



COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT



PRESS RELEASE

8674/88 (Presse 151)

1264th Council meeting
- Internal Market -
Luxembourg, 14 October 1988

President: Mrs Vasso PAPANDEOU
Deputy Minister for Trade
of the Hellenic Republic

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 and Agriculture

Denmark:

Mr Nils WILHJELM Minister for Industry

Germany:

Mr Martin BANGEMANN Federal Minister for Economic
Affairs

Greece:

Mrs Vasso PAPANDREOU Deputy Minister for Trade

Spain:

Mr Pedro SOLBES State Secretary for Relations with
the European Communities

France:

Mrs Edith CRESSON Minister for European Affairs

Ireland:

Mr Sean McCARTHY Minister of State at the
Department of Industry and Commerce
with special responsibility for
Science and Technology

Italy:

Mr Antonio LA PERGOLA Minister with responsibility for
Community Affairs

Luxembourg:

Mr Thierry STOLL Deputy Permanent Representative

Netherlands:

B.J.M. Baron van VOORST
tot VOORST

State Secretary for Foreign
Affairs

Portugal:

Mr Vitor A.M. da COSTA MARTINS

State Secretary for European
Integration

United Kingdom:

Mr Francis MAUDE

Under-Secretary of State,
Department of Trade and Industry

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o

Commission:

Lord COCKFIELD

Vice-President

ELECTROMAGNETIC COMPATIBILITY

The Council reached agreement in principle on a common position on the proposal for a Directive on the approximation of the laws of the Member States relating to electromagnetic compatibility. This will be the fourth Directive drawn up in the context of the Resolution of 7 May 1985 on a new approach to technical harmonization and standards.

The enacting terms of the Directive will apply to apparatus which might cause electromagnetic disturbance or whose performance might be affected thereby.

It determines the relevant protection requirements and monitoring arrangements.

Apparatus covered by the Directive must be constructed in such a way that:

- the electromagnetic disturbance it generates does not exceed a level allowing radio and telecommunications equipment and other apparatus to operate as intended;
- the apparatus has an adequate level of intrinsic immunity to electromagnetic disturbance to enable it to operate as intended.

By way of illustration, the Directive will apply to radios and televisions, industrial equipment, medical and scientific apparatus, domestic appliances, educational and electronic equipment, fluorescent lamps, etc. Such equipment forms part of a sector of major importance for Community trade.

The Directive is of general application, but does not exclude requirements for specific Community protection being established for certain particular appliances, which would then replace the general provisions.

The Directive will permit the free movement of appliances with electromagnetic compatibility provided that they meet its provisions:

- either by satisfying national standards transposing the harmonized standards, the references of which are published in the Official Journal of the European Communities, given that such harmonized standards will be drawn up by the CENELEC which has been recognized as the competent body in the field;
- or by complying with national standards corresponding to the protection objectives of the abovementioned Directive in instances where harmonized standards do not yet exist for the relevant fields. In that case, a specific Community monitoring procedure will be established to ensure that the standards fully comply with the requirements of the Directive.

Compliance of equipment with the provisions of the Directive will be certified by an EC declaration of conformity issued by the manufacturer and by an EC conformity mark affixed to the appliance.

Once the texts have been finalized, the common position will be forwarded to the European Parliament under the co-operation procedure laid down in the Single Act.

The provisions of the Directive are scheduled to enter into force by 31 December 1992.

PUBLIC WORKS CONTRACTS

The Council agreed in principle to the common position on the proposal for a Directive on public works contracts amending the Directive which had been in existence since 1971.

The Council took this decision unanimously, with one delegation abstaining.

Public contracts are of increasing importance within the European economy and, accordingly, this agreement represents a major step towards the completion of the internal market in 1992.

The text of the forthcoming Directive will make the procedures for awarding public works contracts more transparent, by giving entrepreneurs a chance to compete in all Member States on an equal footing.

Compared to the 1971 Directive, the new text extends the scope of the Directive to private undertakings for infrastructure works which are directly subsidized by more than 50% and to concessions for the execution of public works. The threshold above which public contracts will be covered by the provisions of the Directive has been set at 5 000 000 ECU;

Advertising rules have been extended. The Directive specifies, inter alia, that prior notice of the essential characteristics of forthcoming contracts must appear in the Official Journal of the European Communities so that undertakings can prepare their tenders properly. It also specifies that notice of contracts awarded is to be published.

The forthcoming Directive also provides, for the first time, that public authorities must refer to European standards and technical specifications agreed at European level, which have to be met by the undertakings executing the contract.

This common position will be forwarded to the European Parliament for a second reading, in accordance with the co-operation procedure instituted under the Single Act. Once it is adopted, Member States will have one year to implement this Directive. That period will however be extended until 1 March 1992 for Spain, Greece and Portugal.

The Council has moreover received a proposal for a Directive introducing certain measures for appealing against and monitoring public contracts, which is intended to strengthen effective implementation of the rules laid down by the Directive on public works contracts and by the Directive on public supply contracts adopted on 22 March 1988.

Lastly, the Council has just received from the Commission two proposals for Directives on the opening up of contracts awarded in the sectors of energy, water, transport and telecommunications which have hitherto been excluded from the scope of the Directives on public works and supply contracts.

DIETARY FOOD

After thoroughly discussing the still unresolved aspects of foodstuffs intended for particular nutritional uses, the Council noted that progress had been made, particularly on drawing up the list of products for which specific provisions would be adopted by means of individual Directives.

As for the free movement of foodstuffs not included in that list and the powers to be conferred on the Commission, the Council noted that there were still a number of differences of opinion. The Council instructed the Permanent Representatives Committee to continue examining those problems so that the matter could be discussed again at the next meeting of the Internal Market Council on 18 November 1988.

LABELLING, PRESENTATION AND ADVERTISING OF FOODSTUFFS

The Council held a far-ranging discussion of the still outstanding aspects of this Directive which was essentially intended to extend the scope of Directive 79/112/EEC to foodstuffs intended for mass caterers, to include an indication of any irradiation treatment and, by means of a simplified procedure, to abolish the derogations hitherto granted to Member States.

The Council noted that, although some progress had been made, opinions still differed on those points and it instructed the Permanent Representatives Committee to continue its examination so that the matter could be discussed afresh at the Internal Market Council's next meeting on 18 November 1988.

JAMS, JELLIES AND MARMALADES

The Council reached agreement on the substance of certain proposed amendments to Directive 79/693/EEC on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut purée.

Formal approval will follow at the earliest opportunity.

The main purpose of these amendments is to give the Commission responsibility here for administering the "acquis communautaire", apart from questions relating to additives which are to remain within the Council's purview, and to make a number of amendments to Community rules in the light of experience gained since the Directive was adopted.

Acting on a proposal from the Commission, the Council will decide by 31 December 1992 on the Community names applicable to products with a reduced sugar content, which are of increasing importance in European consumer habits.

In order to improve consumer information, the Directive was also instituting a requirement that where the sulphur dioxide content exceeded 30 mg/kg it should be indicated in the list of ingredients.

Lastly, the Directive provides that the name "jams" may be applied to certain products manufactured from plants treated as fruit (carrots and sweet potatoes).

FRUIT JUICES

The Council reached agreement on the substance of a common position on the Directive amending for the third time Directive 75/762/EEC on the approximation of the laws of the Member States concerning fruit juices and certain similar products.

This common position will be adopted in the very near future.

The purpose of this Directive is to give the Commission responsibility for administering the "acquis communautaire" here, and to make certain technical adjustments to the existing provisions.

To accommodate changes in eating habits, the Directive introduces the possibility of producing fruit nectars without the addition of sugar. The use of fruit purée in the manufacture of certain tropical fruit juices is also permitted.

To prevent fraud, the Directive prohibits the sweetening of concentrated fruit juices, except when these are intended for direct sale to the consumer. A derogation is allowed so that the acidity of concentrated orange juice may be corrected up to a maximum of 15 gr per litre.

Finally, the Directive extends to all fruit nectars the option of replacing all sugars by honey (within the limits specified) and also authorizes the addition of citric acid (5 gr/l) or lemon juice to apple nectars.

EUROPEAN COMPANY

The Council's preliminary discussion on the Commission memorandum on the statute of the European company concentrated on the following three characteristics which the Commission might use as a basis for the new proposal which it envisages submitting, viz:

- the optional nature of the statute for the European company
- the independence of that statute from any national legislation
- the provision of a number of models for worker participation.

The Council agreed to resume its discussion of this communication at its next meeting on 18 November when it also hoped to have further details from the Commission on the question of taxation applicable to the European company.

The outcome of its deliberations will serve for the preparations of this item for the proceedings of the Rhodes European Council on 2 and 3 December.

MISCELLANEOUS DECISIONS

Other decisions concerning the internal market

- the Directive amending Directive 78/1015/EEC on the approximation of the laws of the Member States relating to the permissible sound level and exhaust system of motor cycles.

The initial Directive, as last amended by Directive 87/56/EEC, lays down limits for the sound level of motor cycles and the technical provisions governing exhaust systems fitted as original equipment to motor cycles. Since replacement exhaust systems very frequently differ from original equipment, an EEC type-approval procedure needed to be laid down by this amendment so that it would be possible to check that such exhaust systems met the technical requirements;

- the Directive supplementing and amending Directive 76/116/EEC in respect of fertilizers.

To permit free movement between Member States, the initial Directive laid down rules for the marketing of solid EEC fertilizers; this amendment extends those provisions to include the calcium, magnesium, sodium and sulphur contents of such fertilizers.

Trade policy

The Council adopted in the official languages of the Communities the Regulation establishing the arrangements for Spain's and Portugal's trade with Morocco and Syria; the Representatives of the Governments of the Member States of the ECSC, meeting within the Council, adopted the relevant decision for products covered by the ECSC Treaty.

The Council also adopted Regulations:

- opening and administering a Community tariff quota for cut flowers and flower buds, fresh, originating in Jordan (1989);

- extending the provisional anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey, the United States of America and Yugoslavia for a period not exceeding two months beginning on 18 October 1988;
- extending the provisional anti-dumping duty on imports of paracetamol originating in the People's Republic of China for a period not exceeding two months beginning on 23 October 1988;
- extending the provisional anti-dumping duty on imports of polyester yarn originating in Mexico, South Korea, Taiwan and Turkey for a period not exceeding two months beginning on 18 October 1988.

Joint Research Centre

Following the adoption of common positions on 29 June 1988 which were approved by the European Parliament at its September part-session, the Council formally adopted the decisions adopting specific research programmes to be implemented by the Joint Research Centre for

- the European Economic Community (1988-1991)
- the European Atomic Energy Community (1988-1991),

as well as the decision adopting a supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community.

(See Press Release on the adoption of common positions - Research - 29.VI,88 - 7217/88 (Presse 109)).

Fisheries

The Council adopted a Regulation intended to amend the Regulation on 1988 TAC and quotas in respect of the following points:

- introduction of a seasonal limitation on herring fishing off the west coast of Ireland in order to give extra protection to the spawning concentrations in this area;
- retention of the TAC for herring in ICES Divisions VI a South and VII b,c (West of Scotland, West of Ireland and Porcupine Bank) at 14 000 tonnes (any increases being postponed until 1989) and increasing the TAC from 13 000 to 18 000 tonnes in Divisions VII g, h,j,k (Celtic Sea);
- retention of the TAC for herring in ICES Division VII a (Irish Sea) at 10 500 tonnes;
- transposition into Community law of the arrangement concluded with Sweden whereby the Community may fish certain quotas of cod (2 000 tonnes) and salmon (170 tonnes) in the Swedish part of the formerly disputed area of the Baltic Sea ("White zone").

Environment

Further to the substantive agreement reached at its meetings on 16 and 28 June 1988, the Council formally adopted:

- the decision concluding and implementing the Vienna Convention for the protection of the ozone layer and the Montreal Protocol on substances that deplete the ozone layer;
- the Regulation on certain chlorofluorocarbons and halons which deplete the ozone layer;
- the Resolution for the limitation of use of chlorofluorocarbons and halons.

(see Press Release - Environment - 16/17.VI.88 6895/88 (Presse 90)).

Relations with the EFTA countries

The Representatives of the Governments of the Member States of the ECSC, meeting within the Council, adopted in the official languages of the Communities, the:

- Additional Protocols to the Agreements between the ECSC and the EFTA countries consequent on the implementation of the Harmonized Commodity Description and Coding System
- Supplementary Protocol to the Additional Agreement concerning the validity, for the Principality of Liechtenstein, of the Agreement between the Member States of the ECSC and the Swiss Confederation, following the implementation of the Harmonized Commodity Description and Coding System.

Appointments

The Council, considering nominations submitted by the French Government, appointed:

- Mr E. CHENEVIER, member of the Advisory Committee of the Euratom supply agency, in place of Mr J.M. CHAROUD, member who had resigned, for the remainder of the Committee's term of office, namely until 28 March 1989;
- Mr J. BEAUFRERE, member of the Advisory Committee of the Euratom supply agency, in place of Mrs C. LEWINER, member who had resigned, for the remainder of the Committee's term of office, namely until 28 March 1989.

The Council adopted the Decision appointing members and alternates of the Advisory Committee on pharmaceutical training, as follows:

A. Experts from the practising pharmaceutical profession

	<u>Member</u>	<u>Alternate</u>
Belgium	Mr Michel SEGHIN	Miss Monique MONCLERCQ
Denmark	Mrs Ida GUSTAFSON	Mr Lars CLEMMENSEN
Germany	Mr Ernst-Dietrich AHLGRIMM	Mr Horst KIEFER
Greece	Mr Dimitrios VAGHIONAS	Mr Athanassios TRINGONIS
Spain	Mr Francisco Zaragoza GARCIA	Mr José Maria Gras ISERN
France	Mr Jean GAULIN	Mr Hubert COTEREAU
Ireland	Mr James PETTIT	Mr Michael SHANNON
Italy	Mr Giacomo LEOPARDI	Mr Salvatore GIUNTA
Luxembourg	Mr Pierre HIPPERT	Mr René PHILIPPART
Netherlands	Mr J.M.H.A. MARTENS	Mr A.J.M.M. BEIJENS
Portugal	Mr Alfredo Ribeiro Guimarães de Amaral e Albuguerque	Mr José Augusto Guimaraes Morais
United Kingdom	Mr W.M. DARLING	Mr Joshua KERR

B. Experts from the pharmaceutical science teaching institutions

	<u>Member</u>	<u>Alternate</u>
Belgium	Miss Claudine FOSSOUL	Mr A. DE LEENHEER
Denmark	Mrs Birthe JENSEN	Mr Poul R. KRUSE
Germany	Mr Karl-Heinz FRÖMMING	Mr Rudolf SCHMITZ
Greece	Mr Nikolaos HOULIS	Mr Panayotis KOUROUNAKIS
Spain	Mr Juan Segura DEL RIO	Mr Salvador RIVAS
France	Mr Claude DREUX	Mr Georges MAHUZIER
Ireland	Mr G. SHAW	Mr V.J. HARTE
Italy	Mr Bruno MACCHIA	Mr Paolo MANTEGAZZA
Luxembourg	Mr Pierre SECK	Mr Marc WIRTOR
Netherlands	Mr A. BULT	Mr R.A. DE ZEEUW
Portugal	Mr António Pinho de Brojo	Mr Rui Manuel Ramos Morgado
United Kingdom	Mr A. FLORENCE	Mr J. BROWN

C. Experts from the competent authorities of the Member States

	<u>Member</u>	<u>Alternate</u>
Belgium	Mr Jean ALLARD	Mr N. VERCRUYSSSE
Denmark	Mr Jens OVERØ	Mr Jørgen Bartels PETERSEN
Germany	Mrs Christine GAUDICH	Mr Walter KIRMAYER
Greece	Mrs Maria KANELLOPOULOU	Mrs Georgia MELISSARATOU
Spain	Mr Joaquín BONAL DE FALGAS	Mr Enrique Granda VEGA
France	Mrs Geneviève MAURAS	Mr Jean-Etienne CAIRE
Ireland	Mr T.A. McGUINN	Mr M.J. CAHILL
Italy	Mr Gabriele GIANNINI	Mr Romano CAPASSO
Luxembourg	Mrs Mariette BACKES-LIES	Mrs Marguerite SCHOLTES-LENNERS
Netherlands	Mr G.M. VAN WEEL	Mr G.W. VAN GRUTING
Portugal	Mr João Marcolino dos Santos	Mrs Maria Fernanda Gonçalves dos Santos Gouveia
United Kingdom	Mr J. FERGUSON	Mr Colin HITCHINGS

Note BIO(88) 322 aux bureaux nationaux
cc. aux membres du Service du Porte-Parole

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Préparation du Conseil Marché Intérieur le 14 octobre à
Luxembourg (E. Reuter)

Le Conseil se réunira demain à Luxembourg, à 10.00 heures, et sera présidé par Mme V. Papandreou, ministre hellénique de l'Industrie. On s'attend à plusieurs décisions importantes dans le domaine de la mise en oeuvre de la législation proposée par le Livre blanc sur l'achèvement du marché intérieur.

Tel est le cas notamment pour les marchés publics, thème principal de l'ordre du jour. Le Conseil examinera la proposition de directive modifiant la directive existante sur la coordination des procédures de passation des marchés publics des travaux. L'objectif est d'améliorer et d'étendre les garanties en matière de transparence des procédures et des pratiques d'adjudication. Le Conseil avait déjà adopté le 22 mars dernier une directive semblable concernant les marchés publics de fourniture. Ainsi se met en place le système qui permettra une réelle ouverture des marchés publics de chaque Etat, à chaque entreprise communautaire, dans le grand marché. Il faut rappeler que la Commission a mis sur la table en juin des propositions de directive étendant l'ouverture des marchés publics aux secteurs jusqu'à présent exclus: transport, eau, énergie et télécommunications.

Rappelons que le rapport Cecchini avait estimé que les économies totales liées à l'ouverture des marchés publics étaient très importantes. Le chiffre de 21,5 milliards d'Ecus sur la base de l'année 1987 avait été avancé sans tenir compte des effets stimulateurs plus généraux que l'ouverture des marchés publics pouvait avoir à moyen terme dans les secteurs d'activités où le client public domine.

Les discussions de demain concerneront un certain nombre de questions politiques et techniques et notamment les paramètres de politiques sociale et régionale dont la gestion de la directive devrait tenir compte.

D'autres points à l'ordre du jour concernent des directives normes relatives à la compatibilité électromagnétique et aussi le bruit des motocycles. La compatibilité électromagnétique est l'aptitude d'un dispositif, d'un appareil ou d'un système à fonctionner dans un environnement électromagnétique, de façon satisfaisante et sans produire lui-même des perturbations électromagnétiques intolérables pour tout ce qui se trouve dans cet environnement. La directive motocycles concerne les prescriptions techniques applicables pour respecter la limitation de l'émission sonore d'un motocycle à 80 décibels. Le Conseil devrait pouvoir adopter ces deux directives.

A l'ordre du jour se trouve également une série de directives relatives aux denrées alimentaires: étiquetage, aliments diététiques, confitures et jus de fruits. Le Parlement Européen a donné son avis sur ces propositions de la Commission en avril.

Le Conseil examinera également une proposition de directive concernant la teneur en calcium, magnésium, sodium et soufre de certains engrais.

Le Conseil fera également le point sur le dossier du statut de la société européenne. Je rappelle que la Commission avait lancé, le 8 Juin 1988, une consultation politique des Etats membres, des Institutions et des partenaires sociaux sur le projet de société de droit européen. Il s'agit d'une formule juridique de création d'une société commerciale en droit européen qui s'insérerait dans l'arsenal des instruments du droit des sociétés de chaque Etat membre. Son attrait sera l'uniformité juridique facilitant les opérations transfrontalières, l'avantage de pouvoir compenser sur le plan fiscal les pertes et profits de filiales ou de divisions situées dans différents Etats membres, et une approche moderne pour les relations entre employeurs et employés. La Commission avait fixé le 31 décembre de cette année comme échéance pour cette consultation. A l'heure actuelle, un certain nombre d'Etats membres ne sont pas encore en mesure de prendre position, n'ayant pas encore terminé la consultation des partenaires sociaux sur le plan national.

Lord Cockfield attirera également l'attention du Conseil sur le fait que le groupement européen d'intérêt économique deviendra réalité juridique le 1er juillet 1989 et demandera aux Etats membres de prendre rapidement les mesures d'accompagnement nécessaires.

Matériel distribué :

IP 615 - Marché Italien de COLA-drinks
IP 625 - Coopération Brown Boveri - NGK Insulators
IP 627 - Résumé discours de M. Sutherland à Sydney
Discours de M. Andriessen devant "7th World Meat Congress à Paris
1 décision article 115: Italie - tissus de coton de
Tchécoslovaquie
Economie européenne: Résultats des enquêtes auprès des chefs
d'entreprise et consommateurs, 8/9-88

Amities,

C.D. EHLERMANN - comeur

Note BIO (88) 322 (suite 1) aux bureaux nationaux
cc. aux membres du Service du Porte-Parole

Conseil Marché intérieur du 14 octobre 1988 (E. Reuter)

Le Conseil a commencé ses travaux à 10.20 heures. Parmi les points adoptés dès le début de la réunion on peut signaler l'adoption d'une position commune sur la directive 'composition de certains engrais' et sur la directive 'bruits d'échappement des motocycles. Après avoir discuté pendant une heure et demie, le Conseil a adopté une position commune sur la directive concernant la compatibilité électromagnétique. Les délégations britannique et irlandaise se sont abstenues estimant que la procédure de certification prévue par la directive était trop onéreuse pour les petites et moyennes entreprises. La France a demandé au cours de la discussion que la Commission et le Conseil étudient la possibilité d'une solution horizontale pour tout le domaine des normes "nouvelle approche" au problème de la comitologie. L'Espagne a signalé les difficultés des radio-amateurs auxquels la directive n'accorde pas - d'après elle - suffisamment d'attention.

Le Conseil a ensuite abordé le dossier des marchés publics de travaux. Après discussion le Conseil a pu marquer un accord de principe sur une position commune. J'ai briefé la presse sur la base de la note ci-après. On peut signaler la préoccupation très marquée de la délégation française à l'égard de la disposition concernant les préférences régionales.

Lord Cockfield s'est félicité des progrès accomplis par le Conseil et a rendu hommage à l'énergie déployée par la présidence grecque dans le traitement de ce dossier. Au moment où on s'approche du point de mi-parcours sur la route vers 1992, les décisions d'aujourd'hui confirment que nous respectons nos calendriers.

Accord de principe sur la position commune sur la directive
marchés publics de travaux

Le Conseil marché intérieur du 14 octobre a adopté un accord de principe sur la position commune sur la proposition de directive sur les marchés publics de travaux qui constitue la seconde série de directives visant à ouvrir les marchés publics de la Communauté.

Cet accord représente un pas important dans le cadre de l'achèvement du marché intérieur de 1992 compte tenu de la part significative des marchés publics de travaux dans les achats publics qui est de 29 %, soit 150 milliards d'ECUs en 1988 dans la Communauté.

Le texte de la future directive qui a fait l'objet de cet accord renforce la directive 71/305 existant depuis 1971 dont ni la lettre ni l'esprit n'ont généralement été respectés.

Il vise, à cet effet, à améliorer la transparence des marchés, à assurer l'équité lors de leur passation et à permettre le contrôle du respect des règles de la directive en stimulant ainsi les entreprises les plus dynamiques à contribuer au développement du secteur du bâtiment et du génie civil.

Quelles sont les modifications principales apportées par le texte de la future directive?

Les entreprises pourront être mieux informées sur les marchés qui seront passés dans la Communauté et être en mesure de préparer convenablement leurs offres. En effet, les entreprises seront sensibilisées à l'avance par une pré-information sur les caractéristiques essentielles d'un futur marché. Par ailleurs, les délais prévus pour le dépôt d'une demande de participation ou d'une offre ont été plus ou moins doublés pour permettre aux entreprises installées dans d'autres pays membres de réagir à temps. En outre, le résultat des marchés passés fera l'objet d'une publication au JOCE.

Les entreprises seront également informées des motifs à la base du rejet de leur demande de participation ou de leurs offres.

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Les spécifications techniques d'un marché de travaux seront rendues plus compréhensibles par l'obligation pour l'acheteur public de se référer à des normes européennes. Il faut rappeler que les normes européennes pour les produits de la construction font l'objet d'une directive sur laquelle le Conseil a récemment adopté une position commune. La mise en application de cette directive renforcera aussi l'ouverture des marchés publics.

Les modifications ont également pour objet de mieux préciser le champ d'application de la directive (notamment, respect des règles de procédures dans les concessions de travaux) et de porter le seuil de 1.000.000 d'Ecus à 5.000.000 en prenant ainsi en compte l'évolution des prix de la construction depuis 1971.

Les entreprises auront aussi la possibilité, garantie par la directive, de proposer des variantes sous certaines conditions. L'innovation technique en sera ainsi stimulée.

Le Conseil des Ministres vient d'être saisi de deux propositions de directives visant l'ouverture des marchés passés dans les secteurs de l'énergie, de l'eau, des transports et des télécommunications qui jusqu'alors était exclus du régime des directives sur les travaux et sur les fournitures.

La Cour de Justice, a rendu, le 20 septembre 1988, un important arrêt sur l'interprétation à donner à certaines dispositions de la directive 71/305 (Affaire 31/88-Beentjes c/ Etat néerlandais) relatives au champ d'application et aux critères de sélection et d'attribution. Plus particulièrement la Cour a reconnu un effet direct aux articles 20, 28 et 29 de la directive qui peuvent ainsi être invoqués par un particulier devant les juridictions nationales. En outre, la Cour a considéré que l'obligation d'utiliser des chômeurs de longue durée est compatible avec la directive à la condition de n'avoir pas d'incidence discriminatoire directe ou indirecte à l'égard des soumissionnaires d'autres Etats membres et d'être obligatoirement mentionnée dans l'avis de marché.

Il ne fait aucun doute que cet arrêt aura un impact significatif sur le respect de l'application effective des règles communautaires dans les marchés publics.

Amitiés,

E. REUTER

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MESSAGE # 104
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PRIERE DE FAIRE DIFFUSION HABITUELLE A PARTIR DE BRUXELLES

NOTE BIO (88) 322 (SUITE 2) AUX BUREAUX NATIONAUX CC. AUX MEMBRES DU
SERVICE DU PORTE PAROLE

CONSEIL MARCHE INTERIEUR DU 14.10.1988 A LUXEMBOURG

AU COURS DU DEJEUNER LES MINISTRES ONT DISCUTE DU PROJET DE SOCIETE DE DROIT EUROPEEN. LORD COCKFIELD A INSISTE SUR LA NECESSITE DE TENIR LE CALENDRIER PREVU POUR LA CONSULTATION POLITIQUE DU CONSEIL, DU PARLEMENT ET DES PARTENAIRES SOCIAUX. PLUSIEURS ETATS MEMBRES ONT FAIT VALOIR QUE DES DISCUSSIONS AVEC LES PARTENAIRES SOCIAUX SUR LE PLAN NATIONAL ETAIENT ENCORE EN COURS. D'AUTRE PART, LES OPINIONS CONCOURAIENT QUANT A LA NECESSITE D'APPROFONDIR LA REFLEXION SUR LE TRAITEMENT FISCAL DE LA SOCIETE DE DROIT EUROPEEN. LES MINISTRES ONT EGALEMENT EVOQUE LA QUESTION DU SIEGE DE L'OFFICE DES MARQUES.

APRES LE DEJEUNER, UNE DISCUSSION DE DEUX HEURES A PERMIS DE DEGAGER UN ACCORD POLITIQUE SUR UNE PROPOSITION DE DIRECTIVE RELATIVE AU RAPPROCHEMENT DES LEGISLATIONS CONCERNANT LES CONFITURES, GELEES, MARMELADES DE FRUITS ET CREMES DE MARRONS. UNE DIRECTIVE BASEE SUR L'ARTICLE 43 DU TRAITE POURRA ETRE FORMELLEMENT ADOPTEE LORS D'UN PROCHAIN CONSEIL. LE CONSEIL A ENSUITE EXAMINE D'AUTRES PROPOSITIONS RELEVANT DU DOMAINE DE LA LEGISLATION ALIMENTAIRE.

AMITIES,
E. REUTER

14.10.1988/

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