



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 16 September 2005 (22.09)
(OR. fr)**

12333/05

PUBLIC 7

NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
JULY 2005

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in July 2005. This is accompanied by statements in the minutes which may be released to the public (**Annex II**). The summary also mentions any votes against and abstentions, explanations of vote, and the voting rules applicable;
- in **Annex III**, a list of the other acts¹ adopted by the Council in July 2005, 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 under Documents, then "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 Department ("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 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2672nd Council meeting (Economic and Financial Affairs) on 12 July 2005			
Council Decision on protecting the euro against counterfeiting, by designating Europol as the Central Office for combating euro counterfeiting	8380/05		Unanimity
Council Framework Decision to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution	9810/05 + COR 1 (it) + COR 2 (el) + COR 3 (de) + COR 4 (da) + COR 5 + COR 6 (lv) + REV 1 (hu) + REV 1 COR 1 (hu) + REV 3 (lt)	77/05, 78/05, 79/05 80/05	Unanimity

JULY 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Decision on Guidelines for the employment policies of the Member States	10205/05 + COR 1 (lv) + REV 1 (pt) + REV 2 (cs) + REV 3 (de) + REV 4 (lt)		Qualified majority
Regulation of the European Parliament and of the Council amending Regulation (EC) No 1177/2003 concerning Community statistics on income and living conditions (EU-SILC)	PE-CONS 3624/05		Qualified majority
Regulation of the European Parliament and of the Council on controls of cash entering or leaving the Community	PE-CONS 3646/05	81/05	Qualified majority
Decision of the European Parliament and of the Council amending Council Decision 2001/51/EC establishing a Programme relating to the Community framework strategy on gender equality and Decision No 848/2004/EC of the European Parliament and of the Council establishing a Community action programme to promote organisations active at European level in the field of equality between men and women	PE-CONS 3630/05		Qualified majority

JULY 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements	PE-CONS 3623/05	82/05, 83/05, 84/05, 85/05 and 86/05	EL and MT against CY abstained Qualified majority
Directive of the European Parliament and of the Council amending Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints	PE-CONS 3636/05	87/05 and 88/05	Qualified majority
Regulation of the European Parliament and of the Council on conditions for access to the natural gas transmission networks	PE-CONS 3614/05	89/05	Qualified majority
2673rd meeting of the Council (Economic and Financial Affairs : Budget) on 15 July 2005			
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	10193/05 + COR 2 (fi) + REV 1 (hu) + REV 2 (lt) + REV 3 (sl)		Qualified majority

JULY 2005			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2676th meeting of the Council (Agriculture and Fisheries) on 18 July 2005 Council Decision on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 94 on provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a frontal collision and Regulation No 95 on provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a lateral collision Council Directive on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector Decision of the European Parliament and of the Council amending Council Decision 2000/819/EC on a multiannual programme for enterprise and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005)	7590/05 10050/05 + COR 1 (en) + COR 2 (da) + COR 3 (el) + COR 4 (el) + COR 5 (es) PE-CONS 3635/05	90/05, 91/05, 92/05, 93/05, 94/05, 95/05 and 96/06 97/05	Unanimity AT, SK and UK abstained Qualified majority Qualified majority

STATEMENT 77/05

Statement by the Council on the possibility of reviewing the MARPOL 73/78 Convention

"The Council invites the Commission to explore the possibility of launching an initiative in the framework of the International Maritime Organisation with a view to having the MARPOL 73/78 Convention reviewed, more particularly its Annexes on Regulations for the prevention of pollution by oil and by noxious liquid substances, and narrowing the scope of exceptions to prohibitions to discharge these products into the sea on the basis of the recent legislation of the EC and the EU on ship-source pollution, and to report to the Council in the course of 2006."

STATEMENT 78/05

Statement by the Council and the Commission on the alignment of Article 2 of the Framework Decision with the final version of the provisions of Articles 4 and 5 of the Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements

"The Council and the European Commission, recognising the complementary character of the Framework Decision and the need for alignment of its provisions with the provisions of the Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements, agree to align Article 2 with the final version of the provisions of Articles 4 and 5 of that Directive."

STATEMENT 79/05

Statement by the Commission on Article 11(3)

"When preparing its report to the Council, as contemplated in Article 11(3), the Commission intends to assess the economic impact of any measures it may propose, as well as their impact on the fight against pollution of the sea."

STATEMENT 80/05

Statement by the Commission

"Given the importance of combating ship-source pollution, the Commission is in favour of the discharge of polluting substances by ships being made a criminal offence and of penalties being adopted at national level in the event of the infringement of Community regulations concerning ship-source pollution.

The Commission is, however, of the opinion that the Framework Decision is not the appropriate legal instrument with which to impose on Member States an obligation to criminalise the illicit discharge of polluting substances at sea and to establish corresponding criminal penalties at national level.

The Commission – as it is arguing in the Court of Justice in its appeal C-176/03 against the Framework Decision on the Protection of the Environment through Criminal Law – considers that, within the competences which it possesses for the purpose of achieving the objectives set out in Article 2 of the Treaty establishing the European Community, the Community is empowered to require Member States to provide for penalties – including, if appropriate, criminal penalties – at national level, where this proves necessary in order to achieve a Community objective.

This is the case with regard to questions of ship-source pollution, for which Article 80(2) of the Treaty establishing the European Community constitutes the legal basis.

Pending the ruling on C-176/03, if the Council adopts the Framework Decision in spite of this Community competence, the Commission reserves all the rights conferred upon it by the Treaty."

STATEMENT 81/05

Statement by the Italian delegation

"For some time Italy has had a system of controls of cross-border movements of cash and therefore endorses the spirit and objectives of the proposal for a Regulation.

With regard to the threshold triggering application of the Regulation, Italy would like to make the following points:

- In those Member States which already have national rules on control of movements of cash the thresholds differ. However, in the interests of harmonisation there must be a uniform Community threshold.
- We feel it would be preferable for the threshold for application of the Regulation to be consistent with that laid down in existing Community legislation. The money-laundering Directives, which are closely related to the proposal under discussion, lay down a threshold of EUR 15 000 for application of preventive measures. In order to maintain the uniformity and overall consistency of the Community rules we consider that the same threshold should be used in a future revision of this Regulation.
- Furthermore, the application of differing thresholds might create confusion among citizens, particularly in the case of supplementary rules, or rules seen as such by the citizen."

STATEMENT 82/05

Statement by the Council on recital 8 and Articles 4 and 5

"The Council agrees that fines should not be insurable and that the issue should be raised in the relevant international forum."

STATEMENT 83/05

Unilateral statement by Malta on ship-source pollution

"Malta agrees with the underlying objective of the Directive to combat ship-source pollution as one of the elements that can damage the marine environment. As an Island State, Malta's economic and social livelihood is in fact completely dependent upon a healthy and sustainable marine environment.

However, Malta believes that the present Directive is not in consonance with international maritime law. International maritime law would be the most pertinent context within which to stipulate rules regulating an industry, such as the maritime industry, which is global by its very nature. Malta wishes to express solidarity with the maritime industry, which has expressed concerns about the appropriateness of this Directive and the negative effects it will have on European seafaring. At a time when Europe – and the rest of the world – is facing a crisis of seafarer shortage, this Directive and its parallel Framework Decision can only serve to de-motivate further any potential seafarers from taking a maritime career, defeating Community efforts to address this problem in a positive manner.

Malta reiterates its hope that such unilateral action as that constituted by this Directive will not create a precedent that would further undermine the authority of the International Maritime Organisation. It would be a matter of grave concern if international applicability of maritime standards is compromised by third States that choose to ignore international legislation, not out of the readiness to be bound by more stringent rules, but for abusive and manipulative motives. It is important that Europe acts in consonance with its long-standing tradition of respect for the rule of law and defends the principle of applicability of international law on a universal basis particularly with regard to the maritime industry.

Furthermore, Malta does not agree that pollution-related fines of an administrative or otherwise non-criminal nature should be uninsurable. Should these fines be uninsurable this would imply undue and unfair exposure of the shipping industry in spite of the many efforts being undertaken to enhance shipping safety by this very industry. Malta feels that this issue does not fit within the scope of this Directive, the function of which is to identify ship-source pollution infringements, leaving it up to the parallel Framework Decision to prescribe related sanctions.

Malta is therefore expressing a negative vote on this Directive."

STATEMENT 84/05

Statement by Greece

"Greece endorses the aim of the Directive, namely to protect the marine environment, and is particularly interested in seeing it promoted in view of Greece's special geographical situation (extensive coastline and numerous islands) and the particular importance of tourism for its national economy.

Nevertheless, Greece is unable to accept the text of the Directive since its provisions go beyond those in force at international level, which is likely to have an adverse effect on shipping in general.

In particular, Greece considers that the provisions of the Directive making maritime activity and the maritime profession liable to criminal sanctions go further than the provisions of the international MARPOL Convention and are contrary to the international nature of merchant shipping where uniform international rules must apply.

Greece also believes that the legal uncertainty which would arise from implementation of the Directive would lower the level of legal protection afforded to Community seafarers and people engaged in maritime transport generally, and would ultimately create disincentives for young people to take up maritime professions and for young entrepreneurs in the maritime sector of the European Union.

Within that framework and as regards the question of insurance against fines imposed for sea pollution incidents, Greece takes the view, having regard to international insurance practice, that only fines imposed by way of criminal sanctions are not insurable."

STATEMENT 85/05

Government of the Federal Republic of Germany on recital 10a

"The Government of the Federal Republic of Germany considers that the establishment of a European coastguard responsible for both preventing and controlling the consequences of accidents would not be useful, and would prefer enhanced cooperation between EU Member States in these areas to a new European organisation."

STATEMENT 86/05

Statement by Cyprus

"Cyprus supports the general principle and the objectives being pursued by this Directive, namely the imposition of sanctions on all those responsible for ship-source pollution, in an attempt to combat the latter phenomenon and protect the marine environment.

The international nature of the shipping industry means that any legislative provisions must be in line with international rules and in any event controlling pollution by adopting sanctions against those responsible cannot constitute an exception.

Cyprus believes that the amendments made during the examination both of the proposal for a Directive and of the proposal for a Framework Decision diverge from the relevant provisions of the international MARPOL Convention on the prevention and control of pollution.

Because of that divergence, Cyprus would be unable to support the adoption of those provisions and is therefore abstaining from the vote on this Directive.

Furthermore, recognising the importance of insurance cover for the relevant fines and taking into account international marine insurance practice, Cyprus is of the opinion that administrative fines are insurable because they are imposed using criteria different from those on the basis of which the courts impose fines in cases of infringements which are the result of fraud or serious negligence."

STATEMENT 87/05

Statement by the Italian delegation

"Italy welcomes the proposed Directives and wishes their quick adoption.

With regard to the draft Directive on seats, Italy would have preferred the extension of the ban for side-facing seats to all vehicle categories. In this respect, Italy would like to ask the Commission to further investigate on the subject in order not to further extend the derogatory period of 5 years granted to vehicles of category M3 with a maximum mass exceeding 10 tonnes as proposed in its original proposal.

With regard to the draft Directive on safety belts, Italy would ask the Commission to take steps to further extend the mandatory application of seat-belt fitting on buses belonging to class II since these vehicles, which are often used outside urban areas, are equipped with safety belts according to the Italian legislation.

In this respect, Italy would like to ask the Commission whether or not the mandatory fitting of seat belts on class II vehicles may be nationally kept.

STATEMENT 88/05

Statement by the United Kingdom

"The United Kingdom supports entirely the three proposals to improve the safety of vehicles with regard to their seats, seat belts and seat belt anchorages, and supports their earliest practical introduction.

However, the transposition dates referred to in Article 3 of the amendment to Directive 74/408/EC and Article 4 of the amendments to Directives 76/115/EC and 77/541/EC create particular difficulties for the UK legal services, who normally require transposition periods based on twelve months from the date of entry into force, rather than six months from the date of entry into force as required by the current proposals.

In order to secure early improvements in occupant safety across the whole European Union, we do not wish to delay the implementation of these particular proposals. However, we would like it to be noted that we will generally be requesting a minimum of twelve months transposition time for proposals of this type."

STATEMENT 89/05

Statement by the Commission:

"Storage and access to storage facilities do not fall under the scope of this Regulation.

Storage and access to storage facilities will therefore not be addressed in Guidelines laid down in Article 9(1) of this Regulation or as amended under Article 9(2) of this Regulation."

STATEMENT 90/05

Statement by the Council

Statement on Article 4 on the use of the word "penalties" in the English version of legal instruments of the European Community.

"In the opinion of the Council, when the word "penalties" is used in the English version of legal instruments of the European Community, this word is used in a neutral sense and does not relate specifically to criminal law sanctions, but could also include administrative and financial sanctions, as well as other types of sanctions. When Member States are obliged under a Community act to introduce "penalties", it is up to them to choose the appropriate type of sanction in conformity with the case law of the ECJ.

In the Community language database, the following translations are made of the word "penalties" in some other languages:

in Czech, "sankce", in Spanish, "sanciones", in Danish, "sanktioner", in German, "Sanktionen", in Estonian, "sanktsioonid", in French, "sanctions", in Greek, "κυρώσεις", in Hungarian, "jogkövetkezmények", in Italian, "sanzioni", in Latvian, "sankcijas", in Lithuanian, "sankcijos", in Maltese, "penali", in Dutch, "sancties", in Polish, "sankcje", in Portuguese, "sanções", in Slovenian, "kazni", in Slovak, "sankcie", in Finnish, "seuraamukset" and in Swedish, "sanktioner".

If, in revised English versions of legal instruments where the word "sanctions" has previously been used, this word is replaced with the word "penalties", this does not constitute a substantive difference."

STATEMENT 91/05

Statement by the Commission

Statement on Article 3

"When drawing up the report provided for in Article 3, the Commission will take into account the economic and social impact of the agreement on undertakings and workers covered by the Directive."

STATEMENT 92/05

Statement by the Commission

Statement on Article 5

"The Commission recalls that, in accordance with the case law of the Court of Justice, the non-existence in a Member State of the activity referred to in a Directive does not free that Member State from the obligation to take legislative or regulatory steps to ensure adequate transposition of all the provisions of that Directive.

However, geographical impossibility does relieve the Member State concerned from the obligation of transposition. In the current circumstances such would be the case for Cyprus and Malta."

STATEMENT 93/05

Statement by the Commission

Statement on the monitoring of the development of the railway sector

"The Commission attaches great importance to the development of rail transport resulting from the Community Directives adopted to develop European railways, including moves towards opening up the market. It hopes that the social partners will contribute to this development and that the social dialogue will reflect the evolution of the sector. It intends forthwith to ask the social dialogue committee to widen its representativity in line with that evolution.

In this context, the Commission proposes to submit to the Council before the date referred to in Article 5 of the Directive a report taking account of the economic and social impact of the social partners' agreement on undertakings and workers and of the social dialogue talks held under Clauses 10 and 11 of the agreement on all pertinent issues, including Clause 4.

It intends to take the initiatives necessary, by proposing an amendment to the Directive, should the social partners reach any new agreement, even if it is concluded before the date referred to in Article 5 of the Directive."

STATEMENT 94/05

Statement by the Federal Republic of Germany, supported by the Republic of Austria

"It is the understanding of the Federal Republic of Germany, supported by the Republic of Austria, that the Directive aims not only to ensure the protection and safety of employees in cross-border railway services, but also to promote the development of interoperable cross-border railway services.

In order to avoid potentially negative effects of the Directive on the emerging European railway market, the Federal Government highlights the significance of the following aspects:

- that, in the context of the fresh negotiations envisaged two years after the conclusion of the social partners' agreement, the social partners negotiate an increase in the number of consecutive rest periods away from home and in so doing give appropriate consideration to the interests of the private railway companies,
- and that, in its report pursuant to Article 3 of the Directive, the European Commission pays special attention to the impact of the Directive on smaller and medium-sized railway companies and in so doing describes the development of the market shares of the private railways and of railway traffic in general in relation to other modes of transport (and particularly road transport) and assesses this in the light of the Directive."

STATEMENT 95/05

Statement by the Netherlands

"The Netherlands delegation can support the Directive that implements the agreement of the social partners on certain aspects of the working conditions of mobile workers in the railway sector. The agreement ensures the protection and safety of employees in cross-border railway services.

With a view to promoting the development of interoperable cross-border railway services the Netherlands delegation asks for special attention to be given to Clause 4 in the agreement. This clause introduces the rule that a daily rest away from home has to be followed by a daily rest at home, with the possibility for the social partners at national level to negotiate a second consecutive rest away from home.

In the case that renegotiations on this issue may lead to a higher number of consecutive rests away from home, the Netherlands delegation understands that the Commission will propose as soon as possible an amendment to the Directive, even if the negotiations are concluded before the date referred to in Article 5 of the Directive."

STATEMENT 96/05

Statement by the United Kingdom

"The United Kingdom fully supports the right of the social partners to develop agreements and, where appropriate, to seek Directives to give them force.

When the Council of Ministers is asked to approve the extension of these agreements as binding commitments upon all players in the market it has the responsibility to consider the impact on the development of the sector as a whole, including on those who were not directly represented in the discussions.

The Council Directive on certain aspects of the working conditions of mobile workers assigned to interoperable cross-border services in the railway sector aims not only to ensure the protection and safety of workers but also to promote the development of services.

Since this agreement was signed, new Community measures to complete the liberalisation of international rail freight have been agreed. The UK shares the concerns of a number of sector stakeholders that some of the provisions in the Directive, when implemented, could inhibit opportunities for growth and hence future employment prospects. This could put at risk the Commission's own objective to return rail's share of freight traffic to 1998 levels by 2010. We therefore ask the social partners to reflect on the concerns raised to date in their evaluation of the agreement in January 2006.

We welcome the European Commission's undertaking to take into account the social and economic impact of the Directive and agreement in preparing its future report on its implementation. But for any regulation to be effective, it is important that there is appropriate consultation and input from those on whom the measures will have an impact before the regulation is agreed.

More generally, the UK believes that more in depth and timely prior impact assessments of social partner agreements would be consistent with the Commission's "better regulation for jobs and growth" work plan."

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INFORMATION GIVEN BY THE COMMISSION

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

Clause 1

Scope

This agreement applies to mobile railway workers assigned to interoperable cross-border services. To qualify as such, a railway worker has to be assigned to this type of service for more than an hour a day. Hence, the calculation of the hours spent offering such a service is not based on an average of hours over a period of time but rather on an absolute number of hours. Consequently, the agreement also applies to those railway workers carrying out such a service on an irregular basis. The social partners deliberately left it up to Member States to regulate the details under which those working both at national and cross-border level operate.

The application of the agreement is optional in certain cases. In fact, the intention of the social partners is not to impose this agreement on already existing agreements at local level, even if these would be derogating from this agreement. These derogating agreements should stay in force due to the limited nature of interoperable cross-border traffic.

Clause 2
Definitions

With this agreement, the social partners do not wish to cover personnel working in the cleaning or catering departments. These are normally employed from outside the railway sector.

Clause 3
Daily rest at home

The social partners stress that "reduced daily rest" means any amount of time which is reduced from the minimum of 12 consecutive hours per 24-hour period: whether it is 3 hours or 5 minutes, it is to be considered as reduced daily rest. The social partners leave it up to the national authorities to establish the meaning of "significantly reduced daily rest", as long as the amount does not go below the "minimum of 9 hours once every 7-day period" established in the clause. They also clearly stated that Clause 3 should be interpreted as allowing for only one reduction per 7-day period, irrespective of the length of this reduction.

Clause 4
Daily rest away from home

This agreement allows for a minimum daily rest away from home of 8 hours per 24-hour period. The social partners explained that, whilst this provision does not impose compensatory rest, it does not exclude the possibility of its inclusion either. It is at the discretion of national authorities transposing the agreement whether to include compensatory rest or not.

This clause does, however, preclude having more than two rest periods away from home. The limit set at two rest periods is the result of in-depth negotiations between the social partners and is part of the overall agreement.

The social partners explained that the word "negotiations" in footnote 14 (FR version) means that the parties involved enter into negotiations leading to an agreement. This agreement could be a collective agreement or an agreement reached with the enterprise. In the same footnote, the term "compensation" should be interpreted as covering financial as well as temporal compensation depending on the outcome of negotiations. Nevertheless the social partners stressed that the aim of the agreement is to protect the workers' health and safety and that this objective is important for the interpretation of this notion.

The social partners made it clear that their objective was not to be more restrictive than the working time Directive and the term 'social partners' in this footnote should be interpreted in the meaning of the 'two sides of industry' as in this Directive.

Clause 5

Breaks

According to this agreement, a break can be split into several parts. The number and length of the parts is not specified in the agreement and can therefore be decided at national level. Naturally this would have to respect the objective of "an effective recuperation of the worker".

The word "devrait" (in the French version) means that, in the case of unforeseen events that would affect the planning of the breaks, the train would not stop for the staff to have a break.

Clause 6
Weekly rest period

Under this agreement, in a given year of 52 working weeks a worker should be awarded an average of 2 rest days per week (over and above the daily rest). This would amount to 104 rest periods of 24 hours each. If a worker has 4 weeks of holidays, he would then work 48 weeks and therefore be entitled to 96 rest periods.

Over a period of 52 working weeks, these rest periods should include:

- 12 weeks a year, where a worker is entitled to have 60 consecutive hours of rest including the weekend (Saturday and Sunday);
- 12 weeks a year where a worker is entitled to another 60 consecutive hours of rest in which the inclusion of the weekend is not guaranteed.

In the remaining weeks, the worker should benefit from at least 36 hours of consecutive rest (one weekly rest and one daily rest). Overall, the average rest should be of 36 + 24 hours per week. Even though each worker has the right to an average of 2 rest days per week over a period of one year, this agreement only guarantees, for any specific week, a minimum rest period of 24 hours and a daily rest period of 12 hours, amounting to 36 hours per week.

In the case of contracts of less than a year, the agreement applies on a pro-rata basis. The details of a worker performing on an interoperable service for less than a year are regulated at national level.

Clause 7
Driving time

"Driving time" in this clause is to be understood as scheduled driving time. It is possible to combine driving time with other tasks up to the admissible limit of working time. In the event of driving time being extended due to unscheduled events or in case of a combination of driving time with other tasks, it is to be noted that the maximum weekly working time is regulated by the working time Directive and not by this agreement.

Clause 8
Checks

The social partners consider that the records kept must be made available to the workers and the national authorities. It is up to the national authorities to decide where to keep the records. These records must ensure that all the clauses of the agreement are respected, including driving time.

Clause 9
Non-regression clause

The implementation of this agreement shall not constitute in any case valid grounds for reducing the general level of protection afforded to mobile workers assigned to interoperable cross-border services.

Clause 10

Follow-up of the agreement

In the context of this agreement "signatories" and "parties" mean the same thing.

With this agreement, the social partners have engaged to follow up on the transposition and application of the agreement in the Member States and to exchange information on this matter. This exercise is independent of the obligation for the Commission to monitor the transposition of the Council Directive.

Clause 11

Evaluation

Furthermore, with regard to evaluation, the signatories undertake to observe the development of the interoperable cross-border sector.

According to the social partners, the evaluation exercise will start in 2006, even though January 2006 might seem too close. The objective of this evaluation is to observe the evolution of the interoperable cross-border market and to evaluate the clauses of the agreement in the light of the first experiences.

Clause 12

Review

The review clause is a standard review clause found in agreements of this nature.

STATEMENT 97/05

Statement by the Commission relating to the proposal for a Decision of the European Parliament and of the Council amending Council Decision 2000/819/EC on a multiannual programme for enterprise and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005) ¹

"The Commission confirms that, in the implementation of the 2006 MAP Programme, it will allocate the additional funds decided upon by the co-legislators to the Community Financial Instruments ² aiming at improving SMEs' access to finance."

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¹ COM(2004)781 final of 7.12.2004.

² As set out in Annex I, paragraph 4(a) of the original MAP Decision, 2000/819/EC of 20.12.2000.

JULY 2005	
OTHER ACTS	Votes made public
Written procedure completed on 1 July 2005 Council Decision authorising the Commission to open negotiations on behalf of European Community within the United Nations Commission on International Trade Law (UNCITRAL) on a draft convention on the use of electronic communications in international contracts 10705/05 <u>Statements made public</u> <u>Statement by the Commission</u> 1. <i>"During the negotiation at the UNCITRAL, the Commission will coordinate the position of Member States in order to ensure that the provisions of the future UNCITRAL Convention on the use of electronic communications in international contracts are compatible with Directive EC/2000/31 on electronic commerce, notably with its provisions on definitions (in particular as regards the place of establishment, Article 2), general information to be provided (Article 5), treatment of contracts (Article 9), information to be provided at the pre-contractual stage (Article 10), principles governing the placing of orders (Article 11).</i> 2. <i>Consequently, during the negotiations the Commission shall evaluate the need for a disconnection clause aiming to ensure that Member States fully apply Directive EC/2000/31 in their mutual relations, notably as regards the issues mentioned in point 1.</i> 3. <i>The Commission will ensure that negotiations are conducted in close cooperation with Member States represented in UNCITRAL. In this vein on-site meetings will be organised to ensure common positions of the participants. The first preparatory meeting will be organised in Vienna on 4 July, before the beginning of the UNCITRAL session.</i> <u>Statement by the French delegation</u> <i>"The proposal for a mandate states that the Commission "will conduct negotiations". In that context, France would point out that since the European Community is not a member of UNCITRAL, the Commission is present only as an observer and irrespective of the mandate it is given, may not put itself forward at the diplomatic session as the EU Member States' chief negotiator with third country members of UNCITRAL.</i>	

JULY 2005	
OTHER ACTS	Votes made public
<i>Moreover, the Commission does not have exclusive competence for the convention in question but shares competence with the Member States only in those fields for which, by legislating, it has acquired external competence. Consequently, and regardless of the wording used in the proposal for a mandate, it is for the Commission to conduct coordination at Community level in order to yield a Community negotiating position, solely on matters within its competence; that position may be expressed by the Commission, by the delegation of the Member State holding the Presidency or even by another delegation, as decided by the Member States together."</i> 2672nd meeting of the Council (Economic and Financial Affairs) on 12 July 2005 Council Decision on Guidelines for the employment policies of the Member States 10205/05 and 10667/05 Council Decision amending Decision 1999/70/EC concerning the external auditors of the national central banks as regards the external auditor of De Nederlandsche Bank 9669/05 Council Decision amending Decision 2001/264/EC adopting the Council's security regulations 9445/05 Council Regulation terminating the new exporter review of Council Regulation (EC) No 1995/2000 imposing definitive anti-dumping duties on imports of urea ammonium nitrate (UAN) originating, inter alia, in Algeria 10266/05 Council Regulation imposing a definitive anti-dumping duty on imports of bicycles originating in Vietnam, and amending Regulation (EC) No 1524/2000 imposing a definitive anti-dumping duty on imports of bicycles originating in the People's Republic of China 10062/05 + REV 1 (sl)	EE, DK, NL and SE against

JULY 2005	
OTHER ACTS	Votes made public
Council Regulation on administering certain restrictions on imports of certain steel products from Ukraine and repealing Regulation (EC) No 2266/2004 10597/05 Council Decision concerning the conclusion of an agreement between the European Community and the Government of Ukraine on trade in certain steel products 10507/05 Council Opinion on the updated Stability Programme of Portugal 11122/05 + COR 1 (de) 2674th meeting of the Council (General Affairs and External Relations) on 18 July 2005 Council Regulation imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo 10602/05 + REV 1 (en) Council Regulation imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan 10603/05 + COR 1 (fi) + COR 2 (el) + REV 1 (en) + REV 2 (de) + REV 3 (it) + REV 4 (es) + REV 5 (hu) + REV 6 (sl) + REV 7 (pt) + REV 8 (fr) + REV 9 (dk) Council Joint Action regarding a further contribution of the European Union to the conflict settlement process in Georgia/South Ossetia 10317/05 + COR 1 (en) Council Joint Action on support for IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction 9338/05	

JULY 2005	
OTHER ACTS	Votes made public
Agreement between the European Union and the Republic of Chile on the participation of the Republic of Chile in the European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA)) 9843/05 and 10475/05 + COR 1 (fr) + ADD 1 Council Joint Action establishing a European Security and Defence College (ESDC) 10547/05 and 11013/05 + ADD 1 Council Joint Action on the European union civilian-military supporting action to the African Union mission in the Darfur region of Sudan 10919/05 + COR 1 (en) + REV 1 (sv) and 11224/05 + ADD 1 Council Joint Action appointing a Special Representative of the European Union for Sudan 10796/1/05 REV 1 Adoption of Council conclusions on improving the European Civil Protection Capabilities 10576/05 + COR 1 (en) + COR 2 Council Decision on the conclusion of an Agreement between the European Community and the Government of Canada on the processing of API/PNR data 9811/05 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of barium carbonate originating in the People's Republic of China 10701/05 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of hand pallet trucks and their essential parts originating in the People's Republic of China 10677/05	DK, EE, NL, LT, PT and SE against CZ, IT, PL, SK, UK abstained NL and UK against CZ and EL abstained

JULY 2005	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of an agreement between the European Community and the Republic of Kazakhstan on trade in certain steel products 9362/05 + COR 1 (en) + COR 2 (en) Council Regulation on administering certain restrictions on imports of certain steel products from the Republic of Kazakhstan and repealing Regulation (EC) No 2265/2004 9140/05 + COR 1 (en) + COR 2 (en) Council Decision on the fulfilment of the conditions laid down in Article 3 of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement 10591/05 Council Decision on the conclusion of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part 10819/02, 6786/02 and 11082/05 2676th meeting of the Council (Agriculture and Fisheries) on 18 July 2005 Council Regulation adopting autonomous and transitional measures to open a Community tariff quota for the import of live bovine animals originating in Switzerland 10730/05 and 11139/05	

JULY 2005	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of a Protocol amending the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union 6721/05 and 7996/05 Council Decision on the conclusion on behalf of the European Community of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds 8647/05 + COR 1 (fi) + REV 1 (en) + REV 2 (lt) + ADD 1 and 10729/05 + ADD 1 Common position adopted by the Council with a view to the adoption of a Directive of the European Parliament and of the Council on machinery, and amending Directive 95/16/EC 5786/05 + REV 1 (it) + COR 1 (fi) + ADD 1 + ADD 1 COR 1 (pl) and 10855/05 + ADD 1 + ADD 1 COR 1 (fr) 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 application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies 6273/05 + REV 1 (lt) + ADD 1 + ADD 1 COR 1 (fr) and 10896/05 + 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 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC 5694/05 + COR 1 (pt) + REV 1 (mt) + REV 2 (fi) + REV 2 COR 1 (fi) + REV 3 (lt) + REV 4 (es) + ADD 1 + ADD 1 COR 1 (fi) and 10844/05 + ADD 1	BE against DE abstained BE, EL, IE and IT abstained

JULY 2005	
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 implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 6919/05 + COR 1 (pl) + ADD 1 + ADD 1 COR 1 (lt) and 10843/05 Recommendation of the European Parliament and of the Council to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research PE-CONS 3621/1/05 REV 1 and 10914/05 Written procedure completed on 25 July 2005 Council Regulation imposing a definitive anti-dumping duty on imports of certain castings originating in the People's Republic of China 11081/05 Written procedure completed on 26 July 2005 Council Regulation amending Regulation (EC) No 2268/2004 imposing a definitive anti-dumping duty on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China 10838/05 + COR 1 (de) Written procedure completed on 27 July 2005 Council Decision on the release of information to Switzerland under existing arrangements on basic principles for the practical exchange of classified information with the Counter Terrorist Group 11371/05	DK, FI, NL and SE against DE abstained

JULY 2005	
OTHER ACTS	Votes made public
Written procedures completed on 28 July 2005 • Council Decision on the existence of an excessive deficit in Italy - Application of Article 104(6) of the Treaty establishing the European Community 11123/05 • Council Recommendation to Italy with a view to bringing an end to the situation of an excessive government deficit - Application of Article 104(7) of the Treaty establishing the European Community 11124/05 Council Decision on a Community position in the Association Council on the implementation of Article 73 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part 11130/05 Council Joint Actions • extending the mandates of the Special Representatives of the European Union for Moldova, for the Middle East peace process, in Bosnia and Herzegovina, in the former Yugoslav Republic of Macedonia and for Afghanistan • extending and amending the mandates of the European Union Special Representatives for the African Great Lakes Region and for the South Caucasus 10836/05, 10831/05, 10963/05, 11196/05, 10835/05, 10833/05, 11195/05 and 11002/2/05 REV 2 10759/05, 10762/05, 10757/05, 11159/05, 10760/05, 10761/05 and 10753/05 • appointing a Special Representative of the European Union for Central Asia 10798/1/05 REV 1	
