

COUNCIL OF THE EUROPEAN UNION

PRESS RELEASES

PRESIDENCY: GERMANY

JULY-DECEMBER 1994

Meetings and press releases November 1994

Meeting number	Subject	Date
1797 th	Economics/Financial	7 November 1994
1798 th	Industry	8 November 1994
1799 th	Culture	10 November 1994
1800 th	Agriculture	14 November 1994
1801 st	Budget	16 November 1994
1802 nd	Telecommunications	17 November 1994
1803 rd	Transport	21-22 November 1994
1804 th	Fisheries	23 November 1994
1805 th	Development	25 November 1994
1806 th	General Affairs	28 November 1994
1807 th	Energy	30 November 1994
1808 th	Justice and Home Affairs	30 November-1 December 1994
1809 th	Youth	30 November 1994

PRESS RELEASE

10318/94 (Presse 223)

1797th Council meeting

ECONOMIC AND FINANCIAL QUESTIONS

Brussels, 7 November 1994

Presidents: Mr. Gert HALLER
Mr. Franz-Christoph ZEITLER

State Secretaries at the
Ministry of Finance
of the Federal Republic of Germany

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

Belgium:

Mr Philippe MAYSTADT

Minister for Finance

Denmark:

Mr Jens THOMSEN

State Secretary at the Ministry of
Economic Affairs

Germany:

Mr Johann EEKHOFF

State Secretary for Economic Affairs

Mr Gert HALLER

State Secretary for Finance

Mr Franz-Christoph ZEITLER

State Secretary for Finance

Greece:

Mr Yiannos PAPANTONIOU

Minister for Economic Affairs

Spain:

Mr Pedro SOLBES MIRA

Minister for Economic Affairs and Finance

Mr Alfredo PASTOR BODMER

State Secretary for Economic Affairs

France:

Mr Edmond ALPHANDERY

Minister for Economic Affairs

Ireland:

Mr Bertie AHERN

Minister for Finance

Italy:

Mr Giulio TREMONTI

Minister for Finance

Luxembourg:

Mr Jean-Claude JUNCKER

Minister for Finance

Mr Robert GOEBBELS

Minister for Economic Affairs

Netherlands:

Mr G. ZALM

Minister for Finance

Portugal:

Mr Eduardo CATROGA

Minister for Finance

United Kingdom:

Mr Kenneth CLARKE

Chancellor of the Exchequer

- + -

Commission:

Mr Jacques DELORS

Mr Henning CHRISTOPHERSEN

Ms Christiane SCRIVENER

President

Vice-President

Member

- + -

The following representatives of the four acceding countries also attended as observers:

Norway:

Mr Sigbjørn JOHNSEN

Minister for Finance

Austria:

Mr Manfred SCHEICH

Ambassador, Head of the Austrian Mission to
the European UnionFinland:

Mr Liro VIINANEN

Minister for Finance

Mr Eino KEINÄNEN

State Secretary for Finance

Sweden:

Mr Gorän PERSON

Minister for Finance

Mr Svante ÖBERG

State Secretary for Finance

- + -

The following also attended:

Sir Brian UNWIN

President of the EIB

Sir Nigel WICKS

Chairman of the Monetary Committee

Mr L.A. GEELHOED

Chairman of the Economic Policy Committee

- + -

WHITE PAPER ON GROWTH, COMPETITIVENESS AND EMPLOYMENT

The Council held a wide-ranging debate on three aspects of the White Paper, viz. trans-European networks, improvement of the employment situation and the link between economic growth and the environment.

As regards trans-European networks, the Council heard an introductory statement by Vice-President Christophersen on the progress made by the Christophersen Group (comprising personal representatives of the Heads of State or Government) concerning in particular the financial aspects of the networks.

It also heard a communication from the President of the EIB who provided information on the EIB funds available for financing the networks and on the adjustments to its funding arrangements that the Bank might envisage in this connection.

As regards improvement of the employment situation, the Council discussed a report from the Economic Policy Committee on the progress made by the Member States in their job-creation policies. In the discussion broad agreement emerged on the report.

The Council also discussed the relationship between economic growth and environmental measures. The Commission has recently submitted a communication on this subject.

Following the Council's exchanges of views on each of these subjects, the President announced that the Presidency would prepare, for the next meeting on 5 December, draft conclusions of the ECOFIN Council for the European Council in Essen.

EXCISE DUTIES ON BIOFUELS

The Council took note of the progress of discussions on the amended proposal for a Directive on excise duties on motor fuels from agricultural sources.

These discussions concerned in particular a compromise proposal from the Presidency whereby the decision to grant a reduced rate of duty for biofuels would be left to the Member States' discretion. In addition, Member States could limit the quantity of fuels eligible for such a reduction by applying a quota system possibly restricted to products grown on areas set aside under the common agricultural policy.

In conclusion, the Council instructed the relevant Working Party to continue its discussions with a view to the next Council meeting on 5 December.

TAXATION OF SAVINGS

The Council was informed of the progress of discussions on the taxation of savings in the Community.

It instructed the relevant Working Party to continue its discussions with a view to the next Council meeting on 5 December.

SYSTEM OF TAXATION APPLICABLE TO INTEREST AND ROYALTY PAYMENTS

The Council held an exchange of views on the main questions outstanding as regards a Community system of taxation applicable to interest and royalty payments between companies in different Member States. These questions concern in particular the scope of the Directive and the dividing line between it and the future system for the taxation of savings, and the derogations applicable to certain Member States.

In conclusion, the President said that in conjunction with the Commission he would consider what action should be taken on this whole matter.

**RELATIONS WITH ASSOCIATED CENTRAL AND EASTERN EUROPEAN COUNTRIES
(PREPARATION FOR THE ESSEN EUROPEAN COUNCIL)**

The Council held an exchange of views on certain financial aspects of relations with the CCEEs in preparation for the Essen European Council.

It examined in particular three aspects on which the Commission had made suggestions, viz.: cooperation with the EBRD, replacement of balance of payment loans by a mechanism for financing structural adjustment and the rate of cover for the Community's budget guarantee in respect of EIB loans. In this connection the Council also heard statements by the Chairman of the Monetary Committee and the President of the EIB.

At the close of the discussion the Council approved points put forward by the Presidency in a discussion paper. These points will be taken into consideration in defining the strategy for preparing the CCEEs for accession, which will be submitted to the European Council in Essen.

MEETING WITH THE CCEEs AND THE BALTIC STATES

The Council made preparations for the meeting with the Ministers for Finance from the CCEEs and the Baltic States which took place over dinner that evening. This meeting provided an opportunity for frank discussion of a number of financial issues such as improvement of the effectiveness of the PHARE programme, the role of the EIB and access by the CCEEs to Community programmes (research, etc.).

FINANCIAL ASSISTANCE TO UKRAINE

Over lunch the Council discussed the Commission proposal granting macro-financial assistance of ECU 85 million to Ukraine.

It agreed to continue its deliberations on the matter in the near future.

OTHER DECISIONS IN THE ECOFIN SPHERE AND MISCELLANEOUS DECISIONS

(Adopted without debate)

Excessive government deficits

After signifying its substantive agreement at its meeting on 10 October, the Council formally adopted the recommendations with a view to bringing an end to the situation of an excessive deficit in Belgium, Denmark, Germany, Greece, Spain, France, Italy, the Netherlands, Portugal, and the United Kingdom.

The excessive government deficit procedure follows the start of the second phase of the attainment of economic and monetary union on 1 January 1994 and the entry into force, on the same date, of provisions (Article 104c of the Treaty) obliging Member States to endeavour to avoid excessive government deficits.

Central and Eastern European countries

Following the political consensus reached by the General Affairs Council at its meeting on 4 October (see Press Release 9745/94 Presse 205), the Council approved the practical internal procedures for preparing for and conducting ministerial meetings with the associated CCEEs under the structured dialogue with those countries as part of the strategy to prepare them for accession.

Appointments**European Foundation for the Improvement of Living and Working Conditions**

The Council adopted the Decision appointing full members and alternate members of the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions for a three-year period.

Committee of the Regions

The Council adopted the Decision appointing Mr Jérôme Polvérini in place of Mr Jean Baggioni for the remainder of the latter's term of office, which runs until 25 January 1998.

COUNCIL OF THE EUROPEAN UNION

1798th meeting of the Council

- Industry -

Brussels, 8 November 1994

President: Mr. Guenther Rexrodt
Minister for Economic Affairs, Federal Republic of Germany

**1798TH COUNCIL MEETING - INDUSTRY - BRUSSELS, 8 NOVEMBER
1994 PRESIDENT : MR GUENTHER REXRODT, FEDERAL MINISTER FOR
ECONOMIC AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY**

Reference: PRES/94/225 Date: 08/11/1994

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

Belgium

Mr Luc VAN DEN BRANDE Head of the Flemish Government

Denmark

Mrs Mimi JAKOBSEN Minister for Industry and Economic
Coordination

Germany

Mr Günther REXRODT Federal Minister for Economic Affairs
Mr Johann EEKHOFF State Secretary, Federal Ministry of
Economic Affairs

Greece

Mr Christos ROKOFYLLOS Deputy Minister at the Ministry for Industry

Spain

Mr Juan Manuel EGUIAGARAY Minister for Industry
Mr Juan Ignacio MOLTÓ GARCÍA State Secretary for Industry

France

Mr José ROSSI Minister for Industry

Ireland

Mr Ruairi QUINN Minister for Employment and Enterprise

Italy

Mr Vito GNUTTI Minister for Industry, Trade and Craft
Trades

Luxembourg

Mr Robert GOEBBELS Minister for Economic Affairs

Netherlands

Mr G.J. WIJERS Minister for Economic Affairs

Portugal
Mr Luis Filipe ALVES MONTEIRO State Secretary for Industry

United Kingdom
Mr Tim EGGAR Minister for Industry

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Commission
Mr Martin BANGEMANN Member
Mr Karel VAN MIERT Member

Representatives of the four acceding countries also attended as observers:

Norway
Mr Jens STOLTENBERG Minister for Industry and Energy

Austria
Mr Viktor KLIMA Minister for the Public Sector and
Transport
Mrs Maria FEKTER Secretary of State in the Ministry of
Economic Affairs

Finland
Mr Matti VUORIA Secretary-General at the Ministry of
Industry

Sweden
Mr Sten HECKSCHER Minister for Industry

EUROPEAN STEEL INDUSTRY

- RESTRUCTURING THE COMMUNITY STEEL INDUSTRY - COUNCIL CONCLUSIONS

The Council took note of the Commission communication entitled "Restructuring the Community steel industry: final assessment and conclusions".

At the close of the discussion held after Commissioners Van Miert and Bangemann had presented this communication, the Council reaffirmed that it was very concerned at the persistence of structural overcapacity, the main

cause of the difficult situation in which the European steel industry found itself.

Notwithstanding the favourable economic trends recently noted on the market the Council is still of the opinion that a lasting solution to the problem of overcapacity should be found. In this context

- some delegations regretted that the Commission had abandoned the restructuring plan, which means that the three-monthly forward plan provided for in Article 46 of the ECSC Treaty will be dropped and also that measures provided for in Article 53(a) of the ECSC Treaty will not be taken;
- other delegations stated that they endorsed the conclusions drawn by the Commission from its assessment of the situation;
- several delegations also emphasized that a reorganization of the sector would also depend to a large extent on strict and appropriate control of State aids.

As far as the flanking measures are concerned, the Council endorsed the Commission's opinion that the social measures, the system of "advance monitoring" in respect of the external measures and strict control of State aids should be maintained.

However, as regards the external measures in particular, the Council took note of the Commission's position to the effect that only two options are possible:

- . either abandon, for 1995, tariff quotas for imports from certain countries, as suggested by the Commission;
- . or retain and adjust them in the light of the accession of new Member States.

Each of the two options would require a Council decision which satisfied the requirements of the ECSC and EC Treaties.

In conclusion, the Council

- invited the Commission to continue to monitor the situation closely and to prepare appropriate measures in keeping with the particular market situation,
- appealed to the industry's sense of responsibility for it to continue cooperating actively in the search for lasting solutions,

- invited the Commission to report to it regularly on developments in this sector and on the measures it is planning to take.

- MONITORING OF STATE AIDS TO THE STEEL INDUSTRY - SECOND HALF-YEARLY COMMISSION REPORT - COUNCIL CONCLUSIONS

The Council, after recalling the importance it attached to the monitoring process, took note of the second half-yearly Commission report on the monitoring of aids to the steel industry under Article 95 of the ECSC Treaty and Community rules for aids to the steel industry.

The Council asked the Commission to follow closely the state aids dossiers that were still outstanding, and to report back on any cases where the conditions laid down when the aid was approved were not being complied with.

The Council also noted that the Commission had recently received notification from the Irish Government of proposals for financial transfers to Irish Steel Ltd.

The Council will consider the Irish Steel case, having regard to its Conclusions of 17 December 1993 on future aid cases, and its Conclusions of 25 February 1993, when it invited the Commission to examine in particular the specific problems of Member States where only one small steel firm exists, or where the measures decided on produce adverse effects, and subject to a positive recommendation from the Commission and to the imposition of the usual conditions regarding implementation and monitoring.

- REQUEST FOR COUNCIL ASSENT TO AID TO EKO STAHL

The Council, which had been asked to give its unanimous assent, pursuant to the first paragraph of Article 95 of the ECSC Treaty, to a draft Commission Decision on the privatization and restructuring plan for EKO Stahl GmbH, Eisenhüttenstadt (former GDR), held a broad exchange of views on the various aspects of this dossier.

At the end of the discussion, the Council asked the Commission and the German delegation to get in touch with certain delegations which had requested further clarification before being able to take a definitive stance on the issue. The aim of these talks would be to reach a conclusion on this dossier as soon as possible.

- SHIPBUILDING

The Council briefly discussed the shipbuilding dossier. The President noted that there was a consensus to extend the 7th Directive on shipbuilding until the end of 1995. The Council would examine the technical questions in relation to this extension when the Commission had submitted its formal proposal.

ANNUAL COMPETITION REPORT FROM THE COMMISSION

The Council heard a presentation from Commissioner Bangemann on the XXIIIrd competition report from the Commission concerning 1993. It took note of the information in the report and comments made by delegations which took part in the discussion on this subject.

PHARMACEUTICAL SECTOR - OUTLINES OF AN INDUSTRIAL POLICY

The Council took note of the Commission communication on the outlines of an industrial policy for the pharmaceutical sector in the European Community.

It instructed the Permanent Representatives Committee to undertake a detailed examination of it.

MECHANICAL ENGINEERING INDUSTRY - STRENGTHENING COMPETITIVENESS

The Council took note of the Commission communication on strengthening the competitiveness of the European mechanical engineering industry and instructed the Permanent Representatives Committee to examine it in detail.

INDUSTRIAL POLICY - COUNCIL RESOLUTION ON THE STRENGTHENING OF THE COMPETITIVENESS OF COMMUNITY INDUSTRY

COUNCIL OF THE EUROPEAN UNION

1799th meeting of the Council

- Cultural Affairs -

Brussels, 10 November 1994

President: Mrs. Ursula Seiler-Albring
Ministry of State, Foreign Affairs, Federal Republic of Germany

1799TH MEETING OF THE COUNCIL - CULTURAL AFFAIRS - BRUSSELS, 10 NOVEMBER 1994 PRESIDENT: MRS URSULA SEILER-ALBRING, MINISTER OF STATE, FOREIGN AFFAIRS, FEDERAL REPUBLIC OF GERMANY

Reference: PRES/94/227 Date: 10/11/1994

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

Belgium:

Mr Eric TOMAS Minister for Culture and Sport
(French-speaking Community)

Denmark:

Mr Erik JACOBSEN State Secretary for Cultural Affairs

Germany:

Mrs Ursula SEILER-ALBRING Minister of State, Foreign Affairs
Mr Hans ZEHETMAIR Minister for Education, Science and the Arts,
Bavaria

Greece:

Mr Tahnos MIKROUTSIKOS Minister for Culture

Spain:

Mrs Carmen ALBORCH Minister for Culture

France:

Mr Jacques TOUBON Minister for Culture and the French-speaking World

Ireland:

Mr Michael D. HIGGINS Minister for Arts, Culture and the Gaeltacht

Italy:

Mr Roberto ROSSI Deputy Permanent Representative

Luxembourg:

Mr Jean-Marc HOSCHEIT Deputy Permanent Representative

Netherlands:

Mr A NUIS State Secretary for Education, Cultural Affairs
and Science

Portugal:

Mr João DE VALLERA Deputy Permanent Representative

United Kingdom:

Baroness TRUMPINGTON Department of National Heritage

Commission:

Mr João de DEUS PINHEIRO Member

Also present were the representatives of the four acceding countries,
viz.:

Norway

Mrs Ase KLEVELAND Minister for Cultural Affairs

Austria

Mr Rudolf SCHOLTEN Federal Minister for Education and the Arts

Finland

Mrs Tytti ISOHOOKANA-ASUNMAA Minister for Education

Sweden

Mrs Margot WALLSTRÖM Minister for Culture

EUROPEAN COMMUNITY ACTION ON CULTURE

The Council held an exchange of views on the Commission communication concerning European Community action on culture. Following its discussion, it adopted the conclusions in the Annex.

"KALEIDOSCOPE 2000" AND "ARIANE" PROGRAMMES AND PROGRAMME ON CULTURAL HERITAGE

Mr PINHEIRO presented the Commission proposals on the establishment of the support programmes

- for artistic and cultural activities with a European dimension ("Kaleidoscope 2000"),

- on books and reading ("Ariane").

These proposals follow the Commission communication on "New Prospects for Community Cultural Action" which announced that specific programmes on culture would be submitted after the Treaty on European Union entered into force.

"Kaleidoscope 2000" is intended to promote the knowledge and dissemination of the culture of the European peoples, particularly in the fields of the performing arts, visual or spatial arts, multimedia arts and applied arts, through cultural exchanges and emblematic events.

The aim of the "ARIANE" programme is to promote knowledge and dissemination of European artistic and literary creation, notably by means of translation.

Each programme should cover a period of 5 years beginning in 1996.

The Council also heard from Mr PINHEIRO about progress in the Commission on the proposal on cultural heritage.

Following an exchange of views on these three questions, the Council instructed the Cultural Affairs Committee and the Permanent Representatives Committee to examine the Commission proposals.

CULTURAL ASPECTS OF THE PREPARATION OF THE CENTRAL AND EASTERN EUROPEAN COUNTRIES FOR ACCESSION TO THE EUROPEAN UNION

The Council held an exchange of views on the basis of a Presidency document summarizing the activities that had taken place in this field since the informal meeting of Ministers for Culture in Würzburg in July 1994.

The Council noted that the Essen European Council would receive a general document on the preparation of the CEECs for accession to the EU and that that document would contain a section on the cultural aspects of preparation.

UNIDROIT CONVENTION ON CULTURAL GOODS

The Council took note of a note from Italy on its contribution to the draft international Convention on the return of stolen or illegally exported cultural objects, drawn up by the International Institute for the Unification of Private Law (UNIDROIT). In its note, the Italian delegation reaffirmed the need to support all forms of activity and every possible improvement in existing legislation with a view to strengthening the protection and exploitation of the artistic heritage.

ANNEX

EUROPEAN COMMUNITY ACTION IN SUPPORT OF CULTURE COUNCIL CONCLUSIONS

1. The Council has taken note with interest of the Commission communication on Article 128 of the EC Treaty "European Community action in support of Culture" and welcomes the fact that the Commission thereby enables the Council, the European Parliament and the Committee of the Regions to discuss its analysis of Article 128 and of the resulting priorities. The communication sets forth preliminary ideas and suggestions for where emphasis should be placed in the cultural action of the Community. In this connection the Council recalls its Conclusions of 12 November 1992 [1] on guidelines for cultural action, as well as recent conclusions on more specific aspects, such as the Conclusions of 17 June 1994 [2] on drawing up a Community action plan in the field of cultural heritage.
2. Article 128 of the EC Treaty states that "the Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore". In support of these principles Community action is aimed at encouraging cooperation between Member States and supporting and supplementing their action in defined areas; it should provide clearly recognizable European added value in relation to national action. The article states that the Community and the Member States should foster cooperation with third countries, and the Council considers that priority should be given to those with which the Community has agreements specifying cultural cooperation. It further mentions promotion of cooperation with the competent international organizations in the sphere of culture, in particular the Council of Europe. The Commission is invited to report regularly to the Council concerning cultural cooperation by the Community with third countries and with international organizations.
3. In observance of Article 128(4) which requires the Community to take cultural aspects into account in its action under other provisions of the Treaty, the review of such measures should take place at the earliest possible stage of their preparation. In this connection the Council welcomes the Commission's intention to submit within one year a report on the cultural dimension of the main Community actions concerned and to keep the Ministers of Culture informed in an appropriate manner. Ministers of Culture should regularly consider these issues, and procedures in this respect should be decided by the Council in connection with the Commission report.

4. The Council emphasizes that action in the cultural field should be based particularly on the following criteria: transparency and ongoing consultation; facilitating access to the programmes; provision for thorough evaluation; overall balance between programmes set up in accordance with established priorities and funds available; modalities of cooperation with third countries.
5. Without prejudice to possible future comments, the Council would like to stress the following specific points:
 - (a) Subsidiarity and complementarity should be pursued in the cultural field. These principles involve close cooperation between the Commission and the Member States, which should bring about greater quality and efficiency both in the preparation and in the implementation of cultural action.
 - (b) Without prejudice to the Annex of the Communication, particular attention should be given to the audiovisual sector, especially with respect to the cultural dimension of the audiovisual media.
 - (c) Proposals for new actions should entail re-examination of existing priorities and activities, so that such new proposals can be given due weight.
 - (d) Support to networks should concentrate on concrete artistic and cultural projects to be carried out by them, with a view to improving innovation and dialogue.
 - (e) The Council assumes that the Commission will retain its current practice in regard to public aid to promote culture and heritage conservation (Article 92.3(d)).
6. The Council again emphasizes that cultural measures at European level must be organized with a view to maximum efficiency in the context of the financial perspectives.
7. Pending the consideration of the Commission proposals for Community action from 1996, and taking into account the need to avoid any interruption in Community cultural action which has already begun, the Council invites the Commission to continue its activities in 1995 on an interim basis, without prejudicing decisions regarding the content of future actions.

OTHER DECISIONS

(Adopted without debate. In the case of legislative acts, votes against

and abstentions are indicated).

Fisheries

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NAFO PILOT OBSERVER SCHEME

The Council adopted the Regulation extending for six months, until 31 December 1994, the period of implementation of the NAFO Pilot Observer Scheme applicable to Community vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organization.

In particular, this programme should enable the NAFO Fisheries Commission to assess the overall contribution of the scheme to the conservation of resources and to determine its cost effectiveness.

- TAC 1994

The Council adopted the Regulation increasing, for 1994, the total allowable catches (TAC) of sprat and whiting in the North Sea and haddock to the west of Scotland in view of the state of the stocks of those fish.

The TAC for sprat in zones IIa and IV is thus increased from 140.000 tonnes (including 93 680 t for the Community) to 170 000 t (149 680 for the Community); the TAC for whiting in zone VIIb-k is increased from 22 000 t to 29 000 t; the TAC for haddock is fixed at 21 000 t instead of the original 16 000 t.

The Regulation, which amends Regulation No 3676/93, also prohibits fishing for herring between 30 October and 12 November 1994 in the Celtic Sea, taking account of the latest scientific advice in the field.

- PROTOCOLS WITH EQUATORIAL GUINEA, CAPE VERDE, THE COMOROS AND CÔTE D'IVOIRE

The Council adopted the Decisions on the provisional application of the fisheries protocols between the Community and Equatorial Guinea, Cape Verde, the Islamic Federal Republic of the Comoros and Côte d'Ivoire.

The Protocol with Equatorial Guinea grants, for the period from 1 July 1994 to 30 June 1997, fishing rights for 47 freezer tuna seiners, 4 pole-and-line tuna vessels, and 2 Community surface longliners.

The financial compensation for the period in question is ECU 412 500. That compensation covers a catch weight in waters of Equatorial Guinea of 2 750 tonnes of tuna fished per year. The Community will also contribute to the financing of an Equatorial Guinea scientific or technical programme (ECU 120 000) and to the training of those involved in sea fishing in that country (ECU 127 500).

The protocol with Cape Verde fixes, for the period from 6 September 1994 to 5 September 1997, the following fishing possibilities for the Community fleet:

- Highly migratory species

- freezer tuna seiners: 23 vessels,

pole-and-line tuna vessels and surface longliners: 17 vessels.

Other species

- bottom longliners: 3 vessels, each with a tonnage of less than 210 GRT.

The financial compensation for the period in question is ECU 1 063 500. In the case of tuna fishing, this compensation covers a catch weight in waters of Cape Verde of 4 850 tonnes of tuna fished per year. The Community will also contribute to the financing of a Cape Verde scientific or technical programme (ECU 261 900) and to the training of those involved in sea fishing in that country (ECU 174 600).

The protocol with the Comoros provides, for the period from 20 July 1994 to 19 July 1997, for the granting of licences authorizing simultaneous fishing in Comorian waters to 37 ocean-going freezer tuna vessels.

The financial compensation for the period in question is set at ECU 675 000. That amount covers an annual catch of 4 500 tonnes of tuna in Comorian waters. The Community will also contribute to the financing of Comorian scientific or technical programmes (ECU 260 000) and will finance training measures for those involved in sea fishing in that country (ECU 145 000).

The protocol with Côte d'Ivoire fixes the following fishing rights for the period from 1 July 1994 to 30 June 1997:

- freezer trawlers designed to fish demersal species, taking deepwater crustaceans, cephalopods and demersal fish: 600 GRT per month, averaged over the year;

- surface longliners and pole-and-line tuna vessels: 7 vessels;

- tuna seiners: 46 vessels.

The total financial contribution is fixed for the period in question at ECU 2 500 000. For tuna fishing, this total financial contribution covers a catch of 7 500 tonnes a year in Côte d'Ivoire waters.

Agriculture

The Council adopted the Regulation adjusting, for the fourth time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece. The purpose of this adjustment is to limit the maximum level of the aid reduction for 1994/1995 to 18,5% of the guide price.

Committee of the Regions

The Council appointed:

- Mr Rupert von PLOTTNITZ, to replace Mr Joseph Fischer for the remainder of his term of office, which runs until 25 January 1998;

- Mrs Priska HINZ, alternate member, to replace Mrs Ulrike Riedel for the remainder of her term of office, which runs until 25 January 1998;

- Mr Jürgen GRAMKE, to replace Mr Christoph Bergner for the remainder of his term of office, which runs until 25 January 1998;

- Mr Erwin HUBER to replace Mr Johann Böhm for the remainder of his term of office, which runs until 25 January 1998.

[1] OJ No C 336, 19.12.1992.

[2] OJ No C 235, 23. 8.1994.

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

10631/94 (Presse 231)

1800th Council meeting

AGRICULTURE

Brussels, 14 November 1994

President : Mr Jochen BORCHERT

Minister for Food,
Agriculture and Forestry of
the Federal Republic of Germany

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

Belgium

Mr André BOURGEOIS Minister for Agriculture

Denmark

Mr Henrik DAM KRISTENSEN Minister for Agriculture and Fisheries
Mr Nils BERNSTEIN State Secretary for Agriculture

Germany

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

Greece

Mr Georges MORAITIS Minister for Agriculture

Spain

Mr Luis ATIENZA Minister for Agriculture, Fisheries and Food

France

Mr Jean PUECH Minister for Agriculture and Fisheries

Ireland

Mr Michael DOWLING Secretary, Department of Agriculture, Food
and Forestry

Italy

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

Luxembourg

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

Netherlands

Mr J.J. van AARTSEN Minister for Agriculture, Nature
Conservation and Fisheries

Portugal

Mr António DUARTE SILVA Minister for Agriculture

United Kingdom

Mr William WALDEGRAVE Minister for Agriculture, Fisheries and Food

Commission

Mr René STEICHEN Member

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The following representatives of the four accession countries attended as observers :

Norway

Mrs Gunhild ØYANGEN

Minister for Agriculture

Austria

Mr Franz FISCHLER

Minister for Agriculture and Forestry

Finland

Mr Reino URONEN

Secretary-General, Ministry of
Agriculture and Forestry

Sweden

Mrs Margaretha WINBERG

Mr Sture ASTROM

Minister for Agriculture
State Secretary for Agriculture

YELLOW FATS

The Council agreed by a qualified majority – the United Kingdom and Luxembourg delegations voted against – on a compromise text for a draft Regulation laying down standards for spreadable fats.

The Regulation lays down the general Community rules for the definition, classification, designation and placing on the market of fats for use as spreads and intended for supply to the final consumer. These include milk fats (butter), non-milk fats (margarine) and fats composed of plant and animal products.

The new Community provisions have a dual aim :

- to contribute to achieving the aims of the common agricultural policy by guaranteeing the stability of the markets and a reasonable income for farmers;
- to afford better protection to consumers by offering them a choice on the basis of fuller information.

Within five years the Council will review the application of certain aspects of the Regulation, in particular the use of the term "light" and similar expressions, on the basis of a report from the Commission.

The Regulation will be formally adopted once the text has been finalized in the various languages.

SUPPORT SYSTEM FOR PRODUCERS OF CERTAIN ARABLE CROPS (DURUM WHEAT, OILSEEDS)

Pending receipt of the Opinion of the European Parliament requested by the urgent procedure, the Council examined a number of amendments to the support system for producers of certain arable crops (durum wheat, oilseeds).

The aim is to implement two measures approved in principle by the Council in July 1994 in the context of the agreement on the prices package, relating to the production of durum wheat in several Member States and the conditions of oilseed production in Germany.

As regards durum wheat, the aim is to safeguard, by means of a specific aid, some production in areas outside traditional production areas where durum wheat production is well-established, to increase the production quota in Spain and Portugal to reflect the true situation better, and finally, in Italy, to treat Umbria as a traditional production area.

As regards oilseeds in Germany, the aim is to apportion the sanctions to be applied where the maximum guaranteed area is exceeded; the Commission has undertaken to add a provision to its proposal enabling Germany to determine how any such sanctions should be apportioned in Germany, without infringing the international obligations entered into by the Community.

The Council instructed the Special Committee on Agriculture to examine this latter aspect of the proposal, with a view to adopting the Regulation as soon as the Opinion of the European Parliament had been received.

URUGUAY ROUND IMPLEMENTING LEGISLATION (AGRICULTURAL ASPECTS)

Pending receipt of the Opinion of the European Parliament, the Council had an exchange of views on the agricultural aspects of the Commission proposal bringing into force simultaneously the acts implementing the results of the Uruguay Round of multilateral trade negotiations. For this purpose, it is proposed to adapt the various basic regulations as appropriate in order to ensure that Community agriculture legislation conforms to the commitments entered into under the GATT.

During the policy debate which followed, the Council focused on whether this exercise should deal only with those aspects that were strictly necessary to comply with the obligations of the GATT Agreement, and on the allocation of powers between the Commission, acting under the management committee procedure, and the Council.

In conclusion, the Council confirmed its undertaking to observe the 1 January 1995 deadline for implementing the obligations contracted under the GATT, but instructed the SCA to continue examining the dossier, taking into account the guidelines laid down at this Council meeting, and to report back on the agricultural aspects as a whole at the next Council meeting.

REFORM OF THE COMMON ORGANIZATION OF THE MARKET IN WINE

The Council considered once again the Commission proposal on reform of the wine sector, and more particularly discussed the following priority topics in detail :

- the reference quantity mechanism

- the regional viticultural adjustment programmes

- the consequences of those two aspects.

These three points constitute a political prerequisite for determining whether the proposal under discussion is likely to achieve the aim in view, i.e. bring about effective and balanced reform of the wine sector.

After hearing all delegations' observations, the Council noted unanimously that reform in the sector was necessary and urgent. However, points of view still diverged on how it was to be achieved.

The Council instructed the Special Committee on Agriculture to bring delegations' positions closer together, and to prepare alternative proposals; the Commission had said it was ready to re-examine some aspects of its proposal on the basis of the Council's discussions.

OTHER AGRICULTURE DECISIONS AND MISCELLANEOUS DECISIONS

(Adopted without debate. Where legislative acts are concerned, votes against or abstentions are indicated.)

Wine

The Council adopted a Regulation amending Regulation (EEC) No 3677/89 on the total alcoholic strength by volume of certain quality wines imported from Hungary and Romania. The aim is to permit imports into the Community, by derogation from the general rule, of certain Hungarian and Romanian wines rich in natural sugar when their total alcoholic strength by volume exceeds the Community maximum limit of 15% vol. This measure follows the undertaking given by the Community when the bilateral Agreements with Hungary and Romania on the reciprocal protection of wine names were concluded at the end of 1993.

Butter

The Council adopted a Regulation amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products. The aim – with a view to rationalization in the context of a single market – is to adjust the intervention system for butter and to simplify the rules in this sector. A single definition for butter eligible for intervention is being laid down, and such butter can henceforward be placed in intervention in all Member States, regardless of which Member State the butter was produced in.

Remote sensing

The Council adopted (with the abstention of the United Kingdom delegation) a Decision on the continued application of remote sensing to agricultural statistics during the period 1994-1998. The aim is to:

- facilitate the use of remote sensing by interested Member States with a view to improving their agricultural statistics systems;
- provide estimates, before harvest, of acreages and potential production of the main crops at European and, if possible, national level, within the limits of the financial resources currently available.

Relations with the ACP States and India (sugar)

The Council adopted a Decision on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, the ACP States referred to in Protocol No 8 annexed to the 4th ACP Convention and, on the other hand, the Republic of India, on the guaranteed prices for cane sugar for the 1993/1994 delivery period. These prices correspond to those applied in the Community.

The Council also authorized the Commission to negotiate the Agreements between the European Community and the ACP States referred to in Protocol No 8 annexed to the 4th ACP-EEC Convention, on the one hand, and the European Community and India, on the other hand, on the guaranteed prices applicable during the 1994/1995 delivery period for cane sugar originating in those countries.

Internal market

The Council adopted (with the abstention of the German delegation) a second amendment to Directive 88/344/EEC on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients. The purpose of the amendment is to authorize cyclohexane, a solvent used in the preparation of flavourings.

ECSC assent

The Council gave its assent, pursuant to the second paragraph of Article 54 of the ECSC Treaty, for the granting of a global loan to Mediocredito Centrale, Rome (I), to finance investment programmes which contribute to facilitating the marketing of Community steel.

Textiles

The Council adopted two Regulations :

- one establishing provisional quantitative limits on imports into the Community of certain textile products originating in the People's Republic of China (cat. 14, cat. 17), in the Republic of Indonesia (cat. 23), and in the Republic of India (cat. 23, cat. 24). This Regulation is applicable until 28 January 1995;
- the other amending for 1994 the level of the quantitative limits applicable to imports of certain textile products originating in the People's Republic of China and listed in Annex IV to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules.

The purpose of the second Regulation is to facilitate the transition between the existing rules and the new common rules; to that end it increases appropriately the level of import quotas for 1994.

Belarus

The Council made changes to the negotiating directives for a Partnership and Cooperation Agreement with Belarus, in order to enable the Commission to continue its negotiations.

The changes also concern the negotiating directives for an interim agreement with Belarus on trade and accompanying measures.

Appointments

The Council adopted Decisions appointing :

- Mr J. Terlouw a member of the Committee of the Regions in place of Mr S. Patijn for the remainder of the latter's term of office, which runs until 25 January 1998;
- Mr A. Peper a member of the Committee of the Regions in place of Mr J.M. Linthorst for the remainder of the latter's term of office, which runs until 25 January 1998;
- Mr G. Brower an alternate member of the Committee of the Regions in place of Mr J. Terlouw for the remainder of the latter's term of office, which runs until 25 January 1998.

COUNCIL OF THE EUROPEAN UNION

1801st meeting of the Council

- Budget -

Brussels, 16 November 1994

President: Mr. Gert Haller
Ministry of Finance, Federal Republic of Germany

**1801ST COUNCIL MEETING - BUDGET - BRUSSELS, 16 NOVEMBER
1994**
**PRESIDENT: MR GERT HALLER, STATE SECRETARY, MINISTRY
OFFINANCE OF THE FEDERAL REPUBLIC OF GERMANY**

Reference: PRES/94/232 Date: 16/11/1994

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

Belgium:

Mr Herman VAN ROMPUY - Deputy Prime Minister and Minister for the Budget

Denmark:

Mr Jørgen ØSTRØM MØLLER - State Secretary for Foreign Affairs

Germany:

Mr Gert HALLER - State Secretary for Finance

Greece:

Mr Alexandros PAPADOPOULOS - Minister for Finance

Spain:

Mr Enrique Jesús MARTINEZ ROBLES - State Secretary for Finance

France:

Mr Pierre SELLAL - Deputy Permanent Representative

Ireland:

Mr John F. COGAN - Deputy Permanent Representative

Italy:

Mr Antonio RASTRELLI - State Secretary for the Budget

Luxembourg:

Mr Jean-Claude JUNCKER - Minister for the Budget

Netherlands:

Mr Michiel PATIJN - State Secretary for Foreign Affairs

Portugal:

Mr Norberto SEQUEIRA da ROSA - State Secretary for the Budget

United Kingdom:

Mr David HEATHCOAT-AMORY - Paymaster General

Commission:

Mr Peter SCHMIDHUBER - Member

The following representatives of the four acceding countries attended as observers:

Norway:

Mrs Marianne ANDREASSEN - State Secretary for Finance

Austria:

Mr Alfred SCHULTES - Head of Section, Ministry of Finance

Finland:

Mr Eino KEINÄNEN - State Secretary for Finance

Sweden:

Mrs Anitra STEEN - State Secretary for Finance

CONTINUATION OF 1995 BUDGET PROCEDURE

Before commencing its discussions, the Council met a delegation from the European Parliament comprising:

- Mr SAMLAND, Chairman of the Committee on Budgets,
- Mr WYNN, rapporteur for the 1995 budget (Commission section),
- Mr DANKERT, rapporteur for the other Sections of the 1995 budget,
- Mr COLOM i NAVAL, rapporteur for the adjustment of the financial perspective,
- Mr ELLES and Mr BRINKHORST, members of the Committee on Budgets.

That meeting enabled the representatives of the European Parliament to inform the Council of the approach adopted by the Parliament in the course of its first reading of the draft budget for the 1995 financial year.

On their side, the Council members urged that certain specific items be taken into consideration in the final phases of the present budget procedure.

The Council then held its second reading of the draft general budget of the European Communities for 1995. It adopted a position on all the proposals for modifications and amendments voted by the European Parliament at first reading. The Council adopted decisions which remained below the current own resources ceiling.

As it had already done during the two preceding financial years, the Council wished the 1995 budget to continue to be bound by rigorous budgetary discipline, taking into account Member States' other commitments. It referred to the relevant Community provisions concerning in particular, the classification of expenditure.

The overall expenditure approved by the Council at the conclusion of its second reading of the 1995 draft budget is as follows (in ECU million, round figures) [1] :

Appropriations for commitment (c/a)	75 929,9
Appropriations for payment (p/a)	72 000,1
of which non-compulsory expenditure (NCE):	c/a 36 952,0
	p/a 33 047,4

The breakdown of appropriations is as follows (in ECU millions, round figures):

	C/A	P/A
Common agricultural policy	35 593,0	35 593,0
Other measures	1 401,0	1 401,0
Structural funds	23 112,0	20 717,0
Other structural measures	0,0	40,0
Cohesion Fund	2 152,0	1 750,0
Research	2 818,6	2 646,0
Other internal policies	1 502,6	1 369,9 [2]
External measures	4 393,3	3 645,8
including PHARE	930,0	782,0
Administrative expenditure:		
- Commission	2 476,8	2 476,8
- Other institutions	1 334,6	1 334,6
- Monetary reserve	500,0	500,0
- Emergency aid reserve	323,0	323,0
- Refunds, guarantees, reserves	323,0	323,0
- Negative reserve in payments (B0-42)		-120,0

The rates of increase for NCE over the 1994 budget are thus 7,22% for

appropriations for commitment and 6,43% for appropriations for payment [3]

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

ADJUSTMENT OF THE FINANCIAL PERSPECTIVE

On the adjustment of the financial perspective in preparation for the enlargement of the European Union, the Council held a first exchange of views with the European Parliament delegation in the course of which the members of Parliament had an opportunity to state their position on the various aspects of this adjustment.

The Council then discussed the matter in detail, after which it identified guidelines for negotiations with the European Parliament. The Presidency was instructed to conduct these negotiations with the aim of reaching an agreement with the Parliament in time for its second reading of the draft 1995 budget in December.

[1] Taking into account letter of amendment No 1 to the 1995 draft budget, these amounts are respectively ECU 75 934,9 million in c/a and ECU 72 005,1 million in p/a, of which NCE is ECU 36 957,0 million in c/a and ECU 33 051,4 million in p/a.

[2] Taking into account letter of amendment No 1 to the 1995 draft budget, these amounts are respectively: other internal policies: ECU 1 507,6 million in c/a and ECU 1 374,9 million in p/a.

[3] Taking account of the letter of amendment, the rates of increase for NCE are 7,24% in c/a and 6,45% in p/a.

PRESS RELEASE

10633/94 (Presse 233)

1802nd Council meeting

- TELECOMMUNICATIONS -

Brussels, 17 November 1994

Presidents: **Mr Wolfgang BÖTSCH,**

Federal Minister for Post and
Telecommunications
and Communications

Mr Gerhard O. PFEFFERMANN,

State Secretary for Post and
Telecommunications

of the Federal Republic of Germany

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

<u>Belgium:</u> Mr Elio DI RUPO	Deputy Prime Minister and Minister for Communications and Public Undertakings
<u>Denmark:</u> Mr Frank JENSEN	Minister for Research
<u>Germany:</u> Mr Wolfgang BÖTSCH Mr Gerhard O. PFEFFERMANN	Federal Minister for Post and Telecommunications State Secretary for Post and Telecommunications
<u>Greece:</u> Mr Dimitrios ALABANOS	State Secretary for Transport and Communications
<u>Spain:</u> Mr José BORRELL FONTELLES	Minister for Public Works, the Environment and Transport
<u>France:</u> Mr José ROSSI	Minister for Industry, Posts and Telecommunications and Foreign Trade
<u>Ireland:</u> Mr John F. COGAN	Deputy Permanent Representative
<u>Italy:</u> Mr Roberto ROSSI	Deputy Permanent Representative
<u>Luxembourg:</u> Ms Mady DELVAUX-STEHRÉS	Minister for Communications
<u>Netherlands:</u> Ms Annemarie JORRITSMA-LEBBINK	Minister for Transport and Public Works
<u>Portugal:</u> Mr Joaquim FERREIRA DO AMARAL	Minister for Public Works, Transport and Communications
<u>United Kingdom:</u> Mr Ian TAYLOR	Parliamentary Under-Secretary of State, Department of Trade and Industry
	* * *
<u>Commission:</u> Mr Martin BANGEMANN Mr Karel VAN MIERT	Member Member

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The following representatives of the four acceding countries attended as observers:

Norway:

Mr Kjell OPSETH Minister for Transport and Communications

Austria:

Mr Viktor KLIMA Minister for the Public Sector and Transport

Finland:

Mr Johan NORRBACK Minister for Transport and Communications

Sweden:

Mr Magnus PERSSON State Secretary for Transport and Communications

EUROPEAN DATA-COMMUNICATIONS NETWORKS BETWEEN ADMINISTRATIONS (IDA)

The Council discussed in detail, on the basis of a Presidency draft overall compromise, the draft Decision on support for the telematic interchange of data between administrations in the Community (IDA). The purpose of the Decision is to determine the Community's contribution to a number of projects which will enable national administrations and Community institutions and bodies to use data-communications systems to process and interchange the information necessary for the operation of the internal market and the implementation of common policies.

At the end of the discussion, the Council noted that the sole remaining difference concerned the amount deemed necessary for the Community contribution to the projects.

It therefore referred this question to the Permanent Representatives Committee for further examination, so that a decision could be taken before the end of the year.

ADVANCED TELEVISION – USE OF STANDARDS FOR THE TRANSMISSION OF TELEVISION**SIGNALS**

The Council agreed unanimously on the substance of its common position on the amended proposal for a European Parliament and Council Directive on the use of standards for the transmission of television signals.

The purpose of the Directive is to repeal Directive 92/38/EEC in the light of market developments and recent technical advances; Directive 92/38/EEC provided for the switch from the current PAL and SECAM television systems to HDTV using the D2-MAC and HD-MAC transmission systems applicable to satellite and cable broadcasting. The new Directive provides for Member States to take measures to promote the accelerated development of advanced television services including wide-screen (16:9) television services, high-definition television services and television services using fully digital transmission systems. To that end the Directive lays down certain technical requirements which all television services transmitted to viewers, whether by cable, satellite or terrestrial means, will have to meet. The Directive also defines a series of rules for conditional access to digital Pay-TV.

The common position will be formally adopted at a forthcoming Council meeting.

SPACE SEGMENT CAPACITY - ACCESS AND PROVISION

Further to the Commission communication entitled "Satellite communications: the provision of, and access to, space segment capacity", the Council agreed to the following Resolution on the further development of the Community's satellite communications policy, especially with regard to the provision of, and access to, space segment capacity; the Resolution will be formally adopted at a forthcoming meeting.

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Communication of the Commission of 10 June 1994 on satellite communications: the provision of, and access to, space segment capacity,

Having regard to Commission Directive 94/46/EC of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications ⁽¹⁾,

Having regard to the Council Resolution of 19 December 1991 on the development of the common market for satellite communications services and equipment ⁽²⁾,

1. Whereas in its Resolution of 19 December 1991, the Council gave its support to the general goals of the Commission's Green paper on a common approach in the field of satellite communications in the European Community;
2. Whereas in its Resolution of 6 May 1994 on the Community and space, the European Parliament addresses the importance of a reinforcement of efforts to assist in the development of, inter alia, a competitive European satellite communications sector through a series of policy initiatives and actions, and proposes the firm establishment of a longer term Community satellite communications policy, taking full account of both the telecommunications and the space issues affecting the future of the sector;
3. Whereas efforts should be undertaken to ensure the future of this strategically important sector;

⁽¹⁾ OJ No L 268, 19.10.1994, p. 15.

⁽²⁾ OJ No C 8, 14. 1.1992, p. 1.

4. Whereas successful European participation in the global satellite communications market is, inter alia, dependent on the creation of a competitive satellite sector in a liberalised environment, on comparable and effective access to third country markets, on the availability of suitable technology, and on attracting substantial private investment;
 5. Whereas these factors are, inter alia, essential elements to be taken into account to enable the satellite sector to make a appropriate contribution to the development of Trans-European Telecommunications Networks and the development of a global Information Society;
 6. Whereas the Community aims are to develop a common market for satellite communications services and to foster the competitiveness of the European satellite services sector; whereas these aims shall be achieved, inter alia, by the introduction and stimulation of competition among satellite communications service providers;
 7. Whereas in an increasingly competitive environment, the availability of suitable, transparent and non-discriminatory, access arrangements to space segment resources is essential;
 8. Whereas the effective management by the Member States of orbital and related frequency resources is closely connected with these arrangements;
 9. Whereas space segment capacity is available from intergovernmental satellite organizations – in particular from INTELSAT, INMARSAT and EUTELSAT –, from public satellite operators, and from private satellite operators;
 10. Whereas in general national telecommunications operators, either as signatories in the framework of intergovernmental systems or as owners of national systems, control access to a majority share of the space segment capacity; whereas these national operators are also in competition with other service providers in the provision of satellite services;
1. RECALLING

that the Council Resolution of 19 December 1991 on the development of the common market for satellite services and equipment:

- considered as a major goal improved access to the space segment and access to the space capacity of the intergovernmental organizations operating satellite systems and effective and accelerated procedures for the establishment of and access to separate satellite systems;

- expressed the need to keep carefully in mind industrial aspects, including the need for an internationally competitive European Industry in the field of satellite communications;

2. RECOGNIZING

2.1. In relation to the Community satellite communications sector:

- (a) that this sector is a high technology sector of strategic importance, which has to be taken into account when further developing the Community's communications policy;
- (b) that the consolidation and growth of a competitive Community satellite communications sector is dependent on, inter alia, the full reflection of its potential in the consideration of the satellite communications policy, research and development policy, external relations policy and industrial policy;

2.2. in relation to intergovernmental satellite organizations such as INTELSAT, INMARSAT and in particular EUTELSAT:

- (a) that these organizations are of considerable importance in the supply of space segment capacity and that this capacity at present is supplied to Signatories on a universal basis and under non-discriminatory conditions;
- (b) that presently a review of the Institutional and economic basis of these organizations is in progress;
- (c) that Member States pursuant to the rules of the Treaty shall take all appropriate steps to ensure that signatories exercise their functions with regard to the allocation of space capacity in a non-discriminatory manner in accordance with Directive 94/46/EC;

2.3. that a balanced approach by Member States with regard to effective management of orbital and related frequency resources, ensuring effective representation of their interests, is essential in order to assure equitable, non-discriminatory access by providers of space segment capacity, taking due account of the new competitive and commercial environment;

2.4. that satellite-based networks, services, and applications may contribute to the fast development of Trans-European networks and that this may also contribute to the global Information Society;

3. IDENTIFIES AS BASIC GOALS for the further development of the satellite communications policy:
 - 3.1. non-discriminatory access, for all providers and users of satellite services throughout the Community, to space segment capacity, including in particular space segment capacity provided by Intergovernmental satellite organizations;
 - 3.2. urgent adjustment of the intergovernmental satellite organizations such as INTELSAT, INMARSAT and in particular EUTELSAT in the light of the Community regulatory framework and the market requirements in accordance with the Treaty obligations and with the interest of the Community satellite communications sector, taking into account, inter alia, the following principles:
 - (a) strict separation of all regulatory and operational aspects;
 - (b) separation or more flexibility in the linkage of investment shares and usage;
 - (c) non-discrimination and transparency, if both space segment capacity and satellite services are provided;
 - 3.3. Comparable and effective access to third country markets, in parallel with the Community market liberalization;
 - 3.4. Effective management of orbit and frequency resources within the framework of the International Telecommunications Union, building on the co-operation in CEPT and taking full account of Member States' sovereign rights, with the aim of improving the economic benefits and efficiency, and the market orientation of the current approach;
4. NOTES the intention of the Commission,

to use, where necessary, the means available through the application of the Treaty provisions, in particular the competition rules to remove restrictions within the Community on access to space segment capacity;
5. INVITES the Member States,
 - to assist each other, where necessary, and to cooperate closely, where appropriate, in implementing the basic goals mentioned above with regard to the reform of the Intergovernmental satellite organizations such as INTELSAT, INMARSAT and in

particular EUTELSAT, and with regard to the effective management of orbit and frequency resources;

- to apply the constituent instruments of these organizations at national level in line with the Treaty obligations, in particular with the competition rules, and with Community law;
- to provide for non-discriminatory access to space segment capacity at national level taking account of the relevant provisions of this Resolution;

6. INVITES the Commission,

- to monitor the access arrangements in third country markets with a view to ensuring comparable and effective market access to third countries, in line with the GATT framework and other international obligations of Member States;
- to take due account, inter alia, of advantages offered by satellite-based applications in its development of a coherent strategy for Trans-European Networks.

7. REQUESTS the Commission

to report on the progress in the implementation of the basic goals and the implementation of Community measures such as Directive 94/46/EC to the European Parliament and the Council."

MUTUAL RECOGNITION OF LICENCES AND OTHER NATIONAL AUTHORIZATIONS

The Council held a policy debate on the proposal for a Directive on a policy for the mutual recognition of licences and other national authorizations for the provision of satellite network services and/or satellite communications services.

The debate covered the aim of the Directive, the instruments for achieving it, the definition and scope of mutual recognition and whether prior harmonization should be required, and the applicability of the Directive (which service providers were to benefit from its advantages).

At the end of its debate, the Council instructed the Permanent Representatives Committee to resume its discussion of the proposal in the light of the approach which had been worked out, with the aim of reaching a common position at an early date.

TELECOMMUNICATIONS INFRASTRUCTURES

The Council discussed in detail the liberalization of telecommunications infrastructures and cable television networks on the basis of Part One of the Commission's Green Paper. At the end of the discussion, in which all delegations stressed their attachment to the principle of liberalizing these infrastructures, the Council approved the Resolution below on the timetable and arrangements for the liberalization of telecommunications infrastructures. After finalization, the Resolution will be formally adopted at a forthcoming Council meeting.

"THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Commission communication of 25 October 1994 ⁽¹⁾;

Having regard to the conclusions of the meeting of the European Council held in Corfu on 24 and 25 June 1994;

Having regard to the Council Resolution of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market and the Council Resolution of 7 February 1994 on universal service principles in the telecommunications sector;

Whereas the European Council considers it essential that the basic principles of the internal market should be extended to those areas such as energy and telecommunications which are still only partly covered by it, while ensuring that the town and country and public service requirements in these sectors are also safeguarded;

Whereas the European Council has called for the creation of a clear and stable regulatory framework for information infrastructures, notably as regards access to markets and compatibility of networks, and for the establishment of this regulatory framework as soon as possible at Community level;

Whereas satellite communications have already been liberalized by Commission Directive 94/46/EC of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications and whereas the liberalization of mobile and personal communications is in progress;

⁽¹⁾ Green Paper on the liberalization of telecommunications infrastructure and cable television networks - Part One: Principles and schedule.

Whereas the basic principles of the single market up to now have not been extended to telecommunications infrastructures throughout the Community and whereas the relevant safeguards taking the public interest into account have not yet been defined;

Whereas the joint Industry/Telecommunications Council meeting on 28 September 1994 concluded that a first part of the Green Paper on the liberalization of telecommunications infrastructures, to be submitted by the Commission before 1 November 1994, should enable the Council to examine and, if possible, to decide on, the principles of liberalization and to fix a clear timetable,

1. **WELCOMES** the submission, by the Commission, of Part One of the Green Paper on the liberalization of telecommunications infrastructures;
2. **NOTES** in particular
 - the Commission's conclusions on the principles of, the procedures and the timetable for, the liberalization of telecommunications infrastructures;
 - the subjects to be addressed by the Commission in Part Two of the Green Paper;
3. **RECOGNIZES** the general principle that the provision of telecommunications infrastructures should be liberalized by 1 January 1998.

To enable them to proceed with the necessary structural adjustments, the Member States which use the transition period provided for voice telephony in the aforementioned Council Resolution of 22 July 1993 shall be eligible for an additional transitional period of a maximum of five years. Very small networks may, where justified, be granted a period of up to two years;

4. **AGREES** that the general principle outlined in point 3 will be implemented by means of the following main measures.

The necessary regulatory framework in order to ensure effective liberalization of the provision of telecommunications infrastructure by 1 January 1998.

The regulatory framework, including the necessary safeguards, shall set up common principles ensuring, inter alia,

- the provision and the financing of universal service;
- the establishment of interconnection rules;
- the setting up of licensing procedures and conditions;
- comparable and effective market access including in third countries, namely through discussion in the appropriate framework;
- fair competition;

- 4a. **REAFFIRMS** the necessity that conditions governing the definition of the future Community policy on telecommunications infrastructures should be the result of a political agreement building on the compromise of December 1989 and notes the Commission's support for this approach;
5. **NOTES** the intention of the Commission to submit, by 1 January 1995, the second part of the Green Paper addressing in particular the regulatory framework including the safeguards to be established for the liberalization of telecommunications infrastructures;
- 5a. **WELCOMES** that the Commission provides for a wide consultation of all interested parties of the Green Paper and in particular on its second part;
6. **REQUESTS** the Commission:
 - to report to the European Parliament and the Council on the results of this consultation in order to allow for the determination of the necessary safeguards,
 - to prepare and to propose to the European Parliament and the Council, before 1 January 1996, the amendments which should be made to the Community regulatory framework;
7. **INVITES** the Commission and the Member States to continue consultation, in particular within the framework of the ad hoc high-level Committee of National Regulators referred to in the Council Resolution of 17 December 1992 on the assessment of the situation in the Community telecommunications sector".

DEVELOPMENT OF THE INTEGRATED SERVICES DIGITAL NETWORK (ISDN) AS A TRANS-EUROPEAN NETWORK

The Council agreed on the substance, with the German delegation abstaining, of its common position on a proposal for a Decision on a set of guidelines for the development of the Integrated Services Digital Network (ISDN) as a trans-European network. The Council's common position will be formally adopted at a forthcoming meeting.

The Council noted that the Commission intends very shortly to submit a report on the general framework for trans-European networks. Pending examination of that report, the United Kingdom delegation maintained a scrutiny reservation on the Decision.

The Decision is needed in order to ensure effective co-ordination between Member States and the economic operators responsible for creating the basic infrastructure in the interests of harmonized introduction of ISDN services.

The development of EURO-ISDN will have two objectives:

- access to EURO-ISDN facilities, including basic services;
- full geographic coverage by EURO-ISDN in all Member States, having regard to market needs, in particular to facilitate EURO-ISDN access by peripheral regions.

The priorities for achieving the objectives are as follows:

- to promote the use of EURO-ISDN by small and medium-sized enterprises in particular and by public organizations;
- to contribute to the rapid availability of affordable testing equipment;
- to promote access to less expensive terminal equipment and application software.

In addition, the Decision identifies a series of projects of common interest.

MOBILE AND PERSONAL COMMUNICATIONS

Pending the Commission's presentation of the outcome of consultations on the Green Paper on "Mobile and personal communications", the Council noted a statement by Commissioner Bangemann summarizing the consultations.

TELEMATICS APPLICATIONS IN EUROPEAN TRANSPORT

The Council noted the Commission's oral presentation of the communication on telematics applications in European transport, which it had recently forwarded to the Council. The communication proposes a number of measures in the process of putting in place Europe's information society.

MISCELLANEOUS DECISIONS
(adopted without discussion)

Anti-dumping

The Council adopted Regulations:

- imposing a definitive anti-dumping duty on imports of potassium permanganate falling within CN code 2841 60 10 originating in China. The duty will be ECU 1,26 per kilogram;
 - extending the provisional anti-dumping duty on imports of furfuraldehyde originating in China for two months (until 22 January 1995) (to complete the examination of the facts).
-

COUNCIL OF THE EUROPEAN UNION

1803rd meeting of the Council

- Transport -

Brussels, 21-22 November 1994

President: Mr. Matthias Wissemann
Minister of Transport, Federal Republic of Germany

**1803RD COUNCIL MEETING - TRANSPORT - BRUSSELS, 21 AND 22
NOVEMBER 1994 PRESIDENT: MR MATTHIAS WISSMANN, FEDERAL
MINISTER OF TRANSPORT OF THE FEDERAL REPUBLIC OF GERMANY**

Reference: PRES/94/239 Date: 22/11/1994

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

Belgium

Mr Elio DI RUPO Deputy Prime Minister, Minister for
Transport and Public Undertakings

Denmark

Mrs Mimi JAKOBSEN Minister for Trade and Industry

Germany

Mr Matthias WISSMANN Federal Minister for Transport
Mr Wilhelm KNITTEL State Secretary, Federal Ministry of
Transport

Greece

Mr Georgios KATSIPHARAS Minister for Merchant Shipping
Mr Christos KOKINOVASSILIS State Secretary for Transport

Spain

Mr Manuel PANADERO Secretary-General, Ministry of Transport

France

Mr Pierre SELLAL Deputy Permanent Representative

Ireland

Mr John F. COGAN Deputy Permanent Representative

Italy

Mr Roberto ROSSI Deputy Permanent Representative

Luxembourg

Mrs Mady DELVAUX-STEHRER Minister for Transport

Netherlands

Mrs A. JORRITSMA-LEBBINK Minister for Transport

Portugal

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

United Kingdom

Mr Brian MAWHINNEY Secretary of State for Transport
Lord GOSCHEN Parliamentary Under-Secretary of State,
 Department of Transport

Commission

Mr Marcelino OREJA AGUIRRE Member
Mr Karel VAN MIERT Member

The following representatives of the four acceding countries also attended:

Norway

Mr Kjell OPSETH Minister for Transport and Communications
Mrs Grete KNUDSEN Minister for Trade and Shipping

Austria

Mrs Judith GEBETSROITHNER Deputy Head of Mission

Finland

Mr Johan NORRBACK Minister for Transport and Communications

Sweden

Mrs Ines UUSMANN Minister for Transport and Communications
Mr Magnus PERSSON State Secretary for Transport and
 Communications

TRANS-EUROPEAN TRANSPORT NETWORK

The Council held a policy debate on the proposal for a Decision on Community guidelines for the development of the trans-European transport network.

The proposal is a direct response to the requests of the Copenhagen and Brussels European Councils concerning measures to promote growth, competitiveness and employment, and in particular the realization of infrastructure projects. It covers all transport infrastructure - land, sea and air - with a view to inter-modal integration. The proposed guidelines therefore replace the three "modal" Decisions adopted by the Council on 29 October 1993 (road, inland waterway and combined transport networks) and also cover railways, ports, airports and the information and management systems for the whole network.

During the debate, delegations gave their views on a number of general guidelines concerning, inter alia, inclusion in the decision of further interconnection points, improvement of the annexes so that projects of common interest for the trans-European transport network could be identified, objectives and types of project of common interest for traffic management systems, the relationship between the trans-European transport infrastructure network and third-country networks, and the regular review of the guidelines.

These guidelines are in addition to those already arrived at by the Council at its meeting on 26 September 1994.

The Council instructed the Permanent Representatives Committee to continue its examination of the dossier in the light of the debate, pending submission of the Opinions of the Parliament and the Economic and Social Committee.

The Council also took note of information from the Commission on the progress of the work of the "Christoffersen Group", which has been asked to draw up a list of priority transport and energy projects.

INTEROPERABILITY OF THE EUROPEAN HIGH-SPEED TRAIN NETWORK

The Council held an initial policy debate on the proposal for a Directive on the interoperability of the European high-speed train network.

The proposal is based on Title XII of the Treaty on trans-European networks. It must therefore make a contribution to the gradual establishment of the internal market and to the strengthening of the Community's economic and social cohesion, and to the establishment of an internal area without frontiers.

A number of guidelines emerged from the debate which should facilitate future work, on aspects such as the scope and content of the Directive, the possible consideration of costs in the concept of interoperability, committee procedure and the transitional period up to the realization of interoperability.

The Council instructed the Permanent Representatives Committee to continue its examination of the proposal, in the light of the debate and pending the Opinions of the Parliament and the Economic and Social Committee.

OFFICER FOR PREVENTION OF THE RISKS INHERENT IN THE CARRIAGE OF DANGEROUS GOODS

The Council held a policy debate on the proposal for a Directive on the appointment and vocational qualification of an officer for prevention of the risks inherent in the carriage of dangerous goods in undertakings which transport such goods.

The proposal is designed to fulfil one of the undertakings entered into by the Commission in its report on the transport of dangerous goods and waste of June 1987. It requires undertakings which transport dangerous goods to appoint one or more officers responsible for the prevention of the risks inherent in this type of carriage, regardless of the mode of transport used.

In the light of the debate, which brought out the problems raised by the proposal for certain delegations, the Permanent Representatives Committee was instructed to explore possible routes to a compromise, in particular by limiting the scope of the Directive, initially, to transport by road, rail and inland waterway. The aim of the rules, the distinction between the duties of the entrepreneur and the risk-prevention officer, and aspects relating to exemption for small undertakings should also be reviewed.

EUROPEAN CONTRIBUTION TO THE DEVELOPMENT OF A GLOBAL SATELLITE NAVIGATION SYSTEM (GNSS)

The following Resolution was adopted:

"The Council of the European Union,

- (1) Whereas the setting-up of a Global Satellite Navigation System for civil use will contribute to the attainment of important Community objectives, such as the completion of the internal market and the strengthening of economic and social cohesion;
- (2) Whereas the setting-up and development of a satellite navigation system are also aimed at improving the long term and sustainable mobility of people and goods throughout Europe and transport safety;
- (3) Whereas the White Paper on Growth, Competitiveness and Employment envisages the need for European action in the field of satellite positioning and navigation;
- (4) Whereas the European Community contributes to setting-up and developing trans-European networks in the fields of transport, telecommunications and energy infrastructure in accordance with Article 129(b);

(5) Whereas the European Council, at its Corfu meeting, expressed the view that it is primarily up to the private sector to respond to the challenges in the field of information technology and to take the necessary initiatives, in particular as regards financing; whereas the European Union and its Member States are called upon to give political impetus, and to provide a clear and sound regulatory framework, and to promote by appropriate means transport projects within the framework of the information society;

(6) Whereas in order to attain these objectives Community guidance is necessary, while complying with the principle of subsidiarity;

in the expectation that action by the European Union will make it possible to raise European industry to a level of competitiveness enabling it to participate in the deployment of a Global Satellite Navigation System (GNSS) and in the market for user devices;

Welcomes the fact that

the Commission has submitted a communication (COM(94) 248 final) on the European contribution to the development of a Global Satellite Navigation System and the setting-up of a high-level coordinating group composed of representatives of national governments, users, telecommunications operators, the relevant international organizations, particularly the European Space Agency, ICAO and Eurocontrol, and industry, with the task of ensuring that activities undertaken in Europe in the satellite navigation field tends towards the same end and, in particular, to assist the Commission in the tasks defined below;

The Council recalls

- its Resolution [1] on the situation of European civil aviation;
- its Resolution [2] on telematics in the transport sector;
- its conclusions, drawn up on 28 September 1994, on "Europe's way to the Information Society - an Action Plan";
- that the Community, within its specific research programmes, could contribute to the development of a Global Satellite Navigation System in accordance with Article 130f of the Treaty on European Union.

INVITES the Commission

1. to define the requirements of all potential users and describe the

resulting possibilities;

2. to initiate, or support work on the development and implementation of a European complement to existing systems using INMARSAT III satellites and any other augmentation technology required (GNSS 1);
3. to initiate and support, in parallel with GNSS 1 activities, the preparatory work needed for the design and organization of a global satellite navigation system (GNSS 2) for civil use, which should be compatible with GNSS 1 and should be operated according to international guidelines on an independent and, if possible, private-enterprise basis, in order to make it possible to use the results of GNSS 1 research and development work immediately;
4. to examine the possibilities of contributing to the necessary resources and to examine the potential for private-sector financing of these activities, taking into account a thorough cost-benefit evaluation;
5. to submit a draft programme indicating the different stages, taking into account national programmes, for the introduction of a Global Satellite Navigation System for civil use;
6. to take account of current developments in Europe including the pending determination of a plan for the implementation of the CNS/ATM concept of ICAO, in the context of its activities and to seek a concerted approach, in order to avoid duplication of effort with the IMO and the ICAO and allow a European component of the Global Satellite Navigation System to be contributed without delay;
7. in respect of all the abovementioned actions to cooperate closely with all relevant organizations, in particular with Eurocontrol, the European Space Agency, the telecommunications operators and Eumetsat, the IMO and the ICAO;
8. to update its programme regularly if necessary and to keep the Council informed of its activities concerning the schedule for proposals to be submitted to the Council, taking into consideration the development of the Global Satellite Navigation System as an ongoing process which will have to be adapted periodically, and therefore undertakes to return to the subject regularly.

The Council INVITES the Member States

to take appropriate measures for participation in the European contribution to satellite navigation systems, and to adopt where possible and appropriate, a common approach particularly within international

organizations and in relation to non-Member States."

AIR TRAFFIC MANAGEMENT

The Council took note of a statement by Commissioner OREJA on the difficulties and fragility of the air traffic management system in Europe, particularly in periods of congestion, and the possibility of setting up appropriate institutional mechanisms whilst complying with the provisions of the Treaty.

After an exchange of views, the Council asked the Commission to propose measures, in the Community framework, which might - in particular - resolve crisis situations in this area.

RELATIONS WITH THIRD COUNTRIES

Switzerland

The Council took note of information from the Commission on developments in the dossier concerning the opening of negotiations between the Community and Switzerland in the area of transport, on the basis of a communication regarding the implementation of the Alps Initiative and its consequences for the transport sector.

In the light of the ensuing discussion, the Council noted that the conditions were present for restarting discussions on the proposal for a negotiating mandate, with a view to its adoption before the next Council meeting, scheduled for March 1995.

Opening of negotiations with certain third countries

The Council took note of information from the Commission on progress with discussions on the Recommendation for a Decision on the opening of negotiations between the Community and certain third countries concerning the carriage of goods and passengers by road.

The information concerned in particular the activities of the working party set up at the Council meeting on 13 and 14 June 1994; its work should be continued and intensified, in particular regarding intra-Community communications from and to Greece through Hungary, Romania and Bulgaria.

SHIPPING

SAFETY OF ROLL-ON ROLL-OFF PASSENGER FERRIES

The following Resolution was adopted after a general discussion:

"THE COUNCIL OF THE EUROPEAN UNION,

Recalling the Communication of the Commission on "A common policy on safe seas" and the related Council Resolution of 8 June 1993; [3]

Deeply concerned by the disastrous accident involving the Estonian roll-on/roll-off passenger ferry "Estonia" which capsized in stormy seas during her voyage from Tallinn to Stockholm on 28 September 1994 with the tragic loss of more than 900 lives;

Also aware of the fact that similar accidents with roll-on/roll-off passenger ferries have occurred in European waters in recent years;

Convinced that in the light of these casualties the operation of roll-on/roll-off passenger ferries in European waters and, in particular, the design and equipment, the quality of the crews and the responsibility of the owners and operators of this type of ship, must be reviewed and improved;

Referring to the Council Directive of 22 November 1994 on the minimum level of training of seafarers, and in particular to Article 8(1) and (2), thereof, which inter alia establishes specific requirements for communication on board passenger vessels;

- I. 1. Welcomes the IMO initiative of an ad hoc panel of maritime experts to recommend improvements in the safety of roll-on/roll-off passenger ferries;
2. Calls upon the Member States and the Commission to fully support the IMO initiative and to cooperate in such a way that the panel of experts can present its conclusions and recommendations by May 1995; calls upon the Member States and the Commission to cooperate in ensuring that the panel addresses not only the technical aspects but also the wider human element;
3. Invites the Member States and the Commission to submit or support proposals that the IMO should undertake:
 - (a) an urgent and thorough review of the intact and damage stability requirements applied to roll-on/roll-off passenger ferries with the aim of significantly enhancing the survivability of such vessels;
 - (b) a review of the evacuation procedures applying to roll-on/roll-off passenger ferries including the procedures,

equipment and crew training requirements for rapid evacuation, effective and understandable communication of safety information and for giving evacuation instructions to passengers on board;

- (c) a review of the requirements for qualified medical personnel on board roll-on/roll-off passenger ferries undertaking long voyages;
- (d) preparatory work for the amendment of the SOLAS Convention or the preparation of a free-standing Convention to provide for the investigation of marine casualties and cooperation between States in the investigation of such casualties;
- (e) an examination of the necessary technical specifications for the mandatory fitting out of roll-on/roll-off passenger ferries with voyage recorders as an aid to accident investigation following a marine casualty;
- (f) the necessary steps to allow application of the standards set out in the "Agreement Concerning the Stability of Existing Ro-Ro Passenger Ships Operating Services to or from Ports within a Designated Sea Area of North West Europe" as a "Regional" standard and to enable Member States to apply these standards to all roll-on/roll-off passenger ferries operating to and from all ports of this specific region;
- (g) improved focusing and acceleration of the work of the Subcommittee on Flag State Implementation (FSI) of the IMO;
- (h) consideration of the need to prepare operational guidelines for use in adverse weather conditions given the size/type of ro-ro ships concerned and their area of operation;

4. Invites the Member States and the Commission to strive within the framework of the Paris Memorandum to apply as soon as possible but on 1 January 1995 at the latest the provisions related to expanded inspection embodied in the draft Directive on port-State control;

II. Invites the Commission to submit proposals for Council decisions concerning:

1. the advance mandatory application of the International Safety Management Code (IMO Resolution A.741(18)) by 1 July 1996 to all regular roll-on/roll-off passenger ferry services operating to or from European ports, in compliance with international law;

2. a mandatory requirement that all regular roll-on/roll-off vessels carrying passengers to or from ports of the European Union on voyages lasting a number of hours yet to be determined, be equipped with a system indicating accurately the number and names, and on voyages of short duration the number only, of passengers and crews on board the vessel at any time, except where a specific derogation is granted for voyages of very short duration. Such information should be communicated to the shore before the vessel leaves its berth for a place to which the relevant authorities have immediate access;
3. an expanded mandatory survey regime, including operational inspections etc., for all roll-on/roll-off passenger ferries operating to or from ports of the European Community prior to the start of a new service and subsequently at regular intervals;
4. a regime compatible with international law and the need to avoid arbitrary interference with the freedom to trade, for the control by Member States of the safety of all roll-on/roll-off passenger ferries serving European Union ports including the right of investigation of marine casualties as mentioned in the relevant IMO Resolutions;

III. 1. Takes note of the Commission's intention to submit as soon as possible the proposals mentioned in its action programme and requested by the Council and which could favourably affect the safety of roll-on/roll-off passenger ferries, notably those relating to:

- the application of appropriate working hours and working conditions ensuring safety on board such passenger ships,
- common safety rules for marine equipment used on board commercial and passenger vessels, including rescue facilities, in particular on board vessels with high sides,
- mandatory application of the relevant provisions of certain IMO Assembly Resolutions,
- safety rules for passenger vessels engaged in domestic trade;

2. Invites the Commission to investigate the effect of competition upon the safe operation of ferries and to report to the Council;
3. Invites the Commission to report, one year after the implementation

by the Member States of the Council Directive on minimum training requirements for seafarers, on the effectiveness of the communication arrangements for passengers provided for in this Directive;

- IV. 1. Urges Member States to inform the Commission of any difficulty they encounter in the implementation of their GMDSS (Global Maritime Distress and Safety System) obligations;
2. Urges Member States to ensure that their requirements for the application of the guidelines for securing arrangements for the transport of road vehicles on board roll-on/roll-off ferries, and in particular those regarding lashings (IMO Resolution A.581(14)), are correctly fulfilled by roll-on/roll-off passenger ferry operators;
3. Urges all classification societies and in particular those who are European Members of the International Association of Classification Societies (IACS) to assess and tighten up their rules governing the structural elements of roll-on/roll-off ferries. Special consideration should be given to the construction and means of securing the doors of roll-on/roll-off passenger ferries which allow vehicle access to vehicle decks;
4. Underlines the need to ensure that adequate search and rescue facilities are available;

V. Decides to keep the matter of ferry safety on its agenda."

EUROPEAN VESSEL REPORTING SYSTEM (EUROREP)

The Council reached partial agreement on its common position on the proposal for a Directive concerning the setting-up of a European vessel reporting system in the maritime zones of Community Member States (EUROREP).

The proposal forms part of the common policy on safe seas and is a follow-up to Directive 93/75 of 13 September 1993 which introduces a notification system consisting in obliging vessels sailing to or from Community ports to supply certain information to the Member States in which the ports are situated. It forms the second phase of a process in two stages intended to set up, at Community level, a European vessel reporting system.

The Permanent Representatives Committee has been instructed to examine the outstanding questions, which concern in particular the establishment of points at which vessels will have to make themselves known to the coastal authorities, the application of the Directive to vessels not flying the

flag of a Member State, and the setting of the date when the Directive will enter into force in relation to the work of the IMO, with a view to preparing the Council's future work on this subject.

COMPETITION RULES IN THE SHIPPING SECTOR - PRESIDENCY CONCLUSIONS

The Council held an exchange of views on the application of the competition rules to shipping, following information from Commissioner VAN MIERT and in the light of the report submitted by the Commission at the Transport Council in June 1994.

Concluding the discussion, the President drew the following conclusions:

"The Presidency welcomes Commissioner VAN MIERT's Report as a valuable discussion document responding to the request first made by the Transport Council in 1989. The Presidency acknowledges that the terms on which members of shipping conferences offer carriage on inland sectors need to be clarified so as to ensure effective competition and protect shippers' interests.

The Presidency notes the major change which the Commission's report will mean for commercial practices which liner conferences have followed for more than 2 decades in connection with multimodal rates.

In the Presidency's view the implications of this change for European foreign trade and for the European shipping industry cannot be fully assessed at the present time.

The Presidency is anxious that the twin aims of

- efficient container transport services for European foreign trade and
- the existence of a competitive European liner shipping industry should be guarded.

The Presidency likewise affirms that the interest of shippers in competitive container transport services and in non-discriminatory treatment as well as interests of outsiders must be taken into account.

The Presidency underlines the necessity of avoiding jurisdictional conflict with major trading partners.

The Presidency therefore calls on the Commission to

- (a) closely monitor the economic and commercial consequences for conference shipping lines and shippers of conferences ceasing to offer multimodal rates;

- (b) hold itself ready for immediate consultations with the Council in case of unforeseen consequences;
- (c) grant a reasonable transition period for any restructuring of present multimodal rate arrangements and to implement the new policy in a flexible manner;
- (d) give a report on the experiences with the new approach on multimodal rate agreements at the latest in 12 months time and in so doing to avail itself of the advice of independent persons competent in this area and, in the event of disruption, in 6 months' time;
- (e) consider whether it would be desirable to propose a regulation on multimodal transport to deal with the application of the competition rules to all modes of transport in the light of current developments in transport technology and telematics."

POSITIVE MEASURES ON SHIPPING

The Council held a policy debate on relaunching positive measures in the shipping sector, in the light of an introductory statement by the Commission.

Discussions in this area will continue during the next six months.

TRAINING OF SEAFARERS

The Council, with the Italian delegation abstaining, adopted a Directive on the minimum level of training for seafarers.

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

The text of the Directive is the same as that of the common position approved by the Transport Council at its meeting on 13 and 14 June 1994 (see Press Release 7731/94 Presse 119).

Among other things, the Directive lays down that all seafarers serving on board ships registered in a Community Member State must hold a certificate issued or recognized by a competent authority of a Member State and certifying that they have received appropriate training in compliance with the International Maritime Organization (IMO) 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers

(STCW Convention) as amended by Resolution MSC 21(59) of 1991.

INSPECTION OF VESSELS IN COMMUNITY PORTS

The Council agreed on the common position on the proposal for a Directive concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions.

The proposal answers the call made by the Council in its Resolution of 8 June 1993 on a common policy on safe seas. Its aim is drastically to reduce the number of substandard vessels operating in waters falling under the jurisdiction of the Member States, by ensuring that international legislation and the relevant Community legislation on ship safety, the protection of the marine environment and shipboard living and working conditions, applicable to vessels whatever flag they fly, are better complied with in Community ports.

It aims in particular to improve the effectiveness of the Memorandum of Understanding on Port State Control, signed in Paris in 1982.

The common position, which provides for the Directive to enter into force by 1 July 1996 at the latest, lays down common criteria for selecting the vessels to be inspected and harmonizes inspection and detention procedures, taking into account, in particular, the commitments entered into by Member States' shipping authorities in the context of the Memorandum of Understanding.

In practical terms, the common position contains provisions on the following:

- Inspection

Total number of inspections equal to at least 25% of the number of ships entering the ports of each Member State during a representative year.

Increasingly rigorous inspections as the probability of finding more or less serious deficiencies on board increases.

- Rectification and detention

Detention of the ship or a ban on operation where the deficiencies of the ship inspected are clearly hazardous to safety, health or the environment.

Refusal of access to Community ports for ships which, after being detained, have not complied with the requirements imposed by the competent authorities.

- Cooperation between Member States

Exchange of information and cooperation between competent authorities concerning ships calling at Member States' ports.

Quarterly publication by the competent authorities of the lists of ships detained.

The common position will be formally adopted in the near future, after finalization of the texts.

OTHER DECISIONS IN THE AREA OF TRANSPORT

(Adopted without discussion. In the case of legislative acts, votes against or abstentions are indicated)

Transport of dangerous goods by road

- Approximation of laws

Within the framework of the cooperation procedure with the Parliament, the Council adopted a Directive on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road; the Spanish and Netherlands delegations abstained.

The text of the Directive is the same as that of the common position adopted by the Council on 19 September 1994, following the political agreement reached at the meeting of the Transport Council on 13 and 14 June 1994 (see Press Release 7731/94 Presse 119).

The purpose of the Directive is to harmonize the rules applicable to the national and intra-Community transport of dangerous goods, both so as to ensure an acceptable level of safety and to create a single market for such transport services within the Community.

It accordingly aims to transpose into Community law the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), to which all the Member States are contracting parties except Ireland, which should become one before the end of 1994.

The Directive provides for the retention of national legislation in certain prescribed cases. Such derogations, most of which are temporary, affect only a small part of the transport market.

- Inspection procedures

Following the political agreement reached at the meeting of the Transport Council on 26 September 1994 (see Press Release 9405/94 Presse 193), the Council adopted the common position on uniform procedures for checks on the transport of dangerous goods by road; the Danish delegation abstained.

The proposal for a Directive is part of the process of improving and ensuring compliance with the safety conditions under which dangerous goods are transported by road, and ensuring that obstacles to the free movement of such transport in the Community as a whole are eliminated.

Rail transport

- Allocation of railway infrastructure capacity and the charging of fees

Following the political agreement reached at the meeting of the Transport Council on 26 September 1994, the Council adopted its common position on the proposal for a Directive on the allocation of railway infrastructure capacity and the charging of infrastructure fees.

The aim of the proposal is to establish the general framework of a uniform, non-discriminatory Community system in this area, so that railway undertakings and their customers can reap the full benefit of the opportunities offered by the internal market in the rail sector.

- Licensing of railway undertakings

Following the agreement in principle reached at the meeting of the Transport Council on 26 September 1994 (see Press Release 9405/94 Presse 193), the Council adopted its common position on the licensing of railway undertakings.

The purpose of introducing such licensing is to guarantee the application of common conditions of access to the Community rail market, within the framework of the rights of access to railway infrastructures granted under Directive 91/440.

The fact that an undertaking has a licence would guarantee that it was able to supply safe and efficient railway services. In itself, a licence does not give an undertaking any right to operate transport services; it authorizes it to request rights of access to the infrastructure as provided for by the Directive.

Shipping

- Ship inspection and survey

Within the framework of the cooperation procedure with the Parliament, the Council adopted a Directive on common rules and standards for ship inspection and survey organizations.

The text of the Directive is the same as that of the common position approved by the Council at its meeting on 13 and 14 June 1994 (see Press Release 7731/94 Presse 119).

The Directive is a follow-up to the Council Resolution of 8 June 1993 on a common policy on safe seas, which set the goal of removing from Community waters any substandard ship and regarded as a priority Community action to ensure effective and uniform implementation of the international rules by devising common standards for classification organizations.

In practical terms, the Directive lays down measures which must be complied with by the Member States and by organizations involved in the inspection, survey and certification of ships, whilst furthering the aim of the free provision of services. The competent administrations will therefore have to be capable of ensuring effective implementation of international agreements. If the Member States wish to delegate their tasks to private bodies, such as classification societies, they will approach only bodies which they have approved and which will have to comply with certain criteria laid down in the Directive.

- Tonnage measurement of ballast spaces in segregated ballast oil tankers (SBTs)

Within the framework of the cooperation procedure with the Parliament, the Council adopted a Regulation on the implementation of IMO Resolution A.747(18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers (SBTs), which afford less danger to the environment.

The Regulation corresponds to the common position approved by the meeting of the Transport Council on 13 and 14 June 1994.

The purpose of the Regulation is to cancel out the loss suffered, in terms of port and pilot charges, by segregated ballast oil tankers, where the charges are calculated on the basis of a vessel's gross tonnage.

Air transport

- Investigation of civil aviation accidents and incidents

Within the framework of the cooperation procedure with the Parliament, the Council adopted a Directive establishing the fundamental principles governing the investigation of civil aviation accidents and incidents.

The text of the Directive is the same as that of the common position adopted by the Council on 16 May 1994. The Directive is based inter alia on the conviction that determining the causes and circumstances of accidents (by means of a detailed technical investigation) is of fundamental importance if better preventive measures are to be developed within the framework of a common air safety policy. The basic principles proposed are as follows :

- obligation to carry out an investigation into every accident or serious incident, and into certain incidents in civil aviation, with the sole purpose of preventing their recurrence;
- clear separation between the judicial investigation (intended to establish liabilities) and the technical investigation, and strengthening the status of the latter;
- permanence and independence of the organizations or bodies carrying out the investigation;
- obligation for the organizations or bodies to publish an investigation report as soon as possible, and if possible within twelve months of the date of the accident; the report may contain safety recommendations;
- monitoring of the action taken on these recommendations;
- protection of the investigation against use for other purposes than the prevention of accidents.

MISCELLANEOUS DECISIONS

(Adopted without discussion. In the cases of legislative acts, votes against or abstentions are indicated)

Research

The Council adopted Decisions on the rules for

- the participation of undertakings, research centres and universities in

the specific programmes of research, technological development and demonstration of the European Community;

- the participation of undertakings, research centres and universities in the specific programmes of research and teaching of the European Atomic Energy Community;
- the dissemination of the research results from the specific programmes of research, technological development and demonstration of the European Community.

The adoption of these Decisions follows approval by the Parliament of two Council common positions on the rules for participation and dissemination of results relating to R&TD programmes of the European Community, and approval by Parliament of a policy guideline on the rules for participation relating to research programmes concerning the European Atomic Energy Community.

These Decisions establish horizontal rules for implementing all the specific R&TD programmes. Particular attention is given to small and medium-sized undertakings and cooperation with bodies in third countries or international organizations.

Education

The Council authorized the Commission to negotiate agreements for cooperation in higher education and vocational training between the Community, the United States and Canada.

These agreements will amplify the agreement for scientific and technical cooperation recently negotiated with Canada and a possible agreement in the same area with the United States.

Customs union

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

- certain industrial products (in the micro-electronics and related sectors);
- certain industrial products (in the chemical and allied sectors).

The suspensions are valid from 1 January to 30 June 1995.

Agriculture

The Council adopted a Regulation amending Regulations (EEC) No 2328/91 and (EEC) No 866/90 with a view to expediting the adjustment of production, processing and marketing structures within the framework of the reform of the Common Agricultural Policy.

(Already approved at the meeting of the Agriculture Council on 24 and 25 October 1994 - see Press Release 9753/94 Presse 213).

[1] OJ No C 309, 5.11.1994, p. 2.

[2] OJ No C 309, 5.11.1994, p. 1.

[3] OJ No C 271, 7.10.1993, p. 1.

COUNCIL OF THE EUROPEAN UNION

1804th meeting of the Council

- Fisheries -

Brussels, 23 November 1994

Presidents: Mr. Jochen Borchert
Minister of Food

Mr. Franz-Josef Feiter,
State Secretary for Food, Agriculture and Forestry

Federal Republic of Germany

**1804TH COUNCIL MEETING - FISHERIES - BRUSSELS, 23 NOVEMBER
1994 -PRESIDENTS: MR JOCHEN BORCHERT, MINISTER OF FOOD,
AGRICULTURE AND FORESTRYAND MR FRANZ-JOSEF FEITER, STATE
SECRETARY FOR FOOD, AGRICULTURE ANDFORESTRY OF THE FEDERAL
REPUBLIC OF GERMANY**

Reference: PRES/94/240 Date: 23/11/1994

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

Belgium:

Mr André BOURGEOIS Minister for Agriculture

Denmark:

Mr Henrik DAM KRISTENSEN Minister for Agriculture and Fisheries

Mr Nils BERSTEIN State Secretary for Agriculture and Fisheries

Germany:

Mr Jochen BORCHERT Minister for Food, Agriculture and Forestry

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

Greece:

Mr Floros CONSTANTINOU State Secretary for Agriculture

Spain:

Mr Luis ATIENZA Minister for Agriculture, Fisheries and Food

France:

Mr Jean PUECH Minister for Agriculture and Fisheries

Ireland:

Mr David ANDREWS Minister for the Marine

Italy:

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

Luxembourg:

Mr Jean-Marc HOSCHEIT Deputy Permanent Representative

Netherlands:

Mr J.J. van AARTSEN Minister for Agriculture, Nature Conservation

and Fisheries

Portugal:

Mr Eduardo DE AZEVEDO SOARES Minister for Maritime Affairs

United Kingdom:

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

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

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Commission:

Mr Ioannis PALEOKRASSAS Member

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Representatives from the four acceding Member States also attended the meeting as observers:

Norway:

Mr Jan Henry T. OLSEN Minister for Fisheries

Austria:

Mrs Judith GEBETSROITHNER Deputy Head of Mission

Finland:

Mr Mikko PESÄLÄ Minister for Agriculture and Forestry

Sweden:

Mrs Margareta WINBERG Minister for Agriculture

COMMON ORGANIZATION OF THE MARKET

Pending the Opinion of the European Parliament the Council noted, on the basis of the proceedings of the Permanent Representatives Committee, a favourable position on the proposal for a Regulation amending Regulation No 3759/92 on the common organization of the market (CMO) in fishery products and aquaculture.

The proposal takes into account in particular the fact that:

-

the fisheries sector needs adjustments and innovations to improve its competitiveness; the amendment of the Regulation on the CMO takes account

of that need and, while complying with the Community's international commitments, is directed towards maintaining producers' incomes and establishing the conditions for increasing them;

- the enlargement scheduled for 1 January 1995 necessitates certain adjustments relating to maintenance of the Norwegian scheme for recognizing producers' organizations and to the lists of products eligible for market support mechanisms;

- under Article 18 of Regulation No 3759/92, the Council had undertaken to decide on any proposal to review the compensation scheme for tuna before 31 December 1994.

The Regulation will be adopted as soon as possible, once the European Parliament has delivered its Opinion.

PRICES FOR THE 1995 FISHING YEAR

On the basis of the proceedings of the Permanent Representatives Committee, the Council agreed to the Regulations fixing the guide prices for the fishery products listed in Annex I(A), (D) and (E) (fresh products) and Annex II (frozen products) to Regulation No 3759/92 and the producer price for tuna intended for the canning industry.

The Regulations will be adopted at the earliest opportunity, after the texts have been finalized. The Spanish delegation expressed its intention of abstaining when the Regulations were formally adopted.

As regards fresh and frozen products, it will be recalled that the basic Regulation (No 3759/92) provides that a guide price is to be fixed for each

product for each fishing year on the basis of the average of prices recorded on representative wholesale markets or in representative ports during the previous three fishing years.

As regards fresh products, account should also be taken of production and demand trends as well as of other criteria relating to price stabilization, support for producers' incomes and consumers' interests.

As regards tuna for processing, the Community production price is fixed on the basis in particular of the average of prices recorded on representative wholesale markets or in representative ports during the previous three fishing years.

Changes from the 1994 prices approved by the Council are as follows:

A

Guide price in ECU/tonne for fresh products (1)
% change
compared with 1994

1. Herrings		
- from 1 January to 14 July 1995 and		
from 1 October to 31 December 1995	- 2	
- from 15 July to 30 September 1995	- 6	
2. Sardines	- 1	
3. Dogfish	0	
4. Cat sharks	- 5	
5. Redfish	- 2	
6. Cod	- 1	
7. Coalfish	- 2	
8. Haddock	- 2	
9. Whiting	- 2	
10. Ling	- 2	
11. Mackerel of the species <i>Scomber scombrus</i>	- 1	
12. Mackerel of the species <i>Scomber japonicus</i>	- 5	
13. Anchovies	+ 1	
14. Plaice		
- from 1 January to 30 April 1995	0	
- from 1 May to 31 December 1995	0	
15. Hake	0	
16. Megrin	0	
17. Ray's bream	- 2	
18. Monkfish		
- whole	+ 1	

- without head	0	
19. Shrimps of the species <i>Crangon crangon</i>		+ 4
20. Edible crab	0	
21. Norway lobster		
- whole	0	
- tails	- 10	
22. Dab	- 1	
23. Flounder	0	
24. Albacore or longfinned tuna		- 2
- gutted	- 2	
25. Cuttlefish	+ 1	
26. Sole	0	

B. Guide price in ECU/tonne for frozen products (2)

1. Sea bream	- 2	
2. Squid of the species <i>Loligo patagonica</i>		+ 4
3. Squid (<i>Ommastrephes sagittatus</i>)		0
4. <i>Illex argentinus</i>	+ 1	
5. Cuttlefish of the species <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeletti</i>		+ 3
6. Octopus	+ 1	
7. Lesser or Greenland halibut		+ 2
8. Whole hake	- 4	
9. Fillets of hake	- 4	
10. - Prawns of the species <i>Parapenaeus longirostris</i>		- 1

- Other species of the family Penaeidae 0

C. Producer price for tuna in ECU/tonne (3)

Tuna (Albacore) 0

TARIFF QUOTAS AND SUSPENSIONS

The Council agreed to the Regulation suspending totally or partially for 1995 the autonomous duties of the Common Customs Tariff for the

following fishery products:

	Autonomous duties (%)
- dogfish	6
- sturgeons	0
- lumpfish	0
- red snapper	0
- hard fish roes	0
- Pacific salmon	0
- soft roe	0
- fillets and meal of hake	10
- fillets and meal of Alaska pollack	8,5
- krill	0
- crabs	0
- lobster flesh, cooked	0

The Council also approved the Regulation increasing from 40 000 t to 50 000 t the Community tariff quota for 1994 for fresh, chilled or frozen

cod, which was made subject to a 6% duty by Regulation No 845/94 of 12 April 1994.

The Regulation also amends Regulations:

- No 3466/93 (Community tariff quotas for certain agricultural and industrial products (first series 1994));
- No 3672/93 (Community tariff quotas for certain industrial products (second series 1994)) ;
- No 1502/94 (Community tariff quotas for certain industrial and fishery products (third series 1994)).

The Council also adopted Regulations:

- opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (first series 1995);
- temporarily suspending the autonomous Common Customs Tariff duties on a number of products intended for the construction, maintenance and repair of aircraft (1995).

RULES GOVERNING ACCESS TO AND CONTROL OF COMMUNITY FISHING AREAS

On the basis of a questionnaire prepared by the Presidency, the Council held a detailed discussion on the two proposals for Regulations directed

towards fully integrating the fishing fleets of Spain and Portugal into the Community scheme from 1 January 1996.

These are the proposal for a Regulation establishing the rules for access to certain Community fishing areas and resources and the proposal amending the Regulation establishing a control system (Regulation No 2847/93) with the aim of supplementing the present control mechanisms.

The discussion made it possible to clarify delegations' positions, which nevertheless continue to diverge on a number of points.

The Council reaffirmed its intention to reach a decision at its meeting on 19 and 20 December. To that end the Presidency will, in liaison with the Commission, prepare the bases for an overall agreement.

AUTHORIZATION OF FISHING IN THE WATERS OF A THIRD COUNTRY UNDER A FISHERIES

AGREEMENT

The Council held a policy debate on the draft Regulation concerning the authorization of fishing in the waters of a third country under a fisheries agreement.

When Regulation No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits was adopted, the decision on that part of the Commission proposal covering Community vessels operating in the waters of a third country under a fisheries agreement was left in abeyance, primarily to enable a better assessment to be made of the legal implications of such arrangements for existing national laws.

The Commission felt that the main purpose of the proposed Regulation was to provide an appropriate legal basis for the Commission's current practice regarding fishing licences in the context of a fisheries agreement concluded with a third country. The existence of such a legal framework would make the procedures involved more transparent and provide the legal certainty necessary for the parties concerned.

At the end of the debate the Council instructed the Permanent Representatives Committee to continue proceedings, taking particular account of the requests made by some delegations, with the objective of adoption of the Regulation at a Council meeting in the near future.

DETAILED RULES FOR THE APPLICATION OF THE TRADE MONITORING SYSTEM FOR CERTAIN FISHERY PRODUCTS COMING FROM NORWAY

The Council adopted the Regulation establishing detailed rules for the application of the trade monitoring system for certain fishery products coming from Norway.

The Regulation relates to the trade monitoring system laid down in Article 53 of the Act of Accession of Austria, Finland, Norway and Sweden in respect of certain fishery products (salmon, herring, mackerel, shrimps, scallops, Norway lobster, redfish and trout).

That system, which is managed by the Commission, lays down indicative ceilings, allowing for unhampered trade up to those ceilings. It is to apply from 1 January 1995 to 31 December 1998.

The Council noted a Commission statement confirming that none of the measures that it would be taking in that context would have the effect of making products of Norwegian origin subject to treatment less favourable

than that to which products from third countries were subject, under equivalent measures, pursuant to Articles XI (on the general elimination of quantitative restrictions) and XIX (on urgent measures concerning imports of particular products) of the GATT. Furthermore, under no circumstances would those measures be more restrictive than those agreed upon in the framework of the EEA Agreement.

COMPLIANCE WITH THE PROVISIONS RELATING TO FISHERY ACTIVITIES LAID DOWN IN THE ACT OF ACCESSION

The Council took note of the Commission's presentation of a proposal for a Regulation fixing the measures to be taken regarding operators who do not comply with certain provisions relating to fishery activities laid down in the Act of Accession of Austria, Finland, Norway and Sweden.

The Act of Accession lays down transitional arrangements for access to certain waters of the Twelve for Norwegian fishing vessels. Those arrangements are identical to those which apply to Spain and Portugal and should remain in force until the full integration of those two countries into the common fisheries policy.

The objective of the proposal is to introduce a system of penalties identical to that applicable to the Spanish and Portuguese fishing fleets. The system involves placing any vessel which infringes the rules governing access or fishes without authorization on a "blacklist" for a given period.

NAFO

The Council discussed a request by the Spanish and Portuguese delegations to initiate the procedure for objecting to the TAC of 27 000 t of Greenland halibut fixed at NAFO's XVIth annual meeting. The request in question did not achieve the required majority of members of the Council.

RUSSIA

The Council took note of information provided by the Commission on the purchase of 8 000 t of Arctic cod or its equivalent for the Community fleet, as agreed in the negotiations on the enlargement of the Community. It emerged from Commissioner Paleokrassas's intervention that the meetings on the matter with the Russian authorities were scheduled for early 1995.

MOROCCO

The Council adopted the Decision authorizing the Commission to open

negotiations with Morocco on fisheries.

The current Agreement was concluded in May 1992 for 4 years, i.e. from 1 May 1992 to 30 April 1996.

As the mid-term review after two years' application, as provided for in the Agreement, had led to an impasse, at its meeting on 28 September 1994 the Council called upon the Commission to initiate the procedures required to begin negotiations in order to ensure that fishing by Community vessels in Moroccan waters continued.

A Commission meeting with the Moroccan side in Brussels on 13 October 1994 had broken the deadlock with a compromise agreement providing for the opening of negotiations at the earliest opportunity, with a view to conclusion of a new Agreement to apply from 1 May 1995.

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Under "Other business" the Council:

- took note of the concerns voiced by Commissioner Paleokgrassas on the subject of unregulated fishing in the Barents Sea and of the Commission's démarches to the Iceland authorities in order to clarify the positions of the parties concerned;
- heard a number of statements on the question of drift nets, following which the President said he hoped that progress would be made on the matter.

MISCELLANEOUS DECISION
(Adopted without debate)

Research

Following finalization of the texts the Council formally adopted Decisions relating to specific programmes for research, technological development and demonstration activities in the following fields (see press release 9565/94 - Presse 201):

- telematic applications of common interest
- information technologies
- standards, measurements and testing
- marine science and technology

- agriculture and fisheries

- non-nuclear energy

- cooperation with third countries and international organizations.

(1) The guide prices for fresh products make it possible in particular to define the Community withdrawal prices or, for the species referred to in E of Annex I, the Community selling price.

(2) The guide prices for frozen products act in particular as a reference for granting aid to private storage under certain conditions.

(3) The Community producer price for tuna acts in particular as a reference for granting compensation to producers' organizations under certain conditions.

COUNCIL OF THE EUROPEAN UNION

1805th meeting of the Council

- Development -

Brussels, 25 November 1994

President: Mr. Carl-Dieter Spranger
Minister for Economic Cooperation, Federal Republic of Germany

**1805TH COUNCIL MEETING - DEVELOPMENT - BRUSSELS, 25 NOVEMBER
1994**
**PRESIDENT: MR CARL-DIETER SPRANGER, MINISTER FOR
ECONOMIC COOPERATION OF THE FEDERAL REPUBLIC OF GERMANY**

Reference: PRES/94/247 Date: 25/11/1994

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

Belgium:

Mr Erik DERYCKE State Secretary for Cooperation and
Development

Denmark:

M Poul NIELSON Minister for Development Cooperation

Germany:

Mr Carl-Dieter SPRANGER Minister for Economic Cooperation

Greece:

Mr Athanassios THEODORAKIS Secretary-General of the Ministry of Foreign
Affairs

Spain:

Mr José Luis DICENTA BALLESTER State Secretary for International
Cooperation
and Latin America

France:

Mr Bernard DEBRE Minister for Cooperation

Ireland:

Mr Tom KITT Minister of State for European Affairs and
Overseas Development Aid

Italy:

Mr Franco ROCHETTA State Secretary for Foreign Affairs

Luxembourg:

Mr Georges WOHLFART State Secretary for Foreign Affairs, Foreign
Trade and Cooperation

Netherlands:

Mr Jan PRONK Minister for Development Cooperation

Portugal:

Mr José Manuel BRIOSA E GALA State Secretary for Cooperation

United Kingdom:

Baroness Lynda CHALKER Minister for Overseas Development

- + -

Commission:

Mr Manuel MARIN Vice-President

Representatives from the four acceding countries attended as observers:

Norway:

Ms Kari NORDHEIM-LARSEN Minister for Development Cooperation

Austria:

Mr Hans BRUNMAYR Deputy Head of the Mission of Austria to the
European Union

Finland:

Mr Heikki HAAVISTO Minister for Foreign Affairs

Mr Mauri EGGERT Deputy State Secretary for Foreign Affairs

Sweden:

Mr Pierre SCHORI Minister with special responsibility for
Development Cooperation

DEVELOPMENT CO-OPERATION POLICY IN THE RUN-UP TO 2000

- FOOD SECURITY - COUNCIL RESOLUTION

I. INTRODUCTION

1

Following its declaration of November 1992 on development cooperation in the run-up to 2000, the Council in May 1993 selected food security as one of the priority areas for enhanced policy coordination between the Community and its Member States. Policies on food security should be a part of the overall framework of the fight against poverty.

2

Having examined the Commission's communication on coordination between the Community and its Member States concerning food security

policies and practices, the Council and the Member States have adopted the following orientations and guidelines.

II. FOOD SECURITY SITUATION IN DEVELOPING COUNTRIES

1

The Council is concerned that the number of people without adequate access to food is steadily increasing both as a result of emergency situations in many parts of the world - in particular at present in sub-Saharan Africa - and of longer term short-falls in food supply which continue to affect vulnerable groups in a large number of countries. In many developing countries national food production increases at a slower rate than the population, and many of them, in particular the least developed countries, are unable to increase food imports. It is therefore necessary to re-emphasize the high priority which should be attached to policies and programmes which improve food security.

2

Because of the increasing need for emergency aid and humanitarian aid operations, donors and governments of developing countries have mainly focused on ensuring short-term food security. Food aid has become the main answer to food insecurity, whereas this can only provide a partial and mainly short-term solution which in some cases disregards traditional food habits and can lead to market distortions. As a result, international emphasis on long-term food security policies at regional, national and household level seems to have significantly diminished. In most cases, this is also evident in the follow-up given to the November 1988 Resolution.

3

The Council notes that recent structural changes, namely, on the international level, the GATT agreement on world trade and, on the Community level, the reform of the common agricultural policy, may have an effect on the production and international movement of products important for ensuring food security. It would therefore seem necessary to study the evolution of the changes and their short term effects so as to enable a discussion on appropriate measure that could be taken.

4

The Council welcomes the efforts that have been made to enhance coordination between the various instruments of Community and Member States' development policies, particularly those relating to long term food security, structural adjustment, social development and emergency relief but considers that there is scope for further improvement.

PRINCIPLES AND PRIORITIES

1

Regional, national and household food security on a long term basis which enables access by all people at all times to food for an active and healthy life, is an important element in the fight against poverty and should be emphasized in all relevant programmes with developing countries. Food security concerns not only the quantity but also the quality of food supply, in order to ensure adequate nutritional value.

2

Given the different responsibilities of men and women in relation to household food security, the Council underlines the objective to consider systematically the different roles played by women and men when programmes aimed at ensuring food security are prepared.

3

While the Community and its Member States should continue to respond to the on-going need for relief operations and food aid, the need for long-term oriented food security policies and programmes has to be underlined.

4

The link between development, rehabilitation, relief operations and food aid needs to be strengthened. In this perspective, improving the effective use of food aid is of great importance. The Council reiterates its wish to see such orientations reflected in future deliberations and policy decisions concerning Community food aid. It also underlines the need to give special attention to food security of vulnerable groups in the design and implementation of macro-economic structural adjustment programmes.

5

In order to increase the national and local supply of food for countries with a permanent and large food deficit, the Council underlines that food security including nutrition issues should be adopted as a guiding principle underlying development programmes, aiming at poverty alleviation in rural and urban areas, which can only be country-specific. This principle should be complemented by special consideration regarding access to food.

The dialogue with partner countries should lead to a strategy geared to ensuring long term food security. Measures to reduce poverty, and sectoral policies regarding, inter alia, agriculture, environment, health, family planning and education as well as macro-economic policy should be made consistent with the objective of ensuring food

security for all. These policies should take account of the role of the commercial farming sector and smallholders. It is also important to raise the level of participation of women and communities in the drive to ensure food security at national, regional, local and household level.

6

Political stability and the ending of armed conflicts are important conditions for a more successful implementation of food security strategies.

7

The coordination of national and international early warning systems needs to be strengthened in order to respond rapidly to disaster relief operations. In this context, NGOs can also play a substantial role, and make a valuable contribution to other aspects of food security, particularly at the household level.

IV. COOPERATION AND COORDINATION

1

The Council refers to its Resolution of 2 December 1993 on coordination procedures which stresses the importance of coordinating activities of Member States and the Commission on the spot. It should be enhanced by making better use of existing mechanisms and instruments.

2

In view of the need for increased coherence, and in accordance with Article 130v of the Treaty, the Council looks forward to a report from the Commission analysing the impact of the CAP and other Community policies on markets and food security in developing countries, as well as to proposals to enhance coherence between these policy fields.

3

The Community and its Member States undertake to intensify their efforts to coordinate their support for food security policies in recipient countries at the Community level and in international fora.

4

The Council requests its Working Parties on Development Cooperation and on Food Aid to consider regularly longer-term food security matters. Furthermore, it requests the Management Committees and in particular the Food Aid Committee to scrutinize all commitment proposals for their impact on long-term food security at national, regional and at household level in the beneficiary country/countries.

5

The Council refers to its Resolution of 2 December 1993 on coordination procedures which stressed the importance of coordinating the activities of Member States and the Commission on the spot. In particular the preparation of joint policy initiatives such as food security planning, and increased consultation on the use of the counterpart funds generated by food aid for purposes of longer-term oriented food security programmes and policies should be encouraged.

In this connection the Council would request the Group of experts to consider how coordination in this area between the Community and the Member States could be quickly put into effect on a trial basis in a small number of developing countries. This list of countries should be as close as possible to the list of developing countries where operational coordination on a trial basis is taking place.

6

Regional approaches to food security, including food aid triangular and local purchasing operations, should be further reinforced and supported so as to take advantage of natural complementarity between countries that belong to the same region. In addition, food security policies should have a regional dimension to promote regional food trade and integration.

7

The European Community and its Member States recognize the importance of the role of the FAO and other multilateral agencies such as the World Bank, the WFP and the IFAD in the field of food security, and reaffirm the importance of cooperation and coordination with other donors and agencies, including NGOs. In this field, the Council recognizes the need for the Community to make special efforts in the preparation of international conferences on food security and nutrition and in implementing their results in developing countries.

8

The Council requests the Commission to monitor and assess the implementation of this Resolution and to report back regularly on progress achieved. The Council also recognizes the importance of keeping under review its policies on the provision of food aid, particularly in the light of paragraph III.4 above. In this perspective, it invites the Commission to submit to the Council as soon as possible a report on the implementation of the Council conclusions on food aid policy and guidelines adopted in 1989 and 1990. The Council will consider the need to update policy in this area in the light of this report.

- EDUCATION AND TRAINING - COUNCIL RESOLUTION

I. INTRODUCTION

1

Following the adoption of its declaration on development cooperation in the run-up to 2000, the Council, in its conclusions of 25 May 1993, considered that education and training were among the priority areas in which coordination between the Community and the Member States should be strengthened.

2

Having examined the communication from the Commission, the analysis and main recommendations of which it endorses, the Council hereby adopts the following guidelines.

II. THE STATE OF EDUCATION AND TRAINING IN THE DEVELOPING COUNTRIES

3

The Council recognizes the considerable progress that has been made in recent decades at all educational levels, in sub-Saharan Africa too, despite the fact that the situation in Africa is more difficult in comparison with other regions; however, this progress has been very unevenly distributed, both geographically and qualitatively.

4

The viability of action on education and training is a long-term concern. A key factor in ensuring its viability is the support of local institutional capacities.

5

The Council emphasizes that education, in particular basic education, is a fundamental right. It plays a crucial role in the affirmation of democratic values, economic growth and job creation, the reduction of disparities in income and of inequality and the improvement of standards of living and health. The most important benefits come from primary education rather than higher education. Moreover, education can play an essential part in promoting the status of women in society. The Council reaffirms the important role played by NGOs in the field of education and training in the DCs.

PRINCIPLES AND PRIORITIES

6

The appropriate level of intervention by the Community and the Member States in each country will be determined by the political will of the responsible authorities to undertake reform.

7

Problems in the education sector can only be correctly diagnosed in relation to each individual country. That is the only way in which cultural diversity and long-term political choices can be taken into consideration.

8

Aid from the Community and the Member States for education and training must, as agreed at the 1990 World Conference on Education for All, support the developing countries' policies and own efforts, not act as a substitute for local initiative.

9

Action funded under structural adjustment facilities must be better integrated into the long-term priorities of the developing countries' education systems.

10

The priority for the Community and the Member States must be both to maximise access to education within the limits of the resources available and to ensure that the quality of education provided is suited to the needs of the majority of students. That education should provide the basis for a continuous improvement in the educational level of the population.

11

The Community and the Member States will seek to promote support for vocational training for formal and informal sectors of the economy, to be provided by formal and non-formal educational channels.

12

The Community and the Member States must improve educational opportunities for disadvantaged groups. Among the various disadvantaged groups, priority will be given to improving women's access to education. The impact of all education sector projects on women's education must be studied at the project identification stage and monitored during project implementation. In particular, priority must be given to women's education, leading to action at the level of primary education and teacher training.

IV. STRATEGIES

13

The Council stresses the importance of a balanced, programme-based strategy, tailored to the specific circumstances of the individual DC, which concentrates on improving the quality and relevance of education and training available throughout the life of each individual.

In the context of this balanced approach, pride of place should be accorded to support for basic education. That support will include measures to increase the availability of non-formal education, in order to improve access to basic education for disadvantaged groups and to provide alternatives for those who have been unable to complete their primary education.

14

With regard to secondary education, support should concentrate on those areas and skills that are most relevant to the development needs of the DCs. Preference should be given to local training measures.

15

The Council recognizes that the training of teachers and instructors is an essential component of any strategy to support education and training in the DCs. Priority will be given to the training of teachers and instructors in the field of basic education and teachers engaged in the teaching of subjects relevant to development in secondary and post-secondary education, with a relative preference for in-service training. Support should be provided for developing local teaching programmes and the local production of teaching materials, in particular textbooks.

16

The Council recognizes that technical education and vocational training are fundamental to the creation of the skilled manpower needed by formal and informal sectors of the economy; likewise, vocational training will have to be provided through both formal and non-formal channels.

The Community and the Member States should strengthen their support for vocational training programmes designed to combat poverty, meet the basic needs of more vulnerable groups and, in particular, provide training for informal economic sectors, thereby encouraging independent work and fostering small and medium-sized undertakings. Support for programmes and projects adopting alternative methods of education such as apprenticeship schemes, refresher and in-service training provided by employers themselves should also be strengthened.

This presupposes the involvement of the private sector in devising programmes. Support for technical education and vocational training

must be placed in a global strategy for the development of a pool of skilled manpower in a specific DC.

17

With regard to university education and other forms of higher education, the Council considers that the emphasis should be on creating adequate institutional capacity in the DCs themselves. Bearing that in mind, priority ought to be given to training in the country itself or in a neighbouring country. Training in Europe, particularly in the fields and skills essential for DC development, could be envisaged, particularly when there was no such capacity in the country itself or in a neighbouring country and where such training could contribute to strengthening local or regional institutional capacity.

18

The Council regards the qualitative improvement of the DCs' education systems as a priority. Measures to increase the efficiency of the utilization of available resources will essentially be support for education planning and management and innovation and reform.

This will essentially involve strengthening the institutional capacity of local administrations, helping them both to establish a comprehensive planning framework and to increase the efficiency of resources allocated to educational systems, in particular through innovation in the supply of education services and curricula.

V. IMPLEMENTATION: THE MEANS AND THE INSTRUMENTS

19

The Council is concerned at the paucity of resources allocated to the education and training sector. In order to cope with increasing needs, determined among other things by population growth, the Community and its Member States will examine what additional means could be released, in particular through inter-sectoral reallocation, in order to develop action on education, in particular in the field of basic education. Increased resources must go hand in hand with policies targeted at narrowing inequality. They must also be accompanied by greater attention to cost-efficiency, with policies being reviewed accordingly.

While bearing in mind the need for balance among sectors contributing to human development, the Community and the Member States recognize that efforts in this area must where possible evolve towards fair sharing.

In this regard the Community and the Member States must pay particular attention to the need to strike a balance for each

individual country between, on the one hand, the need to increase the efficiency of the developing country's education system, and on the other, to provide sufficient resources to make gains in productivity possible.

20

The Council stresses the importance of the increase in the availability of human resources. Better coordination at all levels between the Community and the Member States will contribute to that.

VI. JOINT ACTION AND COORDINATION

21

The Council refers to its Resolution of 2 December 1993 on coordination procedures, in which the emphasis was placed on policy coordination and coordination at operational level, in order to continue and increase coordination through better use of existing coordinating mechanisms.

22

The Council draws attention to the importance of the role of management committees during the planning stage and in coordinating country-by-country approaches. This role should result in greater coherence and complementarity of Community measures with those of the Member States.

23

The Council stresses that the Community and the Member States must endeavour to provide coordinated support, in a limited number of DCs, for strategies and support programmes consistent with the education systems concerned. The Council therefore calls upon the group of experts to propose a list of countries concerned and to define consistent support methods. This list of countries should be as close as possible to the list of developing countries in which operational coordination has already been established experimentally.

24

At policy level, the Council stresses that coordination between the Community and the Member States will be based on exchanges of information on projects and programmes and exchanges of experience. These could examine the place of education in DC budgets, policies and priorities; effectiveness, quality, financing of education systems; aspects of financing by the Community or Member States of specific schemes (budget support or projects).

25

The Council calls on the Commission to step up this coordination on the basis of regular, systematic contacts between local representatives of

the Commission and the Member States, designed to exchange information and ensure greater consistency in discussions with the beneficiary DCs (on sectoral and subsectoral educational policy issues and on specific operations or projects).

These contacts could lead to joint studies and evaluations which would be examined by the appropriate Council bodies, and to the identification, preparation and implementation of joint operations in line with the guidelines adopted by the Community and the Member States.

26

In the framework of the operational coordination established between the Commission and the Member States with beneficiary countries, local representations could if needed, by common agreement and taking account of the specific characteristics of each country, entrust a Member State or the Commission with the task of organizing local coordination between the Commission and the Member States in the education sector.

27

The Council calls on the Commission to bring together groups of Member States' experts (at least once a year), to discuss the whole range of problems, to refine the analyses made of certain geographical areas or particular aspects of policy or education and training measures, with a view to improving coordination between the Community and the Member States.

The expert groups could produce specific guidelines to be submitted to the Council.

28

In this framework, the Council calls on the Commission, together with those Member States that so wish, to submit an annual analytical report on the implementation of this Resolution.

29

The Community and the Member States reaffirm the importance of cooperation and coordination with other donors.

30

The Council wishes the Commission's annual report referred to above to cover activities undertaken in the context of coordination with other donors as well as progress made in coordination between the Community and the Member States.

- OTHER POINTS RELATING TO DEVELOPMENT COOPERATION POLICY IN

THE RUN-UP TO 2000

- OPERATIONAL COORDINATION

The Presidency briefed the Council concerning the implementation of the operational coordination experiment which had been approved in December 1993 for six developing countries (Bangladesh, Côte d'Ivoire, Costa Rica, Ethiopia, Mozambique and Peru). The experiment involves a pilot project to strengthen and improve coordination between Community activities and those of the Member States in the countries concerned.

A progress report on the experiment will be submitted to the Council at its next meeting.

- COMPLEMENTARITY BETWEEN THE DEVELOPMENT POLICIES AND MEASURES OF THE

EU AND OF THE MEMBER STATES

- CONSISTENCY BETWEEN THE VARIOUS COMMUNITY POLICIES

The Council discussed these two topics in detail, with reference to the text of the Maastricht Treaty (Articles 130u and 130v).

The Council agreed in conclusion to ask the Commission to call a meeting of Directors-General for Development from the Member States and the Commission in January 1995 to continue its discussions on these matters, the aim being to enable the Commission to submit communications to the Council with a view to the Council meeting on 1 June 1995.

MEASURES IN THE SPHERE OF TROPICAL FORESTS

The Council recorded a political agreement on the draft common position concerning a proposal for a Regulation on operations to promote tropical forests. After legal finalization, the common position will be formally adopted by the Council at one of its meetings in the near future and sent to the European Parliament for second reading under the cooperation procedure (Article 189c of the Treaty).

The Regulation will lay down the objectives and implementing rules for operations to contribute to the preservation and sustainable management of tropical forests and their biological diversity. Adoption of the Regulation will provide the legal basis for implementing the appropriations under heading B7-5041 of the Community budget ("Operations to promote tropical forests").

The Regulation would be for an initial period of three years (1995-1997), with an assessment before the end of 1997. The amount deemed necessary for the operations would be set at ECU 50 million per annum.

PROGRAMME OF IMMEDIATE ACTION TO RESTORE SOCIAL AND PRODUCTION STRUCTURES IN RWANDA

I.

On the basis of guidelines from the Commission, the Council recommended the implementation of an action programme for Rwanda, financed from the EDF and comprising the following measures:

1.

Contingent of human rights observers:
50 observers: ECU 5 million

2 Support for the education and health sectors through budgetary assistance to the Rwandan State
ECU 8 million

3

Support for tea and coffee exports:
ECU 20 million (Stabex)

4

Rebuilding of Kigali airport:
ECU 2 million

5

Repair of damaged roads:
ECU 3 million

6

Restoration of the health and education systems (hospitals and schools):
ECU 7 million

7

Environment and protection of parks:
ECU 4 million

8

Special import programme:
ECU 15 million

Technical assistance for implementing the programme:
ECU 3 million

TOTAL: ECU 67 million

- II. The Council would point out that respect for human rights, for the rule of law and for democracy is an essential condition for the normalization of political and cooperation relations with Rwanda.

Efforts will have to be made by the Rwandan Government in order to achieve, through practical measures, the national reconciliation among Rwandans that is so greatly wished for by the international community.

LOME IV - MID-TERM REVIEW

In the light of an introductory statement by the Commission, the Council held a broad discussion on the progress and prospects of the negotiations under the mid-term review of the Fourth ACP-EEC Convention. This comes shortly before the important negotiating session due to be held at ministerial level on 30 November and 1 December 1994.

The Council reaffirmed the Union's dedication to cooperating with the ACP States and its desire to support them in their efforts. The Lomé IV mid-term review is intended to result, before 1 March 1995, in the revision of certain provisions of the Convention and the drawing up of the next financial protocol. It will be an opportunity to confirm the two parties' commitment to continuing and improving their special relationship.

FUTURE RELATIONS WITH SOUTH AFRICA - COUNCIL STATEMENT

1. The programme "Positive measures for the Republic of South Africa", which was designed as a means of contributing to the ending of apartheid and providing support for disadvantaged groups in South Africa, has been in force since 1985.
2. The Council requests the Commission to forward to it a comprehensive and analytical report on the implementation of this Programme, including an evaluation of the results achieved.
3. In view of the considerable funds available under budget line B7-5070 and in the light of Council decisions on 25 May 1993, 6 December 1993, 19 April 1994 and the results of the Berlin Conference on 5-6 September 1994, the Council welcomes the fact that the Commission has announced that a formal proposal to establish a

provisional legal basis concerning future programmes and their implementation will be forwarded to the Council during the first quarter of 1995.

4. The Council considers it important that in this context discussions should continue on the definition of a long term country strategy, taking account of the level of development of the South African economy and indicating a list of priority sectors to be included in the Community's future development cooperation, as well as the modalities for implementation of the programmes.

EVALUATION - COUNCIL STATEMENT

Further to the Council's conclusions of May 1989 on evaluation, the Council reiterates the importance it attaches to evaluations of EU development programmes and instruments. The Council is of the opinion that such evaluations would constitute important steps towards maximizing the effectiveness of the aid delivered to partner countries and would provide the EU and partner countries with substantive inputs in their policy dialogue.

In this connection, the Council invites the Commission to convene a meeting of development evaluation experts to consider possible modalities for such evaluations, including procedures and terms of reference, and ensuring the widest possible participation.

The Council Working Party on Development Cooperation will take account of the outcome of the experts' discussions in preparing draft modalities for submission to the next Development Council.

BUDGET HEADINGS CONCERNING HUMANITARIAN AID - STATEMENT BY THE COUNCIL AND THE COMMISSION ON HUMANITARIAN ACTION

1. The Council recalls and confirms its conclusions of 25 May 1993 on humanitarian and emergency aid. In this connection, it notes with satisfaction the holding of quarterly meetings between the heads of national emergency departments and the Commission.
2. In view of the great importance assumed by humanitarian aid, the Council welcomes the fact that the Commission has undertaken to submit, within the next few months, a draft Regulation on the use of budgetary resources earmarked for humanitarian aid. The Council considers that this legal basis should take into account the aforementioned Council conclusions. In particular, it should define the scope of humanitarian aid activities, coordination and the

possibilities for cooperation between the Community, Member States, international organizations, including the DHA, and NGOs.

Provision should be made for the establishment of a decision-making procedure involving the possible creation of an appropriate Committee with a view to ensuring sufficient participation of the Member States in the decision-making process, as well as for a review of the guiding principles of humanitarian action and, in particular, the principle of non-discrimination on the grounds of race, religion or political opinion.

3. The Council stresses the importance of transparent and speedy procedures and the definition of clear criteria concerning cooperation with NGOs in this area.
4. In view of its importance, it is essential that the Community's humanitarian aid should be monitored by a Council working party.

REHABILITATION

At the request of the Danish delegation, the Commission gave the Council a progress report on the implementation of the rehabilitation measures, in particular those covered by the "Initiative for Africa" which was approved by the Council on 25 May 1993.

The Council called on the Commission to continue the efforts it was making to implement these measures with a view to speeding them up.

MIGRATION AND DEVELOPMENT

At the initiative of the Belgian and Italian delegations, the Council asked the Commission to submit, before its next meeting, a discussion paper on the role that development cooperation policy could play in reducing the pressure of migration.

ACTION TO COMBAT DRUGS

The Council noted a number of comments by the United Kingdom Minister regarding the Commission's communication on an EU plan of action to combat drugs. His comments dealt particularly with the link between development cooperation and the fight against drugs.

The Council confirmed that the examination of this dossier would be continued by the appropriate Council bodies.

FUTURE RELATIONS OF THE EUROPEAN UNION WITH LAA AND MED

COUNTRIES

The Council discussed the EU's future relations with the countries of Asia, Latin America and the Mediterranean, on which the Commission had sent its communications.

Noting that the examination of these communications would be continued by the appropriate bodies, the Council stated specifically that in the process of determining such relations it would be necessary to take into account the financial aspects.

WORLD SUMMIT FOR SOCIAL DEVELOPMENT

The Council agreed to:

- give full support to the idea, the objectives and the programme of the World Summit for Social Development which will take place in Copenhagen from 6 to 12 March 1995;
- recommend that the summit be attended by Heads of State or Government;
- consult with the United States and the other G7 countries;
- give positive consideration to the commitments that will be proposed at the summit, including the commitment to increase significantly the resources earmarked for social development and to allocate them more effectively through national action and international cooperation.

BURUNDI

After the discussion on Burundi which took place over lunch, the Ministers agreed that it was time for action to help Burundi to be stepped up to prevent the situation deteriorating as had happened in Rwanda.

ANGOLA AND MOZAMBIQUE

The Council noted a statement by the Portuguese Minister seeking an increase in humanitarian and rehabilitation aid for Mozambique and Angola. Mr MARIN, Vice-President of the Commission, confirmed that his departments were working to achieve this aim.

MISCELLANEOUS DECISIONS

(adopted without debate)

Prudential supervision

The Council found that it was unable to adopt the Directive on reinforcing prudential supervision as amended by the European Parliament on second reading. The Directive amends Directives 77/780/EEC and 89/646/EEC in the field of credit institutions, Council Directives 73/239/EEC and 92/49/EEC in the field of non-life insurance, Council Directives 79/267/EEC and 92/96/EEC in the field of assurance, Council Directive 93/22/EEC in the field of investment firms, and Directive 85/611/EEC in the field of undertakings for collective investment in transferable securities (UCITS).

The Council was unable to accept two amendments proposed by the European Parliament which concerned the definition of "head office" and the requirement that the auditors of financial undertakings should report certain facts and decisions to the competent authorities.

The President of the Council will therefore convene a meeting of the Conciliation Committee in accordance with Article 189b(3).

Customs Union - Fisheries

Further to the substantive agreement reached at the Fisheries Council meeting on 23 November 1994 (see Press Release 11055/94, Presse 240), the Council formally adopted Regulations:

- temporarily suspending totally or partially the autonomous duties of the Common Customs Tariff for certain fishery products (1995);
- amending Regulations (EC) No 3466/93 opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (first series 1994), (EC) No 3672/93 opening and providing for the administration of Community tariff quotas for certain industrial products (second series 1994), (EC) No 845/94 opening and providing for the administration of Community tariff quotas for certain fishery products (1994) and (EC) No 1502/94 opening and providing for the administration of Community tariff quotas for certain industrial and fisheries products (third series 1994).

COUNCIL OF THE EUROPEAN UNION

1806th meeting of the Council

- General Affairs -

Brussels, 28 November 1994

President: Mr. Klaus Kinkel
Minister for Foreign Affairs, Federal Republic of Germany

**1806TH COUNCIL MEETING - GENERAL AFFAIRS - BRUSSELS, 28
NOVEMBER 1994****PRESIDENT:MR KLAUS KINKEL, MINISTER FOR
FOREIGN AFFAIRS OF THE FEDERALREPUBLIC OF GERMANY**

Reference: PRES/94/249 Date: 29/11/1994

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

Belgium:

Mr Frank VANDENBROUCKE Deputy Prime Minister, Minister
for Foreign Affairs

Mr Robert URBAIN
Minister for Foreign Trade and European Affairs

Denmark:

Mr Niels HELVEG PETERSEN Minister for Foreign Affairs
Mr Jorgen ØRSTRØM MØLLER State Secretary for Foreign Affairs

Germany:

Mr Klaus KINKEL Minister for Foreign Affairs
Mr Werner HOYER Minister of State foreign Affairs
Mr Hans Friedrich VON PLOETZ State Secretary for Foreign Affairs

Greece:

Mr J. KRANIDIOTIS State Secretary for Foreign Affairs

Spain:

Mr Javier SOLANA Minister for Foreign Affairs
Mr Carlos WESTENDORP State Secretary for Relations with the
European Communities
Mr Apolonio RUÍZ LIGERO State Secretary for Foreign Trade

France:

Mr Alain JUPPE Minister for Foreign Affairs
Mr Alain LAMASSOURE Minister with special responsibility
for European Affairs

Ireland:

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

Italy:

Mr Antonio MARTINO Minister for Foreign Affairs

Mr Livio CAPUTO State Secretary for Foreign
 Affairs

Luxembourg:

Mr Jacques POOS Minister for Foreign Affairs

Netherlands:

Mr H.A.F.M.O. van MIERLO Minister for Foreign Affairs

Mr M. PATIJN State Secretary for Foreign Affairs

Portugal:

Mr José Manuel DURÃO BARROSO Minister for Foreign Affairs

Mr Victor MARTINS State Secretary for European Affairs

United Kingdom:

Mr Douglas HURD Secretary of State for Foreign and
 Commonwealth Affairs

Commission:

Mr Jacques DELORS President

Mr Manuel MARIN Vice-President

Sir Leon BRITTAN Member

Mr Hans VAN DEN BROEK Member

The following representatives of the four acceding Member States also attended as observers:

Norway:

Mr Eivinn BERG Ambassador

Austria:

Mr Manfred SCHEICH Ambassador

Finland :

Mr Heikki HAAVISTO Minister for Foreign Affairs

Mr Pertti SALOLAINEN Minister for Foreign Trade

Sweden:

Ms Lena HJELM-WALLÉN Minister for Foreign Affairs

Mr Mats HELLSTRÖM Minister for Foreign Trade

PREPARATION FOR THE EUROPEAN COUNCIL MEETING IN ESSEN

- White Paper on growth, competitiveness and employment

President Delors reported to the Council on progress made in the various

Union fora on the different chapters of the White Paper, in the run-up to the European Council in Essen, and indicated those aspects on which the European Council should focus its attention.

The Council noted in particular that the Commission would shortly be forwarding the reports of the Bangemann Group on the information society and the Christophersen Group on major infrastructure networks, and the annual State of the Union report on application of the Maastricht Treaty and the Single Act.

They would supplement the reports already received from the Social Affairs Council and the Economic Policy Committee on employment and from the ECOFIN Council, which would be completing its preparatory discussions on the problems of employment and the financing of trans-European networks at its meeting on 5 December.

- Relations with the associated countries of Central and Eastern Europe

The definition of a strategy in preparation for the accession of the associated CCEEs is one of the priority topics for discussion by the European Council in Essen.

To prepare for that discussion, the Council has drawn up a report for the European Council intended to define a flexible and dynamic working framework comprising short and longer-term measures. The report covers all the chapters of that strategy, including the establishment of a structured dialogue, preparation of the CCEEs for their participation in the internal market (approximation of legislation), trade aspects [1], agriculture and investment promotion, increased cooperation in the fields of CFSP, JHA, environment, transport, culture, education and training, and increased financial cooperation under the PHARE programme and promotion of interregional cooperation.

- Mediterranean policy

With a view to the European Council in Essen, the Council adopted a report setting out the broad lines of the Union's future policy towards the countries of the Mediterranean, an area of strategic importance for the Union.

Based on the Commission's October communication, this report approves the general concept and aims of a Euro-Mediterranean Partnership which would involve, in particular, a reinforced political dialogue, the initiation of a process of progressive establishment of a free trade area between the countries of the Mediterranean themselves and between the region as a whole and the Community, development of cooperation in a wide range of

fields of mutual interest, and substantial additional financial assistance. The report also identifies lines of action relating to the various individual Mediterranean countries.

The European Council will be asked to endorse certain aspects of this strategy and to convene a Euro-Mediterranean Conference in the second half of next year.

- Justice and Home Affairs - Racism and xenophobia

On JHA cooperation, the Council took note of the interim report of the Consultative Commission on Racism and Xenophobia, set up in Corfu, to be forwarded to the European Council. This report takes stock of the Consultative Commission's work to date and outlines how it means to proceed in its discussions, with a view to contributing to the preparation of an overall strategy which the Council intends to define in June 1995.

Also, following the JHA Council on 30 November and 1 December 1994, a report will be submitted to the European Council in Essen on the implementation of the Action Programme in the JHA sector, adopted by the European Council in Brussels in December 1993.

- Subsidiarity: Commission report

The Council took note of a report on the application of the principle of subsidiarity for 1994, drawn up by the Commission following the conclusions of the Brussels European Council, with a view to forwarding it to the Essen European Council.

The report is in two parts: the first concerns observance of subsidiarity in the legislative process, the second reviews existing legislation.

- Illicit traffic in radioactive substances and nuclear materials

The Council approved a comprehensive report on the illicit traffic in radioactive substances and nuclear materials, that will be forwarded to the Essen European Council with a view to defining a common approach of the Union to the prevention of smuggling of nuclear materials.

The report stresses the importance of both strengthening cooperation within the EU and with third countries in which nuclear materials have been or could be stolen, and of cooperation with countries through which such nuclear materials have been or could be diverted.

- Northern Ireland

The Council took note of information supplied by President Delors over lunch regarding the communication that the Commission intends to submit to the Essen European Council on support for the peace process in Ireland.

On 4 October the Council asked the Commission, in consultation with the governments of the United Kingdom and Ireland, to take the necessary measures in the framework of its own powers and, if necessary, to submit specific proposals.

FORMER YUGOSLAVIA

Over lunch the Ministers discussed the latest developments in the situation in the former Yugoslavia, in particular Bosnia-Herzegovina. At the Press Conference the President of the Council made the following points:

The EU condemns the Bosnian Serbs' brutal violation of the safe area around Bihac and the bombardment of the town, which have caused intolerable human suffering.

The safe area established by the United Nations must be respected by the Bosnian Serbs; all Security Council Resolutions must be fully applied. The Bosnian Serbs must withdraw from the safe area.

The President voiced the EU's fear of fighting being resumed throughout Bosnia-Herzegovina. The Union calls for a ceasefire bringing an end to hostilities in the country.

The Union is also concerned at the dangerous and exposed situation of the soldiers of all countries that have sent troops; it calls for the restoration of full UNPROFOR mobility.

Free access for all humanitarian aid must be guaranteed.

The Union is to step up its efforts to find a peaceful solution; to that end a meeting of the Contact Group (EU Troika, United Kingdom, Russia, United States) will be held on 2 December.

The President reiterated that the EU urges the Bosnian Serbs to accept the peace plan and the map drawn up by the Contact Group. The importance of reciprocal recognition by the FRY, Croatia, and Bosnia-Herzegovina was stressed.

Lastly, he pointed to the need to maintain the cohesion of the Contact Group. CSCE

- Preparation for the Budapest summit

The Council held an exchange of views on the preparation for the CSCE summit.

It stressed the importance that the Union attaches to the CSCE and confirmed that the Member States will take steps to ensure that the Summit is able to consolidate the CSCE's role in strengthening peace and stability in Europe.

- Stability Pact

The Council agreed that at the interim ministerial meeting of the Stability Pact process, it would indicate the importance the Union attaches to the rapid conclusion of the regional round table negotiations.

NEW AGREEMENTS WITH ISRAEL, MOROCCO AND TUNISIA

The Council:

- was informed by the Commission of progress in the negotiations with Israel, Morocco and Tunisia and future prospects for them;
- confirmed the importance it attaches to these negotiations being concluded by the end of 1994 in accordance with the conclusions of the Corfu European Council.

RELATIONS WITH THE ACP STATES

The Council prepared the Community position for the Ministerial Negotiating Conference, to be held in Brussels on 30 November and 1 December 1994, for the mid-term review of the fourth ACP Convention.

It confirmed that the objective of the partial review of the Convention was to give a new boost to ACP-EC cooperation and to make that cooperation more effective and better tailored to the problems of the moment.

The success of these negotiations will be a further demonstration of the shared desire of both parties to continue and improve their special relationship.

RELATIONS WITH TURKEY

The Council took stock of preparations for the Association Council meeting on 19 December 1994. It instructed the Permanent Representatives

Committee to finalize the Community position for that Association Council.

RELATIONS WITH SLOVENIA

The Council was informed by the Italian Minister of progress in the current talks between Italy and Slovenia on certain bilateral questions. It expressed its hope that the talks could very soon lead to agreement, with a view to the adoption of negotiating directives for a Europe Agreement with Slovenia.

URUGUAY ROUND

The Council confirmed the wish expressed by both the Community and the Member States for the Uruguay Round agreements to be ratified and enshrined in legislation before 1 January 1995.

It expected the United States and the other signatory parties also to ratify the agreements unreservedly within the appointed time.

The Council agreed to step up its internal work on the legislative implementation of the Uruguay Round agreements, in order to enable the Council to take a global and final decision at its meeting on 19 and 20 December.

OECD - SHIPBUILDING

The Council heard a report from the Commission on the state of play regarding the OECD Agreement on the elimination of aids in the shipbuilding sector.

It stressed the necessity of being in a position to approve the OECD Agreement at its meeting on 19 and 20 December.

RELATIONS WITH THE EUROPEAN PARLIAMENT

The Presidency informed the Council of the progress, following the latest dialogue with the Parliament and the Commission, in the preparation of a draft joint Decision on the procedure for exercising the right of enquiry of the Parliament. It also examined a draft "modus vivendi" between the three Institutions concerning measures for implementing acts adopted in accordance with the procedure set out in Article 189b of the Treaty (committee procedure) finalized by the preparatory bodies.

The Council asked the Presidency to continue its talks with the Parliament and the Commission on the basis of the above draft texts and in the light of the delegations' comments on them. Those talks will be continued

alongside the Parliament's plenary part-session to be held in Brussels this week.

The Presidency said it would do all it could to reach rapid agreement on the committee procedure and on the committees of inquiry, so that the matter could be finalized at the forthcoming meeting of the Council on 19 and 20 December.

GREEN PAPER ON INTERNATIONAL TRADE AND THE ENVIRONMENT

The Council asked the Commission to forward to it as soon as possible the Green Paper on international trade and the environment which it had requested in its Resolution of 10 May 1993, and noted that the Commission would be forwarding such a document in the first half of 1995.

RWANDA

The Council discussed the problem of refugees in central Africa. It expressed its concern at the deteriorating situation in the refugee camps on the Rwandan borders and at the consequent risk of regional destabilization. The Council also expressed its concern at the serious problem of the lack of safety of the staff of humanitarian organizations working in the camps.

The Council supports the steps taken to deal with this situation as a matter of urgency. Only an overall approach, in the context of implementation of the common position which was adopted on 24 October 1994 and which covers, inter alia, the resumption of development aid to Rwanda gradually, under certain conditions, will help the Rwandan Government to reestablish the rule of law and safe conditions for the return of the refugees, will encourage a structured dialogue of national reconciliation and will make it possible to halt the deterioration in the situation and find a lasting solution without delay.

In that framework, the Council (Development Cooperation) on 25 November 1994 recommended the implementation of a programme of measures for Rwanda. That programme, worth ECU 67 million, covers immediate action to rehabilitate social and production structures in Rwanda.

In addition, the Council would like the plan for a regional conference on refugees in central Africa to come to fruition as soon as possible. The Council also calls on the United Nations Organization to give the highest priority to the various measures for the return of the Rwandan refugees and for stabilizing the region.

AID TO THE PALESTINIANS

The European Union considers that the Middle East Peace Process has reached a crucial stage in which it is necessary for all sides to do their utmost to bring it to a successful conclusion. In this context, the further development of the Palestinian Territories is of paramount importance. The European Union has on numerous occasions, e.g. in the joint action adopted on 19 April 1994, confirmed its readiness to support the Middle East Peace Process in general and the development in the Palestinian Territories in particular through both political and material assistance.

While the ad hoc Liaison Committee is meeting in Brussels to examine once more the issue of aid to the Palestinian Territories, the European Union wishes to stress the great importance of this meeting, under the current circumstances.

As the largest contributor of aid to the Palestinians, the European Union reaffirms its determination to continue its economic and financial efforts, and its willingness to examine ways and means of meeting the needs of the Palestinians more effectively. The European Union is convinced that, during the particular phase in which autonomy is being created and Palestinian institutions set up, it is vital for the inhabitants of the Territories to see concrete evidence in their daily lives of the positive effects of the political changes which took place over a year ago.

This objective requires efforts to be made on all sides, whether it be the donor community as a whole, or the regional parties. The European Union has undertaken important measures to this end. Not only was the sum of ECU 87,38 million in grants committed from the Community budget in 1994, but a very large part of that sum has already reached the Palestinian Territories: the Autonomous Territories and the Occupied Territories received payments totalling ECU 71,89 million in 1994 (on 24 November 1994). By February 1995 they will receive ECU 24,30 million more. They will therefore have received ECU 96,16 million over 14 months, to which should be added Member States' contributions.

While the European Union reiterates its readiness and resolve to continue to contribute to the success of the peace process, it calls upon other donors, and especially those from the region itself, to carry their share of the international burden. International aid can only be complementary to the efforts of the parties directly concerned. Therefore, Palestinians and Israelis can also make a contribution, each for the aspects which concern them, by endeavouring to improve the operation of the bodies in charge of aid administration, by facilitating the entry of equipment financed by international aid and by implementing forthwith the clauses of the Israeli-Palestinian economic agreement of 29 April 1994 concerning

access of Palestinian workers and products to Israel.

The European Union is also convinced that donors' efforts to help the civilian population must be accompanied by a reactivation of the peace process, particularly with regard to the full implementation of the Declaration of Principles of 13 September 1993. Indeed, the tragic events in Gaza demonstrate the overriding need to consolidate, deepen and speed up the process begun by the historic declaration of September 1993. In this context, the European Union welcomes the decision of Israel and the PLO to resume their negotiations on the implementation of the autonomy agreement. It is essential that these discussions open the way as soon as possible to new progress on the issues outstanding, in particular those of the elections and the extension of autonomy to the West Bank.

RELATIONS WITH SYRIA

The Council determined the position to be taken by the Union at the first meeting at ministerial level of the Cooperation Council with Syria held on the evening of the same day (see Press Release CE-SY 3203/94 Presse 255).

The Council also decided that the Member States would cease to apply the 1986 decision placing an embargo on arms sales to Syria. However, the Member States will apply the common criteria defined in the conclusions of the European Councils held in Luxembourg in July 1991 and Lisbon in June 1992 on the arms trade.

LATIN AMERICA

The Council approved a report for the European Council in Essen on future relations with Mercosur, Mexico and Chile.

The report, based on the Commission's research, contains the initial ideas for putting into practice the willingness shown by the EU in the basic document on the European Union's relations with Latin America and the Caribbean, adopted at its meeting on 31 October, to broaden the dialogue with Latin America and reinforce its political aspects. It also aims to open discussions on the new more ambitious agreements taking account of the economic potential of the Latin American partners and the emergence of regional integration systems.

NEW ASIA STRATEGY

The Council approved a report to the European Council in Essen on the European Union's strategy for Asia.

The report, which is based on the Commission communication of 13 July

1994, the analysis and recommendations of which it essentially shares, aims to define the approach to be followed in carrying out a more active and emphatic policy towards the Asian countries and developing a partnership that will give a more ambitious content to future relations between the Union and those countries.

BALTIC STATES

The Council authorized the Commission to open negotiations for the conclusion of Europe Agreements with Estonia, Latvia and Lithuania.

In accordance with the negotiating directives, these agreements will govern all economic and trade relations. As such, they will replace the 1993 trade and economic and commercial cooperation agreements and incorporate the free trade agreements signed on 18 July 1994. They will also contain provisions on cooperation and financial assistance, political dialogue, prevention of illegal activities and cultural cooperation.

Overall, these agreements will follow those already concluded with the CCEEs, but will take account of developments that have occurred in relations with those countries in the meantime and of the individual characteristics of each Baltic State.

MACRO-FINANCIAL ASSISTANCE FOR ALBANIA

The Council adopted the Decision granting further macro-financial assistance to Albania and, in particular, releasing of a first instalment of ECU 15 million of a total sum of ECU 35 million.

When approving the Decision, the Council made the following statement:

"The European Union attaches great importance to the process of economic and political reform in Albania and will continue to support the efforts of the Albanian Government to continue that process.

The European Union is following the situation in Albania closely, in particular human rights aspects. The European Union has on several occasions asked the Albanian Government to respect the agreements to which it subscribed under the CSCE and to guarantee the Greek minority respect for its basic rights, including in particular freedom of religion and education on the basis of internationally agreed criteria.

The European Union is sure that leniency by Albania towards the five recently-convicted members of the Omonia movement would help to improve relations between Albania and Greece.

The European Union is prepared to assist the Albanian Government to speed up the process of much-needed reform of its legal system, so that the abovementioned principles can be guaranteed.

In order to encourage the efforts made by the Albanian Government to promote the process of economic and political reform, the European Union has decided today to release ECU 15 million constituting the first instalment of macro-economic assistance to Albania. The second instalment will be accorded following a decision taken unanimously by the Council on the basis of a report to be drawn up by the Commission concerning progress on the points raised above."

MOLDOVA - SIGNING OF THE PARTNERSHIP AND COOPERATION AGREEMENT

The Council decided to sign the Partnership and Cooperation Agreement with Moldova, initialled on 26 July 1994. The signing ceremony took place at the end of the morning of 28 November (see Press Release 11319/94 Presse 250).

MISCELLANEOUS DECISIONS (adopted without debate)

Ukraine

- Common position

The Council adopted a common position on the objectives and priorities of the European Union towards Ukraine on the basis of Article J.2 of the Treaty.

The Council had already reached agreement at its meeting on 4 October 1994 on the content of this act (see Press Release 9745/94 - Presse 205).

- Signing of the Interim Agreement

The Council decided to sign the Interim Agreement with Ukraine and to exercise its option of consulting the European Parliament.

This Agreement was negotiated by the Commission in line with the Council's directives, in order to enable the trade aspects and accompanying measures provided for in the Partnership and Cooperation Agreement signed with Ukraine on 14 June 1994 to be applied immediately.

Former Yugoslavia - Mostar Ombudsman

The Council decided to appoint an EU Ombudsman for Mostar for the duration of the EU's administration of that town. He will be responsible for dealing with cases submitted to him by persons concerned by decisions taken by the EU administrator in the course of his duties under the memorandum of understanding on the administration of Mostar by the EU.

Steel products originating in the Slovak Republic

The Council gave its assent pursuant to Article 95 of the ECSC Treaty to the draft Commission Decision amending Decision No 1970/93/ECSC opening and providing for the administration of tariff quotas in respect of certain ECSC steel products originating in the Slovak Republic imported into the Community (1 June 1993 to 31 December 1995).

It also adopted a common Community position on draft Decision No 2/94 of the EC-Slovak Republic Joint Committee of 31 October 1994 on the amendments to Decision No 1/93 of the EC-Slovak Republic Joint Committee of 28 May 1993 on exports to the Community of certain steel products originating in the Slovak Republic.

This amendment of import possibilities should not affect overall quantities, but the limits for cold rolled sheet would be increased by 20 000 tonnes and the limits for hot rolled strip and wire rod would each be reduced by 10 000 tonnes respectively.

Steel: Agreements with Russia, Ukraine and Kazakhstan

With a view to concluding agreements on trade in certain steel products, the Council agreed to certain guidelines concerning, in particular, the quantities of products to be covered by those agreements, on which the Commission will base its negotiations with Russia, Ukraine and Kazakhstan.

Korea: access to public procurement

The Council authorized the Commission to open negotiations with the Republic of Korea to conclude an agreement concerning access to public procurement and in particular to contracts awarded by the public authorities and by entities operating in the water, energy, transport and telecommunications fields.

The aim of the agreement is to extend the scope of the agreement concluded with the Republic of Korea when the GATT agreement on public procurement was reached on 15 December 1993.

Translation Centre

Subject to editing by the Legal/Linguistic Experts, the Council adopted the Regulation setting up a Translation Centre for European Union bodies. The Council had already agreed on the Centre's operating procedures at its meeting on 4 October 1994.

In accordance with the European Council's Decision on the location of the seats of certain bodies and departments of the European Communities and of Europol, taken in October 1993, the Centre will be situated in Luxembourg. It will provide the translation services needed for the entry into operation of the bodies and departments concerned by that Decision, viz.:

- the European Environment Agency;
- the European Training Foundation;
- the European Monitoring Centre for Drugs and Drug Addiction;
- the European Agency for the Evaluation of Medicinal Products;
- the European Agency for Health and Safety at Work;
- the Office for Harmonization in the Internal Market;
- Europol and the Europol Drugs Unit.

European Economic Area (EEA)

1. The Council adopted definitively the Regulation concerning arrangements for implementing the Agreement on the European Economic Area after having adopted a joint guideline on it in March.

The Regulation also lays down certain procedural rules for the Joint Committee, a procedural rule enabling the "acquis communautaire" to be taken over and implementing rules in the fields of competition and the financial sector.

2. As the Council had already endorsed the EEA Joint Committee's adoption of the following Decisions and the European Parliament had been consulted, the Council gave its final approval to the following Decisions:

- Decision No 8/94 of the EEA Joint Committee of 7 June 1994, amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (e.g. information services, environment, consumer protection, certain Community programmes and measures);

- Decision No 9/94 of the EEA Joint Committee of 8 July 1994 amending Annex XXII (Company Law) to the EEA Agreement;
- Decision No 10/94 of the EEA Joint Committee of 12 August 1994 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (technological research and development);
- Decision No 11/94 of the EEA Joint Committee of 12 August 1994 amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (European Environment Agency);
- Decision No 12/94 of the EEA Joint Committee of 28 September 1994 amending Annex I (veterinary and phytosanitary measures) and Annex II (technical regulations, standards, testing and certification) to the EEA Agreement.

[1] The Permanent Representatives Committee has been asked to examine the chapter on cumulation of rules of origin in the light of proposals that the Commission is to submit this week.

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COUNCIL OF THE EUROPEAN UNION

1807th meeting of the Council

- Energy -

Brussels, 30 November 1994

President: Mr. Guenther Rexrodt
Minister for Economic Affairs, Federal Republic of Germany

**1807TH COUNCIL MEETING - ENERGY - BRUSSELS, 29 NOVEMBER
1994 PRESIDENT: MR GUENTHER REXRODT, MINISTER FOR ECONOMIC
AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY**

Reference: PRES/94/251 Date: 29/11/1994

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

Belgium:

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

Mr Vic ANCIAUX State Secretary with responsibility for
Energy (Brussels Regional Executive)

Denmark:

Mr Svend AUKEN Minister for the Environment and Energy

Germany:

Mr Günther REXRODT Minister for Economic Affairs

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

Greece:

Mr Anastase MANTELIS Secretary-General, Ministry of Energy

Spain:

Mr Juan Manuel EGUIAGARAY Minister for Industry and Energy

France:

Mr Pierre SELLAL Deputy Permanent Representative

Ireland:

Mr John LOUGHREY Secretary, Department of Transport,
Energy and Communications

Italy:

Mr Roberto ROSSI Deputy Permanent Representative

Luxembourg:

Mr Robert GOEBBELS Minister for Economic Affairs, Public
Works and Energy

Netherlands:

Mr Lambert J. HANRATH Deputy Permanent Representative

Portugal:

Mr Luis Filipe PEREIRA State Secretary for Energy

United Kingdom:

Mr Timothy EGGAR Minister of State, Department of Trade
and Industry (Minister for Industry and
Energy)

Commission:

Mr Marcelino OREJA AGUIRRE Member

The following representatives of the acceding States attended:

Austria:

Mrs Judith GEBETSROITHNER Deputy Head of Mission

Finland:

Mr Jan STORE Deputy Head of Mission

Sweden:

Mr Jorgen ANDERSSON Minister with responsibility for Housing
and Energy

INTERNAL MARKET IN ELECTRICITY - COUNCIL CONCLUSIONS

After an extensive exchange of views on the proposal for a Directive concerning common rules for the internal market in electricity, the Council adopted the following conclusions:

"After the submission of the amended proposals for directives on common rules for the internal market for electricity and natural gas by the Commission in response to the position of the European Parliament and the conclusions of the Council on 30 November 1992 the Council has concluded the following:

1. The Council confirms the necessity of completing the internal energy market, taking into consideration the different situations in Member States and the basic principles identified in the Council Conclusions of 30 November 1992. It is therefore essential to work towards secure,

open, transparent, efficient, competitive and environmentally acceptable electricity and gas markets, taking into account the energy objectives of rational use of energy and development of renewable and indigenous energy sources.

2. The Council recognizes that the energy situation in Member States, and in particular their different levels of energy security of supply, have led to different structures in the organization of the sector. The Council is therefore convinced that the completion of the internal electricity and gas markets requires flexible solutions, which, however, must be applied in the spirit of reciprocity between Member States and lead to equivalent and non-discriminatory opening of markets.
3. The Council recognizes the fact that the deliberations are first concentrating on the electricity market. In this connection, five key topics with regard to the electricity market were identified under the Greek Presidency. Agreement has to a large degree now been reached on four of these topics, while there is the need for additional discussion and clarification with regard to market liberalization in areas extending beyond the production sector and to other aspects of the directive, for instance that of harmonization and taking into account that each of these five key topics should represent part of an overall agreed solution.
4. There is agreement in principle on the following themes regarding the electricity sector:
 - (a) As regards the production of electricity and with the goal of achieving competition within the branch, Member States should be given the right to choose between authorization and/or tender procedures for new production capacity. Authorizations and tender procedures shall take place according to objective and non-discriminatory criteria. For monitoring the organization and execution of the tender procedure, Member States shall appoint an independent public or private body; the treatment of certain types of power production to be authorized in parallel to tender procedures needs further analysis.
 - (b) Vertically integrated companies shall keep on a comparable basis separate accounts for the activities of production, transmission and distribution, in a way which will avoid discrimination and cross subsidies and will ensure undistorted competition. To guarantee adequate transparency, these separate accounts must be accessible to the independent entities defined by the Member States, as well as to dispute settlement authorities as provided for in the proposed directive.

- (c) The provisions of the Directive concerning the network operator are to be limited to those necessary to ensure the implementation of the Internal Electricity Market in a non-bureaucratic way.
 - (d) Insofar as Member States impose public service obligations on undertakings in the electricity sector in the general economic interest, - which may include, for instance, services in the fields of environment and security of supply - these must be clearly defined, transparent, non-discriminatory and monitorable. They shall be published and communicated to the Commission. The requirements of Article 90(2) of the EC Treaty have to be respected.
5. Further discussion is necessary on how to open the markets beyond the area of electricity production, especially on the question of the possible simultaneous introduction of a negotiated TPA and a so-called single-buyer system. In this context, it is necessary to verify that both approaches, in the spirit of reciprocity, lead to equivalent economic results and, therefore, to a directly comparable level in the opening of markets and to a directly comparable degree of access to electricity markets and that they conform with the provisions of the Treaty.

The Commission is called on to examine and outline the anticipated consequences of the side-by-side application of both approaches, in particular with respect to the potential for competition and the impact on the various groups of suppliers and purchasers. This analysis will also deal with the question whether in Member States introducing a tender procedure, power plants destined for export, for autoproduction and independent production, as well as power plants based on CHP and renewable energies, should be permitted by authorization procedures - in parallel to the tender procedures - as well.

This analysis will also deal with the specific problems of opening the markets in small and very small electricity systems.

6. The Permanent Representatives Committee is requested to finalize work on the basis of the abovementioned principles so that a common position can be formally adopted as soon as possible in the year 1995.
7. Four years after the expiration of the deadline for enacting the directive in national legislation, the Commission shall submit a report on the experience made and propose, depending on the outcome, such changes in the directive or other initiatives as may be required to better attain the goals outlined in paragraph 1."

REVIEW OF COMMUNITY LAW IN THE ENERGY SECTOR - COUNCIL CONCLUSIONS

The Council discussed the review of Community law in the energy sector and adopted the following conclusions:

"The Council recalls the conclusions of the European Council in Brussels of December 1993, wherein it was foreseen that measures to simplify and reduce the burden of Community legislation are important for the economy and in particular for small and medium-sized enterprises.

The Council notes that, pursuant to the invitation issued to it by the Council on 6 June 1994, the Commission has set up a Working Party to identify Community legislation and its implementation in Member States' national law which may create a burden for firms, and in particular for small and medium-sized enterprises.

The Council welcomes the Commission's work on Regulation No 1056/72 aiming at a simplification of information procedures and a possible reduction of administrative obligations of reporting companies and invites the Commission to present their new proposals as soon as possible.

In an endeavour to strengthen the competitiveness of the European economy and reduce excessive legislation, the Council has initiated consideration of a series of Community instruments in force in the energy sector.

In order to further the achievement of this end, the Council now invites the Commission:

- to submit a report on the situation, after it has examined existing Community instruments in the energy sector, and if possible before the next meeting of the Energy Council;
- to submit, where appropriate, suitable proposals for simplifying and reducing Community legislation."

TRANS-EUROPEAN ENERGY NETWORKS

Pending the Opinion of the European Parliament, the Council held a policy debate on proposals for Decisions:

- laying down a series of guidelines on trans-European energy networks,

- laying down a series of measures aimed at creating a more favourable context for the development of trans-European networks in the energy sector.

The purpose of the first of these proposals is to define the nature and scope of Community action on trans-European energy networks. It is designed to establish a set of guidelines which will cover the objectives, priorities and broad outlines of Community measures relating to trans-European networks, and which identify projects of common interest in trans-European electricity and natural-gas networks.

The proposal laying down a series of measures aimed at creating a more favourable context for the development of trans-European networks in the energy sector was submitted by the Commission at the same time as the preceding proposal. It is intended that the Community should promote as necessary:

- the carrying out of technical cooperation projects with the body or bodies responsible for trans-European energy networks which participate in the successful functioning of European intraconnections;
- cooperation between the Member States by means of mutual consultations in order to facilitate the implementation of authorization procedures for the carrying out of projects involving trans-European energy networks.

The discussion showed that the Council took a favourable view of both proposals, in the light of the discussions which had already taken place, with particular reference to the indicative list of projects of common interest in this area.

The Permanent Representatives Committee was instructed to continue discussions in order to enable common positions of the Council to be adopted in the light of the European Parliament's Opinions as soon as these became available.

GREEN PAPER ON ENERGY POLICY GUIDELINES - COUNCIL CONCLUSIONS

The Council adopted the following conclusions after a discussion based on a Commission progress report on the energy policy Green Paper:

"The Council

- notes with satisfaction the wide consultations undertaken with Member States, consumer interests and industry;

- confirms that improved competitiveness, strengthened security of supply and enhanced protection of the environment in the light of the obligations arising out of the Framework Convention on Climate Change are main objectives to be considered in the context of energy policy;
- recalls the importance of the completion of the internal energy market in the framework of Union policy in the energy sector;
- recommends that these elements are developed further in the Green Paper which in particular should facilitate a wide debate on:
 - * the effective operation of the energy markets and the extent to which policy interventions, if any, are necessary;
 - * long-term supply perspectives;
 - * reconciling energy and environmental policies;
 - * the division of responsibilities between the Communities, Member States and industry, taking into account the principle of subsidiarity, economic and social cohesion and the extent to which common objectives and the convergence of national policies may be necessary;
 - * the promotion of energy efficiency and renewable energies;
 - * the further development of cooperation with third countries in the field of energy;
- desires that the dialogue between the Commission and the Member States and the European associations of industry, energy companies, the trade unions and the consumer be continued with the aim of reaching as broad as possible a consensus on the future orientation of energy policies;
- invites the Commission to submit the Green Paper to the Council and the other European Community Institutions as soon as possible with a view to continuing the debate."

THERMIE II

The Council held a policy debate on the proposal for a Regulation concerning a Community programme dividing financial support for the promotion of European energy technology 1995 to 1998 (Thermie-II).

In the Commission's view, this proposal, based on an evaluation of the

result of the Thermie programme terminating on 31 December 1994, should be seen as a fundamental part of the global strategy for a Community energy policy.

The result of the discussion was that a majority of delegations approved the proposal, though some maintain reservations.

The Council accordingly instructed the Permanent Representatives Committee to continue examining the proposal so that the Council could act as soon as possible.

EUROPEAN ENERGY CHARTER - COUNCIL CONCLUSIONS

The Council adopted the following conclusions on the European Energy Charter:

"The Council welcomes the fact that, following the signing of the European Energy Charter at The Hague on 17 December 1991, the political principles and objectives of the Charter have been successfully translated into a Treaty that is binding under international law, including the Final Act, the Annexes and Decisions to the Treaty, as well as the Protocol on Energy Efficiency and Related Environmental Aspects.

The Council

- regards the Treaty as the foundation for pan-European cooperation in the energy sector;
- regards the implementation of the Charter by means of the Treaty as an important contribution to economic development and long-term political stability in the States of Central and Eastern Europe and the successor States of the former Soviet Union;
- notes that the Treaty will contribute to
 - * providing greater energy supply security in Europe,
 - * modernizing the energy industries of the countries in transition and encouraging the efficient use of energy,
 - * reducing the harmful environmental impact of energy production and consumption,
 - * increasing trade liberalization in the energy sector,
 - * ensuring unimpeded transit, and
 - * promoting foreign direct investment and guaranteeing foreign investors a high level of investment protection;

- welcomes the fact that more than two-thirds of the Signatories to the European Energy Charter have already adopted the draft text of the Treaty;
- confirms its political intention of jointly signing the Treaty with all negotiating Parties on 17 December in Lisbon;
- emphasizes the need to initiate the ratification procedures as soon as possible after signature;
- is satisfied with the implementation of the mandate decided by the Council at its meeting on 3 December 1991 and confirms this mandate for the negotiation of the supplementary agreement;
- states that the Communities and their Member States will also make a constructive contribution in the second stage of negotiations;
- states that the Communities and their Member States intend to conclude negotiations on the Nuclear Protocol as soon as possible;
- decides to sign the European Energy Charter Treaty, the Final Act and the Protocol on Energy Efficiency and Related Environmental Aspects on behalf of the European Community, subject to approval, and authorizes its President to designate the person(s) empowered to sign the Treaty;
- notes that the Commission will sign the European Energy Charter Treaty on behalf of the European Atomic Energy Community, subject to approval;
- will decide on provisional application by the European Community and by the European Atomic Energy Community, assuming that the European Parliament will deliver its Opinion in time, at the latest at a special Council meeting to be held in Lisbon;
- invites the European Parliament to deliver its Opinion as soon as possible;
- thanks the Portuguese Government for organizing the Ministerial Conference for the signing of the Treaty."

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COUNCIL OF THE EUROPEAN UNION

1808th meeting of the Council

- Justice and Home Affairs -

Brussels, 30 November - 1 December 1994

Presidents: Mrs. Sabine Leutheusser-Schnarrenberger
Minister for Justice

Mr. Manfred Kanther
Minister for the Interior

Federal Republic of Germany

**1808TH COUNCIL MEETING - JUSTICE AND HOME AFFAIRS - BRUSSELS,
30 NOVEMBER AND 1 DECEMBER 1994 PRESIDENTS: - MRS SABINE
LEUTHEUSER-SCHNARRENBURGER, MINISTER FOR JUSTICE- MR
MANFRED KANTHER, MINISTER FOR THE INTERIOR OF THE FEDERAL
REPUBLIC OF GERMANY**

Reference: PRES/94/252 Date: 01/12/1994

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

Belgium

Mr Melchior WATHELET Deputy Prime Minister,
Minister for Justice

Mr Johan VANDE LANOTTE Minister for the Interior

Denmark

Mr Bjoern WESTH Minister for Justice
Mrs Birte WEISS Minister for the Interior

GERMANY

Mr Manfred KANTHER Minister for the Interior
Mrs Sabine LEUTHEUSER-SCHNARRENBURGER Minister for Justice
Mr Kurt SCHELTER State Secretary, Ministry of the
Interior

Mr Alwin ZIEL Minister for the Interior,
Brandenburg

Greece

Mr E. ROGAKOS Secretary-General, Ministry of
Public Order

Spain

Mr Juan Albert BELLOCH Minister for Justice

France

Mr Pierre MEHAIGNERIE Ministre d'Etat, Minister for
Justice

Ireland

Mr Pádraic MAC KERNAN Ambassador,
Permanent Representative

Italy

Mr Maurizio GASPARRI State Secretary, Ministry of
the Interior
Mr Domenico CONTESTABILE State Secretary, Ministry of
Justice

Luxembourg
Mr Marc FISCHBACH Minister for Justice

Netherlands
Mrs Winnifred SORGDRAGER Minister for Justice
Mr Henri Frans DIJKSTAL Minister for the Interior

Portugal
Mr Álvaro LABORINHO LÚCIO Minister for Justice
Mr Manuel DIAS LOUREIRO Minister for the Interior

UNITED KINGDOM
Mr Michael HOWARD Home Secretary
Mr Nicholas BAKER Parliamentary Under-Secretary of
State, Home Office

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Commission
Mr Pádraig FLYNN Member

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The following attended the meeting as observers representing the acceding countries:

Austria
Mr Nikolaus MICHALEK Federal Minister for Justice

Finland
Mrs Anneli JÄÄTTEENMÄKI Minister for Justice
Mr Mauri PEKKARINEN Minister for the Interior

Sweden
Mrs Laila FREIVALDS Minister for Justice
Mr Leif BLOMBERG Minister for Immigration

EUROPOL

The Council had before it a progress report, submitted by the Presidency, on the establishment of Europol, showing that substantial progress had already been made on many major aspects of the Convention. However, a

number of problems were still outstanding at that stage on other key aspects of the Convention.

The Council examined in detail the problems in abeyance on the one hand with regard to the architecture of the system, particularly the question of access to data and their use, and on the other hand as to the areas of international crime on which Europol's activity should be targeted and whether certain areas - especially terrorism - could be included from the outset.

At the end of the discussion the Council recorded that it could not at that stage reach unanimity on those aspects. It therefore instructed its preparatory bodies to continue work on those problems and on certain institutional aspects arising from the Convention, viz.: role of the European Parliament, auditing by the Court of Auditors and legal means of redress - including the role and jurisdiction of the Court of Justice - with a view to seeking solutions under the French Presidency.

The President stated that he would be submitting a progress report on the subject to the European Parliament, and reserved the right to raise political aspects giving rise to problems.

EDU/EUROPOL MANAGEMENT TEAM

The Council adopted the following decisions on the composition of the EDU/Europol management team:

- Mr Willy BRUGGEMANN (B) and Mr Georges RAUCHS (L) were appointed Assistant Coordinators;
- Mr Emanuele MAROTTA (I) and Mr David WALLS-RUSSEL (UK) were appointed members of the Steering Committee

for the period from 1 January 1995 to 31 December 1997 or until the Europol Convention entered into force.

It will be recalled that the Coordinator, Mr Jürgen STORBECK (D), had already been appointed.

ADMISSION AND RESIDENCE OF DISPLACED PERSONS

The Council took note of a Presidency progress report on admission to and temporary residence in the Member States of displaced persons, with particular reference to the problem of burden-sharing.

It held a general discussion on the subject, enabling delegations to state

their views on certain aspects, in particular as regards the criteria to be applied for burden-sharing with regard to the admission of displaced persons. Commissioner FLYNN stated that the European Parliament had recently created a budget heading for 1995 which could constitute the nucleus for setting up a fund to help temporarily displaced persons.

In conclusion, the Council instructed the Permanent Representatives Committee and the K.4 Committee to continue discussing the matter and to report to it at a forthcoming meeting.

TRAVEL FACILITIES FOR SCHOOL PUPILS

The Council adopted the Decision on a joint action concerning travel facilities for third-country school pupils resident in a Member State. This is the first joint action adopted on the basis of Article K.3(2)(b) of the Treaty on European Union in the JHA field.

It is provided that a Member State will not require a visa of a school pupil who is not a national of a Member State but who is resident in another Member State - either for a short stay or transit - if, in the framework of a school excursion, he is travelling as a member of a group of school pupils from a general education school and if the group is accompanied by a teacher who has a list of the names of the school children (drawn up on a common form) documenting the purpose and circumstances of the trip.

ASYLUM APPLICATIONS/MINIMUM GUARANTEES

The Council had before it a draft Resolution defining minimum guarantees to be provided in the context of the procedures for examining asylum applications. At its meeting on 29 and 30 November 1993 it had been felt that such a measure should be a priority for 1994 in the asylum field.

However, the Council was unable, at this stage, to resolve the problem raised by one delegation concerning the processing of asylum applications submitted by nationals of Member States in the framework of the provisions on manifestly unfounded asylum applications.

The Council accordingly instructed the Permanent Representatives Committee, assisted by the K.4 Committee, to continue work on the Resolution as rapidly as possible.

UNIFORM FORMAT FOR VISAS

The Council took note of a progress report on the draft Regulation laying down a uniform format for visas and recorded that substantial progress had

been made.

Pending the European Parliament's Opinion, the Council instructed the Permanent Representatives Committee, assisted by the K.4 Committee, to continue its work on the questions outstanding with a view to adoption of the Regulation as early as possible in 1995.

The Treaty on Union (Article 100c) stipulates that the Council is to adopt measures relating to a uniform format for visas before 1 January 1996, as one of the accompanying measures necessary for the implementation of the free movement of persons. Proceedings on the matter have taken account of the results already achieved within Schengen.

The uniform format will need to have the following characteristics: it should contain the necessary information and meet very high technical standards, notably as regards safeguards against counterfeiting and falsification, be well adapted for use by all the Member States and bear universally recognizable security features which are clearly visible to the naked eye.

FURTHER IMPROVEMENT IN SECURITY AT EXTERNAL BORDERS

The Council noted that there were still reservations on the draft Resolution on the further improvement in security at the external borders of the Member States, while recording that there was consensus on the rest of the text.

The reservations concern whether to incorporate in the recitals or in the enacting terms a provision on the greater pressure to which some Member States are subject owing to their geographical position.

The Council instructed the Permanent Representatives Committee, with the assistance of the K.4 Working Party to seek a solution enabling those reservations to be withdrawn.

1994 BUDGET - MEASURES TO BE TAKEN IN THE JHA SECTOR

The Council examined a draft Decision on a joint action concerning cooperation measures to be taken in the JHA sector in order to use at least part of the appropriations for that purpose entered in the Community budget by the European Parliament for the financial year 1994 (ECU 2 million).

Having noted that there were still objections, notably of a legal nature, to the draft Decision, the Council instructed the Permanent Representatives Committee, with the assistance of the K.4 Committee, to

hold the necessary discussions in the very near future on the financing of the JHA sector in order to lay down general rules so that the appropriations available could be used in 1995 on an indisputable legal basis.

RELATIONS WITH THIRD COUNTRIES IN THE JHA FIELD

The Council adopted conclusions on relations with third countries in the JHA field, laying down guidelines for continuing and developing countries with those countries.

Such countries have already existed for some time between the EU Troika and the United States, Canada, Switzerland and Morocco, and have more recently been established with the CCEE.

With more particular reference to implementation of the Berlin Declaration on Increased Cooperation in Combating Drug Crime and Organized Crime in Europe adopted at the Conference with the CCEE on 8 September 1994, the Council approved a list of priority proposals. The list includes measures relating to police and customs cooperation (administration, training, equipment, data processing, exchanges of information), measures in the immigration field (combating the use of false documents, visa problems) and judicial cooperation (theft of and illegal traffic in nuclear material, trade in stolen vehicles, key Council of Europe conventions, mutual judicial assistance).

RELATIONS WITH CYPRUS AND MALTA

The Council agreed that a meeting between the Troika and Cyprus and Malta would be organized by the French Presidency in the first half of 1995.

FIGHT AGAINST RACISM AND XENOPHOBIA

The Council took note of an interim report on work in the JHA sector on combating racism and xenophobia, in accordance with the conclusions of the Corfu European Council, and approved the guidelines agreed on to date.

The interim report will be sent to the European Council.

During the discussion on the subject delegations had an opportunity to specify the fields which warranted special attention in further proceedings. The final outcome of such proceedings will have to be submitted for the JHA meeting in March 1995 for subsequent incorporation in the Union's draft global strategy to be adopted by the European Council in June 1995. The findings of the Consultative Commission set up by the Corfu European Council are also to be incorporated into that global

strategy.

CAMPAIGN AGAINST INTERNATIONAL ORGANIZED CRIME

The Council took note of an interim report on cooperation in the campaign against international organized crime (IOC). The Brussels European Council in December 1993 stressed the importance of strengthening judicial cooperation in this sector. The purpose of the work done in 1994 was to examine how to implement the conclusions of the report drawn up by the ad hoc Working Party on IOC as adopted by the Council on 29 and 30 November 1993.

The Council conducted a policy debate on further work in this area, in the course of which several Ministers stressed the need to achieve specific results (e.g. as regards offences by criminal organizations, mutual judicial assistance, the problems posed by the new telecommunications interception systems, witness protection).

In that context the Council also drew attention to the impetus given to international cooperation in this field by the recent World Ministerial Conference in Naples on Organized Transnational Crime.

PROTECTION OF THE FINANCIAL INTERESTS OF THE COMMUNITIES

The Council took note of progress in work on the protection of the financial interests of the Communities carried out since its previous meeting, in June. It adopted a Resolution on criminal sanctions, in line with the request by the Corfu European Council that the JHA Council reach agreement on tackling the criminal aspects of fraud and report back to it at its meeting in Essen.

The Council gave instructions that work should press ahead on that basis so that a draft legal instrument could be submitted to the Council as early as possible in 1995. To that end it already has on the table a draft Decision on a joint action put forward by the United Kingdom and a Commission proposal for a Convention.

CONVENTION TO IMPROVE EXTRADITION BETWEEN THE MEMBER STATES OF THE EUROPEAN UNION

In the context of its discussions on the Convention the Council noted that substantive agreement had been reached on the chapter relating to simplified extradition procedures in the event of the consent of the person concerned.

The Council accordingly instructed the Permanent Representatives Committee, with the assistance of the K.4 Committee, to finalize the text of a convention on simplified procedures with a view to its adoption in the first half of 1995.

It also instructed those Committees to press ahead with their work on the other aspects of extradition problems, taking into account the special constitutional problems arising in some Member States.

BRUSSELS II CONVENTION - JURISDICTION AND THE ENFORCEMENT OF JUDGMENTS IN MATRIMONIAL MATTERS

The Council held a policy debate on the extension of the scope of the Brussels Convention on jurisdiction and the enforcement of judgments to cover certain matters concerning family law.

At its meeting in June the Council agreed to deal, within the framework of the Union, with procedures concerning divorce and legal separation as well as those concerning marriage (existence, annulment and effects), while not neglecting related questions such as contractual aspects of marriage.

The draft Brussels II Convention submitted by the Presidency relates in particular to the scope, jurisdiction of courts, recognition and enforcement of decisions concerning marriage.

The Council's discussion centred on the scope of the future Convention and revealed that a majority of delegations was in favour of also including questions relating to custody.

The Council wanted its preparatory bodies to do all in their power to achieve specific results on the draft Convention before the end of the first half of 1995.

ACTION PLAN IN THE JHA FIELD

The Council approved a report on the implementation of the action plan in the field of Justice and Home Affairs approved by the Brussels European Council in December 1993.

This is the first report of its kind, and it will be forwarded to the Essen European Council in line with the December 1993 request.

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The Council postponed its examination of the Convention on insolvency proceedings until a forthcoming meeting.

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MISCELLANEOUS DECISIONS

(Adopted without discussion)

Admission for study purposes

The Council adopted a Resolution on the admission of third-country nationals to the territory of the Member States of the European Union for study purposes, the text of which is set out in Annex I.

Limitations on admission for the purpose of pursuing activities as self-employed persons

The Council adopted a Resolution relating to the limitations on the admission of third-country nationals for the purpose of pursuing activities as self-employed persons, the text of which is set out in Annex II.

Measures to combat drug-related crime and organized crime

The Council approved the 1994 report from the Working Party on Drugs and Organized Crime on the measures to combat drug-related crime and organized crime, on the understanding that the main points would be incorporated into the report on the implementation of the action plan to be submitted to the Essen European Council.

The report covers three fields: combating drug-related crime, combating organized crime (e.g. traffic in human beings, especially prostitution, transboundary transfer of stolen motor vehicles, environmental crime, radioactive products and works of art, money laundering) and cooperation with the States of Central and Eastern Europe (e.g. need for training projects, exchanges of experience).

Police cooperation

In connection with cooperation in the area of public order the Council approved a Recommendation for the exchange of information on the occasion of major events or meetings. Under that Recommendation any Member State within which an event is to take place should be able to call upon advisers from the other Member States for the purpose of direct exchanges

of information.

The Council also outlined an approach providing, in the framework of enlarged and strengthened relations with third countries, in particular the countries of Central and Eastern Europe, for exchanges of information in the area of international sports events.

It also approved guidelines for the training of police officers, and in particular the training of instructors.

CIREFI

The Council adopted conclusions on the organization and development of the Centre for Information, Discussion and Exchange on the crossing of frontiers and immigration, the text of which is set out in Annex III.

Data protection - EIS, CIS and Europol

The Council approved a report on the data protection provisions in the various instruments provided for the setting up of computerized systems - European Information System (EIS), Customs Information System (CIS) and Europol draft Conventions. The report will be submitted to the Essen European Council.

Implementation of Article K.5 (Defence of common positions in international organizations and at international conferences)

The Council agreed on certain rules applicable to the defence and preparation of common approaches to be adopted by the EU in international organizations and at international conferences with regard to the JHA field.

Relationship between Community law and criminal law

The Council took note of an addition to the report, submitted to the JHA Council at its meeting in November 1991, concerning the relationship between Community law and criminal law. The update ensues from a judgment delivered by the Court of Justice in October 1992 relating to the extent to which the Community institutions are empowered to impose criminal sanctions through the agency of Member States' authorities.

Standard travel document for the removal/expulsion of third-country nationals

The Council adopted a Recommendation concerning the introduction, as from 1 January 1995, of a standard travel document to be used as necessary

by all Member States of the Union in the event of third-country nationals being expelled from the territory of the Union and not possessing a travel document.

Risk analysis

The Council took note of a progress report regarding the potential risk of terrorism.

Bilateral readmission agreement

The Council adopted a Recommendation concerning a specimen bilateral readmission agreement between a Member State of the European Union and a third country.

The specimen readmission agreement should be used flexibly by the Member States and may be adapted to the particular needs of the contracting parties. The Recommendation provides that, as from 1 January 1995, the specimen agreement will be used as a basis for negotiations with third countries on the conclusion of readmission agreements.

Customs fraud

The Council noted a contribution, referred to it by the Working Party on Customs Coordination, to the development of a strategic plan of the European Union to combat customs fraud in the internal market, pointing out that the abolition of controls linked to the crossing of internal borders has increased the potential risk of fraud and that the nature of fraud has become more international, thus calling for closer cooperation.

The document covers the following areas in particular: information exchange, controls and other measures to tackle fraud, deployment of resources to the best effect, liaison between the national and EU-wide bodies concerned with combating fraud, and training and the need for harmonization of legal and administrative provisions.

ANNEX I

COUNCIL RESOLUTION

on the admission of third-country nationals
to the territory of the Member States of the European Union
for study purposes

A. GENERAL CONSIDERATIONS

1

The Council recalls that, in the report adopted by the Maastricht European Council (December 1991) from the Ministers responsible for immigration and asylum policy, priority was given to the harmonization of rules for the admission of students from third countries. In the 1994 programme of work on Justice and Home Affairs, which the Council approved at its meeting on 29 and 30 November 1993 in Brussels, the completion of work on the admission of students was also given priority status.

2

The Council confirms that the international exchange of students and academics is desirable; it acknowledges that the education of students and the exchange of academics have positive implications for relations between the Member States and the States of origin.

3

The Council agrees that, at the end of their studies, students must in principle return to their countries of origin so that the knowledge and skills they have acquired are made available to those countries.

4

The Council considers it is important to ensure that the admission of third-country nationals to study in the Member States for a limited period, in principle does not turn into permanent immigration. Similarly, the Council considers it is necessary to devise suitable systems to prevent those who are mainly seeking employment from receiving authorization to stay on as students.

5. The Council agrees not to regulate via this Resolution the issue of third-country nationals lawfully resident on a permanent basis in the territory of a Member State, but who have no right of admission and residence in another Member State.

This does not affect the position of third country nationals who are already covered or who may, in the future, be covered by bilateral agreements between the Member States regarding cooperation between institutions of higher education.

6. The Council agrees that Member States' national policies on the admission of third-country nationals for study purposes must be governed by the principles set out below, which may not be relaxed by Member States in their national legislation.

The Council agrees that these principles have to be taken into account whenever any change is proposed to national legislation on the subject.

The Member States should seek to ensure that by 1 January 1996 national law is in conformity with these principles. The principles are not legally binding on the Member States and do not afford a ground for legal action by the individual.

7. The Council agrees that there shall be a regular review of the transposition of this Resolution and of the need for amendments to it.
8. The Member States should facilitate the admission and residence of students from third countries within the framework of special cooperation programmes, the financing of which is secured at national or Community level.
9. Application of the said principles does not prevent application of national rules on public policy, public health or safety.

B. PERSONS EXEMPT FROM THE SCOPE OF THIS RESOLUTION

The principles of harmonization will not apply to:

- individuals who enjoy the right of freedom of movement under Community law, i.e. nationals of the Member States, nationals of the EFTA States which are parties to the Agreement on the European Economic Area and members of their families;
- third-country nationals who have been admitted for the purposes of family reunification to take up residence with nationals of a Member State or third country who reside in the Member State in question.

C. PRINCIPLES BY WHICH THE POLICIES OF THE MEMBER STATES WILL BE GUIDED

1. General criteria

Within the meaning of these principles, a student is a national of a third country admitted by a State or State recognized higher education institution or a comparable institution in a Member State of the European Union in order to:

- take up a course of study;

- study for a doctorate or;
- pursue academic activity following a course of higher education within the framework of further study or training, and the earning of income is not the principal aim.

It should also be noted that for the purposes of this resolution school pupils and apprentices are not included.

For the purpose of this Resolution a person who participates in a course aimed at preparing for a specific course of university studies (eg providing language training) shall also be deemed to be a student.

2. Requirements for admission

A national of a third country who requests admission as a student will have to prove to the competent authorities of the Member State that he/she:

- fulfils all the requirements applicable to foreigners as regards entry and stay in the territory of the Member State;
- has a firm offer of admission to a State or State-recognized higher education institution or a comparable institution appropriate to his/her studies for a course of study as a main activity and if so required by national legislation that this offer concurs with requirements made by the competent immigration authorities.

Member States may also request proof of continuity between previous studies and studies to be undertaken in the host country;

- has the financial means required to support the cost of his/her studies and subsistence for himself/herself so that during his/her stay the student does not need to claim social assistance in the host Member State and the earning of an income is not the principal aim;
- if required by national legislation, has health cover for all risks in the host Member State.

A Member State may also require the student to satisfy the immigration authorities that he/she would return to his/her own country on completion of studies.

A Member State may permit persons to enter who are interested in preparing their application for studies in the respective State or who can demonstrate a genuine and realistic plan for undertaking a course of study. It may be permitted for the person concerned not to have to leave the country in order to obtain an extension of his/her authorization to stay.

Nationals of third countries who entered the Member States with the aim of working there in an employed or self-employed capacity shall on the basis of this Resolution not be admitted in principle to engage in study as a main activity.

3. Authorization to reside

The duration of residence is limited to the length of the course.

The length of the course is dictated by the duration of studies in the chosen subject. At the end of the course of study, or if the student abandons his/her studies, authorization to reside expires. Any change in subject will involve a change in the reason for residence which, as a rule, argues against a fresh authorization or an extension of the existing one if it does not take place within the initial phase of the studies.

Proof of authorization to reside will take the form of an entry in the student's passport or a particular personal identity card.

If the period of study is longer than one year, the authorization can initially be limited to a 1-year period; in that case it can be renewed on a yearly basis. Renewal will depend on the student's ability to prove that he/she fulfils the requirements for its original issue and that he/she has passed any tests or examinations set by the institution in which he/she is studying.

At the end of his course of study, or if the student interrupts his studies, a national of a third country will in principle have to leave the territory of the Member State; if he/she wishes to return to that country he/she will have to re-apply for authorization to re-enter.

4. Employment authorization

In principle a national of a third country who is studying in the territory of a Member State may not engage in gainful employment, either in a self-employed or employed capacity. Member States may

allow short-term or subsidiary jobs. Such jobs must not affect the continuation of his/her studies; neither must they, in principle, represent an income vital for the subsistence of the student.

5. Admission of family members

National provisions will apply as regards the possible admission of family members and the taking-up of employment or study by the spouse.

Once the third country national has ended his/her studies, the spouse and children to whom authorization to stay was granted are also required to leave the territory of the Member State if they have no other authorization to remain.

ANNEX II

COUNCIL RESOLUTION

relating to the limitations on the admission
of third-country nationals to the territory of the Member States
for the purpose of pursuing activities as self-employed persons

A. GENERAL CONSIDERATIONS ON POLICY

1. The Council recalls that, in the report on immigration and asylum policy by the Ministers responsible for immigration adopted by the European Council held in Maastricht in 1991, priority was given to the harmonization of policies on admission for the purposes of pursuing self-employed occupation. In principle, these policies are restrictive. In any case existing obligations and future developments for example in GATT, GATS and OECD agreements must be taken into account.
2. The Council notes that the 1994 programme of priority work in the field of justice and home affairs, adopted by the Council at its meeting in Brussels on 29 and 30 November 1993, included, as a priority measure, a decision to conclude work in the field of the admission of self-employed persons.
3. The Council welcomes the progress achieved as a result of the signing of the final act and agreements under the Uruguay Round in Marrakesh on 15 April 1994 towards free international trade for the promotion of investment and the creation of jobs.

4. The Council takes the view that to a certain extent the question of the admission of persons for the purposes of pursuing a salaried activity and that of the admission of self-employed persons can be treated distinctly. The admission of persons for the purpose of an independent economic activity who add value (investment, innovation, transfer of technology, job creation) to the economy of the host country is of benefit. Artists exercising an independent activity of significance may also be admitted.
5. The Council considers that third-country nationals should not be admitted to a Member State for the purposes of pursuing an independent economic activity when the latter is of no economic benefit to that State or any of its regions.
6. The Council considers it necessary to ensure that persons who are attempting to find employment in a dependent working relationship are not admitted as self-employed persons.
7. The Council also considers that it is necessary to avoid persons establishing themselves and embarking on a self-employed occupation without having the appropriate qualifications and/or financial means and to avoid their entering into a dependent working relationship.
8. The Council agrees not to address in this resolution the question of third-country nationals legally resident on a permanent basis on the territory of a Member State although they do not have the right to admission or residence in another Member State. It agrees to examine this question at a later date.
9. The Council accordingly agrees that the principles set out below shall govern Member States' internal policies towards third-country nationals seeking admission to or permission to remain in their territories in order to engage in a self-employed occupation. The Council agrees that the principles set out below may not be relaxed by Member States in their national legislation. It agrees to have regard to these principles in any proposals for the revision of national legislation. The Member States will further endeavour to seek to ensure by 1 January 1996 that national legislation is in conformity with them. The principles are not legally binding on member States and do not afford a ground for action by individuals.
10. The Council agrees that there shall be a regular review of the transposition of this resolution and of the need for amendments to

it.

11. The Council also confirms that the application of these principles is no bar to the application of national rules on law and order, public health and national security.

B. PERSONS TO WHOM THIS RESOLUTION DOES NOT APPLY

The harmonization principles do not apply to:

- persons who have right of free movement under Community law, i.e. nationals of Member States, nationals of EFTA countries parties to the Agreement on the European Economic Area and members of their families;
- third-country nationals who have been allowed admission for the purpose of family reunification to join nationals of a Member State or a third country resident in the Member State concerned;
- third-country nationals whose access to employment is covered by rights stemming from agreements concluded with third countries which are governed by Community law and by bilateral and multilateral Agreements, such as GATT, GATS or OECD agreements;
- third-country nationals entering the Member States in order to engage in paid employment. Such persons are covered by the principles set out in the Resolution on limitations on admissions of third-country nationals to the Member States for employment adopted by the Council on 20 and 21 June 1994;
- third-country nationals entering the Member States for study purposes. Such persons are covered by the principles to be set out in the Resolution on the admission of third-country nationals to the Member States for study purposes.

C. GENERAL PRINCIPLES

Point 1

(1)

This resolution only concerns individuals and does not affect the setting up of firms.

(2)

"Activity as a self-employed person" means any activity carried out in a personal capacity or in the legal form of a company or firm within

the meaning of the second paragraph of Article 58 of the EC Treaty without being answerable to an employer in either case.

(3)

Only those associates actively involved and whose presence is necessary in pursuing the company's or firm's aims and in its management may be authorized to establish themselves in the host Member State's territory. In cases where those associates do not have a majority or substantial share holding in the company or firm Member States may reserve the right not to admit them except in the case of salaried persons when they have received authorization to work.

Point 2

(1)

Member States may allow third-country nationals wishing to pursue activities as self-employed persons to enter their territory where it has been duly established, in accordance with the requirements of each Member State, that that activity will produce the benefits referred to in Section A(4) or that it corresponds to the activity referred to in the last sentence of Section A(4) and that general legal provisions governing entry and residence have been complied with.

(2)

The admission procedure should ensure that persons who quite obviously wish to engage in paid employment or whose partnership or directorship amounts to disguised paid employment are not admitted as self-employed persons. Without prejudice to the application of point 8(2), once admitted, the admission to activities as a self-employed person does not extend to looking for or accepting a job on the labour market.

Point 3

(1)

Requests for admission must be submitted to the authorities of the host Member State which are competent under national law through the consular or diplomatic representation of the State or through another national competent authority designated for this purpose in the home country or the country of origin of the person seeking admission to pursue activities as a self-employed person.

(2)

They must be accompanied by information which can be used to assess whether the planned activity meets the preconditions referred to under point 2, and also by documentary evidence that the activity will be carried out in accordance with the relevant national legislation.

(3)

The following could for example be required for assessing the preconditions referred to under point 2 in accordance with national legislation:

- documents indicating the nature, scale and duration of the activity the person wishes to engage in;
- documents indicating the number of staff likely to be required;
- a description of the premises where the activity will be carried out, which should be appropriate for it;
- evidence of the funds available for the intended purpose.

(4)

The following could for example be required for assessing compliance with legislation in force, in accordance with national legislation:

- proof that the self-employed person meets the conditions of the host Member State regarding professional qualifications and access to the occupation;
- in the case of companies or firms, the instrument of incorporation, evidence of publication or registration thereof, and the names of the directors and managerial staff and of the associates authorized to act on their behalf;
- proof such as police documentation or similar documents, showing the integrity of the person concerned.

Point 4

(1)

Authorization to engage in a self-employed occupation will be granted in accordance with the provisions of national aliens legislation and in writing, for example in the form of a passport stamp or other document. Such authorization will be personal and non-transferable.

(2)

The validity of the initial authorization may be limited in time. Upon application it may be extended for a further period and/or be of unlimited validity, if the conditions for access continue to obtain as provided for in national legislation.

Point 5

(1)

All requests for renewal must, where so required under Member States' national legislation, be accompanied by documentary evidence that the self-employed person offers guarantees for the continued orderly pursuit of his occupation.

(2)

At least at the time when any renewal application referred to under point 4(2) is submitted, a check may be made on the bona fide nature of the activity engaged in, whether it still corresponds to the activity for which authorization was given, the ability of the person concerned to support himself by the income from that activity and its

continuing compliance with the preconditions referred to under point 2(1).

(3)

Any further checks which Member States may make thereafter could in principle be limited.

Point 6

(1)

Under the conditions laid down by national law, Member States may grant third-country nationals wishing to provide a service leave to enter their territory with authorization to carry out the relevant work for the performance of the service

(2)

"Service provider" means a self-employed person (residing abroad) whose services are sought by a person residing in a Member State in order to carry out, against remuneration, a specific task over a specific period.

Point 7

Persons already present in the territory of a Member State as students, trainees, seasonal workers, service providers, contract workers or for other reasons will not as a general rule be permitted to extend their stay for the purpose of establishing themselves as self-employed persons. Such persons must leave the country once the purpose of stay on the basis of which they were given leave to enter the country has ceased to apply.

Point 8

(1)

In principle care must be taken to ensure that persons admitted to pursue activities as self-employed persons do not eventually enter into a paid employment relationship.

(2)

Member States may allow self-employed persons who have acquired the right to long-term/permanent residence to seek where appropriate a work permit in order to obtain paid employment.

Point 9

The spouse and unmarried children under a maximum age, varying between 16 and 18 years depending on the Member State concerned, of a self-employed person will in principle be admitted to join that person, subject to the conditions set out in the Resolution concerning family reunification adopted by the Ministers responsible for immigration questions of the European Community on 1 June 1993.

Point 10

(1)

Member States' arrangements enabling them to refuse admission on grounds of public security and public order shall not be affected by this Resolution.

(2)

The provisions of this Resolution shall not affect Member States' provisions governing trades and professions or arrangements concerning the mutual recognition of vocational qualifications.

Point 11

Nothing in this Resolution prevents any Member State from reserving the right to admit, in compliance with its national legislation, to admit to its territory third-country nationals who make substantial investments in the commerce and industry of that Member State if there are important economic grounds for derogating from the principles of this Resolution which restrict the business activities of the third-country nationals in question.

Council Conclusions on the organization and development of the
Centre for Information, Discussion and Exchange
on the crossing of frontiers and immigration (CIREFI)

The Council recalls the decision taken by the Ministers responsible for immigration on 30 November/1 December 1992 to establish a Centre for Information, Discussion and Exchange on the crossing of frontiers and immigration (CIREFI) and notes that in the 1994 priority work programme in the field of justice and home affairs which it adopted in November 1993, CIREFI was requested to continue its work.

The Council emphasizes the urgent problems arising from illegal immigration and unlawful residence by nationals of third countries in the Member States and considers that only concerted action by the Member States on a basis of solidarity can stem or reduce the flow of unauthorized immigration.

The Council underlines the need for all Member States of the Union to combat criminal illegal immigration networks and make it impossible for them to arrange or assist large-scale illegal immigration flows.

Given that further progress in cooperation between Member States requires improved exchanges of information and uniform situation assessments in order to improve coordination on a Union-wide basis in the areas of illegal immigration and expulsion, the Council considers and decides that CIREFI should be, as a further step, progressively developed in the following way:

1. CIREFI will assist the Member States in effectively studying legal immigration, prevent illegal immigration and unlawful residence, in effectively combating immigration crime, in better detecting forged documents and in improving expulsion practice.
2. CIREFI shall meet on a regular basis and shall consist of Expert Representatives of the Member States (Standing Conference) with logistical back-up from the General Secretariat of the Council.
3. Without prejudice to the other tasks included in the Ministerial decision of 30 November/1 December 1992, the specific tasks of CIREFI shall be to:
 - 3.1. collate, using standard forms, statistical information concerning
 - (a) legal immigration,
 - (b) illegal immigration and unlawful residence,

- (c) facilitating of illegal immigration,
 - (d) use of false or falsified travel documents,
 - (e) measures taken by competent authorities, and draw up regular and occasional situation reports on this basis commenting on trends, developments and changes;
- 3.2. analyses the information compiled, draw conclusions and, when appropriate, give advice;
- 3.3. conduct exchanges of information on expulsion matters, particularly in respect of countries of destination, airports of departure or arrival, carriers, flight routes, fares, reservation possibilities, conditions of carriage, escort requirements and charter possibilities as well as on problems in obtaining repatriation travel documents.

CIREFI will submit an annual report on its activities, and any additional reports on request, to the Council (JHA).

Personal data may not be processed and, in particular, may not be communicated by or to CIREFI.

CIREFI will not be empowered to give instructions to Member States' authorities.

The activities of CIREFI will not affect closer cooperation between Member States.

4. CIREFI, in the form of the standing Conference as defined in 2 above, will meet regularly or as circumstances require; as a general rule this should be once a month. Where possible, discussions adequately prepared in advance should be structured around a particular current item of common interest to permit an efficient exchange of information.

The relevant bodies of the Council will determine priorities for CIREFI's ongoing work within the framework of the tasks assigned to it under paragraph 3.

The logistical back-up at the General Secretariat of the Council will provide CIREFI with the necessary administrative and organizational assistance and will contribute to prior and subsequent processing of agendas for CIREFI's meetings. The General Secretariat of the Council will, within its budgetary constraints, ensure provision of the staff and equipment required for CIREFI to perform its tasks.

5. The Council also notes that, during the time between meetings of CIREFI as a standing conference as defined in 2 above, the national central units of the Member States concerned will exchange information directly at a multilateral or bilateral level in cases requiring immediate action. Information will be exchanged as far as possible using standard forms or as events dictate using an agreed layout.

Costs incurred by national central units, including the cost of communicating with other national central units, will be borne by the Member State concerned.

6. The Council considers that CIREFI may begin to carry out its work as defined in these conclusions from 1 January 1995.

COUNCIL OF THE EUROPEAN UNION

1809th meeting of the Council

- Youth -

Brussels, 30 November 1994

President: Mrs. Claudia Nolte
Minister for Women, Youth, the Family, and Senior Citizens
Federal Republic of Germany

**1809TH COUNCIL MEETING - YOUTH - BRUSSELS, 30 NOVEMBER
1994
PRESIDENT : MRS CLAUDIA NOLTE, MINISTER FOR WOMEN, YOUTH
THE FAMILY AND SENIOR CITIZENS OF THE FEDERAL REPUBLIC OF
GERMANY**

Reference: PRES/94/253 Date: 30/11/1994

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

Belgium:

Mr Bernd GENTGES Minister for Education, Culture, Youth and
 Scientific Research of the Government of the
 German-speaking Community

Denmark:

Mr Niels Henrik SLIBEN Deputy Permanent Representative

Germany:

Mrs Claudia NOLTE Federal Minister for Women, Youth, the
 Family and Senior Citizens

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

Greece:

Mrs Hélène STEFANOY State Secretary, Ministry of Education

Spain:

Mrs Cristina ALBERDI ALONSO Minister for Social Affairs

France:

Mrs Michèle ALLIOT-MARIE Minister for Youth and Sport

Ireland:

Mr Frank COGAN Deputy Permanent Representative

Italy:

Mr Roberto ROSSI Deputy Permanent Representative

Luxembourg:

Mr Alex BODRY Minister for Regional Planning, the Armed
 Forces, Physical Education, Sport and Youth

Netherlands:

Mr Lambert J. HANRATH Deputy Permanent Representative

Portugal:

Mrs Maria de Céu BAPTISTA RAMOS State Secretary for Youth

United Kingdom:

Mr Timothy BOSWELL State Secretary, Department of Education

Commission:

Mr Antonio RUBERTI Member

Representatives of the acceding countries took part, viz.

Austria:

Mrs Judith GEBETSROITHNER Deputy Head of Mission

Finland:

Mr Jan STORE Deputy Head of Mission for Sweden

Sweden:

Mrs Marita ULVSKOG Minister for Public Administration

THIRD PHASE OF THE "YOUTH FOR EUROPE" PROGRAMME

With a view to the conciliation procedure provided for in Article 189b of the Treaty the Council considered the European Parliament's amendments to its common position of 11 July 1994 (see Press Release 7179/94 - Presse 106). It was hoping that agreement could be reached with the European Parliament so that the third phase of the programme could begin on 1 January 1995.

Pending the conciliation with the Parliament the Council confirmed its common position on the matters concerning the committee which would assist the Commission in implementing "Youth for Europe", the entry in the Decision of the amount deemed necessary to carry out the programme, and the actual amount involved.

At the close of discussions on this item the President invited delegations to consider how much leeway they had as regards the conciliation with the European Parliament.

NATIONAL CONSULTATION ON YOUTH IN FRANCE

The French delegation informed the Council of the results of the consultation and the various specific measures its Government had adopted

in response to that consultation.

INFORMAL MEETING OF MINISTERS FOR YOUTH FROM THE MEMBER COUNTRIES OF THE COUNCIL OF EUROPE

The Council took note of the Luxembourg Government's intention to organize a meeting of this kind on 3 and 4 May 1995 in the Grand Duchy.

OTHER DECISIONS CONCERNING YOUNG PEOPLE (adopted without debate)

Promotion of voluntary service periods for young people - Conclusions of the Council and the Ministers for Youth meeting within the Council

" Under the policy of cooperation in matters relating to youth and having regard to the competence of the Member States in regard to voluntary services, the Council and the Ministers of Youth meeting within the Council examined the possibilities for developing transnational voluntary service periods for young people.

The Youth for Europe III programme (now being examined under the co-decision procedure) [1] acknowledges this cooperation policy including a specific measure (A II 2) which can give new impetus to periods of voluntary service.

The recommendation by the Committee of Ministers of the Council of Europe to the Member States of that organization concerning the promotion of voluntary service [2] also result in a boost for these actions.

The Council and the Ministers have, however, found that the existing laws and regulations in the Member States can, when they are applied in practice, constitute restrictions on voluntary service in another Member State, in particular for periods of medium and long duration.

Considering that the voluntary service periods undertaken in Europe by the young:

- take the form of public service activities undertaken by voluntary organizations which promote, inter alia, the development of the personality of the volunteers and give them an opportunity to demonstrate their sense of responsibility to society and to the construction of a new Europe;
- are based on the free personal decision of the volunteers concerned;

- are not in place of compulsory national service, where this exists, and are developed and carried out by and under the responsibility of voluntary organizations;
- represent a voluntary unpaid commitment to the community and are considered desirable by that community.

The Council and the Ministers note that a number of measures exist which fall within the jurisdiction of the Member States and which should help to overcome any obstacles to undertaking periods of transnational voluntary service, in particular for periods of more than three months.

Member States should therefore consider, in the context of their own legal systems, the desirability of:

- facilitating, for young volunteers living in one or several Member States taking part in the Youth for Europe III programme, entry to and residence in the Member State concerned for the exclusive purpose of completing a period of voluntary service;
- encouraging volunteers, on the basis of agreements between organizations which may deal with voluntary service in their own Member State and in the partner country, to take up activities of this kind;
- allowing, in accordance with the regulations of the country of origin of the volunteer or of the country in which the period of service is worked, for
 - = adequate social protection for volunteers, regarding insurance for sickness, accident and civil liability;
 - = recognition (where such a procedure is required) of organizations which may deal with voluntary service, their rights and their responsibilities;
 - = granting due importance to voluntary service periods within the framework of the national youth assistance education and training system, where this system exists;
- facilitating the performing of these activities, among other things by granting, where appropriate, aid compatible with the existing system in the Member State concerned, in view of the public service character of

such activities.

The aim of implementing such measures should be to build up the voluntary services in order to meet growing demand, to promote in different areas a commitment to Europe which may take various forms and develop, as far as possible in equal measure, bilateral and multilateral exchange relationships.

The Council and the Ministers ask the Commission, in the context of these conclusions, to report on the development of the situation regarding voluntary service periods for young people and to propose practical measures to promote cooperation between the countries taking part in the Youth for Europe III programme, as well as between the organizations dealing with voluntary service."

Combating racism and xenophobia

The Council decided to forward to the General Affairs Council a text on the "Youth" aspects of an overall strategy of the European Union against racism and xenophobia.

This text is part of the follow-up to the Corfu European Council at which the Heads of State or of Government decided to set up a Consultative Commission with the task of preparing a final report for 1995 containing recommendations "on cooperation between governments and the various social bodies in favour of encouraging tolerance and understanding of foreigners". The Consultative Commission is scheduled to provide the European Council in Essen with an interim report; the text approved by the Council of Ministers for Youth is intended as a contribution to the interim report.

[1] (Common position) OJ No C 232, 20.8.1994.

[2] Council of Europe, R(94) of 4 May 1994.