

12598/97

LIMITE

PUBLIC 10

LEGISLATIVE TRANSPARENCY

STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC OCTOBER 1997

This document contains a summary of definitive legislative acts adopted by the Council in October 1997, together with statements in the minutes which the Council has decided may be released to the public.

ANNEX I

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – OCTOBER 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2030th Labour and Social Affairs Council on 7 October 1997 Directive of the European Parliament and of the Council amending for the third time Directive 88/344/EEC on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients Council Regulation amending, for the fifth 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	PE-CONS 3623/97 + COR 1 (en) 10457/97		DK against
2031st Transport Council on 9 October 1997 Council Regulation on air carrier liability in case of accidents	10415/97 + COR 1 (dk) + REV 1 (s)	274/97	
2032nd Economic and Financial Affairs Council on 13 October 1997 Council Regulation (EC) on North-South cooperation in the campaign against drugs and drug addiction	10833/97	275/97, 276/97, 277/97, 278/97, 279/97	

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – OCTOBER 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2034th Agriculture Council on 20 October 1997			
Council Directive amending the Annex to Directive 91/492/EEC laying down the health conditions for the production and placing on the market of live bivalve molluscs	11156/97 + COR 1 (en)	280/97, 281/97	
Council Regulation amending Regulation (EEC) No 822/87 on the common organization of the market in wine	11182/97 + COR 1 (p) + COR 2 (fin)	282/97	UK against
Council Regulation amending Regulation (EEC) No 2389/89 on general rules for the classification of vine varieties	10587/97 + COR 1 (f)		
2035th Energy Council on 27 October 1997			
Directive of the European Parliament and of the Council amending Directives 76/116/EEC, 80/876/EEC, 89/284/EEC and 89/530/EEC on the approximation of the laws of the Member States relating to fertilizers	PE-CONS 3624/97		
Council Directive adapting to technical and scientific progress Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora	10998/97 + COR 1 (d), + COR 2 (s) + COR 3 (d,nl,en,p) + COR 4 (es) + COR 5 (f,d,i,nl,es,dk,el,p,s) + REV 1 (fin) + REV 1 COR 1 (fin) + REV 1 COR 2 (fin)		

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC
– OCTOBER 1997 –

DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2037th Fisheries Council on 30 October 1997			
Council Regulation amending Regulation (EEC) No 2201/96 on the common organization of the market in processed fruit and vegetables	10712/97 + COR 1 (p)		
Council Regulation on the improvement of the Community production of apples, pears, peaches and nectarines	11425/97	283/97	I abstention
Council Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy	11415/97	284/97	

STATEMENT 274/97

Re Special arrangements

"The Council and the Commission state that this Regulation does not prevent a Member State from requiring air carriers established outside the Community and which are operating to, from or within that Member State to apply arrangements which are more beneficial for passengers, provided that this is in accordance with international and Community law."

STATEMENT 275/97

Statement by the Commission re Article 6

"The Commission stresses the need to step up the exchange of information and develop coordination and consultation between the Commission and the Member States on the ground and in the appropriate Community fora.

The Commission considers that, in order to achieve that end, the objectives of effectiveness and consistency should be pursued between the Member States and the Commission within the relevant existing structures, including those at international level. The Commission considers that there is a particular need to step up coordination between Member States and the Commission on the preparation of international conferences attended by the major donors of aid for the combating of drugs and the appropriate international organizations."

STATEMENT 276/97

Statement by the Council and the Commission re Article 8

"The Commission would point out that, under the declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes not subject to the co-decision procedure are not to contain an amount deemed necessary.

Since the Commission proposal for the Regulation on North-South cooperation in the campaign against drugs and drug addiction does not provide for the inclusion of a financial reference, this is the sole responsibility of the Council and does not affect the powers of the budgetary authority."

STATEMENT 277/97

Statement by the Council and the Commission re Articles 9 and 11

"In presenting, appraising and evaluating projects, the Commission will take into account the integrated approach to and the logistical framework of project cycle management."

STATEMENT 278/97

Statement by the Commission re Articles 9 and 11

"The Commission regrets the fact that over and above the procedures established by the Commission in an effort to ensure transparency and coordination (Committee for projects exceeding a threshold of ECU 2 million, exchange of views on general guidelines, submission of an annual report), the Council has set two further requirements: ex ante information for the Committee on projects involving less than ECU 2 million one week before a decision is taken and ex post information for the Member States on all projects within one month of the decision.

The Commission states that the multiplicity of information mechanisms far exceeds what might be regarded as necessary to guarantee adequate transparency and what is warranted given the human resources available.

When the Commission is given powers to act without a Committee it exercises them in accordance with the rules on transparency. It takes the view that no additional condition should be introduced which goes beyond Council Decision 87/373/EEC of 13 July 1987. The Commission is therefore unable to accept this amendment".

STATEMENT 279/97

Statement by the Commission re Article 10

"The Commission regrets the fact that in this instance the Council has amended the Commission proposal by replacing the type I advisory committee procedure with a type III(a) regulatory committee procedure; it considers that the procedure proposed or the management committee procedure would be better suited to requirements here."

STATEMENT 280/97

Statement by the Italian delegation

"The Italian delegation, drawing attention to the Commission's obligations under Chapter V of the Annex to Directive 91/492/EEC and emphasizing that the lack of standardized analytical methods and tolerances for controlling marine toxins gives rise to significant health and trade problems, calls upon the Commission to deal with this issue with the requisite urgency."

STATEMENT 281/97

Commission statement

"In view of the need to ensure uniform application of control of compliance with the requirements of Chapter V of the Annex to Directive 91/492/EEC, the Commission will draw up sampling plans and analytical methods and tolerances, in particular as regards marine toxins.

To that end the Commission will, on the basis of recognized scientific information, submit the matter at the earliest opportunity to the Scientific Veterinary Committee for its opinion."

STATEMENT 282/97

Re Article 1(1) and (5)

"The United Kingdom is not in favour of withdrawing the provision to use malic acid as an accepted oenological practice within the EU. There are no health grounds for banning this practice and, since the use of malic acid is common practice in third countries, any such ban will have a disruptive effect on the development of international trade."

STATEMENT 283/97

Council statement

"If, taking account of the conditions laid down in Article 1(3), it should be impossible to grant the grubbing-up premium in any region of a Member State, the Council asks the Commission, under the management committee procedure, to ascertain whether the maximum surface area allocated to that Member State could be allocated to other Member States with applications that have not been met."

STATEMENT 284/97

Commission statement

"When preparing the implementing Regulations made necessary by the review of Council Regulation No 2847/93, the Commission will see to it that suitable rules are defined for reporting catches of vessels belonging to the three categories which are subject to special rules for communicating fishing effort data in accordance with Article 19c of the said Regulation, as amended by Council Regulation No 2870/95. Those rules will have to take account of the special characteristics of each of the three categories."