

Bulletin

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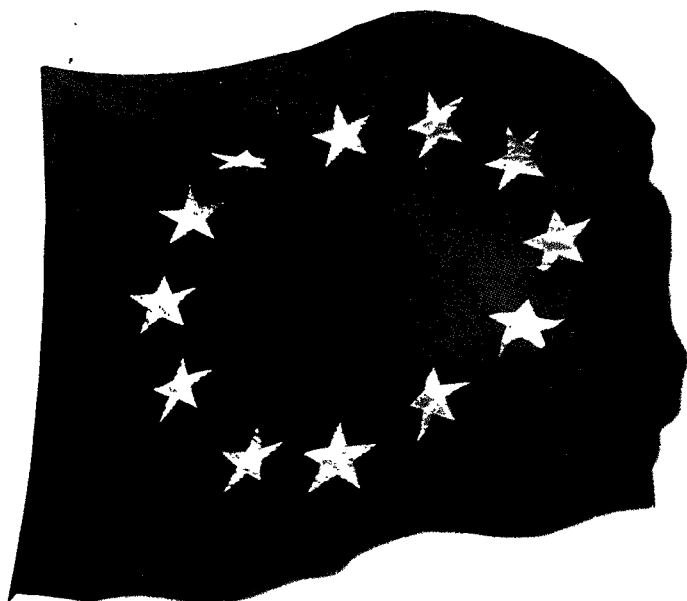
Supplement 2/88

A people's Europe

Commission communication

**Voting rights for Community
nationals in local elections**

Proposal for a Directive



Supplements 1988

1/88 Programme of the Commission for 1988

2/88 *A people's Europe - Voting rights for Community nationals in local elections*

3/88 Statute for the European company

4/88 The future of rural society

A people's Europe

Commission communication

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Proposal for a Council Directive on voting rights for Community nationals in local elections in their Member State of residence

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Foreword

In a way that has not been possible before, the Community can now look forward not just in the hope but also in the certainty of achieving its objectives.

First with the 1992 deadline and the Single European Act, and then with the added dimension of a frontier-free Europe, this revitalization of the Community is the richer for the human significance attaching to moves towards a people's Europe.

Four years of activity have produced real results: steady progress has been made since the two Adonnino reports, and the citizens of the Community are now more aware of the European identity that is theirs because of their shared history down the ages, because of their common cultural and basic values, and are more involved in creating a living Community which puts people first.

This people's Europe has to be built up gradually, day by day, and has to extend its scope to address the major concerns of everyday life. It therefore has to be aware of the great issues thrown up by the rapid changes we are currently witnessing in the social fabric. Also, the Community must be the guarantor and protector of its citizens' rights; our awareness of and access to these rights need to be enhanced. In this context the proposal for a Directive on voting rights for Community nationals in local elections in the Member State in which they reside is of crucial importance. Not only does it touch upon an essential aspect of democratic life affecting more than four million people: after years of procrastination it also represents a decisive step towards involving the Community's ordinary citizens in their common destiny.

Carlo Ripa di Meana
Member of the Commission
of the European Communities

Commission communication on a people's Europe

Introduction

The idea of a people's Europe evolved in parallel to that of European Union. Following the 1973 report on the European identity, the Heads of State or Government agreed at their summit in 1974 to have a study carried out of the special rights which could be granted to the citizens of the Member States as members of the Community. The Tindemans Report on European Union, noting that Europe must be close to its citizens, advocated the following courses of action:

- (i) protection of the rights of Europeans;
- (ii) concrete manifestation of European solidarity in everyday life.

This idea was given a considerable boost by the introduction of elections to the European Parliament by direct universal suffrage. In its resolutions Parliament has laid particular stress on devising a policy which involves European citizens in the creation of a living Community and on transforming the technocrats' Europe into a people's Europe. The Fontainebleau European Council in June 1984 undertook to give the Community a new dimension which would bring it closer to the citizens of Europe.¹ To this end it instructed an *ad hoc* committee to pinpoint action which would enable the Community to respond 'to the expectations of the people of Europe by adopting measures to strengthen and promote its identity and its image both for its citizens and for the rest of the world'. The *ad hoc* Committee on a People's Europe, chaired by Mr Adonnino and made up of representatives of the Heads of State or Government and of the President of the Commission, spent over six months at work, and drew up two reports for the European Council. The first of these, which was presented in March 1985,² pinpoints practical measures which would enable individual European citizens to enjoy freedom of movement and right of residence throughout the Community, whether in a private or professional capacity. The second report, presented in June of the same year,³ was designed to give the Community a new political,

cultural and social dimension by proposing specific measures such as new citizens' rights, increased mobility for young people, and Community-level action geared to health protection and the promotion of culture. The Milan European Council approved the proposals of the *ad hoc* Committee on a People's Europe and called on the Community institutions to adopt measures to implement them as soon as possible. A large number of proposals and initiatives have since been launched by the Commission to give effect to the recommendations contained in both reports. Since it took office in 1985, the present Commission has demonstrated the importance it attaches to a people's Europe by giving one of its Members special responsibility for policy in this area, which has also been placed on the Commission's list of priorities following the decisions of the Brussels European Council in February of this year.

Entry into force of the Single Act and the 1992 deadline for achieving an area without frontiers have lent further impetus to a people's Europe. The removal of physical, technical and tax barriers is bound to improve the Community's image in the eyes of its citizens. This applies equally to the flanking policies, such as economic and social cohesion, which reflects the spirit of solidarity with the less prosperous regions, and the new spheres of activity opened up by the Single Act, such as social, environmental and monetary policy, which directly affect the citizen as an individual and not just as an actor on the economic stage. The widening of horizons strengthens the sense of a common identity, the feeling of belonging to the same Community. But it also calls for a greater effort on the part of the Community institutions to increase public awareness and information. Community activities in future will have a far more direct impact than in the past on all European citizens. The citizens themselves must be aware of this. Not only will this enable them to benefit from the European dimension, but it is also essential if they are to defend their interests and ex-

¹ Bull. EC 6-1984, points 1.1.1 *et seq.*

² Supplement 7/85 - Bull. EC

³ Supplement 7/85 - Bull. EC; Bull. EC 6-1985, point 1.4.1. *et seq.*

press their political aspirations at Community level as they are accustomed to doing at national, regional and local level.

For this reason the third elections to the European Parliament by direct universal suffrage due to be held in 1989 provide an ideal opportunity to forge closer links with the people of Europe. The elections will give Europeans a chance to express their views on the future direction of Community policy. It is essential that they are motivated and made aware of the significance of this event. Only by turning out to vote in large numbers can they be sure of making a real impact on European policy. The task of motivation falls primarily to the Members of the European Parliament and the political groups. For its part, the Commission will do everything it can to step up its action to heighten public awareness. The decisions of the European Council of February 1988 have given concrete form to the revitalization of the Community, which began with the setting of the 1992 deadline and the Single European Act. The people of Europe are at the centre of this revitalization process, and it is important that they should play the leading role.

Against this backdrop, this communication is designed to review the action taken in relation to a people's Europe and consider the way ahead. The main object of the exercise is to assess the follow-up to the two Adonnino reports. Most of the measures advocated in the first report were incorporated in the programme to implement the White Paper. The second report focuses in particular on action to enhance the sense of belonging to and identifying with the Community. This sense of European identity has begun to take shape thanks partly to the concrete measures taken by the Community, notably to achieve a frontier-free Europe, and partly to the use of symbols and the numerous and varied initiatives to heighten awareness of different issues among specific sections of the population. The area without frontiers which the Community is striving to create by 1992 lends a new dimension to the people's Europe. The approach advocated by the Adonnino Committee in relation to frontier crossings was based simply on the easing of formalities. The target laid down by the Single European Act is both more ambitious

and more radical: the complete abolition of such formalities, for the individual citizen as well. It is important for citizens to be informed of their rights and to be able to exercise them fully. They must also be aware of their special rights. In this respect, the Commission's legislative proposals for granting Community nationals the right to vote in local elections in their country of residence are an important manifestation of the people's Europe. It is also essential that the Community's activities reflect the major preoccupations of everyday life.

Awareness of the European identity

European identity is the result of centuries of shared history and common cultural and fundamental values. But awareness of it can be strengthened by symbolic action, consciousness-raising campaigns and the growing convergence of European ambitions. By doing all it can to promote and consolidate this awareness, the Commission is fulfilling the wishes expressed by the Fontainebleau European Council in June 1984¹ and by the Adonnino Committee. The main aim in the fields of culture and communication is to emphasize the essential elements of the European identity and the Community image, both at home and in relations with the rest of the world, particularly the developing countries. European integration will not and cannot be a success unless our young people are interested and involved as well. Hence the value of education, foreign language teaching, exchanges and sport, and the need for Community action to look beyond economic issues to the major concerns of day-to-day life.

Symbols

The most successful of the European symbols is unquestionably the Community flag. It was Parliament which took the initiative on this front by tabling a motion for a resolution in 1979, which led in April 1983 to the

¹ Bull. EC 6-1984, point 1.1.1 *et seq.*

adoption of a resolution advocating the adoption by the Community of the flag used by the Council of Europe.¹

Once the European Council had agreed to its introduction² and the Council of Europe had sanctioned its use, the flag became the symbol *par excellence* of Community identity and European unification.

The flag and the emblem were adopted by the Community institutions at the beginning of 1986. At the same time they noted the Adonnino Committee's proposal that the prelude to the 'Ode to Joy' from Beethoven's Ninth Symphony, introduced as the European anthem by the Council of Europe in 1970, be adopted as the Community anthem as well. The Community flag was hoisted for the first time outside the Community headquarters in Brussels at a formal ceremony on 29 May 1986; it had already been flown to mark the Community's presence at the economic summit in Tokyo in March of the same year. Since then the flag, the emblem and the anthem have all been used more and more widely both inside and outside the Community. The flag flies at the seats of the institutions and outside their information offices and delegations. The Member States have agreed that their diplomatic representations will display the European flag at European events. It is also flown in a number of municipalities and regions and is arousing growing interest from the 'man in the street'. The Commission welcomes this spontaneous development, which signals an awareness of belonging to the Community. It is working with Parliament to encourage the use of both flag and anthem by the people of Europe. The Commission makes sure that the Community symbols are properly used and plans to take any action needed to prevent abuse, particularly of the emblem.

The European passport is based on an initiative by the Heads of State or Government, who at their 1974 summit asked for a study to be made of the possibility of establishing a passport union and, in anticipation of this, of introducing a uniform passport. The European Council agreed to the introduction of a standard passport in December 1975. In a resolution adopted on 21 June 1981³ the Member States undertook to start issuing

this passport from 1 January 1985, a target date confirmed by the Fontainebleau European Council in June 1984.⁴ The European passport has now been introduced in all the Member States except the Netherlands and the United Kingdom, where it should be introduced in late 1988 or early 1989. It was introduced in the Federal Republic of Germany on 1 January 1988 but has not yet been issued to members of the public because of technical problems. The Commission welcomes the decision of Spain and Portugal to discontinue the stamping of the passports of nationals of the other Member States.

Parliament has always shown particular interest in the issuing of a European postage stamp and in the alignment of postal rates. The Commission's first initiative on postal rates goes back to the early 1960s. Internal rates are now applied to standard letters to destinations throughout the Community by all the Member States except, for the time being, Greece, Spain and Portugal. The Commission considers that there is every reason for all the Member States to apply their internal rate to all letters and postcards to all Community destinations and will continue to work to this end. The Commission has kept in regular contact with the postal authorities of the Member States in an attempt to clear the way for the joint issue of a stamp with the same design to commemorate a European event. In 1988 four Member States (Belgium, France, the Federal Republic of Germany and Luxembourg) will be issuing a stamp commemorating the centenary of the birth of Jean Monnet. The Commission is continuing to press for a joint Community issue, if possible with the same design, to mark the third elections to the European Parliament by direct universal suffrage in 1989. The ultimate aim is to programme a whole series of 'European' stamps. The Commission is already setting its sights on a joint Community issue, if possible with the same design, to mark the 1992 deadline for the frontier-free area. As

¹ OJ C 128, 16.5.1983.

² Bull. EC 6-1985, point 1.2.3.

³ Bull. EC 6-1981, point 2.1.17.

⁴ Bull. EC 6-1984, point 1.1.1 *et seq.*

for its design, the Commission could organize a European competition in conjunction with the postal authorities and invite artists throughout the Community to participate. The Commission is obviously aware that to fix the same value in the Member States for a stamp valid throughout the Community would give rise to problems due to variations within the European Monetary System, as well as to problems of standardization. But it would be feasible for each of the Member States to introduce at least one stamp indicating the equivalent value in ECU, as was recently done in France. The symbolic and publicity value of such a stamp is self-evident.

The replacement of customs signs at the Community's internal frontiers is one of the symbolic measures advocated by the Adonino Committee and approved by the Milan European Council in June 1985.¹ At the end of 1986 the Council adopted a resolution on the introduction of appropriate signs at external and internal Community frontiers.² The aim is to replace the 'customs' signs at internal frontiers with standard signs indicating the name of the Member State against the background of the European flag. Despite the Commission's efforts to encourage the application of this resolution in the Member States — it should have taken effect from 1 January 1988 — the necessary action has still not been taken. The most that the Commission has been able to ascertain is that technical meetings have been held between the Member States signatory to the Schengen Agreement with a view to its gradual implementation. The Commission has also made an effort to promote awareness at certain representative crossing points at internal borders. It has commissioned a number of full-size signs, which have been available since December 1987. The first ceremony was organized recently at the Caia/-Badajoz border post between Portugal and Spain. The Commission is aware of Parliament's interest in this resolution and would call on it to persuade the Governments of the Member States to do everything in their power to implement it before the summer holidays.

Harmonization of some technical aspects of car number plates has been on the agenda

for many years; an initial directive on the subject was adopted as long ago as 1970. The European car industry is in favour of harmonizing dimensions on both economic and technical grounds. The Commission and the Member States are currently looking into the feasibility of harmonization with regard to dimensions, improved readability, more or less standard presentation and the incorporation of a European symbol. The Grand Duchy of Luxembourg has taken the lead by changing the design of its number plates in October 1987 to incorporate the Community emblem.

Our common history is also reflected in Europe-wide celebrations. The first Europe Day was celebrated on 9 May 1986, the anniversary of the Schuman Declaration. The centenary of the birth of Jean Monnet, another of the founding fathers of Europe, which is being celebrated this year, is a similar affirmation of our common history. The Commission is planning a major event to mark this centenary on 9 November 1988. Similarly, the symbolic value of the large-scale campaigns and events organized over the years (music, road safety, the environment, cinema and television, the fight against cancer, tourism, etc.) strengthens the feeling of belonging to one and the same 'community'.

Consciousness-raising

Symbols play a key role in consciousness-raising, but there is also a need to make the European citizen aware of the different elements that go to make up his European identity, of our cultural unity with all its diversity of expression, and of the historic ties which link the nations of Europe. Since the Brussels European Council in February 1988,³ the 1992 deadline — with all that this implies for people's daily lives — and the genuine prospect of a common economic area have acquired a higher profile. But the Commission would stress that it is only one

¹ Bull. EC 6-1985, point 1.2.1 *et seq.*

² OJ C 303, 27.11.1986; Bull. EC 11-1986, point 2.1.134.

³ Bull. EC 2-1988, point 1.1.1 *et seq.*

of the agents in the campaign to mobilize the European public and that it has no wish whatever to monopolize the dissemination of information on European affairs. Quite the reverse. This function must be shared with the other political forces in the Community and the Member States, with the press, and with the many associations and organizations involved in the building of Europe.

Ever mindful of the individual's right to information, the Commission is keen to ensure that all Community citizens are familiar with all its policies. The citizen-consumer is thus kept up to date with everything that is going on in the Community. In addition to this general information the Commission has also taken care to focus its efforts on specific target groups such as women, young people and consumers. It also provides daily information on what it is doing and on the main issues of the moment. It is up to Parliament to add the essential dimension of political awareness. The campaign for the third direct elections offers a golden opportunity. And, moreover, this time round, the Community appears before the electorate with new vim and vigour and genuine prospects for integration and unification.

As far as women are concerned, since 1986 the Community has been implementing the second action programme on equal treatment for men and women¹ with regard to access to employment and vocational training, as well as to pay and working conditions. The programme clearly slots into a people's Europe and seeks both to consolidate past achievements and to promote positive change by practical and pragmatic action. Young people too, with exchange schemes for young workers and the YES for Europe programme,² are a priority target of Community action. In addition, on the cultural front the Commission has organized a number of projects for young people, including the Youth Orchestra and the 'Europe of tomorrow' young scriptwriters' competition.

It is in their role as consumers that the public is especially affected by Community action. There is therefore everything to be gained by drawing its attention to the fact that the health, safety, information and economic interests of the consumer have been the main

focus of legislation that goes back to the early 1970s. Adoption by the Council of the Regulation on toy safety³ and the Commission's proposals relating to harmonization of the methods for calculating interest rates on consumer credit⁴ and to package holidays⁵ are significant in this respect. The Commission has also recommended that the Council increase consumer involvement in standardization. In some Member States the Commission is also involved in pilot projects to improve consumer redress. The prospect of the large single market adds a new dimension to the increasing awareness of the European consumer.

The Commission stimulates awareness and raises consciousness in a number of ways. It makes its presence felt at fairs and exhibitions and at specifically Community events. The European festivities in Brussels in May 1987 and in Hanover in June are an example of this, as were the major events to round off the European Year of the Environment in March 1988 in Brussels and in the Member States. As for the written word, the Commission has published mass circulation booklets such as *Travelling in Europe, Europeans, you have rights* and *European File*, as well as mounting poster campaigns. Film, radio and television can speak to a huge audience 'face to face'. The Commission has capitalized on this by producing its own films, clips and audio-visual material designed to illustrate the Community's institutional mechanisms and highlight the special features of European identity. The Commission also provides support for television broadcasts on Europe; these include documentaries, cultural programmes and light entertainment, such as the Eurovision Song Contest and Europa-Europa. A feasibility study has been carried out on the planning and operation of a Euro-lottery, as advocated in the Adonnino report, but unfortunately, imaginative though the idea is, the Member States seem reluctant to put it into

¹ Supplement 3/86 - Bull. EC; OJ C 356, 31.12.1985.

² OJ C 72, 27.3.1986; Bull. EC 2-1986, point 2.1.73; OJ C 77, 24.3.1987; Bull. EC 2-1987, point 2.1.70.

³ OJ L 187, 16.7.1988.

⁴ OJ C 155, 14.6.1988.

⁵ OJ C 96, 12.4.1988.

practice for the time being. Then there are the general information campaigns mounted in a number of Member States, in which the Commission focuses more specifically on the preoccupations of everyday life. The environment and the quality of life are top of the list, as a recent survey revealed. As part of an action programme for the European Year of the Environment, which has just ended, the Commission organized a whole series of events and one-off projects throughout the Community. The Commission has also set up and encouraged a wide range of specific activities in which the public has played an active part: town-twinning has been encouraged; European sports events have been supported (the European Community Games, the European Cycle Race and the European Yacht Race, to name but a few); and the European City of Culture project also reflects the desire for participation by and direct communication with the public. Finally, mention must be made of the regular Eurobarometer surveys, which monitor Community public opinion and are given widespread coverage by the media.

Culture and communication

Since 1977 the Commission, with the steadfast support of Parliament, has developed a 'cultural policy' which has helped to boost people's awareness of a European cultural identity. This policy was given formal recognition by the Heads of State or Government at the Stuttgart and Milan European Councils in 1983¹ and 1985 respectively.²

Besides the initiatives taken by the Commission in the exercise of its economic, social and legal responsibilities in the cultural field, this 'cultural policy' has concentrated on training for young artists, encouragement for the most representative sectors of cultural activity, the promotion of European cultural events, and the protection of our architectural heritage. At the instigation of Parliament, this last has been an especially important area of action. By developing training in arts-related crafts within the Community, restoration in particular, the Commission has helped preserve a number of monuments that form part of our European cultural heritage, such as the Acropo-

lis, the Parthenon and Mount Athos. Every year it gives financial support to some 20 pilot projects selected by a panel of international experts to help promoters throughout the Community to preserve and keep alive monuments and sites as part of the local environment and as tourist attractions. Anxious to enhance Europe's cultural potential in all its diversity, the Commission has embarked on a long-term operation to mobilize wider audiences, decentralize the arts and develop exchanges within the Community (free movement of cultural goods and services, improved living and working conditions for artists, etc.). The best examples are the setting up of the European Youth Orchestra and the development of the European City of Culture project. In the light of the experience gained over the years, the Commission has presented the Council and Parliament with a plan to give a fresh boost to cultural activity in the Community during the period 1988 to 1992.³ This plan, which fits in with the twin goals of completing the frontier-free area by 1992 and progressing from a people's Europe towards European Union, focuses on the following priorities: creation of a 'European cultural area', promotion of the European audio-visual industry, access to cultural resources, training in the arts, and dialogue with the rest of the world. Its implementation should in time help heighten the sense of belonging to a European culture and thereby strengthen the European identity.

In a communications society such as ours, this implies mobilizing public opinion. Though all channels of information, all the media, are important for attaining this goal, current technological progress inevitably involves a growing concentration on the audio-visual industry. One of the ways in which the Community can facilitate access to culture within the large internal market is the free movement of broadcasting services. Hence the publication by the Commission, with the support of Parliament, of 'Television without frontiers',⁴ its Green Paper on

¹ Bull. EC 6-1983, point 1.5.1 *et seq.*

² Bull. EC 6-1985, point 1.2.1 *et seq.*

³ Bull. EC 12-1987, point 1.2.1 *et seq.*

⁴ Bull. EC 5-1984, point 1.3.1 *et seq.*

the establishment of a common market in broadcasting, especially broadcasting by satellite and cable, subsequently implemented in a proposal for a Directive designed to remove certain legal barriers to the transmission of television programmes throughout the Community, both direct and by cable.¹ This has been supplemented by a Directive harmonizing the technical specifications for satellite broadcasting, so enabling freedom of reception thanks to the use of a common standard.² Apart from that, 1988 has been declared European Cinema and Television Year in an attempt to bring the problems in this area of activity to the attention of politicians, professionals and the public at large. The Media programme has also been launched to encourage the development of the audio-visual industry: aimed at professionals in the industry, it involves the setting up of projects for training and for the production, distribution and funding of European cinematographic and audio-visual material. On the basis of the programme the Commission intends to make concrete proposals in the coming years. The Commission is also planning to present a comprehensive communication on audio-visual policy to the Council (Culture) before the end of the year.

Education, young people, exchanges and sport

Education: the cornerstone of Europe

A people's Europe, deadline 1992 and the adoption of the Single European Act³ confer on education and training a central role in the building of Europe. From now on systems of education and training must contribute to the Community's economic and social cohesion. A Europe which fails to invest in its human resources, in its skills, in its adaptability and in its entrepreneurial spirit will find that its capacity for innovation, its competitiveness and its ability to create wealth and prosperity have been undermined.

Higher education

Recent Community measures in the field of education are very much the result of the

impetus provided by the Adonnino Committee and of Parliament's consistent support for the Commission's proposals. In July 1986 the Commission adopted the Comett programme for cooperation between universities and industry in the field of advanced technological training and its applications.⁴ This Community programme, which has been in operation since 1 January 1987, has been welcomed in all the Member States. So far, more than 4 000 projects have been submitted to the Commission encompassing over 10 000 training periods for students in firms in other Member States and over 500 links between universities and industry for training purposes. Applications for financial support from the Comett programme from 2 000 firms, 1 000 universities and 750 other bodies associated with these projects total almost 360 million ECU — 10 times the appropriations granted by the budgetary authority in 1987 and 1988! Because of the interest shown in the programme, the Commission plans to announce its proposals for a Comett II programme to take over from the present one on 1 January 1990, before this summer.

On 15 June 1987, in response to the recommendation by the Adonnino Committee advocating student mobility, the Council adopted the Commission proposal for the Erasmus programme.⁵ This is a permanent programme with a budget of 85 million ECU for the initial three-year period. Its great success in the first two years of operation demonstrates the growing interest among academics and students in better and wider-ranging cooperation between universities and in increased mobility for staff and students. The Commission has received 2 900 applications for interuniversity cooperation programmes for the 1987/88 and 1988/89 academic years, requiring a total of 134 million ECU from a budget of only 40 million ECU. The Commission has financed 1 480 of these programmes involving over 1 000 higher education establishments, awarded over

¹ OJ C 179, 17.7.1986; Supplement 5/86 - Bull. EC; Bull. EC 3-1986, point 1.2.1. *et seq.*

² OJ C 59, 14.3.1986; Bull. EC 1-1986, point 2.1.37.

³ Supplement 2/86 - Bull. EC.

⁴ OJ L 222, 8.8.1986.

⁵ OJ L 166, 25.6.1987; Bull. EC 6-1987, point 2.1.93.

10 000 student grants and made over 5 000 awards to enable university staff to teach on study visits.

The interest aroused by the Erasmus programme clearly demonstrates that the estimates of the finance required, set out by the Commission in its proposal for a Council Decision and endorsed by Parliament, were well-founded (the Council granted only 85 million of the 175 million ECU requested). The programme is also giving a fresh boost to the recognition of diplomas and periods of study as Community financing has been made conditional on recognition by the student's university of origin of the period of study elsewhere.

The European dimension in education

On 24 May, reaffirming their resolve to strengthen the European dimension in education, the Ministers for Education adopted a resolution designed to strengthen in young people a sense of European identity and to prepare them to take part in the economic, social and cultural development of the Community, thereby contributing to concrete progress towards European Union.¹ This resolution reflects the desire expressed by young people themselves in a recent Eurobarometer survey, in which they criticized the lack of information on and familiarity with the European Community. The Member States and the Commission have consequently undertaken to launch a series of measures designed to strengthen the European dimension in education by adapting school curricula, preparing teaching material and organizing teacher-training accordingly.

Language teaching

Learning languages is a cornerstone in the construction of Europe. Freedom of movement and establishment cannot be fully realized until as many Community citizens as possible have learned to express themselves in other languages. In the second half of 1988 the Commission will present proposals for a Community programme aimed at promoting foreign-language teaching in the Community and increasing the spread of

languages. The object of the exercise is to offer as many pupils as possible the opportunity to acquire a working knowledge of at least two other languages in addition to their mother tongue during the period of compulsory education.

Activities for young people

Since the Hague Summit in 1969, the Community has sought to associate young people with the European venture and to do something about their special problems. To begin with, the Community has allocated a significant proportion of Social Fund appropriations to measures designed to halt the rise in youth unemployment and, even better, to eliminate it altogether. Secondly, decisions have been taken to encourage vocational training for young people. The action programme adopted by the Council on 1 December 1987² seeks to ensure that all young people who so wish can receive vocational training for one year and if possible two years in addition to their compulsory education. This is precisely what was proposed in the Adonnino report.

On the exchanges front, the Commission has taken action in response to the wishes expressed by the Adonnino Committee and the resolutions passed by Parliament. A budget item introduced by Parliament in 1983 has made it possible to finance an increasing number of exchanges of young people, even though the resources available are extremely limited. In March 1986 the Commission proposed a genuine Community programme of youth exchanges (YES for Europe). The programme, which was adopted by the Council on 24 May 1988,³ has been allocated 18.5 million ECU for 1988 to 1991.

The Commission is now administering the third programme of exchanges for young workers.⁴ Since 1984 the programme has

¹ OJ C 177, 6.7.1988.

² OJ L 346, 10.12.1987; Bull. EC 12-1987, point 2.1.143.

³ OJ C 72, 27.3.1986; Bull. EC 2-1986, point 2.1.73; OJ C 77, 24.3.1987; Bull. EC 2-1987, point 2.1.70.

⁴ OJ L 331, 19.12.1984; Bull. EC 12-1984, point 2.1.93.

enabled young people between 18 and 28 years who have completed their schooling and vocational training to undertake periods of training in other Community Member States in order to perfect their occupational skills and increase their understanding of the culture and society of the host Member State. Generally speaking, the Commission has observed an increasing demand from young people to participate in the European venture through their own personal mobility.

The Commission attaches great symbolic importance to the creation and introduction of a 'youth card' pursuant to the resolution of the Ministers for Cultural Affairs meeting within the Council. This youth card would be a valuable aid to facilitate access to cultural resources, particularly when young people travel to other countries to improve their knowledge of languages. The Commission departments have been endeavouring for some time to establish the necessary links between the authorities and the specialized agencies in various Member States. These efforts led in particular to the signing in June 1987 of the Lisbon Convention, which provides for the first steps in harmonization and mutual recognition.

Sport

One of the Community's basic tasks is to 'communicate' with its citizens. It cannot therefore ignore the very important place which sport occupies in everyday life. The Commission feels that sport provides an excellent means of communicating with people and making them aware of the European idea. The Commission's involvement in sport can also be seen as a response to one of Parliament's frequently expressed wishes. The European Council confirmed the Community's commitment to sport at Fontainebleau in June 1984¹ and at Milan in June 1985,² when it endorsed the measures contained in the report by the Adonnino Committee. The Commission tries to encourage the Member States' sports federations to organize sports events at Community level and is striving to have Community teams formed to take part in certain major international events. It would also like to see Mem-

ber States' national teams wearing the Community emblem on their shirts together with the national colours. Finally, by acting as sponsor, the Commission is trying to 'Europeanize' a number of major sports events already in existence. The Commission has already been involved in a number of such events, including the European Community club swimming championships in Leeds in 1987 and in Luxembourg in 1988, the Constitution Yacht Race in 1984, the Community Cycle Race in 1986 and 1987, the European Community Championships tennis tournament in 1986 and 1987, and Sail for Europe in 1985 and 1987. As a follow-up to these initial experiments, the plan is now to improve and intensify relations with the sports federations of the 12 Member States and, in particular, with the national Olympic committees. The Commission has recently set up a joint committee on which both it and the sports authorities are represented. The Commission also considers that there should be a Community presence at the Seoul Olympics and in particular at the games to be held in the Community in 1992 in Barcelona and Albertville. The organizing committees have already been contacted. The Commission regrets the lack of enthusiasm on the part of the Olympic committees of most of the Member States.

The Commission will be preparing a comprehensive communication for the first informal Council meeting of Ministers for Sport to be held in Athens in July 1988.

Development volunteers

The success of the development volunteers movement is growing steadily and a large number of operations involving volunteers are under way or at the planning stage. At present the Commission is looking at the results of the Franco-German volunteer programme. It was asked to examine the possibility of a Community volunteer system by the Council (Development) on 31 May 1988.

¹ Bull. EC 6-1984, point 1.1.1 *et seq.*

² Bull. EC 6-1985, point 1.2.1 *et seq.*

Combating the main problems of our time

If Europe is to mean something in the lives of its citizens, Community action must also address major everyday concerns. Of prime importance is respect for human dignity and the elimination of expressions of racial discrimination. Accordingly, on 11 June 1986, Parliament, the Council, the Representatives of the Member States meeting within the Council and the Commission signed a Joint Declaration against racism and xenophobia, in which they stressed the need to fight the segregation of foreigners in any form. Health, safety and wellbeing are also particularly important. Community-level action is the right answer for two reasons: the direct public impact and the effectiveness of the measures planned. It is an objective fact that the problems of cancer, AIDS and drugs can be tackled most effectively at European level with prevention, information, education and research programmes. The problems have assumed such proportions, sometimes with all kinds of cross-frontier implications (drugs, disasters), that a Community approach is now a necessity.

Public health

At the end of 1985 the Commission consequently launched the 'Europe against cancer' programme with proposals for cancer prevention, public guidance, training of health workers and coordination of medical research.¹ The idea for this European anti-cancer programme came from the Milan European Council in June 1985.² Despite difficulties (inadequate appropriations and delay in the adoption of Council decisions), a number of measures have been undertaken. As regards cancer prevention, the campaign against smoking has been given priority. Three proposals which the Commission has sent to the Council as part of its action to complete the internal market by 1992 are of relevance to this campaign: one concerns the approximation of taxes on manufactured tobacco³ and the other two the harmonization of the labelling of tobacco products⁴ and of national rules on the maximum tar content of cigarettes. In 1987 the Commission made a start on the coordination of medical research with the decision to grant

50 scholarships a year for the exchange of researchers in Europe and to improve coordination of hospital research on the effectiveness of treatment. Substantial progress has also been made on the prevention of cancer as an occupational disease (56 carcinogenic substances are now classified). In autumn 1987 the Commission also sent the Council a new proposal for a Directive on the protection of workers.⁵ Finally, in 1987 the Commission secured the approval of the Health Ministers and anti-cancer organizations for a European anti-cancer code setting out, in language which everyone will understand, the best scientific advice on cancer prevention. The object of the public awareness campaign, which began in 1988 with European anti-cancer week (1 to 8 May), is to distribute this European code through all possible channels: anti-cancer organizations, health workers, teachers, the press, radio and television. The campaign will be built up gradually, culminating in European Cancer Information Year in 1989. The Commission will be able to draw on its experience with the 'Europe against cancer' programme in the measures it is planning to combat drug abuse and AIDS. Although little has been achieved in information and health education in this sector for want of an adequate budget, some progress has been made in the research sector. The subject was given priority in the third programme for the coordination of medical research. The Commission proposes to step up its action against drugs and AIDS in 1988 and will undertake studies and measures in the field of prevention, information and health education.

The Commission attaches great importance to Community measures in this sector which are of direct benefit to the public. As regards health in general, the Council adopted a resolution on the emergency health card in May 1986.⁶ This resolution considers that

¹ OJ C 336, 28.12.1985; Bull. EC 11-1985, point 2.1.85.

² Bull. EC 6-1985, point 1.2.3.

³ OJ C 251, 19.9.1987; Bull. EC 7/8-1987, point 1.2.1 *et seq.*

⁴ OJ C 48, 20-2-1988; Bull. EC 1-1988, point 2.1.48.

⁵ OJ C 34, 8.2.1988; Bull. EC 12-1987, point 2.1.153.

⁶ OJ C 184, 23.7.1986; Bull. EC 5-1986, point 2.1.97.

the availability of a standard health card on a voluntary basis would be of considerable benefit to all Community citizens whose state of health should be known in the case of emergency treatment (e.g. allergies or incompatibilities, haemophilia, diabetes, heart disease). As a result of this resolution, a number of measures have been introduced in the Member States to distribute the card free of charge, to provide medical staff with sufficient information to allow widespread use of the card and to examine various problems of medical secrecy.

Civil protection

Civil protection is also of everyday concern to Europeans, particularly in the event of major natural or man-made disasters. Since 1987 a number of measures have been adopted under a Council resolution. These include the establishment of a guide, the creation of a group of national liaison officers to promote exchanges of personnel, simulation exercises and better use of data banks. The Commission has been encouraged by its success in 1987 and intends to pursue its commitment to civil protection by increasing the resources for combating natural or man-made disasters and reinforcing resource management capacities. Various practical measures will therefore be proposed in 1988, including the interconnection of data banks, the creation of a standard emergency number to be used in the event of a disaster, the introduction of a Community logo for civil protection and the standardization of technical vocabulary and multilingual terminology so that a standard dictionary can be drawn up for civil protection. All these measures will be accompanied by adequate information for the general public and specialized personnel. Since 1977 the Community budget has contained an entry for emergency aid to those affected by natural disasters. This enables the Commission to act rapidly to assist Community citizens involved in disasters such as earthquakes, volcanic eruptions and floods.

Environment

Protection of the environment and the quality of life are of growing concern to the

general public. The people of the Community have frequently been a step ahead of the authorities and public opinion has been a positive force behind Commission action. The Single European Act¹ has given a fresh boost to action in the field of the environment by recognizing its importance in the EEC Treaty, by facilitating the decision-making process and by stressing the need for the environmental dimension to form an integral part of the Community's other policies. Commission proposals of evident importance to Community citizens include measures for the protection of the ozone layer² and for the reduction of air pollution caused by discharges from large industrial plants.³ The protection of fresh water and ocean against discharges of dangerous substances, the management of toxic and dangerous wastes and nature protection are also priority action areas of direct concern to Community citizens. The Commission is also preparing proposals to improve the public's right to information on the environment.

Public awareness of matters concerning nuclear safety has increased considerably in the wake of the Chernobyl accident. The Commission has not been idle and has secured the adoption of measures such as the Community system for the early exchange of information⁴ and a Regulation on the radioactive contamination of foodstuffs.⁵ It recently sent the Council a proposal to improve public information and protection in the event of a radiological accident.⁶

Deadline 1992 and a people's Europe

A frontier-free Europe

The completion by 1992 of the single European market means, as provided for by the

¹ Supplement 2/86 - Bull. EC.

² Bull. EC 2-1988, point 2.1.104.

³ OJ C 49, 21.2.1984; Bull. EC 12-1983, point 2.1.118; OJ C 76, 22.3.1985; Bull. EC 2-1985, point 2.1.62.

⁴ OJ L 371, 30.12.1987; Bull. EC 12-1987, point 2.1.288.

⁵ OJ L 371, 30.12.1987; Bull. EC 12-1987, point 2.1.290.

⁶ OJ C 17; Bull. EC 6-1988, point 2.1.275.

Single European Act,¹ the creation of an area with no internal frontiers, in which goods, people, services and capital will be able to move freely. This objective adds a new dimension to a people's Europe and will entail the adoption of new regulations concerning the movement of persons and the crossing of frontiers with a view to their gradual removal so that citizens can really feel that they belong to one large economic and social community.

Crossing frontiers

Simplification of formalities

In 1984, on a proposal made by the Commission in 1982, the Council and the Member States adopted a resolution recommending that special checkpoints be set up for the nationals of Member States and that, wherever possible, frontier formalities be limited to spot checks.² As a result, in July 1984 France and the Federal Republic of Germany concluded the Saarbrücken Agreement simplifying checking procedures at borders between the two countries. Since the adoption of the Adonnino report, other steps have been taken to simplify such procedures. The Council has not yet been able to adopt the Directive proposed by the Commission in January 1985 to abolish all systematic checks of persons at internal frontiers, whatever the means of transport used.³ This is because, at the same time, it is necessary to tighten up checking procedures at external frontiers and some of the Member States consequently believe that the adoption of this Directive should go together with a resolution dealing with cooperation between the Member States on visa and re-entry policy. The Commission's view is that an interim measure of this sort will only serve a purpose if it is adopted quickly. Otherwise, it would be better to concentrate on the gradual abolition of frontier formalities between now and 1992. As part of the Schengen Agreement concluded in June 1985, the Benelux countries, France and the Federal Republic of Germany adopted the principle of visual checks at road frontiers between the five signatories; with possible spot checks as well.

In 1985, following the Adonnino Committee's suggestion that the personal allowance (for goods purchased including tax) for travellers within the Community should be increased, the Council adopted a decision raising this allowance for the first time since 1972, setting the amount at 350 ECU.⁴ The Council also decided to review the allowance every two years.

Abolition of checks

Since the objective for 1992 is the removal of all checks at the Community's internal frontiers, following the meeting of Ministers for the Interior in October 1986 work has begun on a set of measures to allow *both* nationals of Member States *and* nationals of non-member countries to move freely anywhere within the Community. The Commission is actively involved in helping the Member States reach an agreement which will include all the necessary measures.

Administrative aspects

As indicated in its annual report to Parliament on the application of Community law,⁵ the Commission has taken steps to ensure that citizens' complaints are investigated more thoroughly. Consistent efforts to streamline the complaints procedure, including the initiation of infringement procedures, under Articles 30 and 95 of the EEC Treaty in particular, should lead to the removal of obstacles at frontiers and ensure greater tax neutrality. With regard to customs disputes (penalties, checks, formalities, procedures), the intervention of the Commission on the basis of Article 30 of the EEC Treaty, by invoking in particular the principles of proportionality and equal treatment, will continue to make a positive contribution

¹ Supplement 2/86 - Bull. EC.

² OJ C 159, 19.6.1984; Bull. EC 6-1984, point 1.5.1 *et seq.*

³ OJ C 47, 19.2.1985; Bull. EC 2-1985, point 2.1.15; OJ C 131, 30.5.1985; Bull. EC 5-1985, point 2.1.9.

⁴ OJ L 183, 16.7.1985; Bull. EC 7/8-1985, point 2.1.77.

⁵ OJ C 338, 16.12.1987; Bull. EC 12-1987, point 2.4.11.

to completion of the internal market. By way of example, intervention on the basis of Article 30 has resulted in a considerable reduction — and in some cases the reimbursement — of fines which were unjustifiably heavy or disproportionate to the offence in question, such as overlooking a detail in the small print of a customs document or failing to present a licence. In most cases, Commission intervention leads to a satisfactory solution and there is no need to bring the case before the Court of Justice. These measures will all help to ensure that citizens are better protected.

Free movement of persons

The possibility for any Community citizen to go to another Member State of the Community, to study there, to work there and to stay there without restrictions based on nationality is an essential feature of both the single market and a people's Europe. A good deal of progress has been made on this front, but other measures still have to be taken before the final objective is achieved. The right of establishment and freedom of movement for all workers — those in paid employment and the self-employed — are principles enshrined in the Treaty and secondary Community legislation, but in some cases enjoyment of these rights is hampered by national rules relating to the recognition of diplomas and qualifications or to social security.

Right of establishment

As regards the professions, recognition of diplomas is now a reality for architects and for most of the medical and paramedical professions (doctors, dentists, nurses, veterinary surgeons and midwives). In 1986, in response to the conclusions of the Fontainebleau European Council¹ and the Adonino Committee, the Commission proposed a Directive setting up a general system for the mutual recognition of higher-education diplomas which would provide access to all the regulated professions (other than those covered by specific directives) and thus freedom of establishment for members of the professions throughout the Community.²

The Council has just adopted a common position, for transmission to Parliament, on this key proposal.³

Free movement of workers

As regards persons working for an employer, it can be said that, by virtue of existing Community rules, freedom of movement is almost complete, at least as regards legislation. Nevertheless discrimination still persists in the form of inequalities in the treatment of nationals and of workers from another Member State and there are loopholes in Community legislation. For this reason, earlier instruments are being adapted, supplemented and brought up to date. The Commission will endeavour to have all national provisions seen as incompatible with the rules of freedom of movement eliminated and, at the same time, to amend existing Community legislation on several points. Among the improvements it will be seeking are an extension of the range of persons protected by Community law (to include in particular the members of workers' families), stricter definition of the principle of equality of treatment between nationals of the host Member State and nationals of other Member States, and enhancement of the right of stay for Community workers who are unemployed or in insecure or short-duration jobs in another Member State. In addition, the Commission will take the necessary steps to ensure application of the Directive which guarantees the children of migrant workers the right to receive appropriate instruction in the language of the host country and which requires host Member States and Member States of origin to cooperate with a view to promoting the teaching of the language and culture of origin.⁴ In the field of social security, the Commission is trying to improve existing regulations on points where they may constitute an obstacle to freedom of movement. The Com-

¹ Bull. EC 6-1984, point 1.1.1 *et seq.*

² Supplement 8/85 - Bull. EC; OJ C 217, 28.8.1985; Bull. EC 7/8-1985, point 1.4.1; OJ C 143, 10.6.1986; Bull. EC 5-1986, point 2.1.96.

³ Bull. EC 6-1988, point 1.3.1.

⁴ OJ L 199, 6.8.1977.

mission is likewise continuing its endeavours to complete the work under way on the comparability of occupational qualifications. The freedom of movement of workers is limited by the application of Article 48(4) of the Treaty, which reserves access to employment in the public service to nationals. Basing itself on the rulings of the Court of Justice, which place a restrictive interpretation on this exception to the general principle of freedom of movement, the Commission has decided to take systematic action with the object of eliminating restrictions based on nationality and thus of liberalizing the conditions for access to employment in a large number of public sectors (agencies managing commercial services, operational public health services, teaching in public establishments, non-military research). The Commission's first step has been to publish a notice in the Official Journal announcing its intention of bringing about such liberalization.¹

Right of residence

Recognition of the right of residence

For many years the Commission has been trying to obtain the right of residence for all Community citizens in all the Member States. In the case of those who already enjoy this right — notably those in paid employment and the self-employed — the Commission intends to propose extending the scope of the current regulations to include all relatives of workers and of their spouses in the ascending or descending line. It will also propose measures to eliminate certain administrative difficulties which still exist in connection with residence permits. Since 1979 a Commission proposal has been on the table to extend the right of residence to all Community nationals who do not yet have it (in particular, students and pensioners).² Despite the Commission's endeavours, the Council has not yet reached agreement on this proposal, which is of major importance to the 'man in the street'. Some Member States require proof of a student's means of subsistence before they will grant the right of residence, while others are opposed to recognizing this right for pensioners on the grounds that they would not be economically active.

Removal of obstacles to the right of residence

Exercise of the right of residence is hampered by a whole range of administrative rules and regulations imposing a variety of formalities in respect of personal effects, cars and driving licences. As recommended by the Adonnino Committee, the Commission has presented a series of proposals to the Council designed to simplify the administrative arrangements for the movement of goods on changes of residence between Member States³ and for the temporary import of motor vehicles for private use⁴ with a view to avoiding double taxation on personal effects, in accordance with the rulings handed down by the Court of Justice. But the Council has not yet adopted these proposals, some Member States arguing that they would lose revenue as a result and that there is a danger of abuse. The Commission will continue pressing the Member States to accept the proposed measures in preparation for completion of the internal market by 1992 and the associated approximation of VAT rates and harmonization of excise rates. Implementation of the 1980 Directive on the introduction of a Community-model driving licence⁵ has simplified the administrative formalities for people taking up residence in another Member State. However, the fact that drivers are obliged to exchange their licence for one issued by the Member State of residence within a year of moving is a source of irritation. The Commission will therefore be presenting a proposal shortly to do away with this obligation, another of the desiderata of the Adonnino Committee.

The citizen and Community law

After 30 years of European integration, the steady — and sometimes spectacular — development of Community law has produced a legal order which affects the whole of society: the ordinary citizen in his day-to-day life just as much as those in business, industry and commerce. Community legislation

¹ OJ C 72, 18.3.1988; Bull. EC 3-1988, point 2.1.94.

² OJ C 207, 17.8.1979; OJ C 188, 25-7-1980.

³ OJ C 5, 9.1.1987; Bull. EC 12-1986, point 2.1.162.

⁴ OJ C 40, 18.2.1987; Bull. EC 1-1987, point 2.1.41.

⁵ OJ L 375, 31.12.1980.

offers him new opportunities, opens up new perspectives and confers on him specific rights which he may exercise both in his private and in his working life if he so wishes. But in order to do so he has to be aware of them. Community law must therefore be made accessible and brought closer to ordinary people through development of the possibilities for access to the authorities and the courts. People should be able to take action against any kind of administrative harassment. They should also be made aware of their special rights as well as their economic and social rights. And in this connection, the right to vote in local elections for all Community nationals would be the best way of demonstrating the creation and existence of a people's Europe (see below).

The prospect of the unified internal market by 1992 and implementation of the Single European Act offer enormous potential for a people's Europe. But they still have to be able to exploit it and must see themselves as benefiting from closer European integration. That is why information, motivation and publicity campaigns on the major aspects of 1992 are so important. One of the major efforts undertaken by the Commission since 1985 has been to ensure full transparency on progress towards completing the internal market, as regards both the proposals it intends to make and the decisions required from the Council.

As far as increasing knowledge and awareness of the law is concerned, the Commission has made numerous efforts to inform people of their individual and collective rights, both in general terms and in relation to the large internal market. Its action has been aimed at people both as private individuals and, through its small business policy, as economic operators (managers in particular). The introduction of the Euro Info Centres,¹ although intended only for small businesses, in fact affects millions of European citizens in their day-to-day working lives. These centres are a valuable tool in the effort to alert the ordinary businessman to the prospects and potential of 1992's large single market. The Commission is also in the process of setting up citizens' advice services in its Information Offices in the Member

States. Radio programmes such as *European law in action* form part of the same drive to publicize the rights of the European citizen.

The role of the citizens' advice services is to inform people about and help them exercise the individual and collective rights — relating to civil liberties, social welfare, taxation or whatever — which they are guaranteed under Community law. They are also designed to encourage and assist interested bodies (such as trade unions, professional associations and women's and youth organizations) to publicize aspects of Community legislation which might be particularly relevant to their members. The services, to be set up in every Information Office, will be manned by an adviser on Community law, who initially will be available for consultation by the general public one half-day per week, with another half-day set aside for follow-up action (research, intervention, etc.). The loose-leaf folders of 'People's Europe information sheets', which will be regularly updated, constitute another valuable source of information. These sheets are currently being put on computer and this will make it possible to increase the number of users considerably. Once the data are on computer, it will also be possible to disseminate information about Community law more widely, in particular among business and legal circles. The Euro Info Centres for small businesses and the European documentation centres to be found in many universities could in time also exploit the data, thereby helping to create an information network for ordinary people to meet the challenge of the single European market.

The setting-up of the Euro Info Centres for small businesses fits in perfectly with the drive to publicize and spread awareness of Community law. Their main function is to inform businessmen about the objectives and potential of the internal market and on Community programmes to help small business. So far, some 4 400 of these centres have been set up within existing structures, such as Chambers of Commerce. The idea is to increase the number substantially from

¹ Bull. EC 4-1987, point 2.1.23; Bull. EC 3-1988, point 2.1.27.

this year. There are also plans to launch a monthly periodical (*Euro Info Bulletin*), which will include full briefings on the internal market. Individual brochures on specific aspects of the internal market of particular concern to small business are in preparation and will be distributed direct by the Info Centres. Special publications and a monthly newsletter *Target 1992* are planned as part of the same operation.

As far as the transparency and accessibility of Community law are concerned, the Commission has taken a number of steps to consolidate Community legislation in response to the request by the Adonnino Committee. It now consolidates systematically at the latest when the legislation is amended for the tenth time, and earlier wherever there is an urgent need because of the importance of the legislation and the scale of the amendments.

Quite a large number of acts have been consolidated or recast in this way. Also in the interests of accessibility, the Commission has issued a new edition of the Treaties. Various compendia of consolidated secondary legislation have been published (e.g. guides for the professions with a view to the large single market), and a new compendium on the subject of rights of entry and residence is in preparation. Here again, the Commission wishes to give priority to the areas of most relevance to people's day-to-day lives. Lastly, the Commission remains favourably disposed to any initiative designed to facilitate the decentralized application of Community law by national judges in cases with implications for the Community or to extend individual access to the courts, along the lines of the initiatives taken under the programme for the protection and promotion of consumer interests to improve consumer redress.

The application of Community law by the Member States is also a matter of concern to the individual. The growing number of infringements demonstrates the shortcomings of the Member States and damages the Community's image. This is why the Commission systematically takes action against breaches of Community law by the Member States, either through preliminary measures or, if these fail, by instituting proceedings before

the Court of Justice. The Commission's workload has grown steadily in the last 10 years, a great deal of it in response to complaints made by individuals. And a growing number of these infringements are of concern first and foremost to the individual citizen: obstacles of various kinds to freedom of movement, right of residence and freedom of establishment; taxation; and environmental and consumer protection. The Commission gives these cases priority treatment. Since 1983 the Commission has produced an annual report to Parliament on the monitoring of the application of Community law, and this has been published in the Official Journal since 1986. It enables citizens to keep a close eye on the application of Community law, either directly or through their elected representatives.

If people are to avail themselves of their rights, they must know how the Community works. This implies easier access to the Community administration, which must become more open to the public and be strong enough to counter any bureaucratic foot-dragging. Both the Commission and Parliament have a role to play on this front. In the case of Parliament the trump card is the right of individuals to petition. The Commission supports the efforts of Parliament's Committee on Petitions to strengthen this right by means of an interinstitutional agreement with the Commission and the Council. For its part, the Commission endeavours to respond as best it can, whether to straightforward requests for information or to actual complaints. The Commission is well aware of the need to make the Community's administrative system more accessible to citizens and complainants. To this end it is planning to adapt its internal administrative structures in order to deal more efficiently with citizens' problems. In particular, it intends to appoint a liaison officer to facilitate and improve contact between the administration and the citizens of Europe.

To turn to specific rights, the right to vote in local elections in the Member State of residence is an important manifestation of a people's Europe. It is also an important adjunct to the free movement of persons, which is one of the objectives of the Treaty, and encourages democratic participation in

the life of the local community. The Commission has accordingly proposed that citizens of one Member State resident in another Member State should have the right to vote and stand for election there, (see below). It is regrettable that a large number of Community citizens are deprived of the right to participate in the European elections. Formulation of a uniform electoral procedure, as required by Article 138(3) of the Treaty, should resolve this problem.

Priorities for future action

Follow-up to the Adonnino reports

The two reports from the Adonnino Committee have been instrumental in generating the political momentum needed to get a people's Europe off the ground: the Commission has not been slow to take up the baton. In November 1985, soon after it took office, the new Commission adopted a vast work programme based on the reports.¹ The Commission has now tabled all the proposals announced in its programme, with the sole exception of the one on driving licences. It has also begun work on all the major initiatives advocated in the work programme, with particular attention to symbols (flag, emblem, anthem, postage stamps, replacement of customs signs) and health (cancer, AIDS). The 1992 deadline for completing the internal market has provided another boost for a people's Europe. And the Commission has responded by stepping up its awareness campaigns, both through information and through training for young people. Finally, there is no doubt that the new dynamism which has characterized the Community recently (following the success of the Brussels European Council² has caught the public's imagination too.

More generally then, quite a number of initiatives have proved successful, especially those involving Community symbols (the flag and the anthem) and Community programmes such as Erasmus and Comett. Other efforts currently under way, such as the cancer programme, are also meeting with a measure of success. The Council has adopted some of the proposals on the free movement of persons (tax-free allowances,

equivalence of professional qualifications, etc.). Persons in paid employment now enjoy almost complete freedom of movement. However, some proposals are still running into serious problems within the Council. This is particularly true of the right of residence, the easing of frontier checks and Europe-wide television. There is still a considerable discrepancy between the political speeches and the subsequent reactions of the representatives of the Member States in the Council. This is reflected in the persistent refusal by the Member States to recognize that the Community has any powers in respect of individuals.

Collaboration between Parliament and the Commission

A people's Europe is produced not by legislation but day-to-day endeavour. Closely linked to the degree of political, economic and social integration within the Community, it is also the product of the forces activating the European process. Implementation of the Single Act and completion of the large economic area by 1992 are also bound to provide even greater impetus. Dismantling the Community's frontiers will not only affect the economy but will also revitalize European society, which is already in the throes of rapid change. European integration has been seen hitherto as the product of a certain ideology and of the action of certain political and economic elites. It is now time for it to be associated more closely with ordinary people. In a Europe without frontiers, where increased competitiveness and cooperation will go hand in hand, the individual and his actions will carry far more weight, both economically and socially, in determining our common future. At the same time, awareness of a Community identity based on common values and cultures will be boosted and will gradually reinforce the idea of European citizenship. It is important for the 'man in the street' to be able to play a full part in this process of change and to identify with a society which is the product of closer and closer European integra-

¹ Bull. EC 11-1985, point 2.1.40.

² Bull. EC 2-1988, point 1.1.1 *et seq.*

tion. This identification will depend both on the 'quality' of the integration and on people's awareness of their economic and social rights and the potential of the large European area. Public support will be forthcoming only if the Community scheme and commitment to it are clearly demonstrated. The European elections, now just a year away, provide us with a perfect opportunity to do just this. The Commission is well aware of the importance of this event and is proposing to Parliament that there should be increased cooperation and consultation on the best means of contributing to the creation of a genuine people's Europe. It has already indicated the priority targets of such action.

European identity

Cultural measures and Europe-wide television

Revitalization of the cultural sector has been given a boost by the recent decisions of the Ministers for Cultural Affairs meeting within the Council, who have set four priorities for Community action: promotion of the audio-visual industry, a policy on books, training in the cultural sector and business sponsorship.¹ The Commission intends to capitalize fully on activities in these areas and to work towards the creation of a genuine 'European cultural area', which would be open to dialogue with the rest of the world. The technological revolution in telecommunications, which is breaking down frontiers and creating international audiences, is offering the European venture in general and the audio-visual industry in particular a golden opportunity. The Commission believes that Europe should seize this opportunity to stand up to world competition and thereby preserve its independence and identity. There are three major requirements which the Commission will certainly take into account in the proposals it plans to put forward: support for non-documentary cinema and television productions; the need to provide Europe with an integrated, multi-lingual television information system; and the challenge of high-definition television (HDTV). The aims of Community policy as proposed by the Commission are therefore:

(i) To protect and revitalize the European audio-visual industry (hardware and software);

(ii) to safeguard the different national and regional cultural identities and, by extension, the European identity;

(iii) to promote the Community's image in the rest of the world.

Information and communication

In an advanced and complex society like ours, information is an essential tool of integration. If it is to play its part to the full, it must do more than produce facts; it must also provide explanations. And it must become an active medium for dialogue and discussion, so that the people of Europe are more closely involved in the creation of the 1992 single market. Hence the Commission's intention to encourage action:

(i) to improve knowledge of European affairs by attempting to present Community institutions and decisions in a less technocratic and more digestible fashion;

(ii) to foster mutual understanding of the social, economic, political and cultural situations in the Member States;

(iii) to provide greater insight into public attitudes through opinion polls and to use the findings as a basis for information campaigns on specific subjects such as cancer, AIDS, drugs and education.

Specific initiatives

Experience has shown that positive perception of the existence of the Community has been aided by the introduction of symbolic and tangible expressions of belonging to the said Community. The Commission intends to pursue its efforts on car number plates and on the European driving licence.

¹ Bull. EC 5-1988, point 2.1.92.

Citizens' rights

As we move nearer completion of the large frontier-free area, greater efforts are needed to encourage the recognition and exercise of citizens' rights.

Political rights

If ordinary citizens are to be involved in the building of Europe, they must gradually be granted at European level the political rights enabling them to do so. The Commission is aware of the importance of this issue, as it demonstrated in its report to Parliament in 1986, and fully respects the wishes expressed by Parliament in this connection. It is consequently proposing a Council Directive on voting rights for Community nationals in local elections in their Member State of residence (see below). As for direct elections to the European Parliament, it is regrettable that a large number of Community citizens are being deprived of their right to vote. The Commission feels that the introduction of a uniform electoral procedure in conformity with Article 138(3) of the EEC Treaty is essential.

Better protection for citizens' rights

The Treaties, legislation and case law of the Community safeguard the rights specific to the European citizen, such as freedom of movement for persons and goods, equal treatment for men and women, freedom of establishment and consumer protection. The Commission attaches great importance to the exercise of these rights, particularly with a view to the 1992 deadline. It intends to act not only to increase public awareness of these rights but also to improve their accessibility. It will therefore be reinforcing the role of the citizens' advice services in its Information Offices and stepping up initiatives to provide information on citizens' rights, such as the consolidation of Community law and the publication of guides to specific areas of Community law which have a direct bearing on everyday life. In order to facilitate public access to the Community administration, the Commission is planning to adapt its internal structures and to appoint a liaison officer,

whose remit will be to improve contact with the public and deal more efficiently with the vast variety of inquiries received from the people of Europe.

Charter of Citizens' Rights

The fundamental rights recognized and safeguarded by the constitutions of the Member States form an integral part of the Community's legal system. They are complemented by the European Convention on Human Rights. Community law has given concrete expression to these rights and can boast an impressive achievement on fundamental rights. It has incorporated classic human rights, created new specific rights and enshrined a number of legal principles. Parliament's Committee on Institutional Affairs has recently produced a White Paper on this subject, which will provide an excellent basis for further discussion.

The Commission fully supports Parliament's initiative. It has already come out in favour of Community accession to the European Convention on Human Rights and is willing, in parallel with Parliament's efforts in this area, to look into the feasibility and content, possibly wider in scope than the 1950 Convention, of a Community Charter. In the same spirit, the Commission could consider taking part in certain initiatives to mark the bicentenary of the French Revolution and the Declaration of the Rights of Man and of the Citizen.

Social problems

While the Community as a whole enjoys a privileged position with all the benefits of freedom, democracy and social progress, the rapid transformations it is currently undergoing are creating new problems. These problems are many and varied, and include combating marginalization, developing training and dealing with the consequences of scientific and technological innovation. These social issues are admittedly very sensitive and complex, but we cannot afford to ignore them. Some of them have already been covered by council of Europe declarations and studies. Others will need to be

dealt with in due course by the Community as well. The Commission feels it is important for Europe to take a serious look at this type of problem, especially with a view to the frontier-free area, and is prepared to work jointly with Parliament to this end.

Conclusion

This paper has shown that a people's Europe is gradually beginning to take shape. The policies of the Adonnino Committee and Parliament's unstinting efforts have certainly contributed to this, and the Commission has demonstrated its unswerving commitment. A people's Europe is now one of the Council's priorities also. Even more important is the new impetus provided by the Community in stimulating public interest in the European venture, an interest which must now be fostered by the development of Community policies and by the direct involvement of the people in their own destiny.

The Commission has set out in this paper its objectives and priorities for future action. It has also had its say on fundamental rights and on social change. To prepare the ground for a debate on all the issues involved, the Commission is proposing discussion and consultation based on dialogue with Parliament; it consequently attaches great importance to what Parliament has to say.

As for the immediate future, progress needs to be made in a number of priority areas:

(i) in the field of political rights, Community nationals must be guaranteed voting rights in local elections in their Member State of residence;

(ii) the completely free movement of persons must be guaranteed in its entirety; this means that Member States must recognize the competence of the Community in this area; it also means that certain deadlocks in the Council must be broken; in this context, introduction of a European driving licence is not merely symbolic of belonging to the Community but is also of considerable practical importance to the people of Europe;

(iii) on the education front, the Commission continues to attach great importance to the development of Community training programmes, particularly for young people; the need for action of this sort has been proven by the success of the Erasmus programme.

(iv) action is needed in the cultural sector to make people more aware of their European identity in anticipation of the creation of a European cultural area.

Valuable though it may be to develop Community policies with an economic impact on everyday life, if we are to achieve a genuine people's Europe, it is action that is needed.

Proposal for a Council Directive on voting rights for Community nationals in local elections in their Member State of residence

Explanatory memorandum

The need for a directive

Background

As far back as 1974, the highest political authorities in the Member States, the Heads of State or Government, called for a study on the granting of 'special rights' to citizens of the Member States. In its 1975 report to the Council, the Commission considered that these should include 'at least' the right to vote in local elections for citizens of Member States resident elsewhere than in the Member State of which they are nationals. Since then consideration of this issue has continued in all the Community institutions. Some Member States (Denmark, Ireland and the Netherlands) have anticipated events by granting voting rights to all foreigners resident on their territory. In Spain the 1978 Constitution makes provision for this right being granted subject to reciprocity.

Following the Fontainebleau European Council of 25 and 26 June 1984, an *ad hoc* Committee was set up to study 'measures to promote and strengthen [the Community's] image both for its citizens and for the rest of the world'.¹ This Committee recommended that action be taken 'to pursue in more depth the discussions begun previously on voting rights and eventually eligibility in local elections for citizens from other Member States under the same conditions as for citizens of the host country, subject to a certain period of prior residence in the host country'.² The conclusions of the Presidency recorded approval of these recommendations by the Milan European Council.³

As long ago as 1983 Parliament had expressed its commitment to this idea; its resolution of 8 June 1983⁴ asked the Commission to table a proposal for a directive and this position was confirmed in two resolutions

adopted on 13 November 1985, when the Commission was once again asked to propose Community legal instruments recognizing the right to vote in local elections.⁵ Mr Ripa di Meana, the Member of the Commission with special responsibility for a people's Europe, confirmed that he would first make a full report on the situation to Parliament.⁶

On 7 October 1986 the Commission accordingly sent Parliament and the Council a report on 'Voting rights in local elections for Community nationals'.⁷ The report, on which this explanatory memorandum is based, describes the current situation in the Member States and analyses the demographic, legal and political factors which any development in this area would have to take into account. There is no need to go back over all the ground covered by the report, which provides valuable background to the present proposal. However, three important lessons may be learned from it:

(i) *The first is political.* At present over four million Community citizens are deprived of the right to vote in local elections simply because they are no longer resident in their Member State of nationality. In a Community of Member States whose basic common characteristic is that they are democracies, implementation of one of the four fundamental freedoms provided by the Treaty has, by virtue of national legislation, led indirectly to the loss of certain political rights. This paradox in the building of Europe cannot be allowed to continue if the principles underlying the democratic political systems of the Member States are to be respected.

(ii) *The second is legal.* Although Denmark, Ireland and the Netherlands already grant voting rights to non-nationals, there are constitutional objections to moves in this direction in Belgium, France, the Federal Republic

¹ Bull. EC 6-1984, point 1.1.9, paragraph 6.

² Supplement 7/85 - Bull. EC.

³ Bull. EC 6-1985, point 1.2.1 *et seq.*

⁴ OJ C 184, 11.7.1983; Bull. EC 6-1983, point 2.4.16.

⁵ OJ C 345, 31.12.1985; Bull. EC 11-1985, point 2.5.11.

⁶ Debates of the European Parliament, OJ Annex 2-332, Sitting of 13 November 1985, p. 106.

⁷ Supplement 7/86 - Bull. EC.

lic of Germany, Greece, Italy, Luxembourg and Portugal, where voting rights are reserved for nationals. This does not constitute an insuperable obstacle because all constitutions include review procedures designed to establish whether there is political consensus in favour of change. This means that the problem is a political one, a matter of establishing whether consensus exists in the Member States. Recent experience in the Netherlands demonstrates that institutional reform is feasible.

(iii) *The third relates to the functioning of the Community.* After more than 12 years of debate it is clear that progress will be achieved only if the Commission takes a legislative initiative. Study of the analysis has revealed a shared viewpoint and demonstrates a willingness to initiate the legislative procedure.

The Commission's report came to two main conclusions, both political and relating to further action.

(i) First, keeping to the line it had adopted in 1975, the Commission confirmed 'its commitment to the granting of local voting rights in the country of residence'. There can be no doubt therefore about the Commission's determination to make progress in this area.

(ii) Second, the Commission indicated that it would require a clear political signal from Parliament before taking any initiative. This, far from being a sign of reluctance, was designed to clarify the starting point for any Commission proposal for legislation.

Following the Commission's report, Parliament's Legal Affairs Committee appointed Mr Heinz Oskar Vetter as rapporteur. On 15 December 1987, on the basis of his report¹ and a concurring opinion by Mr Carlos Robles Piquer on behalf of the Political Affairs Committee,² Parliament adopted a resolution urging the Commission 'once again, as categorically as it is able, to submit a proposal for a directive in the first half of 1988'.³ This resolution was significant in two respects: it provided the political signal which the Commission had made a condition for moving from discussion to action; and it

demonstrated that Parliament and the Commission were agreed on the nature of the proposal, which was to be limited to citizens of the Member States and confined to local elections. With this support from Parliament, Mr Ripa di Meana stated during the debate in the House⁴ that he would submit a proposal for a directive to the Commission in the first half of 1988.⁵ This demonstrates that since the 1986 report the Commission has been working steadily to move from theoretical discussion to legislative action — the only way of turning the idea into reality. The present proposal is the end result and proof of this. More than any other initiative, it reflects the political will to ensure that a people's Europe becomes a political and human reality.

In the programme for 1988 presented to Parliament the Commission indicated that it intended to consider the terms of a proposal for legislation on voting rights in local elections.⁶ This demonstrates the Commission's determination to stick scrupulously to its own timetable for presenting a proposal for legislation.

National experience

The creation of a people's Europe must do away with the remaining discrimination against nationals of one Member State who live in another. As far as local elections in the Community are concerned, residence appears to be a more appropriate criterion for determining the place of voting than nationality. Actually living in a municipality means that various aspects of daily life are influenced by decisions taken by the elected body which runs the municipality. Examples are education, planning, local amenities and voting on local taxes which apply equally to nationals of other Member States resident in

¹ Document. A2-197/87; PE 115.057/fin. of 6 November 1987.

² Document. A2-197/87 Annex; PE 115.057/fin./Ann. of 26 November 1987.

³ OJ C 13, 18.1.1988.

⁴ Debates of the European Parliament, OJ Annex 2-359, Sittings of 14 and 15 December 1987, pp. 8-22 and 44-46.

⁵ Sitting of 14 December 1987, p. 21.

⁶ Supplement 1/88 - Bull. EC.

the municipality. What is more, nationals of other Member States will integrate better into the economic and social life of their country of residence if they enjoy the same rights as nationals. This is the logic, indeed the justification, for nationals of another Member State taking part in elections in the municipality of residence rather than continuing to vote in a municipality in which they no longer reside in the Member State of nationality. There are therefore practical considerations arguing in favour of residence rather than nationality as a qualification.

These considerations have led a number of Member States to extend voting rights gradually to resident non-nationals even where this step required prior constitutional reform, as it did in the Netherlands. The idea is gaining ground in other Member States too and proposals for legislation have been tabled. Full details are given in the Commission's 1936 report. It is significant that the idea returned to the agenda in France following discussions of reform of the nationality code. The Committee set up by the Prime Minister considered this legislation from a Community point of view, with particular reference to completion of the internal market. In its report it concluded that it would be desirable for the Member States to limit the exercise of political rights by individuals holding dual nationality to a single country, normally the country of residence¹ and this idea was in fact incorporated in proposal number 45.² The Chairman of the Committee subsequently stated that these considerations should apply in future not only to residents holding dual nationality but also that voting rights in local elections in the Member State of residence should be extended to all nationals of the Member States so as to lay the foundations for the emergence of Community nationality.

The present proposal is therefore based on the Commission's view that the political and legal preconditions for such an initiative have been met. The proposal is noteworthy in four respects:

(i) *It demonstrates the consistent attitude of the Community institutions.* They have remained constant in their support for this

idea since 1975, although the Commission did not accede to Parliament's request for proposals for legislation. Indeed, the idea was also featured in the December 1974 action programme on behalf of migrant workers and their families. The fact that an initiative is being taken now shows that concrete steps on voting rights are needed. The Commission would have a long-term credibility problem if it failed to take the first steps towards enacting Community legislation.

(ii) *It demonstrates a desire for progress.* The 1986 report called for a political signal and Parliament gave this in December 1987. It would be inconsistent for the Commission to ignore it.

(iii) *It confirms that the Community legislator listens to Parliament.* There was majority support in Parliament for this measure in June 1983, November 1985 and December 1987. Failure to act would suggest that the Commission pays no heed to the views expressed by the elected representatives of the people of Europe.

(iv) *It demonstrates commitment to a people's Europe.* The proposal gives a spectacular boost to a people's Europe and testifies to the desire to make decisive progress. This confirms the statement in the concluding section of the Commission's 1986 report:

'Such a development would demonstrate better than any other that a people's Europe is in the making. The move from building the Community to specifically political decisions would be important, proving that any steps towards European Union would be consistent with democracy.'

The Community's powers

A fundamental aim of the Community

One of the fundamental aims enshrined in the Treaty — freedom of movement for indi-

¹ 'Etre français aujourd'hui et demain'. Report of the Committee on Nationality presented by Mr Marceau Long to the Prime Minister. Documentation française, Collection 10/18, Vol. 2, p. 183.

² *Idem*, p. 227.

viduals — is being implemented on both the economic and legal fronts but it has yet to be extended to other areas, including political activity. As the Commission showed in its report on voting rights in local elections, this means that four million Community nationals who have availed themselves of the opportunities offered by the Treaty are being deprived of the right to vote and to stand for election, notably at local level. The fact is that national laws and constitutional provisions often restrict voting rights to nationals. However, as long ago as 1968 when it adopted Regulation (EEC) No 1612/68 of 15 October 1968,¹ the Council found that, if freedom of movement was to be exercised, by objective standards, in freedom and dignity, there would have to be equality of treatment in fact and law to facilitate integration into the host country. There can be no better indication of integration than that of being allowed to participate in the election of local councils, whose decisions are equally binding on the citizens of other Member States. The preamble to the Single European Act states that the Member States are 'determined to work together to promote democracy' and that they are 'convinced that the European idea... and the need for new developments correspond to the wishes of the democratic peoples of Europe...'.² These new provisions are highly political, adding a political dimension rooted in democracy to the Community's activities. There is no doubt that at present the integration process is indirectly eroding the democratic rights of some Community nationals. This runs counter to the objectives of a Community based on democracy, as set out in the preamble to the Single European Act, making action at Community level a political duty and a legal necessity.

There is no need to consider whether this 'voluntary forfeiting' of democratic rights has a decisive influence on those who wish to avail themselves of freedom of movement. It is sufficient to note that the *de jure* situation is incompatible with the declared objective in the Single European Act of promoting democracy, the key component of which is the right to vote. Recognition of the right to vote in local elections would set the seal on the rights now enjoyed by all Community citizens, regardless of the Member State in

which they are resident. It is the political complement to economic and social integration. This imperative is further underlined by the goal of creating a European area paving the way to a people's Europe. A socio-economic approach is not sufficient. The objective of promoting democracy must be included too. This will involve a radical new approach to demonstrate that Community citizens, as participants in the democratic process, must be allowed to play a full part in the European venture.

The main task of municipal councils is to manage and administer the municipality on the basis of powers granted by law. They intervene only in areas which have a direct bearing on the life of the municipality, that is, on the living conditions of its residents. The improvement of living conditions is one of the Community's declared objectives. Promoting democracy therefore means that all those covered by the Treaty must be able to participate democratically in the election of bodies responsible for improving living conditions.

Need for action by the Community

In addition to these practical powers, the Community institutions have operational powers. Article 235 states 'if action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures'. Community theory and practical experience in using this legal basis show that four conditions have to be satisfied.

(i) Achievement of 'one of the objectives of the Community'. The objectives of the Community are to be found not only in express provisions but also in Part One of the Treaty (Principles) and in the preamble. Recognition of the right to vote in local

¹ OJ L 257, 19.10.1988.

² Supplement 2/86 - Bull. EC.

elections in the Member State of residence would assist freedom of movement. Since the Single European Act, an improvement in the conditions under which democracy operates has become one of the Community's declared objectives. A comprehensive analysis of all the Community's objectives is not compatible with the 'voluntary forfeiting' of the democratic rights of individuals availing themselves of freedom of movement. The Community must therefore remedy the situation.

(ii) Limitation imposed by 'operation of the common market'. Equal treatment of nationals of the Member States in the matter of voting rights in local elections does not exceed this limitation because it is an essential complement to the free movement of persons. This is confirmed by the Single European Act, which recognizes the need to have regard to democracy because pursuit of these objectives is also seen as a precondition for European Union.

(iii) The need for action is dictated by the Single European Act, which calls for the promotion of democracy. Once it has been established that the voting rights of individuals exercising one of the fundamental freedoms laid down by the Treaty — freedom of movement — are under threat, action must be taken to ensure respect for the objectives set out in the Single European Act. If the conditions for Community action are satisfied, this is the only method that can be used. This is why Community action is required (a) to ensure democratic participation by and equal treatment for Community citizens and (b) to promote European Union and the establishment of a people's Europe.

(iv) Lack of the necessary powers. The analysis has shown that the Treaty contains no express provision for attainment of the objective.

Choice of legal instrument

The decision to choose a legal instrument provided for in the Treaty is determined by operational considerations. A reform along the lines envisaged can be introduced only if

it applies equally to all Community citizens, regardless of the Member State in which they are resident. It would be illogical and would create inequalities among Community citizens if a national of Member State A could vote in Member State B while a national of Member State B could not vote in Member State A. This would be an affront to the principle of equal treatment. A legal instrument provided for in Article 189 of the Treaty is the only way of ensuring equal treatment.

However, the Community instrument option is appropriate only if it can be applied, despite the constitutional problems it could create in certain Member States. The Court of Justice has ruled that Community law always takes precedence over national law, constitutional or other. This doctrine was first sketched out in the Court's order of 22 June 1965,¹ and subsequently clarified in the *Internationale Handelsgesellschaft* judgment, when the Court stated that 'the validity of a Community measure or its effect within a Member State cannot be affected by allegations that it runs counter to ... the principles of [its] constitutional structure'.² The principle of the primacy of Community law, even where it conflicts with a subsequent law, as affirmed in the *Costa v ENEL* judgment,³ was confirmed in 1978 in the *Simmenthal* judgment, where it was stated that 'a national court which is called upon, within the limits of its jurisdiction, to apply provisions of Community law is under a duty to give full effect to those provisions, if necessary refusal of its own motion to apply any conflicting provision of national legislation, even if adopted subsequently, and it is not necessary for the court to request or await the prior setting aside of such provisions by legislative or other constitutional means'.⁴ This means that the directive is the only legal instrument which, once adopted, has the necessary legal force and allows each Member State to make the constitutional

¹ Case 9/65 *San Michele v High Authority* [1967] ECR 1.

² Case 11/70 *Internationale Handelsgesellschaft v Einfuhr- und Vorratsstelle für Getreide und Futtermittel* [1970] ECR 1125.

³ Case 6/64 *Costa v ENEL* [1964] ECR 1141.

⁴ Case 106/77 *Amministrazione delle Finanze dello Stato v Simmenthal* [1978] ECR 629.

changes required before it is transposed into national law.

The present proposal cannot be based on any other specific provisions of the Treaty; therefore it is based on Article 235 since the conditions required for recourse to that Article have been met.

Content of the proposal

Chapter IV of the Commission's 1986 report 'Common principles governing the right to vote in local elections', listed the various points that could be incorporated in a directive.¹ Parliament regarded them as 'positive' and they form the basis of the present proposal.

The right to vote

The first principle is the right to vote: the right to take part in local elections in the municipality of residence. This is clearly set out in Article 2.

Since certain expatriates retain the right to vote under the law of their country of origin, it would have been foolish to attempt to deprive them of this right. What is granted therefore is 'a right but not an obligation'. This means that the right is conditional on the individual applying to exercise it. However, the Member State of residence is required to enter on its electoral register those nationals of the other Member States who apply. The purpose of this provision is to respect individual preferences and to avoid imposing rights that people do not want. However, in no circumstances can a Member State be exempted from applying the directive once the conditions laid down have been satisfied.

In addition to the requirement that individuals must apply for entry on the electoral register, proof of a minimum period of residence must be produced. This period is to be regarded as applying to the Member State of residence rather than the municipality, unless national law lays down a minimum period of residence for its own nationals. To avoid becoming embroiled in a discussion about the minimum period, it seemed sensi-

ble to choose a period which would not exceed the term of office of a municipal council. This would have the advantage that the future voter would have seen one municipal council in operation. In any event the minimum period would not exceed seven years. The reform introduced in the Netherlands provided for a five-year period. This period should be a maximum so that shorter, more favourable periods could remain in operation or be introduced.

The other conditions, relating to age and electoral disqualification, reflect the legislation of the Member State of residence to ensure that no non-national is placed in a more favourable position than nationals by virtue of the legislation of his country of origin. The overriding consideration here is equal treatment of all voters.

As a corollary to the right to vote in his Member State of residence, the new voter will be required to vote where national provisions make this compulsory. If a non-national does not accept this requirement he can simply refrain from applying for entry on the electoral register. Here again the guiding principle is equal treatment of all voters.

The right to stand for election

The proposal also covers the right to stand for election: to be a candidate and to be elected to a municipal council. It would have been possible to introduce this in a second stage. However, a decision was taken to act on both fronts simultaneously because it would have been illogical to separate two facets of a single right. In any event experience to date (in Denmark and the Netherlands) shows that it is preferable to adopt a comprehensive approach. The period of residence required is double that for entry on the electoral register. Similarly the conditions relating to age, eligibility and disqualification reflect the national law of the country in which the election is being held.

The logic of the proposal means that non-national municipal councillors can be excluded from offices involving duties which extend beyond the municipality, such as

¹ Supplement 7/86 - Bull. EC.

Mayor or Deputy Mayor in certain Member States, and from participation in the elections of a parliamentary assembly. Such positions, which involve more than leadership of the municipality, should remain reserved for nationals. In choosing this option, the Commission is reaffirming its constant desire to present realistic proposals based on what is both politically and legally feasible. However, to preserve the political balance resulting from the elections, where the Mayor is elected from among municipal councillors, non-national councillors may take part in the ballot. This is also the case where the Mayor is elected directly. Similarly, where municipal councillors have a hand in nominating parliamentary assemblies (for example the Senate in France) it would be logical to exclude municipal councillors of other nationalities since a parliamentary assembly is involved in the exercise of national sovereignty. Technical arrangements could be made to replace these electors so that the overall balance of the electoral body was maintained.

Transitional measures

Allowance must also be made for the special situation of Member States with a large proportion of Community nationals. Where this exceeds 20% of the total population, the Member State would be authorized to apply transitional measures in the interests of gradual change. Where this condition was met, the Member State would be entitled to waive application of the directive to the first general local elections to which it would otherwise apply under Article 14. After these elections the Commission would report to the Council and propose whatever measures might be needed for gradual application of the directive.

In addition, at the first two local elections governed by the directive, each Member State could limit the number of seats held by non-nationals on a local council to 25%. The provisions of the directive would apply in full to the third local elections.

The Commission would report on implementation of the directive three years after the end of the transitional period.

Analysis of the proposal for a directive

Article 1: Definitions

The expression 'nationals of the Member States' means nationals of a Member State who enjoy the civic rights stemming from their nationality.

'Local elections' are those leading to the constitution of bodies elected by direct universal suffrage (municipal councils or Mayors) to administer municipalities, the first tier of government in the Member States. Different terms are used in different countries but in no case do these refer to parts of municipalities or groups of municipalities. The main criterion is the appointment by direct universal suffrage of bodies at the lowest administrative and political level.

'The right to vote' means the possibility of participating as a voter in an election, that is, exercising the right to vote.

'The right to stand for election' means the ability to stand as a candidate for election to the body being elected.

Article 2: The right to vote

This Article defines the principle that not only nationals but also nationals of the other Member States resident in the municipality may take part in local elections subject to the conditions set out in Articles 3 to 6. This Article specifies the new right granted by the directive.

Article 3: A right but not an obligation

This Article sets out the conditions for implementing the principle defined in the previous Article. The potential new voter must indicate his desire to exercise the right and is therefore required to apply to the appropriate authorities in the municipality of residence for entry on the electoral register. There is no provision for automatic entry because in some cases voters who are entitled to vote in their country of origin may wish to retain their rights. It would be paradoxical to attempt to deprive them of these rights.

However, the authorities are required to enter all those who apply on the register, provided they satisfy the conditions laid down.

To enable nationals of the other Member States to enjoy this right to the full, the authorities of the Member State of residence must inform them of their rights in the same way as they inform their own nationals. This could take the form of individual notification where this is customary or of general information in the media.

A new voter may be entered on the register only if he can prove that he no longer exercises his right to vote in his country of origin. Dual voting rights would be contrary to the spirit of the proposal. For this purpose a national of another Member State must produce a certificate from his consulate showing that, although he has not been deprived of his electoral rights in his Member State of origin he no longer exercises his right to vote there, perhaps because residence in another Member State had automatically disqualified him. If the voter remains entitled to vote in his Member State of origin but prefers to exercise this right in the Member State of residence, the consulate of the Member State of nationality must, before issuing the certificate, ask that the voter be removed from any electoral register on which he previously appeared, as is done with voters who transfer their rights within a given country. The consulate may issue the certificate only when it has received confirmation that the voter has been removed from the electoral register on which he previously appeared. This procedure will preclude the possibility of dual voting rights.

Article 4: Minimum period of residence

A national of another Member State may apply for entry on the electoral register only after a minimum period of residence. The proposal does not specify a single figure to be applied uniformly in all the Member States. Instead it stipulates a maximum period which may not be exceeded so that Member States applying or wishing to apply less stringent requirements may continue to do so. This maximum period is equivalent to the term of office of a municipal council in

the country of residence. The requirement relates to residence in the new Member State but residence must be uninterrupted, except of course for short absences which do not involve a change of legal residence. The reference to national practices is designed to facilitate adaptation to the system in the country of residence so that new voters have had the opportunity to judge the performance of at least one municipal council throughout its term of office.

'Residence' must be residence in the legal sense. This means that periods of less than three months spent in the country as a tourist cannot be taken into consideration. Residence must be demonstrated by a document certifying residence issued to a national of another Member State. For the purposes of the proposal the date to be taken into account is the date on which the non-national first applied for this document even if it was issued at a later date. It would be illogical to exclude a period of residence which was not indicated on the document for purely administrative reasons. Furthermore, any provision of national law requiring a minimum period of residence in a municipality for the acquisition of voting rights applies equally to nationals of another Member State, so placing all voters, whatever their nationality, on the same footing. However, this cannot be an additional period but must rather run concurrently with the minimum period of residence required under the above paragraph.

Article 5: Other conditions

To ensure that all voters are on exactly the same footing, the minimum voting age must be the same as that for national voters. Electoral disqualification is also governed by national legislation. The principle of equality is essential to avoid any discrimination between voters as regards the objective conditions governing eligibility.

Article 6: Compulsory voting

The logical corollary of the fact that entry on the electoral register of the Member State of residence is a right and not an obligation

is that anyone who applies for entry thereby accepts all the obligations imposed by that country on its voters. This is true in particular of the rules making voting compulsory in certain Member States. It would not be logical to exempt a non-national from this obligation if he wishes to vote in a member State where such rules apply. In any case his application would be contradictory since he would be applying for entry on the electoral register while having no intention of voting. If the new voter does not wish to be subject to this provision, he can retain his freedom by not applying for entry on the electoral register of the country of residence. Equal treatment of all voters, of whatever nationality, must be paramount.

Article 7: The right to stand for election

This Article defines the principle that nationals of other Member States who are voters in a municipality may stand for election there in the same way as nationals, subject to the conditions and limitations laid down in Articles 8 to 12. This provision, like Article 2, specifies the new right granted by the directive.

Article 8: Minimum period of residence

As with voting rights, a minimum period of residence is required before a non-national can stand for election. It has been determined in the same way: the directive simply lays down a maximum period of residence leaving the Member States free to fix a shorter period if they wish. Again the period of residence must be unbroken. The maximum period is similarly calculated by reference to the term of office of a municipal council but in this case the period is two terms of office. This is to provide time for more complete adjustment to the customs of the host country. Proof of residence must be demonstrated by production of a document certifying residence. The provisions of the second paragraph of Article 4(1) apply equally in this case.

Article 9: Other conditions

To ensure that all voters are completely equal as regards the objective requirements

they have to satisfy to be eligible to stand for election, nationals of another Member State must respect and comply with the same conditions as regards age, incompatibility and disqualification as those imposed on nationals of the Member State of residence by national legislation.

Article 10: Elective offices reserved for nationals

This proposal is designed to ensure that municipal councillors who are nationals of other Member States are excluded from offices, such as Mayor or Deputy Mayor, involving duties which extend beyond the municipality. However, to preserve the political balance resulting from an election, since the Mayor is elected by and from among municipal councillors, non-national councillors may take part in the vote. This is also the case where the Mayor is elected directly.

Similar considerations apply when municipal councillors have a hand in nominating a parliamentary assembly because this has a bearing on national sovereignty. Accordingly, municipal councillors who are nationals of other Member States should not take part in the election. In municipalities where all municipal councillors are automatically electors, they should be replaced in accordance with the rules governing the appointment of additional electors. Where electors are elected by and from among municipal councillors, non-national councillors may not be appointed as electors nor may they take part in the vote.

Article 11: Transitional measures

Given the political situation in a number of Member States with a high proportion of nationals of other Member States, implementation of this directive should be gradual to ensure that the existing political balance is not disturbed. Accordingly, where the proportion of nationals of other Member States exceeds 20% of the total population as given by the latest census figures available, the Member State is entitled to waive application of the directive to the first local elections to which it would otherwise apply. Af-

ter these elections the Commission will draw up a report on the problem and, where appropriate, put forward proposals for any additional measures which might be needed.

Article 12: Composition of a municipal council

Each Member State must be free to limit the number of municipal councillors who are nationals of another Member State to no more than one quarter of the total in the first two local elections governed by the directive. However, should the elections lead to a situation in which more than 25% of local councillors are non-nationals, only the following will be declared elected: where there is single-member voting or any form of multi-member preference voting, those who have secured the largest number of votes subject to the 25% limit; where there is a straight-ticket list system, in the order of presentation on the list, subject to the 25% limit.

If the 25% limit is exceeded, local councillors who are nationals of another Member State would be replaced by the national candidates who obtained the next highest number of votes. Naturally, under a list system, they could be replaced only by members of the same list. It is clearly for individual Member States to choose whether or not to apply this provision. Moreover, each Member State will have the option, when transposing the directive into national law, of limiting its application to municipalities satisfying specific criteria, determined in each Member State. This provision makes it possible to tailor application of the directive to local circumstances.

Article 13: Report by the Commission

The Commission will report to the Council on implementation of the directive three years after the end of the transitional period. The report must cover the way in which the directive has been transposed into national law and analyse the first local elections in which nationals of other Member States were eligible to participate.

Article 14: Implementation

A period of three years from the date of adoption is allowed for the Member States to transpose the directive into national law.

Proposal for a Council directive

On voting rights for Community nationals in local elections in their Member State of residence

The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 3(c) of the EEC Treaty stipulates that the activities of the Community include the abolition, as between Member States, of obstacles to freedom of movement for persons;

Whereas Article 8(a) of the EEC Treaty requires the Community to adopt measures with the aim of progressively establishing an area without internal frontiers in which the free movement of persons is ensured in accordance with the provisions of the Treaty;

Whereas if the right to move freely is to be exercised, by objective standards, in freedom and dignity, Community nationals must be integrated into the life of the host country;

Whereas the right to vote and stand for election in local elections in the Member State of residence is a necessary step towards achieving such integration, contributing to respect for democratic rights which Member States pledged themselves to promote in the Single European Act;

Whereas the need for action on recognition of the right to vote in local elections in the Member State of residence has been reaffirmed on many occasions by the highest Community bodies from the Paris Summit in 1974 to the report of the *ad hoc* Committee on a People's Europe approved by the Milan European Council in June 1985;

Whereas the right to vote in local elections is withdrawn from citizens of certain Member States residing in another Member State; whereas exercise of the right to vote in the municipality of residence should therefore be one of the objectives of Community action; whereas, to this end, steps must be taken to ensure that free movement of persons is not achieved at the expense of a loss of political rights at local level;

Whereas the right to vote in local elections should be granted in the country of residence to nationals of the other Member States on request, provided that they can demonstrate that they have been continuously resident in that Member State for at least the term of office of one municipal council; whereas other requirements applicable to nationals should apply equally to nationals of the other Member States;

Whereas the right to stand for election should be granted to nationals of the other Member States in the municipality where they are voters provided that they have been resident for at least the term of office of two municipal councils; whereas other requirements applicable to nationals should apply equally to nationals of the other Member States;

Whereas, however, provision should be made for the exclusion of non-nationals from the exercise of functions such as Mayor or Deputy Mayor which involve duties extending beyond the municipality, and from involvement in the election of a parliamentary assembly;

Whereas account should be taken of the situation in Member States in which nationals of the other Member States account for more than 20% of the population;

Whereas, in such cases, Member States should be entitled to waive application of the directive to the first local elections to which it would otherwise apply; whereas the Commission should draw up a report on this problem and, where appropriate, propose further transitional measures for subsequent elections;

Whereas Member States should be free, for the first two elections governed by the directive, to limit the number of seats held by non-nationals on a local council to 25%;

Whereas the Commission should report to the Council on implementation of this directive three years after the end of the transitional period;

Whereas the Treaty has not provided specific powers for this purpose,

Has adopted this directive:

Title I: General provisions

Article 1

For the purposes of this directive the term:

1. 'Nationals of the Member States' shall mean persons who have the nationality of one of the Member States of the European Community who enjoy the civic rights stemming from that nationality.
2. 'Local elections' shall mean elections of bodies (municipal councils or Mayors) elected by direct universal suffrage and having, under national legislation, powers to manage and administer the first tier of political and administrative organization.
3. 'The right to vote' shall mean the right exercised by voters when they participate in elections held by direct universal suffrage.
4. 'The right to stand for election' shall mean the right of an individual to stand as a candidate and be elected by direct universal suffrage.

Title II: The right to vote

Article 2

The Member States shall grant nationals of other Member States, recognized as residing on their territory, the right to vote in local elections in the municipality in which they are resident subject to the conditions set out in Articles 3 to 6 below.

Article 3

1. Nationals of other Member States who intend to exercise the right to vote referred to in Article 2 above shall make application to the authorities responsible for elections in the municipality of residence for entry on the municipal electoral register.

The authorities concerned shall inform nationals of other Member States of this right in the same way as nationals are informed of their right to vote.

2. For this purpose, such nationals shall produce a document issued by a consulate of their Member State of origin certifying that:

(i) they have not been deprived of their civic rights in their Member State of origin;

(ii) they can no longer exercise the right to vote in local elections in their Member State of nationality, either by virtue of residence in another Member State or because they have asked to be transferred from the electoral register of the municipality in which they were previously registered, with a view to exercising the right to vote in their municipality of residence.

Article 4

1. Any national of another Member State may apply for entry on the electoral register of his municipality of residence following a period of continuous residence in the host Member State of not less than the term of office of a municipal council.

Proof of residence shall be provided by a document certifying residence issued by the

authorities of the host Member State. The period of residence shall run from the date of application for this document.

2. Application for entry on the electoral register can be made only in the municipality in which the applicant is actually resident and shall be subject to the rules laid down by national legislation, in particular as regards the minimum period of residence in the municipality and the deadlines for applying for entry on the electoral register.

Article 5

The provisions laid down by national legislation in the Member State of residence as regards the minimum voting age and disqualification shall apply equally to nationals of the other Member States.

Article 6

A national of another Member State entered on a municipal electoral register in his Member State of residence shall be subject to the electoral requirements applicable to nationals of that Member State, in particular as regards provisions which make voting compulsory.

Title III: The right to stand for election

Article 7

The Member States shall grant nationals of the other Member States the right to stand and be elected in local elections in the municipality on whose electoral register they appear, subject to the conditions set out in Articles 8 to 10 below.

Article 8

1. A national of one Member State may stand as a candidate in local elections in the municipality of residence in another Member State following a period of continuous residence in that Member State of not less than two terms of office of a municipal council.

2. The provisions of the second paragraph of Article 4(1) shall also apply.

Article 9

The provisions laid down by national legislation in the Member State of residence as regards

- (i) minimum age,
- (ii) incompatibility, and
- (iii) disqualification

for the purposes of local elections shall apply equally to nationals of the other Member States.

Article 10

1. The Member States may exclude nationals of other Member States from holding an office such as Mayor, Deputy Mayor or any equivalent position.

2. If members of a municipal council are by virtue of such membership electors of a parliamentary assembly, the Member States may provide that nationals of the other Member States who are members of the municipal council may not take part in the election. They shall be replaced in accordance with national rules governing the appointment of additional electors.

If the members of a municipal council appoint the electors of a parliamentary assembly from among their number, the Member States may provide that nationals of the other Member States who are members of the municipal council may not take part in the election.

Title IV: Transitional provisions

Article 11

1. If the proportion of nationals of the other Member States resident in a Member

State exceeds 20% of the total population, that Member State shall be entitled to waive application of the directive to the first general local elections to which it would otherwise apply under Article 14.

2. After these elections, the Commission shall report to the Council and, where appropriate, propose whatever measures might be needed for gradual application of the directive.

Article 12

Member States may stipulate that, in the first two general local elections to which the provisions of this directive apply, nationals of the other Member States elected as municipal councillors may not occupy more than one quarter of the seats on a municipal council.

Title V: Final provisions

Article 13

Three years after the end of the transitional period referred to in Articles 11 and 12, the Commission shall report to Parliament and the Council on implementation of this directive.

Article 14

The Member States shall adopt the measures required to transpose this directive into national law within three years of notification.

They shall notify the Commission of these provisions.

Article 15

This directive is addressed to the Member States.

European Communities — Commission

A people's Europe

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One of the new measures to promote a people's Europe — the proposal for a Directive on voting rights in local elections — is intended to respond to the need to ensure that all Community citizens have certain political rights, and is based on Article 235 of the EEC Treaty.

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