



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 25 June 2003 (03.07)
(OR. fr)**

10883/03

PUBLIC 5

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
MAY 2003

This document gives:

- in **Annex I**, a list of legislative acts finally adopted by the Council in May 2003. This is accompanied by any statements for the minutes which may be released to the public (**Annex II**). The list also shows any opposing votes and abstentions, voting explanations and voting rules applicable;

in **Annex III**, a list of other acts adopted by the Council in May 2003 ¹, showing any relevant voting results, voting explanations and statements which the Council has decided to make public.

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

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

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

MAY 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2503rd Council meeting (Education, Youth, Culture), on 5 and 6 May 2003 Directive of the European Parliament and of the Council amending Council Directives 78/660/EEC, 83/349/EEC, 86/635/EEC and 91/674/EEC on the annual and consolidated accounts of certain types of companies, banks and other financial institutions and insurance undertakings	PE-CONS 3611/03 + COR 1 (de) + COR 2 (es)	50/03, 51/03, 52/03 53/03	Qualified majority
2504th Council meeting (Justice and Home Affairs), on 8 May 2003 Council Decision on the investigation and prosecution of genocide, crimes against humanity and war crimes	6505/03 + COR 1		Unanimity

MAY 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2505th Council meeting (COMPETITIVENESS - Internal Market, Industry, Research), on 13 May 2003			
Decision of the European Parliament and of the Council on Community participation in a research and development programme aimed at developing new clinical interventions to combat HIV/AIDS, malaria and tuberculosis through a long-term partnership between Europe and the developing countries, undertaken by several Member States	PE-CONS 3614/03 + REV 1 (de)	54/03, 55/03	Qualified majority
Directive of the European Parliament and of the Council on occurrence reporting in civil aviation	PE-CONS 3619/03 + COR 1(fi) + ADD 1		Qualified majority
Council Directive amending Directive 78/660/EEC on the annual accounts of certain types of companies as regards amounts expressed in euro	7384/03 + COR 1 (es)		Simple majority

MAY 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2506th Council (Economic and Financial Questions), on 13 May 2003 Council Decision authorising Germany to apply a measure derogating from Article 17 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes Directive 2003/41/EC of the European Parliament and of the Council on the activities and supervision of institutions for occupational retirement provision Legislative acts adopted after 2nd reading by the European Parliament in the framework of the codecision procedure Regulation of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) (13.5.2003) Regulation of the European Parliament and of the Council amending Regulation (EC) No 2223/96 with respect to the time limits for transmission of the main aggregates of national accounts, to the derogations concerning the transmission of the main aggregates of national accounts and to the transmission of employment data in hours worked (13.5.2003)	8381/03 + REV 1 (sv) PE-CONS 3630/03 Ref. 8976/03 PE-CONS 3632/03 Ref. 8977/03	56/03	Unanimity Abstention by B Qualified majority Qualified majority Qualified majority

MAY 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2507th Council meeting (Transport/Telecommunications/ Energy), on 14 May 2003 Council Regulation extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality	15040/02 + COR 1 (de) + COR 2 (pt) + COR 3 (pt) + COR 4 (nl) + COR 5 (nl) + REV 1 (es) + REV 2 (fi)		Unanimity
2510th Council meeting (COMPETITIVENESS – Internal Market, Industry, Research), on 19 May 2003 Council Regulation establishing a tuna tracking and verification system	8402/03		Qualified majority
Directive of the European Parliament and of the Council amending Directive 95/2/EC as regards the conditions for use for a food additive E 425 konjac	PE-CONS 3613/03 + COR 1 (fr, es)		Qualified majority

MAY 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft	PE-CONS 3615/03 + REV 1 + REV 1 ADD 1 + REV 2 (fi) + REV 3 (it) + REV 4 (pt)		Qualified majority
Directive of the European Parliament and of the Council amending for the twenty-sixth time Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement)	PE-CONS 3621/03	57/03	Opposed by P Abstention by I Qualified majority
2511th Council meeting (Agriculture and Fisheries), on 26 and 27 May 2003			
Council Directive amending Directive 88/407/EEC laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the bovine species	9168/03	58/03	Opposed by D Abstention by A Qualified majority

MAY 2003			
FINAL LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Decision amending Decision 2003/17/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries	8233/03 + REV 1 (sv)		Qualified majority
Regulation amending Regulation (EEC) No 1766/92 with regard to the calculation of import duties on certain cereals	8835/03		Opposed by DK Abstention by S Qualified majority
Council Regulation to avoid trade diversion into the European Union of certain key medicines	9211/03	59/03	Qualified majority
Decision of the European Parliament and of the Council amending Decision No 276/1999/EC adopting a multiannual Community action plan on promoting safer use of the internet by combating illegal and harmful content on global networks	PE-CONS 3616/03 + COR (fi) + COR 2 (da) + REV 1 (es)		Qualified majority

STATEMENT 50/03

Statement ad Article 1(9)

"The Council and the Commission agree that, concerning the 4th Council Directive (78/660/EEC), in the case of a Member State that chooses to implement the Member State option available to it in Article 31(1a), the effect of the revisions to Article 20 and Article 31(1)(c)(bb) are such that there is no change in the requirements in respect of the recognition or measurement of provisions for liabilities and charges."

STATEMENT 51/03

Statement ad Article 2(1)

"The Council and the Commission agree that the determination of whether or not a company is required to prepare consolidated accounts is made by reference to national law transposed from the 7th Council Directive. For the avoidance of doubt, the following Articles of the 7th Council Directive are relevant to the existence of such a requirement: Articles 1, 2, 3 (1), 4, 5-9, 11 and 12.

A company which is required to prepare **consolidated accounts** and which falls within the scope of the IAS Regulation as a result of either the application of Article 4 or of Article 5 of that Regulation, is required to comply with national law transposed from those Articles in the 4th and 7th Directives that deal with the audit, consolidated annual report and certain disclosures that are beyond the scope of International Accounting Standards. For the avoidance of doubt, the following Articles in the 4th and 7th Council Directives continue to be relevant to such consolidated accounts:

- (a) In the case of the 4th Council Directive, Article 58(c); and
- (b) In the case of the 7th Council Directive, Articles 34(2)-(5), 34(9), 34(12), 34 (13), 35(1), 36, 37 and 38.

A company which is required to prepare **annual accounts** and which falls within the scope of the IAS Regulation as a result of the application of Article 5 of that Regulation, is required to comply with national law transposed from those Articles in the 4th and 7th Directives that deal with the audit, annual report and certain disclosures that are beyond the scope of International Accounting Standards. For the avoidance of doubt, the following Articles in the 4th and 7th Council Directives continue to be relevant to such annual accounts:

- (a) In the case of the 4th Council Directive, Articles 11, 12, 27, 43(1)(2), 43(1)(9), 43(1)(12), 43 (1) (13), 45(1), 46, 47(1), 47(1a), 48, 49, 51, 51a, 53, 56(2), 57 and 58.
- (b) In the case of the 7th Council Directive, Article 9(2)"

STATEMENT 52/03

Statement ad Article 4 (5)

"The Council and the Commission agree that it is important for a smooth transition to, and a consistent application of, fair value measurements for financial instruments held by insurance undertakings that the International Accounting Standards Board develops appropriate international accounting standards to deal with accounting for such instruments and for insurance contracts."

STATEMENT 53/03

Statement ad Article 3

"The Council and the Commission consider it to be desirable that appropriate international guidance be provided, as soon as possible, for the presentation of financial statements of financial conglomerates and banks."

STATEMENT 54/03

Statement by the Commission

Statement by the Commission

"The Commission states that, in 2004, the experiences gained with regard to the setting up of the EDCTP programme on the basis of article 169 of the EC Treaty will be taken into account as part of the evaluation of the efficiency of the instruments used in the implementation of the Sixth Framework Programme, as foreseen in Annex III of Council Decision 2002/834/EC of 30 September 2002."

STATEMENT 55/03

Statement by the Finnish delegation

"Finland considers that the choice of the model of a European Economic Interest Grouping (Council Regulation (EEC) No 2137/85) for the common executive structure of the EDCTP Programme, which - in light of the Council conclusions of 30 October 2001 – it regards as a pilot project in application of Article 169 of the Treaty, is without prejudice to the implementation of possible future "Article 169 programmes". It should be understood that such research and development programmes undertaken by several Member States are to be implemented in such a way which, *inter alia*, facilitates participation of public research organisations and funding bodies without undue administrative burden.

STATEMENT 56/03

Statement by the Belgian delegation

"Belgium would like once again to draw the Council's attention to the reservations which it entered at the meeting on 4 June 2002. In the current climate of turbulence in the economy and on the stock market, many countries, despite long experience of the management and supervision of extra-statutory pension schemes, are experiencing difficulties in this area.

It is therefore reasonable to wonder what the consequences of this turbulence might be in countries where such experience is less or non-existent. In the absence of more precise prudential rules in the Directive, managers and supervisors could find themselves devoid of benchmarks.

Besides, the limited number of harmonised quantitative rules in the Directive, both for the calculation of technical provisions and for investments, give rise to the fear that retirement provision institutions situated in different Member States would undercut each other in a way which would be all the more unhealthy in that it would no doubt be prejudicial to the proper conduct of operations.

This issue is all the more worrying since the Directive lays down the principle of cross-border membership. If the pensions institution fails, the social cost will be at the expense of the host country and not the country of origin.

Furthermore, the lack of harmonisation of the quantitative prudential rules used to calculate the technical provisions should not be such as to facilitate the transfer of reserves and obligations between retirement institutions situated in different Member States.

In the absence of a compromise on the harmonisation of quantitative prudential rules, Belgium believes that under the Directive Member States should be required to determine the maximum rate used for the calculation of technical provisions. This request, which we have made many times, has unfortunately not been met.

Finally, Belgium repeats its regrets that it has proved impossible to extend the scope of the Directive to occupational retirement institutions which operate pay-as-you-go or book-reserve schemes, as provided for in certain Member States. This helps to keep in place schemes which offer less security and to create distortions of competition between employers situated in different Member States."

STATEMENT 57/03

Statement by the Portuguese delegation

Whereas:

- there is yet no strict assessment of the results of the Directive 2001/60/EC on labelling;
- it was not developed the appropriate "*risk analysis*" study unequivocally showing the relationship between the chromium (vi) reduction and the dermatosis occurrence decrease;
- the inexistence of an harmonised method for the determination of the chromium (VI) content in cement jeopardises its suitable and uniform determination;
- the derogation for certain uses will jeopardise the surveillance process, because the surveillance authorities cannot know which use will be given to cement when it is placed on the market;

the Portuguese delegation considers inappropriate and counterproductive the approval of this directive, in what concerns cement, and that the conditions are not met for an adequate transposition and application of it, bringing into question the internal market as one of the major EU grounds.

STATEMENT 58/03

Statement by the German and Austrian delegations

"The German delegation is voting against the proposal for the amendment of Council Directive 88/407/EEC, for the following reasons:

In Germany's view, the intended approval of semen storage centres will adversely affect the continuation of sustainable cattle-breeding programmes in Europe. A trend for semen trade and breeding programmes to be oriented mainly towards short-term profit is likely to bring a greater increase in inbreeding, with resultant problems for animal health and for livestock breeding. Fiercer price competition in the semen market for global breeds such as Holsteins may also have a detrimental impact on the survival of local breeds at regional level.

The German Government believes that such problems cannot be remedied by means of zootechnical provisions, since restructuring of the market in bovine semen is to be regarded as a direct result of the amendment of Directive 88/407/EEC. The compromise proposal's stipulation that Community or national zootechnical provisions remain unaffected is thus not, in Germany's view, conducive to a suitable solution.

Austria shares Germany's substantive misgivings and is therefore abstaining."

STATEMENT 59/03

Statement by the Commission

With regard to the possible inclusion of further countries into the list of countries in Annex 2, the Commission points out that all amendments of this Annex will henceforth have to be decided by the Committee established by Article 5 of the Regulation, under a regulatory procedure. Nevertheless, the Commission agrees that the possible enlargement of the list should be discussed by the Committee at the earliest occasion, if possible within three months after the entry into force of the Regulation. In that context, the criteria must be the poverty and state of development of the countries to be included, as well as the prevalence of the diseases covered by the Regulation. These criteria must be applied to all regions in the same manner as they have been used to establish the current list in Annex 2.

MAY 2003	
OTHER ACTS	Votes made public
2503rd Council meeting (Youth/Education/Culture), on 5 and 6 May 2003 Draft Resolution on Archives in the Member States 8493/03 + REV 1 (sv) Council Conclusions regarding the future of youth activities in the context of the new generation of programmes 8491/03 + REV 1 (sv) Council Regulation on the conclusion of the Agreement between the European Community and the Republic of Kiribati on fishing within the Kiribati fishing zone 7210/03 Proposal for a Council Regulation amending Commission Decision 283/2000/ECSC and Council Regulations (EC) No 584/1996, (EC) 763/2000 and (EC) No 1514/2002 with regard to the anti-dumping measures applicable to certain hot rolled coils and to certain tube and pipe fittings, of iron or steel 8141/03 Council Conclusions on Reference Levels of European Average Performance in Education and Training (Benchmarks) 8981/03 + COR (fi) Draft Resolution on Equal Opportunities for Pupils and Students with Disabilities in Education and Training 8253/03 + COR 1 (fr) Draft Resolution on accessibility of cultural infrastructure and cultural activities for people with disabilities 7929/03 + REV 1 8fi) + REV 2 (sv) + REV 2 COR 1 (sv) Draft Council Decision on the designation of the European Capital of Culture 2006 8494/03	

MAY 2003	
OTHER ACTS	Votes made public
2504th Council meeting (Justice and Home Affairs), on 8 May 2003 Council Act drawing up a Protocol amending, as regards the creation of a customs files identification database, the Convention on the use of information technology for customs purposes 6763/03 + COR 1 (de,da,fr,el,it,nl,pt,ga) + COR 2 (fi) + COR 3 (fr,de,it,nl,en,el,es,pt,fi,sv,ga) + COR 4 (de,it,nl,el,fi,ga) + COR 5 (fi) Council Recommendation on a Model Agreement for setting up a Joint Investigation Team (JIT) 7061/03 Council Common Position concerning European Union support for the implementation of the Lusaka Ceasefire Agreement and the peace process in the Democratic Republic of Congo (DRC) and repealing Common Position 2002/203/CFSP 8856/03 • Council Regulation amending Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 6947/1/03 REV 1 + COR 1 (da,pt,sv) + COR 2 (it) + REV 2 (nl) • Council Regulation implementing Article 12 of Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 6948/1/02 REV 1 + COR 1 (fr,it,es,pt,fi,sv) + REV 2 (nl) Council Decision on the signing, on behalf of the Community, and provisional application of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Croatia concerning the system of ecopoints to be applied to Croatian transit traffic through Austria as from 1 January 2003 7845/03 + ADD 1	

MAY 2003	
OTHER ACTS	Votes made public
2505th Council meeting (COMPETITIVENESS - Internal Market, Industry, Research) • Council Decision concerning the signature of the Agreement on Scientific and Technical Cooperation between the European Community and the State of Israel 8501/03 + COR 1 (en) • Agreement on scientific and technical cooperation between the European Community and the State of Israel 8502/03 + COR 1 (en) Outcome of proceedings of the Competitiveness Council on 13 May 2003 - Council conclusions and resolution (Industry and Research) 9341/03 2506th Council meeting (Economic and Financial Questions), on 13 May 2003 Council Opinion on the updated Stability Programme of Austria 9276/03 2508th Council meeting (General Affairs and External Affairs), on 19 May 2003 Council Decision amending Decision 2001/496/CFSP, Decision 2001/41/EC, the Council Decision of 25 June 1997 and the Council Decision of 22 March 1999 as regards the subsistence allowances of national military staff and experts on secondment to the General Secretariat of the Council 8249/03 Council Common Position amending Common Position 2002/400/CFSP concerning the temporary reception by Member States of the European Union of certain Palestinians 9164/03	

MAY 2003	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of the Agreements between the European Union and the Republic of Iceland, the Republic of Hungary, the Republic of Bulgaria, the Kingdom of Norway and the Republic of Slovenia on the participation of the Republic of Iceland, the Republic of Hungary, the Republic of Bulgaria, the Kingdom of Norway and the Republic of Slovenia in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia 7713/1/03 REV 1 • Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Lithuania on the participation of the Republic of Lithuania in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia 8932/03 • Council Decision concerning the conclusion of the Agreement between the European Union and Romania on the participation of Romania in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia 8987/03 • Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Bulgaria 8463/03 + REV 1 (en) • Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Romania 8464/03 • Council Decision on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey 8465/03 + REV 1 (en) Council Common Position amending Common Position 2001/357/CFSP concerning restrictive measures against Liberia 9110/03	

MAY 2003	
OTHER ACTS	Votes made public
• Council Decision on the signing on behalf of the European Community and provisional application of a Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation and its Protocol on Claims, Legal Proceedings and Indemnification and approving the conclusion by the Commission on behalf of the European Atomic Energy Community of the abovementioned Agreement and its Protocol 9233/1/03 REV 1 • Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation (MNEPR) and its Protocol on Claims, Legal Proceedings and Indemnification 9249/03 2510th Council meeting (COMPETITIVENESS - Internal Market, Industry, Research), on 19 May 2003 Council Decision on the signing, on behalf of the European Community, and provisional application of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast for the period 1 January 2003 to 31 December 2003 8214/03 2511th Council meeting (Agriculture and Fisheries), on 27 May 2003 Council Decision on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Surinam, Saint Christopher and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe, and between the European Community and the Republic of India on the guaranteed prices for cane sugar for the 2001/2002 and 2002/2003 delivery periods 8836/03	

MAY 2003	
OTHER ACTS	Votes made public
Council Regulation amending the anti-dumping measures imposed by Regulation (EC) No 1011/2002 on imports of powdered activated carbon (PAC) originating in the People's Republic of China 8662/03 Council Regulation terminating the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway and the anti-dumping proceeding concerning imports of farmed Atlantic salmon originating in Chile and the Faeroe Islands 8723/03 Council Decision on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions 5133/03 + COR 1 (de,it,nl,en,da,el,es,pt,fi,sv) + COR 2 (fr) + COR 3 (fi) + COR 4 (el) + COR 5 + COR 6 + COR 7 (da) Council Regulation amending Regulation (EC) No 1260/1999 laying down general provisions on the Structural Funds 11104/02 + ADD 1 REV 1 • Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Latvia on the participation of the Republic of Latvia in the European Union-led Forces in the Former Yugoslav Republic of Macedonia 8767/03 • Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union-led Forces in the Former Yugoslav Republic of Macedonia 9137/03	

MAY 2003	
OTHER ACTS	Votes made public
• Council Decision concerning the conclusion of the Agreement between the European Union and the Slovak Republic on the participation of the Armed Forces of the Slovak Republic in the European Union-led Forces (EUF) in the Former Yugoslav Republic of Macedonia 9120/03 • Council Decision concerning the conclusion of the Agreement between the European Union and the Czech Republic on the participation of the Czech Republic in the European Union-led Forces in the Former Yugoslav Republic of Macedonia 9061/03 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on the re-use of public sector documents 7946/03 + COR 1 (fi) + COR 1 ADD 1 + ADD 1 + ADD 1 + ADD 1 COR 1 Common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council of a multi-annual programme (2003-2005) for the monitoring of the eEurope 2005 Action Plan, dissemination of good practices and the improvement of network and information security (MODINIS) 7984/03 + ADD 1	
