

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

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1460th Council meeting  
- INTERNAL MARKET -  
Brussels, 13 December 1990

President: Mr Pierluigi ROMITA  
Minister for Community Policies  
of the Italian Republic

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

Belgium:

Mr Marc LEPOIVRE Deputy Permanent Representative

Denmark:

Mr Christophe BO BRAMSEN State Secretary for Industry

Germany:

Mr Otto SCHLECHT State Secretary, Federal Ministry of Economic Affairs

Greece:

Mr Paul HADJITHOMAS Secretary-General, Ministry of Trade

Spain:

Mr Pedro SOLBES State Secretary for Relations with the European Communities

France:

Mrs Elisabeth GUIGOU Minister for European Affairs

Ireland:

Mr Terry LEYDEN Minister of State at the Department of Industry and Commerce with special responsibility for Trade and Marketing

Italy:

Mr Pierluigi ROMITA Minister for Community Policies

Luxembourg:

Mr Georges WOHLFART State Secretary for Foreign Affairs and Foreign Trade

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Netherlands:

Mr A. OOSTRA

Deputy Permanent Representative

Portugal:

Mr Vitor MARTINS

State Secretary for European  
Integration

United Kingdom:

Mr Edward LEIGH

Parliamentary Under-Secretary of  
State, Department of Trade and  
Industry

o

o

o

Commission:

Mr Martin BANGEMANN

Mr Antonio CARDOSO E CUNHA

Mrs Christiane SCRIVENER

Vice-President

Member

Member

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PROTECTION OF COMPUTER PROGRAMS

The Council adopted a common position on a proposal for a Directive on the legal protection of computer programs.

The common position is directed towards ensuring that Member States protect computer programs by means of copyright, as literary works within the meaning of the Berne Convention for the Protection of Literary and Artistic Works.

The text stipulates in particular that:

- protection will apply to the expression in any form of a computer program. Ideas and principles which underlie any element of a computer program, including those which underlie its interfaces, will not be protected by copyright under the Directive;
- a computer program will be protected if it is original in the sense that it is the author's own intellectual creation;
- the exclusive rights of the rightholder will include the right to effect or to authorize, inter alia:
  - = the permanent or temporary reproduction of a computer program by any means and in any form, in part or in whole;
  - = any form of distribution to the public, including the rental, of the original computer program or of copies thereof;

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- the authorization of the rightholder will not be required where reproduction of the code and translation of its form are indispensable to obtain the information necessary to achieve the interoperability of an independently created computer program with other programs, provided that certain conditions are met;
- Member States must provide appropriate remedies against persons who:
  - = put into circulation, or possess for commercial purposes, a copy of a computer program knowing, or having reason to believe, that it is an infringing copy;
  - = put into circulation, or possess for commercial purposes, any means the sole intended purpose of which is to facilitate the unauthorized removal or circumvention of any technical device which may have been applied to protect a computer program;
- protection will be granted for the life of the author and for fifty years after the author's death; however, any Member State which currently has a longer term of protection may maintain it during a transitional period.

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### COMPLETION OF THE INTERNAL MARKET

The Council heard Commissioner BANGEMANN introduce a Commission report on completing the internal market: an area without internal frontiers.

The report was designed to fulfil the requirement laid down in Article 8b of the Treaty.

The Council adopted the following conclusions:

"The Internal Market Council will monitor the work on the implementation of this programme carried out in the Council's various subordinate bodies; in that context it will review that work at least twice every six months and will, on such occasions, discuss any issues which need to be dealt with.

The Member States undertake to speed up the rate of transposition so that all current delays are made good throughout the Member States by the end of 1991."

### MAJOR TRANS-EUROPEAN NETWORKS

The Council heard the Commission's presentation of a communication on the implementation of the Resolution adopted by the Council in January 1990.

The Luxembourg Presidency undertook to begin examination of that communication in the first half of 1991.

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### FOOD TREATED WITH IONIZING RADIATION

The Council discussed the proposal for a Directive on foods treated with ionizing radiation, on the basis of a Presidency compromise.

At the end of the discussion it recorded that, in spite of some progress, there were still differences of opinion on certain arrangements, especially as regards the labelling of ingredients subjected to ionizing radiation.

The Council instructed the Permanent Representatives Committee to continue its work on the basis of the latest compromise, with a view to reaching a final solution at a forthcoming Council meeting.

### MACHINERY

The Council adopted a common position on an amendment of Directive 89/392/EEC, relating to machinery, to extend its scope to machinery having a "mobility" function and machinery having a "lifting" function.

The text of the common position is based on the principle that machinery which presents specific hazards by virtue of its mobility or its ability to lift loads or a combination of those two factors must satisfy the general health and safety requirements laid down in Directive 89/392/EEC and the health and safety requirements relating to those specific hazards.

Transitional arrangements are provided for, allowing the placing on the market and putting into use of machinery manufactured in accordance with the national rules in force on 31 December 1992.

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### DANGEROUS SUBSTANCES

The Council adopted two common positions on the tenth and eleventh amendments of Directive 76/769/EEC relating to restrictions on the marketing and use of dangerous substances.

The purpose of the tenth amendment is to prohibit, by means of negative lists:

- the use of cadmium in three areas of use, viz.: pigmentation, stabilization and the treatment of certain surfaces;
- the placing on the market of finished products and their components included on the negative lists for pigmentation and stabilization if their cadmium content exceeds 0,01% by mass.

The situation will be reassessed three years after the Directive enters into force.

The aim of the eleventh amendment is to restrict the marketing and use of three substances, the trade names of which are Ugilec 141, Ugilec 121 or 21 and DBBT:

- for the first substance, a ban on marketing and use is proposed, with a very small number of derogations;
- for the other two substances, an immediate and total ban on marketing and use is proposed.



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FLAVOURINGS

As the Standing Committee for Foodstuffs had not delivered an opinion, the Commission submitted to the Council two proposals, designed respectively to:

- lay down the terms that must be used to designate flavourings intended for sale to the final consumer and the conditions governing the use of the description "natural" (completing Directive 88/388/EEC);
  
- lay down the terms that must be used to designate flavourings in the list of ingredients and the conditions governing the use of the description "natural" (amendment of Directive 79/112/EEC).

After a brief discussion the Council recorded that it, too, was unable to reach a qualified majority.

If the Council does not take a decision by 12 January 1991, the Commission will adopt the proposed measures directly as Commission Directives.

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FIGHT AGAINST DRUGS

The Council adopted a Regulation laying down measures to be taken to discourage the diversion of chemical products (precursors) used in the illicit manufacture of narcotic drugs and psychotropic substances.

The purpose of the Regulation is to implement at Community level Article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the conclusion of which was decided upon by the Community on 22 October 1990.

It represents a first step, as it relates only to the monitoring of traffic between the Community and third countries; the monitoring of intra-Community traffic will be covered by another instrument (proposal for a Directive currently being prepared at the Commission).

The importance of the proposed measures was underlined by the Dublin European Council in June 1990 and by the Heads of State or Government of the Group of Seven (G-7) meeting in Houston in July 1990.

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SECOND GENERAL SYSTEM FOR THE RECOGNITION OF PROFESSIONAL EDUCATION AND TRAINING

The Council was informed of progress regarding a proposal for a Directive on a second general system for the recognition of professional education and training, complementing Directive 89/48/EEC.

The proposal is directed at all regulated professions which are not governed by a specific Directive or by the first general system for the general recognition of higher education diplomas (Directive 89/48/EEC).

The Council expressed the hope that a common position could be adopted during the first half of 1991.

ACQUISITION AND POSSESSION OF WEAPONS

The Council reached political agreement on a common position on a proposal for a Directive on control of the acquisition and possession of weapons.

The purpose of the proposal for a Directive is to set control standards within the Member States with a view to eliminating police checks on the possession of weapons when Community borders are crossed. For that purpose common rules are envisaged at Community level, with the proviso that Member States will be authorized to adopt more stringent legislation.

The harmonization envisaged in the proposal will involve the following in particular:

- each Member State will make the pursuit of the activity of dealer within its territory conditional upon authorization. Examination of applications will involve at least a check on the good character and professional

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competence of the dealer or, in the case of a legal person, on the person who directs the undertaking;

- each dealer will keep a register in which information concerning all firearms classified in categories A, B or C (A: prohibited firearms; B: firearms subject to authorization; C: firearms subject to declaration; D: other firearms) received or disposed of by him will be recorded, including such particulars as enable the weapon to be identified, in particular the type, make, model, calibre and serial number thereof and the names and addresses of the supplier and the person acquiring the weapon;

- Member States will allow the acquisition and possession of firearms classified in category B (firearms subject to authorization) only by persons who have good cause and who:

= are 18 years old or more;

= have the necessary mental and physical abilities;

= are not likely to be a danger to public order or to public safety;

- no one will be able to acquire a firearm classified in category B within the territory of a Member State unless that Member State has so authorized him. No such authorization may be given to a resident of another Member State without the latter's prior agreement; such agreement may devolve from an indication to that effect on a European firearms pass;

- Member States will provide for the compulsory declaration of all firearms classified in category C (firearms subject to declaration) at present held within their territories but not previously declared within one year of the entry into force of the national provisions transposing this Directive;

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- each Member State will prohibit the handing over of firearms or ammunition within its territory, by a dealer or by any other person, to any person who is not a resident of that Member State:
  - = unless the latter person has been authorized himself to effect a transfer to his country of residence;
- or he intends to be in possession of the firearm in the Member State of acquisition (provided that he fulfils the legal conditions for possession in that Member State);
- standards will be laid down with regard to the formalities for the movement of weapons within the Community, and more flexible standards will be laid down for hunters and marksmen.

#### STATUTE FOR A EUROPEAN COMPANY

The Council noted progress regarding the proposals for a Regulation on the Statute for a European company and a Council Directive complementing the Statute.

Those proposals replace the previous proposals, dating from 1970 and 1975, and are the follow-up to the memorandum forwarded in July 1988.

Under the proposals, adoption of the Statute, while remaining optional, would allow undertakings to assume the form of a public limited liability company directly linked to Community law. Access to that new form would be facilitated both by the flexibility permitted in the choice of founder members and by the fixing of a relatively low minimum capital. Provision is made for reference to Directives already adopted regarding companies, or the negotiation of which is very advanced, as well as to the law of the State where the registered office is located.

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ANNUAL ACCOUNTS AND CONSOLIDATED ACCOUNTS OF INSURANCE UNDERTAKINGS

The Council took note of the current state of play regarding the proposal for a Directive on the annual accounts and consolidated accounts of insurance undertakings.

SOCIAL ECONOMY

The Council took note of a report from the Presidency on the second Conference on the Social Economy, held in Rome from 12 to 15 November 1990.

In addition, Commissioner CARDOSO E CUNHA announced that the Commission intended to submit further proposals in this area early in 1991. The Council also took note of the action programme which the Commission had adopted on the matter.

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## MISCELLANEOUS DECISIONS

### Conformity assessment

The Council adopted a Decision concerning the modules for the various phases of the conformity assessment procedures which are intended to be used in the technical harmonization Directives.

The purpose of the Decision is to establish that the conformity assessment procedures to be used in the technical harmonization Directives concerning the placing on the market of industrial products will be chosen from the modules set out in the Decision and in accordance with the criteria laid down in it. The Council considers that the introduction of harmonized methods for the assessment of conformity and the adoption of a common doctrine for their implementation are likely to facilitate the adoption of future technical harmonization Directives concerning the placing on the market of industrial products and thus be conducive to the completion of the internal market by 31 December 1992.

### Approximation of laws

The Council adopted a common position on a proposal for a Directive on the approximation of the laws of the Member States relating to the spray-suppression devices of certain categories of motor vehicles and their trailers.

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### Veterinary medicinal products

The Council adopted Directives:

- extending the scope of Directive 81/851/EEC on the approximation of the laws of the Member States relating to veterinary medicinal products and laying down additional provisions for immunological veterinary medicinal products;
- amending Directive 81/851/EEC on the approximation of the laws of the Member States relating to veterinary medicinal products.

These measures form part of the action aimed at the progressive removal of formalities in intra-Community trade.

### Common agricultural policy

The Council adopted a Decision recognizing certain parts of the territory of the Community as being either officially swine fever free or swine fever free.

### Customs union

The Council adopted a common position on the amendment of Regulation No 3/84 introducing arrangements for movement within the Community of goods sent from one Member State for temporary use in one or more other Member States with a view to:

- repealing the Regulation as from 1 January 1993, on which date it would become redundant;



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- extending its scope to cover carpets that constitute commercial samples and unaccompanied works of art.

The Council also adopted a common position for the adoption of a Regulation on the use in the Community of TIR and ATA carnets as transit documents.

Relations with the Mediterranean countries

The Council adopted five Regulations concerning tariff quotas, ceilings and other import arrangements for certain Mediterranean countries for 1991.

