



**COUNCIL OF
THE EUROPEAN UNION**

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PUBLIC 7

TRANSPARENCY

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
JUNE 1999

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in June 1999. It 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, as well as explanations of voting.

It should be noted that only the minutes concerning the definitive adoption of legislative acts are authentic. Extracts from the minutes in question, and the information contained in Annexes I and II hereto, are available to the public on the Internet at the "Eudor" website (<http://www.eudor.com>; see "Transparency of the Council's legislative activities");

- in **Annex III**, a list of the other acts¹ adopted by the Council in June 1999, with a reference, where appropriate, to voting results, explanations of voting and statements which the Council or Coreper have decided to make public.

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

JUNE 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
2187th Council meeting (Education), on 7 June 1999 Regulation of the European Parliament and of the Council amending Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks	PE-CONS 3619/99 + COR 1 (p) + COR 2 (f) + REV 1 (i)	146/99, 147/99, 148/99	
2189th Council meeting (Fisheries), on 10 June 1999 Council Regulation amending <ul style="list-style-type: none"> (a) Regulation No 19/65/EEC on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices (b) Regulation No 17: First Regulation implementing Articles 81 and 82 of the Treaty 	7454/1/99 REV 1 + COR 1 (f) + COR 2 (i,dk,fin) + COR 3 (dk) 7567/1/99 REV 1 + COR 1 (d,i) + COR 2 (f)	149/99, 150/99	
2190th Council meeting (Agriculture) <ul style="list-style-type: none"> • 14 June 1999 Council Regulation opening a Community tariff quota for barley for malting falling within CN code 1003 00	8708/99		F against I abstention

JUNE 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
2192nd Council meeting (General Affairs), on 21 June 1999			
Agenda 2000			
(a) Council Regulation laying down general provisions on the Structural Funds	6959/2/99 REV 2 + COR 1 (d) + COR 2 (f,d,i,nl,es) + COR 3 (fi) + COR 4 + COR 5 + COR 6 (f,i,nl,en,es,p,s)	157/99, 158/99, 159/99, 160/99, 161/99, 162/99, 163/99, 164/99, 165/99, 166/99, 167/99, 168/99, 169/99, 170/99, 171/99, 172/99, 173/99, 174/99, 175/99, 176/99, 177/99, 178/99, 179/99, 180/99, 181/99, 182/99, 183/99, 184/99	
(b) Regulation of the European Parliament and of the Council on the European Regional Development Fund	PE-CONS 3614/99	185/99, 186/99	
(c) Regulation of the European Parliament and of the Council on the European Social Fund	PE-CONS 3616/99		
(d) Council Regulation on the financial instrument for fisheries guidance	6947/1/99 REV 1	187/99, 188/99, 189/99	
(e) Council Regulation amending Regulation (EC) No 1164/94 establishing a Cohesion Fund	6958/2/99 REV 2	190/99, 191/99, 192/99, 193/99	

JUNE 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
(f) Council Regulation amending Annex II to Regulation (EC) No 1164/94 establishing a Cohesion Fund	6961/2/99 REV 2	194/99	
(g) Council Regulation on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/89	6924/1/99 REV 1		
(h) Council Regulation (EC) No /99 establishing an instrument for structural policies for pre-accession	6922/1/99 REV 1 + COR 1	195/99, 196/99, 197/99	
(i) on Community support for pre-accession measures for agriculture and rural development in the applicant countries of Central and Eastern Europe in the pre-accession period	6923/1/99 REV 1 + COR 1 (f,dk)	198/99, 199/99, 200/99, 201/99	
2193rd Council meeting (Internal Market), on 21 June 1999			
Council Regulation laying down certain control measures to ensure compliance with the measures adopted by ICCAT	6268/99 + COR 1 (fin)		

JUNE 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
<ul style="list-style-type: none"> Decision of the European Parliament and of the Council on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic Interchange of Data between Administrations (IDA) Decision of the European Parliament and of the Council adopting a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic Interchange of Data between administrations (IDA) 	<p>PE-CONS 3617/99</p> <p>PE-CONS 3618/99</p>		
Council Regulation amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products	9036/99		
Council Directive concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST)	8640/99 + REV 1 (dk,s)	202/99, 203/99, 204/99, 205/99	
2194th Council meeting (Environment), on 24 June 1999			
Council Regulation establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy	8915/99	206/99	

JUNE 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
Council Regulation amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms	8572/99 + COR 1 (dk,nl) + REV 1 (fin,s) + REV 2 (s)	207/99	I against
Council Regulation amending Regulation (EC) No 858/94 introducing a system for the statistical monitoring of trade in bluefin tuna (<i>Thunnus thynnus</i>) within the Community	8482/99		
Council Regulation introducing transitional measures for the management of certain Mediterranean fisheries and amending Regulation (EC) No 1626/94	8323/99		
Council Regulations			
(a) fixing, for the 1999/2000 marketing year, certain sugar prices and the standard quality of beet	9330/99		
(b) fixing, for the 1999/2000 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, and the amount of compensation for storage costs	9331/99		

JUNE 1999			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES AND EXPLANATIONS OF VOTE
(c) amending Regulation (EEC) No 2358/71 on the common organisation of the market in seeds and fixing the aid granted in the seeds sector for the 2000/2001 and 2001/2002 marketing years	9338/99		
(d) fixing the target price for milk and the intervention prices for butter and skimmed-milk powder for the 1999/2000 milk marketing year	9306/99		
(e) fixing, for the period from 1 July to 31 December 1999, the intervention price for adult bovine animals	9307/99		
(f) fixing the basic price and the standard quality for pig carcasses for the period from 1 July 1999 to 30 June 2000	9309/99		
2195th Council meeting (Culture/Audiovisual), on 28 June 1999			
Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial and agricultural products	9257/99		
Council Directive concerning the Framework Agreement on Fixed-term Work concluded by ETUC, UNICE and CEEP	8641/99 + COR 1 (s) + REV 1 (i,en,gr,es,p,fin) + REV 1 COR 1 (en) + REV 1 COR 2 (en)	208/99, 209/99, 210/99, 211/99, 212/99, 213/99, 214/99	

STATEMENT 146/99

The Council regrets that the European Parliament's decision on the common position of the Council is not fully in line with the conclusions of the prior informal talks the Parliament had held with the Presidency of the Council and the Commission.

However, in order to reach a compromise on Agenda 2000 as a whole, the Council accepts the amendments adopted by the European Parliament.

The Council will ensure in the future that its prerogatives are fully respected in the context of the procedures laid down in the Treaty of Amsterdam.

STATEMENT 147/99

In making its project financing proposals, the Commission confirms that it will continue to give due weight to specific projects to which the European Council has attributed particular importance, taking into account project maturity.

STATEMENT 148/99

The Council and the Commission confirm that the review referred to in Article 5(3) of Regulation 2236/95, as amended, will be undertaken by the Committee referred to in Article 17 of that Regulation.

STATEMENT 149/99

Declaration of the Council on the Essential Elements of the new Competition Policy relating to Vertical Restraints

1. Pursuant to the regulations amending Regulation No 19/65/EEC and Regulation No 17/62/EEC as adopted by the Council today, the Commission has been empowered to adopt a new block exemption regulation in relation to vertical agreements. The Council agrees with the Commission that the new regulation should be based on the fundamental goals of the protection of competition and of market integration, in particular, on the following elements:
 - a general block exemption which may cover all types of vertical agreements;
 - a more economic approach to assessing the positive and negative effects of vertical restraints;
 - a reduction of the bureaucratic burden on the competition authorities and the undertakings concerned;
 - adequate legal certainty for undertakings; and
 - an extended decentralisation of control.

The Council requests the Commission to prepare the draft new block exemption regulation which is in accordance with the above-mentioned principles in a timely way so that the new block exemption for vertical restraints can enter into operation, if possible, on 1 January 2000.

The Council takes note that the special provisions concerning the distribution of motor vehicles shall remain in force until the year 2002. The choice of the exemption regime for car distribution after 2002 will be made after consultation with Member States and interested parties. The Council asks the Commission to convene a meeting of the Advisory Committee immediately after having established its report on the block exemption for the distribution of motor vehicles scheduled for the year 2000. The Council requests the Commission to present its proposals and to start the consultation process for the subsequent treatment of this sector in a timely way not later than early in the year 2001.

2. The Council agrees with the Commission that the future general block exemption regulation should be based on economic criteria to define the scope of the block exemption. The Council supports one single market share threshold above which the general block exemption will not apply. The Council considers a market share threshold of 30% appropriate as a basis for the consultations.

In order to help companies assess their vertical agreements and thereby to enhance the efficiency of the enforcement of competition rules the Council requests the Commission to establish guidelines which indicate the general criteria which the Commission will apply in examinations of individual cases not covered by the block exemption, as well as the general criteria for withdrawal of the benefit of the block exemption in individual cases where an agreement has effects incompatible with the conditions laid down in Article 81(3) of the Treaty, as well as the conditions for regulations disapplying the block exemption on a particular market. This would reduce the incentives to notify vertical agreements.

3. The Council calls on the Commission to establish a list of certain severe anticompetitive vertical restraints including at least minimum and fixed resale prices and certain types of territorial protection which should be excluded from the future block exemption irrespective of the market share of the undertaking concerned (hardcore list).

The Council requests the Commission to consider that clauses on territorial protection concerning active sales included in the hardcore list should not inhibit the establishment of territories allocated to distributors, including franchisees, if, due to very small market shares, such agreements have no adverse impact on either competition or market integration. To this aim, the Council recommends the Commission to undertake a revision of the de minimis notice within the process of reform of its competition policy relating to vertical agreements.

4. The Council shares the view of the Commission that non-compete obligations should not be covered by the block exemption if they do not provide for a duration limit. The Council is of the opinion that, as a basis for consultations, the exempted duration should in general be as long as 5 years. Exceptions may be established in appropriate cases in the block exemption regulation or in the guidelines.

The Council requests the Commission to balance the flexibility of the new regime for selective distribution and the goal of the protection of competition.

STATEMENT 150/99

Declaration of the Commission on the essential elements of its new Competition Policy in the field of vertical restraints

1. The Commission takes note of the Declaration on the essential elements of the new Competition Policy in the field of vertical restraints, which the Council issued today in connection with the adoption of the Regulations amending Council Regulations No 19/65/EEC and No 17/62/EEC.
2. The Commission states its willingness to take the utmost account of the statements made by the Council in this regard, without prejudice to the consultative and legislative processes to be undertaken with a view to adopting a block exemption regulation.
3. The Commission states in particular that its intention is to initiate the aforesaid consultative process along the following lines:
 - a market share threshold set at 30%;
 - a list of black clauses which are excluded from the block exemption irrespective of the market share of the company concerned; and
 - non-compete obligations should benefit from the block exemption where their duration does not exceed 5 years, subject to possible exceptions.

4. As regards its proposals for the subsequent treatment of the distribution of motor vehicles, the Commission takes note of the Council declaration and will proceed to the establishment of the report and to the consultations mentioned therein, as provided for in Article 11 of Regulation (EC) No 1475/95.
5. The Commission takes note of the Council recommendation regarding the revision of the *de minimis* Notice.

STATEMENT 151/99

Re Article 14, second paragraph, 1st indent:

"The Commission and the Council confirm that the editorial amendment made does not alter the material scope of this provision and covers in particular metamizole and the other derivatives of pyrazolinone."

STATEMENT 152/99

Re Articles 7 and 14:

"The Commission is aware of the need to deal urgently with those material amendments which remained in deadlock in the Coreper (Part 1) discussions relating to the non-availability of medicinal products required for urgent treatment and which are not covered by the draft under examination. It will therefore submit a proposal as soon as possible based on Article 152(4) of the Treaty with a view to

- introducing technical and financial support for the establishment of MRLs for medicinal products for which there is little commercial demand,
- permitting the administering of substances not listed in Annexes I, II or III to Regulation No 2377/90 to equidae under certain control and withdrawal period conditions,
- permitting the administering of substances not included for these species in Annexes I, II or III to Regulation No 2377/90 to minor species under certain control conditions, insofar as this will have no consequences for public health.

In the framework of this proposal, the Commission will lay down rules to ensure appropriate control of the use of medicinal products covered by the above derogation."

STATEMENT 153/99

Re entire Directive:

The Commission draws the Council's attention to the following:

- the definition of telecommunication services contains a certain ambiguity as the notion "global information networks" is not a precise term and should therefore not be part of a juridical definition. If this term refers to the Internet, its addition is superfluous because services relating to the granting of internet access are already fully covered by the existing definition;
- it regrets that the Council, by permanently changing Article 9 in regard to the taxation of telecommunication services, is moving away from the basic principle (taxation at the origin) of the future VAT regime.

STATEMENT 154/99

Re Article 1(1):

The Council and the Commission state that, in the present state of the art, telecommunications services within the meaning of the definition include, inter alia, the following elements:

- standard connection fees, subscription fees and transfer fees for two-way telecommunications devices;
- provision of telecommunications networks;
- right to use separate lines for a network;
- standard fee for Internet access subscriptions (connection and exchange of communications).

STATEMENT 155/99

Re Article 1(1) and (2):

The Council requests the Commission to present without delay a proposal for a Directive which provides for radio and television broadcasting services that are supplied by subscription or on demand rules which correspond to the arrangements made for telecommunication services.

STATEMENT 156/99

Unilateral statement by the Spanish delegation:

The Spanish delegation considers that the statement to be entered in the Council minutes recording the approval of "Council Directive 99/ /EC amending Directive 77/388/EEC as regards the value added tax arrangements applicable to telecommunications services" should be interpreted to the effect that the Council requests the Commission to submit a proposal for a Directive relating to VAT arrangements applicable to radio and television broadcasting services, in the context of laying down VAT arrangements applicable to telecommunications services, without that implying that it would affect the substantive content of the proposal or the position each country may adopt in relation to it.

STATEMENT 157/99

Re recital 16

"The Council notes that there is general agreement on the need to achieve an appropriate match between Objective 1 areas and those covered by Article 92(3)(a) of the Treaty."

STATEMENT 158/99

Re Article 4(5) and (6)

"The Commission declares that in a NUTS level III region which meets either the industrial criteria in paragraph 5 or the rural criteria in paragraph 6, it is possible to propose an area which meets either the paragraph 6 criteria (rural) or the paragraph 5 criteria (industrial)."

STATEMENT 159/99

Re Article 7(3) - Commission statement

"1. METHOD FOR THE BREAKDOWN BY MEMBER STATE OF THE COMMITMENT APPROPRIATIONS FOR OBJECTIVE 1

1.1. Regions eligible under Objective 1

Per capita aid calculated on the basis of the following method and applied to the population of the Member State's eligible regions

Regional prosperity

Gap between the per capita GDP of the eligible regions and the Community average, adjusted as follows:

- 5% more for regions whose per capita GDP is lower than 64% of the EUR 15 average
- 5% less for regions whose per capita GDP is higher than 67% of the EUR 15 average
- no change for regions whose per capita GDP is between 64% and 67% of the EUR 15 average

National prosperity

Percentages applied to the regional prosperity gap:

- Member States with a per capita GDP of less than 75% of the EUR 15 average: 5%
- Member States with a per capita GDP of between 75% and 90% of the EUR 15 average: 4%
- Member States with a per capita GDP of more than 90% of the EUR 15 average: 3%

Level of unemployment

EUR 100 per year per worker above the average for regions whose level of unemployment is higher than the average in the regions eligible under Objective 1.

Weighting

0,860909

The method described above will be applied to the new Irish NUTS II region (Borders - Midlands - West).

1.2. Objective 1 phasing-out regions

Three modifications have been made to the method described in the technical note on the procedures for implementing Article 7 submitted to COREPER in November 1998:

Standard of comparison with 1999

In none of the Objective 1 phasing-out regions will it be possible for the level of aid in 2000 to exceed 75% of the level of aid reached in 1999.

Degressivity

The level of aid will be reduced, compared with 2000, as from 2001, reaching in 2004 the level of aid of the areas eligible under Objective 2.

Weighting

The allocation for the regions concerned will be reduced by applying a coefficient of 0,97795 to the above amounts.

The procedures described above will make it possible to calculate the allocation for each Member State by way of transitional support for Objective 1 phasing-out regions. They do not affect the flexibility with which the Member States will be able to determine, in agreement with the Commission, the profile of the transitional support, taking account of the need to keep within the financial perspective adopted for the Structural Funds by the European Council.

1.3. Decisions of the Berlin European Council

To the results obtained by the method described above EUR 2,801 billion should be added in accordance with paragraph 44 of the conclusions of the Berlin European Council, where they concern Objective 1 (including the special programme for the part of the Swedish NUTS II regions meeting the criteria in Article 2 of Protocol No 6 to the Act of Accession of Austria, Sweden and Finland but not covered by Objective 6, and also the PEACE programme).

The overall budget allocated to Objective 1 is EUR 135,9 billion.

2. METHOD FOR OBJECTIVE 2

Breakdown between Member States, based solely on the population of the eligible areas under Objective 2.

The changes made by the Berlin European Council to the procedures for applying the safety net result have led to an increase of EUR 160 million in the budget allocated to Objective 2.

The overall budget allocated to Objective 2 is EUR 22,5 billion.

3. BREAKDOWN METHOD FOR OBJECTIVE 3

Of the EUR 24,050 billion allocated to Objective 3, EUR 23,400 billion are broken down on the basis of the method set out in the technical note, submitted to COREPER in November 1998, on the procedures for implementing Article 7 of the Regulation laying down general provisions on the Structural Funds.

Criteria and weightings used:

Unemployment		35
- Long-term unemployment	15	
- Youth unemployment	20	
Employment		25
Gender gap		15
Skill levels		15
Poverty		10
Total		100

EUR 0,650 billion will be allocated on the basis of paragraph 44 of the conclusions of the Berlin European Council."

STATEMENT 160/99

Re Article 9(n) and Article 34(1)

"The Commission states that it is the responsibility of each Member State, in accordance with the first subparagraph of Article 34(1), to determine, under its own institutional system, the modalities of its relationship with the managing authority defined in Article 9(n), including the delegation of tasks to other authorities, and of the latter's relationship with the Commission, including the submission of the annual implementation report referred to in Article 37."

STATEMENT 161/99

Re Article 11(2)

"The Commission states that, before it takes the decision to approve the Community support frameworks or single programming documents, the Commission and the Member State concerned will determine the level of expenditure referred to in the first and second paragraphs of Article 11(2). Where necessary, they will agree on the methodology required to estimate the expenditure involved in verifying additionality.

The level of expenditure concerned will be agreed in absolute terms. In duly justified cases, account may be taken of trends in macroeconomic aggregates such as that of public structural expenditure in the public expenditure context.

As a general rule, this level of expenditure – which must be at least equal to the amount of average annual expenditure in real terms achieved during the preceding programming period – is determined on the basis of general macroeconomic conditions."

STATEMENT 162/99

Re Article 16(1)(c)

"The Commission states that the possibility of allowing for a higher percentage contribution, within the limits laid down in Article 29, in areas covered by Objective 2 in the case of the ESF assistance under Objective 2 or 3 is an option offered to the competent authorities for the preparation of plans."

STATEMENT 163/99

Re Article 18(1)

"The Commission states that the Member States may submit operational programmes concerning one region or all the regions of the same Objective."

STATEMENT 164/99

Re Article 18(3)(a)

"The Commission states that the terms of the Regulation make it possible to envisage that the assistance will include a reasonable number of priorities and measures, on the understanding that this results from the Member State's proposals and arrangements in the context of the programming process described in Articles 13 to 19."

STATEMENT 165/99

Re Article 20

"The Commission will actively promote coordination and consistency between, on the one hand, the measures financed by pre-accession aid and other assistance to third countries under the PHARE, TACIS and MEDA programmes and, on the other, measures undertaken under the Structural Funds, including those under the Community Initiative for cross-border, transnational and interregional cooperation (INTERREG).

In this context, attention will also be paid to increasing the benefit which third countries may derive from expenditure on such initiatives within the EU."

STATEMENT 166/99

Re Article 20(1)(a)

"The Council and the Commission declare that, in conformity with the Conclusions of the Berlin European Council (paragraph 41), the Community initiative INTERREG shall be allocated at least 4.876 billion euros."

STATEMENT 167/99

Re Article 20(1)(b)

"The Commission declares that in drawing up the Guidelines on the Community initiative URBAN, account will also be taken of the specific needs of small and medium-sized towns suffering from significant economic and social conversion difficulties."

STATEMENT 168/99

Re Article 21

"The Commission states that, alongside actions of Community interest which will be supported by the four Community initiatives INTERREG, LEADER, EQUAL and URBAN, operational programmes or single programming documents implemented under the three priority objectives may bear the cost of measures currently eligible for funding under the other Community initiatives covered by the 1994-1999 programming period.

This will apply in particular in the case of existing measures under the Community initiatives RECHAR, REGIS, RETEX, KONVER and RESIDER, which will be co-financed in the Objectives 1 and 2 areas concerned."

STATEMENT 169/99

Re Article 28(3)

"The Commission states that the forms of assistance other than non-repayable assistance referred to in Article 28(3) relate, as at present under the eligibility for expenditure from the Structural Funds drawn up in the context of SEM 2000 data sheets, to the co-financing by the Structural Funds of the public contribution to such forms of assistance. Only the Member State and its private or public partners may be participants/shareholders in such forms of assistance; the Commission may not."

STATEMENT 170/99

Re Article 30

"The Commission confirms that it will carry out, after adoption of the present Regulation and before mid-1999, an appraisal of the practical application of the Structural Funds' expenditure eligibility data sheets, established by the Commission on 23 April 1997 in the SEM 2000 context. Those data sheets which, consistent with the provisions of Article 30(3), need to be carried forward into the new programming period will be adopted in the form of a Commission Regulation in accordance with the procedure set out in Article 53. The Commission will endeavour to ensure the necessary continuity of expenditure eligibility rules for the new programming period beginning on 1 January 2000."

STATEMENT 171/99

Re Article 31(2)

"The Commission states that should delays occur because of the late adoption of the Regulation, the automatic decommitment deadline referred to in the second subparagraph of Article 31(2) will be extended by the number of months by which adoption exceeds the 1 January 2000 limit and which, in accordance with the Regulation, are necessary for the adoption of each of the lists of eligible Objective Nos 1, 2 and 3 zones, for Member States to submit their programmes, and for the adoption of Commission assistance.

The Commission states that that deadline will be suspended for the part of the commitment which corresponds to operations subject to judicial proceedings on the scheduled date of decommitment, provided that the Commission has been informed thereof beforehand and supporting documents submitted.

In any event, the Commission will inform the Member State and payment authority in good time, each time that there is a danger of the second subparagraph of Article 31(2) being applied."

STATEMENT 172/99

Re Article 31(2) and Article 7(6) of the Financial Regulation

"The Commission states that, where it applies the second subparagraph of Article 7(6) of the Financial Regulation, it intends to make available again the commitment appropriations corresponding to the decommitment carried out pursuant to the second subparagraph of Article 31(2) where a clear error, including a technical one, has occurred which is attributable to the Commission alone, and in cases of force majeure understood as large-scale natural disasters with serious consequences for implementation of the assistance provided by the Structural Funds."

STATEMENT 173/99

Re Article 31(2) and Article 32(3)(f)

"The Council and the Commission consider that the reference to a judicial procedure in the third subparagraph of Article 31(2) also includes infringement proceedings initiated pursuant to Article 169 of the TEC."

STATEMENT 174/99

Re Article 31(2)

"The Commission states that, when submitting the preliminary draft budget each year, it will propose to the budgetary authority the entry of commitment appropriations arising from the application of the financial perspective annexed to the Interinstitutional Agreement."

STATEMENT 175/99

Re Article 32(3)

"The Commission states that the calculation of payments at the level of measures shall be without prejudice to the right of the Member State/FMC to make changes to measures in the programme complement and inform the Commission thereafter."

STATEMENT 176/99

Re Article 32(3)(a), (b) and (c)

"The Commission states that, under subparagraph (a) of Article 32(3), transmission of the programme complement should be interpreted as meaning the formal submission of a document which satisfies the requirements laid down in Article 18(3) of the Regulation, without a detailed assessment of that document by the Commission being required for the purposes of Article 32(3).

Similarly, the Commission states that formal transmission of the latest annual implementation report due, containing the information specified in Article 37(2) of the current Regulation, and formal transmission of the mid-term evaluation of the assistance, as defined in Article 42(1) of the current Regulation, are sufficient in themselves, without there being a need for the Commission to conduct – for the purposes of this Article – a detailed assessment of their content."

STATEMENT 177/99

Re Article 36(1)

"The Commission states that the categorisation of fields of intervention to be proposed by the Commission upon entry into force of the Regulation is designed to structure, for statistical purposes, all the fields of intervention supported by the various types of assistance from the Structural Funds and that it results from such assistance without determining in advance the structure and content of the assistance proposed by the Member States and adopted by the Commission."

STATEMENT 178/99

Re Article 37(1)

"The Commission states that, when applying Article 37(1) on receipt of the annual implementation report, it will assess that report taking account of the specific context of the intervention concerned and in particular the aim of administrative simplification."

STATEMENT 179/99

Re Article 39(2)

"The Commission states that if it finds, on the basis of the necessary verifications, that an infringement of Community law has been committed, it will suspend the interim payments for the measure or measures concerned and, stating its reasons, will ask the Member State to submit its comments and, where appropriate, to make any corrections within a specified period. The subsequent provisions of Article 39(2) et seq will then apply."

STATEMENT 180/99

Re Article 44

- "1. The Commission states that the performance reserve for each Member State concerned will be allocated for each objective in accordance with its programming system taking into account its specific institutional features either between regional and other programmes or between programme priorities.
2. The indicative list of indicators proposed by the Commission is annexed. Member States shall choose the indicators which they will use.
3. The Commission considers that an advisory expert group for each Member State (with two members nominated by the Member State and two by the Commission) would be useful in order to contribute to objectivity and transparency. After consultation with the Commission each Member State will decide whether to establish such a group.
4. The Commission will take a single mid-term reprogramming decision, including allocation of the performance reserve, after taking account of the results of the evaluation."

STATEMENT 181/99

Re Article 47(4) and (6)

"The Commission declares that the rules of procedure referred to in Article 47(6) may provide that any delegation shall be entitled to request the Commission to put an item on the Committee's agenda, including items for which other Committees are competent."

STATEMENT 182/99

Re Article 52(5), second subparagraph

"The Commission states that, in application of the principle of legitimate trust, this provision does not affect the supplementary period of two years (until 31 December 2003) already granted in 1997 by the Commission to take account of expenditure on the water diversion operation in the Island of Réunion."

STATEMENT 183/99

Re Article 9(j) and Article 18(3)

"The Federal Republic of Germany assumes that the new definition of "measure" in Article 9(j) will allow the number of measures in the German Objective 1 and Objective 2 programmes to be reduced to a reasonable number (for Objective 1 to a maximum of 20 to 30 measures)."

STATEMENT 184/99

Re Article 41(3)

"The Federal Republic of Germany assumes that an ex ante evaluation carried out under Article 41(3) will be submitted to the European Commission for information only and accordingly cannot constitute a basis for indirect control by the Commission of the content of a programme complement. The Federal Republic of Germany also understands the purpose of evaluation as set out in Article 41(3) as meaning that ex ante evaluation of a programme complement can be much less detailed than the evaluation of a Community support framework or a single programming document."

STATEMENT 185/99

Re Article 2

"The Commission states that in accordance with Articles 15 to 19 of the Regulation laying down general provisions on the Structural Funds, the application of the areas of support referred to in Article 2 results from the programming process and that the areas referred to in paragraph 2 are mentioned as examples of the possibilities of using the ERDF."

STATEMENT 186/99

Re Article 2(1)

"The Commission states that the measures for the development of endogenous potential referred to in Article 2(1)(c) concern support measures for small and medium-sized enterprises, excluding large enterprises. The latter may receive support for productive investment under Article 2(1)(a) within the limits set by Community regulations on State aid, without prejudice to their contribution to local development projects involving the cooperation of small and medium-sized enterprises. Expenditure resulting from such cooperation projects may be financed by the ERDF under Article 2(1)(c) only in respect of the share benefiting small and medium-sized enterprises."

STATEMENT 187/99

Re Article 1(2)

"The Commission points out that the aims of the structural interventions in the fisheries sector are, amongst others, to guide and accelerate the restructuring of the sector by the rationalisation and modernisation of the production tools. Regarding the fishing fleets, these actions can in particular include the reduction of fleet capacity and vessel modernisation, whilst respecting the diversity found in the different Member States."

STATEMENT 188/99

Re Article 1(4)

"The Commission points out that the scope of application of the common fisheries policy is defined by Article 1 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture (OJ L 389 of 31.12.1992, p. 1). Under these conditions, the Commission confirms that freshwater aquaculture is eligible for structural aid "in as far as it is carried out on the territory of the Member States"."

STATEMENT 189/99

Re Article 2(2), subparagraph 2

"The Commission reaffirms its aim of avoiding a multiplication of low volume programmes. Under these conditions, it is important that all the structural interventions in the fisheries sector outside Objective 1 regions are covered by one single programming document per Member State. However, this procedure does not prohibit the subdivision of the programme into regional sub-programmes if the Member State so wishes. The Commission also points out that several Member States used this possibility in their programmes for the period 1994-1999."

STATEMENT 190/99

Re Article 5 and Annex I

"The Commission states that for the purpose of implementing Article 5 and Annex I to Regulation (EC) No 1164/94 for the period 2000-2006, its objective for allocating appropriations from the Cohesion Fund among the eligible Member States is as follows, subject to compliance by the beneficiary Member States with the other provisions of that Regulation:

Spain	62% of the total
Greece	17% of the total
Portugal	17% of the total

With regard to Ireland, the expenditure target set by the Commission for the period 2000-2003 is EUR 557 million (1999 prices).

If Ireland is no longer eligible under the Cohesion Fund as from 1 January 2004, the total amount of the Cohesion Fund will be reduced by at least EUR 163 million (1999 prices).

In this context, the Commission states that, with regard to the annual instalments, the expenditure profile for the period 2004-2006 for each beneficiary Member State will comply with the degressive profile decided on by the European Council in Berlin as set out in paragraph 52 of the Presidency conclusions."

STATEMENT 191/99

Re Article 6(1)

"The Council declares that, in respect of the excessive deficit procedure referred to in Protocol 5 annexed to the Treaty and in related regulation, Article 6(1) will apply when a serious and concrete situation exists of a beneficiary Member State no longer fulfilling the 3% deficit to GDP criterion."

STATEMENT 192/99

Re Article 7(1), 2nd subparagraph

"The Commission states that, for the application of the polluter-pays principle, it will establish implementing procedures which will apply to the various areas of structural policy, in particular the Structural Funds, the Cohesion Fund and the pre-accession instruments. The implementing modalities would be based on the following principles:

- a system should be promoted through the differentiation of rates of assistance, whereby the environmental costs related to the treatment of pollution and/or preventive actions are borne by those who cause the pollution;
- the application of the polluter-pays principle must be compatible with the goals of economic and social cohesion;
- its development should be progressive and concern the range of infrastructure sectors covered by Community funding;
- it should take into account the social acceptance of charging;
- it should take into account Treaty provisions related to the careful and rational use of resources, especially water and energy".

STATEMENT 193/99

Re Article 7(1), 3rd subparagraph

"The Council and the Commission state that they will encourage the progressive use of other forms of financing, including private finance, in appropriate cases subject to such financing being consistent with the objectives of the Cohesion Fund."

STATEMENT 194/99

Re Article 1(9)

"The Commission declares that at the meeting referred to in Article J(2) it shall inform the Member States of actions taken in particular in the context of the implementation of the provisions of Article 6, Article 10(3) and (4), Article 13(4), Article C(5), Article D(2)."

STATEMENT 195/99

Re Article 2(3)

"The Council and the Commission agree that the objective over time is to achieve an equal balance between financing for transport infrastructure measures and financing for environmental measures, taking into account the specific situations in the beneficiary countries."

STATEMENT 196/99

Re Article 6(2)(c)

"As concerns the application of the polluter-pays principle in ISPA, the Commission intends to follow the approach agreed for the Cohesion Fund."

STATEMENT 197/99

Re Article 4 (ISPA) and Article 7 of the agricultural pre-accession instrument

"The Irish delegation has noted the Commission's explanation for its proposed use of GDP for allocations under the pre-accession instruments contained in document SN 2277/98 and that the texts reflect the non-availability of GNP figures for the applicant countries and are specific to those countries. It has noted also the Commission's confirmation that it does not consider GDP to be a better indicator of national prosperity than GNP, and that its use in the context of the pre-accession instruments has no implications for its use in the regulations applying to EU 15, where GNP is used both under the Cohesion Fund for EU 15 and as a measure of national prosperity for the purpose of allocations under the Structural Funds. In the light of these indications, Ireland can accept the use of GDP for the pre-accession instruments."

STATEMENT 198/99

"The Commission, in assessing actions to be financed under SAPARD, will take account in particular of the effects on low-income families."

STATEMENT 199/99

Re Article 2

"The Commission undertakes that to the extent that measures covered by the third, eighth and ninth indents of Article 2 are financed under the agricultural pre-accession instrument, they shall not be financed by PHARE."

STATEMENT 200/99

Re Article 6

"The Commission states that the specific restrictions applied in the European Union in the context of the CMOs and the structural funds, in particular in the Rural Development Regulation, apply to the CEECs."

STATEMENT 201/99

Re Article 4 (ISPA) and Article 7 of the agricultural pre-accession instrument

"The Irish delegation has noted the Commission's explanation for its proposed use of GDP for allocations under the pre-accession instruments contained in document SN 2277/98 and that the texts reflect the non-availability of GNP figures for the applicant countries and are specific to those countries. It has noted also the Commission's confirmation that it does not consider GDP to be a better indicator of national prosperity than GNP, and that its use in the context of the pre-accession instruments has no implications for its use in the regulations applying to EU 15, where GNP is used both under the Cohesion Fund for EU 15 and as a measure of national prosperity for the purpose of allocations under the Structural Funds. In the light of these indications, Ireland can accept the use of GDP for the pre-accession instruments."

STATEMENT 202/99

Re the whole of the directive

"The Council welcomes the Commission Recommendation of 18 November 1998 on the ratification of ILO Convention 180 and the 1996 protocol to ILO Convention 147, and notes the importance for the promotion of health and safety of workers of a concerted ratification of these instruments by the Member States. It supports the Commission's intention to continue to work together with the Member States so that the ratification of the abovementioned Convention and protocol are achieved as soon as possible. It is noted that Ireland has completed the ratification of the Convention and the Protocol."

STATEMENT 203/99

Re deleted Article on sanctions

"The Commission and the Spanish delegation wish to point out that although it is for the Member States to determine the penalties applicable to infringements of national provisions adopted in application of this Directive, those provisions must, in accordance with the case law of the Court of Justice, be effective, proportionate and dissuasive."

STATEMENT 204/99

Re information given by the Commission

"The Council takes note of the information from the Commission in these minutes."

STATEMENT 205/99

"The Commission provided this information – on the basis of information given by the social partners – solely to facilitate discussions. This information in no way constitutes interpretations of the Agreement."

INFORMATION GIVEN BY THE COMMISSION

On the basis of information provided by the social partners, the Commission has specified - for information - the following points:

Clause 1

1. The Agreement applies to seafarers on board every sea-going ship ordinarily engaged in commercial maritime operations. Insofar as these vessels are not ordinarily engaged in commercial maritime operations they are not covered by the Agreement. In the event of doubt as to whether or not any ships are to be regarded as seagoing ships or engaged in commercial maritime operations for the purpose of the Agreement, the social partners agreed that it was for the competent authority to determine in accordance with the principle of subsidiarity. They agreed that the organisations of shipowners and seafarers concerned should be consulted.
2. It was not the intention to cover sea fishing in the Agreement. In this context it can be noted that the relevant definitions are very close to those of ILO Convention 180. The Convention states clearly that Member States of the ILO can extend the provisions of the Convention to commercial maritime fishing to the extent it deems necessary. The parties to the present Agreement do not represent the interests of employers and workers in the fishing sector.

Clause 2

3. Provided that the seafarers concerned are not doing work on account of the ship - which would normally be the case when they are in the private quarters of the ship - such time would count as "hours of rest".

4. It is the intention that all employment connected with the operation of the ship (as defined) and passenger and freight services should be included. It is intended to include any seafarer employed in any capacity on board ship, no matter who the employer is.
5. The Agreement does not cover work by land-based enterprises which take place at sea (e.g. survey work, maritime administration; seabed surveys for oil and gas industry). This is because the workers concerned are normally using the ship as a means of transport, rather than contributing to the operation of the ship or the service of the passengers.
6. The agreement applies only to workers who go to sea with the vessel.
7. The definition of "seafarer" in the Agreement covers all seafarers.

In relation to the Master, the Social Partners note that, through IMO STCW 1995 provisions, Masters are only covered by the provisions where they are watchkeepers.

In the light of the definition of "seafarer" in ILO Convention 180, the Social Partners consider that in relation to the Agreement a degree of flexibility is appropriate where, on adoption of the Directive, national laws or regulations or collective agreements exist in Member States that do not cover Masters other than for those who are watchkeepers.

Clause 9

8. Under the Agreement on social policy, the social partners cannot impose obligations on the Member States. The drafting of the Agreement here and elsewhere reflects the social partners' recognition that they had no power to do so. However, ratification of ILO Convention 180 would cover the issue.

Clause 13

9. The reference is to "medical fitness" in both cases and the reference to the medical certificate in the second paragraph is the same as the "certificate attesting to their fitness" in the first subparagraph. The terminology used is the same as that used in Article 3 of ILO Convention 73.
10. The intention of Clause 13 in relation to health assessments was that the requirement should be the same as for Article 9 of Directive 93/104/EC, except that it should apply to all seafarers and not just "night workers". This clause should be read in the context of ILO Convention 147, ratified by all Member States, which requires substantially equivalent provisions to those laid down in ILO Convention 73. This requires a valid medical certificate on engagement. The word "free" should be interpreted as meaning that the seafarer should not have to pay for it. The original language of the agreement is English. Translations into other languages need to be corrected to align them with the translations of Article 9 of Directive 93/104/EC.
11. The Agreement is compatible with the requirements of ILO Convention 73.

Clause 14

12. The social partners based this Clause on Article 11 of the Working Time Directive and consider that in general it would be appropriate to interpret the undefined words in a similar way. The term "watchkeeper" should be interpreted in the light of other Community and international instruments. The definition of "watchkeeper" is any seafarer engaged in keeping watch. It would include "engineers" or anyone else, if they are assigned to such duties.

Clause 15

13. This Clause is based on Article 12 of Directive 93/104/EC and should be interpreted in the light of that provision.

Clause 16

14. The provision is the same as in the Working Time Directive, apart from the clarification with regard to periods of less than a year. Otherwise the situation of a seafarer is exactly the same as for any other worker who changes employer (including, where appropriate employment under different national laws).

STATEMENT 206/99

Commission statement concerning Article 2 of the Regulation:

"The Commission notes the views expressed by Member States regarding the frequency with which the information required under the Regulation is to be provided, and will take account of those views in the context of the implementing rules to be adopted under the procedure provided for in Article 36 of Regulation No 2847/93.

The Commission confirms that the types of behaviour covered by this Regulation are only those which have led to the drafting of a report by the competent control authorities."

STATEMENT 207/99

Statement by the Spanish delegation

"The Spanish delegation considers that the rules laid down for the combination of two mesh sizes are in certain cases more favourable than those laid down for the use of a single mesh size, especially in Article 15(2) of Regulation (EC) No 850/98. This could be an incentive to use two mesh sizes, making control less effective and resulting in no reduction in discards.

The Spanish delegation calls on the Council and the Commission to ensure that, when the planned review of the aforementioned rules takes place, the impact of this measure is assessed in the light of the reports on the application of the Regulation which the Member States are required to submit by 31 May 2001."

Statement by the Council and statement by the Commission on information provided by the Commission

STATEMENT 208/99

"The Council takes note of the information from the Commission in these minutes."

STATEMENT 209/99

"The Commission provided this information - on the basis of information given by the social partners - solely to facilitate discussions. This information in no way constitutes interpretations of the Agreement."

Information given by the Commission

**On the basis of the information provided by the social partners, the Commission has specified
- for information - the following points:**

- The agreement does not cover the setting and negotiation of wages but lays down the principle of non-discrimination with respect of working conditions.
- The agreement applies to all employment conditions relevant to fixed-term contracts taking into account the definition of such contracts in clause 3.
- The agreement intends to cover all initial vocational training arrangements including apprenticeship schemes, which in some Member States are subject to specific legislation.
- The agreement covers public administration as employer only if there is an employment contract or an employment relationship between the parties as defined by Member State legislation and/or practice.
- The agreement does not cover the military combatant personnel of the armed forces.

- Both fixed-term and fixed task contracts are covered by the agreement and all the three grounds for concluding a fixed-term contract are equivalent.
- Temporary agency work is excluded from the scope of the agreement. This is set out in the agreement itself following the definition in other Community law instruments (Directive 91/383/EEC) and is furthermore clearly emphasised in the Preamble to the agreement.
- Very short contracts in the context of membership of a works' council is an example of an "objective ground" for justifying less favourable treatment under some circumstances.
- Fixed-term workers cannot be treated in a less favourable manner in respect of the "package" of working conditions. However, whether working conditions assessed together constitute less favourable treatment will be considered in the light of the individual circumstances and the details of national law and practices.
- The "pro rata temporis" principle could for example apply in respect of holiday entitlements when the contract is shorter than the relevant reference periods for the calculation of holidays.
- The choice between the different options to prevent abuse can be left at the company level provided that there is a general legislative and/or contractual framework at national or sectoral level.
- While the agreement does not provide for general exemptions, it intends to leave room for manoeuvre in the implementation of the rights and obligations which allows for the specific needs of both workers and enterprises in specific sectors and/or categories of workers and enterprises, including very small companies, to be taken into account.
- Clause 6(1) is a specific application of the non-discrimination principle and therefore Member States have to ensure that fixed-term workers are provided with the same information as workers with open ended contracts.

- The agreement does not amend the existing Community legislation regarding the thresholds on information and consultation provisions in Community law.
- When the relevant thresholds referred to in clause 7(1) are laid down as average number of employees, two or more workers with a fixed-term contract can be considered, as an application of the pro rata temporis principle, to fill a post.

Joint Council and Commission statements on the scope of the Directive

STATEMENT 210/99

"The Council and the Commission point out that the social partners wished the present agreement to apply to fixed-term workers, apart from those made available to user undertakings by a temporary employment agency, but that they indicated that it was their intention to consider the need for a similar agreement on temporary agency work."

STATEMENT 211/99

"The Council and the Commission point out that the social partners have indicated that the agreement does not cover the military combatant personnel of the armed forces."

STATEMENT 212/99

Joint statement by the Commission and the Spanish delegation

"The Commission, supported by Spain, states that, although it is for the Member States to determine the system of penalties to be applied in cases of violation of the national measures taken in implementation of the Directive, such penalties must, in accordance with the case law of the Court of Justice, be effective, proportionate and dissuasive."

STATEMENT 213/99

Statement by the United Kingdom delegation

"The United Kingdom notes that this Directive can implement the Framework Agreement only on matters other than pay, the right of association, the right to strike and the right to impose lock-outs, which (as this Directive is proposed under Article 139(2)) are excluded under Article 137(6) of the Treaty."

STATEMENT 214/99

Statement by the Belgian, French, Luxembourg and United Kingdom delegations on the scope of agreements concluded by the social partners

"The Belgian, French, Luxembourg and United Kingdom delegations state that it would be desirable to study, in an appropriate fashion, the situation of public service workers in relation to agreements concluded by the social partners."

JUNE 1999	
OTHER ACTS	Votes made public
<p>Written procedure completed on 1 June 1999</p> <p>Council Decision amending Decision 1999/319/CFSP implementing Common Position 1999/318/CFSP concerning additional restrictive measures against the Federal Republic of Yugoslavia 8651/99</p> <p>2187th Council meeting (Education), on 7 June 1999</p> <p>Council Decision on the provisional application by the European Community of the Agreement on the International Dolphin Conservation Programme 7543/99</p> <p>2189th Council meeting (Fisheries), on 10 June 1999</p> <p>Council Regulation on the conclusion of the Protocol defining, for the period from 18 January 1999 to 17 January 2002, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles on fishing off Seychelles 6262/99</p> <p>Council Decision authorising the Kingdom of Spain to accede to the Convention establishing the Inter-American Tropical Tuna Commission on a temporary basis (IATTC) 6743/99 + COR 1</p> <p>2190th Council meeting (Agriculture), on 14 June 1999</p> <p>Council Regulation concerning the conclusion of an Agreement in the form of an Exchange of Letters amending the Agreement in the form of an Exchange of Letters between the European Community and Romania on the reciprocal establishment of tariff quotas for certain wines, and amending Regulation (EC) No 933/95 opening and providing for the administration of Community tariff quotas for certain wines 7088/99 + COR 1</p> <p>Council Regulation concerning the conclusion of an Agreement in the form of an Exchange of Letters amending the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Bulgaria on the reciprocal establishment of tariff quotas for certain wines, and amending Regulation (EC) No 933/95 opening and providing for the administration of Community tariff quotas for certain wines 7087/99 + COR 1 + COR 2 (fin)</p>	

JUNE 1999	
OTHER ACTS	Votes made public
<p>Council Regulation concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia (FRY) and repealing Regulations (EC) No 1295/98 and No 1607/98 8650/99</p> <p>2191st Council meeting (Transport), on 17 June 1999</p> <p>Council Resolution on equal employment opportunities for people with disabilities 8626/99 + COR 1 (s) + COR 2 (d) + COR 3 (fin) + REV 1 (dk)</p> <p><u><i>Statements made public</i></u></p> <p><i>France, Italy, the Netherlands and Spain state that equal employment opportunities for people with disabilities are a legitimate aspiration and a recognition of the full citizenship of the disabled. However, this cannot be put into effect without, as the Resolution points out, paying particular attention to questions such as access to the workplace, which includes questions relating to transport.</i></p> <p><i>The Commission states that equal employment opportunities for people with disabilities should be promoted, as a matter of priority, in the framework of the Guidelines, and hopes that national employment policies will include appropriate measures to this end.</i></p> <p>Decision of the Representatives of the Governments of the Member States, meeting within the Council, authorising the Commission to terminate the Agreement of 28 July 1956 on the setting of through international railway tariffs for the carriage of coal and steel in transit through Swiss territory 8029/99</p> <p>2192nd Council meeting (General Affairs), on 21 June 1999</p> <p>Council Regulation (EC) re-imposing a definitive anti-dumping duty on imports of certain magnetic disks (3,5" microdisks) originating in Indonesia and produced and sold for export to the Community by PT Betadiskindo Binatama 8678/99</p> <p>Council Regulation (EC) imposing a definitive anti-dumping duty on imports of magnesium oxide originating in the People's Republic of China 9015/99</p>	

JUNE 1999	
OTHER ACTS	Votes made public
<p>Council Regulation establishing certain measures concerning imports of processed agricultural products from Switzerland in order to take account of the results of the Uruguay Round negotiations in the agricultural sector 8219/99</p> <p>Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland 7983/99</p> <p>Council Resolution concerning a handbook for international police cooperation and measures to prevent and control violence and disturbances in connection with international football matches 8358/99</p> <p>Decision of the Representatives of the Governments of the Member States, meeting within the Council, on certain measures applicable with regard to Kazakhstan concerning trade in certain steel products covered by the ECSC Treaty 8715/99</p> <p>2193rd Council meeting (Internal Market), on 21 June 1999</p> <p>Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council concerning the expiry of the Treaty establishing the European Coal and Steel Community 8711/99</p> <p>Council Resolution on the reform of the customs transit systems 9130/99 + COR 1 (d) + REV 1 (fin)</p> <p>2194th Council meeting (Environment), on 24 June 1999</p> <p>Council Resolution on the Management of Agreements on Mutual Recognition 9223/99 + REV 1 (s) + REV 2 (d)</p> <p>Explanatory Report on the Convention on Driving Disqualifications 8192/99 + COR 1 (p) + COR 2 (s) + REV 1 (d)</p>	

JUNE 1999	
OTHER ACTS	Votes made public
<p>2195th Council meeting (Culture/Audiovisual), on 28 June 1999</p> <p>Common position (EC) of the Council with a view to the adoption of Decision No/1999/EC of the European Parliament and of the Council establishing the "Youth" community action programme 13175/98</p> <p>Council Resolution on Community consumer policy 1999-2001 8314/99</p> <p>Common position of the Council with a view to the adoption of the Decision of the European Parliament and of the Council adopting a multiannual programme for the promotion of energy efficiency (SAVE) (1998-2002) 7123/99</p> <p>Common position of the Council with a view to the adoption of the Decision of the European Parliament and of the Council adopting a multiannual programme for the promotion of renewable energy sources in the Community (ALTENER) (1998-2002) 7122/99</p> <p>Common position with a view to the adoption of the Directive of the European Parliament and of the Council on a Community framework for electronic signatures 7634/99 + COR 1 (d,i,en,dk,p,fin,s) + COR 2 (f) + COR 3 (nl) + COR 4 (f,en,dk,i,gr,p,fin) + COR 5 (f)</p> <p>Council Resolution on measures to address the Year 2000 Computer Problem 9240/99 + COR 1</p> <p>Council Regulation amending Regulation (EC) No 2398/97 imposing a definitive anti-dumping duty on imports of cotton-type bedlinen originating in Egypt, India and Pakistan 9154/99</p>	

JUNE 1999	
OTHER ACTS	Votes made public
<p>Council Decision laying down the procedures for the exercise of implementing powers conferred on the Commission 9454/99 + COR 1 (dk) + COR 2 + COR 3 (f,d,nl,dk,en,gr,es,p,fin,s)</p> <p><u>Statements made public</u></p> <p><u>Commission statement (Article 4)</u></p> <p><i>Under the management procedure, the Commission would recall that its constant practice is to try to secure a satisfactory decision which will also muster the widest possible support within the Committee.</i></p> <p><i>The Commission will take account of the position of the members of the Committee and act in such a way as to avoid going against any predominant position which might emerge against the appropriateness of an implementing measure.</i></p> <p><u>Council and Commission statement</u></p> <p><i>The Commission and the Council agree that provisions relating to committees assisting the Commission in the exercise of implementing powers provided for in application of Decision 87/373/EEC should be adjusted without delay in order to align them with Articles 3, 4, 5 and 6 of Decision 1999/ /EC in accordance with the appropriate legislative procedures.</i></p> <p><i>Such adjustment should be made as follows:</i></p> <ul style="list-style-type: none"> – <i>current procedure I would be turned into the new advisory procedure;</i> – <i>current procedures II a) and II b) would be turned into the new management procedure;</i> – <i>current procedures III a) and III b) would be turned into the new regulatory procedure.</i> <p><i>A modification of the type of committee provided for in a basic instrument should be made, on a case by case basis, in the course of normal revision of legislation, guided inter alia by the criteria provided for in Article 2.</i></p> <p><i>Such adjustment or modification should be made in compliance with the obligations incumbent on the Community institutions. It should not have the effect of jeopardising attainment of the objectives of the basic instrument or the effectiveness of Community action.</i></p> <p><u>Commission statement (Article 5)</u></p> <p><i>In the review of proposals for implementing measures concerning particularly sensitive sectors, the Commission, in order to find a balanced solution, will act in such a way as to avoid going against any predominant position which might emerge within the Council against the appropriateness of an implementing measure.</i></p>	

JUNE 1999	
OTHER ACTS	Votes made public
<p><u><i>Council and Commission statement (Article 7(1))</i></u></p> <p><i>The Commission will adopt before the end of the year standard rules of procedure of committees that it will propose to each committee in the application of Article 7(1) of this Decision.</i></p> <p><i>The Council and the Commission agree that these standard rules of procedure will contain, at least, the following elements:</i></p> <p>1. <i>The provisional agenda, draft measures and other working papers transmitted by the chairman to the members of the committee should, as a general rule, reach the Permanent Representations at least 14 days in advance of the meeting.</i></p> <p><i>The Chairman may, in urgent cases and where measures need to apply immediately, shorten the time-limit allowed for transmission to at least 5 days before the meeting.</i></p> <p><i>Internal rules of committees may stipulate other time-limits in cases where rapid action is required on a regular basis and where measures need to apply immediately.</i></p> <p>2. <i>In cases of extreme urgency, in particular where public or animal health is at risk, the Chairman may depart from the time-limits set out in, or laid down in accordance with, paragraph 1.</i></p> <p><i>The approval of the majority of the members of the committee is required to put a new item on the agenda during the meeting.</i></p> <p>3. <i>When the transmission of documents of an item on the agenda has not been made within the time-limits set out in, or laid down in accordance with, paragraph 1, that item, upon request of a committee member, will not be submitted to a vote.</i></p> <p><i>On the proposal of the chairman or at the request of a member, the committee may decide by a majority of its members to keep the item on the agenda due to the urgency of the matter.</i></p> <p>4. <i>If necessary and in substantiated cases, the opinion of the committee may be obtained by written procedure. It must be provided that if a member of the committee so requests, the written procedure will thereby terminate and the chairman will convene a meeting of the committee. The internal rules of the committee should fix the time-limit applicable to the written procedure.</i></p> <p style="text-align: center;">* * *</p> <p><i>The Council recalls that Regulation No 1 of the Council of 15 April 1958 establishing the language regime of the European Community is applicable to committees.</i></p>	

JUNE 1999	
OTHER ACTS	Votes made public
<p><u>Commission statement (Article 7(5))</u></p> <p><i>The Commission intends to make documents communicated to the European Parliament available to the public, except for those deemed to be confidential. These measures will be taken as soon as available resources permit and will be defined in such a way as to avoid impeding the proper functioning of the committees.</i></p> <p>Council Decision amending Decision 1999/357/CFSP implementing Common Position 1999/318/CFSP concerning additional restrictive measures against the Federal Republic of Yugoslavia 9539/99 + COR 1</p> <p>Council Decision extending Joint Action 96/250/CFSP in relation to the nomination of a Special Envoy for the African Great Lakes Region 9419/99 + COR 1 + COR 2 + COR 2 REV 1 (es)</p> <p>Council Decision on the conclusion of the Agreement with the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland, on the one hand, and the Republic of Iceland and the Kingdom of Norway, on the other, in areas of the Schengen acquis which apply to these States 9357/99</p> <p>Common position with a view to the adoption of a Directive of the European Parliament and of the Council relating to cableway installations designed to carry persons 14248/98 + COR 1 (i,nl,en,es) + REV 1 (f) + REV 2 (fin)</p> <p>Common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council establishing a single financing and programming instrument for cultural cooperation (Culture 2000 programme) 13328/1/98 REV 1</p>	