



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 June 2002 (24.06)
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TRANSPARENCY

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
 MAY 2002

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in May 2002. This is accompanied by statements in the minutes which the Council decided to make public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rule applicable;
- in **Annex III**, a list of the other acts ¹ adopted by the Council in May 2002, 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 "Transparency", "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 service ("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 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Written procedure completed on 3 May 2002 Road transport • Council Decision on the granting of a national aid by the authorities of the Kingdom of the Netherlands in favour of road transport undertakings • Council Decision on the granting of a national aid by the authorities of the Italian Republic in favour of road transport undertakings • Council Decision on the granting of aid by the French Government for road transport undertakings	8032/02 + COR 1 + COR 1 REV1 (fr) 8033/02 + COR 1 + REV 1 COR 1 (fr) 8034/02 + COR 1	52/02, 53/02, 54/02, 55/02, 56/02, 57/02, 58/02	DK abstention
			Unanimity
			Unanimity
2424th Council meeting (Economic and Financial Questions) on 7 May 2002 Regulation of the European Parliament and of the Council on quarterly non-financial accounts for general government	PE-CONS 3620/02	59/02	Unanimity
			Qualified majority

MAY 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Council Decision authorising Luxembourg to apply a differentiated rate of excise duty to low-sulphur diesel in accordance with Article 8(4) of Directive 92/81/EEC	8120/02 + COR 1 (sv)		Unanimity
- Council Directive amending and amending temporarily Directive 77/388/EEC as regards the value added tax arrangements applicable to radio and television broadcasting services and certain electronically supplied services - Council Regulation amending temporarily Regulation (EEC) No 218/92 on administrative cooperation in the field of indirect taxation (VAT) and introducing additional measures regarding electronic commerce	6373/02 + COR 1 (pt) + COR 2 (sv) + COR 3 (nl) + REV (fi) 6375/02 + COR 1 (nl) + COR 2 (sv) + REV 1 (fi)	60/02, 61/02, 62/02 63/02, 64/02, 65/02	Unanimity Unanimity
Directive of the European Parliament and of the Council amending Directive 97/67/EC with regard to the further opening to competition of Community postal services	PE-CONS 3621/02 + COR 1 (fr,nl,es,pt,fi)	66/02	NL against Qualified majority
Decision of the European Parliament and of the Council on Community incentive measures in the field of employment	PE-CONS 3609/02	67/02	Qualified majority

MAY 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Legislative acts adopted following the European Parliament's second reading under the codecision procedure			
Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports (15.05.2002)	8876/02 PE-CONS 3630/02		Qualified majority
Directive of the European Parliament and of the Council on financial collateral arrangements (15.05.2002)	8877/02		Qualified majority
2426th Council meeting (Internal Market, Consumer Affairs and Tourism) on 21 May 2001			
Council Regulation setting up the GALILEO Joint Undertaking	7637/02 + COR 1 (pt)	68/02, 69/02, 70/02, 71/02, 72/02	Qualified majority
Directive of the European Parliament and of the Council relating to the assessment and management of environmental noise	PE-CONS 3611/02	73/02	Qualified majority
Directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)	PE-CONS 3616/02 + COR 1 (fi)	74/02	Qualified majority

MAY 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Directive of the European Parliament and of the Council amending for the twentieth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (short-chain chlorinated paraffins) 2428th Council meeting (Agriculture) on 27 May 2002 Council Regulation amending Regulation (EC) No 1868/94 establishing a quota system in relation to the production of potato starch 2429th Council meeting (Development) on 30 May 2002 Directive 2002/46/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to food supplements	PE-CONS 3617/02 + COR 1 (fi) 8791/02 + COR 1 + COR 2 (es) + COR 3 (nl) PE-CONS 3628/02	75/02 76/02	NL against Qualified majority FIN abstention Qualified majority Qualified majority

STATEMENT 52/02

Statement by Austria

"Austria fully supports Sweden's statement.

In addition, Austria would emphatically point out that its agreement is given solely in the light of the particular circumstances and importance in the Member States concerned. Austria assumes that in matters that are similarly sensitive and important for Austria (e.g. transitional arrangements for transit traffic), decisions will also be taken with a view to building greater confidence."

STATEMENT 53/02

Statement by Denmark

"Denmark stresses that the procedure according to Article 88(2) of the Treaty is only to be applied in exceptional cases and emphasises that the measure expires at the end of 2002 at the latest."

STATEMENT 54/02

Statement by Finland

"Finland stresses that the procedure according to Article 88(2) of the Treaty is only to be applied in exceptional cases and emphasises that the measure expires at the end of 2002 at the latest."

STATEMENT 55/02

Statement by Greece

"Greece considers that similar situations in the future will have to be dealt with by the Council in the same way."

STATEMENT 56/02

Statement by Portugal

"Portugal considers that, in the future, identical situations will have to be dealt with by the Council in a similar manner."

STATEMENT 57/02

Statement by Sweden

"Sweden stresses that the procedure according to Article 88(2) of the Treaty is only to be applied in exceptional cases.

Sweden would like to recall the decisions taken in Göteborg and Barcelona. According to the decisions taken in Göteborg "the Union's Sustainable Development Strategy is based on the principle that the economic, social and environmental effects of all policies should be examined in a coordinated way and taken into account in decision-making". Moreover, the Council conclusions of Göteborg emphasise the importance of "Getting the prices right" so that they better reflect the true costs to society of different activities and thus would provide a better incentive for consumers and producers in everyday decisions about which goods and services to make or buy.

Furthermore, in Barcelona the European Council noted that the Commission will propose a framework to ensure that by 2004 the price of using different modes of transportation better reflects costs to society."

STATEMENT 58/02

Statement by the Commission

"The Commission reserves the right to use the means conferred on it by the Treaty, in particular with regard to the existence of exceptional circumstances required by Article 88(2)EC.".

STATEMENT 59/02

Statement by the Commission

"The European Commission (Eurostat) undertakes to publish only aggregates for the euro zone and all of the Member States. During a trial period, national data will be forwarded, for contributing to the quality assessment only, to the European Commission's Directorate-General for Economic and Financial Affairs and to the European Central Bank. For this purpose, Eurostat, as a Community authority within the meaning of Regulation No 322/97 of 17 February 1997, together with the European Commission's Directorate-General for Economic and Financial Affairs and the European Central Bank, will make the necessary arrangements to guarantee the confidentiality of the data.

The quality of national data will also be examined in the relevant Eurostat working party, in close cooperation with the European Central Bank and the European Commission's Directorate-General for Economic and Financial Affairs, for the purposes of drawing up the report referred to in Article 8 of the Regulation."

STATEMENT 60/02

Statement by the Council and the Commission

"The Council and the Commission note that the Member State of consumption retains its full rights to control, if necessary, of the non-established taxable person to ensure that the correct amount of tax is being paid. However, for practical reasons, the identification formalities and routine control of compliance with the Special Scheme by non-established taxable persons should be carried out in the first instance by the Member State of identification. Where control is necessary, Member States will endeavour to coordinate such controls, in the interests of minimising costs for both the administrations and the non-established taxable persons availing of the Special Scheme."

STATEMENT 61/02

Statement by the Council and the Commission

"The Council and the Commission take note that regulating the place of taxation for games of chance and gambling games will not prejudice present exemptions in Member States or any present restrictions as regards access to cross-border provision of services of this kind."

STATEMENT 62/02

Statement by the Belgian, Danish, French, Irish, Austrian, Finnish and United Kingdom delegations

"The B/DK/F/IRL/A/FIN and UK delegations call upon the Commission to accelerate the review and revision of Article 9 of the Sixth VAT Directive, and in particular to take into consideration the current distortions in the internal market concerning cross-border leasing of means of transport."

STATEMENT 63/02

Statement by the Commission

"The Commission states that the exchanges of information required under Articles 9b and 9c of the Regulation should take place using the available CCN/CSI messaging service. The Council takes note of this statement."

STATEMENT 64/02

Statement by the Commission

"The Commission notes the unanimous adoption by the Council of a text on administrative cooperation based on Article 93 of the Treaty. It reaffirms its position, in line with its original proposal, that the legal basis for the text should be Article 95 of the Treaty. The Commission recalls that the principal objective of this Regulation is not the harmonisation of fiscal provisions, but to provide for the exchange of information between Member States."

STATEMENT 65/02

Statement by the Commission and the Council

"The Commission and the Council state that the amendment to Article 6(4) is only intended to extend the possibility of verification of VAT identification numbers to persons providing services referred to in the last indent of Article 9(2)(e) of the Sixth VAT Directive and not to change Member States' existing verification procedures."

STATEMENT 66/02

Statement by the Netherlands delegation

"In voting against, the Netherlands delegation is not seeking to hold up the decision on this Directive. Nor is the Netherlands' negative vote based on the European Parliament's second-reading amendments. It is voting against adoption of this Directive for the same reason as it voted against when a decision was taken on the common position at the Council meeting on 6 December 2001. The Netherlands then considered – and still considers – that a fixed end-date, 1 January 2009, for the full liberalisation of postal services is essential for the market as well as consumers; both are entitled to certainty on this point."

STATEMENT 67/02

Statement by the Commission

"The Commission recalls the importance of the European Social Fund in underpinning the European Employment Strategy. It underlines, inter alia, the importance of innovative measures supported under Article 6 of the European Social Fund Regulation ¹ in order to reinforce the implementation of the European Employment Strategy at local level. It equally recalls in this respect its commitment to ensure appropriate dissemination of the results of the activities of the Fund, including Article 6, with a view to providing appropriate input to the European Employment Strategy.

Therefore, when implementing the Decision on employment incentive measures, the Commission will ensure the necessary synergies with dissemination activities of the European Social Fund.

The Commission will fully inform the European Parliament of the priorities chosen in the framework of Article 6 of the European Social Fund and, in particular, of the local initiatives."

¹ Regulation (EC) No 1784/1999 of the European Parliament and of the Council of 12 July 1999 on the European Social Fund, OJ L 213, 13.8.1999.

STATEMENT 68/02

Re: Article 1, fourth section, of the Regulation: Seat of the Joint Undertaking

Joint statement by the Council and by the Commission:

"The Council and the Commission, considering the non-commercial character of the activities of the Joint Undertaking, invite the Member State on the territory of which the seat of the Joint Undertaking will be established, to exempt the Joint Undertaking, as well as the personnel that it employs, from all taxes, social charges and similar obligations, under the terms of applicable Community and national law. The Council invites the Commission to take care of the implementation of this provision and to refer to it in case of difficulties."

STATEMENT 69/02

Re: Article 1, fourth section, of the Regulation: Seat of the Joint Undertaking

Unilateral statement by Belgium:

"The Kingdom of Belgium commits itself, in view of the non-commercial character of the activities of the Joint Undertaking, to grant the Joint Undertaking, as well as the personnel that it employs, all advantages and facilities compatible with Community and national law."

STATEMENT 70/02

Re: Article 3(4) and Article 7 of the Regulation: Decision-making by Supervisory Board and Security Board

Joint statement by the Council and by the Commission:

"The Council and the Commission agree that if the Supervisory Board or the Security Board cannot reach a decision, the Presidency will report to the bodies of the Council in order to examine appropriate solutions."

STATEMENT 71/02

Re: Article 8(2) of the Statutes: Functions of the Administrative Board

Unilateral statement by the Commission:

"The Commission will ensure that the Administrative Board swiftly establishes precise rules for preventing and halting any conflicts of interest that may arise between the Joint Undertaking and members of its personnel or the undertakings referred to in the second indent of Article 1(3)(b).

Such rules will be based on the following principles:

- The undertakings indicated in the second indent of Article 1(3)(b) shall abstain from intervening in any way whatsoever in the preparation and the procedures for the tenders which are organised by the Joint Undertaking and in which those undertakings or the groups to which they belong participate or may participate.
- The members of the managing bodies and of the personnel of the Joint Undertaking having a direct or indirect link with the undertakings indicated in the second indent of Article 1(3)(b) shall be excluded from the tendering procedures organised by the Joint Undertaking. In particular they may not participate in the definition of the general conditions or the terms of reference for the tenders organised by the Joint Undertaking, in the opening of envelopes, in the examination of the offers received, or in the meetings of the organs of the Joint Undertaking which have to select the other party or parties to such contracts.

Anyone who is or was recently employed by an undertaking shall in particular be considered as having a direct link with that undertaking.

Anyone who is or was recently employed by an undertaking having a contractual link with that undertaking shall in particular be considered as having an indirect link with that undertaking."

STATEMENT 72/02

Re: Article 9(4) of the Statutes: Treatment of Documents

Unilateral statement by Sweden:

"With particular reference to the joint declaration of the European Parliament, the Council and the Commission relating to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43 and OJ L 173, 27.6.2001, p. 5) Sweden welcomes Article 9(4) of the Statutes of the GALILEO Joint Undertaking. That Article enables the general public to have access to the Joint Undertaking's documents to the extent decided by the Executive Committee, taking into account the principles and limits laid down in Regulation (EC) No 1049/2001."

STATEMENT 73/02

Statement by the Commission

"The Commission takes note of the text agreed for Article 1(2) of the Environmental Noise Directive by the members of the Conciliation Committee for the European Parliament and the Council.

The Commission considers that legislative proposals to reduce noise emissions from all major sources should be made on the basis of robust evidence supporting such proposals. This is in line with the "knowledge-based approach" for policy-making as proposed in the 6th Environment Action Programme (COM(2001)31) and approved by the European Parliament and the Council.

In this regard, the reports required from Member States under the Directive on the basis of harmonised noise indicators will be an essential element. The provision of such data across the Community will allow the impact and benefits of possible measures to be properly assessed prior to presenting Community legislative proposals.

Therefore, and in accordance with the Treaty establishing the European Community, the Commission will evaluate the need to come forward with new legislative proposals, reserving its right to decide as and when it would be appropriate to present any such proposals. This is consistent with the Commission's right of initiative, as laid out in the Treaty, while the requirements of Article 1(2) relating to the submission of new proposals within a fixed timeframe appear to be prejudicial to this right."

STATEMENT 74/02

Joint statement by the European Parliament and the Council

"The European Parliament and the Council reaffirm their commitment to continue examining the Commission's proposal on the other physical agents (audible acoustic fields, electric or magnetic fields or combinations thereof). However, in view of the technical difficulties with regard to the other physical agents, priority has been given to vibrations.

The European Parliament and the Council recognise, however, that it is necessary to adopt Directives as soon as possible on the other physical agents referred to in the Commission proposal."

STATEMENT 75/02

Statement by the Netherlands delegation

"The Netherlands is unable to accept the present proposal for a directive amending for the twentieth time Council Directive 76/769/EEC relating to restrictions on the marketing and the use of short-chain chlorinated paraffins, since this proposal does not bring about any changes in the operative part of the directive.

The Netherlands has implemented Decision 95/01 of the OSPAR-Treaty and is of the opinion that this Decision is also binding for the European Community. The Netherlands has great difficulty in accepting that as a result of the implementation of a Community directive it would be prevented from complying any longer with international treaty obligations.

The Netherlands reserves the right either to request the European Court of Justice to examine the legality of the measure in point or to support any similar application lodged by other parties."

STATEMENT 76/02

Statement by the Finnish delegation

"When the previous decision on quotas for potato starch production was taken in 1998, the Council and the Commission issued a joint statement to the effect that they will take note of particular problems which exist in certain regions of the Community when considering any expansion in the market for potato starch.

The consumption of potato starch in the Finnish paper industry has increased consistently since 1995. The consumption then was 107 000 tonnes, rising to 135 000 tonnes in 2000 and an estimated 180 000 tonnes in 2005. Potato starch is used particularly in the manufacture of fine paper and coated paper. Our industry has had problems in obtaining the required amount of starch on the internal market. Indeed, the industry will be importing some 10 000 tonnes of modified tapioca starch from third countries this year.

Finland considers that taking into account the communiqué issued by the Council and the Commission in 1998 and the rapid growth in the consumption of starch in the Finnish paper industry, the Finnish production quota should have been brought closer to our actual production capacity of 78 000 tonnes.

Finland assumes that Finnish demand will be taken into account when the next decision on quotas for potato starch production is taken. Since that is not the case now, Finland will abstain from voting."

MAY 2002	
OTHER ACTS	Votes made public
Written procedure completed on 2 May 2002 • Council Common Position updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism 7975/02 + Annex • 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 2001/927/EC 7976/02, including Article 1 2424th Concil meeting (Economic and Financial Questions) on 7 May 2002 • Council Decision on extension of the joint-undertaking status of Hochttemperatur-Kernkraftwerk GmbH (HKG) 6814/02 • Council Decision on the extension of the advantages conferred on the Joint Undertaking Hochttemperatur–Kernkraftwerk GmbH (HKG) 7318/02 Council Resolution on the establishment of national systems for surveillance and control of the presence of radioactive materials in the recycling of metallic materials in the Member States 8004/02 <u>Statement by the Austrian delegation made public</u> <i>"Austria remains of the opinion that the Commission should be encouraged to propose measures designed to reduce to a minimum and as far as possible the presence in imports of metallic materials of radioactive materials that are significant from the viewpoint of radiation protection."</i> Council Decision on the designation of the European Capital of Culture 2005 7560/02	

MAY 2002	
OTHER ACTS	Votes made public
Council conclusions on the follow-up of the Commission White Paper entitled "A New Impetus for European Youth" 6367/02 + COR 1 (nl) + COR 2 (fr) Recommendation of the European Parliament and of the Council concerning the implementation of integrated coastal zone management in Europe PE-CONS 3625/02 Council Regulation imposing a definitive anti-dumping duty on imports of coumarin originating in the People's Republic of China 7823/02 Written procedure completed on 21 May 2002 Common Position of the Council concerning the temporary reception by Member States of the European Union of certain Palestinians 8994/02 + ADD 1 2426th Council meeting (Internal Market, Consumer Affairs and Tourism) on 21 May 2002 - Decision of the Representatives of the Governments of the Member States, meeting within the Council, amending Decision 2001/934/ECSC on certain measures applicable with regard to Kazakhstan concerning trade in certain steel products covered by the ECSC Treaty 7298/02 - Decision of the Representatives of the Governments of the Member States, meeting within the Council, amending Decision 2001/932/ECSC on certain measures applicable with regard to the Russian Federation concerning trade in certain steel products covered by the ECSC Treaty 7299/02 Council Regulation terminating the anti-dumping proceeding concerning imports of bicycles originating in Indonesia, Malaysia and Thailand 8418/02 Council Decision implementing Joint Action 1999/878/CFSP with a view to contributing to the European Union Cooperation Programme for	

MAY 2002	
OTHER ACTS	Votes made public
Non-proliferation and Disarmament in the Russian Federation 7468/02 Council Joint Action regarding a contribution of the European Union towards reinforcing the capacity of the Georgian authorities to support and protect the OSCE Observer Mission on the border of Georgia with the Ingush and Chechen Republics of the Russian Federation 8151/02 Council Resolution on the future of European tourism 8447/02 2428th Council meeting (Agriculture) on 27 May 2002 Council Decision concerning the conclusion of the Additional Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Malta, to associate Malta to the Fifth Framework Programme for Research, Technological Development and Demonstration (1998 to 2002) 8278/02 Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council concerning life assurance 7328/02 + COR 1 (fi) + COR 2 (sv) + ADD 1 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending the Directives on maritime safety and the prevention of pollution from ships 7473/02 + COR 1 (fi) + COR 2 + ADD 1	

MAY 2002	
OTHER ACTS	Votes made public
Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships 7100/02 + COR 1 (fi) + ADD 1 Council Joint Action / /CFSP on financial support for the international negotiating process leading to the adoption of an international code of conduct against ballistic missile proliferation 8892/02 + COR 1 (sv) Council Joint Action extending the mandate of the Special Representative of the European Union for Afghanistan 8974/02 Council Common Position 2002/..../CFSP on Nigeria and repealing Common Position 2001/373/CFSP 8976/02 + COR 1 (en) • Council Common Position concerning restrictive measures against Usama bin Laden, members of the Al-Qaida organisation and the Taliban and other individuals, groups, undertakings and entities associated with them and repealing Common Positions 96/746/CFSP, 1999/727/CFSP, 2001/154/CFSP and 2001/771/CFSP 5949/02 + REV 1 (fi) • Council Regulation imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan 8489/02 + REV 1 (fi) <u>Statement by the Council and the Commission made public.</u> <i>"The Council and the Commission agree that the means to satisfy the minimum basic essential human needs of natural persons designated by the Sanctions Committee and listed in Annex I may be provided."</i>	

MAY 2002	
OTHER ACTS	Votes made public
<i>With respect to Article 10 of the Regulation, and in particular its paragraph 2, the Council and the Commission agree that this Article leaves it to Member States to determine the character of the sanctions to be imposed if provisions of the Regulation are violated, on the condition that such sanctions are effective, proportionate and dissuasive. The Council and the Commission also agree that this Article does not affect in any way the existing competencies in the field of criminal law."</i> Council Regulation amending Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology 8238/02 2429th Council meeting (Development) on 30 May 2002 Council Regulation on the conclusion of the Protocol defining, for the period from 18 January 2002 to 17 January 2005, the fishing possibilities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles 6574/02 Council Regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the 2000-2001 Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean coast for the period 1 January 2002 to 31 December 2002 6103/02	
