

PRESS RELEASE

9617/93 (Presse 173)

1698th meeting of the Council

- GENERAL AFFAIRS -

Luxembourg, 29 October 1993

President: Mr Robert URBAIN  
Minister for Foreign Trade and  
European Affairs of the Kingdom of Belgium

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:**

Mr Jorgen ØSTRØM MØLLER State Secretary for Foreign Affairs

**Germany:**

Ms Ursula SEILER-ALBRING Minister of State, Foreign Affairs

**Greece:**

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

**Spain:**

Mr Carlos WESTENDORP State Secretary for Relations with the European Communities

**France:**

Mr Alain LAMASSOURE Minister with special responsibility for European Affairs

**Ireland:**

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

**Italy:**

Mr Rocco CANGELOSI Deputy Permanent Representative

**Luxembourg:**

Mr Jean-Jacques KASEL Deputy Permanent Representative

**Netherlands:**

Mr Piet DANKERT State Secretary for Foreign Affairs

**Portugal:**

Mr Vitor MARTINS State Secretary for European Affairs

**United Kingdom:**

Mr David HEATHCOAT-AMORY Minister of State, Foreign and Commonwealth Office

o  
o o

**Commission:**

Mr Raniero VANNI D'ARCHIRAFI Member

## **INTERNAL MARKET**

### **Statistical classification of products by activity in the Community**

Following the common position adopted on 14 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council adopted the Regulation on the statistical classification of products by activity in the Community.

This proposal for a Regulation basically aims to establish a common statistical language which will allow effective comparisons to be made between data collected in the Member States. By standardising the statistical language, it will be possible to speed up the supply of reliable and comparable statistical information both to public authorities and to economic operators.

This approach is also in line with the completion of the single market, since it sets up an instrument which, through the effective comparability of the data, will allow the necessary monitoring to be carried out, with particular regard to the prevention of distortions of competition within the Community.

### **Two or three-wheel motor vehicles**

Following the common positions adopted on 14 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted three Directives which come within the context of the type-approval procedure for two or three-wheel motor vehicles covered by the framework Directive 92/61/EEC.

They establish the technical specification which, together with those for the other features and characteristics laid down in Annex I to the framework Directive, must be complied with if the vehicles are to be type-approved and placed on the Community market. These requirements are necessary both for harmonizing the very different legislative provisions in force in the Member States and for the safety of road traffic.

A summary of the texts adopted is given below.

### **Installation of lighting and light-signalling devices**

This Directive concerning the installation of lighting and light-signalling devices on two and three-wheel motor vehicles contains certain innovations intended to help improve road safety. For example, provisions have been introduced requiring the compulsory installation of stop lamps on two-wheel mopeds, the optional installation of direction indicators and rear registration plate lighting devices on such vehicles, and compulsory hazard warning signals on tricycles and four-wheelers.

### **Mounting of the rear registration plate**

This Directive, concerning the mounting of the rear registration plate on two or three-wheel motor vehicles, establishes the technical requirements for the mounting of the registration plate, with particular regard to the dimensions, angle and height of the mounting of the plate and the optimum conditions for the visibility of the plate affixed.

As to the safety of road traffic, the purpose of the registration plate is to make it possible to identify not only the owner of the vehicle but also the driver where he or she commits a breach of road traffic regulations.

To enable the large rear registration plates in some Member States to continue to be used it was decided that the dimensions of the mounting space would be defined (100 mm x 175 mm) rather than those of the plate itself.

### **Masses and dimensions**

Again with regard to road traffic safety, this Directive, on the masses and dimensions of two and three-wheel motor vehicles, is designed to prevent vehicles with excessive dimensions or weight in relation to the power unit from being placed on the market and thus constitute an impediment to traffic. The maximum authorized width is one metre for mopeds (two wheels) and two metres for other vehicles covered by the Directive, including four-wheelers.

### **Personal protective equipment**

Following the common position adopted on 30 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted an amendment to Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment (PPE).

This amendment provides that until 30 June 1995 Member States will allow the placing on the market and putting into service of PPE which comply with national regulations in force on their territory at 30 June 1992.

In addition, since the lack of harmonized standards could lead to a situation in which an appropriate level of protection and conformity compliance in respect of helmets for users of two and three-wheel motor vehicles was no longer guaranteed, such helmets are to be excluded from the scope of Directive 89/686/EEC pending the application of specific requirements for such helmets.

### **Term of protection of copyright and certain related rights**

Following the common position adopted on 22 July 1993 and the completion of the co-operation procedure with the European Parliament, the Council adopted by a qualified majority (the Luxembourg, Netherlands and Portuguese delegations voting against and the Irish delegation abstaining) the Directive on the harmonization of the term of protection of copyright and certain related rights.

An explanation of the Netherlands delegation's vote and a joint explanation by the French, German and Italian delegation's are annexed hereto.

The Directive provides for the term of copyright to be harmonized to cover the author's life and 70 years after his death, as proposed by the Commission and approved by the European Parliament.

It contains a special rule concerning the term of protection for cinematographic or audiovisual works: protection will come to an end 70 years after the death of the last of the following persons to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of music created specifically to be used in the work. The calculation of this term in relation to the death of the four persons concerned is without prejudice to the ownership of the works concerned.

In the case of the main related rights (those of performers, producers of phonograms or of films), the term of protection is harmonized at 50 years. The content of such rights has already been harmonized, by Directive 92/100/EEC on rental right and lending right.

### **Control of foodstuffs**

Following the common position adopted on 14 June 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted, with the Luxembourg and Portuguese delegations abstaining, the Directive on additional measures concerning the official control of foodstuffs.

This Directive supplements Directive 89/397/EEC, which established the general principles for the official control of foodstuffs, with specific provisions essentially concerning co-operation between the Commission and the Member States and the assessment and accreditation of laboratories. The aim of the additional provisions is to improve the control procedures already in force.

Specifically, the Directive provides that:

- Member States must take the necessary measures to ensure that the officials appointed by the competent authorities possess adequate technical and administrative qualifications;
- a system of quality standards is to be introduced for laboratories entrusted by Member States with the task of carrying out the control in question; this system must comply with generally accepted and standardized rules, and the laboratories must, wherever possible, use validated methods of analysis;

- there should be closer co-operation between the Member States' authorities responsible for such control;
- the national authorities and the Commission must provide mutual administrative assistance to ensure the correct application of the legislation on foodstuffs, in particular through preventive measures and the detection of infringements or practices suspected to be in breach of the regulations.

### **Right of residence for students**

Following the common position adopted on 11 October 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted, with Germany abstaining, the Directive on a right of residence for students. The adoption of this Directive was made necessary by the judgment delivered by the Court of Justice on 7 July 1992 in case C-295/90 annulling Directive 90/366/EEC on the right of residence. In its judgment the Court stipulated that the effects of the annulled Directive were to be maintained until the entry into force of a new directive established on the appropriate legal basis, viz. Article 7 rather than Article 235 of the EEC Treaty.

The Directive which has just been adopted essentially incorporates the content of the annulled Directive. It establishes that the Member States shall recognize the right of residence for any student who is a national of a Member State and does not enjoy that right under other provisions of Community law, and for the student's spouse and their dependent children, where the student assures the relevant national authority that he has sufficient resources to avoid becoming a burden on the social assistance system of the host Member State, provided that he is enrolled at a recognized educational establishment for the principal purpose of following a vocational training course there and that they are covered by sickness insurance in respect of all risks in the host Member State.

### **TELECOMMUNICATIONS**

#### **Satellite earth station equipment**

Following the common position adopted on 22 July 1993 and the completion of the co-operation procedure with the European Parliament, the Council unanimously adopted the Directive supplementing Directive 91/263/EEC in respect of satellite earth station equipment.

This Directive seeks to establish a modern and open market for satellite earth station equipment by introducing harmonized and efficient procedures for certification, testing, quality assurance and surveillance in respect of such equipment.

In order to achieve this objective the Directive provides for the scope of the harmonization procedures established by Directive 91/263/EEC on telecommunications terminal equipment to be extended to cover satellite earth station equipment.

It has four objectives:

1. to establish a single market for earth station equipment;
2. to bring into force harmonized procedures for certification, testing, marking, quality assurance and product surveillance, in order to ensure adherence to the essential requirements specified in Directive 91/263/EEC;
3. to guarantee the right to use satellite earth station equipment which has been legally placed on the market;
4. to guarantee the right to connect satellite earth station equipment to the public telecommunications network.

## **TRANSPORT**

### **Network master plans**

Following the Opinion delivered by the European Parliament on 26 October 1993, the Council adopted the decisions concerning the establishment of trans-European networks in the fields of road transport, combined transport and inland waterway transport.

It will be remembered that the network master plans come within the context of the completion of the single market and the Community's contribution to the establishment and development of trans-European networks.

The Community's action in this area is intended to promote the inter-connection and inter-operability of national networks and access to those networks, having regard to the need to link the island, landlocked and peripheral regions to the central regions of the Community.

The master plans are the principal instrument for the setting up of trans-European networks since they identify the projects of common interest likely to attract financial incentives from the Community.

### **Computerized reservation systems**

Further to the agreement in substance recorded at the Council meeting on 28 September 1993, the Council unanimously adopted the Regulation amending Regulation No 2299/89 on a code of conduct for computerized reservations systems (CRSs) designed to ensure improved competition between air carriers and between CRSs and provide improved information for users (see Press Release 8701/93 Presse 152). The European Parliament delivered its Opinion on 26 May 1993, after which the Commission submitted an amended proposal.

The provisions, which are to enter into force one month after publication in the Official Journal, stipulate in particular that:

- CRS parent carriers are to communicate information to another CRS which

requests it;

- air carriers which own CRSs must observe the requirements of non-discrimination towards other carriers in respect of information displayed in their own computerized system.

### **CONSUMER PROTECTION**

The Council unanimously adopted the Decision introducing for 1993 a Community system of information on home and leisure accidents (EHLASS).

The aim of the system is to collect data on home and leisure accidents with a view to promoting the prevention of such accidents, improving the safety of consumer products and informing and educating consumers so that they make better use of products. This Decision does not apply to industrial accidents nor to road, rail, sea or air traffic accidents.

More specifically, this system applies to home and leisure accidents necessitating medical attention and occurring in the home or the immediate surroundings in particular gardens, yards and garages and during leisure, sports or school activities.

The amount of Community financing required for implementing the system is estimated at ECU 2,5 million for 1993.

### **FISHERIES**

The Council unanimously adopted the Decision on the provisional application of the Protocols setting out the fishing opportunities and financial contribution provided for in the Agreement between the Community and

- the Republic of the Gambia, for the period from 1 July 1993 to 30 June 1996;
- the Republic of Guinea-Bissau, for the period from 16 June 1993 to 15 June 1995.

Fishing rights under the Protocol with the Gambia for the relevant period are as follows:

- Tuna vessels: freezer seiners, 23 vessels; pole and line, 7 vessels.
- Trawlers and other vessels: fresh fish trawlers, 410 gross registered tonnes (GRT); freezer trawlers, 2 000 GRT fishing for shrimps and 750 GRT fishing for other species.

Financial compensation is set at ECU 1,4 m, including ECU 300 000 to finance scientific programmes and grants.



The Protocol with Guinea-Bissau provides for the following fishing rights:

- freezer shrimp trawlers: 11 000 GRT per month, annual average;
- freezer fin fish and cephalopod trawlers: 4 000 GRT per month, annual average;
- freezer tuna seiners: 22 vessels;
- pole-and-line tuna vessels and surface longliners: 10 vessels.

Financial compensation is set at ECU 12,45 m, of which ECU 450 000 will be for scientific research.

### **TAXATION**

The Council unanimously adopted the Decision on the programme of Community action on the subject of the vocational training of indirect taxation officials (Matthaeus-Tax).

The main objectives of the programme are to prepare – by means of supplementary vocational training – Member States' indirect taxation officials for the implications arising out of the creation of the internal market and to promote the mobility of staff and increased co-operation between the relevant Member States' administrations.

The following training measures are provided for: exchange of officials between national administrations, training seminars, common vocational training programmes in specialized schools in the Member States, organization of language training courses for officials participating in exchanges.

The cost of these measures will be shared between the Community and the Member States. The annual budgetary appropriations required on the Community side will be adopted under the budgetary procedure and in compliance with the relevant financial perspective.

---



**EXPLANATION OF VOTE ON THE DIRECTIVE HARMONIZING THE TERM OF PROTECTION OF COPYRIGHT AND CERTAIN RELATED RIGHTS****EXPLANATION BY THE NETHERLANDS DELEGATION**

The Netherlands delegation regrets the Council's decision to adopt a Directive which sets the term of copyright protection at 70 years. This Directive will have considerable economic and legal consequences for the 10 Member States which hitherto had a shorter term of protection. Not only does the Directive give precedence to authors' interests over users' interests but it also undermines legal certainty, it complicates relations with third countries and it seems not to be based on a balanced analysis of the financial and economic advantages and disadvantages involved.

Bearing in mind precisely its tradition of transparency, intellectual freedom and independence, the Netherlands thought it was particularly important to adopt a scheme which did not uphold exclusively the interests of authors and their successors in title but also those of consumers. During the negotiations the Netherlands delegation pointed out on several occasions that to achieve the desired balance more information and a thorough examination of various other approaches were needed. Although the Commission did not dispute the grounds for the Netherlands delegation's concern, such information was never provided and other possible approaches were not considered.

Despite the insistence of at least four delegations it was apparently not possible to hold an open and rational discussion on the subject. The ensuing form of words which has just been adopted constitutes, in the view of several Member States, a retrograde step from current practice and, for most of them, an element of legal uncertainty. The Netherlands delegation considers this Directive to be a good example of the lack of substantive dialogue between a qualified majority which existed from the outset and a minority which was practically shut out from the discussion, at the expense of the quality of legislation.

**JOINT EXPLANATION BY THE FRENCH, GERMAN AND ITALIAN DELEGATIONS**

The French, German and Italian delegations approved this Directive as it:

- satisfies the concern for the smooth operation of the Internal Market from the viewpoint of both free movement of works and the elimination of distortions of competition;
- ensures a satisfactory balance between a high degree of protection for authors on the

one hand and the economic requirements of the sectors concerned on the other, and will thus help to promote literary and artistic creativeness;

- takes appropriate account of special national features in the area of copyright protection.

