



NEWS from DG XV

July 1993, no. 2/93

EDITORIAL

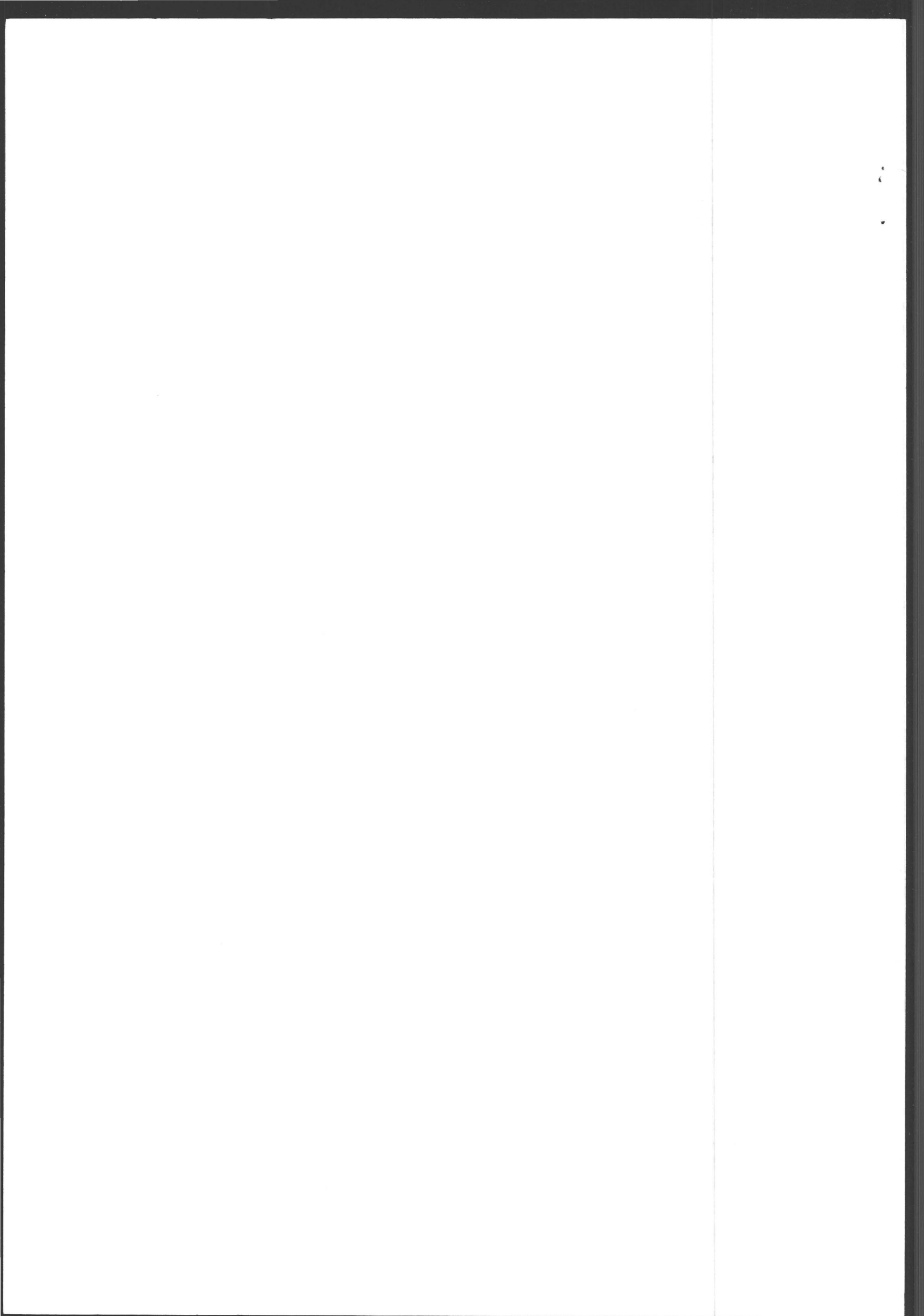
Au début du mois de mai, la DG XV a été réorganisée. Aux activités anciennes, d'autres domaines de travail se sont ajoutés, notamment l'important secteur "marché intérieur". Pour vous en donner un aperçu, nous publions, ci-après, notre nouvel organigramme.

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(TEXT COMPLETED 14 JULY 1993)

The bulletin "News from DG XV" reports on the Commission's policy in the fields of the internal market and financial services. It can be obtained from Mrs. G. Halberstadt, Commission of the European Communities, DG XV, C100/0-86, Rue de la Loi 200, B-1049 Brussels, Tel.: (direct line) 32-2-295.18.55, Fax: 32-2-295.65.00, Telex: COMEU B 21877, Telegraphic address: COMEUR Brussels



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1. Operation of the internal market

John FARNELL

2. External dimension of the internal market
and financial services

Ian WILKINSON

3. Free movement of persons and citizens' rights

...

4. Services and economic aspects

...

Directorate B

Free movement of goods and public procurement

...

1. Policy and interpretation concerning free
movement of goods; and application of
safeguard clauses

...

2. Application of Articles 30-36 EEC
(notifications, complaints, infringements
etc.) and removal of trade barriers

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3. Multinationals, groups of companies and the European Company	Françoise BLANQUET

Directorate E

**Intellectual and industrial property.
Freedom of establishment and freedom to
provide services, notably in the regulated
professions, the media and data protection.**

Paul WATERSCHOOT

Adviser

Jean-Jacques BEUVE-MERY

**1. Civil law and access to justice.
Freedom of establishment and freedom to
supply services: miscellaneous services and
coordination**

Susanna JESSEL-PICOURY

2. Regulated professions (qualifications)

...

Deputy Head of Unit

Jean-Marie VISEE

**3. Industrial property, including
international aspects**

Bertold SCHWAB

Deputy Head of Unit

Bernhard POSNER

**4. Copyright and neighbouring rights,
including international aspects;
and unfair competition**

...

5. The media and data protection

Ulf BRÜHANN

REINFORCING THE EFFECTIVENESS OF THE INTERNAL MARKET

Communication from the Commission to the Council
and the Parliament

(COM (93) 256 final of 2 June 1993)

INTRODUCTION

Article 8a of the Treaty has defined the Community's internal market as a space without internal frontiers where the free circulation of goods, services, capital and persons is assured. In June 1985, the Commission submitted to the Milan Council its White Paper on the completion of the internal market; it thus launched a process of European integration which has fundamentally influenced Community policy in the course of the last 8 years. This result was able to be attained thanks to the Single Act, the White Paper and the deadline of 31 December 1992. It constitutes the basis of economic and monetary union and a European citizenship whose success resides in the Treaty on European Union. In this respect the single market is the pedestal for the building of the Community, its dynamism will underpin the dynamism of the economic and political integration of the Community.

The legislative programme established in 1985 has now been more than 95 % completed. If the assessment of the legislative activity for the last eight years can therefore be considered positive, the Commission is not underestimating certain retarding factors in the expected effects of the internal market:

- in several sectors, the new Community regulation envisages transitional periods and, once in force, will only produce their economic effects after a certain period of time has elapsed;
- uncertainties concerning a rigorous and homogenous application of Community legislation by all the Member States seem to compromise its effectiveness in terms of the protection afforded to citizens and in guaranteeing competition;
- the adoption of a legislative programme which is so vast, in such a short space of time, may create the impression of bureaucratic interference in the conduct of affairs at national level.

For these diverse reasons, the establishment of the internal market should be pursued, explained and motivated still more, so that it becomes a reality on the economic front and can be widely accepted on a political level.

COLLECTIVELY DEFINING A STRATEGIC PROGRAMME

The communication represents a first step towards the definition of a programme which would not only be oriented towards the management of regulations but which would equally maintain a dynamic for the development and deepening of the Internal Market. Its purpose is to launch a debate which will not be limited to the Community institutions but which will also encompass economic and social circles. The working document accompanying this communication, which takes up in detail the different elements of a strategic approach to the management and development of the internal market, will be widely circulated in order to give rise to reactions as to its content. In the light of these reactions, as well as those from the Community institutions, the Commission will prepare a strategic programme for Community's actions in future years.

The Commission has chosen this procedure because it reflects the necessity to engage all parties concerned in the definition of the objectives and the methods to achieve them. To ensure for the Community economy the effects of the measures adopted in the framework of the White Paper legislative programme, there must be organised:

- on the one hand, a partnership between the Commission and the Member States in the application and the effective management of the rules;*
- on the other, the mobilisation of the economic operators to contribute to action for the development of the internal market.*

This presumes as wide as possible a consensus on the priorities, without however allowing that the search for this consensus should affect the launching of the most urgent initiatives concerning particularly transparency in the functioning of the internal market.

THE CONTENTS OF THE PROGRAMME

The Objectives

First objective: to respond to the expectations of the citizen

The internal market should bring advantages for citizens as well as for enterprises, supporting job creation and economic growth. The citizen needs to be assured that the opening of the markets

will lead to an improved level of social protection and of working conditions as well as of his health, his safety, his economic interests and his environment. He should be assured, particularly through credible information, that the abolition of frontier controls is not going to expose him to new risks.

Second objective: to ensure a competitive environment for enterprise

The Community must guarantee free movement and the functioning of the single market, however its legislative interventions must be limited to those domains in which mutual recognition cannot guarantee the protection of the essential requirements; it must ensure a surveillance on the operation of these rules and their adequacy to respond to the objectives.

Third objective: to ensure in the single market the dynamic for economic and social development

The Community must not only ensure the coherence of the legislative acquis in the face of national initiatives which could have the effect of re fragmentation of the market, but it must also bring an added value to that acquis in acting upon the factors for dynamism in the market, such as the tax environment for enterprise, industrial quality and trans-European networks; the objective of this should be the improvement of social conditions in the Community.

The instruments:

a) For an effective application

(i) Better adapted controls: The instruments of control with respect to Community obligations are found in the Treaty and the acts of application; they will be fully utilised and indeed reinforced to offer the appropriate means for the prevention of barriers.

The Commission must also take on assisting measures which will allow a convergent application of the regulations. These assisting measures will principally rely on the transparency of transposing acts at national level, the common interpretation of regulations, exchanges of information between the administrations and information activities.

The national courts should have a greater capacity for ensuring the respect of Community obligations; this is why actions for the

education and training for judges and the legal professions and the improvement of access to justice constitute the most appropriate lines of action.

(ii) *Overseeing the functioning of the regulations: the Member States must be assured that surveillance of the functioning of the regulations is carried out. In this regard, the Commission must equip itself with the means to evaluate the effectiveness of the regulations; in effect the legislative framework must respond at once to the objectives of free movement and the respect of the essential requirements, but also to the objectives of economic and social development.*

(iii) *The organisation of partnership with the Member States: initiatives are envisaged in the domain of administrative co-operation between the Member States, and between the Member States and the Commission, in order to ensure the effective application of Community law. This concerns better definition of the methods of co-operation by sector and to identify the measures of support necessary at Community level.*

The extension of scientific and technical co-operation should equally be reinforced. Training actions and the exchange of national civil servants are an indispensable element for integrating the Community dimension in the functioning of the national administrations.

(iv) *Transparency of Community actions: the Commission proposes to increase the transparency of existing legislation (notably through consolidation) and has taken steps to ensure a better internal co-ordination in order to improve information on the development of its policies (the annual report on the functioning of the internal market). It has also adopted means for a better transparency in the preparation of legislative proposals.*

b) For dynamic development

The dynamic development of the internal market must be placed in the context of many Community initiatives, in particular the initiatives for growth and for jobs, and policies relating to cohesion between the regions. This development also relies on the pursuit of certain current actions: the Commission intends for example to continue the work underway in the domain of intellectual property and data protection, to develop a much greater use of voluntary European standardisation in industrial circles as well as to orient support programmes for SME's towards an improvement of their participation in the opening of markets.

In parallel, new initiatives are envisaged by the Commission, and in particular:

- an improvement in the tax environment for enterprises so as to eliminate obstacles to co-operation and cross-border activities;*
- the promotion of quality products within European industry;*
- the external aspect of the internal market;*
- an integrated approach to the development of trans-European networks in order to promote private financing and instruments of interoperability.*

7 **DRAFT PROPOSAL FOR A DIRECTIVE LAYING DOWN DETAILED ARRANGEMENTS FOR THE EXERCISE OF THE RIGHT TO VOTE AND TO STAND AS A CANDIDATE IN ELECTIONS TO THE EUROPEAN PARLIAMENT IN THE MEMBER STATE OF RESIDENCE**
(COM/93/291/2)

1. An early proposal

The timetable laid down in Article 8b(2) of the Treaty on European Union was adopted by the intergovernmental conference on the assumption that the Treaty would enter into force at the beginning of 1993. The political point of the deadline of 31 December 1993 is that the arrangements to be adopted by the Council should apply for the forth direct elections to the European Parliament in June 1994. the considerable delay in the entry into force of the Treaty risks jeopardizing this political objective.

That being so, the European Parliament and the Permanent Representatives Committee were unanimous to call on the Commission to present an early proposal, even before the entry into force of the Treaty, so that discussions could begin in the Council.

The Commission is responding to these invitations by presenting, in the form of a working document, an early draft proposal for a Directive.

2. The basic ideas of the Commission's approach

a) The early proposal does not seek overall harmonization of the relevant national laws, but merely the elimination of the nationality condition, which in most cases means that citizens of the Union have no right to vote and to stand as candidates in elections to the European Parliament in Member States in which they reside but of which they are not nationals. In keeping with the principles of subsidiarity and proportionality, the proposal is limited to what is strictly necessary for attaining the objective set out in Article 8b(2) and is thus aimed at interfering least with the electoral systems of the Member States.

b) The proposal is based on the principle of equality and non-discrimination between nationals and non-nationals. Therefore Community electors and Community candidates will be made subject, as far as possible, to the same conditions, notably as to age and residence, as nationals of the Member State concerned. However, some specific provisions must be made in order to respect the freedom of choice of the citizens concerning the Member State in which they wish to vote or to stand as a candidate and to take care that there are no abuses of this freedom by dual voting or dual candidature. In addition, certain provisions relating to electoral disqualification and inelegibility are necessary.

c) The proposal is aimed at making it as easy as possible for the citizens concerned to exercise their right to vote and to stand as a candidate in the Member State of residence and avoiding any unnecessary formalities or bureaucracy. Therefore, the extra documents which a Community voter or Community candidate must produce in support of his application have to be kept to a strict minimum. In the main, the draft proposal provides that the citizens concerned have to submit a "formal declaration" to the competent administration in the Member State of residence. In defining the concept of that declaration the draft proposal refers to the different types of declaration that currently exist in the Member States (e.g. "Statutory declaration" under UK law, "eidesstattliche Versicherung" under German law).

d) The specific problems which can justify derogations arise where there is a particularly high proportion of nationals of other Member States. The average proportion is currently between about 0.3 % and about 6 % of all resident Union citizens. There is only one Member State in which the number of Community residents of voting age in which the proportion is substantially higher, at about 29 % of the total potential electorate. In view of this situation, the draft proposal lays down a threshold of 20 % which must be reached before a Member State can derogate from certain general provisions. The possible derogations may not go

beyond a requirement that Community nationals must have resided in that Member State for a minimum period which may not exceed 5 years as far as the right to vote is concerned and 10 years as far as the right to stand as a candidate is concerned.

As any derogation must be subject to review, the proposal establishes a system of regular reports.

e) As the fourth direct elections to the European Parliament are to be held from 5 to 12 June 1994, the draft proposal provides certain transitional provisions.

1 ASSISTANCE TECHNIQUE AUX PAYS D'EUROPE CENTRALE ET ORIENTALE

Dans ses domaines de compétence, la DG XV participe aux actions d'assistance technique mises en oeuvre par la Communauté en direction des pays de l'ancien bloc de l'Est. Ces actions s'inscrivent pour l'essentiel dans le cadre des programmes PHARE et TACIS dont la responsabilité globale et financière incombe aux services de la DG I.

Parmi les dernières actions auxquelles la DG XV a participé, on notera les suivantes :

1. Fiscalité

La Commission (DG I, XV, et XXI), en accord avec leurs administrations, mobilisera les fonctionnaires en activité ou en retraite des Etats membres pour l'assistance technique en matière fiscale, et veillera à une coordination des programmes d'assistance au sein de la Communauté.

2. Comptabilité

La définition et l'adoption de normes comptables ainsi que leur diffusion sont reconnues comme une des toutes premières priorités des réformes permettant le développement harmonieux de l'économie de marché. La DG XV participe activement à la définition et au suivi des programmes d'assistance dans ce domaine qui se réfèrent aux directives européennes en matière comptable. Ces programmes sont désormais menés en coordination étroite avec les organisations financières internationales (notamment la Banque mondiale) ainsi que les bailleurs de fonds bilatéraux. Les dernières actions lancées concernent la Russie (élaboration des

normes en matière de comptabilité bancaire et de comptabilité générale, lancement prochain d'un programme de formation) et l'Ukraine (lancement prochain du programme d'assistance juridique à la mise en place de normes et d'un programme de formation). (Voir aussi "News from DG XV, n° 4/92).

3. Banques

Systèmes de paiements : l'absence de systèmes fiables et performants de compensation et de paiements interbancaires est désormais reconnue comme l'un des obstacles majeurs au développement économique de ces pays. Plusieurs demandes d'assistance ont été formulées par les pays d'Europe centrale et sont acutellement à l'étude. Une assistance coordonnée des institutions financières internationales (BIRD, FMI, BRI), de l'OCDE et de la Commission est mise en place auprès de la Banque centrale de Russie.

Lutte contre le blanchiment de la drogue : dans le cadre d'un programme régional au bénéfice de la Hongrie, des Républiques tchéque et slovaque, de la Pologne, la Roumanie et la Bulgarie, la DG XV a participé à la définition et suivra la mise en place d'un programme d'assistance à l'élaboration d'une législation financière destinée à lutter contre le blanchiment de l'argent de la drogue sur la base de la directive européenne.

4. Assurance

La DG XV continue de contribuer très activement à la mise en oeuvre des programmes d'assistance dans ce domaine où, à la différence des autres parties du secteur financier, les autres bailleurs de fonds ne sont guère présents.

Dans plusieurs pays relevant du programme Phare, nous participons à des programmes de formation : création d'un centre de formation en Hongrie et en Pologne, début des activités d'un tel centre à Prague, centre qui est commun aux Républiques tchéque et slovaque.

Nous contribuons largement à une assistance multiforme aux autorités de contrôle de la Pologne (rédaction de la loi de base sur les assurances, stages de fonctionnaires dans la CEE, expert séjournant à Varsovie), de la Hongrie (mise au point d'un "early warning system", formation des fonctionnaires, aide organisationnelle) où les directives "assurances" ont été traduites en hongrois, des Républiques tchéque et slovaque (modification des deux lois de base sur le contrôle, aide organisationnelle, aide à la formation, rédaction de modèles de comptabilité d'assurance) où des consultants ont également

présenté des projets de lois sur le contrat d'assurance, sur l'assurance de la responsabilité civile, etc., de la Bulgarie (établissement d'un programme) et des Pays Baltes.

Pour ces pays du programme "Phare", la Commission a décidé de réaliser une étude de la législation de l'assurance privée et de le faire en coopération avec l'O.C.D.E.

Plusieurs actions doivent être signalées pour les pays relevant du programme TACIS.

En Russie, un premier projet d'assistance législative portant sur la loi de contrôle est terminé. Un projet d'assistance à l'autorité de contrôle est presque entièrement réalisé (études sur l'assurance des soins de santé, sur les systèmes de pension, sur la gestion des actifs des entreprises d'assurance, sur la constitution d'une banque de données, stages dans la CEE pour 10 fonctionnaires, etc...). Un autre projet, également presque terminé, comporte une étude sectorielle du marché de l'assurance, la rédaction d'une réglementation sur les mutuelles d'assurance, des projets de polices-type et de tarification pour les assurances de masse (R.C. Auto), etc...

Le plus important de tous les projets auxquels nous sommes associés concerne la création d'un centre de formation à Moscou et à Saint-Petersbourg. Il va démarrer incessamment.

En Ukraine, nous avons assuré la direction d'une conférence-ateliers sur le passage à un marché libre mais contrôlé des assurances à Kiev du 22 au 25 juin 1993.

Un projet d'assistance législative très large vient de commencer (réglementation sur le contrôle, organisation du contrôle, assurance crédit à l'exportation, etc...). La préparation d'un important projet de création d'un centre de formation à Kiev est presque terminée.

La DG XV est pour la 4ème fois co-organisateur d'un Colloque international "assurances" dans les pays de l'Est. Il bénéficie d'un soutien financier de la Commission et aura lieu à Prague en novembre 1993.

5. Marchés financiers

Après une certaine réserve à l'égard d'un secteur qui n'était pas jugé prioritaire, la Commission souhaite répondre aux demandes d'assistance dans ce domaine alors que les politiques de privatisation de masse vont requérir l'utilisation de bourses de valeurs. La DG XV participe dans cet esprit aux études de mise en place de programmes d'assistance juridique à l'élaboration de cadre légal nécessaire au fonctionnement de bourses de valeurs, notamment en Russie et, prochainement, au Kazakhstan.

6. Propriété industrielle

Le programme RIPP (Regional Industrial Property Programme) lancé au profit des pays d'Europe centrale et orientale dans le cadre de PHARE a été effectivement engagé au premier semestre 1993; l'OEB (Office Européen des Brevets) est chargé de sa mise en oeuvre, le volet "Marques" ayant été confié à l'INPI (Institut National de la Propriété Industrielle - France) et au Bureau Bénélux des Marques. Le programme porte sur la modernisation des offices des brevets des pays bénéficiaires et l'assistance technique en matière de propriété industrielle.

Dans ce cadre a été organisé les 16 et 17 juin à Bucarest un symposium sur la réforme de la propriété industrielle à l'Est. Les représentants des PECO (11 pays représentés) ont manifesté leur volonté de s'aligner aussi rapidement que possible sur les législations occidentales en matière de propriété industrielle dans un cadre européen.

! DIRECTIVES DE CODIFICATION CONCERNANT LES PROCEDURES DE PASSATION DES MARCHES PUBLICS

Le Conseil a adopté le 14 juin 1993 la toute dernière série de directives sur l'ouverture des marchés publics, à savoir

- la codification des travaux (93/37/CEE), en application depuis le 1 juillet 1993;
- la codification et modification des directives "fournitures" (93/36/CEE) qui entrera en vigueur le 14 juin 1994;
- les services, dont les secteurs jusqu'à maintenant exclus, (93/38/CEE) qui entrera en vigueur le 1 juillet 1994 (plus tard pour l'Espagne, le Portugal et la Grèce).

! INVESTMENT SERVICES DIRECTIVE

The Council has adopted the Directive 93/22/EEC (ISD) on 10 May 1993. The text has been published, as well as the text of the directive 93/6/EEC (CAD) in the OJEC L 141 of 11 June 1993. (see also "News from DG XV" n°1/93)

COMITE DES VALEURS MOBILIERES

Position Commune du Conseil : 5 avril 1993 (Doc. 5511/93)

(v. aussi "News from DG XV" n° 1/93, p. 3)

**PROPOSITION MODIFIEE DE DIRECTIVE DU CONSEIL
CONCERNANT LA LIBERTE DE GESTION ET DE PLACEMENT
DES FONDS COLLECTES PAR LES INSTITUTIONS DE
RETRAITE**

(COM/93/237 final, JOCE C 171 du 22.6.93, p. 13)

Après l'avis du Comité économique et social et la première lecture au Parlement européen le 18/11/1992, la Commission a présenté le 26 mai 1993, une version modifiée de sa proposition de directive.

Les modifications visent :

- 1) à définir plus clairement le champs d'application de la directive;*
- 2) à étendre les restrictions aux placements dans les "entreprises associés", dont la définition s'inspire des définitions figurant dans la directive 83/349/CEE.*

**PROPOSITION MODIFIEE D'UNE DIRECTIVE DU CONSEIL
RELATIVE AUX SYSTEMES DE GARANTIE DES DEPOTS**

(COM/93/253 final)

Après l'avis du Comité économique et social et la première lecture au Parlement européen le 10 mars 1993, la Commission a présenté, le 7 juin 1993, une version modifiée de sa proposition de directive.

Les modifications visent deux points essentiels, à savoir :

- *augmenter le montant minimum de la garantie pour le porter de 15.000 à 20.000 écus et;*
- *exempter de l'adhésion obligatoire à un système de garantie de dépôts les établissements agréés qui reçoivent des dépôts du public mais qui bénéficient déjà d'une protection du fait de leur appartenance à un système qui garantit les établissements eux-mêmes (donc leurs déposants) ce qui est le cas des coopératives et des caisses d'épargne.*

INSURANCE COMMITTEE

The Insurance Committee met for its 5th meeting in Brussels on 24th and 25th May 1993.

The most important items on its agenda were :

- *a continued discussion on the prudential supervision of insurance groups and of "financial conglomerates" type groups containing banks and insurance companies;*
- *consultation of the Committee on the Commission's draft proposal for a Directive amending the insurance directives to take account of supervisory lessons learnt in the "BCCI" banking crisis;*
- *the state of play of implementation by Member States of Directives in the insurance sector;*
- *the Commission proposal for a European Cooperative Company Statute and its effects on insurance supervision.*

The next meeting of the Committee has been scheduled for October.

COMITE CONSULTATIF BANCAIRE

La 36ème réunion du Comité consultatif bancaire a eu lieu à Bruxelles, les 8 et 9 juillet 1993. Les principaux sujets à l'ordre du jour étaient :

- consultation sur le projet de proposition de la Commission sur une Directive du Conseil concernant le système d'indemnisation des investisseurs;
- problème de l'harmonisation des dispositions nationales en matière de liquidation des établissements de crédit;
- surveillance prudentielle de la compensation, des risques du marché et des risques du taux d'intérêts;
- questionnaire sur le traitement et la situation des succursales d'établissements de crédit de pays tiers dans la Communauté compte tenu des conditions dans la législation communautaire;
- révision du règlement sur les concentrations relatif aux établissements de crédit et financiers;
- état d'avancement de l'application et de la transposition dans le droit national de la législation communautaire en matière bancaire;
- questions d'interprétation;
- "considérations d'ordre prudentiel" dans le cadre de art. 104a du Traité sur l'Union Européenne.

PROPOSITION MODIFIEE DE DIRECTIVE DU CONSEIL CONCERNANT UN REGIME FISCAL COMMUN APPLICABLE AUX PAIEMENTS D'INTERETS ET DE REDEVANCES EFFECTUES ENTRE SOCIETES MERES ET FILIALES D'ETAT MEMBRES DIFFERENTS (COM/93/196 final)

Après les avis du Comité Economique et Social et du Parlement Européen la Commission a présenté le 10 juin 1993 une modification de sa proposition de directive complétant ainsi les notions d'intérêts et de redevance afin d'assurer une application plus large de la directive sur tout ce qui est considéré par les Etats Membres comme intérêts et redevances.

7 NOMBRE DE G.E.I.E. (MAI 1993)

<u>Pays</u>	<u>Enregistrés</u>	<u>Liquidés</u>	<u>Existants</u>
<i>Belgique</i>	140	2	138
<i>France</i>	132		132
<i>Pays-Bas</i>	78	34	44
<i>Royaume - Uni</i>	44		44
<i>Allemagne</i>	30		30
<i>Espagne</i>	15		15
<i>Italie</i>	11		11
<i>Luxembourg</i>	4		4
<i>Portugal</i>	4		4
<i>Danemark</i>	2		2
<i>Irlande</i>	2		2
<i>Grèce</i>	0		0
<i>Total</i>	462	36	426

7 PROPOSITION MODIFIEE DE DIRECTIVE DU CONSEIL RELATIVE A
L'HARMONISATION DE LA DUREE DE PROTECTION DU DROIT D'AUTEUR
ET DE CERTAINS DROITS VOISINS

(COM/92/602 final, JOCE C 27 du 30.1.93, p.7)

Un accord politique est intervenu lors du Conseil des ministres des douze le 14 juin 1993. La proposition de la Commission reposait sur un niveau de protection élevé. Les ministres ont suivi cette approche et l'accord politique s'est fait sur les niveaux de protection les plus élevés existant dans le droit des Etats membres: 70 ans de protection après la mort de l'auteur pour le droit d'auteur et 50 ans de protection pour les droits voisins.

Une solution original a été trouvée en ce qui concerne les oeuvres cinématographiques ou audiovisuelles. Le réalisateur principal est confirmé comme auteur de l'oeuvre, les Etats membres restant libres de désigner les autres auteurs selon leur tradition juridique. Par contre, la durée de telles oeuvres sera calculée de la même façon dans toute la Communauté, à savoir 70 ans après la mort du dernier survivant des personnes suivantes: le réalisateur principal, l'auteur de scénario, l'auteur du dialogue et le compositeur de la musique.

L'accord prévoit également des dispositions spécifiques en matière de photographies et d'oeuvres posthumes.

En ce qui concerne l'application dans le temps, il a été décidé que les nouvelles durées s'appliqueraient immédiatement aux oeuvres et objets protégés dans un Etat membre au moins à la date du 1 juillet 1995.

Cet accord constitue un signal à tous les intéressés dans la Communauté et en dehors de celle-ci: la Communauté est une entité et continue à affirmer son identité. Elle entend protéger au mieux les droits de propriété intellectuelle afin de garantir et de favoriser le développement de la richesse culturelle de l'Europe.

■ PROPOSITION MODIFIEE DE DIRECTIVE DU CONSEIL RELATIVE A LA COORDINATION DE CERTAINES REGLES DU DROIT D'AUTEUR ET DES DROITS VOISINS APPLICABLES A LA RADIODIFFUSION PAR SATELLITE ET A LA RETRANSMISSION PAR CABLE
(COM/92/526 final, JOCE C 25 du 28.1.1993, p. 43)

Position commune du Conseil: 10 mai 1993
(Doc. 6028/1/93, JOCE C 149 du 29.5.1993)

■ PROPOSITION DE DIRECTIVE DU CONSEIL CONCERNANT LA PROTECTION JURIDIQUE DES BASES DE DONNEES
(COM/92/24 final, JOCE C 156 du 23.6.1992, p. 4)

Première lecture au Parlement européen: 23 juin 1993

1. Background

Minimum international standards for the protection of performers, producers of phonograms and broadcasting organisations were last negotiated over 30 years ago and remain as then determined in the Rome Convention of 1961. Since that date industry, market, trade and technological conditions have developed considerably, including the introduction of videocassettes and digital technology. Some review of the rights affected by these changes was, therefore, due as has been recognised in relation to authors' rights, presently under discussion in WIPO (World Intellectual Property Organisation) in relation to a possible Protocol to the Berne Convention. Thanks to the subsequent New Instrument initiative, two sets of negotiations will now largely be conducted in parallel dealing respectively with copyright and neighbouring rights.

2. The Role of the Commission

The Directive on rental and lending rights and certain rights related to copyright (Council Directive 92/100/CEE) provides for high level of protection across a wide range of neighbouring rights within the European Community from 1 July 1994. The Community therefore has a substantial degree of competence in this area and a coordinated position can be expected to apply across the range of the negotiations. In particular, on 25 June the Council adopted a negotiating mandate authorising the Commission to negotiate on behalf of the Community with respect to the New Instrument, as it had already done in September 1991 for the Berne Protocol.

3. The Current Position

The Commission's preparations for the New Instrument negotiations included a hearing in Brussels on 15 February this year which more than 100 interested parties attended. The first WIPO meeting was held in late June/early July. Further WIPO meetings may follow in November this year and possibly towards the early summer next year.

7 COMMERCIAL COMMUNICATION CONFERENCES & THE INTERNAL MARKET

From 9 to 11 June, DG XV in association with Advertising Seminars International launched a high-level debate before the drafting of a Green paper on commercial communication with three one day seminars. The three days covered Commercial Communication in the Internal Market, Self-regulation and its link with framework legislation and sponsorship.

Some 120 delegates attended these events. The audience consisted of senior representatives from major multinational companies as well as key players from the agency and media worlds. In his opening address to delegates, Mr MOGG, Director General of DG XV, indicated that the conferences were part of a consultative procedure which would help ensure the Commission made "sensible, well-founded policy decisions in this field". The conferences were in addition to the public hearings on the Green Paper, which would be held in the normal manner. They would also be of benefit to trade associations in that they would help motivate their members at an early stage.

Some of the issues raised in the discussions are highlighted below:

- Loi Evin - Tobacco and alcohol distinguished*
- Freedom and responsibility in Commercial Communication*
- Cultural differences and cross-border advertising*
- Proportionality not subsidiarity the informing principle in Commercial Communication regulation*
- Self-regulation cannot de-regulate*
- Self-regulation must be effective and inspire confidence*
- Sponsorship, Patronage and Barter*
- Canadian company shows the way in Europe*

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