

5702/99

LIMITE

PUBLIC 1

LEGISLATIVE TRANSPARENCY

**STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC
DECEMBER 1998**

This document contains a summary of definitive legislative acts adopted by the Council in December 1998, together with statements in the minutes which the Council has decided may be released to the public.

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question may be released to the public in the same way as the statements in the minutes under the conditions laid down in the Code of Conduct of 2 October 1995.

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC - DECEMBER 1998 -			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2149th Council meeting (Internal Market), on 7 December 1998 Council Regulation on the functioning of the internal market in relation to the free movement of goods among the Member States Proposal for a European Parliament and Council Directive relating to motor vehicles and their trailers with regard to the transport of dangerous goods by road and amending Directive 70/156/EEC in respect of the type-approval of motor vehicles and their trailers 2151st Council meeting (Agriculture) -14 December 1998 Council Directive amending inter alia as regards unofficial field inspections Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species	13116/98 + COR 1 (d) + COR 2 (s) PE-CONS 3627/98 12946/98 + COR 1 (s) + COR 2 (d,i,nl,en,dk,gr,es,p,fin,s) + REV 1 (f)	271/98	

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
- (a) Council Directive amending Directive 70/524/EEC concerning additives in feedingstuffs and Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector	13663/98	272/98	I abstention
(b) Council Decision concerning a Community system of fees in the animal feed sector	13664/98		
Council Regulation amending Council Regulation (EC) No 45/98 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	13048/98 + COR 1		
Council Directive amending Directive 68/414/EEC imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products	13083/98 + COR 1 (s) + COR 2 (d)	273/98, 274/98, 275/98, 276/98, 277/98	F abstention
Multiannual Framework Programme for Actions in the Energy Sector (1998-2002) and Connected Measures	13055/98 + COR 1 (s)	278/98, 279/98, 280/98, 291/98, 282/98	
(a) Council Decision adopting a Multiannual Framework Programme for Actions in the Energy Sector (1998-2002) and Connected Measures - basic Decision	13056/98 + COR 1(s)	283/98, 284/98	
(b) Council Decision adopting a multiannual programme of studies, analyses, forecasts and other related work in the energy sector (1998-2002) - ETAP programme			

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
(c) Council Decision adopting a multiannual programme to promote international cooperation in the energy sector (1998-2002) - Synergy programme	13057/98 + COR 1 (s) + COR 2 (f) + COR 3 (d)	285/98	
(d) Council Decision adopting a multiannual programme of technological actions promoting the clean and efficient use of solid fuels (1998-2002) - Carnot programme	13058/98 + COR 1 (f) + COR 2 (s)	286/98	
(e) Council Decision adopting a multiannual programme (1998-2002) of actions in the nuclear sector, relating to the safe transport of radioactive materials and to safeguards and industrial cooperation to promote certain aspects of the safety of nuclear installations in the countries currently participating in the TACIS programme - Sure programme	13059/98 + REV 1 (s)	287/98, 288/98	
Council Regulation amending Regulation (EC) No 297/95 on fees payable to the European Agency for the Evaluation of Medicinal Products	12834/98	289/98, 290/98, 291/98	D abstention
Directive of the European Parliament and of the Council amending Directive 76/116/EEC on the approximation of the laws of the Member States relating to fertilisers, as regards the marketing in Austria, Finland and in Sweden of fertilisers containing cadmium	PE-CONS 3630/98	292/98	

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Decision concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the results of the World Trade Organisation negotiations on financial services	10937/98	293/98	DK opposed
Council Directive amending Directive 94/4/EC and extending the temporary derogation applicable to Germany and Austria	12728/98		
Council Regulation (EC) amending Regulation (EC) No 355/94 and extending the temporary derogation applicable to Germany and Austria	12868/98		
Council Directive amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species	13436/98 + COR 1 (nl) + COR 2 (es)	294/98, 295/98, 296/98, 297/98, 298/98, 299/98, 300/98, 301/98, 302/98, 303/98, 304/98, 305/98, 306/98, 307/98	
Council Directive amending Directive 97/12/EC amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine	13509/98	308/98	

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2151st Council meeting (Agriculture) – 15 December 1998 - Council Regulation establishing agrimonetary arrangements for the euro - Council Regulation on transitional measures to be applied under the common agricultural policy with a view to the introduction of the euro	13634/98 + REV 1 (s) 13635/1/98 REV 1	309/98, 310/98, 311/98 312/98	I opposed
2152nd Council meeting (Fisheries) - 17 December 1998 – - Council Regulation fixing, for the 1999 fishing year, the Community producer price for tuna intended for the industrial manufacture of products falling within CN code 1604 - Council Regulation fixing, for the 1999 fishing year, the guide prices for the fishery products listed in Annex II to Regulation (EEC) No 3759/92 - Council Regulation fixing, for the 1999 fishing year, the guide prices for the fishery products listed in Annex I(A), (D) and (E) of Regulation (EEC) No 3759/92 Council Decision on a specific measure to encourage diversification out of certain fishing activities and amending Council Decision 97/292/EC of 28 April 1997	13498/98 13499/98 13500/98 12501/98 + COR 1 (d,i,nl,en,dk,el,es,p,s,fin)	313/98, 314/98	I opposed

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation on a programme to supply agricultural products to the Russian Federation	14160/98 + COR 1 REV 1 (s)	315/98, 316/98, 317/98, 318/98, 319/98	
Council Decision amending Commission Decision 97/534/EC on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies	14232/98		P abstention
Council Regulation amending, as regards withdrawal of the authorisation of certain antibiotics, Directive 70/524/EEC concerning additives in feedingstuffs	14191/98	320/98, 321/98, 322/98, 323/98, 324/98	B/E/P abstentions
Council Regulation amending Regulation (EEC) No 2990/82 on the sale of butter at reduced prices to persons receiving social assistance	13949/98		NL opposed
Council Regulations			
- amending Regulation (EEC) No 1873/84 authorising 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	13975/98 + REV 1 (fin)		
- amending Regulation (EEC) No 2390/89 laying down general rules for the import of wines, grape juice and grape must	13974/98		

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation replacing the Annex to Regulation (EC) No 1255/96 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial and agricultural products	13554/98		
Council Regulation amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products	13552/98 + COR 1 (fin)		
2152nd Council meeting (Fisheries) - 18 December 1998			
Council Regulation amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy	13043/98 + COR 1 (es)	326/98, 327/98, 328/98, 329/98, 330/98, 331/98, 332/98, 333/98, 334/98, 335/98	
Council Regulation fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1999 and certain conditions under which they may be fished	13235/98	336/98, 337/98, 338/98, 339/98, 340/98, 341/98, 342/98, 343/98, 344/98	I abstension
Council Regulation fixing, for certain stocks of highly migratory fish, the total allowable catches for 1999, their distribution in quotas to Member States and certain conditions under which they may be fished	13602/98	345/98	I opposed EL abstension

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC - DECEMBER 1998 -			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation allocating, for 1999, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen	13237/98		
Council Regulation allocating, for 1999, certain catch quotas between Member States for vessels fishing in Faroese waters	13239/98	346/98, 347/98	
Council Regulation allocating, for 1999, Community catch quotas in Greenland waters	13240/98	346/98, 347/98	
Council Regulation allocating, for 1999, catch quotas between Member States for vessels fishing in Icelandic waters	13241/98	346/98, 347/98 348/98, 349/98	
Council Regulation allocating, for 1999, catch quotas between Member States for vessels fishing in Estonian waters	13243/98	346/98, 347/98 350/98	
Council Regulation allocating, for 1999, catch quotas between Member States for vessels fishing in Latvian waters	13245/98	346/98, 347/98	
Council Regulation allocating, for 1999, catch quotas between Member States for vessels fishing in Lithuanian waters	13247/98	346/98, 347/98	

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation allocating, for 1999, catch quotas between Member States for vessels fishing in Polish waters	13249/98		
Council Regulation allocating, for 1999, catch quotas between Member States for vessels fishing in the zone of the Russian Federation	13251/98		
Council Regulation laying down for 1999 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	13252/98	351/98	
Council Regulation laying down for 1999 certain conservation and management measures for fishery resources in the Convention Area as defined in the Convention on future Multilateral Cooperation in the North-East Atlantic Fisheries	13253/98		
2153rd Council meeting (Environment), on 21 December 1998			
Council Decision concerning the approval, on behalf of the Community, of amendments to Appendices II and III to the Berne Convention on the conservation of European wildlife and natural habitats adopted at the 17th meeting of the Convention's Standing Committee	13535/98	352/98	

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC - DECEMBER 1998			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	DECLARATIONS	VOTES
Council Regulations (EC) (a) temporarily suspending some or all of the autonomous Common Customs Tariff duties on certain fishery products (1999) (b) amending Regulation (EC) No 730/98 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products Decision of the European Parliament and of the Council establishing a general framework for Community activities in favour of consumers Decision of the European Parliament and of the Council adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks Council Decision relating to the conclusion of an Agreement between the European Community and the Council of Europe for the purpose of establishing, in accordance with Article 7(3) of Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia, close cooperation between the Centre and the Council of Europe Council Decision on the promotion of European pathways in work-linked training, including apprenticeship	14055/98 14056/98 + COR 1 (fin) PE-CONS 3634/98 PE-CONS 3629/98 13649/98 13803/98 + COR 1	353/98	B/F/E opposed NL opposed

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC - DECEMBER 1998			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	DECLARATIONS	VOTES
2154th Council meeting (Research), on 22 December 1998 Decision of the European Parliament and of the Council relating to the Fifth Framework Programme of the European Community for research, technological development and demonstration activities (1998 to 2002) Council Regulation (EC) on integrating of gender issues in development cooperation Council Decision on the Community Statistical Programme 1998 to 2002 - Council Decision concerning the rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the Fifth Framework Programme of the European Community (1998-2002) - Council Decision concerning the rules for the participation of undertakings, research centres and universities in the implementation of the Fifth Framework Programme of the European Atomic Energy Community (Euratom) (1998-2002) Council Decision concerning the Fifth Framework Programme of the European Atomic Energy Community (Euratom) for research and training activities (1998 to 2002)	PE-CONS 3626/1/98 REV 1 14273/98 13405/98 13778/98 12988/98 13712/98 + COR 1 (fin,i,nl)	354/98, 355/98, 356/98, 357/98, 358/98, 359/98, 360/98, 361/98, 362/98, 363/98, 364/98, 365/98, 366/98 367/98, 368/98, 369/98 370/98 371/98, 372/98, 373/98	P opposed D abstention

STATEMENT 271/98

Council statement on Article 2

The Council notes that in Denmark the specific industrial relations system includes the Danish Labour Court.

STATEMENT 272/98

Commission statement

Re the Directive under (a)

"The Commission regrets that the Council has chosen the Committee III(b) procedure in view of the nature of the measures to be submitted to the Committee which, moreover, have no direct impact on public health. It considers that in this context the Committee III(a) procedure it had proposed was more appropriate."

STATEMENT 273/98

"The United Kingdom and Danish Governments reaffirm the high priority they give to their political commitment to the energy security of the European Union as a whole. They confirm that, in the event of any crisis leading to a shortage of oil in the European Union, the Governments would, taking into account their international obligations, demonstrate solidarity with their European partners. This might involve actions to increase oil production, using spare capacity, and/or reducing demand for oil in our two countries."

STATEMENT 274/98

"The Council and the Commission welcome the fact that the Member States with significant indigenous oil production have made this political commitment related to the energy security of the European Union as a whole."

STATEMENT 275/98

"The Commission states that, in its regular report as mentioned in Article 5 of this Directive, it will assess the evolution of the oil production/consumption structure in the Community in relation to the percentage figure included in Article 1(2) of the Directive 68/414/EEC, and will, if necessary, make a proposal for the revision of this figure."

STATEMENT 276/98

"In relation to Article 1(3) of this Directive amending Directive 68/414, the Council and the Commission confirm that the legal situation concerning the calculation of the internal consumption does not change with respect to Directive 68/414, which means that bunker supplies for international aviation shall be included in the calculation of internal consumption.

The Council and the Commission declare that, in the first report submitted in accordance with Article 5, the Commission will study aviation fuels in the compulsory stockholding in relation to the developments in the national and international oil markets and the desired supply security in the Community."

STATEMENT 277/98

"The Council and the Commission state that, in the statistical summary, stocks of jet fuel of the kerosene type shall be reported separately under category II. This statistical procedure will not impose any other additional obligations in relation to stockholding different from what presently applies to category II products."

(a) **concerning the basic Decision:**

STATEMENT 278/98

1. "The Council and the Commission declare that the two-stage procedure in adopting the Energy Framework Programme does not mean splitting up the content of the multiannual programme. The deferment of adoption of two parts of the programme - SAVE and ALTENER - is based solely on procedural grounds. The Council and the Commission therefore stress once again the importance of the unity of content of the basic decision and all the specific programmes."

STATEMENT 279/98

2. "The Council and the Commission declare that the single committee set up in the framework programme should work in a flexible manner which takes account of the nature of each specific programme. Moreover, in the initial stages it should draw on the expertise built up in the committees under previous programmes in the energy sector."

STATEMENT 280/98

3. "The Council and the Commission declare that the financial amounts for the energy framework programme shall not prejudice the future allocation of expenditure between the different categories of the financial perspectives at the time of their revision."

STATEMENT 281/98

4. "The Commission notes that under the declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes which are not subject to co-decision do not include a financial reference amount. Since the Commission's proposal regarding a multiannual framework programme for actions in the energy sector (1998-2002) 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 282/98

5. "France proposed stabilising the volume of expenditure in the framework of the next financial perspective 2000-2006. This approach would include in particular category 3. Consequently, taking account of the priorities to be set within that heading, France argued for a maximum of ECU 160 million in the Council negotiations on the next energy framework programme (1998-2002). However, in order to make consensus possible within the Council on the sum of ECU 170 million, France did not oppose that consensus and therefore abstained, while maintaining its fundamental position on the control of expenditure and thus the objective of stabilising expenditure in terms of volume. If the legislative procedures would lead the European Parliament and the Council to go beyond the budget foreseen for SAVE and ALTENER, it must be understood that all the specific decisions should remain consistent with the basic decision of the Council on the multiannual framework programme."

(b) concerning the ETAP programme:

STATEMENT 283/98

6. "The Council and the Commission declare that, due to the very nature of the ETAP programme, the implementation of the measures mentioned in Article 3 can only be done in close cooperation with the Member States."

STATEMENT 284/98

7. "The Commission notes that under the declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes which are not subject to co-decision do not include a financial reference amount. Since the Commission's proposal regarding a multiannual programme of studies, analyses, forecasts and other related work in the energy sector (1998-2002) 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."

(c) concerning the SYNERGY programme:

8. "The Commission notes that under the declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes which are not subject to co-decision do not include a financial reference amount. Since the Commission's proposal regarding a multiannual programme to promote international cooperation in the energy sector (1998-2002) 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."

(d) concerning the CARNOT programme:

STATEMENT 286/98

9. "The Commission notes that under the declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes which are not subject to co-decision do not include a financial reference amount. Since the Commission's proposal regarding a multiannual programme of technological actions promoting the clean and efficient use of solid fuels (1998-2002) 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."

(e) concerning the SURE programme:

10. "The Commission notes that under the declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes which are not subject to co-decision do not include a financial reference amount. Since the Commission's proposal regarding a multiannual programme (1998-2002) of actions in the nuclear sector, relating to the safe transport of radioactive materials and to safeguards and industrial cooperation to promote certain aspects of the safety of nuclear installations in countries currently participating in the TACIS programme 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 288/98

11. "The Commission notes the opinion of the German Bundesrat as expressed in its decisions of 16.10.1998 (735/98) and of 10.7.1998 (395/98) as presented by the German authorities. When implementing the SURE programme and when identifying the harmonisation measures called for, the Commission will take into account especially item 10 of the July decision of the Bundesrat concerning harmonisation."

STATEMENT 289/98

Re Article 9

"The Commission states that the provisions of Article 9 could also be applied to promote the marketing of innovative medicinal products by SMEs."

STATEMENT 290/98

"The Council and the Commission agree that fees, and in particular the new types of fee introduced by this Regulation, will be reviewed within three years."

STATEMENT 291/98

"The Commission states that, in accordance with Article 57 of Regulation (EEC) No 2309/93, the operation of the Agency must be assured, on the one hand, by the fees paid by undertakings and, on the other hand, by a subsidy charged to the Community budget; in time, these contributions should balance out in the proportion $\frac{3}{4} : \frac{1}{4}$."

STATEMENT 292/98

"The Commission confirms its serious commitment to identifying on the EU level any significant risks to health and the environment from cadmium in fertilisers and to making, before 31 December 2001 if deemed necessary, appropriate proposals to manage these risks in order to ensure a high level of protection of human health and the environment.

To this end the Commission has developed in cooperation with Member States and stakeholders a study programme on the EU-wide problems of cadmium in fertilisers. The Commission will, with all due vigour, promote the progress of this programme, the results of which should be available by the end of the year 2000. The results of the study programme will be submitted to the Scientific Committee on Toxicology, Eco-toxicology, and the Environment for evaluation of their scientific soundness.

The Commission would like to invite Member States and stakeholders to support and participate in the implementation of the programme.

The Commission intends, through its own initiative and with the active support of all interested parties, to come in time to a conclusion on the EU-wide risks from cadmium in fertilisers and, if deemed necessary, to make appropriate proposals before 31 December 2001."

STATEMENT 293/98

STATEMENT BY THE GERMAN AND AUSTRIAN DELEGATIONS

"Germany and Austria are giving their agreement to the Council Decision concluding the Fifth GATS Protocol only so that Protocol can be accepted in time, i.e. by 29 January 1999, although the Annexes to the Decision are not available in German. Germany and Austria confirm their view of the law, that EC Regulation No 1 of 1958 on the languages used for adoption by the Community is applicable even where not all the official Community languages are authentic languages of a Treaty".

1. As regards **the definition of marketing**

STATEMENT 294/98

(a) Statement by the Council and the Commission:

"With respect to the exemption foreseen from the definition of marketing concerning providers of services for seed propagation or production of certain agricultural raw materials intended for industrial purposes, Member States shall make an annual report to the Standing Committee on Seed on the operation of this provision in their territory and in particular on its consequences for seed quality. The Commission will, no later than 31.12.2003, make a report to the Council on the operation of this provision, and in particular on its consequences for seed quality, accompanied, if necessary, by appropriate proposals."

STATEMENT 295/98

(b) Commission statement:

"The Commission states that in establishing the conditions concerning the exemptions from the definition of marketing, in accordance with the Standing Committee procedure, it intends that the exemption foreseen in the third sub-paragraph should relate to production such as sugar from beet, starch from potatoes and fuel from oilseeds. The Commission will include in the implementing measures the precise list of the industrial purposes to be covered."

STATEMENT 296/98

(c) Statement by the Council and the Commission:

"The Council and the Commission confirm that the exemption from the definition of marketing is without prejudice to existing intellectual property rights such as the Community Plant Variety Rights system as established by Council Regulation (EC) No 2100/94."

2. As regards an **assessment of the use of genetically modified varieties**

STATEMENT 297/98

Commission statement:

"Re Articles 1(15), 2(21), 3(21), 4(13), 5(14) and 7(30)

The Commission undertakes to examine the concept of an assessment of the advantages and disadvantages resulting from the use of seed of genetically modified varieties in respect of the established agricultural practices, and the possible impact thereof on Community law on agricultural matters. It will present as early as possible, if appropriate, a proposal aiming at ensuring that the details of the aforesaid science-based assessment and of the resulting consequences on the marketing of the seed concerned will be laid down under an appropriate procedure, without prejudice to the rules on genetically modified varieties adopted for inclusion in Directives 70/457/EEC and 70/458/EEC respectively."

3. As regards **the less stringent requirements**

STATEMENT 298/98

(a) Commission statement:

"The Commission will, in the framework of the implementing measures concerning the authorisation of seed of categories subject to less stringent requirements in accordance with the applicable Articles of the seed Directives, ensure that:

- offers of available seed to overcome supply difficulties are disregarded in so far as the varieties of seed offered are not known as being suitable for cultivation in all or part of the territory of the requesting country or countries,
- the marketing destination is confined to those regions of the requesting country or countries affected by supply difficulties,
- the utmost effort is made to deal with requests for authorisations as rapidly as possible,
- the specified period authorised may be up to 2 years."

STATEMENT 299/98

(b) Council statement:

"The Council takes note of the Commission's intention to propose implementing rules concerning the authorisation of seed of categories subject to less stringent requirements in accordance with the applicable Articles of the seed Directives (e.g. Article 17 paragraph 3 of Directive 66/401/EEC and 66/402/EEC as well as Article 16 paragraph 3 of Directive 69/208/EEC). The Council welcomes the commitments of the Commission in its statement."

4. As regards **seed in mixtures**

STATEMENT 300/98

(a) Commission statement:

"Re article 2(19)

The Commission undertakes that if, before the expiry of the 4 years transitional period foreseen in Article 8(3), a Member State can show to the satisfaction of the Commission that there exist objective justifications for the continuation of restrictions on the marketing of seed in mixtures the Commission will make an appropriate proposal to the Council."

STATEMENT 301/98

(b) Commission statement:

"Seed mixtures for non-fodder use

The Commission will examine as soon as possible within the Standing Committee for Seeds the question of seed mixtures for non-fodder use, in particular for grass for sport and amenity use. Following this examination, the Commission will propose, if necessary, to define the characteristics (suitability for cultivation and use) for the intended use of these seed mixtures."

5. As regards **minimum germination rates**

STATEMENT 302/98

Commission statement:

"Re Article 3(9)

The Commission will submit for opinion to a meeting of the Standing Committee on Seeds to be held in December 1998, a proposal for a Commission Directive amending Council Directive 66/402/EEC, with a view to reduce the standards on minimum germination of seed of triticale from 85% to 80%."

6. As regards **seed potatoes**

STATEMENT 303/98

Commission statement:

"Re Article 4(7) - Sizing standards for seed potatoes

The Commission undertakes that within 12 months of the adoption of the current directive it will review, within the Standing Committee on Seeds, the sizing standards."

7. As regards **the quantity of seed**

STATEMENT 304/98

Commission statement:

"The Commission undertakes to examine within the Standing Committee on Seeds the possibility of giving greater precision to the notion of "quantity of seed" and to draw up measures as appropriate."

8. As regards **Directive 90/220/EEC**

STATEMENT 305/98

Commission statement :

"Re revision of Directive 90/220/EEC

The Commission confirms that it will take full account of any changes made to Directive 90/220/EEC when preparing its forthcoming proposal for a Council Regulation concerning the issue of genetically modified seeds."

9. As regards the **link with Regulation (EC) No 258/97**

STATEMENT 306/98

Commission statement :

"Re Article 6(4)

The Commission confirms that authorisations to be granted in accordance with the procedures of Article 23 of this Directive shall not apply to the provisions relating to labelling under Regulation (EC) No 258/97.

Moreover, the Commission will ensure that the appropriate expertise on food safety is taken into account."

STATEMENT 307/98

Statement by the Danish delegation:

Denmark states that Article 100a of the Treaty is the appropriate legal basis for approval of genetically modified seeds for admission to the common catalogue of varieties of agricultural plant species and for approval of genetically modified varieties to be used for novel food or food ingredient. This would enable the Member States to secure a high level of environmental protection and consumer protection. Consequently Denmark regards the use of Article 100a of the Treaty as fundamental.

STATEMENT 308/98

Commission statement:

"The Commission greatly regrets that the Council has not retained the legal basis it had suggested and that consequently any possibility of co-decision for the European Parliament is ruled out.

The Commission reserves the right to take any initiative concerning the legal basis."

STATEMENT 309/98

Statement by the Italian delegation

1. With regard to compensation for loss of income caused by appreciable revaluation, no account has been taken of the changed frame of reference. The purpose here is not to manage currency movements by moderating the fluctuations in order to avoid overcompensating farmers in the revalued currency, but rather to avoid the disadvantages arising from the introduction of a new monetary system, which for the "in" countries entails irrevocably fixed rates.

This requires application of different arrangements to countries that have adopted the euro (covering a gap at the moment of changeover that can never subsequently be revised, as the rates of these currencies will cease to be quoted) from those applying to non-participant countries (where a gap at the moment of changeover can be closed in a subsequent currency movement and should be reduced by 2,6 points, i.e. the minimum revaluation possible).

Italy does not wish to enter into the issue of the calculation of loss of income and of the level at which neutral margins have been set.

The Commission proposal (a reduction of 2,6 points) is contradictory and unfair, since it is aimed at avoiding overcompensation at the level of prices, taking into account that it is extremely difficult to determine loss of income but neglecting the fact that the effects of appreciable revaluation on the level of aid, assimilated to prices, e.g. tobacco, olive oil, can be determined beyond any shadow of doubt.

2. Where loss of income relates to "structural" or similar aid, the arrangements are completely different, both as regards verification of whether revaluation is appreciable and as regards determining support.

Setting aside the procedures for granting aid (which are very different from those applying to prices, especially in the total lack of a penalising margin) and the co-financing measure, we consider it important to reconstruct the chain of thought behind such a specific measure.

The list of "structural" aids is not confined to structural and environmental support (afforestation and early retirement measures) in the narrow sense; it includes measures which have very little to do with structures but are placed on an identical footing to structural support by virtue of having been listed in the same provision (Article 7 of Regulation No 3813/92) in connection with the first CAP reforms. The list includes aid per hectare, aid for maintaining suckler cows, the compensatory premium for sheep or goats and so on. Legally this support is not unlike aid that is not regarded as structural and is included for possible compensation only in terms of guaranteeing prices.

Amounts, therefore, which are similar legally receive radically different treatment (with compensation for the first and none, when it comes down to implementation, for the others) and this solely on the basis of an historical subdivision which has ceased to be tenable in the current framework of decision-taking, the parameters of which are:

- that farmers should not suffer from the changeover to the euro;
- the introduction of a neutral margin in situations where verification is difficult, so as to avoid overcompensation;
- the declared aim of not upsetting the balance between production plans.

STATEMENT 310/98

Commission statement

Re Regulation establishing the agrimonetary system for the euro

The Commission is willing to re-examine, in the relevant management committees, certain operative events, in particular those which are linked to the measures provided for in Article 5 of the Regulation establishing the agrimonetary system for the euro, a redefinition of which might prove necessary owing to the transition to the new agrimonetary system.

STATEMENT 311/98

Statement by the Netherlands delegation

Re Regulation establishing the agrimonetary system for the euro

The Netherlands delegation regrets the application of 50% Community co-financing as from the first year of application of the Regulation establishing the agrimonetary system for the euro.

STATEMENT 312/98

Commission statement

Re Regulation on the transitional measures for the introduction of the euro into the common agricultural policy

The Commission report provided for in Article 4 will examine in particular the effect of the transitional measures on farmers' incomes.

STATEMENT 313/98

Commission statement

"The Commission confirms that a Member State can appoint a body to implement the specific measure.

That body would then be regarded as the "final beneficiary" within the meaning of Commission Decision 97/317/EC of 23 April 1997 on the eligibility of expenditure under the Structural Funds and more specifically within the meaning of datasheet No 1 annexed to that Decision.

In such cases the financial resources would be committed globally until 31 December 1999 for the benefit of that body.

In any event, the deadline for the payment of premiums to fishermen and shipowners remains fixed at 31 December 2001."

STATEMENT 314/98

Unilateral statement by Ireland

"Noting that Ireland does not have uncommitted structural funds at its disposal with which to implement the terms of the Council Decision, the Irish delegation reserves the right to seek to have provision for the funding of such measures included in the relevant regulations under the next round of structural funds (2000-2006)."

STATEMENT 315/98

"The Council and the Commission note that the use of Article 43 of the Treaty constitutes an adequate and appropriate basis for this particular action but does not constitute a precedent."

STATEMENT 316/98

"The Council notes that neither this Regulation nor the Memorandum of Understanding precludes the Russian authorities from making use, where appropriate, of non-governmental organisations in making free distributions of food to the neediest people of the regions concerned."

STATEMENT 317/98

"The Council notes that the Commission will report regularly to the Council on the implementation of the measures covered by the Regulation."

STATEMENT 318/98

"The Council notes that, in negotiating with the Russian authorities, the exclusion of Moscow and St. Petersburg and their surrounding regions from the measures covered by this Regulation, the Commission had in mind the need to avoid, as far as possible, distortions of normal patterns of trade."

STATEMENT 319/98

"The Commission notes the concerns of delegations that the question of the distance of Community tenderers from the Russian border should be taken into account in the transport tendering procedure."

STATEMENT 320/98

Joint statement by the Council and the Commission

- (a) "The Council and the Commission recognise that it is essential to guard against the development of antibiotic resistance in human medicine. They therefore express their commitment to defining an overall strategy in this area, in particular in the light of the conclusions of the conference held in Copenhagen in September 1998.

The Council and the Commission consider that this general concern and respect for the precautionary principle, and the expiry of the derogations granted to certain Member States, justify the decision to prohibit four antibiotics as additives in animal feedingstuffs, in accordance with the Regulation adopted by the Council on 17 December 1998.

- (b) At the same time, the Council and the Commission confirm that any decision in this area must continue to be taken on the basis of Community scientific advice and in the light of the precautionary principle. They note that the Scientific Steering Committee, at the Commission's request, is to give a general opinion on this matter in the next few months.
- (c) The Council and the Commission also recognise the importance of the external dimension of this dossier. They emphasise, in that respect, their joint resolve to ensure the protection of consumers' health and not to prejudice the competitive position of European producers, whilst complying with the Union's international commitments."

STATEMENT 321/98

Council statement

"The Council invites the Commission to submit a report before 30 June 1999 on all the public health, economic and legal implications of the antibiotic resistance issue with regard to the external dimension. The report will, if appropriate, be accompanied by the necessary proposals. It will examine how to ensure that third countries comply with rules for additives in animal feedingstuffs - in particular antibiotics - which are at least equivalent to those laid down at Community level (Directive 70/524/EEC)."

STATEMENT 322/98

Statement by the Belgian delegation

"While sharing the Council's concern to take a decision (as an interim protective measure) in order to protect public health, Belgium is abstaining from the vote because of the Commission's inadequate replies regarding the introduction of identical requirements for imports from third countries and the fact that no account is being taken of either the scientific opinions already delivered or those requested for April 1999."

STATEMENT 323/98

Statement by the Spanish delegation

"The Spanish delegation takes the view that there is a need to advance the study of the causes of antibiotic resistance in humans.

It is concerned about this problem and believes it must be a priority to collect sufficient, reliable scientific data to provide a solid basis for the adoption of the appropriate political decision.

The Spanish delegation is abstaining from voting because it believes that, in order to adopt appropriate measures to protect public health, it is necessary to know the results of the scientific studies currently being conducted and to apply the same requirements to products originating in third countries."

STATEMENT 324/98

Statement by the Swedish delegation

"Sweden considers it to be a positive step that the Commission is now proposing a ban on the use of four major antibiotics as additives in feedingstuffs. Sweden is therefore voting in favour of the proposal. Sweden cannot, however, accept that the proposal should also have the effect of obliging Sweden to allow the use of antibiotics as additives in feedingstuffs. The Swedish public would find it extremely difficult to understand if Sweden were to be compelled to amend its legislation at a time when the Commission is continuing its examination of various antibiotics. Sweden will be submitting further scientific material to the Commission in support of the Swedish position."

STATEMENT 325/98

Statement by the French, Italian and Portuguese delegations

"The French, Italian and Portuguese delegations endorse this compromise inasmuch as the Commission has assured them that the United States is willing to come to an agreement which includes the protection of registered designations of origin and inasmuch as the Council could reconsider this long, five-year period if this does not come about, although these delegations hope that this will not be the case."

Re Article 2(2) (surveillance of Community vessels outside the Community fishery zone):

STATEMENT 326/98

Joint statement by the Council and the Commission

"The Council and Commission agree that the provisions of Article 2(2) of the Council Regulation do not prejudice any decision concerning the distribution of the financial burden pertaining to the inspection and surveillance of Community vessels operating outside the Community fishery zone nor call into question existing arrangements unless otherwise decided."

STATEMENT 327/98

Commission statement

"The Commission will submit to the Council proposals to define the allocation of the burden relating to the implementation of international obligations pertaining to inspection and surveillance of fishing activities outside Community waters. Pending the adoption by the Council of the corresponding rules, the present allocation remains unchanged."

Re Article 3 (monitoring by satellite)

STATEMENT 328/98

Commission statement

"The Commission will continue to ensure that the procedures for communicating data obtained by the satellite monitoring system and the corresponding format agreed within the framework of fisheries agreements or regional fisheries organisations are compatible with the system set out in Article 3 of Regulation No 2847/93."

Re the issue of logbook and other administrative requirements

STATEMENT 329/98

Commission statement

"The Commission will ensure that the implementing rules are adopted at the earliest opportunity and that the formats to be complied with are as simple and user-friendly as possible. In general, when implementing the provisions concerning the registration of data and the procedures to be followed, it will aim to strike a balance between the need to monitor catches, landings and marketing on the one hand and the need to avoid disproportionate burdens on the fishing industry on the other hand. With regard to the Mediterranean, the Commission, taking into account the specificities of this fishing area, will adopt the list of species to be entered in the logbook based on the need to collect information concerning biologically vulnerable resources and the relevant international commitments."

Re Article 7(1) (advance notice arrangements)

STATEMENT 330/98

Commission statement

"The Commission will take the necessary steps on the basis of Article 7(3) of Regulation (EEC) No 2847/93 in order to ensure that the advance notice of landing in the Baltic Sea, the Skagerrak and Kattegat will be maintained taking into account the specificities of these fishing zones."

Re the issue of controls after landings

STATEMENT 331/98

Commission statement

"The Commission assumes that the Member States, in the light of the particular conditions prevailing in their fisheries, including the landing and marketing of fisheries products in their territory, can organise their inspection activities in such a way that effective inspection is guaranteed, having due regard to the principle of cost-effectiveness."

STATEMENT 332/98

Commission statement

"The Commission considers it extremely important that fisheries controls should cover all aspects: at sea, on landing, after landing. It also feels that the controls implemented by the Member States must result in the same degree of effectiveness. But it feels that it is only natural that the intensity of controls after landing should take account of Member States' individual characteristics, and of the intensity of controls carried out further up the line. Where checks at sea and on landing are less frequent, their rate must be stepped up at subsequent stages."

STATEMENT 333/98

Commission statement

"The Commission will examine favourably any requests from Member States for derogations from the obligation to submit sales notes, taking into account in particular the geographical specificities of archipelagos and regions where fishing activities are dispersed over a wide area, and will adopt, where appropriate, the relevant provisions in accordance with Article 9(7) of Regulation (EEC) No 2847/93."

Re Article 29(3a) (increased powers for Community inspectors)

STATEMENT 334/98

Commission statement

"The Commission deeply regrets that it has not been possible to adopt its proposals which would have given Community inspectors the necessary powers to assess precisely the effectiveness of the controls set up by the Member States, and thus fully guarantee the transparency generally recognised as essential to the credibility of the common fisheries policy. However, it is also aware of the considerable progress which the arrangements adopted elsewhere will make possible, and can accordingly lend its overall support to the whole system devised by the Presidency."

Re Article 34c (specific monitoring programmes)

STATEMENT 335/98

Joint statement by the Council and the Commission

"The Council and the Commission agree that the words 'in concert with' mean mutual agreement between the Commission and the Member States concerned."

Re allocations of haddock quotas

STATEMENT 336/98

Statement by the Commission and the Council

"The Commission and the Council recognise that the allocation to Member States of additional quantities of haddock to be taken in 1999 in ICES Division VIIa is a purely ad hoc procedure and does not in any way prejudice future allocations of haddock in areas VII, VIII, IX, X, CECAF 34.1.1."

Re new TACs for dogfish and Northern prawn and national TAC quotas for blue whiting

STATEMENT 337/98

Commission statement

"The Commission will, on the basis of historic catches prior to 1999, propose total allowable catches and associated national quotas for dogfish (*Squalus acanthias*) and Northern prawn (*Pandalus* spp.) and national quotas for blue whiting (*Micromesistius potassou*) for agreement by Council prior to 31 March 1999."

STATEMENT 338/98

Council statement

"The Council welcomes the intentions of the Commission and undertakes to endeavour to adopt the corresponding regulation by 31 March 1999."

Re conservation measures concerning sandeel

STATEMENT 339/98

Commission statement

"The Commission is aware of concern among Member States of the possible effects on seabirds and other biota of fishing for sandeel in the North Sea. The Commission notes that the International Council for the Exploration of the Sea has already provided advice on this topic and has been requested to provide further information in early 1999. The Commission will consider putting forward a proposal in the light of the existing and the forthcoming advice from ICES and STECF."

Re Swedish mackerel fishing in ICES Area IIIa

STATEMENT 340/98

Commission statement

"The Commission will do its utmost during 1999, in consultation with Norway, to resolve the problem related to Swedish mackerel fishing, which at present is limited to ICES Area IIIa."

STATEMENT 341/98

Council statement

"The Council welcomes the intention of the Commission to do its utmost to solve the problem related to Swedish mackerel fishing, which at present is limited to ICES Area IIIa."

Re the minimum mesh size for sole fishing in the North Sea

STATEMENT 342/98

Commission statement

"The Commission will ask ICES and STECF for advice concerning the mesh size for sole fishing with gill nets in order to review in 1999 the mesh size in the North Sea and adjacent waters and, if appropriate, forward a proposal for an amendment of the relevant regulations."

Re capelin in Sub-division IIb

STATEMENT 343/98

Commission statement

"The Commission will pursue during 1999 the issue of a possible establishment of a TAC for capelin in waters of the Barents Sea and around Svalbard in the light of all relevant elements including biological advice."

Re the application of the Hague preferences to Sweden's share of the quotas

STATEMENT 344/98

Statement by the Swedish delegation

"Sweden reserves its position with regard to the application of the Hague preferences to Sweden's share of the quotas, given that those preferences are not mentioned in the 1994 Act of Accession."

STATEMENT 345/98

Statement by the Council and the Commission

"The Council and the Commission underline that the application of a solidarity contribution when allocating the total allowable catches for bluefin tuna among Member States for 1999 constitutes an exceptional measure and neither prejudices the allocation of future catches nor affects the principle of relative stability."

STATEMENT 346/98

Statement by the Portuguese and Spanish delegations

"Having regard to the conclusions adopted by the Council on 30 October 1997 concerning policy on fisheries agreements with third countries and in particular the third indent in point 4(i) thereof, the Portuguese and Spanish delegations reaffirm the importance they attach to general availability to the Commission of arrangements allowing fishing possibilities to be transferred from one Member State to another in cases of under-utilisation, without prejudice to the principle of relative stability.

These delegations note that, although it is now over a year since the Council adopted those conclusions, the proposed Regulations do not include such transfer arrangements, which they consider crucial for proper management, and may therefore jeopardise full use of fishing possibilities, which is essential in order to safeguard the interests of the Community as a whole.

The Portuguese and Spanish delegations highlight the importance of prompt submission of proposals for putting into practice the approach outlined by the Council, pending the policy guidelines which the Council intends to adopt on the basis of the cost-benefit analysis to be carried out by the Commission by 30 June 1999."

STATEMENT 347/98

Statement by the German, Danish, Swedish, Finnish and United Kingdom delegations

"The German, United Kingdom, Danish, Swedish and Finnish delegations reaffirm 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, United Kingdom, Danish, Swedish and Finnish delegations reaffirm 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 348/98

Statement by the Spanish delegation

"The Spanish delegation considers that the allocation of redfish in Icelandic waters decided on for 1999 does not in any way prejudice the allocation for the years to come, as new fishing opportunities will be involved, under a new Agreement between the Community and Iceland, in which all Member States will be entitled to participate in accordance with the judgment of the Court of Justice of 13 October 1992 in Case C-63/90 and others."

STATEMENT 349/98

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 1999 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 350/98

Statement by the Spanish and Portuguese delegations

"The Spanish and Portuguese delegations consider that the allocation decided on for 1999 does not prejudice the allocation for the years to come, as new fishing opportunities will be involved, under the new Agreements between the European Community and Estonia, Latvia and Lithuania, in which all Member States will be entitled to participate in accordance with the judgment of the Court of Justice of 13 October 1992 in Case C-63/90 and others."

STATEMENT 351/98

Statement by the French delegation

"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 352/98

COMMISSION STATEMENT

"The Commission considers that the appropriate legal basis is the legal basis stipulated in its proposal, viz. Article 130r(4), in conjunction with the first sentence of Article 228(2) and the first subparagraph of Article 228(3)."

STATEMENT 353/98

Statement by the Spanish, French and Portuguese delegations

"In the face of reduced customs duties on very sensitive species for Community producers, the Spanish, French and Portuguese delegations wish to point out:

- the need for the future CMO reform to make provision for resources including financial resources, to increase the competitiveness of Community production, in particular by increasing support for producer organisations;
- the need to take into consideration previous preferential agreements, in particular those under the drug GSP and ACP schemes."

STATEMENT 354/98

Statement by the European Parliament, the Council and the Commission re Article 2(1)(b)

"The European Parliament, the Council and the Commission interpret the Article 2(1)(b) condition that 'the financial perspective indicates the share of expenditure available for research', as meaning that a range would be indicated for the research share."

STATEMENT 355/98

Statement by the European Parliament, the Council and the Commission re Article 2(1)(c)

"In the case referred to in Article 2(1)(c), second indent, the European Parliament, the Council and the Commission undertake to take the necessary steps within their respective competencies to allow for a speedy adoption of the decision fixing the amounts for the specific programmes in consequence of the decision of the European Parliament and the Council."

STATEMENT 356/98

Commission statement re Article 3(1)

"The Commission states that it will continue to apply all the relevant interinstitutional arrangements, including transmission to the European Parliament of draft measures and - notably in the case of research - the drafts of work programmes and any updating thereof as well as transmission to the European Parliament of the agendas of committee meetings and the result of votes."

STATEMENT 357/98

Commission statement re Article 5(1)

"The Commission states that the annual monitoring reports will be promptly made available, in accordance with current practice, to the relevant programme committees and to the European Parliament's Committee on research, technological development and energy."

STATEMENT 358/98

Commission statement re Article 5(2)

"The Commission comments will state whether and how the recommendations of the experts are being implemented."

STATEMENT 359/98

Commission statement re Article 5(3)

"The Commission states that experts from the Commission including the JRC shall perform only an advisory role in this assessment process."

STATEMENT 360/98

Commission statement re Article 5(4)

"Regular information on programme implementation will be ensured on the one hand via the programme committees and on the other hand via the European Parliament Committee on research, technological development and energy."

STATEMENT 361/98

Commission statement re Article 5(4)

"The Commission states that, when informing the European Parliament and the Council of the overall progress of the implementation of the Framework Programme and the specific programmes, notably in the annual report established in compliance with Article 130 p of the Treaty, it will especially address all relevant aspects of SME participation in the programmes as well as their achievements."

STATEMENT 362/98

Commission statement re Annex II(I)(3) - the Joint Research Centre

"The Commission confirms that the European Parliament may request the Commission to perform research activities to be entrusted to the JRC, within the scope of its scientific and technological priorities."

STATEMENT 363/98

Commission statement re Annex II(I)(3)

"If requested by Parliament, the Commission will give favourable consideration to carrying out research into the legal, financial and practical aspects of extending the RTD activities of the EC Treaty to processing methods and technologies for chemical and bacteriological substances."

STATEMENT 364/98

Statement by the German, French, Netherlands, Austrian, Swedish and the United Kingdom delegations

"Germany, France, the Netherlands, Austria, Sweden and the United Kingdom have proposed to keep overall EU expenditure in the framework of the Financial Perspectives 2000-2006 constant in real terms.

This approach includes expenditure under heading 3. These Member States note that the agreement reached in the Conciliation Committee will involve an increase in real terms in spending on research, and underline that corresponding savings will be necessary in order to maintain a constant level of expenditure in real terms."

STATEMENT 365/98

Statement by the Greek, Irish and Portuguese delegations

"Greece, Ireland and Portugal have supported the Commission proposal to increase the overall EU expenditure in the framework of the financial perspectives 2000 to 2006 in real terms and the European Parliament amendment concerning expenditure on research.

Thus, they do not agree with the approach of some Member States that the expenditure for research should correspond to saving in the other EU expenditures in order to maintain a constant level of expenditure in real terms."

STATEMENT 366/98

Statement by the Spanish delegation

"Spain rejected the Austrian Presidency's proposal to the Vienna European Council for a scenario involving the stabilisation of EU expenditure since it also involved a reduction in real terms. The figures for the financial perspective approved in Edinburgh for 1999 in commitment appropriations, rather than payment appropriations, should be the reference for the financial perspective 2000 to 2006.

Consequently, Spain does not agree with the approach of some Member States that the expenditure for research should correspond to savings in the other EU expenditures in order to maintain a constant level of expenditure in real terms."

STATEMENT 367/98

Commission statement re Article 4

"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 a Regulation on integration of gender issues in development cooperation 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 368/98

Commission statement re Article 8(2)

"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 II(b) management committee procedure; it considers that the procedure proposed would be better suited to requirements here."

STATEMENT 369/98

Commission statement re Article 11 (1), second subparagraph

"The Commission regrets that the Council has amended the Commission's proposal by introducing a time limit for the applicability of the present regulation. It considers that the type of assistance foreseen as well as the objectives of the activities to be carried out as set out in Articles 1(1) and (2) and 2 do not call for a limited duration of the regulation.

Moreover, the Commission considers that, bearing in mind the need to assure maximum effectiveness of actions to promote the integration of gender issues in development cooperation, it is not advisable to prejudge the results of the overall assessment of the operations financed by the Community under the regulation, which is to be conducted three years after the date of entry into force of the regulation and may be accompanied by suggestions concerning the future of the Regulation (Article 11(2))."

STATEMENT 370/98

Commission statement

"The Commission declares that in the context of Article 4, it will provide particular information concerning the development of the partnership between the Community and national statistical authorities."

STATEMENT 371/98

"The Portuguese delegation votes against since it considers that the new definition of SMEs (Article 1) does not correspond to that which has in previous years been successfully applied to Community research activities. It therefore does not agree that undertakings with between 250 and 500 employees be unduly penalized because it is precisely undertakings of that size which are strongly active in innovation and job creation.

It therefore considers that the definition of SMEs in the Fifth RTD Framework Programme should continue to cover undertakings with a staff of up to 500 employees."

STATEMENT 372/98

"The German delegation abstains from voting in order to avoid delaying a decision on the participation rules; in order to meet the research requirements of SMEs, it feels that in connection with participation in the Fifth Framework Programme's measures for SMEs, the latter should be defined as having up to 499 employees and an annual turnover of up to ECU 80 million or an annual balance-sheet total of up to ECU 54 million."

STATEMENT 373/98

"The Commission notes that 13 Member States have endorsed the Presidency compromise.

In order not to hold up implementation of the fifth framework programme, the Commission endorses the compromise position, with regret in view of the importance to employment of SMEs with 250 to 500 employees and the position expressed by the European Parliament on second reading of the fifth framework programme.

The Commission will, at the earliest opportunity, undertake a study of the research needs of enterprises employing between 250 and 500 persons. In the light of the outcome of that study it will, if necessary, submit appropriate proposals."

"The Council takes note of the intentions of the Commission in this area."