	1	2	3	—
Netherlands	9	17	18	43	13	19	10
Luxembourg	4	2	1	1	1	2	2
United Kingdom	12	13	15	12	24	20	21
Austria						2	6
Germany	34	50	62	57	44	51	66
Finland						—	3
Portugal	2	3	1	3	1	5	6
France	21	24	15	22	36	43	24
Sweden						6	4
Belgium	17	17	16	22	19	14	30
Spain	6	4	5	7	13	10	6
Denmark	5	2	3	7	4	8	4
Greece	2	2	1	5	—	10	4
<b>Total</b>	<b>142</b>	<b>186</b>	<b>162</b>	<b>204</b>	<b>203</b>	<b>251</b>	<b>256</b>

(\*) The countries are listed in the order shown in the third indent of Article 1 (1) of the Council Decision of 1 January 1995 (OJ L 1, 1. 1. 1995, p. 220.).

Although the number of cases varies considerably from year to year, the trend is upward and 1996, with 256 such cases, was the busiest year of preliminary ruling activity in recent times.

As in previous years, cases were referred by courts in almost all Member States, Ireland being the sole exception. The number of rulings sought by German courts was again high, whilst the number of references from Italian courts continues to rise.

In 1996, preliminary rulings again accounted for about 60 % of the total of 420 cases brought before the Court (61 cases being removed from the Register).

The two tables below show the number of references from each Member State and the number of cases referred by each court of final instance.

Number of references per Member State in 1996

Italy	13
Ireland	(—)
Netherlands	5
Luxembourg	(—)
United Kingdom	3
Austria	2
Germany	20
Finland	1
Portugal	6
France	1
Sweden	(—)
Belgium	12
Spain	6
Denmark	1
Greece	1

Origin of references by supreme Courts

Italy	Corte Suprema di Cassazione	1
	Consiglio di Stato	12
Netherlands	Raad van State	4
	Hoge Raad	1
United Kingdom	House of Lords	3
Austria	Oberster Gerichtshof	2
Germany	Bundesgerichtshof	2
	Bundesverwaltungsgericht	5
	Bundesfinanzhof	9
	Bundessozialgericht	4
Finland	Korkein hallinto-oikeus	1
Portugal	Supremo Tribunal Amministrativo	6
France	Cour de Cassation	1
Belgium	Cour de Cassation/Hof van Cassatie	8
	Conseil d'État/Raad van State	4
Spain	Tribunal Superior de Justicia	6
Denmark	Højesteret	1
Greece	Areios Pagos	1

(\*) The 1995 Report was published in OJ C 303, 14. 10. 1996.

## 2. Significant judgments of national courts of final instance

### 2.1 Introduction

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

The Commission has again had access to data gathered by the Research and Documentation Department of the Court of Justice. It was thus able to identify decisions which applied Community law, though it should be pointed out that it is not possible, by consulting databases, to identify cases where national courts ought to have applied Community law but where the judgment contains no reference to it. Moreover, the Commission cannot undertake a systematic analysis of the mass of judgments delivered each year by the national superior courts. Each year, some 1 200 judgments relating to Community law come to the attention of the Research and Documentation Department.

### 2.2. The research

Research was carried out on the following questions in relation to decisions given or reported for the first time in 1996:

1. Were there cases where decisions against which there was no appeal were taken without a reference for a preliminary ruling even though they turned on a point of Community law whose interpretation was less than perfectly obvious?

Were there any other decisions regarding preliminary rulings that merit attention?

2. Were there cases where courts, contrary to the rule in Case 314/85 Foto-Frost<sup>(1)</sup>, declared an act of a Community institution to be invalid?

To what extent did national courts, applying the principles in Joined Cases 143/88 and 92/89 Zuckerfabrik Süderdithmarschen<sup>(2)</sup>, stay the implementation of a national administrative measure taken on the basis of a Community regulation or decision?

3. Were there any decisions that were noteworthy as setting good or bad examples?

4. Were there any decisions that applied the rulings given in Francovich<sup>(3)</sup> or in Brasserie de Pêcheur and Factortame III<sup>(4)</sup>?

<sup>(1)</sup> [1987] ECR 4199.

<sup>(2)</sup> [1991] ECR I-534.

<sup>(3)</sup> Joined Cases C-6/90 and C-9/90, [1996] ECR I-5357.

<sup>(4)</sup> Joined Cases C-46/93 and C-48/93, [1996] ECR I-1029.

### Question 1

On 28 October 1996 the Dutch Raad van State, without reference to the Court of Justice, held<sup>(1)</sup> that Directive 92/50/EEC on public service contracts<sup>(2)</sup> was not applicable to a joint arrangement between two local authorities whereby the one entrusted the other with the collection of its domestic waste. It took the view that such organization of a public service had to be distinguished from a situation where collection was entrusted to a private firm and concluded that the arrangement did not constitute a public contract. According to the Raad van State, it was irrelevant that the arrangement consisted in a cooperation agreement, that the local authorities did not set up a public body and that remuneration was received for the services provided.

In a similar case where two local authorities had decided to make their waste collection services into an independent body serving them both, the Gerechtshof Arnhem requested the Court of Justice for a preliminary ruling on the applicability of the same Directive<sup>(3)</sup>.

On 25 July 1996 the Raad van State decided in two other cases<sup>(4)</sup> that there was no need to ask the Court of Justice for a preliminary ruling on provincial legislation prohibiting the disposal of waste outside the province which had prompted decisions withholding authorization for the transportation of waste from one province to another. The Dutch court held that even if these specific cases related only to movements within the Netherlands, the rules in question constituted a measure having equivalent effect to a quantitative restriction on exports and was thus contrary to Article 34 of the EC Treaty since it also applied to the exportation of waste to other Member States. According to the Raad van State, the legislation treated trade within the Netherlands differently from the export trade and could not therefore be justified under Article 36 of the EC Treaty either.

In another case relating to the transportation of waste the Raad van State did, however, ask the Court of Justice for a preliminary ruling on whether a prohibition on the exportation of waste was compatible with Article 34 of the EC Treaty<sup>(5)</sup>. But this case related to the exportation of waste to another Member State.

<sup>(1)</sup> Raad van State, Administrative Disputes Division, Van Gansewinkel v Gemeente Voerendaal, AB 1997, 17.

<sup>(2)</sup> Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts, OJ L 209, 24. 7. 1992, p. 1.

<sup>(3)</sup> Gerechtshof Arnhem, decision of 29 October 1996, Gemeenten Arnhem en Rheden v BFI Hoolding, Case C-360/96, pending.

<sup>(4)</sup> Raad van State, Administrative Division, Heijmans Milieutechniek v Gedeputeerde Staten van Noord-Brabant, AB 1996, 425 and Heidemij Realisatie v Gedeputeerde Staten van Noord-Brabant, Jurisprudentie Bestuursrecht 1996, 189.

<sup>(5)</sup> Raad van State, Administrative Division, 23 April 1996, Chemische Afvalstoffen Dusseldorp and Others v Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer, Case C-203/96, pending.

Again on the subject of waste disposal, the French Conseil d'Etat gave a ruling<sup>(1)</sup> on the compatibility of Decree No 92-798 of 18 August 1992 amending the arrangements for the importation of waste into France with Article 30 of the EC Treaty and the Community Directive applicable at that time to the transfrontier movement of hazardous waste<sup>(2)</sup>. The effect of the Decree had been to prevent the plaintiff from importing harmful waste from Germany. The Conseil d'Etat held that the legislation in question was compatible with the aims and provisions of Community law, declining to refer the question to the Court of Justice for a preliminary ruling and thus taking the same view as the French Government's representative, who had expressed reservations as to whether such reference was necessary.

In a judgment given on 29 June 1995<sup>(3)</sup> Germany's Bundessozialgericht held that it was not obliged to refer questions to the Court of Justice before rejecting an application for the payment of German unemployment benefit to a woman who, following her marriage to a Community official, had left her job in Germany to live in Luxembourg and registered with the employment authorities in Trier (Germany) rather than in Luxembourg on the grounds that she was unlikely (for reasons relating to language requirements and the recognition of diplomas) to find a job in Luxembourg comparable to that which she had held previously.

The Bundessozialgericht, basing its decision on the case-law of the Court of Justice<sup>(4)</sup> held that the applicant, who had resided throughout the duration of her most recent employment in the Member State where she was employed, did not meet the conditions of eligibility for benefit under Article 71 of Regulation No 1408/71, which applied solely if the worker had travelled to another Member State in the course of his or her most recent employment. Whilst acknowledging that the provisions of Regulation No 1408/71 on the coordination of social security schemes left a 'legal vacuum' where the situation of the applicant was concerned, the Bundessozialgericht held the view that this was not an unintentional vacuum which could be filled by case-law. In its opinion the judgments given by the Court of Justice had already defined the scope of the provisions of Regulation No 1408/71 in similar situations, so that there was no need to refer the question for a preliminary ruling.

On 21 March 1996 Germany's Bundesfinanzhof gave its ruling<sup>(5)</sup> on an application lodged by a slot-machine operator, following the Court of Justice's judgment in *Glawe*<sup>(6)</sup>, seeking an adjustment to his final tax assessment in line with the interpretation given to the Sixth VAT Directive as regards the basis of assessment in the case of gaming machines offering the possibility of winning money. The applicant invoked the Court of Justice's ruling in *Emmott*<sup>(7)</sup>, claiming that the deadline for appeals against the tax assessment could not be applied in his case.

The Bundesfinanzhof took the view that the ruling given in *Emmott* applied only in cases where a directive had been incorrectly transposed. If the directive as such had been correctly transposed, on the other hand, but the national rules had been wrongly interpreted by the courts or incorrectly implemented by the government, national procedural rules would remain applicable. To support this view it drew attention to the Court of Justice's judgment of 6 July 1995 in BP *Soupergaz*<sup>(8)</sup>. According to the Bundesfinanzhof the case did not have to be referred to the Court of Justice because the conditions in which the ruling given in *Emmott* would apply had been clearly stated.

On 2 April 1996 the Bundesfinanzhof rejected<sup>(9)</sup> an appeal lodged against the Finanzgericht Rheinland-Pfalz's decision of 7 November 1994, in which the latter court had held that, where the Bundesfinanzhof had annulled one of its decisions and referred the case back, it could not ask for any further preliminary rulings on the points of law clarified by the Bundesfinanzhof, whose opinions were binding<sup>(10)</sup>. The appeal was rejected on the grounds that it was not for the Bundesfinanzhof to supervise the lower court's exercise of its powers to refer questions for a preliminary ruling or to examine the reasons for the lower court's decision to refer or not to refer. This being the case, it was irrelevant whether the Finanzgericht had been wrong in its assessment of the binding effect of the Bundesfinanzhof's opinions. In this connection the Bundesfinanzhof drew attention to the Court of Justice's judgment in *Peterbroeck*<sup>(11)</sup>, which, it suggested, might indicate a change in

<sup>(1)</sup> Bundesfinanzhof, judgment given on 21. 3. 1996, XI R 36/95; *Sammlung der Entscheidungen des Bundesfinanzhofs* Bd. 179 pp. 563-568, *Betriebs-Berater* 1996 pp. 1370-1372, *Bundessteuerblatt* 1996 II pp. 399-402, *Der Betrieb* 1996 pp. 1452-1453, *Europäische Zeitschrift für Wirtschaftsrecht* 1996 pp. 479-480, *Europäisches Wirtschafts- & Steuerrecht* — EWS 1996 pp. 259-260, *Recht der internationalen Wirtschaft* 1996 pp. 878-879, *Umsatzsteuer-Rundschau* 1996 pp. 392-394.

<sup>(2)</sup> Court judgment of 5 May 1994 in Case C-38/93, [1994] ECR I-1679.

<sup>(3)</sup> Court judgment of 15 July 1991 in Case C-208/90, [1991] ECR I-4269.

<sup>(4)</sup> Court judgment of 6 July 1995 in Case C-62/93, [1995] ECR I-1883.

<sup>(5)</sup> Bundesfinanzhof, judgment given on 2 April 1996, VII R 119/94, *Sammlung der Entscheidungen des Bundesfinanzhofs* Bd. 180 pp. 231-238, *Betriebs-Berater* 1996 pp. 1974-1976, *Europäische Zeitschrift für Wirtschaftsrecht* 1996 pp. 668-67, *Europäisches Wirtschafts- & Steuerrecht* — EWS 1996 pp. 327-330, *Internationales Steuerrecht* 1996 p. 482, *Recht der internationalen Wirtschaft* 1996 pp. 793-795, *Umsatzsteuer-Rundschau* 1996 pp. 338-341, *Zeitschrift für Zölle und Verbrauchsteuern* 1996 pp. 378-380; annotated by Schauhoff, Stephan: *Internationales Steuerrecht* 1996 pp. 494-498, Reiche, Klaus: *Europäische Zeitschrift für Wirtschaftsrecht* 1996 pp. 671-672.

<sup>(6)</sup> This decision was contrary to the judgments given by the Court of Justice in the *Rheinmühlen* cases: judgment of 16 January 1974 in Case C-166/73, [1974] ECR 33; judgment of 12 February 1974 in Case C-146/73, [1974] ECR 139.

<sup>(7)</sup> Court judgment of 14 December 1995, in Case C-312/93, [1995] ECR I-4599.

<sup>(1)</sup> Conseil d'Etat, judgment given on 15 April 1996, *Freymuth and Others*, Actualité Juridique Droit Administratif 1996, 442, conc. D. Piveteau, Europe 1996 Act. No 293, p. 15.

<sup>(2)</sup> Council Directive 75/442/EEC of 15 July 1975 on waste (OJ L 194, 25. 7. 1975, p. 39), as amended by Directive 91/156/EEC of 18 March 1991 (OJ L 78, 26. 3. 1991, p. 32); Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the European Community of the transfrontier shipment of hazardous waste (OJ L 326, 13. 12. 1984, p. 31), as amended by Directive 86/279/EEC of 12 June 1986 (OJ L 181, 4. 7. 1986, p. 13).

<sup>(3)</sup> Bundessozialgericht, judgment given on 29 June 1995, 11 RAr 9/95; *Die Sozialgerichtsbarkeit* 1996 pp. 397-400, *Neue Zeitschrift für Sozialrecht* 1996 pp. 84-87, *Sammlung von Entscheidungen aus dem Sozialrecht* 1996 pp. 253-259, *Zeitschrift für Ausländerrecht und Ausländerpolitik* 1996 p. 94 (summary).

<sup>(4)</sup> Judgment of 11 October 1984 in Case C-128/83 Guyot, [1984] ECR 3507; judgment of 12 June 1986 in Case C-1/85 Miethe, [1986] ECR 1837; judgment of 22 September 1988 in Case C-236/87 Bergmann, [1988] ECR 5125.

the Court's views and a possible switch from the position adopted in the Rheinmühlen cases.

On 15 December 1995 the Italian Constitutional Court issued an Order<sup>(1)</sup> in which it declared that it had no jurisdiction to interpret a provision of Community law of which the meaning was unclear and that it was not a national court within the meaning of Article 177 of the Treaty, thus excluding the possibility of it referring any constitutional issue to the Court of Justice for a preliminary ruling. It therefore referred the case in question back to the lower court so that the latter could itself put its questions to the Court of Justice. This would seem to go against *obiter dicta* in an earlier decision<sup>(2)</sup> in which the Constitutional Court seemed to be entertaining the possibility of referring questions of a constitutional nature to the Court of Justice for a preliminary ruling.

In Sweden the Supreme Court (Högsta Domstolen) had referred for a preliminary ruling the question whether the Treaty of Rome, and in particular the first paragraph of Article 6, precludes a Member State from requiring plaintiffs from another Member State (but not its own nationals) to lodge security for the costs of legal proceedings. In this particular case an action for the payment of goods had been brought by a UK company against Swedish nationals, who had requested that the plaintiff lodge such security as provided for by Act 1980:307. The courts having substantive jurisdiction had refused to grant this request on the grounds that the Act was in this respect contrary to the Lugano Convention, which was applicable in both countries. In a preliminary ruling the Court of Justice had held that any such national procedural rule constituted direct discrimination on grounds of nationality<sup>(3)</sup>.

Following the Court of Justice's ruling, the Swedish Supreme Court nevertheless decided on 30 November 1996<sup>(4)</sup> that the UK plaintiff should lodge a security for the cost of proceedings because, in the first place, even if a preliminary ruling was binding on the national court which requested it, it was for the latter court to decide whether the circumstances of the particular case fell within the scope of a given Community provision and, in the second place, the action in question was for payment for goods which had been delivered before Sweden's accession to the European Union and, consequently, the Court of Justice's ruling did not apply.

### Question 2

The litigation in Germany concerning the common organization of the market in bananas was described in last year's report but mention should be made of the decision adopted by the

Bundesfinanzhof on 9 January 1996<sup>(5)</sup> confirming the interim measures ordered by the Finanzgericht Hamburg<sup>(6)</sup> in response to an application for the suspension of the duty on a certain quantity of bananas imported without a licence. The Bundesfinanzhof took the view that interim measures were justified in view of the doubts surrounding the applicability of Council Regulation No 404/93, given the possible incompatibility of the latter with the GATT and in view of considerations relating to German constitutional law.

### Question 3

In Austria the Verfassungsgerichtshof (Constitutional Court) had to consider an application for a declaration that the principle enshrined in Article 83 (2) of the Federal Constitution, whereby no-one may be removed from the jurisdiction of his lawful judge, had been violated by the decision of the Tyrol Landesvergabeamt (the authority dealing with appeals against the award of public contracts) to reject the appeal lodged by two unsuccessful tenderers on the grounds that, even if the local body awarding the contract had fully complied with the relevant Tyrolean legislation, the contract in question would not have been awarded to the plaintiff.

On 12 June 1996<sup>(7)</sup> the Verfassungsgerichtshof held that the Landesvergabeamt's composition was not in accordance with the law and thus constituted a violation of the principle that no-one may be removed from his lawful judge. The Chairman of the Landesvergabeamt, a body which is not a court as such, did not have 'the same legal and professional qualifications as members of the judiciary' as required by Article 2 (8) of Directive 89/665/EEC<sup>(8)</sup>. The Verfassungsgerichtshof held that this provision was unconditional and specific and that it conferred on individuals the right to have the procedures for the award of public contracts reviewed by a body of a particular composition. It concluded that given its nature, concision and content, the provision in question, which ought to have been already transposed into Tyrolean law, had direct effect.

<sup>(1)</sup> Corte Costituzionale, Order No 536.

<sup>(2)</sup> Corte Costituzionale, judgment No 168 of 18 April 1991.

<sup>(3)</sup> Court judgment of 26 September 1996 in Case C-43/95.

<sup>(4)</sup> Case Ö 1195/94.

<sup>(5)</sup> VII B 225/95, *Sammlung der Entscheidungen des Bundesfinanzhofs* Bd. 179 pp. 502-508; *Europäische Zeitschrift für Wirtschaftsrecht* 1996 pp. 126-128; *Europäisches Wirtschafts- & Steuerrecht* — EWS 1996 pp. 49-51; *Internationales Steuerrecht* 1996 p. 78-79; *Juristenzeitung* 1996 p. 37; *Neue juristische Wochenschrift* 1996 pp. 1367-1368; *Recht der internationalen Wirtschaft* 1996 pp. 169-170; *Zeitschrift für Wirtschaftsrecht* 1996 pp. 343-346; *Zeitschrift für Zölle und Verbrauchsteuern* 1996 pp. 88-90; *International Trade Law & Regulation* 1996 p. S15. Voss, Reimer: *Recht der internationalen Wirtschaft* 1996 p. 324-326; Priess, Hans-Joachim: *International Trade Law & Regulation* 1996 p. S16; Reich, Norbert: *European Journal of International Law* 1996 pp. 103-111.

<sup>(6)</sup> Finanzgericht Hamburg, decision of 22 September 1995, IV 223/95; *Entscheidungen der Finanzgerichte* 1996 pp. 104-106; Rabe, Hans-Jürgen: *Neue juristische Wochenschrift* 1996 pp. 1320-1324; Reich, Norbert: *European Journal of International Law* 1996 pp. 103-111.

<sup>(7)</sup> Case B 2477/95-14.

<sup>(8)</sup> Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts: OJ L 395, 30. 12. 1989, p. 33.

Austria's Verwaltungsgerichtshof (Administrative Court) gave judgment in two cases relating to the right of residence of Turkish nationals.

On 22 February 1996 <sup>(1)</sup> it ruled that Turkish workers were not subject to the provisions of the *Aufenthaltsgesetz* (Aliens' Right of Residence Act), provided they met the requirements of Articles 6 and 7 of Decision 1/80 of the EEC-Turkey Association Council.

On 25 June 1996 <sup>(2)</sup> the same court found that Austria had committed itself, under Articles 2 and 5 (2) of the Accession Treaty and Article 77 of the Act of Accession, to apply the provisions of the EEC-Turkey Association Agreement and, consequently, the decisions of the Association Council, which the Court of Justice had held to have direct effect. Overruling the lower courts, the Verwaltungsgerichtshof therefore found that in certain circumstances the said provisions gave Turkish workers and members of their families not only the right of residence but also the right to free access to any gainful occupation of their choice. The certificate required by the Aliens Employment Act (the *Befreiungsschein*) was therefore held to be incompatible with the Association Agreement. The court also made it clear that Turkish nationals were entitled to official confirmation of their rights by a decision of the competent administrative authority. The Verwaltungsgerichtshof decided that in this particular case the need for correct application of the Community rules was so obvious that there was no room for any reasonable doubt and, consequently, no need to refer the matter to the Court of Justice.

In two judgments given on 5 November 1996 <sup>(3)</sup> Belgium's Conseil d'Etat ruled on the primacy of Article 48 of the Treaty of Rome over the Belgian Constitution. Applications had been lodged for the annulment of a Royal Decree concerning the status of central and regional government staff <sup>(4)</sup>. The applicants contended that the provision whereby certain posts in the public service were accessible to citizens of the European Union <sup>(5)</sup> was contrary to Article 10 of the Constitution, whereby only Belgians may be appointed to posts in government service, except as otherwise provided by the law in individual cases.

Basing itself on national case-law and on the past rulings of the Court of Justice, the Conseil d'Etat first of all pointed out that international law, and Community law in particular, had primacy over domestic legislation, including constitutional law.

<sup>(1)</sup> Case 95/19/0424 of 22 February 1996.

<sup>(2)</sup> Case 96/09/0088 of 25 June 1996.

<sup>(3)</sup> Judgments of the Conseil d'Etat in Cases Nos 62.921 Goosse v Belgian State and 62.922 Orfinger v Belgian State.

<sup>(4)</sup> Royal Decree of 26 September 1994 laying down general principles governing the administrative status and remuneration applicable to community and regional government staff.

<sup>(5)</sup> Article 1 (3) (1) (1) of the Royal Decree stipulates as follows: 'No person may be appointed to a post unless he fulfils the following general conditions of admissibility: he must be of Belgian nationality where the duties to be performed entail direct or indirect participation in the exercise of government authority or in activities designed to safeguard the general interests of the State, Community or Region; in other cases, he must of Belgian nationality or a citizen of the European Union.'

The Conseil d'Etat held that the application of the Treaty of Rome in its entirety and as interpreted by the Court of Justice was a consequence of Belgium's membership of the European Union and, although it could still be set aside if the Belgian authorities were to terminate such membership or to renegotiate the terms of membership. As long as such a step had not been taken, however, the rule of law required that Community legislation be applied in its entirety. Although it was preferable that the Constitution should be brought into line with European law, the latter remained applicable irrespective of whether this had been done or not. The Conseil d'Etat concluded that the Treaty of Rome and the Court of Justice's interpretation thereof required Belgium to make accessible to EU nationals all posts in the public service other than those which involved participation in the exercise of the government's authority or in activities designed to safeguard the general interests of the State.

On 31 December 1996 Finland's Korkein hallinto-oikeus (the Supreme Administrative Court), without referring questions to the Court of Justice for a preliminary ruling, gave judgment in a case (2617/6/1996) relating to the compatibility of Article 4 (1) of Council Directive 77/388/EEC of 17 May 1977 (the Sixth VAT Directive: OJ L 145, 13. 6. 1977) and the corresponding Finnish Act (*arvonlisäverolaki*). The case centred round the acquisition of real estate and, more particularly, the time as from which the taxpayer was authorized to deduct VAT already paid from the tax due. The question was whether deductions could be charged to the month in which goods or services were received or paid for, as claimed by the applicant company, or not before the premises were made available to the tenants, as stipulated by Finnish law.

Referring in particular to Case 268/83 Rompelman [1985] ECR 655, in which the Court of Justice had ruled that the economic activities referred to in Article 4(1) of the Sixth Directive may consist in several consecutive transactions, including preparatory acts such as the acquisition of assets and therefore the purchase of immovable property, the Supreme Administrative Court concluded that the Directive itself and the past rulings of the Court of Justice required that a property owner's liability to tax and any appropriate deductions should be calculated from the time when the said owner completes the preparatory transactions for taking over the property.

The Finnish authorities were obliged to abide by this interpretation irrespective of the provisions of the Finnish Act.

It should be noted that the Supreme Administrative Court, while formulating its judgment in terms of interpretation, confirmed that the provisions of the Directive had direct effect.

Giving a preliminary ruling on a question referred by the Luxembourg Conseil d'Etat, the Court of Justice had held that Articles 59 and 67 of the EC Treaty precluded a Member State from making the grant of an interest-rate subsidy subject to the condition that borrowers take out a house-purchase loan with a

credit institution established in that Member State<sup>(1)</sup>. Rejecting the argument of the government representative, who had contended that at the time of the decision in question the plaintiffs (being Swedish) were not yet nationals of the European Union, the Conseil d'Etat ruled on 29 March 1996<sup>(2)</sup> that since Directive 88/361/EEC<sup>(3)</sup> was concerned solely with the criterion of residence, nationality was immaterial.

In France the Conseil d'Etat adopted a decision on the effect of Community directives on the adoption of national regulatory measures<sup>(4)</sup>. Decree No 89-496 of 12 July 1989 on the conditions governing reimbursement for medicines had earlier been scrutinized by the Section Sociale of the Conseil d'Etat. Before this Decree was signed and published, however, Directive 89/105/EEC concerning the fixing of prices for medicines<sup>(5)</sup> was adopted and its provisions were found to be at odds with those of the draft Decree in certain respects. It was therefore decided that the appearance of the Community Directive necessitated fresh scrutiny of the draft Decree by the Conseil d'Etat. This would enable the draft's compatibility with the Directive to be verified before the deadline for transposal had expired.

Still in France, the Cour de Cassation annulled an order for interim measures issued by the First President of the Poitiers Court of Appeal, on the grounds that the reasons given for the order were incompatible with Article 177 of the EC Treaty and were in breach of Article 38 of the New Code of Civil Procedure<sup>(6)</sup>. In the case concerned the First President had authorized an appeal against a judgment granting a stay of proceedings and a reference to the Court of Justice, giving as his reason the dilatory effect of the preliminary ruling procedure.

Mention should also be made of a judgment given on 20 March 1996<sup>(7)</sup> in which Italy's Corte di Cassazione rejected the appeal against a decision by a *giudice conciliatore* in Rome who, in a case relating to the validity of a home sales contract, had invoked as an equitable rule Directive 85/577/EEC which, at the time, had not yet been transposed into Italian law.

<sup>(1)</sup> Court judgment of 14 November 1995 in Case C-484/93, [1995] ECR I-3955.

<sup>(2)</sup> *Svensson et Gustafsson v Ministère du Logement et de l'Urbanisme*, judgment No 8853.

<sup>(3)</sup> Council Directive 88/361/EEC of 24 June 1988 for the implementation of Article 67 of the Treaty: OJ L 178, 8. 7. 1988, p. 5.

<sup>(4)</sup> Conseil d'Etat, Ass., judgment of 15 April 1996, *Union nationale des pharmacies et autres*, RFD A 1996, 610, Europe 1996, Act. No 346, p. 11.

<sup>(5)</sup> Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems: OJ L 40, 11. 2. 1989, p. 8.

<sup>(6)</sup> Cour de cassation (Commercial Division), judgment of 21 May 1996, *Garage Trabisco et autres*, *Bulletin des arrêts de la Cour de cassation — Chambres civiles* 1996 IV No 141, Europe 1996 Act. No 287, p. 7.

<sup>(7)</sup> Corte di Cassazione, Sezione I civile, judgment No 2369.

The Corte di Cassazione held that a Community directive, even if not yet transposed, was still an integral part of the national legal system with effect from the date on which it should have been transposed and that although the provisions of such a Directive could not be applied as rules of law in litigation between individuals, they could nevertheless constitute the legal framework for a judgment based on the principles of equity.

In Denmark the Højesteret (Supreme Court) gave a judgment on 12 August 1996<sup>(8)</sup> on the admissibility of individual applications for the annulment of Acts of Parliament. Eleven Danish citizens, supported by 777 interveners, had brought an action against the Danish Prime Minister in connection with the ratification of the Maastricht Treaty. The applicants contested the compatibility of Danish ratification with Article 20 (1) of the Constitution, which provides that the powers invested in the Danish Government by the Constitution may be delegated by Act of Parliament, and, to an extent to be determined, to other authorities under a reciprocal agreement with other States to promote international cooperation and the international rule of law. The question was whether the words 'to an extent to be determined' were an impediment to the delegation of powers which would result from the Maastricht Treaty.

Taking the view that the applicants had not demonstrated a legal interest in bringing proceedings, the Østre landsret, the court of first instance, had held on 30 June 1994 that the action was inadmissible in terms of the case-law of the Højesteret<sup>(9)</sup>.

On appeal the Højesteret held that, in an assessment of the application's admissibility, account had to be taken of the fact that accession to the Treaty on European Union entailed a transfer of powers to the Union in certain important areas. Taking the view that this was therefore a matter of concern to all citizens, it declared that the applicants did not need to demonstrate that they were directly and individually affected by the Act of Accession and declared the action admissible<sup>(10)</sup>.

On 25 January 1996<sup>(11)</sup> Germany's Bundesverwaltungsgericht acknowledged that Directive 85/337/EEC on the assessment of the effects of certain public or private projects on the environment would have direct effect in any instance where the applicability of national implementing provisions had been ruled out. Unlike the lower court, however, the Bundesver-

<sup>(8)</sup> *Ugeskrift for Retsvæsen*, 1996, p. 1302.

<sup>(9)</sup> See judgment of 28 June 1973 in which the Højesteret deemed inadmissible an action concerning Denmark's membership of the European Communities, *Ugeskrift for Retsvæsen*, 1973, p. 694.

<sup>(10)</sup> It should be pointed out that the Højesteret's decision related solely to the application's admissibility and that the court did not rule on the question of whether the ratification of the Maastricht Treaty was constitutionally acceptable under Danish law. This question was referred back to the Østre landsret, which has not yet given its judgment.

<sup>(11)</sup> Bundesverwaltungsgericht, judgment of 25 January 1996, 4 C 5,95, *Entscheidungen des Bundesverwaltungsgerichts* Bd. 100 pp. 238-256, *Agrarrecht* 1996 p. 270-271, *Deutsches Verwaltungsblatt* 1996 pp. 677-682, *Neue Zeitschrift für Verwaltungsrecht* 1996 pp. 788-793.



waltungsgericht held that although the failure to produce an official assessment of the impact of a planned motorway was a breach of procedural rules, it did not in itself justify the annulment of the planning decisions since the assessment of the motorway's environmental impact had been substantially correct.

On 25 October 1996 <sup>(1)</sup> the Dutch Hoge Raad held, in a case relating to the distribution of sound recordings, that under Dutch law the manufacturer enjoyed no further rights once the recording had been placed on the market by the copyright holder or with his consent (in this particular case, in the United States), even if Directive 92/100/EEC <sup>(2)</sup> provides that the said rights are exhausted only when the product is marketed in the EC. At the material time the Directive had not yet been transposed into Dutch law but the deadline for its transposal had expired. The Hoge Raad found that even if in such circumstances national courts were obliged to interpret national law in line with the Directive, this obligation did not apply if it was clear that the wording and spirit of the national provisions precluded such an interpretation. It held, moreover, that to place on national law an interpretation on which individuals could not rely constituted a breach of the principle of legal certainty. Lastly, the Hoge Raad held that to interpret the national law in the light of the Directive would be tantamount to placing obligations indirectly on individuals and that this would be contrary to the principle that directives should not be prejudicial to the rights of individuals.

In France the Conseil d'Etat refused to consider arguments based on Community law under the heading of public policy <sup>(3)</sup>. This refusal should be seen in the light of recent judgments given by the Court of Justice <sup>(4)</sup>.

Italy's abolition of the registration charge for limited companies, which the Court of Justice had deemed incompatible with Directive 335/69/EEC in Ponente Carni <sup>(5)</sup>, led to wide-ranging litigation concerning the reimbursement of the sums needlessly paid by the companies concerned. In this context the Corte di Cassazione had to consider an application lodged by the tax authorities against a decision given by a court of first instance in Genoa and confirmed on appeal. Under this decision the said authorities were required to refund the sums paid by the applicant company.

On 12 April 1996 <sup>(6)</sup> the Corte di Cassazione confirmed that the charge in question was incompatible with Directive 335/69/EEC but ruled that applications for reimbursement were subject to the three-year time limit laid down by a 1972 Act

which applied to all claims for the reimbursement of charges unduly collected by the tax authorities. In this connection the Corte di Cassazione pointed out that disapplication of an Italian Act because it was incompatible with Community law did not mean that it had been repealed.

It should be mentioned that following this judgment a large number of questions were referred to the Court of Justice for a preliminary ruling on the applicability of the three-year deadline and the retroactive effects of the Ponente Carni ruling.

On 18 December 1995 <sup>(7)</sup> the Italian Constitutional Court declared that it had no jurisdiction to examine a question of constitutional law raised by the Corte di Cassazione in connection with Council Regulation No 1408/71. Giving the reasons for its decision the Constitutional Court stressed that under Article 134 of the Italian Constitution it could rule only on the constitutional acceptability of legislation enacted by the national or regional governments. It was therefore incompetent to examine the constitutionality of a Community regulation which was not part of the national legal system. It reaffirmed its earlier rulings to the effect that it was competent solely to examine whether the legislation implementing the Treaty was in breach of the fundamental principles of the national constitution or at odds with inalienable human rights; it was not competent to consider whether a specific provision of Community law was in accordance with the Constitution.

On 25 March 1996 <sup>(8)</sup> Spain's Tribunal Constitucional gave its decision on an appeal against the judgment given by the Galician Tribunal Superior de Justicia in a case relating to an invalidity pension. The applicant, basing his appeal on the need to protect fundamental rights and liberties (*recurso de amparo*), contended that the Tribunal Superior had failed to take account of documents in the German language which he had adduced as evidence without providing the translation required by national procedural law or requesting the court for such a translation and that the Tribunal Superior had thus disregarded his right to effective judicial protection, since Articles 81 and 84 of Regulation No 1408/71 stipulate that the courts of a Member State cannot reject documents submitted to them on the grounds that they are written in the official language of another Member State.

The Tribunal Constitucional held that the Tribunal Superior, by considering that it need not have the documents in question translated but that it was for the litigants to request such translation, had correctly interpreted the Community Regulation, which it found compatible with the procedural law. It added that, should such interpretation give rise to a conflict between the procedural law and the Community legislation, any litigation arising from this would be '*infraconstitucional*' and would be a matter for the ordinary courts rather than the Tribunal Constitucional.

One of the judges on the Tribunal Constitucional dissented, basing his opinion on the primacy of Community law, which he

<sup>(1)</sup> Pink Floyd Music Limited and Others v Rigu Sound BV and Others, RvdW 1996, 206.

<sup>(2)</sup> Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights relating to copyright in the field of intellectual property, OJ L 346, 27. 11. 1992, p. 61.

<sup>(3)</sup> Conseil d'Etat, judgment of 28 February 1996 in *Mégel et Petit, Droit fiscal* 1996, No 24, comm. 752, *Europe* 1996 Act. No 158, p. 19; see also Conseil d'Etat, judgment of 11 January 1991 in SA Morgane, *Actualité Juridique Droit Administratif* 1991, 149.

<sup>(4)</sup> Court judgments of 14 December 1995 in Case C-312/93 Peterbroeck ([1995] ECR I-4599) and in Joined Cases C-430/93 and C-431/93 Van Schijndel ([1995] ECR I-4705).

<sup>(5)</sup> Court judgment of 20 April 1993 in Case C-71/91, [1993] ECR I-1915.

<sup>(6)</sup> Corte di Cassazione, Sezioni Unite Civili, judgment No 3458.

<sup>(7)</sup> Corte costituzionale, judgment No 509.

<sup>(8)</sup> Judgment No 45/1996.

considered to preclude the interpretation given by the Tribunal Superior and the use of the term '*infraconstitucional*' to describe litigation concerning the compatibility of national law with Community law.

#### Question 4

In *Regina v Secretary of State for the Home Department, ex parte John Gallagher* (<sup>1</sup>), the United Kingdom's Court of Appeal heard the application of an Irish national who had been deported under Article 7 of the Prevention of Terrorism (Temporary Provisions) Act 1989 on the grounds that the Minister was convinced of his involvement in the commission, preparation or encouragement of terrorist activities. Following his deportation the applicant explained to the Minister in writing the reasons for his objections and was interviewed by a person designated by the Minister, who then reviewed the case but did not alter his decision. Asked for a preliminary ruling, the Court of Justice held (<sup>2</sup>) that Article 9 (1) of Directive 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health must be interpreted as meaning that, except in an emergency, the administrative authorities could not take a decision on deportation until a competent body had been consulted. Following this ruling, the applicant had asked the Court of Appeal's leave to add a claim for damages to his application for judicial review of the Minister's decision. Refusing to give leave, the Court of Appeal held that the 1989 Act did not fully transpose Directive 64/221/EEC and that it followed from the judgment in *British Telecommunications* (<sup>3</sup>) that the conditions of liability set out in *Brasserie du Pêcheur* and *Factortame* (<sup>4</sup>) were applicable. As regards the causal link, the Court of Appeal held that the Minister had indeed reconsidered his decision and there was no reason to believe that his decision would have been different if the correct procedure had been followed. Although there had been a breach of Community law, the applicant was not entitled to receive damages for the loss of the opportunity to obtain a favourable result since he had not established that the said breach was the probable cause of the deportation decision and that otherwise he would not have been deported. The Court of Appeal also pointed out that the breach had not been sufficiently serious: although the departure from the procedure laid down by the Directive might have been manifest, it could not be described as 'serious' since the protection afforded by the national procedure could be considered as effective. It added that a distinction had to be made between *Hedley Lomas* (<sup>5</sup>), where the infringement of the Treaty had been flagrant, and the present case, in which the United Kingdom enjoyed certain powers of

discretion and in which its choice, even if wrongly made, was not manifestly wrong in substance.

On 19 January 1996) (<sup>6</sup>) Italy's Corte di Cassazione ruled on the State's liability for damage resulting from the non-transposal or late transposal of Community directives. In the case concerned the Italian Government had been late in adopting Legislative Decree No 80/199/2 and thus transposing into Italian law Directive 80/987/EEC on the protection of employees in the event of the insolvency of their employer. Article 2 of the Decree having acknowledged the right to compensation for losses arising from the non-transposal of the Directive, a number of employers had brought an action for damages against the Italian Government.

Both the court of first instance and the court of appeal had found in favour of the employers, taking the view that the State was obliged to pay compensation under the general principles governing non-contractual liability.

The question had then been referred to the Corte di Cassazione (the Supreme Court of Appeal), where the lawyers acting for the Italian Government contended that, since the Decree in question had designated a specific public body, namely the Istituto Nazionale di Previdenza Sociale, as responsible for implementing the protection arrangements laid down by the Directive, all complaints, including those relating to the late transposal of the Directive, should be addressed to that body.

Following this line of reasoning, the Corte di Cassazione held that liability for non-transposal of directives could not be compared to non-contractual liability in general. It also found that as a result of the Court of Justice's ruling in *Francovich* the liability of Member States *vis-à-vis* individuals for non-transposal of directives had to be established by the national courts in accordance with the national rules on the liability of the State.

Taking the view that there were no provisions of Italian law whereby the State could be held liable for action taken in the exercise of legislative powers, the Corte di Cassazione annulled the decision of the Florence court and referred the case back to the court of first instance.

Following the Court of Justice's ruling in Case C-178/84 concerning the German purity requirements for beer (<sup>7</sup>) a French company had claimed compensation for the losses which it had suffered between 1981 and 1987 as a result of the restrictions which the said requirements placed on the

(<sup>1</sup>) Court of Appeal, Civil Division, judgment of 13 June 1996.

(<sup>2</sup>) Court judgment of 30 November 1995 in Case C-175/94, [1995] ECR I-4253.

(<sup>3</sup>) Court judgment of 3 March 1996 in Case C-392/93, [1996] ECR I-1631.

(<sup>4</sup>) Court judgment of 5 March 1996 in Joined Cases C-46/93 and C-48/93, [1996] ECR I-1029.

(<sup>5</sup>) Court judgment of 23 May 1996 in Case C-5/94, [1996] ECR I-2533.

(<sup>6</sup>) Corte di Cassazione, Sezione Lavoro, Presidente del Consiglio dei Ministri v INPS, Castellani e altri, judgment No 401.

(<sup>7</sup>) Court judgment of 13 March 1987 in Case C-178/84 *Commission v. Germany*, [1987] ECR 1227.

importation of beer. The Court of Justice having given a preliminary ruling on the conditions governing the liability of the State and the scope of the obligation to pay compensation <sup>(1)</sup>, Germany's Bundesgerichtshof dismissed the claim for compensation on 24 October 1996 <sup>(2)</sup>.

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<sup>(1)</sup> Court judgment of 5 March 1996 in Joined Cases C-46/93 Brasserie du Pêcheur SA v Germany and C-48/93 The Queen v Secretary of State for Transport, *ex parte*: Factortame Ltd and Others, [1996] ECR I-1029.

<sup>(2)</sup> Bundesgerichtshof, judgment of 24 October 1996, III ZR 127/91, Brasserie du Pêcheur SA v Bundesrepublik Deutschland, *Neue juristische Wochenschrift* 1997 pp. 123-126, *Europäische Zeitschrift für Wirtschaftsrecht* 1996 pp. 761-764, *Wertpapier-Mitteilungen* 1996 pp. 2203-2207, *Zeitschrift für Wirtschaftsrecht* 1996 pp. 2022-2026, *Der Betrieb* 1997 pp. 396-400; *Deutsches Verwaltungsblatt* 1997 pp. 124-127, *Monatsschrift für deutsches Recht* 1997 pp. 45-46, *Wettbewerb in Recht und Praxis* 1997 pp. 27-31, annotated by Krohn, Günter: *Entscheidungen zum Wirtschaftsrecht* 1996 pp. 1123-1124.

The Bundesgerichtshof drew attention to the distinction made by the Court of Justice between the breach of Community rules arising from the retention of the national provisions which prohibited beers manufactured in other Member States and under other rules from being marketed as 'Bier' and the breach arising from the retention of the provisions which prohibited the importation of beers containing additives. The German court held that, in these particular circumstances, a direct causal link existed only between the latter breach and the losses suffered by the plaintiff. Before the Court of Justice's ruling in Case C-178/84, however, this breach of the Community rules had not been sufficiently serious to warrant the payment of compensation. As regards the losses suffered since the Court's ruling, the Bundesgerichtshof took the view that these had also resulted from the infringement of Community rules prior to the said ruling rather than by any failure of the German authorities to comply with the Court's decision, so that the conditions for compensation were not met in this instance either.

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