



**COUNCIL OF
THE EUROPEAN UNION**

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Subject : MONTHLY SUMMARY OF COUNCIL ACTS
 JULY/AUGUST 2002

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in July 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 July/August 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.

JULY 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
2444th Council (Economic and Financial Affairs) on 12 July 2002			
Council Decision authorising the Hellenic Republic to apply a measure derogating from Articles 2 and 28a of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	10339/02		Unanimity
Council Decision on the adaptation of Parts III and VIII of the Common Consular Instructions	8729/1/02 REV 1 + COR 1 (fr,de,it,nl,en,da,el,pt,fi,sv)		Unanimity
Council Decision on the amendment of Part VI of the Common Consular Instructions	9202/02		Unanimity
Council Decision on the revision of the Common Manual	9287/2/02 REV 2 + COR 1	128/02	Unanimity

JULY 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
2446th Council (Economic and Financial Affairs) on 19 July 2002			
Council Framework Decision on combating trafficking in human beings	9576/02 + COR 1 (sv) + COR 2 + COR 3 (fi)	129/02, 130/02, 131/02	Unanimity
Council Directive amending Directive 2002/57/EC on the marketing of seed of oil and fibre plants	10044/02	132/02	Qualified majority
2447th Council (General Affairs) on 22 July 2002			
Council Decision establishing a framework programme on police and judicial cooperation in criminal matters (AGIS)	10814/02		Unanimity

JULY 2002			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/EXPLANATIONS OF VOTE AND VOTING RULE
Written procedure completed on 23 July 2002 Council Regulation on State aid to the coal industry	9865/1/02 REV 1 + REV 1 COR 1 (es) + REV 1 COR 2 (fr,de,it,nl,en,da,el,es,pt,sv) + COR 3 (pt) + COR 4 (es)	133/02, 134/02	DK/S abstention Qualified majority

STATEMENT 128/02**Statement by the Commission**

"The status of European Union citizens and of members of their families who are third-country nationals is governed by the provisions of Parts II and III (Title III) of the EC Treaty. The provisions of Title IV give competence solely for determining the details of measures relating to the crossing of external borders. Yet the amendments in Article 1 of the Decision ... make the provisions regarding refusal of entry which were initially laid down for third-country nationals not covered by European law applicable to third-country nationals who are members of the family of a European Union citizen and who therefore, in accordance with the case law of the Court of Justice, are entitled under Community law. The Commission is therefore of the opinion that provisions concerning refusal of entry to persons entitled under Community law may only be drawn up on the basis of Parts II and III (Title III) of the EC Treaty as interpreted by the Court of Justice.

The Commission therefore reserves all its rights under the Treaty."

STATEMENT 129/02

Council statement

"The Council declares that the aggravating circumstances listed in the Framework Decision on combating trafficking in human beings are without prejudice as to the circumstances that are to be considered as aggravating in future Framework Decisions."

STATEMENT 130/02

Statement by the United Kingdom delegation

"The United Kingdom fully supports strong action to tackle trafficking for purposes of sexual exploitation. "Pornography" is referred to in Article 1(1) of the Framework Decision but is not defined. The United Kingdom will, in line with the definition of "pornographic material" agreed for Article 9(2) of the draft Council of Europe Cyber-crime Convention (dated 10 January 2001), use the stringent controls over obscene and indecent material set out in our domestic legislation which protects people from material likely to deprave and corrupt, so far as the obligations relating to pornography in this Framework Decision are concerned."

STATEMENT 131/02

Statement by the German, Austrian and Danish delegations on the lowest maximum penalty rule in Article 3(2) of the Framework Decision

- "1. In view of the particular political importance of the Framework Decision for the process of combating trafficking in human beings, the Federal Republic of Germany, the Republic of Austria and the Kingdom of Denmark are prepared to accept the lowest maximum penalty clause and put aside their continuing reservations of principle.
2. They do so in the expectation that the Council conclusions of 25 and 26 April 2002 on the approach to apply regarding approximation of penalties will be heeded in the case of future Framework Decisions.
3. On 17 October 2000 the Council of the European Union made the following statement in connection with the Framework Decision on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime:

"The Council recognises that the coherence of national penalty systems must be preserved when lowest maximum penalties are prescribed.

The Council further takes the view that when joint action is undertaken against specific criminal offences, there shall be an examination, in every individual case, of the question of whether prescription of a lowest maximum penalty is imperative for establishing an area of security, freedom and justice."

The Federal Republic of Germany, the Republic of Austria and the Kingdom of Denmark would point out that this idea is reflected in the conclusions on the approach to apply regarding approximation of penalties, which state that:

"When considering how to approximate criminal sanctions in certain areas it is necessary to keep in mind that legal traditions differ in the Member States. In order to allow Member States to preserve the coherence of their national penalty systems, a certain flexibility is needed when approximating criminal sanctions.

Where proposals for legal instruments to be adopted under Title VI of the TEU contain provisions establishing minimum constituent elements in respect of criminal offences, the possible need for establishing a minimum level for the maximum penalties for the offences concerned under national law is considered.

In some cases it may be sufficient to provide that the Member States shall provide that the offences concerned are punishable by effective, proportionate and dissuasive criminal penalties and leave it to each Member State to determine the level of the penalties."

The Federal Republic of Germany, the Republic of Austria and the Kingdom of Denmark welcome these points of principle, as well as the system of penalty levels established in the conclusions, which by its flexibility makes allowance for the coherence of national penalty systems."

STATEMENT 132/02

Statement by the Commission

"The Commission confirms that it will lay down – through Standing Committee procedure – requirements for labelling provisions in the case of varietal associations (on the basis of the provisions in point 6, letter d) of the Annex to Commission Decision 95/232/EC). Such measures will be taken by the date of implementation by the Member States of this amendment."

STATEMENT 133/02

Statement by Belgium and Sweden on Article 6

"Belgium and Sweden regret that, according to Article 6 of this Regulation, the amount of aid that a Member State is allowed to grant for accessing coal reserves does not have to be reduced in a continuous and significant manner. Since there is even a risk of that kind of aid being increased, we ask the European Commission to take all the necessary measures to make sure that Articles 87 and 88 of the Treaty are fully respected by Member States."

STATEMENT 134/02

Commission statement on Article 6

"The Commission notes the agreement reached on the text of Article 6. It will monitor closely the proper application of the provisions of this scheme and of the Treaty when it examines aid notified to it, in particular the degressive nature of operational aids."

JULY/AUGUST 2002	
OTHER ACTS	Votes made public
2444th Council (Economic and Financial Affairs) on 12 July 2002 Council Decision providing supplementary macro-financial assistance to Ukraine 10056/02 <u>Statement by the Commission made public</u> <i>"The Commission states that the implementation of the present decision providing macro-financial assistance to Ukraine is in principle to be completed not later than two years after the date of its publication."</i> Council Decision adopting the rules of procedure of the European Development Fund Committee 10369/02 Council Joint Action on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP 9880/02 Proposal for a Council Regulation amending Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules 10207/02 2446th Council (Economic and Financial Affairs) on 19 July 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 insider dealing and market manipulation (market abuse) 9359/02 + COR 1 (de) + COR 2 (pt) + COR 3 (sv) + COR 4 (it) + COR 5 (nl) + COR 6 (en) + COR 7 (fi) + COR 8 (pt) + REV 1 (da) + REV 4 (el) + REV 5 (fi) + ADD 1	

JULY/AUGUST 2002	
OTHER ACTS	Votes made public
Council Regulation amending Council Regulation (EC) No 963/2002 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 10602/02 Expiry of the ECSC Treaty - Decision of the Representatives of the Governments of the Member States, meeting within the Council, on the consequences of the expiry of the European Coal and Steel Community (ECSC) Treaty on international agreements concluded by the ECSC 9403/02 + COR 1 - Council Decision on the consequences of the expiry of the Treaty establishing the European Coal and Steel Community (ECSC) on the international agreements concluded by the ECSC 10335/02 Draft 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 + REV 1 (fi) + REV 1 COR 1 (fi) + REV 3 (sv) 2447th Council (General Affairs) on 22 July 2002 Council Regulation amending Regulation (EC) No 397/1999 imposing a definitive anti-dumping duty on imports of bicycles originating in Taiwan 10332/02 Council Regulation imposing a definitive countervailing duty and collecting definitively the provisional countervailing duty imposed on imports of sulphanilic acid originating in India 10579/02 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of sulphanilic acid originating in the People's Republic of China and India 10582/02	

JULY/AUGUST 2002	
OTHER ACTS	Votes made public
Council Decision adopting the Council's Rules of Procedure 10962/02 + COR 1 (el,sv) Council Regulation concerning certain restrictive measures in respect of Liberia 9811/02 + REV 1 (en) Council Decision on the conclusion of an Interim Agreement on trade and trade related matters between the European Community, of the one part, and the Republic of Lebanon, of the other part 10253/02, 7470/1/02 REV 1, 7470/02 ADD 1 REV 1 Council Regulation establishing 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 Lithuania 9964/02 + COR 1 + COR 1 REV 1 (el) Council Regulation establishing 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 Latvia 9965/02 + COR 1 Council Decision concerning the participation of the Community in the International Rubber Study Group 10887/02 Council Decision amending Decision 2001/76/EC in respect of export credits for ships 9227/02 <u>Statement by the Member States made public</u> <i>"It is acknowledged that for ships covered by the Sector Understanding on Export Credits for Ships (adopted in March 2002 by the Participants to the Arrangement), neither the Arrangement nor the Sector Understanding shall apply to those Participants to the Arrangement who are non-Participants to the Sector Understanding".</i>	A abstention A abstention

JULY/AUGUST 2002	
OTHER ACTS	Votes made public
Council Common Position supplementing Common Position 96/741/CFSP concerning the derogations from the embargo with regard to Iraq 11005/02 Council Decision concerning participation by the Community in the seventh meeting of the Conference of the Parties to the Bonn Convention on the Conservation of Migratory Species of Wild Animals 10950/02 Annex Council Decision on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean 15080/01 + COR 1 Council Common Position amending Common Position 2002/145/CFSP concerning restrictive measures against Zimbabwe 11032/02 Written procedure completed on 25 July 2002 Council Regulation amending Regulation (EC) No 2465/96 concerning the interruption of economic and financial relations between the European Community and Iraq 11024/02 Written procedure on 26 July 2002 Common position adopted by the Council with a view to the adoption of a Decision of the European Parliament and of the Council adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003-2007) 10612/02 + COR 1 + COR 2 (nl) + REV 1 (sv) + ADD 1	UK abstention

JULY/AUGUST 2002	
OTHER ACTS	Votes made public
Written procedures completed on 29 July 2002 Decisions on the position to be taken by the Community with a view to a Decision of the Association Council with Poland and the signature of Additional Protocols to the Europe Agreements with the Czech Republic, Bulgaria and Romania Annex I to 11214/02, 10752/02, 10753/02, 10754/02 Council Regulation establishing 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 Lithuania 10759/02 Written procedure completed on 31 July 2002 Council Decision on the signature by the Community of the Protocol of accession of the Community to the European Organisation for the Safety of Air Navigation (Eurocontrol) and its provisional application 9771/02 Written procedure completed on 14 August 2002 Council Regulation imposing a definitive anti-dumping duty on imports of colour television receivers originating in the People's Republic of China, the Republic of Korea, Malaysia and Thailand and terminating the proceeding regarding imports of colour television receivers originating in Singapore 10655/02 Written procedures completed on 19 August 2002 Council Regulation amending Regulation (EC) No 348/2000 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and Ukraine 11400/02	

JULY/AUGUST 2002	
OTHER ACTS	Votes made public
Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain tube and pipe fittings, of iron or steel originating in the Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia 11292/02	

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