

5096/1/98

REV 1

LIMITE

PUBLIC 1

LEGISLATIVE TRANSPARENCY

STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC DECEMBER 1997

This document contains a summary of definitive legislative acts adopted by the Council in December 1997, 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 – DECEMBER 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2054th Telecommunications Council on 1 December 1997 Directive of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the telecommunications sector Directive of the European Parliament and of the Council on common rules for the development of the internal market of Community postal services and the improvement of quality of service 2056th Health Council on 4 December 1997 Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery Council Regulation amending Regulation (EC) No 395/97 allocating, for 1997, Community catch quotas in Greenland waters	PE-CONS 3626/1/97 REV 1 PE-CONS 3627/97 PE-CONS 3629/97 11793/97	285/97, 286/97, 287/97 288/97	NL,FIN,S against

**STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC
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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2059th Transport Affairs Council on 11 December 1997			
Council Directive setting up a harmonized safety regime for fishing vessels of 24 metres in length and over	12251/97 + COR 1 (nl) + REV 1 (fin)	289/97, 290/97, 291/97, 292/97, 293/97, 294/97, 295/97, 296/97, 297/97	
Regulation amending Regulation (EEC) No 684/92 on common rules for the international carriage of passengers by coach and bus	5300/1/97 REV 1 + REV 1 COR 1	298/97, 299/97	
Council Regulation laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State	12046/97	300/97, 301/97	UK against
2060th Labour and Social Affairs Council on 15 December 1997			
Council Directive extending, to the United Kingdom, Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees	12586/97		
Council Directive amending and extending, to the United Kingdom, Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC	12587/97		

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – DECEMBER 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Directive of the European Parliament and of the Council to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained	PE-CONS 3630/97	302/97, 303/97	L against
Council Directive concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC	13075/97 + COR 1	304/97, 305/97, 306/97	
Council Directive on the burden of proof in cases of discrimination based on sex	12514/97 + COR 1 (nl)	307/97, 308/97, 309/97, 310/97	
2061st Agriculture Council – 15 December 1997			
Council Regulation authorizing Portugal to grant aid to sugar beet producers and abolishing all state aid from the 2001/2002 marketing year	11029/97		I against
Council Regulations			P against
(a) amending Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must	13294/97		
(b) amending Regulation (EEC) No 1873/84 authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87	13295/97		

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2061st Agriculture Council – 16 December 1997 Council Regulation amending Regulation (EEC) No 338/91 determining the Community standard quality of fresh or chilled sheep carcasses and Regulation (EEC) No 2137/92 concerning the Community scale for the classification of carcasses of ovine animals and determining the Community standard quality of fresh or chilled sheep carcasses Council Directive amending Directives 93/23/EEC, 93/24/EEC and 93/25/EEC on the statistical surveys to be carried out on pig, bovine animal and sheep and goat production Council Directive amending Directive 77/99/EEC with regard to the rules applicable to minced meat, meat preparations and certain other products of animal origin Directive of the European Parliament and of the Council amending Directive 93/38/EEC coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors	12982/97 13359/97 13131/97 PE-CONS 3628/97	 311/97 312/97, 313/97	 A, P abstained UK against

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – DECEMBER 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2062nd Environment Council on 16 December 1997			
Council Decision on a Community action programme promoting non-governmental organizations primarily active in the field of environmental protection	12562/97		
Council Regulation replacing the Annex to Regulation (EEC) No 1255/96 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial and agricultural products	12959/97 + REV 1 (s)		
2063rd Fisheries Council – 18 December 1997			
Council Regulation laying down certain conservation and control measures applicable to fishing activities in the Antarctic and repealing Regulation (EC) No 2113/96	10248/97		
Council Decision fixing the amount of the Community financial contribution for 1997 to expenditure incurred by the Swedish authorities for the release of smolt	12275/97		
Council Regulation amending Regulation (EC) No 2847/93 establishing a control system applicable to the common fisheries policy (control of fishing in the Baltic)	13092/97		
Council Regulation modifying Regulation (EC) No 702/97 opening and providing for the administration of autonomous Community Tariff quotas for certain fishery products (increase of cod and surimi quotas)	13253/97		IRL abstained

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation temporarily suspending some or all of the autonomous Common Customs Tariff duties on certain fishery products (1998)	13004/97	314/97	F abstained
Council Regulation amending Regulation (EEC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products	12953/97 + COR 1 (en)		
Council Regulation amending Regulation (EEC) No 2731/75 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat	11300/97		
Council Regulation amending Regulation (EEC) No 2075/92 on the common organization of the market in raw tobacco and fixing the guarantee thresholds for leaf tobacco by group of tobacco varieties for the 1998 harvest	11988/97		
Council Decision amending Decision 96/411/EC improving Community agricultural statistics	13360/97		
Council Regulation extending the period provided for in Article 149(1) of the Act of Accession of Austria, Finland and Sweden	12710/97		
Council Regulation laying down rules on the common organization of the market in milk and milk products for drinking milk	13355/97 + REV 1 (s) + COR 1 (en)	315/97, 316/97, 317/97, 318/97, 319/97	DK, EL against

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation amending Regulation (EEC) No 805/68 on the common organization of the market in beef and veal	13549/97	320/97, 321/97, 322/97, 323/97	D, I against
Council Directives			
(a) laying down the principles governing the organization of veterinary checks on products entering the Community from third countries	13143/97 + COR 1	324/97, 325/97, 326/97, 327/97, 328/97, 329/97, 330/97, 331/97, 332/97, 333/97	
(b) amending Directives 71/118/EEC, 72/462/EEC, 85/73/EEC, 91/67/EEC, 91/492/EEC, 91/493/EEC, 92/45/EEC and 92/118/EEC as regards the organization of veterinary checks on products entering the Community from third countries	13144/97 + COR 1		
Council Regulation amending Regulation (EEC) No 2262/84 laying down special measures in respect of olive oil	13398/97		
Directive of the European Parliament and of the Council amending Directive 87/102/EEC for the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit	PE-CONS 3632/97	334/97, 335/97, 336/97	
Directive of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers	PE-CONS 3631/97 + COR 1	337/97, 338/97, 339/97, 340/97	
Directive of the European Parliament and of the Council relating to telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition of their conformity	PE-CONS 3637/97		

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – DECEMBER 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound	12082/97		
Council Regulation extending the programme to promote international cooperation in the energy sector – SYNERGY programme – established by Community Regulation (EC) No 701/97 of 14 April 1997	13224/97	341/97	
2063rd Fisheries Council – 19 December 1997			
Council Regulation amending Regulation (EEC) No 3094/95 on aid to shipbuilding	13221/97 + COR 1		FIN, S against
Directive of the European Parliament and of the Council concerning the placing of biocidal products on the market	PE-CONS 3633/97 + COR 1 (s)		
Council Decision establishing a Community action programme in the field of civil protection	13185/97 + COR 1	342/97, 343/97, 344/97	
Council Decision amending Decision 83/653/EEC on the allocation of the possibilities for catching herring in the North Sea as from 1 January 1984	13046/97		

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – DECEMBER 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Decision authorizing the Kingdom of the Netherlands to extend the application of a measure derogating from Article 21 of the Sixth Council Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes	12965/97		
Council Decision authorizing the United Kingdom to extend the application of a measure derogating from Article 28e(1) of the Sixth Council Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes	13235/97		
Council Regulation fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished	13282/97	345/97, 346/97, 347/97, 348/97, 349/97, 350/97, 351/97	IRL against
Council Regulation allocating, for 1998, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen	13284/97		
Council Regulation allocating, for 1998, certain catch quotas between Member States for vessels fishing in Faroese waters			
Council Regulation allocating, for 1998, Community catch quotas in Greenland waters	13104/97	352/97, 353/97	
Council Regulation allocating, for 1998, catch quotas between Member States for vessels fishing in Icelandic waters	13286/97	352/97, 353/97	
	13287/97	352/97, 353/97, 354/97, 355/97, 356/97	

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation allocating, for 1998, catch quotas between Member States for vessels fishing in Estonian waters	13331/97	352/97, 353/97, 357/97, 359/97	
Council Regulation allocating, for 1998, catch quotas between Member States for vessels fishing in Latvian waters	13103/97	352/97, 353/97, 357/97, 358/97	
Council Regulation allocating, for 1998, catch quotas between Member States for vessels fishing in Lithuanian waters	13102/97	352/97, 353/97, 357/97, 358/97	
Council Regulation allocating, for 1998, catch quotas between Member States for vessels fishing in Polish waters			
Council Regulation allocating, for 1998, catch quotas between Member States for vessels fishing in the zone of the Russian Federation	13333/97		
	13335/97		
Council Regulation laying down for 1998 certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries	13336/97	359/97	
Council Regulation laying down for 1998 certain conservation and management measures for fishery resources in the Convention Area as defined in the Convention on future Multilateral Cooperation in North-East Atlantic Fisheries	13337/97		

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – DECEMBER 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation fixing, for certain stocks of highly migratory fish, the total allowable catches for 1998, their distribution in quotas to Member States and certain conditions under which they may be fished	13425/97	360/97, 361/97	

STATEMENT 285/97

Statement by the French and Greek delegations

"France and Greece hereby state that the costs incurred by operators in adapting and updating the list of subscribers to be excluded from the public directory mean the costs of the technical and commercial means required specifically to provide this service under the strict security conditions which the protection sought by subscribers entails."

STATEMENT 286/97

Statement by the German delegation

"Germany interprets recital no 7 re Article 3 of this Directive according to the common position outlined in the statement of the Council's reasons (8937/1/96 REV 1 ADD 1) as meaning that a Member State is allowed to apply its own national data protection provisions to non-public or non-publicly available networks and services, with the proviso that Directive 95/46/EC in any case applies to the processing of personal data in the context of such networks and services."

STATEMENT 287/97

Statement by the Portuguese delegation

"The Portuguese delegation is voting in favour of this Directive, resolutely supports its objectives and recognizes its importance for the protection of citizens of the European Union. However, as it indicated when the Common Position was adopted, it would point out that it might, in the case of Article 3, prove necessary to postpone for technical reasons the implementation of certain provisions, particularly in the case of subscribers having access to analogue networks (even if they are connected to digital exchanges)."

STATEMENT 288/97

Statement by the Commission

Re Article 15

"The Commission confirms that, in accordance with the letter and the spirit of the *modus vivendi* on the Committee procedure, it will keep the European Parliament fully informed regarding the implementing measures arising out of this Directive which it proposes to adopt."

STATEMENT 289/97

Re Article 1 and 3/5

"The Council and the Commission agree to undertake, as soon as the 1993 Torremolinos Protocol has entered into force, to examine the effects such entry into force might have on the Directive with regard to its application to fishing vessels flying the flag of third states, and to adopt measures, if necessary, to take account of such effects."

STATEMENT 290/97

Re Article 3/5 in fine and Article 5

"The Commission states that the application of Articles 3/5 and 5 should not imply structural alterations and major conversions of existing fishing vessels, flying the flag of a Member State and registered in the Community or flying the flag of a third State, nor compulsory classification of such existing and new fishing vessels."

STATEMENT 291/97

Re Article 8 and Annex II

"The Council and the Commission agree that, in accordance with the provisions of Article 8, during the period from the entry into force of the Directive until, in the first instance, 31 December 1998, the best possible efforts should be made to examine the provisions on chapter IX in Annex II to the Directive, with regard to their application to new fishing vessels with a length between 24 and 45 metres, thereby taking due account of the limited size of these vessels and the number of persons on board."

STATEMENT 292/97

Re Article 8 and Annex III

"The Commission declares that, when preparing, pursuant to Article 8 of this Directive, provisions for interpretation of the regulations on intact stability for new vessels in Chapter III of the Annex to the Torremolinos Protocol which have been left to the discretion of the Administrations, and the Member States and the Council declare that, when acting thereon in accordance with the provisions of Article 9, they shall not work towards the introduction of provisions that would oblige a Member State to apply more lenient non-constructural requirements pertaining to the enforcement of intact stability criteria for fishing vessels flying its own flag than the non-constructural requirements that are in force in that Member State on the date of entry into force of this Directive."

STATEMENT 293/97

Re Article 8 and Annex III

"The Danish delegation notes that the members of the Council and the Commission are asking the Committee provided for in the Directive for a harmonized interpretation of the rules in Chapter III of the Annex to the Torremolinos Protocol concerning the stability requirement for new fishing vessels. It noted with satisfaction that the statement now concerns only new fishing vessels. However, the Danish delegation wishes to state that Denmark cannot accept an interpretation harmonized in accordance with the Committee procedure which involves a requirement with regard to the waterline mark, whether for new or existing vessels.

A requirement concerning the load-line mark could be disastrous for the Danish industrial fishing fleet. Denmark is the only country in the European Union with a large industrial fishing industry, which is why Denmark attaches major importance to an exhaustive interpretation of the rules on the stability of industrial fishing vessels which makes it possible to achieve safety targets in different ways on the basis of an overall evaluation of a vessel's survival capacity, whereby the requirement concerning construction, in particular stability, resistance of the hull and lift must be consistent with the requirement concerning the load-line mark and the waterline mark."

STATEMENT 294/97

Re Article 9

"The Commission intends to single out clearly and group matters arising from the application of this Directive and to convene for that purpose dedicated meetings of the Committee set up by Article 12 of Council Directive 93/75/EC in order to allow Member States to ensure proper representation on the Committee."

STATEMENT 295/97

Re Article 11

"The Council and the Commission declare that Article 11 of the Council Directive shall not prejudice the competencies of the Member States concerning the prosecution of a criminal act in a particular case."

STATEMENT 296/97

Re Article 11

"The Council states that the fact that it agrees to this Article cannot be understood as meaning that a possibility for case-by-case monitoring of national decisions on penalties can be opened at Community level."

STATEMENT 297/97

Re Article 11

"The Commission states that it is not the purpose of this Article to deal with the way national administrations and/or national tribunals apply their national provisions on sanctions in individual cases. Obviously each individual decision by a national administration or tribunal can be challenged according to the national provisions of each individual Member State."

STATEMENT 298/97

Re Article 1, point 3 – new Article 3a(1)

"The Commission states that the provisions of Regulation (EEC) No 684/92 have no bearing on the classification system for the comfort of vehicles which involves the award of stars."

STATEMENT 299/97

Re Article 1, point 4 – new Article 4(2)

"The Council and the Commission state that neither the age of the persons carried, considered on its own, nor the fact that passengers are assembled by a travel agency may serve as a criterion for constituting a specified category of passengers within the meaning of Article 2(1.2) and thus cannot justify provision of a special regular service under the conditions set out in Article 2(1.1)."

STATEMENT 300/97

Re the Regulation as a whole

"The United Kingdom delegation endorses the liberalization of the road cabotage of passengers and supports the original Commission proposal to replace Regulation (EEC) No 2454/92. It is voting against the present Regulation on the grounds that it does not incorporate the degree of liberalization provided for in the original Commission proposal."

STATEMENT 301/97

Re Article 3(3)

"The Council notes that the Commission intends to submit to it, in the context of the review of the legal framework for public services announced in the Green Paper entitled: "The Citizens' Network: Fulfilling the potential of public passenger transport in Europe", a proposal concerning other regular passenger transport services not covered by this Regulation."

STATEMENT 302/97

Statement by the Greek delegation

"Given that the profession of lawyer differs by its very nature according to the Member State of the Union in which it is practised and that this is particularly true of Greece, where the profession is generally practised on an individual basis and only exceptionally in joint legal practices established as partnerships, the Greek delegation specifies that the establishment in Greece of agencies or branches of groupings of lawyers which have been incorporated under the law of another Member State of the Union and which differ significantly from Greek lawyers' partnerships could give rise to difficulties."

STATEMENT 303/97

Statement by the Luxembourg delegation

"Luxembourg is voting against the amended proposal for a Directive to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

Luxembourg continues to have serious doubts about the desirability and the general approach of the proposed Directive. It considers that the current provisions go against the interests of consumers of legal services in the European Union.

Similarly, Luxembourg considers that the proposal could introduce discrimination vis-à-vis lawyers of Luxembourg nationality as regards the legislative principles applicable to training arrangements and as regards conditions of admission to the profession, with implications for the legal basis of the proposal.

The Luxembourg authorities also take the view that, if exorbitant special arrangements are introduced, providing for freedom of establishment on a permanent, unsupervised basis for exercise of the profession of lawyer in a host country under the home-country title, the question inevitably arises as to the compatibility of such arrangements with Article 52 of the Treaty."

STATEMENT 304/97

Commission statement

re the whole of the Directive

- "1. The Commission has proposed inserting in Article 2(1) and (2) of the Directive the standard clauses, which appear in directives imposing minimum requirements, allowing more favourable provisions to be adopted and prohibiting any lowering of the general level of protection.

As the act adopted is a Directive addressed to the Member States, the Commission considers it inadequate that the obligation imposed on them in this respect should be clearly stated only in the Agreement concluded between the social partners.

2. Although it is for the Member States to determine the system of penalties to be applied in cases of violation of the national measures taken in implementation of the Directive, such penalties must, in accordance with the case law of the Court of Justice, be effective, proportionate and dissuasive.
3. The Directive must be implemented without discrimination on the basis of race, sex, sexual orientation, colour, religion or national origin. The Commission would point out in this connection that 1997 is European Year against Racism, which should mean that significant undertakings are given with regard to the principle of non-discrimination."

STATEMENT 305/97

Council statement re information given by the Commission

"The Council takes note of the information from the Commission in these minutes."

STATEMENT 306/97

Commission statement re information given by the Commission

"The Commission provided this information – on the basis of information given by the social partners – solely to facilitate discussions. This information in no way constitutes interpretations of the Agreement."

STATEMENT 307/97

Re Article 2(2)

The German delegation states:

"Germany does not consider that a Directive on the regulation of procedural questions is the right place for the inclusion of a substantive legal definition. Germany is nonetheless in favour of the Directive, as it expects the inclusion of a definition of indirect discrimination to provide greater legal certainty for users. Germany is equally convinced that the definition will lead to more clarity, thus attaining the women's policy aims of the Directive as well as meeting the requirements of the second sentence of Article 2(2) of the Agreement on social policy, with a view to the creation and development of small and medium-sized undertakings."

STATEMENT 308/97

Re Article 3(1)(a)

"The Council requests that, in the report which the Commission must submit in accordance with Article 7, the Commission will also examine the question of the scope of the Directive. In this context due account will be taken of the case law of the Court of Justice in all relevant fields of social policy coming under the general principle of non-discrimination."

STATEMENT 309/97

Re Article 4

The Finnish and Swedish delegations state:

"Finland and Sweden would have wished the Directive to include an explicit provision stating that Member States shall take such measures as are necessary, in accordance with their national judicial systems, to ensure that the plaintiff does not have to prove the existence of the intention to discriminate on the part of the respondent to establish that the ban on discrimination based on sex has been infringed."

STATEMENT 310/97

Statement by the Italian delegation

"Italy regards the adoption of the Directive on reversal of the burden of proof as an important step forward in Community law.

However, as the Council has not accepted the European Parliament amendments supported by the Commission, Italy would like to see the Council, on the basis of experience of initial application, in the context of the report on application provided for in Article 7, decide to extend the scope into all relevant areas of social policy."

STATEMENT 311/97

STATEMENT BY THE AUSTRIAN DELEGATION

"Article 1(8) of the version proposed entails a requirement for the extraneous albumin content and the starch content to be specified in connection with the sales description. Austria would point out that this provision needs to be coordinated in content with the foodstuffs labelling provisions adopted under Directive 79/112/EEC, as amended by Directive 97/4/EC.

It is therefore suggested that the compatibility of Article 1(8) of the proposal with the labelling Directive be reconsidered by Directorate-General VI, which is responsible for the proposed Directive, and by Directorate-General III, which is responsible for foodstuffs labelling matters."

STATEMENT 312/97

Statement by the European Parliament, the Council and the Commission

"The European Parliament, the Council and the Commission point out that the obligation under the first subparagraph of Article 41(4) to give information as to the characteristics and relative advantages of the tender selected and the name of the successful tenderer must not prejudice the legitimate commercial interests of public or private enterprises, in particular through the disclosure of sensitive information of a commercial or technical nature.

They also point out that under Article 4(4) of Council Directive 93/38/EEC suppliers, contractors or service providers, including the successful tenderer, may require a contracting entity, in conformity with national law, to respect the confidential nature of information which they make available."

STATEMENT 313/97

Statement by the Commission

"The Commission states that, while continuing to observe the principle of equal treatment as between public and private entities, it will keep its requests for statistics under Article 42(2) to the strict minimum necessary to comply with international obligations deriving from the Agreement on Government Procurement in order to reduce the burden on contracting entities.

In the course of the current revision of the Agreement on Government Procurement the Commission also intends to secure a simplification of statistical requirements at international level. If it succeeds, the Commission will take the necessary measures for that to be taken into account in respect of internal statistical requirements."

STATEMENT 314/97

"The French delegation wishes to give the following explanation of its abstention on the proposal for a Council Regulation temporarily suspending some or all of the autonomous Common Customs Tariff duties on certain fishery products for 1998.

By abstaining, it is expressing its concern at the gradual dismantling of customs duties on a product for which duties have already been reduced in 1997 and unlimited imports of which at preferential rates give rise to a substitution effect on the Community white fish market, thereby destabilizing prices.

The French delegation also asks the Commission to undertake to keep a very close watch on imports of Alaska pollack into the Community and brief the management committee in detail on the impact of the measure on the European Union market."

STATEMENT 315/97

Statement by the Commission

"Treatment of milk

The Commission proposes to follow closely developments on the drinking milk market and in particular aspects regarding the protein content of milk. In this connection, it will examine the consequences of the decisions relating to the Code of Principles for Milk Products adopted within the framework of the Codex Alimentarius and will report back to the Council.

The Commission is also convinced of the desirability of fixing maximum criteria for heat treatment of milk, in order to improve quality. It intends to analyze these criteria in greater detail in order to reach conclusions and report back to the Council."

STATEMENT 316/97

Statement by the Commission

"Fat-free dry matter

Before the date of implementation of Article 4, the Commission will examine, if a Member State makes a request supported by scientific studies and statistics, the requirement concerning the minimum fat-free dry matter content."

STATEMENT 317/97

Statement by the Commission

"Freezing-point

In the implementing rules, the Commission will take account of the case of the freezing-point of mixtures of milk coming from different collection areas by adopting provisions which, as far as possible, will not constitute an extra administrative burden for the dairy concerned."

STATEMENT 318/97

Statement by the Greek delegation

"The Greek delegation considers that the provisions of the current Regulation do not meet consumers' requirements, pursuant to the conditions set for the operation of the milk market.

In view of this and the sensitive question of the legal vacuum which needs to be filled since no ceiling has been fixed for the heat treatment of each category of milk, the Greek Government states that it will take all available measures to ensure protection of consumers and the marketing of a genuine, natural food product, such as milk is."

STATEMENT 319/97

Statement by the Danish delegation

"For reasons of principle, Denmark considers that with regard to drinking milk, which is a basic food, the addition of foodstuffs is inadmissible.

Furthermore, Denmark considers that the sale of drinking milk with milk protein, mineral salts and vitamins must be regulated at national level until such time as a Community-wide regulation is adopted.

For these reasons Denmark is voting against this proposal."

STATEMENT 320/97

"The Commission confirms the statement made on the adoption of the amendment to Directive 91/628/EEC (Protection of animals during transport, point 5 of the Annex to 8462/95).

The Commission undertakes to take account of the costs of checks arising from compliance with animal welfare requirements at the point of exit from Union territory when calculating refunds."

STATEMENT 321/97

"The Commission states that the Regulation on setting up implementing arrangements will lay down that checks at the point of unloading in the third country are to be carried out either by a veterinarian from a Member State, acting in an official capacity, or by a monitoring and inspection agency recognized by a Member State or by the Commission."

STATEMENT 322/97

"The Council asks the Commission to ensure, through agreements with the third countries concerned, that checks can be carried out unhindered."

STATEMENT 323/97

"The Council asks the Commission, in negotiating agreements with third countries and in compliance with the Treaty, to work out a contractual solution to enable third country exports to be made subject to Community standards of animal welfare and protection during transport."

STATEMENT 324/97

Re Article 4(2)

"The Council asks the Commission to speed up the introduction of the database with a view to making it operational before this text enters into force and to adapt the ANIMO system to the changes introduced by the present Directive."

STATEMENT 325/97

Re Article 8(2)

"The Council requests the Commission to include a reference to these imports for specific purposes in the database software for SHIFT."

STATEMENT 326/97

Re Article 8(4)

"The Council requests the Commission, in order to avoid fraud involving products which may constitute threats to human health, to examine the possibility in the case of the products referred to in the present paragraph of adapting the bond required under the T5 customs procedure to that required under the T1 customs procedure."

STATEMENT 327/97

Re Article 10

"The Council invites the Commission to re-examine Decision 94/360/EEC with a view to bringing it into line with the requirements in paragraph 2 of the present Article."

STATEMENT 328/97

Article 12(3)

"The Commission confirms that, if these consignments have passed veterinary and physical checks, such checks are not necessary when leaving the warehouse, free zone or customs warehouse."

STATEMENT 329/97

Commission statement on the Directives as a whole

"As regards the legal basis, the Commission deeply regrets that the Council of Ministers is unable to accept the legal basis proposed by the Commission, namely Article 100a.

The proposal has substantial consequences for the protection of the health of the European consumer, as it contains the rules governing health inspection of products coming from third countries. We therefore consider it highly appropriate that the Parliament should be closely involved in our discussions.

It deplores the Council's course of action, especially as there is no particular reason to come to a decision at present.

The Commission must therefore reserve the right to avail itself of all legal avenues open to it and, in particular, the option of referring this matter to the Court of Justice."

STATEMENT 330/97

Commission statement on the Directives as a whole

"As regards the technical aspects, the Commission considers the Presidency compromise unsatisfactory.

On a number of essential points the aims of the proposal are not achieved. Particular mention should be made of the safeguard clause system, penalties and the role of identity checks."

STATEMENT 331/97

Commission statement on the Directives as a whole

"SAFEGUARD CLAUSE

This represents a retreat from the present situation. In the context of the common market it is unacceptable that individual Member States should take their own safeguard measures. Such an approach can only lead to disruption of trade and difficulties with internal movement of goods. Furthermore, the wording of the Council proposal may lead to confusion.

It should also be pointed out that the idea of stepping up our checks where something in a third country is not as it should be might give the wrong signal to third countries. It is in principle for the third country itself to take corrective action if it wishes to supply our market."

STATEMENT 332/97

Commission statement on the Directives as a whole

"PENALTIES

As far as penalties are concerned, the Commission was at pains to respect the principle of proportionality and the organization of the Member States. Under the compromise, one of the weak points of the existing legislation remains uncorrected. To leave it to the Member States to impose penalties does not appear adequate to attain the desired aim, namely, the correct application of the law throughout the Community."

STATEMENT 333/97

Commission statement on the Directives as a whole

"CHECKS

The Commission had hoped for clarification of checks. With the maintenance of the status quo, this problem, too, is not satisfactorily resolved."

STATEMENT 334/97

Statement by the Council and the Commission concerning the final recital:

"The Commission undertakes to entrust an ad hoc Working Party of Experts with the task of studying without delay to what extent a further degree of harmonization of the cost elements of consumer credit is necessary in order to put the European consumer in a position to make a better comparison between the actual percentage rates of charges offered by institutions in the various Member States, thereby ensuring harmonious functioning of the internal market.

The Commission will then submit a written communication on this subject to the Council. Beginning with the next Consumer Affairs Council, the Commission will keep the Council regularly informed of the progress made by the Working Party of Experts.

The Council undertakes to examine as soon as possible the Commission's written communication on the subject."

STATEMENT 335/97

Statement by the Austrian delegation:

"Austria regrets that the present common position does not harmonize the cost elements.

Ultimately, the cost of transposing the Directive should be as low as possible both for the economic sector and, subsequently, consumers. However, this will be impossible if successive changes over a very short period are required.

Austria therefore urges the Commission to spare no effort in achieving harmonization before the end of the period allowed for implementing the Directive and, should the need arise, to extend this period if transposition of the Directive so requires."

STATEMENT 336/97

Statement by the Belgian delegation:

- "1. Belgium considers that in order to enable European consumers to make proper comparisons between the annual percentage rates of charge offered by credit institutions in the various Member States and to ensure that the internal market operates smoothly all the elements of the calculation of the annual percentage rate of charge need to be harmonized.

More especially, harmonization of the calculation of the annual percentage rate of charge ought, in Belgium's view, to be extended to encompass (a) the use of a standard year, as already stipulated for months and weeks, and (b) the basis of calculation.

2. Annex II to the Council's common position contains examples of calculation based, in Section A, on calendar days and, in Section B, on standard time measurements. Belgium considers this dual presentation confusing and at odds with the proposed legal provisions.
3. Belgium has noted the Commission's pledge to entrust an ad hoc working party with the task of studying without delay whether the cost elements of consumer credit need further harmonization.

Belgium very much hopes that the working party's findings will be available soon, so that they can be taken into account in the finalization of this Directive."

STATEMENT 337/97

COMMISSION STATEMENT

Re Article 2(b)

"The Commission considers that the phrase "the price for one kilogramme, one litre, one metre, one square metre or cubic metre of the product or another unit of quantity" in Article 2(b) is applicable also to products sold by the piece or by unit."

STATEMENT 338/97

COMMISSION STATEMENT

Re Article 12(1)

"The Commission considers that Article 12(1) of the Directive may not be interpreted as calling into question its right of initiative."

STATEMENT 339/97

STATEMENT BY THE GERMAN DELEGATION

Re recital 13

"Germany assumes that new recital 12a will have no effect of any kind on the provisions concerning the indication of prices during the introductory phase of the euro. Germany also considers that, in accordance with the principle of subsidiarity, Member States are responsible for maintaining price transparency."

STATEMENT 340/97

STATEMENT BY THE NETHERLANDS DELEGATION

Re Article 2(b) and the last sentence of Article 3(1)

"In the Netherlands' interpretation, and taking into account also the Commission statement on this subject, it follows from Article 2(b) and the last sentence of Article 3(1) that the Member States are competent to decide that the obligation to mention the price per unit of measurement is not applicable to products sold by the piece or by unit."

STATEMENT 341/97

Commission statement

"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 include no amount deemed necessary.

As the Commission proposal concerning the Synergy programme does not provide for any financial reference, it is the Council's exclusive responsibility and has no implications regarding the budget authority's powers."

STATEMENT 342/97

"The Austrian delegation considers that action to prepare those involved in civil protection should also cover the members of voluntary organizations which, in some Member States, make a significant contribution."

STATEMENT 343/97

"The Council and the Commission state that the implementation of this action programme should be carried out in close liaison with other relevant activities within the Commission, such as the work carried out for implementing the so-called SEVESO and SEVESO II Directives.

In this context, the Council and the Commission strongly recommend that the departments concerned with implementing the programme and the Directives and other relevant activities coordinate their action as far as possible."

STATEMENT 344/97

"The Council notes that the Member States undertake to appoint the same representatives to the Management Committee as to the Permanent Network of National Correspondents on Civil Protection."

STATEMENT 345/97

STATEMENT BY THE IRISH DELEGATION

"The Irish delegation reiterates the strongly held view of the Irish Government, as set out in the Irish Memorandum (doc. 5765/92 PECHE 104), that the overall share of the fish stocks allocated under quota to its fishermen falls short of a fair and reasonable level, does not meet the commitments made in Annex VII of the Council Resolution of 3 November 1976 and does not accord with the Community's broader regional development objectives.

The Irish Government shall, therefore, continue to pursue this issue until a satisfactory solution is achieved. The Irish delegation accordingly reserves the right to raise this matter again on an ongoing basis either in the context of relevant developments or proposals affecting the fishing sector or in any other appropriate Community policy framework."

STATEMENT 346/97

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom welcomes the elements in the Council's agreement which involve further restrictions on industrial fisheries, in particular the reduction in the TAC for herring by-catches in industrial fisheries and the introduction of a TAC for sandeels in the North Sea. However, the United Kingdom regards the level of the TAC for sandeels as being too high. The United Kingdom also believes that stocks which are taken for industrial purposes should, where possible, be increasingly used for human consumption purposes and there should be continuing analysis of the environmental effect of large scale industrial fishing."

STATEMENT 347/97

STATEMENT BY THE IRISH DELEGATION

"The Irish Delegation wishes to record that it objects in the strongest possible terms to the level of allocation of horse mackerel accorded to Ireland in Zone Vb, VI, VII, VIIIa b d e, XII, XIV and that it cannot accept the Council Decision. The Irish Delegation considers that this allocation is significantly below the level to which Ireland is entitled. In this respect, the Council Decision is, in the opinion of the Irish Delegation, unprincipled, arbitrary, discriminatory, adopted over our heads and contrary to the principles of the Common Fisheries Policy. The Irish Delegation reserves the right to challenge this decision by whatever means it considers appropriate."

STATEMENT 348/97

STATEMENT BY THE COMMISSION

"The Commission declares that the new TACs and quotas for stocks destined for human consumption as proposed in the Commission Proposal in document 12855/97 PECHE 402 will take due account of all revised data presented by Member States to the Commission Services prior to 15 February 1998, and that it will take appropriate action on the basis of justified data."

STATEMENT 349/97

STATEMENT BY THE COUNCIL

"The Council, when approving the derogation for landing of Baltic Sea herring for industrial purposes other than human consumption as set out in Article 9 of the TAC and Quotas Regulation for 1998, invites the Committee of Permanent Representatives to examine as a matter of priority the Commission's proposal for a permanent arrangement and undertakes to decide on this matter before 30 June 1998, taking into account the opinion of the European Parliament."

STATEMENT 350/97

STATEMENT BY THE COUNCIL

"The Council declares that it will reach agreement by 30 March 1998 on those new TACs and new allocations contained in Commission proposal 12855/97 and not included in the present agreement. In order to avoid irresponsible fishing, the Council and Commission declare that no fish caught from 1 January 1998 will count towards track records under the above TACs and allocations."

STATEMENT 351/97

STATEMENT BY THE COMMISSION

"The Commission is unable to accept the Irish delegation's analysis. In its opinion, the political agreement reached and the decisions taken are consistent with the rules and principles of the common fisheries policy. In the face of the sharp fluctuations in the level of catches and the massive overshoot of the TAC in 1995 and 1996, reaching political agreement on an allocation of the TAC for horse mackerel was an absolute priority, and that could be done only by reducing the influence of catches for recent years, which were subject to those difficulties.".

STATEMENT 352/97

STATEMENT BY THE PORTUGUESE DELEGATION

"Bearing in mind the conclusions adopted by the Council on 30 October 1997, after detailed discussion of policy on fisheries agreements with third countries, and in particular the third indent of point 4(i), the Portuguese delegation **reaffirms** the importance to it of making generally available to the Commission arrangements for transferring fishing possibilities from one Member State to another in the event of under-utilization, without prejudice to the principle of relative stability.

It **notes**, however, that the proposal for a Regulation in question does not include such transfer arrangements and may thus jeopardize optimum use of resources, a basic requirement if the interests of the Community as a whole are to be upheld.

While seeing a pressing need for the adoption of measures enabling the Council conclusions to be put into practice, it nevertheless accepts that the omission may stem from the fact that this is a transitional period and therefore does not oppose adoption.

The Spanish delegation endorsed this position."

STATEMENT 353/97

STATEMENT BY THE GERMAN AND UNITED KINGDOM DELEGATIONS

"The German and United Kingdom delegations affirm the importance of the conclusions adopted by the Council on 30 October 1997 concerning fisheries agreements with third countries. These included calling upon the Commission to consider to what extent a greater flexibility in the implementation of fisheries agreements can be achieved, addressing inter alia arrangements allowing for fishing possibilities to be transferred from one Member State to another in case of under-utilisation, without prejudice to the principle of relative stability.

The German and United Kingdom delegations affirm that it would be contrary to the principle of relative stability to confer on the Commission the power to transfer fishing possibilities from one Member State to another in the case of the fisheries agreements with the Faroe Islands, Greenland, Iceland, Estonia, Latvia and Lithuania."

STATEMENT 354/97

Statement by the German delegation

"The German delegation takes the view that the allocation between the Member States of the fishing rights for redfish granted by Iceland for 1998 is in keeping with the principle of relative stability."

STATEMENT 355/97

Statement by the Spanish delegation

"The Spanish delegation's understanding is that the allocation of quotas approved for 1998 in respect of redfish in the waters of Iceland does not prejudice the allocations to be made for subsequent years, since these quotas are new fishing opportunities to which all Member States have a right as established in the judgments of the Court of Justice of 13 October 1992 (Case C-63/90 et al.)."

STATEMENT 356/97

Statement by the Portuguese delegation

"The Portuguese delegation would point out that the allocation of fishing quotas under the agreement concluded with Iceland must take account of the interests of all Member States and comply with the principle of non-discrimination.

In that connection Portugal considers that the 1998 allocation of those quotas must be without prejudice to the future and that it cannot constitute a precedent for future years or for other fishing rights."

STATEMENT 357/97

STATEMENT BY THE GERMAN DELEGATION

"The German delegation takes the view that the allocation between the Member States of the fishing rights for cod, herring, salmon and sprat granted by Estonia, Latvia and Lithuania for 1998 is in keeping with the principle of relative stability."

STATEMENT 358/97

STATEMENT BY THE SPANISH AND PORTUGUESE DELEGATIONS

"The Spanish and Portuguese delegations' understanding is that the allocation of quotas approved for 1998 does not prejudge the allocations to be made for subsequent years, since the quotas for the Community in the waters of Estonia, Latvia and Lithuania are new catch opportunities to which all Member States have a right as established in the judgments of the Court of Justice of 13 October 1992 (Case C-63/90 et al.)."

STATEMENT 359/97

STATEMENT BY FRANCE

"France has reserved the rights of St Pierre and Miquelon to the yellowtail flounder quota allocated to the Community within the framework of NAFO. The allocation was made on the basis of the previous catch record constituted by St Pierre and Miquelon prior to the Community's accession to NAFO. As St Pierre and Miquelon is no longer covered by the CFP, this quota should be reattributed to it. The legal aspects of this matter will have to be settled rapidly between France and the Commission."

STATEMENT 360/97

STATEMENT BY THE COUNCIL

"The Council declares that the mandate to the Commission to make certain adaptations of the present Regulation following ICCAT decisions does not prejudice the Council's competence for the transposition into Community law of binding decisions adopted by international fisheries organizations."

STATEMENT 361/97

STATEMENT BY GREECE

"The Greek delegation states that it will implement Article 3 of the Regulation by setting up an appropriate system adapted to the special conditions prevailing in Greece for the organization of fisheries, particularly for the island regions."