



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 15 June 2005 (24.06)
(OR. fr)**

10095/05

PUBLIC 5

NOTE

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
 MAY 2005

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in May 2005. This is accompanied by statements in the minutes which may be released to the public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rules applicable;
- in **Annex III**, a list of the other acts¹ adopted by the Council in May 2005, with a reference, where appropriate, to voting results, explanations of vote and statements which the Council has decided to make public.

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

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question may also be obtained from the Transparency Department ("transparency@consilium.eu.int").

¹ With the exception of certain acts of limited scope such as procedural decisions, appointments, decisions of bodies set up by international agreements, specific budgetary decisions, etc.

MAY 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2658th Council meeting (COMPETITIVENESS - Internal Market, Industry and Research) on 10 May 2005 Council Decision on the information exchange, risk assessment and control of new psychoactive substances	7003/05 + COR 1 (en)	42/05	Unanimous
2659th Council meeting (General Affairs and External Relations) on 23 May 2005 Council Regulation amending Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code	7882/05 + COR 1 (de) + REV 1 (lt) + REV 2 (hu) + REV 3 (el)		Qualified majority

MAY 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2661st Council meeting (Education, Youth and Culture) on 23 and 24 May 2005 Directive of the European Parliament and of the Council establishing a framework for the setting of eco-design requirements for Energy-Using Products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels 2662nd Council (Agriculture and Fisheries) on 30 May 2005 Council Regulation amending Regulation (EC) No 27/2005, as concerns fishing opportunities in Greenland, Faroese and Icelandic waters and fishing for cod in the North Sea, and amending Regulation (EC) No 2270/2004, as concerns fishing opportunities for deep-sea sharks and roundnose grenadier	Ref. 8014/05 + ADD 1 + ADD 1 COR 1 (fr) PE-CONS 3618/05	43/05	Qualified majority
	Ref. 7952/05 + REV 1 (fi) PE-CONS 3619/05	44/05, 45/05	IT/MT against Qualified majority
	8877/05 + REV 1 (lv)	46/05, 47/05, 48/05, 49/05, 50/05, 51/05	DK/LT against Qualified majority

MAY 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Regulation of the European Parliament and of the Council amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies as regards the extension of the period for transitional measures	PE-CONS 3620/05 + COR 1 (It) + COR 2 (lv)		Qualified majority
Council Regulation amending Regulation (EC) No 1868/94 establishing a quota system in relation to the production of potato starch	5494/05 + ADD 1 (en)	52/05	IT/PT/LT against Qualified majority

STATEMENT 42/05

Statement by the Council

- "a. The Council, in the circumstances provided for in Article 4(2), will act expeditiously and if possible within a period of six weeks, after it has received a proposal to make a request to Europol and the EMCDDA pursuant to Article 5(1).
- b. The Council is of the view that the completion of the procedure provided for in Article 8 should, in principle, take no longer than 16 weeks from the date of reception by the Council of an initiative.
- c. The Council is of the view that initiatives under Article 8(2) could be taken by several Member States acting jointly in order to enhance the efficiency of the procedure."

STATEMENT 43/05

Statement by the Commission

"Without prejudice to the outcome of the ratification process of the Treaty establishing a Constitution for Europe, the Commission will examine the issue of the implementation of Articles 36 and 37 of the Constitution in relation to this framework Directive."

STATEMENT 44/05

Statement by Italy and Malta

"Italy and Malta agree with the need, on which the Directive on the sulphur content in marine fuels is based, to reduce atmospheric pollution and the resulting damage to health and environment.

However, Italy and Malta believe that the present Directive is not based on a sufficient evaluation of the costs and benefits involved, in particular, the Directive does not take into account enough the specificity of the Mediterranean area.

Furthermore, it also risks having counterproductive effects, even from the environmental point of view by increasing the costs incurred in a delicate phase of the launching of systems of transport that are alternative to road traffic.

The Directive therefore goes in the opposite direction to the actions encouraged in the Community, that are intended to favour and not to impede a modal shift towards maritime routes, the impact of which, on the environment, but especially on human health, are far less than those of other means of transport. Italy and Malta are therefore expressing a negative vote on this Directive."

STATEMENT 45/05

Statement by the Commission

"Without prejudice to the Commission's right of initiative, as part of the review required under Article 7 of this Directive, the Commission undertakes to examine the merits of:

- designating additional IMO SO_x Emission Control Areas in EU seas;
- reducing marine fuel sulphur content to 0,5% or lower, in particular sea areas, for particular types or flags of vessels, or for particular routes; and
- using economic instrument(s) as an incentive to achieve such a limit.

In conducting its review, the Commission will take into account:

- technological developments in refinery processing and exhaust gas cleaning;
- cost-effectiveness of reducing ship emissions compared to land-based emissions;
- the need to avoid distortion of competition between EU and foreign-flagged ships;
- expected improvements in ship fuel economy;
- expected growth in maritime traffic; and
- progress at the International Maritime Organization."

STATEMENT 46/05

Joint statement by the Council and the Commission

"The Council and the Commission believe that the overall effectiveness of the effort management regime may be enhanced to encourage more sustainable fishing, including the adoption of more selective fishing gear. The Council invites the Commission to take this into account in the context of the global review of technical measures and to adopt, as required, appropriate proposals to amend the recovery plans for 2006."

STATEMENT 47/05

Statement by the Spanish delegation

"Regarding the Commission proposal, accepted by the Council, to increase a TAC for species caught as by-catches in order to avoid unnecessary discards, the Spanish delegation asks the Commission to act in the same way as here for other species in similar circumstances."

STATEMENT 48/05

Statement by the Danish delegation

Concerning the proposal to change the derogation for vessels using 120 mm square mesh windows (table II in Annex IVa)

"Denmark believes that the days at sea scheme must encourage fishermen to use more selective gears to limit cod catches. Denmark is convinced that a trawl using a panel with 120 mm square mesh windows is a more selective gear than the gears otherwise used in the North Sea. Therefore, Denmark finds it unfortunate that the **North Sea** is removed from the derogation for using a selective panel with 120 mm square mesh windows."

STATEMENT 49/05

Statement by the United Kingdom delegation

"The United Kingdom welcomes the joint statement adopted by the Council and the Commission on enhancing the overall effectiveness of the effort management regime to encourage more sustainable fishing. The United Kingdom understands this declaration to mean that in relation to recovery stocks the Council and the Commission will encourage more sustainable fishing patterns including, but not restricted to, the adoption of more selective fishing gear."

STATEMENT 50/05

Statement by the Latvian delegation

"Latvia welcomes the aim of the European Commission to introduce the most appropriate measures for sustainable management of fish stocks, which should include transparent process for setting of TACs and quota allocations.

However, taking into account the need to safeguard stable and long-term fishing activities in the Coastal Communities, it is not acceptable for Latvia, that the initially allocated quota for roundnose grenadier in the ICES divisions Vb, VI and VII is to be deleted in the middle of the fishing year. Such a substantial change of fishing possibilities would affect fishermen, who might have started preparation for use of the allocated quota. Therefore, Latvia is of the opinion that the necessary corrections should be done for the next fishing year only.

Furthermore, lack of clear and timely explanation by the Commission on the calculation error with respect to the allocation key for the Baltic cod quota did not provide for the full transparency and awareness of the decisions taken at the Council of the European Union (Agriculture and Fisheries) in December 2004.

Therefore, taking into account above mentioned, Latvia votes against on the Amendments to the TAC and Quota Regulation for 2005 and Regulation on Fishing Opportunities for Deep – sea Species for 2005 and 2006 ((EC) No 27/2005 and (EC) No 2270/2004)) and Latvia underlines the necessity to ensure more transparency and clarity when elaborating and discussing the legislative proposals."

STATEMENT 51/05

Counter-statement by the Commission further to Latvia's statement concerning the first amendment of TACs and quotas.

"The Commission is aware of the issue raised by the Latvian Minister. On 25 April last, Commissioner Borg sent him a letter explaining in detail the reasons for the quota attributed to Latvia at the December 2004 Council, so the Commission considers that sufficient explanations have been provided by the Commission.

It should be borne in mind that the allocations agreed for Baltic cod and herring in December 2004 are applicable only for 2005. The allocation of these quotas for 2006 will be discussed in the course of this year, and there will be plenty of opportunity for Latvia to present its views and positions on this issue."

STATEMENT 52/05

Statement by the Commission

"The Commission is prepared to look into the requests of Poland and Lithuania to revise their potato starch quotas, in the context of future arrangements after the two-year extension of the present quotas."

MAY 2005	
OTHER ACTS	Votes made public
Written procedure completed on 2 May 2005	
Joint Action on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DRC) 7940/05 + COR 1 (en) 2658th Council meeting (COMPETITIVENESS - Internal Market, Industry and Research) on 10 May 2005 Council Decision on the conclusion of a Cooperation Agreement between the European Community and the Principality of Andorra 12913/1/04 REV 1 + REV 1 COR 1 Council Regulation imposing a definitive countervailing duty on imports of certain broad spectrum antibiotics originating in India 7650/05 Council Decision amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Nationale Bank van België/Banque Nationale de Belgique and the Bank of Greece 8311/05 Council Decision amending Decision 2001/80/CFSP on the establishment of the Military Staff of the European Union 8159/05 Council Decision concerning the conclusion of an Additional Protocol to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union 13286/04	DK/SE against FI abstention

MAY 2005	
OTHER ACTS	Votes made public
Written procedure completed on 20 May 2005	
Decision taken by common accord, at the level of Heads of State or Government, by the Governments of the Member States having the euro as their currency, appointing a Member of the Executive Board of the European Central Bank 6995/05	
2659th Council meeting (General Affairs and External Relations) on 23 May 2005	
Council Decision on the signature and provisional application of a Protocol to the Interim Agreement on trade and trade-related matters between the European Union, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union 8328/05 + COR 1 (es)	
Council Regulation terminating the partial interim review of the anti-dumping measures applicable to imports of silicon carbide originating in Ukraine 8474/05	
Council Regulation imposing a definitive anti-dumping duty on imports of magnesium oxide originating in the People's Republic of China 8181/05	NL/EE/FI/SE against

MAY 2005	
OTHER ACTS	Votes made public
2661st Council meeting (Education, Youth and Culture) on 23 and 24 May 2005 Council Regulation terminating the partial interim review of the anti-dumping measures applicable to imports of silicon originating in the People's Republic of China 8493/05 + COR 1 (en) Council conclusions on new indicators in education and training 8813/05 Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the evaluation of activities conducted in the framework of European cooperation in the youth field 8520/05 Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on implementing the common objective: to increase participation by young people in the system of representative democracy 8522/05 Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on implementing the common objectives for youth information 8521/05 2662nd Council meeting (Agriculture and Fisheries) on 30 May 2005 Council Decision approving the accession of the European Community to the International Convention for the Protection of New Varieties of Plants, as revised at Geneva on 19 March 1991 8824/05 + COR 1 (es)	LT/PT/SI against

MAY 2005	
OTHER ACTS	Votes made public
Relations with Turkey • Council Regulation amending Regulation (EC) No 2500/2001 to enable the implementation of Community assistance according to Article 54(2)(c) of Regulation (EC, Euratom) No 1605/2002 7110/05 + REV 1 (en) Relations with the ACP States and the OCT • Decision of the Representatives of the Governments of the Member States, meeting within the Council, setting the deadline for the commitment of the funds of the 9th European Development Fund (EDF) 7226/05 Sudan • Council Common Position concerning restrictive measures against Sudan and repealing Common Position 2004/31/CFSP 8383/05 • Council Regulation amending Regulation (EC) No 131/2004 concerning certain restrictive measures in respect of Sudan 8368/05	
