

8979/96

LIMITE

PUBLIC 8

LEGISLATIVE TRANSPARENCY

STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC
June 1996

The Annex to this document lists the definitive legislative acts adopted by the Council in June 1996, together with the statements for the minutes which the Council has decided may be released to the public.

STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – JUNE 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1930th Council meeting (Labour and Social Affairs) on 3 June 1996 Council Directive on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC Council Directive on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway 1935th Council meeting (Fisheries) on 10 June 1996 Regulation of the European Parliament and of the Council concerning the creation of a supplementary protection certificate for plant protection products Council Regulation amending Regulation (EC) No 3074/95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished (Sprat fishery in the Skagerrak and Kattegat) 1938th Council meeting (Energy) on 20 June 1996 Council Regulation (EC) concerning humanitarian aid Council Regulation applying multiannual schemes of generalized tariff preferences from 1 July 1996 to 30 June 1999 in respect of certain agricultural products originating in developing countries	6690/96 6690/1/96 REV 1 (fin), + REV 1 COR 1 (fin) 6690/2/96 REV 2 (s) 7720/2/95 REV 2 7220/3/95 REV 3 (fin,s) PE-CONS 3609/96 + COR 1 (s) 7836/96 7307/1/96 REV 1 7421/1/96 REV 1	54/96, 55/96, 56/96, 57/96, 58/96, 59/96 60/96, 61/96, 62/96 63/96, 64/96, 65/96, 66/96, 67/96 68/96, 69/96, 70/96, 71/96, 72/96, 73/96, 74/96, 75/96, 76/96, 77/96, 78/96, 79/96, 80/96, 81/96, 82/96, 83/96	 UK against L abstention I against D, E against

STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – JUNE 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Decision amending Decision 94/807/EC of 23 November 1994 adopting a specific programme of research and technological development including demonstration in the field of cooperation with third countries and international organizations (1994-1998) 1939th Council meeting (Environment) on 25 and 26 June 1996 Directive of the European Parliament and of the Council amending for the eighth time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (EC marking) Regulation of the European Parliament and of the Council laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs 1940th Council meeting (Agriculture) on 24 to 27 June 1996 Council Regulation amending Regulation (EEC) No 1883/78 laying down the general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section Council Regulations amending Regulations (EEC) – No 823/87 laying down special provisions relating to quality wines produced in specified regions – No 2392/89 laying down general rules for the description and presentation of wines and grape must	7781/96 PE-CONS 3610/96 PE-CONS 3611/96 8207/96 8472/96 8473/96 + COR 1 (d)	84/96, 85/96, 86/96 87/96 88/96, 89/96, 90/96	F abstention B, D, NL, A against

STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – JUNE 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulations amending Regulations (EEC) (contd.) – No 2332/92 on sparkling wines produced in the Community – No 2333/92 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines	8474/96 + COR 1 (f,d,i,nl,en,dk,gr,p) 8475/96 + COR 1 (d), + COR 2 (f,d,i,nl,en,dk,gr,es,p)		
Council Decision on improving Community agricultural statistics	4868/1/96 REV 1	91/96, 92/96	D, B abstention
Council Regulation amending, in respect of cucumbers for processing, Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff	10831/95 + COR 1		B, EL against
Council Regulation on the European system of national and regional accounts in the Community	6699/96 + COR 1 (f), + COR 2 (fin), + COR 3 (s)	93/96, 94/96, 95/96, 96/96, 97/96, 98/96, 99/96, 100/96	
Council Regulation laying down for 1996 certain conservation and management measures for fishery resources in the Convention Area as defined in the Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries	8180/96	101/96, 102/96	IRL, UK against
Council Regulation amending, for the second time, Regulation (EC) No 3090/95 laying down for 1996 certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation the North-West Atlantic Fisheries	7844/96 + COR 1 (p)		
Council Decision on the implementation of a Community action programme to strengthen the competitiveness of European industry	6713/96 + COR 1 (fin)	103/96	

STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – JUNE 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Directive amending Directive 77/388/EEC on the common system of value added tax	8259/96 + COR 1 (en), + REV 1 (s), + REV 2 (fin)		
Council Regulation amending Regulation (EEC) No 1784/77 concerning the certification of hops	8121/96		
Council Regulation amending Regulation (EC) No 3290/94 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations	8163/96		F against
Council Directive amending and consolidating Directive 85/73/EEC in order to ensure financing of veterinary inspections and controls on live animals and certain animal products and amending Directives 90/675/EEC and 91/496/EEC	8213/96 + COR 1 (f,d,i,nl,en,dk,gr,es,p)	104/96, 105/96, 106/96, 107/96, 108/96, 109/96, 110/96	D, E, S against
Council Regulations			
– fixing the target price for milk and the intervention prices for butter and skimmed-milk powder for the period from 1 July 1996 to 30 June 1997			
– fixing, for the 1996/1997 marketing year, the intervention price for adult bovine animals	8239/96		
– fixing the basic prices and buying-in prices applicable in the fruit and vegetables sector for the 1996/1997 marketing year	8241/96		
– extending the 1995/1996 milk year	8245/96		
Council Regulation amending, in respect of sour cherries, Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff	8166/96 10830/95		D, EL against

STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – JUNE 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1941st Council meeting (Telecommunications) on 27 June 1996 Council Decision adopting a supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community (1996-1999) Regulation amending Regulation (EC) No 3905/95 opening and providing for the administration of community tariff quotas for certain agricultural and industrial products Council Regulation (EC) on food-aid policy and food-aid management and special operations in support of food security Council Regulation temporarily suspending the autonomous Common Customs Tariff duties on certain industrial and agricultural products	7594/96 8274/96 8422/96 7714/96	111/96, 112/96 113/96, 114/96, 115/96, 116/96	

STATEMENT 54/96

Re form of the act

The Council and the Commission stated:

"It is for the institutions to choose from the binding acts referred to in Article 189 of the EC Treaty, on a case-by-case basis, the most appropriate legal instrument for implementing the agreements concluded at Community level within the meaning of Article 4(2) of the Agreement on Social Policy.

The Council and the Commission consider that in this instance a Directive is the most appropriate instrument for implementing the framework agreement concluded by UNICE, CEEP and the ETUC.

STATEMENT 55/96

Re the whole Directive

The Commission stated:

- "(a) The Commission proposed inserting in Article 2(1) and (2) of the Directive the standard clauses which appear in Directives establishing minimum requirements concerning the possibility of adopting more favourable provisions and ensuring there is no decrease in the general level of protection.

Since the act in question is a Directive addressed to the Member States, the Commission considers that it is not enough that the duty incumbent on them in this regard is stated expressly only in the agreement concluded between the social partners.

- (b) While it falls to the Member States to determine the system of penalties which shall apply to infringements of national provisions adopted pursuant to this Directive, such penalties must, in accordance with the jurisprudence of the Court of Justice, be effective, proportionate and dissuasive.
- (c) The Directive should be implemented without any discrimination on the basis of race, sex, sexual orientation, colour, religion or national origin."

STATEMENT 56/96

Re Article 1

The Council stated:

"Article 1 concerns the substantive content of the framework agreement concluded between the social partners.

The implementation of the substantive content of the framework agreement at Community level at the joint request of the signatory parties (Article 4(2) of the Agreement on Social Policy) is governed by Article 2 of the Directive."

STATEMENT 57/96

Re Articles 1 and 2

The Council and the Commission stated:

"The provisions of the framework agreement allow the Member States a degree of discretion in the implementation at national level of parental leave and time off from work on grounds of force majeure."

STATEMENT 58/96

Re Annex

The Council stated:

"The Council takes note of the Commission's explanations in these minutes."

STATEMENT 59/96

Re Annex, clause 2, point 8

The Council and the Commission stated:

"In noting that "all matters relating to social security in relation to this agreement are for consideration and determination by Member States according to national law" the framework agreement gives a reminder that responsibility in this area lies with the Member States."

STATEMENT 60/96

Re the draft Directive as a whole

- (a) "The Commission states that it will submit a report to the Council on the application of this Directive together, if appropriate, with a proposal for the extension of its scope."
- (b) "The Commission states that before 31 December 1997 it will submit to the Council a proposal for a Directive laying down uniform conditions for the training of advisers and the issue of the Community-type certificate."

STATEMENT 61/96

Re Article 1

"The Council and the Commission state that this Directive covers undertakings involved in the loading and/or unloading of dangerous goods only when such operations affect transport safety; the Directive does not cover undertakings which unload the goods at their final destination."

STATEMENT 62/96

Re Article 4(2)

- (a) "The Council and the Commission state that, in accordance with Article 4(2), the adviser of the undertaking for which the distribution is carried out may automatically be the safety adviser in the context of distribution of the dangerous goods referred to in Annex A to Directive 94/55/EC."
- (b) "The Council and the Commission state that where, under the terms of Article 4(2), the safety adviser is not a person belonging to the undertaking, the person concerned may also belong to a local public authority."

STATEMENT 63/96

Statement by the Council and the Commission re Article 1

"Modest amounts of aid to people in high-income countries hit by a natural disaster could be considered, depending on the circumstances, in particular where the authorities in the country concerned consider that aid from the Community could complement local efforts, especially from a logistical point of view."

STATEMENT 64/96

Statement by the Council and the Commission re Article 2(c)

"Under no circumstances may Community humanitarian aid be used to finance the military aims of any of the parties to a conflict or military peace-keeping or peace-promoting operations."

STATEMENT 65/96

Statement by the Commission re Article 7(2)(b)

"As part of its humanitarian action, bearing in mind the need to ensure that humanitarian aid is effective and high-quality, the Commission will endeavour to step up cooperation with NGOs and extend the network of Member States' NGOs working with it in this field."

STATEMENT 66/96

Statement by the Commission re Article 9

"The Commission points out that it may, according to the financial rules in force, administer funds made available to it by the Member States in accordance with administrative procedures, where possible homogeneous, agreed beforehand by the Commission and the Member State concerned."

STATEMENT 67/96

Statement by the Commission

"As part of its humanitarian action, bearing in mind the need to ensure the participation of humanitarian organizations working with the Commission in this area, the Commission will organize an annual information meeting in order to examine joint work strategies and to monitor and assess the results of the joint action taken. Member States will be informed of the conclusions reached at that meeting."

STATEMENT 68/96

Statement by the Council and the Commission

"The Council and the Commission agree on the need to ensure coherence between the free trade agreements with a third country and the GSP arrangements in force."

STATEMENT 69/96

Statement by the Council and the Commission

"The Council and the Commission agree on the need to examine the question of the application of the agricultural GSP arrangements as from 1 January 1997 on the same basis to Croatia, Bosnia-Herzegovina, the FYROM and the Federal Republic of Yugoslavia."

STATEMENT 70/96

Statement by the Commission

"The Commission states that, in negotiations to establish free-trade areas with partners at present benefiting from the GSP, it will in particular ensure compliance with the objective of the neutrality of the effects of the new arrangements."

STATEMENT 71/96

Statement by the Commission

"The Commission states that the expression "market-access", used in the fifth indent of Article 9 of the Regulation, covers all import, including transit, arrangements."

STATEMENT 72/96

Statement by the Commission

"The Commission undertakes, given the sensitivity of the melon market (NC 08 07), to monitor on a monthly basis imports of such products which benefit from the GSP arrangements."

STATEMENT 73/96

Statement by the United Kingdom

"The United Kingdom welcomes the move to a fairer, clearer, tariff-based scheme without quantitative restrictions and with provisions for richer beneficiaries to leave the scheme as they become more prosperous. The United Kingdom further welcomes the provisions to allow Least Developed Countries duty-free access to those products included in the scheme. It is for these reasons that the United Kingdom is voting for the scheme. However, the United Kingdom considers that, as with the industrial scheme, the Community has missed an opportunity to create a much simpler and more liberal scheme."

STATEMENT 74/96

Statement by the United Kingdom

"The United Kingdom believes that it is neither desirable nor feasible to link the provision of special trade incentives or the imposition of trade sanctions directly to the application of Geneva or ILO Conventions. The question of links between trade measures and labour standards is being fully addressed in the ILO and OECD. The United Kingdom takes the view that nothing in this Regulation establishes such a link independently of these wider discussions and that the Community must therefore await their outcome before considering any action under the GSP."

STATEMENT 75/96

Statement by the United Kingdom

"The United Kingdom notes that references in this Regulation to certain Geneva and ILO Conventions do not imply any Community competence in respect of the matter contained in those Conventions."

The Netherlands delegation supported this statement.

STATEMENT 76/96

Statement by the United Kingdom

"The United Kingdom is concerned that a number of exceptions feature in the special schemes extended to the Andean and Central American countries. In particular the United Kingdom regrets that warm water shrimps will not be restored to the duty-free status they enjoyed until 1995. The United Kingdom also considers that existing levels of preferential trade in canned tuna should be allowed to develop to meet demand."

STATEMENT 77/96

Statement by the United Kingdom

"The United Kingdom recognizes the importance the Andean and Central American countries attach to special schemes as a contribution to their fight against the drugs trade. The United Kingdom therefore considers that rigorous monitoring of the effectiveness of these schemes, including the extent to which they promote cultivation of alternative crops, to be of particular importance. At the same time the United Kingdom considers it essential to ensure the special schemes are coherent with the EU's general approach to drug issues. Consequently the United Kingdom welcomes the Commission's readiness, indicated during discussions in the GSP Working Party, to consider these matters when raised by a Member State in the GSP Committee."

The Netherlands delegation supported this statement.

STATEMENT 78/96

Statement by the United Kingdom

"The United Kingdom notes the fact that the implementation date of the new agricultural Generalized System of Preference scheme will be more than six months after the date of adoption and considers that this precedent should be followed in future revisions of the GSP Scheme."

The Netherlands delegation supported this statement.

STATEMENT 79/96

Statement by the French delegation

"In the context of the annual Commission report referred to in Article 17(3), France notes the Commission's undertaking to take stock of the substitution of alternative crops for crops contributing to the production of drugs and of its effects on the development of exports to the Community. It will attach the greatest importance to the allocation of the drugs GSP being accompanied by stringent monitoring of the efforts being made by the countries concerned to oppose drug-trafficking."

The Greek delegation supported this statement.

STATEMENT 80/96

Statement by the French delegation

"France noted the Commission's undertaking to monitor on a monthly basis imports into the Community of melons which benefit from the special arrangements. Given the extreme sensitivity of this product for its overseas departments, France invites the Commission to ensure that it takes account of the need to support the development of alternative crops in the outermost regions."

STATEMENT 81/96

Statement by the French delegation

"France stresses the sensitivity of the European tuna sector (production and processing). It invites the Commission to keep a close eye on developments in this sector, particularly in the light of the effects of the drugs GSP. In this context, it requests the Commission to take all measures necessary to promote its development and to preclude any deterioration in the situation."

STATEMENT 82/96

Statement by the French delegation

"With the aim in particular of promoting the effectiveness of the Community's trade and development policies, France reiterates its interest in ensuring that the concessions granted to third countries in the GSP framework are consistent with those included in the trade agreements reached by the Community."

STATEMENT 83/96

Statement by Denmark

"Denmark welcomes the move to a fairer, clearer, tariff-based scheme without quantitative restrictions and with provisions for richer beneficiaries to leave the scheme as they become more prosperous. Denmark further welcomes the provisions to allow Least Developed Countries duty-free access to those products included in the scheme. However, Denmark considers that, as with the industrial scheme, the Community has missed an opportunity to create a much simpler and more liberal scheme."

The Netherlands delegation supported this statement.

STATEMENT 84/96

STATEMENT BY THE COMMISSION RE ARTICLES 3 AND 4

"With reference to the drawing up of a positive list of flavouring substances which may be used in the production of foodstuffs, the Commission will publish a register of flavouring substances and a definitive positive list. The Commission does not intend to publish provisional or incomplete positive lists.

The Commission declares that flavouring substances which, as a result of the evaluation carried out in accordance with Article 4, could not be included on the list provided for in Article 5(1) and Article 2(2) will not be allowed to be marketed or used in the Community."

STATEMENT 85/96

STATEMENT BY THE COMMISSION

"The Commission regrets that the Council has not adopted the Advisory Committee procedure for implementing measures provided for in an area covered by Article 100a, contrary to the undertakings given in the Declaration annexed to the Single European Act to give the Advisory Committee a predominant place in internal market matters. Furthermore, the Regulatory Committee procedure with the "double safety net" adopted by the Council does not ensure in this instance that a decision will be taken in each case."

STATEMENT 86/96

STATEMENT BY THE GERMAN DELEGATION

"On the basis of the statements made by the European Commission at the Council (Internal Market) meeting on 23 November 1995, the German delegation assumes that genetically produced flavouring substances are to be assessed by the Scientific Committee for Food before they are placed on the market for the first time."

STATEMENT 87/96

"The Council and the Commission recognize the exceptional nature of the need to extend for one last time, for 1996, the derogation inserted in the first paragraph of Article 5 of Regulation No 1883/78 by Council Regulation No 1571/93."

STATEMENT 88/96

Re Regulation amending Regulation (EEC) No 2392/89 (in particular Article 1(2)(a))

"The Council and the Commission agree that the implementing rules for Regulation (EEC) No 2392/89 (description of wines and must) should be revised so as to require information on the conditions governing the production of a wine, including, where appropriate, the grape varieties used, to be shown away from the label containing compulsory information and out of sight of it."

STATEMENT 89/96

Re Regulation amending Regulation (EEC) No 2333/92
(Article 1(8)(b))

"In view of the disturbances arising on certain markets in sparkling wines as a result of the supply of products which do not comply with this definition but whose presentation may mislead consumers, the Commission undertakes to submit a suitable draft Regulation to the Management Committee for Wine as soon as possible, in accordance with the new provisions contained in Article 10(1a) of Regulation (EEC) No 2333/92."

STATEMENT 90/96

Re all the Regulations on "description"

"The Council considers that the indication in an alternative form of the alcoholic strength, in addition to the obligatory indications in force (percentage of alcohol by volume) might be of interest to the consumer provided such a system was harmonized at Community level for all beverages containing alcohol.

The Commission departments will give careful study to this possibility."

STATEMENT 91/96

"The German delegation is anxious that, to simplify matters for the economic operators obliged to provide information and given the limited public resources available to the Community and the Member States, the following restrictions be examined and applied to agricultural statistics:

- reduce surveys of pig production from three to two per year;
- stagger certain livestock surveys throughout the year on grounds of rationalization;
- dispense with the agricultural machinery section of the survey on the structure of agricultural holdings and instead concentrate on priority areas."

STATEMENT 92/96

"The Commission fully accepts the view that the burden of collecting statistics should be kept to the minimum consistent with the needs of market management.

In this spirit, it is proposed to examine in the appropriate fora the points raised in the German memorandum (letter of the German Minister of Agriculture of 13 May 1996), and if appropriate to make such proposals as are necessary."

STATEMENT 93/96

Re Article 2

"France considers that:

- the decision concerning the IMFIS (Article 2(3)) should be taken unanimously by the Council, since it directly affects the system of own resources;
- should the breakdown of the IMFIS be decided at the end of 1997, measures correcting its automatic effect on the GNP base will have to be taken when the next financial package is adopted."

STATEMENT 94/96

Re Article 2(2)

"The Council notes that Article 2(2) will have no effect on the own resources system until the end of the current financial perspective period. The Council will take account of this Regulation when it examines the Commission reports referred to in Article 10 of the Decision of 31 October 1994 on own resources."

STATEMENT 95/96

Re Article 3

"The Commission accepts the derogations requested by the Member States regarding the transmission of data laid down in Annex B. However, the Commission hopes that the Member States will make every effort to comply with the transmission deadlines and the content of tables 1 and 2, which are essential for the purposes of measuring convergence and of own resources. The Commission will endeavour to assist countries in fulfilling the obligations laid down in Article 3."

STATEMENT 96/96

Re Article 3

"With reference to statement No 3 by the Commission, the German delegation states that the administrative implementation of Community law is basically a matter for Member States. Financial support for Member States from the Community budget for implementing this Regulation is not compatible with that principle."

STATEMENT 97/96

Re Article 7(3)

"The Commission requests Member States during the transitional period to send it the accounts and tables established in application of the ESA 2nd edition within the same periods of time as those laid down in Annex B. This will ensure the availability to all Community Institutions of the statistics necessary for monitoring economic policies and the extent of convergence."

STATEMENT 98/96

Re Article 8(1)

"The Commission regrets that this provision means that the GNP to be taken into account for the Community budget and own resources will continue to be measured on the basis of the national accounts resulting from application of the ESA 2nd edition so long as Decision 94/728/EC, Euratom on the system of own resources remains in force, even though the GNP could be more fully and reliably measured by applying ESA 95."

The Luxembourg and Portuguese delegations supported the Commission statement.

STATEMENT 99/96

Re Article 8(1)

"The Commission reiterates the undertakings it gave on adoption of the own resources Decision of 31 October 1994, namely that it will submit the reports referred to in Article 10 of that Decision in time for them to be taken into account in the Council's discussions on the own resources Decision (see 5646/1/94 REV 1, statement No 9 + COR 1)."

STATEMENT 100/96

Re Article 8(3)

"By the date laid down in Article 8(3), the Commission will, in line with Council Decision 87/373/EEC ("Committee procedure") ⁽¹⁾, try to bring about a consensus between the various delegations on the GNP Committee in connection with the decision on the methodology for applying the ESA 2nd edition contained in paragraphs 1 and 2 of Article 8."

⁽¹⁾ OJ No L 197, 18.7.1987.

STATEMENT 101/96

"The Council and the Commission emphasize the special circumstances surrounding the transfer of 4 000 t of redfish from Greenland to the European Union, which was granted outside the context of the Fisheries Protocol with Greenland and was intended to help to bring about an agreement on the management of the oceanic-type redfish stocks at the special meeting of the NEAFC from 19 to 21 March 1996. The internal allocation of these 4 000 t of redfish within the European Union in no way affects the relative stability of catch possibilities under the fisheries Protocol with Greenland."

STATEMENT 102/96

"The Irish delegation wishes to record deep dissatisfaction with the allocation of redfish in NEAFC decided by the Council. It is the strong view of the Irish delegation that these allocations do not accord with the distribution principles laid down in Council Regulation (EEC) No 3760/92 of 20 December 1992. The Irish delegation reserves its position as to the further actions it may contemplate in this regard."

STATEMENT 103/96

"The German delegation considers that the Council Decision on the implementation of a Community action programme to strengthen the competitiveness of European industry should also be based on Article 113 of the EC Treaty, given that the creation of a database on the obstacles faced by European undertakings in third countries is a trade-policy measure which is not covered by Article 130."

STATEMENT 104/96

Re Annex I, Chapter I(1)(e) (fees for poultrymeat)

"The Council asks the Commission to make a close examination of the application of Directive 71/118/EEC by the monitoring authorities of the Member States, with particular reference to the checks provided for in Article 8 ⁽²⁾, to supplement the report provided for in Article 7, point E, of that Directive on any conclusions to be drawn from the Directive's application as regards the level of the fees to be charged for uniform monitoring of such application."

STATEMENT 105/96

Re Annex A, Chapter III, Section I, point 1

– statement by the French delegation:

"With regard to the fee applicable to fishery products covered by Chapter I of Directive 91/493/EEC, the French delegation assumes that the fee laid down in Chapter III, Section I, point 1(a) of Annex I to Directive 85/73/EEC will not apply:

- (i) to direct sales or transfers on the market by fishermen to retailers or consumers of a quantity not exceeding that laid down in Article 3 of Commission Regulation (EEC) No 3703/85 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish;
- (ii) in the event of definitive withdrawal within the framework of the common organization of the market as provided for in Council Regulation (EEC) No 3759/92."

⁽²⁾ A report to be submitted to the Council by 1 January 1998.

STATEMENT 106/96

Statement by the Spanish delegation (explanation of vote)

"The financing of veterinary inspections and controls on live animals and certain animal products is clearly an economic and fiscal matter, closely linked to the fiscal system of each Member State. This being so, until direct and indirect taxation have been harmonized it does not seem desirable to harmonize these fees by means of this Directive.

The Spanish delegation accordingly considers that, although the fees laid down for health inspections and controls on animals and products of animal origin are being harmonized because this is considered necessary for the purposes of the establishment and functioning of the internal market, the procedure laid down in Article 99 of the EC Treaty for the adoption of provisions for the harmonization of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonization is necessary to ensure the establishment and the functioning of the internal market was not followed for the adoption of this Directive."

STATEMENT 107/96

Other statements

"In agreeing to this text, the Austrian delegation assumes that the Member States will in any case be able to apply the principle of covering actual costs when setting the fees for veterinary controls and that it will therefore be possible to have derogations from the fixed amounts specified in the Community texts."

STATEMENT 108/96

Other statements

"The Commission confirms that this possibility has been allowed for in Article 5(3)."

STATEMENT 109/96

Other statements

"The Commission will give sympathetic consideration to the Italian delegation's request that account be taken of Italy's deficit in live animals during the negotiation of equivalence agreements with the CCEE, with a view to arriving at a reduction of inspection costs for imports of live animals from those countries."

STATEMENT 110/96

STATEMENT BY THE FINNISH DELEGATION

"Taking into account Finland's geographical and structural circumstances, the possibility for Finland to apply alternative means to levy the fees for the fishery products after 1 July 1999 should be examined. This examination should be done when reviewing the Council Directive amending and consolidating Directive 85/73/EEC on the financing of the veterinary inspections and controls on live animals and certain animal products and amending Directive 91/496/EEC in accordance with Article 3."

STATEMENT 111/96

Re Annex II

"The Council notes that:

The Commission will continue to make provision for decommissioning, as it did in previous years, when fixing the tariffs for irradiation services. Such provision will be added to that already settled and be used at the appropriate time.

In addition, the Commission will examine the question of the decommissioning of the HFR and make a report to the Council on this matter before the end of 1996."

STATEMENT 112/96

Re Annex II

"The Council notes that:

The Commission confirms that the expression "participation in Community programmes" means that the HFR can contribute, on the basis of adequate financing, to the execution of Community programmes, whether or not in the context of the Framework Programmes. This participation will take place either on a competitive basis or by means of the sale of irradiation services to JRC Institutes during the implementation of their respective activities."

STATEMENT 113/96

Commission statement re Article 9.2

"Within the framework for Community action, and taking account of the need to ensure the effectiveness and quality of aid, the Commission will continue its endeavours to diversify the partners with which it works, and especially the new NGOs."

STATEMENT 114/96

Statement by the Council and the Commission re Article 21

"The Council and the Commission agree that the amount of the Community contribution under the Food Aid Convention should be determined at the same time as the amounts of the contributions of the Member States, jointly by the Council on behalf of the Community and by the representatives of the Member States meeting within the Council on their own behalf. To this end, the proposal to be submitted by the Commission to the Council will be accompanied by a draft allocation between the Member States of the total amount incumbent on them."

STATEMENT 115/96

Statement by the Council and the Commission re Article 24(1)(a)

"The procedures and the number of Member States for the purpose of taking into account any objections raised in the course of the written procedure will be laid down in the Committee's rules of procedure."

STATEMENT 116/96

"The Italian delegation, while agreeing to the draft Regulation in question, would like to draw attention to the fact that management of measures coming within the scope of Article 11 should be based on criteria offering the maximum flexibility; this means that in this context management will also take into account the requirements for the smooth operation of market organizations, particularly in those sectors where many large tariff concessions have already been granted to the developing countries."