

COUNCIL OF THE EUROPEAN COMMUNITIES

PRESS RELEASES

PRESIDENCY: UNITED KINGDOM

JULY-DECEMBER 1992

Meetings and press releases November 1992

Meeting number	Subject	Date
1612 th	Consumers	3 November 1992
1613 th	General Affairs	9 November 1992
1614 th	Internal Market	10 November 1992
1615 th	Culture	12 November 1992
1616 th	Health	13 November 1992
1617 th	Agriculture	16-17 November 1992
1618 th	Budget	16 November 1992
1619 th	Development Co-operation	18 November 1992
1620 th	Telecommunications	19 November 1992
1621 st	Economics/Finance	23 November 1992
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COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

9415/92 (Presse 188)

1612th Council meeting

- Consumer protection and information -

Brussels, 3 November 1992

President: Baroness DENTON OF WAKEFIELD,
Parliamentary Under Secretary of State,
Department of Trade and Industry
(Consumer Affairs),
United Kingdom

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

Belgium:

Mr Jan DE BOCK Deputy Permanent Representative

Denmark:

Ms Anne Birgitte LUNDHOLT Minister for Industry

Mr Christopher BO BRAMSEN State Secretary for Industry

Germany:

Mr Johan EEKHOFF State Secretary for Economic Affairs

Greece:

Mr Jean CORANTIS Deputy Permanent Representative

Spain:

Ms Maria ANGELES AMADOR Deputy State Secretary for Health

France:

Ms Véronique NEIERTZ State Secretary for Women's Rights
and Consumer Affairs

Ireland:

Ms Mary O'ROURKE Minister of State at the Department
of Industry and Commerce with special
responsibility for Trade and
Marketing

Italy:

Mr Giuseppe GUARINI Minister for Industry

Luxembourg:

Mr Jim CLOOS Deputy Permanent Representative

Netherlands:

Mr Ate OOSTRA Deputy Permanent Representative

Portugal:

Mr Carlos BORREGO Minister for the Environment and
Natural Resources

United Kingdom:

Baroness DENTON OF WAKEFIELD Parliamentary Under-Secretary of
State, Department of Trade and
Industry (Consumer Affairs)

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Commission:

Mr Karel VAN MIERT Member

COSMETICS

The Council agreed to the substance of a common position on the Directive amending for the sixth time Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products.

The new Directive is designed to improve and harmonize information for consumers and supervisory authorities on cosmetic products marketed in the Community and thereby to eliminate the last remaining risks of barriers to the free movement of such products in the single market. It also deals with the banning of animal experiments in the cosmetics industry.

In the area of information, the common position provides specifically for the compiling of an inventory of ingredients used in cosmetic products with a view in particular to establishing a common nomenclature for such ingredients. The text also provides for an obligation on producers to indicate the ingredients on the packaging of cosmetic products. In addition, it lays down criteria for the form and content of the information which the manufacturer must keep available for the supervisory authorities, in particular on the identity, quality, efficacy and safety of the product.

With regard to the testing of cosmetics on animals, the common position provides that the Member States shall ban the marketing of cosmetic products containing ingredients or combinations of ingredients tested on animals as from January 1998.

However, in cases where, because of insufficient progress in developing alternatives to animal testing, there are no scientifically validated alternative methods offering an equivalent level of consumer protection, the date of application of the ban will be deferred by decision of the Commission assisted by a committee composed of representatives of the Member States.

The common position will be formally adopted by the Council as soon as possible, after finalization of the texts.

TIMESHARING

Pending receipt of the European Parliament's Opinion, the Council held a policy debate on the proposal for a Directive designed to afford consumers greater protection in the single market when concluding contracts relating to the utilization of immovable property on a timeshare basis.

The debate, which showed that most delegations were interested in an instrument of this kind, covered a number of key issues relating in particular to the scope of the Directive, the level of information to be provided by vendors and the opportunities for withdrawal offered to purchasers.

The Council instructed the Permanent Representatives Committee to continue examining the proposal on the basis of the Council's debate and in the light of the European Parliament's Opinion.

DISTANCE SELLING

The Council discussed the proposal for a Directive designed to establish a minimum basis for the protection of consumers in respect of contracts negotiated at a distance (distance selling).

Delegations expressed their views on whether Community legislation in this field was desirable and on certain major aspects of the proposal, namely the types of contract covered by the Directive, the information to be provided by suppliers and arrangements for credit card payments.

The Council instructed the Permanent Representatives Committee to continue examining the proposal, with particular reference to the Opinion of the European Parliament.

SUTHERLAND REPORT

The Council heard a brief presentation by Commissioner VAN MIERT of the report drawn up by the High-level Group on the Operation of the Internal Market (Sutherland Group).

ENFORCEMENT OF CONSUMER PROTECTION LAW

On the basis of a Presidency note the Council discussed closer co-operation between authorities responsible for enforcing consumer protection law in the Community.

Following that discussion, the Presidency noted that delegations were interested in such co-operation, particularly if based on existing structures.

COMMUNITY SYSTEM OF INFORMATION ON ACCIDENTS INVOLVING CONSUMER PRODUCTS (EHLASS)

The Council discussed the EHLASS project (European home and leisure accidents surveillance system).

The aim of EHLASS, which was set up in 1986 as a five-year demonstration project, is to collect information at Member State level on home and leisure accidents involving consumer products, in order to take preventive action in the Community.

The debate showed that there was broad agreement in the Council in favour of continued Community financing for the project.

COMMUNITY SYSTEM FOR THE RAPID EXCHANGE OF INFORMATION

The Council noted the progress made at the Commission in preparing an initiative to ensure the rapid exchange of information with regard to certain products likely to endanger the health and safety of consumers in the period before entry into force, on 29 June 1994 at the latest, of the rapid exchange system provided for the Directive on general product safety.

MISCELLANEOUS DECISIONS

Relations with Poland

- Administration of the motor vehicle quota

The Council agreed to end the temporary suspension of zero-rated imports of motor vehicles into Poland and the Community so that the provisions of the Interim Agreement would apply in full.

A notice to that effect will be published in the Official Journal on 4 November to inform the economic operators concerned.

This measure follows from the Commission's consultations with the Polish authorities which made it possible to ensure non-discriminatory access for Community exports to the Polish market within the zero-duty quota of 30 000 vehicles (application of the "first come, first served" principle).

Social affairs

- Industries extracting minerals by drilling

Following completion of the co-operation procedure with the European Parliament, the Council adopted the Directive concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16(1) of the framework Directive (89/391/EEC)).

The aim of the Directive is to protect the health and safety of workers in industries extracting minerals by on-shore and off-shore drilling i.e. all industries practising: extraction, in the strict sense of the word, of minerals through drilling boreholes; prospection with a view to such extraction; and/or preparation of extracted materials for sale, excluding the activities of processing the materials extracted.

The Directive contains clauses setting out detailed obligations for employers, to protect the safety and health of workers.

Employers must also ensure that a safety and health document covering the relevant requirements laid down in Articles 6, 9 and 10 of Directive 89/391/EEC is drawn up and kept up to date, and revised if the workplace undergoes any major alterations.

The Directive also contains provisions on keeping workers informed and on worker consultation and participation, as well as provisions on monitoring their health.

There is a technical Annex laying down minimum requirements for the on-shore and off-shore sectors and for both sectors taken together.

Textiles

The Council adopted a Decision authorizing the Commission to negotiate the renewal of the arrangement on clothing products with Turkey.

COUNCIL OF THE EUROPEAN COMMUNITIES

1613th meeting of the Council

- General Affairs –

Brussels, 9 November 1992

The official press release was unavailable. The agenda for the meeting has been reproduced from the Bulletin of the European Communities, No. 11-1992.

1613th meeting

1.7.3. General affairs (Brussels, 9 November).

- Previous meeting:** Bull. EC 10-1992, point 1.7.3

President: Mr Hurd, UK Secretary of State for Foreign and Commonwealth Affairs.

Commission: Mr Delors, Mr Andriessen, Mr Matutes and Mr Schmidhuber.

Main items

- Follow-up to the Birmingham European Council: discussed in detail.
- Commission opinion on Finland's application for accession: preliminary exchange of views.
- Uruguay Round: Commission report and discussion.
- 33rd meeting of the EEC-Turkey Association Council: ground prepared.
- Delors II package: wide-ranging general discussion.
- Former Yugoslavia: exchange of views.

PRESS RELEASE

9760/92 (Presse 197)

1614th Council meeting

- INTERNAL MARKET -

Brussels, 10 November 1992

President: **Mr Richard NEEDHAM**

Minister of State
Department of Trade
and Industry of the
United Kingdom

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

Belgium

Mr Robert URBAIN:

Minister for Foreign Trade and
European Affairs

Denmark:

Mrs Anne Birgitte LUNDHOLT
Mr Christopher Bo BRAMSEN

Minister for Industry
State Secretary for Industry

Germany:

Mr Johann EEKHOFF

State Secretary,
Federal Ministry of Economic
Affairs

Greece:

Mr Georges THEOFANOUS

Secretary-General, Ministry of
Trade

Spain:

Mr Carlos WESTENDORP

State Secretary for Relations
with the European Communities

France:

Mrs Elizabeth GUIGOU

Minister for European Affairs

Ireland:

Mr Eamonn RYAN

Deputy Permanent
Representative

Italy:

Mr Raffaele COSTA

Minister for Community
Policies

Mr Alberto RONCHEY

Minister for Culture

Luxembourg:

Mr Jim CLOOS

Deputy Permanent
Representative

Netherlands:

Mr Piet DANKERT

State Secretary for Foreign
Affairs

Portugal:

Mr Vitor MARTINS

State Secretary for European
Integration

United Kingdom:

Mr Richard NEEDHAM

Minister of State, Department
of Trade and Industry

Mr Robert KEY

Parliamentary Under-Secretary
of State for National Heritage

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Commission:

Mr Martin BANGEMANN

Vice-President

Mr Jean DONDELINGER

Member

Mrs Christiane SCRIVENER

Member

FUTURE SYSTEM FOR THE FREE MOVEMENT OF MEDICINAL PRODUCTS

The Council's discussions amply confirmed the overall agreement reached on the future system for the free movement of medicinal products at the meeting on 22 September 1992, although some provisional reservations were upheld with regard to the latest solutions.

It is anticipated that the dossier will be submitted for formal agreement at a forthcoming meeting without further debate in the Council as soon as these provisional reservations have been withdrawn.

AFTER 1992 - MAKING THE SINGLE MARKET WORK

The Council reached agreement in principle on the attached Resolution.

CULTURAL GOODS

The Council reached agreement on the texts of

- a Regulation on the export of cultural goods;
- the common position on a Directive concerning the return of cultural objects unlawfully removed from the territory of a Member State.

It instructed the Permanent Representatives Committee to finalize these texts with a view to their adoption without any further debate in the Council.

The Regulation makes export of certain cultural goods outside Community customs territory subject to presentation of an export licence.

The goods concerned are defined in the Annex to the Regulation: it contains twelve categories of cultural goods, to some of which monetary thresholds apply.

The export licence for a cultural object listed in one of the categories is issued at the request of the person concerned by the competent authorities of the Member State on whose territory the cultural object in question was lawfully and definitively located on 1 January 1993 or, thereafter, on whose territory it is located following lawful and definitive export from another Member State;

import from a third country after 1 January 1993 is also covered.

Entry into force of the Regulation depends on the date of adoption of the Directive on the return of cultural objects.

The common position on the Directive takes account of the fact that pursuant to and within the limits laid down by Article 36 of the EEC Treaty, Member States will retain after 1992 the right to protect their national treasures of artistic, historical or archeological value. In the run-up to the single market, there are plans to set up a return procedure to enable Member States to have returned to their territories cultural objects which have been unlawfully removed therefrom; cultural objects which are thus covered are defined in the text of the Directive, which contains an Annex similar to that of the Regulation.

COMMUNITY TRADE MARK

In preparation for the adoption of the Regulation on the Community trade mark at its meeting in December 1992, the Council held a discussion on the main issues still unresolved, namely:

- language arrangements for the Community Trade Marks Office;
- the method of adoption and amendment of subsidiary implementing regulations;
- possible payments to national industrial-property offices for services rendered to the Community Trade Marks Office.

At the end of the discussion, the Council noted that there was consensus among the Member States on the second question and a measure of agreement on some parts of the third question which still had to be defined in detail. The first and third questions and all other outstanding issues were referred back to the Permanent Representatives Committee with the aim of achieving a draft overall compromise to be submitted at the meeting on 17 and 18 December.

DURATION OF COPYRIGHT PROTECTION AND PROTECTION OF CERTAIN NEIGHBOURING RIGHTS

The Council held a policy debate on some aspects of the proposal for a Directive harmonizing the duration of copyright protection and protection of certain neighbouring rights. It instructed the Permanent Representatives Committee to continue its discussions on

the proposal, taking account of the Opinion of the European Parliament, which is expected shortly, with a view to arriving at a common position as soon as possible.

INTELLECTUAL PROPERTY RIGHTS AND STANDARDIZATION

The Council took note of an oral presentation by Vice-President BANGEMANN of a Commission communication on intellectual-property rights and standardization.

STATUTE FOR THE EUROPEAN COMPANY (SE)

The Council continued the discussion on certain aspects of the Statute for the European Company (SE) and achieved unanimous agreement on the following points of the proposal for a Regulation:

- the process for determining the rules applicable to an SE;
- the internal rules on the quorum and majority required for the taking of decisions by an SE's organs;
- the minimum amount of capital subscribed by the SE (ECU 120 000);
- obligation to express the capital of an SE in ecus.

Moreover, there was a majority in favour on the issues relating to:

- eligibility to form an SE;
- protection of minority shareholders and non-discrimination as compared with public limited-liability companies.

At the close of the discussion, the Council instructed the Permanent Representatives Committee to continue to work on the issues which were still unresolved.

ABOLITION OF BORDER CONTROLS

After hearing a statement by the Commission on progress with regard to the abolition of border controls, the Council agreed to return to this point at its December meeting.

OTHER DECISIONS RELATING TO THE INTERNAL MARKET

Third direct life assurance Directive

The Council definitively adopted the third Directive on the co-ordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC. It should be noted that the Council adopted its common position on that Directive on 29 June 1992 and the European Parliament gave its Opinion on a second reading on 28 October 1992.

The purpose of the Directive is to supplement the two Directives already adopted on life assurance and, in tandem with the draft third non-life insurance Directive, to introduce the following principles:

- co-ordination of the essential rules on prudential and financial supervision;
- mutual recognition of the authorizations granted to insurance undertakings and of the prudential supervision systems of the different Member States;
- the grant of a single authorization valid throughout the Community and supervision of an undertaking's entire business by its home Member State.

Permissible sound level and exhaust system of motor vehicles

Following completion of the co-operation procedure with the European Parliament, the Council definitively adopted the Directive amending Directive 70/157/EEC on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles.

The Directive provides for a further reduction (the third since the adoption of the first Directive in 1970) of sound emissions from motor vehicles. The new limit values represent a reduction of at least 50% of the noise emitted by the various categories of vehicles. As a result of this Directive, which simultaneously takes into account aspects relating to safety, environmental protection and energy saving, the Community 's legislation on permissible sound levels will be among the world's strictest.

PROVISIONAL VERSION
COUNCIL RESOLUTION
on making the Single Market work

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, as amended by the Single European Act,

Having regard to the reports of the Commission to the Council and the European Parliament concerning the implementation of the White Paper on completion of the Single Market,

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 conclusions on the suppression of border controls, adopted by the Council on 14 May 1992,

Whereas the Single Market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty;

Whereas this Resolution is intended to promote further consideration of the practical steps to be taken in making the Single Market work ;

Whereas the Community shall develop and pursue actions leading to the strengthening of its economic and social cohesion;

Whereas the conclusions of the Lisbon European Council in June 1992 recognized that increased attention needs to be paid to ensuring that the single market would work fairly and effectively in the post 1992 era;

Whereas the same European Council invited relevant institutions to take the necessary steps, before 1 January 1993, to ensure this objective, building on the work already undertaken by the Commission and the Council in this area;

Whereas the provisions of the Treaty should be implemented in a timely manner;

Whereas the mechanisms for enforcement of individual EC measures and redress mechanisms should take into account the specific needs of each sector;

Whereas it is desirable that enforcement officials and agencies in Member States communicate directly with each other on matters of mutual interest and concern, and recognizing that the exchange programme for enforcement officials will assist in this process;

Whereas there is an urgent need to strengthen the trans-national telematic and other communication and information networks consequent upon the abolition of border controls and to analyse the need for the creation of additional trans-national telematic networks to ensure the effective enforcement of Single Market legislation;

Whereas consumers and economic operators need to be assured that they can benefit fully and fairly from the Single Market, that problems are speedily resolved, and that an effective and coherent response, on the basis of agreed criteria, can be obtained by those entitled to it;

Whereas problems which arise which prevent the smooth operation of Single Market measures need to be dealt with swiftly and effectively;

Whereas in applying Single Market legislation, account should be taken of the need to avoid undue burdens on enforcement authorities and agencies in Member States;

1. Underlines its determination that the Single Market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty,
2. Underlines its determination that the Single Market shall work effectively to the benefit of all Community citizens, ensuring that the four freedoms are fulfilled, thereby benefiting consumers through a greater choice of high quality goods and services and improving the competitiveness of EC enterprises, including small and medium-sized enterprises,
3. Welcomes the initiative of the Commission in setting up a High Level Group under the Chairmanship of Mr Peter Sutherland to report on the operation of the Single Market, and the Commission's intention to inform the Council and the European Parliament of its response to the recommendations of this Group in time for the Edinburgh European Council, and undertakes to examine speedily the Commission's communication on this Report,
4. Stresses that for the benefits of the Single Market to be realised, it is essential that Member States fully transpose and enforce Single Market measures in a clear, accurate and timely manner,
5. Underlines the importance of enhancing the close partnership between Member States, and between Member States and the Commission, and the need to work together in a spirit of mutual respect and co-operation to fulfil all Single Market obligations,

INVITES THE COMMISSION

6. To exercise the powers of implementation conferred on it and to submit any further proposals necessary to ensure the completion of the Single Market,
7. To propose by the end of January 1993 any practical arrangements to help ensure the smooth running of the Single Market, and to take, if appropriate, by the end of March 1993, any initiatives to this end,
8. To produce an annual report on the operation of the Single Market for the Council and the European Parliament, commenting on both progress made and difficulties encountered, with a view to evaluating the functioning of the Single Market,
9. To continue to provide regular reports to the Council on Member States' implementation, until all measures have been fully implemented in all Member States in which they apply, and to ensure that, where supplementary rules and definitions are required at Community level in order to transpose EC measures, these are produced in good time,
10. In the course of 1996, to provide an overall analysis of the effectiveness of measures taken in creating the Single Market, taking particular account of their impact on the aims of promoting throughout the Community a harmonious and balanced development of economic activities, sustainable and non-inflationary growth respecting the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion, and solidarity among Member States. This analysis could, in addition, consider the impact on improving the competitiveness of European business in world markets,
11. In accordance with its offer made at the Birmingham European Council to consult wherever possible more widely before proposing new legislation for the Single market, which could include consultation with all the Member States and more systematic use of consultation documents (Green Papers),
12. To keep under close examination the enforcement of all Single Market legislation, in order to ensure balanced progress in all the sectors concerned. In this context, attention should be paid to those fields in which there are particular difficulties,

INVITES MEMBER STATES AND THE COMMISSION

13. To continue to support regular contact and co-operation between national officials, and between national officials and those in the Commission who are responsible for policy on specific aspects of Single Market legislation, to help ensure understanding and enforcement of legislation,
14. To consider, in the light of the removal of frontier controls as foreseen by Article 8a of the Treaty, the need for strengthened cooperation to solve any practical problems which may arise,
15. To encourage and facilitate effective communication and good co-operation between Member States and also with the Commission with a view to clarifying issues and resolving practical problems in the practical operation of the Single Market, thereby benefiting both administrations and economic operators, without prejudice to the responsibilities of the Commission notably in pursuing breaches of Community law and their resolution,
16. To help accelerate the formulation of European standards and, where necessary, to encourage mutual recognition agreements between private testing laboratories and certification and accreditation bodies in the Community, within the framework provided by the European Organisation for Testing and Certification, to help remove barriers to the free movement of goods,
17. To increase the clarity, comprehensibility and consistency of existing and new EC legislation by more consolidation and codification, in order to make information more accessible to consumers and to economic operators,
18. To ensure the provision to consumers and economic operators of information about existing and proposed Single Market measures, including making widely available information about national transposition of such measures, their enforcement and redress,
19. To encourage business groupings and consumer bodies to improve cross-border co-operation and to help in identifying areas of difficulty in the working of Single Market,

UNDERTAKES

20. To consider as a matter of priority the appropriate initiatives which the Commission may decide to take with the aim of ensuring the smooth running of the Single market, including, inter alia, the Commission's expected communication on the Sutherland report, and to take stock in the first half of 1993 of progress made in following up this Resolution,
21. To discuss annually the working of the internal market, considering closely and constructively any problem areas which prevent the effective operation of the Single Market,
22. To consider carefully, where barriers are identified which effectively prevent the operation of the Single Market, the best means of removing them, and to ensure that any action at the Community level is proper and necessary,
23. When considering Commission proposals, including those arising from agreed reviews of existing legislation, to consider carefully how to ensure the clarity, comprehensibility and consistency of Community legislation,
24. To work in partnership with all Community institutions and Member States to ensure the Single Market works effectively, and to act speedily if new barriers are found which could jeopardise its operation.

COUNCIL OF THE EUROPEAN COMMUNITIES

1615th meeting of the Council

- Cultural Affairs

Brussels, 12 November 1992

The official press release was unavailable. A summary of the meeting has been reproduced from the Bulletin of the European Communities, No. 11-1992.

1615th meeting

1.7.5. Cultural affairs (Brussels, 12 November).

- Previous meeting:** Bull. EC 5-1992, point 1.5.7

President: Mr Key, UK Parliamentary Under-Secretary of State for National Heritage.

Commission: Mr Dondelinger.

Main items

- Community cultural action: conclusions adopted (→ point 1.3.245).
- Procedure for the designation of European Cities of Culture: conclusions adopted (→ point 1.3.250).

Other business

- Campaign for raising public awareness of books and reading: report from the Committee on Cultural Affairs presented.
- Action plan for the introduction of advanced television services: Commission statement.
- International cultural cooperation: Commission statement.

Commission communication on new prospects for Community cultural action. They emphasized the need to establish ground rules for action without defining the precise scope of individual activities. Recognizing that Community cultural action should respect national and regional diversity and at the same time bring the common cultural heritage to the fore, they advocated a coherent approach in order to promote cultural activities with a European dimension in all the Member States and encourage cooperation.

The Council and the Ministers defined the scope of Community cultural action and examined the cultural aspects of action under different Treaty provisions. It was agreed that the Ministers for Culture should regularly consider the issues affecting culture under examination in other Councils. Consideration was also given to the subject of cultural cooperation with non-member countries both in Europe and outside, including the signatories to the Lomé Convention and the Latin American, Mediterranean and Asian countries which have already concluded general agreements with the Community. The Council and the Ministers invited the Commission to prepare proposals for planned and structured programmes of action. They took note of progress on the Media programme, the European campaign for promoting books and reading, the development of business sponsorship of the arts, the introduction of networking, the discussion on the possible coordination of archives policy and practice, and Community support for translation, especially translations from European languages which are less frequently used.

The Council and the Ministers for Culture also asked the Commission to produce communications or discussion papers on:

- cultural heritage (both fixed and movable);
- Community policies with a cultural impact;
- cultural cooperation with third countries and international forums;
- strengthening the dialogue on cultural matters with public authorities and professional interests;
- development and exchange in the area of artistic and literary creation.

OJ C 336, 19.12.1992

New prospects for Community cultural action

1.3.245. Conclusions of the Council and the Ministers for Culture meeting within the Council on guidelines for Community cultural action.

References:

Commission communication to the Council, Parliament and the Economic and Social Committee on new prospects for Community cultural action: COM(92) 149; Bull. EC 4-1992, point 1.3.186

Economic and Social Committee opinion: Bull. EC 10-1992, point 1.3.186

Adopted on 12 November. The Council and the Ministers for Culture noted with interest the

European Cities of Culture

1.3.250. Conclusions of the Ministers for Culture meeting within the Council on the procedure for the designation of European Cities of Culture.

□ **References:**

Resolution of the Ministers responsible for cultural affairs, meeting within the Council, of

Bull. EC 11-1992

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13 June 1985, concerning the annual event 'European City of Culture': OJ C 153, 22.6.1985; Bull. EC 5-1985, point 2.1.61

Conclusions of the Ministers for Culture meeting within the Council of 18 May 1990 on future eligibility for the 'European City of Culture': OJ C 162, 3.7.1990; Bull. EC 5-1990, point 1.2.233

Conclusions of the Ministers for Culture, meeting within the Council, concerning the designation of European Cities of Culture after 1996: OJ C 151, 16.6.1992; Bull. EC 5-1992, point 1.1.202

Adopted on 12 November. The Ministers for Culture meeting within the Council felt the need for a more precise procedure for designating European Cities of Culture to complement their resolution of 13 June 1985 and their con-

clusions of 18 May 1990 and 18 May 1992, bearing in mind that the event is open not only to cities in the Community but also to cities in other European countries which apply the principles of democracy, pluralism, the rule of law and respect for human rights.

The following timetable will be used for designating European Cities of Culture: the cities for 1998 and 1999 will be designated in 1993, designations for 2000 and 2001 will be made in 1995, and the procedure will be repeated every two years thereafter. The Ministers for Culture will be responsible for setting the deadline for submission of applications, examining the accompanying dossiers and establishing the selection criteria.

PRESS RELEASE

9926/92 (Press 207)

1616th meeting of the Council
and the Ministers for
HEALTH
meeting within the Council
Brussels, 13 November 1992

President: Ms Virginia BOTTOMLEY,
Secretary of State for
Health of the
United Kingdom

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

Belgium:

Ms Laurette ONKELINX

Minister for Public Health,
Environment and Social
Integration

Denmark:

Ms Ester LARSEN
Mr Jørgen VARDER

Minister for Health
State Secretary for Health

Germany:

Ms Sabine BERGMANN-POHL

Parliamentary State Secretary
to the Federal Minister for
Health

Greece:

Mr Georges SOURLAS

Minister for Health

Spain:

Mr José Antonio GRIÑAN MARTINEZ

Minister for Health and
Consumer Affairs

France:

Mr Bernard KOUCHNER

Minister for Health and
Humanitarian Measures

Ireland:

Mr Chris FLOOD

Minister of State at the
Department of Health

Italy:

Mr Francesco DE LORENZO

Minister for Health

Luxembourg:

Mr Johny LAHURE

Minister for Health

Netherlands:

Mr H.J. SIMONS

State Secretary for Welfare,
Health and Cultural Affairs

Portugal:

Mr Arlindo DE CARVALHO

Minister for Health

United Kingdom:

Ms Virginia BOTTOMLEY

Secretary of State for Health

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Commission:

Mrs Vasso PAPANDEOU

Member

FUTURE ACTION IN THE FIELD OF PUBLIC HEALTH

The Council and the Ministers for Health held a policy debate on future action by the Community and the Member States in the field of public health.

The discussion was based on the working document submitted by the Commission on 20 October 1992 and a note drafted by the Presidency to structure the Council's discussions around certain key issues.

Concluding the discussion, the President drew the following conclusions:

"The Health Council welcomed the Commission Working Document "Public Health" as a good basis for discussion of a future framework. It raises important questions and suggests a number of courses for future Community action by the Council and the Commission.

The Council agreed that it was important to give detailed consideration to the major issues involved, including those identified under previous Presidencies, and that it would wish to discuss the matter again at its next meeting in May 1993. It welcomed Denmark's intention to make progress on this under the Danish presidency and the priority it attaches to this work.

We also invited the Commission to pursue in parallel some of the actions suggested in the Working Document in consultation with Member States and in liaison with future Presidencies.

After a full discussion there was widespread support for the need for greater continuity and coherence in our future work and for setting priorities over a number of years. It was also argued that in view of the constraints on Community resources in this field it would be necessary to develop criteria for identifying priorities.

The Council also recognized the need for closer co-operation between the European Communities and the international health organizations in Europe.

The Council was of the view that on-going work in the public health field should continue subject to proper evaluation on the basis of full reports submitted by the Commission. A new Framework should, however, seek to achieve a proper balance between vertical and horizontal programmes having particular regard to the Community added value each could produce. Any framework should not however be too rigid.

We agreed that we would wish to consider further how a Framework might take into account policies and programmes submitted to other

Councils such as research, the environment and free movement of goods, services and persons and how we might best influence discussions of their content. We welcomed the proposal in the Commission's working document to undertake a comprehensive survey of health-related aspects of existing Community policies."

MONITORING AND SURVEILLANCE OF COMMUNICABLE DISEASES

The Council and the Ministers for Health meeting within the Council adopted the following Resolution on the monitoring and surveillance of communicable diseases:

"THE COUNCIL AND THE MINISTERS FOR HEALTH OF THE MEMBER STATES MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the relevant measures already adopted by the Community, for example in respect of water quality,

Having regard to the current activities organized or funded by the Community and the World Health Organization to foster exchanges of information and links between health institutions in Member States,

NOTING the Declaration of the European Council held in Birmingham on 16 October 1992;

WHEREAS outbreaks of communicable disease have serious economic and social consequences for individuals and the Member States;

WHEREAS the mobility of people and the increasing trade in food, particularly as a result of the development of the internal market, increase the importance of more comparable and more assessable data and of timely exchanges of information collected by the Member States in order to monitor outbreaks of communicable disease;

WHEREAS better information could lead to quicker action to reduce the number of cases associated with an outbreak of disease and therefore the resources required to contain the outbreak; whereas particular attention should be paid, in this context, to early warning systems;

RECALLING their Decisions establishing a programme of co-operative action for the prevention and control and AIDS and their Recommendation establishing co-operation between toxicology centres within the Community;

RECOGNIZING the value of the co-operative exchanges between the health institutions in the Member States which take place within the Community's action programme to combat the non-communicable diseases of cancer;

RECOGNIZING that the arrangements for, and establishment of, systems

within the Member States for identifying, monitoring and controlling outbreaks of communicable disease are the responsibility of the Member States;

RECOGNIZING that any new arrangements for improving co-operation between the Member States should make best use of the available resources and avoid duplicating existing arrangements and only be introduced in areas of communicable disease in which co-operation is of the greatest added value, particularly with regard to action undertaken by the Community;

RECOGNIZING that arrangements for greater co-operation in the area of communicable disease between Member States with the assistance of the Commission could provide a useful example of co-operation in other health-care sectors for combating serious and widespread diseases,

INVITE the Commission:

- (1) To consider, particularly in relation to the development of the internal market and the movement of people between the Member States, the existing arrangements which provide for co-operation between the Member States in the field of monitoring and control of communicable diseases, including food-borne diseases, together with such arrangements established by the World Health Organization.
- (2) In the light of this work to produce thereafter a brief report to the Council by 31 December 1993 examining the following:
 - the desirability of improving, within the Community, the coverage and effectiveness of existing networks between Member States (including data-processing networks) and also the desirability of maintaining, establishing or strengthening co-ordination between them for monitoring outbreaks of communicable diseases, where such action could add to the value of existing measures;
 - the desirability of agreeing guidelines for the Member States on ways in which data collected by them could be made more useful, more timely and more comparable, and also more compatible;
 - the value of collecting data from the Member States on a limited number of rare and serious diseases which require large samples for epidemiological study;
 - the need for better utilization of relevant findings of research programmes and better integration of pilot projects undertaken by the Community and the Member States on communicable disease;
 - the resources including, where necessary, additional costs arising from the specific situations of Member States, needed to implement any proposals, the benefits which may be expected and the use of pilot projects before proposals are implemented;
 - possibly, suitable proposals to be given priority in the light, inter alia, of their estimated cost-effectiveness;
 - the value of regular reviews of this kind in the future and their frequency.

- (3) For the purpose of assisting them in preparing their report, to consult experts drawn from and nominated by the Member States with experience in the management of existing intergovernmental networks on communicable diseases."

HEALTH EDUCATION

The Council and the Ministers for Health meeting within the Council adopted the following conclusions concerning health education:

"THE COUNCIL AND THE MINSTERS OF HEALTH MEETING WITHIN THE COUNCIL,

Having regard to the Treaties establishing the European Communities;

Having regard to the Resolution of the Council and of the Ministers of Education meeting within the Council of 23 November 1988 concerning health education in schools ⁽¹⁾;

Having regard to various resolutions, conclusions and decisions of the Council and the Ministers of Health meeting within the Council concerning health education particularly in schools, including: Decision 90/238/Euratom, ECSC, EEC of the Council and the representatives of the Governments of the Member States meeting within the Council of 17 May 1990 adopting a 1990 to 1994 action plan in the context of the "Europe against Cancer" programme ⁽²⁾; Decision 91/317/EEC of the Council and the Ministers for Health of the Member States meeting within the Council of 4 June 1991 adopting a plan of action in the framework of the 1991 to 1993 "Europe against AIDS" programme ⁽³⁾; the Resolution of the Council and the representatives of the Governments of the Member States meeting within the Council of 31 December 1990 on Community action to combat the use of drugs including the abuse of medicinal products, particularly in sport ⁽⁴⁾; the Resolution of the Council and the representatives of the Governments of the Member States meeting within the Council of 31 December 1990 concerning an action programme on nutrition and health ⁽⁵⁾;

HAVING considered the communication from the Commission to the Council of Education Ministers on the implementation of the Resolution of the Council and the Ministers of Health meeting within the Council of 23 November 1988 concerning health education in schools;

CONSIDERING that many illnesses and deaths are related to people's lifestyles and behaviour;

CONSIDERING that school is a vital setting for systematically developing a healthy lifestyle at an early age and presenting consistent messages on health education that will enable sickness and accidents to be reduced;

(1) OJ No L 3, 5. 1.1989, p. 1.

(2) OJ No L 137, 30. 5.1990, p. 31.

(3) OJ No L 175, 4. 7.1991, p. 26.

(4) OJ No C 329, 31.12.1990, p. 4.

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

CONSIDERING that there are a variety of other settings in which health education also has a central role, including local communities, homes, hospitals and workplaces and that it is important that health messages in all such settings should reinforce each other and ensure effective health education, appropriately targeted at specific groups at all ages;

CONSIDERING that in planning and developing stronger co-operation between Member States at the Community level and with international organizations over health education it is important that good practice and possible models for better health education should be identified and disseminated in all settings;

CONSIDERING that institutions and people involved in health care, for example school doctors and nurses, can make an important contribution to the promotion of health education in schools;

WELCOME the Commission's communication and endorse the value of this initiative in strengthening co-operation between Member States in developing more effective health education;

INVITE the Commission to consider the opportunities for adopting any or all of the recommendations in its communication as models for the development of co-operation over health education in other settings, targeted effectively at specific groups at all ages;

EMPHASIZE the importance of close co-operation between health and education authorities and CONSIDER IT DESIRABLE that the most effective use be made of existing professional expertise in public health in Member States

- in planning effective health education in schools which reinforces and is reinforced by health education in other settings, and
- in explaining to children and young people the importance of a healthy lifestyle."

DRUGS

Drug demand reduction

The Council and the Ministers for Health meeting within the Council adopted the following conclusions on the second report on drug demand reduction in the European Community:

"THE COUNCIL AND THE MINISTERS FOR HEALTH MEETING WITH THE COUNCIL,

NOTE the second report on drug demand reduction prepared by the Commission; they feel that the report, which also contains statistics, provides a valuable overview of activities at both Member State and Community level;

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Recognize the need for further consideration of the priorities for Community action in drug demand reduction in the light of the development of future health policies provided that such action adds value to the activities of the Member States; they also TAKE NOTE of current work on implementation and possible revision of the European plan to combat drugs;

NOTE in particular the value of Community action in assisting the dissemination of experience in the implementation and evaluation of demand reduction programmes; as a practical example of this type of activity they NOTE that European Drug Prevention Week, to be held from 16 to 22 November 1992, will provide the basis for an exchange of experience on prevention activities; they ASK the Commission to report back on evaluation and the lessons which can be learnt from this Week;

NOTE that in the coming years, in view of the tasks which it is planned to entrust to the future European Drugs Monitoring Centre, additional statistical and related material should be available which will be highly relevant to drug demand reduction;

ASK for future Commission work to take account of this material, ensuring that there is no duplication of activities; they SUGGEST that before producing future reports the Commission should review the developments in this area and consider the most appropriate form for presenting pertinent information on drug demand reduction in the light of future developments at Community level in the field of public health."

European Drug Prevention Week

The Ministers took part in the launch of European Drug Prevention Week (16 to 22 November 1992) on which the Council and the Ministers had adopted a declaration at their meeting on 15 May 1992 (see Press Release 6427/92 Presse 80).

The aim of this European Week, the principle of which was approved by the Maastricht European Council, is to stress the vital importance of preventing drug addiction in reducing drug demand as much as possible, particularly among young people. During the week, a large number of events stressing the prevention of drug addiction and directed particularly at young people will take place in the twelve Member States.

ANTI-SMOKING CAMPAIGN

(1) Advertising of tobacco products

The Council took of a progress report and held a further exchange of views on the proposal for a Directive on the advertising of tobacco products.

Since delegations' positions had not changed since the Council last discussed the subject, the Council instructed the Permanent Representatives Committee to continue work on seeking a formula that might pave the way for a solution and to report back to the Council for its next meeting.

(2) Reducing smoking

On the basis of a memorandum submitted by the Presidency, the Council and the Ministers for Health also held a further discussion on ways of reducing smoking in the Community. At the close of the discussion, the Presidency drew the following conclusions:

"Health Ministers reconfirmed their strong commitment to the lowering of the level of smoking in the Community. They emphasized the particular importance of discouraging young people from starting to smoke.

The Health Council welcomed the Presidency memorandum which set the context for a wide-ranging debate on the smoking reduction in the Community, based on the commitment of all Member States to reduce smoking.

The Council noted that all Member States are taking action to reduce smoking in the light of national cultures and circumstances.

In discussing the relative effectiveness of different measures to reduce smoking, the Council noted that all Member States agreed that health education, price and controls on tobacco advertising were important and that work should continue on the proposed Directive on tobacco advertising with a view to finding solutions.

The Council noted the summary of proceedings of the Presidency seminar on "Reducing smoking through price and other means" and the Presidency's intention of sending the full proceedings to all Member States.

Finally, the Council also welcomed the Danish Health Minister's indication that she would wish to consider ways of taking forward the wider discussion of measures to reduce smoking."

"EUROPE AGAINST CANCER" PROGRAMME

Pending the formal report, the Council heard an oral report by the Commission on evaluation of the "Europe against cancer" programme.

BLOOD PRODUCTS

The Belgian, French and Netherlands Ministers expressed their concern, which was shared by other Ministers, regarding Community self-sufficiency in human blood and maintenance of the principle of voluntary unpaid blood donations with a view to the free movement of blood products as envisaged in Directive 89/381/EEC.

In view of the urgency of these concerns, the Presidency asked the Commission to examine them.

OTHER BUSINESS

The Council and the Ministers took note of:

- two notes from the Netherlands delegation of future co-operation between the Community and the regional office of the World Health Organization (WHO) and on organ transplants;
- a communication from the Netherlands delegation on the Ministerial Conference on malaria on 27 October 1992;
- information from the Commission on current work on questions relating to the price of medicines.

MISCELLANEOUS DECISIONS

Relations with the Mediterranean countries

The Council adopted two Regulations opening and providing for the administration of Community tariff quotas for Mediterranean partner countries (1.11.1992 - 31.10.1993) for:

- melons originating in Israel
- cut flowers and flower buds, fresh, originating in Cyprus, Israel, Jordan or Morocco.

1992 International Sugar Agreement

The Council adopted the Decision on the signing and conclusion of the International Sugar Agreement, 1992. This Agreement was negotiated in Geneva in March 1992 under the auspices of the United Nations and is open for signature until 31 December 1992.

Appointments at the General Secretariat of the Council

The Council appointed:

- Mr François DUHOUX, as a grade A1 official ad personam - Deputy Director-General - at the General Secretariat of the Council, as from 1 July 1992;
 - Mr Joseph LENTZ as a grade A1 official ad personam - Deputy Director-General - at the General Secretariat of the Council, as from 1 January 1993.
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PRESS RELEASE

10082/92 (Presse 210)

1617th Council meeting

AGRICULTURE

Brussels, 16 and 17 November 1992

President: Mr John GUMMER
Minister for Agriculture,
Fisheries and Food of
the United Kingdom

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

Belgium:

Mr André BOURGEOIS

Minister for Agriculture

Denmark:

Mr Laurits TOERNAES

Minister for Agriculture

Mr Nils BERNSTEIN

State Secretary for Agriculture

Germany:

Mr Ignaz KIECHLE

Federal Minister for Food,
Agriculture and Forestry

Mr Walter KITTEL

State Secretary, Federal Ministry of
Food, Agriculture and Forestry

Greece:

Mr Sotirios HATZIGAKIS

Minister for Agriculture

Spain:

Mr Pedro SOLBES MIRA

Minister for Agriculture

France:

Mr Jean-Pierre SOISSON

Minister for Agriculture

Ireland:

Mr Joe WALSH

Minister for Agriculture and Food

Italy:

Mr Giovanni FONTANA

Minister for Agriculture

Luxembourg:

Mr René STEICHEN

Minister for Agriculture and
Viticulture

Netherlands:

Mr Piet BUKMAN

Minister for Agriculture, Nature
Conservation and Fisheries

Portugal:

Mr Arlindo CUNHA

Minister for Agriculture

United Kingdom:

Mr John GUMMER

Minister for Agriculture, Fisheries
and Food

Mr David CURRY

Minister of State, Ministry of
Agriculture, Fisheries and Food

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Commission:

Mr Ray MAC SHARRY

Member

ADJUSTMENT OF THE AGRI-MONETARY SYSTEM

Pending the European Parliament's Opinion, the Council re-examined this issue, which relates to adapting the agri-monetary system following the abolition of border controls from 1.1.1993, in the run-up to the single market.

Although a majority of delegations did not question the need to abolish MCAs from 1 January 1993, there were still difficulties with some points of the proposal.

During the discussion the Council focused its full attention on one of the main problems, namely whether to abandon or retain the switch-over system. It examined two options:

- retaining switch-over for a specific period with subsequent transition to a system like that proposed by the Commission;
- or retaining switch-over with a future review of the situation in the agri-monetary sector.

At the end of its proceedings the Council recorded that the positions reached that day required more detailed examination. It accordingly charged the SCA with that work, with a view to enabling the Council to conclude its proceedings at its December meeting.

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Acting on a proposal from the Commission, the Council decided to reduce the monetary gap for the green pound, which had led to an 8-point decrease in the present MCAs.

That realignment of the British green rate represents a 7,5% increase in agricultural institutional prices in national currency.

GATT-Agriculture

On the basis of an introductory exposé by Mr MAC SHARRY, Member of the Commission, the Council held a detailed discussion on current progress in the Uruguay Round negotiations, including the problems in the oilseed sector.

During the discussion delegations were anxious to draw attention to the main points to which a positive solution should be found in those negotiations.

At the end of the discussion the President noted the will to make every endeavour to reach a globally satisfactory result in line with the conclusions of the Birmingham European Council.

In reply to a number of questions, Mr MAC SHARRY stated that, in accordance with the undertaking given at the General Affairs Council meeting on 9 November 1992, the Commission would be reporting in good time on the compatibility of the result of the negotiations with the reform of the CAP, and confirmed that the negotiations he was conducting fell within the framework of that reform.

FUTURE ARRANGEMENTS IN THE BANANA SECTOR

The Council carried out a further examination of the political and technical aspects of the Commission proposal on the introduction of a common organization of the market in bananas, confirming that there were divergent positions on the proposal.

With a view to the 1 January 1993 deadline, the Council instructed the SCA to continue its work on the matter and to report to it at its next meeting, in December 1992.

CONSOLIDATION AND SIMPLIFICATION OF THE MILK QUOTA SCHEME

The above Commission proposal had been submitted in the context of the reform of the CAP with a view in particular to simplifying the milk quota system and consolidating the various texts on the matter.

Detailed technical work on the issue had been carried out since, and significant progress had been made. There nevertheless remained three main issues which were submitted to the Council at the current meeting, namely:

- the mechanism for collecting the additional levy (single form or retention of the present forms A and B);
- the leasing of unused quotas (optional or compulsory scheme for Member States);
- the transfer of quotas (greater flexibility or not as regards the link with the land).

At the end of its discussion the Council instructed the SCA to continue its work with a view to reaching agreement as soon as possible.

APPLICATION OF THE MILK QUOTA SYSTEM IN ITALY

The Council heard a statement by Mr FONTANA, Minister for Agriculture, informing it of the final adoption by the Italian Parliament of the law adopting urgent measures in the milk sector which adapted the Italian quota system to Community rules, and of a first programme to reduce milk production which, as at 30 September 1992, covered 345 000 tonnes.

Mr MAC SHARRY, Member of the Commission, joined the Italian Government in welcoming the measures adopted and confirmed that the Commission was monitoring the introduction of the new system in close contact with the Italian authorities. He stated that, on the basis of developments, the Commission might be in a position to submit a proposal to the Council in the near future.

In conclusion the Council agreed to return to the matter at its next meeting, in December 1992.

ADJUSTMENT OF THE COMMON ORGANIZATION OF THE MARKET IN BEEF AND VEAL

Pending the European Parliament's Opinion, the Council continued examining the above proposal, which follows on from the commitments entered into by the Commission when the reform of the CAP was adopted in June 1992.

The principle of the Commission proposal, covering three aspects, was welcomed by several delegations, but it is still subject to reservations on the part of some others.

During the meeting the Council paid particular attention to the element of the proposal aimed at extending eligibility for the suckler-cow premium to producers whose milk production reference quantity is between 60 000 kg and 120 000 kg and especially to the detailed procedures for allocating premiums to those producers and for control; delegations made various proposals regarding those detailed procedures.

The other two aspects of the proposal, viz. the deseasonalization premium and the definition of suckler cows in the new German Länder, were also discussed.

At the end of its discussion the Council instructed the SCA to seek solutions to the problems in question.

TRANSPORT OF CERTAIN FRESH FRUIT AND VEGETABLES FROM GREECE

Pending the European Parliament's Opinion, the Council reached a favourable position on the proposal providing for continuing the special aid granted for the transport of certain fresh fruit and vegetables from Greece for 1991, to offset the consequences of the situation in the former Yugoslavia.

The proposal provides for granting the operators concerned a temporary special allowance in 1992 and 1993 for as long as the conflict in the territories of the former Yugoslavia is such as to preclude normal use of traditional road and rail routes across those territories.

The Council will adopt the Regulation following the European Parliament's Opinion.

INTEGRATED ADMINISTRATION AND CONTROL SYSTEM

On the basis of a compromise text, the Council approved by a qualified majority the Regulation aimed at establishing a common framework for the introduction in each Member State of an integrated administration and control system.

Such a system proved necessary following the reform of the CAP, which introduced a mechanism of compensatory aid linked to the area under crops or the number of animals held per farmer. It is directed in particular at setting up a computerized database enabling farms, their parcels and their eligible animals to be listed. This new approach should therefore be a harmonized, efficient control system.

IDENTIFICATION AND REGISTRATION OF ANIMALS

After noting that the European Parliament had not yet been able to deliver its Opinion, the Council decided to defer examination of the item relating to the identification and registration of animals until a forthcoming meeting.

It instructed the Permanent Representatives Committee to prepare for its final discussions in the meantime.

OTHER DECISIONS IN THE AGRICULTURAL SECTOR

The Council adopted a Decision authorizing the Commission to participate in the preparatory work for the Protocol extending the Agreement on Olive Oil and Table Olives and in the Conference within the UNCED scheduled for early 1993 in Geneva, which will take the decision on the adoption of that Protocol.

The Council adopted the Regulation amending Regulation (EEC) No 234/68 on the common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage. The purpose is to include chicory plants and roots in the common organization of the market in this sector.

Organisms harmful to plants or plant products

The Council adopted the Directive amending Annex V to Directive 77/93/EEC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

This amending Directive supplements the plant-health rules introduced by Directive 91/683/EEC of 19 December 1991.

Hops

The Council adopted Regulations amending Regulations (EEC) Nos:

- 1981/82 drawing up the list of Community regions in which production aid for hops is granted only to recognized producer groups. The amendment involves supplementing the list in question by adding 3 German regions, viz. "Sachsen, Sachsen-Anhalt and Thüringen";
- 2997/87 laying down, in respect of hops, the amount of aid to producers for the 1986 harvest and providing for special measures for certain regions of production. This amendment, which concerns the conversion plan scheme provided for in the said Regulation, became necessary as a result of German unification and of practical problems experienced by some Member States (United Kingdom and Portugal in particular) in implementing conversion measures.

The Council also adopted the Regulation laying down the amount of aid to producers for the 1991 harvest. That aid is ECU 340/ha for all varieties (aromatic, bitter and other).

MISCELLANEOUS DECISIONS

Relations with Morocco

As the European Parliament had delivered its Opinion at its sitting on 28 October 1992, the Council adopted the Decision concerning the conclusion of the 4th Protocol on financial and technical co-operation between the EEC and the Kingdom of Morocco.

It should be pointed out that the Protocol covers the period up to 31 October 1996 and relates to an aggregate amount of ECU 438 million, made up of:

- ECU 220 million in the form of EIB loans from its own resources;
- ECU 193 million from the Community's budgetary resources, in the form of grants;
- ECU 25 million from the Community's budgetary resources, in the form of contributions to risk capital formation.

Relations with Syria

As the European Parliament had given its assent at its sitting on 28 October, the Council adopted the Decision on the conclusion of the 3rd Protocol on financial and technical co-operation between the EEC and the Syrian Arab Republic.

It should be pointed out that the Protocol covers an amount of ECU 146 million, made up of:

- ECU 110 million in the form of EIB loans from its own resources;
- ECU 34 million from the Community's budgetary resources, in the form of grants;
- ECU 2 million from the EEC's budgetary resources, in the form of contributions to risk capital formation;
- part of the grants will be made in the form of a 2% interest-rate subsidy on EIB loans, with the exception of those concerning the oil sector.

PHARE programme - Council conclusions

1. The Council reviewed the experience of the Community's PHARE programme of economic assistance to the countries of Central and Eastern Europe, with a view to its future evolution. It noted that the PHARE programme is an essential element in the wider political framework of the Community's efforts to reinforce the consolidation, through the negotiation of new Trade and Co-operation and Association Agreements, technical, financial and humanitarian assistance and the Community's participation in the G-24 process.

2. The Council emphasized the important role played in the PHARE programme to date in developing the Community's relations with the countries of Central and Eastern Europe. By the end of 1992 the PHARE programme will have committed ECU 2,250 million in financial assistance. The Council welcomed the significant contribution PHARE has made in assisting the process of economic and social reform and the development of the private sector, as well as in providing a rapid and effective Community response to short-term humanitarian emergencies. The Council encouraged the Commission to continue to evaluate the experience of the PHARE programme to date. In particular, it invited the Commission to devote part of its annual report on the PHARE programme in 1992 to this purpose.

3. The Council confirmed its commitment to the provision of adequate funding in accordance with the applicable financial perspective and established budgetary procedures. Within that context the PHARE programme will increasingly adopt a multiannual programming approach. Without instituting a multiannual commitment, this should permit PHARE to continue to play a central role into the medium term in supporting the further political and economic restructuring of the countries of the region and the strengthening of civic society, and in preparing the Associates among them for the Community membership which they seek. It emphasized that this support should respond flexibly to the differing levels of economic development, stages of structural adjustment and progress with reform reached in each of the beneficiary countries. In this context the Council noted that a multiannual programming approach will permit a more effective integration of PHARE assistance into the medium-term economic programme of the beneficiary. For countries at a mature stage of reform, this would be through a policy dialogue to determine priorities and to agree appropriate contributions from the PHARE programme to key components of the beneficiaries' economic programme, subject to the achievement of specific reforms. For the other countries provision of support in appropriate forms to programmes in

specific sectors would continue. The Council noted that the principle of concentration would continue to apply to ensure effective use of funds.

4. The Council noted that PHARE's purpose in support of political reform and economic restructuring could not be satisfactorily achieved where the reform process in a PHARE recipient country faltered seriously. It therefore encouraged the Commission to take into account, when judging the level and intensity of assistance provided to each country, the extent and progress of that country's reform effort, and to offer an assessment in the annual report made to the Council and the European Parliament.
5. To provide a basis for policy dialogue and design of assistance, the Council called on the Commission to develop further its economic and sectoral analysis of the reform process and its appraisal of related assistance programmes. This is based on the definition in advance of programme objectives, policy targets and appropriate arrangements for implementation, monitoring and ex-post evaluation. Within the limits necessary for the maintenance of this aid quality and the capacity of recipient institutions, the Council encouraged the Commission to seek ways, in the context of future multiannual programming, of streamlining implementation procedures to increase decentralization, including the strengthening of institutional capacity of ministries in partner States. It called upon the Commission to ensure that the implementation procedures, while remaining consistent with these requirements and with the need for transparency, do not impose undue constraints on recipient governments.
6. The Council underlined the need to maintain close co-ordination between recipients and donors, in particular the International Financial Institutions, in support of a single and coherent programme of reforms in each country. In this context the Council underlined the importance of the G-24 process in supporting reform in partner countries, and expressed appreciation for the role of the Commission as G-24 co-ordinator.
7. The Council also invited the Commission to pay particular attention to co-ordination between PHARE programmes and similar assistance programmes of Member States. It asked the Commission to examine the various ways in which co-financing between PHARE and Member States might be promoted.

8. The Council considered that the specific contribution of PHARE should continue to be the provision of economic assistance in the form of grants to finance measures central to the process of reform and economic restructuring. This assistance will continue to focus on the provision of technical co-operation and related equipment. In the light of the evolving needs of beneficiary countries, it may increasingly cover as required other forms of support to stimulate investment in key public sectors such as health or education and pilot housing schemes, and financing mechanisms or other measures to promote and mobilize productive investment. The last should be targeted to appropriate uses such as the development of small and medium-sized enterprises, actions in the context of regional reconversion, environmental improvement or agricultural restructuring. These actions should be channelled through pre-appraised intermediaries and should be accompanied by technical assistance. These intermediaries should inter alia help to ensure that any revolving funds created maintain their value and are re-utilized for similar purposes. The Council invited the Commission and the EIB to work out suitable operational arrangements with regard to financial mechanisms complementary to EIB loans in order to associate the Bank as appropriate in the development and support of productive investment within the framework of the rules, procedures and competences of the respective Community institutions. Full co-operation should be developed with the EBRD and as appropriate with other multilateral institutions such as the World Bank to ensure complementarity and maximize effectiveness in the use of funds.

The Commission will inform Council bodies of the modalities of co-operation which it will develop respectively with the EIB and the EBRD.

9. The Council recognized the positive impact of the PHARE programme in encouraging regional co-operation between the countries of Central and Eastern Europe. PHARE assistance may increasingly be directed to joint projects, in keeping with the priorities of beneficiary countries, in areas such as infrastructure policy development, environment and intra-regional trade promotion. The Council also noted the possibilities which exist for cross-border co-operation with Member States.

10. The Council stressed the particular importance of PHARE assistance in the field of nuclear safety. The Commission will pay special attention to the efficiency of its implementation in this area. Where regional co-operation with the ex-USSR is called for, including in the area of nuclear safety, the Council asked the Commission to ensure that PHARE and TACIS assistance are used in a concerted fashion.
11. Though not central to its vocation, PHARE may continue to provide humanitarian aid within clear limits, and only in particular circumstances where unforeseeable needs arise and for especially disadvantaged groups.
12. For countries in the early stages of restructuring and facing exceptional difficulties that could jeopardize social and economic stability, for which import support on loan terms is inappropriate, the provision of limited import supply programmes may be considered in the context of economic aid.
13. The Council underlined the importance it attaches to transparency on the part of the Commission in operating the programme. There should be a close and effective dialogue between the Commission and the representatives of the Member States in the management Committee on the development of the PHARE programme in the context of a multiannual planning framework. An annual review of the PHARE programme and its guidelines will be an essential instrument of evaluation. As well as consulting the Management Committee on the selection and design of programmes as outlined in paragraph 4 the Commission will also provide regular and timely information on its monitoring and ex-post evaluation of existing projects and operations including the rate of disbursement achieved. It will also inform the Committee of significant changes in organizational and operational procedures.
14. Where projects are to be implemented through private enterprises, their success will depend to a large extent on an optimal choice of contractor. A transparent and competitive basis for selection as provided for in the Financial Regulation applicable to the general budget and in the PHARE Regulation is essential for this. The Council welcomed the Commission's agreement to provide the Management Committee with six-monthly reports detailing the results of contract awards.

Relations with the EFTA countries

The Council approved, for the Community's part, the draft Decisions of the EEC-EFTA countries Joint Committees amending Protocol No 3 concerning the definition of the concept of "originating products" and methods of administrative co-operation.

The amendments in question relate to a relaxation of the rule of origin governing certain plastic constructional toys.

Research

The Council adopted Decisions:

- extending the status of "Kernkraftwerk Lingen GmbH" as a Joint Undertaking;
 - extending the conferment of advantages on the "Kernkraftwerk Lingen GmbH" and "Hochtemperatur-Kernkraftwerk GmbH" Joint Undertakings.
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COUNCIL OF THE EUROPEAN COMMUNITIES

1618th meeting of the Council

- Budget -

Brussels, 16 November 1992

The official press release was unavailable. A summary of the meeting has been reproduced from the Bulletin of the European Communities, No. 11-1992.

1618th meeting

1.7.8. Budget (Brussels, 16 November).

- Previous meeting:** Bull. EC 7/8-1992, point 1.7.5

President: Sir John Cope, UK Paymaster-General.

Commission: Mr Schmidhuber.

Main item

- 1993 budget procedure: second reading of draft general budget (→ point 1.6.2).

1993 financial year

1.6.2. Draft budget.

- Preliminary draft budget:** Bull. EC 5-1992, point 1.4.3
- First reading by the Council:** Bull. EC 7/8-1992, point 1.6.3
- First reading by Parliament:** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.6.2

Second reading by the Council (budgets) on 16 November. After the second reading of the draft budget for 1993, expenditure comes to a provisional ECU 65.863 billion for commitments and ECU 63.363 billion for payments. The rate of increase for non-compulsory expenditure compared with the 1992 budget is 3.91% for commitment appropriations and 5.47% for payment appropriations. To arrive at the rate of 3.91% for non-compulsory expenditure, the Council had to reduce expenditure on internal policies by 11.3% and expenditure on external policies by 2.6% compared with the 1992 budget.

The Council broadly confirmed the outcome of its first reading by refusing to take account of the expenditure proposed in the Delors II package and hoped that a complete budget, taking account of the need for real budgetary discipline, would be adopted in December in the light of the conclusions of the Edinburgh European Council and the appropriate specialized Council meetings.

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

10083/92 (Presse 211)

**1619th Council Meeting
DEVELOPMENT CO-OPERATION
Brussels, 18 November 1992**

**President : Baroness CHALKER,
Minister for Overseas Development
of the United Kingdom**

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

Belgium:

Mr Erik DERYCKE

State Secretary for Co-operation and Development

Denmark:

Mr Henrik WØHLK

State Secretary for Foreign Affairs

Germany:

Mr Hans-Peter REPNIK

Parliamentary State Secretary, Federal Ministry of Economic Co-operation

Greece:

Mr Georges PAPASTAMKOS

State Secretary for Foreign Affairs

Spain:

Mr Inocencio ARIAS

State Secretary for International Co-operation and Latin America

France:

Mr Marcel DEBARGE

Minister with special responsibility for Development co-operation

Ireland:

Mr Padraic McKernan

Ambassador, Permanent Representative

Italy:

Mr Federico DI ROBERTO

Ambassador, Permanent Representative

Luxemburg:

Mr Georges WOHLFART

State Secretary for Foreign Affairs and Co-operation

Netherlands:

Mr Jan PRONK

Minister for Development Co-operation

Portugal:

Mr José Manuel BRIOSA E GALA

State Secretary for Co-operation

United Kingdom:

Baroness CHALKER

Minister for Overseas Development

Mr Mark LENNOX-BOYD

Parliamentary Under-Secretary of State

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Commission:

Mr Manuel MARIN

Vice-President

EMERGENCY AID

Council discussions focused mostly on emergency situations in Africa, namely Mozambique, Angola and Somalia.

- On Mozambique, Ministers welcomed Italian proposals to hold a conference in December to review the short-term needs of Mozambique.
- On Angola, Ministers emphasized their concern about the outbreak of fighting following the holding of what were recognized to be free and fair elections, and called on all parties to consolidate the ceasefire agreement reached on 1 November.
- On Somalia, Ministers took stock of recent developments. They regretted the departure of Ambassador SAHNOUN, with whom many of them had had close contact, but pledged to do all they could to support his successor, Ismat KITTANI, in his efforts to bring about a peaceful solution in Somalia which would improve the security situation and strengthen the relief effort, in particular the swift implementation of the 100 day plan. They underlined the need for UN troops to be deployed quickly and for the closest possible co-ordination between the UN agencies.

In addition, the Council agreed to use funds still available for Somalia under the Lomé II and Lomé III Conventions for rehabilitation purposes in this country. In the absence of a National Authorising Officer, action will be carried out on the initiative of the EDF Chief Authorizing Officer. The Council recommended that this way of proceeding should be endorsed by the EC/ACP Council of Ministers.

- The Council also held a brief discussion about the mechanisms required to ensure the most effective deployment of the Community's emergency aid programmes to relieve the numerous humanitarian crises existing around the world. The Council recalled its Resolution of November 1991 and agreed to come back to this subject, after adequate preparation, at its next meeting.

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Baroness CHALKER, President of the Council, will discuss the emergency situations in Africa, in the light of today's Council conclusions, with the UN authorities during her visit to New York later this week.

UNTYING OF AID

The Council noted that it was not possible, at this stage, to make progress on this subject because of the differences between a majority of delegations who favour untying of aid at Community level and some delegations who are opposed to such an initiative. It noted that the Commission will take up this question again at the appropriate time.

FOLLOW-UP TO THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT- FINANCIAL ASPECTS

The Council reaffirmed the commitment of the European Community and its Member States to strengthen their assistance to developing countries in the field of sustainable development, and to increase their funding for Agenda 21 (the action programme agreed at Rio). This commitment amounts to 5 billion ECU, including new and additional resources for specific projects and programmes in key Agenda 21 sectors.

As an initial contribution to the early implementation of Agenda 21, the Council agreed that the Community and its Member States would seek to provide an initial tranche of 600 million ECU in the first year.

- CLEAN AND EFFICIENT ENERGY FOR DEVELOPMENT - COUNCIL CONCLUSIONS

1. The Council recalls its invitation to the Commission to put forward proposals for action to promote clean and efficient energy for development, and welcomes the Commission's communication. The Council stresses the importance which it attaches to progress in this area, particularly in the context of follow-up to the UN Conference on Environment and Development.
2. The Council believes that an essential objective of co-operation with all developing countries in the field of energy is to contribute to the promotion of sustainable energy production and consumption through the implementation of effective energy policies and the introduction of more efficient technologies in energy production, transmission and consumption.

Special attention will be paid to:

- the progressive substitution of high carbon intensity fossil fuels with lower CO₂ emission conventional fossil fuels, and the development of clean combustion techniques;
- the development of renewable energy resources.

In particular co-operation should seek to improve the capacity of developing countries to manage energy in a sustainable way. It should take into consideration the OECD/DAC "Guidelines for Aid Agencies on Global Environment Problems" concerning energy related climate change, as endorsed by OECD Ministers of Environment and Development Co-operation in December 1991.

3. The Council invites the Commission to implement action in the following areas:

Policy Harmonisation and Technical Assistance

- Strengthening of technical assistance to developing countries in the field of clean and efficient energy for development by strengthening existing co-operation instruments (Asia/Latin America, Mediterranean and Lomé programmes) within the overall existing financial allocations. Emphasis will be placed on institution building, policy planning, revisions of the tariff structure aiming at a rate of cost recovery which provides energy consumers with incentives for conservation, establishment of legal frameworks, managerial improvement, technology capacity and private initiatives. Regional integration will also be promoted in co-operation with regional organisations.

- More systematic appraisal including impact studies from the energy/environment point of view will be introduced for all co-operation projects, as well as more systematic ex post evaluation.
- Partner country governments will be encouraged to attach priority to appropriate energy projects.

Investment

- In the area of investment, the EIB should continue its activities in this field in ACP and Mediterranean countries and also be encouraged to support investment in the field of energy in Asia and Latin America compatible with the objectives of this programme, but within the overall principles established by ECOFIN for EIB lending. It is also noted as an appropriate area for EC Investment Partners, subject to its own procedures. The Centre for Industrial Development (CDI) should also be encouraged to examine this area for support.

Co-ordination with Member States

- Strengthening of operational co-ordination between the activities of the Community and Member States in a way which is consistent with the operational co-ordination procedures under discussion in the context of the Commission's communication on development co-operation policy in the run-up to 2000. Such co-ordination could provide a basis for continued co-operation on policy development and implementation.

4. The Council also notes the Commission's proposals for extension or expansion of existing programmes of scientific co-operation and research (with particular emphasis on STD and JOULE) and new technology promotion (THERMIE), and for establishment of a clearing house mechanism for dissemination of information in this area. From a development point of view and taking account of the results of UNCED, the Council considers that actions of the type carried out under these programmes could be of benefit to developing countries because of the potential impact of these programmes on their technological progress. It requests the appropriate Community authorities to study whether it would be possible to undertake such actions in future, in the context of the Community's research and energy policies.
5. The Council stresses the importance of co-ordination in this area with relevant multilateral or regional organizations.

DECLARATION OF THE COUNCIL AND OF REPRESENTATIVES OF GOVERNMENTS OF MEMBER STATES MEETING IN THE COUNCIL ON ASPECTS OF DEVELOPMENT CO-OPERATION POLICY IN THE RUN-UP TO 2000

1. The Council recalls the Lisbon European Council Declaration of 27 June 1992 which stated that far-reaching changes in the international scene have contributed to the creation of a new climate and favourable opportunities for revitalising the relationship between the Community and its Member States and developing countries. In reflecting upon the experience of more than thirty years of co-operation with developing countries, and noting also the recent UNCED conference at Rio which led to the definition of a programme for sustainable development through Agenda 21, the Community and its Member States re-affirm their commitment to a major role in development co-operation throughout the developing world, in accordance with the objectives set out in paragraph 18, taking into account the opportunities presented by the new international climate. The Council emphasizes that this Resolution is intended as a first step in a longer process, designed to improve further the effectiveness of, and to ensure an appropriate balance in, Community aid programmes.
2. The Council welcomes the Commission Communication of 15 May 1992 as an important contribution to the discussion of the future for development co-operation policy.
3. The Council notes that positive changes have taken place in most developing countries over the last 30 years. It welcomes the overall improvement in social indicators, such as life expectancy, infant mortality rates, literacy and access to drinking water, even if much further progress is required. It welcomes, too, the rapid growth which has taken place in some parts of the developing world, and in particular the recognition in many developing countries of the importance of sound domestic economic management which has resulted in a number adopting programmes of radical economic reform. The Council is aware of the needs of developing countries in the present phase of transition resulting from the adjustment process.
4. The Community and its Member States, recalling their Resolution on Human Rights, Democracy and Development of November 1991, welcome the increasing recognition of the need for democratic, open and accountable government, and the progress made in a number of cases towards better observance of fundamental human rights and reforms of public administration. Respect for human rights and democratic principles, reduction of excessive military expenditure and overall good governance will be increasingly important factors in influencing Community and Member States programmes with all partners.
5. The Council stresses that social, economic and political changes of this type are essential to the establishment of an environment conducive to sustainable development, and is ready to support developing countries in their own efforts to make progress in these areas.
6. The Council recognises that many developing countries continue to face serious problems. A large proportion of their people continue to face acute poverty, hunger, disease and illiteracy. These problems stem from inadequate or declining economic growth and unfavourable income distribution and are exacerbated by rapid increase in population. In addition the relatively low economic and social status of women in some developing countries continues to undermine the development process. Moreover, many people in developing countries face a variety of environmental problems. The Council further recognizes the fact that many countries are still facing serious debt problems. These issues need to be tackled so that development can be sustainable.

7. In relation to this, the Council welcomes the growing realization that many problems affect both developing and developed countries. In particular the increased level of economic inter-dependence continues to underline the need for enhanced international and regional co-operation to promote stability and peace, growth and sustained development. Other problems include the degradation of the environment; population growth and movement; the production, trafficking and consumption of illegal drugs; and the spread of AIDS. The Council believes that the new international political context offers to developing and developed countries a new opportunity to co-operate and collaborate in tackling these problems. Moreover the Council emphasizes the need to contribute to the implementation of the measures agreed at UNCED, in particular Agenda 21.
8. Migration is an issue which affects both developed and developing countries. The Council recognizes that migration pressures, both internal and external, exist in many different countries and regions. The Council is conscious of the role which effective use of aid can make in reducing longer term migratory pressures through the encouragement of sustainable social and economic development. The Council equally stresses the importance of ensuring their smooth integration into the world economy, thereby increasing economic prosperity and reducing economic motives for migration. The Council notes the additional migratory pressures created by those fleeing oppressive or discriminatory government in their own countries.
9. The Council recognizes that, in the pursuit of sustainable development, developing countries' own economic policies and their use of human and other local resources are of vital importance. Promotion of internal and regional economic activity and an active employment policy would make a valuable contribution to this end, as well as the establishment of a legal, economic and political environment which will allow growth of the private sector which has a central role in their economic development. The Council also recognizes that the international Community has a responsibility to support the developing countries in their efforts to solve their problems and to ensure a favourable international environment.
10. The Council recognizes in particular its responsibility in promoting the progressive integration of developing countries into the world economy. Foreign trade is the main source of external finance for most developing countries. With that in mind a successful outcome of the GATT process would enhance their development prospects, to the extent that they are able to benefit from new market opportunities. Private investment can play a growing role in financing development provided that developing countries put in place appropriate policies. Moreover, the European Investment Bank and bilateral Development Finance Institutions in Member States can continue to supplement and encourage private flows.
11. Effective and independent non-governmental and other civil organizations in developing countries are a fundamental part of economic, social and political development in its widest sense.

Non-governmental organizations in Member States and in developing countries continue to make an invaluable contribution to development co-operation and should continue to be strongly supported.
12. The Council affirms that, combined with the recipient countries own efforts, official development assistance will continue to be crucial in the development process, especially of the poorest countries. At a time of budgetary constraints it is all the more important that aid should be used most effectively. To be effective such assistance must be well used and targeted where it can make a real impact, and all possible steps to increase aid effectiveness must be taken. The Council is aware that the contribution of donors will be

increasingly subject to criteria for assessing the efficient use of the aid granted, and that donors will link decisions on overall volume and on allocation to effective use.

13. The Community and its Member States also recognize the importance of the overall volume of development assistance. In this context Member States reaffirm their commitments to reach the accepted United Nations target of 0.7% of GNP for official development assistance and to the extent that they have not yet achieved the accepted target, agree to augment their aid programmes in order to reach that target as soon as possible. They also recall their commitments to reach the target of 0.15% relating to least developed countries.
14. The campaign against poverty will continue to be the focus of development co-operation activity. Success in this campaign requires, on the part of developing countries, appropriate policies aimed at reforming the present structure of the economy and achieving a more equitable distribution of national wealth, and the attainment of broad-based sustainable development. Such a goal cannot be attained without considerable investment in that country's human resources, in terms of health and education policies, policies to improve the status of women and the establishment of democratic and representative institutions which function well.
15. The Council reaffirms its commitment to a swift, efficient and generous response to disasters and emergencies in whatever developing countries they occur. It emphasizes the importance of effective co-ordination of donors' responses, not only within the Community but also outside it. The Council is particularly aware of the invaluable role played by non-Governmental organizations in this area, and also welcomes the recent creation of a humanitarian office by the Commission. The Community and its Member States must ensure where appropriate that relief activities lead into rehabilitation and reconstruction programmes. More attention is to be paid to avoiding foreseeable calamities and their consequences.
16. In the field of development co-operation the Community and its Member States play a particularly important role, in part because of their historical links with developing countries, but also as developing countries' largest export market, as an important source of private investment, and transfer of know-how, and as their largest source of ODA. The Council welcomes the evolution of Community development policy which is a response to the changing needs of developing countries. Community development policy is and must continue to be an integral part of Community external relations policy, thereby ensuring that the latter takes due account of development objectives. The Council notes in particular that the Community approach covers aid and trade relations and that there is now a wide ranging body of policy covering disparate areas such as structural adjustment, environmental concerns and the role of women in development. "It is nevertheless conscious that there are areas where new or renewed efforts are required. At the same time, the implementation of the Single Market is changing the structure of economic relations between the developing countries and their largest trading partner, the Community.
17. The Community and its Member States reaffirm their commitment to work towards a coherent and comprehensive approach in future, which builds on the strengths of the past 30 years of co-operation, learns from the experiences of Community policy, and addresses the challenges that developing countries face. With this in mind, they have established the following objectives for future action.

Objectives

18. The Community and its Member States affirm that their programmes of development co-operation will be guided by the following objectives:

- the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them;
- the smooth and gradual integration of the developing countries into the world economy;
- the campaign against poverty in the developing countries.

These programmes will contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms.

19. The Council recalls that the achievement of these objectives, remains, as far as bilateral programmes are concerned, the responsibility of each Member State. The Council believes that the complementarity of Community aid to the policies pursued by the Member States should be ensured by the co-ordination mechanisms set out below.
20. The Community and its Member States further consider that the achievement of these objectives in particular developing countries demands a differentiated approach which has regard both to the effectiveness of their own development efforts and to the economic, social, cultural and political development of the country or region to which it belongs. The Community and its Member States will seek to respond in particular to the needs of the poorest sections of the population and of the poorest countries.

Policy co-ordination

21. The Community and its Member States believe that effectiveness in achieving these objectives can be enhanced by greater co-ordination within the Community at policy level, or by joint action. They have already endorsed such an approach to the issue of human rights, democracy and development, and are ready to consider other priority areas where such co-ordination may have a positive impact on the effectiveness of Community and Member States' development assistance, in particular where this contributes to the reduction of poverty.
22. To this end the Council invites the Commission to conduct a review of the Council's past resolutions and conclusions. It should consider what opportunities there are for enhanced policy co-ordination bearing in mind the issues covered by existing resolutions and taking note of the Commission's communication on development co-operation policy in the run-up to 2000. In its review the Commission should take full account of existing arrangements for policy co-ordination between all OECD aid donors and should seek to avoid duplication. The results of this review, identifying priority areas for policy co-ordination in the future, should be transmitted to the Development Council in time for its next meeting. The Council invites the Commission in particular to review policy to combat poverty with a view to presenting the results of its analysis for discussion at the next Development Council.

Operational co-ordination

23. As already stated in the Development Council Resolution of November 1986; effectiveness in achieving objectives can be enhanced by strengthening operational co-ordination between all donors. First and foremost, this co-ordination must be implemented between the Commission and the Member States, in order to obtain a genuine convergence of the efforts of each in terms of dialogue, objectives and instruments.

The Community and its Member States consider that, without prejudice to their competence to act individually, they should co-ordinate in the following areas:

(a) Sectoral co-ordination

Co-ordinated action on policy development and implementation already takes place between Member States' and the Commission's experts in a number of diverse sectors. The Community and its Member States believe that this should take place on a more systematic basis.

(b) Country level co-ordination

Co-ordinated action on policy development and implementation also exist "in-country" and in the context of ad hoc meetings devoted to specific countries. The Community and its Member States welcome efforts which are being made to intensify this.

The Council invites the Commission to review these types of co-ordination, taking full account of existing arrangements which facilitate co-ordination between all OECD donors. On this basis it invites the Commission to make recommendations, in time for the next meeting of the Development Council, on improvements to procedures and on other sectors which could be covered.

Co-ordination outside the Community

24. The Community and its Member States believe it is important to continue to co-operate with other bilateral and multilateral donors. To facilitate such co-operation in international development meetings, the Community and its Member States are ready, within their respective spheres of competence, to co-ordinate their positions. The Council recommends that the Presidency and/or the Commission should plan such co-ordination systematically, and welcomes the steps taken recently to assist this process.

Co-ordination of Community development instruments and policies

25. The Council emphasizes the importance of ensuring that all instruments of Community development policy, together with other Community instruments which have as one of their objectives the support of developing countries, are co-ordinated to ensure a consistent approach which will enhance the effectiveness of aid. It recalls in this context earlier policy orientations such as the 1990 Development Council Conclusions on Food Aid Policy, and calls on the Commission to review progress on the integration of the various instruments of development co-operation policy, and to take steps where necessary to facilitate this process.
26. In this context the Council underlines that aid programmes managed by different parts of the Commission should have a coherent and consistent approach and invites the Commission to take the necessary steps to ensure this.

Linkage with other Community policies

27. The Council recognises the linkage between development co-operation policy and other Community policies. It also recognizes the need to take account of their impact on developing countries, which can be significant. The Council urges the Commission to consider how this impact assessment might be carried out more systematically especially with regard to new proposals. It invites the Commission to report in time for the meeting of the Development Council in November 1993 on how it takes account of the objectives referred to in paragraph 18 in the policies that it implements which are likely to affect developing countries.

Conclusion

28. The Community and its Member States reaffirm their firm intention to seize the opportunities presented by the new international climate to intensify their co-operation with developing countries in pursuit of the important objectives set out above. They intend to work towards a better achievement of the objectives set down in paragraph 18 by the intensification of policy co-ordination, operational co-ordination, co-ordination outside the Community, co-ordination of Community development policies and linkage between different Community policies.
29. The Community and its Member States will review the progress made in implementing this Resolution at the meeting of the Development Council in November 1993. Their work programme should include:

- May 1993 - Policy Co-ordination
- i) Commission review of past Resolutions and Conclusions.
 - ii) Commission proposals on poverty.
- Operational Co-ordination
- Commission review of more systematic approach to operational co-ordination.
- Co-ordination of Community Development Instruments and Policies
- Review of the integration of Community aid instruments.
- November 1993 - Linkage with other Community policies
- Commission report mentioned in paragraph 27.

RESOLUTION OF THE COUNCIL AND OF REPRESENTATIVES OF GOVERNMENTS OF MEMBER STATES MEETING IN THE COUNCIL ON FAMILY PLANNING IN POPULATION POLICIES IN DEVELOPING COUNTRIES

I. PREAMBLE

1. The Council recalls its Resolution on Population and Development of 11 November 1986 in which the Community expressed its readiness to assist developing countries in this field, and in which guiding principles for such assistance were established. The Council reaffirms the basic principles set out below and in particular emphasizes that assistance should not be given to programmes which are in any way coercive, discriminatory or prejudicial to fundamental human rights. The Council welcomes subsequent Community activity in this area as well as continued support by Member States. The Council welcomes the Commission communication on this subject.
2. The Council notes that population change is acknowledged to be an essential determinant of global prospects for economic and social development. The world population now stands at 5.4 billion people, having doubled over the past 40 years; and according to current projections a further doubling is anticipated over the next century. 95% of this increase will take place in developing countries, even if in many countries fertility levels have declined substantially. These rapid demographic changes have profound implications for future progress towards the improvement of living standards across the developing world. The Council further notes that the relationships between demographic trends and factors and environmental change should be subject to continuous analysis.
3. In seeking to assist developing countries to respond to the challenge of population growth, support can be provided in a number of interlinked areas. Policies which promote the health of women and children, which seek to improve the status of women in their societies, which promote literacy and which seek to improve the quality of the social services available to communities all help to meet this challenge. The provision of family planning services is one indispensable way in which the range of social services available to people in developing countries can be enhanced.
4. Against this background and in order to support other social and economic policies undertaken by developing countries designed to achieve sustainable development, the Council believes that it is necessary to consider how best it can help to safeguard and promote women's and men's rights to reproductive choice. The Council notes that there has been considerable progress: about 50% of couples in developing countries now use some sort of family planning, and there has been a significant decline in fertility over the past thirty years.
5. The Council draws attention, however, to the continued, pressing need to respond to the large unmet demands in developing countries for family planning services. It has been estimated that 300 million women and men worldwide would like, but do not have access to, the means freely to plan the number and spacing of their children. In particular it notes, and wishes to assist developing countries respond to, the call in the UNCED Plan of Action for countries to formulate and implement comprehensive population programmes.
6. The Community and its Member States are also aware that their support for population activities has not kept pace with their assistance in other development sectors. The proportion of their official development assistance devoted to population programmes is significantly lower than the proportion of the total spent on these activities by all member countries of the OECD's Development Assistance Committee.

7. The Council is aware that family planning is only one of the instruments in a policy aimed at ensuring the balanced demography compatible with sustainable development. Other approaches exist. The Community and its Member States do not intend to limit their interventions to family planning, but will support the various policies which directly and indirectly lead to the same objective: strengthening of health and education, in particular of women, support for population policies, support for collection and analysis of demographic data, and improvement of knowledge of different social, cultural and economic factors which have an effect on fertility.
8. The Council welcomes the contribution to this discussion made by the Commission following its consultation with Member States' experts. The Community and its Member States accept the Commission's analysis of the need for a consistent policy to support family planning policy and to this end adopt the following framework for action.

II. FRAMEWORK FOR ACTION

Basic principles

9. The Community and its Member States reaffirm that all population policies must be based on the fundamental right of individuals to choose voluntarily the number and spacing of their children, and that assistance, therefore, should not be given to programmes which are in any way coercive, discriminatory or which are prejudicial to fundamental human rights. The design and implementation of population strategies in developing countries must also take account of ethical and cultural considerations. Programmes to improve family planning services should, wherever appropriate, be integrated into other family health measures, offer women and men all suitable methods and means of contraception and inform them about their respective advantages and risks and include education on health and relationships.
10. The Community and its Member States recall recommendation 18e of the World Population Conference, held in Mexico in 1984, which states that abortion should in no case be promoted as a method of family planning and that, whenever possible, provision should be made for the humane treatment and counselling of women who have had recourse to abortion.
11. The Community and its Member States also recognize that the provision of family planning services is fundamentally a social service, and should be seen as one aspect of human resource development. Activity in other related sectors, such as education and health, promotion of literacy and improvements in the status of women, can all assist in the creation of a climate favourable to wider reproductive choice. The Community and its Member States attach particular importance to the education of women in developing countries as one of the most significant factors in enabling women to exercise greater control over their lives. Family planning services also need to be seen in the context of other wider issues which affect population growth and movement.

Objectives

12. In designing and implementing programmes of assistance in this field, the Community and its Member States agree on the following priority objectives:
 - to enable women and men freely to exercise an informed choice about the number and spacing of their children;
 - to assist in the establishment of an environment in which this choice can be fully exercised, particularly by improving access to good quality family planning services;

- significantly to reduce health risks to women and children through the provision of appropriate reproductive health services;
- to enable countries and local communities to respond to and influence population growth and movement.

The Community and its Member States also emphasize the wider importance of improvement of social and economic conditions and the improvement of living standards of women.

13. Development assistance given by the Community and its Member States will most effectively contribute to the achievement of the objectives stated above by:
- (a) encouraging and facilitating, in the context of national development and co-operation policies, the formulation, voluntary adoption and implementation of family planning policies, and support for existing family planning policies;
 - (b) contributing to the strengthening of family planning services provision, including and emphasizing the broad distribution of information and enhancing awareness.

Priorities for action

14. The Community and its Member States endorse the following priorities for the design and implementation of programmes of co-operation on family planning:
- policy dialogue with developing countries on the formulation of family planning strategies;
 - the provision of assistance to developing countries in the formulation and implementation of such strategies within the wider context of primary healthcare and, particularly, the promotion of the health of women and children. These should be directed towards meeting the current unmet needs for family planning by improving access to services and by raising the quality of care;
 - the provision of technical assistance to strengthen programme capacity, including management, research, training and evaluation capabilities of competent bodies in developing countries;
 - the provision of the most complete and accurate information available on reproduction, birth-spacing and contraception;
 - the provision of financial assistance to meet both capital and recurrent costs of programmes including, where appropriate, contraceptive supplies;
 - ensuring that programmes take full advantage of the potential contributions of the non-governmental and private sectors, as well as improving the effectiveness of the public sector;
 - aid should, where appropriate, support existing structures with the objective both of reducing staff and operational costs and of achieving better consistency with government policies. As far as possible family planning should be carried out through health structures, as regards information of the population and the supply of contraception means, and through the existing educational structures for the information and education of young people.

Use and level of resources

15. The Community and its Member States note that, although the pressing need for increased activity in this field (in particular to meet the currently unmet demand for family planning services) is widely recognized by donors, resources are relatively scarce in relation to needs. The Community and its Member States agree to consider imaginatively how the range of professional expertise available in this area and the application of such expertise can be improved, so that programmes can properly be designed, monitored and evaluated, thus ensuring the effective use of the available resources. The exchange of information and experience between professionals involved in different aspects of this sector in the Member States is particularly to be encouraged.
16. Nevertheless, the Community and its Member States agree that, even with the more effective use of existing resources, there is need for further increases in budgetary allocations and human resources in this field. The Community and its Member States agree to consider what further means they can make available, including reallocation of existing resources, in order to increase further their efforts to assist developing countries to strengthen family planning services. In this context the Council takes note of the proposals on financial resources in the Commission's communication.

Co-ordination

17. The Community and its Member States encourage all donor agencies to work together and to co-ordinate their aid for population activities. The efforts of the Community and Member States should, with a view to avoiding duplication, take account of the activities of the UNFPA, the World Bank, other bilateral donors and NGOs working in this field.

In addition they emphasize the importance of both policy and operational co-ordination between the Commission and Member States, in a way which is consistent with the co-ordination procedures foreseen in the resolution on development co-operation policy in the run-up to 2000.

Policy co-ordination

Meetings of experts from Member States' capitals and the Commission should continue to take place regularly with the aims both of reviewing and refining strategies especially in the light of the experience of those working "in-country", and of acting as a forum for reviewing progress in the strengthening and use of population expertise between Member States and the Commission.

Operational co-ordination

The Community and its Member States, having agreed common objectives and priorities, agree that attention should be given to strengthening co-ordination between those responsible for their population activities "in country". This should cover the exchange of information about current projects, and investigation of the scope for collaborative action in designing and implementing population policies and strategies in different countries.

Immediate action

18. The Community and its Member States agree to consider urgently, in the light of the principles, objectives and priorities set out above, how best they can enhance their roles in assisting developing countries in this field. They request that the next experts' meeting should take place early in 1993 to consider operational follow-up. Their deliberations should form the basis for a report to be considered at the next meeting of the Development Council in May 1993. This should pay particular attention to considering how dialogue with developing countries on population issues can be taken forward.

CONCLUSIONS OF THE COUNCIL AND OF REPRESENTATIVES OF GOVERNMENTS OF MEMBER STATES MEETING IN THE COUNCIL ON THE IMPLEMENTATION OF THE 1991 RESOLUTION ON HUMAN RIGHTS, DEMOCRACY AND DEVELOPMENT

1. Recalling the conclusions of the Luxembourg and Lisbon European Councils, the Council and the representatives of the Member States take this opportunity to reaffirm the November 1991 Resolution on human rights, democracy and development, which forms the cornerstone of their policy in this area.
2. The Council and the representatives of Member States welcome the Commission's report on the implementation of the 1991 Resolution. In order to facilitate the co-ordination of development co-operation policies, Member States and the Commission will hold an annual exchange of views on their activities taken within the framework of the Resolution, both on the basis of the Commission's annual report on the implementation of the 1991 Resolution and on the basis of information supplied by Member States.
3. As part of the follow-up of the 1991 Resolution the Community and the Member States agree the following:

Positive Measures

With the aim of co-ordinating development co-operation policies, Member States and the Commission will inform each other by means of the EPC communications network, of any significant adjustment of the programmes of co-operation made with the objective of encouraging or supporting increased efforts towards democracy and respect for human rights. Information will be exchanged and specific cases may be discussed further in the Council framework.

As part of their activities in support of human rights, democracy and development, the Community and Member States reaffirm their determination to give priority to their support for areas for positive action identified in last November's Resolution, in particular the setting up of new democratic institutions, strengthening the rule of law and encouragement of wider public participation. They also reaffirm their support for promotion of good governance and reduction of excessive military expenditure. They believe that these areas could be supplemented by action in other areas such as :

- the promotion of a free press and other media;
- the participation by minorities in the benefits of development assistance and in wider political processes;
- the underpinning of peaceful settlement of internal and regional conflicts;
- the support for political exiles wishing to return to their country of origin.

The Community and its Member States reaffirm the importance they attach to the respect of international law and international conventions. They attach great importance to maintaining dialogue with developing countries on these issues as well as in other areas of positive action. The Community and its Member States will, as part of the follow-up of the 1991 Resolution, further consider strategies for promotion of assistance in all these areas.

Restrictive Measures

The Community and Member States recall that last November's Resolution provided for immediate exchange of information concerning restrictive measures and the consideration of joint approaches in reaction to violations. In order to ensure coherence and consistency and

to examine the scope for joint approaches between the Community and its Member States, at relevant Council meetings attention will be drawn to the outcome of any relevant discussion that has taken place in European Political Co-operation concerning grave and persistent human rights violations and serious interruption of the democratic process and consideration may be given to the need for further discussion.

Co-ordination on the spot

In order to provide a consolidated basis for focused assistance in this area, the Member States and the Commission will co-ordinate closely on the spot in exchanging views on the human rights situation and the state of democratisation in recipient countries. Where appropriate they may submit joint reports to their relevant authorities containing analysis and evaluation of the situation and also suggestions on areas where programmes of development assistance could influence progress in a positive way.

WORLD CONFERENCE ON HUMAN RIGHTS - STATEMENT BY THE COUNCIL AND THE REPRESENTATIVES OF THE MEMBER STATES

The Council and the representatives of Member States see the World Conference on human rights scheduled next June as an important opportunity for the World Community to pursue a constructive dialogue on ways and means for improving human rights standards and furthering democratic processes as part of the development process. They remain committed to a successful outcome of the Conference with a focus on practical measures in support of efforts by individual countries. They will, in the course of the further preparatory process, seek to identify such practical measures and to define strategies for their implementation as an integral part of development co-operation programmes.

IMPLEMENTATION OF THE RESOLUTIONS OF 27 MAY 1991 ON CO-OPERATION WITH NGOS
- COUNCIL CONCLUSIONS

1. The Council recalls its Resolution of 27 May 1991 on co-operation with NGOs in which it invited the Commission to take steps to implement measures which would make its co-operation with NGOs more effective and which would ensure that NGOs continued to play a central role in the process of development, and to produce a study on certain aspects of this type of co-operation for consideration by a future Council meeting. The Council welcomes the Commission's communication following up this invitation. The Council wishes to reaffirm its commitment to full and increasing support for involvement of NGOs in the development process, particularly in those areas where NGOs have special expertise and experience, such as emergency aid, food aid, women in development, development education actions, protection of the environment, and their development work with and for the poorest. It notes in this connection the valuable role played by NGOs in partnership with the relevant Commission services, in the rapid implementation of the Special Programmes for Africa in 1991 and 1992.
2. The Council considers that the building up of the capacity both of Member States' and developing countries' NGOs to work in this field is of great importance. In this context it particularly welcomes the efforts made by the Commission to encourage participation in the co-financing scheme by the widest possible range of Member States' NGOs.
3. The Council emphasizes the importance it attaches to the full involvement of developing countries' NGOs in all aspects of the development process. Their involvement, in partnership with European NGOs, should extend to emergency aid and disaster preparedness in a way consistent with fast and efficient implementation of operations. It also welcomes the initiative of the Commission in publishing information on the procedures to be used in gaining access to new decentralised forms of co-operation as a practical step to strengthening this involvement. The Council emphasizes the need for progress in this important and innovative area.
4. The Council would further recall the importance which it attaches to support for and strengthening of other agents in civil society in developing countries: associations, professional groupings, local authorities and village groups, in order to foster both full and complete participation by the population in economic and social development and the strengthening of democracy.

It congratulates the Commission on the efforts which it has already undertaken to promote such co-operation and which have resulted in the implementation or identification of a number of projects, and calls on it to step up such action. It would ask the Commission to submit to it at its meeting in November 1993 a situation report on decentralised co-operation, taking account of the most appropriate topics and sectors for intervention and on management arrangements which are compatible with its procedures.
5. In this context too, the Council notes and welcomes Community support for the efforts of NGOs to promote and strengthen the democratic fabric and respect for human rights in developing countries. It considers that NGOs, which are important actors in the social structures of civil society, are particularly well placed to assist in this task, especially where it is difficult to direct assistance through governments.
6. The Council attaches importance to close contact between the governmental and non-governmental sectors, and welcomes the contacts between the NGDO-EC Liaison Committee, the Commission and the Council. It considers that NGOs play a vital role, not only at an operational level, but in invigorating the debate on policy issues. It notes and welcomes in this context the involvement of NGOs in international fora such as UNCED.

7. The Council welcomes the summary in the Commission's paper of the criteria used for selecting development and development education projects for co-financing and endorses the open system of funding employed by the Commission. It particularly welcomes the clear statement that project quality remains the most important criterion for the choice of projects. It fully supports the Commission in the philosophy which lies behind this approach. It considers that development assistance of all types must be targeted where it can be used most effectively.
8. The Council supports the Commission in its efforts to ensure that the administrative burden on NGOs is kept to a minimum and that applications for funding are processed quickly and efficiently. In this context it notes with interest the review being undertaken of the General Conditions for co-financing. It hopes that the review will lead to further improvements in the system, particularly to minimize the time taken to process project proposals and to ensure prompt payment. It notes, however, the need for a careful balance between these requirements and the requirement that project quality should be ensured.
9. The Council notes the rapid increase in the size of the co-financing budget in recent years, and considers that it is important not only to continue to ensure that the activities of NGOs are adequately funded through co-financing, but to ensure that all the resources available to NGOs are put to the most effective use. In relation to this it supports the institution of inter-departmental co-ordination on the procedures by which NGOs gain access to the different budget lines open to them. It believes that this co-ordination should result in simplification of those procedures, easier access to these funds and enhance transparency in this area. It invites the Commission to consider whether its published guidelines for applications to each budget-line by NGOs could be further elaborated. It invites the Commission to produce a brief report before the meeting of the Council in November 1993 on the extent to which the resources available to NGOs under different budget lines are taken up, and where it is small, to analyze the reasons and suggest ways of improving this.

WOMEN IN DEVELOPMENT

The Council noted that the Commission will present the next Development Council with a report on the implementation of the Council conclusions on the role of women in development.

In this context, the Belgian representative recalled the Geneva Summit on the economic promotion of rural women in February 1992 and announced that a follow-up conference would be held in Brussels in February 1994 under the patronage of H.M. Queen Fabiola. He invited other Member States and the Community to participate actively in the conference.

NEGOTIATIONS ON COCOA

Vice-President MARIN stressed the importance of a positive outcome to the final phase of negotiations which will start in February next in Geneva on a new cocoa Agreement.

MISCELLANEOUS DECISIONS

Framework Co-operation Agreement between the EEC and Central America

The Council approved the negotiating directives for the Commission for the conclusion of a new co-operation agreement between the EEC and the Central American countries : Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

ECSC

The Council delivered its assent, pursuant to Article 56(2)(a) of the ECSC Treaty, in respect of:

- Norwest Holst Development Ltd., United Kingdom
- Mediocredito Lombardo, Italy,
- Caixa Geral de Depositos, Portugal.

Appointment

The Council appointed, on a proposal of the Portuguese Government, Mrs Maria Luísa FREIRE de ANDRADE SANTIAGO a member of the Economic and Social Committee, to replace the late Mr Pedro VIDAL, for the remainder of the latter's term of office, which runs until 20 September 1994.

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

10085/92 (Presse 213)

1620th Council meeting

- Telecommunications -

Brussels, 19 November 1992

President: Mr Edward LEIGH

Parliamentary Under-Secretary of State,
Department of Trade and
Industry (Technology), of the
United Kingdom

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

Belgium

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

Denmark

Mr Torben RECHENDORFF Minister for Communications
Mr Helge ISRAELSEN State Secretary for Ecclesiastical Affairs and Communications

Germany

Mr Frerich GÖRTS State Secretary, Federal Ministry of Posts and Telecommunications

Greece

Mr Dimitri STAMATOPOULOS Secretary-General, Ministry of Telecommunications

Spain

Mrs Helena SALGADO Secretary-General for Communications

France

Mr Emile ZUCCARELLI Minister for Posts and Telecommunications

Ireland

Mr Bernard McDONAGH Secretary-General, Department of Tourism, Transport and Communications

Italy

Mr Publio FIORI State Secretary for Posts and Telecommunications

Luxembourg

Mr Alex BODRY Minister for Posts and Telecommunications

Netherlands

Mrs J.R.H. MAIJ-WEGGEN Minister for Transport and Public Works

Portugal

Mr Carlos Silva COSTA State Secretary for Transport and Telecommunications

United Kingdom

Mr Edward LEIGH Parliamentary Under-Secretary of State, Department of Trade and Industry (Technology)
Mr Neil HAMILTON Parliamentary Under-Secretary of State, Department of Trade and Industry

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Commission

Sir Leon BRITTAN Vice-President
Mr Filippo Maria PANDOLFI Vice-President
Mr Jean DONDELINGER Member

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ASSESSMENT OF THE SITUATION IN THE TELECOMMUNICATIONS SERVICES SECTOR

The Council agreed in principle on the following Resolution on the assessment of the situation in the telecommunications services sector:

COUNCIL RESOLUTION ON THE ASSESSMENT OF THE SITUATION IN THE COMMUNITY
TELECOMMUNICATIONS SECTOR

- Whereas Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of Open Network Provision sets out a framework for the harmonized provision of services within the Community;
- Whereas a number of specific measures implementing Open Network Provision have been adopted by the Council;
- Whereas Commission directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services requires Member States to remove special or exclusive rights for the supply of telecommunications services other than voice telephony, telex, mobile radiotelephony, paging and satellite services;
- Whereas the Commission has submitted to the Council a communication assessing the situation in the telecommunications sector in relation to the aims of Directive 90/388/EEC; whereas that communication also assesses progress on harmonization and any restrictions on access to telecommunications network still remaining, the effects of those restrictions on the operation of the internal telecommunications market, and the measures that could be taken to remove those restrictions; whereas the Commission has asked Member States to give their opinions concerning the communication and the proposals contained in it before 31 January 1993;
- Whereas the Commission has submitted to the Council a communication assessing progress towards cost orientation and adjustment of pricing structures for telecommunications within the Community,

THE COUNCIL

Recognizes:

- that substantial progress has been made towards the creation of a Community-wide market for telecommunications services, in particular through the implementation of Open Network Provision;
- that the withdrawal of special or exclusive rights for the supply of telecommunications services other than voice telephony, telex, mobile radiotelephony, paging and satellite services, has led to substantial growth in the Community market for such services;
- that there is significant user demand for additional pan-European telecommunications services;
- that priority should be attached to creating the conditions which would permit this demand to be met;
- that additional pan-European services will create significant user demand for extra equipment and software;
- that the implementation of Open Network Provision will lead to a better cost orientation of tariff principles within the Community;
- that there is a need in particular to promote better cost orientation for telecommunications services provided across intra-Community borders;
- that the application of the principle of cost orientation needs to take account of the provision of service to all at an affordable price and in a reasonable timescale;
- that telecommunications policy must be developed with regard to the principle of social and economic cohesion;
- that a further analysis is needed of the specific requirements for development

of telecommunications in peripheral regions.

Reaffirms

- that a political agreement, fully involving the Council and the European Parliament, will best foster implementation of the Community's future telecommunications policy.

Calls upon the telecommunications organizations

- to introduce further cost orientation into tariffs, in particular for intra-Community telecommunications services, and leased lines;
- to work to secure a general lowering of accounting rates for intra-Community telecommunications traffic.

Urges the Member States

- to encourage such a movement towards cost-orientation and general lowering of accounting rates.

Calls upon the Commission

- to consider, in consultation with interested parties, the political, economic, commercial and social implications of the options set out in the Commission communication for the future of the Community telecommunications services market. These consultations and studies should examine in particular measures necessary to ensure service for all throughout the Community, including the interests of the peripheral regions in this respect, and taking account of the level of network development and the specific needs of small networks;
- to set out, following these consultations, a transparent approach and timetable for a future regulatory framework for the Community telecommunications market, so as to allow regulators and operators to plan the necessary adjustments at national level;

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- to work in close association with Member States in that respect, in particular with national regulatory officials through the establishment of a high level ad hoc committee.

Welcomes

- the Commission's intention to report before the next meeting of the Council of Telecommunications Ministers, and notes that the Council will then determine how to take work forward.

ACTION PLAN FOR THE INTRODUCTION OF ADVANCED TELEVISION SERVICES IN EUROPE

The Council held a very detailed exchange of views on all matters raised by the proposal for a Decision. Substantial progress was made regarding the content of the action plan. However, considerable difficulties remain, particularly as regards the amount to be earmarked for the action plan.

The Commission, supported by a very large majority of delegations, therefore submitted a formal request that an additional meeting of the Telecommunications Council should be held, after the European Council in Edinburgh and before 31 December 1992. The Presidency took note of this request.

APPLICATION OF OPEN NETWORK PROVISION (ONP) TO VOICE TELEPHONY

The Council held a policy debate on the proposal for a Directive on the application of open network provision to voice telephony. This proposal arises out of Directive 90/387/EEC on the establishment of the internal market for telecommunications services through the implementation of open network provision (ONP), and its main aims are to:

- establish the rights of users of voice telephony services vis-à-vis telecommunications organizations;

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- harmonize user access to the public telephone network infrastructure;
- determine the minimum facilities to be made available to users;
- establish conciliation procedures in the event of disputes.

The harmonization envisaged by the proposal also extends to the principles of tariffs and accounting and to conditions of use.

The Council considered more particularly the following aspects:

- applicability of the provisions concerning special network access (Article 9) and interconnection (Article 10) within the same Member State;
- scope of the procedure provided for to assess progress in the Member States towards convergence of targets and implementation of common services in the Community (Article 23);
- the committee procedure to be applied for adopting the modifications necessary to adapt the technical provisions of the Directive to new technological developments or to changes in market demand.

At the end of the discussion, the Council instructed the Permanent Representatives Committee to continue work on this subject with the aim of reaching an agreement under the Danish Presidency.

TRANS-EUROPEAN NETWORKS

The Council heard a statement by the Commission on the progress that had been made regarding Trans-European networks, and noted that the Commission intended to continue its work on preparing the masterplans on telecommunications networks between administrations (CADDIA and INSIS programmes) and on ISDN (Integrated Services Digital Network).

The Council requested the Commission to keep it informed on developments in its work.

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GREEN PAPER ON THE DEVELOPMENT OF THE SINGLE MARKET FOR POSTAL SERVICES

The Council heard a statement by the Commission on the Green Paper on the development of the single market for postal services, and then held an exchange of views at the end of which it welcomed the Commission's intention, before the meeting of the Telecommunications Council scheduled for May 1993, to:

- report back to the Council on the outcome of the consultations that had been initiated;
- submit to the Council the conclusions that it decided to draw from those consultations;
- draw up a precise timetable for future work.

The Council also noted that there was a general consensus on the need to examine the question of "terminal dues" as a matter of priority, and asked the Commission to take account of this in formulating future proposals.

EUROPEAN TELECOMMUNICATIONS EQUIPMENT INDUSTRY

The Council welcomed the Commission's submission of its communication on the European telecommunications equipment industry: "state of play, issues at stake, proposals for action".

The Council agreed that work on this dossier would be resumed under the Danish Presidency.

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OTHER DECISIONS IN THE AREA OF TELECOMMUNICATIONS

Europe-wide co-operation on numbering of telecommunications services

The Council adopted the following Resolution on the promotion of Europe-wide co-operation on numbering of telecommunications services including the introduction of a European area code for telephony services with Europe-wide applications.

COUNCIL RESOLUTION
on the promotion of Europe-wide co-operation on
numbering of telecommunications services

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

- (1) Whereas the Council Resolution of 30 June 1988 on the development of the common market for telecommunications services and equipment up to 1992 ⁽¹⁾ calls for promotion of the creation of Europe-wide services according to market requirements and appropriate social needs;
- (2) Whereas Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services ⁽²⁾ provides for competitive provision of telecommunications services and services based on public telecommunications networks and/or services;
- (3) Whereas Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision ⁽³⁾ emphasizes the need for open and efficient access to and use of public telecommunications services;

(1) OJ No C 257, 30.11.1988, p. 1.

(2) OJ No L 192, 24. 7.1990, p. 10.

(3) OJ No L 192, 24. 7.1990, p. 1.

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- (4) Whereas numbers are the key for access to, and use of, telecommunications services and, as such, are essential for the provision of telecommunications services and services based thereon, particularly as regards the introduction of new and competitively-provided services; whereas, in addition, the ease of use of telephony-based services is largely dictated by how familiar and easily understood numbering and dialling arrangements are;
- (5) Whereas numbering changes can cause high levels of cost and disruption to service providers and users, particularly where they are required to change their existing numbers;
- (6) Whereas competition and innovation in telecommunications service provision will serve further to intensify demands on the supply of numbers;
- (7) Whereas the design of numbering schemes from which numbers are allocated is an important factor in the design of networks and equipment which support pan-European services serving areas employing different numbering schemes, since numbering information is used to perform essential functions such as route selection and charging;
- (8) Whereas management of numbering schemes in Europe is undertaken by individual Member States;
- (9) Whereas there is a requirement for increased co-ordination in the management of numbering schemes at the European level in order best to support the development of, and growth in, services with Europe-wide applications;
- (10) Whereas management of numbering schemes for pan-European services must be carried out within a framework of Europe-wide co-operation allowing account to be taken, in a timely manner, of the opinions of representatives of national authorities concerned with numbering schemes, network operators including an appropriate involvement of the Association of European Telecommunications Network Operators (ETNO), service providers, industry and users;
- (11) Whereas such a framework of co-operation must respect the principle of separation of regulatory and operational functions required according to Directive 90/388/EEC; whereas, therefore, decisions on the development of numbering schemes and procedures for the allocation of numbers must rest with national regulatory authorities, according to this principle;

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- (12) Whereas management of numbering schemes must be carried out in an objective, transparent and non-discriminatory manner in order to ensure equality of treatment of the requirements for numbers of different categories of service providers and users;
- (13) Whereas such a framework should draw on the organizational experience of existing co-operation mechanisms involving the Conférence Européenne des Postes et Télécommunications (CEPT); whereas, in this respect, such a framework might be brought about through the creation of a European Numbering Office (ENO) and draw on established mechanisms of regulatory co-ordination, in particular the European Committee of Telecommunications Regulatory Authorities (ECTRA);
- (14) Whereas the Commission should be involved as appropriate in such a framework;
- (15) Whereas such a framework should facilitate long-term number supply planning at European level; whereas this should have regard to the most efficient use of numbering space and the significant timescales needed to phase out or relocate existing uses and the substantial investments which may accompany such numbering changes;
- (16) Whereas such a framework may also facilitate the working out of common European positions concerning numbering at the global level, in particular with regard to the work of the International Telecommunications Union (ITU) in this area; whereas the Council Resolution of 30 June 1988 recognizes the desirability of Community co-ordination in relation to international telecommunications matters, which include the field of numbering;
- (17) Whereas the opening of a European numbering space as a means of establishing common telephony numbering and dialling arrangements could promote the functioning of the single market through facilitating provision of Europe-wide services;
- (18) Whereas such a European telephony numbering space could be created through a number of different options;
- (19) Whereas there is a need to study further the possible implementation of each option for the creation of a European telephony numbering space, including routing, tariffing and general policy issues, as well as practical questions, related to numbering management, flexibility and efficiency; whereas appropriate consultation with network operators, service providers and users is still required;

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- (20) Whereas the creation of a European telephony numbering space should be a first priority for a framework of co-operation;
- (21) Whereas this Resolution proposes that detailed work on numbering could be carried out by the Member States in the framework of the ENO that could be created, and to the extent that the objectives of the proposed actions cannot be sufficiently achieved on an individual basis by the Member States for reasons of effectiveness of this work, appropriate Community action may be required,

CONSIDERS THE FOLLOWING POINTS AS MAJOR POLICY GOALS IN THIS AREA:

- 1) strengthening co-operation at European level on the numbering arrangements for services with pan-European applications, with the objectives of:
 - ensuring that long-term demand for numbers for such services can be met according to the needs of the European market and different categories of use,
 - working towards the fair equitable and timely allocation of numbers for provision and use of such services,
 - promoting the most efficient use of numbering space by taking timely account of service and user requirements against the background of industrial development and global changes in numbering.
- 2) facilitating the development of common European positions in relation to global numbering developments, in particular with regard to the work of the ITU in this area.
- 3) the creation of a European telephony numbering space to support the achievement of European telecommunications policy goals, in particular:
 - promotion of the development of Europe-wide applications according to market requirements and appropriate social needs,
 - open and efficient access to, and use of, public telecommunications networks and services.

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4) in order to facilitate the achievement of these goals, encouraging development of a Europe-wide framework of co-operation on numbering between representatives of national authorities concerned with numbering schemes, network operators, service providers, industry and users, drawing on the organizational experience of existing co-ordination mechanisms set up by the CEPT, in particular as regards the arrangements relating to radio frequencies which may provide, where appropriate, a suitable model on which to base the arrangements for numbering and which could, in this respect, include the setting up of the ENO. Such a framework should:

- be open to the opinions of any member of the categories mentioned above,
- provide a forum for common studies towards development of European numbering schemes in a manner most suited for existing and future services, taking due account of the diversity of market and technological factors influencing service and product development,
- have available the resources to carry out analyses of long-term market and technology implications of numbering recommendations at European level;

INVITES THE MEMBER STATES:

5) to co-ordinate their actions within CEPT to promote the development and implementation, in conformity with Community law and in particular the competition rules of the Treaty, of a framework of Europe-wide co-operation on numbering allowing the opinions of all interested parties to be taken into account and involving the Commission as appropriate. This framework, which could in this respect include the setting up of the ENO on the basis of an appropriate statute, for which the resources necessary to ensure efficiency and the ability to respond rapidly to changes in the demand for, and use of, numbers should be made available. The tasks carried out within this framework should include:

- undertaking studies to support the long-term development of European numbering schemes and capabilities such as number portability, taking into account market needs, the needs of different categories of user and global considerations, and forwarding recommendations to regulatory authorities and the Community as appropriate;
- carrying out investigations to support developments in practices of management and allocation of numbers and forwarding recommendations to regulatory authorities and the Community;

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- undertaking studies in preparation of common positions at ITU numbering fora as required to facilitate the attainment of common global positions;
- liaison with bodies responsible for numbering scheme management, particularly at national level, and with authorities charged with the registration of names, numbers and addresses, particularly as regards the ongoing development of European directory services;
- co-operation and interaction with the European Telecommunications Standards Institute (ETSI) and other standardization bodies in order to take full account of the link between standards development and numbering resource management;

and, as a high priority,

- investigation of the case for the introduction of a European area code for use in parallel with Member States' existing country codes, as a mechanism by which the creation of a European telephony numbering space may be achieved and, should this case be established, subsequent investigation of the choice of such a code, including the preparation of a co-ordinated proposal to the ITU for the issuing of such a code;
- completing, not later than 1 October 1993, studies for the creation of the European telephony numbering space and proposing, during 1994, any feasible solutions arising from these studies;
- development of co-ordinated procedures for the management and allocation of telephony numbers from the European numbering space, in particular with regard to the provision of the pan-European services listed in the Annex;

INVITES THE COMMISSION:

- 6) should investigations within the framework of European co-operation demonstrate that the introduction of a European area code is feasible and justified, to facilitate, where necessary, its co-ordinated introduction in the Community;
- 7) subject to the outcome of these investigations, to facilitate the rapid introduction of pan-European services numbered from the European telephony numbering space.

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ANNEX

Pan-European services which may be introduced under
the final indent of Point 5

- Europe-wide subscriber telephony numbers
 - Flexible routing service
 - . providing the ability flexibly to route calls to different answering points e.g. according to country of call origination, time of day, etc.
 - Europe-wide green/freephone call service
 - . particularly making use of flexible routing
 - Europe-wide kiosk billing service
 - . including flexibility for private service operators to choose the charge for a call, up to a maximum set by the national regulatory authority
 - Europe-wide shared cost call service
 - Europe-wide mobile services
-

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Terrestrial Flight Telecommunications system (TFTS) and Road Transport Telematic Systems (RTT)

The Council adopted the following Resolution on the application of the decisions of the European Radiocommunications Committee (ERC) concerning the Terrestrial Flight Telecommunications System (TFTS) and the Road Transport Telematic Systems (RTT).

COUNCIL RESOLUTION

on the implementation of the Community
of the European Radiocommunications Committee Decisions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Whereas Council Resolution of 28 June 1990 ⁽³⁾ calls for the strengthening of European co-operation in the field of radio frequency co-ordination with the objective of providing sufficient frequency spectrum for new services, according to market demand and taking account of the requirements of existing services and of different categories of users; whereas that Resolution saw the development of the existing Conference of Postal and Telecommunications Administrations (CEPT) co-ordination mechanisms as a major policy goal, and noted with satisfaction in that context the creation of the European Radiocommunications Office (ERO);

Whereas the CEPT European Radiocommunications Committee (ERC) consists of representatives of the radio regulatory authorities in all CEPT Member countries, responsible for the allocation and assignment of radio frequencies within their respective countries;

Whereas the ERC is developing working methods to allow wide consultation with telecommunication organizations and other service providers, industry and users, and co-operation and interaction with the European Telecommunications Standards Institute (ETSI) and the Commission of the European Communities;

Whereas the Commission participates in the work of the ERC with the special status of Counsellor;

Whereas the ERC is establishing the ERO as a centre for expertise to develop

(3) Council resolution of 28 June 1990 on the strengthening of the European-wide co-operation on radio frequencies, in particular with regard to services with a pan-European dimension (OJ No C 166, 7.7.1990, p. 4).

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proposals especially for long-term plans for the use of the radio frequency spectrum in Europe;

Whereas the ERC has introduced a mechanism for the adoption of ERC Decisions on significant harmonization measures in the field of radiocommunications;

Whereas the Commission has submitted to the Council proposals for directives on common frequency bands to be designated for the co-ordinated introduction of the Terrestrial Flight Telecommunications System (TFTS) and Road Transport Telematics (RTT) systems, in the Community;

Whereas the ERC has adopted Decisions on the provision of suitable frequency bands for the introduction in Europe of TFTS and RTT systems;

Whereas these systems are important trans-European telecommunications developments;

Whereas the commitment of all Member States to the implementation of the ERC Decisions on TFTS and RTT systems will ensure the provision of the necessary frequencies for these systems,

RESOLVES:

- 1) that in future, Member States should actively participate in the development of ERC Decisions aimed at supporting the provision of significant Europe-wide radio services, taking account of the obligations of Member States under Community law, in particular the competition rules, and the general policy goals defined in the Council Resolution of 28 June 1990;
- 2) that Member States should commit themselves to implementing the ERC Decisions on frequency bands to be designated for the co-ordinated introduction of TFTS and RTT systems, according to the procedure adopted by the ERC;

INVITES THE COMMISSION:

to give full consideration in future to the mechanism of ERC Decisions as the primary method of ensuring the provision of the necessary frequencies for new Europe-wide radio services.

1620th Council meeting (Telecommunications) 19.XI.92

Intellectual property rights and European Telecommunications Standards Institute

The Council adopted the following conclusions regarding policy on intellectual property and the European Telecommunications Standards Institute.

"The Council and the Commission consider that the European telecommunications standards used in legally-binding Community instruments must be accessible on an equitable basis throughout the Community.

The Council therefore urges the Commission to continue to co-operate with the European Telecommunications Standards Institute (ETSI) and without delay to conclude with the Institute an agreement which meets this requirement on a transitional basis and which is in accordance with Community law.

The Council also requests the Commission, within the broader framework of the Community's international obligations, to find as quickly as possible a solution to these questions which may serve as a model for the future agreements with ETSI."

1620th Council meeting (Telecommunications) 19.XI.92

Copyright and related rights

The Council definitively adopted the Directive on rental right and lending right and on certain rights related to copyright in the field of intellectual property. The Council had adopted its common position on the Directive on 18 June 1992 and the European Parliament had given its Opinion on second reading on 28 October 1992.

The Directive provides for an exclusive right enabling authors, performing artists, phonogram producers and film producers respectively to authorize or prohibit rental and lending of their works, performances, phonograms and films; Member States will be able to derogate from the exclusive lending right in certain circumstances defined by the Directive.

The Directive also approximates Member States' laws on certain rights related to copyright by providing for rights of fixation, reproduction, distribution, broadcasting and communication to the public for groups of holders of related rights already cited and for broadcasting organizations.

PRESS RELEASE

10088/92 (Presse 216)

1621st Council meeting

ECONOMIC AND FINANCIAL QUESTIONS

Brussels, 23 November 1992

President : Mr. Norman LAMONT
Chancellor of the Exchequer
of the United Kingdom

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

Belgium:

Mr Philippe MAYSTADT Minister for Finance

Denmark:

Mr Thor PEDERSEN Minister for Economic Affairs

Germany:

Mr Johann EEKHOFF State Secretary for Economic Affairs

Mr Horst KÖHLER State Secretary for Finance

Mr Franz-Christoph ZEITLER State Secretary for Finance

Greece:

Mr Stefano MANOS Minister for Economic Affairs

Spain:

Mr Carlos SOLCHAGA Minister for Economic Affairs and Finance

Mr Pedro PEREZ State Secretary for Economic Affairs and Finance

France:

Mr Michel SAPIN Minister for Economic and Financial Affairs

Mr Martin MALVY Minister for the Budget

Ireland:

Mr Pádraic MACKERNAN Ambassador, Permanent Representative

Italy:

Mr Piero BARUCCI Minister for the Treasury

Luxembourg:

Mr Jean-Claude JUNCKER Minister for Finance

Netherlands:

Mr Wim KOK Minister for Finance

Mr Marius VAN AMELSVOORT State Secretary for Finance

Portugal:

Mr Jorge BRAGA DE MACEDO Minister for Finance

Mr José BRAZ State Secretary for the Treasury

United Kingdom:

Mr Norman LAMONT Chancellor of the Exchequer

Sir John COPE Paymaster General

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Commission:

Mr Jacques DELORS President

Sir Leon BRITTAN Vice-President

Mr Henning CHRISTOPHERSEN Vice-President

Mr Peter SCHMIDHUBER Member

Mrs Christiane SCRIVENER Member

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The following also attended:

Mr Jean-Claude TRICHET Chairman of the Monetary Committee

Mr José Juan RUIZ Chairman of the Economic Policy Committee

BELGIAN CONVERGENCE PROGRAMME - COUNCIL CONCLUSIONS

On 23 November the Council carried out an examination of the Belgian programme of economic convergence for the period 1992-1996. The Council heard at its meeting a statement from the Belgian government expressing its commitment to strengthen further the action to implement the process of convergence. Having taken into account this further commitment, the Council expressed its positive appreciation of the programme and the commitment to the process of convergence.

The Council expressed satisfaction that the economic policies followed by Belgium had led to a commendable record in the areas of price and monetary stability, putting Belgium in a position to reach most of the convergence criteria in the Treaty of Maastricht. Against this background, the Council expressed the view that taking account of a public sector debt ratio of almost 125% of GDP and a deficit well above 3% of GDP, fiscal consolidation was the key requirement in the conduct of economic policy.

The Council welcomed the multiannual measures that have been taken by the government in order to reach these objectives. It took note with satisfaction of the commitment of the Belgian authorities not, in any way, to put into question these measures or the three basic norms of the convergence programme (zero growth of expenditure in volume, evolution of revenues parallel to that of GNP and financial equilibrium of the social security), even if some budgetary room for manoeuvre was generated by an easing of interest rates compared to the level assumed in the convergence programme.

The Council believes, however, that it will be necessary to continue to bear down vigorously on public debt levels for some time to come beyond the end of the period covered by the convergence programme, and that the government should take every opportunity to make maximum progress in reducing the debt burden. For that reason, and without prejudice to the criteria set out in the Maastricht Treaty, the Council expressed satisfaction that the Belgian authorities intend to stabilise the primary budget surplus beyond 1996 at the level prescribed for that year in the convergence programme.

Moreover, the Council stressed the important role of the authorities at the level of communities and regions in the implementation of the budgetary objectives of the convergence programme. It expressed satisfaction at the agreement reached between the State, the communities and the regions on these objectives. It invited the Belgian authorities to use all means to guarantee the efficiency of that co-operation.

In the light of this first discussion, the Council invited the Commission to follow the implementation of the programme in close co-operation with the Monetary Committee and to report to it at regular intervals, at least once a year.

DELORS II PACKAGE

The Council continued its discussions on the Delors II package on the basis of a Presidency note. This note, drawn up after COREPER had discussed issue by issue the new proposals made by President Delors, put a number of questions to the ECO/FIN Council for further guidance, concerning in particular:

- the duration of the financial perspectives - seven years instead of five?
- the own resources ceiling - maintenance of the current own resources ceiling for at least another two years and increase of the ceilings for subsequent years, i.e. increase to 1.32 % of Community GNP in 1999?
- changes to the system of own resources?
- the correction of budgetary imbalances: options for reducing the value of the UK abatement or maintenance of the present formula?
- the scale and balance of Commission expenditure proposals: as revised by President Delors or other priorities?

A large exchange of views took place on these questions.

The President concluded that the debate had been useful and that the Presidency will consider the positions expressed by the Member States while preparing the "Conclave" meeting with Foreign Affairs and ECO/FIN Ministers scheduled for 27 November in Brussels.

The Council took note of the Presidency's intention to present a compromise proposal in the next few days.

COMMUNITY GROWTH INITIATIVE

Following an exchange of views on suggestions from various Member States and the Commission, the Council took note of the intention of the Presidency to have a full discussion of the European economic developments at the European Council in Edinburgh.

Against the background of increasing and wide spread concern about the growth prospects of the European economy, the Presidency feels it necessary for the European Council to consider what action Member States can take, both individually and at Community level, to hasten recovery and to strengthen growth.

ISSUES RAISED BY THE BCCI CASE

The Council heard a presentation by Vice-President BRITTAN on the lessons to be drawn from the BCCI affair, resulting from studies undertaken by various international committees and from the Bingham Report in the United Kingdom. These studies indicated that as far as the Community's supervisory regime is concerned, the system of home country control and consolidated supervision set up by Community legislation adopted over the last few years, is essentially sound and not in need of major revision. In certain respects, however, supervision might usefully be strengthened and clarified, with particular reference to the following : transparency of group structures, separation of registered office and head office of financial institutions, role of external auditors, widening the possibilities for supervisory authorities to exchange information, deposit guarantee schemes, strengthening of international co-operation between prudential supervisors. The Commission could present the necessary proposals in the course of next year.

The President noted that there was broad acceptance of the Commission's approach. The Council would consider the Commission's specific proposals when these are presented.

INVESTMENT SERVICES IN THE SECURITIES FIELD

Following the partial agreement reached on 29 June 1992 in Luxembourg, the Council completed its discussions on the Directive on investment services in the securities field, reaching overall agreement on the content of the Directive; the Council's common position will be formally adopted once the texts have been finalized.

The Directive will enable an investment firm in any Member State to carry on business throughout the Community on the basis of a single authorization (known as the European passport) issued by its home Member State.

To this end, the Directive, *inter alia*:

- harmonizes the conditions of authorization and for carrying on business;
- assigns competence for prudential supervision to the control authorities of the home Member State;
- organizes the collaboration between the authorities of the host Member State and of the home Member State in monitoring the compliance of the firm's activities with the standards of the host Member State which apply to it;
- gives investment firms right of access to all regulated markets in the Community, on the understanding that local rules and the operating rules for clearing and settlement must be observed;
- establishes minimum transparency rules to be complied with on regulated markets in order to guarantee investors a sufficient level of protection;
- sets out the principles to which the rules of conduct, to be established by Member States, must respond and which the investment companies must respect in their relations with the investors.

Further harmonization is planned in respect of compensation systems for investors. Pending adoption of that legislation, each investor can be covered by his national system.

The investment services Directive is supplemented by the Directive on capital adequacy, which harmonizes the financial guarantees to be supplied by firms, and on which the Council adopted its common position in June 1992.

The completion of the European financial area has thus broadly been achieved: the Community has already attained the objective of a single authorization and the application of home country control for the banking and insurance sectors. Through the investment services Directive, the same objectives will be achieved in the securities field, bringing benefits for both the economic operator and the investor. The Community citizen will from now on be able to approach not only credit institutions or insurers established in any Community Member State, but also securities brokers in any other Member State, in order to have his instructions carried out on any stock market in the Community.

FIGHT AGAINST FRAUD

As agreed at its session of 28 September, the Council had an exchange of views on the question of fight against fraud and irregularity affecting the Community budget on the basis of a report from the high level group established for that purpose.

Following this exchange of views, the Council agreed on a series of conclusions, in particular it

- reiterated the importance it attaches to the continuing fight against fraud and irregularity in all parts of the Community budget including both revenue and expenditure not only because of the amounts of money involved and the damage cases of fraud do to the reputation of the Community, but also in the light of the anti-fraud provisions in the Maastricht Treaty;
- agreed on the action need for better tackling fraud and irregularity in respect of international companies and multinational transactions;
- welcomed the statement by the Commission about their intention to bring forward proposals as soon as possible to improve the procedures for the clearance of accounts (and call on member states to co-operate accordingly);
- noted the Commission's statement that they will continue to give high priority to developing the 45 point anti-fraud work programme, including the setting of precise goals and target dates;
- agreed that a representative of the Council might discuss informally with representatives of the European Parliament and the Commission each year the anti-fraud priorities for the year ahead;
- underlined the desirability of simplifying the export refund nomenclature and reducing the number of codes taking account as far as possible of the likely economic repercussions;
- endorsed the proposals for the extension of risk targeting;

The Council also took note of the Commission's description of its anti-fraud activities.

Finally, the Council confirmed its intention of examining progress against priorities when considering before the end of June 1993 the Commission's report on the fight against fraud in 1992.

ABOLITION OF FISCAL FRONTIERS**- Simplification of VAT and excise duty arrangements**

In view of the abolition of fiscal frontiers at the end of this year, the Council examined two draft directives concerning simplifications, on the one hand of the VAT transitional arrangements and, on the other hand, of the general arrangements for products subject to excise duty.

The Council concluded that a large consensus has already been reached on the excise duties draft text; as far as the VAT simplification is concerned, it noted that good progress has been made so far. The Council invited Coreper to resolve the outstanding issues, in order to allow the formal adoption of both texts at the earliest possible date before 1 January 1993.

- Special VAT arrangements for secondhand goods, works of art, collectors items and antiques

Following the progress made in the ad hoc group on the seventh VAT Directive, the Council examined the question of VAT treatment with regard to imports of works of art.

It asked Coreper to continue work on this point, as well as on other issues still to be resolved, in order to reach an early conclusion on the directive as a whole.

TRAVEL ALLOWANCES

The Council discussed the level of allowances for travellers from third countries and the limit for intra-Community tax-free sales.

The debate allowed to come closer to a compromise. The Council will come back to this question with a view to taking a final decision at its session of 14 December.

TAXATION OF ROAD TRANSPORT

Following recent work by Transport Ministers, the Council had an in-depth discussion on the two aspects of taxation of heavy goods vehicles: vehicle taxation and tolls and user charges.

The Council achieved substantial progress on vehicle taxation. It will come back to both aspects, in the light of deliberations of Transport Ministers at their meeting of 7/8 December, in order to reach a final conclusion on this file at its session of 14 December.

GUIDELINES ON COMPANY TAXATION LINKED TO THE FURTHER DEVELOPMENT OF THE INTERNAL MARKET - COUNCIL CONCLUSIONS

The Council

- agrees with the Commission's assessment of the value of the Ruding Committee's contribution to the debate within the Community and internationally on the part played by company taxation and its impact on cross-frontier financial and investment flows;
- takes note of the Commission's endorsement of the Ruding Committee's conclusions that, "given the importance of taxation for Member States' sovereignty and the principle of subsidiarity, Community action on business taxation should be limited to the minimum necessary to ensure that the internal market functions smoothly";
- endorses the pragmatic and progressive approach recommended by the Commission of the Committee's findings;
- respecting the wider objectives of Community policies and subsidiarity criteria and taking account of the principle that Community action on business taxation should be limited to the minimum necessary to ensure that the internal market functions smoothly, considers that special measures should be proposed only if they:
 - = take account of the general fiscal environment of the Member States as well as the budgetary constraints;
 - = recognize that taxation is only one factor amongst others in investment decisions;
 - = take account of the effect on trade and investment flows not only between the Member States, but also between the Community and the rest of the world;
 - = take account of the importance of simplicity and administrative practicability;
 - = take account of the need to combat tax evasion and avoidance;
 - = follow comprehensive consultations with the Member States and appropriate consultations with other interested parties;
- agrees that the above mentioned criteria should be applied to the consideration of whether issues merit action and the level at which identified problems might be resolved, including those measures which are best taken on the basis of voluntary co-operative action;
- recognizes the importance of eliminating double taxation of cross-border income flows and consequential distortions, but also recognizes the importance of ensuring adequate and effective

taxation at least once;

- endorses the concern expressed by the Commission and the Ruding Committee about the effects of special tax arrangements designed to attract internationally mobile capital and other tax incentives where these tax arrangements of incentives result in loss of revenue to other Member States and unfair competition; believes that consideration is urgently needed of possible remedies to this problem in general and in this context:
 - = agrees with the Commission's view that there would be problems with the Ruding Committee's proposal for a minimum rate of corporation tax of 30%;
 - = in relation in particular to Article 92 of the Treaty establishing the European Economic Community, notes the relevance of the strict application of competition rules whilst at the same time recognizing that favourable tax treatment can, under certain circumstances, have a legitimate role to play in particular as one element in a cohesive regional development policy;
- accordingly agrees that examination of the issues raised should be continued in the light of these conclusions.

OTHER DECISIONS IN THE FIELD OF ECONOMY/FINANCE

Financial assistance for Estonia, Latvia and Lithuania

The Council adopted the decision providing medium-term financial assistance for Estonia, Latvia and Lithuania of a maximum amount of respectively ECU 40 million, ECU 80 million and ECU 100 Million in principal, with a maximum duration of seven years, with a view to ensuring sustainable balance-of-payments situations and strengthening the reserve positions.

Sixth VAT Directive

- Requests for derogating measures

The Council adopted decisions authorizing

- Germany, until 31 December 1995, to exempt the supply of services in respect of the management of credit and credit guarantees by a person or a body other than the one which granted the credits;
- France, from 1 January 1992 to 31 December 1996,
 - = to introduce arrangements for withholding at source the tax payable by authors where the royalties they receive are paid by publishers, royalty collection and distribution companies or producers,
 - = to calculate authors' deductible input tax by applying a flat rate of 0.80% to their royalties. The amount determined in this way shall be exclusive of any other deduction;
- the Netherlands to apply, until 31 December 1996, in the ready-to-wear clothing industry a scheme for shifting the obligation of pay over VAT to the tax authorities from the subcontractor to the clothing firm (the contractor);
- the United Kingdom, until 31 December 1996, to introduce a special measure allowing the appropriate authorities to direct that the open market value be taken as the taxable amount for intra-Community acquisitions of goods, where the person by whom the goods are acquired is not a fully taxable person, and where there exist certain family, legal or business ties, specified in the national legislation, between the person by whom the goods are acquired and the supplier.

MISCELLANEOUS DECISIONSFormation of public-liability companies and the maintenance and alteration of their capital

Following the conclusion of the co-operation procedure with the European Parliament, the Council formally adopted the Directive amending Directive 77/91/EEC on the formation of public limited-liability companies and the maintenance and alteration of their capital.

It is recalled that Directive 77/91/EEC restricts the extent to which a limited-liability company may acquire its own shares, in order to maintain subscribed capital and guarantee equal treatment of shareholders.

The amendment is intended to prevent a limited liability company using another company in which it holds majority voting rights or over which it may exercise a dominant influence in order to make such acquisitions without complying with the prescribed restrictions.

The Member States are required to adopt the provisions necessary to comply with this Directive before 1 January 1994. The date of entry into force of the provisions is fixed 1 January 1995. Belgium may defer application of the provisions concerning suspension of voting rights until 1 January 1998, provided that such voting rights are attached to shares acquired before notification of the Directive and that they do not exceed, for all companies associated with the limited-liability company, 10% of the voting rights of that same limited-liability company.

ECSC

The Council delivered its assent, pursuant to Article 56(2)(a) of the ECSC Treaty, in respect of:

- Deutsche Industrie- und Handelsbank AG, Allemagne
- Westdeutsche Genossenschafts-Zentralbank e.G. (WGZ-BANK), Allemagne
- Deutsche Bank AG, Allemagne
- Norddeutsche Landesbank, Girozentrale, Allemagne
- Crédit Général, S.A., Belgique
- Industrie Kreditbank AG - Deutsche Industriebank (IKB), Allemagne
- Dresdner Bank AG, Allemagne
- Metallbank, Allemagne
- Commerzbank, Allemagne
- Consortium bancaire Saar-Lor-Lux, Luxembourg
- Société Générale et Société Générale Alsacienne de Banque, France
- Société de Développement Régional du Nord et du Pas-de-Calais, France
- Westdeutsche Landesbank, Allemagne
- Banque Bruxelles Lambert, Belgique.

Customs Union

The Council adopted the Regulation opening and providing for the administration of Community tariff quotas for an agricultural and a chemical product (Fifth series 1992).

PRESS RELEASE

10089/92 (Presse 217-G)

1622nd Council meeting

- FISHERIES -

Brussels, 23 November 1992

President: Mr David CURRY,
Minister of State for Agriculture,
Fisheries and Food of the
United Kingdom

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

Belgium:

Mr André BOURGEOIS Minister for Small and Medium-Sized
Businesses and Agriculture

Denmark:

Mr Kent KIRK Minister for Fisheries
Mr Thomas LAURITSEN State Secretary at the Ministry of Fisheries

Germany:

Mr Walter KITTEL State Secretary, Federal Ministry of Food,
Agriculture and Forestry

Greece:

Mr Christos KOSKINAS State Secretary for Agriculture and Fisheries

Spain:

Mr Pedro SOLBES MIRA Minister for Agriculture, Fisheries and Food

France:

Mr Charles JOSSELIN State Secretary for Maritime Affairs

Ireland:

Mr Michael WOODS Minister for the Marine

Italy:

Mr Julio CAMBER State Secretary for Transport and the Merchant Navy

Luxembourg:

Mr Marc UNGEHEUER Permanent Representation

Netherlands:

Mr Piet BUKMAN Minister for Agriculture, Nature Conservation and
Fisheries

Portugal:

Mr Eduardo DE AZEVEDO SOARES Minister for Maritime Affairs

United Kingdom:

Mr David CURRY Minister of State for Agriculture, Fisheries and
Food
Sir Hector MONRO Parliamentary Under-Secretary of State, Scottish
Office

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Commission:

Mr Manuel MARIN Vice-President

TARIFF QUOTAS AND SUSPENSIONS

The Council adopted the Regulations for certain fishery products for 1993:

- opening and providing for the administration of autonomous Community tariff quotas;
- totally or partially suspending the autonomous duties of the Common Customs Tariff.

Under the first of these Regulations, customs duties applicable to imports of the following products intended for processing will be suspended at the levels and within the limits of the Community tariff quotas indicated from 1 April to 31 December 1993:

	<u>Amount of quota</u>	<u>Quota duty</u>
	<u>in tonnes</u>	<u>%</u>
- cod	30 000	6
- shrimps and prawns	5 000	6
- Alaska pollack	2 000	8
- hake	4 000	8
- surimi	2 500	6

This Regulation is intended primarily to ensure supplies to processing industries at prices enabling them to cope with competition but without harming the interests of Community fishermen.

It also takes account of the consequences for fisheries of the Agreement on the European Economic Area (EEA) whereby a whole series of products may, from the date of entry into force of the Agreement, be imported into the Community free of customs duties and in unlimited quantities.

In the case of tariff suspensions, provision is made for total or partial suspension from 1 January to 31 December 1993 of the autonomous duties of the Common Customs Tariff for the following fishery products:

Autonomous duties

%

- dogfish	6
- sturgeons	0
- lump fish	0
- red snapper	0
- hard fish roes	0
- Pacific salmon	0
- soft roe	0
- fillets and meat of hake	10
- fillets and meat of Alaska Pollack	5
- krill	0
- crabs	0
- lobster flesh, cooked	0

REVIEW OF THE COMMON FISHERIES POLICY

Pending the Opinion of the European Parliament, the Council held an in-depth policy debate on the proposal for a Regulation establishing a Community system for fisheries and aquaculture, which constitutes the framework for revising the Common Fisheries Policy (CFP) for the next 10 years.

This proposal replaces basic Regulation No 170/83 as from 1 January 1993 and follows on from the guidelines adopted by the Commission in its report on the CFP of December 1991, and in particular from the conclusions and opinions expressed by the Council and the European Parliament.

The debate was policy-oriented and made it possible to examine in detail a number of outstanding problems, in particular:

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- the scope of the CFP and the Regulation as such;
- the proposed Community system of fishing licences;
- arrangements for access to the 12 nautical mile coastal band;
- biologically sensitive areas;
- management of resources taking account of regulation of the exploitation rate;
- aims of restructuring the Community fleet;
- institution of Community monitoring arrangements;
- the social dimension of the CFP;
- the decision-taking procedures.

Following the discussion, the President noted that the policy guidelines agreed on would make it possible to speed up work with a view to reaching agreement on this at the next Council meeting on 19 December 1992.

STRUCTURAL POLICY FOR THE FISHING FLEET

The Council held a policy debate on the restructuring of the Community fishing fleet in the context of adoption by the Commission of the Multi-annual Guidance Programmes (MGPs) for the period 1993 to 1996.

This debate produced Council guidelines for the meeting of the Standing Committee on the Fishing Industry on 25 November 1992.

The guidelines referred mainly to the scale of fleet reductions with reference to the various types of fishing, and the procedure for implementing them (balance between capacity measures and those concerning fishing effort).

It should be noted that, although drawing up the Multi-annual Guidance Programmes was its responsibility, the Commission said that it was prepared to take account of the Council's guidelines in view of the particular importance of the matter.

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Pending the Opinion of the European Parliament, the Council also held a policy debate on the proposal for a Regulation amending for the third time Regulation No 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector.

The debate showed that attitudes were generally in favour of the enacting terms of the Regulation designed to supplement the range of options available to the Member States in seeking a balance between fleet capacity and available resources, by introducing the concept of fishing effort into the Regulation. Member States will therefore be allowed to resort to measures to limit fishing effort, geared to the specific situation of stocks and the fleets concerned in order to achieve the objectives of their Multi-Annual Guidance Programmes (MGPs).

INDUSTRIAL FISHERIES

The Council took note of the report presented by the Commission on industrial fisheries in the North Sea and in the Skagerrak and Kattegat as requested by the Council at its meeting on 17 and 18 October 1991.

The report, which was also submitted to the Parliament and the Economic and Social Committee, outlines the general characteristics of the industrial fisheries concerned, in their international and Community context. It gives a brief account of the most recent biological evaluations and investigations and indicates the Community Regulations applicable to industrial fisheries.

After a brief exchange of views, the Council instructed the Permanent Representatives Committee to continue examining the report, with an eye to follow-up action.

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MISCELLANEOUS DECISIONS

Agriculture

The Council adopted the Regulations:

- opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN Codes 0201 and 0202 and for products falling within CN Codes 0206 10 95 and 0206 29 91 (1993). This involves an amount of 34 300 tonnes subject to a duty of 20%;
- opening and providing for the administration of a Community tariff quota of meat of bovine animals, frozen, falling within CN Code 0202 and products falling within CN Code 0206 29 91 (1993). This involves a quota of 53 000 tonnes subject to a duty of 20%;
- opening a Community tariff quota for frozen buffalo meat falling within CN Code 0202 30 90 (1993). This involves a quota of 2 250 tonnes subject to a duty of 20%;
- opening a Community tariff quota for frozen thin skirt of bovine animals falling within CN Code 0206 29 91 (1993). This involves an amount of 1 500 tonnes subject to a duty of 4%.

The Council also adopted the Regulation laying down special measures for the transport of certain fresh fruit and vegetables originating in Greece. This provides the operators concerned with temporary special aid to offset the consequences of the conflict in the former Yugoslavia (generally favourable attitude at the Agriculture Council on 16 and 17 November - see Press Release 10082/92 Presse 210).

PRESS RELEASE

10091/92 (Presse 219)

1623rd Council meeting

- INDUSTRY -

Brussels, 24 November 1992

President : Mr Michael HESELTINE,

Secretary of State for Trade and Industry
of the United Kingdom

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

Belgium:

Mr Melchior WATHELET Deputy Prime Minister, Minister for Economic affairs

Denmark:

Mrs Anne-Birgitte LUNDHOLT Minister for Industry

Germany:

Mr Johann EEKHOFF State Secretary, Federal Ministry of Economic Affairs

Greece:

Mr Ioannis PALAIOKRASSAS Minister for Finance

Spain:

Mr Claudio ARANZADI Minister for Industry and Energy
Mr Alvaro ESPINA State Secretary for Industry

France:

Mr Dominique STRAUSS-KAHN Minister with responsibility for Industry and Foreign Trade

Ireland:

Mr Eamonn RYAN Deputy Permanent Representative

Italy:

Mr Giuseppe GUARINO Minister for Industry

Luxembourg:

Mr Robert GOEBBELS Minister for Economic Affairs

Netherlands:

Mr J.E. ANDRIESEN Minister for Economic Affairs

Portugal:

Mr Luis MIRA AMARAL Minister for Industry and Energy

United Kingdom:

Mr Michael HESELTINE Secretary of State for Trade and Industry
Mr Timothy SAINSBURY Minister of State for Trade and Industry

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Commission:

Mr Martin BANGEMANN Vice-President
Sir Leon BRITTAN Vice-President
Mr Filippo Maria PANDOLFI Vice-President
Mr Antonio CARDOSO E CUNHA Member
Mr Peter SCHMIDHUBER Member

ADMINISTRATIVE SIMPLIFICATION FOR ENTERPRISES, ESPECIALLY SMEs

The Council, after having taken note of a report by the Commission on administrative simplification and the need to minimise burdens on enterprises, especially SMEs, arising from Community legislation, adopted the following Resolution:

"THE COUNCIL OF THE EUROPEAN COMMUNITIES

1. Having regard to the Treaty establishing the European Economic Community,
2. Having regard to the Council Resolution of 30 June 1988 on the improvement of the business environment,
3. Having regard to the Council Decision of 28 July 1989 on the improvement of the business environment and the promotion of the development of enterprises, and in particular small and medium sized enterprises, in the Community,
4. Having regard to the Council Recommendation of 28 May 1990 relating to the implementation of policy of administrative simplification in favour of small and medium sized enterprises in the Member States,
5. Having regard to the Commission Communication entitled "Industrial Policy in an open and competitive environment" (10200/90) the conclusions of which were approved by the Council on 26 November 1990, and particularly the principle that Community industrial policy be implemented through the creation of a favourable environment for firms' initiatives,
6. Having regard to the undertaking of the Commission at the European Council on 10 December 1991 to take account in legislative proposals of the costs and benefits of Community legislation through any consultations it considers necessary and by strengthening its existing system of impact assessments,
7. Having regard to the Council Resolution of 17 June 1992 on Community action to support enterprises in particular small and medium-sized enterprises including craft industry enterprises,
8. Having regard to the declaration at the European Council on 16 October 1992 "welcoming the Commission's offer to consult more widely before proposing legislation, which could include consultation with all the Member States and a more systematic use of consultation documents (Green Papers)",
9. Acknowledging that the development of small and medium sized enterprises is of great importance in increasing the competitiveness of the European economy and the economic cohesion of the Community,
10. Acknowledging that legislation can cause burdens for all enterprises and that the consequent costs for small and medium sized enterprises may sometimes be disproportionately high,
11. Acknowledging the benefit for enterprises of a framework of legislation which is simple, consistent and coherent,
12. Acknowledging that legislation adopted should be only that which is necessary, and should be a proportionate response to the need or opportunity addressed,

13. Recognising that unjustified burdens on administrations as well as on enterprises should be avoided,
14. RECOGNISES that effective consultation with parties concerned on new legislation is an integral part of ensuring that legislation does not burden business unnecessarily and that consultative documents produced at an early stage in the consideration of legislation can serve as an effective means of consultation;
15. EMPHASISES the importance of the Commission's impact assessment system for ensuring proper consideration of legislative proposals and the need for assessments to be properly drawn up on the basis of full consultation with appropriate business organisations (including those representing small and medium sized enterprises) and other interested parties;
16. WELCOMES the Commission's report on Administrative Simplification in the Community, including the Guidelines for Future Action and, in particular, the Commission's intentions:
 - a) to consult thoroughly with interested parties, and especially with small and medium sized enterprise representatives, from the beginning of the consideration of new proposals for, and changes to, Community legislation;
 - b) to ensure that impact assessments are revised when substantial amendments to proposals are accepted by the Commission, in the context of the inter-institutional legislative process;
 - c) to make known in the publication of the annual legislative programme of the Community the proposals on which it has been agreed that an impact assessment should be completed ;
 - d) to encourage the exchange of ideas between Member States, including convening meetings between Member States and the Commission; and, in addition;
17. INVITES THE COMMISSION
 - a) to ensure that full account is taken of the costs and benefits to enterprises by preparing an impact assessment on all Commission proposals which may give rise to a substantial burden for enterprises;
 - b) to ensure the appropriate publication in the Official Journal of a list of those proposals on which an impact assessment is to be completed and for a reference to be made to the assessment when the proposal is published in the Official Journal; that the impact assessments will be made available to interested parties upon request; and that impact assessments are 'revised when substantial amendments to proposals are accepted by the Commission, in the context of the inter-institutional legislative process;
 - c) to indicate at the earliest possible time, before any measure which was not included in the Commission's Work Programme is proposed, whether that proposal will be the subject of an impact assessment;
 - d) to collect information on the impact on enterprises of existing Community legislation in the light of experience gained from implementation, and to formulate proposals to reduce the burden to a minimum consistent with achieving the legislative objectives;
 - e) to produce a report every three years on administrative simplification in the Commission and in Member States;

- f) to ensure that an impact assessment is available whenever the Council acts on Commission proposals which may give rise to a substantial burden for enterprises;

18. UNDERTAKES

- a) to continue to take full account of the Commission's impact assessments in discussions of legislative proposals in the Council;
- b) to indicate to the Commission any other legislative proposals on which it thinks there should be an impact assessment, as soon as possible after the publication of the information outlined in 16 (c);
- c) to discuss the effectiveness of the impact assessment system regularly ;
- d) to avoid all unjustified burden on enterprises in its decisions on the Commission's proposals; and, in addition;

19. INVITES THE MEMBER STATES

- a) to continue to work in co-operation with the Commission and to encourage appropriate business organisations to contribute to the assessment of the costs and benefits for enterprises related to the potential burden of proposed legislation, with a view to minimising the consequent burdens at both Community and national levels;
- b) to take into account the impact on enterprises of Member States' plans for implementation and enforcement of Community legislation when assessing potential burdens and
- c) to encourage the development of best practice including the best methodology notably on cost/benefit analysis by participation in discussions between Member States and with the Commission."

INDUSTRIAL COMPETITIVENESS AND ENVIRONMENTAL PROTECTION

The Council had an exchange of views on the Commission communication on industrial competitiveness and environmental protection, after which it adopted the following Resolution:

"THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Communication entitled "Industrial Policy in an Open and Competitive Environment: Guidelines for a Community approach" presented by the Commission on 20 November 1990,

Having regard to the Programme entitled "Towards Sustainability" presented by the Commission on 29 April 1992,

Having regard to relevant international agreements, and in particular the Rio Declaration and Agenda 21, adopted by the United Nations Conference on Environment and Development in Rio de Janeiro, 3 - 14 June 1992,

Whereas the Community and its Member States subscribed to the Declaration and Agenda 21 which are aimed at achieving sustainable patterns of development worldwide and which recognise the importance of major groups and in particular the role of industry in achieving sustainable growth,

Whereas Article 130R of the Treaty establishing the European Economic Community, sets out the objectives of the Community relating to the environment and the principles and factors which shall be taken into account in preparing action to achieve those objectives; and whereas the Community shall take action to the extent that the objectives can be attained better at Community level than at the level of individual Member States;

Acknowledging that environmental protection requirements must be integrated into the definitions and implementation of other Community policies ;

Acknowledging the contribution which healthy and sustainable growth can make to providing the resources and know-how needed to improve the environment and the central importance of industry and industrial competitiveness to achieving such growth;

Acknowledging that small and medium sized enterprises as well as large enterprises must play a part in protecting and improving the environment in order to achieve sustainable development;

Acknowledging that policies to protect and improve the environment can stimulate the development and use of more efficient processes and create markets for new products and processes as well as adding to the costs of industry ;

Acknowledging the existence of growing public pressure for improvement in industry's environmental performance and of a desire for products which have less adverse impact on the environment;

Acknowledging that the development and implementation of measures to protect and improve the environment should take into account the nature of the problem to be addressed, the efficiency of the measures and the potential benefits and costs of action or lack of action;

Acknowledging that measures shall also seek to improve the competitive position of EC industry in world markets ;

Acknowledging that such measures which distort competition within the Community or restrict trade must nonetheless be avoided in accordance with the provisions of the Treaty;

Acknowledging that the Community's policy for the environment must take account of the balanced development of its regions and recognising that the Cohesion Fund to be established can make a clear contribution to improving environmental protection and industrial competitiveness in the less developed regions and regions undergoing reconversion ;

HAS ADOPTED THIS RESOLUTION:

THE COUNCIL

1. Welcomes the Communication on Industrial Competitiveness and Environmental Protection adopted by the Commission on 4 November 1992 and agrees that close coordination between policies for industry and the environment is essential;
2. Affirms its commitment to integrating environmental objectives into policies affecting industry; considers that industry should take into account environmental considerations into its own strategies and calls on it to develop and adopt clean or cleaner available processes and products and to develop appropriate internal management systems;
3. Considers that a preventative and market-based approach to environmental protection can be beneficial to industrial competitiveness and should be adopted whenever possible;
4. Affirms its commitment to enhanced industrial competitiveness coupled with a high level of environmental protection and declares that it will consider further how this is to be achieved;
5. Welcomes the Commission's intention, as indicated by the Programme "Towards Sustainability", to establish clear, long term environmental objectives for industry, and considers that to play its full part in achieving sustainable development, industry, particularly small and medium sized enterprises must be closely involved from the outset in a dialogue on the development of policies to achieve those objectives;
6. Recognises that economic instruments to provide incentives for improved environmental performance and voluntary action by industry, including agreements between industry and Government provided they are implemented effectively and are compatible with the competition rules of the EEC Treaty, may achieve progress towards the Community's environmental objectives more cost-effectively than compulsory environmental provisions; and considers that such alternative approaches should always be examined as an option to achieve the most appropriate mix of instruments;
7. Considers that measures to achieve the Community's environmental objectives should be coherent, predictable and practicable for industry, taking into particular account the specific needs of small and medium sized enterprises and the environmental conditions of the various regions of the Community and must be enforced consistently in all parts of the Community;
8. Considers that there is a need for improved and systematic methods of assessing the benefit of measures to protect and improve the environment and their costs and benefits to industry;
9. Considers that, as proposals aimed at improving and protecting the environment are of such importance to industry, general procedures concerning the preparation and publication of impact assessments should be followed in most cases;
10. Considers that there is a need for more intensified information to industry on the potential benefits to its competitiveness of the development and use of cleaner technologies;
11. Considers it important that the relationship between trade policy and the environment should be clarified, affirms its intention to cooperate with the work in this area in OECD, GATT and other international fora, and agrees to intensify its examination of this issue;

12. Considers that competition within the Community will be improved if industrial and private consumers are provided with more reliable and consistent information on the environmental performance of firms and products;
13. Affirms its commitment to the polluter pays principle;
14. Considers that in certain areas there is a need also for an improved statistical framework and for clarification of the scope and size of the Community market for environmental technologies;
15. INVITES THE COMMISSION TO
- i) promote an effective dialogue with industry and ensure that general procedures concerning consultation with interested parties, particularly small and medium sized enterprises, are followed in relation to its new proposals for legislation or other instruments to implement environmental policy;
 - ii) have regard to the most cost-effective instruments to achieve the Community's environmental policy objectives, taking into account, in particular, the scope for voluntary action by industry and the advantages of economic instruments as an alternative or complement to regulation;
 - iii) have regard to the balance between the costs to industry, including small and medium sized enterprises, of measures to protect and improve the environment and their benefits to industry and the environment;
 - iv) develop, as a matter of urgency, in consultation with Member States and other interested parties, improved and systematic methods for determining the best instrument or mix of instruments to give effect to environmental policies and for assessing the costs to industry and benefits to the environment of those policies;
 - v) ensure that measures to protect and improve the environment provide maximum flexibility for industry to develop and adopt the most appropriate and economically feasible technologies and techniques for achieving environmental targets based on effective and clean technology;
 - vi) consider further and so far as necessary how the statistical framework required to inform the Community's policies towards the environment and the environmental technology industry might be improved;
16. INVITES THE COMMISSION AND MEMBER STATES TO:
- a) cooperate to encourage the development of environmental technologies, including cleaner technologies and their diffusion to industry, including to small and medium sized enterprises, in all regions of the Community;
 - b) give greater emphasis to the development of environmental technologies including cleaner technologies within existing or planned programmes for the support of research and development relevant to industrial processes;
 - c) cooperate to maintain the integrity of the internal market whilst promoting protection of the environment at a high level by avoiding the creation of new trade barriers at national level;
 - d) encourage standards-making bodies at national and international level to give adequate weight to environmental considerations in the development of industry standards;

- e) give greater priority to ensuring, for example by Ecolabelling, that consumers receive information on the environmental performance of products which is reliable and consistent throughout the Community;
- f) cooperate to ensure compatibility between an open trade policy and protection of the environment and to avoid unilateral trade measures.

17. DECLARES its intention to consider these issues further in the first half of 1993."

ECSC TREATY AND FINANCING ACTIVITIES - Council Conclusions

The Council had a debate on the financing activities within the framework of the ECSC Treaty on the basis of a Commission communication, after which it adopted following conclusions:

"The Council reaffirms the conclusion reached at its meeting on 29 April 1991 supporting the Commission's view that the ECSC Treaty should continue until its expiry in 2002, with an increasingly flexible application of its provisions in the interim. The Council recalls its view that the Commission should undertake a more detailed analysis of the implications, and looks forward to studying that analysis as soon as possible.

The Council recognises the need to work towards phasing out the regime established by the ECSC Treaty, so that coal and steel industries can be treated in the same way as other industries e.g. in the area of competition policy.

The Council recognises that the Community's coal and steel industries are currently experiencing severe difficulties which have led to calls for ECSC assistance towards, inter alia, the restructuring of the industries, and the associated social costs.

The Council recalls the frequently expressed view of the industries that the levy hinders competitiveness and should be ended and the reserves used for the benefit of the industries. It welcomes the small reductions made in recent years in the rate of the levy.

The Council considers that it is essential to examine the efficacy of ECSC financial mechanisms and the arguments for and against their continuation. Moreover, it believes that a clear picture of the size and shape of ECSC financing activities during the period to 2002 is indispensable to the proper consideration of individual financing proposals.

The Council welcomes the increased flexibility which the Commission has shown in its application of the ECSC Treaty. The Council encourages the Commission to apply the ECSC provisions in order to take account of developments in the market.

The Council calls on the Commission to:

- make the most substantial possible reductions in the levy in order to achieve a rapid phasing out and make proposals for using the reserves, in the transitional period, in the way most suitable directly and indirectly for the industries concerned in order to ensure a smooth transition to the period post 2002 including a rapid reduction of ECSC lending and borrowing activities;
- consider the phasing out of Article 54 loans, bearing in mind that this may be of limited benefit to the industries in particular those loans relating to encouraging consumption;
- examine the continued need for Article 56 loans, bearing in mind the view of some Member States that there is little justification for interest subsidies on such loans, and the view of others that there are considerable benefits;
- take account of the social aspects in considering ECSC financial matters;
- examine ways in which the financial bodies, among them the EIB could take over some ECSC financing activities without excluding the possibility of making available reserves backing up such activities in the run-up to 2002;
- examine ways in which current ECSC research activities could be brought within the EC framework, bearing in mind the importance which the Council attaches to these activities;

The Council notes that the Commission has just agreed detailed communications on this issue and the wider question of problems in the steel industry, and undertakes to consider these in detail in the first half of 1993."

STEEL

1. The Council heard a statement by Vice-President BANGEMANN on the Commission communication concerning the need for further restructuring of the steel industry in order to boost competitiveness in that sector.

The Commission document presented a new overall diagnosis of the market situation and production structures, listing all the measures which the Commission would be ready to implement as rapidly as possible in order to stimulate and facilitate a new restructuring drive, while providing back-up for the measures which steel undertakings would have to take in that connection.

2. The Council also held a policy debate on the restructuring plans of the Spanish companies CSI (Corporación de la Siderurgia integral) and SIDENOR, which the Spanish Government had notified to the Commission.

In the Commission's opinion, the two plans included aid elements that were incompatible with the ECSC Treaty and the current Steel Aids Code. The Spanish Government's proposed aid measures could not therefore be authorized unless the Commission adopted a derogating decision in accordance with Article 95 of the ECSC Treaty, which required unanimity of the Council and consultation of the ECSC Consultative Committee.

3. Following discussion of these two issues, the President noted that Ministers were not prepared to accept the proposals concerning the Spanish companies' restructuring plans at today's meeting. The issues would be further explored and more information provided in bilateral discussions. The matter would be put before another meeting of the Council under the Danish Presidency when the time was ripe; this would be done either in the context of a wider response to the problems of the steel industry in Europe or by addressing the Spanish case separately.

Regarding the further restructuring of the European steel industry, the Council took note of the Commission's communication and invited the Commission to continue with its work.

The Presidency also noted that a large majority of delegations and the Commission confirmed the need for speedy and effective action concerning imports from Eastern Europe and the former USSR, compatible with the Community's international obligations.

COMPETITION POLICY

The Council discussed the XXIst Commission report on competition policy.

The report covered competition policy vis-à-vis enterprises and state intervention, contacts with Community and other institutions, and general competition policy.

Following discussion, the Council welcomed the Commission's report and emphasized the need to continue applying Community competition policy punctiliously in every case.

POLICY TOWARDS SMALL AND MEDIUM-SIZED ENTERPRISES

The Council discussed policy towards small and medium-sized enterprises (SMEs) on the basis of a Presidency note and in the light of a Commission communication on evaluation of the Community's enterprise policy.

It also noted that the Commission intended to submit a new programme for SMEs for the period 1994-1997 as part of an initiative to stimulate economic growth in the Community.

MINING INDUSTRY

The Council noted a Commission communication setting out broad guidelines for a Community approach to the mining industries.

After a brief discussion the Council noted that the Commission intended to report to it in a year's time on progress with the work announced in its communication.

PRESS RELEASE

10366/92 (Presse 224)

1624th meeting of the Council
and the Ministers for Education
meeting within the Council

Brussels, 27 November 1992

President: Mr John PATTEN, Minister for Education
of the United Kingdom

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

Belgium:

Mr M. LEBRUN Minister for Higher Education, Scientific Research and International Relations of the French-speaking Community
Mr Bernard GENTGES Minister for Education for the German-speaking Community
Mr Luc VAN DEN BOSSCHE Minister for Education and the Civil Service for the Flemish Community

Denmark:

Mr Bertel HAARDER Minister for Education and Research

Germany:

Mr Rainer ORTLEB Federal Minister for Education and Science
Mr Dieter BREITENBACH Minister for Science and Culture of the Saarland

Greece:

Mr Vassilios BEKIRIS State Secretary for Education

Spain:

Mr Alfredo PÉREZ RUBALCABA Minister for Education and Science

France:

Mr Pierre SELLAL Deputy Permanent Representative

Ireland:

Mr Eamonn RYAN Deputy Permanent Representative

Italy:

Mr Rocco Antonio CANGELOSI Deputy Permanent Representative

Luxembourg:

Mr Jim CLOOS Deputy Permanent Representative

Netherlands:

Mr J.O. RITZEN Minister for Education

Portugal:

Mr António COUTO DOS SANTOS Minister for Education

United Kingdom:

Mr John PATTEN Minister for Education
Mr Nigel FOREMAN Parliamentary Under-Secretary of State for Education
Lord James DOUGLAS-HAMILTON Parliamentary Under-Secretary of State, Scottish Office

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Commission:

Mrs Vasso PAPANDEOU Member

TEMPUS II

The Council held a policy debate on the proposal for a Decision on the second phase of the Trans-European Mobility Scheme for University Studies (TEMPUS II).

At the close of the debate, the President concluded that:

- there was agreement on continuing the TEMPUS programme for four years;
- there was a broad agreement in favour of extending the programme to the countries of the former Soviet Union (which receive aid under the TACIS programme) or to some of those countries, taking account of the differing circumstances;
- the two objectives proposed in the programme, namely the educational objective relating to the reform of higher education and the economic objective to address manpower and skill shortage were complementary, and that consideration could be given to concentrating on subjects within these objectives;
- the Joint European Project should continue to be the motor of the programme;
- Ministers considered that a Management Committee should be set up within a light legislative framework;
- there should be maximum synergy between the various Community programmes in higher education;
- TEMPUS II should neither replace nor duplicate existing bilateral and multilateral programmes.

The Council instructed the Permanent Representatives Committee to continue proceedings on this proposal for a Decision so that it could be adopted as soon as possible the following year.

MEASURES FOR DEVELOPING THE EUROPEAN DIMENSION IN HIGHER EDUCATION

The Council and Ministers adopted the conclusions set out below on measures for developing the European dimension in Higher Education. They also carried out a preliminary round of comments on the consultations begun in the Member States concerning the Commission's Memorandum on Higher Education in the Community.

CONCLUSIONS

- "1. The Council and the Ministers for Education meeting within the Council welcome the prominence given in the Commission's Memorandum on Higher Education in the European Community to the need for a European dimension in higher education. Without prejudicing current discussions on the Memorandum in the Member States, these conclusions aim to identify some areas of special concern for the further development of the European dimension in higher education.
2. Any measures to this end can build on the tradition of a European and international outlook in the courses of study and the research of the higher education institutions of Europe, going back to the time of their foundation. The contemporary challenge in developing the European dimension is to respond to the wish - and the need - of the institutions, the teaching staff and the students to adapt to and contribute to increasing European co-operation: higher education has to offer access to the rich diversity of European culture and languages while maintaining common European values; it has to meet rapidly changing economic and manpower demands in the European single market. A product of these efforts should be an improvement in the quality of education and research in the Community. To meet the challenge of extending the availability of a European dimension, the need now is to strengthen its integration in higher education policy and practice at all levels.

The need to complement student mobility with other measures

3. In the promotion of the European dimension in higher education a major point of focus is student mobility. In addition to Member State initiatives, particularly in frontier regions, the COMETT, ERASMUS, LINGUA, and TEMPUS

programmes have become a distinctive feature of the life of higher education institutions in the Community and beyond. Within the framework of the Community programmes, and through separate actions of their own, many Member States already make significant funding contributions to student mobility, which should be sustained and expanded as circumstances permit.

4. However, the number of students who can benefit directly from mobility programmes will be limited, in view of the many calls on scarce resources and on higher education's capacity to respond. Moreover, there are many students whose personal situation will not allow them to spend time in another European Community country. The Council and the Ministers for Education therefore consider that, side by side with student mobility, other measures should be developed; in particular at institutional level, among teaching staff and for those students not benefiting from mobility.

Synthesis report

5. The Council and the Ministers for Education invite the Commission to make a synthesis report by the end of 1993 on complementary measures for developing the European dimension in higher education, drawing together existing experience, for the purpose of providing practical suggestions on successful practice for the institutions, as well as informing Member State and Community activity. Among measures to be considered in this respect are the reinforcement of inter-institutional links, teaching staff mobility, inter-institutional collaboration over the curriculum, and the contribution of distance learning.

More detailed consideration of these measures is contained in the Annex.

Annex

DEVELOPING THE EUROPEAN DIMENSION IN HIGHER EDUCATION SPECIFIC MEASURES

1. Inter-institutional links

In order for the European dimension to be successfully integrated into the overall policies and general activities of the higher education institutions,

it is essential to secure the full commitment of those having the responsibility for running these institutions. This process will be assisted by the reinforcement and extension of institutional links at different levels of responsibility and management, in addition to the multiple links already being created between higher education institutions through the Community programmes, through joint research and in other ways. A study should be made of the most effective ways, on the basis of experience in mobility programmes and more widely within Member States, in which these inter-institutional links can be enhanced.

2. Teaching staff mobility

Complementary measures include teaching staff mobility, which has important potential for the promotion of the European dimension. Teachers are well placed to disseminate their experience to colleagues at all levels within institutions. They may readily reinforce and contribute to the development of institutional links and collaborative activity. Teaching staff mobility can be a cost-effective means of producing a sustained effect on the European awareness of institutions, and thereby bring the European dimension to a wide range of students. Emphasis in the Community programmes has been on student mobility, and the existing possibilities for reinforcing teaching staff mobility have not so far been fully exploited. Taking into account the experience gained within the framework of the EC mobility programmes and more widely within Member States, an analysis should be made of the impact of and the barriers to teaching staff mobility.

3. Inter-institutional collaboration over the curriculum

For many, be they concerned with European studies, study of European languages or other subjects having a European aspect, a broad European dimension is inherent in their activities. Special co-operation links among institutes and faculties of European studies, including the European University Institute, Florence and the College of Europe, Bruges, represent a valuable resource for the improvement of the European dimension in higher education.

The growth of mutual understanding between teaching staff and institutions in different Member States facilitates co-operation over the curriculum. This might take the form of recognition of components of courses, of modularization of courses, the development of common modules and common courses, and credit transfer. The ERASMUS programme has already made a valuable contribution to

the discussion of the possibilities of credit transfer, and an interim evaluation of the ECTS (European Community Course Credit Transfer System) is awaited with interest. A study should be made of ways of identifying and removing remaining obstacles to such curriculum co-operation.

4. The contribution of distance learning

Distance learning provides a means for bringing the European dimension to significant numbers of students. The Council and the Ministers for Education concluded at their meeting on 1 June 1992 ⁽¹⁾ that open and distance learning elements should be incorporated wherever justified into appropriate education and training programmes. There should be a study of ways in which distance learning methods can be utilized to broaden the availability of the European dimension to students."

OPEN AND DISTANCE LEARNING

The Council and Ministers adopted the following conclusions on actions on open and distance learning.

"Following the Commission Memorandum on open and distance learning, and the conference held at Coimbra under the auspices of the Portuguese Presidency, the Council and Ministers meeting within the Council on 1 June 1992 ⁽¹⁾ confirmed their interest in receiving proposals in this area. With a view to assisting the Commission they now wish to clarify criteria for Community action in the field of open and distance learning.

Action taken by the Community in the field of open and distance learning should take into consideration the declaration of the European Council at Birmingham on 16 October 1992 and contribute especially to its development in those areas where it has yet to reach its full potential.

(1) OJ No C 151, 16.6.1992.

The Council and the Ministers for Education consider that Community action to support Member States and their co-operation in the field of open and distance learning should:

- (a) aim to facilitate co-operation between organizations and institutions in the field, based on the sharing of information and good practice;
- (b) respond to the need to enhance the skills of teachers, trainers and managers in the techniques of open and distance learning and facilitate the exchange of experience and good practice between Member States in this area;
- (c) emphasize the importance of quality as an integral element of the proposed action, including the need for adequate tutorial and other student support services, and provision of accurate information to students including information on accreditation and recognition of qualifications;
- (d) be developed in consultation with Member States, paying attention also to the views of user groups, providers and transnational associations active in the field;
- (e) be developed with regard to the potential contribution of open and distance learning methods and technologies to conventional education and training activities, ensuring that such developments complement and do not conflict with other developments in education and training in Member States;
- (f) encompass post-secondary education and training in universities and other institutions and organizations;
- (g) focus on meeting users' needs and be able to demonstrate the special contribution that the techniques used in open and distance learning can make to achieving the objectives specified.

Experience in open and distance learning has been developed nationally, as well as through the work of transnational associations active in this field and through existing EC programmes, many outside the specific education sector. The Council and the Ministers for Education invite the Commission, with the help of the group of national experts appointed by the Member States to assist it, to review and report on current achievements in this field with a view and report on current achievements in this field with a view to encouraging those which satisfy the above criteria. Particular attention should be given to the use of open and distance learning outside the scope of higher education, since these activities are least well known."

The Council and Ministers also exchanged views on the following three questions:

- the role of public and private providers of open and distance learning;
- trans-national access for users to accurate information about open and distance learning at post-secondary levels from public and private providers;
- the need for transparency of qualifications in the Community.

COMMUNITY UNITED STATES CO-OPERATION IN THE FIELD OF EDUCATION AND TRAINING

The Council and Ministers adopted the following conclusions on Community United States co-operation in the field of education and training.

- "1. The Council and the Ministers for Education note the Commission communication on the development of EC/US co-operation in the field of education and training. They welcome this opportunity to examine the possibilities for strengthening mutual co-operation in the field of education, including academic exchanges, as provided for in the Transatlantic Declaration on EC/US relations agreed by the Community and its Member States and the United States in November 1990.
2. Fruitful bilateral activities between Member States and the USA exist in the education area and particularly in higher education. Special efforts have accordingly to be made to ensure that Community co-operation with the USA will provide added value to Member States' existing co-operation.
3. The Council and the Ministers accordingly express their readiness to assist the Commission in the consideration of future action, which should:
 - take account of existing bilateral programmes;
 - be closely tied to Community policies and programmes;
 - bring balanced benefits to both the EC and US sides;
 - make the most effective use of resources and provide a specific European added value.
4. They invite the Commission as soon as possible to enter into this consideration of future action, with a view to preparing a draft agreement with the USA."

EDUCATION INFORMATION NETWORK IN THE EUROPEAN COMMUNITY (EURYDICE)

The Council and Ministers adopted the following conclusions on the education information network in the European Community (EURYDICE).

"1. The Council and the Ministers for Education meeting within the Council, in their Resolution of 6 December 1990 on the Education information network in the European Community (EURYDICE) ⁽²⁾, requested a review of the working methods of this network. Consideration of future developments should take account of the Resolution, the recent evaluation, the interim report of 30 October 1992 by the Commission which makes proposals for short-term adaptation of the network, as well as current circumstances, namely:

- the prospective integration of the EFTA countries into the network from 1 January 1993;
- the evolution of qualitative and quantitative needs for information in the context of the development of co-operation in the field of education at the level of the Community.

2. In relation to the first point, the Council and the Ministers express willingness to provide appropriate assistance to the network. In connection with the second, they instruct the Education Committee to give early consideration to the Commission interim report. The Commission is invited, taking account of this consideration and when appropriate, to bring forward a proposal to the Council in which future objectives, priorities, target groups and operational methods of the EURYDICE network would be specified."

HEALTH EDUCATION IN SCHOOLS

The Council and Ministers adopted the following conclusions on health education in schools.

"1. The Council and the Ministers for Education meeting within the Council have taken note of a communication presented to them by the Commission on the

(2) OJ No C 329, 31.12.1990.

implementation of their Resolution of 23 November 1988 ⁽³⁾ concerning health education in schools. They welcome the positive developments that have taken place in the Member States and at the level of the Community.

2. They have taken note of the conclusions of the Council of the Ministers for Health meeting within the Council of 13 November 1992 concerning health education. They welcome the interest the Ministers for Health have shown in the Commission's communication. They acknowledge that whilst health education in schools is the responsibility of the Ministers for Education, wider policies on public health are the responsibility of the Ministers for Health.
3. They recognize that, in the light of the experience gained so far, the school setting offers numerous opportunities for promoting the acquisition of personal skills and knowledge which will develop well-informed young people, equipped to choose healthy lifestyles.
4. They therefore endorse the emphasis given by the Ministers for Health to the importance of close co-operation between health and education authorities:
 - in planning effective health education in schools which reinforces and is reinforced by health education in other settings, and
 - in explaining to young people the importance of a healthy lifestyle.
5. The general principles and the lines of action set out in the 1988 Resolution of the Council and the Ministers for Education continue to be relevant. These lines of action should continue to be pursued and increased, bearing in mind:
 - the recommendations of the Commission's communication, including the need to facilitate the development and exchange of teaching curricula and materials;
 - the need to pay particular attention to education on drug misuse and road safety, and

(3) OJ No C3, 5.1.1989.

- the need to maximize cost-effectiveness within budgetary limits at the level both of the Member States and the Community.

6. As far as activities at the level of the Community are concerned, they invite the Commission to ensure full co-ordination of those aspects of its public health promotion activities that are of particular interest to the Ministers for Education.
7. The Council and the Ministers for Education welcome the co operation that the Commission has sought with international agencies such as the World Health Organization and the Council of Europe. Such co-operation should continue.
8. They invite the Commission to make a further report on activities in implementation of the 1988 Resolution by the end of 1995."

EUROPEAN SCHOOLS

The Ministers recorded agreement on the Convention defining the Statute of the European Schools and instructed the Permanent Representatives Committee to finalize the text with a view to its formal adoption.

They asked the Commission to submit a proposal for a Decision authorizing the European Communities to sign and conclude this Convention.

Finally, the Ministers welcomed the creation of an Education Subcommittee to monitor the long-term arrangements for the European Schools. They instructed the Subcommittee to submit a first report on the matter to the Education Council meeting to be held under the Danish Presidency.

OTHER DECISIONS

Agriculture

The Council adopted a Directive on the identification and registration of animals. This Directive establishes rules for the marking of animals and the keeping of registers by keepers so as to allow the holding of origin to be traced. The introduction of this system fulfils two purposes:

- monitoring movements in intra-Community trade in animals for veterinary purposes;
- monitoring the premium arrangements for bovine, ovine and caprine animals.

The Council adopted Regulations:

- establishing an integrated administration and control system for certain Community aid schemes. A system of this type has proved necessary following the reform of the CAP so as to adapt the administration and control mechanisms to the new situation and improve their effectiveness.
- amending Regulations (EEC):
 - = No 1307/92 authorizing the Member States to grant a consumption aid for butter. This Regulation is designed to maintain the option of granting national aid for butter consumption for the 1992/1993 milk year. This aid must not exceed ECU 50 per 100 kg of butter until 31 December 1992. As from 1 January 1993 this amount is reduced to ECU 25 per 100 kg.
 - = No 1785/92 on the common organization of the markets in the sugar sector. The purpose here is to extend for the period 1 January to 30 June 1993 the preferential arrangements accorded to Portugal so as to ensure continuing supplies of raw sugar to Portuguese refineries.

Relations with Romania

The Council adopted a Decision provided further medium-term financial assistance for Romania amounting to a maximum of ECU 80 million for a maximum period of seven years so as to help support that country's balance of payments and bolster its reserves.

This aid supplements the aid decided on in 1991, which amounted to ECU 375 million, and has proved necessary to help the Romanian Government's action to stabilize the Romanian economy.

Relations with the Republic of San Marino

Pending completion of the ratification procedures for the Trade and Customs Union Agreement with the Republic of San Marino signed on 16 December 1991 (see press release 10392/91 Presse 248), the Council approved an interim agreement designed to implement in advance the trade provisions of that Agreement.

The interim agreement was signed and the Decision concluding it adopted on the same day. Since the necessary procedures have been completed by both Contracting Parties, the interim agreement will enter into force on 1 December 1992.

Fisheries

The Council approved an Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Community and Senegal on fishing off the coast of Senegal for the period from 2 October 1992 to 1 October 1994.

Under the Protocol, initialled on 1 October 1992, Community fishermen will retain their fishing opportunities in the waters over which Senegal has sovereignty or jurisdiction.

EEC/Austria Transit Agreement

Since the European Parliament had delivered its Opinion, the Council formally adopted the Decision on the conclusion of the Agreement between the Community and Austria on the transit of goods by road and rail.

This Agreement, for duration of twelve years, is designed to strengthen co-operation between the Contracting Parties in certain transport areas, in particular transit traffic across the Alps.

To that end the Community and Austria have agreed to introduce co-ordinated measures to promote rail transport, in particular combined transport, and to improve the organization of road transport in the interests of public health and the Alpine environment by reducing pollution (ECOPOINTS system).

Co-operation between the Contracting Parties covers in particular transport infrastructures, support measures needed for the development of rail transport and combined transport, road transport arrangements and an ongoing exchange of information on the development of the respective transport policies.

The Council also adopted a Regulation on a system of distribution among Member States of Rights of Transit (ECOPOINTS) for heavy goods vehicles with a laden weight of over 7,5 tonnes registered in a Member State transiting through Austria.

For these purposes the following distribution scale will be used:

- Belgium	32.500 units
- Denmark	40.500 units
- Germany	482.500 units
- Greece	60.500 units
- Spain	1.200 units
- France	5.000 units
- Ireland	1.000 units
- Italy	510.000 units
- Luxembourg	5.000 units
- Netherlands	123.500 units
- Portugal	400 units
- United Kingdom	8.500 units
Total	1.270.600 units

A Community reserve equal to 3,34% of the total available ECOPOINTS will be allocated by the Commission, according to certain criteria, with the assistance of a Committee consisting of representatives of the Member States.

Provision is also made for the Council formally to adopt the conclusion of the Agreement between the Community and Switzerland on the transport of goods by road and rail at its meeting on Monday 30 November.

Accordingly, the two Alpine transit Agreements between the Community and Austria and Switzerland will be able to enter into force on 1 January 1993.



PRESS RELEASE

10369/92 (Presse 227)

1625th meeting of the Council

- ENERGY -

Brussels, 30 November 1992

President: **Mr Timothy EGGAR**
Minister for Energy of the
United Kingdom

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

Belgium

Mr Melchior WATHELET Deputy Prime Minister, Minister for Justice and Economic Affairs

Denmark

Mrs Anne Birgitte LUNDHOLT Minister for Industry and Energy

Mr Soeren SKAFTE State Secretary, Ministry of Industry and Energy

Germany

Mr Jürgen W. MÖLLEMANN Federal Minister for Economic Affairs

Mr Dieter von WÜRZEN State Secretary, Federal Ministry of Economic Affairs

Greece

Mr Georges APOSTOLAKIS Secretary-General for Energy

Spain

Mr Claudio ARANZADI Minister for Industry and Energy

France

Mr André BILLARDON Minister with special responsibility for Energy

Ireland

Mr John LOUGHREY Secretary, Department of Energy

Italy

Mr Giuseppe GUARINO Minister for Energy

Luxembourg

Mr Alex BODRY Minister for Energy

Netherlands

Mr Koos ANDRIESSEN Minister for Energy

Portugal

Mr Luis Filipe PEREIRA State Secretary for Energy

United Kingdom

Mr Timothy EGGAR Minister for Energy

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Commission

Mr Antonio CARDOSO E CUNHA Member

SUPPLY OF OIL/ACCESSION OF THE COMMUNITIES TO THE IEA

Pending the Opinion of the European Parliament, the Council held a political debate on the proposal for a Directive providing for appropriate measures to be taken in the event of difficulties in the supply of crude oil and petroleum products to the Community, and on the recommendation for a Decision on the accession of the European Communities to the Agreement on an International Energy Programme and to the Decision establishing the International Energy Agency (IEA).

The proposal for a Directive updates the Community legislation in force in order to take account of the unity of the internal market and the international commitments which the Community would be required to enter into if it decided to accede to the IEA.

The debate showed a broad consensus in favour of the contents of the proposal for a Directive on the basis of a compromise from the Presidency. In the case of the Decision on the accession of the Communities to the IEA, the Member States and the Commission differed as to the approach to be adopted.

The Council therefore instructed the Permanent Representatives Committee to continue examining these two proposals with particular reference to the forthcoming Opinion of the European Parliament and to discussions on this by the Council bodies responsible for the Community's external relations.

OIL MARKET AND THE REFINING INDUSTRY

Following an examination of the Commission communication on recent developments and prospects of the oil market and the refining industry in the Community, the Council adopted the following conclusions:

"The Council:

- welcomes the Commission's communication on the Oil Market and the Refining Industry;
- endorses the Commission's view that markets worked efficiently during the Gulf Crisis and notes the success of the European oil industry in maintaining supply;
- recognizes that the existence of a competitive European refining industry contributes to the stability of the markets of refined products, to the security of oil supply in the Community and to its energy independence;
- reaffirms the importance of protection of the environment, and endorses the Commission's view that environmental issues will continue to place a heavy burden on the oil industry. The Council therefore invites the Commission to consult fully the industry at an early stage in the development of environmental measures, particularly on the cost implications for producers and consumers;
- agrees with the objectives of continuing the policy of encouraging diversification in oil supplies and strengthening the incentives for a more rational use of energy. In this context, the Council asks the Commission to produce an early analysis of the constraints on oil consumption at power stations as laid down in Directive 75/405/EEC, given the changed circumstances in the international oil market;
- underlines the importance of the ongoing dialogue between oil producing and consumer countries;
- encourages the Commission to conduct regular reviews of the Community's oil markets and refining industry and recognizes the importance of such reviews as a basis for policy discussions within the Community."

COMMUNITY STRATEGY TO LIMIT CARBON DIOXIDE EMISSIONS AND TO IMPROVE ENERGY EFFICIENCY

The Council took note of the progress report on a Community strategy to limit carbon dioxide emissions and to improve energy efficiency, and of the energy implications of the proposed introduction of a carbon dioxide/energy tax.

This Community strategy is intended to stabilize carbon dioxide emissions at their 1990 level by the year 2000, in order to counter the greenhouse effect, and consists of the following four elements:

- the Decision concerning the ALTENER programme (see below);
- the Directive in the context of the SAVE programme (see below);
- the carbon dioxide/energy tax (to be discussed by the ECOFIN Council on 14 December and the Environment Council on 16 December 1992);
- the Decision concerning a mechanism for monitoring of carbon dioxide emissions and other greenhouse gases (to be discussed by the Environment Council in December).

ALTENER programme

Pending the Opinion of the European Parliament, the Council was generally in favour of the proposal for a Decision concerning the promotion of renewable energy sources in the Community (ALTENER programme) with a view to limiting carbon dioxide emissions.

The ultimate objective of the ALTENER programme is to reduce emissions of carbon dioxide by 180 million tonnes for 2005 through developing renewable energy sources in the following way:

- increasing renewable energy sources' contribution to the coverage of total energy demand from nearly 4% in 1991 to 8% in 2005 (to achieve this objective, the production of renewable energy sources should rise from nearly 43 Mtoe in 1991 to approximately 109 Mtoe in 2005);
- trebling the production of electricity from renewable energy sources,

excluding large hydroelectric power stations (to achieve this objective, the capacity and electricity production of all power stations, excluding large hydroelectric power stations, using renewable energy sources should rise from 8 GW and 25 TWh in 1991 to 27 GW and 80 TWh in 2005);

- securing for biofuels a market share of 5% of total fuel consumption by motor vehicles (to achieve this objective, production in 2005 of 11 Mtoe of biofuels is deemed necessary).

The amount of Community financial resources deemed necessary for implementation of the programme is ECU 40 million for a programme lasting five years (1993 to 1997). This amount does not cover agricultural policy measures concerning biofuels.

Under this programme, the Community aims to provide financial support for actions such as studies and technical evaluations for defining technical standards or specifications; measures to support the Member States' initiatives for extending or creating infrastructures concerned with renewable energy sources; measures to foster the creation of an information network aimed at promoting better co-ordination between national, Community and international activities; and studies, evaluations and other appropriate measures for estimating the technical feasibility and the advantages to the economy and the environment of industrial exploitation of the biomass for energy purposes.

It is planned that the Committee will assume all costs arising from measures to define technical standards or specifications, while the level of financing for the other categories will in general amount to between 30% and 50% of the total cost of the action.

The Commission would be responsible for implementing the programme with the help of a Committee of representatives of the Member States.

SAVE programme

The Council took note of the progress report on the proposal for a Directive to limit carbon dioxide emissions by improving energy efficiency in the context of the SAVE programme.

The purpose of this proposal is to secure the attainment by the Member States of the objective of limiting carbon dioxide emissions by improving energy efficiency, notably by means of the following measures:

- energy certification of buildings;
- the billing of heating, air-conditioning and hot-water costs on the basis of actual consumption;
- promoting third-party financing for energy-efficiency investments in the public sector;
- thermal insulation of new buildings;
- regular inspection of boilers;
- regular inspection of vehicles;
- energy audits of businesses.

Following a brief exchange of views, the Council instructed the Permanent Representatives Committee to continue examining the proposal with particular reference to the Opinion of the European Parliament.

ENERGY/INTERNAL MARKET

Internal market in hydrocarbons

The Council held a policy debate on the proposal for a Directive on the conditions for granting and using authorizations for the prospection, exploration and extraction of hydrocarbons.

The purpose of this proposal is to ensure non-discriminatory access to the activities in question and non-discriminatory exercise of those activities in the context of completion of the internal market.

Following the debate, which made it possible to broach the main technical and

political questions raised by the Directive, the Council instructed the Permanent Representatives Committee to continue examining the proposal so that it could act at a forthcoming meeting.

Internal market in electricity and natural gas

The Council held a policy debate on the proposals for Directives concerning common rules for the internal market in electricity and natural gas, and reached the following conclusions:

"The Council:

1. Confirmed the importance it attaches to the completion of the Internal Energy Market. Energy is a vital component in the economy of the Community and the energy sector in all of its aspects must become part of the Single Market. It is therefore essential to work towards more open, transparent, efficient and competitive electricity and gas markets, while bearing in mind the specificities of electricity and natural gas and the different situations in Member States and while respecting the principles mentioned in paragraphs 3 and 4;
2. Noted that the directives on electricity and gas transit and price transparency are a step towards the creation of an Internal Energy Market but that other obstacles need to be removed;
3. Agreed that further progress towards the completion of the Internal Market should respect the following principles:
 - (a) Security of supply: has to remain the basic objective of energy policy. Member States should retain the ability to safeguard security of supply, including the ability
 - (i) to affect the choice of primary fuels for electricity generation;
 - (ii) to ensure sufficient long-term investment so that adequate capacity is available to meet demand, bearing in mind the long lead times for bringing on some types of new generation and transmission facilities; and
 - (iii) to maintain the safety and integrity of transmission and distribution systems while ensuring optimal dispatching of generating plants;
 - (b) Environmental protection: should be maintained at a high level. In particular, the progressive harmonization of environmental standards in the energy sector should continue. The completion of the Internal Market should be compatible with encouragement to the development of renewable energy and combined heat and power;

- (c) The protection of small consumers: should be ensured and cross-subsidies in favour of larger customers prevented, while maintaining public service obligations and the ability of Member States to regulate tariffs where appropriate;
 - (d) Transparency and non-discrimination should be progressively introduced, in parallel with the progress of the internal market, in the electricity and gas markets;
 - (e) Implementation: the wide differences between and within Member States existing energy systems should be recognized. Member States should continue to choose the structure and instruments best suited to their own circumstances. Any new Community legislation should be capable of being implemented, taking account of the specific situations in Member States, with a minimum of regulation;
 - (f) Transitional arrangements: should be sufficiently long to allow for careful planning and an orderly adaptation will be required;
4. Noted that account should be taken of significant differences in the gas sector as compared to the electricity sector, in particular:
- (a) a significant part of the Community's gas demand is supplied from outside the Community in conditions where suppliers are few, thereby increasing the need to safeguard security of supply;
 - (b) the arrangements for the internal market in gas need to ensure the maximum economic development over time and under fair conditions of the gas resources in the Community and sufficient supply from third countries;
 - (c) much of the Community gas demand is supplied under long term take or pay contracts which can contribute to the security of supply;
5. Noted that reservations have been expressed about important elements of the Commission's proposals, in particular about the general third party access (TPA) mechanisms but that the debate on the completion of the Internal Energy Market should be continued and that the Council would return to the issue at the next Energy Council;
6. Invited the Commission to consider modifications to its proposals in the light of the Council discussions and of the Opinion of the European Parliament, with the aim of achieving more competition in the internal energy markets, respecting the Member States' main responsibilities as regards the principles identified in paragraphs 3 and 4, taking account of the specificities of the gas and electricity sector and bearing in mind the different situations in Member States."

Technical harmonization and standardization

The Council examined a communication from the Commission of 10 June 1992 on technical harmonization and standardization in the energy sector.

At the end of its discussion, the Council drew the following conclusions:

"The Council, in the light, also of its Resolution (92/C173/01) of 18 June 1992 on "the role of European standardization in the European economy",

- gave a favourable reception to the communication submitted by the Commission and welcomed the progress made so far in the various sectors;
- welcomed the Community's diversified approach to technical harmonization and standardization in the energy sector;
- approved the Commission's strategy as regards:
 - = further work on standardization, more particularly on the basis of international standards and those developed by European standardization organizations (CEN and CENELEC), allocating the available resources where they are most necessary;
 - = the need for greater standardization in a number of energy sectors and, where relevant, for work to improve technical harmonization, thereby removing barriers to trade and without hindering the development of technical progress."

EUROPEAN ENERGY CHARTER

The Council took note of the progress report on the European Energy Charter and reached the following conclusions:

"The Council

1. Noted the encouraging progress which has been made in negotiating a Basic Agreement designed to put the commitments and principles in the European Energy Charter, signed in The Hague on 17 December 1991, into a legally binding form;
2. Reaffirmed the high priority attached by the Lisbon European Council to the development of close co-operation in the energy sector as a vital contribution to facilitating and accelerating the transition of the former centrally planned economies towards a market economy;

3. Welcomed the central role played by the Community and the Member States in the negotiations and the constructive participation of the other participating countries, notably the newly independent States of the former Soviet Union;
4. Recognized that some participating countries with economies in transition may need time to implement fully particular commitments and that any transitional arrangements should be limited in time and coverage and regularly reviewed;
5. Welcomed the financial, administrative and logistical support for the Charter Conference provided by the Commission, and noted the continued importance of that support as a concrete expression of the Community's central role;
6. Emphasized the need to conclude the Basic Agreement as soon as possible and proposed that the Charter Conference should set an early target date;
7. Looked forward also to the conclusion of binding sectoral protocols and welcomed the progress already made;
8. Asked that these conclusions be brought to the attention of the other negotiating parties.
9. Resolved that the Community should actively pursue the implementation of these conclusions."

RULES FOR AID TO THE COAL INDUSTRY

The Council took note of a Commission outline of the draft Community rules for State aid to the coal industry, for which Council assent will be requested.

These new rules for aid will replace, as from 1 January 1994, the framework established by Decision 2064/86/ECSC, which expires on that date.

Following an exchange of views, the Council instructed the Permanent Representatives Committee to embark on an examination of this topic in preparation for ministerial discussions next year.

MISCELLANEOUS DECISIONS

Anti-dumping

The Council adopted the Regulation imposing a definitive anti-dumping duty on imports into the Community of certain large electrolytic aluminium capacitors originating in Japan and collecting definitively the provisional anti-dumping duty. The rate of duty is 75% expressed as a percentage of the net free-at-Community-frontier price, except when the products are manufactured by the following companies for which the rate of duty is as follows:

- Elna Co. Ltd., Fujisawa City Kanagawa 35,8%
- Nippon Chemi-con Corporation, Toyko 11,6%
- Rubycon Corporation, Ina Nagano 30,1%.

Following a re-examination, the Council also adopted the Regulation exempting Inter-Cassette (Hong Kong) Ltd. from the definitive anti-dumping duty on certain imports of video cassettes originating in Hong Kong (Regulation No 1768/89 as last amended by Regulation No 1769/92).

EEC-Switzerland Transit Agreement

As the European Parliament had delivered its Opinion on 30 October 1992, the Council formally adopted the Decision concerning the conclusion of the Agreement between the Community and Switzerland on goods transit by road and rail.

The aim of this Agreement, which has been concluded for a twelve-year period, is to strengthen co-operation between the two Parties in certain sectors of transport, and that of trans-Alpine transit in particular.

The Community and Switzerland have therefore agreed to take co-ordinated action to promote the use of rail transport, and in particular combined transport, in the interests of public health and the environment, and improve market access to facilitate road traffic by appropriate means.

The scope of co-operation covers transport infrastructure, the support measures necessary for the development of rail transport and combined transport, market access and the permanent exchange of information regarding the development of the respective transport policies of the two Parties.

As the Council adopted the Decision concerning the conclusion of the transit Agreement with Austria on 27 November 1992, the two Alpine-transit Agreements between the Community on the one hand and Austria and Switzerland on the other could enter into force on 1 January 1993 as soon as the Contracting Parties have informed each other that the necessary procedures have been completed.