

COUNCIL OF THE EUROPEAN UNION

PRESS RELEASES

PRESIDENCY: GREECE

JANUARY-JUNE 1994

Meetings and press releases June 1994

Meeting number	Subject	Date
1762 nd	Health	2 June 1994
1763 rd	Youth	6 June 1994
1764 th	Economics/Finance	6 June 1994
1765 th	Environment	8-9 June 1994
1766 th	Fisheries	10 June 1994
1767 th	General Affairs	13-14 June 1994
1768 th	Transport	13-14 June 1994
1769 th	Internal Market	16 June 1994
1770 th	Culture	17 June 1994
1771 st	Justice and Home Affairs	20 June 1994
1772 nd	Agriculture	21-24 June 1994
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1774 th	Industry	22 June 1994
1775 th	Labour/Social	22 June 1994
1776 th	Research	27 June 1994

7177/94 (Presse 104)

1762nd meeting of the Council

- HEALTH -

Luxembourg, 2 June 1994

President: Mr Dimitrios KREMASTINOS
Minister for Health
of the Hellenic Republic

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

Belgium:

Mr Jacques SANTKIN
Minister for Public Health,
Environment and Social Integration

Denmark:

Mr Joergen VARDER
State Secretary for Health

Germany:

Mr Horst SEEHOFER
Federal Minister for Health

Greece:

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

Spain:

Ms Maria Angeles AMADOR MÍLLAN
Minister for Health and Consumer Affairs

France:

Mr Philippe DOUSTE-BLAZY
Minister with special responsibility to the Minister for
Social Affairs, Health and Urban Affairs

Ireland:

Mr Brendan HOWLIN
Minister for Health

Italy:

Mr Guilio CONTI
State Secretary for Health

Luxembourg:

Mr Johny LAHURE
Minister for Health

Netherlands:

Mr Ate OOSTRA
Deputy Permanent Representative

Portugal:

Mr Paulo MENDO
Minister for Health

United Kingdom:

Mr John BOWIS
State Secretary, Ministry of Health

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Commission:

Mr Pdraig FLYNN
Member

EXTENSION OF THE "EUROPE AGAINST AIDS" PROGRAMME

The Council unanimously adopted a common position with a view to the adoption of a Decision of the European Parliament and of the Council on the extension of the "Europe against AIDS" programme. The Decision extends the programme until 31 December 1995 at the latest, which allows the Commission to implement the 1994-1995 plan of action. The plan, which is set out in Annex I to the Decision, takes account of the mid-term assessment of implementation of the plan in 1991 and 1992. In implementing the plan the Commission will take account of certain general guidelines, set out in Annex II to the Decision, which the Council already adopted in its Resolution of 13 December 1993.

This Decision avoids any interruption in the activities of the programme, pending submission by the Commission of a proposal on the adoption of a new programme for the subsequent period.

The total Community contribution deemed necessary for implementation of the action covered by this Decision is ECU 18 million.

**FRAMEWORK FOR COMMUNITY ACTION IN THE FIELD OF PUBLIC HEALTH - COUNCIL
RESOLUTION**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Whereas on 11 November 1991 the Council and the Ministers for Health, meeting within the Council, adopted a Resolution ⁽¹⁾ concerning fundamental health-policy choices;

Whereas on 27 May 1993 the Council and the Ministers for Health, meeting within the Council, adopted a Resolution ⁽²⁾ on future action in the field of public health, which includes in its Annex guidelines on this action;

Whereas on 19 November 1993 the European Parliament adopted a Resolution on public health policy after Maastricht;

Whereas on 1 December 1993 the Commission forwarded to the Council a communication on the framework for action in the field of public health in the light of the entry into force of the Treaty on European Union which introduced, inter alia, Article 3(o) and Article 129 into the EC Treaty;

Whereas efforts to achieve the objective, set in Article 3(o) of the Treaty, of a contribution by the Community towards ensuring a high level of health protection must be undertaken within an appropriate framework in which the respective roles of the Community institutions and the Member States are defined, in accordance with the principle of subsidiarity;

(1) OJ No C 304, 23.11.1991, p. 5.

(2) OJ No C 174, 25. 6.1993, p. 1.

Whereas the breadth of the health problems which may be the subject of co-operation and co-ordination between Member States requires the development of an overall approach;

Whereas under that approach it is necessary, having regard to the necessary available resources, to determine priorities, selection criteria and selection procedures, conduct periodic reviews of the objectives of Community actions and assess their impact and continued relevance,

CONSIDERS that the Commission communication on the framework for action in the field of public health constitutes an important contribution to the development of Community policies and actions in the field of public health pursuant to Article 129 of the Treaty;

RECALLS that the emphasis should be on the encouragement of enhanced co-operation between Member States and co-ordination of their activities in liaison with the Commission;

STRESSES that the need to ensure the continuity, consistency and definition of priorities of the Community's efforts points to the definition of a timetable of Community actions and to the identification of the financial and other resources required to implement them;

CONSIDERS that the methodology leading from the identification of objectives to the selection of priorities by means of appropriate criteria should be kept under review with a view to a better definition of priorities in this field;

AGREES that first priority should at present be given to cancer, drug dependence, AIDS and other communicable diseases, and health promotion, education and training, as well as disease surveillance and the collection of reliable and comparable health data;

EMPHASIZES that Community action should be aimed at supporting and encouraging co-operation between Member States, and promoting co-ordination of their policies and programmes for health protection in the priority areas, including the development and dissemination of effective methodologies, know-how and indicators to monitor progress;

AGREES that, in order to ensure that Community resources are used effectively in those areas and to determine in which other areas Community action may be necessary, further consideration needs to be given to:

- the setting up of mechanisms which can ensure that Member States are fully involved in the development, implementation and evaluation of Community activities;
- the manner in which health protection requirements are to form a constituent part of the Community's other policies;
- the manner in which co-operation on public health matters between the Member States, the Community and international organizations competent in the sphere of public health may be extended and strengthened;
- the manner in which co-operation on public health matters between the Member States, the Community and third countries may be developed;

INVITES the Commission to:

- bring forward proposals for action in the priority areas that have been identified in this Resolution;
- bring forward proposals for the setting up of a consultative body to provide advice to the Commission in the formulation of health-related proposals;

- keep under regular review the areas in which specific action and measures need to be taken and assess the financial and other resources required to implement them;
- submit a global multiannual plan of existing and future Community actions, together with a quantified estimate of the resources required to carry them out, and take account of the guidelines appearing in the Annex.

ANNEX

1. The methodology for the selection of priorities should take into account all factors affecting health as well as budgetary constraints, and should use criteria distinguishing between those that are health-related (such as mortality and morbidity and risk factors, including socio-economic differences in health), those that are implemental (such as availability of effective methods and measures of prevention) and Community-related criteria.
2. Data and indicators used should include measures relating to the quality of life of the population, accurate assessments of health needs, estimations of the avoidable deaths from the prevention of diseases, socio-economic factors in health among different population groups and, where appropriate, if the Member States judge it necessary, health aid, medical practices and the impact of reforms.
3. Future proposals must emphasize the strong link between health research and disease prevention, recognize the health dimension in Community-supported research activities and develop a coherent practical approach to incorporate this dimension. The targets of the public health programme should also be targets of the programmes for promotion of research.
4. Drug dependence, referred to in Article 129(1) second subparagraph of the EC Treaty as a major scourge, must be the subject of comprehensive actions in the sphere of public health, which should be proposed by the Commission for consideration by the Council as a matter of urgency. These actions should be so defined as to draw maximum advantage from the possibilities offered by other Community policies as well as the information activities of the European Monitoring Centre for Drugs and Drug Addiction, in accordance with Regulation (EEC) No 302/93 ⁽¹⁾ establishing the said Monitoring Centre.
5. Cardio-vascular, mental and chronic diseases, which account for a very high level of morbidity and total health expenditure, must be examined forthwith with a view to identifying the kind and extent of actions that have to be undertaken at Community level in order to assist the efforts of the Member States in this area.

(1) OJ No L 36, 12.2.1993, p. 1.

CARDIO-VASCULAR DISEASES - COUNCIL RESOLUTION

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Whereas on 3 December 1990 the Council and the Ministers for Health, meeting within the Council, adopted conclusions ⁽¹⁾ concerning cardio-vascular diseases in the European Community;

Whereas on 19 November 1993 the European Parliament adopted a Resolution on public health policy after Maastricht;

Whereas on 1 December 1993 the Commission forwarded to the Council a communication on the framework for action in the field of public health, taking account of the amendments made to the EC Treaty by the Treaty on European Union, in particular Article 3(o) and Article 129, which contain explicit provisions on public health;

Whereas cardio-vascular diseases are one of the major causes of premature death;

Whereas these diseases have an important bearing on the quality of life in the Union and significant socio-economic implications for Member States;

Whereas it is possible to forestall these diseases by acting on the factors which cause them, mainly by implementing preventive measures, particularly with respect to diet, encouraging physical exercise, reducing obesity, monitoring blood pressure, improving working conditions, combating smoking, and educating and informing the population;

(1) OJ No C 329, 31.12.1990, p. 19.

Whereas further investigation and combating of the risk factors for cardio-vascular diseases could make a substantial contribution to dealing with them;

Whereas as regards the necessary health-protection measures, cardio-vascular diseases have many features in common with the measures included in the Community's initiatives - particularly the "Europe against Cancer" programme - but also particular characteristics of which suitable account needs to be taken;

RECOGNIZES that prevention, investigation and combating of the causes of cardio-vascular diseases constitute a priority in efforts to achieve the goal of promoting health and securing a high level of health protection;

AGREES that in developing co-operation and co-ordination of Member States' efforts and Community action to prevent diseases in accordance with the powers conferred upon the Community by the Treaty and in an overall public health context, it is necessary to examine and indicate:

- ways of developing Community action to reduce morbidity and mortality from cardio-vascular diseases and in particular to develop or co-ordinate measures to combat risk factors and strengthen protective factors, and exploit the potential of other Community policies, in particular through research;
- ways of developing co-operation and co-ordination mechanisms for Member States' policies and programmes, in particular the collection of comparable data and indices on cardio-vascular diseases in the Member States, taking full account of the data available at national and international level, inter alia of the "Monica" registers of the World Health Organization;

- ways of developing special health education and information programmes for the public, and in particular information for population groups which are particularly vulnerable to the risk factors for cardio-vascular diseases;
- in connection with existing or planned Community health information and training programmes, ways of improving the knowledge and qualifications of professionals in the field of health and other related fields with regard to the prevention of cardio-vascular diseases, and
- incentive measures based on the above guidelines, taking account of the experience acquired, in particular in the context of the "Europe against Cancer" programme,

INVITES the Commission:

- to examine, in the overall context of Community action in the field of public health, incentive measures for the prevention of cardio-vascular diseases and further investigation into the risk factors for these diseases, taking into account the above guidelines, and
- to take, in close contact with the Member States, any useful initiative to promote the co-ordination of their policies and programmes in this area.

TOBACCO ADVERTISING

The Council took note of progress to date on the amended proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States on advertising for tobacco products. While acknowledging that significant differences of opinions still remained on this issue, the Council instructed the Permanent Representatives Committee to continue its proceedings under the German Presidency.

It should be noted that on 12 April 1994 the Commission submitted a working document setting out its reasons for believing that Article 100a was the appropriate legal basis for this proposal for a Directive.

PREVENTION OF THE RISK OF TRANSMISSION OF BSE TO HUMANS

The Council heard the German Minister's presentation reiterating Germany's concern regarding the risk of bovine spongiform encephalopathy. The German Minister thanked the Commission for the additional protective measures it had taken or proposed to take as announced at the last meeting of the Agriculture Council. He also hoped that a Community solution could be found to this problem.

Following a brief exchange of views, the Council and the Commission agreed on the need to press on with scientific study of the question with a view to reaching conclusions at the earliest possible opportunity and adopting other appropriate protective measures if need be.

THE FIGHT AGAINST CANCER WITHIN THE FRAMEWORK FOR ACTION IN THE FIELD OF PUBLIC HEALTH

The Commission submitted to the Council its proposal for a Decision of the European Parliament and of the Council adopting an action plan 1995-1999 to combat cancer within the framework for action in the field of public health.

The Council held an initial exchange of views on this proposal and instructed the Permanent Representatives Committee to examine it.

OTHER BUSINESS

The Council took note of

- a communication from the Commission informing the Council that it had adopted its proposal for a new programme on promotion, information, education and training with respect to health, covering the period 1995 to 1999, which would be forwarded to the Council and the European Parliament as soon as possible;
- a statement from the French delegation emphasizing the great importance it attached to the public health dimension in the context of combating drugs and drug addiction at Community level. That delegation would like a proposal submitted on the question as soon as possible;
- a suggestion from the Belgian delegation that Directive 75/318/EEC on the testing of proprietary medicinal products be amended to introduce a prohibition on the so-called "DL-50" procedure and an obligation to use the "Fixed Dose Procedure" (FDP).

MISCELLANEOUS DECISIONS

(adopted without discussion, unanimously, unless otherwise indicated)

Fisheries

The Council adopted a Regulation on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the EC/Mauritania Fisheries Agreement for the period from 1 August 1993 to 31 July 1996.

This Protocol, provisional application of which was the subject of a Council Decision of 5 November 1993, offers the Community fleet the following fishing opportunities off the coast of Mauritania:

- specialized vessels:
 - = fishing vessels specializing in crustaceans, with the exception of crawfish: 4 500 GRT/month annual average;
 - = black hake trawlers and bottom longliners: 12 000 GRT/month annual average;
 - = vessels fishing for demersal species other than black hake with gear other than trawls: 2 600 GRT/month annual average;
 - = trawlers fishing for deepwater demersal species other than black hake: 4 200 GRT/month annual average;
 - = pot vessels (crawfish): 300 GRT/month annual average.
- Vessels fishing for highly migratory species
 - = Pole-and-line tuna vessels and surface longliners: 11 vessels
 - = freezer tuna seiners : 34 vessels.

The total financial compensation for the three-year period is ECU 26 million, of which Mauritania is to allocate ECU 900 000 and ECU 360 000 respectively to the financing of scientific and technical programmes and the training of specialists in disciplines relating to fisheries.

The Council also adopted Decisions authorizing Spain and Portugal to extend until 7 March 1995 their respective fishery Agreements with South Africa so as to obviate any interruption in fishing activities by the Community vessels concerned.

P R E S S R E L E A S E

7179/94 (Presse 106)

1763rd Council meeting

- YOUTH -

Luxembourg, 6 June 1994

President: Mr Dimitrios FATOUROS
Minister for Education and Religious
Affairs of the Hellenic Republic

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

Belgium:

Mr Eric TOMAS Minister for the Budget, Culture and Sports

Denmark:

Mr Niels Henrik SLIBEN Deputy Permanent Representative

Germany:

Mr Willi HAUSMANN State Secretary, Federal Ministry of Women and Youth

Greece:

Mr Dimitrios FATOUROS Minister for Education and Religious Affairs

Mrs Eleni STEFANOEU State Secretary for Education

Spain:

Mr Carlos BASTARRECHE SAGUES Deputy Permanent Representative

France:

Mrs Michèle ALLIOT-MARIE Minister for Youth Affairs and Sport

Ireland:

Mr Frank COGAN Deputy Permanent representative

Italy:

Mr Rocco Antonio CANGELOSI Deputy Permanent representative

Luxembourg:

Mrs Mady DELVAUX-STEHRÉS State Secretary for Health, Social Security, Physical Education, Sport and Youth

Netherlands:

Mr A. OOSTRA Deputy Permanent Representative

Portugal:

Mrs Maria de Céu Baptista RAMOS State Secretary for Youth

United Kingdom:

Mr Timothy BOSWELL Parliamentary Under-Secretary of State, Department for Education

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Commission:

Mr Antonio RUBERTI Member

The Ministers responsible for Youth questions met for the first time in Council since the entry into force of the Treaty which, in Title VIII Chapter III, deals with Youth in the Community context.

THIRD PHASE OF THE "YOUTH FOR EUROPE" PROGRAMME

The Council agreed on the common position on the Council Decision adopting the third phase of the "Youth for Europe" programme. Following legal/linguistic editing, the common position will be formally adopted at a forthcoming meeting and referred to the European Parliament under the co-decision procedure.

It will be remembered that the "Youth for Europe" action programme was set up in June 1988 and that the second phase, which began in January 1992, will end on 31 December 1994. The third phase will therefore begin on 1 January 1995 and will end on 31 December 1999.

The main objective of the programme is to step up co-operation between the Member States in order to contribute to the process of educating young people by developing exchange activities within the Community, by other supplementary activities in the youth policy field connected with such exchanges, and by exchanges with non-member countries with which the Community has co-operation agreements.

Youth exchanges are an appropriate method for improving understanding and becoming better acquainted with the diverse cultures of the Member States of the Community. Hence they help strengthen democracy, tolerance and cohesion in the Community, thus reinforcing solidarity between peoples.

Six main actions are directed towards achieving the general objective of the programme:

- intra-Community activities directly involving young people;
- periods of voluntary service in another Member State;

- training of youth workers;
- co-operation between Member States' structures;
- exchanges with non-member countries;
- information for young people and youth research.

In this connection, special attention is focused on access by disadvantaged young people to the activities in the programme.

The programme also allows complementarity of action with relevant international organizations, in particular the Council of Europe.

The Council's discussions focused in particular on:

- the nature of the Committee which is to help the Commission implement the programme;
- the overall budget to be earmarked for the programme and the means of funding exchanges with non-member countries;
- the geographical limits of exchanges with non-member countries.

On concluding the discussions, the Council made provision for an overall amount of MECU 105 for the implementation of the programme. In fixing that amount, Ministers took account of the annual rate of expenditure on exchanges of young people from countries covered by the TEMPUS programme, ie. currently MECU 3,5. They hoped that this annual rate would at least be maintained throughout the "Youth for Europe III" programme. This would add MECU 17,5 to the Youth programme.

As regards the issue of the Committee, agreement was reached on a Committee having two different functions, viz. an advisory Committee and a management Committee for more important questions.

As regards the geographical limits of the programme, the Council decided that it would apply to non-member countries with which the Community had concluded co-operation

agreements in particular.

PROSPECTS FOR CO-OPERATION ON YOUTH

The Commission provided oral information on this topic. It hoped that it would be discussed in greater detail at the next Youth Council meeting under the German presidency.

7180/94 (Presse 107)

1764th Council meeting

ECONOMIC AND FINANCIAL QUESTIONS

Luxembourg, 6 June 1994

President: Mr Yiannos PAPANTONIOU,
Minister for Economic Affairs
of the Hellenic Republic

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

Belgium:

Mr Philippe MAYSTADT Minister for Finance

Denmark:

Mrs Marianne JELVED Minister for Economic Affairs

Germany:

Mr Théo WAIGEL Federal Minister for Finance

Mr Gert HALLER State Secretary for Finance

Mr Franz-Christoph ZEITLER State Secretary for Finance

Greece:

Mr Yiannos PAPANTONIOU Minister for Economic Affairs

Spain:

Mr Pedro SOLBES MIRA Minister for Economic Affairs and Finance

Mr Alfredo PASTOR BODMER State Secretary for Economic Affairs

France:

Mr Pierre de BOISSIEU Ambassador, Permanent Representative

Ireland:

Mr Bertie AHERN Minister for Finance

Italy:

Mr Lamberto DINI Minister for the Treasury

Luxembourg:

Mr Jean-Claude JUNCKER Minister for Finance

Netherlands:

Mr B.R. BOT Ambassador, Permanent Representative

Portugal:

Mr Eduardo CATROGA Minister for Finance

United Kingdom:

Mr Kenneth CLARKE Chancellor of the Exchequer

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Commission

Mr Jacques DELORS President

Mr Henning CHRISTOPHERSEN Vice-President

Mrs Christiane SCRIVENER Member

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The following also attended:

Baron Alexandre LAMFALUSSY President of the European Monetary Institute

Sir Brian UNWIN President of the EIB

Sir Nigel WICKS Chairman of the Monetary Committee

Mr L.A. GELLHOED Chairman of the Economic Policy Committee

PREPARATION FOR THE CORFU EUROPEAN COUNCIL

– WHITE PAPER ON GROWTH, COMPETITIVENESS AND EMPLOYMENT

The Council heard a statement by President DELORS and the follow-up to the conclusions of the Brussels European Council on the White Paper. In this connection, Mr DELORS submitted the Commission communication on the financing of transeuropean networks. The Council was also informed of the interim report which Vice-President CHRISTOPHERSEN will present to the Corfu European Council on behalf of the Working Party which he chairs.

The Council also heard statements by:

- the President of the EIB on the participation of the latter in the financing of the transeuropean networks;
- the Chairman of the Economic Policy Committee presenting the salient points in his Working Party's report on the progress made by the Member States in pursuing job-creation policies.

Further to a suggestion by the German Government, the Commission said it was prepared to set up a group of independent persons with the task of examining the impact on employment and competitiveness of Community and national legislation and how to reduce and simplify such legislation.

Following a detailed exchange of views on these different aspects, the President said he would submit a report to the Corfu European Council on today's discussions in the ECOFIN Council.

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

The Council examined the Commission's recommendation concerning the broad economic guidelines for the Member States and the Community. The debate began with statements by Vice-President CHRISTOPHERSEN and the Chairman of the Monetary Committee, who spoke about his Committee's preparatory work on that recommendation.

In addition, the Council took note of a presentation by the President of the European Monetary Institute concerning the situation of public finances.

At the close of the discussions, the Council approved a report to the Corfu European Council presenting its draft broad guidelines for the economic policies of the Member States and the Community. In the light of the Corfu European Council's deliberations on this draft, the ECOFIN Council will adopt the recommendation establishing those broad economic guidelines at its meeting on 11 July.

EUROPEAN INVESTMENT FUND

The Council adopted the Decision on participation by the Community as such in the European Investment Fund.

This Decision follows the ratification by the Member States of the Act amending the Protocol on the Statutes of the EIB and creating a European Investment Fund. This ratification enabled the Bank's Board of Governors to decide on 25 May 1994 to create the Fund, approve its Statutes, authorize the Bank to subscribe 40% of its capital – set at ECU 2 000 million – and to approve the arrangements for relations between the bodies of the Bank and those of the Fund.

The entry into force of this new financial instrument, envisaged by the Edinburgh European Council, is an important step in the implementation of the Community's initiatives to promote economic recovery, to contribute to the financing of transeuropean networks and to the development of small and medium-sized enterprises.

The Council was informed that the General Meeting to set up the Fund would be held on 14 June 1994.

MACRO-FINANCIAL ASSISTANCE TO THE CCEE**- ALBANIA**

The Council recorded that the Greek delegation was upholding a political reservation on the Commission's proposal to grant Albania macro-financial assistance of ECU 35 million. It agreed to return to this proposal after the discussions on Albania at the General Affairs Council meeting on 13 and 14 June 1994.

- ROMANIA

The Council adopted the following conclusions:

"The Council would draw attention to its conclusions of 16 May 1994 on macro-financial assistance for Romania.

In particular, it would draw attention to the Council agreement that a sum of up to ECU 90 million be made available to Romania. It has noted that the Commission intends to make an initial payment of ECU 55 million very shortly. The remaining ECU 35 million will be paid by the Commission provided that Romania's fulfilment of its commitments to the IMF and the Community is satisfactory.

The Council would point out that the decision on payment of the additional ECU 35 million must be taken by unanimous Council agreement, on the basis of a detailed report submitted by the Commission, after consulting the Monetary Committee, on the Romanian economy's actual requirements in terms of external finance, the viability of the macro-economic programme supported by the IMF and the new commitments made by other G-24 members."

CO₂/ENERGY TAX

The Council was given a progress report on the introduction of a CO₂/Energy tax. It agreed to return to this problem after the deliberations of the ENVIRONMENT Council on 8 and 9 June 1994.

MEASURES TO COMBAT FRAUD

The Council held an exchange of views on different aspects of the measures taken to combat fraud.

In conclusion, the Council took note of the progress made so far by its subordinate bodies responsible for examining the Commission report on fraud and the communication on an anti-fraud strategy and the work programme for 1994. The full results of these discussions will be submitted to it at its meeting on 11 July 1994, when it will adopt its conclusions.

Referring to its statement of 19 June 1989 on Article 89 of the Financial Regulation, the Council instructed the Permanent Representatives Committee to submit to it no later than 11 July 1994 a more detailed draft concerning the procedure for examining special reports from the Court of Auditors.

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Prior to the ECOFIN Council, a meeting will be held during the evening of 5 June 1994 between the Community's ECOFIN Ministers and those of the countries of Central and Eastern Europe, namely Poland, the Czech Republic, Slovakia, Hungary, Romania and Bulgaria.

OTHER DECISIONS**(adopted unanimously without debate, unless otherwise specified)****Financial services - prudential supervision**

The Council adopted its common position on the amended proposal for a European Parliament and Council Directive amending Council Directives 77/780/EEC and 89/646/EEC in the field of credit institutions, Council Directives 73/239/EEC and 92/42/EEC in the field of non-life insurance, Council Directives 79/267/EEC and 92/96/EEC in the field of life assurance, Council Directive 93/22/EEC in the field of investment firms and Council Directive 85/611/EEC in the field of undertakings for collective investment in transferable securities (UCITS) in order to reinforce prudential supervision.

This Directive was proposed by the Commission following a number of cases of fraud in the financial services sector, notably the case of the Bank for Credit and Commerce International. While the fundamental approach of Directives covering this sector, based on the principle of mutual recognition, is both sound and sufficient, some aspects of the financial supervision system need to be reinforced. The Directive provides for reinforcement along the following lines:

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

The common position will be forwarded to the European Parliament for a second reading under the co-decision procedure.

European Economic Area

The Council approved, on the Community's behalf, the draft Decision of the EEA Joint Committee amending Protocol 31 to the EEA Agreement on co-operation in specific fields outside the four freedoms.

The main aim of this decision is to lay down more detailed arrangements for co-operation with the EFTA-EEA States in the following areas: information services, small and medium-sized enterprises, tourism, the audio-visual sector and trade facilitation.

These arrangements have been the subject of negotiations between the Commission and the EFTA States since the signing of the EEA Agreement in 1992. In particular, the Decision formalizes the financial participation of the EEA partners, which is already agreed by the budget authority.

The decision will also make adjustments to existing provisions of Protocol 31 covering other areas. In particular, the opportunity has been taken to include several items of the "acquis" which have been adopted since the original text of the EEA Agreement was drawn up.

Social Affairs

The Council adopted the Decision concerning the negotiation of a Convention and a Recommendation on part-time work and on safety and health in mines at the International Labour Conference.

The purpose of this decision is to authorize the Commission to take part in the negotiations which will be conducted in Geneva at the International Labour Conference, with a view to the adoption by the ILO of a Convention and a Recommendation on part-time work and on health and safety in mines.

Internal Market

Following the approval by the European Parliament on 26 April 1994 of the joint draft prepared by the Conciliation Committee, the Council approved by a qualified majority (France voting against and the United Kingdom abstaining ⁽¹⁾), the Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.

(¹) The French and United Kingdom delegations wanted the explanations for their votes made public (see Annex).

The purpose of this "new approach" Directive is to eliminate barriers to trade created by the fact that the legislations in certain Member States in the recreational crafts sectors differ and to prevent other Member States from introducing different legislation.

The Directive applies to recreational craft of any kind, regardless of the means of propulsion, from 2,5 to 24 metres hull length. It also applies to partly completed boats and to components referred to in Annex II to the Directive.

The Directive establishes the essential safety, health, environmental protection and consumer protection requirements to be met by recreational craft.

Member States may not prohibit, restrict or impede the placing on the market and putting into service in their territory of recreational craft covered by the Directive and bearing the CE marking, which indicates their conformity with all the provisions of the Directive including the conformity procedures.

Commercial policy

The Council adopted the Regulation terminating the review of anti-dumping measures concerning imports of certain acrylic fibres originating in Mexico – concluding that there was no danger of injury and therefore repealing the measures applied to such imports.

ANNEX**Explanations of their votes by the French and United Kingdom delegations**

"The French delegation is unable to endorse the Directive on recreational craft because it does not guarantee high safety levels in this sensitive area where so many accidents occur. Furthermore, in its Resolution of 18 June 1992, the Council advocated the widest possible use of European standards. The arrangements for boat conformity in the common position are in direct contradiction with that objective."

"The United Kingdom delegation abstained on the vote on the Directive because the coverage of second-hand boats built before the entry into force of the Directive and imported from third countries is unnecessary and contrary to the interests of private boat owners."

PR 7490/94 RELEASE

7490/94 (Presse 108)

1765th Council meeting

- ENVIRONMENT -

Luxembourg, 8 and 9 June 1994

President: Mrs Elizabeth PAPAZOI

State Secretary for the Environment,
Regional Planning and Public Works
of the Hellenic Republic

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

Belgium:

Mr Jacques SANTKIN

Minister for Health, the Environment and Social Integration

Mr Guy LUTGEN

Minister for the Environment, Natural Resources and Agriculture (Walloon Region)

Denmark:

Mr Svend AUKEN

Minister for the Environment

Mr Leo BJORNSKOV

State Secretary for the Environment

Germany:

Mr Klaus TÖPFER

Minister for the Environment

Mr Clemens STROETMANN

State Secretary for the Environment, Nature Conservation and Reactor Safety

Greece:

Mrs Elizabeth PAPAZOI

State Secretary for the Environment, Regional Planning and Public Works

Spain:

Mr José BORREL FONTELLES

Minister for Public Works, Transport and the Environment

Mrs Cristina NARBONA RUIS

State Secretary for the Environment and Housing

France:

Mr Michel BARNIER

Minister for the Environment

Ireland:

Mr John BROWNE

Minister of State at the Department of the Environment with special responsibility for Environmental Protection

Italy:

Mr Altero MATTEOLI

Minister for the Environment

Luxembourg:

Mr Alex BODRY

Minister for the Environment

Netherlands:

Mr J.G.M. ALDERS

Minister for Housing, Planning and the Environment

Portugal:

Mr Joaquim POÇAS MARTINS

State Secretary for the Environment

United Kingdom:

Mr John GUMMER

Secretary of State for the Environment

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Commission:

Mr Yannis PALEOKRASSAS

Member

LANDFILL OF WASTE

Following an in-depth discussion, the Council reached policy agreement on a common position concerning the proposal for a Directive on the landfill of waste, with the German delegation giving its agreement subject to confirmation and the Belgian and French delegations voting against.

The act concerned is a Framework Directive based on Article 130s(1) of the Treaty, and therefore permitting Member States to continue to apply, or introduce, more stringent provisions with due regard for the Treaty.

Under the terms of the agreement reached, and in order to contribute towards the objectives set by the Framework Directive on waste (75/442/EEC), the Directive provides for measures, procedures and guidance to prevent or reduce negative effects of waste landfill on the environment, in particular the pollution of surface water, groundwater, soil and air, as well as the resulting risk to human health.

The provisions are based on the principle of classification of landfills according to the types of waste – hazardous, non-hazardous and inert waste – accepted by them.

This classification is coupled with procedures for issuing waste acceptance permits, for control and monitoring in the operational phase and for landfill closure; these procedures are also the subject of provisions to be implemented by the competent national authorities.

The following wastes will not be accepted in a landfill: liquid waste (except under certain conditions), explosive, combustible or flammable wastes, hospital wastes and other infectious clinical wastes, and any other type of waste which does not fulfil the acceptance criteria defined in the Directive, unless it is assigned to a mono-landfill.

The text also sets strict conditions governing acceptance of the practice of joint disposal (hazardous waste mixed with non-hazardous waste) in the State where it is legal when the Directive enters into force.

Member States are to encourage the fixing of a price to be charged for the disposal of any type of waste in a landfill at a level covering at least all the costs involved in the setting up and operation of the site, including as far as possible the financial security required.

In the case of existing landfill sites, Member States will have to ensure that landfills which have been granted a permit, or which are already in operation at the time of transposition of the Directive, may not continue to operate unless the required steps are taken as soon as possible and within 10 years from the entry into force of the Directive. Certain administrative provisions will start to apply four years after the entry into force of the Directive.

Certain provisions of the Directive may not apply to landfill sites for municipal wastes and for inert wastes with a total final capacity of less than 25 000 tonnes and 50 000 tonnes respectively, serving small islands with a single landfill site, mountainous settlements of difficult access or rural areas with a population density of less than 35 inhabitants per km²; the exemption applies only under exceptional conditions.

A committee composed of representatives of the Member States will assist the Commission in the implementation of the Directive, in particular in spelling out criteria for accepting waste.

Once the common position has been formally adopted following finalization of the text, it will be forwarded to the European Parliament under the co-operation procedure.

PACKAGING AND PACKAGING WASTE

Following a debate on the follow-up to the European Parliament's decision on the proposal for a Directive on packaging and packaging waste, the Council noted the existence of a qualified majority in favour of the amendments adopted by Parliament at its second reading and approved by the Commission, except for that concerning economic instruments. It instructed the Permanent Representatives Committee to continue discussing the problem in order to find a solution.

SUBSTANCES THAT DEplete THE OZONE LAYER

The Council approved its common position concerning the Regulation on substances that deplete the ozone layer.

The purpose of the Regulation is to implement at Community level the provisions of the Second Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer which was decided on at the Parties' fourth meeting held in Montreal in November 1992.

The Environment Council had reached policy agreement on the Regulation's provisions at its meeting on 2 and 3 December 1993. Since then, Parliament had delivered its Opinion and some technical developments had taken place, notably in the framework of the Montreal Protocol; in addition, a need had arisen for clarification of certain provisions which had, inter alia, commercial policy implications. The Council accordingly agreed to adopt a number of amendments and, in particular, to tighten checks on imports of controlled substances with a view to combating, inter alia, illegal trade in the products involved.

The key provisions of the Second Amendment to the Montreal Protocol provide, in particular, for the eventual elimination of HCFCs (hydrochlorofluorocarbons), methyl bromide and HBFCs (hydrobromofluorocarbons).

The Council's common position essentially prescribes tighter measures than the Protocol Amendment regarding, in particular, HCFCs and methyl bromide.

In real terms, this means that starting from 1 January 1995, there will be a maximum limit on consumption of HCFCs of 2,6% of the calculated level of consumption of CFCs plus the calculated level of consumption of HCFCs in 1989, and a phase-out schedule beginning in 2004 and ending in total elimination in 2015.

A 25% reduction in methyl bromide is planned for 1998, in addition to the freeze at 1991 consumption and production levels on 1 January 1995 set by the Amendment to the Protocol.

The common position will be adopted as soon as possible once the text has been finalized.

CLIMATE CHANGE – CO₂/ENERGY TAX – COUNCIL CONCLUSIONS

The Council expressed its appreciation for the work of the High-Level Group on CO₂/Energy Tax, established by the Council meeting on 24/25 March 1994.

The Council considered it necessary that the High-Level Group continue its work in accordance with the mandate of 24/25 March 1994. The Council noted the report of the High-Level Group and the subsequent views expressed by Member States and instructed the High-Level Group to take these into account in its further work and to report to the forthcoming Councils.

WHITE PAPER ON GROWTH, COMPETITIVENESS AND EMPLOYMENT: THE ENVIRONMENTAL ASPECT

The Council held a debate, and subsequently adopted conclusions, on the environmental aspect of the White Paper on growth, competitiveness and employment.

A discussion on the White Paper is planned for the Corfu European Council.

INTEGRATED POLLUTION PREVENTION AND CONTROL

The Council took note of the progress of work on the proposal for a Directive on integrated pollution prevention and control.

The proposal is in response to a priority laid down in the Fifth Action Programme. Unlike previous Directives in this area, which distinguished between the different environments (air, water and land), the proposed Directive is based on an integrated approach aimed at preventing or reducing pollution caused chiefly by emissions from industrial installations.

The Permanent Representatives Committee was instructed to continue discussing the matter, inter alia in the light of the European Parliament's Opinion.

1979 CONVENTION ON LONG-RANGE TRANSBOUNDARY AIR POLLUTION – REDUCTION OF SULPHUR EMISSIONS

The Council adopted a Decision on the signing by the Community of the Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on the further reduction of sulphur (SO₂) emissions.

The Community and the Member States are parties to that Convention, drawn up in the framework of the United Nations Economic Commission for Europe.

Initially a first SO₂ Protocol, providing for a 30% reduction in sulphur emissions by 1993 compared with 1980 levels was proposed to the Parties for signing in 1985. The Community was not a party to that Protocol, which expired at the end of 1993.

In the framework of the Convention, a second Protocol concerning the control of sulphur emissions has been drawn up and will be proposed to the Parties for signing at a special session of the Convention's Executive Body to be held in Oslo on 13 and 14 June 1994.

This Protocol provides in particular that the Parties must at least reduce and stabilize annual sulphur emissions, complying with a set timetable and with specific levels fixed by geographical area.

COMMISSION ON SUSTAINABLE DEVELOPMENT (CSD)

The Council held an exchange of views on the outcome of the 2nd session of the United Nations Committee on Sustainable Development (New York, 16 to 27 May 1994) on the basis of a statement by Mr TÖPFER, Minister, currently Chairman of the CSD.

The Council agreed to intensify the Union's preparations for the 1995 session, so that it could act internationally as a driving force in the implementation of Agenda 21. The aspects of environmental protection and development would be more closely co-ordinated during these preparations. The possibility of a joint Environment/Development Council was raised.

ILLEGAL TRADE IN RHINO AND TIGER PRODUCTS - COUNCIL STATEMENT

The European Community closely followed the discussions in the CITES Standing Committee, at its March meeting, on the problems of illegal trade in rhinoceros and tiger products. The European Commission and several Member States were present and contributed to the debate. The Community fully endorses the Standing Committee's conclusions that consuming countries need to take further urgent measures to combat this trade and will also play a full part in reviewing progress at the next Conference of the Parties in November. The Community and its Member States are particularly concerned about the renewed pressure on tiger populations, and all Member States will be particularly vigilant in enforcing CITES for this species.

Member States will continue to make representations through diplomatic channels but acknowledge that it is for other CITES Parties to decide whether they will take other forms of action, taking into account their international obligations.

FURTHER DECISIONS CONCERNING ENVIRONMENTAL MATTERS

(adopted unanimously without debate, unless stated otherwise)

Further to the agreements of substance reached by the Council at its meeting concerning the environment on 24 and 25 March 1994, the Council adopted common positions concerning:

- the proposal amending Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants;

The amendment concerns a category of new plants (between 50 and 100MWth) on which the Council, when adopting the Directive concerning large combustion plant, reserved the right to decide later following closer study.

The common position, which takes into account the availability of low-sulphur fuel for use by the plants in question, sets an emission limit value of 2 000mg SO₂/m³ for all new plant within the meaning of Directive 88/609/EEC, i.e. plant licensed after 1 July 1987.

However, Member States will be free to grant plant licensed between 1 July 1987 and the deadline for incorporation of this Directive into national law an extra year to comply with the limit value.

- the proposal for a Regulation amending for the first time Annex I to Regulation (EEC) No 2455/92 concerning the export and import of certain dangerous chemicals.

The purpose of the amendment is to include in the list of products which are banned or severely restricted in the Community (set out in Annex I to Regulation (EEC) No 2455/92) some new chemical products following amendments and the adaptation to technical progress of Directive 79/117/EEC, which prohibits the placing on the market and use of plant protection products containing certain active substances, and of Directive 76/769/EEC, which restricts the marketing and use of certain dangerous substances and preparations.

- the proposal amending Directive 86/662/EEC on the limitation of noise emitted by earthmoving machinery (with the United Kingdom delegation abstaining);

Directive 86/662/EEC fixed until December 1994 the permissible sound power levels of earthmoving machinery, with the corresponding certificates expiring one year later.

The common position provides for a two-stage reduction in the noise emitted by certain types of earthmoving machinery. During the first stage, from 30 December 1996 onwards, the current limit values are to be reduced by about 4dB; a further 3dB reduction will take place during the second stage, which commences on 30 December 2001.

As the start of the first stage does not coincide with the deadline set by Directive 86/662/EEC, provision is also made for extending the applicability of the current limit values and the period of validity of certificates granted under those values until 29 December 1996 and 29 December 1997 respectively.

- the amended proposal for a Council Decision adopting a 4-year programme (1994-1997) to develop regular official statistics on the environment and to facilitate co-ordination between the work of national statistical services and other Community information systems in this area.

The implementation of a Community environment policy requires information on the state of the environment, on its vulnerability, and on the pressures and the risks resulting from human activities. The aim of the programme is to contribute to the process of building up this information and of making it available, as a harmonized complement to the work programme of the European Environment Agency.

The main thrust of the programme is to develop an environmental component within the Community statistical system and to reinforce it where it exists already.

The programme aims at giving an adequate description of those aspects of human activities which affect the environment either negatively by the pressure exerted on the environment and on natural resources, or positively by the technical or economic measures taken by society to reduce these pressures and their effects and improve the condition of the environment.

The Council also adopted by a qualified majority (with the Danish delegation voting against; see the explanation set out below, which the Danish delegation wanted to be made public) the Directive amending Directive 79/409/EEC on the conservation of wild birds.

The amendment is aimed mainly at including in Annex II/2 to the Directive certain species the hunting of which may be authorized by the Member States.

The European Parliament had approved the Council's common position without amendment under the co-operation procedure.

Explanation of vote by the Danish delegation

"Denmark is able to support the Commission's initial proposal but cannot accept the transfer of the *Sturnida Sturnus vulgaris* to the list of species which can be hunted.

The Danish delegation considers that Community policy on hunting should not be moving towards an intensification, but on the contrary towards a restriction, on the hunting of song birds and small birds.

As regards the problems which a sizeable flock of *Sturnidae* might pose for agriculture, in the view of the Danish delegation such problems should be resolved by applying Article 9 of the Directive which allows derogations from the Directive's provisions under certain conditions."

MISCELLANEOUS DECISIONS

(adopted unanimously without debate unless otherwise stated)

Customs Union

The Council adopted two Regulations temporarily suspending the autonomous Common Customs Tariff duty on

- certain industrial products (in the microelectronics and related sectors) and
- certain industrial products (in the chemical and allied sectors)

as production of the products referred to in these Regulations is at present either inadequate or non-existent within the Community and producers are thus unable to meet the needs of user industries in the Community.

The suspensions apply from 1 July 1994 until 31 December 1994 for some products, and until 30 June 1995 for others.

Commercial policy

The Council adopted the Regulation extending for two months the provisional antidumping duty on imports of certain magnetic disks (3,5 inch microdisks) originating in Hong Kong and the Republic of Korea.



PRELIMINARY RELEASE

7491/94 (Presse 109)

1766th Council meeting

- FISHERIES -

Luxembourg, 10 June 1994

President: **Mr Floros CONSTANTINOU**
State Secretary for Agriculture
of the Hellenic Republic

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

Belgium:

Mr Jan DE BOCK Deputy Permanent Representative

Denmark:

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

Germany:

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

Greece:

Mr Floros CONSTANTINOU State Secretary for Agriculture

Spain:

Mr Luis ATIENZA SERNA Minister for Agriculture, Fisheries and Food

France:

Mr Jean PUECH Minister for Agriculture and Fisheries

Ireland:

Mr David ANDREWS Minister for the Marine

Italy:

Ms Adriana POLI BORTONE Minister for Agriculture, Food and Forest Resources

Luxembourg:

Mr Jean-Marc HOSCHEIT Deputy Permanent Representative

Netherlands:

Mr Piet BUKMAN Minister for Agriculture, Nature Conservation and Fisheries

Portugal:

Mr Eduardo DE AZEVEDO SOARES Minister for Maritime Affairs

United Kingdom:

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

Sir Hector MUNRO Parliamentary Under-Secretary of State, Scottish Office

Baroness DENTON Parliamentary Under-Secretary of State, Northern Ireland Office

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Commission:

Mr Ioannis PALEOKRASSAS Member

HARMONIZATION OF VARIOUS TECHNICAL MEASURES IN MEDITERRANEAN FISHERIES

The Council approved, with the Spanish delegation abstaining, the Regulation harmonizing various technical measures for the conservation of fishery resources in the Mediterranean.

The purpose of the Regulation is to remedy the problems currently affecting fishery resources in the Mediterranean by introducing a harmonized management system suited to the circumstances there, while taking existing national regulations into account.

It is the first step in the process of introducing a common policy for the conservation and management of fishery resources in the Mediterranean; hitherto Community action in this sense has been limited to the Atlantic, the North Sea and the Baltic.

The Regulation, which enters into force on 1 January 1995, contains provisions :

- banning gear which, when used in the Mediterranean, contributes excessively to the degradation of the marine environment or to the depletion of stocks;
- defining minimum mesh sizes for the main types of fishing gear used in the Mediterranean and the minimum sizes for certain species of fish, crustaceans, molluscs and other fishery products specific to the Mediterranean in order to ensure that they can reproduce and are therefore not over-exploited;
- reserving part of the coastal zone for the most selective gear used in non-industrial fishing;
- protecting certain zones where juveniles congregate, taking account of the local biological conditions.

Some gear and fishing practices banned by this Regulation may nonetheless continue to be used in accordance with current national legislation for a limited period, i.e. until 1999 or 2002, depending on the case, providing it is established that their use does not adversely affect the resources concerned.

In this connection the Commission said that it was ready to look favourably into any initiative coming from the Member States concerned, under the FIGO or PESCA for example, which aimed to facilitate and support the redeployment and retraining of people affected by the introduction of certain of these measures, particularly those concerning the use of St Andrew's crosses, pair trawls and shore seines.

National measures which supplement or go further than the minimum requirements introduced by this Regulation may be maintained or may be introduced, provided they are compatible with Community law and in conformity with the common fisheries policy.

Member States will also have to ensure that non-commercial fisheries, which are on a significant scale in the Mediterranean, do not jeopardize the conservation and management of fishery resources in that sea.

The Regulation will be formally adopted shortly, after the text has been edited.

The Council and the Commission once again stressed the urgent need to step up contacts with third countries bordering on or fishing in the Mediterranean, if appropriate by means of an international Conference, with the aim of establishing a general system for the conservation and management of fishery resources in the Mediterranean, to which this Regulation would make a highly positive contribution.

SPECIAL FISHING PERMITS

The Council approved the Regulation laying down general provisions concerning special fishing permits applicable to Community fishing vessels and to vessels flying the flag of a third country operating in Community fishing waters.

This supplements the Regulation which the Council adopted in December 1993 on the minimum information to be contained in fishing licences (vessel "identity cards").

Under the present Regulation it is for the Council to decide in each case on the most appropriate definition of a fishery, if necessary specifying the stocks or groups of stocks, waters and/or fishing gear, with a view to applying the system of special fishing permits to that fishery. The introduction of such a system should help improve the regulation of exploitation, while confirming the flag Member State in its role as manager of its fishing fleet.

Vessels under 10m in length flying the flag of a Member State and fishing exclusively in the territorial waters of the flag Member State are exempted from the fishing-permit requirement.

The Regulation lays down the procedures under which each Member State is to grant and manage the fishing permits applicable to vessels flying its flag. It also lays down the procedures under which the Commission will grant and manage the licences and special fishing permits applicable to vessels flying the flag of a third country and operating in Community waters.

Lastly, the Regulation specifies the procedures for transmitting the information contained in national fishing permits, and those for applying the various penalties, the severest of which is withdrawal of the special fishing permit.

The Regulation will be formally adopted shortly, after the text has been edited.

The Council undertook to act by 31 December 1994 at the latest on application of the system of special fishing permits to vessels flying the flag of a Member State and operating in the waters of a third country under a fisheries agreement signed between the Community and that country, taking into account the legal implications for Member States' laws of applying the system.

SYSTEM OF COMPENSATION FOR THE ADDITIONAL COSTS INCURRED IN THE MARKETING OF CERTAIN FISHERIES PRODUCTS

The Council agreed by a qualified majority, with the Netherlands delegation voting against and the United Kingdom delegation abstaining, to the Regulation establishing a system of compensation for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French department of Guiana as a result of their very remote location.

The Regulation takes account of the difficulties faced by the fishing sector in these outermost regions, difficulties which are compounded by the cost of transporting fisheries products to markets because these regions are remote and isolated.

- For the Azores and Madeira, the system involves the payment of ECU 155 per tonne up to a maximum of 15 000 tonnes of tuna per year delivered to local industry (10 000 tonnes for the Azores and 5 000 tonnes for Madeira).

- For the Canary Islands, the system involves the payment of ECU 125 per tonne of tuna for marketing fresh (up to a maximum of 10 400 tonnes per year) and ECU 45 per tonne of frozen tuna (up to a maximum of 3 500 tonnes per year), and of ECU 85 per tonne of sardine and mackerel for canning (up to a maximum of 10 500 tonnes per year) and ECU 45 per tonne of sardine and mackerel for freezing (up to a maximum of 7 000 tonnes per year).

- For the French department of Guiana, the system involves the payment of ECU 865 per tonne of prawns up to a maximum of 3 500 tonnes per year for industrial fishing and ECU 930 per tonne of prawns for non-industrial fishing up to a maximum of 500 tonnes per year.

This measure, which will apply for one year (1994), will be financed by the EAGGF-Guarantee Section.

Before the Regulation expires it will be reviewed by the Commission, which, taking into account the budgetary implications, may submit appropriate proposals.

The Regulation will be formally adopted as soon as possible after the text has been edited.

DRIFTNETS

The Council discussed the proposal for a Regulation on the use of driftnets by the Community fleet.

The Permanent Representatives Committee was asked to take the discussions further, in the light, in particular, of the Opinion which the European Parliament was due to deliver.

SITUATION ON THE FISHERY PRODUCTS MARKET IN THE COMMUNITY - COUNCIL STATEMENT

The Council discussed the market crisis prevailing in the Community since 1993.

The Council is aware of the important implications of the entry into force of the Agreement establishing the European Economic Area on 1 January 1994 and of the prospect of the forthcoming accession of certain EFTA countries to the Union, both for the processing industries and for Community producers.

The Council noted that the Commission is continuing to study the market situation and the factors affecting it. The Council invited the Commission to submit a report in good time for its next meeting in September and to accompany the report with any proposals it considers may be appropriate.

CHARACTERISTICS OF FISHING VESSELS

The Council held a policy debate on the proposal for a Regulation amending Regulation (EEC) No 2930/86 defining the characteristics of fishing vessels.

Regulation No 2930/86 extended the provisions of Annex I of the 1969 London Convention to Community fishing vessels as from 18 July 1994. The practical difficulties arising partly from the need to remeasure a very large number of small and medium-sized vessels have made it impossible to implement the Regulation properly. This proposal is designed to remedy the situation by providing for appropriate formulae and deadlines.

At the close of the debate, which showed there to be a favourable approach on this proposal, the Council asked the Permanent Representatives Committee to take the discussions forward, in the light, in particular, of the Opinion awaited from the European Parliament.

FISHERIES AGREEMENT WITH GREENLAND

The Council adopted the Decision authorizing the Commission to open negotiations with the Government of Denmark and the Home Rule Government of Greenland to amend the Fisheries Agreement of 1985.

FISHERIES RELATIONS WITH CANADA

The Council made a detailed examination of Canada's Coastal Fisheries Protection Law of 12 May 1994 and the relevant implementing regulations. The Council considered that that Law and its implementation were not only contrary to international law but also ran counter to the efforts made by the international community, notably in the framework of the FAO and of the United Nations Conference on straddling stocks, to improve the management of fisheries resources, particularly on the high seas, and that they had been adopted despite the fact that the meeting of the United Nations Conference on straddling stocks was due to take place in the second half of August.

The Council therefore decided to deliver to the Government of Canada a Note Verbale indicating its position on the legal situation created by the adoption of Canada's Law of 12 May 1994 and the relevant implementing regulations.

7730/94 (Presse 118)

1767th Council meeting

- GENERAL AFFAIRS -

Luxembourg, 13 and 14 June 1994

President: Mr Theodoros PANGALOS
Deputy Minister for Foreign Affairs
of the Hellenic Republic

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

Belgium:

Mr Willy CLAES
Mr Robert URBAIN

Deputy Prime Minister, Minister for Foreign Affairs
Minister for Foreign Trade and European Affairs

Denmark:

Mr Niels HELVEG PETERSEN
Mr Jorgen ØRSTRØM MØLLER

Minister for Foreign Affairs
State Secretary for Foreign Affairs

Germany:

Mr Klaus KINKEL
Mrs Ursula SEILER-ALBRING

Minister for Foreign Affairs
Minister of State, Foreign Affairs

Greece:

Mr Theodoros PANGALOS
Mr Georges PAPANDEOU

Deputy Minister for Foreign Affairs
State Secretary for Foreign Affairs

Spain:

Mr Carlos WESTENDORP

Mr Apolonio RUIZ LIGERO

State Secretary for Relations with the European
Communities
State Secretary for Foreign Trade

France:

Mr Alain JUPPE
Mr Alain LAMASSOURE

Minister for Foreign Affairs
Minister with responsibility for European Affairs

Ireland:

Mr Tom KITT

Minister of State with special responsibility for
European Affairs

Italy:

Mr Antonio MARTINO
Mr Livio CAPUTO

Minister for Foreign Affairs
State Secretary for Foreign Affairs

Luxembourg:

Mr Jacques POOS

Minister for Foreign Affairs

Netherlands:

Mr P.H. KOOIJMANS
Mr Piet DANKERT

Minister for Foreign Affairs
State Secretary for Foreign Affairs

Portugal:

Mr Victor MARTINS

State Secretary for European Affairs

United Kingdom:

Mr David HEATHCOAT-AMORY

Minister of State, Foreign and Commonwealth Office

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Commission:

Mr Jacques DELORS
Sir Leon BRITTAN
Mr Hans VAN DEN BROEK

President
Member
Member

PREPARATION FOR THE EUROPEAN COUNCIL MEETING IN CORFU- EVALUATION OF DISCUSSIONS ON THE WHITE PAPER

The Council heard an introductory statement by President Delors summarizing the progress made by the various specialist Councils and Working Parties on implementation of the various aspects of the White Paper: making full use of the internal market, the special role of SMEs, major trans-European networks, the information society, the drive for research and innovation, and employment problems. On this last point President Delors also presented a progress report drawn up following a tour of capitals by Commissioner Flynn. The Portuguese delegation tabled a memorandum on the local dimension of the internal market, which will also be submitted to the European Council.

On that basis the Council held a detailed discussion, giving its members a chance to highlight those facets by which their Governments set particular store.

Among the other topics likely to be discussed by the European Council in Corfu, particular mention was made of the Franco-German initiative against racism and xenophobia and a number of common foreign and security policy issues: relations with Mediterranean countries, including Cyprus and Malta, as well as Algeria, Central and Eastern Europe, Ukraine and Russia, the Stability Pact, the nuclear non-proliferation issue, certain situations in Africa and relations with Latin America.

REPORT BY THE EUROPEAN UNION OBSERVER FOR CYPRUS –
COUNCIL CONCLUSIONS

Discussing relations with Cyprus, the Council took note of the European Union observer's report on recent developments in the United Nations' efforts to bring about agreement on confidence-building measures. The Council also considered the report by the UN Secretary-General. The Council noted with concern that the lack of political will on the Turkish Cypriots' part had so far prevented the conclusion of an agreement on the package of confidence-building measures. The Council noted that a last effort was being made to reach agreement and the United Nations Secretary-General would shortly be briefing the Security Council on this.

In the context of the existing Agreements with Cyprus and the decisions already taken by the Union, the Council will continue to keep a close watch on the situation. Relations between Cyprus and the European Union will be raised at the forthcoming European Council meeting in Corfu, where the European observer might make a further, supplementary report should any new developments emerge.

NEW FINANCIAL PROTOCOLS WITH CYPRUS AND MALTA

The Council adopted negotiating directives for the new Financial Protocols with Cyprus and Malta to follow on from the 3rd Financial Protocols with those countries, which expired at the end of 1993.

RELATIONS WITH ISRAEL

The Council determined the Union's position for the 12th meeting, at ministerial level, of the EC-Israel Co-operation Council, which was held on the evening of 13 June 1994.

RELATIONS WITH UKRAINE

The Council decided to sign the Partnership and Co-operation Agreement with Ukraine and agreed to directives for the Commission, pending entry into force of that Agreement, to negotiate an Interim Agreement with Ukraine so that the commercial provisions could already be brought into effect.

On nuclear safety, the Council stressed that it was a matter of especial urgency for the Chernobyl nuclear power plant to be shut down completely as soon as possible. It arrived at broad agreement on the main lines of a plan of action and the terms to be negotiated with the Ukrainian Government in the context of an international effort, for which the Union might take the initiative at the G7 Summit in Naples. It instructed the Permanent Representatives Committee to give further consideration to that initiative in preparation for the European Council meeting in Corfu.

The Council also discussed the state of agricultural production in Ukraine and the most appropriate means of supporting the Ukrainian Government's efforts to safeguard the country's production capacity. It also asked the Permanent Representatives Committee to give this further consideration.

(See the press release published for the signing of the EC-Ukraine Partnership and Co-operation Agreement: 7737/94 (Presse 122) of 14 June 1994).

RUSSIA - PARTNERSHIP AGREEMENT

The Council noted that, subject to confirmation of the settlement of the problem of the operations of the five European banks in Russia the conditions were met for the Partnership and Co-operation Agreement to be signed at the forthcoming European Council meeting in Corfu.

RELATIONS WITH MERCOSUR

After hearing a statement by Commissioner Van Den Broek on the state of and prospects for relations with Mercosur, the Council expressed its willingness to strengthen relations between the European Union and that important Latin American regional grouping.

The Council took note of the Commission's intention of shortly submitting a communication on the subject, which it would examine in the autumn.

FORMER YUGOSLAVIA

- Administration of Mostar: Memorandum of Understanding
- Presidency statement ⁽¹⁾

The Council approved the Memorandum of Understanding of the EU Administration of Mostar which had been negotiated and initialled in Brussels on 8 and 9 June 1994 with Croat and Bosniac delegations from Mostar. The Council welcomed the considerable efforts which the two parties from Mostar had made and which showed their willingness to make further progress towards mutual reconciliation. This Memorandum of Understanding, when signed by all Parties, will be the decisive step towards the early establishment of the EU Administration.

The Council calls on the Parties from Bosnia-Herzegovina to approve the Memorandum of Understanding on their side as soon as possible, thus opening the way for signature. It hopes that this will take place very soon. In making this major contribution to the restoration of peace and stability in an important town which has been the centre of much fighting and misery, the European Union recalls that success will only be assured if all concerned in Mostar and the region co-operate fully. It hopes that the restoration of co-operation between the communities in Mostar will be a model for other parts of Bosnia-Herzegovina.

- Relations with Croatia

The Council approved its reply to the letter from the Croatian Minister for Foreign Affairs, Mr Granic, on Croatia's future relations with the European Union.

- embargo against Serbia and Montenegro

On the basis of Article J.2 of the EU Treaty, the Council decided on the common position concerning prohibition of the satisfaction of the claims referred to in paragraph 9 of United Nations Security Council Resolution No 757 (1992).

⁽¹⁾ Also distributed separately under reference P.57/94.

STABILITY PACT

The Council adopted the Decision on the continuation of the joint action on the Stability Pact. The first stage of that joint action, as decided upon on 20 December 1993, was completed with the holding of the inaugural Conference in Paris.

The joint action is to be continued in accordance with the concluding documents adopted in Paris on 27 May. The Commission is requested to support the attainment of the objectives of the joint action by means of appropriate economic measures. Specific expenses incurred as a result of the "round tables" to be convened will be met by the Union as administrative expenditure.

FINANCING OF THE CFSP

On the basis of the general guidelines for the financing of CFSP activities which emerged from its meetings on 21 February, on 7 and 8 March and on 18 and 19 April 1994, the Council agreed to arrangements for the various options available for financing CFSP activities.

In the case of administrative expenditure, the Council established a definition of the categories of expenditure which, as regards the Council, could be regarded as administrative expenditure to be financed from the Council Section of the budget.

In the case of operating expenditure, the Council clarified the two options available under the Treaty on European Union (financing from the Community budget (Commission or Council Section) or financing by the Member States), given that, whichever option was decided on for each specific action, it was necessary to establish financing and expenditure-management mechanisms which would ensure efficient and swift implementation of such action.

The Council asked its President to hold further talks with Parliament in order to work out an arrangement which would ensure that the Union's action was not hamstrung by budgetary difficulties.

In the case of financing by the Member States, as also provided for by the Treaty, the Council agreed that expenditure would be apportioned in accordance with the GNP scale. As Community rules were not automatically applicable where the Council agreed on financing by the Member States, it asked the Permanent Representatives Committee to instruct a working party of experts to draw up a financial regulation establishing suitable management and control arrangements for national contributions.

The Council agreed to return to these points in the light of talks with the European Parliament.

EXPERT CONTROLS ON DUAL-USE GOODS

The Council found there was broad agreement on the set of rules – a draft Council Regulation and a draft common action under the CFSP – for the control of exports of dual-use goods.

Subject to confirmation of some delegations' positions, the texts – after finalization in the Community's official languages – will be adopted at a forthcoming Council meeting.

Dual-use goods are goods which can be used for either civilian or military purposes. The rules in question would introduce a Community system for controlling exports to non-member countries of the goods listed in an Annex to the joint action. Under the rules, intra-Community trade in such goods may still be subject to some controls for a transitional period, although these will not be carried out at the Community's internal borders.

OWN RESOURCES

The Council considered the problem arising with regard to adoption of the new Regulation on own resources as Italy still had a political reservation, in connection with the milk quotas issue currently before the Agriculture Council.

It should be noted that the proposal has to undergo conciliation with the European Parliament and ratification by national parliaments. A decision is essential in order for the 1995 budget to be financed on the basis of the decisions taken in Edinburgh.

TEXTILES – OUTWARD PROCESSING TRAFFIC

On the basis of Presidency compromise suggestions, the Council held a detailed discussion on this important issue for the completion of the internal market and for the implementation of the undertakings given by the European Council in Copenhagen as regards the countries of Central and Eastern Europe.

The Council instructed the Permanent Representatives Committee to continue seeking compromises on the points still unresolved so that the Council could act at its next meeting.

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The other items still on the agenda – special measures for ACP banana producers, OECD negotiations on aid for shipbuilding, public access to Council documents and new import arrangements for China – were held over for a forthcoming Council meeting.

MISCELLANEOUS DECISIONS

(adopted unanimously, without discussion, save as otherwise indicated)

Official consolidation of legislation

In order to implement the Edinburgh European Council conclusions concerning consolidation of Community law, the Council approved a text prepared by the Directors-General of the Legal Services of the European Parliament, the Commission and the Council setting out a fast-track method for official consolidation of legislation. That text has already been approved by the European Parliament and the Commission.

Relations with Bulgaria and Romania

The Council authorized the Commission to negotiate exchanges of letters amending the Interim Agreements and Europe Agreements with:

- **Bulgaria**, with a view to alleviating some of the negative effects caused by the late entry into force of the Interim Agreement, by carrying over quotas not utilized in 1993, taking account of the fact that Bulgaria benefited in 1993 from the GSP;
- **Romania**, with a view to alleviating some of the effects of the delay in applying the agricultural concessions, by transferring to the following three years certain quotas granted to Romania in 1993 but not utilized.

Moldova

Following agreement in principle at the Ecofin Council meeting on 16 May 1994 to the Commission proposal for macro-financial assistance to Moldova, the Council formally adopted its Decision concerning such aid for up to ECU 45 million over 10 years, with a view to ensuring a sustainable balance-of-payments situation and strengthening the reserve position.

The loan is to be made available to Moldova in two instalments, the first being released on the basis of a successful first programme review under the stand-by arrangement with the IMF and the second not before the fourth quarter of 1994, once satisfactory progress has been recorded in Moldova's application of the stand-by arrangement.

European Economic Area

The Council approved, for the Community's part, EEA Joint Committee Decisions:

- No 7/94 amending Protocol 47 and certain Annexes to the EEA Agreement (interim package). This was its final approval following assent given by the European Parliament on 5 May; the Council had already recorded agreement on 21 March (see press release 5746/94 (Presse 40));
- amending Annex XI, Telecommunications services, to the EEA Agreement. The purpose of the Decision is to update Annex XI to the EEA Agreement, containing specific provisions on freedom to provide services in the telecommunications sector. It provides for the incorporation into that Annex of two recent Council Resolutions, one on the universal service principles in the telecommunications sector and the other on the development of Community postal services;
- amending Annex XXII, Company law, to the EEA Agreement. The purpose of the Decision is to update Annex XXII to the EEA Agreement, concerning company law. It provides for the incorporation into that Annex of Directive 94/8/EC amending the amounts expressed in ecus in Directive 78/660/EEC on the annual accounts of certain types of companies.

Development

The Council authorized the Commission to continue taking part as an observer in the negotiations for an international convention to combat desertification, in consultation with a special committee composed of representatives of the Member States, on the basis of negotiating directives given by the Council and within the Community's sphere of competence.

Anti-dumping measures

The Council adopted by a qualified majority, with the United Kingdom voting against it, the Regulation imposing a definitive anti-dumping duty on imports of large aluminium electrolytic capacitors, with a CV product (capacitance multiplied by rated voltage) between 8 000 and 500 000 *µc* (micro-coulombs) at a voltage of 160 V or more, originating in the Republic of Korea and Taiwan.

The rate of duty applicable to the net free-at-Community-frontier price, before duty, is as follows:

- Korea: all companies - 70,6%;
- Taiwan: Kaimei Electronic Corp. - 10,7%;
other companies - 75,8%.

Customs union

The Council adopted the Regulation opening and providing for the administration of Community tariff quotas for:

- frozen hake fillets, from 1 July to 31 December 1994 (5 000 tonnes at 10%);
- processing work in respect of certain textile products under Community outward processing arrangements, from 1 September 1994 to 31 August 1995 (ECU 1 870 000 in value added).

Textiles

The Council authorized the Commission to open negotiations for the conclusion of a bilateral agreement on trade in textiles with the United Arab Emirates.

ECSC

The Representatives of the Governments of the Member States, meeting within the Council, extended Decision 92/585/ECSC on certain measures applicable with regard to the twelve Republics of the former USSR concerning trade in certain steel products covered by the ECSC Treaty.

In addition the Council authorized the Commission to negotiate bilateral arrangements between the Community and Russia, Ukraine and Kazakhstan concerning certain ECSC steel products.

Appointment

The Council appointed Mr Carlo PROIETTI as a member of the Committee of the Regions in place of Mr Giorgio PASETTO for the remainder of his term of office, which runs until 25 January 1998.

PR E S S E R E L A S S E

7731/94 (Presse 119)

1768th Council meeting

- TRANSPORT -

Luxembourg, 13 and 14 June 1994

Presidents: Mr Ioannis CHARALAMBOUS,
Minister for Transport and
Communications
of the Hellenic Republic

Mr George KATSIFARAS
Minister for Merchant Shipping
of the Hellenic Republic

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

Belgium:

Mr Jan DE BOCK

Deputy Permanent Representative

Denmark:

Mr Jan TRØJBORG

Minister for Transport

Germany:

Mr Matthias WISSMANN

Minister for Transport

Mr Wilhelm KNITTEL

State Secretary, Ministry for Transport

Greece:

Mr Ioannis CHARALAMBOUS

Minister for Transport and Communications

Mr George KATSIFARAS

Minister for Merchant Shipping

Mr Athanasios TSOURAS

State Secretary for Transport and
Communications**Spain:**

Mr Manuel PANADERO

Secretary General, Ministry of Transport

France:

Mr Bernard BOSSON

Minister for Transport

Ireland:

Mr John F. COGAN

Deputy Permanent Representative

Italy:

Mr Rocco Antonio CANGELOSI

Deputy Permanent Representative

Luxembourg:

Mr Robert GOEBBELS

Minister for Transport, Economic Affairs and
Public Works**Netherlands:**

Ms Hanja MAIJ-WEGGEN

Minister for Transport and Public Works

Portugal:

Mr João BEBIANO

State Secretary to the Minister for Marine
Affairs

Mr Jorge ANTAS

State Secretary for Transport

United Kingdom:

Mr John MacGREGOR

Minister for Transport

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For the Commission:

Mr Marcelino OREJA AGUIRRE

Member

Mr Karel VAN MIERT

Member

SHIPPING

MINIMUM LEVEL OF TRAINING FOR SEAFARERS

The Council agreed, with the Italian delegation abstaining, to a common position on the proposal for a Directive on the minimum level of training for seafarers.

The Directive forms part of the common policy on safe seas launched by the Council Resolution of 8 June 1993, which set the objective of removing substandard crews by enhancing training and education and developing common standards for minimum training of key personnel.

In practical terms, the common position lays down that all seafarers serving on board ships registered in a Community Member State must hold a certificate issued or recognized by a competent authority of a Member State and certifying that they have received appropriate training in compliance with the International Maritime Organization (IMO) 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) as amended by Resolution MSC 21(59) of 1991.

The text also lays down a strict procedure for recognition of foreign certificates in the Community, to ensure that seafarers holding certificates issued by third countries have a level of competence commensurate with that required by the STCW Convention.

The common position further requires there to be effective oral communication on safety matters at all times among crew members of ships registered in a Member State or serving a Community port. Moreover, on board oil, chemical and liquefied gas tankers flying the flag of a Member State, the master, officers and ratings must be able to communicate with each other in (a) common working language(s).

On board passenger ships, personnel nominated on the muster lists to assist passengers in emergency situations must be readily identifiable and have communication skills that are sufficient for that purpose.

Lastly, there should be adequate means for communication, between the ship and the shore-based authorities, either in a common language or in the language of those authorities.

Member States will take the measures necessary to ensure that ships flying the flag of a third country which has not ratified the STCW Convention or which have a master, officers and ratings holding certificates which have not been recognized under the Directive are inspected, as a matter of priority, by the competent authority of the port State to check whether the level of vocational training and competence of their crews meets the standards laid down in the STCW Convention.

Member States will have to comply with the Directive by 31 December 1995 at the latest.

Once the common position has been formally adopted after finalization of the texts, it will be forwarded to the Parliament under the co-operation procedure.

SHIP INSPECTION AND SURVEY

The Council agreed on a common position on the proposal for a Directive on ship inspection and survey organizations.

The Directive follows on from the Council Resolution of 8 June 1993 on a common policy on safe seas, which set the objective of removing all substandard vessels from Community waters and gave priority to Community action to secure the effective and uniform implementation of international rules by drawing up common standards for classification societies.

In practical terms, the Directive establishes measures to be followed by Member States and organizations concerned with the inspection, survey and certification of ships, while furthering the objective of freedom to provide services.

The competent administrations must be able to assure appropriate enforcement of the international conventions. If the Member States wish to delegate their duties to private organizations, such as classification societies, they will call only on organizations which they have recognized and which comply with certain criteria, such as:

- the recognized organization must be able to document extensive experience in assessing the design and construction of merchant ships;
- the organization should have in its class a fleet of at least 1000 ocean-going vessels of over 100 GRT totalling no less than 5 million GRT and employ a technical staff commensurate with the number of vessels classed. As a minimum, 100 exclusive surveyors would be needed to meet the relevant requirements. However, companies which do not satisfy this criterion can be authorized to operate on their domestic market and, after a three-year trial period, throughout the Community;
- the organization should have comprehensive rules and regulations for the design, construction and periodic survey of merchant ships. These rules and regulations should be published and continually upgraded and improved through research and development programmes;
- the organization's Register of Vessels should be published on an annual basis;
- the organization should not be controlled by shipowners or shipbuilders, or by others engaged commercially in the manufacture, equipping, repair or operation of ships. The organization should not be substantially dependent on a single commercial enterprise for its revenue.

The common position provides for a procedure whereby a Member State may be obliged to withdraw recognition from an organization which no longer fulfils these criteria.

Ships from third countries which have not been classed by recognized classification societies will have to be checked by the port authorities as a matter of priority.

Member States will have to comply with the Directive by 1 January 1996.

Once the common position has been formally adopted, after finalization of the texts, it will be forwarded to the Parliament under the co-operation procedure.

TONNAGE MEASUREMENT OF BALLAST SPACES IN SEGREGATED BALLAST OIL TANKERS (SBTs)

The Council agreed on a common position on the proposal for a Regulation on the implementation of IMO Resolution A.747(18), on the application of tonnage measurement of ballast spaces in the more environmentally friendly segregated ballast oil tankers (SBTs).

The purpose of the Regulation is to neutralize the disadvantages suffered by the more environmentally friendly segregated ballast tankers (SBTs) as regards harbour and pilotage fees where dues are calculated on the basis of gross tonnage:

- either by deducting the space taken by the segregated ballast tanks from the gross tonnage;
- or by ensuring that the fee for a segregated ballast tanker is at least 17% lower than the fee for a tanker without segregated ballast tanks of the same gross tonnage. However, for existing systems, this provision will not apply until after a one-year transitional period. The system will be reviewed three years after entry into force of the Regulation.

In any case, where the fees are assessed other than on gross tonnage, port and harbour authorities as well as pilotage authorities will ensure that segregated ballast oil tankers receive treatment no less favourable than when fees are calculated in accordance with one or other of the abovementioned methods.

Entry into force of the Regulation is planned for 1 January 1996.

Once adopted after finalization of the texts, the common position will be forwarded to the Parliament under the co-operation procedure.

REPORT FROM LORD DONALDSON ON THE BRAER ACCIDENT

The Council took note of Lord DONALDSON's report on the Braer accident in the Shetland Isles in January 1993, as submitted by the United Kingdom delegation.

Following an exchange of views, the Council welcomed this report and noted that the Member States and the Commission would study it in greater detail and take it into account when formulating their maritime safety policies.

FREEDOM TO PROVIDE SERVICES TO MARITIME TRANSPORT

The Council took note of the information supplied by the Commission on implementation of Regulation (EEC) No 4055/86 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries.

After noting that there had been delays in implementation of this Regulation, the Council instructed the Permanent Representatives Committee to use the written report which the Commission intended to submit to carry out the assessment necessary if implementation of the above Regulation was to make progress.

SHIPPING RELATIONS WITH WEST AND CENTRAL AFRICA

The Council took note of a Commission report on the outcome of its recent fact-finding mission in West and Central Africa, which was conducted with a view to overcoming the stalemate in consultations between the Community and those countries concerning shipping.

Following an exchange of views, the Council stated its intention of assessing the situation on the basis of the Commission report with a view to the possible resumption of negotiations.

EUROS REGISTER

The Council took note of a Commission report on its consultations with the Member States with a view to resolving the question of adoption of the proposal in the near future, as well as the outcome of discussions by the High-Level Working Party on this report.

APPLICATION OF THE COMPETITION RULES TO SHIPPING

The Council took note of Commissioner VAN MIERT's report on application of the competition rules to shipping.

In his report, the Commissioner paid particular attention to the legal status of the price-fixing agreements on multimodal transport concluded by owners who are members of shipping conferences or by other sea transport carriers. He concluded that it would be premature to recommend the Council to approve group exemption in this sector and that individual exemptions seemed preferable for the time being.

Following an exchange of views, the Council instructed the Permanent Representatives Committee to examine the Commission's report so that the Council could discuss it with the Commission at a forthcoming meeting.

RELATIONS WITH THIRD COUNTRIES

RELATIONS WITH SWITZERLAND

The Council held an exchange of views on transport relations with Switzerland on the basis of information supplied by the Commission concerning the implications of the Swiss referendum of 20 February 1994 on Alpine transit adopting the "Alps initiative".

Following this exchange of views, the Council agreed to re-examine this question at one of its forthcoming meetings.

RELATIONS WITH THE COUNTRIES OF CENTRAL AND EASTERN EUROPE

The Council discussed the recommendation for a Decision on the opening of negotiations between the Community and certain countries of Central and Eastern Europe concerning the carriage of goods and passengers by road.

Following its discussion, the Council instructed the Commission to continue talks with Hungary, Romania and Bulgaria, giving priority to settling the problem of intra-Community communications from and to Greece.

In this context, the Council decided to set up a Working Party chaired by the Commission and consisting of experts from the current Presidency and the next two Presidencies, which would have the task of examining the technical aspects involved in access to the market and harmonization and submit possible solutions to the Permanent Representatives Committee.

This topic will be on the agenda for the Council's forthcoming meetings.

INLAND TRANSPORT

RAIL TRANSPORT

The Council held a policy debate on the proposal for a Directive on the allocation of railway infrastructure capacity and the charging of infrastructure fees.

This proposal and that on the licensing of railway undertakings supplement Directive 91/440/EEC on the development of the Community's railways, and are intended to facilitate its application.

In concrete terms, the proposal establishes the general framework for a uniform and non-discriminatory Community system of access to railway infrastructure and for the charging of fees, so that railway undertakings and their customers can benefit fully from the opportunities offered by the internal market in the railway sector.

Following its discussion – which concerned the scope of the Directive, the role of the bodies responsible for implementing it and the criteria for fixing infrastructure fees – the Council instructed the Permanent Representatives Committee to continue examining the proposal in the light of the guidelines given, with a view to future examination by the Council.

TRANSPORT OF DANGEROUS GOODS BY ROAD

The Council came out in favour of a common position on the proposal for a Directive on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, with abstentions by the Spanish and Netherlands delegations and a parliamentary scrutiny reservation by the United Kingdom delegation.

This proposal harmonizes the rules applicable to national and intra-Community transport of dangerous goods in order to ensure an acceptable level of safety and to create a single market for such transport services within the Community.

Such harmonization should also eliminate the existing barriers to the free movement of goods between the Member States in the case of transport equipment (vehicles, cylinders, tanks, packaging, safety devices).

In concrete terms, the proposal is designed to bring into Community law the international rules governing this sector, i.e. the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (Geneva, 1957). In order to maintain safety in this area at the highest possible level, the proposal takes account of the amendments adopted in the course of the regular updating of the ADR and the UN's Recommendations on the Transport of Dangerous Goods.

The draft common position uses the ADR to determine those dangerous goods which it would be forbidden to transport by road, and those which could be so transported if certain conditions were fulfilled concerning the packaging and labelling of the goods in question and the construction, fitting out and proper functioning of the vehicle.

This draft includes the option for the Member States in certain cases of imposing stricter requirements than those laid down by the ADR in order to ensure a higher level of safety.

It is planned that Member States should comply with the Directive by 1 January 1997.

Once it has been formally adopted after finalization of the texts, the common position will be forwarded to the Parliament under the co-operation procedure.

INLAND WATERWAYS

The Council took note of the Commission's report on the organization of the market in the inland waterway sector and the "queuing" systems.

In this report, the Commission thinks that the inland waterway market must be liberalized taking account of the particular socio-economic structure of the sector. In conjunction with such liberalization, it would therefore be necessary in the Commission's view to provide for a programme of accompanying measures with the aim of reducing the structural weaknesses in this sector.

Following an exchange of views between the delegations concerned, the Permanent Representatives Committee was instructed to examine the report so that the Council could hold a policy debate at one of its forthcoming meetings.

TRANSPORT INFRASTRUCTURES

The Council took note of the Commission's presentation of the proposal for a Decision on Community guidelines for the development of the trans-European transport network.

This proposal arises from the new Title XII (Trans-European networks) in the Treaty on European Union.

It also responds to the requests made at the European Council meetings in Copenhagen (June 1993) and Brussels (December 1993), which saw the development and integration of trans-European networks as one of the main means of promoting economic growth, cohesion and the effective functioning of the internal market.

The proposal comprises eight networks of which three already exist (road, combined transport and inland waterway), another has been partly examined by the Council (TGV/HST railway network) and four are completely new (ports, airports, information and vessel traffic management and air traffic management).

Following an exchange of views, the Council asked the Permanent Representatives Committee to continue examination of this topic in preparation for forthcoming discussions.

AIR TRANSPORT

The Council took note of the Commission's presentation of a communication on "The way forward for civil aviation in Europe", following the Wise Men Group's report on the subject. The communication comprises, in the form of an action programme, a series of measures and a timetable for improving the competitiveness of European civil aviation on the basis of full completion of the single market and greater effort in the sphere of air transport infrastructure.

Following a preliminary exchange of views, the Council instructed the Permanent Representatives Committee to continue examining this action programme.

PHILIP RICHARDS

7733/94 (Presse 121)

1769th Council meeting

- INTERNAL MARKET -

Luxembourg, 16 June 1994

President : Mr Alexandros BALTAS

State Secretary for Trade
of the Hellenic Republic

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

Belgium:

Mr Robert URBAIN Minister for Foreign Trade and European Affairs

Denmark:

Mrs Mimi JAKOBSEN Minister for Industry
Mr Jørgen ROSTED State Secretary for Industry

Germany:

Mr Johann EEKHOFF State Secretary, Federal Ministry of Economic Affairs

Greece:

Mr Alexandros BALTAS State Secretary for Trade

Spain:

Mr Carlos WESTENDORP State Secretary for the European Communities

France:

Mr Alain LAMASSOURE Minister with special responsibility for European Affairs

Ireland:

Mr John F. COGAN Deputy Permanent Representative

Italy:

Mr Domenico COMINO Minister for Community Policies

Luxembourg:

Mr Jean-Marc HOSCHEIT Deputy Permanent Representative

Netherlands:

Mr Piet DANKERT State Secretary for Foreign Affairs

Portugal:

Mr Vitor MARTINS State Secretary for European Integration

United Kingdom:

Mr Neil HAMILTON Minister of State, Department of Trade and Industry

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Commission:

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

OPERATION OF THE INTERNAL MARKET

As part of the follow-up to the strategic programme for the internal market, the Council took note of various Commission documents on:

- progress on the strategic programme
- the transposition of Community Directives into national law
- information policy, including the organization of "internal market weeks" and sectoral seminars or lectures
- a new strategy to improve the procedures to be followed in the event of complaints/infringements.

Following an exchange of views on these documents, the Council asked the Commission to take account of the delegations' comments in its future discussions on the strategic programme.

The Council also adopted the Resolution on the development of administrative co-operation in the implementation and enforcement of Community legislation in the internal market. (See Annex).

In the same context it likewise held a policy debate on the proposal for a Decision establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community. This proposal was previously discussed by the Council at its last meeting on 10 March 1994.

The debate centred on certain focal points of the proposal and showed that a majority of the delegations supported the principle of the Decision. Pending the amended proposal to be submitted by the Commission, following the Opinion of the European Parliament, the Council instructed the Permanent Representatives Committee to continue its discussions, paying particular attention to the scope of the proposal, so as to reach a common position at its next meeting.

COUNTERFEIT AND PIRATED GOODS

The Council reached political agreement on this issue on which further consultation of the European Parliament will be requested.

The main aim of this Regulation is to strengthen the procedure set up in Regulation No 3842/86 for combating the "scourge" of counterfeit goods and to extend its scope, currently limited to the protection of trademarks, to cover the protection of other intellectual property rights (copyright, designs, models).

The Council unanimously agreed to a dual legal basis (Articles 113 and 100a) and to the entry into force of the Regulation on 1 July 1995; the Commission upheld its position in favour of the use of Article 113 alone and entry into force on 1 January 1995.

MUTUAL ASSISTANCE AND CO-OPERATION TO ENSURE THE CORRECT APPLICATION OF THE LAW ON CUSTOMS OR AGRICULTURAL MATTERS

The Council held an extensive discussion on the outstanding problems concerning the proposal for a Regulation on mutual assistance between the administrative authorities of the Member States and co-operation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters.

The purpose of this Regulation is to strengthen the provisions introduced by Council Regulation No 1468/81 which currently govern the procedures for mutual assistance between customs and agricultural authorities by setting up a computerized information exchange system called the "Customs Information System" (CIS).

Following this debate which enabled the delegations' positions on almost all the problems outstanding to be reconciled, the Council instructed the Permanent Representatives Committee to continue discussing the matter in order to reach agreement on it under the Greek Presidency.

DATA PROTECTION

The Council held a policy debate on the amended proposal for a Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

The purpose of this proposal is to establish an equivalent high level of protection in all the Member States of the Union to ensure free movement of personal data within the Community and to remove distortion of competition. The Commission White Paper on Growth, Competitiveness and Employment highlighted the need for such a Directive as an accompanying measure to the creation of a European information area.

The principles of protection are expressed in the obligations placed on persons, public authorities, undertakings and associations which carry out information processing on their responsibility, and in the rights given to natural persons whose data will be processed.

In the course of this debate a large majority of the delegations spoke of the need for and the urgency of this Directive, although four delegations would have liked a more thorough cost-benefit analysis of the proposed Community rules before taking a decision on this matter. These delegations considered that many provisions were too detailed, three of them entering reservations on the inclusion of manual data.

The Presidency, with the support of the majority of the delegations, concluded the debate by asking the Permanent Representatives Committee to expedite work on this dossier so that a common position could be reached at the next meeting of the Internal Market Council.

EUROPEAN CO-OPERATIVE SOCIETY

The Council recorded progress on the amended proposal for a Regulation on the Statute for a European co-operative society.

The main purpose of this proposal is to create a new legal instrument to enable groupings of people to take advantage of the large European market while preserving their specific character.

This proposal is linked to two others, one on the Statute for a European mutual society, the other on the Statutes for a European association. Each is supplemented by a proposal for a Directive on the involvement of employees in such entities.

The Council expressed satisfaction at the work accomplished and asked the Permanent Representatives Committee to continue examining the matter with a view to reaching agreement as soon as possible. In the course of its future discussions, the Permanent Representatives Committee will take account of the arguments put forward on the items discussed during the debate on the category of non-user or investor members and the multiple vote.

PENSION FUNDS

Mr VANNI D'ARCHIRAFI, Member of the Commission, stated during lunch that he was intending to propose that the Commission withdraw the amended proposal for a Directive relating to the freedom of management and investment of funds collected by institutions for retirement provision, and replace it by a Commission Recommendation.

However, he would not rule out the possibility of the Commission initiating infringement proceedings where this was justified.

LIFTS

The Council adopted by a qualified majority a common position on the Directive on the approximation of the laws of the Member States relating to lifts (Spain voted against and the United Kingdom abstained).

This is a "new approach" Directive based on Article 100a of the Treaty which will apply to all types of lift permanently installed in permanent buildings. It is intended to replace Directive 84/529/EEC which covers only electric and hydraulic lifts.

ARTICLES OF PRECIOUS METAL

The Council recorded the progress made on the proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to articles of precious metal.

This is a "new approach" Directive which seeks to lay down a Community legislative framework for all articles of gold, platinum, palladium and silver in order to ensure a high degree of consumer protection and ensure fair trading.

Work on this proposal is being hampered by differences of opinion on two basic issues: the marking and certification of such articles.

The Council discussed these two issues in detail. Noting that opinions continued to differ, it instructed the Permanent Representatives Committee to examine them further to enable progress to be made as soon as possible.

DANGEROUS SUBSTANCES

The Council adopted by a qualified majority, with the Danish, German and Netherlands delegations voting against, the common position on the Directive amending for the thirteenth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

The purpose of this Directive is to restrict the placing on the market and use of three types of substances and preparations which present a risk to consumer health, namely:

- carcinogens, mutagens, and substances toxic for reproductive purposes
- creosote and its derivatives, and
- chlorinated substances.

FOODSTUFFS – SWEETENERS AND COLOURS

On completion of the co-decision procedure, the Council definitively adopted the following by a qualified majority:

- the Directive on sweeteners for use in foodstuffs, with France abstaining;
- the Directive on colours for use in foodstuffs, with Luxembourg voting against and Germany abstaining.

These two Directives together with the Directive on food additives other than colours and sweeteners follow on from the framework Directive 89/107/EEC on food additives. The three Directives are designed to remove the remaining problems in the operation of the internal market in the foodstuffs sector.

As regards the Directive on sweeteners, the Council adopted the amendment proposed by the Parliament on the use of E 950, E 951, E 954 and E 957 in vitamins and dietary preparations.

The Council adopted the three amendments proposed by the Parliament to the Directive on colours.

NOVEL FOODS AND NOVEL FOOD INGREDIENTS

The Council held an in-depth discussion on the amended proposal for a Regulation on novel foods and novel food ingredients.

The main purpose of this proposal is to ensure that a whole new range of materials, processes and technologies, including genetic modification, which have appeared in order to improve the nutritional and dietary aspects of foodstuffs or to promote greater technical or economic efficiency in the processing or distribution of foodstuffs, undergo a safety evaluation before such products are placed on the market.

On completion of its discussion, the President recorded that the conditions required for adopting a common position on the basis of the Presidency compromise had not been met.

He accordingly instructed the Permanent Representatives Committee to consider the matter further.

HARMONIZATION OFFICE

The Council appointed Mr Jean-Claude COMBALDIEU (France), Inspector-General for Industry and Commerce, President of the Office for Harmonization in the Internal Market, which has its head office in Alicante.

The Council also agreed to the appointment of Mr Alberto J. CASADO CERVIÑO (Spain), General Deputy Director of the National Patent Register, and Mr Alexander VON MÜHLENDAHL (Federal Republic of Germany), Ministerialrat at the Ministry of Justice, as Vice-Presidents of the Office; the formal appointment will be made very shortly.

Mr CASADO CERVIÑO will be responsible mainly for administration and personnel, and Mr VON MÜHLENDAHL for legal matters.

Both the President and the two Vice-Presidents are appointed for five years.

**COUNCIL RESOLUTION
of 16 June 1994**

**on the development of administrative
co-operation in the implementation and enforcement of
Community legislation in the internal market**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Declaration on the implementation of Community law adopted by the Intergovernmental Conference on 7 February 1992 and attached to the Treaty on European Union,

Having regard to the Commission Communication to the Council and to the European Parliament of 2 December 1992 on the operation of the Community's internal market after 1992 - follow-up to the Sutherland Report,

Having regard to the Council Resolution of 7 December 1992 on making the Single Market work ⁽¹⁾,

Having regard to the Communication from the Commission to the Council of 22 December 1993 on the Strategic Programme "Making the most of the internal market",

Having regard to the Communication from the Commission to the Council and the European Parliament of 16 February 1994 on the development of administrative co-operation in the implementation and enforcement of Community legislation in the internal market,

Having regard to the Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee of 16 December 1993 on the handling of urgent situations in the context of implementation of Community rules,

Having regard to the Resolution of the European Parliament of 20 April 1994 on the Communication from the Commission to the Council on "Making the most of the internal market": Strategic Programme,

Having regard to the Council Resolution of 30 May 1994 on co-ordination with regard to the exchange of information between administrations,

Whereas the Member States are obliged, under Article 5 of the Treaty, to facilitate the achievement of the Community's tasks and whereas to this end co-operation between the Member States and between them and the Community institutions is necessary;

OJ No C 334, 18.12.1992, p. 1.

Whereas it is essential for the proper functioning of the Community to increase mutual confidence and transparency between administrations and thereby ensure that Community legislation is enforced effectively, efficiently and uniformly in all Member States;

Whereas administrative co-operation should lead to benefits to businesses and consumers by making it easier for them to take advantage of their rights under the internal market;

Whereas the establishment of the internal market requires greater co-operation between administrations in order to ensure that Community rules are complied with;

Whereas administrative co-operation should respect the principles of proportionality between the demands made on administrations and the benefits to be gained from such co-operation, and of necessary confidentiality and trade and professional secrecy, and should avoid any unnecessary bureaucratic complication and duplication of existing systems and respect the administrative structures of the Member States;

Whereas administrative co-operation should be carried out in compliance with existing Community and national provisions on the protection of personal data,

WELCOMES the Commission's communication to the Council and the European Parliament on the development of administrative co-operation in the implementation and enforcement of Community legislation in the internal market;

WELCOMES the Commission's communication to the Council, the European Parliament and the Economic and Social Committee on the handling of urgent situations in the context of implementation of Community rules and the suggestions made by the Commission for improving existing mechanisms;

WELCOMES the Commission's initiative in undertaking a programme of discussions with enforcement officials in the Member States in order to determine the needs for administrative co-operation in the various areas;

AGREES that a continuing effort is required to improve communication between administrations in the interests of the effective, efficient and uniform enforcement of Community provisions on the internal market, and that the needs of each area must be considered individually;

CALLS UPON the Member States to facilitate such co-operation between their administrations, and between them and the Commission, in particular by notifying to the Commission by the end of 1994 contact points and essential information on their administrative structures in order to reach a better understanding of the administrative structures of each Member State for the areas indicated in the Annex, save where the Commission indicates that such notification has already been made;

CONFIRMS that the contact point should be persons or services that the Member States expressly place in charge of internal co-ordination for the areas listed in the Annex, with the aim of ensuring a liaison between national administrative authorities responsible for the enforcement of rules affecting the internal market, and between them and the Commission;

RECOGNIZES that the main function of the contact points is to co-operate by means of a flexible, pragmatic and cost-effective exchange of information, and to promote mutual confidence with regard to enforcement of Community rules, while avoiding any unnecessary bureaucratic complication and duplication of existing systems and respecting the administrative structures of the Member States and the requirements of proportionality, confidentiality, trade and professional secrecy, and personal data protection;

INVITES the Commission and the Member States:

- (a) to pursue actively their programme of discussions in the relevant committees where they exist, aimed at determining needs and agreeing upon appropriate practices or procedures in each sector;
- (b) to continue with work in the appropriate bodies in order to identify priorities for the setting up of telematic networks between administrations and with work of installing networks the necessity and viability of which have been defined;

INVITES the Commission:

- (a) to play a leading role in the practical organization of co-operation between the competent administrations of the Member States and the Commission departments, primarily in the framework of existing bodies and committees;
- (b) to propose adjustments to Community legislation in which shortcomings have come to light as a result of experience gleaned from administrative co-operation;
- (c) to take, where appropriate, additional measures in support of administrative co-operation such as the organization of seminars and publication of interpretative guides;
- (d) to report on developments in administrative co-operation in the Commission's annual report on the internal market;

NOTES that the Commission will, where necessary, submit appropriate proposals relating to additional resources which may be required for supportive measures;

UNDERTAKES to give consideration to proposals from the Commission for improving administrative contacts between Member States and between them and the Commission with a view to enhancing the free movement of goods, persons, services and capital.

Programme of discussions
concerning administrative co-operation for
the implementation and enforcement of Community law
in the context of the internal market

Areas

- technical harmonization: Directives on the elimination of barriers to trade
- public procurement
- firearms
- dual-use goods
- general product safety Directive
- telecommunications
- foodstuffs, animal and plant health, veterinary medicine
- notification of technical regulations
- customs
- taxation
- drug precursors
- cultural goods
- right of establishment
- company law
- insurance, banking, securities
- intellectual property
- broadcasting
- transport

OTHER INTERNAL MARKET DECISIONS

(adopted unanimously without debate unless otherwise specified)

European pharmacopoeia

Following completion of the co-operation procedure and the assent given by the European Parliament on 20 April 1994, the Council definitively adopted the Decision accepting, on behalf of the European Community, the Convention on the elaboration of a European Pharmacopoeia.

The Council reached political agreement on the acceptance of this Convention on 14 June 1993.

The purpose of this Convention, which was initiated by the Council of Europe, is to harmonize specifications for medicinal substances and pharmaceutical preparations to enable them to circulate in Europe. It is also designed to make the monographs of the European Pharmacopoeia the official technical rules applicable in the countries of the Contracting Parties to this Convention.

Dangerous substances and preparations

Following the approval by the European Parliament of the common position of 4 May 1994, the Council definitively adopted the Directive amending for the fourteenth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (co-decision procedure).

Additives

Following the approval by the European Parliament of the common position of 14 March 1994, the Council definitively adopted the Directive amending Directive 89/107/EEC on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption (co-decision procedure).

The purpose of this amendment is to introduce certain derogations from the general rules on additives in order to protect domestic production of traditional foodstuffs, without prejudice to the principles of the single market, with particular reference to the free movement of goods and freedom of establishment (see Press Release No 8700/93 Presse 151).

P R E S S R E L E A S E

7734/94 (Presse 122)

1770th meeting of the Council

CULTURE

Luxembourg, 17 June 1994

President: **Mr Thanos MIKROUSIKOS**
Minister for Culture
of the Hellenic Republic

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

<u>Belgium:</u>	
Mr Hugo WECKX	Minister for Culture and Brussels Affairs (Flemish Community)
Mr Eric TOMAS	Minister for the Budget, Culture and Sport (French-speaking Community)
<u>Denmark:</u>	
Ms Jytte HILDEN	Minister for Culture
Mr Erik JACOBSEN	State Secretary for Cultural Affairs
<u>Germany:</u>	
Mr Hans ZEHETMAIR	Minister for Education, Science and the Arts, Bavaria
Mr Jochen GRUENHAGE	Deputy Permanent Representative
<u>Greece:</u>	
Mr Tahnos MIKROUTSIKOS	Minister for Culture
<u>Spain:</u>	
Mr Enrique LINDE PANIAGUA	State Secretary for Culture
<u>France:</u>	
Mr Jacques TOUBON	Minister for Culture and the French-speaking World
<u>Ireland:</u>	
Mr Michael D. HIGGINS	Minister for Arts, Culture and the Gaeltacht
<u>Italy:</u>	
Mr Rocco Antonio CANGELOSI	Deputy Permanent Representative
<u>Luxembourg:</u>	
Ms Marie-Josée JACOBS	Minister with responsibility for Cultural Affairs
<u>Netherlands:</u>	
Mr Ate OOSTRA	Deputy Permanent Representative
<u>Portugal:</u>	
Mr Manuel FREXES	State Secretary for Culture
<u>United Kingdom:</u>	
Mr Peter BROOKE	Secretary of State for National Heritage
	o
	o o
<u>Commission:</u>	
Mr João de DEUS PINHEIRO	Member

CULTURAL HERITAGE

The Council adopted the following conclusions:

"The Council points out that Article 128 of the Treaty establishing the European Community selected cultural heritage as a priority field of action for the Community. It also points to the conclusions of the Council and of the Ministers of 12 November 1992 on the guidelines for Community cultural action, in which they indicated their interest in both movable and fixed heritage.

It noted the series of consultation meetings organized by the Commission, at which experts from the Member States, the European Parliament and the Council of Europe, as well as other competent international organizations, have been able to contribute to the drawing up of a communication on cultural heritage.

It noted with interest the outcome of the various meetings of experts and considered that the various aspects of the cultural heritage should be combined in one global action, highlighting the importance of:

- taking into account the cultural dimension of other Community policies and programmes;
- increasing the awareness of all those concerned, especially at local level;
- mobility for professionals, the exchange of experience and information;
- European networks and establishments devoted to conservation, training, and research in the field of cultural heritage and co-operation with third countries and the international organizations concerned.

More specific actions were envisaged, especially in the following areas:

- conservation and safeguarding of cultural heritage of European significance;
- circulation of information;
- training;
- increasing public awareness;
- taking cultural heritage into account in regional development and job creation;
- tourism and environment;
- research;
- mass media and new technologies.

Such actions could be of practical application in specific areas of cultural heritage, such as archives and underwater heritage, on which experts have already held meetings.

On these bases, the Council invites the Commission to continue its work and to submit to it, at the earliest opportunity, a communication on cultural heritage, together with a proposal for specific actions, with due regard for the procedures provided for in Article 128."

UNDERWATER CULTURAL HERITAGE

In the context of cultural heritage, the Council discussed the promotion and enhancement of the underwater cultural heritage, taking as a basis a note drawn up by the Presidency. In the note, the Presidency points out that the underwater cultural heritage calls for specific protection.

In conclusion, the Council asked the Commission to take the delegations' comments into consideration in the course of its activities in the sphere of cultural heritage.

CHILDREN AND CULTURE

The Council discussed this topic on the basis of a discussion note from the Presidency.

The Council adopted the following conclusions:

"THE COUNCIL,

Considering the emphasis given in the conclusions of the Council and the Ministers for Cultural Affairs, meeting within the Council, of 12 November 1992 to the regular examination of issues influencing the cultural field;

Considering the principle of having regard to cultural aspects in Community action under other provisions of the Treaty, as laid down in Article 128(4) of the EC Treaty;

Considering that culture is present from kindergarten to university level, in all of the European countries' educational systems in various ways and with various choices, reflecting the specific features of those systems as well as the cultural diversity that forms one of the foundations of Europe;

Whereas children's encountering culture from a very early age permits the blossoming of characteristic qualities of children such as curiosity, spontaneity and inventiveness; whereas such an encounter as well as the promotion of children's artistic and cultural awareness may be particularly beneficial for the harmonious development of their personality; whereas energies usually absorbed by the passive acceptance of messages from a "culture of pictures" could as a result be channelled in more creative directions;

Considering that cultural awareness and artistic education also serve to promote equality and social responsibility and to provide better opportunities for children and adolescents, beginning from their formative years and leading towards their social integration;

Recognizing that, given the role played by school in children's everyday life, their contact with culture will take place largely within the educational system, but considering that only an all-round approach to children's life will ensure them real access to culture;

Considering that the quest for a European dimension, both in the existing curriculum and in the exchanges of experience that might be organized, would be a way of bringing out more clearly Europe's common cultural heritage,

EXPRESSES its satisfaction that a debate on children and culture has begun within the European Union;

VOICES its wish to see that debate continue at European level;

CALLS UPON the Commission to give the matter further consideration and bear this aspect in mind in the context of the communication on cultural action which it has undertaken to submit to the Council;

POINTS TO the value of exchanging experience and information in this field, to enable appropriate activities to be devised."

EUROPEAN CITY OF CULTURE AND EUROPEAN CULTURAL MONTH

The Ministers for Culture designated St Petersburg for the Cultural Month in 1996 and Ljubljana for 1997.

At the Council's meeting last November, Ljubljana had been designated along with Nicosia for the 1995 Cultural Month, but had since asked for a postponement.

On the question of the European City of Culture for the year 2000, the Culture Ministers confirmed the conclusions adopted at their meeting in November 1993, in which they acknowledged the cultural importance of Avignon, Bologna and Prague, observed that the year 2000 would be of quite specific symbolic importance, and agreed to consider the possibility of involving a larger number of towns and cities in events planned for that year, including Avignon, Bologna and Prague.

At today's meeting the Culture Ministers agreed to take the decision concerning the year 2000 during the second half of 1995.

CO-OPERATION IN THE FIELD OF ARCHIVES

The Council adopted the following conclusions:

"The Council considers that archives constitute a significant part of the cultural heritage of European significance referred to in Article 128 of the Treaty establishing the European Community. The exploitation of archives can contribute to achieving the aim, also provided for in Article 128, of improvement of the knowledge of the culture and history of the European peoples.

It notes with interest the report on archives forwarded by the Commission and prepared by a group of experts further to their Resolution of 14 November 1991 on arrangements concerning archives. Further to that report, they agree on the importance of greater co-operation between the Member States and at Community level in the field of archives.

The Council calls upon the Commission to include archives in the communication which it has undertaken to make on the Community's cultural heritage and notes with interest among the actions contemplated in the report those relating to the following points:

- organizing a multi-disciplinary forum to be held in the framework of the Community on the problems of the management, storage, conservation and retrieval of machine-readable data, inviting public administrations and national archives services, as well as representatives of industry and of research, to take part in the forum;
- stimulating, in conjunction with the Member States, exchanges of students and archivists via Community action programmes in the field of education and vocational training, or by other means;

- preparing and encouraging the publication in all the official languages of the Community of a practical guide to the procedures and other provisions in force in the Member States and in the Institutions for user-access to their archives;
- preparing and encouraging the publication of appropriate technical publications intended to disseminate research carried out and any research findings concerning the preservation and restoration of archive documents and material;
- encouraging the publication of information about the contents of archives, including by means of various types of technology.

The Commission could obtain the technical assistance of the Member States in examining these points and use the expertise existing in non-governmental organizations such as the International Council on Archives."

AUDIOVISUAL SECTOR

The Ministers gave their initial reactions concerning the topics raised in the Commission's Green Paper on the strategic options for strengthening the programme-making industry under the audiovisual policy of the European Union.

Mr PINHEIRO spoke about the preparations for the European Audiovisual Conference to be held by the Commission from 30 June to 2 July 1994 in Brussels.

OTHER DECISIONS

(adopted unanimously without discussion unless otherwise stated)

Education

The Council:

- adopted a Decision authorizing the European Community and the European Atomic Energy Community to sign and conclude the Convention defining the Statute of the European Schools;
- gave its assent, pursuant to the first paragraph of Article 95 of the ECSC Treaty, to enable the Commission to take a decision concerning the conclusion of the Convention defining the Statute of the European Schools.

A Conference of the High Contracting Parties to the Convention (the Member States of the European Union and the European Community's) will be held on the occasion of the Council meeting (Education) on 21 June for the purpose of signing the Convention.

In order to make the running of these schools more efficient and to strengthen the role which the Communities play in them, the Council and the Education Ministers meeting within the Council had requested on 31 May 1990 that a new convention concerning the European Schools should be drafted.

Fisheries

The Council adopted a Decision concerning the provisional application of the Protocol establishing, for the period 1 January 1994 to 31 December 1995, the fishing rights and financial compensation provided for in the fisheries agreement between the Community and the Republic of Guinea.

The Community fleet's fishing rights off the Guinean coast for the duration of the Protocol are as follows:

- trawlers: 4 200 grt a month, annual average;
- freezer tuna seiners: 24 vessels;
- pole-and-line tuna vessels and surface longliners: 10 vessels;
- surface longliners: 5 vessels.

Financial compensation is set at ECU 1,7 m. The Community will also contribute ECU 450 000 to the funding of a Guinean scientific or technical programme in the fisheries field and it will make available study awards totalling not more than ECU 550 000.

PRESS RELEASE

7760/94 (Presse 128 - G)

1771st Council meeting
- JUSTICE AND HOME AFFAIRS -

Luxembourg, 20 June 1994

Presidents: **Mr Stelios PAPATHEMELIS**
Minister for Public Order
of the Hellenic Republic

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

Belgium

Mr Louis TOBBACK
Mr Melchior WATHELET

Minister for the Interior
Minister for Justice

Denmark

Mrs Birte WEISS

Minister for the Interior

Germany

Mr Manfred KANTHER
Mrs Sabine LEUTHEUSER-SCHNARRENBGER
Mr Kurt SCHELTER
Mr Alwin ZIEL

Minister for the Interior
Minister for Justice
State Secretary, Ministry of the Interior
Minister for the Interior, Brandenburg

Greece

Mr Stelios PAPATHEMELIS
Mr Constantin GEITONAS

Minister for Public Order
State Secretary for Public Order

Spain

Mr Alberto BELLOCH JULVE

Minister for Justice and the Interior

France

Mr Daniel HOEFFEL

Minister attached to the Minister for the Interior

Ireland

Mrs Máire GEOGHEGAN-QUINN

Minister for Justice

Italy

Mr Roberto MARONI
Mr Alfredo BIONDI

Minister for the Interior
Minister for Justice

Luxembourg

Mr Marc FISCHBACH

Minister for Justice

Netherlands

Mr A. KOSTO

Minister for Justice

Portugal

Mr Manuel DIAS LOUREIRO
Mr Álvaro LABORINHO LÚCIO

Minister for the Interior
Minister for Justice

United Kingdom

Mr Charles WARDLE

Parliamentary Under-Secretary of State,
Home Office

- + -

Commission

Mr Pádraig FLYNN
Mr Peter SCHMIDHUBER

Member
Member

ADMISSION OF THIRD-COUNTRY NATIONALS FOR EMPLOYMENT

The Council adopted the Resolution on limitations on admission of third-country nationals to the Member States for employment (see Annex).

IMMIGRATION AND ASYLUM - CONCLUSIONS ON THE COMMISSION COMMUNICATION

The Council:

- expresses its gratitude for the Commission communication, which has the great merit of encompassing the various aspects of immigration and asylum policies;
- notes that the various Chapters of the Commission communication have been discussed by the General Affairs Council, the Social Affairs Council, the Development Council and, in accordance with the procedural decisions taken at its meeting on 23 March 1994, the preparatory bodies for the Justice and Home Affairs Council;
- recalls the exchange of views at the informal meeting of the Ministers for Home Affairs in Thessaloniki on 6 and 7 May 1994;
- reiterates the importance it attaches to the action plan and the priority work programme for 1994 which were adopted at the end of 1993;
- calls upon the competent bodies to examine, at the time of preparation of a new work programme, the desirability of including in it the topics in that communication which come under Title VI of the TEU but which are not included in the priority work programme for 1994.

IMPLEMENTATION OF EURODAC

At their meeting on 30 November and 1 December 1992, Ministers with responsibility for immigration decided to set in hand a study of user needs and requirements for a fingerprinting system for asylum applicants. Such a system is in operation in a number of Member States, making it possible to cut out multiple applications. The Council selected a consultant to assist with that study. The final decision to set up such a Eurodac system will be taken in the light of the study's findings.

EDU/EUROPOL

The Council decided to appoint Mr Jürgen STORBECK as co-ordinator of the Europol Drugs Unit with effect from 1 July 1994. Mr STORBECK is already acting as caretaker co-ordinator.

The Council also decided to extend the term of office of Mr Willy BRUGGEMANN as caretaker deputy co-ordinator until the end of 1994.

In addition the Council agreed to the EDU budget for 1995, amounting to ECU 3,7 million.

ESTABLISHMENT OF EUROPOL - PROGRESS REPORT ON THE DRAFT CONVENTION

The Council noted that work had progressed well on the Convention's provisions determining inter alia Europol's objectives and tasks, the role of national units and Europol's internal organization.

Discussions had produced the broad outline of the system architecture and of the rules to be laid down on data protection. The precise wording of the relevant Articles must now be drawn up in order for work to be completed on schedule, i.e. by autumn 1994.

At this meeting, the Council gave particular consideration to two major issues still to be resolved:

- the manner in which terrorism should be included in the Convention's provisions alongside anti-drugs action;
- direct access for the German Länder to the central system for standardized data, besides the federal unit.

The Council found that there seemed to be a link between these two issues, as well as those concerning the role of liaison officers and agreements with third countries, given the division of responsibilities between national and regional bodies, in particular the Länder in Germany. It instructed the Permanent Representatives Committee and the Article K.4 Committee to expedite discussions with a view to submitting to it arrangements that were satisfactory to all delegations.

USE OF INFORMATION TECHNOLOGY FOR CUSTOMS PURPOSES - DRAFT CONVENTION

The Council considered the main issues still outstanding with regard to this Convention, in particular the role of the Court of Justice and the question of consulting the European Parliament. These issues also arose in connection with the Convention establishing a European Information System (EIS), the next item on the agenda.

All delegations acknowledged the need for proper judicial review under these Conventions, but several Member States had objections at this stage to the Court of Justice being entrusted with the task, while others urged that it should be for the sake of the consistency of the Union's institutional system under the Treaty on European Union and in order to ensure that acts adopted by the Commission pursuant to the Convention were also subject to review. It should be noted in particular that, in parallel with the Convention, a Community Regulation is to deal with the use of information technology within the Community's sphere of competence ⁽¹⁾. In that context the Court's jurisdiction is self-evident.

As regards consultation of the European Parliament, the Council discussed how to implement Article K.6, which states that: "The Presidency shall consult the European Parliament on the principal aspects of activities in the areas [of Justice and Home Affairs] and shall ensure that the views of the European Parliament are duly taken into consideration."

In conclusion it was agreed that the incoming Presidency would prepare a specific information note for Parliament on these matters, outlining the main aspects, and that it would hold a discussion on them

(1) Regulation on mutual assistance between the administrative authorities of the Member States and co-operation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters.

with the relevant Parliament committee.

The Council instructed the Permanent Representatives Committee and the Article K.4 Committee to press ahead with discussions in order to come to a conclusion on the Convention as swiftly as possible.

DRAFT CONVENTION ESTABLISHING A EUROPEAN INFORMATION SYSTEM (EIS)

For this Convention, apart from the issues outlined above (see page 6), the role of the Executive Committee in relation to that of the Council still needed to be clarified, in particular. A number of specific points are also still to be settled; for instance, it has to be ensured that the EIS is compatible with the Schengen Information System.

It should be noted that the joint information system to be established by the EIS Convention is designed to enable the authorities designated by Member States of the Union to have access to reports on persons and objects for the purposes of border controls and other police and customs checks. It is directly linked to a draft Convention on external frontiers, discussions on which have resumed at the initiative of the Commission under Article K.3 of the Treaty.

In conclusion the Council instructed the Permanent Representatives Committee and the Article K.4 Committee to expedite discussions on all of the issues still outstanding as regards this important Convention with a view to reaching a swift conclusion.

COMBATING DRUGS - ACTION PLAN PROPOSED BY THE COMMISSION

The Council took note of the presentation by Commissioner FLYNN of the EU action plan proposed by the Commission to combat drugs. It instructed the Permanent Representatives Committee to arrange for discussion of the plan and asked to be kept regularly informed of the progress of proceedings.

RELATIONS WITH THIRD COUNTRIES

The Council evolved guidelines for the organization of relations with third countries in the field of Justice and Home Affairs, as regards the countries with which, arrangements by means of which and topics on which such relations should be developed.

The Council instructed the Permanent Representatives Committee, assisted by the Article K.4 Committee, to give the matter further consideration so that the Council could come to a final conclusion at its meeting due to be held in late 1994.

COMBATING FRAUD

The Council took note of an interim report from the Presidency on legal protection of the Community's financial interests and noted that discussions on the Delmas-Marty report containing a comparative study of laws, regulations and administrative provisions applicable to fraud against the Union's budget had been substantially completed.

In addition the Council heard a statement by Commissioner SCHMIDHUBER presenting the new proposals approved by the Commission on 15 June concerning legal protection of the Community's financial interests, involving more specifically:

- a proposal for a Regulation dealing with administrative penalties, in order to make them generally applicable and more effective;
- submission of a draft Convention, under Title VI, so as also to take action under criminal law.

The Council instructed the Permanent Representatives Committee and the Article K.4 Committee to continue discussions on the basis of the draft joint action proposed by the United Kingdom and of the Commission proposals.

The Council asked those preparatory bodies to submit a progress report to it by the end of 1994.

EXTENSION OF THE BRUSSELS CONVENTION TO MATTERS OF FAMILY AND SUCCESSION
LAW

At the European Council meeting on 10 and 11 December 1993, the possibility of extending the scope of the Brussels Convention (of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters) to matters of family and succession law was considered. Preparatory discussions showed that delegations would prefer to draw up a specific Convention in this field which would, however, follow the principles and general approach of the Brussels Convention.

The Council took note of the state of play and asked the Article K.4 Committee to press ahead with discussions.

Those discussions will deal, as a first stage, with divorce, legal separation, marriage (existence, annulment and effects) and related matters concerning matrimonial property and, as a second stage, with other aspects of family law, in particular custody of children.

EXTRADITION

The Council heard an oral report by the Presidency on progress in the field of extradition, covering improvements which could be envisaged as regards both substantive conditions and extradition procedures; it noted that a first stage of proceedings had been completed.

It will be recalled that the European Council meeting in Brussels decided that extradition formed one of the priorities for work in 1994 under the third pillar.

In conclusion the Council instructed the Permanent Representatives Committee, with the assistance of the Article K.4 Committee, to prepare specific drafts covering the various aspects contained in the interim report of November 1993.

RESOLUTION ON LIMITATIONS ON ADMISSION OF THIRD-COUNTRY NATIONALS TO THE MEMBER STATES FOR EMPLOYMENT

A. GENERAL CONSIDERATIONS ON POLICY

- (i) The Council recalls that, in the report adopted by the European Council held in Maastricht in 1991, priority was given to the harmonization of policies on admission for work as an employed or self-employed person, although it was emphasized that these policies should of necessity be restrictive.
- (ii) The Council acknowledges the contribution of migrant workers to the economic development of their respective host countries. At present, however, no Member State is pursuing an active immigration policy. All States have, on the contrary, curtailed the possibility of permanent legal immigration for economic, social and thus political reasons. Admission for temporary employment may therefore be considered only as a very narrow exception.
- (iii) The Council recognizes that the present high levels of unemployment in the Member States increase the need to bring Community employment preference properly into practice by making full use of the EURES system to improve the transparency of the labour markets and facilitate placement within the European Community. The Council further recognizes that the provisions of the EC Treaty and the EEA Agreement enable job vacancies to be filled as far as possible by nationals of other Member States or of EFTA countries which are parties to the EEA Agreement.
- (iv) The Council agreed not to regulate via this Resolution the issue of third-country nationals lawfully resident on a permanent basis in the territory of a Member State, but who have no right of admission and residence in another Member State.

It agreed to examine the matter at a later date.

- (v) Member States reserve the right to allow, in accordance with their national law, the spouse and dependent children to accompany persons admitted in accordance with this Resolution.

- (vi) In the light of these considerations, the Council resolves that the present restrictive measures should be continued and where necessary reinforced as regards the admission of third-country nationals for employment. To this end, the Council agrees that the national policies of Member States in respect of third-country nationals seeking admission to or permission to remain in their territories for employment should be governed by the principles set out below, which may not be relaxed by Member States in their national legislation. It agrees to have regard to these principles in any proposals for the revision of national legislation. The Member States will further endeavour to seek to ensure by 1 January 1996 that national legislation is in conformity with them. The principles are not legally binding on the Member States, and do not afford a ground for action by individual workers or employers.

B. PERSONS TO WHOM THIS RESOLUTION DOES NOT APPLY

The harmonization principles do not apply to:

- persons who have right of free movement under Community law, i.e. nationals of Member States, nationals of EFTA countries parties to the Agreement on the European Economic Area and members of their families;
- third-country nationals who have been allowed admission for the purpose of family reunification to join nationals of a Member State or of a third country resident in the Member State concerned;
- third-country nationals whose access to employment is covered by rights stemming from agreements governed by Community law concluded with third countries;
- persons undertaking casual work in the course of youth exchange or youth mobility schemes, including "au pairs";
- persons entering Member States in order to pursue economic activities as self-employed persons or to set up and/or manage a business/undertaking which they effectively control. Such persons will be governed by the principles to be set out in a draft Resolution covering the self-employed;
- persons who are lawfully present in a Member State as:

- = refugees under the terms of the Geneva Convention;
- = applicants for asylum;
- = third-country nationals admitted for asylum;
- displaced persons who are temporarily admitted;
- persons exceptionally allowed to stay on humanitarian grounds.

C. PRINCIPLES GOVERNING MEMBER STATES' POLICIES

(i) General criteria

- Member States will refuse entry to their territories of third-country nationals for the purpose of employment;
- Member States will consider requests for admission to their territories for the purpose of employment only where vacancies in a Member State cannot be filled by national and Community manpower or by non-Community manpower lawfully resident on a permanent basis in that Member State and already forming part of the Member State's regular labour market. In this context they will apply the procedure laid down in Part II of Regulation No 1612/68, as amended by Regulation No 2434/92, and in the light of Commission Decision No 93/569/EEC on the implementing of the Regulation, in particular with regard to Article 15(16);
- without prejudice to the application of the above two criteria, third-country nationals may, if necessary, be admitted on a temporary basis and for a specific duration to the territory of a Member State for the purpose of employment where:
 - = such an offer is made to a named worker or named employee of a service provider and is of a special nature in view of the requirement of specialist qualifications (professional qualifications, experience, etc.);
 - = an employer offers named workers vacancies only where the competent

authorities consider, if appropriate, that the grounds adduced by the employer, including the nature of the qualifications required, are justified in view of a temporary manpower shortage on the national or Community labour market which significantly affects the operation of the undertaking or the employer himself;

- = vacancies are offered to:
 - . seasonal workers, whose numbers are strictly controlled on admission to the territory of the Member States of the European Community and who undertake well-defined jobs, normally fulfilling a traditional need in the Community country concerned. Member States will restrict the admission of these workers to cases where there is no reason to believe that the persons concerned will seek to stay within their territory on a permanent basis;
 - . trainees;
 - . frontier workers;
- = the persons concerned are intra-corporate transferees being transferred temporarily by their company as key personnel.

(ii) Procedure for admission for employment

A third-country national will not be admitted for employment unless prior authorization has been given for him to take up employment in the territory of the Member State concerned. Such prior authorization may be in the form of a work permit issued either to the employer or to the employee.

In addition, third-country nationals must also be in possession of any necessary visa or, if the Member State concerned so requires, of a residence permit.

(iii) Restrictions as to the scope of employment

Initial authorization for employment will normally be restricted to employment in a specific job with a specified employer.

(iv) Restrictions as to the period of admission for employment

A seasonal worker will be admitted for a maximum of six months in any twelve-month period, and must remain outside the territories of the Member States for a period of at least six months before being readmitted for employment.

Trainees will be admitted for a maximum period of one year in the first instance. This period may be fixed at more than a year and extended exclusively for the time needed to obtain a professional qualification recognized by the Member State concerned in the sphere of their activity.

Other third-country nationals admitted to the territories of the Member States for employment will only be admitted for a period not exceeding four years in the first instance.

(v) Applications to extend a stay for the purpose of employment

A person already present in the territory of a Member State as a visitor or student will not in principle be permitted to extend his stay for the purpose of taking or seeking employment. Such persons must return to their own countries on conclusion of their visit or studies.

In principle a person admitted as a trainee or service provider or employee of a service provider will not be permitted to extend his stay in authorized employment except in order to complete the training or activity under contract for which he was admitted.

A seasonal worker will not be permitted to extend his stay for the purpose of taking employment of a different type. An extension of the period of his stay may be authorized to allow him to complete the work for which the original authorization was granted. However, the total length of his stay may not exceed six months in any twelve-month period.

Other workers may be permitted to extend their period of stay in authorized employment, but only if the criteria originally applied to the decision on whether to admit them for authorized employment continue to be met, in any event when the first extension is granted.

The Member States will examine the desirability of issuing a permanent residence permit to third-country nationals who have had restrictions on their employment lifted.

(vi) Business visitors

Nothing in these principles prevents a Member State from admitting as workers third-country nationals not residing in the territory of a Member State who are seeking entry in particular to:

- negotiate for the supply of goods or services;
- deliver goods or assemble machinery manufactured in a third country as part of a supply contract,

provided that such persons will be dealing only with businesses in the territory of the Member State and not with the general public and that any one visit and possibly the work permit does not exceed six months.

(vii) Third countries with close links with a Member State

Nothing in these principles prevents a Member State from continuing to admit third-country nationals to its territory for the purpose of employment pursuant to arrangements concluded by that Member State by the date of adoption of this Resolution for nationals of a third country with which it has especially close links.

The Member States will undertake as soon as possible to renegotiate such arrangements in accordance with the terms of this Resolution.

Where these arrangements concern the employees of a service provider, the Member States undertake to examine them in the spirit of this Resolution within a reasonable period of time not exceeding three years and to arrive at an assessment.

When carrying out this examination, account should be taken of the economic development of the States with which the Member States concluded the agreements in question.

The above provisions do not apply to arrangements covering employment of persons for instruction and vocational training purposes.

DEFINITIONS

"trainees" means workers whose presence in the territory of a Member State is strictly limited in duration and closely connected with increasing their skills and qualifications in their chosen profession before returning to their own countries to pursue their careers;

"seasonal workers" means workers who are resident in a third country but are employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract for a specified period and for specific employment;

"frontier workers" means workers who are employed in the frontier zone of a Member State but who return each day or at least once a week to the frontier zone of a neighbouring country in which they reside and of which they are nationals;

"intra-corporate transferee": a natural person working within a legal person, other than a non-profit making organization, established in the territory of a WTO member, and being temporarily transferred in the context of the provision of a service through commercial presence in the territory of a Member State of the Communities; the legal persons concerned must have their principal place of business in the territory of a WTO member other than the Communities and their Member States and the transfer must be to an establishment (office, branch or subsidiary) of that legal person, effectively providing like services in the territory of a Member State to which the EEC Treaty applies. In Italy, "intra-corporate transferee" is defined as a natural person working within a legal person constituted as an SpA (joint stock company) or an Srl (capital stock company with limited liability).

OTHER JHA DECISIONS

(adopted unanimously, without discussion, save otherwise indicated)

Asylum policy - application of Article K.9 of the Treaty

The Council recorded final agreement (*) on the following conclusions concerning the possible application of Article K.9 of the Treaty on European Union to asylum policy:

"The Council noted the progress made in asylum policy co-operation in recent years on the basis, in particular, of the programme approved by the Maastricht European Council.

Aware of the need to intensify such co-operation, it agreed to implement as soon as possible the new instruments available to it under the Treaty on European Union. They will make it possible to improve the effectiveness of the measures adopted in the framework of the Union in implementation of the priority programmes to be drawn up.

The Council took cognizance of the Commission report on the application of Article K.9 to asylum policy, as provided for in paragraph 2 of the declaration contained in the Final Act of the Treaty on European Union.

The Council noted that, in the Commission's view, application of Article K.9 would offer certain advantages. It considers, however, like the Commission, that the time is not yet right to propose such application so soon after the entry into force of the TEU. Nevertheless, it believes that it might be advisable to reconsider this matter at a later date in the light of experience and by the end of 1995 at the latest."

Implementation of the Dublin Convention

The Council finally approved (*):

- the text on the way in which evidence is used to determine the State responsible for examining an asylum application, and
- the form of a laissez-passer for the transfer of an asylum applicant from one Member State to another.

(*) Agreed on in principle at the JHA meeting on 29 and 30 November 1993, but still subject then to reservations since withdrawn.

Immigration and asylum policy

The Council:

- took note of a progress report on the programme on asylum adopted at Maastricht in 1991;
- agreed to the standard form for determining the State responsible for examining an application for asylum;
- approved a list of honorary consuls already empowered to issue visas who, as a transitional measure, will be empowered to issue uniform visas (viz. certain honorary consuls of Denmark and the Netherlands who are to qualify for this exemption from the rule precluding honorary consuls from having the power to issue uniform visas).

CIREA activities

The Council finally approved (*):

- guidelines for joint reports on the situation in third countries from which asylum seekers come;
- the procedure for drawing up reports in connection with joint assessments of the situation in third countries and for the circulation of such reports within the CIREA framework;
- the second report on CIREA's activities.

The fight against trade in human beings

The Council formally approved (*) the document on the fight against trade in human beings.

(*) Agreed to in principle at the JHA meeting on 29 and 30 November 1993, but still subject then to reservations since withdrawn.

Assessment of the terrorist threat

The Council agreed to a summary document relating to the internal and external terrorist threat to Member States of the Union, together with a detailed report on such matters.

Money laundering

The Council agreed to the interim report on money laundering on the understanding that it would be receiving from the Commission, by the end of the year, a final report as provided for in the 1994 priority work programme.

Electronic dissemination of Community law

The Council adopted a Resolution on the electronic dissemination of Community law and national implementing laws and on improved access conditions.

OTHER DECISIONS

Special measures for ACP banana producers

The Council adopted by a qualified majority (with the Belgian, German and Netherlands delegations voting against) the common position on a draft Regulation establishing a special system of assistance to traditional ACP suppliers of bananas (vis.: Belize, Cameroon, Cape Verde, Côte d'Ivoire, Dominica, Grenada, Jamaica, Madagascar, Saint Lucia, Saint Vincent and the Grenadines, Somalia and Suriname).

The purpose of the Regulation, due to last for three years, is to grant technical and financial assistance to traditional ACP suppliers in order to help them adjust to the new market conditions brought about by the establishment of the common organization of the market in bananas since 1 July 1993.

The technical and financial assistance is designed to contribute to the carrying-out of programmes in the banana sector aimed in particular at the improvement of quality and of production, distribution or marketing methods for ACP bananas, in response to Community market conditions.

There is also provision for traditional ACP suppliers to receive income support to offset any reduction in income from banana exports to the Community following the establishment of the common market organization.

Financial commitments under the Regulation should be additional to those under the ACP-EEC Convention. The cost is put at up to ECU 60 million a year.

The common position is to be forwarded to Parliament under the co-operation procedure.

P R E S S E

7761/94 (Presse 129)

1772nd Council meeting

AGRICULTURE

Luxembourg, 20, 21, 22, 23 and 24 June 1994

President: Mr Georges MORAITIS,

Minister for Agriculture of
the Hellenic Republic

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

Belgium:

Mr André BOURGEOIS Minister for Agriculture

Denmark:

Mr Bjørn WESTH Minister for Agriculture and Fisheries

Germany:

Mr Jochen BORCHERT Federal Minister for Food, Agriculture and Forestry

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

Greece:

Mr Georges MORAITIS Minister for Agriculture

Mr Floros CONSTANTINOU State Secretary for Agriculture

Spain:

Mr Luis ATIENZA Minister for Agriculture, Fisheries and Food

France:

Mr Jean PUECH Minister for Agriculture and Fisheries

Ireland:

Mr Joe WALSH Minister for Agriculture, Food and Forestry

Italy:

Ms Adriana POLI BORTONE Minister for Agriculture and Forests

Luxembourg:

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

Netherlands:

Mr Piet BUKMAN Minister for Agriculture, Nature Conservation and Fisheries

Portugal:

Mr António DUARTE-SILVA Minister for Agriculture

United Kingdom:

Mrs Gillian SHEPHARD Minister for Agriculture, Fisheries and Food

Commission

Mr René STEICHEN Member

- PRICES FOR AGRICULTURAL PRODUCTS AND RELATED MEASURES (1994/1995)
- MILK QUOTAS

The Council negotiated in depth for a week, on the basis of a draft compromise drawn up by the Presidency and adopted by the Commission.

On the conclusion of its discussions the Council congratulated the Presidency on the efforts it had made to bring delegations' positions closer together, but noted that the compromise did not have the support of the requisite majority.

It agreed to attempt to reach an overall decision at its following meeting on agriculture.

In the interval the necessary measures will be taken to ensure continuity in the administration of the common agricultural policy while avoiding any disturbance of agricultural markets.

OTHER ITEMS ON THE AGENDA

Beekeeping

The Commission representative outlined the report on beekeeping that the Commission planned shortly to submit to the Council and the European Parliament.

That report examines the situation in this production sector from both the European and the world angles and contemplates a number of measures intended in particular to improve the organization of the production sector and the marketing of honey and introduce a policy to ensure the quality of the product.

Following a brief exchange of views the Council agreed to examine the Commission document in detail upon receipt and take the necessary measures at the earliest opportunity.

Community plant variety rights

The Council agreed unanimously, on the basis of a compromise solution submitted by the Presidency, on the Regulation on Community plant variety rights.

In the course of its discussion the Council settled the problems of the legal basis (Article 235), the working languages of the future Community Office, the role of the Commission, the committee procedure and the financial arrangements. The Council had already agreed on the agricultural section of the Regulation, including the "farmer's privilege" (seed produced by the farmer and used on his own farm), at a previous meeting.

The Regulation will be formally adopted in the very near future as soon as it has been finalized.

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It was agreed that the decision on the location of the Office's headquarters would have to be taken separately, at intergovernmental level. A Conference of Representatives of Government held an initial discussion on the subject on 22 June 1994. It took note of the suggestions made by a number of Governments regarding the Office's headquarters and agreed to continue its discussions under the next Presidency.

Plant-protection products

The Council agreed by a qualified majority (with the German and Netherlands delegations voting against) on the Directive adopting uniform principles to govern the evaluation and authorization of chemical plant-protection products by Member States in accordance with the rules laid down in Directive 91/414/EEC concerning the placing of plant-protection products on the market.

When carrying out such evaluations and authorizations the Member States will have to comply with certain requirements concerning the protection of humans, animals and the environment.

The Directive will be formally adopted as soon as the texts have been finalized.

Expenditure in the veterinary field

On the basis of a compromise endorsed by the Commission the Council adopted a Decision to improve certain mechanisms provided for in Decision 90/424/EEC on expenditure in the veterinary field in the light of experience gained.

This Decision seeks, first, to improve the administration of control programmes in order to secure the financing of a greater number of control and eradication programmes in accordance with the undertakings given in the context of the objectives of the Internal Market and, secondly, to bring certain measures, in particular concerning contributions to training courses, into the scope of the veterinary fund.

Protection of animals during transport

The Council held a wide-ranging discussion on the proposal for the amendment and supplementing of Directive 91/628/EEC on the protection of animals during transport. With the aim of improving the conditions in which animals are transported at present, the proposal seeks to strengthen the provisions of the aforementioned Directive by incorporating in it stricter provisions on loading densities in vehicles for certain types of animal and requiring the persons in charge of transport undertakings to submit route plans stating watering and feeding intervals and the animals' rest periods.

On the conclusion of its discussion the Council noted that a Presidency compromise suggestion, adopted by the Commission, did not have the support of a qualified majority. Certain delegations recognized the improvements made to the text under discussion but insisted on their request that an upper time limit for the transport of slaughter animals be fixed either in the text under discussion or within one year.

As it was impossible to bring delegations' positions closer together on this point, the matter will remain under examination by Council bodies.

Marketing of certain types of eggs (Specific health conditions)

The Council had before it a Commission proposal on specific health conditions for the marketing of eggs.

The proposal was examined by the Standing Veterinary Committee but did not gain the support of the requisite majority as the Council was required to act on it before 23 June 1994.

Accordingly, it unanimously adopted a different decision laying down, inter alia, a single maximum time limit (twenty-one days after the date of laying) by which eggs must be delivered to the consumer.

This Decision, which seeks to ensure compliance with the rules of free movement, also takes account of the protection of consumers' health.

BSE (Bovine spongiform encephalopathy)

The German delegation again asked the Commission whether and when it intended to take new protective measures against the risk of bovine spongiform encephalopathy.

The Commission reminded the Council of the measures already taken and said it was awaiting the report by the Scientific Veterinary Committee, which was to meet on 11 July, to take further initiatives.

Corn gluten feed

At the request of the French delegation the Council discussed the proposed arrangements for the implementation of the 1992 Blair House pre-agreement as regards imports of corn gluten feed. It should be recalled that application of that part of the agreement had been postponed so that certain aspects relating to the analysis of and checks on the imported product could be clarified.

The Council took note of a statement by the Commission on the arrangements that it contemplated in this area.

However, in view of the difficulties encountered in defining, at short notice, a microscopic method for efficient analysis of the imported product in particular, several delegations insisted on a rapid solution of this problem in order to avoid any negative consequences of the absence of such a method on the operation of the Community market.

MISCELLANEOUS DECISIONS

(Decisions adopted unanimously without discussion unless otherwise indicated)

Other agricultural decisions

The Council adopted Regulations:

- amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs. This Regulation continues certain transitional labelling provisions until 1 July 1995;
- on the conservation, characterization, collection and utilization of genetic resources in agriculture. This Regulation provides for the introduction of a Community programme co-ordinating and promoting efforts made in this field in the Member States.

The Council also adopted Directives:

- amending the Annexes to Council Directives 86/362/EEC and 86/363/EEC on the fixing of maximum levels for pesticide residues in and on cereals and foodstuffs of animal origin respectively;
- amending Annex II to Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, and providing for the establishment of a list of maximum levels (the Netherlands delegation abstained);
- laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos. Imports must be subject to requirements similar to those applicable to Community production.

OTHER MISCELLANEOUS DECISIONS

Telecommunications

Further to the political agreement reached on 30 May 1994 at the Council meeting (Telecommunications), the Council formally confirmed its common position on the application of open network provision (ONP) to voice telephony (see Press Release 7172/94, p. 3).

Further to the agreement reached at the Council meeting (Telecommunications) on 30 May 1994, the Council formally adopted the Resolution on the co-ordination of exchanges of information between administrations (see Press Release 7172/94, p. 15).

Customs union

The Council unanimously adopted, with the United Kingdom delegation abstaining, a Regulation amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

The purpose of the amendment is to ensure that in the operation of its commercial policy the Community has at its disposal comprehensive statistics on the volume of trade in goods benefiting from preferential tariff measures.

Accordingly, provision is made for the use in box 36 of the single administrative document (SAD) of codes common to all the Member States, while giving Member States the opportunity of adapting their customs computer systems during a transitional period when national codes which are compatible with Community codes may be used.

Macro-financial assistance to Romania

Further to the ECO/FIN Council meeting on 6 June, the Council formally adopted a Decision providing further macro-financial assistance to Romania (maximum amount ECU 125 million for a maximum period of seven years, to be paid in two instalments, the first, of ECU 55 million, to be paid shortly by the Commission).

Guarantee Fund for external actions

The Council adopted a joint guideline on a Regulation establishing a Guarantee Fund for external actions.

The purpose of the Regulation is to implement the political decision taken by the European Council meeting on 11 and 12 December 1992 to set up a Guarantee Fund in order to cover the risks relating to loans and guarantees covering loans granted to third countries or for projects executed in third countries.

It should be recalled that the amount of the Fund must reach an appropriate level, the "target amount", fixed at 10% of the total principal outstanding under all the Community's commitments in connection with every operation, together with interest due but not paid. Payments to the Fund will amount to 14% of the capital value of operations until the Fund reaches the target amount.

The joint guideline will be forwarded to the European Parliament under the conciliation procedure provided for in the Joint Declaration by the European Parliament, the Council and the Commission of 4 March 1975.

P R E S S P E L E A S E

7762/94 (Presse 130)

1773rd meeting of the Council

EDUCATION

Luxembourg, 21 June 1994

President:

Mr Dimitrios FATOUROS

Minister for National Education and
Religious Affairs of the Hellenic Republic

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

Belgium:

Mr Michel LEBRUN

• Minister for Education of the French-speaking Community

Denmark:

Mr Ole VIG JENSEN

Minister for Education

Germany:

Mr F. SCHAUMANN

State Secretary at the Ministry of Education and Science

Mr Dieter BREITENBACH

Minister for Science and Culture, Saarland

Greece:

Mr Dimitrios FATOUROS

Minister for National Education and Religious Affairs

Mrs E. STEFANOY

State Secretary at the Ministry of National Education and Religious Affairs

Spain:

Mr Gustavo SUÁREZ

Minister for Education and Science

France:

Mr François BAYROU

Minister for National Education

Ireland:

Mr John F. COGAN

Deputy Permanent Representative

Italy:

Mr Stefano PODESTA

Minister for the Universities

Mr Francesco D'ONOFRIO

Minister for Education

Luxembourg:

Mr Marc FISCHBACH

Minister for National Education

Netherlands:

Mr A. OOSTRA

Deputy Permanent Representative

Portugal:

Mrs Manuela FERREIRA LEITE

Minister for Education

United Kingdom:

Mr Eric FORTH

Parliamentary Under-Secretary of State, Department for Education

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Commission:

Mr Antonio RUBERTI

Member

SOCRATES

The Council reached agreement on the common position on the SOCRATES programme. This common position will be formally adopted at a forthcoming meeting following linguistic finalization. It will then be forwarded to the European Parliament under the co-decision procedure (Article 189b of the Treaty).

The SOCRATES programme has a duration of five years (1 January 1995 to 31 December 1999), and is mainly intended to contribute to the development of quality education and an open European area for co-operation in education. With this in mind, the programme will support and supplement action by the Member States' while respecting their responsibility for the content of teaching and the organization of education systems, and their cultural and linguistic diversity.

On the basis of the common position the programme will comprise three areas of Community action:

Chapter I – Higher education (ERASMUS)

Chapter II – School education (COMENIUS)

Chapter III – Horizontal activities in the areas of:

- language skills in the Community (LINGUA);
- open and distance education;
- promotion of the exchange of information and experience (including EURYDICE and ARION).

The specific objectives are as follows:

- to develop the European dimension in education so as to strengthen the spirit of European citizenship;
- to promote a quantitative and qualitative improvement of the knowledge of the languages of the Union;
- to promote co-operation between educational institutions in the Member States;

- to encourage the mobility of teachers and students;
- to encourage contacts among pupils in the Union;
- to encourage the academic recognition of diplomas and other qualifications;
- to encourage open and distance education;
- to foster exchanges of information and experience.

The Council agreed to make provision for ECU 760 million as the funds estimated as necessary for the execution of this programme. Three years after the launch of the programme at the latest, the Council will evaluate the results achieved. To this end the Commission will submit a report, accompanied by whatever proposals it considers appropriate, including proposals on the funds allocated to the programme and their breakdown, on which the Council will take a decision forthwith.

As regards the breakdown by chapter, the common position makes provision for a minimum of 55% of the overall financing for measures under Chapter I, a minimum of 10% for measures under Chapter II and a minimum of 25% for measures under Chapter III.

The Committee assisting the Commission to implement the programme will be a mixed committee, i.e. a management committee for more significant questions and an advisory committee for other questions. There will be two subcommittees, one covering higher education and the other covering school education.

CULTURAL AND ARTISTIC ASPECTS OF EDUCATION

The Council adopted conclusions on the cultural and artistic aspects of education (See Annex).

EDUCATION OF MIGRANT CHILDREN IN THE EUROPEAN UNION

The Council took note of a Presidency note which:

- recalled that the education of the children of migrant workers was one of the great challenges facing the European Union;
- confirmed its conviction that quality education for all pupils was the key to all efforts aiming to promote mutual tolerance, respect and understanding;
- stressed the importance of continued efforts in favour of the integration and achievement at school of children and young people of migrants;
- stressed the need for continued intercultural education to foster mutual understanding between all pupils, regardless of their social, cultural or linguistic background.

FRAMEWORK PROGRAMME OF RESEARCH

Mr RUBERTI made an oral statement on the framework programme of research and its links with education and training.

The Council agreed to discuss the matter at its next informal meeting, scheduled for July.

SIGNATURE OF THE CONVENTION ON THE STATUTE OF THE EUROPEAN SCHOOLS

Alongside the Council meeting the Convention on the Statute of the European Schools was signed. The Convention will enter into force following ratification by the Member States.

CULTURAL AND ARTISTIC ASPECTS OF EDUCATION - COUNCIL CONCLUSIONS

The Ministers of Education welcome the initiative of the Presidency in placing before them, as well as before the Ministers of Culture, the topic of cultural and artistic aspects of education. They note with interest the results of the joint Presidency/Commission seminar on this subject in April 1994.

The initiative of the Presidency is opportune, as the recently ratified Treaty on European Union gives impetus to co-operation between Member States both on education and on culture, and in regard to the former lays emphasis on the achievement of quality education.

Such education requires a cultural input: even at a time when job prospects are naturally a prime concern of schoolchildren and students, the function of education as a preparation for wider aspects of life as well as for providing a stepping-stone to employment is self-evident. Introduction to cultural themes and initiation in creative or performing arts can contribute greatly to the harmonious development of the individual within society.

In this connection the Ministers note with interest the "contemporary educational and cultural concepts" put forward by the Presidency, which are attached to these conclusions.

At Community level particular attention has been given since the adoption of an action programme in the field of education in 1976, now reinforced by provisions of the Treaty, to the European dimension in education. This includes an input, at school as well as in higher education, into strengthening awareness of the culture and history of the European peoples. Moreover the role of the European Community in regard to the education of children of

migrant workers brings a particular challenge in regard to the study of other cultures. It is clear that openness towards the culture of other peoples presupposes a good grounding in the culture of one's own country and region, as well as an awareness of common values.

In the proposed new Community education programme, SOCRATES, appropriate emphasis can be given to cultural and artistic aspects of education. The importance of collaboration with the Council of Europe and other European bodies interested in cultural aspects of education is emphasized.

The Council notes with interest a current Commission pilot initiative to bring a specific European dimension into post-secondary level schools of art, dance, theatre, audio-visual media, design and music, which because of their status may not have been adequately covered by existing education and training programmes.

The Council invites the Commission to give appropriate emphasis to cultural and artistic aspects of education and to encourage the establishment of innovatory pilot projects and exchanges of experience involving cultural matters within the SOCRATES programme. It agrees to return to the subject on the basis of a review in three years' time.

Contemporary educational and cultural concepts
put forward by the Presidency

Educational and cultural concepts are closely linked. The notion of culture in the educational system implies a search for pleasure through learning, a pedagogical approach founded on the exploitation of the natural curiosity of children and also an effort to improve communication at all levels.

Artistic disciplines are not the preserve of particularly gifted individuals but can be considered as a means of expressing a profound need for relations and exchange of ideas between people.

Given the existence of modern techniques for assimilating rapidly a large amount of information, the emphasis in education should be not on quantity but on quality, not on the accumulation of knowledge but on the acquisition of methods. The cultural input into education in this connection should arouse the interest of all children.

The need for such a cultural input is all the greater in an era where television dominates the information and entertainment scene. It has to be backed up by methods of demystifying the mass media and allowing a more critical attitude towards their messages. Through awareness of traditional art forms and familiarization with newer media (photography, sound recordings, cinema, radio, television, video, etc), young people should be able to acquire an overall cultural awareness which will make them more demanding and discriminating.

At the same time the existence of human cruelty in the world today, including that which can appear in modern societies highly developed from the technical point of view, has an effect

on children, and calls for emphasis on types of education which bring out sensitiveness towards social and humanitarian problems. Cultural education makes a key contribution towards achieving respect for minority cultures and recognition of the existence of differences within society.

An education system laying appropriate emphasis on cultural aspects can have a profound effect on society. Cultural education must be addressed to all children, including the less gifted, disadvantaged persons or those with specific needs, because art gives individuals and people in general the opportunity to explore their personality, to express themselves, to communicate and create.



PRESS RELEASE

7763/94 (Presse 131)

1774th Council meeting

- INDUSTRY -

Luxembourg, 22 June 1994

President : Mr Konstantinos SIMITIS
Minister for Industry of the
Hellenic Republic

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

Belgium:

Mr Robert COLLIGNON Chairman of the Executive of the Walloon Region

Denmark:

Ms Mimi JAKOBSEN Minister for Industry and Energy

Germany:

Mr Johann EEKHOFF State Secretary, Federal Ministry for Economic Affairs

Greece:

Mr Konstantinos SIMITIS Minister for Industry
Mr Christos PACHTAS State Secretary for Industry

Spain:

Mr Juan Ignacio MOLTÓ GARCÍA State Secretary for Industry

France:

Mr Gérard LONGUET Minister for Industry and Foreign Trade

Ireland:

Ms Mary O'ROURKE Minister of State with special responsibility for Labour Affairs

Italy:

Mr Vito GNUTTI Minister for Industry

Luxembourg:

Mr Robert GOEBBELS Minister for Economic Affairs

Netherlands:

Mr J.E. ANDRIESEN Minister for Economic Affairs

Portugal:

Mr Luís Filipe ALVES MONTEIRO State Secretary for Industry

United Kingdom:

Mr Tim SAINSBURY Minister of State, Department of Trade and Industry

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Commission:

Mr Martin BANGEMANN Member

Mr Karel VAN MIERT Member

Mr Raniero VANNI D'ARCHIRAFI Member

THE INFORMATION SOCIETY

The Council heard a statement by Commissioner Bangemann presenting the main points in the interim report by the Group of independent figures chaired by him on the information society. The report calls for a set of measures to enable Europe to take full advantage of the advent of the information society.

The Council held a discussion, giving delegations a chance to spell out their views on the subject – the vital importance of which was unanimously emphasized – and in particular on the issues at stake and opportunities for industry.

It agreed to consider the matter again, for its part, in the light of the conclusions of the European Council meeting in Corfu and noted the incoming German Presidency's intention of planning a joint Telecommunications/Industry Council meeting for the purpose.

INTEGRATED PROGRAMME FOR SMES AND THE CRAFT SECTOR

The Council held a detailed discussion on the integrated programme for SMEs and the craft sector put forward by the Commission, going on to approve the following conclusions:

"The Council:

stresses the importance that the Commission's White Paper accords to the role of SMEs in influencing growth, competitiveness and employment in Europe;

points to the various Treaty provisions relating to SMEs;

1. insists in this context:

on the urgent need to mobilize, more effectively than has hitherto been the case, the potential of SMEs, including micro-enterprises, for creating and maintaining jobs;

on the need to take advantage of the dynamic of the internal market and to follow up the themes developed in the action plan decided on, on the basis of the White Paper,

by the European Council in Brussels on 11 and 12 December 1993, encouraging action to improve the competitiveness of SMEs and the craft sector in the medium term;

2. notes that the Commission has responded to these objectives by submitting to the Council an integrated programme for SMEs and the craft sector, the purpose of which is to raise the level of effectiveness, the coherence and the profile of the initiatives to be taken both by the Member States and by the European Union;
3. has noted with interest the themes and methods discussed in that programme, the implementation of which presupposes closer partnership between all the parties concerned in order to achieve the benefits of scale, including, at the appropriate level, greater convergence and a higher profile for the measures, while allowing Member States, in the case of measures to be undertaken at national level, the choice of methods suited to their situations;
4. welcomes the proposed new approaches, and in particular those on:
 - encouraging consultation and, as necessary, co-ordination between Member States to improve the environment for enterprises;
 - stimulating, in the framework of enterprise policies, the demand for national or regional support measures for SMEs and the craft sector;
 - identification and improved integration of the various contributions that the European Union can make to the creation and development of enterprises;
5. notes the Commission's ideas for the creation of a group on simplifying administrative and regulatory procedures, composed in particular of representatives appointed by the Member States;

stresses the importance of exchanging experience and best practice between all interested parties in the field of small and medium sized enterprises;

6. takes note with interest of the memorandum entitled "The local dimension of the internal market: a new synergic force", setting out approaches as regards local development measures, drawn up by the Portuguese Government for the European Council meeting in Corfu;
7. draws the attention of the Corfu European Council to the importance of the integrated programme for SMEs and the craft sector as a practical follow-up to the White Paper;
8. therefore agrees to continue and complete the examination of that programme so as to draw appropriate operational conclusions by the end of 1994."

STEEL

Restructuring of the steel industry

Following the discussion held after the presentation by Commissioners Van Miert and Bangemann of the Commission communication entitled "Relaunching the restructuring of the Community steel industry", the Council:

- confirmed the minimum target for the restructuring plan, set at 19 million tonnes of production capacity to be shed, which the industry was committed to honouring;
- called on the Commission to press ahead with implementing the restructuring plan, with most delegations supporting the Commission's approach, as regards the Italian private-sector industry, of applying Article 4(2) of the Aid Code under the conditions outlined by the Commission in its document and expanded upon during the discussion.

State aid

The Council heard a statement by Commissioner Van Miert presenting the first half-yearly Commission report on the monitoring of aid to the steel industry under Article 95 of the ECSC Treaty, and held a wide-ranging discussion on the subject.

The Council pointed to the importance it attached to the monitoring process, particularly to lend credibility to the Community measures adopted on State aid in the steel sector, and agreed in highlighting the aspects of permanence and consistency needed by the monitoring process.

In the light of the first results of such monitoring, it was agreed that the process required stricter compliance with time limits for supplying the necessary data and that an urgent response was needed to any case coming to light of malfunctioning or slippage in relation to the undertakings given by Member States in December 1993.

In response to concern on the part of some Member States, the Commission said that, under the decisions taken on the 6 public aid cases approved by the Council in December 1993, the Commission had the necessary powers to order the suspension or repayment of aid, if need be. It would not hesitate to use those powers, should it be clearly established that Member States were not applying the basic conditions laid down when aid was approved.

SHIPYARDS – Progress of the OECD negotiations

The Council heard a report from the Commission on progress regarding the OECD shipbuilding agreement and on prospects for the final round of negotiations to be held in Paris from 11 to 15 July 1994.

The Council confirmed the importance to it of reaching agreement in Paris, with all the problems still outstanding needing to be resolved in the meantime.

PRÉSIDENT

7975/94 (Presse 134)

1775th Council meeting

LABOUR AND SOCIAL AFFAIRS

Luxembourg, 22 June 1994

President: **Mr Evangelos YIANNPOULOS**

Minister for Labour
of the Hellenic Republic

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

Belgium:

Ms Miet SMET

Minister for Employment, Labour and Policy on Equal Opportunities

Denmark:

Ms Jytte ANDERSEN

Minister for Labour

Germany:

Mr Norbert BLÜM

Mr Horst GÜNTHER

Federal Minister for Labour and Social Affairs
Parliamentary State Secretary, Federal
Ministry of Labour and Social Affairs
Parliamentary State Secretary,
Federal Ministry for Family Affairs
and Senior Citizens

Mrs Roswitha VERHEULSDONK

Parliamentary State Secretary,
Federal Ministry of Education and Science

Mr Norbert LAMMERT

Greece:

Mr Evangelos YIANNOPOULOS

Minister for Labour

Spain:

Mr José Antonio GRIÑAN

Ms Cristina ALBERDI ALONSO

Minister for Labour and Social Security
Minister for Social Affairs**France:**

Mr Michel GIRAUD

Minister for Labour, Employment and Vocational Training

Ireland:

Ms Mary O'ROURKE

Minister for Labour

Italy:

Mr Clemente MASTELLA

Minister for Employment and Social Security

Luxembourg:

Ms Mady DELVAUX-STEHRÉS

Secretary of State for Social Security

Netherlands:

Mr Bert DE VRIES

Minister for Employment and Social Affairs

Portugal:Mr José Bernardo VELOSO
FALCAO CUNHA

Minister for Employment and Social Security

United Kingdom:

Mr David HUNT

Mr Michael FORSYTH

Mr Alistair BURT

Secretary of State for Employment
Minister of State for Employment
Minister of State for Social Security

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Commission:

Mr Pádraig FLYNN

Mr Antonio RUBERTI

Member

Member

PROTECTION OF YOUNG PEOPLE AT WORK

The Council adopted the Directive on the protection of young people at work.

The Directive stipulates that Member States will:

- take the necessary measures to prohibit work by children;
- ensure that work by adolescents is strictly regulated and protected under the conditions laid down in the Directive.

The Directive, which is based on Article 118a of the Treaty, applies to any person under 18 years of age having an employment contract or an employment relationship defined by the law in force in a Member State and/or governed by the law in force in a Member State.

The Directive divides young people into the following groups:

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

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

However, the Directive permits Member States, under certain conditions, to provide that the prohibition of work by children should not apply to:

- children performing in cultural, artistic, sports or advertising activities subject to prior

authorization being given by the competent authority in individual cases;

- children of at least 14 years of age working under a combined work/training scheme or an in-plant work-experience scheme, provided that such work is done in accordance with the conditions laid down by the competent authority;
- children of at least 14 years of age performing light work other than that covered in the first indent; light work may, however, be performed by children of 13 years of age for a limited number of hours per week in the case of categories of work determined by national legislation.

In addition, the Directive includes provisions concerning:

- the general obligations on employers, such as protecting the safety and health of young people, assessment of the hazards to young people in connection with their work, assessment and monitoring of young people's health, informing young people and the legal representatives of children of possible safety and health risks;
- work prohibited to young people, e.g. work which is beyond their physical or psychological capacity, work involving harmful exposure to hazardous agents.

The Directive also contains detailed provisions on the following matters:

- working time,
- night work,
- rest period,
- annual rest,
- annual leave,
- breaks.

The Directive must be implemented by the Member States no later than two years after its adoption.

The United Kingdom may refrain from applying certain provisions of the Directive for a period of four years from its date of implementation. The Commission will submit a report on the effects of this transitional provision and, on the basis of this report, the Council will, in accordance with the procedures laid down in the Treaty, decide whether it should be extended.

EUROPEAN WORKS COUNCILS

The Council arrived at a common position on a Directive on the establishment of European Works Councils or procedures in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees. This common position will be adopted formally at a forthcoming Council meeting after the texts have been finalized. It will subsequently be forwarded to the European Parliament for a second reading as part of the co-operation procedure (Article 189c of the Treaty).

It should be noted that despite the existence of a broad consensus among the majority of Member States, the Council meeting on 12 October 1993 was unable to reach unanimous agreement on the Commission proposal.

That being so, the Commission consulted management and labour in accordance with the Protocol on social policy and subsequently submitted a new proposal for a Directive.

The Directive envisaged provides for the establishment of a European Works Council or an information and consultation procedure in every Community-scale undertaking and every Community-scale group of undertakings following agreement between the central management and a special negotiating body.

For the purposes of the proposed Directive:

- "Community-scale undertaking" means any undertaking with at least 1 000 employees within the Member States as a whole and at least 150 employees in each of at least two Member States;
- "group of undertakings" means a controlling undertaking and its controlled undertakings;

- "Community-scale group of undertakings" means a group of undertakings with at least the following characteristics:
 - = at least 1000 employees within the Member States,
 - = at least two group undertakings in different Member States, and
 - = at least one group undertaking with at least 150 employees in one Member State and another group undertaking with at least 150 employees in another Member State;
- "controlling undertaking" means an undertaking which can exercise a dominant influence over another undertaking by virtue, for example, of ownership, financial participation or the rules which govern it;
- "consultation" means the exchange of views and establishment of dialogue between employees' representatives and central management or any other more appropriate level of management.

The common position stipulates that the central management:

- will be responsible for creating the conditions and means necessary for the setting up of a European Works Council or an information and consultation procedure;
- will initiate negotiations on its own initiative, or at the written request of at least 100 employees or their representatives in at least two undertakings in at least two Member States.

According to the common position, the special negotiating body will have a minimum of 3 and a maximum of 17 members, and:

- will have the task of determining, with the central management, by written agreement, the scope, composition, powers and term of office of European Works Council(s), or the

arrangements for implementing a procedure for the information and consultation of employees;

- may decide, by at least two-thirds of the votes, not to open negotiations or to terminate the negotiations already opened; such a decision would stop the procedure to conclude the agreement and the provisions in the Annex would not apply.

The common position furthermore provides that:

- members of special negotiating bodies or of European Works Councils and any experts who assist them will not be authorized to reveal any information which has expressly been provided to them in confidence;
- Community-scale undertakings or Community-scale groups of undertakings in which there is already an agreement applicable to all employees providing for the transnational information and consultation of employees, will not be subject to the obligations arising from the Directive. When these agreements expire, the parties may decide jointly to renew them. Should that not be the case, the provisions of the Directive would apply;
- the subsidiary requirements laid down by the legislation of the Member State in which the central management is situated will apply:
 - = where the central management and the special negotiating body so decide, or
 - = if the central management refuses to commence negotiations within six months of the initial request to convene the special negotiating body, or

- = if, after three years from the date of this request, they are unable to conclude an agreement to set up a European Works Council or information and consultation procedure and
- = if the special negotiating body has not taken the decision to initiate negotiations or terminate the negotiations.

The common position states that the subsidiary requirements must satisfy the provisions set out in the Annex; these stipulate, inter alia, that:

- the competence of the European Works Council will be limited to information and consultation on matters which concern the Community-scale undertaking or Community-scale group of undertakings as a whole or at least two of its establishments or group undertakings situated in different Member States;
- the European Works Council will have a minimum of 3 members and a maximum of 30 members and, where its size so warrants, will elect a select committee of no more than 3 members;
- four years after the European Works Council is established it shall examine whether to open negotiations for the conclusion of the agreement on the method of ensuring that employees are informed and consulted, or to continue to apply the subsidiary requirements adopted in accordance with the Annex;
- the European Works Council will have the right to meet with the central management once a year, to be informed and consulted, on the basis of a report drawn up by the central management, of the progress of the business of the Community-scale undertaking or Community-scale group of undertakings and of its prospects;
- where there are exceptional circumstances affecting the employees' interests to a

considerable extent, particularly in the event of relocations, closures or collective redundancies, the select committee or, in the absence of such a committee, the European Works Council will have the right to be informed;

- the members of the European Works Council will inform the employees' representatives of the content and outcome of the information and consultation procedure;
- the operating expenses of the European Works Council will be borne by the central management; in compliance with this principle, Member States may lay down budgetary rules regarding the operation of the European Works Council.

EUROPEAN AGENCY FOR SAFETY AND HEALTH AT WORK

The Council agreed on the Regulation establishing a European Agency for Safety and Health at Work. This Regulation will be adopted formally at a forthcoming Council meeting after the texts have been finalized.

It will be remembered that the European Council on 29 October 1993 decided to set up a European Agency for Safety and Health at Work with its seat in Spain. The Spanish Government has designated the city of Bilbao for that purpose.

In order to encourage improvements, especially in the working environment, as regards the protection of the safety and health of workers as provided for in the Treaty and successive action programmes concerning health and safety at the workplace, the aim of the Agency will be to provide the Community bodies, the Member States and those involved in the field with the technical, scientific and economic information of use in the field of safety and health at work.

The Agency's role will be, inter alia, to:

- promote and support co-operation and exchange of information and experience amongst the Member States;
- organize conferences and seminars and exchanges of experts from the Member States;
- supply the Community bodies and the Member States with the information they require to formulate and implement policies designed to protect the safety and health of workers;
- provide information on methods and tools for implementing preventive activities, paying particular attention to the specific problems of small and medium-sized enterprises;

- contribute to the development of future Community action programmes relating to the promotion of safety and health at work, without prejudice to the Commission's sphere of competence.

In addition, the Agency will work as closely as possible with the existing institutions, foundations, specialist bodies and programmes at Community level in order to avoid any duplication.

As an important element in the smooth operation of the Agency, the Regulation provides for the setting up of a network comprising:

- the main component elements of the national information networks;
- the national focal points;
- any topic centres.

The Agency will have legal personality and an Administrative Board and will be headed by a Director appointed by the Administrative Board on a proposal from the Commission.

The Administrative Board will consist of 27 members, of whom:

- 12 members will represent the governments of the Member States;
- 6 members will represent the employers' organizations;
- 6 members will represent the employees' organizations;
- 3 members will represent the Commission.

The members referred to in (a), (b) and (c) will be appointed by the Council.

The members referred to in (b) and (c) will be appointed according to a rota system from the members representing the employers' and employees' organizations on the Advisory Committee on Safety, Hygiene and Health Protection at Work, on a proposal from the groups of those members on the Committee, on the basis of one member for each Member State.

The staff of the Agency will be subject to the rules and regulations applicable to officials and other servants of the European Communities.

WHITE PAPER ON GROWTH, COMPETITIVENESS AND EMPLOYMENT

The Council heard a report by Commissioner FLYNN on the follow-up to the Commission's White Paper and to the conclusions of the Brussels European Council, and on the outcome of his tour of the Member States' capitals.

In preparation for the European Council in Corfu, the Council held an exchange of views on the implementation of the White Paper, particularly as regards the employment aspect.

VOCATIONAL TRAINING PROGRAMME

The Council arrived at its common position on the proposal for a Decision establishing an action programme for the implementation of a European Community vocational training policy. This common position will be adopted formally at a forthcoming Council meeting and will, after the texts have been finalized, be subsequently forwarded to the European Parliament for a second reading as part of the co-operation procedure (Article 189c of the Treaty).

Under the common position, the programme, entitled "LEONARDO DA VINCI", will be implemented for the period 1 January 1995 to 31 December 1999.

The Council agreed to earmark ECU 620 million as the amount deemed necessary to implement the programme. No later than three years following its commencement, the Council will make an assessment of the results achieved by the programme. To that end the Commission will report back to it, together with any proposals it considers appropriate concerning, inter alia, the funding allocated to the programme and the breakdown of that funding; the Council will act on such proposals as rapidly as possible.

Under the common position, the aim of the common framework of objectives is to contribute to the achievement of the objectives of Article 127 of the Treaty by pursuing a number of objectives such as:

- improving the quality and innovation capacity of Member States' vocational training systems and arrangements;
- developing the European dimension in vocational training and vocational guidance;
- promoting lifelong training so as to encourage the ongoing adaptation of skills to meet the

needs of workers and undertakings, contribute to reducing unemployment and facilitate personal development;

- giving all young people in the Community who so wish the possibility of one or, if possible, two or more years of initial vocational training after their full-time compulsory education, leading to a vocational qualification recognized by the competent authorities of the Member State in which it is obtained;
- encouraging specific vocational training measures for adults without adequate vocational qualifications, in particular adults without adequate education;
- supporting vocational policies in such a way that all workers in the Community have access to continuing vocational training throughout their working life without any discrimination;
- promoting equality of opportunity as regards access for men and women to vocational training and their effective participation therein, in particular so as to open up new areas of work to them and to encourage them to return to work after a career break;
- supporting activities aimed at developing linguistic skills as part of vocational training measures;
- promoting the development of vocational guidance facilities in order to guarantee life-long high-quality vocational guidance for all.

The common position stipulates that the Commission will implement, in consultation with the Member States, Community measures specified in the Annex to the Decision. In that context, the Commission will, in consultation with the Member States, take measures to enable an appropriate transition to be made between the action already undertaken under the COMETT, FORCE, EUROTECNET, LINGUA and PETRA programmes and the Community measures to be implemented within the framework of this programme. In addition, Member States will take the necessary steps to ensure national co-ordination and organization of the implementation of the programme, in particular by providing for the appropriate structures and mechanisms at national level.

Under the common position, the Commission will be assisted in implementing the programme by a "joint", i.e. "management" committee for major matters, or an "advisory" committee for other matters, both composed of two representatives from each Member State and chaired by the representative of the Commission. For some matters the committee will be assisted by subcommittees and/or working parties in specific fields (including initial vocational training, continuing vocational training, university/industry co-operation). Provision has been made for twelve representatives of the social partners, appointed by the Commission on the basis of proposals from the social partners at Community level, to participate in the work of the committee as observers.

The Commission will strive to ensure overall consistency between this programme and the Community action programme on education ("SOCRATES") and other Community measures. In addition, the Commission and the Member States will foster complementarity between the operation of this programme and the Community initiative programmes.

The Community measures provided for in the common position are divided into four strands, which are described in detail in part A of the Annex to the Decision:

- support for the improvement of vocational training systems and arrangements

in the Member States;

- support for the improvement of vocational training measures, including university/industry co-operation, concerning undertakings and workers;
- support for the development of language skills, knowledge and the dissemination of innovation in the field of vocational training;
- support measures: of co-operation network between the Member States; information, monitoring and assessment measures.

The Annex also contains provisions on the Community's financial contribution, on the submission of proposals for Community measures and on the selection procedures applicable to such proposals.

COMBATING SOCIAL EXCLUSION

After noting that the German delegation was unable to withdraw the general reservation it had entered at the Council meeting on 19 April 1994, the Council decided to return to this matter at a forthcoming meeting.

CHEMICAL AGENTS

The Presidency gave a progress report on the proposal for a directive on the protection of the health and safety of workers from the risks related to chemical agents at work.

It should be noted that this proposal was formulated with the aim of laying down minimum requirements for the protection of workers against the risks to their safety and health arising, or likely to arise, from the effects of chemical agents present at the workplace or as a result of any work activity involving chemical agents.

The Council instructed the Permanent Representatives Committee to continue with its discussions on this matter and report back to it at a forthcoming meeting.

IMMIGRATION AND ASYLUM POLICIES

After hearing an account from Commissioner FLYNN, the Council held an exchange of views on a number of aspects of the Commission communication on immigration and asylum policies, of particular interest to the Ministers for Labour and Social Affairs.

SAFETY AND HEALTH AT WORK

The Council examined a note from the Presidency on safety and health at work.

OTHER DECISIONS

(adopted unanimously without debate)

Equal opportunities

The Council adopted the Resolution, drafted at the Presidency's initiative, on the promotion of equal opportunities for men and women through action by the European Structural Funds (see Annex).

Relations with Russia – Signing of the Partnership and Co-operation Agreement

The Council – and the Representatives of the Member States meeting within the Council – decided to proceed with the signing, subject to conclusion at a later date, of the Partnership and Co-operation Agreement with Russia and related acts.

It should be noted that this Agreement is of a "mixed" nature and will be signed by both the Community and the Member States on the Community side. President Yeltsin will sign it on behalf of Russia.

The signing ceremony will be held on 24 June at the forthcoming European Council meeting in Corfu.

ANNEX

**COUNCIL RESOLUTION
ON THE PROMOTION OF EQUAL OPPORTUNITIES
FOR MEN AND WOMEN
THROUGH ACTION BY THE EUROPEAN STRUCTURAL FUNDS**

THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLS that the principle of equal opportunities for men and women on the labour market is an objective of the European Union and that structural action must contribute to the achievement of that objective, within the meaning of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on co-ordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾;
2. RECALLS that the adoption of measures intended to support the promotion of equal opportunities for men and women on the labour market shall be undertaken in accordance with the responsibility of Member States arising from the rules in force concerning the Structural Funds;
3. RECALLS that the promotion of equal opportunities for men and women on the labour market is one of the four measures under Objective 3 throughout the European Union, as provided for in Article 1(1)(d) of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽²⁾;
4. RECALLS that women experience serious and particular difficulties in the labour market;
5. CONFIRMS its wish that the declared principle of equal opportunities for men and women should be promoted, in particular through all the structural measures taken in the Member States;
6. INVITES the Member States:
 - (a) to contribute towards ensuring that due account is taken of promoting the principle of equal opportunities for men and women on the labour market in measures co-financed by the European Structural Funds, in particular the European Social Fund;

⁽¹⁾ OJ No L 185, 15.7.1988, p. 9. Regulation as amended by Council Regulation (EEC) No 2081/93 (OJ No L 193, 31.7.1993, p. 5).

⁽²⁾ OJ No L 374, 31.12.1988, p. 21. Regulation as amended by Council Regulation (EEC) No 2084/93 (OJ No L 193, 31.7.1993, p. 39).

- (b) to contribute to the adoption of appropriate measures to support the promotion of equal opportunities for men and women on the labour market in the measures co-financed by the European Structural Funds so as to enable women to take advantage of the prospective benefits on an equal footing with men;
- (c) to help to ensure that specific measures targeted at women are laid down with appropriate financial appropriations with the aim of improving the position of women, and to promote at local, regional, national and transnational level, equal opportunities for men and women in every sector of economic activity and in all areas linked directly or indirectly to the labour market, by making use, in particular, of the achievements of the Community initiative NOW;
- (d) to use every appropriate means to inform, mobilize and encourage competent bodies and social and economic partners, within the meaning of Article 4(1) of Regulation (EEC) No 2052/88, so that full account is taken of the dimension of equal opportunities for men and women in measures co-financed by the European Structural Funds;
- (e) to use every appropriate means to define and promulgate the policy of promoting equal opportunities for men and women through the action of the European Structural Funds;
- (f) to help to ensure that the present point is implemented, within the existing national monitoring and assessment structures.

7. INVITES the Commission:

- (a) to continue its efforts to put into effect the policy of promoting equal opportunities for men and women through action by the European Structural Funds, in particular by the European Social Fund and Community initiatives;
- (b) to facilitate implementation of this policy by means of technical assistance, in particular within the framework of the principle of partnership;
- (c) to take all appropriate measures to further this policy;
- (d) to take account of the objectives mentioned in point 6 when implementing Community initiatives.

PRESS RELEASE

7978/94 (Presse 137)

1776th Council meeting

- RESEARCH -

Luxembourg, 27 June 1994

President: Mr Constantin SIMITIS,

Minister for Industry, Energy and
Technology of the Hellenic Republic

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

Belgium:

Mr Jean-Maurice DEHOUSSE Minister for Science Policy and Scientific and Cultural Institutions
 Mr Luc VAN den BRANDE (*) Chairman of the Flemish Community Executive

Denmark:

Mr Arne Ole ANDERSEN Minister for Ecclesiastical Affairs and Minister for Research
 Mr Knud LARSEN State Secretary, Ministry of Research and Technology

Germany:

Mr Paul KRÜGER Minister for Research and Technology

Greece:

Mr Constantin SIMITIS Minister for Industry, Energy and Technology

Spain:

Mr Elias FERERES State Secretary for the Universities and Research

France:

Mr Pierre SELLAL Deputy Permanent Representative

Ireland:

Mr John F. COGAN Deputy Permanent Representative

Italy:

Mr Stefano PODESTA Minister for the Universities and Scientific and Technological Research

Luxembourg:

Mr Jean-Marc HOSCHEIT Deputy Permanent Representative

Netherlands:

Mr Ate OOSTRA Deputy Permanent Representative

Portugal:

Mr Luis VALENTE DE OLIVEIRA Minister for Territorial Planning and Management
 Mr Manuel FERNANDEZ THOMAZ State Secretary for Science and Technology

United Kingdom:

Mr David DURIE Deputy Permanent Representative

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Commission:

Mr Antonio RUBERTI Member

(*) Head of delegation

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Austria:

Mr Erhad BUSEK

Federal Minister for Science and Research

Finland:

Mr Seppo KÄÄRIÄINEN

Minister for Trade and Industry

Norway:

Mr Gudmund HERNES

Minister for Education, Research and Religious Affairs

Sweden:

Mr Per UNCKEL

Minister for Education and Science

At this Council meeting the Ministers of Austria, Finland, Norway and Sweden participated for the first time as active observers – with the right to speak but not to vote – following the signing, at the Corfu European Council on 24 and 25 June 1994, of the Treaty of Accession of those countries.

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RULES FOR PARTICIPATION IN SPECIFIC RTD PROGRAMMES AND RULES FOR THE
DISSEMINATION OF THE RESULTS OF THOSE PROGRAMMES

Having adopted the 4th framework Community research, technological development and demonstration programme (RTD) (1994-1998) on 26 April 1994, the Council signified its political agreement to the common positions on:

- the Decision concerning the rules for the participation of undertakings, research centres and universities in the specific programmes of RTD and demonstration of the European Community;
- the Decision concerning the rules for the dissemination of the research results from the specific programmes of RTD and demonstration of the European Community.

Following the entry into force of the Treaty on EU the Council is obliged to lay down such rules governing participation and dissemination. The common positions will be formally adopted at a forthcoming Council meeting, after the texts have been finalized. They will then be forwarded to the European Parliament under the co-operation procedure (Article 189c of the Treaty).

The Council also reached political agreement on the Decision concerning the rules for the participation of undertakings, research centres and universities in the specific programmes of research and training of the European Atomic Energy Community. As this text is similar to that of the EC Decision, it will be adopted at the same time.

The purpose of these three Decisions is to lay down horizontal rules for implementing all specific RTD programmes.

Special attention will be paid to small and medium-sized enterprises and co-operation with entities from third countries or international organizations.

As regards Community financial participation, the common position on the Decision concerning the rules for participation provides that the usual method consists of making payments in good time on justification, by the participant, of the real cost of the action. If the participants were specifically agreed, another method involving repayment on the basis of certain fixed composite rates could be used.

SPECIFIC PROGRAMMES

The Council gave its political agreement to the Decisions concerning two specific programmes: one relating to industrial and materials technologies, the other relating to advanced communications technologies and services.

These two programmes are the first to be approved by the Council of the 20 specific programmes drawn up by the Commission for implementation of the 4th framework programme (1994-1998).

The Council decided on the indicative allocation of the amounts deemed necessary, which is ECU 1 617 million for the specific programme in the area of industrial and materials technologies and ECU 630 million for the specific programme in the area of advanced communications technologies and services. The indicative allocation of those amounts is shown below. In addition, the Joint Research Centre will contribute a sum of ECU 90 million, through direct action, to the industrial and materials technologies programme.

The Commission noted the requests from a number of delegations for information on the administrative costs and evaluation principles adopted by the Commission for the specific research programmes as a whole.

The Commission will be assisted, in the implementation of the two specific programmes, by a committee made up of representatives of the Member States and chaired by a representative of the Commission.

These Decisions will be definitively adopted after finalization of the texts.

Indicative breakdown of the amount deemed necessary for the specific programme "Advanced communications technologies and services"

AREA	ECU million
1. Interactive digital multimedia services	162
2. Photonic technologies	104
3. High-speed networking	75
4. Mobility and personal communications networks	115
5. Intelligence in networks and service engineering	100
6. Quality, security and safety of communication services and systems	43
Horizontal actions	31
T O T A L	630

Indicative breakdown of the amount deemed necessary for the specific programme "Industrial and materials technologies"

AREA	%
1. Production technologies	36,5
2. Materials and technologies for product innovation	35
3. Technologies for transport means	28,5 ⁽¹⁾
T O T A L	100

These breakdowns do not exclude the possibility of projects relating to several areas.

⁽¹⁾ 50% of which is for the aeronautics sector.

SCIENTIFIC AND TECHNICAL CO-OPERATION WITH SWITZERLAND

The Council took note of the Commission's presentation of the draft negotiating directives for a scientific and technical co-operation agreement with Switzerland.

EUROPEAN SCIENCE AND TECHNOLOGY ASSEMBLY

The Council held a discussion on the European Science and Technology Assembly which the Commission set up in March 1994 under its own aegis as an advisory committee for the preparation, implementation and monitoring of the Community's research and technological development policy.

SCIENTIFIC AND TECHNICAL CO-OPERATION AGREEMENT WITH ISRAEL

The Council postponed its discussion on this item until a forthcoming meeting.

MISCELLANEOUS DECISIONS

(Adopted unanimously without debate unless otherwise stated)

EC-Australia S/T Co-operation Agreement

The Council adopted the Decision concerning the conclusion of an Agreement relating to scientific and technical co-operation between the European Community and Australia, signed in Canberra on 23 February 1994.

The purpose of the Agreement is to encourage and facilitate co-operation between Australia and the Community in fields of common interest where the Parties support research and development activities to advance science and/or technology relevant to those fields.

For the purposes of the Agreement, co-operation will cover activities in the following areas:

- biotechnology;
- medical and health research;
- marine science and technology;
- environment;
- information technologies;
- communication technologies.

EC-San Marino relations

The Council approved two draft Decisions as a Community common position for the 2nd meeting of the EC-San Marino Co-operation Committee, to be held on 28 June. These drafts concern:

- a Decision on Community veterinary regulations to be adopted by the Republic of San Marino;
- a Decision amending the list of customs offices referred to in Article 7(1)(a) of the Interim Agreement on trade and customs union between the Community and the Republic of San Marino.

Relations with Bulgaria and Romania

The Council adopted Decisions concerning the conclusion of two exchanges of letters amending the Interim Agreements and the Europe Agreements:

- approving the exchange of letters between the EC and Bulgaria amending the Interim Agreement on trade and trade-related measures between the EEC and the ECSC, of the one part, and the Republic of Bulgaria, of the other part, and the Europe Agreement establishing an association between the EC and its Member States, of the one part, and the Republic of Bulgaria, of the other part, both as amended by the Additional Protocol signed on 21 December 1993;

- approving the Agreement in the form of an exchange of letters between the EC and Romania amending the Interim Agreement on trade and trade-related measures between the EEC and the ECSC, of the one part, and Romania, of the other part, and the Europe Agreement establishing an association between the EC and its Member States, of the one part, and Romania, of the other part, both as amended by the Additional Protocol signed on 21 December 1993.

Environment

The Council adopted:

- the Decision on the signature on behalf of the Community, subject to approval, of the **Convention on co-operation for the protection and sustainable use of the Danube**.

The main purpose of the Convention is to provide a framework for bilateral or multilateral co-operation to protect the aquatic environment, prevent and control pollution in the Danube and ensure sustainable use of the water resources of riparian countries.

The text of the Convention will be submitted to the Parties for signing in Sofia on 29 June 1994.

- the Directive amending the date of implementation of Directive 91/689/EEC on **hazardous waste** and the date of repeal of Directive 78/319/EEC on toxic and hazardous waste.

The purpose of these amendments is to mitigate the practical and legal problems arising from the non-availability of the list of hazardous wastes provided for in Directive 91/689/EEC.

Intellectual property

- **semiconductor products**

The Council adopted a Decision on the extension of the legal protection of topographies of semiconductor products to persons from the United States of America. The legal protection provided for under Directive 87/54/EEC is extended for the period from 2 July 1994 to 1 July 1995 as follows:

- natural persons who are nationals of the United States of America or who have their habitual residence in the territory of the United States of America will be treated as if they were nationals of a Member State;
- companies and other legal persons of the United States of America which have a real and effective industrial or commercial establishment in that country will be treated as if they had a real and effective industrial or commercial establishment in the territory of a Member State.

- **Office for Harmonization in the Internal Market**

Following the agreement reached at the Internal Market Council on 16 June 1994 (see press release 7733/94 Presse 121), the Council formally appointed for a five-year period:

- = Mr Alberto J. CASADO CERVIÑO (Spain), Vice-President of the Office for Harmonization in the Internal Market (trade marks and designs) with special responsibility for administration and staff questions;
- = Mr Alexander von MÜHLEND AHL (Federal Republic of Germany), Vice-President of the Office for Harmonization in the Internal Market (trade marks and designs) with special responsibility for legal matters.

Their terms of office will take effect on the date on which they take up their duties, that date to be agreed between the Vice-Presidents and the Administrative Board of the Office.

It will be recalled that on 16 June 1994 the Internal Market Council appointed Mr Jean-Claude COMBALDIEU (France), Inspector-General for Industry and Trade, President of the Office for Harmonization in the Internal Market, which has its seat in Alicante.

Fisheries

Following the political agreement reached at the Fisheries Council on 10 June (see press release 7491/94 Presse 109), and after finalization of the texts, the Council formally adopted:

- the Regulation harmonizing various technical measures in Mediterranean fisheries.

The purpose of this Regulation is to remedy the problems currently affecting resources in the Mediterranean by introducing a harmonized management system suited to the circumstances there, while taking into account existing national regulations.

It is a first step towards introducing a common policy for the conservation and management of fishery resources in the Mediterranean, as Community action in this area has hitherto been restricted in particular to the Atlantic, the North Sea and the Baltic.

The Spanish delegation abstained.

- the Regulation laying down general provisions concerning **special fishing permits** applicable to Community fishing vessels and to vessels flying the flag of a third country operating in the Community fishing zone.

The purpose of this Regulation is to supplement the one adopted in December 1993 concerning the minimum information which fishing licences must contain (identity card for vessels).

- the Regulation establishing a **system of compensation for the additional costs incurred in the marketing of certain fishery products** from the Azores, Madeira, the Canary Islands and the French department of Guiana **as a result of their very remote location.**

The Netherlands delegation voted against. The United Kingdom delegation abstained, giving the following explanation of vote:

"The United Kingdom delegation abstains because in its view any aid to deal with this essentially structural problem should be financed from structural resources as has been the case in the past."

Customs union

- **certain industrial fisheries products**

The Council adopted the Regulation opening and providing for the administration of Community tariff quotas for certain industrial fisheries products (third series 1994). The products designated below may be imported at zero duty within the limit of the Community tariff quotas indicated:

- = certain eels – up to a quota of 5 000 tonnes – from 1 July 1994 to 30 June 1995;
- = chlorosulphonated polyethylene – up to a quota of 4 000 tonnes – from 1 July to 31 December 1994;
- = Benzene-1,2,4-tricarboxylic acid 1,2-anhydride – up to a quota of 3 500 tonnes – from 1 July to 31 December 1994.

- **certain agricultural products**

The Council adopted the Regulation temporarily suspending the autonomous Common Customs Tariff duties on a number of agricultural products from 1 July 1994 to 30 June 1995.

Telecommunications

Following the agreement reached by the Telecommunications Council on 30 May 1994 (see press release 7172/94 Presse 99), the Council formally adopted the Resolution on a framework for Community policy on digital video broadcasting.

Dangerous substances

The Council adopted a common position with a view to adopting the European Parliament and Council Directive amending for the 15th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

ECSC

The Council gave its assent under Article 55(2)(c) of the ECSC Treaty to the implementation and execution of a coal research programme (1994 financial year).