

11588/96

LIMITE

PUBLIC 11

LEGISLATIVE TRANSPARENCY

**STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC
OCTOBER 1996**

The Annexes to this document contain a summary of definitive legislative acts adopted by the Council in October 1996, together with statements in the minutes which the Council has decided may be released to the public.

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – OCTOBER 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1950th Council meeting (General Affairs) on 1 October 1996 Council Regulation amending Regulation (EEC) No 2046/89 laying down general rules for distillation operations involving wine and the by-products of wine-making 1952nd Council meeting (Research) on 7 October 1996 – Directive of the European Parliament and of the Council on textile names – Directive of the European Parliament and of the Council on certain methods for the quantitative analysis of binary textile fibre mixtures Council Regulation amending Regulation (EC) No 3079/95 allocating, for 1996, Community catch quotas in Greenland waters Council Regulation amending, for the fourth time, Regulation (EC) No 3074/95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished 1954th Council meeting (Economic and Financial Affairs) on 14 October 1996 Corrigendum to Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods	9921/96 + COR 1 + COR 2 (fin) PE-CONS 3617/96 PE-CONS 3616/96 9998/96 9995/96 9218/96	247/96	

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC
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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1955th Council meeting (Fisheries) on 14 October 1996 Council Regulation amending Regulation (EEC) No 805/68 on the common organization of the market in beef and veal	10319/96	248/96, 249/96, 250/96, 251/96	Against: E/I
1956th Council meeting (Environment) on 15 October 1996 Council Directive on access to the groundhandling market at Community airports	9843/96 + COR 1 (f,d,i,nl,en,es,p,s) + COR 2 (s)	252/96, 253/96, 254/96	
1957th Council meeting (Internal Market) on 25 October 1996 Council Regulation (EC) amending Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (comprehensive guarantee in external Community transit)	10994/96	255/96	
Directive of the European Parliament and of the Council on the protection of occupants of motor vehicles in the event of a frontal impact and amending Directive 70/156/EEC	PE-CONS 3624/96	256/96, 257/96	
Council Regulation laying down certain conservation and control measures applicable to fishing activities in the Antarctic	10249/96		

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC
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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1959th Council meeting (Agriculture) from 28 to 30 October 1996			
Council Regulations			
(a) on the common organization of the markets in fruit and vegetables	9921/96 + COR 1 (i) + COR 2 (d,i,gr,p,s) + COR 3 (gr)	258/96, 259/96, 260/96, 261/96, 262/96, 263/96, 264/96, 265/96, 266/96, 267/96	
(b) on the common organization of the markets in processed fruit and vegetables	9947/96 + COR 1 (d) + COR 2 (gr) + COR 3		
Council Regulation introducing a Community aid scheme for producers of certain citrus fruits	10528/96 + COR 1 (nl)	268/96, 269/96, 270/96	
Council Regulation derogating, for the 1996/1997 marketing year, from Regulation (EEC) No 1035/77 laying down special measures to encourage the marketing of products processed from lemons	10126/96		
Council Regulation amending, as regards the period of application, Regulation (EC) No 1543/95	10149/96		

STATEMENT 247/96

"The Council and the Commission note that the Directives on textile names and certain methods for the quantitative analysis of binary textile fibre mixtures consolidate existing legislation without making any changes of substance and would point out that this consolidation does not in any way alter the previously existing situation."

STATEMENT 248/96

Statement by the Council and the Commission

The Council and the Commission would stress that this decision does not in any way prejudice the future arrangements for weanlings for which a number of suggestions have been put forward, including the possibility of buying in female weanlings, and on which the Council intends to adopt a position, in the context of a global package, at its meeting on 28 and 29 October 1996.

The Commission and a number of delegations stressed that there was not unanimous approval of the suggestions put forward.

STATEMENT 249/96

Commission statement

The Commission confirms that, as in the past, it will ensure that the detailed conditions for intervention are re-examined and will, if necessary, adapt them in the light of experience.

It also undertakes to fulfil the commitment it has entered into regarding intervention in respect of weanlings in the context of the "prices" package, reading as follows:

- "(c) The Commission specifically undertakes to ensure that the emergency action provided for will not produce an unfair distribution of the burden of the crisis as between producers of weanlings and fatteners or interfere with normal conditions of intra-Community trade by leading to artificial reductions in the numbers available for such trade. In the event of an unexpected distortion of intra-Community trade, corrective action will be taken."

STATEMENT 250/96

Statement by the Spanish delegation

The Spanish delegation cannot give its agreement to the proposal for reasons of both form and substance.

In fact a system has been used which pushes to the extreme limit the regulations laid down for the conduct of Council proceedings and this is, in our view, a dangerous practice which we hope will not be repeated.

This Regulation calls into question the "package" made up of the range of measures put forward by the Commission, with a decision being taken in advance on some of those measures with a view to resolving the problems of certain Member States, without due consideration for the major problems met by others. Proceeding in this manner prejudices the decision which the Council is required to take at the October meeting on the package of measures provided for in the Commission's overall proposal. Furthermore, adoption of this Regulation goes beyond the Presidency conclusions emanating from the informal ministerial meeting in Killarney.

Moreover, advance intervention buying-in of weanlings is initiated in the light of the situation in one Member State, and this is unacceptable to the Spanish delegation, as no adequate guarantee is envisaged to prevent damage to the other Member States; such a measure in the weanling market may cause price imbalance, endangering the viability of a large number of farms which use weanlings as a raw material for fattening.

The Spanish delegation considers inadequate the Commission statement for the Council minutes in point 2 whereby it undertakes to act in the event of intervention buying-in of weanlings causing distortions in intra-Community trade.

The Spanish delegation wishes to draw attention to the serious political and public opinion problem it faces with regard to matters relating to the beef and veal sector, both as regards meat and milk production, concerning in particular the inadequacy of the amount of the young male bovine animals premium and the small size of milk quotas, which is already giving rise to public order problems in some Spanish regions. In the face of those problems, we have to record that we have not enjoyed the political understanding today being shown to some Member States.

STATEMENT 251/96

Statement by the Italian delegation

The Italian delegation deeply regrets that an irregular procedure has been pursued to secure the agreement of the Council of Ministers to the amendment of Regulation No 805/68, a serious matter which has a decisive impact not only on a large part of the economic interests of national livestock breeding but also on the incomes of many Italian farmers and of all those involved in this type of activity.

Partial decisions have been taken which, by giving flagrant encouragement to certain links in the production chain in very specific geographical areas, in fact prevent the conduct of balanced negotiations to defend the interests of all involved in this production sector.

In particular, one of the basic principles of the European Union has been violated, namely the principle of Community solidarity, as reflected by respect for and attention to the problems and requirements of the other Member States.

The original Commission proposal, whilst open to criticism at the technical and cost level, was a complex, structured draft which, in any event, was intended as a response to the decisions adopted by the Council of Ministers for Agriculture in July 1996 on restrictions on supply and the encouragement of demand by improving the quality of the product offered and of the conditions governing preparation for the market.

The decisions adopted today govern, for this year, in a way which could not properly be described as correct or efficacious, the short-term problems of some Member States, but leave in abeyance the more serious and more significant problems, which are of general interest, linked to restoring balance on the beef and veal market.

The system adopted, which sets a dangerous precedent, is generally prejudicial to the quest for balanced solutions. The balance struck in the negotiations is profoundly changed by it and the normal commercial transactions established between partners of some Member States have been disturbed by it.

The problem of the crisis in the beef and veal sector as a result of BSE, for which Italy hopes that the Parliamentary Committee of Inquiry will manage to establish responsibility, is not exclusive to certain producer countries, but has a much deeper effect on objectively weaker systems.

The whole Italian livestock breeding sector has for a long time been experiencing a serious crisis. Incomplete and hence discriminatory decisions are therefore undesirable not only for the Italian economy but for the whole Community sector.

In this connection the Italian delegation calls upon the Commission to continue its discussion and put forward a new proposal which takes into account the views expressed and the requirements highlighted by all Member States during the negotiations.

STATEMENT 252/96

Re Article 1(5) and (6): application of the Directive to Gibraltar airport

1.1. Statement by the Spanish delegation

"The Kingdom of Spain points out that the inclusion of the two clauses regarding Gibraltar airport in Article 1 of this Directive is not linked to liberalization of groundhandling at that airport, but to the need to make adoption of the Directive compatible with the existence of a dispute between Spain and the United Kingdom regarding sovereignty over the territory on which the airport is situated. The existence of this dispute has been expressly referred to in various air transport provisions adopted by the Council, as well as in the joint statement on the use of that airport made in London on 2 December 1987 by the Ministers for Foreign Affairs of Spain and the United Kingdom, implementation of which is a prior condition for the application of any Community rule on air transport to Gibraltar airport.

Accordingly, the Kingdom of Spain states that the inclusion of the two clauses regarding Gibraltar airport in Article 1 of this Directive highlights the need for any Community provision applicable to that airport to be legally and technically consistent with the provisions already in force regarding access to the air transport market."

STATEMENT 253/96

Re Article 1(5) and (6): application of the Directive to Gibraltar airport

1.2. Statement by the United Kingdom delegation

"The United Kingdom delegation wishes to emphasize that this Directive is in principle applicable to Gibraltar; and that the United Kingdom's acceptance of Article 1(6) relates exclusively to the particular scope and circumstances of this Directive, and that it is entirely without prejudice to the question of the application to Gibraltar of other European Community or European Union measures, or to the position in international law on sovereignty over the territory in which Gibraltar airport is situated. The same considerations apply, in each case, to the United Kingdom's acceptance of analogous provisions in previous aviation Directives."

STATEMENT 254/96

Re Article 16(3): Access to installations

"The Commission states that Article 14(3) recognizes an airport's right to collect a fee from suppliers of groundhandling services and self-handling users for access to its installations.

The Commission states that such a fee may be construed as a commercial charge and may in particular contribute to the self-financing of the airport insofar as it is determined on the basis of relevant, objective, transparent and non-discriminatory criteria."

STATEMENT 255/96

"The Council and the Commission agreed that the provisions of Article 361 are without prejudice to any future adaptation of the Community Customs Code and its Implementing Provisions which might be necessary in the light of the report to be presented by the Commission's Task Force on fraud in the transit field taking into account the results of the European Parliament's Temporary Committee of Enquiry into this area."

STATEMENT 256/96

"The Council requests the Commission to review before the end of 1996, and if necessary to amend, under the procedure involving the Committee on Adaptation to Technical Progress, the tolerances provided for in sections 1.3.1 and 4 of Appendix 1 to Annex II."

STATEMENT 257/96

"Realizing that the certification procedure for the Hybrid III dummy's new ankle is required for the full implementation of the provisions of the Directive, particularly as regards all the biomechanical criteria for the protection of occupants, the Council and the Commission agree that the procedure needs to be laid down more precisely as swiftly as possible.

In order for it actually to be applicable in a harmonized manner by all of Member States' technical services, the Council therefore calls on the Commission to adapt the procedure as a matter of urgency, in accordance with Article 4(b), upon adoption of the Directive."

STATEMENT 258/96

Statement concerning the fruit and vegetables sector

1. Re Article 2(3)

"The Council notes the Commission's intention of examining the request for additional products to be included in Annex I; in that examination account will in particular be taken, for each product, of the existence of relatively large-scale transactions and the existence of ECE/UN standards."

STATEMENT 259/96

Statement concerning the fruit and vegetables sector

2. Re Article 3(1)

"The Council notes the Commission's intention of defining the concept of "wholesale markets" in the implementing arrangements, if necessary for Community purposes."

STATEMENT 260/96

Statement concerning the fruit and vegetables sector

3. Re Article 3(3)(a)

"The Council notes that it is the Commission's intention not to modify current practice with regard to minimum quality requirements for fresh products intended for processing."

STATEMENT 261/96

Statement concerning the fruit and vegetables sector

4. Re Article 11(1)(c)(3), second paragraph, first indent

Commission statement: "It should be noted that compliance with common quality standards is recommended for this type of sales but is not compulsory."

STATEMENT 262/96

Statement concerning the fruit and vegetables sector

5. Re Article 11(2)(a)

"The Council notes the Commission's intention of determining the minimum number of producers and minimum production volume of POs on the basis of a pragmatic approach, taking account of economic and administrative realities in the Member States."

STATEMENT 263/96

Statement concerning the fruit and vegetables sector

6. Re Article 14

"The Council notes the Commission's intention of determining start-up aid for POs referred to in Article 14 in such a way that the aid paid to Portuguese POs is not less, as a percentage of the value of the marketed production of the PO, than that resulting from Regulation (EEC) No 746/93."

STATEMENT 264/96

Statement concerning the fruit and vegetables sector

7. Re Article 15

"The Council notes the Commission's intention of allowing producers' contributions to the financing of the Operational Fund to be carried over to the following year, under conditions and procedures to be set."

STATEMENT 265/96

Statement concerning the fruit and vegetables sector

8. Re particular improvement measures

"The Council calls on the Commission to submit to it a proposal for bringing into force again the programme for improving the production on the one hand of peaches and nectarines and on the other of apples and pears for a maximum area of 10 000 ha for each of these groups of products. The financial consequences of these measures shall be covered under expenditure for the financial year 1998 and the following financial years."

STATEMENT 266/96

Statement concerning fruit and vegetables and processed fruit and vegetable products

Re Article 17 (fresh) and Article 10 (processed)

"The Commission will examine with particular attention the application of the measures for these products referred to in Article 17 of the Regulation on fresh products and in Article 10 of the Regulation on processed products.

Before 31 December 1999, the Commission will submit a report to the Council on the situation in the hazelnut market, together if necessary with appropriate proposals for structural improvement measures."

STATEMENT 267/96

Statement concerning the fruit and vegetables and processed fruit and vegetable products

9. Re compliance with budgetary constraints

"Taking into account the amendments made to its original proposal the Commission will ensure, when implementing the measures over which it has budgetary control, that overall spending in the first year of the reform complies with the budgetary constraints."

STATEMENT 268/96

Re Article 2(2)

"The Council takes note of the Commission's intention of taking the characteristics of each product, according to type and variety, into account when defining, within the detailed rules, the time limit for the conclusion of contracts. "

STATEMENT 269/96

Re Article 3(3)

"The Commission states that, in establishing implementing rules, it will provide as much flexibility as possible consistent with providing the necessary assurance that all fruit on which aid is paid is actually processed."

STATEMENT 270/96

Re Article 5(3)

"The Commission confirms that, as a consequence of the decision to apply the reduction in the year in which an excess, on the basis of a three-year average, has been established, it will make provision for a system of advances."