EUROPEAN UNION
THE COUNCIL

Brussels, 8 October 1998 (17.12)
(OR. f)

11800/98

LIMITE

PUBLIC 9

LEGISLATIVE TRANSPARENCY

STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC
SEPTEMBER 1998

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

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

ANNEX I

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC - SEPTEMBER 1998 -			
DEFINITIVE LEGISLATIVE ACTS	**TEXTS ADOPTED**	**STATEMENTS**	**VOTES**
Written procedures completed on 17 September 1998			
Directive of the European Parliament and of the Council relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC	PR-CONS 3619/98 + COR 1	224/98, 225/98, 226/98, 227/98, 228/98, 229/98	
Directive of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC	PE-CONS 3620/98	230/98, 231/98	
2116th Council meeting (Justice and Home Affairs), on 24 September 1998			
Decision on the implementation by the Commission of activities relating to the Community market access strategy	11087/98	232/98, 233/98	
2117th Council meeting (Internal Market), on 24 September 1998			
Directive of the European Parliament and of the Council on the legal protection of designs (00/0464 COD)	PE-CONS 3621/98 + COR 1 (dk) + COR 2 (s) + COR 3 (p)	234/98, 235/98	
Council Regulation amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) Nos 3820/85 and 3821/85	9838/98 + COR 1 (s)	236/98, 237/98, 238/98, 239/98, 240/98	

STATEMENTS IN THE MINUTES RELEASED TO THE PUBLIC - SEPTEMBER 1998 -			
DEFINITIVE LEGISLATIVE ACTS	**TEXTS ADOPTED**	**STATEMENTS**	**VOTES**
2118st Council meeting (Agriculture), on 28 September 1998			
Council Regulation amending Regulation (EC) No 1221/97 laying down general rules for the application of measures to improve the production and marketing of honey	11099/98		
Council Regulation on publicity measures on the labelling of beef and veal	10671/98	241/98	
Council Regulation amending Regulation (EC) No 3072/95 on the common organisation of the market in rice with regard to the scheme for compensatory payment	10465/98	242/98	
Directive of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners	PE-CONS 3622/98 + COR 1 (s) + COR 2 (d) + COR 3 (gr)	243/98, 244/98, 245/98, 246/98	abstentions B, D against DK, A

STATEMENT 224/98

STATEMENT BY THE COMMISSION

Re Article 5a (new)

"In the event of negotiations with ACEA not coming to a successful conclusion, the Commission undertakes to consider the introduction of binding legislation."

STATEMENT 225/98

STATEMENT BY THE COMMISSION

Re Article 5b (new)

"The Commission will consider the role of chemical fuel additives in reducing vehicle emissions and will consider proposing measures to ensure or promote the appropriate use of such additives."

STATEMENT 226/98

STATEMENT BY THE COMMISSION

Re Annex, point 16

"In the context of the roadworthiness test for vehicle emissions covered by Directive 96/96/EC the Commission will consider possible improvements and will submit an appropriate proposal before the end of 1998 to improve the effectiveness of roadworthiness testing of vehicles including inter alia quality assurance for test results."

STATEMENT 227/98

STATEMENT BY THE COMMISSION

Re Annex, point 20
Annex I, point 7.1, third paragraph (Directive 70/220/EEC)

"In making its proposal according to Article 3 of Directive 98/ / , the Commission will propose a coherent approach for durability that includes the extension of durability distance, the possible deletion of the type V test and the respective provisions for in-use compliance testing. In making this proposal, the Commission will take account of the requirements applicable in third countries."

STATEMENT 228/98

STATEMENT BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

Re Article 5a (new)

"The European Parliament and the Council take note of the ongoing discussions between the Commission and the European Automobile Manufacturers Association (ACEA) regarding a voluntary undertaking by the industry to reduce the average CO_2 emissions from passenger vehicles. The European Parliament and the Council express the hope that the discussions produce an early and acceptable result. They welcome improvements to ACEA's draft commitment since March 1998, but stress the need to resolve ambiguities and outstanding issues at the earliest possible opportunity and in the light of the aim of reducing average passenger car fuel consumption to 120g of CO_2/km."

STATEMENT 229/98

STATEMENT BY THE UNITED KINGDOM DELEGATION

"The United Kingdom delegation has cast a positive vote for this Directive in the interests of environmental gain. However, the UK regard this vote as without prejudice to the question of the inclusion of such tax provisions in future legislation under Article 100a of the Treaty, which the UK considers to be an inappropriate legal base for such provisions."

STATEMENT 230/98

STATEMENT BY THE COMMISSION

Re Article 3(5) and Article 4(3)

"When examining requests for derogations under Article 3(5) and Article 4(3), the Commission will verify whether the derogation is compatible with Community law, including competition law, taking account of the availability in the Community of sufficient quantities of fuels of a satisfactory quality."

STATEMENT 231/98

STATEMENT BY THE COMMISSION

Re Article 5a (new)

"The Commission recognises the importance of fiscal incentive measures to encourage the use of improved fuels. It will take due account of this when implementing Council Directive 92/81/EC and will ensure, within the limits of its powers, that the relevant provisions of that Directive are implemented rapidly."

STATEMENT 232/98

STATEMENT BY THE COMMISSION

"The Commission confirms that activities carried out under Member States' national export promotion programmes are excluded from the scope of the present Regulation. The Commission does not intend to finance, under the market access budget line, such activities."

STATEMENT 233/98

JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION

"With regard to the Advisory Committee established under Article 3 of the present Regulation, the Council and the Commission will ensure that only the activities referred to in Article 1 of the Regulation will be discussed in this Committee and that all trade policy aspects of the market access strategy will continue to be referred to the Council Article 113 Committee."

STATEMENT 234/98

STATEMENT BY THE COMMISSION

"The Commission shares the European Parliament's concern about combating counterfeiting.

The Commission's intention is to present before the end of the year a Green Paper regarding piracy and counterfeiting in the Internal Market.

The Commission will include in this Green Paper Parliament's idea of creating an obligation for counterfeiters to provide holders of design rights with information on their illegal acts."

STATEMENT 235

STATEMENT BY THE COMMISSION

Re Article 18

"Immediately following the date of adoption of the Directive, and without prejudice to Article 18, the Commission proposes to launch a consultation exercise involving manufacturers of complex products and of component parts in the motor vehicles sector. The aim of this consultation will be to arrive at a voluntary agreement between the parties involved on the protection of designs in cases where the product incorporating the design or to which the design is applied constitutes a component part of a complex product upon whose appearance the protected design is dependent.

The Commission will coordinate the consultation exercise and will report regularly to the Parliament and the Council on its progress. The consulted parties will be invited by the Commission to consider a range of possible options on which to base a voluntary agreement, including a remuneration system and a system based on a limited period of design protection."

STATEMENT 236/98

STATEMENT BY THE COUNCIL

Re Regulation as a whole

"The Council invites the Commission to submit a report – accompanied if necessary by appropriate proposals – on the effectiveness and uniformity of the checks organised by Member States pursuant to Directive 88/599/EEC."

STATEMENT 237/98

STATEMENT BY THE COUNCIL AND THE COMMISSION

Re Regulation as a whole

"The Council and the Commission undertake to do whatever is necessary as soon as possible to adapt the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) [1] to ensure that the requirements for recording equipment will be reviewed in the light of the amendments made by this Regulation."

STATEMENT 238/98

STATEMENT BY THE COMMISSION

Re Regulation as a whole

"The Commission states that the technical specifications for recording equipment comply with the provisions of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data." [2]

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[1] The Agreement was adopted in Geneva on 1 July 1970 under the auspices of the UN Economic Commission for Europe.

[2] OJ L 281, 23.11.1995, p. 31.

STATEMENT 239/98

STATEMENT BY THE GERMAN DELEGATION

Re Regulation as a whole

"The German delegation confirms the position which it put forward at the meeting of the Transport Council on 17 June 1997 concerning the introduction of new recording equipment in line with the system referred to in Annex I B.
It therefore requests the Commission to adopt a position as soon as possible on the following problems and communicate its opinion to the Council in writing:

- possibility of manipulation and complication in recording owing to the coexistence, over many years, of different recording systems, due to failure to bring them into conformity retroactively;
- absence of provisions making it obligatory to communicate and keep within the undertaking the driving and rest periods recorded for each driver;
- legal uncertainty regarding the obligation on contracting parties to the AETR Agreement to recognise the new recording equipment for the system defined in Annex I B. There is a need for this to be clarified by the States which are contracting parties to the AETR Agreement."

STATEMENT 240/98

STATEMENT BY THE COUNCIL AND THE COMMISSION

Re Article 3 (1)(b)

"The Council and the Commission state that the purpose of checking the maximum speeds referred to in the second and third indents of Article 3(2) of Directive 88/599/EEC is:

- to ensure the proper implementation of Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community ([1]), not to detect breaches of the road traffic regulations other than in cases where an offence has been committed;
- to enable the details of any accident involving the vehicle to be analysed." ([1])

([1]) OJ L 57, 2.3.1992, p. 27.

STATEMENT 241/98

STATEMENT BY THE COMMISSION

Re 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."

STATEMENT 242/98

STATEMENT BY THE SPANISH AND ITALIAN DELEGATIONS

"The Spanish and Italian delegations invite the Commission to examine, in the framework of the proposals on rice to be submitted by 31 December 1998, the question of interregional compensation before penalising regions in excess."

STATEMENT 243/98

STATEMENT BY THE COMMISSION

Re Article 1(1)

"The Commission undertakes to examine the problems relating to enzymes at the earliest opportunity and to submit appropriate proposals to the Council and to the European Parliament as soon as possible."

STATEMENT 244/98

STATEMENT BY THE COMMISSION

Re Annex, point 7(o)

"The Commission is prepared to refer to the Scientific Committee for Food at the earliest opportunity the question of the use of thaumatin as a flavour enhancer in non-alcoholic flavoured drinks and in certain desserts. The Commission will take appropriate action to follow up the opinion to be given by the Scientific Committee in this connection."

STATEMENT 245/98

GENERAL STATEMENT BY THE COMMISSION

"The Commission undertakes to examine in greater detail the effects on health linked with the use of methods of vacuum packaging and packaging in modified gaseous atmosphere of foodstuffs and in particular of raw fishery products and soft cheeses and, if necessary, to take appropriate measures."

STATEMENT 246/98

STATEMENT BY THE GERMAN DELEGATION

Re Annex, points 7(e), 7(l) and 7(q)

"The German delegation proceeds on the basis that the term "cider" ("cidre") used in the German version in points 7(e), 7(l) and 7(q) of the Annex does not cover "Apfelwein"."