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Standardized abbreviations for the designation of certain monetary units in the different languages of the Community:

ECU	=	European currency unit
BFR	=	Belgische frank / Franc belge
DKR	=	Dansk krone
DM	=	Deutsche Mark
DR	=	Greek drachma
ESC	=	Escudo
FF	=	Franc français
HFL	=	Nederlandse gulden (Hollandse florijn)
IRL	=	Irish pound / punt
LFR	=	Franc luxembourgeois
LIT	=	Lira italiana
PTA	=	Peseta
UKL	=	Pound sterling
USD	=	United States dollar

contents

I — Edinburgh European Council	7
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PART ONE ACTIVITIES IN DECEMBER 1992

News in brief	42
1. European union	46
2. Delors II package: structural and financial measures 1993-99	49
3. The single market and the Community economic and social area	50
— Economic and monetary policy	50
— Statistical area	52
— Internal market	55
— Competition	65
— Enterprise policy, industrial policy and services	75
— Research and technology	77
— Telecommunications, information services and industry	78
— Transport	79
— Energy	83
— Social dimension	84
— Education, vocational training and youth	88
— Economic and social cohesion: structural measures	90
— Environment	92
— Agriculture	98
— Fisheries	109
— Consumers	120
— A people's Europe	120
— Audiovisual media, information, communication and culture	121
4. The role of the Community in the world	122
— Enlargement	122
— European Free Trade Association	122

— Central and Eastern Europe and the independent States of the former Soviet Union	122
— Mediterranean and Middle East	126
— United States, Japan and other industrialized countries	130
— Asia and Latin America	131
— African, Caribbean and Pacific countries and overseas countries and territories	132
— General development cooperation	134
— Commercial policy	136
— International organizations and conferences	140
— Human rights in the world	142
— Diplomatic relations	144
5. Intergovernmental cooperation	145
— European political cooperation	145
— Other intergovernmental cooperation	148
6. Financing Community activities	150
— Budgets	150
— Financial operations	155
— European Investment Bank	156
7. Community institutions	161
— Parliament	161
— Council	163
— Commission	169
— Community lawcourts	170
— ECSC Consultative Committee	176

PART TWO **DOCUMENTATION**

1. The ecu	178
2. Infringement proceedings	180
3. Additional references in the Official Journal	189
4. Index	190

Supplements 1992

- 1/92 1992: a pivotal year
Address by Jacques Delors, President of the Commission, to the European Parliament
From the Single Act to Maastricht and beyond: the means to match our ambitions — The Commission's programme for 1992
- 2/92 Research after Maastricht — An assessment — A strategy
- 3/92 Europe and the challenge of enlargement
- *4/92 The challenge of enlargement — Commission opinion on Austria's application for accession
- *5/92 The challenge of enlargement — Commission opinion on Sweden's application for accession
- *6/92 The challenge of enlargement — Commission opinion on Finland's application for accession

* In preparation.

I — Edinburgh European Council

Edinburgh, 11 and 12 December

1.1. The meeting of Heads of State or Government held in Edinburgh on 11 and 12 December was chaired by Mr Major, President of the Council and Prime Minister of the United Kingdom, and attended by Mr Delors, President of the Commission. It was preceded by an exchange of views with Mr Klepsch, President of the European Parliament, who gave a rundown of Parliament's position on the main items on the agenda. With particular reference to ratification of the Treaty on European Union, he stressed the need to complete the process by 30 June 1993 and gave his backing to all the requests to strengthen democracy and increase transparency. He also argued that the new tasks entrusted to the Community called for new means of action and it must therefore be given the requisite own resources and financial autonomy.

By resolving many of the issues essential to progress in Europe, the summit achieved a breakthrough enabling the Community of Twelve to move forward and restore the confidence of its citizens in the European venture, thereby contributing to the recovery of the European economy.

In order to resolve the problems arising in the wake of the 'no' vote in the Danish referendum on ratification of the Treaty on European Union and to pave the way for a second referendum, the Heads of State or Government adopted a decision in which they took note of the fact that Denmark would not be participating in the single currency or in the preparation and implementation of decisions and actions which have defence implications. On the other hand, it would be participating fully in cooperation on justice and home affairs within the limits authorized by the Danish constitution.

The European Council supplemented this decision with a declaration on social policy, consumers, the environment and the distri-

bution of income and with a declaration on defence, in which it noted that Denmark would renounce its right to exercise the Presidency of the Union whenever the preparation and implementation of Union decisions and actions with defence implications were involved. The European Council also took note of three unilateral declarations by Denmark, to be appended to the Danish instrument of ratification of the Treaty, explaining its position on European citizenship and its policy on cooperation in the fields of justice and home affairs.

The European Council also approved an overall approach to the subsidiarity principle as a dynamic concept to be applied in the light of the objectives set out in the Treaty. It welcomed the draft interinstitutional agreement presented by Parliament and spelled out guidelines designed to enable all the institutions to give substance to this principle without undermining the present institutional balance. It also took note of the Commission's review of existing and proposed Community legislation.

The European Council went on to reaffirm its commitment to a more open and transparent Community. It welcomed the measures the Commission had decided to take, including producing its annual work programme in October, wider consultation before making proposals, including the use of Green Papers, and higher priority for the consolidation of legislation. It adopted guidelines on the implementation of the Birmingham Declaration in the Council, with particular reference to access to the Council's work, information on the role and decisions of the Council, and the simplification of and easier access to Community legislation.

Given the need for the Community to have adequate resources to finance its policies subject to the constraints of budgetary discipline and the contributive capacity of the Member States, the European Council reached agreement on the financing of the Community

budget for the period 1993-99 and on the breakdown of appropriations between the main categories of expenditure. The annual ceiling on resources fixed at 1.2% of Community GDP in 1993 and 1994 is to be increased gradually to 1.27% in 1999, representing a budget of ECU 65.9 billion in appropriations for payments in 1993 rising to ECU 80.1 billion in 1999.

On the basis of these amounts, under the heading of structural operations appropriations for the less-developed regions (Objective 1 areas) will be increased by 72%, with a further ECU 15.15 billion allocated to the Cohesion Fund. This will mean a virtual doubling of appropriations for the four countries eligible for assistance from the Fund — Spain, Greece, Ireland and Portugal. On the other hand, while proposed expenditure on external action is set to rise from ECU 3.9 billion in 1993 to ECU 5.6 billion in 1999, there will be only a modest increase for internal policies (ECU 3.94 billion in 1993 rising to ECU 5.1 billion in 1999) despite the Commission's wish to increase financial resources to help meet priorities such as research and trans-European networks.

Given the agreement reached on the future financing of the Community and prospects for early ratification of the Treaty on European Union by all the Member States, the European Council agreed that enlargement negotiations with Austria, Sweden and Finland will start at the beginning of 1993. However, they cannot be concluded until the Treaty has been ratified by all the Member States. The conditions of admission for future members will be based on acceptance in full of the Treaty on European Union and the *acquis communautaire*, subject to any transitional measures agreed during the negotiations. The European Council asked the Council to adopt decisions on opening negotiations with Norway on the same basis as soon as the Commission's opinion on its application is available. It also asked the Commission, when the time comes to prepare its opinion on Switzerland's application, to take into account the views of the Swiss authorities following the referendum of 6 December concerning the agreement on the European Economic Area.

On the basis of a Commission report on the economic situation, the European Council

adopted a declaration on promoting economic recovery in Europe, in which it called on the Member States to implement concerted economic measures tailored to national requirements which would boost confidence and promote economic recovery. To complement these measures the European Council, acting on a proposal from the Commission, agreed to the establishment of a new, temporary lending facility of ECU 5 billion within the EIB to finance infrastructure loans and to set up a European Investment Fund with ECU 2 billion of capital contributed by the EIB.

The European Council noted with particular satisfaction that most of the programme set out in the White Paper on completing the internal market would be achieved by 31 December 1992. It noted that freedom of movement for persons within the Community could not be fully ensured by 1 January 1993 but that in 1993 travellers would benefit from significant changes. It also welcomed progress under the work programme on immigration and the right of asylum.

Both to take account of German unification and with a view to enlargement, the European Council agreed to an increase in the number of seats in Parliament (567) and a new breakdown by country from 1994. It also adopted a decision on the location of the seats of Parliament, the Council, the Commission, the Court of Justice and the Court of First Instance, the Economic and Social Committee, the Court of Auditors and the European Investment Bank.

Moving on to external policy issues facing the Community, the European Council sent a strong message to the Serb leadership calling for genuine cooperation in the peace process, failing which the international community would have to take sterner action leading to the total isolation of Serbia. In line with the conclusions of the Lisbon European Council the European Council repeated its wish to prevent the former Yugoslav Republic of Macedonia from bearing the consequences of UN sanctions and approved the granting of humanitarian and technical assistance. It expressed its horror at the systematic detention and rape of Muslim women and called for the immediate closure of detention camps, in particular the camps for women.

The European Council welcomed the Commission report *Towards a new association with the countries of Central and Eastern Europe*, which it saw as a positive response to the commitment to develop the Community's partnership with these countries.

It also adopted a declaration on Russia and the Commonwealth of Independent States and reviewed Community relations with Turkey, Cyprus, Malta, Iran and Africa. It reaffirmed its support for the Middle East peace process.

Conclusions of the Presidency

Part A

Introduction

1.2. The European Council met in Edinburgh on 11 and 12 December 1992 to discuss the central problems on the Community's agenda. The meeting was preceded by an exchange of views between the members of the European Council and the President of the European Parliament on the various issues of the agenda.

The European Council agreed on solutions to a very wide range of issues which are essential to progress in Europe. This paves the way for a return to confidence by its citizens in European construction, which will contribute to the recovery of the European economy.

In particular the European Council reached agreement on the following major issues:

- the problems raised by Denmark in the light of the outcome of the Danish referendum on 2 June 1992 on the Maastricht Treaty;
- guidelines to implement the subsidiarity principle and measures to increase transparency and openness in the decision-making process of the Community;
- the financing of Community action and policies during the rest of this decade;

- the launching of enlargement negotiations with a number of EFTA countries;
- the establishment of a plan of action by the Member States and the Community to promote growth and to combat unemployment.

Treaty on European Union — State of the ratification process

- Reference:** Outcome of the Danish referendum: — Bull. EC 6-1992, points 1.1.1 to 1.1.4

1.3. The members of the European Council reaffirmed their commitment to the Treaty on European Union. Ratification is necessary to make progress towards European Union and for the Community to remain an anchor of stability in a rapidly changing continent, building on its success over the last four decades.

Having reviewed the state of the ratification process the European Council agreed to the texts set out in Part B of these Conclusions concerning the issues raised by Denmark in its memorandum 'Denmark in Europe' of 30 October 1992. This will create the basis for the Community to develop together, on the basis of the Maastricht Treaty, while respecting, as the Treaty does, the identity and diversity of Member States.

Subsidiarity

- Reference:** Commission communication on the principle of subsidiarity: Bull. EC 10-1992, point 1.1.4

1.4. On the basis of a report from the Foreign Ministers the European Council agreed the overall approach, set out in Annex 1, to the application of the subsidiarity principle and the new Article 3b. The European Council invited the Council to seek an interinstitutional agreement between the European Parliament, the Council and the Commission on the effective application of Article 3b by all institutions. The European Council discussed this aspect with the President of the European Parliament. It welcomed the ideas in the draft of an interinstitutional agreement presented by the European Parliament.

The European Council received a report from the President of the Commission on the first fruits of the Commission's review of existing and proposed legislation in the light of the subsidiarity principle. These examples are set out in Annex 2. The European Council noted the Commission's intention to

withdraw or amend certain proposals and to make proposals for the amendment of items of existing legislation. It looks forward to the final report on the review of existing legislation, which the Commission will prepare for the European Council in December 1993.

Openness and transparency

□ **Reference:** Conclusions of the Birmingham European Council: Bull. EC 10-1992, point I.8

I.5. The European Council reaffirmed its commitment at Birmingham to a more open Community and adopted the specific measures set out in Annex 3.

The conclusion with regard to access to the work of the Council will be reviewed at the end of 1994.

The European Council welcomed the measures the Commission has recently decided to take in the field of transparency. These include producing the annual work programme in October to allow for wider debate including in national parliaments; seeking closer consultation with the Council on the annual legislative programme; wider consultation before making proposals, including the use of Green Papers; making Commission documents public in all Community languages; and attaching higher priority to consolidation and codification of legal texts.

The European Council reconfirmed its invitation at Birmingham for the Commission to complete by early next year its work resulting from the declaration in the Maastricht Treaty on improving access to the information available to it and to other Community institutions.

Access of new Member States to the Union

□ **References:**
Commission report *Europe and the challenge of enlargement*: Supplement 3/92 — Bull. EC
Conclusions of the Lisbon European Council: Bull. EC 6-1992, point I.4

I.6. The European Council in Lisbon agreed that official negotiations with EFTA countries seeking membership of the Union will be opened immediately after the Treaty on European Union is ratified and agreement has been achieved on the Delors II package.

Given the agreement reached on future financing and prospects for early ratification of the Treaty on European Union by all Member States, the European Council agreed that enlargement negotiations will start with Austria, Sweden and Finland at the beginning of 1993. These negotiations will be based on the general negotiation framework of which the General Affairs Council took note on 7 December. They will be transformed into negotiations under Article O of the Treaty on European Union once it enters into force, and can only be concluded once the Treaty on European Union has been ratified by all Member States. The conditions of admission will be based on the acceptance in full of the Treaty on European Union and the *acquis communautaire*, subject to possible transitional measures to be agreed in the negotiations. The European Council invited the Council of Ministers to take decisions on the opening of negotiations on the same basis with Norway as soon as the Commission's opinion on its application is available. Negotiations will to the extent possible be conducted in parallel.

It invited the Commission, in preparing its opinion on the Swiss application, to take into account the views of the Swiss authorities following the 6 December referendum on the EEA Agreement. It welcomes the contacts now under way with the EFTA countries to identify the next steps in proceeding with the Agreement.

GATT

□ **Reference:** Draft agreement between the Community and the United States on the oilseeds dispute and bilateral aspects of the Uruguay Round: Bull. EC 11-1992, points 1.4.83 and 1.4.84

I.7. The European Council welcomed the resumption of negotiations in Geneva on the GATT Uruguay Round. It reaffirmed its commitment at Birmingham to an early, comprehensive and balanced agreement and called on all the parties to complete the negotiations accordingly. It noted that the final package must be judged as a whole.

Promoting economic recovery in Europe

□ **Reference:** Commission communication on the economic situation in the Community at the end of 1992: point 1.3.2 of this Bulletin

I.8. The European Council heard a report from the President of the Commission about the economic situation. It discussed the prospects for growth and

the rise in unemployment. It agreed to carry forward the action and initiatives set out in the declaration in Annex 4.

Internal market

□ **References:**

Council resolution on making the single market work: Bull. EC 11-1992, point 1.3.15

Council conclusions on the guidelines on company taxation in the context of the further development of the internal market: Bull. EC 11-1992, point 1.3.16

Commission communication on the operation of the Community's internal market after 1992: Follow-up to the Sutherland report: point 1.3.14 of this Bulletin

1.9. The European Council noted with particular satisfaction that the White Paper programme for creating the internal market will in all essential respects be successfully completed by 31 December 1992. This is a historic moment for the Community, marking the fulfilment of one of the fundamental objectives of the Treaty of Rome. The large single market is an irreversible achievement. It will offer consumers more choice and lower prices; it will help job creation and will sharpen the international competitiveness of business in Europe. The Community will remain open to world trade and investment.

The European Council noted that since 1985 over 500 internal market measures have been agreed, including nearly all those in the original White Paper. It paid tribute to the vital role played by the Commission in initiating this programme and to the constructive cooperation on it between the Council and the European Parliament. The decision-making procedures introduced by the Single European Act have proved indispensable for the timely completion of the programme.

Work on the single market programme has covered a wide canvas, opening up public purchasing, liberalizing transport and financial services, improving Community-wide acceptance of product standards, removing non-tariff barriers, and making it easier for people to work throughout the Community.

The European Council welcomed the agreements recently reached on indirect tax measures, investment services and cultural goods, and airport slot allocation, as well as the commitment by all Member States to abolish systematic frontier controls on goods by 1 January 1993, respecting Article 28 of the Single European Act. The European Council

recognized that the internal market will remain a dynamic process, and that it must be adapted and improved to keep pace with changing circumstances.

The European Council considered that accurate and timely transposition of Community measures by Member States is essential to secure the full benefits of the internal market.

Recalling its Lisbon conclusions, the European Council stressed the need to ensure that the internal market works to the benefit of all the Community's citizens and enterprises. It therefore welcomed the resolutions adopted at the 10 November Internal Market Council and 24 November Industry Council identifying the priorities and practical steps necessary to ensure that the internal market works fairly and effectively and without undue burdens on business, notably small and medium-sized enterprises. It also welcomed the Commission's recent response to the important recommendations of the high-level group under Mr Peter Sutherland. It invited the Council to continue urgent work on these issues.

Free movement of persons

□ **Reference:** Commission communication on the abolition of border controls: Bull. EC 5-1992, point 1.1.7

1.10. The European Council has had to take note of the fact that free movement of persons within the Community, in accordance with Article 8a of the Treaty of Rome, cannot be completely assured on 1 January 1993.

The work necessary to achieve this result without creating dangers for public security and compromising the fight against illegal immigration, although having progressed, is still under way. Further progress is needed in particular to complete the ratification process of the Dublin Asylum Convention, to conclude the External Frontiers Convention and to complete negotiations on a Convention on the European Information System.

However, noticeable changes benefiting travellers will occur during the course of next year:

□ thus, the Member States of Schengen will put into effect this agreement during 1993, as soon as the preconditions for its implementation are fulfilled; in this group of States, the abolition of controls will be effective from that date at internal land, maritime and air frontiers;

□ other Member States have made known their intention to take various measures to lighten controls at borders on nationals of Member States of the Community.

Reaffirming its commitment to the full and rapid implementation of Article 8a, the European Council has invited the competent Ministers to accelerate their work and has decided to come back to this issue at the next meeting of the European Council on the basis of a report from the Ministers.

Justice and home affairs

□ **Reference:** Six-monthly meetings of Ministers responsible for immigration and the Trevi Group: points 1.5.12 and 1.5.13 of this Bulletin

I.11. The European Council noted the work of the coordinators group on the implementation of the justice and home affairs pillar of the Treaty on European Union. It requested the group to ensure that detailed plans are taken forward for the development of communication systems and other preparations.

The European Council welcomed the progress made by the Ministers with responsibility for immigration under the work programme on immigration and asylum, and in particular the agreement in principle at their London meeting of resolutions on manifestly unfounded asylum applications, and on host third countries.

The European Council noted with approval the report of Celad on its past work, and its report on the coordination of drugs issues and its future role.

The European Council noted the report of the Trevi Ministers and looked forward to the early establishment of the Europol Drugs Unit.

Migration

I.12. Deeply concerned by the intensification of episodes of intolerance, which it has strongly condemned, the European Council has underlined that there must be no room for racism and xenophobia in today's Europe, and has reiterated its determination to oppose such attitudes with renewed vigour.

The European Council stressed the importance of protecting all immigrants from racist attacks and implementing fully their policies for integrating legal

immigrants. It expressed its deep concern at acts of aggression against foreign immigrants.

The European Council agreed the declaration in Annex 5.

Size of the European Parliament

I.13. The European Council agreed — based on the proposal of the European Parliament — on the following numbers of members of the European Parliament, from 1994, to reflect German unification and in the perspective of enlargement:

Belgium	25
Denmark	16
Germany	99
Greece	25
Spain	64
France	87
Ireland	15
Italy	87
Luxembourg	6
Netherlands	31
Portugal	25
United Kingdom	87
Total	<u>567</u>

The necessary legal texts will be prepared for adoption in due course.

Seats of the institutions

I.14. On the occasion of the European Council Member States reached agreement on the seats of the European Parliament, the Council, the Commission, the Court of Justice and the Court of First Instance, the Economic and Social Committee, the Court of Auditors, and the European Investment Bank. The formal decision is set out in Annex 6.

Annex 1 to Part A

Overall approach to the application by the Council of the subsidiarity principle and Article 3b of the Treaty on European Union

Basic principles

I.15. European Union rests on the principle of subsidiarity, as is made clear in Articles A and B of

Title I of the Treaty on European Union. This principle contributes to the respect for the national identities of Member States and safeguards their powers. It aims at decisions within the European Union being taken as closely as possible to the citizen.

Article 3b of the EC Treaty¹ covers three main elements:

- a strict limit on Community action (first paragraph);
- a rule (second paragraph) to answer the question 'Should the Community act?'. This applies to areas which do not fall within the Community's exclusive competence;
- a rule (third paragraph) to answer the question: 'What should be the intensity or nature of the Community's action?'. This applies whether or not the action is within the Community's exclusive competence.

The three paragraphs cover three distinct legal concepts which have historical antecedents in existing Community Treaties or in the case-law of the Court of Justice.

- The principle that the Community can only act where given the power to do so — implying that national powers are the rule and the Community's the exception — has always been a basic feature of the Community legal order (the principle of attribution of powers).
- The principle that the Community should only take action where an objective can better be attained at the level of the Community than at the level of the individual Member States is present in embryonic or implicit form in some provisions of the ECSC Treaty and the EEC Treaty; the Single European Act spelled out the principle in the environment field (the principle of subsidiarity in the strict legal sense).
- The principle that the means to be employed by the Community should be proportional to the objective pursued is the subject of a well-established case-law of the Court of Justice which, however, has been limited in scope and developed without the support of a specific article in the Treaty (the principle of proportionality or intensity).

The Treaty on European Union defines these principles in explicit terms and gives them a new legal significance

- by setting them out in Article 3b as general principles of Community law;
- by setting out the principle of subsidiarity as a basic principle of the European Union;²
- by reflecting the idea of subsidiarity in the drafting of several new Treaty articles.³

Furthermore, the second indent of point (b) of Article K.3(2)b directly incorporates the principle of subsidiarity.

The implementation of Article 3b should respect the following basic principles:

- Making the principle of subsidiarity and Article 3b work is an obligation for all the Community institutions, without affecting the balance between them.

An agreement shall be sought to this effect between the European Parliament, the Council and the Commission, in the framework of the interinstitutional dialogue which is taking place among these institutions.

- The principle of subsidiarity does not relate to and cannot call into question the powers conferred on the European Community by the Treaty as interpreted by the Court. It provides a guide as to how those powers are to be exercised at the Community level, including in the application of Article 235. The application of the principle shall respect the general provisions of the Maastricht Treaty, including the 'maintaining in full of the *acquis communautaire*', and it shall not affect the primacy of Community law nor shall it call into question the principle set out in Article F(3) of the Treaty on European Union, according to which the Union shall provide itself with the means necessary to attain its objectives and carry through its policies.
- Subsidiarity is a dynamic concept and should be applied in the light of the objectives set out in the Treaty. It allows Community action to be expanded

¹ Article 3b, as introduced in the EC Treaty by the Treaty on European Union, reads as follows: 'The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein.

In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.

Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty.'

² See Articles A and B of the Treaty on European Union.

³ Articles 118a, 126, 127, 128, 129, 129a, 129b, 130 and 130g of the EC Treaty, Article 2 of the Agreement on social policy.

where circumstances so require, and conversely, to be restricted or discontinued where it is no longer justified.

Where the application of the subsidiarity test excludes Community action, Member States would still be required in their action to comply with the general rules laid down in Article 5 of the Treaty, by taking all appropriate measures to ensure fulfilment of their obligations under the Treaty and by abstaining from any measure which could jeopardize the attainment of the objectives of the Treaty.

The principle of subsidiarity cannot be regarded as having direct effect; however, interpretation of this principle, as well as review of compliance with it by the Community institutions are subject to control by the Court of Justice, as far as matters falling within the Treaty establishing the European Community are concerned.

Paragraphs 2 and 3 of Article 3b apply only to the extent that the Treaty gives to the institution concerned the choice whether to act and/or a choice as to the nature and extent of the action. The more specific the nature of a Treaty requirement, the less scope exists for applying subsidiarity. The Treaty imposes a number of specific obligations upon the Community institutions, for example concerning the implementation and enforcement of Community law, competition policy and the protection of Community funds. These obligations are not affected by Article 3b: in particular the principle of subsidiarity cannot reduce the need for Community measures to contain adequate provision for the Commission and the Member States to ensure that Community law is properly enforced and to fulfil their obligations to safeguard Community expenditures.

Where the Community acts in an area falling under shared powers the type of measures to apply has to be decided on a case-by-case basis in the light of the relevant provisions of the Treaty.¹

Guidelines

1.16. In compliance with the basic principles set out above, the following guidelines — specific to each paragraph of Article 3b — should be used in examining whether a proposal for a Community measure conforms to the provisions of Article 3b.

First paragraph (Limit on Community action)

1.17. Compliance with the criteria laid down in this paragraph is a condition for any Community action.

In order to apply this paragraph correctly the institutions need to be satisfied that the proposed action is within the limits of the powers conferred by the Treaty and is aimed at meeting one or more of its objectives. The examination of the draft measure should establish the objective to be achieved and whether it can be justified in relation to an objective of the Treaty and that the necessary legal basis for its adoption exists.

Second paragraph (Should the Community act?)

1.18. This paragraph does not apply to matters falling within the Community's exclusive competence.

For Community action to be justified the Council must be satisfied that both aspects of the subsidiarity criterion are met: the objectives of the proposed action cannot be sufficiently achieved by Member States' action and they can therefore be better achieved by action on the part of the Community.

The following guidelines should be used in examining whether the abovementioned condition is fulfilled:

the issue under consideration has transnational aspects which cannot be satisfactorily regulated by action by Member States; and/or

actions by Member States alone or lack of Community action would conflict with the requirements of the Treaty (such as the need to correct distortion of competition or avoid disguised restrictions on

¹ The new Articles 126 to 129 of the EC Treaty in the area of education, vocational training and youth, culture and public health will explicitly rule out harmonization of laws and regulations of Member States. It follows that the use of Article 235 for harmonization measures in pursuit of the specific objectives laid down in Articles 126 to 129 will be ruled out. This does not mean that the pursuit of other Community objectives through Treaty articles other than 126 to 129 might not produce effects in these areas. Where Articles 126, 128 and 129 refer to 'incentive measures', the Council considers that this expression refers to Community measures designed to encourage cooperation between Member States or to support or supplement their action in the areas concerned, including where appropriate through financial support for Community programmes or national or cooperative measures designed to achieve the objectives of these articles.

trade or strengthen economic and social cohesion) or would otherwise significantly damage Member States' interests; and/or

□ the Council must be satisfied that action at Community level would produce clear benefits by reason of its scale or effects compared with action at the level of the Member States.

The Community should only take action involving harmonization of national legislation, norms or standards where this is necessary to achieve the objectives of the Treaty.

The objective of presenting a single position of the Member States *vis-à-vis* third countries is not in itself a justification for internal Community action in the area concerned.

The reasons for concluding that a Community objective cannot be sufficiently achieved by the Member States but can be better achieved by the Community must be substantiated by qualitative or, wherever possible, quantitative indicators.

Third paragraph (Nature and extent of Community action)

I.19. This paragraph applies to all Community action, whether or not within exclusive competence.

Any burdens, whether financial or administrative, falling upon the Community, national governments, local authorities, economic operators and citizens, should be minimized and should be proportionate to the objective to be achieved.

Community measures should leave as much scope for national decision as possible, consistent with securing the aim of the measure and observing the requirements of the Treaty. While respecting Community law, care should be taken to respect well-established national arrangements and the organization and working of Member States' legal systems. Where appropriate and subject to the need for proper enforcement, Community measures should provide Member States with alternative ways to achieve the objectives of the measures.

Where it is necessary to set standards at Community level, consideration should be given to setting minimum standards, with freedom for Member States to set higher national standards, not only in the areas where the Treaty so requires (118a, 130t) but also in other areas where this would not conflict with the objectives of the proposed measure or with the Treaty.

The form of action should be as simple as possible, consistent with satisfactory achievement of the objective of the measure and the need for effective enforcement. The Community should legislate only to the extent necessary. Other things being equal, directives should be preferred to regulations and framework directives to detailed measures. Non-binding measures such as recommendations should be preferred where appropriate. Consideration should also be given where appropriate to the use of voluntary codes of conduct.

Where appropriate under the Treaty, and provided this is sufficient to achieve its objectives, preference in choosing the type of Community action should be given to encouraging cooperation between Member States, coordinating national action or to complementing, supplementing or supporting such action.

Where difficulties are localized and only certain Member States are affected, any necessary Community action should not be extended to other Member States unless this is necessary to achieve an objective of the Treaty.

Procedures and practices

I.20. The Treaty on European Union obliges all institutions to consider, when examining a Community measure, whether the provisions of Article 3b are observed.

For this purpose, the following procedures and practices will be applied in the framework of the basic principles set out [above] and without prejudice to a future interinstitutional agreement.

Commission

I.21. The Commission has a crucial role to play in the effective implementation of Article 3b, given its right of initiative under the Treaty, which is not called into question by the application of this Article.

The Commission has indicated that it will consult more widely before proposing legislation, which could include consultation with all the Member States and a more systematic use of consultation documents (Green Papers). Consultation could include the subsidiarity aspects of a proposal. The Commission has also made it clear that, from now on and according to the procedure it already established in accordance with the commitment taken at the European Council in Lisbon, it will justify in a recital the relevance of its initiative with regard to the principle of subsidiarity. Whenever necessary,

the explanatory memorandum accompanying the proposal will give details on the considerations of the Commission in the context of Article 3b.

The overall monitoring by the Commission of the observance of the provisions of Article 3b in all its activities is essential and measures have been taken by the Commission in this respect. The Commission will submit an annual report to the European Council and the European Parliament through the General Affairs Council on the application of the Treaty in this area. This report will be of value in the debate on the annual report which the European Council has to submit to the European Parliament on progress achieved by the Union (see Article D in the Treaty on European Union).

Council

I.22. The following procedure will be applied by the Council from the entry into force of the Treaty. In the mean time it will guide the work of the Council.

The examination of the compliance of a measure with the provisions of Article 3b should be undertaken on a regular basis; it should become an integral part of the overall examination of any Commission proposal and be based on the substance of the proposal. The relevant existing Council rules, including those on voting, apply to such examination.¹

This examination includes the Council's own evaluation of whether the Commission proposal is totally or partially in conformity with the provisions of Article 3b (taking as a starting point for the examination the Commission's recital and explanatory memorandum) and whether any change in the proposal envisaged by the Council is in conformity with those provisions. The Council decision on the subsidiarity aspects shall be taken at the same time as the decision on substance and according to the voting requirements set out in the Treaty. Care should be taken not to impede decision-making in the Council and to avoid a system of preliminary or parallel decision-making.

The Article 3b examination and debate will take place in the Council responsible for dealing with the matter. The General Affairs Council will have responsibility for general questions relating to the application of Article 3b. In this context the General Affairs Council will accompany the annual report from the Commission (→ point I.21) with any appropriate considerations on the application of this Article by the Council.

Various practical steps to ensure the effectiveness of the Article 3b examination will be put into effect including:

- working group reports and Coreper reports on a given proposal will, where appropriate, describe how Article 3b has been applied;
- in all cases of implementation of the Article 189b and 189c procedure, the European Parliament will be fully informed of the Council's position concerning the observance of Article 3b in the explanatory memorandum which the Council has to produce according to the provisions of the Treaty; the Council will likewise inform the Parliament if it partially or totally rejects a Commission proposal on the ground that it does not comply with the principle of Article 3b.

Annex 2 to Part A

Subsidiarity — Examples of the review of pending proposals and existing legislation

I.23. The Birmingham European Council agreed that, to flesh out the subsidiarity principle, it would examine at Edinburgh the initial outcome of a Commission review of existing Community legislation, with examples.

The Commission has proceeded along three lines:

- in October it gave the other institutions the fruits of its reflections on subsidiarity in the form of a political, technical and legal analysis;

¹ In the course of this examination, any Member State has the right to require that the examination of a proposal which raises Article 3b issues be inscribed on the provisional agenda of a Council in accordance with Article 2 of the Council's rules of procedure. If such examination, which will include all relevant points of substance covered by the Commission proposal, shows that the majority required for the adoption of the act does not exist, the possible outcomes include amendments of the proposal by the Commission, continued examination by the Council with a view to putting it into conformity with Article 3b or a provisional suspension of discussion of the proposal. This does not prejudice Member States or Commission rights under Article 2 of the Council's rules of procedure nor the Council obligation to consider the opinion of the European Parliament.

it proposed broad lines for an interinstitutional agreement, which was substantially accepted by Parliament and well received by the Member States; the subsidiarity principle has an impact on all the three institutions involved in their respective ways in the decision-making and legislative process;

the Commission, for its part, embarked on a review of pending proposals, an initial analysis of existing legislation, and deeper reflection on a number of initiatives that it was planning; in accordance with the conclusions of the Lisbon European Council the Commission will supplement this with a report to the December 1993 European Council on the results of its review of certain Community rules with a view to adapting them to the subsidiarity principle.

The Commission's first priority was to review all proposals pending before the Council and Parliament in the light of the subsidiarity principle.

It reviewed each proposal in terms both of the need-for-action criterion and of the intensity criterion — proportionality of resources deployed to objectives pursued.

The Commission has come to the conclusion that certain of its proposals were not fully warranted in terms either of value added by Community action or of comparative efficiency in relation to other possibilities of action in national or international contexts.

In this spirit it recently withdrew three proposals for Directives:

- compulsory indication of nutritional values on the packaging of foodstuffs;
- radio frequencies for land-based telecommunications with aircraft; and
- radio frequencies for remote-processing facilities in road transport.

After the proper contacts, notably with Parliament, it is further considering withdrawing the following proposals:

- measures proposed at the time of the Gulf crisis in the event of oil supply and stock difficulties in the Community;
- conditions in which animals are kept in zoos (there will be a proposal for a recommendation on this subject at a later date);
- radio frequencies for the coordinated introduction of digital short-range radio communications (DSRR);
- indirect taxation on transactions in securities;
- indirect taxation on capital accumulations;

- amendments to the Sixth VAT Directive;
- higher tax-free allowances for fuel in the tanks of utility vehicles;
- VAT on ships' supplies;
- temporary importation of motor vehicles;
- classification of documents of Community institutions;
- network of information centres on agricultural markets and quality standards.

The Commission has also concluded, notably following debates in Parliament and the Council, that certain pending proposals tend to go into excessive detail in relation to the objective pursued.

It is accordingly planning to revise a number of them so that they establish general principles to be given more detailed form by the Member States:

- public takeover bids;
- common definition of the concept of Community shipowner;
- comparative advertising;
- labelling of shoes;
- liability of suppliers of services;
- protection of natural persons in relation to data processed via digital telecommunications networks.

The Commission has also identified several families of existing rules and regulations which it intends to scrutinize as part of its programme for 1993.

As far as technical standards are concerned, a series of directives embodying excessively detailed specifications could be streamlined and replaced, under the new approach to harmonization, by minimum requirements to be met by products circulating freely within the Community. The directives in question relate in the main to foodstuffs (preserves, natural mineral waters, honey, coffee extracts, fruit juices). The Commission will also propose that the scope of certain directives be clarified. Although adopted under the new approach to harmonization, these texts (the low tension and machinery directives for instance) present problems of overlapping.

In the area of qualifications, the Commission will review the already quite old directives on certain regulated occupations to facilitate implementation and reinforce mutual recognition.

On the environment, the Commission intends to simplify, consolidate and update existing texts, particularly those on air and water, to take new knowledge and technical progress into account.

On agriculture, with particular reference to the clearance of accounts, the Commission intends to

give national authorities more responsibility for applying Community legislation by allowing them, under certain conditions, to negotiate settlements with individuals.

As to animal welfare, accession by all the Member States to the European Convention on the Protection of Animals kept for Farming Purposes means that there is no point in retaining the Council directives introducing very strict standards, at Parliament's request, for the protection of pigs, calves and laying hens. However, minimum Community rules on animal welfare will be needed to guarantee fair competition and freedom of movement.

Turning to social policy, the Commission considers that the group of directives based on Article 118a of the Treaty is too recent to warrant re-examination. Instead its priority will be to supplement them by implementing all the provisions of the Charter of the Fundamental Social Rights of Workers. However, early steps will have to be taken to simplify and codify the body of older regulations on the free movement of workers.

Finally, the Commission can say that, following consultations with interested parties, it intends to abandon certain initiatives that had been planned.

It will not, for instance, be going ahead with proposals on the harmonization of vehicle number plates or the regulation of gambling.

Similarly, the Commission sees no need to continue preparatory work on the harmonization of certain technical standards (for instance, on dietary foods, second-hand machinery, structures and equipment for funfairs and theme parks, mechanical fixing and bolts in particular).

In more general terms the Commission is intending to use its monopoly of the right of initiative by declining to accept requests made by the Council at informal meetings that it make proposals for directives. In the same spirit it will be tougher about rejecting amendments proposed by the Council and Parliament that run counter to the proportionality rule or would unnecessarily complicate directives or recommendations that are in fact justified under the need-for-action criterion.

Annex 3 to Part A

Transparency — Implementation of the Birmingham declaration

Access to the work of the Council

1.24. The process of opening up the work of the Council will start in the following areas:

(a) *Open debates on work programme and on major initiatives of Community interest*

(i) Open orientation debates on relevant Presidency or Commission work programmes, in both the General Affairs Council and the Ecofin (Economic and Financial Affairs) Council. The timing will be for decision by the Presidency.

(ii) There should be regular open debates on major issues of Community interest. It will be for the Presidency, any Member State or the Commission to propose issues for open debate. The decision will be taken by the Council on a case-by-case basis.

(b) *Legislation*

Major new legislative proposals will, whenever appropriate, be the subject of a preliminary open debate, in the relevant Council, on the basis of the Commission's legislative proposal. It will be for the Presidency, any Member State or the Commission to propose specific subjects for a debate. The decision will be taken by the Council on a case-by-case basis. Negotiations on legislation in the framework of the Council shall remain confidential.

(c) *Publication of voting records*

When a formal vote is taken in Council, the record of the vote (including explanations of vote where delegations request these) shall be published.

(d) *The decision on holding an open debate on a specific item under point (a ii) and (b) shall be taken by unanimity.*

(e) *'Public access' will be achieved by televising the debate for viewing in the press area of the Council building.*

Information on the role of the Council

Transparency on the Council's decisions

1.25. Extension to all Council formations of the practice, established over the years in most Councils, of publishing a full description in the press release of the conclusions reached by the Council (exceptions being made for cases where such information would damage the interests of the Member States, the Council, or the Community — e.g. negotiating mandates). More systematic emphasis on publication of explanatory summaries concerning important 'A' points adopted at the Council. Greater efforts to

be made when drafting conclusions to make them understandable to the public.

Better background information on Council decisions (e.g. objective, history, link to other subjects) to be made available, if possible for distribution at pre-Council press briefings, in the form of background notes prepared by the Secretariat in user-friendly terms. This initiative could be extended in the future to cover matters relating to common foreign and security policy and internal and justice affairs, taking into account the specific need for confidentiality in some areas.

Systematic background pre-Council press briefings by Presidency, assisted by Council Secretariat (today not all Presidencies hold such briefings and often they are limited to the national press corps).

Publication of the common positions established by the Council under the procedures of Articles 189b and 189c and the explanatory memorandum accompanying them.

It is important to make all information material available rapidly in all Community languages.

Increase in general information on the role and the activities of the Council

I.26. The annual report, which is currently published after long delays, to be published from now on early in the new year on the responsibility of the Secretary General. Aim to make it more interesting and more understandable to the public — and complementary to, rather than duplicating, the Commission's annual report. There should also be a short summary aimed at broad circulation.

Increase in the Council's information activities in general including a reinforcement of the Press Service. Stepping up of the already quite intensive information activity (group visits) performed by the services of the Secretariat. Establishing a programme for visits of journalists — particularly EC news editors — not based in Brussels (in cooperation with the Commission).

Cooperation and more rapid transmission of material

I.27. Activating the existing information group of the Council and extending it to the other institutions with a view to developing coordinated information strategies.

Cooperation between Member States and Community institutions in the information field.

Use of new communication technologies: databases, electronic mail for making information available outside Council meeting places (Brussels/Luxembourg).

Simplification of and easier access to Community legislation.

Making new Community legislation clearer and simpler

I.28. While the technical nature of most texts and the need to compromise among the various national positions often complicate the drafting process, practical steps should nevertheless be taken to improve the quality of Community legislation, such as the following:

- guidelines for the drafting of Community legislation should be agreed upon, containing criteria against which the quality of drafting of legislation would have to be checked;
- delegations of Member States should endeavour, at all levels of the Council proceedings, to check more thoroughly the quality of legislation;
- the Council Legal Service should be requested to review draft legislative acts on a regular basis before they are adopted by the Council and make suggestions where necessary for appropriate redrafting in order to make such acts as simple and clear as possible;
- the jurist-linguist group, which does the final legal editing of all legislation before it is adopted by the Council (with the participation of national legal experts), should give suggestions for simplifying and clarifying the language of the texts without changing their substance.

Making existing Community legislation more accessible

I.29. Community legislation can be made more readily accessible in a concise and intelligible form through a speedier and more organized use of consolidation or codification; an improvement of the Celex database system should also be considered.

Improving and organizing consolidation or codification of Community legislation

The two possible approaches — unofficial consolidation and official codification — must be carried out in parallel:¹

□ The Office for Official Publications of the European Communities has an important role to play in respect of unofficial consolidation. Planning of this began some time ago and a new system will be operated as from 1993 on, whereby the consolidated version of all Community legislation undergoing amendments can be made automatically available following any such amendment; two years later, the system should be able to cover the whole of Community legislation (including past legislation) provided that there is adequate funding. Consolidated legislation should be immediately published (in the C series of the Official Journal), possibly after adding the 'considéran'ts', and/or made available through Celex.

□ Official codification is important because it provides legal security as to the law which is applicable at a certain moment concerning a specific issue.

Since official codification can only be done through the relevant legislative procedures, priorities need to be established and an accelerated working method agreed upon between the three institutions which have legislative powers.

- Official codification should take place on the basis of agreed priorities. The Commission will propose such priorities in its work programme after appropriate consultation.
- A jointly acceptable accelerated working method should be sought allowing codified Community law (replacing existing legislation without changing its substance) to be adopted in a speedy and efficient way; a consultative group composed of the Legal Services of the Commission, the Council and the Parliament would help to carry out the necessary ground work to permit the adoption of codified Community legislation as rapidly as possible under the Community's normal decision-making procedure.

Strengthening the Celex data system²

Celex should be improved with a view to

- catching up with the delay as to
 - existing legislation,
 - feeding the database in the Greek, Spanish and Portuguese languages,
- making the system more user-friendly and accessible to the public.

The necessary financial means should be made available.

Annex 4 to Part A

Declaration on promoting economic recovery in Europe

1.30. The completion of the European single market at the end of this year, the ratification of the Maastricht Treaty, agreement on the future financing of the Community and an early successful GATT settlement are of crucial importance for strengthening the European economy and would give a substantial boost to confidence.

The objectives of Member States' economic policies should remain as set out in the Maastricht Treaty: an open market economy with free competition, sustainable growth respecting the environment, stable prices with sound public finances and monetary conditions, and a sustainable balance of payments. These objectives will continue to determine the economic policies of Member States. They remain determined to fulfil the convergence criteria established in the Maastricht Treaty and to comply fully with the convergence programmes submitted to the

¹ A clear distinction must be made between:

□ unofficial consolidation, which consists in editorial assembling, outside any legislative procedure, of the scattered parts of legislation on a specific issue, which has no legal effect and which leaves all such parts in force (see, for instance, the consolidated text of the Financial Regulation, OJ C 80, 25.3.1991, p. 1);

□ official codification, which is achieved through the adoption of a formal legislative Community act through the relevant procedures, while repealing all pre-existing texts (see, for instance, the Council Regulation on the common organization on the market in fishery products, OJ L 354, 23.12.1991 p. 1), must be pursued in parallel.

² The Celex system (automated documentation on Community law) was set up in 1970 as an interinstitutional computerized documentation system and was made available to the public in 1981; it contains the entire body of EC law. On 13 November 1991, the Council adopted a resolution on the reorganization of the operating structures of Celex with a view to enhancing its effectiveness (OJ C 308, 28.11.91 p. 2).

Council, including adherence to the medium-term goals of budgetary consolidation.

The European Council invited Member States to implement in a concerted way economic measures, tailored to national requirements, which would boost confidence and promote economic recovery. The measures should be targeted towards improving the prospects for growth, creating lasting jobs, and consistent with a medium-term framework founded on the principles of convergence established in the Maastricht Treaty.

Member States should:

- take every opportunity, according to their national circumstances, to exploit the limited margins of manoeuvre available as concerns budgetary policy;
- switch, to the extent possible, their public expenditure priorities towards infrastructure and other capital investment and growth-supporting expenditures which earn a worthwhile return;
- implement measures to encourage private investment, especially by small and medium-sized enterprises (SMEs);
- act to improve further the efficiency of their economies, for example through action to reduce subsidies and measures to enhance competition and market flexibility;
- make efforts to achieve restraint in wage settlements within the public sector. The European Council noted that restraint on wage bills would help to control government current spending, would contribute to much needed improvements in competitiveness and would help reduce unemployment.

Sound government finance coupled with low inflation and wage moderation will help to create the conditions for reductions in interest rates.

The European Council will keep economic prospects under close examination and will review the situation further at its next meeting. It invited the Ecofin Council:

- to consider the relevant national actions in the framework of multilateral surveillance;
- to monitor the performance of national economies against their programmes for economic convergence;
- to identify measures to improve the functioning of the labour market.

The European Council believes that the effectiveness of these national actions will be strengthened by complementary and supportive action at the level of the Community. To this end the European Council invited:

- The Council and the European Investment Bank (EIB) in full consultation with the Commission to give urgent and sympathetic consideration to the establishment of a new, temporary lending facility of ECU 5 billion within the EIB. The purpose of the new facility would be to accelerate the financing of capital infrastructure projects notably connected with trans-European networks. These networks may include projects involving the countries of Central and Eastern Europe to the extent that they are of mutual interest and ensure the interoperability of networks with the Community.

For projects financed by this facility the EIB Governors would be invited to raise the normal ceiling on the extent of loans from 50% to 75% and the combined (loans and grants) ceiling from 70% to 90%. Other EIB criteria for infrastructure should continue to be met as now.

The European Council recalled that it was reaffirmed in the Maastricht Protocol on Economic and Social Cohesion that the EIB should devote the majority of its resources to the promotion of economic and social cohesion and that its capital needs should be reviewed as soon as this was necessary for that purpose.

- The Ecofin Council and the EIB to give urgent and sympathetic consideration to the establishment as quickly as possible of a European Investment Fund with ECU 2 billion of capital contributed by the EIB, other financial institutions and the Commission in order to extend guarantees of ECU 5 to 10 billion; in total this could support up to ECU 20 billion of projects.
- The Member States and the Commission to establish programmes to utilize the Community funds that the European Council has today agreed. The Cohesion Fund will contribute to projects in the fields of the environment and trans-European networks in the area of transport infrastructure in the Community's less prosperous countries. The structural Funds will *inter alia* promote investment projects in infrastructure.
- The Commission to bring forward proposals for improving the management and efficiency of research funded by the Community to achieve better economic effectiveness. To this end the selectivity of actions should be increased, and it should be ensured that Community activities contribute the most value added possible to efforts already under way in the Member States.

The above actions could provide Community support for investment in the public and private sectors of the Member States amounting to more than ECU 30 billion over the next few years.

The European Council reaffirmed its commitment at Birmingham to an early, comprehensive and balanced GATT agreement. It also welcomed the successful completion, in all essential respects, of the single market and emphasized the importance of its effective operation, including in the area of State aids, and called upon Member States and the Commission to proceed accordingly. The European Council recognized the importance of increasing the level of understanding by business of Community rules, and welcomed the Commission's intention to achieve enhanced consultation with industry and clearer and simpler legislation.

Recognizing the importance of SMEs for creating employment and stimulating growth, the European Council called upon the Council and the Commission to ensure that the burdens from Community legislation on SMEs are reduced (including through the use of simplified schemes and exemption limits in the field of indirect taxation) and that full information about Community support is provided to SMEs. It asked the Commission to accelerate the actions in favour of SMEs which have proven their worth at the Community level.

The European Council reiterated its commitment to the European Monetary System as a key factor of economic stability and prosperity in Europe.

The European Council is convinced that the full implementation of this declaration will work to boost confidence, reinforce the fundamentals of economic growth and encourage the creation of new jobs. It invited the Commission to report, as appropriate, to the Ecofin (Economic and Financial Affairs) Council and other appropriate Councils on their implementation. It also called upon Member States to encourage further international cooperation to promote growth with countries outside the Community.

Annex 5 to Part A

Declaration on principles of governing external aspects of migration policy

1.31. The European Council, meeting at Edinburgh, discussed the question of migratory pressures.

It noted with satisfaction that profound political changes now permit greater ease of travel and contacts throughout Europe.

It reaffirmed its intention to ensure that the Community and its Member States remain open to the outside world, not only through personal and cultural exchanges, but also through their commitment to a liberal trading system, by playing their full part in assisting the developing world, and by establishing a framework of political and economic relations with third countries and groups of third countries. In this, the European Council reaffirms the principles of its Declaration at Rhodes in December 1988.

The Member States of the European Communities reaffirmed their commitment to honour in full their obligations under the 1950 European Human Rights Convention, the 1951 Geneva Convention on the status of refugees and the 1967 New York Protocol.

It was conscious of the particular pressures caused by the large movements of people fleeing from the conflict in the former Yugoslavia particularly given the harsh winter conditions.

It noted the pressures on Member States resulting from migratory movements, this being an issue of major concern for Member States, and one which is likely to continue into the next decade.

It recognized the danger that uncontrolled immigration could be destabilizing and that it should not make more difficult the integration of third country nationals who have legally taken up residence in the Member States.

It stressed the need to reinforce the fight against racism and xenophobia in line with the joint declaration adopted by the European Parliament, the Council and the Representatives of the Member States, meeting within the Council, and the Commission on 11 June 1986 and with the Declaration on racism and xenophobia adopted by the European Council in Maastricht.

It was convinced that a number of different factors were important for the reduction of migratory movements into the Member States: the preservation of peace and the termination of armed conflicts; full respect for human rights; the creation of democratic societies and adequate social conditions; a liberal trade policy, which should improve economic conditions in the countries of emigration. Coordination of action in the fields of foreign policy, economic cooperation and immigration and asylum policy by the Community and its Member States could also contribute substantially to addressing the question of migratory movements. The Treaty on European Union, notably its Titles V and VI, once in force, will provide an adequate framework for this coordinated action.

It took note of the declaration adopted on the occasion of the Development Council on 18 November 1992 on aspects of development cooperation policy in the run-up to 2000, including the recognition of the role which effective use of aid can make in reducing longer term migratory pressures through the encouragement of sustainable social and economic development.

It noted that, in line with the views of the United Nations High Commissioner for Refugees, displaced people should be encouraged to stay in the nearest safe areas to their homes, and that aid and assistance should be directed towards giving them the confidence and the means to do so, without prejudice to their temporary admission also in the territory of Member States in cases of particular need.

It welcomed the progress made by Ministers with responsibility for immigration matters under the work programme endorsed at the Maastricht European Council, and in particular the adoption of recommendations on expulsion, resolutions on manifestly unfounded applications for asylum and on host third countries and conclusions on countries in which there is generally no serious risk of persecution.¹

It also welcomed the work on East-West migration of the Berlin and Vienna Groups, and encouraged the Berlin Group to prepare a draft resolution for agreement by Ministers.

It resolved to take forward those more general migration-related issues set out in the Maastricht work programme that go wider than the direct responsibilities of the Ministers with responsibility for immigration matters.

It recognized the importance of analysing the causes of immigration pressure, and analysing ways of removing the causes of migratory movements.

It agreed that the approach of the Community and its Member States, within their respective spheres of competence, should be guided and informed by the following set of principles:

- they will continue to work for the preservation and restoration of peace, the full respect for human rights and the rule of law, so diminishing migratory pressures that result from war and oppressive and discriminatory government;
- displaced people should be encouraged to stay in the nearest safe area to their homes, and aid and assistance should be directed towards giving them the confidence and the means to do so without prejudice to their temporary admission also in the

territory of Member States in cases of particular need;

- they will further encourage liberal trade and economic cooperation with countries of emigration, thereby promoting economic development and increasing prosperity in those countries, and so reducing economic motives for migration;

- to the same end, they will ensure the appropriate volume of development aid is effectively used to encourage sustainable social and economic development, in particular to contribute to job creation and the alleviation of poverty in the countries of origin, so further contributing in the longer term to a reduction of migration pressure;

- they will reinforce their common endeavours to combat illegal immigration;

- where appropriate, they will work for bilateral or multilateral agreements with countries of origin or transit to ensure that illegal immigrants can be returned to their home countries, thus extending cooperation in this field to other States on the basis of good neighbourly relations;

- in their relations with third countries, they will take into account those countries' practice in readmitting their own nationals when expelled from the territories of the Member States;

- they will increase their cooperation in response to the particular challenge of persons fleeing from armed conflict and persecution in former Yugoslavia; they declare their intention to alleviate their plight by actions supported by the Community and its Member States directed at supplying accommodation and subsistence, including in principle the temporary admission of persons in particular need in accordance with national possibilities and in the context of a coordinated action by all the Member States; they reaffirm their belief that the burden of financing relief activities should be shared more equitably by the international community.

The European Council urges those Member States who have not already done so to ratify the Dublin Asylum Convention as part of their coordinated

¹ The resolutions on manifestly unfounded applications for asylum and on host third countries and the conclusions on countries in which there is generally no serious risk of persecution have been accepted by Germany under the reservation of a modification of her fundamental law, and by Denmark and the Netherlands subject to a parliamentary scrutiny reservation. It recognized the importance of such measures against the misuse of the right of asylum in order to safeguard the principle itself.

action in the field of asylum; it will then be possible to extend such arrangements under a convention parallel to the Dublin Convention, giving priority to neighbouring European countries where these arrangements could be mutually beneficial. The European Council calls for the necessary action to be taken so that the External Frontiers Convention can come into effect at an early date.

Annex 6 to Part A

Decision taken by common agreement between the Representatives of the Governments of the Member States on the location of the seats of the institutions and of certain bodies and departments of the European Communities

I.32. The Representatives of the Governments of the Member States,

Having regard to Article 216 of the Treaty establishing the European Economic Community, Article 77 of the Treaty establishing the European Coal and Steel Community and Article 189 of the Treaty establishing the European Atomic Energy Community,

Recalling the Decision of 8 April 1965, and without prejudice to the provisions contained therein concerning the seat of future institutions, bodies and departments,

Hereby decide:

Article 1

(a) The European Parliament shall have its seat in Strasbourg, where the 12 periods of monthly plenary sessions, including the budget session, shall be held. The periods of additional plenary sessions shall be held in Brussels. The Committees of the European Parliament shall meet in Brussels. The General Secretariat of the European Parliament and its departments shall remain in Luxembourg.

(b) The Council shall have its seat in Brussels. During the months of April, June and October, the Council shall hold its meetings in Luxembourg.

(c) The Commission shall have its seat in Brussels. The departments listed in Articles 7, 8 and 9 of the Decision of 8 April 1965 shall be established in Luxembourg.

(d) The Court of Justice and the Court of First Instance shall have their seats in Luxembourg.

(e) The Economic and Social Committee shall have its seat in Brussels.

(f) The Court of Auditors shall have its seat in Luxembourg.

(g) The European Investment Bank shall have its seat in Luxembourg.

Article 2

The seat of other bodies and departments set up or to be set up will be decided by common agreement between the Representatives of the Governments of the Member States at a forthcoming European Council, taking account of the advantages of the above provisions to the Member States concerned, and giving appropriate priority to Member States who do not at present provide the sites for Community institutions.

Article 3

This Decision shall enter into force as of today.

Part B — Denmark and the Treaty on European Union

I.33. The European Council recalled that the entry into force of the Treaty signed in Maastricht requires ratification by all the 12 Member States in accordance with their respective constitutional requirements, and reaffirmed the importance of concluding the process as soon as possible, without reopening the present text, as foreseen in Article R of the Treaty.

The European Council noted that Denmark has submitted to Member States on 30 October a document entitled 'Denmark in Europe', which sets out the following points as being of particular importance:

- the defence policy dimension,
- the third stage of Economic and Monetary Union,
- citizenship of the Union,
- cooperation in the fields of justice and home affairs,
- openness and transparency in the Community's decision-making process,

- the effective application of the principle of subsidiarity,
- promotion of cooperation between the Member States to combat unemployment.

Against this background, the European Council has agreed on the following set of arrangements, which are fully compatible with the Treaty, are designed to meet Danish concerns, and therefore apply exclusively to Denmark and not to other existing or acceding Member States:

- Decision concerning certain problems raised by Denmark on the Treaty on European Union (Annex 1); this Decision will take effect on the date of entry into force of the Treaty on European Union;
- the declarations in Annex 2.

The European Council has also taken cognizance of the unilateral declarations in Annex 3, which will be associated with the Danish act of ratification of the Treaty on European Union.

Annex 1 to Part B

Decision of the Heads of State or Government, meeting within the European Council, concerning certain problems raised by Denmark on the Treaty on European Union

I.34. The Heads of State or Government, meeting within the European Council, whose Governments are signatories of the Treaty on European Union, which involves independent and sovereign States having freely decided, in accordance with the existing Treaties, to exercise in common some of their competences,

- desiring to settle, in conformity with the Treaty on European Union, particular problems existing at the present time specifically for Denmark and raised in its Memorandum 'Denmark in Europe' of 30 October 1992,
- having regard to the conclusions of the Edinburgh European Council on subsidiarity and transparency,
- noting the declarations of the Edinburgh European Council relating to Denmark,
- taking cognizance of the unilateral declarations of Denmark made on the same occasion which will be associated with its act of ratification,
- noting that Denmark does not intend to make use of the following provisions in such a way as to prevent closer cooperation and action among

Member States compatible with the Treaty and within the framework of the Union and its objectives,

Have agreed on the following Decision:

Section A — Citizenship

I.35. The provisions of Part Two of the Treaty establishing the European Community relating to citizenship of the Union give nationals of the Member States additional rights and protection as specified in that Part. They do not in any way take the place of national citizenship. The question whether an individual possesses the nationality of a Member State will be settled solely by reference to the national law of the Member State concerned.

Section B — Economic and Monetary Union

I.36. The Protocol on certain provisions relating to Denmark attached to the Treaty establishing the European Community gives Denmark the right to notify the Council of the European Communities of its position concerning participation in the third stage of Economic and Monetary Union. Denmark has given notification that it will not participate in Stage III. This notification will take effect upon the coming into effect of this decision.

As a consequence, Denmark will not participate in the single currency, will not be bound by the rules concerning economic policy which apply only to the Member States participating in Stage III of Economic and Monetary Union, and will retain its existing powers in the field of monetary policy according to its national laws and regulations, including powers of the National Bank of Denmark in the field of monetary policy.

Denmark will participate fully in Stage II of Economic and Monetary Union and will continue to participate in exchange-rate cooperation within the EMS.

Section C — Defence policy

I.37. The Heads of State or Government note that, in response to the invitation from the Western European Union (WEU), Denmark has become an observer to that organization. They also note that nothing in the Treaty on European Union commits Denmark to become a member of the WEU. Accordingly, Denmark does not participate in the elaboration and the implementation of decisions

and actions of the Union which have defence implications, but will not prevent the development of closer cooperation between Member States in this area.

Section D — Justice and home affairs

I.38. Denmark will participate fully in cooperation on justice and home affairs on the basis of the provisions of Title VI of the Treaty on European Union.

Section E — Final provisions

I.39. This Decision will take effect on the date of entry into force of the Treaty on European Union; its duration shall be governed by Articles Q and N(2) of that Treaty.

At any time Denmark may, in accordance with its constitutional requirements, inform other Member States that it no longer wishes to avail itself of all or part of this decision. In that event, Denmark will apply in full all relevant measures then in force taken within the framework of the European Union.

Annex 2 to Part B

Declarations of the European Council

Declaration on social policy, consumers, environment, distribution of income

I.40. The Treaty on European Union does not prevent any Member State from maintaining or introducing more stringent protection measures compatible with the EC Treaty:

- in the field of working conditions and in social policy (Article 118a(3) of the EC Treaty and Article 2(5) of the Agreement on social policy concluded between the Member States of the European Community with the exception of the United Kingdom);
- in order to attain a high level of consumer protection (Article 129a(3) of the EC Treaty);
- in order to pursue the objectives of protection of the environment (Article 130t of the EC Treaty).

The provisions introduced by the Treaty on European Union, including the provisions on Economic and Monetary Union, permit each Member State to pursue its own policy with regard to distribution

of income and maintain or improve social welfare benefits.

Declaration on defence

I.41. The European Council takes note that Denmark will renounce its right to exercise the Presidency of the Union in each case involving the elaboration and the implementation of decisions and actions of the Union which have defence implications. The normal rules for replacing the President, in the case of the President being indisposed, shall apply. These rules will also apply with regard to the representation of the Union in international organizations, international conferences and with third countries.

Annex 3 to Part B

Unilateral declarations of Denmark, to be associated to the Danish act of ratification of the Treaty on European Union and of which the 11 other Member States will take cognizance

Declaration on citizenship of the Union

I.42. Citizenship of the Union is a political and legal concept which is entirely different from the concept of citizenship within the meaning of the Constitution of the Kingdom of Denmark and of the Danish legal system. Nothing in the Treaty on European Union implies or foresees an undertaking to create a citizenship of the Union in the sense of citizenship of a nation-State. The question of Denmark participating in any such development does, therefore, not arise.

Citizenship of the Union in no way in itself gives a national of another Member State the right to obtain Danish citizenship or any of the rights, duties, privileges or advantages that are inherent in Danish citizenship by virtue of Denmark's constitutional, legal and administrative rules. Denmark will fully respect all specific rights expressly provided for in the Treaty and applying to nationals of the Member States.

Nationals of the other Member States of the European Community enjoy in Denmark the right to vote and to stand as a candidate at municipal elections, foreseen in Article 8b of the European Community Treaty. Denmark intends to introduce legislation granting nationals of the other Member States the right to vote and to stand as a candidate for elections to the European Parliament in good time before the

next elections in 1994. Denmark has no intention of accepting that the detailed arrangements foreseen in paragraphs 1 and 2 of this Article could lead to rules detracting from the rights already given in Denmark in that matter.

Without prejudice to the other provisions of the Treaty establishing the European Community, Article 8e requires the unanimity of all the Members of the Council of the European Communities, i.e. all Member States, for the adoption of any provision to strengthen or to add to the rights laid down in Part Two of the EC Treaty. Moreover, any unanimous decision of the Council, before coming into force, will have to be adopted in each Member State, in accordance with its constitutional requirements. In Denmark, such adoption will, in the case of a transfer of sovereignty, as defined in the Danish Constitution, require either a majority of 5/6 of Members of the Folketing or both a majority of the Members of the Folketing and a majority of voters in a referendum.

Declaration on cooperation in the fields of justice and home affairs

I.43. Article K 9 of the Treaty on European Union requires the unanimity of all the Members of the Council of the European Union, i.e. all Member States, to the adoption of any decision to apply Article 100c of the Treaty establishing the European Community to action in areas referred to in Article K 1 (1) to (6). Moreover, any unanimous decision of the Council, before coming into force, will have to be adopted in each Member State, in accordance with its constitutional requirements. In Denmark, such adoption will, in the case of a transfer of sovereignty, as defined in the Danish Constitution, require either a majority of 5/6 of Members of the Folketing or both a majority of the Members of the Folketing and a majority of voters in a referendum.

Final declaration

I.44. The Decision and Declarations above are a response to the result of the Danish referendum of 2 June 1992 on ratification of the Maastricht Treaty. As far as Denmark is concerned, the objectives of that Treaty in the four areas mentioned in sections A to D of the Decision are to be seen in the light of these documents, which are compatible with the Treaty and do not call its objectives into question.

Part C — Future financing of the Community — Delors II package

□ References:

Commission communication to the Council *From the Single Act to Maastricht and beyond: The means to match our ambitions:* COM(92) 2000; Bull. EC 1/2-1992, point 1.2.1; Supplement 1/92 — Bull. EC

Commission communication to the Council on the Community's finances between now and 1997: COM(92)2001; Bull. EC 3-1992, point 1.1.2

Commission report on the system of own resources: COM(92)81; Bull. EC 3-1992, point 1.1.3

Commission report on application of the Interinstitutional Agreement of 29 June 1988 on budgetary discipline and improvement of the budgetary procedure: COM(92)82; Bull. EC 3-1992, point 1.1.4

Commission communication on Community structural policies — Assessment and outlook: Bull. EC 3-1992, point 1.1.5

I.45. Taking account of:

- the need for the Community to have at its disposal adequate resources to finance its policies;
- the need to apply budget discipline to all areas of Community expenditure, which involves the definition of expenditure priorities;
- the contributive capacity of individual Member States;
- the need to reflect commitments made at Maastricht, and at Lisbon;

the European Council has reached the following conclusions on the financing of the Community for the period 1993-99.

Revenue

Own resources ceiling

I.46. The annual ceilings on own resources for appropriations for payments will be as follows and shall under no circumstances be exceeded:

(% Community GNP)						
1993	1994	1995	1996	1997	1998	1999
1.20	1.20	1.21	1.22	1.24	1.26	1.27

A precise ratio between commitment and payment appropriations shall be maintained to guarantee

their compatibility and to enable the payments ceiling mentioned above to be observed.

The appropriations for commitments entered in the general budget of the Communities over the period 1993 to 1999 must therefore follow an orderly progression resulting in a total amount which does not exceed 1.335% of the total GNP of the Community in 1999.

Structure of own resources

I.47. The structure of own resources defined in Article 2 of the 1988 own resources Decision will be modified as follows:

- the ceiling on the uniform rate specified in section 4(a) of Article 2 will be reduced from 1.4% to 1.0%, in equal steps over the period 1995-99;
- for countries with a per capita GNP of less than 90% of the Community average the assessment base for the third resource specified in section 1(c) of Article 2 will be limited to 50% of a Member State's GNP, rather than 55% as at present, as from 1995. This change will also be phased in, in equal steps, for the other Member States over the period 1995-99.

The case for a fixed uniform rate for the VAT resource should be considered in the context of discussions on the new own resources Decision.

The European Council notes that some Member States wish the introduction of a fifth resource to be considered and asks the Commission to carry out a study of possible candidates. The Commission should report back to the Council on the result of its study by the end of the new financial perspective period.¹

Correction of budgetary imbalances

I.48. The correction of the UK's budget imbalance will be calculated by applying the present formula in accordance with the principles and practices set out in the 1988 own resources Decision and accompanying working methods paper.

Review

I.49. The European Council asks the Commission to bring forward a report on the operation of the own resources system no later than the end of the new financial perspective period.

New own resources Decision

I.50. The European Council asks the Commission to prepare a new own resources Decision incorporating these changes for the Council to approve and recommend to Member States for adoption by 1995 in accordance with the procedure set out in Article 201 of the Treaty. The ceilings applicable in 1999 will continue to apply until such time as the new own resources Decision is amended.

Expenditure

Principles

I.51. The European Council reaffirms that the Community's expenditure should be such as to permit the financing at an appropriate level of its policies. It recalls its conviction that strengthened economic and social cohesion remains an essential dimension of the Community. It confirms its view that all Community expenditure should be subject to the principles of sound public finance and budgetary discipline.

Budgetary discipline is addressed in Annex 2.

To ensure value for money, thorough prior appraisal should precede the commitment of Community resources in order to ensure that they yield economic benefits in keeping with the resources deployed. All operations should be subject to periodic review.

The European Council considers that the Interinstitutional Agreement of 1988-92 was a positive development and hopes that the agreement can be re-established on terms ensuring strict budgetary discipline and a smooth passage of the annual budgetary discussions. It notes that the General Affairs Council of 7 December agreed on a Council common position on the main elements of the revised Interinstitutional Agreement. It calls upon the Council, on the basis of this common position and subject to acceptable terms being attainable, to reach agreement with the Commission and European Parliament on a revised IIA.

In the European Council's view, the appropriate allocation of expenditure for the period 1993-99 is as described below. The figures are also set out in the table in Annex 1.

¹ The Commission has made clear the conditions which it believes should be met by any future fifth resource in its report on the system of own resources (Doc. No 5202/92) (COM(92) 81).

Agriculture

1.52. The growth rate and base level of the agricultural guideline as defined in Articles 1 and 2 of Decision 377/88 should remain unchanged.

The coverage of the agricultural guideline, as defined in Article 3 of Decision 377/88, should be extended as proposed by the Commission in Doc. 5201/92 RAU 2.

The coverage of the guideline should be reviewed in 1996.

The monetary reserve should be reduced from ECU 1 000 million to ECU 500 million from 1995, with a reduction in the franchise from ECU 400 million to ECU 200 million.

The European Council reaffirms the importance of sound budgetary discipline and financial control under the reformed CAP and calls upon the Commission and the Council to ensure that the budgetary costs are kept under control sector by sector.

The European Council notes that recent monetary movements will result in a significant increase in EAGGF Guarantee expenditure.

It agrees that the operation of the monetary reserve will be adjusted so that the costs resulting from monetary realignments between the Member States are taken into account wherever necessary.

In addition, it agrees that if, as a consequence of the increase, agricultural expenditure were to exceed the guideline and thus compromise the funding of the new common agricultural policy as already approved, appropriate steps to increase the EAGGF Guarantee will be taken by the Council.

The Commission is invited to present proposals for a revised budgetary discipline Decision incorporating the above changes and those mentioned in Annex 2 on budget discipline as soon as possible.

Structural actions

1.53. As part of the Community's task of strengthening economic and social cohesion, increased financing for structural actions shall be provided to complement the implementation of sound economic policies.

The total level of resources available to be committed on structural actions over the period 1993-99 should be as follows:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
21 277	21 885	23 480	24 990	26 526	28 240	30 000

These commitments represent cumulatively some ECU 176 billion over the new financial perspective period compared to ECU 67 billion for the structural Funds over the existing financial perspective period. This represents on average around ECU 25 billion a year from 1993 to 1999 compared to ECU 13 billion a year from 1988 to 1992 (all figures in constant 1992 prices).

In the light of the Maastricht agreements, expenditure on structural actions should be concentrated on the least prosperous Member States, outmost regions and rural areas of the Community in accordance with Article 130a of the Maastricht Treaty. For the four Cohesion Fund Member States, the above figures will permit a doubling of commitments under Objective 1 and the Cohesion Fund between 1992 and 1999 after allowing for full Objective 1 treatment of the new German *Länder* and East Berlin. For the four Cohesion Fund Member States this means about ECU 85 billion over the period 1993-99.

Cohesion Fund

1.54. A Cohesion Fund, as agreed at Maastricht, should be established in accordance with the text at Annex 3. The resources available to be committed should total ECU 15 150 million, broken down as follows:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
1 500	1 750	2 000	2 250	2 500	2 550	2 600

For the period of the new financial perspective, the four countries with a GNP per capita below 90% of the Community average will be eligible for finance from the Fund provided they have a programme leading to the fulfilment of the conditions of economic convergence set out in Article 104c of the Treaty. They will remain able to draw on the Fund for new projects or new stages of multi-stage projects provided that they meet the conditions set out in Annex 3 and that after a mid-term review in 1996 they remain below the 90% figure mentioned above. The Fund will provide support for environmental projects and transport infrastructure projects on the terms described in Annex 3 and at a Community co-financing rate of between 80 and 85%.

Preparations for the Cohesion Fund in accordance with the Treaty as amended at Maastricht should be completed as quickly as possible. In addition the European Council invites the Commission to put

forward, and the Council to adopt, before 1 April 1993, a proposal for an interim instrument based on Article 235 of the present Treaty permitting financial support to Ireland, Greece, Portugal and Spain in the areas to be covered by the new Cohesion Fund.

Structural Funds

I.55. The resources available to be committed under the structural Funds and other structural operations should be as follows:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
19 777	20 135	21 480	22 740	24 026	25 690	27 400

In allocating these resources, the following guidelines should be observed:

□ The resources available to be committed under Objective 1 should be:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
12 328	13 220	14 300	15 330	16 396	17 820	19 280

□ Commitments under Objectives 2, 3/4 and 5b should broadly maintain their present proportions, relative to each other, throughout the period of the new financial perspective. Commitments under Objective 5a, outside Objective 1 and 5b regions, should not increase in real terms. Appropriate attention should be given to the needs of areas dependent on fishing, within the relevant Objectives.

□ The allocation for Community initiatives should be between 5 and 10% of total resources committed under the structural Funds. They should mainly promote cross-border, transnational and inter-regional cooperation and assistance for the outermost regions, in accordance with the principle of subsidiarity.

□ Full account should be taken, as now, of national prosperity, regional prosperity, population of the regions, and the relative severity of structural problems, including the level of unemployment and, for the appropriate Objectives, the needs of rural development. Transparent procedures with objective criteria on the above basis will be laid down in the structural Funds implementing Regulation. These criteria will be appropriately weighted in the allocation of resources. Greater account will be taken of national prosperity in deciding on Community co-financing rates.

□ The basic principles laid down in 1988 (concentration, programming, partnership and additionality) should continue to guide the implementation of the structural Funds. Decision-making procedures and their transparency should be improved. Administrative procedures should be simplified. Financial control will be strengthened and greater emphasis will be given to *ex ante* appraisal, monitoring and *ex post* evaluation. Assistance will be allocated where appraisal shows medium-term economic and social benefits commensurate with the resources deployed. Operations should be adjusted to accord with the results of monitoring and evaluation.

□ The coverage of Objective 1 should be determined as in Article 8(1) of Regulation (EEC) 2052/88. The list will include the new German *Länder* and East Berlin, which will be treated on a basis of equality with other such regions from 1 January 1994.

The European Council invites the Commission to table as soon as possible proposals to revise the structural Funds Regulations.

The European Council requests the Commission in its first report on economic and social cohesion under Article 130b of the Treaty to consider how the operation of the structural Funds can best be coordinated with the process of economic convergence.

The Commission undertakes to take account of the particular situation of Spain in 1993 and 1994 with respect to the provisions of the Protocol on Economic and Social Cohesion concerning the regressive elements of the present system of own resources.

The European Council attaches great importance to the supplementary role of loan funding in furthering the Community's cohesion objectives and recognizes the important continuing role of the EIB. To increase available loan finance, in addition to the Community budget financing on which it has now agreed, it calls on the Council and the Commission to take the appropriate steps to implement the arrangements outlined in Annex 4.

Internal policies

I.56. The level of commitments for the Community's internal policies covered by category three of the proposed financial perspective should not exceed:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
3 940	4 084	4 323	4 520	4 710	4 910	5 100

The distribution of resources between the Community's various internal policies should be decided in the annual budget procedure, but respecting amounts fixed in Community legislation.

The development of expenditure on R&D should be consistent with the overall development of expenditure on internal policies under category 3 of the proposed financial perspective, remaining between one half and two thirds of the overall figure.

Community support for R&D should continue to focus on generic, pre-competitive research and be of multisectoral application. Eureka should remain the principal vehicle for supporting research activities which are nearer to the market and the Commission should bring forward proposals to improve the synergy between the Community's research activities and Eureka. Improving the dissemination of results amongst enterprises, particularly small and medium-sized businesses, cost-effectiveness and coordination between national programmes should be priorities for Community action.

These conclusions should be reflected in the consideration and adoption of the fourth framework programme.

In determining annual expenditure, the resources for trans-European networks should reflect the emphasis given by the Treaty.

External policies

I.57. The level of commitments for external policies should not exceed:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
4 450	4 500	4 880	5 160	5 430	5 780	6 200

The European Council takes the view that, bearing in mind the Community's changing priorities, an appropriate balance should be maintained in the geographical distribution of the Community's commitments.

Within this total there will be two reserves inscribed within a separate category of the financial perspective:

a reserve to provide flexibility to respond rapidly to needs for emergency aid of a non-recurring kind in third countries related to events not foreseeable

during the budgetary procedure. The provision should not exceed:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
200	200	300	300	300	300	300

The Commission will monitor carefully use of the reserve and inform the Council and Parliament of the impact of any proposal on the margin remaining in the reserve;

a reserve to provide for financing a loan guarantee fund. The provision should not exceed:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
300	300	300	300	300	300	300

Access to these reserves, and the operation of the loan guarantee fund, should follow the principles set out in Annex 5 and in the new IIA.

Administration

I.58. The administrative resources available to the Community institutions should not exceed:

(million ECU — 1992 prices)

1993	1994	1995	1996	1997	1998	1999
3 280	3 380	3 580	3 690	3 800	3 850	3 900

The principles of budget discipline should apply equally to all institutions.

1993 budget

I.59. The European Council invites the Presidency to seek to reach agreement on the 1993 budget on a basis consistent with its conclusions.

Annex 1 to Part C

Financial perspective table — Appropriations for commitments

(million ECU — 1992 prices)

	1993	1994	1995	1996	1997	1998	1999
1. Agricultural guidelines	35 230	35 095	35 722	36 364	37 023	37 697	38 389
2. Structural operations	21 277	21 785	23 480	24 990	26 526	28 240	30 000
— Cohesion Fund	1 500	1 750	2 000	2 250	2 500	2 550	2 600
— Structural Funds and other operations	19 777	20 135	21 480	22 740	24 026	25 690	27 400
3. Internal policies	3 940	4 084	4 323	4 520	4 710	4 910	5 100
4. External action	3 950	4 000	4 280	4 560	4 830	5 189	5 600
5. Administrative expenditure	3 280	3 380	3 580	3 690	3 800	3 850	3 900
6. Reserves	1 500	1 500	1 100	1 100	1 100	1 100	1 100
— Monetary reserve	1 000	1 000	500	500	500	500	500
— External action							
• emergency aid	200	200	300	300	300	300	300
• loan guarantees	300	300	300	300	300	300	300
Total appropriations for commitments	69 177	69 944	72 485	75 224	77 989	80 977	84 089
Appropriations for payments required	65 908	67 036	69 150	71 290	74 491	77 249	80 114
Appropriations for payments (% GNP)	1.20	1.19	1.20	1.21	1.23	1.25	1.26
Margin for unforeseen expenditure (% GNP)		0.01	0.01	0.01	0.01	0.01	0.01
Own resources ceiling (% GNP)	1.20	1.20	1.21	1.22	1.24	1.26	1.27

For guidance:

Total external expenditure	1993	1994	1995	1996	1997	1998	1999
	4 450	4 500	4 880	5 160	5 430	5 780	6 200

The inflation rate applicable to the 1993 budget is 4.3%.

Annex 2 to Part C

Budget discipline

1.60. The European Council reaffirms that budget discipline has a central role to play in ensuring that the Community's finances remain in good shape. Budget discipline is important in all policies to ensure a sustainable relationship between commitments, payments and available own resources.

In many cases, assistance from the Community budget is mainly intended as a stimulus and an

incentive in support of regulations or coordination measures. Such operations must therefore be only temporary or, at least, subject to periodical review of their justification in terms of subsidiarity.

The European Council especially welcomes the Commission's intention to review periodically, in particular within the framework of the annual budget procedure, the justification of ongoing actions.

The budgetary discipline applicable to all expenditure other than EAGGF Guarantee expenditure shall be ensured on the basis of the arrangements

contained in the Interinstitutional Agreement and the Financial Regulation. Legislative decisions of the Council which have expenditure implications must be consistent with the financial perspective that forms part of the Interinstitutional Agreement. (These points will require an amendment to Articles 14 and 15 of the budget discipline Decision.)

Given the size of the agricultural budget, the effective control of agricultural production and expenditure within the guideline is particularly important. This will continue to be underpinned by the operation of stabilizers. In this respect the European Council notes that the recent agreement on CAP reform involves increasing use of payments direct to producers, and that revised stabilizers have been included in the reformed regimes to control expenditure on such payments. It asks the Commission to ensure that effective stabilizers are applied to all the main commodities and are included in all further proposals for the reform of these CAP sectors.¹

The European Council attaches importance to ensuring that expenditure is kept in line with the annual EAGGF Guarantee provision. If, for an individual chapter, expenditure is exceeding the profile in its early warning reports, the Commission should analyse the reasons for this and the risk that the budget provision will be exceeded by the end of the year. If the Commission concludes that such risk exists, it should use the management powers at its disposal, including those which it has under the stabilizing measures, to remedy the situation. If these measures are insufficient, the Commission should present proposals to the Council for appropriate action to control expenditure, which may include strengthening the stabilizers in the relevant sector. The Council should act within a period of two months to bring expenditure back into line with the provision for the budget chapter concerned if possible by the end of the year in question. (These points will require an amendment to Article 6 of the budget discipline Decision.)

All Commission proposals for legislation involving costs to be covered by the agricultural guideline shall be consistent with the limits laid down by that guideline (to replace Article 5(1) of the present Decision).

Any Member State should be entitled to ask the Commission to make an assessment of the financial implications of any change to a Commission proposal suggested in the course of Council discussion. The Commission shall produce this assessment before a decision is taken on the amended proposal. Appropriate procedures should be included in the revised budgetary discipline Decision (as an addition to Article 5).

The European Council welcomes the Commission suggestion that transfers from the monetary reserve to the EAGGF Guarantee budget should not be made where it is clear that the budget will have adequate provision for the year without the transfer. As for irregularities, and where there are significant problems over data supplied by Member States, it notes that the Commission will bring forward a proposal on the possibility of temporarily reducing or suspending monthly advances to Member States.

Annex 3 to Part C

Cohesion Fund

I.61. On the basis of its examination of the Commission's proposal the European Council takes the view that the following main elements should be included in the Cohesion Fund Regulation:

Duration and amount

I.62. The Regulation should fix the financial allocation for the Fund for the period of the new financial perspective, including an annual breakdown. There should be a provision for a review of the Regulation before the end of the new financial perspective period.

Member State eligibility

I.63. The Fund shall provide financial contributions to projects as defined in paragraph 4 below in Member States with a per capita GNP of less than 90% of the Community average measured according to purchasing power parities which have a programme leading to the fulfilment of the conditions of economic convergence as set out in Article 104c of the Maastricht Treaty.

Only the four Member States currently meeting the first criterion above will be eligible for the Fund. There will be a review in 1996; any eligible Member State having then risen above the 90% figure will cease to be eligible. There will be a further review

¹ New stabilizers, included in the recent agreement on CAP reform, cover: cereals, oilseeds, protein plants, dried fodder, tobacco, beefmeat, sheepmeat and goatmeat. Stabilizers also operate in the following regimes: sugar, olive oil, cotton, wine, fruit and vegetables, milk.

of eligibility at the end of the financial perspective period.

Project eligibility

I.64. The Fund may provide financial support for:

- environmental projects contributing to the achievement of the objectives of Article 130r of the Treaty, including projects resulting from measures adopted pursuant to Article 130s of the Treaty;
- transport infrastructure projects of common interest financed by Member States, which are identified in the framework of the guidelines referred to Article 129c. However, other transport infrastructure projects contributing to the achievement of the objectives of Article 129b of the Treaty may be financed until the appropriate guidelines have been adopted by the Council.

Allocation between Member States

I.65. The indicative allocation will be based on precise and objective criteria, principally population, GNP per capita, surface area, but taking account of other socioeconomic factors, such as deficiency in transport infrastructure. Application of these criteria might lead to the following indicative allocation: for Spain 52-58% of the total; for Greece 16-20%; for Portugal 16-20%; for Ireland 7-10%.

Macroeconomic conditionality

I.66. If:

the Council decides under Article 104c(6) that a Member State has an excessive deficit;

and

that decision is not abrogated under Article 104c(12) within one year or any other period specified for correcting the deficit under a recommendation under Article 104c(7),

then no new projects — or in the case of large, multistage projects, no new stages of the project — will be financed from the Fund for that Member State. Exceptionally, in the case of projects directly affecting more than one Member State, the Council may decide to delay suspension. Suspension of financing will not take effect before two years have passed after the entry into force of the Maastricht Treaty. Suspension will cease once the Council has decided under Article 104c(12) to abrogate its decision under Article 104c(6).

Non-substitution

I.67. In the light of an undertaking by the four Member States not to decrease their investment efforts in the fields of environmental protection and transport infrastructure, additionality in the sense of Article 9 of Council Regulation 4253/88 will not apply to the Cohesion Fund.

EC co-financing rate

I.68. The Community co-financing rate for the Fund should be between 80% and 85%.

Cumulation and overlapping

I.69. No item of expenditure may receive support from both the Cohesion Fund and the structural Funds. Combined support from the Cohesion Fund and other Community grants should not exceed 90% of total expenditure.

Other

I.70. The implementing provisions concerning project approval will be set out in the basic Regulation.

The following criteria will be employed to ensure that projects are of high quality:

- their medium-term economic and social benefits, which shall be commensurate with the resources deployed; these will be assessed in the light of an analysis of costs and benefits;
- the priorities established by the beneficiary Member States;
- the contribution which projects can make to the implementation of Community policies on the environment and trans-European networks;
- the compatibility of projects with Community policies and their consistency with other Community structural measures;
- the achievement of an appropriate balance between the two fields of action.

The basic rules concerning financial provisions, financial control, monitoring and evaluation, and information and publicity will be set out in the basic Regulation in the light of the Commission's proposal.

Implementing provisions will be adopted by the Council acting by qualified majority on a proposal from the Commission.

The Commission will table draft texts before the end of 1992 in order to ensure simultaneous adoption with the basic Regulation.

The implementing Regulation will specify arrangements for financial provisions, financial control, monitoring and evaluation. These arrangements will draw on the experience gained in implementing the existing structural Funds and will be in line with those to be proposed in the context of the revision of the structural Funds Regulations, subject to the characteristics of the Cohesion Fund (projects as opposed to programmes).

The Commission will, where appropriate, invite the EIB to contribute to the assessment of projects.

Payment instalments after an initial advance should be closely linked in a transparent manner with progress towards the completion of projects.

The procedure for implementing the provisions in paragraphs 10 to 12 above will be as in Article 10 of the Commission's draft Council Regulation in document COM(92) 339 final.

Annex 4 of Part C

Structural action: use of loans

1.71. The European Council notes that the financing of projects and programmes by loans raised on the capital markets and other market-based means can play an important additional role in ensuring that the strengthening of the Community's economic and social cohesion takes place on an economically sound basis. It calls on the Commission and the European Investment Bank to play a full part in mobilizing financial resources to that end.

The European Council recalls that the Maastricht Protocol on Cohesion 'reaffirms that the EIB should devote the majority of its resources to cohesion'. The European Council

- recognizes the scale of the effort which the EIB is already making in this area;
- requests the EIB to achieve, subject to the requirements of the Treaty and its Statute, a further expansion of lending in the Member States benefiting from the Cohesion Fund and in Objective 1 regions of the Community;
- requests the EIB to consider, together with the Council and the Commission, how it can contribute, with Member States, to the improved operation of the structural Funds and the Cohesion Fund.

The European Council notes that the Netherlands Government has suggested a further separate loan instrument.

Annex 5 to Part C

Budgetary treatment of loan guarantees to non-Member States

1.72. The European Council welcomes the conclusions of the 19 October Ecofin Council as follows:

- In the context of its discussions on the Delors II package on 19 October 1992, the Council considered the question of the budgetary treatment of Community loan guarantees to non-Member States.
- The Council noted that the Community's growing international responsibilities have led to an increase in the level and scope of lending to non-Member States, backed by guarantees on the EC budget. It concluded that considerations of prudent budgetary management and financial discipline call for the establishment of a new financial framework, including an appropriate form of provisioning.
- The Council accordingly agreed that a Guarantee Fund should be established, to be financed by a reserve in the budget and the financial perspective on the model of the monetary reserve.
- The Council also agreed on the following detailed elements of the Fund and reserve:

Fund

The target size of the Fund should be 10% of the outstanding liability of the Community arising from external loans and guarantees;

each time the Community decides on a new external loan or guarantee, a provisioning payment of 14% of the capital value of the loan or guarantee would be made into the Guarantee Fund. This provisioning rate will be reviewed when the Fund reaches its target size and in any case no later than the end of the financial perspective period;

in the event of a default, payments would be made directly from the Fund to the creditor. If the Fund did not contain sufficient resources to cover a default, additional payments would be called up from the budget, with any margin remaining in the reserve being the first recourse; any margin available under the ceiling of Category 4 of the financial perspective or redeployment within Category 4, the second recourse; a revision of the financial perspective in line with the provisions of the Interinstitutional Agreement, which might involve redeployment within other categories, the third recourse;

if, after default, resources in the Fund stood at below a threshold of 75% of its target size, the provisioning rate on new loans would be increased to 15%: either until the target size had once more been reached; or, if the default occurred before the target size had been reached, until the amount of the default had been fully restored. Additionally, in the event of one or more major defaults after which the Fund stood at below 50% of its target size, exceptional measures might be required to replenish the Fund;

if the Fund exceeded its target size, any surplus would be returned to the Member States;

the Fund should be managed separately from the Budget. It remained for consideration whether the managers should be the Commission, the EIB or another body.

Reserve

A reserve should be established within the Community budget and the financial perspective, along the lines of the monetary reserve, to finance the Fund;

resources could not be called up from Member States until payments were required to be made into the Fund;

in the Council's view, such payments should be classified as compulsory expenditure.

Part D — External relations

1.73. The European Council adopted the attached Declarations on the former Yugoslavia, the treatment of Muslim women in the former Yugoslavia, Russia and the Commonwealth of Independent States, and the Middle East peace process.

Former Yugoslav Republic of Macedonia

□ **Reference:** Conclusions of the Lisbon European Council: Bull. EC 6-1992, point I.32

1.74. The European Council examined its policy on recognition of the former Yugoslav Republic of Macedonia in the context of the Lisbon Declaration and in the light of the report by the Presidency's Special Representative. It invites Foreign Ministers to remain seized of this question.

The European Council welcomes United Nations Security Council Resolution 795 authorizing the United Nations Secretary General to establish an Unprofor presence in the Republic.

The European Council recalls its Declaration at Birmingham on the need to prevent this Republic from bearing the unintended consequences of UN sanctions. In this context the European Council underlines the importance of providing access to funding from the international financial institutions and of the regular and properly monitored supply of oil.

The European Council agrees that in addition the Community should make available to the former Yugoslav Republic of Macedonia a substantial package of economic assistance. It welcomed the intention of the Commission to earmark ECU 50 million of humanitarian and technical assistance to the former Yugoslav Republic of Macedonia. Member States also agree to provide a matching amount from their own resources.

Turkey, Cyprus and Malta

1.75. The European Council welcomed the positive results of the Association Councils held this year with Malta and Turkey, and looked forward to the forthcoming Association Council with Cyprus. It invited the Council to continue developing appropriate and specific links with these countries along the lines set out in Lisbon.

Central and Eastern Europe

□ **Reference:** Commission report *Towards a new association with the countries of Central and Eastern Europe*: point 1.4.5 of this Bulletin

1.76. The European Council welcomed the Commission's report *Towards a new association with the countries of Central and Eastern Europe*. It saw this as a positive response to the commitment of the Lisbon European Council to develop the Community's partnership with these countries within the framework of the Europe Agreements and to the proposals in a memorandum from the Visegrad countries.

The European Council regards the Europe Agreements as the means by which the Community intends to support and encourage political stability and economic growth in Central and Eastern Europe. It believes that they must be implemented speedily and in full in order to strengthen the Associate countries' links with the Community. It wel-

comed the intensified political dialogue which has been established with the Visegrad countries at Ministerial and Head of Government level, and called for this to be further extended.

The European Council called on the Council of Ministers to give early consideration to the Commission's recommendations and to promote a wide-ranging debate, involving interested parties in the Community and in these countries. The European Council at its meeting in Copenhagen will reach decisions on the various components of the Commission's report in order to prepare the Associate countries for accession to the Union.

Former Soviet Union

- **Reference:** Council decision authorizing the Commission to open negotiations for partnership and cooperation agreements with the independent States of the former Soviet Union: Bull. EC 10-1992, point 1.4.19

I.77. The European Council welcomes the start of negotiations with Russia on a partnership and cooperation agreement, and looks forward to swift progress in negotiations with the other States. These agreements will help the development of democracy and respect for human rights in all States of the former Soviet Union. The European Council recalls that the EC's ECU 1.25 billion humanitarian loan to the States of the former Soviet Union is being used to purchase food and medical products, and expects that this will be sufficient to meet needs given the improved harvest in 1992.

The European Council hopes that it will be possible to reach early agreement on a realistic and generous rescheduling of the external debt of the former Soviet Union within the framework of the Paris Club. The European Council also looks forward to early agreement between Russia and the IMF which would allow access to substantial resources from the IFIs and other sources.

Nuclear safety in Central and Eastern Europe and the former Soviet Union

- **Reference:** Council conclusions on nuclear safety in Central and Eastern Europe and in the former Soviet Union: point 1.4.7 of this Bulletin

I.78. The European Council welcomes the conclusions of the Council of Ministers on 7 December on nuclear safety in Central and Eastern Europe and the former Soviet Union. The Community will

coordinate its efforts with other donors, and give the highest priority to implementing the measures identified by the Munich Economic Summit and adopted by the G24.

The Phare Programme

I.79. The European Council welcomes the more flexible operating guidelines agreed for the Phare programme of technical assistance, and the Commission's intention to extend its cooperation with the European Bank for Reconstruction and Development.

European Energy Charter

I.80. The European Council reiterates its support for an early and successful outcome to the negotiations on the Basic Agreement of the European Energy Charter.

Iran

I.81. Given Iran's importance in the region, the European Council reaffirms its belief that a dialogue should be maintained with the Iranian Government. This should be a critical dialogue which reflects concern about Iranian behaviour and calls for improvement in a number of areas, particularly human rights, the death sentence pronounced by a Fatwa of Ayatollah Khomeini against the author Salman Rushdie, which is contrary to international law, and terrorism. Improvement in these areas will be important in determining the extent to which closer relations and confidence can be developed.

The European Council accepts the right of countries to acquire the means to defend themselves, but is concerned that Iran's arms procurement should not pose a threat to regional stability.

In view of the fundamental importance of the Middle East peace process, the European Council also expresses the wish that Iran will take a constructive approach here.

Africa

I.82. The European Council confirms its commitment to improve conditions of life in Africa. During the last six months the Community and its Member States have provided substantial food, medical and other humanitarian assistance to help overcome the disasters of drought and famine. In those countries

most affected, they have provided up to half of the total aid.

The Community and its Member States have also been closely involved in efforts to end conflicts. Individually and jointly, they have supported United Nations activities to end the civil war in Liberia and have made significant political efforts to encourage the implementation of the peace agreements in Angola and Mozambique. In Angola the European Council urges both sides, particularly Unita, to abide by the peace agreement, respect the ceasefire, proceed with demobilization and with the formation of the new unified armed forces. It calls upon Unita to accept unequivocally the results of the 29-30 September elections and encourages the Government to continue the democratic process with a view to the reconciliation of the people of Angola.

The Community and its Member States fully support UNSCR 794 authorizing UN member States to use all necessary means to provide a secure environment for humanitarian relief operations in Somalia. The European Council welcomes the humanitarian efforts of the Community and its Member States and the contributions of a number of Member States to the UN force. It hopes that the implementation of UNSCR 794 will encourage national reconciliation and promote a lasting political settlement. It attaches particular importance to ensuring the safety of the personnel involved in the relief effort.

In South Africa the European Council notes that the prospects for a resumption of negotiations have improved. It urges the parties to proceed soon to a transitional government and fully democratic elections. The Community and its Member States hope that the presence of EC observers and the provision of development aid will help to put an end to all types of violence and assist a peaceful transition.

The European Council notes with concern reports from Kinshasa that President Mobutu has dismissed the Government and suspended the implementation of the democratic reforms decided by the National Sovereign Conference of Zaire. The European Council reaffirms the importance it attaches to the democratic process in Zaire, condemns any interference with this process and underlines its support for the present Government appointed by the National Conference.

The European Council recalls that the Community and its Member States have had cause to express concern in recent months about the human rights situation in a number of African countries. It is nevertheless encouraged by the continuing efforts being made in many countries to apply the principles

of democracy, good government, human rights and to implement sound economic policies. The Community and its Member States will continue to support these efforts.

El Salvador

I.83. The European Council notes with satisfaction the progress reached so far in the fulfilment of the Peace Agreement signed on 16 January 1992 between the Government of El Salvador and the Farabundo Marti National Liberation Front. It also welcomes the adjustment to the implementation programme, as proposed by the UN Secretary General. It hopes that these positive developments will ensure national reconciliation thus putting an end to the armed conflict on 15 December.

The European Council calls upon both parties to show flexibility in order to allow the fulfilment of the remaining commitments and reaffirms the determination of the European Community and its Member States to maintain their contribution to the national reconstruction of El Salvador.

CFSP: preparatory work on security

I.84. The European Council notes the preparatory work already done by Foreign Ministers on security in connection with the mandate from the Lisbon European Council and invites them to continue their work with a view to defining the necessary basic elements for a policy of the Union by the date of entry into force of the Treaty.

Annex 1 of Part D

Declaration on the former Yugoslavia

I.85. The tragedy in former Yugoslavia constitutes a serious threat to peace and stability in the region. It has created immense and unacceptable human suffering. The European Council fully supports the unstinting efforts of Lord Owen and Mr Vance, under the International Conference on the former Yugoslavia, to promote a cessation of hostilities and negotiations for a peaceful settlement. Despite these efforts, the parties have failed to implement many of the agreements reached at the London Conference. No real will for peace has been demonstrated.

The primary responsibility for the conflict, and its brutality, lies with the present leadership of Serbia and of the Bosnian Serbs. The principal victims of

actions by all parties have been the Muslim population of Bosnia-Herzegovina. In defiance of UN Security Council Resolutions, the Serb forces in Bosnia-Herzegovina have undertaken a savage campaign of military aggression, ethnic cleansing and the persecution and torture of civilians. The renewed attacks in Sarajevo are clearly part of a systematic campaign to seize territory and cities. Those responsible for all these crimes against humanitarian law by the different sides will be held personally accountable and brought to justice. The Serbian authorities in Belgrade bear an equal responsibility for fomenting the conflict and for failing to use their undoubted influence and resources to restrain it. The European Council calls on the Croatian authorities for their part to comply with all UN Security Council resolutions and to cooperate in good faith with the peace process, since they too carry a share of the responsibility for attacks on the Muslim population.

The European Council reiterates that the international community will not accept the acquisition of territory by force. Nor will it accept the partition of Bosnia-Herzegovina. The European Council strongly supports the efforts of the Co-Chairmen to arrive at a constitutional settlement based on the proposals made by Ambassador Ahtisaari and on a mutual recognition of the multi-ethnic character of Bosnia-Herzegovina. The right of existence of the different communities of Bosnia-Herzegovina should be respected and guaranteed.

The Serbian nation faces a clear and imminent choice. If there is a radical change of policy and genuine cooperation in the peace process, Serbia will be gradually readmitted to the international community. The European Council supports the efforts of those political forces who are trying to bring Serbia back from the brink. If, on the other hand, the Belgrade regime continues its present policies, the international community will take sterner action, including tightening and extending existing sanctions and preventing Serb participation in any international body, which will totally isolate Serbia for a long time to come. The European Community and its Member States will send observers to the forthcoming elections under the auspices of the CSCE. They will draw the appropriate conclusions if the present authorities do not follow fair and just procedures.

The European Council pays tribute to the courage and steadfastness of the forces in Unprofor and the airlift, and of the ECOMM, UNHCR, ICRC and the other organizations engaged in the dangerous task of relief provision. It endorses the measures to implement the commitments at the Birmingham European Council. It calls upon all parties to allow

the safe passage of humanitarian convoys. More action is needed to provide protection to the civilian population through the development of safe areas and by providing refuge in the Member States for particularly vulnerable categories of refugees. The Community and its Member States will continue to respond generously to the urgent humanitarian requirements. The European Council reaffirms its support for UNSCR 787 which provides for the necessary measures, including military, to be taken to ensure the safe delivery of humanitarian assistance.

The European Council fully supports the action taken in the Adriatic by WEU and NATO to enforce UN sanctions and the arms embargo. The Community and its Member States will take further steps to assist in tightening sanctions on the Danube and urge the riparian States to play their full part. The European Council calls for the rapid despatch of observers to the border between Serbia and Bosnia-Herzegovina. In view of the many violations of UNSCR 786, the European Council believes the UN Security Council should examine the situation in the light of operative paragraph 6 of that Resolution.

The autonomy of Kosovo within Serbia must be restored. The Serbian authorities must exercise restraint and the human rights of the inhabitants of Kosovo must be respected. The European Council is in favour of a UN presence in Kosovo. The European Council also reiterates its call upon the Albanian Government to continue to show the necessary restraint.

The European Council welcomes the decision by the Co-Chairmen to hold a meeting at Ministerial level of the Steering Committee of the International Conference on 16 December. The meeting should discuss the series of measures necessary in support of the Co-Chairmen to intensify pressure on the parties to end the bloodshed and to negotiate seriously on a Bosnian constitution.

The European Council, which brings together the Heads of State or Government of countries which are profoundly peace-loving, will continue to give priority to political means in order to resolve the crisis in Yugoslavia. But given the gravity of this tragic situation, it has no choice but to promote and participate in further initiatives which the international community may be obliged to undertake.

Annex 2 of Part D

Declaration on the treatment of Muslim women in the former Yugoslavia

1.86. The European Council is appalled by the systematic detention and rape of Muslim women. It

strongly condemns these acts of unspeakable brutality, which form part of a deliberate strategy to terrorize the Muslim community in Bosnia-Herzegovina, in order to achieve the purpose of ethnic cleansing. Those responsible for these crimes against humanity will be held personally accountable and brought to justice.

The European Council demands that all detention camps and in particular camps for women should be immediately closed. Free and secure access must be given to humanitarian organizations so that all those detained in the camps can be assisted.

The Community and its Member States will consider favourably what further help could be given to the victims.

The European Council has decided on the rapid despatch of a delegation of all Member States, headed by Dame Anne Warburton, to investigate in all areas on behalf of the Community and its Member States the facts received until now and to report urgently to the Foreign Ministers. This delegation must be allowed free and secure access to the places of detention in question. The European Council calls upon the UN to adopt measures to support this mission.

Annex 3 of Part D

Declaration on Russia and the Commonwealth of Independent States

I.87. One year after the dissolution of the Soviet Union, the European Council renews its commitment to help the transition from Communism to democracy.

The peoples of the European Community are building new friendships with the peoples of Russia and of the CIS. Our goal is the full integration of these States into the world's political and economic systems. We are seeking to forge new and equal partnerships, based on respect for sovereignty; shared values of freedom, democracy, civil and political rights and social well-being; and market-oriented economies and free enterprise.

Substantial progress has been made in only one year, despite the inevitable difficulties. The Russian Government, under the authority of President Yeltsin, has brought in practical reform measures of historic significance. We strongly support the

process of transformation now under way aimed at a free, united and prosperous Russia.

Cooperation between the Community and its Member States and countries of the CIS is developing rapidly. It is extending into unprecedented areas. Joint business ventures and new political relationships have been created. Friendly exchanges have been initiated at various levels. We are making joint efforts to handle international crises.

We pledge ourselves to build on this cooperation. We shall continue to give the strongest possible support to those striving for democracy. We shall seek to develop trade, investment and technical cooperation. We are acutely conscious of the many problems of national minorities, and shall work closely with those who seek to pre-empt confrontation and to find peaceful solutions where conflict has broken out.

The European Council sees partnership with members of the Commonwealth of Independent States as a long-term commitment to bring our peoples closer together over the next generation.

Annex 4 of Part D

Declaration on the Middle East peace process

I.88. The European Council reiterates its full support for the Middle East peace process in both its bilateral and multilateral aspects, and the role of the co-sponsors. It welcomes the commitment to the process of the incoming administration in the United States. The European Community will continue to play an active and constructive part in the process in accordance with its positions of principle on the basis for a just, lasting and comprehensive settlement.

The European Council is convinced that such a settlement is in the interests of Israel and its neighbours, of the Palestinians, and the Middle East region as a whole. The current peace process represents a great opportunity which must be seized if dangers to the stability of the region are to be avoided. The European Council calls on all parties concerned to press ahead with the negotiations constructively.

The European Council stresses the importance of assuring respect for human rights and of implementing confidence-building measures as a means of increasing the level of trust between the parties and taking the negotiations forward.

PART ONE

ACTIVITIES IN DECEMBER 1992

News in brief

European Union

Parliament adopts a series of own-initiative resolutions on the conclusions of the Edinburgh European Council, the common foreign and security policy, the European Ombudsman, parliamentary committees of inquiry and the conciliation procedure (→ points 1.1.2 to 1.1.6).

Delors II package: structural and financial measures 1993-99

The Commission adopts an amended proposal for a Council Regulation establishing a Cohesion Fund and a proposal for a Regulation establishing an interim cohesion financial instrument (→ points 1.2.2 and 1.2.3).

The single market and the Community economic and social area

Economic and monetary policy

The Commission adopts a communication on the economic situation in the Community (→ point 1.3.2).

The Commission adopts a communication on the use of the ecu (→ point 1.3.3).

Internal market

The Commission adopts a communication on the operation of the internal market after 1992 (→ point 1.3.14).

The Council adopts common positions on three proposals for Directives and agrees a proposal for a Regulation on the free movement of medicinal products (→ point 1.3.17).

The Commission adopts a Green Paper on pluralism and media concentration in the internal market (→ point 1.3.18).

The Council adopts a Directive on monitoring and controlling large exposures of credit institutions (→ point 1.3.19).

The Council adopts two Directives simplifying arrangements for VAT (→ point 1.3.20) and excise duty (→ point 1.3.21) and conclusions on the control of tax-free sales (→ point 1.3.22).

Competition

The Commission adopts a communication and a notice on cooperative joint ventures (→ point 1.3.52).

- The Commission adopts a notice on cooperation between national courts and the Commission in applying Articles 85 and 86 of the EEC Treaty (→ point 1.3.51).

Enterprise policy, industrial policy and services

- The Commission adopts proposals for Decisions on a multiannual programme to support enterprises, in particular SMEs, in the Community (→ point 1.3.108).

Research and technology

- The Council adopts a common position on supplementary financing for the third framework programme (→ point 1.3.113).

Transport

- The Commission adopts a White Paper on the future development of the common transport policy (→ point 1.3.119).
- The Council adopts a Directive on the establishment of common rules for certain types of combined transport of goods (→ point 1.3.120).
- The Council adopts a Regulation on the granting of aids for transport (→ point 1.3.121).
- The Council adopts a Regulation on the abolition of controls at internal frontiers (→ point 1.3.122).
- The Council adopts a Regulation applying the principle of freedom to provide services to maritime transport (→ point 1.3.123).
- The Council agrees a proposal for a Directive relating to vessels carrying dangerous or polluting goods (→ point 1.3.124).
- The Council adopts conclusions on air traffic control in the Community (→ point 1.3.125).
- The Council agrees a proposal for a Directive on the allocation of slots for civil aviation (→ point 1.3.126).

Social dimension

- The Commission adopts a communication on combating social exclusion (→ point 1.3.145).

Education, vocational training and youth

- The Commission adopts a communication on higher education-industry cooperation (→ point 1.3.161).
- The Council adopts a resolution on the transparency of qualifications (→ point 1.3.162).

- The Commission adopts a proposal for a Decision on a programme of Community action to promote the vocational training of indirect taxation officials (→ point 1.3.163).

Economic and social cohesion: structural measures

- The Commission adopts a report and a proposal for a Regulation on the Greek islands in the Aegean Sea (→ point 1.3.165).

Environment

- The Council adopts a resolution on the fifth Community environment programme (→ point 1.3.179).
- The Council agrees a common position on a proposal for a Directive and the Commission adopts a proposal for a Directive on measures to be taken against air pollution by emissions from motor vehicles (→ points 1.3.180 and 1.3.181).
- The Council adopts a Regulation to speed up the phasing-out of substances that deplete the ozone layer (→ point 1.3.182) and conclusions concerning the ratification of the amendment to the Montreal Protocol (→ point 1.3.183).

Agriculture

- The Council adopts five Directives relating to the veterinary aspects of completing the internal market (→ points 1.3.201 to 1.3.206).
- The Council agrees a proposal for a Regulation on the common organization of the market in bananas (→ point 1.3.207) and the Commission adopts a Decision on transitional measures for this sector (→ point 1.3.208).
- The Council adopts a Regulation on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (→ point 1.3.209).
- The Council adopts five Regulations on the special arrangements applicable to Spain (→ point 1.3.210).

Fisheries

- The Council adopts a Regulation establishing a Community system for fisheries and aquaculture (→ point 1.3.260).
- The Council adopts a Regulation fixing total allowable catches for 1993 (→ point 1.3.261).
- The Council adopts three Regulations fixing guide prices for fishery products for 1993 (→ point 1.3.262).
- The Council adopts a Regulation on measures to improve and adapt structures in the fisheries and aquaculture sector (→ point 1.3.263) and the Commission adopts Decisions on multiannual guidance programmes for the fishing fleet (→ point 1.3.264).

The Commission adopts a report on the accession arrangements for Spain and Portugal in the fisheries sector (→ point 1.3.265).

A fisheries agreement between the Community and Canada is initialled (→ point 1.3.266) and a fisheries agreement between the Community and Morocco is signed (→ point 1.3.267).

The role of the Community in the world

Mediterranean and Middle East

The Commission adopts a recommendation for a Decision on the opening of negotiations on a Euro-Maghreb association agreement with Morocco (→ point 1.4.20).

Financial operations

The Commission adopts a proposal for a Decision on the contracting of Euratom borrowings to contribute to the financing required for improving the efficiency and safety of nuclear power stations in certain non-member countries (→ point 1.6.7).

1. European union

1.1.1. In order to resolve the problems arising in the wake of the 'no' vote in the Danish referendum, the European Council adopted a decision in which it took note of the fact that Denmark would not be participating in the single currency or in the preparation and implementation of decisions and actions which have defence implications but would be participating fully in cooperation on justice and home affairs within the limits authorized by the Danish constitution. It also took note of three unilateral declarations by Denmark, which will be appended to the Danish instrument of ratification of the Treaty (→ points I.33 to I.45).

The European Council also approved an overall approach to the application of the subsidiarity principle and Article 3b of the Treaty on European Union. It adopted specific measures to promote openness and transparency and welcomed the action the Commission had decided to take in this field (→ points I.24 to I.27).

Follow-up to the Edinburgh European Council

1.1.2. Parliament resolution on the conclusions of the European Council meeting in Edinburgh on 11 and 12 December 1992.

Adopted on 16 December. Referring to the conclusions of the Edinburgh European Council, Parliament called for the rapid conclusion of the procedures for the ratification of the Treaty on European Union. It welcomed the fact that the arrangements reached with Denmark did not involve renegotiation of the Treaty but deplored the fact that no time-limit had been placed on the agreed derogations. As regards the accession of new Member States, it noted with satisfaction that the 'conditions of admission' for future members are to be based on acceptance in full of the Treaty on European Union and the *acquis communautaire*.

Concerned by the deteriorating economic situation, the increasing number of unemployed in the Community and the monetary and financial instability, Parliament called for immediate implementation of the measures proposed by the European Council to relaunch the economy and for closer coordination of the economic and monetary policies of the Member States.

With regard to subsidiarity, Parliament restated its wish that the procedure to be adopted should not involve any imbalance in or slowing down of the Community's decision-making process. It regretted the inadequacy of progress as regards democracy and pressed for more transparency within the Council.

Parliament welcomed the fact that the European Council had approved its proposals to alter the number of members and hoped that a uniform electoral procedure would be adopted in time for the 1994 elections. It expressed astonishment at the European Council's decision on the location of the seats of the institutions and certain other bodies, arguing that any decision which permanently split Parliament's activities between three different countries conflicted with the Treaties and with the right of the House to determine its own working methods.

In the area of external relations Parliament backed the Council's stance with respect to the former Yugoslavia. It called for efforts to assist the people of Somalia to be intensified, expressed support for the establishment of a national rehabilitation programme, and called on the Council to do all in its power to facilitate a political settlement to the conflict.

OJ C 21, 25.1.1993

Common foreign and security policy

1.1.3. Parliament resolution on the establishment of the European Community's common foreign policy.

Adopted on 18 December. Convinced that the definition and implementation of a common foreign and security policy would be an important factor in giving momentum to and developing the Union, Parliament none the less pointed out that making this policy a Community responsibility was still one of its priority objectives.

It felt that the roles of the individual institutions should be more clearly defined and called on the Council and the Commission to consult it regularly in advance on foreign policy guidelines and measures, in particular on the criteria for joint action; it also called for special channels to be set up facilitating the flow of information between the institutions. To enable it to play a significant part in formulating a common foreign and security policy and monitoring its implementation, Parliament requested that its powers be broadened and insisted on being consulted on questions with implications for defence in order to ensure democratic control over this sphere of action. It deplored the fact that an essential share of responsibility for security policy had been assigned to a parallel organization, the WEU, which did not include all the Member States and was not under Parliament's democratic control.

Lastly, Parliament considered that on the international scene the Member States must present a united front in international forums, such as the United Nations and the CSCE.

OJ C 21, 25.1.1993

Institutional questions

1.1.4. Parliament resolution on the European Ombudsman.

Adopted on 17 December. Considering that the regulations and general conditions governing the performance of the Ombudsman's duties should be adopted as soon as the Treaty on European Union enters into force, Parliament approved a draft decision spelling out the conditions of referral to the Ombudsman, his powers and obligations, and, in particular, the arrangements for cooperation with ombuds-

men in the Member States with a view to increasing the effectiveness of his inquiries and improving the protection of the rights and interests of persons lodging complaints. The draft provides for the Ombudsman to be elected by Parliament. His remit will be to help uncover and put an end to maladministration in the activities of the Community institutions and bodies.

OJ C 21, 25.1.1993

1.1.5. Parliament resolution on parliamentary committees of inquiry.

Adopted on 17 December. On the grounds that the exercise of parliamentary control depends on the establishment of a consistent and effective system of inquiry, Parliament believes that its temporary committees of inquiry should be given the powers needed to carry out this task. It accordingly called for an interinstitutional conference to be convened to prepare for the adoption by common accord of the Act establishing the procedures for exercising the right of inquiry on the basis of its draft.

OJ C 21, 25.1.1993

1.1.6. Parliament resolution on the conciliation procedure.

Adopted on 17 December. Looking ahead to the introduction of a conciliation procedure with the Council as part of the codecision procedure, Parliament announced its resolve to make full use of it, placing particular emphasis on the dialogue between Parliament and the Council, but also to retain all its prerogatives intact, including that of rejecting unacceptable legislative proposals. It called on the Council and the Commission to open negotiations for an interinstitutional agreement to regulate the conciliation procedure and instructed its appropriate bodies to establish *inter alia* the procedure for appointing Parliament's delegations to the conciliation meetings and their decision-making procedures.

OJ C 21, 25.1.1993

Procedures for the ratification of the Maastricht Treaty

Germany

1.1.7. Vote by the German Parliament.

On 2 December the *Bundestag* approved the Treaty on European Union by 543 to 17, with

8 abstentions. The *Bundesrat* had already approved the Treaty unanimously on 18 December.

Netherlands

1.1.8. Vote by the Dutch Parliament.

On 15 December the First Chamber approved the Treaty on European Union without a vote; reservations were voiced on behalf of four par-

ties. The Second Chamber had already approved the Treaty on 12 November by 137 votes to 13.

Portugal

1.1.9. Vote by the Portuguese Parliament.

On 11 December the Assembly of the Republic approved the Treaty on European Union by 200 votes to 21.

2. Delors II package: structural and financial measures 1993-99

1.2.1. The European Council reached agreement on the resources to be allocated to the Community budget over the period 1993-99 and on the breakdown between the broad categories of expenditure. The annual ceiling on resources — 1.20% of Community GNP in 1993 and 1994 — will be gradually increased to 1.27% in 1999. The European Council also approved the broad outlines of the Cohesion Fund for the least-favoured Member States (→ point I.54).

1.2.2. Proposal for a Council Regulation establishing a Cohesion Fund.

- **Commission proposal:** OJ C 248, 25.9.1992; COM(92) 339; Bull. EC 7/8-1992, point 1.2.1

Amended proposal adopted by the Commission on 23 December. The Commission, taking note of the conclusions of the Edinburgh European Council, adopted a revised proposal for a Regulation establishing a Cohesion Fund.

During the period covered by the new financial perspective (1993-99), Member States with a per capita GNP of less than 90% of the Community average will be eligible for financing from the Fund provided they have introduced a programme leading to the fulfilment of the conditions of economic convergence as set out in Article 104c of the Treaty. The countries involved at present are Greece, Ireland, Spain and Portugal. They will continue to be eligible for assistance from the Fund for new projects or subprojects provided that, after a mid-term review in 1996, their per capita GNP is still below 90% of the Community average.

The Fund will provide support for environmental and transport infrastructure projects contributing to the achievement of the Community's objectives as regards the environment and trans-European networks. The rate of Community assistance will be between 80% and 85%.

The resources available for 1993-99 should come to ECU 15 150 million, broken down as follows:

- 1993: ECU 1 500 million,
- 1994: ECU 1 750 million,
- 1995: ECU 2 000 million,
- 1996: ECU 2 250 million,
- 1997: ECU 2 500 million,
- 1998: ECU 2 550 million,
- 1999: ECU 2 600 million.

Finally, the Commission retains most of the provisions in its initial proposal as regards coordination and compatibility of operations with Community policies, control and monitoring of how the aid is used and the approval of projects.

COM(92) 599

1.2.3. Proposal for a Council Regulation establishing an interim cohesion financial instrument.

Adopted by the Commission on 23 December. To ensure that the financing of the relevant projects can begin from 1 April 1993 and that full use can be made of the resources provided for this purpose in the 1993 budget, the Commission proposes the establishment of an interim financial instrument based on Article 235 of the EEC Treaty pending creation of the Cohesion Fund on the basis of Article 130d of the Treaty on European Union. This financial instrument will provide support for Greece, Ireland, Spain and Portugal in the areas to be covered by the Cohesion Fund. The provisions in this proposal are identical with those in the amended proposal for a Regulation establishing a Cohesion Fund, with the exception of those which are the direct consequence of the difference in the legal base.

COM(92) 599

3. The single market and the Community economic and social area

Economic and monetary policy

1.3.1. The European Council welcomed the Commission's proposal for a growth initiative establishing a new, temporary lending facility of ECU 5 billion within the EIB aimed at speeding up the financing of infrastructure projects, and for the setting-up of a European Investment Fund with ECU 2 billion of capital (→ point I.30).

I

Economic situation

1.3.2. Commission communication to the Council on the economic situation in the Community at the end of 1992.

Adopted by the Commission on 2 December. The Commission notes the deterioration in the Community economy over recent months and the uncertainties that cloud the outlook for 1993. The relatively positive indications for some Community economies during the first quarter of 1992 were not sustained, and GDP growth in the four largest Community countries was practically zero in the second quarter. The deterioration is due to a combination of factors whose effects had been underestimated, the most important being the change in the stance of macroeconomic policy which followed the period of growth in 1988-89. The Commission reviews the difficulties of conducting monetary policy and finds that the overall deficit of the Community in 1992 reached its highest-ever level, partly because of the extraordinary costs of German unification.

New unfavourable factors in the international environment have become apparent in recent months. The situation has also been adversely affected by the more uncertain institutional prospects, while the credibility of the commitment of Member States to carry out the agreed adjustments has diminished. The drop in the US dollar and the delay in the conclusion of the Uruguay Round negotiations have also had a negative effect. The most significant and most worrying aspect of the present economic situation is the substantial deterioration in consumer and business confidence.

The Commission considers that growth in the Community will remain within the range of 1 to 1½% in 1993 and fears that unemployment could go on increasing. Forecasts for the behaviour of the Community economy in the medium term are somewhat more encouraging and call on the ingenuity of policy-makers to find effective measures within the limited margins available.

Use of the ecu

1.3.3. Commission communication on retaking the initiative with the ecu, accompanied by a White Paper from the Commission to the Council on removing the legal obstacles to the use of the ecu.

Adopted by the Commission on 23 December. The Commission proposes several initiatives that could be taken in response to the difficult situation obtaining on the ecu markets since June 1992 as a result of the problems over ratification of the Maastricht Treaty in certain Member States and the crisis in the EMS in September. In weathering those difficulties, the ecu markets did, however, demonstrate their maturity since all the structures of the various markets functioned well. The outcome of the

Edinburgh summit is likely to inspire renewed confidence in financial operators. However, this confidence needs to be consolidated through practical measures along the lines of those already taken by a number of Member States. The Commission itself intends to give a clear signal of its confidence in the future of the ecu and in the useful role it plays both on financial markets and in transactions. It plans:

- to continue to issue ecu-denominated securities, particularly in order to finance the loans it will grant as and when necessary to the countries of Central and Eastern Europe;
- to increase its use of the ecu as a transactions currency, particularly for the payment of its officials' salaries and mission expenses.

In the White Paper adopted at the same time as this communication, the Commission analyses the ecu markets and the legal obstacles to the use of the ecu, which are of two kinds: those related to the nature of the ecu and national currency rules, and those related to the existence of laws, regulations, rules, court decisions or national practices in the non-monetary field. The Commission analyses, by country, the laws or practices in force and suggests the measures to be adopted for removing these obstacles.

II

European Monetary System

Monetary and financial conditions in the Community

1.3.4. Parliament resolution on the first Annual Report on the activities of the Committee of Governors and on the monetary and financial conditions in the Community.

- **Reference:** Parliament resolution of 7 April 1992 on the results of the Intergovernmental Conferences: OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.1.1

Adopted on 17 December. Recalling its resolution on the results of the Intergovernmental Conferences, Parliament welcomes the publi-

cation of this first Annual Report, which covers the period from 1 July 1990 to December 1991 (part of Stage I of EMU). It comments on the coordination of monetary policies, underlining in particular the limited progress made towards price stability and noting the increase in the average budget deficit in the Community. It is worried that gross national saving in the Community has remained at about 20% of its GDP while that of Japan has been about 34.5%, and expresses concern that the Report does not indicate how common banking supervision should be set up. It examines the economic background to monetary policy, believing that multilateral surveillance would be reinforced if it entailed concerted action between the governments and the Community with the social partners. Parliament notes with regret the negative development of world trade and the Uruguay Round of GATT, is worried by the unemployment rate and draws attention to the changes in income distribution due to fiscal policies. It advocates the independence of all national central banks immediately after the start of Stage II of EMU. Noting that most Member States' basic economic indicators are no longer in keeping with exchange rates, Parliament indicates a course of action for management of the EMS. It deals with the institutional aspects of the Committee of Governors and calls upon Member States to decide on the seat of the EMI and the ECB as soon as possible. Lastly, Parliament recommends that a strategy be developed to bring several EFTA countries into the EMS without disrupting its operation.

OJ C 21, 25.1.1993

Free movement of capital

Liberalization of capital movements in Greece

1.3.5. Council Directive 92/122/EEC authorizing the Hellenic Republic to defer liberalization of certain capital movements under Article 6(2) of Council Directive 88/361/EEC.

- **Reference:** Council Directive 88/361/EEC for the implementation of Article 67 of the Treaty: OJ L 178, 8.7.1988; Bull. EC 6-1988, point 2.1.8

Proposal adopted by the Commission on 10 December.

COM(92) 545

Adopted by the Council on 21 December. The purpose of the measure is to accede to the request made by the Greek authorities for an extension to the time-limit for liberalizing certain capital movements granted to Greece by Directive 88/361/EEC. The Council considers that extension of the transitional period until 30 June 1994 is justified. Greece may continue to apply restrictions on:

- operations involving current and deposit accounts of a duration of less than one year carried out by residents with foreign financial institutions;
- financial loans and credits of a duration of less than one year;
- personal capital movements (loans of a duration of less than one year);
- physical import and export of financial assets.

OJ L 409, 31.12.1992

Statistical area

General

Statistics on goods and services

1.3.6. Proposal for a Council Regulation on transit statistics and storage statistics relating to the trading of goods between Member States.

- Commission proposal:** OJ C 107, 28.4.1992; COM(92) 97; Bull. EC 3-1992, point 1.2.2
- Economic and Social Committee opinion:** OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.4
- Parliament opinion (first reading):** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.7

Amended proposal adopted by the Commission on 17 December.

OJ C 22, 26.1.1993; COM(92) 595

Council common position adopted on 21 December. Purpose: to determine the framework within which Member States are to organize their statistical surveys of transit and storage, so that the burden on those responsible for providing information does not vary excessively from one Member State to another.

Business statistics

1.3.7. Proposal for a Council Regulation on the statistical units for the observation and analysis of the production system in the Community.

- Commission proposal:** OJ C 276, 16.10.1992; COM(92) 353; Bull. EC 9-1992, point 1.2.6
- Parliament opinion (first reading):** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.9
- Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.9

Council common position adopted on 17 December. Purpose: to define the statistical units for the production system, thus making it easier for reliable and comparable national and Community statistics to be compiled.

Agricultural statistics

1.3.8. Council Decision 92/582/EEC amending Decision 85/360/EEC on the restructuring of the system of agricultural surveys in Greece.

- Commission proposal:** OJ C 273, 22.10.1992; COM(92) 415; Bull. EC 10-1992, point 1.3.5
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.12

Adopted by the Council on 14 December. Purpose: to extend to 1993 the schedule for restructuring the system of agricultural surveys in Greece.

OJ L 394, 31.12.1992

Labour statistics

1.3.9. Council Regulation (EEC) No 3949/92 on the organization of a survey of labour costs in industry and the services sector.

- **Previous survey:** Council Regulation (EEC) No 1612/88: OJ L 145, 11.6.1988
- **Commission proposal:** COM(92) 125; Bull. EC 3-1992, point 1.2.3

Adopted by the Council on 21 December. The survey is to relate to 1992 and its scope is to be extended to cover tourism, real estate and business services, none of which were covered by the previous (1988) survey.

OJ L 404, 31.12.1992

1.3.10. Proposals for Council Directives on the statistical surveys to be carried out on pig production, sheep and goat production and bovine animal production respectively.

- **Directives to be repealed:**
Council Directive 73/132/EEC: OJ L 153, 9.6.1973
Council Directive 76/630/EEC: OJ L 223, 16.8.1976
Council Directive 78/53/EEC: OJ L 16, 20.1.1978
Council Directive 82/177/EEC: OJ L 81, 27.3.1982

Adopted by the Commission on 18 December. Purpose: to replace the existing texts on surveys of pig, sheep, goat and bovine animal production, which have been amended repeatedly and are now difficult to use, with new provisions which are clearer and more flexible.

OJ C 18, 23.1.1993; COM(92) 577-9

Results

European Community trade with ACP (Africa, Caribbean and Pacific) countries: results to June 1992

Community trade balance with ACP countries and developing countries

1.3.11. The Community's trade deficit with the ACP countries, which had been nearly ECU 2 million in the first half of 1991, fell to around ECU 1 500 million in the same period in 1992. Two factors account for this:

- an upturn (+ 4.7%) in Community exports;

- a fall-off (- 1.0%) in Community imports from ACP countries.

The Community's trade surplus in non-petroleum products in the first half of 1992 was ECU 1 400 million. The rate of cover of Community imports from ACP countries by its exports to them during this period was 83.7%; the rate for non-petroleum products only was 121.9%.

On a wider front, the Community's trade balance with all Class 2 (developing) countries showed a surplus of ECU 1 200 million in the first half of 1992 compared with a deficit of ECU 7 800 million in the same period in 1991. Community imports from these countries fell by 1.0% between the first half of 1991 and the first half of 1992, while its exports rose by 12.7%.

In non-petroleum products only, the Community's trade surplus increased from ECU 12 300 million in the first half of 1991 to ECU 19 400 million the following year. The cover rate for Class 2 countries in the first half of 1992 was 101.6%.

Community imports from ACP countries and developing countries

The Community's imports from ACP countries fell by 0.9% in value terms between the second quarter of 1991 and the corresponding period in 1992 and were thus down by 1% in the first half of 1992, totalling ECU 9 600 million. Taking non-petroleum products only, Community imports from ACP countries rose by ECU 200 million in the first half of 1992.

Community imports of manufactured products (SITC 5-8) from ACP countries were 20% higher in the second quarter of 1992 than in the same period the year before. Imports of manufactured products accounted for some 27% of all Community imports from these countries. Between January and June 1992, the Community's imports of manufactured products from ACP countries were 17.5% up on the corresponding period in 1991.

Community imports of food, beverages and tobacco (SITC 0+1) and non-petroleum raw materials (SITC 2+4) from ACP countries were down by 5.2% and 2.7% respectively in

the second half of 1992. Community imports of energy products (SITC 3) were down by 8.5% between April and June 1992 (– 6% in volume terms), and were 9.2% below their 1991 level in the first half of 1992. These imports accounted for over 32% of total Community imports from ACP countries.

The rate of concentration of Community imports from ACP countries declined slightly in the first half of 1992. Five products — crude oil, non-industrial diamonds, cocoa beans, coffee and raw sugar cane — accounted for half of these imports, with the 24 products in question making up 70% of the total.

Community exports to ACP countries and developing countries

The Community exported 1.7% more to ACP countries in the second quarter of 1992 than

in the second quarter of 1991. Community exports to these countries rose by 4.7%, to ECU 8 000 million, in the first half of 1992 compared with the same period the year before, and by 5.8% in non-petroleum products only.

Exports of manufactured products were 7% higher in the first half of 1992 than in the corresponding period of 1991, accounting for almost 80% of total Community exports to ACP countries.

Community exports to ACP countries of food, beverages and tobacco and non-petroleum raw materials showed upturns of 2.6% and 13.5% respectively in the second quarter of 1992 compared with the previous year. Exports of energy products fell by 41.2% in the same period.

These trends are illustrated in Table 1.

Table 1 — *Community trade with ACP and Class 2 countries*¹

(ECU '000 000)²

	Total trade				Trade excluding petroleum products			
	1990	1991	1991 (Jan.-June)	1992 (Jan.-June)	1990	1991	1991 (Jan.-June)	1992 (Jan.-June)
Community imports from ACP ³	20 125.1	19 269.9	9 690.8	9 595.4	13 543.7	12 622.0	6 267.4	6 487.4
Community exports to ACP ³	16 649.4	16 007.1	7 678.3	8 035.9	16 807.8	15 663.4	7 472.4	7 909.4
Community-ACP trade balance ³	-3 475.6	-3 262.9	-2 012.5	-1 559.5	2 763.6	3 041.3	1 204.9	1 422.0
Exports/imports (%)	82.7	83.1	79.2	83.7	120.4	124.1	119.2	121.9
Community imports from Class 2	143 347.9	150 318.1	73 612.7	72 880.1	99 453.3	105 887.5	52 311.5	53 709.7
Community exports to Class 2	134 424.9	142 672.2	65 749.4	74 080.9	132 405.2	140 454.9	64 586.1	73 130.5
Community-Class 2 trade balance	-9 523.0	-7 645.9	-7 863.3	1 200.9	32 951.9	34 567.4	12 274.6	19 420.8
Exports/imports (%)	93.4	94.9	89.3	101.6	133.1	132.6	123.5	136.2

¹ Developing countries.

² External trade statistics (imports CIF, exports FOB); source: Eurostat. SITC Rev. 3 applies as from 1988.

³ Including Namibia from 1991.

Information

Publications

1.3.12. New publications available from sales offices:

- International Trade in Services*: EUR 12 from 1980 to 1989;
- The Future of European Wage and Labour Cost Statistics*: special edition 1991;
- Structure and Activity of Industry*: annual survey — main results 1988-89;
- A Portrait of the Regions of Europe*.

Internal market

1.3.13. The European Council noted with satisfaction that the White Paper programme would in all essential respects be completed by 31 December 1992 and that more than 500 internal market measures had been adopted since 1985. It recognized that the internal market would have to be adapted and improved, considered that accurate and timely transposition of Community measures by Member States was essential to secure the full benefits of the internal market, and stressed the need to ensure that it worked to the benefit of all the Community's citizens and enterprises. It had to take note of the fact that free movement of persons within the Community could not be completely assured by 1 January 1993 but reaffirmed its commitment to the full and rapid implementation of Article 8a and invited the ministers responsible to speed up their work on this issue (→ point I.10).

I

Functioning of the internal market after 1992

- Reference:** Report of the high-level group on the operation of the internal market: Bull. EC 10-1992, point 1.3.20

1.3.14. Commission communication on the operation of the internal market after 1992: follow-up to the Sutherland report.

Adopted by the Commission on 2 December. This communication constitutes an initial Commission response to the report of the high-level group chaired by Mr P. Sutherland on the operation of the internal market after 1992. The Commission underscores the importance of shared responsibility for managing the single market and confirms its determination to assume its share of those responsibilities. At the same time, it draws attention to the budgetary implications of a true partnership with Member States and to the need for the latter to adapt their administrative structures and to provide appropriate training for those responsible for applying Community law.

The Commission also examines the action to be taken in response to the various recommendations made in the report and which cover the preparation and implementation of Community legislation, the organization of a partnership with Member States, access to justice, judicial cooperation, improvements to the quality of existing legislative instruments, information and communication. It highlights certain key elements in those recommendations:

- improvement in the transparency of Community rules;
- strengthening of the partnership with Member States;
- greater control over the application of Community law by national courts, particularly in the field of public procurement.

SEC(92) 2277

1.3.15. Parliament resolutions on the seventh Commission report on the implementation of the White Paper on completing the internal market and on the need for a follow-up to the 1992 internal market programme.

- Reference:** Seventh report concerning the implementation of the White Paper: COM(92) 383; Bull. EC 9-1992, point 1.2.10

Adopted on 18 December. Parliament welcomes the adoption by the Community's institutions of 95% of the White Paper programme. It

regrets the fact, however, that not all frontier controls have yet been abolished. It draws particular attention to the difficulties that still exist in connection with the free movement and residence of workers and to the delays in transposing Community legislation into national law in some Member States. It also stresses the need for a new mobilizing strategy to be formulated at Community level so as to ensure that the internal market functions smoothly. It suggests that this strategy should include an information campaign, a programme of cooperation between national and regional authorities, a systematic consolidation of Community law, an investigation of the impact of completion of the internal market and of the 'non-Europe' elements still existing after 1992, and action to reinforce democratic control of the internal market process. Parliament also endorses the content of the report drawn up by the working party chaired by Mr Sutherland and proposes that the Economic and Social Committee be made a forum for the single market.

OJ C 21, 25.1.1993

1.3.16. Council resolution on making the single market work.

- Council agreement:** Bull. EC 11-1992, point 1.3.15

Formally adopted by the Council on 7 December.

OJ C 334, 18.12.1992

Free movement of medicinal products

1.3.17. Proposal for a Council Regulation laying down Community procedures for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products; proposal for a Council Directive amending Directives 65/65/EEC, 75/318/EEC and 75/319/EEC on the approximation of the provisions laid down by law, regulation or administrative action relating to medicinal products; proposal for a Council Directive amending Directives 81/851/EEC and 81/852/EEC on the harmonization of the laws of the Member States in respect of

veterinary medicinal products; proposal for a Council Directive repealing Directive 87/22/EEC on the approximation of national measures relating to the placing on the market of high-technology medicinal products, particularly those derived from biotechnology.

- Commission proposals:** OJ C 330, 31.12.1990; COM(90) 283; Bull. EC 11-1990, point 1.3.1
- Parliament opinion (first reading):** OJ C 183, 15.7.1991; Bull. EC 6-1991, point 1.2.23
- Economic and Social Committee opinion:** OJ C 269, 14.10.1991; Bull. EC 7/8-1991, point 1.2.23
- Amended Commission proposals:** OJ C 310, 30.11.1991; COM(91) 382; Bull. EC 10-1991, point 1.2.16

Agreement on the proposal for a Regulation reached by the Council, and three common positions on the proposals for Directives adopted by the Council, on 17 December. These proposals, which supplement the technical harmonization work in the pharmaceuticals sector, are designed to ensure that a genuine single market in medicinal products is established. They provide for the free movement of medicinal products based on:

- the creation of a new centralized procedure leading to a Community authorization directly valid in all Member States for the most innovative medicinal products, with the Community being responsible for monitoring medicinal products authorized under this procedure and for the technical updating of the authorizations. This centralized procedure will be compulsory for biotechnological and veterinary medicinal products intended to increase productivity and will be optional for other innovative medicinal products;
- reinforcement of the decentralized procedure, which is based on the principle of mutual recognition of national authorizations and enables marketing authorizations issued by one Member State to be extended to other Member States. This procedure will enable a firm which has obtained an authorization in one Member State to apply for one or more Member States to accept that authorization, with binding arbitration at Community level in the event of non-acceptance by one of the Member States concerned. After a period of three years during

which the decentralized procedure will remain optional, this procedure will become compulsory whenever a request for authorization concerns more than one Member State in order to ensure that decisions are uniform throughout the internal market;

the setting-up of a European Agency for the Evaluation of Medicinal Products to supply the logistical support necessary for these two procedures to function smoothly. This new agency will encompass in particular the present Committees for Proprietary Medicinal Products and for Veterinary Medicinal Products, which will be at the head of its scientific structures;

the introduction of cooperation and, where appropriate, coordination procedures for monitoring the side-effects of medicinal products.

Media concentration and pluralism

1.3.18. Commission Green Paper on pluralism and media concentration in the internal market: an assessment of the need for Community action.

References:

Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings: OJ L 395, 30.12.1989; Bull. EC 12-1989, point 2.1.78

Parliament resolution on media takeovers and mergers: OJ C 68, 19.3.1990; Bull. EC 1/2-1990, point 1.1.272

Parliament resolution on media concentration and diversity of opinions: OJ C 284, 2.11.1992; Bull. EC 9-1992, point 1.2.164

Adopted by the Commission on 23 December. The purpose of this Green Paper, which was drawn up mainly in response to two Parliament resolutions, is to present an initial assessment of the need for Community action concerning concentration in the media, together with the different approaches which the Commission might adopt once it has consulted the parties concerned.

The Commission notes, solely with regard to the objective of safeguarding pluralism, that there would not appear to be any need for

action at Community level since Member States are able to take appropriate measures, even in situations with a Community dimension. However, the capacity of Member States to safeguard pluralism through national regulatory provisions may, because of the disparities between those provisions, affect the functioning of the internal market by creating in some Member States restrictions on the free movement of broadcasts, media ownership and freedom of establishment, uncertainty in the law, and distortions and restrictions of competition.

As the Merger Control Regulation cannot replace the abovementioned national provisions since mergers affecting pluralism do not necessarily affect competition, the Commission is examining three different options:

taking no action;

proposing a recommendation to enhance transparency;

proposing the harmonization of national restrictions on media ownership.

As it does not currently have a particular preference for any one of these options, the Commission is asking interested parties for their views on each of the possible options and on all aspects of the problem: identification of areas in which action needs to be taken, the principle of Community action, the content of a possible harmonization instrument, and the desirability of setting up an independent body.

COM(92) 480

Large exposures of credit institutions

1.3.19. Council Directive 92/121/EEC on monitoring and controlling large exposures of credit institutions.

Commission proposal: OJ C 123, 9.5.1991; COM(91) 68; Bull. EC 3-1991, point 1.2.6

Economic and Social Committee opinion: OJ C 339, 31.12.1991; Bull. EC 9-1991, point 1.2.11

Parliament opinion (first reading): OJ C 150, 15.6.1992; Bull. EC 5-1992, point 1.1.27

Amended Commission proposal: OJ C 175, 11.7.1992; COM(92) 273; Bull. EC 6-1992, point 1.3.12

- Council common position:** Bull. EC 6-1992, point 1.3.12
- Parliament opinion (second reading):** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.36

Re-examined proposal adopted by the Commission on 15 December.

COM(92) 554

Adopted by the Council on 21 December. This Directive is designed to spread the risks incurred by credit institutions in order to prevent default by one client from jeopardizing the existence of such an institution and having repercussions on the financial system in general. It provides in particular for the large exposures of credit institutions to be limited to 40% of own funds during a transitional period and to 25% thereafter, for large exposures to be reported to the authorities as soon as they reach 10% of own funds, and for the combined total of such exposures to be limited to 800% of own funds.

OJ L 29, 5.2.1993

Removal of tax frontiers

References:

Sixth Council Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value-added tax: uniform basis of assessment: OJ L 145, 23.6.1977, as amended by Council Directive 91/680/EEC: OJ L 376, 31.12.1991; Bull. EC 12-1991, point 1.2.44, and as last amended by Council Directive 92/77/EEC: OJ L 316, 31.10.1992; Bull. EC 10-1992, point 1.3.9

Council Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding and movement of such products: OJ L 76, 23.3.1992; Bull. EC 1/2-1992, point 1.3.9

1.3.20. Council Directive 92/111/EEC amending Directive 77/388/EEC and introducing simplification measures with regard to value-added tax.

- Commission proposal:** COM(92) 448; Bull. EC 11-1992, point 1.3.18
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.18

- Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.18

Adopted by the Council on 14 December. This Directive simplifies the transitional VAT arrangements laid down by Directive 91/680/EEC and clarifies the changeover from the system applicable up to 31 December 1992 to those transitional arrangements.

OJ L 384, 30.12.1992

1.3.21. Council Directive 92/108/EEC amending Directive 92/12/EEC.

- Commission proposal:** OJ C 283, 31.10.1992; COM(92) 426; Bull. EC 10-1992, point 1.3.48
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.44
- Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.44

Adopted by the Council on 14 December. This Directive clarifies and simplifies certain aspects of the general arrangements for products subject to excise duty, particularly as regards the definition of the tax territory of the Member States, certain special schemes and the simplification of certain administrative procedures.

OJ L 390, 31.12.1992

1.3.22. Council conclusions on the control of tax-free sales.

Adopted on 14 December. With Directives 91/680/EEC and 92/12/EEC authorizing VAT-free and duty-free sales to intra-Community travellers to continue, subject to certain conditions, until 30 June 1999, the Council emphasizes the need for Member States to exercise proper control over such sales and expects them to take all necessary measures to correct any shortcoming as regards controls which are reported to them as leading to evasion, avoidance or abuse. In view of the abolition of frontier checks, the Council calls in particular for Member States to ensure that tax-free vendors observe the Community rules governing the limits applicable to such sales and that travellers are informed of those rules. It also sets out the principles which Member States will have to observe in establishing the necessary minimum levels of control.

II

uniform protection at the Community's external frontiers.

COM(92) 544

Removal of physical frontiers

Checks on goods

1.3.23. Council Regulation (EEC) No 3904/92 on measures to adapt the profession of customs agent to the internal market.

- Commission proposal:** OJ C 220, 27.8.1992; COM(92) 328; Bull. EC 7/8-1992, point 1.3.14
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.23
- Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.23

Adopted by the Council on 17 December. This Regulation provides for Community measures to supplement those taken by Member States with a view to facilitating adaptation of the profession of customs agent to the internal market. They include assistance for the areas notified by Member States to the Commission as being the hardest hit by the abolition of customs formalities and aid for the conversion and/or restructuring of the enterprises concerned in order to save the maximum number of jobs.

OJ L 394, 31.12.1992

1.3.24. Proposal for a Council Regulation on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters.

- Regulation to be repealed:** Council Regulation (EEC) No 1468/81: OJ L 144, 2.6.1981; Bull. EC 5-1981, point 2.1.23

Adopted by the Commission on 21 December. This proposal aims to strengthen cooperation in the customs field between Member States and between them and the Commission by providing in particular for the creation of a central database — the customs information system (CIS) — that will improve the organization of the campaign against fraud and ensure

1.3.25. Proposal for a Council Decision concluding the Convention on Temporary Admission (Istanbul Convention) and accepting its annexes.

- Reference:** Signing of the Istanbul Convention: Bull. EC 6-1990, point 1.3.14

Adopted by the Commission on 15 December. Provides for the conclusion of the Istanbul Convention, which brings together in a single international instrument all the existing conventions on the temporary admission of goods.

COM(92) 537

1.3.26. Proposal for a Council Directive on the return of cultural objects unlawfully removed from the territory of a Member State.

- Commission proposal:** OJ C 53, 28.2.1992; COM(91) 447; Bull. EC 1/2-1992, point 1.3.12
- Economic and Social Committee opinion:** OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.25
- Parliament opinion (first reading):** OJ C 176, 13.7.1992; Bull. EC 6-1992, point 1.3.25
- Amended Commission proposal:** OJ C 172, 8.7.1992; COM(92) 280; Bull. EC 6-1992, point 1.3.25
- Council agreement on a common position:** Bull. EC 11-1992, point 1.3.20

Common position formally adopted by the Council on 9 December.

1.3.27. Council Regulation (EEC) No 3911/92 on the export of cultural goods.

- Commission proposal:** OJ C 53, 28.2.1992; COM(91) 447; Bull. EC 1/2-1992, point 1.3.12
- Economic and Social Committee opinion:** OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.25
- Parliament opinion:** OJ C 176, 13.7.1992; Bull. EC 6-1992, point 1.3.26
- Council agreement:** Bull. EC 11-1992, point 1.3.21

Formally adopted by the Council on 9 December. This Regulation will come into force once the Directive on the return of cultural objects (→ point 1.3.26) has been adopted.

OJ L 395, 31.12.1992

1.3.28. Council statement on completion of the internal market in dual-use goods and technologies.

- **Reference:** Proposal for a Council Regulation on the control of exports of certain dual-use goods and technologies and of certain nuclear products and technologies: OJ C 253, 30.9.1992; COM(92) 317; Bull. EC 7/8-1992, point 1.3.13

Adopted by the Council on 21 December. Given the strategic nature of certain dual-use goods and technologies, the Member States recognize that the key condition for the elimination of existing controls on intra-Community trade in such goods and technologies is the application by Member States of effective controls, based on common standards, on the export of these goods and technologies to third countries. Pending adoption of the Regulation establishing the fundamental conditions for the elimination of controls on intra-Community trade in these goods and technologies, the Member States agree that, as from 1 January 1993, intra-Community trade in them will no longer be subject to internal frontier controls within the Community but solely to checks carried out as part of the normal control procedures applied in a non-discriminatory fashion throughout Community territory.

1.3.29. Council Regulation (EEC) No 3576/92 on the definition of the concept of 'originating product' applicable to certain mineral products and to certain products of the chemical or allied industries within the framework of preferential tariff arrangements granted by the Community to third countries.

- **Commission proposal:** COM(92) 319; Bull. EC 7/8-1992, point 1.3.18

Adopted by the Council on 7 December. Aims to clarify the definition of the concept of 'originating product' applicable to certain mineral products (particularly petroleum products) within the framework of the preferential tariff arrangements granted by the Community to third countries in order to ensure uniform implementation of the provisions relating to that concept.

OJ L 364, 12.12.1992

Removal of technical frontiers

Free movement of goods

Standardization and technical rules

1.3.30. Commission report on the operation of Directive 83/189/EEC in 1990 and 1991 (prevention of technical barriers to trade).

- **Basic Directive:** Council Directive 83/189/EEC: OJ L 109, 24.4.1983; Bull. EC 3-1983, point 1.2.8
- **Previous report:** COM(91) 108; Bull. EC 4-1991, point 1.2.1

Adopted by the Commission on 18 December. This report gives an account, based on the national notifications received under the information procedure provided for in Directive 83/189/EEC, of the work carried out in 1990 and 1991 in the field of technical standards and regulations. It also gives details of the information on technical regulations exchanged between the Community and the EFTA countries over the same period.

COM(92) 565

1.3.31. Proposal for a Council Regulation amending Directives 87/404/EEC, 88/378/EEC, 89/106/EEC, 89/336/EEC, 89/392/EEC, 89/686/EEC, 90/384/EEC, 90/385/EEC, 90/396/EEC, 91/263/EEC, 92/42/EEC and 73/23/EEC; proposal for a Council Decision amending Council Decision 90/683/EEC concerning the modules for the various phases of the conformity assessment procedures and supplementing it with provisions relating to the arrangements for affixing and using the CE conformity marking.

- **Commission proposals:** OJ C 160, 20.6.1991; COM(91) 145; Bull. EC 5-1991, point 1.2.7
- **Economic and Social Committee opinion:** OJ C 14, 20.1.1992; Bull. EC 10-1991, point 1.2.9
- **Parliament opinion (first reading):** OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.3.11
- **Amended Commission proposals:** COM(92) 293; Bull. EC 7/8-1992, point 1.3.20

New amended proposals adopted by the Commission on 7 December. The aim is to divide the proposal for a Regulation concerning the affixing and use of the CE mark of conformity

on industrial products into a proposal for a Directive amending the provisions relating to the CE mark of conformity in the Directives already in force and a proposal for a Decision laying down guidelines for the use of the CE mark of conformity in future directives.

OJ C 28, 2.2.1993; COM(92) 499

Motor vehicles

1.3.32. Proposal for a Council Regulation on the braking of two- and three-wheeled motor vehicles.

- Reference:** Council Directive 92/61/EEC relating to the type-approval of two- or three-wheeled motor vehicles: OJ L 225, 10.8.1992; Bull. EC 6-1992, point 1.3.20
- Commission proposal:** OJ C 93, 13.4.1992; COM(91) 496 and 498; Bull. EC 1/2-1992, point 1.3.29
- Economic and Social Committee opinion:** OJ C 313, 30.11.1992; Bull. EC 9-1992, point 1.2.17
- Parliament opinion (first reading):** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.28

Common position adopted by the Council on 17 December. This proposal is one of a number designed to implement the framework Directive on the type-approval of two- or three-wheeled motor vehicles.

1.3.33. Proposal for a Council Directive on the identification of controls, tell-tales and indicators for two- or three-wheeled motor vehicles.

- Commission proposal:** OJ C 293, 9.11.1992; COM(92) 331; Bull. EC 9-1992, point 1.2.16

Endorsed by Parliament (first reading) on 16 December.

OJ C 21, 25.1.1993

1.3.34. Council Directive 92/114/EEC relating to external projections forward of the cab's rear panel of motor vehicles of category N.

- Commission proposal:** OJ C 230, 4.9.1991; COM(91) 238; Bull. EC 7/8-1991, point 1.2.21
- Economic and Social Committee opinion:** OJ C 49, 24.2.1992; Bull. EC 12-1991, point 1.2.23
- Parliament opinion (first reading):** OJ C 67, 16.3.1992; Bull. EC 1/2-1992, point 1.3.25
- Council common position:** Bull. EC 6-1992, point 1.3.19

- Parliament opinion (second reading):** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.26

Adopted by the Council on 17 December. The purpose of this Directive is to ensure that the cabs of goods vehicles do not have sharp projections, thereby reducing the severity of injuries sustained by a person coming into contact with the external surface of a vehicle in an accident.

OJ L 409, 31.12.1992

Industrial products

1.3.35. Proposal for a Council Directive amending Directive 89/392/EEC on the approximation of the laws of the Member States relating to machinery.

- Commission proposal:** OJ C 25, 1.2.1992; COM(91) 547; Bull. EC 1/2-1992, point 1.3.18
- Economic and Social Committee opinion:** OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.14
- Parliament opinion (first reading):** OJ C 241, 21.9.1992; Bull. EC 7/8-1992, point 1.3.21
- Amended Commission proposal:** OJ C 252, 29.9.1992; COM(92) 363; Bull. EC 7/8-1992, point 1.3.21

Common position adopted by the Council on 17 December. The purpose of this proposal is to lay down the safety requirements for machinery, other than lifts, designed to raise or move people.

1.3.36. Proposal for a Council Directive on the supervision and placing on the market of explosives for civil uses and the mutual recognition of authorizations and approvals relating to such explosives.

- Commission proposal:** OJ C 121, 13.5.1992; COM(92) 123; Bull. EC 4-1992, point 1.3.13
- Economic and Social Committee opinion:** OJ C 313, 30.11.1992; Bull. EC 9-1992, point 1.2.19
- Parliament opinion (first reading):** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.30

Amended proposal adopted by the Commission on 16 December.

COM(92) 524

Common position adopted by the Council on 17 December. The purpose of this Directive is to establish the conditions necessary for super-

vising the manufacture and marketing of explosives for civil use, by spelling out in particular the key safety requirements they must meet, and to set out the conditions under which such explosives may be transferred within the Community.

1.3.37. Proposal for a Council Directive amending Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment.

- Directive to be amended:** Council Directive 89/686/EEC: OJ L 399, 30.12.1989; Bull. EC 12-1989, point 2.1.23

Adopted by the Commission on 23 December. This proposal is designed to extend until 31 December 1994 the transitional period during which the marketing of personal protective equipment is to remain subject (in the absence of CEN harmonized standards) to the national arrangements in force on the date on which Directive 89/686/EEC was adopted.

COM(92) 421

1.3.38. Proposal for a Council Directive relating to medical devices.

- Commission proposal:** OJ C 237, 12.9.1991; COM(91) 287; Bull. EC 7/8-1991, point 1.2.7
- Economic and Social Committee opinion:** OJ C 79, 30.3.1992; Bull. EC 1/2-1992, point 1.3.39
- Parliament opinion (first reading):** OJ C 150, 15.6.1992; Bull. EC 5-1992, point 1.1.17
- Amended Commission proposal:** OJ C 251, 28.9.1992; COM(92) 356; Bull. EC 7/8-1992, point 1.3.26

Common position agreed by the Council on 17 December. This proposal is intended to harmonize the conditions for marketing medical devices and putting them into service in order to ensure the safety and to protect the health of patients and users. To that end, it sets out a list of essential requirements and provides for a system of classifying such devices for conformity certification purposes.

Narcotic drugs

1.3.39. Council Directive 92/109/EEC on the manufacture and the placing on the market of certain substances used in the illicit manufac-

ture of narcotic drugs and psychotropic substances.

- Commission proposal:** OJ C 21, 29.1.1991; COM(90) 597; Bull. EC 12-1990, point 1.3.8
- Economic and Social Committee opinion:** OJ C 159, 17.6.1991; Bull. EC 4-1991, point 1.2.5
- Parliament opinion (first reading):** OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.3.18
- Amended Commission proposal:** OJ C 157, 24.6.1992; COM(92) 218; Bull. EC 5-1992, point 1.1.18
- Council common position:** Bull. EC 7/8-1992, point 1.3.27
- Parliament opinion (second reading):** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.31

Adopted by the Council on 14 December. This Directive provides for the monitoring of the manufacture and marketing of the chemical precursors for drugs and psychotropic substances in order to prevent them from being diverted to illicit drugs manufacture. At the same time, it seeks to eliminate distortions of competition in connection with the lawful manufacture and marketing of such precursors.

OJ L 370, 19.12.1992

Foodstuffs

1.3.40. Proposal for a Council Directive on the subject of additional measures concerning the official control of foodstuffs.

- Commission proposal:** OJ C 51, 26.2.1992; COM(91) 526; Bull. EC 1/2-1992, point 1.3.42
- Economic and Social Committee opinion:** OJ C 332, 16.12.1992; Bull. EC 10-1992, point 1.3.32
- Parliament opinion (first reading):** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.33

Amended proposal adopted by the Commission on 11 December.

OJ C 1, 5.1.1993; COM(92) 574

1.3.41. Proposal for a Council Directive on the hygiene of foodstuffs.

- Commission proposal:** OJ C 24, 31.1.1992; COM(91) 525; Bull. EC 1/2-1992, point 1.3.41
- Economic and Social Committee opinion:** OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.21

- **Parliament opinion (first reading):** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.33

Amended proposal adopted by the Commission on 10 December.

OJ C 347, 31.12.1992; COM(92) 547

Common position adopted by the Council on 17 December. The purpose of the proposal is to lay down general rules designed to improve the level of food hygiene in the Community at all stages of production up to sale to the final consumer and to establish arrangements for ensuring that those rules are observed.

1.3.42. Council Directive 92/115/EEC amending for the first time Council Directive 88/344/EEC on the approximation of the laws of the Member States relating to extraction solvents used in the production of foodstuffs and food ingredients.

- **Directive amended:** Council Directive 88/344/EEC: OJ L 157, 24.6.1988; Bull. EC 6-1988, point 2.1.37
- **Commission proposal:** OJ C 11, 17.1.1992; COM(91) 502; Bull. EC 12-1991, point 1.2.31
- **Parliament opinion (first reading):** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.26
- **Economic and Social Committee opinion:** OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.20
- **Council common position:** Bull. EC 6-1992, point 1.3.23
- **Parliament opinion (second reading):** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.34

Adopted by the Council on 17 December. The purpose of this Directive is to adapt Directive 88/344/EEC to scientific and technical progress by providing in particular for it to cover certain substances hitherto governed only by national legislation.

OJ L 409, 31.12.1992

Public procurement

1.3.43. Proposal for a Council Directive amending Directive 71/305/EEC concerning the coordination of procedures for the award of public works contracts.

- **Commission proposal:** OJ C 225, 1.9.1992; COM(92) 345; Bull. EC 7/8-1992, point 1.3.28

- **Parliament opinion:** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.38

- **Economic and Social Committee opinion:** OJ C 332, 16.12.1992; Bull. EC 10-1992, point 1.3.38

Common position adopted by the Council on 7 December. The purpose of this proposal is to incorporate various technical amendments into Directive 71/305/EEC.

1.3.44. Proposal for a Council Directive amending Directive 90/531/EEC on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors.

- **Directive to be amended:** Council Directive 90/531/EEC: OJ L 297, 29.10.1990; Bull. EC 9-1990, point 1.2.6
- **Commission proposal:** OJ C 337, 31.12.1991; COM(91) 347; Bull. EC 9-1991, point 1.2.2
- **Economic and Social Committee opinion:** OJ C 106, 27.4.1992; Bull. EC 3-1992, point 1.2.28
- **Parliament opinion (first reading):** OJ C 176, 13.7.1992; Bull. EC 6-1992, point 1.3.8
- **Council agreement on a common position:** Bull. EC 6-1992, point 1.3.8
- **Amended Commission proposal:** OJ C 188, 25.7.1992; COM(92) 292; Bull. EC 7/8-1992, point 1.3.29

Common position formally adopted by the Council on 21 December. This proposal is designed to extend the procedural arrangements of Directive 90/531/EEC, which regulates purchases of supplies and works in the water, energy, transport and telecommunications sectors, to purchases of services in those same sectors.

Creation of a financial area

1.3.45. Proposal for a Council Directive on investment services in the securities field.

- **Commission proposal:** OJ C 43, 22.2.1989; COM(88) 778; Bull. EC 12-1988, point 2.1.147
- **Economic and Social Committee opinion:** OJ C 298, 27.11.1989; Bull. EC 9-1989, point 2.1.12
- **Parliament opinion (first reading):** OJ C 304, 4.12.1989; Bull. EC 10-1989, point 2.1.16
- **Amended Commission proposal:** OJ C 42, 22.2.1990; COM(89) 629; Bull. EC 1/2-1990, point 1.1.29

- **Council agreement on a common position:** Bull. EC 6-1992, point 1.3.10

Common position formally adopted by the Council on 21 December. The aim of this proposal is to enable an investment firm in any Member State to carry on business throughout the Community on the basis of a single authorization (known as the European passport) issued by its home Member State. To this end, the Directive harmonizes the conditions of authorization and for carrying on business, assigns competence for prudential supervision to the supervisory authorities of the home Member State, organizes cooperation between the authorities in the host Member State and those in the home Member State in ensuring that the firm's activities comply with the standards in the host Member State, gives investment firms right of access to all regulated markets in the Community and establishes minimum transparency rules to be observed on regulated markets in order to guarantee investors a sufficient level of protection.

1.3.46. Proposal for a Council Directive amending Directive 80/390/EEC with a view to extending the scope of the partial or total exemption from the obligation to publish listing particulars.

- **Directive to be amended:** Council Directive 80/390/EEC on the distribution of the listing particulars to be published for the admission of securities to official stock exchange listing; OJ L 100, 17.4.1980; Bull. EC 3-1980, point 2.1.34

Adopted by the Commission on 23 December. The purpose of this proposal is to permit, subject to certain conditions, the securities of companies already listed to be admitted to official listing, without publication of new particulars, either in another Member State or on the junior market of the same Member State.

OJ C 23, 27.1.1993; COM(92) 566

Freedom of establishment

1.3.47. Proposal for a Council Directive to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications.

- **Commission proposal:** Bull. EC 12-1991, point 1.2.42
- **Economic and Social Committee opinion:** OJ C 98, 21.4.1992; Bull. EC 1/2-1992, point 1.3.49
- **Parliament opinion:** OJ C 125, 18.5.1992; Bull. EC 4-1992, point 1.3.24

Common position adopted by the Council on 14 December. The purpose of this proposal is to consolidate the Directives on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, which are designed to facilitate exercise of the right of establishment and freedom to provide services, and the Directives on the coordination of provisions relating to the activities of doctors and specific training in general medical practice.

Intellectual property

1.3.48. Proposal for a Council Directive on the coordination of certain rules concerning copyright and neighbouring rights applicable to satellite broadcasting and cable retransmission.

- **Commission proposal:** OJ C 255, 1.10.1991; COM(91) 276; Bull. EC 7/8-1991, point 1.2.76
- **Economic and Social Committee opinion:** OJ C 98, 21.4.1992; Bull. EC 1/2-1992, point 1.3.52
- **Parliament opinion (first reading):** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.43

Amended proposal adopted by the Commission on 2 December.

OJ C 25, 28.1.1993; COM(92) 526

1.3.49. Council Decision 93/16/EEC on the extension of the legal protection of topographies of semi-conductor products to persons from the United States of America and certain territories; Council Decision 93/17/EEC amending Decision 90/510/EEC on the extension of the legal protection of topographies of semi-conductor products to persons from certain countries and territories.

- **Decision amended:** Council Decision 90/510/EEC; OJ L 285, 17.10.1990; Bull. EC 10-1990, point 1.3.102

Proposal adopted by the Commission on 4 December.

COM(92) 515

Adopted by the Council on 21 December. The first Decision extends the provisional protection granted to persons from the United States and from British overseas territories and possessions in respect of topographies of semiconductor products until 31 December 1993 in the case of the United States and to 31 December 1994 in the case of the British territories and possessions; the second Decision grants permanent protection in this field to persons from those member countries of EFTA which have not yet benefited from such protection (Finland, Iceland, Liechtenstein, Norway and Switzerland).

OJ L 11, 19.1.1993

1.3.50. Proposal for a Council Directive on the legal protection of biotechnological inventions.

- Commission proposal:** OJ C 10, 13.1.1989; COM(88) 496; Bull. EC 10-1988, point 2.1.17
- Economic and Social Committee opinion:** OJ C 159, 26.6.1989; Bull. EC 4-1989, point 2.1.44
- Parliament opinion (first reading):** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.44

Amended proposal adopted by the Commission on 16 December.

COM(92) 589

Competition

I

Application of Articles 85 and 86 of the EEC Treaty

Cooperation between the Commission and national courts

1.3.51. Commission notice on cooperation between national courts and the Commission in applying Articles 85 and 86 of the EEC Treaty.

Adopted on 23 December. For a number of years the Commission has been seeking to encourage a decentralized application of Articles 85 and 86 by national authorities and courts. After first describing in its notice the advantages of such decentralization, the Commission:

- sets out the case-law of the Court of Justice on relations between itself and Member States' courts;
- describes their respective powers;
- explains how it takes account of the scope for proceedings before national courts when establishing its priorities;
- outlines the ways in which it proposes to assist national courts.

COM(92) 593

Encouraging cooperation between businesses

1.3.52. Communication entitled 'Encouragement of cooperation between undertakings: a new policy for cooperative joint ventures', accompanied by Commission Regulation (EEC) No 151/93 amending Regulations (EEC) No 417/85, (EEC) No 418/85, (EEC) No 2349/84 and (EEC) No 556/89 on the application of Article 85(3) of the Treaty to certain categories of specialization agreements, research and development agreements, patent licensing agreements and know-how licensing agreements, and by a Notice concerning the assessment of cooperative joint ventures pursuant to Article 85 of the EEC Treaty.

References:

Commission Regulation (EEC) No 2349/84 on the application of Article 85(3) of the Treaty to certain categories of patent licensing agreements: OJ L 219, 16.8.1984; Bull. EC 7/8-1984, point 2.1.50

Commission Regulation (EEC) No 417/85 on the application of Article 85(3) of the Treaty to categories of specialization agreements: OJ L 53, 22.2.1985; Bull. EC 12-1984, point 2.1.52

Commission Regulation (EEC) No 418/85 on the application of Article 85(3) of the Treaty to categories of research and development agreements: OJ L 53, 22.2.1985; Bull. EC 12-1984, point 2.1.51

Commission Regulation (EEC) No 556/89 on the application of Article 85(3) of the Treaty to certain categories of know-how licensing agreements: OJ L 61, 4.3.1989; Bull. EC 11-1988, point 2.1.89

Adopted on 23 December. The Commission here approved a package of measures intended to improve the legal framework surrounding the setting-up of cooperative joint ventures. It adopted a regulation the purpose of which is, firstly, to include in the scope of Regulations (EEC) No 417/85 and (EEC) No 418/85 certain joint ventures which were not previously covered by them and therefore still needed to be assessed individually in the light of Article 85(1) and (3) of the Treaty, and, secondly, to amend Regulations (EEC) No 2349/84 and (EEC) No 556/89 so that they cover technology transfer agreements between parent companies and their joint ventures.

It also adopted a notice setting out for the benefit of the industrial, trading and professional interests concerned the economic and legal criteria it will henceforth apply in individual proceedings when assessing cooperative joint ventures.

Lastly, it decided to speed up its procedures in all individual cases involving 'structural' joint ventures.

OJ L 21, 29.1.1993; SEC(92) 2500

II

Twenty-first Report on Competition Policy

1.3.53. Parliament resolution on the Commission's Twenty-first Report on Competition Policy.

□ **References:**

Twenty-first Report: Bull. EC 4-1992, point 1.3.27

Economic and Social Committee opinion: Bull. EC 11-1992, point 1.3.46

Adopted on 18 December. Parliament considers there are three main challenges currently facing Community competition policy:

- adapting competition policy measures to the new requirements of an open economy;
- explaining this policy with greater transparency and clarity than in the past; and
- applying the principles of Community competition law throughout the European Economic Area.

Parliament sets out its recommendations for an effective application of these principles, urging that a balance be achieved in the field of social welfare and environmental protection and that government assistance to disadvantaged groups and regions be maintained. It examines the problems encountered in the areas of energy, communications, car sales, agriculture, the media, air fares, transport and telecommunications. It asks the Commission to obtain the explicit approval of the Council and Parliament for the more important competition measures. It recommends that small and medium-sized businesses be given favourable treatment and suggests ways of improving the transparency and democratic accountability of Community competition policy. Lastly, it calls on the Commission to take a number of specific measures aimed at strengthening competition at both the European and the international level.

OJ C 21, 25.1.1993

General rules applying to businesses

Insurance

1.3.54. Parliament resolution on the application of Community competition policy in the insurance sector.

Adopted on 18 December. While it welcomes the Commission's initiative concerning the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector, Parliament criticizes the way in which the regulation was prepared and calls upon the Commission to give it more information on a number of points and to define a number of concepts more precisely.

OJ C 21, 25.1.1993

1.3.55. Commission Regulation (EEC) No 3932/92 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector.

□ **Reference:** Council Regulation (EEC) No 1534/91 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector: OJ L 143, 7.6.1991; Bull. EC 5-1991, point 1.2.20

Adopted on 21 December. By virtue of the powers conferred on it by Council Regulation (EEC) No 1534/91, the Commission determines the conditions under which agreements, decisions and concerted practices in the insurance sector are automatically exempted from the prohibition in Article 85(1). To qualify for exemption, such agreements, etc. must have as their object cooperation with respect to the establishment of common risk-premium rates based on pooled statistics or on claims experience, the establishment of standard policy conditions, the joint coverage of certain types of risk, the settlement of claims, the testing and acceptance of security devices, and registers of, and information on, aggravated risks.

OJ L 398, 31.12.1992

Transport

1.3.56. Commission Regulation (EEC) No 3618/92 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the air transport sector.

□ **Reference:** Council Regulation (EEC) No 3976/87 on the application of Article 85(3) to certain categories of agreements, decisions and concerted practices in the air transport sector: OJ L 374, 31.12.1987; Bull. EC 12-1987, point 2.1.280; as last amended by Regulation (EEC) No 2411/92: OJ L 240, 24.8.1992; Bull. EC 7/8-1992, point 1.3.36

Adopted on 15 December. The regulation extends the term of validity of the current exemptions until 30 June 1993.

OJ L 367, 16.12.1992

Application of the competition rules to businesses: specific cases

Prohibited horizontal agreements

Procedural decisions

Mewac

1.3.57. *Commission Decision 93/47/EEC, 17 December.*

□ **Reference:** Council Regulation (EEC) No 4056/86 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport: OJ L 378, 31.12.1986

The decision imposes a fine on a liner conference, Mediterranean Europe West Africa Conference (Mewac), for refusing to submit to an investigation under Regulation No 4056/86. The investigation was to have been carried out on 28 June 1989. Mewac objected, however, on the ground that its Secretary-General was not there. In fixing the amount of the fine, the Commission took into account the fact that, although Mewac had objected to the investigation taking place in the absence of its Secretary-General, it did not object to its taking place the following day in his presence. Its refusal was therefore not absolute and the maximum fine (ECU 5 000) was not imposed on it, a fine of ECU 4 000 being considered sufficient.

OJ L 20, 28.1.1993

Admissible forms of cooperation

Commission decisions under Article 85 of the EEC Treaty

Ford/Volkswagen

1.3.58. *Decision 93/49/EEC, 23 December.* The decision approved an agreement between car manufacturers Ford and Volkswagen on the setting-up of a joint venture in Portugal for the development and production of a multi-purpose vehicle. Ford and VW are to build a

plant near Setúbal with a capacity of 190 000 units a year, scheduled to come on stream in 1995. They will sell separate versions of the vehicle under their own brand names and through their own networks.

The exemption is subject to a number of conditions and obligations aimed at limiting possible 'spill-over' effects of the cooperation. The agreement has been granted clearance under 31 December 2004.

OJ L 20, 28.1.1993.

*Lloyd's Underwriters' Association
and the Institute of London Underwriters*

1.3.59. *Decision 93/3/EEC, 4 December.* The decision approves certain marine insurance agreements. The agreements as notified by Lloyd's Underwriters' Association and the Institute of London Underwriters contained various clauses restricting, among other things, competition concerning premium rates and competition for the renewal of policies. The Commission exempted the agreements once these clauses had been amended.

OJ L 4, 8.1.1993

Ford Agricultural

1.3.60. *Decision 93/46/EEC, 15 December.* The decision prohibits Ford New Holland from including in its tractor distribution agreements restrictions on imports or exports and a number of other provisions intended to hinder parallel trade. Ford had developed a system for identifying parallel imports, and once their source had been traced it took one or more of a series of dissuasive measures against the dealer or dealers concerned. This constituted a clear infringement of the EEC Treaty. The Commission has accordingly required Ford to ensure that consumers can purchase its products anywhere in the Community and that dealers are free to supply them.

OJ L 20, 28.1.1993

Fiat-Hitachi

1.3.61. *Decision 93/48/EEC, 21 December.* The decision approves the setting-up by Fiat

and Hitachi of a joint venture for the manufacture, distribution and sale of medium to large hydraulic excavators, which will take over Fiat's existing range and develop a new Fiat-Hitachi range using Hitachi technology. The joint venture is to have an exclusive territory covering Western Europe, the Mediterranean basin and Africa. After talks with the Commission, the parties amended their agreements so that Hitachi will accept orders from Community-based contractors, although it will no longer actively seek to sell to them. The agreements provide that the joint venture will buy all its engines from Iveco (which is part of the Fiat group) and all hydraulic systems which it does not manufacture itself from Hitachi. Although these exclusive purchasing provisions foreclose sales opportunities for third-party manufacturers of engines and hydraulic systems, this restriction results from the setting-up of the joint venture and appears to be necessary to its operation.

OJ L 20, 28.1.1993

Jahrhundertvertrag

1.3.62. *Decision adopted on 22 December.* The decision approves the 'Jahrhundertvertrag', a set of agreements under which German electricity generators are required to purchase certain quantities of German coal. The agreements restrict competition by impeding imports from other Member States of electricity, coal and other primary energy sources. They were exempted once they had been amended so as to reduce the quantities involved.

Astra

1.3.63. *Decision 93/50/EEC, 23 December.* The decision declares incompatible with the Treaty the agreements whereby British Telecommunications plc (BT) and Société européenne des satellites SA (SES) were jointly to market uplinks to and capacity on the Astra satellite, despite the fact that they were competitors both in the market for uplink services and in that for the provision of capacity. The agreements made it impossible for customers in the United Kingdom to deal with Astra

direct and involved an alignment of the two parties' pricing policies. These restrictive effects were not offset by any benefits capable of justifying an exemption. Since the parties rescinded the agreements while the proceeding was in progress, the Commission decision has a retrospective declaratory effect and allows customers who had concluded contracts with BT before BT and SES terminated their joint venture to review their commitments.

OJ L 20, 28.1.1993

Langnese and Schöller

Reference: Interim measures adopted on 25 March: Bull. EC 3-1992, point 1.2.41

1.3.64. Decisions adopted on 23 December. The decisions confirm the provisional decisions adopted on 25 March, the purpose of which was to prevent Langnese-Iglo GmbH and Schöller Lebensmittel GmbH & Co KG from enforcing contractual rights obliging retailers to purchase icecream exclusively from them.

Dominant positions

Cewal

1.3.65. Decision 93/82/EEC, 23 December. The decision imposes a fine of ECU 9.6 million on Compagnie maritime belge (CMB), and fines of ECU 200 000 on Woermann Linie and Dafra Line (both owned by CMB) and ECU 100 000 on Nedlloyd, all four of which are members of the Cewal liner conference. They had abused, in three different ways, their dominant position in trade between Zaire and the North Sea ports with a view to eliminating their main competitor, G & C, which groups together the Italian shipowner Grimaldi and the Belgian shipowner Cobelfret.

OJ L 34, 10.2.1993

Mergers

Commission decisions under the Merger Control Regulation

Reference: Council Regulation (EEC) No 4064/89 on the control of concentrations

between undertakings: OJ L 395, 30.12.1989 (corrected version: OJ L 257, 21.9.1990); Bull. EC 12-1989, point 2.1.78; Supplement 2/90 — Bull. EC

Del Monte/Royal Foods/Anglo-American

1.3.66. Adopted on 9 December. The decision authorizes the joint acquisition of Del Monte Food International by Royal Foods Ltd and the South African financial conglomerate Anglo-American Corporation of South Africa Ltd. The parties have few activities which overlap and the market shares in question are small.

PepsiCo/Kesa

1.3.67. Adopted on 21 December. The Commission decided not to oppose the acquisition by PepsiCo of Kesa, which manufactures carbonated soft drink concentrates and is active only in Spain; it also bottles such drinks. PepsiCo's market shares remain for the most part below 25%, except in the lemon-lime segment in Portugal, where, however, the operation adds only 1% to its market share.

OJ C 8, 13.1.1993

Sextant, BGT and VDO-L

1.3.68. Adopted on 21 December. The decision authorizes Sextant and BGT to acquire joint control of VDO-L, a German company specializing in the production and sale of instruments and equipment for civil and military aircraft. The Commission has concluded that the concentrative nature of the operation poses no problems from the competition standpoint in view of the small market shares of the parties and the existence of strong competitors.

OJ C 9, 14.1.1993

Waste Management/SAE

1.3.69. Adopted on 21 December. The decision authorizes the setting-up of a joint venture between Waste Management International plc and Société auxiliaire d'entreprise in the non-toxic waste treatment sector in France. The Commission took into account the lack of any

overlap between the activities of the parent companies and the small market share of the joint venture.

OJ C 10, 15.1.1993

Commission decisions to initiate proceedings under the Merger Control Regulation

Siemens/Philips

1.3.70. Adopted on 23 December. The decision initiates second-stage proceedings in this case, in which Siemens proposes to acquire 75% of two Philips subsidiaries engaged in the manufacture of optical fibres. There are serious doubts as to the compatibility of the operation with the competition rules as it will increase the degree of concentration in an already highly concentrated sector and hence the likelihood of oligopolistic dominance.

Commission decisions under Article 66(2) of the ECSC Treaty

Aristrain/Ensidesa

1.3.71. Adopted on 11 December. The decision authorizes a specialization and joint-selling agreement for beams between the Aristrain group and Empresa Nacional Siderúrgica (Ensidesa). The agreement, which provides for a rationalization of production activities, will enable the companies to make substantial savings in the production and distribution of the products concerned, while bringing about an improvement in their quality and in services to customers. These effects will benefit both the parties to the agreement and consumers. The group formed by Aristrain and Ensidesa accounts for 14.3% of Community beams output. The authorization is valid until 31 December 1994.

Maxhütte Unterwellenborn/Arbed

1.3.72. Adopted on 17 December. The decision authorizes the acquisition by Arbed SA of the KFS rolling mill from Maxhütte Unterwellenborn GmbH, a steel producer currently admin-

istered by the Treuhandanstalt. The plant will produce small and medium beams. Maxhütte Unterwellenborn will use Arbed's sales network to distribute its products throughout the Community.

Application of the competition rules to government intervention

Synthetic fibres

1.3.73. New Commission code on aid to the synthetic fibres industry.

References:

Community system of control of aid to the synthetic fibres industry: Bull. EC 7/8-1977, point 1.5.3

Latest extension: Bull. EC 7/8-1992, point 1.3.58

1.3.74. Adopted on 9 December. The new code is to apply from 1 January 1993 until 31 December 1994. The scope is extended to include polymerization where this is integrated into production in terms of the machinery used. A significant reduction will be required in aid recipients' production capacity. The reduction will be assessed in the light of such factors as the intensity of the aid, the volume and location of the aided investments, the trend of the average rate of capacity utilization both of the industry and of the aid recipient and any industrial group to which it belongs.

Environment

1.3.75. Commission decision on the Community approach to State aids in environmental matters.

Reference: Community approach to State aids in environmental matters: Bull. EC 7/8-1980, point 2.1.38

Adopted on 23 December. The current approach is renewed for six months.

Aid to shipbuilding

1.3.76. Commission decision fixing the aid ceiling for 1993.

□ **References:**

Previous decision: Bull. EC 12-1991, point 1.2.60

Seventh Council Directive 90/684/EEC on aid to shipbuilding: OJ L 380, 31.12.1990; Bull. EC 12-1990, point 1.3.64; as amended by Directive 92/68/EEC: OJ L 219, 4.8.1992; Bull. EC 7/8-1992, point 1.3.56

Adopted on 23 December. Pursuant to the Seventh Directive on aid to shipbuilding the decision sets the ceiling of production aid at 9% as from 31 December 1992, and implements the provisions of Article 4(2) of the Directive concerning the building of small ships and ship conversion with a view to ensuring that the level of aid in this sector does not exceed 4.5%, with the exception of building for domestic use in Greece.

State aid

Decisions to raise no objection

Germany

1.3.77. Commission decision on aid to the MTW shipyard in the former German Democratic Republic.

□ **References:**

Decision setting general aid ceiling: Bull. EC 12-1991, point 1.2.60

Seventh Council Directive 90/684/EEC on aid to shipbuilding: OJ L 380, 31.12.1990; Bull. EC 12-1990, point 1.3.64; as amended by Directive 92/68/EEC: OJ L 219, 4.8.1992; Bull. EC 7/8-1992, point 1.3.56

Adopted on 23 December. The Commission takes the view that an initial instalment of aid is needed in order to allow the restructuring of the yard to proceed. The aid complies with Directive 90/684/EEC as amended. The Commission has taken no decision on aid to other yards; they can receive assistance only once the German Government has supplied the Com-

mission with full details and the Commission is satisfied that the aid is necessary.

1.3.78. Commission decision on a loan granted on favourable terms by the Bavarian authorities to NMH-Stahlwerke GmbH (Neue Maxhütte).

Adopted on 23 December. The loan does not constitute State aid: all the shareholders, including the private ones, have contributed to it in proportion to their holdings in the capital.

1.3.79. Commission decision on aid to Metall-Rohstoffe Thüringen GmbH.

□ **Reference:** Commission Decision 91/3855/ECSC of 27 November 1991 establishing Community rules for aid to the steel industry: OJ L 362, 31.12.1991; Bull. EC 11-1991, point 1.2.26

Adopted on 23 December. The aid is regional aid, and complies with the Commission decisions which allowed the schemes under which it is granted. Steelmaking capacity in the former German Democratic Republic is expected to fall substantially.

Belgium

1.3.80. Commission decision on aid to GM Trade.

Adopted on 9 December. Loan guarantees given by the Walloon regional authorities do constitute State aid because the commission charged does not reflect the level of risk involved. But the aid is compatible with the common market because it is being granted in Couvin, an area eligible for regional aid under Article 92(3) of the Treaty, and the aid intensity is within the ceilings acceptable within the region.

Denmark

1.3.81. Commission decision on measures to promote the rational use of energy.

Adopted on 9 December. Grants are to be provided towards major projects and towards feasibility studies, energy audits, information campaigns and other specified projects. The aid is compatible with the common market

because it is in line with the Community objectives for energy saving and the protection of the environment; it allows those objectives to be met more rapidly and the intensity, at 30% for investment aid and 30-50% for other forms of aid, is acceptable.

Spain

1.3.82. Commission decision on credit given to Mexico to finance the purchase of ships by Transportaciones Marítima Mexicana.

- **Reference:** Sixth Council Directive 87/167/EEC on aid to shipbuilding: OJ L 69, 12.3.1987; Bull. EC 1-1987, point 2.1.49

Adopted on 9 December. The aid is being granted on the basis of a contract concluded in 1990; the 27.5% aid intensity is compatible with the common market under Article 9(1) of the Sixth Shipbuilding Directive, which was in force at that time.

France

1.3.83. Commission decision on tax measures to help the French overseas departments.

Adopted on 23 December. The measures are compatible with the common market given the socioeconomic situation in the French overseas departments, which qualifies them for exemption under Article 92(3) of the EEC Treaty.

1.3.84. Commission decision on aid to the VEV textile group.

Adopted on 23 December. The aid amounts to some FF 60 million; it is compatible with the common market in view of the scale of the restructuring operation undertaken, which should return the group to normal profitability.

1.3.85. Commission decision on an agreement between the French and Belgian totalisator betting organizations PMU and PMU Belge.

Adopted on 23 December. Viewed as a whole, the agreement does not contain any State aid

element. It will be examined again in four years' time.

Ireland

1.3.86. Commission decision on aid to Unifi Textured Yarns Europe Ltd.

- **Reference:** Community code on aid to the synthetic fibres industry: Bull. EC 7/8-1977, point 1.5.3; latest extension: point 1.3.73 of this Bulletin

Adopted on 23 December. The company's net production capacity for all synthetic fibres combined is to be reduced by 7%. Given that the assisted investment is to be carried out in an area qualifying for regional aid under Article 92(3) of the EEC Treaty, and that the intensity (at 9% gross grant equivalent) is considerably below the authorized ceiling (60% gross grant equivalent), the Commission takes the view that the plan is compatible with the common market.

Italy

1.3.87. Commission decision on Trieste free zone.

Adopted on 23 December. In view of the changes which are to come into force on 1 January 1994 (limitation of tax-free allowances for residents, no more discrimination based on the origin of goods, and adjustment of aid to businesses to bring it into line with existing Community guidelines), the aid qualifies for exemption under Article 92(2) and (3) of the EEC Treaty.

Luxembourg

1.3.88. Commission decision on Economic Expansion Bill.

Adopted on 9 December. The three new or amended schemes, for small firms, R&D and the environment respectively, are fully compatible with the relevant Community rules.

Portugal

1.3.89. Commission decision on aid to the public-sector petrochemicals company CNP.

□ **Reference:** Proceedings initiated: Bull. EC 10-1991, point 1.2.34

Adopted on 9 December. The Portuguese Government has taken over part of the company's bank debts and debenture loans, swapped debt for equity and waived its right to interest payments; these measures, worth a total of ECU 1 680 million, constitute State aid. The aid is intended to remedy a situation which predates Portugal's accession to the Community. It also forms part of an overall restructuring plan which should allow a return to viability. The company is of major importance in social and regional terms, being located in the province of Alentejo, one of the worst-off parts of Portugal and of the Community as a whole. The Commission accordingly accepts that the aid is compatible with the common market.

Decisions to initiate proceedings under Article 93(2) of the EEC Treaty

Germany

1.3.90. Commission decision on aid to Buna AG.

Adopted on 23 December. Guarantees and loans provided by the Treuhandanstalt will allow Buna to sell butyl acetate at below-market prices, thus artificially keeping alive an operation which is never likely to be profitable.

Italy

1.3.91. Commission decision on a scheme to assist the ceramics industry in Lazio.

Adopted on 23 December. The scheme was not notified to the Commission before being implemented, and provides for investment grants of 25%, which would seriously distort competition; none of the exemption clauses in the Treaty appears to apply.

1.3.92. Commission decision on aid to small and medium-sized enterprises.

Adopted on 23 December. Aid has been granted after the cut-off date set by the Commission. Other aid, recently notified, does not appear to be compatible with the new Community guidelines on State aid for SMEs.

1.3.93. Commission decision on aid to EFIM.

Adopted on 23 December. None of the aid granted appears to qualify for exemption under the Treaty. The public guarantee must be suspended immediately.

Portugal

1.3.94. Commission decision on the privatization programme.

Adopted on 23 December. The proceedings relate only to those aid measures which are subject to a nationality clause that infringes the Treaty. Some 'non-transparent' measures are also to be notified to the Commission individually.

Decisions to terminate proceedings under Article 93(2) of the EEC Treaty

Germany

1.3.95. Commission decision on investment by Opel in Eisenach in the former German Democratic Republic.

□ **Reference:** Proceedings initiated: Bull. EC 12-1991, point 1.2.66

Adopted on 9 December. The regional assistance involved, which has an intensity of 28.9% in gross grant equivalent, is acceptable as it serves to cover the extra cost due to the location. It should also have a substantial impact on the new *Länder*, where the socio-economic situation is difficult, most notably by creating 2 000 jobs directly and a further 25 000 indirectly. Environmental aid intended to reduce pollution from the paintshop is likewise acceptable as the project goes further than previous efforts in this field.

Spain

1.3.96. Commission decision on the financing of the purchase of a ferry by the Moroccan company Lignes maritimes du Détroit.

- **Reference:** Sixth Council Directive 87/167/EEC on aid to shipbuilding: OJ L 69, 12.3.1987; Bull. EC 1-1987, point 2.1.49

Adopted on 23 December. The aid relates to a contract dating from 1990, and is compatible with the common market under Article 9(1) of the Sixth Shipbuilding Aid Directive, which was in force at that time.

1.3.97. Commission decision on social aid to employees of Vilusa Victorio Luzuriaga.

Adopted on 23 December. The aid will enable the firm to switch from ECSC products to nodular and grey cast iron. The Commission is accepting it as it will help to reorganize a sector suffering from overcapacity, forms part of a restructuring plan aimed at turning the firm round and is restricted to the social side of the plan.

France

1.3.98. Commission decision on aid for business start-ups in Modane, Savoie.

- **Reference:** Proceedings initiated: Bull. EC 4-1992, point 1.3.49

Adopted on 23 December. Most of the aid schemes involved have already been approved by the Commission. Other measures do not in fact constitute State aid. The French authorities have undertaken to change the rules on reductions in electricity prices to bring them into line with Community requirements.

Italy

1.3.99. Commission decision on the refinancing of the Mezzogiorno Act.

- **Reference:** Proceedings initiated: Bull. EC 6-1992, point 1.3.46

Adopted on 9 December. The refinancing, amounting to ECU 14 350 million, can be considered compatible with the common mar-

ket until the end of 1993, provided the intensity of the aid granted does not exceed stated ceilings, which depend on the degree of development of each region and the size of the recipient firms and which are in line with those applying in other Community regions whose socioeconomic situation is similar. The tax exemptions provided for are to be converted into tax credits. These new arrangements are to apply immediately, except to programme contracts and some aid applications pending on 14 August 1992; a total of ECU 6 000 million may be set aside for this purpose.

1.3.100. Commission decision on aid to the Fiat group in support of its second Mezzogiorno investment plan.

Adopted on 9 December. The regional aid component amounts to ECU 2 903 million, an intensity of 30.5% in gross grant equivalent. This is acceptable as it corresponds to the extra cost to Fiat of building plants in the south rather than in the north of Italy. It should also have a substantial impact on one of the least developed regions of the Community where regional aid ceilings run from 59% to 74% in gross grant equivalent. The R&D aid, in the form of a low-interest loan of ECU 455 million (17% in gross grant equivalent), is likewise acceptable given the highly innovative and ambitious nature of the project.

1.3.101. Commission decision on aid for the marketing and advertising of Sicilian products.

- **Reference:** Proceedings initiated: Bull. EC 4-1992, point 1.3.50

Adopted on 23 December. The details received have helped remove the Commission's doubts about the nature of the aid, and the Italian authorities have undertaken to comply with the Community codes in force; the Commission has accordingly decided to consider the budgets for 1991 to 1993 compatible with the common market.

1.3.102. Commission decision on aid to the SNIA group.

- **Reference:** Proceedings initiated: Bull. EC 5-1992, point 1.1.53

Adopted on 23 December. The aid is compatible with the common market in view of its positive impact on the region and the fact that the firm is to reduce its production capacity by 10% between 1992 and 1996.

1.3.103. Commission decision on aid to alkaline salt-mining in Sicily.

□ **Reference:** Proceedings initiated: Bull. EC 7/8-1991, point 1.2.69

Adopted on 23 December. The measures in respect of infrastructure, compensation under an arbitration award and capital contributions on a private-investor basis do not constitute State aid. The financial assistance for workers in the sulphur industry does contain elements of State aid, but these are compatible with the common market.

1.3.104. Commission decision on the agreement between the Valle d'Aosta region and the company SDS.

□ **Reference:** Proceedings initiated: Bull. EC 5-1992, point 1.1.54

Adopted on 23 December. The Italian authorities have withdrawn from the agreement.

United Kingdom

1.3.105. Commission decision on aid to SCA Aylesford.

□ **Reference:** Proceedings initiated: Bull. EC 7/8-1992, point 1.3.68

Adopted on 23 December. The Commission has established that the cost of waste paper collection will be borne in full by SCA, whereas in many Member States local authorities play a part in such operations. The Commission has also taken account of capacity reductions which the firm has carried out in Sweden. The Commission is satisfied that the aid is necessary if the project is to succeed.

Final decision subject to conditions

Greece

1.3.106. Commission decision on aid to shipbuilding.

□ **Reference:** Seventh Council Directive 90/684/EEC on aid to shipbuilding: OJ L 380, 31.12.1990; Bull. EC 12-1990, point 1.3.64; as amended by Directive 92/68/EEC: OJ L 219, 4.8.1992; Bull. EC 7/8-1992, point 1.3.56

Adopted on 23 December. The Commission here approves aid towards the privatization of four shipyards, under Article 10 of the Directive. The aid is not to be released before privatization has taken place, and in any event no earlier than 31 March 1993. Aid to a fifth shipyard is allowed only if the yard is sold or closed, and subject to stated conditions. The Commission has also been given assurances that no aid has been granted since the end of 1991 under three schemes of assistance to the ship repair industry.

Enterprise policy, industrial policy and services

1.3.107. The European Council recognized the importance of SMEs (small and medium-sized enterprises) for employment creation and the stimulation of growth and asked the Council and the Commission to adopt measures to assist SMEs (→ point I.30).

I

Multiannual programme of support for enterprises

1.3.108. Proposals for Council Decisions on a multiannual programme (1993-96) of Community measures to intensify the priority areas of policy for enterprise, in particular SMEs, in the Community and a multiannual programme (1994-97) of Community measures to ensure the continuity of policy for enterprise, in particular SMEs, in the Community.

□ **References:**

Council Decision 91/319/EEC revising the programme for the improvement of the business environment and the promotion of the development of enterprises, in particular SMEs, in the Community: OJ L 175, 4.7.1991; Bull. EC 6-1991, point 1.2.63

Council resolution on Community action to support enterprises, in particular SMEs, including craft industry enterprises: OJ C 178, 15.7.1992; Bull. EC 6-1992, point 1.3.57

Conclusions of the European Council: point 1.30 of this Bulletin

Adopted by the Commission on 23 December. The proposals are a response to the Council resolution on Community action to support enterprises, in particular SMEs, which requested the Commission to put forward the necessary proposals for guaranteeing continuity of the policy towards enterprises carried out within the framework of the programme to improve the business environment. They fit into the framework of the growth initiative presented by the Commission to the European Council at Edinburgh and adopted by the latter.

On that occasion, the European Council 'asked the Commission to accelerate actions in favour of SMEs which have proven their worth at Community level'. SMEs make a significant contribution to the Community economy through the basic share of GDP and employment which they create and in terms of regional and local development.

The programme put forward by the Commission lasts for a period of four years and is designed to intensify the priority enterprise policy measures and to ensure their continuity.

The proposal for a Decision seeking to intensify the priority areas of policy for enterprise is designed to gear enterprises up for the revival of economic growth. It provides for:

- the development of Euro Info Centres to facilitate access by enterprises to Community information;
- the development of the partner-search networks, i.e. the business cooperation centre (BRC) and the business cooperation network (BC-Net);
- putting businessmen in direct contact with one another under the Europartenariat and

Enterprise programmes and promoting cross-border subcontracting;

- improving the administrative and legal environment of enterprises;
- promoting Community instruments and technological development.

For this part of the measure, a total appropriation of ECU 85 million is proposed.

The second proposal identifies where the continuity of enterprise policy can be ensured and the means of so doing. The measures put forward by the Commission relate to the craft industry, small firms, enterprises in the distributive trades, cooperatives, mutual societies, non-profit-making associations and foundations. They concern the encouragement of an improved financial environment for such enterprises. Provision is also made for setting up a European SME observatory. A total appropriation of ECU 28 million is proposed.

COM(92) 470

II

Enterprise policy

1.3.109. Council resolution on administrative simplification and the need to minimize burdens on enterprises, especially SMEs, arising from Community legislation.

- **Council agreement:** Bull. EC 11-1992, point 1.3.83

Formally adopted by the Council on 3 December.
OJ C 331, 16.12.1992

Industrial policy

1.3.110. Council resolution concerning the relationship between industrial competitiveness and environmental protection.

- **Council agreement:** Bull. EC 11-1992, point 1.3.75

Formally adopted by the Council on 3 December.
OJ C 331, 16.12.1992

Sectoral strategies

Steel

1.3.111. Forward programme for steel for the first half of 1993.

- Previous programme:** Bull. EC 7/8-1992, point 1.3.79

Adopted by the Commission at first reading on 16 December. The Commission predicts a further deterioration in the economic situation during the first half of 1993 with the result that the rate of activity in the steel-consuming industries will stagnate and Community steel exports will decline. Steel imports should stabilize at 1992 levels.

Given these developments, the Commission estimates Community production at 65.50 million tonnes for the first half of 1993 and at 131.5 million tonnes for the year as a whole. These estimates are respectively 1.8% and 2% down on the levels attained in 1992.

SEC(92) 2388

Opinion adopted by the ECSC Consultative Committee on 18 December. The Committee drew attention to the seriousness of the situation in the steel industry and felt that the Commission's forecasts were too optimistic. It proposed a return to the system of quarterly forecasts, broken down by finished products.

1.3.112. Resolution of the ECSC Consultative Committee on the Commission communication on greater competitiveness in the steel industry and the need for further restructuring.

- Reference:** Commission communication: Bull. EC 11-1992, point 1.3.76

Adopted by the ECSC Consultative Committee on 18 December. Examining the social consequences of the restructuring process, the Committee invited the Commission to innovate in the field of job sharing. It also put the total cost of restructuring operations at ECU 12 billion, of which ECU 2.8 billion were accounted for by social costs.

Bull. EC 12-1992

Research and technology

I

Supplementary financing for the third framework programme

1.3.113. Proposal for a Council Decision concerning supplementary financing for the third framework programme of Community activities in the field of research and technological development (1990-94).

- Commission proposal:** OJ C 225, 1.9.1992; COM(92) 309; Bull. EC 7/8-1992, point 1.3.82
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.84
- Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.84

Council common position adopted on 31 December. The purpose of the supplementary financing totalling ECU 900 million for the third framework programme is to ensure the continuity of Community research efforts in view of the time it is likely to take to adopt and implement the fourth framework programme. An extra 13.3% is earmarked for information technologies, industrial technologies, environment, life sciences and technologies, and human capital and mobility, and an extra 30.6% is earmarked for energy.

II

International cooperation

Israel

1.3.114. Visit to the Commission on 1 December by Mr Rubinstein, Minister for Research, Science and Energy.

- Reference:** EC-Israel Cooperation Agreement: OJ L 136, 28.5.1975; Bull. EC 5-1975, point 2334

Mr Rubinstein met Mr Pandolfi. During their talks they noted that cooperation was focusing on areas such as renewable energy sources, environment and health. They expressed the wish that scientific and technological cooperation between the two sides should be specifically taken into account in any review of the 1975 Economic Cooperation Agreement.

Canada

1.3.115. Recommendation for a Council Decision authorizing the Commission to negotiate a Scientific and Technical Cooperation Agreement between the European Economic Community and the European Atomic Energy Community and Canada.

Adopted by the Commission on 14 December. The purpose of the Agreement is to enable Canadian and Community research bodies to cooperate on projects in areas such as medical and health research, environment, agriculture, nuclear power and information and communications technologies.

Telecommunications, information services and industry

Telecommunications services

Telecommunications satellites

1.3.116. Proposal for a Council Directive on the approximation of the laws of the Member States concerning satellite earth station equipment, extending the scope of Council Directive 91/263/EEC.

- Reference:** Council Directive 91/263/EEC on the approximation of the laws of the Member States concerning telecommunications terminal equipment: OJ L 128, 23.5.1991; Bull. EC 4-1991, point 1.2.49

Adopted by the Commission on 10 December. The purpose of the proposal is to bring earth stations for satellite communications within the scope of Directive 91/263/EEC. Its four aims are:

- to establish the single market for satellite earth station equipment;
- to bring in harmonized procedures for certification, testing, marking, quality assurance and product surveillance;
- to guarantee the right to use such equipment;
- to guarantee, where appropriate, the right to connect such equipment to public telecommunications networks.

OJ C 4, 8.1.1993; COM(92) 451

Telecommunications tariffs

1.3.117. Council resolution on the assessment of the situation in the Community telecommunications sector.

- Agreed by the Council:** Bull. EC 11-1992, point 1.3.86

Formally adopted by the Council on 17 December.

OJ C 2, 6.1.1993

Radiocommunications frequency bands

1.3.118. Parliament resolution on telecommunications frequency bands.

- References:**

Council resolution on the implementation in the Community of the decisions of the European Radiocommunications Committee: Bull. EC 11-1992, point 1.3.87

Proposal for a Council Directive on common frequency bands to be designated for the coordinated introduction of the terrestrial flight telecommunications system (TFTS) in the Community — Withdrawal of the proposal by the Commission: Bull. EC 11-1992, point 1.3.88

Proposal for a Council Directive on the frequency bands to be designated for the coordinated introduction of road transport telematic systems (RTT) in the Community, including road information and route guidance systems — Withdrawal of the proposal by the Commission: Bull. EC 11-1992, point 1.3.89

Proposal for a Council Directive on the frequency bands to be designated for the coordinated introduction of digital short-range radio (DSRR) in the Community: Bull. EC 3-1992, point 1.2.71

Adopted by Parliament on 18 December. Parliament deeply regretted the lack of information from the Commission on the various proposals for Directives on the designation of frequency bands and requested more information from the Commission on the withdrawal of the proposals on the terrestrial flight communications system and road transport telematic systems. It further asked how the Commission intended to proceed with its proposal for a Directive on the coordinated introduction of digital short-range radio in the Community.

OJ C 21, 25.1.1993

Transport

I

Development of the common transport policy

1.3.119. White Paper on the future development of the common transport policy.

Adopted by the Commission on 2 December. In this White Paper, which will be the subject of consultation with the political and trade circles concerned, the Commission looks at measures to improve the carriage of goods and people within the Community. The Community must find the answer to several challenges: in particular, it must face the problems caused by the saturation of existing networks, the uneven modal split and increasing pollution caused by means of transport.

Against this background the Commission has decided to adopt an overall approach combining: improvements to infrastructure and means of transport and their more rational use;

enhancing the safety of users; achieving more equitable working conditions; better environment protection.

To implement such a strategy the Commission undertakes to support the development of trans-European networks by helping to establish links between Member States' networks and achieve a better balance between the modes of transport, thus ensuring that they dovetail more smoothly. It is also promoting the idea of a 'citizens' network', an integrated passenger transport network designed to enhance mobility by interlinking European public transport systems.

In addition, the Commission proposes that users be charged the full cost of using infrastructure, including the cost of environment protection, safety and social protection measures, so as to help dispense with modes of transport which are no longer economically justified. Finally, the Commission plans to strengthen the Community's role in relations with third countries, within the framework of the common transport policy, and to promote the much-needed improvement of communications with isolated regions of the Community, especially the most outlying regions.

COM(92) 494

Combined transport

1.3.120. Council Directive 92/106/EEC amending Directive 75/130/EEC on the establishment of common rules for certain types of combined transport of goods between Member States.

Directive amended: Directive 75/130/EEC (OJ L 48, 22.2.1975; Bull. EC 2-1975, point 2264), as last amended by Regulation (EEC) No 881/92, OJ L 95, 9.4.1992; Bull. EC 3-1992, point 1.2.76

Commission proposal: OJ C 282, 30.10.1992; COM(92) 230; Bull. EC 6-1992, point 1.3.74

Parliament opinion: OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.96

Economic and Social Committee opinion: OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.96

Amended proposal adopted by the Commission on 7 December.

OJ C 29, 2.2.1993; COM(92) 538

Adopted by the Council on 7 December. This Directive brings combined transport involving a journey by sea within the scope of Directive 75/130/EEC.

OJ L 368, 17.12.1992

1.3.121. Regulation (EEC) No 3578/92 amending Regulation (EEC) No 1107/70 on the granting of aids for transport by rail, road and inland waterway.

Regulation amended: Regulation (EEC) No 1107/70 (OJ L 130, 15.6.1970), as last amended by Regulation (EEC) No 1100/89 (OJ L 116, 28.4.1989; Bull. EC 3-1989, point 2.1.157)

Commission proposal: OJ C 282, 30.10.1992; COM(92) 230; Bull. EC 6-1992, point 1.3.74

Parliament opinion: OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.97

Economic and Social Committee opinion: Bull. EC 11-1992, point 1.3.97

Amended proposal adopted by the Commission on 7 December.

OJ C 29, 2.2.1993; COM(92) 538

Adopted by the Council on 7 December. This new Regulation provides for the present arrangements for aid relating to investment in combined transport to be renewed until 31 December 1995. It also renews aids relating to the costs of running combined transport services in transit across the territory of third countries, although this is limited to services in transit across Austria, Switzerland and the States of the former Yugoslavia. It also provides for the extension of the scope of the present arrangements to aid relating to transport equipment specifically designed for combined transport and used exclusively for that purpose.

OJ L 364, 12.12.1992

Frontier controls

1.3.122. Council Regulation (EEC) No 3912/92 on controls carried out within the Community in the field of road and inland waterway transport in respect of means of transport registered or put into circulation in a third country.

Commission proposal: OJ C 103, 23.4.1992; COM(92)105; Bull. EC 3-1992, point 1.2.80

Economic and Social Committee opinion: OJ C 287, 4.11.1992; Bull. EC 7/8-1992, point 1.3.97

Parliament opinion: OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.70

Adopted by the Council on 17 December. This Regulation lays down that the controls carried out by Member States in relation to means of transport by road or by inland waterway shall no longer be performed as controls at the Community's internal frontiers but as part of the normal control procedures performed throughout Community territory.

OJ L 395, 31.12.1992

Sea transport

1.3.123. Council Regulation (EEC) No 3577/92 applying the principle of freedom to provide services to maritime transport within Member States.

Commission proposal: OJ C 263, 16.10.1989; COM(89) 266; Bull. EC 7/8-1989, point 2.1.201

Economic and Social Committee opinion: OJ C 56, 7.3.1990; Bull. EC 11-1989, point 2.1.188

Initial Parliament opinion: OJ C 295, 26.11.1990; Bull. EC 10-1990, point 1.3.193

Amended Commission proposal: OJ C 73, 19.3.1991; COM(91)54; Bull. EC 1/2-1991, point 1.2.100

Council agreement: Bull. EC 6-1992, point 1.3.76

Second Parliament opinion: OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.100

Adopted by the Council on 7 December. The Regulation provides for the liberalization of maritime cabotage for Community shipowners who have their ships registered in, and flying the flag of a Member State, provided that these ships comply with all the conditions for cabotage in that Member State.

In relation to manning, it lays down that, for vessels carrying out mainland cabotage and for cruise liners, all matters relating to manning shall be the responsibility of the State in which the vessel is registered, except for ships smaller than 650 gt, where host State conditions may be applied.

For vessels carrying out island cabotage, except for cargo vessels over 650 gt, all matters relating to manning shall be the responsibility of the host State.

Temporary exemptions from the implementation of the Regulation are allowed.

OJ L 364, 12.12.1992

1.3.124. Proposal for a Council Directive concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods.

- Commission proposal:** OJ C 147, 14.6.1989; COM(89) 7; Bull. EC 5-1989, point 2.1.217
- Economic and Social Committee opinion:** OJ C 329, 30.12.1989; Bull. EC 10-1989, point 2.1.189
- Parliament opinion:** OJ C 175, 16.7.1990; Bull. EC 6-1990, point 1.3.248
- Amended Commission proposal:** OJ C 294, 24.11.1990; COM(90) 452; Bull. EC 10-1990, point 1.3.192

Agreed by the Council on 8 December. The aim of the proposed directive is initially to ensure that the authorities designated by the Member States are informed of the presence of dangerous or polluting goods on board vessels sailing from or bound for Community ports. This should enable the authorities to take all the measures necessary to deal with the dangerous or polluting goods concerned.

In addition, it lays down that the Commission should submit to the Council by the end of 1993 new proposals for establishing a more comprehensive reporting system. These proposals could also cover vessels in transit along the coasts of the Member States.

Air traffic

1.3.125. Council's conclusions on air traffic control in the Community.

- Reference:** Council Decision 91/11/EEC adopting a specific research and technological development programme in the field of transport (Euret) (1990-93) (OJ L 8, 11.1.1990; COM(89) 557; Bull. EC 12-1990, point 1.3.124)

Adopted by the Council on 7 December. The Council noted the importance of the develop-

ment of an effective Air Traffic Management system for the future of civil aviation in Europe. It emphasized the importance of further cooperation in this field so that Commission activities might contribute to the development of the work of the European Organization for the Safety of Air Navigation (Eurocontrol) and of the European Civil Aviation Conference (ECAC). It also invited and encouraged the Commission to explore the possibility of bringing continuity to the Euret programme.

1.3.126. Proposal for a Council Regulation on the allocation of slots for civil aviation.

- Commission proposal:** OJ C 43, 19.2.1991; COM(90) 576; Bull. EC 12-1990, point 1.3.276
- Economic and Social Committee opinion:** OJ C 339, 31.12.1991; Bull. EC 9-1991, point 1.2.50
- Parliament opinion:** OJ C 13, 20.1.1992; Bull. EC 12-1991, point 1.2.112
- Amended Commission proposal:** OJ C 206, 13.8.1992; COM(92) 257; Bull. EC 6-1992, point 1.3.85

Agreed by the Council on 8 December. The aim of this proposal, part of the third liberalization package for air transport, is to establish a code of conduct guaranteeing the transparent, efficient and non-discriminatory allocation of slots.

In particular, it recommends better utilization of existing slots based on the 'use it or lose it' principle, and lays down conditions of access for new entrants to the market.

Lastly, it makes provision for free exchange of slots and for safeguard mechanisms where there is a clear imbalance between air carriers.

II

General policy

1.3.127. Parliament resolution on delays in the completion of the internal market in transport.

Adopted by Parliament on 15 December. Parliament observed that, in view of the considerable progress towards the liberalization and har-

monization of the internal market in transport, it was important to achieve fiscal harmonization in this field now and to put the emphasis on social issues relating to the transport sector.

OJ C 21, 25.1.1993

Multimodal transport

1.3.128. Commission Decision 93/45/EEC concerning the granting of financial support for pilot schemes to promote combined transport.

Adopted by the Commission on 22 December. The purpose of this Decision is to fix the aims, conditions and means for granting financial support for pilot actions designed to promote combined transport.

OJ L 16, 25.1.1993

Inland transport

Road transport

1.3.129. Proposal for a Council Directive on the charging of transport infrastructure costs to heavy goods vehicles.

□ **Commission proposal:** OJ C 79, 26.3.1988; COM(87) 716; Bull. EC 12-1987, point 2.1.275

□ **Initial Economic and Social Committee opinion:** OJ C 208, 8.8.1988; Bull. EC 6-1988, point 2.4.52

□ **Initial Parliament opinion:** OJ C 158, 26.6.1989; Bull. EC 5-1989, point 2.1.214

□ **First amended Commission proposal:** OJ C 75, 20.3.1991; COM(90) 540; Bull. EC 11-1990, point 1.3.182

□ **Second Economic and Social Committee opinion:** OJ C 159, 17.6.1991; Bull. EC 4-1991, point 1.2.52

□ **Second Parliament opinion:** OJ C 150, 15.6.1992; Bull. EC 5-1992, point 1.1.76

□ **Second amended Commission proposal:** COM(92) 405; Bull. EC 9-1992, point 1.2.62

□ **Third Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.99

Endorsed by Parliament in a third opinion on 18 December, subject to various technical amendments.

OJ C 21, 25.1.1993

1.3.130. Commission Regulation (EEC) No 3688/92 adapting to technical progress Council Regulation (EEC) No 3821/85 on recording equipment.

□ **Regulation to be amended:** Regulation (EEC) No 3821/85 (OJ L 370, 31.12.1985; Bull. EC 12-1985, point 2.1.214)

Adopted by the Commission on 21 December. The purpose of this new Regulation is to reduce the scope for fraud in the use of electronic recording equipment for monitoring driving time and rest periods.

OJ L 374, 22.12.1992

1.3.131. Commission Decision granting financial support for the implementation of transport infrastructure projects.

Adopted by the Commission on 10 December, grants financial support for the construction of the Øresund fixed link (Denmark) and the Klidi-Makryialos section of the Evzoni-Athens motorway (Greece).

International cooperation

Transit agreements with Bulgaria

1.3.132. Agreements in the form of exchanges of letters concerning transit and land transport infrastructure between the European Economic Community and Bulgaria under the Europe (association) Agreement between the Community and Bulgaria (→ point 1.4.11).

Transit agreements with Hungary and the Czech and Slovak Federal Republic

1.3.133. Agreements in the form of exchanges of letters amending the exchanges of letters between the European Economic Community and Hungary concerning transit and land transport infrastructure and agreements in the form of exchanges of letters amending the

exchanges of letters between the European Economic Community and the Czech and Slovak Federal Republic concerning transit and land transport infrastructure.

- **Economic and Social Committee opinion:** OJ C 313, 30.11.1992; Bull. EC 9-1992, point 1.2.70
- **Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.102

Adopted by the Council on 7 December.

OJ L 407, 31.12.1992

Transit agreements with Romania

1.3.134. Agreements in the form of exchanges of letters concerning transit and land transport infrastructure between the European Economic Community and Romania under the Europe (association) Agreement between the Community and Romania (--> point 1.4.14).

Former Yugoslavia

1.3.135. Parliament resolution on disruption to road, rail and air transport caused by the war in the former Yugoslavia.

Adopted by Parliament on 15 December. Parliament observed that the war in the territories of the former Yugoslavia was seriously disrupting intra-Community transport to and from Greece and called on the Commission, pending the restoration of peace, to improve alternative transport routes between Greece and the other Member States, in particular by concluding road and rail agreements with Bulgaria and Romania, by improving existing transit agreements with Hungary and the Czech and Slovak Federal Republic, by promoting combined transport in the Mediterranean area of the Community and by proposals for eliminating air traffic congestion over Italy and the Adriatic.

OJ C 21, 25.1.1993

Transport of passengers and goods

1.3.136. Council Decision on the opening of negotiations between the Community and non-member countries concerning the rules applying to the transport of passengers and goods

by inland waterway between the parties concerned.

- **Recommendation for a Decision:** COM(91) 229; Bull. EC 6-1991, point 1.2.90

Adopted by the Council on 7 December.

1.3.137. Recommendation for a Council Decision on the opening of negotiations between the Community and certain non-member countries concerning the transport of passengers and goods by road.

Adopted by the Commission on 11 December, with the aim of opening negotiations between the Community and Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Bosnia-Herzegovina, the Czech and Slovak Federal Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovenia, Turkey and Ukraine on the rules governing the transport of passengers and goods between the European Community and the third countries concerned and in particular those relating to market access and trade, technical and administrative issues.

Energy

1.3.138. The European Council reiterated its support for an early and successful outcome to the negotiations on the basic agreement of the European Energy Charter (→ point I.80).

Community energy strategy

Energy and environment

1.3.139. Council conclusions concerning taxes on carbon dioxide emissions and energy (→ point 1.3.197).

Internal energy market

Oil and gas exploration and production

1.3.140. Proposal for a Council Directive on the conditions for granting and using authorizations for oil and gas prospecting, exploration and extraction.

- Commission approval:** Bull. EC 3-1992, point 1.2.84
- Commission proposal:** OJ C 139, 2.6.1992; COM(92) 110; Bull. EC 5-1992, point 1.1.84
- Parliament opinion (first reading):** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.113
- Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.113

Amended proposal adopted by the Commission on 21 December.

OJ C 23, 27.1.1993; COM(92) 587

Individual sectors

Solid fuels

- Reference:** Medium-term guidelines for technical coal research (1990-95); OJ C 52, 1.3.1989; Bull. EC 2-1989, point 2.1.33

1.3.141. Draft Commission Decision granting financial aid for two technical coal research projects.

Adopted on 22 December. Purpose: to grant a total of ECU 425 700 for the research projects in question and ECU 153 892 for the dissemination of information.

1.3.142. Draft Commission Decision granting financial aid for a technical coal research project.

Adopted on 29 December. Purpose: to grant ECU 1 674 808 for the research project in question.

Nuclear energy

1.3.143. Draft Commission Regulation amending Commission Regulation (Euratom)

No 3227/76 concerning the application of the provisions on Euratom safeguards.

- Regulation to be amended:** Commission Regulation (Euratom) No 3227/76: OJ L 363, 31.12.1976, as last amended by Commission Regulation (Euratom) No 220/90: OJ L 22, 27.1.1990; Bull. EC 1/2-1990, point 1.1.266

Adopted on 15 December. The aim of the draft Regulation is to help strengthen the international safeguards and non-proliferation arrangements.

The intention is to provide, on a voluntary basis, certain additional information for the International Atomic Energy Agency concerning exports and imports of nuclear material and of inventories and exports of certain relevant equipment and non-nuclear material.

State aid

Coal industry

1.3.144. Commission Decisions concerning aid to the coal industry in Spain, Portugal and Germany.

- Reference:** Commission Decision No 2064/86/ECSC establishing Community rules for State aid to the coal industry: OJ L 177, 1.7.1986; Bull. EC 6-1986, point 2.1.236

Adopted on 23 December. Purpose: to authorize the granting of State aid to the coal industry in Spain (PTA 227 708 million), Portugal (ESC 1 015 229 000 for 1992) and Germany (DM 8 339.4 million).

Social dimension

I

Combating social exclusion

1.3.145. Commission communication on stepping up the fight against social exclusion

and promoting integration, accompanied by a report on implementation of the Resolution of the Council and of the Ministers for Social Affairs meeting within the Council of 29 September 1989 on combating social exclusion.

□ **References:**

Treaty on European Union: OJ C 191, 29.7.1992

Resolution of the Council and of the Ministers for Social Affairs meeting within the Council on combating social exclusion: OJ C 277, 31.10.1989; Bull. EC 9-1989, point 2.1.61

Adopted by the Commission on 23 December. Mindful of the fact that social exclusion is a major challenge to European society, the Commission has drawn up this communication, which is the culmination of a process of consultation with the Member States and other interested bodies with a view to intensifying the Community's thinking and efforts on combating the exclusion phenomenon. In so doing, the Commission has no wish to usurp the role of national, regional or local authorities which, under the principle of subsidiarity, will be responsible for the lion's share of measures in this field.

The communication points out that solidarity is an integral part of the process of European integration and that the social aspect of the Treaty on European Union makes the combating of exclusion one of the basic objectives of the Community's social policy.

The Commission initially analyses the phenomenon of social exclusion, stressing its multidimensional aspect (employment, education, housing, health, etc.) and the risk of exacerbating the situation, and then goes on to spell out what the Community has been doing hitherto, with special reference to pilot projects for the integration of the least well-off.

The Commission suggests enhancing the role of structural policies in the fight against social exclusion and formulating broad lines for a future Community programme. Finally, it underlines the need to pursue dialogue and cooperation with the Member States and other organizations dealing with the social exclusion problem.

COM(92) 542

II

Employment

Implementation of Community legislation

1.3.146. Council conclusions on the effective implementation and enforcement of Community legislation in the social affairs area.

Council (labour and social affairs) agreement, 3 December.

Formally adopted by the Council on 21 December. The Council called on the Commission to continue to publish systematic information on an annual basis on the state of implementation of Community social legislation and to continue its arrangements for consultation in advance of proposing new legislation, including consultation with national experts from the Member States. The Council further invited the Member States to provide the necessary information to both sides of industry about proposed Community legislation and arrangements for implementation and enforcement.

Unemployment

1.3.147. Council Resolution on the need to tackle unemployment.

Council (labour and social affairs) agreement, 3 December.

Formally adopted by the Council on 21 December. The Council called on the Community to make its contribution to tackling unemployment, more particularly by way of coordinated support measures. The Council also called on the Commission to pursue its work on enhancing labour mobility at Community level.

Free movement of workers

□ **Reference:** Council Decision 85/368/EEC on the comparability of vocational training qualifications between Member States of the Euro-

pean Community: OJ L 199, 31.7.1985; Bull. EC 7/8-1985, point 2.1.88

1.3.148. Communication on the comparability of vocational training qualifications between Member States of the European Community established in implementing Council Decision 85/368/EEC of 16 July 1985, 'tourism sector'.

Published by the Commission on 7 December.
OJ C 320, 7.12.1992

1.3.149. Communication on the comparability of vocational training qualifications between Member States of the European Community established in implementing Council Decision 85/368/EEC of 16 July 1985, 'transport sector'.

Published by the Commission on 21 December.
OJ C 338, 21.12.1992

1.3.150. Council Resolution on the transparency of qualifications (→ point 1.3.162).

European Social Fund and other structural measures

1.3.151. Structural measures are now dealt with under the heading 'Economic and social cohesion'.

Working conditions

Community Charter of workers' social rights

References:

Commission communication concerning its action programme relating to the implementation of the Community Charter of the Fundamental Social Rights of Workers: COM(89) 568; Bull. EC 11-1989, point 2.1.80

First report on the application of the Community Charter of the Fundamental Social Rights of Workers: Bull. EC 12-1991, point 1.2.134

1.3.152. Parliament resolution on the first report on the application of the Community Charter of the Fundamental Social Rights of Workers.

Adopted by Parliament on 15 December. Parliament expressed its concern at the delay in adopting certain Commission proposals, but recognized that genuine progress was being made on the health and safety of employees at work. It noted that, in an economic situation which gave cause for concern, there was a need for more active measures to promote employment, with special regard to vocational training for young people. It further called for an annual report, alongside the report on the application of the Social Charter, on the application of Community legislation in the field.

OJ C 21, 25.1.1993

1.3.153. Second Commission report on the application of the Community Charter of the Fundamental Social Rights of Workers.

Adopted by the Commission on 23 December. The first part of this annual report, which was drawn up pursuant to the terms of the Community Charter of the Fundamental Social Rights of Workers, is concerned with the implementation of the Charter at Community level, the main point being that, as at 1 November 1992, the Commission had presented virtually all the measures announced in the action programme. The second part comprises the national reports and sets out the situation in each Member State with regard to the various principles in the Charter.

COM(92) 562

Industrial relations

1.3.154. Commission report on the application in the Member States of the Council recommendation of 10 December 1982 on the principles of a Community policy with regard to retirement age.

Reference: Council recommendation on a Community policy with regard to retirement age: OJ L 357, 18.12.1982; Bull. EC 12-1982, point 2.1.54

Adopted by the Commission on 18 December. Following a descriptive analysis of Member States' retirement age policies, the Commission sets out its view that more consideration should be given to the problems of greater flexibility in retirement age and the employment of pensioners.

SEC(92) 2288

Measures for ECSC industry workers

1.3.155. ECSC Consultative Committee resolution on a 12th financing programme for workers' housing in ECSC industry areas.

Adopted by the ECSC Consultative Committee on 18 December. The Committee called on the Commission to ensure the continuity of social policy measures for workers in the ECSC industries and to adopt a twelfth programme on ECSC workers' housing.

OJ C 31, 4.2.1993

1.3.156. Commission financing decisions concerning the granting of redeployment aid for workers in the steel industry.

Adopted by the Commission on 23 December. This aid is granted under Article 56(2b) of the ECSC Treaty to Germany, Spain, France, Italy, Luxembourg, Portugal and the United Kingdom.

1.3.157. Commission financing decision concerning the granting of redeployment aid for workers in the ECSC industries.

Adopted by the Commission on 21 December. This aid is granted under Article 56(1c) and (2b) of the ECSC Treaty to Germany, Spain, France, Greece, Italy, the Netherlands, Portugal and the United Kingdom (for the steel industry), to Germany, Spain and France (for the coal mining industry) and to Belgium and France (for the iron ore mining industry).

Health and safety at work

1.3.158. Proposal for a Council Directive on the minimum safety and health requirements

regarding the exposure of workers to the risks arising from physical agents.

□ **Reference:** Council framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work: OJ L 183, 29.6.1989; Bull. EC 6-1989, point 2.1.105

Adopted by the Commission on 23 December. The aim of the proposal is to gradually improve the protection of workers from the risks due to exposure to physical agents and to harmonize the minimum health and safety requirements in respect of physical agents. The agents targeted in the proposal are four in number (noise, mechanical vibration, optical radiation, electromagnetic fields and waves), but the provisions might be extended to other physical agents. The minimum requirements revolve around certain principles, namely controlling worker exposure and reducing the resultant risk, providing information and training and getting workers to participate, making provision for health surveillance, ensuring that working equipment and methods do not involve any excessive exposure risk and, finally, facilitating the harmonized application and dynamic management of the Directive's provisions.

COM(92) 560

1.3.159. Council Directive 92/104/EEC on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries (twelfth individual Directive within the meaning of Article 16(1) of framework Directive 89/391/EEC).

□ **Commission proposal:** OJ C 58, 5.3.1992; COM(92) 14; Bull. EC 1/2-1992, point 1.3.128

□ **Economic and Social Committee opinion:** OJ C 169, 6.7.1992; Bull. EC 4-1992, point 1.3.93

□ **Parliament opinion (first reading):** OJ C 150, 15.6.1992; Bull. EC 5-1992, point 1.1.93

□ **Amended Commission proposal:** OJ C 171, 7.7.1992; COM(92) 251; Bull. EC 6-1992, point 1.3.105

□ **Council common position:** Bull. EC 6-1992, point 1.3.105

□ **Parliament opinion (second reading):** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.85

Re-examined proposal adopted by the Commission on 1 December.

COM(92) 489

Adopted by the Council (labour and social affairs) on 3 December. The purpose of the Directive is to protect the health and safety of workers in surface and underground mineral-extracting industries. It comprises a set of detailed obligations for the employer designed to guarantee the safety and health of workers. It also contains provisions on information for and consultation of workers, workers' participation and health surveillance.

OJ L 404, 31.12.1992

1.3.160. Proposal for a Council Directive on the protection of young people at work.

Commission proposal: OJ C 84, 4.4.1992; COM(91) 543; Bull. EC 1/2-1992, point 1.3.121

Economic and Social Committee opinion: OJ C 313, 30.11.1992; Bull. EC 9-1992, point 1.2.79

Endorsed by Parliament on 17 December, subject to certain amendments designed to enhance the safety and protection of young people at work, to encourage their vocational training and to promote the acquisition of valuable experience.

OJ C 21, 25.1.1993

Education, vocational training and youth

I

Cooperation between higher education and industry in Europe

1.3.161. Commission communication to the Council and the European Parliament concerning European higher education-industry cooperation: Advanced training for competitive advantage.

References:

Council Decision adopting the second phase of the programme on cooperation between universities and industry regarding training in the field of technology (Comett II)(1990-94): OJ L 13, 17.1.1989; Bull. EC 12-1988, point 2.1.159

Memorandum on higher education in the European Community: COM(91) 349; Bull. EC 11-1991, point 1.2.82

Memorandum on open distance learning in the European Community: COM(91) 388; Bull. EC 11-1991, point 1.2.83

Commission memorandum on vocational training in the European Community in the 1990s: COM(91) 397; Bull. EC 12-1991, point 1.2.136

Adopted by the Commission on 9 December.

This communication follows on from the three memoranda adopted by the Commission in 1991 in the field of education. More particularly, it is intended to add to the memorandum on higher education in the European Community and to formulate a common strategy for businesses and higher education establishments.

After first of all examining the current situation regarding cooperation between higher education and industry in respect of education and training, and drawing attention to experience gained with the Comett programme, the Commission goes on to pinpoint criteria for measuring success. More particularly, higher education institutions and businesses must take on board a cooperation strategy which might, for instance, include the creation of support and management structures along the lines of the training consortia set up under Comett. The stress should be placed on people as the vectors of technology transfer and development. Finally, it is important to understand the economic impact of student placements in enterprises so as to create a better understanding of the capacity of European industry to receive placement students.

The Commission then pinpoints the priority areas for higher education-industry cooperation:

promoting measures to put continuing education and training fully into the mainstream of higher education efforts;

a European approach to skills shortages across the Community;

- improved analysis and information exchange;
- strengthened higher education-industry relationships in R&D.

COM(92) 457

Transparency of vocational training qualifications

1.3.162. Council Resolution on the transparency of qualifications.

References:

Council Decision 85/368/EEC on the comparability of vocational training qualifications in the Member States: OJ L 199, 31.7.1985; Bull. EC 7/8-1985, point 2.1.88

Council Resolution on the comparability of vocational training qualifications: Bull. EC 11-1990, point 1.3.43

Adopted by the Council (labour and social affairs) on 3 December. The Council takes the view that individuals must be able to present their occupational qualifications clearly and effectively to potential employers throughout the Community and that employers must have easy access to clear descriptions of such qualifications so as to establish the relevance of the skills of job applicants from other Member States to jobs on offer, and that a number of criteria should therefore apply:

- respect the diversity of Member States' own systems of training and qualifications;
- begin by focusing on the needs of individuals who wish to be mobile within the Community;
- work through existing bodies and authorities in Member States with responsibility for qualifications.

Vocational training of indirect taxation officials

1.3.163. Proposal for a Council Decision on the adoption of a programme of Community action on the subject of the vocational training of indirect taxation of officials (the Matthaues-tax programme).

- Reference:** Council Decision 91/341/EEC on the adoption of a programme of Community action on the subject of the vocational training of customs officials (the Matthaues programme): OJ L 187, 13.7.1991; Bull. EC 6-1991, point 1.2.14

Adopted by the Commission on 14 December. Based on the Matthaues programme, this programme, which is initially set to run for four years, is intended to prepare the officials of Member States' administrations for the implications arising from the establishment of the internal market, more particularly by stimulating intensive and continuous cooperation at all levels of the relevant administrations.

The programme is funded to the tune of ECU 600 000 in 1993, and makes provision for the following measures in particular: exchanges of officials between national administrations; coordinated implementation of vocational training programmes in the Member States; organization of language training courses for officials likely to participate in exchange schemes.

OJ C 15, 21.1.1993; COM(92) 550

II

Youth

1.3.164. Third report on the third joint programme for the exchange of young workers (1985-91).

- Reference:** Council Decision 84/636/EEC establishing a third joint programme (1985-90) to encourage the exchange of young workers within the Community: OJ L 331, 19.12.1984; Bull. EC 12-1984, point 2.1.93, as last amended by Council Decision 90/268/EEC: OJ L 156, 21.6.1990; Bull. EC 5-1990, point 1.2.73

Adopted by the Commission on 7 December. The report covers the whole of the third and final phase of the exchange programme for young workers, which is the oldest of its kind, and goes on to describe the outline for Community support for exchanges of young workers under Petra II, which will replace this programme.

The Commission concludes that the programme's impact on the methodology and con-

tent of young workers' exchanges has been exemplary and has helped pave the way for such youth mobility schemes as Comett, Erasmus and Youth for Europe.

COM(92) 512

Economic and social cohesion: structural measures

I

Aegean islands

1.3.165. Final Commission report on the Greek islands in the Aegean Sea accompanied by a proposal for a Council Regulation introducing specific measures for the smaller Aegean islands concerning certain agricultural products.

Adopted by the Commission on 22 December. The report looks at the special position of these islands, which suffer from severe handicaps due mainly to natural factors, reviews the major Community measures already implemented or in progress and sets out a programme to extend support and target it more effectively. The programme, already under way as regards taxation, comprises three types of innovative measure. Firstly, the Commission intends to boost structural assistance by selecting, in cooperation with the Greek authorities, priority sectors for assistance in 1993 and by providing a substantial increase in resources from 1994. Secondly, it supports the granting of special indirect tax treatment to the islands as accepted by the Council in October. Thirdly, it advocates introduction of the special measures for agriculture contained in the proposal for a Regulation annexed to the report. These are designed to facilitate the supply of basic agricultural products to the islands and maintain and develop local production.

II

Development, coordination and implementation of policies and measures

1.3.166. Proposal for a Council Regulation on the establishment of a Cohesion Fund (→ point 1.2.2).

Financial assistance

Less developed regions

1.3.167. Commission decisions: see Table 2.

Table 2 — *Financing under Objective 1*

<i>(million ECU)</i>		
Country/region	Fund	Total assistance
<i>Spain</i>		
— Andalusia	ERDF	7.2
— Galicia	ERDF	3.9
<i>Italy</i>		
	ERDF	6.5
	EAGGF	20.3

Declining industrial areas

1.3.168. Commission decisions: see Table 3.

Table 3 — *Financing under Objective 2*

<i>(million ECU)</i>		
Country/region	Fund	Total assistance
<i>Spain</i>		
— Madrid	ERDF	61.3
— Basque Country	ERDF	135.6
<i>Italy</i>		
— Lazio	ERDF/ESF	10.3
— Liguria	ERDF/ESF	31.4
— Lombardy	ERDF/ESF	6.7
— Marche	ERDF/ESF	8.5
— Piedmont	ERDF/ESF	62.7
— Tuscany	ERDF/ESF	31.4

Combating long-term unemployment

1.3.169. Commission decisions: see Table 4.

Table 4 — *Financing under Objective 3*

<i>(million ECU)</i>		
Country	Fund	Total assistance
<i>Belgium</i>	ESF	18.3
<i>France</i>	ESF	2
<i>United Kingdom</i>	ESF	273.7

Occupational integration of young people

1.3.170. Commission decisions: see Table 5.

Table 5 — *Financing under Objective 4*

<i>(million ECU)</i>		
Country	Fund	Total assistance
<i>Belgium</i>	ESF	16.5
<i>France</i>	ESF	186.4
<i>United Kingdom</i>	ESF	224

Combating long-term unemployment and occupational integration of young people

1.3.171. Commission decisions: see Table 6.

Table 6 — *Financing under Objectives 3 and 4*

<i>(million ECU)</i>		
Country	Fund	Total assistance
<i>Belgium</i>	ESF	7.1
<i>Denmark</i>	ESF	42.8
<i>Germany</i>	ESF	293.9
<i>United Kingdom</i>	ESF	28

Adjustment of agricultural structures

1.3.172. Commission decisions: see Table 7.

Table 7 — *Financing under Objective 5(a)*

<i>(million ECU)</i>		
Country	Fund	Total assistance
<i>Germany</i>	EAGGF	3.4
<i>Italy</i>	EAGGF	13.5

Fisheries structures

1.3.173. Commission decisions: see Table 8.

Table 8 — *Financing of fisheries structures*

<i>(million ECU)</i>		
Country/purpose	Fund	Total assistance
<i>Greece, Spain, Italy and Portugal</i>		
Formation of joint enterprises with non-member countries	EAGGF	13.8
<i>Spain</i>		
Processing and marketing of fisheries and aquaculture products	EAGGF	12
<i>Spain and Portugal</i>		
Improving fisheries and aquaculture structures (joint ventures)	EAGGF	1
<i>Italy and Portugal</i>		
Redeployment	EAGGF	0.53
<i>Portugal</i>		
Stand-by allowances (tropical storms in the Azores)	EAGGF	0.5

1.3.174. Council Regulation (EEC) No 3946/92 amending for the third time Regulation (EEC) No 4028/86 on Community measures

to improve and adapt structures in the fisheries and aquaculture sector (→ point 1.3.263).

1.3.175. Commission Decisions on multianual guidance programmes for the fishing fleets of France, Belgium, Germany, Italy, the United Kingdom, Ireland, Denmark, Greece,

Spain and Portugal for the period 1993 to 1996 pursuant to Regulation (EEC) No 4028/86 (→ point 1.3.264).

Other financial assistance

1.3.176. Commission decisions: see Table 9.

Table 9 — *Other financial assistance*

<i>(million ECU)</i>			
Type	Country/purpose	Fund	Total assistance
Studies	Development of an economic corridor Belfast (United Kingdom)-Dublin (Ireland)	ERDF	0.044
	Technical assistance under the CSF for Greece	ERDF	16.2
	Meetings on local development in Portugal	ERDF	0.1
	Casa Fernando Pessoa (Portugal)	ERDF	1
Global grant	Innovative measure (Germany)	ESF	1.6
	Framework for social dialogue	ESF	6.5

Measures for the most remote regions

1.3.177. Proposal for a Council Regulation extending application of the charge known as the 'arbitrio insular — tarifa especial' levied when certain sensitive products are introduced into the Canary Islands from other parts of the Community.

Adopted by the Commission on 23 December. Would authorize collection of this special tax until 31 December 2000 in view of economic and social factors specific to the Canaries. Community preference will be maintained by charging a lower rate on products from other parts of the Community than on those originating in third countries.

COM(92) 592

1.3.178. Commission decisions: see Table 10.

Table 10 — *Financing under the Poseima programme*

<i>(million ECU)</i>	
Purpose/country	Total amount
Madeira and Azores	
Small craft firms	6

Environment

I

Fifth environment programme

1.3.179. Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council, on a Community programme of policy and action in relation to the environment and sustainable development.

□ **References:**

Fifth European Community programme of policy and action in relation to the environment and sustainable development: COM(92) 23; Bull. EC 3-1992, point 1.2.115

United Nations Conference on Environment and Development (Unced): Bull. EC 6-1992, point 1.3.127

Lisbon European Council conclusions: Bull. EC 6-1992, point 1.14

□ **Commission proposal:** COM(92) 23; Bull. EC 3-1992, point 1.2.115

- Economic and Social Committee opinion:** OJ C 287, 4.11.1992; Bull. EC 7/8-1992, point 1.3.145
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.151

Agreed on 15 December. This resolution paves the way for the implementation of the fifth Community environment programme, placing it in the context of the guidelines and decisions adopted at the United Nations Conference on Environment and Development in Rio.

The Council and the representatives of the Governments of the Member States, meeting within the Council, endorsed the general objective of progressively orientating human activity and development towards sustainable forms, and agreed that the achievement of sustainable development calls for significant changes in current patterns of development, production, consumption and behaviour.

With regard to the environment and development within the Community, they acknowledged the need for a comprehensive Community strategy, and called upon the Commission to consider possible initiatives to this end, for example:

- new mechanisms within the Commission to increase cooperation between policy areas;
- specific assessments, sector by sector, of the contribution of other policy areas to the achievement of environmental objectives;
- inclusion in new legislative proposals of a section dealing with the likely implications for the environment; and
- examination of the environmental dimension in the granting of Community funds.

With regard to the environment and development at the wider international level, they reaffirmed their commitment to implement the eight-point plan to follow up UnCED agreed at the Lisbon European Council. The tasks for the Community and its Member States which need to be addressed include:

- establishing the necessary basis for ratification of the Climate Change and Biodiversity Conventions by the end of 1993;
- contributing towards the preparation of a Convention on Forests;

- fulfilling the commitments to strengthen assistance to developing countries and increasing the funding for Agenda 21;
- putting into concrete form the ECU 3 billion commitment made by the European Community in Rio;
- working for the restructuring and replenishment of the Global Environment Facility;
- participating in negotiations on a future Convention on Desertification.

Emissions from motor vehicles

- Directive to be amended:** Council Directive 70/220/EEC: OJ L 76, 6.4.1970, as last amended by Directive 91/441/EEC, on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles: OJ L 242, 30.8.1991; Bull. EC 6-1991, point 1.2.202

1.3.180. Proposal for a Council Directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles.

- Commission proposal:** OJ C 100, 22.4.1992; COM(92) 64; Bull. EC 3-1992, point 1.2.137
- Economic and Social Committee opinion:** OJ C 313, 30.11.1992; Bull. EC 9-1992, point 1.2.107
- Parliament opinion (first reading):** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.105

Amended proposal adopted by the Commission on 15 December.

OJ C 22, 26.1.1993; COM(92) 553

Agreed on 16 December. The purpose of the proposal, within the framework of the completion of the internal market and of environmental protection, is to make the emissions standards applicable to light commercial vehicles (i.e. vehicles for transporting a maximum of nine people and vehicles for transporting goods and weighing less than 3.5 tonnes, which are at present covered by provisional arrangements pursuant to Directive 91/441/EEC) as stringent as those now in force for passenger cars.

The new standards will apply from 1 October 1993 to new vehicle models and from 1 October 1994 to all new vehicles.

Furthermore, more stringent limit values will be laid down in 1994 on the basis of a new Commission proposal (→ next point).

1.3.181. Proposal for a Council Directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles.

Adopted by the Commission on 23 December. The aim of the proposal is to achieve a further reduction in pollutant emissions from cars as from 1996 given the prospect of an increase in road traffic over the next few years. A further average reduction of 35% in emissions of regulated pollutants (carbon monoxide, nitrogen oxides, unburnt hydrocarbons and particulates) is proposed.

The intention is that the provisions in question will apply from 1 January 1996 to all newly type-approved vehicles and from 1 January 1997 to all vehicles placed on the Community market.

COM(92) 572

Substances that deplete the ozone layer

1.3.182. Council Regulation (EEC) No 3952/92 amending Regulation (EEC) No 594/91 in order to speed up the phasing-out of substances that deplete the ozone layer.

Regulation amended: Regulation (EEC) No 594/91 on substances that deplete the ozone layer: OJ L 67, 14.3.1991; Bull. EC 3-1991, point 1.2.160

Commission proposal: OJ C 90, 10.4.1992; COM(92) 106; Bull. EC 3-1992, point 1.2.117

Economic and Social Committee opinion: OJ C 223, 31.8.1992; Bull. EC 5-1992, point 1.1.137

Parliament opinion: OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.106

Agreed on 16 December.

Formally adopted on 30 December. The Regulation provides for the phasing-out of sub-

stances which deplete the ozone layer in accordance with the following targets:

chlorofluorocarbons (CFCs) and other fully halogenated CFCs: 85% reduction by 1 January 1994 and complete phasing-out by 1 January 1995 (except for Greece where CFCs have to be phased out by 1 January 1996);

halons: to be phased out completely by 1 January 1994;

carbon tetrachloride: 85% reduction by 1 January 1994 and complete phasing-out by 1 January 1995;

1,1,1-trichloroethane: 50% reduction by 1 January 1994 and complete phasing out by 1 January 1996.

OJ L 405, 31.12.1992

1.3.183. Council conclusions concerning the ratification of the amendment to the Montreal Protocol.

Reference: Council Decision on participation by the Community in the negotiations concerning the adjustments and amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer: Bull. EC 3-1992, point 1.2.116

Adopted on 15 December. The Council requested the Commission to submit a proposal for simultaneous ratification of the amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer by the Community and all the Member States before 30 September 1993.

It also recognized the need for urgent action within all Member States to facilitate the rapid reduction and elimination of emissions of ozone-depleting substances.

II

General

Financial instruments

Reference: Council Regulation (EEC) No 1973/92 establishing a financial instrument

for the environment (LIFE): OJ L 206, 22.7.1992; Bull. EC 5-1992, point 1.1.123

1.3.184. Commission Decision granting financial support for demonstration and technical assistance projects in the field of protection of the environment.

Adopted on 2 December. Purpose: granting of financial support totalling ECU 12.6 million to 26 demonstration and technical assistance projects.

1.3.185. Commission Decision granting financial support for demonstration and technical assistance projects in the field of protection of the environment.

Adopted on 22 December. Purpose: granting of financial support totalling ECU 3 625 184 to four demonstration and technical assistance projects.

1.3.186. Commission communication concerning priority measures to be implemented in 1993 in the areas of activity eligible for LIFE funding.

Adopted on 2 December. The priority measures concern various areas of activity, in particular the promotion of sustainable development and the quality of the environment, the protection of habitats and of nature, and education, training and information.

OJ C 331, 16.12.1992

Implementation of Community law

1.3.187. Council conclusions concerning the implementation and enforcement of Community environmental legislation.

Adopted on 16 December. The Council reaffirmed the importance it attaches to the consistent and effective application of European Community environmental legislation. It welcomed the Commission's undertaking to produce reports to the Council in this connection annually in the future, and the establishment of an informal network of Member States environment enforcement authorities.

Industry and environment, civil protection

Environmental control of products, industrial plants and biotechnology

1.3.188. Proposal for a Regulation on the evaluation and control of the environmental risks of existing substances.

□ **Commission proposal:** OJ C 276, 5.11.1990; COM(90) 227; Bull. EC 7/8-1990, point 1.3.132

□ **Economic and Social Committee opinion:** OJ C 102, 18.4.1991; Bull. EC 1/2-1991, point 1.2.226

□ **Parliament opinion (first reading):** OJ C 280, 28.10.1991; Bull. EC 10-1991, point 1.2.179

□ **Amended Commission proposal:** OJ C 334, 28.12.1991; COM(91) 469; Bull. EC 12-1991, point 1.2.294

□ **Council agreement on a common position:** Bull. EC 12-1991, point 1.2.294

□ **Council common position:** Bull. EC 7/8-1992, point 1.3.149

□ **Parliament opinion (second reading):** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.156

Re-examined proposal adopted by the Commission on 23 December.

COM(92) 601

1.3.189. Commission communication to the Council and Parliament concerning the European Chemicals Bureau.

Adopted on 18 December. The purpose of the European Chemicals Bureau set up within the Joint Research Centre is to undertake some of the scientific and technical tasks required of the Commission in the context of certain pieces of Community legislation relating to the control of chemicals.

OJ C 1, 5.1.1993; COM(92) 585

Emissions from plants and industrial products

1.3.190. Proposal for a Council Directive amending Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants.

Directive to be amended: Council Directive 88/609/EEC: OJ L 336, 7.12.1988; Bull. EC 11-1988, point 2.1.165, as last amended by Directive 90/656/EEC: OJ L 353, 17.12.1990

Adopted on 18 December. The purpose of the proposal is to set a limit value of 2 000 mg/m³ for sulphur dioxide emissions from new plants of between 50 and 100 MWth which use solid fuels.

This limit value can be met by using low-sulphur coal (LSC) without any additional control measures.

A report annexed to the proposal indicates that LSC is available in sufficient quantities and at costs comparable with those of the types of coal now produced in the Community.

OJ C 17, 22.1.1993; COM(92) 563

Waste management

1.3.191. Council Directive 92/112/EEC on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

Reference: Court of Justice judgment of 11 June 1991 in case C-300/89, *Commission v Council*, OJ C 180, 11.7.1991; Bull. EC 7/8-1991, point 1.7.12

Commission proposal: OJ C 317, 7.12.1991; COM(91) 358; Bull. EC 10-1991, point 1.2.185

Economic and Social Committee opinion: OJ C 98, 21.4.1992; Bull. EC 1/2-1992, point 1.3.159

Parliament opinion (first reading): OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.127

Council agreement on a common position: Bull. EC 5-1992, point 1.1.125

Council common position: Bull. EC 6-1992, point 1.3.132

Parliament opinion (second reading): OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.102

Formally adopted on 15 December. The purpose of the Directive is to fill the legal void caused by the annulment of Directive 89/428/EEC by the Court of Justice in its judgment of 11 June 1991 on the grounds that it did not have an appropriate legal basis.

It takes over the technical provisions (ban on dumping and discharges, limit values) of the Directive annulled, so as to ensure continuity in implementing the environmental protection objectives adopted in this connection, while setting new target dates for implementation.

OJ L 409, 31.12.1992

1.3.192. Proposal for a Council Decision concerning the conclusion, on behalf of the Community, of the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Signature of the Convention: Bull. EC 3-1989, point 2.1.113

Agreed on 16 December.

Environmental quality and natural resources

Protection of water, coastal zones, environment and tourism

1.3.193. Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution (Lisbon Agreement).

Recommendation for a Decision: Bull. EC 9-1990, point 1.2.88

Negotiating directives and Decision concerning signature of the Agreement: Bull. EC 10-1990, point 1.3.79

Signature of the Agreement: Bull. EC 10-1990, point 1.3.79

Proposal for a Council Decision concerning the conclusion of the Agreement adopted by the Commission on 23 December. This Agreement, which has been signed by Spain, France, Morocco and Portugal, and by the Commission on behalf of the Community, provides for the Contracting Parties to cooperate in the combating of accidental pollution at sea and to improve their level of preparedness in this connection.

COM(92) 564

Protection of nature, environment and agriculture

1.3.194. Convention on Biological Diversity

- Reference:** United Nations Conference on Environment and Development (Unced), Bull. EC 6-1992, point 1.3.127
- Recommendation for a Decision:** Bull. EC 5-1991, point 1.2.153
- Negotiating directives:** Bull. EC 7/8-1991, point 1.2.272
- Commission proposal concerning signature:** COM(92) 186; Bull. EC 5-1992, point 1.1.118
- Council Decision concerning signature:** Bull. EC 6-1992, point 1.3.129
- Signature of the Convention:** Bull. EC 6-1992, point 1.3.129

Proposal for a Decision concerning the conclusion of the Convention adopted by the Commission on 21 December. The aim of this Convention, which was signed in June 1992 at the United Nations Conference on Environment and Development, is to protect and conserve genes and species and provide protection for species and habitats on land and at sea. It provides a legal framework for extremely wide-ranging international cooperation in view of its scope, environmental aims and economic and social implications.

COM(92) 509

1.3.195. Commission communication to the Council on the main results of the eighth meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Cites).

- Reference:** Eighth meeting of the Conference of the Parties to Cites: Bull. EC 3-1992, point 1.2.136

Adopted on 2 December. This communication relates to the matters raised at the Cites Conference held in Kyoto from 2 to 13 March, in particular proposals concerning the African elephant, the rhinoceros, the bluefin tuna and tropical timber.

Urban environment, air quality, transport and noise

1.3.196. Recommendation for a Council Decision authorizing the Commission to nego-

tiate a second Protocol to the Convention on Long-range Transboundary Air Pollution concerning the Control of Sulphur Emissions or their Transboundary Fluxes, and the second stage of the Protocol concerning the Control of NO_x Emissions or their Transboundary Fluxes.

References:

Fifth European Community programme of policy and action in relation to the environment and sustainable development: COM(92) 23; Bull. EC 3-1992, point 1.2.115

Conclusion of the Geneva Convention on Long-range Transboundary Air Pollution: OJ L 171, 27.6.1981; Bull. EC 6-1981, point 2.1.72

Proposal for a Council Decision concerning the accession of the European Economic Community to the Protocol to the Geneva Convention on Long-range Transboundary Air Pollution concerning the Control of NO_x Emissions or their Transboundary Fluxes: OJ C 230, 4.9.1991; COM(91) 268; Bull. EC 7/8-1991, point 1.2.262

Adopted by the Commission on 17 December. The Commission considers it necessary to speed up the reduction of sulphur and NO_x emissions in order to attain the objectives in the Community programme of policy and action in relation to the environment and sustainable development. It therefore recommends that the Council decide that the Community should take part in the negotiations for matters falling within its sphere of competence.

1.3.197. Council conclusions concerning taxes on CO₂ emissions and energy.

Adopted on 14 December. The Council noted the commitments entered into by the Community and the Member States on controlling CO₂ emissions in the Climate Change Convention and recognized the need for a strategy at Community level based on a package of Community and national measures to reduce CO₂ emissions and improve energy efficiency. It emphasized the need to examine a series of outstanding issues in this connection.

Global environment: climate change, geosphere and biosphere

1.3.198. Framework Convention on Climate Change

- Reference:** United Nations Conference on Environment and Development (Unced): Bull. EC 6-1992, point 1.3.127
- Recommendation for a Decision:** Bull. EC 1/2-1991, point 1.2.223
- Commission proposal concerning signature:** COM(92) 76; Bull. EC 3-1992, point 1.2.139
- Council Decision concerning signature:** Bull. EC 5-1992, point 1.1.117
- Signature of the Convention:** Bull. EC 6-1992, point 1.3.128

Proposal for a Council Decision concerning the conclusion of the Convention adopted on 14 December. This framework Convention, which was signed in June 1992 at the United Nations Conference on Environment and Development, is the central pillar of a world strategy for combating the greenhouse effect. It provides a framework for cooperation, information exchange, research and financial support between industrialized and developing countries so as to promote sustainable development in such fields as energy and transport.

COM(92) 508

Nuclear safety

Radiation protection

1.3.199. Proposal for a Council Regulation on shipments of radioactive substances within the European Community.

- Commission proposal:** Bull. EC 7/8-1992, point 1.3.160
- Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.159

Amended proposal adopted by the Commission on 4 December.

OJ C 347, 31.12.1992 and COM(92) 520

1.3.200. Proposal for a Council Decision amending Decision 77/270/Euratom to authorize the Commission to contract Euratom borrowings in order to contribute to the financing required for improving the degree of efficiency and safety of nuclear power stations in certain non-member countries (→ point 1.6.7).

Agriculture

I

Completion of internal market: veterinary aspects

- Reference:** White Paper 'Completing the internal market': COM(85) 310; Bull. EC 6-1985, points 1.3.1 to 1.3.9

1.3.201. On 17 December the Council adopted five Directives (→ points 1.3.202 to 1.3.206) completing introduction of the requirements set out in the White Paper as necessary to permit veterinary controls at the Community's internal frontiers to be discontinued from 1 January 1993.

1.3.202. Council Directive 92/116/EEC laying down health rules for the production and placing on the market of fresh poultrymeat.

- Commission proposal:** OJ C 84, 2.4.1990; COM(89) 668; Bull. EC 1/2-1990, point 1.1.231
- Economic and Social Committee opinion:** OJ C 332, 31.12.1990; Bull. EC 9-1990, point 1.2.153
- Parliament opinion:** OJ C 183, 15.7.1991; Bull. EC 6-1991, point 1.2.140
- Amended Commission proposal:** OJ C 276, 23.10.1991; COM(91) 381; Bull. EC 10-1991, point 1.2.117

Adopted on 17 December. Tightens health control requirements for pre-slaughter on the farm, makes provision for slaughterhouses to carry out their own inspection, specifies approval requirements for establishments and Community inspection, sets marketing requirements for poultrymeat imported into the Community and discontinues health certificates for intra-Community trade except to guarantee that animal health requirements are met and for products routed to Greece via a third country.

1.3.203. Council Directive 92/117/EEC concerning measures for the prevention of specified zoonoses and of specified zoonotic agents in animals and products of animal origin in

order to prevent outbreaks of food-borne infections and intoxications.

- Commission proposal:** OJ C 253, 27.9.1991; COM(91) 310; Bull. EC 9-1991, point 1.2.81
- Parliament opinion:** OJ C 326, 16.12.1991; Bull. EC 11-1991, point 1.2.124
- Economic and Social Committee opinion:** OJ C 79, 30.3.1992; Bull. EC 1/2-1992, point 1.3.182

Adopted on 17 December. Establishes a general framework for collection of information on the situation in Member States for the main zoonoses (salmonellosis, trichinosis, listeriosis, etc.) so that suitable action can be taken at Community level where there is some risk to the health of consumers, and provides for immediate Community-aided measures for eradicating salmonellosis from infected poultry farms.

1.3.204. Council Directive 92/118/EEC laying down animal health requirements governing trade in and imports into the Community of products not covered in this respect by specific Community rules.

- Reference:** Council Directive 92/65/EEC; OJ L 268, 14.9.1992; Bull. EC 7/8-1992, point 1.3.175
- Commission proposal:** OJ C 84, 2.4.1990; COM(89) 658; Bull. EC 1/2-1990, point 1.1.227
- Parliament opinion:** OJ C 149, 18.6.1990; Bull. EC 5-1990, point 1.2.181
- Economic and Social Committee opinion:** OJ C 182, 23.7.1990; Bull. EC 5-1990, point 1.2.181

Adopted on 17 December. Sets Community veterinary rules for all animal products subject to veterinary inspection in the Member States but not yet covered by a specific Directive. Complements Directive 92/65/EEC stemming from the same Commission proposal and covering live animals, semen, ova and embryos, and adopts the same principle of free movement and free importation except in specific cases involving a risk of transmission of human or animal disease.

1.3.205. Council Directive 92/119/EEC introducing Community measures for the control of certain animal diseases.

- Commission proposal:** OJ C 148, 7.6.1991; COM (91) 138; Bull. EC 4-1991, point 1.2.89

- Economic and Social Committee opinion:** OJ C 339, 31.12.1992; Bull. EC 9-1991, point 1.2.77
- Parliament opinion:** OJ C 280, 28.10.1991; Bull. EC 10-1991, point 1.2.120

Adopted on 17 December. Introduces general Community measures for controlling certain diseases not yet covered by any such rules, including rinderpest, bluetongue and vesicular stomatitis, and specific measures for swine vesicular disease, at present a serious threat to animal health in the Community.

1.3.206. Council Directive 92/120/EEC on the conditions for granting temporary and limited derogations from specific Community health rules on the production and marketing of products of animal origin.

- References:**
 - Council Directive 91/498/EEC; OJ L 268, 24.9.1991; Bull. EC 7/8-1991, point 1.2.194
 - Council Directive 92/47/EEC; OJ L 268, 14.9.1992; Bull. EC 6-1992, point 1.3.155
- Commission proposal:** OJ C 84, 2.4.1990; COM(89) 670; Bull. EC 1/2-1990, point 1.1.230
- Parliament opinion:** OJ C 113, 7.5.1990; Bull. EC 4-1990, point 1.1.127
- Economic and Social Committee opinion:** OJ C 332, 31.12.1990; Bull. EC 9-1990, point 1.2.155

Adopted on 17 December. Complements Directives 91/498/EEC (fresh meat) and 92/47/EEC (milk products) stemming from the same Commission proposal. Takes account for a limited transitional period of Member States' difficulties in ensuring compliance by 1 January 1993 with certain structural requirements of Community veterinary legislation.

Common organization of banana market

1.3.207. Proposal for a Council Regulation on the common organization of the market in bananas.

- Commission proposal:** OJ C 232, 10.9.1992; COM(92) 359; Bull. EC 7/8-1992, point 1.3.162
- Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.190

Endorsed by Parliament on 15 December, subject to various amendments, in particular a higher grubbing premium and easier terms of access thereto.

OJ C 21, 25.1.1993

Agreed by the Council on 17 December. The purpose is to achieve a single market for banana sector products, guarantee adequate supplies and enable Community bananas to find outlets, and at the same time meet the Community's international commitments. Various measures on the internal side are designed to improve Community production and facilitate product movement. The provisions on the external side are:

- opening of a 2 million tonne reduced-duty (ECU 100/tonne) quota, subject to increase in line with the market situation; duty of ECU 850/tonne on excess quantities;
- nil duty importation from ACP countries up to a 'traditional' level corresponding to the highest export volume for any year up to 1990, with increases permitted under certain conditions; for non-traditional quantities a duty reduction of ECU 100/tonne;
- rules for allocating licences giving access to the reduced duty quota and imposing obligations towards Community and ACP producers;
- transitional measures leading to full application of the new system by 1 July 1993 at the latest.

1.3.208. Commission Decision on transitional measures for banana sector products.

Adopted on 23 December. Pending formal adoption and entry into force, scheduled for 1 July 1993 (→point 1.3.207) of the Regulation on the common organization of the market in bananas, the Commission decided to give temporary authorization to Member States which so request to take measures under Article 115 of the Treaty provided that its requirements are met and no control at internal borders is involved.

Agri-monetary changes

1.3.209. Council Regulation (EEC) No 3813/92 on the unit of account and the

conversion rates to be applied for the purposes of the common agricultural policy.

- Commission proposal:** OJ C 188, 25.7.1992; COM(92) 275; Bull. EC 7/8-1992, point 1.3.163
- Economic and Social Committee opinion:** OJ C 332, 16.12.1992; Bull. EC 10-1992, point 1.3.122
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.181

Agreed by the Council on 17 December.

Formally adopted on 28 December. Adjusts the agri-monetary system to single market requirements by discontinuing the monetary compensatory amount mechanism but retaining specific agricultural conversion rates. Where a Member State's conversion rate falls compensatory aid may be granted, subject to certain requirements, to offset the fall in national currency prices.

OJ L 387, 31.12.1992

Specific arrangements for Spain and Portugal

- Reference:** Treaty on accession of Spain and Portugal to the Community: OJ L 302, 15.11.1985; Bull. EC 1-1986, point 1.1.1

1.3.210. Council Regulation (EEC) No 3814/92 amending Regulation (EEC) No 1785/81 and introducing application in Spain of the sugar sector prices provided for by that Regulation; Council Regulation (EEC) No 3815/92 on application of the common intervention price for olive oil in Spain; Council Regulation (EEC) No 3816/92 providing for, in the fruit and vegetables sector, the abolition of the compensation mechanism in trade between Spain and the other Member States and allied measures; Regulation (EEC) No 3817/92 laying down general rules for applying the supplementary trade mechanism to imports into Spain of products other than fruit and vegetables; Regulation (EEC) No 3818/92 amending Regulation (EEC) No 3210/89 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables.

□ **Commission proposals:** OJ C 335, 18.12.1992; COM(92) 253; Bull. EC 11-1992, point 1.3.161

II

Agreed by the Council on 17 December.

Endorsed by Parliament on 18 December subject to various amendments, in particular higher aid amounts for Spanish and Portuguese farmers and longer aid periods.

OJ C 21, 25.1.1993

Adopted on 28 December. The Regulations adopted by the Council cover Spain alone. The transitional arrangements provided by the Act of Accession will continue to apply to Portugal.

These Regulations, in order to allow termination of all control at internal frontiers in connection with application of the transitional measures for agricultural products for Spain provided by the Act of Accession, either adjust or abolish existing provisions. Accession compensatory amounts are discontinued, the scope of the supplementary trade mechanism restricted and its control arrangements reorganized and the aid provisions for the sugar industry relaxed.

OJ L 387, 31.12.1992

1.3.211. Council Regulation (EEC) No 3876/92 amending Regulation (EEC) No 4007/87 extending the period referred to in Article 90(1) and Article 257(1) of the Act of Accession of Spain and Portugal.

□ **Commission proposal:** OJ C 329, 15.12.1992; COM(92) 447; Bull. EC 11-1992, point 1.3.179

Agreed by the Council on 17 December.

Endorsed by Parliament on 18 December.

OJ C 21, 25.1.1993

Adopted on 28 December. Extends by one year the period during which transitional measures may be adopted to resolve difficulties over application of agricultural market rules in Spain and Portugal.

OJ L 391, 31.12.1992

Agricultural legislation

Veterinary and zootechnical legislation

Free movement

1.3.212. Council Decision 92/583/EEC on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes.

□ **Commission proposal:** COM(92) 243; Bull. EC 6-1992, point 1.3.150

□ **Economic and Social Committee opinion:** OJ C 332, 16.12.1992; Bull. EC 10-1992, point 1.3.114

□ **Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.170

Adopted on 14 December. The Protocol adjusts the Convention to take account of technical and scientific developments.

OJ L 395, 31.12.1992

1.3.213. Council Directive 92/110/EEC amending Directive 88/657/EEC laying down the requirements for the production of, and trade in, minced meat, meat in pieces of less than 100 grams and meat preparations.

□ **Directive amended:** Council Directive 88/657/EEC; OJ L 382, 31.12.1988

□ **Commission proposal:** OJ C 84, 2.4.1990; COM(89) 671; Bull. EC 1/2-1990, point 1.1.229

□ **Economic and Social Committee opinion:** OJ C 225, 10.9.1990; Bull. EC 7/8-1990, point 1.3.216

□ **Parliament opinion:** OJ C 183, 15.7.1991; Bull. EC 6-1991, point 1.2.141

□ **Amended Commission proposal:** OJ C 288, 6.11.1991; COM(91) 374; Bull. EC 10-1991, point 1.2.115

Adopted on 14 December. Defers application to production for domestic markets of the rules covering products moving between Member States, pending agreement on the detailed provisions required.

OJ L 394, 31.12.1992

1.3.214. Council Decision 92/608/EEC laying down methods for the analysis and testing of heat-treated milk for direct human consumption.

- Reference:** Council Directive 85/397/EEC: OJ L 226, 24.8.1985; Bull. EC 7/8-1985, point 2.1.159
- Commission proposal:** COM(91) 159; Bull. EC 5-1991, point 1.2.111

Adopted on 14 December. These methods are required for checking compliance with the health standards for heat-treated milk set by Directive 85/397/EEC.

OJ L 407, 31.12.1992

1.3.215. Proposals for Council Decisions laying down the minimum requirements to be met with regard to structure and equipment by small establishments distributing fishery products in Greece and live bivalve molluscs in the United Kingdom.

- References:**
Council Directive 91/492/EEC laying down the health conditions for the production and the placing on the market of live bivalve molluscs: OJ L 268, 24.9.1991; Bull. EC 7/8-1991, point 1.2.201
Council Directive 91/493/EEC laying down the health conditions for the production and the placing on the market of fishery products: OJ L 268, 24.9.1991; Bull. 7/8-1991, point 1.2.200

Adopted by the Commission on 16 December. Would apply to small establishments dispatching fishery products in Greece and live bivalve molluscs in the United Kingdom less stringent minimum structure and equipment requirements than imposed by Directives 91/492/EEC and 91/493/EEC, provided that the local market only is supplied and the products do not carry the Community mark.

COM(92)552

1.3.216. Proposal for a Council Decision on reference laboratories for the monitoring of marine biotoxins.

Adopted by the Commission on 16 December. Would designate the Community reference laboratory (at Vigo in Spain) and the national

reference laboratories for monitoring marine biotoxins and specify their responsibilities.

OJ C 15, 21.1.1993; COM(92) 551

1.3.217. The Commission adopted:

- Decision 92/571/EEC, 15.12.1992: OJ L 367, 16.12.1992 — transitional measures
- Decision 93/4/EEC, 9.12.1992: OJ L 4, 8.1.1993 — Animo network
- Decision 93/13/EEC, 22.12.1992: OJ L 9, 15.1.1993 — checks on third country products
- Decision 93/14/EEC, 23.12.1992: OJ L 9, 15.1.1993 — checks on third country products
- Decision 93/51/EEC, 15.12.1992: OJ L 13, 21.1.1993 — cooked crustaceans and molluscs
- Decision 93/54/EEC, 22.12.1992: OJ L 13, 21.1.1993 — fishery products

Disease control

1.3.218. Proposal for a Council Decision amending Directive 80/217/EEC introducing Community measures for the control of classical swine fever.

- Commission proposal:** OJ C 301, 18.11.1992; COM(92) 437; Bull. EC 10-1992, point 1.3.116

Endorsed by Parliament on 18 December.

OJ C 21, 25.1.1993

1.3.219. The Commission adopted:

- Decision 92/576/EEC, 16.12.1992: OJ L 370, 19.12.1992 — Newcastle disease
- Decision 92/581/EEC, 17.12.1992: OJ L 390, 31.12.1992 — horse sickness (Morocco)
- Decision 93/52/EEC, 21.12.1992: OJ L 13, 21.1.1993 — brucellosis
- Decisions 93/55/EEC to 93/59/EEC, 21.12.1992: OJ L 14, 22.1.1993 — bonamiosis and marteiliosis

Animal feed

1.3.220. Proposal for a Council Regulation on feedingstuffs intended for particular nutritional purposes.

- Commission proposal:** OJ C 231, 9.9.1992; COM(92) 324; Bull. EC 7/8-1992, point 1.3.181

Endorsed by Parliament on 15 December with minor amendments.

OJ C 21, 25.1.1993

Plant health legislation

1.3.221. Proposal for a Council Directive amending Directive 77/93/EEC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community, and Directive 91/683/EEC amending Directive 77/93/EEC.

- Directive to be amended:** Council Directive 77/93/EEC (OJ L 26, 31.1.1977), amended by Council Directive 91/683/EEC (OJ L 376, 21.12.1991; Bull. EC 12-1991, point 1.2.219) and most recently by Council Directive 92/98/EEC: OJ L 352, 2.12.1992; Bull. EC 11-1992, point 1.3.177

Adopted by the Commission on 14 December. Sets 1 June 1993 as implementation date for the Directive 91/683/EEC arrangements and provide for temporary measures for the period 1 January to 31 May 1993.

OJ C 15, 21.1.1993; COM(92) 559

Endorsed by the Council on 15 December.

1.3.222. The Commission adopted:

- Directive 92/103/EEC, 1.12.1992: OJ L 363, 11.12.1992 — harmful organisms
- Directive 92/105/EEC, 3.12.1992: OJ L 4, 8.1.1993 — plant passport

Prices and related measures

1.3.223. Proposal for a Council Regulation introducing specific measures for the smaller Aegean islands concerning certain agricultural products (→ point 1.3.165).

Market organization

Cereals

1.3.224. Council Regulation (EEC) No 3875/92 amending Regulation (EEC) No 1799/87 on

special arrangements for imports of maize and sorghum into Spain from 1987 to 1991.

- Commission proposal:** OJ C 138, 28.5.1992; COM(92) 168; Bull. EC 4-1992, point 1.3.135

Agreed by the Council on 17 December.

Endorsed by Parliament on 18 December subject to amendments ruling out any subsequent extension.

OJ C 21, 25.1.1993

Formally adopted on 28 December. Extends the special arrangements for one year.

OJ L 391, 31.12.1992

1.3.225. The Commission adopted:

- Regulation (EEC) No 3528/92, 7.12.1992: OJ L 358, 8.12.1992 — takeover of rice by intervention agencies
- Regulation (EEC) No 3570/92, 10.12.1992: OJ L 362, 11.12.1992 — import and export licences
- Regulation (EEC) No 3698/92, 21.12.1992: OJ L 374, 22.12.1992 — refund nomenclature
- Regulation (EEC) No 3804/92, 23.12.1992: OJ L 384, 30.12.1992 — supplies to FOD
- Regulation (EEC) No 3934/92, 30.12.1992: OJ L 398, 31.12.1992 — sweet potato and manioc starch imports
- Regulation (EEC) No 3935/92, 30.12.1992: OJ L 398, 31.12.1992 — manioc imports

Sugar

1.3.226. Proposal for a Council Regulation amending Regulation (EEC) No 1785/81 on the common organization of the markets in the sugar sector.

- Regulation to be amended:** Council Regulation (EEC) No 1785/81: OJ L 177, 1.7.1981

Adopted by the Commission on 23 December. Maintains the present organization in the 1993/94 marketing year (to 30 June 1994).

OJ C 30, 3.2.1993; COM(92) 573

Oils and fats

1.3.227. The Commission adopted:

- Regulation (EEC) No 3503/92, 3.12.1992: OJ L 354, 4.12.1992 — accession compensatory amounts (olive oil)
- Regulation (EEC) No 3529/92, 7.12.1992: OJ L 358, 8.12.1992 — rapeseed varieties
- Regulation (EEC) No 3530/92, 7.12.1992: OJ L 358, 8.12.1992 — linseed
- Regulation (EEC) No 3554/92, 9.12.1992: OJ L 361, 10.12.1992 — olive and olive oil yields
- Regulation (EEC) No 3587/92, 11.12.1992: OJ L 364, 12.12.1992 — hemp seed
- Regulation (EEC) No 3601/92, 14.12.1992: OJ L 366, 15.12.1992 — table olives
- Regulation (EEC) No 3602/92, 14.12.1992: OJ L 366, 15.12.1992 — olive oil

Dried fodder

1.3.228. The Commission adopted:

- Regulation (EEC) No 3738/92, 23.12.1992: OJ L 380, 24.12.1992 — fresh peas

Fresh fruit and vegetables

1.3.229. The Commission adopted:

- Regulation (EEC) No 3502/92, 3.12.1992: OJ L 354, 4.12.1992 — refund nomenclature
- Regulation (EEC) No 3518/92, 4.12.1992: OJ L 355, 5.12.1992 — pineapple (Azores)
- Regulation (EEC) No 3617/92, 15.12.1992: OJ L 367, 16.12.1992 — soft fruit from Hungary, Poland and the Czech and Slovak Federal Republic
- Regulation (EEC) No 3667/92, 18.12.1992: OJ L 370, 19.12.1992 — consignments of fruit and vegetables from Greece
- Regulation (EEC) No 3720/92, 22.12.1992: OJ L 378, 23.12.1992 — quality inspection
- Regulation (EEC) No 3734/92, 22.12.1992: OJ L 380, 24.12.1992 — consignments of fruit and vegetables from Greece

Processed fruit and vegetables

1.3.230. Council Regulation (EEC) No 3609/92 setting for the 1992/93 marketing year the percentage referred to in Article 3(1a), second subparagraph, of Regulation (EEC) No 426/86 in connection with the premium granted for products processed from tomatoes.

- Commission proposal:** COM(92) 450; Bull. EC 11-1992, point 1.3.194

Adopted on 14 December.

OJ L 366, 15.12.1992

1.3.231. The Commission adopted:

- Regulation (EEC) No 3516/92, 4.12.1992: OJ L 355, 5.12.1992 — mushrooms
- Regulation (EEC) No 3517/92, 4.12.1992: OJ L 355, 5.12.1992 — mushrooms

Wine

1.3.232. Council decision authorizing the Commission to open negotiations with Australia on conclusion of an agreement on trade in wine.

Recommendation for a decision adopted by the Commission.

Adopted on 14 December. The aim is to facilitate and promote trade in wine between Australia and the Community, in particular through gradual elimination by Australia of European geographical names from the designations of its own wines.

1.3.233. Forward estimate for 1992/93 wine year.

- Previous estimate:** OJ C 332, 21.12.1991; Bull. EC 12-1991, point 1.2.240

Adopted by the Commission on 18 December. Estimates Community resources and requirements for 1992/93.

OJ C 340, 23.12.1992

1.3.234. The Commission adopted:

- Regulation (EEC) No 3568/92, 10.12.1992: OJ L 362, 11.12.1992 — aromatized wines

- Regulation (EEC) No 3650/92, 17.12.1992: OJ L 369, 18.12.1992 — description and presentation of wines and musts
- Regulation (EEC) No 3663/92, 18.12.1992: OJ L 370, 19.12.1992 — long-term private storage
- Regulation (EEC) No 3696/92, 19.12.1992: OJ L 374, 22.12.1992 — import reference prices
- Regulation (EEC) No 3699/92, 21.12.1992: OJ L 374, 22.12.1992 — compulsory distillation
- Regulation (EEC) No 3732/92, 22.12.1992: OJ L 380, 24.12.1992 — storage contracts
- Regulation (EEC) No 3735/92, 22.12.1992: OJ L 380, 24.12.1992 — permanent abandonment premiums
- Regulation (EEC) No 3889/92, 28.12.1992: OJ L 391, 31.12.1992 — specific arrangements (Azores and Madeira)

Flax and hemp

1.3.235. The Commission adopted:

- Regulation (EEC) No 3569/92, 10.12.1992: OJ L 362, 11.12.1992 — aid for fibre flax and hemp

Silkworms

1.3.236. The Commission adopted:

- Regulation (EEC) No 3565/92, 10.12.1992: OJ L 362, 11.12.1992 — silkworm rearing aid

Tobacco

1.3.237. The Commission adopted:

- Regulation (EEC) No 3477/92, 1.12.1992: OJ L 351, 2.12.1992 — quota system (1993 and 1994)
- Regulation (EEC) No 3478/92, 1.12.1992: OJ L 351, 2.12.1992 — premium system
- Regulation (EEC) No 3616/92, 15.12.1992: OJ L 367, 16.12.1992 — conversion measures
- Regulations (EEC) Nos 3684/92 to 3686/92, 17.12.1992: OJ L 374, 22.12.1992 — refunds

Seeds

1.3.238. The Commission adopted:

- Regulation (EEC) No 3695/92, 21.12.1992: OJ L 374, 22.12.1992 — combined nomenclature

Milk

1.3.239. Council Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector.

- Commission proposal:** OJ C 337, 31.12.1991; COM(91) 409; Bull. EC 10-1991, point 1.2.101
- Economic and Social Committee opinion:** OJ C 98, 21.4.1992; Bull. EC 1/2-1992, point 1.3.170
- Parliament opinion:** OJ C 94, 13.4.1992; Bull. EC 3-1992, point 1.2.147

Agreed by the Council on 17 December. Under the CAP reform proposals consolidates and simplifies the milk quota arrangements.

Adopted on 28 December.

OJ L 405, 31.12.1992

1.3.240. Council conclusions on Italian milk quotas.

Adopted on 17 December.

'The Council notes the efforts now being made by Italy to resolve the problem of compliance with the milk quota system and thereby to reduce its production by 1.57 million tonnes. The Council agrees to consider, subject to the receipt of proof of the satisfactory application of the system, including in relation to direct sales, an increase in the Italian global wholesale quantity of 0.9 million tonnes; it also agrees to provide Community finance for the purchase of part of the excess quantity which now exists [see details in Table 11]. The modalities would be the same as those envisaged in the cases of Greece and Spain, except that the date for transmission of the report¹ should, in the case of Italy, be 30 January 1993 and the period during which the buy-up scheme might take place would be set at three years so that it was completed by 1 April 1995.'

¹ By the Commission.

Table 11 — *Application of milk quotas in Italy*

	(millions tonnes)
Excess to be cut	2.47
<input type="checkbox"/> to be cut under Italian law without compensation	0.84
Net excess	1.63
Increase in wholesale quota	0.90
Volume to be bought up	0.73
<input type="checkbox"/> with a Community contribution (25% of volume)	0.20

1.3.241. Council Regulation (EEC) No 3654/92 amending Regulation (EEC) No 2990/82 on the sale of butter at reduced prices to persons receiving social assistance.

Commission proposal: COM(92) 478; Bull. EC 11-1992, point 1.3.205

Adopted on 14 December.

OJ L 370, 19.12.1992

1.3.242. Council Regulation (EEC) No 3841/92 relating to the continued import of New Zealand butter into the United Kingdom on special terms.

Commission proposal: COM(92) 479; Bull. EC 11-1992, point 1.3.206

Adopted on 17 December.

OJ L 390, 31.12.1992

1.3.243. The Commission adopted:

Regulation (EEC) No 3551/92, 9.12.1992: OJ L 361, 10.12.1992 — supply arrangements for Canaries

Regulation (EEC) No 3553/92, 9.12.1992: OJ L 361, 10.12.1992 — supply arrangements for Madeira

Regulation (EEC) No 3591/92, 11.12.1992: OJ L 364, 12.12.1992 — buying-in of butter by tender

Regulation (EEC) No 3648/92, 17.12.1992: OJ L 369, 18.12.1992 — specific import levies (former Yugoslavia)

Regulation (EEC) No 3733/92, 22.12.1992: OJ L 380, 24.12.1992 — control arrangements

Regulation (EEC) No 3740/92, 23.12.1992: OJ L 380, 24.12.1992 — additional levy

Regulation (EEC) No 3774/92, 23.12.1992: OJ L 383, 29.12.1992 — control arrangements

Regulation (EEC) No 3885/92, 22.12.1992: OJ L 391, 31.12.1992 — New Zealand butter

Regulation (EEC) No 3942/92, 31.12.1992: OJ L 399, 31.12.1992 — butteroil

Beef and veal

1.3.244. Council estimates 93/6/EEC and 93/7/EEC concerning young male bovine animals weighing 300 kg or less intended for fattening and beef and veal for the processing industry, for the period 1 January to 31 December 1993.

Proposals adopted by the Commission on 4 December.

COM(92) 518

Adopted on 19 December. Estimate 1993 import requirements as 198 000 head of young males for fattening and nil for meat for processing.

OJ L 6, 12.1.1993

1.3.245. Proposal for a Council Regulation amending Regulation (EEC) No 805/68 on the common organization of the market in beef and veal.

Commission proposal: OJ C 264, 13.10.1992; COM(92) 408; Bull. EC 9-1992, point 1.2.126

Parliament opinion: OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.208

Agreed by the Council on 17 December. Raises the production ceiling per holding for the suckler cow premium, restricts the deseasonalization premium to steers and grants a derogation for the new German *Länder*.

1.3.246. The Commission adopted:

Regulation (EEC) No 3519/92, 4.12.1992: OJ L 355, 5.12.1992 — premiums (Canaries)

Regulation (EEC) No 3552/92, 9.12.1992: OJ L 361, 10.12.1992 — importation from Brazil

Regulation (EEC) No 3589/92, 11.12.1992: OJ L 364, 12.12.1992 — imports from Hungary, Poland and the Czech and Slovak Federal Republic

- Regulation (EEC) No 3619/92, 15.12.1992: OJ L 367, 16.12.1992 — import management
- Regulation (EEC) No 3633/92, 16.12.1992: OJ L 368, 17.12.1992 — Hilton beef and frozen buffalo meat
- Regulation (EEC) No 3661/92, 18.12.1992: OJ L 370, 19.12.1992 — combined nomenclature
- Regulation (EEC) No 3662/92, 18.12.1992: OJ L 370, 19.12.1992 — import and export licences
- Regulation (EEC) No 3770/92, 22.12.1992: OJ L 383, 29.12.1992 — imports of frozen thin skirt
- Regulation (EEC) No 3771/92, 22.12.1992: OJ L 383, 29.12.1992 — import management
- Regulation (EEC) No 3782/92, 28.12.1992: OJ L 383, 29.12.1992 — sale from intervention
- Regulation (EEC) No 3806/92, 23.12.1992: OJ L 384, 30.12.1992 — imports of young male bovines
- Regulation (EEC) No 3808/92, 29.12.1992: OJ L 384, 30.12.1992 — importation from ACP countries and OCT
- Regulation (EEC) No 3886/92, 23.12.1992: OJ L 391, 31.12.1992 — aid schemes
- Regulation (EEC) No 3888/92, 23.12.1992: OJ L 391, 31.12.1992 — aid schemes
- Regulation (EEC) No 3891/92, 29.12.1992: OJ L 391, 31.12.1992 — intervention measures

Sheepmeat and goatmeat

1.3.247. Council decision on the opening of negotiations on adjustment of voluntary restraint agreements concluded with certain countries for the sheepmeat and goatmeat sector.

- **Recommendation for decision:** Bull. EC 11-1992, point 1.3.210

Adopted on 3 December.

1.3.248. Council Decisions 93/61/EEC and 93/60/EEC extending the adjustments to the voluntary restraint agreements on trade in sheepmeat and goatmeat between the Community and (a) Argentina, Australia, New Zealand and Uruguay and (b) Bulgaria, the Czech and Slovak Federal Republic, Hungary and Poland.

- **Reference:** Negotiating directives: point 1.3.247

Recommendations adopted by the Commission on 7 December.

COM(92) 535 and 536

Adopted on 17 December. Maintain in 1993 the adjustments to the voluntary restraint agreements on trade in sheepmeat and goatmeat between the Community and each country.

OJ L 17, 26.1.1993

1.3.249. Council Regulation (EEC) No 3842/92 on the suspension of the import levy on sheepmeat and goatmeat sector products.

Proposal adopted by the Commission on 7 December.

Adopted on 17 December. Maintains suspension, within certain quantity limits, of the levy on imports of sheepmeat and goatmeat from countries other than those with which the Community has concluded voluntary restraint agreements.

OJ L 390, 31.12.1992; COM(92) 534

1.3.250. The Commission adopted:

- Regulation (EEC) No 3504/92, 3.12.1992: OJ L 354, 4.12.1992 — imports from the former Yugoslavia
- Regulation (EEC) No 3567/92, 10.12.1992: OJ L 362, 11.12.1992 — entitlement to premium
- Regulation (EEC) No 3890/92, 28.12.1992: OJ L 391, 31.12.1992 — combined nomenclature
- Regulation (EEC) No 3942/92, 23.12.1992: OJ L 399, 31.12.1992 — importation from third countries

Pigmeat

1.3.251. The Commission adopted:

- Regulation (EEC) No 3697/92, 21.12.1992: OJ L 374; 22.12.1992 — Spanish imports
- Regulation (EEC) No 3711/92, 21.12.1992: OJ L 378, 23.12.1992 — supply to Azores and Madeira
- Regulation (EEC) No 3937/92, 22.12.1992: OJ L 398, 31.12.1992 — generalized preferences

Poultrymeat and eggs

1.3.252. The Commission adopted:

- Regulation (EEC) No 3714/92, 22.12.1992: OJ L 378, 23.12.1992 — combined nomenclature
- Regulation (EEC) No 3730/92, 22.12.1992: OJ L 380, 24.12.1992 — importation from Hungary, Poland and the Czech and Slovak Federal Republic
- Regulation (EEC) No 3731/92, 22.12.1992: OJ L 380, 24.12.1992 — Spanish rabbitmeat imports
- Regulation (EEC) No 3938/92, 22.12.1992: OJ L 398, 31.12.1992 — generalized preferences

EAGGF Guarantee Section

1.3.253. The Commission adopted:

- Regulation (EEC) No 3887/92, 23.12.1992: OJ L 391, 31.12.1992 — administration and control of aid

State aid

Decisions to raise no objection

Germany

1.3.254. Commission decision on environmental protection measures in Hesse.

Adopted on 9 December. The aid, amounting to DM 5 000 per year, is granted by the municipality of Taunusstein for action to combat soil pollution.

Denmark

1.3.255. Commission decision on aid to farmers affected by drought.

Adopted on 9 December. The aid, restricted to farmers with particularly high levels of debt, takes the form of a State guarantee on part of their borrowings.

France

1.3.256. Commission decision on aid and parafiscal charges financing the Association nationale de développement agricole (ANDA).

Adopted on 23 December. The charges are not levied on imports from other Member States except potatoes, for which there is as yet no market organization.

Italy

1.3.257. Commission decision on a law including various aid measures for agriculture.

Adopted on 9 December. Aid is provided under the law to repair damage caused by natural disasters, encourage mergers of cooperatives and promote agricultural products.

Decision to initiate proceedings

Germany

1.3.258. Commission decision on aid for distillation of wine.

Adopted on 23 December. The aid scheme for distillation in Rheinland-Palatinate appears to be an operational aid incompatible with the market organization for wine.

Decision to close proceedings

Italy

1.3.259. Commission decision on aid for short-term private storage of table wine and grape must.

Adopted on 23 December. The aid has been withdrawn.

Fisheries

I

New Community system for fisheries

1.3.260. Council Regulation (EEC) No 3760/92 establishing a Community system for fisheries and aquaculture.

Council Regulation repealed: Regulation (EEC) No 170/83: OJ L 24, 27.1.1983; Bull. EC 1-1983, points 1.1.4 and 1.1.5

Commission proposal: OJ C 311, 27.11.1992; COM(92) 387; Bull. EC 10-1992, point 1.3.155

Economic and Social Committee opinion: OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.3.223

Endorsed by Parliament on 15 December, subject to various amendments. Parliament asked in particular that the Community system guarantee producers a fair income and be socially acceptable. It also suggested that aquaculture be developed for restocking purposes.

OJ C 21, 25.1.1993

Adopted on 20 December. The new Community system, which replaces that established by Regulation (EEC) No 170/83, covers all activities relating to the exploitation of living aquatic resources, and also to the processing and marketing of fishery and aquaculture products practised on the territory of Member States, in Community fishing waters or by Community fishing vessels. Its basic objective is to tackle the depletion of stocks and ensure responsible and sustainable exploitation of aquatic resources by means of, in particular, the establishment of an appropriate framework for the conservation and protection of these resources. To that end the following measures are provided for:

the introduction, not later than 1 January 1995, of a Community system of fishing licences, administered by the Member States and applicable to all Community fishing vessels operating in Community fishing waters, in the waters of non-member countries or on the high seas, except for any derogations which may be laid down;

the adoption of a Community control system for the entire sector;

the setting, on a multiannual basis, and for the first time not later than 1 January 1994, of the objectives and detailed rules for restructuring the Community fisheries sector with a view to achieving a balance on a sustainable basis between resources and their exploitation, taking account of possible economic and social consequences and of the specific characteristics of the various fishing regions;

the setting of resource management objectives, where possible within a multiannual framework and, where necessary, on the basis of several species;

in the light of management objectives and strategies, the determination for certain resources of exploitation rates in terms of total allowable catches and/or total allowable fishing effort and the allocation of these totals between the Member States, in the form of quotas or in terms of fishing effort, where appropriate on a multiannual basis.

The new system also keeps some of the features of the previous system:

arrangements for reserved access within the 12-mile band;

special arrangements for the 'Shetland box';

the principle of relative stability in the allocation of fishing possibilities with limited exploitation rates;

the laying down by the Council of conditions of access to waters and resources in the light of the available biological, socioeconomic and technical analyses.

A general review of the common fisheries and aquaculture policy is to be undertaken within 10 years.

OJ L 389, 31.12.1992

TACs and quotas (1993)

1.3.261. Council Regulation (EEC) No 3919/92 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1993 and certain conditions under which they may be fished.

□ **Basic Regulation:** Council Regulation (EEC) No 170/83 establishing a Community system for the conservation and management of fishery resources: OJ L 24, 27.1.1983; Bull. EC 1-1983, points 1.1.4 and 1.1.5

Proposal adopted by the Commission on 4 December.

COM(92) 507

Adopted on 20 December. The total allowable catches for 1993 are shown in Table 12. The technical conditions are, on the whole, the same as in 1992, although some provisions have been tightened up, including the minimum mesh size in the North Sea and the conditions for fishing for cod and haddock.

OJ L 397, 31.12.1992

Table 12 — TACs by stock and by zone for 1993 — Community shares

(tonnes)			
Species	Zone	TAC 1993	Community share in 1993
Herring	III a	token entry	token entry
Herring	III b, c, d ¹	125 200	106 600
Herring	II a, ¹ IV a, b	380 000	250 850
Herring	IV c, VII d	50 000 ²	50 000
Herring	V b, ¹ VI a North, VI b	62 000	55 140
Herring	VI a South, VII b, c	28 000 ²	28 000
Herring	VI a Clyde	1 000 ²	1 000
Herring	VII a	7 000 ²	7 000
Herring	VII e, f	1 000 ²	1 000
Herring	VII g, h, j, k	21 000 ²	21 000
Sprat	III a	token entry ²	token entry
Sprat	III b, c, d ¹	55 600	48 600
Sprat	II a, ¹ IV ¹	83 000 ²	67 680
Sprat	VII d, e	12 000 ²	12 000
Anchovy	VIII	30 000 ²	30 000
Anchovy	IX, X, Copace ¹	12 000 ²	12 000
Salmon	III b, c, d ¹	131 950 ²	130 950
Capelin	II b	0 ²	0
Cod	I, II b	17 300	17 300
Cod	III a Skagerrak	token entry	token entry
Cod	III a Kattegat	4 160	4 160
Cod	III b, c, d ¹	14 400	13 600
Cod	II a, ¹ IV	100 700	91 970
Cod	V b, ¹ VI, XII, XIV	14 000	14 000
Cod	VII a	11 000	11 000
Cod	VII b-k, VIII, IX, Copace ¹	17 500 ²	17 500
Haddock	III a, III b, c, d ¹	token entry ²	token entry
Haddock	II a, ¹ IV	133 000	99 500
Haddock	V b, ¹ VI, XII, XIV	17 600	17 600
Haddock	VII, VIII, IX, X, Copace ¹	6 000 ²	6 000

(tonnes)

Species	Zone	TAC 1993	Community share in 1993
Saithe	II a, ¹ III a, III b, c, d, ¹ IV	93 000	47 600
Saithe	V b, ¹ VI, XII, XIV	14 000	14 000
Saithe	VII, VIII, IX, X, Copace ¹	14 000 ²	14 000
Pollack	V b, ¹ VI, XII, XIV	1 100 ²	1 100
Pollack	VII	14 000 ²	14 000
Pollack	VIII a, b	2 600 ²	2 600
Pollack	VIII c	800 ²	800
Pollack	VIII d	50 ²	50
Pollack	VIII e	100 ²	100
Pollack	IX, X, Copace ¹	450 ²	450
Norway pout	II a, ¹ III a, IV ¹	220 000 ²	191 000
Blue whiting	II a, ¹ IV ¹	90 000 ²	50 000
Blue whiting	V b, ¹ VI, VII	340 000 ²	113 000
Blue whiting	VIII a, b, d	26 500 ²	26 500
Blue whiting	VIII e	1 000 ²	1 000
Blue whiting	VIII c, IX, X, Copace ¹	55 000 ²	55 000
Whiting	III a	token entry ²	token entry
Whiting	II a, ¹ IV	120 000	66 180
Whiting	V b, ¹ VI, XII, XIV	8 700	8 700
Whiting	VII a	8 500	8 500
Whiting	VII b-k	22 000 ²	22 000
Whiting	VIII	5 000 ²	5 000
Whiting	IX, X, Copace ¹	2 640 ²	2 640
Hake	III a, III b, c, d ¹	2 000 ²	2 000
Hake	II a, ¹ IV ¹	2 510 ²	2 510
Hake	V b, ¹ VI, VII, XII, XIV	40 200 ²	40 200
Hake	VIII a, b, d, e	26 800 ²	26 800
Hake	VIII c, IX, X, Copace ¹	12 000	12 000
Jack and horse mackerel	II a, ¹ IV ¹	60 000 ²	55 000
Jack and horse mackerel	V b, ¹ VI, VII, VIII a, b, d, e, XII, XIV	250 000 ²	242 250
Jack and horse mackerel	VIII c, IX	73 000 ²	73 000
Mackerel	II a, ¹ III a, III b, c, d, ¹ IV	83 150	24 700
Mackerel	II, V b, ¹ VI, VII, VIII a, b, d, e, XII, XIV	461 050	436 360
Mackerel	VIII c, IX, X, Copace ¹	36 570 ²	36 570
European plaice	III a Skagerrak	token entry ²	token entry
European plaice	III a Kattegat	2 800	2 520
European plaice	III b, c, d ¹	3 000 ²	3 000
European plaice	II a, ¹ IV	175 000	168 800
European plaice	V b, ¹ VI, XII, XIV	2 400 ²	2 400
European plaice	VII a	2 800	2 800
European plaice	VII b, c	250 ²	250
European plaice	VII d, e	8 500	8 500
European plaice	VII f, g	1 400	1 400
European plaice	VII h, j, k	1 350 ²	1 350
European plaice	VIII, IX, X, Copace ¹	700 ²	700

(tonnes)

Species	Zone	TAC 1993	Community share in 1993
Sole	III a, III b, c, d ¹	1 600 ²	1 600
Sole	II, IV	32 000	32 000
Sole	V b, ¹ VI, VII, XIV	155 ²	155
Sole	VII a	1 000	1 000
Sole	VII b, c	75 ²	75
Sole	VII d	3 200	3 200
Sole	VII e	900	900
Sole	VII f, g	1 100	1 100
Sole	VII h, j, k	720 ²	720
Sole	VIII a, b	5 700	5 700
Sole	VIII c, d, e, IX, X, Copace ¹	2 000 ²	2 000
Megrim	V b, ¹ VI, XII, XIV	4 840 ²	4 840
Megrim	VII	19 000 ²	19 000
Megrim	VIII a, b, d, e	2 460	2 460
Megrim	VIII c, IX, X, Copace ¹	8 000 ²	8 000
Anglerfish	V b, ¹ VI, XII, XIV	8 600 ²	8 600
Anglerfish	VII	19 240	19 240
Anglerfish	VIII a, b, d, e	5 760	5 760
Anglerfish	VIII e	100 ²	100
Anglerfish	VIII c, IX, X, Copace ¹	13 000 ²	13 000
Shrimp	Guiana	4 108	4 000
Deepwater prawn	III a Skagerrak	token entry	token entry
Norway lobster	III a, III b, c, d ¹	3 500 ²	3 500
Norway lobster	II a, ¹ IV ²	12 000 ²	12 000
Norway lobster	V b, ¹ VI	12 000 ²	12 000
Norway lobster	VII	20 000 ²	20 000
Norway lobster	VIII a, b	6 800 ²	6 800
Norway lobster	VIII c	1 000 ²	1 000
Norway lobster	VIII d, e	50 ²	50
Norway lobster	IX, X, Copace ¹	2 500 ²	2 500

¹ EC zone.

² Precautionary TAC.

Prices for 1993

1.3.262. Council Regulations (EEC) Nos 3724/92, 3725/92 and 3726/92 fixing, for the 1993 fishing year:

the guide prices for the fishery products listed in Annex I(A), (D) and (E) to Regulation (EEC) No 3687/91;

the guide prices for the fishery products listed in Annex II to Regulation (EEC) No 3687/91;

the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604.

Basic Regulation: Council Regulation (EEC) No 3687/91 on the common organization of the

market in fishery products: OJ L 354, 23.12.1991; Bull. EC 11-1991, point 1.2.176

□ **Commission proposals:** COM(92) 446; Bull. EC 10-1992, point 1.3.157

Adopted on 3 December. The 1993 prices for the various species are as follows (Table 13).

OJ L 380, 24.12.1992

Table 13 — 1993 prices for fishery products

(ECU/t)	
Species	Prices
<i>Guide price for fresh products</i>	
Herring	
from 1 January to 31 July 1993 and from 1 October to 31 December 1993	256
from 1 August to 30 September	182
Sardine	
Atlantic	
Member States other than Spain and Portugal	465
Spain, Portugal	424
Mediterranean	453
Picked dogfish	886
Catshark	742
Redfish	941
Cod	1 329
Saithe	679
Haddock	976
Whiting	822
Ling	984
Mackerel (<i>Scomber scombrus</i>)	261
Mackerel (<i>Scomber japonicus</i>)	319
Anchovy	969
European plaice	
from 1 January to 30 April 1993	812
from 1 May to 31 December 1993	1 118
Hake	3 165
Megrim	1 980
Ray's bream	1 541

(ECU/t)	
Species	Prices
Monkfish	
whole, gutted, with head	2 202
without head	4 573
Schrimp	1 685
Edible crab	1 482
Norway lobster	
whole	4 392
tails	6 962
<i>Guide prices for frozen products</i>	
Sardine	388
Sea-bream	1 348
Squid (<i>Loligo patagonica</i>)	881
Squid (<i>Ommastrephes sagittatus</i>)	806
Squid (<i>Illex argentinus</i>)	808
Cuttlefish	1 606
Octopus	1 427
<i>Community producer prices for tuna</i>	
Yellowfin tuna (<i>Thunnus albacores</i>)	1 070

Restructuring of the fishing fleet

□ **Basic Regulation:** Council Regulation (EEC) No 4028/86: OJ L 376, 31.12.1986; Bull. EC 12-1986, point 2.1.285

□ **Reference:** Council Regulation (EEC) No 3760/92 establishing a Community system for fisheries and aquaculture: OJ L 389, 31.12.1992; point 1.3.260 of this Bulletin

1.3.263. Council Regulation (EEC) No 3946/92 amending for the third time Regulation (EEC) No 4028/86 on Community measures to improve and adapt structures in the fisheries and aquaculture sector.

□ **Commission proposal:** OJ C 280, 29.10.1992; COM(92) 425; Bull. EC 10-1992, point 1.3.171

Endorsed by Parliament on 18 December, subject to an amendment concerning equal treat-

ment for Community vessels with regard to entitlement to compensation.

OJ C 21, 25.1.1993

Adopted on 20 December. This Regulation introduces into Regulation (EEC) No 4028/86 the concept of 'fishing effort', defined as the product of the capacity of the fleet and its activity, and allows restrictions differentiated according to the stocks and fleets concerned within the framework of multiannual guidance programmes.

OJ L 401, 31.12.1992

1.3.264. Commission Decisions 92/588/EEC, 92/589/EEC, 92/590/EEC, 92/591/EEC, 92/592/EEC, 92/593/EEC, 92/594/EEC, 92/595/EEC, 92/596/EEC, 92/597/EEC and 92/598/EEC concerning multiannual guidance programmes for the fishing fleets of France, Belgium, the Netherlands, Germany, Italy, the United Kingdom, Ireland, Denmark, Greece, Spain; Portugal and the Netherlands respectively for the period 1993 to 1996, pursuant to Regulation (EEC) No 4028/86.

Adopted on 21 December. These programmes, drawn up under the partnership process, establish, for the period 1993 to 1996, the framework for the adjustment of the fishing effort of the various Community fleets. They are part of the new system for fisheries and thus focus on the segmentation of fleets and the setting of fishing effort targets for each segment. Given the state of stocks, the rates of reduction of fishing effort have been fixed at 20% for demersal species (round fish), 15% for benthic species (flatfish) and 0% for pelagic species (i.e. 8% overall). The targets may be achieved by reductions in capacity (permanent withdrawal) and/or reductions in activity, but at least 55% of the reduction of fishing effort must be achieved by means of reduction in capacity. The reductions vary from one Member State to another (see Table 14), account being taken of restructuring already carried out. Monitoring and research programmes are planned to complement these measures.

OJ L 401, 31.12.1992

Table 14 — *Planned reduction of fishing effort by 31.12.1996 (base 1.1.1992)*

	Tonnage (GRT)	Power (kW)
Belgium	34	27
Denmark	6	11
Germany	5	3
Greece	24	34
Spain	4	5
France	8	12
Ireland	- 2	- 3
Italy	7	5
Netherlands	—	22
Portugal	- 2	- 1
United Kingdom	19	19

Arrangements for the accession of Spain and Portugal

1.3.265. Commission report to the Council and Parliament on the application of the Act of Accession of Spain and Portugal in the fisheries sector.

□ References:

Act of Accession of Spain and Portugal to the European Communities: OJ L 302, 15.11.1985; Bull. EC 1-1986, point 1.1.1

Council Regulation (EEC) No 170/83 establishing a Community system for the conservation and management of fishery resources: OJ L 24, 27.1.1983; Bull. EC 1-1983, points 1.1.4 and 1.1.5

Council Regulation (EEC) No 3760/92 establishing a Community system for fisheries and aquaculture: point 1.3.260 of this Bulletin

Adopted on 23 December. This report assesses the situation with regard to the application, since 1986, of the provisions of the Act of Accession of Spain and Portugal relating to fisheries. On the basis of this assessment, the Commission also lays down guidelines on which to base the discussions to be held during 1993 with the other Community institutions with a view to a possible review of these provisions, which expire on 31 December 1995. The Commission notes that, generally speaking, the accession arrangements provide for measures for the conservation, management

and control of fishing activities which are more complete and more binding than the regime laid down by Regulation (EEC) No 170/83, and anticipate certain aspects of the new Community system, such as monitoring of fishing effort rather than just catches. It mentions that this situation has not always been welcomed by the fishermen concerned and that the monitoring of the actual application of the accession arrangements has raised delicate problems but that, on the other hand, the integration of these arrangements into the new common system is both logical and desirable and should not create any particular difficulties.

SEC(92) 2340

Relations with Canada

1.3.266. Council decision authorizing the Commission to negotiate a fisheries agreement with Canada.

References:

EEC/Canada fisheries agreement: OJ L 379, 31.12.1981; Bull. EC 12-1981, point 2.1.138

Council resolution on fisheries relations with Canada: Bull. EC 4-1992, point 1.3.171

Recommendation adopted by the Commission on 9 December.

Adopted on 17 December.

Agreement initialled in Brussels on 17 December. This agreement, which replaces that of 1981, which had lapsed, covers the whole range of problems affecting fisheries relations between the Community and Canada, in accordance with the resolution adopted by the Council in April 1992. It deals with the following aspects:

access by Community fishermen to Canadian ports and to surplus resources in Canadian waters, on terms similar to those applied to fishermen of the other NAFO Contracting Parties;

possibility for Community fishermen to conclude private contracts with Canadian fishermen who cannot use up the quotas allocated to them;

strengthening of surveillance and control measures in the NAFO zone; restriction on the fishing activity of vessels from countries which are not NAFO contracting parties.

The agreement also covers aspects relating to management of the overlapping stock (divisions 2J + 3KL) between Canada and NAFO, which was at the centre of certain difficulties in fishery relations between the Community and Canada.

Relations with Morocco

1.3.267. Council Regulation (EEC) No 3954/92 on the conclusion of the Agreement on relations in the sea fisheries sector between the Community and Morocco.

Commission proposal: OJ C 217, 24.8.1992; COM(92) 296; Bull. EC 7/8-1992, point 1.3.236

Endorsed by Parliament on 15 December, subject to two amendments concerning reporting to the budgetary authority.

OJ C 21, 25.1.1993

Adopted on 20 December.

OJ L 407, 31.12.1992

Agreement signed in Brussels on 21 December. The EEC/Morocco Agreement, concluded for four years from 1 May 1992, generally ensures the stability of fishing opportunities for the Community. It provides for improved conservation measures (now applicable to all fleets in Moroccan waters) and adjustments to the preferential trade arrangements for tinned sardines. The Agreement also provides for Community support for the development of Moroccan scientific research and other specific schemes in the fisheries sector. The Community's financial compensation amounts to ECU 102.1 million a year on average, chargeable to the Community budget.

II

Review and future development of the common fisheries policy

1.3.268. Proposal for a Council Regulation establishing a control system applicable to the common fisheries policy.

□ **Commission proposal:** OJ C 280, 29.10.1992; COM(92) 392; Bull. EC 9-1992, point 1.2.135

Endorsed by Parliament on 15 December, subject to various amendments concerning, in particular, the option for Member States to continue the pursuit of a fishing vessel beyond their territorial waters.

OJ C 21, 25.1.1993

Resources

Internal aspects

1.3.269. Council Regulation (EEC) No 3655/92 amending, for the fifth time, Regulation (EEC) No 3882/91 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1992 and certain conditions under which they may be fished.

□ **Regulation amended:** Council Regulation (EEC) No 3882/91 (OJ L 367, 31.12.1991; Bull. EC 12-1991, point 1.2.257), as last amended by Regulation (EEC) No 3305/92: OJ L 331, 17.11.1992; Bull. EC 11-1992, point 1.3.224

Proposal adopted by the Commission on 2 December.

COM(92) 514

Adopted on 15 December. Increases the TAC for sole in zones IIIa and IIIb, c and d.

OJ L 370, 19.12.1992

1.3.270. Council Regulations (EEC) Nos 3906/92, 3907/92 and 3908/92 fixing, for 1993, certain measures for the conservation and management of fishery resources, applicable to vessels flying the flag of, respectively, a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Spain; a Member State, other than Spain and Portugal, in waters falling under the sovereignty or within the jurisdiction of Portugal; Portugal in waters falling under the sovereignty or within the jurisdiction of a Member State other than Spain or Portugal.

□ **Reference:** Act of Accession of Spain and Portugal: OJ L 302, 15.11.1985; Bull. EC 1-1986, point 1.1.1

Three proposals adopted by the Commission on 1 December.

COM(92) 503

Adopted on 19 December. These Regulations, in accordance with the Act of Accession of Spain and Portugal, establish the quantities of fish that can be taken by the vessels of other Member States in Spanish and Portuguese waters and by Portuguese vessels in the waters of other Member States. They also specify the number of vessels, the types of gear that may be used and the period of authorization for fishing for each species in the zones concerned.

OJ L 394, 31.12.1992

1.3.271. Council Regulation (EEC) No 3929/92 laying down, for 1993, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-nautical-mile zone off the coast of the French department of Guiana.

□ **Reference:** Council Regulation (EEC) No 3892/91: OJ L 367, 31.12.1991; Bull. EC 12-1991, point 1.2.261

Proposal adopted by the Commission on 2 December.

COM(92) 516

Adopted on 19 December. This Regulation, which lays down shrimp quotas for neighbouring ACP countries for 1993 and conditions governing the issuing to Venezuela of licences for fishing snapper and shark, renews the provisions of Regulation (EEC) No 3892/91 applicable in 1992.

OJ L 397, 31.12.1992

1.3.272. Proposal for a Council Regulation harmonizing various technical measures in Mediterranean fisheries.

□ **References:**

Commission's discussion paper outlining a common fisheries system in the Mediterranean: Bull. EC 7/8-1990, point 1.3.259

Further conclusions of the Council on the reform of the common fisheries policy: Bull. EC 6-1992, point 1.3.184

Adopted by the Commission on 11 December. Purpose: as requested by the Council, to harmonize some of the legislation applied by the

Mediterranean Member States regarding the conservation and management of fishery resources in the Mediterranean. The provisions relate in particular to a ban on certain fishing methods and gear, the delimitation of fishing zones, the description of the technical characteristics of gear and the fixing of minimum mesh sizes and minimum catching sizes.

OJ C 5, 9.1.1993; COM(92) 533

External aspects

Faroe Islands

1.3.273. Council Regulation (EEC) No 3924/92 laying down for 1993 certain measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands; Regulation (EEC) No 3925/92 allocating, for 1993, certain catch quotas between the Member States for vessels fishing in Faroese waters.

□ **Commission proposals:** COM(92) 492; Bull. EC 11-1992, point 1.3.225

Adopted on 20 December.

OJ L 397, 31.12.1992

Greenland

1.3.274. Council Regulation (EEC) No 3926/92 allocating, for 1993, Community catch quotas in Greenland waters.

Proposal adopted by the Commission on 8 December.

COM(92) 539

Adopted on 20 December. Distributes among the Member States the quotas available in 1993 in Greenland waters.

OJ L 397, 31.12.1992

Guinea

1.3.275. Council Regulation (EEC) No 3680/92 on the conclusion of the Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the

Agreement between the Community and Guinea on fishing off the Guinean coast.

□ **Commission proposal:** OJ C 54, 29.2.1992; COM(92) 38; Bull. EC 1/2-1992, point 1.3.240

□ **Parliament opinion:** OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.3.164

Adopted on 7 December.

OJ L 379, 23.12.1992

Iceland

1.3.276. Agreement between the Community and Iceland on fisheries and the marine environment

□ **Initialled:** Bull. EC 11-1992, point 1.3.226

Proposal for a Regulation on the conclusion of the Agreement adopted by the Commission on 8 December.

OJ C 346, 30.11.1992; COM(92) 531

Namibia

1.3.277. Parliament resolution on the negotiations leading to a fisheries agreement between the EEC and the Republic of Namibia.

Adopted on 15 December. Parliament acknowledged the efforts of the Namibian authorities to conserve and re-establish marine resources. It condemned all illegal fishing in Namibian waters and urged the Commission to conclude with Namibia an agreement serving the interests of both parties by preserving fish stocks in Namibian waters and providing, among other things, for aid schemes for the training of Namibian fishermen and fisheries inspectors and the marketing of fish processed in Namibia, the transfer of technological know-how and the setting-up of joint ventures.

OJ C 21, 25.1.1993

Norway

1.3.278. Proposal for a Council Regulation amending Regulation (EEC) No 2984/92 allocating, for 1992, certain catch quotas between Member States for vessels fishing in the

Norwegian exclusive economic zone and the fishing zone around Jan Mayen.

Regulation amended: Regulation (EEC) No 2984/92: OJ L 300, 16.10.1992; Bull. EC 10-1992, point 1.3.165

Adopted by the Commission on 18 December. Allocates between Member States the additional 750 tonnes of catch quotas made available to the Community by Norway in 1992.

COM(92) 581

1.3.279. Council Regulation (EEC) No 3920/92 laying down for 1993 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway; Council Regulation (EEC) No 3921/92 allocating, for 1993, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen.

Proposals adopted by the Commission on 17 December.

COM(92) 583

Adopted on 20 December. Authorizes Norwegian vessels to fish the quotas allocated to them for 1993 in Community waters and shares out between Member States the quotas available during the same period for Community vessels fishing in Norwegian waters.

OJ L 397, 31.12.1992

Sweden

1.3.280. Council Regulations (EEC) Nos 3656/92 and 3657/92 amending, respectively, Regulation (EEC) No 3885/91 laying down, for 1992, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Sweden and Regulation (EEC) No 3886/91 allocating, for 1992, certain catch quotas between Member States for vessels fishing in Swedish waters.

Commission proposal: COM(92) 497; Bull. EC 11-1992, point 1.3.229

Adopted on 15 December. Reduces Sweden's catch quota for cod in Community fishing wat-

ers and the Community's in the Baltic Sea for 1992.

OJ L 370, 19.12.1992

1.3.281. Council Regulation (EEC) No 3922/92 laying down for 1993 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Sweden; Regulation (EEC) No 3923/92 allocating, for 1993, catch quotas between Member States for vessels fishing in Swedish waters.

Reference: EEC/Sweden fisheries agreement: OJ L 226, 29.8.1980

Proposals adopted by the Commission on 4 December.

COM(92) 513

Adopted on 20 December. Authorizes Swedish vessels to fish the quotas allocated to them for 1993 in Community waters and shares out between Member States the quotas available during the same period for Community vessels fishing in Swedish waters.

OJ L 397, 31.12.1992

NAFO

1.3.282. Council Regulation (EEC) No 3927/92 laying down certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

Proposal adopted by the Commission on 8 December.

COM(92) 532

Adopted on 20 December. Implements the NAFO recommendations for 1993, in particular with regard to the limitation of catches and the allocation between Member States of Community catch quotas (the totals of which are shown in Table 15), technical conservation measures and the monitoring and inspection of fishing activities.

OJ L 397, 31.12.1992

Table 15 — *Total Community catches in the NAFO area (1993)*

Species	Zone	Total (tonnes)
Cod	NAFO 2 J + 3 K, L	0
Cod	NAFO 3 M	6 465
Cod	NAFO 3 N, O	3 762
Atlantic redfish	NAFO 3 M	4 650
Atlantic redfish	NAFO 3 L, N	476
American plaice	NAFO 3 M	350
American plaice	NAFO 3 L, N, O	133
Yellowtail flounder	NAFO 3 L, N, O	149
Witch flounder	NAFO 3 N, O	0
Capelin	NAFO 3 N, O	0
Squid	NAFO subzones 3 + 4	token entry

1.3.283. Council Regulation (EEC) No 3928/92 establishing a NAFO pilot observer scheme applicable to Community fishing vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO).

Proposal adopted by the Commission on 8 December.

COM(92) 540

Adopted on 20 December. Implements a programme to monitor observance by Community vessels of the measures decided within the framework of NAFO. The programme covers a period of 18 months from 1 January 1993, and the total cost is put at ECU 360 000.

OJ L 397, 31.12.1992

Market organization

1.3.284. Council Regulation (EEC) No 3759/92 on the common organization of the market in fishery and aquaculture products.

Commission proposal: OJ C 134, 25.5.1992; COM(92) 79; Bull. EC 3-1992, point 1.2.198

Economic and Social Committee opinion: OJ C 313, 30.11.1992; Bull. EC 9-1992, point 1.2.146

Council agreement: Bull. EC 10-1992, point 1.3.156

Parliament opinion: OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.3.230

Amended proposal adopted by the Commission on 3 December. The amended proposal extends the scope of the proposal to include aquaculture products, as requested by Parliament.

OJ C 343, 24.12.1992; COM(92) 517

Formally adopted on 17 December.

OJ L 388, 31.12.1992

1.3.285. Proposal for a Council Regulation amending Regulation (EEC) No 3687/91 on the common organization of the market in fishery products and amending Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

Regulations to be amended:

Council Regulation (EEC) No 3687/91: OJ L 354, 23.12.1991; Bull. EC 11-1991, point 1.2.176

Council Regulation (EEC) No 2658/87: OJ L 256, 7.9.1987; Bull. EC 7/8-1987, point 2.1.80

Adopted by the Commission on 10 December. Takes account of the new scientific classification of the various species of trout.

OJ C 28, 2.2.1993; COM(92) 529

1.3.286. Proposal for a Council Regulation setting up specific measures in favour of cephalopods producers permanently based in the Canary Islands.

Reference: Council Decision 91/314/EEC on a programme of options specific to the remote and insular nature of the Canary Islands (Poseican): OJ L 171, 29.6.1991; Bull. EC 6-1991, point 1.2.120

Adopted by the Commission on 17 December. Introduces, under the Poseican programme, an annual aid to producers of cephalopods in the Canary Islands, amounting to a maximum of 2.5% of the annual value of production of up to 60 000 tonnes.

OJ C 17, 22.1.1993; COM(92) 567

State aid

Decisions to raise no objection

France

1.3.287. Commission decision concerning aid for fishing port facilities at La Rochelle.

Adopted on 3 December. The aid is part of a wider project to transfer the port of La Rochelle-Ville to Chef de Baie, the aim of which is to improve the conditions under which fishery products are processed and marketed, bring the fishing industry of La Rochelle into line with European standards and provide fishing companies with facilities to improve the ways in which products are landed, sold, stored and dispatched and also to improve repair and maintenance facilities for fishing vessels.

1.3.288. Commission decisions concerning aid for the cessation of activities of fishing vessels in Provence-Alpes-Côte d'Azur and for the modernization of the fishing fleet in the department of Nord.

Adopted on 23 December. The purpose of the aid is to help the fishing fleet adapt to available fish stocks, to upgrade the fleet and bring it into line with Community requirements and the French Multiannual Guidance Plan for 1986-91.

Italy

1.3.289. Commission decision on aid for aquaculture in Emilia-Romagna.

Adopted on 23 December. This aid relates to the Trava cooperative, the aim being to restructure the cooperative in order to safeguard the existing infrastructure and give fresh impetus to production and diversification thereof.

Consumers

Health, physical safety and quality

1.3.290. Proposal for a Council Directive amending for the sixth time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products.

- Commission proposal:** OJ C 52, 28.2.1991; COM(90) 488; Bull. EC 1/2-1991, point 1.2.239
- Economic and Social Committee opinion:** OJ C 269, 14.10.1991; Bull. EC 7/8-1991, point 1.2.284

- Parliament opinion:** OJ C 176, 13.7.1992; Bull. EC 6-1992, point 1.3.197
- Amended Commission proposal:** OJ C 249, 26.9.1992; COM(92) 364; Bull. EC 9-1992, point 1.2.148
- Council agreement on a common position:** Bull. EC 11-1992, point 1.3.231

Common position formally adopted by the Council on 17 December.

Protection of consumers' economic and legal interests

1.3.291. Proposal for a Council Directive concerning unfair terms in consumer contracts.

- Commission proposal:** OJ C 243, 28.9.1990; COM(90) 322; Bull. EC 7/8-1990, point 1.3.150
- Economic and Social Committee opinion:** OJ C 159, 17.6.1991; Bull. EC 4-1991, point 1.2.139
- Parliament opinion (first reading):** OJ C 326, 16.12.1991; Bull. EC 11-1991, point 1.2.194
- Amended Commission proposal:** OJ C 73, 24.3.1992; COM(92) 66; Bull. EC 3-1992, point 1.2.212
- Council agreement on a common position:** Bull. EC 6-1992, point 1.3.195
- Council common position:** Bull. EC 9-1992, point 1.2.149

Endorsed by Parliament (second reading) on 16 December, subject to certain amendments relating in particular to the definition of 'unfair terms' and the appended list of types of unfair terms.

OJ C 21, 25.1.1993

A people's Europe

1.3.292. Expressing concern at the increase in racism and xenophobia in Europe, the European Council stressed the importance of protecting all immigrants from attacks of this kind and called for vigorous and effective measures to be taken to combat this phenomenon, both through education and legislation (→ point I.12).

Measures to help disaster victims

Spain

1.3.293. Commission Decision to grant emergency aid to victims of the ecological disaster at La Coruña (Galicia).

Approved on 10 December.

Adopted on 22 December. The Commission decided to grant ECU 650 000 in emergency aid for the victims of this disaster, which has inflicted serious damage on the ecosystem on which several thousand people depend for a living.

1.3.294. Parliament resolution on the accident and oil slick at La Coruña.

Adopted on 17 December. Affirming its solidarity with all those affected, Parliament called on the Commission and the Council to take appropriate action to help alleviate the damage and on the authorities concerned to ensure that all preventive measures are taken to avoid similar incidents.

OJ C 21, 25.1.1993

1.3.295. Parliament resolution on the fire in the Desierto de Las Palmas nature reserve (Castellon).

Adopted on 17 December. In view of the scale of the devastation caused to forestry land in the province of Castellon by the fire, Parliament called on the Commission, in collaboration with the Spanish authorities, to carry out an assessment of the damage and jointly to pay the necessary compensation. It also called on the Spanish authorities to draw up global forest protection plans.

OJ C 21, 25.1.1993

Ireland

1.3.296. Parliament resolutions on the disastrous impact of exceptionally heavy rainfall on the potato industry, the cereals harvest and the linseed crop in Ireland and particularly in County Donegal, and on the granting of

emergency aid to potato farmers in Northern Ireland.

Adopted on 17 December. Parliament called on the Commission and the Irish and British Governments to provide exceptional aid for farmers in Ireland whose potato, cereals and linseed crops had been affected by the heavy rain.

OJ C 21, 25.1.1993

Audiovisual media, information, communication and culture

Information and public awareness

Concentration and pluralism in the media

1.3.297. Commission Green Paper 'Pluralism and media concentration in the single market: An assessment of the need for Community action' (→ point 1.3.18).

1992 Olympic Games

1.3.298. Commission communication to the Council and Parliament reporting on the Community's involvement in the 1992 Olympic Games.

Adopted on 18 December. After describing the range of Community activities and evaluating the results the report concludes that the Community presence both at the Winter Olympics in Albertville and at the Summer Olympics in Barcelona was given widespread coverage throughout the Community and beyond. The information and communication campaign conducted in parallel with the Games helped give the Community a more human face and increase public awareness of Community realities present and future.

COM(92) 575

4. The role of the Community in the world

Enlargement

1.4.1. In view of its agreement on the future financing of the Community and the prospects for swift ratification of the Treaty on European Union, the European Council agreed that accession negotiations should begin with Austria, Sweden and Finland early in 1993. They could not, however, be concluded until the Treaty on European Union had been ratified by all Member States. It asked the Council to approve the start of negotiations with Norway on the same basis once the Commission opinion on the country's application was available (→ point I.6).

Norway

1.4.2. Accession to the European Communities.

□ **Application for accession:** Bull. EC 11-1992, point I.4.3

Initial examination by the Council on 7 December. With Norway's application for accession before it, the Council decided to implement the procedures provided for in the Treaties and as a result asked the Commission to draw up an opinion on the application.

European Free Trade Association

Relations with EFTA

1.4.3. Council conclusions on the European Economic Area and the consequences of the

'no' vote in the Swiss referendum of 6 December.

□ **Reference:** Agreement on the establishment of the European Economic Area: Bull. EC 10-1992, point I.4.1

Adopted by the Council on 21 December. Pointing to the conclusions of the Edinburgh European Council, which welcomed contacts now being made with EFTA countries to outline the next steps in implementing the EEA Agreement, the Council expressed the Community's desire to begin negotiations, under the diplomatic conference mechanism provided for by the EEA Agreement, on agreeing the necessary changes prompted by the Swiss 'no' vote in the referendum of 6 December.

Central and Eastern Europe and the independent States of the former Soviet Union

1.4.4. The European Council was positive in its reaction to the Commission report entitled 'Towards a closer association with the countries of Central and Eastern Europe' and the stepping-up of political dialogue with the Visegrad countries. It welcomed the opening of negotiations for a partnership and cooperation agreement with Russia, and called for negotiations with the other States of the former Soviet Union to progress rapidly (→ point I.77).

Central and Eastern Europe

Relations with Central and Eastern Europe

1.4.5. 'Towards a closer association with the countries of Central and Eastern Europe' (Commission report).

- **Reference:** Lisbon European Council: Bull. EC 6-1992, point I.1

Adopted by the Commission on 2 December. Responding to a request made at the Lisbon European Council, the Commission produced a report on the future of relations with the countries of Central and Eastern Europe, for presentation at the Edinburgh European Council. The aim of the report was to take a long-term look at the potential for relations with the countries which had concluded or were about to conclude Europe Agreements with the Community, by examining against that background the issue of possible accession to the Community. In it, the Commission examined what could be done to make the most of the Europe Agreements, with emphasis on greater political dialogue, improved market access, movement of workers, approximation of legislation, cooperation in economic, technical and financial matters and information. These efforts could be backed up by steps such as the establishment of a European political area, a Europe-wide free trade area and trans-European networks and the expansion of investment.

Coordinated aid to Central and Eastern Europe

1.4.6. Financing decisions under Council Regulation (EEC) No 2334/92.

- **Basic Regulation:** Council Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989; Bull. EC 12-1989, point 2.2.25), as last amended by Regulation (EEC) No 2334/92: OJ L 227, 11.8.1992; Bull. EC 7/8-1992, point 1.4.27

Adopted by the Commission on 1 December. The Commission approved the financing of two projects under the Phare programme:

- Hungary: ECU 11 million for a programme to support small and medium-sized enterprises;
- Poland: ECU 18 million for Community environmental initiatives.

Nuclear safety

1.4.7. Council conclusions on nuclear safety in Central and Eastern Europe and the former Soviet Union.

□ **References:**

Conclusions of the Lisbon European Council: Bull. EC 6-1992, point I.19

Munich Western Economic Summit: Bull. EC 7/8-1992, points 1.4.35 and 2.2.4.42 to 2.2.4.49

Agreement establishing an International Science and Technology Centre (ISTC): point 1.4.17 of this Bulletin

Adopted by the Council on 7 December. Recalling the commitment made at the Lisbon European Council to improving nuclear safety throughout Central and Eastern Europe and the former Soviet Union, the Council congratulated the Group of 24 and the Community for having taken the lead in this field. It emphasized the importance of urgent and practical action to improve the safety of nuclear power plants in the countries concerned, which fell below operational safety requirements applied in the Community, and also the importance of continuing efforts under the Phare and Tacis programmes to take whatever specific remedial action was most urgently needed, and to establish or strengthen regulation in this area.

The Council also recalled the multilateral programme of action adopted at the Western Economic Summit in Munich by the Group of 24 with the aim of ensuring coordination and increasing the efficiency of bilateral and multilateral initiatives. It encouraged the Commission to continue to work towards establishing a multilateral fund and adopting a closely coordinated approach to its nuclear safety activities under Phare and Tacis.

1.4.8. Proposal for a Council Decision amending Decision 77/270/Euratom to allow the Commission to arrange Euratom loans to help finance efficiency and safety improvements for nuclear power stations in certain non-member countries (→ point 1.6.7).

Bilateral relations

Baltic States

1.4.9. Trade and cooperation Agreements with Estonia, Latvia and Lithuania.

- Recommendation for a Decision:** Bull. EC 10-1991, points 1.3.11 to 1.3.13
- Negotiating directives:** Bull. EC 11-1991, points 1.3.16 to 1.3.18
- Proposals for Council Decisions on conclusion of the Agreements:** COM(92) 176 to COM(92) 179; Bull. EC 5-1992, point 1.2.11
- Council decisions on the signature of the Agreements:** Bull. EC 5-1992, point 1.2.11
- Signature of the Agreements:** Bull. EC 5-1992, point 1.2.11

Endorsed by Parliament on 18 December.

OJ C 21, 25.1.1993

Decision concerning the conclusion on behalf of the European Atomic Energy Community of the Agreement between the European Economic Community and the European Atomic Energy Community and Lithuania on trade and commercial and economic cooperation adopted by the Commission on 21 December.

OJ L 403, 31.12.1992

Decisions on the conclusion of the Agreements adopted by the Council on 21 December.

OJ L 403, 31.12.1992

1.4.10. Parliament resolution on economic and trade relations between the European Community and the Baltic States.

Adopted by Parliament on 18 December. Parliament welcomed the conclusion of trade and cooperation Agreements between the Community and each of the Baltic States and expressed the hope that the Baltic area would become a focal point for economic growth. It called for Community support to be concentrated in particular on involvement in triangular operations, the supply of medicines, environmental protection and the training of civil servants and businessmen.

OJ C 21, 25.1.1993

Bulgaria

1.4.11. Europe (association) Agreement between the European Community and Bulgaria.

- Agreed by the Council:** Bull. EC 9-1991, point 1.3.17
- Recommendation for a Decision:** Bull. EC 1/2-1992, point 1.4.7

- Negotiating directives:** Bull. EC 5-1992, point 1.2.12

Agreement initialled on 22 December.

1.4.12. Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community and Bulgaria.

Agreement initialled on 22 December.

Hungary, Poland and the Czech and Slovak Federal Republic

1.4.13. Agreements in the form of exchanges of letters between the European Economic Community and the European Coal and Steel Community and Hungary, Poland and Czechoslovakia for the extension of the duration of the Interim Agreements.

References:

Association Agreements with Hungary, Poland and the Czech and Slovak Federal Republic: Bull. EC 12-1991, point 1.3.2

Council Decisions on the conclusion by the European Economic Community of the Interim Agreements on trade and trade-related matters between the EEC and ECSC and Hungary, Poland and the Czech and Slovak Federal Republic: OJ L 114, 30.4.1992, OJ L 115, 30.4.1992, OJ L 116, 30.4.1992; Bull. EC 1/2-1992, point 1.4.9

- Recommendation for a Decision:** Bull. EC 10-1992, point 1.4.15
- Negotiating directives:** Bull. EC 10-1992, point 1.4.15
- Initialling of the Agreements:** Bull. EC 10-1992, point 1.4.15
- Proposal for a Council Decision on the conclusion of the Agreements by the EEC:** Bull. EC 10-1992, point 1.4.15
- Request for the Council's assent to the conclusion of the Agreements:** Bull. EC 10-1992, point 1.4.15
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.4.11

Decision on the conclusion of the Agreements adopted by the Council on 7 December.

OJ L 408, 31.12.1992

Decisions on the conclusion of the Agreements on behalf of the European Coal and Steel Com-

munity adopted by the Commission on 15 December.

OJ L 408, 31.12.1992

Romania

1.4.14. Europe (association) Agreement between the European Community and Romania.

- Agreed by the Council:** Bull. EC 9-1991, point 1.3.17
- Recommendation for a Decision:** Bull. EC 1/2-1992, point 1.4.7
- Negotiating directives:** Bull. EC 5-1992, point 1.2.12
- Initialling of the Agreement:** Bull. EC 11-1992, point 1.4.12

Proposal for a Council and Commission Decision on the conclusion of the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, adopted by the Commission on 21 December.

COM(92) 511

1.4.15. Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Romania, of the other part.

Proposal for a Council Decision and a draft Commission Decision on the conclusion of the Agreement adopted by the Commission on 21 December. The Commission proposed that an Interim Agreement on trade and trade-related matters be concluded with Romania, pending the entry into force of the Europe Agreement.

COM(92) 510

Independent States of the former Soviet Union

Technical assistance to the independent States of the former Soviet Union

1.4.16. Commission decision approving 17 projects under the 1992 Tacis programme.

- Reference:** Commission decision approving 12 indicative programmes for the implementation of Community technical assistance for the CIS and Georgia (Tacis programme): Bull. EC 11-1992, point 1.4.15

Adopted by the Commission on 9 December. Taking as a basis the 12 indicative programmes drawn up during the year, the Commission approved 17 projects aimed at translating into action the technical assistance extended by the Community under the Tacis programme to the Commonwealth of Independent States and Georgia. Of the 1992 allocation for Tacis (ECU 450 million), ECU 270 million was set aside for national programmes, ECU 80 million for nuclear safety, ECU 70 million for multilateral funds and coordination of assistance, and ECU 29 million for regional programmes.

International Science and Technology Centre

1.4.17. Agreement establishing the International Science and Technology Centre (ISTC).

- Reference:** Council conclusions on nuclear safety in Central and Eastern Europe and in the former Soviet Union: point 1.4.7 of this Bulletin
- Council agreement on the establishment of the ISTC:** Bull. EC 3-1992, point 1.3.6
- Commission communication:** Bull. EC 3-1992, point 1.3.7
- Ministerial meeting:** Bull. EC 3-1992, point 1.3.8
- Recommendation for a Council Decision:** Bull. EC 3-1992, point 1.3.9
- Parliament resolution:** Bull. EC 3-1992, point 1.3.10
- Negotiating directives, accompanied by a statement on Community representation on the governing board of the ISTC:** Bull. EC 4-1992, point 1.4.4
- Proposal for a Council Regulation on the conclusion of the Agreement:** Bull. EC 5-1992, point 1.2.10
- Proposal for a Council Decision approving the Agreement:** Bull. EC 5-1992, point 1.2.10
- Council agreement and Council decision on the initialling of the Agreement:** Bull. EC 5-1992, point 1.2.10
- Initialling of the Agreement:** Bull. EC 5-1992, point 1.2.10

- **Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.4.14
- **Signature of the Agreement:** Bull. EC 11-1992, point 1.4.14

Regulation (EEC) No 3955/92 on the conclusion of the Agreement adopted by the Council on 21 December.

OJ L 409, 31.12.1992

Scientific cooperation

1.4.18. Draft Commission decision approving the statutes of the International Association for the promotion of cooperation with scientists from the independent States of the former Soviet Union.

- **Reference:** Munich Western Economic Summit: Bull. EC 7/8-1992, points 1.4.35 and 2.2.1

Adopted by the Commission on 17 December. In the light of the positive reaction at the Munich G7 summit to its suggestion that an international foundation be set up for the promotion of science in the independent States of the former Soviet Union, the Commission made a proposal for the establishment of an International Association for promotion of cooperation with scientists from the independent States of the former Soviet Union.

Mediterranean and Middle East

1.4.19. The European Council endorsed the efforts made in the context of the international conference on the former Yugoslavia and urged Serbia to show real commitment to the peace process, failing which the international community would toughen its stance, in particular by extending the scope of measures already taken and obstructing Serbian participation in all international institutions. As regards the former Yugoslav Republic of Macedonia, the European Council particularly welcomed the granting of ECU 500 million in

humanitarian and technical aid to that country. It also roundly condemned the ill-treatment to which Muslim women caught up in the conflict have been subjected (→ point I.85).

The European Council reaffirmed its support for the peace process in the Middle East (→ point I.88) and for dialogue with the Iranian government (→ point I.81) so as to ensure stability in the region. It expressed its wish for appropriate and specific links to be developed with Turkey, Cyprus and Malta (→ point I.75).

I

Development of relations with Morocco

1.4.20. Recommendation for a Council Decision authorizing the Commission to open negotiations on a Euro-Maghreb association agreement with Morocco.

- **References:**

EEC-Morocco Cooperation Agreement: OJ L 264, 27.9.1978

Commission communication to the Council: 'The future of relations between the Community and the Maghreb': Bull. EC 4-1992, point 1.4.6

Declaration by the Lisbon European Council on relations between the Community and the Maghreb: Bull. EC 6-1992, point I.34

Adopted by the Commission on 9 December. Following on from its communication on the future of relations with the Maghreb and in accordance with the guidelines laid down by the Lisbon European Council, the Commission requests the Council to authorize it to negotiate a Euro-Maghreb association agreement with Morocco. The agreement would institutionalize political dialogue between the Community and Morocco, establish a free trade area for industrial products, liberalize trade in agricultural products and services on both sides, extend the scope of economic and scientific cooperation and launch cooperation in social, cultural and financial matters. In addition, in accordance with the policy adopted by the Community and its Member States, respect for human rights and demo-

cratic principles would be one of the key aspects of the new agreement and would be enshrined in a specific clause.

Based on the notion of partnership, the newly-forged links should make a significant contribution to the development and structural transformation of Morocco's economy and society and ensure social and political stability on the western shores of the Mediterranean by reducing development differentials and encouraging progress on the road to democracy.

II

Mediterranean countries

Bilateral relations

Cyprus

1.4.21. Association Council.

References:

EEC-Cyprus Association Agreement: OJ L 133, 21.5.1973

Additional Protocol: OJ L 393, 31.12.1987

Protocol on financial and technical cooperation between the European Economic Community and the Republic of Cyprus: OJ L 82, 29.3.1990

Application for accession: Bull. EC 7/8-1990, point 1.4.24

Previous meeting: Bull. EC 5-1990, point 1.3.26

Fourteenth meeting, held in Brussels on 21 December. The meeting was chaired by Mr Douglas Hurd, the United Kingdom Secretary of State for Foreign and Commonwealth affairs and President of the Council. The Cypriot delegation was headed by Mr George Iacovou, Minister for Foreign Affairs, and Mr Matutes represented the Commission. The two parties reviewed the cooperation links between the Community and Cyprus and in particular the progress made towards the customs union. The Cypriot delegation, after recalling Cyprus's application for accession to the Community, presented to the Commission a mem-

orandum summarizing the various elements contained in its request for improved access to the Community market for certain products from Cyprus. Mr Matutes took stock of financial and technical cooperation initiatives under the EEC-Cyprus financial Protocols. Lastly, the parties agreed to step up political dialogue.

Malta

1.4.22. Mr John Dalli, Minister for Finance, visited the Commission on 30 November and 1 December.

Reference: Application for accession: Bull. EC 7/8-1990, point 1.4.25

Mr Dalli saw Mr Christophersen and Mrs Scrivener, with whom he discussed his country's economic situation in the light of Malta's application for accession.

Occupied Territories

1.4.23. Financing.

Basic Decision: Council Decision 91/408/EEC on financial aid for Israel and the Palestinian population of the Occupied Territories: OJ L 227, 15.8.1991; Bull. EC 7/8-1991, point 1.3.19

Adopted by the Commission on 9 December. It was decided to offer ECU 5 million to assist the Palestinian population of the Occupied Territories, the West Bank and the Gaza Strip.

Tunisia

1.4.24. Mr Matutes visited Tunisia on 30 November and 1 December.

Mr Matutes saw Mr El Abidine Ben Ali, President of the Republic, and members of the government, with whom he discussed bilateral relations between the Community and Tunisia. Mr Matutes also initiated exploratory talks with a view to enabling the Commission to put before the Council proposals aimed at negotiating a Euro-Maghreb association agreement with Tunisia.

Bosnia-Herzegovina, Croatia, Slovenia and territory of the former Yugoslav Republic of Macedonia

1.4.25. Council Regulation (EEC) No 3953/92 concerning the arrangements applicable to the import into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the territory of the former Yugoslav Republic of Macedonia; Decision 92/607/ECSC of the representatives of the governments of the Member States of the European Coal and Steel Community, meeting within the Council, concerning the arrangements applicable to the import into the Community of products covered by the ECSC Treaty and originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and in the territory of the former Yugoslav Republic of Macedonia.

Regulation and Decision:

Council Regulation ((EEC)) No 545: OJ L 63, 7.3.1992; Bull. EC 1/2-1992, point 1.4.18
Decision 91/150/ECSC: OJ L 63, 7.3.1992; Bull. EC 1/2-1992, point 1.4.18

Proposals adopted by the Commission on 10 December.

COM(92) 500

Adopted by the Council on 21 December. Given the absence of contractual relations with most of these countries and the need to retain the preferential arrangements from which they benefit, the Council decided to maintain for 1993 the provisions of Regulation (EEC) No 545/92 and of Decision 92/150/ECSC which grant to the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the territory of the former Yugoslav Republic of Macedonia the benefit of trade provisions equivalent to those contained in the EEC-Yugoslavia Cooperation Agreement, suspended and later denounced by the Community.

OJ L 406, 31.12.1992

Croatia and territory of the former Yugoslav Republic of Macedonia

1.4.26. Proposal for a Council Regulation amending Regulation (EEC) No 2656/92 concerning certain technical modalities in connec-

tion with the application of Regulation (EEC) No 1432/92 prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro; draft Decision of the representatives of the Governments of the Member States, meeting within the Council, amending Decision 92/470/ECSC concerning certain technical modalities in connection with the application of Decision 92/285/ECSC prohibiting trade between the ECSC and the Republics of Serbia and Montenegro.

Regulation and Decision to be amended:

Council Regulation (EEC) No 2656/92: OJ L 266, 12.9.1992; Bull. EC 9-1992, point 1.3.21
Decision 92/470/ECSC: OJ L 266, 12.9.1992; Bull. EC 9-1992, point 1.3.21

Adopted by the Commission on 18 December. The Commission proposes to abolish the system of double control of exports to Croatia and the territory of the former Yugoslav Republic of Macedonia in view of the imminent establishment of CSCE Sanctions Assistance Missions in those two republics to ensure the effective application of the embargo on Serbia and Montenegro.

COM(92) 485

Republics of Serbia and Montenegro

1.4.27. Council Regulation (EEC) No 3534/92 amending Regulation (EEC) No 1432/92 prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro; Decision 92/555/ECSC of the representatives of the governments of the Member States of the ECSC, meeting within the Council, amending Decision 92/285/ECSC prohibiting trade between the ECSC and the Republics of Serbia and Montenegro.

Regulation amended: Regulation (EEC) No 1432/92: OJ L 151, 3.6.1992; Bull. EC 6-1992, point 1.4.12

Decision amended: Decision 92/285/ECSC: OJ L 151, 3.6.1992; Bull. EC 6-1992, point 1.4.12

Commission proposals: COM(92) 504: Bull. EC 11-1992, point 1.4.30

Adopted by the Council on 7 December. Regulation (EEC) No 1432/92 and Decision 92/285/

ECSC were amended to ensure the effective application of sanctions, in particular in the oil sector and more generally with regard to transshipment through the territory of the Republics of Serbia and Montenegro.

OJ L 358, 8.12.1992

Middle East

Bilateral relations

Iraq

1.4.28. Council Regulation (EEC) No 3541/92 prohibiting the satisfying of Iraqi claims with regard to contracts and transactions the performance of which was affected by United Nations Security Council Resolution 661 (1990) and related resolutions.

References:

Council Regulation (EEC) No 2340/90 preventing trade by the Community as regards Iraq and Kuwait (OJ L 213, 9.8.1990; Bull. EC 7/8-1990, point 1.4.21), as last amended by Regulation (EEC) No 1194/91: OJ L 115, 8.5.1991; Bull. EC 5-1991, point 1.3.35

Council Regulation (EEC) No 3155/90 amending Council Regulation (EEC) No 2340/90 on Iraq and Kuwait (OJ L 304, 1.11.1990; Bull. EC 10-1990, point 1.4.15), as last amended by Regulation (EEC) No 1194/91: OJ L 115, 8.5.1991; Bull. EC 5-1991, point 1.3.35

Commission proposal: OJ C 204, 3.8.1991; Bull. EC 7/8-1991, point 1.3.21

Parliament opinion: OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.4.34

Adopted by the Council on 7 December. In order to ensure uniform implementation, throughout the Community, of paragraph 29 of United Nations Security Council Resolution 687 (1991), this Regulation is intended to protect firms by prohibiting the satisfying of possible claims made by Iraq in respect of contracts or transactions affected by the embargo.

OJ L 361, 10.12.1992

Financial and technical cooperation

1.4.29. Financing decisions under the financial Protocols.

Adopted by the Commission on 2, 8 and 15 December. Aid was approved for the following projects:

Egypt:

— ECU 40 million for a water channel maintenance programme;

— ECU 5.3 million in the form of a 2% interest rate subsidy on an EIB loan for a project involving electricity transmission in Upper Egypt;

Syria: ECU 4.995 million in the form of a 3% interest rate subsidy on an EIB loan of ECU 20.4 million for a project to build a dam at Al Thawra and for an irrigation project;

World Phosphate Institute: ECU 1.1 million;

MED-Invest: ECU 10 million over two years for a programme to promote a favourable environment for the development of small and medium-sized businesses in Mediterranean non-member countries (Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Occupied Territories of the West Bank and the Gaza Strip, Tunisia and Turkey). MED-Invest, an extension of the MED-URBS and MED-Campus programmes in the context of regional cooperation in the Mediterranean, organizes contacts and cooperation between small and medium-sized businesses and trade associations in the Community and in Mediterranean non-member countries. Pilot projects are also set up in a wide range of areas;

Overall commitment authorization: ECU 10 million;

Tunisia: ECU 3.93 million in the form of a 3% interest rate subsidy on an EIB loan for a project to improve sanitation in coastal towns;

Jordan: ECU 2.31 million in the form of a 2% interest rate subsidy on an EIB loan for an Amman-Aqaba road project ;

All Mediterranean non-member countries: ECU 9 million in the form of venture capital contributions.

United States, Japan and other industrialized countries

1.4.30. Noting the brighter prospects for a resumption in negotiations in South Africa, the European Council called on the parties involved to install a transitional government promptly and to organize genuinely democratic elections (→ point I.82).

United States

1.4.31. EC-US meeting in the context of the Transatlantic Declaration.

- **Reference:** Joint declaration: Bull. EC 11-1990, point 1.5.3
- **Previous meeting:** Bull. EC 4-1992, point 1.4.16

Meeting held in Washington on 18 December. The meeting was attended by the US President, Mr Bush, the US Secretary of State, Mr Baker, the US Special Representative for Trade Negotiations, Mrs Hills, the Council President and UK Prime Minister, Mr Major, and the Commission President, Mr Delors. Talks dealt mainly with the GATT multilateral trade negotiations, with both sides expressing their determination to bring the Uruguay Round negotiations to a swift conclusion. Discussion also covered the development of the peace process in the Middle East and the recent events in the former Yugoslavia and Somalia.

1.4.32. Parliament resolution on international trade restrictions by the United States (Cuban Democracy Act).

- **Reference:** Declaration on EC-US relations: Bull. EC 11-1990, point 1.5.3

Adopted by Parliament on 17 December. Observing that the Cuban Democracy Act bans most trade between the Community and Cuba and thereby constitutes a violation of international law on free trade and transit, going against the principles of the EC-US dec-

laration, Parliament called for the USA to repeal the law and for humanitarian aid to Cuba to be stepped up.

OJ C 21, 25.1.1993

Japan

1.4.33. Visit to Tokyo by Mr Andriessen from 16 to 18 December.

Mr Andriessen met the Prime Minister, Mr Miyazawa, the Deputy Prime Minister and Minister for Foreign Affairs, Mr Watanabe, the Finance Minister, Mr Hayashi, and the Minister for International Trade and Industry, Mr Mori. Talks dealt largely with the need for the Uruguay Round negotiations to be concluded swiftly. As regards bilateral relations, stress was placed on the need to redress the growing imbalance in trade and encourage cooperation, particularly in industry, between the Community and Japan.

Other industrialized countries

United States, Canada, Mexico

1.4.34. Parliament resolution on the North American Free Trade Agreement (Nafta) between the United States, Canada and Mexico.

Adopted by Parliament on 15 December. Parliament welcomed the Free Trade Agreement concluded in mid-August between the USA, Canada and Mexico but feared that some parts of it, particularly those dealing with textiles, automobiles and sugar, could damage the interests of exporters from other countries. It called for an assessment of the potential impact of the Agreement on Community and Latin American interests.

OJ C 21, 25.1.1993

Canada

1.4.35. EC-Canada meeting in the context of the Transatlantic Declaration.

- Reference:** Joint declaration: Bull. EC 11-1990, point 1.5.4
- Previous meeting:** Bull. EC 4-1992, point 1.4.18

Meeting held in Ottawa on 17 December. The meeting, attended by the Commission President, Mr Delors, the Council President and UK Prime Minister, Mr Major, and the Canadian Prime Minister, Mr Mulroney, dealt mainly with the Uruguay Round negotiations and the conflict in Bosnia-Herzegovina.

Asia and Latin America

1.4.36. The European Council welcomed the progress made with regard to compliance with the peace agreement signed on 16 January between the Government of El Salvador and the Farabundo Marti National Liberation Front (→ point I.83).

Asia

Bilateral relations

India

1.4.37. Cooperation Agreement between the Community and India.

- Commission recommendation:** Bull. EC 9-1992, point 1.3.33
- Negotiating directives:** Bull. EC 10-1992, point 1.4.34

Agreement initialled on 11 December.

Bull. EC 12-1992

Indonesia

1.4.38. Parliament resolution on the Flores earthquake in Indonesia.

Adopted by Parliament on 17 December. Following the earthquake which struck the island of Flores on 12 December with heavy loss of life, Parliament called on the Commission to provide the disaster victims with emergency humanitarian aid.

OJ C 21, 25.1.1993

Macao

1.4.39. Council Decision 92/605/EEC on the conclusion of the trade and cooperation Agreement between the European Economic Community and Macao.

- Negotiating directives:** Bull. EC 4-1992, point 1.4.20
- Commission proposal for a Decision on conclusion of the Agreement:** OJ C 167, 4.7.1992; COM(92) 239; Bull. EC 6-1992, point 1.4.27
- Council decision concerning signature of the Agreement, subject to conclusion:** Bull. EC 6-1992, point 1.4.27
- Signing of the Agreement:** Bull. EC 6-1992, point 1.4.27
- Parliament opinion:** OJ C 337, 21.12.1992; Bull. EC 11-1992, point 1.4.38

Adopted by the Council on 14 December.

OJ L 404, 31.12.1992

Financial and technical cooperation

1.4.40. Project financing.

- Basic Regulation:** Council Regulation (EEC) No 443/92 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America: OJ L 52, 27.2.1992; Bull. EC 1/2-1992, point 1.4.40

Commission decisions: see Table 16.

Table 16 — *Project financing*

		<i>(million ECU)</i>
Country	Purpose	Amount (grant)
Panama	Social infrastructure microprojects, revolving credit fund, technical assistance and training	4.600
Bolivia	Emergency work to protect the town of Montero	0.970
	Consolidation of rural development programme	12.000
Costa Rica/Honduras/ Nicaragua	Support for an action programme for teenage girls and young single mothers	4.000
El Salvador	Support for a rural development programme in Chalatenango department	7.000
Venezuela/Ecuador/ Colombia/Peru	Support for the Vecep fisheries programme	20.000
Colombia	Support for the national sectoral adjustment programme for drinking water and basic sanitation	7.500
Peru	Support for disadvantaged rural communities in the Renom and Inka regions	10.000
Bangladesh	Integrated development projects combined with food aid (Infadep)	30.000
Pakistan	Support for an environmental rehabilitation project in the North-West Frontier Province and the Punjab	25.200
Philippines	Agricultural support programme on the island of Catanduanes	10.000
Thailand	Programme to rehabilitate the electricity network	3.000
Laos	Urgent protection of the Vientiane plain against flooding from the Mekong	2.100

ACP countries and OCTs

1.4.41. The European Council confirmed its commitment to improving living conditions in Africa and noted the role played by the European Community and its Member States in supplying humanitarian aid, above all to Somalia. In this connection it supported UN Security Council Resolution 794 authorizing UN member countries to use all necessary means to ensure the security of relief operations (→ point I.82).

Bilateral relations

Congo

1.4.42. Visit to the Commission by the President, Mr P. Lissouba, on 10 December.

Mr Lissouba saw Mr Marín, with whom he discussed the political situation in Congo following the dissolution of the National Assembly, democratic transition in Africa and possible adjustments in Community aid in view of developments in Congo.

Financial and technical cooperation

1.4.43. Financing of projects.

Commission decisions allocating a total of ECU 410 594 000 from the fifth, sixth and seventh EDFs (see Table 17).

Table 17 — *Financing of operations under the fifth, sixth and seventh EDFs**(million ECU)*

Country	Purpose	Amount	
		Grant	Special loan
	<i>Economic infrastructure</i>		
Tanzania	Telecommunications	25.000	—
Chad	Road maintenance	15.000	—
Congo/CAR	Maintenance of waterways	10.000	—
Guinea	Road infrastructure	50.000	—
	<i>Rural production</i>		
Guinea	Integrated projects, mainly agricultural	15.000	—
Sierra Leone	Integrated projects, mainly agricultural	14.300	—
Dominican Republic	Integrated rural development	23.610	—
New Caledonia	Agriculture	0.300	2.320
All ACP	Budget of the Technical Centre for Agricultural and Rural Cooperation	9.346	—
West Africa	Support for rice-growing research	2.500	—
	<i>Special programmes</i>		
West Africa	Campaigns to stamp out epidemic diseases (onchocerciasis)	7.000	—
Benin/Côte d'Ivoire/ Ghana/Guinea/ Guinea-Bissau	Desertification and drought control	12.100	—
	<i>Social development</i>		
Uganda	Development of human resources	14.500	—
Sahel countries	Campaigns against blindness	9.300	—
Cameroon	Support for health service	8.500	—
Sao Tomé & Príncipe	Water supply	3.900	—
Gabon	Primary schools	1.500	5.000
Anguilla	Water supplies	1.710	—
Mozambique	Support for rural health services	15.390	—
Malawi	Health	1.200	—
Cape Verde	Improved town planning	0.800	—
Swaziland	Population and demography	0.320	—
Angola/Mozambique	Trainmar naval training	0.950	—
Angola	Training in educational aids and equipment for use in vocational training	2.000	—
Southern Africa	Training programme in farm management	0.700	—
	<i>Trade promotion</i>		
Zambia	Boosting exports	10.000	—

General development cooperation

(million ECU)

Country	Purpose	Amount	
		Grant	Special loan
Central Africa All ACP	<i>Industrialization</i>		
	Industry/business forum	2.600	—
	Budget of the Centre for the Development of Industry	12.848	—
	<i>Other</i>		
Zimbabwe	Structural adjustment support	19.000	—
Sierra Leone	Structural adjustment support	20.000	—
Dominica	Structural adjustment support	2.000	—
Zambia	Sectoral import programme	60.000	—
Mozambique	Aid for elections	9.000	—
Caribbean States	Cariforum — General technical cooperation	1.900	—
	<i>Special aid</i>		
Mozambique	Rehabilitation (roads, water)	10.00	—
Mozambique	Reintegration of refugees and demobilized soldiers	11.000	—
	Total	403.274	7.320

General development cooperation

Generalized preferences

1.4.44. Council Regulation (EEC) No 3917/92 extending into 1993 the application of Council Regulations (EEC) Nos 3831/90, 3832/90, 3833/90, 3834/90, 3835/90 and 3900/91 applying generalized tariff preferences for 1991 in respect of certain products originating in developing countries, and adding to the list of beneficiaries of such preferences; Decision 92/584/ECSC of the representatives of the governments of the ECSC Member States, meeting within the Council, extending into 1993 the application of generalized tariff preferences for 1991 in respect of certain steel products originating in developing countries.

Regulations extended:

Council Regulations (EEC) Nos 3831/90 to 3834/90 (OJ L 370, 31.12.1990; Bull. EC 12-

1990, point 1.4.54), as last amended by Council Regulation (EEC) No 1509/92: OJ L 159, 12.6.1992; Bull. EC 6-1992, point 1.4.9

Council Regulation (EEC) No 3835/90 (OJ L 370, 31.12.1990; Bull. EC 12-1990, point 1.4.40), as last amended by Regulation (EEC) No 3587/91: OJ L 341, 12.12.1991; Bull. EC 12-1991, point 1.3.39

Council Regulation (EEC) No 3900/91: OJ L 368, 31.12.1991; Bull. EC 12-1991, point 1.3.42

Decisions extended: Decisions 90/672/ECSC and 90/673/ECSC of the representatives of the governments of the ECSC Member States, meeting within the Council (OJ L 370, 31.12.1990; Bull. EC 12-1990, points 1.4.54 and 1.4.40), as amended by Decision 91/634/ECSC of the representatives of governments of the ECSC Member States, meeting within the Council: OJ L 341, 12.12.1991; Bull. EC 12-1991, point 1.3.40

References:

Interim Agreement between the European Community and Bulgaria on trade and trade-related matters: point 1.4.12 of this Bulletin

Interim Agreement between the European Community and Romania on trade and trade-related matters: point 1.4.15 of this Bulletin

□ **Commission proposals:** OJ C 335, 18.12.1992; COM(92) 417; Bull. EC 10-1992, point 1.4.46

□ **Economic and Social Committee opinion:** OJ C 19, 25.1.1993; Bull. EC 11-1992, point 1.4.54

Supplementary proposal to withdraw Bulgaria and Romania from the lists of GSP beneficiaries adopted by the Commission on 18 December.

COM(92) 586

Adopted by the Council and by the representatives of the governments of the ECSC Member States on 21 December. The purposes of the Regulation and the Decision are as follow: to renew the existing generalized preferences arrangements until 31 December 1993; extend them to the independent States of the former Soviet Union; include Albania, Estonia, Latvia and Lithuania in the textile scheme; align the list of least-developed countries for GSP purposes on that of the United Nations, so including Liberia, Zaire, Madagascar, Zambia, Cambodia, the Solomon Islands and Vanuatu; and, with a view to the entry into force of the Interim Agreements on trade and trade-related matters between the Community and Bulgaria and Romania, remove these two countries from the list of GSP beneficiaries and restrict *pro rata*

the fixed amounts of textiles available for these countries in 1993.

OJ L 396, 31.12.1992

Commodities and world agreements

Wheat

1.4.45. International Wheat Council.

□ **Reference:** International Wheat Agreement, 1986: OJ L 195, 17.7.1986; Bull. EC 3-1986, point 2.2.35

Meeting held in London from 30 November to 2 December. The meeting, at which China was present as an observer, decided to extend from 1 July 1993 for a further two years the Wheat Trade Convention and Food Aid Convention that constitute the International Wheat Agreement.

Humanitarian aid

Food aid

Standard food aid

1.4.46. *Commission decisions:* see Table 18.

Table 18 — *Food aid*

Country/organization	Cereals (tonnes)	Powdered milk (tonnes)	Vegetable oil (tonnes)	Other products (million ECU)
Peru	—	1 125	—	—
Bolivia	—	600	—	—
Nicaragua	—	1 000	—	—
Ecuador	1 700	180	180	0.130
Egypt	120 000	—	8 000	1.0
UNHCR	19 560	—	—	—
WFP	69 546	3 000	1 480	0.86
ICRC	20 000	—	751	0.3548
NGOs	140 000	5 000	9 000	6.0

Storage programmes and early warning systems

1.4.47. *Commission decisions.* Grants of ECU 269 200 to Ethiopia via Euronaid, ECU 400 000 to Peru, ECU 355 000 to the FAO, ECU 31 800 to Bolivia via the FAO, and ECU

273 702 to Algeria, Kenya and Malawi, via the UNHCR.

Emergency aid

1.4.48. *Commission decisions:* see Table 19.

Table 19 — *Emergency aid*

		<i>(million ECU)</i>
Country	Purpose	Amount
Albania	Floods	0.5
Armenia and Azerbaijan	Internal clashes: displaced persons	0.5
Cuba	Medical programme	0.25
Indonesia (Flores island)	Earthquake	0.25
Israel and Libanon	Displaced Palestinians	0.25
Rwanda	Displaced persons	1.0
Former Yugoslavia	Fighting	0.959
Zimbabwe	Refugee camps — cholera epidemic	0.3

Aid to increase the self-sufficiency of refugees

1.4.49. *Commission decisions:* see Table 20.

Table 20 — *Aid to increase the self-sufficiency of refugees and displaced persons*

<i>(million ECU)</i>		
Country	Number of programmes	Total amount
Afghanistan	8	5.74
Asia/Latin America	1	0.35
Asia	1	0.74
Bangladesh	1	1.85
Cambodia	3	5.5
El Salvador	1	0.985
Guatemala	2	0.75
Indonesia	1	0.3
Iran	1	2.0
Malaysia	1	0.26
Mexico	2	0.75
Nepal	2	0.8
Pakistan	4	3.891
Philippines	1	0.11
Sri Lanka	2	1.2
Thailand	2	1.05

Commercial policy**General matters****Commercial policy instruments****Trade protection****Council anti-dumping measures**

1.4.50. Proposal for a Council Regulation extending the provisional anti-dumping duty on imports of certain types of electronic micro-circuits known as D-RAMs (dynamic random access memories) originating in the Republic of Korea.

□ **Reference:** Provisional duty: OJ L 272, 17.9.1992; Bull. EC 9-1922, point 1.3.58

Adopted by the Commission on 4 December.

COM(92) 541

1.4.51. Proposals for Council Regulations extending the provisional anti-dumping duty

on imports of deadburned (sintered) magnesia and imports of magnesium oxide originating in the People's Republic of China.

- **Reference:** Provisional duties: OJ L 282, 26.9.1992; Bull. EC 9-1992, points 1.3.59 and 1.3.60

Adopted by the Commission on 18 December.

COM(92) 596 and 597

1.4.52. Council Regulation (EEC) No 3642/92 imposing a definitive anti-dumping duty on imports of ferro-silicon originating in Poland and Egypt and authorizing the definitive collection of the provisional anti-dumping duty.

- **Commission proposal:** COM(92) 476; Bull. EC 11-1992, point 1.4.68

Adopted by the Council on 14 December.

OJ L 369, 18.12.1992

1.4.53. Proposal for a Council Regulation imposing a definitive anti-dumping duty on imports of outer rings of tapered roller bearings originating in Japan and definitively collecting the provisional anti-dumping duty.

- **References:**
Provisional duty: OJ L 199, 18.7.1992; Bull. EC 7/8-1992, point 1.4.76
Extension of provisional duty: OJ L 326, 12.11.1992; Bull. EC 11-1992, point 1.4.65

Adopted by the Commission on 15 December.

COM(92) 588

1.4.54. Proposal for a Council Regulation imposing a definitive duty on imports of synthetic fibres of polyesters originating in India and the Republic of Korea.

- **References:**
Provisional duty: OJ L 197, 16.7.1992; Bull. EC 7/8-1992, point 1.4.75
Extension of provisional duty: OJ L 326, 12.11.1992; Bull. EC 11-1992, point 1.4.66

Adopted by the Commission on 15 December.

COM(92) 590

Commission anti-dumping measures

1.4.55. Extension of anti-dumping proceeding concerning imports of hematite pig-iron, originating in the former Soviet Union, to

include imports of this product originating in Brazil and Poland.

- **Reference:** Initiation of proceeding: OJ C 246, 21.9.1991

Notice of extension: 3 December.

OJ C 322, 9.12.1992

1.4.56. Commission Decision 92/572/EEC accepting an undertaking by a Polish producer in connection with the anti-dumping proceeding concerning imports of ferro-silicon originating in Poland and Egypt.

- **References:**
Provisional duty: OJ L 183, 3.7.1992; Bull. EC 6-1992, point 1.4.57
Extension of provisional duty: OJ L 281, 25.9.1992; Bull. EC 9-1992, point 1.3.51

Adopted by the Commission on 14 December.

OJ L 369, 18.12.1992

1.4.57. Review of measures imposing a definitive anti-dumping duty on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey and collecting definitively the provisional duty.

- **Reference:** Definitive duty: OJ L 88, 3.4.1992; Bull. EC 3-1992, point 1.3.57

Notice of initiation: 16 December.

OJ C 339, 22.12.1992

Community surveillance measures

1.4.58. Proposal for a Council Regulation establishing Community statistical surveillance for certain agricultural products originating in Cyprus, Egypt, Jordan, Israel, Tunisia, Syria, Malta, Morocco and Lebanon which are subject to reference quantities.

Adopted by the Commission on 14 December.

COM(92) 556

1.4.59. Commission Recommendation No 3772/92/ECSC on automatic prior surveillance of imports of certain iron and steel products covered by the ECSC Treaty originating in non-member countries.

□ **Reference:** Commission Recommendation No 3909/91/ECSC: OJ L 370, 31.12.1991; Bull. EC 12-1991, point 1.3.78

Adopted by the Commission on 22 December. The system set out in Recommendation No 3909/91/ECSC for the surveillance of imports of certain ECSC products originating in non-Community countries other than EFTA member countries is to be extended for 1993, and at the same time adapted to the single market.

OJ L 383, 29.12.1992

1.4.60. Commission Decision No 3773/92/ECSC introducing retrospective Community surveillance of imports of iron and steel products covered by the ECSC Treaty originating in third countries.

Adopted by the Commission on 22 December.

OJ L 383, 29.12.1992

Export credits

1.4.61. Proposal for a Council Decision on coordination and information procedures in matters of officially supported export credits, credit insurance, credit guarantees and financial credits.

Adopted by the Commission on 1 December. A formal procedure is to be established for consulting the Member States in order to formulate common Community positions in discussions within the OECD on export credits.

OJ C 344, 29.12.1992; COM(92) 502

1.4.62. Council Decision extending the Decision of 4 April 1978 on the application of certain guidelines in the field of officially supported export credits.

□ **Commission proposal:** COM(92) 389; Bull. EC 10-1992, point 1.4.72

Adopted by the Council on 14 December. The Arrangement on guidelines for export credits is to be extended for an unlimited period.

Individual sectors

1.4.63. Parliament resolution on the external aspects of the European Community's industrial policy.

Adopted by Parliament on 17 December. Parliament considered that the United States' decision to apply anti-dumping measures to imports of steel products distorted the spirit of the rules of international competition, and would severely penalize the European industry. It also noted that the opening-up on 1 January 1993 of public procurement in telecommunications to competition from other countries had not been accompanied by any undertakings from the latter as to observance of the principle of reciprocity. It asked the Commission to take appropriate measures in response to this weakening of European industry's position.

OJ C 21, 25.1.1993

Steel

1.4.64. Council conclusions concerning US anti-dumping and countervailing actions.

□ **Reference:** Council conclusions, 6 October 1992; Bull. EC 10-1992, point 1.4.73

Adopted by the Council on 7 December.

'The Council, recalling and reaffirming its conclusions on 6 October concerning the numerous anti-dumping and countervailing actions filed in the US against steel imports, notes with grave concern the US Government decision of 30 November to impose provisional countervailing duties on certain flat steel products from the European Community and elsewhere. For some Community exporters, this has resulted in very high countervailing margins.

The Council is deeply concerned by the effect that the closure of a large segment of the US market to a significant volume of steel trade would have on the Community steel industry, which is already severely hit by crisis. The Council once more strongly urges the US Government to join its main steel trading partners in working to establish a multilateral steel arrangement that is both fair and liberal.

Given the political importance of the issue, the Council invites the Commission to take up the steel issue at political level with the US Government in order to obtain the withdrawal of the anti-dumping and countervailing actions and in the meanwhile to analyse as rapidly as possible the compatibility of the US approach with the GATT subsidies code.'

Textiles

1.4.65. Proposal for a Council Regulation on common rules for imports of textile products

from certain non-Community countries initially covered by Council Regulations (EEC) Nos 288/82, 1765/82, 1766/82 and 3420/83.

References:

Council Regulation (EEC) No 288/82: OJ L 35, 9.2.1982

Council Regulation (EEC) No 1765/82: OJ L 195, 15.7.1982

Council Regulation (EEC) No 1766/82: OJ L 195, 15.7.1982

Council Regulation (EEC) No 3420/83: OJ L 346, 8.12.1983

Adopted by the Commission on 15 December. The common rules for the import of textiles, as contained in Regulations (EEC) Nos 288/82, 1765/82, 1766/82 and 3420/83, are to be replaced by uniform, simplified rules applicable to all non-Community countries.

COM(92) 543

1.4.66. Council Decision 92/625/EEC concerning the provisional application of the agreements between the Community and certain non-Community countries on international trade in textiles.

Proposal adopted by the Commission on 16 December.

Adopted by the Council on 21 December. The agreements on trade in textile products negotiated with certain non-Community countries are to be applied provisionally pending their formal conclusion, subject to reciprocal provisional application by the countries concerned.

OJ L 410, 31.12.1992

1.4.67. Council Decision 92/606/EEC on the conclusion of the Agreement in the form of an exchange of letters amending the Agreement between the Community and the People's Republic of Bangladesh on trade in textiles.

Reference: Trade cooperation Agreement between the Community and Bangladesh: OJ C 319, 19.11.1976

Proposal adopted by the Commission on 10 December.

COM(92) 549

Adopted by the Council on 30 December. Surveillance is to be set up to provide a double check on imports of textiles in categories 4 (T-

shirts), 6 (woven trousers) and 8 (men's woven shirts) in order to eliminate circumvention of the provisions of the Agreement between the Community and Bangladesh.

OJ L 405, 31.12.1992

1.4.68. Council Regulation (EEC) No 3951/92 on arrangements for imports of certain textile products originating in Taiwan.

Reference: Council Regulation (EEC) No 4134/86 on the arrangements for imports of certain textile products originating in Taiwan (OJ L 386, 22.12.1986), as last amended by Regulation (EEC) No 344/92: OJ L 42, 18.2.1992

Proposal adopted by the Commission on 22 December.

COM(92) 584

Adopted by the Council on 30 December. The rules governing trade in textiles with Taiwan, which were due to lapse, are to be extended for the period 1993-95.

OJ L 405, 31.12.1992

1.4.69. Council Decision authorizing the Commission to open negotiations with a view to concluding an additional textile protocol with Bulgaria and Romania.

Recommendation for a Decision: Bull. EC 11-1992, point 1.4.80

Adopted by the Council on 14 December.

Other products

1.4.70. Council conclusions on the Convention on Chemical Weapons.

Commission proposal: Bull. EC 7/8-1992, point 1.4.99

Adopted by the Council on 21 December.

'The Council of the European Communities, noting:

the importance attached by the Community and its Member States to the conclusion of the Convention on Chemical Weapons;

that certain provisions of proposed Articles VI and XI of the draft Convention relate to controls upon trade in chemical precursors which could potentially have implications for the free movement

of goods among Member States and the Community's trade policy;

that all Member States have indicated their intention to become party to the Convention;

requests the Member States to ensure, by whatever means is appropriate, that the provisions of proposed Articles VI and XI are applied consistently with the rules of the Community concerning the free movement of goods among Member States and trade policy.

Recommends that the Member States coordinate the dates of their signature and eventual ratification of the Convention.'

International organizations and conferences

General Agreement on Tariffs and Trade

1.4.71. The European Council welcomed the resumption in Geneva of the Uruguay Round negotiations and reaffirmed its commitment to a comprehensive and balanced agreement (→ point I.7).

1.4.72. Meeting of Contracting Parties.

Previous meeting: Bull. EC 12-1991, point 1.3.94

48th session, held in Geneva on 2 and 3 December. Discussion centred on the progress of the multilateral Uruguay Round negotiations.

1.4.73. Parliament resolution on the draft arrangement between the Community and the USA on agricultural produce in the context of the GATT negotiations.

Reference: Ministerial meeting between the Community and the United States: Bull. EC 11-1992, point 1.4.83

Adopted by Parliament on 17 December. Parliament pointed out that the draft arrangement

reached by the Community and the United States at the ministerial meeting of 19 November dealt with only one aspect of the Uruguay Round negotiations and was valid only as part of a comprehensive agreement. It hoped that the arrangement between the Community and the USA on agriculture, assuming it was compatible with the reformed CAP, would permit the immediate resumption of multilateral negotiations and enable all parties to the negotiations to achieve comprehensive and balanced results.

OJ C 21, 25.1.1993

Conference on Security and Cooperation in Europe

1.4.74. Council of Foreign Ministers.

Reference: Helsinki summit: Bull. EC 7/8-1992, point 1.4.100

Previous meeting: Bull. EC 1/2-1992, point 1.4.104

Third meeting, held in Stockholm on 14 and 15 December. Mr Andriessen attended this meeting, at which the ministers took stock of CSCE activities since the Helsinki summit, and in particular its role in the crises in the Balkans and the south of the former Soviet Union and the situation in the Baltic States. They approved a statement on the former Yugoslavia, in which they expressed their intention to strengthen the CSCE's activities in all parts of the region.

They also confirmed their intention of cooperating with international organizations, notably the United Nations. Acknowledging that the CSCE's structures and institutions had to be equal to the challenges facing it, they decided, among other things, to appoint a CSCE Secretary General to help the country taking the chair and coordinate the work of the CSCE secretariats in Prague and Vienna.

They also decided to admit the Czech Republic and Slovakia to the CSCE, bringing to 53 the number of participating countries.

European Bank for Reconstruction and Development

General

1.4.75. The Bank adopted a strategy paper on operations in Armenia and Georgia, which had become members of the Bank following the dissolution of the Soviet Union. The Board of Directors also recommended Croatia's admission to the Bank's Board of Governors.

Financing

1.4.76. Projects approved by the Board of Directors do not take effect until the loan or shareholding agreement is signed with the recipient.

Consequently, since the month of October, EBRD loans have no longer been mentioned in the Bulletin on the basis of the date of approval but of that of signature.

References to the signing of agreements for loans will temporarily be accompanied by a reference to the Bulletin mentioning the approval of the loan by the Board of Directors.

Poland

1.4.77. Loan to the ABB Dolmel joint venture.

Approval by the Board: Bull. EC 4-1992, point 1.4.57

The Bank signed a loan agreement for ECU 5.4 million to finance an industrial investment programme.

1.4.78. Loan to Pubrex.

Approval by the Board: Bull. EC 4-1992, point 1.4.58

The Bank signed a loan agreement for DM 11 million for the installation and fitting-out of a soft drinks plant.

1.4.79. Loan to the government for housing construction.

Approval by the Board: Bull. EC 7/8-1992, point 1.4.104

The Bank signed a loan agreement for ECU 55 million to finance a mortgage fund offering building loans for new housing.

1.4.80. Loan to the Huta Sandomierz Pilkington joint venture.

The Bank granted a loan of ECU 27.4 million to a joint venture between the British firm Pilkington and the Polish government. This loan will help the privatization of the Huta Sandomierz glass factory. The present plant will be shut down as soon as the new float plant, which the loan will help finance, comes fully on stream. This will be the first Polish plant to produce glass using Pilkington's float method, which has gradually been adopted by all Western producers.

Hungary

1.4.81. Loan to the Carbon Black joint venture.

The Bank granted a loan of ECU 8.6 million to a Hungaro-American joint venture for the construction of a carbon black factory in Hungary. The Hungarian partner TVK is one of the country's leading chemical firms. The biggest shareholder will be Columbian International Chemicals Corporation, which will hold 60% of shares in the joint venture. Part of the output will be exported to Central and Eastern Europe.

Bulgaria

1.4.82. Loan to the government for transit roads.

The Bank granted a loan of ECU 35 million to the Bulgarian government to improve the main road transit routes through Bulgaria, and in particular the trans-European motorway. The authorities will be introducing tolls to cover part of this investment. This is a joint operation with the EIB.

Albania

1.4.83. Loan for the extension of the telephone network.

The Bank granted a loan of ECU 7.4 million to help finance a project to extend and modernize Albania's telephone network. The loan will help bring the density of what is currently Europe's sparsest network, with 1.45 lines per 100 inhabitants, up to 2.45 lines. A programme of hands-on technical assistance is planned to support this operation.

Baltic States

1.4.84. Loan for an emergency energy programme.

The Bank granted a loan of ECU 32.3 million to Latvia to finance a programme of emergency investment aimed at improving supply and saving energy. Similar loans of ECU 39.1 million and ECU 37.4 million were granted to Estonia and Lithuania respectively. Each of these loans incorporates a technical assistance component, for which Phare funding is planned. Where appropriate, the loans will be reduced accordingly.

Human rights in the world

Cameroon

1.4.85. Parliament resolution on human rights in Cameroon.

Adopted by Parliament on 17 December. Parliament called on the Commission to conduct an immediate inquiry into human rights in Cameroon and to report its findings. It urged the Council to make it clear to the authorities that such violations could harm cooperation between the Community and Cameroon. It urged the country's authorities to put an end to torture and other forms of inhuman treatment in prisons and military hospitals and expressed its belief that democratic dialogue,

leading as soon as possible to fresh presidential elections, monitored by international observers, offered the only solution to the prevailing conflict.

OJ C 21, 25.1.1993

China

1.4.86. Parliament resolution on the situation in Tibet.

□ **Reference:** Parliament resolution on human rights in China and Tibet: OJ C 67, 16.3.1992; Bull. EC 1/2-1992, point 1.4.111

Adopted by Parliament on 15 December. Parliament condemned the human rights violations committed against the Tibetan people and called on the People's Republic of China to respect human rights as defined by international law. It demanded the release of all political prisoners and a halt to torture and intimidation in Tibet, and urged the Chinese Government to invite a neutral and impartial institution such as the International Committee of the Red Cross to visit all detention centres and prisoners. It called for an immediate halt to the environmental destruction and economic exploitation perpetrated by the Chinese in Tibet, and to the policy of promoting the large-scale settlement of Chinese in Tibet. It appealed for an end to discrimination against Tibetans in health and education services and advocated the lifting of all measures restricting their freedom of movement. It called upon the Commission to make the granting of assistance to China conditional on the observance of fundamental rights and freedoms and to ensure that an appropriate percentage of funds was allocated to Tibet.

OJ C 21, 25.1.1993

Cuba

1.4.87. Parliament resolution on the continued imprisonment of Maria Elena Cruz Varela.

Adopted by Parliament on 17 December. Parliament called on the Cuban Government to release immediately Mrs Cruz Varela, who was sentenced on 27 November 1991 by summary

procedure to two years imprisonment for 'disrespect for the institutions of Cuba', 'insulting the heroes of Cuba' and 'illegal association'. It urged the ministers meeting in European political cooperation to make plain to the Cuban government their anxiety about this case and that of other political prisoners, and to stress that development of the Community's relations with Cuba would depend on the respect shown for human rights.

OJ C 21, 25.1.1993

1.4.88. Parliament resolution on violations of human rights in Cuba.

Adopted by Parliament on 17 December. Parliament called on the President of the Cuban State Council to release all political prisoners and stated its wish to cooperate in normalizing political and economic life on the island as soon as the Cuban government made moves towards recognizing in full the rights acknowledged in international human rights conventions.

OJ C 21, 25.1.1993

India

1.4.89. Parliament resolution on the violent repercussions of the demolition of the Babri mosque in Ayodya, India.

Adopted by Parliament on 17 December. Parliament expressed its shock at the loss of life following the events in Ayodya and condemned the irresponsible behaviour of religious fundamentalists. It expressed support for all those in India who, by upholding the principles of tolerance, non-violence and democratic secularism, defended the foundations of the State, and called on political and religious organizations in India, Pakistan and Bangladesh to avoid statements and acts that might serve as a pretext for violence or revenge.

OJ C 21, 25.1.1993

Indonesia

1.4.90. Parliament resolution on East Timor.

Adopted by Parliament on 17 December. Parliament called for the immediate and uncon-

ditional release of all Timorese political prisoners and for immediate access to East Timor and to Indonesian prisons by representatives of the UN Commission on Human Rights and Amnesty International. It warned Indonesia of the consequences that repeated violations of human rights and international law might have for relations with the Community.

OJ C 21, 25.1.1993

Russia

1.4.91. Parliament resolution on the disappearance of Raoul Wallenberg.

Adopted by Parliament on 17 December. Parliament called on the Russian Government to allow representatives of the Wallenberg family, the International Committee of Inquiry into the fate and whereabouts of Raoul Wallenberg and the Swedish Government to have access to all the documents concerning the cases of Mr Wallenberg and his driver Mr Langfelder. It called on the Foreign Ministers meeting in European political cooperation to take the matter up with the Russian Government.

OJ C 21, 25.1.1993

Former Yugoslavia

1.4.92. Parliament resolution on the rape of women in the former Yugoslavia.

Adopted by Parliament on 17 December. Parliament roundly condemned the detention and systematic rape of Muslim women in Bosnia-Herzegovina and called for the rapes to be regarded as war crimes and for those responsible to be brought to trial and the victims compensated. It called on the Member States to make provision for the reception of war victims, especially women and children, and on the Commission and Council to make funds available to establish reception centres for women in their countries of origin or in the Member States. It also called for a joint Council and Parliament delegation to travel to the region to assess the situation and report back to Parliament.

OJ C 21, 25.1.1993

Zaire

1.4.93. Parliament resolution on the situation in Zaire.

Adopted by Parliament on 17 December. Parliament strongly condemned President Mobutu's efforts to destabilize the government of his own country. It called on the Commission, the Council, the governments of the Member States and the United States to take all appropriate measures to isolate the President of Zaire and his military, political and diplomatic apparatus. It called on the Commission to step up development cooperation with Zaire on the basis of the requests made by the Zairean Government, giving priority to support for local organizations and programmes to consolidate democratic processes, and to draw up a programme of institutional support for Zaire with a view to overseeing further moves towards democracy.

OJ C 21, 25.1.1993

Mines

1.4.94. Parliament resolution on the injuries and loss of life caused by mines.

Adopted by Parliament on 17 December. Conscious of the injuries and loss of life caused by mines in Afghanistan, Angola, Cambodia, Iraqi Kurdistan, Mozambique, Laos and Somalia, in certain parts of Central America and, more and more frequently, in Bosnia-Herzegovina, and the fact that most victims are civilians, including thousands of children, Parliament called on the Member States which were members of the United Nations Security Council to raise the issue so that mine clearance was regarded as a problem of the utmost urgency. It stressed the need to guarantee the special military units and the NGOs involved in mine clearance the resources needed to continue their work and to increase those resources as further qualified staff became available.

OJ C 21, 25.1.1993

Sakharov Prize

1.4.95. On 17 December Parliament awarded its Sakharov Prize for freedom of thought to the Argentine Association of the Mothers of

the Plaza de Mayo, whose activities had shaken the country's dictatorship. The prize was given by Mr Klepsch, President of Parliament, to Mrs Hebe de Bonafini, President of the Association.

Diplomatic relations

1.4.96. The following ambassadors, whose appointments took effect on the dates shown, presented their letters of credence to the President of the Council and the President of the Commission:

7 December

HE Mr Arthur Henry Thompson, Head of Mission of Jamaica to the European Economic Community;

14 December

HE Mr Rafat Mahdi, Head of Mission of the Islamic Republic of Pakistan to the European Communities;

HE Mr Roberto Smith-Perera, Head of Mission of the Republic of Venezuela to the European Communities;

HE Mr Patricio Leiva-Lavalle, Head of Mission of the Republic of Chile to the European Communities;

HE Mr Claudio Riegel Telge, Head of Mission of the Republic of Guatemala to the European Communities;

HE Mr Boris Cizelj, Head of Mission of the Republic of Slovenia to the European Communities;

HE Mr Ante Cicin-Sain, Head of Mission of the Republic of Croatia to the European Communities;

HE Mr György Granasztói, Head of Mission of the Republic of Hungary to the European Communities.

The Head of Mission of the Republic of Croatia is the first ambassador from that country to be accredited to the European Communities. This brought the number of diplomatic missions to 150.

5. Intergovernmental cooperation

European political cooperation

1.5.1. The joint statements adopted and published in December are reproduced below in chronological order.

Cambodia

1.5.2. The following joint statement on the detention of Untac officers was published in London and Brussels on 2 December:

'The Community and its Member States strongly condemn this latest attempt by the Khmer Rouge to undermine Untac's work in Cambodia. They call for the immediate release of the six UN military personnel currently being held by the Khmer Rouge in the Kompong Thom area, and an immediate end to such activities. They further call on the Khmer Rouge to honour fully its obligations under the Paris Agreements.'

Zaire

1.5.3. The following joint statement was published in London and Brussels on 4 December:

'The Community and its Member States have noted with grave disquiet the Presidential decrees communicated on 1 December concerning the unilateral dismissal of the transitional government.

The Community and its Member States reiterate their support for the Prime Minister elected by the Sovereign National Conference and the government which emerged from the Sovereign National Conference. The Community and its Member States attach the utmost importance to the completion of the democratic process centred on the Sovereign National Conference. They condemn any initiative or act of violence which in any way impedes the non-conflictual development of this process.'

Somalia

1.5.4. The following joint statement was published in London and Brussels on 7 December:

'The humanitarian crisis in Somalia continues to cause the gravest concern. The increasing looting of aid supplies and obstruction to their distribution cannot be accepted.

The Community and its Member States fully support the adoption on 3 December of UNSCR 794, which constitutes an important development in international law, since it authorizes the UN Secretary-General and member States to cooperate to provide for a multinational force to establish a secure environment for the delivery of emergency and relief supplies. They welcome the humanitarian efforts made by the Community and its Member States and the contributions of a number of Member States to the force as a European initiative. The swift deployment of the force is vital to the success of the efforts of NGOs and international agencies to bring food to the starving in conditions of security. They attach particular importance to ensuring the safety of the personnel involved in the relief effort.

The Community and its Member States reaffirm their full support for existing UN operations and the efforts by Ambassador Kittani. They hope that the implementation of UNSCR 794 will encourage national reconciliation that will lead to a lasting political settlement.'

Iraq

1.5.5. The following joint statement was published in London and Brussels on 9 December:

'On 7 December, the Foreign Affairs Council approved a Council Regulation prohibiting the satisfying of Iraqi claims with regard to contracts and transactions whose performance was affected by United Nations Security Council Resolution 661 (1990) and related resolutions.

The Community and its Member States note with concern Iraq's persistent failure to comply with its obligations under SCR 687 and other relevant resolu-

utions of the UN Security Council. The Community and its Member States underline the importance of paragraph 29 of SCR 687 and agree that Iraq must comply in full with the provisions of operative paragraph 29 of SCR 687, whether by legislation, renouncing claims, returning bonds cancelled to their originators or otherwise releasing parties to contracts and transactions from obligations under them. The Community and its Member States consider that, in deciding whether to reduce or lift measures taken against Iraq, pursuant to paragraph 21 of SCR 687, particular account must be taken of any failure by Iraq to comply with paragraph 29 of the same resolution. Iraq should not expect such measures to be reduced or lifted in the absence of full compliance with paragraph 29.'

Human rights

1.5.6. The following joint statement on the activity of the Community and its Member States in the field of human rights in 1992 was published in London and Brussels on 11 December:

□ **References:**

Joint statement of 21 July 1986 on human rights: Bull. EC 7/8-1986, point 2.4.4

Luxembourg European Council declaration of 29 June 1991 on human rights: Bull. EC 6-1991, points I.33 and I.45

Council resolution of 28 November 1991 on human rights, democracy and development: Bull. EC 11-1991, point 1.3.67

Council declaration of 18 November on aspects of development cooperation policy in the run-up to 2000: Bull. EC 11-1992, point 1.4.47

'The ministerial statement of 21 July 1986, the European Council declaration on human rights of June 1991, and the Development Council resolution of November 1991 define the basic principles and policies of the European Community and its Member States on human rights. Through the action they have taken during 1992, the Community and its Member States have reaffirmed their belief that the respect, promotion and safeguarding of human rights is an essential part of international relations. It forms one of the cornerstones of European cooperation and is an important aspect of relations between the European Community and its Member States, and other countries. This principle has been followed in the definition of guidelines for recognition of new States, and in the updating of documents setting out the terms of the Community's

formal relations with other countries and groups of countries.

The European Parliament has continued to play a significant role in raising public awareness, within and outside the European Community. By making use of the means at its disposal, and in particular by resolutions, parliamentary questions, and through the activities of its subcommittee on human rights, it has made a distinctive contribution to the promotion of respect for human rights.

The Community and its Member States refuse to accept that State sovereignty can permit any country to carry out violations of human rights. On the contrary, they insist that the promotion and safeguarding of human rights and fundamental freedoms is a legitimate and permanent duty of the world community. In their paper on preventive diplomacy, peace-making and peace-keeping submitted to the United Nations Secretary-General, the Community and its Member States stressed their growing concern at the lack of democracy in the world, at the massive violations of human rights which continue to take place and at the great number of internal conflicts. They called for specific measures to promote democracy, prevent human rights violations and put an end to internal disputes.

In addition to action at the UN General Assembly and the Commission on Human Rights, the Community and its Member States have issued over 100 declarations and statements on specific human rights problems in 1992. These expressions of concern have concerned, for example, the situations in the former Yugoslavia and the former Soviet Union, Peru, Sudan, East Timor and Burma. They have been given wide publicity and have been drawn to the direct attention of governments concerned, in the hope that this will bring about improvements in respect for human rights.

The Community and its Member States wish to pay tribute to those who suffer in the struggle for human rights, for their relentless and courageous efforts. During the last year, over 100 direct approaches have also been made to governments by the Community and its Member States, to support those efforts and to raise specific human rights issues. The confidential nature of these approaches is designed to foster constructive dialogue while protecting the interests of the victims of human rights violations, and human rights activists.

The Community and its Member States have welcomed the report by the Commission on the implementation of the Development Council resolution on human rights, democracy and development of November 1991. They emphasize that a positive

approach, coupled with open and constructive dialogue, will continue to receive a high priority. On 18 November 1992, the Development Council agreed on practical arrangements to facilitate coordination of development policy in this area. This will further enhance the implementation of the 1991 resolution.

The integration of human rights issues in political and economic relations, and in development cooperation with third countries, has increased. Human rights is now routinely addressed in cooperation agreements and specific human rights situations are discussed at consultative meetings. Direct support is given to human rights and democratization initiatives around the world, of which the many electoral assistance projects in which the EC is involved are the most obvious.

Over the last year positive changes have taken place in respect for human rights, and in particular in the respect for democratic freedoms. However, the overall situation still gives rise to concern: new-found freedom and extreme nationalism have combined to release waves of racism, xenophobia and ethnocentrism. This has led to political violence in many countries. The Community and its Member States have firmly condemned these manifestations, and will make every effort to discourage them wherever they may occur.

The flagrant and continuing violation of basic human rights and humanitarian law in the former Yugoslavia continues to be of particular concern to the Community and its Member States. They condemn such abuses unreservedly: the international community must not acquiesce in the results of the policy and practice of 'ethnic cleansing', for which the Serbian authorities bear primary responsibility. They have strongly supported the appointment of the UN Special Rapporteur, fully endorse his recommendations on human rights, and welcome the call at the recent extraordinary session of the Commission on Human Rights for his work to continue. They also strongly support the CSCE decision to send fact-finding missions to the former Yugoslavia, to investigate allegations of human rights abuse. The Community and its Member States, together with the United States, invoked the human dimension mechanism of the CSCE, to investigate atrocities in Croatia and Bosnia.

The Community and its Member States are very pleased that the Third Committee at the UN General Assembly approved the agenda for the World Conference on human rights by consensus on 4 December. The Community and its Member States continue to believe that the World Confer-

ence, which will take place in June 1993 in Vienna, is an important opportunity for the world community to pursue a constructive dialogue on ways and means of confirming the universality of human rights, improving their implementation and thereby helping to promote progress in development. They remain committed to a successful outcome of the Conference, including a focus on practical measures in support of efforts by individual countries to improve respect for human rights.'

India

1.5.7. The following joint statement was published in London and Brussels on 11 December:

'The Community and its Member States express concern at the loss of life in India and elsewhere as a result of recent violence following the deliberate destruction of the Babri Mosque at Ayodhya, an ancient place of worship. They condemn those responsible for provoking violence and support the appeal by the Indian Prime Minister for calm. They hope that measures announced by the Indian Government will help calm the situation. They also support the principle of protecting religious minorities and they urge Hindu and Muslim communities everywhere, including in Member States of the European Community, to show restraint and to avoid further provocations or reprisals.'

Haiti

1.5.8. The following joint statement was published in London and Brussels on 15 December:

'The Community and its Member States firmly condemn the recent kidnappings and murders in Haiti and, more generally, the repeated violations of human rights there. The Community and its Member States note that these serious violations are exacerbating the illegal situation created by the *coup d'état* of 30 September 1991 and demand a return to constitutional order.'

Israel and the Occupied Territories

1.5.9. The following joint statement was published in London and Brussels on 18 December:

'The Community and its Member States firmly condemn the Israeli decision to deport more than 400 Palestinians. They regret that the Israeli authorities failed to respond to the Presidency's appeal not to pursue the policy of deportations, which is a violation of the Fourth Geneva Convention and, in this case, an infringement of the sovereignty of Lebanon. They urge the Israeli authorities to allow the deportees to return immediately. Recent events underline the fact that the peace process is the only way to resolve the problems of the region. The European Community and its Member States call on all parties to redouble their efforts to negotiate a just, lasting and comprehensive settlement.'

Cuba

1.5.10. The following joint statement was published in London and Brussels on 22 December:

'The Community and its Member States have on a number of occasions drawn to the attention of the Cuban authorities the importance which they attach to respect for human rights and fundamental freedoms, in accordance with the Universal Declaration of Human Rights and other international agreements and undertakings to which Cuba has subscribed.

They have made known their concerns in private exchanges with the Cuban authorities, in public statements and in multilateral fora such as the United Nations Commission on Human Rights and the United Nations General Assembly. However, they note with deep disappointment the negative response of the Cuban authorities to a recent *démarche* made by EC troika Heads of Mission in Havana on the case of Sebastian Arcos. This unsatisfactory reaction and the recently increased harassment of human rights activists, in particular Elizardo Sanchez and Yanez Pelletier, can only reinforce the concerns of the Community and its Member States over human rights in Cuba.'

Other intergovernmental cooperation

1.5.11. The European Council noted that it would not be possible to introduce completely

free movement of persons on 1 January 1993 and reviewed the work remaining to be carried out. On the other hand, it welcomed the progress made in connection with the programme of work on immigration and the right of asylum and called for the Europol drugs unit to be established without delay (→ point I.11).

1.5.12. Six-monthly meeting of ministers responsible for immigration.

References:

Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities: Bull. EC 6-1990, point 2.2.2

Commission communication on the abolition of border checks: Bull. EC 5-1992, point 1.1.7

Previous meeting: Bull. EC 6-1992, point 1.5.13

Meeting held in London on 30 November and 1 December.

This meeting was chaired by Mr Clarke, the United Kingdom Home Secretary, and was attended by Mr Bangemann, Commission Vice-President. With a view to the forthcoming Edinburgh European Council the ministers discussed the developments due to take place in 1993 at the Community's internal borders. As part of the implementation of the programme of work on immigration and asylum, the ministers approved a recommendation on Member State practice in the matter of deportation of non-Community nationals illegally present on a Member State's territory, and a further recommendation on transit in cases involving deportation. They also adopted a resolution on manifestly unfounded requests for asylum and examined the possibility of making the provisions mandatory by means of a convention. A further resolution on the initial host country was adopted and the ministers approved a report on non-Community countries where there was not normally any serious danger of persecution. They also approved the establishment of a Centre for information, research and exchange on cross-border movements at external frontiers and immigration, and adopted conclusions on the position of persons made homeless by the fight-

ing in the former Yugoslavia. Lastly, they expressed themselves as deeply disappointed at the continuation of the difficulty concerning Gibraltar between Spain and the United Kingdom, which since July 1991 had been holding up signature of the draft Convention on the crossing of external borders.

1.5.13. Trevi Group.

- **Previous meeting:** Bull. EC 6-1992, point 1.5.14

Meeting held in London on 30 November and 1 December. The whole of this meeting of ministers responsible for internal security matters, at which the Commission was represented, was devoted to examination of the draft ministerial agreement establishing the European Drugs Unit (EDU). It proved impossible to sign the agreement, however, because of differences of view on the provisional location of the EDU and the appointment of its provisional coordinator, these two matters being referred to the European Council.

6. Financing Community activities

Budgets

1.6.1. The European Council reached agreement on the financing of the Community over the period 1993-99 and on the breakdown of appropriations between the various categories of expenditure. It asked the Council Presidency to reach agreement on the 1993 budget on a basis consistent with this decision. It also pointed to the need for strict application of budgetary discipline (→ point I.60).

Own resources

1.6.2. Commission report on the application of Council Regulation (EEC, Euratom) No 1552/89 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources — Proposal for a Council Regulation amending Regulation (EEC) No 1552/89 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources.

References:

Regulation (EEC, Euratom) No 1552/89, of 29 May 1989: OJ L 155, 7.6.1989; Bull. EC 5-1989, point 2.5.1

Decision 88/376/EEC on the system of the Communities' own resources: OJ L 185, 15.7.1988; Bull. EC 6-1988, point 2.3.5

Adopted on 11 December. Regulation (EEC, Euratom) No 1552/89 implementing the own resources Decision has improved the procedures in Member States for handling Community revenue and given the Commission the means to exercise more effective management and control by defining the concept of establishment, introducing separate accounts for own resources which are not made available immediately and reinforcing the Commission's right to information and independent on-the-spot inspections.

In accordance with this Regulation, the Commission has presented a report analysing the difficulties which still exist in the procedures for collecting own resources. It proposes a number of amendments to the rules to prevent these disparities resulting in unequal treatment of taxpayers and diversions of trade. The most important changes are designed:

to define the date of establishment more closely;

to ensure that the accounting statements sent by the Member States have a standard form and content;

to introduce more effective penalties for delays in making available amounts due;

to provide for more uniform information on fraud.

COM(92) 530; OJ C 26, 29.1.1993; COM(92) 519

General budget

Budgetary procedures

1993 procedure

1.6.3. 1993 budget.

Preliminary draft budget: Bull. EC 5-1992, point 1.4.3

Council first reading: Bull. EC 7/8-1992, point 1.6.3

Parliament first reading: OJ C 305, 23.11.1992; Bull. EC 10-1992, point 1.6.2

Second reading by the Council: Bull. EC 11-1992, point 1.6.2

Parliament resolution of 17 December. After a triilogue meeting, Parliament adopted the general budget for 1993 second reading. The budget contains ECU 69 058 million in appropriations for commitments (8.06% up on 1992) and ECU 65 523 million in appropriations for payments (7.24% up).

Detailed analysis by financial perspective heading reveals a number of salient features. In heading 1 (Common agricultural policy) the EAGGF's budgetary framework differs from previous years in two basic respects. First, it incorporates the initial effects of the reform of the CAP and, second, the heading has been redefined to include expenditure on fisheries and income aid as well as all the expenditure under the reformed CAP. The appropriations entered in the budget come to ECU 34 052 million (up by 5.1%), leaving a margin of ECU 2 605 million below the ceiling of the financial perspective (agricultural guideline). In heading 2 (Structural operations) the ECU 22 178 million entered in the 1993 budget (19.5% more than in the 1992 budget) will be sufficient to set up a Cohesion Fund with ECU 1 565 million in commitment appropriations and ECU 1 000 million in payment appropriations, complete the doubling of the structural Funds (1993 being the final year for doubling the allocation as decided in 1988) and introduce the Konver operation (as a Community initiative for the conversion of the arms industry) with an allocation of ECU 130 million. The margin still available beneath the ceiling for the heading decided in Edinburgh comes to ECU 14 million. In heading 3 (Internal policies), which covers policies considered decisive in creating a favourable environment for the competitiveness of European economies, i.e. research and technological development and the development of trans-European networks, as well as all the other internal policies of the Community, the research total is ECU 2 556 million (3.5% more than in 1992), including ECU 296 million in a reserve for the third framework programme and for high-definition television; the trans-European networks will be allocated ECU 209 million (up by 38.6%). Finally, ECU 1 243 million will be available for the other policies (up by 6.8%). The appropriations for other social operations have been increased considerably, by 44.3%; this includes ECU 30 million for measures for customs agents. No margin has been left available under this heading. The appropriations for heading 4 (External action) total ECU 4 110 million (up by 4%), to which should be added a reserve of ECU 209 million for emergency aid entered in heading 6. A large sum (ECU

1 573 million) is set aside for cooperation with Central and Eastern Europe. Parliament also emphasized the environmental measures arising from the Rio Conference. In all, a margin of ECU 10 million has been left available. As regards heading 5 (Administrative expenditure of the institutions), the situation concerning all Part A appropriations will remain difficult in 1993 as the ecu has fallen in value against the Belgian franc. The Commission's administrative appropriations increase by 6.3% in relation to 1992. Finally, in heading 6 (Reserves), the monetary reserve of ECU 1 000 million has been retained and an emergency aid reserve of ECU 209 million has been set up; its use will depend on a joint decision by the two arms of the budgetary authority. The reserve of ECU 313 million for guarantees will be entered in the budget at a later stage when the necessary legal base has been adopted.

OJ C 21, 25.1.1993

Signed by the President of Parliament on 17 December. See Table 21.

ECSC operating budget

1993 financial year

1.6.4. Commission Decision 3799/92/ECSC fixing the rate of the levies for the 1993 financial year and amending Decision 3-52 on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the ECSC Treaty.

- Amended Decision:** Decision No 3-52 of the High Authority: OJ 1, 30.12.1952
- Commission draft:** Bull. EC 9-1992, point 1.5.4

Parliament resolution adopted on 18 December. Parliament considers that the total sum allocated for expenditure is grossly inadequate, particularly in the social area, in view of the restructuring of the coal and steel industries. It therefore recommended that the allocation for social measures and research aids should be increased by mobilizing part of the reserves as additional funding and setting up a new budget heading.

Table 21 — 1993 budget (provisional figures) (Appropriations for commitments — Parliament's nomenclature)

Financial perspective heading	Budget heading	Budget 1992	Financial perspective 1993	Preliminary draft budget 1993	Council first reading	Parliament first reading	Council second reading	1993 budget	% difference (7)/(5)	
										(1)
1	<i>Common agricultural policy</i> Markets (B1-1 to B1-3, not including B1-26) Accompanying measures (B1-5) Sea-side (B1-40) Income aid (B1-41) European Fisheries Guarantee Fund Margin	31 915 000.000		33 305 000.000	33 285 000.000	33 680 000.000	33 285 000.000	33 295 000.000	4.32	
		0.000		182 000.000	182 000.000	90 000.000	182 000.000	182 000.000		
		360 000.000		489 000.000	489 000.000	489 000.000	489 000.000	489 000.000	35.83	
		100 000.000		59 000.000	59 000.000	59 000.000	59 000.000	59 000.000	-41.00	
		29 000.000		27 000.000	27 000.000	27 000.000	27 000.000	27 000.000	-6.90	
		32 404 000.000	36 657	34 062 000.000	34 042 000.000	34 345 000.000	34 042 000.000	34 052 000.000	5.09	
				2 595 000.000	2 615 000.000	2 312 000.000	2 615 000.000	2 605 000.000		
				20 063 000.000	19 763 000.000	20 285 000.000	19 763 000.000	20 285 000.000	20 193 000.000	14.18
				127 700.000	0.000	0.000	0.000	0.000	0.000	-100.00
				465 620.000	623 000	623 000	623 000	623 000	623 000	-99.87
2	<i>Structural operations</i> Structural Funds (B2-1) Peelp (B2-20) IMPs (B2-22) Community support frameworks (B2-21) Fisheries Guidance (B2-23) Cohesion Fund Programmes for the outermost regions (B2-24) Margin — Structural Funds (FP 20 541 000) Margin — Cohesion Fund (FP 1 565 000) Total margin	17 685 285.000		20 063 000.000	19 763 000.000	20 285 000.000	19 763 000.000	20 193 000.000	14.18	
		0.000		0.000	0.000	0.000	0.000	0.000		
		465 620.000		20 600.000	8 540.000	13 540.000	8 540.000	13 540.000	58.55	
		8 540.000		329 054.000	301 100.000	341 100.000	329 200.000	341 100.000	26.21	
		270 254.000		1 565 000.000	0.000	1 565 000.000	0.000	1 565 000.000		
		18 557 399.000	22 192	22 046 303.000	20 119 463.000	22 261 963.000	20 156 063.000	22 177 963.000	19.51	
				145 697.000	507 537.000	-69 963.000	470 937.000	14 037.000	14 037.000	
				145 697.000	1 565 000.000	0.000	1 565 000.000	0.000	0.000	
					2 072 537.000	-69 963.000	2 035 937.000	2 035 937.000	2 035 937.000	
3	<i>Internal policies</i> Research (B6) Other agricultural operations (B2-5) Other regional operations (B2-6) Transport (B2-7) Fisheries and the sea (B2-9) Education, vocational training, youth (B3-1) Culture and audiovisual media (B3-2) Information and communication (B3-3) Other social operations (B3-4) Energy (B4-1) Euratom nuclear safeguards (B4-2) Environment (B4-3) Consumer protection (B5-1) Aid for reconstruction (B5-2) Internal market (B5-3) Industry (B5-4)	2 469 119.000		2 795 332.000	2 137 432.000	3 029 822.000	2 142 232.000	2 555 822.000	3.51	
		189 713.000		216 300.000	197 800.000	205 800.000	197 800.000	205 800.000	8.48	
		85 014.000		33 000.000	19 000.000	30 000.000	19 000.000	30 000.000	-64.71	
		9 320.000		10 770.000	9 000.000	12 770.000	9 000.000	12 770.000	37.02	
		23 700.000		25 000.000	25 000.000	25 000.000	25 000.000	25 000.000	5.49	
		240 724.000		249 767.000	210 496.000	269 079.000	238 571.000	270 079.000	12.19	
		63 719.000		99 240.000	57 192.000	97 075.000	61 775.000	63 575.000	-0.23	
		32 878.000		37 995.000	23 322.000	33 731.000	23 322.000	33 731.000	2.59	
		116 887.000		147 460.000	75 985.000	168 695.000	100 285.000	168 695.000	44.32	
		8 867.000		185 257.000	168 410.000	202 292.000	181 250.000	202 292.000	12.29	
		96 115.001		107 564.000	91 533.000	100 733.000	91 533.000	100 733.000	29.69	
		16 125.000		16 000.000	8 000.000	16 000.000	11 900.000	16 000.000	-0.78	
		18 650.000		12 900.000	12 900.000	12 900.000	12 900.000	12 900.000	-30.83	
		125 363.000		135 215.000	114 527.000	111 815.000	115 227.000	118 815.000	-5.22	
		29 537.000		32 951.000	23 350.000	32 850.000	25 350.000	32 850.000	11.22	

(thousand ECU)

Financial perspective heading	Budget heading	Budget 1992	Financial perspective 1993	Preliminary draft budget 1993	Council first reading	Parliament first reading	Council second reading	1993 budget	% difference (7)/(5)
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Information market (B5-5)	10 000 000		15 500.00	10 000.000	10 000 000	10 000 000	10 000.000	0.00
	Statistical information (B5-6)	29 968 000		57 100 000	31 900.000	24 000.000	31 900.000	29 000 000	- 3.23
	Trans-European networks (B5-7)	150 832.000		251 275.000	149 350.000	265 000.000	149 350 000	209 000.000	38.56
	Negative reserve (B0-42)	0.000		0.000	0.000	0.000	0 000	0.000	
	Research — Subtotal	2 469 119.000		2 795 332.000	2 137 432 000	3 029 822.000	2 142 232.000	2 555 822.000	3.51
	Other policies — Subtotal	1 427 564.001		1 644 165.000	1 237 521.000	1 629 240.000	1 314 068 000	1 552 740.000	8.77
	Total 3	3 896 683.001	4 109	4 439 497.000	3 374 953 000	4 659 062.000	3 456 300.000	4 108 562.000	5.44
	Margin			- 330 497 000	734 047 000	- 550 062.000	652 700.000	438.000	
4	<i>External action</i>								
	EDF (B7-1)	0.000		0 000	0.000	0 000	0 000	0 000	
	Food aid (B7-2)	486 500 000		574 000 000	574 000 000	574 000.000	574 000.000	574 000.000	17.99
	Cooperation with Latin American and Asian developing countries (B7-3)	553 000.000		605 000.000	550 000.000	614 000.000	555 000.000	634 000.000	14.65
	Cooperation Mediterranean countries (B7-4)	418 730 000		476 700.000	396 700 000	408 700 000	406 700.000	408 700.000	- 2.40
	Other cooperation measures (B7-5)	791 709 999		486 300.000	367 253.999	603 700.000	379 253.999	623 700.000	- 21.22
	Cooperation with Central and East European countries and the independent States of the former Soviet Union (B7-6)	1 463 000 000		1 700 000.000	1 638 000.000	1 493 000.000	1 638 000.000	1 573 000.000	7.52
	Cooperation with other third countries (B7-7)	0.000		0.000	0.000	3 000.000	0.000	3 000.000	
	External aspects of certain Community policies (B7-8 and B7-9)	276 990.000		307 700.000	292 100.000	293 700.000	292 100.000	293 700.000	6.03
	Negative reserve (B0-42)	- 40 000.000		0.000	0.000	0.000	0.000	0.000	- 100.00
	External policies reserve (B0-441)	0.000		0.000	0.000	300 000.000	0.000	0.000	
	Total 4	3 949 929.999	4 120	4 149 700.000	3 818 053 999	4 290 100.000	3 845 053.999	4 110 100.000	4.06
	Margin			- 29 700 000	301 946.001	- 170 100.000	274 946 001	9 900.000	
5	<i>Administrative expenditure of the institutions</i>								
	Commission (traditional Part A) and former mini-budget B8 (not including buildings and pensions)	1 765 558.601		1 928 417.688	1 793 590.788	1 828 131 788	1 802 369.788	1 833 911.788	3.87
	Other institutions (not including buildings)	918 180.194		1 018 286.668	959 420.310	966 853 364	960 020.310	966 853.364	5.30
	Pensions	249 329.000		293 176.000	284 419.000	284 669.000	284 419.000	284 669.000	14.17
	Expenditure on buildings by the Commission	134 382.500		180 950 000	163 528 900	165 028.900	165 028.900	165 028.900	22.81
	Expenditure on buildings by the other institutions	138 291.150		157 773.800	150 396.000	150 396.000	151 746.000	150 396 000	8.75
	Commission — Total	2 149 270 101		2 402 543.688	2 241 538.688	2 277 829.688	2 251 817.688	2 283 609.688	6.25
	Other institutions — Total	1 056 471.344		1 176 060.468	1 109 816.310	1 117 249.364	1 111 766.310	1 117 249 364	5.75
	Buildings — Total	272 673.650		338 723.800	313 924.900	315 424.900	316 774 900	315 424.900	15.68
	Stock disposal and repayments (B-01)	893 290 548		0.000	0.000	0.000	0.000	0.000	- 100.00
	Total 5	4 099 031.993	3 421	3 578 604.156	3 351 354.998	3 395 079.052	3 363 583 998	3 400 859.052	- 17.03
	Total Margin			- 157 604.156	69 645.002	25 920.948	57 416.002	20 140.948	

(thousand ECU)

Financial perspective heading	Budget heading	Budget 1992	Financial perspective 1993	Preliminary draft budget 1993	Council first reading	Parliament first reading	Council second reading	1993 budget	% difference (7)/(5)
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
6	<i>Reserves</i>								
	Monetary reserve (B-16)	1 000 000.000		1 000 000.000	1 000 000 000	1 000 000.000	1 000 000.000	1 000 000.000	0 00
	Guarantees								
	Reserve for emergency aid	0.000		0.000	0.000	209 000.000	0.000	209 000 000	
	Total 6	1 000 000 000	1 522	1 000 000.000 522 000.000	1 000 000 000 522 000.000	1 209 000 000 313 000 000	1 000 000.000 522 000.000	1 209 000.000 313 000.000	20.90
	Appropriations for commitments	DO		36 430 547.000	36 384 362.000	36 787 362.000	36 384 362 000	36 402 362.000	2.46
		DNO		32 845 557.156	29 321 462.997	33 372 842.052	29 478 638.997	32 656 122.052	15.08
	DO + DNO		72.021	69 276 104.156	65 705 824.997	70 160 204.052	65 863 000.997	69 058 484.052	8.06
	Margin			2 744 895 844	6 315 175.003	1 860 795.948	6 157 999.003	2 962 515.948	
	Appropriations for payments	DO		36 382 847.000	36 331 662.000	36 728 662 000	36 331 662.000	36 343 662.000	2.50
		DNO		29 928 193.500	26 596 604.998	29 265 494.052	27 031 379.998	29 178 977.052	13.80
	DO + DNO		68.611	66 311 040.500	62 928 266.998	65 994 156.052	63 363 041 998	65 522 639.052	7.24
	Margin			2 299 959.500	5 682 733.002	2 616 843.948	5 247 958.002	3 088 360.948	

NB The figures for the financial perspective are based on the decision of the Edinburgh European Council, are expressed in 1993 prices and take account of the transfer of administrative expenditure from Part B to Part A

It endorsed the levy rate of 0.25% given the progressive transfer of ECSC operating budget expenditure to the EEC budget.

OJ C 21, 25.1.1993

Adopted by the Commission on 23 December. The Commission fixed the rate of the levies on output from 1 January 1993 at 0.25% of the figures used as the basis of assessment for such levies and approved the ECSC operating budget for 1993 (attached to the Decision) on that basis. In view of foreseeable resources, this Decision should provide cover for the requirements, which break down as follows (million ECU):

<input type="checkbox"/> administrative expenditure	5
<input type="checkbox"/> redeployment aid	185
<input type="checkbox"/> aid for research	123
<input type="checkbox"/> interest subsidies on ECSC loans (Articles 54 and 56)	125
<input type="checkbox"/> social measures (steel)	60
<input type="checkbox"/> social measures (coal)	50

OJ L 384, 30.12.1992

Financial operations

1.6.5. The European Council welcomed the establishment of a Guarantee Fund for Community loans to non-member countries, to be financed by a reserve entered in the budget and in the financial perspective and modelled on the monetary reserve (→ point I.72).

General

Community borrowing and lending activities

Future of the ECSC Treaty

1.6.6. Opinion of the ECSC Consultative Committee on the Commission communi-

cation on the future of the ECSC Treaty — Financial activities.

References:

Commission communication on the future of the ECSC Treaty — Financial activities: SEC(92) 1889; Bull. EC 11-1992, point 1.6.6

Council conclusions on the future of the ECSC Treaty — Financial activities: Bull. EC 11-1992, point 1.6.7

Adopted on 18 December. Favourable, subject to a review of a number of basic assumptions, in particular those concerning the levy base.

Euratom borrowings

1.6.7. Proposal for a Council Decision amending Decision 77/270/Euratom, to authorize the Commission to contract Euratom borrowings in order to contribute to the financing required for improving the degree of efficiency and safety of nuclear power stations in certain non-member countries.

Reference: Council Decision 77/270/Euratom: OJ L 88, 6.4.1988

Adopted by the Commission on 9 December. The Euratom Treaty makes provision for the Commission to finance investments in the industrial production of electricity of nuclear origin and in industrial fuel-cycle facilities. The Commission has discovered a margin of over ECU 1 billion under the ceiling for Euratom borrowings.

It proposes using this margin for projects to improve the safety of nuclear installations in the countries of Central and Eastern Europe and the newly independent States by extending the scope of this lending instrument.

These loans will be limited to 50% of the total cost of the project, with a maximum term of 20 years. The financial assistance will be granted to projects which have been approved and guaranteed by the appropriate national authorities after the Commission and the EIB have examined the technical impact of the project as regards improvement of safety in the installations concerned.

OJ C 22, 26.1.1993; COM(92) 467

Loans raised

1.6.8. In December the Commission made on behalf of the ECSC a private placing in German marks for the equivalent of ECU 52.08 million.

1.6.9. In December the Commission made on behalf of the EEC:

- an ECU 80 million four-year public issue at 8.625% with an issue price of 99.425%;
- a three-year syndicated bank loan of ECU 374 million at Libor + 1/32.

Loans granted

1.6.10. Acting under Articles 54 and 56 of the ECSC Treaty, the Commission granted loans totalling ECU 240.8 million.

Industrial loans

1.6.11. Industrial loans (Article 54) totalling ECU 92.9 million were made to Germany, Italy and Spain.

Conversion loans

1.6.12. Conversion loans (Article 56) totalling ECU 146.9 million were made to Germany, Belgium, Italy and the United Kingdom.

Workers' housing

1.6.13. Loans totalling ECU 1 million were granted for steelworkers and mineworkers in Germany, France, the Netherlands, the United Kingdom, Denmark, Spain and Portugal.

Investment Bank to Albania — Proposal for a Council Decision extending a Community guarantee to the European Investment Bank in case of losses on loans in Albania.

□ References:

Council conclusions on the extension of European Investment Bank activities outside the Community: Bull. EC 5-1992, point 1.4.10
Cooperation agreement with Albania: Bull. EC 5-1992, point 1.2.11

Adopted on 23 December. The purpose of this communication and the accompanying proposal for a Decision is to extend European Investment Bank activities to Albania with a ceiling of ECU 50 million, as a Community budget guarantee, in accordance with the Council conclusions on the extension of EIB activities and by virtue of the association agreement signed with that country.

The Commission proposes to use the assistance from the EIB to finance infrastructure projects under the Phare programme.

1.6.15. Proposal for a Council Decision empowering the Commission to indemnify the European Investment Bank against losses under loans for projects in certain countries outside the Community.

- **Commission proposal:** OJ C 172, 8.7.1992; COM(92) 242; Bull. EC 6-1992, point 1.6.9

Endorsed by Parliament on 18 December, subject to sufficient appropriations for the Guarantee Fund to be set up to cover the budgetary risks arising from loans granted and to regular information on budgetary activities by the Commission.

OJ C 21, 25.1.1993

European Investment Bank

General

1.6.14. Commission communication on the extension of operations by the European

Financing

1.6.16. In December the European Investment Bank, the European Community's financial institution, granted loans totalling ECU 4 333.3 million, of which ECU 412.4 million went outside the Community.

Community

Links with Community policies

1.6.17. Loans were made for the following measures:

- ECU 3 015.8 million for the economic development of disadvantaged regions;
- ECU 863.8 million for the improvement of transport and telecommunications infrastructures of benefit to the Community;
- ECU 1 158.4 million for the protection of the environment and the improvement of the quality of life;
- ECU 1 023.4 million for the pursuit of Community objectives in the field of energy;
- ECU 263.3 million for the enhancement of the international competitiveness of industry and its integration within the Community.

The Bank also continued its operations to support small and medium-sized businesses (since the beginning of the year, around ECU 2.1 billion has been granted from current global loans).

Individual loans often come under several Community policies; some are therefore counted more than once in the above amounts.

Geographical breakdown

Belgium

1.6.18. ECU 24.6 million was granted in the form of global loans to finance small and medium-scale projects. ECU 10 million went towards the extension and modernization of Eurocontrol in Brussels and ECU 7.4 million towards a gas terminal at Zeebrugge and a gas pipeline between Zeebrugge and the French frontier.

Denmark

1.6.19. ECU 10.1 million was granted in the form of global loans to finance small and medium-scale projects.

Germany

1.6.20. ECU 25.4 million was granted in the form of global loans to finance small and medium-scale projects. ECU 10.1 million went towards the construction of water purification networks in the Bitterfeld-Walfen area of Eastern Germany and ECU 6.1 million towards the continuing extension of the regional heat supply network in Saarland and the heat distribution network in the north.

Greece

1.6.21. ECU 73.7 million was provided for transport: conversion of the Varibobi-Yliki section of the Athens-Katerini main road into a motorway, modernization of rail infrastructures on the main line between Athens and Idomeni (northern frontier) and improvement of air control systems. In the energy sector, ECU 50.9 million went towards the construction of a combined-cycle power plant on Crete, the conversion of two gas turbines in a power plant at Lavrion (Attica) to combined-cycle operation, and modernization of the electricity plant dispatching system. ECU 22.6 million was provided for water supply, purification and irrigation. ECU 15.8 million was granted in the form of global loans to finance small and medium-scale projects and ECU 10.6 million for reconstruction work in the Kalamata region, which was hit by the 1986 earthquake.

Spain

1.6.22. ECU 566.6 million went towards the modernization of transport and telecommunications infrastructures of Community interest: improvement of road links and the launching of two telecommunications satellites. ECU 128 million was provided for various improvements for the distribution, collection and treatment of water in Andalucia and Madrid. ECU 44.8 million was provided for the modernization of an oil refinery in Andalucia and ECU 7.2 million for the modernization of the country's electricity grid.

France

1.6.23. ECU 224.4 million went towards improvements in the transport sector: construction of the second tram route in Nantes and the first in Strasbourg and sections of the A16 and A83 motorways. ECU 75.1 million was granted in the form of global loans to finance small and medium-scale projects. ECU 40.5 million was provided to finance the Eurodisneyland pleasure park east of Paris. Loans to industry came to ECU 168.4 million and cover the installation of a factory producing light commercial and multipurpose vehicles in Valenciennes in the north, the construction of a production unit for aspartame (artificial sweetener), also in the north, and the modernization of production and research development facilities at Snecma (Société nationale d'études et de construction de moteurs d'avions).

Ireland

1.6.24. ECU 54.2 million was granted for various projects to develop road and telecommunications networks and ECU 6.7 million for urban renovation in the centre of Dublin.

Italy

1.6.25. ECU 316.6 million was granted in the form of global loans to finance small and medium-scale projects. Loans to industry came to ECU 132.9 million and cover the modernization and extension of factories producing tissue paper in Tuscany, bathroom equipment in Marche, washing powder in south Lazio and motorcycles and scooters near Pisa and of paintshops at Cassino, Mirafiori, Rivalta and Termini, and the development and industrialization of new computer printers in Piedmont. ECU 202.2 million was provided for a coal, oil and gas power plant in Brindisi and the construction of a second gas pipeline between Algeria and Italy. ECU 57.8 million was provided for the modernization and development of trunk telecommunications links in various regions in the centre and north of the country.

Portugal

1.6.26. ECU 281 million was provided for communications: development of the road network, extension and modernization of the Lisbon underground railway and improvement of telecommunications. ECU 230 million went towards the modernization of an oil refinery in Alentejo, ECU 68.4 million towards a hydroelectric power station on the Duro in north-eastern Portugal and ECU 11.4 million towards construction of a factory manufacturing piston components near Coimbra. ECU 11.4 million was granted in the form of global loans to finance small and medium-scale projects.

United Kingdom

1.6.27. ECU 406.4 million was granted for the construction of a new gas-fired power plant in north-east England and for the exploitation of the Dunbar and Ellon oil and gas fields in the Alwyn South area of the British North Sea sector. ECU 279.4 million was provided for the production of a new vehicle engine in Wales and Northern Ireland and for the extension and modernization of industrial gas production installations in South Yorkshire. ECU 102.9 million went towards the construction of a new bridge over the Severn estuary and the introduction of a rapid light public transport system in Greater Manchester. ECU 165.1 million was provided for various road, water supply and treatment infrastructures in Scotland and north-west England.

Community development cooperation policy

Mediterranean

Egypt

1.6.28. ECU 45 million was provided to finance the sewerage network for Greater Cairo and ECU 50.4 million to expand the high-tension electricity grid in the north of Upper Egypt.

Jordan

1.6.29. ECU 15 million went towards the repair of a section of the desert road linking Amman and Akaba.

Morocco

1.6.30. ECU 80 million was provided for the improvement of Morocco's telecommunications and for the EEC-Morocco cooperation scheme.

Syria

1.6.31. ECU 20.4 million was granted for the construction of a dam on the Snobar and for irrigation in the coastal basin area.

ACP countries*Netherlands Antilles*

1.6.32. ECU 3 million was provided for the construction of installations for producing meals for air passengers.

Botswana

1.6.33. ECU 4 million, including ECU 1.5 million from risk capital, was granted to small and medium-sized firms in industry, agro-industry and tourism.

Cape Verde

1.6.34. ECU 5.4 million was granted from risk capital for the extension of Mindelo power station.

Côte d'Ivoire

1.6.35. ECU 6.5 million, including ECU 1 million from risk capital, was provided for the modernization and extension of an industrial tuna-processing firm in Abidjan.

Dominica

1.6.36. ECU 2.5 million was granted from risk capital in the form of global loans to finance small and medium-scale projects.

Falkland Islands

1.6.37. ECU 2.5 million was provided for the construction of new fuel storage facilities.

Mayotte

1.6.38. ECU 1 million was provided to increase electricity generation.

Montserrat

1.6.39. ECU 150 000 was granted from risk capital for a feasibility study on energy development.

Mozambique

1.6.40. ECU 3 million was granted from risk capital for the processing of cashew nuts in the north of the country.

Nigeria

1.6.41. ECU 75 million was granted in the form of a global loan to finance small and medium-scale projects.

Uganda

1.6.42. ECU 4 million was granted from risk capital in the form of a global loan to finance small and medium-scale projects.

Dominican Republic

1.6.43. ECU 3 million was granted from risk capital in the form of a global loan to finance small and medium-scale projects.

Swaziland

1.6.44. ECU 3.5 million was granted from risk capital in the form of a global loan to finance small and medium-scale projects.

Tanzania

1.6.45. ECU 11 million was granted from risk capital to expand a container terminal in the port of Dar-es-Salaam.

Zambia

1.6.46. ECU 7 million was granted from risk capital to finance a cotton mill.

Zimbabwe

1.6.47. ECU 1 million was provided in assistance to development banks.

Cooperation with Central and East European countries

Hungary

1.6.48. ECU 20 million was provided to restore and expand the country's air traffic control system.

Poland

1.6.49. ECU 50 million was granted to modernize Warsaw airport.

7. Community institutions

Parliament

1.7.1. The European Council laid down the number and breakdown of seats in the European Parliament to take into account German unification and the prospect of enlargement: from 1994 there will be 567 members. As part of a decision on the location of the institutions, the European Council confirmed Strasbourg as the seat of the European Parliament (→ point I.13).

Part-session, Strasbourg, 14-18 December

1.7.2. One of the main events of this part-session was the visit of the President of Austria, Mr Klestil. Speaking at a formal sitting, Mr Klestil stressed the role which Austria could play in the Community, in particular in relations with the countries of Central and Eastern Europe. Another highlight of the part-session was the awarding of the 1992 Sakharov Prize to representatives of the Mothers of the Plaza de Mayo.

Parliament's business was largely dominated by the debate on the Edinburgh European Council and by the second reading of the 1993 budget. During a very long debate on the Edinburgh European Council and the activities of the British Presidency, Mr Major, President of the Council and Prime Minister of the United Kingdom, stressed the positive outcome of the summit, which would enable the Community to move forward with greater confidence. He cited in particular the solution found to the Danish problem, the initiative on economic growth, the agreement on the future of the Community's finances, the strengthening of ties with the countries of Central and Eastern Europe and the prospect of enlargement. He also referred to the conflict in the former

Yugoslavia and expressed the hope that the Community would step up its humanitarian action and reiterate its condemnation of human rights abuses in the region. The Commission President, Mr Delors, stressed the progress which had been achieved by the Community, in particular in adopting 95% of the measures provided for in the White Paper on completing the internal market and in implementing the Single Act, despite some disappointments in the social field. He focused on the agreement reached by the European Council on the second package of structural and financial measures, which had restored the credibility of economic and monetary union. Mr Delors also reminded Parliament of the five priorities defined by the Commission in the Delors II package and regretted that more consideration had not been given to boosting competitiveness. In the resolution adopted at the end of the debate (→ point I.1.2), Parliament approved all the results of the European Council, insisting on the need to conclude the process of ratifying the Treaty on European Union. In this context, Parliament welcomed the decision by the governments of the Member States paving the way for ratification of the Treaty by Denmark, even though no time-limit had been placed on the agreed derogations. The House also welcomed the prospect of an enlargement of the Community on the basis of the *acquis communautaire* and the Treaty on European Union.

On the institutional front, Parliament adopted by an overwhelming majority four resolutions on the implementation of specific provisions of the Treaty on European Union: one on the conciliation procedure proposing an interinstitutional agreement to regulate it (→ point I.1.6), a second on the European Ombudsman laying down the conditions to be met by Community institutions and national authorities to help him with his inquiries (→ point I.1.4), a third on parliamentary committees of inquiry defining the scope of Parliament's right of inquiry with particular reference to implemen-

tation of the budget (→ point 1.1.5) and a fourth on the establishment of a Community common foreign policy calling on the Council to give an undertaking to consult it regularly in advance on all its foreign policy measures and also asking the Commission to consult it on its foreign policy guidelines before forwarding them to the Council (→ point 1.1.3). Parliament also adopted opinions on the appointment of three Members of the Court of Auditors, the termination of service of certain Community officials and the activities of the Committee of Governors of the Central Banks (→ point 1.3.4). It rejected requests to waive the parliamentary immunity of Mrs Cramon Daiber, Mrs Roth, Mr Telkämper and Mr Iacono.

On the budgetary front, after a triologue meeting Parliament proceeded with the second reading of the draft budget taking into account the agreement by the European Council on the future financing of the Community. The budget contains ECU 69 058 million in appropriations for commitments (8.06% up on 1992) and ECU 65 523 million in appropriations for payments (7.24% up on 1992) and includes most of the amendments proposed at first reading, the amounts to be allocated to the Cohesion Fund in 1993 and certain amendments arising from the agreement by the European Council. In the resolution adopted at the end of the debate, Parliament signalled its willingness to negotiate a new financial perspective and implementation of a new inter-institutional agreement (→ point 1.6.3). The budget was signed by the President of Parliament, Mr Klepsch, during the part-session. The House also approved the ECSC operating budget for 1993 (→ point 1.6.4), although members considered that the total sum allocated for expenditure was inadequate in view of the restructuring of the coal and steel industries.

During the debate on the seventh Commission report on the implementation of the White Paper on completing the internal market, most of the speakers acknowledged the very positive results achieved in the economic field but expressed concern that some border controls would remain on 1 January 1993, in particular on individuals. Mr Bangemann, Vice-President

of the Commission, reminded the House of the Commission's interpretation of Article 8a of the Treaty, which provides for the abolition of systematic controls at internal frontiers. In two resolutions adopted at the end of the debate (→ points 1.3.15 and 1.3.16), Parliament expressed concern at the delays by some Member States in transposing Community acts into national law and insisted on the need for a new mobilizing strategy to ensure the smooth operation of the internal market.

Because of the lengthy debates devoted to the activities of the Presidency and the second reading of the budget, there was little discussion on the Community's external relations. The House rejected a motion of censure on the Commission's position in the GATT negotiations. It also adopted a resolution on the agricultural aspects of GATT stressing the global nature of the negotiations and insisting that any agreement must be compatible with the reform of the common agricultural policy (→ point 1.4.73).

Parliament approved the proposal for a Council Decision empowering the Commission to indemnify the European Investment Bank against losses under loans for projects in certain countries outside the Community (→ point 1.6.15). It also approved the conclusion of trade and commercial and economic cooperation agreements between the Community and Estonia, Lithuania and Latvia (→ point 1.4.9). In a resolution on economic and trade relations between the Community and the Baltic States (→ point 1.4.10) the House welcomed the conclusion of the above agreements and the extension of the Phare programme to include these three countries.

In a resolution on the Cuban Democracy or Torricelli Act passed by the United States, Parliament deplored the restrictions on international trade it imposes (→ point 1.4.32). It also expressed concern at the United States' attitude towards international trade in steel products and telecommunications and adopted a resolution urging the Commission to use Community trade protection measures to secure compliance with the principle of reciprocity (→ point 1.4.63). The House also adopted a resolution on the North American Free

Trade Agreement between the United States, Canada and Mexico asking the Commission to check on its compatibility with the GATT (→ point 1.4.34).

Under the cooperation procedure, Parliament approved at first reading proposals for Directives on the identification of controls, tell-tales and indicators for two- or three-wheeled motor vehicles (→ point 1.3.33) and on the protection of young people at work (→ point 1.3.160). It approved at second reading a proposal for a Directive on unfair terms in consumer contracts (→ point 1.3.291).

Under the consultation procedure, Parliament delivered a favourable opinion on five proposals for Regulations on fisheries relating respectively to the Community system for fisheries and aquaculture (→ point 1.3.260), a control system applicable to the common fisheries policy (→ point 1.3.268), measures to improve and adapt structures in the fisheries sector and aquaculture (→ point 1.3.263) and the conclusion of agreements on relations in the sea fisheries sector with Morocco (→ point 1.3.267) and Namibia (→ point 1.3.277). Under the common agricultural policy, Parliament delivered a favourable opinion on proposals for Regulations on the common organization of the market in bananas (→ point 1.3.207), feedingstuffs (→ point 1.3.220), Community measures to combat classical swine fever (→ point 1.3.218), special arrangements for imports of maize and sorghum into Spain (→ point 1.3.224) and the accession arrangements for Spain and Portugal (→ point 1.3.210). It also approved a proposal for a Regulation on certain dual-use goods and technologies and certain nuclear products and technologies (→ point 1.3.28) and a proposal for a Directive on the charging of infrastructure costs to heavy goods vehicles (→ point 1.3.129) and adopted a resolution on the proposal for a Regulation on competition policy in the insurance sector (→ point 1.3.54).

In the transport field, Parliament adopted resolutions on delays in the completion of the internal market in transport (→ point 1.3.127) and on road, rail and air transport hampered by the war in the former Yugoslavia (→ point 1.3.135). It also adopted resolutions on the

Commission's first report on the application of the Community Charter of the Fundamental Social Rights of Workers (→ point 1.3.152), on telecommunications frequency bands (→ point 1.3.118) and on the twenty-first Commission report on competition policy (→ point 1.3.53).

In the debates on topical and urgent issues, the House adopted resolutions on the accident and oil slick at La Coruña (→ point 1.3.294), on the effects of exceptionally heavy rainfall in Ireland and on the granting of emergency aid to potato farmers in Northern Ireland (→ point 1.3.296). Resolutions were also adopted on the earthquake in Indonesia (→ point 1.4.38) and the fire in the Desierto de Las Palmas nature reserve (→ point 1.3.295).

In the field of human rights, Parliament adopted resolutions on the continued imprisonment of Maria Elena Cruz Varela (→ point 1.4.87), the violation of human rights in Cuba (→ point 1.4.88), the rape of women in the former Yugoslavia (→ point 1.4.92), East Timor (→ point 1.4.90), the disappearance of Raoul Wallenberg (→ point 1.4.91), the injuries caused by anti-personnel mines in the Middle and Far East, certain countries of Latin America and Bosnia-Herzegovina (→ point 1.4.94), human rights in Cameroon (→ point 1.4.85) and Zaire (→ point 1.4.93), the violence which followed the demolition of the Babri Mosque in India (→ point 1.4.89), the situation in Tibet (→ point 1.4.86) and Afghan refugees.

Report of proceedings:

OJ Annex 3-425

Full text of opinions and resolutions:

OJ C 21, 25.1.1993

Council

1626th meeting

1.7.3. Labour and social affairs (Brussels, 3 December).

- **Previous meeting:** Bull. EC 6-1992, point 1.7.13

President: Mrs Shephard, UK Secretary of State for Employment.

Commission: Miss Papandreou.

Main items

- Tackling unemployment in the Community: resolution agreed (→ point 1.3.147).
- Implementation and enforcement of Community legislation in the social affairs area: conclusions agreed (→ point 1.3.146).

Other business

- The posting of workers in the framework of the provision of services: discussed in detail.
- Retirement pension schemes: discussed.
- Third Community action programme to assist the disabled (Helios II): exchange of views.
- Organization of working time: progress report.
- Freedom of movement for workers: discussed.
- European Agency for Safety and Health at Work: exchange of views.
- Exposure to biological agents at work: progress report by the Presidency.

1627th meeting

1.7.4. Transport (Brussels, 7 and 8 December).

- **Previous meeting:** Bull. EC 6-1992, point 1.7.12

President: Mr MacGregor, UK Secretary of State for Transport.

Commission: Mr Van Miert.

Main items

- Allocation of slots at Community airports: proposal for a Regulation agreed (→ point 1.3.126).
- Air traffic control: conclusions adopted (→ point 1.3.125).
- Agreements between the Community and certain non-member countries on inland waterway transport: recommendation for a Decision agreed (→ point 1.3.136).
- Aid for investment in combined transport: Regulation adopted (→ point 1.3.121).
- Extension of common rules for certain types of carriage of goods between Member States to include combined transport: Directive adopted (→ point 1.3.120).
- Transport by sea of dangerous or polluting goods: proposal for a Directive agreed (→ point 1.3.124).
- Application of the principle of freedom to provide services to maritime transport within Member States (maritime cabotage): Regulation adopted (→ point 1.3.123).

Other business

- Relations with non-member countries in the field of air transport: preliminary exchange of views.
- State aid for transport in the context of the single market: general discussion.
- Taxation of road transport: discussed.
- Goods cabotage (road haulage): discussed in detail.
- EEC/Slovenia transit agreement: progress of negotiations noted.
- Action programme in the field of transport infrastructure: general discussion.
- Positive measures in favour of the Community fleet: general discussion.
- External relations in the field of shipping: discussed.

1628th meeting

1.7.5. General affairs and political cooperation (Brussels, 7 December).

- Previous meeting:** Bull. EC 11-1992, point 1.7.3

President: Mr Hurd, UK Secretary of State for Foreign and Commonwealth Affairs.

Commission: Mr Delors, Mr Mac Sharry, Mr Schmidhuber and Mr Matutes.

Main items

- Steel — US anti-dumping and counter-vailing actions: conclusions adopted (→ point 1.4.64).
- Nuclear safety in Central and Eastern Europe and the former Soviet Union: conclusions adopted (→ point 1.4.7).
- Norway's application for membership: preliminary discussion (→ point 1.4.2).

Other business

- Preparations for the Edinburgh European Council: progress report.
- Immigration policy and free movement of persons: exchange of views.
- Delors II package: discussed.
- General framework for enlargement negotiations: discussed and conclusions adopted.
- European Economic Area: conclusions adopted.
- GATT negotiations: conclusions adopted.
- Instruments of commercial defence: wide-ranging exchange of views.
- Situation in Somalia: exchange of views.
- Former Yugoslavia: exchange of views.
- Development of common foreign and security policy: report presented.

1629th meeting

1.7.6. Research (Brussels, 8 December).

- Previous meeting:** Bull. EC 10-1992, point 1.7.4

President: Mr Waldegrave, UK Chancellor of the Duchy of Lancaster and Minister of Public Service and Science.

Commission: Mr Pandolfi.

Main items

- Supplementary financing for the third framework programme: discussed in depth.
- Fourth framework programme: general discussion.
- The European Community and space: Commission communication presented.
- International Association for promoting scientific cooperation in the independent States of the former Soviet Union: progress report.

1630th meeting

1.7.7. Economic and Financial Affairs (Brussels, 14 December).

- Previous meeting:** Bull. EC 10-1992, point 1.7.5

President: Mr Lamont, UK Chancellor of the Exchequer.

Commission: Mr Christophersen and Mrs Scrivener.

Main items

- Simplification of VAT: Directive adopted (→ point 1.3.20).
- Simplification of excise duty: Directive adopted (→ point 1.3.21).
- Control of tax-free sales: conclusions adopted (→ point 1.3.22).
- Tax on CO₂ emissions and energy: conclusions adopted (→ point 1.3.197).

Other business

- Promoting economic recovery in Europe: discussed.
- Liberalization of capital movements in Greece: broad agreement.
- VAT arrangements applicable to second-hand goods, works of art and collector's items: progress report.

- Road transport taxation: progress report.
- Travellers' allowances: broad agreement.

1631st meeting

1.7.8. Agriculture (Brussels, 14-17 December).

- Previous meeting:** Bull. EC 11-1992, point 1.7.7

President: Mr Gummer, UK Minister for Agriculture, Fisheries and Food.

Commission: Mr Mac Sharry.

Main items

- Imports of New Zealand butter: Regulation adopted (→ point 1.3.242).
- Adaptation of transitional measures applicable to agricultural products pursuant to the Act of Accession of Spain: Regulation adopted (→ point 1.3.210).
- Extension of the period for adjusting the arrangements existing in Spain and Portugal to the rules of the common organization of the markets: Regulation adopted (→ point 1.3.211).
- Adapting the agrimonetary system to the single market: Regulation adopted (→ point 1.3.209).
- Extending the voluntary restraint arrangements for trade in sheepmeat and goatmeat: Regulation adopted (→ point 1.3.248).
- Consolidation and simplification of the milk quota scheme: Regulation adopted (→ point 1.3.239).
- Sheepmeat and goatmeat sector: Regulation adopted (→ point 1.3.249).
- Common organization of the markets in bananas: proposal for a Regulation agreed (→ point 1.3.207).
- Imports of maize and sorghum: Regulation adopted (→ point 1.3.224).
- Italian milk quotas: conclusions adopted (→ point 1.3.240).
- Fresh poultrymeat: Directive adopted (→ point 1.3.202).

- Prevention of certain zoonoses: Directive adopted (→ point 1.3.203).
- Animal health rules for products not yet covered by Community legislation: Directive adopted (→ point 1.3.204).
- Control of certain animal diseases: Directive adopted (→ point 1.3.205).
- Temporary derogations from certain health rules: Directive adopted (→ point 1.3.206).
- Fisheries agreement with Canada: negotiating directives adopted (→ point 1.3.266).
- Protective measures against the introduction of organisms harmful to plants or plant products: favourable position reached on a proposal for a Directive (→ point 1.3.221).

Other business

- Distillation of certain wines in France: Decision adopted.
- Agricultural conversion rates: Regulation adopted.
- Fruit and vegetables: proposal for a Regulation agreed.
- Durum wheat: agreement.
- Socio-cultural aid in Germany: agreement.
- Virginia tobacco: agreement.
- Conversion to extensive livestock production in Portugal: agreement.
- Pigmeat: agreement.
- Small slaughterhouses: agreement.
- Sheepmeat: agreement.
- Potatoes: agreement.
- Uruguay Round — Agriculture: discussed in detail.

1632nd meeting

1.7.9. Telecommunications (Brussels, 15 December).

- Previous meeting:** Bull. EC 11-1992, point 1.7.10

President: Mr Sainsbury, UK Minister of State at the Department of Trade and Industry.

Commission: Mr Pandolfi and Mr Dondelinger.

Sole item

High-definition television: discussed in detail.

1633rd meeting

1.7.10. Environment (Brussels, 15 and 16 December).

Previous meeting: Bull. EC 10-1992, point 1.7.7

President: Mr Howard, UK Secretary of State for the Environment.

Commission: Mr Van Miert.

Main items

Reduction of pollution caused by waste from the titanium dioxide industry: Directive adopted (→ point 1.3.191).

Air pollution by emissions from light commercial vehicles: agreement on common position (→ point 1.3.180).

Phasing-out of substances that deplete the ozone layer: proposal for a Regulation agreed (→ point 1.3.182).

Montreal Protocol: conclusions adopted (→ point 1.3.183).

Programme of action in relation to the environment and sustainable development: agreement on resolution (→ point 1.3.179).

Implementation and enforcement of Community environmental legislation: conclusions adopted (→ point 1.3.187).

Ratification of the Basle Convention: agreement (→ point 1.3.192).

Other business

Community eco-audit scheme: discussed in detail.

Climate Change Convention: Presidency conclusions.

Packaging and packaging waste: general discussion.

Trade in species of wild fauna and flora: progress report.

European Environment Agency: Presidency conclusions.

1634th meeting

1.7.11. Internal market (Brussels, 17 and 18 December).

Previous meeting: Bull. EC 11-1992, point 1.7.4

President: Mr Needham, UK Minister of State at the Department of Trade and Industry.

Commission: Mrs Scrivener and Mr Van Miert.

Main items

Future system for the free movement of medicinal products: common positions on three proposals for Directives adopted and proposal for a Regulation agreed (→ point 1.3.17).

Placing on the market and supervision of explosives for civil uses: common position adopted (→ point 1.3.36).

Medical devices: common position agreed (→ point 1.3.38).

Other business

Copyright and neighbouring rights applicable to satellite broadcasting and cable retransmission: discussed in detail.

Community trade mark: discussed in depth.

Legal protection of biotechnological inventions: progress report by the Presidency.

Checks on the conformity of products imported from third countries: general discussion.

Abolition of border checks and completion of the internal market: two oral statements by the Commission.

Additives and sweeteners: general discussion.

- Dual-use goods and technologies: progress report by the Presidency.
- Labelling of footwear: exchange of views.
- Tariff quotas for certain fruits and fruit juices: Regulation adopted.

1635th meeting

1.7.12. Fisheries (Brussels, 19 and 20 December).

- Previous meeting:** Bull. EC 11-1992, point 1.7.12

President: Mr Gummer, UK Minister for Agriculture, Fisheries and Food.

Commission: Mr Marín.

Main items

- New Community system for fisheries and aquaculture: Regulation adopted (→ point 1.3.260).
- TACs and quotas for 1993: Regulation adopted (→ point 1.3.261).
- Annual fisheries arrangements resulting from the Acts of Accession of Spain and Portugal: three Regulations adopted (→ point 1.3.270).
- Allocation of catch quotas for vessels fishing in Norwegian, Swedish, Greenland and Faeroese waters: four Regulations adopted (→ points 1.3.273, 1.3.274, 1.3.279 and 1.3.281).
- Measures for the conservation of fishery resources applicable to vessels flying the flag of Norway, Sweden and the Faeroe Islands: three Regulations adopted (→ points 1.3.273, 1.3.279 and 1.3.281).
- Allocation of quotas for the NAFO Regulatory Area: Regulation adopted (→ point 1.3.282).
- Measures for the conservation and management of fishery resources applicable to vessels of certain non-member countries in the 200-nautical-mile zone off the coast of French Guiana: Regulation adopted (→ point 1.3.271).

- Improving and adapting structures in the fisheries and aquaculture sector: Regulation adopted (→ point 1.3.263).
- Pilot observer scheme in the NAFO area: Regulation adopted (→ point 1.3.283).
- Conclusion of a fisheries agreement with Morocco: Regulation adopted (→ point 1.3.267).

Other business

- Tariff quotas and suspensions for 1993: exchange of views.
- Arrangements on access to fishing for Spain and Portugal: Commission report presented.

1636th meeting

1.7.13. General affairs and political cooperation (Brussels, 21 December).

- Previous meeting:** (→ point 1.7.5 of this Bulletin).

President: Mr Hurd, UK Secretary of State for Foreign and Commonwealth Affairs.

Commission: Mr Delors, Mr Andriessen, Mr Pandolfi, Mr Dondelinger and Mr Matutes.

Main items

- Export controls on dual-use goods and technologies: statement adopted (→ point 1.3.28).
- Ratification of the Agreement on the European Economic Area: conclusions adopted (→ point 1.4.3).

Other business

- Edinburgh European Council: Presidency working paper presented.
- High-definition television: progress report.
- Commercial policy: discussed in detail.
- Jurisdiction of the Court of First Instance: exchange of views.
- Uruguay Round: exchange of views.

- Former Yugoslavia: reports by the Presidency and the Commission.
- EEC-Cyprus Association Council: meeting prepared.
- Negotiating directives for a Euro-Maghreb association agreement with Morocco: Commission statement.

Commission

Membership of the new Commission

- **Reference:** Conclusions of the Lisbon European Council: Bull. EC 6-1992, point 1.1

1.7.14. On 21 December the representatives of the governments of the Member States appointed the Members of the Commission of the European Communities for the period from 6 January 1993 to 5 January 1997 subject to the implementation, following entry into force of the Treaty on European Union, of its new Article 158, which will mean that their term of office will expire on 6 January 1995. Also on 21 December they appointed Mr Jacques Delors, whose term of office had been extended by the Lisbon European Council, President of the Commission for the period from 6 January 1993 to 6 January 1995. The Vice-Presidents will be appointed in due course.

The 17 Members of the Commission are as follows:

Mr Jacques Delors
 Mr Henning Christophersen
 Mr Manuel Marín González
 Mr Martin Bangemann
 Sir Leon Brittan QC
 Mr Abel Matutes Juan
 Mr Peter Schmidhuber
 Mrs Christiane Scrivener
 Mr Bruce Millan
 Mr Karel Van Miert
 Mr Hans van den Broek
 Mr João de Deus Rogado Salvador Pinheiro
 Mr Pdraig Flynn

Mr Antonio Ruberti
 Mr René Steichen
 Mr Yannis D. Paleokrassas
 Mr Raniero Vanni d'Archirafi

OJ L 2, 6.1.1993

Proposals adopted

1.7.15. The Commission adopted an amended proposal for a Regulation establishing a Cohesion Fund and a proposal for a Regulation establishing an interim cohesion financial instrument (→ points 1.2.2 and 1.2.3). It also adopted two proposals for Decisions on a multiannual programme to support enterprises, in particular SMEs, in the Community (→ point 1.3.108) and a proposal for a Decision on a programme of Community action to promote the vocational training of indirect taxation officials (→ point 1.3.163). It adopted a proposal for a Decision on the contracting of Euratom borrowings to contribute to the financing required for improving the efficiency and safety of nuclear power stations in certain non-member countries (→ point 1.6.7). A report and a proposal for a Regulation on the Greek islands in the Aegean Sea (→ point 1.3.165) were also adopted.

Communications, green papers and reports

1.7.16. On the economic and monetary policy front the Commission adopted two communications on the economic situation in the Community (→ point 1.3.2) and the use of the ecu (→ point 1.3.3) respectively.

In connection with the internal market it adopted a communication on the operation of the internal market after 1992 (→ point 1.3.14) and a Green Paper on pluralism and media concentration (→ point 1.3.18).

In the area of competition policy the Commission adopted a notice on cooperation between national courts and the Commission in applying Articles 85 and 86 of the EEC Treaty (→ point 1.3.51) and a communication

and a notice on cooperative joint ventures (→ point 1.3.52).

It also adopted a White Paper on the future development of the common transport policy (→ point 1.3.119) and communications on combating social exclusion (→ point 1.3.145) and on higher education-industry cooperation (→ point 1.3.161).

In the fisheries sector the Commission adopted a report on the accession arrangements for Spain and Portugal (→ point 1.3.265).

Other decisions

1.7.17. The Commission adopted a recommendation for a Decision on the opening of negotiations on a Euro-Maghreb association agreement with Morocco (→ point 1.4.20). It also adopted Decisions on transitional measures for the banana sector (→ point 1.3.208) and on multiannual guidance programmes for the fishing fleet (→ point 1.3.264).

Community lawcourts

Fortieth anniversary of the Court of Justice

1.7.18. On 4 December a ceremony to mark the 40th anniversary of the Court of Justice was held in the presence of HRH the Grand Duke of Luxembourg, Mr Santer, Prime Minister of the Grand Duchy of Luxembourg, Mr Klepsch, President of the European Parliament, Mr Delors, President of the Commission, the Right Honourable Lord MacKay of Clashfern, Lord Chancellor and President of the Council, the Right Honourable Lord Keith of Kinkel representing the judiciary of the Member States, and Mr Due, President of the Court of Justice.

Court of Justice

1.7.19. Decisions given by the Courts are covered in the Bulletin for the month in which they are reported in the Official Journal. The operative part of the main decisions is reproduced; other decisions are simply listed by field and legal basis. Decisions in disputes between the Community and its staff are not reported.

Main decisions

Free movement of goods

Article 177 of the EEC Treaty

□ 10.11.1992: Case C-3/91 *Exportur v Lor and Confiserie du Tech*

Articles 30 and 36 of the EEC Treaty do not preclude the application of rules laid down by a bilateral agreement between Member States for the protection of geographical descriptions and designations of origin such as the Franco-Spanish Agreement of 27 June 1973 provided that the protected appellations have not acquired at the time the agreement entered into force or subsequently a generic character in the State of origin.

OJ C 316, 3.12.1992

Competition

Article 173 of the EEC Treaty

□ 17.11.1992: Joined Cases C-271/90, C-281/90 and C-289/90 *Spain, Belgium and Italy v Commission*

1. Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services is declared void in as much as it seeks to govern special rights.

2. Article 8 of the Directive is declared void.

3. For the rest, the application is dismissed.

OJ C 326, 11.12.1992

Infringements*Article 169 of the EEC Treaty*

□ 24.11.1992: Case C-237/90 *Commission v Germany*

By permitting, until 1 January 1991, derogations from Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption in circumstances not envisaged in Article 10(1) of that Directive and by not providing the obligation for the *Länder* to notify permitted derogations in order to ensure compliance with Article 9(1) and Article 10(3) of the Directive, the Federal Republic of Germany has failed to fulfil its obligations under the EEC Treaty.

OJ C 333, 17.12.1992

□ 25.11.1992: Case 337/89 *Commission v United Kingdom*

1. By failing, first, to implement in the regulations applicable in Scotland and Northern Ireland and, as regards water used in the food industry, also in England and Wales Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption and, secondly, to ensure that the quality of water supplied in 28 supply zones in England conforms to the requirements of the Directive concerning nitrates, the United Kingdom has failed to fulfil its obligations under the EEC Treaty.

2. The remainder of the application is dismissed.

OJ C 333, 17.12.1992

□ 25.11.1992: Case C-376/90 *Commission v Belgium*

The application is dismissed.

(Application for a declaration that, by failing to adopt the laws, regulations and administrative provisions needed to comply with Article 10(2) and Articles 44 and 45 of Council Directive 80/836/Euratom of 15 July 1980, which lays down basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation, Belgium has failed to fulfil its obligations under the Directive.)

OJ C 333, 17.12.1992

Other decisions**Agriculture***Article 173 of the EEC Treaty*

□ 24.11.1992: Joined Cases C-15/91 and C-108/91 *Josef Buckl & Söhne and Others v Commission*

OJ C 333, 17.12.1992

Article 177 of the EEC Treaty

□ 10.11.1992: Case C-156/91 *Hansa Fleisch Ernst Mundt v Landrat des Kreises Schleswig-Flensburg*

OJ C 316, 3.12.1992

□ 11.11.1992: Case C-251/91 *Teulie v Cave coopérative 'Les Vignerons de Puissalicon'*

OJ C 316, 3.12.1992

□ 12.11.1992: Case C-127/91 *CNTA v Ministère de l'agriculture*

OJ C 316, 3.12.1992

□ 3.12.1992: Case C-283/91 *Prefetto di Ravenna v Contarini*

OJ C 343, 24.12.1992

Fisheries*Article 177 of the EEC Treaty*

□ 24.11.1992: Case C-286/90 *Criminal proceedings v Poulsen and Diva Navigation*

OJ C 333, 17.12.1992

Free movement of persons, companies and services*Article 177 of the EEC Treaty*

□ 12.11.1992: Case C-73/89 *Fournier and Others v Van Werven and Others*

OJ C 316, 3.12.1992

Free movement of workers and social policy

Article 177 of the EEC Treaty

□ 12.11.1992: Case C-209/91 *Rask and Christensen v ISS Kantineservice*

OJ C 322, 9.12.1992

□ 19.11.1992: Case C-226/91 *Molenbroek v Bestuur van de Sociale Verzekeringsbank*

OJ C 324, 10.12.1992

Taxation

Article 170 of the EEC Treaty

□ 27.11.1992: Case C-349/92 *Spain v United Kingdom*

OJ C 340, 23.12.1992

Article 177 of the EEC Treaty

□ 19.10.1992: Case C-313/91 *UFAC v Directeur des services fiscaux du Val d'Oise*

OJ C 326, 11.12.1992

□ 12.11.1992: Case C-163/91 *Beheersmaatschappij Van Ginkel Waddinxveen and Others v Inspecteur der Omzetbelasting, Utrecht*

OJ C 319, 5.12.1992

Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters

Protocol of 3 June 1971 and Convention of 27 September 1968

□ 12.11.1992: Case C-123/91 *Minalmet v Brandeis*

OJ C 316, 3.12.1992

Company law

Article 177 of the EEC Treaty

□ 12.11.1992: Joined Cases C-134/91 and C-135/91 *Kerafina and Vioktimatiki v Greek State and Organismos Oikonomikis Anasygkrotissis Epicheirisseon*

OJ C 322, 9.12.1992

Institutional matters

Article 175 of the EEC Treaty

□ 10.11.1992: Joined Cases C-257/91 and C-258/91 *Schlee and Grund v Parliament*

OJ C 322, 9.12.1992

Infringements

Article 169 of the EEC Treaty

□ 20.10.1992: Case C-78/92 *Commission v Belgium*

OJ C 316, 3.12.1992

□ 22.10.1992: Case C-349/89 *Commission v Italy*

OJ C 316, 3.12.1992

□ 9.11.1992: Case C-96/92 *Commission v Luxembourg*

OJ C 324, 10.12.1992

□ 10.11.1992: Case C-326/90 *Commission v Belgium*

OJ C 316, 3.12.1992

□ 17.11.1992: Case C-279/89 *Commission v United Kingdom*

OJ C 326, 11.12.1992

□ 17.11.1992: Case C-105/91 *Commission v Greece*

OJ C 326, 11.12.1992

□ 17.11.1992: Case C-157/91 *Commission v Netherlands*

OJ C 322, 9.12.1992

□ 17.11.1992: Case C-235/91 *Commission v Ireland*

OJ C 324, 10.12.1992

□ 17.11.1992: Case C-236/91 *Commission v Ireland*

OJ C 333, 17.12.1992

□ 2.12.1992: Case C-280/89 *Commission v Ireland*

OJ C 340, 23.12.1992

Court of First Instance

Main decisions

Competition

Article 173 of the EEC Treaty

□ 18.11.1992: Case T-16/91 *Rendo and Others v Commission*

OJ C 324, 10.12.1992

Article 125 of the CFI's Rules of procedure

□ 4.11.1992: Case T-8/89 Rev. *DSM v Commission*

OJ C 334, 18.12.1992

□ 4.11.1992: Case T-14/89 Rev. *Montecatini (formerly Montedipe) v Commission*

OJ C 334, 18.10.1992

Analysis of judgments delivered between 1 October and 31 December 1992

General principles of Community law

1.7.20. Judgment of 27 October 1992, Case C-240/90 *Germany v Commission* (penalties for infringements of Community law).

Germany applied for the annulment of certain provisions of Commission agricultural regulations determining the penalties to be imposed by national authorities in the event of serious irregularities in applications for Community assistance. Giving judgment on 27 October, the Court of Justice confirmed earlier rulings to the effect that the Community had the power to establish the penalties needed for the effective application of agricultural regulations. The power was not confined to orders to pay extra but extended to all penalties, provided they were necessary for the attainment of the objectives of the common agricultural policy, and included exclusion from future grants of assistance. It was for the Community legislative bodies to decide what was the most appropriate solution. The Court also clarified the concept of Commission implementing powers. Only those rule-making powers that went to the root of the subject-matter in issue could be reserved for the Council; determining the nature of penalties, as by imposing extra payments or excluding the future grant of assistance, was simply implementing the principles of the basic regulation and could legitimately be delegated to the Commission. Moreover, there was no need for the Council to expressly enable the Commission in this respect: the Commission could provide for penalties in implementing regulations adopted in exercise of its general executive powers.

1.7.21. Judgment of 25 November 1992, Case C-376/90 *Commission v Belgium* (standards for protection against ionizing radiation).

□ **Reference:** Directive 80/836/Euratom on basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation: OJ L 246, 17.9.1980; Bull. EC 7/8-1980, point 2.1.54

The Court dismissed the Commission's action against Belgium for failure to comply with Directive 80/836/Euratom on basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation. The Commission's view was that the Directive did not leave the Member States free to set radiation exposure limits since Article 2 of the Euratom Treaty required the Community to establish 'uniform safety stan-

dards'. Belgium had set limits for apprentices and under-age students that were tighter than those provided for by the Directive. The Court first observed that the text of the Directive itself could not be used to support the arguments of either side. But it then noted that the Directive's standards were based on Recommendations of the International Commission on Radiological Protection which, since all forms of ionizing radiation are a potential health hazard, were not expressed to be mandatory standards but issued for guidance only. The underlying principle was optimum protection. The Directive did not make it explicit that the Community legislation was to depart from that approach; if there had been an intention to prohibit a higher degree of protection, that intention would have been expressed. Failing that, the Directive could not be interpreted as precluding a Member State from legislating for a higher degree of protection on the basis of a combination of economic and social considerations.

Free movement of goods

1.7.22. Judgment of 10 November 1992, Case C-3/91 *Exportur v Lor* (geographical indications).

□ **Reference:** Council Regulation No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs: OJ L 208, 24.7.1992; Bull. EC 7/8-1992, point 1.3.164

In this case the Court gave valuable guidance on the compatibility of national rules applying to geographical indications of origin with the rules governing free movement of goods. As a general rule the protection of geographical indications, in keeping with the principle of territoriality as applied to intellectual property rights, is governed by the realities and concepts of the country in which the product circulates, regardless of the conditions obtaining in the country where the geographical term originates. The Court held that the protection of geographical terms is not warranted solely where the product has qualities or properties specifically due to the place where it originated — such designations can enjoy considerable prestige in consumer perceptions even where

the 'taste' of the product is not due only to its place of production or to quality standards imposed by public authorities there. They can be a valuable means for local producers to generate customers' loyalty, and deserve protection for that reason. There is discrimination of a kind contrary to Article 30 of the EEC Treaty only where a Member State reserves designations commonly used for products that might be produced anywhere for home-produced products and requires firms from other Member States to use designations that are less familiar to the public or less well appreciated. The Court further held that a Member State may extend the protection afforded to designations relating to places or areas in its own territory to the territory of another Member State, as is the case under the Convention between France and Spain, but not where designations have acquired generic status in the country of origin. Incidentally, Council Regulation No 2081/92 provides that designations of origin and geographical indications of agricultural products and foodstuffs must be entered in a Community register if they are to be eligible for protection throughout the Community.

1.7.23. Judgment of 16 December 1992, Case C-169/91 *Stoke-on-Trent City Council v B&Q plc* (prohibition on Sunday opening of shops).

□ **References:**

Judgment of 23 November 1989, Case C-145/88 *Torfaen Borough Council*

Judgment of 28 February 1991, Case C-312/89 *Conforoma* and Case C-332/89 *Marchandise*

The Court of Justice concluded from its earlier decisions that the provisions on free movement of goods do not stand in the way of national legislation prohibiting retailers from opening their premises on Sundays.

The Court had ruled in *Torfaen Borough Council* that Article 30 of the EEC Treaty did not apply to national rules on Sunday closing where the restrictive effects on trade which might result from them did not exceed the effects intrinsic to such rules, and that whether the rules in issue satisfied that test was a question of fact to be determined by the national court. In its *Conforoma* and *Marchandise* judgments the Court had held that Article 30 did

not apply to national rules prohibiting the employment of workers on Sundays.

The Court was now asked to rule on the UK Shops Act 1950, which prohibits retailers from opening on Sundays except for the sale of specified products of everyday consumption (including certain foodstuffs, intoxicating liquors, tobacco and newspapers). It found that the Act was not intended to regulate the flow of goods and that it affected the sale of both domestic and imported products. Furthermore, national rules restricting Sunday opening reflected certain choices relating to particular national or regional socio-cultural characteristics. It was for the Member States to make those choices, with due regard for Community law, in particular the proportionality principle.

The Court had already stated that the prohibition of employment did not appear to be excessive in relation to the aim pursued; it now made the same finding, for the same reasons, with regard to rules prohibiting shops from opening on Sundays.

Competition

1.7.24. Judgment of 17 November 1992, Joined Cases C-271/90, C-281/90 and C-289/90 *Spain, Belgium and Italy v Commission* (markets for telecommunications services).

□ **References:**

Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services: OJ L 192, 24.7.1990

Commission Directive 88/301/EEC of 16 May 1988 on competition in the market for telecommunications terminal equipment: OJ L 131, 27.5.1988

Three Member States brought actions for annulment of Directive 90/388/EEC on competition in the markets for telecommunications services. This Directive, which the Commission adopted on 28 June 1990 on the basis of Article 90(3) of the EEC Treaty, requires the Member States to withdraw exclusive or special rights to supply telecommunications services other than voice telephony and carries forward the liberalization process started by Directive 88/

301/EEC on competition in the market for telecommunications terminal equipment, which was the subject of the judgment given on 19 March 1991. The Court confirmed its earlier declaration to the effect that, by virtue of its powers under Article 90(3) of the EEC Treaty, the Commission may issue general rules specifying the obligations incumbent on the Member States as regards public enterprises on which they confer exclusive or special rights. It held that the Commission may specify such obligations in relation not only to Article 30 but also to Article 59 of the Treaty (freedom to provide services). Directive 90/388/EEC, like Directive 88/301/EEC, was annulled on the ground that it sought to regulate special rights without stating reasons for doing so; it did not state what type of special rights were to be withdrawn, nor the reasons for considering them repugnant to the Treaty. Regarding exclusive rights the Court, in contrast, confirmed its earlier ruling that the mere fact of creating a dominant position through the conferral of exclusive rights was not *per se* contrary to the Treaty; but the extension of a monopoly such as the establishment and operation of a telephone network to another market, in this case telecommunications services, with the effect that competition was eliminated on those markets, was prohibited by Articles 86 and 90.

Free movement of persons

1.7.25. Judgment of 16 December 1992, Case C-237/91 *Kus v Landeshauptstadt Wiesbaden* (Turkish workers' right to paid employment and right of residence).

□ **References:**

Judgment of 20 September 1990, Case C-192/89 *Sevince*

EEC-Turkey Association Agreement: OJ L 217, 25.12.1964

The Court of Justice confirmed its judgment of 20 September 1990 to the effect that it has jurisdiction to give rulings on the interpretation of decisions adopted by the Association Council set up by the EEC-Turkey Association Agreement. The Court was asked to consider Article 6 of Association Council Decision No 1/80, which states that a Turkish worker

duly registered as belonging to the labour force of a Member State is entitled, (i) after one year's legal employment, to the renewal of his permit to work for the same employer, (ii) after three years' employment, to respond to another offer of employment for the same occupation, and (iii) after four years' employment, to free access to any paid employment of his choice.

A Turkish worker had acquired the right to reside in Germany by reason of his marriage to a German national. Two and a half years later, after the dissolution of the marriage, the German authorities refused to extend his residence permit. The Court held that Article 6 applies to Turkish workers who belong to a Member State's labour force, which presupposes a stable situation and an unchallenged right to reside. But the grounds on which the right to reside was granted are not material for the purposes of Article 6: a worker need do no more than satisfy the tests of the Article to qualify for renewal of his work permit.

Although Decision No 1/80 does not determine a Turkish worker's situation as regards residence, but only as regards employment, the two are closely linked: the Court found that the entitlement to renewal of a work permit after a stated period of regular employment would be devoid of all effect if Decision No 1/80 did not imply that the worker in question had the right to reside in the country concerned.

So the Decision leaves it to Member States to regulate both the entry of Turkish nationals

and the conditions on which they may first take up employment, but it is the Decision that determines the conditions on which they may continue in employment and hence reside in a particular Member State.

ECSC Consultative Committee

303rd meeting (ordinary)

1.7.26. Luxembourg, 18 December.

Chairman: Mr Cimenti.

Items discussed

- Forward programme for steel (first half of 1993): consultation (→ point 1.3.111).
- Commission communication *Towards greater competitiveness in the steel industry: the need for further restructuring*: consultation (→ point 1.3.112).
- Launching a 12th ECSC workers' housing programme: resolution (→ point 1.3.155).
- Conclusion of an association agreement between the ECSC and Romania: consultation (→ point 1.4.14).
- Commission communication on the future of the ECSC Treaty Financial activities: consultation (→ point 1.6.6).

PART TWO

DOCUMENTATION

1. The ecu

Values in national currencies of ECU 1

December 1992 ¹		
BFR/ LFR	Belgian franc and Luxembourg franc	40.3034
DKR	Danish krone	7.58077
DM	German mark	1.95898
DR	Greek drachma	259.052
ESC	Portuguese escudo	175.856
FF	French franc	6.68084
HFL	Dutch guilder	2.20243
IRL	Irish pound	0.742045
LIT	Italian lira	1 750.45
PTA	Spanish peseta	139.907
UKL	Pound sterling	0.798268
AUD	Australian dollar	1.79652
CAD	Canadian dollar	1.57618
FMK	Finnish markka	6.36573
ISK	Icelandic króna	77.8775
NKR	Norwegian krone	8.28840
NZD	New Zealand dollar	2.40104
OS	Austrian schilling	13.7832
SFR	Swiss franc	1.76030
SKR	Swedish krona	8.54024
USD	United States dollar	1.23896
YEN	Japanese yen	153.628

¹ Average for the month; OJ C 1, 5.1.1993.

NB: Explanatory notes on the ecu and 'green' rates can be found in Bull. EC 7/8-1982, points 3.1.1 to 3.1.3, and Bull. EC 9-1989, point 2.1.3.

Representative rates ('green' rates)*Conversion rates into national currencies for the ecu used in connection with the common agricultural policy*

December 1992

National currency/sector		Value in national currency of ECU 1	National currency/sector		Value in national currency of ECU 1
BFR/ LFR	Belgian franc and Luxembourg franc		LIT	Italian lira	
	— All products	48.5563		— Pigmeat	2 032.19 2 040.84 on 14.12 2 080.78 on 22.12 2 105.57 on 28.12
DKR	Danish krone		PTA	— Other products	1 908.93 1 990.00 on 22.12
	— All products	8.97989		Spanish peseta	
DM	German mark		— Cereals, sugar	153.374 161.262 on 22.12	
	— All products	2.35418	— Pigmeat	165.993/ 166.051 on 7.12 166.185 on 21.12 167.185 on 22.12	
DR	Greek drachma		— Wine	154.146 161.262 on 22.12	
	— Sheepmeat and goatmeat	267.855	— Olive oil	158.551 161.262 on 22.12	
ESC	— Pigmeat	305.478	— Beef, milk and milk products	155.692 161.262 on 22.12	
	— Other products	308.226 on 14.12 311.013 on 28.12 292.133	— Other products	155.084 161.262 on 22.12	
FF	Portuguese escudo				
	— Sheepmeat and goatmeat, pigmeat	209.523			
HFL	— Other products	207.327	UKL	Pound sterling	
	French franc		— Pigmeat	0.960016 0.947813 on 14.12	
IRL	— All products	7.89563	— Other products	0.952828 on 21.12 0.897525	
	Dutch guilder				
	— All products	2.65256			
	Irish pound				
	— All products	0.878776			

2. Infringement proceedings

Letters of formal notice

Failure to communicate any measures incorporating Directives into national law

2.2.1. In December the Commission sent letters of formal notice in the following cases:

Internal market and industrial affairs

Directive 91/321/EEC (OJ L 175, 4.7.1991)

Infant formulae

Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Agriculture

Directive 92/71/EEC (OJ L 275, 18.9.1992)

Consignments that could be subject to phytosanitary inspection and documentary checking

Belgium, Germany, Greece, France, Italy, Luxembourg, Portugal, United Kingdom

Directive 91/508/EEC (OJ L 271, 27.9.1991)

Additives in feedingstuffs

Belgium, Greece, Luxembourg

Environment, nuclear safety and civil protection

Directive 91/157/EEC (OJ L 78, 26.3.1991)

Batteries and accumulators containing certain dangerous substances

Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Portugal, United Kingdom

Telecommunications, information industries and innovation

Directive 91/263/EEC (OJ L 128, 23.5.1991)

Telecommunications terminal equipment

Belgium, Germany, Greece, Spain, Ireland, Italy, Luxembourg, Portugal

Financial institutions and company law

Directive 90/619/EEC (OJ L 330, 29.11.1990)

Direct life assurance

Belgium, Denmark, Germany, Greece, Spain, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom

Reasoned opinions

Failure properly to incorporate Directives into national law

2.2.2. In December the Commission delivered reasoned opinions in the following cases:

Internal market and industrial affairs

Directive 88/295/EEC (OJ L 127, 20.5.1988)

Public supply contracts — Transposition by administrative provisions

Germany

Directive 89/440/EEC (OJ L 210, 21.7.1989)

Public works contracts — Transposition by administrative provisions

Germany

Environment, nuclear safety and civil protection

Directive 85/337/EEC (OJ L 175, 5.7.1985)

Environmental impact assessment

Spain

Infringements of the Treaties or of Regulations; failure properly to apply Directives in practice

2.2.3. In December the Commission delivered reasoned opinions in the following cases:

Internal market and industrial affairs

Directives 89/665/EEC (OJ L 395, 30.12.1989) and 77/62/EEC (OJ L 13, 15.1.1977)

Meteorological station

Netherlands

Articles 5, 48, 52 and 59 of the EEC Treaty
Official card for estate agents
France

Directive 85/432/EEC (OJ L 253, 24.9.1985)
Coordination of training for pharmacists
Italy

Directives 85/432/EEC and 85/433/EEC (OJ L 253,
24.9.1985) and Articles 48 and 52 of the EEC Treaty
Pharmacists — Mutual recognition of diplomas
Germany

Agriculture

Regulations (EEC) Nos 857/84 (OJ L 90, 1.4.1984),
2138/90 (OJ L 195, 26.7.1990) and 1183/90 (OJ
L 119, 11.5.1990)
Reassignment of released quotas
France

Environment, nuclear safety and civil protection

Directive 76/160/EEC (OJ L 31, 5.2.1976) and
Articles 5 and 189 of the EEC Treaty
Bathing water
Netherlands

Customs and indirect taxation

Article 95 of the EEC Treaty
Taxation of fruit wines
Netherlands

Regulation (EEC) No 2658/87 (OJ L 256, 7.9.1987)
and Article 28 of the EEC Treaty
Tax-free import of equipment not specifically for
military purposes

Case 127/86 *Ledoux v Belgian Ministry of Finance*
(OJ C 193, 22.7.1988)
Use of a car by a frontier worker
Portugal

Cases referred to the Court of Justice

Failure to communicate any measures incorporating Directives into national law

2.2.4. In December the Commission referred
the following cases to the Court of Justice:

Transport

Directive 87/540/EEC (OJ L 322, 12.11.1987)
Access to the occupation of carrier of goods by
waterway
Luxembourg

Environment, nuclear safety and civil protection

Directive 87/101/EEC (OJ L 42, 12.2.1987)
Disposal of waste oils
Ireland

Infringements of the Treaties or of Regulations; failure properly to apply Directives in practice

2.2.5. In December the Commission referred
the following cases to the Court of Justice:

Environment, nuclear safety and civil protection

Directives 78/319/EEC (OJ L 84, 31.3.1978), 75/
442/EEC (OJ L 194, 25.7.1975), 86/279/EEC (OJ
L 181, 4.7.1986) and 84/631/EEC (OJ L 326,
13.12.1984) and Articles 5 and 189 of the EEC
Treaty
Waste disposal
Germany

Directives 80/779/EEC (OJ L 229, 30.8.1980) and
85/337/EEC (OJ L 175, 5.7.1985)
Environmental impact of waste — Dollbergen/
Hannover
Germany

Proceedings terminated

Failure to communicate any measures incorporating Directives into national law

2.2.6. In December the Commission decided
not to continue the following infringement pro-
ceedings:

Internal market and industrial affairs

Directive 82/711/EEC (OJ L 297, 23.10.1992)
Plastic articles intended to come into contact with
foodstuffs
Belgium, Greece, United Kingdom
Reasoned opinions delivered on 19 March 1992

Directive 85/572/EEC (OJ L 372, 31.12.1985)
Plastic articles intended to come into contact with foodstuffs
Belgium, United Kingdom
Reasoned opinions delivered on 27 March 1992

Directive 87/250/EEC (OJ L 113, 30.4.1987)
Alcoholic beverages
Portugal
Reasoned opinion delivered on 20 December 1991

Directive 88/593/EEC (OJ L 318, 25.11.1988)
Jams, jellies and marmalades
Portugal
Reasoned opinion delivered on 22 January 1992

Directive 89/107/EEC (OJ L 40, 11.2.1989)
Additives in foodstuffs intended for human consumption
Belgium, France, Ireland, Luxembourg, Netherlands, United Kingdom
Reasoned opinions delivered on 28 November and 2 December 1991 and 17 February 1992

Directive 90/128/EEC (OJ L 75, 21.3.1990)
Plastic articles intended to come into contact with foodstuffs
Belgium, France, United Kingdom
Reasoned opinions delivered on 19 March 1992

Directive 89/178/EEC (OJ L 64, 8.3.1989)
Labelling of dangerous preparations
Portugal
Reasoned opinion delivered on 28 January 1992

Directive 89/284/EEC (OJ L 111, 22.4.1989)
Calcium, magnesium, sodium and sulphur in fertilizers
Luxembourg
Reasoned opinion delivered on 21 October 1991

Directive 89/519/EEC (OJ L 265, 12.9.1989)
Fertilizers
Luxembourg
Reasoned opinion delivered on 21 October 1991

Directive 89/530/EEC (OJ L 281, 30.9.1989)
Trace elements
Luxembourg
Reasoned opinion delivered on 26 February 1992

Directive 90/35/EEC (OJ L 19, 24.1.1990)
Safety of child-resistant fastenings
Portugal
Reasoned opinion delivered on 30 January 1992

Directive 90/486/EEC (OJ L 270, 2.10.1990)
Electrically operated lifts
Belgium, Luxembourg
Reasoned opinions delivered on 9 March 1992

Directive 75/324/EEC (OJ L 147, 9.6.1975)
Aerosol dispensers
Portugal
Reasoned opinion delivered on 28 November 1991

Directive 76/767/EEC (OJ L 262, 27.9.1976)
Pressure vessels
Portugal
Reasoned opinion delivered on 28 November 1991

Directive 87/404/EEC (OJ L 220, 8.8.1987)
Pressure vessels
Germany, Luxembourg, Netherlands, Portugal
Reasoned opinions delivered on 28 November and 30 September 1991

Directive 86/653/EEC (OJ L 382, 31.12.1986)
Independent commercial agents
Spain
Reasoned opinion delivered on 10 February 1992

Directive 90/365/EEC (OJ L 180, 13.7.1990)
Right of residence for employees who have ceased their occupational activity
Greece
Reasoned opinion delivered on 14 October 1992

Directive 65/1/EEC (OJ 1, 8.1.1965)
Freedom to provide services — Agriculture and horticulture
Greece
Reasoned opinion delivered on 5 April 1991

Directive 69/82/EEC (OJ L 68, 19.3.1969)
Freedom to provide services for oil and natural gas exploration
Spain
Reasoned opinion delivered on 16 March 1992

Directive 75/368/EEC (OJ L 167, 30.6.1975)
Freedom of establishment
Spain
Reasoned opinion delivered on 16 March 1992

Directive 82/470/EEC (OJ L 213, 21.7.1982)
Self-employed persons in services incidental to transport
Greece
Reasoned opinion delivered on 24 June 1987

Employment, industrial relations and social affairs

Directive 88/35/EEC (OJ L 20, 26.1.1988)
Electrical equipment for use in potentially explosive atmospheres
Luxembourg, Netherlands
Reasoned opinions delivered on 15 June and 6 August 1992

Directive 88/364/EEC (OJ L 179, 9.7.1988)
 Banning of certain specified agents and/or certain
 work activities
 Luxembourg
 Reasoned opinion delivered on 29 April 1992

Agriculture

Directives 66/400/EEC (OJ L 125, 11.7.1966), 69/61/
 EEC (OJ L 48, 26.2.1969) and 76/331/EEC (OJ
 L 83, 30.3.1976)

Marketing of beet seed

Portugal

Reasoned opinions delivered on 13 November 1991

Directives 66/401/EEC (OJ L 125, 11.7.1966) and 69/
 63/EEC (OJ L 48, 26.2.1969)

Fodder plants

Portugal

Reasoned opinions delivered on 13 November 1991

Directive 69/208/EEC (OJ L 169, 10.7.1969)

Marketing of seed of oil and fibre plants

Portugal

Reasoned opinion delivered on 13 November 1991

Directive 70/458/EEC (OJ L 225, 12.10.1970)

Marketing of vegetable seed

Portugal

Reasoned opinion delivered on 13 November 1991

Directives 71/162/EEC (OJ L 87, 17.4.1971), 72/
 274/EEC (OJ L 171, 29.7.1972) and 87/481/EEC
 (OJ L 273, 26.9.1987)

Vegetable seed

Portugal

Reasoned opinions delivered on 13 November 1991

Directive 72/168/EEC (OJ L 103, 2.5.1972)

Inspecting vegetable varieties

Portugal

Reasoned opinion delivered on 13 November 1991

Directive 72/180/EEC (OJ L 108, 8.5.1972)

Inspecting agricultural varieties

Portugal

Reasoned opinion delivered on 19 February 1992

Directives 72/418/EEC (OJ L 287, 26.12.1972), 73/
 438/EEC (OJ L 356, 27.12.1973), 75/444/EEC (OJ
 L 196, 26.7.1975), 78/1020/EEC (OJ L 350,
 14.12.1978), 79/641/EEC (OJ L 183, 19.7.1979), 81/
 126/EEC (OJ L 67, 12.3.1981), 83/116/EEC (OJ
 L 76, 22.3.1983), 86/155/EEC (OJ L 118, 7.5.1986)
 and 87/120/EEC (OJ L 49, 18.2.1987)

Seeds

Portugal

Reasoned opinions delivered on 13 November 1991

Directive 75/502/EEC (OJ L 228, 29.8.1975)

Seed of smooth-stalk meadowgrass

Portugal

Reasoned opinion delivered on 13 November 1991

Directives 78/386/EEC (OJ L 113, 25.4.1978), 79/
 692/EEC (OJ L 205, 13.8.1979), 80/754/EEC (OJ
 L 207, 9.8.1980), 85/38/EEC (OJ L 16, 19.1.1985),
 86/109/EEC (OJ L 93, 8.4.1986) and 89/100/EEC
 (OJ L 38, 10.2.1989)

Fodder plant seed

Portugal

Reasoned opinions delivered on 13 November 1991

Directives 78/388/EEC (OJ L 113, 25.4.1978), 80/
 304/EEC (OJ L 68, 14.3.1980) and 82/859/EEC (OJ
 L 357, 18.12.1982)

Oil plant seed

Portugal

Reasoned opinions delivered on 13 November 1991

Directive 82/287/EEC (OJ L 357, 18.12.1982)

Oil and fibre plants

Portugal

Reasoned opinions delivered on 13 November 1991

Directive 87/480/EEC (OJ L 273, 26.9.1987)

Oil and fibre plants and fodder plants

Portugal

Reasoned opinion delivered on 13 November 1991

Directive 88/95/EEC (OJ L 56, 2.3.1988)

Beet seed

Portugal

Reasoned opinion delivered on 13 November 1991

Directive 88/380/EEC (OJ L 187, 16.7.1988)

Seeds and plants

Portugal

Reasoned opinion delivered on 13 November 1991

Directive 89/14/EEC (OJ L 8, 11.1.1989)

Groups of varieties of spinach beet and beetroot

Portugal

Reasoned opinion delivered on 13 November 1991

Directive 89/424/EEC (OJ L 196, 12.7.1989)

Seeds of fodder plants and oil plants

Portugal

Reasoned opinion delivered on 13 November 1991

Directives 78/50/EEC (OJ L 15, 19.1.1978), 80/216/
 EEC (OJ L 47, 21.2.1980), 80/879/EEC (OJ L 251,
 24.9.1980) and 85/326/EEC (OJ L 168, 28.6.1985)

Fresh poultrymeat

Portugal

Reasoned opinions delivered on 6 August 1992

Directive 87/328/EEC (OJ L 167, 26.6.1987)

Pure-bred breeding animals of the bovine species

Spain

Reasoned opinion delivered on 20 May 1992

Directives 88/407/EEC (OJ L 194, 22.7.1988) and 90/120/EEC (OJ L 71, 17.3.1990)

Imports of deep-frozen semen

Luxembourg

Reasoned opinion delivered on 7 November 1991

Directive 88/409/EEC (OJ L 194, 22.7.1988)

Fees for inspecting meat

Ireland

Reasoned opinion delivered on 20 November 1991

Directive 88/658/EEC (OJ L 382, 31.12.1988)

Trade in meat products

Netherlands

Reasoned opinion delivered on 30 October 1991

Directive 88/661/EEC (OJ L 382, 31.12.1988)

Zootechnical standards applicable to breeding animals of the porcine species

Belgium, United Kingdom

Reasoned opinions delivered on 13 November 1991 and 6 August 1992

Directive 89/227/EEC (OJ L 93, 6.4.1989)

Meat products

Spain

Reasoned opinion delivered on 9 December 1991

Directive 89/361/EEC (OJ L 153, 6.6.1989)

Pure-bred breeding sheep and goats

Luxembourg, Portugal, United Kingdom

Reasoned opinions delivered on 13 November 1991, 9 December 1991 and 6 August 1992

Directive 89/362/EEC (OJ L 156, 8.6.1989)

Milk products

Spain

Reasoned opinion delivered on 9 December 1991

Directive 89/556/EEC (OJ L 302, 19.10.1989)

Imports of embryos of domestic animals

Spain, Luxembourg

Reasoned opinions delivered on 13 November and 4 December 1991

Directive 90/118/EEC (OJ L 71, 17.3.1990)

Pure-bred breeding pigs

Belgium, United Kingdom

Reasoned opinions delivered on 13 November 1991 and 6 August 1992

Directive 90/119/EEC (OJ L 71, 17.3.1990)

Hybrid breeding pigs

Belgium, United Kingdom

Reasoned opinions delivered on 13 November 1991 and 6 August 1992

Directive 90/422/EEC (OJ L 224, 18.8.1990)

Enzootic bovine leukosis

Spain

Reasoned opinion delivered on 4 December 1991

Transport

Directive 74/562/EEC (OJ L 308, 19.11.1974)

Admission to the occupation of road passenger transport operator

Portugal

Reasoned opinion delivered on 28 January 1992

Directive 89/438/EEC (OJ L 212, 22.7.1989)

Admission to the occupation of road haulage operator and road passenger transport operator

France

Reasoned opinion delivered on 30 October 1991

Environment, nuclear safety and civil protection

Directive 86/278/EEC (OJ L 181, 4.7.1986)

Protection of the environment — Sewage sludge in agriculture

Netherlands

Reasoned opinion delivered on 4 May 1992

Directive 86/609/EEC (OJ L 358, 18.12.1986)

Protection of animals

Portugal

Reasoned opinion delivered on 17 June 1992

Directive 87/101/EEC (OJ L 42, 12.2.1987)

Disposal of waste oils

Greece

Reasoned opinion delivered on 6 August 1992

Directive 87/252/EEC (OJ L 117, 5.5.1987)

Sound power level of lawnmowers

Belgium

Reasoned opinion delivered on 27 November 1990

Directive 88/347/EEC (OJ L 158, 25.6.1988)

Dangerous substances

Belgium

Reasoned opinion delivered on 20 January 1992

Directive 88/609/EEC (OJ L 336, 7.12.1988)

Emissions of pollutants from large combustion plants

Ireland

Reasoned opinion delivered on 31 December 1991

Directive 88/610/EEC (OJ L 336, 7.12.1988)

Major-accident hazards

Ireland

Reasoned opinion delivered on 31 December 1991

Directive 89/369/EEC (OJ L 163, 14.6.1989)

Municipal waste incineration

Spain, United Kingdom

Reasoned opinions delivered on 24 February and 6 July 1992

Directive 89/427/EEC (OJ L 201, 14.7.1989)
Air quality limit values and guide values for sulphur dioxide

Spain, Ireland

Reasoned opinions delivered on 13 and 15 July 1992

Directive 89/429/EEC (OJ L 203, 15.7.1989)

Municipal waste incineration

Belgium, Spain, United Kingdom

Reasoned opinions delivered on 25 April 1991 and 2 March and 6 July 1992

Directive 89/514/EEC (OJ L 253, 30.8.1989)

Excavators

United Kingdom

Reasoned opinion delivered on 31 December 1991

Financial institutions and company law

Directive 86/635/EEC (OJ L 372, 31.12.1986)

Consolidated accounts of banks and other financial institutions

Belgium

Reasoned opinion delivered on 6 August 1992

Energy

Directive 85/536/EEC (OJ L 334, 12.12.1985)

Substitute fuels

Netherlands

Reasoned opinion delivered on 8 July 1990

Consumers

Directive 89/174/EEC (OJ L 64, 8.3.1989)

Cosmetics

Portugal

Reasoned opinion delivered on 22 June 1992

Directive 90/121/EEC (OJ L 71, 17.3.1990)

Harmonization of legislation on cosmetics

Belgium, Portugal

Reasoned opinions delivered on 21 April and 22 June 1992

Failure properly to incorporate Directives into national law

2.2.7. In December the Commission decided not to continue the following infringement proceedings:

Internal market and industrial affairs

Directive 80/155/EEC (OJ L 33, 11.2.1980)

Midwives

Spain

Reasoned opinion delivered on 19 April 1989

Environment, nuclear safety and civil protection

Directive 76/160/EEC (OJ L 31, 5.2.1976)

Quality of bathing water

Ireland

Reasoned opinion delivered on 6 September 1991

Directive 83/513/EEC (OJ L 291, 24.10.1983)

Cadmium discharges

Italy

Reasoned opinion delivered on 12 September 1988

Directive 84/156/EEC (OJ L 74, 13.3.1984)

Mercury discharges

Italy

Reasoned opinion delivered on 21 September 1990

Directive 85/210/EEC (OJ L 96, 3.4.1985) and Articles 5 and 189 of the EEC Treaty

Lead content of petrol

Netherlands

Reasoned opinion delivered on 21 September 1990

Directive 87/18/EEC (OJ L 15, 17.1.1987) and Articles 5 and 189 of the EEC Treaty

Good laboratory practice

Netherlands

Reasoned opinion delivered on 4 May 1992

Consumers

Directive 76/768/EEC (OJ L 262, 27.9.1976)

Cosmetics

Greece

Reasoned opinions delivered on 25 October and 25 December 1988

Infringements of the Treaties or of Regulations; failure properly to apply Directives in practice

2.2.8. In December the Commission decided not to continue the following infringement proceedings:

Internal market and industrial affairs

Article 30 of the EEC Treaty

Seizure of cordless telephones

Belgium

Reasoned opinion delivered on 12 November 1991

Article 30 of the EEC Treaty

Setting minimum prices for manufactured tobacco

Belgium

Reasoned opinion delivered on 23 November 1988

Article 30 of the EEC Treaty
Ban on distributing advertising leaflets
Luxembourg
Reasoned opinion delivered on 30 October 1989

Article 30 of the EEC Treaty
Wine Law
Germany
Reasoned opinion delivered on 29 October 1990

Articles 5 and 30 of the EEC Treaty
Imports of electronic cash registers
Greece
Reasoned opinion delivered on 8 June 1990

Directive 83/189/EEC (OJ L 109, 26.4.1983)
Detergents and cleaning products
Greece
Reasoned opinion delivered on 28 October 1991

Directive 71/305/EEC (OJ L 185, 16.8.1971)
Construction of a refuse treatment plant
Netherlands
Reasoned opinion delivered on 28 April 1992

Directive 71/305/EEC (OJ L 185, 16.8.1971) and
Article 5 of the EEC Treaty
Public works contracts — University of Madrid
Spain
Reasoned opinion delivered on 15 October 1990

Directive 71/305/EEC (OJ L 185, 16.8.1971) and
Article 59 of the EEC Treaty
Law on public procurement
Italy
Reasoned opinion delivered on 1 June 1989

Directive 89/440/EEC (OJ L 210, 21.7.1989)
Public works contracts: urban waste — Viterbo
Italy
Reasoned opinion delivered on 20 December 1991

Directives 68/360/EEC (OJ L 257, 19.10.1968) and
73/148/EEC (OJ L 172, 28.6.1973) and Articles 3
and 8 of the EEC Treaty
Free movement of tourists — Request for infor-
mation on length of stay and available financial
resources
Netherlands
Reasoned opinion delivered on 8 June 1988

Articles 5, 48, 52 and 59 of the EEC Treaty
Equivalence of opticians' diploma
France
Reasoned opinion delivered on 10 May 1990

Competition

Directives 68/414/EEC (OJ L 308, 23.12.1968) and
72/425/EEC (OJ L 291, 28.12.1972)
Oil monopoly — New discrimination concerning
compulsory storage
Greece
Reasoned opinion delivered on 18 October 1989

Financial institutions and company law

Regulation (EEC) No 1408/71 (OJ L 149, 5.7.1971)
and Article 51 of the EEC Treaty
Refusal to transfer disabled persons' allowance
abroad
Belgium
Reasoned opinion delivered on 17 April 1991

Regulation (EEC) No 1408/71 (OJ L 149, 5.7.1971)
and Article 51 of the EEC Treaty
Refusal to transfer the 'pensione sociale' abroad
Italy
Reasoned opinion delivered on 30 October 1991

Agriculture

Regulation (EEC) No 804/68 (OJ L 148, 28.6.1968),
Directives 83/643/EEC (OJ L 359, 22.12.1983), 85/
397/EEC (OJ L 226, 24.8.1985) and 87/53/EEC (OJ
L 24, 27.1.1987) and Article 30 of the EEC Treaty
Work to rule — Agricultural and fisheries products
Italy
Reasoned opinion delivered on 22 January 1992

Articles 5 and 93 of the EEC Treaty
Update of the inventory of existing aid
Netherlands
Reasoned opinion delivered on 30 October 1990

Directive 64/433/EEC (OJ 121, 29.7.1964), and
Regulations (EEC) Nos 2173/79 (OJ L 251,
5.10.1979) and 859/89 (OJ L 91, 4.4.1989)
Purchase of spoiled intervention meat
Belgium
Reasoned opinion delivered on 9 December 1991

Regulation (EEC) No 2727/75 (OJ L 281,
1.11.1975) and Article 171 of the EEC Treaty
Buying-in of low-grade durum wheat from the 1982
harvest
Reasoned opinion delivered on 23 December 1986

Regulation (EEC) No 1546/88 (OJ L 139, 4.6.1988)
Non-payment of the additional milk levy for the
fifth period 1988/89
Italy
Reasoned opinion delivered on 13 March 1991

Directive 88/182/EEC (OJ L 81, 26.3.1988)
Technical standards for imports of rabbitmeat,
goatmeat and game — Decision 322916 of 21.2.1990
Greece
Reasoned opinion delivered on 7 April 1992

Directive 88/182/EEC (OJ L 81, 26.3.1988)
Technical standards for benomyl preparations —
Decree No 86715 of 11.5.1990
Greece
Reasoned opinion delivered on 18 May 1992

Directives 64/432/EEC, 64/433/EEC (OJ L 121, 29.7.1964) and 83/643/EEC (OJ L 359, 29.12.1983), Regulations (EEC) Nos 805/68 (OJ L 148, 28.6.1968), 2759/75 (OJ L 282, 1.11.1975), 1837/80 (OJ L 183, 16.7.1980) and 3796/81 (OJ L 379, 31.12.1981) and Articles 5, 7 and 30 of the EEC Treaty

Barriers to imports of livestock, meat and fresh fish — Strike by veterinary surgeons

Italy

Reasoned opinion delivered on 21 August 1989

Regulation (EEC) No 827/68 (OJ L 151, 30.6.1968), Decisions 86/130/EEC (OJ L 101, 17.4.1986) and 86/404/EEC (OJ L 233, 20.8.1986), Directives 70/50/EEC (OJ L 13, 19.1.1970), 77/504/EEC (OJ L 206, 12.8.1977) and 87/328/EEC (OJ L 167, 26.6.1987) and Articles 30 and 59 of the EEC Treaty Imports of semen of bovine and porcine species intended for artificial insemination

United Kingdom

Reasoned opinion delivered on 15 February 1990

Regulation (EEC) No 804/68 (OJ L 148, 28.6.1968) and Articles 30 and 171 of the EEC Treaty

Fat content of cheeses

Italy

Reasoned opinions delivered on 21 November 1988

Regulation (EEC) No 2727/75 (OJ L 281, 1.11.1975) and Article 171 of the EEC Treaty

Kydep monopoly — Intervention by the Greek State in the cereal sector

Greece

Reasoned opinion delivered on 5 December 1988

Directive 88/182/EEC (OJ L 81, 26.3.1988)

Technical standards: Decree-Law 3/90 and Order 226/90 — Residue levels in fishery products

Portugal

Reasoned opinion delivered on 27 April 1992

Transport

Articles 76 and 95 of the EEC Treaty

Tax on heavy lorries

Germany

Reasoned opinion delivered on 1 June 1990

Personnel and administration

Protocol on the Privileges and Immunities of the European Communities (OJ L 152, 13.7.1967)

Drawing of family allowances concurrently

Germany

Reasoned opinion delivered on 7 June 1984

Environment, nuclear safety and civil protection

Directive 78/176/EEC (OJ L 54, 25.2.1978)

Waste discharge

Italy

Reasoned opinion delivered on 27 November 1990

Directive 79/409/EEC (OJ L 103, 25.4.1979)

Protection of wild birds — Work carried out in the region of Zagori, Nestos and Prespes

Greece

Reasoned opinion delivered on 25 September 1989

Directive 79/409/EEC (OJ L 103, 25.4.1979)

Designation of special areas for the protection of wild birds

United Kingdom

Reasoned opinion delivered on 10 June 1988

Directive 80/68/EEC (OJ L 20, 26.1.1980)

Pollution of the water table in Naples

Italy

Reasoned opinion delivered on 20 January 1987

Directive 80/779/EEC (OJ L 229, 30.8.1980)

Sunderland: suspended particulates

United Kingdom

Reasoned opinion delivered on 7 August 1990

Directive 85/411/EEC (OJ L 239, 30.8.1985)

Wild birds

France

Reasoned opinion delivered on 4 March 1991

Budgets

Directive 77/388/EEC (OJ L 145, 13.6.1977)

Own resources element: inclusion of taxes in the VAT base

France

Reasoned opinion delivered on 2 August 1991

Customs and indirect taxation

Directive 83/643/EEC (OJ L 359, 22.12.1983) and Articles 9 and 171 of the EEC Treaty

Customs fees — Remuneration for services provided to a number of firms at the same time

Italy

Reasoned opinion delivered on 21 November 1988

Directive 77/388/EEC (OJ L 145, 13.6.1977)

Exemption from VAT of services provided by plastic artists, authors and journalists

Spain

Reasoned opinion delivered on 21 June 1989

Directive 77/388/EEC (OJ L 145, 13 June 1977) and
Article 171 of the EEC Treaty

Flat-rate reimbursement to farmers — Pork
and beef

Italy

Reasoned opinion delivered on 31 December 1991

Regulation (EEC) No 3632/85 (OJ L 350,
27.12.1985) and Article 171 of the EEC Treaty

Refusal to allow forwarding agents to make customs
declarations

Portugal

Reasoned opinion delivered on 30 April 1990

3. Additional references in the Official Journal

2.3.1. This section lists the titles of legal instruments, communications and notices of Community institutions which have appeared in the Official Journal since the last Bulletin was published but relate to items appearing in earlier issues; the references were not available when the Bulletin went to press.

The number of the Bulletin and the point to which this additional information refers are followed by the title shown on the cover of the Official Journal, the number of the issue and the date of publication.

Bull. EC 7/8-1992

Point 1.3.4

Proposal for a Council Regulation (EEC) on the statistical classification of products by activity in the European Economic Community
OJ C 12, 18.1.1993

Point 1.3.76

Commission Decision 92/569/EEC of 31 July 1992 concerning proposed aid by Germany to the Chinese shipping company Cosco for the construction of container vessels
OJ L 367, 16.12.1992

Bull. EC 9-1992

Point 1.2.44

Commission Decision 93/9/EEC of 30 September 1992 declaring the compatibility of a concentration with the common market
OJ L 7, 13.1.1993

Bull. EC 11-1992

Point 1.3.77

Resolution of the European Coal and Steel Community (ECSC) Consultative Committee on the restructuring of the Community steel industry
OJ C 14, 20.1.1993

Point 1.3.116

Resolution of the European Coal and Steel Community (ECSC) Consultative Committee towards a coal policy in the internal market
OJ C 14, 20.1.1993

Point 1.3.161

Proposals for Council Regulations repealing or adapting transitional measures applicable to agricultural products pursuant to the Act of Accession of Spain and Portugal with a view to the Single Market
OJ C 335, 18.12.1992

Point 1.7.20

Annual report concerning the financial year 1991 together with the institutions' replies
OJ C 330, 15.12.1992

Points 1.7.25 to 1.7.29

Opinions adopted by the Economic and Social Committee at its 301st plenary session on 24 and 25 November 1992
OJ C 19, 25.1.1993

Point 1.7.30

Memorandum from the European Coal and Steel Community (ECSC) Consultative Committee on the future of the ECSC Treaty
OJ C 14, 20.1.1993

4. Index

A

ACP States: 1.3.11; 1.4.43; 1.6.32 to 1.6.47
Agri-monetary measures: 1.3.209
Agricultural prices and related measures: 1.3.209
Agricultural products: 1.3.10; 1.4.73
Agricultural surveys: 1.3.8
Air pollution: 1.3.180; 1.3.181; 1.3.190; 1.3.196;
1.3.197
Air transport: 1.3.56; 1.3.125
ALA (Asia and Latin America): 1.4.40
Albania: 1.4.83; 1.6.14
Angola: 1.4.43
Animal diseases: 1.3.218; 1.3.219
Anti-dumping: 1.4.50 to 1.4.57; 1.4.64
Aquaculture: 1.3.260
Asia: 1.4.37 to 1.4.39

B

Baltic States: 1.4.9; 1.4.10; 1.4.84
Banana trade: 1.3.207; 1.3.208
Bangladesh: 1.4.40
Basle Convention: 1.3.192
Beef/veal: 1.3.244 to 1.3.246
Belgium: 1.6.18
Benin: 1.4.43
Biotechnology: 1.3.50
Bolivia: 1.4.40
Border controls on goods: 1.3.122
Borrowing activities: 1.6.7
Bosnia-Herzegovina: 1.4.25
Botswana: 1.6.33
Bulgaria: 1.3.132; 1.4.11; 1.4.12; 1.4.44; 1.4.82

C

Cambodia: 1.5.2
Cameroon: 1.4.85
Canada
— External relations: 1.3.266; 1.4.34; 1.4.35
— Research agreements: 1.3.115
Canary Islands: 1.3.177
Cape Verde: 1.4.43; 1.6.34
Capital movements: 1.3.5
Carbon dioxide: 1.3.197
Carriage of dangerous goods: 1.3.124
CE mark: 1.3.31
Central Africa: 1.4.43

Central African Republic: 1.4.43
Central and Eastern Europe: 1.4.5 to 1.4.15; 1.6.48;
1.6.49
Cereals: 1.3.224; 1.3.225; 1.4.45
Chad: 1.4.43
Chemical weapons: 1.4.70
Chemical, physical and biological agents: 1.3.203
China
— External relations: 1.4.86
Chlorofluorocarbons (CFCs): 1.3.182; 1.3.183
CIS (customs information system): 1.3.24
Civil aviation: 1.3.126
Coal industry: 1.3.144; 1.3.157
Colombia: 1.4.40
Combustion plants: 1.3.190
Commercial vehicles: 1.3.129; 1.3.180
Community surveillance measures: 1.4.58 to 1.4.60
Concentrations: 1.3.66 to 1.3.72
Concerted practices: 1.3.56
Conference on Security and Cooperation in Europe
(CSCE): 1.4.74
Congo: 1.4.42; 1.4.43
Convention on Global Climate Change: 1.3.198
Convention on the Conservation of Biological
Diversity: 1.3.194
Cooperation in the sphere of justice: 1.3.51
Copyright: 1.3.48
Cosmetics: 1.3.290
Costa Rica: 1.4.40
Credit institutions: 1.3.19
Croatia: 1.4.25; 1.4.26
CSCE: 1.4.74
Cuba: 1.4.87; 1.4.88; 1.5.10
Customs agents: 1.3.23
Cyprus: 1.4.21
Czech and Slovak Federal Republic: 1.3.133; 1.4.13
Czechoslovakia: 1.3.133; 1.4.13

D

Denmark: 1.3.131; 1.6.19
Developing countries: 1.3.11; 1.4.44
Disasters (Community aid): 1.3.293 to 1.3.296
Doctors: 1.3.47
Dominant positions: 1.3.65
Dominican Republic: 1.4.43; 1.6.36; 1.6.43
Drugs: 1.3.39

E

EAGGF: 1.3.253
EBRD: 1.4.75 to 1.4.84

Economic situation: 1.3.2
 ECSC social measures: 1.6.8 to 1.6.13
 ECSC Treaty: 1.6.6
 Ecu: 1.3.3
 Ecuador: 1.4.40
 Education: 1.3.161
 EEA (European Economic Area): 1.4.3
 EFTA: 1.3.30; 1.4.3
 Eggs: 1.3.252
 Egypt: 1.4.29; 1.6.28
 EIB: 1.6.14 to 1.6.49
 El Salvador: 1.4.4
 Emergency aid: 1.4.48
 EMS: 1.3.4
 Enlargement: 1.4.1; 1.4.2
 Environment: 1.3.179; 1.3.187
 Environmental risks: 1.3.188
 EPC: 1.5.1 to 1.5.10
 Estonia: 1.4.9; 1.4.84
 Eurocontrol: 1.3.125
 European Bank for Reconstruction and Development (EBRD): 1.4.75 to 1.4.84
 European Chemicals Bureau: 1.3.189
 European Cohesion Fund: 1.2.2; 1.2.3
 European Economic Area (EEA): 1.4.3
 European Investment Bank (EIB): 1.6.14 to 1.6.49
 European Monetary System (EMS): 1.3.4
 European political cooperation (EPC): 1.5.1 to 1.5.10
 Excise duties: 1.3.21; 1.3.22
 Existing chemicals: 1.3.188
 Explosives for civil uses: 1.3.36
 Export credits: 1.4.61; 1.4.62

F

Faroe Islands: 1.3.273
 Feedingstuffs: 1.3.220
 Firms: 1.3.52
 Fisheries (Community system): 1.3.260; 1.3.265; 1.3.268
 Fisheries (control measures): 1.3.261; 1.3.269 to 1.3.271
 Fisheries (external aspects): 1.3.266; 1.3.267; 1.3.273 to 1.3.283
 Fisheries (prices): 1.3.262
 Fisheries (products): 1.3.284 to 1.3.286
 Fisheries (structures): 1.3.263; 1.3.264; 1.3.287 to 1.3.289
 Fisheries (technical measures): 1.3.272
 Fodder: 1.3.228
 Food aid: 1.4.46; 1.4.47
 Foodstuffs: 1.3.40 to 1.3.42; 1.3.203
 Forward programme for steel: 1.3.111
 Framework programme for R&TD 1990-94: 1.3.113
 France: 1.6.23

Free movement of goods: 1.3.17
 Fruit and vegetables: 1.3.229 to 1.3.231

G

Gabon: 1.4.43
 GATT: 1.4.73
 Gaza Strip: 1.4.23; 1.5.9
 General budget: 1.6.3
 General budget (anti-fraud measures): 1.6.4
 Generalized tariff preferences: 1.4.44
 Geneva Convention on Transboundary Air Pollution: 1.3.196
 Germany: 1.3.144; 1.6.20
 Ghana: 1.4.43
 Greece: 1.3.8; 1.3.131; 1.3.215; 1.6.21
 Greek islands in the Aegean Sea: 1.3.165
 Greenland: 1.3.274
 Guinea (Republic): 1.3.275; 1.4.43
 Guinea-Bissau: 1.4.43

H

Haiti: 1.5.8
 Hazardous waste: 1.3.191; 1.3.192
 Honduras: 1.4.40
 Horizontal agreements: 1.3.57
 Housing programme: 1.3.155
 Human rights: 1.4.85 to 1.4.95; 1.5.6
 Humanitarian aid: 1.4.46 to 1.4.49
 Hungary: 1.4.13; 1.4.81; 1.6.48

I

India: 1.4.37; 1.4.89; 1.5.7
 Indonesia: 1.4.38; 1.4.90
 Industrial policy: 1.3.110; 1.3.161; 1.4.63
 Inland waterway transport: 1.3.136
 Insurance: 1.3.54; 1.3.55
 Intellectual property: 1.3.48 to 1.3.50
 Internal market (White Paper): 1.3.15
 Internal market after 1992: 1.3.14; 1.3.16
 Iraq: 1.4.28; 1.5.5
 Ireland: 1.3.276; 1.3.296; 1.6.24
 Israel: 1.5.9
 ISTC (International Science and Technology Centre): 1.4.17
 Italy: 1.6.25
 Ivory Coast: 1.4.43; 1.6.35

J

Japan
 — External relations: 1.4.33
 Jordan: 1.4.29; 1.6.29

L

Laboratories: 1.3.216
Labour costs: 1.3.9
Laos: 1.4.40
Latvia: 1.4.9; 1.4.84
LIFE (financial instrument for the environment): 1.3.184 to 1.3.186
Linseed and hemp: 1.3.235
Lisbon Agreement: 1.3.193
Lithuania: 1.4.9; 1.4.84

M

Macao: 1.4.39
Machinery: 1.3.35
Malawi: 1.4.43
Malta: 1.4.22
Maritime cabotage: 1.3.123
Matthaeus programme (training of customs officials): 1.3.163
Media: 1.3.18; 1.3.297
Medical devices: 1.3.38
Medicinal products: 1.3.17
Mediterranean countries: 1.4.21 to 1.4.27; 1.4.29; 1.6.28 to 1.6.31
Mexico: 1.4.34
Middle East: 1.4.28; 1.4.29
Milk: 1.3.239 to 1.3.243
Milk products: 1.3.214; 1.3.241 to 1.3.243
Mining industry: 1.3.157
Montreal Protocol: 1.3.183
Morocco: 1.3.267; 1.4.20; 1.6.30
Motor vehicles: 1.3.32 to 1.3.34; 1.3.130; 1.3.181
Mozambique: 1.4.43; 1.6.40
Multimodal transport: 1.3.120; 1.3.121; 1.3.128

N

NAFO Convention: 1.3.282; 1.3.283
NAFTA (North American Free Trade Agreement): 1.4.34
Namibia: 1.3.277
Netherlands Antilles: 1.6.32
New Caledonia: 1.4.43
Nicaragua: 1.4.40
Nigeria: 1.6.41
Norway
— External relations: 1.3.278; 1.3.279; 1.4.2
Nuclear energy: 1.3.143
Nuclear safety: 1.4.7

O

Objects of cultural interest: 1.3.26; 1.3.27
Occupied Territories (West Bank and Gaza Strip): 1.4.23; 1.5.9
OCT (Overseas countries and territories): 1.4.43
Oil and gas: 1.3.40
Oils and fats: 1.3.227
Olympic Games: 1.3.298
Originating products: 1.3.29
Own resources: 1.6.2
Ozone layer: 1.3.182; 1.3.183

P

Pakistan: 1.4.40
Panama: 1.4.40
Permissible forms of cooperation: 1.3.58 to 1.3.64
Personal protective equipment: 1.3.37
Peru: 1.4.40
Petra programme (vocational training and preparation for adult and working life): 1.3.164
Philippines: 1.4.40
Pigmeat: 1.3.251
Plant health legislation: 1.3.221; 1.3.222
Poland: 1.4.13; 1.4.77 to 1.4.80; 1.6.49
Portugal: 1.3.144; 1.3.210; 1.3.211; 1.3.265; 1.3.270; 1.6.26
Poultrymeat: 1.3.202; 1.3.252
Processed agricultural products: 1.3.213
Protection of animals kept for farming purposes: 1.3.212
Public procurement: 1.3.43; 1.3.44

R

R&TD programmes
— Environment: 1.3.179
Radioactive substances: 1.3.199
Refugees: 1.4.49
Report on Competition Policy: 1.3.53
Retirement: 1.3.154
Right of asylum: 1.5.12
Road transport: 1.3.137
Romania: 1.3.134; 1.4.14; 1.4.15; 1.4.44
Russia: 1.4.91

S

Sakharov Prize: 1.4.95
São Tome and Principe: 1.4.43
Satellite communications: 1.3.116
Securities: 1.3.45; 1.3.46
Seeds and propagating material: 1.3.238

Sheepmeat and goatmeat: 1.3.247 to 1.3.250
 Shipbuilding: 1.3.76
 Shipping: 1.3.123
 Sierra Leone: 1.4.43
 Silkworms: 1.3.236
 Slovenia: 1.4.25
 SMEs: 1.3.108; 1.3.109
 Social Charter: 1.3.152; 1.3.153
 Social exclusion: 1.3.145
 Social legislation: 1.3.146
 Solid fuels: 1.3.141; 1.3.142
 Somalia: 1.5.4
 Southern Africa: 1.4.43
 Spain: 1.3.144; 1.3.210; 1.3.211; 1.3.265; 1.3.270;
 1.3.293 to 1.3.295; 1.6.22
 Standardization: 1.3.30
 State aid: 1.3.73
 — Belgium: 1.3.80
 — Denmark: 1.3.81; 1.3.255
 — Federal Republic of Germany: 1.3.77 to 1.3.79;
 1.3.90; 1.3.95; 1.3.254; 1.3.258
 — France: 1.3.83 to 1.3.85; 1.3.98; 1.3.256; 1.3.287;
 1.3.288
 — Greece: 1.3.106
 — Ireland: 1.3.86
 — Italy: 1.3.87; 1.3.91 to 1.3.93; 1.3.99 to 1.3.104;
 1.3.257; 1.3.259; 1.3.289
 — Luxembourg: 1.3.88
 — Portugal: 1.3.89; 1.3.94
 — Spain: 1.3.82; 1.3.96; 1.3.97
 — United Kingdom: 1.3.105
 Statistics: 1.3.6 to 1.3.12
 Steel: 1.4.64
 Steel industry: 1.3.112; 1.3.156; 1.3.157
 Structural Funds: 1.3.165
 Sugar: 1.3.226
 Swaziland: 1.4.43; 1.6.44
 Sweden
 — External relations: 1.3.280; 1.3.281
 Swine fever: 1.3.218
 Syria: 1.4.29; 1.6.31

T

Tacis (Community programme of technical assistance for the Commonwealth of Independent States and Georgia): 1.4.16
 Tanzania: 1.4.43; 1.6.45
 Tax arrangements applicable to transport: 1.3.129
 Technologies used for both civil and military purposes: 1.3.28
 Telecommunications: 1.3.116 to 1.3.118
 Temporary importation: 1.3.25
 Textiles: 1.4.65 to 1.4.69
 Thailand: 1.4.40
 Through traffic: 1.3.132 to 1.3.334; 1.3.136; 1.3.137

Titanium dioxide: 1.3.191
 Tobacco: 1.3.237
 Trade agreements: 1.4.45
 Trade balance: 1.3.11
 Trading of goods: 1.3.6
 Transport infrastructure: 1.3.129; 1.3.131
 Trevi Group: 1.5.13
 Tunisia: 1.4.24; 1.4.29

U

Uganda: 1.4.43; 1.6.42
 Unemployment: 1.3.147
 Unfair terms: 1.3.291
 United Kingdom: 1.3.215; 1.6.27
 United States
 — External relations: 1.4.31; 1.4.32; 1.4.34; 1.4.73
 Uruguay Round: 1.4.72
 USSR (former)
 — External relations: 1.4.7; 1.4.16
 — Research agreements: 1.4.17; 1.4.18

V

VAT (Value-added tax): 1.3.20; 1.3.22
 Venezuela: 1.4.40
 Veterinary legislation: 1.3.204 to 1.3.206; 1.3.215
 Visits to the Commission: 1.3.114; 1.4.22; 1.4.42
 Vocational qualifications: 1.3.149; 1.3.162
 Vocational training: 1.3.161 to 1.3.163

W

Washington Convention (Cites): 1.3.195
 Waste: 1.3.191
 West Bank: 1.4.23; 1.5.9
 White Paper (internal market): 1.3.15
 Wine: 1.3.232 to 1.3.234
 Worker protection: 1.3.158 to 1.3.160

Y

Yugoslav Republics of Serbia, Montenegro and Macedonia: 1.4.25 to 1.4.27
 Yugoslavia (former): 1.3.135; 1.4.25; 1.4.26; 1.4.92

Z

Zaire: 1.4.93; 1.5.3
 Zambia: 1.4.43; 1.6.46
 Zimbabwe: 1.4.43; 1.6.47
 Zootechnical legislation: 1.3.214

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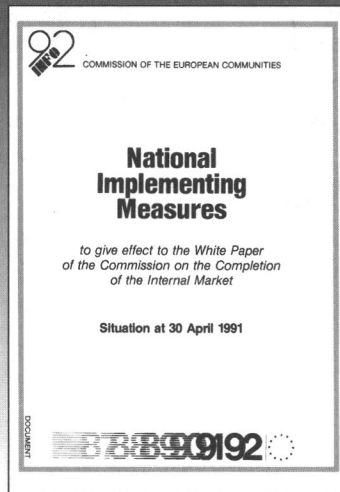
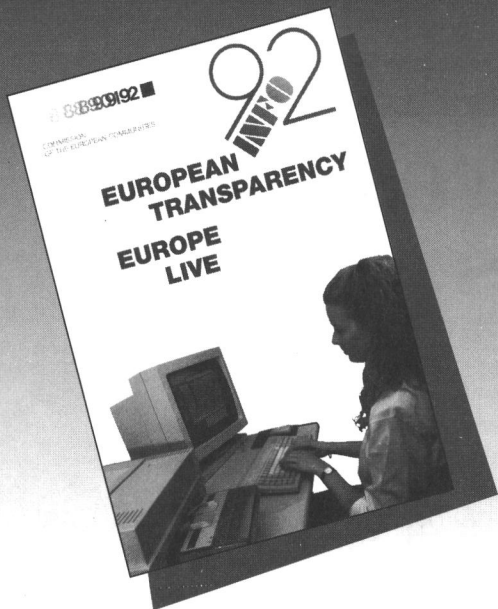
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