

COUNCIL OF THE EUROPEAN UNION

PRESS RELEASES

PRESIDENCY: GERMANY

JULY-DECEMBER 1994

Meetings and press releases 12-22 December 1994

Meeting number	Subject	Date
1816 th	Agriculture	12-15 December 1994
1817 th	Environment	15-16 December 1994
1818 th	No record of a meeting	
1819 th	No record of a meeting	
1820 th	General Affairs	19-20 December 1994
1821 st	Fisheries – no release available	19-20 December
1821 st continued	Fisheries	22 December 1994
1822 nd	No record of a meeting	
1823 rd	Health	22 December 1994

PRESS RELEASE

11865/94 (Presse 268)

1816th Council meeting

AGRICULTURE

Brussels, 12/13/14/15 December 1994

President : Mr Jochen BORCHERT

Minister for Food,
Agriculture and Forestry of
the Federal Republic of Germany

The Governments of the Member States and the European Commission were represented as follows :

Belgium

Mr André BOURGEOIS

Minister for Agriculture

Denmark

Mr Henrik DAM KRISTENSEN

Minister for Agriculture and Fisheries

Mr Nils BERNSTEIN

State Secretary for Agriculture

Germany

Mr Jochen BORCHERT

Minister for Food, Agriculture and Forestry

Mr Franz-Josef FEITER

State Secretary, Ministry of Food,
Agriculture and Forestry

Greece

Mr Georges MORAITIS

Minister for Agriculture

Spain

Mr Luis ATIENZA

Minister for Agriculture, Fisheries and Food

France

Mr Jean PUECH

Minister for Agriculture and Fisheries

Ireland

Mr Joe Walsh

Minister for Agriculture, Food and Forestry

Italy

Mrs Adriana POLI BORTONE

Minister for Agriculture, Food and Forest
Resources

Luxembourg

Mrs Marie-Josée JACOBS

Minister for Agriculture, Viticulture and Rural
Development

Netherlands

Mr J.J. van AARTSEN

Minister for Agriculture, Nature
Conservation and Fisheries

Portugal

Mr António DUARTE SILVA

Minister for Agriculture

United Kingdom

Mr William WALDEGRAVE

Minister for Agriculture, Fisheries and Food

Commission

Mr René STEICHEN

Member

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The following representatives of the acceding countries attended:

Austria

Mr Wilhelm MOLTERER

Minister for Agriculture and Forestry

Finland

Mr Reino URONEN

Secretary-General, Ministry of
Agriculture and Forestry

Sweden

Mrs Margaretha WINBERG

Mr Sture ASTROM

Minister for Agriculture
State Secretary for Agriculture

After lengthy discussion, the Council reached overall agreement by a qualified majority on the basis of a Presidency compromise proposal which the Commission was able to endorse. The compromise covers the following sectors:

AGRI-MONETARY

Regarding the amendment of Regulation (EEC) No 3813/92 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy, the Council reached political agreement (without prejudice to Parliament's Opinion, which is not yet available on the Commission proposal (11061/94 = COM(94) 498 final) subject to the adjustments approved by the Special Committee on Agriculture (see Annex) and to the following amendments:

1. The threshold is maintained at 5 points. It will be movable between -2 and +5. The words "(threshold) less 0,5 points" in Article 4(2)(a) are deleted.
2. The threshold between two currencies may, in order to avoid the risk of distorting trade flows, be reduced by the Commission in accordance with the safeguard clause procedure laid down in Article 11(1).
3. The amounts in national currency of compensatory payments under the reform of the common agricultural policy (specific flat-rate aid per hectare or per livestock unit, compensatory premiums per ewe or goat) will be unaffected by revaluations. Article 7 is maintained in its existing version. In the proposed Article 8, the provisions concerning the aids referred to in Article 7 are deleted (paragraphs 1(b) and 3).

4. The text of the proposed Article 9 is replaced by:

"In the event of a significant re-evaluation, the Council, acting by a qualified majority on a proposal from the Commission, shall decide, primarily to comply with obligations under the GATT Agreement and budgetary discipline, on all necessary measures, which may involve derogations from the provisions of this Regulation:

- concerning aid;
- concerning the amount by which the monetary gaps are dismantled; however, such derogations may not result in the threshold being extended."

5. The monetary gap for the Austrian schilling is fixed at the time of accession in the light of that for the German mark.

6. Article 8 is amended so as to assimilate the Objective 6 regions with the Objective 1 regions.

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The Council and the Commission state that the financial commitments arising from the new agri-monetary arrangements will not constitute an obstacle to Community financing of the common organization of the markets in sectors still to be reformed.

Transitional measures

The Council extended for 1 month (until 31 January 1995) the provisions of the agri-monetary arrangements currently in force.

URUGUAY ROUND IMPLEMENTING LEGISLATION – AGRICULTURE

(The Belgian, Danish and Netherlands delegations maintained reservations on the bananas Chapter, which they thought should be dealt with in the appropriate forum (General Affairs Council)).

The main points of the compromise reached may be summarized as follows:

- decision by the Council to retain some responsibility for establishing the general management rules in each sector;
- need to ensure quotations for certain cereals so that their prices on entry into the Community can be checked without contravening the GATT Agreements;
- some clarification of the fruit and vegetable arrangements in order to take account of market-price fluctuations and make a clearer distinction between certain products intended for the processing industry;
- some clarification by the Commission of the management of tariff import quotas, the allocation of entitlement to tariff quotas and the attribution of quantities entitled to a refund;
- the desire that close track be kept of developments in the chilled sheepmeat trade, which is a sector extremely sensitive to imports;
- finally, request by the Commission that provision be made for flanking measures in order to maintain production capacities in sectors where implementation of the GATT might disturb the markets.

BOVINE SOMATOTROPHIN (BST)

(The United Kingdom and Danish delegations voted against)

The Council extended the ban on the use and marketing of bovine somatotrophin (BST) for a period ending on 31 December 1999.

The Commission will submit a report to the Council before 1 July 1998 on the limited practical tests which Member States may carry out in order to obtain the scientific data needed to assess use of this product.

BIOMASS AND ENVIRONMENTAL SET-ASIDE

The Council took note of the Commission's communication on linking market and structural set-aside, and welcomed the recognition in this report of the potential for making better environmental use of set-aside land. It noted the Commission's undertaking to put forward before its next meeting a proposal on this matter and on biomass. The Council committed itself to decide on the proposal at the earliest opportunity.

ADDITIONAL SET-ASIDE

The Council noted that the Commission intended to conduct a review of the objective of and detailed implementing rules for the extraordinary set-aside scheme in the light of the aims of the CAP reform. To that end, the Commission would prepare a detailed report, accompanied by appropriate proposals in the light of experience gained, before 31 March 1995.

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The Council also discussed the following items on the agenda:

SHEEPMEAT AND GOATMEAT

- Voluntary restraint agreements

The Council recorded its agreement to the Decision on the extension of adjustments to voluntary restraint agreements concluded between the EC and Argentina, Australia, Bulgaria, Hungary, New Zealand, Poland, the Slovak Republic, the Czech Republic and Uruguay on trade in sheepmeat and goatmeat and live sheep and goats.

In the main and pending implementation of the commitments entered into under the Uruguay Round agreement, this involves extending the arrangements currently in force from 1 January to 30 June 1995 for an amount equal to half that involved in the annual reference period.

The Council also recorded its agreement to the proposal for a Regulation fixing the levy applicable to imports of the meat in question.

IMPORT OF NEW ZEALAND BUTTER INTO THE UNITED KINGDOM

The Council recorded its unanimous agreement to the Regulation relating to the continued import of New Zealand butter into the United Kingdom on special terms.

Since the agreement reached during the Uruguay Round on, in particular, access for New Zealand butter to the market of the European Union does not enter into force until 1 July 1995, the Regulation approved grants New Zealand – for the first half of 1995 – permission to import by way of derogation an amount equal to half that imported in 1994 (25 915 tonnes).

REFORM OF THE WINE SECTOR

The Council again looked at the question of reform of the wine sector.

It noted with satisfaction the suggestions put forward by the Commission representative, which were in line with the general approach followed in the Commission proposal and were designed to relaunch discussion on reform of the common organization of the market in wine.

These suggestions concern:

- safeguarding potable alcohols
- storage of cyclical surpluses (which makes it possible to reduce cyclical distillation)
- more appropriate use of green cropping
- framework for grubbing-up measures
- flexibility in structural measures
- adjustment of enrichment rules without calling into question traditional forms of production
- clarification of the idea of including quality wines psr in reference quantities.

The Commission was requested to give details of these adjustments in preparation for a technical examination in the near future.

SUGAR SECTOR

Commissioner Steichen submitted to the Council the Commission proposal for a reform of the sugar sector, where arrangements will expire on 30 June 1995. This sector will also have to cope with implementation as from 1 July 1995 of the GATT agreement on agriculture and with the problem of supplying Community refineries. The deadlines mean that a rapid decision by the Council is needed in order to give producers guidance for the coming marketing year.

The Council took due note of the Commission proposal and instructed the Special Committee on Agriculture to examine it in the light of the Opinions to be delivered by the Parliament and the Economic and Social Committee and to report back.

SIMPLIFICATION OF THE CAP

- Memoranda from different delegations

The Council received a report from the Special Committee on Agriculture indicating the outcome of its discussions on the various memoranda from a number of delegations concerning simplification of the rules governing application of the common agricultural policy.

The President stressed the importance of this matter both for farmers and administrations and for Member States' economies.

On the basis of the outcome of the considerable work already completed, the Commission will be able, within the limits of its authority, to take appropriate action (measures under the Management Committee procedure, proposals to the Council). The Council will then be able to continue its discussion of the issue.

HEALTH CONDITIONS FOR THE PRODUCTION AND PLACING ON THE MARKET OF FRESH MEAT

Pending the Parliament's Opinion, the Council noted that there was a policy stance in favour of a compromise text making a number of adjustments and technical modifications to Directive 64/433/EEC adopting the rules for the production and placing on the market of fresh meat. The Netherlands and Portuguese delegations said that they intended to vote against and the United Kingdom delegation indicated its intention of abstaining when the text was formally adopted at a subsequent Council meeting.

These adjustments were prompted by the practical difficulties encountered by certain Member States in applying the throughput limits decided on in 1992 by the Council for small establishments enjoying a permanent derogation and producing meat to be marketed nationally.

Without prejudice to examination of the Parliament's Opinion, the text could be formally adopted subsequently.

Pending that Opinion and formal adoption of the text, the Council extended the status quo (limited to 20 LSU per week with a maximum of 1 000 LSU per annum) until 28 February 1995.

HEALTH RULES FOR THE PRODUCTION AND PLACING ON THE MARKET OF RAW MILK, HEAT-TREATED AND MILK-BASED PRODUCTS

On the basis of a compromise, the Council adopted the Directive making technical adjustments to the Annexes to Directive 92/46/EEC laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products.

These adjustments were prompted by problems encountered by certain Member States in applying Community rules and modify some of the technical requirements laid down in the Annexes to the said Directive, in particular by changing the standards set for raw milk of goats, ewes and buffalo intended for the manufacture of milk products.

PROTECTION OF ANIMALS DURING TRANSPORT

The Council continued its examination of measures to improve the conditions in which animals are transported.

On the specific question of limiting the duration of transport of animals, the Council was not at the present stage able to find a satisfactory solution.

During the discussion, suggestions were made by several delegations on the understanding that welfare of animals and harmonization of measures to be taken should be the central concerns.

The Council agreed to instruct the Standing Veterinary Committee and the Permanent Representatives Committee to continue their work along these lines.

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SEAT OF THE COMMUNITY PLANT VARIETY OFFICE

A Conference of the Representatives of the Governments of the Member States met on 14 December to discuss the question of the seat of the Community Plant Variety Office as provided for by Regulation No 2100/94 on Community plant variety rights.

Since it was not possible to take a decision at this stage, the Permanent Representatives Committee was instructed to use various criteria to examine the candidacies and make suggestions about the procedure to be followed in the final choice of seat. It will report back to the Conference in good time for the Office to start functioning as planned on 27 April 1995.

AGRI-MONETARYReference to fixed currencies and floating currencies– **Commission statement**

"In the case of any changes to the EMS, the Commission will examine the agri-monetary regulations to see if they need to be altered to ensure the proper functioning of the agri-monetary system. The Commission will report its findings to the Member States in an appropriate manner."

Definition of appreciable reduction in the agricultural conversion rate (ACR)– **Amendment to the first subparagraph of Article 1(3)(f) of the Commission proposal:**

"a reduction in the last agricultural conversion rate applicable which is greater, in absolute value, than each of the differences between that rate and the lowest conversion rate applicable:"

Advance fixing of amounts in ecu– **Article 13(2) of the Commission proposal was amended as follows:**

"Prices and amounts in ecus, whose value in national currency is subject on 31 December 1994 to the correcting factor 1,207509, shall be multiplied by that correcting factor on the first application, from 1 January 1995, of an agricultural conversion rate fixed as from the latter date. Without prejudice to Article 6(2a) the agricultural conversion rates established in advance before 1 January 1995, as well as the amounts in ecus to which they refer, shall remain unchanged."

Drafting amendments to Article 4 of the Commission proposal– **Article 4(2):**

- "(a) at the end of a reference period the absolute value of its monetary gap is greater than the threshold referred to in paragraph 5, less 0,5 points, or
- (b) in the case of a negative monetary gap, where, at the end of a reference period, the absolute value of the difference between that gap and the gap for another currency is greater than that threshold.

However, without prejudice to paragraph 6, where the agricultural conversion rate for a particular currency should be reduced on the basis of a single reference period, the first subparagraph shall not apply to that currency or to those currencies which alone, with respect to it, are in the situation referred to in point (b) thereof."

– **Article 4(6):**

- "6. Should paragraphs 1 or 2 result in an appreciable fall in the agricultural conversion rate for a currency, the application of those provisions shall be suspended for the currency in question, as necessary and for no more than four additional reference periods."

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MISCELLANEOUS DECISIONS

(Adopted without debate; in the case of legislative acts, votes against or abstentions are indicated.)

AGRICULTURE

The Council adopted:

- the Regulation amending Regulation No 4045/89 on scrutiny by Member States of transactions forming part of the system of financing by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (accounting control of undertakings). These amendments were prompted by the experience acquired during the first three years of application of the Regulation, in order to improve the effectiveness of such scrutiny;
- the Regulation on aid which Austria and Finland may grant on stocks held by private operators on 1 January 1995. This aid will not exceed the difference between agricultural prices in those countries and Community prices;
- the Regulation amending Regulation No 2990/82 on the sale of butter at reduced prices to persons receiving social assistance. This extends the arrangements for two years until 31 December 1996. The amount of the aid is fixed at ECU 115/100 kg;
- by a qualified majority, with the United Kingdom delegation abstaining, the Regulation amending Regulation No 1765/92 establishing a support system for producers of certain arable crops. This implements two measures approved in principle by the Council in July 1994 as part of agreement on the price package. They concern the production of durum wheat in several Member States and the conditions for production of oilseeds in Germany;
- by a qualified majority, with the Portuguese delegation voting against, the Regulation setting for the 1994/1995 marketing year the percentages mentioned in Article 3(1a) of Regulation No 426/86 in connection with aid for products processed from tomatoes. This concerns the percentage of amounts of processed tomatoes covered by contracts concluded between operators and producer groups. It is fixed at the same level as in the previous year, i.e. 80%;
- the Regulation amending Regulation No 1907/90 on certain marketing standards for eggs. The amendments are designed to facilitate intra-Community trade in eggs by clarifying certain common standards;

The Council adopted the estimates concerning imports into the Community of:

- young male bovine animals weighing 300 kg or less and intended for fattening for the period 1 January to 30 June 1995 (99 000 head);
- meat intended for the processing industry for the period 1 January to 30 June 1995 (25 000 tonnes).

The Council, with the Irish delegation abstaining in the case of the frozen meat Regulation, also adopted the Regulations:

- opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and products falling within CN codes 0206 10 95 and 0206 29 91 (first half of 1995). This concerns a volume of 17 150 tonnes with a 20% duty and zero levy;
- opening and providing for the administration of a Community tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91 (first half of 1995). This concerns a volume of 26 500 tonnes with a 20% duty and zero levy;
- opening a Community tariff quota for frozen buffalo meat falling within CN code 0202 30 90 (first half of 1995). This concerns a volume of 1 125 tonnes with a 20% duty and zero levy;
- opening a Community tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 (first half of 1995). This concerns a volume of 750 tonnes with a 4% duty and zero levy.

The Council further adopted the Directives:

- amending the Annex to Directive 85/73/EEC on the financing of veterinary inspections and controls of the animal products covered by Annex A to Directive 89/662/EEC and by Directive 90/675/EEC;
- laying down the requirements for the production and placing on the market of minced meat and meat preparations.

The Council also adopted its common position amending Regulation No 1576/89 laying down general rules on the definition, description and presentation of spirit drinks and Regulation No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails further to the outcome of the Uruguay Round multilateral trade negotiations.

FORMER YUGOSLAVIA

The Council adopted:

- the Decision on joint action to continue support for administration of the town of Mostar by the European Union.

This Decision ensures continued financing of the joint action in Mostar for 1995. At this juncture ECU 20 million are available from the 1994 Community budget. That amount is intended in the first place to finance repairs to the Mostar regional hospital.

The total amount for administration of Mostar until 31 December 1995 will be fixed in a later decision. The draft provides for a total of ECU 80 million; procedures are still in progress for the remaining ECU 60 million.

It will be remembered that the Council decided that the town of Mostar should be administered by the European Union as from 23 July 1994 for a maximum of two years as a contribution to the establishing of a single, multi-ethnic and durable administration in the town. The Memorandum of Understanding approved by the Council on 13 and 14 June 1994 and signed in Geneva on 5 July 1994 defines the conditions for implementing this joint action;

- the Decision extending until 31 December 1995 application of Decision 93/603/PESC on joint action to support the conveying of humanitarian aid in Bosnia-Herzegovina.

ENVIRONMENT

Packaging and packaging waste

Under the course of the co-decision procedure with the Parliament, the Council, by a qualified majority with the Danish, German and Netherlands delegations voting against, adopted the Directive on packaging and packaging waste.

This adoption follows the agreement reached on the matter on 8 November 1994 by the Conciliation Committee consisting of representatives of the Council and the Parliament, and legal/linguistic finalization of the text by the relevant services of both Institutions.

The common position adopted by the Council on 4 March 1994 incorporates all the amendments proposed by the Parliament at second reading with the exception of the amendment concerning economic instruments to promote the objectives of the Directive. On this point and in the light of the Conciliation Committee's discussions, Article 15 of the Directive stipulates that the Council, acting on the basis of the relevant provisions of the Treaty, will adopt such economic instruments. In the absence of such measures, Member States may adopt measures to achieve the same objectives, in compliance with the principles governing the Community's policy in the environmental sphere, inter alia the polluter-pays principle, and in accordance with the obligations arising from the Treaty.

The Directive also differs from the Council's common position in that it introduces certain adjustments and states that the Parliament must also receive the reports referred to in the Directive and will, like the Council, examine the experience acquired during the first five-year phase of implementation of the Directive. An interim solution has, moreover, been found to the questions concerning the exercise of implementing powers ("Committee procedure") pending a general solution.

It will be remembered that the aim of this Directive, with which Member States must comply no later than 18 months after its entry into force, is to harmonize national measures concerning the management of packaging and packaging waste in order to reduce their effect on the environment, contribute to the smooth functioning of the internal market and avoid obstacles to trade and distortions and restriction of competition within the Community.

In concrete terms, the Directive provides for the adoption by Member States of measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at re-using packaging, at recycling and recovering packaging waste and, hence, at reducing the final disposal of such waste.

Regarding prevention, Member States will have to ensure that measures are implemented which may consist of national programmes or similar actions adopted, if appropriate, in consultation with all economic operators.

Concerning re-use, Member States may encourage the re-use of packaging which can be re-used in an ecologically sound manner, in conformity with the Treaty.

Regarding recovery and recycling, Member States will have to take the necessary measures to attain the following targets in the course of a first five-year phase starting from entry into force of the Directive:

- recovery: a minimum of 50% and a maximum of 65% by weight of packaging waste;
- recycling: a minimum of 25% and a maximum of 45% by weight of the totality of packaging materials contained in waste, with a minimum of 15% for each material.

In approximately ten years, a substantial increase in these percentages will have to be decided on by the Council on a proposal from the Commission.

Transitional derogations are granted on certain conditions to Greece, Ireland and Portugal, owing to their specific geographic situation and their low consumption levels in this area.

Furthermore, those Member States which have or will set programmes with recovery and recycling targets which go beyond those laid down and have sufficient capacity to do so are permitted to pursue those targets in the interest of a high level of environmental protection, on condition that these measures avoid distortions of the internal market and do not hinder compliance by other Member States with the Directive. To that end, there is provision for a procedure whereby the Commission in cooperation with the Member States will verify that the measures in question are consistent with the internal market.

Other provisions are also included concerning return, collection and recovery systems as a means of achieving the desired objectives.

Regarding the composition of packaging, the Directive lays down that three years after its adoption Member States must ensure that packaging may be placed on the market only if it complies with all essential requirements defined by the Directive.

Volatile organic compounds

Under the co-decision procedure with the Parliament, the Council, by a qualified majority and with the German delegation voting against, adopted the Directive on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations.

This adoption follows the agreement reached on 8 November 1994 by the Conciliation Committee concerning four of the amendments proposed by the Parliament at a second reading and legal/linguistic finalization of the text.

Under that agreement, there is inter alia provision for the Community, after discussion with its main trading partners, to propose appropriate measures to be applied to vessels and port installations which serve vessels if the MARPOL Convention is not revised along these lines.

The Directive adopted also introduces amendments to the Council's common position regarding the conditions for collecting and holding vapour emissions from storage installations at service stations or terminals, including tankers in certain conditions

An interim solution has been found to the questions concerning the exercise of implementing powers ("Committee procedure") pending a general solution.

The Directive, with which Member States will have to comply no later than twelve months after its entry into force, forms part of the Community strategy for reducing man-made VOC emissions. It constitutes the first stage of measures affecting the petrol distribution system, while emissions from the refuelling of vehicles in service stations will be the subject of new Commission proposals.

The aim of the provisions contained in the Directive is to achieve a substantial reduction in the evaporation losses occurring at every stage in the petrol storage and distribution chain.

Certain provisions of the Directive enable Member States to maintain or take more stringent measures throughout their territory or in certain geographical areas in which such measures are found to be central to environmental or health protection.

Fishery products

The Council adopted a Decision laying down transitional measures applicable to imports of fishery products from third countries.

Under this Decision, Member States will maintain until 1 March 1995 existing conditions for imports of fishery products as indicated in Article 11(7) of Directive 91/493/EEC and the type of health certificate annexed to Decision 93/185/EEC.

PRESS RELEASE

11870/94 (Presse 273)

1817th Council meeting

- ENVIRONMENT -

Brussels, 15 and 16 December 1994

Presidents: Ms Angela MERKEL
Minister for the Environment

Mr Clemens STROETMANN
State Secretary
for the Environment
of the Federal Republic
of Germany

The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Mr Jacques SANTKIN

Minister for Health, the Environment and Social Integration

Denmark:

Mr Svend AUKEN

Minister for the Environment and Energy

Mr Leo BJORNSKOV

State Secretary for the Environment

Germany:

Ms Angela MERKEL

Minister for the Environment

Mr Clemens STROETMANN

State Secretary for the Environment

Greece:

Ms Elizabeth PAPAZOI

State Secretary for the Environment,
Regional Planning and Public Works**Spain:**

Ms Cristina NARBONA

State Secretary for the Environment and Housing

France:

Mr Michel BARNIER

Minister for the Environment

Ireland:

Mr Frank COGAN

Deputy Permanent Representative

Italy:

Mr Altero MATTEOLI

Minister for the Environment

Luxembourg:

Mr Jean-Marc HOSCHEIT

Deputy Permanent Representative

Netherlands:

Ms Margaretha DE BOER

Minister for Planning and the Environment

Portugal:

Ms Teresa PATRÍCIO GOUVEIA

Minister for the Environment

United Kingdom:

Mr John GUMMER

Secretary of State for the Environment

Mr Robert ATKINS

Minister of State, Northern Ireland Office

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Commission:

Mr Yannis PALEOKRASSAS

Member

Representatives of the acceding countries also attended as observers:

Austria:

Ms Maria RAUCH-KALLAT

Minister for the Environment

Finland:

Mr Sirpa PIETIKAINEN

Minister for the Environment

Sweden:

Ms Anna LINDH

Minister for the Environment

Mr Mats ENGSTROEM

State Secretary for the Environment

DISPOSAL OF PCBs/PCTs

The Council reached political agreement on a common position on the proposal for a Directive on the disposal of polychlorinated biphenyls and polychlorinated triphenyls (PCBs/PCTs).

The proposal amends and replaces Directive 76/403/EEC on the disposal of PCBs, which has become obsolete as a result of the ban on marketing these substances and the progress that has been made in disposal techniques. The main aim of the proposal is to approximate the Member States' legislation on the controlled disposal of PCBs/PCTs and equipment contaminated by them (especially transformers and condensers).

The main features of the compromise are as follows:

- deadline for decontamination and/or disposal of equipment containing PCBs to be covered by an inventory: end of 2010, except for certain transformers with a PCB content of between 50 and 500 ppm (particles per million), which could be in service until the end of their useful life;
- volume of PCB for the purpose of compiling the inventory: over 5 dm³;
- possibility of several decontamination operations.

An interim report on the implementation of the Directive will be drawn up by the Commission in 2000.

The Permanent Representatives Committee was instructed to finalize the texts in order to enable the Council to adopt its common position as soon as possible.

LIST OF HAZARDOUS WASTE

The Council adopted, by a qualified majority, a Decision establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste. The United Kingdom and Italian delegations voted against the proposal.

The list will play a vital part in ensuring the full application of Community legislation on waste.

In exceptional cases, Member States may make provisions to determine, on the basis of appropriate documentation provided by the holder, that a specific waste of a type on the list does not display any of the properties listed in Annex III to Directive 91/689/EEC.

The list will be periodically reviewed and, if necessary, revised in accordance with the Committee procedure laid down in Article 18 of Directive 75/442/EEC.

COMMUNITY STRATEGY TO REDUCE CO₂ EMISSIONS AND TO IMPROVE ENERGY
EFFICIENCY, INCLUDING CO₂/ENERGY TAX – COUNCIL CONCLUSIONS

- "1. The Council reiterates and confirms its conclusions of 29 October 1990 and 13 December 1991. The Council regards the stabilization of the CO₂ emissions of the Community as a whole by the year 2000 on the basis of the 1990 emissions, as set out in its conclusions of 29 October 1990, as a necessary step towards combating the global greenhouse effect. In doing this, the European Union has taken on a leading role in the worldwide efforts for climate protection and for the implementation of the UN Framework Convention on Climate Change. ⁽¹⁾
2. The Council welcomes the fact that the Member States have submitted their programmes including measures with their estimated results and/or targets to reduce, stabilize or limit their CO₂ emissions, in accordance with Council Decision 93/389/EEC.

It urges Member States to submit as soon as possible their updated programmes in accordance with their commitments under the UN Framework Convention on Climate Change and under the Decision on the Community monitoring system.

It urges the Commission, in accordance with that Decision, to review these programmes including measures with their estimated results and/or targets in cooperation with the Member States in order to assess whether progress in the European Union is sufficient to ensure fulfilment of the Community commitment, and submit the results of this review and, if necessary, appropriate proposals before the next meeting of the Environment Council in order thereby to achieve stabilization of CO₂ emissions in the European Union as a whole.

In this context, the Commission shall, with a view to equitable burden sharing, take into account the reference emission levels and the respective capacity of the economic and social development of Member States. In doing so, the potential for improving energy efficiency, for rational use of energy as well as for the use of renewable energies, in the individual Member States should be exploited.

⁽¹⁾ The Council stresses the role of protecting and enhancing sinks and reservoirs of greenhouse gases in the implementation of the UN Framework Convention on Climate Change, as mentioned also in paragraph 12 of the Council conclusions of 29 October 1990.

In the light of paragraph 10 of the conclusions of 29 October 1990 and the position taken by the European Union at INC 10, the Council invites the Commission to submit to the Council as soon as possible, in due time before the First Conference of the Parties, a set of options in terms of policies and measures to be taken at Community level and by Member States and the resulting emissions for the European Union as a whole, aimed at progressive limitations and reductions of CO₂ and other greenhouse gases by 2005 and 2010.

The Council calls on all Member States to consider what measures or objectives they could envisage setting for themselves with a view to the years 2005 and 2010 and to report back to a future Council.

In this context the Council regards the agreed monitoring mechanism as an indispensable instrument for evaluating progress in implementing national and Community targets and, if necessary, laying the basis for further decisions. It invites the Commission to present to the Committee established under the Decision on the monitoring mechanism at its next meeting an update of its assessment presented in June 1994 of the expected CO₂ emissions from the Community in the year 2000 as far as possible in the light of its abovementioned review.

3. In order to ensure the achievement of the Community CO₂ stabilization target, the Council considers it necessary to implement agreed measures immediately, to review and, if necessary, modify current measures and, if appropriate, to adopt additional measures, including fiscal instruments.

The Council notes the information given by the Commission on the basis of currently available studies, that the measures taken so far by individual Member States and at European level will not suffice to achieve this target.

4. The Council underlines once more that the target of stabilizing CO₂ emissions can only be achieved by a coordinated package of measures to improve energy efficiency and the rational use of energy which are based on supply and demand at all levels of energy production, conversion, transport and consumption and to exploit renewable energies.

5. The Council calls upon Member States to apply fully the provisions of Council Directive 93/76/EEC to limit carbon dioxide emissions by improving energy efficiency (SAVE Programme) and, if necessary, to adopt additional measures. This applies to:

- energy certification of buildings,
- the billing of heating, air-conditioning and hot water costs on the basis of actual consumption,
- third-party financing for energy efficiency investments in the public sector,
- thermal insulation of new buildings,
- regular inspection of boilers,
- energy audits of undertakings with high energy consumption.

6. Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances (framework Directive for household appliances) should be extended by means of new implementing Council Directives to other electrical appliances where there is potential for energy saving. The Council calls upon the Commission to submit a proposal on the subject if possible by 30 June 1995.

The Council takes note of the Commission's intention to introduce at Community level standards for electrical appliances in households and to forward the proposal for a Directive on energy-efficiency standards for refrigerators and freezers as soon as possible and preferably before the end of 1994.

Moreover, the Council recognizes the contribution that the European eco-label (Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme) can make to reducing emissions of CO₂ and other greenhouse gases and calls upon the Commission to facilitate the speedy implementation of the scheme.

7. The Council notes that the programmes to promote energy technologies in Europe and to promote energy efficiency and renewable energy sources in the Community (THERMIE Programme, Regulation No 2008/90 of 29 June 1990, SAVE Programme, Decision 91/565/EEC of 29 October 1991, JOULE Programme within the Third Framework Programme, ALTENER Programme, Decision 93/500/EEC of 13 September 1993 and the forthcoming specific research, technological development and demonstration programme in the field of non-nuclear energy within the

Fourth European Community Framework Research Programme ⁽²⁾) represent a major contribution towards improving energy efficiency, saving energy and using renewable energies. The Council calls upon the Commission to seek ways to enhance the scope of these programmes wherever possible and to increase the utilization of their results also with a view to industrial application. Moreover, balanced access for small and medium-sized enterprises needs to be ensured.

8. With regard to the industrial sector, the Council is of the opinion that Council Regulation (EEC) No 1836/93 of 29 June 1993 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme will be a positive influence in leading firms to identify and develop programmes to reduce their CO₂ emissions, and calls upon the Commission to ensure that the scheme is implemented in accordance with the timetable envisaged in the Regulation. In this context, it should be considered in cooperation with industry to what extent other approaches and instruments such as voluntary commitments designed to reduce CO₂ emissions can be supplemented by the eco-audit.
9. The Council considers that large combustion plants are a major source of CO₂ emissions and therefore deems it necessary to take measures to improve the energy efficiency of these plants. Efficient technologies, such as combined heat and power generation, should be applied. It calls upon the Commission to consider by which instruments the application of efficient technology in overall economic terms can be speeded up.
10. The Council is of the opinion that integrated resource planning including external costs could be one approach to cost-oriented structuring of measures to combat the greenhouse effect. The Council takes note that the Commission is considering options for concrete application of integrated resource planning and will, if appropriate, submit a proposal.
11. The Council considers that it is necessary to exploit, as far as possible, potentials for CO₂ reductions in the transport sector, for example through motor vehicle technical optimization measures, traffic avoidance, traffic guidance and traffic shifting.

In particular, the Council suggests to the Commission to investigate the possibility to substantially lower fuel consumption and emissions for newly registered cars by 2005.

⁽²⁾ See OJ No C 228, 17.8.1994, p. 143.

12. The Council agrees that an increase in energy prices by applying fiscal instruments will as a rule make an effective contribution to improving energy efficiency and to limiting and reducing CO₂ emissions.

Such fiscal instruments would help to internalize external effects and, with the aim of a reduction in CO₂ emissions, provide an economic incentive for rational and economical energy use and fuel substitution.

13. The Council notes the pertinent Presidency Conclusions of the European Council (9/10 December, Essen) which read as follows:

"The European Council has taken note of the Commission's intention of submitting guidelines to enable every Member State to apply a CO₂/Energy tax on the basis of common parameters if it so desires. The ECOFIN Council is being instructed to consider appropriate parameters".

In order to achieve the Community stabilization target in accordance with the conclusions of the Council of 29 October 1990, the Council deems taxation measures necessary. In this respect, a Community framework should be developed as a follow-up of the abovementioned conclusions of the Essen European Council. It is recommended that in further discussions on that issue, taking account of the proposal for a Council Directive introducing a tax on carbon dioxide emissions and energy (COM(92) 226 final of 4 June 1992), the ECOFIN Council, which is competent in tax matters, take account of the following aspects:

- the use of existing excise tax structures and possibilities for including other energy sources in taxation;
- possibilities for gradual entering into force of such taxation for private households, small-scale consumers, transport as well as for the industrial sector, with the objective to avoid possible impacts on competitiveness with other OECD countries;
- dynamization of tax from the outset to create anticipatory effects (pre-determined gradual increase of tax rates);
- options for specific provisions (e.g. crediting and offsetting schemes) for cases of efficient investment projects to reduce CO₂ emissions and to improve efficiency;

- possibility for addressing the issue of different fiscal aspects as well as economic and environmental situations in Member States on the basis of objective criteria by a framework for arrangements for certain Member States covering all or specific sectors taking into account the conclusions of the Council of 29 October 1990.

The Council asks the Commission to deal in its report on the review of excise duties, which is due before the end of 1994, with the role excise duties can play in the context of the Community strategy.

14. The Council asks the Commission to submit as soon as possible a strategy to reduce other greenhouse gases, in particular methane and dinitrous oxide, and carefully to observe and promote new findings on greenhouse gases not as yet identified and to inform the Council on new developments. It also urges Member States which have not yet done so to provide the Commission with the necessary information on other greenhouse gases in accordance with the Decision on the monitoring mechanism.

Furthermore, the Council asks the Commission to prepare an overview of emission levels of and measures by Member States for discussion as soon as possible in the Committee established under Council Decision 93/389/EEC of 24 June 1993 on the monitoring system.

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The Council instructs the High-Level Group to focus its further discussions on the follow-up of the present conclusions and to submit a report with appropriate suggestions to the next meeting of the Council (Environment)."

PREPARATION OF THE FIRST CONFERENCE OF THE PARTIES TO THE UN FRAMEWORK
CONVENTION ON CLIMATE CHANGE (BERLIN, MARCH-APRIL 1995) – COUNCIL
CONCLUSIONS

- "1. The Council confirms its conclusions of 29 October 1990 and 13 December 1991. The Council regards the stabilization of CO₂ emissions in the Community as a whole at 1990 levels by the year 2000 as set out in its conclusions of 29 October 1990 as a necessary step towards effective climate protection.
2. In the light of the conclusions of 29 October 1990 (point 10) and the position taken by the European Union at INC 10, the Council invites the Commission to submit to the Council as soon as possible, in due time before the First Conference of the Parties, a set of options in terms of policies and measures to be taken at Community level and by Member States and the resulting emissions for the European Union as a whole, aimed at progressive limitations and reductions of CO₂ and other greenhouse gases by 2005 and 2010.

The Council calls on all Member States to consider what measures or objectives they could envisage setting for themselves with a view to the years 2005 and 2010 and to report back to a future Council.
3. The Council agrees on the following positions for the First Conference of the Parties to the UN Framework Convention on Climate Change to be held in Berlin from 28 March to 7 April 1995, which may be further developed in the light of further negotiations:

Review of adequacy of the Convention commitments

4. The Council stresses the need to review the commitments contained in Article 4.2.a and b of the Framework Convention on Climate Change (FCCC). It considers these commitments aimed at returning greenhouse gas emissions to their 1990 levels by the year 2000 to be inadequate to achieve the ultimate objective set out in Article 2 of the Convention to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. The Council takes the view that these commitments must be strengthened and extended in order to combat adverse effects on the climate.

5. The Council is in favour of a comprehensive protocol on greenhouse gases, their sources and sinks and for all relevant sectors. In line with the principle of common but differentiated responsibilities and respective capabilities of the Parties, this protocol should contain corresponding commitments, individually or jointly, for as many Parties to the Convention as possible. The structure of the protocol should be flexible enough for it to be expanded and extended gradually in line with the progress of scientific knowledge.

The Council welcomes the fact that the Alliance of Small Island States (AOSIS) has submitted a proposal for a protocol. The Council assumes that this submission, along with other proposals put forward, will form a part of the negotiations in preparation for the First Conference of the Parties.

The Council is of the opinion that the First Conference of the Parties must at least initiate negotiations on the further development of the commitments under the Convention in a protocol. A corresponding mandate should contain specific substantive elements and a deadline for the conclusion of the negotiations (Third Conference of the Parties in 1997).

Negotiations on a protocol should be performed by a special ad hoc group under the auspices of the Conference of the Parties in view of the fact that the Subsidiary Body on Implementation has other pressing tasks related to the implementation of the Convention.

The process of negotiating a protocol will benefit from the establishment of technical panels, under the auspices of the Subsidiary Body on Scientific and Technological Advice, in which technical consultations, i.a. with the business community, can take place.

6. The Council notes that the Framework Convention on Climate Change does not contain a commitment on stabilization but only to adopt policies and take measures with the aim of returning individually or jointly greenhouse gas emissions to their 1990 levels by the year 2000. The Council calls upon the other Annex I Parties also to commit themselves at the Conference of the Parties in Berlin to stabilizing their CO₂ emissions individually or jointly at 1990 level by the year 2000, i.e. at least not to exceed this level after 2000.
7. The Council is of the view that in the negotiations on a protocol a combined approach to strengthen and enlarge the Convention commitments should be considered. In setting new, further-reaching commitments, attention must be paid to the principles in the Convention guiding the Parties in their endeavour to protect the climate system, including the need for equitable and appropriate contributions by each of the Parties in line with the common but differentiated responsibility of Parties as well as their capabilities and

possibilities, and taking account that policies and measures should be cost-effective so as to ensure global benefits at the lowest possible cost.

The Council also believes that for the period after 2000 it is necessary to work in a protocol on further steps to limit and to reduce CO₂ and other greenhouse gases such as methane, N₂O, PFCs and HFCs under the terms of the Framework Convention on Climate Change, drawing on analysis of required policies and measures. The possible characteristics of PFCs and HFCs as substitutes must also be taken into account with a view to the protection of the ozone layer. Other greenhouse gases should be included as knowledge increases. Limitation and reduction steps should be derived from the need to stabilize global concentrations stipulated by the ultimate objective of the Convention.

With regard to policies and measures to reduce emissions, the Council calls for agreements on coordinated policies and measures covering CO₂ and other greenhouse gases as part of a protocol in those areas where international coordination is called for in view of competitiveness concerns. This should apply inter alia to the use of economic instruments including fiscal measures, the transport sector, energy-intensive industrial sectors, forests and limitation of emissions of PFCs and HFCs. In this context the Council recalls relevant measures contained in its conclusions of 15 and 16 December 1994 relating to a Community strategy to reduce CO₂ emissions and to improve energy efficiency.

Joint implementation

8. Within the context of the further elaboration of the commitments under the Framework Convention on Climate Change, the Council also believes it is necessary to develop specific framework conditions and criteria for the use of "joint implementation".

Once such conditions and criteria have been adopted, joint implementation could serve as an incentive and give the Parties room to take on more stringent commitments to reduce anthropogenic emissions of greenhouse gases. Moreover, by encouraging investments in efficient technologies, joint implementation could generate substantial flows of investments, new technology and know-how.

9. In view of the differences of opinion which have arisen in the negotiations to date and the issues which remain to be resolved, the Council believes it would be necessary for a pilot phase to be implemented on the basis of the proposals submitted by the EU at the ninth and tenth sessions of the Intergovernmental Negotiating Committee on Climate Change in August 1994. During the pilot phase regular progress reports should be submitted by partners in joint implementation arrangements. The pilot phase should

proceed and be evaluated in parallel with the negotiations for a protocol. The reporting by Parties on their joint implementation projects would also provide necessary input to these negotiations. The First Conference of the Contracting Parties should determine the necessary criteria and requirements for partners in joint implementation arrangements during the pilot phase.

Methodology

10. The Council welcomes the progress made in the methodology for drawing up the inventories of greenhouse gases required under the Convention and calls for the ongoing work to be continued in collaboration with the OECD and the IEA. Given the methodological and structural differences between the emission inventories of the IPCC and CORINAIR, the Council notes that the compatibility between the two methodologies must be guaranteed and CORINAIR must be harmonized with the IPCC methodology.

The Council stresses the importance of the work of the IPCC in the area of methodology and asks this body to continue its work, particularly on the projection of emissions, and to develop methods for assessing the impact of measures.

Preparation and review of national communications

11. The Council attaches great importance to national communications. The first national communications of the Annex I Parties and the synthesis report to be prepared on that basis by the secretariat with the assistance of selected experts are essential, inter alia, in order to assess the implementation of the Convention, as a contribution to the further elaboration of the Convention and to evaluate the progress made in attaining the ultimate objective of the Convention. The Council is in favour of combining the in-depth review of national communications after the First Conference of the Parties and calls on the Commission and the Member States to nominate experts in good time to carry out this in-depth review.

Financial Mechanism

12. The Council welcomes the successful conclusion of the negotiations on the restructuring and replenishment of the Global Environment Facility (GEF) and the adoption by the institutions involved of the Instrument for the Establishment of the Restructured Global Environment Facility. In the opinion of the Council the prerequisites are thus in place for the GEF to operate as the permanent financial mechanism for the implementation of the Convention and makes an appeal to the GEF Council to determine as soon as possible a

work programme for 1995 to support the Convention. The Council also endorses efforts to ensure that, before the First Conference of the Parties, the GEF Council will consult with the Intergovernmental Negotiating Committee and the Interim Secretariat set up by the Convention.

13. The Council welcomes the outcome of the 10th session of the Intergovernmental Negotiating Committee (INC) with regard to guidance for the operating entity of the financial mechanism.
14. In the opinion of the Council, the agreement on the question of adaptation measures achieved after lengthy negotiations represents an important step in the preparation of the First Conference of the Parties.
15. The Council confirms that the developed Parties need to continue to take the lead in limiting greenhouse gas emissions and in changing their consumption and production patterns. Through technology transfer and the financial mechanism they will also have to assist non-Annex I Parties in modifying the trends in their emissions. The Council expects the Intergovernmental Negotiating Committee, at its 11th session, in line with the proposals submitted on behalf of the European Union, also to provide the as yet undelivered guidance for the financial mechanism, including priorities for funding. These should focus in particular on the formulation and implementation of national programmes of measures for the mitigation of climate change.
16. The possibility should be investigated of launching, in the context of the first COP of the FCCC, an industrialized countries initiative geared towards the development and deployment of new technologies to reduce emissions of greenhouse gases, drawing upon the work done by the OECD and the IEA."

ENVIRONMENT AND TRANSPORT - COUNCIL CONCLUSIONS

"I.

1. The Council welcomes the completion of the internal market, the impending enlargement of the European Union and the further cohesion of Europe. However, it is concerned that, as a result of this development and of growing prosperity, traffic will increase further in Europe and will have increasingly adverse effects on the environment, if no additional measures are taken. The integration of environmental protection requirements into transport policy at national level and at EU level, in accordance with the Treaty, taking into account geographical particularities, is therefore dictated by sound ecological and economic reasoning.
2. The Council recognizes the major importance of transport for trade and the economy. It also sees the advantages of individual motoring with regard to mobility and flexibility. However, it would point out that motorized transport (in particular through noise and gas emissions, its impact on land use and raw material consumption) affects human health, the environment and the quality of life, especially in urban areas, contributes significantly to the level of CO₂ emissions, and other greenhouse effects and is the largest consumer of fossil fuels. Transport is therefore a key issue for environmental policy.
3. The Council refers to the realistic analysis of the adverse effects of transport on the environment, contained in the Green Paper [COM(92) 46 final]; to the future development of the common transport policy as presented in the White Paper [COM(92) 494 final]; and to the initiatives contained in the 5th Environmental Action Programme, where the integration of environmental protection requirements into transport policy is highlighted as one of the major targets.
4. The Council recognizes that there are differences in levels of traffic and environmental pollution between the various regions of the European Union. Further road links still need to be built in some Member States, but are hardly required in others. The interaction between transport and environment in all Member States needs to be acknowledged, taking into account these differences; the development of environmentally sustainable mobility should be pursued as an objective.

5. For reasons of environmental and health protection and in order to ensure environmentally and socially compatible mobility, the Council believes that the Community and Member States as appropriate need to consider the following measures taking into account the costs and benefits:
- to further optimize technology (vehicles, fuel) on a regular basis;
 - to take measures in all policy fields to limit and to reduce as far as possible and feasible environmentally damaging transport;
 - to work towards a shift from road and air traffic to rail and waterways, and from motor-cars to public and non-motorized transport, taking into account geographical and socio-economical factors;
 - to work as far as possible towards the payment of infrastructure costs and external costs by the users of transport infrastructure taking also into account fair competition, e.g. through road pricing;
 - to take measures to increase public awareness for sustainable mobility.

The Council considers that high speed is synonymous with excessive energy consumption, increased noise and air pollution and unsafe traffic.

These guidelines reflect also the Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council, of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development.

6. The Council welcomes the Commission decision to take concrete steps to check its proposals in other policy areas for their environmental compatibility. The Council believes that effects on the volume of traffic and, thus, on the environment should also be taken into consideration during that examination.

The Council requests the Commission to report on a regular basis on the integration of environmental considerations in European transport policy.

7. The Council stresses the interaction between town and country planning and transport. Town and country planning should also strive to rationally organize transport and to reduce its volume. The Council calls on the Spatial Development Committee to examine this question, including an assessment of existing initiatives, within the framework of its discussions on the "Europe 2000 + " document "Cooperation for European territorial development".

II.

8. The Council considers that the limit values for exhaust gases and noise from motor vehicles to be set for the year 2000 and beyond will have to be based on the best motor vehicle technology available at that time taking into account economic aspects and Community regulatory requirements. This course of action has proved its worth, in particular with regard to the steps for 1993 and 1996.

Limit values should be considered also for exhaust gases and types of motor vehicles where no limitations are existing so far. Furthermore, the use of ultra-low and zero-emission-vehicles should be promoted in accordance with the provisions of the Treaty.

The Council considers that the durability of car exhaust systems is of major importance for protection of the environment and calls for work towards an improvement of the durability of exhaust systems. The Council calls upon the Commission and the MVEG Expert Group set up by it to rapidly conclude its work on this subject, and i.a. address the responsibility of the car manufacturers. The Council considers that inspection and maintenance programmes play an important role in reducing pollution from in-use vehicles and calls on Member States to accelerate implementation of programmes for the inspection of vehicles as laid down in Directive 92/55/EEC. It urges the Commission to accelerate its research for more effective inspection and maintenance programmes and testing methods.

9. The Council considers it vital that fuel quality be further optimized inter alia on the basis of environmental criteria. It calls upon the Commission to submit as soon as possible an appropriate proposal on the future quality of fuel, thus fulfilling its obligation under Article 4 of Directive 94/12/EC of the European Parliament and the Council of 22 March 1994 relating to measures to be taken against air pollution by emissions from motor vehicles amending Directive 70/220/EEC. In this context the "Auto-oil Programme" should be concluded as soon as possible and taken into account.

In particular, the Council points out that benzene is a carcinogenic substance and that a substantial reduction of the benzene content in fuel should be sought. The Council considers that Member States may in accordance with the Treaty introduce or promote more environmentally-friendly fuel qualities.

10. The Council considers that it is necessary to exploit, as far as possible, potentials for CO₂ reductions in the transport sector, for example through motor vehicle technical optimization measures, traffic avoidance, traffic guidance and traffic shifting.

In particular, the Council suggests to the Commission to investigate the possibility to substantially lower fuel consumption and emissions for newly registered cars by 2005.

III.

11. The Council considers that an increase in the prices for petrol and diesel by applying fiscal instruments will as a rule make an effective contribution to improving energy efficiency and to limiting and reducing CO₂ emissions, in particular by reducing and shifting traffic to more environmentally-friendly modes of transport. Therefore the "Environment" Council invites the "ECOFIN" Council to take account of the possible effects of this orientation in the examination of the report on excise duties which the Commission will present before the end of the year.
12. The Council requests the Member States and the Commission to work towards ensuring that evaluations of transport projects take full account of their environmental and health impacts including those which extend beyond the direct impacts of the scheme, and the impacts on other modes with the aim to ensure an environmentally-friendly networking of all modes of transport (road, air, rail, waterways).
13. The Council is content that the Commission has based its proposal for Community guidelines for the construction of a trans-European transport network on a multimodal approach covering all modes of transport. It considers that these guidelines should contribute to a shift to more environmentally-sound modes of transport.

The Council asks the Commission to examine the proposed networks with regard to the aim of environmentally-friendly mobility and taking full account of the particularities of peripheral regions, so that the result of this examination can be taken account of at future revisions of the network.

14. The Council believes that roads in many areas need to be relieved of long-distance freight transport. The Council requests the Commission and the Transport Council to promote the relevant initiatives.

Priority to trans-European railway networks for freight transport, the networks of maritime and inland waterways and the expansion of combined transport will contribute to the achievement of an efficient and environmentally-sound freight transport system.

15. The Council considers it desirable to promote European projects for:

- the technical development of an efficient and environmentally-friendly, in particular low-noise freight railway;
- efficient and environmentally-friendly sea transport.

16. The Council suggests that measures be developed in the competent international fora so that environmentally-friendly vehicles (for instance Euro I, Euro II), will be used in international long-distance road transport in the medium term.

IV.

17. The Council notes the approach chosen by the Commission in its communication on the future of civil aviation (COM(94) 218 final) regarding the assessment of additional measures to reduce the effects of air traffic on the environment. In view of the sharp increase in air traffic, the Council stresses the desirability of further substantial reductions in environmental pollution from exhaust gases, in particular of reducing NO_x engine emissions at cruise altitudes as well as CO₂ emissions from air traffic, and noise of aircraft and airports. The development of low pollution and fuel-efficient aircraft engines should in parallel be promoted in the European Union.

It requests the Commission to submit to Council proposals for initiatives at international level and the Member States to promote and support initiatives in appropriate fora at international level, as in particular ICAO.

18. The Council considers that excluding commercial air traffic from indirect taxation cannot be justified on environmental grounds. It requests the Commission to take this into account in the report which it is required to make under Article 8(7) of Council Directive 92/81/EEC taking into account the international context and the economic situation of air transport.

19. The Council considers it necessary to incorporate air transport into an overall environmentally-sound transport concept by networking it with other modes of transport. Furthermore, air traffic should be shifted to railways, where socio-economically and geographically feasible and where this presents a better environmental option.

V.

20. The Council is in favour of introducing, as far as possible, on the basis of these conclusions an initiative of the European Union at the planned ECE Regional Conference on Transport and the Environment in 1996 with the aim of creating the conditions for sustainable environmentally-sound mobility at pan-European level.
21. The Council suggests establishing and supporting research programmes and pilot-projects for sustainable mobility. The environmental impacts should be stressed in all other research programmes of the European Union."

PLACING OF BIOCIDAL PRODUCTS ON THE MARKET

The Council held a policy debate on the proposal for a Directive concerning the placing of biocidal products for non-agricultural use on the market.

The main aim of the proposal is to harmonize the current, and sometimes widely divergent, national rules on biocidal products, so that they can be freely moved whilst a high level of protection for humans and for the environment is ensured.

The biocidal products in question are necessary to combat organisms that are harmful to human and animal health and organisms liable to damage natural or manufactured products. They cover various groups such as wood preservatives, insecticides and disinfectants.

The discussion focused mainly on the scope of the Directive, authorization and mutual recognition procedures, risk management and transitional measures, and enabled guidelines for further discussion to be defined.

The Council instructed the Permanent Representatives Committee to continue examining the proposal pending receipt of the European Parliament's Opinion and in the light of the Council's discussion.

INTEGRATED POLLUTION PREVENTION AND CONTROL

On the basis of a report from the Presidency, the Council took note of progress on the proposal for a Directive on integrated pollution prevention and control.

The proposal aims to define the main features of an integrated approach to fighting industrial pollution and establish appropriate procedures and methods for operating it. It also provides for public access to information and exchange of technical information between the competent national authorities, organized by the Commission.

The Permanent Representatives Committee was asked to continue its discussions in the light of the European Parliament's Opinion. The Council noted the intention of the next Presidency to have the proposal discussed in depth in the appropriate bodies with the aim of arriving at a common position as soon as possible.

THIRD MEETING OF THE COMMISSION FOR SUSTAINABLE DEVELOPMENT

On the basis of a report from the Presidency, the Council discussed the preparations for the third meeting of the Commission for Sustainable Development (CSD) to be held in New York in April 1995.

There will be further discussion of the preparations for this meeting in the Council.

In this context, and with a view to future proceedings, the Council noted a communication from the Danish delegation on implementation of the Prior Informed Consent (PIC) procedure.

The importance of the current proceedings in the framework of the UNEP/FAO Joint Programme for the Operation of PIC was agreed, as was the need to make the procedure legally binding.

ALPINE CONVENTION AND RELATED PROTOCOLS

Pending receipt of the Parliament's Opinion, the Council endorsed the conclusion of the Convention on the Protection of the Alps (Alpine Convention) and the signing of certain protocols to the Convention, concerning:

- conservation of nature and the countryside;
- town and country planning and sustainable development;
- mountain farming and the rural environment;
- the accession of Monaco to the Convention.

The Convention was signed in Salzburg on 7 November 1991 by six countries, including three Member States of the Community (Germany, France and Italy), and by the Community itself.

COMMUNITY LEGISLATION ON THE ENVIRONMENT

The Council took note of an oral report from the Commission and contributions from certain delegations on the implementation of Community legislation on the environment and the action taken to remedy shortcomings.

The Commission's analysis proceeded from its observation that in some cases Member States had not met the deadlines for incorporating Community acts into their legislation, or that the legislation was incomplete or inadequate or contained loopholes.

GENETICALLY MODIFIED PLANTS

The Council noted a communication from the Danish delegation on this subject and on the long-term effects of the combined use of both plants resistant to herbicides and herbicides.

This question will be dealt with by experts in the appropriate Community bodies.

THIRD CONFERENCE OF THE PARTIES TO THE BASLE CONVENTION

The Council took note of a communication from the Danish delegation on the preparation for the Third Conference of the Parties to the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, being held to amend the Convention to incorporate a Decision to prohibit exports of hazardous waste from OECD to non-OECD countries, adopted at the Second Conference of the Parties.

Proceedings on this subject will continue in due course under the next Presidency.

INCINERATION OF HAZARDOUS WASTE

In the context of the cooperation procedure with the Parliament, the Council definitively adopted the Directive on the incineration of hazardous waste.

The Directive, which forms part of the Community waste management strategy, supplements Community legislation on the incineration of municipal waste.

It provides for measures and procedures to prevent or, where that is not practicable, to reduce as far as possible negative effects on the environment, in particular the pollution of air, soil, surface and groundwater, and the resulting risks to human health, from the incineration of hazardous waste and, to that end, to set up and maintain appropriate operating conditions and emission limit values for hazardous waste incineration plants within the Community.

The Directive also lays down strict conditions for the discharge of waste water resulting from the cleaning of exhaust gases and introduces restrictions on the incineration of hazardous waste in plants not intended primarily for that purpose.

Before 31 December 2000, and in the light of experience acquired and technological developments, the Commission will propose revised limit values.

LIMITATION OF NOISE EMITTED BY EARTHMOVING MACHINES

The noise limits for earthmoving machines laid down in Directive 86/662 apply until 29 December 1994. In view of the conciliation procedure taking place on this dossier, and in order to obviate any danger of a legal vacuum between that date and the adoption of the new Directive in this field – on which the Council adopted a common position on 8 June 1994 – the representatives of the Member States meeting within the Council adopted a statement to the effect that their authorities undertook to ensure compliance with the limit values currently applicable until such time as the measures transposing into national law the future Directive amending Directive 86/662 entered into force.

For its part, the Commission considered that by so doing, the Member States would be fulfilling their Community obligations in this respect.

OTHER DECISIONS CONCERNING THE ENVIRONMENT AND MISCELLANEOUS DECISIONS

(adopted without debate. In the case of legislative acts, votes against and abstentions are indicated).

Export and import of certain dangerous chemicals

In the framework of the cooperation procedure with the Parliament, the Council adopted the Regulation amending for the first time Annex I to Council Regulation (EEC) No 2455/92 concerning the export and import of certain dangerous chemicals.

The effect of this amendment is to include among the chemicals banned or severely restricted in the Community and listed in Annex I to Regulation No 2455/92, a series of additional chemicals, following amendments to and the adaptation to technical progress of Directive 79/117/EEC which prohibits the placing on the market and use of certain plant protection products containing certain active substances, and Directive 76/769/EEC which restricts the marketing and use of certain dangerous substances and preparations.

Large combustion plants

In the framework of the cooperation procedure with the Parliament, the Council adopted the Directive amending Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants.

This amendment concerns a category of new plants (between 50 and 100 megawatts), the limits for which the Council, when adopting the Directive on large combustion plants, had agreed to decide at a later date following a detailed study.

The Directive, which takes account of the availability of solid fuel with a low sulphur content to supply the plants in question, sets an emission limit value of 2000 mg SO₂/m³ for all new plants within the meaning of Directive 88/609/EEC, i.e. plants authorized after 1 July 1987.

However, Member States will be able to allow an additional year for compliance with this value for plants authorized between 1 July 1987 and the deadline for incorporation of the Directive into national law.

Substances that deplete the ozone layer

In the framework of the cooperation procedure with the Parliament, the Council adopted a Regulation on substances that deplete the ozone layer.

In particular, the Regulation introduces the provisions needed to ensure compliance with the undertakings entered into by the parties to the Montreal Protocol pursuant to the second amendment to the Protocol (Copenhagen amendment), and provisions on the recovery of controlled substances and measures to be taken to avoid leakages of such substances.

The Regulation also introduces stricter standards than those laid down by the Copenhagen amendment, in particular for CFCs, HCFCs and methyl bromide.

For HCFCs the Regulation sets a ceiling for consumption, from 1 January 1995, of 2,6% of the calculated level of consumption of CFCs and HCFCs in 1989 and a timetable for reduction beginning in 2004 and leading to elimination in 2015.

For methyl bromide, a 25% reduction by 1998 is set, as well as a ceiling for production and consumption set at 1991 levels by 1 January 1995 under the amendment to the Protocol.

Environmental statistics

In the framework of the cooperation procedure with the Parliament, the Council adopted a Decision adopting a 4-year development programme (1994–1997) relating to the environmental component of Community statistics.

The purpose of the Decision is to facilitate the necessary coordination between the work of the national departments and the other Community information systems in the field.

Fisheries – prices for the 1995 fishing year

Following the agreement reached at the Fisheries Council on 23 November 1994, the Council adopted the Regulations fixing, for the 1995 fishing year, the guide prices for the fishery products listed in Annex I(A), (D) and (E) (fresh products) and Annex II (frozen products) to Regulation No 3759/92 and the producer price for tuna intended for the canning industry.

The prices and changes from the 1994 prices are as follows:

A. Guide price in ECU/tonne for fresh products ⁽¹⁾

	<u>Amount</u>	<u>% change compared with 1994</u>
1. Herrings		
- from 1 January to 14 July 1995 and from 1 October to 31 December 1995	242	- 2
- from 15 July to 30 September 1995	162	+ 6
2. Sardines	425	- 1
3. Dogfish	875	0
4. Cat sharks	654	- 5
5. Redfish	910	- 2
6. Cod	1273	- 1
7. Coalfish	644	- 2
8. Haddock	898	- 2
9. Whiting	762	- 2
10. Ling	934	- 2
11. Mackerel of the species <i>Scomber scombrus</i>	237	- 1
12. Mackerel of the species <i>Scomber japonicus</i>	284	- 5
13. Anchovies	967	+ 1
14. Plaice		
- from 1 January to 30 April 1995	802	0
- from 1 May to 31 December 1995	1103	0
15. Hake	3124	0
16. Megrim	1954	0
17. Ray's bream	1461	- 2
18. Monkfish		
- whole	2217	+ 1
- without head	4513	0
19. Shrimps of the species <i>Crangon crangon</i>	1747	+ 4
20. Edible crab	1463	0
21. Norway lobster		
- whole	4248	0
- tails	5566	- 10
22. Dab	743	- 1
23. Flounder	449	0

⁽¹⁾ The guide prices for fresh products make it possible in particular to define the Community withdrawal prices or, for the species referred to in E of Annex I, the Community selling price.

	Amount	<u>% change</u> <u>compared with 1994</u>
24. Albacore or longfinned tuna	1777	- 1
– gutted	2074	- 1
25. Cuttlefish	1310	+ 1
26. Sole	4987	0
B. Guide price in ECU/tonne for frozen products ⁽²⁾		
1. Sea bream	1265	- 2
2. Squid of the species <i>Loligo patagonica</i>	922	+ 4
3. Squid (<i>Ommastrephes sagittatus</i>)	796	0
4. Squid (<i>Illex argentinus</i>)	758	+ 1
5. Cuttlefish of the species <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeletti</i>	1583	+ 3
6. Octopus	1422	+ 1
7. Lesser or Greenland halibut	1526	+ 2
8. Whole hake	1101	- 4
9. Fillets of hake	1388	- 4
10. – Prawns of the species <i>Parapenaeus longirostris</i>	4838	- 1
– Other species of the family Penaeidae	6483	0
C. Producer price for tuna in ECU/tonne ⁽³⁾		
Tuna (Albacore)	1008	0

⁽²⁾ The guide prices for frozen products act in particular as a reference for granting aid to private storage under certain conditions.

⁽³⁾ The Community producer price for tuna acts in particular as a reference for granting compensation to producers' organizations under certain conditions.

Research

After finalization of the texts, the Council formally adopted the Decisions relating to specific research and technological development and demonstration programmes in the following fields (see Press Release 11323/94 - Presse 254):

- * Environment and climate
- * Biotechnology
- * Biomedicine and Health
- * Transport
- * Targeted socio-economic research
- * Nuclear fission safety
- * Dissemination and optimization of research results
- * Stimulation of training and mobility of researchers
- * two programmes for the Community's Joint Research Centre (one under the aegis of the EEC, the other Euratom).

The Council has thus taken decisions on all 20 of the specific programmes under the Fourth Framework Programme for research, technological development and demonstration (RTD), adopted on 26 April 1994 for the period 1994-1998.

Two of the specific programmes (on transport and socio-economic research) are new with respect to the last framework programme. The programme decisions also include a large number of European Parliament amendments.

Food additives other than colorants and sweeteners

The Council adopted, by a qualified majority (with Italy abstaining and Denmark voting against) the Directive on food additives other than colorants and sweeteners. The European Parliament's amendments to the Council's common position of 10 March 1994 were incorporated. The Danish vote is explained in the Annex.

Together with the Directives on sweeteners and colorants (adopted by the Council on 16 June 1994), the Directive on other additives was drawn up further to the framework Directive 89/107/EEC on food additives. The three specific directives are intended to eliminate the remaining problems in the operation of the internal market in foodstuffs.

European Energy Charter

The Council adopted Decisions on the provisional application of the European Energy Charter Treaty by the European Community and by the European Atomic Energy Community.

At its meeting on 29 November 1994 the Energy Council had decided in its conclusions to sign the European Energy Charter Treaty, the Final Act and the Protocol on Energy Efficiency and Related Environmental Aspects at the ministerial conference on the signing of the Treaty, to be held in Lisbon on 16 and 17 November 1994 (see Press Release 11320/94, Presse 251).

Relations with Kazakhstan and Kyrgyzstan

The Council decided to sign the Partnership and Cooperation Agreement with Kyrgyzstan and the Partnership and Cooperation Agreement with Kazakhstan, subject to their subsequent conclusion. The former was initialled in Brussels on 26 May 1994 and the latter on 20 May 1994.

Renewal of the Advisory Committee on Freedom of Movement for Workers

The Council adopted the Decision appointing the members and alternates of the Advisory Committee on Freedom of Movement for Workers for a two-year period.

FOOD ADDITIVESEXPLANATION OF THE DANISH DELEGATION'S VOTE

"The Danish delegation is voting against the adoption of the European Parliament and Council Directive on food additives other than colorants and sweeteners. With regard to the use of nitrites/nitrates, sulphites and sodium aluminium phosphates, the Directive is unsatisfactory in its response to health requirements, which for the Danish delegation are of decisive importance in provisions governing the use of food additives. The Danish delegation also upholds the principle that antibiotics such as natamycin and nisin must not be used in food.

Furthermore, the Danish Government remains firmly of the opinion that the Scientific Committee for Food must, in accordance with statements made by the Commission, state its views on nitrites/nitrates and sulphites as soon as possible. The Government will assess the conclusions of the Scientific Committee and reserves the right to maintain national provisions necessary to protect the life and health of humans in accordance with Article 100a(4) of the Treaty."

There is no record of a 1818th meeting.

There is no record of a 1819th meeting.

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The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Mr Frank VANDENBROUCKE

Deputy Prime Minister, Minister for Foreign Affairs

Mr Robert URBAIN

Minister for Foreign Trade and European Affairs

Denmark:

Mr Niels HELVEG PETERSEN

Minister for Foreign Affairs

Mr Jorgen ØRSTRØM MØLLER

State Secretary for Foreign Affairs

Germany:

Mr Klaus KINKEL

Minister for Foreign Affairs

Mr Günter REXRODT

Minister for Economic Affairs

Mr Werner HOYER

Minister of State, Foreign Affairs

Mr Hans Friedrich VON PLOETZ

State Secretary for Foreign Affairs

Mr Alwin ZIEL

Minister for the Interior, Brandenburg

Greece:

Mr J. KRANIDIOTIS

Deputy Minister for Foreign Affairs

Spain:

Mr Javier SOLANA

Minister for Foreign Affairs

Mr Javier GOMEZ NAVARRO

Minister for Trade and Tourism

Mr Carlos WESTENDORP

State Secretary for Relations with the European Communities

France:

Mr Alain JUPPE

Minister for Foreign Affairs

Mr Alain LAMASSOURE

Minister with special responsibility for European Affairs

Ireland:

Mr Dick SPRING

Minister for Foreign Affairs

Italy:

Mr Antonio MARTINO

Minister for Foreign Affairs

Mr Giorgio BERNINI

Minister for Foreign Trade

Luxembourg:

Mr Jacques POOS

Minister for Foreign Affairs

Netherlands:

Mr H.A.F.M.O. van MIERLO

Minister for Foreign Affairs

Mr M. PATIJN

State Secretary for Foreign Affairs

Portugal:

Mr José Manuel DURÃO BARROSO

Minister for Foreign Affairs

Mr Victor MARTINS

State Secretary for European Affairs

United Kingdom:

Mr Douglas HURD

Secretary of State for Foreign and Commonwealth Affairs

Mr Ian TAYLOR

Secretary of State for Trade

o

o

o

Commission:

Mr Manuel MARIN

Sir Leon BRITTAN

Mr Hans VAN DEN BROEK

Mr Raniero VANNI D'ARCHIRAFI

Vice-President

Member

Member

Member

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The following representatives of the four acceding Member States also attended:

Austria:

Mr Alois MOCK

Minister for Foreign Affairs

Finland:

Mr Heikki HAAVISTO

Mr Pertti SALOLAINEN

Mr Veli SUNDBÄCK

Minister for Foreign Affairs

Minister for Foreign Trade

State Secretary for Foreign Affairs

Sweden:

Mr Mats HELLSTRÖM

Minister for Foreign Trade

FOLLOW-UP TO THE ESSEN EUROPEAN COUNCIL

With regard to the implementation of the briefs issued by the European Council, the Council noted the German Presidency's indications on the points still to be dealt with before the end of 1994 and those of the incoming French Presidency concerning its intentions for the first half of 1995. The latter asked, in particular, that the Commission submit as soon as possible its proposals for the White Paper on the integration of the CCEs into the internal market, on the Euro-Mediterranean partnership and on future relations with MERCOSUR, the economic incentives of the Stability Pact, the additional financing for the TENs and proposals for television without frontiers and the new MEDIA programme.

RACISM AND XENOPHOBIA

The Council heard an oral presentation by Mr Kahn, President of the Consultative Commission established by the Corfu European Council, of the interim report to the Essen European Council on the work of that Commission.

RELATIONS WITH THE EUROPEAN PARLIAMENT

In preparation for the holding of the Interinstitutional Conference with the European Parliament and the Commission on Tuesday 20 December, the Council approved the following draft texts:

- Decision of the European Parliament, the Council and the Commission on the detailed provisions governing the exercise of the European Parliament's right of inquiry (temporary committees of inquiry);
- modus vivendi between the three institutions with regard to the committee procedure, concerning the implementing measures to be taken by the Commission for acts adopted on the basis of Article 189b of the Treaty by the Council and the European Parliament.

With regard to the Interinstitutional Agreement – drawn up by the Legal Services of the three Institutions in accordance with the conclusions of the Edinburgh European Council – on an accelerated working method for official codification of legislative texts, the Council noted a European Parliament statement; it had already approved the draft at its meeting on 13 and 14 June 1994.

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At the Interinstitutional Conference between a European Parliament delegation headed by Ms Nicole FONTAINE, Vice-President ⁽¹⁾, the Council and the Commission, represented by its President, which was held on the morning of Tuesday 20 December:

the signing took place of

- the Interinstitutional Agreement on an accelerated working method for the official codification of legislative texts;

and the following texts were initialled:

- the Decision of the European Parliament, the Council and the Commission on the detailed provisions governing the exercise of the European Parliament's right of inquiry;
- the modus vivendi between the three institutions concerning the implementing measures to be taken by the Commission for acts adopted under Article 189b of the Treaty.

(1) The European Parliament delegation comprised:

Mr Langer (Greens, I), Mr D'Andrea (PPE, I), Mr Tsatsos (PSE, GR),
 Mr Bourlanges (PPE, F), Mr De Giovanni (PSE, I), Mr Gil-Robles Gil-Delgado (PPE, ES),
 Mr B. Donnelly (PPE, UK), Ms Neyts-Uyttebroeck (ELDR, B), with Mr Bazin (RDE, F) and
 Mr Berthu (EDN, F) as observers.

RIGHT TO VOTE AND TO STAND AS A CANDIDATE IN MUNICIPAL ELECTIONS

The Council adopted – with the Portuguese delegation abstaining – the Directive laying down the detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

This represents the implementation of Article 8b(1) of the Treaty, which makes provision for every citizen residing in a Member State of which he is not a national to have the right to vote and to stand as a candidate under the same conditions as nationals. That Article stipulates that the act laying down the detailed arrangements for the exercise of those rights must be adopted unanimously by 31 December 1994.

In accordance with the principle of equal treatment of nationals and non-nationals, the Directive stipulates that the rule that the conditions – in particular those connected with period and proof of residence – must be the same, unless different treatment of national and non-nationals is justified by specific circumstances distinguishing the latter from the former.

The Directive leaves it to the nationals of the Union to decide whether to vote in their country of origin or of residence. It settles the problem of ineligibility by allowing Member States to refer not only to the arrangements in the country of residence, but also to the laws of the country of origin. In certain cases, where local elected officials participate in the exercise of public authority or in safeguarding the general interest, it is possible for Member States to reserve those offices for their own nationals or to restrict the access of other nationals to those offices. Similarly, where elected municipal officials participate in the election of a parliamentary assembly, that office may be reserved for own nationals.

Generally speaking, the Directive is based on the principle that any derogation from the general rules must be warranted, in accordance with Article 8b(1), by problems specific to a Member State, and that any derogation must, by its very nature, be subject to review.

It has been recognized that such specific problems can arise, in particular in a Member State where the proportion of the Union's citizens who reside there but are not nationals is very significantly above average, i.e. more than 20%. If such a situation exists on 1 January 1996 in a Member State – this is at present the situation in Luxembourg – it makes provision for certain derogations to be applied regarding the right both to vote and to stand as a candidate, based on the criterion of length of residence. In such a State, provision can also be made for special measures concerning the composition of lists of candidates.

Since Belgium has its own special features and balances with regard to linguistic, regional and community matters, which are guaranteed by its constitution, provision is made for a special derogation for that country in order to safeguard those specific features and balances. The derogation makes it possible, in a limited number of local government units where the population of nationals of other Member States exceeds 20%, to reserve the right to vote to persons who meet certain requirements in respect of length of residence.

The provisions of the Directive are subject to review after they have been applied at least once in all the Member States. Regarding the derogations, the Commission will report back by the end of 1998 on the continued existence of the grounds justifying their application.

MEDITERRANEAN – RELATIONS WITH ISRAEL, MOROCCO AND TUNISIA

The Council was briefed by the Commission on the progress of the negotiations concerning the new Agreements with Israel, Morocco and Tunisia.

It noted that with Israel a political agreement had just been reached which would enable the negotiations to be formally concluded very soon.

With regard to the negotiations with Tunisia, the Community is awaiting a reply from that country in the next few days following the Community's offer on arrangements for Tunisian olive oil exports.

Finally, for Morocco, the Council expressed the wish that the negotiation of the new Agreement be finalized swiftly.

The adoption of the Decision on the conclusion of an Agreement in the form of an exchange of letters between the European Community and Morocco concerning the arrangements governing imports into the European Community of tomatoes and courgettes originating in and coming from Morocco, applicable from 1 January 1995, will be an important step in that direction.

The arrangements approved, which are designed to maintain the level of traditional Moroccan exports to the Community, will be integrated into the new Agreement.

The arrangements provide in particular that for fresh tomatoes, for each period 1 November to 31 March and for a maximum quantity of 130 000 tonnes, the "agreed entry price" will be ECU 560/t.

For fresh courgettes, the "agreed entry price" will be ECU 451/t for each period 1 October to 20 April and for a maximum quantity of 1 200 tonnes.

TRANSATLANTIC RELATIONS

The Council heard a brief presentation by the Presidency of the progress in the three working groups set up following the Summit between the European Union and the United States held in Berlin on 12 July 1994. The working groups were set up to draft reports and proposals on the following matters: cooperation with the countries of Central and Eastern Europe, a common approach to combating drug abuse and international organized crime, and cooperation in the area of the CFSP.

RELATIONS WITH TURKEY

The Council prepared for the 35th meeting of the Association Council with Turkey, held on the evening of 19 December.

At the close of the discussion the President noted that in the absence of a common position, the Presidency would make the preliminary statements on behalf of the 14 partners.

In accordance with the principles established at the Corfu and Essen European Councils, the Council decided to further accelerate preparations for the conclusion of the negotiations on the completion of the customs union and for resumption of financial cooperation.

The Council noted the Commission report on the progress of the negotiations with Turkey and invited the Commission to continue the negotiations on that basis.

The Council agreed that a further meeting of the EC-Turkey Association Council should take place in the near future under the French Presidency (on the occasion of the General Affairs Council of 6 and 7 March 1995).

URUGUAY ROUND

After noting the Opinions of the European Parliament and the Economic and Social Committee, the Council approved an overall political package concerning the conclusion and implementation of the Uruguay Round agreements.

The political agreement concerns:

- firstly, the Decision concerning the conclusion, on behalf of the Community, as regards matters within its competence, of the Marrakesh agreements;
- secondly, the implementing regulations for those agreements at Community level:
 - = relating to the adjustment of trade policy instruments, i.e.:
 - . antidumping provisions;
 - . rules on subsidies;
 - . safeguard measures;
 - . the new commercial instrument;
- tariffs – this Regulation should enable the Commission to finalize the publication of the tariffs applicable by the Community as of 1 January 1995, including the Uruguay Round concessions;
- pre-shipment inspection;
- modification of the textile regime;
- TRIPS, i.e. firstly, amendment of the Regulation on the Community trademark and secondly, extension of the legal protection of topographies of semiconductor products to persons from a Member of the World Trade Organization;

- the outcome of the Agriculture Council of 15 December regarding the implementation of the agricultural measures, including those for bananas, and the provisions on spirit drinks.

The Council will formally adopt the texts, after legal/linguistic editing, at its meeting on 22 December 1994.

Lastly, the Council noted that the Community and its Member States intended to lodge their instruments of ratification of the outcome of the Uruguay Round in Geneva on 30 December 1994.

RELATIONS WITH THE ASSOCIATED CCEEs

The Council adopted the Decisions concluding the Europe Agreements with Romania, Bulgaria, the Czech Republic and Slovakia which will accordingly enter into force on 1 February 1995.

The Council also adopted the implementing regulations for those Agreements as proposed by the Commission and gave its assent to the implementing regulations to be adopted at the same time by the Commission under Article 95 ECSC.

RELATIONS WITH THE BALTIC COUNTRIES

The Council adopted the Decisions concluding the free-trade Agreements signed with the three Baltic States on 18 July 1994, which are due to enter into force on 1 January 1995.

RELATIONS WITH SLOVENIA

The Council noted the information provided by the Italian Minister to the effect that the bilateral problems between Italy and Slovenia had not yet been resolved and that Italy was therefore unable to withdraw its reservation on the negotiating brief for a Europe Agreement with Slovenia.

The Council once again expressed its hope that the discussions between the two countries would very rapidly produce agreement so that the brief could be adopted.

GENERALIZED PREFERENCES FOR THE PERIOD 1995-1997

The Council adopted the new scheme of generalized preferences for industrial products in a Regulation which will cover a period of four years (1995-1998). The essence of the current arrangements for agricultural products is extended for 1995 and will be reviewed in the course of the year.

For the industrial sector, the basic aspects of the new scheme may be summarized as follows.

For simplification purposes, volume restrictions (fixed amounts or tariff quotas and ceilings) are replaced by a modulation of tariffs (tarification) according to the sensitivity of the sectors (products or groups of products), determined inter alia on the basis of the final results of the Uruguay Round.

To this end, four lists of products and groups of products have been established:

- very sensitive products to which a preferential duty of 85% of the MFN (most favoured nation) rate is applied;
- sensitive products to which a preferential duty of 70% of the MFN rate is applied;
- semi-sensitive products to which a preferential duty of 35% of the MFN rate is applied;
- non-sensitive products which are zero-rated.

The operational scheme will last for four years, thereby ensuring much greater stability.

With regard to transparency, provision is made for a specific product/country safeguard clause, based on the criterion of serious difficulties or threat of serious difficulties. It will be administered with the help of a newly created Committee.

The purpose of the graduation of the GSP is to transfer preferential margins from the more developed to the less developed countries.

To this end, there will be a sector/country graduation mechanism. The criteria for applying the mechanism are relative specialization and weighting according to level of development. Combined application of the two criteria makes it possible to adjust the crude results of the specialization index, in terms of the sectors to be excluded, in line with the level of development.

The graduation mechanism also applies to countries whose exports to the Community of products covered by the scheme, in a given sector, exceed 25% of beneficiary countries' exports to the Community in that sector. For those countries and sectors the preferential margin obtained by applying Article 2 is abolished from 1 January 1996.

The implementation of the new mechanism will be phased in to give economic operators in the countries concerned and in the Community time to adjust to the new GSP offer. This means that the preferential margin for countries with a per capita GNP of more than \$6 000 for the sectors/countries concerned will be reduced by 50% on 1 April 1995 and abolished from 1 January 1996. For countries with a per capita GNP of less than \$6 000, the preferential margin will be reduced by 50% on 1 January 1997 and abolished on 1 January 1998.

The Council decided that abolition of the preferential margin should take immediate effect in the event of the phased implementation of the graduation mechanism resulting in certain countries being granted a much more favourable level of access in respect of certain products than the arrangements applicable in 1993.

The most advanced beneficiary countries will be excluded from entitlement under the Regulation as from 1 January 1998 on the basis of objective, clearly defined criteria for which the Commission will submit appropriate proposals before 1 January 1997.

It was considered that certain behaviour by beneficiary countries sometimes warrants withdrawal of preferences in proportion – in whole or in part – to the scale of the phenomenon ⁽¹⁾. Application of this procedure is not automatic, but subject to a hearings procedure. Any decision to withdraw preferences will be taken by the Council on the basis of a Commission proposal.

With regard to the special incentive arrangements in the social field, the Council decided that from 1 January 1998 special incentive arrangements in the form of additional preferences may be granted to beneficiary countries covered by the scheme which request such arrangements in writing and provide proof that they have adopted and actually apply domestic legal provisions incorporating the substance of the standards laid down in ILO Conventions Nos 87 and 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively and ILO Convention No 138 concerning Minimum Age for Admission to Employment.

(1) This applies to the following cases:

- fraud and failure to provide administrative cooperation
- unfair trading practices on the part of a beneficiary country, including discrimination against the Community
- practice of any form of forced labour
- export of goods made by prison labour
- shortcomings in controls on export or transit of drugs (illicit substances or precursors) and money laundering
- non-compliance with obligations under the Uruguay Round to meet agreed market-access objectives.

To that end the Council will in 1997 carry out a review based on a Commission report on the results of the studies carried out in international fora such as the ILO, WTO and OECD on the relationship between trade and labour rights.

In the light of the review and on the basis of internationally accepted, objective and operational criteria, the Commission will submit to the Council a proposal for a Decision on the intensity of the above special incentive arrangements and the detailed procedures for implementing them.

Similar provisions were adopted in the environmental field.

The Council approved the maintenance for the Andean and Central American countries and the extension to Venezuela of the special "drugs" regime, on condition that the countries concerned continue their efforts to combat drugs with some success. On-going evaluation and dialogue will be needed to monitor progress and a procedure will be set up to this end between those countries and the Commission.

For agricultural and fisheries products in general and for processed agricultural products, the existing Regulations are essentially extended for a year, pending the setting up in 1996 of a new agricultural scheme.

The current list of beneficiary countries remains unchanged. This applies transitionally to the countries of the former USSR as well, pending the possible entry into force of free-trade agreements with those countries.

South Africa is also added to the list under the same conditions as the other beneficiaries.

Duties will continue to be entirely suspended for industrial and agricultural products covered by the new scheme for the least developed countries.

SHIPBUILDING**- AGREEMENT IN THE CONTEXT OF THE OECD**

The Council adopted the Decision concerning the conclusion of the Agreement respecting normal competitive conditions in the commercial shipbuilding and repair industry. This Agreement, which enters into force on 1 January 1996, provides for the abolition of subsidies in the shipbuilding sector.

- EXTENSION OF THE 7th DIRECTIVE

The Council adopted the Directive amending Directive 90/684/EEC on aid to shipbuilding, which concerns a final one-year extension (1995) of the 7th Directive.

In addition to that extension, the Directive stipulates that Spain is authorized to pay to its public shipyards certain aids already approved in the past but not yet disbursed due to budgetary difficulties.

MISCELLANEOUS DECISIONS

(Adopted without debate)

European Economic Area

In preparation for the second Ministerial meeting of the EEA Council, scheduled for the next day, the Council defined the position to be adopted by the EU at that meeting, concerning in particular the operation and future development of the EEA Agreement in the context of its relations with Iceland, Norway and Liechtenstein, for which the Agreement should enter into force as of 1 May 1995.

Enlargement**– Decisions to be taken following Norway's decision not to accede**

The Council reached political agreement on the following texts, the purpose of which is to make the necessary adjustments to the Accession Treaty as a result of Norway's decision not to accede:

- draft Decision adjusting the instruments concerning the accession of new Member States to the European Union;
- draft Council Decision determining the order in which the office of President shall be held;
- draft Decision amending the Council Decision of 28 March 1994 concerning the taking of decisions by qualified majority by the Council;
- joint declaration on Article 31 of the Decision adjusting the instruments concerning the accession of new Member States to the European Union.

The Council agreed that the texts would be formally adopted by the Council of the European Union, enlarged to 15, by written procedure concluding on the date of actual accession of the three new Member States (scheduled for 1 January 1995).

– Structural Funds

In order to make certain technical adjustments to the legislation on the Structural Funds to take account of the accession of Austria, Finland and Sweden, the Council amended, by means of a Regulation,

- Regulation (EEC) No 2052/88 on the tasks of the Structural Funds and on coordination of their activities between themselves and with the operations of the European Investment Bank and other existing financial instruments, and
- Regulation (EEC) No 4253/88 laying down provisions for implementing Regulation (EEC) No 2052/88.

- Negotiations on cows and heifers

The Council authorized the Commission to open negotiations under Article XXVIII of the GATT on cows and heifers with a view to unbinding the current tariff quota of 20 000 head and replacing it with a quota of 5 000 head, taking into account the accession of Austria on 1 January 1995. As Austria was its main beneficiary, the current quota is no longer justified.

Egypt

The Council approved negotiating directives for the conclusion of a new EC-Egypt Agreement to replace the Cooperation Agreement concluded in 1977. This Agreement, which the Commission is authorized to negotiate on the basis of the directives approved, is part of the approach aimed at strengthening the EU's Mediterranean policy. It will cover not only trade relations between the two parties, but also financial, social and cultural cooperation, and a political dialogue.

Agricultural products originating in Cyprus

The Council adopted a Regulation which makes certain improvements to the arrangements applicable to imports into the Community of certain agricultural products originating in Cyprus, i.e.:

- the current tariff quota for fresh table grapes will apply from 8 June to 9 August (adjustment of preference period);
- the current tariff quota for grape juice and must will be increased by 450 tonnes;
- an annual zero-rated Community tariff quota of 2 500 tonnes will be opened for canned seedless grapes.

Import arrangements for manioc/Thailand

The Council adopted a Regulation amending Regulation (EEC) No 430/87 concerning the import arrangements applicable to certain products falling within CN codes 0714 10 and 0714 90, originating in certain third countries (manioc/Thailand).

Following the results of the Uruguay Round, the arrangements applicable to manioc originating in Thailand will be replaced from 1 July 1995 by a tariff quota in accordance with the scheme submitted by the Community. In view of this, the current Regulation is restricted to the first half of 1995 and provides for the opening of a Community quota of 2 625 000 tonnes.

New German Länder - tariff suspension measures

The Council decided to extend, for the last time, until 31 December 1995, the validity of the tariff suspension measures for the new German Länder established by Regulation 3568/90 and last extended by Regulation 665/94 which expires on 31 December 1994.

Those two Regulations authorized the united Germany to maintain for the five new Länder the preferences (exemption from entry duties) granted by the former GDR to certain countries of Central and Eastern Europe and the former USSR (Bulgaria, the Czech Republic, Slovakia, Hungary, Poland, Romania, Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Uzbekistan, Russia, Tajikistan, Turkmenistan, Ukraine, Croatia, Bosnia and Herzegovina, Slovenia and the former Yugoslav Republic of Macedonia).

In this context the Council also gave its assent under Article 95 of the ECSC Treaty to the parallel Decision to be taken by the Commission on imports of steel products.

South Africa

Following consultation of the European Parliament, the Council adopted the Decision concluding the Cooperation Agreement between the European Community and the Republic of South Africa, signed in Pretoria on 10 October 1994.

The Council had already approved the substance of this Agreement at its meeting on 4 October 1994 (see Press Release 9745/94 Presse 205).

Relations with the ACP States

The Council

- agreed on a draft Decision to be taken by the ACP-EC Committee on Industrial Cooperation approving the budget of the Centre for the Development of Industry (1995);
- adopted the Decision establishing for 1995 the schedule of calls for contributions from the Member States under the 6th and 7th EDFs, total contributions for 1995 amounting to ECU 1 800 million;
- approved the conclusions concerning the possibilities and procedures for budgetizing the EDF. Following an undertaking given in the context of the Interinstitutional Agreement of 29 October 1993 on budgetary discipline, the Council had examined in detail the report drawn up by the Commission on the possibilities and procedures for including the EDF in the budget. In the conclusions approved the Council considers that it would be inappropriate to amend the provisions currently applicable to the financing of the EDF.

EC-US Agreement on the application of their competition laws

The Council authorized the Commission, on the basis of approved guidelines, to open negotiations with the Government of the United States of America for an exchange of interpretative letters between the Parties to the Agreement between the European Communities and the Government of the United States regarding the application of their competition laws.

Euratom/United States nuclear cooperation

The Council, after noting the progress of the discussions under way between the two Parties, confirmed its directives for the negotiation by the Commission of a Cooperation Agreement between the European Atomic Energy Community and the United States of America, as adopted on 16 December 1991. The new Agreement will replace the existing Euratom/United States Agreements of 1958 and 1960; the latter expires on 31 December 1995.

Community tariff quotas bound in GATT

The Council adopted the Regulation opening and providing for the administration of Community tariff quotas bound in GATT for certain agricultural, industrial and fishery products, which will enter into force on 1 January 1995.

Control of export of dual-use goods

Following the substantive agreement reached by the Council at its meeting on 13 and 14 June 1994 (see Press Release, 7730/94 Presse 118), and the completion of the legal/linguistic editing of the texts, the Council formally adopted

- the Regulation setting up a Community regime for the control of exports of dual-use goods;
- the Decision on the joint action, adopted on the basis of Article J.3 of the Treaty, concerning the control of exports of dual-use goods.

In the context of the completion of the internal market, these two acts constitute, as an integrated system, a first step towards the setting up of a common system for the control of exports of dual-use goods, i.e. goods which can be used for both civil and military purposes. The two acts will apply from 1 March 1995. The intervening period should enable national administrations and economic operators to prepare for this complex legislation.

The joint lists of dual-use goods are contained in the Decision on the joint action, given that it is the Member States which are responsible for compiling them.

The Regulation concerns in particular the procedures for authorizing exports, customs procedures, administrative cooperation and control measures.

Publication of the decisions of association and cooperation bodies with powers of decision

When concluding future cooperation or association agreements setting up a body vested with powers of decision the Council will decide that decisions of that body will be published in the Official Journal. The Communities' representatives will be empowered to negotiate with representatives of third countries or regions that they also agree to such publication.

Transport

The Council adopted the Directive amending Directive 91/439/EEC on driving licences, with a view to authorizing Finland and Sweden to continue issuing their current driving licences after accession, until 31 December 1997.

Under Directive 91/439/EEC, Member States must issue national driving licences in conformity with the Community model provided for by the Directive. The driving licences currently issued in Finland and Sweden differ from the Community model, being plastified documents in an identity-card format.

Customs union

The Council adopted a Regulation temporarily suspending, from 1 January to 30 June 1995, the autonomous Common Customs Tariff duties on a number of industrial products (microelectronics and related sectors - 2nd series).

Intellectual property

The Council decided to continue, for 1995, the extension of the legal protection of topographies of semiconductor products to natural and legal persons from certain territories including Hong Kong.

Internal market

The Council noted that it was unable to adopt the Directive on the approximation of the laws of the Member States relating to lifts as amended by the European Parliament on 28 September 1994. Therefore, the procedure provided for in Article 189b of the Treaty would be implemented and the Conciliation Committee convened.

Radioactive waste management - Council Resolution

THE COUNCIL,

RECALLING the Commission communication on a Community strategy for radioactive-waste management,

And the Council Resolution of 15 June 1992 on the renewal of the Community Plan of Action in the field of radioactive waste ⁽¹⁾, Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community ⁽²⁾, Council Directive 80/836/Euratom of 15 July 1980 amending the Directives laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation ⁽³⁾ and the Council Resolution of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development ⁽⁴⁾,

BELIEVES that, in the interests of protecting citizens of the European Union against the dangers of ionizing radiation and also of protecting the environment, comprehensive policies covering, inter alia, all stages of the nuclear fuel cycle, for the management of radioactive waste are needed,

WHILE such policies will dovetail smoothly with the Community's general waste policy as set out in the Council Resolution of 7 May 1990 ⁽⁵⁾,

NOTES that all Member States produce radioactive waste to varying degrees; and that significant quantities of radioactive waste have already built up in the Community, awaiting disposal;

1. WELCOMES the fact that the Commission has put forward a communication proposing elements of a Community strategy in implementation of the Community plan of action in the field of radioactive waste;
2. TAKES THE VIEW that each Member State is responsible for ensuring that the radioactive waste produced on its territory is properly managed and NOTES that, in this context, the possibility of a mutually agreed cooperation between Member States exists;
3. CONSIDERS that the recycling and reuse of materials and equipment with, inter alia, a low level of radioactive contamination is an option to be explored further, where residual radioactivity is at too low a level to pose a threat to human health or the environment, in accordance with radiological protection requirements;

⁽¹⁾ OJ No C 158, 25. 6. 1992, p. 3.

⁽²⁾ OJ No L 35, 12. 2.1992, p. 24.

⁽³⁾ OJ No L 246, 17. 9.1980, p. 1. Directive as amended by Directive 84/467/EEC (OJ No L 265, 5.10.1984, p. 4).

⁽⁴⁾ OJ No C 138, 17. 5.1993, p. 1.

⁽⁵⁾ OJ No C 122, 18. 3.1990, p. 2.

therefore **CALLS ON** the Commission to continue its work in order to help determine the conditions for recycling and reuse permitting the clearance of such materials under the same conditions throughout the Community, subject to compliance with the basic safety standards for health protection against the dangers of ionizing radiation;

4. **REAFFIRMS** the importance of pressing on with efforts to reduce the volume and radiotoxicity of radioactive waste;
5. **TAKES THE VIEW** that Community research programmes including the Joint Research Centre programme should be given appropriate priority and that cooperation in research and development among Member States should be intensified in order to contribute to improved solutions for the management of radioactive waste;
6. **EMPHASIZES** that the establishment of suitable facilities for the treatment, conditioning, storage and final disposal of radioactive waste makes a necessary and important contribution to the creation of a safe waste-management infrastructure in general;

CONSIDERS that optimum use should be made of facilities at national level and, where practicable and appropriate, between Member States, bearing in mind the political aspects of the matter and that further consideration should be given to the various approaches available, which might result, among other things, in a minimization of transport of radioactive waste;

7. **CONSIDERS** that the management of radioactive waste should continue to take into account the risks of long-term toxicity;
8. **REAFFIRMS** that shipments of radioactive waste between Member States and into and out of the Community must continue to be subject to appropriate controls;
9. **EMPHASIZES** the need for the public to be objectively informed regarding the management of radioactive waste, and invites Member States and the Commission to continue and, where appropriate, intensify their efforts to that end;
10. **CONSIDERS** that, among others, financial and economic instruments at the disposal of Member States could play a useful role in the implementation of effective waste-management strategies;
11. **ENCOURAGES** continued cooperation with various international bodies, in particular the NEA of the OECD and the IAEA, to provide international guidance and standards for the safe management of radioactive waste and to encourage the adoption of the best available techniques and best environmental practice;
12. **CALLS ON** the Commission to continue its work in the framework of this Resolution, with the assistance of the Consultative Committee set up for the plan of action in the field of radioactive waste and to submit to the Council in four years time a report on progress achieved.

1821st – no release available.

PRESS RELEASE

12330/94 (Presse 279)

Continuation of

1821st Council meeting

- FISHERIES -

Brussels, 22 December 1994

President : Mr Jochen BORCHERT

Minister for Food,
Agriculture and Forestry of
the Federal Republic of Germany

The Governments of the Member States and the European Commission were represented as follows :

Belgium

Mr André BOURGEOIS

Minister for Agriculture

Denmark

Mr Henrik DAM KRISTENSEN

Minister for Agriculture and Fisheries

Germany

Mr Jochen BORCHERT

Minister for Food, Agriculture and Forestry

Mr Franz-Josef FEITER

State Secretary, Ministry of Food, Agriculture and Forestry

Greece

Mr Jean CORANTIS

Deputy Permanent Representative

Spain

Mr Luis ATIENZA

Minister for Agriculture, Fisheries and Food

France

Mr Jean PUECH

Minister for Agriculture and Fisheries

Ireland

Mr Hugh COVENEY

Minister for the Marine

Italy

Mr Luigi VIGNALI

Counsellor to the Deputy Permanent Representative

Luxembourg

Mr Jean-Marc HOSCHEIT

Deputy Permanent Representative

Netherlands

Mr J.J. van AARTSEN

Minister for Agriculture, Nature Conservation and Fisheries

Portugal

Mr Eduardo de AZEVEDO SOARES

Minister for Maritime Affairs

United Kingdom

Mr William WALDEGRAVE

Minister for Agriculture, Fisheries and Food

Mr Michael JACK

Minister of State, Ministry of Agriculture, Fisheries and Food

Commission

Mr Ioannis PALEOKRASSAS

Member

*
* *

The following representatives of the acceding countries attended:

Austria

Mr Wilhelm MOLTERER

Minister for Agriculture and Forestry

Finland

Mr Mikko PESÄLÄ

Minister for Agriculture and Forestry

Sweden

Mrs Margaretha WINBERG

Minister for Agriculture

ARRANGEMENTS FOR ACCESS AND CONTROL – INTEGRATION OF THE IBERIAN FLEETS IN THE COMMON FISHERIES POLICY

After lengthy discussion, the Council reached overall agreement on the basis of a compromise drawn up by the Presidency, together with the Commission, concerning the integration of the Spanish and Portuguese fleets in the common fisheries policy as from 1 January 1996.

The overall compromise is set out below:

"The Council decides that the following elements shall be incorporated in the appropriate forms of Community legislation as soon as possible and adopted by the Council under the "A" point procedure :

I. ACCESS TO WATERS AND RESOURCES

A system for the management of fishing effort shall enter into force as from 1.1.1996 in ICES divisions Vb, VI, VII, VIII, IX and X and the CECAF zones concerned, based on:

1. establishment by the flag Member State of reference lists of all its named vessels which may have access to the fisheries defined in Annex I. These vessels may be the subject of replacement. In addition, vessels may be included on the reference lists at a later date provided there were entitlements to fish at the time that the reference lists were established.
2. demersal species
 - (a) Assessment by the Member States of the fishing effort necessary for each fishery, on the basis of the criteria given in Annex II and taking into account that:

- (i) effort levels shall allow each Member State, for each fishery, to take up fully its fishing possibilities, i.e. species subject to TACs allocated or not as well as species not subject to such limitations;
 - (ii) effort levels shall be established pursuant to Community rules ; existing balances in exploitation by fishery and by zone shall not be disturbed;
 - (iii) effort levels shall, in no way, affect the relative stability of the different fisheries.
- (b) Where the potential fishing effort corresponding to free access for vessels on the reference list exceeds the assessed effort, the Member State concerned shall regulate that effort.
- (c) Member States shall communicate to the Commission by 31.3.1995:
- the reference lists;
 - the assessment of the fishing effort necessary;
 - where appropriate, the arrangements envisaged to regulate fishing effort.

The Member States shall also communicate to the Commission, on a regular basis, each modification of this information.

The Commission will make this information available to the other Member States.

- (d) On the basis of the information thus communicated, the Commission, following close consultation with the Member State concerned, shall, by 1.5.1995, report and make a proposal to the Council for the regulation of fishing effort.

The Council shall by 30.6.1995 decide on that proposal, with or without adjustment to the conditions of fishing activities as communicated by each Member State, in accordance with the procedure laid down in Article 8, para. 4 of Regulation (EEC) n° 3760/92 in full respect of the principles of non-discrimination and relative stability.

That Council decision may provide for the application of the procedure laid down in Article 18 of Regulation (EEC) n° 3760/92 relating to the implementation, including under certain conditions adjustments, of the decision.

In the event of the Council not taking the aforementioned decision before 31.7.1995, the Commission shall, on the basis of aforementioned proposal, if possible by 31.10.1995, in accordance with the procedure laid down in Article 18 of Regulation (EEC) n° 3760/92, adopt the necessary measures to ensure that each Member State's fishing effort does not increase in relation to its existing effort level.

If the Commission does not adopt the necessary measures by 31.12.1995, the reference lists and, where appropriate, the arrangements regulating fishing effort as submitted by the Member States, will apply.

- (e) Fishing effort in divisions VII a and VII f north of 50° 30' N shall be allocated in accordance with traditional fishing activities;
- (f) Fishing effort in the area of the present "Irish box" shall be limited to the level of present activity for vessels of all Member States, except for those flying the flag of Spain. The number of vessels flying the flag of Spain shall be increased to 40 in full respect of the principle set out in subparagraph a(ii) above.

3. pelagic species (including highly-migratory species)

- (a) a posteriori monitoring of actual fishing effort;
- (b) in particular cases, fishing effort may be regulated by a decision of the Council, acting by qualified majority, on a proposal by the Commission, taking account inter alia of existing balances in exploitation by fishery and by zone.

II. VESSEL LENGTH

- 1. The measures provided for in sections I and III shall apply to all vessels over 15 meters in length.
- 2. The fishing capacity of vessels below this limit shall be assessed globally for each fishery.

III. CONTROL MEASURES

The control measures necessary for implementation of these arrangements shall be based on:

1. adoption by the Member States before 31.3.1995 of rules making it possible to guarantee that the limitations on fishing effort are not exceeded. These rules shall be notified to the Commission and communicated to the other Member States;
2. recourse, wherever necessary, to the special fishing permit;
3. communications by vessels of entry into and exit from fishing areas, including entering or leaving a port in the area concerned, for which limitations have been placed on fishing effort or capacity and the area of the present "Irish box". For vessels equipped with real time automatic monitoring systems, recognised under Community legislation, these communications may be made by means of those systems;
4. as soon as the necessary Community infrastructures are in place, which shall be in any event not later than 1 January 1998, these communications shall be supplemented by catch declarations on entry and exit;
5. these communications and declarations shall be made simultaneously to the flag State and the coastal States concerned;
6. Member States shall apply control measures without discrimination.

IV. ADDITIONAL MEASURES

FIXING OF THE TOTAL ALLOWABLE CATCHES AND THE CONDITIONS UNDER WHICH THEY MAY BE FISHED ⁽¹⁾

1. The Council and the Commission state that in accordance with the provisions of Articles 4 and 8 of Regulation (EEC) No 3760/92 and in compliance with the principle of non-discrimination, in fixing the TACs and their distribution as from 1 January 1996, the Council shall fix TACs for the three stocks of horse mackerel in ICES area X and CECAF, and specify the quantities to be allocated to Spain and Portugal respectively in the corresponding areas.
2. The statements given below shall be entered in the Council minutes.

A. Statements by the Commission

The Commission will not make use of the procedure laid down in article 18 of Regulation (EEC) n° 3760/92 to reduce permitted fishing effort below recently recorded levels.

In the event that effort ceilings prejudice the taking of a quota share of a Member State, the Commission will take action to review the ceilings and rectify the situation.

(1) Annual Council Regulation fixing, for certain fish stocks and groups of fish stocks, the total allowable catches and certain conditions under which they may be fished.

The Commission confirms that an acceptable way for a Member State to regulate fishing effort will be for it to monitor the activity of its fleet and to take appropriate action if, on this basis, the effort reaches (or is about to reach) the permitted level.

Having regard to the importance which Member States attach to the effective enforcement of EC fisheries regulations and the annual reports which, under the control regulation, Member States are to provide to the Commission, the Commission undertake to provide Member States with a full report by 1 June each year on the inspections carried out by the Commission Fisheries Inspectors in the preceding calendar year, together with an assessment of the results of the inspections and an account of any improvements in national enforcement arrangements which have been recommended.

B. Joint statement by Spain and Portugal

1. With the aim of jointly regulating the activity of Spanish vessels in Portuguese waters and Portuguese vessels in Spanish waters for the benefit of the fishing sectors of both countries, with due regard for the principles of responsible fishing, while ensuring that there is no distortion of the current level of effort and observing the principle of non-discrimination, Spain and Portugal agree to establish the following conditions from 1 January 1996:
 2. Trawlers
 - * Spain and Portugal will include in their respective reference lists a list of the names of the vessels with access to the waters of the other country (Portuguese waters in ICES area IX and CECAF – continental coast – and Spanish waters in ICES areas VIII and IX and CECAF – continental coast);

- * for the areas mentioned, Spain and Portugal will draw up their national fishing plans regulating the activity of their vessels in the waters of the other Member State. The plans will contain the following points:
- * both Member States will comply with the overall effort levels (number of vessels and total potential) for the reference period 1986-1995;
- * in the areas mentioned, Spanish vessels in Portuguese waters and Portuguese vessels in Spanish waters will be permitted to catch crustaceans, in the form of a by-catch, only up to 10% of the volume of the catch kept on board in the course of directed fishing for hake and other demersal species.
- * catches of hake and horse mackerel by Spanish vessels in Portuguese waters and by Portuguese vessels in Spanish waters in the areas mentioned belonging to both Member States will be limited to 850 and 2 250 tonnes respectively.

3. Surface long-liners and troll-line tuna vessels

- * The fishing activity of Spanish vessels in Portuguese waters in ICES area IX and CECAF – continental coast – and of Portuguese vessels in Spanish waters in ICES areas VIII and IX and CECAF – continental coast – will be governed by the general arrangements applicable from 1 January 1996.

4. Fishing for tuna in ICES area X and CECAF

- * With the possible exception of mutually agreed access to fishing activities with traditional gear, access by Spanish vessels to Portuguese island waters in ICES area X and CECAF and by Portuguese vessels to Spanish island waters in CECAF is ruled out.

C. Joint Statement by the Council and Commission

The Council and the Commission note the agreements reached between Spain and Portugal as set out in the above paragraphs. These agreements will be incorporated in the annual regulations on TACs and quotas.

D. Joint statement by Portugal and France

With the aim of facilitating overall agreement in the integration process for Portugal and Spain, and in order to resolve certain specific situations facing their fishing fleets, Portugal and France have agreed that:

- since a common TAC for anchovies has been set for ICES areas VIII and IX, Portugal will annually transfer to France 80% of its quota, which will be fished exclusively in waters under the sovereignty or jurisdiction of France;
- France will annually transfer to Portugal 70% of its hake quota in ICES areas VIIIc, IX and X and CECAF, which will be fished exclusively in waters under the sovereignty or jurisdiction of Portugal;
- France will annually transfer to Portugal the cod quota allocated to it each year in NAFO Division 3M;
- these exchanges will take place within the framework of Article 9 of Regulation No 3760/92;
- these agreements will be subject to tacit renewal annually from 1995 to 2002 and the parties reserve the right to amend the terms of the agreements every year when the TACs and quotas are fixed.

E. Statement by the Council and the Commission

The Council and the Commission note the joint statement by Portugal and France on bilateral exchanges of anchovy, hake and cod quotas and undertake to adopt annually, for the period 1995-2002, provisions for the joint administration of the TACs for anchovies in ICES areas VIII and IX and allowing Portugal the possibility of also fishing, in waters under its sovereignty, for the hake quota share obtained by France.

F. STATEMENT BY SPAIN

In relation to points D and E, Spain considers that the provisions for the joint administration of the TACs for anchovies in ICES areas VIII and IX, adopted for the period 1995-2002, must respect the biological differentiation of the stocks of anchovy and should not signify an alteration of existing balances.

G. Joint Statement by Spain and France

At its meeting on 19 and 20 December 1994 the Fisheries Council met its commitment to give effect to the agreement which on 1 January 1996 will allow the full integration of Spain into the CFP.

This full integration will be implemented in a non-discriminatory manner, observing the maintenance of balance and without increasing fishing effort.

The two delegations confirmed their intention to make every effort to avoid any repetition of incidents between fishermen from the two countries.

For this purpose, they decided to set up a "Franco-Spanish Fisheries Committee" which will examine all topics of bilateral interest at administrative level and, where necessary, in collaboration with the trade. This Committee will see that appropriate decisions are taken in good time.

They restated their intention to renew and, if possible, improve the 1992 bilateral agreement on anchovies for a multiannual period with effect from 1995, taking account of the concerns of the two countries, including in particular the level of the annual exchange of quotas, control measures and marketing problems.

In this framework, Spain and France decided on an exchange of quotas under the following conditions :

- From France to Spain
 - Cod ICES Vb, VI, XII, XIV : 10 tonnes
 - Cod ICES VIIb,k, VIII, IX, X, CECAF 34.1.1 : 50 tonnes
 - Haddock ICES Vb, VI, XII, XIV : 10 tonnes
 - Haddock ICES VII, VIII, IX, X, CECAF 34.1.1 : 55 tonnes
 - Whiting ICES Vb, VI, XII, XIV : 10 tonnes
 - Saithe ICES VIIb-k : 50 tonnes
 - Hake ICES Vb, VI, VII, XII, XIV : 2200 tonnes
 - Anglerfish ICES VII : 300 tonnes
- From Spain to France
 - Anchovies ICES VIII : 9000 tonnes

H. Joint statement by Council and Commission

The Council and the Commission note the joint statement by Spain and France.

I. Statement by the Commission

The Commission, in respect of the procedures as referred to under I 2d of the Annex I of 12015/94 REV 2, guarantees that it will adopt the necessary measures in any case before 31.12.95.

J. Joint statement by Spain and Belgium

Spain and Belgium, in order to resolve certain specific situations facing fishing fleets, have agreed to exchange, in the framework of Article 9 of Council Regulation (EEC) 3760/92, the following mini-quotas:

– From Belgium to Spain:

- . Cod ICES divisions Vb, VI, XII, XIV : 10 tons
- . Haddock ICES divisions Vb, VI, XII, XIV : 10 tons
- . Whiting ICES division VIIb, k : 15 tons
- . Monkfish ICES division VII : 150 tons.

– From Spain to Belgium:

- . Megrim ICES division VIIIa, b, d, e : 30 tons
- . Norway lobster ICES division VII : 100 tons
- . Monkfish ICES division VIIIa, b, d : 60 tons
- . Hake ICES division VIIIa, b, d, e : 30 tons.

These agreements will be subject to tacit renewal annually from 1995 to 2002 and the parties reserve the right to amend the terms of the agreements every year when the TACs and quotas are fixed.

K. Statement by the Commission

The Commission declares that they will make proposals under paragraph 3b which will ensure that the controls on effort mentioned in paragraphs 2e and 2f for areas VII a and f apply to pelagic and other fisheries.

L. Statement by the Irish delegation

The Irish delegation declares that its agreement to the global compromise on the integration of Spain and Portugal into the Common Fisheries Policy is

- (a) on its strict understanding that the principles established in Article 3 Paragraph 3 of Regulation no. 1275/94 and in particular the principle of no increase in fishing effort, the level of which is laid down in Articles 158, 160, 164, 349, 351 and 352 of the Iberian Act of Accession, will be strictly maintained;
- (b) without prejudice to its view that, in accordance with Article 3 Paragraph 3 of Regulation no. 1275/94, the conversion rates for standard vessels laid down in paragraph 2 of Article 158 of the Iberian Act of Accession must be applied.

V. AMENDMENTS TO BE MADE TO THE REGULATION LAYING DOWN CERTAIN TECHNICAL CONSERVATION MEASURES ⁽¹⁾

- (a) In accordance with the provisions of Article 4 of Regulation (EEC) No 3760/92 and in compliance with the principle of non-discrimination, the Council will amend Regulation (EEC) No 3094/86 before 30 June 1995, as follows:
- ban on the use of drift nets for catching Thunnidae in waters falling under the jurisdiction or sovereignty of Portugal or Spain in ICES subareas VIII, IX, X and CECAF.
 - ban on the use of purse seines for catching tropical tuna ⁽²⁾ in waters falling under the jurisdiction or sovereignty of Portugal in ICES subarea X north of parallel 36°30' North and in the CECAF area north of parallel 31° North and east of meridian 17°30' West.
- (b) The Commission will make proposals by 30.6.1995 to improve technical conservation measures (in particular in respect of the selectivity of fishing gear) in western waters. The Council will decide on these proposals before 31.12.1995.
- (c) The Commission will make proposals before 30.6.1995 to amend Regulation (CEE) No 2847/93 (Article 6) in relation to the requirement to record catches and effort. The Council will decide on these proposals before 31.12.1995.

(1) Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources (OJ No L 288, 11.10.1986, p. 1).

(2) Skipjack, bigeye and albacore.

VI. COMMUNITY AID FOR IRELAND

Additional financial Community aid shall be provided for Ireland in order to improve controls, including operating expenditure, allowable under Community practice and within the framework of the financial guidelines.

**DEFINITION OF FISHERIES IN THE WATERS
OF THE ATLANTIC WEST OF THE 4TH MERIDIAN,
INCLUDING THE CHANNEL**

FISHERY		
FISHING GEAR	TARGET SPECIES	AREA
Towed gear	Demersal species (^a)	Vb (¹), VI
		VII
		of which:
		VIIa
		VIIb North of 50°30'N
		VIIIabd
		VIIIce, IX, X, CECAF 34.1.1, 34.1.2 and 34.2.0
		of which:
		VIIIce, IX (North of Portuguese waters) (³)
		IX (²)
		IX (South of Portuguese waters) (³)
		X (²)
		CECAF 34.1.1 (²) 34.1.2 (²) 34.2.0 (²)
		CECAF 34.1.1 (³) 34.1.2 (³) 34.2.0 (³)

(^a) For deep-water species (emperor fish, grenadier, cutlassfish and Portuguese dogfish), edible crab, spider crab and scallop, the Member States concerned will evaluate fishing effort and issue special fishing permits for this purpose.

(¹) Except waters under the sovereignty and/or jurisdiction of the Faroe Islands and Iceland.

(²) Solely in waters under the sovereignty and/or jurisdiction of Portugal.

(³) Solely in waters under the sovereignty and/or jurisdiction of Spain.

FISHERY		
FISHING GEAR	TARGET SPECIES	AREA
Fixed gear	Demersal species ^(a)	Vb ⁽¹⁾ , VI
		VII
		of which:
		VIIa
		VIIIf North of 50°30'N
		VIIIabd
		VIIIce, IX, X, CECAF 34.1.1, 34.1.2 and 34.2.0
		of which:
		VIIIce, IX (North of Portuguese waters) ⁽³⁾
		IX ⁽²⁾
		IX (South of Portuguese waters) ⁽³⁾
		X ⁽²⁾
		CECAF 34.1.1 ⁽²⁾ 34.1.2 ⁽²⁾ 34.2.0 ⁽²⁾
		CECAF 34.1.1 ⁽³⁾ 34.1.2 ⁽³⁾ 34.2.0 ⁽³⁾

^(a) For deep-water species (emperor fish, grenadier, cutlassfish and Portuguese dogfish), edible crab, spider crab and scallop, the Member States concerned will evaluate fishing effort and issue special fishing permits for this purpose.

⁽¹⁾ Except waters under the sovereignty and/or jurisdiction of the Faroe Islands and Iceland.

⁽²⁾ Solely in waters under the sovereignty and/or jurisdiction of Portugal.

⁽³⁾ Solely in waters under the sovereignty and/or jurisdiction of Spain.

FISHERY		
FISHING GEAR	TARGET SPECIES	AREA
Purse seine, pelagic trawl, small-meshed drift net	Pelagic fish except: Ray's bream, shark, tuna and highly migratory species	Vb ⁽¹⁾ , VI
		VII
		of which:
		VIIa
		VIIb North of 50°30'N
		VIIIabd
		VIIIce, IX, X, CECAF 34.1.1, 34.1.2 and 34.2.0
		of which:
		VIIIce, IX (North of Portuguese waters) ⁽³⁾
		IX ⁽²⁾
		IX (South of Portuguese waters) ⁽³⁾
		X ⁽²⁾
		CECAF 34.1.1 ⁽²⁾ 34.1.2 ⁽²⁾ 34.2.0 ⁽²⁾
		CECAF 34.1.1 ⁽³⁾ 34.1.2 ⁽³⁾ 34.2.0 ⁽³⁾

⁽¹⁾ Except waters under the sovereignty and/or jurisdiction of the Faroe Islands and Iceland.

⁽²⁾ Solely in waters under the sovereignty and/or jurisdiction of Portugal.

⁽³⁾ Solely in waters under the sovereignty and/or jurisdiction of Spain.

FISHERY		
FISHING GEAR	TARGET SPECIES	AREA
Surface longline	Ray's bream, shark, tuna and highly migratory species	Vb ⁽¹⁾ , VI
		VII
		of which:
		VIIa
		VIIb North of 50°30'N
		VIIIabd
		VIIIce, IX, X, CECAF 34.1.1, 34.1.2 and 34.2.0
		of which:
		VIIIce, IX (North of Portuguese waters) ⁽³⁾
		IX ⁽²⁾
		IX (South of Portuguese waters) ⁽³⁾
		X ⁽²⁾
		CECAF 34.1.1 ⁽²⁾ 34.1.2 ⁽²⁾ 34.2.0 ⁽²⁾
		CECAF 34.1.1 ⁽³⁾ 34.1.2 ⁽³⁾ 34.2.0 ⁽³⁾

⁽¹⁾ Except waters under the sovereignty and/or jurisdiction of the Faroe Islands and Iceland.

⁽²⁾ Solely in waters under the sovereignty and/or jurisdiction of Portugal.

⁽³⁾ Solely in waters under the sovereignty and/or jurisdiction of Spain.

FISHERY		
FISHING GEAR	TARGET SPECIES	AREA
Tuna fishing gear	Tuna	Vb ⁽¹⁾ , VI
		VII
		of which:
		VIIa
		VIIb North of 50°30'N
		VIIIabd
		VIIIce, IX, X, CECAF 34.1.1, 34.1.2 and 34.2.0
		of which:
		VIIIce, IX (North of Portuguese waters) ⁽³⁾
		IX ⁽²⁾
		IX (South of Portuguese waters) ⁽³⁾
		X ⁽²⁾
		CECAF 34.1.1 ⁽²⁾ 34.1.2 ⁽²⁾ 34.2.0 ⁽²⁾
		CECAF 34.1.1 ⁽³⁾ 34.1.2 ⁽³⁾ 34.2.0 ⁽³⁾

⁽¹⁾ Except waters under the sovereignty and/or jurisdiction of the Faroe Islands and Iceland.

⁽²⁾ Solely in waters under the sovereignty and/or jurisdiction of Portugal.

⁽³⁾ Solely in waters under the sovereignty and/or jurisdiction of Spain.

**COMMUNITY CRITERIA
FOR THE EVALUATION OF FISHING EFFORT**

FISHING EFFORT

In accordance with Article 3 of Regulation (EC) No 3760/92, fishing effort is defined as follows :

- in the case of a vessel, as the product of its capacity and its activity;
- in the case of a fleet or of a group of vessels, as the sum of the fishing effort of each individual vessel.

CAPACITY

The capacity of a vessel is expressed as follows :

- in the case of vessels using towed gear, as the installed power expressed in kilowatts;
- in the case of vessels using passive gear, as the installed power expressed in kilowatts and tonnage. If necessary, on the basis of proposals from the Member States and in consultation with the Member States concerned, the Commission will examine the possibility of setting more sophisticated criteria for assessing fishing effort.

ACTIVITY

The fishing activity of a fishing vessel is evaluated on the basis of time spent annually in the zone.

There is no record of a 1822nd meeting.

PRESS RELEASE

12328/94 (Presse 277)

1823rd meeting of the Council

- HEALTH -

Brussels, 22 December 1994

President: Mr Horst SEEHOFER
Minister for Health
of the Federal Republic of Germany

The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Mr Jacques SANTKIN

Minister for Health, the
Environment and Social Integration

Denmark:

Mrs Yvonne HERLØV-ANDERSEN

Minister for Health

Germany:

Mr Horst SEEHÖFER

Federal Minister for Health

Mrs Sabine BERGMANN-POHL

Parliamentary State Secretary for Health

Greece:

Mr Dimitrios KREMASTINOS

Minister for Health, Social Welfare and Social Security

Spain:

Mrs María Angeles AMADOR MLLÁN

Minister for Health and Consumer Affairs

France:

Mr Philippe DOUSTE-BLAZY

Minister with special responsibility for health

Ireland:

Mr Micheal NOONAN

Minister for Health

Italy:

Mr Roberto ROSSI

Deputy Permanent Representative

Luxembourg:

Mr Jean-March HOSCHEIT

Deputy Permanent Representative

Netherlands:

Mrs Else BORST-EILERS

Minister for Health

Portugal:

Mr João de VALLERA

Deputy Permanent Representative

United Kingdom:

Mrs Virginia BOTTOMLEY

Secretary of State for Health

$$- + -$$

Commission:

Mr Padraig FLYNN

Member

- + -

The meeting was also attended by the following representatives of the acceding countries:

Austria:

Mrs Christa KRAMMER Minister for Health

Finland:

Mr LEHTO Secretary-General

Sweden:

Mrs Ingela THALEN **Minister for Health and Social Affairs**

ACTION PLAN 1995-1999 TO COMBAT CANCER

The council discussed in detail the proposal for a decision adopting an action plan 1995-1999 to combat cancer within the framework for action in the field of public health.

The proposal follows on from the Commission communication on the framework for action in the field of public health and from the first two action plans against cancer (1987-1989 and 1990-1994).

The discussion brought out the interest shown by delegations in the new programme. The following aspects in particular were addressed:

- the content and scope of the action plan;
- the types of action to be undertaken;
- the nature and tasks of the committee to assist the Commission in implementing the plan.

The Council instructed the Permanent Representatives Committee to round off proceedings in the light of discussions and of the Opinion still to come from the European Parliament so that a common position could be adopted as soon as possible.

EXTENSION OF THE "EUROPE AGAINST AIDS" PROGRAMME

The Council agreed to the European Parliament's amendment to the Council common position of 2 June 1994 and extended the programme until the end of 1995.

**PROGRAMME OF COMMUNITY ACTION ON THE PREVENTION OF AIDS AND CERTAIN OTHER
COMMUNICABLE DISEASES**

Commissioner FLYNN presented to the Council the broad lines of the programme, which the Council will consider at a later meeting.

**PROGRAMME OF COMMUNITY ACTION ON THE PREVENTION OF DRUG DEPENDENCE
WITHIN THE FRAMEWORK FOR ACTION IN THE FIELD OF PUBLIC HEALTH (1995-2000)**

After Mr FLYNN had presented the proposal, the Council held a policy debate dealing in particular with the following:

- how the programme on the prevention of drug dependence fitted in with the comprehensive action plan to combat drugs proposed by the Commission;
- the problem of drug dependence as it arose in the Member States, the various national prevention policies and the priorities which delegations would like to see set in the proposed Community programme;
- whether the programme should be confined to prevention in respect of illegal drugs or whether it should be based on a broader concept of dependence also taking in alcohol and other substances.

The Permanent Representatives Committee was instructed to continue proceedings on the programme in preparation for the next Health Council meeting.

**PROGRAMME OF COMMUNITY ACTION ON HEALTH PROMOTION, INFORMATION,
EDUCATION AND TRAINING WITHIN THE FRAMEWORK FOR ACTION IN THE FIELD OF PUBLIC
HEALTH**

The Council briefly discussed this programme; it will consider it further at a forthcoming meeting.

ADVERTISING FOR TOBACCO PRODUCTS

The Council held a further policy debate on the proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States on advertising for tobacco products.

As a basis for discussion the Council had before it, in addition to the amended Commission proposal, some thoughts prepared by the Presidency in an attempt to reach a compromise.

Finding that there was not sufficient consensus to arrive at any firm stance at this stage, the Council instructed the Permanent Representatives Committee to continue proceedings in the light of today's discussions and bearing in mind the Presidency's suggestions.

SAFETY OF BLOOD AND BLOOD PRODUCTS

Mr FLYNN set out the broad lines of a communication recently approved by the Commission in line with its intention, as stated at the Council meeting on 13 December 1993, of putting forward an inventory of national legal provisions and practical arrangements regarding the collection, monitoring, processing, distribution and trading system for blood and blood products.

The communication reviews action taken at national and Community level on blood safety as well as the issue of Community self-sufficiency in blood and blood products; lastly, the Commission puts forward some suggestions for measures to be taken in this field.

OTHER DECISIONS

(Adopted without discussion. In the case of legislation, opposing votes or abstentions are indicated.)

Uruguay Round

Following political agreement in the General Affairs Council on 19 and 20 December 1994, the Council formally adopted the texts for the conclusion and implementation of the Marrakesh Agreements (see press release in 11871/94 Presse 274).

Taxation

The Council adopted:

- Directive amending Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products, Directive 92/81/EEC on the harmonization of the structures of excise duties on mineral oils and Directive 92/82/EEC on the approximation of the rates of excise duty on mineral oils;
- a Directive amending Directive 94/4/EC and introducing temporary derogation measures applicable to Austria and Germany in the field of travellers' allowances;
- a Directive amending Directive 77/388/EEC by the introduction of transitional measures applicable in the context of the enlargement of the European Union on 1 January 1995, as regards value added tax.

Macro-financial assistance

The Council adopted Decisions providing macro-financial assistance in the form of medium-term loans to:

- Algeria: ECU 200 million (supplementary assistance);
- the Slovak Republic: ECU 130 million;
- Ukraine: ECU 85 million,

in order to contribute to the viability of their balances of payments and the strengthening of their reserves.

Definition of the ecu

The Council adopted a Regulation on consolidation of existing Community legislation on the definition of the ecu after the entry into force of the Treaty on European Union.

Since the ecu's currency composition is defined in a large number of Community texts, regulatory consolidation of the acts concerning its definition was felt to make for transparency of Community law.

Customs union

The Council adopted Regulations:

- amending Regulation (EEC) No 1657/93 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial products intended to equip the free zones of the Azores and Madeira;
- amending Regulation (EEC) No 1602/92 temporarily derogating from implementation of Community anti-dumping measures on imports into the Canary Islands of certain sensitive products;
- amending Regulation (EC) No 355/94 by introducing a temporary derogation applicable to Austria with regard to relief from customs duty.

Anti-dumping measures: Bulgaria/Poland

The Council adopted a Regulation imposing a definitive anti-dumping duty on imports of urea ammonium nitrate solution originating in Bulgaria and Poland, exported by companies not exempted from the duty, and collecting definitively the provisional duty imposed.

Relations with Hungary

The Council adopted a Regulation opening and providing for the administration of quotas for certain processed agricultural products originating in Hungary, further to the relevant provisions in the Europe Agreement concluded with Hungary.

Tariff quotas for the former Yugoslavia

The Council adopted two Regulations, one opening and providing for the administration of Community tariff quotas (1995) and the other establishing ceilings and Community surveillance (also for 1995), with regard to imports of certain products originating in the Republics of Bosnia and Herzegovina, Croatia and Slovenia and the former Yugoslav Republic of Macedonia. These concern in particular products such as garlic, sweet peppers, frozen peas, sweet cherries, certain wines and plum spirits, "Prilep" tobacco and some kinds of clothing.

Textiles

The Council adopted Regulations:

- on the transitional arrangements applicable to imports into the Republic of Austria, the Republic of Finland and the Kingdom of Sweden of certain textile products subject to Regulation (EEC) No 3951/92, Regulation (EEC) No 3030/93 and Regulation (EC) No 517/94. The transitional arrangements are confined to products presented for release for free circulation in those three countries by 31 March 1995;
- amending Regulation No 3951/92 on the arrangements for imports of certain textile products originating in Taiwan, in particular the quantitative limits laid down in it, to take account of the accession to the European Union of Austria, Finland and Sweden.

Relations with the Central and East European countries (CEECs)

The Council adopted a Regulation on autonomous transitional measures as a result of enlargement for certain agricultural products and beer. Those measures are limited to 1995, pending the conclusion of negotiations for the adjustment of the Europe Agreements following EU enlargement and implementation of the Uruguay Round Agreements. The Regulation's provisions make allowance for the trade arrangements which applied in agriculture between Austria, Finland and Sweden, on the one hand, and the CEECs, on the other, under agreed preferential tariff quotas.

Action against counterfeiting

The Council adopted a Regulation laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods.

The Regulation is mainly designed to tighten up the procedure introduced by Regulation No 3842/86 in acting against the problem of counterfeit goods and to extend its scope (at present confined to protection of trademarks) to the protection of other intellectual property rights (copyright and designs). It is to apply from 1 July 1995.

Relations with Bulgaria and Romania

The Council authorized the Commission to negotiate with Bulgaria and Romania Additional Protocols to the Europe and Interim Agreements for the alignment of the timetables for implementation of the trade provisions of the Agreements with those in the Europe and Interim Agreements with the other associated CEECs.

Russia/Euratom

The Council authorized the Commission to conclude with the Russian Federation two cooperation Agreements in the fields of controlled nuclear fusion and nuclear safety, based on the second paragraph of Article 101 of the Euratom Treaty.

The two Agreements follow on from the provisions of the Partnership and Cooperation Agreement signed with Russia in June 1994.

The first Agreement is aimed at maintaining and stepping up cooperation between the parties in the fields covered by their respective fusion programmes on a basis of equality and reciprocal advantage. It is accordingly designed to develop, especially in the course of ITER (International Thermonuclear Reactor) activities, the scientific knowledge and technical capabilities behind a fusion reactor system.

Cooperation under the second Agreement is intended to contribute, on a basis of mutual advantage, to improving nuclear safety and in particular to determining and implementing scientifically underwritten, internationally accepted nuclear safety guidelines.

Relations with the ACP States and the OCT

Following the accession to the EU of Austria, Finland and Sweden, the Council authorized the Commission to enter into negotiations with the ACP States for the conclusion of a protocol on the accession of those three countries to the Lomé Convention.

In order for the Convention to be applied to the three countries as from their accession to the EU, pending conclusion of that protocol, the Council adopted a Regulation (EC) establishing transitional measures for trade between Austria, Finland and Sweden, on the one hand, and the ACP States, on the other.

It also approved, for the Community's part, a draft Decision of the ACP-EC Council of Ministers adopting the transitional arrangements for the application of the Fourth Convention to Austria, Finland and Sweden, pending the conclusion of a protocol of accession.

In addition, the Representatives of the governments of the Member States, meeting within the Council, established transitional measures for trade between Austria, Finland and Sweden, on the one hand, and the ACP States, on the other, in products falling within the ECSC Treaty.

Mercosur

The Council approved a joint solemn declaration by the Council of the European Union and the European Commission, on the one hand, and the Mercosur States, on the other, and decided to have it signed (see press release in 12398/94 Presse 281).

European Monitoring Centre for Drugs and Drug Addiction

The Council amended, in a Regulation, the financial provisions of Regulation (EEC) No 302/93 on the establishment of the European Monitoring Centre for Drugs and Drug Addiction, in order to harmonize the financial provisions for bodies set up by the Community.

Extension of the ECIP Regulation

As the present Regulation (No 319/92) covering ECIP (European Community Investment Partners) operations was due to expire on 31 December 1994, the Council adopted the following conclusions:

"The Council is conscious of the need for continuity in the application of the ECIP instrument. For its part it will make every effort to ensure that the future ECIP Regulation is adopted as soon as possible after 1 January 1995. The Council notes that from this date, and until the adoption of the future Regulation, the Commission intends to continue its operations in accordance with Regulation (CE) No 319/92."

Agriculture

The Council authorized the Commission to participate in negotiations for a new agreement to replace the 1986 International Wheat Agreement.

Two or three-wheel motor vehicles

Agreement having been reached in the Conciliation Committee, the Council adopted a European Parliament and Council Directive on the maximum design speed, maximum torque and maximum net engine power of two or three-wheel motor vehicles (the motorcycle Directive). The Directive's adoption will become final once Parliament has confirmed the joint text drawn up by the Conciliation Committee.

Telecommunications

Following agreement at its meeting on 17 November 1994 (see presse release in 10633/94 Presse 233), the Council finally adopted:

- its common position on a European Parliament and Council Decision concerning a series of guidelines for the development of the integrated services digital network (ISDN) as a trans-European network;
- its common position on a European Parliament and Council Directive on the use of standards for the transmission of television signals;
- a Resolution on further development of the Community's satellite communications policy, especially with regard to the provision of, and access to, space segment capacity;
- a Resolution on the principles of and timetable for liberalization of telecommunications infrastructures.

Transport

Inland waterways

With a view to enlargement, the Council adopted a Regulation amending Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport.

The purpose of the amendment is to allow inland waterway carriers from a new Member State, upon accession to participate in the Community structural improvement scheme. In practice, only Austria is concerned since its inland waterways connect up with those of the present Member States.

– Road haulage cabotage

With a view to enlargement, the Council adopted a Regulation amending Regulation No 3118/93 laying down the conditions under which non-resident carriers may operate national road haulage services within Member States (cabotage).

In particular, that Regulation allocates:

- a number of Community cabotage licences to the three new Member States;
- a further number of Community cabotage licences to the present twelve Member States in view of the enlargement of the market.

Environment – list of hazardous waste

Political agreement having been reached at the Environment Council meeting on 15 and 16 December 1994, the Council adopted by a qualified majority, with the Italian and United Kingdom delegations voting against it, a Decision establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste.

The list is essential for the full implementation of Community waste legislation.

Fisheries

– Norway

The Council adopted Regulations amending:

- Regulation No 3691/93 laying down, for 1994, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Norway;
- Regulation No 3692/93 allocating, for 1994, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen.

The Council also adopted a Regulation declaring that Regulation No 2905/94 establishing detailed rules for the application of the trade monitoring system for certain fishery products coming from Norway has lapsed.

- Authorization of fishing in third-country waters

The Council adopted a Regulation laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement.

In order to ensure efficient, transparent management of fishing activities by Community vessels under fisheries agreements between the Community and third countries, the Regulation stipulates that each Member State is to take steps to authorize its vessels which have obtained a fishing licence from a third country to engage in the relevant activities. Fishing in third-country waters without such authorization will be prohibited so as to comply with the Community's commitments vis-à-vis third countries.

When Regulation No 1627/94 laying down general provisions concerning special fishing permits was adopted, a decision on that part of the Commission proposal concerning Community vessels operating in third-country waters under a fisheries agreement had been held over.

- Characteristics for fishing vessels

With Parliament having delivered its Opinion, the Council adopted a Regulation amending Regulation No 2930/86 defining characteristics for fishing vessels.

Regulation No 2930/86 was designed to extend the provisions of Annex I to the 1969 London Convention to Community fishing vessels as from 18 July 1994. In view of practical difficulties arising in particular from the need to re-measure very large numbers of small and medium-sized vessels, that Regulation could not be properly implemented. The purpose of the new Regulation is to remedy that state of affairs by laying down appropriate arrangements and periods.

- Common organization of markets

Now that Parliament had delivered its Opinion, the Council adopted, with the Spanish delegation abstaining, a Regulation amending Regulation No 3759/92 on the common organization of the market in the fisheries and aquaculture sector.

The Regulation makes allowance in particular for the fisheries sector's need for adjustment and innovation in order to improve its competitiveness. It is also designed, while complying with the Community's international commitments, to maintain producers' incomes and create conditions under which their incomes can increase.

In the case of the tuna market, the Regulation maintains the tariff status of the products concerned as well as the compensatory allowance scheme in accordance with the current

principles. However, to prevent abnormal expansion of production with the attendant spiralling costs, the Regulation revises the conditions triggering the system's operation, with the threshold changing from 93% to 91% of the Community producer price.

The Regulation also makes adjustments to the rules on recognition of producers' organizations and amendments to the list of species eligible for intervention arrangements under the common organization of the market, in the light of enlargement.

Court of Justice

The Council agreed to some amendments to the Protocol on the Statute and to the Rules of Procedure of the Court of Justice as well as some amendments to the Rules of Procedure of the Court of First Instance, following the entry into force of the Treaty on European Union and the Agreement on the European Economic Area.
