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THE EUROPEAN UNION**

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**14252/03**

**PUBLIC 9**

**NOTE**

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Subject: MONTHLY SUMMARY OF COUNCIL ACTS  
SEPTEMBER 2003

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This document gives:

- in **Annex I**, a list of legislative acts finally adopted by the Council in September 2003. This is accompanied by any statements for the minutes which may be released to the public (**Annex II**). The list also shows any opposing votes and abstentions, voting explanations and voting rules applicable.
- in **Annex III**, a list of other acts adopted by the Council in September 2003 <sup>1</sup>, showing any relevant voting results, voting explanations and statements which the Council has decided to make public.

This document is also available via the Internet (<http://ue.eu.int>); see under "Transparency", then "Summary of Council Acts".

It should be noted that only the minutes concerning the final adoption of legislative acts are authoritative. Extracts from the minutes in question may be obtained from the transparency section ("[transparency@consilium.eu.int](mailto:transparency@consilium.eu.int)").

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<sup>1</sup> Except for some acts of limited interest, such as procedural decisions, appointments, decisions of bodies set up by international agreements or minor budgetary decisions, etc.

SEPTEMBER 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
<p><b>Legislative acts adopted after second reading by the European Parliament in the framework of the codecision procedure</b></p> <p>Regulation of the European Parliament and of the Council adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty (2.9.2003)</p> <p>Regulation of the European Parliament and of the Council relating to fertilisers (2.9.2003)</p> <p><b>2525th Council meeting (COMPETITIVENESS – Internal Market, Industry and Research) on 22 September 2003</b></p> <p>Council Regulation amending for the third time Regulation (EC) No 2341/2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required</p>	<p>Ref. 11520/03 PE-CONS 3666/03</p> <p>Ref.. 11505/03</p> <p>12358/03</p>		<p>Qualified majority</p> <p>Qualified majority</p> <p>Qualified majority</p>

**SEPTEMBER 2003**

FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Directive on the right to family reunification	10502/2/03 REV 2	142/03, 143/02	Unanimity
Council Regulation amending Regulation (EEC, Euratom) No 354/83 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community	11653/03 + COR 1 (fi)	144/03	Unanimity
Directive of the European Parliament and of the Council concerning certain aspects of the organisation of working time	PE-CONS 3625/03 + COR 1 + COR 2 (fi) + COR 3 (pt)	145/03, 146/03, 147/03	Qualified majority
<b>2526th Council meeting (General Affairs and External Relations) on 29 September 2003</b>			
Regulation of the European Parliament and of the Council on the regulations governing political parties at European level and the rules regarding their funding	PE-CONS 3645/03	148/03, 149/03	Against A/DK/I Qualified majority

**SEPTEMBER 2003**

FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
<p><b>2528th Council meeting (Agriculture and Fisheries) on 29 September 2003</b></p> <p>CAP reform</p> <p>(a) Council Regulation establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC)No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001</p> <p>(b) Council Regulation amending Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)</p>	<p>11236/1/03 REV 1            + COR 1 (el)            + COR 2 (de)            + COR 3            (fr,de,it,nl,da,el,es,pt,fi,sv)            + COR 4 (fr)            + COR 5            + COR 6 (fi)            + COR 7 (sv)            + COR 8 (fr)            + COR 9 (it)            + COR 10 (pt)            + COR 11 (da)</p> <p>11182/03            + COR 1 (el)            + COR 2 (fr,es)            + COR 3 (de)            + COR 4 (de)            + COR 5 (it)            + REV 1 (fi)</p>	<p>150/03, 151/03, 152/02,            153/03, 154/03, 155/03,            156/03, 157/03, 158/03,            159/03, 160/03, 161/03,            162/03, 163/03, 164/03,            165/03, 166/03, 167/03</p> <p>168/03, 169/03, 170/03</p>	<p>Against P            Qualified majority</p> <p>Qualified majority</p>

**SEPTEMBER 2003**

FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
(c) Council Regulation on the common organisation of the market in cereals	11186/03 + COR 1 (nl) + COR 2 (sv) + COR 3 (pt) + COR 4 (de) + COR 5 (fi)		Qualified majority
(d) Council Regulation on the common organisation of the market in rice	11187/03 + COR 1 (de) + COR 2 (pt) + REV 1 (sv)	171/03	Qualified majority
(e) Council Regulation on the common organisation of the market in dried fodder	11188/03 + COR 1 (nl)		Qualified majority
(f) Council Regulation amending Regulation (EC) No 1255/1999 on the common organisation of the market in milk and milk products	11189/03 + COR 1 (fr,de) + COR 2 (fi) + COR 3 (pt) + REV 1 (sv)	172/03, 173/03	Qualified majority
(g) Council Regulation establishing a levy in the milk and milk products sector	11190/03 + COR 1 (de) + COR 2 (fi) + COR 3 (sv) + REV 1 (fi)	174/03	Against P Qualified majority

**SEPTEMBER 2003**

<b>FINAL LEGISLATIVE ACTS</b>	<b>TEXTS ADOPTED</b>	<b>STATEMENTS</b>	<b>VOTES/VOTING EXPLANATIONS AND VOTING RULES</b>
<p>Council Directive on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 2/46/EEC</p>	<p>9474/2/03 REV 2</p>	<p>175/03, 176/03, 177/03, 178/03</p>	<p>Qualified majority</p>
<p>Decision of the European Parliament and of the Council on the continued application of aerial survey and remote-sensing techniques to the agricultural statistics for 2004-2007 and amending Decision 1445/2000/EC</p>	<p>PE-CONS 3661/03</p>	<p>179/03</p>	<p>Abstention D Qualified majority</p>
<p>Regulation of the European Parliament and of the Council on the control of salmonella and other food-borne zoonotic agents and amending Council Directives 64/432/EEC, 72/462/EEC and 90/539/EEC</p>	<p>PE-CONS 3675/03</p>	<p>180/03, 181/03, 182/03, 183/03, 184/03</p>	<p>Qualified majority</p>

**STATEMENT 142/03**

**Council statement re Article 6**

"The Council considers that the content and the scope of Article 6 of this Directive are without prejudice to the content and scope of similar clauses on public policy and public security contained in other Community Directives in the area of legal immigration which are currently being considered or which will be considered by the Council bodies."

**STATEMENT 143/03**

**Unilateral statement by the Netherlands delegation**

"The Netherlands underlines that the provisions of the Directive on the right to family reunification should be interpreted with full respect for family life. This Directive should be applied in conformity with Article 8 of the European Convention for the protection of human rights and fundamental freedoms."

## STATEMENT 144/03

### Council statement

"The Council recalls that this Regulation does not affect the deposit contract between the European Communities and the European University Institute of 17 December 1984."



## **STATEMENT 145/03**

### **Commission statement regarding implementation of Article 17(5)**

"The Commission states that it intends, before giving its opinion, to consult management and labour at European level and representatives of the Member States with a view to delivering its opinion three months after the Commission receives the notification from the Member State."

## **STATEMENT 146/03**

### **Commission statement relating to Article 24(1)**

"The Commission states that Article 24(1) of the codified version of the Directive corresponds to Article 18(4) of the basic Directive (Directive 93/104/EC) without in any way changing its wording. In the Commission's view, the Member States were under an obligation to communicate the texts in question ("provisions of national law already adopted or being adopted") prior to the adoption of the codified proposal and continue to be under the same obligation after its adoption.

However, bearing in mind that a codification cannot entail any change of the substance of the law, the codified version of the Directive does not impose any new obligation on Member States to communicate texts which have already been communicated prior to adoption of the codified text."

## **STATEMENT 147/03**

### **Council statement relating to Article 24(1)**

"The Council takes note of the above Commission statement. However, it invites the Commission to examine the question whether, for the sake of legal clarity, future proposals for codification of legislative acts should explicitly address the question of the point of time to which the obligation to communicate provisions of national law refers."

## **STATEMENT 148/03**

### **Statement by Ireland and France**

"Ireland and France welcome the agreement reached at the General Affairs and External Relations Council on 16 June 2003 on a Regulation on the statute and financing of European political parties. Ireland and France recall the importance they attach to respect for the principle of transparency in the implementation of the Regulation, in particular Article 8, in respect of which they also note that the appropriate national legislation is applicable as regards the funding and limitation of election expenses at national and European Parliament elections."

## **STATEMENT 149/03**

### **Statement by Belgium**

"Belgium attaches great importance to the adoption of the statute of European political parties.

European political parties are an integrating factor and contribute to the creation of a European awareness. They are also an essential component of representative democracy within the Union.

This role played by European political parties ought to be enhanced within the framework of an enlarged Union which aspires to being more democratic and closer to its citizens.

On the basis of those considerations and the specific nature of European political parties, Belgium can support the Presidency's proposal.

However, no argument may be derived from these European rules to derogate from the strict application of the principles of the Belgian law of 4 July 1989 on the restriction and checking of electoral expenditure and the financing and open accounting of political parties."

## **HORIZONTAL REGULATION**

### **Commission statements**

#### **STATEMENT 150/03**

##### **Application of modulation to the accession countries (Recital 49)**

"The present Regulation covers the Community as constituted at the time of its entry into force. Taking into account the fact that, according to the Treaty of Accession, the accession of the new Member States shall take place on 1 May 2004, the present Regulation should be adapted, by the date of accession, according to the procedures provided for by the Treaty of accession, in order to make it applicable to the new Member States.

The Commission commits itself to propose that the mechanism of financial discipline as well as modulation shall not apply in the new Member States until the phasing-in of direct payments reaches the EU level."

#### **STATEMENT 151/03**

##### **Application of the mechanism of financial discipline (Article 11)**

"When the mechanism for financial discipline will have to be applied for the first time, the Commission will submit a proposal to the Council, which, in addition to the adjustment rate, will also include a franchise of EUR 5 000. Additional franchises above EUR 5 000, with a partial exemption from the adjustment, might also be proposed."

## **STATEMENT 152/03**

### **Application of modulation and financial discipline to GAECs (Article 12)**

"The Commission considers that all the holdings which are part of a GAEC (*groupements agricoles d'exploitation en commun*) as established by the French *Code Rural* are considered each as a single farmer for the purpose of applying the additional amount of aid provided for in case of modulation and the franchises in the context of the financial discipline mechanism."

## **STATEMENT 153/03**

### **Control system of cross-compliance (Article 25)**

#### **"A. Link between the IACS and the control system of cross-compliance**

The implementing rules of Article 25 concerning the control system of cross-compliance will be based on the following principles:

- I. The IACS remains the relevant control tool; however, this does not mean that cross-compliance should be controlled exactly in the same way as the eligibility rules. "Integrated control" means for cross-compliance that the paying agencies should make their payments and apply the reductions on the basis of a complete overview of the different control results.
- II. In this context the standard IACS control rate of 5% would first apply to the eligibility control and, as a basis for further risk analysis, to the cross-compliance control of all beneficiaries of direct payments.
- III. As to the eligibility controls all selected farmers will be controlled according to the existing IACS rules.
- IV. As to the cross-compliance controls the following procedure which gives flexibility to the Member States for the implementation of the control system could be applied:
  1. The list with the pre-selected farms (5% sample) is transmitted to the different specialised control bodies.
  2. Each specialised control body then has the choice to apply one of the two options or, where appropriate, both options combined:

Option 1: the specialised control body performs its own risk analysis on the IACS sample, and retains at least 20% (which corresponds to a maximum control rate of 1%) of the farms for which the relevant standards apply. In this context it has to be noted that standards containing an obligation for notification of diseases only "apply" once the obligation is triggered by the outbreak of the disease.

Option 2: the specialised control body does not retain the IACS sample but establishes its own list of farms to be controlled, based on its own risk criteria; this list shall contain a number of farms at least equal to 1% of the farms (beneficiaries of the direct aid) to which the relevant standards apply.

3. In order to safeguard the most efficient use of the control capacities the control bodies can decide to achieve the control rate of 1% of the beneficiaries of direct aid by the following means:
  - (a) If the normal risk analysis of the control body at farm level concludes that non-beneficiaries of direct aid present a higher risk than the selected beneficiaries of direct aid, the control body is allowed to replace beneficiaries of direct aid by farmers who are not beneficiaries of direct payments to the extent that the higher risk of the latter can be demonstrated.
  - (b) In addition, if for reasons of efficiency it appears more appropriate not to control directly at farm level but at the level of undertakings (e.g. slaughterhouses, traders, suppliers), the sample of undertakings to be controlled should be established in such a way that it covers indirectly 1% of the beneficiaries of direct aid to which the relevant standards apply.
  - (c) For cross-compliance requirements for which a minimum control rate already exists on Community level (e.g. identification and registration of animals, see Standards No 7, 8 and 10), this control rate shall apply instead of the 1% applicable in option 1 and 2.
  - (d) In both options, the control reports, containing an assessment of the gravity of the potential infringement must be sent to the paying agency for application of sanctions.

B. Nature of controls performed by Commission services

The controls performed by Commission services concerning the implementation of the control system of cross-compliance are only related to the proper functioning of the control system as defined under point A. The main elements of these controls can be summarised as follows:

- I. Transfer of any appropriate and necessary information concerning the beneficiaries of direct payments to the specialised control bodies by the competent paying agencies (either IACS sample or list of beneficiaries on a national or regional level).
- II. Application of risk analysis and selection methods according to option 1 or option 2 (including an eventual replacement of the pre-selected beneficiaries by other operators and the eventual application of the controls at the level of undertakings instead of farms).
- III. Set-up of the control reports containing notably the detected non-respect of cross-compliance standards, the assessment of the gravity of the infringements and all relevant information on the investigations performed during the on-the-spot checks.
- IV. Transfer of the control reports to the competent paying agencies.
- V. Application of the system of reductions and exclusions by the competent paying agencies on the basis of the control reports.

C. Application of corrections within the clearance of accounts procedure

- I. The basic rules of the clearance of accounts as established in Council Regulation (EC) No 1258/1999 will apply to cross-compliance. The financial corrections therefore have to be proportionate to the risk to the fund, taking into account the fact that the cross-compliance standards are not an eligibility rule but a basis for sanctions. Therefore the risk for the fund, in principle will not be assessed on the basis of the risk of non-eligible expenditure, but on the risk of financial loss resulting from the non-application of sanctions.
- II. As regards eligibility as well as cross-compliance the clearance of accounts will preserve its preventive role. The Commission services will therefore continue to provide recommendations and guidelines, as it is currently the case for IACS, taking into account particular problems of the Member States when implementing the new control system on cross-compliance.

- III. The fact that some "cross-compliance standards" are generally Directives poses a specific problem in the case where the Member State has incorrectly, inadequately or not at all transposed a Directive. In such a case, the concerned standard is not legally binding for the farmer. Therefore, sanctions cannot be applied by the Member State to the farmer. In these circumstances, there is no ineligible expenditure, as well as no sanctions missing because such sanctions are inapplicable to the concerned farmer. The consequence of this is that clearance of accounts is not the appropriate response to this kind of situation. For these reasons the non-transposition of Directives will be subject to the proceedings under Articles 226 and 228 of the Treaty."

### **STATEMENT 154/03**

#### **Establishment of a list of cases of farmers in a special situation (Article 42)**

"When implementing Article 42 concerning the national reserve and the establishment of a list of cases of farmers in a special situation which prevented them, in full or partially, from receiving direct payments in the reference period, the Commission will consider including, notably, the following cases:

- (a) farmers who received, by way of actual or anticipated inheritance, from a farmer who retired or died in the reference period, a holding or part of a holding, whose land was leased during the reference period;
- (b) farmers who bought, in the reference period or before or not later than [31 May 2003], a holding or part of it whose land was under a lease during the reference period;
- (c) farmers who entered, in the reference period or not later than [31 May 2003], in a multi-annual lease of a holding or part of it whose lease conditions may not be adjusted;



- (d) farmers who made investments or purchased land, in the reference period or not later than [31 May 2003], in order to increase their production;
- (e) farmers who participated, in the reference period in national programs of reconversion of production."

### **STATEMENT 155/03**

#### **Supply management through set-aside (Article 54)**

"In order to maintain the function of set-aside as a flexible instrument of supply control, it is foreseen to open the possibility for the introduction of further set-aside obligations. Independent of the standard set-aside approach based on historical set-aside entitlements, in case of market needs, the Council may decide on proposal of the Commission to apply further set-aside obligations to all the land that a beneficiary grows with cereals or oilseeds. The obligation holds independently of the amount of direct payments received. All derogations of the standard set-aside system will apply."

### **STATEMENT 156/03**

#### **Fruit and vegetables sector (Article 60)**

"The Commission undertakes to keep a close watch on developments in the fruit and vegetables sector, including the potato sector and fruit and vegetables subject to particular CMOs such as processed tomatoes, in particular relating to the possibility that competition may suffer distortion, and if necessary to make appropriate proposals."

## **STATEMENT 157/03**

### **Optional implementation of the single payment scheme (Article 69)**

"When implementing the optional implementation of the single payment scheme, the Commission will base the conditions for the granting of the supplementary amounts on the existing conditions provided for in Regulations (EC) Nos 1251/1999, 1254/1999 and 2529/2001 and their respective implementing rules.

In this context, the Commission will also maintain to the extent necessary the possibility to grant aids funded from the national budget, in particular the amount corresponding to the additional national suckler cow premium."

## **STATEMENT 158/03**

### **Modulation – rules for the allocation of amounts (Article 145(b))**

"In making use of the powers granted to it under Article 145(b), the Commission will be guided by the following principles:

The allocation key is compiled by taking Member States' shares in agricultural area and agricultural employment with a weight of 65% and 35%, respectively. Each Member State's share in area and employment is then adjusted in function of its relative GDP/capita expressed in purchasing power standard, using 1/3 of the gap (positive or negative) with the EU average.

For the employment data the latest complete Eurostat annual series, i.e. the Labour Force Survey, shall be used. For the GDP data a 3-year average shall be used based on the latest complete Eurostat series (national accounts). The area data shall be from the latest Farm Structural Survey."

## STATEMENT 159/03

### **Outermost regions (Article 149)**

"In implementing Article 149, the Commission intends to proceed as follows:

- as regards the definition of the content of programmes; Member States will have the widest possible discretionary powers. They will be able to incorporate the current provisions of Council Regulations (EC) No 1254/1999 and (EC) No 2529/2001 on the common organisation of the market in beef and veal and in sheepmeat and goatmeat, and of Council Regulations (EC) No 1452/2001 or (EC) No 1453/2001 or (EC) No 1454/2001 or (EC) No 2019/93 relating to agricultural measures under the POSEI, as well as the provisions of their Commission implementing Regulations; the programmes presented by the Member States will also be able to include measures that are different from the abovementioned measures with a change in approach to support for all or some of the outermost regions falling under their sovereignty.
  
- the reports on implementation referred to in paragraph 4 of the new provisions introduced by Article 149 will – in accordance with the current rules – have to include data on:
  1. an annual supply balance for the outermost region concerned (consumption, livestock development, production, trade);
  2. the amounts granted under the programmes on the basis of the criteria defined by the Member State, such as the number of animals eligible for payment or the surface area of the holdings or the holdings concerned.

In particular, these data should enable the support system to be monitored and the annual budget to be adapted to take account of production development. The annual reports should also contain statistical data on the checks carried out by the Member States' authorities and on their results. They could also contain Member States' comments on the implementation of the programme. The Commission expects that by the end of 2006 at the latest, and in line with the report which the

Commission must submit to the European Parliament and the Council, the reports will be more structured and contain figures on the impact of the programme on the agricultural economy of the outermost regions.

- As regards the aids concerned, the total amount of which will constitute the annual budget for the implementation of the programme, the Commission specifies that it involves:

1. premiums granted under Regulation (EC) No 1254/1999, and in particular the following premiums:
  - special premium (Article 4)
  - suckler cow premium (Article 6)
  - slaughter premium (Article 11)
  - extensification premium (Article 13)
  - additional payments (Article 14)
  
2. premiums granted under Regulation (EC) No 2529/2001 and in particular:
  - ewe and goat premiums (Article 4)
  - supplementary premium (Article 5)
  - additional premiums (Article 11)
  
3. additional premiums granted under Regulations (EC) No 2019/93 or (EC) No 1452/2001 or (EC) No 1453/2001 or (EC) No 1454/2001 and in particular the following:
  - French Overseas Departments, Madeira and the Azores, the Canary Islands:
    - supplement to suckler cow premium
    - slaughter premium
  
  - the Canary Islands:
    - supplement to the suckler ewe and goat premium.
  
  - smaller Aegean islands:
    - supplement to the special premium (fattening)."

## **STATEMENT 160/03**

### **Transition from the optional modulation system (Article 4 of Regulation (EC) No 1259/1999) to the Community modulation system (Article 155)**

"Pursuant to Article 155 the transitional rules the Commission will establish will contain the following main elements:

- provide for the possibility to keep in place an additional voluntary modulation applied on either national or regional level, up to the level necessary to fill the gap between the funds available under the new mandatory modulation scheme and the financial needs resulting from "accompanying measures" established before 2006. Member States have the same flexibility in implementing such a voluntary modulation system as they have currently under Article 4 of Regulation (EC) No 1259/1999. For the additional voluntary modulation a separate account on the amounts withheld and on the use of the additional modulation receipts will have to be kept;
- a provision to enable to switch funding source when modulation funds from the optional scheme are exhausted for longer running commitments such as 5-year agri-environment contracts;
- a provision to broaden the use, post 2006, to all rural development measures of remaining modulation money not yet committed from the optional scheme on condition of a separate tracking of the use of this money;
- a provision to enable using modulation money generated under the optional scheme during n+4 (instead of n+3), to ensure a smooth transition between the two programming periods."

### **STATEMENT 161/03**

#### **Adaptations of the financial perspective 2000-2006 (Article 156)**

"The Commission states that the earlier start of modulation requires a minor adaptation of the financial perspective 2000-2006."

### **STATEMENT 162/03**

#### **Application of Annex III (statutory requirements referred to in Articles 3 and 4)**

"The Commission, in collaboration with Member States, will establish a document which lays down the indicators of each legal obligation resulting from the statutory requirements listed in Annex III in order to guide farmers on how to comply with these standards of cross-compliance.

These indicators could also be a helpful tool for the competent national control bodies."

### **STATEMENT 163/03**

#### **Crises management**

"The Commission will examine specific measures to address risks, crises and national disasters in agriculture. A report accompanied by appropriate proposals will be presented to the Council before the end of 2004.

The Commission will analyse in particular the financing of these measures through the one percentage point of modulation directly redistributed to Member States as well as the inclusion, in each common market organisation, of an article empowering the Commission to act, in the case of a Community-wide crisis, along the lines established for such cases in the common market organisation for beef."

## **STATEMENT 164/03**

### **Statement by Belgium, France and the Netherlands**

"The Netherlands, Belgium, France and the Netherlands undertake to have the same level of coupling for the slaughter premium for calves, namely 100%, regardless of the option chosen by these countries for other animals."

## **STATEMENT 165/03**

### **Statement by Luxembourg, Austria and Finland**

"Luxembourg, Austria and Finland are expecting that the allocation of funds deriving from modulation to Member States according to the criteria laid down in Article 10 will not present a precedent for future allocation of funds based on Council Regulation (EC) No 1257/1999 or any succeeding legal framework. The allocation in question concerns only funds deriving from modulation between 2004 and 2006. Furthermore, Austria, Finland and Luxembourg are of the opinion that within the framework of the future financial planning for the period 2007-2013, the allocation of Community funding for rural development is of highest priority."

## **STATEMENT 166/03**

### **OLIVE OIL, TOBACCO, COTTON REFORMS**

#### **Council statement**

"The Council notes that the Commission will submit next autumn a communication on the reform of the Common Market Organisations for olive oil, tobacco and cotton, and will follow it by legal proposals.

As in its July 2002 communication, the Commission will provide a long-term policy perspective for these sectors in line with their present budgetary envelope and the new framework for agricultural expenditure agreed at the Brussels European Council in October 2002.

The reform for these sectors will be based on the objectives and the approach of the current reform."

## **STATEMENT 167/03**

#### **Statement by Denmark and Sweden**

"Denmark and Sweden are of the opinion that the support scheme for tobacco is to be phased out.

Denmark and Sweden are therefore not part of the statement in point V concerning tobacco in 12977/03 ADD 1."



## **RURAL DEVELOPMENT REGULATION**

### **Commission statements**

#### **STATEMENT 168/03**

##### **Amendment of Article 29 of Regulation (EC) No 1257/1999 concerning support for State forests**

"While implementing Chapter VIII of Regulation (EC) No 1257/1999, the Commission will ensure that support for the state forests is market neutral and does not distort competition in the forestry sector."

#### **STATEMENT 169/03**

##### **Simplification of the implementation of rural development measures**

"On the occasion of adapting the implementing rules for amended Regulation (EC) No 1257/99, the Commission will review again with Member States the scope for further simplification of the administrative provisions for the implementation of rural development programmes. As regards control provisions, the review will encompass in particular in situ checks in the context of administrative controls."

## **STATEMENT 170/03**

### **Statement by Austria on future financing of rural development measures under the EAGGF-Guarantee Section**

"The long-term reform of the Common Agricultural Policy included several measures which strengthen the rural development measures financed by EAGGF-Guarantee Section. Therefore, in connection with the new financial framework, to be applied from 2007 onwards, heading 1b should be retained and its level increased."

## **STATEMENT 171/03**

### **RICE**

#### **Statement by the United Kingdom on the Article XXVIII mandate for rice**

"In agreeing to authorise the Commission to open negotiations for the modification of bound duties for rice under the GATT 1994 Article XXVIII procedure, the United Kingdom remains firmly of the view that this should not prejudice existing preferential arrangements benefiting developing country suppliers, in particular those relating to basmati rice from India and Pakistan.

The United Kingdom also underlines its commitment to the trade liberalisation already agreed under Everything But Arms which must be respected by any new arrangements."

## **MILK**

### **Commission statements**

#### **STATEMENT 172/03**

##### **Limit for butter intervention**

"Given the special circumstances in 2004, the Commission declares that, should the limit of 70 000 tonnes for the intervention of butter be reached during the intervention period 1 March till 31 August 2004, intervention will continue in one form or the other as provided for in Article 6(1)."

#### **STATEMENT 173/03**

##### **Private storage support**

"The Commission recalls the third paragraph of its declaration recorded in the minutes of the 1185th meeting of the Management Committee for Milk and Milk Products on 13 February 2003:

"The Commission states its intention to come forward with appropriate proposals in due course to ensure, a smooth transition to the situation of a change in the intervention price, either as result of the Agenda 2000 decisions or as a results of a Council Decision on the recent proposals for the milk sector."

and indicates that, as regards private storage of butter, it will come forward with appropriate proposals before the end of 2003."

## **STATEMENT 174/03**

### **Statement by Portugal explaining its opposing vote:**

"Milk production is the main agricultural activity in the Azores. Owing to the region's extreme remoteness and lack of viable alternatives, its economic and social development is heavily dependent upon that activity. The arrangement arrived at in the CAP reform compromise on 26 June 2003 as regards the milk quota increase for the region cannot ensure its sustained development; that is the reason for Portugal's opposing vote."

## **STATEMENT 175/03**

### **Council statement**

"The Council points out that effective control of epizootic diseases such as foot-and-mouth disease requires the full and complete cooperation of the health authorities. It therefore finds it difficult to see how a vaccination policy can be imposed on Member States which do not support it.

The Council therefore asks the Commission – under the provisions of Article 50(7) – to do everything possible, before putting the matter to a vote, to obtain the support of the Member State affected by the introduction of emergency vaccination."

## **STATEMENT 176/03**

### **Commission statement**

"The Commission is ready to start talks with the appropriate technical bodies and Chief Veterinary Officers with a view to stepping up controls on vaccines likely to be used by the Member States should emergency vaccination be introduced."

## **STATEMENT 177/03**

### **Statement by the Council and the Commission**

"The Council and the Commission reaffirm that they will – on the basis of scientific research to improve the detection of infected animals in vaccinated herds and the availability of suitable tests – submit joint proposals to the OIE aiming at reducing trade sanctions after emergency vaccination to those equivalent to sanctions after stamping out. Recovery of status should be based not only on the results of surveillance but also on the regular assessment of the level of veterinary supervision in the country concerned."

## **STATEMENT 178/03**

### **Statement by the Netherlands delegation**

"Although the Netherlands can support the result of the discussions on the proposal for a Council Directive on Community measures for the control of foot-and-mouth disease and amending Directive 92/46/EEC, it wishes in this statement to express its concern with regard to the final measures affecting products from vaccinated pigs and the consequences involved.

The Netherlands in general takes a positive view of the obligations and guidelines contained in the new Directive. At the same time, however, it considers that with regard to products from vaccinated pigs the proposed measures in the Directive may have negative consequences for the marketing of such products where a decision is in fact taken to introduce preventive vaccination in the event of a foot-and-mouth outbreak. The requirement that at one particular stage fresh pigmeat must in principle remain within the confines of the Member State of the outbreak may constitute an impediment to the marketing of these products.

The Netherlands considers that the Netherlands point of view – that as few healthy animals as possible should be unnecessarily destroyed in the event of a foot-and-mouth outbreak – will be brought under pressure by these measures affecting products from vaccinated pigs."



## **STATEMENT 179/03**

### **Commission statement**

"In addition to the annual reports provided for in the third paragraph of Article 2 of Decision 1445/2000/EC of the European Parliament and of the Council of 22 May 2000, the Commission shall submit to the Member States, by the end of 2005 and in accordance with the procedure laid down in Article 5(2) of that Decision, a report on the implementation of the activities since the Decision entered into force."

## **Commission statements**

### **STATEMENT 180/03**

#### **Re Article 4(4)(c) – Cost/benefit analysis**

"The Commission declares that it will take due account of the results of cost/benefit analyses and other legitimate factors. It will not propose targets that would lead to disproportionate costs in comparison to the expected benefits of Community action."

### **STATEMENT 181/03**

#### **Re Article 4(5) and Annex III – Data on human salmonellosis**

"The Commission declares that, in relation to the use of data on human salmonellosis collected through EC monitoring systems to define salmonella serotypes with public health significance, it will take account both of historical data and of recent trends, as most appropriate to the circumstances."

### **STATEMENT 182/03**

#### **Re Article 9(3) – Additional guarantees**

"The Commission will not propose any measure that would reduce the guarantees granted to Finland and Sweden upon their accession to the Community."

## **STATEMENT 183/03**

### **Re Annex I and Annex II, Part B – Targets for stages after primary production**

"The Commission declares that targets for stages of the food chain after primary production will generally be laid down through comitology pursuant to Article 4 of the proposed Regulation on the hygiene of foodstuffs. These will supplement the targets for table eggs and poultry meat contained in the proposed Regulation on the control of zoonoses (which may themselves be modified or supplemented through comitology)."

## **STATEMENT 184/03**

### **Re Annex I and Annex II – Targets for pigs**

"The Commission declares that the envisaged order of the Community targets for pigs may be reversed if the evaluation of the available evidence indicates that this would be more appropriate."

<b>SEPTEMBER 2003</b>	
<b>OTHER ACTS</b>	<b>Votes made public</b>
<b>Written procedure completed on 8 September 2003</b>	
<p>Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive 92/42/EEC 10345/03 + COR 1 (pt) + COR 2 (pt) + REV 1 (fi) + ADD 1 + ADD 1 COR 1</p>	
<b>Written procedures completed on 11 September 2003</b>	
<p>Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of para-cresol originating in the People's Republic of China 12017/03</p> <p>Council Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No 408/2002 on imports of certain zinc oxides originating in the People's Republic of China to imports of certain zinc oxides consigned from Vietnam, whether declared as originating in Vietnam or not, and to imports of certain zinc oxides originating in the People's Republic of China and mixed with silica 12023/03</p>	
<b>Written procedure completed on 12 September 2003</b>	
<ul style="list-style-type: none"> <li>• Council Common Position updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2003/482/CFSP 12234/03 + REV 1 (fr,da,de,el,es,it,nl,pt,sv) including the Annex thereto</li> <li>• Council Decision implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/480/EC 12235/03 + COR 1 (nl), including Article 1</li> </ul>	

**SEPTEMBER 2003****OTHER ACTS****Votes made public****Written procedure completed on 18 September 2003**

Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage

10933/03 + REV 1 (fr) + REV 1 COR 1 (fr) + REV 2 (pt) + REV 3 (fi) + REV 4 (da) + COR 1 (de) + COR 3 (en) + COR 4 (de) + COR 5 (de) + COR 6 (nl) + ADD 1

**2525th Council meeting (COMPETITIVENESS – Internal Market, Industry, Research) on 22 September 2003**

Council Decision concerning the conclusion of an Agreement renewing the Agreement on cooperation in science and technology between the European Community and Ukraine

11673/03

Council Decision approving the conclusion by the Commission of an agreement for cooperation in the peaceful uses of nuclear energy between the European Atomic Energy Community (Euratom) and the Government of the Republic of Uzbekistan

12203/03

- Council Decision on the conclusion of an Agreement amending the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)  
9191/03
- Agreement amending the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)  
9111/03 + COR 1 + COR 2 (sv)

**SEPTEMBER 2003****OTHER ACTS****Votes made public**

- Council Decision on the conclusion of an Agreement amending the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)  
9189/03
- Agreement amending the Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA)  
9115/03 + COR 1

Council Regulation terminating the anti-dumping proceedings concerning imports of polyester textured filament yarn originating in Taiwan, Indonesia, Thailand and Malaysia  
12015/03

Council Regulation amending Regulation (EC) No 1796/1999 imposing a definitive anti-dumping duty, and collecting definitively the provisional duty imposed, on imports of steel ropes and cables originating, inter alia, in Poland and Ukraine  
12046/03

Council Regulation amending Regulation (EC) No 1995/2000 imposing, inter alia, a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate originating in Algeria, Belarus, Lithuania, Russia and Ukraine  
12123/03

Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Cyprus on the participation of the Republic of Cyprus in the European Union Forces (EUF) in the Democratic Republic of Congo  
12136/03

**SEPTEMBER 2003**

**OTHER ACTS**

**Votes made public**

Council Decision on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions  
5296/03

Council Decision on the conclusion of bilateral Agreements between the European Community and the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Slovak Republic, and the Republic of Slovenia, respectively, laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services  
9904/03 + REV 1 (en)

**Liberia**

- Council Common Position amending Common Position 2001/357/CFSP concerning restrictive measures against Liberia  
12152/03
- Council Regulation amending Regulation (EC) No 1030/2003 concerning certain restrictive measures in respect of Liberia  
12323/03

Draft Council Resolution on "A more coherent European contract law"  
12652/03

Council conclusions and Resolution (Industry and Research)  
12885/03 Annex

**SEPTEMBER 2003****OTHER ACTS****Votes made public****2526th Council meeting (General Affairs and External Relations) on 29 September 2003**

- Council Joint Action on the European Union Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL "Proxima")  
12833/03
- Council Decision concerning the appointment of the Head of Mission/Police Commissioner of the European Union Police Mission (EUPOL) in the former Yugoslav Republic of Macedonia  
12834/03

Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Poland on the participation of Polish Armed Forces in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia  
11942/03

- Council Common Position amending Common Position 2002/829/CFSP on the supply of certain equipment into the Democratic Republic of Congo  
12150/03
- Council Regulation concerning certain restrictive measures in respect of the Democratic Republic of Congo  
12415/03



**SEPTEMBER 2003**

OTHER ACTS	Votes made public
<p><b>2528th Council meeting (Agriculture and Fisheries) on 29 September 2003</b></p> <p>Council Regulation amending Regulation (EC) No 527/2003 authorising the offer and delivery for direct human consumption of certain wines imported from Argentina which may have undergone oenological processes not provided for in Regulation (EC) No 1493/1999 12597/03</p> <p>Council Regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 2003 to 31 December 2003 8237/03 + COR 1 (en)</p> <p>Review of pharmaceutical legislation</p> <ul style="list-style-type: none"> <li>• Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency 10949/03 + ADD 1</li> <li>• Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 2001/83/EC on the Community code relating to medicinal products for human use 10950/03 + REV 1 (fi) + ADD 1</li> <li>• Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products 10951/03 + REV 1 (fi) + ADD 1 + ADD 1 COR 1 (fi)</li> </ul> <p>Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on drug precursors 9732/03 + COR 1 (pt) + COR 2 + COR 3 (es) + COR 4 (da) + ADD 1 + ADD 1 COR 1</p>	<p>Against B, NL Abstention D</p> <p>Against B, NL</p>