



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 13 September 2001 (19.09)
(OR. fr)**

11824/01

PUBLIC 7

TRANSPARENCY

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
JULY 2001

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in June 2001. 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 voting, and the voting rule applicable.
- in **Annex III**, a list of the other acts¹ adopted by the Council in June 2001, with a reference, where appropriate, to voting results, explanations of voting 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.

JULY 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Legislative acts adopted after second reading by the European Parliament in the framework of the codecision procedure				
Regulation of the European Parliament and of the Council concerning action against anti-personnel landmines in developing countries (4.7.2001)	10611/01 PE-CONS 3646/01			Qualified majority
2365th Council (Economic and Financial Questions) on 10 July 2001				
Regulation of the European Parliament and of the Council amending Article 21 of Council Regulation (EC) No 1292/96 on food-aid policy and food-aid management and special operations in support of food security	PE-CONS 3632/01			Qualified majority
2367th Council (General Affairs) on 16 July 2001				
Council Decision providing macro-financial assistance to the Federal Republic of Yugoslavia	10845/01	92/01, 93/01		Unanimous

JULY 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
Council Regulation amending Regulation (EC) No 2549/2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa)	9879/01		Qualified majority	
Written procedure completed on 19 July 2001				
Directive of the European Parliament and of the Council on the resale right for the benefit of the author of an original work of art	PE-CONS 3628/1/01 REV 1 + REV 3 (it)	94/01	Qualified majority	
2368th Council (Budget) on 20 July 2001				
Council Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of effort between Member States in receiving such persons and bearing the consequences thereof	9541/01 + COR 1 (es) + COR 2 (fr)	95/01, 96/01, 97/01, 98/01, 99/01, 100/01	Unanimous	
Rectification which annuls and replaces the text of Regulation (EC) No 1116/2001 of 5 June 2001 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 (OJ L 153, 8.6.2001, p. 4)	10513/01		Qualified majority	

JULY 2001				
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE	
2369th Council (Agriculture) on 23 July 2001				
Council Regulation amending Regulation (EC) No 1254/1999 on the common organisation of the market in beef and veal	10367/01 + COR 1 (fi)	101/01, 102/01, 103/01	Qualified majority	
Council Regulation amending Regulations No 136/66/EEC and (EC) No 1638/98 as regards the extension of the period of validity of the aid scheme and the quality strategy for olive oil	10332/01 + COR 1 (el)	104/01, 105/01, 106/01	Qualified majority	
Council Regulation amending Regulation (EEC) No 1696/71 on the common organisation of the market in hops	10453/01		Qualified majority	
Council Decision amending Decision 90/424/EEC on expenditure in the veterinary field	8990/01 + COR 1 (fi)		S against Qualified majority	
Council Decision amending Commission Decision 2000/532/EC as regards the list of wastes	10881/01 + COR 1 (fi)	107/01, 108/01, 109/01	Qualified majority	
Council Regulation concerning action against anti-personnel landmines in third countries other than developing countries	11074/01	110/01	Unanimous	

STATEMENT 92/01**Commission statement**

"The Commission states that the reduction by the Council of the grant element of the macro-financial assistance to the FRY from the €120 million proposed by the Commission and supported by the Parliament, to €75 million may adversely affect the FRY's balance-of-payments sustainability and its debt servicing capacity."

STATEMENT 93/01**Commission statement**

"The Commission states that the increase of the loan component of this assistance from the €180 million proposed by the Commission, to [€225] million further reduces the already limited margin available under the reserve for guarantees. In these circumstances and taking into account that this margin is also very limited next year, the Commission underlines that new initiatives involving significant additional amounts of Community loans or loan guarantees cannot be prudently envisaged without either an adjustment of the parameters of the Guarantee Fund mechanism or a reduction of the level of guarantee provided to the EIB under the overall external lending mandate or a revision of the Financial Perspective."

STATEMENT 94/01

Commission statement

"With regard to the substance of the Directive, the Commission underlines that the period stipulated for its application could postpone the full effect of the desired harmonisation by ten years. As it stated when the Council adopted its common position, the Commission believes that the period set out in this Directive is exceptional and must remain so in order to ensure that Community action continues to be effective in the internal market.

With regard to the procedure concerning the publication of this statement, the Commission reaffirms its view that, as guardian of the Treaty, it must express its opinion throughout the legislative procedure, including during the work of the Conciliation Committee, and ensure that any statements are published in the Official Journal at the same time as the Directive. It therefore reserves the right to make use of all the legal means at its disposal if this statement is not published.

In any case, the Commission could not, from a legal point of view, accept that a Council decision on the publication of a statement in the Official Journal be taken unanimously and not by a simple majority in accordance with the general rule set out in Article 205(1) of the Treaty.

In the light of the above, the Commission reserves the right to ensure adequate publicity for this statement."

STATEMENT 95/01

Article 10

"The Council requests the Commission to undertake a study as to the need for the adoption of additional common measures on the processing of personal data referred to in this Directive, given the measures already adopted by the Member States pursuant to Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of data and on the free movement of such data and to submit to it any appropriate proposals."

STATEMENT 96/01

Article 12

"The German and Austrian delegations agree to Article 12 on condition that the EC has regulatory jurisdiction over the access of persons enjoying temporary protection to the labour market."

STATEMENT 97/01

Article 15

"The Austrian delegation hereby states that in exercising discretion in accordance with Article 15 it restricts family reunification to members of the nuclear family who are in need of protection. In the case of minors, Austrian age limits apply."

STATEMENT 98/01

Article 25

"The Council emphasizes the importance of solidarity between Member States in the framework of temporary protection. When indicating its reception capacity in accordance with Article 25, a Member State indicates its willingness and readiness to act accordingly. It may take into account the number of third-country nationals who have already sought international protection or who have otherwise recently arrived on its territory.

The Council recalls the role of the European Refugee Fund to support measures under this Directive."

STATEMENT 99/01

Article 25

"The Austrian delegation interprets the Community solidarity referred to in Article 25 of this Directive as meaning an equal sharing of the burden between all Member States in the event of a mass influx.

When announcing its actual reception capacity in the event of such an influx, Austria will therefore take into consideration the number of displaced persons to be received in proportion to the total population of Austria, and will compare that to the corresponding proportions in the other Member States in order to ensure that the burden is shared equally between all the EU Member States.

The Austrian delegation is aware that Community funds for temporary protection have already been decided upon by the European Refugee Fund. This is in keeping with point 16 of the Conclusions of the Tampere European Council, which provided for the consideration of some form of financial reserve in the event of a mass influx of refugees. However, Austria would request the Commission to undertake a cost estimate of the most recent crises and to use that as a basis for further discussion of financial assistance outside the European Refugee Fund for EU Member States which are particularly severely affected and for the forthcoming evaluation of the European Refugee Fund."

STATEMENT 100/01

Re Article 29

"The Council agrees that Article 29, as applied to legal remedies against exclusion from the benefit of temporary protection, does not restrict the right of the Member State concerned to select, at its discretion, the persons who are admitted to that Member State by way of temporary protection under a programme such as a humanitarian evacuation programme.

With regard to the scope of Article 15, it is agreed that legal remedies against a Member State's refusal to allow family reunification can be available only if a family member afforded temporary protection is already present in the Member State."

STATEMENT 101/01

Re Article 1(2)

"The Council and the Commission confirm that the reduction in regional ceilings for the special premium is restricted to the years 2002 and 2003."

STATEMENT 102/01

Re Article 1(3)

"Regarding the possibility of changing or waiving the headage limit of 90 for the special premium on the basis of objective criteria laid down for the purposes of rural development, the Council and the Commission confirm that it is for the Member States to determine whether due account is taken of environmental and employment conditions."

STATEMENT 103/01

Re Article 1(10)

"The Irish delegation points to the importance of beef and veal production in Ireland, and in particular its very high level of self-sufficiency. The Commission will closely manage the beef and veal market during the second half of 2001 and will, if necessary, use the intervention mechanism in particular in order to prevent excessive price falls. However, intervention buying-in will be limited to the quantities strictly required for management of the market."

STATEMENT 104/01

Statement by the Council

"The Council considers that a technical adjuvant can be authorised only if

- its action is exclusively physical and
- its residue level is zero and
- it does not alter the olive oil.

In that context, only food-quality talc, as provided for in the Annex to Directive (EC) No 2001/30, may be used as an adjuvant."

STATEMENT 105/01

Statement by the Commission

"In its proposal on the new arrangements for olive oil, the Commission will fully take account of the financial framework agreed upon in the European Council of Berlin."

STATEMENT 106/01

Statement by the Greek delegation

"Greece considers that allowing mixtures of seed oil and olive oil to be marketed could provide many opportunities for fraud and for misleading consumers.

Should that happen, it would be to the detriment of olive oil and its good name.

Greece will continue its efforts to convince the competent authorities of the need to ban the marketing of such mixtures. However, where the marketing of such products is permitted, it should be accompanied by strict measures to prevent fraud and avoid consumers being misled. The amount of olive oil contained in such mixtures should always be above the sensitivity threshold of the methods of chemical analysis used in normal practice and not the sensitivity threshold of the methods used for research purposes."

STATEMENT 107/01

Commission statement

"The Commission declares that, with reference to the footnote under entry 17 06 05 "construction material containing asbestos", if the Member States delay the entry into force beyond 16 July 2002, they will breach Community law."

STATEMENT 108/01

Commission statement

"The classification as hazardous waste of entry 17 06 05 "construction material containing asbestos" does not depend on the possible options for the management of this waste but on its intrinsic hazardous characteristics.

Aside from this classification, the specific aspects concerning the appropriate treatment and disposal of this waste have to be established in the context of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste. The Commission, assisted by the Committee established under Article 16 of Directive 1999/31/EC, will ensure that the appropriate measures will be taken to address the specific issues raised in relation to the disposal of construction material containing asbestos."

STATEMENT 109/01

Statement by the German, Greek, Spanish, French, Italian, Austrian and Portuguese delegations

"Following the adoption of the Council Decision amending Commission Decision 2000/532/EC as regards the list of waste,

from a procedural point of view, the German, Greek, Spanish, French, Italian, Austrian and Portuguese delegations

regret that, two years after the adoption of the Committee-Procedure Decision of June 1999, the Commission has not yet proposed an adjustment of Article 18 of Directive 75/442/EEC on waste,

deplore the fact that, contrary to the spirit of its statement of June 1999 at the time when the Committee-Procedure Decision was adopted, it is going against the majority view in the Council,

ask the Commission to ensure in future that it complies with the commitments entered into when the Committee-Procedure Decision was adopted,

with regard to substance, the German, Greek, Spanish, French, Italian, Austrian and Portuguese delegations

- take note of the Commission's statements,
- note the Commission's willingness to ensure, in proposing the necessary changes under the landfill Directive, that the classification of construction material containing asbestos results in waste management measures appropriate to the risks to the environment and health,
- note that, pending the adoption of harmonised measures on the subject, national measures will continue to apply."

STATEMENT 110/01

Joint statement by the Council and the Commission on the institutional scope of the Regulations on "Actions against anti-personnel landmines"

"The Council and the Commission confirm that the adoption of this Regulation will not prevent the European Union from taking action against anti-personnel landmines under Title V of the Treaty on European Union, in so far as such action pursues objectives of the common foreign and security policy and is in conformity with Art. 47 TEU."

JULY 2001	
OTHER ACTS	Votes made public
2365th Council (Economic and Financial Questions) on 10 July 2001 Council Regulation on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 28 February 2001 to 27 February 2004 8527/01 2366th Council (Justice and Home Affairs) on 13 July 2001 Council Resolution on the role of education and training in employment related policies 9328/01 + REV 1 (pt) + COR 1 (pt) Council Resolution on eLearning 9329/01 + REV 2 (pt) + COR 1 (pt) Council Conclusions on the follow-up of the Report on Concrete Future Objectives of Education and Training Systems 9327/01 + COR 1 (da) +COR 2 (fi) + COR 3 (nl) + REV 1 (pt) 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 reduction of the level of pollutant emissions from two and three-wheel motor vehicles and amending Directive 97/24/EC 7598/01 + ADD 1 + ADD 1 COR 1 (fr) Council Decision on the conclusion by the European Community of the Amendment to the trade-related provisions of the Energy Charter Treaty 9768/01	

JULY 2001	
OTHER ACTS	Votes made public
2367th Council (General Affairs) on 16 July 2001	
Council Decision repealing Council Decision 1999/74/CFSP on the implementation of Joint Action 97/288/CFSP concerning the financing of a communication system to all members of the Nuclear Suppliers Group which are not Member States of the European Union 10509/01 + COR 1 (pt) Common position with a view to the adoption of a regulation of the European Parliament and of the Council amending Council Regulation (EC) No. 2223/96 as concerns the use of ESA 95 in the determination of Member States' payments of the VAT-based own resource 8793/01 + ADD 1 Monetary Agreement between the Italian Republic, on behalf of the European Community, and the Republic of San Marino 10622/01 Council Regulation terminating the interim review and amending the definitive anti-dumping duty imposed by Regulation (EC) No 423/97 on imports of gas-fuelled non-refillable pocket flint lighters originating, inter alia, in Thailand insofar as a Thai exporting producer is concerned 10467/01 Council Regulation amending Regulation (EC) No 772/1999 imposing definitive anti-dumping and countervailing duties on imports of farmed Atlantic salmon originating in Norway 10350/01 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China 10376/01	

JULY 2001	
OTHER ACTS	Votes made public
2368th Council (Budget) on 20 July 2001	
Council Joint Action on the establishment of a European Union Institute for Security Studies 10732/01 Council Joint Action on the establishment of a European Union Satellite Centre 10733/01 + COR 1 (fi)	
2369th Council (Agriculture) on 23 July 2001	
Common Position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council establishing a general framework for informing and consulting employees in the European Community 9919/01 + COR 1 (fr) + COR 2 (sv) + COR 3 (nl) + COR 4 (fi) + ADD 1 Common position adopted by the Council with a view to the adoption of the 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 9848/01 + COR 1 (nl) + COR 2 (en) + COR 3 (sv) + COR 4 (fi) + ADD 1 Council Resolution on exchange of information and experience concerning conditions for professional artists in the context of EU enlargement 10330/01 + COR 1 (sv) + COR 2 (nl) + COR 3 (fr) Council conclusions on the Commission's Evaluation Report on the application of the Recommendation concerning the protection of minors and human dignity 10331/01 + COR 1 (sv) + COR 2 (fr) + COR 3 (el)	

JULY 2001	
OTHER ACTS	Votes made public
Council Regulation (EC) on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy measures 10775/01 Council Common Position on the fight against ballistic missile proliferation 10840/01 + COR 1 (fi) + REV 1 (sv) Council Decision concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Estonia terminating Protocol 1 on trade in textile and clothing products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part 10641/01 + COR 1 (it) Written procedure completed on 26 July 2001 Council Joint Action regarding a contribution of the European Union towards reinforcing the capacity of the Georgian authorities to support and protect the OSCE Observer Mission on the border of the Republic of Georgia with the Chechen Republic of the Russian Federation 10286/01 + REV 1 (fi) Written procedure completed on 31 July 2001 Common Position adopted by the Council on 31 July 2001 with a view to the adoption of a Decision of the European Parliament and of the Council adopting a programme of Community action in the field of public health [(2001-2006)] 10222/01 + COR 1 (sv) + REV 1 (fr,it,nl,pt) + REV 2 (fi) + REV 2 COR 1 (fi) + ADD 1 + ADD 1 COR 1 (sv)	
