

11319/97

LIMITE

PUBLIC 9

LEGISLATIVE TRANSPARENCY

STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC SEPTEMBER 1997

Annexed to this document is a list of definitive legal acts adopted by the Council in September 1997, together with the statements for the minutes which the Council has decided may be released to the public.

STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – September 1997 –			
DEFINITIVE LEGAL ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2027th Council (General Affairs) of 15 September 1997 Directive of the European Parliament and of the Council amending, for the sixteenth time, Directive 76/769/EEC of 27 July 1976 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 Directive of the European Parliament and of the Council amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising (00/0343(COD))	PE-CONS 3622/9 + COR 1 (s) PE-CONS 3619/97 + COR 1 (d)	254/97, 255/97, 256/97, 257/97, 258/97	Against: D, S
2028th Council (Agriculture) of 22 September 1997 Council Directive establishing Annex VI to Directive 91/414/EEC concerning the placing of plant protection products on the market (uniform principles)	10182/97	259/97, 260/97, 261/97, 262/97, 263/97, 264/97, 265/97, 266/97, 267/97, 268/97, 269/97, 270/97, 271/97, 272/97	

STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC

– September 1997 –

DEFINITIVE LEGAL ACTS

TEXTS ADOPTED

– Council Regulations amending,

= for the third time, Regulation (EC) No 390/97 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1997 and certain conditions under which they may be fished

9194/97

= for the fourth time, Regulation (EC) No 390/97 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1997 and certain conditions under which they may be fished

9622/97

Council Regulation (EEC) No 1842/83 of 30 June 1983 laying down general rules for the supply of milk and certain milk products at reduced prices to schoolchildren

10697/97

STATEMENT 254/97

COMMISSION STATEMENT

Re Article 2 ⁽¹⁾

"The Commission states that it intends to submit the report referred to in Article 2 as far as possible at the same time as the one concerning the complaints system provided for in Article 17 of Directive 97/7/EC on the protection of consumers in respect of distance contracts."

STATEMENT 255/97

COMMISSION STATEMENT

Re Article 3a(1)(a)

"The Commission states that in its opinion the reference in Article 3a(1)(a) to Article 7(1) relates solely to any misleading features of comparative advertising."

STATEMENT 256/97

STATEMENT BY THE ITALIAN DELEGATION

Re the Directive as a whole:

"The Italian delegation considers that the aspects of comparison which determine whether comparative advertising is permitted relate both to the comparison and to the identification of the competing goods or services."

⁽¹⁾ This statement is to be published in the Official Journal.

STATEMENT 257/97

STATEMENT BY THE GERMAN DELEGATION

Re Article 3a(1)(c)

"The German delegation states that it assumes that at the request of the consumer features other than those listed in Article 3a(1)(c) may be compared, since the definition in Article 2, point 1, of Directive 84/450/EEC does not concern talks with a view to making a purchase."

STATEMENT 258/97

STATEMENT BY THE DANISH, GERMAN, NETHERLANDS, AUSTRIAN, FINNISH AND SWEDISH DELEGATIONS

Re Article 3a(1)(f):

"The Danish, German, Netherlands, Austrian, Finnish and Swedish delegations declare with regard to Article 3a(1)(f):

- taking into account the observations of the Commission and the Presidency at the meeting of the Council (Consumer Affairs) held on 9 November 1995, and
- taking into account the recital inserted into the preamble with regard to this provision;

that they presume that this provision merely continues the protection afforded through Article 13 of Regulation (EEC) No 2081/92 and other Community provisions, and that its content does not deviate therefrom."

STATEMENT 259/97

Re Directive

"The Council and the Commission note that application of this Directive is without prejudice to measures adopted by Member States in accordance with EC harmonization concerning the protection of workers. The Council and the Commission state that this principle will be unequivocally clarified in Directive 91/414/EEC on the occasion of the first amendment of that Directive. The Commission intends to submit a proposal for such amendment as soon as possible."

STATEMENT 260/97

Re Directive

"The Council and the Commission agree that the third subparagraph of Article 9(1) of Directive 91/414/EEC applies to an application for an extension of the field of application, whether it is made by the holder of authorization or by the bodies referred to in the second subparagraph of Article 9(1)."

STATEMENT 261/97

Re Directive

"The Council and the Commission note that particular conditions obtain in rice cultivation. This means that certain specific criteria are inappropriate for evaluation purposes, particularly in the context of point 2.5.2.2. for the exposure of aquatic organisms in ricefield waters. The impact of the use of a plant protection product in rice cultivation must therefore be evaluated in the following manner: The effect on surface waters and on non-target aquatic species must take account of the exposure resulting from any contamination of surface waters resulting either from a deviation when applying the plant protection product in the ricefield or from contamination caused by the reintroduction of ricefield water into the surface water."

STATEMENT 262/97

Re Part B, points 2.5.1.2 and 2.5.1.3

"The Council and the Commission note that this Directive provides for the use of validated calculation models. They note that these models are not currently available in all Member States and that there are no models validated at Community level. The Commission undertakes to follow developments in this area very closely, to promote greater harmonization as far as possible and to introduce the necessary amendments or additions as soon as the state of scientific and technical knowledge so permits.

In the meantime, Member States which have calculation models validated at national level may continue to use them as a basis for the evaluation which they have to carry out in accordance with Part B, points 2.5.1.2 and 2.5.1.3."

STATEMENT 263/97

Re Part B, point 2.5.1.4

"The Council and the Commission note that this Directive does not lay down detailed requirements concerning the fate and behaviour of plant protection products in the air. The Commission undertakes to follow developments in this area very closely and to introduce the necessary additions as soon as the state of scientific and technical knowledge so permits."

STATEMENT 264/97

Re Part C, point 2.5.1.2 (monitoring aspects)

"The Council and the Commission note that data from the monitoring programmes currently under way in the Member States to comply with the relevant Community Directives on water protection may be regarded as a source of the adequate monitoring data referred to in Part B, point 2.5.1.2.

However, if monitoring results show the concentration tending to increase in such a way that it might reach the level referred to in Part C, point 2.5.1.2, adequate monitoring requires that a more specific monitoring programme covering areas liable to be contaminated should be established, having regard to the properties of the active substance, in particular mobility, persistence and breakdown behaviour."

STATEMENT 265/97

Re C, point 2.5.1.2. (monitoring aspects)

The Council and the Commission state that monitoring results are to be based on the annual average of analysis results for repetitive sampling at the same point."

STATEMENT 266/97

Re C, point 2.5.1.2. (monitoring aspects)

"The Commission undertakes to lay down, if necessary, detailed provisions for the harmonization of the provisions governing the adequate monitoring programme referred to in Part B, point 2.5.1.2."

STATEMENT 267/97

Re C, point 2.5.1.2 (revision of Annex VI in connection with revision of the Directives on water)

"The Commission undertakes, if need be, to amend the provisions of Directive 91/414/EEC (by submitting a proposal) and Annex VI thereto as soon as possible following any amendment of the Directives on water protection."

STATEMENT 268/97

Re C, point 2.5.1.2 (revision of Annex VI in connection with revision of the Directives on water)

"The Council and the Commission note that the present provisions of Annex VI on water protection do not commit them when reviewing the Directives on water protection."

STATEMENT 269/97

Re Part C, point 2.5.1.2(ii)

"The Commission states that in Part C, point 2.5.1.2(ii), the concept "appropriate data" also includes ecotoxicological data, where relevant."

STATEMENT 270/97

Re Part C, point 2.5.2

"The Council and the Commission note that this Directive takes into consideration current scientific and technical knowledge, which does not permit the inclusion of more precise provisions on the definition of unacceptable impact on non-target species under relevant field conditions. The Commission undertakes to follow very closely any developments in this respect, to promote as much as possible further harmonization and to make the necessary amendments or additions as soon as the state of scientific and technical knowledge so permits."

STATEMENT 271/97

Re point 2.5.2.1

"The Council and the Commission note that the evaluation of the effects on birds and other terrestrial vertebrates is based, inter alia, on LD₅₀. They agree that the reference to LD₅₀ is without prejudice to the fact that acute toxicity can be determined by the fixed dose method, which does not provide an LD₅₀, but a discriminating dose. The Council calls upon the Commission to introduce this concept into the Directive as soon as the state of scientific knowledge so permits."

STATEMENT 272/97

Re point 2.5.2.2

"The Council and the Commission note that it is not possible at this stage to introduce a lower level for the acute toxicity/exposure ratio where more extensive data than those required in Annexes II and III are available.

They agree that the present provisions on appropriate risk assessment allow those levels to be reduced in some cases, depending on the extent and quality of additional data.

The Commission undertakes to keep a very close watch on developments in this field and to propose the necessary amendments as soon as the state of scientific and technical knowledge so permits."

STATEMENT 273/97

STATEMENT BY THE FINNISH DELEGATION

In accordance with the agreement on the price package approved at the Agriculture Council meeting on 23 to 25 June 1997, the Council urged the Commission to propose that "viili/fil" be included in Regulation (EEC) No 1842/83 in the category of products qualifying for aid.

Finland considers that the Commission proposal in question does not accord with the agreement approved by the Agriculture Council. The Commission proposal is more restricted in content than the price package agreement, since it contains only "viili/fil" produced from whole milk. In the opinion of Finland, the proposal should also contain "viili/fil" products other than merely those made from whole milk.