



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 July 2001 (23.07)  
(OR. en)**

**10571/01**

**PUBLIC 5**

## **TRANSPARENCY**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS  
MAY 2001

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This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in May 2001. This is accompanied by statements in the minutes which the Council decided to make public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of voting, and the voting rule applicable.
- in **Annex III**, a list of the other acts<sup>1</sup> adopted by the Council in May 2001, with a reference, where appropriate, to voting results, explanations of voting and statements which the Council has decided to make public.

This document is also available via the Internet ("<http://ue.eu.int>"), see "Transparency", "Summary of Council Acts".

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question may also be obtained from the transparency service ("[transparency@consilium.eu.int](mailto:transparency@consilium.eu.int)").

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<sup>1</sup> With the exception of certain acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

<b>MAY 2001</b>			
<b>DEFINITIVE LEGISLATIVE ACTS</b>	<b>TEXTS ADOPTED</b>	<b>STATEMENTS</b>	<b>VOTES/EXPLANATIONS OF VOTE AND VOTING RULE</b>
<b>Legislative act adopted after second reading by the European Parliament in the framework of the codecision procedure</b>			
Regulation of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (3.5.2001)	Ref. 8449/01 PE-CONS 3626/01		Qualified majority
<b>2345th Council (Economic and Financial Questions) on 7 May 2001</b>			
Directive of the European Parliament and of the Council on the admission of securities to official stock exchange listing and on information to be published on those securities	PE-CONS 3617/01		Qualified majority
<b>2347th Council (Energy/Industry) on 14 May 2001</b>			
Council Regulation laying down certain technical measures for the conservation of certain stocks of highly migratory species	5370/01 + COR 1	34/01, 35/01, 36/01	Qualified majority
Council Decision on a Community financial contribution towards certain expenditure to implement certain management measures on highly migratory fish	5372/01 + COR 1 (fr,de,it,nl,en,da,el,es,fi,sv)	37/01	Qualified majority

**MAY 2001**

<b>DEFINITIVE LEGISLATIVE ACTS</b>	<b>TEXTS ADOPTED</b>	<b>STATEMENTS</b>	<b>VOTES/EXPLANATIONS OF VOTE AND VOTING RULE</b>
Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products	PE-CONS 3614/01	38/01, 39/01, 40/01, 41/01	A/D/L: abstentions Qualified majority
Regulation of the European Parliament and of the Council amending Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71	PE-CONS 3621/01		Unanimity
Council Regulation amending Regulation (EEC) No 3911/92 on the export of cultural goods	7296/01		Qualified majority
Directive of the European Parliament and of the Council amending Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State	PE-CONS 3620/01		Qualified majority

<b>MAY 2001</b>			
<b>DEFINITIVE LEGISLATIVE ACTS</b>	<b>TEXTS ADOPTED</b>	<b>STATEMENTS</b>	<b>VOTES/EXPLANATIONS OF VOTE AND VOTING RULE</b>
<p><b>Legislative act adopted after second reading by the European Parliament in the framework of the codecision procedure</b></p> <p>Proposal for a European Parliament and Council Directive amending for the 21st time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction) (16.5.2001)</p>	<p>Ref. 8956/01 PE-CONS 3633/01</p>		<p>Qualified majority</p>
<p><b>2348th Council (Agriculture) on 22 May 2001</b></p> <p>Council Regulation authorising the offer and delivery for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999</p>	<p>7710/01 + COR 1 (en) + REV 1 (fi)</p>		<p>Qualified majority</p>
<p>Council Regulations</p> <ul style="list-style-type: none"> <li>• Council Regulation adjusting, for the sixth time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece</li> <li>• on production aid for cotton</li> </ul>	<p>7702/01  7703/01 + COR 1 (el) + COR 2 (sv)</p>		<p>Qualified majority  Qualified majority</p>

**MAY 2001**

DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Council Regulation amending Regulation (EC) No 1251/1999 establishing a support system for producers of certain arable crops	8253/01	42/01	F: against I: abstention Qualified majority
Council Regulation establishing a catch documentation scheme for <i>Dissostichus spp.</i>	5371/01 + COR 1		Qualified majority
Council Decision on the granting of exceptional national aid by the Portuguese Government for the distillation of certain wine sector products	8919/01	43/01, 44/01	Unanimity
<b>2349th Council (Education/Youth) on 28 May 2001</b>			
Council Decision on a financial contribution by the Community to certain expenditure incurred by the Member States in implementing the control, inspection and surveillance systems applicable to the common fisheries policy	6623/01	45/01, 46/01	D: against Qualified majority
Regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents	PE-CONS 3625/01 + COR 1 (da) + COR 2 (fr)	47/01, 48/01	Qualified majority

<b>MAY 2001</b>			
<b>DEFINITIVE LEGISLATIVE ACTS</b>	<b>TEXTS ADOPTED</b>	<b>STATEMENTS</b>	<b>VOTES/EXPLANATIONS OF VOTE AND VOTING RULE</b>
<b>2350th Council (Justice, Internal Affairs and Civil Protection) on 28 May 2001</b>			
Council Directive on the mutual recognition of decisions on the expulsion of third-country nationals	7859/1/01 REV 1 + COR 1 (de,it,nl,en,da,es,pt,sv)	49/01, 50/01	Unanimity
Council Regulation on freedom of movement with a long-stay visa	8619/01	51/01	Unanimity
Council Framework Decision combating fraud and counterfeiting of non-cash means of payment	14353/00 + COR 1 + COR 2 (de) + COR 3 (it) + COR 4		Unanimity
Decision on the transmission of samples of controlled substances	8942/01		Unanimity
Council Decision establishing a European Judicial Network in civil and commercial matters	8606/01	52/01, 53/01	Unanimity
Council Regulation on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters	8607/01 + COR 1 + COR 2 (de) + COR 3	54/01	Unanimity

**MAY 2001**

DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
<p><b>2351st Council (Internal Market/Consumers/Tourism) on 30 May 2001</b></p>			
<p>Council Regulation extending the period of application of Regulation (EEC) No 3621/92 temporarily suspending the autonomous Common Customs Tariff duties on imports of certain fishery products into the Canary Islands and Regulation (EC) No 527/96 temporarily suspending the autonomous Common Customs Tariff duties and progressively introducing the Common Customs Tariff duties on imports of certain industrial products into the Canary Islands</p>	6587/01		Qualified majority
<p>Council Regulation amending Regulation (EEC) No 1911/91 on the application of the provisions of Community law to the Canary Islands</p>	6588/01		Unanimity
<p>Directive of the European Parliament and of the Council amending Directives 78/660/EEC, 83/349/EEC and 86/635/EEC as regards the valuation rules for the annual and consolidated accounts of certain types of companies as well as of banks and other financial institutions</p>	PE-CONS 3624/01	55/01	Qualified majority

**STATEMENT 34/01**

**Commission statement on provisions on drift-net fishing**

"On the occasion of the adoption by the Council of its proposal for a Regulation on technical measures for the conservation of certain stocks of highly migratory species, the Commission deplores the fact that the Council has decided not to include provisions on drift-net fishing in this Regulation consolidating already existing measures.

This goes against appeals, from the European Council in particular, for more legible and more transparent Community legislation and will do nothing to help the operators concerned, obliged to refer to different texts for pursuit of one and the same activity, to understand this legislation.

It therefore reserves the right to submit a new proposal to that end."



## **STATEMENT 35/01**

### **Joint Council/Commission statement on Article 3 of the Council Regulation laying down certain technical measures for the conservation of certain stocks of highly migratory species**

"The Council and the Commission note that Article 3 of the proposal for a Council Regulation laying down certain technical measures for the conservation of certain stocks of highly migratory species aims *inter alia* to ensure that the Community fulfils its international obligations. However, the decision on this proposal is without prejudice to future decisions on arrangements for control and enforcement in Regional Fisheries Organisations.

The Council and Commission note that divergences still exist as to the responsibility for the implementation of control and enforcement tasks under RFOs.

The Council welcomes the Commission's intention to table a Communication on a range of control issues, including enforcement in RFOs. The Council looks forward to discussion of this communication during the Swedish Presidency. The Council will consider the issue of control and enforcement in RFOs with a view to reaching conclusions by June 2001 in order to ensure effective and efficient control and enforcement in RFOs.

The Commission will come forward with any appropriate proposals as soon as possible."

**STATEMENT 36/01**

**Joint statement by Spain, France and Ireland on Article 10 of the Council Regulation laying down certain technical measures for the conservation of certain stocks of highly migratory species**

"If application of Article 10(4) of the Council Regulation laying down certain technical measures for the conservation of certain stocks of highly migratory species proves necessary, Spain and France undertake to give up 25 vessels, in proportion to their respective fleets as determined in Article 10(1), for Ireland."

## **STATEMENT 37/01**

### **Joint Council/Commission statement on control and enforcement in regional fisheries organisations**

"The Council and the Commission note that three proposals on financing control arrangements in the Community, on financing ICCAT control measures in the Gulf of Guinea and on NEAFC control measures are currently under examination in the Council with a view inter alia to ensuring that the Community fulfils its international obligations. However, decisions on these proposals are without prejudice to future decisions on arrangements for control and enforcement in Regional Fisheries Organisations.

The Council and Commission note that divergences still exist as to the responsibility for the implementation of control and enforcement tasks under RFOs.

The Council welcomes the Commission's intention to table a Communication on a range of control issues, including enforcement in RFOs. The Council looks forward to discussion of this communication during the Swedish Presidency. The Council will consider the issue of control and enforcement in RFOs with a view to reaching conclusions by June 2001 in order to ensure effective and efficient control and enforcement in RFOs.

The Commission will come forward with any appropriate proposals as soon as possible."

## **STATEMENT 38/01**

### **Statement by the Commission re recital 19**

"The Commission will examine public health and consumer protection aspects of the sale of tobacco products through automatic vending machines on the basis of the provisions of Articles 152 and 153 of the Treaty. This matter is also the subject of negotiations for a World Health Organisation Framework Convention on Tobacco Control, currently under way."

## **STATEMENT 39/01**

### **Statement by the Commission re Article 5(3)**

"The Commission would draw the European Parliament's and the Council's attention to the foreseeable difficulty of complying with the time limit set in Article 5(3) of the text, before which an opinion will have to be obtained from the Committee provided for in Article 10 and then rules will have to be adopted concerning the use of colour photographs."

## **STATEMENT 40/01**

### **Statement by the German delegation**

"Germany supports the health policy aims of the Directive without reservation. It reserves the right however, on legal grounds, to ask the European Court of Justice to scrutinise the Directive."

## **STATEMENT 41/01**

### **Statement by the Luxembourg delegation**

"Luxembourg supports the health policy objectives of this Directive, but considers prohibiting exports of tobacco products to non-member countries to be incompatible with the legal bases for the Directive. Luxembourg therefore leaves open the option of referring the matter to the Court of Justice of the European Communities."

## **STATEMENT 42/01**

### **Commission statement**

"The Commission states its intention to

- study further measures to promote more environmentally friendly production methods, in particular the possibility of exempting organic farmers (Regulation 2092/91) from the set-aside obligations under the arable crops regime;
- draw up, under the management committee procedure, a list of eligible crops on the basis of the list in the dried fodder regulation (Regulation 603/95). In this connection the Commission intends to accept mixes of fodder legumes with grasses and/or cereals."

## **STATEMENT 43/01**

### **Commission statement**

"The Commission in general has a negative attitude towards operating aids. Unilateral state aid measures which are simply intended to improve the financial situation of producers but which in no way contribute to the development of the sector, and in particular aids which are granted solely on the basis of price, quantity or unit of production are considered to constitute operating aids which are incompatible with the common market. Furthermore, by their very nature, such aids are also likely to interfere with the mechanisms of the common organisations of the market.

The new wine market organisation has only been in force since 1 August 2000. It reflects the common position of Member States to what kind of financial support is sufficient and necessary for the wine market to function. It is worrying that already now three Member States resort to granting additional national aids of a type which can usually not be authorised by the Commission, because they are pure operating aids which do not bring about any structural improvement in the sector.

There is a serious risk of distortion of competition between Member States if such state aid is authorised without any check or obligation whether these aids are linked to structural measures. There will be pressure on the other Member States to follow suit, and also grant aids. The incentive for farmers to undertake structural reform under the wine market organisation will decrease."

## **STATEMENT 44/01**

### **Statement by the United Kingdom delegation**

"The United Kingdom delegation recalls that state aid issues are highly political and sensitive questions. The United Kingdom is prepared, exceptionally, to agree the adoption of this proposed state aid, on the clear understanding that agreement in this case should not create a precedent for similar aids or procedures in the future."



## STATEMENT 45/01

### Commission statement on conditions for eligible expenditure resulting from leasing transactions

"The Commission, on the occasion of the adoption of the decision on a Community financial contribution towards certain expenditures incurred by the Member States implementing the monitoring and control system applicable to the common fisheries policy, declares that the expenditure resulting from leasing transactions may be eligible expenditure, on condition that the general rules and principles of the Community budget are respected. The Community financial contribution shall be paid to the competent authorities and not to the leasing company.

The following conditions will apply in particular:

- during the leasing period, the competent authorities shall have the full disposal of the equipment; otherwise the competent authorities expose themselves to a claim of reimbursement of a proportional part of the Community financial contribution;
- at the end of the leasing period, the competent authorities shall have the option to buy the equipment, or to renew the leasing contract;
- the leasing contract shall be less expensive than a purchase contract."

## STATEMENT 46/01

### Statement by the Council and the Commission on control and enforcement in regional fisheries organisations

"The Council and the Commission note that the three proposals, on financing control arrangements in the Community, on financing ICCAT control measures in the Gulf of Guinea and on NEAFC control measures, are aimed at ensuring that the Community fulfils its international obligations. However, decisions on these proposals are without prejudice to future decisions on arrangements for control and enforcement in Regional Fisheries Organisations.

The Council and Commission note that divergences exist as to the responsibility for the implementation of control and enforcement tasks under RFOs.

The Council welcomes the Commission's intention to table a Communication on a range of control issues, including enforcement in RFOs. The Council looks forward to discussion of this communication during the Swedish Presidency. The Council will consider the issue of control and enforcement in RFOs with a view to reaching conclusions by June 2001 in order to ensure effective and efficient control and enforcement in RFOs.

The Commission will come forward with any appropriate proposals as soon as possible."

## **STATEMENT 47/01**

### **Commission statement**

"In a spirit of compromise, the Commission can agree to infringement proceedings not being expressly include in the list of exceptions in Article 4(2) of the Regulation, as it considers that the text as worded does not affect current practice with regard to the protection of confidentiality for the purposes of its duties in monitoring compliance with Community law."

## **STATEMENT 48/01**

### **Unilateral statements by the Belgian, Greek, Spanish, French, Italian, Luxembourg, Austrian and Portuguese delegations**

"Belgium, Greece, Spain, France, Italy, Luxembourg, Austria and Portugal agree with the content of the Commission's statement on the infringement proceedings and the interpretation of the exceptions laid down in Article 4 of the Regulation."

## **STATEMENT 49/01**

### **Statement by the Finnish delegation**

"Finland is in favour of measures which aim to ensure greater efficiency in enforcing expulsion decisions. However, Finland considers that this Directive is merely a first step towards full mutual recognition of decisions on expulsion of third-country nationals. Accordingly, a just and efficient application of the principles of this Directive and especially fair treatment of third-country nationals, require appropriate harmonisation of national legislation in this area in future."

## **STATEMENT 50/01**

### **Council statement**

#### Re Article 7

"The Council stresses that the adoption of the criteria and practical arrangements referred to in the second paragraph of Article 7 is necessary for the proper implementation of this Directive.

It calls on the Commission to submit the relevant proposal at the earliest opportunity."

## **STATEMENT 51/01**

### **Commission statement**

"The Commission agrees with the French initiative's aim to enable long-stay visa holders to move in the Member States' territories for a three-month period from their visas' initial date of validity, pending the issue of their residence permits.

The Commission recognises that long-stay visa holders are now afforded an appreciable advantage by the adoption of the Regulation. The proposal concerning freedom of movement for third-country nationals which the Commission departments plan to submit very shortly to the Commission will also include long-stay visa holders. Thus, the Commission will take over the French initiative's objective, placing it in a more general framework.

However, the Commission considers, as does the European Parliament, that in view of the objective pursued the Regulation's legal basis should have been Article 62(3) TEC, and that it would have been more appropriate to legislate more comprehensively instead of targeting a single category of persons."

## **STATEMENT 52/01**

### **Statement by the Council and the Commission**

"The Council and the Commission consider that the European Judicial Network in civil and commercial matters shall, where appropriate, cooperate with other networks."

## **STATEMENT 53/01**

### **Commission statement**

"The Commission has the intention to invite, where appropriate and in conformity with Article 12, candidate countries to meetings of contact points and of members of the Network."

## **STATEMENT 54/01**

### **Council statement**

"The scope of application of this Regulation shall not cover pre-trial discovery, including the so-called "fishing expeditions"."

## STATEMENT 55/01

### Statement by the French and Portuguese delegations

"The purpose of the amendments to the accounting Directives of 1978, 1983 and 1986 on the valuation methods for financial instruments is to permit the use of fair value under the terms and conditions specified by international accounting standard IAS 39.

France and Portugal consider that application of this standard continues to pose many questions and difficulties.

The agreement of France and Portugal to the inclusion of credit institutions in the optional arrangement provided for in the Directive cannot under any circumstances prejudice their agreement to recognition of this standard by the method of adoption envisaged in the proposal for a Regulation of the Council and of the European Parliament on the application of international accounting standards.

France and Portugal also consider that it would be totally unacceptable to introduce fair value in terms which go beyond the text submitted to the Council (with particular reference to the current IASC discussions on full fair value).

They believe that the concept of fair value cannot be applied to transactions not negotiable on a market, such as customer loans and sight deposits (excluded from IAS 39 for that reason), which in general constitute the bulk of a bank's business.

They regard it as essential that the accounting method chosen for financial instruments does not serve to alter the service which credit institutions offer individuals in terms of fixed-rate loans as opposed to variable-rate loans.

They reiterate their commitment to the work conducted in international forums on financial stability and are anxious that the Commission's accounting proposals should not lead to increased volatility in the own funds of banks."

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<b>MAY 2001</b>	
<b>OTHER ACTS</b>	<b>Votes made public</b>
<b>2345th Council (Economic and Financial Questions) on 7 May 2001</b>	
Council Regulation amending Regulation (EC) No 978/2000 imposing a definitive countervailing duty on imports of synthetic fibres of polyester originating in Australia, Indonesia and Taiwan 6407/01	
Council Regulation imposing definitive anti-dumping duties on imports of urea ammonium nitrate solutions originating in Poland 7706/01	
Council Regulation imposing a definitive anti-dumping duty on imports of urea originating in Russia 7972/01	
Council Decision on the adjustment of the allowances paid to members and alternates of the Economic and Social Committee (2001/ /EC,Euratom) 7816/01	
Council Common Position concerning restrictive measures against Liberia 8283/01	
<b>2346th Council (General Affairs) on 14 May 2001</b>	
Council Regulation imposing a definitive anti-dumping duty on imports of certain aluminium foil originating in the People's Republic of China and Russia 8153/01	
Council Regulation amending the Annex to Regulation (EC) No 2042/2001 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan 8214/01	

**MAY 2001****OTHER ACTS****Votes made public**

Council Decision implementing Common Position 98/350/CFSP with a view to a European Union contribution to a mission to facilitate dialogue in Togo

8281/01

Council Common Position on Nigeria

8408/01

Council Common Position concerning conflict prevention, management and resolution in Africa

8410/01

**2347th Council (Energy/Industry) on 14 May 2001**

Council Decision concerning the conclusion on behalf of the European Community of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficient labelling programs for office equipment

7877/01 + COR 1 + COR 2, 13140/00 + COR 1 (en) + COR 2 (en) + COR 3

Council Decision on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 13-H on the component approval of passenger cars in respect of their braking

10143/00

**2348th Council (Agriculture) on 22 May 2001**

Council Decision on the signature and provisional application of the Additional Protocol to the Agreement establishing an association between European Economic Community and the Republic of Malta, to associate Malta to the Fifth Framework Programme for Research, Technological Development and Demonstration (1998-2002)

8142/01

Council Regulation prohibiting imports of Atlantic bigeye tuna (*Thunnus obesus*) originating in Belize, Cambodia, Equatorial Guinea, Saint Vincent and the Grenadines and Honduras

7990/01

**MAY 2001****OTHER ACTS****Votes made public****2349th Council (Education/Youth Affairs) on 28 May 2001**

Council Decision concerning the conclusion on behalf of the European Community of an Exchange of Letters recording the common understanding on the accession of the Republic of Korea to the common understanding on the principles of international cooperation on research and development activities in the domain of intelligent manufacturing systems between the European Community and the United States of America, Japan, Australia, Canada, Norway and Switzerland  
8471/01

**2350th Council (Justice, Home Affairs and Civil Protection) on 28 May 2001**

Council Decision on the adaptation of Parts V and VI and Annex 13 of the Common Consular Instructions on Visas and Annex 6a to the Common Manual with regard to long-stay visas valid concurrently as short-stay visas  
8620/01

Council Decision setting up a European crime prevention network  
7794/01 + REV 1 (fi) + REV 1 COR 1 (fi)

Initiative of the Kingdom of Sweden with a view to the adoption of a Council Decision adjusting the basic salaries and allowances applicable to Europol staff  
7494/01 + COR 1

Council Decision on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Argentine Republic pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 for the modification of concessions with respect to garlic provided for in Schedule CXL annexed to the GATT  
8733/01 + COR 1 (el) + COR 2 (es)

<b>MAY 2001</b>	
<b>OTHER ACTS</b>	<b>Votes made public</b>
<p><b>2351st Council (Internal Market, Consumers, Tourism) on 30 May 2001</b></p> <p>Council Resolution on a Strategy for the Customs Union 8499/01 + REV 1 (fi)</p> <p><b>2352nd Council (Development) on 31 May 2001</b></p> <p>Council Regulation amending Regulation (EC) No 2160/96 imposing a definitive anti-dumping duty on imports of polyester textured filament yarn originating, inter alia, in Thailand 8462/01</p> <p>Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on a Community energy efficiency labelling programme for office equipment 6760/01 + COR 1</p>	

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