



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 28 September 2004 (04.10)
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NOTE

Subject: MONTHLY SUMMARY OF COUNCIL ACTS
JULY/AUGUST 2004

This document contains:

- in **Annex I**, a summary of definitive legislative acts adopted by the Council in July 2004. 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 acts ¹ adopted by the Council in July/August 2004, 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 "Transparency", 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 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2594th Council meeting (Economic and Financial Affairs) on 5 July 2004 Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous Common Customs Tariff duties on certain industrial, agricultural and fishery products	10050/04		Qualified majority
2596th Council meeting (General Affairs and External Relations) on 12 July 2004 Council Regulation on the establishment of structures for the management of the European satellite radionavigation programmes	10508/04 + COR 1 (pl) + COR 2 (lt) + REV 1 (hu)	142/04, 143/04, 144/04, 145/04	Unanimity
2599th Council meeting (Agriculture and Fisheries) on 19 July 2004 Council Decision outlining the general approach for the reallocation of resources under Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of Central and Eastern Europe in the pre-accession period	10319/04		Qualified majority

JULY 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
Council Decision establishing Regional Advisory Councils under the Common Fisheries Policy	10825/04 + COR 1 (fi) + COR 2 (fr) + REV 1 (lt)	146/04, 147/04	Qualified majority
Council Regulation fixing the maximum annual fishing effort for certain fishing areas and fisheries	10785/04 + REV 1 (lt)	148/04, 149/04, 150/04	Qualified majority
Council Regulation amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector	10549/04	151/04, 152/04, 153/04, 154/04	Qualified majority
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	10953/04 + COR 1 (pt) + COR 2 (sv) + REV 1 (lt)		Qualified majority
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)	PE-cons 3675/2/04 REV 2		Qualified majority

JULY 2004			
DEFINITIVE LEGISLATIVE ACTS	TEXTS ADOPTED	STATEMENTS	VOTES/VOTING EXPLANATIONS AND VOTING RULES
2600th Council meeting (Justice and Home Affairs) on 19 July 2004			
Council Decision on the date of application of Directive 2003/48/EC on taxation of savings income in the form of interest payments	10885/04 + COR 1 (de) + COR 2 (fi)		Unanimity
2602nd Council meeting (General Affairs and External Relations) on 26 July 2004			
Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL)	11073/04		Unanimity
Council Decision amending Decision 2000/820/JHA establishing a European Police College (CEPOL)	11075/04		Unanimity
Regulation of the European Parliament and of the Council amending Regulation (EC) No 1655/2000 concerning the Financial Instrument for the Environment (LIFE)	PE-CONS 3672/04	155/04	Abstentions ES, IT, EL, PL Against PT Qualified majority

STATEMENT 142/04**Statement by the Commission re Article 5(2) – composition of the Administrative Board of the European GNSS Supervisory Authority**

"The Commission recalls that, according to its December 2002 Communication on a framework for European regulatory agencies, its proposal for a Council Regulation on the establishment of structures for the management of the European satellite radionavigation programme provided for a Supervisory Authority with a Management Board composed of six members designated by the Commission and six by the Council. The Commission considers, in accordance with European Parliament 13 January 2004 resolution on the abovementioned Communication, that a Board of limited size with members appointed by the Community's executives would ensure a better functioning of the Supervisory Authority in an enlarged EU.

In this respect, the Commission looks forward to receiving the Council's response to its Communication on a framework for regulatory agencies. The Commission confirms its intention to present, when appropriate, a proposal on a framework for European regulatory agencies, which will also cover the composition and size of the Management Board."

STATEMENT 143/04

Statement by the German delegation re Article 15 - Privileges and Immunities

"Although it supports the Council Regulation on the establishment of structures for the management of the European satellite radionavigation programme, the Federal Republic of Germany reconfirms its view that, for the staff of the Supervisory Authority, provision should be made for applying exemption with progression to income exempt from tax in the host State and for taxing pensions and similar benefits. Germany would therefore once again draw attention to the proposal by the Presidency at the 1931st meeting of Coreper, Part 2, on 13 September 2001 that there should be a general debate on the granting of privileges and immunities in the EU. More recently Germany returned to the question of such a debate at the 1990th meeting of Coreper, Part 2, on 18 December 2002 and at the 2000th meeting of Coreper, Part 1, on 12 and 13 December 2003. Until such critical scrutiny of the granting of privileges and immunities has taken place, Germany will continue to work to ensure that privileges and immunities (especially tax privileges and exemptions from national taxation) are granted only insofar as is absolutely necessary for the continuing integration of Member States into the EU."

STATEMENT 144/04

Statement by the French delegation re Article 15 - Privileges and Immunities - and Article 16 - Staff

"Given the political priority of the GALILEO project, France agrees to withdraw its reservation on Articles 15 and 16 concerning the privileges and immunities granted to the Supervisory Authority and its staff. It recalls that it asked the Commission on several occasions to hold a general debate on whether the Protocol on the Privileges and Immunities of the European Communities should be systematically extended to decentralised bodies and their staff. France has noted with satisfaction that, on its insistence, the Commission undertook during the examination of the proposal for a Regulation on the European Borders Agency on 18 March 2004 to hold such a debate within a reasonable period. It attaches great importance to the implementation of this undertaking."

STATEMENT 145/04

Unilateral statement by Portugal and the UK on the participation of third countries

"The UK and Portugal note that participation of third countries in the work of the Authority will be governed by new agreements to be negotiated by the Commission and which will be subject to approval by the Council.

While fully recognising the benefits of such participation, the UK and Portugal recall the importance of protecting the interests of the Union and Member States in the security and integrity of Galileo, and call upon the Commission to ensure that these interests are fully respected in the arrangements to be drawn up under Article 19(2)."

STATEMENT 146/04

Statement by the Commission

"Ad Article 1(1)

The Commission confirms its interpretation of the notion of fisheries interests as laid down on the occasion of the adoption of Council Regulation (EC) No 2371/2002 (statement n° 26)."

STATEMENT 147/04

Joint Statement by the Council and the Commission

"Ad Article 5(4):"

The Council and the Commission will, if necessary, take the appropriate steps to ensure that "other interests" in the fisheries sector, besides the catching sub-sector, will be adequately represented in the executive committee."

STATEMENT 148/04

Commission statement on the assessment of fishing effort

"The Commission confirms that the fishing effort allocations by Member State as set out in the Annexes I and II, represent the average fishing effort levels deployed in those areas as reported by Member States over the period of reference 1998-2002. These data were assessed by the Commission in close cooperation with Member States."

STATEMENT 149/04

Commission statement on deep sea species

"The Commission will examine the requests made by Member States on deep sea species, including the associated by-catch, under the provisions of Regulation 2347/2002 establishing specific access requirements and associated conditions applicable to fishing for deep sea stocks.

The current provisions under this Regulation do not exclude the possibility of keeping some by-catch species on board."

STATEMENT 150/04

Statement by Spain in connection with the adoption of the Council Regulation fixing the maximum annual fishing effort for certain fishing areas and fisheries

"Spain wishes to point out that it has applied to the Court of Justice of the European Communities, in Case C-36/04, for the annulment of Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95.

As the proposal now being adopted lays down provisions implementing Regulation (EC) No 1954/2003, Spain considers that, should the judgment by the Court of Justice entail annulment of that Regulation, the Council would also be required not to apply the Regulation fixing the maximum annual fishing effort for certain fishing areas and fisheries and would have to enact new provisions on fishing effort in western waters."

STATEMENT 151/04

Declaration by the Commission

"The Commission declares that it is up to the responsible national management authority to verify that the projects funded by the FIFG fall in the priorities under point 2.2.(e) of Annex III."

STATEMENT 152/04

Commission declaration concerning priorities related to aquaculture in the FIFG programmes

"The Commission declares that offshore cage farming and construction of new extensive fish farms are included in the priority (i) "the development of techniques that substantially reduce environmental impacts".

STATEMENT 153/04

Commission statement on fishing vessels

"The Commission would like to make clear that the terms "commercial exploitation" employed in the definition of a fishing vessel in Article 3(c) of Regulation (EC) No 2371/2002 concern the commercial exploitation of available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life, and indeed exclude aquaculture which is, as defined in Point 2.2.(a) of Annex III of Regulation (EC) No 2792/1999, the rearing or culture of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment; the organisms remain the property of a natural or legal person throughout the rearing or culture stage, up to and including harvesting."

STATEMENT 154/04

Statement by the Spanish delegation

"The Spanish delegation takes a favourable view of the possibility of shellfish production facilities being granted financial compensation in the event of persistent contamination or contamination at peak harvesting times.

In the Spanish delegation's view, however, there are other industries closely bound up with this business, such as shellfish depuration plants, which may also be affected by the same problems, without having any possible alternative activity, and which should therefore be considered eligible for similar financial compensation.

The Spanish delegation calls on the Commission, in its future proposal for a Regulation on fisheries structural funding for 2007 to 2013, to look into the situation of such firms and consider treating them in a similar way to shellfish farmers."

STATEMENT 155/04

"Portugal, Spain, Italy, Greece, Poland, Cyprus and the Czech Republic recognise the importance of extending LIFE by a further 2 years, considering it is the EU's only financial instrument aimed specifically at tackling environment and nature conservation. However, Portugal, Spain, Italy, Greece, Poland, Cyprus and the Czech Republic believe that allocating only EUR 317.2 million for the 2005-2006 period, therefore significantly reducing its annual endowment in relation to the preceding phases of LIFE, taking also into account the enlargement of the EU, will seriously undermine the results of the programme and the efforts of the Member States in implementing the Natura 2000 Network. It will make it even more difficult for all the stakeholders to understand the fact that, on the one hand, the Community is pressing ahead with the establishment of the Natura 2000 Network and, simultaneously, is reducing the already small budget allocated for projects in this field.

The success of this financial instrument depends on our capacity to move it closer to the citizens, which will only be accomplished through a greater involvement of the Member States, and not the opposite. Portugal, Spain, Italy, Greece, Poland and Cyprus, taking into account the experience of the existing comitology procedure, cannot support the choice of the management committee. This decision is without prejudice to the committee procedure to be chosen for any legislation in the environmental field.

For the above-mentioned reasons, Portugal is unable to approve the LIFE Regulation in its present form.

Taking into account the reasons stated, Spain, Italy, Greece and Poland abstain.

Cyprus and the Czech Republic have striven to improve the LIFE Regulation along the lines referred to in the present statement. However, Cyprus and the Czech Republic vote in favour, as this Regulation includes many positive features."

JULY/AUGUST 2004	
OTHER ACTS	Votes made public
2594th Council meeting (Economic and Financial Affairs) on 5 July 2004	
The 2004 Update of the Broad Guidelines of the Economic Policies of the Member States and the Community (for the 2003-2005 period) 10676/04 Council Decision concerning the conclusion of the Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union Police Mission (EUPOL Proxima) in the former Yugoslav Republic of Macedonia 10636/04 Council Decision concerning the conclusion of the Agreement between the European Union and the Kingdom of Norway on the participation of the Kingdom of Norway in the European Union Police Mission (EUPOL Proxima) in the former Yugoslav Republic of Macedonia 10638/04 Council Decision concerning the conclusion of the Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission (EUPOL Proxima) in the former Yugoslav Republic of Macedonia 10637/04 Council Recommendation to the Czech Republic with a view to bringing an end to the situation of an excessive government deficit - Application of Article 104(7) of the Treaty 11215/04 Council Recommendation to Cyprus with a view to bringing an end to the situation of an excessive government deficit – Application of Article 104(7) of the Treaty 11217/04 Council Recommendation to Hungary with a view to bringing an end to the situation of an excessive government deficit – Application of Article 104(7) of the Treaty 11218/04	

JULY/AUGUST 2004	
OTHER ACTS	Votes made public
Council Recommendation to Malta with a view to bringing an end to the situation of an excessive government deficit – Application of Article 104(7) of the Treaty 11219/04 Council Recommendation to Poland with a view to bringing an end to the situation of an excessive government deficit – Application of Article 104(7) of the Treaty 11220/04 Council Recommendation to Slovakia with a view to bringing an end to the situation of an excessive government deficit – Application of Article 104(7) of the Treaty 11221/04 Council Recommendation to Greece with a view to bringing an end to the situation of an excessive government deficit – Application of Article 104(7) of the Treaty 11216/04 2596th Council meeting (General Affairs and External Relations) on 12 July 2004 Council Joint Action on the establishment of the European Defence Agency 10556/04 + REV 1 (fi) + REV 2 (fr) + REV 3 (nl), 11169/04 Joint Action on aspects of the operation of the European satellite radionavigation system affecting the security of the European Union 9566/04 Council Regulation authorising transfers between the quantitative limits of textiles and clothing products originating in the Socialist Republic of Vietnam 10465/04 + COR 1 (et) + COR 2 (lt)	

JULY/AUGUST 2004	
OTHER ACTS	Votes made public
Council Regulation amending Regulation (EC) No 1600/1999 imposing a definitive anti-dumping duty on imports of stainless steel wire with a diameter of 1 mm or more originating in India 9781/04 Council Regulation amending Regulation (EC) No 1599/1999 imposing a definitive countervailing duty on imports of stainless steel wire with a diameter of 1 mm or more originating in India 9785/04 Council Joint Action on the mandate of the European Union Special Representative in Bosnia and Herzegovina and repealing Joint Action 2002/211/CFSP 10259/04 Council Joint Action on the European Union military operation in Bosnia and Herzegovina 11226/1/04 REV 1 2598th Council meeting (Economic and Financial Affairs) on 16 July 2004 Council Regulation amending Council Regulation (EC) No 2320/97 imposing definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in, inter alia, Russia and Romania 10958/04 2599th Council meeting (Agriculture and Fisheries) on 19 July 2004 Council Decision approving the accession of the European Community to the International Plant Protection Convention, as revised and approved by Resolution 12/97 of the Twenty-ninth Session of the FAO Conference in November 1997 9609/04, 10186/04 + ADD 1	

JULY/AUGUST 2004	
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 maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC 9262/04 + COR 1 (en) + COR 2 (es) + COR 3 (pt) + ADD 1 + ADD 1 REV 1 (es), 9994/04 + ADD 1 2600th Council meeting (Justice and Home Affairs) on 19 July 2004 Council Decision concerning the notification to the Republic of Korea of the withdrawal of the European Community from the Agreement on telecommunications procurement between the European Community and the Republic of Korea 10024/04 Council Regulation amending Council Regulation (EC) No 1601/1999 imposing a definitive countervailing duty on imports of stainless steel wire with a diameter of less than 1 mm originating in India 9850/05 + COR 1 (es,da,el,en,es,et,fi,hu,it,lt,lv,nl,pl,sk,sl) Council Decision on a Community position within the EU-Mexico Joint Council concerning amendments to Joint Council Decision No 2/2000 10699/04 + REV 1 (en) Council Regulation amending and updating Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology 10996/04 Council Common Position amending Common Position 2003/495/CFSP on Iraq 11051/04	

JULY/AUGUST 2004	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of the Agreement between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union Police Mission (EUPOL Proxima) in the former Yugoslav Republic of Macedonia 11284/04 2602nd Council meeting (General Affairs and External Relations) on 26 July 2004 Steel products • Council Decision concerning the conclusion of an Agreement between the European Community and the Russian Federation amending the Agreement between the European Coal and Steel Community and the Government of the Russian Federation on trade in certain steel products 11351/04 • Council Regulation amending Commission Decision 2002/602/ECSC on administering certain restrictions on imports of certain steel products from the Russian Federation 11322/04 Council Joint Action on the mandate of the European Union Special Representative in Bosnia and Herzegovina and repealing Joint Action 2002/211/CFSP 10259/04 (fr,de,it,da,el,es,pt,fi,sv,cs,et,lv,lt,hu,mt,pl,sk,sl) + COR 1 (et) Council Joint Action on the European Union military operation in Bosnia and Herzegovina 11226/04 (fr,de,it,nl,da,el,es,pt,fi,sv,cs,et,lv,lt,hu,mt,pl,sk,sl) + REV 2 (en) Council Joint Action appointing the European Union Special Representative in the former Yugoslav Republic of Macedonia and amending Joint Action 2003/870/CFSP 11308/04	

JULY/AUGUST 2004	
OTHER ACTS	Votes made public
Council Decision concerning the conclusion of the Agreement between the European Union and the Kingdom of Norway on security procedures for the exchange of classified information 11210/04 Council Decision concerning the conclusion of the Agreement between the European Union and Bosnia and Herzegovina on security procedures for the exchange of classified information 11201/04 Council Regulation amending Regulation (EC) No 131/2004 concerning certain restrictive measures in respect of Sudan 10578/04 Written procedure completed on 3 August 2004 Council Regulation amending Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq 11362/1/04 REV 1 Written procedure completed on 11 August 2004 Council Decisions - on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and India pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 11296/04 + REV 1 (pl) + REV 2 (et) on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Pakistan pursuant to Article XXVIII of GATT 1994 relating to the modification of concessions with respect to rice provided for in EC Schedule CXL annexed to the GATT 1994 11297/04 + REV 1 (pl) + REV 2 (et) - modifying the Community import regime with respect to rice 11298/04 + REV 1 (et)	Abstention CZ, LT, PL, SK Against DK, SE, UK

JULY/AUGUST 2004	
OTHER ACTS	Votes made public
Written procedure completed on 13 August 2004 Council Regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of polyethylene terephthalate originating in Australia, the People's Republic of China and terminating the anti-dumping proceeding concerning imports of polyethylene terephthalate originating in Pakistan and releasing the amounts secured by way of the provisional duties imposed 11747/04 + REV 1 (sl)	
Written procedure completed on 18 August 2004 COUNCIL REGULATION amending Council Regulation (EC) No 964/2003 imposing a definitive anti-dumping duty on imports of certain tube or pipe fittings originating, inter alia, in Thailand 11698/04 + COR 1 (en) + REV 1 (sl)	
Written procedure completed on 26 August 2004 Council Common Position amending Common Position 2004/179/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Moldovan Republic 11858/04	
