

9850/96

LIMITE

PUBLIC 9

LEGISLATIVE TRANSPARENCY

**STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC
JULY 1996**

The Annexes to this document contain a summary of definitive legislative acts adopted by the Council in July 1996, 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 – JULY 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1942nd Council meeting (Economic and Financial Affairs), on 8 July 1996 Directive of the European Parliament and of the Council amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution from emissions from motor vehicles Council Regulation on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such services Council Regulation providing for additional payments to be made in 1996 with the premia referred to in Regulation (EEC) No 805/68 on the common organization of the market in the beef and veal sector and amending that Regulation 1943rd Council meeting (General Affairs), on 15 and 16 July 1996 Council Regulation amending Regulation (EEC) No 1973/92 establishing a financial instrument for the environment (LIFE) Written procedure completed on 15 July 1996 Decision of the European Parliament and of the Council on Community guidelines for the development of the trans-European transport network	PE-CONS 3612/96 + COR 1 (f,d,i,gr,es,p,fin) 11499/2/95 REV 2 8821/96 + COR 1 (d) 8456/96 + COR 1 (f),+ COR 2 + COR 2 REV 1 (d) PE-CONS 3613/96 + COR 1 (d), + COR 2 (en), + COR 3	117/96, 118/96, 119/96, 120/96, 121/96, 122/96 123/96, 124/96 125/96, 126/96 127/96, 128/96, 129/96, 130/96, 131/96, 132/96 133/96, 134/96, 135/96, 136/96, 137/96, 138/96	I against L abstention D against

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – JULY 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
1944th Council meeting (Agriculture), from 22 to 24 July 1996 Council Directive amending Directive 70/524/EEC concerning additives in feedingstuffs Council Decision designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species Council Regulation amending Regulation (EC) No 2990/95 regulating compensation for appreciable reductions in the agricultural conversion rates before 1 July 1996 Council Regulation fixing a supplementary premium payable to sheepmeat producers in non-less favoured areas of Ireland and the United Kingdom in respect of Northern Ireland Council Directive amending the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Ireland) Directive of the European Parliament and of the Council amending Council Directive 80/777/EEC on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters Council Directive amending Directive 91/439/EEC on driving licences	8759/96	139/96, 140/96, 141/96	D against
	8292/96		
	8533/96	142/96 143/96	I against
	9189/96		
	9200/96		
	PE-CONS 3614/96 + COR 1 (fin)	144/96, 145/96, 146/96, 147/96, 148/96, 149/96	DK, S, UK against NL abstention
	12542/1/95 REV 1	150/96, 151/96, 152/96, 153/96	

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC
– JULY 1996 –

DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Directive on the interoperability of the trans-European high-speed rail system	11327/1/95 REV 1 + REV 1 COR 1	154/96, 155/96, 156/96, 157/96, 158/96	
Council Directive on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail	11303/2/95 REV 2 + REV 2 COR 1	159/96, 160/96, 161/96	
Council Directive on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community	8423/2/95 REV 2 + REV 2 COR 1	162/96, 163/96, 164/96, 165/96	
1945th Council meeting (Budget), on 25 July 1996			
Council Regulation amending Regulation (EC) No 3059/95 opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (increase in the ferro-chromium quota)	8851/96		
Council Directive laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic	8915/96	166/96, 167/96, 168/96, 169/96, 170/96, 171/96, 172/96	A against
Directive of the European Parliament and of the Council on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof		173/96	I against
Directive of the European Parliament and of the Council amending Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment (PPE)	PE-CONS 3618/96 + COR 1 (en)		
Council Regulation fixing special management measures for North Sea herring and amending Regulation (EC) No 3074/95	PE-CONS 3619/96		
	9199/96	174/96, 175/96	DK against

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – JULY 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Written procedure completed on 30 July 1996			
Council Regulations agreed on by the Agriculture Council on 22-24 July concerning the 1996/1997 prices package			
- Regulation No 1: arable crops	8225/96	176/96, 177/96, 178/96	
- Regulation No 2: cereals	8226/96		
- Regulation No 3: grain legumes	8227/96 + COR 1 (fin)		
- Regulation No 4: rice	8228/96 + COR 1 (fin)		
- Regulation No 5: sugar	8229/96		
- Regulation No 6: sugar and storage	8230/96		
- Regulation No 7: oils and fats	8231/96		
- Regulation No 8: olive oil	8232/96	179/96, 180/96	
- Regulation No 9: olive oil	8233/96		
- Regulation No 10: cotton	8234/96 + COR 1 (fin)	181/96	
- Regulation No 12: flax	8236/96 + COR 1	182/96	
- Regulation No 13: silkworms	8237/96		
- Regulation No 14: milk and milk products	8238/96 + COR 1 (fin)	183/96	
- Regulation No 16: beef and veal	8240/96 + COR 1 (fin)		
- Regulation No 18: sheepmeat and goatmeat	8242/96 + COR 1 (fin)		
- Regulation No 19: sheepmeat	8243/96 + COR 1 (fin)		
- Regulation No 20: pigmeat	8244/96 + COR 1 (fin)		
- Regulation No 22: common organization of the market in wine	8246/96 + COR 1 (es)	184/96, 185/96, 186/96	
- Regulation No 23: wine: guide prices	+ COR 2 + REV 1(fin)		
- Regulation No 24: sparkling/liqueur wines	8247/96 + COR 1 (fin)		
- Regulation No 25: winegrowing: abandonment	8248/96		
- Regulation No 26: vineyard register	8249/96 + COR 1 (exc. dk)		
- Regulation No 27: tobacco	8250/96 + COR 1 (exc. fin)	187/96	
	8251/96 + COR 1 (fin)	188/96	
		general statements 189/96, 190/96, 191/96, 192/96	

STATEMENTS IN THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC – JULY 1996 –			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES
Council Regulation derogating from Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops as regards the set-aside requirement for the 1997/1998 marketing year	9055/1/96 REV 1 + COR 1 (exc. fin) + REV 2 (fin)	193/96	
Council Regulation amending Regulation (EEC) No 1785/81 on the common organization of the markets in the sugar sector	8417/96 + COR 1		
Council Regulation amending Regulation (EEC) No 3438/92 laying down special measures for the transport of certain fresh fruit and vegetables originating in Greece as regards their period of application	8945/1/96 REV 1 + COR 1 (en)	194/96	
Council Regulation laying down, in respect of hops, the amount of aid to producers for the 1995 harvest	8122/96	195/96	

STATEMENT 117/96

Re Article 3

"The Luxembourg delegation abstained when it came to adopting the Directive on the approximation of the laws of the Member States relating to measures to be taken against air pollution from emissions from motor vehicles, on the grounds that the inclusion of an article on tax incentives might unduly restrict the possibilities for Member States to implement environmental policies. Moreover, the Luxembourg delegation considers the legal basis adopted for this Directive inappropriate, as the provision relates to tax incentives and cannot therefore constitute a precedent for other measures in the future."

STATEMENT 118/96

Re Article 3

"The United Kingdom delegation has cast a positive vote for this proposal in the interests of carrying forward the completion of the internal market in the domain concerned. The United Kingdom however regards its vote as without prejudice to the question of the inclusion of fiscal provisions in future legislation under Article 100a, which it regards as an inappropriate legal base for such provisions."

STATEMENT 119/96

Re Article 3

"The Council states that adoption of this Directive cannot be considered as constituting a precedent for future decisions on tax incentives."

STATEMENT 120/96

Re Article 3

"The Commission confirms the need to have a substantive and far-reaching debate on Community policy on granting fiscal incentives to anticipate future environmental limit values in the automobile sector within the context of the new proposals that the Commission will make in early 1996 for reducing emissions from passenger cars for the year 2000. In this examination an analysis should be undertaken of the extent to which additional flexibility could be introduced into the directive on the granting of fiscal incentives, without damaging the proper functioning of the internal market in this sector."

STATEMENT 121/96

Re first paragraph of Article 3

"The Council and the Commission state that limiting the grant of tax incentives to vehicles which have received Community type-approval must not mean that the Greek authorities are prevented from granting tax incentives for the purposes of applying the programme for withdrawing old vehicles implemented by Greece, in view of the levels of pollution which exist in that country."

STATEMENT 122/96

Re third indent of Article 3

"In making its assessment of the tax incentives which Greece intends to grant for the purchase of new, less-polluting motor vehicles, and in particular as regards the condition of proportionality between the incentive and the real cost of anti-pollution devices, the Commission will take particular account of the circumstances peculiar to the case, viz. the existing pollution levels in that country, the rates of motor vehicle taxation applicable hitherto and the Community reference standards for the incentives, on the understanding that the rules of the Treaty and in particular the principle of non-discrimination between locally produced vehicles and imported vehicles will also have to be observed."

STATEMENT 123/96

Re Regulation as a whole

"The Council and the Commission state that transport operations carried out by combined inland waterway and sea-going vessels, which include a sea journey, shall not be subject to this Regulation."

STATEMENT 124/96

Re the second indent of Article 2

"The Council and the Commission state that the condition referred to in the second indent of Article 2 concerns the obligation to comply with existing Community legislation on inland navigation, whether or not the Member State of establishment has a network of inland waterways."

STATEMENT 125/96

STATEMENT BY THE COUNCIL

"The Council is willing to seek an appropriate solution, as part of the agreement on the 1996/1997 prices package, regarding the continuation of the deseasonalization premium in Ireland and Northern Ireland."

STATEMENT 126/96

STATEMENT BY THE COUNCIL

"The payments provided for in Article 4 may be made in addition to the premiums provided for in the second paragraph of point 1 of the final compromise."

STATEMENT 127/96

Re Article 4

"The Commission states that it will inform the Committee mentioned in Article 13 of this Regulation of possible recourse to interest subsidies and provide that Committee with appropriate justifications, notably regarding arrangements for granting such subsidies."

STATEMENT 128/96

Re Article 2(2)

"The Commission states that, having regard to the pre-accession situation of Cyprus and Malta, it will pay particular favourable attention to the needs of these countries, in the proposal evaluation process."

STATEMENT 129/96

Re Article 8(2)

"The Commission states that the normal contribution rate will be 50% of the eligible cost. Nevertheless the rate will be at a lower level if so requested by the applicant."

"The Commission wishes to make clear that it intends normally to set the contribution rate of LIFE at 50% of the eligible cost or at the rate requested by the applicant if that rate is lower."

STATEMENT 130/96

Re Article 9(5)

"The Commission states that it will inform the Committee referred to in Article 21 of Directive 92/43/EEC and the Committee referred to in Article 13 of this Regulation and will receive their reaction with regard to the form of financing and the types of actions to be promoted as well as the relevant criteria to be used, in accordance with Article 9a of this Regulation."

STATEMENT 131/96

Re Article 9a (1), point 1.2

"The Commission states that, in evaluating the requests for financial support in the industrial sector, it will take account of the relevant results of actions developed under R&D programmes, in order to assess innovative aspects of those requests."

STATEMENT 132/96

Re Article 9

"The Commission draws the Institutions' attention to the fact that, for the purposes of evaluating and selecting actions proposed in areas other than nature protection, it plans to carry out a preselection of proposed actions and then to rank them according to merit on the basis of the independent expert opinion."

STATEMENT 133/96

JOINT STATEMENT

The European Parliament, the Council and the Commission stress the importance they attach to the establishment and coherent development of the trans-European transport network. They welcome the adoption of this Decision establishing the network and identifying in particular projects of common interest, enabling the legislative framework for the trans-European transport network to be completed.

They note that those projects contribute to achieving the objectives laid down in Article 2, may in particular make a vital contribution to competitiveness, job creation and cohesion in the Union and also meet the need to link island, landlocked and peripheral regions with the central regions of the Community. They emphasize in this context that the fact that those projects are identified by Annex I, Annex II and the enacting terms of this Decision makes them eligible for a financial contribution from the Community which may facilitate and accelerate their effective implementation by the Member States concerned.

The European Parliament, the Council and the Commission call on the Member States to attach the greatest importance to implementing those projects, to which they devote special attention. The Commission undertakes to keep them regularly informed of their implementation, inter alia by means of the reports provided for in Articles 18 and 21.

The European Parliament, the Council and the Commission note the projects adopted by the European Parliament on second reading, with a view to the development of the trans-European transport network.

STATEMENT 134/96

COMMISSION STATEMENT

- Re section 5 of Annex I: seaports

The Commission will submit in 1997, after consulting interested parties and the Member States concerned, a report and, if appropriate, a proposal for port projects using an approach similar to that followed for airports in section 6.

STATEMENT 135/96

COMMISSION STATEMENT

- Re environmental standards and a pipeline network

The Commission will:

- (a) continue to examine environmental standards for each transport mode,
- (b) study the possibility of setting up a pipeline network not covered by the guidelines for the trans-European energy networks and the possibility of incorporating it into the trans-European network

and will submit any appropriate proposals.

STATEMENT 136/96

STATEMENT BY THE COMMISSION

- Re Annex I

The Commission will examine, with a view to determining whether they qualify for inclusion in Annex I, the projects voted for by Parliament on second reading. This examination will be undertaken as part of the revision procedure provided for in Article 21.

STATEMENT 137/96

STATEMENT BY THE COMMISSION

- Re Articles 19 and 20, and Annex III

The Commission confirms that nothing in this Decision prejudices the financial commitment of the Member States or the Community.

STATEMENT 138/96

STATEMENT BY THE COMMISSION

- Re Article 20

In accordance with Article 6(1) of Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks, the Commission states that in evaluating projects for support under the trans-European networks budget it will pay due attention to projects of a multi-modal nature, notably those involving long-distance routes to peripheral regions.

STATEMENT 139/96

Statement by the Swedish delegation

"The Swedish delegation welcomes the amendments now being made to the Directive concerning additives in feedingstuffs, which will considerably improve it. However, it regrets that it has not been possible to find support for the Swedish view that antibiotics, chemotherapeutics, coccidiostats and growth promoters should not be treated as feed additives but rather as veterinary medicinal products and as such be available only on veterinary prescription.

The Swedish delegation believes that this would be in the interests of consumers, a point to which we should all be attentive at present. Up to the end of 1998, however, under its Act of Accession, Sweden may retain its national legislation in this field. We intend to use that time to continue to work for our view and I am convinced that in time we shall succeed."

STATEMENT 140/96

Statement by the Finnish and Swedish delegations

"The derogation in Article 13(5) provides for a temporary continuation of the customary on-farm use of vitamin supplements. The need for a derogation is, however, due to permanent climatic conditions, which consequently call for a permanent solution. When Council Directive 95/96/EC was adopted, the Commission recognized in a statement these particular difficulties and that they are due to geographical characteristics. Finland and Sweden emphasize that the permanent nature of the problem necessitates a re-examination before the end of the derogation period.

Finland and Sweden will, during the derogation period, through the Standing Committee for Feedingstuffs, provide the Member States and the Commission with information on the application and control of the derogation."

STATEMENT 141/96

Statements by the Council and the Commission

"On the basis of the experience acquired in the examination of applications for authorization submitted by the Member States in accordance with Directive 93/113/EEC the Commission will, before acting on those applications, check whether the authorization of additives belonging to the groups "enzymes" and "micro-organisms" should also be linked to a person responsible for putting them into circulation. In the light of that examination it will make appropriate proposals if necessary."

"The Commission is prepared to re-examine the provisions laid down by Directive 70/524/EEC, in particular as regards the incorporation of additives in supplementary feedingstuffs and the use of certain nutritional supplements, in order to take account of developments in scientific and technical knowledge. That review should be completed in the very near future and in any case within three years of the adoption of this amendment to the Directive; the Commission will make any appropriate proposals."

"The Commission recognizes the need to carry out a scientific analysis of the dangers to human health linked with the consumption of substances used both as veterinary medicinal products and as additives in feedingstuffs, particularly where a substance has been questioned in one of those two fields."

Accordingly, the Commission intends to introduce special provisions concerning the fixing of maximum residue levels for additives into a future amendment of Directive 70/524/EEC, while maintaining the necessary consistency with the legislation on veterinary medicine."

"When granting authorization for a manner of administration other than incorporation of an additive in feedingstuffs, the Commission undertakes to obtain all the technical assurances that will enable it to guarantee the safety of the additive in use in the manner of use chosen, in particular compliance with the conditions of dosage."

STATEMENT 142/96

The Italian delegation is compelled to note that the concerns it expressed at the Agriculture Council meeting on 18 December 1995 are now confirmed by developments in agrimonetary legislation.

In a climate of legal uncertainty, when financial data showing the agrimonetary implications of the European Union's budget are not yet available, despite the Commission's report on the impact of currency fluctuations on the internal market (1 1417/95) and despite trends in the currency markets,

- national aid is sometimes granted where it does not seem to be absolutely justified, insofar as it seeks to compensate for devaluations whose competitiveness cannot be proved;
- in other cases, the green rates for certain currencies undergoing revaluation are frozen, which inevitably leads to serious repercussions on the Community budget;
- or national compensation is granted with a substantial financial contribution from the EAGGF Guarantee Section, using as a legal basis – for the third time, as with the Regulation under consideration – an exceptional provision such as Article 9 of Regulation (EEC) No 3813/92.

The consolidation of the derogations from the agrimonetary arrangements may among other things undermine, in an unfortunate manner, the conformity of the CAP reform with the GATT agreements, since it involves a lasting and automatic increase in the aid per hectare and per livestock unit, in the sheepmeat and goatmeat premiums and in structural and environmental amounts, which is entirely at odds with the actual situation in the currency markets.

While the relationship between the euro and the weak currencies is currently defined with a view to the smooth development of the single market and in the context of a currency harmonization whose implementation periods can already be envisaged, albeit with some difficulty, and also in the context of an economic harmonization for which it does not yet seem possible to envisage any such periods, there is a risk that exceptional and transitional provisions may become permanent and that within the agricultural sector they will provide a dangerous model for making a drastic separation between the "in" currencies and the "out" currencies, foreshadowing acquired rights for producers in countries with strong currencies as regards structural and environmental aid or aid relating to the reform of the CAP.

We therefore need to have all the financial data for 1995, broken down by country and by sector, with particular reference to the agrimonetary compensation measures. Such data

- will enable all the countries, but especially those which are net contributors to the Community budget, like Italy, to carry out the most appropriate devaluations, in the context of important financial decisions concerning in particular the sectors for which the reform begun in 1992 needs to be completed;
- would seem to be particularly necessary vis-à-vis the European Parliament which, in the absence of any changes to the agrimonetary system on the basis of Article 43 of the Treaty, is unable to play its full institutional role.

We therefore believe it would be useful to conduct a detailed study making a clear comparison between the available resources and the individual items of expenditure. Lastly, with reference to the proposal under consideration, the Italian delegation takes the view that it is no longer possible to take decisions that are totally divorced from the whole agrimonetary issue (today favouring Swedish producers, tomorrow perhaps Italian producers) and based solely on the assumption that they can be accepted unscrutinized simply because otherwise it would be necessary to face up to an unsustainable financial outlay.

Pending a fuller accounting analysis by the Commission, the overall financial burden resulting each year from the agrimonetary measures may be put at around ECU 8 billion as from 1994, an increase of about 28% on the basic budget.

In the light of the above, the Italian delegation is voting against the extension of Regulation No 2990/95 (which, among other things, might have benefited from a more appropriate period of study, since its only practical effect is to grant further compensatory income aid in Sweden, given that the conversion rate for the Swedish currency applicable to the aid referred to in Article 7 of Regulation No 3813/92 has already been consolidated up to 1 January 1999 under Regulation No 2990/95) and it requests that, in the report which the Commission promised to draw up at the Agricultural Council meeting from 19 to 22 June 1995, an analysis should be made of all the legal and economic implications of the operation of the agrimonetary arrangements applied since the Single Market came into effect on 1 January 1993 and the consequences thereof for the European Union budget and for the equilibrium between the various regulated sectors in the Member States.

To avoid any misinterpretation of this statement, we wish to end by emphasizing that it is inspired solely by the need to ensure the greatest possible clarity with regard to a matter whose economic importance is undeniable.

STATEMENT 143/96

The United Kingdom delegation notes that the practical effect of the proposal is to authorize the payment of co-funded compensation aids to reflect any losses arising from green rate revaluations before 1 January 1997. The United Kingdom's positive vote for the proposal reflects the continuing necessity of avoiding the triggering of Article 7 of Council Regulation (EEC) No 3813/92. It is without prejudice to the United Kingdom's objection in principle to the freezing of green rates for direct payments in Member States experiencing green rate revaluations as established by Council Regulation (EC) No 1527/95.

STATEMENT 144/96

Statement by Belgium on the proposal for a Directive of the European Parliament and of the Council amending Council Directive 80/777/EEC on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters (Article 11).

"In view of the problems posed by the excessive consumption of fluoride by a sizeable proportion of the Belgian population and considering the widespread presence of fluoride in certain natural mineral waters, Belgium requests the Commission to make proposals to the Standing Committee on Foodstuffs as soon as possible that would render it compulsory for labels to carry an indication drawing the consumer's attention to the widespread presence of fluoride in certain natural mineral waters, and to make any necessary proposals for maximum permissible fluoride levels in natural mineral waters."

STATEMENT 145/96

Statement by Belgium on the proposal for a Directive of the European Parliament and of the Council amending Council Directive 80/777/EEC on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters.

"Belgium states that if, at the time of entry into force of this Directive, the treatment by ozone of certain mineral waters laid down in Article 4(1)(b) of the Directive has not yet been the subject of the procedure laid down in Article 12 of the Directive, and following consultation of the Scientific Committee for Food, it will consider that treatment as still being authorized under Directive 80/777/EEC."

STATEMENT 146/96

COMMISSION STATEMENT

"The Commission will take account of the opinion of the Scientific Committee for Food concerning the treatment of natural mineral water with ozone-enriched air, in adopting, in accordance with Article 7(2)(c), provisions on the information to be included on the label."

STATEMENT 147/96

COMMISSION STATEMENT

"The Commission undertakes to adopt at the same time, in accordance with the procedure of Article 11, the conditions of use of ozone-enriched air referred to in Article 4(1)(b) and the information on the label on this treatment required in Article 7(2)(c)."

STATEMENT 148/96

COMMISSION STATEMENT

"The Commission undertakes to take all the necessary steps to adopt the conditions of use for the treatment of certain mineral waters with ozone-enriched air referred to in Article 4(1)(b) in accordance with the procedure of Article 12 as soon as possible after the adoption of the Directive."

STATEMENT 149/96

Statement by the German delegation on the amended proposal for a Directive of the European Parliament and of the Council amending Council Directive 80/777/EEC on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters.

"The Federal Republic of Germany requests that, in the German version of the document, the term "alkoholfreie Erfrischungsgetränke" ([non-alcoholic] soft drinks) be replaced by "Erfrischungsgetränke" (soft drinks) which corresponds to European commercial usage as published by, amongst others, the central association, UNESDA/CESDA."

STATEMENT 150/96

Re the third recital and Annex Ia, paragraph 2, page 2 of the licence, point (c)

"The Council and the Commission state that the introduction into Community model driving licences of microchips or other computer technology is subject to prior specification in a Community framework. To that end, the Council asks the Commission to convene a working party, as soon as the Directive enters into force, composed of national government experts and representatives of interested parties, to establish what information should be stored, the technical means of retrieving such information and the attendant security and confidentiality aspects, and to establish the necessary standardized features which will ensure the compatibility and interoperability of such driving licences throughout the Community. The Commission will, if necessary, submit to the Council an appropriate proposal based on the conclusions of the aforementioned working party."

STATEMENT 151/96

Re Annex Ia, paragraph 2, page 1 of the licence, point (d), item 3

"The Commission states that Annexes I and Ia to the Directive allow the Member States to designate the place of birth in the manner they consider appropriate. They may, for example, use the distinguishing sign of the country and/or the relevant post code."

STATEMENT 152/96

Re Annex Ia, paragraph 2 , page 2 of the licence, point (a), item 14

"The United Kingdom declares that, in the event that it decided to issue a dual-function driving licence/identity card, the identity card would be issued only to UK nationals and would be subject to the normal conditions for issuing travel documents."

STATEMENT 153/96

Re Annex Ia, paragraph 2 , page 2 of the licence, point (a), item 14

"The Commission acknowledges that the use of driving licences as a means of identification is common practice in several Member States.

However, the Commission is concerned that the official use of the Community driving licence as an identity card would lead to the risk of confusion between the different legal functions of a driving licence and an identity card.

The Commission recalls that its proposal is to define a Community model driving licence and the consequences of the use of such a licence as a national identity card have not been examined. Accordingly, it considers that it is not appropriate to introduce into the Directive provisions concerning the use of the licence as an identity card."

STATEMENT 154/96

Re Article 19

"The Spanish delegation states that, where it is found that a structural subsystem covered by the EC declaration does not fully comply with this Directive in a way involving a current manufacturing process or a service being operated, the parties should conclude agreements which do not necessarily lead to the interruption of such processes and provide for a transitional period which will end when the procedure in Article 21 has been completed or, failing that, when the committee provided for in Article 21 has first given its opinion."

STATEMENT 155/96

Re Article 21

"The Commission regrets that the Council has adopted, for the implementing measures laid down in this act, a committee procedure which will not ensure that a decision is taken in every case."

STATEMENT 156/96

Re ANNEX I

"The Council and the Commission confirm that the trans-European high-speed rail system described in Annex I to this Directive is defined in terms of the new lines and lines upgraded for high speed which are indicated as projects of common interest in the context of the trans-European transport networks referred to in Article 129c(1) of the Treaty."

STATEMENT 157/96

Re ANNEX III

"The Commission considers that the trans-European high-speed rail system cannot be implemented without taking into account user needs. It represents a fundamental choice for society. Interoperability is essential not only for technical reasons but also to meet the needs of ordinary people as users. The service offered by the trans-European high-speed rail system must guarantee users transparency and non-discrimination in information and conditions of access."

STATEMENT 158/96

Re Annex III, point 2.7.: Operation

"The German delegation accepts point 2.7 of Annex III (essential requirements for operation) on the understanding that it interprets it as follows:

- with regard to operating rules and staff, only essential requirements have been laid down, not technical specifications for interoperability, as the latter are unsuited to operating rules and staff;
- the Member States may if necessary introduce the requisite provisions for the qualification and training of staff;
- if Community rules on staff training and qualifications prove necessary, they must be adopted in autonomous legislation as has been the case in the past for other modes of transport."

STATEMENT 159/96

Re Article 1(2)

"The Council and the Commission state that the requirements concerning the movement of trains referred to in Article 1(2) may include, inter alia, requirements concerning speed limits and the avoidance of sensitive areas."

STATEMENT 160/96

Re Article 5(2)(b)

"The Council and the Commission consider on the basis of currently available information that the Tunnel under the GREAT BELT is of the same category as the CHANNEL Tunnel and that therefore, following a decision to be taken according to Article 5(2)(b), more stringent provisions may be applied by the Danish authorities. Similar provisions could also be envisaged with respect to the Tunnel under the SOUND if the final technical conditions determined by its design and construction dictate comparable safety requirements to be defined by the Danish and Swedish authorities."

STATEMENT 161/96

Re Article 5(2)(c)

"The Commission confirms that the term "material" refers in particular to material used for wagons, tanks and packaging."

STATEMENT 162/96

Re the Directive as a whole

"The Council and the Commission recognize the specific characteristics of navigation and the application of maritime rules to all waterways in Finland and Sweden. They recognize that direct mutual recognition of boatmasters' certificates in that context could increase the risk to safety and the environment. Therefore, without prejudice to Council Directive 91/672/EEC, the Council and the Commission note that Finland and Sweden intend to make use of the possibilities for excluding national waterways offered by Article 3(2) of the Directive.

The Council and the Commission also note that Finland does not intend to use the rights granted to it under Council Directive 91/672/EEC and requests the Commission to bring that Directive into line with this statement as soon as possible."

STATEMENT 163/96

Re Article 3(2)

"The Netherlands delegation states that the boatmasters of vessels of more than 20 metres in length transporting more than twelve persons, excluding their crews, on tourist services on national waterways, provided these are Zone 4 waterways, will be dealt with under the Article 3(2) procedure."

STATEMENT 164/96

Re Article 8

"The Council and the Commission state that persons who have passed an examination provided for in Council Directive 94/58/EC of 22 November 1994 will be deemed to have passed the required section of the examination relating to the points listed in the Annex to Directive 94/58/EC."

STATEMENT 165/96

Re Article 8

"The Council requests the Commission to submit a proposal to it as soon as possible for a Directive on the training requirements for boatmasters transporting dangerous substances."

STATEMENT 166/96

Re Directive as a whole

"The Commission states that those parts of its proposal not covered by this Directive remain on the table."

STATEMENT 167/96

Re Article 2

"The Council and the Commission note that the methods of measurement described in Annex I to Directive 70/156/EEC require urgent updating and agree to work together to ensure that revised standard methods of measurement are drawn up as soon as possible."

STATEMENT 168/96

Re Article 4(4)(b)

"The "modular concept" referred to in Article 4(4)(b) was introduced into this Directive to take account of the situation in the two new EU Member States whose legislation at the time of adoption of the Directive, bearing in mind particular geographical, economic and environmental conditions, had for a long time authorized the circulation in their territory of road trains whose length far exceeded that permitted under Community legislation.

The Council calls upon the Commission to submit as soon as possible a report on the implications of the derogation provided for in Article 4(4)(b) of this Directive, to enable it to assess whether its possible use by Member States other than Finland and Sweden would be justified and could significantly affect international competition in the transport sector, bearing in mind also the principles of harmonization and stabilization of the dimensions of road vehicles for the transport of goods.

The Council invites the Commission to submit to it, if necessary, on the basis of the assessment of that report, appropriate proposals for the amendment of this Directive."

STATEMENT 169/96

Re Article 4(4)(b)

Pending receipt of the above, Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal and the United Kingdom state that they do not intend to introduce or extend, according to the circumstances concerned, generally in their territory the modular approach as described in Article 4(4)(b)."

STATEMENT 170/96

Re section 1.1 of Annex I: maximum authorized length

"The Commission states that it will examine in greater detail the consequences for Community transport policy – in particular for urban traffic – of the use in international transport of buses without trailers of a maximum length of 15 m."

STATEMENT 171/96

Re section 1.1 of Annex I: maximum authorized length

"The Council and the Commission confirm that the increase in the maximum authorized length of a road train from 18,35 m to 18,75 m is designed solely to allow the use of non-extensible coupling systems. They state that this increase cannot under any circumstances call into question the loading length of the vehicle, which continues to be set at 15,65 m."

STATEMENT 172/96

Re sections 2.2.4.2, 2.3.2, 2.3.3 and 3.5.3 of Annex I

"The Commission states that it is actively engaged, mainly under the COST research programme, in examining the respective advantages of fitting driving axles with single and with twin tyres, in order to compare the actual effects of the different tyres on roads, the road transport economy and the environment. It states that on the basis of the findings of that study in particular, it will if necessary make appropriate proposals for the amendment of this Directive."

STATEMENT 173/96

Re Article 8

"The Commission states that the set of appropriate measures referred to in Article 8 might include the following:

- amendment of the Directive;
- detailed rules for the negotiation of voluntary agreements;
- a framework Directive plus standards approved by CEN/Cenelec."

STATEMENT 174/96

Re Article 2

"The Council and the Commission agree that the special control and management measures referred to in Article 2 of this Regulation will be mutually agreed by Member States as a result of consultations to be established by the Commission."

STATEMENT 175/96

Re Article 7 and Annex I

"The Council and the Commission agree that Member States will continuously monitor the uptake of by-catches of herring within the limits specified in Annex II of this Regulation and will regularly transmit information on these by-catches to the Commission.

In the light of scientific advice and the recorded uptake, at any point in time, of herring taken as by-catches, the Commission may decide to propose revisions either upwards or downwards to the TAC for sprat in the North Sea."

STATEMENT 176/96

Arable crops: Regulation No 1

The Council notes the Commission's intention to amend Regulation No 1000/94 so as to delay by two years each of the reductions provided for in the supplementary base area in the new Länder of Germany.

STATEMENT 177/96

Arable crops: Regulation No 1

The Council requests the Commission to examine the possibility of allowing some additional flexibility with regard to Article 9 of Regulation No 1765/92 in the case of Member States or regions in which, because of their specific structural situation, their base area is persistently under-utilized.

STATEMENT 178/96

Arable crops: Regulation No 1

The Council notes the intention of the Commission to submit a report on the achievements of voluntary set-aside, on the basis of the experience of the first three years of its application.

STATEMENT 179/96

Olive oil: Regulation No 8

The Commission states that the logic of its proposals implies that the level of the consumption aid should be considered as the minimum level of the tariff.

STATEMENT 180/96

Olive oil: Regulation No 8

The Council notes the Commission's statement that it will keep under regular review the level of aid for olive oil used in the production of canned fish, in the light of the Community and world market price situations.

STATEMENT 181/96

Cotton: Regulation No 10

The Council notes the Commission's statement indicating its intention to maintain the system of post-fixing of aid.

STATEMENT 182/96

Flax: Regulation No 12

The Council considers that a more detailed examination is necessary before it can decide on the Commission proposal. It undertakes to conduct such an examination and will take a decision before 31 December 1996. Pending the amendment of the system, the existing aid for the 1996/1997 marketing year is reduced by 7,5%.

STATEMENT 183/96

Milk: Regulation No 14

- (a) The Council welcomes the Commission's intention to present proposals in the course of 1997 for the future of the milk regime and considers that the implications of the full range of options should be presented.
- (b) As regards the designation of drinking milk in Finland and Sweden, the Council recognizes the extreme political sensitivity surrounding the type of milk which has traditionally been sold in the markets of these two Member States. It recalls that solutions to specific problems of this kind have been found with regard to other traditional practices, whilst respecting the principle of the single market, and requests the Commission to present appropriate proposals in good time so as to enable satisfactory decisions to be taken before the expiry of derogations which currently apply.

STATEMENT 184/96

Wine: Regulation No 22

The Commission undertakes to extend to Austria, under the transitional measures set out in the Act of Accession, the existing derogation available to certain Member States in respect of the withdrawal of wine by-products under supervision.

STATEMENT 185/96

Wine: Regulation No 22

The Commission undertakes to submit to the Council a proposal to extend, in Regulation (EEC) No 2046/89 laying down general rules for distillation, the possibility of regarding "associations of wine-growers cooperatives" as "producers" (Article 2(3)).

STATEMENT 186/96

Wine: Regulation No 22

Statement re Article 1(b):

The Commission departments undertake to draw up as soon as possible a draft proposal for the amendment of Regulation (EEC) No 822/87 as regards oenological practices.

STATEMENT 187/96

Wine: Regulation No 26

Statement re Article 1(b) of the Regulation amending Regulation (EEC) No 2392/86:

The Council notes the joint statement by the Commission and the Portuguese delegation to the effect that the change in date does not involve any change in the cost of the programme to establish the register in the Douro region.

STATEMENT 188/96

Tobacco: Regulation No 27

- (a) The Council considers that the creation of national reserves within the tobacco quota system must be examined in the context of the review of that system, with a view to finding an appropriate solution.
- (b) The Council takes favourable note of the Commission's intention of proposing an amendment to Article 3(2) of Regulation (EEC) No 2075/92 so that Austria receives for its tobacco the additional amount granted in particular to Germany.

STATEMENT 189/96

Durum wheat: General statement

The Commission undertakes that the proposal on the future arrangements for durum wheat will be available before the September 1996 meeting of the Council.

STATEMENT 190/96

Mountainous areas: General statement

The Council recognizes the specific difficulties of mountain areas. Since these are of a structural character, it requests the Commission to examine urgently the means by which, within the sphere of structural policy, these problems can be better addressed.

STATEMENT 191/96

Less-favoured areas: General statement

The Commission undertakes to submit to the Council a proposal to extend for two years in mainland Portugal the special provisions in Article 37 of Regulation (EEC) No 2328/91 under which compensatory allowances for less-favoured areas can be granted to farmers who farm at least one hectare of utilized agricultural area.

STATEMENT 192/96

Flowers: General statement

- (a) Without prejudice to its decision on the detail of the Commission's proposal, which will be given in the light of the European Parliament's Opinion, the Council considers that the expenditure envisaged for the first year should be corrected to MECU 15 instead of MECU 10. Expenditure for later years should be determined in the light of experience.
- (b) The Council invites the Commission to develop a strategy and to present to the Council as soon as possible a strategy paper setting out the guidelines for future negotiations on new tariff concessions in the floriculture sector to avoid disruption of this sector caused by unstructured increases in imports.

STATEMENT 193/96

Annual rate of set-aside

Statement by the French delegation: "France welcomes the fact that the Council has been able, as from July, to agree on a very considerably reduced rate of set-aside, thereby making full allowance for the situation observed on European and international cereals markets.

The Council did not feel able to take the opportunity to further increase stocks available by setting a zero rate of set-aside, in view of various technical problems.

France therefore expects the Commission to take full account, in its management, of the need for regular, adequate supplies of cereals and processed products to the world market, particularly for the European Union's traditional customers.

The supply of adequate quantities to developing countries at reasonable prices assumes particular prominence ahead of the World Food Summit."

STATEMENT 194/96

Transport aid for Greek fruit and vegetables

"The Council notes a statement by the Commission that in setting the rates of aid it will have as its objective to ensure that the cost of the measure adopted by the Council does not exceed that envisaged in the financial statement attached to its original proposal by more than 50%."

STATEMENT 195/96

Hops

The German delegation considers that the aid to hop producers proposed by the Commission for the 1995 harvest is insufficient. It would have been appropriate to set the aid at the 1994 level or at least the level proposed by the European Parliament.

When setting the aid, account should have been taken of the overall economic situation of hop producers and in particular the burdens imposed upon German producers by costly conversion to different varieties. The German delegation expressly made this view known during the Agriculture Council's discussions and maintains it. The German delegation agreed to the setting of the level of aid as proposed by the Commission only to enable an overall compromise to be adopted within the Agriculture Council.