

7654/98

LIMITE

PUBLIC 4

LEGISLATIVE TRANSPARENCY

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

This document contains a summary of definitive legislative acts adopted by the Council in March 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 – MARCH 1998 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Written Procedure completed on 3 March 1998 Decision of the European Parliament and of the Council establishing a programme of community action to ameliorate the indirect taxation systems of the internal market (FISCALIS programme) 2072nd Council meeting (Economic and Financial Questions) on 9 March 1998 Council Regulation (EC) on the organization of a labour force sample survey in the Community Council Decision authorizing the United Kingdom to extend application of a measure derogating from Articles 6 and 17 of the Sixth Council Directive (77/388/EEC) on the harmonization of the laws of the Member States relating to turnover taxes Council Regulation amending Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector	PE-CONS 3601/98	12/98, 13/98, 14/98	
	6202/98 + COR 1 (d) + COR 2 (p) + REV 1 (fin)		
	13237/97		
	13113/97		

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2073rd Council meeting (Agriculture) on 16 March 1998			
Council Decision amending Decisions 95/409/EC, 95/410/EC and 95/411/EC concerning the methods to be used for microbiological testing to be undertaken on meat intended for Finland and Sweden	6257/98 + REV 1 (fin) + COR 1 (s)		
Council Decision concerning emergency measures to protect against bovine spongiform encephalopathy, amending Decision 94/474/EC and repealing Decision 96/239/EC	6778/98	15/98, 16/98, 17/98	Abstention E, L Against B, D
2074th Council meeting (Transport) on 17 March 1998			
Council Directive on safety rules and standards for passenger ships	6182/98 + COR 1 (fin)	18/98, 19/98, 20/98, 21/98, 22/98, 23/98, 24/98, 25/98	
2076th Council meeting (Environment) on 23 March 1998		26/98	
Council Decision concerning the conclusion of the Convention on the Transboundary Effects of Industrial Accidents	6174/98 + COR 1 (fin)		
Council Decision concerning the conclusion by the Community of the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes	6539/98	27/98	

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Decision of the European Parliament and of the Council amending Council Decision 92/481/EEC on the adoption of an action plan for the exchange between Member State administrations of national officials who are engaged in the implementation of Community legislation required to achieve the internal market (KAROLUS programme)	PE-CONS 3602/98		
Council Decision on the conclusion by the European Community of the Protocol to the 1979 Convention on long-range transboundary air pollution on further reductions of sulphur emissions	6177/98 + REV 1 (d) + COR 1 (d,i,nl,en,dk,es,p,fin,s) + COR 2 (gr) + COR 3 (f) + COR 4		
2079th Council meeting (Internal Market) on 30 March 1998			
Council Decision adopting a multiannual Community programme to stimulate the establishment of the Information Society in Europe	12988/97 + COR 1 (s) + COR 2 (fin)		
Council Regulation opening and providing for the administration of autonomous Community tariff quotas for certain fishery products (1998)	6988/98 + COR 1 (f)	28/98, 29/98	Abstention E
Council Regulation for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms	11790/97 + COR 1 (fin) + REV 1 (dk,s) + REV 1 COR 1 (dk) + REV 2 (d)	30/98, 31/98, 32/98, 33/98, 34/98, 35/98	Against DK

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DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation amending Regulation (EC) No 3070/95 on the establishment of a pilot project on satellite tracking in the NAFO Regulatory Area Council Directive amending Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by part II, chapter 2, volume 1 of Annex 16 to the Convention on international civil aviation, second edition (1988) 2080th Council meeting (Agriculture) on 31 March 1998 Council Decision amending Commission Decision 97/534/EC on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies	6603/98 6451/98 + COR 1 (nl) 7361/98	36/98, 37/98	

STATEMENT 12/98

Re legal basis

"The Council and the Commission state that this Decision does not contain any provision relating to the harmonization of legislation in the area of taxation."

STATEMENT 13/98

Re Article 4

"The Council and the Commission underline the importance of the VIES for the smooth functioning of the transitional VAT regime in general and measures to combat tax evasion in particular. They consider that regular evaluation of the operation of the arrangements for administrative cooperation, as provided for in Article 11 of Council Regulation (EEC) No 218/92 of 27 January 1992 on administrative cooperation in the field of indirect taxation (VAT), must be guaranteed."

STATEMENT 14/98

Re Article 11

"The Council and the Commission note that, since the Standing Committee on Administrative Cooperation in the field of Indirect Taxation (SCAC) will in future have more responsibilities for administrative cooperation in the field of excise duties, the representatives of the Commission and of the Member States on that Committee will need to vary according to whether VAT, excise or matters of common interest under the Fiscalis programme are on the agenda for a meeting."

STATEMENT 15/98

Re Article 4: Tallows produced in the United Kingdom

"The Council notes the Commission's undertaking to adapt the text of the Decision, in particular regarding the processing of different categories of tallow, on the basis of the final opinion of the Scientific Steering Committee as soon as it is available, in accordance with Article 16 of the Decision and bearing in mind the procedures laid down in Article 4(5) and (6)."

STATEMENT 16/98

Re Article 6: Procedure followed by the Commission

"The Commission states that as it invariably does with inspection reports it will submit the results of the inspections referred to in Article 6(5) and the consequences it draws from them to the Member States meeting within the Standing Veterinary Committee."

STATEMENT 17/98

Re Article 14: Community inspections in the United Kingdom

"The Commission undertakes to submit a report on the inspections provided for in Article 14 of this Decision to the Standing Veterinary Committee before the end of 1998 and annually thereafter."

STATEMENT 18/98

Re Article 6:

"The Commission intends, without prejudice to the rights and obligations incumbent on it pursuant to Directive 83/189/EEC, to ensure the same level of safety for all roll-on/roll-off passenger ferries operating in similar conditions on international as well as on domestic voyages.

The Commission therefore intends to examine local environmental and operational conditions prevailing in all European waters in which roll-on/roll-off passenger ferries operate, as well as the scope and effects of the Agreement concerning specific stability requirements for ro-ro passenger ships undertaking regular international voyages between or to or from designated ports in North West Europe and the Baltic Sea, concluded at Stockholm on 27-28 February 1996.

Depending on the outcome of that examination, the Commission will take a decision on the need for subsequent measures."

STATEMENT 19/98

Re Article 7 and Annex I:

"The Council and the Commission agree that during the period from the entry into force of the Directive until, in the first instance, 30 June 1998, the best possible efforts should be made to consider requests by Member States under Article 7 and to examine and improve Annex I to the Directive, by means of the procedure laid down in Article 9."

STATEMENT 20/98

Re Article 7 and Annex I:

"The Commission declares that it will urgently and carefully examine during that period, in the context of the procedure referred to in Article 7(4):

- as additional safety requirements under Article 7(1):
 - = double independent propulsion plants for new Class A and B ships and a second means of propulsion for new Class C ships operating in Greek waters;
 - = bow thrusters for new Class A and B ro-ro ships over 75 m in length operating in Greek waters;
- as a local exemption under Article 7(3):
 - = certain exemptions for navigation in archipelagic sea waters sheltered from open sea effects,
 - = the application, for open deck ro-ro passenger ferries operating in Greek Class C and D waters, of the criteria concerning the maximum righting lever stipulated in the HSC Code, Chapter 2.3.3, instead of the requirements contained in Annex I, Regulation II-1/B/1 first paragraph c); as well as the exemption of new open deck ro-ro passenger ferries operating in Greek Class C waters from the minimum bow height requirement laid down in the 1966 International Convention on Load Lines."

STATEMENT 21/98

Re Article 9 (Committee):

"The Commission intends to single out clearly and group matters arising from the application of this Directive on the agenda of the 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 22/98

Re Article 12:

"The Commission wishes to point out that adopting Community legislation could create external Community competence and that Article 12 of this Directive falls into that category.

Without prejudice to such competence, the Commission would like to state that the active participation of Member States in IMO is not disputed, it being understood that there will be proper, constructive coordination between all Member States and the Commission on matters subject to Community competence, in order to ensure that Community rules are complied with by all Member States in IMO discussions, in accordance with Community law and procedures and in full respect of IMO procedures."

STATEMENT 23/98

Re Article 13 (Penalties):

"The Council and the Commission declare that Article 13 of the Council Directive on Safety Rules and Standards for Passenger Ships shall not prejudice the competencies of the Member States concerning the prosecution of a criminal act in a particular case."

STATEMENT 24/98

Re Article 13 (Penalties):

"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 25/98

Re Article 13 (Penalties):

"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 26/98

"The representatives of the governments of the Member States, meeting within the Council, declare that they intend taking the measures necessary to permit the deposit of the instruments of ratification or approval of the Convention on the Transboundary Effects of Industrial Accidents by the Member States signatories to the Convention and the European Community, as far as possible simultaneously and not before 9 November 1998."

STATEMENT 27/98

"The representatives of the Member States, meeting within the Council, which have not yet ratified or acceded to the Convention referred to in Article 1 state that they will take the necessary measures to allow the instruments of approval of the Community and its Member States to be deposited, as far as possible simultaneously, and by 1 January 2000 at the latest."

STATEMENT 28/98

"The Italian delegation states that it has been able to subscribe to the Presidency's proposal on the autonomous tariff quotas for 1998 on the understanding that in the near future due account will be taken of the serious preoccupations expressed in the note of 16 March 1998 (6902/98) with regard to supplies of tuna loins to the canning industry and to the indispensable revision of the currently applicable customs duty rate."

STATEMENT 29/98

"The Commission undertakes to keep under review the take-up rate of quotas for tuna loins and the volume and origin of non-Community imports of tuna loins and their impact on the market for this product."

STATEMENT 30/98

Statement by the Danish delegation

"The Danish delegation declares that technical conservation measures are one of the key aspects of the common fisheries policy and a decisive factor in the management of resources.

In Denmark we attach a great deal of importance to the implementation of improved technical rules for fisheries in order to ensure more sustainable development and exploitation of fishery resources. A fundamental aim should be to ensure sustainable fisheries management, aimed particularly at the protection of juvenile fish.

In the light of the negotiations at the North Sea Conference in Bergen in March 1997, it is important that the Council of Fisheries Ministers should show a genuine desire to bring about improvements in conservation policy.

Denmark attaches particular importance to the rebuilding of stocks by increasing mesh sizes and minimum size limits, more selective use of gear and reducing the scope of discards.

It is extremely important that any revision of the rules be thoroughly and carefully prepared. At the same time, any decisions must be based on scientific studies which also adopt positions on the consequences of decisions by the Council.

We in Denmark feel that not enough has been done in the North Sea to secure the aim of conservation policy, which is above all the protection of juvenile fish. It is therefore necessary to postpone the adoption of the proposal until these aspects have been further clarified.

It is generally to be regretted that the proposal does not ensure greater selectivity in fisheries through increased mesh sizes and more selective use of gear.

In no circumstances can Denmark endorse fishing in an extended area of the North Sea along the West Coast of Jutland with 80 mm trawls, where plaice is the predominant species and the minimum mesh size should therefore be 100 mm.

This seems particularly illogical when it is remembered that from 1 January 1998 100 mm will have to be used in fishing for flatfish with passive gear.

In order to ensure sustainable fishing for flatfish and to insist that fishing for flatfish for human consumption with beam trawls be more selective, the mesh size for such fishing needs to be increased and the minimum size for plaice maintained.

The rule on using 80 mm in fishing for flatfish constitutes a very important part of the balance in the common fisheries policy and affects many fishing communities on the West Coast of Jutland. This matter is very important to Danish fisheries and Denmark greatly regrets that a majority within the Council should take a decision in a matter that is against the interests of the very country which will be most affected by the proposal."

STATEMENT 31/98

Statement by the United Kingdom delegation

"The United Kingdom delegation welcomes agreement to the wide ranging package of technical measures designed to conserve fish stocks. The new Regulation will contain many positive measures which should reduce catches of juvenile fish and discards, including for the first time in a Community Regulation the requirement to use square mesh panels in nephrops nets. The Regulation also helpfully identifies the wider use of square mesh panels and other devices to increase the selectivity of fish nets as a priority for future scientific work.

At the same time the United Kingdom regrets that a Regulation which brings overall benefits for fisheries conservation should include some retrograde measures, in particular a reduction in the minimum mesh size permitted when targeting certain species to the North West of Scotland and an extension of the area along the Danish North Sea coast where certain beam trawls may fish.

Outside the framework of the Regulation, the United Kingdom welcomes the commitment made in Coreper to examine further the possibility of using real time closures for areas where juvenile fish, such as cod, are particularly abundant."

STATEMENT 32/98

Council and Commission statement

"The Council and the Commission will ensure that the conditions for using nets with several mesh sizes on the same trip prevent the risk of fraud without placing any unjustified constraints on practices unlikely to give rise to such a risk."

STATEMENT 33/98

Commission statement

"The Commission notes that the Council has not seen fit to adopt all the boxes that the Commission proposed. The Commission will continue to analyze trends in the available biological and economic data. It will take any appropriate initiatives on the basis of the advice received from the relevant scientific bodies, including the STECF."

STATEMENT 34/98

Statement by the Italian delegation

"The Italian delegation wishes to draw the Council's attention to the many problems – of which the Commission is aware – raised by the difficulty in implementing Council Regulation No 1626/94 laying down certain technical measures for the conservation of fishery resources in the Mediterranean.

We believe that some of the rules in that Regulation do not accurately correspond to the actual fishing situation in certain sea areas, either from the scientific or from the socio-economic point of view.

It is well known that, as regards certain species, Italian fishermen have for some time been faced with a situation of acute and unjustifiable contradiction between the use of regulation meshes and the inevitable catching of fishes below the minimum permitted size, with the result that they have to throw back resources that have an economic value in a market with deep-rooted traditions, while at the same time no advantage accrues to the stocks concerned.

Also, the Italian delegation is continuing to experience considerable uncertainty about the limit which the rules impose on the height of fixed gear – set at 4 metres – out of respect for the general desire to reduce catch capacity, which is not justified on a practical level and which ends by heavily penalizing an important section of the fleet engaged in small-scale in-shore fishing, despite the considerable selectivity of the skills employed in the latter, its high social value and its insignificant impact on resources.

In pointing out that technical conservation measures should be adopted in the light of a painstaking analysis of not only the biological impact but also the more strictly socio-economic and market aspects, the Italian delegation calls on the Council to note the urgency – which allows of no delay – of the need to consider amending some of the rules in Regulation No 1626/94, taking an overall approach that is based on a real knowledge of the situation actually existing in the areas in question and is less rigidly bound up with an exaggerated respect for the precautionary principle."

STATEMENT 35/98

Council statement

"The Council notes the statement in which the Italian delegation has described the problems posed by the administration and implementation of certain provisions of Regulation No 1626/94 relating to the minimum sizes of various fish species and the technical procedures for using fixed gear in the Mediterranean.

The Council also notes that the Italian delegation has asked it to study any amendments that might be made to Regulation No 1626/94 in order to find a satisfactory solution to the problems of implementation which it has described.

The Council therefore invites the Commission to take any appropriate steps to enable it to decide on the necessary adjustments."

STATEMENT 36/98

Council statement

"In adopting the Decision postponing until 1 January 1999 the entry into force of Decision 97/534/EC, the Council invites the Commission to submit as soon as possible, after the next OIE session in May 1998, an appropriate proposal in this field.

The Council notes that the measures already taken by Member States will remain in force during this intervening period."

STATEMENT 37/98

Commission statement

"The Commission notes that the Council has decided unanimously to postpone until 1 January 1999 the entry into force of the SRM Decision adopted in July 1997.

It is astonished at this attitude, which causes it concern, the more so since throughout recent months the Council has blocked every effort by the Commission to have a revised Decision adopted, whereas those proposals were based on the latest scientific information available in order to ensure, on a Community scale, an adequate level of health protection for consumers.

The Commission hopes that following this Decision the Member States will adopt a more constructive attitude and will cooperate in seeking a Community solution.

The Commission:

- renews its recommendation to the Member States to adopt or maintain in the meanwhile all the necessary measures having regard to their respective situations concerning TSEs;
- once again confirms its intention to propose a more comprehensive Community solution on the basis of Article 100a of the Treaty so as to associate both the Council and the European Parliament with the procedure.

The Commission furthermore reserves the right in any event to have recourse to any appropriate legal remedies."