

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

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Special meeting of the Council

- General Affairs -

Brussels, 12 September 1990

**President : Mr Claudio VITALONE,
State Secretary for
Foreign Affairs
of the Italian Republic**

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Luxembourg:
Mr Jacques F. POOS

Minister for Foreign Affairs

Netherlands:
Mr P.C. NIEMAN

Ambassador, Permanent Representative

Portugal:
Mr Vitor MARTINS

State Secretary for European Integration

United Kingdom:
Mr T. GAREL-JONES

Minister of State at the Foreign Office

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Commission:
Mr Martin BANGEMANN

Vice-President

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GERMAN UNIFICATION - INTERIM MEASURES

On 21 August 1990, the Council received a communication from the Commission containing all the proposals for interim and transitional measures to ensure the gradual integration of the territory of the German Democratic Republic into the Community. Pending the time when it is able to act on the transitional measures, the Council at its present meeting examined the two proposals - for a Directive and a Regulation - on the interim measures necessary after the unification of Germany on 3 October 1990.

The Council had received European Parliament's Opinion on this following the latter's first reading of the Commission proposals on 11 September 1990.

After its discussion, the Council agreed with the substance of the European Parliament's proposed amendments and adopted its common position on both these texts for immediate forwarding to the European Parliament under the co-operation procedure. The Parliament will hold its second reading on Thursday 13 September 1990 with a view to formal adoption by the Council at its meeting on 17 September 1990.

When the common position was adopted, the Member States said again that they welcomed the now imminent unification of Germany and expressed their appreciation for the speed with which the Commission and the European Parliament and Council bodies had made arrangements for the introduction of interim measures as soon as German unification was achieved on 3 October 1990.

Those interim arrangements take account of the fact that from the time of German unification Community law will apply in full to the territory of the former GDR but that, owing to the nearness of the deadline, the Council will not be

12.IX.1990

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able to adopt before that date the transitional measures proposed by the Commission.

The interim arrangements will accordingly enable the Commission to authorize the Federal Republic of Germany to maintain provisionally in force legislation applicable in the territory of the former GDR which does not comply with Community acts. Such legislation maintained in force must not go beyond the limits of the Commission proposals for transitional measures.

This authorization will remain in force until the date on which the Council takes a final decision on the Commission proposals or, where appropriate, until the date on which the transitional measure in question enters into force and no later than 31 December 1990.

The FRG will notify the Commission without delay of any use made of this authorization. The Commission will in turn notify the European Parliament, the Council and the Economic and Social Committee without delay.

The Commission and the FRG will consult each other on the measures to be taken to ensure that no difficulties arise from the fact that legislation maintained in force under the Directive or the Regulation does not comply with Community law. The Commission will forthwith inform the Council and the European Parliament of the outcome of such consultations. Moreover, any Member State may refer any difficulties to the Commission. The Commission will, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures. Community decisions to be taken on this basis will be adopted by the Commission using a Management Committee.

12.IX.1990

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In addition to this procedure allowing the provisional maintaining of certain rules which do not comply with Community law, the Regulation lays down that a decision may be taken, also using the Management Committee procedure and within the same period of time, i.e. no later than 31 December 1990, to supplement or adapt Community rules on commercial, agricultural and fisheries policy to the minimum extent necessary to bring them into line with the provisional maintaining of former GDR legislation.
