

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

6004/91 (Presse 60)

1487th Council meeting

- General Affairs -

Fifth ministerial meeting of the IGC on Political Union

Brussels: 13 and 14 May 1991

President: Mr Jacques F. POOS  
Minister for Foreign Affairs  
of the Grand Duchy of Luxembourg

13/14.V.91

ngs/LG/bzb

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

Belgium:

Mr Mark EYSKENS	Minister for Foreign Affairs
Mr Paul DE KEERSMAEKER	State Secretary for European Affairs
Mrs A.M. LIZIN	State Secretary for Europe 1992, attached to the Minister for Foreign Trade

Denmark:

Mr Uffe ELLEMANN-JENSEN	Minister for Foreign Affairs
Mr Jørgen ØRSTRØM MØLLER	State Secretary for Foreign Affairs

Germany:

Mrs Ursula SEILER-ALBRING	Minister of State, Foreign Affairs
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Greece:

Mr Georges PAPASTAMKOS	State Secretary for Foreign Affairs
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Spain:

Mr Francisco FERNANDEZ ORDÓÑEZ	Minister for Foreign Affairs
Mr Carlos WESTENDORP	State Secretary for Relations with the European Communities

France:

Mr Roland DUMAS	Ministre d'Etat, Minister for Foreign Affairs
Mrs Elisabeth GUIGOU	Minister for European Affairs

Ireland:

Mr Gerard Collins	Minister for Foreign Affairs
Mr Sean CALLEARY	Minister of State at the Department of Foreign Affairs with special responsibility for Overseas Aid

Italy:

Mr Gianni DE MICHELIS                      Minister for Foreign Affairs

Luxembourg:

Mr Jacques F. POOS                          Minister for Foreign Affairs

Netherlands:

Mr H. VAN DEN BROEK                      Minister for Foreign Affairs

Mr Piet DANKERT                            State Secretary for Foreign Affairs

Portugal:

Mr João PINHEIRO                          Minister for Foreign Affairs

Mr Vitor MARTINS                          State Secretary for European Integration

United Kingdom:

Mr Douglas HURD                            Secretary of State for Foreign and  
Commonwealth Affairs

Mr Tristan GAREL-JONES                    Minister of State, Foreign and Commonwealth  
Office

Mr Tim SAINSBURY                          Minister for Trade

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Commission:

Mr Jacques DELORS	President
Mr F.H.J.J. ANDRIESSEN	Vice-President
Mr Antonio CARDOSO E CUNHA	Member
Mr Abel MATUTES	Member

13/14.V.91  
ngs/LG/pj

INTERGOVERNMENTAL CONFERENCE ON POLITICAL UNION

At the fifth ministerial meeting of the IGC on Political Union the Ministers examined, on second reading and on the basis of drafts prepared by the Presidency, social policy, European citizenship and economic and social cohesion.

The Presidency indicated in this context that it intended to continue discussions so that the June European Council could be a decisive stage in the Conference's work.

With this in view, it wished to continue the current discussions at an active pace, arranging extra meetings if need be, so as to allow of a full second reading, and in some cases a third reading, of the texts on the table before the European Council.

It also drew attention to the task of the Ministers for Foreign Affairs to ensure the necessary consistency between the work of the two Conferences on PU and EMU. To that end, the Personal Representatives would soon be examining the institutional aspects of the text on Economic and Monetary Union, so as to report back to the Ministers at the meeting on 17 and 18 June 1991. At that meeting, the President of the ECOFIN Council would also give a progress report to the General Affairs Council on the work of the IGC on EMU.

The General Affairs Council would then hold a detailed discussion on the dossier as a whole, and the Presidency was intending to complete preparations for the European Council's discussions, perhaps during a conclave of the Ministers for Foreign Affairs immediately preceding the European Council meeting.

AID TO BANGLADESH - COUNCIL CONCLUSIONS

The Member States, meeting within the Council, decided, on the basis of a proposal from the Commission and within the framework of a Community action, to grant Bangladesh special aid of ECU 60 million.

The amount will be apportioned among the Member States according to the GNP scale.

The aid will be incorporated in the Community's general action for Bangladesh.

The aid will be supplied either directly by the Member States or via an account administered by the Commission.

The Commission will see to overall co-ordination of the special aid of ECU 60 million.

RELATIONS WITH THE EFTA COUNTRIES

The Council prepared for the EEC-EFTA ministerial meeting which took place in the evening of Monday 13 May 1991 (see Press Release No 6006/91 (Presse 62) containing the joint declaration).

RELATIONS WITH ISRAEL

The Council prepared the position to be adopted by the Community at the 9th meeting of the EEC-Israel Co-operation Council, which was held in the late morning of Tuesday 14 May 1991.

### RELATIONS WITH TURKEY

The Council discussed relations with Turkey, and then instructed the Permanent Representatives Committee to continue discussions on this matter on the basis of the Commission's proposals with a view to the Council resuming work on this issue at its July meeting.

The Greek delegation did not support this conclusion; it reiterated its basic position and said that the examination by the Permanent Representatives Committee was without prejudice to the outcome of that examination.

### EXTERNAL ROLE OF THE EUROPEAN INVESTMENT BANK

The Council held a wide-ranging discussion on the Commission's report, from which emerged an approach considerably in favour of a limited extension of the EIB's external activities to countries or regions to be defined which do not yet benefit from it and which are linked to the Community by co-operation agreements, on the basis of case-by-case authorization of specific projects.

The various elements, in particular the guarantee, enabling this approach to be put into practice, remain to be specified on the basis of the technical data contained in the EIB's letter.

This approach will be submitted to the ECOFIN Council for appraisal at its next meeting.

13/14.V.91

ngs/LG/pj

EUROPEAN ENERGY CHARTER

The Council held a detailed discussion on the issue of participation in the Conference on the European Energy Charter. It will return to this question at its next meeting on 17 and 18 June.

The preparatory work for the Conference will continue in the meantime.

RELATIONS WITH THE OCT

Discussion of this item was held over to the next Council meeting.

MISCELLANEOUS DECISIONS

Anti-dumping

The Council adopted Regulations:

- imposing a definitive anti-dumping duty on imports of audio tapes in cassettes falling within CN code ex 8523 11 00 originating in Japan and the Republic of Korea and terminating the proceeding concerning Hong Kong.

The rate of the duty applicable to the net free-at-Community-frontier price has been set as follows:

- = 25,5% for audio tapes in cassettes originating in Japan, with the exception of imports manufactured and sold for export to the Community by the Sony, Maxell, Denon and Fuji companies, in respect of which the rate has been set at 23,4, 21,8, 18,7 and 15,2% respectively;
- = 9,2% for audio tapes originating in the Republic of Korea, with the exception of imports manufactured and sold for export to the Community by the company Sunkyong Magnetics Ltd., in respect of which the rate is 2,6%; these duties do not apply to imports of the products manufactured and sold by the Korean companies Saehan Media Co., Sungnam Electronics Co. Ltd. and Keum Sahn Electronics Co. Ltd.;
- extending, for a maximum period of two months, the provisional anti-dumping duty on imports of small-screen colour television receivers originating in Hong Kong and the People's Republic of China.



### Textiles

The Council approved the directives for the Commission with a view to the negotiations, within the GATT Textiles Committee, on the maintenance in force of the Arrangement regarding international trade in textiles (MFA), the 1986 Protocol extending it and an extension of the bilateral agreements negotiated under it.

The MFA expires on 31 July 1991 and a legal vacuum should be avoided pending a result within the Uruguay Round on the future multilateral arrangements for textiles.

### Relations with the East European countries

The Council adopted a Decision extending to Czechoslovakia, Bulgaria and Romania a guarantee under the Community budget for European Investment Bank loans to these countries.

On 25 February 1991, the Council invited the EIB to grant loans from its own resources for investment projects in those three countries, and the Bank's Board of Governors has decided to respond favourably.

### Amendment of the Euratom/Canada Co-operation Agreement

The Council adopted a Decision approving the conclusion by the Commission of an Exchange of Letters amending the Agreement between the European Atomic Energy Community (EURATOM) and the Government of Canada for co-operation in the peaceful uses of atomic energy of 6 October 1959.

The purpose of the Decision, which is based on the second paragraph of Article 101 of the EURATOM Treaty, is to include in the Agreement tritium, tritium separation equipment and tritium separated therefrom, intended for the Community's fusion programme.

Financial perspective and letter of amendment to the supplementary budget

The Council agreed on the text of a Decision amending the financial perspective annexed to the Interinstitutional Agreement of 29 June 1988 which will be signed during the European Parliament's part-session from 13 to 17 May 1991, and on the texts of the joint declaration which will be annexed to it and of the Council statements communicated to the Parliament.

The Decision comprises 4 sections:

- Technical assistance to the USSR (up to an amount of ECU 400 million);
- Financial assistance to Israel and the Occupied Territories (amounting to ECU 87,5 million);
- Humanitarian aid for the Iraqi population of Kurdish origin (amounting to ECU 100 million);
- A special food aid programme for Africa (amounting to ECU 140 million).

The Council also drafted letter of amendment No 2 to draft supplementary and amending budget No 1 for 1991, which is essentially the translation into the budget of the Decision on the financial perspective. The letter of amendment was forwarded immediately to the European Parliament for its part-session from 13 to 17 May 1991.

Environment

The Council:

- adopted the common position on the Council Directive amending the 1988 Directive on the reduction of pollutant emissions from diesel engines for use in commercial vehicles (see Press Release 5199/91 (Presse 34) of 18 and 19 March 1991);
- authorized the Commission to participate, as regards matters falling within Community competence, in the negotiations on the framework Convention on the protection of the Alps and the Protocols thereto.

Signing of the framework Convention is scheduled for the next Conference at ministerial level of the Alpine countries, to be held in Vienna during the fourth quarter of 1991.

Air transport

The Council adopted the amendment to Regulation (EEC) No 3975/87 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector.

This amendment will enable the Commission urgently to take provisional measures regarding tariffs and other predatory practices in this sector.

### Legal protection of computer programs

Following the co-operation procedure with the European Parliament, the Council adopted a Directive relating to the legal protection of computer programs.

The purpose of the Directive is to ensure that Member States protect computer programs under copyright law as literary works within the meaning of the Berne Convention. The text approved by the Council corresponds for the most part to that of its common position (see Press Release 10685/90 (Presse 26) of 13 December 1990).

### Fisheries policy

The Council adopted a Regulation on the conclusion of the Protocol establishing, for the period from 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of Sao Tome and Principe.

Under the Protocol, the fishing rights off Sao Tome and Principe have been fixed for the period in question at 46 freezer tuna seiners and 5 pole-and-line wet tuna vessels.

The financial compensation laid down is ECU 1 650 000, payable in three equal annual instalments.

In addition, the Community will contribute the sum of ECU 150 000 towards the financing of scientific and technical programmes to improve fishery and biological information as regards the exclusive economic zone of Sao Tome and Principe.

ECSC

The Council gave its assent, in accordance with Article 54, second paragraph, of the ECSC Treaty, for the granting of a global loan to the ICLE S.p.A. (Istituto nazionale di credito per il lavoro italiano all'estero).

Appointments

On a proposal from the German Government, the Council appointed Mr Alexander von SCHWERIN a Member of the Economic and Social Committee in place of Mr Heinz-Adolf HÖRSKEN, Member, who has resigned, for the remainder of the latter's term of office, which runs until 20 September 1994.

The Council also replaced a member of the ECSC Consultative Committee.

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Bruxelles, le 8 mai 1991.

**NOTE BIO (91) 153 AUX BUREAUX NATIONAUX**  
**cc. aux Membres du Service du Porte-Parole**

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**RENDEZ-VOUS DE MIDI (N. Wegter)**

**Préparation du Conseil Affaires Générales des 13 et 14 mai.**

Nous avons fait référence aux travaux du Conseil de la semaine prochaine qui se prolongeront pendant deux jours, soit lundi et mardi prochains.

Le premier jour sera entièrement consacré aux négociations CE/AELE visant la création d'un Espace Economique Européen tandis que la seconde journée sera utilisée à discuter les autres thèmes de l'ordre du jour du Conseil.

**CE/AELE**

D'après les indications connues jusqu'ici - le Coreper se réunit encore aujourd'hui pour préparer les travaux du prochain Conseil - la procédure suivante est prévue :

- Dimanche après-midi et soirée, des contacts bilatéraux et informels, notamment entre la Commission, la Présidence du Conseil et la Présidence de l'AELE.
- Lundi de 11 à 13h, réunion du Conseil suivie d'un déjeuner (les 12)
- Contacts bilatéraux entre Présidence du Conseil, Présidence AELE et Commission.
- Fin de l'après-midi : réunion ministérielle CE/AELE.
- Lundi soir : dîner auquel participeront les Ministres de l'AELE et de la Communauté.

En ce qui concerne la participation de l'Islande, nous n'avons pas d'indications officielles qui rendent incertaine la présence de cette délégation. D'ailleurs, la semaine passée où à l'occasion de la réunion du Groupe de négociation l'Islande n'était pas présente, la Communauté n'a jamais été saisie officiellement de la part de Reykjavic ni de l'AELE d'une modification dans la position de négociation de l'Islande.

Il est aujourd'hui très difficile de faire des pronostics en ce qui concerne l'issue des travaux de la réunion ministérielle CE/AELE, mais il est évident que nous approchons maintenant de la phase chaude des négociations. Nous espérons que les conclusions auxquelles la réunion devrait parvenir étaient suffisamment substantielles pour permettre une poursuite positive des négociations qui, si possible, devraient être finalisées avant les vacances d'été.

Bien sûr, l'AELE souhaite que le résultat des ces négociations soit déjà prêt à être paraphé à l'occasion de la réunion ministérielle à Salzbourg les 24 et 25 juin prochains, mais il est hautement dangereux de parier à cet égard vu l'état des négociations telles qu'elles se présentent aujourd'hui.

## LA REUNION DE MARDI.

Les principaux points à l'ordre du jour de mardi sont les suivants :

- Conférence Intergouvernementale sur l'Union Politique
- La Communauté et l'après-guerre du Golfe : Dimension économique
- Relations avec Israël
- Relations avec les PTOM
- Rapport de la Commission sur les interventions de la Banque Européenne d'Investissement à l'extérieur de la Communauté : débat d'orientation
- Charte européenne de l'Energie
- Relations avec la Turquie
- Modalités d'adaptation des rémunérations.

### Matériel diffusé

dans le cadre de la Commission d'hier :

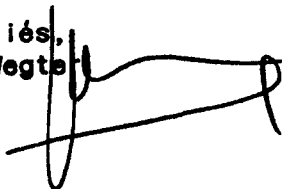
Aides:

- IP 396 - Belgique (ouvert. proc.): Cotisations obligatoires au fonds santé et production des animaux
  - IP 399 - Espagne (ouvert. proc.): Aides sociales aux fonderies Victorio Luzuriaga
  - IP 404 - Grande-Bretagne (approbat.): Programme d'aides à l'industrie cinématographique
  - IP 405 - Grèce (saisine Cour): Taxe sur entreprises exportatrice
- Infractions/classements:
- IP 413 - RFA : Entraves à l'importation de viandes congelées originaires de pays tiers et provenant d'Italie
  - IP 414 - Grèce : Interdiction d'importer de certaines découpes de viande
  - IP 415 - Danemark : Autorisation préalable à l'importation des produits laitiers

dans le cadre du Rendez-vous de midi d'aujourd'hui

- IP 409 - Négociations CE/Tchécoslovaquie.
  - IP 408 - Mesures grecques de libéralisation du marché des capitaux
  - IP 410 - Résumé du discours de M. Van Miert devant le séminaire de l'Ass. internationale des étudiants en sciences économiques
  - IP 411 - Résumé du discours de M. Van Miert devant l'Union belge des Annonceurs sur la publicité comparative à Bruxelles
  - IP 412 - Aide d'urgence en faveur du Zaïre (300.000 Ecus) et du Cambodge (500.000 Ecus)
  - IP 416 - Commission approuve l'accord d'énergie nucléaire écossais
- Discours de Mme Scrivener devant "Multinational Fiscal Associates" à Brux.
- Discours de M. Mac Sharry à la Conférence sur les entreprises rurales alternatives en Irlande - EMBARGO 8/5 à 18h30

Amitiés,  
N. Wegte



Bruxelles, le 14 mai 1991.

**NOTE BIO (91) 153 (suite 1) AUX BUREAUX NATIONAUX  
cc. aux Membres du Service du Porte-Parole**

**CONSEIL AFFAIRES GENERALES (N. Wegter)**

**Négociations CE/AELE**

Après une longue journée avec des discussions parfois très délicates, une déclaration commune de la réunion ministérielle CE/AELE a été présentée à la presse cette nuit vers 01h. En effet, cette présentation a quelque peu soulagé les principaux acteurs qui ont été confrontés pendant la journée avec la perspective réelle d'un échec total de cette réunion, ou au moins la possibilité réelle de ne pas pouvoir soumettre des conclusions précises et écrites des conclusions de cette réunion.

A l'occasion de la conférence de presse, le Président Poos a constaté que le réunion interministérielle était parvenue à des conclusions qui constituent ainsi une "percée" dans les négociations. En effet il a constaté des progrès sur tous les terrains du dossier, de sorte qu'une étape importante vers une conclusion positive de ces négociations dans un bref avenir a été franchie. En effet, la Présidence a constaté des positions communes en ce qui concerne les éléments suivants repris dans le texte de la Déclaration Commune (voir note BIO 153 (suite 2)) :

- Le mécanisme juridique (paragraphe 22 et 23) : la création d'une "Cour EEE indépendante" composée de 5 juges de la Cour de Justice de la CE et 3 du côté des 7 juges nommés de la part des pays de l'AELE. Cette Cour sera "functionally integrated" dans la Cour de Justice de la CE.
- Le principe de la création d'un mécanisme financier (paragraphe 16) pour réduire les disparités régionales, économiques et sociales dans la Communauté.
- La réalisation d'un degré plus élevé de libéralisation pour les échanges agricoles (paragraphe 14)
- L'application d'une clause de sauvegarde générale qui peut être mise en vigueur en cas de difficultés sérieuses sur le plan économique, "sociétal" et/ou environnemental (paragraphe 18).
- Des modalités de transition, par exemple dans le domaine de la libre circulation des capitaux et services (paragraphe 10), libre circulation des personnes (paragraphe 12), politique d'accompagnement : deux ans (paragraphe 13).

En outre, la Présidence a constaté des progrès dans certains dossiers épineux à savoir :

- pêche : les Ministres ont souscrit à un langage qui pour l'instant ne donne pas encore de solution pour ce dossier mais qui stipule entre autres que le problème de la pêche devra faire partie intégrante de l'Accord et que, par un tel biais, les intérêts des deux parties doivent être prises en compte (paragraphe 15).



- transport : "comprehensive solution ... has to be found", et que les négociations bilatérales actuellement en cours doivent être conclues dans un bref délai (paragraphe 11).

Le Président Poos a signalé que la délégation suisse a maintenu ses réserves concernant trois paragraphes spécifiques de la Déclaration Commune, à savoir :

- paragraphe 2bis : les Ministres confirment leur engagement à conclure un accord basé sur l'égalité afin de servir au maximum les intérêts mutuels des parties concernées "as well as the global and balanced character of their cooperation",
- paragraphe 4 : "... recalling that final agreement was dependent on a mutually acceptable solution to all questions covered by the negotiations, both substantive and institutional, as well as an overall balance of benefits, rights and obligations ...",
- paragraphe 15 : la formule déjà expliquée en matière de la pêche.

Il est à rappeler que la conception "opting out", conception défendue avant par l'AELE notamment sur l'insistance de la Suisse est maintenant écartée. Une telle conception visait donc la possibilité pour un pays membre individuel de l'AELE de ne pas appliquer certains éléments de la future législation communautaire.

La conception n'a pas été retenue à cause de l'opposition très formelle de la Communauté, celle-ci craignant qu'une telle faculté mettrait en cause l'homogénéité et l'intégralité de l'application de la législation EEE future.

En outre, la délégation islandaise a confirmé son intérêt particulier en matière de la pêche.

Le Président de l'AELE, le ministre autrichien M. Schüssel, s'est exprimé en des termes très positifs en constatant que les conditions sont maintenant réunies pour permettre la finalisation positive de ces négociations avant l'été de cette année.

Il a notamment signalé l'importance que des conclusions communes ont pu être levées en matière du mécanisme juridictionnel, clauses de sauvegarde, modalités transitoires. D'autre part, il a constaté qu'il reste encore des solutions à trouver pour trois dossiers clés, à savoir la libre circulation des personnes, la pêche et la cohésion.

Du côté de la Commission, le Vice-Président Andriessen a constaté que grâce aux résultats de cette réunion le momentum pour les négociations n'a pas seulement pu être maintenu mais même renforcé.

En constatant des progrès substantiels lors de cette réunion, M. Andriessen a tenu à préciser qu'il y a lieu de bien mesurer la complexité de ces négociations par rapport aux négociations classiques en vue d'un élargissement de la Communauté. En effet, ce dernier type de négociations est plus facile dans la mesure où

- il ne se base que sur la structure institutionnelle de la Communauté existante,
- qu'il ne concerne qu'un pays adhérent en question,
- qu'il se déroule dans une échéance dépassant largement les deux ans utilisés pour les négociations en cours concernant l'EEE.

Vu sous cet angle, le Vice-Président a conclu qu'il y a beaucoup moins de raisons d'être sceptique vis-à-vis des progrès réalisés jusqu'ici dans les négociations actuellement en cours.

A titre de conclusion, le Vice-Président a constaté avec satisfaction que les deux parties ont confirmé leur disponibilité à prendre leurs responsabilités pour contribuer à l'établissement d'une nouvelle Europe élargie.

Voici donc les principales remarques enregistrées hier soir à l'occasion de la Conférence de presse qui a eu lieu après que les Ministres des deux côtés se sont réunis à titre d'un dîner de travail qui s'est prolongé pendant la soirée.

Avant ce dîner et notamment pendant toute l'après-midi, des contacts préparatoires se sont déroulés notamment entre la Présidence du Conseil de l'AELE et le Vice-Président Andriessen. C'est à cette occasion que l'esquisse du texte de la Déclaration Conjointe a été élaborée, celle-ci étant d'ailleurs largement basée sur un projet de texte déjà diffusé aux deux parties au cours de la matinée pendant laquelle des sessions distinctes du côté de la CE et de l'AELE se sont tenues.

C'est maintenant au niveau des hauts fonctionnaires que les négociations se poursuivront. Le Groupe à haut niveau se réunira les 28 et 29 mai 1991.

Amitiés,  
B. Dethomas.



Bruxelles, le 14 mai 1991.

**NOTE BIO (91) 153 (suite 2) AUX BUREAUX NATIONAUX**  
**cc. aux Membres du Service du Porte-Parole**

**Ministerial Meeting between the European Community, its Member States and  
the Countries of the European Free Trade Association**  
**- JOINT DECLARATION -**

1. The Ministers of the Member States and the Commission of the European Communities and the Ministers of the Member States of the European Free Trade Association and Liechtenstein met in Brussels on 13 May 1991.
2. The meeting was chaired, for the Community, by Mr Jacques Poos, Minister of Foreign Affairs of Luxemburg, President-in-Office of the Council of the European Communities, and for the EFTA countries by Mr Wolfgang Schüssel, Minister for Economic Affairs of Austria, Chairman of the EFTA Council. The Commission of the European Communities was represented by Mr Frans Andriessen, Vice-President. The list of participating Ministers is attached. Mr Georg Reisch, Secretary-General of EFTA, also participated in the meeting.
- 2.bis Ministers confirmed their commitment to conclude, before the summer, negotiations on a comprehensive EEA agreement, based on equality which should ensure the greatest possible mutual interest for the parties concerned as well as the global and balanced character of their cooperation.
3. On the basis of the respective oral reports on the current state of the negotiations, they took with satisfaction of the considerable progress achieved in the negotiations since their last joint meeting in December 1990.
4. They noted that agreement had been achieved on several important elements of the EEA agreement and concluded that solutions now seemed possible on the remaining open issues. Recalling that final agreement was dependent on a mutually acceptable solution to all questions covered by the negotiations, both substantive and institutional, as well as an overall balance of benefits, rights and obligations, they encouraged negotiators to pursue their work actively in order to find solutions to the outstanding problems.
5. With reference to the issues mentioned in their Joint Declaration of 19 December 1990 they noted the following developments.
6. They welcomed progress achieved in the definition of solutions required for the operation of a system ensuring equal conditions of competition including state aids throughout the EEA. They noted convergence on the main elements defining the respective role of, and the cooperation between the EC Commission and the independent EFTA structure (with equivalent powers and similar functions as those exercised by the EC Commission. They encouraged negotiators to finalize the negotiations as rapidly as

possible, including on more detailed criteria for the attribution of cases between the two sides and on the role of the judicial mechanism.

7. The participants welcomed the pragmatic solutions agreed upon reconciling a high level of protection in the field of health, safety and the environment with the free circulation of goods. This will ensure that most of the relevant Community acquis will be applied in full by the EFTA countries as from 1.1.93. In some other areas, free circulation within the EEA will be guaranteed from 1.1.93 on the basis of Community acquis although EFTA countries' national legislations may be maintained during a transitional period. In relation to motor vehicles agreement was reached on free circulation as of 1.1.95 on the basis of the Community acquis. EFTA countries may however maintain national legislation until new Community rules are introduced which will be dealt with according to procedures laid down in the Agreement. For certain products (i.e. fertilizers containing cadmium, CFCs, Halons) an open-ended transitional period has been agreed subject to a review in 1995.

Sectors where solutions have to be found before the end of the negotiations are now reduced to those of dangerous substances, chemical substances/preparations and pesticides. Negotiators have been encouraged to pursue their work on these issues.

8. As regards other questions related to goods, the participants noted good progress on public procurement, product liability, testing and certification and EC mark, intellectual property. The agreement will contain a number of elements increasing cooperation in customs matters and improving and simplifying rules of origin. Further improvements will be sought in the framework of the Agreement.
9. Moreover progress was noted on steel which both sides agree to bring under the coverage of the EEA Agreement in as far as the provisions of the bilateral Free Trade Agreements for ECSC products, which will be maintained, do not apply. Further progress has been achieved in the area of energy where agreement has been reached on the inclusion of part of the EC acquis. More work is necessary on the acquis with provisions relating to difficulties of supply.
10. They also welcomed the agreement in the areas related to the free movement of capital and services. The relevant Community acquis will be introduced by the EFTA countries from 1.1.93 with the exception of some elements for which transitional periods will apply. Moreover in the area of capital movements the EFTA countries concerned will apply their present legislation in a liberal manner during the transitional period. Further work is necessary concerning the EC Broadcasting Directive. Furthermore they welcomed the agreement reached on the outline of economic and monetary policy cooperation.
11. They noted further progress in the transport area, a key factor in the EEA context in relation with the free movement both of goods and services. They concluded that a comprehensive solution in transport has to be found. They urged negotiators shortly to conclude the ongoing bilateral transit negotiations taking into account the specific interests of some EEA peripheral countries.

12. Further work remains to be done in the area of free movement of persons.
13. They noted that agreement had been reached that in a number of horizontal areas where the EC acquis will be taken over by the EFTA countries (company law, social policy and environmental policy) transitional periods of up to two years in general will apply.

They welcomed the agreement reached to strengthen and broaden cooperation outside the four freedoms (flanking policies) in the framework of the Community's activities in areas such as of research and development including information services, environment, education, training and youth, social policy, consumer protection, small and medium-sized enterprises, tourism and audiovisual sector, insofar as these matters are not regulated by other titles of the Agreement. They noted that there was now a substantial convergence of views as regards the elements which should figure in the EEA Agreement to provide a firm legal basis for a comprehensive and dynamic cooperation.

They encouraged negotiators to press ahead with their work on the few remaining questions on which agreement still has to be reached.

14. The participants took note of the progress in the agricultural area. They confirmed their determination to achieve within the EEA a higher degree of liberalization of agricultural trade in the framework of their respective agricultural policies. An evolutionary clause will be included in the EEA Agreement. Moreover, EFTA countries will abolish or reduce import duties from 1.1.93 on a range of products of a particular importance to the less developed regions of the Community. Particular attention will also be paid to the objective of abolishing trade barriers resulting from veterinary and phytosanitary regulations. In the latter areas the EFTA countries will take over, to the maximum extent possible, the EC acquis. Moreover, concrete measures will be introduced as from 1.1.93 in the form of reciprocal bilateral agreements between the EC and the EFTA countries under the umbrella of the EEA Agreement. Finally, trading conditions will be facilitated for processed agricultural products. They agreed that negotiations on all these issues should now be actively pursued and finalized as quickly as possible, given the importance of the agricultural sector as an element of balance in the Agreement as well as in the context of the reduction of regional social and economic disparities.
15. Recalling that they attached the same importance to the inclusion of fisheries into the EEA Agreement, they underlined the need for urgent and increased negotiating efforts in order to arrive at a solution combining satisfactorily the interests of both sides before the end of the negotiations.

With regard to fisheries, the ministers specifically refer to § 4 of this Declaration, stating that the final agreement was dependent on a mutually acceptable solution to all questions covered by the negotiations ; there must, at the end, be an overall balance of benefits, rights and obligations for each Contracting Party.

16. Urgent further work was required with regard to the ways and means of attaining the important objective of reducing regional economic and social disparities. This objective is essential to ensure a satisfactory balance of the EEA Agreement. They took note of the request of the Community and of the readiness of the EFTA countries to consider the creation of a financial mechanism through which appropriate efforts will be made to the attainment of this objective. Concrete modalities should now be worked out.
17. As regards legal and institutional questions the participants reaffirmed the principles set out in the Joint Declaration of 19 December 1990. They considered that operational institutional solutions should be arrived at in order to achieve maximum legal homogeneity within the European Economic Area without compromising decision-making autonomy of the Contracting Parties, the process of integration of the European Communities and the specific nature of Community law. With this in mind, they treated in particular the following points :
  18. They agreed on the need to provide in the agreement for a general safeguard clause which could be triggered into action whenever serious economic, social, and/or environmental difficulties of a sectoral or regional nature were arising. The Contracting Parties could, in unilateral declarations noted by the Diplomatic Conference, make any specific points they wished on the possible application of the general clause. They also confirmed the points in this connection made in the Joint Declaration of 19 December 1990.
  19. They also stressed the importance, in order to ensure maximum legal homogeneity, of developing as regards questions concerning the European Economic Area, an ongoing process of information and consultation in the course of the Community legislative process and likewise of involving experts from the EFTA countries as widely as possible according to the areas concerned in the preparatory stage of draft measures to be submitted subsequently to the Committees by the Commission. In this regard, they noted that when drawing up its proposals the Commission would refer to experts from the EFTA countries on the same basis as those from the Member States. Further, they noted that pragmatic solutions for certain specific problems could be discussed and that the status of the EFTA countries in the Committees relating to the flanking policies would take full account of their possible financial participation in the projects concerned (1).
20. Recalling that decisions at European Economic Area level are taken on a consensus basis by the Community on one side and the EFTA countries speaking with one voice on the other side, they recognized that should a serious and important difficulty arise in those areas which in the EFTA countries came within the competence of the legislator, this difficulty should be subjected to examination by the Joint Committee, which would try first of all to seek a mutually acceptable solution which would allow to maintain the Agreement in its entirety without prejudice to the possibility of invoking subsequently, where necessary, the general safeguard clause and proportionate rebalancing measures.

21. The participants stressed the need to have in the European Economic Area an effective system of surveillance composed on the one hand of the Commission and on the other of an EFTA mechanism working in similar way and also an independent judicial mechanism.
22. As regards the independent judicial mechanism, the following principles will be taken into account :
- Nomination of seven judges from the EFTA countries ;
  - Creation of an independent EEA Court composed of five judges from the EC Court of Justice and three from the seven EFTA judges, functionally integrated with the EC Court of Justice and which would be competent to give rulings :
    - . concerning dispute settlement (including when necessary interpretation of the EEA rules) on request of the Joint Body or the Contracting Parties
    - . concerning disputes between the EFTA Surveillance Body and an EFTA country
    - . concerning cases brought by enterprises or States against decisions of the EFTA structure in the field of competition (including State aid).
  - Reinforcement of the legal homogeneity within EEA through opening of intervention possibilities for EFTA countries before the EC Court of Justice and through a procedure inspired by that of the Lugano Convention.
23. They noted that the EFTA Member States were prepared to introduce provisions in their internal legislation to the effect that rules of the Agreement establishing an European Economic Area shall prevail in cases of possible conflicts between these rules and other provisions of their internal legal order.

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(1) The Commission will send to the EFTA side a letter explaining the modalities of this paragraph.

END OF THE JOINT DECLARATION

Amitiés,  
B. Dethomas



Bruxelles, le 15 mai 1991

**NOTE BIO (91) 153 (suite 3) AUX BUREAUX NATIONAUX  
Aux Membres du Service du Porte-Parole**

**Conseil Affaires Générales - 14 mai 1991**  
(J. Vale de Almeida)

Le Conseil s'est réuni à partir de 11H45' suite à la conférence Intergouvernementale. En voici les éléments essentiels :  
(NB. les relations avec Israël sont reprises dans une Bio séparée)

**1. AIDE AU BANGLADESH**

Texte de la décision du Conseil :

"Les Etats membres réunis au sein du Conseil, sur la base d'une proposition de la Commission, ont décidé, dans le cadre d'une action communautaire, d'une aide spéciale de 60 MECUs pour le Bangladesh.

La répartition entre les Etats membres se fera selon la clé PNB.

Cette aide sera intégrée dans l'action générale de la Communauté vers le Bangladesh.

L'aide est fournie soit directement par les Etats membres, soit par le biais d'un compte géré par la Commission.

La Commission assure la coordination d'ensemble de l'aide spéciale de 60 MECUs."

**2. RELATIONS AVEC LA TURQUIE**

Le point a été inscrit à l'ordre du jour par la délégation UK afin de mettre en évidence le fait qu'il y a un an que la Commission a présenté des propositions visant le rapprochement des relations avec la Turquie sans que le Conseil ait pu arriver à un accord unanime permettant de les débloquent.

Le Conseil a décidé de renvoyer le dossier au Coreper qui devra en faire rapport pour le mois de juillet. La délégation hellénique a fait acter une déclaration dans laquelle elle affirme son opposition au renvoi au Coreper et ajoute que ceci ne préjuge en rien de la décision politique à prendre par les ministres.

**3. ROLE EXTERIEUR DE LA BEI**

Le Conseil a débattu de cette question sur la base d'un rapport de la Commission, brièvement présenté par M. MATUTES. Le Commissaire a appelé à une analyse politique de la possibilité d'étendre l'action de la BEI à d'autres pays tiers avec lesquels la CE entretient des accords de coopération, soulignant le rôle que la Banque pourrait et devrait jouer dans le cadre de la politique de coopération de la Communauté.



Après débat, un consensus s'est dégagé sur l'utilité d'une extension limitée à l'égard de pays et régions à définir sur une approche projet par projet suivant des critères à établir. Le dossier sera repris par le Conseil ECO-FIN.

#### 4. CHARTE EUROPEENNE DE L'ENERGIE

Un accord ayant été constaté en avril sur le principe et sur la proposition de texte présenté par la Commission, le seul point objet de discussion fut la liste des pays à inviter à la conférence internationale qui doit aboutir à la rédaction finale et signature de la Charte Européenne de l'Energie.

M. POOS et le Commissaire CARDOSO E CUNHA ont fait état des résultats de la visite de la Troïka à Moscou et des contacts établis avec d'autres partenaires potentiels. A Moscou, selon le Commissaire, la délégation communautaire a constaté une nette approbation de l'initiative et de l'architecture proposée par la Commission. Une consultation est en cours auprès des républiques afin de permettre une position définitive. D'ores et déjà, les autorités soviétiques manifestent leur intérêt à l'efficacité et la rapidité du processus de discussion et la rédaction de la Charte. M. CARDOSO E CUNHA a ajouté son avis selon lequel il faut démarrer le plus vite possible et essayer de résoudre le problème ("relativement marginal") des invitations.

Ceci n'a cependant pas pu éviter un long débat sur quels pays inviter. Une large majorité (avec le soutien de la Commission) s'est rallié autour de l'invitation aux pays du G 24/OCDE. La délégation française a maintenu sa défense d'un cadre exclusivement européen et la délégation espagnole a souligné la nécessité d'associer les pays du Maghreb. Un consensus n'étant pas envisageable, la Présidence a conclu par le report d'une décision à la prochaine réunion du Conseil.

M. CARDOSO E CUNHA a regretté l'incapacité des ministres de se mettre d'accord et a alerté pour les conséquences négatives sur le calendrier de mise en oeuvre de la Charte, ce qui est contradictoire avec la dimension préoccupante des problèmes énergétiques en URSS et dans les PECO (utilisation rationnelle d'énergie, environnement et sécurité nucléaire).

#### REMUNERATIONS DES FONCTIONNAIRES

Ce point a été évoqué lors du déjeuner de lundi. La Présidence est mandatée pour une "mission d'information afin de dégager un compromis acceptable par le Conseil, la Commission et le personnel", a dit M. POOS devant la presse.

Amitiés,  
N. WEGTER

