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THE EUROPEAN UNION**

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TRANSPARENCY

Subject : MONTHLY SUMMARY OF COUNCIL ACTS
JUNE 2002

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in June 2002. This is accompanied by statements in the minutes which the Council decided to make public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rule applicable;
- in **Annex III**, a list of the other acts ¹ adopted by the Council in June 2002, with a reference, where appropriate, to voting results, explanations of vote and statements which the Council has decided to make public.

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

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

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

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
2431st Council meeting (Employment and Social Policy) on 3 June 2002 Council Regulation amending Regulation (EEC) No 3677/90 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances 6th framework programme on research (2002/2006)	8140/02		Qualified majority
Decision of the European Parliament and of the Council concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European research area and to innovation (2002-2006)	PE-CONS 3635/0	77/02, 78/02, 79/02, 80/02, 81/02, 82/02, 83/02, 84/02, 85/02	A against Qualified majority
Council Decision concerning the sixth framework programme of the European Atomic Energy Community (EURATOM) for nuclear research and training activities, also contributing to the creation of the European Research Area (2002-2006)	5609/02 + COR 1 (fi)		D abstention Unanimity

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
2432nd Council meeting (Economic and Financial Questions) on 4 June 2002 Council Decision authorising the Federal Republic of Germany to apply a measure derogating from Article 21 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	8027/02 + COR 1 (de)		Unanimity
2433rd Council meeting (Industry/Energy) on 7 June 2002 Regulation of the European Parliament and of the Council on the application of international accounting standards	PE-CONS 3626/02 + COR 1 (de) + COR 2 (de,nl,en,da,pt) + REV 1 COR 1 (fi;sv)	86/02, 87/02, 88/02, 89/02	Qualified majority
2435th Council meeting (Fisheries) on 11 June 2002 Directive of the European Parliament and of the Council on the reduction of the level of pollutant emissions from two and three-wheel motor vehicles and amending Directive 97/24/EC	PE-CONS 3615/02 + COR 1 + COR 2 (fr)	90/02, 91/02, 92/02	UK abstention Qualified majority
Decision of the European Parliament and of the Council laying down the Sixth Community Environment Action Programme	PE-CONS 3618/01/02 REV 1 + REV 1 COR 1 (de)		Qualified majority

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Legislative acts adopted following the European Parliament's second reading under the codecision procedure Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on the organisation of the labour force sample survey in the Community (11.06.2002) Directive of the European Parliament and of the Council amending for the nineteenth time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (azocolourants) (11.06.02) 2436th Council meeting (Justice, Home Affairs and Civil Protection) on 13 June 2002 Council Decision setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes Council Regulation laying down a uniform format for residence permits for third-country nationals	9838/02 9837/02 PE-CONS 3640/02 8252/02 7989/02 + COR 1		Qualified majority Qualified majority Unanimity Unanimity

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Council Decision adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)	8406/02 + COR 1 (de)		Unanimity
Council Framework Decision on joint investigation teams	14242/01 + COR 1 + COR 1 REV 1 (fr) + REV 1 (fi) + REV 1 COR 1 (fi) + REV 1 COR 2 (fi)		Unanimity
Directive of the European Parliament and of the Council amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions	PE-CONS 3624/1/02 REV 1 + REV 1 COR 1 (de) + REV 1 COR 2 (de)		Qualified majority
Council Directive on the common catalogue of varieties of agricultural plant species	8063/02 + COR 1 (sv) + COR 2 (it)		Qualified majority
Council Directive on the marketing of beet seed	8067/02 + COR 1 (sv) + COR 2 (it)		Qualified majority
Council Directive on the marketing of vegetable seed	8068/02 + COR 1 (sv)		Qualified majority

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Council Directive on the marketing of seed potatoes	8069/02 + COR 1 (sv)		Qualified majority
Council Directive on the marketing of seed of oil and fibre plants	8070/02 + COR 1 (sv) + COR 2 (it)		Qualified majority
Council Framework Decision on the European arrest warrant and the surrender procedures between Member States	7253/02 + COR 1 (es) + COR 2 (pt) + COR 3 (sv) + COR 4 (fi) + COR 5 (nl) + COR 6 (de) + COR 7 (fr, it, el) + COR 8 (en) + COR 9 (el)	93/02, 94/02, 95/02, 96/02, 97/02, 98/02, 99/02, 100/02, 101/02 102/02, 103/02, 104/02, 105/02, 106/02, 107/02	Unanimity
Council Framework Decision on combating terrorism	6128/02 + COR 1 (nl) + COR 2 (fi)	108/02, 109/02, 110/02, 111/02	Unanimity

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
2438th Council meeting (Transport/Telecommunications) on 17 and 18 June 2002 Council Decision amending Decision 97/788/EC as regards the period of validity Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency Regulation of the European Parliament and of the Council on the prolongation of the ECSC steel statistics system after the expiry of the ECSC Treaty Decision of the European Parliament and of the Council amending Decision No 1336/97/EC on a series of guidelines for trans-European telecommunications networks 2439th Council meeting (Environment) on 25 June 2002 Council Regulation amending Regulation (EC) No 3050/95 temporarily suspending the autonomous Common Customs Tariff duties on a number of products intended for the construction, maintenance and repair of aircraft	9475/02 PE-CONS 3638/02 PE-CONS 3629/02 PE-CONS 3632/02 8713/02 + COR 1	112/02, 113/02, 114/02, 115/02, 116/02, 117/02, 118/02	Unanimity Qualified majority F abstention Qualified majority Qualified majority Qualified majority

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Council Regulation temporarily suspending the autonomous Common Customs Tariff duties on certain goods imported with airworthiness certificates	8697/02 + COR 1 (fi)		Qualified majority
Directive of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector	PE-CONS 3636/02	119/02, 120/02	LUX against Qualified majority
Directive of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC	PE-CONS 3634/02	121/02	Qualified majority
Regulation of the European Parliament and of the Council establishing a European Maritime Safety Agency	PE-CONS 3637/02		Qualified majority
2440th Council meeting (Health) on 26 June 2002			
Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products	8716/02 + COR 1 (fi) + COR 2 (el)		F abstention Qualified majority

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
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	8694/02 + COR 1 (sv)		F abstention Qualified majority
Directive of the European Parliament and of the Council concerning the distance marketing of consumer financial services and amending Council Directives 90/619/EEC, 97/7/EC and 98/27/EC	PE-CONS 3633/02	122/02, 123/02	LUX abstention Qualified majority
Decision of the European Parliament and of the Council adopting a programme of Community action in the field of public health (2003-2008)	PE-CONS 3627/02 + REV 1 (fi) + COR 1 (es) + COR 2 (sv)	124/02, 125/02	Qualified majority
2441st Council meeting (Agriculture) on 27 June 2002			
Council Directive laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever	9464/02 + COR 1 (da) + COR 2 (de)	126/02	Qualified majority

JUNE 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Council Regulation concerning a temporary defensive mechanism to shipbuilding	10285/02 + COR 1	127/02	DK, NL, FIN, S, UK against Qualified majority
Council Decision amending Decision 1999/311/EC adopting the third phase of the trans-European cooperation scheme for higher education (Tempus III) (2000-2006)	9607/02 + COR 1 (pt)		Unanimity
Directive of the European Parliament and of the Council amending Council Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer Approval of the amendments passed at second reading by the European Parliament	9288/02		Qualified majority
Council Decision authorising the United Kingdom to apply a differentiated rate of excise duty to fuels containing biodiesel in accordance with Article 8(4) of Directive 92/81/EEC	9436/02		Unanimity

STATEMENT 77/02**Re: Amendments voted "en bloc" by the ITRE Committee of the European Parliament ¹**

"The Commission considers that the content of the amendments voted "en bloc" by the ITRE Committee on 23 April 2002 in relation to the second reading of the 6th Framework Programme is broadly acceptable and can, subject to appropriate editorial changes, be incorporated into the specific programme decisions implementing the 6th Framework Programme and, as appropriate, into the Rules for Participation of Undertakings, research centres and universities for the implementation of the Framework Programme.

The Council takes note of the Commission's views and supports the Spanish Presidency's intention to include these amendments, to the maximum extent possible, in texts which it will submit for discussion to the Council in preparation for the decisions on the specific programmes."

STATEMENT 78/02**Re: GEANT/GRID**

"The Commission states that the resources allocated to the activities on high speed electronic networks, notably GEANT and GRID - an amount of up to 300 million, comprising up to 100 million in Thematic Priority 2 "Information Society Technologies" and up to 200 million in "Research infrastructures" - will be managed in an integrated way."

¹ Statements relating to the adoption of the Council's common position are recorded in the minutes of the meeting of the Council on 10 December 2001 (15133/01 PV/CONS 80 RECH 181). In the context of the approval of the European Parliament's amendments at second reading, the Commission reiterated its statement concerning Article 3 (Ethical issues).

STATEMENT 79/02

Statement by Austria, Germany, Ireland, Italy and Portugal

"Germany, Ireland, Italy, Austria and Portugal welcome the 6th Framework Programme as an important decision to enhance the scientific and technological basis of the Community and to further the development of its competitiveness in important areas. However they consider it extremely important that an acceptable solution be found for the inclusion of bioethical guidelines for European research under the 6th Framework Programme in areas of reproductive and therapeutic cloning, human germ line intervention and embryonic stem cell research.

The five Member States recall the declaration by the Council of 10 December 2001 stating that *"the requirement of Article 3 for all research activities to be carried out in compliance with fundamental ethical principles will be elaborated to give more detailed guidelines in respect of Community research, in particular regarding the protection of human dignity and human life in genomics and biotechnology research"*.

In this context they agree to work together to elaborate and include, as part of the decision on the Specific Programmes, more detailed guidelines regarding bioethical principles.

In any event, any research activities arising from the Programme will have to respect the legislation, regulations and ethical guidelines in countries where the research will be carried out."

STATEMENT 80/02

Statement by the UK and Sweden

"The United Kingdom and Sweden reiterate that the ethical acceptability of various fields of research is covered by the cultural and religious diversity of the Member States, and is rightly governed by national law in accordance with the principle of subsidiarity. Participants in research projects funded under the Sixth Framework Programme must conform to current legislation and regulations in the countries where the research is carried out.

In implementing the Sixth Framework Programme, the Commission must exclude financing for a project if the research fields are prohibited in all of the Member States. However, the view of the UK and Sweden is that financing should not be excluded for a project in a research field that is allowed in one or several Member States.

Some fields of research are very fast moving, opinion on the ethics of research in frontier technologies may develop and change as more becomes known, and regulations and practices in the Member States may change. The United Kingdom and Sweden therefore insist that the Commission must keep any exclusions under constant review, where appropriate taking advice from relevant ethics committees."

STATEMENT 81/02

Statement by Germany

"The individual Member States have different opinions on the new possibilities for biomedical research, particularly in the field of research into embryos and stem cells. Germany refers in this connection to the statement for the Council minutes of 10 December 2001, according to which the fundamental ethical principles referred to in Article 3 need to be made more specific through more detailed guidelines. In addition, the Federal Republic refers to the statement for the minutes which it made together with Italy and Austria on 10 December 2001 regarding bans on the funding of certain research activities.

Germany shares the view of the Commission, which it has stated for the minutes, that no research work on cloning for reproductive purposes, germ line intervention and creation of embryos for research purposes or to procure stem cells, including cloning for therapeutic purposes, may be financed from the Framework Programme.

Furthermore, the German delegation takes the view that research work at European level on so-called "surplus" embryos and on embryo stem cells, where it involves use of stem cells other than those already existing, should not be financed from the Framework Programme. The German delegation refers in this connection to the statement which it made with regard to the 1956th Coreper meeting on 22 March 2002. It therefore regrets the fact that no corresponding bans have been prescribed in the Framework Programme. Germany therefore expects corresponding arrangements to be made in the Specific Programmes."

STATEMENT 82/02

Statement by Ireland

"Ireland wishes to state that its constitutional provisions must be fully respected in any research carried out in Ireland under the Programme.

The Constitution states at Article 40.3.3:

"The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect and, as far as practicable, to defend and vindicate that right."

Any research carried out in Ireland would have to comply with this provision. It would also have to recognise that the interpretation of this provision would not be open to the researchers.

No research on human embryos is undertaken in Ireland. While this area is not regulated by law, the Medical Council's Guide to Ethical Conduct and Behaviour states that the creation of new forms of life for experimental purposes or the deliberate and intentional destruction of human life already formed is professional misconduct. The Guide also states that the creation of embryos for experimental purposes would be professional misconduct."

STATEMENT 83/02

Statement by Italy

"Italy, in expressing complete satisfaction with the approval of the Sixth EC Framework Programme of Research – a decision of major importance for the completion of the European Research Area and for the development of a more competitive European productive system – nevertheless considers it essential that appropriate bioethical principles be included in the Specific Programmes for some areas of research.

We would refer in this context to the statement unanimously approved by the Council of Research Ministers of 10 December 2001 to the effect that *"the requirements of Article 3 for all research activities to be carried out in compliance with fundamental ethical principles will be elaborated to give more detailed guidelines in respect of Community research, in particular regarding the protection of human dignity and human life in genomics and biotechnology research"*.

Italy asks that in the Specific Programmes shortly to be approved provision be made for the total exclusion from Sixth Framework Programme funding of all research activities covering:

- human cloning for whatever purpose;
- modification of the human genetic heritage leading to hereditary change;
- the creation and use, for whatever purpose, of human embryos and their derivatives."

STATEMENT 84/02

Statement by Luxembourg

"Luxembourg welcomes the 6th research Framework Programme as an important decision designed to develop the European Community's scientific and technological base and help it to become more competitive in major areas; however, Luxembourg feels that an acceptable solution must be found for the inclusion of bioethical guidelines for the funding of research activities under the 6th Framework Programme in certain sensitive areas. Luxembourg wishes to draw attention to the Council statement of 10 December 2001 in which the Council agrees that the requirement of Article 3 for all research activities to be carried out in compliance with fundamental ethical principles will be elaborated to give more detailed guidelines in respect of Community research, in particular regarding the protection of human dignity and human life in genomics and biotechnology research."

STATEMENT 85/02

Statement by Austria:

"In earlier statements, the Austrian Ministers for Research and Technology pointed to ethical issues and emphasised that without clarification of the latter Austria would be unable to agree to the 6th Framework Programme. In its opinion of 8 May 2002 on stem cell research issues in the context of the 6th EU Framework Programme in the field of research, the Bioethical Committee at the Federal Chancellor's Office concludes that certain areas of research should not be funded:

- cloning of humans for reproductive purposes;
- modifications to the genetic heritage as a result of which such modifications could become hereditary;
- breeding of human embryos exclusively for research purposes or to procure stem cells, including through the nuclear transfer of somatic cells.

These restrictions are also asserted by the Commission in its statement of 10 December 2001.

However, the Austrian Bioethical Committee is calling for even more restrictions, such as ethically unjustifiable further research into "surplus" early-stage human embryos. The Bioethical Committee is in favour of further intense research into adult cells.

Moreover, Austria refers to the joint statement by Austria, Germany, Ireland, Italy and Portugal."

STATEMENT 86/02

Commission Statement (re Article 3)

- "1. The Commission will also specify in the standard rules of procedure to be adopted by the Accounting Regulatory Committee, that if it is the Commission's intention not to make a proposal to adopt an international accounting standard, this matter shall specifically feature on the agenda and be reported upon. A specific mention will feature under Article 2(2)(b) of the standard rules of procedure.
2. If an international accounting standard for adoption is of particular importance for banks, insurance companies or securities markets, the Commission will invite, as appropriate, a representative of the Banking Advisory Committee, and/or of the Insurance Committee, and/or of the Committee of European Securities Regulators (CESR), as an observer, to the Accounting Regulatory Committee.
3. Once IAS/IFRS and SIC interpretations/IFRICs have become part of Community law through their publication *in extenso* in the Official Journal of the European Communities, they shall be freely available to EU citizens and companies."

STATEMENT 87/02

Council and Commission Statement (re Article 4)

"In order to facilitate the first-time application of international accounting standards by EU listed companies in 2005, the Council and the Commission recognise that a suitable solution must be found at international level as soon as possible and preferably before the end of 2002. The Commission will consult with Member States in the ARC about the proposals elaborated by the IASB in this area."

STATEMENT 88/02

Commission Statement (re Article 4)

"The Commission will examine, before 2005, the need for a mandatory application of IAS/IFRS in the preparation of consolidated accounts by companies required to publish a public-offer prospectus in accordance with the condition established in Council Directive 89/298/EEC and if, necessary, will come forward with a legislative proposal."

STATEMENT 89/02

Council and Commission Statement (re Articles 3, 4 and 5)

"In order to increase further comparability between the consolidated financial statements published by companies falling within the scope of the present Regulation, the Commission and the Member States consider that it is important that these companies use harmonised formats. The Commission will urge the IASB to come forward with suitable proposals so as to ensure that harmonised formats are available at the latest by 2005, taking account of technological developments, such as XBRL."

STATEMENT 90/02

1. Commission statement re Article 5

"The Commission takes note of the co-legislators' decision, set forth in Article 5, requiring the submission of a proposal defining "normal life" and establishing supplementary provisions. In this connection, the Commission recalls that, under the terms of its right of initiative, in accordance with the Treaty, it is for the Commission to assess the substance of such a proposal and the timetable for its submission."

STATEMENT 91/02

2. Commission statement re Article 8(5)

"The Commission reaffirms its commitment to ensuring optimal environmental protection, pursuant to Article 95(3) of the Treaty.

Consequently, in its proposal aimed at including a new type-approval test cycle for motorcycles during the second stage in 2006, in accordance with Article 8(5), the Commission will also examine the date on which this test will become the only test procedure for the EC type-approval system."

STATEMENT 92/02

Statement by the United Kingdom delegation concerning further mandatory provisions for 2006

"The United Kingdom delegation has abstained from voting on this Directive. Whilst they support the development of appropriate measures to improve emissions from motorcycles, they also strongly support the principles of better regulation, which were recently reasserted in the Mandelkern Report and endorsed by Heads of Government at the Barcelona European Council. The United Kingdom believes that by setting a second stage of mandatory emission limits for 2006, in the absence of a suitable test procedure, or compliance cost and feasibility assessment, these agreed principles have not been observed."

STATEMENT 93/02

Council statement:

re Article 2

"The Council agrees to continue, in accordance with Article 31(e) TEU, the work on approximation of the offences contained in Article 2(2) of the Framework Decision, with a view to arriving at a mutual legal understanding among the Member States".

STATEMENT 94/02

Council statement:

re Article 2(2)

"The Council states that in particular for the following offences, listed in Article 2(2), there is no completely harmonised definition at Union level. For the purposes of applying the European arrest warrant, the act as defined by the law governing issue prevails. Without prejudice to the decisions which might be taken by the Council in the context of implementing Article 31(e) TEU, Member States are requested to be guided by the following definitions of acts in order to make the arrest warrant operational throughout the Union for offences involving racism and xenophobia, sabotage and racketeering and extortion:

Racism and xenophobia as defined in the Joint Action of 15 July 1996 (96/443/JAI)

Sabotage:

"Any person who unlawfully and intentionally causes large-scale damage to a government installation, another public installation, a public transport system or other infrastructure which entails or is likely to entail considerable economic loss."

Racketeering and extortion:

"Demanding by threats, use of force or by any other form of intimidation goods, promises, receipts or the signing of any document containing or resulting in an obligation, alienation or discharge."

STATEMENT 95/02**Council statement:****re Article 2(2)**

"The Council states that the concept of swindling referred to in Article 2(2) encompasses the following constituent elements inter alia: using false names or claiming a false position or using fraudulent means to abuse people's confidence or credulity with the aim of appropriating something belonging to another person."

STATEMENT 96/02

Council statement:

re Article 2(4)

"Article 2(4) is to be interpreted in a manner consistent with Article 4(1), which does not oblige Member States to arrest and surrender a person against whom a European arrest warrant has been issued if the conditions referred to in those provisions have not been met."

STATEMENT 97/02

Statement by Ireland:

"Ireland declares that for the purposes of the consent to be sought under Articles 27(4) and 28(3) of this Framework Decision, requests shall be submitted to and consent given by the Central Authority nominated by Ireland in accordance with Article 7 of this Framework Decision."

STATEMENT 98/02

Statement by Ireland:

"Ireland shall, in the implementation in domestic legislation of this Framework Decision, provide that the European Arrest Warrant shall only be executed for the purpose of bringing that person to trial or for the purpose of executing a custodial sentence or detention order."

STATEMENT 99/02

Statement by Italy:

"To implement the Framework Decision on the European arrest warrant, the Italian Government will have to initiate procedures in its domestic law to make the Framework Decision itself compatible with the essential principles of Italy's constitutional law on fundamental rights and to bring its judicial and legislative system closer to the European model."

STATEMENT 100/02

Statement by France:

re Article 32:

"Pursuant to Article 32 of the Framework Decision on the European arrest warrant and the surrender procedures between Member States, France states that as executing Member State it will continue to deal with requests relating to acts committed before 1 November 1993, the date of entry into force of the Treaty on European Union signed in Maastricht on 7 February 1992, in accordance with the extradition system applicable before 1 January 2004."

STATEMENT 101/02

Statement by Italy:

re Article 32:

"Italy will continue to deal in accordance with the extradition rules in force with all requests relating to acts committed before the date of entry into force of the Framework Decision on the European arrest warrant, as provided for in Article 32 thereof."

STATEMENT 102/02

Statement by Austria:

re Article 32:

"Pursuant to Article 32 of the Framework Decision on the European arrest warrant and the surrender procedures between Member States, Austria states that as executing Member State it will continue to deal with requests relating to punishable acts committed before the date of entry into force of the Framework Decision in accordance with the extradition system applicable before that date."

STATEMENT 103/02

Statement by Belgium:

re Article 13(4)

"The consent of the person concerned to his or her surrender may be revoked until the time of surrender."

STATEMENT 104/02

Statement by Ireland:

re Article 13(4):

"In Ireland, consent to surrender and, where appropriate, express renunciation of the entitlement to the "specialty" rule referred to in Article 27(2) may be revoked. Consent may be revoked in accordance with domestic law until surrender has been executed."

STATEMENT 105/02

Statement by Finland:

re Article 13(4):

"In Finland, consent to surrender and, where appropriate, express renunciation of entitlement to the "speciality rule" referred to in Article 27(2) may be revoked. Consent may be revoked in accordance with domestic law until surrender has been executed."

STATEMENT 106/02

Statement by Sweden:

re Article 13(4):

"Consent or renunciation within the meaning of Article 13(1) may be revoked by the party whose surrender has been requested. Revocation must take place before the decision on surrender is executed."

STATEMENT 107/02

Statement by Denmark:

re Article 13(4):

"Consent to surrender and express renunciation of entitlement to the speciality rule may be revoked in accordance with the relevant rules applicable at any time under Danish law."

STATEMENT 108/02

Council statement

"The Council states that the offence of threat specified in Article 1, paragraph 1 (i) should be viewed as defined by the national law of the Member State concerned. Should that offence require an additional qualification such as a "credible" threat, it is permissible under the Framework Decision to implement the instrument accordingly. Where the Framework Decision concerns the direction of a terrorist group that never commits any acts, but merely threatens to commit them, it would be permissible under the Framework Decision to implement the instrument by punishing that particular offence by a maximum sentence of not less than eight years."

STATEMENT 109/02

Council statement

"The Council states that the Framework Decision on the fight against terrorism covers acts which are considered by all Member States of the European Union as serious infringements of their criminal laws committed by individuals whose objectives constitute a threat to their democratic societies respecting the rule of law and the civilisation upon which these societies are founded. It has to be understood in this sense and cannot be construed so as to argue that the conduct of those who have acted in the interest of preserving or restoring these democratic values, as was notably the case in some Member States during the Second World War, could now be considered as "terrorist" acts. Nor can it be construed so as to incriminate on terrorist grounds persons exercising their fundamental right to manifest their opinions, even if in the course of the exercise of such right they commit offences."

STATEMENT 110/02

Council statement

re Article 1, paragraph 1(f)

"The Council agrees that the Framework Decision does not impose an obligation on Member States to criminalise the actions set out in Article 1, paragraph 1 (f) unless they are committed with a terrorist intent."

STATEMENT 111/02

Commission statement

"The Commission regrets that the Council has not reached agreement on the level of penalties applicable to the offences referred to in Article 1. It will examine attentively transposition into Member States' criminal law of the obligation contained in Article 5 (2) and will take all the initiatives it considers necessary to guarantee greater harmonisation of sentences in this context."

STATEMENT 112/02

Re: Content and Scope of the Regulation

Statement by the Spanish delegation:

"Having examined the content and the scope of the present Regulation, the Spanish delegation considers that it does not affect the Spanish-British dispute regarding the sovereignty over the Isthmus on which the airport of Gibraltar is located."

STATEMENT 113/02

Re: Language provisions

Statement by the French delegation:

"France considers that the Agency's future language provisions should preserve in practice linguistic diversity, which is an essential aspect of the European dimension and identity, the economic implications in particular of which were already emphasised by the Council in its conclusions of 12 June 1995."

STATEMENT 114/02

Re: Article 15, Airworthiness and Environmental Certification

Statement by the Commission:

"The Commission considers that measures to be taken by the Agency in accordance with the provisions of Article 15 (Airworthiness and Environmental Certification) are, as stated in Article 13(c), decisions for each type of aircraft, or part and appliance for which a certificate is requested, thus individual decisions. Accordingly, such measures cannot constitute general and abstract rules of a binding nature concerning airworthiness and environmental standards."

STATEMENT 115/02

Re: Article 23, Publication of Documents

Joint statement by the Council and the Commission:

"The Council and the Commission agree that on extension of the scope of the Regulation in accordance with Article 7, the list of documents to be published as set out in Article 23 shall be reviewed. The Commission will make proposals as appropriate."

STATEMENT 116/02

Re: Articles 31-43, System of Internal Review

Joint statement by the Council and the Commission:

"The Council and the Commission agree that on entry into force of the Treaty of Nice, the system of internal review as set out in this Regulation would be re-examined on an overall basis in order to evaluate its possible modification in the light of the new Article 225 A of the EC Treaty."

STATEMENT 117/02

Re: Articles 18 and 54, Cooperation of European Third Countries

Joint statement by the Council and Commission:

"In applying Articles 18 and 54 of the Regulation and with the aim of securing a high uniform civil air transport safety level in Europe, the Council and the Commission declare that European third countries will be invited to cooperate with the European Aviation Safety Agency. The cooperation shall give European third countries the possibility to participate in the work of the Agency and concerning the Agency, in respect of Community law.

Consequently, the Council and the Commission agree to intensify contacts with European third countries in order to agree in due time on the conditions of their association."

STATEMENT 118/02

Council statement:

"The Council accepted these amendments as part of a global compromise in view of the importance and urgency of establishing the European Aviation Safety Agency. Their acceptance does not constitute a precedent."

STATEMENT 119/02

Statement by Luxembourg

"Luxembourg was unable to vote for this Directive, which, for the sake of a harmonisation for which the need is far from proven, will have the effect of discriminating between undertakings. Article 13(1) obliges all the Member States to adopt the opt-in system which prohibits the sending of unsolicited commercial e-mails – even though harmonisation should be strictly limited to the requirements necessary for promoting new communications services (cf. recital 8). Article 13(2) allows undertakings which have obtained the contact details of their customers directly – and only those undertakings – to use them for sending commercial e-mails. This system reinforces the "captive customer" phenomenon and risks having untoward effects on data collection. However, its effect above all would be to favour large enterprises and strengthen those which are already well-established on the market at the expense of SMEs and market newcomers – which runs counter to the aim of allowing all to profit from the tools of the information society."

STATEMENT 120/02

Commission statement for the adoption of the Data Protection Directive

"Regarding Article 15(1) of the Directive concerning the processing of personal data and the protection of privacy in the electronic communications sector

The Commission interprets the second sentence of Article 15, paragraph 1, (*"To this end Member States may adopt legislative measures providing for the retention of data for a limited period justified on the grounds laid down in this paragraph."*) as merely adding a possible example of measures that Member States may take under the circumstances and conditions laid down under Article 15, paragraph 1. This phrase does not legally alter the substance of, or add any element to, the first sentence of Article 15. Nor does it exempt any measures that Member States may take from verification of their respect for their obligations under the Directive and under Community law generally, including the obligation to respect fundamental rights and general principles of Community law such as those enshrined in the European Union Charter of Fundamental Rights and the European Convention on Human Rights."

STATEMENT 121/02

Statements by the Council and the Commission concerning Article 18

- a) "The Commission" confirms that the "competent authorities" referred to in paragraph 1, first sentence, fall under the definition given in Article 3 (k), i.e. *"Competent authorities means the authorities and organisations designated by Member States to receive and pass on information reported pursuant to this Directive."* Therefore, the decision as to which authorities shall be designated for the purposes of implementing Article 18 is left to the discretion of the Member States, and may but need not include port authorities.

In the circumstances described in paragraph 1, the competent authorities, according to point (a), *"should, where possible, fully inform the master of a ship which is in the port area concerned and intends to enter or leave a port of the sea state and weather conditions and, when relevant and possible, of the danger they may present to his ship, the cargo, the crew and the passengers"*. The Commission notes that the use of the word "should" – with the addition of "where possible" and of "when relevant and possible" – indicates clearly that the provision of such information by the competent authorities is strongly recommended but does not constitute an obligation.

- b) The Council agrees that, in the case referred to in paragraph 1, indent b, relating to entry into a port, a competent authority's normal course of action would be to make a recommendation and that prohibition of entry into ports should be a very rare course of action.
- c) The Council agrees that, for the purpose of paragraph 2, the master shall enter into contact with the competent authority when his/her decision is not in accordance with the measures referred to under paragraph 1. The competent authority may consider sufficient that the reasons for such a decision are entered in the ship's log-book. In such case, the log-book shall be made available to the competent authority on request, notably in the framework of a port State control inspection.

The Commission confirms that the statements in (b) and (c) are compatible with the Directive."

STATEMENT 122/02

Statement by Luxembourg

"Luxembourg was unable to vote in favour of this Directive, the content of which has been substantially altered with respect to the Commission's initial proposal. The initial proposal was aimed at ensuring both a high level of consumer protection and the smooth operation of the internal market, in particular through total harmonisation and neutrality as regards the law applicable. However, the text adopted today represents a missed opportunity to achieve these two objectives, which were to be mutually reinforcing.

More specifically, while making no improvement in consumer protection because it creates an obligation which suppliers will have material difficulty in fulfilling, Article 3(4) contributes to perpetuating the current fragmentation of the internal market in financial services and encourages territorialisation of supply, which is detrimental to the interests of both consumers and suppliers.

In addition, Luxembourg fears that Article 3(4) may create legal uncertainty and undermine the essential coherence of the legal framework for electronic commerce: by obliging the supplier to speculate about the possible applicability and content of the legislation of the other fourteen Member States as from the pre-contractual phase, this provision is at odds with the country of origin approach provided for in the Directive on electronic commerce – which Luxembourg was the first country to transpose – and is contrary to the mandate from the Heads of State or Government to promote electronic commerce and to create a fully integrated European market in financial services by 2005 (convergence process). Maintaining such coherence is a major challenge and should be our main priority, since the opportunities available to companies and consumers will depend directly on our capacity to eliminate frontiers and barriers, and not to reintroduce them."

STATEMENT 123/02

Statement by the Danish Delegation

"There is a particular and urgent need for a quick adoption of common rules on consumer protection in the field of distance marketing of financial services, and the present Directive guarantees a high protection level for the European consumers, even if the proposal partially implies total harmonisation.

Previous Directives concerning consumer protection in the contractual field so far have been elaborated as general minimum Directives, which allows the Member States to maintain or introduce rules to ensure a high level of consumer protection.

In the spirit of the objectives set out in Article 153(5) of the Treaty, the Danish delegation states that this Directive does not prejudice future Directives on consumer protection as regards the principle of general minimum harmonisation."

STATEMENT 124/02

Commission statement on structural arrangements

"In order to ensure the effective implementation of the programme, in conformity with Article 5 of the Decision, the Commission intends to proceed as follows:

1. It will take the necessary steps to ensure the functioning of the Committee established under Articles 8 and 9 of the Decision. This Committee will be composed of representatives designated by the Member States, as laid down in Decision 1999/468/EC.
2. In full respect of the provisions of Article 218(2) of the EC Treaty, it will ensure the optimum functioning of its departments in order to facilitate attaining the three general objectives of the programme set out in Article 2 of the Decision.
2. In accordance with point 4 of the Annex to the Decision, the Commission will make use of scientific and technical experts to reinforce its capacity in the specific areas of action of the programme. Such experts will work with the Commission services in conformity with the relevant administrative rules.
3. The Commission also intends to make full use of the possibilities described in its communication on externalisation (COM(2000) 788) and proposed Regulation (COM (2001) 808). This may include examining the setting up of an executive agency in order to assist the Commission in implementing certain tasks of the programme once the proposed Regulation currently before the Council is adopted.

The Commission further states that the actions envisaged in points 1 and 2 will be implemented not later than the beginning of 2003, when the programme comes into effect; those provided for in point 3 will begin early in the programme as soon as the relevant arrangements can be made, and those set out in point 4 will be considered later in the programme once the proposed Regulation is adopted."

STATEMENT 125/02

Commission statement on Article 7

"The financial framework of the programme will be reviewed in the context both of the accession of new Member States and the preparation for the revision of the financial perspective, taking account of the establishment of the structural arrangements, and of developments concerning key priorities; financial proposals will be made, if appropriate."

STATEMENT 126/02

United Kingdom statement

"As regards the concerns expressed by the United Kingdom delegation about the criteria required to lift restrictions in the protection and surveillance zones around infected premises, it was agreed that these problems do not only concern African swine fever.

Consequently, this matter should be addressed in a more general discussion regarding various contagious animal diseases and will be examined in the most appropriate experts group in the near future."

STATEMENT 127/02

Commission statement

- "1. The Commission is committed to launching the TBR questionnaires to industry already in early December 2002 and, on the basis of the replies by the industry, expects to present the result of this further investigation at the beginning of 2003 and no later than in the course of March 2003.
 2. Furthermore, the Commission will report at the next Industry Council on the latest developments regarding the negotiating process and the situation in the world shipbuilding."
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JUNE 2002	
OTHER ACTS	Votes made public
2431st Council meeting (Employment and Social Policy) on 3 June 2002 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending for the twenty-third time Council Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction – c/m/r) 8328/02 + COR 1 (de) + ADD 1 Council Regulation laying down transitional provisions concerning anti-dumping and anti-subsidy measures adopted pursuant to Commission Decisions No 2277/96/ECSC and No 1889/98/ECSC as well as pending anti-dumping and anti-subsidy investigations, complaints and applications pursuant to those Decisions 8302/02 Council Resolution on skills and mobility 9614/02 2432nd Council meeting (Economic and Financial Questions) on 4 June 2002 Council Regulation imposing a definitive anti-dumping duty on imports of certain ring binder mechanisms (RBM) originating in Indonesia and terminating the anti-dumping proceeding in respect of imports of certain RBM originating in India 8891/02 Council Regulation imposing a definitive countervailing duty on imports of certain ring binder mechanisms (RBM) originating in Indonesia and terminating the anti-subsidy proceeding in respect of imports of certain RBM originating in India 8888/02	
	DK, NL, S, UK against I, FIN abstention DK, NL, S against I, UK abstention

JUNE 2002	
OTHER ACTS	Votes made public
2433rd Council meeting (Industry/Energy) on 7 June 2002 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 energy performance of buildings 8094/02 + REV 1 (fr) + COR 1 (fi) + COR 2 (pt) + COR 3 (nl) + ADD 1 REV 1 + ADD 1 REV 1 COR 1 (pt) Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) 8171/02 + COR 1 (pt) + ADD 1 2434th Council meeting (General Affairs) on 10 June 2002 Council Regulation imposing a definitive anti-dumping duty on imports of powdered activated carbon (PAC) originating in the People's Republic of China 9105/02 Council Regulation amending Regulation (EC) No 2334/97 imposing a definitive anti-dumping duty on certain imports of flat pallets of wood originating in the Republic of Poland and collecting definitively the provisional duty imposed 9109/02 2436th Council meeting (Justice, Home Affairs and Civil Protection) on 13 June 2002 Council Decision amending the Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU-related bodies 8770/02 Council Regulation establishing additional customs duties on imports of certain products originating in the United States of America 8221/02 + COR 1 (de, it, en, da, el, es, pt, fi, sv) + COR 2 (fr) + COR 3 (nl)	DK, FIN, IRL, S, UK against

JUNE 2002	
OTHER ACTS	Votes made public
Council Common Position amending and extending Common Position 2001/357/CFSP concerning restrictive measures against Liberia 9467/02 + REV 1 (fi) Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of recordable compact disks originating in Taiwan 9542/02 Council Recommendation regarding cooperation between the competent national authorities of Member States responsible for the private security sector 9770/02 2437th Council meeting (General Affairs) on 17 June 2002 • Council Common Position updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2002/340/CFSP 9816/02 • Council Decision implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2002/334/EC 9817/02 Decision of the Representatives of the Governments of the Member States, meeting within the Council, amending Decision 2001/933/ECSC on certain measures applicable with regard to Ukraine concerning trade in certain steel products covered by the ECSC Treaty 7300/1/02 REV 1 2438th Council meeting (Transport/Telecommunications) on 18 June 2002 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on occurrence reporting in civil aviation 8133/02 + ADD 1	DK, S against UK abstention

JUNE 2002	
OTHER ACTS	Votes made public
2442nd Council meeting (Economic and Financial Questions) on 20 June 2002 Council Regulation concerning the export of certain steel products from Romania to the Community for the period from 1 July to 31 December 2002 (double-checking system) 8132/02 Council Decision on the arrangements concerning the AIEM tax applicable in the Canary Islands 8115/02 Common position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council amending Regulation (EC, Euratom) No 58/97 concerning structural business statistics 8040/02 + ADD 1 Council Common Position amending Common Position 2001/443/CFSP on the International Criminal Court 9836/02 + COR 1 (fi) 2443rd Council meeting (Economic and Financial Questions) on 21 June 2002 Council Recommendation of 21 June 2002 on the broad guidelines of the economic policies of the Member States and the Community 10093/02 + COR 1 (de) + COR 2 (fr) 2439th Council meeting (Environment) on 25 June 2002 • Council Decision concerning the conclusion of the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India 9312/02 • Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India 12326/01	

JUNE 2002	
OTHER ACTS	Votes made public
Council Resolution on a new work plan on European cooperation in the field of culture 9205/02 + COR 1 (sv) + COR 2 (el) + COR 3 (da) + COR 4 (es) + COR 5 (fr) Council Resolution on preserving tomorrow's memory – preserving digital content for future generations 9206/02 + COR 1 (sv) + COR 2 (es) Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council amending Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community 8625/02 + ADD 1 Council Regulation amending Regulation (EC) No 92/2002 imposing a definitive anti-dumping duty and collecting definitively the provisional anti-dumping duty imposed on imports of urea originating in Belarus, Bulgaria, Croatia, Estonia, Libya, Lithuania, Romania and the Ukraine 9682/02 Council Decision amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 8964/02 + COR 1 (en, it) <u>Council statement made public</u> <i>(at the time of the adoption of the amendments to the 1976 Act)</i> <i>"The Council considers that the provisions of this Act should be reviewed before the second elections to the European Parliament held after the entry into force of the amendments to the 1976 Act which are the subject of this Decision."</i> <u>United Kingdom statement made public</u> <i>"Recalling Article 6(2) of the Treaty on European Union, which states that:</i> <i>"the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law",</i>	UK against E against

JUNE 2002	
OTHER ACTS	Votes made public
<i>the UK will ensure that the necessary changes are made to enable the Gibraltar electorate to vote in elections to the EP as part of and on the same terms as the electorate of an existing UK constituency, in order to ensure the fulfilment of the UK's obligation to implement the judgement of the European Court of Human Rights in the case of Matthews vs. UK, consistent with EU law."</i> <u>Council/Commission statement made public</u> <i>"The Council and the Commission take note of the statement made by the UK according to which, in order to ensure the fulfilment of the UK's obligation to implement the judgement of the European Court of Human Rights in the case of Matthews vs the United Kingdom, the UK will ensure that the necessary changes are made to enable the Gibraltar electorate to vote in elections to the European Parliament, as part of and on the same terms as the electorate of an existing UK constituency, consistent with EU law."</i> • Council Decision on the conclusion of an additional Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) 9728/02 • Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Latvia, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) 7378/02 + COR 1 (it,en,el) + COR 2 • Council Decision on the conclusion of an additional Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) 9733/02 • Protocol to the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Republic of Lithuania, of the other part, on Conformity Assessment and Acceptance of Industrial Products (PECA) 7379/02 + COR 1 + COR 2	

JUNE 2002	
OTHER ACTS	Votes made public
Council Joint Action extending the mandate of the Special Representative of the European Union in the Former Yugoslav Republic of Macedonia 10030/02	
Council Joint Action amending and extending Joint Action 2001/875/CFSP concerning the appointment of the Special Representative of the European Union in Afghanistan 10028/02 + REV 1 (en)	
Council Common Position on Angola and repealing Common Position 2000/391/CFSP 9950/02	
Decision of the Representatives of the Governments of the Member States on the provisional application of the Internal Financial Agreement 9914/02	
Council Decision concerning the conclusion, on behalf of the European Community, of the Cartagena Protocol on Biosafety 9115/02 + COR 1 (fi)	
2440th Council meeting (Health) on 26 June 2002	
Conclusions of the Council and of the Representatives of the Member States meeting in the Council on patient mobility and health care developments in the European Union 10217/02	
2441st Council meeting (Agriculture) on 27 June 2002	
Council Regulation opening an autonomous quota for imports of high-quality beef 9687/02, 9688/02	

JUNE 2002	
OTHER ACTS	Votes made public
Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on the animal-health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC 7839/02 + COR 1 (sv) + REV 1 (pt) + ADD 1 + ADD 1 COR 1 Common Position adopted by the Council with a view to the adoption of a Regulation of the European Parliament and of the Council on rail transport statistics 8652/02 + ADD 1 + COR 1 (sv) + REV 1 (fi) Council Resolution on Lifelong Learning 9596/02 + COR 1 (fr) + COR 2 (pt) Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, regarding the framework of European cooperation in the Youth field 9599/02 + COR 1 (fr) Decision of the European Parliament, of the Council and of the Commission on the regulations and general conditions governing the performance of the European Data Protection Supervisor's duties 9278/02 Council Regulation establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia 9336/02 + COR 1 (fr)	A abstention

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