



COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT



PRESS RELEASE

6950/87 (Presse 97)

1175th Council meeting
- Internal Market -

Luxembourg, 11 June 1987

President: Mr Paul de KEERSMAEKER,
State Secretary for
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 Paul de KEERSMAEKER State Secretary for European Affairs

Denmark:

Mr Nils WILHJEM Minister for Industry

Germany:

Mr Otto SCHLECHT State Secretary,
Federal Ministry of Finance

Greece:

Mr Elias LYMBEROPOULOS Deputy Permanent Representative

Spain:

Mr Pedro SOLBES MIRA State Secretary for Relations
with the European Communities

France:

Mr Bernard BOSSON Minister with responsibility for
European Affairs

Ireland:

Mr Seamus BRENNAN Minister of State,
Department of Industry and Commerce

Italy:

Mr Enrico PIETROMARCHI Deputy Permanent Representative

Luxembourg:

Mr Robert GOEBBELS State Secretary for Foreign Affairs

Netherlands:

Mr P.R.H.M. VAN DER LINDEN State Secretary for Foreign Affairs

Portugal:

Mr Victor MARTINS State Secretary for European
Integration

United Kingdom:

Mr David ELLIOTT Deputy Permanent Representative

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Commission:

Lord COCKFIELD Vice-President

REPORT ON THE WHITE PAPER

The Council took note of the Commission's presentation of its second report concerning the White Paper on completing the internal market.

MOTOR VEHICLES AND THEIR TRAILERS

MOTOR VEHICLES AND THEIR TRAILERS (OFF ROAD)

Pending the Opinions of the European Parliament and the Economic and Social Committee, the Council established a common position on two proposals for Directives introducing a number of additions and improvements to Directive 70/156/EEC on the harmonization of laws relating to the type-approval of motor vehicles and their trailers.

The Council will be taking a final decision on these two proposals after it has received the Opinions of the European Parliament and the Economic and Social Committee.

SOUND POWER LEVEL OF TOWER CRANES

The Council agreed on the Directive amending Directive 84/834/EEC on the harmonization of laws relating to the permissible sound power level of tower cranes. Among other things, the Directive defines the permissible levels of airborne noise emitted by a tower crane at the operator's position, and also the method which should be used to measure such noise.

SIMPLIFICATION OF COMMUNITY TRANSIT ARRANGEMENTS

The Council adopted the Regulation amending Regulation No 222/77. This Regulation, the first of the measures in the White Paper on completing the internal market, simplifies the guarantee system for Community transit. In particular, it abolishes the guarantee applicable to internal Community transit operations in respect of goods worth less than 50 000 ECU. The Regulation is due to enter into force on 1 July 1988.

CUSTOMS DEBT

The Council agreed on the Regulation on customs debt. The main aim of the Regulation is to strengthen the measures in force since 1979 in the form of a Directive defining the various situations in which a customs debt is incurred on importation or exportation.

Adoption of the Regulation will mark an important step towards the establishment of a Community customs code.

TEMPORARY IMPORTATION OF CONTAINERS

The Council agreed on the Regulation concerning the arrangements for the temporary importation of containers. These arrangements establish the conditions for the temporary use of containers within the customs territory of the Community with total relief from import duties.

BORDER CONTROLS

The Council held a detailed discussion on the easing of border controls on the basis of two Presidency compromises relating to a draft Directive and a draft Resolution on co-operation. Conscious of the link between the easing of border controls and the need for increased co-operation on security among the Member States, the Council noted that circumstances were not such as to enable it to adopt the two draft acts at this stage. It accordingly instructed the Permanent Representatives Committee to continue its discussions on the basis of the texts which had been submitted for examination by the Council.

RIGHT OF RESIDENCE

The Council continued its discussions on the proposal for a Directive on right of residence, focussing on the key outstanding questions set out in a compromise from the Presidency.

At the end of the discussion, the Council noted that conditions were not yet ripe for reaching agreement on the proposal. It accordingly instructed the Permanent Representatives Committee to pursue the matter actively so that the Council could take a decision as soon as possible.

PUBLIC MOBILE COMMUNICATIONS

The Council reached a consensus - to be confirmed by one delegation - on a Recommendation and a Directive designed to encourage the transition from the present incompatible systems in the Community to a future second-generation cellular digital mobile communications system providing efficient mobile telephony services throughout the Community.

The Recommendation contains both a schedule for the co-ordinated and gradual introduction of the new services in the Member States and common functional specifications already broadly acceptable to telecommunications administrations, the CEPT (European Conference of Postal and Telecommunications Administrations) and the industry concerned.

The Directive is designed to make certain frequency bands available exclusively to the new European system in all the Member States.

This allocation of frequency bands will be gradual, in line with a timetable observing the deadlines laid down in the Recommendation.

Provision has accordingly been made for two 9 MHz frequency bands (905-914 and 950-959 MHz) to be allocated to the new services from 1991, the final aim being to extend these bands to 25 MHz (890-915 and 935-960 MHz) 10 years later.

SIMPLE PRESSURE VESSELS

Pending receipt of the Opinion of the European Parliament, the Council reached broad agreement on the Directive on the harmonization of the laws relating to simple pressure vessels (compressed-air tanks, tanks for motor vehicles, storage vessels for certain gases).

In line with the new approach to standardization, this Regulation covers the safety aspects of the vessels concerned and outlines the surveillance procedures for different levels of pressure.

COMMUNITY PATENT

The Council instructed the Permanent Representatives Committee to continue examining this question on the basis of the proposed compromise submitted by the Belgian Presidency for the three problems outstanding (conditions for the entry into force of the Agreement relating to Community patents, the financial arrangements and translation of the patent specification) in order to enable the Council to reach an overall agreement and convene an intergovernmental conference to finalize the agreement at the beginning of 1988.

DANGEROUS PREPARATIONS

The Council heard a report from the Presidency on the progress made on the proposal for a Directive on the harmonization of laws relating to the classification, packaging and labelling of dangerous preparations. The President appealed to the delegations to make every possible effort to reach a compromise - in particular by withdrawing all technical reservations - so that the Directive could be adopted in the near future.

Bruxelles, le 10 Juin 1987

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NOTE BIO(87) 157 AUX BUREAUX NATIONAUX
cc. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

RENDEZ-VOUS DE MIDI DU 10.06.87

PEPARATION CONSEIL MARCHÉ INTERIEUR DU 11.06.87 (E. REUTER)

13 points à l'ordre du jour mais peu de possibilités de prendre des décisions concrètes car la plupart des dossiers sont hypothéqués par des réserves politiques ou lorsque l'accord paraît possible, la consultation du Parlement n'a pas encore été menée à terme.

Le Conseil discutera le rapport sur les progrès dans la réalisation du livre blanc présenté par la Commission le mois dernier en tenant compte de l'appel que vient de lancer le Premier ministre Martens à ses collègues du Conseil Européen en vue d'accélérer la réalisation du grand marché. Il se peut, que compte tenu du bilan très maigre de la Présidence belge que celle-ci songe à réunir un autre Conseil vers la fin du mois avant le Conseil Européen. Il faut rappeler qu'en raison du retard intervenu dans la ratification de l'Acte unique la stratégie projetée par la Présidence - recours systématique au vote à la majorité qualifiée - n'a pas pu fonctionner.

Les 2 premiers points à l'ordre du jour concernent le certificat européen de conformité des véhicules automobiles, d'un côté la forme du Comité devant assister la Commission dans la gestion de la directive de 1970 qui règle cette matière - on s'oriente vers la formule du Comité de règlement - et de l'autre côté les tolérances du bruit émis par des véhicules non routiers. C'est la délégation danoise qui semble avoir le plus de problèmes avec ces 2 dossiers. La situation est comparable en ce qui concerne la sonorité des grues à tour.

Le Conseil réexaminera ensuite les dossiers des contrôles aux frontières. Ces dossiers n'ont pas beaucoup évolué. Les difficultés évoquées au dernier Conseil, parallélisme de progrès entre allègement des formalités et traitement des ressortissants des Etats tiers, caractéristiques spécifiques du futur lien fixe Transmanche, statut de la frontière germano-danoise, subsistent et la Présidence s'emploiera à trouver une formule de compromis.

Situation peu prometteuse pour le droit de séjour des citoyens non-productifs, retraités et étudiants. La Présidence vient de diffuser un projet de compromis. Je vous rappelle que la France a des problèmes en ce qui concerne l'éventuelle prise en charge de l'assurance de maladie des retraités, la Grèce et le Portugal ont des problèmes au sujet des ressources dont doivent disposer les étudiants revendiquant le droit de séjour, la France maintient une réserve concernant le droit de séjour des membres non-ressortissants CEE de la famille d'un résident, le Danemark estime que cette matière ne peut pas être réglée par une directive mais devrait l'être par un accord Inter-gouvernemental.

Parmi les points qui concernent les problèmes douaniers je vous signale une affaire de transit communautaire concernant notamment les précautions à prendre pour le transit de matières dangereuses, il s'agit de déterminer la garantie à fournir par le transporteur. Le Conseil évoquera aussi la proposition de règlement relatif à la dette douanière. Ce règlement doit

déterminer le fait générateur de cette dette ainsi que les modalités de sa liquidation. Une question essentielle concerne l'imposition de droit de douane sur des importations illégales. Est-ce que des objets de contrebande ou des objets interdits lorsque trouvés sur territoire de la Communauté sont passibles de droit de douane. Le Service Juridique du Conseil estime que non et cite à l'appui la jurisprudence de la Cour de Justice. Le Service Juridique de la Commission estime que tous les biens sont redevables de droit de douane. Un compromis de la Présidence limiterait la non-redevabilité au cas de contrebande. Plusieurs délégations ont des problèmes. Le Conseil devra opter entre la dette douanière généralisée (Commission), la dette douanière généralisée pour tous les biens sauf les stupéfiants illégaux (Présidence) ou pas de dette douanière sur tout ce qui est illégal.

Le Conseil examinera aussi la proposition de la Commission concernant le rapprochement des législations relatives aux réceptifs à pression simples. Il s'agit de la première directive élaborée dans le contexte de la nouvelle approche en matière de normes. Le Président DELORS vient d'écrire à Lord PLUMB pour demander que le Parlement européen donne son avis encore pendant la session de juin. Les délibérations du Conseil s'annoncent compliquées. Mise à part 22 questions techniques non-résolues, les délégations italienne, néerlandaise et britannique ont des réserves de fond. Celles-ci concernent aussi bien l'organisation des procédures d'application de la directive que la date de sa mise en vigueur.

Le brevet communautaire figure depuis longtemps à l'ordre du jour du Conseil du marché intérieur. La Présidence espère pouvoir réaliser un accord des délégations sur la possibilité de réunir une conférence inter-gouvernementale l'année prochaine en vue de permettre l'entrée en vigueur de cette convention après ratification par un nombre inférieur à 12 des Etats membres. Le Conseil examinera également la recommandation de la Commission concernant le téléphone mobile ainsi qu'une directive sur les fréquences devant être disponible pour l'introduction d'un système européen de téléphone mobile digital et cellulaire d'ici 1990. Le Conseil européen de décembre 86 avait demandé à la Commission et au Conseil de faire un effort particulier pour que la Communauté dispose à partir de 90 d'un système efficace de communications téléphoniques mobiles.

D'autres points concerneront l'importation temporaire de containers et l'étiquetage de substances dangereuses.

Matériel diffusé :

IP - 228 - Visite à la Commission du Premier Ministre de Zambie
IP - 230 - Projets de développement en Asie et Amérique Latine
IP - 229 - Partenariat 87

Allocution de M. Andriessen à la 3e conférence du marché des céréales à Bruxelles.

Amitiés,

E. REUTER *E. Reuter*

Luxembourg, 11 June 1987

NOTE BIO (87) 157 (suite 1) AUX BUREAUX NATIONAUX
CO. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

Internal Market Council, 11 June 1987 (E. Reuter)

The Council with Mr de Keersmaker in the chair resumed at 10.00 this morning and took stock of the progress of the white paper programme. Delegations made a number of points referring to the reluctance of national administrations, to the troubles besetting other common policies and for some, particularly in the southern part of the Community to the concern that there was not enough parallel progress with respect to cohesion and bringing along the backward regions. Mr Martens' letter was on people's minds and the other Councils, particularly Agriculture and EcoFin were urged to do their bit. The President indicated that the Ministers of Agriculture which he also chairs would consider their share of white paper items (veterinary and phytosanitary controls) next Wednesday.

Lord Cockfield noted that there were no legal links between the internal market programme and the other policies, but of course one fully appreciated the political link. The internal market was the key to the revival of the Community's economy as its main result would be to maximise opportunities and reduce costs. All areas, all sectors of the Community stood to benefit as long as they were willing to seize their chance. But without the internal market, no Community policy could succeed.

The Council then dealt rapidly with motor car type approval (procedural arrangement) and noise levels for off road vehicles and power-cranes. There are no problems in the Council but the European Parliament has not yet given its opinion.

The Council adopted the directive regarding power cranes on the basis of a compromise solution providing for noise limits of 85 dB from 1 July 1989 onwards, and 80 dB from 1 July 1992 onwards, with the Commission undertaking to make a proposal for a better quality proposal to apply after 1 July 1995. Germany and Italy had registered concern that applying a limit below 80 dB might require disproportionately costly adaptation for their industry, but nevertheless decided to be helpful.

The regulation on customs debt was adopted in the terms advocated by the Presidency; customs duties must be paid on all goods, even those illicitly introduced into the Community, with the exception of illegal drugs. The Commission asked for its objections to be recorded. The Commission believes that Community law should not be made dependant on specific national situations and that only the systematic and general application of customs duties can give legal certainty and ensure an efficient operation of customs.

The Council also adopted the regulation on temporary admission of containers from third countries. The temporary duty free stay in the Community must not exceed 12 months. This regulation is now based on article CEE 235 and 28 and not on article 113 as proposed by the Commission.

Amitiés,

Etienne Reuter

Luxembourg, 11 June 1987

NOTE BIO(87) 157 (suite 2) AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

Internal Market Council, 11 June 1987 (E. Reuter)

The discussion on the citizen's Europe proposals - easing frontier controls and right of stay - proved, as Mr de Keersmaker put it, "very disappointing". Despite the fact that he had tried in his compromise proposal, i.e. the resolution to go with the directive on easing frontier controls to meet the concerns expressed previously by delegations, the stumbling blocks remained as France insisted that the Community was to be a coherent security area and asked for binding intergovernmental arrangements for the readmission of undesirables into the EEC country from which they came, a concerted asylum regulation and agreement on a list, based on security and immigration criteria of third countries, the citizens of which would be subjected to a visa obligation by all Community countries. Mr. Bosson said "please do not misunderstand me, France wants to be most forthcoming on easing border controls, but we need to have the assurance that it will not be to the detriment of security within the Community." Germany expressly shared this concern.

Mr de Keersmaker felt that the French position risked to jeopardize the possibility of finding a balanced solution which could only work if Member States maintained a spirit of cooperation on these matters. He proposed to revert to the issue over lunch. Right of residence proved quite intractable too. The presidency text attempting to accommodate France's preoccupation with the intolerable burden stranded old age pensioners from other EEC countries might put on their social security system failed to rally support. The discussion on students appeared to add restriction on restriction, and the overall endeavour looked more and more meaningless. Lord Cockfield recalled the solemn commitment of the European Council of Fontainebleau concerning citizens' Europe and urged the Council to be more mindful of the expectations and hopes of the people of Europe.

The Danish Minister confirmed his government's view that the right of residence for students and non active people did not fall within the scope of the internal market which was essentially an economic concept.

Discussions over lunch did not allow for any progress and the items were referred back to COREPER.

After lunch the Council considered the Commission's proposal on the standards for simple pressure vessels. This is the first proposal under the new approach for standardisation (i.e. Community framework directive lays down essential requirements, industry and standardisation bodies define the nuts and bolts). Lord Cockfield regretted that the experts and Coreper had produced so technical and detailed a draft as to call in question the meaning and object of the new approach but recommended that the Council should endorse the presidency compromise. The UK and the Netherlands pleaded for less stringent limits for the classification of vessels in relation to the certification procedures in order to lift the burden on undertakings. France on the whole supported the Presidency's formula, but appeared willing to contribute towards a solution, for which Lord Cockfield had provided an outline, slightly raising the lower limit (below which no certification) and more substantially the upper limit (above which EC certification, between the two certification by manufacturer, monitored by EC).

Lord Cockfield stressed importance of having high standards both for the regulation of industry and the requirements of full circulation of goods. Eventually, after some discussion, the Council endorsed a compromise formula proposed by the President (lower limit 50, intermediate 200 and upper limit 3 000 bar/l for the categories of pressure vessels to be without certification, to be certified by the manufacturer, to be certified by the manufacturer and monitored by standardisation bodies, to be certified by standardisation bodies). The UK accepted ad referendum.

Regards,

Etienne Reuter

Brussels, 12 June 1987.

NOTE BIO(87) 157 (suite 3) AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

INTERNAL MARKET COUNCIL, 11 JUNE 1987 (E. REUTER)

The Council also adopted a regulation on transit procedures, simplifying deposit arrangements for goods in transit. Goods worth less than 50.000 ECU will no longer require to be guaranteed by a deposit. This will apply from 1 July 1988 onwards.

The Council adopted the Commission's proposals designed to create the conditions for an efficient pan-European cellular mobile communications system (a directive on frequency bands to be reserved for mobile telephones and a recommendation for technical compatibility and a time table), Greece accepted ad referendum. This decision represents a significant advance for improving communications and data transmission in the internal market and should greatly benefit the business community.

There was no substantial discussion on the Community patent convention as delegations did not appear ready to consider the Presidency's compromise on some technical aspects (finance and translation). An intergovernmental conference should be convened sometime in 1988. As to the labelling of dangerous substances, the President urged delegations to lift their technical reserves so as to enable the adoption of a directive in the near future.


Thus the Belgian Presidency finishes on a positive note. Eight decisions of substantial relevance to the internal market have been taken, some remain to be formalised. Together with the entry into force of the Single Act this should provide a significant boost for the next presidency. As to the 1992 target, it is fair to say, we are back on course, with a renewed determination.

CORRIGENDUM :

Lire page 2 - note BIO(87) 157 (suite 2) - 1ère phrase comme suit :

Lord Cockfield stressed importance of having high standards both for the reputation of industry and the requirements of free circulation of goods.

Regards,


Etienne REUTER