PERMANENT REPRESENTATIVES COMMITTEE

DRAFT

SUMMARY RECORD

of the 1309th meeting

held in Brussels on Monday 7, Wednesday 9 and Thursday 10 September 1987
1. Adoption of the agenda
3. ACP-EEC Annual Report for 1986
4. Turkey
5. Uruguay Round
6. Signing of the EEC-Cyprus Agreement
8. Proposal for a Council Decision on information in cases of abnormal levels of radioactivity
9. Proposal for a Council Regulation (Euratom) laying down the maximum permitted radioactivity levels
10. Fixing the provisional agenda for the Council meeting (Research) on 28 September 1987
11. Provisional agenda for the Council meeting (General Affairs) on 14 September 1987
12. Draft minutes of the 1151st Council meeting held in Brussels on Thursday 19 and Friday 20 March 1987
13. Recommendation for a Council Decision on the Protection of the Mediterranean Sea against Pollution (Barcelona Convention)
15. Economic and Social Committee
16. European Social Fund Committee
17. Advisory Committee on Safety, Hygiene and Health Protection at Work
18. Advisory Committee on the Euratom Supply Agency
19. Case before the Court of Justice
20. Request for Council assent to a draft Commission Decision granting financial aid for steel research projects
21. Request for Council assent in accordance with Article 54, second paragraph, of the ECSC Treaty for the co-financing of: a generating unit fired with coal
22. - the construction of the No 2 coal-fired generating unit at the München-Nord/Unterföhring combined heat and power plant
23. Proposal for a Council Decision authorising the extension or tacit renewal of certain trade agreements concluded between Member States and third countries

24. Proposal for a Council Decision authorising the extension or tacit renewal of certain trade agreements concluded between Member States and third countries

25. Proposal for a Council Regulation imposing a definitive anti-dumping duty on imports of ferro-silico-calcium/calcium silicide originating in Brazil

26. EEC-Angola Fisheries Agreement

27. Draft provisional agenda for the forthcoming part-session of the European Parliament (Strasbourg, 14 to 18 September 1987)

28. Rome Convention on the law applicable to contractual obligations

29. Consultation of the European Parliament and of the Court of Auditors on a proposal for a Council Regulation amending the Financial Regulation of 21 December 1977, applicable to the budget of the European Communities

30. International Convention on the Harmonized Commodity Description and Coding System

31. Preparation for the Council meeting (Fisheries) on 29 September 1987

32. Consultation of the Court of Auditors on a proposal for a Council Regulation introducing special rules for the financing of the common agricultural policy

33. Preparation for the Council meeting (Agriculture) on 22 September 1987

34. Proposal for a Council Regulation introducing the preparatory phase of a Community programme on trade electronic data interchange systems (TEDIS)

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ANNEX

8280/87 art/HM/dot EN - 2 b -
1. ADOPTION OF THE AGENDA

8271/87 OJ/CRP (Part I) and
8272/87 OJ/CRP (Part J)

Adopted subject to the addition of items 41 to 43(a) to (d) (Other business) to the list of matters discussed and the deletion of - Advisory Committee on Education and Training in the field of Architecture: replacement of two members and one alternate
- corrigendum to the Decision of 23 March 1987

2. MAKING A SUCCESS OF THE SINGLE ACT - A NEW FRONTIER FOR EUROPE (in restricted session)

The Committee finalized:
- its programme of work and
- as regards the reform of the Structural Funds (8251/87 RAU 26), instructions for an ad hoc Working Party.

3. ACP-EEC ANNUAL REPORT FOR 1986

8088/87 ACP 91 FIN 299

The Committee agreed to postpone examination of the above report until a forthcoming meeting.
4. TURKEY

- Special aid (procedure) 8006/87 NT 17

On the basis of the Presidency Note (8006/87 NT 17), the Committee held a further exchange of views on this question. The delegations and the Commission confirmed the views previously expressed as set out in the above document. A large majority of delegations shared the Commission's interpretation and agreed that for the purposes of the approval of projects to be financed out of the remainder of the special aid for Turkey, the procedure provided for in Article 6 of Regulation (EEC) No 3973/86 should be applied mutatis mutandis. The Danish delegation felt that a Council Decision was necessary but could also agree to the application of the Article 6 procedure mutatis mutandis. The Greek delegation felt that without a new Council Decision, to be taken unanimously, the procedure involving an ad hoc Working Party deciding unanimously remained applicable to financing projects concerning Turkey.

The Chairman established that consensus on the interpretation of the text could not be reached and that the Commission was aware of delegations' positions, and said that the Permanent Representatives Committee would not return to the matter.

5. URUGUAY ROUND

- Commission proposal concerning the Community's offer on tropical products 7129/87 GATT 76

On the basis of the proceedings of the Article 113 Committee (full members) on this matter (see 8297/87 GATT 103), the Committee prepared for the Council's discussion of this item at its forthcoming meeting on 14 and 15 September 1987.
6. **SIGNING OF THE EEC-CYPRUS AGREEMENT**

Since the Commission had forwarded the drafts of the EEC-Cyprus Protocols (8276/87 CY 10 and 8277/87 CY 11) at the beginning of September, the Committee agreed to the Chairman's suggestion that:

- the Protocols be signed on the occasion of the Council meeting on 19 and 20 October 1987;

- to that end the LUNS procedure be initiated immediately (confidential and unofficial briefing of the relevant European Parliament committees on the substance of the Protocols before signature).

7. **DRAFT COUNCIL DECISIONS APPROVING THE CONCLUSION OF, RESPECTIVELY, THE CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT AND THE CONVENTION ON ASSISTANCE IN THE CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY**

[see - Draft Decisions submitted by the Commission: 4283/87 ATO 8 SAN 2 + ADD 1 (f)
- Report by the Working Party on Atomic Questions to the Permanent Representatives Committee dated 11 June 1987
- Outcome of the proceedings of the Permanent Representatives Committee on 9 July 1987: 7703/87 CRS/CRP 26 ATO 68 SAN 40 EXT 1
- Council General Secretariat memorandum dated 7 September 1987]

The Chairman pointed out that the above drafts could not appear on the provisional agenda for the Council meeting on 14 September 1987 because, inter alia, numerous difficulties remained regarding the Community system of rapid exchange of information, including in particular the link made by the French delegation between that system and the Convention on early notification (see following item).
8. PROPOSAL FOR A COUNCIL DECISION ON A COMMUNITY SYSTEM OF RAPID EXCHANGE OF INFORMATION IN CASES OF ABNORMAL LEVELS OF RADIOACTIVITY OR OF A NUCLEAR ACCIDENT

[see Proposal for a Council Decision submitted by the Commission: 6323/87 ATO 48 SAN 27 - Council General Secretariat Note to the Permanent Representatives Committee of 7 September 1987]

The Committee noted that:

(a) the Portuguese delegation was withdrawing its scrutiny reservation as contained in the above Secretariat Note, Annex, title, footnote 1;

(b) the Community system of rapid exchange of information could not, because of the remaining difficulties (see item 7 above), be submitted to the Council meeting on 14 September 1987;

(c) it would examine this system again at its meeting on 17 September 1987.

9. PROPOSAL FOR A COUNCIL REGULATION (EURATOM) LAYING DOWN MAXIMUM PERMITTED RADIOACTIVITY LEVELS FOR FOODSTUFFS, FEEDINGSTUFFS AND DRINKING WATER IN THE CASE OF ABNORMAL LEVELS OF RADIOACTIVITY OR OF A NUCLEAR ACCIDENT

(7183/87)

The results of the Committee's proceedings are given in the note to the Council bearing reference 8320/87.
10. **FIXING THE PROVISIONAL AGENDA FOR THE COUNCIL MEETING (RESEARCH) ON 28 SEPTEMBER 1987**

The Chairman informed the Committee of the provisional agenda for the Council meeting (Research) on 28 September 1987.

11. **PROVISIONAL AGENDA FOR THE COUNCIL MEETING (GENERAL AFFAIRS) ON 14 SEPTEMBER 1987**

The Committee took note of the items likely to appear on the agenda for the above Council meeting.

12. **DRAFT MINUTES OF THE 1151ST COUNCIL MEETING HELD IN BRUSSELS ON THURSDAY 19 AND FRIDAY 20 MARCH 1987**

5480/87 PV/CONS 15 ENV 40


The Committee agreed to suggest to the Council that it adopt the above as "A" items on the provisional agenda for one of its forthcoming meetings.
15. ECONOMIC AND SOCIAL COMMITTEE
- Replacement of
  = Mr J.M.W. van GREUNSVEN 7932/87 CES 32
  = Mrs Emily BLATSCH 8038/87 CES 33

The Committee agreed to suggest to the Council that it:

- include this item in part "A" of the provisional agenda for its next meeting;

- appoint Mr H. van EEKERT a member of the above Committee in place of Mr J.M.W. van GREUNSVEN for the remainder of the latter's term of office, viz., until 20 September 1990;

- appoint Mrs S. FLATHER a member of the above Committee in place of Mrs Emily BLATSCH for the remainder of the latter's term of office, viz., until 20 September 1990;

- adopt to that end the Decisions set out in the Annex to 7392/87 CES 32 and 8038/87 CES 33;

- order the Decisions to be published in the Official Journal of the European Communities.

16. EUROPEAN SOCIAL FUND COMMITTEE
- Replacement of Mr L.W. LEWIS, full member, who has resigned 8003/87 SOC 145

The Committee suggested that the Council adopt the Decision set out in the Annex to 8003/87 SOC 145 in the official languages of the Communities as an "A" item.
17. ADVISORY COMMITTEE ON SAFETY, HYGIENE AND HEALTH PROTECTION AT WORK

- Replacement of
  = Mr L. DENONNE, full member, who has resigned
  8004/87 SOC 146
  = Mr J.M. DE GREVE, full member, who has resigned
  8005/87 SOC 147

The Committee suggested that the Council adopt the Decisions set out in the Annex to 8004/87 SOC 146 and 8005/87 SOC 147 in the official languages of the Communities as "A" items.

18. ADVISORY COMMITTEE ON THE EURATOM SUPPLY AGENCY

- Appointment of Committee Members
  8057/87 ATO 66 and 8058/87 ATO 67

The Permanent Representatives Committee agreed to suggest to the Council that it:

- include this item in part "A" of the provisional agenda for its next meeting;
- appoint as members of the above Committee the persons listed in 8057/87 ATO 66;
- adopt to that end the Decision set out in 8057/87 ATO 66;
- order the Decision to be published in the Official Journal of the European Communities for information.
19. CASE BEFORE THE COURT OF JUSTICE


= Information for the Permanent Representatives Committee

8229/87 JUR 115 PROBA 50

The Committee took note of the information provided by the Legal Service regarding the above case.

20. REQUEST FOR COUNCIL ASSENT UNDER ARTICLE 55(2)(c) OF THE TREATY ESTABLISHING THE EUROPEAN COAL AND STEEL COMMUNITY, TO A DRAFT COMMISSION DECISION GRANTING FINANCIAL AID FOR STEEL RESEARCH PROJECTS 8267/87 SID 58

The Committee agreed to recommend that the Council give the assent requested by the Commission.

21. REQUEST FOR COUNCIL ASSENT IN ACCORDANCE WITH ARTICLE 54, SECOND PARAGRAPH, OF THE ECSC TREATY FOR THE CO-FINANCING OF THE CONSTRUCTION BY STEAG AKTIENGESELLSCHAFT, ESSEN, OF A GENERATING UNIT FIRED WITH LOW- GRADE COAL AT HERNE POWER STATION

(7533/87 CHAR 15 and 8097/87 CHAR 18)

22. REQUEST FOR COUNCIL ASSENT, IN ACCORDANCE WITH ARTICLE 54, SECOND PARAGRAPH, OF THE ECSC TREATY, FOR PARTIAL FINANCING OF AN INVESTMENT PROJECT OF THE STADTWERKE MÜNCHEN, INVOLVING CONSTRUCTION OF THE NO 2 COAL-FIRED GENERATING UNIT AT THE MÜNCHEN-NORD/UNTERFÖHRING COMBINED HEAT AND POWER PLANT

(7765/87 CHAR 16 and 8098/87 CHAR 19)

The Committee agreed to suggest that the Council give the assents requested under items 22 and 23 above as "A" items at a forthcoming meeting.
23. PROPOSAL FOR A COUNCIL DECISION AUTHORIZING THE EXTENSION OR TACIT RENEWAL OF CERTAIN TRADE AGREEMENTS CONCLUDED BETWEEN MEMBER STATES AND THIRD COUNTRIES 8110/87 COMER 94 and 4043/87 COMER 1

The Committee agreed to postpone consideration of this item until a forthcoming meeting as the United Kingdom delegation had entered a provisional reservation.

24. PROPOSAL FOR A COUNCIL DECISION AUTHORIZING THE EXTENSION OR TACIT RENEWAL OF CERTAIN TRADE AGREEMENTS CONCLUDED BETWEEN MEMBER STATES AND THIRD COUNTRIES 8039/1/87 COMER 88 REV 1 and 8109/87 COMER 93

The Committee agreed to postpone consideration of this item until a forthcoming meeting as the United Kingdom delegation had entered a provisional reservation.

25. PROPOSAL FOR A COUNCIL REGULATION IMPOSING A DEFINITIVE ANTI-DUMPING DUTY ON IMPORTS OF FERRO-SILICO-CALCIUM/CALCIUM SILICIDE ORIGINATING IN BRAZIL 8183/1/87 COMER 96 REV 1 + 8275/87 COMER 97

The Committee took note of the introductory note (8275/87 COMER 97) and agreed on the procedural suggestions set out therein.

26. EEC-ANGOLA FISHERIES AGREEMENT 8285/87 PECHE 150

The results of the Committee's proceedings are given in the note to the Council bearing reference 8329/87 PECHE 155.
The Committee took note of the draft agenda.

28. ROME CONVENTION ON THE LAW APPLICABLE TO CONTRACTUAL OBLIGATIONS

- Possibility of conferring certain powers on the Court of Justice
  7572/87 DIP 3

The delegations confirmed their positions indicated in document 7572/87, subject to the following:

- the United Kingdom delegation could only agree to grant the possibility to submit preliminary questions to the Court of Justice to Supreme Courts, i.e. as far as the United Kingdom was concerned the House of Lords, and not, as suggested in point 4, page 4 of 7572/87, also to other courts when they were sitting in an appellate capacity; moreover this delegation stressed the importance it attached to the third indent of point 4;

- the French delegation recalled that it had not yet taken a position on the possibility for the courts, when sitting in an appellate capacity, to submit preliminary rulings to the Court of Justice;

- for the Netherlands delegation, the entry into force of the envisaged Protocol following twelve ratifications gave rise to problems and these problems, in the Netherlands delegation's view, should be discussed in the ad hoc Working Party on private international law;

- the position of the Legal Service of the Council was that the conferral of powers on the Court of Justice of the European Communities could not be decided by a limited number of Member States, but would need the agreement of all Member States;
- it was unlikely that Ireland would be the seventh State ratifying the Rome Convention, and the Irish delegation had no instructions as regards the draft Protocol conferring powers on the Court of Justice;

- having taken note of document 7572/87 and of the above statements, the Committee agreed to request the ad hoc Working Party on private international law to study, as soon as possible, the possibility of working out a Protocol conferring certain powers on the Court of Justice, and, in doing so, to take into account the principles contained in 7572/87.


The Greek delegation voiced objections against the consultation which it considered premature given that the financial arrangements under the Delors package were still being worked on.

Since the decision was a procedural one and the other delegations did not endorse those objections the Committee agreed to suggest to the Council that it approve the consultation of the European Parliament and of the Court of Auditors on the above proposal as an "A" item on its provisional agenda.
30. INTERNATIONAL CONVENTION ON THE HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM

Deposit of the instruments of ratification
7981/87 CID 27

The Committee
- confirmed its agreement to the solutions set out in point 3 on page 3 of 7981/87
- agreed that the Community and the Member States in a position to deposit their instruments of ratification would do so at a ceremony organized by the Customs Co-operation Council at 18.00 on 22 September 1987;
- also agreed that the Member States which were not in a position to deposit their instruments of ratification at that ceremony would nevertheless attend and declare their intention of implementing the harmonized system as from 1 January 1988.

31. PREPARATION FOR THE COUNCIL MEETING (FISHERIES) ON 29 SEPTEMBER 1987

- Provisional Council agenda

The Committee approved the provisional agenda as set out in 8587/78 OJ/CONS 57 PECHE 178.
32. CONSULTATION OF THE COURT OF AUDITORS ON A PROPOSAL FOR A COUNCIL REGULATION INTRODUCING SPECIAL RULES FOR THE FINANCING OF THE COMMON AGRICULTURAL POLICY (COM(87) 365 final)
8116/87 CMPT 14, 8044/87 AGRIFIN 242 and 7690/87 AGRIFIN 219

The Committee agreed to suggest to the Council that it should not consult the Court of Auditors on the above proposal for a Regulation.

33. PREPARATION FOR THE COUNCIL MEETING (AGRICULTURE) ON 22 SEPTEMBER 1987

- Veterinary questions

4775/87 AGRILEG 23, 6492/87 AGRILEG 82 + COR 1, 7063/87 AGRILEG 124 and 8134/87 AGRILEG 158

The Committee carried out a further examination of the remaining technical and legal reservations in connection with the above proposal in the light, in particular, of the Italian delegation's memorandum circulated under reference 8134/87.

The Committee agreed to resume its examination of this matter at its next meeting with a view to submitting it to the Council.

(b) Classical swine-fever

- Adoption in the official languages of the Communities of 7651/87 AGRILEG 148
7534/87 AGRILEG 144

7535/87 AGRILEG 145

= a Council Decision supplementing and amending Decision 80/1096/EEC introducing Community financial measures for the eradication of classical swine fever
7536/87 AGRILEG 146

= a Council Directive amending Directives 64/432/EEC and 72/461/EEC as regards certain measures relating to swine fever
7537/87 AGRILEG 147

The results of the Committee’s proceedings on this item are given in the note to the Council bearing reference 8430/87.

(c) Proposals for Council Directives amending
9451/86 AGRILEG 197
7065/1/87 AGRILEG 126 REV 1

- Directive 64/433/EEC on health problems affecting intra-Community trade in fresh meat
6808/87 AGRILEG 94

- Directive 72/462/EEC on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries
6809/87 AGRILEG 95

The Committee agreed to resume its examination of this matter at its next meeting.
(d) Proposal for a Council Directive on animal health problems affecting intra-Community trade in fresh and defrosted semen of domestic animals of the bovine and porcine species

9772/1/86 AGRILEG 212 REV 1
+ COR 1 (f.es.p)
5538/87 AGRILEG 50

The Committee noted that all delegations agreed to the text set out in 9772/1/86 + COR 1 and:

- noted that the Commission was prepared to examine the possibility of supporting it in order to facilitate the Council's adoption of the Directive;

- noted that as regards the legal basis proposed, the German, Danish and United Kingdom delegations were unable to agree to the reference to Article 43 of the Treaty alone;

- the Belgian and Netherlands delegations could not agree to the addition of Article 100a and the French delegation reserved its position.

Foodstuff/feeding stuff questions


7259/87 AGRILEG 135
7259/1/87 AGRILEG 135 REV 1 (gr)
7260/87 AGRILEG 136
7260/1/87 AGRILEG 136 REV 1 (gr)
(b) Amended proposal for a Council Directive on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients

7261/87 AGRILEG 137
7261/1/87 AGRILEG 137 REV 1 (gr)


7246/87 AGRILEG 133
7246/1/87 AGRILEG 133 REV 1 (gr)

The Committee noted that

- the Spanish delegation maintained its position that the three proposals under examination were linked to the African swine fever dossier;

- the Commission representative confirmed that, as regards the flavourings and solvents proposals, the Commission could not agree to the texts as at present submitted to the Committee as they provided for a Council procedure which the Commission could not accept.

Accordingly, the Committee agreed to continue examining these matters at its next meeting.
The Committee resumed examination of this dossier and achieved the following results.

**Amount of funds to be allocated to the programme**

- 10 delegations could accept the 6 MECU considered indispensable by the Commission.
- D and F wanted a lower figure but were amenable to a compromise.
- The Commission insisted on the 6 MECU, stating that at the delegations' request, it had supplied a highly detailed breakdown of expenditure accompanied by the necessary justification.
- The Presidency stated its intention to circulate a compromise on this issue of the amount before the Committee's next meeting, on the agenda for which this item would be re-entered.

**Text of the draft decision**

The Committee agreed to the text of the decision (Entscheidung) as finalized by the Working Party of Economic Counsellors set out in 7942/87 whilst amending the penultimate recital by the inclusion of the word "possible" before the words "second phase" (1).

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(1) It was noted that the English version of Article 3(14) was incorrect and should be brought into line with the French version.
- Proposal for a Council Decision relating to maritime transport between Italy and Algeria
  (7922/87 MAR 12, 8162/87 MAR 15 and 8238/87 MAR 17)

The Luxembourg and Portuguese delegations said they could agree to the draft Decision drawn up by the Working Party on Transport Questions.

The French delegation maintained its general reservation. It suggested that Italy should make a statement in the minutes specifying that it would accede to the Code of Conduct for Liner Conferences, implement the agreement with Algeria in accordance with Community law and report back to the Council within a year. The Council would then:

- take note of that statement;
- agree to re-examine the question within a year on the basis of the report, and
- state that this arrangement was without prejudice to the legal applicability of Regulation (EEC) No 4055/86 in this case or to the status of the agreement between Italy and Algeria.

The Commission representative stood by the Commission’s initial proposal.

The Chairman noted that in these circumstances the conditions were not such as to allow the Council to take a decision on this subject.
36. AMENDED PROPOSAL FOR A COUNCIL REGULATION ON THE CONTROL OF CONCENTRATIONS

(Procedure)

In response to a Commission request, the Committee agreed to add this item to the provisional agenda for the Council meeting (Internal Market) on 5 October 1987 so that Mr Sutherland, member of the Commission, could make a statement.

37. DAILY ALLOWANCE PAID TO MEMBERS OF THE ECONOMIC AND SOCIAL COMMITTEE

The Committee heard a statement by Mr LOUET, Secretary-General of the Economic and Social Committee.

Following an exchange of views, all delegations except the German delegation were prepared to recommend that the Council increase the present daily allowance paid to members and alternates by 100.

The Committee took note of the Economic and Social Committee's withdrawal of its request for an increase and agreed not to continue examining the matter for the time being.

38. PROPOSALS FOR COUNCIL REGULATIONS

1. introducing special transitional measures for the recruitment of overseas staff of the European Association for Co-operation as officials of the European Communities

2. laying down special and exceptional provisions applicable to officials of the European Communities serving in a country which does not belong to the European Communities

The Committee continued examining the questions still outstanding and agreed to return to this item at a subsequent meeting on the basis of a Presidency general compromise.
A. Problems relating to the search for and protection of earlier rights

The Committee looked at all of the problems linked to the search for and the protection of earlier rights and concentrated its deliberations on the overall compromise proposal submitted by the Presidency (paragraph 6 of 6383/87).

The United Kingdom delegation said it did not consider this compromise to be sufficiently balanced and that it would be better if the Community Trade Marks Office were automatically to refuse applications for Community trade marks where the existence of earlier trade marks which were identical or almost identical had been established.

In conclusion, the Committee noted that the overall compromise proposal was widely supported as a compromise solution, despite the fact that the Greek, Irish and Portuguese delegations, on the one hand, and the French delegation, on the other hand were unable at this stage to back this solution.

In connection with the whole problem of the search for earlier rights, the German delegation wanted the specific problem of the apportionment of the costs incurred in bringing opposition proceedings (Article 64(1)) to be examined by the Working Party of Counsellors.

The Netherlands delegation wanted the Working Party of Counsellors to re-examine the text of Article 64(1)(d).
B. Other problems raised in the report by the ad hoc Working Party of Counsellors

Regarding the question of the alteration of marks after registration (11716/86, paragraphs 28 to 30 and 6383/87, paragraph 12), the French and Spanish delegations said that while they were unable at this stage to withdraw their reservations, they were prepared to adopt a more flexible position. The Committee instructed the ad hoc Working Party of Counsellors to re-examine this question.

The Greek and Portuguese delegations upheld their reservations on the question of the consent of the proprietor of the trade mark being required before a licensee could bring infringement proceedings (6383/87, paragraph 13). The Committee asked these delegations to examine a compromise solution proposed by the Commission representative, whereby the text approved by the great majority of delegations would be accompanied by a statement in the Council minutes giving the essence of the second sentence of the addition proposed by the Greek delegation (see bottom of page 10 in 6363/87).

Regarding the question of bad faith as a ground for invalidity of the trade mark (6383/87, paragraph 14), the French delegation said it would withdraw its scrutiny reservation if the text accepted by the majority of delegations were reviewed. The Danish delegation felt that an explanation of the words "bad faith" in a statement in the Council minutes might enable it to withdraw its reservation. The Committee instructed the ad hoc Working Party of Counsellors to continue to examine this question on the basis of these positions.

The Portuguese delegation withdrew its scrutiny reservation on the problem linked to the Brussels Convention on Jurisdiction and Enforcement (6383/87, paragraph 15). The German delegation submitted a proposed wording for Article 80a which, if adopted, would enable it also to withdraw its reservation on Article 73a.
The Committee noted that, subject to an examination of the proposal by the Working Party of Counsellors, the problems raised by the two Articles could be considered settled.

The Committee decided to postpone the discussion of the questions concerning appointments (6383/87, paragraphs 16 and 17), in order that they might be examined jointly with the problem of the legal basis.

The Chairman invited the Commission to communicate its reactions to the ideas expressed in the letter sent by the President of the Court of Justice to the President-in-Office of the Council on 24 June 1987 (7543/87 PI 60) at the earliest opportunity, in order that the ad hoc Working Party of Counsellors might examine these reactions at its next meeting.

The Committee instructed the ad hoc Working Party of Counsellors to report back to it as soon as possible to enable the Committee to prepare the deliberations of the Internal Market Council of November 1987 on the Community Trade Mark.
The Committee agreed to discuss this item later (beginning of October).

40. PROGRESS OF WRITTEN PROCEDURES

The Committee took note of the Council Secretariat document dated 9 September 1987 (8209/87 EPE 30).

41. SIGNING OF THE PROTOCOL TO THE VIENNA CONVENTION ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

The Committee instructed the Working Party on the Environment to examine as a matter of urgency the proposal for a Decision on the signing of the Protocol so that the Council could settle the matter at its next meeting.

42. PROGRAMME OF MEETINGS

The Committee agreed to hold its next meeting on:

- Wednesday 16 September 1987 (Part 1) and
- Thursday 17 September 1987 (Part 2)

43. OTHER BUSINESS

(a) Statements of catches by vessels flying the flag of a Member State of the Community fishing in the waters of certain non-member developing countries with which the Community has concluded fisheries agreements 7874/87 PECHE 130

1. The French delegation reiterated the reservation which it had expressed at a meeting of the Working Party on External Fisheries Policy on 13 July 1987, and which was endorsed by the Council Legal Service (see 7874/87 PECHE 130), concerning the legal basis of a draft Commission Regulation on the above statements on catches.
2. The French delegation considered that the decision-making procedure established by Article 9a of Regulation (EEC) No 2057/82 concerned the control of internal fisheries resources subject to TACs and quotas, and that for external resources the question should be regulated by a Council Regulation.

3. The Commission representative reaffirmed the Commission's view, expressed in a Telex of 27 July 1987, that Article 9a did not apply solely to Community waters, and its intention to go ahead with examination of the draft Regulation in the Management Committee.

4. In this connection, the French delegation drew the attention of the other delegations to the existence of this problem of the legal basis.

(b) Possible introduction of a road tax in Belgium

The German and Netherlands delegations, supported by the French, Luxembourg and United Kingdom delegations, expressed great concern at the possible introduction of a road tax in Belgium and asked the Belgian delegation to provide explanations regarding the Belgian Government's intentions on the matter.

The Belgian delegation confirmed that the Belgian Government had opted in principle for the introduction of a motorway road tax but that the practical arrangements had not yet been determined.

The Commission representative said that following complaints received by the Commission from various national authorities in the Member States and the trade circles concerned by the introduction of the new charge contemplated by the Belgian Government, the Commission had written to the latter making a certain number of points immediately and without prejudice to any subsequent position adopted by the Commission.
One of the points made was that before any implementation of a motorway road tax the Belgian Government would have to submit its plans to the Commission in accordance with the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States (1).

The Committee noted that the Commission was following this matter closely and agreed to return to it if necessary.

(c) Emergency aid for the people of Vietnam affected by Typhoon Betty

The Commission representative told the Committee that the Commission intended to grant emergency aid of ECU 200,000 under Article 950 of the budget to the people of Vietnam affected by Typhoon Betty.

The aid was intended for an emergency action programme to supply food, blankets, mosquito nets, cloth for clothing, corrugated iron, etc., and would be effected through the Trocaire NGO.

The Committee agreed to the measure.

(d) **Signing of the Montreal Protocol on Substances that Deplete the Ozone Layer**

The Committee heard a Commission communication on the progress of the negotiations in Montreal and on the prospects for the signing of the Protocol on 16 September 1987.

It noted that once the final text of the Protocol and the formal proposal for a Decision were available a meeting of the Permanent Representatives Committee or of the Working Party on the Environment would have to be called to prepare the Council Decision authorizing the signing of the Protocol on behalf of the Community on the basis of those texts.
CORRIGENDUM

to the
DRAFT
SUMMARY RECORD

of the 1309th meeting of the Permanent Representatives Committee
held in Brussels on 7, 9 and 10 September 1987

Subject: Signing of the Protocol to the Vienna Convention on
Substances that Deplete the Ozone Layer

Page 2b - item number 43 Other business
The following item should be deleted:
(d) Signing of the Montreal Protocol on Substances that
Deplete the Ozone Layer

Page 25 - item 41
Replace the text by the following:
The Committee heard a Commission communication on the progress of the negotiations in Montreal and on the prospects for the signing of the Protocol on 16 September 1987.

It noted that, once the final text of the Protocol and the formal proposal for a Decision were available, a meeting of the Permanent Representatives Committee or of the Working Party on the Environment would have to be called to prepare the Council Decision authorizing the signing of the Protocol on behalf of the Community on the basis of those texts.
Subject: TURKEY

- Special aid (procedure) 8006/87 NT 17

Page 4 - point 4 - first paragraph - line 4

For: "...... delegations shared the Commission's interpretation ....."

Read: "...... delegations could accept the Commission's interpretation ...

(remainder unchanged)