

## I

*(Communications)*

## COMMISSION

**FIFTEENTH ANNUAL REPORT**  
**on monitoring the application of Community law****— 1997 —**

(98/C 250/01)

*COM(1998) 317 final**(Submitted by the Commission on 27 May 1998)*



## CONTENTS

	Page
INTRODUCTION .....	8
AREA WITHOUT INTERNAL FRONTIERS	
1. Introduction .....	12
2. Situation sector by sector .....	14
2.1. Removal of physical borders .....	14
2.1.1. Customs .....	14
2.1.1.1. Progress in implementing customs Directives .....	14
2.1.2. Free movement of agricultural products .....	14
2.2. Removal of technical barriers .....	15
2.2.1. Free movement of goods .....	15
2.2.1.1. Articles 30 <i>et seq.</i> of the EC Treaty .....	15
2.2.1.2. Preventive rules provided for by Directive 83/189/EEC .....	18
2.2.2. Progress in implementing Directives on the free movement of goods .....	18
2.2.2.1. Foodstuffs .....	18
2.2.2.2. Progress in implementing Directives applicable to foodstuffs .....	19
2.2.2.3. Pharmaceutical products .....	19
2.2.2.4. Progress in implementing Directives applicable to pharmaceutical products .....	19
2.2.2.5. Chemicals .....	19
2.2.2.6. Progress in implementing Directives applicable to chemicals .....	20
2.2.2.7. Motor vehicles, tractors and motorcycles .....	20
2.2.2.8. Progress in implementing Directives applicable to motor vehicles, tractors and motorcycles .....	20
2.2.2.9. Construction products .....	21
2.2.2.10. Mechanical engineering, electronics, personal protection equipment, gas equipment, pressure equipment, pre-packaging, measuring equipment, medical devices and pleasure craft .....	21
2.2.2.11. Progress in implementing Directives applicable to mechanical engineering, electronics, personal protection equipment, gas equipment, pressure equipment, pre-packaging, measuring equipment, medical devices and pleasure craft .....	22
2.2.2.12. Cosmetics .....	22
2.2.2.13. Progress in implementing Directives applicable to cosmetics .....	22

2.2.2.14. Textiles .....	22
2.2.2.15. Progress in implementing Directives applicable to textiles .....	23
2.2.2.16. Liability for defective products .....	23
2.2.3. Free movement of persons, right of establishment and voting rights .....	23
2.2.3.1. Ending discrimination .....	23
2.2.3.2. Entry and residence .....	23
2.2.3.3. Progress in implementing Directives applicable to right of residence .....	24
2.2.3.4. Right to vote and stand in elections .....	24
2.2.3.5. Recognition of qualifications .....	24
2.2.3.6. Progress in implementing Directives applicable to recognition of qualifications .....	25
2.2.3.7. Independent commercial agents .....	26
2.2.4. Freedom to provide services .....	26
2.2.4.1. Articles 59 <i>et seq.</i> .....	26
2.2.4.2. Audiovisual/Media .....	26
2.2.4.3. Telecommunications .....	27
2.2.4.4. Progress in implementing Directives applicable to telecommunications .....	28
2.2.4.5. Financial services .....	28
2.2.4.6. Progress in implementing Directives applicable to financial services .....	31
2.2.4.7. Commercial communications .....	31
2.2.5. Free movement of capital .....	31
2.2.6. Company law .....	31
2.2.6.1. Progress in implementing Directives applicable to company law .....	32
2.2.7. Intellectual and industrial property .....	32
2.2.7.1. Progress in implementing Directives applicable to intellectual and industrial property .....	33
2.2.8. Public procurement .....	33
2.2.8.1. Progress in implementing Directives applicable to public procurement .....	34
2.3. Removal of tax barriers .....	34
2.3.1. Direct taxation .....	34
2.3.1.1. Progress in implementing Directives applicable to direct taxation .....	35
2.3.2. Indirect taxation .....	35
2.3.2.1. Progress in implementing Directives applicable to indirect taxation .....	37

## CONSUMER POLICY AND HEALTH PROTECTION

3. Introduction .....	37
4. Situation sector by sector .....	37
4.1. Safety and health .....	37
4.2. Protection of consumers' economic interests .....	38
4.3. Progress in implementing directives applicable to consumer protection and product safety .....	38

## COMPETITION

5. Introduction .....	39
6. Situation sector by sector .....	39
6.1. Public enterprises .....	39
6.2. Monopolies .....	40
6.3. Progress in implementing measures in the field of competition .....	41

## SOCIAL POLICY

7. Introduction .....	41
8. Situation sector by sector .....	41
8.1. Free movement of workers .....	41
8.1.1. Ending discrimination .....	41
8.1.2. Access to employment in the public service .....	42
8.1.3. Social security .....	42
8.2. Equal treatment of men and women .....	43
8.3. Working conditions .....	43
8.4. Health and safety at work .....	43
8.5. Public health .....	44
8.6. Progress in implementing Directives applicable to social policy .....	44

## EDUCATION AND TRAINING .....

44

## AGRICULTURE

9. Situation sector by sector .....	44
9.1. Markets .....	44
9.2. Harmonisation .....	45
9.3. Progress in implementing Directives applicable to agriculture .....	48

## FISHERIES

10. Introduction .....	48
11. Situation sector by sector .....	48
11.1. Markets .....	48
11.2. Resources .....	48
11.3. Compatibility with Community law of national legislation on the grant of flag rights to fishing vessels .....	49

## ENVIRONMENT

12. Introduction .....	49
12.1. General situation .....	49
12.2. Notification of national implementing measures .....	51
12.3. Conformity of national implementing measures .....	52
12.4. Correct application of directives .....	53
12.5. Freedom of access to information .....	54
12.6. Environmental impact assessment .....	55
12.7. Action needed .....	56
13. Situation sector by sector .....	57
13.1. Air .....	57
13.2. Chemicals and biotechnology .....	58
13.3. Water .....	60
13.4. Noise .....	63
13.5. Waste .....	64
13.6. Nature .....	67
13.7. Radiation protection .....	70
13.8. Progress in implementing Directives applicable to the environment .....	70

## TRANSPORT

14. Introduction .....	71
15. Situation sector by sector .....	71
15.1. Road transport .....	71
15.2. Combined transport .....	72
15.3. Inland waterways .....	72
15.4. Rail transport .....	73
15.5. Sea transport .....	73
15.6. Air transport .....	74
15.7. Summertime .....	75
15.8. Progress in implementing directives on transport .....	75

## ENERGY

16. Introduction .....	75
17. Situation sector by sector .....	75
17.1. Internal market for electricity and natural gas .....	75
17.2. Energy efficiency .....	75
17.3. Oil and gas .....	76
17.4. Progress in implementing directives on energy .....	76

---

STRUCTURAL FUNDS AND COMMUNITY LAW .....	76
BUDGET MATTERS .....	78
COMMUNITY STAFF .....	78
STATISTICS .....	79
ANNEXES	
Annex I: Suspected infringements 1993 to 1997 .....	80
Annex II: Established infringements .....	87
Annex III: Infringements of treaties, regulations and decisions .....	95
Annex IV: Report on the application of directives .....	110
Annex V: Judgments of the Court of Justice up to 31 December 1997 not yet implemented .....	190
Annex VI: Application of Community law by national courts .....	195

## INTRODUCTION

There are several salient features of activities in 1997:

- statistically speaking, the year saw a sharp rise in the number of Article 169 letters addressed to the Member States;
- the rate of transposal of directives rose for all Member States, some of them displaying particularly impressive 'performance rates';
- procedurally speaking, 1997 was the first year in which the Commission proposed that the Court of Justice impose a daily penalty payment on a Member State for failure to discharge a Community obligation; eight proposals have now been decided on, and two of them have actually been referred to the Court;
- 1997 was also the first year in which the Commission decided to boost the information made available to complainants, following an own-initiative inquiry by the Ombudsman;
- the Amsterdam European Council of 16 and 17 June 1997 was followed by the proposal of 18 November 1997 for a Regulation creating a mechanism whereby the Commission can intervene in order to remove certain obstacles to trade <sup>(1)</sup>;
- parliamentary questions and petitions continue to play a major role in the detection of infringements and are behind the commencement of a good number of new proceedings each year;
- the Commission presented a proposal for a European Parliament and Council Decision establishing an action programme to improve awareness of Community law for the legal professions (Robert Schuman Project).

It is clear from these developments that the enforcement of Community law is one of the central focuses of Commission attention, as President Santer promised it would be when the present Commission took office.

The statistical analysis: the initial effects of the 1996 procedural reforms — a spectacular increase in the number of Article 169 letters and of cases terminated.

The number of new complaints rose by 17 % from 819 in 1996 to 957 in 1997, thus reversing the trend of recent years. The number of cases detected by the Commission's own investigations remained stable at 261.

The number of Article 169 letters actually sent was up, by 23 % from 1 168 in 1996 to 1 460 in 1997. This applied particularly to cases of failure to notify the Commission of measures implementing directives (+ 47%). Only the number of reasoned opinions fell, by 21 % from 436 in 1996 to 343 in 1997.

The very sharp rise in the number of Article 169 letters decided on is the first fruit of the reforms decided on in July 1996: better compliance with the one-year deadline for a decision on the substance, coupled with a new approach to Article 169 letters (now regarded as a dedramatised request for observations), have greatly reduced the time-lag between registration of the complaint or of a case detected by the Commission's own inquiries and the initial decision on the substance. (NB: the number of cases terminated is also well up — by 22 % from 1 765 to 2 151 — while the total number of cases in progress (the 'stock in trade') is down.)

*Transposal of directives in 1997*

The table below gives an overall picture of the rate of notification of national measures implementing all the directives applicable on 31 December 1997.

<sup>(1)</sup> COM(97) 619 final.



Member State	Directives applicable on 31.12.1997 <sup>(1)</sup>	Directives for which measures have been notified	%
Belgium	1 382	1 269	91,8
Denmark	1 378	1 337	97,0
Germany	1 384	1 295	93,6
Greece	1 380	1 281	92,8
Spain	1 380	1 313	95,1
France	1 382	1 293	93,6
Ireland	1 374	1 293	94,1
Italy	1 383	1 278	92,5
Luxembourg	1 380	1 300	94,2
Netherlands	1 382	1 332	96,4
Austria	1 379	1 301	94,3
Portugal	1 378	1 289	93,5
Finland	1 370	1 319	96,3
Sweden	1 376	1 339	97,3
United Kingdom	1 381	1 308	94,7

On 31 December 1997 the Member States had on average notified 94 % of the national measures needed to implement the directives applicable. This is higher than the figure for 1996 (93 %). But the performance of the individual Member States is variable.

Attention is drawn to the considerable improvement in the notification rate for Sweden, which is three points higher than its rate last year and ranks it first (last year it ranked fifth). Finland, too, has performed well, rising from 81 % to 96,3 % now that the problem of transposal of directives in the Åland Islands (notably in agriculture), mentioned in the Fourteenth Report, has been resolved.

These high rates conceal contrasting realities. The table at Annex IV offers a detailed picture of the situation regarding transposal in 1997 by Member State and by sector.

The sector-by-sector analysis will give more detailed account of the quality of transposal (conformity of national implementing measures with the directives, and sound application of them).

<sup>(1)</sup> It will be seen that a total of 1 391 directives were applicable on 31 December 1997, as opposed by 1 314 on 31 December 1996. In other words, 77 new directives came into force in 1997.

### *Implementation of second subparagraph of Article 171(2) of the EC Treaty*

In 1997 the Commission for the first time made use of the power conferred on it by the Maastricht amendment of Article 171 of the EC Treaty:

‘If the Member State concerned fails to take the necessary measures to comply with the Court’s judgment within the time-limit laid down by the Commission, the latter may bring the case before the Court of Justice. In so doing it shall specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers to be appropriate in the circumstances.

If the Court of Justice finds that the Member State concerned has not complied with the judgment it may impose a lump sum or penalty payment on it.’

When proposing that a Member State be ordered to pay a penalty for failure to comply with a judgment, the Commission is actually proposing a valuable enforcement measure that is available against Member States.

On 28 January and 10 December 1997 eight infringement proceedings reached the referral stage with proposals for penalty payments. The threat of the penalty had a useful deterrent effect as two of the cases were thereupon terminated quite quickly and two more are in the process of being settled. In two cases, however, the referral has been maintained, together with the proposal for penalty payments; these are the two surface-water cases against Germany (Directives 75/440/EEC and 79/869/EEC).

### *The Ombudsman’s own-initiative inquiry into infringement procedures*

The Ombudsman’s inquiries into a series of complaints about infringement proceedings, notably the environmental complaints about the Newbury Bypass, prompted him to conclude that there was a general need to review the position of complainants in Article 169 proceedings <sup>(2)</sup>. He undertook an own-initiative inquiry.

<sup>(2)</sup> Ombudsman’s Annual Report for 1996, OJ C 272, 8.9.1997, p. 32.

He proposed among other things that the Commission should seek the complainant's opinion before closing a case. This would involve the citizen more closely in the procedure (there is no appeal against the Commission's decision to close a case) and make the procedure more transparent.

The Commission accepted this recommendation. In a letter addressed to the Ombudsman on 24 July 1997, the Commission Secretary-General stated:

'In several cases the complainant is now informed beforehand ... as part of the dialogue with the complainant during the investigation of the complaint.

The Commission is prepared to extend this practice. Leaving aside cases where the complaint is obviously without foundation and cases where nothing further is heard from the complainant, the Commission will ensure that a complainant is informed of its intention to close a case.'

The Ombudsman wrote to the Commission on 13 October, stating that he was closing his own-initiative inquiry as there was an improvement in the procedural status of the complainant at the pre-litigation stages and there was no presumption of maladministration.

*Follow-up to the Amsterdam European Council: new legal instruments to combat manifest barriers to free movement of goods*

The Conclusions of the Amsterdam European Council of 16 and 17 June state:

'The European Council underlines the crucial importance of timely and correct transposition of all agreed legislation into national law, the need to inform citizens and business fully about the Single Market, and the necessity of active enforcement of Community law in the Member States and the introduction of more rapid and effective procedures for problem-solving including

deliberations at Council level in cases of recurring problems. The European Council requests the Commission to examine ways and means of guaranteeing in an effective manner the free movement of goods. It requests the Commission to submit relevant proposals before its next meeting in December 1997.'

The Commission responded on 18 November with a proposal for a Council Regulation creating a mechanism whereby the Commission can intervene in order to remove certain obstacles to trade<sup>(1)</sup>. This means that when it detects a particularly serious barrier to the free movement of goods<sup>(2)</sup>, the Commission has the power to take mandatory legal decisions. Individuals who suffer loss can then plead such decision in the national courts in order to obtain interim relief or damages. If a Member State does not comply with the decision within the prescribed period, the Commission may commence Article 169 infringement proceedings, with the referral to the Court of Justice being made quite quickly.

*The role of parliamentary questions and petitions in the commencement of new infringement proceedings*

In 1997 parliamentary questions and petitions were at the origin of 17 new infringement proceedings.

They mainly concerned nationality discrimination and environmental problems.

*The Robert Schuman Project — training judges and lawyers in Community law*

Declaration No 19 on the implementation of Community law, annexed to the Final Act of the Treaty on European Union signed on 7 February 1992, 'considers it essential for the proper functioning of the Community that the measures taken by the different Member States should result in Community law being applied with the same effectiveness and rigour as in the application of their national law'.

<sup>(1)</sup> COM(97) 619 final.

<sup>(2)</sup> This means cases where three conditions are all met: (i) a serious barrier to the free movement of goods; (ii) serious harm to individuals as a result; (iii) need for immediate action to ensure that the barrier and the resultant harm are not continued, extended or aggravated.

The Commission responded to the Declaration with a proposal for a European Parliament and Council Decision establishing an action programme to improve awareness of Community law for the legal professions (Robert Schuman Project)<sup>(1)</sup>. This states that 'citizens will be unable to enforce all their rights under the Community legal system before any national court within the Union unless those members of the legal professions involved in the administration of justice, i.e. judges, prosecutors and lawyers are sufficiently informed and trained to do so'<sup>(2)</sup>.

The Commission took over Parliament's amendments to its proposal for the purpose of extending the project to all the practitioners involved in the administration of justice.

The project is to consist of initial and continuing training measures and support for the development of information facilities on Community law. An evaluation report is to be made no later than 31 December 1999.

It can be seen from these examples that the Commission's activities in its capacity as guardian of the Treaties do not consist merely of issuing Article 169 letters and reasoned opinions. The Commission is very active in

preventing infringements of Community law, not only when preparing its legislative proposals but also at the pre-litigation stage of Article 169 proceedings. As the Commission stated in 1997, 'better lawmaking means adopting texts at Community level that are easy to transpose and to apply at national level'<sup>(3)</sup>.

This rapid overview of the Commission's activities would not be complete without a reminder of all the European Parliament does in this respect; its annual resolution on the report on monitoring the application of Community law has done much to improve it.

To conclude, the Commission wishes to draw attention to the importance of one particular set of figures given in this report — the numbers of complaints and of infringement proceedings has risen considerably this year. The Commission believes that the rise in the two figures is evidence that the Community's citizens are ever keener to see their rights properly respected, while the Commission has assumed its proper share of the responsibility for enforcing the rules. But it hardly needs restating that the Commission does not operate in isolation here: the practical application of the rules, which is a fundamental political objective of European integration, requires the full cooperation of all the Member States and all the Community institutions.

---

<sup>(1)</sup> COM(97) 596 final.

<sup>(2)</sup> Amended proposal, Recital 5.

---

<sup>(3)</sup> COM(97) 626 final, Better Lawmaking 1997: Commission Report to the European Council, p. 1.

## AREA WITHOUT INTERNAL FRONTIERS

### 1. INTRODUCTION

The Commission communication on the impact and effectiveness of the single market<sup>(1)</sup>, presented to Parliament and the Council on 26 November 1996, provided an initial assessment of how the single market was functioning, what economic effect it was having and what challenges it would face in the future. The assessment, though positive, reveals a number of shortcomings in the functioning of the single market, which prevent it from delivering all its potential benefits. What Europe needs is a more effective single market, to stimulate growth, innovation and employment. With this in mind, the Commission announced to the Dublin European Council in December 1996 that it intended to draft an action plan for enhancing the single market's effectiveness in the years ahead.

The plan<sup>(2)</sup> set four objectives, which form a clear strategy for action, starting now:

- make legislation more effective, which means improving transposal and implementation of common provisions and simplifying regulations at both Community and national level;
- eliminate the main distortions in the market, primarily by dismantling tax barriers and fighting measures that discourage competition;
- remove obstacles to market integration affecting particular industries by closing the loopholes in the single market's regulatory framework;
- create a single market which works in everyone's interests, ensuring that individual citizens can enjoy their full rights and working on the social side of the single market.

The European Council, meeting in Amsterdam on 16 and 17 June 1997, reaffirmed its full support

for the priorities set out in the action plan and, more specifically, stressed the need to start work straight away on the first strategic objective, enhancing the effectiveness of Community regulations through better transposal and more effective application of the rules governing the single market. To that end, the Member States are requested to put forward detailed transposal timetables and to keep the Commission informed of moves to set up coordination centres to facilitate communication between national authorities and contact points for businesses and the general public.

As far as administrative cooperation is concerned, the Karolus programme<sup>(3)</sup>, launched in 1993, provides for exchanges of officials between the national administrations. Its purpose is to promote harmonised interpretation and uniform implementation of Community single market legislation. All Member States have now taken part in the programme, either sending or receiving officials from national government departments. By 31 December 1997, 417 officials had been on exchanges, comprising a training seminar, the exchange proper (around two months spent in a similar department in another Member State) and a debriefing seminar. The five-year programme is due to expire at the end of 1997. Parliament and the Council are currently looking at a proposal for a decision which would extend it for another two years and open it up to the associated countries in central and eastern Europe, the EFTA countries in the EEA and Cyprus. The Council arrived at a political agreement on the proposal at its first reading on 27 November 1997 and is expected to reach a decision quickly at the second reading.

Alongside Karolus, the Mattheus programme<sup>(4)</sup>, launched in 1991, provides explicitly for exchanges for customs officials while Mattheus-Tax<sup>(5)</sup>, launched in 1993, caters for civil servants who deal with tax matters. In addition, the Council adopted two joint actions in 1996, one introducing a programme of incentives and exchanges for legal practitioners ('Grotius')<sup>(6)</sup>, and another introducing a programme of training, exchanges and cooperation on identity documents ('Sherlock')<sup>(7)</sup>.

<sup>(3)</sup> Council Decision 92/481/EEC, 22 September 1992, OJ L 286, 1.10.1992, p. 65.

<sup>(4)</sup> Council Decision 91/341/EEC, 20 June 1991, OJ L 187, 13.7.1991, p. 41.

<sup>(5)</sup> Council Decision 93/588/EEC, 29 October 1993, OJ L 280, 13.11.1993, p. 41.

<sup>(6)</sup> Joint action of 28 October 1996 (96/636/JHA), OJ L 287, 8.11.1996, p. 3.

<sup>(7)</sup> Joint action of 28 October 1996 (96/637/JHA), OJ L 287, 8.11.1996, p. 7.

<sup>(1)</sup> The impact and effectiveness of the Single Market, COM(96) 520 final, 30 October 1996.

<sup>(2)</sup> Action Plan for the Single Market, CSE(97) 1 final, 4 June 1997.

As guardian of the Treaty, the Commission keeps a constant eye on the transposal and effective application of internal market legislation at national level. Once the action plan was adopted, the Commission decided to publish a 'scoreboard' keeping track of application of the legislation and implementation of the plan. The first report, presented to the Council (Internal Market) in November 1997, gave a breakdown by Member State and by industry of the progress made in transposing legislation into national law. It also gave the number of infringements and reported on implementation of the action plan.

Detailed reports on transposal are now to be presented to every Council meeting on the internal market. They will give an account of progress made in transposing major single market directives. On 1 January 1998, the Member States had reported 93 % of the legislative measures required to implement the 1 374 Directives then in force.

Despite this fairly high percentage, there are still considerable delays in certain key sectors, such as public procurement, financial services and intellectual and industrial property. These delays are often caused by problems in the national decision-making process or the technical complexity of Community texts, which sometimes leads Member States to adopt national measures implementing only part of a directive.

The Commission also takes a keen interest in the quality of implementing measures, since the incomplete or incorrect transposal of Community legislation can lead to unequal treatment between Member States and raise *de facto* barriers to free movement which the single market is actually meant to eliminate.

Another priority is to put the finishing touches to the legislative framework of the single market. For example, Community legislation on company law is incomplete, with the result that European firms are faced with barriers to their mobility. It is now vital that the Member States reach agreement on a statute for a European company; drafts have been drawn up following the report of the Group chaired by Etienne Davignon. On the indirect taxation front, the only way to resolve the

existing problems is by adopting a definitive system. The free movement of persons will not become a reality until essential security measures are in place. Moreover, the priority projects will have to be implemented if the single market is to be adapted to take account of new technological challenges, such as the creation of an information society and the introduction of trans-European networks.

But completing the legislative framework is not enough in itself. The establishment of a genuine frontier-free area also requires an effort to simplify legislation. To this end the Commission launched the SLIM<sup>(1)</sup> pilot project in 1996 to explore how the constraints and formalities imposed on businesses by the complexity of legislation can be reduced by simplifying laws and administrative procedures. The second stage of the campaign, concerning banking legislation, the combined nomenclature for foreign trade, VAT rules and fertilisers, was started in May 1997. On 27 November a communication setting out the recommendations made by the various working parties on these issues was put to the Council (Internal Market).

If the single market is to function effectively, the relevant legislation must also be correctly implemented by the Member States' judiciaries at all levels. The Robert Schuman campaign aims to ensure better implementation of Community law by providing more training and information for judges and lawyers. In contributing to greater awareness of the practical aspects of Community law amongst the legal profession, the Robert Schuman campaign is helping to ensure that the single market works to the maximum benefit of ordinary citizens, consumers and businesses alike. The campaign relies on the cooperation of the bodies responsible for training judges and lawyers. These establishments can apply for financial support for training or information campaigns dealing specifically with Community law. In the pilot phase in 1997, over 40 local projects were selected for support under the campaign.

Lastly, the success of the single market depends on the public knowing what their rights are and how to

<sup>(1)</sup> Simpler legislation for the Single market — Commission communication to the Council COM(96) 559 final, 6 November 1996.

exercise them. The second stage of the Commission's Citizens First initiative, launched in 1997, focuses on the rights the European Union confers on its citizens with regard to equal treatment for men and women, consumer protection, the purchase of goods and services in other Member States and travel within the Union. This second stage uses the same tried and tested strategy as the first stage (launched in November 1996, with working, living and studying in another Member State as its theme). It involves putting across clear, practical information to as wide an audience as possible on the rights and opportunities offered by the Union and on what to do when these rights are violated.

## 2. SITUATION SECTOR BY SECTOR

### 2.1. Removal of physical borders

#### 2.1.1. Customs

The Commission initiated proceedings against France for failing to fulfil its obligations under the Community customs code. The Commission considers that, by allowing only ship brokers the right to act as representatives in performing customs operations and formalities, and restricting the right to make declarations to approved customs agents and holders of customs clearance authorisations (both for direct and indirect representation), French law does not comply with the Customs Code, which requires free representation for operations not restricted by the Code.

In 1995 the Commission sent an Article 171 letter to Italy for failing to comply with the Court of Justice's judgment<sup>(1)</sup> against Italy for contravening Community legislation by continuing to restrict representation to Italian customs forwarding agents without making provision for people to make a declaration in their own name or on behalf of others, and by requiring the same qualifications from paid employees responsible for making customs declarations as from self-employed persons. However, the Article 171 procedure was terminated as Italy has now complied with the judgment by allowing both types of representation.

Another case concerning Italy's failure to comply with Community transit rules was also closed after a circular was issued, bringing the Italian rules into line with the relevant customs regulations (Regulations (EEC) No 2913/92 and No 2425/93)<sup>(2)</sup>. Italy no longer uses external transit arrangements in the circumstances which were causing problems previously; the external procedure applies to Community goods only in a limited number of cases where Community measures apply to the export operation.

#### 2.1.1.1. Progress in implementing customs Directives

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	4	4	100
Denmark	4	4	100
Germany	4	4	100
Greece	4	4	100
Spain	4	4	100
France	4	4	100
Ireland	4	4	100
Italy	4	4	100
Luxembourg	4	4	100
Netherlands	4	4	100
Austria	4	4	100
Portugal	4	4	100
Finland	4	4	100
Sweden	4	4	100
United Kingdom	4	4	100

Note: this table concerns Directives:  
76/308, 77/794, 85/479, 86/489.

#### 2.1.2. Free movement of agricultural products

Freedom of movement for agricultural products in a single market is one of the principles underpinning the operation of the common agricultural policy and its common market organisations.

The Court of Justice has repeatedly pointed out that Articles 30 and 34 of the Treaty are still an integral

<sup>(1)</sup> Judgment of 9 February 1994 in Case C-119/92.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1, and OJ L 253, 11.10.1993, p. 1.

part of the common market organisations, even though there has no longer been any need to write them into the regulations since 1 January 1970.

The Commission kept a constant watch to make sure that barriers to trade in agricultural products in the Community were swiftly removed.

In 1997 there was a further drop in the number of new cases involving 'classic' barriers to the free movement of agricultural products, such as systematic import checks or certification requirements.

An action against Germany is still before the Court of Justice regarding certain types of fresh pigmeat imported from Denmark <sup>(1)</sup>.

The Commission sent a reasoned opinion to Spain regarding the requirement imposed by the authorities in the Valencia region that only the Spanish language be used in the labelling of apples from other Member States. Both Article 30 of the Treaty and Regulation (EEC) No 1035/72 on the common organisation of the market preclude national rules imposing the exclusive use of a specific language for the labelling of food products at the wholesale stage (i.e. where professional traders are involved rather than Spanish consumers). The Spanish authorities came round to the Commission's position and the proceedings were dropped.

In France, the infringements have been of a rather more unusual nature: acts of violence have repeatedly been committed by individuals in protest against fruit and vegetables from other Member States and the French authorities have failed to deal adequately with the problem. The Commission welcomed the Court of Justice's judgment on Case C-265/95 in which it ruled that 'by failing to take all necessary and proportionate measures in order to prevent the free movement of fruit and vegetables from being obstructed by actions by private individuals, the French Republic has failed to fulfil its obligations under the common organisation of the markets in agricultural products and Article 30 of the EC Treaty, in conjunction with Article 5 of that Treaty.'

<sup>(1)</sup> Case C-102/96. See Thirteenth annual report on monitoring the application of Community law (1995), OJ C 303, 14.10.1996.

## 2.2. Removal of technical barriers

### 2.2.1. Free movement of goods

#### 2.2.1.1. Articles 30 *et seq.* of the EC Treaty

The single market cannot function properly unless the principle of the free movement of goods is respected; therefore the Commission pays particular attention to ensuring that Articles 30 to 36 of the Treaty are correctly implemented. There are still a considerable number of cases concerning national measures capable of restricting trade. In 1997 the Commission received 143 new complaints. On 31 December 1997 there were 444 infringement cases pending.

Once again in 1997, a large number of cases involving obstacles to trade were cleared up at 'package meetings' held in the Member States (see below for examples). The meetings have been used for several years now to reach amicable solutions in Article 30 cases; they have proved a valuable means of promoting dialogue and administrative cooperation between the Commission and national civil services. In the interests of efficiency, a network was set up at the beginning of 1997 linking the chairmen of the meetings for the various countries. This followed a meeting of the chairmen in Brussels which brought to light the benefits, both for the Member States and the Commission, of sharing the experience they had in settling disputes through cooperation. The network should also facilitate the flow of information and enable solutions used for one Member State to be applied to others.

In 1997 package meetings were held with Austria, Denmark, Finland, Germany, Greece, Ireland, Italy, the Netherlands, Spain, Sweden and the United Kingdom. Some examples of infringement cases settled through the meetings are given below. They are drawn from a number of different industries.

The Spanish authorities amended their regulations governing the telecommunications industry after infringement proceedings were started against a piece of Spanish legislation regulating sales of decoders for digital satellite television broadcasts. The legislation has now opened the market up to decoders using the various available technologies. The Commission intervened in another case involving telecommunications, as a result of which the Greek and Italian authorities adopted regulations providing for mutual recognition of test certificates for radio communication equipment issued by registered bodies in other Member States.

In the food and drink industry, the British authorities changed the rules governing the sale of beer by public houses owned by breweries. Under the new regulations, tenants are free to sell beers other than those brewed by the pub's owners. This exception, previously restricted to cask-conditioned beers, now also applies to traditional bottled beers. This ensures that beers from other Member States can now be sold in pubs in the United Kingdom.

In the pharmaceuticals industry, the Italian authorities, applying the principle that parallel imports should be allowed as requested by the Commission, issued a regulation introducing a simplified procedure for authorising parallel imports of pharmaceutical products.

There have also been some successes in the car industry, which still accounts for a large proportion of the complaints to the Commission. For example, the Finnish authorities have amended their regulation on the entry into service of second-hand motor vehicles, which previously laid down requirements concerning brakes and pollutant and sound emissions. These requirements were both discriminatory, since they applied only to imported vehicles, and disproportionate, given that they went beyond the standards required to guarantee safety and environmental protection. The new rules are no longer discriminatory and enable concerns about safety and environmental protection to be met without obstructing the free movement of goods.

Public procurement rules can infringe Article 30 of the Treaty if they effectively deny non-domestic tenderers access to public contracts. For instance, an Italian regulation on grants for the purchase of buses, trams and trolley buses specified that local authorities would obtain grants only for vehicles which complied with Italian technical specifications. This was discriminatory *vis-à-vis* imported vehicles since it had the effect of making it more difficult or more expensive to purchase vehicles manufactured in accordance with other Member States' specifications or already on sale in another Member State. When the Commission approached the Italian authorities about this matter, they issued a decree which removed the discriminatory aspects of the regulation.

Lastly, the Commission closed infringement proceedings against Spain and Denmark when they amended their regulations concerning items made from precious metals. The provisions as they stood restricted the range of accepted hallmarks and excluded recognition of hallmarks affixed in other Member States, thus giving

the Spanish and Danish markets a disproportionate degree of protection. The regulations are no longer excessively restrictive since the authorities in Spain and Denmark have increased the number of accepted hallmarks and allowed recognition of hallmarks affixed by registered bodies in other Member States.

Four years after the internal frontiers within the Community came down, infringements impeding the free movement of goods persist in quite large numbers. The Commission drew the attention of Parliament and the Member States to the problem in a Communication to the Council and Parliament in September 1996. In response, the European Council, meeting in Amsterdam on 16 and 17 June 1997, asked the Commission to look at ways of ensuring free movement more effectively and to put forward proposals, containing penalties where appropriate, to its December meeting in Luxembourg. Accordingly, on 18 November 1997, the Commission adopted a proposal for a Council Regulation creating a mechanism whereby the Commission can intervene in order to remove certain obstacles to trade (COM(97) 619, 18 November 1997).

One new instrument entered into force at the very beginning of the year, on 1 January. It is intended to enable cases to be dealt with swiftly and in a non-confrontational manner, through an approach based on openness and mutual trust. The notification procedure set up by Decision 3052/95 brings exceptions to the principle of free movement of goods into the open by requiring the Member States to notify the Commission of measures which restrict the movement of goods which have been produced and put on sale lawfully in one or more of the Member States. 35 such measures were reported in 1997.

The Commission decided to refer one case involving obstacles to the free movement of goods to the Court of Justice. It concerns the Italian regulations on precious metals, which contain a number of provisions which contravene Community rules on the free movement of goods. Firstly, they forbid the sale of items bearing all but a limited range of hallmarks in Italy. Furthermore, they require foreign producers to appoint a representative in Italy and affix an additional hallmark as they do not allow recognition of those already on the item. After the Commission had contacted the Italian authorities numerous times and had sent a reasoned opinion to no avail, it decided to refer the matter to the Court of Justice in accordance with the procedure laid down by Article 169 of the Treaty.

In its judgment of 13 March 1997 in Case C-358/95 Morellato, the Court reiterated that there was no justifi-



cation on grounds of public health for implementing a national law on the composition of a product, in this case an Italian law prohibiting the sale of bread because of its moisture, ash and bran content; it had equivalent effect to a quantitative restriction within the meaning of Article 30 of the Treaty.

In its judgment of 20 March 1997 in Case C-352/95 *Phytheron International*, the Court ruled on the correct interpretation of Article 7 of Council Directive 89/104/EEC of 21 December 1988 on trade marks, clarifying the rules on parallel imports. First, it pointed out that the Directive comprehensively regulates the question of the exhaustion of trade mark rights for products traded in the Community, so that national rules on the point must be assessed in relation to it and not Articles 30 and 36 of the Treaty. However, it stressed that Article 7 of the Directive is framed in terms corresponding to those used by the Court in judgments which, in interpreting Articles 30 and 36 of the Treaty, recognised the principle of exhaustion, and that the Article could not be interpreted as allowing the owner of a trade mark protected under national legislation from using the same legislation to prevent a product in circulation in another Member State from being imported by the owner of the mark or with his consent.

In its judgment of 20 March 1997 in Case C-13/96 *Bic Benelux*, the Court clarified the expression 'technical specification' used in Article 1(1) of Council Directive 83/189/EEC of 28 March 1989. The case concerned a measure requiring that a product should bear a distinctive sign indicating the amount of environmental tax payable on the product. The Court concluded that this indeed constituted a technical specification within the meaning of the Directive (and not an accompanying tax measure), and, as such, should have been reported to the Commission, which would have assessed its compatibility with the Treaty, and in particular Article 30.

In its judgment of 7 May in Joined Cases C-321/94, C-322/94 and C-324/94 *Pistre* on use on labels of the word 'mountain' to describe products, the Court reiterated that national laws were not to be used to hinder intra-Community trade. Such descriptions should not be confused with designations of origin, which were protected by industrial and commercial property rights.

In the same case, the Court also rejected the argument advanced by the French Government that the measures

at issue in the main proceedings, i.e. criminal prosecution of French nationals over French goods on sale in France, were not covered by Articles 30 and 36 of the Treaty. The Court held that, in this case, the national measure discriminated against imported products in favour of domestic products and therefore created and maintained differential treatment which at least potentially hindered intra-Community trade.

In its judgment of 5 June 1997 in Case C-105/94 *Celestini*, the Court held that Articles 30 and 36 of the Treaty did not preclude a Member State from subjecting wine produced in another Member State to an appropriate control in order to test its conformity with Community rules, even where that wine is accompanied by bona fide certificates of analysis issued by research institutes duly authorised in the Member State of origin, provided that those controls are applied in a non-discriminatory manner, that they observe the principle of proportionality and that account is taken of the controls already carried out in the Member State of origin.

In Case C-368/95 *Vereinigte Familienpress* the Court's judgment, given on 26 June 1997, defined the scope of the term 'selling arrangement', as used in its judgment of 24 November 1993 in Cases C-267/91 and C-268/91 *Keck*. Case C-368/95 centred on an Austrian law prohibiting the sale of periodicals containing games or competitions with prizes even if the same periodicals were lawfully produced and sold in another Member State. The Austrian Government argued that Article 30 of the Treaty did not apply to the ban as it was directed against a method of promoting sales, i.e. a selling arrangement within the meaning of *Keck*. The Court rejected this argument on the grounds that even though the legislation was 'directed against a method of sales promotion', it bore on the actual content of the products, in so far as the competitions formed an integral part of the magazine. In any case, it impaired access for the product to the market of the Member State of importation and consequently hindered free movement of goods. In response to the arguments advanced by the Austrian Government to justify the measure at issue, the Court accepted that maintenance of press diversity may constitute an overriding requirement which would warrant a restriction of the free movement of goods. But any such measure must be proportionate and must be examined to ensure that the objective cannot be achieved by another means which would not restrict intra-Community trade and freedom of expression to the same degree.

### 2.2.1.2. Preventive rules provided for by Directive 83/189/EEC <sup>(1)</sup>

The notification procedure introduced by Directive 83/189/EEC is an essential tool for preventing barriers to trade from being raised and for sharing information. Member States are required to report drafts of new technical regulations for vetting before they are finally adopted. The procedure does not cover technical regulations issued to comply with Community provisions.

In 1997 the Commission received 900 <sup>(2)</sup> drafts of technical regulations which were scrutinised by the relevant departments. This compares with 439 <sup>(3)</sup> for 1995 and 523 <sup>(4)</sup> for 1996. The figures show that, despite the completion of the single market at the end of 1992, the Member States continue to adopt a great many technical regulations. The high number of drafts received in 1997 is partly accounted for by an attempt on the part of the Dutch authorities to clear a backlog which had accumulated; they notified the Commission of 230 instruments which had been adopted but not reported. Consequently, the Commission was able to make correction to a large number of instruments containing provisions which contravened Community law.

Of the 900 drafts received in 1997, 102 <sup>(5)</sup> required a detailed opinion from the Commission recommending changes to the measure to eliminate barriers to trade. For their part, the Member States issued 113 opinions <sup>(6)</sup>.

<sup>(1)</sup> Council Directive 83/189/EEC (OJ L 109, 26.4.1983) laying down a procedure for the provision of information in the field of technical standards and regulation, as amended by Council Directive 88/182/EEC (OJ L 81, 26.3.1988) and Directive 94/10/EC of the European Parliament and the Council (OJ L 100, 19.4.1994).

<sup>(2)</sup> Figure at 31 December 1997.

<sup>(3)</sup> Figures for regulations reported in 1995 were published in OJ C 309, 18.10.1995.

<sup>(4)</sup> Figures for regulations reported in 1996 were published in OJ C 311, 11.10.1996.

<sup>(5)</sup> Provisional figure indicating the number of reasoned opinions received on 15 February 1998. The final figure may be higher given that the deadline for examination of certain draft regulations is 31 March 1998.

<sup>(6)</sup> Provisional figure indicating the number of reasoned opinions received on 15 February 1998. The final figure may be higher given that the deadline for examination of certain draft regulations is 31 March 1998.

In one case <sup>(7)</sup> the Commission had to ask the Member State for a one-year postponement of the reported measures as it intends to propose a harmonisation measure, and in another two cases <sup>(8)</sup> the measures will have to be postponed for a year because of an overlap with a draft directive or regulation already before the Council.

Since 1989 the Commission has been monitoring compliance with the notification requirement by routinely scrutinising the official gazettes of all the Member States. When it discovers a breach of Directive 83/189/EEC, it commences infringement proceedings under Article 169 of the EC Treaty. By the end of 1997, about 70 procedures of this type were under investigation.

### 2.2.2. Progress in implementing Directives on the free movement of goods

#### 2.2.2.1. Foodstuffs

In general, the Member States did tend to adopt national measures implementing the Directives on foodstuffs, but not always strictly within the time limits laid down by the Directives.

In 1997, the Commission decided to send Article 169 letters in 62 cases involving failure to report national implementing measures. It issued 19 reasoned opinions and closed 71 cases.

For example, a number of Member States were late in implementing Directive 93/43/EEC on food hygiene. The Directive, adopted unanimously in 1993, should have been implemented by December 1995, but seven Member States had still not done so on 1 January 1997. Three Member States finally adopted implementing measures after the Commission issued a reasoned opinion.

In response to the failure to implement Directives and Regulations on foodstuffs properly, the Commission decided to refer one case to the Court of Justice, issue a

<sup>(7)</sup> Provisional figure indicating the number of reasoned opinions received on 15 February 1998. The final figure may be higher given that the deadline for examination of certain draft regulations is 31 March 1998.

<sup>(8)</sup> Provisional figure indicating the number of reasoned opinions received on 15 February 1998. The final figure may be higher given that the deadline for examination of certain draft regulations is 31 March 1998.

reasoned opinion in another case, and sent an Article 169 letter in a third.

A further ten or so complaints were lodged. Quite a few of these cases were settled following correspondence between the Commission's departments and the national authorities.

#### 2.2.2.2. Progress in implementing Directives applicable to foodstuffs

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	84	72	86
Denmark	84	82	98
Germany	84	71	84
Greece	84	77	92
Spain	84	76	90
France	84	75	89
Ireland	84	74	88
Italy	84	75	89
Luxembourg	84	81	96
Netherlands	84	82	98
Austria	84	75	89
Portugal	84	71	84
Finland	84	83	99
Sweden	84	83	99
United Kingdom	84	79	94

Note: this table concerns the following Directives:

73/241, 73/437, 74/409, 75/726, 76/118, 76/621, 77/436, 78/142, 78/663, 79/112, 79/168, 79/693, 79/796, 79/1066, 79/1067, 80/590, 80/766, 80/777, 80/891, 81/432, 81/712, 82/711, 83/417, 84/500, 85/503, 85/572, 85/591, 86/424, 87/250, 87/524, 88/344, 88/388, 88/593, 89/107, 89/108, 89/109, 89/344, 89/394, 89/395, 89/396, 89/397, 89/398, 90/128, 90/496, 90/612, 91/71, 91/72, 91/238, 91/321, 92/1, 92/2, 92/4, 92/39, 92/52, 92/115, 93/5, 93/8, 93/9, 93/10, 93/11, 93/43, 93/45, 93/77, 93/99, 93/102, 94/35, 94/36, 94/52, 94/54, 95/2, 95/3, 95/31, 95/45, 96/3, 96/4, 96/5, 96/8, 96/11, 96/21, 96/70, 96/77, 96/83, 96/84, 96/85.

#### 2.2.2.3. Pharmaceutical products

During 1997 a considerable number of transposal measures were notified to the Commission. In some cases notifications took place only after Article 169 proceedings had been opened by the Commission against the respective Member States. To date, nine out of fifteen Member States have transposed all directives applicable in the pharmaceutical sector. The situation regarding the transposal of the homeopathy Directives (92/73/EEC and 92/74/EEC) and the Directives establishing the 'new system' of mutual recognition (93/39/EEC and 93/40/EEC) has significantly improved and several infringement proceedings were closed after

Member States notified the — belated — transposal of the above Directives. Infringement proceedings are under way in all remaining cases of non-transposal and progress is being closely followed by the Commission.

There are also some general problems concerning the interpretation and application of the pharmaceutical Directives by Member States. These cases concern mainly the different interpretations given by Member States to the term 'medicinal product' (sometimes resulting in barriers to the free movement of goods) and complaints concerning the alleged failure by competent national authorities to observe binding time limits or other procedural requirements. The transposal and application of Article 4(8)(a) (i)-(iii) of Directive 65/65/EEC by Member States is also the subject of several recent complaints.

The Commission is carefully considering these problems and complaints, but for the time being no specific legislative activities are planned. It has to be stressed, however, that a draft consolidation of the pharmaceutical legislation (both human and veterinary) is already very advanced and that this consolidation will increase the clarity of the legislation and ultimately the effectiveness of its implementation.

#### 2.2.2.4. Progress in implementing Directives applicable to pharmaceutical products

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	32	30	94
Denmark	32	32	100
Germany	32	30	94
Greece	32	31	97
Spain	32	32	100
France	32	27	84
Ireland	32	32	100
Italy	32	32	100
Luxembourg	32	32	100
Netherlands	32	32	100
Austria	32	31	97
Portugal	32	32	100
Finland	32	32	100
Sweden	32	32	100
United Kingdom	32	30	94

Note: this table concerns the following Directives:

65/65, 66/654, 75/318, 75/319, 78/25, 81/851, 81/852, 83/570, 87/19, 87/20, 87/21, 87/22, 89/105, 89/341, 89/342, 89/343, 89/381, 91/356, 91/507, 90/676, 90/677, 91/412, 92/18, 92/25, 92/26, 92/27, 92/28, 92/73, 92/74, 93/39, 93/40, 93/41.

#### 2.2.2.5. Chemicals

Infringement proceedings are under way for failure to notify implementing measures in the following cases:

Dangerous substances and preparations (Directive 93/18/EC) — a reasoned opinion has been sent to Italy, while Portugal should complete transposal in the next few months;

Restrictions on the marketing and use of dangerous substances and preparations (Directive 94/60/EC) — national legislation is in the pipeline in Belgium, Ireland, Italy and Portugal.

Fertilisers — Belgium, France and Greece have been sent reasoned opinions for failure to transpose Directive 93/69/EC, although implementing measures are expected in France. Luxembourg has still to transpose Directive 95/8/EC, while measures to implement Directive 96/28/EC are expected in Belgium, Germany, Greece, France, Luxembourg, the Netherlands, Austria and Sweden.

The Commission has received no new requests under Article 100a(4) EC in respect of rules stricter than those laid down in the chemicals Directives. Four Article 100a(4) requests are still being considered by the relevant Commission departments, all of them relating to creosote, which is regulated by Directive 94/60/EC.

#### 2.2.2.6. Progress in implementing Directives applicable to chemicals

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	47	43	91
Denmark	47	43	91
Germany	47	42	91
Greece	47	44	94
Spain	47	44	94
France	47	45	98
Ireland	47	43	91
Italy	47	43	91
Luxembourg	47	44	94
Netherlands	47	43	91
Austria	47	43	91
Portugal	47	43	91
Finland	47	42	91
Sweden	47	45	98
United Kingdom	47	43	91

Note: this table concerns the following Directives:

73/404, 73/405, 76/116, 76/769, 77/535, 78/631, 79/138, 79/663, 80/876, 81/187, 82/242, 82/243, 82/806, 82/828, 83/264, 83/478, 84/291, 85/467, 85/610, 87/94, 87/566, 88/126, 88/379, 89/178, 89/519, 89/530, 89/677, 89/678, 90/35, 90/492, 91/155, 91/173, 91/338, 91/339, 91/442, 91/659, 92/109, 93/1, 93/15, 93/18, 93/46, 93/69, 93/112, 94/60, 95/8, 93/112, 96/28.

#### 2.2.2.7. Motor vehicles, tractors and motor-cycles

On 1 January 1996 the Community type-approval procedure became mandatory for vehicles of category M1. The separate directives became binding as a result.

In 1997 the transposal of directives, so vital against a background of total harmonisation, was again going smoothly thanks to the experience acquired by the competent national authorities.

Given the detailed, technical nature of the motor vehicles provisions, many Member States routinely refer in their national legislation to the text published in the Official Journal, which in practice facilitates and speeds up the transposal process and scrutiny for conformity with Community law. There are delays, but they rarely exceed a few months and generally arise because the deadline for transposing the directive comes soon after the date of adoption.

#### 2.2.2.8. Progress in implementing Directives applicable to motor vehicles, tractors and motorcycles

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	201	190	94,5
Denmark	201	190	94,5
Germany	201	195	97
Greece	201	188	94
Spain	201	191	95
France	201	192	95,5
Ireland	201	190	94,5
Italy	201	189	94
Luxembourg	201	185	94
Netherlands	201	188	94
Austria	201	190	94,5
Portugal	201	191	95
Finland	201	190	94,5
Sweden	201	192	95,5
United Kingdom	201	189	94

Note: this table concerns the following Directives:

70/156, 70/157, 70/220, 70/221, 70/222, 70/311, 70/387,  
70/388, 71/127, 71/320, 72/245, 72/306, 73/350, 74/60, 74/61,  
74/132, 74/150, 74/151, 74/152, 74/290, 74/297, 74/346,  
74/347, 74/408, 74/483, 75/321, 75/443, 75/524, 76/114,  
76/115, 76/432, 76/756, 76/757, 76/758, 76/759, 76/760,  
76/761, 76/762, 76/763, 77/102, 77/143, 77/212, 77/311,  
77/389, 77/536, 77/537, 77/538, 77/539, 77/540, 77/541,  
77/649, 78/315, 78/316, 78/317, 78/318, 78/507, 78/547,  
78/548, 78/549, 78/632, 78/665, 78/764, 78/932, 78/933,  
78/1015, 79/488, 79/489, 79/490, 79/532, 79/533, 79/622,  
79/694, 79/795, 79/1073, 80/233, 80/720, 80/780, 80/1267,  
80/1268, 80/1269, 80/1272, 81/333, 81/334, 81/575, 81/576,  
81/577, 81/643, 82/244, 82/318, 82/319, 82/890, 82/953,  
83/190, 83/276, 83/351, 84/8, 84/372, 84/424, 85/205, 85/647,  
86/297, 86/298, 86/415, 86/562, 87/56, 87/358, 87/402, 87/403,  
87/405, 88/76, 88/77, 88/194, 88/195, 88/297, 88/321, 88/366,  
88/410, 88/411, 88/412, 88/413, 88/414, 88/436, 88/465,  
89/173, 89/235, 89/277, 89/278, 89/297, 89/458, 89/491,  
89/516, 89/517, 89/518, 89/680, 89/681, 89/682, 90/628,  
90/629, 90/630, 91/226, 91/328, 91/422, 91/441, 91/542,  
91/662, 91/663, 92/21, 92/22, 92/23, 92/24, 92/53, 92/62,  
92/97, 92/114, 93/59, 92/61, 93/14, 93/81, 93/91, 93/116,  
93/29, 93/30, 93/31, 93/32, 93/33, 93/34, 93/92, 93/93, 93/94,  
94/12, 94/20, 94/53, 94/68, 94/78, 95/54, 95/48, 95/56, 96/1,  
95/1, 96/20, 96/36, 96/37, 96/38, 96/44, 95/28, 96/27, 96/79,  
97/19, 97/20, 97/21, 97/27, 97/28, 97/29, 97/30, 97/31, 97/32,  
97/39.

### 2.2.2.9. Construction products

The Commission commenced an action in the Court of Justice against Belgium for failure to notify national measures implementing Directive 89/106/EEC.

There are also particular problems in Austria, which has not transposed the Directive correctly.

The Commission now uses the mechanism laid down in the Directive to follow up complaints on barriers to trade and check that the practices in question are consistent with Community law. In the past such cases were examined only in the light of Articles 30 to 36 of the Treaty.

### 2.2.2.10. Mechanical engineering, electronics, personal protection equipment, gas equipment, pressure equipment, pre-packaging, measuring equipment, medical devices and pleasure craft

There are 100 directives in this field which had reached their transposal deadline by 31 December 1997.

The transposal rate is satisfactory, considering the complexity of the directives in this field (which mostly follow the 'new approach'). In any case, even where transposal is delayed or incomplete, the free movement of products does not appear to be at risk. Delays in transposal are generally due to domestic reasons in the Member States (opinion of constitutional court pending, more than one Minister responsible, adoption of the

acquis communautaire by a new Member State, cumbersome legislative process, etc.)

There have been some problems with the interpretation of texts, for example as regards products placed on the market at the end of the transitional period provided for in the Directives. In such cases the Commission has taken formal measures (initiation of Article 169 proceedings) and informal action (meetings of expert committees, interpretative notes, etc.), which has helped prevent and resolve a number of differences.

The departments responsible for certain sectors, in particular machinery, gas appliances and simple pressure appliances, have also examined a number of safeguard clauses notified by the Member States in connection with market surveillance. Following these notifications the Commission gave an opinion on whether these restrictive national measures were justified.

The Commission closed three of the four proceedings for failure to notify national measures implementing Directive 94/11/EC on the labelling of material used in footwear (the cases against Belgium, France and Ireland), but decided to send a reasoned opinion to Luxembourg.

Directive 93/68/EEC amends Directives 87/404/EEC (simple pressure vessels), 88/378/EEC (safety of toys), 89/106/EEC (construction products), 89/336/EEC (electromagnetic compatibility), 89/392/EEC (machinery), 89/686/EEC (personal protective equipment), 90/384/EEC (non-automatic weighing instruments), 90/385/EEC (active implantable medical devices), 90/396/EEC (appliances burning gaseous fuels), 91/263/EEC (telecommunication terminal equipment), 92/42/EEC (new hot-water boilers fired with liquid or gaseous fuels) and 73/23/EEC (electrical equipment designed for use within certain voltage limits).

The United Kingdom, Spain, Portugal, Greece, Denmark and Sweden have transposed all the Directives.

France, Germany and Finland have transposed all the Directives except 92/42/EEC.

The Netherlands has transposed all the Directives except 91/263/EEC.

Belgium has transposed all the Directives except 89/106/EEC and 90/385/EEC.

Luxembourg has transposed all the Directives except 91/263/EEC and 92/42/EEC.

Italy has transposed all the Directives except 89/106/EEC, 90/396/EEC, 92/42/EEC and 73/23/EEC.

Ireland has transposed all the Directives except 89/106/EEC, 89/336/EEC, 90/385/EEC, 91/263/EEC and 92/42/EEC.

Austria has transposed all the Directives except 88/378/EEC, 89/106/EEC, 89/392/EEC, 89/686/EEC, 90/385/EEC, 90/396/EEC and 92/42/EEC.

#### 2.2.2.11. Progress in implementing Directives applicable to mechanical engineering, electronics, personal protection equipment, gas equipment, pressure equipment, pre-packaging, measuring equipment, medical devices and pleasure craft

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	102	93	92
Denmark	102	101	99
Germany	102	97	95
Greece	102	100	98
Spain	102	96	94
France	102	98	96
Ireland	102	92	90
Italy	102	95	93
Luxembourg	102	94	92
Netherlands	102	97	95
Austria	102	99	97
Portugal	102	98	96
Finland	102	99	97
Sweden	102	99	97
United Kingdom	102	91	89

Note: this table concerns the following Directives:

69/493, 71/316, 71/318, 71/319, 71/347, 71/348, 71/349, 72/427, 73/23, 73/360, 73/361, 73/362, 74/148, 74/331, 75/33, 75/106, 75/107, 75/324, 75/410, 76/117, 76/211, 76/434, 76/696, 76/764, 76/765, 76/766, 76/767, 76/891, 77/95, 77/313, 78/365, 78/629, 78/891, 78/1031, 79/196, 79/830, 79/1005, 80/181, 80/232, 82/621, 82/622, 82/623, 82/624, 82/625, 83/128, 83/575, 84/47, 84/414, 84/525, 84/526, 84/527, 84/528, 84/529, 84/532, 84/539, 85/1, 85/10, 85/146, 86/96, 86/217, 86/295, 86/296, 86/321, 86/663, 87/354, 87/355, 87/356, 87/404, 88/320, 88/316, 88/378, 88/571, 88/665, 89/240, 89/336, 89/392, 89/617, 89/676, 89/686, 90/18, 90/384, 93/385, 90/396, 90/486, 90/487, 90/488, 91/368, 92/31, 93/44, 93/95, 93/42, 93/68, 94/1, 94/9, 94/11, 94/25, 94/26, 95/16, 96/58.

#### 2.2.2.12. Cosmetics

The Commission received a number of national measures implementing directives on cosmetics. However,

transposal problems persist, particularly as regards Directive 93/35/EEC amending Directive 76/768/EEC for the sixth time.

The Member States had been given an extra period of grace pending publication by the Commission of the inventory provided for in Article 5a of Directive 76/768/EEC. Although the inventory was published on 1 June 1996 (Decision 96/335/EEC), none of the infringement proceedings for failure to transpose Directive 93/35/EEC have been reopened. DG III, which has been responsible for cosmetics since July 1997, will shortly be sending reasoned opinions to the Member States which have yet to transpose the Directive.

#### 2.2.2.13. Progress in implementing Directives applicable to cosmetics

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	33	26	79
Denmark	33	33	100
Germany	33	31	94
Greece	33	31	94
Spain	33	31	94
France	33	29	88
Ireland	33	32	97
Italy	33	31	94
Luxembourg	33	33	100
Netherlands	33	33	100
Austria	33	31	94
Portugal	33	27	82
Finland	33	31	94
Sweden	33	33	100
United Kingdom	33	33	100

Note: this table concerns the following Directives:

76/768, 80/1335, 82/47, 82/434, 83/191, 83/341, 83/496, 83/514, 83/574, 84/415, 85/391, 85/490, 86/179, 86/199, 87/137, 87/143, 88/233, 88/667, 89/174, 90/121, 90/207, 91/184, 92/8, 92/86, 93/35, 93/47, 93/73, 94/32, 95/17, 95/34, 96/41, 96/45, 96/41, 95/32.

#### 2.2.2.14. Textiles

Two new Directives entered into force in 1997: Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 on certain methods for the quantitative analysis of binary textile fibre mixtures (consolidating and repealing Directives 72/276, 79/76, 81/75 and 87/184) and Directive 96/74/EC of the

European Parliament and of the Council of 16 December 1996 on textile names (consolidating and repealing Directives 71/307, 75/36, 83/623 and 87/140).

#### 2.2.2.15. Progress in implementing Directives applicable to textiles

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	3	3	100
Denmark	3	3	100
Germany	3	3	100
Greece	3	3	100
Spain	3	3	100
France	3	3	100
Ireland	3	3	100
Italy	3	3	100
Luxembourg	3	3	100
Netherlands	3	3	100
Austria	3	3	100
Portugal	3	3	100
Finland	3	3	100
Sweden	3	3	100
United Kingdom	3	3	100

Note: this table concerns the following Directives: 73/44, 96/73, 96/74.

#### 2.2.2.16. Liability for defective products

The Court of Justice dismissed the action brought by the Commission against the United Kingdom under Article 169 of the Treaty (Case C-300/95) <sup>(1)</sup>. The Commission had contested the UK's transposal of the clause exempting producers from liability as provided for in Article 7(e) of Directive 85/374/EEC concerning liability for defective products (development risk). The Court found there was insufficient evidence to establish that the UK had failed to fulfil its obligations. However, its interpretation of the concept of the state of technical and scientific knowledge does coincide with the Commission's view.

#### 2.2.3. Free movement of persons, right of establishment and voting rights

##### 2.2.3.1. Ending discrimination

On the question of civil procedure and access to justice, the Commission has been keeping a watchful eye to ensure that national authorities respect the case-law

<sup>(1)</sup> Judgment given on 29 May 1977 [1997] ECR I-2649.

established by the Court in *Data Delecta* <sup>(2)</sup>, *Hayes* <sup>(3)</sup> and *Saldanha* <sup>(4)</sup> prohibiting the requirement that Community plaintiffs who bring an action before the courts of a Member State other than their State of their origin must lodge a sum as security for legal costs (the *cautio judicatum solvi*). All national rules, irrespective of the field they cover, must be compatible with Community law. This means that, where necessary, Community law takes precedence over national rules in the field of private law <sup>(5)</sup>.

##### 2.2.3.2. Entry and residence

Germany has now transposed the Directives on the right of residence of students (93/96/EC), retired persons (90/365/EEC) and other persons not in active employment (90/364/EEC) — the last Member State to do so. On 20 March 1997 the Court of Justice gave judgment against Germany in Case C-96/95. It held that Germany had failed to fulfil its Treaty obligations by not adopting the laws, regulations and administrative provisions necessary for incorporating Directives 90/364 and 90/365 into national law. In reaching this conclusion, the Court found that the manner in which information was conveyed to the competent authorities of the *Länder* (by means of a circular) did not meet the requirements of publicity, clarity and certainty as to the legal situations governed by the directives.

On 17 July 1997 Germany implemented the judgment by adopting a decree transposing Directives 90/364, 90/365 and 93/96.

The infringement proceedings under way for incorrect transposal of the three Directives are continuing.

The Commission decided to refer cases to the Court of Justice concerning the implementation of provisions on the declaration of financial means by students (France, Italy and Spain), the financial means of retired persons and persons not in active employment (France and Italy), sickness insurance for students, retired persons and persons not in active employment (France and Italy) and the period of validity of residence permits for retired persons not in active employment (Spain and Portugal).

<sup>(2)</sup> Case C-43/95 [1996] ECR I-4661, judgment given on 26 September 1996.

<sup>(3)</sup> Case C-323/95 [1997] ECR I-1711, judgment given on 20 March 1997.

<sup>(4)</sup> Case C-122/96, judgment given on 2 October 1997 (not yet reported).

<sup>(5)</sup> See also the Court's judgment in *Perfili* [1996] ECR I-161, given on 1 February 1996.

Other proceedings for incorrect transposal of the three Directives are at an earlier stage.

A number of proceedings for incorrect transposal were closed after the national legislation concerned was amended (Denmark, Ireland, Luxembourg and the Netherlands).

The Commission finally decided to bring an action in the Court of Justice against Greece because of the Greek authorities' practice of demanding a higher fee for the issue of residence permits to members of EU citizens' families who are nationals of non-member countries than to EU citizens themselves. The Commission believes that this difference of treatment is contrary to the Directives on right of residence.

#### 2.2.3.3. Progress in implementing Directives applicable to right of residence

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	5	5	100
Denmark	5	5	100
Germany	5	5	100
Greece	5	5	100
Spain	5	5	100
France	5	5	100
Ireland	5	5	100
Italy	5	5	100
Luxembourg	5	5	100
Netherlands	5	5	100
Austria	5	5	100
Portugal	5	5	100
Finland	5	5	100
Sweden	5	5	100
United Kingdom	5	5	100

Note: this table concerns the following Directives: 64/221, 73/148, 90/364, 90/365, 93/96.

#### 2.2.3.4. Right to vote and stand in elections

Following the entry into force of Directive 94/80/EC on 1 January 1996, Union citizens residing in a Member State of which they are not nationals were able to take part in municipal elections in Germany (Hamburg and Hessen), Austria (Burgenland, Carinthia and Upper Austria), Italy, Denmark, Portugal and the United Kingdom.

As guardian of the Treaties, the Commission pursued a number of proceedings in 1997 to ensure that Directive 94/80/EC is incorporated into national law by all the Member States. Infringement proceedings against Greece, Finland, Sweden and Spain were terminated after the countries in question adopted implementing measures. On 26 June the Commission decided to bring an action in the Court of Justice against Belgium for failure to notify national implementing measures (Case C-323/97).

On 7 January 1998, the Commission adopted a report on the application of Directive 93/109/EEC on the right of Union citizens residing in a Member State of which they are not nationals to vote and stand in elections to the European Parliament (COM(97) 371). The report does not propose any amendments to the Directive, but sets out possible improvements in the way it is applied.

#### 2.2.3.5. Recognition of qualifications

##### *Cases decided by the Court of Justice*

The following are noteworthy among the Article 171 cases for failure to comply with earlier Court of Justice judgments:

Following the adoption of new legislation, the Commission closed the infringement proceeding against Belgium for failing to comply with the judgment given on 16 May 1991 (Case C-167/90) concerning the incorrect transposal of Directives 85/432/EEC and 85/433/EEC (pharmacists).

In Case C-147/86, the Court condemned Greece for a breach of Articles 48, 52 and 59 of the Treaty in the form of a ban on nationals of other Member States setting up 'frontistiria' and private music and dance schools. On 30 January 1992 Greece was condemned a second time (Case C-328/90), and the Greek authorities subsequently amended their legislation, which made it possible to terminate the proceeding.

The Article 171 proceedings against Italy and France concerning the freedom of tourist guides to provide services (implementation of judgment given on 26 February 1991) are pending. Italy has notified the Commission of the adoption of new legislation and France has sent notification of a draft decree.

Two other cases stand out:



Following the judgment given against Spain on 22 March 1994 concerning the freedom of tourist guides to provide services (Case C-375/92), some of the Autonomous Communities adopted new decrees on the exercise of that profession. Following remarks made by the Commission, Spain has notified new legislation which is being scrutinised.

Greece notified measures to bring its legislation into line with the judgment given by the Court on 26 February 1991 on the freedom of tourist guides to provide services. After scrutinising these new measures, the Commission has decided to close the case.

#### *National implementing measures*

The case concerning Greece's failure to notify measures transposing Directive 89/48/EEC (first general system), on which the Court of Justice gave judgment on 23 March 1995 (Cases C-365/93), has now been referred to the Court once more. Proceedings against Belgium were terminated after the Belgian authorities notified national implementing measures.

Infringement proceedings have also been commenced against Greece regarding Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training, which supplements Directive 89/48/EEC.

With regard to Directive 94/38/EC amending Directive 92/51/EEC with respect to the level of certain qualifications, proceedings are also under way against several Member States.

#### *Incorrect transposal and incorrect application of directives*

In 1997 the Commission received around fifty complaints concerning restrictions in breach of Articles 52 and 59 of the EC Treaty and directives on the mutual recognition of professional qualifications. Some of these complaints gave rise to infringement proceedings, while others were shelved as unfounded.

The Commission pursued a number of proceedings already in motion against Member States for incorrect transposal or incorrect application of directives, for

example the case concerning the transposal of Directive 89/48/EEC (first general system) with regard to the teaching profession in Germany.

In another case, proceedings are still under way against Germany concerning access to the dental profession (requirements not allowed by the dentists Directives for admission to the social security register of dentists who hold non-German qualifications which conform to the Directives).

The Commission decided to refer to the Court of Justice a case against Spain for admitting dentists with qualifications obtained in Latin America at a level far below the Directive's requirements.

It has also pursued a proceeding against the Spanish legislation implementing the architects Directives, which lays down restrictions on the maximum period during which services may be provided in Spain.

#### 2.2.3.6. Progress in implementing Directives applicable to recognition of qualifications

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	63	63	100
Denmark	63	63	100
Germany	63	63	100
Greece	63	59	93,6
Spain	63	63	100
France	63	63	100
Ireland	63	63	100
Italy	63	63	100
Luxembourg	63	63	100
Netherlands	63	63	100
Austria	63	62	98,5
Portugal	63	63	100
Finland	63	62	98,5
Sweden	63	63	100
United Kingdom	63	63	100

Note: this table concerns the following Directives:

63/261, 63/262, 64/222, 64/223, 64/224, 64/427, 64/428, 64/429, 65/1, 66/162, 67/43, 67/530, 67/531, 67/532, 67/654, 68/192, 68/363, 68/364, 68/365, 68/366, 68/367, 68/368, 68/369, 68/415, 69/82, 70/451, 70/522, 70/523, 71/18, 74/556, 74/557, 75/362 (\*), 75/363 (\*), 75/368, 75/369, 77/249, 77/452, 77/453, 78/686, 78/687, 78/1026, 78/1027, 80/154, 80/155, 81/1057, 80/1273, 82/76, 82/470, 82/489, 85/384, 85/432, 85/433, 85/584, 85/614, 86/17, 86/457 (\*), 89/48, 89/594, 89/595, 90/658 (\*), 92/51, 94/38, 95/43.

(\*) These Directives were consolidated by Directive 93/16 (free movement of doctors and mutual recognition of diplomas, certificates and other evidence of formal qualifications).

### 2.2.3.7. Independent commercial agents

After sending Ireland a reasoned opinion for incorrect transposal of Directive 86/653/EEC on independent commercial agents, the Commission terminated Article 169 proceedings after the Irish authorities adopted additional implementing measures. It also shelved the proceedings under way against Portugal after the authorities there gave a satisfactory reply to its letter of notice under Article 169.

Finally, the Commission has decided to send a reasoned opinion to the Italian authorities for incorrect transposal of the Directive.

### 2.2.4. Freedom to provide services

#### 2.2.4.1. Articles 59 *et seq.*

Articles 59 *et seq.* of the Treaty establish the principle of the free movement of services, i.e. cross-border trade in services of a temporary nature. This principle became directly and unconditionally applicable on expiry of the transition period, since when the Commission has ensured that it is correctly applied in the light of the Court of Justice case law.

The Court has condemned the existence not simply of discrimination but also of restrictions, even if they are the result of the imprecise application of a national rule.

In terms of services which are not regulated at Community level, the Commission ensures that where discrimination or restrictions that are not justified by vital reasons of national interest are encountered, the situation is corrected.

The Commission thus sent a reasoned opinion to the Italian authorities on the subject of Act No 82 of 25 January 1994, which obliges cleaning services to be included in two official registers. This is an unjustifiable obstacle to freedom to provide services.

Likewise, the refusal by the Belgian authorities to grant flight authorisations to economic operators who wish to take aerial photographs if they have no aeroplane registered in Belgium, constitutes an unjustified restriction, as a result of which the Commission has sent a reasoned opinion to the Belgian authorities.

As far as private security services are concerned (private detectives, transport of securities, installation and main-

tenance of alarm systems), the Commission has brought infringement proceedings against three Member States. In March 1997, it referred to the Court of Justice the discriminatory restrictions based on nationality in Spanish law, which it considers to be incompatible with Article 59, and sent a reasoned opinion in October 1997. The Commission also sent a reasoned opinion on the same subject to Portugal and Belgium in June 1997.

The discrimination may be based on the place of business, as is the case for the application of a bilateral subcontracting agreement between a Member State and a non-member country. Thus, the German authorities allow only businesses that are established in Germany to subcontract with Polish companies and effect the subcontracting by seconding Polish workers to German territory. Businesses established in another Member State are not allowed to do this. The Commission considers the situation to be incompatible with Article 59 and gave a reasoned opinion in October 1997.

#### 2.2.4.2. Audiovisual/Media

In the communications field, the Commission commenced infringement proceedings for breach of Articles 52 and 59 of the Treaty, following complaints made to it. The proceedings reached the reasoned opinion stage, following which the Member State concerned (Portugal) aligned its legislation with Community law (certain provisions on the pursuit of television broadcasting activities). According to these provisions, the foreign share of a broadcaster's capital could not represent more than 15 % of the company's capital; furthermore, the applicant for a broadcasting licence had to be established in Portugal.

As far as the audiovisual field is concerned, it should be emphasised that all the Member States have notified national measures to implement Directive 89/552/EEC (television without frontiers).

Two infringement proceedings concerning Belgium and the United Kingdom, in which the Court of Justice gave judgment on 10 September 1996, are on the way to being settled.

These two major cases primarily concern the main Directive's central provision, Article 2 (freedom of reception and retransmission, applicable law). The Court first stated, upholding the Commission's arguments, that a system of prior authorisation for television broadcasts emanating from another Member State was in breach of the principle of freedom of reception and retransmission

of television broadcasts laid down by the Directive. In its second judgment, the Court ruled that both the failure to respect the hierarchy of criteria determining a Member State's jurisdiction and the introduction of a double control on broadcasting services depending on the target audience were in breach of the Directive.

Infringement proceedings are also under way against Finland, France, Greece and Italy.

On 30 July 1997, the new Television without Frontiers Directive came into force (Parliament and Council Directive 97/36/EC of 30 June 1997, OJ L 202, 30.7.1997, p. 60).

This directive amends the 1989 directive regulating television broadcasting activities, updating it and clarifying its provisions. The main amendments clarify certain definitions such as the concepts of 'television advertising', 'teleshopping', 'European works', and the broadcasting of 'events of major importance for society', introduce rules on teleshopping and channels exclusively devoted to self-promotion, strengthen the protection of minors, in particular by making it compulsory to include a warning identifying unencoded programmes which could be harmful to minors and asking the Commission to carry out a survey of the efficiency of v-chip type filtering systems; and they set up a forum for consultation between the Member States and the Commission on the application and development of legislation in this field, on which subject the Commission will write a periodic report surveying new technological developments.

The Commission, through its contact committee, will ensure that this Directive is correctly transposed by the deadline, i.e. 30 December 1998.

#### 2.2.4.3. Telecommunications

The directives making up Community telecommunications legislation set the date of 1 January 1998 for the creation of a liberalised and harmonised European telecommunications market. Almost all the directives were in place in 1997, and should be transposed into national law by the end of this year at the latest.

The fundamental importance of implementing a legislative framework is recognised throughout the Union. First of all, a single, liberalised telecommunications market is essential to the creation of the information society in Europe, with all that that implies in terms of growth, employment and quality of life. Secondly, the importance of the 1 January 1998 deadline has increased as a result of the Community's commitment to open its market in accordance with the WTO agreement on basic telecommunications services.

On 29 May 1997, the Commission adopted a first communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the state of implementation<sup>(1)</sup>. The aim of this document was to review the situation of the directives as a whole, including those that were not yet in force; to state how the Commission envisaged the task of ensuring the transposal and effective implementation of legislation, stressing the use of recourse to informal measures, combined with full application of the infringement procedure; in particular, closely examining several essential aspects of the legislation which could be considered to be indicative of the state of progress in transposing the regulatory framework for the date set for complete liberalisation.

At its meeting on 27 June 1997, the Council scrutinised the communication and asked the Commission to rapidly consult the Member States and report on progress at its next and subsequent meetings.

The Commission adopted an update of this first communication on 8 October 1997<sup>(2)</sup>. It concluded by saying the considerable progress made in transposing the legislation was encouraging. However, clearer support is needed in a few Member States, while in some other Member States work remains to be done on certain specific aspects.

The Commission intends to present an updated report at the beginning of 1998 on the basis of its bilateral contacts with the Member States. At this stage it is planned that the report should contain a more comprehensive table showing the state of transposal of the legislative framework. The report will also present a series of indicators of the real and effective state of implementation of the measures transposed into national law, and will provide an initial indication of how the European telecommunications market is functioning, on the basis of relevant economic indicators.

As regards the state of transposal of the various directives and decisions, the situation is as follows.

Framework Directive 90/387/EEC prescribing the principles to be applied to the implementation of open network provision (ONP) has been transposed by all the Member States.

All the Member States have communicated national measures implementing Directive 92/44/EEC (leased lines), but these are incomplete in Greece and Luxembourg. Luxembourg was sent an Article 171 letter

<sup>(1)</sup> COM(97) 236.

<sup>(2)</sup> COM(97) 504.

in 1997. The Commission is still examining the state of transposal of the Directive in Belgium and Portugal. The proceedings opened in 1997 against Austria were terminated following notification of the implementing measures.

All the Member States except Greece have notified national measures transposing Directive 95/62/EC on the application of open network provision (ONP) to voice telephony, though these are not complete in the case of Belgium and Luxembourg. The infringement proceedings that had been opened against France, Ireland, Italy and the United Kingdom were closed in 1997 following notification of the national measures.

Parliament and the Council adopted three directives in 1997 with 31 December 1997 as the deadline for transposal. They were Directives 97/51 (amendment of the framework and leased lines directives), 97/13 (licences) and 97/33 (interconnection). Some Member States have already notified implementing measures (see Annex 4), but the transposal situation will be examined in the next annual report.

Directive 91/263/EEC on telecommunications terminal equipment has been transposed by all the Member States. The Netherlands, to which a reasoned opinion was sent in 1997, notified its implementing measures in December 1997. Infringement proceedings against the four Member States that the Court had found against in 1995 (Belgium and Greece) and 1996 (Ireland and Luxembourg) were closed, following the adoption of national implementing measures.

Directive 93/97/EEC extends the scope of Directive 91/263/EEC to the equipment of ground satellite tracking stations. Ten Member States (Denmark, Germany, Spain, Finland, France, Italy, the Netherlands, Portugal, Sweden and the United Kingdom) have notified the Commission of national measures transposing the new Directive. In 1997 five reasoned opinions (Belgium, Greece, Ireland, Luxembourg and the Netherlands) and one Article 169 letter (Austria) were sent to the Member States which had not notified their implementing measures. The Netherlands notified its implementing measures in December 1997, as they did for Directive 91/263/EEC.

All the Member States have notified national measures implementing the three Directives on frequencies — Directives 87/372/EEC (GSM), 90/544/EEC (Ermes) and 91/287/EEC (DECT). The Commission is reviewing the state of transposal of Directive 90/544/EEC by the United Kingdom.

All the Member States except Greece have adopted measures required under Decision 91/396/EEC on the introduction of '112' as the standard emergency services number throughout the Union. Spain and Portugal did so in 1997 and the infringement proceedings against them were therefore closed.

All the Member States have already introduced '00' as the standard code for access to the international network in the Community, in accordance with Decision 92/264/EEC.

Finally, five Member States (Denmark, Spain, Luxembourg, Finland and the United Kingdom) have notified national measures transposing Directive 95/47/EEC on the use of standards for the transmission of television signals. Infringement proceedings against the other Member States were opened in 1997.

#### 2.2.4.4. Progress in implementing Directives applicable to telecommunications

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	12	6	50
Denmark	12	9	75
Germany	12	8	67
Greece	12	5	42
Spain	12	9	75
France	12	10	83
Ireland	12	7	58
Italy	12	10	83
Luxembourg	12	6	50
Netherlands	12	8	67
Austria	12	8	67
Portugal	12	8	67
Finland	12	12	100
Sweden	12	8	67
United Kingdom	12	12	100

Note: this table concerns the following Directives: 87/372, 90/387, 90/544, 91/263, 91/287, 92/44, 93/97, 95/62, 96/870, 97/51, 97/13, 97/33.

#### 2.2.4.5. Financial services

As a means of consolidating administrative cooperation and resolving problems quickly, in 1997 the Commission maintained regular contacts with the national authorities through institutional committees (Banking Advisory Committee, Insurance Committee, UCITS — Undertakings for Collective Investment in Transferable Securities — Contact Committee), ad hoc interpretation groups (the banking Directives group, the insurance

group and the capital adequacy Directive group, etc.) and high-level working parties (HLSSC — High-Level Security Supervisors Committee — for negotiable securities).

In the field of insurance, the Commission commenced four new infringement proceedings for breaches of Articles 52 and 59 of the EC Treaty and the Directives under Article 169 of the Treaty. All cases were detected by the Commission itself. One of the proceedings opened in 1996 was shelved because the Member State concerned complied with Community law. In the banking sector, the Commission opened two new proceedings in 1997, one on the basis of a complaint, the other detected by the Commission.

Many infringement proceedings have reached the reasoned opinion stage. In the insurance sector, the number of proceedings for non-compliance or incorrect application officially opened in 1997 was considerably higher than in 1996. This can be explained by the fact that, in view of the great complexity of the insurance sector, the discussions started with national governments in the context of the proceedings launched in 1996 have not yet borne fruit. In the banking sector, the failure to transpose Directive 95/26/EEC ('post-BCCP') resulted in the Commission deciding to send reasoned opinions to eight Member States.

In the banking sector, the infringement proceedings opened against Italy because of its discriminatory tax treatment, in terms of mortgage credit, to banks that were not established in Italy (see 13th report) was terminated as Italy complied with the Commission's reasoned opinion.

In the securities sector, it was decided to refer Germany to the Court for infringement of Articles 52 and 59 of the EC Treaty by discriminating against UK investment trusts both with respect to public offers of their shares in Germany and in terms of taxation.

In the banking sector, it was decided to send reasoned opinions for failure to transpose Directive 95/26/EEC ('post-BCCP') to Germany, Spain, Italy, Luxembourg, Belgium, Ireland, France and Greece. It was decided to refer Germany to the Court of Justice for its failure to transpose Directive 94/19/EC on deposit guarantees. A suspended referral was made in respect of Directive 93/6/EC on the capital adequacy of investment firms and credit institutions as Germany had transposed the Directive but had not yet officially informed the Commission.

As regards securities, the Commission decided to send a reasoned opinion for failure to transpose Directive 93/22/EEC (investment services in the securities field) to Greece, Spain, Portugal and Luxembourg, and for incomplete transposal to Germany. Subsequently it decided to refer Spain, Luxembourg and Germany to the Court.

As regards Directive 92/49/EEC and 92/96/EEC (third 'non-life' and 'life' insurance Directives), the cases before the Court against Greece for failure to notify national implementing measures transposing these two directives were withdrawn, while the Court ruled against Spain regarding Directive 92/49/EEC. However, even though most of the Member States have already notified the measures taken for these two directives, the transposal or application of the directives is not problem-free. There are several cases of incomplete or incorrect transposal.

The Commission suspended its decision to refer Spain to the Court for failure to notify its national implementing measures for Directive 92/96/EEC, pending judgment in the case on Directive 92/49/EEC. Furthermore, a reasoned opinion was also sent to Spain regarding Directive 91/674/EEC (annual and consolidated accounts of insurance companies), and it was decided to refer the case to the Court. The Court also found against Spain for failure to transpose Directive 91/371/EEC concerning an agreement with Switzerland.

Finally, the cases of failure to transpose Directive 91/674/EEC by Italy, 90/618 (motor vehicle liability insurance) and 90/619 (second life insurance directive) by Spain, and 93/22/EEC (investment services in the securities field) by Greece and Portugal were terminated.

In the banking sector, it was decided to refer Austria to the Court of Justice because the existence of anonymous accounts in Austria is incompatible with its obligation to check the identity of customers when they open an account under Article 3(1) of Directive 91/308/EEC (money laundering).

In the insurance field, the Commission sent a reasoned opinion to France for failing to implement Directives 92/49/EEC and 92/96/EEC in their entirety, in view of the fact that no measure adapting the mutual insurance code to the third non-life and life insurance directives has been notified to date.

A reasoned opinion was also sent to Belgium because Belgian legislation on the supervision of insurance

companies excludes accidents at work from Directive 92/49/EEC. The Commission considers that such risks are covered by the Directive where they are insured by private insurance companies. Finland was also found to commit the same breach of Directive 92/49/EEC and an Article 169 letter was therefore sent in 1996.

The Commission has yet to send a reasoned opinion to Germany for incorrect application of Directive 92/49/EEC, as was decided in 1996. In its legislation implementing this Directive, Germany formally abolished the provision prohibiting the simultaneous transaction of health insurance and other classes by non-German companies hoping to set up a branch or operate as service-providers in Germany, in line with the third non-life insurance directive, which ruled out this possibility. However, Germany introduced a new provision into its social security legislation whereby the employee would benefit from contributions paid by the employer only if the insurance company did not provide both health insurance and other classes of insurance simultaneously, irrespective of where it had its headquarters. This was an indirect violation of Directive 92/49/EEC.

Furthermore, the Commission sent a reasoned opinion to Spain because Spanish legislation implementing Directive 84/5/EEC did not meet the requirement of Article 1(4) of that Directive that a body be set up with the task of providing compensation for damage to property or personal injuries caused by an unidentified vehicle and the victim be given a reasoned reply regarding the payment of any compensation. Finally, the Commission decided to send a reasoned opinion to France because it required insurers to fill out an information sheet before putting new insurance policies on the market, in breach of Directives 92/49/EEC and 92/96/EEC, which prohibit Member States from stipulating provisions requiring the prior approval or systematic notification of the general and special conditions of insurance policies.

As regards requests for preliminary rulings, the Court of Justice reached a decision on 9 July 1997 in Case C-222/95 concerning a Member State's right, before the entry into force of the second banking Directive (89/646/EEC), to require a Community credit establishment already accredited in its country of origin to obtain further accreditation in order to enjoy freedom to provide services on its territory. The Court held that such a second accreditation would contravene Community law unless it was not discriminatory, was justified for reasons of general interest and was objectively necessary and in proportion with the aims pursued.

However, the Court has not yet given its preliminary ruling in Case C-410/96 (*Procureur de la République v André Ambry*), concerning the recognition by a Member State of a financial guarantee granted in another Member State.

Furthermore, in a judgment given on 20 March 1997 (Case C-57/95) following an action for annulment introduced by France against the Commission, the Court annulled Commission communication 94/C 360/08 on an internal market for pension funds. The Court considered that this communication did not confine itself to clarifying the correct application of the Treaty provisions, but was intended to produce legal effects of its own, distinct from those already envisaged by those provisions.

As regards the case brought against the Commission by the departmental farmers' union for failure to act (Case T-47/96), on the grounds that, contrary to the plaintiffs' requests, the Commission had not commenced infringement proceedings against France for incorrect transposal of Directives 92/49/EEC and 92/96/EEC due to the monopoly on covering health risks established by French legislation in the field of statutory social insurance, the Court has not yet given its judgment in the case brought before the Court of First Instance.

Greece has now implemented judgments given for its failure to transpose Directives 90/618/EEC (motor vehicle liability insurance — provision of services), 90/619/EEC (second life insurance directive) and 88/357/EEC (second non-life insurance directive) — (Joined Cases C-109/94, C-209/94 and C-225/94; judgment given on 29 June 1995).

Actions against Greece were withdrawn, as it had transposed Directives 92/49/EEC (Case C-111/96), 92/96/EEC (Case C-112/96), 91/674/CEE (Case C-110/96) and 91/371/EEC (Case C-109/96). Proceedings against Ireland for failure to transpose Directive 91/371/EEC (Case C-394/95) are being continued. The Court also found against Spain for incomplete transposal of Directives 92/49/EEC (Case C-361/95) and 91/371/EEC (Case C-360/95).

The action against Italy was also withdrawn, as it has transposed Directive 91/674/EEC (annual accounts and consolidated accounts of insurance undertakings). Finally, the Commission commenced an action in the Court of Justice against Belgium (Case C-97/608) for incomplete transposal of Directive 90/232/EEC (third vehicle insurance Directive).

#### 2.2.4.6. Progress in implementing Directives applicable to financial services

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	48	46	95,8
Denmark	48	48	100
Germany	48	44	91,6
Greece	48	47	97,9
Spain	48	42	87,5
France	48	45	93,8
Ireland	48	46	95,8
Italy	48	46	95,8
Luxembourg	48	46	95,8
Netherlands	48	48	100
Austria	48	48	100
Portugal	48	48	100
Finland	48	48	100
Sweden	48	48	100
United Kingdom	48	48	100

Note: this table concerns the following Directives:

64/225, 72/166, 73/183, 73/239, 77/92, 77/780, 78/473, 79/267, 79/279, 80/390, 82/121, 84/5, 84/641, 85/611, 86/635, 87/343, 87/344, 87/345, 88/220, 88/357, 88/627, 89/117, 89/298, 89/299, 89/592, 89/646, 89/647, 90/211, 90/232, 90/618, 90/619, 91/308, 91/371, 91/633, 91/674, 92/30, 92/49, 92/96, 92/121, 93/6, 93/22, 94/7, 94/19, 95/15, 95/26, 95/67, 96/10, 96/13.

#### 2.2.4.7. Commercial communications

Over the course of the year the Commission has received several complaints about restrictions on cross-border commercial communication services, especially sponsorship, promotion and advertising services. The Commission is examining these cases.

#### 2.2.5. Free movement of capital

The situation concerning the free movement of capital and payments in the EU is in general satisfactory. Further progress was made during the year with the elimination of restrictions on the physical transfer of means of payments and investment abroad by residents, by Greece, and on the physical transfer of means of payments by Italy. However, in a number of cases,

national provisions continue to constitute impediments to the free movement of capital and action has been initiated by the Commission for their elimination. The infringement procedure has reached reasoned opinion stage in the case of France, concerning the ban on foreign certificates of deposit denominated in FF (although the connected lead management issue was resolved), Greece, regarding restrictions on real estate acquisition in border areas, while a referral to the ECJ has been decided in the case of Germany, concerning the ban on foreign certificates of deposit denominated in DM and the requirement that lead managers have to be established in the country.

#### 2.2.6. Company law

Apart from the cases listed below where no measures have been notified, and a few problems with incorrect implementation, the seriousness of which will be examined in a study on Directives 78/660/EEC and 83/349/EEC to be completed by the end of 1998, no particular difficulties have arisen regarding the transposal of directives in this field.

The Commission has brought an action against Germany (Case C-191/95) for incorrect application of Directive 68/151/EEC (companies register) and 78/660/EEC (annual accounts). About 90 % of German private limited companies are refusing to publish their accounts by depositing them with the companies register, as required by the Directives and the German legislation transposing them.

The Commission has commenced another action in the Court against Germany for failure to notify national measures implementing Directive 90/605/EEC (amending the scope of the Directives on annual accounts and consolidated accounts).

The Commission has also sent an Article 169 letter to Italy for incorrect application of Directive 84/253/EEC (qualifications required of auditors). The Italian government has not yet put into effect the implementing measures in Italian law transposing this directive.

Finally, the infringement proceedings commenced against Greece and Luxembourg for failure to notify national measures implementing Directive 92/101/EEC (amending Directive 77/91/EEC on the capital of public limited liability companies) are to be brought before the Court in 1998 and those against Finland for failure to notify national measures implementing Directives 78/660/EEC, 83/349/EEC, 90/604/EEC and 90/605/EEC have reached the reasoned opinion stage.

### 2.2.6.1. Progress in implementing Directives applicable to company law

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	12	12	100
Denmark	12	12	100
Germany	12	11	92
Greece	12	11	92
Spain	12	12	100
France	12	12	100
Ireland	12	12	100
Italy	12	12	100
Luxembourg	12	11	92
Netherlands	12	12	100
Austria	12	12	100
Portugal	12	12	100
Finland	12	8	67
Sweden	12	12	100
United Kingdom	12	12	100

Note: this table concerns the following Directives:  
68/151, 77/91, 78/660, 78/855, 82/891, 83/349, 84/253, 89/666, 89/667, 90/604, 90/605, 92/101.

### 2.2.7. Intellectual and industrial property

#### *Industrial property*

There is currently only one directive in force in the field of industrial property — Directive 89/104/EEC on trade marks. Under its provisions, the registration of a trade mark confers on its owner exclusive rights allowing him to prohibit its use for commercial purposes by a third party without his consent.

The harmonisation of Member States' legislation on national trade marks is not comprehensive, but confined to certain aspects which have a direct impact on the functioning of the internal market. Outside these harmonised fields, the Member States retain complete freedom to lay down arrangements best suited to their traditions.

The scope of harmonisation is defined by the Directive as follows: registered trade marks only (arrangements for protecting trade marks resulting from usage are left up to the Member States); all categories of registered trade marks recognised by national legislation (trade marks in respect of products or services, individual trade marks, collective marks and guarantee or certification marks), though this does not mean that the Member States are required to introduce these various categories of trade

marks into their legislation; trade marks which have been registered under international arrangements but have effect in the Member States.

However, the Directive covers only substantive law on registered trade marks; none of its provisions is aimed at harmonising procedures.

The deadline for the transposal of this Directive was extended until 31 December 1992.

All of the Member States, including the new Members, have notified the Commission of national legislation on the transposal of this Directive. The Spanish authorities notified the Commission of transposal even before the Directive had been adopted. The Commission is currently checking that the measures adopted at national level conform to the Directive.

#### *Intellectual property*

Member States generally adopt the national measures implementing the directives relating to this sector only after long delays and often only after infringement proceedings have been launched.

However, the situation has considerably improved, particularly over the last year. While in 1996 only three Member States had notified national implementing measures for all the Directives applicable on 1 January 1997, this year twelve Member States had done so.

The Commission will continue its efforts to make sure that all the Member States transpose the Directives into national law and will also ensure that they are correctly applied — incorrect application appearing to be the main reason for litigation.

All the Member States have now notified their national measures transposing Directive 87/54/EEC on the legal protection of topographies of semiconductors and Directive 91/250/EEC on the legal protection of computer programs. Examination of the measures notified by the United Kingdom transposing the latter directive has, however, revealed problems of compatibility with Community legislation, the UK having chosen to retain certain concepts of copyright in the transposal of the Directive, instead of adapting its traditions in this area to the requirements of the Community regulations. After an Article 169 letter was sent to the UK and a reply was received from the British authorities, it transpired that the issue could be resolved by transposing the



other Directives on copyright into national law, including Directive 96/9/EC on the legal protection of data bases, for which the deadline is 1 January 1998.

Infringement proceedings against Ireland for failure to notify national measures implementing Directive 92/100/EEC (lending right) and against Germany for failure to notify national measures implementing Directive 93/83/EEC (on satellite broadcasting and cable retransmission) are at the reasoned opinion stage.

It has been decided to refer Greece and Ireland to the Court for failure to notify national implementing measures for Directive 93/83/EEC.

Finally, although the deadline for transposal of Directive 96/9/EEC on the legal protection of data bases has been set for 1 January 1998, Germany, Austria, Sweden and the United Kingdom have already notified their national implementing measures.

#### 2.2.7.1. Progress in implementing Directives applicable to intellectual and industrial property

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	6	6	100
Denmark	6	6	100
Germany	6	5	83
Greece	6	4	67
Spain	6	6	100
France	6	6	100
Ireland	6	4	67
Italy	6	6	100
Luxembourg	6	6	100
Netherlands	6	6	100
Austria	6	6	100
Portugal	6	6	100
Finland	6	6	100
Sweden	6	6	100
United Kingdom	6	6	100

*Note:* this table concerns the following Directives: 87/54, 89/104, 91/250, 92/100, 93/83, 93/98.

#### 2.2.8. Public procurement

A number of directives adopted in the field of public procurement had still not been transposed in certain

Member States in 1997. For example, for Directive 92/50/EEC on services, the Court of Justice found against Greece, which had not notified its national implementing measures, on 2 May 1996<sup>(1)</sup>, and a case was brought under Article 171 of the Treaty for failing to implement this ruling. As regards Directive 93/36/EEC on supplies, the Court ruled against Italy on 17 July 1997<sup>(2)</sup>, because it had not notified its measures transposing this directive. The Commission has opened infringement proceedings against Spain, which has not notified its measures transposing Directive 93/38/EEC on the utilities sectors.

However, the measures notified to the Commission have been examined for compatibility with Community legislation, revealing numerous problems in many Member States where the national legislation is inadequate or incorrect.

An examination of the national measures that have been notified has led to 34 proceedings for failure to comply with Community law, including six which are at least at the reasoned opinion stage. Some of these cases involve questions of principle which could undermine the liberalisation of public contracts awarded in the Member States concerned.

The Commission also continued its monitoring of the application of Community law in the procedures for awarding private contracts, by following up complaints and investigating and checking cases on its own initiative.

The Commission processed 215 complaints and investigations of its own over the course of the year, including 80 new cases. It was able to settle 65 cases, mostly as a result of action by the awarding authorities or their supervisory bodies to remedy the irregularities. The dialogue and consultation procedure ('package meetings'), set up to help Member States find and reach agreement on solutions to outstanding disputes which conform to Community law, undoubtedly helped in this respect.

A few examples of incorrect application of Community provisions can be cited.

The Commission decided to refer to the Court of Justice supply of fertiliser for the Irish Forestry Board in

<sup>(1)</sup> Judgment of 2 May 1996, Case C-311/95 (Greece).

<sup>(2)</sup> Judgment of 17 July 1997, Case C-43/97 (Italy).

order to establish that the latter is an adjudicating authority within the meaning of the public procurement directives.

The Commission also decided to refer France to the Court for failure by the Syndicat Interdépartemental d'électrification de la Vendée to apply competitive tendering as laid down in Directive 93/38, and for incorrect application of Directive 93/37 by the Région Nord Pas-de-Calais in a plan for the renovation of its *lycées*.

Following Commission intervention, Greece amended its national provisions authorising the adjudicating bodies to use technology transfer as a criteria for awarding contracts.

In a supply contract in the utilities sectors, the Commission impressed upon Belgium the need to admit that reference to national laws where authorised involved the possibility of producing equivalents. Instructions were sent to the clients of the Belgian company to sort out the difficulties.

#### 2.2.8.1. Progress in implementing Directives applicable to public procurement

(N.B.: The information in the table below refers only to transposal into national law in the Member States. In some of them, because of shared competence between different institutional structures (e.g. Austrian Länder), the Community provisions must also be transposed at regional level. Infringements result when the transposed texts are not notified.)

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	11	11	100
Denmark	11	11	100
Germany	11	11	100
Greece	9	8	88
Spain	11	8	73
France	11	11	100
Ireland	11	11	100
Italy	11	10	91
Luxembourg	11	11	100
Netherlands	11	11	100
Austria	11	11	100
Portugal	9	8	89
Finland	11	11	100
Sweden	11	11	100
United Kingdom	11	11	100

Note: this table concerns the following Directives:

71/305, 89/440 (codified by Directive 93/37), 77/62, 80/767, 88/295, 89/665, 90/531, 92/13, 92/50, 93/36, 93/38.

## 2.3. Removal of tax barriers

### 2.3.1. Direct taxation

There is no significant harmonisation in direct taxation; this is because the Council is required to adopt tax harmonisation rules unanimously, rather than by the qualified majority that is generally sufficient for internal market provisions. The levels of taxation and the taxable bases vary from one Member State to another and as such cannot be contested under Community law. The differences between the Member States' tax arrangements do not as such constitute discrimination that is incompatible with the Treaty as a matter of principle; the Member States are free to allocate their respective tax powers in their bilateral tax agreements according to their political choices. Such choices, which may differ from one Member State to another, cannot be considered to be discrimination within the meaning of the Treaty.

Consequently, the principle of non-discrimination, the most frequently used yardstick, applies to cases of tax treatment by one and the same national tax system. The difference in taxation, for natural persons and for businesses, between non-residents and residents in all the Member States, in principle accepted by the Court where it reflects the difference in the situations of these two categories of taxpayer, is subject to ongoing monitoring and evaluation by the Commission in the light of a growing body of case law from the Court arising from preliminary rulings requested by the national courts.

Following the reasoned opinion sent to France on a deduction at source operated differently for permanent business establishments from different Member States<sup>(1)</sup>, the Commission received a letter from the French government stating that it would regularise the situation in its next Finance Act. The provisions to this effect are set out in the Finance (Amendment) Act for 1997 adopted at the end of December.

As regards notification of implementing measures, the Commission has received national measures transposing all the Directives from all Member States except Greece, which has not notified legislation transposing Directive 90/434/EEC on mergers (see point 2.3.1.1 below);

<sup>(1)</sup> See 14th annual report.

this has been referred to the Court (Case C-8/97). Incidentally, the Commission welcomes the fact that the United Kingdom has finally notified the measures implementing the Mutual Assistance Directive in its dependent territory of Gibraltar (Directive 77/799/EEC).

### 2.3.1.1. Progress in implementing Directives applicable to direct taxation

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	4	4	100
Denmark	4	4	100
Germany	4	4	100
Greece	4	3	75
Spain	4	4	100
France	4	4	100
Ireland	4	4	100
Italy	4	4	100
Luxembourg	4	4	100
Netherlands	4	4	100
Austria	4	4	100
Portugal	4	4	100
Finland	4	4	100
Sweden	4	4	100
United Kingdom	4	4	100

Note: this table concerns the following Directives:  
69/335, 77/799, 90/434, 90/435.

Convention 90/436 on the elimination of double taxation in connection with transfer pricing by arbitration procedure, signed on 23 July 1990 in Brussels on the basis of a proposal for a Directive, came into force on 1 January 1995 for the 12 old Member States, while its extension to the three new Member States, signed on 21 December 1995, is not yet in force because only four of the 15 Member States (Denmark, Italy, Netherlands and Portugal) have ratified it.

### 2.3.2. Indirect taxation

Following Commission action, the proceedings commenced against Italy for the 1993 introduction of a special 10 % levy on the price of unprocessed polyethylene, which had the effect of taxing products from

other Member States more heavily, were terminated after the Italian Act at issue was repealed.

As regards failure to notify national implementing measures, the Commission commenced proceedings against France and Italy as regards Directive 96/95/EC<sup>(1)</sup> on setting the level of the standard rate of value added tax. Proceedings were also opened against Greece concerning Directive 96/42/EC<sup>(2)</sup> on the taxation of horticultural products. And the Commission closed the proceedings previously opened against Austria under Directive 95/7/EC<sup>(3)</sup> on new simplification measures with regard to value added tax when it received the national implementing measures. But proceedings were found to be needed against Germany under the same Directive, as the Commission has not yet been notified of provisions giving effect to Article 9(1), for which Germany enjoyed a derogation until 1 January 1997.

As regards supervision of the correct application of Community provisions, two proceedings were opened.

The first case was against the Netherlands, which allows taxable persons to deduct a percentage of the payments made to their employees to compensate for the expenses incurred through the use of their own vehicle for company purposes. Given that this deduction is made even though the taxable person is not the customer in the transaction and does not hold an invoice in his name, these provisions contravene Articles 17 and 18 of the Sixth VAT Directive of 17 May 1977 (77/388/EC)<sup>(4)</sup>.

The second concerns Portugal, which applies a reduced rate to diesel oil, fuel oil and corresponding blends, for wine and for agricultural equipment and machinery. However, these products are not included in Annex H to Directive 77/92/EC<sup>(5)</sup>, which lists products which may continue to benefit from a reduced rate. Furthermore, the reduced rate in question is not in compliance with the conditions for application of Article 28(2) of the Sixth VAT Directive as amended by Directive 77/92/EC, which allows a reduced rate for a transitional period on products other than those in Annex H on condition that this rate is not less than 12 %.

<sup>(1)</sup> OJ L 338, 28.12.1996, p. 893.

<sup>(2)</sup> OJ L 170, 9.7.1996, p. 34.

<sup>(3)</sup> OJ L 102, 5.5.1995, p. 18.

<sup>(4)</sup> OJ L 145, 13.6.1977, p. 1.

<sup>(5)</sup> OJ L 316, 31.10.1992.

A number of other cases relating to the Sixth VAT Directive were referred to the Court: Italy for restricting the right to deduct in the case of purchase of a building by a taxpayer together with a non-taxpayer; Spain for VAT exemption on imports of military equipment; and France and the Netherlands, which the Commission decided to refer to the Court of Justice regarding the tolls charged by the companies or bodies entrusted with the operation of highways, which must be regarded as the consideration in the case of services provided for a consideration to road users. Whereas some Member States charge VAT on such tolls in accordance with Article 2 of the Sixth Directive, the Member States in question view the matter as falling outside the realm of VAT, arguing that activities are involved which are connected with the exercise of official authority.

Finally, several earlier proceedings have been closed.

Spain: Following the clarifications provided by the Spanish authorities, the Commission decided not to pursue the infringement proceedings on taxation of assembled goods. It emerged that the rule at issue was purely practical, as the criteria of fixed assets and of the cost of assembly were only intended to clarify the concepts of installation or assembly, given the importance of these concepts in determining the rates applicable and the place of the taxable operations.

France: Following the Commission's action, the French authorities, in the Finance (Amendment) Act for 1996, abandoned the ceiling beyond which the samples had previously been taxed. From now on, samples taken for company requirements will no longer be subject to VAT.

Greece: Greece complied with the Court's ruling<sup>(1)</sup> on the VAT exemption arrangements for transport, cruises and package tours, paying DR 5,6 billion (approximately ECU 17 million) in compensation to own resources for 1989 to 1994. The Commission also closed the infringement proceedings regarding the extension of the flat-rate VAT agricultural arrangements to Greek fishermen.

Portugal: Following the Commission's intervention, Portugal amended its legislation regarding VAT on travel agencies. VAT was previously collected on the whole margin even when the journey was made in whole or in part outside the Community, while Article 26 of the Sixth Directive provides for this part of the margin to be exempted. The Commission also closed the case on VAT exemption on imports of military equipment.

The Commission opened proceedings against France for infringement of Directive 92/12/EEC<sup>(2)</sup> on the general system of excise duties. The social security contribution which applies to alcoholic beverages in France could be maintained under the terms of this Directive provided it served specific purposes and complied with the structure imposed by the harmonisation of excise duties. However, the contribution in question is incompatible with this structure in that it does not apply to all alcoholic beverages as defined in Directive 92/83/EEC<sup>(3)</sup>, but only to beverages with an alcoholic strength by volume of 25 % vol. or more, and because it is levied on the basis of the volume of beverage and not the pure alcohol content.

However, the Commission did close another infringement proceeding against France relating to alcoholic beverages. The issue is excise duty on naturally sweet or liqueur-like wines, where French legislation was in breach of Directive 92/83/EEC since it made a distinction between dry and sweet wines, a distinction which is irrelevant for tax purposes, and, furthermore, it established two different sets of rules for admission of such wines to the tax category of still wine depending on whether or not they are produced in France; such wines from another Member State are also subject to conditions not provided for in the Directive and have to obtain prior recognition by decree as qualifying for the tax treatment applied to wine.

The French provisions have now been brought into line with the Directive, which provides that wines which have a natural alcohol content of between 15 % and 18 % are classified and should therefore be taxed as still wine (and not as 'intermediate products'), provided they have been produced without enrichment or addition of alcohol. Such a difference in tax treatment between similar products depending on whether they are domestic wines or wines from another Member State is

<sup>(1)</sup> Judgment given on 23 May 1996, Case C-331/94.

<sup>(2)</sup> OJ L 76, 23.3.1992, p. 1.

<sup>(3)</sup> OJ L 316, 31.10.92, p. 21.

inconsistent not only with the abovementioned Directive but also with Article 95 of the EC Treaty.

Proceedings against Greece were opened under Council Directive 72/464/EEC <sup>(1)</sup> on taxes other than turnover taxes which affect the consumption of manufactured tobacco. The Directive expressly states that the producers or importers of manufactured tobacco are free to set the maximum price for retail sales of these products. However, Greek legislation allows the Minister of Finance to set the minimum price for manufactured tobacco.

Following action by the Commission, the Portuguese authorities amended their legislation on tax refunds for goods contained in travellers' personal luggage. This legislation is now in line with Directive 69/169/EEC <sup>(2)</sup>, since the restrictions on certain goods have been eliminated and the refund can be obtained simply by presenting a receipt. Previously, it was necessary to fill out a special declaration, a requirement which was not specified in the Directive.

<sup>(1)</sup> OJ L 303, 31.12.1972, p. 1.

<sup>(2)</sup> OJ L 133, 4.6.1969, p. 6.

#### 2.3.2.1. Progress in implementing Directives applicable to indirect taxation

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	42	42	100
Denmark	42	42	100
Germany	43	42	97,7
Greece	42	41	97,6
Spain	42	42	100
France	42	41	97,6
Ireland	42	42	100
Italy	42	42	100
Luxembourg	42	42	100
Netherlands	42	42	100
Austria	43	43	100
Portugal	42	42	100
Finland	42	42	100
Sweden	42	42	100
United Kingdom	42	42	100

Note: this table concerns the following Directives:

67/227, 69/169, 77/388, 78/1035, 79/1070, 79/1071, 79/1072, 80/368, 83/181, 83/182, 83/183, 84/386, 85/346, 85/576, 86/560, 88/331, 88/664, 89/219, 89/220, 89/465, 89/604, 91/680, 92/12, 92/77, 92/79, 92/80, 92/81, 92/82, 92/83, 92/84, 92/108, 92/111, 94/4, 94/5, 94/74, 94/75, 94/76, 95/7, 95/59, 95/60, 96/42, 96/95, 96/99.

## CONSUMER POLICY AND HEALTH PROTECTION

### 3. INTRODUCTION

In 1997, in consumer policy, the Commission restructured its departments following Parliament's report on BSE in order to make the Commission's work in food health more efficient, transparent and balanced (Commission Communication of 30 April 1997 on consumer health and food safety, COM(97) 183 final).

As a result, this chapter no longer covers legislation on cosmetics, textiles and toy safety.

Twelve directives have been adopted in this area, but the implementing measures for two of them have yet to be

notified by all the Member States. In particular, the state of transposal of the new timesharing directive is very unsatisfactory. At the deadline for transposal (29 April 1997), no Member State had notified the national implementing measures. Once again it appears that the majority of Member States are adopting national implementing measures only after the deadline.

### 4. SITUATION SECTOR BY SECTOR

#### 4.1. Safety and health

As regards Directive 92/59 on general product safety, the deadline for transposal of which was 29 June 1994, the three Member States (Germany, Ireland and

Luxembourg) which had not yet transposed the Directive notified their national implementing measures in 1997. This is a very important consumer protection directive because it establishes at Community level a general safety obligation for all products put on the market and intended for consumers or likely to be used by consumers. It also lays down appropriate procedures to guarantee this safety.

#### 4.2. Protection of consumers' economic interests

As regards Directive 94/47 on timesharing contracts, the deadline for transposal of which was 29 April 1997, seven Member States (Belgium, Greece, Spain, France, Italy, Luxembourg and Finland) have not yet notified their national implementing measures.

The aim of this directive is to create a set of common rules relating to information on the constituent parts of contracts, the arrangements for communicating such information and the procedures and arrangements for cancellation and withdrawal.

As for Council Directive 93/13 on unfair terms in consumer contracts, all the Member States except Spain have notified their national implementing measures. The Commission has brought the case against Spain before the Court of Justice (C-318/97).

As regards Directive 90/314, several requests for preliminary rulings have been presented to the Court of Justice under Article 177 of the EC Treaty:

Case C-364/96 Verein für Konsumenteninformation v Österreichische Kreditversicherung AG, question submitted to the Court of Justice for a preliminary ruling by order of the Bezirksgericht für Handelssachen Wien. This case establishes what services the concept of 'security for ... the repatriation of the consumer' within the meaning of Article 7 of Directive 90/314/EEC applies to.

Case C-140/97 Rechberger v Austria, questions submitted to the Court of Justice for preliminary rulings by order of the Landesgericht Linz. This case concerns several questions on the subject of the interpretation of Directive 90/314/EEC, and the question of the government's liability in the event of failure to transpose the directive (Francovich/Dillenkofer case).

Case C-237/97 AFS Finland, preliminary rulings submitted to the Court of Justice by order of Finland's higher administrative court. This case concerns whether AFS Intercultural Programs Finland must be listed on the register of companies organising package tours held by the Consumer Office (Kuluttajavirasto) in order to be able to exercise its statutory activity of organising student placements as part of school exchanges.

As regards Directive 85/577/EEC to protect the consumer in respect of contracts negotiated away from business premises, a request for a preliminary ruling was submitted to the Court of Justice in Case C-45/96 Bayerische Hypotheken und Wechselbank AG v Edgar Dietzinger. This case concerns the question of whether a guarantee can be considered to be a contract concluded between a trader supplying goods or services and a consumer within the meaning of Article 1(1) of the abovementioned directive.

#### 4.3. Progress in implementing directives applicable to consumer protection and product safety

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	12	11	92
Denmark	12	12	100
Germany	12	12	100
Greece	12	11	92
Spain	12	10	84
France	12	11	92
Ireland	12	12	100
Italy	12	11	92
Luxembourg	12	11	92
Netherlands	12	12	100
Austria	12	12	100
Portugal	12	12	100
Finland	12	11	92
Sweden	12	12	100
United Kingdom	12	12	100

Note: this table concerns the following Directives:

Safety and health:  
87/357, 92/59.

Protection of economic interests:  
79/581, 84/450, 85/577, 87/102, 88/314, 88/315, 90/88, 90/314, 93/13, 94/47.

## COMPETITION

### 5. INTRODUCTION

As regards individual cases, the number of proceedings initiated against the Member States has not significantly increased since 1996. Like last year, infringement of the competition rules by the Member States particularly affected the transport and telecommunications sectors.

As regards the implementation of directives in the field of competition in the telecommunications sector, in 1997 efforts were concentrated on preparing for the introduction of full competition for the supply of all telecommunications services, set for 1 January 1998, except for the Member States which had obtained derogations from the Commission. In order to ensure a coordinated control of both the specific directives on competition and the harmonisation directives, and, as necessary, to speed up the opening of infringement proceedings against Member States which are falling behind schedule, the Commission decided to create a '1998 joint team' (a joint team responsible for applying Community legislation on telecommunications) including officials from the Directorates-General responsible for competition and telecommunications and the Legal Service. This joint team has prepared a report on the state of transposal of these directives, which was adopted by the Commission on 29 May 1997 and updated the following 8 October, on the basis of the results of bilateral meetings with the Member States. (Following this horizontal examination of the situation in all the Member States, the Commission decided on 5 November 1997 to open Article 169 proceedings against 7 Member States.)

### 6. SITUATION SECTOR BY SECTOR

#### 6.1. Public enterprises

In the telecommunications sector, the Commission decided to terminate the proceedings opened against Portugal, Ireland, Greece, Italy and Spain, for failure to notify measures implementing Directive 94/46/EC of 13 October 1994 on satellite communications.

The Commission also granted Ireland (27 November 1996), Portugal (12 February 1997), Luxembourg (14 May 1997) and Greece (18 June 1997) an extension on the implementation period beyond the date set of 1 July

1996 for the liberalisation of alternative infrastructures and 1 January 1998 for full opening to competition, pursuant to Directive 96/19/EC. On 10 June 1997, the Commission also granted Spain an additional period for the full liberalisation of its telecommunications sector. The decisions on Ireland and Portugal granted extensions from 15 February 1996 for the liberalisation of direct cross-border interconnection of mobile networks.

Following a complaint, on 12 June 1997 the Commission decided to open Article 169 proceedings against Spain, for a too restrictive transposal of the liberalisation of infrastructures provided for by Article 2(2) of Directive 96/19/EC for the provision of services other than telephony. The Commission was not satisfied with the Spanish authorities' response to this Article 169 letter, and therefore decided on 15 October 1997 to send them a reasoned opinion.

Furthermore, under Article 2(1) of Directive 96/2/EC, the Member States may not refuse to allocate licences for operating mobile systems according to the DCS 1800 standard from 1 January 1998 at the latest. Spain, Portugal, Italy, Luxembourg and Greece have not yet notified the measure taken to implement this provision. Belgium, Ireland and the Netherlands have notified draft measures.

On the telecommunications front the Commission declared on 30 April 1997 that it was satisfied with the remedial measures notified by the Spanish government to comply with Article 2 of Decision 97/181/EC<sup>(1)</sup> of 18 December 1996 on the conditions imposed on the second GSM mobile telephone operator in Spain. Under this decision the Spanish government was asked to end the distortion of competition arising from the initial payment imposed on Airtel and to ensure equal treatment of GSM operators on the Spanish market. While Airtel had to pay PTA 85 billion for a GSM licence, Telefónica obtained its licence free of charge.

As regards Directive 93/84/EEC amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings, the Commission decided on 19 March 1997 to send an Article 169 letter, and then on 15 October 1997 a reasoned opinion to Greece for failure to notify the measures required by the directive.

<sup>(1)</sup> OJ L 76, 18.3.1997, p. 19.

In the transport field, the Commission closed the proceedings under Articles 90 and 86<sup>(1)</sup> which it had brought following complaints from various airlines on the ground-handling services provided by Olympic Airways as a monopoly at Athens airport. Following this decision, the Greek authorities started improvement work on the East Terminal at Athens airport, which houses foreign airlines. The law on temporary work, which was preventing Olympic Airways from recruiting enough seasonal staff to cover peak traffic periods in the tourist season, has also been amended. Olympic Airways' monopoly on the provision of ground services to passengers will be abolished from 1 January 1998.

Following a complaint the Commission adopted a decision under Article 90(3)<sup>(2)</sup> against the system of reductions in piloting tariffs in the Port of Genoa<sup>(3)</sup>. The Commission decided that this system was incompatible with Articles 90 and 86, because its effect was to apply unequal conditions to the various shipping companies providing equivalent services, thus giving rise to distortions of competition. The Commission asked the Italian Government to put an end to the infringement.

On 21 October, the Commission adopted a formal decision under Article 90(3) on the Italian ports legislation relating to employment<sup>(4)</sup>. This decision requests Italy to put an end to the port companies' monopoly on temporary workers. This follows a ruling by the Court<sup>(5)</sup> which stated that certain provisions of the Italian legislation on dock work were incompatible with Community law.

Lastly, mention must once again be made of the case concerning discounts on landing charges at Zaventem airport in Belgium<sup>(6)</sup>. The Kingdom of Belgium did not respond to the reasoned opinion sent to it on 10 December 1996, and the Commission accordingly commenced infringement proceedings on 23 April 1997. This action is still pending.

In June 1997 the Commission adopted a decision pursuant to Article 90(3) which established the incom-

patibility with Community legislation of the legal exclusivity in television advertising awarded to the private channel Vlaamse Televisie Maatschappij NV (VTM), on the basis of Flemish law on the media. These provisions limit to a single, non-public, company the right to target the whole of the Flemish Community and to broadcast advertising. The proceedings initiated by the Commission were undertaken following a complaint by the channel VT4 Ltd, an English private television company, which, by decree of the Flemish Ministry for Cultural Affairs, was refused access to the Flemish cable network because of VTM's monopoly. The decision establishes that this monopoly is in breach of Article 90 and Article 52 of the Treaty since it has the effect of excluding any operator originating in another Member State who wishes to set up an establishment in Belgium in order to broadcast televised advertisements intended for the Flemish public on the Belgian television distribution network. This decision allows VT4 and other potential Community operators to set up a secondary establishment in Flanders to broadcast television advertisements to the Flemish public. VTM has brought an action against this decision before the Court of First Instance.

## 6.2. Monopolies

On 23 October the Court of Justice gave its judgment on the actions that the Commission had brought in 1994 against the exclusive gas and electricity import and export rights in Spain, France, Italy and the Netherlands<sup>(7)</sup>. The action in *Commission v Spain* was rejected because the Court considered that there were no exclusive electricity import and export rights in Spain. The following comments relate only to the three other appeals.

First, the Court stated that exclusive import and export rights constitute discrimination against operators established in other Member States and are therefore incompatible with Article 37 of the Treaty.

Second, the Court accepted the Member States' argument that Article 90(2) can be invoked to justify state measures that are incompatible with the rules of the Treaty on the free movement of goods. In its consideration of this article, while the Court reiterated the principle that the burden of proof lies with whoever invokes this exception, it indicated that it was for the Commission to provide satisfactory responses to the arguments put forward by the Member States. As the Commission had based its entire argument on the legal question of the inapplicability of Article 90(2) to the

<sup>(1)</sup> Council Directive 96/67/EC of 15 October 1996, OJ L 272, 25.10.1996, p. 36.

<sup>(2)</sup> OJ L 301, 5.11.1997, p. 27.

<sup>(3)</sup> This tariff follows the ruling in Case C-18/93 *Corsica Ferries Italia/Corpo dei piloti del porto di Genova*, [1994] ECR I-1783 and was amended twice after the complaint was filed, on 5 October 1994 and 4 September 1996.

<sup>(4)</sup> Decision C(97) 3108, OJ L 301, 5.11.1997, p. 17.

<sup>(5)</sup> Case C-179/90, *Merci Convenzionali Porto di Genova* [1991] ECR I-5889.

<sup>(6)</sup> Decision of 28 June 1995 pursuant to Article 90(3) (OJ L 216, 12.9.1995, p. 8).

<sup>(7)</sup> Judgments of 23 October 1997, Cases C-157/94, *Commission v the Netherlands*, C-158/94 *Commission v Italy*, C-159/94 *Commission v France* and C-160/94 *Commission v Spain*.



cases in question, the Court considered that it had not given satisfactory answers to the factors advanced by the Member States. It therefore declared that it was impossible to assess the cases under Article 90(2) and dismissed the actions. The Commission will take these conclusions into account in future court actions and other proceedings involving Article 90(2).

The Commission sent a reasoned opinion in May 1997 regarding the inadequate adjustment of the Austrian monopoly on manufactured tobacco. In their subsequent statement, the Austrian authorities showed that they had not complied with this opinion by the deadline. In particular, they intend to maintain certain legal provisions, in the field of wholesale tobacco marketing, imposing disproportionate obligations on the wholesale operators competing against the former monopoly. On 9 December, in the light of the judgment given by the Court of Justice on 23 October in Case C-189/95 Franzen, the Commission stated that it was possible to separate the provisions of Austrian national law which had been disputed under Article 71 of the Act of Accession and Article 37 of the Treaty from the workings of the monopoly — even though they had an impact on the latter — and that they must therefore be investigated in the light of Article 30.

### 6.3. Progress in implementing measures in the field of competition

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	8	7	87,5
Denmark	8	8	100
Germany	8	8	100
Greece	8	4	50
Spain	8	7	87,5
France	8	8	100
Ireland	8	8	100
Italy	8	6	75
Luxembourg	8	6	75
Netherlands	8	8	100
Austria	8	8	100
Portugal	8	6	75
Finland	8	8	100
Sweden	8	8	100
United Kingdom	8	8	100

Note: this table concerns the following Directives:  
80/723, 88/301, 90/388, 93/84, 94/46, 95/51, 96/2, 96/19.

## SOCIAL POLICY

### 7. INTRODUCTION

A progress report was presented on the medium-term social action programme adopted on 12 April 1995<sup>(1)</sup>. It sums up the achievements of the Commission's social policy work programme from 1995 to 1997 and outlines the next steps that will have to be taken to meet existing commitments.

### 8. SITUATION SECTOR BY SECTOR

#### 8.1. Free movement of workers

Infringement proceedings are under way against a number of Member States concerning the application of Regulations (EEC) Nos 1612/68 and 1408/71.

##### 8.1.1. Ending discrimination

The Commission decided to send a reasoned opinion to Greece under Article 171 for failing to implement the Court of Justice's judgment in Case C-123/94

<sup>(1)</sup> COM(95) 134 final.

concerning the conditions imposed on nationals of the other Member States wishing to teach a foreign language<sup>(2)</sup>. It also sent a reasoned opinion to Belgium regarding compliance with the judgment in Case C-47/93 concerning the withholding of finance for university studies from students from other Member States who are in Belgium solely for the purpose of studying there<sup>(3)</sup>. The Commission has already another case against France for discrimination against early-retired frontier workers<sup>(4)</sup>.

The Commission decided to send Germany a reasoned opinion for rejecting requests for social security benefits submitted by migrant workers following family reunification. It sent another reasoned opinion to Germany concerning the rules obliging Community workers to present their identity card in order to obtain social security benefits.

Infringement proceedings are still under way against the United Kingdom for failing to accord social security

<sup>(2)</sup> Judgment given on 1 June 1994.

<sup>(3)</sup> Judgment given on 4 May 1994.

<sup>(4)</sup> Case C-35/97.

benefits to a Community worker in the form of reductions in university entrance fees and study grants for his spouse.

In the tax field, Luxembourg has complied with the Court of Justice's judgment in Case C-151/94 concerning the final payment of income tax by non-resident workers by amending its internal legislation <sup>(1)</sup>.

The Commission terminated infringement proceedings against Belgium after it amended its legislation on the granting of certain social security benefits <sup>(2)</sup>.

Finally, infringement proceedings are being pursued against the Netherlands in two cases, one concerning the withholding of supplementary pension insurance from unemployed Belgian frontier workers after termination of the employment relationship and during the period unemployment benefit is received, and the other relating to the Dutch legislation modifying the cost of permanent residence documents for Community nationals, which is higher than that of identity cards for nationals.

#### 8.1.2. *Access to employment in the public service*

There are still some major obstacles barring access to employment in the public service. For example, when recruiting migrant workers into public-sector jobs, some Member States neglect to take into account their seniority as public servants in another Member State. The Commission referred a case to the Court of Justice concerning Greek legislation preventing professional experience in another Member State being taken into account on recruitment to the Greek civil service. However, it should be pointed out that the same problem exists in other Member States.

Another case which will be referred to the Court concerns new Italian legislation modifying the legal status of foreign language lecturers, which fails to guarantee full protection of entitlements already acquired.

#### 8.1.3. *Social security*

The case of Greece's nationality discrimination in acknowledging the eligibility of large families

for certain allowances has been referred to the Court of Justice <sup>(3)</sup>.

The Commission decided to send a number of reasoned opinions to Belgium concerning: (1) medical authorisations as a condition for a short stay in another Member State, contrary to the arrangements laid down in Community legislation; (2) the deduction of a personal contribution of 13,07 % from Belgian occupational sickness pensions granted to persons residing in another Member State who receive another pension from that State; (3) the practice of taking into account, for the purposes of calculating pensions, the amount of benefits acquired under the legislation of another Member State which were awarded on the basis of voluntary insurance or continued optional insurance; (4) failure to pay frontier workers who are resident in Belgium but work in France supplementary family benefits corresponding to the difference between family benefits in the two countries, as required by Article 94(9) of Regulation (EEC) No 1408/71. However, following amendments to the relevant legislation, the Commission closed the proceeding concerning advance payments by construction firms in respect of their social security contributions in order to obtain social identity cards for their workers and authorisation to commence work on a site.

The Commission has decided to bring cases against France before the Court of Justice concerning: (1) the obligation to take into account, in calculating unemployment benefits, the last salary received by a worker immediately before becoming unemployed, where he was employed in a Member State; (2) the deduction of the 'Contribution au remboursement de la dette sociale' (CRDS — a contribution to repay the social security debt) from the earned income and substitute income of persons residing in France but who are not subject to French social security legislation pursuant to Regulation (EEC) No 1408/71 (in particular frontier workers). It has also decided to send reasoned opinions to France concerning: (1) presentation of a valid residence permit as a condition for obtaining unemployment benefits; (2) the application of a social security contribution (CSG) under similar circumstances to the CRDS; (3) the refusal to grant non-contributory benefits to persons covered by agreements concluded with certain non-member countries (namely the cooperation agreements with Morocco, Algeria and Tunisia and the association agreement with Turkey), despite the principle of equal treatment laid down in those agreements.

Finally, the Commission terminated proceedings against the United Kingdom in respect of the dissolution of the Social Insurance Fund in Gibraltar following the entry into force of new legislation that conforms to Community law and the payment of arrears.

<sup>(1)</sup> Judgment given on 26 October 1995.

<sup>(2)</sup> Case C-326/90, judgment given on 10 November 1992.

<sup>(3)</sup> Case C-185/96.

## 8.2. Equal treatment of men and women

The Commission closed two infringement proceedings against Greece for breach of Directive 76/207/EEC, after the Greek authorities notified new legislation putting an end to the infringements in question. Both cases concerned an obligation on women to retire before men. However, another case against Greece is to be referred to the Court of Justice under Article 119 of the EC Treaty because the discrimination against women employees of the DEI in respect of the marriage allowance granted by employers under industry-wide or national collective agreements has not been abolished with retrospective effect from 1 January 1981.

The Court of Justice censured France for maintaining a provision in its legislation banning night work by women in industry, although no such restriction applies to men<sup>(1)</sup>. The Court gave judgment against Italy in a similar case on 4 December 1997<sup>(2)</sup>.

As for the health and safety of pregnant workers and workers who have recently given birth or are breast-feeding, the Commission is pursuing infringement proceedings against Greece and Luxembourg for failure to notify national measures implementing the Directive, but has terminated the proceedings against France and Italy.

The Commission decided to send reasoned opinions to ten Member States for failure to notify measures to transpose Directive 96/97/EEC amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes. Under Article 3 of the Directive, the Member States had until 1 July 1997 to adopt implementing measures.

## 8.3. Working conditions

Article 2(4) of the Social Policy Agreement specifically provides for directives to be implemented by collective agreements. Its wording is similar to that of the final provisions of many directives and falls in line with the case law of the Court of Justice.

Several Member States have used collective agreements as an instrument for incorporating provisions of certain directives into national law: for example, Belgium

(Directive on collective redundancies), Denmark (Directive on working time) and Italy (Directive on European works councils). However, the use of collective agreements as a suitable transposal instrument in a given context always depends on the content and exact nature of the provisions of the Directive concerned and on the legal traditions of the Member State.

Transposal of Directive 91/383/EEC on improvements in the safety and health at work of workers with a fixed-duration or temporary employment relationship is now finally complete, Belgium and Greece having notified national implementing measures.

Infringement proceedings are still in progress against France, Greece, Italy, Luxembourg, Portugal and the United Kingdom in respect of Directive 93/104/EC on certain aspects of the organisation of working time.

There are a number of difficulties in the transposal of Directive 94/33/EC on the protection of young people at work. Reasoned opinions will be sent to Greece, France, Luxembourg, Austria and the United Kingdom, while a case against Italy is to be referred to the Court of Justice after it failed to reply to a reasoned opinion.

By contrast, there has been substantial progress in the transposal of Directive 94/45/EC on the establishment of a European Works Council. Luxembourg and Portugal are the only Member States not to have notified national implementing measures, even after being sent a reasoned opinion. All the other Member States covered by the Directive sent in measures.

## 8.4. Health and safety at work

The most notable progress made in 1997 was the notification by Spain of national measures implementing all the directives in this field following the Court's judgment of 26 September 1996<sup>(3)</sup>.

Infringement proceedings are continuing against other Member States for failure to notify national implementing measures; most of these cases have now been referred to the Court.

At the end of 1997, subject to scrutiny for conformity and taking into account the transposal deadline for the new directives, only Finland, Spain, the Netherlands and the United Kingdom had notified the Commission of national implementing measures in respect of all directives in this sector.

<sup>(1)</sup> Case C-197/96 [1997] ECR I-1489, judgment given on 13 March 1997.

<sup>(2)</sup> Case C-207/96, not yet reported.

<sup>(3)</sup> Case C-79/95 Commission v Spain.

### 8.5. Public health

Article 129 of the Treaty states that, 'Health protection requirements shall form a constituent part of the Community's other policies.' The Commission reports regularly on its efforts to ensure this obligation is met. The third such report, covering activities in 1996, will be published in 1998.

### 8.6. Progress in implementing Directives applicable to social policy

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	52	48	92
Denmark <sup>(1)</sup>	52	50	96
Germany	52	50	96
Greece	52	47	90
Spain <sup>(2)</sup>	52	50	96
France	52	48	92
Ireland <sup>(3)</sup>	52	49	94
Italy	52	47	90
Luxembourg <sup>(4)</sup>	52	44	85
Netherlands	52	49	94
Austria <sup>(5)</sup>	52	50	96

Portugal <sup>(6)</sup>	52	50	96
Finland <sup>(7)</sup>	52	51	98
Sweden	52	52	100
United Kingdom	51 <sup>(*)</sup>	40	79

Note: this table concerns the following Directives:

Labour law:

75/129, 77/187, 80/987, 87/164, 91/533, 92/56, 94/45.

Equal opportunities:

75/117, 76/207, 79/7, 86/378, 86/613, 92/85, 96/97.

Free movement of workers:

64/221, 68/360, 72/194.

Health and safety at work:

78/610, 80/1107, 82/130, 82/605, 83/477, 86/188, 88/35, 88/364, 88/642, 89/391, 89/654, 89/655, 89/656, 90/269, 90/270, 90/394, 90/679, 91/269, 91/322, 91/382, 91/383, 92/29, 92/57, 92/58, 92/85, 92/91, 92/104, 93/88, 93/103, 93/104, 94/33 94/44, 95/30.

Public health:

89/622, 90/239, 92/41.

(\*) NB: Directive 94/45 is not applicable to the United Kingdom.

(1) Directive 78/610 not relevant to Denmark.

(2) Directive 88/642 not relevant to Spain.

(3) Directives 82/130, 88/35 and 94/44 not relevant to Ireland.

(4) Directive 93/103 not relevant to Luxembourg.

(5) Directive 93/103 not relevant to Austria.

(6) Directives 82/130, 88/35, 88/642, 91/269, 91/322 and 94/44 not relevant to Portugal.

(7) Directives 82/130, 88/35, 91/269 and 94/44 not relevant to Finland.

## EDUCATION AND TRAINING

The Commission has shelved a complaint against Spain concerning university entrance exams after taking the matter up with the Spanish authorities.

On the question of equal access, the UK authorities have changed the regulations governing a training centre for health professionals, which gave Community residents preferential access to grant-assisted places, to bring them into line with Community law.

## AGRICULTURE

### 9. SITUATION SECTOR BY SECTOR

#### 9.1. Markets

In addition to its efforts to remove barriers to freedom of movement, the Commission also sought to ensure that

the other provisions of the Community's agricultural legislation are effectively and correctly applied.

In monitoring the application of specific market organisation mechanisms, the Commission continued to keep a close watch on the use of production control mechanisms, particularly in the milk sector, where it

conducted a systematic analysis of national measures to implement Regulations (EEC) Nos 3952/92 and 536/93.

The Commission brought an action before the Court of Justice against France because of the discriminatory way in which it distributes the reference quantities released under the scheme for the cessation of milk production (Case C-198/96).

The terms on which the redistribution is made are considered discriminatory because the quantities to be redistributed depend on the purchaser's cessation level. This practice has been condemned by the Court of Justice on two occasions.

Furthermore, under the Community rules the Member States are obliged to offset the linear reduction (2,15 %) occurring in 1990/91 by supplementary allocations.

France failed to respect this obligation; although it gave producers the 2,15 % with one hand, it took away 2,35 % with the other.

The French system was based on a decree which was annulled by the French Conseil d'État while the case was still pending before the Court of Justice. A new decree was adopted which met the Commission's objections, and the Commission has terminated its action accordingly. However, other aspects of the case are still being examined.

The Commission sent a reasoned opinion to Italy regarding the scheme for offsetting milk deliveries operated by producers' associations. Under Community legislation deliveries may be offset only by the purchaser or at national level, according to certain criteria. There is no legal base for compensation by a producers' association.

The Commission has now shelved proceedings after Italy adopted provisions putting an end to the infringement.

The following cases arose under the Community rules on the description of agricultural products.

In the milk sector, the Commission had already decided in 1995 to bring an action before the Court of Justice following the refusal by the UK authorities to regard the marketing of soya milk as an infringement of Regulation

(EEC) No 1898/87, Article 3 of which prohibits products other than milk and milk products from being described as 'milk'.

Since the UK authorities adopted national rules implementing Regulation (EEC) No 1898/87, the Commission took no further action on this decision. However, fresh infringement proceedings have now been commenced, as the ban on the name 'soya milk' is not applied in practice.

Still in the milk sector, the Commission pursued infringement proceedings against the Netherlands for authorising the marketing of drinking milk whose composition (skimmed milk with 25 % of the fat content of full cream milk) is not provided for in the exhaustive list set out in Regulation (EEC) No 1411/71 laying down additional rules on the common organisation of the market in milk and milk products.

In the spirits sector, the Commission sent a reasoned opinion to France for allowing the marketing of spirits made by adding a percentage of water to whisky. Under Regulation (EEC) No 1576/89, whisky must have an alcoholic strength of at least 40 % and no water may be added to an alcoholic drink so that the nature of the product will not be changed.

The Tribunal de Grande Instance in Paris has referred a case to the Court of Justice for a preliminary ruling on the subject, which is still pending (Case C-136/96).

Finally, in the wine sector, the Commission had sent a reasoned opinion concerning certain provisions of a German law on wine which authorises the *Länder* to allow cooperatives and unions thereof to add together the areas under vines in calculating the maximum yield per hectare and to allow the wine-growers concerned not to deliver all of their harvest to the cooperative or group of which they are members. The case was closed after the German authorities amended the law in question.

## 9.2. Harmonisation

### *Background*

The number of Article 169 infringement proceedings for failure to notify measures implementing agricultural directives has fallen considerably not only since 1996 (when a number of cases had to be brought against the

new Member States in respect of directives forming part of the *acquis communautaire*), but also compared with 1994 and 1995.

The Commission had feared that the large number of proceedings commenced in 1996 might result in a substantial increase in reasoned opinions in 1997, but these fears proved to be unfounded, as the number of reasoned opinions sent fell from 118 in 1996 to 77 in 1997.

As a result of these positive developments, the number of cases referred to the Court has also fallen off slightly. In any event, cases brought before the Court are generally settled before any judgment has to be given — except in the case of two Member States.

Progress in implementing Court judgments has been satisfactory: all the outstanding Article 171 proceedings were settled during the year.

#### *Situation in the Member States*

All the Member States have had infringement proceedings brought against them. However, cases against Denmark, Spain, the Netherlands and the United Kingdom are generally settled at an early stage.

The generally positive trend recorded in Belgium in 1996 continued in 1997, although the Court did condemn Belgium for failing to transpose Directive 92/119/EEC (swine vesicular disease — judgment of 2 October 1997 — transposed in December 1997) and another case was referred by the Commission regarding the transposal of Directive 93/119/EEC (protection of animals at the time of slaughter or killing).

The situation in Germany is deteriorating, with delays in transposal building up in all sectors except animal feedingstuffs. The Court censured Germany for failing to take the requisite measures to transpose Directives 91/414/EC (plant protection products) 92/116/EEC (trade in poultry meat), 93/48/EEC (fruit plant propagating material), 93/49/EEC (ornamental plant propagating material) and 93/61/EEC (vegetable plants). Further cases pending before the Court concern Germany's failure to incorporate into national law no

less than twelve directives on plant health (plant protection products, organisms harmful to plants or plant products) and seeds and plants (propagating material for fruit plants, ornamental plants and vegetable plants). Another symptom of this worrying state of affairs is that the Commission has sent more reasoned opinions to Germany than to the other Member States, mainly in relation to the plant health directives.

The situation in France is somewhat contradictory. Only one reasoned opinion was sent in 1997 (concerning a plant health directive), which represents a marked improvement, but six cases are still before the court concerning Directives 95/10/EC (energy value of dog and cat food), 93/74/EEC, 94/39/EC and 95/9/EC (animal feedingstuffs intended for particular nutritional purposes), 93/119/EC (protection of animals at the time of slaughter or killing) and 94/28/EC (imports of bovine animals and their semen, ova and embryos).

Greece has made a major effort to cut down on transposal delays. It has not only incorporated into national law three Directives on which the Court gave judgment in 1996 — 91/414/EC (plant protection products), 92/118/EC (products not subject to specific rules) and 93/52/EC (bovine embryos) — but also settled most of the other existing disputes. The remaining transposal delays affect mainly the veterinary directives.

Italy has also made a certain amount of progress. If we look at the infringement proceedings in motion at the Article 169 letter or reasoned opinion stage, we find that the delays in transposal are now around the Community average. However, Italy still has problems in clearing the backlog of transposal delays from the past. In 1997 the Court censured the Italian authorities for failing to incorporate ten directives into national law. Nevertheless, by the end of the year, Italy had implemented all but four of these judgments — three on animal feedingstuffs directives and one in the veterinary field (Directive 92/116/EEC — fresh meat and poultry meat).

The positive trend recorded in Luxembourg in 1996 continued in 1997. The only serious delay is in the transposal of Directive 94/28/EC (imports of bovine animals and their semen, ova and embryos). This case was referred to the Court in October 1997.

Portugal's transposal rate has also improved. Nevertheless, major problems remain in respect of the

transposal of Directives 94/28/EC (imports of bovine animals and their semen, ova and embryos) and 94/37/EC, 94/79/EC, 95/35/EC and 95/36/EC (all concerning plant protection products).

Sweden has now incorporated into national law all the directives concerning seeds and plants, feedingstuffs and plant health which formed part of the *acquis communautaire* on its accession. The only significant delay in transposal concerns two veterinary directives on trade in bovine and porcine animals and two forestry directives. There are hardly any problems concerning the transposal of directives which have fallen due for transposal since accession.

Finland has made a tremendous effort, having settled no less than 243 infringement proceedings in 1997, notably as a result of its success in finding solutions for the transposal of directives in the Åland Islands, which have considerable autonomy in agricultural matters. Of the directives whose transposal deadline predates accession, only five (all in the veterinary field) have still to be incorporated into national law. There are no major problems in the transposal of directives that have fallen due for transposal since Finland joined the Community.

Despite considerable improvements over the year, the transposal rate in Austria is still too low. The Commission has found that transposal is very slow in areas that come under the responsibility of the *Länder* (plant health and animal health). As a result many directives that are vital for the operation of the internal market are still not applied throughout Austria.

#### *Incorrect transposal and incorrect application*

By keeping up a dialogue with the Member States, Commission departments are generally able to shelve cases of incorrect transposal or incorrect application before they reach the litigation stage. As a result very few cases reach a stage where reasoned opinions have to be sent or the matter has to be referred to the Court. Accordingly, the Commission sent only three reasoned opinions in 1997 for these types of infringement — two to Greece and one to the United Kingdom — concerning national legislation that fails to comply with Directive 93/118/EC on the financing of health inspections and controls of fresh meat and poultry meat.

As for the infringement proceedings against Member States who failed to fulfil their obligations concerning Community legislation on bovine spongiform encephalopathy (BSE), the Commission sent a reasoned opinion to France for failing to apply Decision 96/449/EC on the approval of alternative heat treatment systems for processing animal waste with a view to the inactivation of spongiform encephalopathy agents.

#### *Implementation of Directive 83/189/EEC (technical standards) in the agricultural sector*

In 1997, a total of 204 draft legislative texts notified by the Member States (198) and the EFTA countries (6) were examined in the light of Article 30 of the Treaty and the relevant secondary legislation, pursuant to Directive 83/189/EEC (as amended by Directives 88/182/EEC and 94/10/EC). In around fifty cases, after systematic analysis of the drafts, the Commission requested amendments to ensure that adoption of the regulations concerned would not create barriers to the free movement of goods. Fifteen drafts were the subject of discussions during the three-month standstill period, as a result of which the original texts were amended accordingly. Nineteen drafts gave rise to reasoned opinions and twenty to observations by the Commission.

The proliferation of notifications in 1997 was due largely — and predictably — to the *Securitel* judgment of 30 April 1996, in which the Court formally enshrined the principle that national legislation that is not notified to the Commission at the draft stage, in spite of the requirements laid down in Directive 83/189/EEC, is inapplicable to third parties. Anxious to avoid litigation, the Member States now take care not only to notify systematically any draft national legislation in areas that have not been harmonised, but also to notify rules already in force in order to put an end to recognised infringements. For example, in 1997 the Netherlands notified 60 agricultural regulations which it had adopted between 1989 and 1996 without observing the prior notification procedure laid down by Directive 83/189/EEC.

In exercising its duty to monitor the implementation of the Directive, the Commission keeps a close watch to ensure that Member States comply with their obligation to notify all draft instruments containing technical rules or standards. After scrutinising many cases, it commenced four infringement proceedings for failure to observe the notification procedure. Only one of these cases (against Portugal) reached the stage where the Commission was forced to send a reasoned opinion.

### 9.3. Progress in implementing Directives applicable to agriculture

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	383	369	96
Denmark	383	375	98
Germany	383	359	94
Greece	383	367	96
Spain	383	373	97
France	383	363	95
Ireland	383	371	97
Italy	383	355	93
Luxembourg	383	368	96
Netherlands	383	378	99
Austria	383	356	93
Portugal	383	362	95
Finland	383	375	98
Sweden	383	374	98
United Kingdom	383	376	98

Note: this table concerns the following Directives:

#### Feedingstuffs:

70/373, 70/524, 71/250, 71/393, 72/199, 73/46, 73/47, 74/63, 74/203, 75/84, 76/14, 76/371, 76/372, 76/934, 77/101, 78/633, 79/372, 79/373, 79/797, 80/502, 80/510, 80/511, 80/695, 81/680, 81/715, 82/471, 82/475, 82/937, 83/228, 83/381, 84/4, 84/425, 84/443, 84/587, 85/509, 86/174, 86/299, 86/354, 86/530, 87/153, 87/234, 87/238, 88/485, 89/520, 90/44, 90/167, 90/439, 91/126, 91/132, 91/248, 91/249, 91/334, 91/336, 91/357, 91/508, 92/63, 92/64, 92/87, 92/88, 92/89, 92/95, 92/113, 93/26, 93/27, 93/28, 93/55, 93/56, 93/70, 93/74, 93/107, 93/113, 93/114, 93/117, 94/14, 94/16, 94/17, 94/39, 94/40, 94/41, 95/9, 95/10, 95/11, 95/33, 95/37, 96/6, 96/7, 97/6, 97/47.

#### Plant health:

69/464, 69/465, 69/466, 74/647, 76/895, 77/93, 79/117, 79/700, 80/392, 80/428, 81/7, 81/36, 82/528, 83/131, 85/298, 85/574, 86/214, 86/355, 86/362, 86/363, 86/651, 87/181, 87/298, 87/477, 88/298, 88/572, 89/186, 89/365, 89/439, 90/168, 90/335, 90/533, 90/642, 91/188, 91/414, 91/683, 92/70, 92/76, 92/90, 92/98, 92/103, 92/105, 93/50, 93/51, 93/57, 93/58, 93/71, 93/85, 93/106, 93/110, 94/3, 94/13, 94/29, 94/30, 94/37, 94/79, 95/4, 95/35, 95/36, 95/38, 95/39, 95/40, 95/41, 95/44, 95/61, 95/65, 95/66, 96/12, 96/14, 96/15, 96/32, 96/33, 96/46, 96/68, 96/78, 97/14, 97/57.

#### Seeds and seedlings:

66/400, 66/401, 66/402, 66/403, 68/193, 69/60, 69/61, 69/62, 69/63, 69/208, 70/457, 70/458, 71/140, 71/162, 72/168, 72/169, 72/180, 72/274, 72/418, 73/438, 74/268, 74/648, 74/649, 75/444, 75/502, 76/331, 77/629, 78/55, 78/386, 78/387, 78/388, 78/511, 78/692, 78/816, 78/1020, 79/641, 79/692, 79/967, 80/304, 80/754, 81/126, 82/287, 82/331, 82/859, 83/116, 85/38, 86/109, 86/155, 86/267, 86/320, 87/120, 87/480, 87/481, 88/95, 88/380, 89/2, 89/14, 89/100, 89/424, 91/682, 92/9, 92/19, 92/33, 92/34, 92/107, 93/17, 93/48, 93/49, 93/61, 93/62, 93/63, 93/64, 93/78, 93/79, 95/6, 96/18, 96/72.

#### Forestry:

66/404, 69/64, 71/161, 74/13, 75/445.

#### Veterinary matters:

64/432, 64/433, 66/600, 71/118, 71/285, 72/445, 72/461, 72/462, 73/150, 77/96, 77/98, 77/99, 77/391, 77/504, 78/52, 79/109, 79/111, 80/213, 80/215, 80/217, 80/219, 80/1095, 80/1098, 80/1099, 80/1100, 80/1101, 80/1274, 81/6, 82/894, 83/91, 83/201, 84/319, 84/643, 84/644, 84/645, 85/73, 85/320, 85/321, 85/322, 85/511, 85/586, 87/328, 87/486, 87/487, 87/489, 87/491, 88/166, 88/289, 88/406, 88/407, 88/409, 88/660, 88/661, 89/227, 89/321, 89/360, 89/361, 89/362, 89/384, 89/437, 89/556, 89/608, 89/662, 90/118, 90/119, 90/120, 90/422, 90/423, 90/425, 90/426, 90/427, 90/428, 90/429, 90/539, 90/667, 90/675, 91/67, 91/68, 91/69, 91/174, 91/266, 91/492, 91/493, 91/494, 91/495, 91/496, 91/497, 91/499, 91/628, 91/629, 91/630, 91/684, 91/685, 91/687, 91/688, 92/5, 92/35, 92/36, 92/40, 92/45, 92/46, 92/48, 92/60, 92/65, 92/66, 92/67, 92/102, 92/116, 92/117, 92/118, 92/119, 93/52, 93/53, 93/54, 93/60, 93/119, 93/120, 93/121, 94/28, 94/42, 94/59, 94/65, 94/71, 95/22, 95/23, 95/25, 95/29, 95/68, 95/70, 95/71, 96/22, 96/23, 96/43, 96/90, 96/93, 97/2, 97/22.

## FISHERIES

### 10. INTRODUCTION

In order to ensure respect for the Community rules governing fisheries and aquaculture, the Commission continued to monitor the resource conservation and management measures put in place by the Member States in areas covered by the common fisheries policy.

The Commission also continued its systematic scrutiny of national fisheries and aquaculture legislation for compatibility with Community law, notably as regards the grant of flag rights and technical resource conservation measures.

### 11. SITUATION SECTOR BY SECTOR

#### 11.1. Markets

Member States' application of the Community rules relating to the common organisation of the market may now be considered satisfactory. The only infringement proceeding still outstanding — a case against Belgium concerning the recognition of producers' organisations — was terminated.

#### 11.2. Resources

The Commission continued to monitor the Member States' implementation of the new control measures under the common organisation of the market.



In this connection two reasoned opinions were sent — to France on 4 June and to Spain on 8 July — for failure to carry out compulsory checks to ensure that national quotas are not exceeded.

The proceedings under way against France and Ireland for failing to inspect the use of large drift nets, against Sweden for establishing a fish conservation area and against France for illegitimately authorising fishing in the Guianan fishing grounds, were all terminated after the national practices and legislation concerned were amended to comply with Community law.

### 11.3. Compatibility with Community law of national legislation on the grant of flag rights to fishing vessels

In 1997 the Commission continued to scrutinise national legislation on the grant of flag rights to fishing vessels for conformity with Community law.

The infringement proceeding against Denmark in relation to the grant of flag rights and fishing licences has been dropped.

## ENVIRONMENT

### 12. INTRODUCTION

#### 12.1. General situation

The Commission monitors the application of Community environmental law on the basis of Article 155 of the Treaty establishing the European Community, employing the procedure laid down in Article 169. In practical terms this entails checking that transposal measures are notified and that they implement directives properly, and monitoring the application of regulations. The Commission carries out these tasks either on its own initiative or in response to complaints, questions from Members of the European Parliament and petitions received by the European Parliament exposing possible infringements of Community law. In exercising these duties in 1997, the Commission referred 37 cases to the Court of Justice and sent 69 reasoned opinions to the Member States. These general figures will give the reader some idea of the Commission's activities and the vigilance it exercises in monitoring the implementation of Community environmental law.

However, the Commission's efforts are not confined to pursuing cases in the Court or taking the final steps in the pre-litigation procedure, i.e. sending reasoned opinions and eliciting replies from the Member States. These operations represent the closing stages in infringement proceedings, but in fact many cases relating to the environment are terminated before reaching that stage, usually after a warning letter is sent before proceedings begin. A large number of the environmental

problems drawn to the Commission's attention by complaints and petitions turn out not to constitute infringements, either because there is no relevant legal base in Community law or because the complainants' or petitioners' allegations are unfounded in fact or in law.

When the Commission requests information in order to examine specific cases and sends Article 169 letters to Member States asking for their observations on particular situations which appear to breach Community law, the Member States generally supply the additional information, so that a proper analysis can be made. However, if they fail to fulfil their obligation to cooperate and are very late in replying to the Commission's letters or do not reply at all, the Commission may have to commence infringement proceedings pursuant to Article 5 of the Treaty. The Commission's tasks as guardian of Community environmental law thus involves extensive correspondence and regular contacts with national government departments (package meetings or *ad hoc* meetings).

On being alerted by the Commission to a possible infringement of Community law, the competent authorities of the Member State often rectify the situation without the need for any further pre-litigation proceedings or referral to the Court of Justice. That is why the above figures for reasoned opinions and referrals give only an incomplete picture of the Commission's real activities in monitoring the application of Community environmental law.

In 1997 the Commission decided, for the first time, to refer environmental cases to the Court of Justice in accordance with Article 171 of the EC Treaty (as amended by the Treaty on European Union). Under the second subparagraph of Article 171(2), where a Member State fails to comply with a judgment delivered by the Court on the basis of Article 169, in which it finds that the State in question has failed to implement Community law, the Commission may bring the case before the Court again, this time requesting that financial penalties (fines or penalty payments) be imposed. After referring five Article 171 cases on the environment and radiation protection in December 1996, the Commission set out its first requests for financial penalties in January 1997 (fines ranging from ECU 26 000 to ECU 30 000 per day), in accordance with the principles laid down in its two communications<sup>(1)</sup>. Moreover, Article 171 has proved its effectiveness in this instance, since four of the five cases mentioned above were settled by the end of 1997. The Commission also decided to refer two new cases to the Court, one against Greece concerning the application of the Directive on waste and the other concerning Belgium's transposal of Directive 79/409/EEC on the conservation of wild birds. In 1997, around fifteen cases reached the Article 171 letter or reasoned opinion stage, for failure to notify national implementing measures, incorrect transposal or incorrect application. These cases are described in more detail in the section below dealing with individual sectors.

Another feature of 1997 was the follow-up to the communication adopted by the Commission in October 1996, 'Implementing Community Environmental Law'<sup>(2)</sup>, which proposed three new avenues to be explored: (1) guidelines on minimum criteria for environmental inspections in the Member States; (2) national procedures for receiving and examining public complaints on the application of relevant legislation; and (3) broader access to the national courts — in connection with the application of Community environmental law — for members of the public and representative organisations, with due regard for the principle of subsidiarity. Parliament and the Council adopted resolutions in May and June 1997 welcoming the guidelines laid down in the communication and even encouraging the Commission to take them further. Specific measures to follow up the communication will be announced early in 1998. As proposed in the communication, an Annual Survey will be introduced, which will provide additional information on Community environmental law over and above

that contained in the annual report on the monitoring of the application of Community law.

There have been a number of developments in Community environmental law, which will be dealt with in more detail in the section dealing with individual sectors. The following Directives were finally adopted in 1997:

- Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment;
- Directive 97/35/EC amending Council Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms;
- Directive 97/49/EC amending Directive 79/409/EEC on the conservation of wild birds;
- Directive 97/62/EC amending the annexes of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
- Directive 97/69/EC adapting to technical progress for the 23rd time Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances.

The Regulation on international trade in species of wild fauna and flora in danger of extinction ('CITES Regulation') was replaced in 1997 by Regulation (EC) No 338/97, amended and clarified by Regulations (EC) No 938/97, No 939/97 and No 2307/97.

Finally, it is worth pointing out that the 'IPPC Directive'<sup>(3)</sup>, adopted on 24 September 1996, must be incorporated into national law by 30 October 1999. This Directive belongs to a new generation of Community initiatives on the environment which adopt a broad-based approach, making due allowance for the

<sup>(1)</sup> Memorandum on applying Article 171 of the Treaty, OJ C 242, 21.8.1996, p. 6; Method of calculating the penalty payments provided for pursuant to Article 171, OJ C 63, 28.2.1997, p. 2.

<sup>(2)</sup> COM(96) 500, 22 October 1996.

<sup>(3)</sup> Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, OJ L 257, 10.10.1996, p. 26.

principle of subsidiarity and encouraging the participation of all interested parties and synergy between industry and the environment. Given the novel features of this Directive, the Commission feels justified in advising Member States to begin work on transposing it as soon as possible. Indeed it has set up an informal group of experts, which met in the course of 1997, to assist the Member States in the task of transposal.

## 12.2. Notification of national implementing measures

Directives are legal instruments which are binding on Member States as to the result to be achieved, but leaving them free to choose the form and methods to be used. They generally require national measures to be adopted to ensure that the obligations they lay down are actually met. Each new directive sets a time limit (usually one to two years) for Member States to amend their own law in line with its provisions. Member States must notify transposal measures by this deadline.

Quite often Member States fail to notify implementing measures for every provision of a new Directive — or in some cases for any of its provisions — in time. Infringement proceedings then have to be commenced. Except in rare cases, the delay in notifying the Commission of transposal measures reflects a delay in actual transposal.

Moreover, every time a new Directive is adopted, the Commission takes pains to remind all the Member States that transposal must take place by the prescribed deadline; it does so once after the instrument is adopted and again before the transposal deadline.

As in every previous annual report on the monitoring of the application of Community law, the Commission must report that the Member States are finding it difficult to comply with the deadlines for the transposal of Community directives on the environment. In 1997 it had to commence infringement proceedings against all the Member States at least once (in the case of the Netherlands and Denmark, once only).

This tendency for Member States to be late in transposing directives is probably due to a number of factors.

First, the delays can sometimes be attributed to the institutional and administrative structures of the Member States. For example there are still delays in the notification of texts implementing several directives in the autonomous Finnish province of the Åland Islands. While it is up to each Member State to determine exactly how to discharge its obligations under Community law, the measures it adopts must be effective by the transposal deadline. Implementation may also be held up by specific internal institutional problems in the Member States — for example the notification of measures transposing the water Directives in the new German *Länder*. As for the method adopted by the Italian authorities (a special 'Community Act' with general scope), it has not yet yielded the expected results and many infringement proceedings are still in motion against Italy.

Second, in extremely technical fields, such as chemicals and biotechnology, some Member States clearly have problems keeping up the transposal rate for successive adaptations to technical progress. For example in 1997 the Court of Justice held that Belgium had failed to fulfil its obligations regarding Directive 67/548/EEC on dangerous substances on several occasions.

The new Member States have now transposed nearly the entire *acquis communautaire*, although there are still occasional delays in notifying implementing measures in full.

More than ever the Commission must insist on the need for coordination between the representatives of the Member States who negotiate directives and the national bodies responsible for transposing them, so that the latter are aware of the need to begin work on transposal and are also given the opportunity to assess the changes to national law which a new Community instrument will entail.

Given the average time generally required to adapt national legal systems in order to transpose directives, particularly where the national parliament must intervene to change the law, experience suggests that Member States should take full advantage of the time allowed to carry out this exercise and thus avoid any infringement proceedings being commenced by the Commission. As

the Commission systematically checks whether transposal measures are in place, infringement proceedings for delays in notifying implementing measures can be avoided only by diligently embarking on the legal and administrative task of determining exactly what has to be transposed (since certain regulations already in force may suffice) immediately after the new Community rules are adopted, and then by promulgating instruments under national law to secure transposal.

Several directives were due to be implemented in 1997:

- Directive 97/35/EC adapting to technical progress for the second time Council Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms;
- Directive 97/62/EC adapting to technical and scientific progress Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
- certain provisions of Directives 93/21/EEC adapting to technical progress for the 18th time and Directive 96/54/EC adapting to technical progress for the 22nd time Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances.

The Commission keeps constant watch to ensure that Member States fulfil their obligation to notify national implementing measures, for until measures are notified, it cannot carry out its task of checking that they comply with Community law and are effectively applied.

The table at point 2.8 lists the directives in force in the environmental field and outlines progress in implementing them.

### 12.3. Conformity of national implementing measures

Member States are required not only to adopt measures to implement directives, but also to ensure that these measures comply with Community law. Infringement proceedings for non-conformity are in motion against all the Member States and in all areas of environmental legislation.

Before infringement proceedings reach the litigation stage, the Commission and the Member States have an opportunity to discuss areas where national legislation needs to be brought into line with Community law. In its correspondence and 'package meetings' with national government departments, the Commission is able to put questions to the Member States, which can in turn express their own points of view, so that any problems outstanding can be identified. Only rarely does the Commission have to call on the Court of Justice to determine whether a Member State has failed to fulfil its obligations.

Problems of non-conformity arise for a variety of reasons. First, the apportioning of responsibilities between different levels (national, regional or other) within a Member State may make it harder to bring its whole legal system into line. Second, difficulties may arise in amending national law because of the effect of environmental provisions on other areas of State activity (agriculture, transport, industry, etc.). Another problem may be that existing national legislation covers the subject-matter of a directive, but needs amending in line with new Community requirements.

Even allowing for these difficulties, some proceedings for incorrect transposal could easily be avoided if other Member States followed the example of Denmark, Germany, Finland and Sweden and took the trouble to attach detailed explanations and concordance tables matching national provisions with the corresponding Community provisions whenever they notified the Commission of legislation and regulations designed to transpose directives. This would cut down on misunderstandings and make problems easier to spot. It would also make conformity checks at Community level easier, while the Member States would benefit directly from having fewer infringement proceedings brought against them.

The Commission's monitoring tasks are further complicated by the choice of certain legislative techniques for transposal (e.g. the use of several legal instruments), so that there is a special need to work more closely with Member States which choose such methods, in order to explain the details of transposal.

Finally, it is worth noting the progress made by the three newest Member States — Austria, Sweden and Finland — in incorporating Community environmental law since joining the Community on 1 January 1995. The *acquis communautaire* of environmental law (the Treaties and secondary legislation) is binding on these countries as it is on the other Member States. However, according to their Act of Accession to the Community<sup>(1)</sup>, Austria, Finland and Sweden may maintain certain standards that differ from those laid down in particular environmental directives<sup>(2)</sup> for a transitional period of four years after accession. During this transitional period, the existing Community provisions are being revised in accordance with Community procedures. Every six months or so the Commission holds a high-level meeting with representatives of the three States to review progress in this revision process.

#### 12.4. Correct application of directives

The Commission is also responsible for checking that Community law (directives and regulations) is properly applied. This means ensuring that Member States fulfil certain general obligations (designation of areas, implementation of programmes, etc.) and examining specific cases where a particular administrative practice or decision is alleged to be contrary to Community law. But whether the problems at issue are general or specific, the Commission's task of monitoring application is an important one.

In its scrutiny of individual cases, the Commission must analyse, from a factual and legal standpoint, problems that are very tangible and are of direct concern to the

public. This can give rise to certain practical difficulties, since proper scrutiny demands detailed knowledge of the case in point, but the Commission is both geographically remote and ill-equipped to conduct investigations, having no resources to carry out inspections in the environmental field. Yet scrutiny is a vital task, because what matters most to individual citizens is that the law is effectively applied to their own particular circumstances, and because there is a danger that Community law may be formally transposed without any changes in actual behaviour to the extent required by Community rules.

Complaints and petitions sent to the European Parliament play a vital role in keeping the Commission informed of how far the obligations arising from directives and regulations are actually complied with. The Commission lacks the wherewithal to conduct its own inspections, so its only formal sources of information are periodic reports on the application of directives, drawn up on the basis of information supplied by the Member States and the Member States' replies to its requests for information. Certain well-researched complaints from non-governmental organisations are particularly useful for the purposes of assessing the effective application of Community rules.

Except in rare cases, complaints are concerned with problems in the application of Community law rather than the conformity of implementing measures or compliance with transposal deadlines. After falling for two years in succession, the number of complaints has risen. The largest number concerned Spain, Germany and France, while Luxembourg, Finland and Sweden were the least affected; of course, one must be careful in drawing any conclusions from this fact, given the differences in population size. The detailed figures are set out in the Annex. If we analyse the complaints registered in 1997 by broad categories, bearing in mind that they sometimes raise more than one problem, we find that one in every two complaints was concerned with nature conservation and one in every four with environmental impact, while waste-related problems were raised in one in ten cases, as were air pollution and water pollution.

Complaints and petitions were mostly about specific and very practical problems directly affecting the complainants and petitioners. This was certainly true of most complaints on environmental impact assessment (Directive 85/337/EEC) and on the deterioration of areas designated or awaiting designation as special

<sup>(1)</sup> Articles 69, 84 and 112 of the Act of Accession of Austria, Finland and Sweden provide for transitional measures for certain environmental standards.

<sup>(2)</sup> Classification and labelling of dangerous substances, preparations and pesticides (Directives 67/548/EEC (as amended), 88/379/EEC and 78/631/EEC) in Austria, Finland and Sweden; limit value for mercury in alkaline manganese batteries (Directive 91/157/EEC) in Austria and Sweden; classification, packaging and labelling for the release on the market of plant protection products (Directive 91/414/EEC) in Austria and Finland; different limit values for benzene in petrol (Directive 85/210/EEC) and sulphur in gasoil (Directive 93/12/EEC) in Austria; restrictions on the sale and use of cadmium, arsenic, organostanic compounds and pentachlorophenol (PCP) (Directive 76/769/EEC) in Austria, Finland and Sweden. Likewise, Austria was granted derogations in respect of certain provisions of the Directive on the quality of bathing water (76/160/EEC), which it was required to implement by 1 January 1997.

protection areas under Directive 79/409/EEC (wild birds). These problems sometimes typify an underlying situation in one or more Member States.

The Commission's first step is to request information from the Member State regarding the facts alleged by the complainant and to draw the attention of the competent authorities to the provisions of Community law which may have been infringed. This allows the Commission to check the veracity and seriousness of the facts put forward in the complaint and may also encourage the national authorities to rectify the situation. If the information available points to a serious suspicion that Community law has been breached, the Commission either pursues a specific proceeding on the basis of the facts at its disposal or tries to identify the general problem underlying the individual infringements with a view to resolving it.

A significant number of problems mentioned in complaints stem from the incomplete or incorrect transposal of directives. This is why, without neglecting the monitoring of incorrect application cases which reveal questions of principle or administrative practices that contravene the Directives or horizontal questions, the Commission concentrates its efforts on dealing with problems of conformity. In this respect, the application of Community law might improve if national civil servants in particular were better informed about Community law and received better training.

Some of the infringements detected through scrutiny of the complaints and petitions also pose questions regarding the lack of the requisite technical infrastructure. In such cases, while monitoring the application of Community law in matters of the environment as usual, the Commission endeavours to continue its activity of improving environmental infrastructure via projects financed by the Structural Funds and the Cohesion Fund.

### 12.5. Freedom of access to information

Directive 90/313/EEC on the freedom of access to information on the environment is a particularly important piece of general legislation: keeping the public informed ensures that all environmental problems are taken into account, encourages enlightened and effective participation in collective decision-making and strengthens democratic control. The Commission

believes that, through this instrument, ordinary citizens can make a valuable contribution to protecting the environment.

Although all the Member States have notified national measures transposing the Directive, there are many cases where national law still has to be brought into line with its requirements. The Commission must therefore press ahead with infringement proceedings, although to date the results have not been satisfactory.

In 1997 the Commission brought a case before the Court of Justice concerning the German legislation (Case C-217/97), sent reasoned opinions to Spain, the Netherlands and Portugal and pursued proceedings against a number of other Member States. Italy has finally notified its implementing legislation, but there are still some problems of conformity.

Although the Commission is well aware of the difficulties in amending national legislation where this is likely to cause major changes in administrative practice, it is duty bound to report cases of incorrect application raised in complaints. For the most part, the complaints it receives concern the non-conformity of transposal measures. Among the most common subjects of complaint are the refusal by national authorities to respond to requests for information, the time taken for replies, a tendency by national government departments to adopt an excessively broad interpretation when allowing exceptions to the principle of disclosure, and demands for payment of unreasonably high fees.

As required by Article 8 of Directive 90/313/EEC, all the Member States — except Portugal, against which infringement proceedings have been commenced as a result — have sent a report on the experience they have gained in applying the Directive. Using these reports as a basis, the Commission will present its own report to Parliament, probably before the end of 1998, together with any proposals it has for revising the Directive.

The Commission encourages complainants to make use of the procedures available under the Directive and national transposal legislation. Under Article 4 of the Directive, decisions to reject requests for access to environmental information must be subject to administrative or judicial review. Where complaints are filed at the same time as judicial or administrative remedies, the Commission asks complainants for information regarding the outcome.

Finally, the Court of Justice will be called on to interpret certain concepts contained in the Directive following references for preliminary rulings from the German courts. In Case C-321/96, which is still pending before the Court, it has been asked to interpret the terms 'information relating to the environment' (Article 2(a)), 'preliminary investigation proceedings' (third indent of Article 3(2)), and the concept of the position adopted by the authorities responsible for maintaining sites of special interest in an approval procedure for a road construction project. In Case C-296/97 the Court has received a request for a preliminary ruling on the interpretation of the concept of 'preliminary investigation proceedings' with regard to access to an expert opinion forming part of an administrative procedure for the closure of a mine.

## 12.6. Environmental impact assessment

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment is still the most widely cited legal instrument relating to matters of the environment. The Directive requires environmental issues to be taken into account in many decisions which have collective effects.

The Commission has commenced a number of infringement proceedings for incorrect transposal of the Directive, the Member States in question having taken too long to amend their national legislation properly. For example, Belgium has still not fully implemented the judgment given by the Court of Justice on 2 May 1996 for incorrect and incomplete transposal of the Directive (Case C-133/94). Under Article 4 of the Directive, Member States must subject projects to an environmental impact assessment where they consider that their characteristics so require. Upholding the Commission's view, the Court found that this Article cannot be interpreted in such a way as to allow Flanders Region, in implementing the Directive, to exclude from assessment totally and definitively one or more classes of projects covered by Annex II. The Court also criticised the lack of a cross-border consultation procedure between Brussels and Flanders Regions. While the latter situation has since been rectified, the same cannot be said for the other point at issue and the Commission is pursuing Article 171 infringement proceedings accordingly.

Three actions concerning incorrect transposal are still before the Court — against Germany (Case C-301/95), Ireland (Case C-392/96) and Portugal (Case C-150/97).

Infringement proceedings are also under way against other Member States, such as Italy, Spain and Greece.

Several Member States have said they will continue work on amending national transposal measures in the light of Directive 97/11/EC amending Directive 85/337/EEC<sup>(1)</sup>. The deadline for implementing Directive 97/11/EC is 14 March 1999, but earlier transposal is always possible. However, the Commission cannot accept a legal vacuum pending transposal of the new Directive.

Directive 97/11/EC makes four major amendments to the original text of Directive 85/337/EEC. First, the scope of Annex I (compulsory impact assessment in all cases) is considerably broadened to cover 21 categories of projects instead of 9. Second, Article 4 of Directive 85/337/EEC is amended to introduce a procedure based on the selection criteria set out in Annex III ('screening procedure') for case-by-case examinations or the setting of thresholds above which impact assessment is compulsory; moreover, this amendment, which provides a framework of objective criteria for decisions by the Member States on whether to subject a category of projects to an impact assessment, is in line with recent judgments by the Court of Justice<sup>(2)</sup>. Third, the amended version of Article 5 provides that, if the developer so requests, the authority responsible for authorising projects must give an opinion on the content and the exact scope of the information to be supplied in connection with the environmental impact assessment, on the basis of the specifications in Annex IV ('scoping procedure'). Finally, the amended version of Article 7 incorporates in Community legislation, with regard to relations between Member States, the main provisions of the Espoo Convention, which entered into force in September 1997<sup>(3)</sup>.

<sup>(1)</sup> Council Directive 97/11/EC of 3 March 1997 amending 85/337/EEC on the assessment of certain public and private projects on the environment, OJ L 73, 14.3.1997, p. 5.

<sup>(2)</sup> In a judgment given on 24 October 1996 in Case C-72/95 (Aannemerbedrijf P. K. Kraaijeveld BV et al. v Gedeputeerde Staten van Zuid-Holland) following a reference for a preliminary ruling from the Dutch Raad van State, the Court of Justice held that a Member State is exceeding the limits of its discretion to determine which projects are unlikely to have significant effects on the environment, if it excludes in practice any assessment for a whole category of projects, unless this category, when viewed as a whole, can be regarded as not being likely to have significant effects on the environment.

<sup>(3)</sup> Convention on Environmental Impact Assessment in a Transboundary Context, signed in Espoo, Finland on 25 February 1991, approved by the Community by Council Decision of 15 October 1996, not yet published in the Official Journal.

Parliament is still examining the proposal for a Directive on the assessment of the effects of certain plans and programmes, adopted by the Commission in December 1996. The proposal seeks to take into account the problems of impact assessment not only in individual projects, but also at a more general level in infrastructure and town and country planning.

Many complaints received by the Commission and petitions presented to Parliament denounce, if only in passing, the incorrect application of Directive 85/337/EEC by national authorities.

Now that the Directive has helped make impact assessments more widespread in all the Member States, complaints and petitions are concerned primarily with the quality of impact assessments (especially the lack of adequate assessment of the indirect effects of the project) and the lack of weight given to recommendations arising from the evaluation of the impact assessment (particularly following public enquiries) in the final decision. This last objection partly covers cases where work is started before the impact assessment has been completed, one of the other most common complaints. And in the case of projects falling under Annex II, Member States quite often fail to give detailed grounds for their decision not to carry out an environmental impact assessment.

It is obviously difficult for Commission departments to investigate cases where the quality of impact assessments is questioned or it is contended that their findings are not properly acted upon. Although the Directive contains Articles regarding the content of impact assessments (Article 3 refers to direct and indirect effects of the project on several factors, including human beings, flora, fauna, the soil, water, air, landscape and cultural heritage), it is not always easy to contest the merits of a choice taken by the national authorities. In its judgment of 11 August 1995 concerning the construction of the Grosskrotzenburg thermal power station (Case C-431/92, *Commission v Germany*), the Court of Justice held that the Commission, when acting under the Article 169 procedure, must indicate on what specific points the requirements of a Directive have not been met, and provide appropriate evidence. Such evidence is not easy to produce, particularly if the complainants themselves are unable to supply it to the Commission.

Most of the cases brought to the Commission's attention concerning incorrect application of this Directive revolve

around points of fact (existence and definition). There is therefore every chance that the most effective way to verify any infringements will be at a decentralised level, particularly through the national courts. Complainants should therefore consider making full use of internal means of redress, including judicial remedies, to enforce the rights conferred on them under the Directive. Where necessary, individuals can of course invoke the obligation of the competent national authorities (administrative or judicial authorities) to comply with Community law. However, there is little prospect in the short term of cases no longer being referred to the Commission, since at present complainants and petitioners are often denied access to the courts, being unable to prove an interest in the matter. In the Commission's view, this confirms the need for national procedures for receiving and examining public complaints and for wider access to the national courts for the public and representative organisations in matters relating to the application of Community environmental law.

The Court of Justice has still to give a preliminary ruling in Case C-81/96, in response to a request from the Dutch Raad van State. The point at issue is whether the execution of a project without an environmental impact assessment and on the basis of an authorisation granted before the Directive entered into force (the initial authorisation not having been used immediately) is compatible with the Directive, given the fact that the project now comes under Annex I (compulsory environmental impact assessment in all cases).

Finally, the Commission held two informal meetings of experts from national government departments to help them with the transposal of Directive 97/11/EC. Particular attention was paid to the implementation of Article 4 in conjunction with Annexes II and III.

#### 12.7. Action needed

The problems of implementing environmental law are the same as those highlighted in previous reports — delays in notifying national implementing measures, doubts regarding conformity and dubious, uneven or weak application of legislation, which in some cases fails to satisfy the public, as demonstrated by the usual high number of complaints and petitions.



The Commission's first response to this state of affairs is to press ahead with its reform of internal rules aimed at increasing the speed and effectiveness of infringement procedures. At the same time it will pursue the debate opened up by its communication on implementing Community environmental law (mentioned above) and will be on hand to assist the Member States in transposing and applying Community law.

Taking a more general view, the Commission is looking into possibilities regarding the implementation of Community environmental law arising from a whole series of Community initiatives in which it is actively participating: the use of environmental agreements, civil liability in environmental matters in the Member States, the extension of the activities of the informal network Impel (Implementation and Enforcement of EU Environmental Law) and the integration of environmental considerations in other Community policies.

### 13. SITUATION SECTOR BY SECTOR

#### 13.1. Air

There has been a significant drop in the number of infringement proceedings in this sector, mainly because implementing measures were notified for a number of directives — albeit late and often after the Commission had commenced proceedings. Problems persist, however, in the application of directives dating from the 1980s which are now being revised to step up the protection of the environment, and in respect of ozone and the incineration of waste.

In 1997 the Member States made up most of the delays in notifying national measures implementing Directives 93/12/EEC (sulphur content of certain liquid fuels), 94/63/EC (emissions of volatile organic compounds) and 94/66/EC (large combustion plants). As a result the Commission terminated proceedings against Ireland, Greece, Portugal, Belgium, Italy, Luxembourg, Sweden and Finland. However, delays still persist in Germany.

As a consequence of the efforts made by Austria and Finland to transpose the *acquis communautaire* in this

area, the Commission terminated proceedings against them concerning Directives 80/779/EEC, 82/884/EEC and 85/203/EEC on air pollution from sulphur dioxide, lead and nitrogen dioxide.

The Commission ended the proceedings against the United Kingdom in respect of Directive 85/203/EEC (nitrogen dioxide) and against Portugal in respect of Directive 88/609/EEC (emissions from large combustion plants) after the two countries brought their legislation into line. However, Portugal has not yet correctly implemented Directive 84/360/EEC (air pollution from industrial plants), as the authorisation system does not cover all the plants referred to by the Directive.

As regards the application of these three Directives, the Commission is continuing to request information from Member States on the values measured every time it receives a complaint, and to shelve complaints or infringement proceedings whenever it finds that the values laid down in the directives are not being exceeded, a case in point being the application of Directive 80/779/EEC (sulphur dioxide and suspended particulates) at Bootle Docks in Merseyside (United Kingdom) and in Lisbon and Barreiro (Portugal).

The notification problems relating to Directive 92/72/EEC (air pollution by ozone) have now been resolved. The Commission abandoned actions before the Court against Greece and Italy (C-331/96 and C-286/96), after both countries notified implementing legislation, while Portugal and Sweden have also sent in transposal measures, albeit somewhat late. It is important that this Directive is transposed and implemented as it is concerned primarily with our knowledge of ozone pollution, public information on individual instances of pollution and the need for more effective protection. Also it is the first Community instrument to be adopted in this field and may be followed by other instruments designed to combat ozone pollution.

There have been a number of complaints about the application of the Directive in several Member States, particularly as regards the incorrect application of

Article 5 in various European towns and cities. Where the ozone levels laid down in Annex I of the Directive on population information and warning thresholds ( $180 \mu\text{g}/\text{m}^3$  and  $360 \mu\text{g}/\text{m}^3$ ) are exceeded, the authorities responsible are required to take the necessary steps to inform the public (e.g. by radio, television or the press) which values have been exceeded, which sections of the population are affected and what precautions they should take. Proceedings have been commenced against France for failing to specify the locations of measuring stations and not informing the Commission properly of the outcome of the measures taken. Other Member States have failed to provide the requisite information on time or in full.

Directive 94/67/EC on the incineration of hazardous waste fell due for transposal on 31 December 1996. Eleven Member States have still not notified implementing measures and the Commission is pursuing infringement proceedings accordingly.

There are still certain problems with regard to the two Directives on the prevention of air pollution from municipal waste incineration plants — 89/369/EEC (new plants) and 89/429/EEC (old plants). The Commission terminated proceedings against Portugal for incorrect transposal of Directive 89/429/EEC, after having referred the matter to the Court of Justice. However, it is pursuing Article 171 infringement proceedings against Italy following the Court's judgment of 26 June 1996 censuring the Italian authorities for failing to notify measures implementing the two Directives. Proceedings have also been commenced against Belgium, as its legislation transposing the two Directives was found not to comply with requirements; the case is still at the pre-litigation stage.

In an attempt to improve air quality in Athens, the Commission launched a scheme to monitor air quality with the aid of the research centre at Ispra and the municipal corporation of Athens. The results are expected some time in 1998.

An Italian court has referred a case for a preliminary ruling — which is still pending before the Court of Justice (Case C-284/95) — concerning the interpretation and validity of Council Regulation (EC) No 3093/94 on substances that deplete the ozone layer. The main issue

at stake is the question of restrictions on the production and use of halons and HCFCs, gases which are dangerous for the environment.

Finally, Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management was due to be transposed by 21 May 1998<sup>(1)</sup>. This Directive will form the basis for a series of forthcoming Community instruments designed to set new limit values for atmospheric pollutants, starting with those already covered by existing Directives, lay down information and alert thresholds, harmonise air quality assessment methods and improve air quality management with a view to protecting human health and ecosystems.

### 13.2. Chemicals and biotechnology

Community legislation on chemicals and biotechnology covers various groups of directives relating to products or activities which have certain features in common: they are technically complex, require frequent changes to adapt them to new knowledge, apply to both the scientific and industrial spheres and deal with specific environmental risks. It is particularly important in this field to exercise precaution as a matter of principle.

It is because of these characteristics that most of the transitional exemptions allowing the three new Member States to maintain higher standards fall within this sector.

One of the features of Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances is the frequency with which it has to be amended, in line with scientific and technical developments. Thus Council Directive 92/32/EEC amending Directive 67/548/EEC for the seventh time was due to be transposed by 31 October 1993, while Directive 96/56/EC<sup>(2)</sup> provides for the abbreviation 'EEC' to be replaced by 'EC', for the purpose of labelling dangerous substances, by 1 June 1998. The annexes to Directive 67/548/EEC, which contain lists of substances, are

<sup>(1)</sup> Directive 96/62/EC of the Council of 27 September 1996 on ambient air quality assessment and management, OJ L 296, 21.11.1996, p. 55.

<sup>(2)</sup> Directive 96/56/EC of the European Parliament and the Council of 3 September 1996 amending Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances, OJ L 236, 18.9.1996, p. 35.

amended even more frequently, by means of Commission Directives. Certain provisions of Directives 93/21/EEC <sup>(1)</sup> (18th adaptation to technical progress) and 96/54/EC <sup>(2)</sup> (22nd adaptation) fell due for transposal in 1997, while a second part of Directive 96/54/EC must be transposed by 1 June 1998 and Directive 97/69/EC <sup>(3)</sup> (23rd adaptation) falls due for transposal by 16 December 1998.

With this rapid change in Community texts, delays in transposal are all too frequent. In this case the Commission automatically commences proceedings and has no hesitation in referring cases to the Court of Justice wherever necessary. Although Belgium recently began work on transposal, it still has difficulty keeping up with the implementation of successive adaptations to technical progress of Directive 67/548/EEC. On 29 May 1997 the Court of Justice found that Belgium had failed to meet its obligation to transpose on time Directives 93/21/EEC, 91/410/EEC and 93/90/EEC — all adaptations of Directive 67/548/EEC (Joined Cases C-313/96, C-356/96 and C-358/96). Meanwhile the Commission is pursuing proceedings under Article 171 of the Treaty concerning the implementation of a Court judgment censuring Belgium for its delay in transposing another four Directives in this sector <sup>(4)</sup>. Finally, in another case the Court found that Belgium was late in transposing Directives 93/72/EEC and 93/101/EEC (Case C-190/97, judgment given on 11 December 1997).

By contrast, Italy and Portugal have rectified their shortcomings. In 1997 the Commission terminated a number of infringement proceedings against both States, including one against Italy for failing to transpose Directive 93/67/EEC following the Court judgment of 14 March 1996 (Case C-238/95). The Commission also shelved proceedings against France, Greece, Denmark, Spain, United Kingdom, Austria and Finland regarding

transposal of Directive 94/69/EC, while pressing ahead with the cases against Belgium, Portugal and Ireland.

The Commission has brought an action before the Court of Justice against Germany (Case C-192/97) because its legislation transposing the 'Seveso' Directive (Directive 82/501/EEC on the major accident hazards of certain industrial activities) is too restrictive with regard to the plants and substances covered. Another case has been referred to the Court against Italy (Case C-336/97) for failure to apply the Directive correctly in respect of emergency plans, inspections and control measures. In 1997 the Commission also sent a reasoned opinion to Spain for incorrect application of Directive 82/501/EEC, in particular for its unsatisfactory implementation of Article 8 (information on safety measures and on the correct behaviour to adopt in the event of an accident).

It is worth noting that, with effect from 3 February 2001, Directive 82/501/EEC will be replaced by Directive 96/82/EC, which must be transposed by 3 February 1999 <sup>(5)</sup>. The new Directive aims to extend the scope of its predecessor to cover more establishments which are a potential source of hazardous accidents and to develop the exchange of information between Member States.

The Commission terminated proceedings against Portugal and the United Kingdom for non-conformity of measures implementing Directive 87/217/EEC (prevention and reduction of environmental pollution by asbestos), but continued its case against Ireland. The relevant Belgian legislation is still being scrutinised for conformity.

As regards Directive 86/609/EEC (protection of animals used for experimental and other scientific purposes), the Commission commenced actions in the Court of Justice against Belgium (Case C-268/97) and Portugal (C-299/97) as their transposal legislation failed to meet the requirements of the Directive with regard to, respectively, the training of laboratory staff and the mutual recognition of the results of experiments

<sup>(1)</sup> Commission Directive 93/21/EEC of 27 April 1993 adapting to technical progress for the 18th time Council Directive 67/548/EEC, OJ L 110, 4.5.1993, p. 20.

<sup>(2)</sup> Commission Directive 96/54/EC of 30 July 1996 adapting to technical progress for the 22nd time Council Directive 67/548/EEC, OJ L 248, 30.9.1996, p. 1.

<sup>(3)</sup> Commission Directive 97/69/EC of 5 December 1997 adapting to technical progress for the 23rd time Directive 67/548/EEC, OJ L 343, 13.12.1997, p. 19.

<sup>(4)</sup> Commission v Belgium, Joined Cases C-218/96, C-220/96, C-221/96 and C-222/96 concerning Directives 93/105/EEC, 92/69/EEC, 93/67/EEC and 92/32/EEC, judgment given on 12 December 1996; the judgment also concerned failure to notify measures implementing Directive 93/86/EC (labelling of batteries) (Case C-219/96).

<sup>(5)</sup> Council Directive 96/82/EC of 9 December 1996 on the control of major accident hazards involving dangerous substances, OJ L 10, 14.1.1997, p. 13.

carried out in other Member States, and inspections in establishments where animals are used. Infringement proceedings are still in motion against other States, in particular Luxembourg and Ireland, for incorrect transposal or incorrect application. Sweden has yet to notify measures implementing a number of the Directive's provisions.

The Commission still receives complaints concerning the application of the Directive, particularly as regards the use of stray dogs for experimental purposes and the welfare and accommodation afforded to animals used for experiments. As part of its investigation of these complaints — a matter of great public interest — the Commission makes use of its contacts with the national authorities to ensure that the Directive is properly observed.

The Directives on genetically modified organisms (GMOs) — 90/219/EEC (contained use) and 90/220/EEC (release) — were adapted to technical progress in 1994 by Directives 94/51/EC and 94/15/EC respectively. More recently Annex III to Directive 90/220/EEC has been amended by Directive 97/35/EC<sup>(1)</sup>.

Proposals have now been tabled for a more extensive revision of the two original Directives. In 1996 the Commission put forward a proposal to amend Directive 90/219/EEC, on which the Council adopted a common position in December 1997. The main aim of the proposal is to adapt administrative procedures to the real risks arising from activities involving GMOs, which will now be classified in four rather than two risk categories. The proposal defines minimum containment and control measures for each risk group and simplifies the procedure for adapting the Directive to technical progress. At the end of 1997 the Commission adopted a proposal to revise Directive 90/220/EEC, which it laid before the Community legislature. The proposal seeks to introduce a more transparent approval procedure for the marketing of GMOs, to establish a system for the labelling of products using such organisms, to set out common principles for risk assessment and to adapt administrative procedures to the risks involved, including indirect ones.

<sup>(1)</sup> Commission Directive 97/35/EC of 18 June 1997 adapting to technical progress for the second time Council Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms, OJ L 169, 27.6.1997, p. 72.

Luxembourg has complied with the Court's judgment of 17 October 1996 in Case C-312/95 and notified measures implementing Directives 90/219/EEC and 90/220/EEC. However, it has still not notified transposal measures in respect of Directives 94/15/EC and 94/51/EC, and the Commission has commenced proceedings in the Court because of these delays (Case C-339/97).

In a judgment given on 29 May 1997 (Case C-357/96), the Court found that Belgium had failed to fulfil its obligations by not notifying measures implementing Directive 94/15/EC. As the Belgian authorities have still not taken appropriate remedial action, the Commission is pursuing infringement proceedings under Article 171 of the Treaty. The Commission has also brought an action before the Court concerning Belgium's transposal of other Directives (Case C-343/97): Belgium has still not notified measures implementing Directive 94/51/EC and appears not to have fully transposed Directive 90/220/EEC.

The Commission brought an action before the Court against Portugal for failing to notify measures transposing Directive 94/51/EC (Case C-285/97). It also decided to refer a case against Germany for incorrect transposal of Directive 90/219/EEC, in particular Articles 14 (emergency plans), 15 (information supplied to the authorities by users in the event of accidents) and 16 (consultation between the Commission and the Member States on emergency plans and in the event of accidents).

Other proceedings in progress concern the non-conformity of transposal measures, for example in Portugal. However, the Commission has terminated a number of proceedings for failure to notify measures implementing Directive 94/51/EC (France, Ireland, Spain) and Directive 94/15/EC (United Kingdom, Germany, Spain).

### 13.3. Water

The Commission takes the task of monitoring implementation of Directives seriously. Around a quarter of all current environmental infringement proceedings concern water. In addition, the Commission must respond to complaints and petitions to Parliament. Consequently, it spends quite a considerable amount of time on Community legislation on water quality. This state of affairs is a result of the quantitative and qualitative

significance of the responsibilities imposed on the Member States by Community law, and also the growing public concern about water quality.

A number of the proceedings currently under way relate to infringements of Directive 75/440/EEC concerning the quality required of surface water intended for the abstraction of drinking water<sup>(1)</sup>. Some of the proceedings concern the drawing up of systematic organic action plans (Article 4(2)) as an essential part of the campaign to protect water quality (from excessive quantities of nitrates, pesticides, etc.) Others are concerned with the criteria for obtaining exemptions under Article 4(3). The Commission dropped Article 171 proceedings against Belgium following the judgment of 11 June 1991 in Case C-290/89; legislation was passed in Wallonia on sampling and implementation of organic plans in the whole of Belgium.

However, the Commission took Germany to the Court of Justice on the basis of Article 171 (Case C-122/97), for failing to comply with the Court's judgment of 17 October 1991 in Case C-58/89. In this earlier case, the Court had found against Germany because it had no systematic plan for the country as a whole. The Commission brought two other actions against Portugal — one on organic plans (Case C-214/97) and another on sampling (Case C-229/97). Furthermore, the Commission sent France a reasoned opinion: in Brittany water polluted by nitrates had been used for the abstraction of drinking water, and no water-management plan had been drawn up to restore the quality of the water in the longer term. Proceedings continue against Italy and the United Kingdom for failure to implement the Directive properly.

With regard to Directive 76/160/EEC concerning the quality of bathing water, monitoring of bathing areas is becoming increasingly common and water quality is improving. However, infringement proceedings are still open against roughly half the Member States in cases where implementation still falls a long way short of the requirements laid down by the Directive. Proceedings continue against the United Kingdom over Blackpool<sup>(2)</sup>; it has still not fully complied with the Court's judgment. The Commission is still waiting for a judgment in Case C-92/96 against Spain. In the meantime it has brought

an action against Germany (Case C-198/97). In October 1997, the Commission decided to take Belgium to the Court on the grounds that monitoring procedures were insufficient and a number of bathing areas did not reach the required standards. Proceedings were started against the three new Member States for failing to notify the Commission of their national implementing measures. Proceedings against Sweden have since been terminated but those against Austria and Finland (Åland) continue.

Proceedings have been started against most Member States over their implementation of Directive 76/464/EEC on dangerous substances discharged into the aquatic environment and other Directives setting levels for individual substances. The Commission referred three cases to the Court in 1996 (Cases C-206/96, C-214/96 and C-285/96); Luxembourg, Spain and Italy had failed to notify the Commission of programmes aimed at reducing the water pollution by dangerous substances on list II in the Annex to Directive 76/464/EEC, or their programmes were unsatisfactory. The Court has not yet given judgment in these cases. In 1997 the Commission brought actions against Germany, Belgium and Portugal on similar grounds (Cases C-184/97, C-207/97 and C-213/97). The Commission has now started proceedings against other Member States. It has also brought an action against Portugal before the Court for incorrect transposal of Directive 84/156/EEC on mercury discharges (Case C-208/97).

The Commission notes that inadequate reduction programmes are at the root of many infringements of the Directive (pollution of watercourses through agricultural or industrial discharges) and that a comprehensive approach is the only way of tackling the numerous isolated problems. Furthermore, several Member States do not automatically require prior authorisation to be obtained for discharges. The cases involving Greece now before the Court provide a good example (Lake Vegoritis, C-232/95 and the Gulf of Pagasitikos, C-233/95).

On 7 November 1996 the Court delivered its judgment in Case C-262/95. It found that Germany had failed to fulfil its obligations by using administrative circulars to implement Directives 82/176/EEC (mercury), 83/513/EEC (cadmium), 84/156/EEC (mercury), 84/491/EEC (HCH) and 86/280/EEC (various dangerous substances). Germany has now notified the Commission of a regulation which properly transposes the Directives, thus enabling the proceedings to be terminated.

<sup>(1)</sup> More precise rules were laid down in Council Directive 79/869/EEC of 9 October 1979 concerning sampling and analysis.

<sup>(2)</sup> Commission v United Kingdom, judgment given on 14 July 1993, Case C-56/90.

The Court of Justice has also been asked for two preliminary rulings by the Dutch Raad Van State (Cases C-231/97 and C-232/97) concerning interpretation of Directive 76/464/EEC, and particularly the definition of the term 'discharge' with regard to polluted vapours concentrating directly or indirectly in surface waters and leaching of creosoted wood (creosote is derived from tar and is used as an antiseptic) into surface waters. The second question also relates to the meaning of the term 'pollution from significant sources', as it appears in Directive 86/280/EEC on limit values for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC.

The Commission has dropped a number of proceedings started against Belgium, France and Spain on the grounds they had not properly implemented Directives 78/659/EEC on freshwaters supporting fish life and 79/923/EEC on shellfish waters. The three Member States have now adopted satisfactory measures. However, Article 171 pre-litigation procedures continue against Italy<sup>(1)</sup> and Germany<sup>(2)</sup> in respect of Directive 78/659/EEC: in Italy's case, the problems centred on the designation of areas while Germany had problems with determining binding values and drawing up programmes. Article 169 proceedings continue against the United Kingdom because its implementing measures do not comply.

On 4 December 1997, the Court of Justice gave judgment in Case C-225/96 on Italy's failure to implement Directive 79/923/EEC. The Court found that Italy had not fulfilled its obligations: it had not drawn up programmes to reduce pollution, had not set values (binding or recommended) for certain dangerous substances, and had not designated all waters qualifying as shellfish waters (waters requiring protection or improvement in order to sustain the life and growth of shellfish).

Though the Commission receives many complaints concerning incorrect implementation of Directive 80/778/EEC on the quality of water intended for human consumption, not all of them result in infringement proceedings as the burden of proof is on the Commission and complainants often have problems obtaining evidence. However, in the case concerning undertakings given by the British authorities, the Commission felt that they were unsatisfactory both in substance and in form,

and so the matter was referred to the Court, which has yet to deliver a judgment (Case C-340/96). Proceedings are also under way against Portugal for non-compliance. Following the submission of a petition to Parliament, the Commission has also initiated proceedings against France concerning the distribution of water in the *département* of Eure (nitrates present in water). Lastly, Austria appears to have implemented the Directive incorrectly, with the exception of the provisions relating to nitrates and pesticides.

After the Commission had commenced an action in the Court (Case C-49/97), France withdrew two administrative circulars authorising distribution of water containing nitrates and pesticides far in excess of the limits. Proceedings started against Belgium and Italy for exceeding pesticide limits were also dropped; both have now acted to ensure levels no longer exceed the limits.

A number of infringement proceedings have been initiated with regard to implementation of Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances. The Commission dropped the Article 171 proceedings started against Germany for failing to implement the Court's judgment of 28 February 1991 in Case C-131/88 (which found that German legislation did not comply with Community legislation) but it has referred another case, concerning non-compliance by Portugal, to the Court (Case C-183/97). The Commission is still checking whether Irish and French legislation complies. The Commission is also considering infringement proceedings against the United Kingdom. Proceedings against the region of Corinth in Greece have been dropped. In response to an Article 169 letter, Sweden has now notified the Commission of its implementing measures.

The Community has two legislative instruments aimed specifically at combating pollution from phosphates and nitrates, and the resulting eutrophication.

The first, Directive 91/271/EEC, concerns urban waste-water treatment. Member States are required to ensure that, from 1998, 2000 or 2005, depending on population size, all cities have collecting systems for urban waste water. Up to now, the Commission's task has been restricted to checking that implementing measures complied with the Directive. It initiated Article 171 pre-litigation proceedings following confirmation by

<sup>(1)</sup> Judgment given on 9 March 1994, Case C-291/93.

<sup>(2)</sup> Judgment given on 12 December 1996, Case C-298/95.

the Court of Justice that Greece <sup>(1)</sup>, Germany <sup>(2)</sup> and Italy <sup>(3)</sup> had not adopted the necessary implementing measures and had thus failed to fulfil their obligations. Though Greece has since rectified the situation, the other two have not. The Commission is also continuing with proceedings against Portugal and Spain. Finland, however, has notified the Commission of its planned action programmes and proceedings have been terminated. This Directive plays a fundamental role in the campaign for clean water and against eutrophication; the Commission is particularly eager to ensure that it is implemented on time. Through the Cohesion Fund, the Community is also supporting the Member States' efforts to install the necessary facilities.

The second anti-eutrophication measure is Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources. A large number of infringement proceedings have been initiated to enforce this Directive. They have focused on a number of problems: adoption of implementing measures, designation of vulnerable areas, drawing up of codes of practice for agriculture, drawing up of action programmes and reporting on implementation of the Directive. Four cases have been referred to the Court of Justice. Case C-227/97 against Portugal has been dropped as the problems have now been resolved, but the cases against Spain, Greece and Italy continue (Cases C-71/97, C-173/97 and C-195/97 respectively). There are other proceedings under way against almost all Member States, for failure to comply with one or other of the Directive's provisions.

The Court of Justice was asked for a preliminary ruling by a British court (Case C-293/97) on the definition of 'waters affected by pollution'. Under Article of Directive 91/676/EEC, areas draining into water known to be affected by pollution must be designated as vulnerable zones.

Lastly, it should be pointed out that Community legislation on water is currently being revised to reflect the

changes which have taken place in the twenty years since the policy was first formulated. This involves introducing stricter standards and introducing the concept of river basin management. In February 1997, the Commission proposed a framework Directive aimed at harmonising water quality parameters and protecting all types of water. Once adopted and implemented, the Directive will replace a number of existing Directives on groundwater (Directive 80/68/EEC) and surface water to be used for drinking water (Directive 75/440/EEC) or for fish (Directive 78/659/EEC) or shellfish (Directive 79/923/EEC). The regulations set out in Directive 76/464/EEC (discharges into water) and related implementing Directives should also come within the scope of the framework Directive. Other subjects will continue to be dealt with by specific Directives, though changes will be made to them too. The Council has already adopted a common position on a Commission proposal for amendments to Directive 80/778/EEC on drinking water. Directive 76/160/EEC on bathing water is still in the process of being revised; an amended proposal was adopted by the Commission in November 1997. Lastly, Directive 96/61/EC concerning integrated pollution prevention and control (IPPC), referred to above, contains rules on water pollution.

#### 13.4. Noise

Implementation of Directives on noise poses fewer problems than those in other areas. The Directives in question set standards for new products. They do not apply to ambient noise from multiple sources (for example, noise in cities caused by traffic jams or industrial activity near residential areas). However, the complaints received by the Commission in fact concern ambient noise but since there is no overall Community policy regarding health and the quality of life, they cannot be addressed at Community level. Nevertheless, proceedings were initiated in respect of old and noisy aeroplanes using Brussels (Zaventem) and Ostend airports; this constituted an infringement of Directive 92/14/EEC on the limitation of the operation of certain categories of aeroplanes.

The Commission took Italy and Belgium to the Court of Justice (Cases C-324/97 and C-326/97 respectively) over delays in notifying it of implementing measures for Directive 95/27/EC amending Directive 86/662/EEC on the limitation of noise emitted by hydraulic excavators, rope-operated excavators, dozers, loaders and excavator-loaders. But it dropped proceedings against Ireland, Greece, France and Luxembourg over

<sup>(1)</sup> Judgment given on 2 March 1996, Case C-161/95.

<sup>(2)</sup> Judgment given on 12 December 1996, Case C-297/95.

<sup>(3)</sup> Judgment given on 12 December 1996, Case C-302/95.

delays in implementing Directive 95/27/EC, and against Austria over Directive 86/594/EEC on airborne noise emitted by household appliances.

The Court of Justice was asked for a preliminary ruling (Case C-389/96) concerning the relationship between Directive 80/51/EEC (aircraft noise) and Article 30 of the Treaty (free movement of goods), with regard to German regulations banning the registration of aircraft which exceeded certain noise limits but which were already registered in other Member States while allowing the continued use of craft registered in Germany before the regulations came into force. The Court has yet to deliver its ruling.

### 13.5. Waste

With regard to the Framework Directive on waste (Directive 75/442/EEC amended by Directive 91/156/EEC), Spain and France have still not notified the Commission of measures implementing the amended provisions and the Court of Justice duly acknowledged on 5 June 1997 that they had failed to fulfil their obligations (Cases C-107/96 and C-223/96 respectively). Since neither has complied with the judgments, the Commission is considering Article 171 proceedings.

Several Member States have yet to comply fully with the Directive, though the problems with Ireland have been solved. Most of the difficulties concern application. This is at the root of the large, though shrinking, number of complaints primarily concerned with dumping of waste (proliferation of uncontrolled dumps, controversial siting of planned controlled tips, mismanagement of lawful tips, water pollution caused by directly discharged waste). The Directive requires that prior authorisation be obtained for waste disposal or reprocessing sites; in the case of waste disposal, the authorisation must also lay down operating terms designed to limit the environmental impact.

However, the Commission's scope for action on waste disposal is particularly limited as there is as yet no detailed Community rules specifically addressing the issue. However, the situation is changing: in March 1997 the Commission adopted a proposal for a Directive on

waste disposal<sup>(1)</sup>, which is now being examined by the Community legislature.

As it is, the individual cases of illegal dumping which come to light suggest wider problems with implementation of the Directives governing waste; these problems may arise from a lack of satisfactory waste-management plans or, in some cases, any plan at all. The problem with environmentally unsound waste disposal in Kourouptitos in Crete, and the lack of any waste-management plan to deal with it, prompted the Commission to take Greece to the Court of Justice, which, in its judgment of 7 April 1992 in Case C-45/92 found that Greece had infringed Community law. Greece did not properly comply with this judgment, so the Commission decided to refer the matter back to the Court, in accordance with Article 171 of the Treaty. In a similar case in Campania in Italy, the Commission dropped Article 171 infringement proceedings started following the Court's judgment of 13 December 1991 (Case C-33/90). In another case, however, the Commission decided to take Italy to the Court of Justice over an illegal tip in the San Rocco valley.

Given that planning is such an important part of waste management — a point illustrated by the examples above — the Commission decided in October 1997 to start infringement proceedings against all Member States except Austria, the only one to have established a planning system for waste management. The focus of the procedures varies — from the lack of plans required under Article 7 of the framework Directive, to plans for management of dangerous waste, provided for by Article 6 of Directive 91/679/EEC, to packaging waste, for which special planning is required under Article 14 of Directive 94/62/EC. Furthermore, the Commission is continuing with Article 171 proceedings against Germany for failing to implement in full the Court's judgment of 10 May 1995 (Case C-422/92) regarding the lack of management plans for dangerous waste in a number of *Länder*.

Under Community law, management plans must cover all waste falling within the scope of the Directive, must deal with the type, quantity and origin of the waste to be reprocessed or disposed of, and must contain general technical rules as well as special provisions on particular types of waste and specify what sites and what plants are suitable for waste disposal. Management plans must aim

<sup>(1)</sup> COM(97) 105.



to limit production, reduce the amount of waste, switch to recycling, minimise the environmental risks involved in disposal and create an integrated network of waste-disposal plants with sufficient capacity. It is clear from these ambitious objectives that the Member States need to formulate plans covering their whole territory and to update them regularly.

On two occasions in 1997, the Court of Justice clarified the definition of the term 'waste' as it appears in Article 1 of the Framework Directive, on which all subsequent Directives on waste are based. In its judgment of 25 June 1997 (Joined Cases C-304/94, C-330/94, C-342/94 and C-225/95, Euro Tombesi et al), given in response to a request for a preliminary ruling from an Italian court, the Court of Justice found that 'waste' is not to be understood as excluding substances and objects which are capable of economic re-utilisation, even if the materials in question may be the subject of a transaction or quoted on public or private commercial lists. Following a request for a preliminary ruling from a Belgian court, the Court of Justice, in its judgment of 18 December 1997 (Case C-129/96, asbl Inter-environnement Wallonie contre Région wallonne) found that a substance is not excluded from the definition of waste in Community law by the mere fact that it directly or indirectly forms an integral part of an industrial production process.

Directive 75/442/EEC is supplemented by Directive 97/689/EEC on dangerous waste. The infringement proceedings initiated for failure to notify the Commission of implementing measures have had at least some of the desired effects. It dropped those against Ireland, Sweden, Greece, Italy, Denmark, France, Portugal, Luxembourg and Spain when it was notified of their implementing measures<sup>(1)</sup>.

The Directives on batteries and accumulators containing certain dangerous substances (91/157/EEC and 93/86/EEC) are still a source of problems for some Member States.

Firstly, since they were not transposed on time, the Commission took several Member States to the Court of Justice for failure to notify it of implementing measures, and won. Belgium complied with the judgment on 12 December 1996 (Case C-219/96) and notified the Commission of the Belgian implementing measures for Directive 93/86/EEC. Italy took steps to rectify the situation after Article 171 proceedings were started for non-compliance with the judgment of 11 July 1996 (Case C-303/95), establishing that it had not transposed Directive 91/157/EEC. The Court has yet to deliver its judgment in Case C-286/96 concerning Directive 93/86/EEC. In its judgment of 29 May 1997 the Court found that France had not transposed the two Directives (Joined Cases C-282/96 and C-283/96). The Commission will initiate Article 171 proceedings in the hope of enforcing the judgment. Lastly, Germany was also found not to have transposed the two Directives in a judgment of 13 November 1997 (Case C-236/96).

Secondly, the Commission has initiated infringement proceedings against Member States which have not yet set up programmes under Article 6 of Directive 91/157/EEC. Cases involving Spain (Case C-298/97) and Belgium (Case C-347/97) have been referred to the Court, and others involving Greece, France and Italy will be soon. Proceedings against Portugal continue but those against the United Kingdom have been dropped as the Commission has now been notified of a revised programme covering Northern Ireland and Gibraltar.

Directive 94/62/EC on packaging and packaging waste, due to be transposed by 30 June 1996, contains an innovative Article regarding the transposal of Directives. Under Article 16 draft implementing measures must be sent to the Commission and the Member States for scrutiny prior to adoption, in accordance with the procedure laid down by Directive 83/189/EEC<sup>(2)</sup>. The procedure includes a three-month waiting period; only once this has expired can the Member State adopt the draft measure. This gives the Commission and the other Member States time to examine whether the draft is compatible with Community regulations on the free movement of goods and with the Directive itself,

<sup>(1)</sup> The Commission had brought an action before the Court of Justice (Case C-72/97) but withdrew when notified of the measures.

<sup>(2)</sup> Council Directive 83/189/EEC of 28 March 1983 providing for a notification procedure for technical standards and regulations (OJ L 109, 26.4.1983, p. 8), last amended by Directive 94/10/EC of the European Parliament and the Council of 23 March 1994 (OJ L 100, 19.4.1994, p. 30).

and to warn the Member State wishing to adopt it of any potential problems. By bringing together the Commission and the Member States to discuss transposition, Article 16 helps prevent problems with the measure itself or the way in which it is applied.

Member States have, on the whole, observed Article 16, though most of them were late in transposing the Directive and some have still not implemented all its provisions in full. The Commission has initiated infringement proceedings wherever it deemed necessary.

As well as seeing to official transposal of Directive 94/62/EC, the Commission has to ensure that the national implementing measures comply. A number of problems have been cleared up using the Article 16 notification procedure referred to above but, of course, that procedure does not apply to measures adopted before the Directive entered into force (on 31 December 1994). There is nothing to prevent a Member State from notifying the Commission of an old instrument, predating the Directive in question, if, in the Member State's view, it will implement that Directive in full and meet all the obligations arising from it. This is precisely what some Member States have done; others have notified the Commission of new drafts in conjunction with existing legislation and regulations. This approach enabled the Commission to identify problems with Denmark, which had banned metal drink cans and other types of non-reusable packaging. This was not permissible under the Directive, so the Commission initiated infringement proceedings.

The Commission has started proceedings against Germany and France for preventing the transportation of certain types of waste in contravention of Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community. This Regulation often causes problems in cases where the nature of the waste is at issue, as the rules to be applied differ according to the degree of toxicity of the waste. Similarly, determining the type of processing the waste will undergo once it has been shipped is also a problem: the procedures, and indeed the authorities' power to prohibit shipment differ according to whether the waste is to be disposed of or recycled.

Furthermore, certain courts in the Member States have asked the Court of Justice for preliminary rulings on the interpretation of Regulation (EEC) No 259/93. For example, in Case C-192/96 <sup>(1)</sup>, the Dutch Raad van State asked the Court to rule on what effect sorting and similar measures would have on how the waste was categorised under the Directive and on the powers of the country of dispatch and the country of destination. On certain matters, where the Regulation refers to the Framework Directive, questions concerning the Regulation may also concern the Directive. For instance, in the same case, the Court was asked to rule whether the concept of storage of waste to be recycled by one of the processes referred to in Annex II.B to the Directive included storage pending shipment to a recycling company irrespective of its location, i.e. whether inside or outside the Community.

Lastly, in Case C-203/96 <sup>(2)</sup>, the Court of Justice was asked for a preliminary ruling on whether the principles of self-sufficiency and proximity applied only to the shipment of waste to be disposed of between Member States, or whether it also applied to waste to be recycled. The Court was also asked whether restrictions on the movement of waste to be reused in some way (recycled, composted or incinerated for energy) were any less tight than for waste to be disposed of (incinerated with no use of the energy thus produced, or tipped), or whether Member States could apply the same, more restrictive set of rules to both categories.

Proceedings are also under way against infringements of other, more specialised Directives. Directive 86/278/EEC on the protection of the soil, when sewage sludge is used in agriculture, rarely gives rise to disputes. Following notification of satisfactory measures, the Commission has dropped Article 171 proceedings against Belgium for failing to comply with the Court's judgment of 3 May 1994 (Case C-260/93), in which the Court found that Belgium had not implemented the Directive in full.

<sup>(1)</sup> Request for a preliminary ruling by the Raad van State of the Netherlands, in *Beside BV and I. M. Besselsen v VROM*.

<sup>(2)</sup> Request for a preliminary ruling by the Raad van State of the Netherlands, in *Chemische Afvalstoffen Dusseldorp BV et al v VROM*.

Proceedings continue against Portugal for non-compliance with Directive 75/439/EEC on the disposal of waste oils, the first Community Directive on waste. The Commission also referred a case involving Germany to the Court of Justice (Case C-102/97). The problem concerns regeneration of used oils. The Commission is asking the Court to find that Germany has infringed the Directive by failing to give preference to recycling of used oils over heat treatment even where recycling was technically and economically viable.

Lastly, with regard to the disposal of PCB and PCT, two particularly dangerous products, Directive 96/59/EC<sup>(1)</sup>, which supersedes Directive 76/403/EEC, must be transposed by the Member States by 16 March 1998.

### 13.6. Nature

There are two major Community Directives aimed at protecting nature: Directive 79/409/EEC on the conservation of wild birds and Directive 92/43/EEC, making increased demands on the Member States with regard to the conservation of natural habitats and of wild fauna and flora.

There has been some progress regarding the transposal of Directive 79/409/EEC, but there have also been some less encouraging developments. The Commission has terminated proceedings against Greece (Case C-330/96) for failing to notify it of national implementing measures for Directive 91/244/EEC amending Directive 79/409/EEC. It has also dropped the pre-litigation proceedings started against Finland for the same reason. But some issues, first and foremost the legal status of measures designed to protect certain species, have not been resolved: national laws still do not comply with Community law in a number of areas (hunting, regulation of species and trade). Article 171 proceedings are under way against Belgium<sup>(2)</sup> (Articles 5 and 9) and France<sup>(3)</sup> (Article 5): sixteen years after the Directive entered into force and ten years after the judgments were given, they have still not implemented the Directive properly and in full. The Commission decided to refer

the case involving Belgium to the Court of Justice in December 1997, but the situation is likely to have been rectified before the application is submitted, in which case the Commission will drop the case. Article 169 proceedings concerning implementation of the hunting provisions are still open against Spain, France, Italy and Finland. A case involving Germany was referred to the Court of Justice under Article 171 (Germany had failed to comply with the Court's finding that German legislation did not properly implement Article 5 or Article 8)<sup>(4)</sup>. However, when the *Saarland* adopted new provisions, the Commission was able to terminate the proceedings.

The long line of cases decided by the Court of Justice provides a clear interpretation of Directive 79/409/EEC. In its judgment of 12 December 1996 in Case C-10/96 (*Ligue royale belge pour la protection des oiseaux et AVES asbl v. Région Wallone*) the Court confirmed its consistently strict interpretation of Articles 5 and 9 of the Directive<sup>(5)</sup>. Case C-10/96 centred on the taking into captivity of protected birds for breeding.

When the transposal deadline for Directive 92/43/EEC expired in June 1994, a number of Member States had not notified the Commission of all, or in some cases, any of the measures required to implement the Directive. The main provisions still to be transposed are Article 6 on the protection of habitats in the special conservation sites which are to be set up, and Articles 12 to 16 on protection of species.

On 26 June 1997, the Court of Justice found in Case C-329/96 that Greece had not fulfilled its obligations by failing to notify the Commission of implementing measures. On 11 December 1997 a similar judgment was given against Germany in Case C-83/97. Cases involving Italy and Portugal were also referred to the Court (C-142/97 and C-88/97 respectively) but were dropped when both adopted satisfactory implementing measures. Infringement proceedings continue against France (Article 6) and Finland (problems with the Åland islands), while proceedings against Ireland were terminated when it adopted new legislation in February 1997. Proceedings are also open against Spain for its failure to implement Article 16 of the Directive.

<sup>(1)</sup> Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT), OJ L 243, 24.9.1997, p. 31.

<sup>(2)</sup> Regarding the Court's judgment of 8 July 1987, Case C-247/85.

<sup>(3)</sup> Regarding the Court's judgment of 27 April 1988, Case C-252/85.

<sup>(4)</sup> C-121/97, initial judgment delivered on 3 March 1990, Case C-288/88.

<sup>(5)</sup> E.g. its judgments of 8 July 1987 in Cases C-262, Commission v Italy, and C-247/85, Commission v Belgium.

One practical problem which sometimes arises with implementation of Directives 79/409/EEC and 92/43/EEC is the potential conflict between the need to protect sites and species on the one hand and economic and social considerations on the other. This accounts for the large number of complaints and infringement proceedings regarding unsatisfactory implementation as a result of very specific and localised problems. At the same time, it is to be welcomed that Directives 79/409/EEC and 92/43/EEC are two of the best known pieces of Community environment legislation and the practical ways in which they help protect nature are widely acknowledged. The number of complaints concerning implementation of the Directives must be seen both as a measure of their success and an indicator of the work still to be done by the Member States.

There is, however, a growing appreciation of the intentions behind Directive 92/43/EEC. The Directive takes a novel approach: gradual, step-by-step building up of the Natura 2000 network; extensive discussions between the Commission and the Member States; a legal set-up for special conservation sites which paves the way for management plans (possibly even contractually binding ones) and makes allowance for exemptions from the ban on deterioration and disturbance where this conflicts with overriding public interests.

The Commission's main goal in this area is to protect the various types of habitat and the sites containing them. The Community's Natura 2000 network linking all sites set up under Directive 92/43/EEC is an essential step towards achieving this.

In 1997 the Member States made progress in proposing conservation sites within the meaning of Directive 92/43/EEC. (None of them had provided the Commission with a full list of proposed sites by June 1995, the deadline laid down by the Directive.) In particular, Belgium and Greece notified the Commission of lists which the authorities in those countries deemed complete, while most of the other Member States (Portugal, Austria, the Netherlands, Italy, the United Kingdom and Sweden) sent in fairly comprehensive, though still incomplete lists. Lagging furthest behind at the end of 1997 were Luxembourg (no sites) and Germany (sites for two *Länder* only). France has

abandoned its policy of refusing even to start the process of selecting sites and has sent in the names of over five hundred proposed sites, though the information provided is insufficient. In many cases, the details given on sites and the species they support are neither complete nor appropriate. This makes it difficult to proceed to the subsequent stages of the plan laid down in Directive 92/43/EEC, but the Commission is pressing ahead and is trying to ensure that the delays do not jeopardise the setting up of the Natura 2000 network.

In an attempt to rectify the situation, the Commission has initiated infringement proceedings against most of the offending Member States. And it will maintain its stricter policy with regard to the grant of Community funding for conservation of sites under the LIFE Regulation on sites being integrated or already integrated into the Natura 2000 network. Furthermore, it scrutinises requests for cofinancing from the Structural Funds (particularly objectives 2 and 5b) very thoroughly for compliance with environmental regulations.

Problems also frequently arise with Article 4 of Directive 79/409/EEC, which requires that sites be designated special protection areas for wild birds wherever the objective ornithological criteria are met. These are sites which provide a habitat for the species referred to in Annex I to the Directive and migratory species. Particular importance is attached to the protection of wetlands, especially those of international significance. There is no question as to the meaning of Article 4, as interpreted by the Court of Justice in its judgment of 11 July 1996 (Case C-44/95) concerning the Lappel Bank site in the Medway estuary near the port of Sheerness in Kent (United Kingdom): special protection sites must be selected and their borders drawn on the basis of ornithological and ecological criteria only; economic and social criteria may not be taken into consideration.

Though the special protection sites for wild birds are set to join the Natura 2000 network, the obligation imposed by Directive 79/409/EEC is legally quite distinct from the obligation under Directive 92/43/EEC concerning the creation, in stages, of the Natura 2000 network linking all sites of Community importance containing any of the species or habitats referred to by Directive 92/43/EEC. Areas should have been designated as special protection sites when the Directive entered into force in 1981. But existing sites in a number of Member States are still too few in number or cover too small an

area. In 1998 the Court should deliver its first judgment in an infringement case against the Netherlands (Case C-3/96). The Commission is continuing with proceedings against other Member States.

The Commission is still receiving large numbers of complaints about infringements of Community legislation on nature. The two main problems are the failure to designate areas fulfilling the objective ornithological criteria as special protection areas and projects affecting sites. In the first case, the Commission continues to investigate individual complaints carefully, though it tends to deal with them through the general proceedings referred to above concerning the overall lack of special protection sites. In most cases, the problems complained of are settled while the matter is still being investigated, before Article 169 letters are sent.

Regarding projects with a potential effect on sites which have been or are likely to be designated as special protection sites, Article 6 of Directive 92/43/EEC prohibits significant deterioration or disturbance except under certain conditions. First an impact assessment must be carried out and alternative sites must be sought for the project. If there are no alternatives, the project may be carried out, but only then if there are imperative reasons of overriding public interest, including economic reasons, compensation is provided and the Commission is notified. Many complaints concern the fact that these conditions have not been met.

The Commission is also pressing ahead with infringement proceedings in certain key cases. Following the Court judgment on the Santoña marshes in Spain<sup>(1)</sup>, it is continuing with Article 171 proceedings. These have met with some success but the result is not yet entirely satisfactory. Another case the Commission has referred to the Court (Case C-166/97) involves the Seine estuary: the special protection site is unacceptably small, is not properly protected and is being developed in a way which is incompatible with Article 6. Other proceedings currently under way concern sites in the following

locations: Fuerteventura in the Canary Islands (Spain), the Waddenzee area (Netherlands), Baixo Vouga Lagunar (Portugal) and the Marais Poitevin, the Baie de Canche, the Plaine des Maures, the Vallée de l'Aude and Vingrau (all France). The Commission welcomes France's decision to designate the Loire estuary as a special protection site.

Finland has now notified the Commission of implementing measures for Directive 83/129/EEC concerning the importation of skins of seal pups. The infringement proceedings against it have been dropped.

Directive 79/409/EEC has been amended by Directive 97/49/EC<sup>(2)</sup>. The new Directive, which must be transposed into national law by 30 September 1998, removes the *Phalacrocorax carbo sinensis* sub-species from Annex I (the list of protected bird species).

The Council adopted Directive 97/62/EC<sup>(3)</sup> adapting Directive 92/43/EEC to technical and scientific progress by amending Annex I (list of habitat types requiring designation of special conservation areas) and Annex II (species requiring designation of special conservation areas).

Lastly, Regulation (EC) No 338/97<sup>(4)</sup> on the protection of species of wild fauna and flora by regulating trade therein has superseded Regulation (EC) No 3626/82 on the implementation in the Community of the 1973 Washington Convention on international trade in endangered species of wild fauna and flora (the 'Cites' Convention). The annexes to the new Regulation, which entered into force on 1 June 1997, have been amended by Regulation (EC) No 938/97<sup>(5)</sup> of 26 May 1997

(1) Judgment of 2 August 1993, Case C-355/90.

(2) Commission Directive 97/49/EC of 29 July 1997 amending Council Directive 79/409/EEC on the conservation of wild birds, OJ L 223, 13.8.1997, p. 9.

(3) Council Directive 97/62/EC of 27 October 1997 adapting to technical and scientific progress Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, OJ L 305, 8.11.1997, p. 42.

(4) Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, OJ L 61, 3.3.1997, p. 1.

(5) Commission Regulation (EC) No 938/97 of 26 May 1997 amending Council Regulation (EC) No 338/97, OJ L 140, 30.5.1997, p. 1.

and, following the meeting of the parties to the Cites Convention in Harare in June 1997, by Regulation (EC) No 2307/97<sup>(1)</sup> of 18 November 1997. In addition, Regulation (EC) No 939/97<sup>(2)</sup> of 26 May 1997 laid down detailed rules concerning implementation of Regulation (EC) No 338/97 with regard to import permits, export permits and re-export certificates.

### 13.7. Radiation protection

Infringement proceedings continue against Luxembourg and the Netherlands, whose national legislation does not comply with Council Directives 80/836/Euratom or 84/467/Euratom on basic safety standards for health protection against ionising radiation. Proceedings have also been started against the three new Member States, (Austria, Finland and Sweden) for failing to notify the Commission of implementing measures for the same two Directives during the transition period which ended on 1 January 1997. The proceedings against these five countries are somewhat problematic as the Directives are set to be repealed by the new Directive 96/29/Euratom on 13 May 2000.

In September 1997 Portugal finally completed transposal of Council Directive 84/466/Euratom on protection of persons undergoing medical examination or treatment. The Commission withdrew the action it had brought before the Court of Justice (Case C-96/276). In Case C-96/21, the Court found on 9 October 1997 that Spain had failed to implement certain Articles of the Directive. Italy adopted a number of implementing measures in February 1997 and presented draft laws that would complete the process of transposal and Belgium is set to publish a new instrument which will implement the Directive. Proceedings against these two countries are likely to be terminated. Proceedings against Ireland continue, however. The legislation sent to the Commission has not been passed and is undergoing technical revision.

In response to a reasoned opinion concerning Council Directive 89/618/Euratom on information for the general public in the event of a radiological emergency,

<sup>(1)</sup> Commission Regulation (EC) No 2307/97 of 18 November 1997 amending Council Regulation (EC) No 338/97, OJ L 325, 27.11.1997, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 939/97 of 26 May 1997 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97, OJ L 140, 30.5.1997, p. 9.

Germany has passed measures implementing parts of the Directive which it had previously neglected. However, transposal is still not complete. France has produced several draft instruments aimed at implementing the Directive in full and the Commission has made recommendations on them. Proceedings against France will be dropped once these have been adopted. Spain, Finland and Sweden's response to the Article 169 letters addressed to them have yet to be examined.

Belgium, Greece, Spain and Portugal have now notified the Commission of measures implementing Council Directive 90/641/Euratom on protection of outside workers from radiation. Infringement proceedings will be duly terminated. France has issued a new decree but it does not implement the Directive in full, so the infringement proceedings will continue.

Lastly, Council Directive 92/3/Euratom on international shipments of radioactive waste has not yet been transposed by Belgium or Germany, though they have notified the Commission of draft implementing measures. Consequently, the Commission decided in 1997 to refer both cases to the Court of Justice. Austria, Greece and Sweden, on the other hand adopted their implementing measures in 1997. The proceedings against them have been dropped.

### 13.8. Progress in implementing Directives applicable to the environment

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	139	121	87
Denmark	139	139	100
Germany	141	133	94
Greece	144	140	97
Spain	143	142	99
France	139	133	96
Ireland	139	136	98
Italy	139	135	97
Luxembourg	139	136	98
Netherlands	139	137	99
Austria	135	131	97
Portugal	143	138	97
Finland	137	132	96
Sweden	137	133	97
United Kingdom	139	133	96

Note: this table concerns the following Directives:

Background:

85/337, 90/313, 90/656, 90/660, 93/80.

Waste:

75/439, 75/442, 76/403, 78/319, 84/631, 85/339, 85/469, 86/121, 86/278, 86/279, 87/101, 87/112, 91/156, 91/157, 91/689, 93/86, 94/62, 94/67.

Water:

75/440, 76/160, 76/464, 78/176, 78/659, 79/869, 79/923, 80/68, 80/778, 81/855, 81/858, 82/176, 82/883, 83/29, 83/513, 84/156, 84/491, 86/280, 88/347, 90/415, 91/271, 91/676, 92/112.

Air:

75/716, 80/779, 81/857, 82/884, 84/360, 85/203, 85/210, 85/580, 85/581, 87/219, 87/416, 88/609, 89/369, 89/427, 89/429, 92/72, 93/12, 94/63, 94/66.

Noise:

79/113, 80/51, 81/1051, 83/206, 84/533, 84/534, 84/535, 84/536, 84/537, 84/538, 85/405, 85/406, 85/407, 85/408, 85/409, 86/594, 86/662, 87/252, 88/180, 88/181, 89/514, 89/629, 92/14, 95/27.

Nature:

79/409, 81/854, 83/129, 85/411, 85/444, 86/122, 89/370, 91/244, 92/43, 94/24, 97/62.

Chemicals:

67/548, 69/81, 70/189, 73/146, 75/409, 76/907, 79/370, 79/831, 80/1189, 81/957, 82/232, 82/501, 83/467, 84/449, 86/431, 86/609, 87/18, 87/216, 87/217, 87/432, 88/302, 88/490, 88/610, 90/219, 90/220, 90/517, 91/325, 91/326, 91/410, 91/632, 92/32, 92/37, 92/69, 93/21, 93/67, 93/72, 93/90, 93/101, 93/105, 94/15, 94/51, 94/69, 96/54, 97/35.

Radiation protection:

80/836, 84/466, 84/467, 89/618, 90/641, 92/3.

## TRANSPORT

### 14. INTRODUCTION

Though there was little change in the number of transport Directives compared with 1996, fourteen were repealed and there were nineteen new ones due for transposal. Half of the new Directives whose deadlines for transposal have just expired were aimed at bringing Community rules on the transportation of hazardous goods and maritime safety into line with the new international agreements. Most of the repealed Directives were removed as part of the Commission's rationalisation and clarification campaign which involved consolidating legislation in the interests of openness. For example, Directive 96/26/EC consolidated the legislation governing access to the occupation of road haulage/passenger transport operator and Directive 96/53/EC redrafted the rules on maximum vehicle size and weight. These new Directives should make the rules easier to apply.

Like last year, most Member States were very late adopting national implementing measures and in many cases they did so only after infringement proceedings had been started. No fewer than two thirds of the Member States were the subject of infringement proceedings relating to the nineteen new Directives. Thus the transposal rate is significantly down from 1996.

### 15. SITUATION SECTOR BY SECTOR

#### 15.1. Road transport

The first Community legislation aimed at approximating the Member States' national standards on the transpor-

tation of hazardous goods entered into force in 1997. Until then, it had been governed by international rules — the UN's Agreement concerning the international carriage of dangerous goods by roads (ADR) and the Intergovernmental Organisation for International Carriage by Rail's Regulations concerning the carriage of dangerous goods by rail (RID). These agreements did not cover domestic transport within the Member States. In order to keep the international and Community rules together, the ADR and the RID were annexed to the Community Directives.

Directive 94/55/EC on the transportation of dangerous goods by road, as amended by Directive 96/86/EC, applies the ADR to domestic and international transportation alike. The Directive has been transposed into national law by thirteen Member States.

In addition to these two Directives, Directive 95/50/EC strives to harmonise checks on the transportation of dangerous goods by road, in order to enforce safety rules more effectively. Ten Member States have notified the Commission of the national implementing measures for this Directive.

With regard to the maximum size and weight of vehicles, Directive 96/53/EC brings together in a single, new instrument two Directives, both of which had been amended several times, i.e. Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles and Directive 86/364/EEC relating to proof of compliance of vehicles

with Directive 85/3/EEC. Only Belgium, Denmark, Finland, Luxembourg, Portugal and Spain have notified the Commission of their national measures implementing the new Directive. Infringement proceedings have been started against all other Member States.

There is concern regarding the transposal of Directive 91/439/EEC on driving licences: besides the infringement proceedings started against Austria, France, Germany and Portugal for partial notification, an examination of national implementing measures revealed that they failed to comply with the Directive on a number of points, thus triggering further infringement proceedings. The problems cover a wide range of areas, including minimum age for a vehicle category, renewal of licences for EU citizens no longer residing in the Member States of issue, the criteria for vehicles used for tests, the duration of the practical test, and minimum requirements in terms of physical and mental aptitude. One problem is the automatic registration of licences belonging to drivers who move from one country to another: several Member States have devised procedures which are incompatible with the principle of mutual recognition of driving licences.

With regard to tax matters, the Commission dropped proceedings against Italy and Sweden for failure to notify measures giving effect to Directive 93/89/EEC on taxes, tolls and charges. However, proceedings against France continue, and the Commission has decided to bring an action against Austria before the Court, on the grounds that the decision to increase the toll on the Brenner motorway amounts to incorrect application of the Directive.

Ireland has still not transposed Directive 91/328/EEC on the approximation of Member States' laws relating to roadworthiness tests for motor vehicles. Ireland was given until 1 January 1998 to implement the Directive, but that did not entitle it to delay adoption of implementing measures, and so the infringement proceedings against it will continue. Austria and Portugal are the only Member States not to have notified the Commission of implementing measures for Directive 94/23/EC on the testing of vehicle braking systems. The deadline was 1 January.

The general trend on the road transport front is positive, despite the odd problem with transposal and difficulties

concerning the implementation of the new provisions on driving licences. The Commission receives few complaints on application of Community law in this field, which suggests that the older Directives have been properly transposed and implemented.

## 15.2. Combined transport

All Member States have now transposed Directive 92/106/EEC establishing common rules for certain types of combined goods transport of goods between Member States, and the Commission has withdrawn its action against Belgium in the Court of Justice as it has now been notified of the national implementing measures.

## 15.3. Inland waterways

The deadline for transposal of Directive 96/75/EC passed in 1997. The Directive, dealing with chartering and pricing systems in national and international inland waterway transport in the Community, sets out gradually to liberalise chartering systems (rotation and fixed price). It allows for a transitional period up to 1 January 2000 during which the Member States must do whatever is required to introduce as much flexibility into the chartering-by-rotation systems as they can. The first legal requirement they have to meet is to ensure that shippers can choose freely between three types of contract by 30 November 1998.

In practice only Belgium, France and the Netherlands have to take action to implement Directive 96/75/EC. The other Member States' rules, if they have any, already comply with the Directive. All the Commission requires in this case is the relevant information from the national authorities. Most Member States, with the exception of Portugal and the United Kingdom, have already sent in this information. Of the three Member States which have to set up new systems, Belgium and France have now notified the Commission of their national implementing measures. Transposal seems to be progressing well.

With regard to Directive 87/540/EEC on access to the occupation of carrier of goods by waterway, infringement proceedings against Germany for non-compliance have now been dropped. So too have proceedings against Austria for failing to notify the Commission of implementing measures for Directive 91/672/EEC on the reciprocal recognition of national



boatmasters' certificates for the carriage of goods and passengers by inland waterway.

#### 15.4. Rail transport

The Commission views development of the railways as an essential element in the common transport policy and attaches great importance to enhancing their viability and competitiveness. Consequently, it plans to devise a coherent strategy to help them become both more efficient and more profitable.

Accordingly, Directive 91/440/EEC on railway development has been reinforced by Directive 95/18/EC on the licensing of railway undertakings and Directive 95/19/EC on the allocation of railway infrastructure capacity and the charging of infrastructure fees. The two Directives, which should have been transposed no later than 1997, paved the way for a competition-led revival of rail transport. The Commission regrets that only five Member States (Austria, Denmark, Finland, Germany and Sweden) have notified it of their implementing measures. It has still to decide on the action to be taken in relation to the other Member States.

Furthermore, there are still major problems in a number of Member States with transposal of Article 10 of Directive 91/440/EEC, concerning access to infrastructure. Reasoned opinions have been sent to France, Italy, Luxembourg, Spain and the United Kingdom. This situation is worrying, since transposal of this article, intended gradually to open up the rail networks to competition, is of major importance for the future development of the Community's railway policy. France and the United Kingdom's problems regarding transposal of Article 10 are confined to the Channel tunnel linking the two countries and there are plans to adopt bilateral rules.

#### 15.5. Sea transport

The Commission is persisting with measures to improve safety and prevent pollution of the seas. It is particularly concerned with enforcing international standards for ships more effectively. The Commission therefore regrets the fact that the Member States, with the notable exceptions of Finland and Sweden, are behind with transposal of the relevant Directives.

It took three years for Directive 93/75/EEC to be properly implemented in a majority of the Member States. There are still problems with Belgium, Germany and the United Kingdom. Furthermore, the Directive, concerning the application at Community level of international minimum requirements for vessels carrying dangerous or polluting goods, has been amended by Directives 96/39/EC and 97/34/EC, to bring it into line with the most recent international standards. The deadlines for transposing these two new Directives expired in 1997, but most of the Member States have not yet done so.

Some progress has been made on transposing Directive 94/57/EC on common rules and standards to be observed by the Member States and ship-inspection, survey and certification organisations so as to ensure compliance with international conventions on maritime safety and the prevention of maritime pollution. The infringement proceedings started against Austria, Finland, Greece, Sweden and the United Kingdom for non-notification have now been dropped, but the Commission has decided to bring actions against Belgium, Ireland, Italy and the Netherlands before the Court of Justice for the same reason.

All Member States except the Netherlands have now notified the Commission of measures to implement Directive 94/58/EC on the minimum level of training of seafarers, and proceedings have been terminated.

Infringement proceedings were started and reasoned opinions sent to Belgium and Portugal in respect of Regulation (EC) No 2978/94, aimed at promoting use of segregated-ballast oil tankers in order to minimise the risk to the marine environment from pollution from traditional tankers. The proceedings against Portugal were dropped but it was decided that the case against Belgium, for non-notification, should be referred to the Court of Justice.

There are still major problems with Directive 95/21/EC on port state control. The Directive harmonises criteria for inspecting ships, detention rules and grounds for refusing them access to Community ports. Transposal is still not complete and reasoned opinions have been sent

to Belgium, Ireland, Italy, the Netherlands and Portugal for failure to notify the Commission of implementing measures. Late notification also seems to be the order of the day for Directive 96/40/EC aimed at introducing a common identity card for inspectors carrying out port state control under Directive 95/21/EC. Reasoned opinions will be sent to Belgium, Denmark, Ireland, the Netherlands and Portugal, which have yet to notify the Commission of their implementing measures.

Problems also remain regarding compliance with Community legislation on the registration of vessels and the granting of flag rights. The national rules governing these matters in Belgium, Italy and the Netherlands are still discriminatory. Infringement proceedings continue. Furthermore, the Court of Justice ruled against Ireland on 12 June 1997 and Greece on 27 November 1997 for retaining nationality rules which contravened Community law regarding registration of merchant vessels.

Proceedings have also been started against certain Member States for infringement of Community rules on maritime *cabotage*. The Commission has sent reasoned opinions to France and Italy, both of which have retained laws allowing only domestic vessels to transport goods between domestic ports. Such laws contravene Regulation (EEC) No 3577/92, which provides for the opening up of maritime *cabotage* to Community shipowners operating vessels registered in and flying the flag of a Member State, from 1 July 1993.

The situation regarding cargo-sharing agreements between Member States and non-member countries is still far from ideal; the principle of freedom to provide services guaranteed by Regulation (EEC) No 4055/86 is still being flouted. Proceedings are under way against four Member States in respect of nineteen bilateral agreements with non-member countries. Real progress has been made with regard to Spain's agreements with Central and West Africa (the MCWCS): the bilateral agreement with the Côte d'Ivoire has been amended and the agreements with Cameroon, the Congo, Gabon, Equatorial Guinea and Senegal have been repudiated. The other Member States' agreements with the MCWCS are still causing problems, however: a reasoned opinion has been sent to Italy and the Commission has decided to refer cases involving Belgium, Luxembourg and Portugal to the Court of Justice. Furthermore, the other agreements concluded by these Member States have not yet been amended. Spain has amended its bilateral agreement with Tunisia, but Belgium will be taken to the Court of Justice over its agreements with Togo and the

Congo (ex-Zaire), as will Portugal over its agreement with Yugoslavia and Italy over its agreement with Morocco. Actions have also been brought against Belgium and Luxembourg for their agreement with Malaysia.

In spite of the best efforts of the Commission, which strives constantly for more effective implementation of Community law on maritime transport, the overall trend in this particular field still gives cause for concern.

#### 15.6. Air transport

Liberalisation of air transport in the European Union was completed in April 1997: domestic routes within the Member States were opened up to all Community airlines. In the course of 1997 solutions were easily found to the one-off problems detected by the Commission concerning implementation of the third package of measures on computerised reservation systems.

However, the full effects of liberalisation will be felt only if rules are introduced on air-traffic related activities, with the intention of ensuring fair competition between carriers; hence the adoption of Directive 96/67/EC on access to the ground-handling market at Community airports. The purpose of the Directive, which should have been transposed into national law by 25 October 1997, is to open the ground-handling market up to competition, so that the user can choose the company offering the services that best suit its needs. At the same time, the Directive takes account of the different types of services, the social effects of opening the market up to competition and the need to ensure that airports can function properly. Accordingly, it provides for both liberalisation and supporting measures. The Commission deeply regrets that none of the Member States have transposed this Directive within the time allowed. Article 169 letters have been sent to all of them. The first implementing measures were those taken by Germany at the end of 1997.

No solution has yet been found to the problems concerning compliance with Directive 91/670/EEC on civil-aviation personnel licences. However, there has been a significant drop in the number of new complaints for incorrect application. The Commission was pleased to be able to terminate proceedings against Spain following adoption of a ministerial decree ensuring that pilots' licences issued by other Member States would be recognised. The Commission will closely monitor how the decree is applied. Proceedings against France are still open and there are problems with incorrect application in Belgium.

The Commission has dropped proceedings against France and Spain in respect of Directive 93/65/EEC on the definition and use of compatible technical specifications for the procurement of air-traffic-management equipment and systems. However, the Commission has decided to refer a case involving Italy to the Court of Justice and has sent a reasoned opinion to Austria for failing to notify it of national implementing measures. Proper application of this Directive is of major importance for the harmonisation of the Member States' air traffic control systems and for the smooth operation of public procurement in this sector. It is even more important that all Member States implement the Directive properly now that the deadline for transposal of the amendments contained in Directive 97/15/EC (1 December 1997) has passed. The amendments supplement the Directive and bring it into line with the new Eurocontrol standards.

Transposal of Directive 94/56/EC establishing basic principles for the investigation of civil aviation accidents and incidents is still very patchy, and the Commission regrets that only Denmark, Finland, Ireland, Sweden and the United Kingdom have notified it of their implementing measures.

#### 15.7. Summertime

The last date for transposal of Directive 97/44/EC, the eighth Directive on summertime arrangements, was 31 December 1997. All the Member States have complied.

#### 15.8. Progress in implementing directives on transport

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgium	49	34	69
Denmark	44	37	84
Germany	49	39	79,5
Greece	44	32	72,5
Spain	44	37	84
France	49	38	77,5
Ireland	44	28	63,5
Italy	49	34	69
Luxembourg	49	41	83,5
Netherlands	49	37	75,5
Austria	49	40	81,5
Portugal	49	35	71
Finland	44	42	85,5
Sweden	44	42	85,5
United Kingdom	49	36	73

Note: this table concerns the following Directives:

62/2005, 76/135 (\*), 76/914, 77/143, 79/115, 82/714 (\*), 84/647, 87/540 (\*), 88/449, 88/599, 89/459, 90/398, 91/328, 91/439, 91/440, 91/670, 91/671, 91/672 (\*), 92/6, 92/54, 92/55, 92/106, 93/65, 93/75, 93/89, 94/21, 94/23, 94/55, 94/56, 94/57, 94/58, 94/72, 95/18, 95/19, 95/21, 95/50, 96/26, 96/39, 96/40, 96/47, 96/49, 96/53, 96/67, 96/75 (\*), 96/86, 96/87, 97/15, 97/34, 97/44.

(\*) not applicable to Denmark, Greece, Spain and Ireland.

## ENERGY

### 16. INTRODUCTION

On 23 October the Court of Justice gave judgment in the gas and electricity import and export monopoly cases against four Member States. These judgments consider the questions raised by the Commission in its applications as to the form, but do not deal with the issues of substance. The Court also considers the importance of application of Article 90 of the Treaty in the context of economic functions of general interest.

At 89,9 %, the rate of transposal of directives is up on the rate for 1996.

### 17. SITUATION SECTOR BY SECTOR

#### 17.1. Internal market for electricity and natural gas

Directive 96/92/EC of the European Parliament and the Council of 19 December 1996 concerning common rules for the internal market in electricity entered into force on 19 February 1997. Work continues on legislation to open up the market in natural gas.

#### 17.2. Energy efficiency

Belgium has now transposed Council Directive 92/42/EEC on efficiency requirements for new

hot-water boilers; transposal is thus complete in all Member States. And only Austria, the Netherlands and the United Kingdom have implemented Directive 96/57/EC of the European Parliament and the Council on efficiency requirements for household electric refrigerators, freezers and combinations thereof, despite a transposal deadline of 3 September 1997.

Infringement proceedings continue regarding the Directives implementing framework Directive 92/75/EEC on the indication of energy consumption.

Commission Directive 94/2/EC regarding household electric refrigerators, freezers and combinations thereof has still not been transposed by Italy. Commission Directive 95/12/EC on household washing machines has yet to be transposed by Belgium, France, Italy and Spain. And Belgium and Italy have not yet implemented Commission Directive 95/13/EC on household electric tumble dryers. The final date for transposal of Commission Directive 96/60/EC on energy labelling of household combined washer-dryers was 15 July 1997, but it has still not been implemented by Belgium, France, Italy, Luxembourg or Sweden. But the Netherlands has already transposed Commission Directive 97/17/EC on household dishwashers, for which the deadline is 15 June 1998.

However, Council Directive 93/76/EEC to limit carbon dioxide emissions by improving energy efficiency (SAVE) has now been transposed by all Member States.

### 17.3. Oil and gas

Belgium has still not transposed Directive 94/22/EC of the European Parliament and the Council on conditions for granting and using authorisations for the prospecting, exploration and production of hydrocarbons.

### 17.4. Progress in implementing directives on energy

Member State	Directives applicable on 31.12.1997	Directives for which measures have been notified	%
Belgien	20	15	75
Denmark	20	19	95
Germany	21	20	95
Greece	20	19	95
Spain	20	18	90
France	20	16	80
Ireland	20	18	90
Italy	20	14	70
Luxembourg	19	16	84
Netherlands	20	20	100
Austria	20	20	100
Portugal	20	19	95
Finland	18	16	89
Sweden	20	18	90
United Kingdom	20	20	100

Note: this table concerns the following Directives:

68/414, 72/425, 73/238, 76/491, 78/170, 82/885, 85/536, 87/441, 90/377, 90/547, 90/653 (applicable exclusively in Germany), 91/296, 92/42, 93/76, 94/2, 94/22 (not applicable in Luxembourg), 95/12, 95/13, 96/57, 96/60, 96/89.

Directives 91/296/EEC and 94/22/EC are not relevant to Finland, subject to verification by the Commission. Directives 75/339 and 75/405 have been repealed.

## STRUCTURAL FUNDS AND COMMUNITY LAW

The Structural Funds Regulations lay down the principle that projects enjoying Community financial support must comply with Community law (Article 7 of Regulation (EEC) No 2052/88). The impact of the principle is that wherever it is established that Community law is violated the support given from the Structural Funds may be suspended, reduced or withdrawn (Article 24 of Regulation (EEC) No 4253/88 on the Structural Funds and Annex II Article H of Regulation (EEC) No 1164/94 on the Cohesion Fund).

Measures financed by the Funds are managed in partnership, which means that the primary responsibility for

monitoring compliance with Community law lies with the national authorities. The Commission, however, retains its enforcement powers under Article 169 of the Treaty and Article 24 of Regulation (EEC) No 4253/88 or the relevant provision in Regulation (EC) No 1164/94.

Community case-law confirms that the infringement procedure and the procedure of Article 24 of Regulation

(EEC) No 4253/88 are quite distinct (Case T-461/93, *An Taisce, the National Trust for Ireland and WWF*, judgment of 23 September 1994), which means that the commencement of infringement proceedings does not automatically trigger the procedure provided for by Article 24 of Regulation (EEC) No 4253/88 (and vice versa).

However, the fact that the two procedures (infringement proceedings and withdrawal of assistance) are not necessarily linked politically or legally does not mean they are mutually exclusive. Thus, if an Article 169 letter is sent as part of the infringement proceedings, there may also be grounds for suspending assistance or, once the reasoned opinion has been issued, starting the procedure to cancel or reduce it in accordance with Article 24 of Regulation (EEC) No 4253/88. Likewise, where Article 169 infringement proceedings are terminated, the Commission does not lose its right to recover the Community contribution.

The basic principle is that the effectiveness of the cohesion policy depends heavily on compliance with Community law and policies. But before taking a decision to reduce or withdraw Community assistance, the Commission assesses the gravity of the infringement on a case-by-case basis. This means that serious infringements must have repercussions in terms of Community cofinancing and that minor infringements will not be allowed to have a disproportionate impact on the development of regions that are lagging behind or in decline.

Infringements connected with operations cofinanced by the ERDF and the Cohesion Funds most commonly relate to compliance with environment directives and the Community rules on public procurement. Complaints typically allege infringement of Directive 85/337/EEC (environmental impact assessment).

Expressed as a proportion of the total number of infringements of environmental and public-procurement rules, the number of suspected or proven infringements which are or may be linked to Community funding is relatively small at 4,7 % for environmental rules and 8,7 % for public procurement.

These figures are given for guidance; they are merely one clue among others as to the scale of the problem. Some infringements go undetected by the Commission while, in other cases, it is hard to establish a clear link

between the infringement and Community funding. As a rule, cofinancing from the Structural Funds is generally arranged through comprehensive operational programmes and the choice of projects is primarily the Member States' responsibility. There is also the further problem of a more general infringement (as where a directive is incorrectly transposed) with indirect implications for projects cofinanced by the Funds.

According to available data, the breakdown of proceedings commenced for suspected or established infringements in relation to cofinanced projects is as follows:

Germany	1 (public procurement)
Austria	2 (public procurement)
Belgium	1 (environment)
Spain	7 (environment)
France	6 (environment: 5; public procurement: 1)
Greece	13 (environment: 5; public procurement: 8)
Ireland	3 (environment)
Italy	1 (environment)
Portugal	6 (environment: 2; public procurement: 4)
United Kingdom	1 (environment)

The frequency of established infringements in relation to cofinanced projects would appear to correlate with the scale of the assistance given and the volume of Community cofinancing rather than the specific practices of this or that Member State. Road works and water treatment facilities are the most common types of project.

Even though the number of infringement cases does not appear very high in comparison with the high volume of Community cofinancing, the fact remains that protection of the Community's financial interests is indispensable.

Lastly, it should be remembered that monitoring the application of Community law in connection with Structural and Cohesion Funds financial assistance requires not only that action be taken against infringements but above all that preventive action be taken as a matter of course. This is first and foremost a task for the national authorities, which must take all such measures as are needed to ensure that Community law is observed wherever projects are cofinanced by the Community.

## BUDGET MATTERS

Infringement proceedings involving the budget are few and far between. This goes for infringements against Community rules on agriculture, customs and VAT with an impact on own resources, and infringements against financial provisions proper. Member States which are late in paying own resources are required to pay penalty interest, which helps to ensure that disputes are settled quickly and efficiently.

The Commission decided to refer to the Court of Justice a case against Germany, which had infringed Regulations (EEC) No 2252/90 and No 1552/89 by failing to make available own resources (and penalty interest) relating to uncollected agricultural levies.

The Commission decided to start infringement proceedings in two other cases concerning traditional own resources:

- one involving Belgium, which did not make available own resources paid to it in instalments, until the full amount had been recovered; and
- another involving Italy, which, without the Commission's consent and without being able to demonstrate sufficient grounds, deducted amounts from its own resources payments relating to customs duties on imports bound for San Marino.

## COMMUNITY STAFF

The infringement proceedings initiated in this field concern the Member States' failure to comply with the Protocol on Privileges and Immunities of the European Communities and to implement national provisions required for the correct application of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.

In one case, relating to the problems Community staff have had obtaining residence permits in Spain, proceedings are still open.

Spain has now acted upon the reasoned opinion sent to it on 13 September 1996: in January 1997 it started to issue non-Spanish Community staff with a new type of document enabling them to prove they were legally resident in Spain while assigned to a post there. The Commission is looking into whether the new permits do actually solve the problems raised in the reasoned opinion.

Following an Article 169 complaint, the Court of Justice ruled on 17 July 1997 that Spain was failing to fulfil its obligations under Article 11(2) of Annex VIII to the Staff Regulations for officials of the European Communities, relating to the transfer of pension rights.

The Commission also sent Greece a reasoned opinion on the transfer of pension rights. The Greek authorities responded by introducing a bill making transfers possible. The bill, which has won the Commission's approval, is on its way through the Greek Parliament.

The proceedings started against Belgium for non-compliance with the rules on pension transfers have been dropped following the adoption of a new, Commission-endorsed law amending the law of 21 May 1991.

---

**STATISTICS**

The Member States' obligations in statistical matters are mainly to supply figures at pre-determined intervals on specific questions. There are no major problems as regards either the application of statistical methods or compliance with deadlines.

However, infringement proceedings against the Spanish and French authorities for failure to submit monthly data on the quantities and average prices of landings of fishery products in the prescribed form (Council Regulation (EEC) No 1318/91) and annual catch statistics (Regulation (EEC) No 3880/91) are still in motion.

The deadlines for transposing Community directives into national law are causing problems. Most of the delays are linked to the institutional and administrative structures in the Member States.

The Commission initiated twenty infringement proceedings against Member States which had failed to notify it of national implementing measures for two Directives. Infringement proceedings were started against France, Germany, Ireland, Italy, Portugal and the United Kingdom in respect of Council Directive 95/57/EC of 23 November 1995 on the collection of statistics on tourism. The Commission started proceedings against all Member States except Austria over Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products.

Most Member States have notified the Commission either of national measures implementing the Directives or at least legislative bills or draft administrative measures which will bring them into line with Community law. The Commission has been asked to terminate proceedings in a number of cases.

---

## ANNEX I

## SUSPECTED INFRINGEMENTS 1993 TO 1997

Table 1.1.

## Suspected infringements — Origin

Year	Complaints	Parliamentary questions	Petitions	Cases detected by Commission	Total
1993	1 040	30	23	247	1 340
1994	1 145	5	6	277	1 433
1995	955	30 (*)	4 (*)	297	1 252
1996	819	22 (*)	4 (*)	257	1 076
1997	957	13 (*)	4 (*)	261	1 218

(\*) Since 1995, parliamentary questions and petitions have been included either in the number of cases detected by the Commission or in the number of complaints, as the case may be.



Table 1.2.

## Suspected infringements — Classified by sector and Member State

		B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
DG I External Relations	1993	0	0	2	0	0	0	0	0	0	1	0	0	0	0	1	4
	1994	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2
	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	2
	1997	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
DG II Economic and Financial Affairs	1993	0	0	0	2	2	0	0	1	0	0	0	1	0	0	0	6
	1994	1	0	1	1	0	2	1	1	0	0	0	2	0	0	1	10
	1995	0	0	0	1	0	1	0	0	0	0	2	0	1	0	0	5
	1996	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	2
	1997	1	0	0	0	0	0	0	2	0	1	0	0	0	0	0	4
DG III Internal Market and Industrial Affairs (up to 1992) Industry (1993)	1993	1	5	4	5	1	1	0	7	1	6	0	1	0	0	2	34
	1994	2	0	12	7	3	1	1	8	1	1	0	6	0	0	2	44
	1995	1	3	10	1	2	6	0	2	1	4	0	1	1	4	2	38
	1996	1	4	12	0	3	3	1	7	0	0	0	1	2	3	1	38
	1997	2	3	11	2	5	10	0	9	0	2	1	1	2	2	1	51
DG IV Competition	1993	2	4	2	7	2	5	2	7	1	3	0	2	0	0	1	38
	1994	1	0	2	20	3	3	1	4	1	2	0	1	0	0	0	38
	1995	2	2	4	0	5	6	0	11	0	1	4	1	0	0	1	37
	1996	1	0	5	4	2	2	1	2	0	1	2	1	1	1	1	24
	1997	1	2	4	3	6	4	2	9	2	2	3	0	0	1	0	39
DG V Employment, Industrial Relations and Social Affairs	1993	4	4	3	4	3	11	2	3	0	2	0	0	0	0	8	44
	1994	3	0	3	4	2	7	1	14	0	2	0	1	0	0	24	61
	1995	7	2	2	1	1	10	2	1	1	4	1	3	1	1	7	44
	1996	10	3	3	0	2	10	1	4	0	3	0	0	0	1	3	40
	1997	2	1	5	2	5	9	1	3	2	3	12	1	2	0	1	49

		B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
DG VI Agriculture	1993	4	3	8	6	21	30	5	20	0	8	0	7	0	0	8	120
	1994	38	12	29	12	38	67	13	23	3	41	0	9	0	0	32	317
	1995	7	10	16	11	3	35	5	28	2	13	5	5	0	5	14	159
	1996	2	3	25	9	6	16	1	27	2	6	6	7	3	3	7	123
	1997	7	4	42	8	8	32	7	31	2	6	5	10	5	7	11	185
DG VII Transport	1993	2	0	2	3	4	13	0	3	1	1	0	4	0	0	1	34
	1994	1	1	0	2	14	18	0	2	1	0	0	3	0	0	6	48
	1995	8	3	16	5	5	9	3	9	5	1	2	6	2	4	4	82
	1996	5	4	4	5	6	5	2	3	1	4	2	4	1	2	6	54
	1997	3	2	6	3	0	6	0	6	1	0	4	0	1	0	0	32
DG IX Personnel and Administration	1993	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	3
	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1995	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1997	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DG X Audiovisual Media, Information, Communication and Culture	1993	0	1	0	1	1	1	0	0	0	0	0	0	0	0	0	4
	1994	0	0	0	0	0	0	0	1	0	0	0	0	0	0	3	4
	1995	3	0	0	1	0	0	0	0	0	0	1	0	1	1	1	8
	1996	0	0	0	0	1	0	0	1	0	0	0	0	1	0	0	3
	1997	0	0	0	0	0	0	1	2	0	0	0	0	0	0	0	3
DG XI Environment, Nuclear Safety and Civil Protection	1993	16	7	31	46	103	31	33	23	2	6	0	21	0	0	64	383
	1994	6	4	60	17	89	43	38	21	4	4	0	16	0	0	57	359
	1995	7	1	29	15	66	36	21	12	6	11	4	11	8	4	34	265
	1996	3	6	33	5	49	25	13	27	3	7	10	9	3	3	11	207
	1997	18	10	50	10	63	47	28	23	3	5	9	17	7	9	16	315

		B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total	
DG XIII Telecommunications, Information Market and Exploitation of Research	1993	0	0	0	1	1	0	0	1	0	1	0	3	0	0	0	7	
	1994	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
	1995	2	0	1	0	1	0	0	0	0	1	0	2	0	0	0	7	
	1996	0	0	0	0	0	0	0	3	1	0	0	0	1	0	0	5	
	1997	1	0	1	2	1	0	0	0	0	0	0	0	3	0	0	8	
DG XIV Fisheries	1993	0	1	1	0	0	2	0	1	0	1	0	0	0	0	0	1	7
	1994	0	1	0	1	2	3	1	0	0	0	0	0	0	0	0	1	9
	1995	0	0	2	1	1	1	0	0	0	0	0	0	0	0	0	0	5
	1996	1	1	0	0	1	1	0	0	0	0	0	0	0	2	1	0	7
	1997	1	0	0	0	1	1	0	0	0	0	0	0	1	0	0	1	5
DG XV Financial Institutions and Company Law (up to 1992) Internal Market and Financial Services (1993)	1993	53	9	86	58	34	99	6	108	6	25	0	15	0	0	42	541	
	1994	33	11	76	44	40	95	7	106	7	32	0	19	0	0	23	493	
	1995	36	13	84	39	56	91	11	65	7	26	21	22	9	30	2	512	
	1996	31	9	65	23	26	76	10	53	9	13	25	13	12	33	103	501	
	1997	34	12	57	37	33	51	12	68	8	19	23	21	16	22	41	454	
DG XVI Regional Policies	1993	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	1995	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	1997	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
DG XVII Energy	1993	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	1994	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1	3	
	1995	1	1	1	1	2	1	1	1	1	1	1	1	0	0	1	14	
	1996	0	0	3	1	0	0	0	1	0	0	1	0	0	0	0	6	
	1997	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	3	

		B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
DG XIX Budgets	1993	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
	1994	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
	1995	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	3
	1996	0	0	0	1	0	1	0	1	0	0	0	0	0	0	0	3
	1997	0	0	0	0	0	0	0	1	0	0	0	0	0	0	2	3
DG XXI Customs and Indirect Taxation	1993	8	2	8	12	5	9	4	17	0	6	0	2	0	0	9	82
	1994	4	3	1	3	1	2	2	4	1	2	0	2	0	0	3	28
	1995	3	0	5	8	2	13	0	10	2	3	3	0	4	2	7	62
	1996	2	4	4	2	4	8	0	1	0	3	4	2	6	4	2	46
	1997	2	1	3	7	4	14	1	6	0	0	2	1	6	4	3	54
DG XXII Human Resources, Education, Training and Youth	1993	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
	1994	0	0	0	0	1	0	1	0	0	0	0	0	0	0	2	4
	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	0	0	1	0	0	1	0	1	0	0	0	0	0	0	1	4
	1997	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DG XXIII Enterprise Policy, Distributive Trades Tourism and Cooperatives	1993	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	3
	1994	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
	1995	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	2
	1996	0	0	0	2	1	0	0	2	0	0	1	0	0	0	0	6
	1997	0	0	0	4	0	0	0	2	0	1	0	0	0	0	1	8
DG XXIV Consumer Policy Service	1993	0	0	1	0	0	5	0	1	3	7	0	2	0	0	2	21
	1994	1	1	0	0	0	4	0	1	0	1	0	0	0	0	1	9
	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	1	0	0	0	1	0	0	2	0	0	0	0	1	0	0	5
	1997	0	0	0	0	0	1	0	1	0	0	1	0	0	0	0	3

		B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	Total
SOEC Statistical Office	1993	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2
	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1995	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	3
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1997	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LS Legal Service	1993	1	0	1	0	2	0	0	0	0	0	0	1	0	0	0	5
	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1995	0	1	0	0	0	0	0	0	0	0	0	0	1	1	0	3
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1997	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SG Secretariat-General	1993	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1995	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1996	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1997	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	1993	92	37	149	146	184	209	52	192	14	67	0	59	0	0	139	1 340
	1994	92	33	185	112	196	246	66	185	18	85	0	59	0	0	156	1 433
	1995	80	36	171	84	147	210	44	140	25	65	45	52	28	52	73	1 252
	1996	57	34	155	52	103	148	29	135	16	38	52	37	33	51	136	1 076
	1997	73	35	179	78	128	176	53	163	18	39	60	55	39	45	77	1 218

*Table 1.3.***Suspected infringements — Action taken classified by year of registration**

Year	Total cases	Terminated	In motion	Established infringements
1993	1 340	1 010	41	289
1994	1 433	987	117	329
1995	1 252	831	60	361
1996	1 076	489	338	249
1997	1 218	170	889	159

## ANNEX II

## ESTABLISHED INFRINGEMENTS 1993 TO 1997

Table 2.1.

## Established infringements — Classified by stage of proceedings and Member State

Member State	Article 169 letters					Reasoned opinions					Referrals to Court				
	1993	1994	1995	1996	1997	1993	1994	1995	1996	1997	1993	1994	1995	1996	1997
B	98	77	80	72	90	26	41	19	62	35	7	10	6	20	18
DK	66	57	42	22	63	3	14	1	0	1	0	0	0	0	0
D	120	90	92	62	121	35	66	25	37	35	4	5	10	8	19
EL	125	96	113	58	108	41	85	26	51	23	4	17	12	17	10
E	107	86	81	59	107	28	53	15	30	25	5	9	6	9	7
F	105	90	97	88	154	39	49	17	46	52	2	8	6	11	15
IRL	91	70	67	43	83	25	47	3	36	15	0	12	6	4	6
I	108	102	114	75	122	49	60	36	71	35	6	12	17	9	20
L	91	64	71	39	75	29	36	9	28	16	11	6	3	4	8
NL	75	73	59	32	55	22	20	4	9	11	5	4	0	2	3
A	0	0	4	132	93	0	0	0	2	38	0	0	0	1	0
P	125	96	115	54	117	40	54	22	49	35	0	5	4	6	14
FIN	0	0	2	290	78	0	0	0	0	8	0	0	0	0	0
S	0	0	2	69	74	0	0	0	0	6	0	0	0	0	0
UK	98	73	77	47	96	15	21	15	14	8	0	1	2	1	1
Total	1 209	974	1 016	1 142	1 436	352	546	192	435	343	44	89	72	92	121

Table 2.2.

## Infringement proceedings classified by Member State, stage reached and legal basis

		1993					1994					1995					1996					1997				
		Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions
			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.	
B	Art. 169	98	73	1	15	9	77	58	4	11	4	80	59	3	8	10	72	31	8	16	17	90	65	8	7	10
	RO	26	16	3	0	7	41	36	1	4	0	19	15	0	1	3	62	48	4	7	3	35	15	2	5	13
	REF	7	5	0	0	2	10	6	1	1	2	6	4	1	1	0	20	19	0	1	0	18	11	2	3	2
DK	Art. 169	66	63	0	2	1	57	51	1	2	3	42	36	0	6	0	22	18	0	2	2	63	52	6	2	3
	RO	3	1	0	0	2	14	12	0	0	2	1	1	0	0	0	0	0	0	0	0	1	0	0	1	0
	REF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
D	Art. 169	120	95	3	15	7	90	63	5	19	3	92	63	5	14	10	62	31	6	17	8	121	70	12	27	12
	RO	35	22	1	5	7	66	58	1	3	4	25	15	4	5	1	37	23	6	5	3	35	23	4	5	3
	REF	4	0	2	0	2	5	2	0	2	1	10	7	2	1	0	8	7	0	1	0	19	12	2	4	1
EL	Art. 169	125	104	3	12	6	96	72	0	20	4	113	90	1	13	9	58	34	0	16	8	108	86	3	7	12
	RO	41	33	0	2	6	85	80	2	3	0	26	14	0	8	4	51	43	2	6	0	23	14	0	5	4
	REF	4	4	0	0	0	17	12	0	2	3	12	8	0	2	2	17	13	0	1	3	10	8	1	1	0
E	Art. 169	107	80	1	15	11	86	62	1	14	9	81	61	1	12	7	59	22	7	9	21	107	67	11	13	16
	RO	28	19	1	5	3	53	48	0	4	1	15	9	0	4	2	30	13	3	10	4	25	10	3	8	4
	REF	5	3	1	0	1	9	8	0	0	1	6	5	0	1	0	9	3	1	4	1	7	2	0	3	2
F	Art. 169	105	82	2	11	10	90	64	2	11	13	97	70	3	11	13	88	33	6	29	20	154	72	7	44	31
	RO	39	22	2	7	8	49	38	1	6	4	17	8	0	5	4	46	31	4	7	4	52	15	5	18	14
	REF	2	0	0	1	1	8	5	0	0	3	6	4	0	0	2	11	6	0	3	2	15	9	1	4	1
IRL	Art. 169	91	85	2	3	1	70	62	2	3	3	67	59	1	3	4	43	28	5	9	1	83	67	4	11	1
	RO	25	17	4	2	2	47	45	0	0	2	3	3	0	0	0	36	34	0	1	1	15	9	3	3	0
	REF	0	0	0	0	0	12	11	0	0	1	6	6	0	0	0	4	1	1	1	1	6	5	0	1	0
I	Art. 169	108	75	8	16	9	102	66	2	21	13	114	85	3	10	16	75	30	9	18	18	122	64	11	24	23
	RO	49	31	1	8	9	60	56	2	2	0	36	16	1	10	9	71	50	3	7	11	35	18	3	5	9
	REF	6	3	1	1	1	12	5	0	4	3	17	13	0	2	2	9	5	0	3	1	20	14	1	5	0
L	Art. 169	91	84	1	2	4	64	58	4	0	2	71	66	0	3	2	39	32	2	3	2	75	64	5	5	1
	RO	29	28	0	1	0	36	36	0	0	0	9	6	1	1	1	28	26	2	0	0	16	10	3	2	1
	REF	11	5	0	0	6	6	5	0	0	1	3	3	0	0	0	4	1	0	3	0	8	7	0	0	1
NL	Art. 169	75	64	1	8	2	73	49	3	20	1	59	47	1	8	3	32	14	0	9	9	55	34	5	9	7
	RO	22	14	2	3	3	20	17	0	3	0	4	1	1	2	0	9	4	1	3	1	11	3	1	5	2
	REF	5	1	0	3	1	4	2	0	1	1	0	0	0	0	0	2	0	0	2	0	3	1	0	2	0



		1993					1994					1995					1996					1997				
		Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions	Total	Directives			Treaties Regu- lations De- cisions
			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.			No notif.	Impl. prob.	Appl. prob.	
A	Art. 169	0	0	0	0	0	0	0	0	0	0	4	0	0	2	2	132	123	0	9	0	93	68	5	11	9
	RO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1	1	0	38	33	0	4	1
	REF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0
P	Art. 169	125	100	8	14	3	96	70	5	12	9	115	98	4	9	4	54	34	5	12	3	117	83	8	19	7
	RO	40	35	1	2	2	54	49	1	3	1	22	15	1	4	2	49	37	8	4	0	35	18	6	5	6
	REF	0	0	0	0	0	5	5	0	0	0	4	4	0	0	0	6	5	1	0	0	14	7	5	2	0
FIN	Art. 169	0	0	0	0	0	0	0	0	0	0	2	0	0	1	1	290	284	0	5	1	72	63	2	4	3
	RO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	8	0	0	0
	REF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
S	Art. 169	0	0	0	0	0	0	0	0	0	0	2	0	0	1	1	69	61	1	4	3	80	57	8	10	5
	RO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	6	0	0	0
	REF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
UK	Art. 169	98	82	2	8	6	73	57	3	10	3	77	65	1	4	7	47	26	3	16	2	96	64	9	18	5
	RO	15	6	3	3	3	21	21	0	0	0	15	11	0	2	2	14	11	1	1	1	8	1	2	5	0
	REF	0	0	0	0	0	1	0	1	0	0	2	2	0	0	0	1	0	1	0	0	1	0	0	1	0
Total	Art. 169	1 209	987	32	121	69	974	732	32	143	67	1 016	799	23	105	89	1 142	801	52	174	115	1 436	976	104	211	145
	RO	352	244	18	38	52	546	496	8	28	14	192	114	8	42	28	435	320	35	52	28	343	183	32	71	57
	REF	44	21	4	5	14	89	61	2	10	16	72	56	3	7	6	92	60	4	20	8	121	76	12	26	7

Table 2.3.

## Established infringements — Trend by Member State and year case commenced

— 1993 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	With- drawn	Judgments	For Commission	For Member States
Total	1 209	785	15	400	271	128	107	13	54	43	40	3
B	98	64	4	30	17	13	13	0	5	8	8	0
DK	66	61	0	5	5	0	0	0	0	0	0	0
D	120	74	2	43	28	15	13	3	7	3	3	0
EL	125	58	1	65	47	18	15	2	7	6	6	0
E	107	69	2	35	20	15	12	0	4	10	8	2
F	105	65	0	39	22	16	11	2	4	6	5	1
IRL	91	58	0	32	22	10	8	0	4	4	4	0
I	108	57	3	46	30	16	14	2	6	6	6	0
L	91	64	0	26	23	3	3	0	3	0	0	0
NL	75	59	1	14	13	1	1	0	1	0	0	0
P	125	78	1	47	32	15	15	4	11	0	0	0
UK	98	78	1	18	12	6	2	0	2	0	0	0

Table 2.4.

**Established infringements — Trend by Member State and year case commenced**  
— 1994 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	Withdrawn	Judgments	For Commission	For Member States
Total	974	579	39	355	207	145	107	27	49	32	31	1
B	77	32	6	40	23	17	16	6	6	4	4	0
DK	57	52	0	5	5	0	0	0	0	0	0	0
D	90	40	6	44	22	22	17	8	2	7	7	0
EL	96	46	3	45	29	16	12	0	9	3	3	0
E	86	46	5	34	26	8	3	1	1	1	1	0
F	90	59	4	28	8	19	11	2	6	3	3	0
IRL	70	48	1	20	12	18	8	1	7	0	0	0
I	102	47	4	52	24	28	25	3	9	14	13	1
L	64	42	3	19	14	5	5	3	2	0	0	0
NL	73	63	1	10	6	4	1	1	0	0	0	0
P	96	55	3	38	22	16	9	2	7	0	0	0
UK	73	49	3	20	16	2	0	0	0	0	0	0

Table 2.5.

**Established infringements — Trend by Member State and year case commenced**  
— 1995 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	With-drawn	Judgments	For Commission	For Member States
Total	1 016	637	80	327	163	164	79	54	18	8	7	1
B	80	41	12	35	15	20	11	7	1	3	3	0
DK	42	38	1	2	1	1	0	0	0	0	0	0
D	92	51	15	34	14	20	12	10	2	0	0	0
EL	113	62	5	41	24	17	6	3	3	0	0	0
E	81	58	5	16	7	9	4	4	0	0	0	0
F	97	54	13	39	14	25	13	9	3	1	1	0
IRL	67	42	4	20	8	12	5	3	2	0	0	0
I	114	56	4	59	33	26	17	10	4	4	3	1
L	71	43	2	22	12	10	7	5	2	0	0	0
NL	59	47	6	8	6	2	1	0	0	0	0	0
A	4	1	1	2	0	2	3	1	1	0	0	0
P	115	71	6	39	21	18	0	2	0	0	0	0
FIN	2	1	1	0	0	0	0	0	0	0	0	0
S	2	1	1	0	0	0	0	0	0	0	0	0
UK	77	71	5	10	8	2	0	0	0	0	0	0

Table 2.6.

## Established infringements — Trend by Member State and year case commenced

— 1996 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	Withdrawn	Judgments	For Commission	For Member States
Total	1 142	739	197	217	65	150	13	12	1	0	0	0
B	72	24	24	24	9	15	4	4	0	0	0	0
DK	22	21	1	0	0	0	0	0	0	0	0	0
D	62	28	21	16	3	13	0	0	0	0	0	0
EL	58	35	12	14	8	6	1	1	0	0	0	0
E	59	25	19	13	1	12	0	0	0	0	0	0
F	88	27	29	33	9	23	1	1	0	0	0	0
IRL	43	23	7	12	5	6	2	2	0	0	0	0
I	75	35	26	20	4	16	3	3	0	0	0	0
L	39	23	5	11	7	4	0	0	0	0	0	0
NL	32	14	10	8	0	8	1	1	0	0	0	0
A	132	95	9	34	8	26	0	0	0	0	0	0
P	54	30	9	13	5	8	1	0	1	0	0	0
FIN	290	271	9	8	3	5	0	0	0	0	0	0
S	69	59	4	6	1	5	0	0	0	0	0	0
UK	47	29	12	5	2	3	0	0	0	0	0	0

Table 2.7.

**Established infringements — Trend by Member State and year case commenced**  
— 1997 —

	Cases	Term. after Art. 169 letter	In motion after Art. 169 letter	Reasoned opinions	Terminated after R.O.	In motion after R.O.	Referrals	In motion after referrals	With- drawn	Judgments	For Commission	For Member States
Total	1 436	476	937	53	8	45	0	0	0	0	0	0
B	90	17	68	9	2	7	0	0	0	0	0	0
DK	63	32	31	0	0	0	0	0	0	0	0	0
D	121	27	91	4	0	4	0	0	0	0	0	0
EL	108	39	64	4	1	3	0	0	0	0	0	0
E	107	38	62	5	2	3	0	0	0	0	0	0
F	154	30	119	6	0	6	0	0	0	0	0	0
IRL	83	35	46	4	0	4	0	0	0	0	0	0
I	122	27	91	3	0	3	0	0	0	0	0	0
L	75	27	43	5	0	5	0	0	0	0	0	0
NL	55	22	44	1	0	1	0	0	0	0	0	0
A	93	43	63	3	2	1	0	0	0	0	0	0
P	117	37	72	7	1	6	0	0	0	0	0	0
FIN	78	37	41	0	0	0	0	0	0	0	0	0
S	74	34	40	0	0	0	0	0	0	0	0	0
UK	96	31	62	2	0	2	0	0	0	0	0	0

## ANNEX III

## INFRINGEMENTS OF TREATIES, REGULATIONS AND DECISIONS

## Economic and financial affairs

## BELGIUM

Number: 94/5075  
 Legal base: 157E073  
 Title: Free movement of capital — subscription to a loan denominated in DEM  
 Dd. ro: Date reasoned opinion sent: 97/04/16

## GREECE

Number: 94/2211  
 Legal base: 157E073  
 Title: Restrictions concerning investments and physical transfer of funds abroad  
 Dd. ro: Date reasoned opinion sent: 97/04/14  
 Dd. term: 97/12/10: termination decision

## FRANCE

Number: 94/2190  
 Legal base: 157E052; 157E059  
 Title: Admission of securities to the capital market  
 Dd. ro: Date reasoned opinion sent: 97/04/14

## PORTUGAL

Number: 1/2097  
 Legal base: 57E052; 157E058; 157E221  
 Title: Discrimination concerning foreign investment in privatised companies  
 Dd. ro: Date reasoned opinion sent: 95/05/29

## Industry

## ITALY

Number: 94/7013  
 Legal base: 157E003  
 Title: Imports of television sets  
 Dd. ro: Date reasoned opinion sent: 97/01/30  
 Dd. term: 97/07/23: termination decision

## Competition

## BELGIUM

Number: 89/0030  
 Legal base: 157E171; 384D0508  
 Title: Aid for Idealspun/Beaulieu  
 Dd. ro: Date reasoned opinion sent: 89/08/30  
 Dd. ref: Date of referral: 89/12/18  
 Case: C-89/375  
 Dd. ju.: Date of judgment: 91/02/19  
 Ju. for: Commission

Number: 95/2313  
 Legal base: 157E086; 157E090; 157E169  
 Title: Landing charges at Brussels National Airport  
 Dd. ro: Date reasoned opinion sent: 96/12/10  
 Dd. ref: Date of referral: 97/04/23  
 Case: C-97/155

## SPAIN

Number: 91/0755  
 Legal base: 157E030; 157E034; 157E037; 157E048  
 Title: Exclusive rights in respect of electricity  
 Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/15  
 Case: C-94/160  
 Dd. ju.: Date of judgment: 97/10/23  
 Ju. for: Member State

## FRANCE

Number: 91/0751  
 Legal base: 157E037; 157E030; 157E034  
 Title: Exclusive rights in respect of gas and electricity  
 Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/14  
 Case: C-94/159  
 Dd. ju.: Date of judgment: 97/10/23  
 Ju. for: Member State

## ITALY

Number: 91/0757  
 Legal base: 157E030; 157E034; 157E037  
 Title: Exclusive rights in respect of electricity

Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/15  
 Case: C-94/158  
 Dd. ju.: Date of judgment: 97/10/23  
 Ju. for: Member State

Number: 93/2181  
 Legal base: 157E003; 157E005; 157E085  
 Title: Customs forwarding agents  
 Dd. ro: Date reasoned opinion sent: 95/06/21  
 Dd. ref: Date of referral: 96/02/09  
 Case: C-96/035

## NETHERLANDS

Number: 91/0759  
 Legal base: 157E030; 157E037  
 Title: Exclusive rights in respect of electricity  
 Dd. ro: Date reasoned opinion sent: 92/11/26  
 Dd. ref: Date of referral: 94/06/13  
 Case: C-94/157  
 Dd. ju.: Date of judgment: 97/10/23  
 Ju. for: Member State

## Employment and social policy

## BELGIUM

Number: 88/0364  
 Legal base: 157E048; 368R1612; 371R1408;  
 683J0249; 684J0122; 683J0261; 673J0187;  
 674J0039; 675J0007; 157E0171  
 Title: Covert discrimination as regards welfare  
 benefits and services  
 Dd. ro: Date reasoned opinion sent: 89/08/28  
 Dd. ref: Date of referral: 90/10/23  
 Case: C-90/326  
 Dd. ju.: Date of judgment: 92/11/10  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 95/07/03  
 Dd. term: 97/06/26: termination decision

Number: 89/0457  
 Legal base: 157E007; 157E128; 157E171  
 Title: Study grants — discrimination on the basis  
 of nationality  
 Dd. ro: Date reasoned opinion sent: 91/03/21  
 Dd. ref: Date of referral: 93/02/17  
 Case: C-93/047  
 Dd. ju.: Date of judgment: 94/05/03

Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 95/10/03  
 Number: 90/0404  
 Legal base: 157E007; 157E048; 157E052; 368R1612  
 Title: Discrimination regarding study grants for  
 workers  
 Dd. ro: Date reasoned opinion sent: 93/05/17  
 Dd. term: 97/06/26: termination decision

Number: 91/0574  
 Legal base: 157E048; 368R1612  
 Title: Access to employment in distribution of  
 water, gas and electricity  
 Dd. ro: Date reasoned opinion sent: 92/08/06  
 Dd. ref: Date of referral: 94/06/22  
 Case: C-94/173  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission  
 Dd. term: 97/12/10: termination decision

Number: 91/2017  
 Legal base: 157E045; 368R1612  
 Title: Equal treatment in access to employment  
 — discrimination against children of  
 migrant workers  
 Dd. ro: Date reasoned opinion sent: 93/08/13  
 Dd. ref: Date of referral: 94/10/13  
 Case: C-94/278  
 Dd. ju.: Date of judgment: 96/09/12  
 Ju. for: Commission  
 Dd. term: 97/06/26: termination decision

Number: 95/4519  
 Legal base: 157E051; 371R1408  
 Title: Posted workers — obstacles to freedom to  
 provide services  
 Dd. ro: Date reasoned opinion sent: 96/09/30  
 Dd. term: 97/06/26: termination decision

Number: 95/4831  
 Legal base: 157E051; 157E235; 371R1408  
 Title: Social security charges on Belgian  
 pensions  
 Dd. ro: Date reasoned opinion sent: 97/11/06

Number: 96/4041  
 Legal base: 371R1408  
 Title: Medical authorisation for a stay in another  
 Member State  
 Dd. ro: Date reasoned opinion sent: 97/08/07

Number: 96/4042  
 Legal base: 371R1408  
 Title: Aggregation of pensions where one is  
 contributory  
 Dd. ro: Date reasoned opinion sent: 97/09/23



## GREECE

- Number: 89/5227  
 Legal base: 157E048; 368R1612  
 Title: Nationality discrimination in respect of employment as cellist at the Athens Opera  
 Dd. ro: Date reasoned opinion sent: 93/03/03  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 90/4816  
 Legal base: 157E048; 368R1612  
 Title: Nationality discrimination — language assistants  
 Dd. ro: Date reasoned opinion sent: 93/08/03  
 Dd. ref: Date of referral: 94/04/27  
 Case: C-94/123  
 Dd. ju.: Date of judgment: 95/06/01  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 97/01/24
- Number: 91/0583  
 Legal base: 368R1612; 157E048  
 Title: Nationality discrimination — access to employment in public electricity company  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 91/0584  
 Legal base: 368R1612; 157E048  
 Title: Nationality discrimination — access to employment in public service — doctors in public hospitals  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 91/0585  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — public education  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 91/0586  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — sea and air transport  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 91/0587  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — surface transport  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 91/0588  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — civilian research  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 91/0589  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — posts, telecommunications and radio/television  
 Dd. ro: Date reasoned opinion sent: 92/07/13  
 Dd. ref: Date of referral: 94/10/26  
 Case: C-94/290  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission
- Number: 91/4957  
 Legal base: 157E048  
 Title: Period worked in other Member States — calculation of seniority  
 Dd. ro: Date reasoned opinion sent: 95/05/18  
 Dd. ref: Date of referral: 96/06/04  
 Case: C-96/187
- Number: 92/4760  
 Legal base: 157E048; 157E052; 157E059; 368R1612  
 Title: Nationality discrimination — status of *famille nombreuse*  
 Dd. ro: Date reasoned opinion sent: 95/05/18  
 Dd. ref: Date of referral: 96/06/03  
 Case: C-96/185

## FRANCE

Number: 93/4403  
 Legal base: 368R1612  
 Title: Calculation of supplementary retirement pension for frontier workers  
 Dd. ro: Date reasoned opinion sent: 95/07/28  
 Dd. ref: Date of referral: 97/01/24  
 Case: C-97/035

Number: 93/4947  
 Legal base: 157E048; 157E051; 371R1408  
 Title: Application of general social insurance contribution to frontier workers  
 Dd. ro: Date reasoned opinion sent: 97/12/16

Number: 94/5152  
 Legal base: 157E0051  
 Title: Calculation of unemployment allowances  
 Dd. ro: Date reasoned opinion sent: 97/07/16

Number: 95/4801  
 Legal base: 371R1408  
 Title: Social security — failure to ensure equal treatment in international agreements  
 Dd. ro: Date reasoned opinion sent: 97/10/17

Number: 96/4305  
 Legal base: 157E051; 371R1408  
 Title: Residence permit and social security contributions  
 Dd. ro: Date reasoned opinion sent: 97/07/16

Number: 96/4558  
 Legal base: 157E051; 371R1408  
 Title: Social contribution to reimbursement of social debt and frontier workers  
 Dd. ro: Date reasoned opinion sent: 97/07/23

## ITALY

Number: 96/2208  
 Legal base: 157E005; 157E048; 368R1612  
 Title: Discrimination against readers of a foreign language  
 Dd. ro: Date reasoned opinion sent: 97/05/16

## LUXEMBOURG

Number: 89/0408  
 Legal base: 368R1612; 157E048

Title: Income tax act — taxation of non-residents  
 Dd. ro: Date reasoned opinion sent: 92/02/04  
 Dd. ref: Date of referral: 94/06/03  
 Case: C-94/151  
 Dd. ju.: Date of judgment: 95/10/26  
 Ju. for: Commission  
 Dd. term: 97/12/10: termination decision

Number: 91/0222  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — surface transport  
 Dd. ro: Date reasoned opinion sent: 92/07/14  
 Dd. ref: Date of referral: 93/12/17  
 Case: C-93/473  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0223  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — civilian research  
 Dd. ro: Date reasoned opinion sent: 92/07/14  
 Dd. ref: Date of referral: 93/12/17  
 Case: C-93/473  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0224  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — public education  
 Dd. ro: Date reasoned opinion sent: 92/07/14  
 Dd. ref: Date of referral: 93/12/17  
 Case: C-93/473  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0225  
 Legal base: 157E048; 368R1612  
 Title: Access to employment — posts and telecommunications  
 Dd. ro: Date reasoned opinion sent: 92/07/14  
 Dd. ref: Date of referral: 93/12/17  
 Case: C-93/473  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0226  
 Legal base: 157E048; 368R1612  
 Title: Access to employment in distribution of water, gas and electricity  
 Dd. ro: Date reasoned opinion sent: 92/07/14  
 Dd. ref: Date of referral: 93/12/17  
 Case: C-93/473  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

Number: 91/0228  
 Legal base: 368R1612; 157E048  
 Title: Nationality discrimination — access to employment in public hospitals  
 Dd. ro: Date reasoned opinion sent: 92/07/14  
 Dd. ref: Date of referral: 93/12/17  
 Case: C-93/473  
 Dd. ju.: Date of judgment: 96/07/02  
 Ju. for: Commission

FRANCE

Number: 92/4664  
 Legal base: 391R1697; 368R0804  
 Title: Definitive abandonment of milk production  
 Dd. ro: Date reasoned opinion sent: 95/01/19  
 Dd. term: 97/12/10: termination decision

## UNITED KINGDOM

Number: 92/2247  
 Legal base: 157E048; 368R1612  
 Title: Nationality discrimination — university education  
 Dd. ro: Date reasoned opinion sent: 95/11/14

Number: 94/4466  
 Legal base: 157E030  
 Title: Barriers to imports of Spanish strawberries  
 Dd. ro: Date reasoned opinion sent: 95/05/05  
 Dd. ref: Date of referral: 95/08/04  
 Case: C-95/265  
 Dd. ju.: Date of judgment: 97/12/09  
 Ju. for: Commission

Number: 94/4092  
 Legal base: 157E005; 157E048; 157E051  
 Title: Dissolution of Gibraltar Pension Fund  
 Dd. ro: Date reasoned opinion sent: 95/10/31  
 Dd. term: 97/06/26: termination decision

Number: 95/4430  
 Legal base: 389R1576  
 Title: Sale of spirits containing the word 'whisky'  
 Dd. ro: Date reasoned opinion sent: 97/05/02

## Agriculture

## ITALY

## GERMANY

Number: 93/2097  
 Legal base: 157E030; 391L0497  
 Title: Barriers to imports of boars from Denmark  
 Dd. ro: Date reasoned opinion sent: 94/10/05  
 Dd. ref: Date of referral: 96/03/27  
 Case: C-96/102

Number: 91/4287  
 Legal base: 366R0136  
 Title: Minimum prices for virgin olive oil cakes  
 Dd. ro: Date reasoned opinion sent: 93/10/05  
 Date 2nd reasoned opinion sent: 95/03/24  
 Dd. ref: Date of referral: 95/10/17  
 Case: C-95/327

## GREECE

Number: 85/0101  
 Legal base: 380R1837; 382R0019; 383R0020; 157E113; 157E030; 157E171  
 Title: Prices of sheep and goats imported from Hungary  
 Dd. ro: Date reasoned opinion sent: 86/02/25  
 Dd. ref: Date of referral: 87/04/15  
 Case: C-87/127

Number: 92/2141  
 Legal base: 390R1186  
 Title: Classification of adult bovine carcasses  
 Dd. ro: Date reasoned opinion sent: 95/01/20  
 Dd. ref: Date of referral: 95/10/17  
 Case: C-95/328  
 Dd. withdr: Withdrawal decision: 97/05/05

Number: 94/4123  
 Legal base: 384R0857  
 Title: Application of milk quotas — problems of centralised management  
 Dd. ro: Date reasoned opinion sent: 96/05/20  
 Dd. term: 97/12/10: termination decision

## Transport

## BELGIUM

Number: 90/0354  
 Legal base: 157E007; 157E048; 157E052; 157E058  
 Title: Merchant vessels — flag rights  
 Dd. ro: Date reasoned opinion sent: 93/06/04

Number: 91/0600  
 Legal base: 386R4055  
 Title: Cargo-sharing arrangements in BLEU-Togo agreement  
 Dd. ro: Date reasoned opinion sent: 93/10/11  
 Date 2nd reasoned opinion sent: 96/01/26

Number: 91/0601  
 Legal base: 386R4055  
 Title: Cargo-sharing arrangements in agreement with Zaire  
 Dd. ro: Date reasoned opinion sent: 93/10/11  
 Date 2nd reasoned opinion sent: 97/06/23

Number: 93/2101  
 Legal base: 386R4055  
 Title: Cargo-sharing agreements with non-member countries in sea transport  
 Dd. ro: Date reasoned opinion sent: 95/12/21  
 Dd. ref: Date of referral: 97/05/05  
 Case: C-97/176

Number: 95/2161  
 Legal base: 386R4055  
 Title: Agreements with MCWCS states  
 Dd. ro: Date reasoned opinion sent: 97/06/16;  
 SG(97) D/04503

Number: 96/2040  
 Legal base: 394R2978  
 Title: Sea transport — failure to notify measures implementing Regulation 2978/94  
 Dd. ro: Date reasoned opinion sent: 97/02/07

## DENMARK

Number: 90/0355  
 Legal base: 157E007; 157E048; 157E052; 157E058;  
 157E221; 157E005  
 Title: Merchant vessels — flag rights  
 Dd. ro: Date reasoned opinion sent: 94/02/21  
 Dd. term: 97/06/26: termination decision

## GREECE

Number: 90/0356  
 Legal base: 157E007; 157E048; 157E052; 157E221;  
 157E005  
 Title: Merchant vessels — flag rights  
 Dd. ro: Date reasoned opinion sent: 93/07/27  
 Dd. ref: Date of referral: 96/03/07  
 Case: C-96/062  
 Dd. ju.: Date of judgment: 97/11/27  
 Ju. for: Commission

## SPAIN

Number: 91/0469  
 Legal base: 386R4055  
 Title: Freedom to provide services in sea transport — Spain and Gabon  
 Dd. ro: Date reasoned opinion sent: 94/01/19

Number: 93/2100  
 Legal base: 386R4055  
 Title: Cargo-sharing agreements with non-member countries in sea transport  
 Dd. ro: Date reasoned opinion sent: 95/12/06  
 Dd. ref: Date of referral: 97/06/27  
 Case: C-97/238

Number: 95/2160  
 Legal base: 386R4055  
 Title: Agreements with MCWCS states  
 Dd. ro: Date reasoned opinion sent: 97/06/06

## FRANCE

Number: 95/2198  
 Legal base: 392R3577  
 Title: Maritime cabotage  
 Dd. ro: Date reasoned opinion sent: 97/04/25

## IRELAND

Number: 90/0357  
 Legal base: 157E007; 157E048; 157E052; 157E058;  
 157E005  
 Title: Merchant vessels — flag rights  
 Dd. ro: Date reasoned opinion sent: 93/06/18  
 Date 2nd reasoned opinion sent: 94/08/04  
 Dd. ref: Date of referral: 96/05/06  
 Case: C-96/151  
 Dd. ju.: Date of judgment: 97/06/12  
 Ju. for: Commission

## ITALY

Number: 91/2148  
 Legal base: 157E007; 157E048; 157E052; 157E058;  
 157E221  
 Title: Merchant vessels — flag rights

Dd. ro: Date reasoned opinion sent: 93/06/30  
Date 2nd reasoned opinion sent: 96/02/23

Number: 93/2105  
Legal base: 386R4055  
Title: Cargo-sharing agreements with non-member countries in sea transport  
Dd. ro: Date reasoned opinion sent: 95/12/21

Number: 95/2165  
Legal base: 386R4055  
Title: Agreements with MCWCS states  
Dd. ro: Date reasoned opinion sent: 97/10/31

Number: 95/2197  
Legal base: 392R3577  
Title: Cabotage maritime  
Dd. ro: Date reasoned opinion sent: 97/03/11

## LUXEMBOURG

Number: 93/2102  
Legal base: 386R4055  
Title: Cargo-sharing agreements with non-member countries in sea transport  
Dd. ro: Date reasoned opinion sent: 95/12/21  
Dd. ref: Date of referral: 97/05/05  
Case: C-97/177

Number: 95/2162  
Legal base: 386R4055  
Title: Agreements with MCWCS states  
Dd. ro: Date reasoned opinion sent: 97/07/29

## NETHERLANDS

Number: 90/0358  
Legal base: 157E007; 157E048; 157E052; 157E058; 157E221; 157E005  
Title: Merchant vessels — flag rights  
Dd. ro: Date reasoned opinion sent: 93/06/30

## PORTUGAL

Number: 93/2103  
Legal base: 386R4055  
Title: Cargo-sharing agreements with non-member countries in sea transport  
Dd. ro: Date reasoned opinion sent: 95/12/06  
Dd. term: 97/12/10: termination decision

Number: 95/2163  
Legal base: 386R4055

Title: Agreements with MCWCS states  
Dd. ro: Date reasoned opinion sent: 97/06/06

Number: 96/2047  
Legal base: 394R2978  
Title: Sea transport — failure to notify measures implementing Regulation 2978/94  
Dd. ro: Date reasoned opinion sent: 97/02/97/06/26: termination decision  
Dd. term:

## Community staff

## BELGIUM

Number: 84/0303  
Legal base: 157F/PRO/PRI; 157E171  
Title: Transfer of pension rights  
Dd. ro: Date reasoned opinion sent: 79/07/24  
Dd. ref: Date of referral: 80/06/09  
Case: C-80/137  
Dd. ju.: Date of judgment: 81/10/19  
Ju. for: Commission  
Dd. 171: Date Art. 171 letter sent: 84/07/31  
Dd. 171 ro: Date Art. 171 reasoned opinion sent: 85/05/08  
Dd. ref 2: Date Art. 171 referral: 85/11/28  
Case 2: C-85/383  
Dd. ju. 2: Date of judgment: 171 89/10/03  
Ju. for 2: Commission  
Dd. term: 97/06/26: termination decision

## GREECE

Number: 93/2139  
Legal base: 368R0259  
Title: Transfers to community pension scheme  
Dd. ro: Date reasoned opinion sent: 95/08/14

## SPAIN

Number: 91/2315  
Legal base: 157E005; 157E011  
Title: Transfer of pension rights  
Dd. ro: Date reasoned opinion sent: 93/12/13  
Dd. ref: Date of referral: 96/01/21  
Case: C-96/052  
Dd. ju.: Date of judgment: 97/07/17  
Ju. for: Commission

Number: 93/2297  
Legal base: 165FPRI; 165FPRO  
Title: Residence permits  
Dd. ro: Date reasoned opinion sent: 96/09/13

## Fisheries

## FRANCE

## BELGIUM

Number: 90/0248  
 Legal base: 157E007; 157E034; 157E048; 157E052;  
 157E058; 381R3796; 383R0170  
 Title: Fishing vessels — licensing and flag rights  
 Dd. ro: Date reasoned opinion sent: 93/03/23

Number: 84/0445  
 Legal base: 382R2057; 383R0171; 157E171  
 Title: Failure to monitor compliance with  
 technical conservation measures  
 Dd. ro: Date reasoned opinion sent: 86/11/18  
 Dd. ref: Date of referral: 88/02/29  
 Case: C-88/064  
 Dd. ju.: Date of judgment: 91/06/11  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 93/10/11  
 Dd. 171 ro: Date Art. 171 reasoned opinion sent:  
 96/04/17

## DENMARK

Number: 90/0296  
 Legal base: 157E007; 157E048; 157E052; 157E067;  
 157E221  
 Title: Fishing vessels — licensing and flag rights  
 Dd. ro: Date reasoned opinion sent: 94/02/21  
 Dd. term: 97/06/26: termination decision

Number: 90/0418  
 Legal base: 387R3977; 383R0170; 387R2241  
 Title: Failure to inspect — overfishing 1988  
 Dd. ro: Date reasoned opinion sent: 92/09/29

Number: 90/0481  
 Legal base: 383R0170; 387R3977; 387R2241  
 Title: Failure to inspect — overfishing 1988  
 Dd. ro: Date reasoned opinion sent: 92/10/28

Number: 92/2258  
 Legal base: 383R0170; 387R2241; 389R4047  
 Title: Failure to inspect  
 Dd. ro: Date reasoned opinion sent: 97/06/04

## ITALY

## GREECE

Number: 90/0328  
 Legal base: 157E007; 157E048; 157E052; 157E058;  
 157E221; 383R0170  
 Title: Fishing vessels — licensing and flag rights  
 Dd. ro: Date reasoned opinion sent: 93/07/27  
 Dd. ref: Date of referral: 96/03/07  
 Case: C-96/062  
 Dd. ju.: Date of judgment: 97/11/27  
 Ju. for: Commission

Number: 90/0332  
 Legal base: 157E007; 157E048; 157E052; 157E058;  
 157E221; 383R0170  
 Title: Fishing vessels — licensing and flag rights  
 Dd. ro: Date reasoned opinion sent: 93/03/11;  
 Date 2nd reasoned opinion sent: 96/02/23

## UNITED KINGDOM

## SPAIN

Number: 88/0356  
 Legal base: 382R2057; 387R2241  
 Title: Duty to cooperate — fisheries inspection  
 and monitoring  
 Dd. ro: Date reasoned opinion sent: 89/11/20

Number: 87/0398  
 Legal base: 385R3721; 385R3732; 383R0170;  
 382R2057  
 Title: Overfishing 1985-1986  
 Dd. ro: Date reasoned opinion sent: 89/02/09  
 Date 2nd reasoned opinion sent: 92/10/01

Number: 92/2256  
 Legal base: 383R0170; 387R2241; 389R4047  
 Title: Failure to inspect  
 Dd. ro: Date reasoned opinion sent: 97/07/08

Number: 91/0637  
 Legal base: 383R0170; 387R2241; 387R3977;  
 388R4194  
 Title: Failure to inspect — overfishing 1988  
 Dd. ro: Date reasoned opinion sent: 96/04/17

**Internal market and financial services**

## BELGIUM

Number: 82/0316  
 Legal base: 157E030  
 Title: Refusal to issue import licences for codeine  
 Dd. ro: Date reasoned opinion sent: 83/09/19

Number: 89/0228  
 Legal base: 157E030; 157E034; 157E036; 157E059; 373L0023  
 Title: Free movement of wireless telephones  
 Dd. ro: Date reasoned opinion sent: 89/11/29  
 Dd. ref: Date of referral: 92/03/12  
 Case: C-92/080  
 Dd. ju.: Date of judgment: 94/03/24  
 Ju. for: Commission

Number: 89/4822  
 Legal base: 157E030  
 Title: Television advertising  
 Dd. ro: Date reasoned opinion sent: 95/09/28  
 Dd. term: 97/12/10: termination decision

Number: 93/4136  
 Legal base: 157E059  
 Title: Aerial photography — freedom to provide services  
 Dd. ro: Date reasoned opinion sent: 97/06/19

Number: 94/4878  
 Legal base: 157E057  
 Title: Law on voluntary organisations — requirement to have at least one Belgian member  
 Dd. ro: Date reasoned opinion sent: 97/06/19

Number: 94/7018  
 Legal base: 157E228  
 Title: Refusal to register business  
 Dd. ro: Date reasoned opinion sent: 97/06/12

Number: 95/2105  
 Legal base: 157E048; 157E052; 157E059  
 Title: Restrictions in the field of private security firms  
 Dd. ro: Date reasoned opinion sent: 97/06/10

Number: 95/2170  
 Legal base: 157E171  
 Title: Flemish community decree on cable television services  
 Dd. ro: Date reasoned opinion sent: 97/05/15  
 Dd. term: 97/12/10: termination decision

Number: 95/4631  
 Legal base: 157E030  
 Title: Parallel imports of pesticides  
 Dd. ro: Date reasoned opinion sent: 97/09/22

## DENMARK

Number: 91/0782  
 Legal base: 157E005; 157E030; 157E036  
 Title: Imports of enzymatic preparations  
 Dd. ro: Date reasoned opinion sent: 93/07/12  
 Dd. term: 97/06/26: termination decision

## GERMANY

Number: 90/5361  
 Legal base: 157E067  
 Title: Tax discrimination — British investment trusts  
 Dd. ro: Date reasoned opinion sent: 96/08/06

Number: 91/4782  
 Legal base: 157E030  
 Title: 'Advocaat' egg-based liqueur — obligation to specify use of beta-carotene on labels  
 Dd. ro: Date reasoned opinion sent: 96/07/10

Number: 92/4643  
 Legal base: 157E059  
 Title: Requirement to set up branch in Germany  
 Dd. ro: Date reasoned opinion sent: 97/11/12

Number: 92/4835  
 Legal base: 157E005; 157E059  
 Title: Tax legislation — activity of tax advisers  
 Dd. ro: Date reasoned opinion sent: 97/09/22

Number: 93/2223  
 Legal base: 157E030; 157E036  
 Title: Contractual obligation favouring suppliers established in the new *Länder*  
 Dd. ro: Date reasoned opinion sent: 97/07/07  
 Dd. term: 97/12/10: termination decision

## GREECE

Number: 84/0388  
 Legal base: 157E048; 157E052; 157E059  
 Title: Ban on teaching  
 Dd. ro: Date reasoned opinion sent: 85/10/28  
 Dd. ref: Date of referral: 86/06/13  
 Case: C-86/147  
 Dd. ju.: Date of judgment: 88/03/15  
 Ju. for: Commission

Number: 92/0271  
 Legal base: None  
 Title: Redress procedures — award of public supply and works contracts  
 Dd. ro: Date reasoned opinion sent: 94/07/04  
 Dd. ref: Date of referral: 95/07/07  
 Case: C-95/236  
 Dd. ju.: Date of judgment: 96/09/19  
 Ju. for: Commission  
 Dd. term: 97/12/10: termination decision

Number: 85/0264  
 Legal base: 157E052; 157E059  
 Title: Nationality requirement for access to occupation of advocate  
 Dd. ro: Date reasoned opinion sent: 86/05/14  
 Dd. ref: Date of referral: 87/02/05  
 Case: C-87/038  
 Dd. ju.: Date of judgment: 88/07/14  
 Ju. for: Commission

Number: 92/2222  
 Legal base: 157E030  
 Title: Storage and marketing of petroleum products  
 Dd. ro: Date reasoned opinion sent: 97/06/17

Number: 94/5108  
 Legal base: 157E052; 157E059  
 Title: Foreign terms in names of private schools  
 Dd. ro: Date reasoned opinion sent: 97/06/17

Number: 87/0113  
 Legal base: 157E059; 157E171  
 Title: Restrictions on freedom to provide services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 88/04/20  
 Dd. ref: Date of referral: 89/06/20  
 Case: C-89/198  
 Dd. ju.: Date of judgment: 91/02/26  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 92/05/18  
 Dd. term: 97/06/26: termination decision

Number: 95/4580  
 Legal base: 157E030  
 Title: Prices of medicinal products  
 Dd. ro: Date reasoned opinion sent: 97/09/23

## SPAIN

Number: 89/0165  
 Legal base: 157E052; 157E059; 157E171  
 Title: Nationality requirement for opening private schools  
 Dd. ro: Date reasoned opinion sent: 90/01/22  
 Dd. ref: Date of referral: 90/10/24  
 Case: C-90/328  
 Dd. ju.: Date of judgment: 92/01/30  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 96/04/03  
 Dd. ro 171: Date Art. 171 reasoned opinion sent: 97/09/17

Number: 89/4709  
 Legal base: 157E030  
 Title: Assay marks for objects in precious metals  
 Dd. ro: Date reasoned opinion sent: 96/06/14  
 Dd. term: 97/06/26: termination decision

Number: 90/0388  
 Legal base: 157E005; 157E048; 157E052; 157E059  
 Title: Restrictions on freedom to provide services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 91/10/14  
 Dd. ref. Dec: Date of referral decision: 92/06/10  
 Dd. ref: Date of referral: 92/10/01  
 Case: C-92/375  
 Dd. ju.: Date of judgment: 94/03/22  
 Ju. for: Commission

Number: 89/0354  
 Legal base: 157E030; 157E036  
 Title: Sale of baby foods exclusively through pharmacists  
 Dd. ro: Date reasoned opinion sent: 91/10/28  
 Dd. ref: Date of referral: 92/11/09  
 Case: C-92/391

Number: 92/4788  
 Legal base: 157E048; 157E052; 157E059  
 Title: Airborne advertising  
 Dd. ro: Date reasoned opinion sent: 96/01/31



Number: 94/4103  
 Legal base: 157E048; 157E052; 157E059  
 Title: Exercise of activities in security services  
 Dd. ro: Date reasoned opinion sent: 96/06/11  
 Dd. ref: Date of referral: 97/03/19  
 Case: C-97/114

Number: 95/4198  
 Legal base: 157E030; 157E036; 157E171  
 Title: Vehicle registration — roadworthiness test  
 Dd. ro: Date reasoned opinion sent: 97/12/03

Number: 95/4849  
 Legal base: 157E030  
 Title: Sale of tea in bulk  
 Dd. ro: Date reasoned opinion sent: 97/07/07

## FRANCE

Number: 85/0269  
 Legal base: 157E030  
 Title: Refusal to issue import licences for codeine  
 Dd. ro: Date reasoned opinion sent: 87/11/12

Number: 85/0499  
 Legal base: 380D1186; 386D0283; 157E171; 391D0482  
 Title: Refusal to grant right of establishment and freedom to provide services in the overseas territories  
 Dd. ro: Date reasoned opinion sent: 87/05/27  
 Dd. ref: Date of referral: 88/09/23  
 Case: C-88/263  
 Dd. ju.: Date of judgment: 90/12/12  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 92/06/05  
 Dd. 171 ro: Date Art. 171 reasoned opinion sent: 95/11/16

Number: 86/0432  
 Legal base: 157E059; 157E171  
 Title: Restrictions on freedom to provide services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 88/05/02  
 Dd. ref: Date of referral: 89/04/28  
 Case: C-89/154  
 Dd. ju.: Date of judgment: 91/02/26  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 92/05/18  
 Dd. 171 ro: Date Art. 171 reasoned opinion sent: 95/11/28

Number: 89/0645  
 Legal base: 157E005; 157E048; 157E052; 157E059  
 Title: Recognition of diplomas — psychiatric nurse  
 Dd. ro: Date reasoned opinion sent: 96/09/24

Number: 91/0555  
 Legal base: 157E030  
 Title: Requirement of a hallmark on imported objects of precious metals  
 Dd. ro: Date reasoned opinion sent: 96/07/10

Number: 92/4438  
 Legal base: 157E030  
 Title: Alcoholic beverages with an alcohol content exceeding 25 % by volume; contributions; labelling  
 Dd. ro: Date reasoned opinion sent: 97/07/07

Number: 93/2098  
 Legal base: 157E052; 157E058  
 Title: Discriminatory taxation of stable establishments in France  
 Dd. ro: Date reasoned opinion sent: 97/06/19

Number: 93/2222  
 Legal base: 157E030; 157E036  
 Title: Preparations based on *foie gras*  
 Dd. ro: Date reasoned opinion sent: 94/10/14  
 Dd. ref: Date of referral: 96/05/31  
 Case: C-96/184

Number: 93/2261  
 Legal base: 157E030; 157E036  
 Title: Barriers to imports of leavened bread  
 Dd. ro: Date reasoned opinion sent: 94/10/19  
 Dd. term: 97/12/10: termination decision

Number: 94/4855  
 Legal base: 157E059; 157E171  
 Title: Distribution of alcoholic beverages imported from other Member States  
 Dd. ro: Date reasoned opinion sent: 96/11/21

Number: 95/2175  
 Legal base: 157E030  
 Title: Rubber materials and objects in contact with foodstuffs  
 Dd. ro: Date reasoned opinion sent: 97/12/03: SG(97) D/10079

## IRELAND

Number: 89/0335  
 Legal base: 157E030  
 Title: Tobacco price rules  
 Dd. ro: Date reasoned opinion sent: 90/07/12

Number: 91/2236  
 Legal base: 157E059; 157E73  
 Title: Restrictions on transfers — remuneration of services of intermediaries  
 Dd. ro: Date reasoned opinion sent: 97/05/05

Number: 92/2085  
 Legal base: 157E030  
 Title: Imported objects of precious metals  
 Dd. ro: Date reasoned opinion sent: 96/11/11

Number: 91/4303  
 Legal base: 157E030  
 Title: Supplies of equipment  
 Dd. ro: Date reasoned opinion sent: 93/06/18  
 Date 2nd reasoned opinion sent: 96/07/02

## ITALY

Number: 87/0071  
 Legal base: 157E059; 157E171  
 Title: Restrictions on freedom to provide services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 88/04/20  
 Dd. ref: Date of referral: 89/05/25  
 Case: C-89/180  
 Dd. ju.: Date of judgment: 91/02/26  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 95/07/05

Number: 92/2116  
 Legal base: 157E030  
 Title: Imported objects of precious metals  
 Dd. ro: Date reasoned opinion sent: 96/03/08

Number: 90/0397  
 Legal base: 157E030  
 Title: Marketing of wholemeal bread  
 Dd. ro: Date reasoned opinion sent: 91/03/18

Number: 93/2300  
 Legal base: 157E006; 157E052; 157E059  
 Title: Restrictions on exercise of activity of road traffic consultants  
 Dd. ro: Date reasoned opinion sent: 97/07/14

Number: 93/4698  
 Legal base: 157E030; 157E036  
 Title: Barriers to marketing of dietary products for sportsmen  
 Dd. ro: Date reasoned opinion sent: 96/09/04

Number: 91/0835  
 Legal base: 157E052; 157E059  
 Title: Financial services — *intermediazione mobiliare*  
 Dd. ro: Date reasoned opinion sent: 92/10/19  
 Dd. ref: Date of referral: 94/03/23  
 Case: C-94/101  
 Dd. ju.: Date of judgment: 96/06/06  
 Ju. for: Commission  
 Dd. term: 97/12/10: termination decision

Number: 94/2146  
 Legal base: 157E059  
 Title: Legislative barriers to freedom to provide cleaning services  
 Dd. ro: Date reasoned opinion sent: 96/03/12

Number: 94/4523  
 Legal base: 157E059  
 Title: Bridge over Messina Strait — contract awarded to an Italian public enterprise  
 Dd. ro: Date reasoned opinion sent: 97/10/24

Number: 91/2159  
 Legal base: 157E030  
 Title: Subsidies for scheduled bus services  
 Dd. ro: Date reasoned opinion sent: 93/10/18  
 Date 2nd reasoned opinion sent: 95/10/04  
 Dd. term: 97/03/19: termination decision

Number: 94/4883  
 Legal base: 157E030; 157E036  
 Title: Barriers to import of non-alcoholic drinks  
 Dd. ro: Date reasoned opinion sent: 97/09/23

Number: 95/2028  
 Legal base: 157E059  
 Title: Mortgage registration charges  
 Dd. ro: Date reasoned opinion sent: 96/06/26  
 Dd. term: 97/06/26: termination decision

## LUXEMBOURG

Number: 89/0106  
 Legal base: 157E048; 157E052  
 Title: Refusal of permission to open a second dental surgery  
 Dd. ro: Date reasoned opinion sent: 89/11/21  
 Dd. ref: Date of referral: 90/11/29  
 Case: C-90/351  
 Dd. ju.: Date of judgment: 92/06/16  
 Ju. for: Commission  
 Dd. 171: Date Art. 171 letter sent: 93/07/27  
 Dd. 171 ro: Date Art. 171 reasoned opinion sent: 96/06/11  
 Dd. term: 97/06/26: termination decision

## NETHERLANDS

Number: 94/4075  
 Legal base: 157E030; 157E036  
 Title: Refusal of authorisation to import foodstuffs enriched with vitamins and iron  
 Dd. ro: Date reasoned opinion sent: 97/09/23

Number: 94/5125  
 Legal base: 157E030; 157E036  
 Title: Barriers to import of foodstuffs containing vitamins  
 Dd. ro: Date reasoned opinion sent: 97/09/23

## AUSTRIA

Number: 95/2153  
 Legal base: 157E30; 157E37  
 Title: Tobacco manufacturing monopoly  
 Dd. ro: Date reasoned opinion sent: 97/05/21

## PORTUGAL

Number: 91/0237  
 Legal base: 157E048; 157E052; 157E059  
 Title: Freedom to provide services as tourist guides  
 Dd. ro: Date reasoned opinion sent: 97/08/07

Number: 91/2314  
 Legal base: 157E052; 157E221  
 Title: Pursuit of activities in television broadcasting  
 Dd. ro: Date reasoned opinion sent: 94/07/14  
 Dd. term: 97/12/10: termination decision

Number: 92/2082  
 Legal base: 157E030  
 Title: Imported objects of precious metals  
 Dd. ro: Date reasoned opinion sent: 97/02/24

Number: 93/5030  
 Legal base: 157E048; 157E052; 157E059  
 Title: Exercise of activities in security services  
 Dd. ro: Date reasoned opinion sent: 97/06/19

## UNITED KINGDOM

Number: 82/0320  
 Legal base: 157E030  
 Title: Refusal to issue import licences for codeine  
 Dd. ro: Date reasoned opinion sent: 83/09/06

Number: 89/0034  
 Legal base: 157E030  
 Title: Patent licences  
 Dd. ro: Date reasoned opinion sent: 89/08/28  
 Dd. ref: Date of referral: 90/01/31  
 Case: C-90/030  
 Dd. ju.: Date of judgment: 92/02/18  
 Ju. for: Commission

**Budgets**

## GERMANY

Number: 95/2126  
 Legal base: 390R2252  
 Title: Dutch butter  
 Dd. ro: Date reasoned opinion sent: 96/10/30  
 Dd. ref: Date of referral: 97/10/07  
 Case: C-97/348

**Customs and indirect taxation**

## BELGIUM

Number: 84/0342  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

## DENMARK

Number: 84/0343  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

Title: Customs representation  
 Dd. ro: Date reasoned opinion sent: 97/12/03

## GERMANY

Number: 91/0559  
 Legal base: 385R1999; 386R3677  
 Title: Inward processing  
 Dd. ro: Date reasoned opinion sent: 93/02/03  
 Dd. ref: Date of referral: 94/02/14  
 Case: C-94/0761  
 Dd. ju.: Date of judgment: 96/09/10  
 Ju. for: Commission

ITALY  
 Number: 84/0345  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

## GREECE

Number: 86/0126  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 90/05/02

Number: 91/0779  
 Legal base: 157E095  
 Title: Taxes on second-hand cars  
 Dd. ro: Date reasoned opinion sent: 93/09/07  
 Dd. ref: Date of referral: 95/12/01  
 Case: C-95/375  
 Dd. ju.: Date of judgment: 97/10/22  
 Ju. for: Commission

Number: 87/0158  
 Legal base: 157E009; 157E012  
 Title: Veterinary services' telegram charges invoiced to importers of live animals  
 Dd. ro: Date reasoned opinion sent: 87/10/14  
 Dd. ref: Date of referral: 89/04/21  
 Case: C-89/137  
 Dd. ju.: Date of judgment: 90/03/14  
 Ju. for: Commission

Number: 90/0253  
 Legal base: 157E007; 157E030; 157E034; 157E059; 385R3632; 377R0222  
 Title: Monopoly and charges of customs forwarding agents  
 Dd. ro: Date reasoned opinion sent: 91/04/16  
 Dd. ref: Date of referral: 92/04/14  
 Case: C-92/119  
 Dd. ju.: Date of judgment: 94/02/09  
 Ju. for: Commission  
 Dd. 171: Date 2nd Art. 171 letter sent: 95/11/16  
 Dd. term: 97/06/26: termination decision

Number: 94/4232  
 Legal base: 157E095  
 Title: Recycling tax on polyethylene — plastic pellets  
 Dd. ro: Date reasoned opinion sent: 96/07/10  
 Dd. term: 97/07/23: termination decision

## SPAIN

Number: 90/0078  
 Legal base: 387R2658; 157E028  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 92/12/31

Number: 95/2166  
 Legal base: 682J0199; 694J0125  
 Title: TEE — repayment of taxes wrongly charged — restrictions imposed by national law  
 Dd. ro: Date reasoned opinion sent: 97/09/17

## FRANCE

Number: 92/5125  
 Legal base: 157E095  
 Title: Discriminatory taxation of vehicles  
 Dd. ro: Date reasoned opinion sent: 97/12/22;  
 SG(97) D/10946

## LUXEMBOURG

Number: 95/2238  
 Legal base: 392R2913

Number: 84/0346  
 Legal base: 157E009; 157E028; 368R0950  
 Title: Duty-free imports of non-military equipment  
 Dd. ro: Date reasoned opinion sent: 85/07/25

## NETHERLANDS

Number: 84/0347  
Legal base: 157E009; 157E028; 368R0950  
Title: Duty-free imports of non-military equipment  
Dd. ro: Date reasoned opinion sent: 85/07/25

## PORTUGAL

Number: 90/0079  
Legal base: 387R2658; 157E028  
Title: Duty-free imports of non-military equipment  
Dd. ro: Date reasoned opinion sent: 93/01/20

## UNITED KINGDOM

Number: 84/0126  
Legal base: 377R1535  
Title: Civil aircraft imported duty-free and subsequently used as military aircraft

Dd. ro: Date reasoned opinion sent: 85/06/06  
Number: 84/0344  
Legal base: 157E009; 157E028; 368R0950  
Title: Duty-free imports of non-military equipment  
Dd. ro: Date reasoned opinion sent: 85/07/25

**Enterprise policy, commerce, tourism and cooperatives**

## SPAIN

Number: 87/0352  
Legal base: 157E059; 157E048; 157E052; 157E007  
Title: Discrimination in museum admission charges  
Dd. ro: Date reasoned opinion sent: 88/07/08  
Dd. ref: Date of referral: 93/02/16  
Case: C-93/045  
Dd. ju.: Date of judgment: 94/03/15  
Ju. for: Commission  
Dd. 171: Date Art. 171 letter sent: 96/11/26  
Dd. term: 97/12/10: termination decision

## ANNEX IV

## REPORT ON THE APPLICATION OF DIRECTIVES

NB: This annex includes all directives where no measures have been notified or which have not been properly implemented or applied during 1997, and gives the state of infringement proceedings started by the Commission against Member States at 31 December 1997.

'Failure to notify measures' includes both a complete absence of any notification of national implementing measures and cases of incomplete notification of such measures.

## Contents

	Page
1. AN AREA WITHOUT INTERNAL FRONTIERS .....	111
— <b>Removal of technical barriers</b> .....	111
Technical standards .....	111
Foodstuffs .....	111
Pharmaceutical products .....	117
Chemicals .....	117
Motor vehicles, tractors and motorcycles .....	119
Construction products .....	121
Machinery .....	121
Cosmetics .....	123
Textiles .....	125
Free movement — special arrangements .....	125
Liability for defective products .....	125
— <b>Persons</b> .....	125
Right of residence .....	125
Right to vote and stand in elections .....	125
Recognition of qualifications .....	126
Independent commercial agents .....	127
— <b>Services</b> .....	128
Audiovisual media .....	128
Telecommunications .....	128
Financial services .....	129
— <b>Company law</b> .....	131
— <b>Intellectual and industrial property</b> .....	133
— <b>Public procurement</b> .....	133
— <b>Removal of tax barriers</b> .....	135
Direct taxation .....	135
Indirect taxation .....	135
2. CONSUMER PROTECTION AND PRODUCT SAFETY .....	137
3. COMPETITION .....	138
4. SOCIAL AFFAIRS AND EMPLOYMENT .....	138
5. AGRICULTURE .....	143
6. ENVIRONMENT .....	172
7. TRANSPORT .....	181
8. ENERGY .....	186
9. STATISTICS .....	187

## 1. AN AREA WITHOUT INTERNAL FRONTIERS

## — Removal of technical barriers

## Technical standards

83/0189

Technical standards (amended by Directives 88/0182 and 94/0010)

Member States which have notified implementing measures: all

Belgium — 95/0211, not properly applied, reasoned opinion in 1995, referral (suspended)

Belgium — 95/0650, not properly applied, reasoned opinion (suspended)

Belgium — 96/0224, not properly applied, reasoned opinion in 1997

Germany — 92/0956, not properly applied, reasoned opinion in 1995

Germany — 95/0225, not properly applied, reasoned opinion (suspended)

Germany — 95/0666, not properly applied, reasoned opinion in 1997

Germany — 96/1136, not properly applied, reasoned opinion in 1997

Germany — 97/0005, not properly applied, reasoned opinion in 1997

France — 96/0554, not properly applied, reasoned opinion in 1997

France — 97/0193, not properly applied, reasoned opinion in 1997

France — 97/0194, not properly applied, reasoned opinion in 1997

Greece — 93/0508, not properly applied, reasoned opinion in 1995

Greece — 96/0681, not properly applied, reasoned opinion in 1997 (suspended)

Greece — 96/0697, not properly applied, reasoned opinion in 1997 (suspended)

Greece — 97/0032, not properly applied, reasoned opinion in 1997

Ireland — 97/0007, not properly applied, reasoned opinion in 1997 (suspended)

Italy — 92/0958, not properly applied, reasoned opinion in 1993, referral in 1994 (Case C-94/279), judgment in 1997

Italy — 94/0329, not properly applied, reasoned opinion (suspended)

Italy — 94/0330, not properly applied, reasoned opinion in 1995, referral (suspended)

Italy — 96/0552, not properly applied, reasoned opinion (suspended)

Italy — 97/0006, not properly applied, reasoned opinion (suspended)

Italy — 97/0016, not properly applied, reasoned opinion in 1997

Netherlands — 89/0549, not properly applied, referral in 1993 (Case C-93/061), judgment in 1994

Netherlands — 94/0461, not properly applied, reasoned opinion in 1995

Netherlands — 95/0665, not properly applied, reasoned opinion (suspended)

88/0182 (DG6)

Technical standards (amending Directive 83/0189)

Member States which have notified implementing measures: all

Italy — 91/0565, not properly applied, referral in 1994 (Case C-94/289)

Italy — 92/0646, not properly applied, reasoned opinion in 1993

Netherlands — 91/0747, not properly applied, referral in 1993 (Case C-93/052), judgment in 1994

Netherlands — 91/2328, not properly applied, referral in 1994 (Case C-94/273)

Italy — 93/0614, not properly applied, referral in 1995 (Case C-95/289)

Netherlands — 93/2267, not properly applied, reasoned opinion in 1994

## Foodstuffs

74/0409

Honey

Member States which have notified implementing measures: all

Italy — 91/42435, not properly implemented, referral decided in June 1997

79/0112

Labelling of foodstuffs

Member States which have notified implementing measures: all

Greece — 93/4345, not properly applied, Art. 169 letter in 1995, supplementary Art. 169 letter decided in 1997

83/0417

Caseins and caseinates

Member States which have notified implementing measures: all

Netherlands — 95/2309, not properly applied, reasoned opinion decided in 1997

86/0424

Caseins

Member States which have notified implementing measures: all

Netherlands — 95/2309, not properly applied, Art. 169 letter to be sent

89/0107 Additives in foodstuffs Member States which have notified implementing measures: all Netherlands — 93/2274, not properly applied	France — 96/0088, no measures notified, reasoned opinion in 1996, terminated in 1997
	Italy — 96/0126, no measures notified, reasoned opinion in 1996, terminated in 1997
	Luxembourg — 96/0145, no measures notified, reasoned opinion in 1996, terminated in 1997
90/0612 Foodstuffs for human consumption — additives Member States which have notified implementing measures: all except S	Portugal — 96/0173, no measures notified, Art. 169 letter in 1996, terminated in 1997
91/0321 Infant formulae Member States which have notified implementing measures: all Germany — 93/0808, no measures notified, reasoned opinion in 1996, terminated in 1997	93/0099 Foodstuffs — official control Member States which have notified implementing measures: all France — 94/0560, no measures notified, reasoned opinion in 1997, terminated in 1997
92/0001 Quick-frozen foodstuffs Member States which have notified implementing measures: all France — 93/0923, no measures notified, reasoned opinion in 1997, to be terminated in 1998	Italy — 95/0546, no measures notified, reasoned opinion in 1997, terminated in 1997
Ireland — 93/0934, no measures notified, Art. 169 letter in 1993, terminated in 1997	93/0102 Labelling of foodstuffs Member States which have notified implementing measures: all Ireland — 95/0308, no measures notified, reasoned opinion in 1996, terminated in 1997
92/0002 Community method of analysis for the control of the temperatures of quick-frozen foods Member States which have notified implementing measures: all France — 93/0924, no measures notified, reasoned opinion in 1997, to be terminated in 1998	94/0035 Sweeteners in foodstuffs Member States which have notified implementing measures: all except D Belgium — 96/0006, no measures notified, reasoned opinion in 1996, terminated in 1997
Ireland — 93/0935, no measures notified, Art. 169 letter in 1993, terminated in 1997	Germany — 96/0038, no measures notified, Art. 169 letter in 1996
92/0052 Infant formulae for export Member States which have notified implementing measures: all Germany — 94/0646, no measures notified, reasoned opinion in 1995, terminated in 1997	France — 96/0091, no measures notified, Art. 169 letter in 1996, to be terminated in 1998
93/0043 Hygiene of foodstuffs Member States which have notified implementing measures: all except EL, IRL Belgium — 96/0002, no measures notified, reasoned opinion in 1996, terminated in 1997	94/0036 Foodstuffs for human consumption — colouring matter Member States which have notified implementing measures: all except D Belgium — 96/0007, no measures notified, reasoned opinion in 1996, terminated in 1997
Germany — 96/0035, no measures notified, reasoned opinion in 1996, terminated in 1997	Germany — 96/0039, no measures notified, reasoned opinion in 1997
Ireland — 96/0107, no measures notified, reasoned opinion in 1996	France — 96/0092, no measures notified, reasoned opinion in 1997, to be terminated in 1998
Greece — 96/0049, no measures notified, reasoned opinion in 1996	Portugal — 96/0179, no measures notified, Art. 169 letter in 1996, terminated in 1997



94/0052 Extraction solvents used in the production of foodstuffs Member States which have notified implementing measures: all except F	Germany — 96/0249, no measures notified, Art. 169 letter in 1996, terminated in 1997
France — 96/0093, no measures notified, reasoned opinion in 1996	Greece — 96/0265, no measures notified, Art. 169 letter in 1996, terminated in 1997
Portugal — 96/0180, no measures notified, reasoned opinion in 1997, terminated in 1997	France — 96/0284, no measures notified, Art. 169 letter in 1996, to be terminated in 1998
	Italy — 96/0307, no measures notified, Art. 169 letter in 1996, terminated in 1997
94/0054 Labelling of foodstuffs Member States which have notified implementing measures: all except F	Luxembourg — 96/0320, no measures notified, Art. 169 letter in 1996, terminated in 1997
France — 95/0512, no measures notified, reasoned opinion in 1997	Portugal — 96/0341, no measures notified, Art. 169 letter in 1996
Ireland — 95/0531, no measures notified, Art. 169 letter in 1995, terminated in 1997	Austria — 96/0475, no measures notified, Art. 169 letter in 1996, terminated in 1997
Italy — 95/0554, no measures notified, reasoned opinion in 1996, terminated in 1997	
Portugal — 95/0619, no measures notified, reasoned opinion in 1996, terminated in 1997	95/0031 Specific purity criteria for sweeteners Member States which have notified implementing measures: all except D
	Belgium — 96/0863, no measures notified, Art. 169 letter in 1997, terminated in 1997
95/0002 Additives in foodstuffs other than colours and sweeteners Member States which have notified implementing measures: all except B, D, P	Germany — 96/0891, no measures notified, Art. 169 letter in 1997
Germany — 96/0889, no measures notified, Art. 169 letter in 1997	Spain — 96/0942, no measures notified, Art. 169 letter in 1997, terminated in 1997
Belgium — 96/0860, no measures notified, Art. 169 letter in 1997	France — 96/0959, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Spain — 96/0938, no measures notified, Art. 169 letter in 1997, terminated in 1997	Ireland — 96/0981, no measures notified, Art. 169 letter in 1997, terminated in 1997
France — 96/0955, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	Luxembourg — 96/1016, no measures notified, Art. 169 letter in 1997, terminated in 1997
Ireland — 96/0977, no measures notified, Art. 169 letter in 1997, terminated in 1997	Portugal — 96/1045, no measures notified, Art. 169 letter in 1997, terminated in 1997
Netherlands — 96/1031, no measures notified, Art. 169 letter in 1997, terminated in 1997	Austria — 96/1083, no measures notified, Art. 169 letter in 1997, terminated in 1997
Portugal — 96/1042, no measures notified, Art. 169 letter in 1997	Finland — 96/1105, no measures notified, Art. 169 letter in 1997, terminated in 1997
Austria — 96/1080, no measures notified, Art. 169 letter in 1997, terminated in 1997	Sweden — 96/1120, no measures notified, Art. 169 letter in 1997, terminated in 1997
Finland — 96/1001, no measures notified, Art. 169 letter in 1997, terminated in 1997	
95/0003 Plastic materials and articles intended to come into contact with foodstuffs Member States which have notified implementing measures: all except B, P	95/0045 Specific purity criteria for colours Member States which have notified implementing measures: all except D
Belgium — 96/0232, no measures notified, Art. 169 letter in 1996	Belgium — 96/0869, no measures notified, Art. 169 letter in 1997, terminated in 1997

- Germany — 96/0898, no measures notified, Art. 169 letter in 1997
- Spain — 96/0945, no measures notified, Art. 169 letter in 1997, terminated in 1997
- France — 96/0965, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Ireland — 96/0984, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Italy — 96/1003, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Luxembourg — 96/1020, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Portugal — 96/1053, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Austria — 96/1088, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Finland — 96/1112, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Sweden — 96/1126, no measures notified, Art. 169 letter in 1997, terminated in 1997
- 96/0003  
Hygiene of foodstuffs  
Member States which have notified implementing measures: all except B, F, IRL, L, A, P, UK
- Belgium — 96/0238, no measures notified, Art. 169 letter in 1996
- Germany — 96/0258, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Greece — 96/0273, no measures notified, Art. 169 letter in 1996, terminated in 1997
- France — 96/0292, no measures notified, Art. 169 letter in 1996
- Ireland — 96/0302, no measures notified, Art. 169 letter in 1996
- Italy — 96/0313, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Luxembourg — 96/0328, no measures notified, Art. 169 letter in 1996
- Portugal — 96/0347, no measures notified, Art. 169 letter in 1996
- United Kingdom — 96/0356, no measures notified, Art. 169 letter in 1996
- Austria — 96/0483, no measures notified, Art. 169 letter in 1996
- Finland — 96/0594, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Sweden — 96/0505, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 96/0004  
Infant formulae and follow-on formulae  
Member States which have notified implementing measures: all except B, EL, E, F, IRL, I, P
- Belgium — 97/0195, no measures notified, Art. 169 letter in 1997
- Denmark — 97/0200, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Greece — 97/0206, no measures notified, Art. 169 letter in 1997
- Spain — 97/0214, no measures notified, Art. 169 letter in 1997
- France — 97/0219, no measures notified, Art. 169 letter in 1997
- Ireland — 97/0225, no measures notified, Art. 169 letter in 1997
- Italy — 97/0229, no measures notified, Art. 169 letter in 1997
- Luxembourg — 97/0233, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Austria — 97/0242, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Portugal — 97/0248, no measures notified, Art. 169 letter in 1997
- Finland — 97/0252, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 96/0005  
Cereal-based foods and baby foods  
Member States which have notified implementing measures: all except B, D, EL, E, F, IRL, I, A, P, UK
- Belgium — 97/0539, no measures notified, Art. 169 letter in 1997
- Germany — 97/0571, no measures notified, Art. 169 letter in 1997
- Greece — 97/0584, no measures notified, Art. 169 letter in 1997
- Spain — 97/0603, no measures notified, Art. 169 letter in 1997
- France — 97/0617, no measures notified, Art. 169 letter in 1997
- Ireland — 97/0630, no measures notified, Art. 169 letter in 1997
- Italy — 97/0647, no measures notified, Art. 169 letter in 1997
- Austria — 97/0685, no measures notified, Art. 169 letter in 1997
- Portugal — 97/0701, no measures notified, Art. 169 letter in 1997
- United Kingdom — 97/0748, no measures notified, Art. 169 letter in 1997
- Sweden — 97/0734, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

96/0008  
Foodstuffs for use in energy-restricted diets  
Member States which have notified implementing measures: all except B, D, EL, F, IRL, I, A, P, UK

Belgium — 97/0540, no measures notified, Art. 169 letter in 1997

Denmark — 97/0555, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

Germany — 97/0572, no measures notified, Art. 169 letter in 1997

Greece — 97/0585, no measures notified, Art. 169 letter in 1997

Spain — 97/0604, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

France — 97/0618, no measures notified, Art. 169 letter in 1997

Ireland — 97/0631, no measures notified, Art. 169 letter in 1997

Italy — 97/0648, no measures notified, Art. 169 letter in 1997

Austria — 97/0686, no measures notified, Art. 169 letter in 1997

Portugal — 97/0702, no measures notified, Art. 169 letter in 1997

Finland — 97/0717, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

Sweden — 97/0735, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

United Kingdom — 97/0749, no measures notified, Art. 169 letter in 1997

96/0011  
Plastic materials and articles intended to come into contact with foodstuffs  
Member States which have notified implementing measures: all except B, P

Belgium — 97/0196, no measures notified, Art. 169 letter in 1997

Germany — 97/0203, no measures notified, Art. 169 letter in 1997, terminated in 1997

Greece — 97/0207, no measures notified, Art. 169 letter in 1997, terminated in 1997

Spain — 97/0215, no measures notified, Art. 169 letter in 1997, terminated in 1997

France — 97/0220, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

Ireland — 97/0226, no measures notified, Art. 169 letter in 1997, terminated in 1997

Luxembourg — 97/0234, no measures notified, Art. 169 letter in 1997, terminated in 1997

Austria — 97/0243, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

Portugal — 97/0249, no measures notified, Art. 169 letter in 1997

Finland — 97/0243, no measures notified, Art. 169 letter in 1997, terminated in 1997

96/0021  
Labelling of foodstuffs  
Member States which have notified implementing measures: all except B, D, F, P

Belgium — 96/0875, no measures notified, Art. 169 letter in 1997

Denmark — 96/0885, no measures notified, Art. 169 letter in 1996, terminated in 1997

Germany — 96/0906, no measures notified, Art. 169 letter in 1997

Greece — 96/0932, no measures notified, Art. 169 letter in 1996, terminated in 1997

Spain — 96/0950, no measures notified, Art. 169 letter in 1997, terminated in 1997

France — 96/0972, no measures notified, Art. 169 letter in 1997

Ireland — 96/0992, no measures notified, Art. 169 letter in 1997, terminated in 1997

Italy — 96/1009, no measures notified, Art. 169 letter in 1997, terminated in 1997

Luxembourg — 96/1027, no measures notified, Art. 169 letter in 1997, terminated in 1997

Portugal — 96/1098, no measures notified, Art. 169 letter in 1997

Austria — 96/1098, no measures notified, Art. 169 letter in 1997, terminated in 1997

Sweden — 96/1132, no measures notified, Art. 169 letter in 1997, terminated in 1997

96/0070  
Exploitation and marketing of natural mineral waters  
Member States which have notified implementing measures: NL, FIN, S

Belgium — 97/0544, no measures notified, Art. 169 letter in 1997

Denmark — 97/0560, no measures notified, Art. 169 letter in 1997

Germany — 97/0577, no measures notified, Art. 169 letter in 1997

Greece — 97/0592, no measures notified, Art. 169 letter in 1997

Spain — 97/0607, no measures notified, Art. 169 letter in 1997

France	— 97/0623, no measures notified, Art. 169 letter in 1997	96/0083 Sweeteners for use in foodstuffs Transposed by: DK, EL, FIN, S, UK No infringement proceedings
Ireland	— 97/0637, no measures notified, Art. 169 letter in 1997	
Italy	— 97/0654, no measures notified, Art. 169 letter in 1997	
Luxembourg	— 97/0668, no measures notified, Art. 169 letter in 1997	96/0084 Foodstuffs intended for particular nutritional uses Member States which have notified implementing measures: all except B, D, EL, E, IRL, I, P, UK
Austria	— 97/0691, no measures notified, Art. 169 letter in 1997	Belgium — 97/0545, no measures notified, Art. 169 letter in 1997
Portugal	— 97/0706, no measures notified, Art. 169 letter in 1997	Denmark — 97/0561, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Finland	— 97/0723, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	Germany — 97/0578, no measures notified, Art. 169 letter in 1997
Sweden	— 97/0741, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	Greece — 97/0593, no measures notified, Art. 169 letter in 1997
United Kingdom	— 97/0755, no measures notified, Art. 169 letter in 1997	Spain — 97/0608, no measures notified, Art. 169 letter in 1997
		Ireland — 97/0638, no measures notified, Art. 169 letter in 1997
96/0077 Specific purity criteria for food additives other than colours and sweeteners Member States which have notified implementing measures: all except D, E, IRL, I, A, P		Italy — 97/0655, no measures notified, Art. 169 letter in 1997
Belgium	— 97/0269, no measures notified, Art. 169 letter in 1997, terminated in 1997	Luxembourg — 97/0669, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Denmark	— 97/0289, no measures notified, Art. 169 letter in 1997, terminated in 1997	Portugal — 97/0707, no measures notified, Art. 169 letter in 1997
Germany	— 97/0300, no measures notified, Art. 169 letter in 1997	Finland — 97/0724, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Greece	— 97/0316, no measures notified, Art. 169 letter in 1997, terminated in 1997	Sweden — 97/0742, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Spain	— 97/0333, no measures notified, Art. 169 letter in 1997	United Kingdom — 97/0756, no measures notified, Art. 169 letter in 1997
France	— 97/0350, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	
Ireland	— 97/0364, no measures notified, Art. 169 letter in 1997	96/0085 Food additives other than colours and sweeteners Member States which have notified implementing measures: DK, F, NL, FIN, S, UK
Italy	— 97/0376, no measures notified, Art. 169 letter in 1997	Belgium — 97/0271, no measures notified, Art. 169 letter in 1997
Luxembourg	— 97/0392, no measures notified, Art. 169 letter in 1997, terminated in 1997	Denmark — 97/0289, no measures notified, Art. 169 letter in 1997, terminated in 1997
Sweden	— 97/0458, no measures notified, Art. 169 letter in 1997, terminated in 1997	Germany — 97/0301, no measures notified, Art. 169 letter in 1997
Austria	— 97/0419, no measures notified, Art. 169 letter in 1997	Greece — 97/0318, no measures notified, Art. 169 letter in 1997
Portugal	— 97/0435, no measures notified, Art. 169 letter in 1997	Spain — 97/0334, no measures notified, Art. 169 letter in 1997
United Kingdom	— 97/0472, no measures notified, Art. 169 letter in 1997, terminated in 1997	France — 97/0352, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
		Ireland — 97/0365, no measures notified, Art. 169 letter in 1997

- Italy — 97/0378, no measures notified, Art. 169 letter in 1997
- Luxembourg — 97/0394, no measures notified, Art. 169 letter in 1997
- Netherlands — 97/0407, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Sweden — 97/0459, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Austria — 97/0421, no measures notified, Art. 169 letter in 1997
- Portugal — 97/0436, no measures notified, Art. 169 letter in 1997
- Finland — 97/0446, no measures notified, Art. 169 letter in 1997, terminated in 1997
- United Kingdom — 97/0474, no measures notified, Art. 169 letter in 1997, terminated in 1997
- 92/0073  
Homeopathic medicinal products for human use  
Member States which have notified implementing measures: all except B, F
- Belgium — 94/0014, no measures notified, Art. 169 letter in 1994, referral scheduled
- France — 94/0176, no measures notified, reasoned opinion in 1996, referral scheduled
- Ireland — 94/0208, no measures notified, Art. 169 letter in 1994, reasoned opinion, terminated in 1997
- 92/0074  
Homeopathic veterinary medicinal products  
Member States which have notified implementing measures: all except B, F
- Belgium — 94/0015, no measures notified, reasoned opinion in 1996, referral scheduled
- France — 94/0177, no measures notified, reasoned opinion in 1996, referral scheduled
- Portugal — 94/0341, no measures notified, reasoned opinion in 1996, referral, terminated in 1997
- United Kingdom — 94/0375, no measures notified, reasoned opinion in 1996, terminated in 1997
- Pharmaceutical products
- 89/0381  
Medicinal products derived from human blood  
Member States which have notified implementing measures: all
- Austria — 96/0407, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 90/0676  
Veterinary medicinal products  
Member States which have notified implementing measures: all
- Portugal — 93/0438, no measures notified, reasoned opinion in 1996, terminated in 1997
- 91/0412  
Principles and guidelines of good manufacturing practice for veterinary medicinal products  
Member States which have notified implementing measures: all
- Portugal — 93/0944, no measures notified, reasoned opinion in 1996, terminated in 1997
- 91/0507  
Testing of medicinal products  
Member States which have notified implementing measures: all
- France — 92/0228, no measures notified, referral in 1996 (Case C-23/96), terminated in 1997
- France — 95/0291, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Austria — 96/0425, no measures notified, reasoned opinion in 1997
- Ireland — 95/0303, no measures notified, Art. 169 letter in 1995, reasoned opinion, terminated in 1997
- 93/0039  
Medicines  
Member States which have notified implementing measures: all except D
- Germany — 95/0251, no measures notified, reasoned opinion in 1996, referral scheduled
- Italy — 95/0316, no measures notified, reasoned opinion in 1996, terminated in 1997
- Ireland — 95/0304, no measures notified, reasoned opinion in 1996, terminated in 1997
- 93/0040  
Veterinary medicinal products  
Member States which have notified implementing measures: all except D, F
- Germany — 95/0252, no measures notified, reasoned opinion in 1996, referral scheduled
- Greece — 97/2197 not properly implemented, Art. 169 letter in 1997
- France — 95/0293, no measures notified, reasoned opinion in 1996, referral scheduled
- Portugal — 95/0358, no measures notified, reasoned opinion in 1996, terminated in 1997
- Chemicals
- 90/0035  
Packaging — child safety  
Member States which have notified implementing measures: all except A

- 91/0155  
Dangerous preparations  
Member States which have notified implementing measures: all except A
- 91/0338  
Dangerous substances and preparations  
Member States which have notified implementing measures: all except B, NL  
Belgium — 93/0024, no measures notified, reasoned opinion in 1995, referral scheduled  
Netherlands — 93/0390, no measures notified, reasoned opinion in 1996
- 91/0659  
Dangerous substances and preparations  
Member States which have notified implementing measures: all except B  
Belgium — 93/0020, no measures notified, reasoned opinion in 1994, referral scheduled
- 92/0109  
Narcotic drugs and psychotropic substances  
Member States which have notified implementing measures: all except F, I  
France — 93/0755, no measures notified, Art. 169 letter in 1993, reasoned opinion in 1994, referral scheduled  
Italy — 93/0800, no measures notified, Art. 169 letter in 1993, reasoned opinion in 1994, referral scheduled
- 93/0015  
Placing on the market and supervision of explosives for civil uses (deadline for transposal: 30.9.1993 and 30.6.1994)  
Member States which have notified implementing measures: all except D, E, F, I  
Germany — 94/0616 and 94/0649, no measures notified, Art. 169 letter in 1994, reasoned opinion to be sent  
Greece — 94/0699, no measures notified, Art. 169 letter in 1994, to be terminated  
Greece — 94/0425, no measures notified, Art. 169 letter in 1994, to be terminated  
Spain — 94/0437 and 94/0663, no measures notified, Art. 169 letter in 1994, reasoned opinion to be sent  
France — 94/0676, no measures notified, Art. 169 letter in 1994, to be terminated  
France — 94/0449, no measures notified, Art. 169 letter in 1994, reasoned opinion to be sent  
Italy — 94/0468, no measures notified, Art. 169 letter in 1994, to be terminated  
Italy — 94/0721, no measures notified, Art. 169 letter in 1994, reasoned opinion to be sent
- 93/0018  
Dangerous preparations  
Member States which have notified implementing measures: all except IRL, I, P  
Ireland — 94/0856, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent  
Italy — 94/0875, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent  
Portugal — 94/0932, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent
- 93/0069  
Fertilisers  
Member States which have notified implementing measures: all except B, EL, F  
Belgium — 94/0520, no measures notified, Art. 169 letter in 1994, reasoned opinion to be sent  
France — 94/0792, no measures notified, Art. 169 letter in 1994, reasoned opinion to be sent  
Greece — 94/0792, no measures notified, Art. 169 letter in 1994, reasoned opinion to be sent
- 93/0112  
System of specific information for dangerous preparations  
Member States which have notified implementing measures: all except E, I, P  
Spain — 95/0288, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent  
Italy — 95/0321, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent  
Portugal — 95/0363, no measures notified, Art. 169 letter in 1995
- 94/0060  
Restrictions on the marketing of dangerous substances (CMT/aerosols/solvents/creosote)  
Member States which have notified implementing measures: all except B, F, IRL, I  
Belgium — 96/0010, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent  
France — 96/0095, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent  
Greece — 96/0058, no measures notified, Art. 169 letter in 1996, to be terminated  
Ireland — 96/0115, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent  
Italy — 96/0134, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent

- 95/0008  
Fertilisers  
Member States which have notified implementing measures: all except F, EL, IRL, L  
France — 96/0098, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent  
Greece — 96/0061, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent  
Ireland — 96/0117, no measures notified, Art. 169 letter in 1996, to be terminated  
Luxembourg — 96/0154, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent
- 96/0065  
Use of certain dangerous substances and preparations  
Member States which have notified implementing measures: none
- 97/0010  
Use of certain dangerous substances and preparations  
Member States which have notified implementing measures: UK
- 97/0016  
Use of certain dangerous substances and preparations  
Member States which have notified implementing measures: none
- Motor vehicles, tractors and motorcycles
- 93/0014  
Braking systems of two- and three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0029  
Identification of controls, tell-tales and indicators for two- and three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0030  
Audible warning devices for two- or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0031  
Stands for two- or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0032  
Passenger hand-holds for two- or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0033  
Devices to prevent unauthorised use of two- or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0034  
Statutory markings for two- or three-wheel motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0092  
Lighting and light-signalling devices of two- or three-wheeled motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0093  
Masses and dimensions of two- or three-wheeled motor vehicles  
Member States which have notified implementing measures: all except S
- 93/0094  
Mounting of registration plate for two- or three-wheeled motor vehicles  
Member States which have notified implementing measures: all except S
- 94/0012  
Pollution by emissions from motor vehicles  
Member States which have notified implementing measures: all  
Greece — 94/0974, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, to be terminated in 1998
- 94/0068  
Windscreens wiper and washer systems of motor vehicles  
Member States which have notified implementing measures: all except A
- 94/0078  
Wheel guards of motor vehicles  
Member States which have notified implementing measures: all except A
- 95/0001  
Torque and net engine power of two- and three-wheeled motor vehicles  
Member States which have notified implementing measures: B, E, EL, F, FIN, IRL, I, L  
Austria — 96/1079, no measures notified, Art. 169 letter in 1997  
Denmark — 96/0878, no measures notified, Art. 169 letter in 1997  
Germany — 96/0888, no measures notified, Art. 169 letter in 1997  
Netherlands — 96/1030, no measures notified, Art. 169 letter in 1997  
Portugal — 96/1041, no measures notified, Art. 169 letter in 1997  
Sweden — 96/1128, no measures notified, Art. 169 letter in 1997  
United Kingdom — 96/1066, no measures notified, Art. 169 letter in 1997

- 95/0028  
Burning behaviour  
Member States which have notified implementing measures: all except L, NL, P
- Sweden — 96/0504, no measures notified, Art. 169 letter in 1996, terminated in 1997
- United Kingdom — 96/0354, no measures notified, Art. 169 letter in 1996
- 95/0048  
Weights and dimensions of category M1 motor vehicles  
Member States which have notified implementing measures: all except A, D, IRL, NL
- Austria — 96/0481, no measures notified, Art. 169 letter in 1996
- Germany — 96/0254, no measures notified, Art. 169 letter in 1996
- Spain — 96/0278, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Ireland — 96/0300, no measures notified, Art. 169 letter in 1996
- Italy — 96/0311, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Netherlands — 96/0335, no measures notified, Art. 169 letter in 1996
- Portugal — 96/0344, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Sweden — 96/0503, no measures notified, Art. 169 letter in 1996, terminated in 1997
- United Kingdom — 96/0353, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 95/0056  
Devices to prevent the unauthorised use of motor vehicles  
Member States which have notified implementing measures: all except A, I, L, UK
- Austria — 96/0482, no measures notified, Art. 169 letter in 1996
- Germany — 96/0255, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Spain — 96/0279, no measures notified, Art. 169 letter in 1996, terminated in 1997
- France — 96/0289, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Ireland — 96/0301, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Italy — 96/0346, no measures notified, Art. 169 letter in 1996
- Luxembourg — 96/0325, no measures notified, Art. 169 letter in 1996
- Netherlands — 96/0336, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Portugal — 96/0346, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 96/0001  
Emissions — Small diesel engines  
Member States which have notified implementing measures: B, DK, E, FIN, I, L, NL, S
- Austria — 96/1091, no measures notified, Art. 169 letter in 1997
- Germany — 96/0900, no measures notified, Art. 169 letter in 1997
- Greece — 96/0926, no measures notified, Art. 169 letter in 1997
- France — 96/0967, no measures notified, Art. 169 letter in 1997
- Portugal — 96/1057, no measures notified, Art. 169 letter in 1997
- United Kingdom — 96/1073, no measures notified, Art. 169 letter in 1997
- 96/0020  
Sound level of motor vehicles  
Member States which have notified implementing measures: B, DK, E, FIN, I, IRL, NL, S
- Austria — 96/1097, no measures notified, Art. 169 letter in 1997
- Germany — 96/0905, no measures notified, Art. 169 letter in 1997
- Greece — 96/0931, no measures notified, Art. 169 letter in 1997
- Spain — 96/0949, no measures notified, Art. 169 letter in 1997
- Luxembourg — 96/1026, no measures notified, Art. 169 letter in 1997
- Portugal — 96/1061, no measures notified, Art. 169 letter in 1997
- United Kingdom — 96/1074, no measures notified, Art. 169 letter in 1997
- 96/0027  
Lateral protection of occupants of motor vehicles  
Member States which have notified implementing measures: D, S
- 96/0036  
Safety belts and restraint systems of motor vehicles  
Member States which have notified implementing measures: all except B
- Belgium — 97/0025, no measures notified, reasoned opinion to be sent in 1998



- 96/0037  
Interior fittings of motor vehicles (resistance of seats and their anchorages)  
Member States which have notified implementing measures: B, F, IRL, I
- 96/0038  
Anchorages for motor-vehicle safety belts  
Member States which have notified implementing measures: B, F, IRL, I
- 96/0044  
Emissions from motor vehicles  
Member States which have notified implementing measures: B, FIN, I
- 96/0063  
Braking devices of wheeled agricultural or forestry tractors  
Member States which have notified implementing measures: F
- 96/0064  
Motor-vehicle towing devices  
Member States which have notified implementing measures: F
- Construction products
- 89/0106  
Construction products  
Member States which have notified implementing measures: all except A, B  
Belgium — 92/0026, no measures notified, referral in 1996 (Case C-96/263)  
Austria — 96/0404, no measures notified, reasoned opinion in 1997
- Machinery
- 69/0493  
Crystal glass  
Member States which have notified implementing measures: all except FIN, S
- 71/0349  
Calibration of the tanks of vessels  
Member States which have notified implementing measures: all except S
- 73/0360  
Weighing instruments  
Member States which have notified implementing measures: all except A, S
- 74/0331  
Gas volume meters  
Member States which have notified implementing measures: all except FIN
- 75/0410  
Continuous totalising weighing machines  
Member States which have notified implementing measures: all except FIN
- 76/0696  
Non-automatic weighing machines  
Member States which have notified implementing measures: all except A, S
- 77/0095  
Taximeters  
Member States which have notified implementing measures: all except S
- 77/0313  
Measuring of liquids  
Member States which have notified implementing measures: all except S
- 78/1031  
Automatic checkweighing machines  
Member States which have notified implementing measures: all except S
- 82/0623  
Gas volume meters  
Member States which have notified implementing measures: all except S
- 82/0624  
Alcoholometers  
Member States which have notified implementing measures: all except S
- 82/0625  
Measuring systems for liquids  
Member States which have notified implementing measures: all except S
- 83/0128  
Clinical thermometers — mercury  
Member States which have notified implementing measures: all except S
- 84/0414  
Thermometers  
Member States which have notified implementing measures: all except S
- 84/0539  
Electro-medical equipment  
Member States which have notified implementing measures: A, B, DK, D, EL, E, F, IRL, I, L, NL, P, UK
- 86/0217  
Pressure gauges  
Member States which have notified implementing measures: all except S
- 89/0336  
Electromagnetic compatibility  
Member States which have notified implementing measures: all except IRL  
Ireland — 92/0793, no measures notified, reasoned opinion in 1993, referral in 1994 (Case C-94/240), judgment in 1995, Art. 171 letter in 1996, Art. 171 reasoned opinion in 1997

- 89/0617  
Units of measurement  
Member States which have notified implementing measures: all except E  
Spain — 92/0157, no measures notified, supplementary reasoned opinion in 1994
- 90/0018  
Good laboratory practice  
Member States which have notified implementing measures: all except UK
- 90/0385  
Active implantable medical devices  
Member States which have notified implementing measures: all except B  
Belgium — 92/0657, no measures notified, reasoned opinion in 1993, referral in 1994 (Case C-95/239), judgment in 1996, Art. 171 letter in 1996, Art. 171 reasoned opinion in 1997
- 92/0031  
Electromagnetic compatibility (amendment)  
Member States which have notified implementing measures: all except IRL  
Ireland — 92/0815, no measures notified, reasoned opinion in 1993, referral in 1994 (Case C-94/240), judgment in 1995, Art. 171 letter in 1996, Art. 171 reasoned opinion in 1997
- 93/0042  
Medical devices  
Member States which have notified implementing measures: all  
Belgium — 94/0784, no measures notified, reasoned opinion in 1995, referral in 1996 (Case C-96/294), terminated in 1997
- Italy — 94/0878, no measures notified, reasoned opinion in 1995, terminated in 1997
- 93/0068  
EC labelling  
Member States which have notified implementing measures: B, EL, E, F, P, FIN, S, UK  
Austria — no measures notified
- Belgium — 94/0789, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Denmark — 94/0802, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Germany — 94/0815, no measures notified, Art. 196 letter in 1995, reasoned opinion in 1997
- Spain — 94/0830, no measures notified, Art. 169 letter in 1995, terminated in 1997
- France — 94/0844, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Italy — 94/0883, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Ireland — 94/0861, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Luxembourg — 94/0905, no measures notified, Art. 169 letter in 1997
- Netherlands — 94/0918, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Portugal — 94/0941, no measures notified, Art. 169 letter in 1995, terminated in 1997
- United Kingdom — 94/0963, no measures notified, Art. 169 letter in 1995, terminated in 1997
- 93/0095  
Personal protective equipment  
Member States which have notified implementing measures: all  
Italy — 94/0470, no measures notified, reasoned opinion in 1995, terminated in 1997
- 94/0001  
Aerosol dispensers  
Member States which have notified implementing measures: all  
Italy — 94/0891, no measures notified, reasoned opinion in 1995, referral, terminated in 1997
- 94/0009  
Electrical equipment in explosive atmosphere  
Member States which have notified implementing measures: all except B, D, IRL, I  
Belgium — 95/0672, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Germany — 95/0679, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Italy — 95/0701, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Ireland — 95/0696, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Netherlands — 95/0710, no measures notified, Art. 169 letter in 1995, terminated in 1997

- 94/0011  
Labelling of materials used in footwear  
Member States which have notified implementing measures: all except L  
Luxembourg — 96/0317, no measures notified, reasoned opinion 10.12.1997
- 94/0025  
Recreational craft  
Member States which have notified implementing measures: all except B, E, IRL  
Belgium — 96/0005, no measures notified, Art. 169 letter in 1996 and in 1997
- Greece — 96/0052, no measures notified, Art. 169 letter in 1996, to be terminated in 1998
- Spain — 96/0071, no measures notified, reasoned opinion in 1997, referral scheduled
- Ireland — 96/0109, no measures notified, reasoned opinion to be sent
- Italy — 96/0128, no measures notified, Art. 169 letter in 1996, to be terminated in 1998
- Luxembourg — 96/0147, no measures notified, reasoned opinion in 1997, to be terminated in 1998
- Portugal — 96/0177, no measures notified, Art. 169 letter in 1996, to be terminated in 1998
- United Kingdom — 96/0198, no measures notified, Art. 169 letter in 1996, to be terminated in 1998
- 94/0026  
Electrical equipment in explosive atmosphere (amendment 79/0196)  
Member States which have notified implementing measures: all except IRL  
Ireland — 95/0310, no measures notified, reasoned opinion in 1996
- 95/0016  
Lifts  
Member States which have notified implementing measures: DK, EL, E, NL, A, FIN, S, UK  
Belgium — 97/0022, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- Germany — 97/0034, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- France — 97/0076, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- Ireland — 97/0086, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- Italy — 97/0098, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- Luxembourg — 97/0108, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- Portugal — 97/0148, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- 95/0054  
Electromagnetic compatibility  
Member States which have notified implementing measures: all except F  
France — 96/0105, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- 96/0058  
Personal protection equipment (amendment 89/0686)  
Member States which have notified implementing measures: all  
Belgium — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Denmark — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Germany — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Greece — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Spain — no measures notified, Art. 169 letter in 1997, terminated in 1997
- France — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Ireland — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Italy — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Luxembourg — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Portugal — no measures notified, Art. 169 letter in 1997, terminated in 1997
- Cosmetics
- 76/0768  
Cosmetics  
Member States which have notified implementing measures: all  
Portugal — 90/0207, not properly implemented, reasoned opinion in 1992, terminated in 1997

- Greece — 92/4341, not properly implemented, reasoned opinion in 1996, terminated in 1997
- 93/0035  
Cosmetics  
Member States which have notified implementing measures: all except B, D, E, P
- Belgium — 95/0393, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- Germany — 95/0432, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent
- Greece — 95/0450, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Spain — 95/0476, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997
- France — 95/0508, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Ireland — 95/0522, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Italy — 95/0541, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Portugal — 95/0603, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent
- United Kingdom — 95/0631, no measures notified, Art. 169 letter in 1995, terminated in 1997
- 93/0047  
Cosmetics  
Member States which have notified implementing measures: all
- Ireland — 94/0713, no measures notified, Art. 169 letter in 1994, terminated in 1997
- 93/0073  
Cosmetics  
Member States which have notified implementing measures: all
- Portugal — 94/0944, no measures notified, Art. 169 letter in 1995, terminated in 1997
- 94/0032  
Cosmetics  
Member States which have notified implementing measures: all
- Belgium — 95/0405, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997
- Greece — 95/0458, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997
- Ireland — 95/0528, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997
- 95/0017  
Cosmetics  
Member States which have notified implementing measures: DK, NL, A, FIN, S
- Belgium — 96/0013, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997
- Germany — 96/0045, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent
- Greece — 96/0063, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Spain — 96/0081, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent in 1997
- France — 96/0100, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent
- Ireland — 96/0119, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Italy — 96/0138, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Luxembourg — 96/0156, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent
- Portugal — 96/0188, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent
- United Kingdom — 96/0208, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 95/0032  
Cosmetics  
Belgium — 96/0864, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent
- Portugal — 96/1046, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent
- 95/0034  
Cosmetics  
Member States which have notified implementing measures: all except P
- Portugal — 96/1048, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent

Textiles	United Kingdom	— 97/0757, no measures notified, Art. 169 letter in 1997
No problems with directives in this field		
Liability for defective products		
85/0374		
Liability for defective products		
Member States which have notified implementing measures: all except F		
Free movement — special arrangements	France	— 89/0146, no measures notified, Art. 171 reasoned opinion in 1995
91/0477	United Kingdom	— 89/0153, not properly implemented, referral in 1995 (Case C-300/95), judgment in 1997
Acquisition and possession of weapons	Member States which have notified implementing measures: all except FIN	
Finland	— 96/0580, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent in 1998	
— <b>Persons</b>		
Right of residence		
90/0364		
Right of residence		
Member States which have notified implementing measures: all		
	Germany	— 92/0694, no measures notified, referral in 1995 (Case C-96/95), judgment in 1997, terminated in 1997
90/0365		
Right of residence for workers who have ceased their occupational activity		
Member States which have notified implementing measures: all		
	Germany	— 92/0695, no measures notified, referral in 1995 (Case C-96/95), judgment in 1997, terminated in 1997
93/0007	Return of cultural goods unlawfully removed from the territory of a Member State	
Member States which have notified implementing measures: B, DK, EL, E, F, IRL, NL, P, FIN, S, UK		
	Germany	— 94/0532, no measures notified, referral in 1997
	Greece	— 94/0546, no measures notified, referral in 1997
	Italy	— 94/0569, no measures notified, referral in 1997
	Luxembourg	— 94/0578, no measures notified, referral in 1997
	Austria	— 96/0443, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent in 1998
96/0100	Return of cultural goods unlawfully removed from the territory of a Member State (amendment of 93/0007)	
Member States which have notified implementing measures: NL		
	Belgium	— no measures notified, Art. 169 letter in 1997
	Denmark	— no measures notified, Art. 169 letter in 1997
	Germany	— no measures notified, Art. 169 letter in 1997
	Greece	— no measures notified, Art. 169 letter in 1997
	Spain	— no measures notified, Art. 169 letter in 1997
	France	— no measures notified, Art. 169 letter in 1997
	Ireland	— no measures notified, Art. 169 letter in 1997
	Italy	— no measures notified, Art. 169 letter in 1997
	Luxembourg	— no measures notified, Art. 169 letter in 1997
	Austria	— no measures notified, Art. 169 letter in 1997
	Portugal	— no measures notified, Art. 169 letter in 1997
	Finland	— 97/0725, no measures notified, Art. 169 letter in 1997
	Sweden	— 97/0743, no measures notified, Art. 169 letter in 1997
93/0096		
Right of residence for students		
Member States which have notified implementing measures: all		
	Germany	— 94/0096, no measures notified, reasoned opinion in 1995, supplementary reasoned opinion in 1997, terminated in 1997
Right to vote and stand in elections		
93/0103		
Right to vote and stand as candidate for elections to European Parliament for Union citizens residing in a Member State of which they are not nationals		
Member States which have notified implementing measures: all		
	Germany	— 97/2153, not properly implemented, Art. 169 letter in 1997
	Italy	— 97/2259, not properly implemented, Art. 169 letter in 1997

94/0080

Right to vote and stand as candidate for municipal elections for Union citizens residing in a Member State of which they are not nationals

Member States which have notified implementing measures: all except B, F

Belgium — 96/0012, no measures notified, referral in 1997

Germany — 97/2140, not properly implemented in Saxony (Art. 169 letter to be sent in 1998)

Germany — 97/2141, not properly implemented in Bavaria (Art. 169 letter to be sent in 1998)

Greece — 96/0097, no measures notified, reasoned opinion in 1996, terminated in 1997

Spain — 96/0079, no measures notified, reasoned opinion in 1996, terminated in 1997

France — 96/0097, no measures notified, reasoned opinion in 1996

94/0080 as amended by 96/0030 (Member States concerned: A, FIN, S)

Right to vote and stand as candidate for municipal elections for Union citizens residing in a Member State of which they are not nationals

Member States which have notified implementing measures: all

Austria — 96/0474, no measures notified (to be terminated in 1998)

Finland — 96/0591, no measures notified, reasoned opinion in 1996, terminated in 1997

Sweden — 96/0497, no measures notified, reasoned opinion in 1996, terminated in 1997

#### Recognition of qualifications

64/0429

Freedom of establishment — processing industries

Member States which have notified implementing measures: all except A

68/0366

Food-manufacturing industries

Member States which have notified implementing measures: all

Spain — 91/2377, not properly implemented, reasoned opinion in 1996, terminated in 1997

75/0362 (consolidated by Directive 93/0016)

Mutual recognition of medical qualifications

Spain — 90/0981, not properly implemented, reasoned opinion in 1991, reasoned opinion suspended in 1992 and 1993, supplementary Art. 169 letter in 1996

77/0453

Activities of nurses

Member States which have notified implementing measures: all

Spain — 91/4352, not properly applied, Art. 169 letter in 1993, supplementary Art. 169 letter in 1994, implemented without deadline (supplementary Art. 169 letter) in 1995 and 1996

78/0686

Dentists

Member States which have notified implementing measures: all

Germany — 87/0434, not properly applied, referral decided in 1993, referral suspended in 1997

Spain — 90/0411, not properly applied, referral decided in 1997, referral suspended in 1997

Italy — 90/0412, not properly applied, referral in 1993 (Case C-93/40), judgment in 1995, postponed to 1997

Italy — 95/2179, not properly applied, Art. 169 letter in 1997, postponed to 1997

Italy — 96/2179, not properly implemented, Art. 169 letter in 1997, postponed to 1997

78/0687

Dentists

Member States which have notified implementing measures: all

Spain — 90/0411, not properly applied, referral decided in 1997, referral suspended in 1997

Italy — 90/0412, not properly applied, referral in 1993 (Case C-93/40), judgment in 1995, postponed to 1997

Italy — 96/2179, not properly implemented, Art. 169 letter in 1997, postponed to 1997

85/0384

Architects

Member States which have notified implementing measures: all

Spain — 90/0349, not properly implemented, referral in 1992, implemented without deadline (referral) in 1996, referral suspended in 1997

85/0432

Pharmacists

Member States which have notified implementing measures: all

Italy — 91/0820, not properly applied, referral in 1994 (Case C-94/307), judgment in 1996, Art. 171 letter in 1997, postponed to 1997

85/0614  
Architects  
Member States which have notified implementing measures: all  
Spain — 90/0349, not properly implemented, referral suspended in 1993, implemented without deadline (referral) in 1996

86/0017  
Architects  
Member States which have notified implementing measures: all  
Spain — 90/0349, not properly implemented, referral suspended in 1993, implemented without deadline (referral) in 1996

89/0048  
Mutual recognition of qualifications — higher education  
Member States which have notified implementing measures: all except EL  
Greece — 91/0668, no measures notified, referral in 1994 (Case C-93/365), judgment in 1995, Art. 171 letter in 1996, Art. 171 referral scheduled in 1998  
France — 96/2254 (secondary teachers), not properly implemented, Art. 169 letter in 1997

89/0594  
Recognition of qualifications — doctors, nurses, dentists, veterinary surgeons, midwives  
Member States which have notified implementing measures: all  
France — 92/2292, not properly implemented, reasoned opinion in 1996, referral in 1996

United Kingdom — 91/2340, no measures notified, reasoned opinion in 1995, terminated in 1997

89/0595  
Recognition of qualifications — nurses  
Member States which have notified implementing measures: all  
United Kingdom — 92/0534, no measures notified, reasoned opinion (suspended) in 1993, implemented without deadline (reasoned opinion) in 1995, terminated in 1997

90/0658 (consolidated by Directive 93/0016)  
Recognition of diplomas — German unification  
Member States which have notified implementing measures: all

United Kingdom — 92/0551, no measures notified, reasoned opinion (suspended) in 1993, implemented without deadline (reasoned opinion) in 1995, postponed to 1996, terminated in 1997

92/0051  
Mutual recognition of diplomas — second general system  
Member States which have notified implementing measures: all except EL

Belgium — 94/0623, no measures notified, referral in 1996, terminated in 1997

Greece — 94/0702, no measures notified, reasoned opinion in 1995 (referral scheduled in 1998)

94/0038  
Amendment of Annexes C and D to Directive 92/0051  
Implementing measures not required in some countries which have already transposed Directive 92/0051  
Member States which have notified implementing measures: all except EL

Belgium — 95/0030, no measures notified, postponed to 1996, terminated in 1997

Greece — 95/0074, no measures notified, reasoned opinion in 1996 (referral scheduled in 1998)

Italy — 95/0140, no measures notified, postponed to 1996, terminated in 1997

Portugal — 95/0187, no measures notified, reasoned opinion in 1996, terminated in 1997

97/0038  
Recognition of diplomas — second general system (amendment of 92/0051)  
Member States which have notified implementing measures: F, IRL, L, FIN, S, UK

#### Independent commercial agents

86/0653  
Independent commercial agents  
Member States which have notified implementing measures: all  
Ireland — 94/2287, not properly implemented, Art. 169 letter in 1995, terminated in 1997

Italy — 95/2178, not properly implemented, Art. 169 letter in 1996

Portugal — 95/2304, not properly implemented, Art. 169 letter in 1996, terminated in 1997

United Kingdom — 91/4846, not properly applied, terminated in 1997

## — Services

## Audiovisual media

89/0552

## Television without frontiers

Member States which have notified implementing measures: all

Belgium — 92/2159, not properly implemented, referral in 1995 (Case C-11/95), judgment of 10.9.1996

Denmark — 92/2198, not properly implemented, Art. 169 letter in 1993, terminated in 1997

France — 92/2164, not properly implemented, supplementary reasoned opinion in 1997

Greece — 95/4452, not properly applied, reasoned opinion (suspended) in 1997

Greece — 93/2158, not properly implemented, reasoned opinion in 1994, terminated in 1997

Italy — 94/4750, not properly implemented, referral scheduled in 1997

Netherlands — 92/2165, not properly implemented, reasoned opinion in 1995

Portugal — 92/2166, not properly implemented, reasoned opinion in 1994

United Kingdom — 92/2167, not properly implemented, referral in 1994 (Case C-222/94), judgment of 10.9.1996, terminated in 1997

United Kingdom — 94/4089, not properly applied, referral in 1995, suspended in 1997

United Kingdom — 94/2055, not properly applied, reasoned opinion (suspended) in 1994, terminated in 1997

## Telecommunications

91/0263

## Telecommunications terminal equipment

Member States which have notified implementing measures: all

Belgium — 92/0966, no measures notified, referral in 1994 (Case C-94/218), judgment in 1995, terminated in 1997

Greece — 92/0975, no measures notified, referral in 1994 (Case C-94/260), judgment in 1995, terminated in 1997

Ireland — 92/0985, no measures notified, referral in 1994 (Case C-94/239), judgment in 1996, terminated in 1997

Luxembourg — 92/0994, no measures notified, referral in 1994 (Case C-94/221), judgment in 1996, terminated in 1997

Netherlands — 93/2164, partial transposition, reasoned opinion in 1997

Austria — 97/0238, no measures notified, Art. 169 letter in 1997, terminated in 1997

92/0044

## Open network provision — leased lines

Member States which have notified implementing measures: B, DK, D, E, F, IRL, I, NL, A, P, FIN, S, UK

Greece — 93/0712, no measures notified, referral in 1994 (Case C-94/259), judgment in 1995

Spain — 93/0725, no measures notified, referral in 1994 (Case C-94/266), judgment in 1995, terminated in 1995

Luxembourg — 93/0816, no measures notified, referral in 1994 (Case C-94/220), judgment 1995, Art. 171 letter in 1997

Austria — 97/0239, no measures notified, Art. 169 letter in 1997, terminated in 1997

93/0097

## Satellite earth-station equipment

Member States which have notified implementing measures: DK, D, E, F, I, L, NL, P, FIN, S, UK

Belgium — 95/0399, no measures notified, reasoned opinion in 1997

Greece — 95/0453, no measures notified, reasoned opinion in 1997

Spain — 95/0479, no measures notified, reasoned opinion in 1996, terminated in 1997

Ireland — 95/0524, no measures notified, reasoned opinion in 1996

Italy — 95/0544, no measures notified, reasoned opinion in 1996, terminated in 1997

Luxembourg — 95/0567, no measures notified, reasoned opinion in 1996

Netherlands — 95/0588, no measures notified, reasoned opinion in 1997

Portugal — 95/0605, no measures notified, reasoned opinion in 1996, terminated in 1997

Austria — 96/0458, no measures notified, Art. 169 letter in 1996

95/0047

## Standards for the transmission of television signals

Member States which have notified implementing measures: none

Belgium — 95/0047, no measures notified, Art. 169 letter in 1996

Denmark — 96/0882, no measures notified, Art. 169 letter in 1996



United Kingdom — 96/1072, no measures notified, Art. 169 letter in 1996

Austria — 96/1089, no measures notified, Art. 169 letter in 1996

Greece — 96/0923, no measures notified, Art. 169 letter in 1996

Ireland — 96/0985, no measures notified, Art. 169 letter in 1996

Portugal — 96/1054, no measures notified, Art. 169 letter in 1996

France — 96/0966, no measures notified, Art. 169 letter in 1996

Luxembourg — 96/1021, no measures notified, Art. 169 letter in 1996

Germany — 96/0899, no measures notified, Art. 169 letter in 1996

Italy — 96/1004, no measures notified, Art. 169 letter in 1996

Spain — 96/0946, no measures notified, Art. 169 letter in 1996

Finland — 96/1113, no measures notified, Art. 169 letter in 1996

Sweden — 96/1127, no measures notified, Art. 169 letter in 1996

Netherlands — 96/1034, no measures notified, Art. 169 letter in 1996

95/0062

Open network provision — voice telephony  
Member States which have notified implementing measures:  
DK, D, E, F, IRL, I, NL, A, P, FIN, S, UK

Belgium — 97/2226, no measures notified, Art. 169 letter in 1997

Greece — 97/0053, no measures notified, Art. 169 letter in 1997

Spain — 97/0066, no measures notified, Art. 169 letter in 1997

France — 97/0080, no measures notified, Art. 169 letter in 1997, terminated in 1997

Ireland — 97/0090, no measures notified, Art. 169 letter in 1997, terminated in 1997

Italy — 97/0102, no measures notified, Art. 169 letter in 1997, terminated in 1997

Luxembourg — 97/0111, no measures notified, Art. 169 letter in 1997

Netherlands — 97/0123, no measures notified, Art. 169 letter in 1997

United Kingdom — 97/0186, no measures notified, Art. 169 letter in 1997, terminated in 1997

Austria — 96/0458, no measures notified, Art. 169 letter in 1996

96/0870

Use of standards for the transmission of television signals  
Member States which have notified implementing measures:  
DK, E, L, FIN, UK

Belgium — 96/0870, no measures notified, Art. 169 letter in 1997

Germany — 96/0899, no measures notified, Art. 169 letter in 1997

Greece — 96/0923, no measures notified, Art. 169 letter in 1997

Spain — 96/0946, no measures notified, Art. 169 letter in 1997, terminated in 1997

France — 96/0966, no measures notified, Art. 169 letter in 1997

Ireland — 96/0985, no measures notified, Art. 169 letter in 1997

Italy — 96/1004, no measures notified, Art. 169 letter in 1997

Luxembourg — 96/1021, no measures notified, Art. 169 letter in 1997, terminated in 1997

Netherlands — 97/1034, no measures notified, Art. 169 letter in 1997

Austria — 96/1089, no measures notified, Art. 169 letter in 1997

Portugal — 96/1054, no measures notified, Art. 169 letter in 1997

Finland — 96/1113, no measures notified, Art. 169 letter in 1997

Sweden — 96/1127, no measures notified, Art. 169 letter in 1997

United Kingdom — 96/1072, no measures notified, Art. 169 letter in 1997, terminated in 1997

97/0013

Common framework for general authorisations and individual licences  
Member States which have notified implementing measures:  
F, I, FIN, UK

97/0033

Interconnection  
Member States which have notified implementing measures:  
F, I, A, FIN, UK

97/0051

Amendment of Directives 90/0387 and 92/0044  
Member States which have notified implementing measures:  
FIN, UK

Financial services

77/0092

Freedom of establishment — insurance brokers  
Member States which have notified implementing measures: all  
Greece — 91/0775, not properly applied, reasoned opinion in 1994, terminated in 1997

- Spain — 95/4242, not properly applied, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 84/0005  
Second Directive on motor-vehicle insurance  
Member States which have notified implementing measures: all  
Spain — 95/2048, not properly applied, reasoned opinion in 1996, referral scheduled in 1998
- 85/0611  
Undertakings for collective investment  
Member States which have notified implementing measures: all  
United Kingdom — 96/2193, not properly implemented (Gibraltar), Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 86/0635  
Annual accounts of banks  
Member States which have notified implementing measures: all  
Italy — 96/2021, not properly applied, Art. 169 letter in 1996, postponed to 1997  
United Kingdom — 96/2191, not properly implemented (Gibraltar), Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 88/0627  
Major holdings in a listed company  
Member States which have notified implementing measures: all  
United Kingdom — 96/2193, not properly implemented (Gibraltar), Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 89/0298  
Prospectuses for transferable securities on offer to the public  
Member States which have notified implementing measures: all  
United Kingdom — 96/2193, not properly implemented (Gibraltar), Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 89/0592  
Insider dealing  
Member States which have notified implementing measures: all  
United Kingdom — 96/2193, not properly implemented (Gibraltar), Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 90/0232  
Third Directive on insurance for motor vehicles  
Member States which have notified implementing measures: all  
Belgium — 93/0033, no measures notified, referral in 1997, withdrawn and terminated in 1997
- 91/0308  
Money laundering  
Member States which have notified implementing measures: all  
Austria — 95/2121, not properly implemented, reasoned opinion in 1996, referral scheduled in 1998
- 91/0371  
Implementation of the agreement between the EEC and Switzerland on insurance  
Member States which have notified implementing measures: all except E  
Spain — 93/0917, no measures notified, referral in 1995 (Case C-360/95), judgment in 1997, to be complied with in 1997
- 91/0674  
Annual accounts of insurance undertakings  
Member States which have notified implementing measures: all except E  
Spain — 94/0136, no measures notified, reasoned opinion in 1996, referral scheduled in 1998  
Italy — 94/0234, no measures notified, referral in 1996, withdrawn in 1997
- 92/0049  
Third Directive on insurance other than life assurance  
Member States which have notified implementing measures: all except E  
Belgium — 95/2112, not properly applied, reasoned opinion in 1997, referral scheduled in 1998  
Germany — 94/4124, not properly applied, Art. 169 letter in 1994  
Germany — 95/2108, not properly applied, Art. 169 letter in 1996, reasoned opinion to be sent in 1998  
Spain — 94/0140, no measures notified, referral in 1995 (Case C-361/95), judgment in 1997, to be complied with in 1997  
France — 95/2046, not properly implemented, reasoned opinion in 1997

- 92/0096  
Third Directive on life assurance  
Member States which have notified implementing measures: all except E
- Spain — 94/0145, no measures notified, reasoned opinion in 1994
- France — 95/2046, not properly implemented, reasoned opinion in 1997
- France — 95/2079, not properly implemented, reasoned opinion in 1997
- 93/0006  
Capital adequacy  
Member States which have notified implementing measures:
- Germany — 96/0034, no measures notified, reasoned opinion in 1996, referral (suspended) in 1997
- United Kingdom — 96/2191, not properly implemented (Gibraltar), Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 93/0022  
Investment services  
Member States which have notified implementing measures: all except D, E, L, P
- Germany — 95/0431, partial failure to notify measures, reasoned opinion in 1996, referral scheduled in 1998
- Greece — 95/0449, no measures notified, reasoned opinion in 1996, terminated in 1997
- Spain — 95/0475, no measures notified, reasoned opinion in 1997, referral scheduled in 1998
- Luxembourg — 95/0566, partial failure to notify measures, reasoned opinion in 1997, referral scheduled in 1998
- Austria — 96/0444, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Portugal — 95/0602, no measures notified, reasoned opinion in 1997, referral scheduled in 1998
- United Kingdom — 96/2193, not properly implemented (Gibraltar), Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 94/0019  
Deposit guarantee schemes  
Member States which have notified implementing measures: all except D
- Germany — 94/0032, no measures notified, reasoned opinion in 1996, referral scheduled in 1998
- Luxembourg — 95/0572, no measures notified, reasoned opinion in 1996, terminated in 1997
- United Kingdom — 96/2191, not properly implemented (Gibraltar), Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 95/0026  
'Post-BCCI' Directive  
Member States which have notified implementing measures: all except B, D, EL, E, F, IRL, I, L
- Belgium — 96/0862, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Germany — 96/0890, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Greece — 96/0916, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Spain — 96/0941, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- France — 96/0958, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Ireland — 96/0980, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Italy — 96/0999, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Luxembourg — 96/1015, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 96/0010  
'Netting' Directive  
Member States which have notified implementing measures: all
- Greece — 96/0929, no measures notified, Art. 169 letter in 1996, terminated in 1997
- **Company law**
- 68/0151  
First Directive on company law  
Member States which have notified implementing measures: all except UK
- Germany — 90/0322, not properly applied, referral in 1995
- Finland — 96/0558, no measures notified, Art. 169 letter in 1996, terminated in 1997
- United Kingdom — 97/2233, partial failure to notify measures, Art. 169 letter to be sent in 1998

77/0091

Second Directive on company law

Member States which have notified implementing measures: all except UK

Finland — 96/0560, no measures notified, Art. 169 letter in 1996, terminated in 1997

United Kingdom — 97/2234, partial failure to notify measures, Art. 169 letter to be sent in 1998

78/0660

Annual accounts of companies

Member States which have notified implementing measures: all except FIN, UK

Germany — 90/0322, not properly applied, referral in 1995

Portugal — 96/2050, not properly applied, Art. 169 letter in 1996, terminated in 1997

Finland — 96/0561, no measures notified, Art. 169 letter in 1996

United Kingdom — 97/2235, partial failure to notify measures, Art. 169 letter to be sent in 1998

78/0855

Company mergers

Member States which have notified implementing measures: all except UK

Finland — 96/0562, no measures notified, Art. 169 letter in 1996, terminated in 1997

United Kingdom — 97/2236, partial failure to notify measures, Art. 169 letter to be sent in 1998

82/0891

Division of companies

Member States which have notified implementing measures: all except UK

United Kingdom — 97/2237, partial failure to notify measures, Art. 169 letter to be sent in 1998

83/0349

Consolidated accounts of companies

Member States which have notified implementing measures: all except FIN, UK

Finland — 96/0567, no measures notified, Art. 169 letter in 1996

United Kingdom — 97/2238, partial failure to notify measures, Art. 169 letter to be sent in 1998

84/0253

Auditing of accounting documents

Member States which have notified implementing measures: all except I, UK

Italy — 97/2016, partial failure to notify measures, reasoned opinion to be sent in 1998

Italy — 97/4808, not properly implemented, Art. 169 letter to be sent in 1998

United Kingdom — 97/2239, partial failure to notify measures, Art. 169 letter to be sent in 1998

89/0666

Disclosure requirements for company branches

Member States which have notified implementing measures: all except UK

Finland — 96/0575, no measures notified, Art. 169 letter in 1996, terminated in 1997

United Kingdom — 97/2240, partial failure to notify measures, Art. 169 letter to be sent in 1998

89/0667

Single-member private limited companies

Member States which have notified implementing measures: all except UK

Finland — 96/0576, no measures notified, Art. 169 letter in 1996, terminated in 1997

United Kingdom — 97/2241, partial failure to notify measures, Art. 169 letter to be sent in 1998

90/0604

Annual accounts — consolidated accounts publication in ECUs  
Member States which have notified implementing measures: all except FIN, UK

Finland — 96/0577, no measures notified, Art. 169 letter in 1996

United Kingdom — 97/2242, partial failure to notify measures, Art. 169 letter to be sent in 1998

90/0605

Annual accounts — consolidated accounts scope of application  
Member States which have notified implementing measures: all except D, FIN, UK

Germany — 93/0108, no measures notified, referral in 1997

Finland — 96/0578, no measures notified, Art. 169 letter in 1996

United Kingdom — 97/2243, partial failure to notify measures, Art. 169 letter to be sent in 1998

92/0101  
Maintenance and alteration of the capital of public limited-liability companies

Member States which have notified implementing measures: all except EL, L, UK

Greece — no measures notified, reasoned opinion in 1996, referral scheduled in 1998

Ireland — 94/0458, no measures notified, reasoned opinion in 1995, terminated in 1997

Luxembourg — 94/0473, no measures notified, reasoned opinion in 1995, referral scheduled in 1998

Finland — 96/0584, no measures notified, Art. 169 letter in 1996, terminated in 1997

United Kingdom — 97/2244, partial failure to notify measures, Art. 169 letter to be sent in 1998

France — 95/0102, no measures notified, reasoned opinion in 1996, terminated in 1997

Ireland — 95/0114, no measures notified, reasoned opinion in 1996, referral (suspended) in 1997

Italy — 95/0132, no measures notified, reasoned opinion in 1996, terminated in 1997

Luxembourg — 95/0147, no measures notified, reasoned opinion in 1996, terminated in 1997

Portugal — 95/0177, no measures notified, reasoned opinion in 1996, to be terminated in 1998

United Kingdom — 95/0201, no measures notified, reasoned opinion in 1996, terminated in 1997

#### — Intellectual and industrial property

91/0250

Legal protection of computer programs

Member States which have notified implementing measures: all

United Kingdom — 93/4459, not properly implemented, Art. 169 letter in 1995, reasoned opinion to be sent in 1998

92/0100

Rental and lending right

Member States which have notified implementing measures: all except IRL

Ireland — 94/0855, no measures notified, Art. 169 letter in 1995, reasoned opinion (suspended) in 1997

Luxembourg — 94/0894, no measures notified, reasoned opinion in 1996, terminated in 1997

Portugal — 94/0927, no measures notified, reasoned opinion in 1996, to be terminated in 1998

United Kingdom — 94/0952, no measures notified, reasoned opinion in 1996, terminated in 1997

93/0083

Copyright relating to satellite broadcasting and cable retransmission

Member States which have notified implementing measures: all except D, IRL, P

Germany — 95/0047, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent in 1998

Greece — 95/0065, no measures notified, reasoned opinion in 1996, referral scheduled in 1998

93/0098

Term of protection of copyright and certain related rights

Member States which have notified implementing measures: all

France — 95/0502, no measures notified, Art. 169 letter in 1995, terminated in 1997

Luxembourg — 95/0568, no measures notified, Art. 169 letter in 1995, terminated in 1997

Portugal — 95/0606, no measures notified, reasoned opinion in 1996, to be terminated in 1998

#### — Public procurement

88/0295

Public supply contracts (amending Directive 77/0062)

Member States which have notified implementing measures: all

Portugal — 94/2104, not properly implemented, reasoned opinion in 1996, referral decided in 1997

89/0440

Public works contracts (amending Directive 71/0305)

Member States which have notified implementing measures: all

Belgium — 93/2156, not properly implemented, reasoned opinion in 1994, suspended in 1995, supplementary Art. 169 letter in 1996

89/0665

Public contracts — review procedures

Member States which have notified implementing measures: all

Germany — 95/2044, not properly implemented, reasoned opinion in 1996

Greece	— 92/0271, no measures notified, referral in 1995 (Case C-95/236), judgment in 1996, to be terminated in 1997	France	— 93/0744, no measures notified, referral in 1995 (Case C-95/234), judgment in 1996
Greece	— 94/2153, not properly implemented, reasoned opinion in 1995, referral in 1996	France	— 95/2073, not properly implemented, reasoned opinion in 1995, terminated in 1997
Spain	— 95/2054, not properly implemented, reasoned opinion in 1997	Italy	— 97/4522, not properly implemented, Art. 169 letter to be sent in 1997
Portugal	— 94/2236, not properly implemented, reasoned opinion in 1995, supplementary Art. 169 letter/reasoned opinion in 1996, referral in 1997	Austria	— 97/2011, partial failure to notify measures, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
Sweden	— 96/2057, not properly implemented, Art. 169 letter in 1997	Portugal	— 95/2235, not properly implemented, reasoned opinion to be sent in 1998
		Sweden	— 96/2310, not properly implemented, Art. 169 letter in 1997

90/0531

Public contracts — excluded sectors

Member States which have notified implementing measures: all (EL and P: exemption until 1998)

United Kingdom — 94/2054, not properly implemented, Art. 169 letter in 1995, terminated in 1997

92/0013

Public contracts — review procedures (excluded sectors)

Member States which have notified implementing measures: all except A (EL and P: exemption until 1997)

Germany — 95/2061, not properly implemented, Art. 169 letter in 1996

France — 95/2082, not properly implemented, reasoned opinion in 1995, referral in 1997

Italy — 95/2071, not properly implemented, reasoned opinion in 1996

Austria — 97/2011, partial failure to notify measures, Art. 169 letter in 1997, reasoned opinion to be sent in 1998

Sweden — 96/2183, not properly implemented, Art. 169 letter in 1997

United Kingdom — 95/2084, not properly implemented, reasoned opinion in 1996

92/0050

Public service contracts

Member States which have notified implementing measures: all except B, D, EL, F, A

Belgium — 93/0628, no measures notified, reasoned opinion in 1995, referral in 1996

Belgium — 94/2289, not properly implemented, reasoned opinion in 1996

Germany — 93/0676, no measures notified, reasoned opinion in 1994, referral in 1995 (Case C-243/95), judgment in 1996

Greece — 93/0711, no measures notified, referral in 1995 (Case C-95/311), judgment in 1996, Art. 169 letter in 1997, reasoned opinion to be sent in 1998

93/0036

Public supply contracts

Member States which have notified implementing measures: all except B, D, F, I

Belgium — 94/0626, no measures notified, reasoned opinion in 1995, referral in 1996

Belgium — 94/2289, not properly implemented, reasoned opinion in 1996

Germany — 94/0650, no measures notified, reasoned opinion in 1995, referral in 1996 (Case C-341/96), judgment in 1997

Spain — 96/2104, not properly implemented, Art. 169 letter to be sent in 1998

France — 94/0677, no measures notified, reasoned opinion in 1995, referral in 1995

France — 95/2073, not properly implemented, reasoned opinion in 1995, referral in 1996, judgment in 1997, terminated in 1997

Italy — 94/0722, no measures notified, reasoned opinion in 1994, referral in 1996 (Case C-43/97), judgment in 1997

Portugal — 94/2236, not properly implemented, reasoned opinion in 1996, referral scheduled in 1998

Sweden — 95/2251, not properly implemented, Art. 169 letter in 1997

93/0037

Public works contracts

Spain — 96/2105, not properly implemented, Art. 169 letter to be sent in 1998

Italy — 94/4576, not properly implemented, reasoned opinion in 1996

Portugal — 95/2149, not properly implemented, referral scheduled in 1998

Sweden — 95/2311, not properly implemented, Art. 169 letter in 1997

93/0038

Public contracts — excluded sectors

Member States which have notified implementing measures: all except B, D, E, A

(E: exemption until 1997, EL and P: exemption until 1998)

Belgium — 94/0783, no measures notified, referral in 1996

Germany — 94/0811, no measures notified, reasoned opinion in 1996, referral in 1995

Spain — 97/0213, no measures notified, reasoned opinion to be sent in 1998

France — 94/0838, no measures notified, reasoned opinion in 1995, referral in 1996, judgment in 1997, terminated in 1997

Austria — 97/2011, partial failure to notify measures, Art. 169 letter in 1997, reasoned opinion to be sent in 1998

Sweden — 96/2181, not properly implemented, Art. 169 letter in 1997

United Kingdom — 94/0957, no measures notified, reasoned opinion in 1995, terminated in 1997

## — Removal of tax barriers

## Direct taxation

69/0335

Tax system — Indirect taxes on the raising of capital

Member States which have notified implementing measures: all

Greece — 91/2193, not properly implemented, reasoned opinion in 1996

Italy — 94/5101, not properly implemented, Art. 169 letter in 1997, to be terminated in 1998

77/0799

Tax system — Mutual assistance — direct taxes

Member States which have notified implementing measures: all

United Kingdom — 96/2196, not properly implemented, Art. 169 letter in 1997, to be terminated in 1998

90/0434

Tax system — Company mergers and divisions

Member States which have notified implementing measures: all except EL

Greece — 92/0603, no measures notified, reasoned opinion in 1994, referral in 1997 (Case C-8/97)

## Indirect taxation

69/0169

Tax-free allowances for travellers

Member States which have notified implementing measures: all

Portugal — 91/2015, not properly applied, reasoned opinion in 1995, terminated in 1997

77/0388

Sixth VAT Directive

Member States which have notified implementing measures: all

Germany — 93/2142, not properly applied, reasoned opinion in 1996

Greece — 88/0199, not properly applied, reasoned opinion in 1989

Greece — 91/0778, not properly applied, referral in 1994 (Case C-94/331), terminated in 1997

Greece — 92/2233, not properly applied, reasoned opinion in 1995, terminated in 1997

Spain — 90/0033, not properly applied, referral in 1997 (Case C-97/414)

Spain — 92/2073, not properly applied, referral in 1996 (Case C-96/124)

Spain — 92/2232, not properly applied, reasoned opinion in 1995, terminated in 1997

Spain — 94/4684, not properly applied, reasoned opinion in 1996

France — 88/0053, not properly applied, judgment in 1993 (Case C-92/68), supplementary Art. 171 letter in 1996

France — 88/0213, not properly applied, referral in 1997 (Case C-97/276)

France — 91/0706, not properly applied, referral in 1996 (Case C-96/043)

France — 91/0798, not properly applied, reasoned opinion in 1994, terminated in 1997

France — 92/2069, not properly applied, referral in 1996 (Case C-96/060), terminated in 1997

France — 93/4391, not properly applied, reasoned opinion in 1996

Ireland — 88/0200, not properly applied, referral in 1997 (Case C-97/358)

Italy — 92/2002, not properly applied, referral in 1995 (Case C-95/45), terminated in 1997

Italy — 92/2242, not properly applied, reasoned opinion in 1996

Italy — 92/2259, not properly applied, referral in 1997 (Case C-97/101)

Italy — 95/2038, not properly applied, reasoned opinion in 1996, terminated in 1997

- Luxembourg — 91/0738, not properly applied, referral in 1996 (Case C-96/152)
- Netherlands — 88/0201, not properly applied, referral in 1997 (Case C-97/408)
- Netherlands — 92/2241, not properly applied, referral in 1996 (Case C-96/310)
- Netherlands — 94/2100, not properly applied, reasoned opinion in 1997
- Portugal — 90/0084, not properly applied, reasoned opinion in 1996, terminated in 1997
- Portugal — 92/2074, not properly applied, reasoned opinion in 1994, terminated in 1997
- Portugal — 93/2141, not properly applied, reasoned opinion in 1996
- United Kingdom — 88/0202, not properly applied, referral in 1997 (Case C-97/359)
- 79/1072  
Eighth VAT Directive  
Member States which have notified implementing measures: all  
France — 92/4607, not properly applied, reasoned opinion in 1996
- 89/0465  
18th VAT Directive  
Member States which have notified implementing measures: all  
Italy — 92/2242, not properly applied, reasoned opinion in 1996
- Netherlands — 92/2241, not properly applied, referral in 1996 (Case C-96/310)
- 92/0012  
Arrangements for products subject to excise duty  
Member States which have notified implementing measures: all  
Belgium — 94/4860, not properly applied, reasoned opinion in 1997
- France — 95/2151, not properly applied, reasoned opinion in 1997
- 92/0077  
Approximation of VAT rates  
Member States which have notified implementing measures: all  
Portugal — 94/2178, not properly applied, reasoned opinion in 1997
- 92/0083  
Excise duty on alcohol  
Member States which have notified implementing measures: all  
France — 95/2151, not properly applied, reasoned opinion in 1997
- 92/0084  
Excise duty on alcohol  
Member States which have notified implementing measures: all  
France — 95/2019, not properly applied, reasoned opinion in 1996, terminated in 1997
- France — 95/2151, not properly applied, reasoned opinion in 1997
- 95/0007  
VAT — simplification measures — application of certain exemptions  
Member States which have notified implementing measures: all except D  
Italy — 96/0308, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Austria — 96/0476, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Germany — 97/0570, no measures notified, Art. 169 letter in 1997
- 95/0059  
Tobacco consolidation directives  
Member States which have notified implementing measures: all  
Greece — 94/4034, not properly applied, reasoned opinion in 1997
- 96/0042  
VAT — horticulture and floriculture  
Member States which have notified implementing measures: all except EL  
Belgium — 96/0876, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Denmark — 96/0886, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Germany — 96/0907, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Greece — 96/0933, no measures notified, reasoned opinion in 1997
- Spain — 96/0951, no measures notified, Art. 169 letter in 1996, terminated in 1997
- France — 96/0973, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Ireland — 96/0993, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Luxembourg — 96/1028, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Austria — 96/1099, no measures notified, Art. 169 letter in 1996, terminated in 1997



Portugal	— 96/1063, no measures notified, Art. 169 letter in 1996, terminated in 1997	87/0102 Consumer credit Member States which have notified implementing measures: all
Sweden	— 96/1133, no measures notified, Art. 169 letter in 1996, terminated in 1997	
United Kingdom	— 96/1075, no measures notified, Art. 169 letter in 1996, terminated in 1997	
96/0095 Standard rate of VAT Member States which have notified implementing measures: all except F		88/0315 Amendment of Directive 79/0581 — Indication of the prices of foodstuffs Member States which have notified implementing measures: all Luxembourg — 93/2045, not properly implemented, Art. 169 letter in 1994
Denmark	— 97/0202, no measures notified, Art. 169 letter in 1997, terminated in 1997	
Greece	— 97/0209, no measures notified, Art. 169 letter in 1997, terminated in 1997	90/0088 Consumer credit Member States which have notified implementing measures: all
France	— 97/0222, no measures notified, Art. 169 letter in 1997	France — 93/0242, no measures notified, terminated in 1977
Ireland	— 97/0228, no measures notified, Art. 169 letter in 1997, terminated in 1997	United Kingdom — 94/2069, not properly applied, Art. 169 letter in 1997
Italy	— 97/0231, no measures notified, Art. 169 letter in 1997, terminated in 1997	
Luxembourg	— 97/0236, no measures notified, Art. 169 letter in 1997, terminated in 1997	
Austria	— 97/0246, no measures notified, Art. 169 letter in 1997, terminated in 1997	90/0314 Package tours Member States which have notified implementing measures: all
United Kingdom	— 97/0259, no measures notified, Art. 169 letter in 1997, terminated in 1997	Netherlands — 93/2183, not properly implemented, reasoned opinion to be sent in 1997
2. CONSUMER PROTECTION AND PRODUCT SAFETY		
79/0581 Indication of the prices of foodstuffs Member States which have notified implementing measures: all		92/0059 General product safety Member States which have notified implementing measures: B, DK, D, EL, E, F, IRL, I, NL, A, P, FIN, S, UK Germany — 94/0648, no measures notified, Art. 169 letter in 1994, terminated in 1997
Luxembourg	— 93/2045, not properly implemented, Art. 169 letter in 1994	Ireland — 94/0710, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1996, terminated in 1997
85/0577 Contracts negotiated away from business premises		Luxembourg — 94/0733, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1996, terminated in 1997
Belgium	— 91/0212, not properly implemented, terminated in 1997	
Luxembourg	— 93/2047, not properly implemented, terminated in 1997	93/0013 Unfair contract terms Member States which have notified implementing measures: B, DK, D, EL, F, IRL, I, L, NL, A, P, FIN, S, UK Spain — 95/0079, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, referral in 1997
		Netherlands — 97/2170, not properly implemented, Art. 169 letter in 1997
		Belgium — 97/2171, not properly implemented, Art. 169 letter in 1997, reasoned opinion in 1997

94/0047  
Time-sharing  
Member States which have notified implementing measures:  
DK, D, IRL, NL, A, P, S, UK

Belgium — 97/0260, no measures notified, Art. 169 letter in 1997

Greece — 97/0305, no measures notified, Art. 169 letter in 1997

Spain — 97/0323, no measures notified, Art. 169 letter in 1997

France — 97/0338, no measures notified, Art. 169 letter in 1997

Italy — 97/0369, no measures notified, Art. 169 letter in 1997

Luxembourg — 97/0382, no measures notified, Art. 169 letter in 1997

Finland — 97/0439, no measures notified, Art. 169 letter in 1997

### 3. COMPETITION

90/0388  
Competition in the markets for telecommunications services  
Member States which have notified implementing measures: all

Greece — 91/0352, no measures notified, reasoned opinion, referral in 1994 (Case 94/281), terminated in 1997

93/0084  
Transparency of financial relations between Member States and public undertakings  
Member States which have notified implementing measures: all

Greece — 96/2253, not properly applied, Art. 169 letter notified in November 1997

94/0046  
Satellite communications  
Member States which have notified implementing measures: all except L

Greece — 95/0463, no measures notified, terminated in 1997

Spain — 95/0489, no measures notified, terminated in 1997

Ireland — 95/0530, no measures notified, reasoned opinion in 1997, terminated in 1997

Italy — 95/0553, reasoned opinion, terminated in 1997

Luxembourg — 95/0576, no measures notified, reasoned opinion in 1997

96/0019  
Full opening to competition  
Member States which have not notified all implementing measures:

Spain — 97/2108, Art. 169 letter in 1997

Germany — 97/4646, Art. 169 letter in 1997

Portugal — 95/2219, Art. 169 letter in 1997

Greece — 97/2221, Art. 169 letter in 1997

Denmark — 97/2223, Art. 169 letter in 1997

Italy — 97/2224, Art. 169 letter in 1997

Luxembourg — 97/2225, Art. 169 letter in 1997

Belgium — 97/2226, Art. 169 letter in 1997

### 4. SOCIAL AFFAIRS AND EMPLOYMENT

64/0221  
Public policy and public health  
Member States which have notified implementing measures: all

Germany — 91/4686, not properly applied, Art. 169 letter in 1992, reasoned opinion in 1996, referral scheduled

68/0360  
Abolition of restrictions on movement and residence of workers and their families

Germany — 90/0275, not properly implemented, Art. 169 letter in 1990, reasoned opinion in 1995, referral in 1997, Case C-24/97

72/0194  
Right to reside in the Member States  
Member States which have notified implementing measures: all

Germany — 90/0275, not properly implemented, Art. 169 letter in 1990, reasoned opinion in 1995, referral in 1997 (Case C-24/97)

75/0117  
Equal pay for men and women  
Member States which have notified implementing measures: all

Greece — 91/4668, not properly applied, reasoned opinion in 1995, referral scheduled

75/0129  
Collective redundancies  
Member States which have notified implementing measures: all

United Kingdom — 89/0536, not properly implemented, referral in 1992 (Case C-383/92), judgment in 1994, Art. 171 letter in 1996

76/0207

Equal treatment of men and women

Member States which have notified implementing measures: all

Belgium — 89/0458, not properly applied, judgment in 1993 (Case C-173/91), Art. 171 reasoned opinion in 1995

Belgium — 90/2223, not properly applied, Art. 169 letter in 1994, reasoned opinion in 1994, terminated in 1997

France — 90/0445, no measures notified, Art. 171 letter in 1990, Art. 171 reasoned opinion in 1995, terminated in 1997

France — 90/2109, not properly applied, Art. 169 letter in 1993, reasoned opinion in 1994, referral in 1996 (Case C-197/96), Art. 171 letter to be sent in 1997

Italy — 90/2226, not properly applied, referral in 1996 (Case C-96/207)

77/0187

Safeguarding of employees' rights in the event of the transfer of firms

Member States which have notified implementing measures: all

United Kingdom — 89/0537, not properly implemented, referral in 1992 (Case C-382/92), judgment in 1994, Art. 171 letter in 1996

79/0007

Equal treatment in social security

Member States which have notified implementing measures: all

Greece — 91/4668, not properly applied, reasoned opinion in 1995, referral scheduled

80/0987

Protection of workers — insolvency of employers

Member States which have notified implementing measures: all

Greece — 86/0116, not properly implemented, judgment in 1990 (Case C-53/88), Art. 171 letter in 1993, Art. 171 reasoned opinion to be sent in 1997

86/0378

Equal treatment of men and women

Member States which have notified implementing measures: D, EL, E, F, IRL, I, A, P, FIN, S, UK

89/0654

Health and safety at the workplace

Member States which have notified implementing measures: all

Spain — 93/0207, no measures notified, referral in 1995 (Case C-95/079), judgment in 1996, terminated in 1997

89/0655

Health and safety — work equipment

Member States which have notified implementing measures: all

Spain — 93/0206, no measures notified, referral in 1995 (Case C-95/079), judgment in 1996, terminated in 1997

89/0656

Personal protective equipment

Member States which have notified implementing measures: all

Spain — 93/0205, no measures notified, referral in 1995 (Case C-95/079), judgment in 1996, terminated in 1997

90/0269

Health and safety of workers

Member States which have notified implementing measures: all

Spain — 93/0199, no measures notified, referral in 1995 (Case C-95/079), judgment in 1996, terminated in 1997

90/0270

Health and safety — display screen equipment

Member States which have notified implementing measures: all

Spain — 93/0198, no measures notified, referral in 1995 (Case C-95/079), judgment in 1996, terminated in 1997

90/0394

Protection of workers — carcinogens

Member States which have notified implementing measures: all

Spain — 93/0195, no measures notified, referral in 1995 (Case C-95/079), judgment in 1996, terminated in 1997

90/0679

Risks relating to exposure to biological agents at work

Member States which have notified implementing measures: all

Belgium — 94/0005, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1997, terminated in 1997

Spain

— 94/0133, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1997, terminated in 1997

91/0382

Protection of workers (asbestos)

Member States which have notified implementing measures: all

Greece — 96/0262, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997, terminated in 1997

91/0383

Health and safety of temporary workers

Member States which have notified implementing measures: all

Belgium — 93/0023, no measures notified, Art. 169 letter in 1993, terminated in 1997

Greece — 93/0147, no measures notified, reasoned opinion in 1996, terminated in 1997

91/0533

Obligation to inform employees of the conditions applicable to the employment relationship

Member States which have notified implementing measures: all

Italy — 93/0787, no measures notified, Art. 169 letter in 1993, reasoned opinion in 1996, terminated in 1997

92/0029

Health and safety on board ships

Member States which have notified implementing measures: all except B, IRL, L

Belgium — 95/0012, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, referral in 1997 (Case C-411/97)

Ireland — 95/0109, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, referral in 1997 (Case C-357/97)

Luxembourg — 95/0142, no measures notified, Art. 169 letter in 1995, reasoned opinion to be sent in 1996, referral in 1997 (Case C-410/97)

92/0056

Collective redundancies

Member States which have notified implementing measures: all

Ireland — 94/0854, no measures notified, Art. 169 letter in 1995, terminated in 1997

United Kingdom — 94/0951, not properly implemented, Art. 169 letter in 1995, case dealt with under 89/0536 (see Directive 75/0129)

92/0057

Minimum safety and health requirements at temporary or mobile construction sites

Member States which have notified implementing measures: all

Belgium — 94/0013, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1996, terminated in 1997

92/0058

Safety and/or health signs at work

Member States which have notified implementing measures: all

Belgium — 94/0624, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1996, terminated in 1997

Spain — 94/0661, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1996, terminated in 1997

92/0085

Safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

Member States which have notified implementing measures: all except EL, L

Greece — 95/0055, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, referral scheduled

France — 95/0091, no measures notified, Art. 169 letter in 1995, terminated in 1997

Italy — 95/0126, no measures notified, Art. 169 letter in 1995, terminated in 1997

Luxembourg — 95/0143, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, referral in 1997 (Case C-409/97)

92/0091

Protection of workers in extracting industries by drilling

Member States which have notified implementing measures: all except IRL

Belgium — 95/0014, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997

Ireland — 95/0110, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, referral in 1997 (Case C-352/97), to be terminated in 1998

Italy — 95/0127, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997

92/0104

Health and safety of workers in underground and open cast mining industries

Member States which have notified implementing measures: all

Belgium — 95/0016, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997

- Spain — 95/0078, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997
- Ireland — 95/0112, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, referral in 1997 (Case C-353/97), to be terminated in 1998
- Italy — 95/0129, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997
- 93/0088  
Risks relating to exposure to biological agents at work  
Member States which have notified implementing measures: all except B
- Belgium — 94/0521, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1996, referral scheduled
- Spain — 94/0554, no measures notified, Art. 169 letter in 1994, reasoned opinion in 1997, terminated in 1997
- Portugal — 96/0174, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0104  
Reorganisation of working time  
Member States which have notified implementing measures: all except EL, F, I, L, P, UK
- Greece — 97/0046, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- France — 97/0074, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Ireland — 97/0083, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Italy — 97/0095, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Luxembourg — 97/0106, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Austria — 97/0135, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Portugal — 97/0145, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- United Kingdom — 97/0180, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- 94/0033  
Protection of young people at work  
Member States which have notified implementing measures: all except EL, F, I, L, A, P, UK
- Greece — 96/0909, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- France — 96/0952, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Italy — 96/0994, no measures notified, Art. 169 letter in 1997, reasoned opinion in 1997, referral scheduled
- Luxembourg — 96/1011, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Austria — 96/1076, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Portugal — 96/1038, no measures notified, Art. 169 letter in 1997, reasoned opinion in 1997, terminated in 1997
- Belgium — 96/0003, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996, referral scheduled
- Germany — 96/0036, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996, terminated in 1997
- Spain — 96/0070, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996, terminated in 1997
- Italy — 96/0127, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996, referral scheduled
- Portugal — 96/0175, no measures notified, Art. 169 letter in 1996, terminated in 1997
- United Kingdom — 96/0196, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Ireland — 96/0108, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996, referral in 1997 (Case C-364/97)

Sweden	— 96/1118, no measures notified, Art. 169 letter in 1997, terminated in 1997	Austria	— 97/0139, no measures notified, Art. 169 letter in 1997
United Kingdom	— 96/1064, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent	Portugal	— 97/0150, no measures notified, Art. 169 letter in 1997, terminated in 1997
		Sweden	— 97/0171, no measures notified, Art. 169 letter in 1997, terminated in 1997
94/0044			
Electrical equipment for use in explosive atmospheres			
Member States which have notified implementing measures: all except EL			
Greece	— 95/0684, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997	96/0097	Equal treatment for men and women in occupational social security schemes
Spain	— 95/0689, no measures notified, Art. 169 letter in 1995, to be terminated in 1998	Member States which have notified implementing measures: IRL, A, P, S, UK	
Italy	— 95/0704, no measures notified, Art. 169 letter in 1995, terminated in 1997	Belgium	— 97/0273, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
		Denmark	— 97/0291, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
		Germany	— 97/0303, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
94/0045			
European Works Council			
Member States which have notified implementing measures: all except L, P			
Luxembourg	— 96/1012, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent	Greece	— 97/0320, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
Portugal	— 96/1038, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997	Spain	— 97/0336, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
		France	— 97/0354, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
		Ireland	— 97/0367, no measures notified, Art. 169 letter in 1997, terminated in 1997
95/0030			
Risks relating to exposure to biological agents at work			
Member States which have notified implementing measures: all except D, IRL, I, L, A			
Germany	— 97/0036, no measures notified, Art. 169 letter in 1997	Italy	— 97/0380, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
Greece	— 97/0051, no measures notified, Art. 169 letter in 1997, terminated in 1997	Luxembourg	— 97/0396, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
Spain	— 97/0065, no measures notified, Art. 169 letter in 1997, terminated in 1997	Netherlands	— 97/0409, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
France	— 97/0078, no measures notified, Art. 169 letter in 1997, terminated in 1997	Austria	— 97/0423, no measures notified, Art. 169 letter in 1997, terminated in 1997
Ireland	— 97/0088, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent	Portugal	— 97/0438, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Italy	— 97/0100, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent	Finland	— 97/0448, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
Luxembourg	— 97/0110, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent	Sweden	— 97/0460, no measures notified, Art. 169 letter in 1997, terminated in 1997
		United Kingdom	— 97/0476, no measures notified, Art. 169 letter in 1997, terminated in 1997

## 5. AGRICULTURE

- 64/0433  
Health problems — trade in meat  
Member States which have notified implementing measures: all  
Germany — 93/2097, not properly applied, referral in 1996 (Case C-96/102)  
Finland — 96/0856, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 66/0400  
Beet seed  
Member States which have notified implementing measures: all  
Finland — 96/0855, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 66/0401  
Fodder-plant seed  
Member States which have notified implementing measures: all  
Finland — 96/0854, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 66/0402  
Cereal seed  
Member States which have notified implementing measures: all  
Finland — 96/0853, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 66/0403  
Seed potatoes  
Member States which have notified implementing measures: all  
Finland — 96/0852, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 69/0061  
Beet seed  
Member States which have notified implementing measures: all  
Finland — 96/0851, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 69/0062  
Seed potatoes  
Member States which have notified implementing measures: all  
Austria — 96/0362, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0850, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 69/0063  
Fodder-plant seed  
Member States which have notified implementing measures: all  
Austria — 96/0363, no measures notified, reasoned opinion in 1997, terminated in 1997
- 69/0208  
Seed of oil and fibre plants  
Member States which have notified implementing measures: all  
Finland — 96/0849, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 69/0464  
Control of potato wart disease  
Member States which have notified implementing measures: all  
Austria — 96/0365, no measures notified, reasoned opinion in 1997, to be terminated in 1998  
Finland — 96/0848, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 69/0465  
Control of potato cyst eelworm  
Member States which have notified implementing measures: all except A  
Austria — 96/0366, no measures notified, reasoned opinion in 1997  
Finland — 96/0847, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 69/0466  
Control of San José scale  
Member States which have notified implementing measures: all  
Austria — 96/0367, no measures notified, reasoned opinion in 1997, to be terminated in 1998
- 70/0373  
Feedingstuffs — official control  
Member States which have notified implementing measures: all  
Finland — 96/0846, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 70/0457  
Common catalogue of varieties of plant species  
Member States which have notified implementing measures: all  
Austria — 96/0368, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0845, no measures notified, Art. 169 letter in 1996, terminated in 1997

70/0458

Vegetable seed

Member States which have notified implementing measures: all  
Finland — 96/0844, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

70/0524

Feedingstuffs — additives

Member States which have notified implementing measures: all  
Finland — 96/0843, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

71/0118

Health problems — trade in poultry meat

Member States which have notified implementing measures: all  
Finland — 96/0842, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

71/0161

Forest reproductive material

Member States which have notified implementing measures: all  
Sweden — 96/0546, no measures notified, reasoned  
opinion in 1997, to be terminated in 1998

71/0162

Seed

Member States which have notified implementing measures: all  
Finland — 96/0841, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

71/0250

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0840, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

71/0285

Health problems — trade in animals

Member States which have notified implementing measures: all  
Sweden — 96/0547, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

71/0393

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0839, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

72/0168

Vegetable varieties

Member States which have notified implementing measures: all  
Austria — 96/0371, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

Finland

— 96/0838, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

72/0180

Agricultural varieties

Member States which have notified implementing measures: all  
Austria — 96/0373, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

Finland

— 96/0837, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

72/0199

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0836, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

72/0274

Seed

Member States which have notified implementing measures: all  
Finland — 96/0835, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

72/0418

Seed

Member States which have notified implementing measures: all  
Finland — 96/0833, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

73/0046

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0831, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

73/0047

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Sweden — 96/0545, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

Finland

— 96/0830, no measures notified, Art. 169 letter  
in 1996, terminated in 1997



73/0438

Seed

Member States which have notified implementing measures: all  
Finland — 96/0829, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

74/0013

Forest reproductive material

Member States which have notified implementing measures: all  
Sweden — 96/0544, no measures notified, reasoned  
opinion in 1997, to be terminated in 1998

74/0063

Feedingstuffs — undesirable substances

Member States which have notified implementing measures: all  
Finland — 96/0828, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

74/0203

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0827, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

74/0268

Fodder-plant and cereal seed

Member States which have notified implementing measures: all  
Finland — 96/0826, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

74/0647

Control of carnation leaf-rollers

Member States which have notified implementing measures: all  
except A  
Austria — 96/0375, no measures notified, Art. 169 letter  
in 1996

75/0084

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0825, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

75/0444

Seed

Member States which have notified implementing measures: all  
Finland — 96/0824, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

75/0502

Meadowgrass seed

Member States which have notified implementing measures: all  
Finland — 96/0823, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

76/0331

Beet seed

Member States which have notified implementing measures: all  
Finland — 96/0822, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

76/0371

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0821, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

76/0372

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0820, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

76/0895

Pesticide residues in fruit and vegetables

Member States which have notified implementing measures: all  
Finland — 96/0819, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

76/0934

Feedingstuffs — undesirable substances

Member States which have notified implementing measures: all  
Finland — 96/0818, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

77/0096

Health problems — import of meat

Member States which have notified implementing measures: all  
Sweden — 96/0543, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

77/0099

Health problems — meat products

Member States which have notified implementing measures: all  
Finland — 96/0815, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

77/0101

Straight feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0814, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

77/0504

Pure-bred cattle for breeding

Member States which have notified implementing measures: all  
except A  
Austria — 96/0380, no measures notified, reasoned  
opinion in 1997

78/0055

Seed

Member States which have notified implementing measures: all  
Finland — 96/0813, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

78/0386

Fodder-plant seed

Member States which have notified implementing measures: all  
Finland — 96/0812, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

78/0387

Cereal seed

Member States which have notified implementing measures: all  
Finland — 96/0811, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

78/0388

Seed of oil and fibre plants

Member States which have notified implementing measures: all  
Finland — 96/0810, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

78/0511

Fodder-plant and cereal seed

Member States which have notified implementing measures: all  
Finland — 96/0809, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

78/0633

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0808, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

78/0692

Seed

Member States which have notified implementing measures: all  
Finland — 96/0807, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

78/0816

Seed potatoes

Member States which have notified implementing measures: all  
Austria — 96/0383, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

78/1020

Seed

Member States which have notified implementing measures: all  
Finland — 96/0806, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

79/0117

Plant protection products containing certain active substances

Member States which have notified implementing measures: all  
Finland — 96/0805, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

79/0372

Straight feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0804, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

79/0373

Compound feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0803, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

79/0641

Seed

Member States which have notified implementing measures: all  
Finland — 96/0802, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

79/0692

Seed

Member States which have notified implementing measures: all  
Finland — 96/0801, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

79/0700

Pesticides in fruit and vegetables — official control  
Member States which have notified implementing measures: all  
Finland — 96/0800, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

79/0797

Feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0799, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

79/0967

Seed  
Member States which have notified implementing measures: all  
Austria — 96/0385, no measures notified, reasoned  
opinion in 1997, terminated in 1997

Finland — 96/0798, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

80/0304

Seed of oil and fibre plants  
Member States which have notified implementing measures: all  
Finland — 96/0795, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

80/0428

Pesticide residues in fruit and vegetables  
Member States which have notified implementing measures: all  
Finland — 96/0794, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

80/0502

Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all  
Finland — 96/0793, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

80/0510

Straight feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0792, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

80/0511

Compound feedingstuffs in packages  
Member States which have notified implementing measures: all

Finland — 96/0791, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

80/0695

Compound feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0790, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

80/0754

Fodder-plant seed  
Member States which have notified implementing measures: all  
Finland — 96/0789, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

81/0036

Pesticide residues in fruit and vegetables  
Member States which have notified implementing measures: all  
Finland — 96/0786, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

81/0126

Seed  
Member States which have notified implementing measures: all  
Finland — 96/0785, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

81/0680

Feedingstuffs — official control  
Member States which have notified implementing measures: all  
Finland — 96/0784, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

81/0715

Feedingstuffs — official control  
Member States which have notified implementing measures: all  
Finland — 96/0783, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

82/0287

Seed  
Member States which have notified implementing measures: all  
Finland — 96/0782, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

82/0471

Feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0781, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

82/0475

Labelling of compound feedingstuffs for pet animals

Member States which have notified implementing measures: all  
Finland — 96/0870, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

82/0528

Pesticide residues in fruit and vegetables

Member States which have notified implementing measures: all  
Finland — 96/0779, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

82/0859

Seed of oil and fibre plants

Member States which have notified implementing measures: all  
Finland — 96/0778, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

82/0937

Straight feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0777, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

83/0091

Health problems — trade in animals and meat

Member States which have notified implementing measures: all  
Sweden — 96/0541, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

83/0116

Fodder-plant seed and seed of oil and fibre plants

Member States which have notified implementing measures: all  
Austria — 96/0390, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

Finland — 96/0775, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

83/0131

Plant protection products containing certain active substances

Member States which have notified implementing measures: all  
Finland — 96/0774, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

83/0201

Health problems — products containing a small percentage of meat

Member States which have notified implementing measures: all  
Finland — 96/0773, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

83/0228

Feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0772, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

83/0381

Feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0771, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

84/0004

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Sweden — 96/0540, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

Finland — 96/0770, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

84/0319

Health problems — import of meat — trichinae

Member States which have notified implementing measures: all  
Sweden — 96/0539, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

84/0425

Feedingstuffs — official control

Member States which have notified implementing measures: all  
Finland — 96/0769, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

84/0443

Products used in feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0768, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

85/0038

Fodder-plant seed

Member States which have notified implementing measures: all  
Finland — 96/0766, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

85/0073

Financing of health inspections of fresh meat

Member States which have notified implementing measures: all  
Austria — 96/0393, no measures notified, reasoned  
opinion in 1997

Greece — 94/2181, not properly applied, reasoned opinion in 1997

85/0298

Plant protection products containing certain active substances  
Member States which have notified implementing measures: all  
Finland — 96/0764, no measures notified, Art. 169 letter in 1996, terminated in 1997

85/0509

Feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0761, no measures notified, Art. 169 letter in 1996, terminated in 1997

85/0586

Health problems — trade in animals and meats  
Member States which have notified implementing measures: all  
Finland — 96/0759, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0109

Certified seed  
Member States which have notified implementing measures: all  
Finland — 96/0758, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0155

Seed  
Member States which have notified implementing measures: all  
Austria — 96/0395, no measures notified, Art. 169 letter in 1996, terminated in 1997

Finland — 96/0757, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0174

Compound feedingstuffs for poultry  
Member States which have notified implementing measures: all  
Finland — 96/0756, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0214

Plant protection products containing certain active substances  
Member States which have notified implementing measures: all  
Finland — 96/0755, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0299

Feedingstuffs — undesirable substances  
Member States which have notified implementing measures: all  
Finland — 96/0754, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0320

Cereal seed  
Member States which have notified implementing measures: all  
Finland — 96/0753, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0354

Compound feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0752, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0355

Plant protection products containing certain active substances  
Member States which have notified implementing measures: all  
Finland — 96/0751, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0362

Pesticide residues in cereals  
Member States which have notified implementing measures: all  
Finland — 96/0750, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0363

Pesticide residues in foodstuffs of animal origin  
Member States which have notified implementing measures: all  
Finland — 96/0749, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0469

Examination of meat for the presence of residues  
Member States which have notified implementing measures: all  
Finland — 96/0748, no measures notified, Art. 169 letter in 1996, terminated in 1997

86/0530

Products used in feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0747, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0120

Seeds and propagating materials

Member States which have notified implementing measures: all

Finland — 96/0745, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0153

Feedingstuffs — additives

Member States which have notified implementing measures: all

Finland — 96/0744, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0181

Plant protection products containing certain active substances

Member States which have notified implementing measures: all

Finland — 96/0743, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0234

Straight feedingstuffs

Member States which have notified implementing measures: all

Finland — 96/0742, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0238

Feedingstuffs — undesirable substances

Member States which have notified implementing measures: all

Finland — 96/0741, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0328

Cattle for breeding

Member States which have notified implementing measures: all except A

Austria — 96/0398, no measures notified, reasoned opinion in 1997

87/0477

Plant protection products containing certain active substances

Member States which have notified implementing measures: all

Finland — 96/0739, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0480

Seed

Member States which have notified implementing measures: all

Finland — 96/0738, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0481

Vegetable seed

Member States which have notified implementing measures: all

Austria — 96/0399, no measures notified, reasoned opinion in 1997, terminated in 1997

Finland

— 96/0737, no measures notified, Art. 169 letter in 1996, terminated in 1997

88/0095

Beet seed

Member States which have notified implementing measures: all

Finland — 96/0734, no measures notified, Art. 169 letter in 1996, terminated in 1997

88/0166

Protection of laying hens kept in battery cages

Member States which have notified implementing measures: all except A, FIN

Austria — 96/0400, no measures notified, reasoned opinion in 1997

Finland

— 97/0160, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998

88/0182

Technical standards (amending Directive 83/0189)

Member States which have notified implementing measures: all

Italy — 91/0565, not properly applied, referral in 1994 (Case C-94/289), judgment in 1996, terminated in 1997

Italy

— 92/0646, not properly applied, reasoned opinion in 1993, terminated in 1997

Netherlands

— 91/2328, not properly applied, referral in 1994 (Case C-94/273), judgment in 1996, terminated in 1997

Italy

— 92/0647, not properly applied, referral in 1997 (Case C-97/160), struck out in 1997

Netherlands

— 93/2267, not properly applied, referral in 1997 (Case C-97/341)

Portugal

— 95/0667, not properly applied, reasoned opinion in 1997

88/0289

Health problems — animals and meat from non-member countries

Member States which have notified implementing measures: all

Sweden — 96/0535, no measures notified, Art. 169 letter in 1996, terminated in 1997

88/0298

Pesticides in fruit and vegetables and cereals

Member States which have notified implementing measures: all

Finland — 96/0731, no measures notified, Art. 169 letter in 1996, terminated in 1997

88/0380

Seed

Member States which have notified implementing measures: all

Finland — 96/0730, no measures notified, Art. 169 letter in 1996, terminated in 1997

88/0409

Fees for the inspection of meat

Member States which have notified implementing measures: all except A

Austria — 96/0401, no measures notified, reasoned opinion in 1997

Sweden — 96/0534, no measures notified, Art. 169 letter in 1996, terminated in 1997

Finland — 96/0729, no measures notified, Art. 169 letter in 1996, terminated in 1997

88/0485

Products used in feedingstuffs

Member States which have notified implementing measures: all

Finland — 96/0728, no measures notified, Art. 169 letter in 1996, terminated in 1997

88/0661

Pigs for breeding

Member States which have notified implementing measures: all except A

Austria — 96/0402, no measures notified, reasoned opinion in 1997

89/0002

Cereal seed

Member States which have notified implementing measures: all

Finland — 96/0725, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0014

Vegetable seed

Member States which have notified implementing measures: all

Austria — 96/0403, no measures notified, reasoned opinion in 1997, terminated in 1997

Finland — 96/0724, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0100

Fodder-plant seed

Member States which have notified implementing measures: all

Finland — 96/0723, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0186

Pesticide residues in fruit and vegetables

Member States which have notified implementing measures: all

Finland — 96/0722, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0227

Health problems — meat products — non-member countries

Member States which have notified implementing measures: all

Finland — 96/0721, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0321

Health problems — import of meat

Sweden — 96/0533, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0361

Sheep and goats for breeding

Member States which have notified implementing measures: all except A

Austria — 96/0406, no measures notified, reasoned opinion in 1997

89/0362

Hygiene in milk production holdings

Member States which have notified implementing measures: all

Finland — 96/0720, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0365

Plant protection products containing certain active substances

Member States which have notified implementing measures: all

Finland — 96/0719, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0384

Health problems — trade in milk

Member States which have notified implementing measures: all

Finland — 96/0718, no measures notified, Art. 169 letter in 1996, terminated in 1997

89/0424

Seed

Member States which have notified implementing measures: all  
Finland — 96/0717, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

89/0437

Health problems — eggs

Member States which have notified implementing measures: all  
Austria — 96/0408, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

Finland — 96/0716, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

89/0520

Products used in feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0714, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

89/0662

Veterinary checks in intra-Community trade

Member States which have notified implementing measures: all  
Ireland — 92/0794, no measures notified, referral in  
1994 (Case C-94/162), judgment in 1995,  
Art. 171 letter in 1996, terminated in 1997

Finland — 96/0713, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

90/0044

Compound feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0712, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

90/0118

Pure-bred breeding pigs

Member States which have notified implementing measures: all  
except A

Austria — 96/0411, no measures notified, reasoned  
opinion in 1997

90/0119

Hybrid breeding pigs

Member States which have notified implementing measures: all  
except A

Austria — 96/0412, no measures notified, reasoned  
opinion in 1997

90/0167

Medicated feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0710, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

90/0335

Plant protection products

Member States which have notified implementing measures: all  
Finland — 96/0708, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

90/0425

Veterinary checks in intra-Community trade

Member States which have notified implementing measures: all  
Ireland — 92/0799, no measures notified, referral in  
1994 (Case C-94/161), judgment in 1995,  
Art. 171 letter in 1996, terminated in 1997

90/0427

Zootechnical conditions governing trade in equidae

Member States which have notified implementing measures: all  
except A

Austria — 96/0414, no measures notified, reasoned  
opinion in 1997

90/0428

Trade in equidae for competitions

Member States which have notified implementing measures: all  
except A

Austria — 96/0415, no measures notified, reasoned  
opinion in 1997

Sweden

— 96/0532, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

90/0439

Products used in feedingstuffs

Member States which have notified implementing measures: all  
Finland — 96/0706, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

90/0533

Plant protection products

Member States which have notified implementing measures: all  
Finland — 96/0705, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

90/0642

Pesticide residues — products of plant origin

Member States which have notified implementing measures: all



Finland — 96/0704, no measures notified, Art. 169 letter in 1996, terminated in 1997

90/0667

Processing of animal waste

Member States which have notified implementing measures: all except A

Austria — 96/0418, no measures notified, reasoned opinion in 1997

Finland — 96/0703, no measures notified, Art. 169 letter in 1996, terminated in 1997

90/0675

Veterinary checks on products from non-member countries

Member States which have notified implementing measures: all

Ireland — 92/0801, no measures notified, referral in 1994 (Case C-94/132), judgment in 1995, Art. 171 letter in 1996, terminated in 1997

91/0069

Health problems — trade in sheep

Member States which have notified implementing measures: all

Sweden — 96/0531, no measures notified, reasoned opinion in 1997, to be terminated in 1998

91/0126

Feedingstuffs — undesirable substances

Member States which have notified implementing measures: all

Finland — 96/0701, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0132

Feedingstuffs — undesirable substances

Member States which have notified implementing measures: all

Finland — 96/0700, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0174

Marketing of pure-bred animals

Member States which have notified implementing measures: all except A

Austria — 96/0419, no measures notified, reasoned opinion in 1997

91/0188

Plant protection products containing certain active substances

Member States which have notified implementing measures: all

Finland — 96/0699, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0249

Feedingstuffs — additives

Member States which have notified implementing measures: all

Finland — 96/0698, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0334

Compound feedingstuffs for pet animals

Member States which have notified implementing measures: all

Finland — 96/0696, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0336

Feedingstuffs — additives

Member States which have notified implementing measures: all

Finland — 96/0695, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0357

Compound feedingstuffs

Member States which have notified implementing measures: all

Finland — 96/0694, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0414

Placing of plant protection products on the market

Member States which have notified implementing measures: all except D

Germany — 93/0906, no measures notified, referral in 1996 (Case C-96/137), judgment in 1997

Greece

— 93/0914, no measures notified, referral in 1995 (Case C-95/380), judgment in 1996, terminated in 1997

Austria

— 96/0421, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0492

Live bivalve molluscs

Member States which have notified implementing measures: all

Austria — 96/0423, no measures notified, Art. 169 letter in 1996, terminated in 1997

Finland

— 96/0693, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0493

Fishery products

Member States which have notified implementing measures: all

Austria — 96/0424, no measures notified, reasoned opinion in 1997, to be terminated in 1998

- Finland — 96/0692, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 91/0495  
Rabbit meat and farmed game meat  
Member States which have notified implementing measures: all  
Finland — 96/0690, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 91/0496  
Veterinary checks for animals from non-member countries  
Member States which have notified implementing measures: all  
Ireland — 92/0808, no measures notified, referral in 1994 (Case C-94/138), judgment in 1995, Art. 171 letter in 1996, terminated in 1997
- 91/0497  
Fresh meat  
Member States which have notified implementing measures: all  
Finland — 96/0689, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 91/0508  
Feedingstuffs — additives  
Member States which have notified implementing measures: all  
Finland — 96/0688, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 91/0628  
Protection of animals during transport  
Member States which have notified implementing measures: all except A  
France — 93/0229, no measures notified, referral in 1995 (Case C-95/017), judgment in 1995, Art. 171 letter in 1996, terminated in 1997  
Austria — 96/0426, no measures notified, Art. 169 letter in 1996
- 91/0629  
Protection of calves  
Member States which have notified implementing measures: all except FIN  
Austria — 96/0427, no measures notified, reasoned opinion in 1997, to be terminated in 1998  
Finland — 96/0687, no measures notified, reasoned opinion in 1997
- 91/0630  
Protection of pigs  
Member States which have notified implementing measures: all except FIN  
Austria — 96/0428, no measures notified, reasoned opinion in 1997, to be terminated in 1998  
Finland — 96/0686, no measures notified, reasoned opinion in 1997
- 91/0682  
Material for the propagation of ornamental plants  
Member States which have notified implementing measures: all  
Austria — 96/0431, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Sweden — 96/0530, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0685, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 91/0684  
Health problems — egg products  
Member States which have notified implementing measures: all  
Austria — 96/0432, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0683, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0005  
Health problems — meat products  
Member States which have notified implementing measures: all  
Finland — 96/0680, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0009  
Seed of oil and fibre plants  
Member States which have notified implementing measures: all  
Austria — 96/0434, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0679, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0019  
Fodder-plant seed  
Member States which have notified implementing measures: all  
Finland — 96/0678, no measures notified, Art. 169 letter in 1996, terminated in 1997

- 92/0033  
Vegetable propagating material  
Member States which have notified implementing measures: all  
Italy — 93/0297, no measures notified, referral in 1995 (Case C-95/118), judgment in 1995, Art. 171 letter in 1996, terminated in 1997  
Austria — 96/0437, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0677, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0034  
Fruit-plant propagating material  
Member States which have notified implementing measures: all  
Italy — 93/0296, no measures notified, referral in 1995 (Case C-95/118), judgment in 1995, Art. 171 letter in 1996, terminated in 1997  
Austria — 96/0438, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0676, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0040  
Avian influenza  
Member States which have notified implementing measures: all  
Italy — 93/0292, no measures notified, referral in 1995 (Case C-95/117), judgment in 1996, terminated in 1997
- 92/0045  
Wild-game meat  
Member States which have notified implementing measures: all  
Italy — 94/0236, no measures notified, referral in 1995 (Case C-95/314), terminated in 1997  
Finland — 96/0674, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0046  
Milk products  
Member States which have notified implementing measures: all  
Italy — 94/0237, no measures notified, referral in 1995 (Case C-95/314), judgment in 1997, terminated in 1997  
Finland — 96/0673, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0063  
Undesirable substances and products in animal nutrition  
Member States which have notified implementing measures: all  
Finland — 96/0671, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0064  
Feedingstuffs — additives  
Member States which have notified implementing measures: all  
Finland — 96/0670, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0065  
Semen, ova and embryos not subject to Directive 90/425/EEC  
Member States which have notified implementing measures: all  
Italy — 94/0240, no measures notified, referral in 1995 (Case C-95/314), judgment in 1997, terminated in 1997  
Finland — 96/0669, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0070  
Recognition of protected zones  
Member States which have notified implementing measures: all  
Finland — 96/0667, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0076  
Protected zones exposed to particular plant health risks  
Member States which have notified implementing measures: all  
Finland — 96/0666, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0088  
Undesirable substances and products in animal nutrition  
Member States which have notified implementing measures: all except I  
Italy — 94/0243, no measures notified, referral in 1995 (Case C-95/314), judgment in 1997, Art. 171 letter to be sent in 1998  
Finland — 96/0665, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0089  
Community methods of analysis for the official control of feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0664, no measures notified, Art. 169 letter in 1996, terminated in 1997

- 92/0090  
Producers and importers of plants  
Member States which have notified implementing measures: all  
Finland — 96/0663, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0102  
Identification and registration of animals  
Member States which have notified implementing measures: all except FIN  
United Kingdom — 95/0191, no measures notified, reasoned opinion in 1996 (\*), terminated in 1997  
Finland — 96/0661, no measures notified, reasoned opinion in 1997 (\*\*)
- (\*) Sheep and goats  
(\*\*) All aspects
- 92/0107  
Oil and fibre plants  
Member States which have notified implementing measures: all  
Austria — 96/0440, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0658, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0116  
Health problems affecting trade in fresh poultry meat  
Member States which have notified implementing measures: all except I  
Germany — 94/0081, no measures notified, referral in 1996 (Case C-96/138), judgment in 1997, to be terminated in 1998  
Italy — 94/0247, no measures notified, referral in 1995 (Case C-95/314), judgment in 1997, Art. 171 letter to be sent in 1998
- 92/0117  
Zoonoses and zoonotic agents  
Member States which have notified implementing measures: all except B, I  
Belgium — 94/0019, no measures notified, reasoned opinion in 1994  
Italy — 94/0248, no measures notified, referral in 1995, Case C-95/314  
Finland — 96/0656, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0118  
Products not subject to specific health requirements  
Member States which have notified implementing measures: all except FIN  
Greece — 94/0111, no measures notified, referral in 1996 (Case C-96/091), judgment in 1996, terminated in 1997
- Italy — 94/0249, no measures notified, referral in 1995 (Case C-95/314), judgment in 1997, terminated in 1997  
Finland — 96/0655, no measures notified, reasoned opinion in 1997
- 92/0119  
Specific measures relating to swine vesicular disease  
Member States which have notified implementing measures: all  
Belgium — 93/0974, no measures notified, referral in 1996 (Case C-96/208), judgment in 1997, to be terminated in 1998
- 93/0017  
Community grades of seed potatoes  
Member States which have notified implementing measures: all  
Finland — 96/0654, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0026  
Feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0653, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0027  
Feedingstuffs — additives  
Member States which have notified implementing measures: all  
Finland — 96/0652, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0028  
Official control of feedingstuffs  
Member States which have notified implementing measures: all except P  
Portugal — 94/0934, no measures notified, reasoned opinion in 1996, referral scheduled in 1998  
Finland — 96/0651, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0048  
Fruit-plant propagating material  
Member States which have notified implementing measures: all except D  
Germany — 94/0086, no measures notified, referral in 1996 (Case C-96/139), judgment in 1997  
Italy — 94/0253, no measures notified, referral in 1995 (Case C-95/315), judgment in 1996, terminated in 1997  
Austria — 96/0447, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0650, no measures notified, Art. 169 letter in 1996, terminated in 1997

- 93/0049  
Material for the propagation of ornamental plants  
Member States which have notified implementing measures: all except D  
Germany — 94/0087, no measures notified, referral in 1996 (Case C-96/139), judgment in 1997  
Italy — 94/0254, no measures notified, referral in 1995 (Case C-95/315), judgment in 1996, terminated in 1997  
Austria — 96/0448, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Sweden — 96/0529, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0649, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0050  
Organisms harmful to plants  
Member States which have notified implementing measures: all  
Finland — 96/0648, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0051  
Movement of plants in protected zones  
Member States which have notified implementing measures: all  
Finland — 96/0647, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0052  
Embryos of domestic bovine animals  
Member States which have notified implementing measures: all  
Greece — 94/0108, no measures notified, referral in 1996 (Case C-96/091), judgment in 1996, terminated in 1997  
Italy — 94/0255, no measures notified, referral in 1995 (Case C-95/315), judgment in 1996, terminated in 1997
- 93/0053  
Control of certain fish diseases  
Member States which have notified implementing measures: all  
France — 94/0840, no measures notified, referral in 1997 (Case C-97/57), withdrawn in 1997  
Portugal — 94/0937, no measures notified, reasoned opinion in 1996, terminated in 1997
- 93/0054  
Animals and products of fish farming  
Member States which have notified implementing measures: all  
Italy — 94/0881, no measures notified, referral in 1996 (Case C-96/316), withdrawn in 1997  
93/0055  
Feedingstuffs — additives  
Member States which have notified implementing measures: all  
Finland — 96/0645, no measures notified, Art. 169 letter in 1996, terminated in 1997  
93/0056  
Feedingstuffs  
Member States which have notified implementing measures: all  
Finland — 96/0644, no measures notified, Art. 169 letter in 1996, terminated in 1997  
93/0057  
Pesticide residues — cereals and foodstuffs of animal origin  
Member States which have notified implementing measures: all  
Finland — 96/0643, no measures notified, Art. 169 letter in 1996, terminated in 1997  
93/0058  
Pesticide residues — products of plant origin  
Member States which have notified implementing measures: all  
Finland — 96/0642, no measures notified, Art. 169 letter in 1996, terminated in 1997  
93/0060  
Fresh semen  
Member States which have notified implementing measures: all  
Greece — 94/0983, no measures notified, reasoned opinion in 1996, terminated in 1997  
Portugal — 94/0939, no measures notified, reasoned opinion in 1996, terminated in 1997  
93/0061  
Vegetable propagating and planting material  
Member States which have notified implementing measures: all except D  
Germany — 94/0091, no measures notified, referral in 1996 (Case C-96/139), judgment in 1997  
Italy — 94/0258, no measures notified, referral in 1995 (Case C-95/315), judgment in 1996, terminated in 1997  
Austria — 96/0449, no measures notified, Art. 169 letter in 1996, terminated in 1997  
Finland — 96/0641, no measures notified, Art. 169 letter in 1996, terminated in 1997

93/0062

Vegetable propagating material

Member States which have notified implementing measures: all except D

Germany — 94/0652, no measures notified, referral in 1996 (Case C-96/344)

Italy — 94/0724, no measures notified, reasoned opinion in 1996, terminated in 1997

Austria — 96/0450, no measures notified, Art. 169 letter in 1996, terminated in 1997

Finland — 96/0640, no measures notified, Art. 169 letter in 1996, terminated in 1997

93/0063

Ornamental plants

Member States which have notified implementing measures: all except D

Germany — 94/0653, no measures notified, referral in 1996 (Case C-96/344)

Italy — 94/0725, no measures notified, reasoned opinion in 1996, terminated in 1997

Austria — 96/0451, no measures notified, Art. 169 letter in 1996, terminated in 1997

Sweden — 96/0528, no measures notified, Art. 169 letter in 1996, terminated in 1997

Finland — 96/0639, no measures notified, Art. 169 letter in 1996, terminated in 1997

93/0064

Fruit plant propagating material

Member States which have notified implementing measures: all except D

Germany — 94/0654, no measures notified, referral in 1996 (Case C-96/344)

Italy — 94/0726, no measures notified, reasoned opinion in 1996, terminated in 1997

Austria — 96/0452, no measures notified, Art. 169 letter in 1996, terminated in 1997

Finland — 96/0638, no measures notified, Art. 169 letter in 1996, terminated in 1997

93/0070

Official control of feedingstuffs

Member States which have notified implementing measures: all

Greece — 94/0694, no measures notified, referral in 1997 (Case C-97/146), withdrawn in 1997

Finland — 96/0637, no measures notified, Art. 169 letter in 1996, terminated in 1997

93/0071

Plant protection products

Member States which have notified implementing measures: all except D

Germany — 94/0816, no measures notified, referral in 1997 (Case C-97/186)

Greece — 94/0980, no measures notified, reasoned opinion in 1996, terminated in 1997

Austria — 96/0454, no measures notified, Art. 169 letter in 1996, terminated in 1997

93/0074

Feedingstuffs intended for particular nutritional purposes

Member States which have notified implementing measures: all except F

France — 95/0501, no measures notified, referral in 1997 (Case C-97/354)

Greece — 95/0451, no measures notified, reasoned opinion in 1996, terminated in 1997

Italy — 95/0543, no measures notified, reasoned opinion in 1996, terminated in 1997

Finland — 96/0635, no measures notified, Art. 169 letter in 1996, terminated in 1997

93/0078

Ornamental plants

Member States which have notified implementing measures: all except D

Germany — 94/0655, no measures notified, referral in 1996 (Case C-96/344)

Italy — 94/0728, no measures notified, reasoned opinion in 1996, terminated in 1997

Austria — 96/0455, no measures notified, Art. 169 letter in 1996, terminated in 1997

Finland — 96/0634, no measures notified, Art. 169 letter in 1996, terminated in 1997

93/0079

Fruit plant propagating material

Member States which have notified implementing measures: all except D

Germany — 94/0656, no measures notified, referral in 1996 (Case C-96/344)

Italy — 94/0729, no measures notified, reasoned opinion in 1996, terminated in 1997

Austria — 96/0456, no measures notified, Art. 169 letter in 1996, terminated in 1997

Finland — 96/0633, no measures notified, Art. 169 letter in 1996, terminated in 1997

- 93/0085  
Potato ring rot  
Member States which have notified implementing measures: all except A
- Germany — 94/0093, no measures notified, referral in 1996 (Case C-96/146), withdrawn in 1997
- Austria — 96/0457, no measures notified, reasoned opinion in 1997
- Finland — 96/0632, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Italy — 94/0890, no measures notified, referral in 1996 (Case C-96/316), judgment in 1997
- Portugal — 94/0947, no measures notified, reasoned opinion in 1996, terminated in 1997
- Sweden — 96/0525, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0628, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0106  
Particular plant health risks — protected zones  
Member States which have notified implementing measures: all
- Greece — 94/0423, no measures notified, referral in 1997 (Case C-97/154), withdrawn in 1997
- Luxembourg — 94/0477, no measures notified, referral in 1996 (Case C-96/362), withdrawn in 1997
- 93/0107  
Feedingstuffs — additives  
Member States which have notified implementing measures: all
- Austria — 96/0459, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0631, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0113  
Enzymes and micro-organisms in animal nutrition  
Member States which have notified implementing measures: all except I
- France — 94/0849, no measures notified, referral in 1997 (Case C-97/57), withdrawn in 1997
- Italy — 94/0889, no measures notified, referral in 1996 (Case C-96/316), judgment in 1997
- Austria — 96/0461, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0629, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Portugal — 94/0946, no measures notified, reasoned opinion in 1996, terminated in 1997
- 93/0114  
Feedingstuffs — additives  
Member States which have notified implementing measures: all except I
- Greece — 94/0976, no measures notified, reasoned opinion in 1996, terminated in 1997
- France — 94/0850, no measures notified, referral in 1997 (Case C-97/57), withdrawn in 1997
- 93/0117  
Official control of feedingstuffs  
Member States which have notified implementing measures: all
- Greece — 95/0068, no measures notified, reasoned opinion in 1996, terminated in 1997
- Sweden — 96/0524, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0627, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 93/0118  
Financing of veterinary health inspections  
Member States which have notified implementing measures: all except EL, E, I, A, P
- Belgium — 95/0025, no measures notified, reasoned opinion in 1996, terminated in 1997
- Spain — 95/0085, no measures notified, reasoned opinion in 1996, referral scheduled in 1998
- Greece — 95/0069, no measures notified, referral in 1997 (Case C-97/385)
- Italy — 95/0135, no measures notified, referral in 1997 (Case C-97/416)
- Austria — 96/0462, no measures notified, reasoned opinion in 1997
- Sweden — 96/0523, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0626, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Portugal — 95/0180, no measures notified, reasoned opinion in 1996, referral scheduled in 1998
- United Kingdom — 92/0025, not properly applied, reasoned opinion in 1997
- 93/0119  
Protection of animals at the time of slaughter or killing  
Member States which have notified implementing measures: all except B, F, I, A
- Germany — 95/0257, no measures notified, reasoned opinion in 1996, terminated in 1997

- Belgium — 95/0233, no measures notified, referral in 1997 (Case C-97/332)
- France — 95/0295, no measures notified, referral in 1997 (Case C-97/56)
- Italy — 95/0322, no measures notified, referral in 1997 (Case C-97/416)
- Netherlands — 95/0352, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Austria — 96/0463, no measures notified, reasoned opinion in 1997
- Sweden — 96/0522, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0625, no measures notified, Art. 169 letter in 1996, terminated in 1997
- United Kingdom — 95/0379, no measures notified, reasoned opinion in 1996, terminated in 1997
- 93/0120  
Health problems — poultry and hatching eggs  
Member States which have notified implementing measures: all except EL, I, P
- Belgium — 95/0234, no measures notified, reasoned opinion in 1996, to be terminated in 1998
- Greece — 95/0272, no measures notified, referral in 1997 (Case C-97/377)
- Italy — 95/0323, no measures notified, referral in 1997 (Case C-97/397)
- Portugal — 95/0365, no measures notified, reasoned opinion in 1996, referral scheduled in 1998
- 93/0121  
Health problems — trade in poultry meat  
Member States which have notified implementing measures: all except I
- Greece — 95/0273, no measures notified, reasoned opinion in 1996, terminated in 1997
- Italy — 95/0324, no measures notified, referral in 1997 (Case C-97/397)
- 94/0003  
Interception of harmful organisms  
Member States which have notified implementing measures: all
- Germany — 94/0657, no measures notified, referral in 1996 (Case C-96/344), withdrawn in 1997
- Luxembourg — 94/0741, no measures notified, referral in 1996 (Case C-96/362), withdrawn in 1997
- 94/0013  
Organisms harmful to plants  
Member States which have notified implementing measures: all
- Germany — 95/0258, no measures notified, referral in 1997 (Case C-97/203), withdrawn in 1997
- 94/0014  
Feedingstuffs — official control  
Member States which have notified implementing measures: all
- Portugal — 95/0608, no measures notified, reasoned opinion in 1997, terminated in 1997
- 94/0016  
Undesirable substances and products in animal nutrition  
Member States which have notified implementing measures: all except I
- Italy — 95/0326, no measures notified, referral in 1997 (Case C-97/416)
- Luxembourg — 95/0341, no measures notified, referral in 1997 (Case C-97/100), withdrawn in 1997
- Finland — 95/0620, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 94/0017  
Feedingstuffs — additives  
Member States which have notified implementing measures: all
- Finland — no measures notified, Art. 169 letter in 1996, terminated in 1997
- 94/0028  
Imports from third countries — zootechnical and genealogical conditions  
Member States which have notified implementing measures: all except F, IRL, L, A, P
- Belgium — 95/0402, no measures notified, reasoned opinion in 1996, terminated in 1997
- France — 95/0505, no measures notified, referral in 1997 (Case C-97/354)
- Ireland — 95/0527, no measures notified, reasoned opinion in 1996, referral scheduled in 1998
- Luxembourg — 95/0573, no measures notified, referral in 1997 (Case C-97/351)
- Austria — 96/0467, no measures notified, reasoned opinion in 1997
- Portugal — 95/0610, no measures notified, reasoned opinion in 1997, referral scheduled in 1998
- United Kingdom — 95/0635, no measures notified, reasoned opinion in 1996, terminated in 1997
- 94/0029  
Pesticide residues — cereals and foodstuffs of animal origin  
Member States which have notified implementing measures: all
- Belgium — 95/0403, no measures notified, reasoned opinion in 1996, terminated in 1997



- Portugal — 95/0611, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Finland — 96/0618, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 94/0030  
Pesticide residues in products of plant origin  
Member States which have notified implementing measures: all  
Belgium — 95/0404, no measures notified, Art. 169 letter in 1996, terminated in 1997
- France — 95/0507, no measures notified, reasoned opinion in 1996, terminated in 1997
- Portugal — 95/0612, no measures notified, Art. 169 letter in 1995, terminated in 1997
- Finland — 96/0617, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 94/0037  
Plant protection products  
Member States which have notified implementing measures: all except D, P  
Germany — 95/0437, no measures notified, referral in 1997 (Case C-97/320)
- France — 95/0509, no measures notified, reasoned opinion in 1996, terminated in 1997
- Greece — 95/0459, no measures notified, reasoned opinion in 1996, terminated in 1997
- Austria — 96/0468, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Portugal — 95/0614, no measures notified, reasoned opinion in 1997, referral scheduled in 1998
- 94/0039  
Intended uses of feedingstuffs for particular nutritional purposes  
Member States which have notified implementing measures: all except F  
Germany — 95/0438, no measures notified, referral in 1997 (Case C-97/325), withdrawn in 1997
- France — 95/0510, no measures notified, referral in 1997 (Case C-97/354)
- Greece — 95/0460, no measures notified, reasoned opinion in 1996, terminated in 1997
- Italy — 95/0552, no measures notified, reasoned opinion in 1996, terminated in 1997
- Sweden — 96/0520, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0615, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 94/0040  
Additives — guidelines for evaluation  
Member States which have notified implementing measures: all  
Greece — 94/0973, no measures notified, reasoned opinion in 1996, terminated in 1997
- Portugal — 94/0950, no measures notified, reasoned opinion in 1996, terminated in 1997
- Sweden — 96/0519, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0614, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 94/0041  
Feedingstuffs — additives  
Member States which have notified implementing measures: all  
Germany — 95/0439, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1997, terminated in 1997
- Finland — 96/0613, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 94/0042  
Health problems — live animals  
Member States which have notified implementing measures: all except I  
Greece — 95/0276, no measures notified, reasoned opinion in 1996, terminated in 1997
- Ireland — 95/0311, no measures notified, reasoned opinion in 1996, terminated in 1997
- Italy — 95/0327, no measures notified, referral in 1997 (Case C-97/416)
- Luxembourg — 95/0343, no measures notified, referral in 1997 (Case C-97/100), withdrawn in 1997
- Portugal — 95/0370, no measures notified, reasoned opinion in 1996, terminated in 1997
- 94/0059  
Imports from third countries — examination for trichinae  
Member States which have notified implementing measures: all except I  
Germany — 95/0052, no measures notified, reasoned opinion in 1996, terminated in 1997
- Greece — 95/0075, no measures notified, referral in 1998 (Case C-97/385), withdrawn in 1997
- Italy — 95/0141, no measures notified, referral in 1997 (Case C-97/398)

- United Kingdom — 95/0210, no measures notified, reasoned opinion in 1996, terminated in 1997
- Sweden — 96/0518, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 94/0065  
Minced meat and meat preparations  
Member States which have notified implementing measures: all except E, I
- Germany — 96/0247, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Spain — 96/0277, no measures notified, reasoned opinion in 1997
- Greece — 96/0263, no measures notified, reasoned opinion in 1997, terminated in 1997
- Italy — 96/0306, no measures notified, reasoned opinion in 1997
- Austria — 96/0471, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0611, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Sweden — 96/0517, no measures notified, Art. 169 letter in 1996, terminated in 1997
- United Kingdom — 96/0351, no measures notified, reasoned opinion in 1997, to be terminated in 1998
- 94/0071  
Raw milk, heat-treated milk and milk-based products  
Member States which have notified implementing measures: all except A
- France — 95/0514, no measures notified, reasoned opinion in 1996, terminated in 1997
- Greece — 95/0467, no measures notified, reasoned opinion in 1996, terminated in 1997
- Italy — 95/0557, no measures notified, reasoned opinion in 1996, terminated in 1997
- Austria — 96/0472, no measures notified, reasoned opinion in 1997
- 94/0079  
Plant protection products  
Member States which have notified implementing measures: all except A, P
- Germany — 96/0248, no measures notified, Art. 196 letter in 1996, reasoned opinion in 1997
- Denmark — 96/0243, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Greece — 96/0264, no measures notified, Art. 169 letter in 1996, terminated in 1997
- France — 96/0283, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Luxembourg — 96/0319, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Austria — 96/0473, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Portugal — 96/0340, no measures notified, reasoned opinion in 1997
- 95/0006  
Cereal seed  
Member States which have notified implementing measures: all
- Greece — 95/0469, no measures notified, reasoned opinion in 1996, terminated in 1997
- Italy — 95/0560, no measures notified, reasoned opinion in 1996, terminated in 1997
- Finland — 96/0608, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 95/0009  
Feedingstuffs intended for particular nutritional purposes  
Member States which have notified implementing measures: all except F
- Germany — 95/0444, no measures notified, reasoned opinion in 1997, terminated in 1997
- France — 95/0517, no measures notified, referral in 1997 (Case C-97/354)
- Greece — 95/0470, no measures notified, reasoned opinion in 1996, terminated in 1997
- Italy — 95/0561, no measures notified, reasoned opinion in 1996, terminated in 1997
- Luxembourg — 95/0582, no measures notified, reasoned opinion in 1996, terminated in 1997
- Sweden — 96/0515, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0607, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 95/0010  
Calculating the energy value of certain dog and cat food  
Member States which have notified implementing measures: all except F
- Germany — 95/0445, no measures notified, reasoned opinion in 1997, terminated in 1997
- France — 95/0518, no measures notified, referral in 1997 (Case C-97/354)
- Greece — 95/0471, no measures notified, reasoned opinion in 1996, terminated in 1997

Italy	— 95/0562, no measures notified, reasoned opinion in 1996, terminated in 1997	95/0023 Fresh meat — production conditions Member States which have notified implementing measures: all except EL
Luxembourg	— 95/0583, no measures notified, reasoned opinion in 1996, terminated in 1997	Germany — 96/0046, no measures notified, reasoned opinion in 1997, terminated in 1997
Sweden	— 96/0514, no measures notified, Art. 169 letter in 1996, terminated in 1997	France — 96/0101, no measures notified, reasoned opinion in 1996, terminated in 1997
Finland	— 96/0606, no measures notified, Art. 169 letter in 1996, terminated in 1997	Greece — 96/0064, no measures notified, referral in 1997 (Case C-97/386)
95/0011 Feedingstuffs — assessment of additives Member States which have notified implementing measures: all		Ireland — 96/0120, no measures notified, reasoned opinion in 1996, terminated in 1997
France	— 96/0099, no measures notified, reasoned opinion in 1996, terminated in 1997	Netherlands — 96/0168, no measures notified, reasoned opinion in 1997, terminated in 1997
Greece	— 96/0062, no measures notified, reasoned opinion in 1996, terminated in 1997	Sweden — 96/0510, no measures notified, Art. 169 letter in 1996, terminated in 1997
Luxembourg	— 96/0155, no measures notified, reasoned opinion in 1996, terminated in 1997	Finland — 96/0604, no measures notified, Art. 169 letter in 1996, terminated in 1997
Portugal	— 96/0181, no measures notified, reasoned opinion in 1997, terminated in 1997	95/0025 Health problems — live animals Member States which have notified implementing measures: all except I
Sweden	— 96/0513, no measures notified, Art. 169 letter in 1996, terminated in 1997	Belgium — 96/0015, no measures notified, reasoned opinion in 1996, terminated in 1997
Finland	— 96/0605, no measures notified, Art. 169 letter in 1996, terminated in 1997	Greece — 96/0065, no measures notified, reasoned opinion in 1996, terminated in 1997
95/0022 Aquaculture products Member States which have notified implementing measures: all except L		Ireland — 96/0121, no measures notified, reasoned opinion in 1996, terminated in 1997
Greece	— 96/0915, no measures notified, reasoned opinion in 1997, terminated in 1997	Italy — 96/0140, no measures notified, referral in 1997 (Case C-97/396)
Spain	— 96/0940, no measures notified, Art. 169 letter in 1997, terminated in 1997	Luxembourg — 96/0158, no measures notified, reasoned opinion in 1996, terminated in 1997
France	— 96/0957, no measures notified, Art. 169 letter in 1997, terminated in 1997	United Kingdom — 96/0210, no measures notified, reasoned opinion in 1996, terminated in 1997
Ireland	— 96/0979, no measures notified, Art. 169 letter in 1997, terminated in 1997	Sweden — 96/0509, no measures notified, reasoned opinion in 1997, to be terminated in 1998
Italy	— 96/0998, no measures notified, Art. 169 letter in 1997, terminated in 1997	95/0029 Protection of animals during transport Member States which have notified implementing measures: all except D, F, I, L, A, P
Luxembourg	— 96/1014, no measures notified, reasoned opinion in 1997	Denmark — 97/0028, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Austria	— 96/1081, no measures notified, Art. 169 letter in 1997, terminated in 1997	Germany — 97/0035, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
Finland	— 96/1103, no measures notified, Art. 169 letter in 1997, terminated in 1997	Greece — 97/0050, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

Spain	— 97/0064, no measures notified, Art. 169 letter in 1997, terminated in 1997	France	— 96/0962, no measures notified, Art. 169 letter in 1997, terminated in 1997
France	— 97/0077, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998	Luxembourg	— 96/1018, no measures notified, Art. 169 letter in 1997, terminated in 1997
Ireland	— 97/0087, no measures notified, Art. 169 letter in 1997, terminated in 1997	Austria	— 96/1085, no measures notified, Art. 169 letter in 1997, terminated in 1997
Italy	— 97/0099, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998	Portugal	— 96/1049, no measures notified, reasoned opinion in 1997
Luxembourg	— 97/0109, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998	Finland	— 96/1108, no measures notified, Art. 169 letter in 1997, terminated in 1997
Netherlands	— 97/0122, no measures notified, Art. 169 letter in 1997, terminated in 1997	United Kingdom	— 96/1069, no measures notified, Art. 169 letter in 1997, terminated in 1997
Austria	— 97/0138, no measures notified, Art. 169 letter in 1997		
Portugal	— 97/0149, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998		
United Kingdom	— 97/0184, no measures notified, Art. 169 letter in 1997, terminated in 1997		
95/0033		95/0036	
Feedingstuffs — products used		Plant protection products	
Member States which have notified implementing measures: all except L		Member States which have notified implementing measures: all except D, P	
Belgium	— 96/0865, no measures notified, Art. 169 letter in 1997, terminated in 1997	Germany	— 96/0252, no measures notified, reasoned opinion in 1997
Germany	— 96/0893, no measures notified, Art. 169 letter in 1997, terminated in 1997	Denmark	— 96/0244, no measures notified, Art. 169 letter in 1996, terminated in 1997
France	— 96/0961, no measures notified, Art. 169 letter in 1997, terminated in 1997	France	— 96/0287, no measures notified, Art. 169 letter in 1996, terminated in 1997
Italy	— 96/1001, no measures notified, Art. 169 letter in 1997, terminated in 1997	Greece	— 96/0268, no measures notified, Art. 169 letter in 1996, terminated in 1997
Luxembourg	— 96/1017, no measures notified, reasoned opinion in 1997	Luxembourg	— 96/0323, no measures notified, Art. 169 letter in 1996, terminated in 1997
Portugal	— 96/1047, no measures notified, Art. 169 letter in 1997, terminated in 1997	Portugal	— 96/0343, no measures notified, reasoned opinion in 1997
Sweden	— 96/1122, no measures notified, Art. 169 letter in 1997, terminated in 1997	Austria	— 96/0480, no measures notified, Art. 169 letter in 1996, terminated in 1997
		Finland	— 96/0603, no measures notified, Art. 169 letter in 1996, terminated in 1997
		United Kingdom	— 96/0352, no measures notified, Art. 169 letter in 1996, terminated in 1997
95/0035		95/0037	
Placing of plant protection products on the market		Feedingstuffs — additives	
Member States which have notified implementing measures: all except D, P		Member States which have notified implementing measures: all	
Germany	— 96/0894, no measures notified, reasoned opinion in 1997	Germany	— 96/0895, no measures notified, Art. 169 letter in 1997, terminated in 1997
Greece	— 96/0918, no measures notified, Art. 169 letter in 1997, terminated in 1997	Greece	— 96/0919, no measures notified, Art. 169 letter in 1997, terminated in 1997
		France	— 96/0963, no measures notified, Art. 169 letter in 1997, terminated in 1997

- Luxembourg — 96/1019, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Portugal — 96/1050, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Finland — 96/1109, no measures notified, Art. 169 letter in 1997, terminated in 1997

## 95/0038

Pesticide residues in and on fruit and vegetables

Member States which have notified implementing measures: all

- Belgium — 96/0867, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Germany — 96/0896, no measures notified, reasoned opinion in 1997, to be terminated in 1998
- Greece — 96/0921, no measures notified, Art. 169 letter in 1997, terminated in 1997
- France — 96/0964, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Austria — 96/1086, no measures notified, reasoned opinion in 1997, terminated in 1997
- Finland — 96/1110, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Sweden — 96/1124, no measures notified, Art. 169 letter in 1997, terminated in 1997

## 95/0039

Pesticide residues — cereals and foodstuffs of animal origin

Member States which have notified implementing measures: all

- Belgium — 96/0868, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Germany — 96/0897, no measures notified, reasoned opinion in 1997, to be terminated in 1998
- Greece — 96/0944, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Austria — 96/1087, no measures notified, reasoned opinion in 1997, terminated in 1997
- Finland — 96/1111, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Sweden — 96/1125, no measures notified, Art. 169 letter in 1997, terminated in 1997

## 95/0040

Organisms harmful to plants — protected zones

Member States which have notified implementing measures: all

- Germany — 95/0446, no measures notified, referral in 1997 (Case C-97/331), withdrawn in 1997
- Greece — 95/0472, no measures notified, reasoned opinion in 1996, terminated in 1997
- Luxembourg — 95/0584, no measures notified, reasoned opinion in 1996, terminated in 1997
- Finland — 96/0602, no measures notified, Art. 169 letter in 1996, terminated in 1997

## 95/0041

Organisms harmful to plants

Member States which have notified implementing measures: all

- Germany — 95/0447, no measures notified, referral in 1997 (Case C-97/331), withdrawn in 1997
- Greece — 95/0473, no measures notified, reasoned opinion in 1996, terminated in 1997
- Luxembourg — 95/0585, no measures notified, reasoned opinion in 1996, terminated in 1997

## 95/0044

Organisms harmful to plants — work for trial or scientific purposes

Member States which have notified implementing measures: all except EL, L

- Germany — 96/0253, no measures notified, reasoned opinion in 1997, to be terminated in 1998
- France — 96/0288, no measures notified, reasoned opinion in 1997, terminated in 1997
- Greece — 96/0269, no measures notified, reasoned opinion in 1997
- Luxembourg — 96/0324, no measures notified, reasoned opinion in 1997

## 95/0061

Pesticide residues in and on fruit and vegetables

Member States which have notified implementing measures: all

- Germany — 97/0038, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Greece — 97/0052, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Austria — 97/0140, no measures notified, Art. 169 letter in 1997, terminated in 1997

- Sweden — 97/0172, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Italy — 97/0103, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Luxembourg — 97/0112, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Netherlands — 97/0124, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Portugal — 97/0152, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Sweden — 97/0173, no measures notified, Art. 169 letter in 1997, terminated in 1997
- United Kingdom — 97/0187, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- 95/0065  
Organisms harmful to plants — protected zones  
Member States which have notified implementing measures: all
- Germany — 96/0256, no measures notified, reasoned opinion in 1997, to be terminated in 1998
- France — 96/0290, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Greece — 96/0271, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Luxembourg — 96/0326, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0599, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 95/0070  
Diseases affecting bivalve molluscs  
Member States which have notified implementing measures: all except B, D, F, IRL, I, NL, S
- Belgium — 97/0263, no measures notified, Art. 169 letter in 1997
- Denmark — 97/0279, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Germany — 97/0293, no measures notified, Art. 169 letter in 1997
- Greece — 97/0309, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Spain — 97/0326, no measures notified, Art. 169 letter in 1997, terminated in 1997
- France — 97/0341, no measures notified, Art. 169 letter in 1997
- Ireland — 97/0359, no measures notified, Art. 169 letter in 1997
- Italy — 97/0372, no measures notified, Art. 169 letter in 1997
- Luxembourg — 97/0386, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Netherlands — 97/0402, no measures notified, Art. 169 letter in 1997
- Austria — 97/0411, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Portugal — 97/0429, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Finland — 97/0440, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Sweden — 97/0452, no measures notified, Art. 169 letter in 1997
- 95/0066  
Organisms harmful to plants and plant products  
Member States which have notified implementing measures: all
- Germany — 96/0257, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1997, to be terminated in 1998
- France — 96/0291, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Greece — 96/0272, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Luxembourg — 96/0327, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Finland — 96/0598, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 95/0068  
Marketing of meat products  
Member States which have notified implementing measures: all except B, D, E, P, UK
- Belgium — 97/0023, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Germany — 97/0039, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Greece — 97/0054, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Spain — 97/0067, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent in 1998
- Ireland — 97/0091, no measures notified, Art. 169 letter in 1997, terminated in 1997

United Kingdom	— 97/0464, no measures notified, Art. 169 letter in 1997, terminated in 1997	Greece	— 96/0927, no measures notified, reasoned opinion in 1997
		France	— 96/0968, no measures notified, Art. 169 letter in 1997, terminated in 1997
		Italy	— 96/1006, no measures notified, reasoned opinion in 1997
95/0071		Luxembourg	— 96/1024, no measures notified, Art. 169 letter in 1997, terminated in 1997
Fishery products		Austria	— 96/1092, no measures notified, Art. 169 letter in 1997, terminated in 1997
Member States which have notified implementing measures: all except B, D, EL, F, IRL, I, P, UK		Portugal	— 96/1058, no measures notified, Art. 169 letter in 1997, terminated in 1997
Belgium	— 97/0479, no measures notified, Art. 169 letter in 1997	Sweden	— 96/1129, no measures notified, Art. 169 letter in 1997, terminated in 1997
Denmark	— 97/0484, no measures notified, Art. 169 letter in 1997, to be terminated in 1998		
Germany	— 97/0488, no measures notified, Art. 169 letter in 1997	96/0007	
Greece	— 97/0493, no measures notified, Art. 169 letter in 1997	Feedingstuffs — additives	
Spain	— 97/0497, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	Member States which have notified implementing measures: all	
France	— 97/0501, no measures notified, Art. 169 letter in 1997	Germany	— 96/0902, no measures notified, Art. 169 letter in 1997, terminated in 1997
Ireland	— 97/0507, no measures notified, Art. 169 letter in 1997	Greece	— 96/0928, no measures notified, Art. 169 letter in 1997, terminated in 1997
Italy	— 97/0511, no measures notified, Art. 169 letter in 1997	France	— 96/0969, no measures notified, Art. 169 letter in 1997, terminated in 1997
Luxembourg	— 97/0514, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	Luxembourg	— 96/1025, no measures notified, Art. 169 letter in 1997, terminated in 1997
Austria	— 97/0520, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	Austria	— 96/1093, no measures notified, Art. 169 letter in 1997, terminated in 1997
Portugal	— 97/0524, no measures notified, Art. 169 letter in 1997	Portugal	— 96/1059, no measures notified, Art. 169 letter in 1997, terminated in 1997
Finland	— 97/0529, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	Sweden	— 96/1130, no measures notified, Art. 169 letter in 1997, terminated in 1997
Sweden	— 97/0533, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	96/0012	
United Kingdom	— 97/0536, no measures notified, Art. 169 letter in 1997	Plant protection products	
		Member States which have notified implementing measures: all except D, P	
		Belgium	— 97/0197, no measures notified, Art. 169 letter in 1997, terminated in 1997
		Germany	— 97/0204, no measures notified, Art. 169 letter in 1997
		Austria	— 97/0244, no measures notified, Art. 169 letter in 1997, terminated in 1997
		Portugal	— 97/0250, no measures notified, Art. 169 letter in 1997
96/0006		Finland	— 97/0254, no measures notified, Art. 169 letter in 1997, terminated in 1997
Feedingstuffs — undesirable substances		United Kingdom	— 97/0257, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Member States which have notified implementing measures: all except EL, I			
Germany	— 96/0901, no measures notified, Art. 169 letter in 1997, terminated in 1997		

96/0014 Organisms harmful to plants or plant products Member States which have notified implementing measures: all	Germany	— 96/0904, no measures notified, Art. 169 letter in 1997, terminated in 1997
Belgium	— 96/0240, no measures notified, Art. 169 letter in 1996, terminated in 1997	Greece
Germany	— 96/0260, no measures notified, reasoned opinion in 1997, to be terminated in 1998	— 96/0930, no measures notified, Art. 169 letter in 1997, terminated in 1997
France	— 96/0294, no measures notified, Art. 169 letter in 1996, terminated in 1997	France
Greece	— 96/0275, no measures notified, Art. 169 letter in 1996, terminated in 1997	— 96/0970, no measures notified, Art. 169 letter in 1997, terminated in 1997
Italy	— 96/0315, no measures notified, reasoned opinion in 1997, to be terminated in 1998	Ireland
Luxembourg	— 96/0329, no measures notified, Art. 169 letter in 1996, terminated in 1997	— 96/0990, no measures notified, Art. 169 letter in 1997, terminated in 1997
Finland	— 96/0597, no measures notified, Art. 169 letter in 1996, terminated in 1997	Netherlands
Sweden	— 96/0508, no measures notified, Art. 169 letter in 1996, terminated in 1997	— 96/1035, no measures notified, Art. 169 letter in 1997, terminated in 1997
96/0015 Organisms harmful to plants — protected zones Member States which have notified implementing measures: all	Austria	— 96/1095, no measures notified, Art. 169 letter in 1997, terminated in 1997
Belgium	— 96/0241, no measures notified, Art. 169 letter in 1996, terminated in 1997	Finland
Germany	— 96/0261, no measures notified, Art. 169 letter in 1996, to be terminated in 1998	— 96/1116, no measures notified, Art. 169 letter in 1997, terminated in 1997
France	— 96/0295, no measures notified, Art. 169 letter in 1996, terminated in 1997	96/0022 Substances having hormonal or thyrostatic action and $\beta$ -agonists Member States which have notified implementing measures: B, D, E, NL, A
Greece	— 96/0276, no measures notified, Art. 169 letter in 1996, terminated in 1997	Belgium
Italy	— 96/0316, no measures notified, Art. 169 letter in 1996, to be terminated in 1998	— 97/0264, no measures notified, Art. 169 letter in 1997, terminated in 1997
Luxembourg	— 96/0330, no measures notified, Art. 169 letter in 1996, terminated in 1997	Denmark
Finland	— 96/0596, no measures notified, Art. 169 letter in 1996, terminated in 1997	— 97/0280, no measures notified, Art. 169 letter in 1997
Sweden	— 96/0507, no measures notified, Art. 169 letter in 1996, terminated in 1997	Germany
96/0018 Seeds and propagating materials, marketing Member States which have notified implementing measures: all except B	Belgium	— 97/0294, no measures notified, Art. 169 letter in 1997, terminated in 1997
Belgium	— 96/0873, no measures notified, reasoned opinion in 1997	Greece
		— 97/0310, no measures notified, Art. 169 letter in 1997
		Spain
		— 97/0327, no measures notified, Art. 169 letter in 1997, terminated in 1997
		France
		— 97/0342, no measures notified, Art. 169 letter in 1997
		Ireland
		— 97/0360, no measures notified, Art. 169 letter in 1997
		Italy
		— 97/0373, no measures notified, Art. 169 letter in 1997
		Luxembourg
		— 97/0387, no measures notified, Art. 169 letter in 1997
		Netherlands
		— 97/0403, no measures notified, Art. 169 letter in 1997, terminated in 1997
		Austria
		— 97/0412, no measures notified, Art. 169 letter in 1997, terminated in 1997
		Portugal
		— 97/0430, no measures notified, Art. 169 letter in 1997
		Finland
		— 97/0441, no measures notified, Art. 169 letter in 1997
		Sweden
		— 97/0453, no measures notified, Art. 169 letter in 1997



United Kingdom	— 97/0465, no measures notified, Art. 169 letter in 1997	Luxembourg	— 97/0390, no measures notified, Art. 169 letter in 1997
		Austria	— 97/0415, no measures notified, Art. 169 letter in 1997
96/0023		United Kingdom	— 97/0468, no measures notified, Art. 169 letter in 1997, terminated in 1997
Substances and residues in live animals and animal products			
Member States which have notified implementing measures: B, D, L, NL		96/0033	
Belgium	— 97/0265, no measures notified, Art. 169 letter in 1997, terminated in 1997	Pesticide residues — foodstuffs of animal origin	
Denmark	— 97/0281, no measures notified, Art. 169 letter in 1997	Member States which have notified implementing measures: all except DK, F, L, A	
Greece	— 97/0311, no measures notified, Art. 169 letter in 1997	Denmark	— 97/0285, no measures notified, Art. 169 letter in 1997
Spain	— 97/0328, no measures notified, Art. 169 letter in 1997	Germany	— 97/0297, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
France	— 97/0343, no measures notified, Art. 169 letter in 1997	Greece	— 97/0315, no measures notified, Art. 169 letter in 1997, terminated in 1997
Ireland	— 97/0361, no measures notified, Art. 169 letter in 1997	Spain	— 97/0331, no measures notified, Art. 169 letter in 1997, terminated in 1997
Italy	— 97/0374, no measures notified, Art. 169 letter in 1997	France	— 97/0347, no measures notified, Art. 169 letter in 1997
Luxembourg	— 97/0388, no measures notified, Art. 169 letter in 1997, terminated in 1997	Luxembourg	— 97/0391, no measures notified, Art. 169 letter in 1997
Netherlands	— 97/0404, no measures notified, Art. 169 letter in 1997, terminated in 1997	Austria	— 97/0416, no measures notified, Art. 169 letter in 1997
Austria	— 97/0413, no measures notified, Art. 169 letter in 1997	United Kingdom	— 97/0469, no measures notified, Art. 169 letter in 1997, terminated in 1997
Portugal	— 97/0431, no measures notified, Art. 169 letter in 1997	96/0043	
Finland	— 97/0442, no measures notified, Art. 169 letter in 1997	Financing of veterinary inspections and controls	
Sweden	— 97/0454, no measures notified, Art. 169 letter in 1997	Member States which have notified implementing measures: L, UK	
United Kingdom	— 97/0466, no measures notified, Art. 169 letter in 1997	Belgium	— 97/0481, no measures notified, Art. 169 letter in 1997
96/0032		Denmark	— 97/0486, no measures notified, Art. 169 letter in 1997
Pesticide residues — fruit and vegetables		Germany	— 97/0491, no measures notified, Art. 169 letter in 1997
Member States which have notified implementing measures: all except DK, F, L, A		Greece	— 97/0495, no measures notified, Art. 169 letter in 1997
Denmark	— 97/0284, no measures notified, Art. 169 letter in 1997	Spain	— 97/0498, no measures notified, Art. 169 letter in 1997
Germany	— 97/0296, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	France	— 97/0503, no measures notified, Art. 169 letter in 1997
Greece	— 97/0314, no measures notified, Art. 169 letter in 1997, terminated in 1997	Ireland	— 97/0509, no measures notified, Art. 169 letter in 1997
Spain	— 97/0330, no measures notified, Art. 169 letter in 1997, terminated in 1997	Italy	— 97/0512, no measures notified, Art. 169 letter in 1997
France	— 97/0346, no measures notified, Art. 169 letter in 1997	Luxembourg	— 97/0515, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
		Netherlands	— 97/0518, no measures notified, Art. 169 letter in 1997

- Austria — 97/0521, no measures notified, Art. 169 letter in 1997
- Portugal — 97/0526, no measures notified, Art. 169 letter in 1997
- Finland — 97/0530, no measures notified, Art. 169 letter in 1997
- Sweden — 97/0534, no measures notified, Art. 169 letter in 1997
- 96/0046  
Plant protection products  
Member States which have notified implementing measures: all except D, F, P
- Belgium — 97/0268, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Denmark — 97/0286, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Germany — 97/0299, no measures notified, Art. 169 letter in 1997
- France — 97/0349, no measures notified, Art. 169 letter in 1997
- Ireland — 97/0363, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Austria — 97/0418, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Portugal — 97/0434, no measures notified, Art. 169 letter in 1997
- Finland — 97/0445, no measures notified, Art. 169 letter in 1997, terminated in 1997
- United Kingdom — 97/0471, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- 96/0068  
Plant protection products  
Member States which have notified implementing measures: all except D, EL, F, IRL, I, L, P, S
- Germany — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Greece — . . ., no measures notified, Art. 169 letter to be sent in 1998
- France — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Ireland — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Italy — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Luxembourg — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Portugal — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Sweden — . . ., no measures notified, Art. 169 letter to be sent in 1998
- 96/0072  
Marketing of seeds and plants  
Member States which have notified implementing measures: all except B, P
- Belgium — 97/0482, no measures notified, Art. 169 letter in 1997
- Spain — 97/0499, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- France — 97/0504, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Luxembourg — 97/0516, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Austria — 97/0522, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Portugal — 97/0527, no measures notified, Art. 169 letter in 1997
- Finland — 97/0531, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- 96/0078  
Organisms harmful to plants  
Member States which have notified implementing measures: all except L
- Germany — 97/0205, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Luxembourg — 97/0235, no measures notified, Art. 169 letter in 1997
- Austria — 97/0245, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Finland — 97/0256, no measures notified, Art. 169 letter in 1997, terminated in 1997
- 96/0090  
Products not subject to specific health requirements  
Member States which have notified implementing measures: DK, EL, NL, A, FIN, S
- Belgium — 97/0272, no measures notified, Art. 169 letter in 1997
- Denmark — 97/0290, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Germany — 97/0302, no measures notified, Art. 169 letter in 1997
- Greece — 97/0319, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Spain — 97/0335, no measures notified, Art. 169 letter in 1997

France	— 97/0353, no measures notified, Art. 169 letter in 1997	Denmark	— . . ., no measures notified, Art. 169 letter to be sent in 1998
Ireland	— 97/0366, no measures notified, Art. 169 letter in 1997	Greece	— . . ., no measures notified, Art. 169 letter to be sent in 1998
Italy	— 97/0379, no measures notified, Art. 169 letter in 1997	Spain	— . . ., no measures notified, Art. 169 letter to be sent in 1998
Luxembourg	— 97/0395, no measures notified, Art. 169 letter in 1997	Ireland	— . . ., no measures notified, Art. 169 letter to be sent in 1998
Netherlands	— 97/0408, no measures notified, Art. 169 letter in 1997, to be terminated in 1998	Italy	— . . ., no measures notified, Art. 169 letter to be sent in 1998
Austria	— 97/0422, no measures notified, Art. 169 letter in 1997, terminated in 1997	Luxembourg	— . . ., no measures notified, Art. 169 letter to be sent in 1998
Portugal	— 97/0437, no measures notified, Art. 169 letter in 1997	Austria	— . . ., no measures notified, Art. 169 letter to be sent in 1998
Finland	— 97/0447, no measures notified, Art. 169 letter in 1997, terminated in 1997	Finland	— . . ., no measures notified, Art. 169 letter to be sent in 1998
United Kingdom	— 97/0475, no measures notified, Art. 169 letter in 1997	Sweden	— . . ., no measures notified, Art. 169 letter to be sent in 1998
96/0093		United Kingdom	— . . ., no measures notified, Art. 169 letter to be sent in 1998
Certification of animals and animal products			
Member States which have notified implementing measures: DK, P, UK			
Belgium	— . . ., no measures notified, Art. 169 letter to be sent in 1998	97/0006	
Germany	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Feedingstuffs — additives	
Greece	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Member States which have notified implementing measures: all except EL	
Spain	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Belgium	— 97/0274, no measures notified, Art. 169 letter in 1997, terminated in 1997
France	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Greece	— 97/0321, no measures notified, Art. 169 letter in 1997
Ireland	— . . ., no measures notified, Art. 169 letter to be sent in 1998	France	— 97/0355, no measures notified, Art. 169 letter in 1997, terminated in 1997
Italy	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Finland	— 97/0449, no measures notified, Art. 169 letter in 1997, terminated in 1997
Luxembourg	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Sweden	— 97/0461, no measures notified, Art. 169 letter in 1997, terminated in 1997
Netherlands	— . . ., no measures notified, Art. 169 letter to be sent in 1998	97/0014	
Austria	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Organisms harmful to plants	
Finland	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Member States which have notified implementing measures: all except L	
Sweden	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Belgium	— 97/0275, no measures notified, Art. 169 letter in 1997, terminated in 1997
97/0002		Germany	— 97/0304, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
Protection of calves			
Member States which have notified implementing measures: D, F, NL, P			
Belgium	— . . ., no measures notified, Art. 169 letter to be sent in 1998	Greece	— 97/0322, no measures notified, Art. 169 letter in 1997, terminated in 1997
		Spain	— 97/0337, no measures notified, Art. 169 letter in 1997, terminated in 1997
		France	— 97/0356, no measures notified, Art. 169 letter in 1997, terminated in 1997

- Ireland — 97/0368, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Italy — 97/0381, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Luxembourg — 97/0397, no measures notified, Art. 169 letter in 1997
- Austria — 97/0424, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Finland — 97/0450, no measures notified, Art. 169 letter in 1997, terminated in 1997
- United Kingdom — 97/0477, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

## 97/0022

Protection against zoonoses and zoonotic agents

Member States which have notified implementing measures: D, A, P, S, UK

- Belgium — 97/0550, no measures notified, Art. 169 letter in 1997
- Denmark — 97/0566, no measures notified, Art. 169 letter in 1997
- Greece — 97/0598, no measures notified, Art. 169 letter in 1997
- Spain — 97/0613, no measures notified, Art. 169 letter in 1997
- France — 97/0626, no measures notified, Art. 169 letter in 1997
- Ireland — 97/0643, no measures notified, Art. 169 letter in 1997
- Italy — 97/0660, no measures notified, Art. 169 letter in 1997
- Netherlands — 97/0681, no measures notified, Art. 169 letter in 1997
- Portugal — 97/0712, no measures notified, Art. 169 letter in 1997
- Finland — 97/0729, no measures notified, Art. 169 letter in 1997

## 97/0047

Labelling of feedingstuffs

Member States which have notified implementing measures: DK, D, NL, A

- Belgium — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Greece — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Spain — . . ., no measures notified, Art. 169 letter to be sent in 1998
- France — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Ireland — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Italy — . . ., no measures notified, Art. 169 letter to be sent in 1998

- Luxembourg — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Portugal — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Finland — . . ., no measures notified, Art. 169 letter to be sent in 1998
- Sweden — . . ., no measures notified, Art. 169 letter to be sent in 1998
- United Kingdom — . . ., no measures notified, Art. 169 letter to be sent in 1998

## 97/0057

Plant protection products

Member States which have notified implementing measures: all except B, D, EL, E, I, P, FIN, S

- Belgium — 97/0554, no measures notified, Art. 169 letter in 1997
- Denmark — 97/0569, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Germany — 97/0583, no measures notified, Art. 169 letter in 1997
- Greece — 97/0602, no measures notified, Art. 169 letter in 1997
- Spain — 97/0616, no measures notified, Art. 169 letter in 1997
- Italy — 97/0664, no measures notified, Art. 169 letter in 1997
- Luxembourg — 97/0672, no measures notified, Art. 169 letter in 1997, to be terminated in 1998
- Portugal — 97/0716, no measures notified, Art. 169 letter in 1997
- Finland — 97/0733, no measures notified, Art. 169 letter in 1997
- Sweden — 97/0747, no measures notified, Art. 169 letter in 1997
- United Kingdom — 97/0764, no measures notified, Art. 169 letter in 1997, to be terminated in 1998

## 6. ENVIRONMENT

## 75/0439

Disposal of waste oils

Member States which have notified implementing measures: all

- Germany — 90/5097, not properly applied, referral in 1997 (Case C-97/102)
- Portugal — 93/2115, not properly implemented, reasoned opinion in 1997

## 75/0440

Surface water

Member States which have notified implementing measures: all

- Germany — 87/0372, not properly implemented, 2nd referral (Art. 171) in 1997 (Case C-97/122)
- France — 92/4200, not properly applied, reasoned opinion in 1997
- Italy — 89/0206, not properly implemented, supplementary reasoned opinion to be sent in 1998
- Portugal — 92/2300, not properly applied, referral in 1997 (Case C-97/214)
- United Kingdom — 89/4571, not properly implemented, reasoned opinion in 1996
- 75/0442  
Waste  
Member States which have notified implementing measures: all
- Greece — 89/0138, not properly applied, 2nd referral (Art. 171) in 1997 (Case C-97/387)
- Ireland — 91/0704, not properly implemented, terminated in 1997
- Italy — 88/0239, not properly applied, terminated in 1997
- Italy — 90/0262, not properly applied, referral in 1997 (Case C-97/365)
- Portugal — 93/4085, not properly applied, reasoned opinion to be sent in 1998
- 76/0160  
Bathing water  
Member States which have notified implementing measures: all except D, FIN
- Belgium — 89/0416, not properly applied, reasoned opinion in 1997, referral scheduled in 1998
- Germany — 89/0317, not properly applied, referral in 1997 (Case C-97/198)
- Germany — 97/2039, no measures notified, Art. 169 letter in 1997
- Spain — 89/0418, not properly applied, referral in 1996 (Case C-97/092)
- France — 96/2107, not properly applied, reasoned opinion to be sent in 1998
- Italy — 87/0356, not properly implemented, supplementary reasoned opinion (suspended) in 1997
- Finland — 96/0559, no measures notified, reasoned opinion in 1997, referral scheduled in 1998
- United Kingdom — 86/0214, not properly applied, judgment in 1993 (Case C-90/056)
- 76/0464  
Dangerous substances in the sea  
Member States which have notified implementing measures: all
- Belgium — 91/0205, not properly implemented, referral in 1997 (Case C-97/207)
- Germany — 89/2343, not properly applied, referral in 1997 (Case C-97/184)
- Greece — 91/0620, not properly applied, referral in 1995 (Case C-95/233)
- Greece — 90/0979, not properly applied, referral in 1997 (Case C-97/384)
- Greece — 89/0303, not properly applied, referral in 1995 (Case C-95/232)
- Spain — 90/0960, not properly applied, referral in 1996 (Case C-96/214)
- Spain — 90/2190, not properly applied, reasoned opinion in 1995, referral suspended
- Spain — 94/4865, not properly applied, reasoned opinion in 1997
- Spain — 94/4548, not properly applied, supplementary reasoned opinion in 1997
- France — 91/0206, not properly applied, supplementary reasoned opinion to be sent in 1998
- Ireland — 90/5220, not properly implemented, reasoned opinion in 1997
- Italy — 91/0642, not properly applied, referral in 1996 (Case C-96/285)
- Luxembourg — 91/0207, not properly applied, referral in 1996 (Case C-96/206)
- Netherlands — 90/4113, not properly applied, referral scheduled in 1998
- Portugal — 91/0556, not properly applied, referral scheduled in 1998
- United Kingdom — 91/0785, not properly applied, reasoned opinion in 1997
- 78/0319  
Toxic and dangerous waste  
Member States which have notified implementing measures: all
- Germany — 90/0038, not properly applied, referral in 1992 (Case C-92/422), judgment in 1994, Art. 171 letter in 1997
- 78/0659  
Quality of fresh waters  
Member States which have notified implementing measures: all
- Belgium — 90/2202, not properly applied, terminated in 1997
- Germany — 90/2203, not properly applied, referral in 1995 (Case C-95/298), Art. 171 letter in 1997
- Italy — 90/0211, not properly implemented, referral in 1993 (Case C-93/291), judgment in 1994, Art. 171 letter in 1997
- United Kingdom — 92/2362, not properly implemented, reasoned opinion in 1997
- 79/0409  
Conservation of wild birds  
Member States which have notified implementing measures: all

- Belgium — 90/0291, not properly implemented, supplementary reasoned opinion in 1997
- Germany — 92/4575, not properly applied, supplementary Art. 169 letter to be sent in 1998
- Germany — 94/4864, not properly applied, reasoned opinion to be sent in 1998
- Germany — 86/0222, not properly implemented, terminated in 1997
- Spain — 91/4380, not properly applied, reasoned opinion in 1996
- Spain — 95/4128, not properly applied, reasoned opinion in 1997
- Spain — 88/0295, not properly applied, judgment in 1993 (Case C-90/355), Art. 171 letter in 1996
- France — 84/0121, not properly implemented, judgment in 1993 (Case C-90/355), supplementary Art. 171 letter in 1997
- France — 94/4084, not properly implemented, supplementary Art. 169 letter to be sent in 1998
- France — 94/4733, not properly applied, reasoned opinion in 1997
- France — 91/4599, not properly applied, referral in 1997 (Case C-97/166)
- France — 92/4052, not properly applied, reasoned opinion in 1997
- France — 92/4527, not properly applied, reasoned opinion in 1997
- France — 89/4910, not properly applied, reasoned opinion in 1995, referral scheduled in 1998
- France — 91/0640, not properly applied, referral (suspended) in 1997
- Italy — 92/4279, not properly implemented, reasoned opinion in 1997
- Italy — 93/2165, not properly applied, reasoned opinion to be sent in 1998
- Italy — 87/0327, not properly applied, referral (suspended) in 1997
- Luxembourg — 88/0172, not properly applied, supplementary reasoned opinion in 1997
- Netherlands — 93/4479, not properly applied, reasoned opinion in 1997
- Finland — 96/0563, no measures notified, terminated in 1997
- 80/0068  
Protection of groundwater  
Member States which have notified implementing measures: all  
Germany — 86/0121, terminated in 1997
- Ireland — 89/0163, not properly implemented, supplementary reasoned opinion in 1997
- Portugal — 93/2112, not properly implemented, referral in 1997 (Case C-97/183)
- France — 90/0352, not properly implemented,
- United Kingdom — 90/5242, not properly applied, reasoned opinion in 1997
- 80/0778  
Drinking water  
Member States which have notified implementing measures: all  
Belgium — 90/5043, not properly applied, terminated in 1997
- France — 91/2316, not properly applied, terminated in 1997
- Portugal — 93/2191, not properly implemented, reasoned opinion to be sent in 1998
- United Kingdom — 91/0772, not properly applied, referral in 1996 (Case C-96/340)
- 80/0779  
Air quality  
Member States which have notified implementing measures: all  
Austria — 96/0386, no measures notified, terminated in 1997
- Portugal — 93/2113, not properly applied, terminated in 1997
- Finland — 96/0564, no measures notified, terminated in 1997
- 80/0836  
Health protection — ionising radiation  
Member States which have notified implementing measures: all except A, FIN, S  
Luxembourg — 88/0487, not properly implemented, referral scheduled in 1998
- Netherlands — 88/0488, not properly implemented, supplementary Art. 169 letter (suspended)
- Austria — 97/0130, no measures notified, Art. 169 letter in 1997
- Finland — 97/0159, no measures notified, Art. 169 letter in 1997
- Sweden — 97/0167, no measures notified, Art. 169 letter in 1997
- 79/0869  
Surface water  
Member States which have notified implementing measures: all  
Portugal — 93/2035, not properly implemented, referral in 1997 (Case C-97/229)
- 79/0923  
Shellfish waters  
Member States which have notified implementing measures: all  
Italy — 91/0743, not properly applied, referral in 1996 (Case C-96/225), judgment in 1997
- 82/0176  
Mercury discharges  
Member States which have notified implementing measures: all  
Italy — 92/2207, not properly implemented, reasoned opinion (suspended) in 1997

82/0501

Major accident hazards

Member States which have notified implementing measures: all

Germany — 87/0219, not properly implemented, referral in 1997 (Case C-97/192)

Italy — 91/2065, not properly applied, referral in 1997 (Case C-97/336)

82/0884

Lead in the air

Member States which have notified implementing measures: all

Austria — 96/0388, no measures notified, terminated in 1997

Finland — 96/0565, no measures notified, terminated in 1997

83/0129

Seal-pup skins

Member States which have notified implementing measures: all

Finland — 96/0566, no measures notified, terminated in 1997

83/0513

Cadmium discharges

Member States which have notified implementing measures: all

Italy — 92/2205, not properly implemented, reasoned opinion (suspended) in 1997

84/0156

Mercury discharges

Member States which have notified implementing measures: all

Portugal — 92/2303, not properly applied, referral in 1997 (Case C-97/208)

84/0360

Air pollution from industrial plants

Member States which have notified implementing measures: all

Portugal — 92/2183, not properly implemented, reasoned opinion to be sent in 1998

84/0466

Radiation protection — patients

Member States which have notified implementing measures: all

Belgium — 90/0237, not properly implemented, supplementary Art. 169 letter (suspended) in 1997

Spain — 91/0723, not properly implemented, referral in 1996 (Case C-97/021)

Ireland — 90/0239, not properly implemented, referral scheduled in 1998

Italy — 90/0240, not properly implemented, judgment in 1993 (Case C-92/95), 2nd referral (Art. 171), suspended in 1997

Portugal — 90/0242, not properly implemented, referral in 1996 (Case C-96/276)

85/0203

Air quality — nitrogen dioxide

Member States which have notified implementing measures: all

Austria — 96/0394, no measures notified, terminated in 1997

Finland — 96/0568, no measures notified, terminated in 1997

United Kingdom — 89/5110, not properly implemented, terminated in 1997

85/0337

Assessment of the effects of projects on the environment

Member States which have notified implementing measures: all

Belgium — 89/0652, not properly implemented, referral in 1994 (Case C-94/133), Art. 171 letter in 1997

Germany — 90/4710, not properly implemented, referral in 1995 (Case C-95/301)

Germany — 93/2003, not properly implemented, reasoned opinion to be sent in 1998

Greece — 91/2036, not properly implemented, reasoned opinion (suspended) in 1997

Spain — 90/0129, not properly implemented, supplementary reasoned opinion to be sent in 1998

Ireland — 89/0425, not properly implemented, referral in 1996 (Case C-96/392)

Italy — 91/0794, not properly implemented, reasoned opinion in 1993

Italy — 92/4674, not properly implemented, reasoned opinion in 1997

Portugal — 91/2168, not properly implemented, referral in 1997 (Case C-97/150)

85/0411

Conservation of wild birds

Member States which have notified implementing measures: all

Netherlands — 87/0176, not properly applied, referral in 1996 (Case C-96/003)

Finland — 96/0563, no measures notified, terminated in 1997

85/0444

Seal-pup skins

Member States which have notified implementing measures: all

Finland — 96/0570, no measures notified, terminated in 1997

86/0278

Sewage sludge used in agriculture

Member States which have notified implementing measures: all

Belgium — 90/0230, no measures notified, terminated in 1997

France — 92/2226, not properly implemented, reasoned opinion to be sent in 1998

86/0280

Dangerous substances in the sea

Member States which have notified implementing measures: all

Germany — 89/0427, not properly implemented, terminated in 1997

Ireland — 91/2216, not properly implemented, supplementary Art. 169 letter to be sent in 1998

Portugal — 92/2358, not properly implemented, referral in 1997 (Case C-97/213)

86/0431

Labelling of dangerous substances

Member States which have notified implementing measures: all

Austria — 96/0397, no measures notified, terminated in 1997

86/0609

Protection of animals

Member States which have notified implementing measures: all except S

Belgium — 93/2218, not properly implemented, referral in 1997 (Case C-97/268)

Luxembourg — 93/2190, not properly implemented, referral scheduled in 1998

Portugal — 92/2359, not properly implemented, referral in 1997 (Case C-97/299)

Sweden — 96/0487, no measures notified, reasoned opinion in 1997

87/0217

Pollution by asbestos

Member States which have notified implementing measures: all

Belgium — 90/4122, not properly applied, terminated in 1997

Portugal — 91/2218, not properly implemented, terminated in 1997

United Kingdom — 91/2163, not properly applied, terminated in 1997

88/0609

Emissions from large combustion plants

Member States which have notified implementing measures: all

Portugal — 91/2220, not properly implemented, terminated in 1997

89/0369

Incineration of municipal waste

Member States which have notified implementing measures: all except I

Belgium — 93/2121, not properly implemented, reasoned opinion to be sent in 1998

Italy — 91/0417, no measures notified, referral in 1995 (Case C-95/237), Art. 171 letter in 1997

Portugal — 91/2173, not properly implemented, terminated in 1997

89/0370

Seal-pup skins

Member States which have notified implementing measures: all

Finland — 96/0572, no measures notified, terminated in 1997

89/0427

Sulphur dioxide in the air

Member States which have notified implementing measures: all

Finland — 96/0573, no measures notified, terminated in 1997

89/0429

Municipal waste incinerators

Member States which have notified implementing measures: all

Belgium — 93/2122, not properly implemented, reasoned opinion to be sent in 1998

89/0618

Health protection — radiological emergency

Member States which have notified implementing measures: all except FIN, S

Luxembourg — 93/0611, no measures notified, terminated in 1997

Germany — 93/2276, not properly implemented, referral scheduled in 1998

Finland — 96/0574, no measures notified, Art. 169 letter in 1996

Sweden — 96/0488, no measures notified, Art. 169 letter in 1996

90/0219

Genetically modified organisms

Member States which have notified implementing measures: all

Belgium — 93/2120, not properly implemented, referral in 1997 (Case C-97/343)

Germany — 91/2336, not properly implemented, reasoned opinion in 1997, referral scheduled in 1998

Luxembourg — 92/0395, no measures notified, terminated in 1997

Portugal — 93/2179, not properly implemented, reasoned opinion in 1997

90/0220

Genetically modified organisms

Member States which have notified implementing measures: all

Belgium — 93/2120, not properly implemented, referral in 1997 (Case C-97/343)

Germany — 91/2336, not properly implemented, reasoned opinion in 1997, referral scheduled in 1998

Luxembourg — 92/0395, no measures notified, terminated in 1997

Portugal — 93/2179, not properly implemented, reasoned opinion in 1997



- 90/0313  
Freedom of access to information on the environment  
Member States which have notified implementing measures: all
- Germany — 94/2196, not properly implemented, referral in 1997 (Case C-97/217)
- Belgium — 93/4372, not properly implemented, reasoned opinion to be sent in 1998
- Netherlands — 93/2034, not properly implemented, reasoned opinion in 1997
- Portugal — 94/4682, not properly implemented, reasoned opinion to be sent in 1998
- Spain — 93/2197, not properly implemented, referral scheduled in 1998
- Spain — 95/4678, not properly implemented, referral scheduled in 1998
- Spain — 94/2277, not properly applied, referral in 1997 (Case C-97/298)
- France — 94/2270, not properly applied, referral scheduled in 1998
- France — 92/1009, no measures notified, referral in 1996 (Case C-96/282), Art. 171 letter to be sent in 1998
- Ireland — 94/4343, not properly applied, terminated in 1997
- Italy — 92/1011, no measures notified, judgment in 1996 (Case C-95/303), Art. 171 letter in 1997
- Italy — 94/2274, not properly applied, referral scheduled in 1998
- Portugal — 97/2073, not properly applied, reasoned opinion to be sent in 1998
- 90/0641  
Radiation protection — outside workers  
Member States which have notified implementing measures: all
- Belgium — 94/0004, no measures notified, terminated in 1997
- Greece — 94/0130, no measures notified, terminated in 1997
- Spain — 94/0131, no measures notified, terminated in 1997
- Portugal — 94/0332, no measures notified, terminated in 1997
- France — 94/2097, not properly implemented, referral scheduled in 1998
- 91/0156  
Waste  
Member States which have notified implementing measures: all except E, F
- Spain — 93/0720, no measures notified, referral in 1996 (Case C-96/107), Art. 171 letter to be sent in 1998
- France — 93/0737, no measures notified, referral in 1996 (Case C-96/223), Art. 171 letter to be sent in 1998
- Italy — 95/2184, not properly applied, reasoned opinion to be sent in 1998
- 91/0157  
Batteries containing dangerous substances  
Member States which have notified implementing measures: all except D, F, I
- Belgium — 92/1005, no measures notified, terminated in 1997
- Belgium — 94/2271, not properly applied, referral in 1997 (Case C-97/347)
- Germany — 92/1006, no measures notified, referral in 1996 (Case C-96/236), judgment in 1997
- Greece — 94/2273, not properly applied, reasoned opinion in 1997, referral scheduled in 1998
- 91/0244  
Conservation of wild birds  
Member States which have notified implementing measures: all
- Belgium — 93/2123, not properly implemented, reasoned opinion in 1997
- Greece — 93/0901, no measures notified, terminated in 1997
- Finland — 96/0579, no measures notified, terminated in 1997
- 91/0271  
Urban waste-water treatment  
Member States which have notified implementing measures: all except D, I
- Germany — 93/0669, no measures notified, referral in 1995 (Case C-95/297), Art. 171 letter in 1997
- Spain — 97/2069, not properly applied, reasoned opinion to be sent in 1998
- Greece — 93/0718, no measures notified, terminated in 1997
- Italy — 93/0786, no measures notified, referral in 1995 (Case C-95/302), Art. 171 reasoned opinion to be sent in 1998
- Portugal — 93/2247, not properly implemented, referral scheduled in 1998
- 91/0410  
Labelling of dangerous substances  
Member States which have notified implementing measures: all except B
- Belgium — 92/0666, no measures notified, referral in 1996 (Case C-96/356)
- Italy — 92/0832, no measures notified, terminated in 1997
- Portugal — 92/0902, no measures notified, terminated in 1997

91/0676

Pollution of water by nitrates of agricultural origin

Member States which have notified implementing measures: all

Belgium — 94/2239, not properly implemented, supplementary reasoned opinion in 1997

Greece — 94/2247, not properly implemented, referral in 1997 (Case C-97/173)

Spain — 94/2240, not properly implemented, referral in 1997 (Case C-97/071)

Spain — 96/2205, not properly applied, reasoned opinion in 1997

Finland — 96/0581, no measures notified, terminated in 1997

Ireland — 94/2238, not properly implemented, reasoned opinion to be sent in 1998

Italy — 94/2245, not properly implemented, referral in 1997 (Case C-97/195)

Italy — 96/2232, not properly implemented, reasoned opinion to be sent in 1998

Netherlands — 94/2242, supplementary Art. 169 letter in 1997

Austria — 96/0430, no measures notified, terminated in 1997

Portugal — 94/2243, not properly implemented, terminated in 1997

91/0689

Hazardous waste

Member States which have notified implementing measures: all except UK

Greece — 95/0448, no measures notified, terminated in 1997

Spain — 95/0474, no measures notified, terminated in 1997

France — 95/0498, no measures notified, terminated in 1997

Italy — 95/0539, no measures notified, terminated in 1997

Luxembourg — 95/0565, no measures notified, terminated in 1997

Portugal — 95/0601, no measures notified, terminated in 1997

United Kingdom — 95/0629, no measures notified, reasoned opinion to be sent in 1998

92/0003

Shipments of radioactive waste

Member States which have notified implementing measures: all except B, D

Belgium — 94/0400, no measures notified, referral in 1997 (Case C-97/277)

Germany — 94/0413, no measures notified, referral in 1997 (Case C-97/220)

Greece — 94/0428, no measures notified, terminated in 1997

92/0014

Operation of aeroplanes

Member States which have notified implementing measures: all

Belgium — 95/4970, not properly applied, reasoned opinion to be sent in 1998

92/0032

Labelling of dangerous substances

Member States which have notified implementing measures: all except B

Belgium — 93/0970, no measures notified, referral in 1996 (Case C-96/222), Art. 171 letter in 1997

Italy — 93/1044, no measures notified, terminated in 1997

Portugal — 93/1075, no measures notified, terminated in 1997

92/0043

Conservation of natural habitats and wild fauna and flora

Member States which have notified implementing measures: all except B, D, EL, F, FIN

Germany — 94/0645, no measures notified, referral in 1997 (Case C-97/083), judgment in 1997

Germany — 95/2225, not properly applied, reasoned opinion in 1997

Belgium — 96/2148, no measures notified, Art. 169 letter in 1997

Denmark — 96/2090, not properly applied, reasoned opinion to be sent in 1998

Greece — 94/0703, no measures notified, referral in 1996 (Case C-96/324), judgment in 1997, Art. 171 letter to be sent in 1998

Spain — 95/2231, not properly applied, reasoned opinion in 1997

Spain — 96/4373, not properly applied, reasoned opinion to be sent in 1998

France — 94/0673, no measures notified, supplementary reasoned opinion in 1997

France — 95/2230, not properly applied, reasoned opinion in 1997

Ireland — 96/2028, not properly implemented, terminated in 1997

Ireland — 95/2229, not properly applied, reasoned opinion in 1997

Italy — 94/0718, no measures notified, terminated in 1997

Italy — 96/2091, not properly applied, reasoned opinion to be sent in 1998

Luxembourg — 95/2226, not properly applied, reasoned opinion in 1997

Netherlands — 95/2228, not properly applied, reasoned opinion in 1997

Portugal — 94/0748, no measures notified, terminated in 1997

- United Kingdom — 96/2092, not properly applied, reasoned opinion in 1997
- Finland — 96/0582, no measures notified, reasoned opinion in 1998
- Finland — 95/2224, not properly applied, reasoned opinion in 1998
- 92/0069  
Labelling of dangerous substances  
Member States which have notified implementing measures: all except B
- Belgium — 93/0973, no measures notified, referral in 1996 (Case C-96/220), Art. 171 letter in 1997
- Italy — 93/1047, no measures notified, terminated in 1997
- Portugal — 93/1077, no measures notified, terminated in 1997
- 92/0072  
Air pollution by ozone  
Member States which have notified implementing measures: all except S
- France — 96/2186, not properly applied, reasoned opinion to be sent in 1998
- Greece — 94/0547, no measures notified, terminated in 1997
- Portugal — 94/0590, no measures notified, terminated in 1997
- Finland — 96/0583, no measures notified, terminated in 1997
- Sweden — 96/0491, no measures notified, reasoned opinion in 1997
- 92/0112  
Pollution — titanium dioxide  
Member States which have notified implementing measures: all
- Germany — 94/2151, not properly implemented, reasoned opinion in 1997
- 93/0012  
Sulphur content of liquid fuels  
Member States which have notified implementing measures: all except E
- Belgium — 94/0519, no measures notified, terminated in 1997
- Spain — 94/0552, no measures notified, reasoned opinion in 1996
- 93/0021  
Labelling of dangerous substances  
Member States which have notified implementing measures: all except B
- Belgium — 94/0782, no measures notified, referral in 1996 (Case C-96/313), judgment in 1997
- Italy — 94/0876, no measures notified, terminated in 1997
- Portugal — 94/0933, no measures notified, terminated in 1997
- 93/0067  
Principles for assessment of risks  
Member States which have notified implementing measures: all except B, UK
- Belgium — 93/0978, no measures notified, referral in 1996 (Case C-96/221), judgment in 1996, Art. 171 letter in 1997
- Italy — 93/1054, no measures notified, terminated in 1997
- Portugal — 93/1084, no measures notified, terminated in 1997
- United Kingdom — 93/1095, no measures notified, supplementary Art. 169 letter in 1997
- 93/0072  
Labelling of dangerous substances  
Member States which have notified implementing measures: all except B
- Belgium — 94/0791, no measures notified, referral in 1997 (Case C-97/190), judgment in 1997
- Italy — 94/0885, no measures notified, terminated in 1997
- Portugal — 94/0943, no measures notified, terminated in 1997
- 93/0086  
Batteries and accumulators containing certain dangerous substances  
Member States which have notified implementing measures: all except D, F, I
- Belgium — 94/0032, no measures notified, terminated in 1997
- Germany — 94/0094, no measures notified, referral in 1996 (Case C-96/236), judgment in 1997
- France — 94/0193, no measures notified, referral in 1996 (Case C-96/283), judgment in 1997, Art. 171 letter to be sent in 1998
- Italy — 94/0261, no measures notified, referral in 1996 (Case C-96/286)
- 93/0090  
Labelling of dangerous substances  
Member States which have notified implementing measures: all except B
- Belgium — 94/0033, no measures notified, referral scheduled in 1996 (Case C-96/358), judgment in 1997
- Italy — 94/0262, no measures notified, terminated in 1997
- Portugal — 94/0361, no measures notified, terminated in 1997
- 93/0101  
Labelling of dangerous substances  
Member States which have notified implementing measures: all except B

- Belgium — 95/0230, no measures notified, referral in 1997 (Case C-97/083), judgment in 1997
- Italy — 95/0319, no measures notified, terminated in 1997
- Portugal — 95/0361, no measures notified, terminated in 1997
- 93/0105  
Information required for technical dossiers  
Member States which have notified implementing measures: all except B
- Belgium — 94/0035, no measures notified, referral in 1996 (Case C-96/218), judgment in 1996, Art. 171 letter in 1997
- Italy — 94/0263, no measures notified, terminated in 1997
- Portugal — 94/0362, no measures notified, terminated in 1997
- 94/0015  
Genetically modified organisms  
Member States which have notified implementing measures: all except B, L
- Belgium — 94/0634, no measures notified, referral in 1996 (Case C-96/357), judgment in 1997, Art. 171 letter to be sent in 1998
- Germany — 94/0658, no measures notified, terminated in 1997
- Spain — 94/0672, no measures notified, terminated in 1997
- Luxembourg — 94/0742, no measures notified, referral in 1997 (Case C-97/339)
- 94/0051  
Genetically modified organisms  
Member States which have notified implementing measures: all except B, L, P
- Belgium — 95/0239, no measures notified, referral in 1997 (Case C-97/343)
- Spain — 95/0290, no measures notified, terminated in 1997
- Ireland — 95/0312, no measures notified, terminated in 1997
- Luxembourg — 95/0344, no measures notified, referral in 1997 (Case C-97/339)
- Portugal — 95/0371, no measures notified, referral in 1997 (Case C-97/285)
- 94/0062  
Packaging and packaging waste  
Member States which have notified implementing measures: all except B, EL, IRL, L, P, FIN, UK
- Belgium — 96/2223, no measures notified, reasoned opinion to be sent in 1998
- Finland — 96/0589, no measures notified, reasoned opinion in 1997
- Greece — 96/0911, no measures notified, reasoned opinion in 1997
- Ireland — 96/0974, no measures notified, reasoned opinion in 1997
- Luxembourg — 96/1013, no measures notified, reasoned opinion in 1997
- Portugal — 96/2207, no measures notified, reasoned opinion to be sent in 1998
- United Kingdom — 96/2224, no measures notified, Art. 169 letter in 1997
- 94/0063  
Volatile organic compound emissions  
Member States which have notified implementing measures: all except D, UK
- Belgium — 96/0011, no measures notified, terminated in 1997
- Germany — 96/0042, no measures notified, reasoned opinion in 1997
- Greece — 96/0059, no measures notified, terminated in 1997
- Ireland — 96/0116, no measures notified, terminated in 1997
- Portugal — 96/0184, no measures notified, terminated in 1997
- Finland — 96/0590, no measures notified, terminated in 1997
- United Kingdom — 95/2031, no measures notified, reasoned opinion to be sent in 1998
- 94/0066  
Emissions of pollutants into the air  
Member States which have notified implementing measures: all
- Greece — 95/0465, no measures notified, terminated in 1997
- Italy — 95/0555, no measures notified, terminated in 1997
- Portugal — 95/0620, no measures notified, terminated in 1997
- 94/0067  
Incineration of hazardous waste  
Member States which have notified implementing measures: all except B, DK, EL, IRL, I, A, P, FIN, UK
- Austria — 97/0137, no measures notified, reasoned opinion to be sent in 1998
- Belgium — 97/0021, no measures notified, reasoned opinion to be sent in 1998
- Denmark — 97/0027, no measures notified, reasoned opinion to be sent in 1998
- Finland — 97/0161, no measures notified, reasoned opinion to be sent in 1998
- Greece — 97/0048, no measures notified, reasoned opinion to be sent in 1998
- Ireland — 97/0085, no measures notified, reasoned opinion to be sent in 1998

Italy — 97/0097, no measures notified, reasoned opinion to be sent in 1998

Portugal — 97/0147, no measures notified, reasoned opinion to be sent in 1998

United Kingdom — 97/0182, no measures notified, Art. 169 letter in 1997

94/0069

Labelling of dangerous substances

Member States which have notified implementing measures: all except B, IRL, P

Belgium — 96/0859, no measures notified, reasoned opinion in 1997

Ireland — 96/0975, no measures notified, reasoned opinion in 1997

Portugal — 96/1040, no measures notified, reasoned opinion in 1997

95/0027

Excavators, dozers and excavator-loaders

Member States which have notified implementing measures: all except B, I

Belgium — 96/0016, no measures notified, referral in 1997 (Case C-97/326)

Greece — 96/0066, no measures notified, terminated in 1997

Ireland — 96/0122, no measures notified, terminated in 1997

Italy — 96/0141, no measures notified, referral in 1997 (Case C-97/324)

Luxembourg — 96/0159, no measures notified, terminated in 1997

97/0035

Release of genetically modified organisms

Member States which have notified implementing measures: all except B, DK, D, EL, F, IRL, A, P, S, UK

Belgium — 97/0483, no measures notified, Art. 169 letter in 1997

Denmark — 97/0487, no measures notified, Art. 169 letter in 1997

Germany — 97/0492, no measures notified, Art. 169 letter in 1997

Greece — 97/0496, no measures notified, Art. 169 letter in 1997

France — 97/0505, no measures notified, Art. 169 letter in 1997

Ireland — 97/0510, no measures notified, Art. 169 letter in 1997

Austria — 97/0523, no measures notified, Art. 169 letter in 1997

Portugal — 97/0528, no measures notified, Art. 169 letter in 1997

Sweden — 97/0535, no measures notified, Art. 169 letter in 1997

United Kingdom — 97/0538, no measures notified, Art. 169 letter in 1997

## 7. TRANSPORT

76/0135

Reciprocal recognition of navigability licences for inland waterway vessels

Member States which have notified implementing measures: B, D, F, L, NL, A

79/0115

Pilotage of vessels

Member States which have notified implementing measures: all

82/0714

Technical requirements for inland waterway vessels

Member States which have notified implementing measures: B, D, F, I, L, NL, A

84/0647

Vehicles hired without drivers

Member States which have notified implementing measures: all

Austria — 96/0392, no measures notified, Art. 169 letter in 1996, terminated in 1997

87/0540

Admission to the occupation of carrier of goods by waterway

Member States which have notified implementing measures: B, D, F, I, L, NL, A

Germany — 93/2202, not properly implemented, Art. 169 letter in 1994, reasoned opinion in 1995, terminated in 1997

88/0599

Transport by road — social legislation — recording equipment

Member States which have notified implementing measures: all

Finland — 96/0571, no measures notified, Art. 169 letter in 1996, terminated in 1997

90/0398

Vehicles hired without drivers

Member States which have notified implementing measures: all

Austria — 96/0413, no measures notified, Art. 169 letter in 1996, terminated in 1997

91/0328

Roadworthiness tests for motor vehicles and their trailers

Member States which have notified implementing measures: all except IRL

Ireland — 93/0764, no measures notified, Art. 169 letter in 1993, reasoned opinion in 1996, referral scheduled

91/0439

Driving licences

Member States which have notified implementing measures: B, DK, EL, E, IRL, I, L, NL, A, P, FIN, S, UK

- Belgium — 96/0857, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Germany — 96/2218, partial failure to notify measures, Art. 169 letter in 1997, reasoned opinion to be sent
- France — 96/2216, partial failure to notify measures, Art. 169 letter in 1997, reasoned opinion to be sent
- Austria — 96/2217, partial failure to notify measures, Art. 169 letter in 1997, terminated in 1997
- Portugal — 96/2221, partial failure to notify measures, Art. 169 letter in 1997, terminated in 1997
- Sweden — 96/2222, not properly implemented, Art. 169 letter in 1997, reasoned opinion to be sent
- United Kingdom — 96/2234, no measures notified, Art. 169 letter in 1997, terminated in 1997
- 91/0440  
Development of railways  
Member States which have notified implementing measures: all
- Spain — 95/2243, not properly implemented, Art. 169 letter in 1996, reasoned opinion in 1997
- France — 95/2247, not properly implemented, Art. 169 letter in 1997, reasoned opinion to be sent
- Italy — 95/2245, not properly implemented, Art. 169 letter in 1996, reasoned opinion in 1997, to be referred
- Luxembourg — 95/2244, not properly implemented, Art. 169 letter in 1996, reasoned opinion in 1997
- United Kingdom — 95/2248, not properly implemented, Art. 169 letter in 1997, reasoned opinion to be sent
- 91/0670  
Mutual acceptance of personnel licences in civil aviation  
Member States which have notified implementing measures: all
- Belgium — 95/4152, not properly applied, Art. 169 letter in 1996, reasoned opinion to be sent
- Spain — 93/4211, not properly applied, reasoned opinion in 1996, terminated in 1997
- France — 93/4916, not properly applied, reasoned opinion in 1995
- 91/0672  
Boatmasters' certificates for inland waterways  
Member States which have notified implementing measures: B, D, F, L, NL, A
- Austria — 96/0429, no measures notified, Art. 169 letter in 1996, terminated in 1997
- 92/0106  
Combined transport  
Member States which have notified implementing measures: all
- Belgium — 93/0636, no measures notified, Art. 169 letter in 1993, reasoned opinion in 1996, referral in 1997, withdrawn in 1997
- 93/0065  
Air-traffic management systems  
Member States which have notified implementing measures: DK, D, EL, E, F, IRL, L, NL, P, FIN, S, UK
- Belgium — 95/0394, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996
- Spain — 95/0477, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997
- France — 94/0843, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, terminated in 1997
- Italy — 95/0542, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1996, referral in 1997
- Austria — 96/0453, no measures notified, Art. 169 letter in 1996, reasoned opinion to be sent
- 93/0075  
Minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods  
Member States which have notified implementing measures: all
- Belgium — 95/2219, not properly implemented, Art. 169 letter in 1996, reasoned opinion to be sent
- Denmark — 94/0804, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1995, terminated in 1997
- Germany — 95/2218, not properly implemented, Art. 169 letter in 1996, reasoned opinion in 1997
- Spain — 94/0833, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1995, supplementary reasoned opinion in 1997, terminated in 1997
- Italy — 94/0887, no measures notified, Art. 169 letter in 1995, reasoned opinion in 1995, referral in 1997, withdrawn in 1997
- United Kingdom — 96/2170, not properly implemented, Art. 169 letter in 1996, reasoned opinion in 1997

93/0089

Taxes on certain vehicles used for the carriage of goods by road  
Member States which have notified implementing measures: all  
except F

- France — 95/0103, no measures notified, Art. 169 letter  
in 1995, reasoned opinion in 1996, referral in  
1997
- Italy — 95/0133, no measures notified, Art. 169 letter  
in 1995, terminated in 1997
- Austria — 96/2059, not properly applied, Art. 169 letter  
in 1996, reasoned opinion in 1997, referral  
scheduled
- Sweden — 96/0493, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

94/0023

Roadworthiness tests for motor vehicles and their trailers and  
minimum standards for testing vehicle braking systems  
Member States which have notified implementing measures: all  
except A, P

- Ireland — 97/0224, no measures notified, Art. 169 letter  
in 1997, terminated in 1997
- Luxembourg — 97/0232, no measures notified, Art. 169 letter  
in 1997, terminated in 1997
- Austria — 97/0241, no measures notified, Art. 169 letter  
in 1997, reasoned opinion to be sent
- Portugal — 97/0247, no measures notified, Art. 169 letter  
in 1997, reasoned opinion to be sent

94/0055

Carriage of dangerous goods by road  
Member States which have notified implementing measures:  
B, DK, D, E, F, I, L, NL, A, P, FIN, S, UK

94/0056

Investigation of civil aviation accidents and incidents  
Member States which have notified implementing measures:  
DK, IRL, FIN, S, UK

- Belgium — 97/0020, no measures notified, Art. 169 letter  
in 1997, reasoned opinion to be sent
- Germany — 97/0033, no measures notified, Art. 169 letter  
in 1997
- Greece — 97/0047, no measures notified, Art. 169 letter  
in 1997
- Spain — 97/0061, no measures notified, Art. 169 letter  
in 1997
- France — 97/0075, no measures notified, Art. 169 letter  
in 1997
- Ireland — 97/0084, no measures notified, Art. 169 letter  
in 1997, terminated in 1997
- Italy — 96/0096, no measures notified, Art. 169 letter  
in 1997, reasoned opinion to be sent
- Luxembourg — 97/0107, no measures notified, Art. 169 letter  
in 1997, reasoned opinion to be sent

Netherlands — 97/0119, no measures notified, Art. 169 letter  
in 1997

Austria — 97/0136, no measures notified, Art. 169 letter  
in 1997, reasoned opinion to be sent

Portugal — 97/0146, no measures notified, Art. 169 letter  
in 1997

United Kingdom — 97/0181, no measures notified, Art. 169 letter  
in 1997, terminated in 1997

94/0057

Ship inspections and surveys  
Member States which have notified implementing measures:  
DK, D, EL, E, F, L, A, P, FIN, S, UK

- Belgium — 96/0009, no measures notified, Art. 169 letter  
in 1996, reasoned opinion in 1996, referral in  
1997
- Germany — 97/2023, not properly implemented, Art. 169  
letter in 1997, reasoned opinion to be sent
- Greece — 96/0056, no measures notified, Art. 169 letter  
in 1996, reasoned opinion in 1996, terminated  
in 1997
- Spain — 96/2211, not properly implemented, Art. 169  
letter in 1997, reasoned opinion to be sent

Ireland — 96/0113, no measures notified, Art. 169 letter  
in 1996, reasoned opinion in 1996, referred in  
1977

Italy — 96/0132, no measures notified, Art. 169 letter  
in 1996, reasoned opinion in 1996, referral in  
1997

Netherlands — 96/0164, no measures notified, Art. 169 letter  
in 1996, reasoned opinion in 1996, referral in  
1997

Austria — 96/0469, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

Finland — 96/0588, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

Sweden — 96/0495, no measures notified, Art. 169 letter  
in 1996, terminated in 1997

United Kingdom — 96/0202, no measures notified, Art. 169 letter  
in 1996, reasoned opinion in 1996, terminated  
in 1997

94/0058

Training of seafarers  
Member States which have notified implementing measures: all  
except NL

- Ireland — 96/0114, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996, terminated in 1997
- Italy — 96/0133, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996, terminated in 1997
- Netherlands — 96/0165, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996
- Austria — 96/0470, no measures notified, Art. 169 letter in 1996, terminated in 1997
- Portugal — 96/0182, no measures notified, Art. 169 letter in 1996, reasoned opinion in 1996, terminated in 1997
- 95/0018  
Licensing of railway undertakings  
Member States which have notified implementing measures:  
DK, D, A, FIN, S
- Belgium — 97/0261, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Denmark — 97/0277, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Germany — 97/0292, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Greece — 97/0306, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Spain — 97/0324, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- France — 97/0339, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Ireland — 97/0357, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Italy — 96/0370, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Luxembourg — 97/0383, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Netherlands — 97/0399, no measures notified, Art. 169 letter in 1997
- Portugal — 97/0426, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- United Kingdom — 97/0462, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- 95/0019  
Allocation of railway infrastructure capacity and the charging of infrastructure fees  
Member States which have notified implementing measures:  
DK, D, A, P, FIN, S
- Belgium — 97/0262, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Denmark — 97/0278, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Greece — 97/0307, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Spain — 97/0325, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- France — 97/0340, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Ireland — 97/0358, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Italy — 96/0371, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Luxembourg — 97/0384, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- Netherlands — 97/0400, no measures notified, Art. 169 letter in 1997
- Portugal — 97/0427, no measures notified, Art. 169 letter in 1997, terminated in 1997
- United Kingdom — 97/0463, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent
- 95/0021  
Ship safety, pollution control and shipboard living and working conditions  
Member States which have notified implementing measures:  
DK, D, EL, E, F, L, A, FIN, S, UK
- Belgium — 96/0861, no measures notified, Art. 169 letter in 1997, reasoned opinion in 1997
- Greece — 96/0914, no measures notified, Art. 169 letter in 1997, terminated in 1997
- Spain — 96/0939, no measures notified, Art. 169 letter in 1997, reasoned opinion in 1997, terminated in 1997
- Ireland — 96/0978, no measures notified, Art. 169 letter in 1997, reasoned opinion in 1997
- Italy — 96/0997, no measures notified, Art. 169 letter in 1997, reasoned opinion in 1997



Netherlands — 96/1032, no measures notified, Art. 169 letter in 1997

Portugal — 96/1043, no measures notified, Art. 169 letter in 1997, reasoned opinion in 1997

Finland — 96/1102, no measures notified, Art. 169 letter in 1997, terminated in 1997

95/0050

Uniform procedures for checks on transport of dangerous goods by road

Member States which have notified implementing measures: DK, EL, E, I, L, NL, P, FIN, S, UK

Belgium — 97/0478, no measures notified, Art. 169 letter in 1997

France — 97/0500, no measures notified, Art. 169 letter in 1997

Ireland — 97/0506, no measures notified, Art. 169 letter in 1997

96/0039

Minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods  
Member States which have notified implementing measures: E, I, L, A, FIN, S

Belgium — 97/0480, no measures notified, Art. 169 letter in 1997

Denmark — 97/0485, no measures notified, Art. 169 letter in 1997

Germany — 97/0490, no measures notified, Art. 169 letter in 1997

Greece — 97/0494, no measures notified, Art. 169 letter in 1997

France — 97/0502, no measures notified, Art. 169 letter in 1997

Ireland — 97/0508, no measures notified, Art. 169 letter in 1997

Netherlands — 97/0517, no measures notified, Art. 169 letter in 1997

Portugal — 97/0525, no measures notified, Art. 169 letter in 1997

United Kingdom — 97/0537, no measures notified, Art. 169 letter in 1997

96/0040

Common model for an identity card for inspectors carrying out port State control

Member States which have notified implementing measures: D, EL, E, F, I, L, FIN, S, UK

Belgium — 97/0198, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent

Denmark — 97/0201, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent

Greece — 97/0208, no measures notified, Art. 169 letter in 1997, terminated in 1997

Spain — 97/0216, no measures notified, Art. 169 letter in 1997, terminated in 1997

France — 97/0221, no measures notified, Art. 169 letter in 1997, terminated in 1997

Ireland — 97/0227, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent

Italy — 96/0230, no measures notified, Art. 169 letter in 1997, terminated in 1997

Netherlands — 97/0237, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent

Portugal — 97/0251, no measures notified, Art. 169 letter in 1997, reasoned opinion to be sent

Finland — 97/0255, no measures notified, Art. 169 letter in 1997, terminated in 1997

United Kingdom — 97/0258, no measures notified, Art. 169 letter in 1997, terminated in 1997

96/0047

Driving licences

Member States which have notified implementing measures: DK, E, L, P, FIN

96/0049

Transport of dangerous goods by rail

Member States which have notified implementing measures: D, E, F, NL, A, FIN, S, UK

96/0053

Maximum weights and dimensions for certain road vehicles

Member States which have notified implementing measures: B, DK, E, L, P, FIN

Germany — 97/0574, no measures notified, Art. 169 letter in 1997

Greece — 97/0587, no measures notified, Art. 169 letter in 1997

France — 97/0620, no measures notified, Art. 169 letter in 1997

Ireland — 97/0633, no measures notified, Art. 169 letter in 1997

Italy — 97/0650, no measures notified, Art. 169 letter in 1997

Netherlands — 97/0673, no measures notified, Art. 169 letter in 1997

Austria — 97/0688, no measures notified, Art. 169 letter in 1997

Sweden — 97/0737, no measures notified, Art. 169 letter in 1997

United Kingdom — 97/0751, no measures notified, Art. 169 letter in 1997

96/0067

Access to the groundhandling market at Community airports  
Member States which have notified implementing measures:  
none

Belgium	— 97/0543, no measures notified, Art. 169 letter in 1997
Denmark	— 97/0559, no measures notified, Art. 169 letter in 1997
Germany	— 97/0576, no measures notified, Art. 169 letter in 1997
Greece	— 97/0591, no measures notified, Art. 169 letter in 1997
Spain	— 97/0606, no measures notified, Art. 169 letter in 1997
France	— 97/0622, no measures notified, Art. 169 letter in 1997
Ireland	— 97/0636, no measures notified, Art. 169 letter in 1997
Italy	— 97/0653, no measures notified, Art. 169 letter in 1997
Luxembourg	— 97/0667, no measures notified, Art. 169 letter in 1997
Netherlands	— 97/0675, no measures notified, Art. 169 letter in 1997
Austria	— 97/0690, no measures notified, Art. 169 letter in 1997
Portugal	— 97/0705, no measures notified, Art. 169 letter in 1997
Finland	— 97/0722, no measures notified, Art. 169 letter in 1997
Sweden	— 97/0740, no measures notified, Art. 169 letter in 1997
United Kingdom	— 97/0754, no measures notified, Art. 169 letter in 1997

96/0075

Systems of chartering and pricing in national and international inland waterway transport in the Community  
Member States which have notified implementing measures:  
B, F

96/0086

Carriage of dangerous goods by road  
Member States which have notified implementing measures:  
B, DK, D, F, I, NL, A, P, FIN, S

96/0087

Transport of dangerous goods by rail  
Member States which have notified implementing measures:  
D, EL, F, NL, A, FIN, S

97/0015

Definition and use of compatible technical specifications for the procurement of air-traffic-management equipment and systems  
Member States which have notified implementing measures:  
F, IRL, NL, FIN, S, UK

97/0034

Minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods  
Member States which have notified implementing measures:  
E, L, NL, A, S

Belgium	— 97/0551, no measures notified, Art. 169 letter in 1997
Denmark	— 97/0567, no measures notified, Art. 169 letter in 1997
Germany	— 97/0581, no measures notified, Art. 169 letter in 1997
Greece	— 97/0599, no measures notified, Art. 169 letter in 1997
France	— 97/0627, no measures notified, Art. 169 letter in 1997
Ireland	— 97/0644, no measures notified, Art. 169 letter in 1997
Italy	— 97/0661, no measures notified, Art. 169 letter in 1997
Portugal	— 97/0713, no measures notified, Art. 169 letter in 1997
Finland	— 97/0730, no measures notified, Art. 169 letter in 1997
United Kingdom	— 97/0761, no measures notified, Art. 169 letter in 1997

97/0044

Summertime  
Member States which have notified implementing measures: all

## 8. ENERGY

92/0042

Efficiency requirements for hot-water boilers  
Member States which have notified implementing measures: all  
Belgium — 93/0971, no measures notified, terminated in 1997

93/0076

Carbon dioxide emissions  
Member States which have notified implementing measures: all  
Belgium — 95/0023, no measures notified, terminated in 1997  
Spain — 95/0080, no measures notified, terminated in 1997  
Greece — 95/0064, no measures notified, terminated in 1997  
Ireland — 95/0113, no measures notified, terminated in 1997  
Italy — 95/0131, no measures notified, terminated in 1997  
Luxembourg — 95/0146, no measures notified, terminated in 1997  
Portugal — 95/0176, no measures notified, terminated in 1997

94/0002

Energy labelling of refrigerators, freezers and their combinations

Member States which have notified implementing measures: A, B, D, DK, EL, E, FIN, F, IRL, NL, P, S, UK

Germany — 95/0049, no measures notified, terminated in 1997

Italy — 95/0136, no measures notified, referral in 1997

94/0022

Authorisations for the prospection, exploration and production of hydrocarbons

Member States which have notified implementing measures: A, B, DK, D, E, EL, F, I, NL, P, S, UK (not applicable to Luxembourg)

Belgium — 95/0401, no measures notified, terminated in 1998

Ireland — 95/0526, no measures notified, referral in 1997

95/0012

Energy labelling of household washing machines

Member States which have notified implementing measures: A, D, DK, E, EL, FIN, IRL, L, NL, P, S, UK

Germany — 96/0250, no measures notified, terminated in 1998

Belgium — 96/0233, no measures notified, Art. 169 letter in 1996

France — 96/0286, no measures notified, Art. 169 letter in 1996

Greece — 96/0266, no measures notified, terminated in 1997

Italy — 96/0309, no measures notified, Art. 169 letter in 1996

Netherlands — 96/0332, no measures notified, terminated in 1997

95/0013

Energy labelling of household electric tumble dryers

Member States which have notified implementing measures: A, D, DK, E, EL, F, FIN, IRL, L, NL, P, S, UK

Germany — 96/0251, no measures notified, terminated in 1998

Belgium — 96/0234, no measures notified, Art. 169 letter in 1996

Greece — 96/0267, no measures notified, terminated in 1997

Italy — 96/0310, no measures notified, Art. 169 letter in 1996

Netherlands — 96/0333, no measures notified, terminated in 1997

96/0057

Energy efficiency requirements for refrigerators, freezers and combinations thereof

Member States which have notified implementing measures: A, NL, UK

96/0060

Energy labelling of household combined washer-dryers

Member States which have notified implementing measures: A, D, DK, EL, FIN, IRL, NL, P, S, UK

96/0089

Energy labelling of household washing machines (amending Directive 95/0012)

Member States which have notified implementing measures: A, D, DK, E, EL, FIN, IRL, NL, P, UK

97/0017

Energy labelling of household dishwashers

Member States which have notified implementing measures: NL

## 9. STATISTICS

95/0057

Tourism statistics

Member States which have notified implementing measures: all except F, IRL, I, UK

Germany — 97/0037, no measures notified, Art. 169 letter in 1997, to be terminated

France — 97/0079, no measures notified, Art. 169 letter in 1997

Ireland — 97/0089, no measures notified, Art. 169 letter in 1997

Italy — 97/0101, no measures notified, Art. 169 letter in 1997

Portugal — 97/0151, no measures notified, Art. 169 letter in 1997, to be terminated

United Kingdom — 97/0185, no measures notified, Art. 169 letter in 1997

96/0016

Milk statistics

Member States which have notified implementing measures: all except EL, E, IRL, I, FIN

Belgium — 97/0024, no measures notified, Art. 169 letter in 1997, to be terminated

Denmark — 97/0029, no measures notified, Art. 169 letter in 1997, to be terminated

Germany — 97/0040, no measures notified, Art. 169 letter in 1997, to be terminated

Greece — 97/0055, no measures notified, Art. 169 letter in 1997

Spain — 97/0068, no measures notified, Art. 169 letter in 1997

France — 97/0081, no measures notified, Art. 169 letter in 1997, to be terminated

Ireland — 97/0092, no measures notified, Art. 169 letter in 1997

Italy — 97/0104, no measures notified, Art. 169 letter in 1997

Luxembourg — 97/0113, no measures notified, Art. 169 letter in 1997, to be terminated

Netherlands — 97/0125, no measures notified, Art. 169 letter in 1997, to be terminated

Portugal — 97/0153, no measures notified, Art. 169 letter in 1997, to be terminated

Finland — 97/0163, no measures notified, Art. 169 letter in 1997

Sweden — 97/0174, no measures notified, Art. 169 letter in 1997, to be terminated

United Kingdom — 97/0188, no measures notified, Art. 169 letter in 1997, to be terminated





## ANNEX V

## JUDGMENTS OF THE COURT OF JUSTICE UP TO 31 DECEMBER 1997 NOT YET IMPLEMENTED

## BELGIUM

**Judgment given on 08/07/87, Case C-247/85**

Wild birds

Referral to the Court under Article 171(2) of the Treaty has been decided on. It is accompanied by a request for a periodic penalty payment.

**Judgment given on 27/09/88, Case C-42/87****Judgment given on 03/05/94, Case C-47/93**

Discrimination in public financing — non-university further education

Article 171 proceedings are in motion.

**Judgment given on 19/02/91, Case C-375/89**

Aid for Idealspun/Beaulieu

The Belgian authorities have commenced proceedings in the national courts to recover the unlawful aid.

Judgment was given on 20/09/94. The company has appealed against the substance and against enforcement. The proceedings are still in motion.

**Judgment given on 17/02/93, Case C-173/91**

Equal treatment of men and women — discrimination based on age

The Belgian authorities have transmitted a draft new Collective-Bargaining Agreement, which seems satisfactory; its publication is still awaited.

**Judgment given on 24/03/94, Case C-80/92**

Free movement of wireless telephones

Progress is being made.

**Judgment given on 02/05/96, Case C-133/94**

Incomplete transposal of the Council Directive on the assessment of the impact of certain public or private projects on the environment

Article 171 proceedings are in motion.

**Judgment given on 10/09/96, Case C-11/95**

Incomplete transposal of Television without frontiers Directive

The Commission has received draft legislative measures to implement the Court judgment; they are under scrutiny.

**Judgment given on 12/12/96, Case C-218/96**

Failure to notify measures transposing the Council Directive on information required for technical files

Article 171 proceedings have been commenced. The Belgian authorities have transmitted draft legislation, which the Commission is now studying.

**Judgment given on 12/12/96, Case C-220/96**

Failure to notify measures transposing Commission Directive 84/449/EEC adapting to technical progress for the sixth time

Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances

Article 171 proceedings have been commenced. The Belgian authorities have transmitted draft legislation, which the Commission is now studying.

**Judgment given on 12/12/96, Case C-221/96**

Failure to notify measures transposing the Commission Directive on the principles for the evaluation of the risks to man and the environment of substances notified in accordance with Council Directive 67/548/EEC

Article 171 proceedings have been commenced. The Belgian authorities have transmitted draft legislation, which the Commission is now studying.

**Judgment given on 12/12/96, Case C-222/96**

Failure to notify measures transposing the Council Directive on the classification, packaging and labelling of dangerous substances

Article 171 proceedings have been commenced. A reply from the Belgian authorities is being studied by the Commission.

**Judgment given on 20/02/97, Case C-344/95**

Conditions and arrangements for issuing residence permits

Progress is being made.

**Judgment given on 20/02/97, Case C-135/96**

Failure to notify measures transposing Directive 91/659/EEC amending Council Directive 76/769/EEC restricting the marketing and use of certain dangerous substances and preparations

The Commission has contacted the Belgian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 20/03/97, Case C-294/96**

Failure to notify measures transposing Council Directive 90/385/EEC on active implantable medical devices

The Commission has contacted the Belgian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 29/05/97, Case C-313/96**

Failure to notify measures transposing Directive 93/21/EEC amending Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances

The Commission has contacted the Belgian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 29/05/97, Case C-356/96**

Failure to notify measures transposing Directive 91/410/EEC amending Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances

The Commission has contacted the Belgian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 29/05/97, Case C-357/96**

Failure to notify measures transposing Directive 15/94/EC amending Council Directive 22/90/EEC on the deliberate release into the environment of genetically modified organisms  
Article 171 proceedings have been commenced.

**Judgment given on 29/05/97, Case C-358/96**

Failure to notify measures transposing Commission Directive 93/90/EEC on the list of substances provided for in the fifth indent of Article 13(1) of Council Directive 67/548/EEC

The Commission has contacted the Belgian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 02/10/97, Case C-208/96**

Failure to notify measures transposing Council Directive 92/119/EEC introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease

Recent judgment. Progress is being made.

**Judgment given on 11/12/97, Case C-190/97**

Failure to notify measures transposing Directive 93/101/EEC amending Council Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances

Recent judgment.

**Judgment given on 18/12/97, Case C-263/96**

Failure to notify measures transposing Council Directive 89/106/EEC on construction products

Recent judgment.

## GERMANY

**Judgment given on 20/09/90**

Bug-Alutechnik — repayment of a grant

A new action has been brought in the Bundesverwaltungsgericht.

**Judgment given on 17/10/91, Case C-58/89**

Surface water, not properly implemented

Following measures taken by the Member State, the Commission has partly withdrawn its Court action; for the remainder, progress is being made.

**Judgment given on 10/05/95, Case C-422/92**

Waste disposal

Article 171 proceedings have just been commenced.

**Judgment given on 12/12/96, Case C-297/95**

Failure to notify measures transposing Council Directive 91/271/EEC on treatment of urban waste water

Progress is being made.

**Judgment given on 12/12/96, Case C-298/95**

Fish and shellfish waters

Progress is being made.

**Judgment given on 12/06/97, Case C-138/96**

Failure to notify measures transposing Council Directive 92/116/EEC amending and updating Directive 71/118/EEC on health problems affecting trade in fresh poultry meat

Article 171 proceedings have been commenced.

**Judgment given on 16/09/97, Case C-139/96**

Failure to notify measures implementing the Commission Directives laying down sheets indicating the conditions to be met by fruit plant propagating material (93/48/EEC), ornamental plants (93/49/EEC) and vegetable plants other than seeds (93/61/EEC), and the plants themselves, in order to conform with Council Directives 92/34/EEC, 91/682/EEC and 92/33/EEC

The Commission has contacted the German authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 13/11/97, Case C-236/96**

Failure to notify measures transposing Commission Directive 93/86/EEC adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances

The Commission has contacted the German authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 27/11/97, Case C-137/96**

Failure to notify measures transposing Council Directive 91/414/EEC on the placing of plant protection products on the market

Recent judgment.

**Judgment given on 11/12/97, Case C-83/97**

Failure to notify measures transposing Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora

Recent judgment.

**Judgment given on 16/12/97, Case C-341/96**

Failure to notify measures transposing Council Directive 93/36/EEC coordinating procedures for the award of public supply contracts

Recent judgment.

## GREECE

**Judgment given on 15/03/88**, Case C-147/86  
**Judgment given on 30/01/92**, Case C-328/90  
 Ban on opening a private school (Frontistirion); nationality discrimination  
 Referral to the Court under Article 171(2) of the EC Treaty has been decided on. It is accompanied by a request for a periodic penalty payment.

**Judgment given on 08/11/90**, Case C-53/88  
 Protection of workers — insolvency of employers  
 Article 171 proceedings are in motion.

**Judgment given on 07/04/92**, Case C-45/91  
 Village waste in Crete  
 Referred to the Court under Article 171(2) of the EC Treaty. It is accompanied by a request for a periodic penalty payment.

**Judgment given on 23/03/95**, Case C-365/93  
 Mutual recognition of qualifications — higher education  
 Referral to the Court under Article 171(2) of the Treaty has been decided upon. It is accompanied by a request for a periodic penalty payment.

**Judgment given on 01/06/95**, Case C-123/94  
 Nationality discrimination  
 Article 171 proceedings are in motion.

**Judgment given on 06/07/95**, Case C-259/94  
 Open network provision — leased lines  
 Article 171 proceedings are in motion.

**Judgment given on 02/05/96**, Case C-311/95  
 Failure to notify measures transposing the Council Directive on the coordination of procurement procedures for public service contracts  
 Article 171 proceedings have been commenced and are in motion.

**Judgment given on 02/07/96**, Case C-290/94  
 Access to employment — nationality discrimination  
 The Commission is still studying the measures taken by the Greek authorities to implement the Court judgment.

**Judgment given on 26/06/97**, Case C-329/96  
 Failure to notify measures transposing Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora  
 Article 171 proceedings have been commenced.

**Judgment given on 22/10/97**, Case C-375/95  
 Taxes on second-hand cars  
 Recent judgment.

**Judgment given on 27/11/97**, Case C-62/96  
 Licensing and flag rights for fishing vessels and merchant ships  
 Recent judgment.

## SPAIN

**Judgment given on 02/08/93**, Case C-355/90  
 Conservation of wild birds at Santoña  
 The work required to implement the Court judgment is in progress, in cooperation with the relevant Commission technical staff.

**Judgment given on 22/03/94**, Case C-375/92  
 Restrictions on freedom to provide services as tourist guides  
 Progress is being made in the various regions.

**Judgment given on 05/06/97**, Case C-107/96  
 Failure to notify measures transposing Directive 91/156/EEC amending Council Directive 75/442/EEC on waste  
 Article 171 proceedings have been commenced.

**Judgment given on 17/07/97**, Case C-52/96  
 Transfer of pension rights  
 The Commission has contacted the Spanish authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 09/10/97**, Case C-21/96  
 Radiological protection of patients subject to medical examination or treatment  
 Recent judgment. The Spanish authorities have already proposed measures to implement the Court judgment.

**Judgment given on 18/12/97**, Case C-360/95  
 Failure to notify measures transposing Council Directive 91/371/EEC on the application of the agreement between the EEC and the Swiss Confederation on direct insurance other than life assurance  
 Recent judgment.

**Judgment given on 18/12/97**, Case C-361/95  
 Failure to notify measures transposing Council Directive 92/49/EEC on direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC  
 Recent judgment.

## FRANCE

**Judgment given on 27/04/88**, Case C-252/85  
 Wild birds  
 Article 171 proceedings are in motion.

**Judgment given on 12/12/90**, Case C-263/88  
 Refusal to grant right of establishment and freedom to provide services in the overseas territories  
 Article 171 proceedings are in motion.

**Judgment given on 26/02/91**, Case C-154/89  
 Restrictions on freedom to provide services as tourist guides  
 Progress is being made.



**Judgment given on 11/06/91, Case C-64/88**

Fisheries — failure to monitor compliance with technical conservation measures  
Commission departments are making final checks and analysing the results of the inspection missions to ascertain whether the measures adopted are sufficient to implement the Court judgment.

**Judgment given on 13/01/93, Case C-293/91**

Failure to notify measures transposing Council Directive 85/374/EEC on liability for defective products  
Legislative measures have been notified but not yet adopted. They still do not appear to be in conformity with Community law.

**Judgment given on 17/11/93, Case C-68/92**

VAT on advertising services — double taxation  
Progress is being made.

**Judgment given on 13/03/97, Case C-197/96**

Night work for women  
Article 171 proceedings have been commenced.

**Judgment given on 29/05/97, Case C-282/96**

Failure to notify measures transposing Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances  
The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment. Article 171 proceedings have been commenced.

**Judgment given on 29/05/97, Case C-283/96**

Failure to notify measures transposing Commission Directive 93/86/EEC adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances  
The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment. Article 171 proceedings have been commenced.

**Judgment given on 05/06/97, Case C-223/96**

Failure to notify measures transposing Directive 91/156/EEC amending Council Directive 75/442/EEC on waste  
The Commission has contacted the French authorities to ascertain what measures are planned to comply with the Court's judgment. Article 171 proceedings have been commenced.

**Judgment given on 09/12/97, Case C-265/95**

Barriers to imports of Spanish strawberries  
Recent judgment.

## IRELAND

**Judgment given on 11/08/95, Case C-240/94**

Electromagnetic compatibility  
Article 171 proceedings are in motion.

**Judgment given on 12/06/97, Case C-151/96**

Merchant vessels — flag rights  
The Commission has contacted the Irish authorities to ascertain what measures are planned to comply with the Court's judgment.

## ITALY

**Judgment given on 12/07/88, Case C-322/86**

**Judgment given on 09/03/94, Case C-291/93**  
Quality of fishing waters  
Article 171 proceedings are in motion.

**Judgment given on 26/02/91, Case C-180/89**

Restrictions on freedom to provide services as tourist guides  
Progress is being made.

**Judgment given on 09/03/93, Case C-95/92**

Radiation protection — medical examinations  
It has been decided to refer this matter to the Court under Article 171. It is accompanied by a request for a periodic penalty payment. Progress is being made. Legislative measures have been notified and are now under scrutiny at the Commission.

**Judgment given on 26/04/94, Case C-272/91**

Public procurement — computerised lottery systems  
Progress is being made. The Commission is making final checks.

**Judgment given on 01/06/95, Case C-40/93**

Admission to the profession of dentist  
Progress is being made.

**Judgment given on 29/02/96, Case C-307/94**

Failure to notify measures transposing the Council Directive coordinating legislation relating to certain activities of pharmacists  
Progress is being made.

**Judgment given on 20/06/96, Case C-237/95**

Failure to notify measures transposing the Council Directive on the prevention of atmospheric pollution from existing municipal waste incinerators  
Progress is being made.

**Judgment given on 11/07/96, Case C-303/95**

Failure to notify measures transposing the Council Directive on batteries and accumulators containing certain dangerous substances  
Progress is being made.

**Judgment given on 12/12/96, Case C-302/95**

Failure to notify measures transposing Council Directive 91/271/EEC on treatment of urban waste water  
Article 171 proceedings are in motion.

**Judgment given on 23/01/97, Case C-314/95**

Failure to notify measures transposing Council Directive 74/63/EEC fixing maximum levels for undesirable substances and products in feedingstuffs, Council Directive 92/116/EEC amending and updating Directive 71/118/EEC on health problems affecting trade in fresh poultry meat, and Council Directive 92/117/EEC on protection measures against specified zoonoses

Article 171 proceedings have been commenced.

**Judgment given on 17/07/97, Case C-43/97**

Failure to notify measures transposing Council Directive 93/36/EEC coordinating procedures for the award of public supply contracts

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 16/09/97, Case C-279/94**

Ban on use of asbestos

The Commission has contacted the Italian authorities to ascertain what measures are planned to comply with the Court's judgment.

**Judgment given on 04/12/97, Case C-207/96**

Night work for women

Recent judgment.

**Judgment given on 04/12/97, Case C-225/96**

Incorrect application of Directive 79/923/EEC on shellfish waters

Recent judgment.

**Judgment given on 16/12/97, Case C-316/96**

Failure to notify measures transposing Council Directive 93/53/EEC introducing minimum Community measures for the control of certain fish diseases, Council Directive 93/113/EEC on the use and marketing of enzymes, and Council Directive 93/114/EEC amending Directive 70/524/EEC on additives in feedingstuffs

Recent judgment.

## LUXEMBOURG

**Judgment given on 15/06/95, Case C-220/94**

Open network provision — leased lines

Article 171 proceedings are in motion.

**Judgment given on 02/07/96, Case C-473/93**

Nationality discrimination — access to employment for nurses in public hospitals, for teachers in public education, for public servants in the field of civilian research, surface transport, posts and telecommunications, and the distribution of water, gas and electricity

Article 171 proceedings have been commenced.

## THE NETHERLANDS

**Judgment given on 14/07/94, Case C-61/93**

Electronic kw/h meters

Progress is being made.

## UNITED KINGDOM

**Judgment given on 18/02/92, Case C-30/90**

Patent licences

The difficulty has been resolved in practice. The legislative process has almost been completed.

**Judgment given on 14/07/93, Case C-56/90**

Bathing water quality: Blackpool and Southport

Commission departments are making final checks, and the Blackpool local authorities will be putting forward a cleaning-up plan, which will be scrutinised.

**Judgment given on 08/06/94, Case C-382/92**

Transfers of undertakings

Article 171 proceedings have been commenced. The British authorities have announced their intention of amending the legislation in agreement with the two sides of industry.

**Judgment given on 08/06/94, Case C-383/92**

Collective redundancies

Article 171 proceedings have been commenced. The British authorities have announced their intention of amending the legislation in agreement with the two sides of industry.

## ANNEX VI

## APPLICATION OF COMMUNITY LAW BY NATIONAL COURTS

## 1. Application of Article 177 of the EC Treaty

In 1997 the Court of Justice of the European Communities received requests for preliminary rulings in cases where difficulties arose in the interpretation of Community law or where there were doubts as to the validity of Community instruments.

When references are recorded at the Court of Justice Registry, they are published in full in the *Official Journal of the European Communities*. The table below shows the number of references from each Member State over the last seven years <sup>(1)</sup>.

Number of references per Member State

Member State <sup>(1)</sup>	Year							
	1990	1991	1992	1993	1994	1995	1996	1997
Italy	25	18	22	24	46	58	70	50
Ireland	4	1	—	1	2	3	—	1
Netherlands	9	17	18	43	13	19	10	24
Luxembourg	4	2	1	1	1	2	2	3
United Kingdom	12	13	15	12	24	20	21	18
Austria						2	6	35
Germany	34	50	62	57	44	51	66	46
Finland						—	3	6
Portugal	2	3	1	3	1	5	6	2
France	21	24	15	22	36	43	24	10
Sweden						6	4	7
Belgium	17	17	16	22	19	14	30	19
Spain	6	4	5	7	13	10	6	9
Denmark	5	2	3	7	4	8	4	7
Greece	2	2	1	5	—	10	4	2
Total	142	186	162	204	203	251	256	239

<sup>(1)</sup> The countries are listed in the order shown in the third indent of Article 1(1) of the Council Decision of 1 January 1995 (OJ L 1, 1.1.1995, p. 220).

The massive growth in the number of preliminary rulings requested by Austrian courts is particularly striking.

Cases were referred by courts in all Member States.

In 1997, preliminary rulings accounted for about 47 % of the total of 443 cases brought before the Court (111 cases being removed from the Register).

The two tables below show the number of references from each Member State and the number of cases referred by each court of final instance.

Number of references per Member State in 1997

Italy	2
Ireland	(—)
Netherlands	11
Luxembourg	1
United Kingdom	4
Austria	19
Germany	12
Finland	1
Portugal	1
France	5
Sweden	2
Belgium	6
Spain	5
Denmark	1
Greece	(—)

Origin of references by Supreme Courts

Italy	Corte Suprema di Cassazione	2
Netherlands	Raad van State	4
	Hoge Raad	4
	Centrale Raad van Beroep	2
	College van Beroep voor het Bedrijfsleven	1
Luxembourg	Cour Supérieure de Justice	1
United Kingdom	House of Lords	1
	Court of Appeal	3
Austria	Oberster Gerichtshof	7
	Bundesvergabeamt	3
	Verwaltungsgerichtshof	9
Germany	Bundesgerichtshof	5
	Bundesverwaltungsgericht	2
	Bundesfinanzhof	4
	Bundessozialgericht	1
Finland	Korkein hallinto-oikeus	1

<sup>(1)</sup> The 1995 Report was published in OJ C 332 of 3.11.1997, p. 198.

Portugal	Supremo Tribunal Administrativo	1	administrative measure taken on the basis of a Community regulation or decision?
France	Cour de Cassation Conseil d'État	2 3	
Sweden	Regeringsrätten	2	
Belgium	Cour de Cassation/Hof van Cassatie Cour d'Arbitrage/Arbitragehof Conseil d'État/Raad van State	4 1 1	3. Were there any decisions that were noteworthy as setting good or bad examples?
Spain	Tribunal Superior de Justicia	5	
Denmark	Højesteret	1	4. Were there any decisions that applied the rulings given in <i>Francovich</i> <sup>(1)</sup> or in <i>Brasserie de Pêcheur and Factortame III</i> ? <sup>(2)</sup>

## 2. Significant judgments of national courts of final instance

### 2.1. Introduction

Analysis of the judgments outlined below shows that national supreme courts are paying more and more attention to Community law.

The Commission has again had access to data gathered by the Research and Documentation Department of the Court of Justice. It was thus able to identify decisions which applied Community law, though it should be pointed out that it is not possible, by consulting databases, to identify cases where national courts ought to have applied Community law but where the judgment contains no reference to it. Moreover, the Commission cannot undertake a systematic analysis of the mass of judgments delivered each year by the national supreme courts. Each year, some 1 200 judgments relating to Community law come to the attention of the Research and Documentation Department.

### 2.2. The research

Research was carried out on the following questions in relation to decisions given or reported for the first time in 1997:

1. Were there cases where decisions against which there was no appeal were taken without a reference for a preliminary ruling even though they turned on a point of Community law whose interpretation was less than perfectly obvious?

Were there any other decisions regarding preliminary rulings that merit attention?

2. Were there cases where courts, contrary to the rule in Case 314/85 *Foto-Frost* <sup>(1)</sup>, declared an act of a Community institution to be invalid?

To what extent did national courts, applying the principles in Joined Cases 143/88 and 92/89 *Zuckerfabrik Süderdithmarschen* <sup>(2)</sup>, stay the implementation of a national

### Question 1

On 30 December 1996, in a judgment given without reference to the Court of Justice <sup>(3)</sup>, the Dutch Centrale Raad van Beroep upheld the Dutch authorities' refusal to pay invalidity benefits to the daughter of a migrant worker unable to work, on the ground that she did not meet the residence requirement in the Netherlands. The family had resided in the Netherlands but had moved to Belgium, though the father remained covered by the Dutch social security scheme. The Centrale Raad van Beroep, referring to the judgment of the Court of Justice in Case C-308/93 *Cabanis-Issarte* <sup>(4)</sup>, considered the question whether in the circumstances of the case the daughter should be considered as insured in the Netherlands as a member of the family of the migrant worker, who was a Community national, for the purposes of Council Regulation (EEC) No 1408/71 of 14 June 1971 <sup>(5)</sup>. In its judgment, which related to retirement pensions, the Court of Justice held that it would be contrary to both the purpose and the spirit of the Regulation to deprive the spouse or survivors of a migrant worker of the benefit of the non-discrimination principle in the payment of old-age benefits to which they would have been entitled, on an equal footing with nationals, if they had remained in the host state <sup>(6)</sup>. The Centrale Raad van Beroep held that it was unlikely that a judgment of the Court of Justice would have any impact on the outcome of the case.

Again in the Netherlands, the Hoge Raad considered the question whether the fact that the Commission had not been notified of certain rules on equipment to be used for testing alcohol, which were technical standards within the meaning of Directive 83/189, was to be taken into account when sentence was passed for an offence. It held that it was not so, since in neither of the two possible situations — the accused refused to submit to checks or agreed to do so — was he required to

<sup>(1)</sup> Joined Cases C-6/90 and C-9/90 [1996] ECR I-5357.

<sup>(2)</sup> Joined Cases C-46/93 and C-48/93 [1996] ECR I-1029.

<sup>(3)</sup> Centrale Raad van Beroep, *Bestuur van de Nieuwe Algemene Bedrijfsvereniging v N.M.* [1997] AB 181.

<sup>(4)</sup> Case C-308/93 [1996] ECR I-2097.

<sup>(5)</sup> Regulation on the application of social security schemes to employed persons and their families moving within the Community, OJ L 149, 5.7.1971, p. 2.

<sup>(6)</sup> Paragraph 30, judgment given on 30 April 1996, *Cabanis-Issarte*.

<sup>(1)</sup> [1987] ECR 4199.

<sup>(2)</sup> [1991] ECR I-534.

comply with the rules in question. The Hoge Raad's view was that the obligation of a suspect to submit to checks flowed directly from the Dutch road traffic legislation (<sup>1</sup>).

On 15 April 1997, in a case turning on the application of Regulation (EEC) No 1408/71 and the provisions of the Treaty relating to free movement of persons in general, the Austrian Oberster Gerichtshof (Supreme Court) gave a judgment dismissing an application from a worker with Austrian nationality, who received German invalidity benefit following an industrial accident in Germany in 1968, for an invalidity pension in Austria (<sup>2</sup>). The Court took note that the Regulation had had effect in Austria from 1 January 1994 without retrospective effect and held that neither it nor the provisions of the Treaty relating to free movement of persons could apply to events occurring before that date. It accordingly held that the applicant was not covered by the relevant provisions of Community law and declined to refer a question for a preliminary ruling as the decision on the case did not depend on Community law.

In Germany the Bundesverfassungsgericht (Constitutional Court), in a constitutional action for annulment of a judgment of the Landesarbeitsgericht Hamm dismissing the applicant's appeal against his dismissal, gave a preliminary decision on 13 June 1997 refusing to accept the action (<sup>3</sup>). The Court declared that the Landesarbeitsgericht had deliberately refused to apply the interpretation of the concept of transfer of undertaking (Article 1(1) of Directive 77/187/EEC (<sup>4</sup>)) given by the Court of Justice in Case C-392/92 Christel Schmidt (<sup>5</sup>), and pleaded by the applicant. It dismissed as unfounded the Labour Court's reasoning that it was under no duty to follow the Court of Justice's interpretation since no grounds had been given for it. It held that a national court of last instance cannot depart from an interpretation given by the Court of Justice and must, in the event of doubt, refer a fresh question for preliminary ruling.

However, it refused to accept the constitutional action as, following the judgment given by the Court of Justice in Case C-13/95 Ayse Süzen (<sup>6</sup>), which clarified the concept of transfer of undertakings as interpreted in Christel Schmidt, the applicant could no longer win the case. If the action was referred back to the Landesarbeitsgericht, that court would have to follow the new decision of the Court of Justice and dismiss the applicant's action.

It is worth noting that Ayse Süzen was also followed by the United Kingdom Court of Appeal in its judgment in *Betts v Brintel Helicopters Ltd*, considered below under question 3.

Still in Germany, the Bundesverwaltungsgericht gave a judgment on 28 January 1997 on the question of the stage in national proceedings at which a question should properly be referred to the Court of Justice for a preliminary ruling (<sup>7</sup>). On an appeal from a judgment of the Hamburg Oberverwaltungsgericht ordering a Turkish national to be expelled, the Bundesverwaltungsgericht held that in the instant case the conditions imposed by German law for an expulsion order were satisfied as the applicant's offences against the Narcotics Act warranted expulsion as a general preventive measure. But the Court went on to consider whether Articles 6(1) and 7 of Decision No 1/80 of the EEC-Turkey Association Council militated against expulsion as a general preventive measure and decided that it could not answer that question without an interpretation of the Decision from the Court of Justice. Since, however, a reference could not be made if the preliminary ruling was not proved to be relevant to the decision to be given by the national court, and since it had not been shown that the applicant was active on the normal labour market within the meaning of Decision 1/80, the Court annulled the judgment of the Oberverwaltungsgericht and referred the case back to it for retrial, possibly involving a reference to the Court of Justice (<sup>8</sup>).

In a case concerning the compatibility of the rules in French legislation governing the eligibility and disqualification of Members of the European Parliament with the Act concerning the election of representatives of the European Parliament annexed to the Council Decision of 20 September 1976, the French Conseil d'État, upholding the submissions of the Government Commissioner, held that there was no need to refer a question to the Court of Justice for a preliminary ruling (<sup>9</sup>). Its reasoning was that the Act clearly provided that the electoral procedure for representatives to the European Parliament was in all material respects within the jurisdiction of the Member States and that it was for them to determine whether their representatives were disqualified for ineligibility.

On 7 November 1997 the Finnish Korkein hallinto-oikeus (Supreme Administrative Court), without reference to the Court of Justice, held in a case (2942/1/96) concerning public access

(<sup>1</sup>) Judgment given on 15 November 1997 [1998] AB Rechtspraak Bestuursrecht 49, p. 237.

(<sup>2</sup>) 10 Ob S2334/96z.

(<sup>3</sup>) 1 BvR 2102/95 [1997] Europäische Zeitschrift für Wirtschaftsrecht, 575, [1997] Zeitschrift für Wirtschaftsrecht 1801.

(<sup>4</sup>) Council Directive of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses: OJ L 61, p. 26.

(<sup>5</sup>) [1994] ECR I-1311.

(<sup>6</sup>) [1997] ECR I-1259.

(<sup>7</sup>) 1 C 17/94 [1997] Neue Zeitschrift für Verwaltungsrecht, 1119.

(<sup>8</sup>) On 1 October 1997 the Court of Justice received a reference for a preliminary ruling on the interpretation of Decision No 1/80 of the EEC-Turkey Association Council from the Ansbach Verwaltungsgericht in relation to expulsion as a general preventive measure: Case C-340/97, OJ C 357, p. 19 (pending).

(<sup>9</sup>) Judgment given on 8 January 1997, Tapie [1997] Actualité Juridique Droit Administratif 259, noted by J-H Stahl; [1997] Europe, Act. 100; [1997] Recueil Dalloz, Jur. 295; [1997] Revue française de droit administratif 438; [1997] Droit administratif 58; [1997] Gazette du Palais 271-273 II pan., 135-136.

to documents transmitted to the European Commission in a competition proceeding that Finnish law applied to access to such documents where they were in the possession of the national authorities (National Competition Office). By Article 10 of the Constitution, documents in the possession of the national authorities are public unless publicity is restricted by statute on grounds of overriding considerations. Applying section 9(2) of the Official Documents (Public Access) Act and section 1(1)(2)(a) of the legislative Decree allowing certain exceptions, the Court nevertheless withheld access as it would be prejudicial to sound international cooperation. The decision was taken by majority vote. A minority of the judges would have applied Article 20 of Council Regulation No 17, which requires the Commission and other competent authorities to refrain from divulging information gathered in applying that Regulation where they are by their nature covered by the obligation of professional secrecy.

### Question 2

Here mention should be made of the Order made by the Frankfurt Verwaltungsgericht on 24 October 1996<sup>(1)</sup>. The Court referred to the Bundesverfassungsgericht a question for a preliminary ruling as to the conformity of Articles 17 to 19 and 21(2) of Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas<sup>(2)</sup> with certain provisions of the Basic Law, even though the Court of Justice had earlier given a preliminary ruling in Case C-466/93 Atlanta Fruchthandelsgesellschaft and others<sup>(3)</sup> (reference by the Frankfurt Verwaltungsgericht in connection with the same case) to the effect that the provisions were valid in terms of Community law.

The Verwaltungsgericht held that these provisions could not be applied in Germany as they violated the applicants' individual rights as secured by Articles 3(2) (equality), 12(1) (freedom to engage in an occupation) and 14(1) (property rights) of the Basic Law. As grounds for the admissibility of its reference the Verwaltungsgericht adduced decisions of the Bundesverfassungsgericht, and particularly its judgment of 12 October 1993<sup>(4)</sup>, holding that it alone had jurisdiction to review the applicability of Community secondary legislation in Germany by virtue of a cooperation relationship with the Court of Justice

<sup>(1)</sup> 1E 798/95 (V) and 1E 2949/93 (V) [1997] Europäische Zeitschrift für Wirtschaftsrecht, p. 182.

<sup>(2)</sup> OJ L 47, p. 1.

<sup>(3)</sup> [1995] ECR I-3799, judgment given on 9 November 1995. The Court had already rejected an action by Germany to have the Regulation declared invalid (Case C-280/93 Germany v Council [1994] I-4973, judgment given on 5 October 1994).

<sup>(4)</sup> 2 BvR 2134/92 and 2 BvR 2159/93 (the Maastricht cases), confirming that the statute ratifying the Treaty on European Union was compatible with the Basic Law subject to certain conditions for the validity of Union legislative instruments in Germany: [1993] Neue Juristische Wochenschrift, 3047/3058.

and to secure compliance in Germany with the unassailable standard of fundamental rights provided for by the Basic Law.

The Verwaltungsgericht held that the material provisions of Regulation No 404/93 violated the unassailable standard of fundamental rights provided for by the Basic Law and that the Court of Justice had not protected the applicants' fundamental rights in the preliminary ruling proceeding, with the consequence that the Bundesverfassungsgericht should secure compliance and declare the provisions inapplicable in Germany.

### Question 3

In a judgment given on 26 June 1997 the Austrian Verfassungsgerichtshof held that, by failing to discharge its duty to seek a preliminary ruling from the Court of Justice pursuant to the third paragraph of Article 177 of the EC Treaty, the Bundesvergabeamt (federal authority with review jurisdiction in public procurement matters) had acted contrary to the principle that nobody may be deprived of access to proper justice<sup>(5)</sup>. The interpretation of Article 2(1)(a) and (b) and (6) of Council Directive 89/665/EEC of 21 December 1985<sup>(6)</sup>, arose in interlocutory proceedings before the Bundesvergabeamt, the question being whether the award and conclusion of a contract following an invitation to tender are severable actions, attackable either separately or in aggregate; the Verfassungsgerichtshof held that in the Community system of two-tier protection it was for the Court of Justice alone, which had already ruled on the question, to interpret the relevant provisions, which meant that a preliminary ruling should have been sought.

Still in Austria, the Oberster Gerichtshof made an Order on 9 December 1997 in a case turning on the question whether the decision whereby a court of originating jurisdiction stayed proceedings and referred a question to the Court of Justice for a preliminary ruling was subject to national redress procedures<sup>(7)</sup>. After considering the decisions of the Court of Justice<sup>(8)</sup>, existing decisions of the Austrian and German courts and academic writings, the Court held that a reference Order could not be set aside by a national court since, for one thing, the Court of Justice had exclusive jurisdiction to consider the admissibility of a reference for a preliminary ruling and, for another, while decisions staying proceedings in constitutional review actions before the Constitutional Court were not reviewable, references for preliminary rulings were. Moreover,

<sup>(5)</sup> Case B 3486/96.

<sup>(6)</sup> On the coordination of the laws, regulations and administrative provisions on the application of review procedures to the award of public supply and public works contracts: OJ L 395, p. 33.

<sup>(7)</sup> Case 16 Ok 9/96. See also the decision by the Vienna Oberlandesgericht to seek a preliminary ruling in the principal action (26b Kt 630/95/82; Case C-7/97, OJ C 74, p. 15 (pending)).

<sup>(8)</sup> Case 146/73, Rheinmühlen II [1974] ECR 139 (judgment given on 12 February 1974).

the parties to the principal action, being unable to oblige the court to seek a preliminary ruling, were not entitled to have a decision seeking such a ruling set aside by means of purely national procedures.

The judgment given on 26 June 1997 by the Verfassungsgerichtshof<sup>(1)</sup> concerns access to university education for Austrian nationals who have been awarded a secondary-school leaving certificate in another Member State. The applicant, an Austrian national, was refused admission to study veterinary medicine at Vienna University on the basis of the general certificate of matriculation issued to her in Germany in 1995 on the grounds that she had not received a university admission certificate issued by a competent German authority that would have entitled her to follow university studies in Germany, as required by section 7(1)(b) of the Austrian University Education Act (Allgemeines Hochschulstudienengesetz, AHStG). The Court held that this did not violate the principle of equality enshrined in Austrian constitutional law. The restrictions on university admission were justified by the legislative intention of preventing or containing a massive influx of persons who had obtained their secondary-school leaving certificate in another country but did not meet the specific conditions for admission imposed there and therefore sought admission in Austria. Although the decision might generate injustice in relation to Austrian nationals residing temporarily in another Member State, the Verfassungsgerichtshof found that the nationality criterion was not mentioned in section 7(1)(b) of the Act and held that the section did not violate the Community-law principle of non-discrimination since its purpose was precisely to treat all holders of foreign certificates in the same way as in the country of issuance of the certificate, irrespective of nationality.

Regarding interlocutory proceedings, the Oberster Gerichtshof held that, where a question of interpretation of Community law arose in such proceedings and the same question arose at the same time in another case and was referred to the Court of Justice, it was not possible to stay the interlocutory proceedings pending the ruling from the Court of Justice. Such a stay was not compatible with the very purpose of interlocutory proceedings and would in any case not be appropriate until the mandatory effect *erga omnes* of the decision to seek the preliminary ruling was established<sup>(2)</sup>.

Although Directive 77/187/EEC<sup>(3)</sup> has been transposed only in part in Austria and precise transpositional provisions have not been enacted, a judgment of the Oberster Gerichtshof given on 23 May 1997<sup>(4)</sup>, referring to the judgment of the Court of Justice in Joined Cases C-132/91, C-138/91 and C-139/91 Katsikas<sup>(5)</sup>, upheld the right of a worker, being a delegate to the Works Council, to oppose the transfer of his employment relationship to the acquirer of a business.

<sup>(1)</sup> Case B 877/96.

<sup>(2)</sup> OGH 14 January 1997, 4 Ob 2386/96b and 4 Ob 2391/96p.

<sup>(3)</sup> Case C-308/93 [1996] ECR I-2097.

<sup>(4)</sup> 8 Ob A 105/97t.

<sup>(5)</sup> [1992] ECR I-6577, judgment given on 16 December 1992.

Also noteworthy is a judgment given by the Oberster Gerichtshof on 11 February 1997<sup>(6)</sup>, on an application from an employed person suffering from incapacity for work for an invalidity pension in Austria although, after working in Germany for fifteen years, she was receiving an invalidity pension in Germany. The applicant pleaded the bilateral agreement between Austria and Germany and Council Regulation (EEC) No 1408/71 in support of her argument that her entitlement should be determined on the basis of the more generous provisions and that her period worked in Germany should be reckoned for the purposes of pension entitlements in Austria. The Court held that there was no such obligation under the bilateral agreement or under the Regulation and concluded that, in the absence of relevant provisions in the substantive social law of the Community, Austrian law should be applied.

In a judgment given on 25 September 1997<sup>(7)</sup> the Verwaltungsgerichtshof acknowledged the direct effect of Article 10 of Council Directive 69/335/EEC concerning indirect taxes on the raising of capital<sup>(8)</sup>. Referring to a Court of Justice decision<sup>(9)</sup>, it declared that administrative decisions imposing duties for the registration of capital increases of limited companies in the companies register were unlawful. It felt no need to seek a preliminary ruling as in the circumstances of the case there was no doubt how Community law should be applied<sup>(10)</sup>.

In the United Kingdom, just a fortnight after the Court of Justice gave judgment in *Süzen*<sup>(11)</sup> on 11 March 1997, the influence of the judgment was felt in the Court of Appeal's judgment in *Betts v Brintel Helicopters Ltd*<sup>(12)</sup>. The applicants were employed by Brintel, which supplied Shell with helicopter services. When the contracts for services between the two firms expired, new contracts for the area in which the applicants were working were awarded to KLM, which did not take over the existing staff and equipment and operated from a different heliport. The High Court made a declaration that the applicants had become employees of KLM as the Brintel activities on the heliport it used constituted an undertaking for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 1981 and there had been a transfer of an undertaking since KLM was now providing the same services or activities. The Court of Appeal gave its judgment after the Court of Justice had given judgment in *Süzen* and allowed KLM's appeal. The Court of Appeal held that *Süzen* constitutes a shift of emphasis, or at the very least a clarification of the law, and held that although the sector of activity

<sup>(6)</sup> 10 Obs 19/97k.

<sup>(7)</sup> Cases 97/16/0050, 0061.

<sup>(8)</sup> OJ L 249; as amended by Directive 85/503/EEC of 10 June 1985, OJ L 156, p. 23.

<sup>(9)</sup> Joined Cases C-71/91 and C-178/91 *Ponente Carni* [1993] ECR I-1915.

<sup>(10)</sup> Judgment of the Court of Justice in Case C-283/81 *CILFIT* [1982] ECR 3415, judgment given on 6 October 1982.

<sup>(11)</sup> Case C-13/95 [1997] ECR I-1259.

<sup>(12)</sup> Court of Appeal (Civil Division), *Betts and others v Brintel Helicopters Ltd* and another [1997] ICR 792.

constituted an undertaking or a business entity, the staff were not the only asset and that the assignor had retained the bulk of the assets so that the undertaking could not be considered to have been transferred in such a manner as to keep its identity when in the hands of the new proprietor.

In another transfer of undertakings case — *National Union of Teachers and others v Governing Body of St Mary's Church of England (Aided) Junior School and others* (\*) — the Court of Appeal considered the cases on the direct effect of directives. Three teachers had been made redundant following the closure of the voluntary aided school where they taught. They were not re-engaged by the governing body of the new school, which was also a voluntary aided school. The teachers' union filed complaints for failure to undertake proper consultations in the event of transfer of an undertaking, and the three teachers filed a complaint for unfair dismissal; the Industrial Tribunal decided that the schools were not in the nature of a commercial venture for the purposes of section 2(1) of the 1981 Regulations, which were accordingly not applicable, and since the Board of Governors of a voluntary aided school was not a state authority the applicants could not rely on the direct applicability of Directive 77/187/EEC (†) against such a body. The Employment Appeal Tribunal dismissed the applicants' appeal. The Court of Appeal allowed their further appeal, holding that, where a school acquired voluntary-aided status and became effectively part of the state system, the Board of Governors was a public authority responsible for providing a public service and was subject to the regulatory powers exercised by the local education authority; this made it a state authority for the purposes of Directive 77/187/EEC.

Still in the United Kingdom, the House of Lords followed Court of Justice precedents in *Kleinwort Benson v Glasgow City Council* (‡). The applicant bank had started an action in England for the repayment of sums paid to Glasgow City pursuant to a contract subsequently rescinded. A statute broadly taking over the solutions adopted in the Brussels Convention governs conflicts of jurisdiction between the courts of England and Scotland. Glasgow City considered that the Scottish courts had jurisdiction, and the Court of Appeal sought preliminary rulings on the interpretation of the statute from the Court of Justice (Case C-346/93) to determine restitution actions in the context of the Brussels Convention. The Court of Justice declared that the reference was inadmissible as the Brussels Convention itself was not applicable in the circumstances of the case, even if conflicts of jurisdiction between the English and Scottish courts were governed by rules inspired by it.

(\*) [1997] ICR 334.

(†) Case C-308/93 [1996] ECR I-2097.

(‡) [1997] 3WLR 923.

The English courts must therefore settle the conflict without a preliminary ruling from the Court of Justice. The House of Lords held that full regard should be had to decisions of the Court of Justice interpreting the Conventions when the statute fell to be interpreted by the English courts even though the Court of Justice had declined to give a preliminary ruling.

In Germany the Bundesverfassungsgericht, by Order made on 22 January 1996 (¶), dismissed a constitutional action against transposal of two Community directives without considering the points of Community law raised by the parties. It held that section 3(1) of the Tobacco Products (Labelling) Regulation, which transposed into German law Article 4 of Directive 89/662/EEC, as amended by Directive 92/41/EEC (‡), violated neither the principles of freedom of opinion and freedom to engage in an occupation nor any other of the fundamental rights secured by the Basic Law. The Court held that the Regulation had a legal basis independent of Community law in section 21(1) of the Foodstuffs and Basic Necessities Act (*Lebensmittel- und Bedarfsgegenständegesetz*), that it was accordingly part of German competition law and that as a result questions of Community law, notably those relating to the direct effect of directives in domestic law and the applicants' right to have them reviewed by the Court of Justice, were not relevant to its decision.

On 20 November 1997 the Bundesarbeitsgericht gave a judgment accepting the applicant's claim that as a professional ice-hockey player he was entitled to compensation for loss sustained when the club that employed him applied the rules governing transfers adopted by the German federation (¶). The transfer being between two German clubs, the Court decided on the basis of German law alone that the transfer rules were an unlawful restraint of freedom to engage in an occupation (Article 12(1) of the Basic Law). Moreover, referring to the Court of Justice's decision in *Bosman* (‡) that Article 48 of the EC Treaty precluded rules making the recruitment of a professional sportsman by a club in another Member State dependent on payment of a transfer fee to the club of origin, it held that the interpretation placed on Article 48 by the Court of Justice was founded on the same values as applied to the interpretation of Article 12 of the Basic Law.

(¶) 2 BvR 1915/91: 95 Entscheidungen des Bundesverfassungsgerichts 173; [1997] *Europarecht* 162; [1997] *Europäische Grundrechte-Zeitschrift* 205; [1997] *Europäische Zeitschrift für Wirtschaftsrecht*, p. 734.

(‡) Council Directive 92/41/EEC of 15 May 1992 amending Directive 89/622/EEC of 13 December 1989 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products, OJ L 158, p. 30.

(¶) 5 AZR 518/95 [1997] *Neue Zeitschrift für Arbeitsrecht*, p. 647.

(‡) Case C-415/93 [1995] ECR I-4921.



In Spain the Sala Primera de lo Civil at the Tribunal Supremo gave judgment on 5 July 1997 <sup>(1)</sup> acknowledging the direct horizontal effect of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts <sup>(2)</sup>, having earlier implicitly acknowledged such effect. All the cases concerned jurisdiction clauses in standard-form contracts.

In Denmark, where the Supreme Court had declared on 12 August 1996 that an action brought against the Prime Minister by eleven Danish citizens, supported by 777 interveners, concerning the Maastricht Treaty was admissible <sup>(3)</sup>, the Østre Landsret, acting as a court of first instance, gave judgment on 27 June 1997 dismissing the application on the substance <sup>(4)</sup>. The applicants contested the constitutionality of Denmark's ratification of the Maastricht Treaty. Article 20(1) of the Constitution provides that 'the powers conferred on the authorities of the Kingdom by this Constitution may be transferred by statute, and within specified limits, to international authorities established by reciprocal agreements with other States with a view to promoting international cooperation and the international legal order'. The applicants argued that the transfer of powers effected by the Maastricht Treaty was indeterminate and that the transfer was accordingly incompatible with Article 20. The applicants have brought an action to have the judgment annulled in the Supreme Court, which is expected to give judgment in spring 1998.

Regarding the recognition of the supremacy of Community law over national law, the judgment given on 25 November 1997 by the Regeringsrätten, Sweden's Supreme Administrative Court <sup>(5)</sup>, put an end to certain doubts as to the relationship between national law and Community law <sup>(6)</sup>. The judgment recognises the possibility for citizens to seek redress in the administrative courts against individual decisions affecting civil rights and duties <sup>(7)</sup>. Lassagård contested the national authorities' refusal to pay an agricultural aid provided for by Commission Regulation (EEC) No 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes <sup>(8)</sup>. The authority — the Jordbruksverket — rejected the company's application and stated that there was no appeal against its

decision since, in accordance with national administrative rules, there was no basis for review in a statute or regulation <sup>(9)</sup>. Successive appeals brought the case up to the Supreme Administrative Court, which, referring to Court of Justice cases <sup>(10)</sup> and to Article 6 of the European Human Rights Convention (protection of the relevant rights is a full part of Community law), held that Community law prevails over national law and that national law cannot confine an applicant's right to complain of an administrative decision in a national court, as that right flowed directly from Community law.

In a plenary judgment the French Conseil d'État acknowledged that, where the time allowed for transposal of a directive has elapsed, the authorities must disapply provisions of national law that conflict with it, whatever their status and whatever the source of incompatibility <sup>(11)</sup>.

This was a tax case, and the applicant firm's business was subject to VAT as defined by section 256 of the General Tax Code, conforming to the sixth directive <sup>(12)</sup>. The Directive required the Member States to exempt the relevant business but the Code contained no provision doing so. The interesting point about the case was that national legislation did not contain the provisions required by the Directive, rather than containing provisions in conflict with it. The Conseil d'État held that the sections of the General Tax Code whereby insurance brokerage remained subject to VAT were not in conformity with the purpose of the sixth directive, that they should be disappplied in the instant case and that the assessment to tax should accordingly be cancelled for want of a legal basis; it did so without requiring the applicant to have pleaded incompatibility with the directive of the national transposal measure that intervenes between the directive and the individual decision <sup>(13)</sup>.

<sup>(1)</sup> Ediciones Océano Exito SA v Antonia C. S. [1997] Repertorio Aranzadi de Jurisprudencia 6151.

<sup>(2)</sup> OJ L 95, p. 29.

<sup>(3)</sup> [1996] Ugeskrift for Retsvæsen, p. 1302, mentioned in the fourteenth report (1996).

<sup>(4)</sup> 3. Afd No B-2131-96.

<sup>(5)</sup> Case 219/97, Lassagård.

<sup>(6)</sup> The uncertainties flowed from the Swedish courts' refusal to acknowledge the availability of judicial review of administrative decisions unless provided for by national law or regulation.

<sup>(7)</sup> Cf. Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>(8)</sup> OJ L 391, p. 36.

<sup>(9)</sup> Cf. Section 14(1) of the Administrative Tribunals Act (Lagen om allmänna förvaltningsdomstolar), No 1971:289.

<sup>(10)</sup> In particular Case C-97/91, Oleifici Borelli SpA v European Commission [1992] ECR I-6313.

<sup>(11)</sup> SA Cabinet Revêt et Badelon [1996] AJDA 1044 (judgment given on 30 October 1996).

<sup>(12)</sup> Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes, OJ L 145, p. 1.

<sup>(13)</sup> This decision has been analysed by some commentators as acknowledging the direct substitution effect of directives, meaning that an individual can seek to have rights conferred by the directive enforced if the directive is not transposed or not properly transposed when the time allowed for transposal has elapsed, even though there are no national measures implementing the directive.

For the contrary argument, see Tribunal Administratif, Dijon, SARL Sté nouvelle des Laboratoires Eurotonic [1997] DF 26, Comm. 746 (judgment given on 26 November 1996) [1997] Europe 223, p. 14. For acknowledgement of the direct substitution effect, see Tribunal Administratif, Strasbourg, Soc. Lyonnaise des Eaux v Communauté des Communes du Piémont-du-Barr and SDEA du Bas-Rhin, Req. 97348 (interlocutory order made on 23 May 1997) [1997] Europe 222, p. 13 [1997] AJDA 719.

The Conseil d'État also received an application for annulment of an Order made by the State Secretary from the Ligue Française pour la Protection des Oiseaux, determining the open season for shooting certain species. Council Directive 79/409/EEC on the conservation of wild birds requires Member States to ensure that protected species 'are not hunted during the rearing season nor during the various stages of reproduction'. The Conseil d'État annulled the Order as the rule had not been respected for certain species and the national authorities had no power to issue regulations conflicting with the objectives of Community directives.

The French Court of Cassation gave a judgment on 12 December 1996 extending the *in mitius* retroactivity rule, whereby, in the absence of provisions to contrary effect, a criminal statute laying down more favourable provisions applies to acts done before it entered into force where sentence has not yet been passed, to Community regulations on the basis of which an offence was defined by the national legislature<sup>(1)</sup>.

The Italian Consiglio di Stato<sup>(2)</sup>, referring to the judgment of the Court of Justice in *Kalanke*<sup>(3)</sup>, declared that references to the female condition as a discriminatory factor in access to public-service employment was far from constituting an application of the principle of equal opportunities but was contrary to national and Community provisions excluding sex discrimination and permitting only such forms of discrimination as removed practical barriers to access to employment and career prospects for women; it held that the biological state of maternity could not be taken into account in a recruitment competition for associate teachers when the aptitude of candidates was assessed, as objective criteria alone should be used without regard for personal situations.

Mention should also be made of the judgment given by the Italian Constitutional Court on 11 April 1997 in an action for conflict of jurisdiction between the Umbria and Marches Regions and the State, with respect to circulars issued by the Ministry of Employment concerning support for vocational training schemes financed by the European Social Fund<sup>(4)</sup>. In particular, the Regions argued that the circulars encroached on their powers in matters of vocational training and the implementation of Community regulations. The Court began by

confirming that Community law could legitimately depart from constitutional provisions on the distribution of powers between the State and the Regions where this was necessary to meet the needs of the European Union. It then noted that the circulars merely transposed Community instruments which, as such, were not amenable to constitutional review unless they were incompatible with fundamental constitutional principles. It therefore declined jurisdiction to subject the circulars to constitutional review as they enjoyed full 'Community protection' by reason of their origin. Lastly, the Court seemed to suggest that the Regions could prevent their powers being taken away from them by participating in the upstream stages of the process of formulating Community legislation.

A final noteworthy decision is that given by the Italian Court of Cassation in a case<sup>(5)</sup> in which the Court of Justice had given a ruling on 10 December 1991<sup>(6)</sup> declaring that the monopoly of port operations conferred on port companies was incompatible with Articles 86 and 90 of the Treaty. The Italian Court, while confirming its earlier constitutional decisions, ruled on the effects of Court of Justice interpretation rulings in the domestic legal order. It held in particular that the principles enunciated in preliminary rulings given by the Court of Justice in matters of interpretation are immediately applicable and have the effect that national statutes incompatible with the Community legal order are immediately disappplied, subject to respect for the fundamental principles of the Italian constitutional order and human rights. The Italian courts are to respond to the Court of Justice's ruling by disapplying section 110 (last paragraph) and section 112 of the Code of Navigation and by presuming that they no longer have effect.

The Belgian Raad van State heard an interlocutory action against a decision taken by the Monitoring Committee provided for by Community Structural Funds regulations<sup>(7)</sup>. The establishment of the Committee had been provided for in the Single Programming Document presented by the Flemish Government to the Commission, which had approved it. The Committee had selected a firm other than the applicant for performance of a project co-financed by the ERDF.

The Raad van State held that the Monitoring Committee had not been established by a Belgian authority and was not reviewable by such an authority. It declared that the Committee was involved in the exercise of public authority by the European institutions and concluded that it had no juris-

<sup>(1)</sup> Cass. Crim., Paul Giusti et Soc. ILS, 12 December 1996 [1996] Bull. Crim. 466, p. 360 [1997] Europe Act. No 215, p. 10.

<sup>(2)</sup> Sezione VI, 26 February 1997, Case 325 Pompili Pagliari v Ministero della Pubblica Istruzione [1997] Il Consiglio di Stato I-290.

<sup>(3)</sup> Case C-450/93 [1995] ECR I-3051 (judgment given on 17 October 1995).

<sup>(4)</sup> Case 93 [1997] Giur. Cost., p. 923.

<sup>(5)</sup> Case 2787, *Compagnia unica lavoratori merci varie del porto di Genova v Società merci convenzionali porto di Genova*, Foro it., I-3275, 3277 (judgment given on 28 March 1997).

<sup>(6)</sup> Case C-179/90, *Merci convenzionali porto di Genova v Siderurgica Gabrielli SpA* [1991] ECR I-5889.

<sup>(7)</sup> Article 25 of Council Regulation No 4253/88 of 19 December 1988 (OJ L 374, p. 1), as last amended by Regulation No 3193/94 (OJ L 337, p. 11).

diction to review decisions of those institutions. The fact that certain Belgian authorities were active members of the Committee was not sufficient in the Raad van State's view to warrant a finding that the Committee's decisions were decisions of a Belgian authority<sup>(1)</sup>.

In the Netherlands the National Waddenzee Conservation Association brought an action in the Raad van State against the issue of certain licences by the Environment Ministry without environmental impact assessment. The Raad van State held that national rules excluding refineries from the impact assessment obligation if they had a capacity of less than one million tonnes of crude oil per year were contrary to Directive 85/337/EEC<sup>(2)</sup>. It annulled the licences after repeating that it had had many occasions to declare that the articles of the directive that imposed this obligation had direct effect<sup>(3)</sup>.

Still in the Netherlands, the College van Beroep voor het Bedrijfsleven (CBB) received an application from several credit-card companies for annulment of a decision by the Economic Affairs Minister, who had declined to state that a particular rule of Dutch competition law was not applicable to them. The CBB rejected the applicants' argument that the Dutch Minister had no power to act as the case was under scrutiny at the European Commission. It recalled that under the *Walt Wilhelm* decision<sup>(4)</sup> the national authorities may act under their national law in an antitrust case, even where the Commission is scrutinising it, provided application of national law does not adversely affect the full and uniform application of Community law or the effect of measures implementing it. On the substance, the CBB observed that the application of this principle placed national authorities under an obligation to see that their decisions were in line with the likely Community decision. The CBB dismissed the action on the basis of letters from Commission DG IV stating that the Commission would probably find the restrictive practice to be contrary to Article 85(1) and ineligible for exemption under Article 85(3).

#### Question 4

In the United Kingdom, the applicants in *R v Secretary of State for Transport, ex parte Factortame and others (No 5)*<sup>(5)</sup> were owners and operators of Spanish fishing vessels who had obtained from the English courts and the Court of Justice a declaration that the Merchant Shipping Act 1988, which imposed nationality requirements for the registration of ship

owners and operators, was contrary to Community law. It was common ground that Community law conferred individual rights. The High Court held that the breaches were serious enough for the Secretary of State for Transport to be liable in damages in respect of the loss sustained, if the applicants subsequently proved it. Moreover, among the four factors identified by the Court of Justice, the High Court identified four which, added to the importance of the principle breached, warranted the conclusion that the United Kingdom had manifestly and seriously exceeded its discretionary powers:

- nationality discrimination was the deliberate effect of the residence requirements;
- the Secretary of State was aware that the requirements were bound to cause the applicants to sustain loss as their very purpose was to prevent them from fishing on the United Kingdom quotas;
- the United Kingdom Government had decided to attain its objective by statutory means to ensure that implementation was not delayed by actions for judicial review, making it impossible for the applicants to obtain interim relief without the intervention of the Court of Justice;
- the attitude of the European Commission was hostile to the proposed legislation.

The High Court further held that the applicants were not entitled to exemplary damages under English law since, even if the case could be regarded as *sui generis*, their action was for breach of statutory duty and exemplary damages were not available in such an action in the absence of a statutory provision to the contrary, and there was no comparing an action for misfeasance in public office with an action for breach of duties under Community law.

On 9 January 1997 the Italian Court of Cassation gave judgment in a case concerning State liability in damages for failure to transpose a directive<sup>(6)</sup>. Legislative Decree No 80/1992, transposing Council Directive 80/987/EEC of 20 October 1980 on the protection of employees in the event of the insolvency of their employer<sup>(7)</sup>, provides for a system of protection that varies depending whether the employer's insolvency proceedings commenced before or after

<sup>(1)</sup> Raad van State, Administrative Division, judgment 66.661 of 10 June 1997 in Case A.73.283/IV — 16.524.

<sup>(2)</sup> OJ L 175, p. 40.

<sup>(3)</sup> *Nederlands Juristenblad* 3.10.1997, p. 1641-2.

<sup>(4)</sup> Case 14/68, *Wilhelm v Bundeskartellamt* [1969] ECR 1.

<sup>(5)</sup> High Court of Justice, Queen's Bench Division, Divisional Court [1997] *The Times Law Reports*, p. 482 (judgment given on 31 July 1997).

<sup>(6)</sup> *Sezione lavoro*, Case 133, *INPS v Veronica Campanelli* [1997] *Foro it., Mass.*, 14.

<sup>(7)</sup> OJ L 283, p. 23.

the Directive came into force. In the former case, the Decree provides that an action for damages for loss caused by failure to transpose the directive must be brought within one year following the Decree's entry into force. In its approach to the problem of the legal classification of the compensation and the rules governing actions for damages, the Court confirmed its earlier approach<sup>(1)</sup> that the damage sustained by reason of failure to transpose a directive is not attributable to an unlawful

act by the State. The ground for this is that, 'since the two legal orders — the domestic and the Community — are autonomous of each other, the actions of the legislature can be regarded as unlawful in the context of the Community legal order but not in the context of the domestic legal order, given the principles clearly enunciated in the Constitution'. Recalling the principles enunciated by the Court of Justice in connection with State liability for late transposal of directives, the Court of Cassation held that interest due to the applicant on unpaid wages ran from the time when the loss arose, in other words from the date of the employer's insolvency and not from the (later) date when the directive was transposed into Italian law.

---

<sup>(1)</sup> See 14th report: OJ C 332, at p. 205 (judgment given on 19 January 1996).

---