

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

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1614th Council meeting

- INTERNAL MARKET -

Brussels, 10 November 1992

President: **Mr Richard NEEDHAM**

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

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

Belgium
Mr Robert URBAIN: Minister for Foreign Trade and European Affairs

Denmark:
Mrs Anne Birgitte LUNDHOLT Minister for Industry
Mr Christopher Bo BRAMSEN State Secretary for Industry

Germany:
Mr Johann EEKHOFF State Secretary,
Federal Ministry of Economic Affairs

Greece:
Mr Georges THEOFANOUS Secretary-General, Ministry of Trade

Spain:
Mr Carlos WESTENDORP State Secretary for Relations with the European Communities

France:
Mrs Elizabeth GUIGOU Minister for European Affairs

Ireland:
Mr Eamonn RYAN Deputy Permanent Representative

Italy:
Mr Raffaele COSTA Minister for Community Policies
Mr Alberto RONCHEY Minister for Culture

Luxembourg:
Mr Jim CLOOS Deputy Permanent Representative

Netherlands:
Mr Piet DANKERT State Secretary for Foreign Affairs

Portugal:
Mr Vitor MARTINS State Secretary for European Integration

United Kingdom:
Mr Richard NEEDHAM Minister of State, Department of Trade and Industry
Mr Robert KEY Parliamentary Under-Secretary of State for National Heritage

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Commission:
Mr Martin BANGEMANN Vice-President
Mr Jean DONDELINGER Member
Mrs Christiane SCRIVENER Member

FUTURE SYSTEM FOR THE FREE MOVEMENT OF MEDICINAL PRODUCTS

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

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at a forthcoming meeting without further debate in the Council as soon as these provisional reservations have been withdrawn.

AFTER 1992 - MAKING THE SINGLE MARKET WORK

The Council reached agreement in principle on the attached Resolution.

CULTURAL GOODS

The Council reached agreement on the texts of

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

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

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

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

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

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

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

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

COMMUNITY TRADE MARK

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

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

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

DURATION OF COPYRIGHT PROTECTION AND PROTECTION OF CERTAIN NEIGHBOURING RIGHTS

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

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

INTELLECTUAL PROPERTY RIGHTS AND STANDARDIZATION

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

STATUTE FOR THE EUROPEAN COMPANY (SE)

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

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

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

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

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

ABOLITION OF BORDER CONTROLS

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

OTHER DECISIONS RELATING TO THE INTERNAL MARKET

Third direct life assurance Directive

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

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

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

Permissible sound level and exhaust system of motor vehicles

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

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

PROVISIONAL VERSION
COUNCIL RESOLUTION
on making the Single Market work

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INVITES THE COMMISSION

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

INVITES MEMBER STATES AND THE COMMISSION

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

UNDERTAKES

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

Bruxelles, le 9 novembre 1992

NOTE BIO(92)275 AUX BUREAUX NATIONAUX
cc: AUX MEMBRES DU SERVICE DU PORTE-PAROLE

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no follow up bio

PREPARATION DU CONSEIL MARCHE INTERIEUR du 10 novembre 1992
(Michael Niebel)

1. Trois dossiers figureront en point "A" à l'ordre du jour du Conseil.
En ce qui concerne les automobiles:

- proposition sur le niveau sonore admissible (adoption définitive)
- proposition sur les saillies extérieures de la cabine (adoption définitive)

ces propositions font partie du paquet permettant une réception par type des véhicules dans toute la Communauté.

Proposition relative au droit de location et le prêt (adoption définitive).

2. Le Conseil sera appelé à se prononcer sur un projet de résolution présenté par la Présidence britannique concernant le fonctionnement du marché unique après 1992. Une discussion est probable sur l'opportunité d'une telle résolution avant que le Conseil ait pu se prononcer sur le rapport Sutherland à la lumière de la communication annoncée par la Commission d'ici le Conseil européen d'Edimbourg.

3. Il y aura un rapport oral de M. Bangemann sur l'état des travaux concernant la suppression des contrôles aux frontières.

4. On peut s'attendre à des décisions sur les propositions de règlements et directives sur le futur système de libre circulation des médicaments dans la Communauté. Ces propositions introduisent une série de mesures importantes instituant deux procédures complémentaires d'autorisation des médicaments à usage humain ou vétérinaire dans la Communauté Européenne, l'une décentralisée valable pour la plupart des médicaments, l'autre centralisée réservée aux médicaments innovateurs. Afin d'assurer une coordination efficace de l'évaluation des médicaments, y compris de leurs effets indésirables, une Agence européenne d'évaluation des médicaments sera mise en place. Il est probable que le Conseil à l'unanimité va changer la base juridique pour le règlement concernant la procédure centralisée et l'Agence de Art. 100a à Art. 235.

5. Le Conseil va essayer de trouver un accord sur la proposition de règlement relatif à l'exportation des biens culturels (adoption), la proposition de directive relative à la restitution de biens culturels ayant quitté illicitement le territoire d'un Etat membre (position commune). A côté de l'examen de la question du délai de prescription de l'action en restitution d'un bien faisant partie d'une collection publique, il reste à trouver une définition adéquate pour les collections publiques. Des problèmes plus spécifiques sont notamment: prescription applicable aux biens ecclésiastiques, autorisations d'exportations d'objets archéologiques de faible valeur.

La Commission va rappeler l'importance d'une entrée en vigueur rapide du règlement. La non-adoption au règlement rendrait problématique la mise en oeuvre d'un instrument de protection efficace des biens culturels aux frontières extérieures de la Communauté le 1er Janvier 1993.

6. Concernant la proposition modifiée d'un règlement du Conseil sur la marque communautaire depuis la réunion du Conseil du 22 septembre 1992 certains progrès ont été réalisés. Parmi les problèmes encore en discussion le régime linguistique de l'Office Communautaires de Marque est d'une importance particulière. D'autres problèmes concernent l'application du statut des fonctionnaires, le paiement aux Etats membres et la Comitologie.

7. Concernant la harmonisation de la durée de protection du droit d'auteur et de certains droits voisins il y aura un débat d'orientation portant sur 4 points de la proposition:

- durée du droit d'auteur (70 ans après la morte de l'auteur) et des droits voisins (50 ans après le fait générateur)
- dispositions en matière d'oeuvres posthumes
- photographies
- application dans le temps.

8. Il y aura un débat d'orientation sur la proposition modifiée de règlement relatif au statut de la société européenne. Les points susceptibles d'une discussion sont: accès à la constitution de la SE, coïncidence du siège et de l'administration centrale de la SE, expression du capital de la SE en écus, protection des actionnaires minoritaires. La question de la participation des travailleurs ne sera pas abordée.

9. M. Bangemann va faire une présentation orale concernant la communication sur la propriété intellectuelle et la normalisation qui a été approuvé par la Commission le 27 octobre 1992.

Amitiés,


Bruno DeThomas