

8004/97

LIMITE

PUBLIC 5

LEGISLATIVE TRANSPARENCY

STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC APRIL 1997

The present document contains an Annex listing the definitive legislative acts adopted by the Council in April 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 – APRIL 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1998th Council meeting (Fisheries) on 14 April 1997 Council Regulation amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (satellite-based vessel monitoring system (VMS) for Community fishing vessels) Council Regulation opening and providing for the administration of Community tariff quotas and ceilings establishing Community surveillance for certain fish and fishery products originating in the Faroe Islands and defining detailed provisions for amending and adapting these measures Council Regulation adopting a programme to promote international cooperation in the energy sector – SYNERGY programme Council Regulation opening and providing for the administration of autonomous Community tariff quotas for certain fishery products	5510/97	94/97,95/97,96/97, 97/97,98/97,99/97	DK, E, NL, S against
	6822/97		
	6884/97	100/97,101/97,102/97	
	6958/97	103/97,104/97,105/97 106/97,107/97	E,F,IRL against
1999th Council meeting (Labour and Social Affairs) on 17 April 1997 Decision of the European Parliament and of the Council amending Decision 96/1254/EC of the European Parliament and of the Council laying down a series of guidelines on trans-European energy networks	PE-CONS 3608/97		

Directive of the European Parliament and of the Council on the approximation of the laws of the Member States concerning pressure equipment	PE-CONS 3603/97 +COR 1, +COR 2(d), +COR 3(s), +COR 4(f), +COR 5(p), +COR 6(en/es), +COR 7(d), +COR 8(gr)	108/97,109/97	
2000th Council meeting (Agriculture) on 21 April 1997			
Council Regulation establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products	6988/97 +COR 1 REV 1	110/97,111/97,112/97, 113/97,114/97,115/97, 116/97,117/97,118/97, 119/97,120/97,121/97, 122/97,123/97	
on 22 April 1997			
Council Directive amending Directive 92/117/EEC concerning measures for protection against specified zoonoses and specified zoonotic agents in animals and products of animal origin in order to prevent outbreaks of food-borne infections and intoxications	6209/97 +COR 1	124/97,125/97	DK against
Council Regulation on the implementation of Member States' action programmes on control of EAGGF Guarantee Section expenditure	6929/97	126/97	
Council Regulation determining measures and compensation relating to appreciable revaluations that affect farm incomes	6969/97	127/97	I against

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

DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation amending Regulation (EEC) No 1789/81 laying down general rules concerning the system of minimum stocks in the sugar sector	6440/97		
Council Regulation amending, for the second time, Regulation (EC) No 390/97 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1997 and certain conditions under which they may be fished	7235/97 +COR 1(d) +COR 2	128/97,129/97,130/97, 131/97,132/97,133/97	P, UK against
Council Regulation setting up a specific measure in favour of cephalopod producers permanently based in the Canary Islands	5747/97		D against
Council Regulation (EC) on environmental measures in the developing countries in the context of sustainable development	6110/97	134/97,135/97,136/97, 137/97,138/97	
2001st Council meeting (Industry) on 24 April 1997			
Council Regulation introducing arrangements for the management of fishing effort in the Baltic Sea	7057/97 +COR 1(s) +COR 2(dk) +COR 3(fin)		
2002nd Council meeting (Justice and Home Affairs) on 28 April 1997			
Council Decision on a specific measure to encourage Italian fishermen to diversify out of certain fishing activities	5742/97 +COR 1(es)	139/97	UK abstention

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – APRIL 1997 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
2003rd Council meeting (General Affairs) on 29 April 1997 Council Regulation laying down certain technical measures for the conservation of fishery resources	5632/97		

STATEMENT 94/97**Council and Commission statement on review clause**

"In view of the importance of the satellite-based vessel monitoring system as a means of control of fishing effort, as defined in Council Regulation (EC) No 2870/95 of 8 December 1995, the Council and the Commission agree that before 31 December 2001 they will review ways of improving the application of the system, doing so in the light of the Commission's annual control reports. If appropriate, the Commission will bring forward proposals for extension of the scope of this regulation to vessels measuring less than 20 metres between perpendiculars or 24 metres overall length in accordance with Council Regulation No 2870/95."

STATEMENT 95/97**Council and Commission statement on detailed rules and simultaneous implementation**

"The Council notes the importance of simultaneous, harmonised implementation of satellite-based VMS by all Member States to ensure non-discriminatory application of this Regulation. The Council further notes that, after adoption of the detailed rules, a significant period of time is necessary for implementation. Therefore, the Commission will endeavour to adopt the detailed implementing rules as soon as possible after the publication of this Regulation in the Official Journal and where possible before 31 March 1997.⁽¹⁾ The detailed rules will address both the potential problem of equipment failure and the daily frequency of transmissions, taking into account the specifics of individual fisheries, including the Mediterranean".

⁽¹⁾ The dates have been adapted following the advice of the Council Legal Service.

STATEMENT 96/97

Council and Commission statement on reducing regulatory burdens on industry

"The Council and the Commission agree to explore ways in which the regulatory burdens on the fishing industry can be reduced. The Commission will submit a report to the Council no later than 31 March 1997 taking into account the anticipated impact of satellite monitoring and the Commission statement made at the Fisheries Council on 10 June 1994 ⁽²⁾. Member States are invited to submit to the Commission, as appropriate, their suggestions to reduce the regulatory burdens on the fishing industry no later than 31 March 1997.⁽³⁾"

STATEMENT 97/97

Council statement on agreements with third countries

"The Council invites the Commission to examine the fisheries agreements with third countries, whose vessels fish in Community waters, with a view to ensuring that such vessels will be equipped with and be in a position to operate a VMS, and to recommend the opening of the necessary negotiations with such countries in this regard.

The Council will authorise the Commission to conduct such negotiations in due course."

⁽²⁾ See 7698/94 PV/CONS 39 PECHE 171, page 12.

⁽³⁾ The dates have been adapted following the advice of the Council Legal Service.

STATEMENT 98/97

Commission declaration on funding of VMS

"The Commission recalls that Article 3(2) of Council Decision N° 95/527/EC offers the ability to provide Community financial support of up to 100 % for capital investment costs related to the use of new technology, including satellite monitoring.

The Commission confirms that it will give priority to reimbursement of capital investment costs related to vessel on-board equipment (blue boxes) and fishing monitoring centres as defined in this Regulation. This does not preclude the possibility of financial support for capital investment related to the use of new technology in respect of vessels not covered by this Regulation."

STATEMENT 99/97

Statement by the Netherlands delegation

"The Netherlands is voting against the amendment of the control Regulation whereby satellite-based vessel monitoring equipment has to be placed on board certain fishing vessels.

The Netherlands is a great supporter of the use of satellites as a means of control. However, the number of European vessels that will need to have satellite equipment on board pursuant to this amendment is very small in relative terms. In addition, only very limited use is made of the possibilities which satellites offer for control.

The Netherlands considers that the potential contribution of satellites to the desired enhancement of control over fishing activity in European waters through this Regulation has not been exploited to the full."

STATEMENT 100/97

Re Article 3

Statement by the Council

"In the case where adoption of an energy framework programme, as referred to in Article 3(3), is not possible before the end of 1997, the Council will decide in good time on the question of the extension of the SYNERGY programme."

STATEMENT 101/97

Re Article 6(3) and (4)

Statement by the Commission

"The Commission shall inform as soon as possible the Committee referred to in Article 8 of the conclusion of the agreement referred to in Article 6(3) and the contracts referred to in Article 6(4). This information shall also be included in the report provided for in Article 10."

STATEMENT 102/97

Re Article 7(2)

Statement by the Commission

"The Commission states that the supply contracts referred to in Article 7(2) are, in the case of SYNERGY, exceptional, and only aimed at supplying materials strictly necessary for the completion of the main cooperation objective of SYNERGY. They are, in any case, a limited part of a project and do not cover substantial investment expenses."

STATEMENT 103/97

"The Commission states that the extension of the quota period for shrimps (1 March 1997 to 31 March 1998) will not under any circumstances create a precedent for white fish."

STATEMENT 104/97

"As regards the quota for herring, the Commission states that it will monitor the supply situation on Community herring market during the quota period and will, if necessary, put forward appropriate proposals."

STATEMENT 105/97

"The Spanish and French delegations wish to provide the following explanations on their negative vote concerning the opening of autonomous tariff quotas for 1997.

By means of this vote these delegations are expressing their concern at the harmful repercussions which the opening of an autonomous tariff quota for "loin" fillets of tuna in 1997 will have on Community tuna production; they point out that this measure is in addition to the concessions previously granted, under, in particular, the "drug" and "least developed countries" generalized preferences schemes.

The introduction of this new quota is exposing the European Union's internal market and Community producers to the effects of imports from countries which do not benefit from tariff preference agreements in a manner disproportionate to the advantages which the processing industry would be able to obtain from them.

They take note of the Commission statement to the effect that the Management Committee will be informed in detail of the effects of this measure on the European Union market."

STATEMENT 106/97

"In agreeing to the Presidency compromise, the Commission states:

- firstly, that acceptance of the opening of an autonomous quota for tuna loins and of the Presidency's other proposed amendments will not bind the Commission in future years;
- secondly, that it will report to Member States, in the Management Committee for Fishery Products, on the take-up rate of these quotas and on the volume and origin of non-Community imports of tuna loins and on their impact on the market for this product.

This information will be based solely on the statistics notified officially to the Commission by Member States."

STATEMENT 107/97

"The Italian delegation considers that supplies of frozen tuna are insufficient for sustained supply of the production cycle of the processing industry, taking into account its productive capacity and the need to remain competitive.

Should the situation persist, the Italian delegation considers that the autonomous quota of frozen tuna loins now opened will need to be prolonged."

STATEMENT 108/97

Re Article 3(3)

"The Danish and Swedish delegations state that, in Denmark and Sweden, manufacturing pressure equipment to "sound engineering practice" means, without prejudice to Article 4, section 1.3, that such pressure equipment is designed taking into account all relevant factors influencing its safety. Furthermore, such equipment is manufactured, verified and installed in order to ensure its safety during its intended life, when used in foreseen or under reasonably foreseeable conditions. The manufacturer is responsible for the application of sound engineering practice."

STATEMENT 109/97

Re section 7 of Annex 1

"The Council states that the safety coefficients set out in section 7 of Annex I are, as a general rule, applicable only in specific cases. Manufacturers may use other safety coefficients with which an equivalent overall level of safety may be achieved where it can be shown that such coefficients are appropriate for the equipment concerned, in particular when they are the result of a recognized standard or code of practice. The harmonized standards formulated in support of this Directive need not necessarily incorporate the safety coefficients set out in section 7 of Annex I, provided that the other solutions adopted can be shown to be appropriate for the equipment concerned."

STATEMENT 110/97

Re the legal basis

"The Commission very much regrets that the Council has not adopted the legal basis which it suggested and that any possibility of codecision has consequently been ruled out for the European Parliament.

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

STATEMENT 111/97

Re Article 2

"The Council states that the definition of competent authority offers Member States the possibility of designating the same authority for the purpose of implementing Title I as that responsible for carrying out veterinary checks."

STATEMENT 112/97

Re Articles 4 and 10

"The Council has noted that when the Commission adopts the implementing arrangements it intends to take the measures necessary to ensure the compatibility of the various systems of alphanumerical and numerical identification codes in existence."

STATEMENT 113/97

Re Article 5

"The Commission considers it necessary for the proper operation of the improved system of identification and registration that in principle a single computerized database be operational in every Member State on 1 January 2000. It nevertheless considers that it is possible for a Member State the geographical territory of which consists of two separate parts to establish a database for each part of that territory."

STATEMENT 114/97

Re Article 5

"The Council states as follows:

1. Member States shall in any event endeavour to include in their computerized databases data concerning animals born after 1 January 1998.
2. Where a Member State is in a situation in which the first indent of Article 6(3) is applied, that Member State will retain the possibility, in the case of the animals remaining within its territory, of using passports which may take the form of identification documents that make it possible, as regards the data relating to the movements of animals that do not appear on those documents, to establish a link with the computerized database."

STATEMENT 115/97

Re Articles 6 and 10

"The Council requests the Commission, when adopting the detailed rules, to examine the possibility of provisional passports for calves less than four weeks old."

STATEMENT 116/97

Re Article 10(b)

"With the objective of minimising the burdens of administration and application, the Commission will, in fixing the implementing rules for the passport's requirements, take account of the possibilities provided by health certificates of identifying animals individually."

STATEMENT 117/97

Re Articles 10 and 20

"The Council requests the Commission, when adopting the detailed rules governing the application of administrative sanctions, to take account of the possibility of excluding keepers wholly or partially from the Community support arrangements under the reformed CAP."

STATEMENT 118/97

Re Article 14

- "1. The Council notes that, under Article 14(1) and (3), an importing Member State may require that the independent control body carrying out checks within its territory on beef originating in another Member State be the same as or at least work in coordination with the independent control body designated for the beef concerned in the latter Member State (unless those checks are replaced by checks carried out by a competent authority, as provided for in the second subparagraph of Article 14(1)).
2. The second sentence of Article 14(3) means that if beef which is labelled in one Member State is sent to a second Member State, the latter must recognize and accept all the information indicated on the label.

Under the last sentence of Article 14(2) the second Member State can refuse recognition only on the grounds of misleading or insufficiently clear information.

For example, if in both Member States beef can be labelled as "extensive" and if the definition of "extensive" differs from one Member State to the other, the Member State of sale may ask for an indication on the label that the term "extensive" follows the definition of the first Member State."

STATEMENT 119/97

Re Article 14(5) and (3)

"The Council requests the Commission to make use in practice of the option available to it under Article 14(5) of establishing an accelerated or simplified approval procedure in the specific cases referred to, under the procedure involving the Management Committee for Beef and Veal.

An accelerated or simplified approval procedure, moreover, in no way affects the requirement that the exporting Member State inform the importing Member State regarding approved specifications."

STATEMENT 120/97

Re Article 19

"The Council states that when taking the decisions referred to in Article 19 it will take account of the experience gained in those Member States in which compulsory labelling systems are already in force in accordance with Article 19(4) and of the importance of ensuring continuity."

STATEMENT 121/97

Re Article 19(4)

"The Council requests the Commission to check closely that where Member States make use of the option afforded in Article 19(4) it will not lead to distortions of trade on the beef market and to inform the Council thereof, if necessary."

STATEMENT 122/97

STATEMENT BY THE PORTUGUESE DELEGATION

"Concerning the Council Regulation establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products, Member States have the option under Article 2 of designating, as the competent authority referred to in Title I of the Regulation, the authorities entrusted with implementing Regulation No 3508/92."

STATEMENT 123/97

STATEMENT BY THE ITALIAN DELEGATION

"In accordance with Article 2 of the Council Regulation establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products, a Member State may designate, as the competent authority referred to in Title I, the authorities entrusted with implementing Regulation 3508/92, solely for the monitoring of premiums.

In the light of the above, Italy considers that to entrust the veterinary checks referred to in Title I of the Regulation to the authorities responsible for the implementation of Regulation 3508/92 would be to fail to provide the necessary guarantees required for the purposes of trade in animals and products in the Community.

In this respect, Italy calls upon the Commission to ensure that the Regulation is correctly applied by the Member States and reserves the right, if appropriate, to take such measures as may be necessary."

STATEMENT 124/97

"The Finnish and Swedish delegations consider it necessary to reduce the use of antibiotics in the treatment of livestock by promoting preventive health measures in farming. This is an important factor in preventing the spread of new types of antibiotic-resistant bacteria and in protecting human health. Certain animal infections and diseases, salmonella in particular, should not be treated with antibiotics. This ought to be borne in mind when the new Community rules are being prepared on the control and prevention of zoonoses under Article 15a.

In addition, poultry from flocks in which salmonella is treated with antibiotics should not be regarded as comparable to birds from flocks in which integrated control programmes are applied. The former should be subject to restrictions in trade with Member States for which control programmes have been approved."

STATEMENT 125/97

"Denmark cannot support the Council Directive amending the Directive on zoonoses.

The proposal allows the continued use in the Union of antibiotics and vaccines to control salmonella. Denmark wishes to stress that the use of antibiotics and vaccines is not a proper solution for controlling zoonoses.

The proposal also means that Danish poultry farmers will be exposed for one more year to disproportionate competition within the Union.

Denmark urgently requests the Commission to submit a proposal providing Member States which have applied the Directive on zoonoses with special guarantees. As a minimum these must cover the trade in hatching eggs and day-old chicks."

STATEMENT 126/97

Council and Commission statement on Article 1(1)

"Without prejudice to the examination by the Commission referred to in Article 2(3), measures in connection with the implementation of the amendments or additions to the system for the identification and registration of bovine animals resulting from adoption of the proposal for a Regulation establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products are to be included among programmes considered eligible for co-financing."

STATEMENT 127/97

Statement by the Italian delegation

"The Italian delegation is voting against the proposal and reserves the right to make an assessment on the basis of fuller information of any initiative in this field to defend Italian interests.

At today's Council meeting, the Commission orally informed Italy that there was an error in the working documents circulated during the Council's discussion on 17 and 18 March of the proposal for a Regulation determining measures and compensation relating to appreciable revaluations that affect farm incomes.

The Commission considers that this error would result in a substantial reduction in the overall amount of compensation to which Italy is entitled.

The political agreement given by Italy to the proposal at the Council's previous meeting was therefore vitiated since it was based on an incorrect perception of the effects of the proposal.

Moreover, Italy's agreement at that time was dictated solely by the desire not to deprive Italian farmers of the compensation expected, even if the amount of aid did not seem at all commensurate with the loss they have suffered."

STATEMENT 128/97

Commission Statement ⁽⁴⁾

"The Commission confirms that it accepts the Presidency's compromise on the allocation among the Member States of the Community part of the TAC of the Atlanto-Scandian herring.

However, it considers this allocation to be of an exceptional nature because of the lack of sufficient data. It cannot therefore constitute a precedent for allocating for this stock ⁽⁵⁾ TACs to Member States in future.

The Commission will propose general criteria to be followed when allocating fishing possibilities for unallocated stocks."

STATEMENT 129/97

Statement by the Italian delegation

"The Italian delegation considers that the allocation criteria adopted in this specific case do not appear to be completely in keeping with the principle of relative stability. As a result it reaffirms that the adoption of such criteria cannot constitute a precedent in cases in which the principle of relative stability may be applied."

STATEMENT 130/97

Statement by the French delegation

"France agreed to the allocation of the Community TAC of Atlanto-Scandian herring for political reasons.

However, France still maintains its belief that such allocation is not based on any relevant objective criterion.

The agreed allocation is seriously detrimental to the French interests concerned."

⁽⁴⁾ The Commission representative confirmed that this statement refers to both the quota allocations and the attached footnotes.

⁽⁵⁾ Amendment (underlined) following the agreement of the Commission representative in Coreper on 18 April 1997.

STATEMENT 131/97

Statement by the German delegation

"Germany considers that the quantities which may be caught in accordance with footnotes 2 to 8 of the Annex to the Regulation on the allocation of the Community quota for Atlanto-Scandian herring in Norwegian and Faroese waters must be adjusted in such a way that they match the Presidency compromise figures, as amended in relation to the Commission proposal. There is no reason to depart from a proportional allocation. This is a new fishery where all Member States must be entitled to utilize their share of the quota in Norwegian and Faroese waters in the same proportion.

Germany will insist that a corresponding adjustment is made when the catch quotas for 1998 are fixed."

STATEMENT 132/97

Statement by the United Kingdom delegation

"The United Kingdom delegation voted against the Presidency compromise because the allocation did not reflect recent fishing patterns and so is not in keeping with the principle of relative stability. This allocation can not therefore set a precedent for the allocation of this TAC in the future."

STATEMENT 133/97

Statement by the Swedish delegation

"Sweden declares that, as of 1 January 1998, the distribution of fishing rights and licences in the Faroese waters, the Norwegian Economic Zone and the fishing zone around Jan Mayen must be proportionate to each Member State's allocation of the EC share of the TAC for Atlanto-Scandian herring."

STATEMENT 134/97

Statement by the Council and the Commission re Article 6

"The Commission points out that, under the terms of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995, legislative acts concerning multiannual programmes not subject to the codecision procedure are not to contain an "amount deemed necessary".

Since the Commission proposal for the Regulation on environmental measures in the developing countries in the context of sustainable development 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 135/97

Statement by the Council and the Commission re Articles 7 and 10

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

STATEMENT 136/97

Statement by the Council and the Commission re Article 8(1)

"The Council states that the geographical committees competent for development are the DCALA, MED and EDF Committees and the Committee set up by the Regulation on cooperation with South Africa."

STATEMENT 137/97

Statement by the Commission re Article 8(2)

"The Commission regrets the fact that on this occasion the Council has amended the Commission proposal, substituting a type III(a) regulatory committee procedure for the type I advisory committee procedure; it believes that the procedure originally proposed or a management committee procedure would be better suited to requirements in this area."

STATEMENT 138/97

Commission statement re Article 7(2)

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

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

When the Commission is given powers to act without a Committee it exercises them in accordance with the rules on transparency. It cannot accept any additional condition which goes beyond Council Decision 87/373/EEC of 13 July 1987. The Commission is therefore unable to endorse this amendment."

STATEMENT 139/97

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom agrees that measures need to be taken to help the Italian Government control her Mediterranean drift-net fleet.

However, the UK remains concerned that acting through the Financial Instrument for Fisheries Guidance is not the most cost-efficient way of bringing discipline to this fleet.

In view of this concern, the UK abstains from the vote."