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Information and Notices

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I

(Information)

COMMISSION

Ecu (*)

27 July 1989

(89/C 191/01)

Currency amount for one ecu:

Belgian and Luxembourg franc con.	43,4834	Spanish peseta	130,364
Belgian and Luxembourg franc fin.	43,5640	Portuguese escudo	173,922
German mark	2,07673	United States dollar	1,11204
Dutch guilder	2,34250	Swiss franc	1,78593
Pound sterling	0,668290	Swedish krona	7,10479
Danish krone	8,07393	Norwegian krone	7,62523
French franc	7,03473	Canadian dollar	1,31532
Italian lira	1495,02	Austrian schilling	14,6188
Irish pound	0,778246	Finnish markka	4,67778
Greek drachma	179,738	Japanese yen	154,462
		Australian dollar	1,46803
		New Zealand dollar	1,89929

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

(*) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as amended by Regulation (EEC) No 2626/84 (OJ No L 247, 16. 9. 1984, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the right of residence for students

COM(89) 275 final — SYN 199

(Submitted by the Commission on 26 June 1989)

(89/C 191/02)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, in particular the second paragraph of Article 7 thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 3c of the Treaty lays down that the activities of the Community shall include the abolition, as between Member States, of obstacles to freedom of movement for persons;

Whereas Article 8a lays down that the internal market must be established by 31 December 1992; whereas the internal market is to comprise an area without internal frontiers in which the freedom of movement for persons is ensured;

Whereas, as the Court of Justice has ruled, Articles 128 and 7 of the EEC Treaty prohibit any discrimination between nationals of the Member States as regards access to vocational and professional training in the Community;

Whereas equal access to vocational and professional training presupposes being present on the territory of the Member State where the training is given and consequently implies the need to lay down rules ensuring equal treatment;

Whereas students are only rarely beneficiaires of social assistance; whereas, however, the costs of social assistance granted in the host Member State to a student who has no legal connection with that Member State other than the mere fact that he or she has gone there to undergo vocational or professional training, should not be borne by that State but by the Member State from which he or she comes;

Whereas it is necessary for the Member States to adopt the administrative measures to facilitate residence without discrimination;

Whereas the exercise of the right of residence becomes a genuine possibility only if it is granted to the spouse and dependent children;

Whereas the beneficiaries of this Directive should be covered by the same administrative arrangements as those laid down in particular in Regulation (EEC) No 1612/68 of the Council ⁽¹⁾, Directive 68/360/EEC of the Council ⁽²⁾, and Directive 64/221/EEC of the Council ⁽³⁾;

Whereas this Directive does not apply to students who enjoy the right of residence by virtue of the fact that they are or have been effectively engaged in economic activities or are members of the family of a migrant worker,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall adopt the necessary measures to facilitate exercise of the right of residence to ensure access to vocational training without discrimination. Accordingly, they shall recognize the right of residence of any student who is a national of a Member State and who does not enjoy this right under another Community measure, and of the student's spouse and dependent children, provided the student is enrolled in an educational establishment for the purpose of following vocational or professional training courses there and that they are covered by a sickness insurance scheme.

2. Nationals of Member States who plan to follow vocational training courses and members of their family shall be entitled to become members of the sickness insurance scheme of the host country under the same conditions as nationals.

⁽¹⁾ OJ No L 257, 19. 10. 1968, p. 2.

⁽²⁾ OJ No L 257, 19. 10. 1968, p. 13.

⁽³⁾ OJ No 56, 4. 4. 1964, p. 850/64.

3. Where the social security system of the host Member State has to intervene on behalf of a student referred to in paragraph 1, the benefit shall be granted in accordance with the rules of that State. At the request of the host Member State, the Member State of origin shall reimburse the amount of benefit granted. For the purposes of this Directive, 'Member State of origin' shall mean that State in which the student had his or her principal residence before seeking the right of residence in a Member State on the basis of this Directive.

Article 2

1. Right of residence shall be established by means of the issue of a document known as a 'European Communities residence permit' whose validity may be limited to the duration of the course of studies in question. The residence permit shall be renewed annually, subject to the third subparagraph. Where a member of the family does not hold the nationality of a Member State, he or she shall be issued with a residence permit with the same validity as that issued to the national on whom he or she depends.

For the purpose of issuing the residence permit, the Member State may require only that the applicant present an identity document and provide proof that he or she meets the conditions laid down in Article 1 (1).

Where a Member State has sought reimbursement of social assistance costs under Article 1 (3), the residence permit may be renewed only with the prior agreement of the Member State of origin.

2. Articles 2, 3, 9 and 10 of Directive 68/360/EEC, Article 11 of Regulation (EEC) No 1612/68 and Articles 2 to 9 of Directive 64/221/EEC shall apply to beneficiaries of this Directive.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1990. They shall immediately communicate the measures taken to the Commission.

The provisions adopted pursuant to the first paragraph shall make express reference to this Directive.

Article 4

This Directive is addressed to the Member States.

Proposal for a Council Directive on the right of residence for employees and self-employed persons who have ceased their occupational activity

COM(89) 275 final — SYN 200

(Submitted by the Commission on 26 June 1989)

(89/C 191/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, in particular Articles 49 and 54 thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 3c of the Treaty lays down that the activities of the Community shall include the abolition, as between Member States, of obstacles to freedom of movement for persons;

Whereas Article 8a lays down that the internal market must be established by 31 December 1992; whereas the internal market comprises an area without internal frontiers in which freedom of movement for persons is ensured;

Whereas Articles 48 and 52 of the EEC Treaty provide for freedom of movement for workers and self-employed persons, which implies the right of residence in the Member State in which they pursue their occupational activity; whereas this right of residence should be granted not only during the active part of their working life, but also during the non-active part, even if they have not exercised their right to freedom of movement during the first part of their working life;

Whereas pursuant to Article 10 of Regulation (EEC) No 1408/71 of the Council ⁽¹⁾, as amended by Regulation (EEC) No 1390/81 ⁽²⁾, recipients of invalidity, or old age cash benefits or pensions for accidents at work or occupational diseases are entitled to continue to receive these benefits and pensions even if they reside in the territory of a Member State other than that in which the institution responsible for payment is situated;

Whereas the exercise of this right becomes a genuine possibility only if it is also granted to members of the family;

Whereas the beneficiaries of this Directive should be covered by the same administrative arrangements as those laid down in particular by Regulation (EEC) No 1612/68 of the Council ⁽³⁾, Directive 68/360/EEC of the Council ⁽⁴⁾ and Directive 64/221/EEC of the Council ⁽⁵⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall grant the right of residence to nationals of Member States who have pursued an activity in the Community as an employee or self-employed person, and to members of their family as defined in Article 10 (1) of Regulation (EEC) No 1612/68, provided that they are recipients of an invalidity pension, or old age benefits, or of a pension in respect of an industrial accident or disease, and are covered by a sickness insurance scheme.

⁽¹⁾ OJ No L 149, 5. 7. 1971, p. 2.

⁽²⁾ OJ No L 143, 29. 5. 1981, p. 1.

⁽³⁾ OJ No L 257, 19. 10. 1968, p. 2.

⁽⁴⁾ OJ No L 257, 19. 10. 1968, p. 13.

⁽⁵⁾ OJ No 56, 4. 4. 1964, p. 850/64.

Article 2

1. Right of residence shall be established by means of the issue of a document known as a 'European Communities residence permit' whose validity may be limited to five years and is renewable. Where a member of the family does not hold the nationality of a Member State, he or she shall be issued with a residence permit of the same validity as that issued to the national on whom he or she depends.

For the purpose of issuing the residence permit, the Member State may require only that the applicant present an identity document and provide proof that he or she meets the conditions laid down in Article 1.

2. Articles 2, 3, 6 (1) (a) and (2), 9 and 10 of Directive 68/360/EEC, Article 11 of Regulation (EEC) No 1612/68 and Articles 2 to 9 of Directive 64/221/EEC shall apply to the beneficiaries of this Directive.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1990. They shall immediately communicate the measures taken to the Commission and the other Member States.

The provisions adopted pursuant to the first paragraph shall make express reference to this Directive.

Article 4

This Directive is addressed to the Member States.

Proposal for a Council Directive on the right of residence

COM(89) 275 final

(Submitted by the Commission on 26 June 1989)

(89/C 191/04)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 3c of the Treaty lays down that the activities of the Community shall include the abolition, as between Member States, of obstacles to freedom of movement for persons;

Whereas Article 8a lays down that the internal market must be established by 31 December 1992; whereas the internal market comprises an area without internal frontiers in which freedom of movement for persons is ensured;

Whereas national provisions on the right of residence for European citizens in Member States other than the one of which they are nationals should be harmonized to ensure such freedom of movement;

Whereas, as the *ad hoc* Committee on a People's Europe indicated in its report to the European Council in Brussels on 29 and 30 March 1985, it is vital to avoid migration flows resulting solely from financial considerations based on the fact that the social security and social assistance systems have not been harmonized; whereas a European citizen wishing to reside in a country other than his own should not constitute an unreasonable burden on the public finances of the host country; whereas, therefore, at the present stage in the development of the Community, conditions should be laid down for the exercise of the right of residence;

Whereas the exercise of this right becomes a genuine possibility only if it is also granted to members of the family;

Whereas the beneficiaries of this Directive should be covered by the same administrative arrangements as those laid down in particular in Regulation (EEC) No 1612/68 of the Council ⁽¹⁾, Directive 68/360/EEC of the Council ⁽²⁾, and Directive 64/221/EEC of the Council ⁽³⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall grant the right of residence to nationals of Member States who do not enjoy this right under other provisions of Community law, and to members of their families as defined in Article 10 (1) of Regulation (EEC) No 1612/68, provided that they and the members of their family are covered by sickness insurance and have sufficient resources to avoid becoming a burden on the social security system of the host Member State during their period of residence.

Article 2

1. Right of residence shall be established by means of the issue of a document known as a 'European Communities residence permit', whose validity may be limited to five years and is renewable. Where a member of the family does not hold the nationality of a Member State, he or she shall be issued with a residence permit with the same validity as that issued to the national on whom he or she depends.

For the purpose of issuing the residence permit, the Member State may require only that the applicant present an identity document and provide proof that he or she meets the conditions referred to in Article 1.

2. Articles 2, 3, 6 (1) (a) and (2), 9 and 10 of Directive 68/360/EEC; Article 11 of Regulation (EEC) No 1612/68 and Articles 2 to 9 of Directive 64/221/EEC shall apply to beneficiaries of this Directive.

⁽¹⁾ OJ No L 257, 19. 10. 1968, p. 2.

⁽²⁾ OJ No L 257, 19. 10. 1968, p. 13.

⁽³⁾ OJ No 56, 4. 4. 1964, p. 850/64.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1990. They shall immediately communicate the measures taken to the Commission.

The provisions adopted pursuant to the first paragraph shall make express reference to this Directive.

Article 4

This Directive is addressed to the Member States.

Amendment to the proposal for a Council Directive amending for the eighth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations

COM(89) 316 final — SYN 119

(Submitted by the Commission pursuant to the third paragraph of Article 149 of the EEC Treaty on 26 June 1989)

(89/C 191/05)

In the light of the opinion delivered in the first reading under the cooperation procedure by the European Parliament on the proposal sent by the Commission to the Council for a Council Directive amending for the eighth time Directive 76/769/EEC ⁽¹⁾, the Commission has decided to amend the abovementioned proposal as follows:

1. the following is added to the fourth recital:

‘whereas ILO (International Labour Organization) Convention 136 and ILO Recommendation 144 lay down provisions on protection against hazards arising from benzene;’

2. the following is added to the fifth recital:

‘whereas present Community legislation concerning the possible adoption by the Member States of more stringent restrictions on the use of the substances and preparations in question at the workplace is unaffected by this Directive;’

3. the following is added to the sixth recital:

‘whereas ILO Convention 13 regulates the use of white lead in paints;’

4. Article 1 (3) (b) is replaced by the following:

‘(b) substances and preparations for use in industrial processes in which, under existing legislation, benzene may not be emitted;’

5. the following is added to point 19 of Article 1 (4):

‘(b) as a wood preservative;’

6. point 20 of Article 1 (4) is amended and extended to read as follows:

‘(c) or for use as a wood preservative.

This ban does not apply to solutions of inorganic salts of the CCA (copper-chromium-arsenic) type employed in industrial installations using vacuum or pressure to impregnate wood.

⁽¹⁾ OJ No C 43, 16. 2. 1988, p. 9.

Furthermore, the Member States may authorize in their territory the use of DFA (dinitrophenol-fluoride-arsenic) preparations for the *in situ* impregnation of wooden poles carrying overhead lines. Such preparations shall be employed by professionals using vacuum or pressure.'

ANNEX

Commission position on non-adopted amendments

Amendment No 4 introducing a recital 9 (a) worded as follows:

'Whereas it will also be necessary to adopt rules restricting the marketing and use of certain dangerous substances and preparations in respect of:

- dangerous waste not covered by the rules laid down in Council Directive 79/831/EEC, of 18 September 1979 amending for the sixth time Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances,
- new substances with properties and potential danger similar to those of substances already covered by Directive 76/769/EEC and the Directives amending it, for example certain substitutes for PCB.'

Commission position

Such an amendment is unacceptable as a new recital as it does not introduce any legal provision into the proposal for a Directive.

Amendment No 5 introducing a recital 9 (b) worded as follows:

'Whereas, in addition, a procedure must be laid down so that in future PCB and PCT concentrations can be determined uniformly throughout the Community.'

Commission position

This is unacceptable in this proposal as it results in duplication of effort. It provides for the laying down of a Community method of analysis for the determination of PCB and PCT concentrations. Such a method of measurement is already provided for in the proposal for a Council Directive (Doc(88) 559 final — SYN 161 of 16 January 1988).

Amendments No 6 and No 12 must be considered together for a better approach to the problem. Amendment No 6 is a recital justifying amendment No 12, the prohibition of DBBT.

Amendment No 6

'Whereas since the prohibition on the use of PCB and PDT (COM(85) 467) substitute products have been developed, for example DBBT, which cause the same environmental problems as PCB and whose use and marketing have already been prohibited in one Member State; whereas it also seems necessary to approximate the legal provisions of the Member States with regard to this substance;

Amendment No 12

'23. Dibromobenzyltoluene
Tetrachlorobenzyltoluene
Dichlorobenzyltoluene (DBBT)

shall be prohibited as substances or as constituents of preparations placed on the market.'

Commission position

Although the introduction of these two amendments is commendable and understandable, the Commission cannot accept them as it has undertaken to consider the matter in a broader context.

In November 1988, the Netherlands authorities notified the Commission of a draft Order prohibiting the marketing of DBBT, Unilec 121 and Unilec 141 (notification 88/0112/NL). In its reply of 6 February 1989 to the Netherlands authorities, the Commission announced that it intended to propose a Directive restricting the marketing and use of all three substances.

Amendment No 10 introduces a derogation from point 21 of Article 1 (4), which reads as follows:

'This prohibition shall not apply to light metal or aluminium boat hulls or to other aluminium or light metal components, such as the engines and propulsion gear of boats, which enter the water.'

Commission position

The amendment is unacceptable as there are substitutes for the specific protection of aluminium and aluminium-based light alloy boat hulls, namely paints based on copper, nylon or a polymer of the same type.

Proposal for a Council Regulation amending Regulation (EEC) No 729/70 on the financing of the common agricultural policy

COM(89) 305 final

(Submitted by the Commission on 27 June 1989)

(89/C 191/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Article 5 (2) of Regulation (EEC) No 729/70 of the Council ⁽¹⁾, as last amended by Regulation (EEC) No 2048/88 ⁽²⁾, requires that clearance of the EAGGF, Guarantee Section, accounts take place at the end of the year following the financial year under consideration; whereas experience has shown that this time limit is too short; whereas it is appropriate to establish a realistic timetable,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 (2) (b) of Regulation (EEC) No 729/70 is hereby replaced by the following:

'(b) clears the accounts of the Member States on the basis of the documents referred to at paragraph 1, sub-paragraph (b), at the latest by 15 September of the year following the year during which these documents are transmitted.'

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.